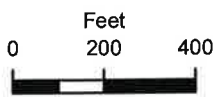


SUBJECT TRACT

PUD-829



BOA-23161

8.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 0332
CZM: 29
CD: 3

Case Number: **BOA-23161**

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Amanda Lowe

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: 1011 N LEWIS AV E

ZONED: IM

PRESENT USE: Industrial

TRACT SIZE: 72270.69 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 a "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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. King St. and N. Lewis Ave.

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

B.2

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

35.070-C High-impact Manufacturing and Industry

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

1. High-impact Medical Marijuana Processing Facility

An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225:

Section 40.225 **Medical Marijuana Uses**

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

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

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

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

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

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

TULSA ZONING CODE | March 7, 2021
page 40-12

Chapter 40 | Supplemental Use and Building Regulations
Section 40.230 | Mining or Mineral Processing

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

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

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit 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.

8.4



Subject Tract

Attachment 1
Legal Description

Tract A:

A certain tract of land situated in the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:

Beginning at a point 1935.27 feet North and 30.00 feet East of the Southwest corner of Section 32, said point being the point of intersection of the new East line of North Lewis Avenue (30 feet East of the center line) and the South line of the old St. Louis and San Francisco Railway Company main track right of way (100 feet South of the center line of the Northernmost main track); from said Point of Beginning, thence along the said South right of way line North $66^{\circ}57'00''$ East 309.73 feet to a point; thence South $60^{\circ}43'40''$ East a measured distance of 61.98 feet to a point on the West line of an 18 foot railroad right of way dated June 30, 1923, as recorded in Book 471, Page 171; thence along the said West right of way line on a curve to the left in a Southwesterly direction 229.36 feet, more or less, to a point in the North line of King Street (said curve has a central angle of $20^{\circ}20'03''$, a radius of 646.275 feet and subtends a chord which bears South $18^{\circ}04'14''$ West a distance of 228.16 feet); thence along the said North line of King Street South $66^{\circ}57'00''$ West 291.34 feet to a point in the new East line of Lewis Street (30 feet East of the center line); thence along the said new East line of North Lewis Avenue (30 feet East of the center line) North $0^{\circ}30'00''$ West 240.00 feet to a point in the said South right of way line of the old Frisco Railroad, the true Point of Beginning.

Tract B:

That part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:

Commencing at a point 1695.36 feet North and 30.00 feet East of the Southwest corner of said Section 32, said point also being the Northeast corner of North Lewis Avenue and East King Street; thence North $66^{\circ}57'00''$ East along the North line of East King Street, 312.44 feet to a point on the East line of an Industrial Railroad Right of Way conveyed to the St. Louis and San Francisco Railway Company, recorded in Book 471, Page 171, for the Southwest corner of the property therein conveyed and the true Point of Beginning; from said Point of Beginning, thence continuing North $66^{\circ}57'00''$ East along the said North line of King Street, 170.82 feet to a point located in the West line of a 23.00 foot exception described in the Bankoff Pipe and Supply, Inc., Deed dated January 10, 1962 (Book 3292, Page 554); thence North $23^{\circ}03'00''$ West 160.00 feet to a point of curve; thence continuing along the West line of said exception on a curve to

the left 18.08 feet to a point on the East line of the said Railroad Right of Way (said curve has a central angle of $36^{\circ}59'33''$, a radius of 28.00 feet and subtends a chord which bears North $41^{\circ}32'46''$ West a distance of 17.77 feet); thence with said right of way along a curve to the left, 243.52 feet to a point in the said North line of East King Street, the Point of Beginning (said curve has a central angle of $22^{\circ}12'27''$, a radius of 628.275 feet and subtends a chord which bears South $19^{\circ}59'45''$ West a distance of 241.99 feet).

Attachment 2
Action Requested

The Subject Property is a commercial building that has previously been used for various industrial purposes. The Subject Property is zoned **Industrial Moderate (“IM”)**.

The Subject Property Owner desires to use the property to process medical marijuana using a hydrocarbon (butane/propane) extraction method.

Pursuant to the Tulsa Zoning Code, “High-impact Manufacturing & Industry” includes “the preparation, manufacture, processing or packaging of medical marijuana production 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.” *See* Tulsa Zoning Code, § 34.070-C(1). High-impact manufacturing of this type is permitted in IM Districts by Special Exception. *See* Tulsa Zoning Code, Table 15-2.

The entirety of the processing use will be conducted indoors, will not involve a significant number of employees, and will not increase traffic flow to or from the Subject Property. This type of processing will create no noticeable off-site impacts, such as noise, smoke, particulate matter, odors, or vibration. The Applicant will comply with all State and local rules and regulations, including, but not limited to, regulations regarding ventilation/filtration and security.

Because the Tulsa Zoning Code specifically contemplates high-impact medical marijuana manufacturing in an IM District and there will be no noticeable change in the use of the Subject Property, the Applicant contends and believes that this request is both (a) in harmony with the spirit and intent of the zoning code, and (b) will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Therefore, the Applicant requests that the Board of Adjustment approve a Special Exception to allow “High-impact Manufacturing & Industry” in an IM District.

Attachment 3
Site Plan

Location: 1011 N Lewis Ave., Tulsa, OK 74110



Summary: Above in an aerial view of the Subject Property. The building will be utilized as it presently exists. There is no additional construction or buildout planned for this site.

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Subject Tract

BOA-23161

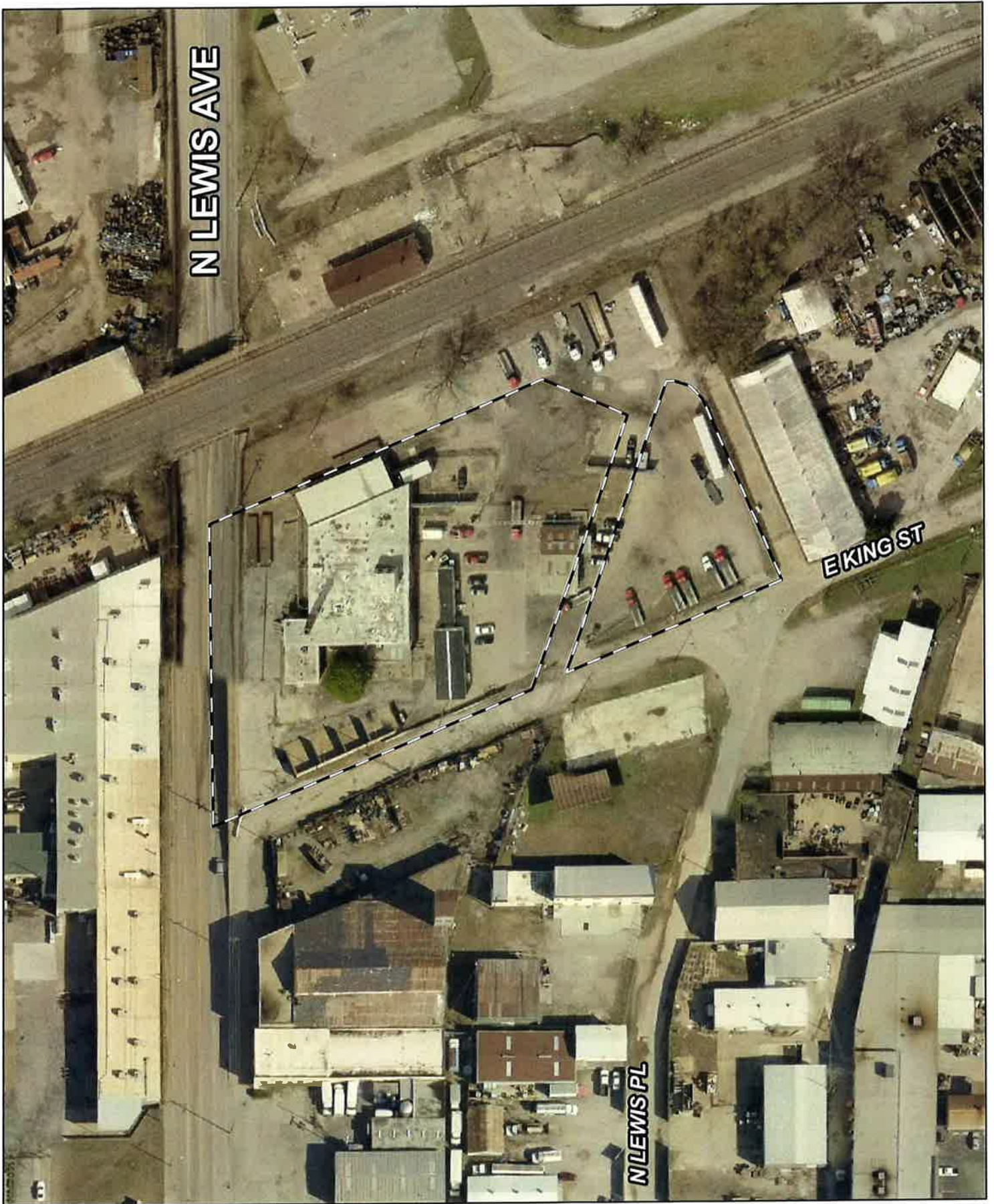
20-13 32

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

Aerial Photo Date: 2020/2021



8.10



N LEWIS AVE

E KING ST

N LEWIS PL



Subject Tract

BOA-23161

20-13 32

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

Aerial Photo Date: 2020/2021



8.11

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