BOARD OF ADJUSTMENT
CASE REPORT

STR: 9226  Case Number: BOA-23243
CZM: 46
CD: 2

HEARING DATE: 01/11/2022 1:00 PM

APPLICANT: Rob Coday

ACTION REQUESTED: Special Exception to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2)

LOCATION: 1324 W 41ST S  ZONED: IL
PRESENT USE: Warehouse  TRACT SIZE: 74523.32 SQ FT

LEGAL DESCRIPTION: PRT NW BEG 35S & 125W NEC NE TH SW APROX 182.56 S307 SE173.78 SELY TO PT 125 W & 500S NEC NE TH N TO POB SWC 26 19 12 1.71ACS,

RELEVANT PREVIOUS ACTIONS:
Subject Property:
BOA-22706; On 08.13.2019 the Board approved a variance to reduce the required 75-foot setback from Industrial Zoned property from residentially zoned property.

Surrounding properties: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located immediately East of Highway 5 along West 41st Street South. It is zoned IL and is bounded by RS-3 zoned Property on the West, East and South and CS zoned property North of the subject property. The RS-3 zoning consists of Highway 75 right-of-way on the South and West and Cherry Creek on the East.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2)
Moderate-impact Processing is defined as follows:

2. **Moderate-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 are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction.

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 a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL 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
BOA-23243

19-12 26

Aerial Photo Date: 2020/2021

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