

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1255
Tuesday, July 28, 2020, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Bond, Vice Chair Ross, Secretary Radney Shelton		Wilkerson Chapman Sparger	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on July 23, 2020, at 3:16 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

The City Board of Adjustment was held in person, by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool. Board of Adjustment members and members of the public were allowed to attend and participate in the Board of Adjustment’s meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/CityOfTulsa2/board-of-adjustment-july-28th>

The staff members attending remotely are as follows:

- Ms. Briana Ross, Secretary
- Ms. Burlinda Radney
- Ms. Jessica Shelton, Board Member

Ms. Audrey Blank, City Legal

The staff members attending in person are as follows:

Mr. Stuart Van De Wiele, Chair
Mr. Dwayne Wilkerson, Tulsa Planning Office
Mr. Austin Chapman, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office

MINUTES

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Radney absent) to **APPROVE** the **Minutes** of the June 9, 2020 Board of Adjustment meeting (No. 1252).

UNFINISHED BUSINESS

None.

Ms. Radney entered the meeting at 1:10 P.M.

NEW APPLICATIONS

22972—Brandi Holland

Action Requested:

Special Exception to allow a manufactured housing unit in an AG District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210-A); Variance to allow a non-dustless, all-weather parking surface to permit the use of gravel (Section 55.090-F). **LOCATION:** 18227 East 11th Street South **(CD 6)**

Presentation:

The application was withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; on the following property:

**E/2 W/2 SE SW LESS S50 E/2 W/2 SE SW & LESS S25 FOR RD SEC 01 19 14
9.43ACS, City of Tulsa, Tulsa County, State of Oklahoma**

22946—Robert Herring

Action Requested:

Special Exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1); Variance to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); Variance of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); Variance to allow a fence to be located in the City of Tulsa Right-of-Way (Section 90.090-A); Special Exception to increase the maximum driveway width, both within the right-of-way and on the lot. (Section 55.090-F.3); Variance to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Section 90-1, Table Note 3). **LOCATION:** 2534 North Xanthus Avenue East (CD 1)

Presentation:

Robert Herring, 2534 North Xanthus Avenue, Tulsa, OK; no formal presentation was made due to the length of requests. Mr. Van De Wiele asked questions of the applicant to help the Board understand what is currently on site and what the limit is and what the applicant is wanting to expand to.

Mr. Van De Wiele asked Mr. Herring if the carport that is in the street yard and the street setback is on the Xanthus street side. Mr. Herring answered affirmatively.

Mr. Van De Wiele asked Mr. Herring about the modification of the carport dimensions. Mr. Chapman stated that the carport is 22 x 20, and it is limited to 20 x 20.

Mr. Van De Wiele asked about the request to increase the total aggregate floor area of all detached accessory buildings, and if it was linked to the 30% coverage? Mr. Chapman stated the 30% coverage would be limited to 534 square feet and what was calculated is the applicant is at 584.4 square feet.

Mr. Van De Wiele asked if the fence to be located in the right-of-way is on Apache or on Xanthus. Mr. Chapman stated it is on Apache. Mr. Van De Wiele asked how much the fence is encroaching in the street setback. Mr. Chapman stated the applicant has it

listed at 45 feet to the center line, and what was found is that Apache has a 65 foot right-of-way from the centerline south toward the subject property; the fence would be 20 feet inside the right-of-way.

Mr. Herring stated that he was present for the construction of the fence and the pouring of the concrete. He is in this situation because the contractor failed to file for permits. The house is 70 years old and the fence was there, and the new fence was placed in the same place as the old fence after its removal. Mr. Herring stated that from the Apache centerline there is 45 feet to the fence.

Ms. Blank stated the plat shows a total of 65 feet from the centerline to the property lines, so the right-of-way 130 feet wide. Mr. Chapman stated it is 65 feet from the center southward to the property.

Mr. Van De Wiele asked about the driveway width, is it the Apache side, the Xanthus side or both? Mr. Chapman stated that in the aggregate he calculated the applicant to be 67 feet on the lot and 69 feet inside the right-of-way; the applicant would be limited to 27 feet inside the right-of-way and 30 feet on the lot. It is really the extra curb cut on Apache which puts him over. Mr. Van De Wiele asked if that was 27 feet in the right-of-way. Mr. Chapman answered affirmatively.

Mr. Van De Wiele asked about the Variance to increase the total aggregate floor area of all detached accessory buildings. Mr. Chapman stated that Mr. Herring provided the floor area as 1,011 square feet total existing and he would be limited to 500 square feet. Mr. Van De Wiele asked Mr. Chapman if the rear yard could only be covered by 534 square feet. Mr. Chapman answered affirmatively.

Mr. Van De Wiele asked Mr. Herring to tell the Board how he got here and what is happening. Mr. Herring stated he came to Tulsa in 2005 because his father was dying of cancer. He received his father's house and it was full of belongings and he had a house full of possessions that he moved. He had to store that someplace, so he built a storage building. At that he needed a place to store his lawn equipment, so he put them in the little building that is two feet away from the fence. That building cannot be moved because it is built like a pole barn and the posts are in concrete; the building has existed since 2005 or 2006. The carport that is in the front has been in existence since 2005 or 2006 also.

Mr. Van De Wiele asked Mr. Herring if he had three carports. Mr. Herring stated there is one in the front, one inside the fence, and there were several covers there because his father had a business in the garage, and it was considered a half address; his father worked on cars. There is an approach there and he uses that approach as a driveway on Apache. Mr. Herring stated that Tri-State Concrete assured him that everything was good. Mr. Van De Wiele asked Mr. Herring about the date of the contract. Mr. Herring stated the contractor signed the agreement November 2019, and the work was complete in January or February 2020. In March, the City of Tulsa attached paperwork to his door for zoning infractions, right-of-way infractions, and permit violations; permits

were not issued. Mr. Herring stated that the contractor, while in the process of doing the work, had told him that he does not file for permits unless he has to because it is easier to ask for forgiveness than it is to file for a permit. Mr. Herring stated the contractor also parked a police car on the street while he is doing the work to keep the inspectors away. After he discovered about all the infractions, he confronted the contractor and the contractor stated he knew all about and that he would take care of it.

Mr. Van De Wiele asked Mr. Herring that with the exception of the curb cut on Apache that everything seen on the property have been there for how long? Mr. Herring stated that the small storage building that is two feet away from the fence has existed since 2005 or 2006, the same as the front carport. Mr. Van De Wiele asked Mr. Herring about the 20 x 22 carport in the backyard and the 26 x 23 carport in the backyard. Mr. Herring stated those carports have existed since 1967 or 1968, and later sometime in the 1980s he built the other carports that are attached to the garage. Mr. Van De Wiele asked Mr. Herring about the front carport. Mr. Herring stated that carport is three feet away from the fence and existed after 2005 or 2006. Mr. Van De Wiele asked Mr. Herring about the storage building that is next to the cover that measures 20 x 12. Mr. Herring stated that building was built on skids and has existed since 2006.

Mr. Van De Wiele asked Mr. Herring why needed so much curb cut on Apache. Mr. Herring stated that there was an existing approach for the shop on the main drive. He had installed gravel in that area but the grass kept growing in it so he thought it would be good to concrete the area. Mr. Van De Wiele asked Mr. Herring the length all along Apache. Mr. Herring stated he measured it and it is 45 feet from one driveway to the other; he wanted to have another driveway so that is why he had it poured. Mr. Van De Wiele asked Mr. Herring what he was using the concrete for, why that much concrete. Mr. Herring stated that it is a driveway to get in and out of the back yard. Also, the crossing guard parks there, and he thought it would be nice to have concrete so he would not have to mow it any longer.

Mr. Van De Wiele asked Mr. Herring to state his hardship for the Variance requests. Mr. Herring stated that there was a former business that was considered a half address years ago. The old was taken out and the new fence was erected, and it still lines up with the neighbor's fence to the east and the church. The plat he received from the City shows the neighbor's fence to the east, on the other side of Xanthus, and his fence lines up with their fence, so the City's contention that the fence is in the City's right-of-way means the old fence that was there for 50 years was also in the right-of-way.

Mr. Van De Wiele asked Mr. Herring if all the fences along Xanthus lined up in the same line. Mr. Herring answered affirmatively.

Mr. Van De Wiele asked Mr. Herring what his plan is for the building that was a former business. Mr. Herring stated that when he took over the residence, he needed a place to store his father's possessions. He changed the building from a commercial electrical rate to a residential electrical rate because it was no longer a business.

Mr. Van De Wiele asked Mr. Herring if he wanted to keep all the outbuildings, carports and the garage since the garage is no longer a business. Mr. Herring stated that all the buildings have things in them because he had two residences to store.

Mr. Herring stated that when he has company they cannot park on Xanthus because it is used as a speedway, and the driveway helps keep cars off the street. Mr. Herring stated the City has already demolished all the concrete and it was hauled off Thursday and Friday. The City did not give him the opportunity to attend this meeting and plead his case before they demolished the driveway. Mr. Herring presented pictures showing the old approach to the property.

Julianna Herring, 2534 North Xanthus Avenue, Tulsa, OK; stated she grew up in the house. Her father was a police officer for 25 years, worked for the City in the automotive department for five years and then retired again. He worked as a volunteer with Neighbor for Neighbor to help the community with their autos. The approach has always been in existence, even before the sidewalk was installed. Her family has always tried to keep the neighborhood looking nice, she can even remember picking up trash out of the ditch when she was a teenager.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated he is concerned about the amount of driveway. He does not see a hardship to have all the area on Apache paved, and he thinks there may be some ADA issues with a driveway being on top of a crosswalk. This seems like a bad idea. He does not have a problem with the driveway that has been in existence for a long time. Overall, he does not know if he would have this much coverage in the back yard, but it seems like a large amount of it has been in existence before the Zoning Code. With it being a former business, he thinks there is some justification for some allowance. The fence does look like it has been in the same place forever, and that could be conditioned with a removal agreement. He is inclined for some amount of relief on a lot of these requests, but he does not see all of the concrete going back in on Apache.

Ms. Ross agreed with Mr. Van De Wiele about the driveways. She does not find it objectionable to have a fence where it is located but it used to be a chain link fence that people could see through and now it is a privacy fence. In Oklahoma contractors are not required to have any special licensing showing that they know the zoning laws or regulations, that is why it is important to hire a contractor who knows about these things. She does not like three carports on the property, one carport is fine but does not see the need for three. The garage should have enough space to store the additional possessions, and she understands that two households were combined but maybe the homeowners need to purge items because there is only one residence on the subject property.

Ms. Radney stated she drove by the residence. The fence was not exceptional in the way it felt on the street, but it is a metal fence, a decorative metal fence. The fence does compliment the landscaping and the setting. She does not have an issue with the fence. Ms. Radney does agree with Ms. Ross about the items inside the fence line, but to the extent that most of it is not new and has been in place for over a decade she is inclined to not disturb the interior of the property. The carport on the Xanthus side is not compliant but only by a small amount and there are carports throughout the neighborhood. She agrees with the applicant that this is a blind corner and it is relatively narrow through there, and there is not a lot of street frontage on Xanthus for parking, so she understands the need for the wide driveway. Ms. Radney stated she would be inclined to grant the Variance for the driveway on the basis of being on a hard corner and there is not a lot of setback on Apache. She understands that part of the driveway width came from incorporating the ADA compliant walkway, which obviously needs to be observed but she completely agrees with Mr. Van De Wiele that if the applicant had just extended the driveway across the green patch and toward the house along the width of the original curb cut she would have less concern.

Mr. Bond stated he has sympathy for inheriting a non-conforming structure, but it is a question of whether it is injurious to the neighborhood. Carports are not injurious to this neighborhood, but it is a questions of how many carports and where are they. He thinks one carport is enough. He thinks the increasing of the aggregate floor area is problematic. This is not one accessory building but several. As for the accessory buildings that were built within the present Zoning Code, he does not see a hardship that is not self-imposed.

Ms. Shelton stated she is okay with the carport in the front and appreciates the nice front yard. She does not have a problem with the fence because everything lines up. She also visited the subject property and she appreciates that the fence went from chain link to a privacy because it hides all the stuff in the back yard. She does have concerns over the curb cut and the driveway width; she does not even like the old curb cut. She has a problem with a truck coming out of the back yard because the fence is so close to the sidewalk that there is not sufficient visibility, though she could vote in favor of this if it were coordinated with the City and it was conditioned to be in the right location and the proper width. Ms. Shelton stated she has issues with the coverage area in the rear because it makes it feel like a compound; it is not the fence but the number of peaks that are seen above the fence.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Radney, Shelton, Van De Wiele "aye"; Bond, Ross "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a carport in the required street setback in an RS-3 District with modifications to its allow the area carport to exceed 20'-0" x 20'-0" (Section 90.090-C.1); Special Exception to increase the maximum driveway width, both within the right-of-way and on the lot. (Section 55.090-F.3), subject to conceptual plans 2.14 and 2.15. The carports and the maximum drive width on the Apache border of the street is not exceed 16'-0" in width and the frontage to Xanthus will be currently as constructed. The

existing carports are to be as currently constructed. 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; for the following property:

LT 34 BLK 5, ROBERTS ADDN AMD L1 B1 L1-9 B2 & L1 B5, City of Tulsa, Tulsa County, State of Oklahoma

On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Radney, Shelton, Van De Wiele "aye"; Bond, Ross "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to increase the permitted total aggregate floor area of all detached accessory buildings in an RS-3 District (Section 45.030); Variance of the 30% coverage of rear setback by accessory buildings in the RS-3 District (Section 90.090-C.2, Table 90-2); Variance to allow a fence to be located in the City of Tulsa Right-of-Way (Section 90.090-A); Variance to reduce rear setback requirement for a detached accessory building from 3-feet to 2-feet (Section 90-1, Table Note 3), subject to conceptual plans 2.14 and 2.15. The Board has found the hardship to be the existence of the non-conforming buildings and the concrete rear yard coverage that has existed for a period of time exceeding 15 years, and the fact that the property is a corner lot abutted by the commercial church and the historical commercial use of the property. There is to be no additional accessory buildings. Upon the deterioration or the removal of the non-permanent buildings, the 10'-0" x 10'-0" and the 20'-0" x 12'-0" buildings, are not to be replaced. 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; for the following property:

LT 34 BLK 5, ROBERTS ADDN AMD L1 B1 L1-9 B2 & L1 B5, City of Tulsa, Tulsa County, State of Oklahoma

22968—Sierra Russell

Action Requested:

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6373 East 31st Street South, Suite J **(CD 5)**

Presentation:

Sierra Russell, 6373 East 31st Street, Suite J, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele asked Ms. Russell how close her dispensary is located to the next nearest dispensary and to state her hardship for the Variance request. Ms. Russell stated the closest dispensary is over 800 feet away. The hardship for the Variance is that she wants to help the community and clean up the area.

Mr. Van De Wiele asked Ms. Russell what is unique about the property that she would like to have the dispensary to grant a Variance. Ms. Russell stated she had an advisor and they decided to choose the subject locations so the area could be cleaned up and to give back to the community.

Ms. Radney asked Ms. Russell if she was aware of the other dispensary at the time she made the application. Ms. Russell stated that at the time she obtained the building the other dispensary was not open, and the building was for lease. The building that she purchased there was a lot of work put into the building and she was not aware of the zoning requirements. When she made the application with INCOG she was told that another application had been put in for the same area.

Ms. Ross asked Ms. Russell if she was aware that there is a school within 1,000 feet and that it is against state law to have a dispensary within a 1,000 feet of a school. Ms. Russell stated that when she started the construction, she was not aware of the school.

Mr. Van De Wiele stated that the reality of that is that even if the Board were to grant the Variance request, the Board could only grant the Variance from the City of Tulsa 1,000-foot spacing requirement from another dispensary. The Board does not have any authority to change or vary the State's law on 1,000 feet from a school. Mr. Van De Wiele asked Ms. Russell if she was aware of that. Ms. Russell answered affirmatively. Ms. Russell stated that she had her advisor check about other dispensaries within 1,000 feet of the school and since she had so much invested in the building she wanted to continue on. Mr. Van De Wiele asked Ms. Russell if she was aware that if the Board granted her this Variance, she will not be able to open the dispensary in that location under Oklahoma state law. Ms. Russell answered affirmatively and stated there are other dispensaries that have opened that are within 1,000 feet of a school.

Ms. Radney asked Ms. Russell if she had purchased the subject location. Ms. Russell stated she is leasing the building but has put in all of her life savings to update the building. Ms. Radney asked Ms. Russell if she has applied for her license. Ms. Russell stated she has not applied for her license yet because she has to have the Variance granted in order to OMMA license. Ms. Russell stated she has had the subject location leased since November 8, 2020 and the construction is completed.

Ms. Ross asked Ms. Russell if she understands that she will not be able to open and operate under state law. Mr. Van De Wiele stated that Ms. Russell has answered that question yes and she is aware of that. Ms. Ross stated that she hears Ms. Russell talking like she still going to open up and it doesn't matter, but it does matter.

Ms. Russell stated that she did not say it does not matter but she did say there are other dispensaries that are within 1,000 feet of schools.

Interested Parties:

Anthony Alfred, 3174 South 101st East Avenue, Tulsa, OK; stated he is Ms. Russell's advisor as well as an investor, as well as Ms. Banes. Mr. Alfred stated that they are aware of the academy that is there and there was a previous advisor that had told them they could be in the subject location because the academy was not technically a school. The uniqueness of the dispensary is that it is not visible to the other dispensary. They have been familiar with the area for a long time and they are invested in the community. The dispensary will not cause any harm to the other dispensary and they are wanting to move forward legally.

Ms. Shelton asked Mr. Alfred what made this site unique. Mr. Alfred stated that we have all been around this area and it is unique to them. As far as physically, this dispensary would not affect the other dispensary and it is totally hidden from the other dispensary. Mr. Alfred stated he has spoken with the other dispensary and was told they have no problems with the subject dispensary.

Comments and Questions:

Mr. Bond stated that he does not see a hardship for this request. He is sympathetic that the applicant has a lot of money in this project but per the City's Zoning Code he does not see a hardship.

Ms. Ross stated that she is a no vote. She does not know why the Board would grant the Variance knowing that it violates state law. She did not hear a valid hardship.

Ms. Radney stated that she could not support the hardship without having more information about the other dispensary that was approved in March. This does not meet the test for a Variance.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **DENY** the request for a

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) for lack of a hardship; for the following property:

BEG 330W & 50N SECR SE TH W108 N147 E108 S147 POB SEC 15 19 13, City of Tulsa, Tulsa County, State of Oklahoma

22969—Cameron C. Wallace

Action Requested:

Special Exception to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); Modification to a previously approved site plan for a religious assembly use. **LOCATION:** 1347 East 49th Place; 4921 South Quaker Avenue East; 1365 East 49 Street South; 1352 East 48th Place South (**CD 9**)

Presentation:

The applicant was not present. Mr. Van De Wiele moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time.

22970 – Eller & Detrich – Nathalie Cornett

Action Requested:

Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 4170 East Admiral Place North (**CD 4**)

Presentation:

Nathalie Cornett, 2727 East 21st Street, Tulsa, OK; stated the Zoning Code was recently amended to permit these uses by Special Exception in CH and CG Districts. The property is located on Admiral Place west of Yale and is directly across the street from Rose Hill Cemetery to the north. The property is bounded by I-244 to the south. The surrounding uses on Admiral are an automotive shop, a gun store. The property is currently used as a mortuary/crematorium and there are four buildings on the property. The proposed grow use is intended initially for the building at the front of the property

which fronts Admiral. The building is about 5,600 square feet and there is about 1,100 square feet that is currently vacant and unused, and separately addressed; the southeast corner of the building and there is a door to the vacant space where the use would be.

Mr. Van De Wiele asked Ms. Cornett if the use would be limited to the building or to the property. Ms. Nathalie stated that it is not limited to just that building but there may be plans in the future to use other parts of the property.

Mr. Van De Wiele asked Ms. Cornett if she had heard from any of the neighbors. Ms. Cornett answered no.

Mr. Van De Wiele asked Ms. Cornett if it would all be indoors. Ms. Cornett answered affirmatively and stated that there will be one to three employees, no signage, there will be charcoal air scrubbers and it is less intense the crematorium use.

Ms. Radney asked Ms. Cornett if the house on Sandusky was occupied as a residential home. Ms. Cornett stated that she drove by the property on Sandusky and it is hard to tell. Ms. Cornett stated there is some residential on East Admiral Boulevard interspersed with commercial uses.

Mr. Bond asked Ms. Cornett if growing only would be taking on the property. Ms. Cornett answered affirmatively.

Ms. Shelton asked Ms. Cornett if there would be any outdoor storage. Ms. Cornett answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2), subject to conceptual plan 5.20 of the agenda packet. 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; for the following property:

LTS 18 19 20 LESS N. 29.25 LTS 18 - 20 & N100 LTS 35 -37 & LESS SLY 46 E 46 LT 19 & SLY 46 LT 20 BLK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma 22971—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). **LOCATION:** 6540 East Apache Street North (**CD 3**)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the property was recently rezoned from IL to IM. It was approved unanimously by the Planning Commission and the City Council approved it unanimously with an optional development plan that permits the high impact medical marijuana use of the property through an optional development plan with a Special Exception. The property abuts East Apache and Sheridan; Apache is on the east and north sides and Sheridan is on the west side. On the south side the property abuts an auxiliary power facility. The building has been in existence since 1957 and was used for aluminum smelting. There will be no impact on the neighborhood, and everything will be done inside the facility. The group intends to use the facility very much like a commercial pharmaceutical development. There will be about 30 employees at the facility.

Mr. Van De Wiele asked Mr. Reynolds if there would be any FAA issues with the facility. Mr. Reynolds answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). ; for the following property:

ALL BLK 1 LESS TR TO CITY BEG SWC N107.83 SELY184.10 SE78.54 W217.76 POB,CENTURY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22969—Cameron C. Wallace

Action Requested:

Special Exception to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); Modification to a previously approved site plan for a religious assembly use. **LOCATION:** 1347 East 49th Place; 4921 South Quaker Avenue East; 1365 East 49 Street South; 1352 East 48th Place South (**CD 9**)

Presentation:

The applicant was not present. Mr. Van De Wiele stated the Board can act on this request without the applicant present.

Mr. Van De Wiele asked Mr. Chapman if all that was being added is seen in yellow on page 4.6 of the agenda packet. Ms. Blank stated that she believes what the applicant is requesting to do is shown on page 4.21. Mr. Chapman stated the darkened portion is near the corner of 49th and Quaker is an activity center for the church. Technically it will be on street parking, but they are also working through license issues with the City to add parking on 49th Street similar to the other part of the church and school to the east.

Mr. Van De Wiele asked the Board members if they were inclined to act on this request or would they prefer to continue this request. The Board members stated they would be inclined to act on this request.

Ms. Radney asked if the Board needed to address the parking.

Cameron Wallace appeared online at this time. Mr. Van De Wiele asked Mr. Wallace to discuss the parking.

Cameron Wallace, Cyntergy, 810 South Cincinnati Avenue, Tulsa, OK; stated the parking issue off the street has been accepted by the City of Tulsa.

Mr. Van De Wiele stated that if the new building adds to the parking load requirements, that is nothing that the Board has granted a Special Exception today. Mr. Chapman stated that the on-street parking that is being added is non-required parking, and that will be off street. He does not think it will be an accessory to their use, it is just on-street parking and it not part of the required parking.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; absent) to **APPROVE** the request for a Special Exception to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); Modification to a previously approved site plan for a religious assembly use, subject to conceptual plan 4.21 of the agenda packet. 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; for the following property:

PRT GOV LT 3 BEG 298.74 SECR GOV LT 3 TH N126 W214.88 S126 E214.88 POB SEC 30 19 13 0.632 AC; LT 11 BLK 17; BEG N.L. SW SW 495 E. OF S. PEORIA AVE. TH E. 490 S. 443.88 W. 490 N. 433.88 TO BEG SEC 30-19-13; PRT GOV LT 3 BEG 485E & 535.55S NWC S/2 GOV LT 3 TH S126 E285 N126 W285 POB SEC 30 19 13 .82AC; LTS 5 - 10 BLK 17, MUGGINS ADDN RESUB PRT L1 SOUTHERN CENTER, BELLAIRE ACRES SECOND EXT, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

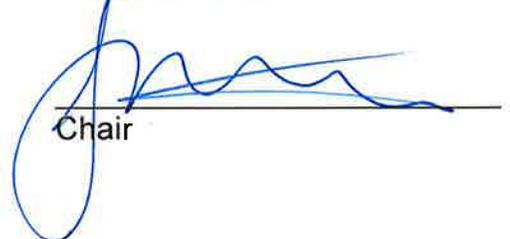
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: 9/22/2020


Chair