TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 2325
CZM: 7

CASE NUMBER: CBOA-2866
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: McKenzie K Vermillion / Robert Hopper

ACTION REQUESTED: Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

LOCATION: 13818 N 92 AV E

ZONED: AG-R

FENCILINE: Collinsville

PRESENT USE: Agricultural / Residential

TRACT SIZE: 2.28 acres

LEGAL DESCRIPTION: BEG 1160.63N & 329.71W SECR W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG-R zoning with what appears to be mainly residential uses with some possibility of agricultural uses scattered throughout the area.

STAFF COMMENTS:

New Comments:

On 01-19-2021, the applicant requested a continuance until 02-16-2021 in hopes of having a 5-member Board present at the next meeting.

Original Comments:

The applicant is before the Board requesting a Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 30' x 40' existing garage that would be utilized as the grow area. Accessory buildings in AG-R zoning are not restricted by size. Section 320.2 states that accessory buildings shall meet the minimum yard or building setback requirements which have been met in this instance according to the site plan.

The applicant has provided the following statement (a hardship is not required for a special exception): “Property is currently zoned for AG/Residential use and proposed use will be Ag in
nature. There will be no imposed detriment to neighboring properties. State licensing and regulations allow for proposed use of land."

The parcel is located in the fenceline of Collinsville and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Residential land use designation which can be viewed on the attached Land Use Map. The Collinsville Comprehensive Plan was adopted in 2008 and The Tulsa County Comprehensive Land Use Plan was adopted in 2019. The Residential Designation is described below:

Residential – Residential land use includes single-family homes, duplexes, town houses, apartment units, and manufactured homes.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

Sample Motion:

"Move to ________ (approve/deny) Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

Approved per conceptual plan on page ______ of the agenda packet.

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

Finding the 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."
Looking west from N. 92nd E. Ave toward subject property

Looking west from N. 92nd E. Ave. toward site of proposed Horticulture Nursery
Looking north along N. 92nd E. Ave.

Looking south along N. 92nd E. Ave.
Attached, please find a statement and petition gathered by the residents potentially affected (in the immediate vicinity of the location) by the potential approval of the Special Exception in Case Number CBOA-2866.

We have been informed that this “Horticulture Nursery” is planned to be used as a marijuana grow operation in a primarily residential neighborhood and we are adamantly opposed to the granting of this Special Exception.

As many residents of this area are either working, elderly and/or infirmed they will not be attending the meeting on 1/19/2021 in person. The plan is for as many as possible to attend via ZOOM and a neighborhood location has been set up for those that are not equipped with internet capabilities to be able to attend if they are able to. Covid-19 safety precautions will be taken.

I have been asked to speak on behalf of the majority of the residents and will send my name and case number via the Zoom chat on the day of the meeting.

If there is anything else that we need to do to voice our opposition to this Special Exception please let me know.

Respectfully,

Carla C Bell
VP - Finance
Phone 918-492-6440
Email cbell@seasonshospice.com
6532 E 71st St Tulsa, OK 74133

This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone, and destroy the original transmission and its attachments without reading them or saving them to disk.
I, Hugh Trimble of 13829 N 92nd East Avenue, Collinsville, in the State of Oklahoma, am the promoter of this petition which contains signatures.

PETITION IN RELATION TO CASE NUMBER CBOA-2866 – SPECIAL EXCEPTION TO PERMIT A HORTICULTURE NURSERY IN AN AG-R DISTRICT

To the President and Members of the Tulsa County Board of Adjustment assembled:

We, the undersigned residents of the subject residential neighborhood located in the area from 136th Street North, north to 140th Street North and 90th East Avenue, east to 92nd East Avenue in Collinsville, OK, Tulsa County, who are directly affected, are adamantly opposed to the granting of a Special Exception related to a horticulture grow business being allowed in our AG-R zoned neighborhood associated with the Notice of Hearing presented by Tulsa County Board of Adjustment to the area residents.

We believe that this business being proposed will be used to grow marijuana which, while recently legalized for use in this state, is still federally illegal. This use is not permitted by right in an AG-R district because of potential adverse effects to the area and general welfare. We believe that this use is not compatible with the surrounding area. We oppose the statement provided by the application that "There will be no imposed detriment to neighboring properties".

While this neighborhood is zoned AG-R, it is predominately residential with no known businesses in the immediate area. The area is greater than 60% occupied by seniors over age 65 who have lived in this neighborhood for well more than 30 years each.

This primarily residential neighborhood is not equipped to handle the increase in traffic that this venture could bring. We have a one lane road as the only through road in this residential neighborhood with very little county upkeep. We, in addition, fear the odor issues that come with these facilities and the negative perceptions to future potential home buyers.

We believe that if allowed, this horticulture business would increase traffic, promote unlawful activity, and present a clear and present threat to our peaceful way of life and our property values.

Petitioners therefore respectfully request the Board to deny the Special Exception on the basis that the Special Exception will not be in harmony with the spirit of the zoning code and that it will be injurious to the neighborhood and its residents and be detrimental to the public welfare and recommend:

- Denial of Case Number CBOA-2866 proposed by applicant McKenzie K Vermillion / Robert Hopper.
- Immediate discontinuance of this proposed Special Exception.

And your petitioners will ever pray this relief.
Please return this Petition to Hugh Trimble 13829 N 92nd East Avenue, Collinsville, OK 74021. This petition must not be altered, and only original signatures are permitted. Photocopied, emailed or faxed copies of signatures cannot be accepted.
GENERAL NOTES:

1. CONCRETE AT ACCESSIBLE AREAS:
   - LIMIT OF SLOPES:
     A. NO CROSS SLOPE TO EXCEED 2%.
   - SLOPES AT DOORWAYS:
     12" HIGH SIDE TO 24" LATCH SIDE, NO SLOPE.
   - TOP OF HALLWAY SURFACE FLUSH WITH FINISH FLOOR.
   - DOOR FRONTS OUT 6" IF MAXIMUM SLOPE OF 1%.
   - MAXIMUM SLOPE OF HALLWAY DIRECTION OF TRAVEL IS #.
   - NO STEPS.

2. DOORS:
   - 1010.13 Door Operations: Except as specifically permitted by this section, egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort.
     - 1010.3 Hardware, Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require high grasping, tight pinching or twisting of the wrist to operate.
     - 1010.3.1 HARDWARE HEIGHT: Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.
     - 1010.3.2 Locks and latches; Locks and latches shall be permitted to prevent operation of doors where any of the following exist:
       1. Places of detention or assembly;
       2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, C, D and E; or in places of religious worship, the main door or doors are required to be equipped with key-operated locking devices from the egress side provided:
          a. The locking device is readily identifiable as such;
          b. A readily visible durable sign is posted on the egress side of the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.
          c. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
          d. The removal of any key-operated locking device is authorized by the building official due cause.

3. VERIFY LOCATION OF SEPTIC TANK AND LATERAL LINES PRIOR TO CONSTRUCTION. PROTECT DURING CONSTRUCTION. CONSTRUCT ANY PAVING OVER LINES WHICH MIGHT FUNCTION OF LATERAL LINES.
PROJECT DATA
GROW BUILDING

LEGAL DESCRIPTION: Part of W2 3524 Section 25, Township 32 North, Range 13 East, Tula County, Oklahoma

ADDRESS: 13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

CODE: IRC 2015
TFC 2015
TULSA COUNTY ZONING CODE

CONSTRUCTION TYPE: VB (SECTION 802.5 AND TABLE 802.4)

OCCUPANCY: U GROUP, SECTION 312.1, Agricultural Buildings

AREA LIMITATIONS: MIXED USE, R2 AND U
MAXIMUM ALLOWABLE, TABLE 903:
U, NASHVILLE ALLOWABLE: 5,500 SF
ACTUAL: 1,200 SF
BUILDING COMPLIES

STORIES: TABLE 904.4, ONE ALLOWABLE, COMPLIES

OCCUPANT LOAD: TABLE 1004.1.1
WAREHOUSE: 1,200 SQ. FT. 200 SQ. FT./OCC. X 2.4 OCCUPANTS

EGRESS REQUIRED 100S:
6'2" X 2.4 OCC. = 14' REQUIRED
30" PROVIDED, COMPLIES

EXITS 1006.3.2(2):
ONE EXIT REQUIRED (TRAVEL DISTANCE LESS THAN 75')
AND ONE PROVIDED.

FIRE WALL:
NOT REQUIRED

FIRE BARRIER WALL
SECTION 907

EXTERIOR WALLS:
SECTION 803.2, TABLE 802, VB CONSTRUCTION REQUIRES NO RATING
WHEN SEPARATION IS GREATER THAN 10 FEET.

PARAPETS:
NO PARAPET REQUIRED PER 765.11 EXCEPTION 1.

STORES WITHOUT OPENINGS:
8X3.2, H.1. BUILDING COMPLIES (LESS THAN 1,506 SF).

RESTROOM CALCULATIONS:
WC: 1/100 OCC REO!?. 1 PROVIDED WITH PORTABLE ADA COMPLIANT REST ROOM.

LAIV: 1/100 OCC REO!?. NOT PROVIDED

SEPARATE FACILITIES: 2903.3
SEPARATE FACILITIES NOT REQUIRED PER EXCEPTION 2.

HAZARDOUS MATERIAL:
OWNER ANTICIPATES NO HAZARDOUS MATERIAL STORAGE IN THIS FACILITY THEREFORE NO NEED TO COMPLY WITH TABLE 307.13 AND 461.8

30' MIN WIDE PATH REQUIRED
65' TRAVEL DISTANCE
75' ALLOWABLE, CONFORMS

robcoday architect, llc
p.o. box 128
klaster, ok 74421
918 636 0674
email: robcodayarch@yahoo.com

GROW BUILDING
13818 North 92nd East Avenue
Collinsville, Oklahoma 74021
15 September 2020
A001
REMOVE OH DOOR; CONSTRUCT 2X4 FRAMED WALL INFILL, SILL PLATE TREATED WITH METAL BEING EXTERIOR INTERIOR FINISH OUT PER BALANCE OF BUILDING

NEW DOOR; 3'-0" X 7'-0" X 1-3/4" HOLLOW METAL DOOR AND FRAME; ENTRY LOCKSET COMPLYING TO ADA, WEATHERSTRIP, CLOSER, THRESHOLDS IN 12" MAX HEIGHT. DOOR TO HAVE EXTERNAL HEAD EMERGENCY LIGHT WITH BATTERY BACK AT INTERIOR AND EMERGENCY LIGHT WITH BATTERY BACKUP AT EXTERIOR.