TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 2325                      CASE NUMBER: CBOA-2866
CZM: 7                          CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 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

FENCeline: Collinsville

PRESENT USE: Agricultural / Residential

TRACT SIZE: 2.28 acres

LEGAL DESCRIPTION: BEG 1160.63N & 329.71W SEC R W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282AC5,

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:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

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."
CBOA-2866

Subject Tract

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
CBOA-2866

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

Aerial Photo Date: February 2018
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
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.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>SIGNATURE</th>
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<tbody>
<tr>
<td>Hugh Trimble</td>
<td>13829 N 92nd E Ave, Collinsville, OK 74021</td>
<td>Hugh Trimble</td>
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<tr>
<td>Pam Smith</td>
<td>13829 N 92nd E Ave, Collinsville, OK 74021</td>
<td>Pam Smith</td>
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<tr>
<td>Kevin Bell</td>
<td>9018 E 140th St., Collinsville, OK 74021</td>
<td>Kevin Bell</td>
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<tr>
<td>Carla Bell</td>
<td>9018 E 140th St., Collinsville, OK 74021</td>
<td>Carla Bell</td>
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<tr>
<td>George Robinson</td>
<td>9015 E 140th St., Collinsville, OK 74021</td>
<td>George Robinson</td>
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<tr>
<td>Norma Robinson</td>
<td>9215 E 140th St., Collinsville, OK 74021</td>
<td>Norma Robinson</td>
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<tr>
<td>Mackenzie Yorke</td>
<td>9021 E 140th St., Collinsville, OK 74021</td>
<td>Mackenzie Yorke</td>
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<tr>
<td>Mary Megan Yorke</td>
<td>9021 E 140th St., Collinsville, OK 74021</td>
<td>Mary Megan Yorke</td>
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<tr>
<td>Name</td>
<td>Address</td>
<td>Phone</td>
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<tr>
<td>Kyle Hutchinson</td>
<td>13798 N 72nd E Ave</td>
<td>918-92-3492</td>
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<tr>
<td>Robert D. Richmond</td>
<td>13795 N 92nd E Ave</td>
<td>918-6-0660</td>
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<tr>
<td>Colleen Shaw</td>
<td>13914 N 92nd E Ave</td>
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<tr>
<td>Gail Find</td>
<td>13935 N 92nd E Ave</td>
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<tr>
<td>Karen Deckard</td>
<td>13935 N 92nd E Ave</td>
<td>918-960-4000</td>
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<tr>
<td>Janna Allred</td>
<td>13927 N 92nd E Ave</td>
<td>918-7-0559</td>
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<tr>
<td>Tara &amp; Rick</td>
<td>13930 N 92nd E Ave</td>
<td>918-8-8000</td>
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<td>Norma Reed</td>
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<tr>
<td>Jason Ross</td>
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<td>John Holmes</td>
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<td>Kim Holmes</td>
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<td>Bobbie Lewis</td>
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<tr>
<td>Ted Currey</td>
<td>13606 N 92nd E Ave</td>
<td>918-8-500762</td>
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<tr>
<td>Andrea Clark</td>
<td>13675 N 90th E Ave</td>
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<td>Mary Mason</td>
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<tr>
<td>Sean Shara</td>
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<tr>
<td>Vida Simon</td>
<td>13831 N 90th E Ave</td>
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<tr>
<td>Sam Smith</td>
<td>13831 N 90th E Ave</td>
<td>918-8-500762</td>
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<tr>
<td>Emily Escalante</td>
<td>13914 N 90th E Ave</td>
<td>(918) 863-5824</td>
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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. Photocopies, emailed or faxed copies of signatures cannot be accepted.
GROW BUILDING
EXISTING BUILDING CONVERSION TO GROW BUILDING

13818 North 62nd East Avenue
Collinsville, Oklahoma 74021
Tulsa County

index of drawings
architectural
A000 title sheet
A001 project data & life safety
A100 site plan
A110 floor plan

GENERAL NOTES:

1. CONCRETE AT ACCESSIBLE AREAS:
   LIMIT OF SLOPE:
   A. NO CROSS SLOPE TO EXCEED 2%.
   B. SLOPES AT DOORWAYS:
      12" THICK TO 24" LATCH SIDE, NO SLOPE,
      TOP OF WALKWAY SURFACE "FLUSH" WITH FINISH FLOOR.
      DOOR FRONT "OUT X" MAXIMUM SLOPE OF 1%.
   C. MAXIMUM SLOPE OF WALKWAY DIRECTION OF TRAVEL IS 4%.
   D. NO STEPS.

2. DOORS:
   1010.3 DOOR OPERATIONS. Except as specifically permitted by this section, doors shall be readily operable from the egress side without the use of a key or special knowledge or effort,
   A. 1010.3.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, high reaching, or holding of the wrist to operate.
   B. 1010.3.2 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.
   C. 1010.3.3 Latches and latches. Latches and latches shall be permitted to be mounted on doors where any of the following exist:
   1. Places of detention or restraint;
   2. In buildings of occupancy Group A having an occupant load of 200 or less, Group B, C, D and E, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices to prevent egress side.
   3. The locking device is readily disengaged as desired.
   D. 1010.3.4 Handle, pulls, and latches. A readily visible double lock shall be installed on the egress side or on the adjacent side of the door, this door to remain unlocked when this space is occupied. The lock shall be in the form of a 1 inch (25 mm) latch in a contrasting background.
   E. 1010.3.5 Use of the key operated locking device is reversible by the building official for due cause.

3. VERIFY LOCATION OF SEPTIC TANK AND LATERAL LINES PRIOR TO CONSTRUCTION, PROTECT DURING CONSTRUCTION, AND DO NOT CONSTRUCT ANY PAVINGS OVER LINES WHICH HABIT FUNCTION OF LATERAL LINES.
PROJÉCT DATA
GROW BUILDING

LEGAL DESCRIPTION: Part of W4/2 R24 Section 25, Township 22 North, Range 12 East,
Tulsa County, Oklahoma

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

CODE: IRC 2015
Tulsa County Zoning Code

CONSTRUCTION TYPE: VB (SECTION 802.8 AND TABLE 801)

OCCUPANCY: U GROUP, SECTION 311.1, Agricultural Buildings

AREA LIMITATIONS:
- MIXED USE, S2 AND U
- MAXIMUM ALLOWABLE, TABLE 802:
  - U: MAXIMUM ALLOWABLE: 5,500 SF
  - ACTUAL: 1,200 SF
- BUILDING COMPLIES

STORES:
- TABLE 804.4, ONE ALLOWABLE, COMPLIES

OCCUPANT LOAD:
- TABLE 104.1.1:
  - WAREHOUSE: 1,200 SQ. FT./600 SQ. FT./OCC.+ 2.4 OCCUPANTS

EGRESS REQUIRED (SF):
- 6.5' X 2.4 OCC = 16' REQUIRED
- 32' PROVIDED, COMPLIES

EXITS (806.3.14):
- ONE EXIT REQUIRED (TRAVEL DISTANCE LESS THAN 75')
- AND ONE PROVIDED.

FIRE WALL:
- NOT REQUIRED

FIRE BARRIER WALL:
- NOT REQUIRED

SECTION 707

EXTERIOR WALLS:
- SECTION 802.2: TABLE 802, VB CONSTRUCTION REQUIRES NO RATING
  WHEN SEPARATION IS GREATER THAN 10 FEET.
- NO PARAPET REQUIRED PER 706.11 EXCEPTION 1.

STORES WITHOUT OPENINGS:
- 803.3.11.1: BUILDING CONFORMS LESS THAN 1,500 SF.

RESTROOM CALCULATIONS:
- WC: 1/100 OCC REQ'D, 1 PROVIDED WITH PORTABLE ADA
  COMPLIANT REST ROOM.
- LAV: 1/100 OCC REQ'D, NOT PROV'd.
- JAN. 1/100 OCC REQ'D, NOT PROV'd.

SEPARATE FACILITIES, 1003.2
- SEPARATE FACILITIES NOT REQUIRED PER EXCEPTION 2.

HAZARDOUS MATERIAL:
- OWNER ANTICIPATES NO HAZARDOUS MATERIAL STORAGA
  IN THIS FACILITY Y/N/B NO NEED TO COMPLY WITH TABLE
  307.7 (1) AND 408.8

robcoday architect, llc
p.o. box 128
kliefer, ok 74541
918 836 0674
email: robcodayarch@yahoo.com

GROW BUILDING
13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

15 September 2020

A001

3.13
NEW DOOR: 2'-0" X 7'-0" X 1-3/4" HOLLOW METAL DOOR AND FRAME, ENTRY LOCKSET COMPLYING TO ADA. WEATHERSTRIP, CLOSET, THRESHOLD W/ 1/2" MAX HEIGHT. DOOR TO HAVE EXISTING HEAD EMERGENCY LIGHT WITH BATTERY BACK AT INTERIOR AND EMERGENCY LIGHT WITH BATTERY BACKUP AT EXTERIOR.

REMOVE OLD DOOR, CONSTRUCT 2X4 FRAMED WALL INFILL, SILL PLATE TREATED WITH METAL SPRING EXT. INTERIOR FINISH DUTY PER BALANCE OF BUILDING.

rob coday architect, llc
p.o. box 128
kitter, ok 74041
918 636 0574
e-mail: rcodayarch@yahoo.com

GROW BUILDING
13818 North 92nd East Avenue
Collinsville, Oklahoma 74021
15 September 2020

A110