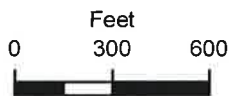


BOA-22937

17.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9431

Case Number: **BOA-22937**

CZM: 49

CD: 7

HEARING DATE: 06/23/2020 1:00 PM

APPLICANT: Rex's Remedies LLC

ACTION REQUESTED: Special Exception to allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

LOCATION: 11105 E 56 ST S, SUITE G

ZONED: IL

PRESENT USE: Industrial

TRACT SIZE: 68398.19 SQ FT

LEGAL DESCRIPTION: LTS 4 & 5 BLK 1, CARTER INDUSTRIAL PARK

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding properties:

BOA-22491; On 8.14.2018 the Board **approved** a Special Exception to allow a Moderate-Impact Manufacturing and Industry Use in the IL District to permit expansion of a Heat Exchange Manufacturing Business. Property located 11130 East 55th Pl.

BOA-13914; On 2.06.86 the Board **approved** a Special Exception to permit an indoor recreation use in an IL District. Property located 10909 East 56th St .

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".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the NW/c of E. 56th St. S. and S. Garnett Rd.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	

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, dispensaries 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.

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 allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

- 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.



Facing West on E. 56th St.



Subject Property



Facing East on East 56th Street.

Mr. Meadows stated that he does not openly discourage bikers, but it is certainly not the direction he is taking the bar. He is also using the space the bikers liked to park, and this will discourage them from parking there.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Back, Bond, Radney, Ross "aye"; no "nays"; "abstaining"; Van De Wiele absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22491—Richard Morgan

Action Requested:

Special Exception to permit a moderate-impact manufacturing and industry facility in an IL District (Section 15.020). **LOCATION:** 11130 East 55th Place South (CD 7)

Presentation:

Richard Morgan, Accent Construction Services, Inc., 7798 East 24th Street, Tulsa, OK; stated he represents Service Properties, LLC. The building to the east is occupied by Tech Fins, Inc. and they are a heat exchanger manufacturer and they would like to expand the heat exchanger manufacturing facility. The building will be a stand alone building with its own parking and driveways.

Mr. Bond asked Mr. Morgan if the cars depicted in picture 9.11 of the agenda packet are functioning cars that are there now or is that area a parking lot. Mr. Morgan stated the subject property was used as a wrecker storage facility and it is now an empty lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Radney, Ross "aye"; no "nays"; "abstaining"; Van De Wiele absent) to **APPROVE** the request for **Special Exception** to permit a moderate-impact manufacturing and industry facility in an IL District (Section 15.020), subject to conceptual plan 9.13 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:

W190 E309.70 LT 3 BLK E, TULSA SOUTHEAST IND DIST EXT, City of Tulsa, Tulsa County, State of Oklahoma

22492—Justin Reed

Action Requested:

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers or pawnshops (Section 40.300-A).

LOCATION: 1649 South Yale Avenue East – **TENANT SPACE (CD 5)**

Presentation:

Justin Reed, Accurate Construction, 16528 South 333rd East Avenue, Coweta, OK; stated there is a Good Will work center next door, but it is not a day work center.

Ms. Back asked Mr. Reed if Collins was going to expand by 1,486 square feet. Mr. Reed answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Back, Bond, Radney, Ross "aye"; no "nays"; "abstaining"; Van De Wiele absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

BEG 50E NWC SW NW SW TH E361.36 S329.64 W361.53 N329.5 POB SEC 10 19 13 2.73AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 13914

Action Requested:

Special Exception - Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219 - Request a special exception to permit an indoor recreation use in an IL district, located at 10909 East 56th Street.

Presentation:

The applicant, Valley Properties, was represented by Richard Richards, 4129 South Peoria, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-2) for an indoor recreation center.

Comments and Questions:

Ms. Bradley asked the applicant if he intends to make any changes in the building. Mr. Richards replied that he has a building permit to increase the size of the warehouse, adding a 50' by 80' portion to the west.

Mr. Clugston asked Mr. Richards to state the exact nature of the proposed business. He answered that the operation will be soccer only and will be open from 5 p.m. to 11 p.m., Monday thru Friday and on the weekend. It was pointed out by the applicant that there are 71 parking spaces, which is ample parking for the business.

Mr. Jackere asked the applicant if there will be professional exhibition games played at the facility and he replied that the size of the building will not allow these type matches.

Mr. Jones informed that there is 1 other indoor soccer facility located in a corridor zoned area about 1 mile away.

Mr. Dukes, 304 South Burr, Broken Arrow, Oklahoma, owner of the business, stated that the business will have 6 eight-week seasons and the remainder of the year will be a repair period for the facility.

Mr. Gardner asked Mr. Dukes to state the amount of spectator seating that will be available in the building and he replied that a maximum of 80 people could be accommodated in the facility.

Mr. Clugston asked if there will be alcoholic beverages served and the owner answered that only 3.2 beer will be sold inside.

Ms. Wilson asked if both children and adults will use the soccer facility and Mr. Dukes answered in the affirmative.

2.06.86:457(4)

Case No. 13914 (continued)

Protestants:

Gene Womble, 2527 East 32nd Street, Tulsa, Oklahoma, stated that he represents a landowner in the complex and presented letters (Exhibit B-1) stating that they are not opposed to a soccer field, but are opposed to concert halls, massage parlors and billiard parlors being located in the area. He stated that he was not aware that added warehouse space was being constructed. Mr. Womble stated that he is concerned that the soccer patrons may park in the spaces allotted to other tenants, therefore, creating a problem. He voiced a concern that beer will be served at the games.

Charles Ewing, 2908 East 37th Street, Tulsa, Oklahoma, pointed out that he does not object to the soccer idea unless there is a conflict in parking. He stated that he has multi-tenant warehouses and would object to excessive traffic that would interfere with these tenants.

Additional Comments:

Mr. Clugston asked how many playing fields will be in the building and Mr. Richards stated that there will be only one field.

Mr. Clugston asked Mr. Richards to state the size of the building and he replied that the building has a total of 16,000 sq. ft., including the addition.

Mr. Richards explained that the 78 parking spaces will be adequate for the size of the building.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219) to permit an indoor recreation use in an IL district; subject to the building being used for soccer only, with spectator seating being a maximum of 80; on the following described property:

Lot 6, Block 1, Carter Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13915

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow an identification sign within 10' of a freeway or highway right-of-way, located at 4455 East 31st Street.

Presentation:

The applicant, Cecil Jones, 1100 West Edgewater, Broken Arrow, Oklahoma, stated that he is property manager for Wright Properties.

2.06.86:457(5)

Case No.13914-A-Sportstech Properties

Action Requested:

Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only'. **Location:** 10909 East 56th Street

Presentation:

Dan McIntosh, 10909 East 56th Street, Tulsa, OK; stated he will be training athletes and it will not be a health club.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only' to be an athletic training facility, expanding it to gymnasium, physical fitness, and athletic training activities; 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; for the following property:

LT 6 BLK 1, CARTER INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

*****.

Case No. 18607-A-Keith Robertson

Action Requested:

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions. **Location:** 8707 East 51st Street

Presentation:

Keith Robertson, Architect, 5567 South Lewis, Tulsa, OK; stated he represents the client, The Regency Park Church of the Nazarene. The original site plan was given an approval in 1999, Case No. 18607. The expansion is proposed for the north side of the building, the vestibule on the east and west side, and the extension of the sanctuary. The client would also like to modify the parking by removing three houses and making that area parking; one house has been removed.

DANA L. BOX
ZONING
PLANS EXAMINER II

TEL (918)596-9657
danabox@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Jacob Miller
11105 E. 56th St., Suite G
Tulsa, OK 74146

March 12, 2020

Phone: 918-644-9939

APPLICATION NO: **BLDC-054853-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **11105 E. 56th St., Suite G**

Description: **Medical Marijuana Processing Facility**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

17.12

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

BLDC-054853-2020

11105 E. 56th St., Suite G

March 12, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning all questions regarding BOA application forms and fees to the INCOG BOA Planner at [918-584-7526](tel:918-584-7526). It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Section 15 Office, Commercial and Industrial Districts

Sec.15.020 Table 15-1: You are proposing a Moderate-impact Medical Marijuana Processing Facility for 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. The preparation, manufacture, processing or packaging 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. It is in an IL zoning district.

Review comment: A Moderate-impact Medical Marijuana Processing Facility use requires an approved BOA Special Exception to be in an IL district. Submit a copy of the approved BOA Special Exception as a revision to this application.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

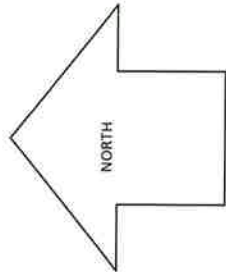
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

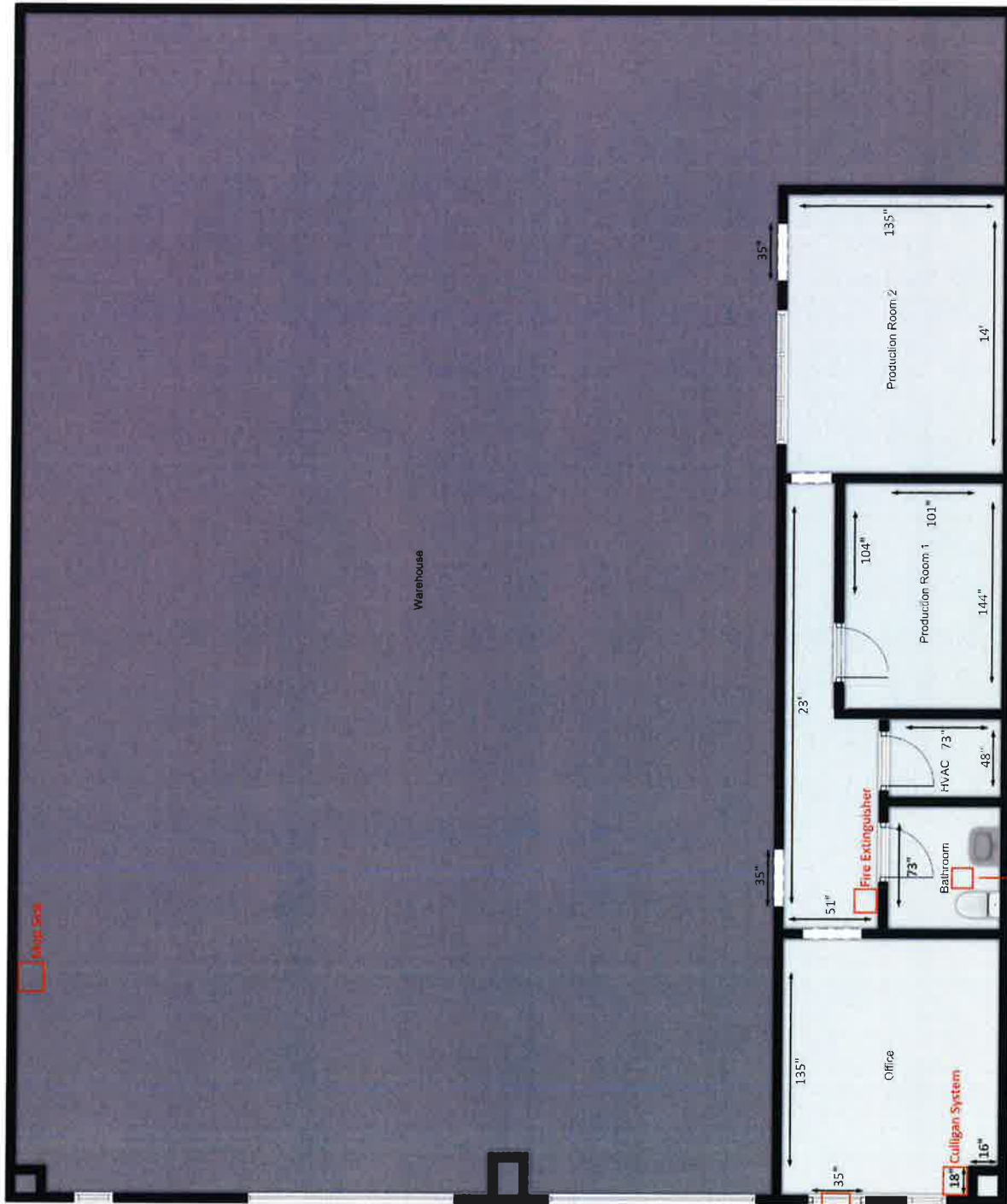
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

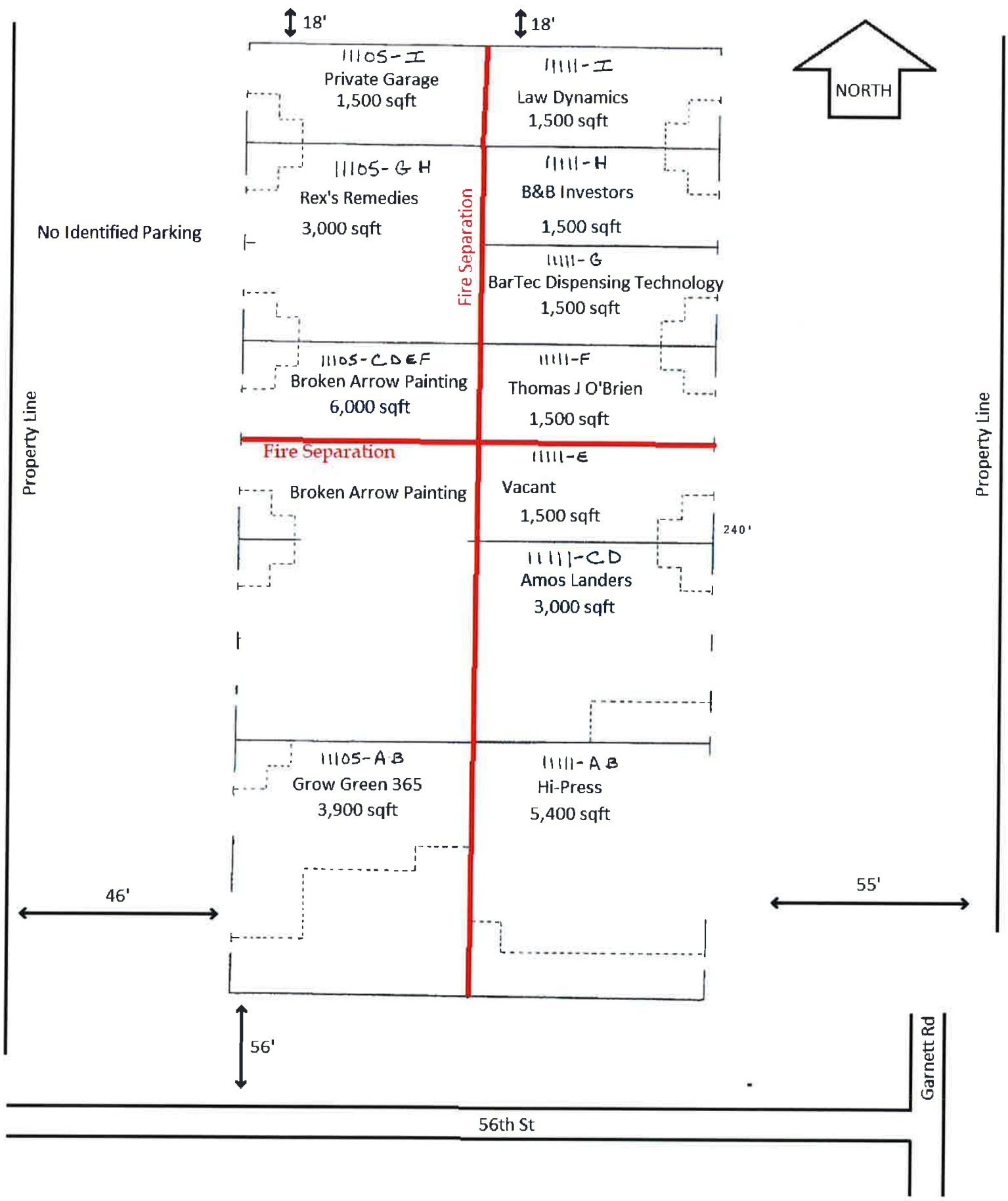


60'

50'



17.14



No Identified Parking

Property Line

Property Line

Fire Separation

Fire Separation

240'

46'

55'

56'

56th St

Garnett Rd

17.15

11105-I
Private Garage
1,500 sqft

11111-I
Law Dynamics
1,500 sqft

11105-G H
Rex's Remedies
3,000 sqft

11111-H
B&B Investors
1,500 sqft

11111-G
BarTec Dispensing Technology
1,500 sqft

11105-CDEF
Broken Arrow Painting
6,000 sqft

11111-F
Thomas J O'Brien
1,500 sqft

Broken Arrow Painting

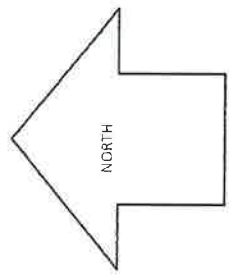
11111-E
Vacant
1,500 sqft

11111-CD
Amos Landers
3,000 sqft

11105-AB
Grow Green 365
3,900 sqft

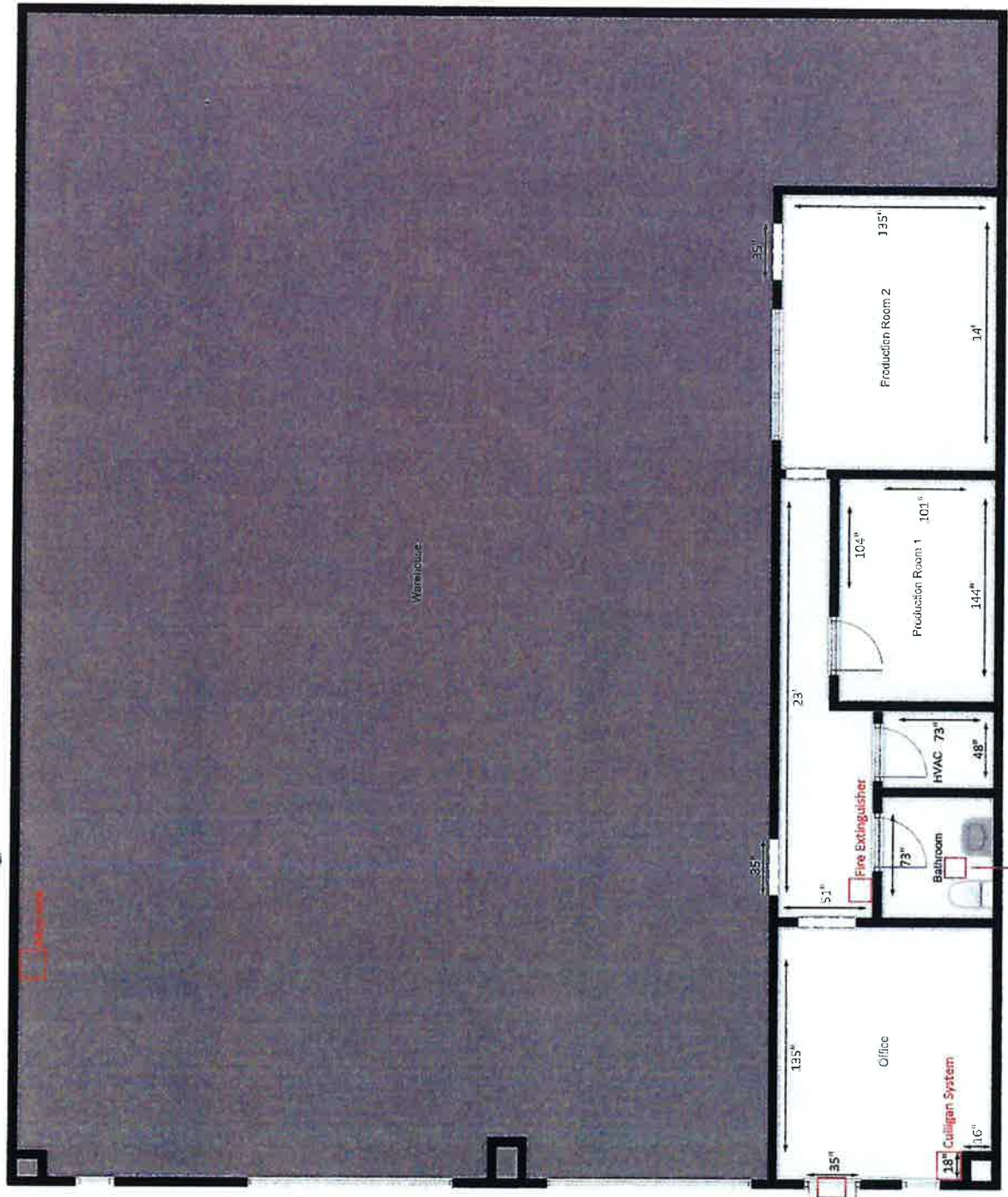
11111-AB
Hi-Press
5,400 sqft

Existing

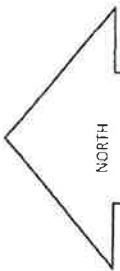


60'

50'



17.16



Open Door(unweld)

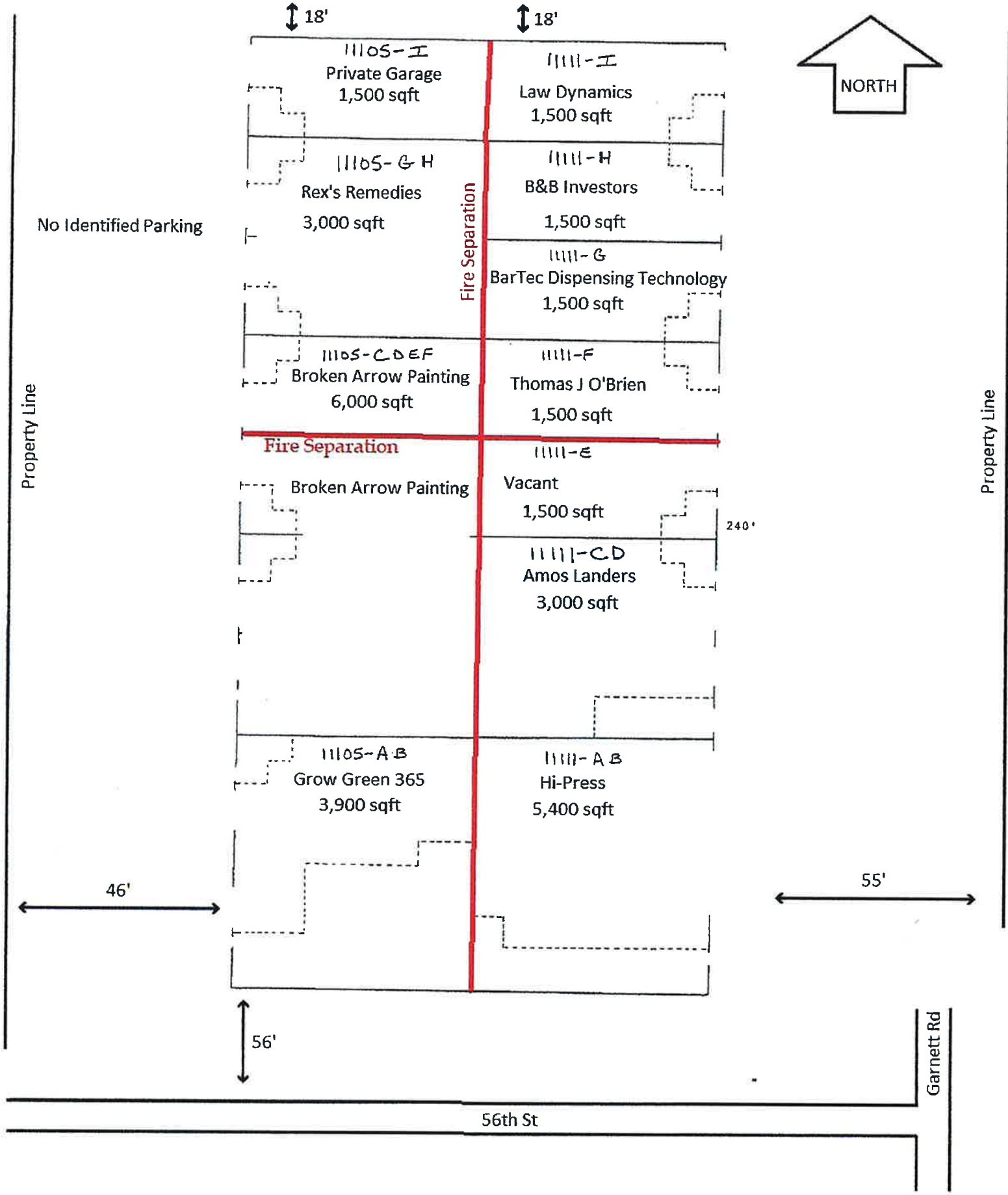
60'

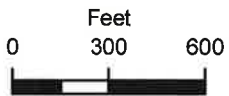


50'

No carbon dioxide, propane or other chemical substance will be utilized in connection with the grow, processing, extraction storage and/or any other aspect of the operations.

17.17





Subject Tract

BOA-22937

19-14 31

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

Aerial Photo Date: February 2018

17.19





E55 PLS

E56 STS



Subject Tract

BOA-22937

19-14 31

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

Aerial Photo Date: February 2018

