

**SUBJECT TRACT**

**BOA-23025**

7.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9311

Case Number: **BOA-23025**

**CZM:** 38

**CD:** 5

**HEARING DATE:** 11/10/2020 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

**LOCATION:** 6934 E 11 ST S

**ZONED:** CH

**PRESENT USE:** Commercial

**TRACT SIZE:** 27016.02 SQ FT

**LEGAL DESCRIPTION:** LT 4 BLK 2 & VAC. SERVICE ROAD ON N, SHERIDAN INDUSTRIAL DISTRICT

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" land use designation 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 West of the SW/c of E. 11<sup>th</sup> St. and S. 71<sup>st</sup> E. Ave.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

7.2

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
<b>High-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	-	-	-	-	S	P	
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.130
<b>RECYCLING</b>												Section 40.310
Construction or Demolition Debris	-	-	-	-	-	-	-	-	S	S	P	
Consumer Material Drop-off Station	-	-	-	-	P/S[S]	P	P	P	P	P	P	
Consumer Material Processing	-	-	-	-	-	-	-	-	-	P	P	
<b>AGRICULTURAL</b>												
Animal Husbandry	-	-	-	-	-	-	-	-	-	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	Section 40.090
Farm, Market- or Community-supported	P	P	P	P	P	P	P	P	P	P	P	
Horticulture Nursery	-	-	-	-	-	S	S	-	-	P	P	Section 40.225

Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225:

**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 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.

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 permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH 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.



*Facing West on 11<sup>th</sup> Street.*



*Facing East on 11<sup>th</sup> Street*



*Subject property*



**Exhibit "A"**

Lot Four (4), Block Two (2), SHERIDAN INDUSTRIAL DISTRICT, a subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, including that part of the service road adjacent and contiguous to the above land as vacated by Ordinance No. 10185 of the City of Tulsa dated May 28, 1965 and as more particularly described in civil action C-70-1791 of the District Court of Tulsa County.

## **EXHIBIT "B"**

Applicant requests a Special Exception pursuant to Table 15-2 and Section 15.020 of the Tulsa Zoning Code (the "Code") to permit a medical marijuana grower operation in the CH – Commercial Heavy District for property located at 6934 E. 11<sup>th</sup> Street (the "Property").

The Property is located on East 11<sup>th</sup> Street, approximately one quarter mile east of South Sheridan Road, and is the former site of Metropolitan Concrete. The surrounding businesses along 11<sup>th</sup> Street are commercial and light industrial in nature, consisting primarily of automotive dealers and repair shops, as well as a medical marijuana dispensary a block west on the north side of 11<sup>th</sup> Street.

The proposed growing operation will be conducted entirely indoors in the existing 5,400 SF warehouse building on the Property. A six-foot fence surrounds the Property on all sides with gate access. The operation will have the necessary air filtration and security systems as required by the Code and State law. The proposed use will be less intense than the previous use of the Property by Metropolitan Concrete, as well as the surrounding commercial/industrial uses, and therefore will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In June 2020, the City Council adopted an amendment to the Code, permitting the proposed use in a CH district by special exception, thereby determining that the use is in harmony with the spirit and intent of the Code.





 Subject Tract

**BOA-23025**

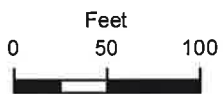
19-13 11

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

Aerial Photo Date: February 2018



7.11



Subject Tract

**BOA-23025**

19-13 11

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

Aerial Photo Date: February 2018



7.12