

BOA-23169

6.1



19-12 14



LEGEND

Tulsa Corporate Limits

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9214

Case Number: **BOA-23169**

CZM: 36

CD: 2

HEARING DATE: 08/10/2021 1:00 PM

APPLICANT: Matthew Boyd

ACTION REQUESTED: Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

LOCATION: 708 W 23 ST S

ZONED: CS

PRESENT USE: Medical Marijuana Dispensary

TRACT SIZE: 40066.65 SQ FT

LEGAL DESCRIPTION: The East 330 feet of Block X Less Beginning Northeast Corner; Thence South 200 feet; Thence West 129.47 feet; Thence North 200.06 feet; Thence East 129.71 feet to the Point of Beginning, Riverview Park Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7601; On 04.21.21 the TMAPC recommended approval of a re-zoning from CS to CH. City Council approved the re-zoning and the CH zoning became effective 7/20/21.

Surrounding properties:

BOA-22715; On 08.27.19 the Board approved a Special Exception to permit a Low-impact Medical Marijuana Processing Facility in the CH district. property located 916 W. 23rd St. S.

BOA-19632; On 07.22.03 the Board approved a Special Exception to allow a car wash in a CS district. Property located immediately East of the subject tract.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor " 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.

6.2

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the South side of West 23rd St. S. between Jackson and Maybelle Avenues.

STAFF COMMENTS: The applicant is requesting Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

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, 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 permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry 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.



Subject property



Facing West on 23rd



Property immediately North of the Subject Property is the River West Development project



Facing East on 23rd St.

7. **Z-7601 Matthew Boyd** (CD 2) Location: West of the southwest corner of West 23rd Street South and South Jackson Avenue requesting rezoning from CS to CH

STAFF RECOMMENDATION:

SECTION I: Z-7601

DEVELOPMENT CONCEPT: Rezone from CS to CH to expand allowable uses and expand maximum floor area opportunities.

DETAILED STAFF RECOMMENDATION:

Z-7601 requesting CH zoning allows uses and building types that are consistent with the Mixed-Use land use designation.

The Eugene Fields small area plan was adopted in 2013 and recognized that this site is part of a Mixed-Use Corridor. Uses allowed in a CH district are consistent with that vision.

Uses allowed in an CH district are consistent with the expected development pattern of the surrounding properties.

The Area of Growth anticipates redevelopment opportunities and CH zoning supports uses that are included in that concept therefore,

Staff recommends Approval of Z-7601 to rezone property from CS to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Uses and building placement supported in a CH district are consistent with the expected development pattern in the area and consistent with the development.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along

Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: 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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan:

The Major Street and Highway Plan illustrates this site as an urban arterial street with a multi modal corridor designation. The cross section for an urban arterial / multi-modal street cross includes two lanes with no center turn lane, bike lanes and 11-foot-wide sidewalks and street trees on one side.

The small area plan recommendation for W. 23rd is not consistent and includes 4 lanes with no bike lane and no center turn lane.

Trail System Master Plan Considerations: None

Small Area Plan: Eugene Field Small Area Plan

This site is near the center of the Eugene Field Small Area plan and is one of the few commercial development opportunities in the area and is illustrated in the plan between two Urban Renewal Housing properties. The plan was effective May 2013. Significant redevelopment has started

on the north side of E. 23rd Street directly across the street from the subject property.

The plan has specific recommendations for increasing the commercial development opportunities, encouraging building placement closer to the street, installing trees along the street and generally improving the pedestrian experience along West 23rd Street South.

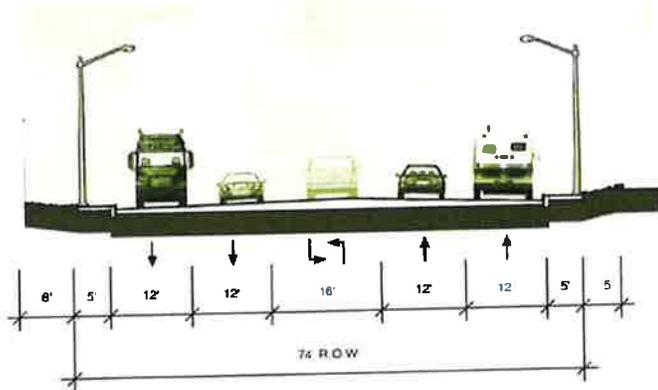
The small area plan recommends removing the center turn lane on West 23rd Street South widening sidewalks and installing street trees.

Several recommendations were provided in the plan. One of the recommendations specific to this site is to "clearly define the character of West 23rd Street as the neighborhood commercial center, encouraging retail and neighborhood services to locate along this corridor."

Street Cross Sections shown on the following page are part of the Eugene Fields Small Area Plan:

West 23rd Street

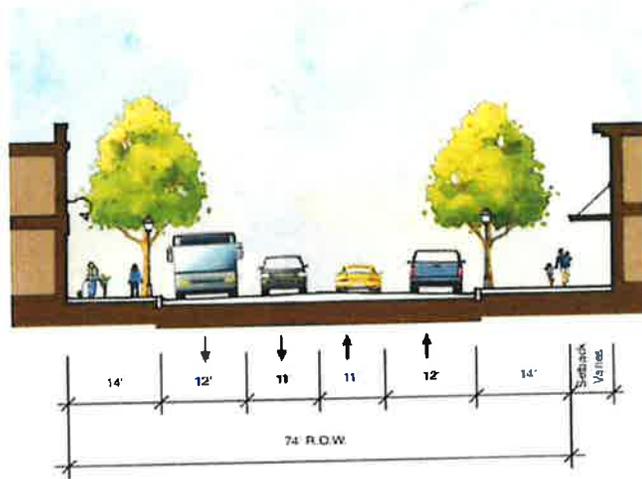
EXISTING CONDITIONS



PROPOSED IMPROVEMENTS

- » Eliminate central turn lane
- » Narrow lanes to improve pedestrian crossings
- » Provide a 14-foot sidewalk on both sides to facilitate commercial activity
- » Traffic light at South Nogales Avenue

PROPOSED CONDITIONS



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This rezoning request is part of the existing shopping center. The street view is from the north boundary looking south.

04:21:21:2840(10)



Environmental Considerations: None that would affect CH zoning decisions.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 23 rd Street South	Urban Arterial	70 feet	5 Two lanes each direction with median and left turn lanes.

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	MX1-U-55	Mixed-Use Corridor	Growth	Multifamily re-development (Aerial photos illustrate buildings that have been removed. New construction is in process)
East	CS	Mixed-Use Corridor	Growth	Shopping center
South	RM-2	New Neighborhood	Growth	Multifamily
West	CS	Mixed-Use Corridor	Growth	Shopping Center

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-19950 January 2005: The Board of Adjustment **approved** a *Variance* of required parking for a church located in a shopping center in a CS district from 185 spaces to 84 spaces, finding the times the church would need parking spaces, Sundays and Wednesdays would be when most of the tenants would be closed and to tie the approval to the space known as 734 West 23rd Street, containing approximately 4,087 sq. ft., on property located at 734 West 23rd Street South.

BOA-08361 September 1974: The Board of Adjustment **approved** an *Exception* to construct, maintain, and permit use of an auto wash facility, subject to the submission of building plans to the TURA board for its approval, reaffirming the minutes of April 6, 1972 in regard to the landscape being provided in lieu of the screening fence between the CS and the RM-2 to the south, in a CS District, on property located at 726 West 23rd Street.

BOA-08054 September 1973: The Board of Adjustment **approved** a *Minor Variance* for a waiver of major street setback requirements from 60' to 40' from the centerline of 23rd Street to permit the erection of a pole sign, subject to the customary removal contract, and that the sign not hang over the right of way in a CS District on property located at 724 West 23rd Street.

BOA-07399 April 1972: The Board of Adjustment **approved** an *Exception* to modify the screening wall requirements on the south side between apartments and shopping center in a CS District, subject to approval of the landscaping plan by the Tulsa Urban Renewal Authority and the housing project (Riverview Village, Inc.), on property located at 704 West 23rd Street.

Surrounding Property:

BOA-22788 November 2019: The Board of Adjustment **approved** the request for a *Variance* to reduce the required Transparency Percentages for a building façade in a MX-1-U District; *Variance* of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District, subject to conceptual plans 21.8-21.14 of the agenda packet, finding the hardship to be the uniqueness of the property as well as the intended for residential use, subject to the reduction in transparency from 20% to 10% be only applicable to residential buildings and the parking be based on one off street parking space per unit, on property located north of West

23rd Street South and South of West 21st Street South between Southwest Boulevard and South Jackson Avenue.

Z-7494/PUD-796-A Abandonment September 2019: All concurred in **approval** of a request for *rezoning* a 41.1+ acre tract of land from RM-1/RM-2/CS/CH to MX1-U-55 and *Major Amendment* to Abandon PUD-796 for a mixed-use development, on property located southeast corner of Southwest Boulevard and West 21st Street South.

SA-1 September 2016: All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

BOA-19632 August 2003: The Board of Adjustment **approved** a *Special Exception* to allow the screening fence to be moved, per plan, on property located at south of the southeast corner of West 23rd Street and South Maybelle.

BOA-09047 June 1976: The Board of Adjustment **approved** an *Exception* to modify the screening requirements where an alternative screening will provide visual separation of uses, subject to an agreement between the property owners being made a part of the record, in a CS District, on property located at 704-818, inclusive, West 23rd Street.

BOA-07055 June 1971: The Board of Adjustment **approved** a *Variance* to modify the parking requirements in an RM-2 District from 388 spaces to 345 spaces, on property located at 2316 South Jackson Avenue.

BOA-06807 November 1970: The Board of Adjustment **approved** a *Variance* under the provision of Section 1470.1, to permit more than 40 units on 1 lot (as evidenced by plans previously approved by the Planning Commission and City Commission), on property located between 22nd Street and 26th Street, between Southwest boulevard and Jackson Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

04:21:21:2840(13)

6.13

Mr. Blair asked if the detached structures on both the East and the West would remain zoned CS while the subject property if approved, would be zoned CH. He stated there is not a lot of differences between CH and CS but there are some uses allowed by right or by exception. He asked if there was a concern about pulling this one piece of the shopping center out as its own distinct zoning category.

Staff stated along this mixed use corridor there are already industrial uses in the area. He stated it is in the middle of a shopping center but it is such a small site that staff felt like the potential concerns would be on such a small scale that it would be unlikely to have a negative impact on the surrounding area.

Mr. Craddock asked if the properties in the strip center all had the same ownership.

Staff stated it was his understanding that each parcel had separate ownerships and there was no consensus with the other two property owners with rezoning right now.

Mr. Craddock asked if the current use was a dispensary and the applicant wants to add processing.

Staff stated that was an applicant question, but as far as the zoning there will be limitations on what kind of processing could happen at that location.

Applicant Comments:

Matthew Boyd 708 W 23rd Street, Tulsa Oklahoma 74107

Mr. Craddock asked if the strip center is owned by one party or are there multiple owners.

The Applicant stated there is one owner Mr. Tom Culver who is a well-known businessman.

Mr. Craddock stated the request is to rezone one specific portion of the single ownership asset.

The applicant stated, "Yes sir".

Mr. Craddock asked if he could have more information on the difference between a dispensary and the low impact medical marijuana processing and what that entailed.

The applicant stated he has been in this location for over two years and some of the rules have changed in the cannabis industry. He stated he reapplied for permit last year after having been a processor for a year. The applicant stated there were several new rules such as ADA bathrooms but the permit was still pending. He stated after reaching OMMA they informed the applicant that the correct zoning was not in place for processing. He stated those policies were not in place when he signed the lease and opened the business a couple years ago.

Mr. Craddock asked if the property owner agreed as far as splitting up the zoning, of his property.

The applicant stated, "Yes sir", he is in full agreement.

Mr. Craddock asked staff if it was common to rezone a portion of a property like this one that has the same owner.

Staff stated it would be odd if there were not already separate parcels identified. The strip center has three separate parcels, it is something that we see occasionally.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to recommend **APPROVAL** of the CH zoning for Z-7601 per staff recommendation.

Legal Description Z-7601:

The East 330 feet of Block X Less and Except Beginning Northeast Corner; Thence South 200 feet; Thence West 129.47 feet; Thence North 200.06 feet; Thence East 129.71 feet to the Point of Beginning, Riverview Park Addition

8. **Z-7603 Tanner Consulting, LLC** (CD 8) Location: South of the southeast corner of East 121st Street South and South Hudson Avenue requesting rezoning from **AG to RS-3**

STAFF RECOMMENDATION:

SECTION I: Z-7603

DEVELOPMENT CONCEPT:

The applicant has submitted a request to rezone the property from AG to RS-3 for single family residential subdivision construction.

DETAILED STAFF RECOMMENDATION:

Z-7603 requesting RS-3 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-3 district are consistent with the surrounding properties and consistent with the anticipated future development pattern of the surrounding property that has not been developed and,

RS-3 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

04:21:21:2840(15)

N173.70 S327.70 LT 2 BLK 1, HUNTERS GLEN, City of Tulsa, Tulsa County, State of Oklahoma

22715—Cheryl Cohenour

FILE COPY

Action Requested:

Special Exception to permit a low-impact medical marijuana processing facility in a CH District (Section 15.020, Table 15-2). **LOCATION:** 916 West 23rd Street South (CD 2)

Presentation:

Cheryl Cohenour, 2809 East 28th Street, Tulsa, OK; stated she owns the building on the subject property, and she has owned it since 1997. Previously she had a consulting, engineering and environmental laboratory in the building. She likes the area and is involved in the community, and she would like to have a low impact medical marijuana processing facility in the building; this is basically an industrial kitchen. There will be no combustible processing equipment. There should be no odor. There will be no signage, but the neighborhood has approached her about having painted murals on her building to enhance the neighborhood plan, so she would not want to exclude murals. It will be an industrial kitchen where edibles are made, and the product will not be sold to the public. There will be no public access.

Mr. Van De Wiele asked Mr. Chapman to display page 2.10 on the overhead projector and he asked Ms. Cohenour if the building lays on top of the building line as shown. Ms. Cohenour stated she does not know what that is about, she would need to go back to look at her old survey.

Mr. Van De Wiele asked Ms. Cohenour if she would be using all or some of the darker tan roofed building and the lighter tan roofed building. Ms. Cohenour stated that it is a two-story building. When she purchased the building, it had just been remodeled so it has really thick concrete block structure on the lower floors. She will be using two or three of the lower floor offices as the industrial kitchen and packaging. There are offices above and there is a warehouse.

Mr. Van De Wiele asked Ms. Cohenour if she had seen the letter that was received from the Tulsa Housing Authority. Ms. Cohenour answered affirmatively.

Mr. Van De Wiele asked Ms. Cohenour to address the concerns stated in the letter. Ms. Cohenour stated that she understands the concerns, but she is not going to display a marijuana leaf on the building or anything like that. There will be no signage to indicate what is going on inside the building. The impact to the neighborhood will be low. There will be no sales to the public so no one will know what is going on inside the building. There will be no heavy foot traffic and no public access with people coming and going.

08/27/2019-1235 (3)

6.16

BOA-22715

FILE COPY

Mr. Van De Wiele asked Ms. Cohenour if the building is intended to be used like a bakery where there will be distillate or oils used that are processed elsewhere. Ms. Cohenour answered affirmatively. Mr. Van De Wiele asked Ms. Cohenour if there would be no processing on site. Ms. Cohenour stated that she will be doing some processing, but it is usually done in crockpots with olive oil and coconut oil. There is not an odor that protrudes from the building, so someone walking by will not smell anything.

Ms. Cohenour stated that she is active in the neighborhood and in the Route 66 Village so it is important to her that all the development or the redevelopment that is going on the area is a good thing, so she will not doing anything that will compromise the integrity of the neighborhood.

Interested Parties:

Jeff Hall, Tulsa Housing Authority, 415 East Independence Avenue, Tulsa, OK; stated the Authority's concerns are primarily with the proximity to the elementary school as well as the development plan for Eugene Field. Many of the concerns at the time of the notice was the perceived use of the building, and he thinks some of the concerns remain even after hearing the intent of the processing. The fact that it will still be medical marijuana processing near kids that live in the neighborhood, and the kids walking past to go to the school. Even though there is no direct selling to the public the concerns remain about any waste products, or anyone that could enter the building or that people will understand what is happening in the building. Could crime be increased in the area knowing that medical marijuana is being produced through edibles in the building in an area that is really trying to combat crime.

Rebuttal:

Cheryl Cohenour came forward and stated that since she has owned the building starting in 1997 there has virtually been very little crime in the neighborhood. This is a very stable neighborhood and she is not concerned about crime. Also, there is not going to be waste products that anybody can get into. Ms. Cohenour stated that her building is fenced all the way around and gated; those gates will not be open during the day. There is also a camera security system for the building making it relatively secure. Ms. Cohenour stated she has a letter of support from her next-door neighbor to the east, Construction Enterprises, Inc. Ms. Cohenour stated that she thinks she meets all the requirements of the City Code.

Comments and Questions:

Ms. Ross stated that she has no issues with this request.

Ms. Shelton stated she is a little torn by this request. She knows the Board has approved similar cases in other parts of the City, but she is squimish about this being in Eugene Field. The City is investing so much in this area and THA has come out to speak against this request. She is not sure this should be in this neighborhood, because the Board does not know the affects these facilities have on neighborhoods yet.

08/27/2019-1235 (4)

6.17

Mr. Bond wonders what the discussion would be like if this were a pharmaceutical manufacturing facility that made pain pills. He thinks the City should be proud with what they are doing with Eugene Field. This is a case of first impression, and he does not take it lightly where it is situated. He thinks a restriction on the type of advertising outside would be appropriate.

Ms. Radney stated that she is sensitive to what Ms. Shelton is saying. For instance, if this were located on 15th Street between Utica and Lewis the Board would probably be having a different conversation. She acknowledges that this will probably have a low impact on the area, but she is a little more sensitive about the filtration system and other environmental issues. She would be more persuaded if she knew that everything would be environmentally contained.

Mr. Van De Wiele asked staff if there were requirements in the Code or the Building Code that would address those issues. Ms. Blank stated that on page 2.4 of the agenda packet there is a list of requirements that does apply to processing. Mr. Chapman stated that the waste materials are probably regulated by OMMA.

Mr. Van De Wiele stated that there has been the discussion about this being medicine; that certainly is how it was approved by the voters of the State. If this were an aspirin factory, he thinks people would be before the Board touting job creation, tax revenue, etc. This is unique and it is different. If there were truly no external indication of what is going on inside the building, whether that be signage, sight, sound, smell or that sort of thing he thinks it gets close. Injurious to the neighborhood is the one that he is having some issue with. Mr. Van De Wiele stated that maybe the Board could consider a time limit on this request.

Ms. Cohenour stated that she has made a significant investment in the building over the years, and it does not require a lot of renovation for conversion from an environmental testing laboratory to an industrial kitchen. Ms. Cohenour stated that she is not sure what the Board means by time limit.

Mr. Van De Wiele stated that term "time limit" meaning the Special Exception is only good for a particular period of time.

Ms. Cohenour stated that her commitment to this neighborhood has been with the rest of the City, to see this neighborhood to come up and grow. According to the newspaper it looks like what will be directly across the street from her building will be a grocery store which is a wonderful addition to the neighborhood. Also, this building does not lend itself to retail on the bottom and housing on the top. This is an industrial piece and that is why she bought it in 1997, because it fit her business at the time. It is an unusual property that is probably is not going to have other types of uses other than an industrial type.

BOA-22715

FILE COPY

Board Action:

On **MOTION** of **BOND**, the Board voted 4-1-0 (Bond, Radney, Ross, Van De Wiele "aye"; Shelton "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a low-impact medical marijuana processing facility in a CH District (Section 15.020, Table 15-2), subject to the actual plan on 2.11 of the agenda packet. There is a three-year time limit on the Special Exception, August 2022. There is to be no signage for a marijuana or medical marijuana products facility but there can be a neighborhood mural; this is limited to the existing building as shown on page 2.11 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:

S137.75 LT 1 WESTDALE ADD & S110 LTS 1 & 2 BLK 41, WEST DALE ADDN, WEST TULSA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22717—Jim Butler

Action Requested:

Variance to increase the maximum building height from 35 feet in an RS-1 District (Section 5.030, Table 5-3). **LOCATION:** 2723 South Zunis Avenue East (CD 9)

Presentation:

Jim Butler, 11327 East 60th Place, Tulsa, OK; stated he is building a house on the subject property; he razed an existing older house. There was a basement under the older house, and he would like to rehab that basement into a tornado shelter. By doing so the elevation of the top of the basement pushed the roof above the 35-foot height restriction; the area that did that is only 2% of the total roof. Mr. Butler stated that he has made it through permitting and nothing was said about the height, but when started construction he realized the height exceeded 35 feet. Mr. Butler stated that he has signatures of all the neighbors in the entire area showing support of his project. He also had the President of the Homeowner's Association sign a letter showing support of the project.

Ms. Shelton asked Mr. Butler if there was something structurally or architecturally that requires that steep of a pitch on the roof? Mr. Butler stated that it is a design that the Architect put together and with that style of house that style of roof goes with it. Both the houses on either side of his property have roofs that are higher than his proposed roof.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

08/27/2019-1235 (6)

6.19

S/2 of Lots 16, 17 and 18, Block 4, Dickason Goodman Addition, City of Tulsa,
Tulsa County, State of Oklahoma.

*.*****.

Case No. 19630

Action Requested:

Variance to allow a two-story accessory building 30'6" high in required rear yard. SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, and a Variance of the 20% required rear yard coverage to 26.6%. SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, located 2138 E. 30th Pl. S.

Presentation:

Chris King, 2138 E. 30th Pl., stated they propose to make some architectural changes to the plans to appease some of the neighborhood. They request a continuation to August 26, 2003. Mr. Dunham asked if they read the staff comments regarding the variance for relief from the rear yard coverage. Mr. King replied they would consider the staff comments.

Comments and Questions:

Mr. Beach let the applicant know if they were going to ask for more relief they would need to let him know right a way to give public notice.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 19360 to the meeting on August 26, 2003, regarding the following described property:

All of Lot 3 and part of Lot 4, Beg. NE/c; thence W 20.00' Sly to SL E 15.00' Nly 165.81', Block 19, Forest Hills Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 19632

Action Requested:

Special Exception to allow Use Unit 17 (car wash) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located S of SE/c W. 23rd St. & S. Maybelle.

Presentation:

Pat Garner, 111 N. Main, Sand Springs, stated he represented Riverview Properties, as a Consulting Engineer. They have a lot split application pending, for

a tract 62.5' x 149'. The car wash would be on the lot to the north. They need the special exception for any ancillary use on the small tract.

Comments and Questions:

Mr. Dunham asked for clarification of the need for a lot split. Mr. White explained they came to the Board because of the difference in CH and CS zoning on the two lots.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 (car wash) in a CS zoned district, on condition of a tie agreement to the CH lot to the north; and to **CONTINUE** for relief of the screening requirement to the meeting on August 26, 2003, on the following described property:

The W 149.50' of Block X, Riverview Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19633

Action Requested:

Special Exception to allow church and accessory uses (Use Unit 5). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required 1 acre for church to 0.6± acre. SECTION 1205.B. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses, located 2037 N. Utica.

Presentation:

Rev. James. L. Brewer, Sr., 2101 E. 32nd St. N., stated he is the pastor of Greater Mount Carmel Baptist Church. They propose to add on to the existing structure to keep up with the growth of the church. There is an elementary school, recreational center, and an apartment complex on the surrounding properties.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow church and accessory uses (Use Unit 5); and a **Variance** of the required 1 acre for church to 0.6± acre, per plan, finding it will not cause

Green Cross

Address: 708 West 23th Street
Tulsa OK 74107

Area– 1,415 Square Feet

Plan Requirements

1. Site plan of property containing the following:
 - a. Draw site plan to scale; dimension critical
 - b. North arrow to indicate orientation on site
 - c. Location of all buildings and paving on the site
 - d. Street locations (cross streets)
 - e. Dimensionally locate the facility
 - f. Distances from the facility's building to property lines or other building(s) on site
 - g. Fire separations from other tenants if in a multi-tenant building and identify tenants by name and use, and give square footage area of spaces
 - h. Identify parking lot striping and handicapped parking spaces, along with ramp locations

 2. Floor plan of facility for COO containing the following:
 - a. Draw site plan to scale; dimension critical
 - b. North arrow to indicate orientation on site
 - c. Show all plumbing fixtures and their existing locations (toilet, sink, hot water tank, etc.)
 - d. Indicate exhaust fans in the restrooms
 - e. Indicate how each room or space is occupied (office, dining, storage, dance floor, etc.)
 - f. Indicate location of drinking fountains
 - g. Indicate location of service sink/mop sink
 - h. Indicate door widths and direction of swings; show panic hardware locations
 - i. Indicate all areas equipped with automatic fire suppression systems and/or fire extinguishers
 - j. Indicate all areas equipped with fire alarm systems
 - k. Indicate exit lights and emergency lighting
 - l. Provide for handicapped accessibility – plumbing fixtures and grab bars in restrooms; accessible building entrance
-

Site Plan 1.a, b, c, d, e, f, g, h

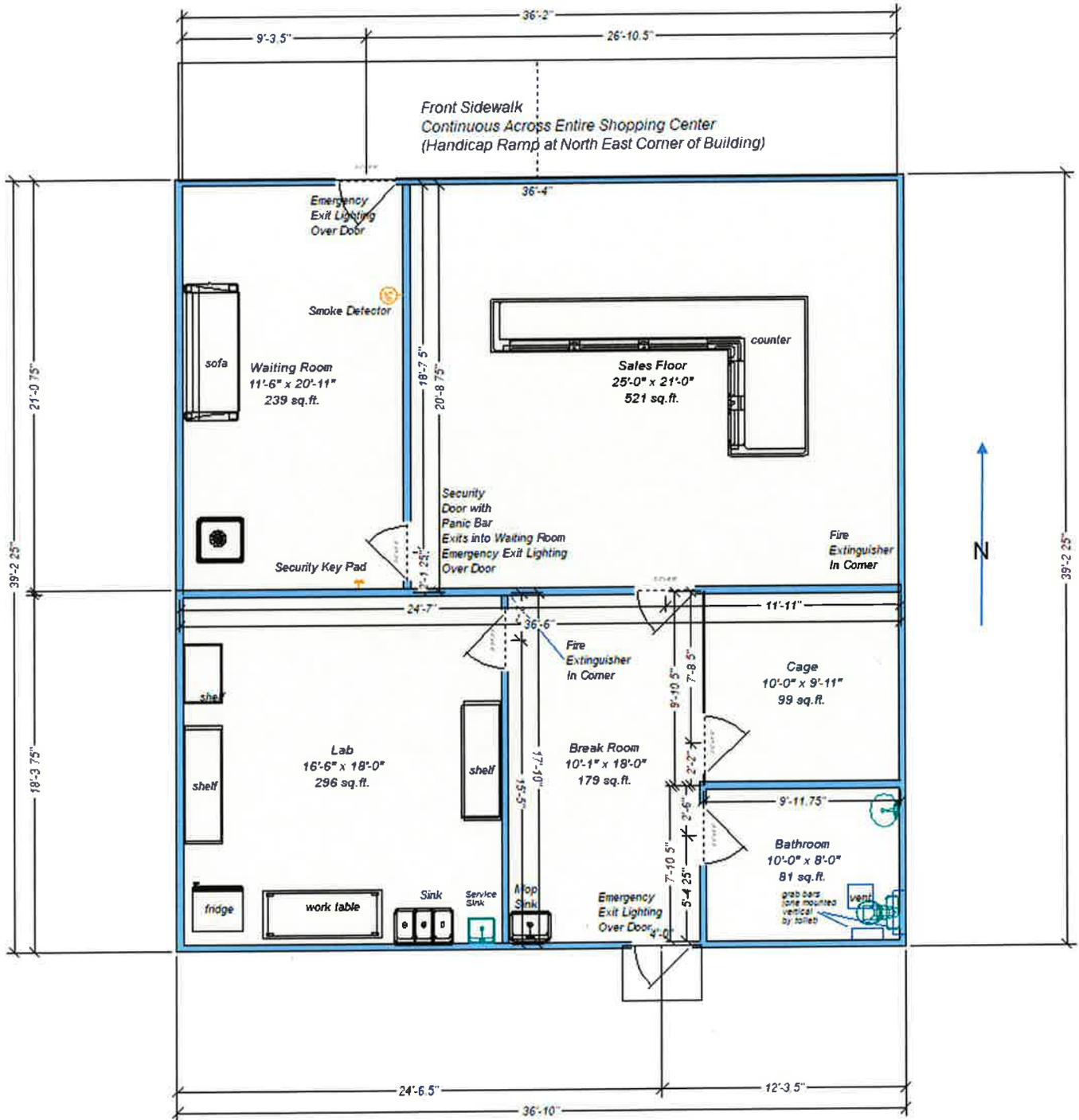
Site Plan

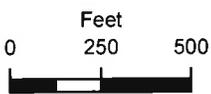


Exhibit A:

The East 330 feet of Block X Less Beginning Northeast Corner; Thence South 200 feet; Thence West 129.47 feet; Thence North 200.06 feet; Thence East 129.71 feet to the Point of Beginning, Riverview Park Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Floor Plan – 2a, b, c, d, e, f, g, h, i, j, k, l





 Subject Tract

BOA-23169

19-12 14

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

Aerial Photo Date: 2020/2021



6.26



W 23rd ST S

S JACKSON AVE



Subject Tract

BOA-23169

19-12 14

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

Aerial Photo Date: 2020/2021



6.27

**THIS PAGE
INTENTIONALLY
LEFT BLANK**