

BOA-23392

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LEGEND

Tulsa Corporate Limits

BOARD OF ADJUSTMENT CASE REPORT

STR: 9214

Case Number: **BOA-23392**

CZM: 36

CD: 2

HEARING DATE: 07/26/2022 1:00 PM

APPLICANT: Bradley Pirpich

ACTION REQUESTED: Special Exception to remove or extend the three year-time limit for a Low-Impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

LOCATION: 916 W 23 ST S

ZONED: CH

PRESENT USE: CH

TRACT SIZE: 12388.51 SQ FT

LEGAL DESCRIPTION: S137.75 LT 1 WESTDALE ADD & S110 LTS 1 & 2 BLK 41, WEST TULSA ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22715; On 08.27.2019 the Board approved a **Special Exception** to permit a Low-Impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2) for three years ending in August of 2022.

Surrounding properties: None.

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".

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.

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 a CH zoned property located West of the SW/c of W. 23rd Street S. and S. Maybelle Ave. The property abuts CH zoning on the North, West, and East. The property to the South is an RS-3 zoned Church.

STAFF COMMENTS: The applicant is requesting a Modification to remove or extend the three year-time limit for a Special Exception to permit a Low-Impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2) approved in BOA-22715.

In addition to the 3-year time limit the Board restricted any marijuana or medical marijuana products facility from having signage.

SAMPLE MOTION: Move to _____ (approve/deny) Special Exception to (remove/extend) the three year-time limit for a Low-Impact Medical Marijuana Processing 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

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)

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.

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.

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:

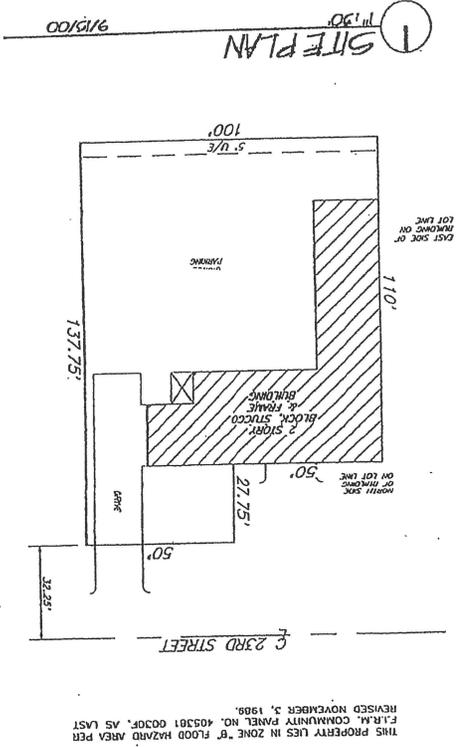
There were no interested parties present.

Comments and Questions:

None.

PROJECT DESCRIPTION
Interior renovation of existing offices at two story, frame and masonry commercial office building.

LEGAL DESCRIPTION
The south 137.75 feet of Lot One (1), Block One (1), Westdale Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and the south 110 feet of Lots One (1) and Two (2), Block Forty-One (41), amended plat of West Tulsa, now an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.



A1

OFFICE RENOVATION
CRC & ASSOCIATES, INC.
916 West 23rd Street
Tulsa, Oklahoma

KAREN MCCALL DUNNING, AIA
ARCHITECTURE ♦ SPACE PLANNING
211 East 24th Place
Tulsa, OK 74114-2805
918♦851♦5058

2.11



PO Box 141304
Broken Arrow, OK 74014
Office: 918-800-1299
928 W. 23rd Street: 918-800-1382
Email: FoodDudeBurgerJoint@gmail.com
Web: TheFoodDude.kitchen

To Whom It May Concern,

I have been a neighboring business to Cheryl Cohenour of the White Rabbit located at 916 W. 23rd street for a little over one year since March 2021. During this period, we have not had any issues or concerns of them being located next to our business, or as a community member. We have experienced no noise or traffic from their business location whatsoever and could not ask for a better business neighbor next door to us.

If you have any additional questions or need clarification, please feel free to contact me on my cell or by email.

Best regards,

Billy Martin
Operations Director
The Food Dude's Burger Joint
928 W. 23rd Street
Tulsa, OK 74107
Office: 918-800-1299
Cell: 918-264-1198
Email: TheFoodDudeBurgerJoint@gmail.com

April 14, 2022

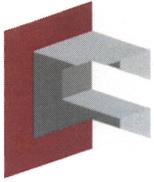
To Whom it May Concern
Tulsa Board of Adjustment

I own a business located on W. 23rd Street named Green Cross Dispensary and have an approved variance for 5 years granted from the Board of Adjustment.

I know and support the owner of 916 W 23rd Street that operates as a discreet processing company called White Rabbit Medicinals. They are quiet and are good neighbors and are concerned that the neighborhood maintains active businesses that contribute to the economy of The City of Tulsa. I would support them receiving another long-term variance in order to be able to continue to operate in this location.

Sincerely,

Mathew Boyd
Green Cross Dispensary and Processing



CONSTRUCTION ENTERPRISES

Construction Enterprises Incorporated
902 West 23rd Street
Tulsa, Oklahoma 74107
O 918.587.0284 F 918.583.8937
office@ceitulsa.com
www.ceitulsa.com

April 14, 2022

To Whom it May Concern
Tulsa Board of Adjustment

I own a business located on W. 23rd Street named Construction Enterprises Inc. and am next door to 916 W 23rd Street that operates a cannabis processing business called White Rabbit Medicinals.

I know and support the owner and the operator of 916 W 23rd Street which operates as a discreet processing company called White Rabbit Medicinals. The business has no signage on the building and there are few employees. They are quiet and are good neighbors and we look out for each other and our businesses. The owners are concerned that the neighborhood maintains active businesses that contribute to the economy of The City of Tulsa. I would support them receiving another long-term variance in order to be able to continue to operate in this location.

Sincerely,

Construction Enterprises Inc.

Thomas H. Viuf

Thomas H., Viuf

President



SOUTHWEST BLVD

S PHOENIX AVE

W 20TH ST S

W 20TH PL S

S OLYMPIA AVE

S NOGALES AVE

S MAYBELLE AVE

W 22ND ST S

W 22ND PL S

S PHOENIX AVE

W 23rd ST S

W 23RD PL S

S OLYMPIA AVE

W 24TH ST S

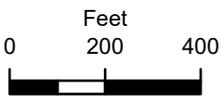
S MAYBELLE AVE

S JACKSON AVE

S PHOENIX AVE

W 24TH PL S

W 25TH ST S



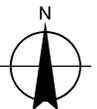
Subject Tract

BOA-23392

19-12 14

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

Aerial Photo Date: 2020/2021



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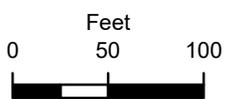
W 22ND PL S

W 23rd ST S

S NOGALES AVE

W 23RD PL S

S MAYBELLE AVE



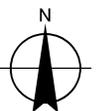
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



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