

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, November 12, 2019, 1:00 P.M.**

**Meeting No. 1240**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of October 8, 2019 (Meeting No. 1238).

**UNFINISHED BUSINESS**

2. **22757—Michael Sager**  
Variance to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3). **LOCATION:** 302 South Peoria Avenue East **(CD 4)**
3. **22763—Eller & Detrich – Lou Reynolds-**  
Appeal of the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Section 70.140). **LOCATION:** 3810 & 3840 South 103<sup>rd</sup> East Avenue **(CD 7) (Case Withdrawn by Applicant)**
4. **22770—Headquarters 66 – Charles Lewis**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 9306 East 11<sup>th</sup> Street South **(CD 5)**

**NEW APPLICATIONS**

5. **22771—Brent Barnes**  
Special Exception to allow a Large Commercial Assembly & Entertainment Use (more than 250) in the CS District in order to permit a Comedy Club (Section 15.020, Table 15-2). **LOCATION:** 5970 & 5974 East 31<sup>st</sup> Street South **(CD 5)**
6. **22772—Cannabis Galleria, Inc.**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6130 South Union Avenue West **(CD 2)**

7. **22773—Greg Sandella**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 6519 East 46<sup>th</sup> Street South (CD 5)
8. **22774—Tulsa Gathering Place, LLC**  
Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of The Gathering Place and construction of the Children's Museum in a RM-1, RM-2, and RS-3 Districts (Section 5.020). **LOCATION:** 131 East 31<sup>st</sup> Place South and 3137 South Boston Court East (CD 4)
9. **22775—Stephanie Dunn**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 9402 East 55<sup>th</sup> Place South, Suite B (CD 7)
10. **22776—Donnie Volkl**  
Variance of the allowable square footage for detached accessory buildings in the RS-3 District (Section 45.030); Variance to allow a detached accessory building to exceed one story or 18 feet in height (Section 90.090-C.2). **LOCATION:** 2626 West 79<sup>th</sup> Street South (CD 2)
11. **22777—Todd Shust**  
Variance of the 35-foot front street setback in an RS-1 District (Section 5-030).  
**LOCATION:** 4424 South Gary Avenue East (CD 9)
12. **22778—GH2 Architects – Jameson Shaffer**  
Variance to allow structures to project into the street right-of-way to permit construction of canopies (Section 90-090). **LOCATION:** 410 South Main Street (CD 4)
13. **22779—M D Haq**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 6322 South Peoria Avenue East (CD 2)
14. **22780—Tulsa Habitat for Humanity**  
Variance to reduce the building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 District (Section 90.090-A, Table 5-3); Variance to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Section 90.090-A, Table 5-3). **LOCATION:** 1235 North Trenton Avenue East (CD 1)

15. **22782—Magdaleno Jaimes**  
Special Exception to permit a carport in the street setback and street yard with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1). **LOCATION:** 6851 East King Place East (**CD 3**)
16. **22783—Tony Jordan**  
Variance to reduce the required 25-foot rear setback in an RS-1/RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 2407 East 26<sup>th</sup> Place South (**CD 4**)
17. **22784—Anthony Smith**  
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 814 South Sheridan Road East (**CD 5**)
18. **22785—Cindy Davis**  
Verification of the 300-foot spacing requirement for a family home daycare from another family home daycare (Section 45.070). **LOCATION:** 7415 East 83<sup>rd</sup> Street South (**CD 8**)
19. **22786—Tanner Consulting, LLC**  
Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG District (Section 55.090-F). **LOCATION:** 7323 South Elwood Avenue West (**CD 2**)
20. **22787—Chong Xiong**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 4701 East 11<sup>th</sup> Street South – ***TENANT SPACE: 4713 East 11<sup>th</sup> Street South*** (**CD 4**)
21. **22788—Wallace Engineering**  
Variance to reduce the required Transparency Percentages for a building façade in a MX-1-U District (Section 10.030-C, Table 10-5); Variance of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District (Section 55.020, Table 55-1). **LOCATION:** North of West 23<sup>rd</sup> Street South and South of West 21<sup>st</sup> Street South between Southwest Boulevard and South Jackson Avenue West (**CD 2**)
22. **22789—Jay Hubbell**  
Variance to reduce the 35-foot side setback from an arterial street in a RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 1948 South Florence Avenue East (**CD 4**)

23. **22790—Jesse Strickland**  
Variance to reduce the 25-foot rear setback in an RS-1 District (Section 5.030-A, Table 5-3). **LOCATION:** 4728 South Lewis Court East (**CD 9**)
24. **22791—Amber Hager**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 503 North Peoria Avenue East (**CD 1**)
25. **22792—Josh Kunkel**  
Special Exception to permit a Large Commercial Assembly and Entertainment use (more than 250-person capacity) in an IL District to permit expansion of an existing gymnastics facility (Section 15.020-C). **LOCATION:** 7020 East 38<sup>th</sup> Street South (**CD 5**)
26. **22793—Tracey Diehl**  
Special Exception to permit signage in the Right-of-Way (Section 60.020-E); Special Exception to allow directional and way-finding signage for business establishments in an IMX District (Section 60.090-3); Variance to permit directional and way-finding signage to be permitted in the right-of-way and not on the lot containing the use (Section 60.090-3). **LOCATION:** *Pedestrian Bridges* connecting St. John's Hospital above Wheeling Avenue between East 19<sup>th</sup> Street South and East 21<sup>st</sup> Street South (**CD 4**)

## **OTHER BUSINESS**

## **NEW BUSINESS**

## **BOARD MEMBER COMMENTS**

## **ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

**CD = Council District**

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office, INCOG. ALL electronic devices MUST be silenced during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1239  
Tuesday, October 22, 2019, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Van De Wiele, Chair Bond, Vice Chair Ross, Secretary Radney Shelton		Wilkerson Chapman Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on October 17, 2019, at 9:50 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

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Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

None to be approved.

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**UNFINISHED BUSINESS**

**22757—Michael Sager**

**Action Requested:**

Variance to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3). **LOCATION:** 302 South Peoria Avenue East **(CD 4)**

**Presentation:**

**Robert Sartin**, Attorney, 110 West 7<sup>th</sup> Street, Suite 900, Tulsa, OK; stated he represents the developer. The developer has requested a continuance of this matter this morning until the next scheduled meeting. The developer intends to redesign the building to flip the access into the building to the north side, and that may affect the Variance request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; absent) to **CONTINUE** the request for a Variance to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3) to the November 12, 2019 Board of Adjustment meeting; for the following property:

**PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

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**NEW APPLICATIONS**

**22763—Eller & Detrich – Lou Reynolds**

**Action Requested:**

Appeal of the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Section 70.140). **LOCATION:** 3810 & 3840 South 103<sup>rd</sup> East Avenue **(CD 7)**

**Presentation:**

**Lori Decter Wright**, Tulsa City Council, District 7, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated she is requesting a continuance to the November 12<sup>th</sup> Board of Adjustment meeting which would allow the City Council to consider the PUD major amendment on the Council agenda for tomorrow. There was a discussion and committee last week and she does not foresee there being any controversy tomorrow night.

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated on behalf of the applicant, Epic Charter Schools, he objects to the continuance request because this is not about something that can be cured in the City Council. This has been a denial of the applicant's constitutionally protected property rights because this Planned Unit

Development allows a school use on this property as a matter of right. It is not something that can be fixed. The school would have had students in class in September if they had been able to get a building permit that they are entitled to. This is further delay and this PUD allows a school, so he objects to this request. If this had been interpreted properly the case would have gone to the Planning Commission and he would not be before the Board today. He wants an opportunity to make his case.

Mr. Van De Wiele asked Mr. Reynolds when is the next opportunity for students to be in the space? Mr. Reynolds stated it would be the first of the year.

**Lori Wright** came forward and stated with all due respect the property is zoned office light, OL, and according to the Zoning Code there is a Special Exception that needs to come before the Council under that PUD major amendment. The concern here is that the Council needs to retain authority over these types of cases.

**Lou Reynolds** came forward and stated that some of the misunderstanding is the property is not zoned OL, the property is zoned PUD-230. PUD-230 permits a school use by right and that is why he is here today. The school is being denied their constitutional property rights, and the Board knows you cannot get your rights back once they have denied. Delay doesn't fix it and having the City Council grant a major amendment to the PUD doesn't fix the fact that the property rights were denied.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Van De Wiele asked staff if they could give some history as to where these dual tracks, PUD amendment and this appeal application started and what timeline they are on.

Mr. Wilkerson stated the history is in the staff report, which shows the last three items, one being a BOA application for a Special Exception for the school use. The last three items have worked their way through the office beginning in July 2019, and there were two that were withdrawn, and the PUD application came in August 1<sup>st</sup> and that will be heard this Wednesday.

Mr. Van De Wiele asked if what is before City Council for discussion and vote tomorrow would clarify the use issue. Mr. Wilkerson answered affirmatively; there are two public hearings and 30-day wait time after tomorrow's meeting.

**Lou Reynolds** came forward and stated there is a 30 working day wait time after the Ordinance is published. So, there is probably ten days after the City Council approves this, if they do approve this, ten days to get it published and 30 working days before the Ordinance becomes effective. This is all subject to political and procedural delay and it is unwarranted in this case. If the Board is inclined to grant this case he would

respectfully request to put the applicant's case on today so it can be heard and in the record.

Mr. Van De Wiele asked Ms. Wright if the emergency clause shortens the 30-day waiting time. Mr. Wright came forward and stated that it is her understanding is that this is under the Boards and Authorities, it is not under the first reading for tomorrow. Ms. Wright stated that she is not sure what political delays Mr. Reynolds is referring to. At the Council level there has been no controversy around this, and she understands it is Epic Charter Schools and they may be under scrutiny from the public, but even constituents have not contacted her about this. To her knowledge none of that is factoring into this decision. From an administrative standpoint Council wants to make sure precedent is not being set unintentionally.

Ms. Blank stated that in general, when an Ordinance is passed with emergency it becomes effective upon publication.

Mr. Bond stated that he understands the Council's concern based on issues that it is the City Council's right to make a decision and concerns about precedent. He also is concerned about the claim which is for a use by right which is being denied. He thinks that is a compelling argument to hear this case today.

Mr. Van De Wiele stated he understands the two pathways and the amendment of the PUD portion is well on its way to being heard tomorrow. Mr. Reynolds is correct in that at any moment that could change and become less clear. His personal inclination would be to continue this case until the 12<sup>th</sup> of November, by that time there should have been the first and second reading. He thinks there are more issues than just this one property involved in the appeal, and he would be inclined to hear the appeal on the 12<sup>th</sup> of November. He does not think a one meeting delay is an overly burdensome continuance.

Ms. Radney stated she defers to the Chair's judgment in this case.

Ms. Ross stated she could hear this case today or continue it to the 12<sup>th</sup> of November. She is hearing that should be no issues with tomorrow's meeting so why wait.

Ms. Shelton stated that she does not know that even this was going to take a day longer that would change anything. She is against the continuance.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 2-3-0 (Radney, Van De Wiele "aye"; Bond, Ross, Shelton "nay"; no "abstentions"; none absent) to **CONTINUE** the request for an **Appeal** of the Administrative Decision issued in Zoning Code Interpretation #2019-01 that a Major Amendment is required to PUD-230 in order to permit a school use (Section 70.140) to the November 12, 2019 Board of Adjustment meeting; for the following property:



**LOT ONE (1), BLOCK ONE (1), BISHOP ACRES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 3947., City of Tulsa, Tulsa County, State of Oklahoma**

Mr. Van De Wiele stated the continuance was denied, this will be heard in the ordinary course of the agenda.

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**UNFINISHED BUSINESS**

**22714—Diana Capehart**

**Action Requested:**

Appeal of a decision by the Tulsa Preservation Commission to deny Historic Permit Application #HP-0116-2019 to permit the replacement of a tile roof with shingles (Section 70.070-L). **LOCATION:** 1110 East 18<sup>th</sup> Street South (CD 9)

**Mr. Van De Wiele stated the Board typically hears from the Preservation Commission first.**

**Presentation:**

**Jed Porter**, Historic Preservation Officer, City of Tulsa, 2 West 2<sup>nd</sup> Street, Suite 800, Tulsa, OK; stated on Friday, June 14<sup>th</sup>, the staff of the Tulsa Preservation Commission received a report of replacement of the tiles on the roof of the residence of Dr. and Mrs. Capehart. The project was completed without a historic preservation permit which would have been required according to Section 7070A of the Zoning Code. When informed about the requirement for a historic preservation permit Mrs. Capehart submitted an application and the proposal for the work already completed was reviewed by the Tulsa Preservation Commission during its regular meeting on July 11<sup>th</sup>. The proposal for the replacement of the tiles with shingles was not approved and the denial of that proposal has been appealed. The proposal for the work already completed was denied due to its lack of compliance with unified design guidelines and its introduction of a significant alteration of the appearance of the residence. The unified design guidelines are explicit, Guideline A1.1, advises the retention and preservation of existing historic architectural elements. Guideline A.1.2 advises that whenever replacement of historic architectural elements is necessary, the size, shape, pattern, texture and directional orientation is to be matched with the original historic elements. Guideline A.5.6 refers specifically to roofs and advises that whenever the materials of the roof would be changed that the replacement materials should maintain the character of the structure and the size, shape, pattern, texture and directional orientation of the historic roof. A roof covered with shingles does not match a roof covered with tiles.

Mr. Van De Wiele asked Mr. Porter about the timeline, when this came to the attention of the Commission was the roof totally completed at that point in time? Mr. Porter answered affirmatively.

Mr. Van De Wiele asked Mr. Porter about the guidelines he was just reading; the architectural elements in the historic preservation arena are the roof and shingle materials fall into those guidelines? Mr. Porter answered affirmatively.

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents the landowner, Dr. and Mrs. Capehart. Mr. Shank stated the Board sits in an appellant capacity; you step into he shoes of the Preservation Commission. The Board has all of their power and the Board is tasked with hearing the application in the role of the Commission. It is a balancing test rooted in fairness that asks the Board to analyze the degree to which work that was done on this home, how it balances between the purpose and the intent of the Historic Preservation regulations, and the desires and needs of the landowner. That is the Board's task. Mr. Shank thinks that when the Board looks at the facts of this case and actually apply them to the pertinent criteria there is but one conclusion, the permit denial should be overturned. If the Board looks at the staff report on page 5.3, staff has laid out the standard under the Zoning Code that the Board's task to the greatest extent possible affecting a fair balance between the purpose and intent of the HP District regulations and desires of the landowner. The Capehart family has lived in the subject house since 1974, before any Historic Preservation Zoning Code existed and before the overlay was put in this area. Work has been done over time, none of which would have triggered or required a permit so, the record shows the Board clearly when asked by staff at the hearing and it was intimated that when informed of the requirement, the homeowners did not know they needed a permit from the Commission to change their failing roof. The desire of the landowner was to replace a failing roof. Mr. Shank stated that if the Board read the minutes of the meeting and listened to staff's comment, he never heard the historical character of the home. That is critical, because the purpose and intent of the HP District regulations does two things, preserve historic districts and historic resources located therein. Mr. Shank referred to Architect John Brooks Walton book "100 Historic Tulsa Homes". In the book, on page 74, the Capehart is discussed; it is known in the book as the McGraw mansion. Architect Walton tells the public the historical character of the subject house is a Dutch Colonial with a red brick and cut limestone façade built in 1960. That is the starting point and that is never discussed anywhere in the Commission's minutes. He does not know how there can be a fair balance without that in mind. Knowing that the house is Dutch Colonial, Mr. Shank referred to page 5.4 of the staff report, which reference the Zoning Code 7070-F. There are five guidelines to be considered in analyzing the historic preservation permit to replace a failing roof. Number one, the degree to which the proposed work is consistent with the applicable design guidelines. The pertinent guidelines in this case are in Section A1 and A5. A1 talks about general guidelines for rehabilitation of existing structures. A historical architectural element is undefined in the design guidelines. There is a demonstrative picture, but the roof cover is not referenced in that picture. Mr. Shank referred to the general guidelines applicable to this permit; #1

retain and preserve the existing historic architectural elements of the house. Mr. Shank referred to a demonstrative picture, page 3 of the handout, showing the house after the roof was replaced with shingles and shows a plethora of historical architectural elements on the roof, none of which were disturbed by the project. All of which were preserved by the landowner. These are very similar to the demonstrative labeling in the design guidelines. Number 2, if a homeowner does replace historical architectural elements match the character, etc. The historical character of the subject house is Dutch Colonial. Mr. Shank stated that he consulted with several architects and asked what is roofing material consistent with Dutch Colonial historical resources? The answer was that tile is not typical roof covering of Dutch Colonial historic residences. In fact, some form of shingle is the more typical roof covering for this historical character. On page 2 of the handout there is a guideline for roofs. Retain and preserve the original historic roof form and pitch which has been satisfied. Number 2, do not remove character defining architectural features; all the architectural character features were preserved. When doing a balancing test rooted in fairness the Board has to take into account the extent of the historical architectural elements that were preserved by the landowner. Number 3, if a homeowner is going to replace deteriorated features maintain the character of the structure which is Dutch Colonial. Shingled roof coverings are consistent with that historical character. Elmwood; match the original historical roof material. This is the only place in the entire guidelines that tells a homeowner that he has to use the same roof covering. Mr. Shank stated that Elmwood is one mansion on Riverside Drive. Out of all the HP Districts there is only one home that has to absolutely match the roof covering. That speaks to a balancing test; that balances multiple design guidelines focused on preserving historical character with the needs and desires of the asset owner. All the historical elements were maintained and preserved by the landowner. The second review criteria the Board has to analyze the facts and to which degree the proposed work would destroy or alter all or part of the historic resource, which may be the most important single fact. Page 4 of the application is an e-mail from Dr. Porter to the Capehart's referencing a conversation that was had with the national registered coordinator on the staff of the State Historic Preservation Office in Oklahoma City. The Commission sent before and after pictures, asking

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to **APPROVE** the request for a Special Exception to allow a duplex in an RS-5 District (Section 5.020, Table 5-2); Variance of the 25 foot setback for a Special Exception Use from R-zoned lots occupied by residential uses (Section 50303-B, Table Note 4); Variance of the required number of parking spaces (Section 55.020, Table 55-1), subject to conceptual plan 3.6; not intended to require the drive to the rear. The Board finds the hardship to be the small

size and narrowness of the lot, and the undue burden of providing extra parking for such a small domicile. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 4 BLK 16, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22746—Shane Hood**

**Actin Requested:**

Special Exception to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district; Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2).

**LOCATION:** 3924 West Charles Page Boulevard South **(CD 1)**

**Presentation:**

**Shane Hood**, 815 East 3<sup>rd</sup> Street, Tulsa, OK; stated the subject property consists of six lots that will be used for the event space. The building will hold about 89 people and there will be an outdoor area that is also used for entertainment. The event center requires 22 parking spaces, and there are 21 on the lot with an additional 22 parking spaces next door.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to **APPROVE** the request for a **Special Exception** to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district; **Special Exception** to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2), subject to conceptual plans 4.5 and 4.24 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:

**LOT 4 BLK 1; LOT 5 BLK 1; LOT 6 BLK 1; LOT 7 BLK 1; LT 8 BLK 1; E. 1/2 OF LOT 9 BLK 1, HOME GARDENS SECOND ADDN - TULSA, City of Tulsa, Osage County, State of Oklahoma**

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**NEW APPLICATIONS**

**22749—Magic Leaf, LLC**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION:** 4210 East 11<sup>th</sup> Street South (CD 4)

**Presentation:**

**Jordan Towers**, 4210 East 11<sup>th</sup> Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of a copy of the applicant's license on page 5.5 and the spacing exhibit on pages 5.6 and 5.7.

Mr. Van De Wiele asked Mr. Towers if he was aware of any other establishments or license holders in the 1,000-foot radius. Mr. Towers stated that he was not aware of any.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION of BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LT 1 BLK 2, BEVERLY HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22750—Raul Reyes**

**Action Requested:**

Special Exception to permit a manufactured home in a RS-3/AG District (Section 5.020, Table 5-2 and Section 25.020, Table 25-1.5); Special Exception to extend the one year time limit for a manufactured home to indefinitely (Section 40.210); Variance to allow the use of a non dustless, all-weather parking surface to permit a gravel driveway (Section 55.090-F.1). **LOCATION:** West of the SW/c of East 46<sup>th</sup> Street North and North Lewis Avenue East **(CD 1)**

**Presentation:**

**Raul Reyes**, 19 South 70<sup>th</sup> East Avenue, Tulsa, OK; stated he would like to have a manufactured home for his home.

Mr. Van De Wiele asked Mr. Reyes how old the manufactured home is. Mr. Reyes stated that it will be a new manufactured home.

Mr. Van De Wiele asked Mr. Reyes what the orange box is that is shown on the map of the subject site. Mr. Reyes stated that it is the driveway. Mr. Reyes stated that he would like to have the drive as gravel in the beginning and eventually have a concrete driveway. Mr. Van De Wiele asked Mr. Reyes if there were other gravel driveways in the area. Mr. Reyes answered affirmatively.

Mr. Van De Wiele asked Mr. Reyes to state his hardship to allow the gravel driveway. The house will be placed about 100 feet from the street and it is too costly to lay a concrete driveway in the beginning. Mr. Van De Wiele stated the Board is not allowed to grant a Variance based on financial hardships, so there needs to be something other than an expense. Mr. Reyes stated there are things that he does not understand very well.

**Kimberly Espino**, 19 South 70<sup>th</sup> East Avenue, Tulsa, OK; stated she is the daughter of Mr. Reyes and she would like to explain. Her father wants to have the driveway extend from the street all the way to the house, and the property is very bumpy.

Ms. Radney asked Ms. Espino if the property was not level. Ms. Espino answered affirmatively. The property was formerly part of the neighbor's land, that is why their driveway is so close to the property line and part of that drive is on the subject property. So, her father would like to move the driveway over, so it is not so close to the neighbor.

Ms. Radney asked Ms. Espino if there was a reason, they chose the place on the lot they did for the manufactured home. Ms. Espino her father would like to have the house a little bit farther from the street for privacy, plus they want to preserve the trees.

**Interested Parties:**

**Donnie Hall**, 10392 East 21<sup>st</sup> Street, Tulsa, OK; stated he owns the property to the east of the subject site. His concern is that this will diminish property values. He is not aware of any trailers on that side of the street, and he thinks a manufactured home would be inappropriate for the area. He wants to keep the neighborhood moving forward and would not want to see it take a step backwards.

Ms. Radney asked Mr. Hall if he had a gravel driveway on his property. Mr. Hall answered affirmatively, but he has started concrete work.

Mr. Van De Wiele asked Mr. Hall where the nearest manufactured homes were located in relation to the subject site. Mr. Hall stated that he did not know.

**Rebuttal:**

**Kimberly Espino** came forward and stated that she does not think by having a manufactured home on the subject property is going to change things, it is just a home.

Ms. Radney asked Ms. Espino what the intended use for the rest of the property would be, because it is a large lot. Ms. Espino stated that the family would like to have some farm animals and have a yard for family gatherings.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to **APPROVE** the request for a Special Exception to permit a manufactured home in a RS-3/AG District (Section 5.020, Table 5-2 and Section 25.020, Table 25-1.5); Special Exception to extend the one year time limit for a manufactured home (Section 40.210); Variance to allow the use of a non dustless, all-weather parking surface to permit a gravel driveway (Section 55.090-F.1),

subject to conceptual plans 6.11 for the location, 6.12 and exhibits submitted by the applicant today for the style and architectural features. The manufactured home is to be new, skirted, and tied down. This approval has a time limit of ten years, October 2029. The Board finds the hardship to be the nature and layout of this lot and the existing adjoining non-all-weather parking surface. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**E/2 W/2 NE NW NE SEC 18 20 13, City of Tulsa, Tulsa County, State of Oklahoma**

**22751—Nathan Cross**

**Action Requested:**

Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020, Table 15-2). **LOCATION:** 1315 North Utica Avenue East (CD 1)

**Presentation:**

**Nathan Cross**, 2 West 2<sup>nd</sup> Street, #700, Tulsa, OK; stated the building is a former steel manufacturing facility that has been vacant for a few years. The property was rezoned in 1977 and they maintained a 75-foot buffer of IL around the southern end of the property. It is presumed that the IL zone was to buffer the property from the IM zoning, but the IM zoning breaks across the building as illustrated on the zoning map. Today's



request is just for the use in the IM zoning where the northern part of the building is contained.

Mr. Van De Wiele asked Mr. Cross if this was a common owner between the two lots. Mr. Cross stated that it is not two lots but is one lot with two different zonings.

Mr. Cross stated the property is surrounded on almost all sides by other industrial uses; it is IL heavy in the area. He does not think the use being proposed is inconsistent with the use of the area. This was a former steel manufacturing facility so prior to this request there were trucks going in and out of the property, heavy equipment being used, fumes, smoke, etc. The proposed use is to repurpose the property into an extraction facility. The extraction will be in the northern part of the building and there are no plans to expand from the designated location. Everything else in the building will be associated uses; offices, packaging, sales and storage of the finished product. This facility is less intensive than the previous use.

Ms. Ross asked Mr. Cross if there would be sales to the general public. Mr. Cross stated there would be no sales to the general public, it is not a dispensary. This is a manufacturing facility and that is all it is and all it ever will be during the tenancy term.

Mr. Van De Wiele asked Mr. Cross what type of extraction would be used in the process. Mr. Cross stated that it will be solvent extraction; it will not be butane extraction. Mr. Cross stated that his client has six other facilities across the United States, all of which have far more restrictive state requirements than Oklahoma.

Mr. Van De Wiele asked Mr. Cross if his client was to occupy the entire building. Mr. Cross answered affirmatively.

**Interested Parties:**

**Kathy Hayworth**, 2202 North Denver Boulevard, Tulsa, OK; stated she owns a dispensary next door to the subject property; 1333 North Utica Avenue and she was concerned about the type of sales they were going to have.

Mr. Van De Wiele stated that as an extraction entity they would be selling to people that make products that are then sold to the dispensary to be sold to the general public.

**Charles Wilken**, 6960 Foxbrier Drive, Tulsa, OK; stated he is one of the partners in the entity. He does not have a dispensary license and he is happy to have Ms. Hayworth's business next door. The same landlord actually owns both properties. The facility will be making product and there will be a sales and administration accounting team on site that will sell to dispensaries.

Mr. Van De Wiele asked Mr. Wilken to explain the type of extraction that will be done on the site. Mr. Wilken stated that it is ethanol-based extraction as opposed to CO<sub>2</sub> extraction which high pressure extraction or butane extraction. This is a filtration extraction that operates at very cold temperatures instead of heat.

**Cody Nelson**, 1076 Spotted Bull Court, Henderson, NV; stated the type of extraction is an ethanol-based extraction; it will be very cold temperatures that is very much below the boiling point for any risk of fumes. It is very safe and in over ten years there have been zero issues; it is one of the most calm and easiest extractions to be used. The facility is obligated to have general liability, products liability, accident, auto and other sorts of insurance, not just to protect the citizens but to protect the facility. The facility also brings another added element of security as well. The Oklahoma Bureau of Narcotics and Dangerous Drugs has specific requirements on this type of facility, so as opposed to a dispensary. There will be video and access monitoring also.

**Rebuttal:**

**Nathan Cross** came forward and stated this is an IM location. This is a relatively heavy industrial area and there has been heavy industrial on the site for years, and it is consistent with the area. His clients will do whatever they need to do.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to **APPROVE** the request for a **Special Exception** to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020, Table 15-2), subject to conceptual plan 7.10 and the exhibit submitted today, subject to conceptual plan 7.10 and the exhibit submitted today. The marijuana extraction process is limited to butane, propane, ethanol, and all other extraction methods allowed by right in the IM and IL Districts. 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:

**The Southwest Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW/4 SW/4 NW/4 NE/4) of Section Thirty-One (31), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT the South 75 feet thereof, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Van De Wiele left the meeting at 2:36 P.M.**

**22752—Lester Shaw**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
LOCATION: 1511 East Apache Street North (CD 1)

**Presentation:**

**Lester Shaw**, 1511 East Apache Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Bond stated the Board has received the applicant's spacing verification on page 8.6.

Mr. Bond asked Mr. Shaw where the nearest marijuana dispensary to his location is located. Mr. Shaw stated the nearest dispensary is located at Peoria and Apache.

**Interested Parties:**

**Steven Blades**, 1621 North Greenwood Place, Tulsa, OK; stated he is the Pastor of St. Luke's Baptist Church. This proposed dispensary is actually being built at the back door of the church, and he is concerned about that and he doesn't know what the City Ordinance is regarding that situation.

Ms. Blank stated the City Ordinance only has the separation requirement from another dispensary; it is not something the City has in its ordinance.

Pastor Blades stated that he has a problem with where the dispensary is being placed. The area is a drug infused area and some of these dispensaries draw negativity. There are young people and elderly people at the church quite frequently, and he would like to see it moved to another location.

**Mr. Van De Wiele re-entered the meeting at 2:40 P.M.**

**Curtis Webster**, 5460 North Iroquois, Tulsa, OK; stated he is concerned about property values diminishing. The neighborhood cannot even get a decent grocery store to move in, and if this is all the neighborhood to look forward to it is sad. He is a coach and teacher and he has dealt with people all his life. This area is crime ridden and this will increase the crime. His concern is safety for the citizens of the area. He would like for the dispensary to relocate.

**Otee Jones, Jr.**, 1148 North Boston Place, Tulsa, OK; stated he is the Associate Minister at St. Luke's Baptist Church. He questions the morality. He is an ex-marijuana user and it brings crime, theft, and destruction of property. Most of this is being done on a recreational level. There is a dispensary on the corner of Apache and Peoria which is four blocks away, and would that make this dispensary within the 1,000-foot radius?

**Rebuttal:**

**Lester Shaw** came forward and stated he owns several pieces of property on Apache, about six acres. He is coming back into the community and wants to rebuild it. The church that is located behind the subject property has been there for years. There is a crack house located next to the church and nothing has been done about that. He just invested \$80,000 into the building and he is bringing positive vibes to the neighborhood.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LT 12 BLK 4, MARTIN ROLL ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22753—Larry McCool**

**Action Requested:**

Variance of the allowable square footage for detached accessory buildings in the RS-1 District (Section 45.030); Special Exception to exceed the allowable driveway width in the right-of-way and in the street yard (Section 55.090-F.3). **LOCATION:** 9402 East 16<sup>th</sup> Street South **(CD 5)**

**Presentation:**

**Larry McCool**, 9402 East 16<sup>th</sup> Street, Tulsa, OK; stated he trying to retire so the project is an attempt to provide a garage for a motorhome and a shop to woodworking in. The property is 2.7 acres in size, and the former owners, Dr. and Mrs. Gross, were the owners of Southern Ag and he was a veterinarian, so he built a barn on the rear of the property. The barn is about 900 square feet and he would like to add about 1,500 square foot building. The location of the proposed building needs to have access either off 16<sup>th</sup> Street or 94<sup>th</sup> Street to be able to access the building with a vehicle. There is a ten-foot overhead utility easement on the east side of the house, so the proposed structure needs to go on the west side of the easement or the east side of the easement.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Van De Wiele stated that Dr. and Mrs. Gross are personal acquaintances and he asked Ms. Blank if she thought that would create a conflict, because he does not think it does. Ms. Blank stated that as long as the relationship does not interfere with the decision making and can be impartial in this request. Mr. Van De Wiele stated that he is familiar with the subject property and it is a unique piece of property. He thinks from the size standpoint this would be an okay use.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) to **APPROVE** the request for a **Variance** of the allowable square footage for detached accessory buildings in the RS-1 District (Section 45.030); **Special Exception** to exceed the allowable driveway width in the right-of-way and in the street yard (Section 55.090-F.3), subject to conceptual plans 9.6 and 9.7 of the agenda packet. The Board finds the hardship to be the unique shape and surrounding characteristics and topography of the subject lot. 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. In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 1 BLK 1, WINDSOR PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Van De Wiele left the meeting at 2:55 P.M.**

**22755—918 Elevate**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION:** 2828 East 91<sup>st</sup> Street South (CD 2)

**Presentation:**

**Joshua Wyrick**, 2828 East 91<sup>st</sup> Street, Tulsa, OK; no formal presentation was made by the applicant, but he was available for any questions from the Board.

Mr. Bond stated the Board is in receipt of the applicant's spacing verification exhibit on page 11.7. The Board also has a copy of the applicant's license on page 11.11.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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

**LT 1 BLK 1, CAR CARE ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22756—Frank Stewart**

**Action Requested:**

Variance of the setback to allow a canopy structure in the right-of-way along Peoria Avenue.(Section 90.090). **LOCATION:** 3739 South Peoria Avenue East (CD 9)

**Presentation:**

**Michael Sager**, 825 East Admiral Boulevard, Tulsa, OK; stated he is representing Frank Stewart. This is a commercial mixed-use building located in Brookside. The canopy awning has been in place since 2008 and it was removed due to deterioration, and the owners would like to have the canopy back in place.

Mr. Bond asked Mr. Sager to state the hardship for this request. Mr. Sager stated the hardship the fact is the canopy was designed and permitted in 2008, the canopy deteriorated and removed. The purpose of the canopy is for sheltering people in the

outside area of the facility, and it is also the environmental control for the restaurant which was designed with floor to ceiling glass which faces west.

Mr. Bond asked Mr. Sager if he would agree that there has been outside dining in Brookside going back before the Comprehensive Zoning Plan. Mr. Sager answered affirmatively.

**Interested Parties:**

There was an interested party present, but he did not want to speak unless necessary.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 3-0-1 (Bond, Radney, Ross "aye"; no "nays"; Van De Wiele "abstaining"; Shelton absent) to **APPROVE** the request for a Variance of the setback to allow a canopy structure in the right-of-way along Peoria Avenue.(Section 90.090), subject to conceptual plans 12.7 and 12.8 of the agenda packet. Also included in the approval is the existing license agreement on pages 12.12, 12.13 and 12.14 of the agenda packet. The Board finds the hardship to be that the necessity of replacing the canopy provides shade to diners of the building. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**W305 S165.57 GOV LT 3 LESS W50 & S25 E255 FOR STS SEC 19 19 13 .823AC,  
City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Van De Wiele re-entered the meeting at 3:05 P.M.**

**22757—Michael Sager**

**Action Requested:**

Variance to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3). **LOCATION:** 302 South Peoria Avenue East (CD 4)

**Presentation:**

**Michael Sager**, 825 East Admiral Boulevard, Tulsa, OK; stated the property is the former Hanna Lumber Company. The corner is a unique piece of property in that to the east it bounds Peoria Avenue, to the north it bounds 3<sup>rd</sup> Street, and on the diagonal going to the west it bounds 4<sup>th</sup> Street which goes under the viaduct for the railroad. The property is zoned IM and this zoning is appropriate for the requested use. The ten-foot setback for 429 square feet impacts this lot by over 4,000 square feet of buildable area. There is no way for this lot to acquire the next-door neighbor's property because the next-door neighbor is the railroad, which has been there since the beginning of Tulsa. The use requested for the subject property is a quiet operation similar to an office building. In the early 1900s the founding fathers expected the intersection of 3<sup>rd</sup> and Peoria to be a major intersection so the widths for a short distance are particularly wide. In the 1960s Mr. Hanna dealt with the City and an agreement was entered into allowing Hanna Lumber Company to use a 20-foot strip down the face of 3<sup>rd</sup> Street and Peoria; the agreement is included in the agenda packet. When the 20-foot back of the curb line and add the 10 feet back of that, the visual impact of the neighborhood drives the building back 30 feet back into the lot. The relief being requested would allow the building to comply with the form base code which the Pearl District fought so diligently for and QuikTrip ignored when they developed in the opposite corner of the district, which would be 11<sup>th</sup> and Utica. This property is the juxtapose to QuikTrip; 11<sup>th</sup> and Utica and 3<sup>rd</sup> Street and the railroad going into downtown. The relief would still leave a fifteen-foot border on the street before getting to the sidewalk. Visually the building is not on the street, visually there is a great setback, visually this is a quiet non-toxic use.

Mr. Van De Wiele asked Mr. Sager if he was looking for relief on the 3<sup>rd</sup> Street, 4<sup>th</sup> Street and the Peoria street sides. Mr. Sager answered affirmatively. Mr. Sager used prints on the overhead projector to explain the position of the building on the subject property.

Mr. Sager stated the proposed building will be a multi-story building, and the developers are here to answer any questions the Board may have. The building is a significant investment for that corner, and it is part of reality of what is trying to be accomplished. Time is of the essence.

Mr. Van De Wiele asked Mr. Sager what the building would be used for. Mr. Sager deferred to the developer.



**Interested Parties:**

**Carl Thompson**, 14207 East Coyote Road, Scottsdale, AZ; stated the intended use of the subject property is a self-storage facility. The building would be a four-story metal building with a brick façade. The facility will be a secure facility which would be manned during the day and secure during the nighttime and will have adequate necessity lighting.

Mr. Van De Wiele asked Mr. Thompson if he had the building renderings with him. Mr. Thompson answered affirmatively. Mr. Thompson described the renderings to the Board.

Mr. Van De Wiele asked Mr. Thompson if the façade would be around the other four sides of the proposed building. Mr. Thompson answered affirmatively.

Mr. Van De Wiele asked Mr. Thompson what types of materials would be used. Mr. Thompson stated there would be glass, brick with a metal façade, and the north and east sides would be similar.

Mr. Van De Wiele asked Mr. Thompson if he had a lease with the Union Pacific Railroad. Mr. Sager came forward and stated there is no lease with the railroad, however, with each prospect he has had for the property the railroad has entered into a LOI, and the developer has actually been cleared on the lease submittal.

**Ashley Smith**, Attorney, 2932 Pelham Drive, Oklahoma City, OK; stated she is the attorney for the developer. Ms. Smith stated there is a lease that is currently under review but has not been executed.

Mr. Van De Wiele asked staff if this proposal would have a parking element to it. Mr. Chapman stated there are parking requirements but that is not part of this request. Mr. Van De Wiele asked if there would need to be a Variance of the parking requirement. Mr. Chapman stated that under the 2016 Code a person can utilize the property with parking agreements, but it essentially has to be approved through Development Services at the Permit Center. Mr. Van De Wiele stated if there were an approval today and a failure of the parking requirement would it be an issue for the developer? Mr. Chapman answered affirmatively.

**Kevin Anderson**, 2510 East 26<sup>th</sup> Street, Tulsa, OK; stated he is the current President of the Pearl District Association. He has received several calls from constituents as well as Board Members about how quickly this has come up. The Pearl District is going to be one of the destination districts for the City of Tulsa, one of the premier ones therefore the Pearl District is sensitive about what happens. Mr. Sager did not reach out to the district and there may be a possibility for a compromise. The Pearl District is having their general meeting this evening, and no one knows about this which is unfortunate. The Pearl District meets as a general membership once a month and it is tough to respond to this. The Pearl District welcomes investment, but the people are frustrated

that the two schedules did not match up to allow the people to interact with the developer.

Mr. Van De Wiele asked Mr. Anderson what is his opinion about building out toward the three streets, as shown on the exhibit? Mr. Anderson stated that the hardship would need to be examined. When Iron Gate wanted to build on the subject property parking was a concern, and the railroad lease was a concern because if the lease goes away then it becomes an issue for the neighborhood.

Ms. Ross asked Mr. Anderson what the general consensus is from the Board members and the people in the area. Mr. Anderson stated that the Board members that he heard from are not in favor of this project.

Mr. Van De Wiele asked Mr. Anderson if that was because of the use or because of the proximity of the property line. Mr. Anderson stated the height of the proposed building was a major concern.

**Subha Sridharan**, Architect, 2651 South Boston Place, Tulsa, OK; stated that Tulsa's downtown has seen tremendous growth over the last few years spurred by an increasing demand to live, work and play in close proximity and walkable neighborhoods. One of the natural trajectory for expansion is the Pearl District with it being located on the east side of downtown and the Comprehensive Plan identifies this as a downtown neighborhood as well and the entire 3<sup>rd</sup> Street as a mixed-use corridor. Median density development in this area is characterized by walkability, smaller footprint, well designed units, lesser off-street parking will provide the provide the missing middle while aligning with the neighborhood scale. A four-story storage building close to the street on three sides does not seem to be in alignment with the approved Pearl District overlay. It may even be detrimental to the urban quality of the neighborhood. From a pragmatic standpoint, regarding the current zoning designation and existing zoning codes that are in effect, have the site triangles been reviewed and have they been provided. From the plan she saw the only access appears to be off-site in the railroad right-of-way so that would be a concern. She also knows that the railroad will only provide a yearly lease and if that lease is not renewed that would be a concern. The site is fairly large, and it is buildable but what is the hardship for today's request?

**Steven Watts**, 403 South Cheyenne Avenue, Tulsa, OK; stated he has worked with the developer on several projects downtown and he is definitely a good steward of the community. The developer is very interested in preserving the neighborhood. What is unique about this site is that it is bounded by two City of Tulsa parcels on the north and the east, so the setback would require 25 feet from the street. The 4,293 square feet on the ground floor would prevent about 17,000 square feet of developable building. This is going to be really strong economic development for the City of Tulsa and for the County. It is very important that this site be developed; it is a blighted corner of the City and people are invested in this corner to make it contribute to the economic base of the City and the County.

Ms. Ross stated that this corner seems like an odd place for a self-storage facility. Mr. Watts stated that south on Peoria there is a self-storage facility and there is a U-Haul facility in the Brady District. With all the residential downtown there is a strong demand for self-storage. This will be an amenity for the area.

Mr. Van De Wiele asked Mr. Sager if the lease being negotiated with the railroad is a year-to-year lease. Ms. Ashley Smith came forward and answered affirmatively. Mr. Van De Wiele asked if the building is built what is the plan to access the property if the railroad declines to extend the lease. Ms. Smith stated that she has every reason to believe that they will extend the lease from year to year. Mr. Van De Wiele asked what would be done if the railroad does not extend. No answer was given.

Mr. Van De Wiele asked Mr. Wilkerson to give the Board a status report on the Pearl District overlay. Mr. Wilkerson stated there was an amendment to the 6<sup>th</sup> Street Infill Plan, that was adopted by City Council July 3, 2019; it is a very recent amendment to the plan. It is not an overlay in the sense that there are design regulations and it is not a regulatory document. The visionary portion of that is just that, it is a planning tool.

Mr. Van De Wiele asked Mr. Wilkerson if there was a height limitation in the IM zone. Mr. Wilkerson stated there is not. Building design is not integral to the concepts in the Small Area Plan but the active uses are.

**Rebuttal:**

**Michael Sager** came forward and stated there are four-story buildings being built all over downtown. Mr. Sager stated that he was the inventor of the Blue Dome District and he has participated financially, physically, strategically and intellectually in over a million square feet of projects in downtown Tulsa. He has his heart and soul in this City, and he believes that his reputation is that he has always advanced things and moved them forward. The Pearl District bounds from the IDL to 11<sup>th</sup> Street to Utica; it is huge. Developers and planners trust the documents they review for accuracy of the future, and he does not know anything about the 6<sup>th</sup> Street plan that was adopted. He did reach to GuRuStu to see if he should reach out to people and was told no, this is a good project. He encourages the Board to help the developers to look forward.

**Questions and Comments:**

Mr. Bond believes this is a flash point in the City for a lot of opinions, and GuRuStu has as much standing with him as Paul Tay does; he is not an elected representative. There are a lot of people that have concerns, pride and hopes in the Pearl District. Mr. Bond thinks the City Councilor for this district has requested a continuance for a reason. He will support a continuance for this request to the next meeting. It is economic issues that want to build on every square foot possible which is the definition of self-imposed. The Board should give deference to the duly elected representative for the District and continue this case.

Ms. Radney stated that she too would be inclined to see this case continued. If the vote were to be taken today, she would not vote in support of it. She thinks the objections

raised by the interested parties in the audience today are still open questions to her. The new Pearl District plan is new, and it has not had an opportunity to be fully dissected and interpreted by investors and other persons in the neighborhood who are stake holders. A warehouse, and this is a warehouse, does not engage with the City street front and with all the investments that are being made in the south end of Peoria corridor her feeling is that 3<sup>rd</sup> Street and South Peoria intersection is more important than we yet know. She would not be inclined to support it without more information. She is also concerned about the ingress and egress, and she does agree that the handicap accessibility on site would be of concern. She also agrees this is a self-imposed hardship.

Mr. Van De Wiele stated there was discussion when Iron Gate was looking at this property, that this was the only industrial corner on a four-corner of which the other three corners are commercial. That is part of the reason that vote went the way it did. Parking was another issue, also. This being an IM zoned district to him means something. He has been on the developer's side of this sort of use before the City Council, and he thinks there is a need of this type of use near where people are. The application in itself does not bother him and he could get there on a hardship; this is a strange piece of property. What bothers him is that there is not a design review board at the City, and that lands here, but the Board is not seeing the plans. He means no disrespect to the developer, but he knows the cheapest way to build these is stand up metal panels and the most expensive way to build these is glass, rock and brick. The developer will not have his vote if it is stand up metal panels. If the street scape side of this is brick, rock and glass with a Main Street feel he will vote for it. Mr. Van De Wiele stated he wants to see all four sides of the proposed building with a description of what the materials are, and he would like to know more about the parking; this would need to fit in to this area of the City. He thinks there will be some issue with the parking.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) to **CONTINUE** the request for a **Variance** to reduce the required 10-foot street setback in an IM District (Section 15.030, Table 15-3) to the October 22, 2019 Board of Adjustment meeting; for the following property:

**PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22758—Eller & Detrich – Lou Reynolds**

**Action Requested:**

Special Exception to permit three households on a single lot; Special Exception to permit a multi-unit house/triplex in the RS-5 District (Section 5.020, Table 5-2 and Section 5.020-G, Table 5-2.5). LOCATION: 156 North Union Avenue West (CD 4)

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated the site was a grocery store in the 1920s into the early 1960s. Two families lived in the building, one downstairs in the back and one upstairs in the back, and the grocery store was in the front. The property was recently rezoned to RS-5 with the thought that was the least intrusive way to get zoned into the area. Sprinkled throughout the neighborhood there are family apartment buildings and three blocks over there is a development and an old elementary school was converted to an apartment facility. Mr. Reynolds stated he thinks the tri-plex is consistent with the uses in the area and in harmony with the spirit and intent of the Code. With the existing building it is not injurious to the neighborhood and it preserves the historical character of the neighborhood. The building will remain a red brick building and it will maintain the same footprint.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) to **APPROVE** the request for a Special Exception to permit three households on a single lot; Special Exception to permit a multi-unit house/triplex in the RS-5 District (Section 5.020, Table 5-2 and Section 5.020-G, Table 5-2.5), subject to conceptual plans 14.6 and 14.18 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:

**LT 4 BLK 24, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*

**NEW BUSINESS**

None.

\*\*\*\*\*

**BOARD MEMBER COMMENTS**

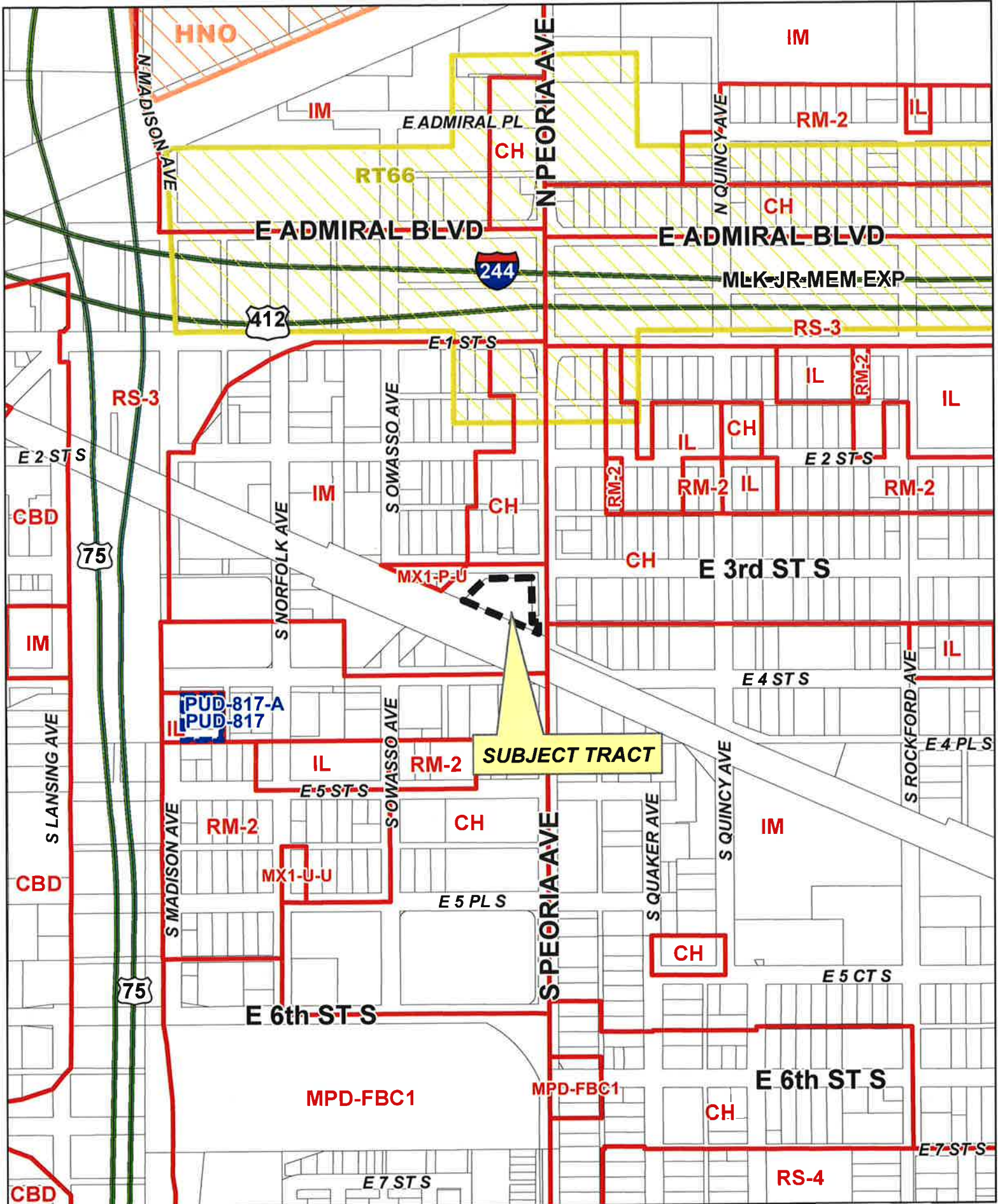
Mr. Van De Wiele asked Mr. Chapman to explain about the training later this week. Mr. Chapman stated the training is Thursday from 3:00 P.M. to 4:30 P.M. The session will be held in Williams Tower I in the St. Francis room. Mr. John Tankard, INCOG staff, will speaking to the Planning Commissioners about how to use the Comp Plan when making their discretionary decisions, and they also apply to the Board. Mr. Daniel McClure, Municipal League, will speak to the legal and statutory requirements surrounding Variances and Special Exceptions.

\*\*\*\*\*

There being no further business, the meeting adjourned at 4:05 p.m.

Date approved: \_\_\_\_\_

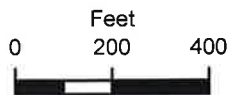
\_\_\_\_\_  
Chair



**SUBJECT TRACT**

**BOA-22757**

2.1



19-12 01



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9201

Case Number: **BOA-22757**

**CZM:** 36

**CD:** 4

**HEARING DATE:** 11/12/2019 1:00 PM (Continued from 10/22/2019)

**APPLICANT:** Michael Sager

**ACTION REQUESTED:** Variance to reduce the required 10 ft street setback in an IM District (Sec. 15.030, Table 15-3)

**LOCATION:** 302 S PEORIA AV E

**ZONED:** IM

**PRESENT USE:** Vacant

**TRACT SIZE:** 25012.25 SQ FT

**LEGAL DESCRIPTION:** PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-21942;** On 9/08/2015 the *denied* Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in an IM district (Sec.901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Sec.1301.D); Variance to reduce the required building setback (Sec.903).

**BOA-17033;** On 5/09/1995 the Board *approved* a variance of the required setback from the centerline of south Peoria Avenue from 50' to 41' 6" to permit a sign (4' by 8', 24' in height per plan submitted. Subject to Traffic Engineering approval in regard to traffic light visibility.

**Surrounding property:**

**BOA-22505;** On 10/23/2019 the Board approved Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A)

**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 ".

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of S. Peoria and E. 3<sup>rd</sup> Street. The track is zoned IM and is bounded by IM zoned Railroad Right-of-Way on the South; MX1-P-U to the West across E 4<sup>th</sup> Street; and CH zoning to the North and East.

2.2



**STAFF COMMENTS:**

The applicant is requesting a Variance to reduce the required 10 ft street setback in an IM District (Sec. 15.030, Table 15-3)

*Table 15-3: O, C and I District Lot and Building Regulations*

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]

Chapter 15 | Office, Commercial and Industrial Districts  
Section 15.040 | Other Relevant Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
<b>Building Setbacks (feet)</b>											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

East 3<sup>rd</sup> Street is planned as a CBD/ Industrial Collector (80’ minimum right of way width) at the subject tract and S. Peoria is planned as an Urban arterial (70’ minimum right of way width). The applicant is not requesting their building to be located inside the right-of-way or the planned right-of-way though according to the applicant the property owner has existing agreements with the City for some parking to be located inside the right-of-way which is not shown on their site plan.

Approval of this variance will require the applicant to either provide landscaping inside the right-of-way or to seek and approval of an Alternative Landscape Compliance Plan.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required 10 ft street setback in an IM District (Sec. 15.030, Table 15-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



***Facing West on 3<sup>rd</sup> Street***



***Subject Tract***



***Facing South on Peoria***



***Intersection of 3<sup>rd</sup> and Peoria***

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

September 27, 2019

Phone: 818.361.3085

LOD Number: 1  
Michael Sager  
PO Box 521064  
Tulsa, OK 74152

APPLICATION NO: **ZCO-042342-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **302 S Peoria Ave**  
Description: **Self-service Storage 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)

2.7

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-042342-2019

302 S Peoria Ave

September 27, 2019

**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 variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at [584-7526](tel:584-7526). It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

1. **Sec.15.030-A Table 15-3:** The Self-service Storage Facility is in an IM district. The street setback is 10 ft. You are proposing a 0 ft street back from Owasso Ave, 3<sup>rd</sup> ST and Peoria Ave.  
**Review comment:** This will require a Variance to reduce the street setback from 10 ft to 0 ft. Submit a copy of the Variance approved by the BOA.
2. **Sec.55.020 Table 55-2:** You are proposing a Commercial/Self-service Storage Facility use. The minimum parking ratio is .2 spaces per 1,000 ft<sup>2</sup> of indoor floor area. The area for this use is 80,356 ft<sup>2</sup>. The minimum parking requirement is 17 spaces. You are providing 16 off-site parking spaces.  
**Review comment:** Revise your site plan providing 17 parking spaces. These spaces are required to be located on the same lot as the Self-service Storage Facility. You may consider submitting an alternative compliance parking ratio reviewed and approved through the special exception procedures of *Sec.70.120* or an off-site parking agreement in compliance with *Sec.55.080-D*. You may wish to consider off-site parking per *Sec.55.080-D*. It is allowed when:
  - A. All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (*see Section 55.110*) may not be located off site.
  - B. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces.
  - C. Off-site parking areas must comply with all applicable parking area design regulations of *Sec. 55.090*. Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of *Sec.25.030-C*.
  - D. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the

agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

- E. If you choose to provide off-site parking:
1. Show the location on your site plan;
  2. Provide documentation the lot is under the same ownership as the lot with the office;  
or
  3. If under separate ownership submit an agreement guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. This agreement is also reviewed and approved by City of Tulsa legal. Once this is completed, the agreement must be filed of record in the Tulsa county clerk's office resubmitted to this office.
3. **Sec.65.030:** The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.
4. **Sec.67.040-A:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:
1. Submit a lighting plan that complies with the fixture height lighting plan requirements of Sec.67.040-B; or
  2. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with Sec.67.040-C.

**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.

for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2.c), subject to being "as built" with changeable copy. This sign will comply with Section 1221.C.2.c conditions. The Board has found that the R District that creates the necessity for the Variance is actually an apartment complex northwest of the subject property, and there are no other residentially zoned properties in the immediate area. There are digital along Sheridan Road between Admiral and 19<sup>th</sup> Street. The sign will operate between the hours of 7:00 A.M. to 11:00 P.M. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**PRT BLK 60 BEG NEC TH SW153.20 S150 E150 N178.07 POB .56AC,  
GLENHAVEN. CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21942—Malcolm Rosser**

**FILE COPY**

**Action Requested:**

Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D); Variance to reduce the building setback requirement from the centerline of South Peoria Avenue to 50 feet; Variance to reduce the building setback requirement from the centerline of East 3<sup>rd</sup> Street South to 50 feet; Variance to reduce the building setback requirement from the centerline of East 4<sup>th</sup> Street South/South Owasso Avenue to 35 feet (Section 903). **LOCATION:** 302 South Peoria Avenue East (**CD 4**)

**Ms. Snyder recused and left the meeting at 1:41 P.M.**

**Presentation:**

**Malcolm Rosser**, 321 South Boston, Suite #500, Tulsa, OK; stated he represents Iron Gate and appreciates the continuance the Board granted at the last meeting. This allowed Iron Gate to have a meeting with the interested parties, and that meeting was held at Iron Gate's current facility at Trinity Episcopal Church. In addition to himself there are other people that would like to speak, and there will be discussion about Iron Gate and the people they serve, and what will happen at the new facility which is different than what happens at their current facility. Mr. Rosser had a diagram placed on the overhead projector of the plat of the subject property. When Owasso was dedicated the result was an irregularly shaped parcel that is bounded by streets on three sides and on the fourth side by a railroad right-of-way. Peoria Avenue is an urban

09/08/2015-1147 (7)

2.10



arterial which requires an 85 foot setback from the centerline; 3<sup>rd</sup> Street and Owasso are both classified as commercial/CBD industrial collectors which require a 65 foot setback so Iron Gate is requesting a 50 foot setback on Peoria Avenue and a 50 foot setback on 3<sup>rd</sup> Street and a 35 foot setback on Owasso, which essentially takes the building to the property line. A number of the buildings in the area are outside the required setback, both on the north and south sides of 3<sup>rd</sup> Street. He believes what Iron Gate is asking for is consistent with the existing structures in the area. The plan, as designed, is to take the building to the property line on the east and north sides. The existing building has parking in the street right-of-way and the proposed building will be opposite of that because the property will be behind the building. At this point Mr. Rosser had several renderings of the proposed building placed on the overhead projector. The Board has granted requests to reduce the setback in this area on a couple of occasions in the past. The hardship for the subject property is the unusual size and configuration of the lot, as well as the fact that it is surrounded by streets on three sides and railroad right-of-way on the fourth side. So there is no way to add any additional land area to the lot. Based on the other properties in the area he does not believe it would cause a detriment or impair the spirit and intent of the zoning code. Mr. Rosser stated that what is proposed for parking is to have the parking in area that will be leased from the Union Pacific Railroad which is located immediately adjacent to the subject property on the south side. A lease, as consigned by Iron Gate, has been submitted to the railroad for their approval and that lease would renew automatically every year. It does have a clause that allows either party to terminate on 30 days notice without cause, which essentially means that as long as Iron Gate complies with the lease the lease should be in place until Iron Gate chooses to terminate the lease.

Mr. Van De Wiele asked Mr. Rosser what Iron Gate would do if the railroad chose to terminate the lease. Mr. Rosser stated that Iron Gate would do what several others along the track would do; they would have to find other parking or shut down.

The area designated on the site plan has 35 parking spaces including two handicap parking spaces. The code requirement for the proposed building, which is at 16,000 square feet, is 32 parking spaces so the parking is exceeded. The parking would be on a lot adjacent to the principal use which he believes in harmony with the spirit and the intent of the Code. It is a common way to address parking requirements and would not be injurious to the neighborhood. Mr. Rosser stated that the parties from Iron Gate, present today to speak, believe and can show this facility will in fact be a benefit to the neighborhood and not a detriment. Mr. Rosser referred to the Downtown Area Master Plan which designates the various areas that are currently in existence for the social/justice groups. There is no statement in the Downtown Plan that says Iron Gate should be located in the area that is identified as social/justice that he could find. Mr. Rosser stated that other references have been made to the 6<sup>th</sup> Street Infill Plan and whether the proposed facility is or is not consistent with that plan, and he could not find anything saying that it is not consistent with that plan. He believes staff found that it is consistent insofar as allowing an institutional use by that social, educational, religious use property. Mr. Rosser stated that he did find a discussion of social service agencies and their presence in the 6<sup>th</sup> Street area which is on page 43 of the 6<sup>th</sup> Street Infill Plan,

Section 11.2.1.2. It states, "Community Services nearby – there is a concentration of community services located in this area, Indian Health Resource Center, Family & Children Services, churches and other institutions. These services contribute to the health and wellness of the neighborhood. These institutions are an asset in themselves with the traffic they generate as equally important. These facilities provide a reason for people from all over Tulsa to visit this neighborhood. This base of employees and volunteers and the steady stream of people and families that visit them are an important resource for a neighborhood trying to grow economically." Mr. Rosser stated as to whether a particular use will be injurious to the neighborhood you have to look at the character of the neighborhood. What is allowed today and what is not allowed. Mr. Rosser had a map placed on the overhead projector showing a zoning map of the area. The soup kitchen and pantry use is allowed by right without a Special Exception in the CH and CBD Districts which is a significant portion of the neighborhood. That in itself says the proposed use cannot be injurious to the neighborhood. This particular location, another benefit it has it will be close to where many Iron Gate guests currently live. There are 380 pantry guests that live in the Pearl District and East Village area; 522 pantry guests live in the Kendall Whittier District; and 753 pantry guests live in the Crutchfield District.

Mr. Van De Wiele asked Mr. Rosser stated that when he looked the Iron Gate website he saw 1,260 pantry guests per week, yet if he added properly the figure stated today is 1,650. Mr. Rosser stated that his numbers are not necessarily per week but are residents who use the food pantry.

Mr. Van De Wiele asked Mr. Rosser about a curb cut onto Owasso because it is not shown on the site plan. Mr. Rosser stated that is correct. Mr. Van De Wiele asked Mr. Rosser how Iron Gate was going to receive food deliveries, trash collection, shuttle service vehicles, etc. in one ingress/egress point. Mr. Rosser stated there is a loading dock, and he pointed to the plan on the overhead projector, which will take care of the food deliveries; shuttles will drop off similar to a bus which would probably be along Peoria. Mr. Henke interjected that a vehicle cannot stop on Peoria or on 3<sup>rd</sup> Street. Mr. Rosser stated that he would defer to the architect because he does not want to get outside of his area.

**Interested Parties:**

**Connie Cronley**, 1711 South Gary Avenue, Tulsa, OK; stated she is the Executive Director of Iron Gate. In the 1970s there was a sudden influx of homeless people that gravitated to urban areas and Trinity Episcopal Church is located at 5<sup>th</sup> and Cincinnati. The spontaneous act of compassion by the parish priest and two parishioners helping a hungry homeless man started a ministry. Many people started helping the hungry by handing out food in the cloister garden that had an ornate iron gate, and the word on the street spread that if you are hungry go to the church with the Iron Gate. The name stuck. Over the years the ministry moved and separated legally from the church so Iron Gate can raise their own money. Iron Gate has raised money to renovate the basement of the church and have now out grown that. The misconception is that everyone that comes to Iron Gate is homeless but the growing number has been the working poor.

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Iron Gate says that it is not homelessness that comes through the gate but poverty. With the recession the number of people coming to Iron Gate for food assistance has grown 407%. The Board has decided that it is time to raise funds to build a new facility and have committed to a multi-million dollar campaign to do that. Iron Gate looked at where the guests come from and how they get to Iron Gate. Iron Gate believes 3<sup>rd</sup> and Peoria is the best place to be. The people of Pearl District, Kendall Whittier, East Village all they want to do is eat at Iron Gate and all Iron Gate wants to do is feed them. Iron Gate assures the neighbors that they will build a beautiful facility in the neighborhood, and they will be good neighbors.

Mr. Van De Wiele asked Ms. Cronley about her numbers because they are different than what appears on the website; on a daily basis how many guests come to the soup kitchen. Ms. Cronley stated that it fluctuates in the month because of food benefits. At the first of the month the number is low, maybe 150 to 200, but at the end of the month when SNAP benefits are gone there could be 400 to 500 people. The staff does not count the people they count the plates. Iron Gate may be the only organization that allows people to eat as much as they want because the soup kitchen may be the only meal of the day. Mr. Van De Wiele asked Ms. Cronley if she knew how many of those people walk, drive their own car, etc. Ms. Cronley stated many walk or ride bikes. If they live in one of the shelters the Morton bus picks them up and brings them to Iron Gate twice a day and takes them back. Ms. Cronley stated of the people that come to the soup kitchen that about 23% walk throughout the morning; about 15% people ride the Morton bus; a small percentage ride the City bus. Mr. Van De Wiele stated that he just trying to get an approximate count of traffic because he works downtown. Mr. Van De Wiele stated that he typically was a Riverside to Denver commuter but is not anymore, so for the last two or three weeks he has purposely been driving by Iron Gate. He knows the Board is going to hear the "not in my backyard" spiel from people, but when drives by Iron Gate somewhere between 7:30 and 8:30 there are dozens, upwards of 100 this morning, of people laying the sidewalk, standing in the street, walking across the street and he thinks this is the feel the bulk of the interested parties are not going to enjoy being next to. Mr. Van De Wiele asked Ms. Cronley how they were going to deal with that, to the extent that it is a problem, but it is where the people are before and after the service is provided. Mr. Van De Wiele stated that he drove by at noon a couple of times and there was a lot of litter on the parking lot, how is Iron Gate going to handle that situation at the new facility. Ms. Cronley stated that it is addressed with the design of the building. That was one of the first things that the Zarrow Foundation, a major donor, asked for. They do not want to see a line. They do not want to see people on the street. The building was designed so that it is bigger so everyone can get inside. The proposed building has two entry areas. There is a porch area with restrooms that is open so they can wait until soup kitchen is open.

Mr. Van De Wiele asked Ms. Cronley when the outer doors are opened and when the inner doors are opened. Ms. Cronley stated that currently the doors are opened at 8:00 A.M. and the others will be opened at 7:00 A.M. The shelters close at 7:00 A.M. and the day center opens at 7:30 A.M. but not everyone lives in the shelters. The people that live on the street, when the sun comes up they are ready to go somewhere. So

Iron Gate will open their doors as early as they can and as early they need to get people inside. That is the whole point of a larger building.

Ms. Cronley stated that Iron Gate's security system cleans up the parking lot all around the church, the whole block after Iron Gate is closed. Mr. Van De Wiele stated that to Iron Gate's credit when he leaves to go home he does not see any trash so they do a remarkable job.

Mr. Van De Wiele asked Ms. Cronley about the food pantry numbers. Ms. Cronley stated the emergency grocery pantry is open three days a week and they see 100 families a day and last month it was 135. Mr. Van De Wiele asked if that was 135 people or 135 families. Ms. Cronley stated that is 135 families. Mr. Van De Wiele asked Ms. Cronley how the families arrive at Iron Gate. Ms. Cronley stated that most of the families drive or carpool, about 75%. Mr. Van De Wiele asked where these people were going to park. Ms. Cronley stated because Iron Gate will extend the hours they will rotate through, just the same as anyone going to a grocery store. Mr. Van De Wiele asked Ms. Cronley if Iron Gate runs out of food so that situation would encourage people to arrive early. Ms. Cronley stated that Iron Gate plans for that number of people. Ms. Cronley stated that Iron Gate is considering having a bus to drive through the Pearl District to bring families to Iron Gate.

**Shane Saunders**, 427 South Boston, Suite #706, Tulsa, OK; stated that Iron Gate has outgrown the 3,000 square feet they have a Trinity Episcopal Church. The proposed building is approximately 16,000 square feet so it is much larger. When staff set out to find a location that they thought would be appropriate for Iron Gate's relocation they wanted to do what was not only best for the organization and for the guests but also what was best for the City of Tulsa. There was a list of criteria developed. The staff knew that the bulk of the guests came from within and around the area of the IDL. Staff knew that access to transportation was important. Staff looked at dozens of locations and made offers on some. Staff thought this particular spot, this odd shaped parcel, where an organization like Iron Gate could make a substantial investment in the neighborhood and improve it. He recognizes that there are neighborhood concerns. To address migration concerns Iron Gate has worked with Morton to adjust their bus route. Iron Gate is studying the feasibility of being able to provide their own dedicated transportation. Iron Gate has a security staff that addresses security concerns.

Mr. Henke asked Mr. Saunders asked how many security staff he had on a regular basis. Mr. Saunders stated that it is between five and eight, depending on the time of the month. Part of the campaign is to have resources to be able to support the proposed facility so there would adjustments in that number upward. The hours of operation will be adjusted but in general the services Iron Gate offers will not change. A part of Iron Gate's commitment to the neighbors is that they will work with them. Iron Gate is making a good faith effort to respond to some of the concerns that have been raised. Iron Gate is a great organization and they are a great organization because they do things the right way. That is not going to change. Iron Gate is a private solution to a public problem. All of Iron Gate's funds are raised privately. No state. No federal.

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Iron Gate operates with the generosity of the community and they believe this proposed building will be an outward example of that philanthropic spirit.

Mr. Van De Wiele stated that in the description on the website regarding the study of where Iron Gate wants to move to, the thing that jumped out at him was it says, "the architects consulted Iron Gate throughout the whole process to determine that Iron Gate needs at least 14,000 square feet for the facility and at least 39,000 square feet for parking", but the site plan reflects 6,300 square feet for parking which is about 1/6 of what the architects are saying is needed. Mr. Saunders asked if the 39,000 was actually for the lot size recommended. Mr. Van De Wiele stated that is not what the website says. Mr. Saunders believes the 39,000 square feet number was the recommended lot size. Mr. Van De Wiele the tract size of the proposed site is 25,000 square feet plus the 6,300 square feet for the railroad lot. Mr. Saunders stated it is not ideal but it is the best Iron Gate can come up with. Mr. Van De Wiele stated that his concerns are that this appears to be a lot crammed on not enough land.

Mr. Henke stated that he has the same concerns. There have been four or five site plans to review over two weeks because of the numbers for parking. Iron Gate has not explained how they are going to park employees, the guests and the volunteers. Mr. Saunders stated that there is no question, it will certainly be tight. Part of the constant site plan revisions were as Iron Gate received input and received more updates from the railroad Mr. Rosser the existing setbacks would have to be adjusted closer.

**Ms. Miller left the meeting at 2:22 P.M.**

Mr. Henke stated that Mr. Rosser stated that he was glad the case was continued and Mr. Henke stated that he is also glad the case was continued because there has been a host of facts and circumstances that have been revealed in the last two weeks that the Board did not know two weeks ago but know today. The Board works very hard to gather information and do their due diligence in understanding the applicant's plan. Mr. Henke stated that the only place he can see on the site plan where a bus can be unloaded or loaded is on 4<sup>th</sup> Street. It is not the Board's place to make assumptions or speculate, the Board wants to hear from the applicant that they know how things are going to work and that they have a business plan. Mr. Saunders stated there are public bus stops on 4<sup>th</sup> Street and on Peoria. Iron Gate's discussion for the Morton bus and the potentially contracted bus would be a drop off and pick up inside the parking loop.

Mr. White asked Mr. Saunders if he had checked with Morton about whether they would be able to turn their buses around in the proposed area. Mr. Saunders stated the buses are not like large City buses, they are only 30 or 40 passenger buses and they turn around at the current facility. Mr. White stated that is considerably larger. This proposal is a reduced parking area with one line of 90 degree parking and one driving lane.

**Ms. Miller re-entered the meeting at 2:28 P.M.**

Mr. Rosser came forward and stated that he has reviewed the lease from the railroad and it covers a total of 16,435 square feet which goes all the way to the centerline of Peoria. Mr. Van De Wiele stated that way he was calculating was by using the scale at the bottom of the site plan and only using the area where there are parking spaces. He is not inclined to count the area from the fence to the railroad or the grassy area. Mr. Rosser stated that he is not either.

**Carmelita Skeeter**, CEO of Indian Health Care Resource Center, 550 South Peoria Avenue, Tulsa, OK; stated the center has been there since 1999 and the feedback they received from the community when they purchased the school to develop it into an outpatient clinic the community did not want the center there. The public came out in great numbers to testify that they did not want an Indian clinic in their community. They wanted a business on the corner. They did not want another social service agency in that area. At that time Youth Services and Family & Children Services were in the neighborhood. The Center has purchased and cleaned up a three block area and another social service agency in that community is going to do the same thing. They will clean up the community. They are going to offer social services to help the people. This is a social issue much more than a location issue. If people would address the social issues that are going on in the City that Iron Gate takes care of, as far as the homeless, feeding and social services the Center sends staff to Iron Gate once a week such as mental health workers, dieticians, and work very closely with Iron Gate. From what she understands, when Iron Gate gets a larger facility the Center will be able to offer more services to them. This is very much a social issue. It is for the entire community. It is for the City of Tulsa. It is not just an area at 3<sup>rd</sup> and Peoria or at Trinity Episcopal Church. Ms. Skeeter believes if Iron Gate can move to the subject area they will help everyone.

**John C. Powers**, 2431 Terwilleger Boulevard, Tulsa, OK; stated he served as rector of Trinity Episcopal Church when it was founded in 1978. Iron Gate has been open and welcoming for nearly 37 years feeding hungry guests every single day including Sunday and holidays. Iron Gate has never closed. The church adheres to one important tenant, that they respect the dignity of every human being, thus the moral and ethical commitment to the hungry. The church has worked with friends and neighbors at 5<sup>th</sup> and Cincinnati to address any problems that have arisen with this commitment and that will continue. Mr. Powers stated that as an active Iron Gate board member he pledges to be open, to be good citizens, to be active residents in the Pearl District, and to be good listeners and sensitive to community concerns. The Iron Gate Board pledges to build a stunning facility that will make the Pearl District proud. Pearl District owners and residents are invited now, and in the future, to volunteer to help feed at Iron Gate. For all who take up that invitation it is an inspirational and transforming experience. Mr. Powers hopes the Board will grant the requested Variance; a Variance that any purchaser of the 3<sup>rd</sup> and Peoria property would need to request.

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**Violet Rush**, 1723 East 13<sup>th</sup> Place (1416 East 11<sup>th</sup> Street), Tulsa, OK; stated she is a business owner in the Pearl District. She supports Iron Gate's move into the neighborhood. During the whole Pearl District, Iron Gate debacle there have been many arguments and in these arguments there are some serious flaws. Ms. Rush stated that a lot of people say by bringing Iron Gate into the community the property values will lower. She does not think this is actually possible as property values are most often assessed according to one of three approaches, the market value; the cost to replace the property; or the income the property will bring into the community. In Tulsa County, as far as she knows, property value is actually assessed at fair market value so it is not based on the kind of services that are offered on a property or the kind of people that utilize those services. In this case it would be those in poverty and those living on the streets. The argument that a \$4 million state-of-the-art facility designed by an award winning architectural firm will lower the property value in an already dilapidated area is completely flawed and she believes it is ludicrous. If anything the proposed building would increase the property value in the neighborhood. Ms. Rush stated that another argument has been that there needs to be a better balance between social services and businesses in the Pearl District. If a person looks at the facts, one in five Tulsa children goes to bed hungry every night. One in five people who are elderly in Tulsa County also go to bed hungry every night. If the neighbors really wanted a better balance between social services and business interests she believes there would an Iron Gate in almost every neighborhood. It is the right thing to do and she supports what Iron Gate does, and her support for the organization is not conditional on who is using their services.

**Michael Sager**, 823 East 3<sup>rd</sup> Street, Tulsa, OK; stated he is the seller of the subject property to Iron Gate. He is also a property owner, across the street from the proposed Iron Gate location. His property is zoned CH so this would be a moot point if Iron Gate were to move across the street. He was one of the original people in the Blue Dome District and owned a large series of assets there. Today on 1<sup>st</sup> Street he owns more than 120,000 square feet of property between Peoria and Cincinnati. He has owned a lot of property on 2<sup>nd</sup> Street and still owns property on 3<sup>rd</sup> Street. On 3<sup>rd</sup> Street he has developed businesses like Juniper and BMI. He owns commercial property on 6<sup>th</sup> Street. He has also sits on the Downtown Coordinating Council and they have no official position on this issue but when the discussion comes up about crime the Tulsa Police Department's website posts the crime statistics for the City of Tulsa. Downtown has the lowest crime rate in the City of Tulsa. If Iron Gate moves to 3<sup>rd</sup> and Peoria part of the lowest crime rate in Tulsa will be moved to 3<sup>rd</sup> and Peoria. He has partnered and been involved in many, many things in the neighborhood between Peoria and Cincinnati. He supports the proposed project.

**Leanne Benton**, 605 South Peoria Avenue, Tulsa, OK; presented and had placed on the overhead projector a document showing percentages for Iron Gate soup kitchen. According to Iron Gate's statistics 78% walk, 10% ride the bus and 6% drive or ride the Morton bus, The statistics also show that 43% live on the street, 21% live in shelters and 33% live in apartments or houses. Statistics show the Iron Gate food pantry guests

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that 84% live in apartments and houses, 10% live on the street and 4% are classified as other. As the President of the Pearl District Association she has had the privilege and challenge of listening to residents, small business owners, and property owners in the last few weeks. They have voiced concerns over a 16,000 square foot soup kitchen with many chronically homeless people walking in the middle of a re-emerging urban neighborhood that is experiencing glimpses of revitalization. Some of the media has portrayed the neighbor's response to Iron Gate as fear. It is not fear but facts that bring the neighbors to their position of opposition; facts that will be clearly seen and spoken through a video of recent articles, TV news stories, and quotes from Iron Gate representatives. The proposed location for an expanding soup kitchen and food pantry isn't good for the Pearl District and she does not think it is good for the City of Tulsa. At this time Ms. Benton had a video placed on the overhead projector.

Mr. Van De Wiele asked Ms. Benton where the documents stating the percentages came from. Ms. Benton stated that when Iron Gate opened up their files the statistics were in those files.

**Jeff Swanson**, 1607 Dorchester Drive, Nichols Hills, Oklahoma City, OK; stated he attended Trinity Episcopal Church for years and was married there 10 years ago, and he donated to Iron Gate. He and his family have been personally and aggressively confronted by the homeless poverty people that go in and out of Iron Gate. It is his understanding that Trinity has had to call the police for help several times to address this very real problem that produces real injury in this area. With his family he owns three buildings located on the southwest corner of 4<sup>th</sup> and Peoria which overlooks the proposed Iron Gate site. His family has owned these properties since his grandfather purchased and developed them decades ago. His grandfather passed away but passed away knowing that his investments were safe and would provide necessary income for his family for years to come because Tulsa Zoning Code does not allow for a facility like Iron Gate to be placed in the subject neighborhood. His grandfather knew this because he served as a member on the City of Tulsa Board of Adjustment from 1978 to 1984. As a member of the Board of Adjustment he assisted in enacting and enforcing the standards that this current Board must uphold today. In granting the Special Exception this Board must find that the Special Exception will be in harmony and in spirit with the intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. While there is plenty of compassion for the homeless and the poverty stricken, as well as those who have invested their lives and livelihood in purchasing, investing and rebuilding the Pearl District, East Village and other areas around the Pearl District there compassionate arguments to be made on both sides. This is not a standard that asks or even allows this Board to balance or weigh whether Iron Gate should remain in the downtown neighborhood or if it should be moved to the Pearl District neighborhood. This Board is charged with focusing on ensuring that granting this Special Exception for this application will not be injurious to the new site's neighborhood. Mr. Swanson stated that he has a letter from one of his tenants stating they will leave the property and not renew their lease if today's application is granted. Mr. Swanson stated that he will suffer injury from that. This is a measurable injury. Mr. Swanson stated that his realtor informed him that it would be very difficult to obtain



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another tenant and if he does it will be for less rent and his property will dramatically decrease in value. As a business owner and a commercial property owner his experience with regard to property value is that it is determined by rental income. He will lose rental income. He will suffer injury. His property values will decrease. This standard does ask the Board to weigh how much injury is too much; therefore, any evidence of injury is enough to defeat this application. Mr. Swanson stated that with this evidence by moving Iron Gate to 3<sup>rd</sup> and Peoria would be injurious to the neighborhood or otherwise detrimental to the public welfare. Mr. Swanson stated that Iron Gate's application must fail. There is a similar standard in granting a Variance as well. This Board must find that the application, ordinance, particular place or property would create an unnecessary hardship. Such conditions to a particular piece of property involved and would not cause substantial detriment to the public good or impair purposes and intent to the ordinance or the comprehensive plan. Mr. Swanson stated that time and time again this Board has ruled and the Oklahoma Supreme Court has upheld that an expense that would never actually be incurred is not an unnecessary hardship, but Council for Iron Gate has told the Board is that there hardship has to do with the size of the land. With regard to that, a hardship created by the owner of a premise constitutes no valid basis for a Variance from a zoning ordinance. Mr. Swanson stated that to allow a land owner to circumvent an ordinance by creating a self-imposed hardship would emasculate the ordinance as effectively as repeal. The Variance sought must not cause detriment to the public good or impair the purpose and intent to the ordinance. The neighbors are providing information and evidence that is concerning to public safety and that this is detrimental to the public good. Failure to show any one of these requirements is fatal to an applicant's request for a Variance. Mr. Swanson stated that in regards to the railroad lease, Union Pacific has only recently learned of some of the ramifications associated with the lease and the migration to and from the John 3:16 Mission, the day shelter, and others that would potentially take people the most direct route which is down the railroad. Mr. Swanson stated that he has been told there are investigators assigned to review all aspects of this project out of concern for safety. Mr. Swanson stated that in his dealings with railroad leases, they have very strict out clauses that can be executed if and when the railroad feels it is not safe or in their best interest to allow the lease to continue. Mr. Swanson stated that he has owned restaurants in the past and he does not see anyway delivery trucks can get in or out of subject property without, from time to time, backing out onto the blind corner around 3<sup>rd</sup> Street. That is definitely detrimental to the public good. That is a dangerous situation and is violation of law. The neighbors have requested that Iron Gate provide information about the security and they have said they have no plans to have security that will be going through the neighborhood to police and take care of the migration of people attending Iron Gate. Mr. Swanson stated that to compare this to the Indian Clinic is like apples and oranges. The Clinic has nothing to do with this or the neighbors concerns. Mr. Swanson respectfully requests this Board continue to uphold these standards and deny this application.

**Josh Ritchey**, 418 South Peoria Avenue, Tulsa, OK; stated that if a person watches the news or read the paper you will find all small business owners are lumped into one category. Everyone thinks we are either wealthy, absentee land owners that live in

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palaces and run businesses in their spare time, or we are uncaring jerks that just do not want Iron Gate in their backyard. His business became profitable for the very time in 2011. In 2012 he applied for a loan and he was able to purchase his property on South Peoria. He is not a wealthy land owner. He actively works the land. He has worked hard to clean the property up, he has renovated the building and now he has moved out of the building and found tenants that are opening a food truck park. This is not normally a case where people make \$25 million a year. His concern is that instead of making \$32,000 a year he might make zero and it might just be over. That property is his investment and his whole life. He has invested everything he has into this land. Any impact that occurs will be felt ten times more so by the small business because they cannot hire security, cannot replace broken windows, clean up vandalism, or anything that happens. Small business cannot recover. The Pearl's yard is pretty full as far as a small neighborhood and social services; there is Indian Health Care, Family & Children Services, Youth Services, Tulsa Planned Parenthood, many churches. There is a lot of people packed into the neighborhood that are doing a good job to help people. Iron Gate has requested to be rezoned as a social service. Mr. Ritchey believes that Iron Gate being lumped in with other social services would be kin to zoning all football stadiums as football without regard to who plays. Iron Gate is the Dallas Cowboys of soup kitchens, they are nation's largest food only soup kitchen. It needs to be considered how large of an operation they have. Mr. Ritchey does not know if 3<sup>rd</sup> and Peoria will be able to accommodate everything they hope to do. Mayor Bartlett, in every interview, states that Tulsa has to keep and retain its young talent. The young professionals have come back to Tulsa and are excited about what is going on. To keep the young professionals Tulsa must improve the public schools, need safe neighborhoods surrounding downtown, and have streets with transit. The City of Tulsa relies 100% on sales tax; that the roads, the police, etc. The County of Tulsa relies 100% on property taxes. So if Iron Gate and the other social services is utilizing the best highest use quality parcels of land within a mile of downtown, they do not pay property taxes or sales taxes, how is the City going to receive any money for improvements because they gave away land that can be used for so much more. Mr. Ritchey stated that in his opinion there are two ways this can go, the Board says no to the rezoning and Iron Gate continues to look for a site, or the Board says yes and the neighborhoods businesses and homes are injured. Mr. Ritchey asked the Board to not take away the things he has built and worked for his whole life to maintain. Let the Pearl to continue to grow on its own and he encourages the Board to not approve the Iron Gate application.

**Mr. Swiney left the meeting at 3:09 P.M.**

**Danny Overton**, 3015 East Skelly Drive, Suite #410, Tulsa, OK; stated he specializes in commercial real estate analysis and services. He, with the Pearl District, is open to discussion with a compassionate ear to all matters concerning the homelessness. Given the District has the highest per capita amount of social services offered in the City of Tulsa the neighbors are well informed to the current situation of homelessness and

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wish to be an ally to Iron Gate and to the City in this regard. The City of Tulsa spends thousands of dollars every year addressing and campaigning to show the City's interest to retain talent, grow the City and young entrepreneurs. One way the success of these goals is accomplished is through large and small area planning, which is a simple yet complex concept. If the citizens are trusted to have the information and to invest in its self because they grow best together there are silent partnerships created with thousands of people. That creates a bed rock for success. When those plans are not consulted as a guidebook to deal with the changes that will naturally come along the plan starts to fall apart, confidence falls, and the City's goals are not met. The Pearl District has had hundreds of millions of dollars invested into it through federal, public and private sources over many years with another \$100 million on the way. Through public and private funds, again, over the next 25 years a small part of that investment will be placed in the Pearl District to create dozens of jobs, and up to \$250 million dollars of tax income to the State of Oklahoma. This Board has had the honor of setting some of these past goals by believing in these plans through votes cast so he speaks in reverence rather than opinion as this Board can easily reference its successes in this area. All of this became possible due to planning; planning among enemies and friends. Mr. Overton stated that Iron Gate has stated time and time again that they speak for their guests. They have no interest in speaking about planning with HOAs, the BOA, the PDA, and most of the City itself concerning growth potential for the small area plans in place. A neighborhood that supports itself and focuses on small area planning and the law and their common sense as their guide stones will thrive with any kind of mixture. There is significant social return on investment that will impact any area negatively and positively by every decision that the Board makes. As mentioned in the guide to planning the three main criteria for decision making is harmony with the spirit and intent of the Code, non injurious to the neighborhood or otherwise detrimental to the public welfare. In all three there real feelings of doubt; by those standards that are set that is a short coming. The answer for this application must be no. This application does not meet the high standards that the Pearl has set for themselves, and that they ask of their policy makers. People can change their priorities without changing their principles. Obviously this Board is highly ethical as to address concerns at the last meeting that not enough members were present to make a fair decision. The Board has proved their concern for the respect and position of their job and everyone thanks you for that. Please continue to support these ethics and deny this application.

**Matt Jones**, 415 South Owasso Avenue, Tulsa, OK; stated he south of the subject property. He is a native Tulsan but left to go to Colorado then on to Austin, and now he has returned to be near family. He has seen Austin and Denver do great things, and he likes the potential of Tulsa. He thinks there is a lot here but it was a gamble because it can go the other way. If a small group of people are allowed to make all the decisions maybe there is another place. If a people cannot think outside the box the last thing you want to do is make the box bigger. He is shocked that there is no City plan for social services. He believes Iron Gate should keep operating at Trinity and come up with a plan that more people can be involved with.

**Mr. Swiney re-entered the meeting at 3:17 P.M.**

**Bob Bartz**, Barber and Bartz Law Firm, 525 South Main Street, Suite #800, Tulsa, OK; stated he represents the Pearl District Association as well as Mac Systems, Inc. Mr. Bartz had slides placed on the overhead projector to refer to as he spoke. The Code is enacted for the purposes of promoting the development of the community in accordance with the comprehensive plan. The downtown Tulsa master plan identifies the Pearl District as a mixed use area, and placing the Iron Gate building in the Pearl District is inconsistent with that plan. The northwest quadrant designates the social justice northwest corner of the downtown area. Because of the existing zoning if the Iron Gate facility was placed in that area there would no Special Exception needed for most of the properties that could be purchased in that area. It is his understanding that the Downtown Coordinating Council suggested several locations in the northwest quadrant that is designated in the master plan for social and justice yet those particular properties were rejected. The 6<sup>th</sup> Street Infill Plan was adopted by the Planning Commission and approved by the City Council and the plan contemplates social services, and there are four agencies and organizations already in the Pearl District. What is significant is in reliance upon the Downtown Master Plan and the 6<sup>th</sup> Street Infill Plan, over \$100 million has been invested by individuals in the Pearl District. The City would be setting a dangerous precedent if it were to disregard its own plans, the Master Development Plan, and the Pearl District Plan by allowing the composition of the Pearl District to be dramatically changed by having the homeless roam the streets in the Pearl District area. Section 1608 in the zoning code indicates the Board of Adjustment should not grant a Special Exception if it will be injurious to the neighborhood or otherwise detrimental to the public welfare. Tom Baker, Manager of the Downtown Coordinating Council, stated "You have to recognize the impact that the service has on a nearby community. The result of that service in that area was creating a negative impact to some property owners to develop their property." If the manager of the Downtown Coordinating Council says there is a negative impact caused by having that facility in downtown then that speaks for itself. It will have the same negative impact in the Pearl District. Mr. Bartz stated gave examples of the type situations that would cause injury to the neighborhood or otherwise be detrimental to public welfare. Mr. Bartz stated that if Iron Gate is allowed to build on the subject property Mac Systems, Inc. will not build a planned facility in the Pearl District, A-Best Roofing indicated it will not go forward with purchasing an office building and will move their business from the Pearl District, Roberts and Jones Studio will not finish the development of a building for architectural business and will move, Good Day Properties, LLC will consider selling 33+ commercial properties, O'Fallon Properties will not continue with any further projects, Carlos Moreno indicated he will not move forward to purchase and develop a building located at 6<sup>th</sup> and Peoria for his creative agency, and there are businesses and agencies that currently exist in the area that will have their programs in jeopardy. Mr. Bartz stated there have been comments made about the proposed parking and he thinks a lot has come to light on this issue today. Two weeks ago a Union Pacific official told a member of his firm that the lease that was being proposed was for beautification and parking only. This official did not understand what Iron Gate was doing, but he did say if there were people

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congregated in the parking lot that would be grounds to revoke the lease. The proposed lease is year to year so what happens if it does not get renewed? It also has a 30 day termination clause so what happens if Union Pacific is truly concerned about people congregating in the parking lot? What has come to light today is the fuzzy math. Is there really enough parking spaces being proposed, if there are only 33 parking spaces with apparently 15 to 18 staff people including security? Mr. Bartz trusts that the Board will do everything necessary to make sure that a thorough parking study is performed with real statistics that are consistent with prior publications before entertaining a Special Exception. It is critical for the Board and the City of Tulsa to not disregard the Downtown Tulsa Master Plan. The City can ill afford to disregard its published Comprehensive Plan when individuals come to Tulsa and are willing to invest millions of dollars in future development.

**Stuart McDaniel**, 628 East 3<sup>rd</sup> Street, Tulsa, OK; stated he represents many of the members of the East Village District and their concerns. He personally would not like Tulsa to be known for having America's largest feed only soup kitchen. It is evident that this is a sensitive subject and he is not proud that his City cannot come up with a decision quicker without these problems. Other communities have addressed hunger in many ways and he believes this is not the correct method. Iron Gate needs to work to provide measurable outcomes such as United Way and many other federally funded organizations have. Iron Gate is privately funded so they can do what they need to do. Measureable outcome is the key to success, where they are tracking how many they are no longer feeding rather than how many they do feed every day. A measure of success should not be how large the numbers have grown, they should be striving to have these numbers to decrease. This is a flawed model. This has forced the neighbors, as a community, to discuss a topic everyone was previously fearful to address. Now there is a room full of compassionate people, passionate about the individuals Iron Gate serves and passionate about the community they are working hard to improve. Many of these individuals have poured their life savings into an idea, an idea that Tulsa can be a better place and that they can actually play a part in making that happen. He would respectfully request the Board reject the application, not end Iron Gate's mission but to allow the most creative group of individuals to start their work on finding the right solution to the growing problem. People need to be focused on possibly pairing Iron Gate with other compatible services that work to lessen these individuals reliance on social services as a whole. People need to think of ways to build the independence and self reliance these people so need. Tulsa is known for its giving heart and how they take care of one another. It is time Tulsans sit down and do just that. The most philanthropic city in America can do much, much better than this.

**Jamie Jamieson**, 754 South Norfolk Avenue, Tulsa, OK; stated this is a tough case, an interesting case, and it does pose some real challenges for the neighborhood. It poses challenges for the City. It poses challenges for dealing with the poverty in Tulsa. Earlier someone referred to the Pearl District being a "nimby" – not in my back yard – and that is far from what the Pearl District is. The Pearl's plan is a great deal more complex and as far away from a nimby. The Variances in this case have been self inflicted and Iron Gate does not even own the land yet. Just over a year ago was

changed by the Planning Commission to being autocentric and commercial. This new operation does not sound autocentric nor is it a commercial operation. The Special Exception is because the use is not permitted by right in a District because of potential adverse affects. If controlled in a particular instance it may be permitted. The Iron Gate cannot control it. The activities cannot be controlled because of the disproportionate number of people who are homeless and visiting the soup kitchen. Iron Gate cannot control it no matter how responsible they may be. The scale of the operation is fundamental to the problem that Iron Gate has. Iron Gate began very small but it has become very large. The disproportionate number of transient people among other pedestrians is going to be a problem for the businesses. Can all of these people really be wrong? The Village at Central Park used to be in the middle of a totally unredeemed blighted neighborhood with a transient problem, but it was very clear in the 6<sup>th</sup> Street Task Force plan that the neighbors gave serious thought how the social services should be integrated. They wanted to see them and they did see them as a benefit to the community because of the visitors to the neighborhood. The social services were going to help fuel the economic development and hopefully the repopulation of the neighborhood, but none of them were going to be disproportionate. Mr. Jamieson stated he was puzzled why this application was tagged as a Use Unit 5 rather than a Use Unit 2 which includes homeless centers. The Pearl District plan includes public safety, affordable housing, creating a livable walkable neighborhood for all people, and to foster local business and local retail. The Pearl District is using tax payer's investments in the realization of this plan and it is beginning to boost the city's tax base. The Pearl District is crucial to the future of Tulsa. That is not to establish a direct connection between the realization of a plan and a homeless shelter, but the Pearl District is in a very vulnerable situation. Economic revitalization has just started. These are normal people who want to do something good. It is a vulnerable time in the redevelopment of the Pearl District.

Mr. Henke stated that he does not think the Zoning Code is discriminatory toward Tulsans with mental problems or Tulsans from low or middle or higher incomes. Mr. Jamieson agreed with Mr. Henke.

Mr. Henke stated that the soup kitchen is allowed in the Pearl District by right in three of the four corners of the intersection of 3<sup>rd</sup> and Peoria. Mr. Henke asked Mr. Jamieson how he would respond to that. Mr. Jamieson stated that perhaps the residents and business owners would end up living with it and life would be a great deal tougher.

Mr. Henke stated that he realizes the Pearl District has been very unified in residential development, commercial development and everyone has done a very good job as a unified neighborhood to outline what it is the people would like to see in the Pearl District. Mr. Jamieson stated that the people in the Pearl are concerned about the injury to the neighborhood which is more than their view; it is part of the City of Tulsa's Comprehensive Plan and has been for eight or nine years. An enormous amount has been invested in the fulfillment of that plan. That is the corner stone of most of the people that have registered an objection.

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Mr. Van De Wiele stated that he is the one who raised the nimby comment, and his point was that that is all the Zoning Code is. It is to determine what can go in your back yard and can't. Everyone wants gas or electricity but he does not want a power plant or refinery in his back yard. Mr. Van De Wiele stated that his point in raising that is that there have been lots and lots of comments by property owners or the media, and he does not think those comments to be valid but the people do have a legitimate concern about what does go on in their back yard. If a person lives in a residential area a person should feel comfortable and confident that the people behind them is not a power plant but is a residence.

Mr. Henke stated that his point is that the property directly across the street, any which way you go, can be used for a soup kitchen because it is zoned CH.

**Rebuttal:**

Mr. Malcolm Rosser came forward and stated that Mr. Swanson's and Mr. Ritchey's properties are both zoned CH so a soup kitchen and food pantry is what they are zoned for and could be allowed without a Special Exception. What is injurious to the neighborhood and to determine that you must look at the nature and character of the neighborhood. The zoning in this case is indicative of the nature of the neighborhood. He wants to make it clear that Iron Gate understands the concerns of the neighbors and are not saying they are fraudulent. Mr. Rosser stated that he thinks that if there were a social service agency in Tulsa had erected a new facility and it had caused serious injury everyone would have heard about it. The Indian Health Care Resource Center was one that had concerns about causing injury to the neighborhood, but that did not happen. That is clear and he believes that will be what will happen in this case. Iron Gate could have asked Mr. Sager to get the property rezoned CH and there would have been no need for a Special Exception or Variance to the setbacks. In regards to the parking, it is tight but it complies with the Code and it will work at the subject site. Some people may be familiar with the Thunderbird Club House in Norman; it is a facility for all mentally ill people of any type whether they are homeless, hungry or they have a home. It basically offers these people a place to go and they can have a meal. The Thunderbird Club House is located in the middle a commercial/residential area between a shopping center and an apartment complex. It has caused zero problems. It is very similar to today's situation; they had another facility that was no longer working. There were fears and there will always be fears, which is very understandable.

**Comments and Questions:**

Mr. Van De Wiele stated that all these folks are not wrong, but he does think there is a great deal of fear of the unknown. The Board has seen that before. It is not a viable basis for the Board to deny an application. Mr. Van De Wiele believes there is a substantial amount of legitimate concerns and he thinks a lot of that has to do with what they have seen happens. The services that Iron Gate provides are sadly a necessity. He does not believe that it is the Board's job to determine whether this is the best location or if there is another location that would be better. It is whether this location satisfies the criteria that the Board has to apply to their application. Mr. Van De Wiele stated that he has very little concern with the concept of the setbacks because the

Board grants those types of relief regularly. It has been in Swan Lake. It has been done in areas downtown where buildings were built years and years ago to the full extent of their property and they have no setbacks. It has been done in the Kendall Whittier recently. The flip side of that is what is the hardship? Mr. Van De Wiele stated he has concerns over whether the hardship is self imposed. In regards to the parking the applicant does comply with the legal minimum amount of property for parking that would be required although it is not on their lot. But when the applicant has a Special Exception and they are asking for permission to have a use that would not otherwise be allowed the Board has the leeway of requiring more parking than the Code requires. The Board has done that on occasion. Mr. Van De Wiele stated that he does not know how the architects came up with a requirement of 39,000 square feet of parking for a 14,000 square foot facility. He assumes that it was based on the number of people coming and going to the facility whether it be in their own cars, on a bus or shuttle. Mr. Van De Wiele stated he is concerned over the numbers because the numbers on the documents displayed were substantially different than the numbers the Board heard from the Iron Gate representatives. It seems there is a very high volume of people coming to the facility and the vast majority of them seem to be walking while most of the pantry guests drive. Mr. Van De Wiele stated that he does not see that there is enough parking on the site. He has to think that the railroad will terminate the lease once someone is hurt on the railroad right-of-way and there is a worse problem. The lease is almost so speculative that he is not sure the Board can grant much relief based on the lease. Typically in the past, where there is an off-site lot parking, it is either that the person owns the other lot or they have a long term lease and the Board typically links the approval to the term of the lease. Sometimes where there is an off peak use where a commercial facility is granting a Saturday/Sunday right to use the lot for a farmer's market or something along that line. He is having a very difficult time getting over the 39,000 square feet of parking required. As to the use, which is obviously the hot button for most people, on the one hand they really could erect this facility on any other corner at 3<sup>rd</sup> and Peoria or anywhere up or down 6<sup>th</sup> Street in the heart of the Pearl District. He is at a loss as to why they didn't especially when Mr. Sager, their seller, owns the property immediately north of the subject site. It is an issue for the Board to deal with. The Board has to apply the standard they have to find and that is the injurious nature or the detrimental impact on the surrounding area. Mr. Van De Wiele stated that he cannot say that it would not be injurious. He has driven through the area several times in the last month and he can absolutely wrap his brain around the fact that if he owned a property across the street from Trinity he would think there is no way he would ever be able to sell it. That is not a fear it is a reality. Mr. Van De Wiele knows that it was said that the doors would be opened to let the guests inside but they are going to need to line up at some point. He cannot support this application for those reasons.

Mr. Flanagan stated that he does not think anyone in this room would disagree with Iron Gate's mission or what they do. It is incredible and does help a lot of people. He agrees with Mr. Van De Wiele in regards of the hardship; is it self imposed or is it not? Fear of the unknown is not a viable reason to vote something down but there are serious legitimate concerns about the parking. If the vote were to be taken individually on the requests then maybe he could support it.



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Mr. White stated that he agrees with Mr. Van De Wiele and Mr. Flanagan regarding the parking and the safety. There has never been any question about Iron Gate. They do a great job and it is a super service. The only issue that he is concerned with, as a member of the Board, is if this is the correct place for them to relocate to. Mr. White stated that he has been on the Board since 1995, and he has been privileged to hear the applications coming from many people in the Pearl District. He was chairman of the Board when the Indian Health Care Center applied and there was a lot of concern and it worked out well. He has seen the Pearl District people spend millions of dollars developing their property and the perceptions they have about what may happen have to be considered. Mr. White stated that he would find it unconscionable to vote for approval.

Mr. Henke stated that this has been a real challenge and he spent over 30 hours in the last two weeks in driving to the sites, time on the internet, working through letters and petitions, etc., and in looking at the Variances he believes there are valid hardships that are consistent with relief the Board has granted in the past. In regards to the use as a soup kitchen, in looking at the neighborhood there are other social services in the neighborhood and it is not out character for that neighborhood. There can be a food pantry and soup kitchen at three of the four corners at that intersection, and he has a lot of confidence in Iron Gate working to be a good neighbor and doing what they can to be a positive influence for the neighborhood. Mr. Henke does not think the Code discriminates based on a person's mental capacity or income level. At the end of the day we are all Tulsans. It is a real challenge for him to say that Iron Gate cannot have their facility at this site but you can have it less than 50 feet away. The parking is a major problem. Mr. Rosser pointed out that the Code only requires 32 parking spaces but for an organization for the intensity of this use even using the most conservative numbers, to have 35 parking spaces on a lot that is not completely under Iron Gate's control does not work. Mr. Henke stated that he would have to vote against that Special Exception.

Mr. Henke asked Mr. Swiney if the Board voted on the use Special Exception and the use is denied does the Board need to act on the other requests. Mr. Swiney stated that the Board did not, if the use Special Exception is denied that denial vote moots out all the other requests.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 2-2-1 (Van De Wiele, White "aye"; Henke, Flanagan "no"; Snyder "abstaining"; none absent) to **DENY** the request for a **Special Exception** to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901); **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

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**PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

On **MOTION** of **FLANAGAN**, the Board voted 2-2-1 (Henke, Flanagan “aye”; Van De Wiele, White “no”; Snyder “abstaining”; none absent) to **APPROVE** the request for a Special Exception to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District (Section 901). The Board has found that there would be injury to the neighborhood or a detriment to the public welfare; for the following property:

**PRT LTS 1 THRU 10 & LT 16 & PRT VAC ALLEY BETWEEN SL OF LTS 1 THRU 5 & NL LT 16 BEG 20S & 20W NEC LT 1 TH W154.30 SW99.61 SE241.50 N172.36 POB BLK 18, BERRY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Both Motions FAILED due to lack of a majority vote.**

**Ms. Snyder re-entered the meeting at 4:18 P.M.**

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**NEW APPLICATIONS**

**21943—Lamar Outdoor Advertising – Lorinda Elizando**

**Action Requested:**

Verification of the spacing requirement for outdoor advertising signs of 1,200 feet from any other outdoor advertising sign on the same side of the highway; Variance of the height requirement for outdoor advertising signs from 50 feet to 60 feet (Section 1221.F.15). **LOCATION:** 14501 East Admiral Place North (**CD 6**)

**Presentation:**

**Bill Hickman**, 7777 East 58<sup>th</sup> Street, Tulsa OK; stated the second Variance request in this case regarding the height is that the sign must be moved and be relocated as a result of an ODOT condemnation case. The existing sign is moving back to the subject property. The existing bridge at 145<sup>th</sup> that goes over I-44 is being expanded which will make it larger than other existing bridges in the area as well. Mr. Hickman presented pictures on the overhead projector to show the current sign in relation to the current bridge. The request for the additional 10 feet in height is to get the sign above the bridge and the new height of the bridge.

Case No. 17032 (continued)

Mr. Gardner advised that the carport appears to encroach approximately 10' farther into the required setback than most of the other carports in the neighborhood, which are approximately 24' deep.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Irvington Avenue from 50' to 26', and a **variance** of the required side yard setback from the north property line from 5' to 0' to permit a carport (not enclosed) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted and guttering required on the north side of the carport; finding that there are numerous carports in the area, and approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 29, Block 24, Maplewood Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17033**

**Action Requested:**

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 306 South Peoria Avenue.

**Presentation:**

The applicant, **Bobby Daniel**, 1406 South Aspen, Broken Arrow, Oklahoma, submitted a plot plan and photographs (Exhibit N-1) and stated that the sign would be in the parking lot if installed at the required setback. He requested permission to move the structure 8½" to the east.

**Comments and Questions:**

Mr. Doverspike asked if the proposed location is farther from the centerline of Peoria Avenue than the existing building wall, and the applicant answered in the affirmative.

In reply to Mr. White, Mr. Daniel stated that the proposed sign will be 4' by 8'.

Mr. Doverspike inquired as to the height of the sign, and the applicant replied that the pole is 20' in height, with the total sign height being 24'.

Case No. 17033 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign (4' by 8', 24' in height) - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; subject to Traffic Engineering approval in regard to traffic light visibility; finding that a portion of the existing building is closer to the street than the proposed sign; and finding that the sign would be in the parking lot if installed at the required setback; on the following described property:

Lot 1 - 9, Block 18, Berry Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17034**

**Action Requested:**

Variance of the required maximum floor area ratio (FAR) from .50 to .59 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located 225' west of South Memorial Drive on 31st Court South.

**Presentation:**

The applicant, **Phil Tomlinson**, 1927 North Minnesota, Shawnee, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the application involves the sale of a three-story office building located on a 2.4-acre portion of a 7-acre tract. He noted that the entire parcel contains three buildings. Mr. Johnsen requested a variance of the required floor area ratio from .50 to .57 to permit completion of the sale. He pointed out that OMH zoning to the west would require only 2.0 FAR and IL zoning to the south would have unlimited FAR. A plot plan (Exhibit P-1) was submitted.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required maximum floor area ratio (FAR) from .50 to .57 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the requirement for

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a school use in an RS-3 District (Section 5.020-C), subject to conceptual plans submitted today known as Option #2 with the third lane. The street is to be installed at Seminole and Harvard this coming summer of 2018, and per the City's financial commitment as noted today on the record by Mr. Nick Doctor from the Mayor's office. 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:

**NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma**

**22505—Mark Capron**

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**Action Requested:**

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3<sup>rd</sup> Street South (CD 4)

**Presentation:**

**Mark Capron**, 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated this request is for a small awkward small piece of property. Anytime there is a right-of-way closed down it goes through a process through Mr. Kovak's office who is the utilities coordinator at 23<sup>rd</sup> and Jackson. There is an alleyway closing right now. The proposal is staying out of the existing right-of-way, but the planned right-of-way encroaches into the property. The planners are excited about the project and do not have a problem with the right-of-way staying where it is. Mr. Capron stated that there have been meetings with all the utilities and all the concerns have been addressed.

Mr. Van De Wiele asked Mr. Capron if he had crossed any hurdles regarding the site lines with the traffic department. Mr. Capron stated that is one of things that came up with the City of Tulsa and it has been addressed.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a

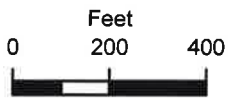
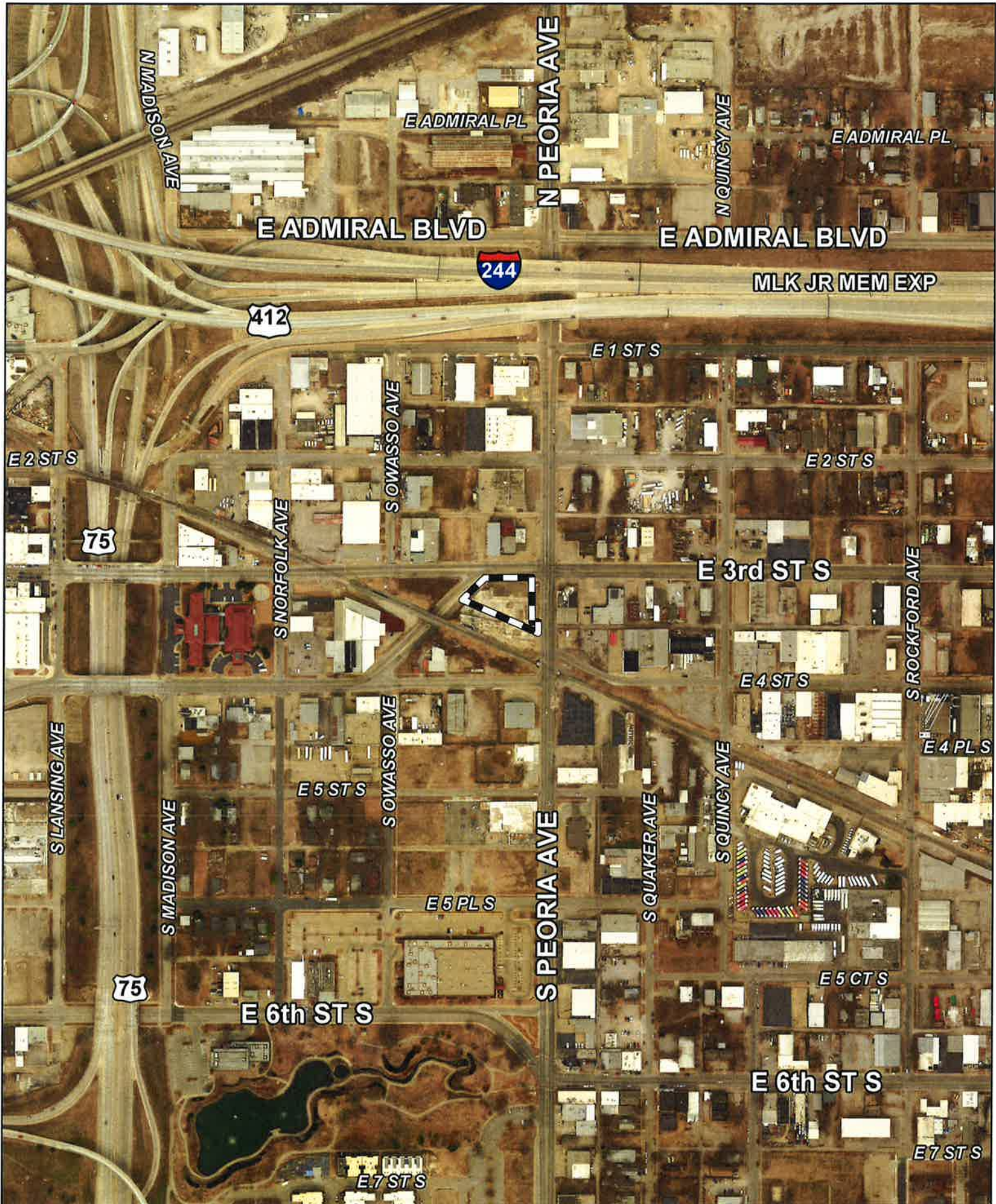
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A), subject to the conceptual plan dated August 8, 2018. The Board finds the hardship to be the size of the lot and the shape of the lot. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.**

**AND**

**THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING., City of Tulsa, Tulsa County, State of Oklahoma**



 Subject Tract

**BOA-22757**

19-12 01

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

Aerial Photo Date: February 2018



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E2STS

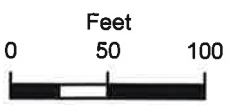
SOWASSO AVE

E 3rd ST S

E4STS

S PEORIA AVE

SOWASSO AVE



Subject Tract

**BOA-22757**

19-12 01

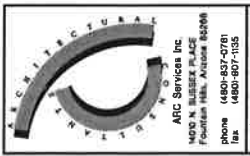
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



2.34





ARIC Services Inc.  
 4400 N. BLUEBERRY PLACE  
 POKESHA HILL, OKLAHOMA 74109  
 Phone (405) 837-0781  
 Fax (405) 807-1125

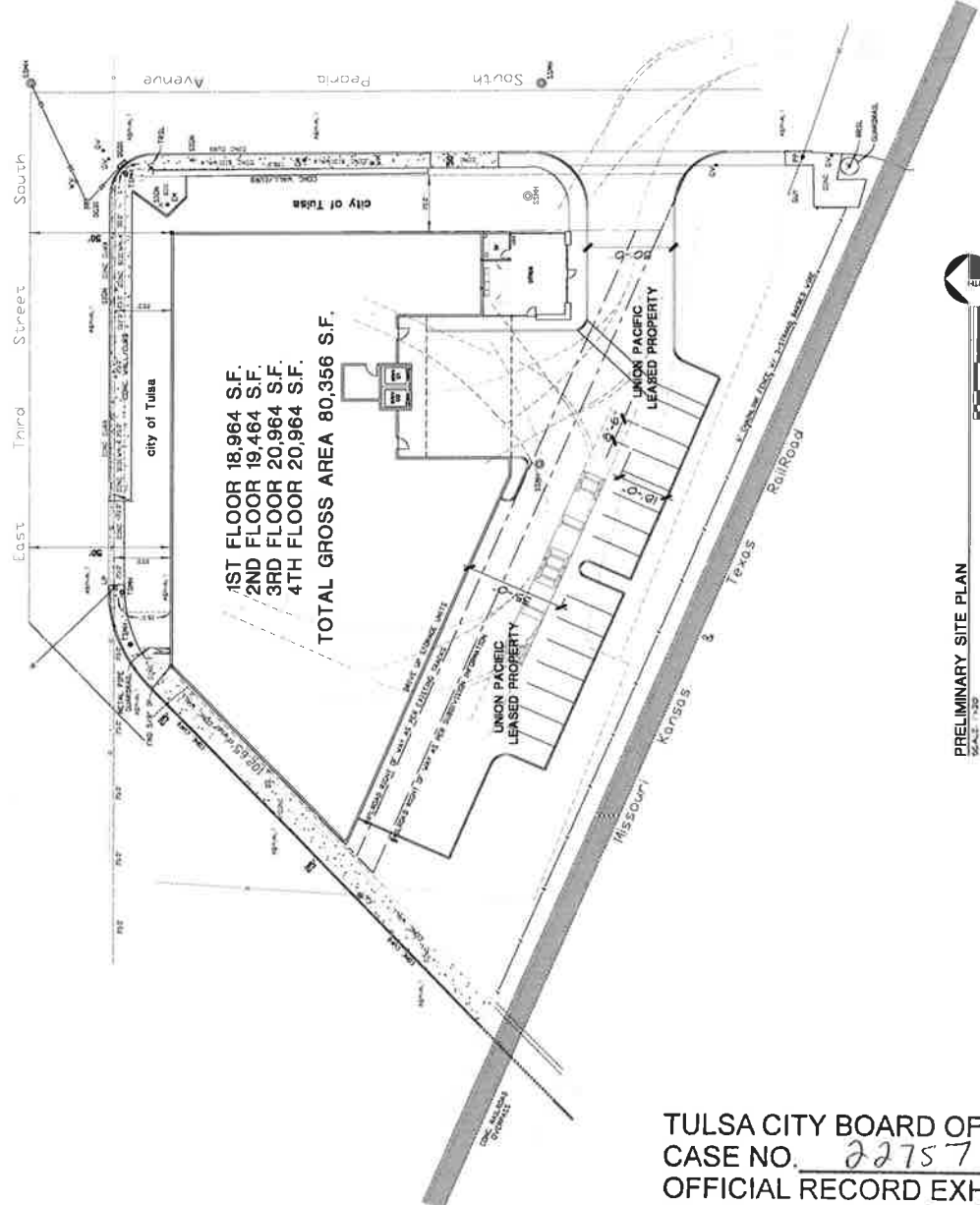
DATE: 08/03/19  
 DRAWN BY: RL  
 CHECKED BY: BS  
 CAD FILE: SP

TULSA SELF STORAGE  
 THIRD STREET AND PEORIA AVE

PRELIMINARY SITE PLAN  
 Project number: BLS  
 Drawn by: RL  
 Checked by: BS  
 CAD file: SP

Design Development  
 Progress Control Docs.  
 City Submittal  
 Bid Package  
 Construction Issues  
 Record Drawings

Sheet Number: **SP1**

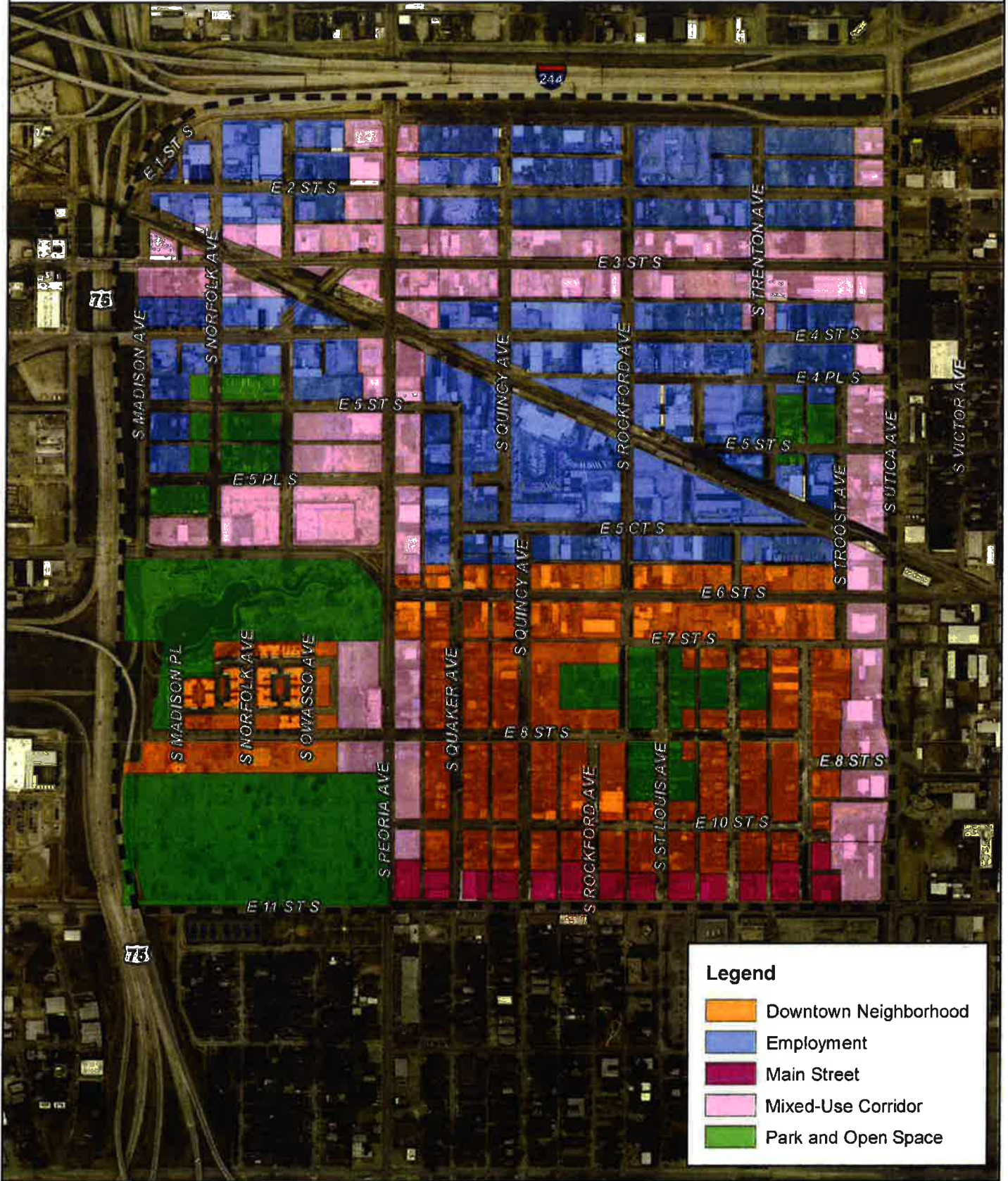


1ST FLOOR 18,964 S.F.  
 2ND FLOOR 19,464 S.F.  
 3RD FLOOR 20,964 S.F.  
 4TH FLOOR 20,964 S.F.  
 TOTAL GROSS AREA 80,356 S.F.

PRELIMINARY SITE PLAN  
 SCALE: 1/32"

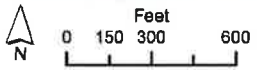
TULSA CITY BOARD OF ADJUSTMENT  
 CASE NO. 22757  
 OFFICIAL RECORD EXHIBIT \_\_\_\_\_  
 ENTERED IN THE 10/8/19  
 MINUTES OF THE TULSA CITY BOARD  
 OF ADJUSTMENT

**EXHIBIT B**



**Legend**

- Downtown Neighborhood
- Employment
- Main Street
- Mixed-Use Corridor
- Park and Open Space






SOUTH ELEVATION

SCALE 3/32" = 1'-0"

TULSA CITY BOARD OF ADJUSTMENT  
 CASE NO. 22757  
 OFFICIAL RECORD EXHIBIT  
 ENTERED IN THE 10/8/19  
 MINUTES OF THE TULSA CITY BOARD  
 OF ADJUSTMENT

MATERIAL SCHEDULE <small>MATERIAL COLOR</small>	
MATERIALS	COLORS
1. BRICKER FACE BRICK ON CMU	A. GALVALUME (PULVERLOY METAL)
2. PULVERLOY METAL CORRUGATED MULTI-CORR PANEL	B. COOL TERRA-COTTA (PULVERLOY METAL)
3. PULVERLOY METAL MESA-RIB PANEL (HORZ DENTAL)	C. COOL MESA-BLUE (PULVERLOY METAL)
4. PULVERLOY METAL STANDING SEAM METAL ROOF PANELS	D. ROYAL BLUE (ALUMN) OR PAINT TO MATCH
5. METAL FLUORET CORING	E. CLEAR ANODIZED
6. CONTINUOUS METAL GUTTER (FACTORY PAINTED)	F. UNFINISHED CLEAR COAT SEAL
7. DOWNSPUT TO GUTTER	G. MANUFACTURER FINISH
8. ALUMINUM AND GLASS STOREFRONT SYSTEM	H. BRICKER BRICK
9. VARIOUS ROLL-UP DOOR (SEE PLAN SCHEDULE)	J. HIGH NOON SP1550 (DOWN EDWARDS)
10. VARIOUS ROLL-UP DOOR CLOSURE PANEL	K.
11. DECORATIVE LIGHT FIXTURE	L.
12. SURFACE-MOUNTED SIGNAGE	
13. METAL FASCIA	
14. METAL DOOR	
15. STEEL COLUMN	
	ALL PAINTS AND FINISHES PER MANUFACTURER UNLESS NOTED OTHERWISE



**ARC Services Inc.**  
 1400 N. SUSSEX PLACE  
 Fountain Hills, Arizona 85268  
 phone (480)-837-0781  
 fax (480)-907-1152

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sec1

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revisions

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**TULSA SELF STORAGE**  
 THIRD STREET AND PEORIA AVE

---

Title: **CONCEPT ELEVATION**  
 Date: **09/07/19**  
 Project number: **BLS**  
 Drawn by: **RL**  
 Checked by: **BS**  
 CAD file: **EL1**

---

Design Development  
 Progress Const. Docs  
 City Submittal  
 BIM Package  
 Construction Issue  
 Record Drawings

---

Sheet Number: **EL1**

2.37

**HARDSHIP**  
**BOA-22757**

TULSA CITY BOARD OF ADJUSTMENT  
CASE NO. 22757  
OFFICIAL RECORD EXHIBIT  
ENTERED IN THE 10/8/19  
MINUTES OF THE TULSA CITY BOARD  
OF ADJUSTMENT

302 S Peoria  
Tulsa OK 74120

- The hardship for 302 S Peoria was created by the City of Tulsa street design.
- This tract has 429 lineal ft. of street frontage.
- Streets border this lot on three sides causing an irregular shaped tract, the fourth boundary is the Railroad "IM Zoned Tract".
- This requested building setback variance yields 4,293 sq. ft. as buildable area and on a proposed four story building as much as 17,000 sq. ft. of building space is gained if you grant this variance.
- The building line requested would result in building footprint 20' back from the curb line and 15' back from sidewalks on Peoria and 3<sup>rd</sup> Street.

## Chapman, Austin

---

**From:** Elayne Coffey <elayne524@gmail.com>  
**Sent:** Tuesday, October 22, 2019 2:10 PM  
**To:** Chapman, Austin  
**Subject:** SW Corner 3rd and Peoria Variance

Dear MR. Chapman,

I grew up in Tulsa and as a child my family made that turn at 3rd and Peoria to take my Dad to work at Bell Telephone. The original Bell Telephone in Tulsa that is now a Cold Storage. I don't personally think adding a Four Story Storage Building on the Corner of 3rd and Peoria is a good use of Space, especially infringing on the railroad right away and asking for a 10 foot Setback off of Peoria. A Four Story Building with 170 units leased to people for storage would not only cause Traffic Problems with trucks in and out but seems unnecessary for the area. As mentioned there are already several Storage Spaces in Downtown Tulsa including the Old Bell Telephone bldg. at 3rd and Elgin which is now a Storage Unit. This Street Front at 3rd and Peoria could be put to use to provide Services truly needed in the area by the Citizens of Tulsa.

My husband Richard Coffey and I own the property at 6th and Rockford, its an old Vintage Texaco Station that we lease to 'Nothings Left Brewery." A 2 Bay space. The old one bay space we completely blew out and made into a office space that is currently leased to a development firm.

This property has been in our family since 1930. In the last 3 years we have invested in to the buildings to see it last another 80 years. We also invested in to the property to the east of the old gas station which included lots going back to 7th and Rockford. We cleaned up and invested in to the existing buildings sitting on those lots. We now have those buildings leased to business owners that are investing their time and money in to the spaces because they want to be in the Pearl District.

Please consider the needs of the Citizens that live in the area. Also, the wishes of the Business owners that have invested their time and money into the Pearl District to make it as Unique as Kendall-Whittier, Brookside and Cherry Street.

Respectfully,  
Elayne Coffey

## Sparger, Janet

---

**From:** Chapman, Austin  
**Sent:** Tuesday, October 22, 2019 11:24 AM  
**To:** SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross  
**Cc:** Sparger, Janet; Wilkerson, Dwayne; Swiney, Mark; ABlank@cityoftulsa.org  
**Subject:** FW: Postcard from Google Earth

All,

Please see the email below from the applicant in BOA-22757.

Best,

**Austin Chapman**  
Planner, City of Tulsa Board of Adjustment  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9471  
[achapman@incog.org](mailto:achapman@incog.org)



Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. Call (918) 596-9456 for more information.

**From:** Michael Sager <sagertulsa@aol.com>  
**Sent:** Tuesday, October 22, 2019 11:17 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** Postcard from Google Earth

<https://earth.app.goo.gl/iywZPb>

#googleearth

FYI the large white roof with busses is TULSA transit . Please note on rr property. The TT location is on same rail as subject and one block east from ours.



Michael Sager  
Blue Dome Properties LLC  
P O Box 521064  
Tulsa OK 74152  
T: 918-361-3085

## Sparger, Janet

---

**From:** Chapman, Austin  
**Sent:** Tuesday, October 22, 2019 9:46 AM  
**To:** SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton  
**Cc:** ABlank@cityoftulsa.org; Swiney, Mark; Wilkerson, Dwayne; Sparger, Janet  
**Subject:** FW: Proposed Storage Building

All,

Please see the comments below regarding BOA-22757.

Best,

**Austin Chapman**  
Planner, City of Tulsa Board of Adjustment  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9471  
[achapman@incog.org](mailto:achapman@incog.org)



Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. ((918) 596-9456}

**From:** Debbie Hill <pearldistemb@gmail.com>  
**Sent:** Tuesday, October 22, 2019 9:32 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** Proposed Storage Building

Mr. Chapman,

I own a business in the Pearl District and wish to address the proposal of a large, intrusive building being located at 3rd and Peoria.

There are many challenges in creating a neighborhood which compliments the downtown Tulsa area and many of us feel that using that space in such a way hinders the project we are trying to grow.

I'm concerned about the parking issues and the fact that all of the storage facilities that I have known about end up having numerous auctions due to broken contracts which creates much chaos (not to mention possible danger on a busy corner like this one).

Please consider my concerns when addressing this issue.



Best regards,

**Debbie Hill**

Owner

Pearl District Embroidery, LLC

716 S. Troost

Tulsa, OK 74120

918-269-3347

[pearldistemb@gmail.com](mailto:pearldistemb@gmail.com)

## Sparger, Janet

---

**From:** Chapman, Austin  
**Sent:** Tuesday, October 22, 2019 10:26 AM  
**To:** SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton  
**Cc:** Sparger, Janet; Wilkerson, Dwayne; Swiney, Mark; ABlank@cityoftulsa.org  
**Subject:** FW: BOA-22757

All,

Please see the request below for a continuance in BOA-22757.

Best,

**Austin Chapman**  
Planner, City of Tulsa Board of Adjustment  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9471  
[achapman@incog.org](mailto:achapman@incog.org)



Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit. Call (918) 596-9456 for more information.

**From:** Robert Sartin <R.Sartin@barrowgrimm.com>  
**Sent:** Tuesday, October 22, 2019 10:09 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Cc:** Michael Sager <sagertulsa@aol.com>; Emily Kosmider <E.Kosmider@barrowgrimm.com>  
**Subject:** BOA-22757

Austin – As I advised during our phone call, I represent the developer in the referenced BOA case. Michael Sager is the applicant and consents to this request.

My client requests a continuance of the hearing until November 3, 2019, due to some design changes to the project that could potentially affect the variance request. We will submit the new design drawings, as well as any change to our variance request, as soon as we can.

We plan to attend the hearing this afternoon to request the continuance in person, but we wanted to let you know of our request as soon as possible.

Let me know if you have any questions.

Robert

***Robert B. Sartin***

BARROW & GRIMM, P.C. | 110 W. 7<sup>th</sup> St., Ste. 900 | Tulsa, OK 74119

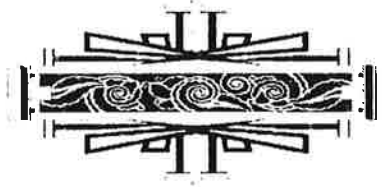
918.584.1600 | 918.585.2444 Fax

[sartin@barrowgrimm.com](mailto:sartin@barrowgrimm.com)

**BARROW &  
GRIMM** EST. 1976

Counsel for the Business of Life

The information contained in the accompanying transmission is or may be protected by the attorney-client and/or work product privilege and is confidential. It is intended only for the use of the individual or entity identified above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of the accompanying communication is prohibited. The party sending the accompanying transmission does not waive the applicable privilege. If you have received this communication in error, please notify us immediately. Thank you.



POA-22757

Secrets in the Pearl  
712 S. Troost Ave  
Tulsa OK 74120

October 21st, 2019

To whom it may concern:

My company, Secrets in the Pearl, has had the pleasure of being in the Pearl District for the last few years. We have recently learned of the plans to build a storage facility in our neighborhood and are disgruntled by the thought of someone building another one within 1 mile of the one that already exists. We have worked hard to get our clients to the Pearl District and it's access to downtown as well as promote Route 66. The neighborhood is home to artists, designers, architects and entrepreneurs who have worked hard to preserve its history as well as move forward to Tulsas' Vision. We are not against development of the land but the purpose as well as the architectural aspects of the proposed building differ from our interests

Thank you for your time



Kim M Eddy-Esche  
Owner.

**Sparger, Janet**

---

**From:** Foster, Nathan  
**Sent:** Monday, October 21, 2019 4:44 PM  
**To:** Kathryn Shackelford  
**Cc:** Sparger, Janet  
**Subject:** RE: 3rd and Peoria

BOA - 22757

Kathryn,

Thank you for submitting your letter. We will forward this to the Board members.

Let me know if you have any questions.

**Nathan Foster**  
Senior Planner

**Tulsa Planning Office**  
918.579.9481  
nfoster@incog.org



---

**From:** Kathryn Shackelford [mailto:katshack@me.com]  
**Sent:** Monday, October 21, 2019 4:31 PM  
**To:** Foster, Nathan  
**Subject:** 3rd and Peoria

This was my letter about the storage building issue.

Dear Mr. Chapman:

I own an 18,000 square foot building known as The Pearl District Design Center which houses a wholesale custom furniture manufacturing company as well as a designer fabric showroom, wallpaper showroom, custom embroidery shop, custom wood shop, artist studio and future home to a design incubator/accelerator in the Pearl District.

The decision to locate here was mostly due to the proximity to downtown and the creative vibe that seems to be ever growing in the Pearl.

The proposed project to erect a four story storage facility on one of the most visible corners in the Pearl is very disheartening to many of us who have invested in this growing area. I'm sure there are many lots that would be more suitable as there would be no need for a known street front for this kind of business. The fact that the facility is solely dependent on a year to year lease from the railroad for parking should in itself disqualify the project in my estimation. Once the building is in place I highly doubt that if the railroad needs repairs or other reasons for not renewing the yearly lease, the occupants will force their tenants to evacuate the building for whatever period of time. Year to year leases do not allow for exceptions of that sort.

Please consider the wishes of those of us who have invested in the Pearl and have a vision for a community that will compliment our downtown Tulsa area.

Thank you for your consideration,

Kathryn Hall Shackelford

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**Eller & Detrich**  
A Professional Corporation

Philip J. Eller  
Kevin H. Wylie  
R. Louis Reynolds  
Shanann Pinkham Passley  
Daniel C. Cupps  
Andrew A. Shank  
Heidi L. Shadid  
Mac D. Finlayson  
Steven P. Flowers  
Sloane Ryan Lile  
Nathalie M. Cornett

Telephone  
(918) 747-8900

Toll Free  
(866) 547-8900

Facsimile  
(918) 747-2665

*Of Counsel*  
Donald L. Detrich  
Katherine Saunders, PLC  
Jerry M. Snider  
John H. Lieber  
Joshua M. Tietsort  
Kenneth E. Crump Jr.

*Writer's E-Mail*  
[L.Reynolds@EllerDetrich.com](mailto:L.Reynolds@EllerDetrich.com)

November 5, 2019

**VIA EMAIL ONLY**  
City of Tulsa Board of Adjustment  
Attn: Mr. Austin Chapman  
INCOG  
2 West 2<sup>nd</sup> Street, Ste. 800  
Tulsa, OK 74103  
[achapman@incog.org](mailto:achapman@incog.org)

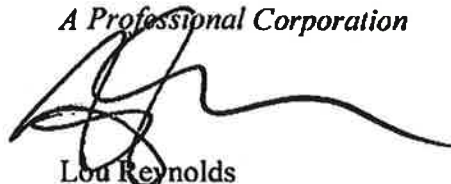
Re: **BOA-22763** Appeal of Administrative Decision

Dear Austin:

Please withdraw the above-referenced case from the November 12, 2019 Board of Adjustment agenda (continued from the October 22, 2019 meeting). Should you have any questions, please do not hesitate to call at (918) 747-8900.

Sincerely,

**ELLER & DETRICH**  
A Professional Corporation



Lou Reynolds

Cc: Client  
I:\19.0097\0001\N&C\To Austin Chapman (2019 1105).docx



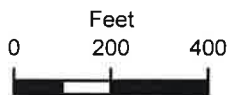
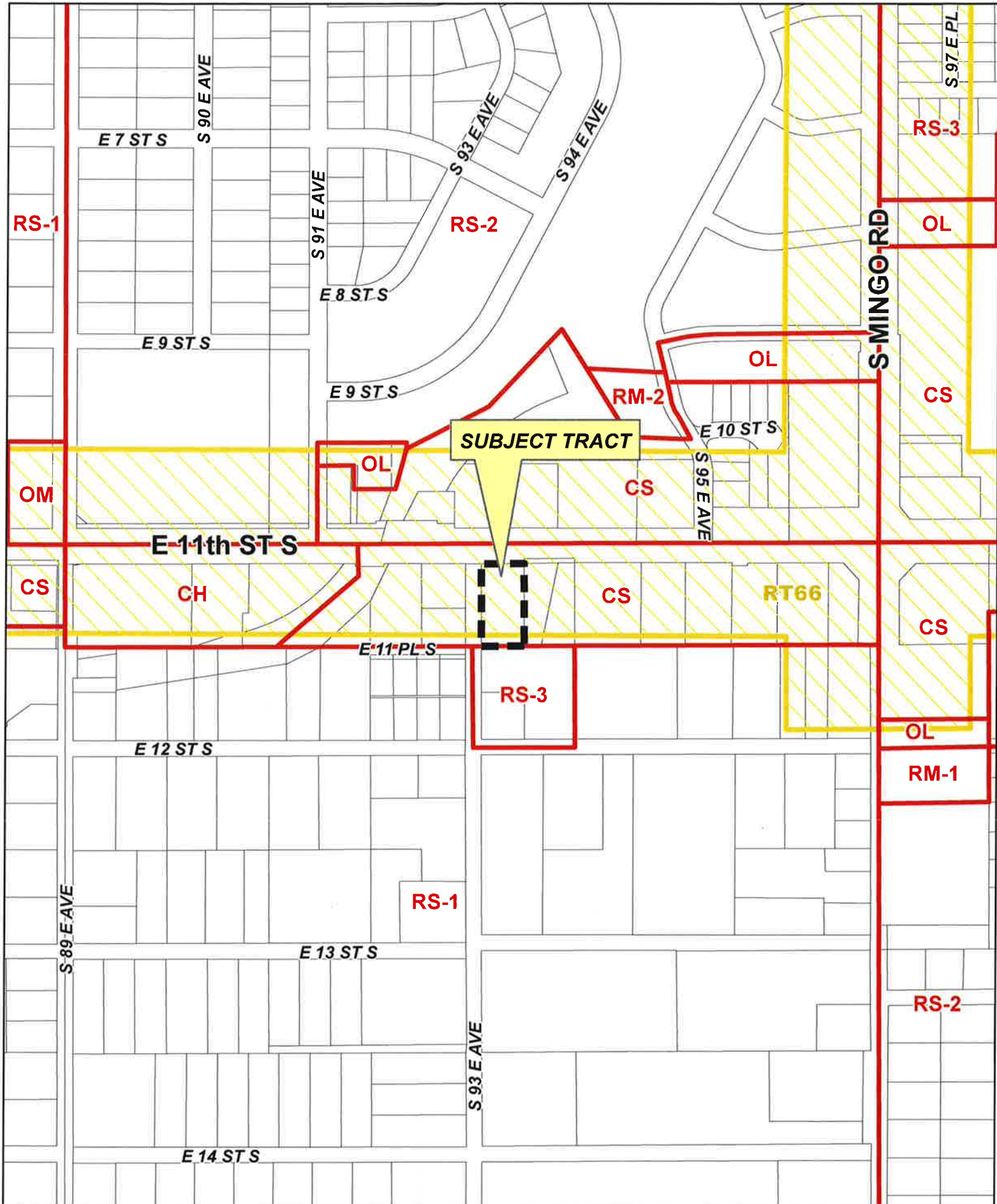
[www.EllerDetrich.com](http://www.EllerDetrich.com)

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

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**BOA-22770**

19-13 12

4.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9312

Case Number: **BOA-22770**

**CZM:** 38

**CD:** 5

**HEARING DATE:** 11/12/2019 1:00 PM (Continued from 10/22/2019)

**APPLICANT:** Charles Lewis

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 9306 E 11 ST S

**ZONED:** CS

**PRESENT USE:** Office/Commercial

**TRACT SIZE:** 37100.2 SQ FT

**LEGAL DESCRIPTION:** BEG 50S & 25E NEC NW NE TH S280 E140 N280 W140 POB LESS N15 FOR ST SEC 12 19 13 .851AC,

**RELEVANT PREVIOUS ACTIONS:** None

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned CS and is located at the SE/c of E. 11 St. S. and S 93<sup>rd</sup> E. Ave.

**STAFF COMMENTS:** The applicant is requesting Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

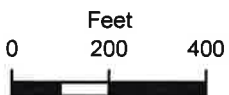
The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that 1,000 ft. They listed the next closest dispensary, Fort Apache.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we (**accept/reject**) the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



***Subject Property (Image Taken from Google). Staff Conducted a Site Visit but because of Traffic along 11<sup>th</sup> we were unable to get a current photo.***



 Subject Tract

**BOA-22770**

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

19-13 12

Aerial Photo Date: February 201<sup>st</sup>





**E 11th ST S**

**E 11 PLS**

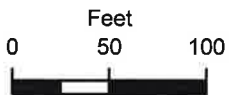
**S 93 E AVE**

**E 12 ST S**

**BOA-22770**

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

*Aerial Photo Date: February 201*



*Subject Tract*

19-13 12



9306 E. 11th St Tulsa, OK 74112



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 19, 2019

Charles Lewis  
7302 E 12 ST  
Tulsa, OK 74112

Phone: 918.853.1020

APPLICATION NO: **BLDC-04286-20129**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **9306 E 11 ST**

Description: **Medical Marijuana Dispensary**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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)

4.7



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-042864-2019

9306 E 11 ST

September 19, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. **Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**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**

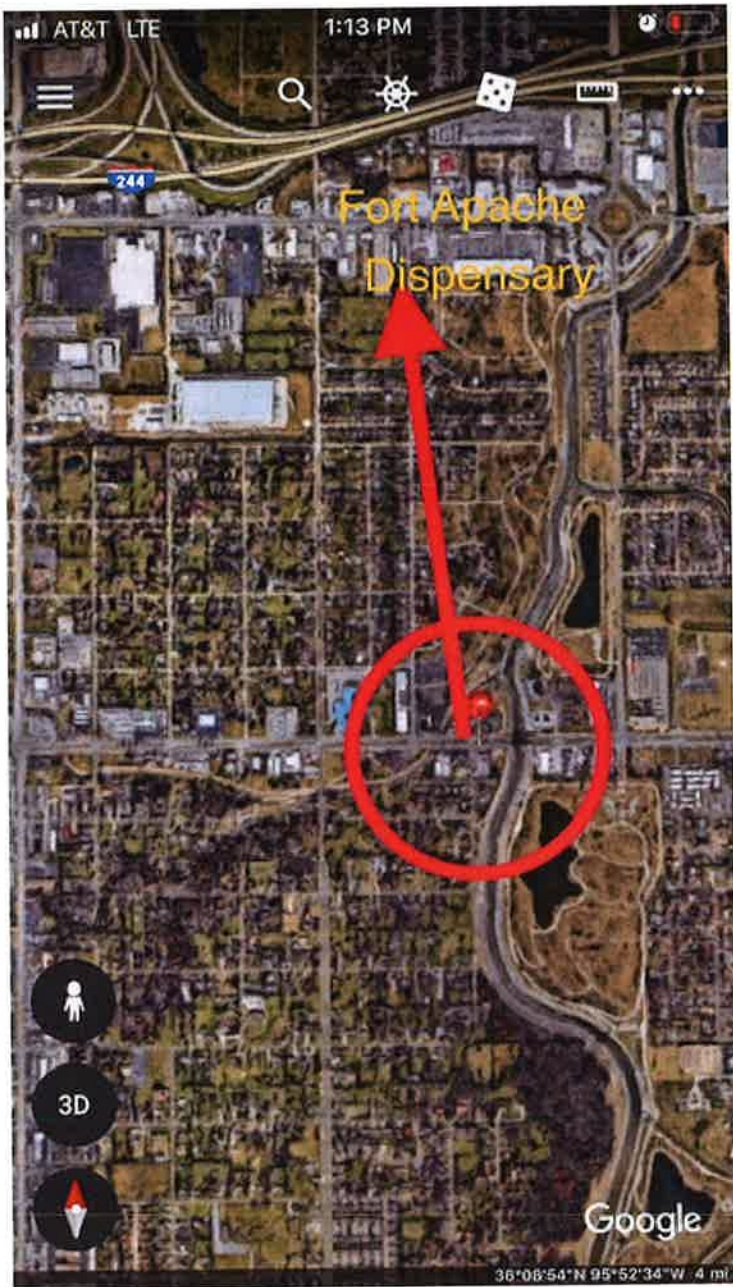
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.





**Sparger, Janet**

---

**From:** Lori Spataro <lorispatarook@gmail.com>  
**Sent:** Saturday, October 19, 2019 6:44 PM  
**To:** esubmit; Chapman, Austin  
**Subject:** Re: Case No. OA-22770

BOA-22770

My apologies Austin, for addressing you incorrectly.

On Sat, Oct 19, 2019 at 6:32 PM Lori Spataro <[lorispatarook@gmail.com](mailto:lorispatarook@gmail.com)> wrote:  
Aaron,

In connection with the above-referenced case number, we understand that the action requested is merely verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another such dispensary; however, we would like to express our objection to any medical marijuana dispensary being located directly across the street (to the east) of our property. Additionally, such dispensary is located within walking distance from neighborhoods where there are families.

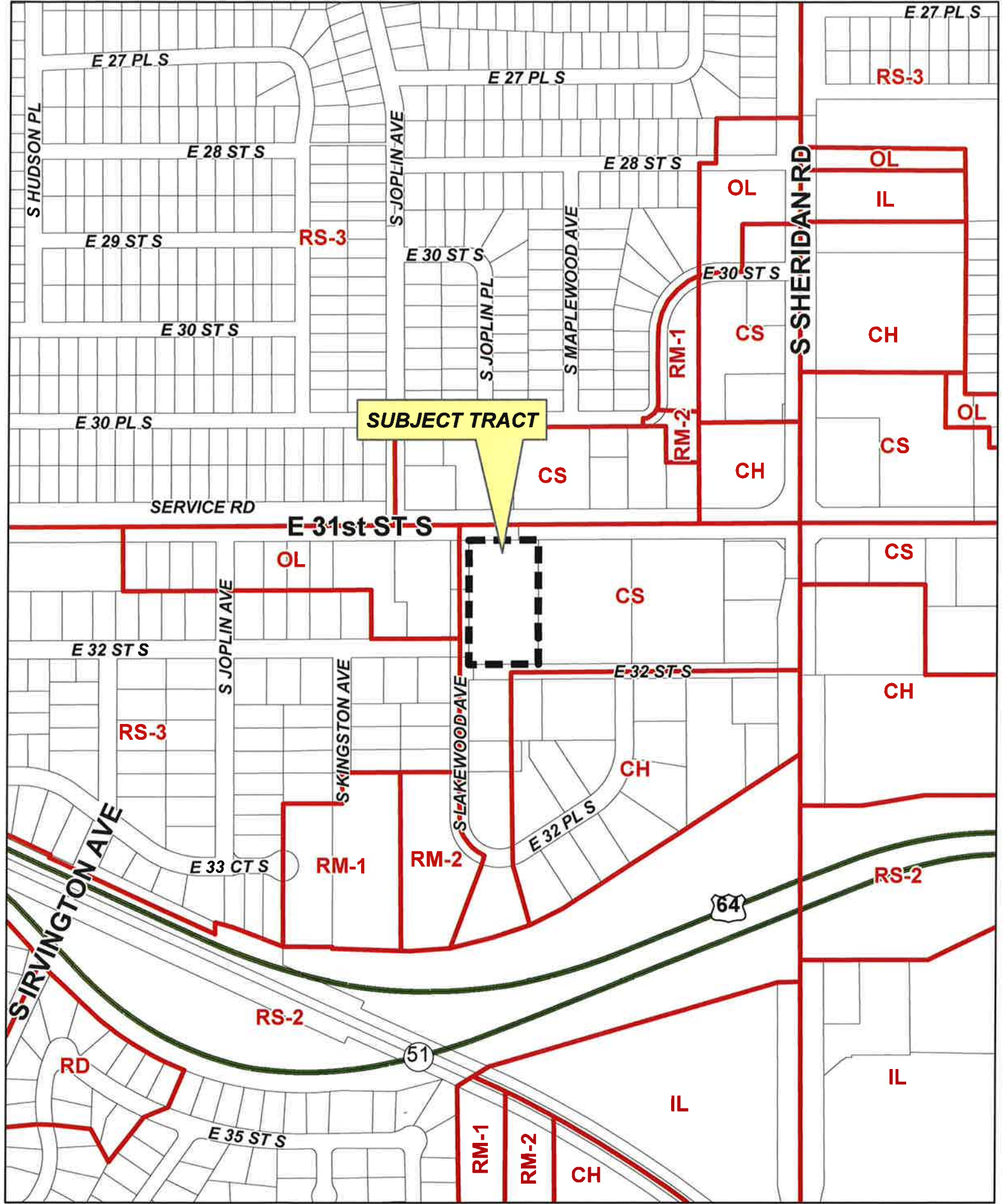
While we understand that medical marijuana is legal in Oklahoma, it still poses a potential threat to attract the criminal element as it is an all-cash business and, at least at a federal level, an illegal substance. Furthermore, is this what we want Route 66 through Tulsa to become....the avenue of medical marijuana dispensaries every 1,000 yards?

We would therefore object to having the dispensary located where it is proposed.

Thank you.

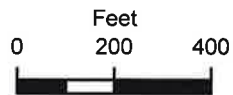
Albert J. & Lori J. Spataro  
1134 S. 93rd E. Avenue  
918.948.3560

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**SUBJECT TRACT**

**BOA-22771**



19-13 22

5.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9322

Case Number: **BOA-22771**

**CZM:** 48

**CD:** 5

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Brent Barnes

**ACTION REQUESTED:** Special Exception to allow a Large (>250) Commercial Assembly & Entertainment Use in the CS District in order to permit a Comedy Club (Sec.15.020 Table 15-2).

**LOCATION:** 5970 and 5974 E 31 ST S

**ZONED:** CS

**PRESENT USE:** Vacant Movie Theatre

**TRACT SIZE:** 93675.38 SQ FT

**LEGAL DESCRIPTION:** PRT LTS 2 - 4 BLK 1 SHERIDAN CIRCLE & PRT LTS 1 - 3 & 21 -22 BLK 1 & PRT LT BLK 7 LORRAINE HEIGHTS & PRT VAC EAST 32ND ST BEG 10W NEC LT 3 TH E225 S405 W225 N405 POB BLK 1, LORRAINE HGTS, SHERIDAN CIRCLE RESUB PRT B1 & B7 LORRAINE HGTS

## **RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

**Town Centers** are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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 CS zoned property zoned property housing a former movie theater located at the SE/c of 31<sup>st</sup> St. S. and S. Lakewood Ave.

S. o

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow a Large (>250) Commercial Assembly & Entertainment Use in the CS District in order to permit a Comedy Club (Sec.15.020 Table 15-2).

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>COMMERCIAL</b>												
<b>Animal service</b>												<a href="#">Section 40.020</a>
Boarding or shelter	-	-	-	-	S	P	P	P	P	P	P	
Grooming	-	-	-	-	P	P	P	P	P	P	P	
Veterinary	-	-	-	-	P	P	P	P	P	P	P	
<b>Assembly and Entertainment</b>												<a href="#">Section 40.040</a>
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.040</a>
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	<a href="#">Section 40.040</a>
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Broadcast or Recording Studio	P	P	P	P	P	P	P	P	P	P	P	
<b>Commercial Service</b>												<a href="#">Section 40.080</a>

Assembly and Entertainment uses are subject to following supplemental regulations:

**Section 40.040 Assembly and Entertainment**  
 Whenever an assembly and entertainment use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 50.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Large (>250) Commercial Assembly & Entertainment Use in the CS 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.



**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow a Large (>250) Commercial Assembly & Entertainment Use in the CS District in order to permit a Comedy Club (Sec.15.020 Table 15-2).

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
<b>COMMERCIAL</b>												
<b>Animal service</b>												<a href="#">Section 40.020</a>
Boarding or shelter	-	-	-	-	S	P	P	P	P	P	P	
Grooming	-	-	-	-	P	P	P	P	P	P	P	
Veterinary	-	-	-	-	P	P	P	P	P	P	P	
<b>Assembly and Entertainment</b>												<a href="#">Section 40.040</a>
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.040</a>
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	<a href="#">Section 40.040</a>
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Broadcast or Recording Studio	P	P	P	P	P	P	P	P	P	P	P	
<b>Commercial Service</b>												<a href="#">Section 40.080</a>

Assembly and Entertainment uses are subject to following supplemental regulations:

**Section 40.040 Assembly and Entertainment**

Whenever an assembly and entertainment use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §9.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Large (>250) Commercial Assembly & Entertainment Use in the CS 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.



***Rear of Subject property***



***Front of Subject property***

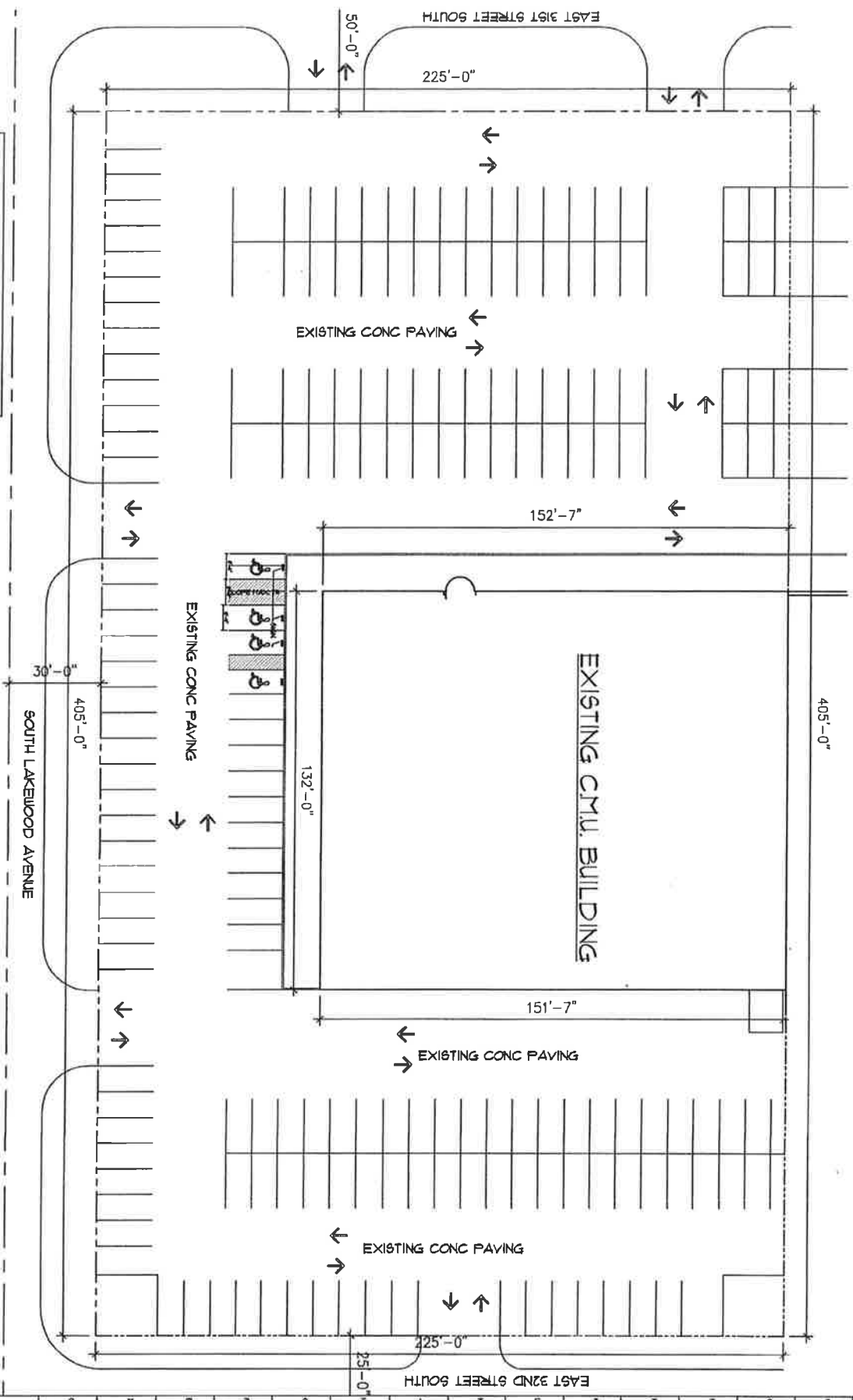


***Facing East on along 31<sup>st</sup> Street S.***



***Facing West on along 31<sup>st</sup> Street S.***

SITE PLAN  
 1" = 30'-0"



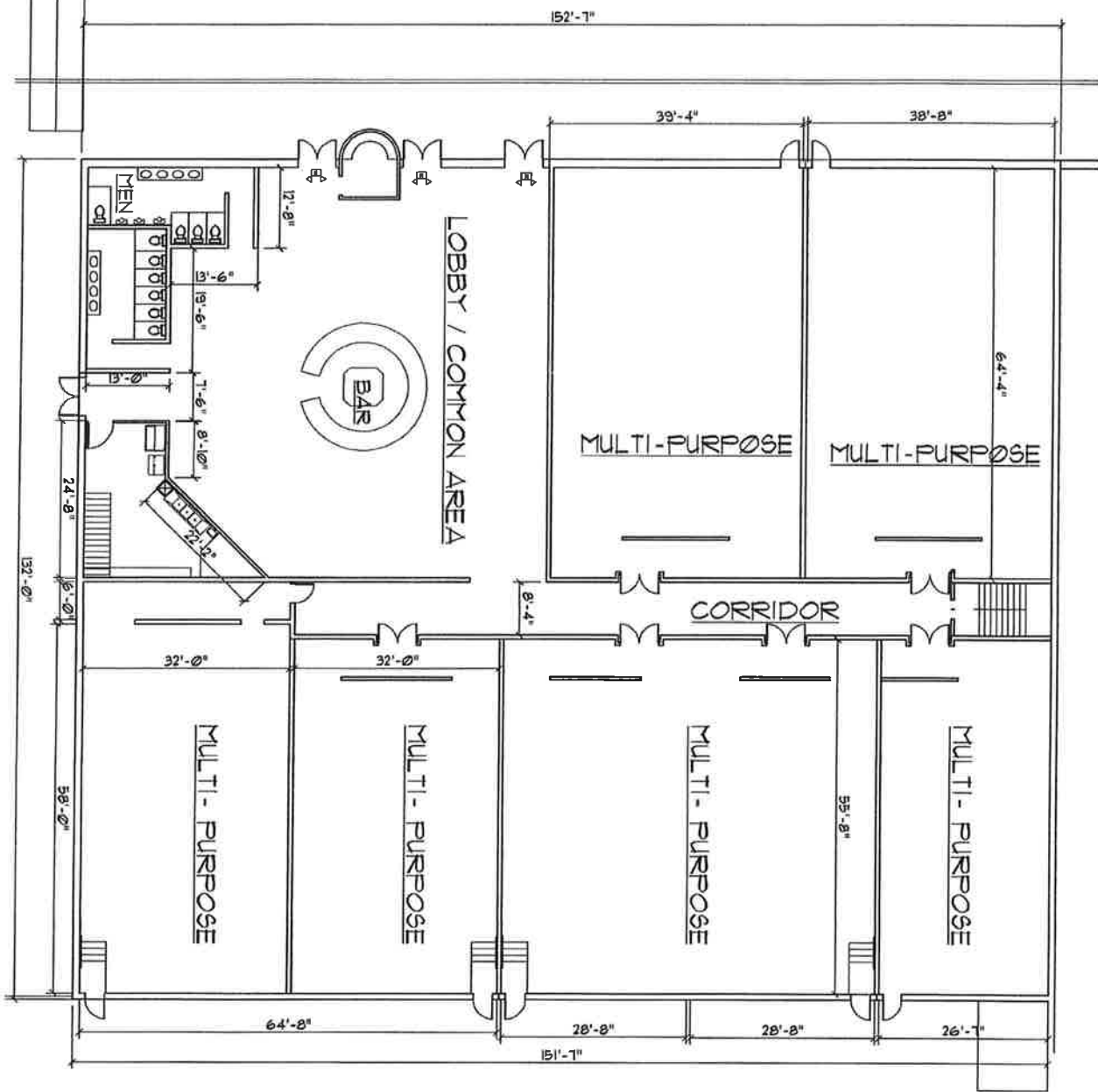
DATE: 10 SEPT 2010  
 SHEET NO: A1

FEMI FASESIN, ARCHITECT  
 ARCHITECTURE & PLANNING  
 421 SOUTH OLYMPIA AVE., TULSA, OKLAHOMA 74127  
 HO: 918-585-2281 • FAX: 918-585-2289

LAKWOOD CENTER  
 5974 E 31ST STREET  
 Tulsa, Oklahoma  
 741XX

5.6

EXISTING PLAN  
1/16" = 1'-0"

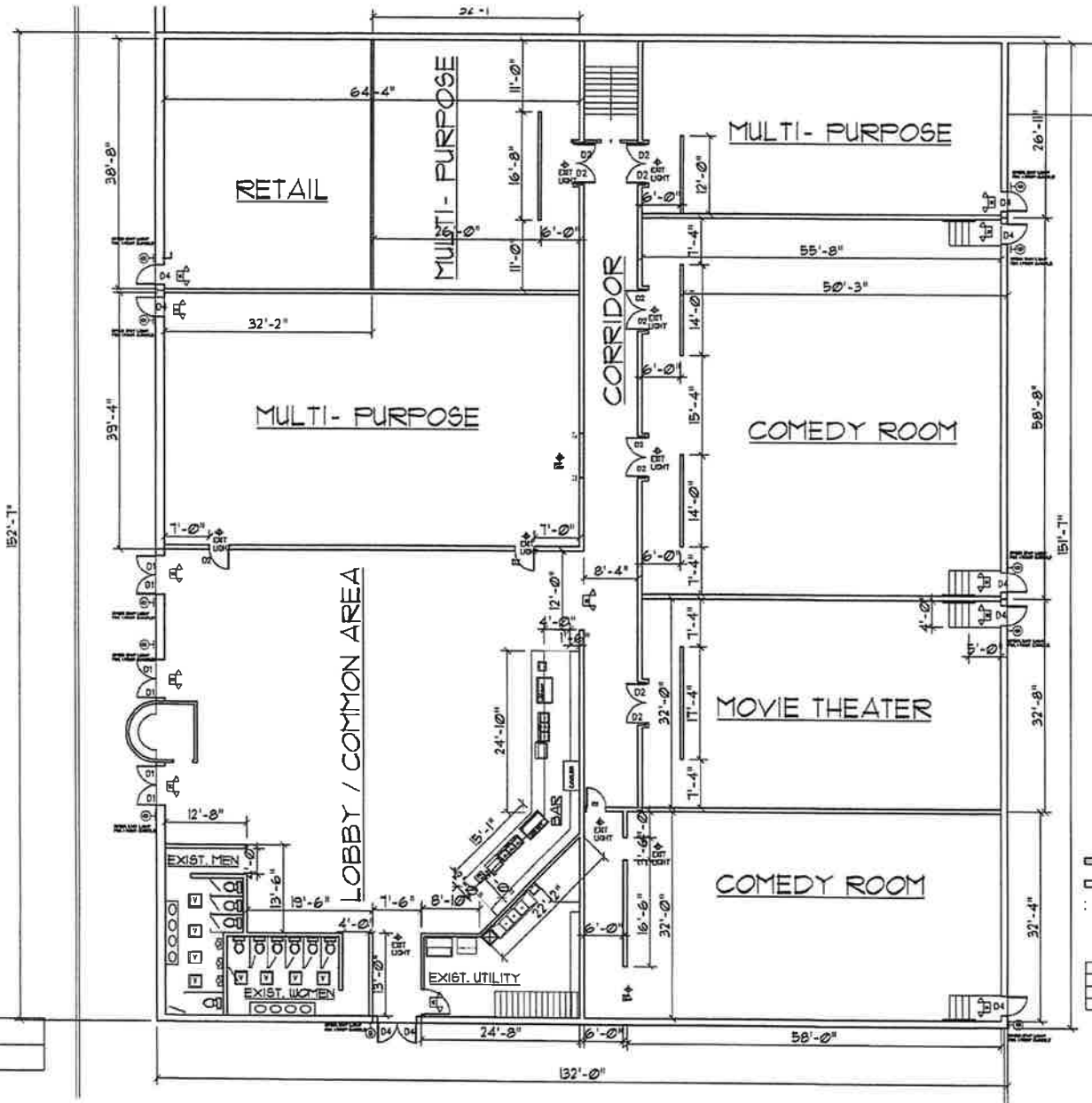


current

A2	<p>DATE: 10/20/2019</p> <p>SCALE:</p> <p>PROJECT NAME:</p>	<p><b>FEMI FASESIN, ARCHITECT</b> ARCHITECTURE &amp; PLANNING</p> <p>411 SOUTH OLYMPIA AVE., TULSA, OKLAHOMA 74127 PHONE: 918-585-2289 • FAX: 918-585-2289</p>	<p><b>LAKWOOD CENTER</b> 5974 E 31ST STREET Tulsa, Oklahoma 741XX</p>
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5.1

PROPOSED PLAN  
1/16" = 1'-0"



**DOOR SCHEDULE**

D1	3070	STOREFRONT	PANIC BAR
D2	3070	S.C.WOOD	LEVER TYPE HANDLE
D4	3070	METAL CLAD	PANIC BAR

LAKWOOD CENTER  
 5974 E 31ST STREET  
 Tulsa, Oklahoma  
 741XX

FEMI FASESIN, ARCHITECT  
 ARCHITECTURE & PLANNING  
 421 SOUTH GUNTER AVE., 113.5A, DULWICH 74127  
 PHONE: 918-965-2281 • FAX: 918-965-2289

DATE: 10 SEPT 2019  
 SCALE: AS SHOWN  
 SHEET NAME: A3  
 SHEET NUMBER: 10

5.9

CODE ANALYSIS FOR 5974 E. 31ST STR S.  
DESIGN OCCUPANT LOAD IS 824

BUILDING SUMMARY								
BUILDING CODES	2009 INTERNATIONAL EXISTING BUILDING CODE 2009 INTERNATIONAL PLUMBING CODE							
OCCUPANCY GROUP	*A1, A2 ASSEMBLY, B							
CONSTRUCTION TYPE	IIA							
SEISMIC DESIGN CRITERIA	N/A							
ALLOWABLE HEIGHT	2 STOREY (PER TABLE 502)							
ALLOWABLE AREA	8,500SF PLUS (8,500SF X 2 + 30,000SF) = 45,000SF							
AREA (GROSS SF)	20,032 SF (PER SECTION 502.1)							
OCCUPANT LOAD AND EGRESS ANALYSIS								
USE	AREA	LOAD FACTOR	OCCUPANTS					
MOVIE THEATER	1,650 SF	PER 1004.1	52					
COMEDY CLUB	4,806 SF	1.10	321					
MULTI-PURPOSE	4,870 SF	1.10	326					
RETAIL	1,216 SF	1.60	21					
UTILITY/BAR	704 SF	1.200	4					
TOTAL:	12,811 SF		824					
NOTE: LOAD FACTORS BASED ON 2009 IBC TABLE 1004.1.1								
EXIT WIDTH ANALYSIS - "A" ASSEMBLY								
EXIT AREAS	OCCUPANTS	FACTOR	REQUIRED	PROVIDED				
2 * 32' * 400 INCHES	824	20	16-42'	480'				
50% OF REQUIRED EGRESS WIDTH PER OCCUPANT TO EXIT THROUGH MAIN ENTRY.			82.1'	240'				
NOTE: MAXIMUM DISTANCE TO AN EXIT = 300 FT PER 2009 IBC TABLE 1016.1 WIDTH FACTOR FOR GROUP "A", BUILDING = 20 PER 2010 IBC SECTION 1016.1.								
PLUMBING COUNT - "A" ASSEMBLY								
		TOTAL FIXTURES REQUIRED			FIXTURES REQ'D BY GENDER			
OCCUPANCY TYPE	OCCUPANT LOAD	WATER CLOSETS	LAVATORIES	DRINKING FOUNTAINS	WATER CLOSETS		LAVATORIES	
A	824	10	0	1	MALE	FEMALE	MALE	FEMALE
TOTAL FIXTURES PROVIDED		13	0	1	7	6	4	4
NOTE: FIXTURE COUNTS CALCULATED PER 2009 IPC, TABLE 402.1								
DEFERRED SUBMITTALS								
1								
NOTE:								

INTERIOR FINISH SCHEDULE

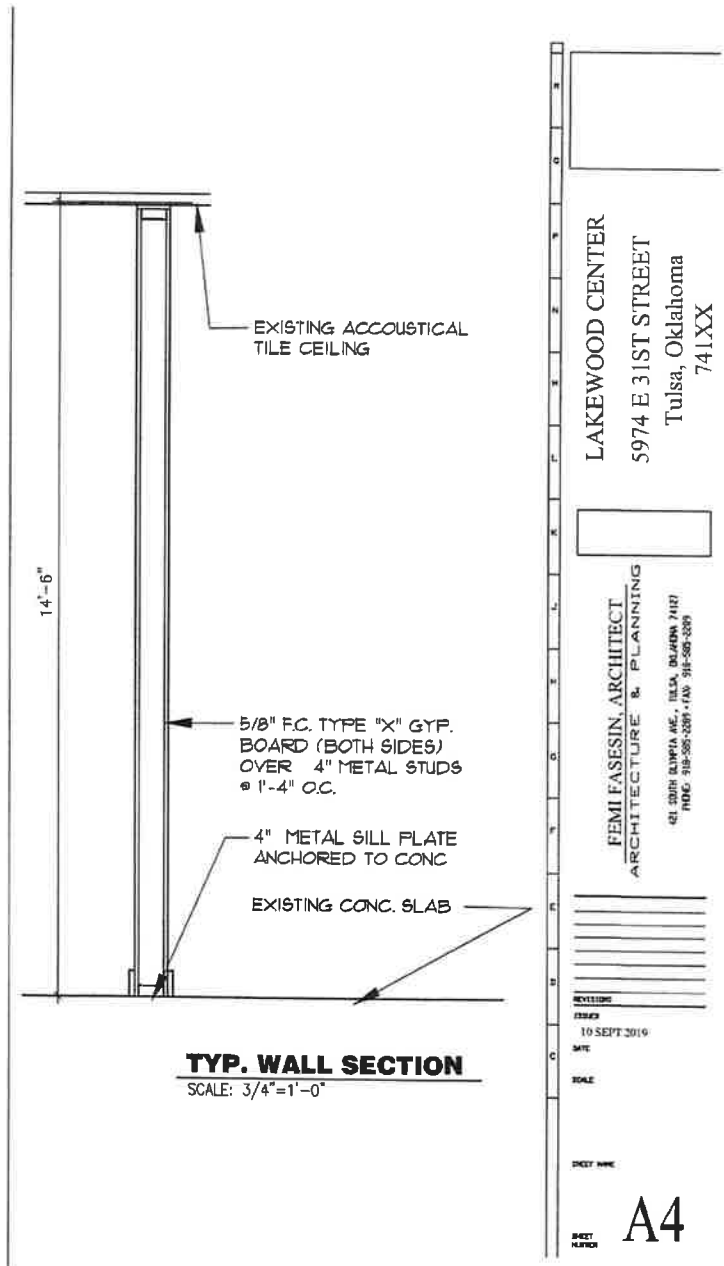
ROOM	FLOOR	CEILING	WALL
MULTI-ROOM CLUB THEATER	COMMON GRADE CARPET	2X4 LAY-IN ACOUSTICAL CEILING, COMMERCIAL GRADE	GYPSUM, PAINTED 1/2-COATS SEMI-GLOSS
RETAIL SPACE	CERAMIC TILE, COVERED TO THE WALLS, COMMON GRADE	2X4 LAY-IN ACOUSTICAL CEILING, COMMERCIAL GRADE	GYPSUM, PAINTED 1/2-COATS SEMI-GLOSS SMOOTH SURFACE, WASHABLE, LIGHT IN COLOR
UTILITY BAR	CERAMIC TILE, COVERED TO THE WALLS, COMMON GRADE	GYPSUM, PAINTED 1/2-COATS SEMI-GLOSS SMOOTH SURFACE, WASHABLE, WHITE IN COLOR	GYPSUM, PAINTED 1/2-COATS SEMI-GLOSS SMOOTH SURFACE, WASHABLE, WHITE IN COLOR
LOBBY	COMMON GRADE CARPET	2X4 LAY-IN ACOUSTICAL CEILING, COMMERCIAL GRADE	
PROVIDE COVE BASE. PROVIDE LIGHT COLOR ENAMEL PAINT ON DRYWALL.			

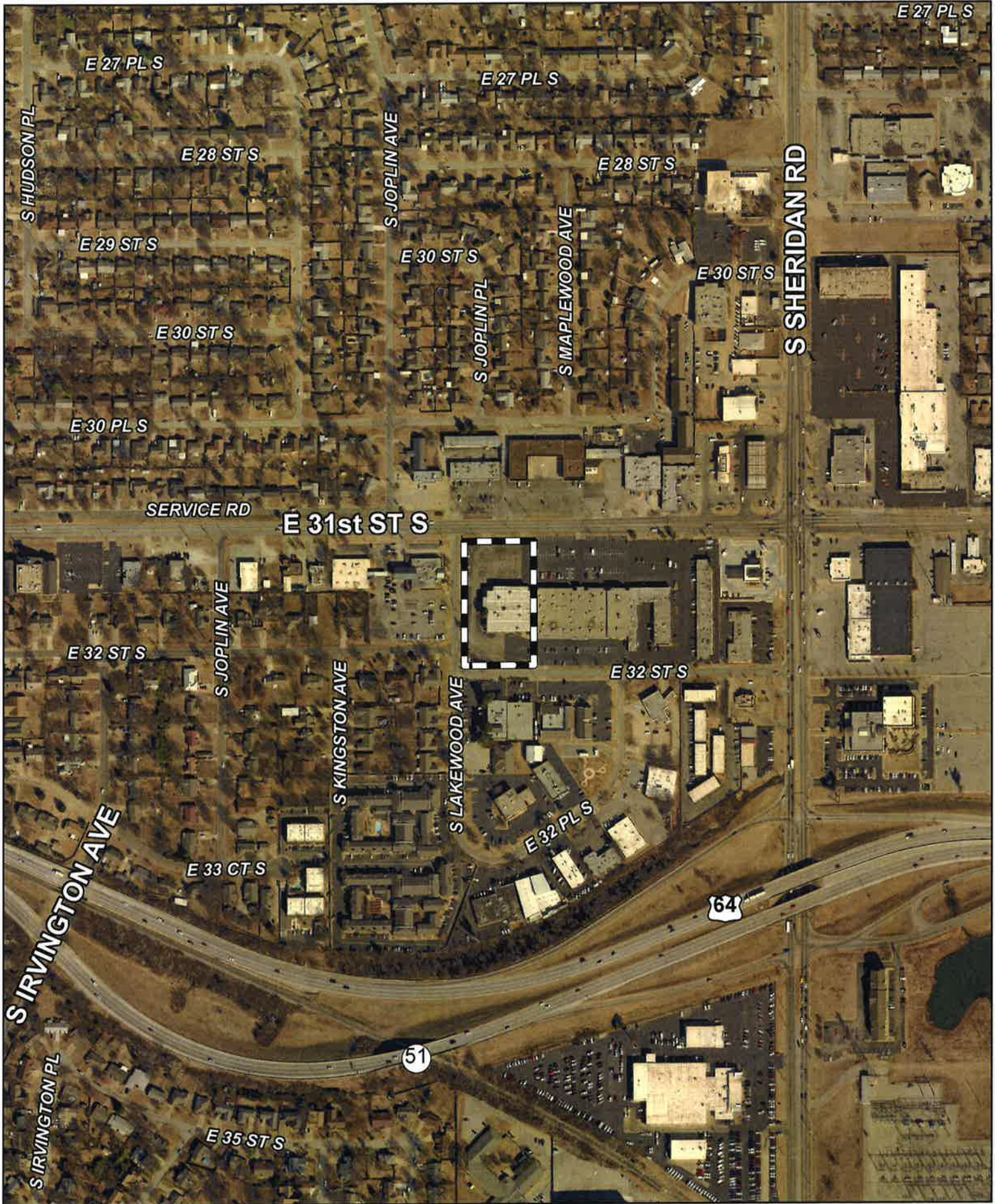
LEGEND.

	EMERGENCY LIGHT FIXTURE
	EXIT LIGHT FIXTURE
	VENT TO OUTSIDE 75 CFM PER FIXTURE

GENERAL NOTES

1. NEW WALLS TO 10'-0" CLG. HEIGHT
2. WALL TYPE:  
A: 5/8" GYP. BD. 4" METAL STUDS.
3. COORDINATE COLOR/FINISH WITH OWNER. BATHROOM FINISH TO BE WASHABLE SURFACE
4. FIELD VERIFY EXTG. EMERGENCY LIGHT FIXTURE
5. CONTRACTOR SHALL CHECK AND VERIFY EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING WORK. REWORK EXISTING WALLS AS REQUIRED.
6. ALL HIDDEN STRUCTURAL DISCREPANCIES MUST BE REPORTED TO ARCHITECT FOR CORRECTIVE MEASURES PRIOR TO COMPLETION OF PROJECT.
7. ALL ELECTRICAL WORK SHALL BE PERFORMED BY LICENSED ELECTRICIANS.
8. ALL ELECTRICAL WORK SHALL CONFORM TO ELECTRICAL CODES.
9. CONTRACTOR SHALL VERIFY ALL ELECTRICAL LOAD REQUIRED.





E 27 PL S

E 27 PL S

E 27 PL S

S HUDSON PL

E 28 ST S

S JOPLIN AVE

E 28 ST S

S SHERIDAN RD

E 29 ST S

E 30 ST S

S JOPLIN PL

S MAPLEWOOD AVE

E 30 ST S

E 30 ST S

E 30 PL S

SERVICE RD

E 31st ST S

E 32 ST S

S JOPLIN AVE

S KINGSTON AVE

S LAKEWOOD AVE

E 32 ST S

S IRVINGTON AVE

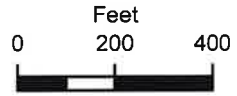
E 33 CT S

E 32 PL S

64

51

E 35 ST S



Subject Tract

**BOA-22771**

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

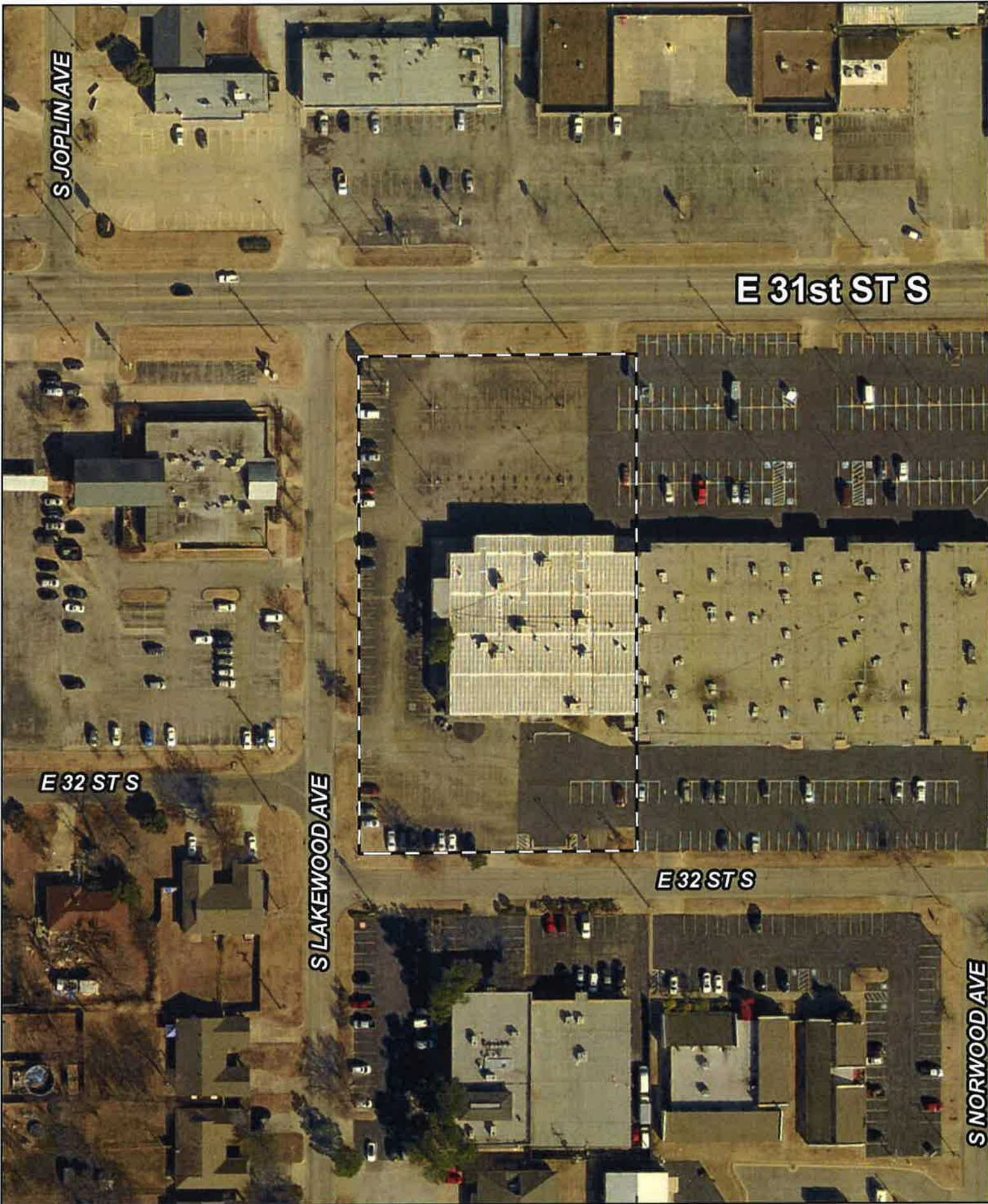
19-13 22

Aerial Photo Date: February 2018



S-10





S JOPLIN AVE

E 31st ST S

E 32 ST S

SLAKEWOOD AVE

E 32 ST S

SNORWOOD AVE



Subject Tract

**BOA-22771**

19-13 22

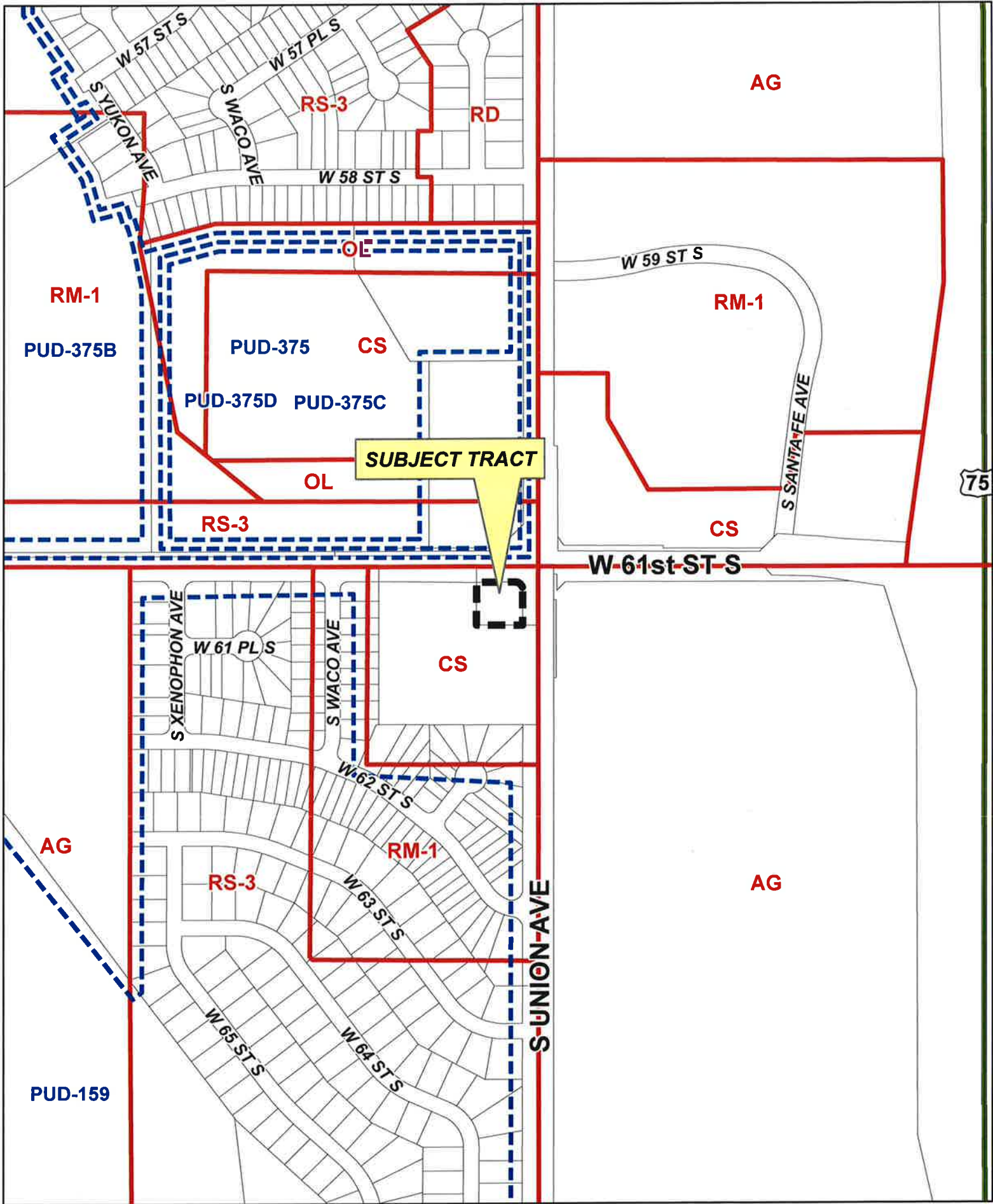
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



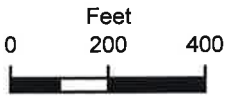
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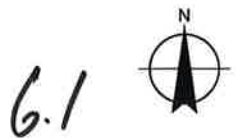


**SUBJECT TRACT**

**BOA-22772**



18-12 03



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8203

Case Number: **BOA-22772**

**CZM:** 51

**CD:** 2

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Cannabis Galleria Inc.

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 6130 S UNION AV W

**ZONED:** CS

**PRESENT USE:** Commercial - Gas Station

**TRACT SIZE:** 22302.81 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 1, WEST HIGHLANDS CENTER

**ANALYSIS OF SURROUNDING AREA:** The subject tract is a CS zoned property located at the SW/c of W. 61<sup>st</sup> St. S. and Union Ave.

**STAFF COMMENTS:**

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that 1,000 ft. They also provide d a separate exhibit listing the nearest dispensary, High Class, as being located at the SE/c of W. 61<sup>st</sup> St. S and S. 33<sup>rd</sup> W. Ave.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

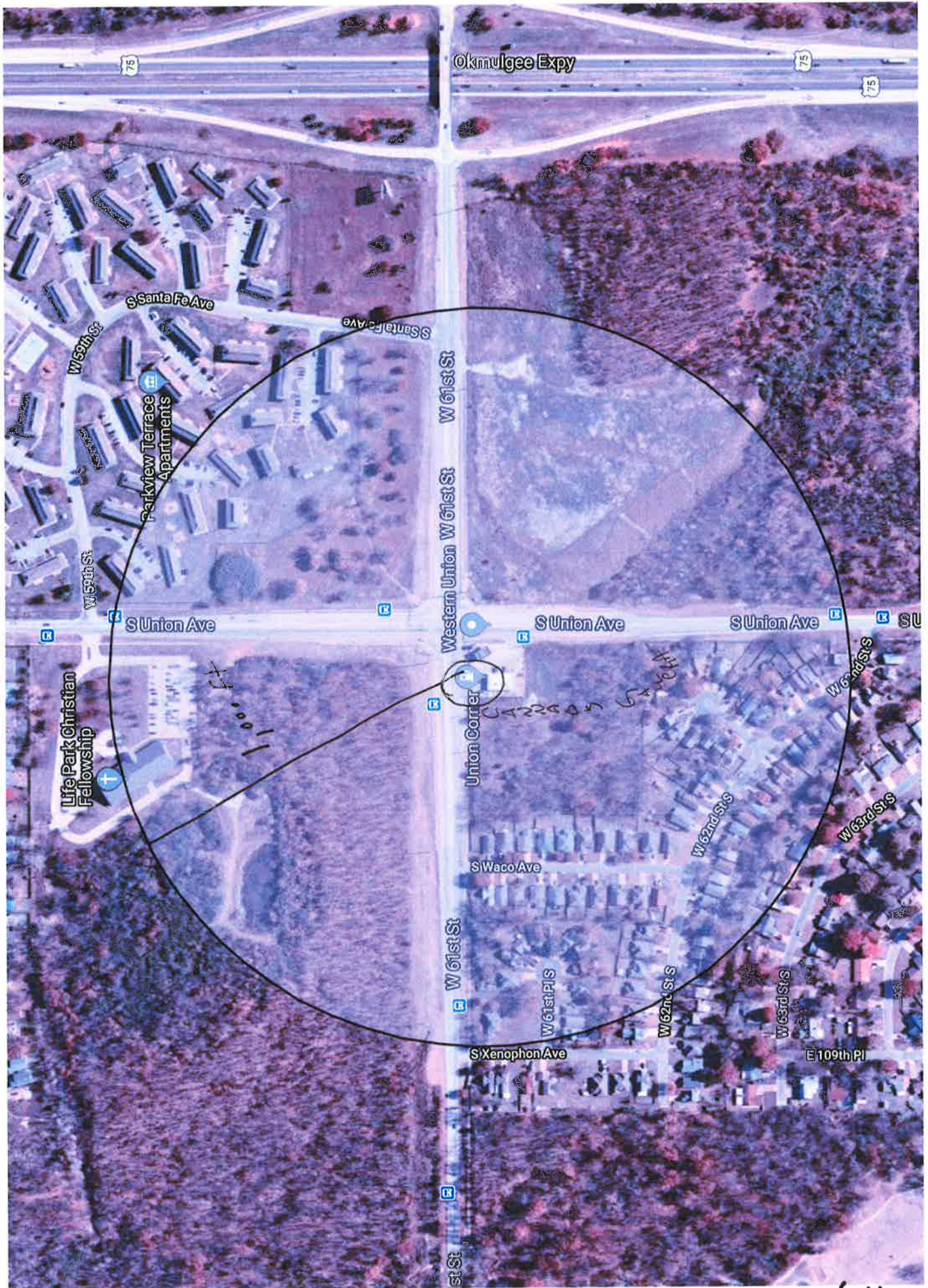
6.2



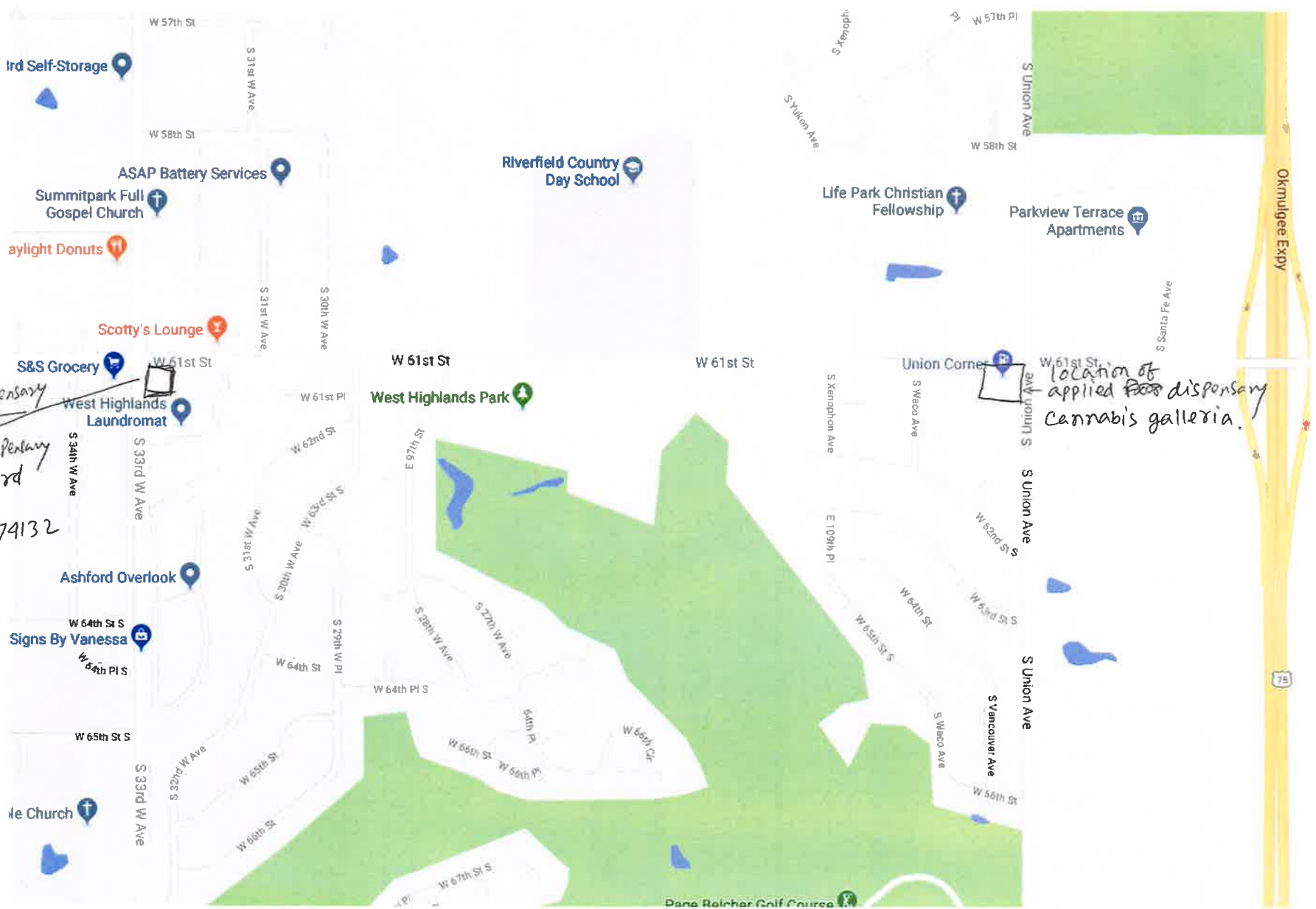
*Intersection of 61<sup>st</sup> St and Union Ave*



*Subject Dispensary*



North.



Nearest dispensary  
 High class dispensary  
 6161 S 33rd  
 W. Ave  
 TULSA, OK 74132

location of  
 applied ~~for~~ dispensary  
 cannabis galleria.

6.5

S

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**CANNABIS GALLERIA INC**

6130 S UNION AVE , TULSA, OK, 74132

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

06/25/2020

LICENSE NUMBER:

DAAA-4JOF-PY4Y



*Tom Bates*

TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

TRANSPORTATION LICENSE ONLY

6.5



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 5, 2019

Thomas Gary  
7423 HWY 64  
Haskell, OK 74436

Phone: 918.304.9812

APPLICATION NO: **BLDC-038019-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **6130 S Union Ave**

Description: **Medical Marijuana Dispensary**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)

6.7

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-038019-2019

6130 S Union Ave

August 5, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

- 1. Sec.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 Department of Health for the use at the location.  
**Review comment:** Submit evidence you have been granted a state license and the date it was approved.
- 2. Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
- 3. Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.  
**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code:  
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

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

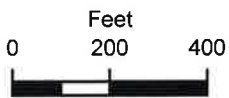
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



 Subject Tract

**BOA-22772**

18-12-03

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

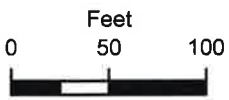
Aerial Photo Date: February 2018





**W 61st ST S**

**S UNION AVE**



*Subject Tract*

**BOA-22772**

18-12 03

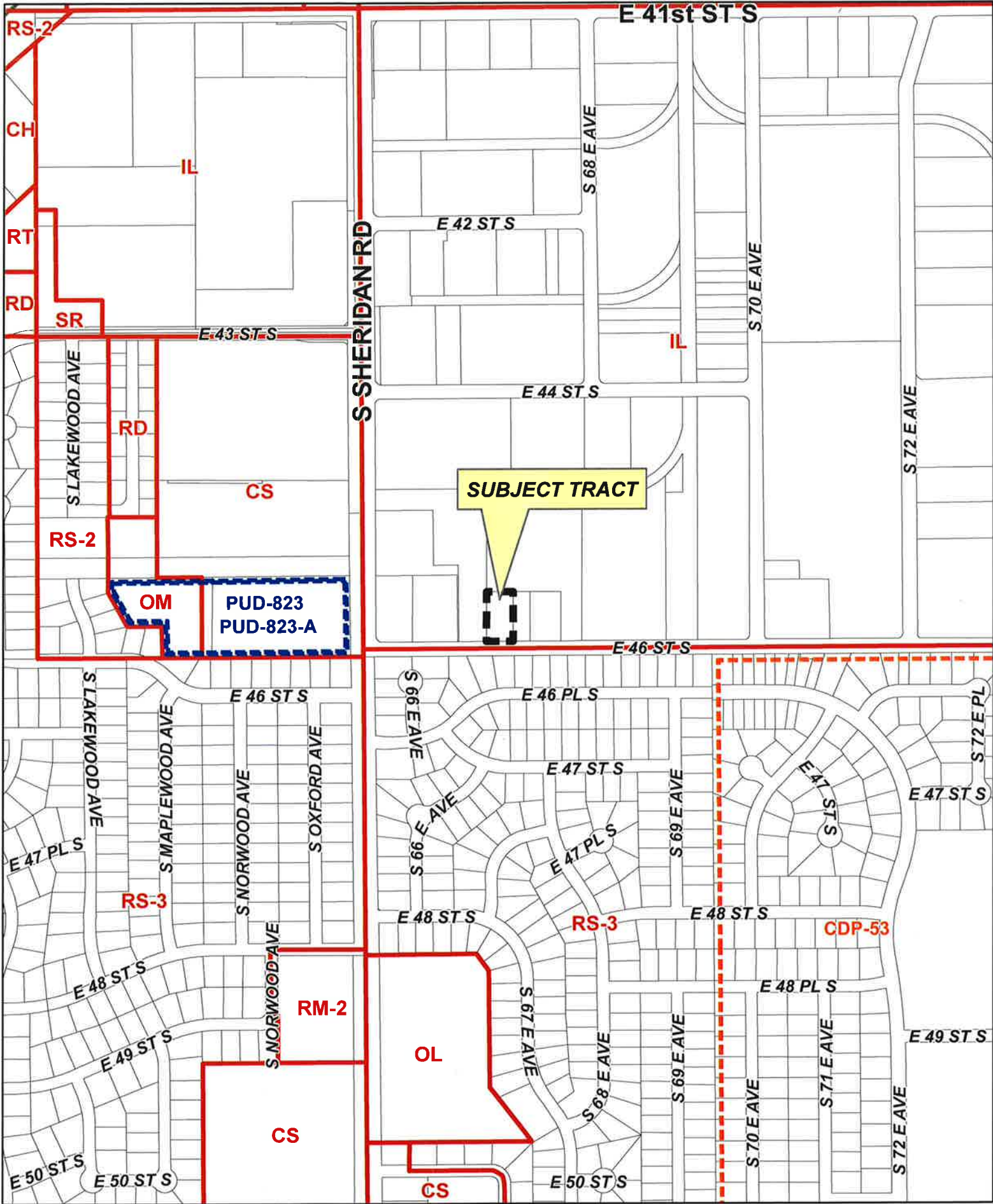
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: February 2018*



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**SUBJECT TRACT**

**PUD-823  
PUD-823-A**

**BOA-22773**



19-13 26



7.1

# BOARD OF ADJUSTMENT CASE REPORT

STR: 9326

Case Number: **BOA-22773**

CZM: 48

CD: 5

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Gregg Sandella

ACTION REQUESTED: Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 6519 E 46 ST S

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 20599.61 SQ FT

LEGAL DESCRIPTION: S200 LTS 10 11 & S200 W3 LT 12 BLK 1, KATY FREEWAY INDUSTRIAL PARK ADDN

## RELEVANT PREVIOUS ACTIONS:

**Subject Property:** None

## **Surrounding Properties:**

BOA-22702; On 8/13/2019 The Board **accepted** the verification of spacing for a medical marijuana from another medical marijuana dispensary located 4201 S Sheridan Road.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located East of the NE/c of S. Sheridan Road and E. 46<sup>th</sup> Street S.

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

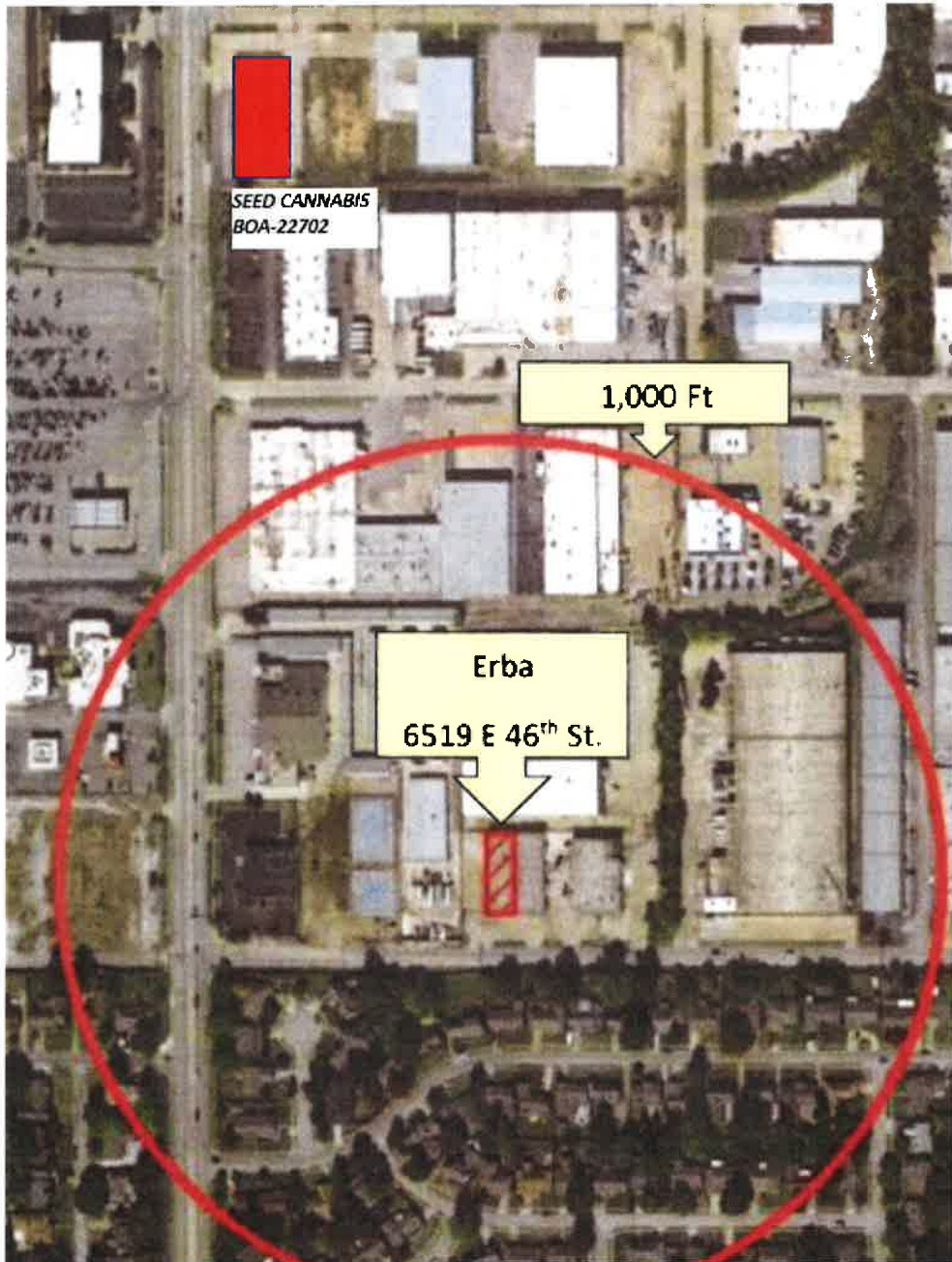
Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that 1,000 ft radius. The nearest dispensary listed is Rosebuds Dispensary



located 4111 S. 70<sup>th</sup> E. Ave. Staff is aware of a dispensary located at the SE/c of E. 42<sup>nd</sup> Street S and S. Sheridan Road that is not listed on their exhibit, though it should be noted this dispensary is not open for business as of the writing of this report and is still outside of their 1,000 ft radius. The dispensary identified by staff (Seed Cannabis) received their spacing verification on 08/13/2019 in BOA-22702.



**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

Ms. Ross asked Mr. Chapman if the Board had approved the spacing verification on Forever Green, LLC. Mr. Chapman stated the Board has not and he could not find any building permits that had been applied for, so he does not know their intent or when the license was issued.

Ms. Ross asked Ms. Dampf if the other facility was currently operating. Ms. Dampf answered no, not that she is aware of.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 3-1-0 (Bond, Ross, Shelton "aye"; Radney "nay"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**E 50 OF W95 OF N/2 LT 6 & W95 OF S/2 LT 6 BLK 38, TULSA-ORIGINAL TOWN,  
City of Tulsa, Tulsa County, State of Oklahoma**

**22702—Seed Cannabis Company**

**FILE COPY**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION: 4201 South Sheridan Road East (CD 5)**

**Presentation:**

**Taras Filenko**, 623 South Peoria, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Ms. Ross asked Mr. Filenko where the nearest dispensary is to his location. Mr. Filenko stated that it is Verde in the 3900 block of Sheridan or about 1,600 feet away.

Mr. Filenko stated he did the OMMA study and checked weed maps and did a drive around his perimeter to make sure he saw no dispensaries that weren't listed in the 1,000-foot radius.

BOA-22702

FILE COPY

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LTS 33 THRU 35 & PRT LT 18 BEG SWC LT 35 TH E152 S40 W152 N40 POB BLK 2, KATY FREEWAY INDUSTRIAL PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22703—Euforia, LLC**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 11730 East 11<sup>th</sup> Street South (CD 6)

**Presentation:**

**Tim Wortman**, 7815 South Memorial, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Bond stated the Board is in receipt of the applicant's OMMA license on page 10.14 and the spacing verification on page 10.16 of the agenda packet.

Mr. Wortman stated that the closest dispensary to his location is almost 6,000 feet away.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to



***Subject Tract***



***Facing West on 46<sup>th</sup> Street S.***



***Facing East on 46<sup>th</sup> Street S.***

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 19, 2019

Greg Helms  
424 E Main ST  
Jenks, OK 74037

Phone: 918.298.7257

APPLICATION NO: **BLDC-42804-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **6519 E 46 ST**

Description: **Medical Marijuana Dispensary**

#### 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.

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(continued)

7.8

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[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-042804-2019

6519 E 46 ST

September 19, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

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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

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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.

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**ERBA, LLC**

6519 E 46TH ST , TULSA, OK, 74145

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

12/23/2019

LICENSE NUMBER:  
DAAA-41YR-TLGG



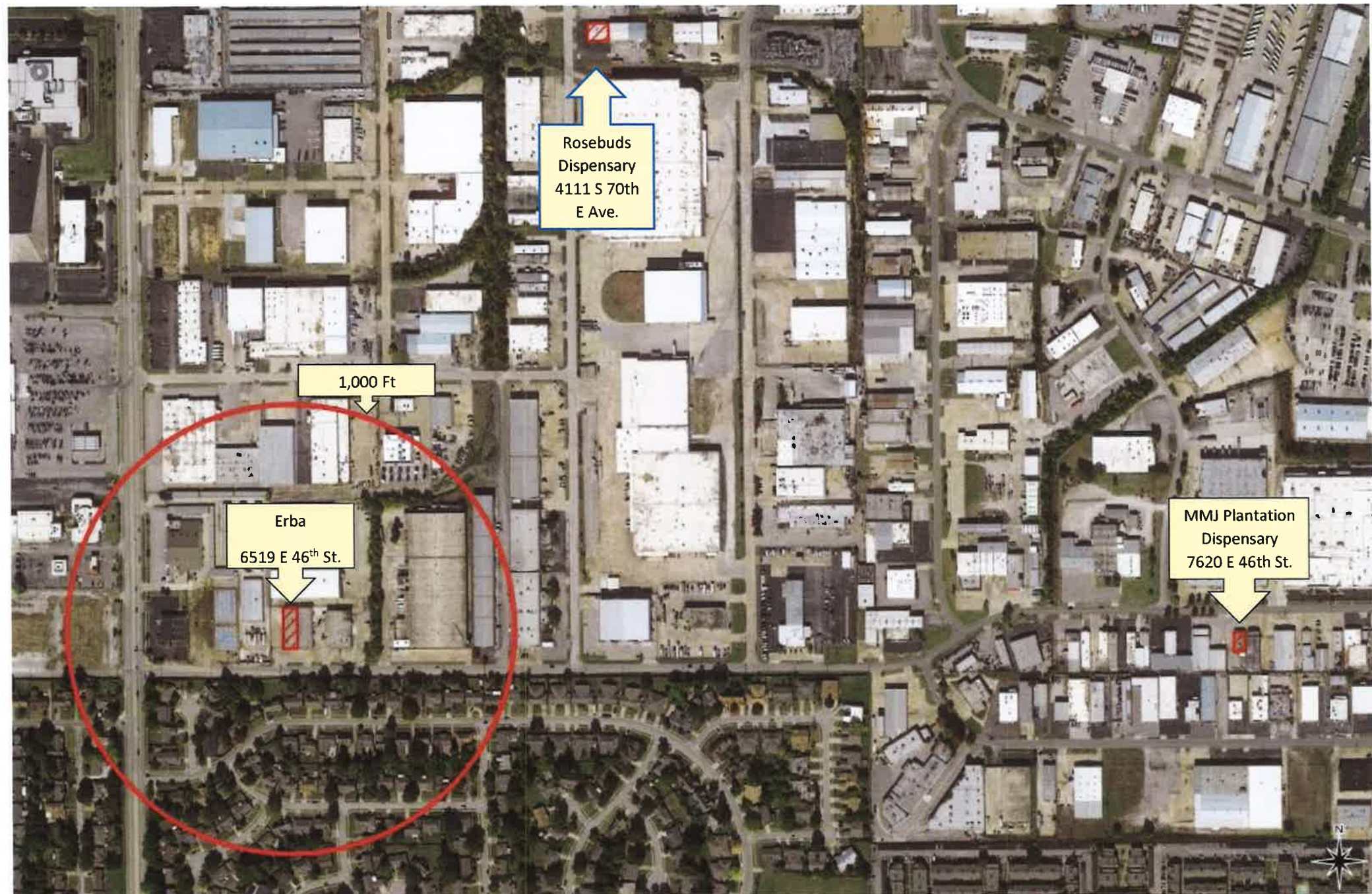
*Tom Bates*

TOM BATES, I.D.  
Interim Commissioner  
Oklahoma State Department of Health

DO NOT COPY

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Rosebuds  
Dispensary  
4111 S 70th  
E Ave.

1,000 Ft

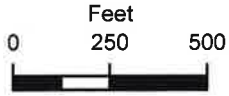
Erba  
6519 E 46th St.

MMJ Plantation  
Dispensary  
7620 E 46th St.

 NORTH



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Subject Tract

**BOA-22773**

19-13 26

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

Aerial Photo Date: February 2018



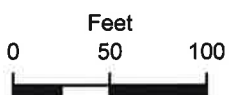
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E 46 STS

E 46 PLS

S 66 E AVE



Subject Tract

**BOA-22773**

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

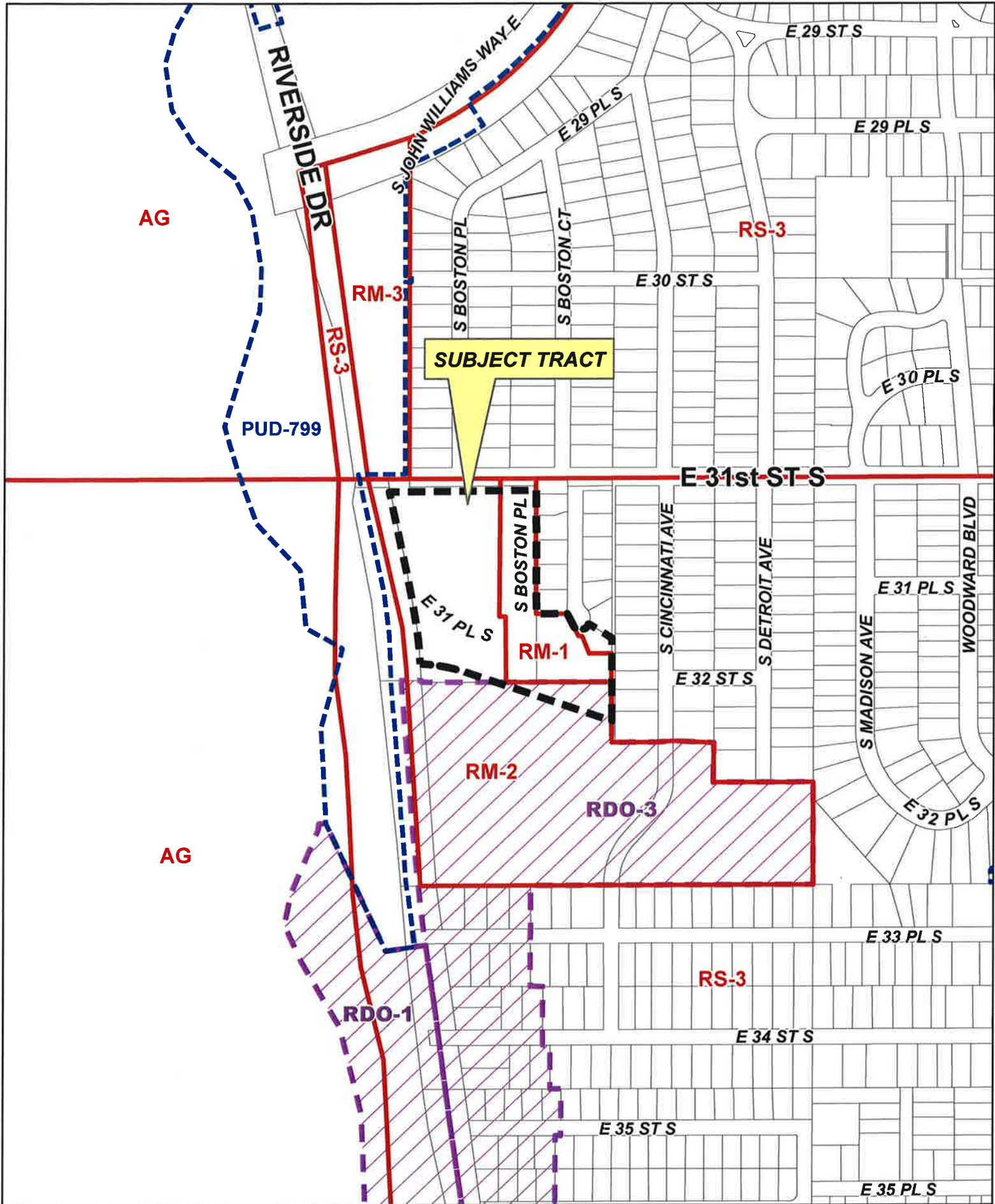
19-13 26

Aerial Photo Date: February 2018



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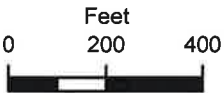
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**BOA-22774**

19-12 24

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: BOA-22774

CZM: 46

CD: 9, 4

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Josh Miller

ACTION REQUESTED: Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of the Gathering Place and Construction of the Children's Museum in a RM-1, RM-2, and RS-3 District (Section 5.020, Table 5-2)

LOCATION: 131 E 31 PL S; 3137 S BOSTON CT E

ZONED: RS-3, RM-2, RM-1

PRESENT USE: Parking for the Gathering Place

TRACT SIZE: 950256.58 SQ FT

LEGAL DESCRIPTION: A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows :  
Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of 8°55'59" a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°48'58", a chord bearing of South 83°16'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 00°16'26" East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 00°16'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 56°59'58" West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'52" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning.

## RELEVANT PREVIOUS ACTIONS:

### Subject Property:

**BOA-22557;** On 12.11.18 the Board **approved** a request for a *Modification* of the conditions of a previously approved Special Exception, BOA-22336, to extend the allowable time limit from October 31, 2019 to December 31, 2020. Property located South of the SE/c of East 31<sup>st</sup> Street South and Riverside Drive.

**BOA-22336;** On 10.10.17 the Board **approved** a *Special Exception* to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020), a *Variance* to allow a non all weather parking surface (Section 50.090-F) subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no

8.2

parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today, on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today, on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31<sup>st</sup> Street, enhance screening to be installed abutting residentially used properties to the south and east, the parking lot will be maintained and staffed while open for parking, gravel to be sparingly used for maintenance only, and the parking lot will not be lit. Property located South of the SE/c of East 31<sup>st</sup> Street South and Riverside Drive.

**BOA-21784;** On 09.23.14 the Board **approved** a *Special Exception* to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B), a *Variance* of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a) with the condition that at the end of the five year period the construction office facility will be removed, *Variance* to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c), *Variance* from the bulk and area requirements set forth in Section 404.F. Property located NW/c of East 31<sup>st</sup> Street and South Boston Place AND SE/c of Riverside Drive and East 31<sup>st</sup> Street.

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Parks and Open Space," "Arkansas River Corridor," and an "Area of Growth".

Tulsa's **park and open space** are assets. These are areas to be protected and promoted through the targeted investments, public- private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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 Located at the SE/c of E. 31<sup>st</sup> Street S. and Riverside Parkway. The Subject Site has been used as parking for the Gathering Place and construction staging areas.

**STAFF COMMENTS:**

The applicant is requesting Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of the Gathering Place and Construction of the Children's Museum in a RM-1, RM-2, and RS-3 District (Section 5.020, Table 5-2)

USE CATEGORY Subcategory Specific use	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
		1	2	3	4	5			0	1	2	3			
Hospital	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.070</a>
Library or Cultural Exhibit	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<a href="#">Section 40.200</a>
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

Cultural Exhibits are required to operate on at least 1 acre of land per Sec. 40.200 in AG, RE and RS Zoning Districts, this requirement has been met by the accompanying site plan:

**Section 40.200 Library or Cultural Exhibit**

Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, RE and RS zoning districts.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Parks and Recreation Use and a Cultural Exhibit in a RM-1, RM-2, and RS-3 District (Section 5.020, Table 5-2)

- 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.

8.4



**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Back, Bond, Radney, Ross, "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a manufactured housing unit on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); Variance to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3), subject to conceptual plan 18.7. The Board finds the hardship to be the unusual shape and proportions of the existing site. The manufacturing housing unit will be required to be resubmitted for approval after five years, expiring December 2023. The manufactured home is to be tied down and skirted. The Special Exception to permit the carport in the street setback and street yard has been withdrawn by the applicant. 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. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LT 1 BLK 5, GLEN ACRES SUB-WEKIWA, City of Tulsa, Tulsa County, State of Oklahoma**

**22557—Josh Miller**

**FILE COPY**

**Action Requested:**

Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. **LOCATION:** South of the SE/c of East 31<sup>st</sup> Street South & Riverside Drive (CD 9)

12/11/2018-1218 (28)

8.5

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Mr. Bond announced that he is on the Maple Ridge Neighborhood Association Board and does leave the room and recuse himself when necessary, but he is also at the park twice a week with his children.

**Presentation:**

Jeff Stava, George Kaiser Foundation, 7030 South Yale Avenue, Suite 600, Tulsa, OK; stated he came to the Board in October 2017 about utilizing the Phase II and Phase III site for temporary parking for the Gathering Place. The Gathering Place opened September 8, 2018 and has had phenomenal amount of attendance and parking has been that has been incredibly important. In October it was intended to have a rock aggregate parking area, but when he met with the neighbors in the hallway they were concerned about dust and how it would look and work. The neighbors were more interested in a grass parking lot. With the amount of use the park has had the grass has deteriorated to dirt so if it rains or there is inclement weather anytime during the week or weekend those lots are basically closed, and it forces people to drive to the satellite lots and use the shuttle buses or they dodge into the neighborhood and look for a place to park. The park has partnered with the Home Owners Association, Tulsa Police Department, the Mayor's Office, and parking enforcement is being worked on really hard. The City has a long-term view of maybe parking permits for the neighborhoods, so there is a lot of short term, mid-term and long-term solutions. To lessen the impact of parking quicker for the neighborhood would be to make the parking area all-weather use. What is proposed is to use a Geotech fabric laid down with 4" gravel and compressing it. There is a product from Ramco, called Risonater, which is an application which is sprayed on top of the gravel to reduce the dust by 95%. These products were referred to the park by someone who lives in Maple Ridge who works for Williams, Williams uses it on all their haul roads in neighborhoods and in agricultural areas where dust affects crops and neighbors. It will really substantially reduce the amount of dust. This will allow the park to get the maximum 1,400 cars parked in the area. The 30-foot setback and fence line will stay. GKF sent letters out to all the adjacent neighbors explaining this and referencing the INCOG letter that was sent. Mr. Stava stated he has talked to about six neighbors and there has been about three e-mails, and through that engagement he has learned things about the lights so the lights will be removed from the fence line. This will go a long way to reduce the amount of impact the park is having on the neighborhood.

Ms. Radney asked if there were implications for the spray being used on the gravel for the watershed of the river. Mr. Stava stated the product is environmentally friendly. Ms. Radney asked how long of a time period does it take for the product to break down. Mr. Stava stated that it is recommended to have a single application and after six months another application which should last three to five years. The park would be mindful that if dust were seen there would be watering trucks used or another application of the product would be applied. Based on the amount of volume of eighteen wheelers on the haul roads the manufacturer thinks a parking lot would be fine.

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Mr. Van De Wiele asked if the Geotech fabric is a landscaping fabric. Mr. Stava answered affirmatively but it is harder than the typical landscaping fabric. It prevents the rock from pushing down into the dirt so there is a barrier between the aggregate gravel and the soil. Mr. Stava stated it will be necessary to excavate about four inches of soil off the top of the site to keep the grade right. Water will be conveyed over to Crow Creek so there will be swales built.

Mr. Van De Wiele asked Mr. Stava to explain where this would be done and the amount of time it would be used. Mr. Stava stated that it will be done in the area on the north side of Crow Creek excluding the ADA parking area, and the south side of Crow Creek 30 feet off the fence line and all the way around. There are two curb cuts on 31<sup>st</sup> Street and one curb cut on Riverside Drive which will remain.

Mr. Van De Wiele asked Mr. Stava how long of a time frame he would like to extend the request. Mr. Stava stated that he would like to extend to the end of 2021, December 2021. Mr. Stava stated he anticipates attendance to subside and then when Spring arrives attendance is anticipated to be heavy for the first full season. The park experts on the team think things will start to subside in the second and third year for a new normal. The parking lot is to keep people parked near the site rather than inside the neighborhoods. The neighborhood parking has been problematic, the streets are narrow and there has been a lot of illegal parking on both sides of the street. Mr. Stava stated if the parking lots could be made more weatherproof, he thinks a lot of parking would be stemmed from the neighborhoods.

Mr. Bond asked Mr. Stava if the parking lots would be used for different purposes after 2021. Mr. Stava stated the Phase II and Phase III projects are still being worked on and have been paused to see how successful the parking opening would be; see what features are being used and what features are not being used. Those ideas will be folded into the Phase II and Phase III development. Mr. Stava stated he knows that any choice he has there have to be additional parking options. Parking options are also being looked at up and down the river corridor by working with the Tulsa Parking Authority. The west bank is also being looked at for a possibility for parking and a new pedestrian bridge to bring people into the park.

**Interested Parties:**

**Nick Doctor**, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated he would like to let the Board know about what the City of Tulsa is doing for the larger parking solutions, specifically the residential permit parking program and the role this will play as part of that equation. One the bigger challenges and concerns the City has heard from the residents is happening in the neighborhood right now, the surface lot being just a grass lot right now causes concern in terms of its availability and access for the public due to weather concerns or its over use. By having this lot be permanently available regardless of weather conditions increases the use of this lot. The City is hoping it will prevent residents from choosing the neighborhood as their first option. That allows the City to know this lot is available going forward as the City looks at traffic patterns to

determine whether or not residential permit parking program is appropriate and applicable here.

**Dena Rankins**, P. O. Box 33384, Tulsa, OK; stated her physical address is 3148 South Cincinnati Avenue. Ms. Rankins would like to request a continuance; she did not receive a formal notice, but she did receive one from the Gathering Place. Several of the neighbors were in attendance at the last meeting when the Gathering Place asked to turn the subject property into a temporary lot, and concerns were voiced. At that time the neighbors were very opposed to it being a sod lot, and we were assured it would be fine and it is not fine. The Gathering Place is a wonderful one of a kind gift to the City, and everybody is grateful to George Kaiser and the Foundation. It's lack of planning on the parking cannot be overstated. The park is an A+ and the parking is a fail. Ms. Rankins stated she cannot get out of her driveway, so it has ruined her livelihood. Ms. Rankins stated that she asked people if they were aware there were shuttles available or if they had tried the parking lot and was always told no. These are people that do not have the patience and do not want to fight the traffic and they are just finding a place to park anywhere they can. It is a serious problem. She does not think the neighbors have had an opportunity to come together as a neighborhood and talk about this before the Board of Adjustment rules, so she would like a continuance giving the residents the opportunity to get together.

Mr. Bond asked Ms. Rankins if she thought it would help the parking situation if the lot were made an all-weather surface. Ms. Rankins a mother with a stroller and a two-year-old is not going to use a gravel parking lot because she will want to stroll on pavement. There are things that have not been thought out and the neighbors have not had the opportunity to collaborate. The Gathering Place means well but they have damaged the neighborhood, damaged the entire neighborhood. This should not be an afterthought for a development like this.

Ms. Radney asked Ms. Rankins if her request for a continuance is because she would like to see some additional amenities or improvements. Ms. Rankins stated she would like to have the opportunity to speak with her neighbors. She did not receive a notice and she does not know that everyone did. And she does not know if the residents have had a chance to collaborate on this and discuss this. This is something that has literally been the worst situation for all the residents.

Mr. Van De Wiele stated the next meeting is January 8<sup>th</sup>. Mr. Bond stated the Neighborhood Association President Colin Koger was here for about ten minutes. Mr. Van De Wiele asked Ms. Rankins if she thought the interested residents would be willing to continue to the January 8<sup>th</sup> meeting? Would give enough time to gather the information needed. Ms. Rankins answered affirmatively.

**Jane Haden**, 3026 South Cincinnati, Tulsa, OK; stated that she would like to know why an endeavor this size and the amount of money that has been spent not attend to parking? Why now are the residents looking at Phase I, Phase II, and Phase III? Why

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FILE COPY

was there not a parking plan to begin with? Why can't the people be held accountable to get the parking plan now, not in stages but permanent?

**John Huffines**, 256 East 46<sup>th</sup> Street, Tulsa, OK; stated he is in attendance on behalf of the Brookside Neighborhood Association where the Gathering Place is located.

Mr. Bond asked Mr. Huffines if he was the President or just a spokesperson for Neighborhood Association. Mr. Huffines stated he is called the Tulsa liaison. He is here for the Brookside Neighborhood Association, the new President Cindy Woodward, asked him to attend the meeting today.

Mr. Huffines stated the Neighborhood Association is asking for a continuance on this item until the second February meeting so the association can communicate thoroughly with the Brookside residents. This will allow time to schedule the Brookside Neighborhood Association meeting and have a representative attend to explain this particular exception to the zoning code.

Ms. Radney asked Mr. Huffines if he would have any concerns about such a short period between the February decision that might be made by the Board and the actual roll out of the spring season in March? There have been representatives from the park and the neighborhood speaking about how the anticipation of the spring season when attendance is expected to ramp up. Mr. Huffines stated he is simply here as a representative and is communicating what the President has shared with him.

Mr. Van De Wiele stated that Mr. Koger, President of the Maple Ridge Neighborhood Association, has provided a hand-written letter to the Board. Mr. Van De Wiele read the letter to the audience and had it placed in the exhibits for the record. The letter stated that Maple Ridge Neighborhood Association is in support of the revised surfacing requirements to an all-weather material with a proper dust suppression agent applied.

**Jim LeClair**, 1123 East 36<sup>th</sup> Street, Tulsa, OK; stated he represents the LeClair Family Trust. The trust owns property at 3210 South Cincinnati which borders the parking lot off Riverside. He is happy to hear that the generators will be turned off because they run all night. The other concern he has is the section of the parking lot where Crow Creek comes in because there has been a lot of material removed for drainage which was established in the 1930s. His concern is that just upstream from this point the City has two large water stations that collect water and empties into the creek, and those have eroded the banks of his property because it injects so much water during high water. There is no protection and the water will just fill up the creek and go across the lot so that is a concern. It is very dangerous to walk down Cincinnati on a weekend because there are so many cars, and people backing out of their driveways cannot see.

**Rebuttal:**

**Jeff Stava** came forward and stated he totally sympathizes and understands the concerns. By putting this all-weather material in will help alleviate the parking concerns and congestion that there is in the neighborhood. We came to the Board of Adjustment

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a little over a year ago with the idea of putting in a gravel parking lot, and as part of the negotiations with the neighborhood, they were concerned about the dust and the impact it would have, so the lot was switched to grass. In hindsight that was a mistake. It will take the contractor six to ten weeks to do the entire project which includes excavating. That needs to be done in January and February. If the project is not started in the next few weeks after the holidays are over, then the parking lot will not be installed before March 1<sup>st</sup>. Mr. Stava stated all the notices were sent. The Gathering Place sent a separate notice to all the same people that INCOG sent their notices to explaining in a more concrete and granular way what was being requested, so we feel this is something we need to do and need to get it done as quickly as possible.

Ms. Radney asked Mr. Stava if he will actually compact the surface before or after the fabric is laid. Mr. Stava stated that the lot will be compacted before the fabric is laid, then the gravel is laid down and then the gravel will be steam rolled to compact it. Ms. Radney asked if that process was done to prevent rutting. Mr. Stava answered affirmatively. Mr. Stava stated at the very last there is a spray application.

**Nick Doctor** came forward and stated the step that will help alleviate the larger parking concerns in the neighborhood is the residential parking permit program. As the City has looked at other models across the country, the City is doing everything it can to get that program in place prior to the spring rush that was mentioned. A delay of another month or two in this process would hinder the City to have the lot in place.

Ms. Radney asked Mr. Doctor if the City had already performed parking surveys of the neighborhood. Mr. Doctor stated the City has not. This is a brand new program for the City and it is something the City of Tulsa has never done before, but the urgency and the larger parking challenges that have been seen is causing the City to look at some more innovative solutions looking at cities like Houston and Austin, but the City is still in the development phase of the program. Ms. Radney asked Mr. Doctor if the lot were fully utilized how much load would be taken off the neighborhood, especially if there is not a capacity here. Mr. Stava stood and stated there are going to be 1,400 parking spaces.

Mr. Van De Wiele asked Mr. Stava how many cars will be seen when the lots are operable. Mr. Stava stated there will be 1,400 cars on the grass lot if all the area is open and there is nothing saturated. There has been so much rain at odd times, and even a quarter of an inch of rain causes large areas to hold water thus closing areas of the lot, so generally there would be an 800 or 900 car range for the lot, so it significantly limits the amount of utilized area for parking. The lot should be able to hold between 1,200 and 1,400 cars with no issue. There are parking attendants that guide people in and parking the people car by car to maximize the amount of space used.

Ms. Back asked Mr. Stava when he received the statistics about the parking lot product, how smooth will parking lot surface be? Mr. Stava stated it is not an ADA compliant lot; there is an asphalt ADA compliant lot for those customers. The lot will not be like loose gravel because there is a binder, so when it is compacted and rolled it becomes a pretty

flat solid surface. All the parks built in the last 25 years, most parks have parking less than two parking spaces per acre and this lot will have a little over eight parking spaces per acre. Some of the main parking lot has been closed for food trucks allowing people to use the area on the far back side of the main site, and the food trucks have been taken and those parking spaces are open thus utilizing all the parking spaces on the site now.

Mr. Van De Wiele asked Mr. Stava to what end is the public educated as to the shuttle service, the hours, where to pick up the shuttle service, etc. Mr. Stava stated the park does a lot of social media and advertising in the Tulsa World, and it has been included in the coverage articles. It is not a news worthy item, so it has to be a paid placement. Other things that are being worked on for next year is there will be a bus service provided direct to the site so people that do not have the ability to get to the site or don't want to have the hassle of finding parking there will be a way to get to the site. Also, coming out will be the BRT System which come up and down Peoria which starts next summer or fall. There will be a downtown circulator which will connect to the site. Then there is Bike Share and the scooters, so there is a lot of things that are being worked on in all modes of transportation.

**Dean Rankins** came forward and stated that if a hospital were being built would the hospital be required to have a hard surface lot for tens of thousands visitors? Why is the standard set so low because there are literally up to a 100,000 people in a weekend and it is not going to slow down. This is not a park, it is a free amusement park. This is not a place where someone comes to swing on a swing, it's a place where people are coming from all over to visit and they are not going to stop. Ms. Rankins stated that she does not feel that it is fair to have one person who knows about the meeting, and all the neighbors aren't here today because there were several in attendance before. She again would request a continuance.

**John Huffines** came forward and stated that the Neighborhood Association would be okay with a one-month continuance.

**Comments and Questions:**

Mr. Bond stated that he does not see where a continuance is going to help, if there is a problem and the neighbors are asking for a solution for parking. It seems like if there were a continuance in this matter it would be exacerbating the problem. Mr. Bond stated he is opposed to the continuance.

Ms. Rankins stood and asked Mr. Bond to recuse himself from this case. Mr. Bond acknowledged the request and stated that he does not think he is incapable of rendering an objective decision on this request. Mr. Bond stated that Ms. Rankins is in opposition with her neighborhood association right now.

Ms. Ross stated that she is in favor of a continuance to the first part of January for the reason that she finds it odd that there are not more neighbors in attendance. She has heard so many complaints about the parking and she finds it odd that there are not

more people in attendance today. She thinks it is only fair to give the residents time to congregate and she would encourage a meeting with the George Kaiser Foundation and the City of Tulsa to answer questions.

Mr. Bond stated there are two issues, one is what is going to be done today to fix this parking problem and the quickest answer is to utilize the parking that is not being utilized. He does not want to slow down what can be done in the fastest way, which is the short-term approval of this.

Ms. Back stated she believes the point is being missed that this is a temporary parking lot, and the park is asking for it to be approved through December 31, 2021. This is 2018 so it is a temporary fix to help the neighbors with the dust and to get a lot of parking off the street. She is hoping the George Kaiser Foundation would be doing a permanent solution in the future. This is a temporary fix to address a problem of dust and a problem of people parking on the street.

Ms. Radney stated she is not inclined toward a continuance, although she does agree that more neighborhood input would probably be very helpful. She does not necessarily know from an engineering standpoint what additional information the neighbors would be bringing to the dialogue. This seems to be mostly an engineering fix and for that reason she is not as inclined to have a continuation. Ms. Radney stated that she did not catch that this was a request for a temporary surface that would effectively be in use through 2021, and she thinks that is entirely too long. She might be persuaded if she had more engineering specs about the product being discussed, and the durability of that product; this is a discussion about a parking lot being used in all types of weather and from an engineering point that is a challenging use of the product.

Ms. Back stated that she too is not inclined to continue this case. Ms. Back stated that she went on line and looked up Ramco's Risonater, and it says that the product is applied once and applied again in six months. Mr. Stava did say that if staff noticed dust the product would be applied again, so that would be a condition that could be included in a motion to approve. That is why she would be more inclined to go with the date that was requested but she would be open to an earlier date.

Mr. Van De Wiele stated that he would have liked for there have been tons of neighborhood involvement and meetings on this case, the 300-foot notices were sent and there were more sent than there are people in attendance today. Likewise, to the extent that this be continued into spring, which is generally the wettest time of year, the Board would not be doing the situation any better. From a continuation standpoint, Mr. Van De Wiele stated he is not inclined to support a continuation. This original approval from a timing standpoint was granted through October 31, 2019 so there are ten months left on the existing temporary nature of the parking lot without gravel. Mr. Van De Wiele stated he would be inclined to approve the request to put down the grading, compaction, the fabric, the gravel, etc. but a December 31, 2021 is three years. To Ms. Rankins point, Mr. Van De Wiele stated he does not want this to be a permanent gravel lot, so he does think there is a time period that a permanent parking solution for the



main park proper and whatever is going to happen in Phase II and Phase III there is plenty of time for that to happen or to come back to request a continuation. He would certainly have no issue with the current October 31, 2019 and could be convinced to extend it to December 31, 2020 to give it two seasons.

Ms. Radney stated that she would not agree on two seasons. She thinks this is an emergency and agrees with the exception for the period of time that was originally allowed for a temporary use, but she thinks that a better neighborhood sensitive permanent plan needs to be before this Board within the next year. It may require an extension of this exception to be granted in order to implement that, but an open-ended opportunity to continue the parking situation is unacceptable.

**Jeff Stava** came forward and stated the Phase II and Phase III timing is really 2021/2022, so the park wants to use the site for temporary parking to alleviate the impact on the neighborhood. There is a substantial cost to putting gravel in; it is not a cheap deal, it is an expensive deal. Only allowing the park to use the site for one year, the park may not do that for one year. The park really needs at least two years and would like three years of use on it to get the long-term solutions conceived and built. He does not think a year is enough time to be able to use the site.

Mr. Van De Wiele stated that a year ago the request was gravel through October 31, 2019. He personally may be inclined to go a little farther than 2019 but three years is too long.

Ms. Radney stated that for her a product that needs to be applied at least at six-month intervals, and maybe possibly more frequently, that isn't persuasive enough that the solution is going to resolve that problem on this particular lot. Ms. Radney suspects that the neighbors are suggesting they would rather have a more permanent surface in place. Speaking as person who occasionally does walk with a cane, she acknowledges that there are many times that she will elect to choose someplace that might not necessarily be the designated parking spot, but if she thinks she will be walking on uneven surfaces the lot will not be fully utilized. She thinks that between now and the end of 2019 it may very well be that this solution works perfectly, and the Board could see you again and agree to extend the request, but she is not prepared to say it is an acceptable resolution barring a better understanding of how the product is going to perform.

Mr. Stava stated there is no other alternative and his mind this is the alternative. So, if it is not this it is grass and dirt, and there will continue to be the parking problems in the neighborhood. This is the only thing that can be had that is affordable, reasonable for a temporary use. Ms. Radney stated that in a year from now, if the product is performing in the way it is expected to be the Board would probably agree to an extension.

Ms. Ross stated that the thing that is concerning her is that she is not hearing that there are plans to develop a permanent plan. This is a temporary fix, and she wants to know within a year what is going to be the permanent parking situation even if it is not built

yet. Mr. Stava stated that it is going to take longer than a year to come up with what those concepts will be. Not even all the concepts for Phase II are complete. There is a lot of more work, and the Foundation put a hold on that because they wanted to see how successful or not successful components of the park are. The park has only been open 100 days; it is the most intense time. When a new venue is opened the most intense time is the first four to six months. He does anticipate spring and summer being busy, but he feels that he does not want to over react. He does not believe that a 1,400-space parking lot on the corner is the right thing for the park or for the City or for the neighborhood. That is why he is trying to come up with an economical yet solid solution in the inbetween time when a better and bigger plan can be developed. Ms. Radney stated that she concurs with all of that, but the park is not the only property owner in this neighborhood, and the injury to the equity that some of the adjoining property owners have suffered is real. The uncertainty in the real estate market, just from the standpoint of having an idea of what the 2019 season is going to look like from a parking standpoint, is real. Again, indifference to the concerns of the neighborhood which Ms. Radney thinks are somewhat mitigated by agreeing not to continue this resolution so there can at least be something that would be better than the existing lot is a little like splitting the baby. Ms. Radney stated that she thinks people should under value the fact that the impact on the neighborhood is more than just inconvenience, it is actually material.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Modification** of the conditions of a previously approved Special Exception, BOA-2233, to extend the allowable time limit from October 31, 2019 to December 31, 2020. The conditions of a previously approved Variance, BOA-22336, to revise the surfacing requirements to allow for additional rock and gravel for a temporary, non-all-weather surface parking area, subject to conceptual plan 19.22 of the agenda packet and is to be in the same general location as restricted on Exhibit 19.8. The applicant has proposed to use a Geotech fabric with four inches of gravel layer compressed and sprayed with Ramco's Risonater Stabilization Dust Suppression Product, which is said to be a safe non-toxic product for aquatic life and water usage; it is supposed to reduce the dust up to 90%. This would be approved up to and through December 31, 2020; for the following property:

**PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

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**Interested Parties:**

**Doris Green**, 3232 North Hartford Place, Tulsa, OK; stated she is in favor of the day care center. She thinks it will be a nice fit for the area because there are apartments with several children living in it.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a Special Exception to allow a Day Care Center for children in an R District (Section 5.020). The Board finds that the requested Special Exception is not in harmony with the spirit and intent of the Code and would possibly be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22336—Josh Miller**

FILE COPY

**Action Requested:**

Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F). **LOCATION:** South of the SE/c of East 31<sup>st</sup> Street South and Riverside Drive (CD 9)

**Presentation:**

**William Jay Stava, III**, 624 West 79<sup>th</sup> Street, Tulsa, OK; stated the planning process for the Gathering Place started about five years ago followed by a series of community meetings. One of the large concerns that came out of that was the concern for parking within the neighborhoods. There is a total of 525 paved spaces on the property with lighting and storm water. In the second year of the opening the Gathering Place has been looking at other parking options. There has been a three-tier parking system developed, which is one on site, two utilizing the Phase II and the Phase III area as a temporary parking and the third is off-site parking with shuttle service to the Gathering Place. Those are the three steps of parking that will be employed upon the opening of the park for at least the first year and possibly the full two years. Mr. Stava stated that he met with the neighborhood and there was a lot of concern of the proximity of the parking to the houses on the east side and the south side and the park is incredibly sensitive to that. There was a parking study performed and it showed a maximum 1,652 parking spaces, 36 of which are paved on the corner of 31<sup>st</sup> and Riverside for handicap parking. The park did not want to light the parking lot, did not want the storm water because this area will eventually become additional park land, so the park has

BOA-22336

looked at having a maintained grass lot. There is a staff of 40 management personnel with 50 maintenance personnel that will be in the park, so the proposed lot will be a maintained lot. After speaking with the neighbors today in the hallway, he has agreed to not have anything within 25 feet of the construction fence which will curtail the spaces, deleted on the south side three parking rows, and on the north side have deleted four parking rows and deleted all the parking spaces along the fence to 31<sup>st</sup> Street making the parking away from the fence and closer to Riverside Drive. Mr. Stava stated that there had been discussion about not using gravel, but he would like to be able to use gravel for the repair or filling of low spots. There was concern about the fence, so he is going to look at installing another layer of mesh to prevent people from seeing through the fence or some sort of material that cannot be seen through. The neighbors were concerned about the two-year time request, so the compromise was until October 31, 2019 so that would be the only time for the parking lot request. The lot will be staffed and supervised when there are cars in the parking lot and it will not be lit.

Mr. Van De Wiele asked staff if there were lighting requirements for a parking lot. Mr. Stava stated that it is his understanding that if the lot is not paved lighting or stormwater is required. Ms. Miller stated that landscape requirements are also not necessary with an unpaved lot. Ms. Miller stated there are a lot of parking lot requirements if it is improved but otherwise no.

Mr. Bond stated that in full disclosure he was the former President of the neighborhood association and the neighborhood association is not present for this presentation today, so if anyone feels that there is a conflict he will address that. Mr. Bond believes he can look at this request objectively.

Mr. Bond asked Mr. Stava what happens to the parking lot after two years. Mr. Stava stated that if the parking load still requires the parking there will be offsite parking with shuttle buses available. What kicks in around 2021 or 2022 is a downtown circulator that brushes the park, so people can park downtown and get to the site.

Mr. Van De Wiele asked Mr. Stava what is the current anticipated time schedule for opening the facility. Mr. Stava stated it is scheduled for the summer of 2018.

Ms. Back asked Mr. Stava if he would be using grasscrete. Mr. Stava stated that he would either use a grasscrete in the driving lanes or fortified soils.

**Interested Parties:**

There were interested parties present, but no one came forward to speak.

**Comments and Questions:**

Mr. Bond stated this is a herculean project and this is a two-year fix until they can figure things out. The applicant has made real concessions to the neighbors, so he would be in favor of this application.

BDA-22336

Mr. Van De Wiele reiterated the conditions that were conceded by the applicant to the neighbors to verify everyone was clear on what was being proposed.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F)m subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today; on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31<sup>st</sup> Street; enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019. 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. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; 12 and BLK 1 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEBBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

**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, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. 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:

**S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS,HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21784—Roy Johnsen**

**FILE COPY**

**Action Requested:**

**Special Exception** to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31<sup>st</sup> Street and South Boston Place **AND** SE/c of Riverside Drive and East 31<sup>st</sup> Street **(CD 4, 9)**

**Ms. Snyder recused herself and left the meeting at 1:17 P.M.**

**Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

**Jeff Stava**, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31<sup>st</sup> Street across Crow Creek to the back of the homes located on 33<sup>rd</sup> Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31<sup>st</sup> and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from

the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31<sup>st</sup> Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31<sup>st</sup> Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

**Interested Parties:**

**Mark Graham**, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

**Blake Ewing**, City Councilor, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community



things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

**Adam Burney**, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31<sup>st</sup> Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30<sup>th</sup> Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31<sup>st</sup> Street, if they also close 30<sup>th</sup> Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

**David Brennan**, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9<sup>th</sup> he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

BOA-21784

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and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12<sup>th</sup> to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even if it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected on a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

**James Daniel "Dan" Simpson**, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30<sup>th</sup> Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

**Casey Robinson**, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks

at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

**Debbie Saunders**, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

**Anita Saunders**, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

**Millie York**, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12<sup>th</sup> that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

**Jennifer Kisamore**, 137 East 34<sup>th</sup> Street, Tulsa, OK; stated she lives at the corner of 34<sup>th</sup> Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31<sup>st</sup> Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34<sup>th</sup> Street. The community needs more time to consider the issue.

**Millie Clark**, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

**Brooke Caviness**, Senior Engineer, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30<sup>th</sup> Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31<sup>st</sup> Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

**Herb Beattie**, 3474 South Zunis Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

**Jason Brimer**, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

**Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.**

**Jeff Stava** came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31<sup>st</sup> Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.

BOA - 21784

FILE COPY

Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

**Jana Monforte**, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

**Rebuttal:**

**Roy Johnsen** came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31<sup>st</sup> Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31<sup>st</sup> Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

**Comments and Questions:**

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building

BOA-21784

FILE COPY

will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that 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. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**OTHER BUSINESS**

**Review and Approval** of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24<sup>th</sup> meeting and the December 22<sup>nd</sup> meeting.





# Great Minds KEEP DISCOVERING



## PROJECT HIGHLIGHTS

- Projected opening Summer 2021
- 250,000+ visitors projected annually
- Parking lot contains approximately 170 spaces
- 20,000 square feet of interactive exhibits and programs
- Discovery Lab will house and deliver programming for the Tulsa Public Schools STEM center
- Accessible Discovery Program provides 25% of all programming at a free or reduced cost



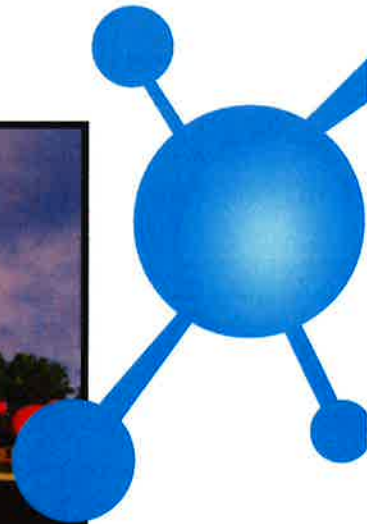
# A Path to Discover

- Science, Technology, Engineering, Art, and Math (STEAM) education is vital to **cultivating innovation** in future generations.
- Experiences at Discovery Lab are designed to help students **develop process skills**, specifically creativity and innovation, communication and collaboration, and critical thinking and problem solving.
- Exhibits will be a mix of high energy, high facilitation, and high engagement areas, **appealing to varying learning styles**.
- Experiences will complement and supplement existing school curricula.

**“Out-of-school science-learning experiences are fundamental to supporting and facilitating lifelong science learning.”**

- 2010 Oregon State University Study

# A Place to Discover



**discovery** LAB

[www.discoverylab.org](http://www.discoverylab.org)

8.31



Dear Gathering Place Neighbors,

As you may have heard, Tulsa Children's Museum (TCM) is building its permanent location between 31<sup>st</sup> St and Crow Creek, the current site of the northern Gathering Place temporary parking lot. Their new building will truly be a museum "in the park" surrounded by a complementary phase II of the park yet to be fully planned at this time (see enclosed diagram). In order for this use to be allowed under the current multi-family residential zoning, a special exception for a Parks and Recreation and Children's Museum use must be granted by the Board of Adjustment. As a result, you will be receiving a notification from INCOG in the coming days about the upcoming hearing on Nov 12<sup>th</sup> to consider the special exception case.

We understand an ongoing concern for neighbors is Gathering Place visitors parking in the neighborhood. While this issue has largely subsided through the summer, we are highly sensitive to the fact there are still a few times a year (4<sup>th</sup> of July, Spring Break, special park-programmed events and holidays) where parking availability becomes constrained. As a result, below are the mitigation steps Gathering Place is taking to compensate for the loss of the 400 parking spaces due to the construction of TCM scheduled to begin in early 2020.

- The temporary parking lot south of Crow Creek is being reconfigured to increase its capacity from 800 to 1000 spaces (expires per BOA requirements in December 2020).
- Since the last Board of Adjustment hearing in December 2018, Gathering Place has created 600 new parking spaces, connected via a park shuttle, just south of the 21<sup>st</sup> street bridge on the west side of the river.
- Further, 1500 satellite parking spaces in southern downtown (in and around TCC) will come on-line in late February 2020 as Tulsa Transit is launching their dedicated downtown to Gathering Place shuttle that will operate every day May-August and Friday-Sunday from September-May.
- Through these efforts, Gathering Place's permanent parking capacity increases by approximately 600-700 spaces more than what is currently available in the temporary lots (expires per BOA requirements in December 2020).

Finally, the TCM site itself will consist of 175 parking spaces plus bus access, which will be more than enough to accommodate projected TCM traffic. As you can see in the attached diagram, there will also be a 4-8 foot landscaped berm around the parking lot. This berm will be similar to what's existing on the far north side of the Gathering Place to shield noise and light from the adjacent neighbors.

To see TCM building and exhibit graphics and site layout information, TCM and Gathering Place Construction representatives will be **hosting a come-and-go open house on October 29 from 5:00-6:30 at the Boathouse Activity Space**. Thank you again for your time and patience. **And as always, we will continue to work with neighbors to address your concerns. If you have any questions, please contact me ([jstava@tulsacf.org](mailto:jstava@tulsacf.org); 918-591-2416) or Josh Miller ([josh@gkff.org](mailto:josh@gkff.org); 918-591-2426).**

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Stava".

Jeff Stava  
Executive Director Construction  
Tulsa's Gathering Place, LLC

8.32

**Legal Description:**

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows:

Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of 8°55'59" a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°48'58", a chord bearing of South 83°16'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 00°16'26" East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 00°16'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 56°59'58" West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'52" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning.

Having an area of 328,632 Square Feet or 7.5443 Acres.

Bearings and Legal description based on the bearings described in Special Warranty deed, recorded 02/27/2009 as document #2009017528 at the office of the Tulsa County Clerk.

This legal description meets the minimum technical standards for legal descriptions in the State of Oklahoma.

Prepared October 13, 2019

by Russell M. Muzika, Oklahoma PLS No. 1603



GEODECA LLC  
P.O.Box 330281,  
Tulsa, Ok. 74133  
918 949 4064  
CA # 5524 exp 6/30/20



EXHIBIT A

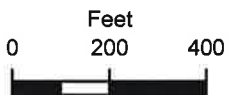


Image © 2019 Maxar Technologies

Google Earth

Imagery Date: 1/25/2019 36°07'12.40" N 95°59'02.94" W elev: 0 ft eye alt: 362 ft

8.33



Subject Tract

**BOA-22774**

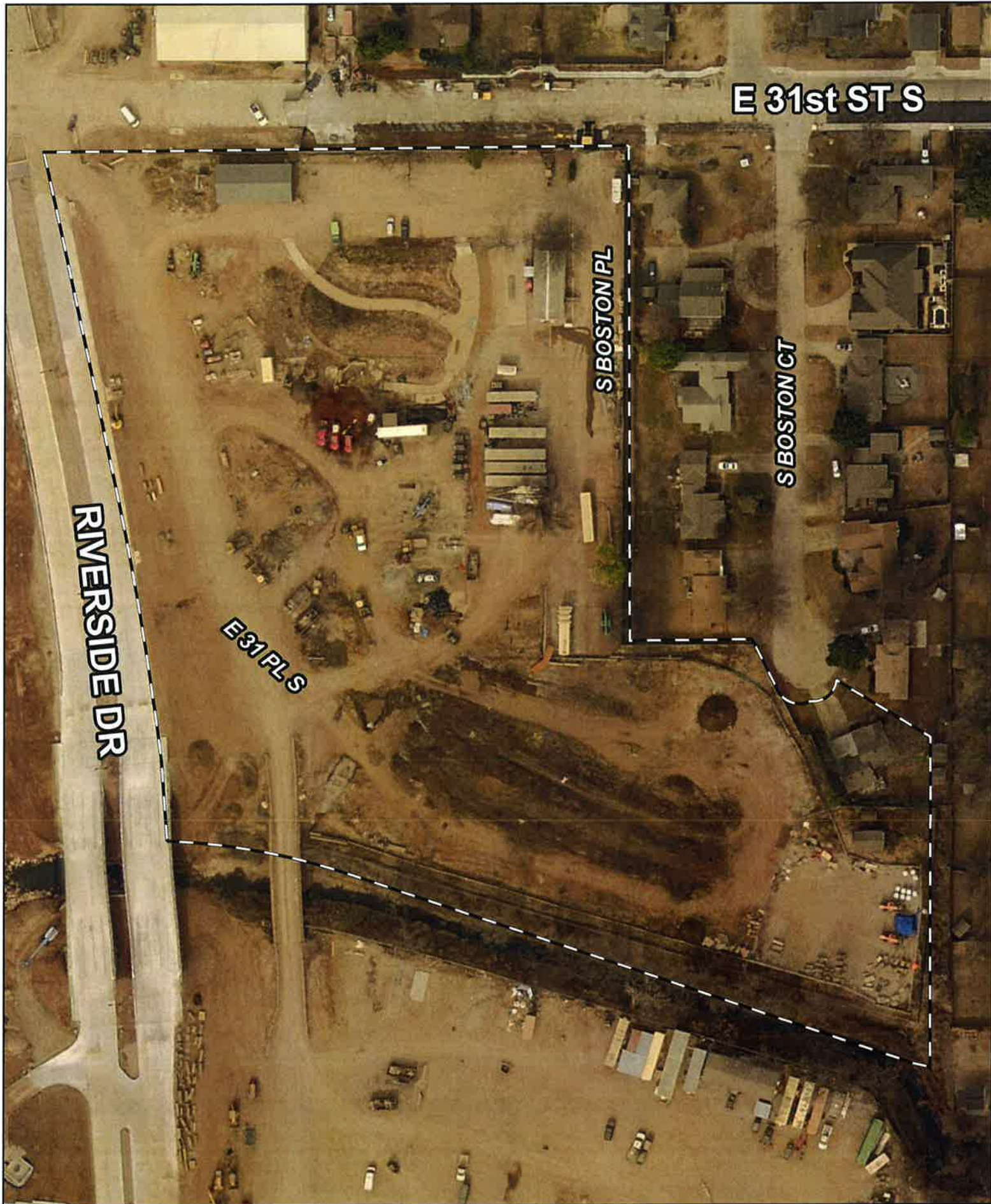
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19-12 24

Aerial Photo Date: February 2018



8.34



E 31st ST S

S BOSTON PL

S BOSTON CT

RIVERSIDE DR

E 31 PLS



Subject Tract

**BOA-22774**

19-12-24

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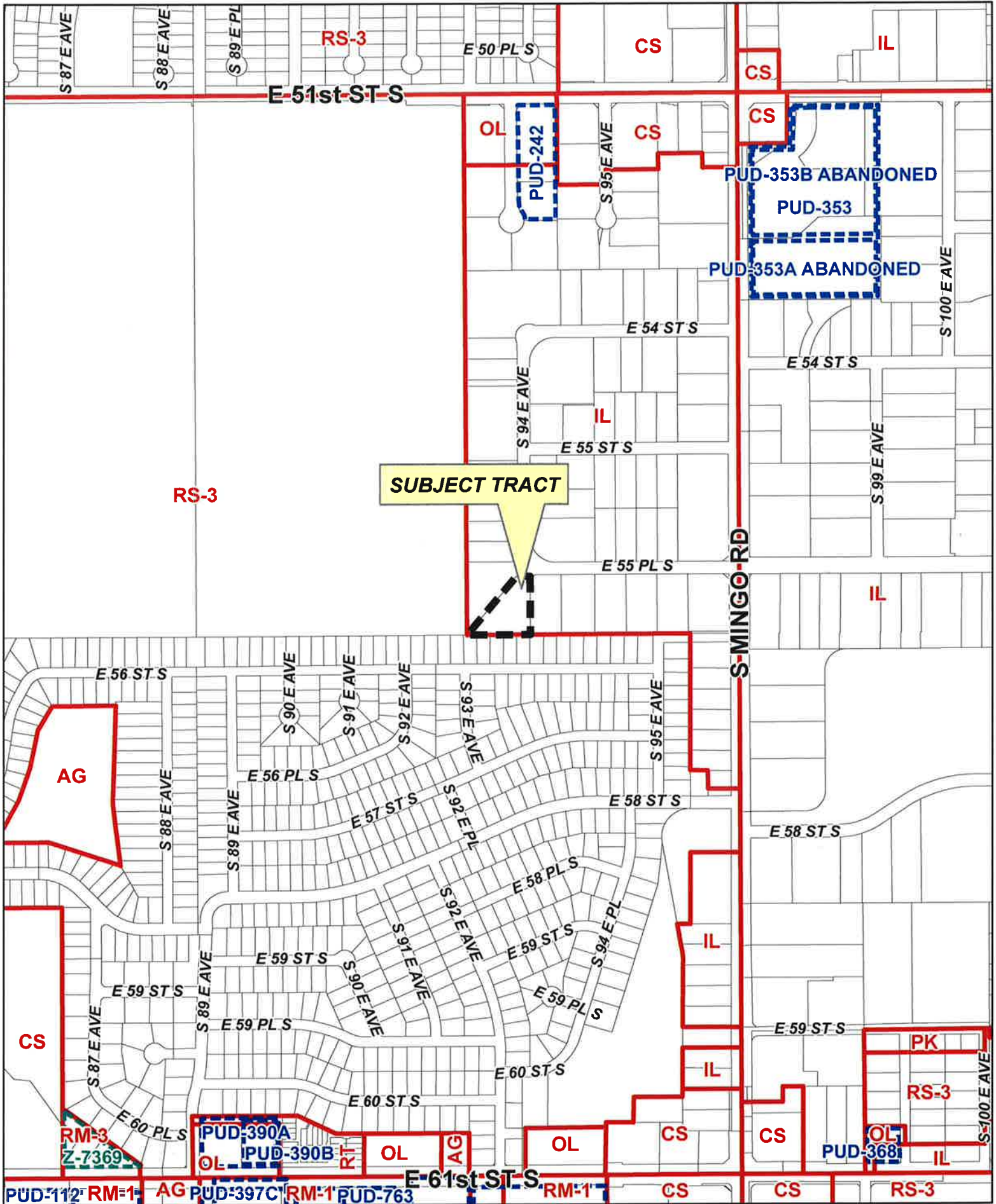
Aerial Photo Date: February 2018



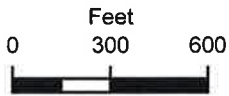
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**SUBJECT TRACT**



**BOA-22775**

19-13 36



9.1

**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9336

Case Number: **BOA-22775**

**CZM:** 48

**CD:** 7

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Stephanie Dunn

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 9402 E 55 PL S

**ZONED:** IL

**PRESENT USE:** Vacant

**TRACT SIZE:** 53025.81 SQ FT

**LEGAL DESCRIPTION:** LT 23 BLK 1, 5300 COMMERCE PARK

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** **BOA-22720:** On 08/27/2019 the Board *accepted* a verification of spacing for a medical marijuana dispensary located at 5459 S. Mingo Road.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located on a cul de sac located at the SW/c of E. 55<sup>th</sup> Pl. and S. 94<sup>th</sup> E. Ave

**STAFF COMMENTS:** The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that 1,000 ft. They listed the next closest dispensary at 5456 S. Mingo, Suite A. The verification of this dispensary, whose address should be 5659 S. Mingo Rd. per staff's records, was verified in BOA-22720.

9.2

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



View facing Northwest on 94<sup>th</sup> E. Ave.



View Facing East along E. 55<sup>th</sup> Pl



**Subject Dispensary**

**Interested Parties:**

**McKenzie Dildy**, Tall Grass Dispensary, 2811 East 15<sup>th</sup> Street, Tulsa, OK; stated his dispensary is open for business and he has had his license since January. He plans to dispense to his patients at that location and renovations are taking place.

Ms. Ross asked Mr. Dildy if he had received his spacing verification from the Board of Adjustment. Mr. Dildy answered affirmatively and stated that his dispensary is not within a 1,000 feet of any surrounding dispensaries.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we **DENY** the applicant's verification of spacing to permit a medical marijuana dispensary because there is another medical marijuana dispensary within 1,000 feet of the subject site; for the following property:

**LTS 20 21 & 22 BLK 7, ROSEMONT HGTS, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Bond left the meeting at 1:52 P.M.**

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**22720—Charles Rogers**

**Action Requested:**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION: 5459 South Mingo Road East (CD 7)**

**Presentation:**

**Charles Rogers**, 4733 South Harvard, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele stated the Board has received a copy of the applicant's OMMA license as shown on page 7.2 of the agenda packet.

Mr. Van De Wiele asked Mr. Rogers if he was aware of any other dispensary within his 1,000-foot radius. Mr. Rogers answered no.

Mr. Van De Wiele asked Mr. Rogers if he was aware of any other dispensary license within the 1,000-foot radius. Mr. Rogers answered no.

BOA - 22720

FILE COPY

Mr. Van De Wiele asked Mr. Rogers if he knew where the closest dispensary is located. Mr. Rogers stated he is not sure, but he knows there is one north of his location.

Ms. Ross stated that the map shows the closest dispensary is 1,008 feet away and she is concerned about the correct measurements.

Mr. Van De Wiele asked Mr. Rogers if he had hired Sizemore Weisz to map out his 1,000-foot radius. Mr. Rogers answered affirmatively.

**Interested Parties:**

**Dennis Hart**, 14030 East 24<sup>th</sup> Street, Tulsa, OK; stated that he is a barber and he owns the barber shop, and Mr. Rogers is going to lease on of his three suites. The plan is to open a barber school and the medical marijuana is going to pay for the school so youth can go to school free.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-1 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; Bond "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LT 3 LESS BEG SWC TH N5 SE7.08 W5 POB BLK 5A, TULSA SOUTHEAST IND DIST B5A-8 RESUB PRT BLK A TUL SE EXT, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Bond re-entered the meeting at 1:58 P.M.**

**22721—D'Andre Miles**

**Action Requested:**

Special Exception to allow a Market or Community Supported Farm Use in an RS-3 District and to permit on-site sale of products; Variance to reduce the minimum land area required for a Market or Community Supported Farm in a residential district from 2 acres to 0.44 acres (Section 5.020, Table 5.2 and Table 5.2 Note 1 and Section 40.090-A). **LOCATION:** 344 West 63<sup>rd</sup> Place North (CD 1)

**Presentation:**

**D'Andre Miles**, 2888 East 44<sup>th</sup> Place North, Tulsa, OK; stated he is the co-founder of Bell's Farm and Garden; the garden has been selling their product for three years. Mr.

08/27/2019-1235 (10)

9.7





Subject Tract

**BOA-22720**

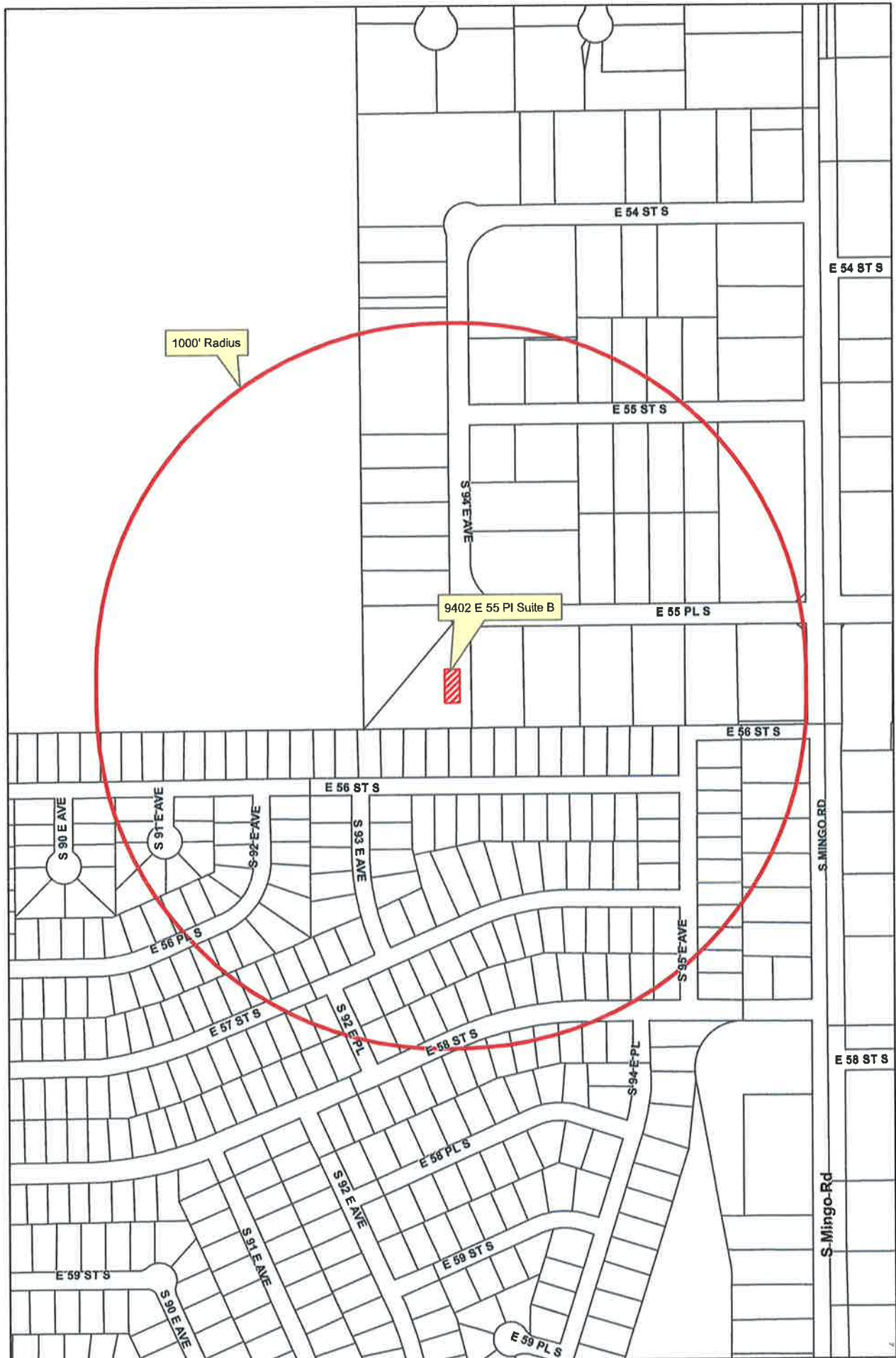
19-14 31

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

Aerial Photo Date: February 2018

9.8





Map Prepared by INCOG  
 2 West Second Street, Suite 800  
 Tulsa, OK 74103

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

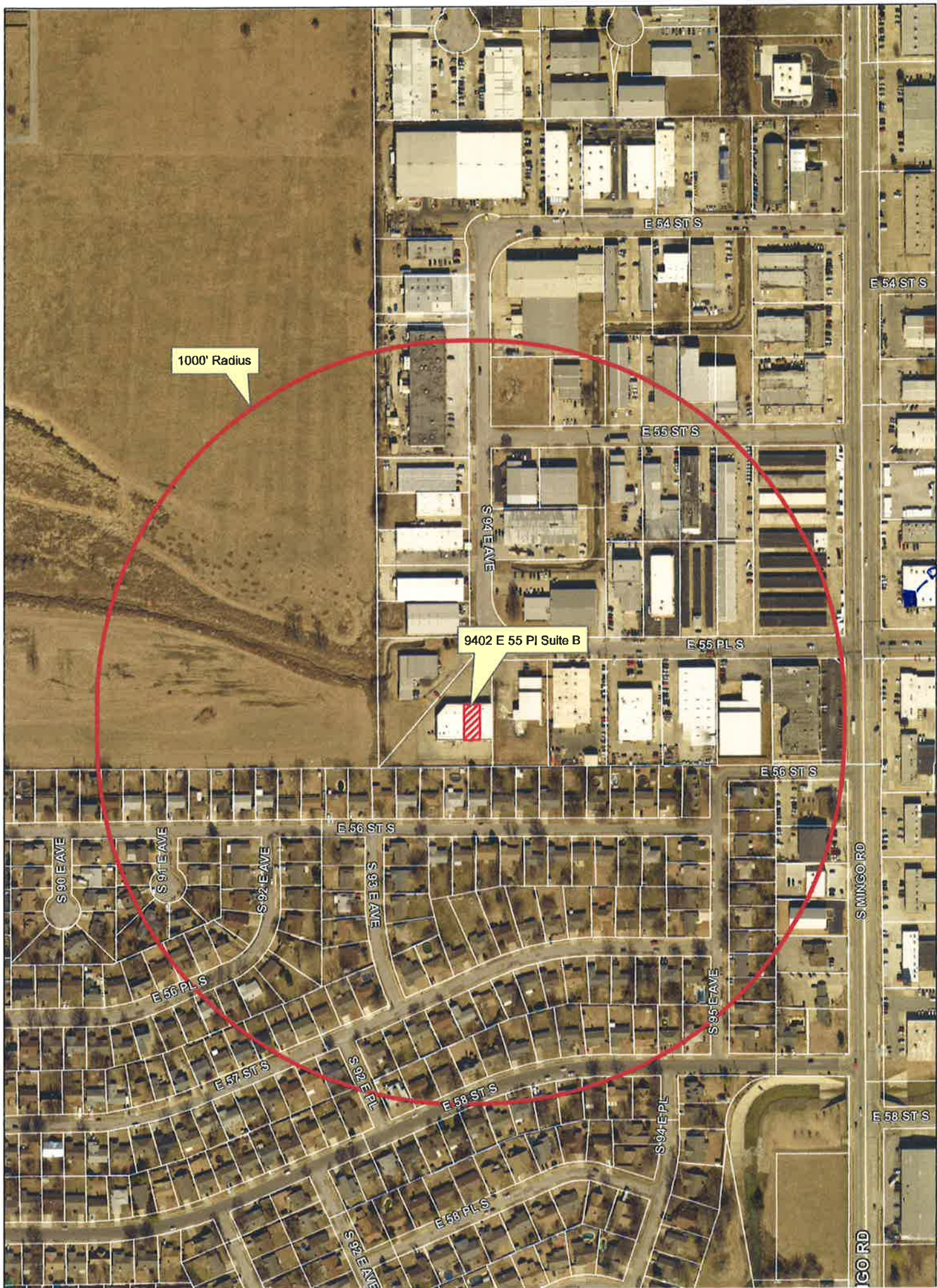
9402 E 55 Pl Suite B

Feet  
 0 250 500

Date of Photography  
 2018



9.9



1000' Radius

9402 E 55 Pl Suite B

discussory  
5456  
S. Mingo  
St. A

210

State of Oklahoma

# License Certificate

NON-TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**JADE WELLNESS CENTER LLC**

9402 E 55TH PL B, TULSA, OK, 74145

THIS LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A E1-5(C), AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 130 CHAPTER 100. THE LICENSE IS SUBJECT TO THE REVISIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

01/29/2020

LICENSE NUMBER:

DAAA-NJ7J-28N7



*Tom Bates*

TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

DO NOT COPY

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**

**October 1, 2019**

**Stephanie Dunn**  
3905 W Utica ST  
Broken Arrow, OK 74011

**Phone: 916.289.0591**

**APPLICATION NO: BLDC-043639-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 9402 E 55 PL**

**Description: Medical Marijuana Dispensary**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)

9.12

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-043639-2019

9402 E 55 PL

October 1, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

- 1. Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
- 2. Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.  
**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**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.

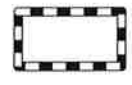
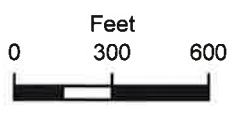
A hard copy of this letter is available upon request by the applicant.

## 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.

9.13 2



Subject Tract

**BOA-22775**

19-13 36

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

Aerial Photo Date: February 2018



9.14



Subject Tract

**BOA-22775**

19-13 36

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

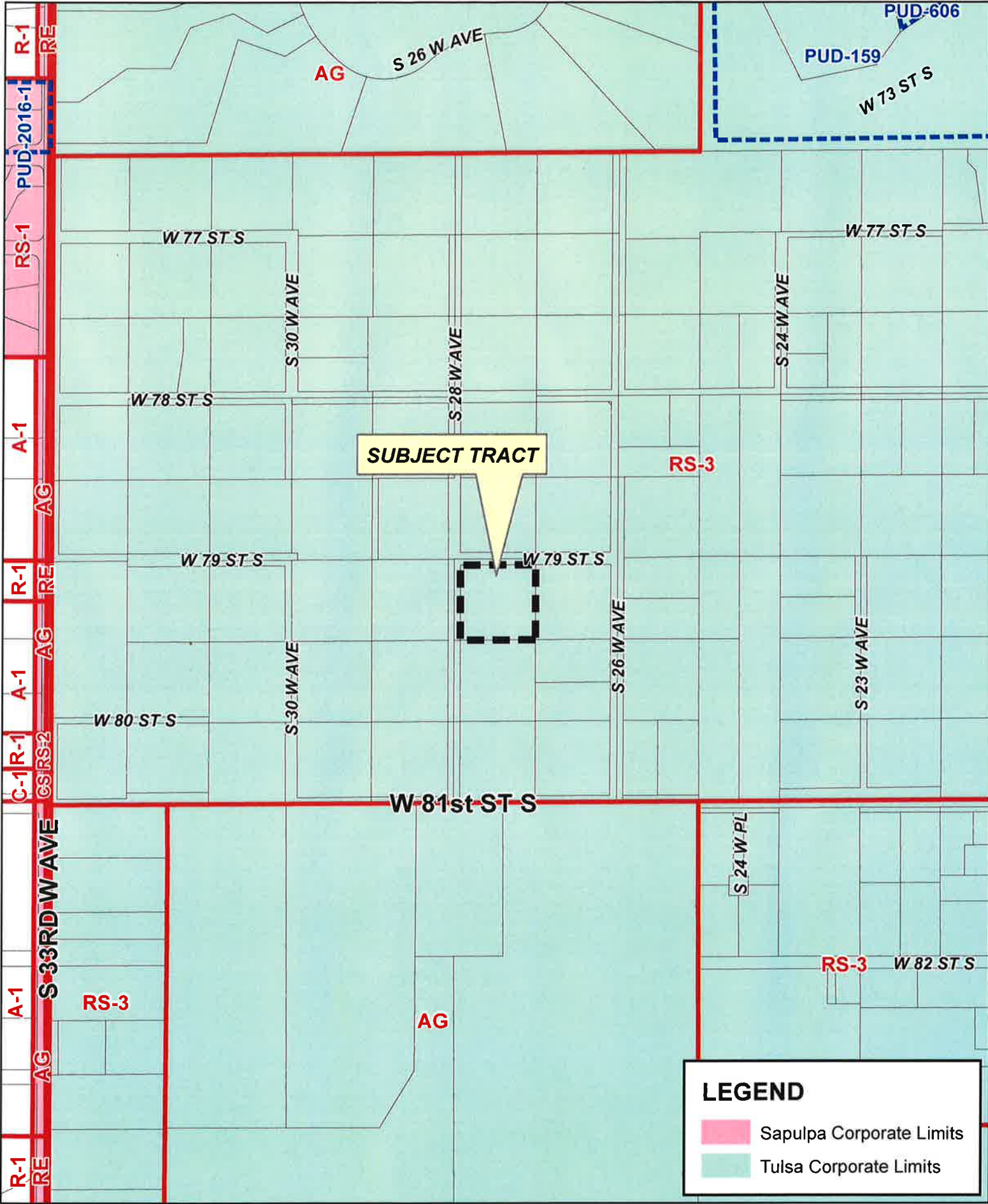
Aerial Photo Date: February 2018



9.15



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**SUBJECT TRACT**

**LEGEND**

- Sapulpa Corporate Limits
- Tulsa Corporate Limits



**BOA-22776**

18-12 10

10.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8210

Case Number: **BOA-22776**

**CZM:** 51

**CD:** 2

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Donnie Volkl

**ACTION REQUESTED:** Variance of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a Variance to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)

**LOCATION:** 2626 W 79 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 93218.78 SQ FT

**LEGAL DESCRIPTION:** SE NW SE SW LESS N25 & W25 THEREOF FOR RD SEC 10 18 12 2.14ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

BOA-16885; On 12/27/94 the Board **approved** a *Variance* of the maximum 750 sq ft for detached accessory building- Section 402.B.1.d. Accessory Use Conditions- Use Unit 6- per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft, subject to no bathing or cooking facilities being installed and no commercial use. Property Located 2627 West 79<sup>th</sup> Street.

BOA-16223; On 12/22/92 the Board **approved** a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft- Section 402.B.1.d. Accessory Use Conditions- Use Unit 6- and to continue the remainder of the application to January 12,1993. Property Located 2605 West 79<sup>th</sup> Street.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique

10.2

qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is 2.14 acres RS-3 zoned lot located at the SE/c of W. 79<sup>th</sup> E. St. S. and S. 28<sup>th</sup> W. Ave.

**STAFF COMMENT:** The applicant is requesting **Variance** of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a **Variance** to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)

## 2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

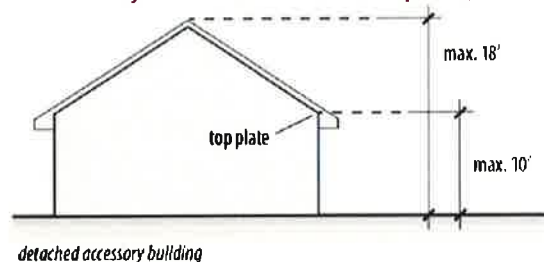
[1] For detached accessory buildings located within rear setbacks see ~~§90.090-C.2~~.

### 2. Detached Accessory Buildings in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

- a. Detached accessory buildings may be located in rear setbacks provided that:

- (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

*Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)*



### **STATEMENT OF HARDSHIP:**

The South West corner of the property is the only place that the barn can be placed. The land is flat, and doesn't flood in that area. The barn can not be put behind the home due to Lateral lines all through the back yard. It can't be place west side of the home due to a large pond. The South West corner is the perfect spot, and will cause no issues for any of the surrounding neighbors. Most of our neighbors have larger barns than we are requesting, and building the barn will not alter the essential character of the neighborhood.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the allowable square footage for detached accessory buildings in the RS-3 district. (Section 45.030-A.2); and a **Variance** to allow a detached accessory building to exceed one story or 18 feet in height (Sec. 90.090-C.2)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

FILE COPY

Case No. 16875 (continued)

Lots 1-3, Block 1, Kendall Addition, Lots 5-9, Block 2, less north 6.75' of Lot 5, Block 2, Kendall Addition, City of Tulsa, Tulsa County, Oklahoma.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 16916**

**Action Requested:**

Amended site plan approval - Use Unit 14, located northwest corner of East 42nd Street and South Memorial Drive.

**Presentation:**

The applicant, **Harrison French**, 502 Southwest A, Bentonville, Arkansas, submitted an amended site plan (Exhibit B-1) and requested that the store at this location (Wal-Mart) be permitted to connect a drive-through canopy to the existing building. He informed that the canopy will serve as protection for customers using the pharmacy.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan, as presented.

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 16885**

**Action Requested:**

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2627 West 79th Street.

**Presentation:**

The applicant, **Sara Hobbie**, 2627 West 79th Street, was represented by **Gary Hobbie** of the same address. He submitted a plot plan (Exhibit C-1) and explained that an existing 26' by 24' accessory building will be removed and replaced by a 30' by 45' structure. Mr. Hobbie submitted photographs (Exhibit C-2) and noted that the 2½-acre is large enough to support the proposed building.

Case No. 16885 (continued)

**Comments and Questions:**

Ms. Russell informed that the applicant has an existing 649 sq ft accessory building and the new structure will contain 1350 sq ft (approximately 2000 sq ft total).

Mr. Bolzle inquired as to the use of the building, and Mr. Hobbie stated that he restores cars and does woodworking.

In reply to Mr. Bolzle, the applicant stated that there will be no cooking or bathing facilities in the accessory building.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft; subject to no bathing or cooking facilities being installed and no commercial use; finding that the tract is large and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

---

NE/4, NW/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16886**

**Comments and Questions:**

Ms. Russell advised that the case was originally scheduled for hearing on January 24, 1995; however, some notices to property owners stated that the case would be heard at this meeting. She stated that the application will be heard on January 24th as scheduled.

**Case No. 16887**

**Action Requested:**

Variance of the all-weather requirement for off-street parking and a variance of the screening requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1302.A. SETBACKS** - Use Unit 15, located 9721 East 61st Street.

12:27:94:671:(4)

Action Requested:

Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6, located 2605 West 79th Street.

Presentation:

The applicant, Michael Yates, 2605 West 79th Street, submitted a plot plan (Exhibit E-1) and requested permission to construct a three-car garage (912 sq ft) on his property. He informed that there is an existing 1369 sq ft tin building on the lot, which was constructed along with the dwelling. Mr. Yates pointed out that his 2½-acre tract can adequately support the proposed structure, and that there are buildings of similar size throughout the neighborhood.

Comments and Questions:

Mr. Jackere inquired as to the use of the existing tin building, and the applicant replied that he stores lawn mowers and supplies to repair his rental properties. He added that the previous owner of the property is storing some furniture in the building.

There was discussion concerning additional relief that might be required.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6; and to CONTINUE the remainder of the application to January 12, 1993; per plan submitted; subject to no commercial use of the building; finding that the tract is large enough to accommodate the proposed structure; and finding that there are other buildings in the residential area that are similar in size; on the following described property:

NW/4, NE/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, less the east and the south 25' to center of road, City of Tulsa, Tulsa County, Oklahoma.





*Facing South along 28<sup>th</sup> W. Ave.*



*Subject property*



*Facing East along 79<sup>th</sup> St*

## Good, Felicity

---

**From:** Mathis, Helen S. <Helen.Mathis@va.gov>  
**Sent:** Monday, October 7, 2019 8:48 AM  
**To:** Good, Felicity  
**Subject:** Hardship for Donnie Volkl Pole Barn

To Whom it May Concern,

The South West corner of the property is the only place that the barn can be placed. The land is flat, and doesn't flood in that area. The barn can not be put behind the home due to Lateral lines all through the back yard. It can't be place west side of the home due to a large pond. The South West corner is the perfect spot, and will cause no issues for any of the surrounding neighbors. Most of our neighbors have larger barns than we are requesting, and building the barn will not alter the essential character of the neighborhood.

*Helen Shontelle Mathis, MSA  
Department of Veterans Affairs  
10159 East 11th Street  
5<sup>th</sup> Floor  
Tulsa, OK 74128*

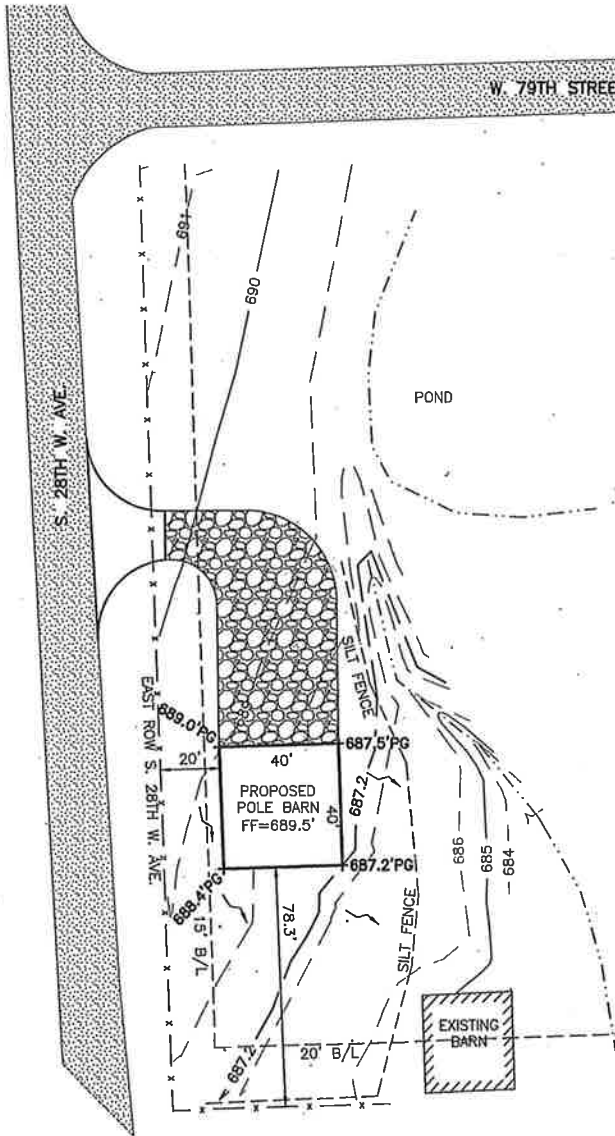
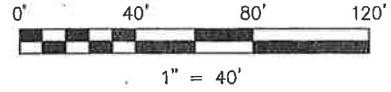
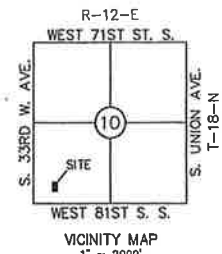


# SITE PLAN

OF  
2626 W. 79TH STREET  
TULSA COUNTY, STATE OF OKLAHOMA

## BENCHMARK

3" ALUMINUM CAP, STAMPED 2016-1, SET IN CONCRETE POST, APPROX. 33' E. AND 33' N. OF INTERSECTION OF S. 30TH W. AVE. AND W. 81ST ST. S.  
ELEV. = 697.92' (NAVD '88)



## GRADING AND EROSION CONTROL PLAN

1. ALL GRADING AND EROSION CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY STANDARD CONSTRUCTION SPECIFICATION.
2. ALL EROSION CONTROL CONSTRUCTION SHALL BE INSPECTED BY THE PUBLIC WORKS DEPARTMENT UTILITY INSPECTORS, IN ACCORDANCE WITH CITY POLICY.
3. EROSION CONTROL SHALL START WITH INITIAL CONSTRUCTION AND BE PRACTICED THROUGHOUT THE PROJECT.
4. HAY BALE DIKES OR SILT FENCES SHALL BE CONSTRUCTED ADJACENT TO ALL DRAINAGE-WAYS, AND IN ALL AREAS THAT WILL ERODE INTO THE STORM SEWER SYSTEM.
5. WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR 14 DAYS, THE DISTURBED AREAS SHALL BE STABILIZED WITH SEED AND MULCH.
6. THE CONTRACTOR SHALL RE-SEED ALL AREAS DISTURBED DURING CONSTRUCTION AND CONTRACTOR SHALL BE RESPONSIBLE FOR SEEDED AREAS UNTIL GROWTH IS ESTABLISHED TO A UNIFORM HEIGHT OF TWO (2) INCHES.
7. THERE ARE NO OFFSITE MATERIAL, WASTE, BORROW, OR EQUIPMENT STORAGE AREAS.
8. THE STORM WATER POLLUTION PREVENTION PLAN SHALL BE UPDATED AS NECESSARY TO REMAIN CONSISTENT WITH ANY CHANGES APPLICABLE TO PROTECT SURFACE WATER RESOURCES IN SEDIMENT EROSION SITE PLANS OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY STATE OR LOCAL OFFICIAL FOR WHICH THE PERMITEE RECEIVES WRITTEN NOTICE.

## LEGEND

- X— FENCE
- ~ PROPOSED FLOW
- PG PROPOSED GRADE
- B/L BUILDING LINE

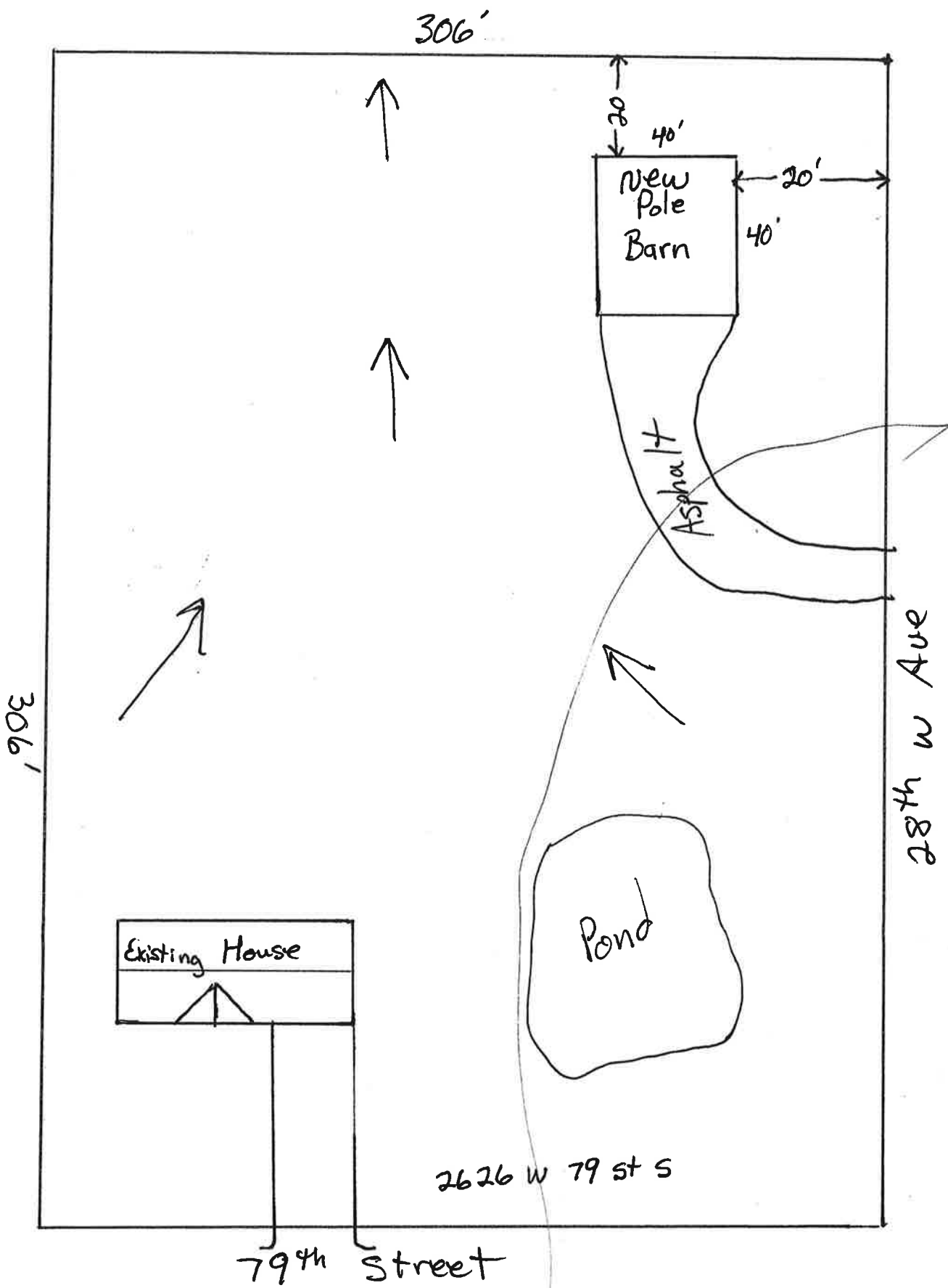
PROPERTY IS SUBJECT TO THE TULSA REGULATORY FLOODPLAIN AT AN ELEVATION OF 687.2' NAVD '88.

TULSA LAND SURVEYING LLC  
1501 EAST 6TH STREET  
TULSA, OK 74120  
(918) 794-6777  
CA 6038  
EXPIRES 6/30/2019



DRAWING PREPARED: JUNE 13, 2019  
TLS NO.: 19-067 - 2626 W. 79TH STREET

10-11



306'

306'

Existing House

Pond

New Pole Barn

Asphalt

28th W Ave

2626 W 79 St S

79th Street

↓ N 10.12



Search mail

FW: BLDR-5763-2018, 2626 W 79th st s

Inbox x

**Donnie Volk**

to me

Sent from Yahoo Mail on Android

— Forwarded Message —

**From:** "Fothergill, Keri" <KFOTHERGILL@cityoftulsa.org>  
**To:** "donnievolkl@yahoo.com" <donnievolkl@yahoo.com>  
**Cc:** "Taylor, Jeff" <JSTaylor@cityoftulsa.org>  
**Sent:** Thu, Aug 8, 2019 at 10:20 AM  
**Subject:** FW: BLDR-5763-2018, 2626 W 79th st s

Donnie,

I contacted Jeff Taylor, copied on this email, and requested the current LODs to be addressed. Mr. Taylor sent me

Please review and respond accordingly, if you have any questions do not hesitate Mr. Taylor at 918-596-7637 or I

Sincerely,

Keri

**Keri Fothergill | Development Services Liaison**

**Mayor's Office of Economic Development**

City of Tulsa

175 E. 2<sup>nd</sup> Street, Tulsa, OK 74103

T: 918-576-5527

C: 918-694-4196

E: [kfothergill@cityoftulsa.org](mailto:kfothergill@cityoftulsa.org)



10.13

**From:** Taylor, Jeff  
**Sent:** Thursday, August 8, 2019 9:10 AM  
**To:** Fothergill, Keri <[KFOTHERGILL@cityoftulsa.org](mailto:KFOTHERGILL@cityoftulsa.org)>  
**Subject:** BLDR-5763-2018, 2626 W 79th st s

**1. Site plan: A site plan is required for this application.**

**Review Comments: Provide a site plan showing location of house and any existing structures. Also indicate locati**

**2. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts**

**In RS-3 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not er**

**Review comments: You are proposing 1600 sq ft of detached accessory structure floor area. The proposed detach your lot. Reduce the size of your proposed detached accessory structure to be less than 806 sq ft of total floor are**

**3. 90.90.C: Detached Accessory Buildings**

**a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:**

**(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of f**

**Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 18 f**

**Mathis, Helen S.**

to me

**From:** Taylor, Jeff <[JSTaylor@cityoftulsa.org](mailto:JSTaylor@cityoftulsa.org)>

10.14

**BLDR-5763-2018**  
**Pole Barn**  
**2626 W. 79<sup>th</sup> St**



10.15



***POLE BARN DRAWINGS***

***Donnie Volkl  
2626 W 79th St S  
Tulsa, OK  
App No. BLDR-005763-2018***

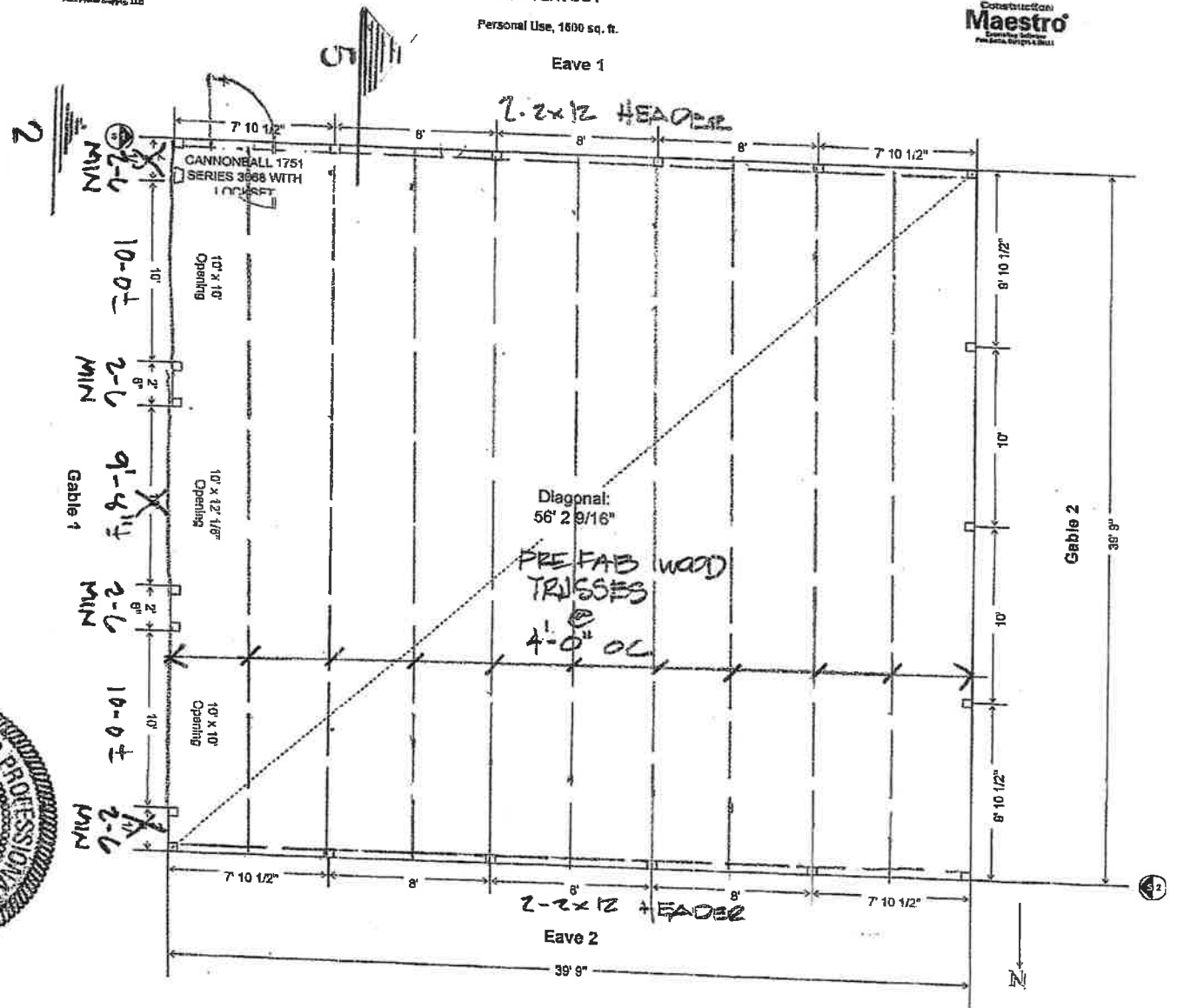
***By***

***Snowden Engineering, Inc.  
CA# 313 Exp 6/30/19***

1 FRAMING PLAN  
NTS

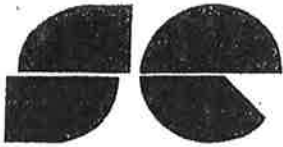


POLE LAYOUT  
Personal Use, 1600 sq. ft.



Michael Crank  
Estimate Number: 18485  
6/28/2018

10.17



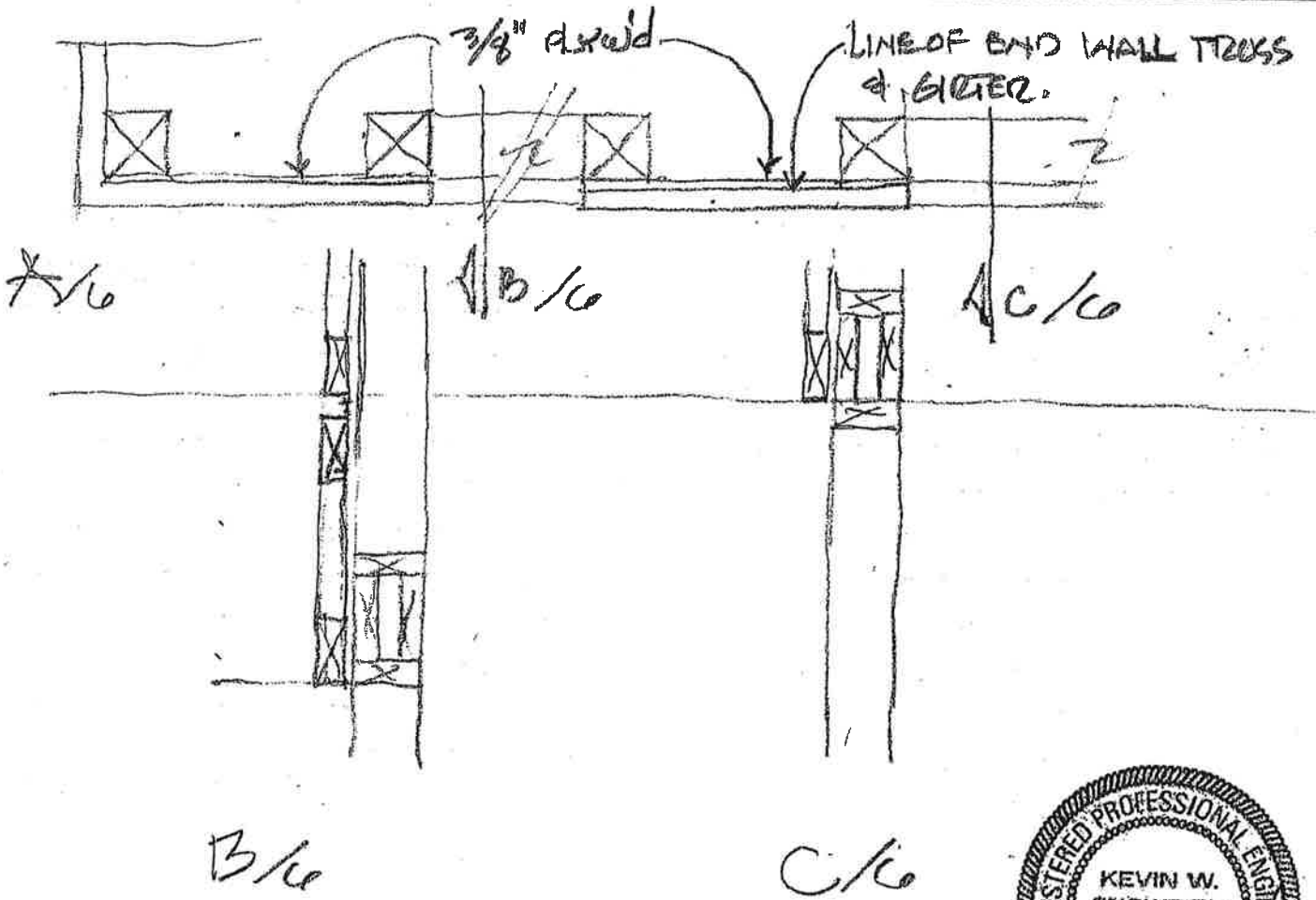
**SNOWDEN ENGINEERING INC.**  
 STRUCTURAL CONSULTANTS 918/252-4557  
 8128 EAST 63RD TULSA, OKLA 74133

Date \_\_\_\_\_ Sheet No. 6 of \_\_\_\_\_

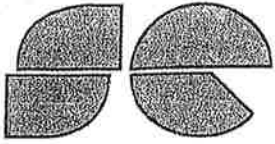
Job \_\_\_\_\_

Location EAST SIDE GABLE END

NOTE - OUT TO OUT OF COL IS 21'-9"  
 OUT TO OUT OF WALL GIRDERS IS 40'-0"  
 THEREFORE END WALL TRUSSES AND FACE OF  
 END WALL GIRTS ARE IN THE SAME PLANE  
 GIRDER CONNECTION TO TRUSS CAN BE W/  
 TOP-NIBLED. 4d-3 per joint.



$\frac{3}{4}'' = 1'-0''$  10.18



**SNOWDEN ENGINEERING INC.**  
STRUCTURAL CONSULTANTS 918/252-4557  
8128 EAST 63RD TULSA, OKLA 74133

Date \_\_\_\_\_ Sheet No. 4 Of \_\_\_\_\_  
Job \_\_\_\_\_  
Location 40x40x13

LOAD CRITERIA:  
2015 IRC & 102 ASCE 7-2010 - Risk Category I

TRUCKS LOADS  $T_{CLL} = 20$  psf,  $T_{COL} = 4$  psf,  $B_{CLL} = 0$   
 $B_{COL} = 3$  psf

SNOW LOAD  $P_g = P_f = 10$  psf  $C_e = 1.0$   $I_s = .8$   $C_d = 1.2$

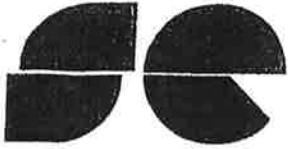
WIND LOAD  $V_{ULT} = 105$  psf  
EXPOSURE C  
 $G C_{pe} = 0.18$   
 $q$  for COMPONENTS & CLADDING =  $16.8$  psf

EARTH QUAKE - NOT APPLICABLE - WIND GOVERNS



10.19





**SNOWDEN ENGINEERING INC.**  
 STRUCTURAL CONSULTANTS 918/252-4557  
 8128 EAST 63RD TULSA, OKLA 74133

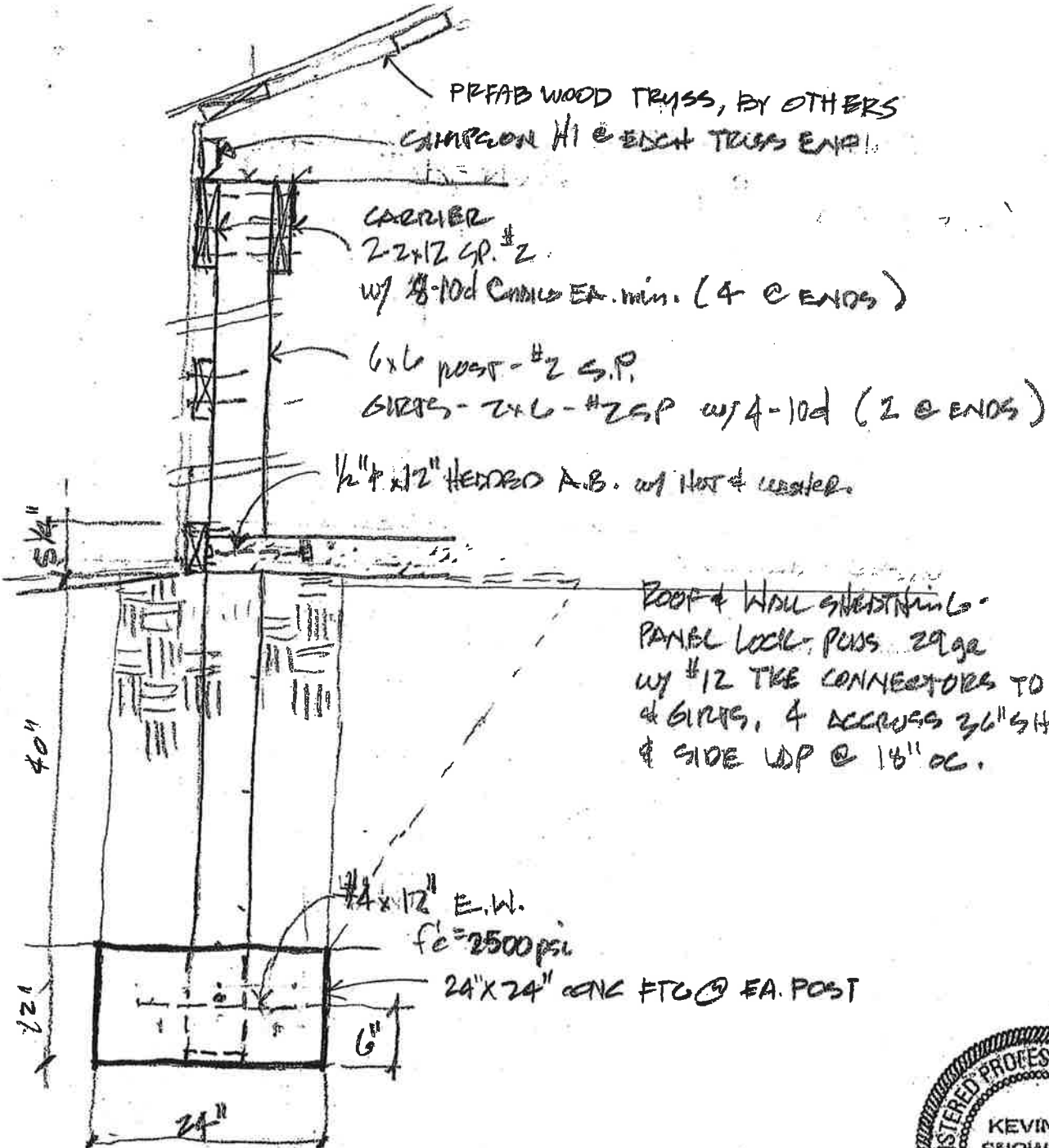
124  
154

Date

Sheet No. 5 Of

Job

Location 40x40x13'



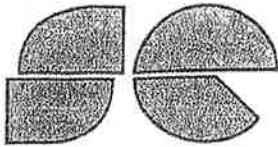
ROOF & WALL SHEATHING -  
 PANEL LOCK PWS 29 ga  
 w/ #12 TKE CONNECTORS TO PURWA  
 & GIRTS, & ACROSS 36\"/>

#4x12\"/>

**5 SECTION**  
NTS



10.21



Date \_\_\_\_\_ Sheet No. 4 Of \_\_\_\_\_

Job \_\_\_\_\_

Location 40x40x13

**SNOWDEN ENGINEERING INC.**  
STRUCTURAL CONSULTANTS 918/252-4557  
8128 EAST 63RD TULSA, OKLA 74133

LOAD CRITERIA:

2015 IBC & /OR ASCE 7-2010 - RISK CATEGORY I

TRUCK LOADS  $TCLL = 20 \text{ psf}$ ,  $TCDL = 4 \text{ psf}$ ,  $BCLL = 0$   
 $BCDL = 3 \text{ psf}$

SNOW LOAD  $P_g = P_f = 10 \text{ psf}$   $C_e = 1.0$   $I_s = .8$   $C_t = 1.2$

WIND LOAD  $V_{ULT} = 105 \text{ psf}$   
EXPOSURE C  
 $G_{CPL} = 0.18$   
 $q$  for COMPONENTS & CLADDING =  $16.8 \text{ psf}$

EARTH QUAKE - NOT APPLICABLE - WIND GOVERNS



# GABLE1 CROSS SECTION

ROOF LAYER 1: CHARCOAL PANEL LOC PLUS 29 STEEL PANEL  
 CHARCOAL FASCIA 10 FT 2 IN

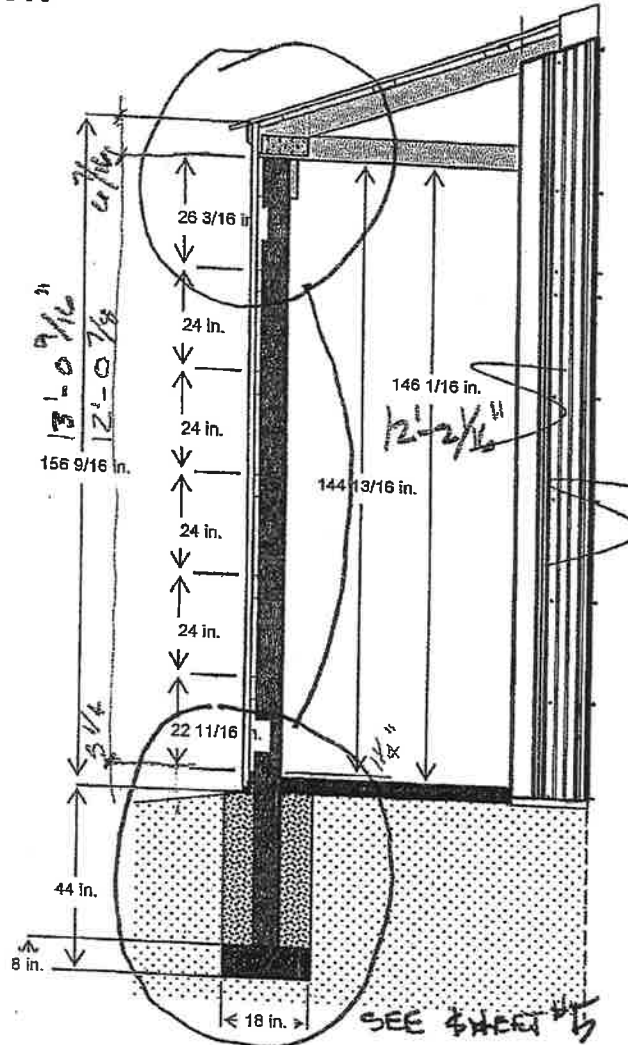
PURLINS: 2 X 6 SOUTHERN YELLOW PINE FASTENED LAYING FLAT

CORNER POSTS: TREATED SOUTHERN YELLOW PINE 6 X 6  
 INTERMEDIATE POSTS: TREATED SOUTHERN YELLOW PINE 6 X 6 SPACING 8 FT O.C.  
 EXTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10  
 INTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10  
 EXTERIOR WALL GIRTS: SOUTHERN YELLOW PINE 2 X 6  
 WALL LAYER 1: ALAMO WHITE PANEL LOC PLUS 29 STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED SOUTHERN YELLOW PINE 2 X 6

SIDING BEGINS 4 IN. BELOW THE TOP OF SKIRT BOARD

EARTH GRADE BEGINS 5 1/4 IN. BELOW THE TOP OF SKIRT BOARD



4.75/12 PITCH TRUSS SYSTEM WITH A NON-STANDARD HEEL (HEEL HEIGHT: 0-6-8 OR 6 1/2 IN.)  
 TRUSS SPACING: 48 IN. O.C.  
 TRUSS LOADING INFORMATION:  
 TCLL/TCDL/BCLL/BCDL 20-4-0-3  
 TOTAL TRUSS LOADING = 27 P.S.F.  
 BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 1 1/4 IN. BELOW THE TOP OF THE SKIRT BOARD  
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.  
 UNDISTURBED SOIL OR COMPACTED SAND FILL BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL & COMPACT  
 CONCRETE PIER FOOTING: MINIMUM OF 2500 P.S.I. STRENGTH MIX

10.23

Michael Crank  
 Estimate Number: 16485  
 6/29/2018

3 SECTION  
 NTS

TOP OF SLAB BELOW  
 IS 1/4" BELOW  
 TOP OF SKIRT BOARD.



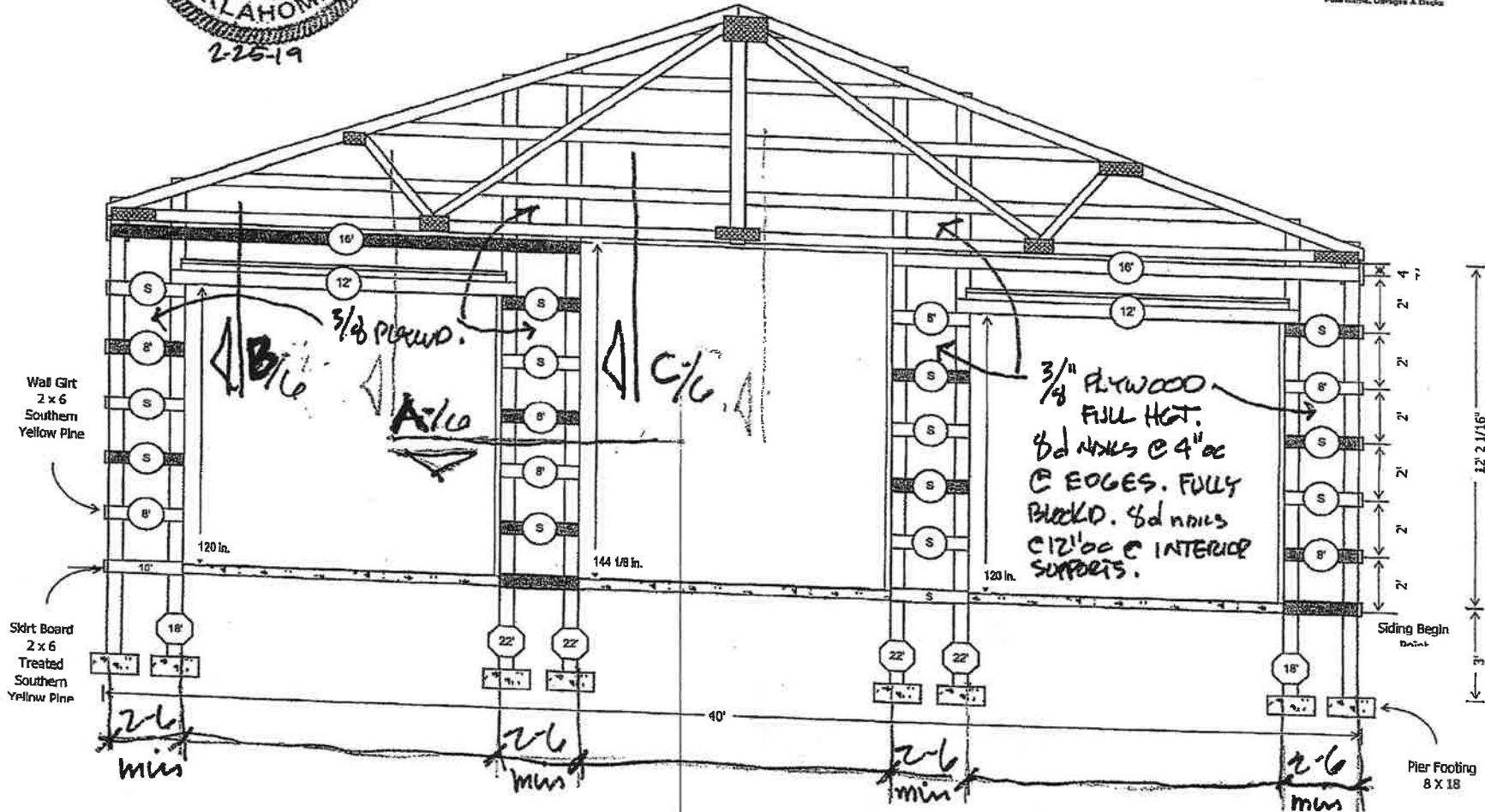


Circle Truss  
Post Frame Supply, LLC



### EAST SIDE-GABLE SIDE 1 WALL GIRT VIEW

Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pole Barns, Garages & Drives



**2 ELEVATION**  
NTS

Michael Crank  
Estimate Number: 16485  
6/29/2018

10.24

# GABLE1 CROSS SECTION

ROOF LAYER 1: CHARCOAL PANEL LOC PLUS 29 STEEL PANEL  
 CHARCOAL FASCIA 10 FT 2 IN

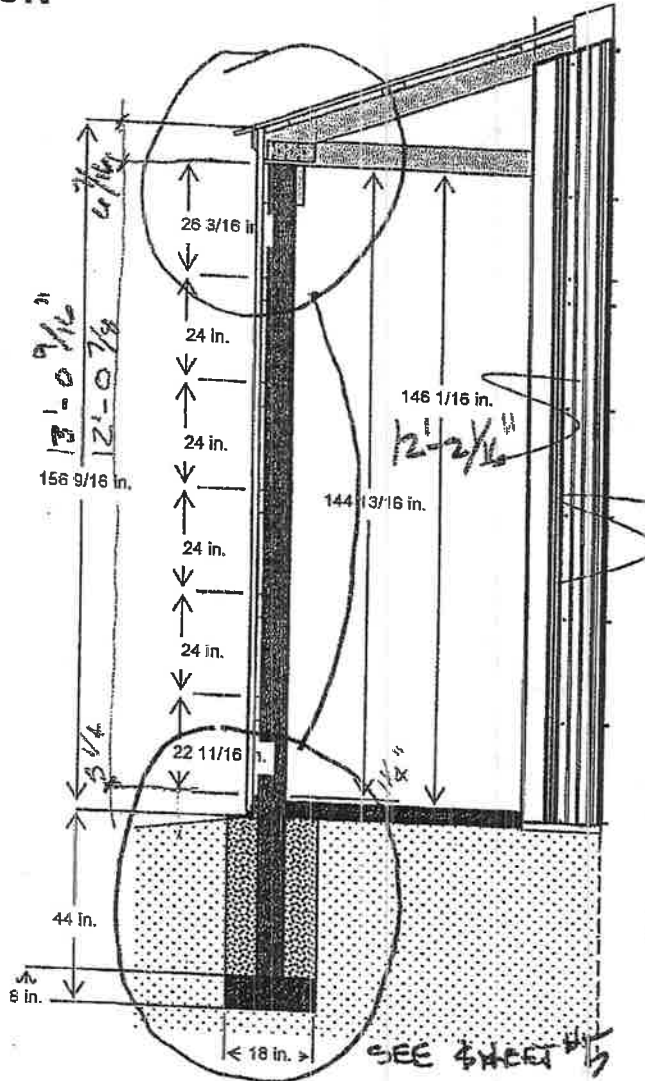
PURLINS: 2 X 6 SOUTHERN YELLOW PINE FASTENED LAYING FLAT

CORNER POSTS: TREATED SOUTHERN YELLOW PINE 6 X 6  
 INTERMEDIATE POSTS: TREATED SOUTHERN YELLOW PINE 6 X 6 SPACING 8 FT O.C.  
 EXTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10  
 INTERIOR CARRIER: SOUTHERN YELLOW PINE 2 X 10  
 EXTERIOR WALL GIRTS: SOUTHERN YELLOW PINE 2 X 6  
 WALL LAYER 1: ALAMO WHITE PANEL LOC PLUS 29 STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED SOUTHERN YELLOW PINE 2 X 6

SIDING BEGINS 4 IN. BELOW THE TOP OF SKIRT BOARD

EARTH GRADE BEGINS 5 1/4 IN. BELOW THE TOP OF SKIRT BOARD



4.75/12 PITCH TRUSS SYSTEM WITH A NON-STANDARD HEEL (HEEL HEIGHT: 0-6-8 OR 6 1/2 IN.)  
 TRUSS SPACING: 48 IN. O.C.  
 TRUSS LOADING INFORMATION:  
 TCLL/TCOL/BCLL/BCDL 20-4-0-3  
 TOTAL TRUSS LOADING = 27 P.S.F.  
 BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 1 1/4 IN. BELOW THE TOP OF THE SKIRT BOARD  
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.  
 UNDISTURBED SOIL OR COMPACTED SAND FILL BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL & COMPACT  
 CONCRETE PIER FOOTING: MINIMUM OF 2500 P.S.I. STRENGTH MIX

10-2-09 SA

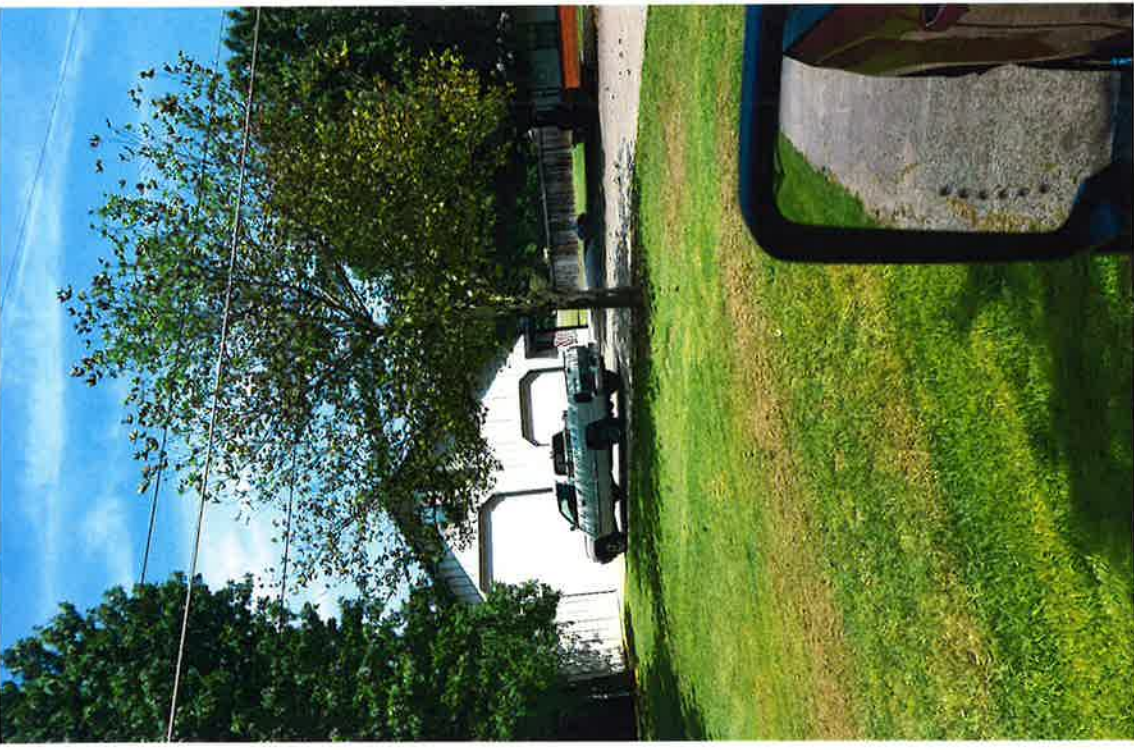
Michael Crank  
 Estimate Number: 16485  
 6/29/2018

3 SECTION  
 NTS

TOP OF SUBS FLOOR IS 1/4" BELOW TOP OF SKIRT BOARD.

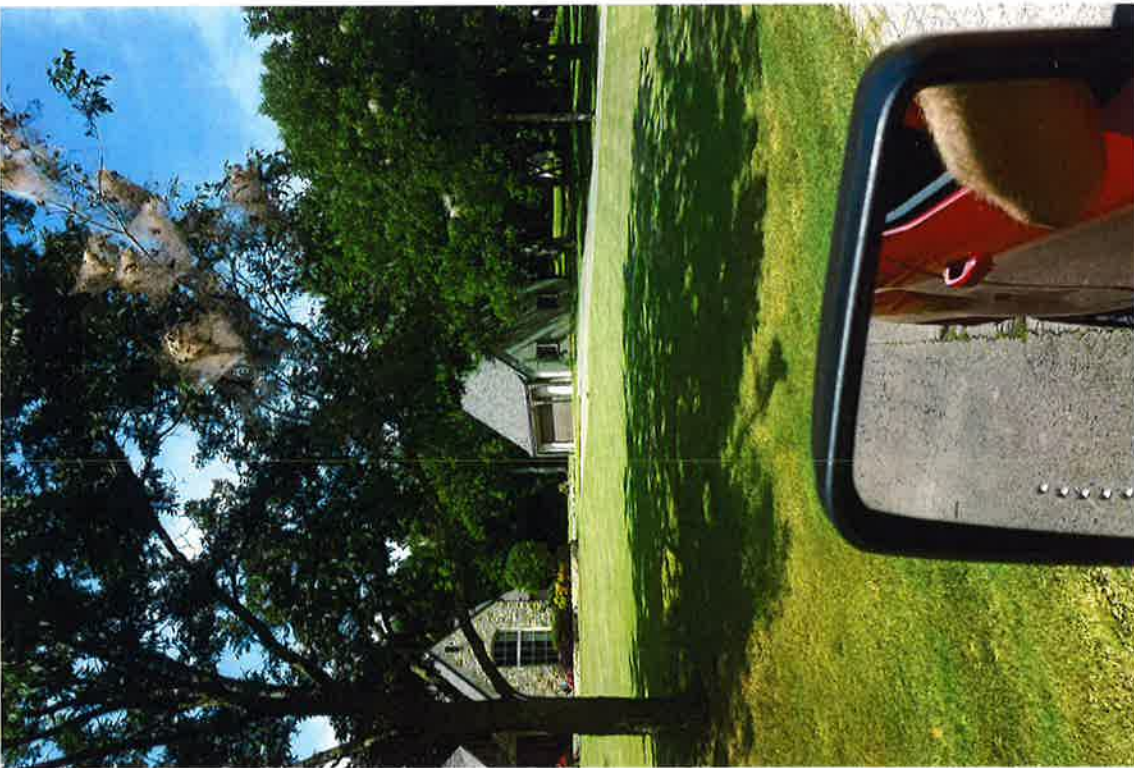


10.26

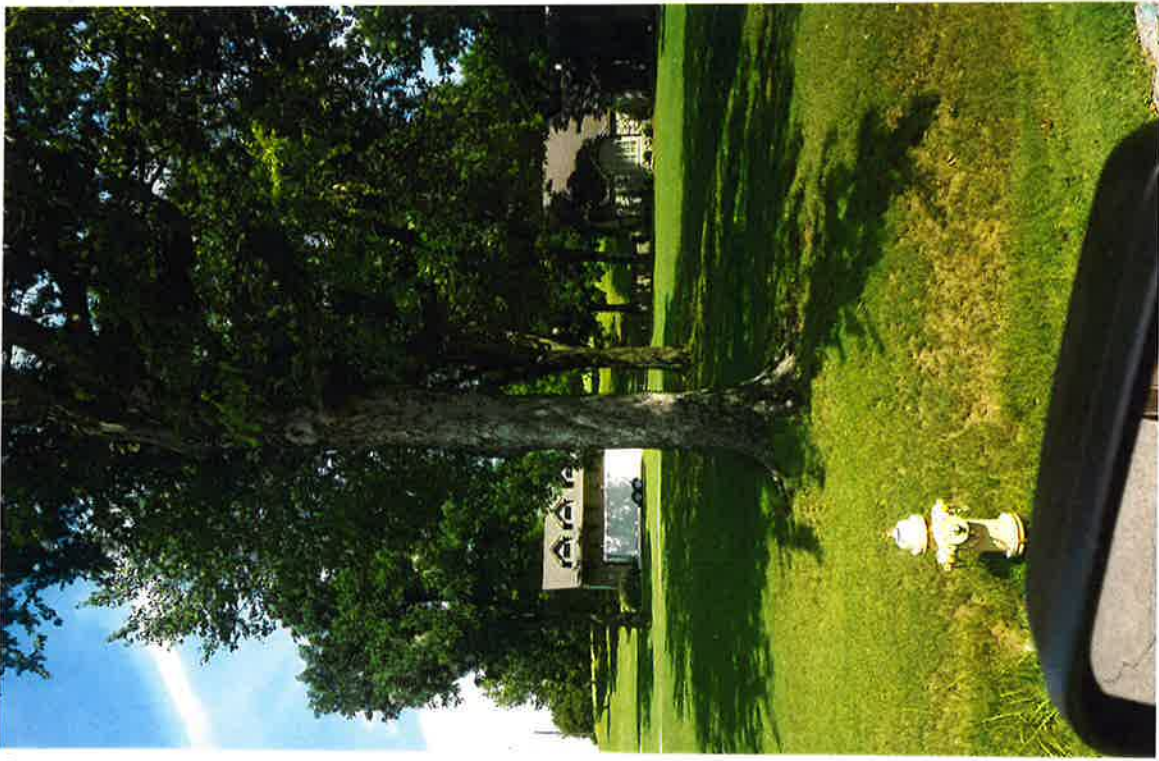


10.27

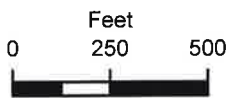




10.28



10.29



Subject Tract

**BOA-22776**

18-12 10

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

Aerial Photo Date: February 2018

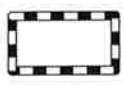
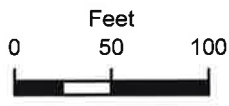


10.30



S 28 WAVE

W 79 STS



Subject Tract

**BOA-22776**

18-12 10

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

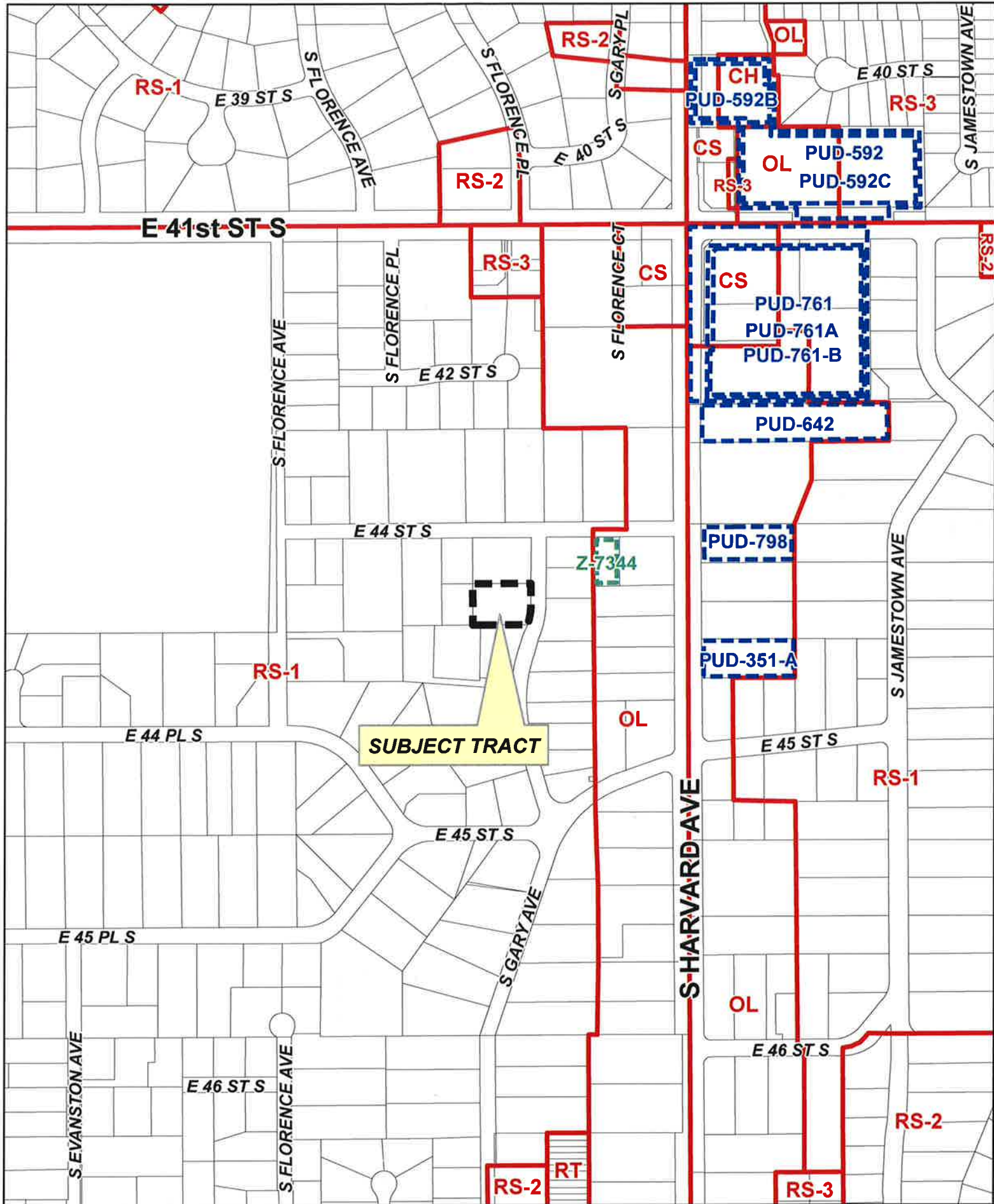
Aerial Photo Date: February 2018



10.31

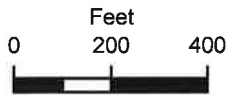


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**SUBJECT TRACT**

**BOA-22777**



19-13 29

11.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9329

Case Number: **BOA-22777**

**CZM:** 47

**CD:** 9

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Todd Shust

**ACTION REQUESTED:** Variance of the 35 foot front street setback in the RS-1 district. (Section 5-030, Table 5-3)

**LOCATION:** 4424 S GARY AV E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 24567.94 SQ FT

**LEGAL DESCRIPTION:** PT LT 1 BEG 150S NEC LT 1 TH S76.49 CRV RT59.28 W183.38 N135 E191.20 BLK 5, VILLA GROVE PARK

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-22642;** On 05.28.2019 the Board **approved** a *Variance* to reduce the minimum lot-width requirement for lot 1 and a *Variance* of the street setback requirement (Table5-3), subject to conceptual plan 6.23 of the agenda packet. Property located 4444 South Gary Avenue East.

**BOA-21765;** On 08.26.2014 the Board **approved** a *Variance* to reduce the minimum lot-width 100 feet to 85 feet and a *Variance* to reduce the front yard setback from 35 feet to 30 feet, subject to conceptual site plan 7.11 with the exception that the 25 foot building line is only approved at a 30 foot setback. Property located 4444 South Gary Avenue East.

**BOA-04013;** On 02.13.1963 the Board **approved** a *Variance* of the front building line from 35 feet to 30 feet from the front property line and a *Variance* of side building line from 15 feet to 10 feet from the sideline of the lot in a U-1-A District. Property located on the West 100 feet of the East 291.2 feet of the North 150 feet of Lot 1, Block 5, Villa Grove Park Addition.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

11.2

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located South of the SW/c of E. 44<sup>th</sup> St S. and S. Gary Ave inside an RS-1 zoned subdivision.

**STAFF COMMENTS:** The applicant is requesting a variance of the 35 foot front street setback in the RS-1 district. (Section 5-030, Table 5-3)

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25

**STATEMENT OF HARDSHIP:** Potential Building Site location is the only logical place to build. The rest of the property is in a flood plain and on a big hill.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the 35 foot front street setback in the RS-1 district. (Section 5-030, Table 5-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*

11.3

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*



*Facing North on Gary Avenue*



*Facing South on Gary Avenue*



***Subject Property***

**Action Requested:**

Variance to reduce the minimum lot-width requirement; Variance of the street setback requirement (Table 5-3). **LOCATION:** 4444 South Gary Avenue East (CD 9)

**Presentation:**

**Tim Terral**, Tulsa Engineering & Planning Associates, 9820 East 41<sup>st</sup> Street, Suite 102, Tulsa, OK; stated this request is basically a redo to a Board action that was approved in August, 2014. The only thing that is not exactly the same is the front yard setback request. The original application requested 25 feet and 30 feet was approved, and today the request is for the 25-foot front yard setback. The only reason he is here today is because the original Variances that were approved have expired; he found that out when he went to the City for a lot line adjustment.

Mr. Van De Wiele asked Mr. Terral to explain to the Board how this has changed. Mr. Terral stated that it really hasn't changed; what has changed is the front setback on both lots were approved at 30 feet in the original application and this application requests 25 feet.

Mr. Van De Wiele asked Mr. Terral about the lot width. Mr. Terral stated the lot width was requested at 85 feet; Lot 1 is 88 feet and Lot 2 is 105 feet.

Mr. Van De Wiele asked Mr. Terral to explain how the 25-foot building line will match up with the houses to the north and south and the houses across the street. Mr. Terral stated there are several lots in the area that are 25-foot setback and there are some that are 30 feet as well.

**Interested Parties:**

**Shanna Marlow**, 4424 South Gary Avenue, Tulsa, OK; stated she lives directly to the north of the subject property. Ms. Marlow stated that several of the neighbors have presented e-mail in opposition to this request. She understands there will be development on the subject property, but the neighbors would like it to be congruent with everything else in the neighborhood. The residents feel that putting any kind of structure too close to the street, because of the curvature of Gary Avenue it makes houses appear even closer to the street, and it would be a very short distance for a car to back out of that becoming a hazard to pedestrians. Other newly built homes in the neighborhood have been in line with the setback, so the neighbors feel there is no hardship. The subject lot is over 370 feet deep and most of the houses in the neighborhood are not over 9,000 square feet. There is plenty of opportunity to build a substantially sized house on the subject property without it being that close to the street.

Mr. Van De Wiele asked Ms. Ulmer if the prior relief did these same two things. Ms. Ulmer answered affirmatively; except for the front street setback they requested in 2014 a 25-foot setback and the Board approved 30 feet.



Mr. Van De Wiele asked Ms. Marlow if she knew how close her house sits to the building line. Ms. Marlow stated that is probably more than 35 feet because her house sits back quite a way. Ms. Marlow stated there is new construction across the street and that house is well within that setback also.

Mr. Van De Wiele asked Ms. Marlow if she had as much an issue with the subject property becoming two lots as opposed to how close the houses are built to the street. Ms. Marlow stated that it will be very tight to have two houses on the subject two lots with any sort of room in between them. Moving the houses closer to the street is just an added issue of trying to put two houses in the subject space; the character of the neighborhood is already established, and the houses are just not that close together.

**Rebuttal:**

**Tim Terral** came forward and stated that originally there was a request for 25 feet so that is what he was requested to ask for again. Mr. Terral stated that his client could live with 30 feet, but there are definitely houses on the street that have 30-foot and 25-foot setbacks. Mr. Terral stated that in regard to the bulk and area requirements the subject property, the northern lot, should be fine in terms of the separation of houses.

**Comments and Questions:**

Ms. Ross stated she is not as worried about the lot width because the houses to the south and across the street the houses are close together, and she sees others that are not as close together. There is still the flood plain issue that restricts building. In regard to the setback she would take issue with it if the setback were less than 25 feet.

Ms. Radney stated that with the flood plain issues the five feet will make a big difference to a homeowner in terms of what they would be able to do with the back yard. Ms. Radney stated she does not have a problem with the 25-foot setback, but she also would not oppose the 30-foot setback.

Mr. Van De Wiele stated that there is a large portion of this huge lot that is unbuildable because of the flood plain and the storm sewer easements. Mr. Van De Wiele stated that he would re-approve the same thing that was approved and has expired for a lack of use, but he does know if he would go to 25 feet. Mr. Van De Wiele stated that he would approve the width for the lot split purpose, and he would re-approve a 30-foot setback.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to reduce the minimum lot-width requirement for Lot 1; **Variance** of the street setback requirement (Table 5-3), subject to conceptual plan 6.23 of the agenda packet. The Board has found the hardship to be the existing 100-year flood plain taking up approximately 2/3 of the lot, also, the 15" sanitary sewer easement that runs north/south and the sanitary sewer easement that runs east/west, and the large storm sewer that

runs across the back end of the property that is part of the City of Tulsa's storm sewer system. The Variance is being approved at 30-foot building line not 25-foot building line. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**PT LTS 1 & 2 BEG. 104. 65 E. OF SWC LT 2 N 185 17 E 149 PARL TO N. L. LT 1 S 203.77 WLY 149 TO BG LESS S 20 ST BLK 5; PT LTS 2 BG SWC TH N172 1 E104 65 PARL TO N. L. LT 1 S185 17 WLY TO BEG PLUS R OF W ON S TO GART AV BLK 5; PRT LTS 1 & 2 BEG SECR LT 2 TH NW101.95 N201.67 E152 SW223.66 POB LESS S30 THEREOF BLK 5, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma**

**22644—M. Scott Phlenz**

**Action Requested:**

Variance to reduce the rear setback requirement in an RS-1 District (Section 5.030-A). **LOCATION:** 4636 South Wheeling Avenue East (CD 9)

**Presentation:**

**Scott Phlenz**, Architect, 3402 South Peoria Avenue, Tulsa, OK; stated the homeowner is seeking to come into the rear setback line by six feet to allow for the addition of livable space and a detached garage. There are very large mature trees that keep the homeowner from being able to position the garage to engage into the existing house. The rear property line is 25 feet and what is being proposed is six feet into the building line. There is no ability to come to the front of the house for the addition because of where the front building line is located.

local restaurants for use and consumption in those restaurants; for the following property:

**S253.84 E515 N/2 SE NE LESS E50 THEREOF FOR ST SEC 6 19 14 2.71ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21765—Tim Terral**

FILE COPY

**Action Requested:**

Variance to reduce the minimum lot width from 100 feet to 85 feet; Variance to reduce the front yard setback from 35 feet to 25 feet (Section 403.A). **LOCATION:** 4444 South Gary Avenue (CD 9)

**Presentation:**

**Tim Terral**, Tulsa Engineering and Planning Associates, 9820 East 41<sup>st</sup> Street, Suite #102, Tulsa, OK; stated the subject site has a significant amount of flood plain on the western part. There a large storm sewer easement and a sanitary sewer easement on the back half. Ultimately there will be a lot split on the subject property. If the site is split down the middle it will be a couple of feet shy of the minimum lot width. There are a number of lots in the area that are less than 100 feet in lot width. There is a precedent across the street at 4455 South Gary, BOA-19467, which was heard in 2002. At that time the lot width was reduced to 78 feet. The request for the reduction of the setback is because of the same issues of the flood plain. The lots in the surrounding area vary in how far back they sit off the road. There are some that are 25, 30, 35 feet and some more than that. Mr. Terral stated that he has received calls from some interested parties and he has spoke with them and they seem comfortable with the proposal. The house was demolished because it was not in good shape. With a lot split there can be two new homes in turn increasing the value of the subject lot.

Mr. Van De Wiele asked Mr. Terral about the setbacks for the couple of houses to the north and the couple of houses to the south. Mr. Terral stated the setbacks for those houses are 25 feet and 35 feet. Mr. Terral pointed out several houses with varying setbacks from the aerial map displayed on the overhead projector.

Mr. Van De Wiele asked Mr. Terral about the 85 foot lot width. Mr. Terral stated the 85 feet lot width is an average width. If it were not for the flood plain the lot width would possible average 98 feet. Mr. Van De Wiele and Mr. Terral discussed the lot widths of several houses in the area that are on the aerial map displayed on the overhead projector.

**Interested Parties:**

**Mark Capron**, 4445 South Gary Avenue, Tulsa, OK; stated he lives across the street and down a couple of houses. His house is the case that was granted the same exception in 2002. There were serious criminal issues with the subject house before it was razed so he is looking forward to the possibility of developing the subject lot. The

subdivision was platted before the war, World War II, and there are a lot of inconsistencies throughout the neighborhood. The area was subdivided into one acre lots with small homes, and the platted lot lines from the 1930s or 1940s are lot different than they are now because the area has been diced up. He thinks that is something that should be taken under consideration. The neighbors have been concerned over how the lot was divided and that it may never be developed, so today's proposal would seem beneficial. In regards to the setback, because of the flood plain, the request makes sense to him and he does not have a problem with the front setback. Mr. Capron stated he is here representing himself as the homeowner and not as a representative of his company.

**Mark Castell**, 4462 South Gary Avenue, Tulsa, OK; stated the lot he resides on is also partially in the flood plain. His primary concern is that similar action was taken in the neighborhood sometime in the last year, and it looks to him as if it would very difficult to place a second home on the adjacent lot. He is concerned about the proximity to the street because his home and several others have a larger setback. He is concerned about the lots that have been split and whether or not the lots are being divided up into too small fashion.

Mr. Henke stated the neighborhood is zoned RS-1, not RE. The neighbors could get together and have the neighborhood rezoned if they would like to do that.

**Rebuttal:**

Mr. Terral came forward and stated that if the 35 feet is too tight could a compromise be met at 30 feet? He would be willing to meet the 30 foot setback.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance to reduce the minimum lot width from 100 feet to 85 feet; Variance to reduce the front yard setback from 35 feet to 30 feet (Section 403.A), subject to conceptual site plan 7.11 with the exception that the 25 foot building line is only approved at a 30 foot setback. The Board has found that the property in question made up of these three lots, as shown in the Board's agenda packet, have a unique shape, and certainly a significant change in the terrain. The lots are significantly covered by both flood plain issues as well as various storm sewer easements impacting the buildable area on the lot or the resulting lots. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BOA-21765

PRT LTS 1 & 2 BEG SECR LT 2 TH NW101.95 N201.67 E152 SW223.66 POB LESS S30 THEREOF BLK 5, VILLA GROVE PARK; PT LTS 1 & 2 BEG. 104. 65 E. OF SWC LT 2 N 185 17 E 149 PARL TO N. L. LT 1 S 203.77 WLY 149 TO BG LESS S 20 ST BLK 5; PT LTS 2 BG SWC TH N172 1 E104 65 PARL TO N. L. LT 1 S185 17 WLY TO BEG PLUS R OF W ON S TO GART AV BLK 5, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21766—Wallace Engineering – Jim Beach

Action Requested:

Variance to reduce the lot width from 60 feet to 56 feet in an RS-3 District; Variance to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the centerline (Section 403, Table 3). LOCATION: 2407 East 20<sup>th</sup> Street (CD 4)

Presentation:

**Jim Beach**, Wallace Engineering, 200 East Brady Street, Tulsa, OK; before starting his presentation Mr. Beach pointed out to the Board that under "Staff Comments" in the second paragraph it states the client wants to build two new residential units on each of the two lots that are trying to be created, and there will only be two units total or one for each lot. In regards to the lot width Variance, the subdivision of this property on the east side of Lewis, virtually every lot in the area is the same size and shape. All the lots are 56 feet wide. The two lots that are before the Board today are 47 feet and 65 feet currently containing one residence. He does not know how this came about but they were originally platted at 56 feet, so this would restore them back to the 56 feet. His client's goal is to raze the existing single family home and build two houses, one on each lot. In regards to the second Variance request, Lewis Avenue is designated an urban arterial with a minimum right-of-way of 70 feet. Currently the east half of Lewis is 50 feet as if it were a secondary arterial. The right-of-way is already wider than normal which is partially squeezing the subject lots down. By allowing the setback at 60 feet it would allow a little more room to utilize the full 56 foot width. Mr. Beach stated that he had taken Google map measurements on a house to the north of the subject lot and there is a garage on that house that is approximately two feet into the existing right-of-way. A house to the south of the subject lot is even closer to Lewis than the house to the north of the subject lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a

E-13-53

## Case No. 4013 ✓

Walker B. Allen, Jr.  
Part of Lot  $\frac{1}{2}$ , Block 5,  
Villa Grove Park

Walker B. Allen, Jr. request for a variance of the front building line from 35 feet to 30 feet from the front property line; and request a variance of side building line from 15 feet to 10 feet from the side line of the lot in a U-1-A District on The West 100 feet of the East 291.2 feet of the North 150 feet of Lot 1, Block 5, Villa Grove Park Addition. There appeared Mr. Walker B. Allen, Jr.

MOVED by Avery (Sublett) that this application be granted  
All members voting yea. Carried.

## Case No. 4014 ✓

Mingo Assembly of God  
Part of Section  
12-20-13

The Mingo Assembly of God Church request for permission to extend present church and use adjoining property for church purposes on the following described property.

The North 460 feet of the E $\frac{1}{2}$ , E $\frac{1}{2}$ , E $\frac{1}{2}$ , NW $\frac{1}{2}$ , NE $\frac{1}{2}$ , NE $\frac{1}{2}$ , of Section 13, Township 20 North, Range  $\frac{1}{2}$ 3 East, Tulsa County, State of Oklahoma.

MOVED by Avery (Shaul) That this matter be set down for a public hearing.  
All members voting yea. Carried.

## Case No. 4015 ✓

Marshall Nash  
Lot 7, Block 18,  
Bellaire Acres  
Second Addition

Marshall Nash request for a modification of side yard requirements from 5 feet to 1.75 feet in a U-1-C District on Lot 7, Block 18, Bellaire Acres Second Addition.

MOVED by Avery (Shaul) that this application be approved  
All members voting yea. Carried.

## Case No. 4016 ✓

Harvey Lathram  
Lots 7 & 8, Block 1,  
36th Street Suburb

Harvey Lathram request for permission to erect an addition and a second story to existing building to be used for residential purposes in a U-3-D District on Lots 7 and 8, Block 1, Thirty-sixth Street Suburb Addition. There appeared Mrs. Harvey Lathram.

MOVED by Avery (Shaul) that the request for the extension to the front of the present building be approved; but, the request for a second story be denied.  
All members voting yea. Carried.

## Case No. 4017 ✓

Ida Sanders  
Lot 10, Block 13,  
Overlook Park

Ida Sanders request for permission to operate a home beauty shop in a U-2-B District on Lot 10, Block 13, Overlook Park Addition.

REGISTERED LAND SURVEYOR'S INSPECTION  
 PLAT AND CERTIFICATE FOR MORTGAGE  
 LOAN PURPOSE

J.O. NO.: 18-11-117  
 Tulsa Abstract  
 Customer: and Title Company

COLLINS LAND SURVEYING, INC.  
 3340 W. 151st ST. S. - P.O. Box 250  
 KIEFER, OK. 74041

Borrower: Wallis, Leland Albert Jr.  
 314630

OFFICE (918)321-9400 FAX (918)321-9404

Plat No: 1270

B/L=Building Line U/E=Utility Esmt. F/E=Fence Esmt.	OB/L-Out Building Line SW/E=Sidewalk Esmt. R/W=Right of Way	D/E=Drainage Esmt. B/E=Buried Tele. & Elec. Cable Esmt. S/E=Service Entrance	SCALE: 1"=40' NORTH
---	---	--	------------------------

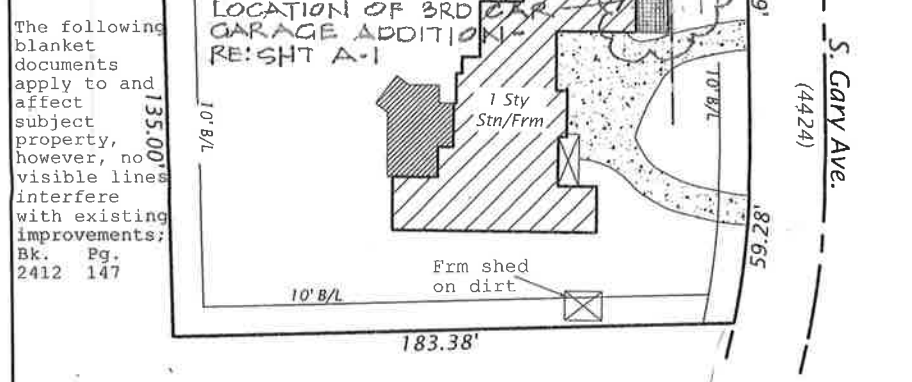
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#405381 0352L, DATED 10/16/2012.

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "SHADED X" AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO THE 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD AS SHOWN ON FIRM MAP#405381 0352L, DATED 10/16/2012.

The following documents do not apply to or affect subject property;

Bk.	Pg.
560	559
1271	475
1251	636
1440	399
1722	129
2404	280

Note; Dwelling encroaches 10' B/L 1.4'+/- as shown.



THE FOLLOWING blanket documents apply to and affect subject property, however, no visible lines interfere with existing improvements;

Bk.	Pg.
2412	147

135.00'

THIS PLAT IS MADE FOR AND AT THE REQUEST OF: Old Republic National Title Insurance Company / Tulsa Abstract & Title Company / AMC Mortgage Corporation FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

SEE ATTACHED LEGAL DESCRIPTION

Property address: 4424 South Gary Avenue, Tulsa, Oklahoma

SURVEYORS STATEMENT

COLLINS LAND SURVEYING INC., AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON, FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS. THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE, CALL OKIE BEFORE DIGGING 1-(800)-622-6643

WITNESS MY HAND AND SEAL THIS DATE:  
 FINAL; 12/21/2018



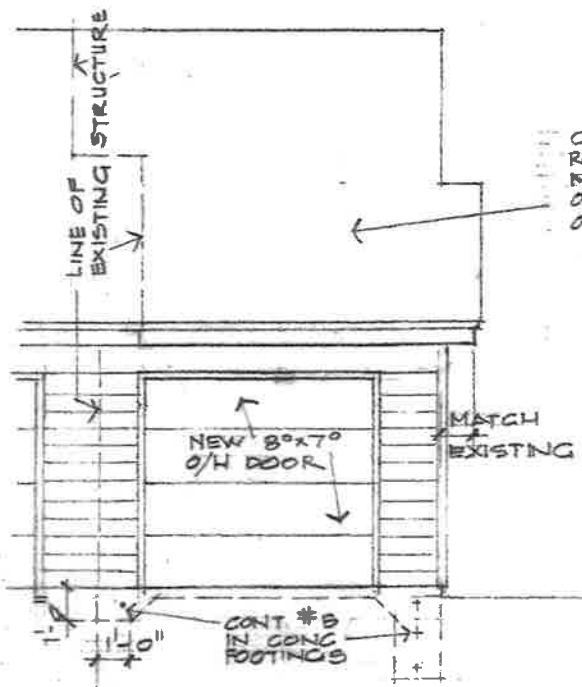
*K.S. Collins*  
 K.S. COLLINS  
 OKLAHOMA REGISTERED  
 LAND SURVEYOR NO. 1259  
 CA#2656 EXPIRES: 06/30/2020



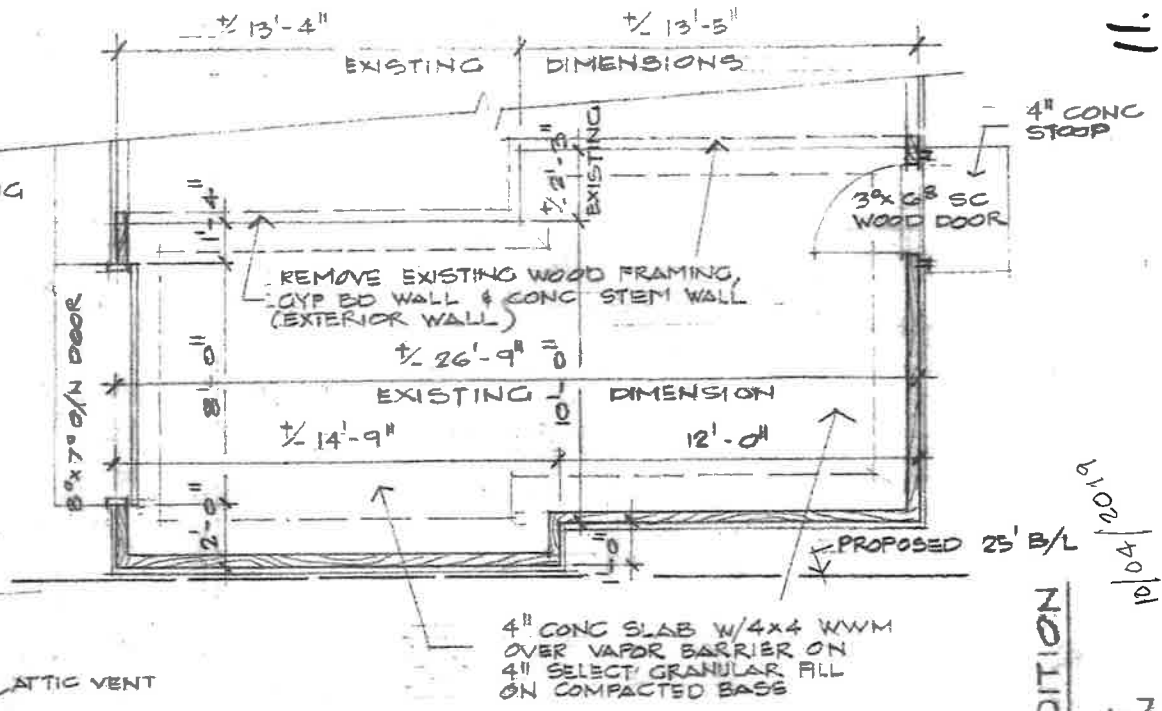
BRD CAR GARAGE ADDITION - ATTACHMENT-

date

11.12



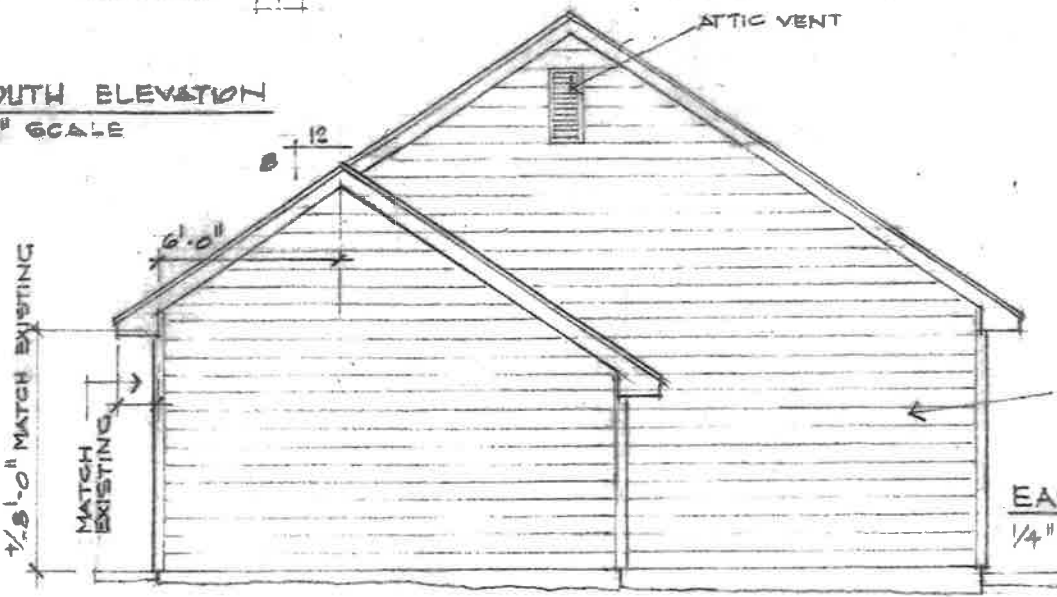
COMP SHINGLE ROOFING TO MATCH EXISTING OVER WOOD DECKING ON WOOD FRAMING



REMOVE EXISTING WOOD FRAMING, GYP BD WALL & CONC STEM WALL (EXTERIOR WALL)

4\"/>

**SOUTH ELEVATION**  
1/4\"/>



**FLOOR PLAN**  
1/4\"/>

1/2\"/>

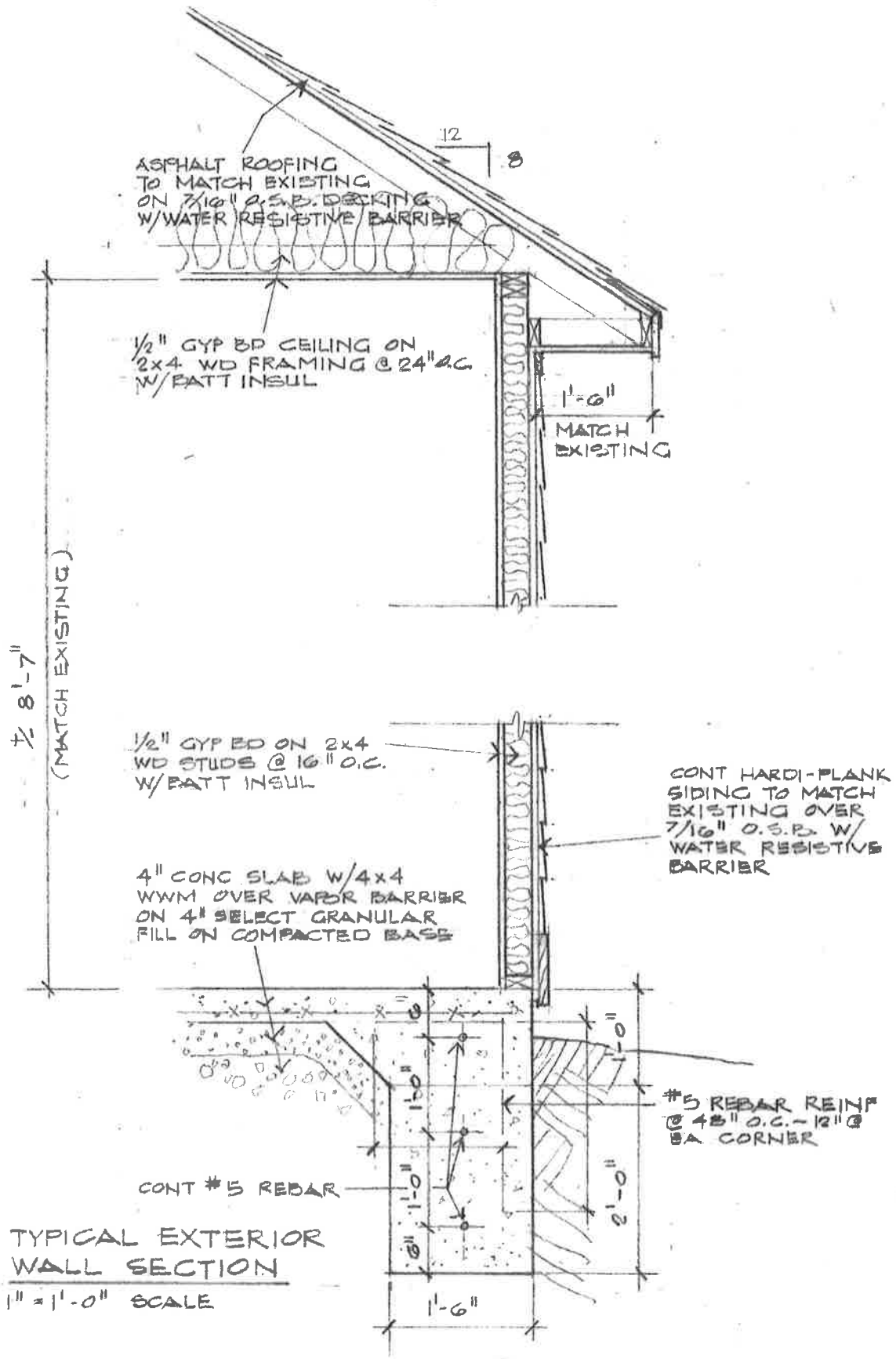
VINYL SIDING & BACKING TO MATCH EXISTING

**EAST ELEVATION**  
1/4\"/>

DWG SHEET A-1  
**3RD CAR GARAGE ADDITION**  
 LELAND WALLIS PROPERTY  
 RE: SURVEYOR'S INSPECTION PLAT  
 FOR ADDITIONAL INFORMATION

6.102/10/2019





DWG SHEET A-2  
 3RD CAR GARAGE ADDITION  
 LELAND WALLIS PROPERTY

*E. date*

11.14

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner II

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Todd Shust**  
Victory Remodeling

9/21/2019

**APPLICATION NO: BLDR-042030-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 4424 S Gary Ave E**

**Description: Addition**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" [ ] IS [x] 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)

CALLER INCOG - 9/24 - 2M:

AUSTIN CHAPMAN. 9/25 - VOICE MAIL. 9:07

Hardship.

11.15<sup>1</sup>

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-042030-2019**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

**5.030-A: Setback(s) (Residential):** In the RS-1 zoned district the minimum front setback shall be 35' from the front property line.

**Review Comments:** Revise your plans to indicate a 35' front setback to the property line, or apply to INCOG for a variance to allow less than a 35' front setback.

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.

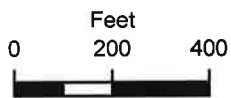
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

## 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.

11.16<sup>2</sup>



Subject Tract

**BOA-22777**

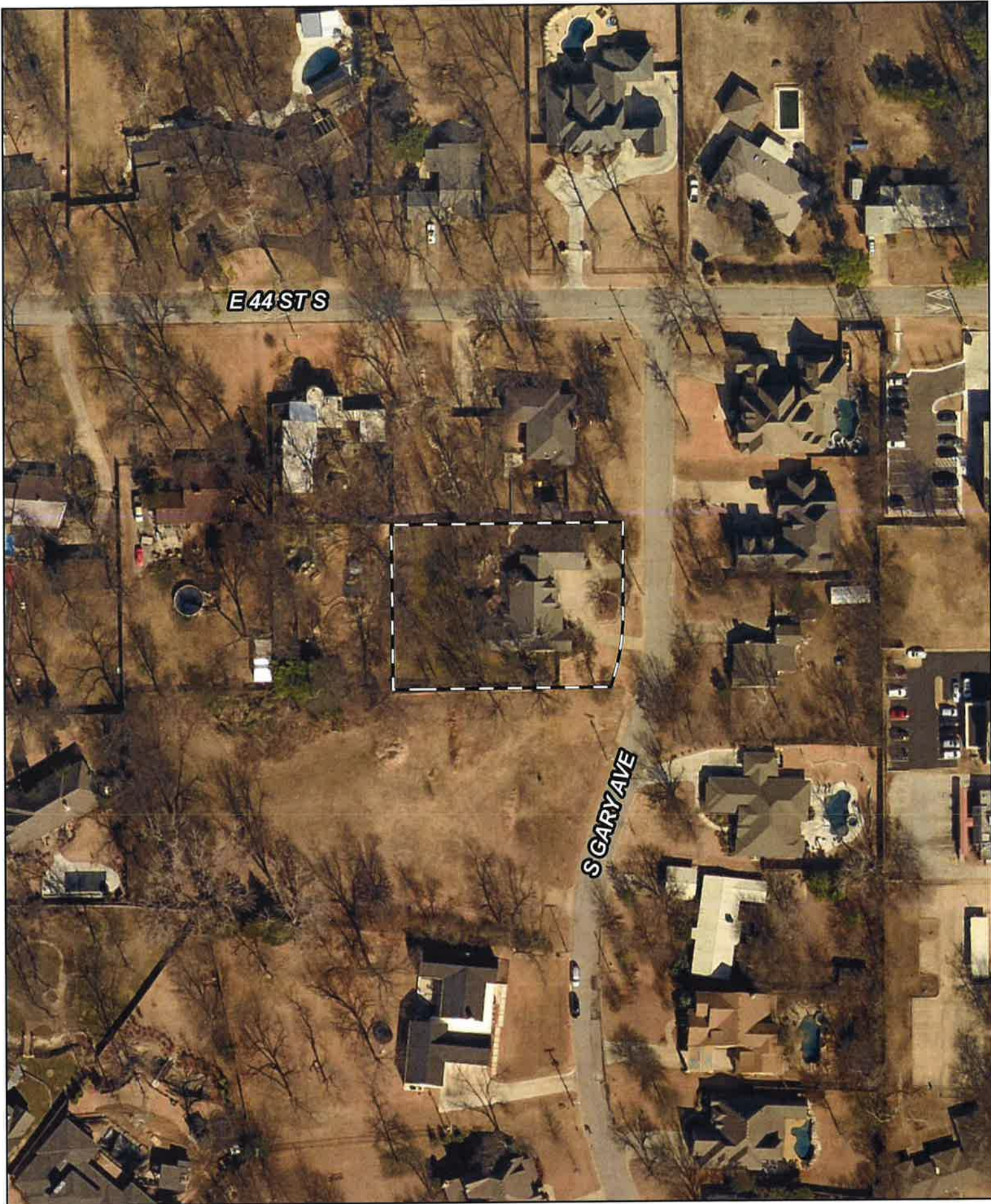
19-13 29

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

Aerial Photo Date: February 2018

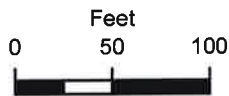


11.17



E 44 STS

S GARY AVE



Subject Tract

**BOA-22777**

19-13 29

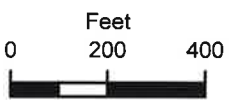
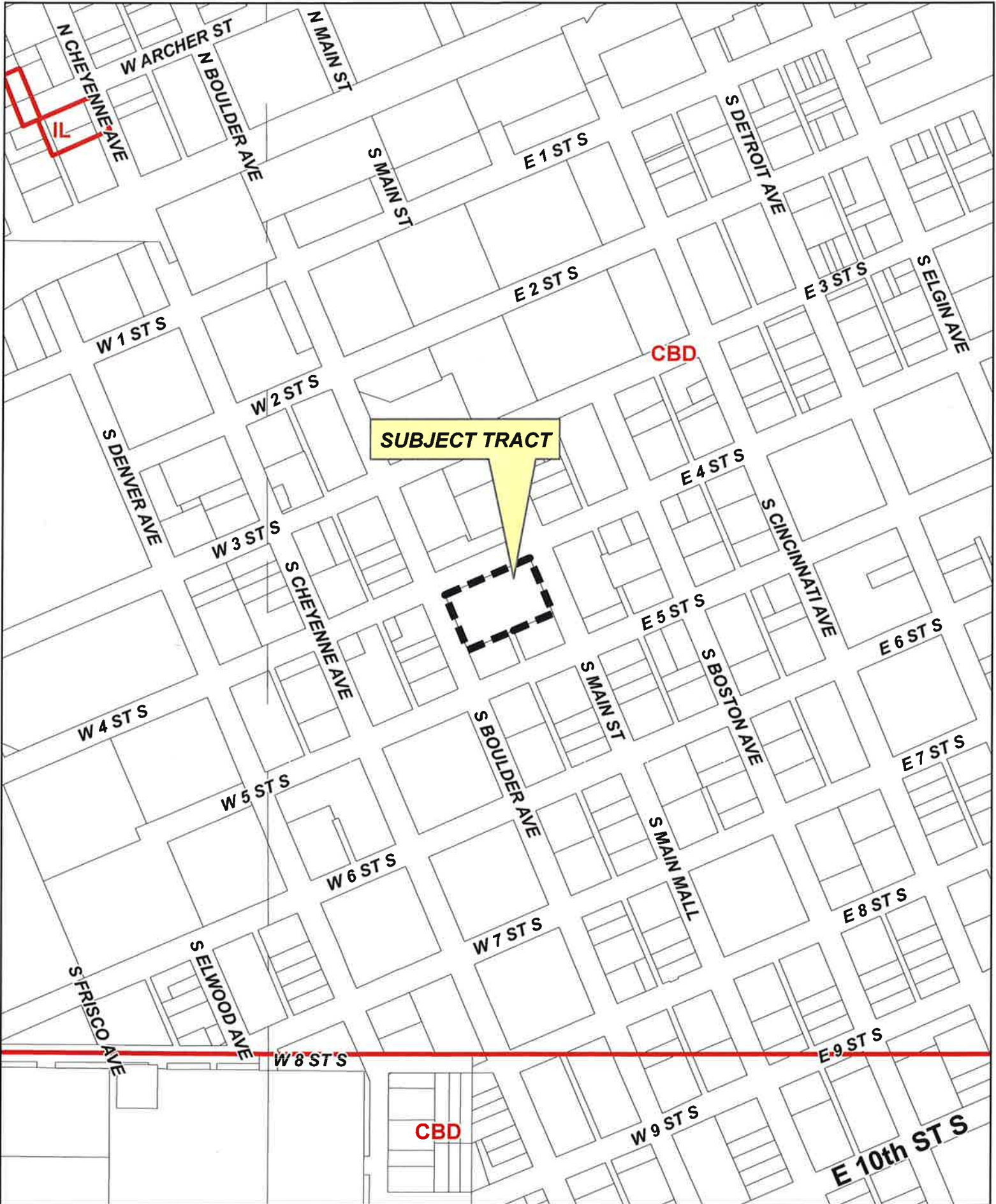
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



11.18

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**BOA-22778**

19-12 01

12.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9201

Case Number: **BOA-22778**

**CZM:** 36

**CD:** 4

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Jameson Shaffer

**ACTION REQUESTED:** Variance to allow structures to project into the street right-of-way to permit the construction of canopies (Sec. 90-090.A)

**LOCATION:** 423 S BOULDER AV W/ 410 S MAIN ST

**ZONED:** CBD

**PRESENT USE:** Parking/Retail

**TRACT SIZE:** 59999.79 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown" and an "Area of Growth."

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 an existing Parking Structure located in the Central Business District along 4<sup>th</sup> Street between Main and Boulder.

12.2



**STAFF COMMENTS:** The applicant is requesting a **Variance** to allow structures to project into the street right-of-way to permit the construction of canopies (Sec. 90-090.A)

**Section 90.090          Setbacks**

**90.090-A Measurement**

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

As a part of their motion the Board may make a condition to their approval the preservation of the existing street trees adjacent to the proposed canopies.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow structures to project into the street right-of-way to allow contruciton of canopies (Sec. 90-090.A)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

12.3

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*



*Facing East along 4<sup>th</sup> Street*



*Facing South on Boulder*

12.5

October 11, 2019

Felicity Good  
Assistant Planner  
2 W. 2<sup>nd</sup> St., 8<sup>th</sup> Floor  
Tulsa, OK 74103

**RE: Main Park Plaza – Canopy Variance with the Board of Adjustments**

Dear Ms. Good,

Please accept this statement of hardship, in addition to our application, for a variance to the Board of Adjustments in preparation of the November 12<sup>th</sup> Board meeting.

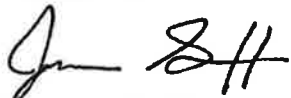
Owned by Tulsa Parking Authority, Main Park Plaza is a mixed-use structure consisting of parking and retail space, that currently has awnings and canopies that hang over the main entry and retail spaces into the public sidewalks. We are proposing the replacement of the worn awnings and canopies with metal-structured canopies to both improve the overall aesthetic and prevent hardships in the following ways:

- The proposed improvements would update the retail spaces along Boulder Ave, 4<sup>th</sup> Street, and Main Street, ultimately improving the walkability of Downtown Tulsa and falling in line with the current neighborhood and future plans for the area.
- By not allowing the replacement of the awnings or canopies is providing the tenants/small businesses a lesser facility than what they have originally leased and greatly reduces the desirability of occupying the retail spaces for future tenants.
- Located on 4<sup>th</sup> and Main St, the proposed changes directly affect the curb appeal of a major walkable intersection. With the main entry overlooking Main Street, there is an opportunity to utilize the wider sidewalks while also providing sun shading for the tenants.

We believe the proposed improvement does not alter the character of the neighborhood but is consistent in providing the same amenities as its neighbors in pushing for a more walkable neighborhood.

Please let me know if there is any further information needed.

Thank you,



Jameson Shaffer  
Intern Architect

New Look  
North Side / 4th St.

Main Park Plaza



February 8 © 2019 GH2 Architects, LLC

12.7

# MAIN PARK PLAZA FACADE RENOVATION



# GH2 ARCHITECTS

Main Park Plaza Facade Renovation

410 S Main Street, Tulsa, OK 74103

COVER SHEET

GH2ARCHITECTS

320 S Boston Ave, Suite 100  
Tulsa, Oklahoma 74103  
918.587.8158  
gh2.com



PROJECT #: 20170085

ISSUE DATES:		
CONSTRUCTION		
DOCUMENTS		05/31/2019
No.	Description	Date

SHEET NUMBER:

# CS1

© 2019 COPYRIGHT GH2 ARCHITECTS, LLC

**OWNER**

TULSA PARKING AUTHORITY  
210 S MAIN ST  
TULSA, OK 74103  
918.587-6444

**ARCHITECT:**

GH2 ARCHITECTS, LLC  
210 SOUTH BOSTON  
SUITE 100  
TULSA, OK 74103  
918.587-8158  
918.587-8158

CONSTRUCTION MANAGER IF APPLICABLE

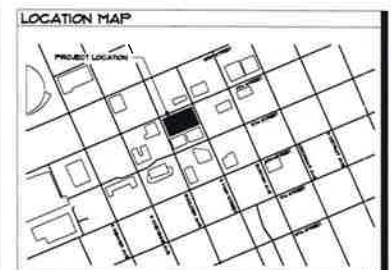
**ENGINEERING AND SPECIALTY CONSULTANTS**

**ELECTRICAL CONSULTANT:**

PHILIPS + ADREZ  
BANC OF AMERICA BUILDING  
19 N 4TH STREET, SUITE 2100  
TULSA, OK 74103  
918.587-8158  
PHILIPS@ADREZ.COM

**STRUCTURAL CONSULTANT:**

GALLAGHER ENGINEERING  
2000 EAST BRADY  
TULSA, OK 74103  
918.587-8158  
PHILIPS@ADREZ.COM



**SHEET INDEX**

CS1 COVER SHEET  
CS2 GENERAL INFORMATION AND REVOLUTION

**ARCHITECTURAL**

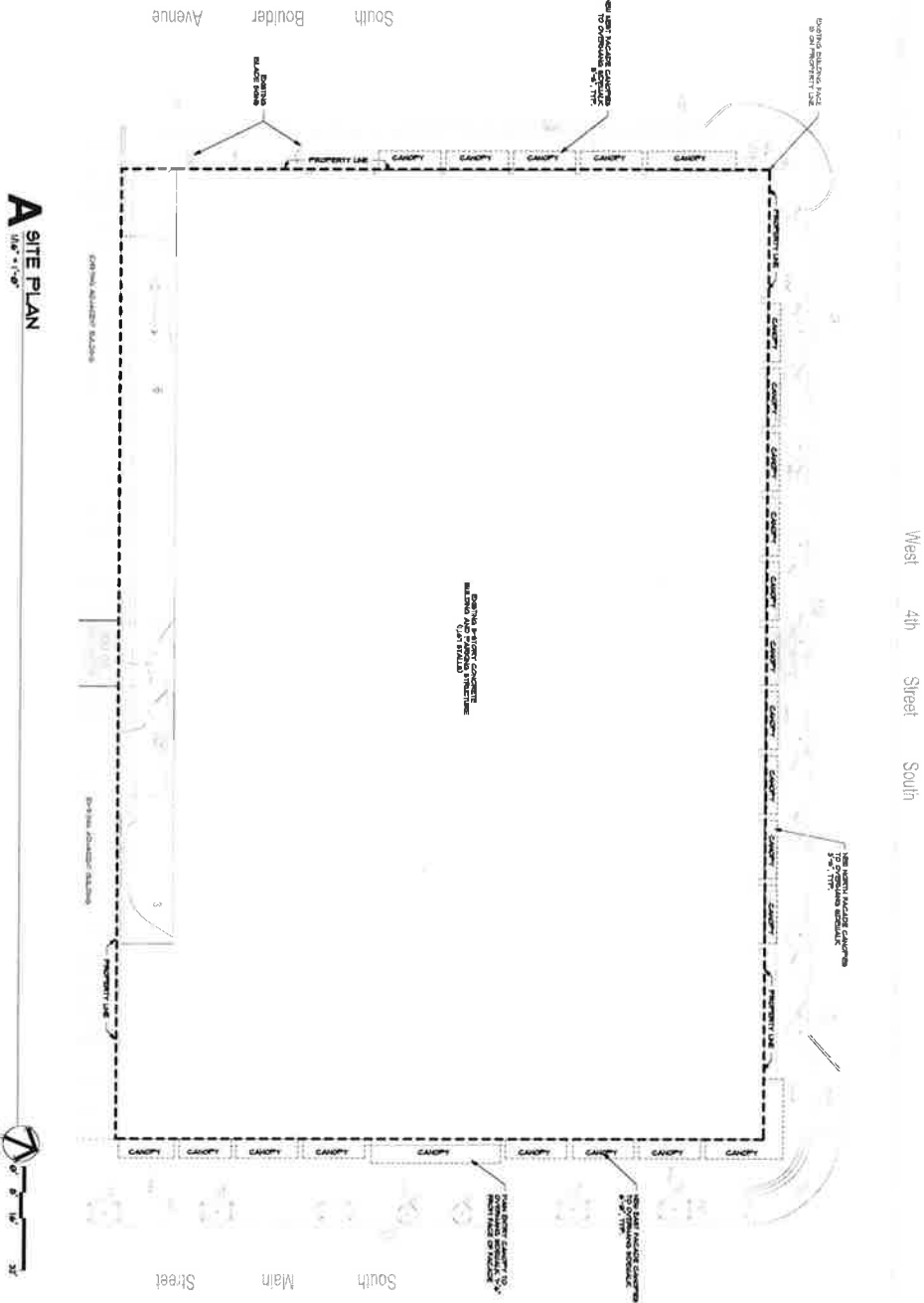
AR1 OVERALL FLOOR PLAN  
AR2 REFINISHED CEILING PLAN  
AR3 ROOF PLAN  
AR4 EXTERIOR ELEVATIONS  
AR5 WALL SECTIONS AND DETAILS  
AR6 WINDOW TYPES  
AR7 WINDOW TYPES  
AR8 SIGNAGE

**STRUCTURAL**

SR1 GENERAL NOTES  
SR2 STRUCTURAL SPECIAL INSTRUCTIONS  
SR3 FLOORING PLAN  
SR4 PARTIAL REPAIRING PLANS  
SR5 REPAIRING DETAILS

**ELECTRICAL**

EP1 SYMBOLS LIST, GENERAL NOTES  
EP2 TYPICAL SCHEDULE, NOTES, AND DIAGRAMS  
EP3 ELECTRICAL SPECIFICATIONS  
EP4 ELECTRICAL SPECIFICATIONS  
EP5 ELECTRICAL SPECIFICATIONS  
EP6 LAYOUT PLAN



**A SITE PLAN**  
1/8" = 1'-0"

**A001**  
SHEET NUMBER

ISSUE DATES	Revised	Description
06/19/18	Final Response	Draw

PROJECT #: 2017066  
 ARCHITECT: GH2 ARCHITECTS  
 320 S. Lincoln Ave., Suite 100  
 Tulsa, Oklahoma 74103  
 918.327.8758  
 gh2.com



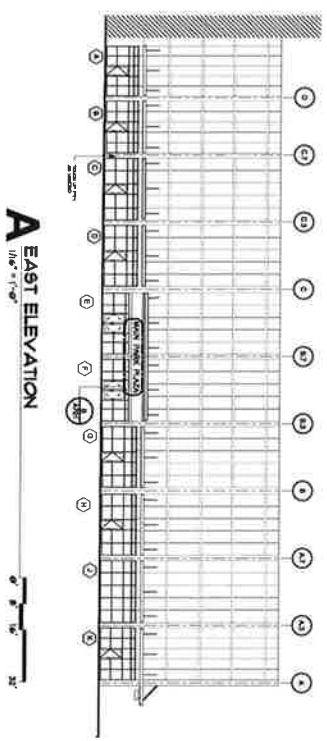
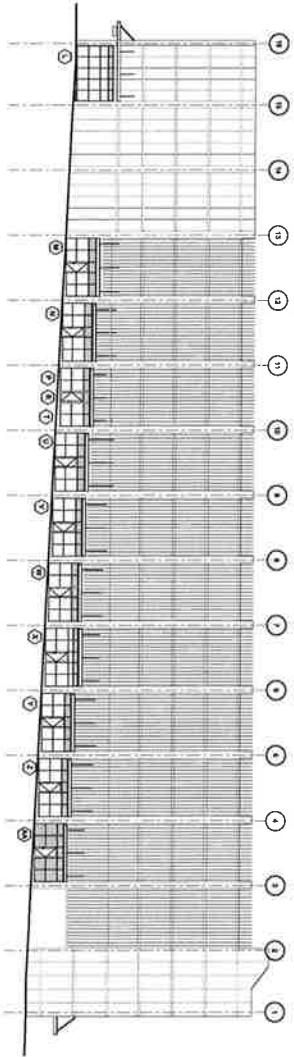
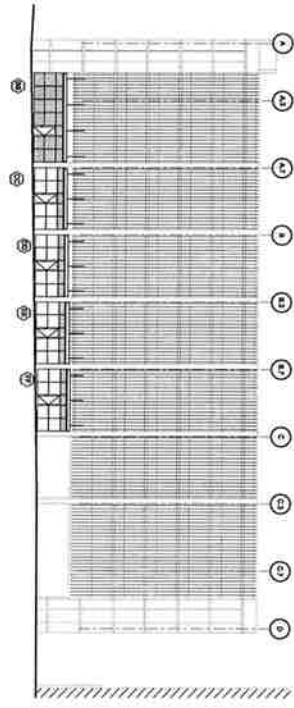
**Main Park Plaza Facade Renovation**  
 410 S Main Street, Tulsa, OK 74103  
 Site Plan



GENERAL NOTES	
1	SEE ALL OF PROJECT'S SPECIFICATIONS AND GENERAL NOTES AND ALL CODES AND REGULATIONS FOR MATERIALS, FINISHES, AND CONSTRUCTION METHODS.
2	REVISIONS TO THIS DRAWING SHALL BE INDICATED BY A REVISION TABLE TO BE PROVIDED BY THE ARCHITECT.
3	CONTRACTOR TO VERIFY ALL DIMENSIONS.

LEGEND	
①	REFERENCE TYPE



**GH2**  
ARCHITECTS

**Main Park Plaza Facade Renovation**  
410 S Main Street, Tulsa, OK 74103  
EXTERIOR ELEVATIONS

**GH2ARCHITECTS**  
320 S Boston Ave, Suite 100  
Tulsa, Oklahoma 74103  
918.492.1235

PROJECT #: 20170085  
ARCHITECT: GH2A-13  
DATE: 05/31/19

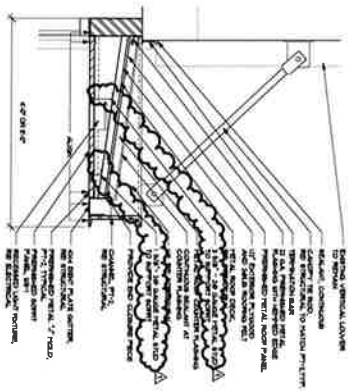
ISSUE DATES	DESCRIPTION
05/31/2019	CONSTRUCTION
05/31/2019	ISSUE
05/31/2019	DATE
05/31/2019	DATE
05/31/2019	DATE
05/31/2019	DATE

SHEET NUMBER  
**A201**  
© 2017 GH2 ARCHITECTS, LLC

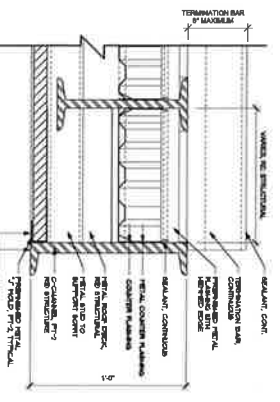
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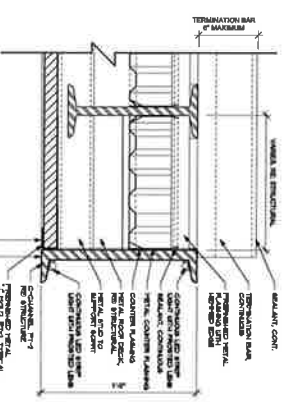
**D** NORTH AND WEST FACADE CANOPY SECTION  
1" = 1'-0"



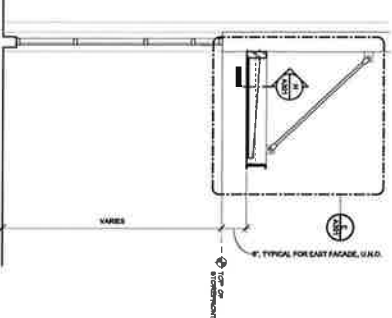
**G** CANOPY SECTION DETAIL  
3/4" = 1'-0"



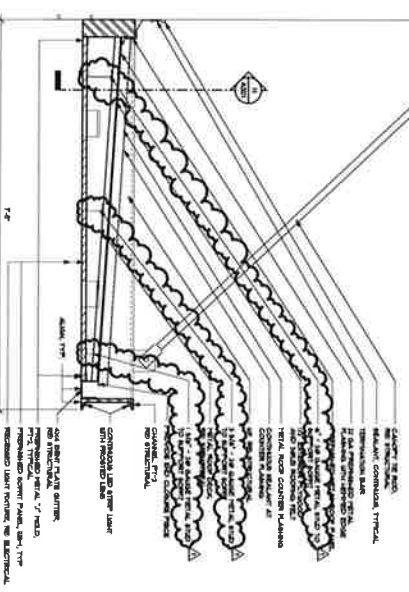
**H** MAIN ENTRY CANOPY SECTION  
3/4" = 1'-0"



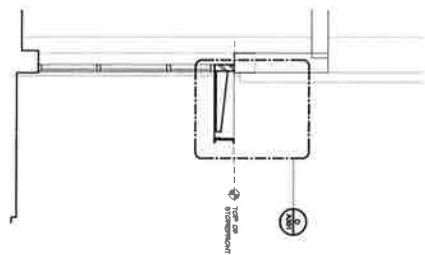
**C** EAST CANOPY - SECTION  
3/8" = 1'-0"



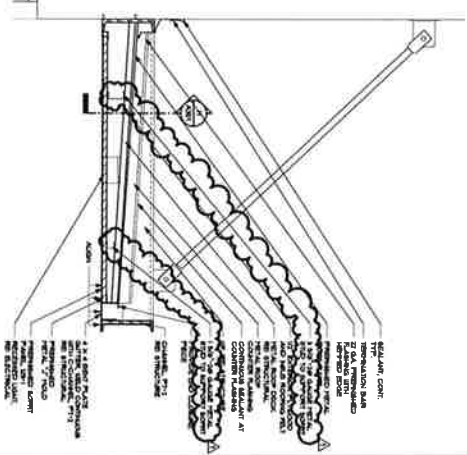
**F** MAIN ENTRY CANOPY SECTION  
1" = 1'-0"



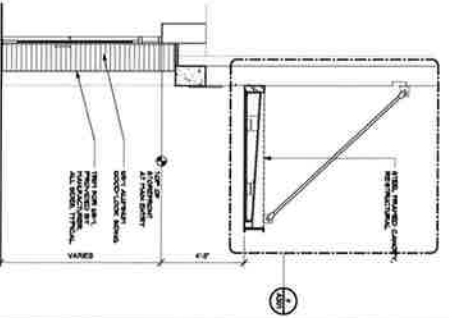
**B** NORTH AND WEST FACADE - SECTION  
3/8" = 1'-0"



**E** EAST FACADE CANOPY SECTION  
1" = 1'-0"



**A** MAIN ENTRY - SECTION  
3/8" = 1'-0"



PROJECT #: 20170685

ISSUE DATES: 1/1/2018

CONSTRUCTION: 06/01/2018

NO. DATE REVISION

1 07/08/2019

2 07/08/2019

3 07/08/2019

4 07/08/2019

5 07/08/2019

6 07/08/2019

7 07/08/2019

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100 07/08/2019

GH2ARCHITECTS

320 S Boston Ave, Suite 100  
Tulsa, Oklahoma 74103  
918.581.8758  
gh2.com

**Main Park Plaza Facade Renovation**

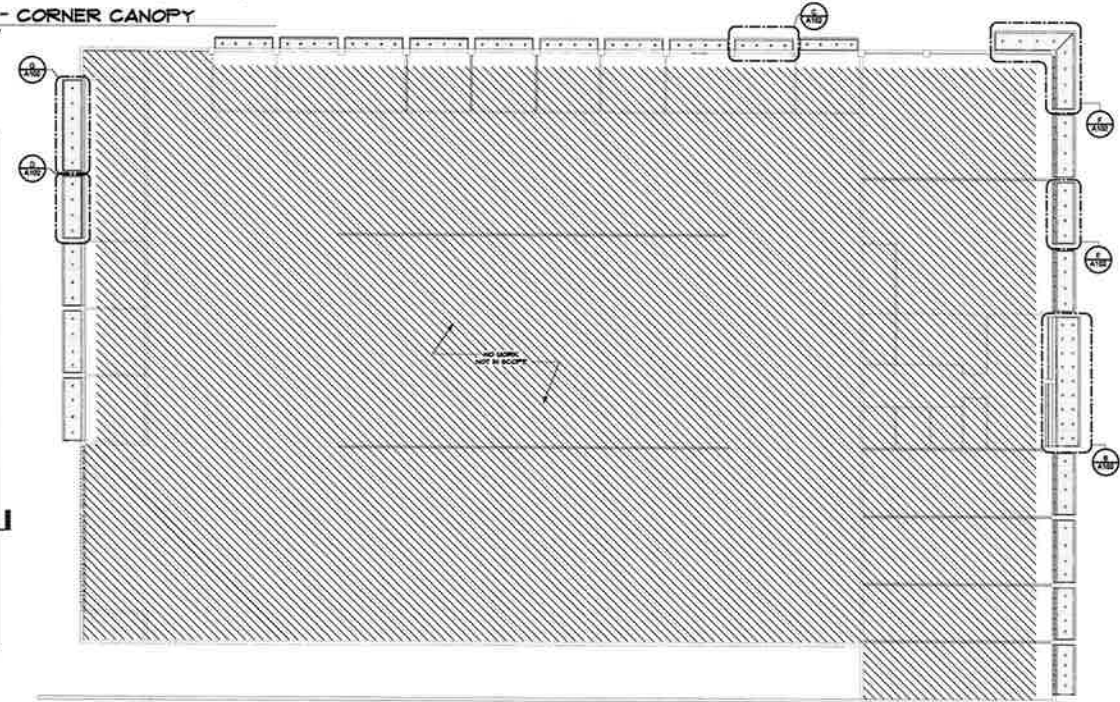
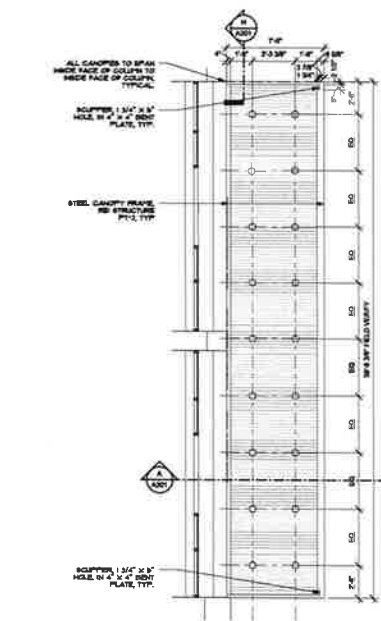
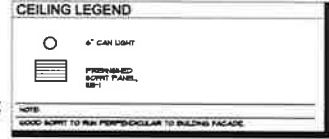
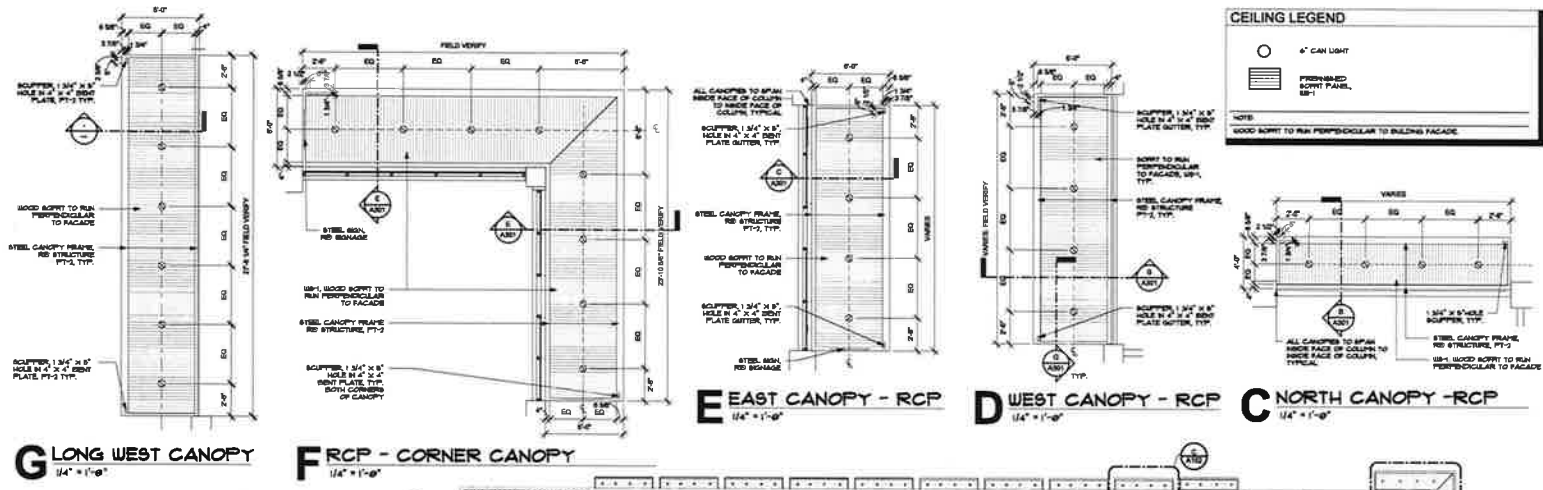
410 S Main Street, Tulsa, OK 74103

SECTIONS AND DETAILS





12.13



# GH2 ARCHITECTS

**Main Park Plaza Facade Renovation**  
410 S Main Street, Tulsa, OK 74103  
REFLECTED CEILING PLAN

**GH2ARCHITECTS**  
320 S Boston Ave, Suite 100  
Tulsa, Oklahoma 74103  
918.587.6156  
gh2.com



PROJECT #: 20170065

ISSUE DATES:			
CONSTRUCTION DOCUMENTS:	No.	Description	Date
			05/31/2019

SHEET NUMBER:  
**A102**  
© 2019 COPYRIGHT GH2 ARCHITECTS, LLC

2019/02/19 4:28:46 PM

**BOB KOLIBAS**  
ZONING PLANS REVIEWER  
TEL (918)596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

### ZONING REVIEW

**September 24, 2019**

**LOD Number: 2**

**GH2 Architects, LLC**  
**320 S Boston Ave, Suite 100**  
**Tulsa, OK 74103**

**Phone: (918)587-6158**

**APPLICATION NO: BLDC-33950-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

**Location: 410 S. Main Street**

**Description: Canopies/Storefront replacement**

#### 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 (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

12.14

**REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 33950-2019

410 S. Main Street

September 24, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

**1.) 90.090 Setbacks:** 90.090-A Measurement Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

**Review Comment:** The proposed canopies appear to be located in the City of Tulsa right of way. Canopies which project into the Right-of-Way (R-O-W) require a R-O-W license and removal agreement and a variance from the COT Board of Adjustment (BOA). Please contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and INCOG @ 918-584-7526 to apply for a variance from the BOA to permit canopies to be located within the ROW.

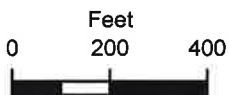
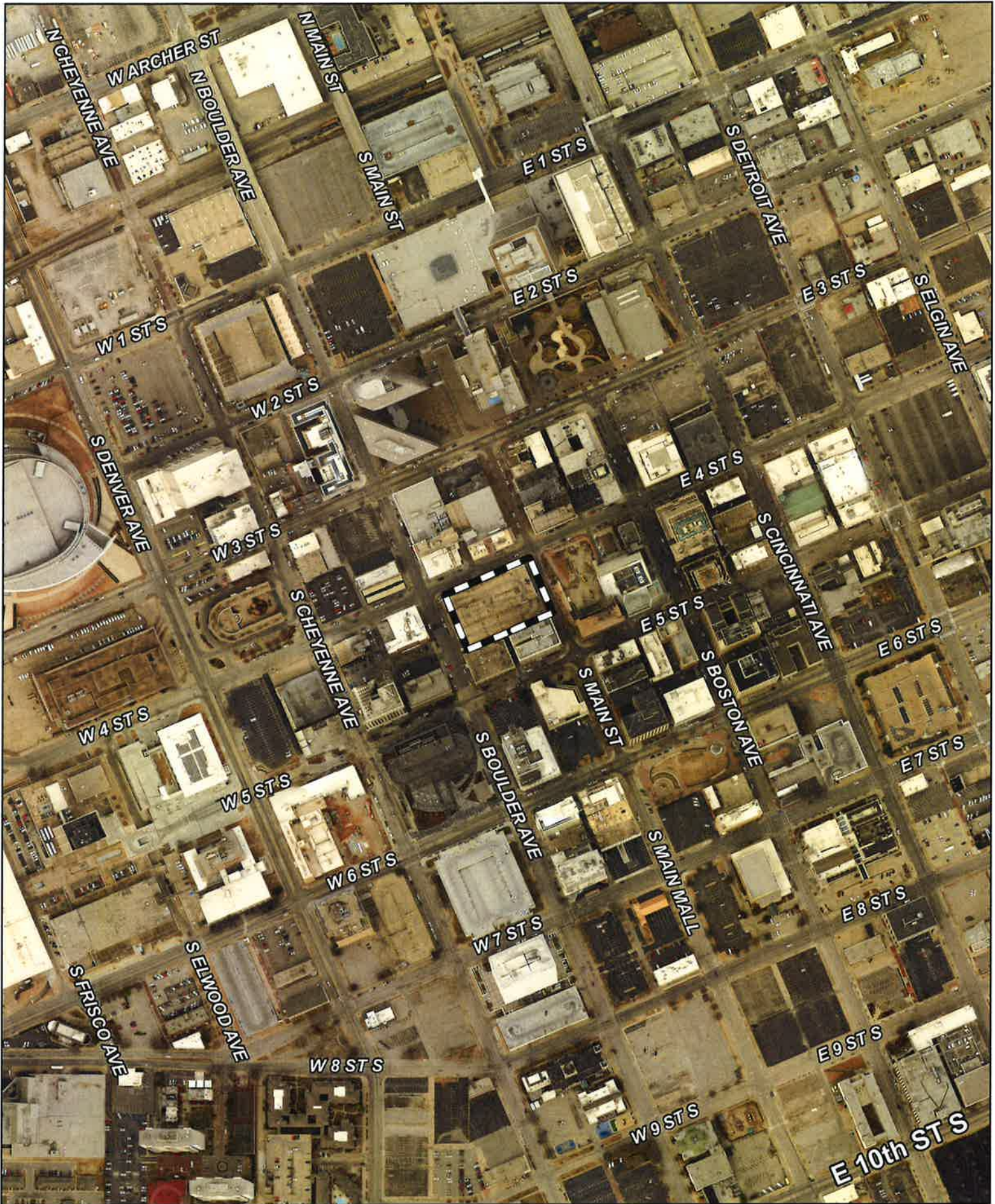
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application to our office, 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.

**END – ZONING CLEARANCE 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.

12.15



 Subject Tract

**BOA-22778**

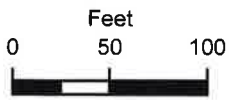
Note: Graphic overlays may not precisely align with physical features on the ground.

19-12 01

Aerial Photo Date: February 2018



12.16



 Subject Tract

**BOA-22778**

19-12 01

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

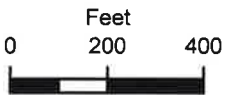
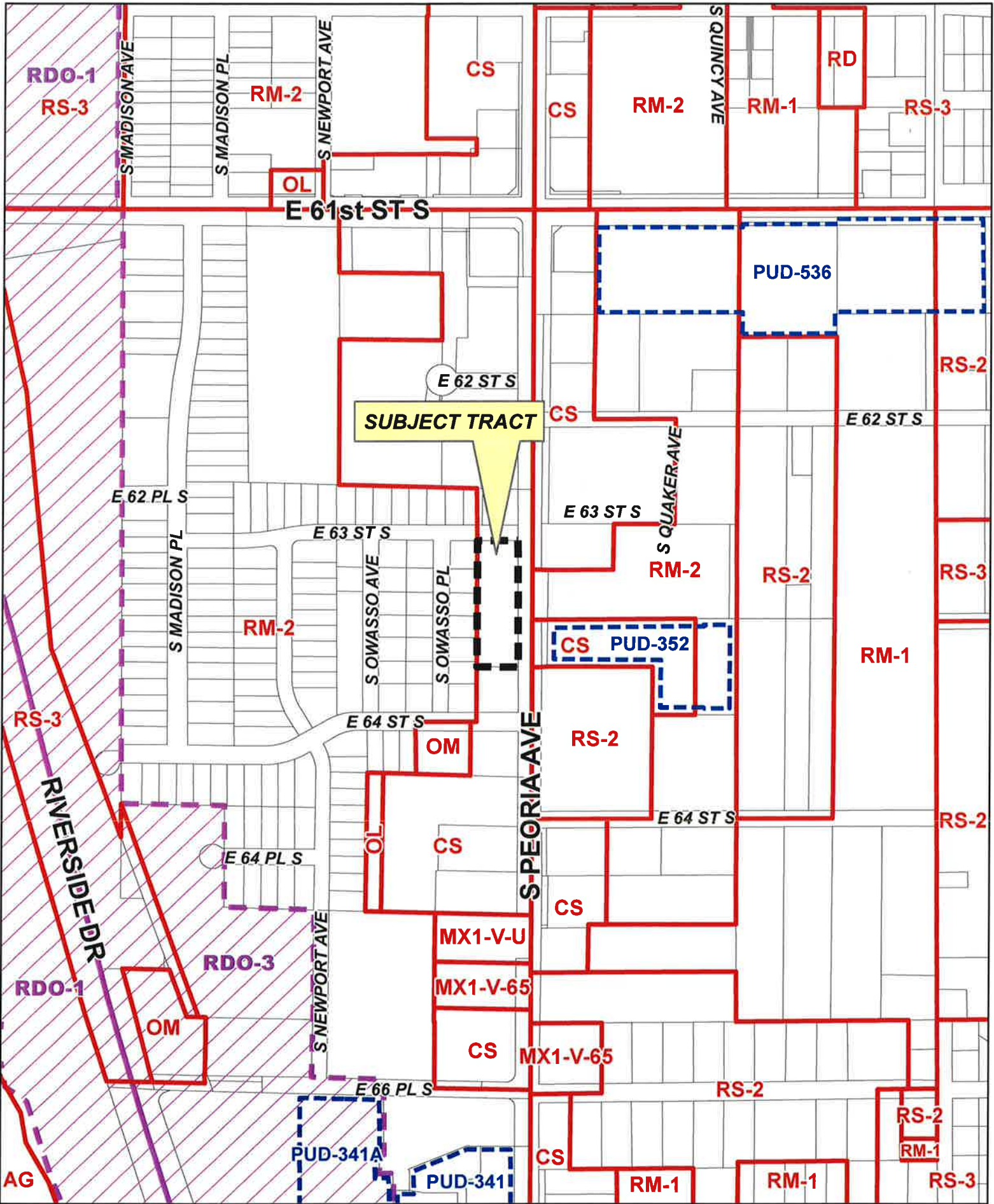
Aerial Photo Date: February 2018



12.17

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**BOA-22779**

18-12 01

13.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8201

Case Number: **BOA-22779**

**CZM:** 51

**CD:** 2

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** MD Haq

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 6322 S. PEORIA AVE. E.; TENANT SPACE: 6322 S. PEORIA AVE.      **ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 57516.86 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 2, SOUTH PEORIA GARDENS RESUB PRT TOWNE PARK ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**ANALYSIS OF SURROUNDING AREA:** The subject tract is

**STAFF COMMENTS:**

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

13.2

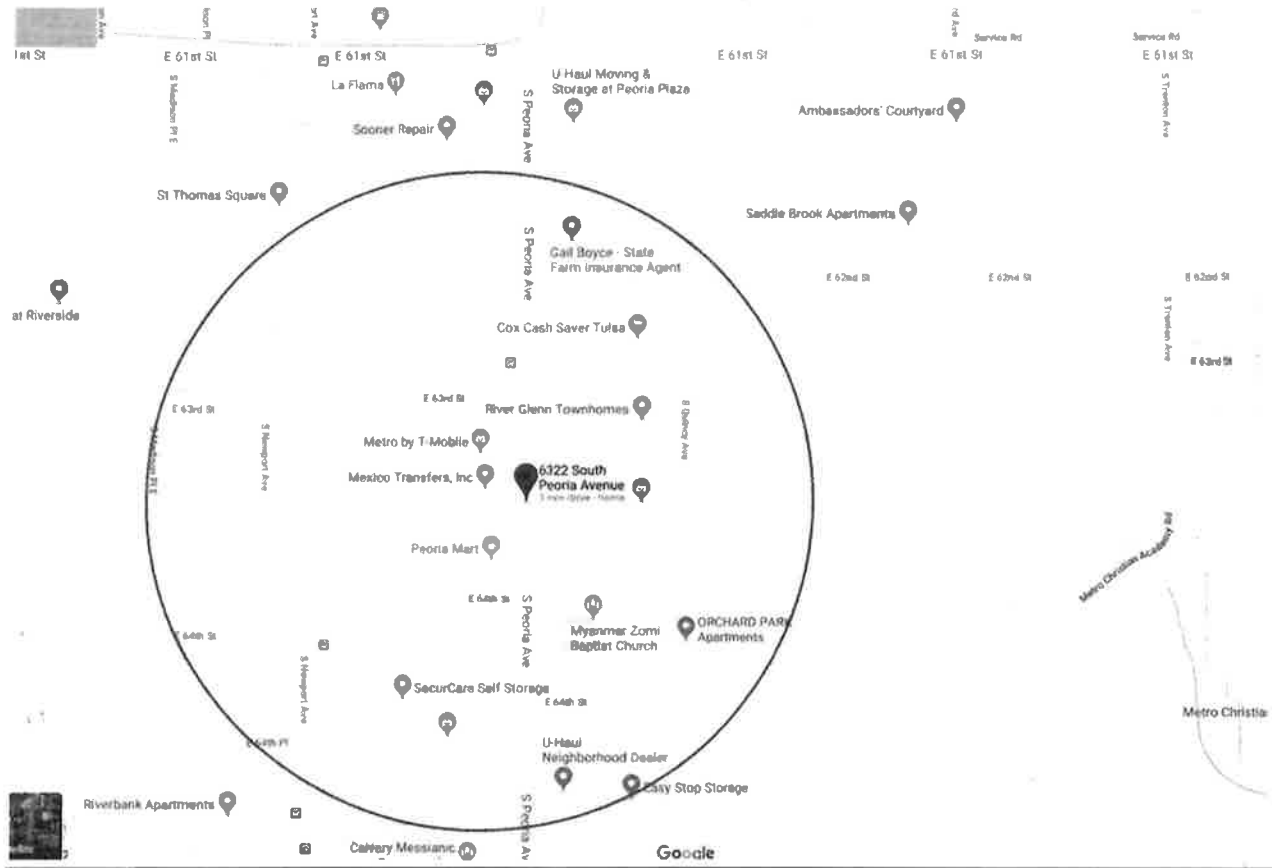
The applicant presented an exhibit with a circle drawn around their location and listing no dispensaries within that circle. On the exhibit they provided a measurement of 1,090.44 ft between themselves and the nearest dispensary though no context of where that measurement is taken from the lots. Staff does not believe the applicant provided enough information for the Board to accept their Verification of Spacing and provided notice of such to the applicant. The Board may consider a continuance if that information is not provided at or prior to the hearing.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

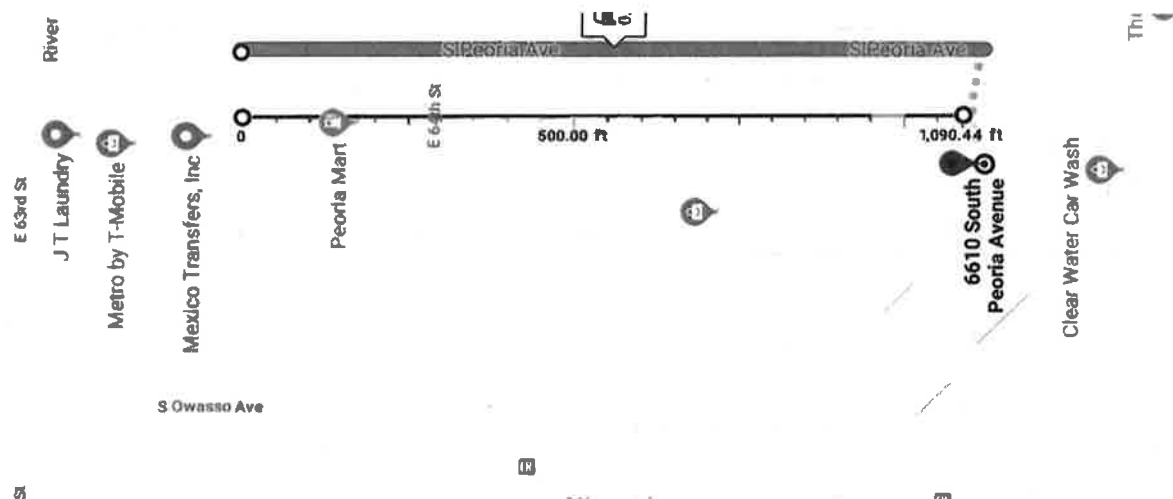
RE-UP Cannabis Dispensary  
6322 S. Peoria Avenue  
Tulsa, OK 74136

Proof of distance from another dispensary:



**#1: Nearest Dispensary located at 6610 S. Peoria Ave (Suite D) Tulsa, OK 74136**

= 1,090 feet away from, meeting the 1,000 foot minimum distance requirement.



13.4



*Facing South on Peoria*



*Subject Dispensary*



*Facing North on Peoria*

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**RE-UP LLC**

6322 S PEORIA AVE , TULSA, OK, 74136

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

02/26/2020

LICENSE NUMBER:

DAAA-EJYD-S10B



*Tom Bates*

TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

TRANSPORTATION LICENSE ONLY

13.7

CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 10, 2019

MD Haq  
6322 S Peoria Ave  
Tulsa, OK 74136

Phone: 918.946.4588

APPLICATION NO: **BLDC-038906-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

6322 S Peoria Ave

Description:

Medical Marijuana Dispensary

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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)

13.8



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-038906-2019

6322 S Peoria Ave

September 10, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

1. **Sec.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 Department of Health for the use at the location.

**Review comment:** Submit evidence you have been granted a state license and the date it was approved.

2. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**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.

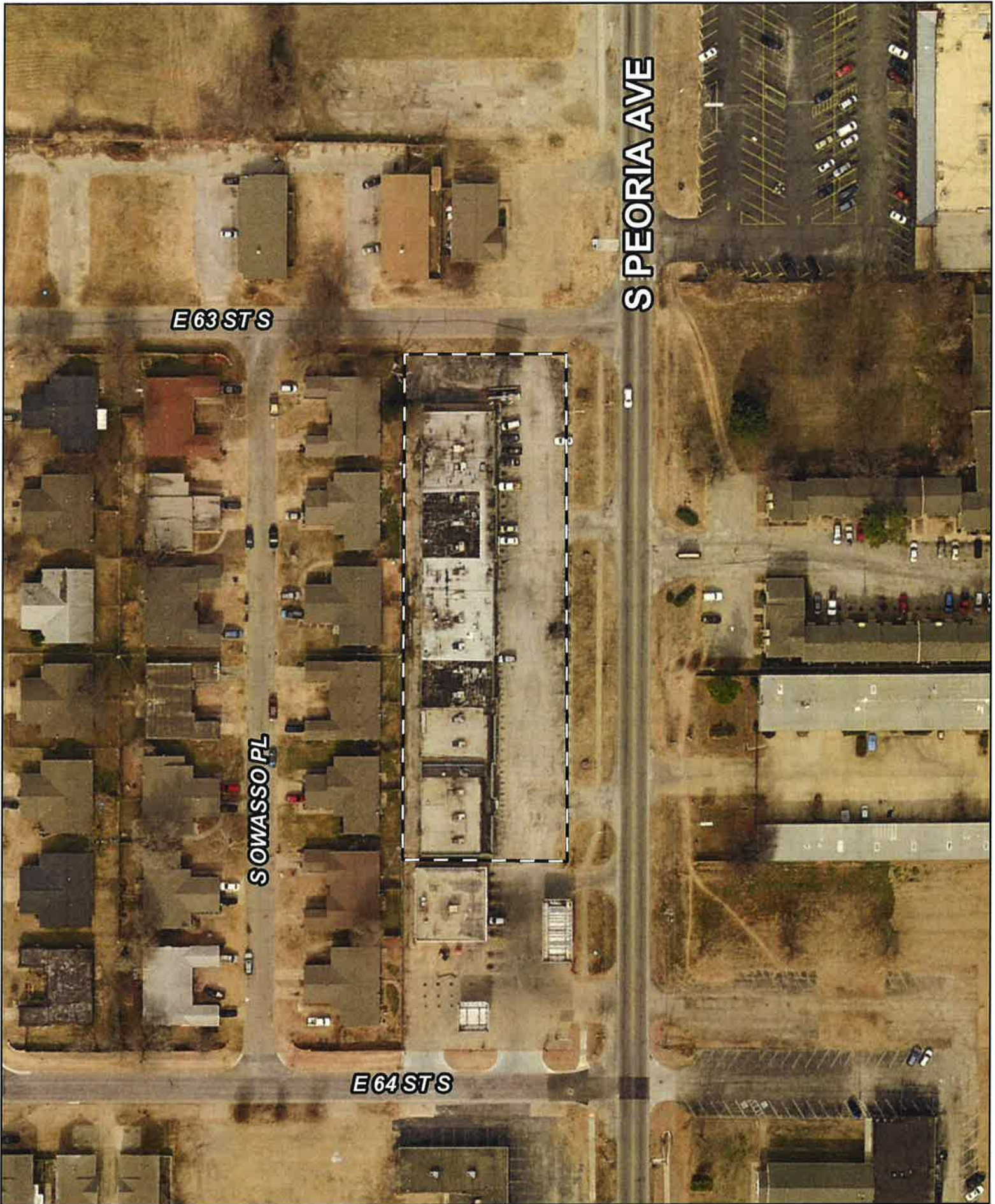
A hard copy of this letter is available upon request by the applicant.

**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.

13.16



E63 STS

SPEORIA AVE

SOWASSO PL

E64 STS



Subject Tract

**BOA-22779**

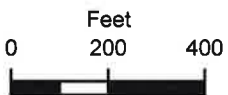
18-12 01

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

Aerial Photo Date: February 2018



13.11



 Subject Tract

**BOA-22779**

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

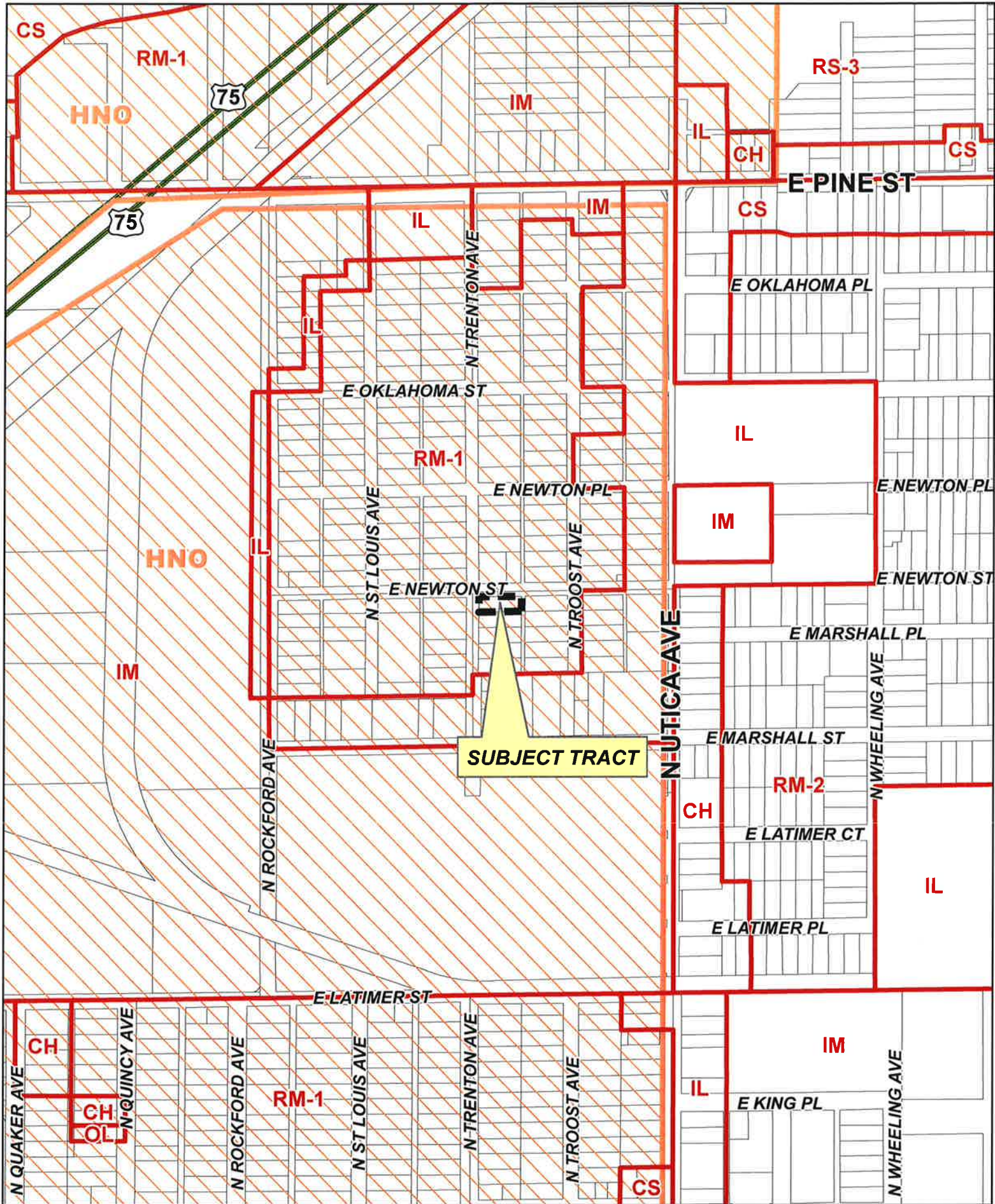
18-12 01

Aerial Photo Date: February 2018

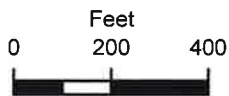


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**SUBJECT TRACT**



**BOA-22780**

20-13 31

14.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 0331

Case Number: **BOA-22780**

**CZM:** 29

**CD:** 1

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Tulsa Habitat for Humanity

**ACTION REQUESTED:** Variance to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and Variance to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

**LOCATION:** 1235 N TRENTON AV E

**ZONED:** RM-1

**PRESENT USE:** Vacant

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 10 BLK 2, UTICA HGTS ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-07313;** On 02.17.1972 the Board **approved** a *Variance* (Section 430- Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block. Property located 1304 North Trenton Avenue.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Growth".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

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.

14.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an RM-1 zoned tract located at the SW/c of E. Newton Street and N. Trenton Ave.

**STAFF COMMENTS:** The applicant is requesting **Variance** to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and **Variance** to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

*Table 5-3: R District Lot and Building Regulations*

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

**5,030-B Table Notes**

The following notes refer to the bracketed numbers (e.g., " [1]" ) in Table 5-3:

- [1] See Section 40.240 for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.



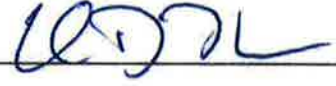
Section 90.090      Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

**STATEMENT OF HARDSHIP PROVIDED BY THE APPLICANT:**

THE UTICA HEIGHTS ADDN WAS PLATTED IN 1923, PRIOR TO THE ADOPTION OF THE ZONING CODE AND MAJOR STREET AND HIGHWAY PLAN. DUE TO THIS FACT, EAST NEWTON STREET & NORTH TRENTON AVENUE WERE PLATTED WITH LESS THAN THE MINIMUM RIGHT-OF-WAY WIDTH REQUIRED FOR A RESIDENTIAL STREET. WITH THIS APPLICATION, WE REQUEST A VARIANCE OF THE BUILDING SETBACK FROM THE CENTER LINE OF BOTH NEWTON AND TRENTON IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A HOUSE ON THE SUBJECT LOT.

Applicant Signature:  \_\_\_\_\_

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the side building setback on a corner lot from 40 feet to 30 feet from the centerline of an abutting street in an RM-1 district (Table 5-3; Section 90.090-A) and **Variance** to reduce the building setback from 50 feet to 40 feet from the centerline of an abutting street in an RM-1 District (Table 5-3; Section 90.090-A)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

*a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

The East 605' of Lot 1, Block 1, Gilbert Plaza Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

7313

Action Requested: Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block on a tract located at 1304 North Trenton Avenue.

Presentation: J. A. Davis, applicant, advised the Board that the structure is in place and that the request represents a variance of 6 1/2 feet.

Protests: None.

Board Action: On MOTION of Mrs. BLANKENSHIP, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the setback requirements in an RM-1 District to permit lining up with other houses in the block on the following described tract:

Lot 6, Block 10, Utica Addition to the City of Tulsa, Oklahoma.

7314

Action Requested: Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1470) to permit erecting more than 40 units on one lot (384 units proposed), and

Variance (Section 1129 (b) - General Requirements - Under the Provisions of Section 1470) to permit parking more than one vehicle for each 600 sq. ft. of area in front and side yards, and

Variance (Section 1130 - Setbacks - Under the Provisions of Section 1470) to modify the setback requirements along I-44 access road, all on a tract located west of Yale and south of Skelly Drive..

Presentation: Clarke Ford, applicant, presented a plot plan to the Board (Exhibit "C-1"), and explained the proposal and described the surrounding zoning and land use.

Protests: None.

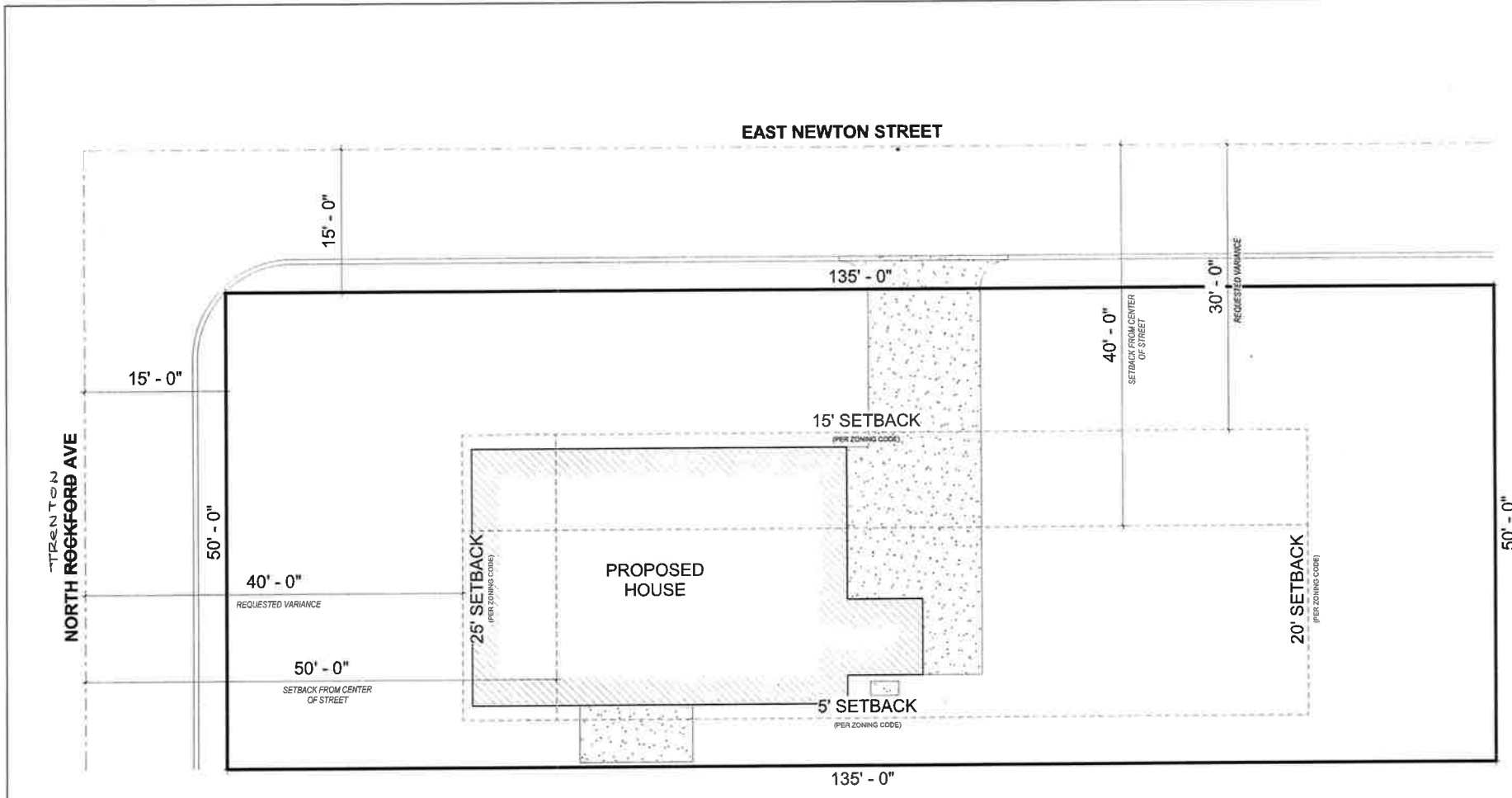
2.17.72:102(5)

14.6



***Subject property from the intersection E. Newton and N. Trenton Ave.***

8.14



**BOOMTOWN DEVELOPMENT CO.**

6235 E 15TH STREET, TULSA, OK 74112  
 PHONE: 918-592-4224 FAX: 918-593-0607

THIS DRAWING WAS PRODUCED BY AND FOR BOOMTOWN DEVELOPMENT COMPANY, LLC, A SUBSIDIARY OF TULSA HABITAT FOR HUMANITY. ANY ATTEMPT TO REPRODUCE THESE DRAWINGS WITHOUT EXPRESSED WRITTEN CONSENT OF BOOMTOWN DEVELOPMENT COMPANY IS PROHIBITED.

**NOTES:**

**SITE LOCATION:**  
 LOT 10, BLOCK 2, UTICA HEIGHTS ADDN, TULSA COUNTY, OK  
 A K A 1235 N TRENTON AVENUE E, TULSA, OK 74106

**1235 N TRENTON AVE, TULSA, OK 74106**  
**PROPOSED SITE LAYOUT EXHIBIT**  
 10 / 07 / 2019



**Jeff S. Taylor**  
Zoning Official  
Plans Examiner II

TEL (918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Jessica Shelton**  
Tulsa Habitat for Humanity

9/12/2019

**APPLICATION NO: BLDR-041069-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1235 N Trenton Ave E**

**Description: New House**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-041069-2019**

**Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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 90.090 Setbacks 90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.

1. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater set-back, the greater setback applies:
  - a. For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way; and
  - b. For streets not shown on the major street and highway plan, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

**Review Comments #1:** On RM-1 zoned lots the required front street setback is 25' plus half the required right-of-way width which is 25' for a total of 50' from center of street. You are proposing a setback of less than 50' from the center of the street to the proposed building. Provide a 50' front setback from the center of the street or apply to INCOG for a variance to allow less than a 50' front setback from the center of the street.

**Review Comments #2:** The ROW width indicated on the major street and highway plan for this lot is 25' to the center of Newton street. ~~R-4~~<sup>RM-1</sup> zoned lots require a side street setback of 15' plus half the right-of-way width which is 25' for a total of 40' from center of street. You are proposing a setback of less than 40' from the center of Newton street to the proposed building. Provide a 40' side setback from the center of Newton street or apply to INCOG for a variance to allow less than a 40' setback from the center of Archer street.

Newton

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

**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.





Subject Tract

**BOA-22780**

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

20-13 31

Aerial Photo Date: February 2018





E NEWTON PL

N TROOST AVE

E NEWTON ST

N TRENTON AVE

E MARSHALL ST

**BOA-22780**

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



 Subject Tract

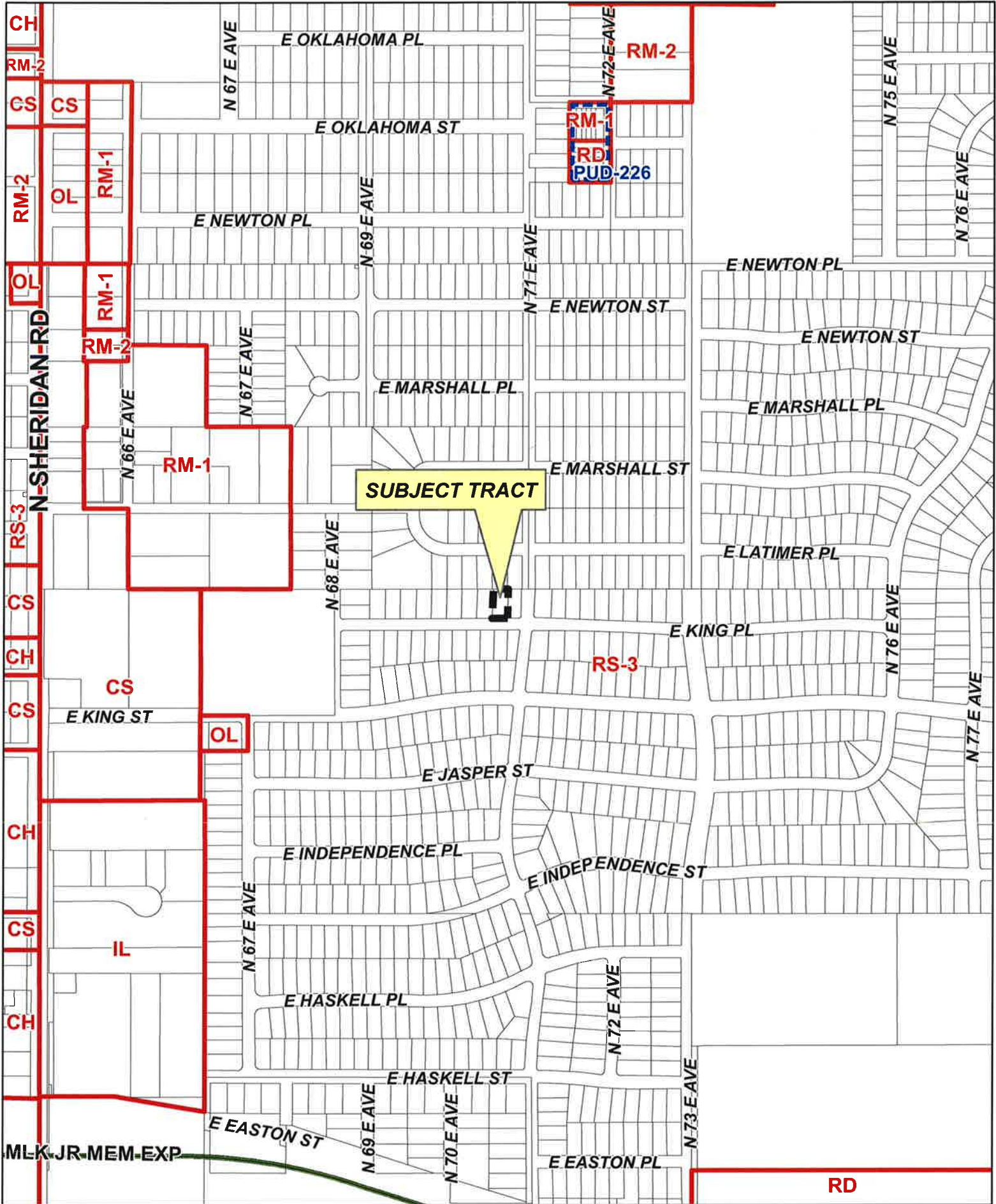
20-13 31

Aerial Photo Date: February 2018



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**SUBJECT TRACT**

**RM-1  
RD  
PUD-226**



**BOA-22782**

20-13 35

15.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 0335

Case Number: **BOA-22782**

**CZM:** 30

**CD:** 3

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Magdaleno Jaimes

**ACTION REQUESTED:** Special Exception to permit a carport in the street setback and street yard with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1)

**LOCATION:** 6851 E KING PL N

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7562.05 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 5, VAL-CHARLES ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth".

**Main Streets** are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 an RS-3 zoned property located West of the NW/c of N 71<sup>st</sup> E. Ave. and E. King Pl.

15.2

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to permit a carport in the street setback and street yard with modifications to exceed the allowable height, width, length and setback requirements (Section 90.090-C.1)

### 1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a carport in the street setback and street yard with modifications to exceed the allowable height, width, length and setback requirements (Section 90.090-C.1)

Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.

15.3

- 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 King Pl.***



***Facing East on King Pl.***





***Subject Property***

LOT  
8,679 sq ft

YARD

YARD

53'6"

11'6"

35'

46'6"

HOUSE  
1,280.84 sq ft

30'10"

19'9"

FRONT  
PORCH

24'

CARPORT  
552 sq ft

4 POLES,  
6" x 6"

YARD

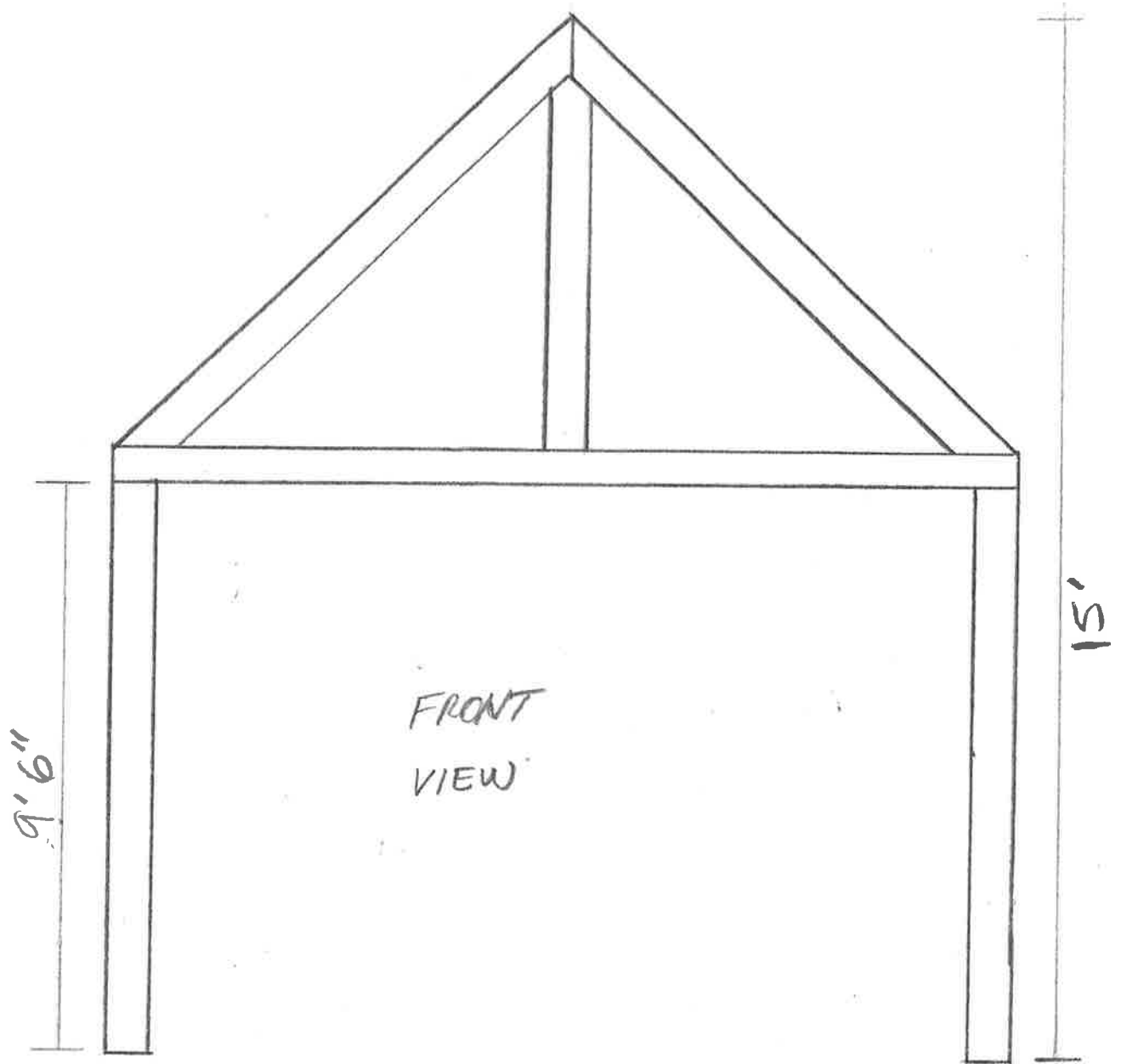
23'6"

23'

WATER  
VALVE

18'6"

STREET



FRONT  
VIEW

9'6"

15'

STREET

15.8

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Magdaleno James**

**3/29/2019**

**APPLICATION NO: BLDR-24005-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 6851 E King PI**

**Description: Carport**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  **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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-000000-2019**

**Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.**

### **Special exception approval required; see §90.090-C1.**

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

**Review comment:** The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

#### 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.



Subject Tract

**BOA-22782**

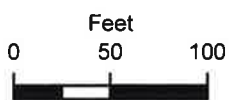
Note: Graphic overlays may not precisely align with physical features on the ground.

20-13 35

Aerial Photo Date: February 2018



15.12



Subject  
Tract

**BOA-22782**

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

Aerial Photo Date: February 2018

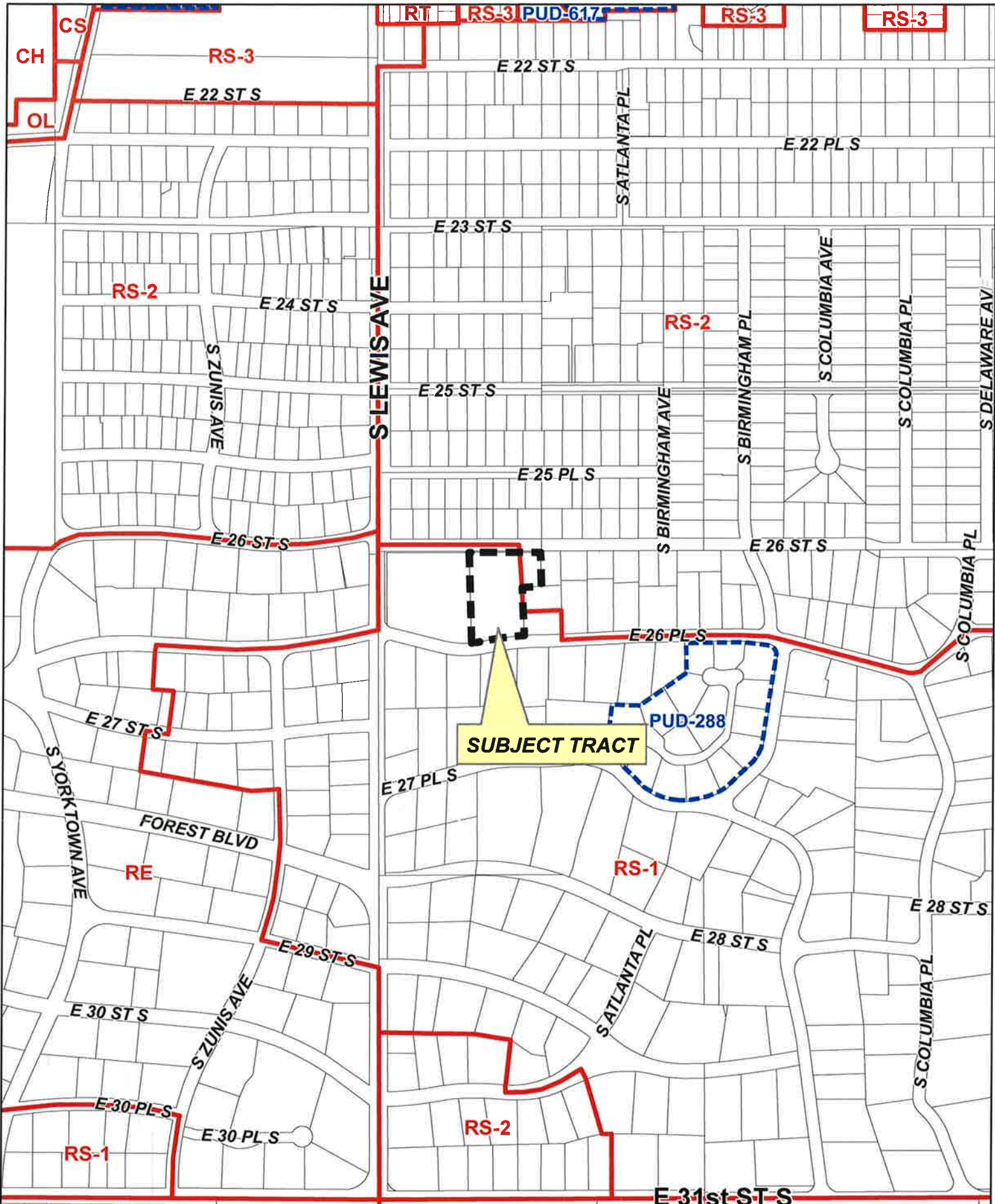
20-13 35



13.13

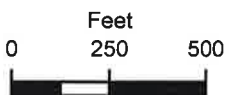


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**SUBJECT TRACT**

PUD-288



**BOA-22783**

19-13 17

16.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9317

Case Number: **BOA-22783**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Tony Jordan

**ACTION REQUESTED:** Variance to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)

**LOCATION:** 2407 E 26 PL S

**ZONED:** RS-1/RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 78425.75 SQ FT

**LEGAL DESCRIPTION:** PRT LTS 7 & 8 BEG 54.66W & 5S NWC LT 7 TH E280.72 S126.81 SW78.21 W78.21 S200 TO PT ON SL LT 7 CRVLF 26.65 SW125 TO SWC LT 7 CRVRT 41.15 NLY367.75 POB BLK 1, WOODY-CREST SUB

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-21806;** On 11.25.2014 the Board **approved** a *Variance* to allow a swimming pool to be constructed in the required front yard (Section 210.B.6) and a *Variance* to reduce the rear yard setback to 22 feet on an RS-1 zoned lot (Section 403, Table 3), subject to the property as constructed shown on page 8.10. Property located 2403 East 27<sup>th</sup> Place.

**BOA-20834;** On 01.13.2009 the Board **approved** a *Variance* of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition finding that the lot is exceptionally shallow depth and at 122.5 ft does not permit the normal application of a garage. Property located 2504 East 25<sup>th</sup> Place.

**BOA-20302;** On 07.11.2006 the Board **denied** a *Variance* of the 25 ft. required rear yard (Section 403) in an RS-2 district, finding a lack of hardship. Property located 2518 East 26<sup>th</sup> Street South.

**BOA-17049;** On 05.23.1995 the Board **approved** a *Variance* of the required rear yard from 25' to 16' to permit the addition of a second story to an existing dwelling (Section 403. Bulk and Area Requirements in Residential Districts- Use Unit 6) per plan submitted, subject to the new construction extending no farther into the required setback than the 1<sup>st</sup> floor of the dwelling, finding that a second story could be constructed over the dwelling by right that would be higher than the proposed addition over the garage. Property located 2604 East 26<sup>th</sup> Street.

**BOA-14616;** On 09.17.1987 the Board **approved** a *Variance* (Section 430.1- Bulk Area Requirements in Residential Districts- Use Unit 1206) of rear yard setback from 25' to 5', a *Variance* of side yard setback from 10' to 2', and a *Variance* of the livability space from 5,000 sq. ft. to 4,000 sq. ft., all to allow for an addition to an existing dwelling unit, per plot plan submitted, finding that similar setback variances have been granted in the area. Property located 2427 East 26<sup>th</sup> Street.

16.2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a “Existing Neighborhood” and an “Area of Stability”.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located East of Lewis Ave. between E. 26<sup>th</sup> St. S. and E. 26<sup>th</sup> Pl. S. The zoning so the property is split between RS-1 and RS-2.

**STAFF COMMENTS:**

The applicant is requesting a **Variance** to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

**STATEMENT OF HARDSHIP:** For staff to be out of weather/heat/rain/snow.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

16.3

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

LT 1 BLK 1; LT 2 BLK 1, LEADERSHIP OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21806—Seisemore, Weisz Associates, Inc.**

FILE COPY

**Action Requested:**

Variance to allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1 zoned lot (Section 403, Table 3). **LOCATION:** 2403 East 27<sup>th</sup> Place (CD 4)

**Presentation:**

**Mark Capron**, 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated he represents the applicant. In 1991 the subject house was built with a permit and a swimming pool was later built under a permit. The house has a unique situation because it is with three houses on a private access drive. Mr. Capron used an aerial photo of the subject property on the overhead projector screen to show how the subject house is positioned and served by the private drive. A survey was made and it was discovered that there is an encroachment of the front yard with a swimming pool and a 2'-6" encroachment on the east side.

Mr. Van De Wiele asked Mr. Capron if the front yard was technically Lewis Avenue. Mr. Capron answered affirmatively. According to the City of Tulsa Lewis Avenue is the front yard of the property that has a 12 or 15 foot concrete wall. No one will see what is going on in the yard. It is not the practical front yard even though the strict interpretation of the code states the front is Lewis Avenue.

Mr. Swiney asked Mr. Capron if there was any access to Lewis Avenue through the surrounding concrete wall. Mr. Capron stated there is not. Mr. Swiney asked if the Post Office delivered the mail from the private drive. Mr. Capron stated that he did not know the answer to that question. Ms. Moye stated that the Post Office does deliver the mail from the private drive because when she was taking site pictures the mail truck was parked on the drive, and the parked truck can be seen in the picture on page 8.9.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a swimming pool to be constructed in the required front yard (Section 210.B.6); Variance to reduce the rear yard setback to 22 feet on an RS-1

BOA-21806

FILE COPY

zoned lot (Section 403, Table 3), subject to the property as constructed as shown on page 8.10. The Board has found that this property which fronts onto a private drive, the legal front yard faces Lewis Avenue, the property's practical rear yard faces the private drive which is the legal back yard but is the practical front yard on the private drive creating the hardship for which the Variances need to be granted. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan for the following property:

**PRT LT 6 BEG 25.01E NWC LT 6 TH S183.68 NE128.49 N155.6 W126.92 TO POB & 25.01 VAC STREET ADJ ON W BLK 2, WOODY-CREST SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21810—Eli Ingram**

**Action Requested:**

Special Exception to permit a landscaping/irrigation business (Use Unit 15) in a CS District (Section 701, Table 1). **LOCATION:** 6520 East Latimer Place (CD 3)

**Presentation:**

**Shawna Hale**, 1245 South Owasso Avenue, Tulsa, OK; stated she represents the buyer and the seller as the subject property is currently under contract. The property has already undergone the rezoning through the the Tulsa Metropolitan Area Planning Commission. The business will provide security and general beautification for the neighborhood just because of their line of business. Neighbors have already let it be known that they are happy to see the property occupied because of past issues with vandalism and vagrancy.

Mr. White asked Ms. Hale if there would be outside storage of products such as sod or dirt. Ms. Hale stated that due to the location it is the intention to store 90% of the equipment and materials indoors. The materials will be on site based on a job-by-job basis. There will be trees stored outdoors. The front of the building is about 100 feet from the street and the building itself is about 100 feet long. Any outside storage would be contained in the rear yard.

Mr. White asked Ms. Hale what the days and hours of operation for the business would be. Ms. Hale stated the hours of operation would be the normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.

**Interested Parties:**

There were no interested parties present.

11/25/2014-1129 (14)

16.6

FILE COPY

**Case No. 20834**

**Action Requested:**

Variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition, located: 2504 East 25<sup>th</sup> Place.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma. The house was built in the early 1950s and has a one car garage. The lot is a rather shallow RS-2 lot. The owners intend to tear down the garage and put in a breezeway. They plan to install a new two car garage.

**Comments and Questions:**

Ms. Stead asked Mr. Reynolds to confirm where the garage would be built. She asked what the building was at the back of the house that could be seen from the street. Mr. Reynolds noted that it is actually part of the house. The addition had been built in the 1970s.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **White**, the Board voted 3-0-2 (White, Stead, Stephens "aye"; no "nays"; Henke, Tidwell "abstained"; no "absences") to **APPROVE** a variance of the rear yard requirement in the RS-2 district (Section 403) to permit a garage addition finding that the lot is exceptionally shallow depth and at 122.5 ft. does not permit the normal application of a garage. In order to get a full two car garage in there, it needs the additional depth for that to be located toward the rear of the lot. Any additional driveway will be concrete or asphalt. This is per the plan on page 11.8 and profile view submitted today. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan, on the following described property:

LT 6 BLK 2, EASTWOOD ADDN RESUB L3 J P HARTE'S SUB, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20835**

**Action Requested:**

Variance of the maximum display surface area permitted in an OH district (Section 602.B.4.c); and a Variance of the setback requirement for a sign visible from an R



**Case No. 20302**

**Action Requested:**

Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, located: 2518 East 26<sup>th</sup> Street South.

**Presentation:**

**Richard Howard**, 2431 East 61<sup>st</sup> Street, Suite 300, represented the applicant, **Rodney Young**. The home was built about 1951 and the property was subdivided from a plat done in 1947. A garage and second story over the garage was added sometime prior to 1965. The home has been in the family since 1965. They plan to add an exercise area to the lower level and also to make room for some elderly family members. They are willing to make some changes in the plan for the privacy of the neighbors, at the Board's direction. The entire property is surrounded by privacy fence.

**Comments and Questions:**

Ms. Stead asked if the apartment above the garage is a full apartment, to which Mr. Howard replied it has a small half-kitchen. Mr. Howard was asked if the apartment had been rented to tenants. Upon checking with Mr. Young, he replied that it has not been rented for "about five to ten years". Ms. Stead did not think they have enough back yard for this variance. Mr. Dunham commented that the front of the house is in line with the other houses.

**Interested Parties:**

**Kevin Anderson**, 2510 East 26<sup>th</sup> Street, commented that the site plan appears to show more property to the front than there really exists. He mentioned that his property and that of Mr. Zacharias, to the east, are at a lower elevation than the subject property so a two-story house would not give them any privacy. He suggested that the deck area could be enclosed and save Mr. Young a lot of money. He had drainage concerns also. A letter of opposition was provided (Exhibit E-1).

**Sid Smith**, 2457 East 26<sup>th</sup> Place, stated he is south of the property. His objection was to the second story addition, which would look over his pool.

**Applicant's Rebuttal:**

Mr. Howard stated they could put in skylights instead of windows, and noted the heavily tree-lined property lines. Mr. Henke asked Mr. Howard to repeat the hardship. Mr. Young wants to make space for his relatives and stated the placement of the house before the Young's purchased it and prior to the current zoning code.

**Comments and Questions:**

Mr. Tidwell has seen a similar situation and the two-story towers over the neighbors and everyone loses privacy. Mr. Stephens and Mrs. Stead could not see a hardship either.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Variance of the 25 ft. required rear yard (Section 403) in an RS-2 district, finding a lack of hardship, on the following described property:

PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20303**

**Action Requested:**

Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), located: 6028 South Memorial Drive.

**Presentation:**

**Alan Harju**, 6202 South Lewis, Suite E, stated he is the manager for Copper Mountain, LLC. He submitted a Parking Use Survey (Exhibit F-1) of the parking usage on this site. They have done a major remodeling of the shopping center. The center is 68% occupied at this time. There was a 22% use rate of the parking lot at noontime. The Mazzio's delivery store is considered a restaurant, which requires 20 parking spaces, but it never utilizes that.

**Interested Parties:**

**Don Shint**, 10747 South Quebec Avenue, stated he has the wireless cellular phone store next door. His only concern would be overflow parking into his parking area.

**Comments and Questions:**

There was a question and discussion as to the number of parking spaces required. Mr. Cuthbertson responded that it depends on the tenant mix.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of required parking for an existing commercial center from 155 spaces to 134 spaces (Section 1212.D), finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

**Action Requested:**

Variance of the required rear yard from 25' to 10' to permit the addition of a second story to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2604 East 26th Street.

**Presentation:**

The applicant, **Rodney Ghan**, 2604 East 26th Street, submitted a plot plan and photographs (Exhibit L-1) and explained that he is proposing to expand an existing dwelling by the addition of an upstairs bedroom. He informed that the garage floor is lower than that of the house and the bedroom will be lower than a typical two story home. The applicant stated that the existing dwelling is encroaching into the required rear yard (16' from property line) and the new construction will not be farther to the rear of the lot than the existing building wall. Mr. Ghan informed that the existing window will be enlarged; however, it is located over the tub and will not give a direct view of the neighbors back yard. Numerous photographs were submitted (Exhibits L-2, L-3, L-5)

**Comments and Questions:**

Ms. Turnbo asked if the window will remain at the current location, and Mr. Ghan answered in the affirmative. He noted that the new construction will align with the existing wall, which is 16' from the rear lot line, and the application can be changed to reflect 16' instead of 10'.

Mr. Doverspike asked if the neighbors have been advised of the project, and the applicant replied that he distributed plans before the meeting.

In reply to Ms. Abbott, the applicant stated that a small awning over the porch will be replaced with a new covering.

**Protestants:**

**Brad and Diane Fussell**, 2551 East 26th Place, stated that they live directly behind the property in question and the proposed addition will elevate the roofline approximately 10'. He pointed out that the new room will loom over their back yard and will invade their privacy and block the view. Mr. Fussell asked the Board to deny the request.

**Sara Bailey**, 2553 East 26th Place, stated that she lives to the south of the subject property and questioned if approval of the variance would permit other construction within 10' of the property line. She noted that the lot is shallow and the dwelling has the appearance of being very close to the lot line. Ms. Bailey asked the Board to adhere to the setback requirements that have been adopted and deny the request.

Letters of protest (Exhibit L-4) from Ms. Bailey and Mr. Fussell were submitted.

Case No. 17049 (continued)

Mr. Ghan stated that mature trees and the slope of the land prohibit the construction of additional living space at another location on the lot.

Mr. Doverspike advised that, if approved per plan, any further expansion would require additional Board approval.

Mr. Jackere stated that the applicant does not need Board approval to add a second story 35' high on any portion of the dwelling that is not over the 25' setback line.

**Applicant's Rebuttal:**

Mr. Ghan pointed out that the new building wall will not extend farther toward the neighbors to the rear, and the new construction will improve the property and be an asset to the neighborhood. Mr. Ghan stated that mature trees and the slope of the land prohibit the construction of additional living space at another location on the lot. He pointed out that a second story over the garage will be much lower than it would be at any other point on the dwelling, because the floor of the garage is below ground level.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-1-1 (Abbott, Bolzle, Turnbo, "aye"; Doverspike, "nay"; White, "abstaining"; none "absent") to **APPROVE a Variance** of the required rear yard from 25' to 16' to permit the addition of a second story to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the new construction extending no farther into the required setback than the 1st floor of the dwelling; finding that a second story could be constructed over the dwelling by right that would be higher than the proposed addition over the garage; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

North 90', east 178' Lot 5, Block 1, Woody Crest Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17050**

**Action Requested:**

Special Exception to permit a post office distribution facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located Admiral Place and Highway 169.

**Presentation:**

The applicant, **John Wingfield**, 8401 Connecticut Avenue, Chevy Chase, MD, was not present.

Case No. 14615

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building, located 1905 East 21st Street.

Presentation:

The applicant, Harry Wallace, 1905 East 21st Street, Tulsa, Oklahoma, stated that an addition is planned for Wendy's Restaurant at the above stated location. He explained that a variance was acquired for the original building, and the new construction will be added on the side and align with the front building line.

Comments and Questions:

Ms. Hubbard explained that the restaurant was constructed in 1979 and approved by the Board, per plot plan, but since they now plan to deviate from the plan, additional consideration is required.

Mr. Gardner asked if the new construction is closer to 21st Street than the old building, and Ms. Hubbard stated that it aligns with the older building.

Ms. White asked where the new addition will be located, and the applicant informed that all new construction will be on the east side of the building.

Protestants: None.

Board Action:

On MOTION of WHITE the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building; per revised plot plan; subject to no new construction exceeding the existing setback; finding that the new addition will align with the existing building along 21st Street and the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lots 13, and 14, Block 2, Reddin III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14616

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 5', a variance of sideyard setback from 10' to 2' and a variance of the livability space, all to allow for an addition to an existing dwelling unit, located 2427 East 26th Street.

9.17.87:499(12)

16.12

Case No. 14616 (continued)

Comments and Questions:

Mr. Taylor stated that the amount of relief for livability space was not known at the time of the filing of the application. He informed that a variance of livability space from 5,000 sq. ft. to 4,000 sq. ft. is requested.

Presentation:

The applicant, Adrienne Stone, 2427 East 26th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit H-1), stated that two families are being combined and she is proposing to add a bedroom and attached garage to an existing dwelling.

Additional Comments:

Mr. Smith asked if the garage will extend to the lot line, and the applicant replied that it will be 2' from the lot line and cover the driveway area. It was stated that the existing small garage will be converted into a bedroom.

Mr. Gardner inquired if there will be a kitchen in the new area, and the applicant replied that there will be a bathroom added, but no kitchen.

Mr. Smith asked how the drainage from the garage will be directed, and it was stated that the garage will be guttered and water runoff directed down the driveway.

Ms. White inquired if the house to the east has a similar addition, and it was stated that the next door neighbor has added a den, which is structurally similar to the proposed garage.

Board Action:

On MOTION of SMITH the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 25' to 5', a variance of sideyard setback from 10' to 2' and a variance of the livability space from 5,000 sq. ft. to 4,000 sq. ft., all to allow for an addition to an existing dwelling unit; per plot plan submitted; finding that similar setback variances have been granted in the area; and finding a hardship imposed on the applicant by the narrowness of the lot in the older addition; on the following described property:

Lot 14, Block 1, Kenlawn II Addition, City of Tulsa, Tulsa County, Oklahoma.



*Facing East from 26<sup>th</sup> St S.*



*Facing West from 26<sup>th</sup> St. S.*



Subject tract from 26<sup>th</sup> St. S.



**Jeff S. Taylor**  
Zoning Official  
Plans Examiner III

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

## ZONING CLEARANCE PLAN REVIEW

**Tony Jordan**  
**Tony Jordan & Sons**

10/4/2019

**APPLICATION NO: BLDR-43150-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 2407 E 26<sup>th</sup> PI S**

**Description: Covered Porch addition**

### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  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)

16.15

**REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-43150-2019**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

**5.030-A:** In the RS-1 zoned district the minimum rear yard setback shall be 25 feet from the rear property line to the proposed covered porch.

**Review Comments:** Revise your plans to indicate a 25' rear setback to the property line, or apply to INCOG for a variance to allow less than a 25' rear setback.

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.

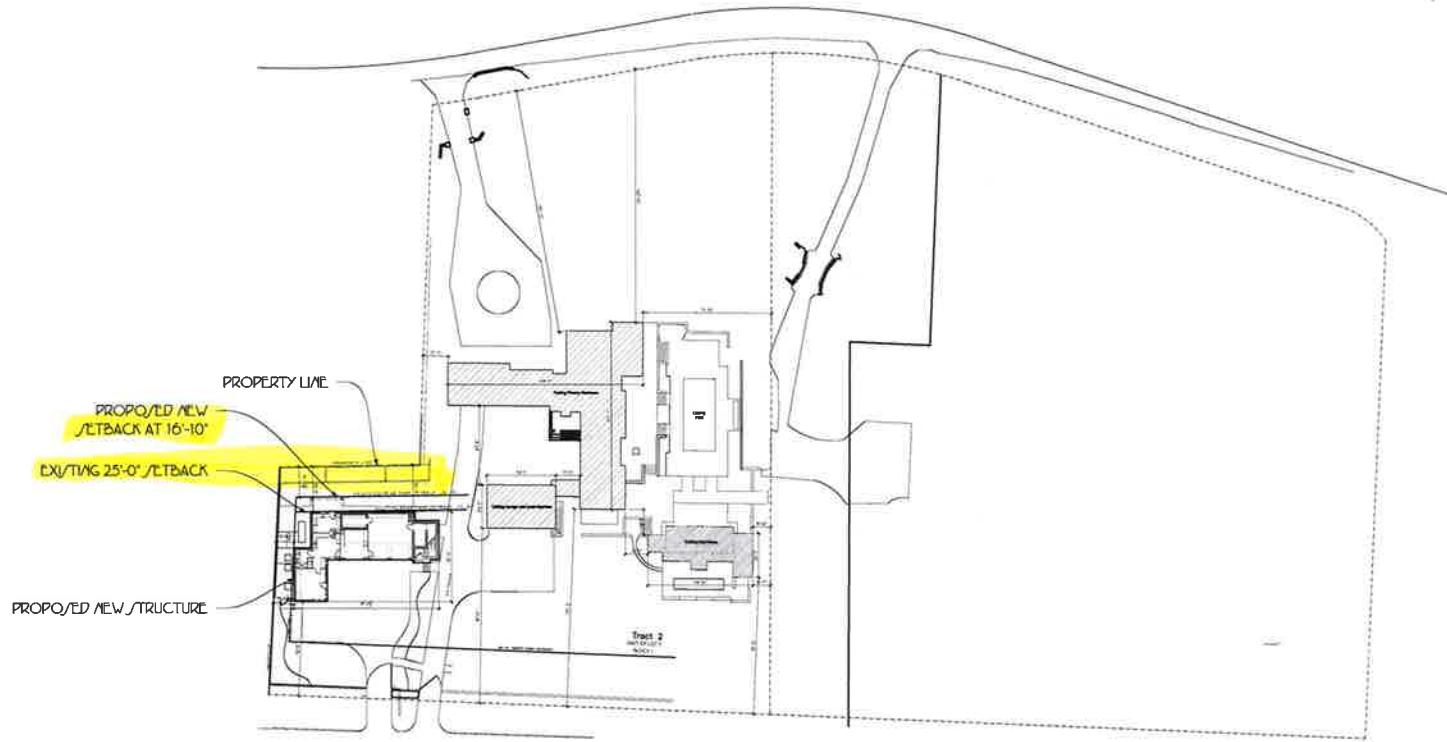
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

**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.

16.16



**SUMMEROUR  
AND ASSOCIATES**  
ARCHITECTS  
INCORPORATED

1829 PLACHILL ROAD, N.E.  
OKLAHOMA CITY, OKLAHOMA 73108  
TELEPHONE: 405.507.8585  
FACSIMILE: 405.507.4886



**THE  
CADIEUX  
RESIDENCE  
MAINTENANCE  
BARN**

TULSA, OK

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TO BE USED ON ANY OTHER PROJECT WITHOUT  
WRITTEN PERMISSION FROM THE ARCHITECT.  
THE CONTRACTOR IS RESPONSIBLE FOR  
VERIFYING ALL FIELD MEASUREMENTS,  
QUANTITIES, DIMENSIONS AND RELATED FIELD  
CONSTRUCTION CRITERIA.

□ (As Shown)

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AMBIGUITIES FOUND BETWEEN THE DRAWINGS,  
SPECIFICATIONS & SITE CONDITIONS SHALL BE  
IMMEDIATELY REPORTED TO THE ARCHITECT IN  
WRITING. THE ARCHITECT WILL PROMPTLY  
CORRECT THE SAME IN WRITING. WORK DONE  
BY THE CONTRACTOR AFTER DISCOVERY OF SUCH  
DISCREPANCIES, INCONSISTENCIES OR  
AMBIGUITIES SHALL BE DONE AT THE  
CONTRACTOR'S RISK.

**REVISIONS**

31 AUG 2018	PROGRESS SET
28 FEB 2018	CONTRACT REVISION SET
24 APR 2018	10% CD SET

**REVISIONS**

11 MAR 2018	REVISION #1
20 FEB 08	REVISION #2
20 SEP 15	PERMIT REVISION
30 AUG 2019	REVISION #3

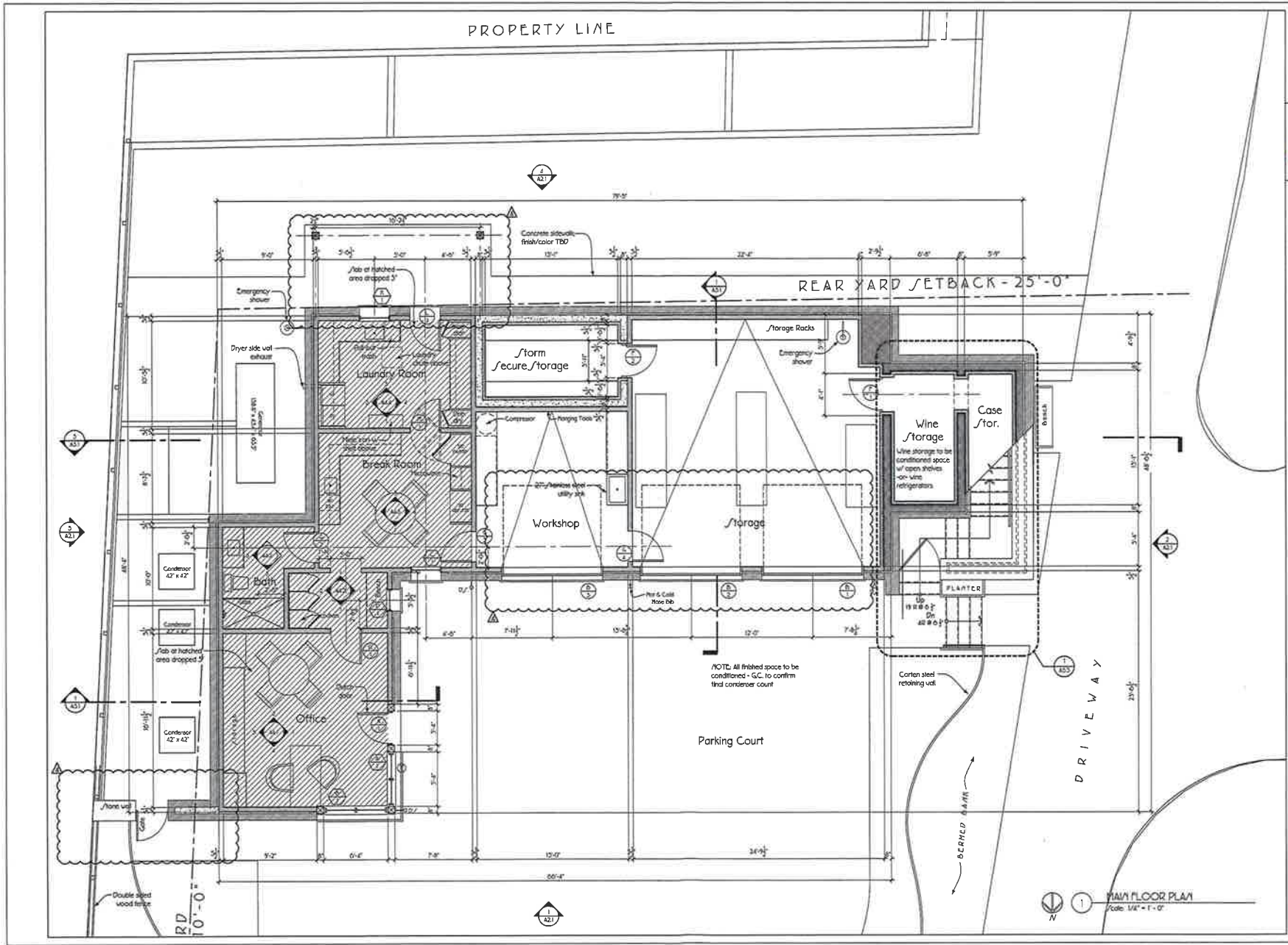
DR: J. BRADY  
PROJECT: MB  
DRAWING: 047  
CHECKED: SW

**SUPPLEMENTAL  
SITE PLAN**

1 SITE PLAN  
Scale: 1/32" = 1'-0"

□ SHALL BE FOR CONSTRUCTION  
□ NOT SHALL BE FOR CONSTRUCTION

16.17



SUMMER  
AND ASSOCIATES  
ARCHITECTS  
INCORPORATED

1829 PLANTERS  
ATLANTA, GA  
TELEPHONE: 404  
FACSIMILE: 404



THE  
CADIEU  
RESIDENT  
MAINTENANCE  
BARN

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NOTE TO CONTRACTOR:  
ANY DISCREPANCIES BETWEEN SPECIFICATIONS & SITE CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT IN WRITING. THE ARCHITECT WILL CONTACT THE OWNER IN WRITING BY THE CONTRACTOR AFTER DISCREPANCIES INCURRED BY THE CONTRACTOR SHALL BE REPORTED TO THE ARCHITECT.

PRINT RECORD  
31 AUG 2018 PROGRESS  
08 FEB 2018 REVISED  
16 APR 2018 LOCK CD SET

REVISIONS  
11 MAR 2018 REVISION #1  
20180808 REVISION #2  
20180818 REVISION #3  
20180820 REVISION #4

DATE: 3/18/18  
PROJECT: MBP  
DRAWN BY: MJC  
CHECKED BY: CBJ

MAIN  
FLOOR  
PLAN

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ISSUED FOR CONSTRUCTION  
NOT RELEASED FOR CONSTRUCTION

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THE  
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MAINTENANCE  
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TULSA, OK

CONTRACT NO. 2  
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NOTE TO CONTRACTOR:  
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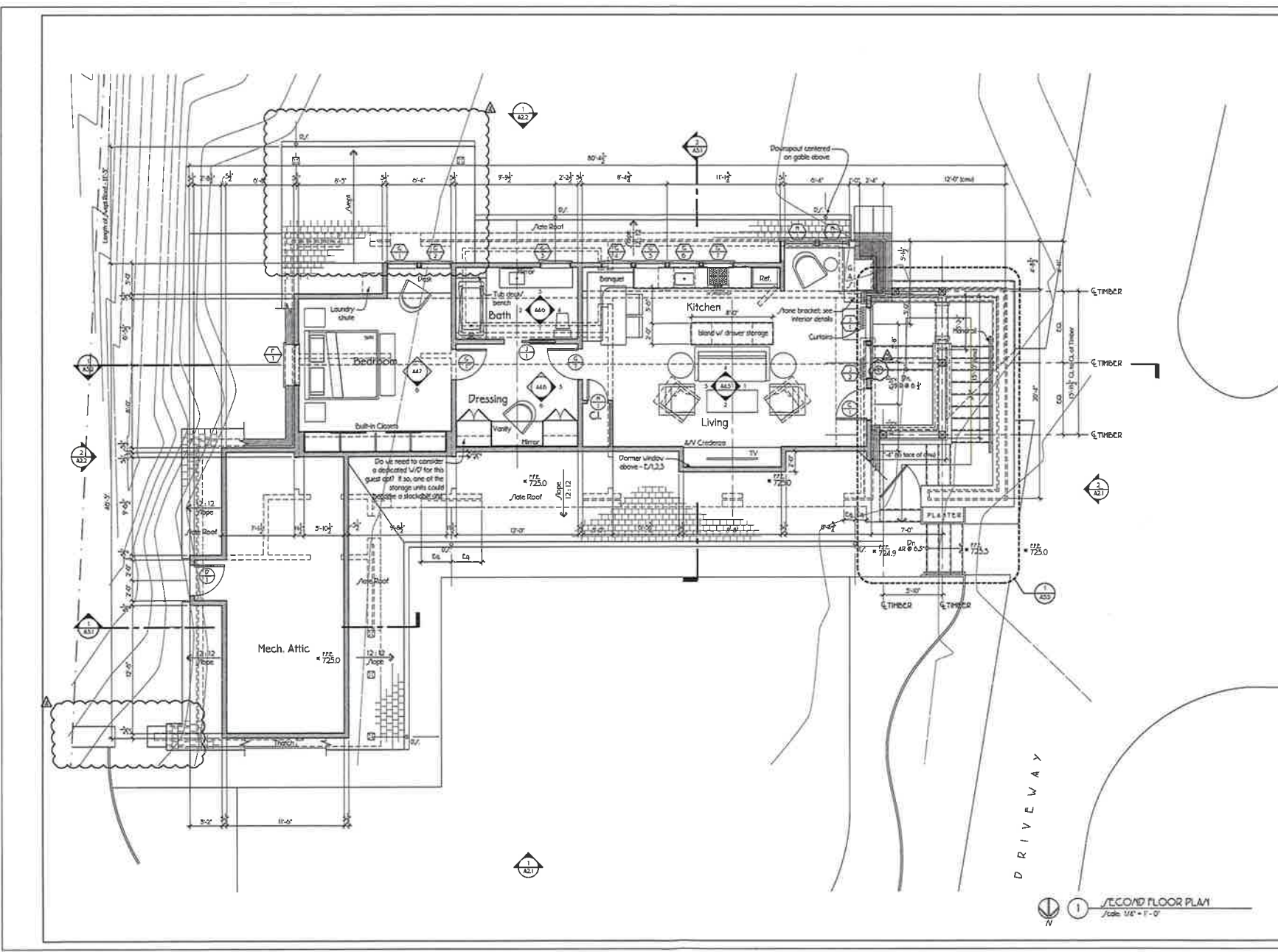
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NO.	DATE	DESCRIPTION
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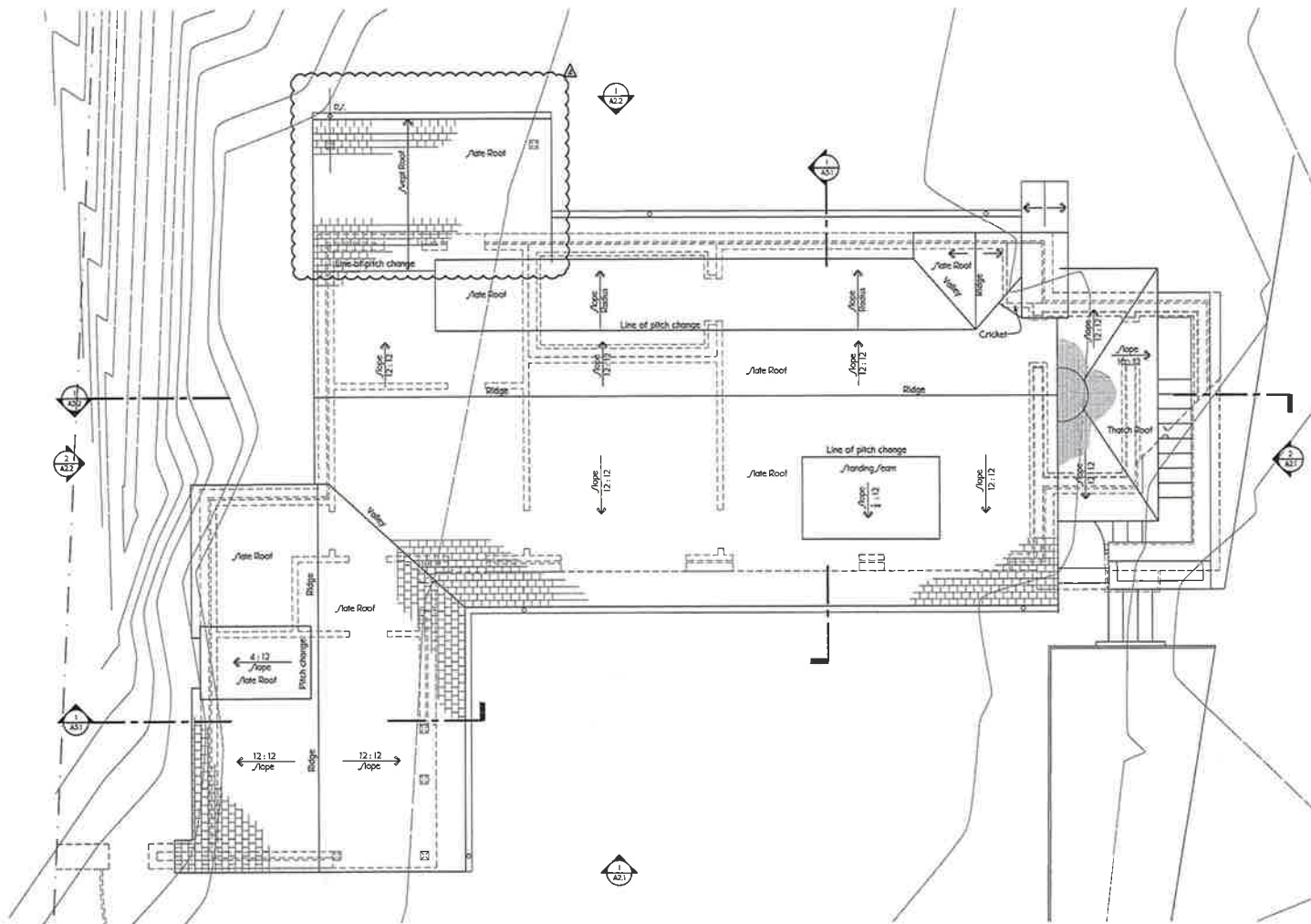
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NOT RELEASED FOR CONSTRUCTION



16.19



1 ROOF PLAN  
Scale 1/4" = 1'-0"

SUMMER  
A N D A S S O C.  
A R C H I T E C T S

1820 PLEASANT B  
ATLANTA, GA  
TELEPHONE 464  
FACSIMILE 464



THE  
CADIEU  
RESIDENC  
MAINTEN/  
BARN

TULSA, OK

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NOTE TO CONTRACTOR: ANY DISCREPANCIES OR AMBIGUITIES FOUND BETWEEN SPECIFICATIONS & SITE CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT. THE ARCHITECT'S CORRECTIVE ACTION SHALL BE IN WRITING BY THE CONTRACTOR AFTER DISCREPANCIES, INCONSISTENCIES OR AMBIGUITIES SHALL BE IDENTIFIED BY THE CONTRACTOR.

PLANT RECORD  
31 AUG 2018 PROGRESS SET  
05 FEB 2019 PERMITS / PERMITS  
16 APR 2019 LOOKING FOR SET

REVISIONS  
1) MAR 2018 REVISION #1  
R. J. COLE  
R. J. COLE

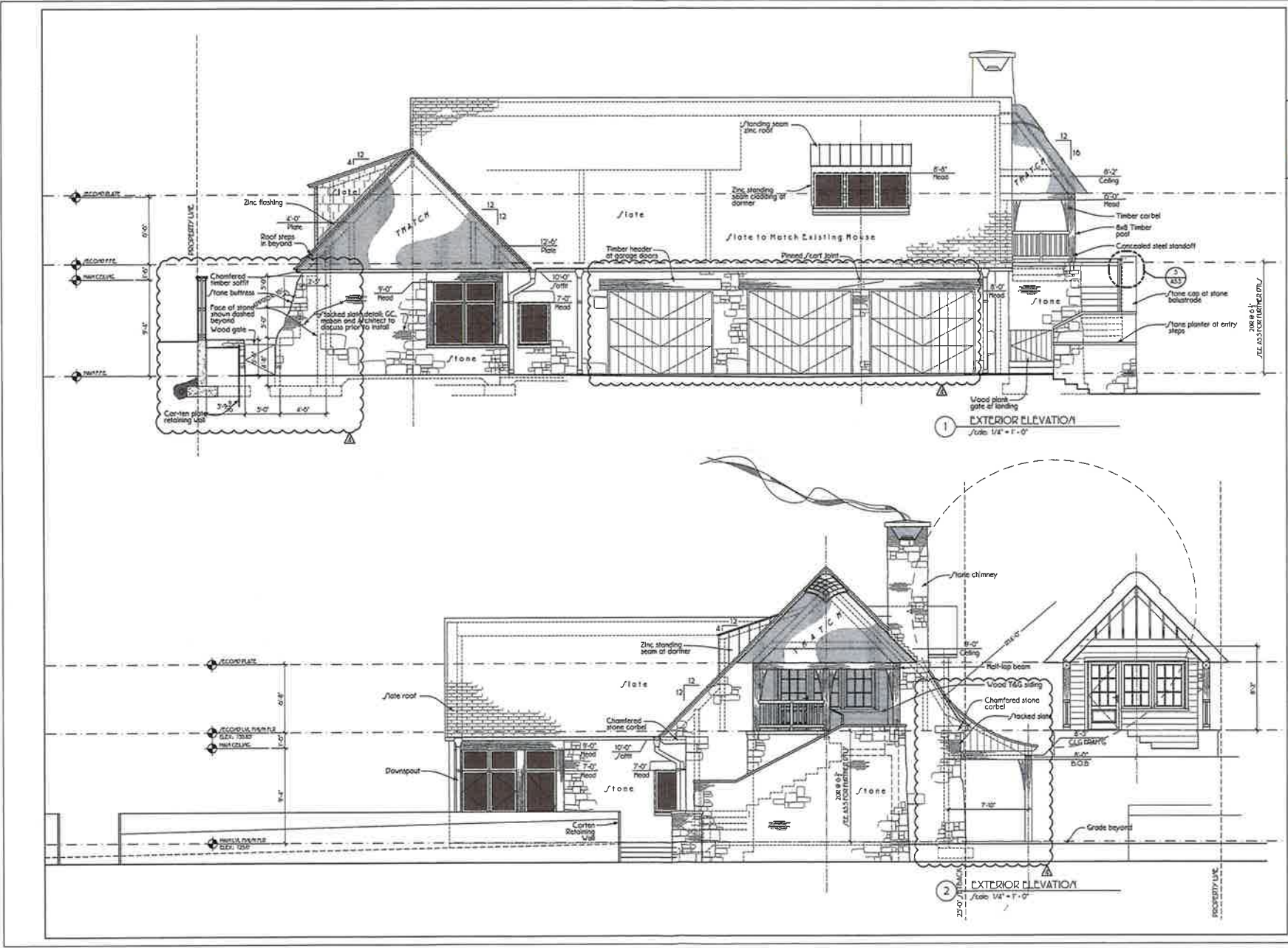
DATE: 08/31/18  
PROJECT: 1809  
DRAWN BY: RJC  
CHECKED BY: CDS

ROOF  
PLAN

A1.3

NOT RELEASED FOR CONSTRUCTION

16.20



THE  
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MAINTEN/  
BARN

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PRINT RECORD  
21 AUG 2019 10:00 AM  
09 FEB 2019 10:00 AM  
16 APR 2019 10:00 AM

REVISIONS  
1. NAME, 2019 REVISION #1  
2. DATE, 2019 REVISION #2  
3. NAME, 2019 REVISION #3

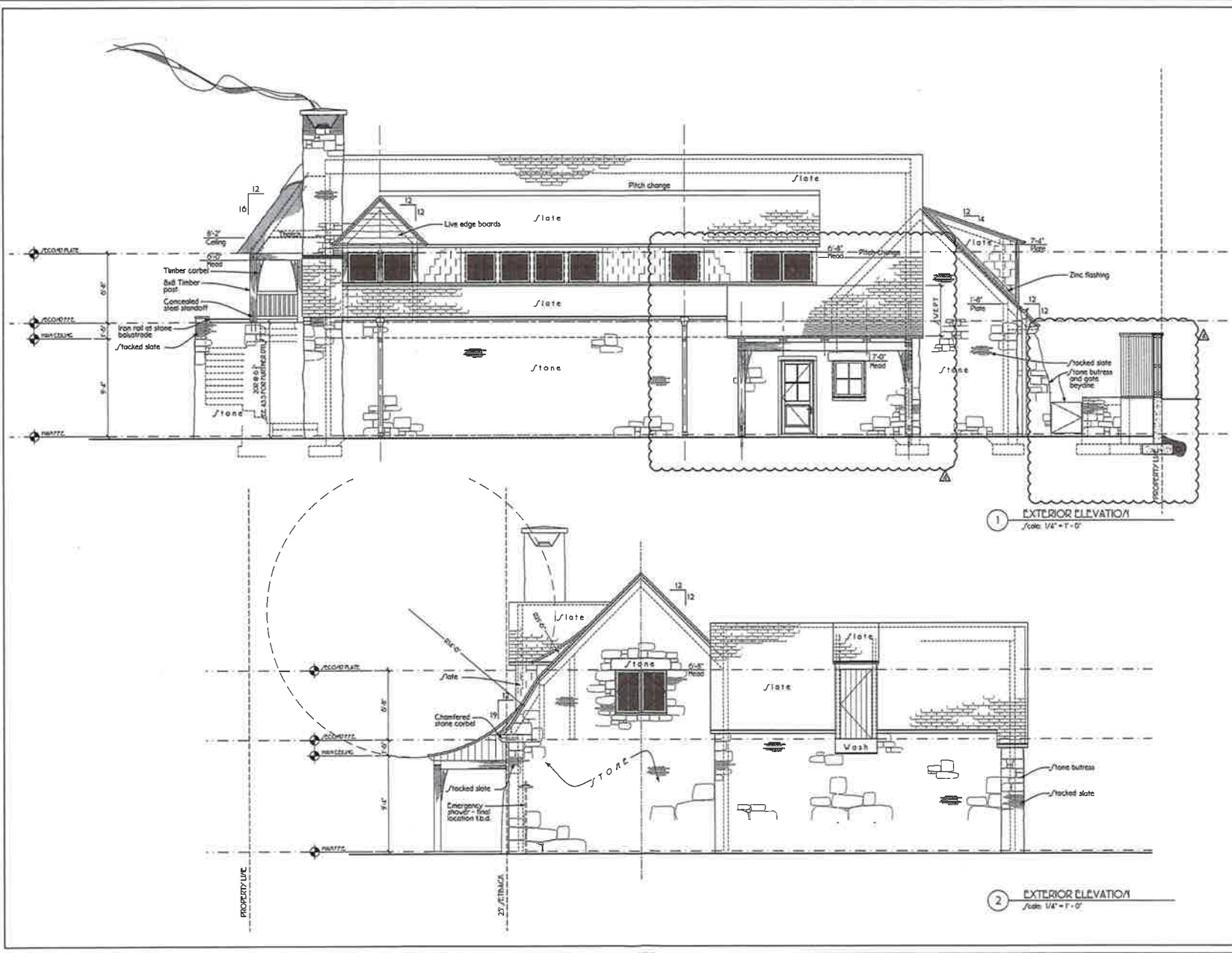
DATE: 08/21/2019  
PROJECT: THE CADIEU RESIDENCE MAINTENANCE BARN  
DRAWN BY: MSL  
CHECKED BY: CGL

EXTERIOR ELEVATION

A2.1

SCALE: AS SHOWN  
DATE: 08/21/2019

16.21



THE  
CADIEUX  
RESIDENCE  
MAINTENANCE  
BARN

TULSA, OK

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PLINT RECORD:  
31 AUG 2019 PROPOSED BY  
06 FEB 2017 REVISED BY  
16 APR 2012 LOOK OVER BY

REVISIONS:  
1 MAR 2019 REVISION #1  
10 APR 2019 REVISION #2  
20 APR 2019 REVISION #3

DATE: 10/15/19  
DRAWN BY: HSB  
CHECKED BY: CDJ

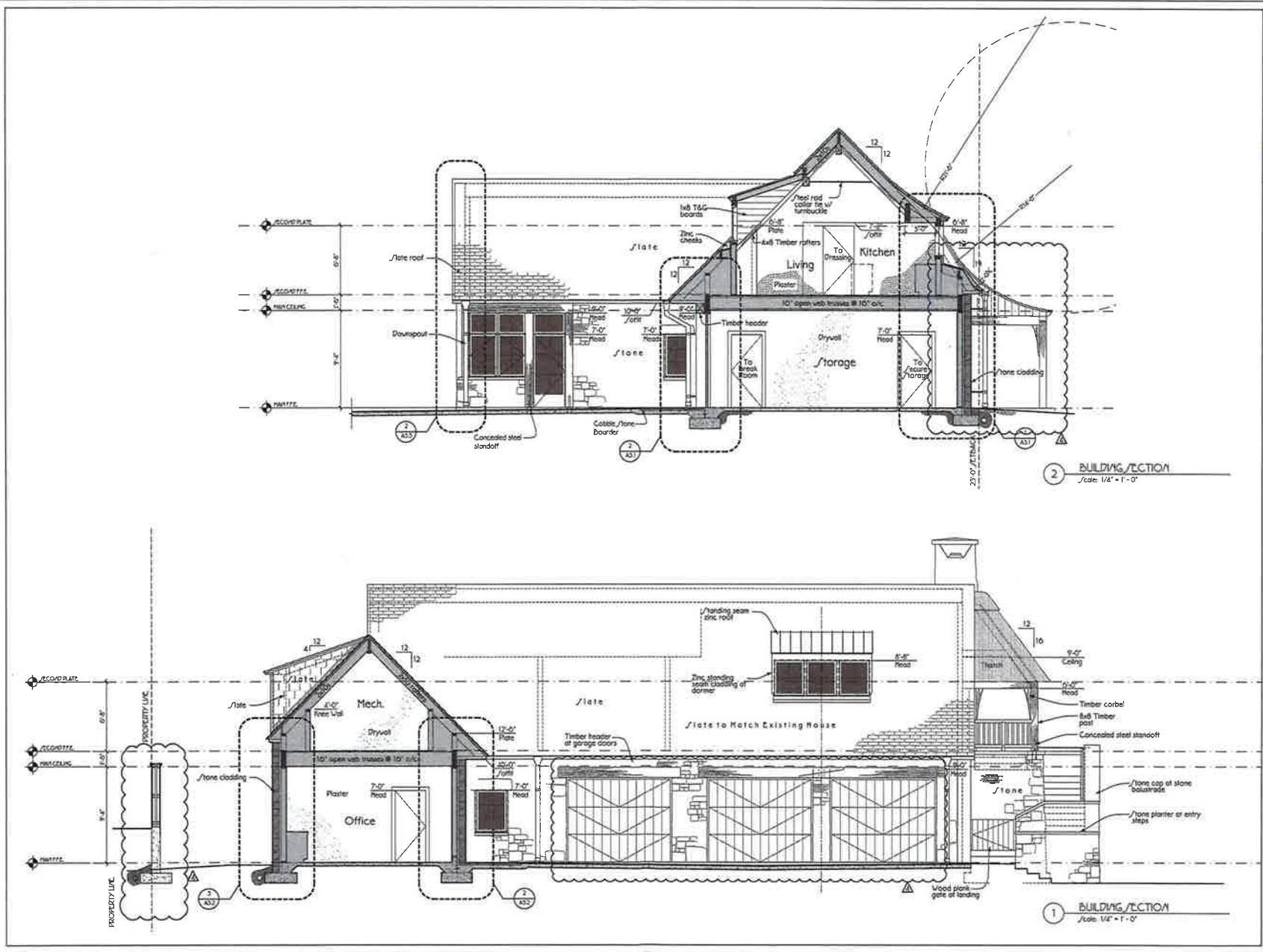
EXTERIOR ELEVATION

A2.2

RELEASED FOR CONSTRUCTION  
NOT RELEASABLE FOR CONSTRUCTION



16.22



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DATE: 08/10/10  
31 AUG 2018 PROJECT: 08  
05 FEB 2019 PRINT: 08/10/10  
16 APR 2019 1026 CD 02

REVISIONS:  
11 MAR 2017 REVISION #1  
20 APR 2018 REVISION #2

DWG: 2106  
PROJECT: 1607  
DRAWN BY: RCB/  
CHECKED BY: RCB

16.23



THE CADIEUX RESIDEN  
 MAINTEN/  
 BARN

TULSA, OK

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PRINT RECORDS  
 11 AUG 2019 PROGRESS SET  
 29 FEB 2019 PERM / PERM  
 16 APRIL 2019 102% CD SET

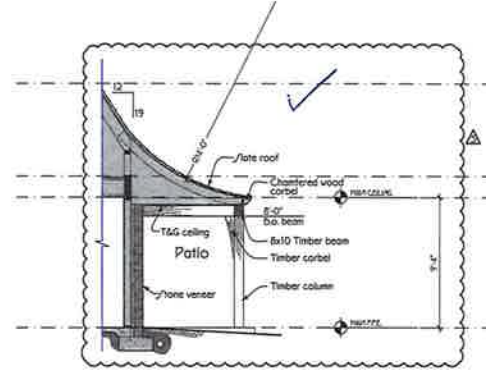
REVISIONS  
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 20 OCT 2019 REVISION #3

DATE: 2/20/20  
 PROJECT: 1807  
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 CHECKED BY: CSM

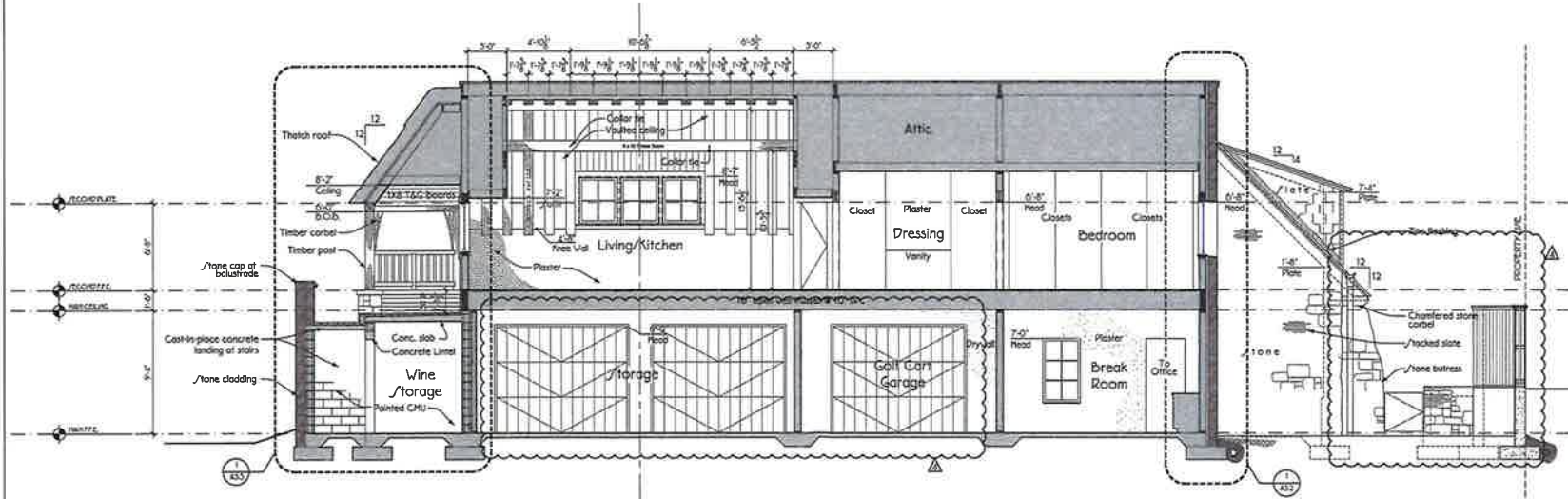
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A3.2

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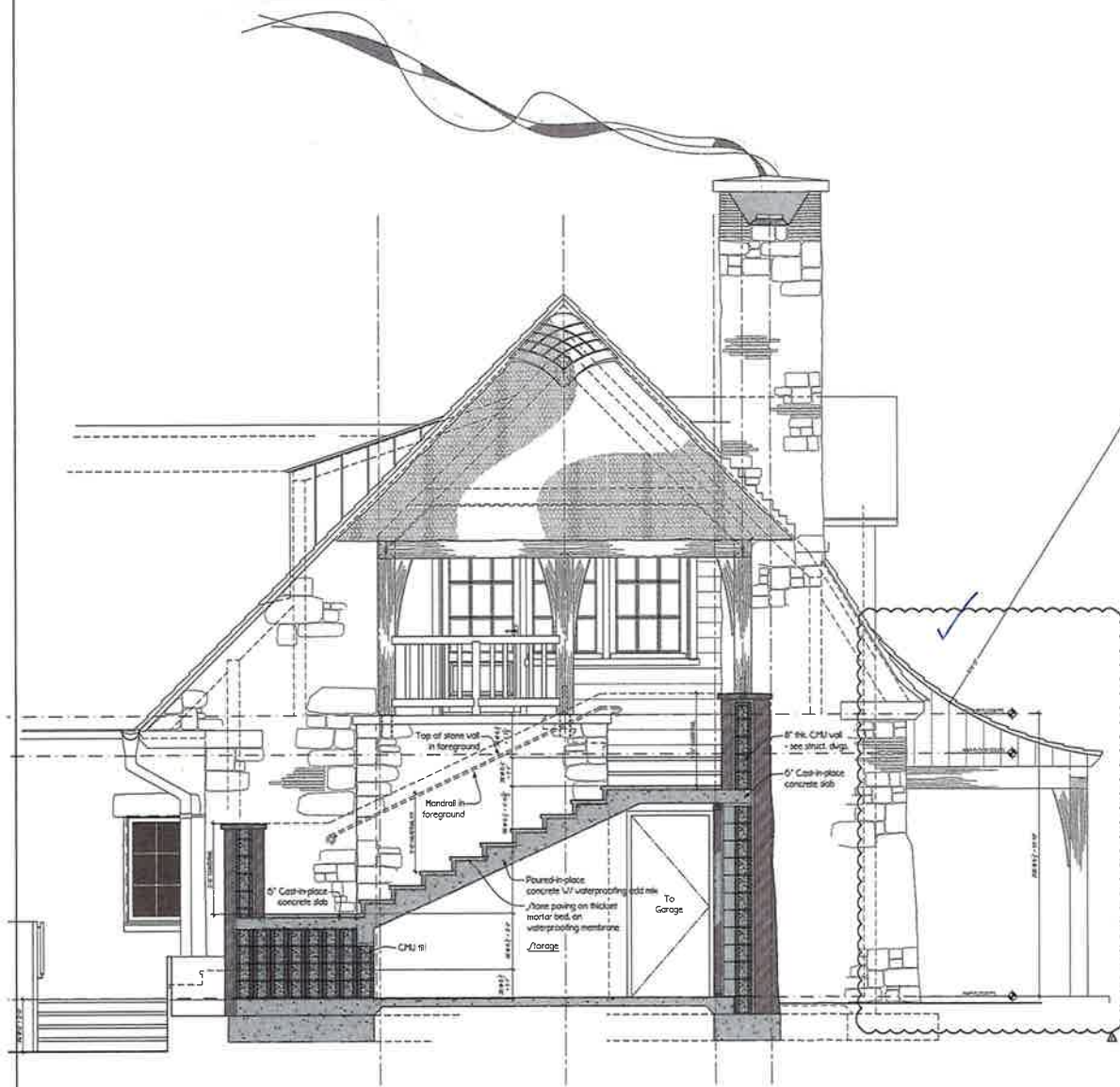
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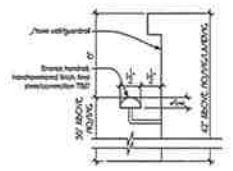
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NOT REPRODUCED FOR CO

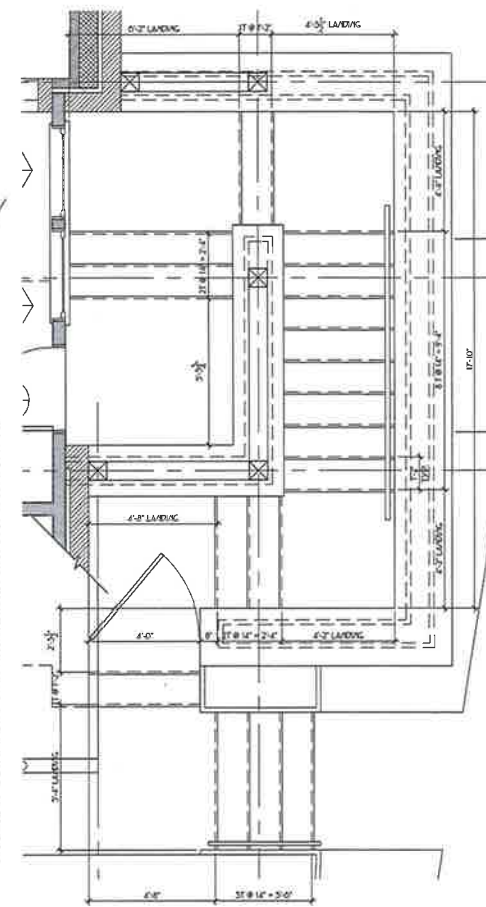
16.24



2 /T&R SECTION  
Scale: 1/2" = 1'-0"



3 HANDRAIL DETAIL  
Scale: 3" = 1'-0"



1 EXTERIOR /T&R DETAIL  
Scale: 1/2" = 1'-0"



THE  
CADIEX  
RESIDENCE  
MAINTENA  
BARN

TULSA, OK

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PRINT RECORD

DATE	DESCRIPTION
31 AUG 2018	PROGRESS SET
02 SEP 2018	FINAL PUNCH LIST
10 APR 2019	ISSUE NO. 01

REVISIONS

NO.	DATE	DESCRIPTION
17	JAN 2018	POINT REVISION
30	AUG 2018	REVISION 4

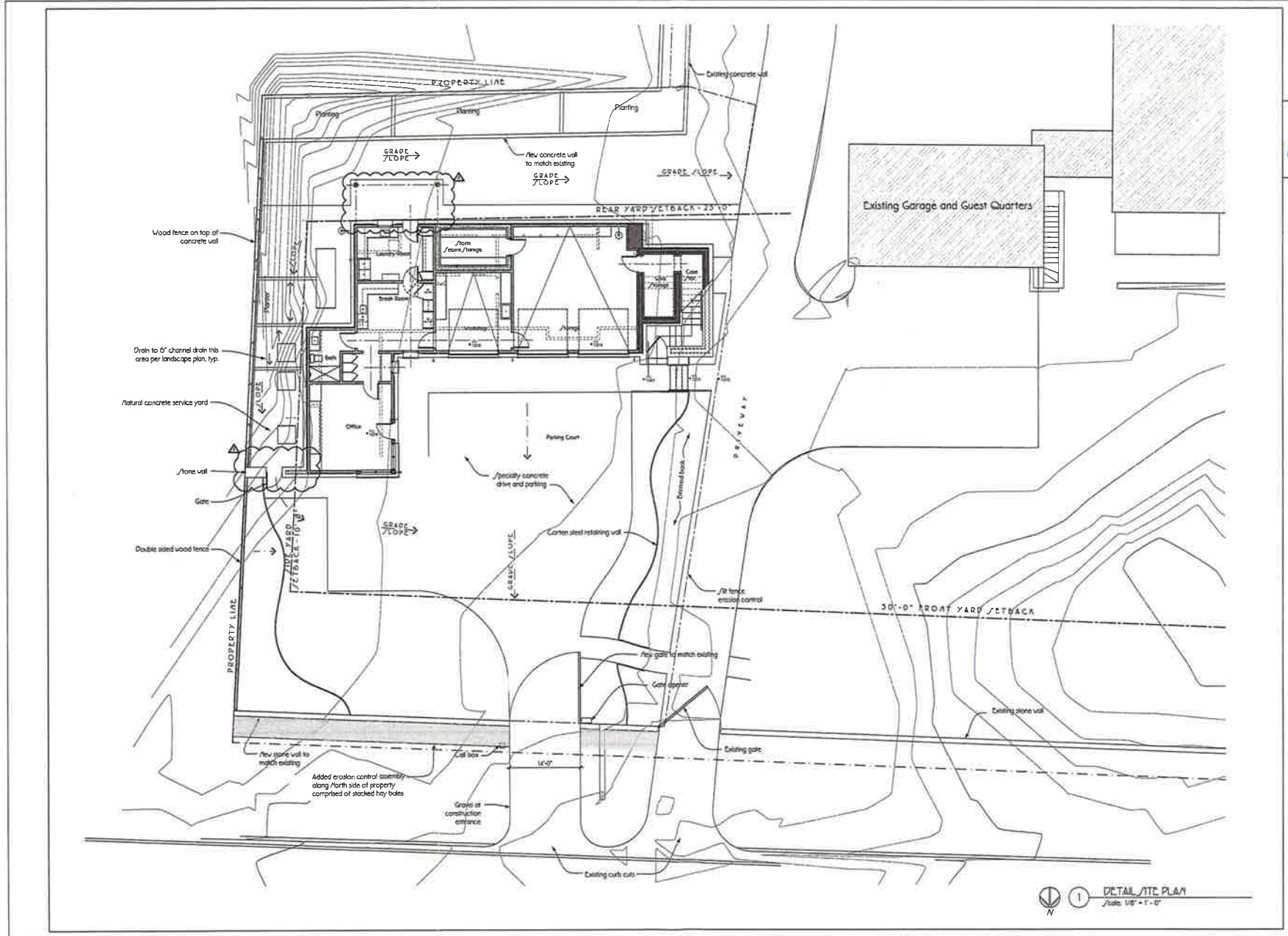
DATE: 31 AUG 2018  
PROJECT: 1607  
DRAWN BY: JBC  
CHECKED BY: CDT

WALL  
SECTION

A5.5

NOT FOR CONSTRUCTION

16.25



SUMMER AND ASSOCIATES ARCHITECTS INCORPORATED

1820 PINEHURST  
ATLANTA, GA 30329  
TELEPHONE 404 525 1822  
FACSIMILE 404 525 1823



THE CADIEU RESIDENCE MAINTENANCE BARN

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PRINT RECORDED  
31 MAR 2018 10:05 AM  
05 FEB 2018 10:05 AM  
16 APR 2018 10:05 AM

REVISIONS	DATE	BY	DESCRIPTION
1	01/11/2018	CS	ISSUED FOR PERMIT
2	02/05/2018	CS	ISSUED FOR PERMIT
3	02/05/2018	CS	ISSUED FOR PERMIT
4	02/05/2018	CS	ISSUED FOR PERMIT

DATE: 01/11/2018  
PROJECT: MBP  
DRAWN BY: CS  
CHECKED BY: CS

ARCHITECT  
DETAIL SITE PLAN

A1.0C

NOT REPRODUCED FOR COPY  
NOT REPRODUCED FOR COPY

1  
DETAIL SITE PLAN  
Scale: 1/8" = 1'-0"



 Subject Tract

**BOA-22783**

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

19-13 17

Aerial Photo Date: February 2018



16.26



**E 26 STS**

**E 26 PLS**



**Subject  
Tract**

**BOA-22783**

19-13 17

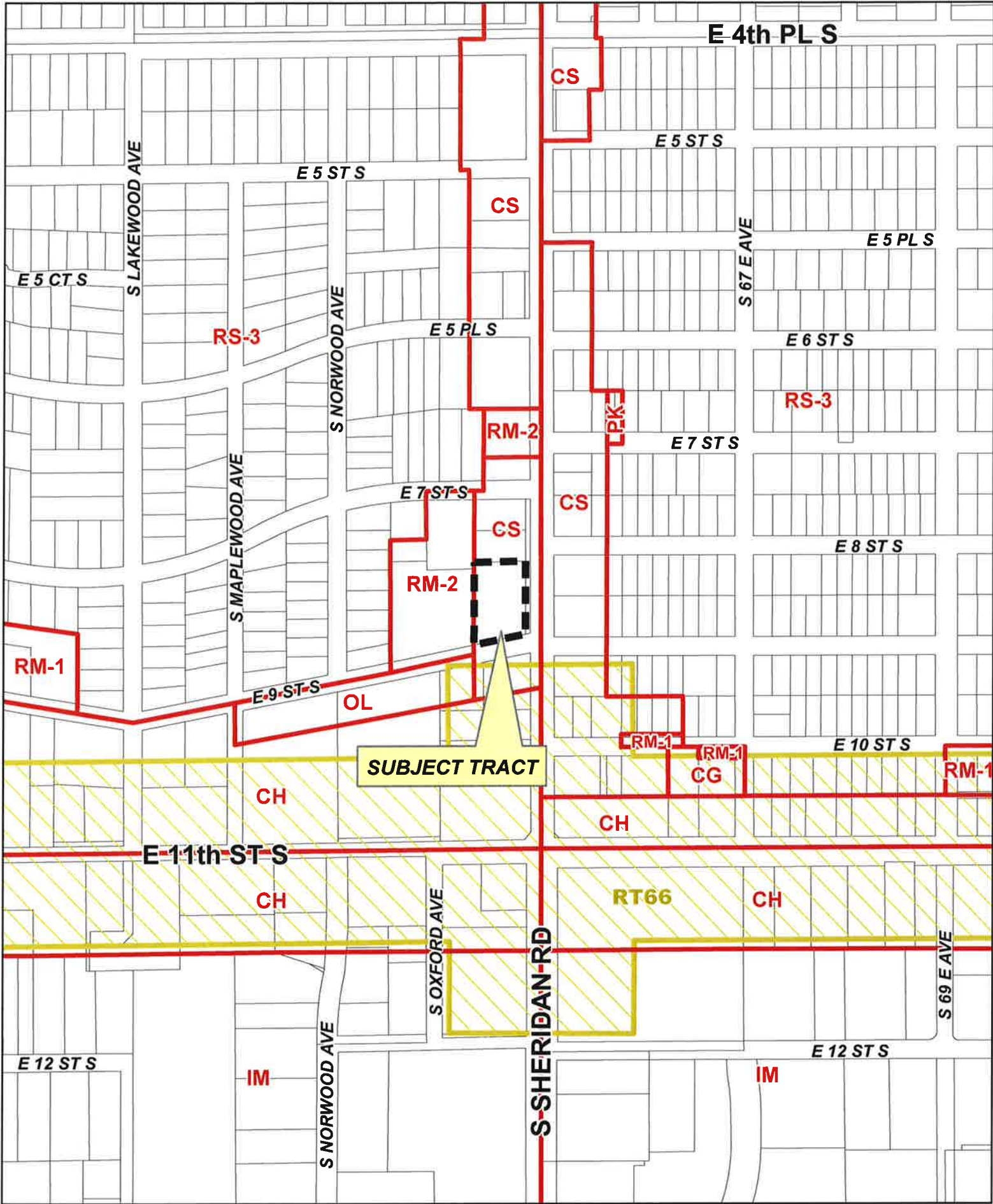
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: February 2018*



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**SUBJECT TRACT**



**BOA-22784**

19-13 03

17.1





**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9303

Case Number: **BOA-22784**

**CZM:** 38

**CD:** 5

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Anthony Smith

**ACTION REQUESTED:** Variance of the 1,000 Spacing Requirements for a Medical Marijuana Dispensary from another Medical Marijuana Dispensary (Section 40.225-D)

**LOCATION:** 814 S SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Vacant

**TRACT SIZE:** 42898.06 SQ FT

**LEGAL DESCRIPTION:** W165 E180 OF TR 59 LESS N200 THEREOF, GLENHAVEN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-22725;** On 08.27.19 the Board Denied a variance of the 1,000 ft spacing requirement for medical marijuana dispensary from other medical marijuana dispensaries at a property located at 6545 E. 11 St S due to lack of hardship. The applicant in this case is appealing the decision of the Board to District Court.

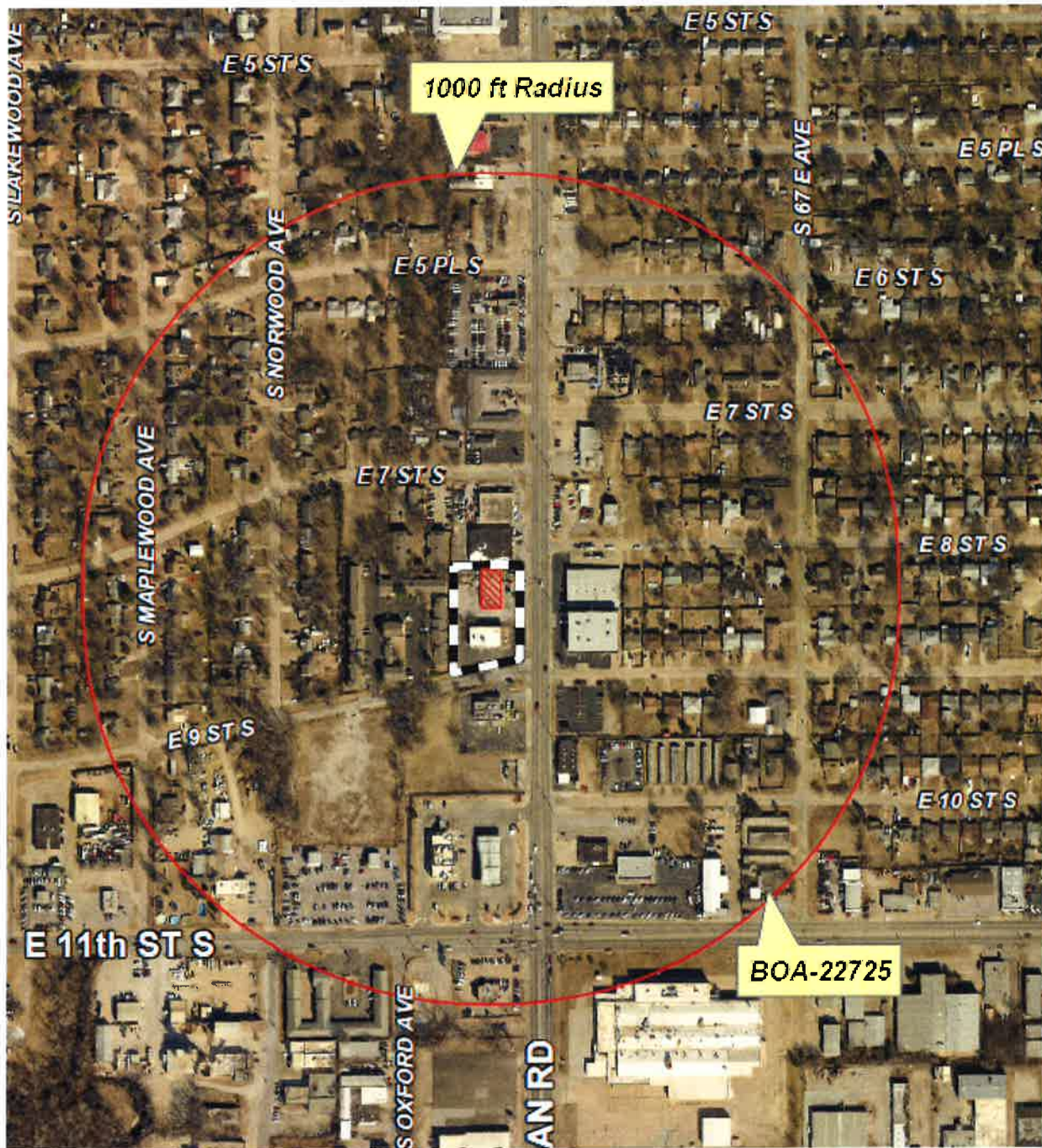
**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

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.

**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.

17.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located at the NW/c of S. Sheridan Road and E. 9<sup>th</sup> St. S. The subject dispensary appears to be within 1,000 ft of the denied variance in BOA-22725 though radius was taken from the entire building and not the tenant space, see map below:



**STAFF COMMENTS:** The applicant is requesting a Variance of the 1,000 Spacing Requirements for a Medical Marijuana Dispensary from another Medical Marijuana Dispensary (Section 40.225-D) from the dispensary located at 6503 E. 11<sup>th</sup> Street (COO-027397-2019, issued 04/1/2019, OMMA license issued 10/24/2019 per City of Tulsa Permitting) .

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

**STATEMENT OF HARDSHIP:** None provided, to be provided at meeting.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit the subject medical marijuana dispensary in BOA-22784 to be located within 1,000 ft of another medical marijuana dispensary (Sec. 40.225-D)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s)/Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

17.4

being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**S30 LT 1 & ALL LT 2 & N20 LT 3 & E5 VAC ALLEY ADJ ON W BLK 1, LIBERTY ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22725—Mary Cooper**

**Action Requested:**

**Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 6545 East 11<sup>th</sup> Street South (CD 3)**

**Presentation:**

**Ronald Durbin**, Attorney at Law, 1602 South Main, Tulsa, OK; stated he currently represents hundreds of medical marijuana businesses across the State of Oklahoma; he has been involved in this process since it started. Mr. Durbin stated that he worked with the City of Tulsa on the Zoning Ordinances related to these issues; he worked with INCOG, Susan Miller, Janine VanValkenburg, City of Tulsa Attorney and one of the issues that was brought out at the start of this process was that what would be done when a business received their license first but did not apply for a Certificate of Occupancy, and a business gets their license secondary but applies for a Certificate of Occupancy first. That is exactly the situation in this case today. Mr. Durbin stated that his client was licensed by the State of Oklahoma in January 2019, they obtained their Bureau of Narcotics license on January 29, 2019 which gives them the right to possess medical marijuana. In that interim and after that period Bloomers dispensary obtained their license in April 2019. Mr. Durbin stated his applicant is asking for a Variance for the first licensed business, that truly when they applied for their OMMA license and their OBN license there was no other dispensary within a 1,000 feet of the subject location. This is a situation where neither party acted in bad faith, there was no issue in regard to Bloomers, neither party was trying to usurp the other because his client did not know that Bloomers was going to apply for anything. Pharmacies are allowed to be located across the street from one another. This will have a disparate impact on what his clients are attempting to do and what they have done. They have spent a lot of money on obtaining licenses and have done everything they have been required to do to be a license business under the laws of the State of Oklahoma. What the applicants are trying to avoid is the necessity of going to Court on this issue because it can have a detrimental impact to either party; he does not want to get to that point. He asked and hoped for the City of Tulsa to account for who came first in their Ordinances, but they did not do that, and there is nothing in the Ordinance that he is aware of that specifically says whoever applied for the COO first. In this particular instance, the only fair resolution to this matter is to allow both parties to continue. His client's family has owned the subject property for more than 40 years, so they have been there a long time and they want to continue to operate a business at that location, and this is the most conducive business for them to engage in.

08/27/2019-1235 (20)

17.5

Ms. Ross asked Mr. Durbin why his client chose to wait so long to apply for a Certificate of Occupancy. Mr. Durbin stated that his clients had a previous existing business at the subject location and they already had a Certificate of Occupancy related to that business, so they did not think there was going to be an issue. Mr. Durbin stated that the City Ordinance was put on and taken off the agenda many times, and his client missed the last time it was placed on the agenda and ultimately passed. There were quite a few people who were oblivious, and the word did not get out to some people. His clients were operating under an existing COO and they did not realize that there would be a requirement to receive a new COO. After his clients received their licenses, they started working to get everything ready, then applied for their COO and that is when the issue came up with Bloomers Dispensary. He thinks this is a reasonable request from his clients.

Mr. Van De Wiele stated that from the prior hearing the Board understood that the applicant had applied for the Certificate of Occupancy on May 21, 2019. Mr. Durbin stated that the date is May 20, 2019. Mr. Van De Wiele asked Mr. Durbin if that had been issued yet. Mr. Durbin stated that it has not. Mr. Van De Wiele asked Mr. Durbin if the spacing was the only issue hanging his clients up. Mr. Durbin answered affirmatively. Mr. Van De Wiele asked Mr. Durbin what his understanding is of to the Certificate of Occupancy date for Bloomers Dispensary. Mr. Durbin stated that Bloomers was licensed by the State of Oklahoma in April 2019 and they received their Oklahoma Bureau of Narcotics and Dangerous Drugs license on May 2, 2019. Unfortunately, OMMA website does not allow anyone to search for existing businesses which is another problem and why this is going to come up again. OMMA had the search website up and then they took it down, so there is no way of knowing about spacing. It is a flaw in the system, and it is something that needs to be resolved.

Mr. Bond asked Mr. Durbin to explain his hardship in this case. Mr. Durbin stated that his clients would not be allowed to engage in the commercial business for which they have obtained a license, and they were the first to obtain a license. They will be commercially impacted in not being able to engage in a lawful business for which they have been licensed by the State of Oklahoma.

Mr. Van De Wiele asked Mr. Durbin if that was a financial hardship. Mr. Durbin stated that it is a financial hardship, but it is a hardship in relationship to the building. That building is not conducive to a whole lot of other enterprises currently; it is an old building. To allow his clients to do this it will put the building back into viable economic use, so it is an important thing for the City of Tulsa. Mr. Van De Wiele stated the Board has to articulate a hardship that is neither financial nor self-imposed. Mr. Durbin stated that he does not think it is self-imposed. When his clients applied for their OMMA and OBND licenses Bloomers did not exist; they had not applied and obtained any licenses. This burden is not self-imposed. If the Ordinance would say to obtain the COO first and then obtain licenses the City would have given clear guidance to business owners; his clients did it in reverse and he does not think that is self-imposed.

Most people make sure they are clear through OMMA first and then ask for their Certificate of Occupancy.

Ms. Ross stated that she understands what Mr. Durbin is saying. The Board has had this discussion for hours, what the Board ultimately discussed was that the way for the Board to navigate this is the first to receive their license but to also apply for the COO which puts the person in the process of receiving their spacing verification and that would determine who established their business first. Otherwise, people could just sit on their license and prevent others from moving into the area and yet the first party never opens a business.

Mr. Van De Wiele stated that the Board is beyond who is established first. This is not a verification of spacing, this is a Variance request. In order for the Board to support this the Board needs a hardship. Certainly Mr. Durbin's client did not impose the Ordinances on themselves, but it is their order of behavior. The Board cannot say because this is going to cost somebody a lot of money the Board grants the Variance, the Board is legally prohibited.

Mr. Durbin stated that his client has owned the building and have owned it for over 40 years. They do not have the ability to locate elsewhere. They have the facility for which they can operate and conduct this business, it is not a self-imposed burden. It is not something they created because of waiting. The same situation could have arisen had they applied for the COO; there is nothing in the Ordinance for the City of Tulsa that says it is whoever applies for the COO first is the first legitimate established business.

Mr. Van De Wiele and Mr. Bond both agreed with that statement. Mr. Bond stated in his mind he has settled on the fact that it didn't matter as long as the business were legal and that includes the Certificate of Occupancy. Mr. Bond stated that he needs a hardship that is unique to this, such as the geography.

Mr. Durbin stated that he will allow his client to speak to the hardship because he believes they can speak to that on a more personal level than he can. Mr. Van De Wiele stated that he wanted to make sure that it is clear, that it is not how this is going to damage the applicant, it is what is unique about the property, this application that presents a hardship such that the Board should grant relief from the 1,000-foot radius.

**Mary Cooper**, 6545 East 11<sup>th</sup> Street, Tulsa, OK; stated she is the owner of Mother Road Extracts. Included with her application she answered the hardship questions required for a Variance. Ms. Cooper stated the property is located within a 1,000 feet of another dispensary; a unique hardship is created to said property because of the ambiguous undefined dynamic laws, regulations, and ordinances enacted by the State and local governments causing the physical surroundings being the nearest licensed medical marijuana dispensary to be a hardship and a practical difficulty. She believes that City Council enacted the 1,000-foot ordinance due to security concerns; the subject property is secured with solid iron bars, steel doors, and live recording surveillance as well as physical 24-hour security presence. Ms. Cooper stated that a

1,000-foot spacing verification is the reason for the Variance request, most generally, CH zoned businesses are not required to perform spacing verifications in order to obtain a Certificate of Occupancy. Ms. Cooper stated that no adjacent property will be impaired and a commercial business on the subject property will encourage new retail business in the corridor. She believes that the granting of this Variance will result and benefit the public good of this area and seeks to repair the purpose, spirit and intent of the Comprehensive Plan. She also obtained all of her adjacent neighbors, both commercial and residential, letters of support of the medical marijuana dispensary opening. She believes this presents a valid hardship for this request.

Ms. Radney asked Ms. Cooper if she was aware of Bloomers application for their verification of spacing. Ms. Cooper stated that she was aware of Bloomers spacing verification application when they personally came to visit her and told her, until then she was not aware. And as of that time she had already applied for her Certificate of Occupancy. Ms. Cooper stated that her timeline was a flurry of activity between November and January; she stopped because she thought she had received everything necessary in order to open a business. The only thing she thought she needed differently at the time was the Fire Marshal's inspection.

Ms. Cooper stated that she obtained the City of Tulsa's Guide To Doing Business in Tulsa, the Commercial Building Permit Process, the Certificate of Occupancy, the application process; all of these she started researching in March. Not once did she find that told her she needed to stop and file for a Certificate of Occupancy to receive her spacing verification. Even after speaking with the permitting office she really does believe that she has tried to follow every letter of the law.

Mr. Van De Wiele asked Ms. Cooper what caused her in May to get back on the process and file for the Certificate of Occupancy. Ms. Cooper stated it was because her opening date was June 1<sup>st</sup>, and she thought she needed an inspection from the Fire Marshal.

Mr. Bond asked Ms. Cooper how far she is from the other dispensary. Ms. Cooper stated she is 450 feet away from the nearest dispensary, and 1,050 feet away from the dispensary that is not within the 1,000-foot radius.

**Leta Carmona**, Bloomers Dispensary, 6733 East 11<sup>th</sup> Street, Tulsa, OK; stated she is opposing the requested Variance due to the fact that the other dispensary is a little over 400 feet away. Ms. Carmona stated that she is aware that the other dispensary has a processing and a grower's license, so to state that it would be a hardship, even financially at best, they have the opportunity for two other businesses within the subject building to be a viable business. In researching, she believes the actual Certificate of Occupancy that the other dispensary filed in May is actually done on a residential property. The subject building is actually zoned residential. The area may be a commercial area but that particular address is zoned residential; Ms. Carmona stated she has the paperwork from the County Assessor's Office showing that zoning and she did call to verify that. Mr. Van De Wiele stated that the Board's zoning map shows

differently. Ms. Carmona stated that there was Homestead Exemption filed on both addresses; the subject property faces south and the home that is attached to it faces the east. Those were both, in 2018, had residential taxes paid on both.

Mr. Van De Wiele asked Ms. Carmona how that impacts things. Ms. Carmona stated she does not know the rules regarding a commercial Certificate of Occupancy being granted on a residential property.

Ms. Carmona stated the City Ordinance states that there needs to be a 1,000 feet between dispensaries. Obviously, she was able to find her way through the system and she obtained a lot of her licenses in April; started the process with the City in May. Ms. Carmona stated she has her health department, Oklahoma Bureau of Narcotics, two agricultural licenses, everything that is needed to go along with that so she was able to muddle through the process without any guidance, so does not know why it was hard for other party to do so.

Ms. Ross asked Mr. Wilkerson what the residential rules are in relation to what Ms. Carmona is speaking about. Mr. Wilkerson stated that he is not sure what database the County uses but he knows the staff does see things in the Assessor's office that are not consistent with the Zoning Code. Mr. Van De Wiele asked Mr. Wilkerson if that was possible because this was a former residence at some point. Mr. Wilkerson stated that it possible; the land use opportunities that are available are based on the Zoning Code not the Assessor's designation.

Mr. Van De Wiele asked Ms. Carmona if she had her shop open for business and selling to the public. Ms. Carmona answered affirmatively.

Mr. Van De Wiele asked Ms. Carmona when she received her Certificate of Occupancy and when did she open for business. Ms. Carmona stated that she was before the Board on the 23<sup>rd</sup>, she obtained all of her Code Enforcement on July 31<sup>st</sup>, and her first sale was on August 7<sup>th</sup> or August 10<sup>th</sup>, she is not sure.

**Rebuttal:**

**Ronald Durbin** came forward and stated that the opposition has just admitted that they applied for their OMMA and OBNDD licenses before they came to the City and applied for their Certificate of Occupancy. That would be rewarding one party for doing it that way and penalizing another party who did it first that way. He thinks this would create a situation where it is disparate treatment. When looking at the 1,000-foot radius from other dispensaries and schools there is a situation created where there is no other property in the City of Tulsa, it is used up. There is no other opportunity for his client to find any other property. Mr. Durbin stated that his client filed for her growers and processing license on a CH zoned property; that is not permissible in the City of Tulsa and that is why he is not asking for a Variance on the property related to those issues. Processing has to occur in industrial, heavy or medium, under certain circumstances. He is only asking for the Variance related to the spacing distance. Again, both parties acted in the same manner. They both received licenses first. The process has to be



that the party gets their OMMA license first because there are so many other things that OMMA is looking at, and what they are going to determine and classify as a school and what is not a school; before a person can obtain a fully executed lease that is really the first step a person has to go through in this process. If there is not a way for a person to determine what is a City resource, to say there is another dispensary and this will not get through, it does not exist. It does not exist for Bloomers and it does not exist for his clients.

Mr. Van De Wiele asked Mr. Durbin if he was aware that OMMA is going to reverse that process at the end of this week. Mr. Durbin answered affirmatively. Mr. Durbin stated they also completely redefined the definition of what constitutes the entrance to a school, the entrance to any piece of property in which a school sits so they have broadened the definitions even farther with regards to that under 2612. Under 1030 they changed completed the ability of cities and counties to zone; there are a lot changes. That makes it very difficult for any business to relocate themselves right now. It would penalize his clients for trying to do what was right when there was no clear guidance from the City of Tulsa that a person needed to get the COO before obtaining licenses.

Mr. Van De Wiele stated that the Board is not here today to establish, using the word establish in the motions, the Board is not here to argue about who established first it is really just a question of whether the applicant should have a Variance. Mr. Durbin stated that he understands that.

Ms. Radney asked Mr. Durbin if he would like to restate the hardship one more time. Mr. Durbin stated that he thinks Ms. Cooper went through the list of all the hardships that she would incur as a result of this. Again, the hardship is there would be no other suitable properties, that he is able to locate and he does this every single day, in the City of Tulsa for dispensary location that would now comply with the school distance issue and the zoning issue related to who received Certificates of Occupancy first. This puts the building in good use. He knows economic impact is not necessarily a factor, but his clients have already done the work to remodel the building so they would lose all that time, energy and effort to engage in this business. Again, it would be penalizing his clients for trying to do what was right and not applying for a COO first.

Mr. Van De Wiele stated that he has heard the comment from some of the billboard companies that there are virtually no spaces left, and they are 1,200 feet apart, in highway frontage within the City in which a billboard can be placed, so the Board sees very few billboard spacings. He does not know if a map were produced showing no more spaces for billboards, he does not know if that would be justification for letting a billboard being placed 800 feet away. Likewise, if there is a bar every 300 feet and a bar wanted to open in between two other bars 150 feet away that in of itself gets a person to a hardship. Mr. Durbin stated that in this instance those entities are not needing to obtain State licenses for having the billboards. We are dealing with a situation where a person is going to construct a billboard, can readily access the information to find out if there is dispensary located in the 1,000 feet. In this particular

case, even if Ms. Cooper had gone to the City of Tulsa and asked to verify that there are not other dispensaries within a 1,000 feet of her location she would have been told no, there are not because Bloomers did not exist when she was doing her applications.

Ms. Ross stated that Ms. Cooper had from January to May to apply for her spacing verification and she didn't do it, she only did half the process. Mr. Durbin stated that if the City had told Ms. Cooper to apply for the COO and get the spacing verification done. Ms. Ross stated that Ms. Cooper is not asking for a Spacing Verification today she is asking for a Variance, and the Variance requirement is that Ms. Cooper has to have a hardship that is not financial or self-imposed. Mr. Durbin stated that this is not a self-imposed hardship. Ms. Cooper already had a pre-existing Certification of Occupancy to occupy the premises, she had applied for her OMMA licenses and did the work to get the facility up to the standards of what it should be, and then she applied for her new Certification of Occupancy for the dispensary.

Mr. Bond stated that for zoning purposes the Board cannot make a ruling which would abrogate a City Zoning Code. The Board can simply give exceptions or variances in a specific instance, case by case instance which is specific to the applicant. The Board considers things like the geography of the location, the structure of the building, things like that. To say hardship in dealing with this Variance that is what is asking about. Is there something that is unique to this situation other than the ambiguity of law. Mr. Bond stated that he does not have the power to vote any other way than what the Codes provides the Board.

Mr. Durbin stated that as it relates to the building, the building is not conducive to very many other uses; it is a very old building that is not conducive to other type of commercial heavy operations that can relocate there without essentially scrape the building and rebuild something new. There is not much else this building can be utilized for given its location, given the property layout, etc. That is why the owner has not done anything with it in 20 years, because it is not conducive for engaging in any other kind of business.

He would argue that the first licensed dispensary was his clients. They were licensed from the State of Oklahoma, and that is the only way a person can become a license dispensary is to be licensed by the State of Oklahoma, they were there first. If anything he thinks it was a mistake being granted to Bloomers, authorization that they were 1,000 feet from another dispensary, because the only way you can be licensed dispensary in the State of Oklahoma is to have obtained a dispensary license from the State of Oklahoma which his clients did first.

Mr. Van De Wiele stated he is not going to let the Board get into discussion on that because the time for appeal for that has passed. Whether or not the Board should have or should not have, and he would defend the Board's action, the time to appeal the Verification of Spacing Bloomers ten days after the Board's ruling in that matter.

Mr. Durbin stated that his clients do not want to shut out Bloomers, that is not what they are trying to do. It is not Bloomers fault either.

Ms. Radney stated the applicant had a legal license for a specific address that had a Certificate of Occupancy that the applicant was unaware would not apply even though it was appropriate by right to operate that type of business out of the building, but what the applicant was not aware of is that she did not have the right type of Certificate of Occupancy because of involving legal landscape in which the Ordinances coming from the City that would determine whether she could establish that business and conduct a transaction there were evolving at the time. What is unique about this particular applicant is that she held up a license prior to the nearest licensed established business. Mr. Durbin agreed that is absolutely unique.

Mr. Durbin stated that was something he begged the City to address when it adopted the Ordinances because he felt he would here in this situation at some point. Ms. Radney stated that they are unique in that they hold a license to operate out of a building that is less than a 1,000 feet from another licensed building, and its unique that they held a Certificate of Occupancy at the time they applied, and its unique that the business district the building is in is evolving into a unique business atmosphere in terms of the relative concentration of marijuana related businesses. Mr. Durbin agreed.

Mr. Durbin stated that it is unique in that there is no other way for each of them to know. There is nothing that Bloomers could have done because OMMA had removed the listing long before either of these parties had applied. There is this quagmire of having no way to determine if there was going to be an issue.

Ms. Radney stated that in so much that the applicant had possession of the property, had a Certificate of Occupancy though not for this particular use, and if they had obtained their license 38 days earlier they would not have to be here at all because it would not have been subject to the 1,000-foot spacing.

Mr. Van De Wiele asked Mr. Chapman if the OMMA listing could still be obtained, though it has been modified. Mr. Chapman stated that he was able to get the list, with addresses, and when he was dealing with the applicant, he was able to look at specific addresses for licenses that were listed. It is not true that it was not available at the time the applicant made an application. Mr. Durbin stated that the listing was off, it came back on, it is off again and the only way a person can fully verify an existing business is to use OBNDD; it is the only site that is consistent. Mr. Chapman stated at the prior Board hearings he was able to access and use the information; to his knowledge it was just last week that OMMA began removing addresses.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Radney stated that it is very difficult for applicants to be able to, in real time, know that they have complete and accurate information, or at least has been. Ms. Radney believes the hardship would be to deny the applicant the legal right to use the license that was properly secured, but that have not been able to move forward with the business because of the uncertainty.

Ms. Ross stated that she is on the fence. She has heard some things that were convincing, and she does think that it was very confusing to a lot of people, so much so, that the Board had to have a special work session to discuss it for two hours. She is still struggling with the hardship; she does not believe the building cannot be used for any other purpose.

Mr. Van De Wiele stated there may be 50 other place holder licenses sitting out there, who knows there may be two next door to each other that was received in December 2018, and they have literally done nothing with them. They come in two or three months from now and space and they are rejected because they are ten feet away. On that basis, would they all be qualified for a Variance?

Mr. Van De Wiele asked Ms. Radney if she could state a hardship for this case. Ms. Radney thinks the evolving landscape of Ordinances is a real issue. Ms. Ross stated the Ordinances have been the same all year long. Ms. Radney thinks that within this new industry it is a new and burgeoning industry, so it is very difficult for them to know where to go to receive accurate information in real time. Even the way and the manner in which it rolled out of the City was confusing; that was not a linear process. It sounds like these people were engaged with the permitting office about their existing Certificate of Occupancy; someone at the City should have at least suggested to them that if an Ordinance were coming down that it would obviate the validity of the old Certificate of Occupancy. The applicant had to have the address to get the license, so she always comes back to that as a starting point. There was a clear intentionality to establish a business on the day they received the license. The rest of this is somewhat subject to interpretation.

Mr. Van De Wiele asked staff, he knows the City has taken the position that any new medical marijuana business has to have a new Certificate of Occupancy; that is a true statement, right? Mr. Chapman stated it is a true statement, but it is not limited to medical marijuana use; when the use on a building is changed a person is required to get a new Certificate of Occupancy.

Mr. Bond stated he has sympathy for the applicants, and he is trying to think of something that is uniquely situated in this case. The problem is what will the Board do when someone appears saying that they too were confused about the law.

Ms. Radney stated the Board granted the Variance for the dispensary in the CBD and there were less grounds than this. Mr. Van De Wiele stated there are some parallels between the two, and those dispensaries were closer than this. Mr. Van De Wiele

asked if Route 66 impacts one way or another? This is a unique area of town, but he cannot say it is so unique that there should be dispensary every 500 feet.

Ms. Shelton stated she is leaning toward a no. She does not think there is anything unique about this case. She does not think the confusing process should even be a part of this discussion. She does not think there is anything unique about this property, and a line has to be drawn somewhere and this application falls on one side of the line.

Ms. Radney stated that she appreciates the fact that right here at this particular juncture on Route 66, the Board has approved a lot of interesting marijuana businesses. There is extraction, there is edibles, there are dispensaries, there is a grower in the area, there has been a lot of intensity of interest in this corridor. This is a blue-collar corridor.

Mr. Van De Wiele stated this is certainly a concentrated business area, but there are houses in the area. Ms. Radney stated that it is a concentrated commercial district, but this is a hard-commercial corner. There is a vacant lot on the corner of 10<sup>th</sup> Street and 67<sup>th</sup>, and the other houses along 10<sup>th</sup> Street are not in good repair and most of the others going to the west along 10<sup>th</sup> Street are also vacant lots. It is definitely a neighborhood in transition, and she advocates strongly for neighborhoods that need energy to bring them back. There is a considerable setback where the residential district takes off. This segment of 11<sup>th</sup> Street is not terribly different than the Pearl District, and she can respect all the objections, but she is for the Variance.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 3-2-0 (Bond, Ross, Shelton "aye"; Radney, Van De Wiele "nays"; no "abstentions"; none absent) to **DENY** the request for a **Variance** of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) due to the lack of a hardship; for the following property:

**LTS 21 & 22 BLK 36, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

**OTHER BUSINESS**  
None.

\*\*\*\*\*

**NEW BUSINESS**  
None.

\*\*\*\*\*

17.14

# CERTIFICATE of OCCUPANCY      No: COO-027397-2019

**PROPERTY**

Address: 6305 E 11TH ST S SUITE A

**ZONING USE**

Zoning District: CH, OL

Use: Commercial/Retail Sales/Medical Marijuana Dispensary

Use Conditions:

**BUILDING OCCUPANCY**

Building Code Edition: IBC 2015

Use Group	Const. Type	Floor Area	Occ. Load	Descriptive Area	Posted
M	IIB	900	15	Entire Building	

Floor area of Permit: 900

OCCUPANCY CONDITIONS:

The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.



Approval Date: April 1, 2019

Code Official: Adam Murray

17.15

17.16

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**BUDZ N' STUFF LLC**

818 S SHERIDAN RD , TULSA, OK, 74112

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

09/10/2020

LICENSE NUMBER:

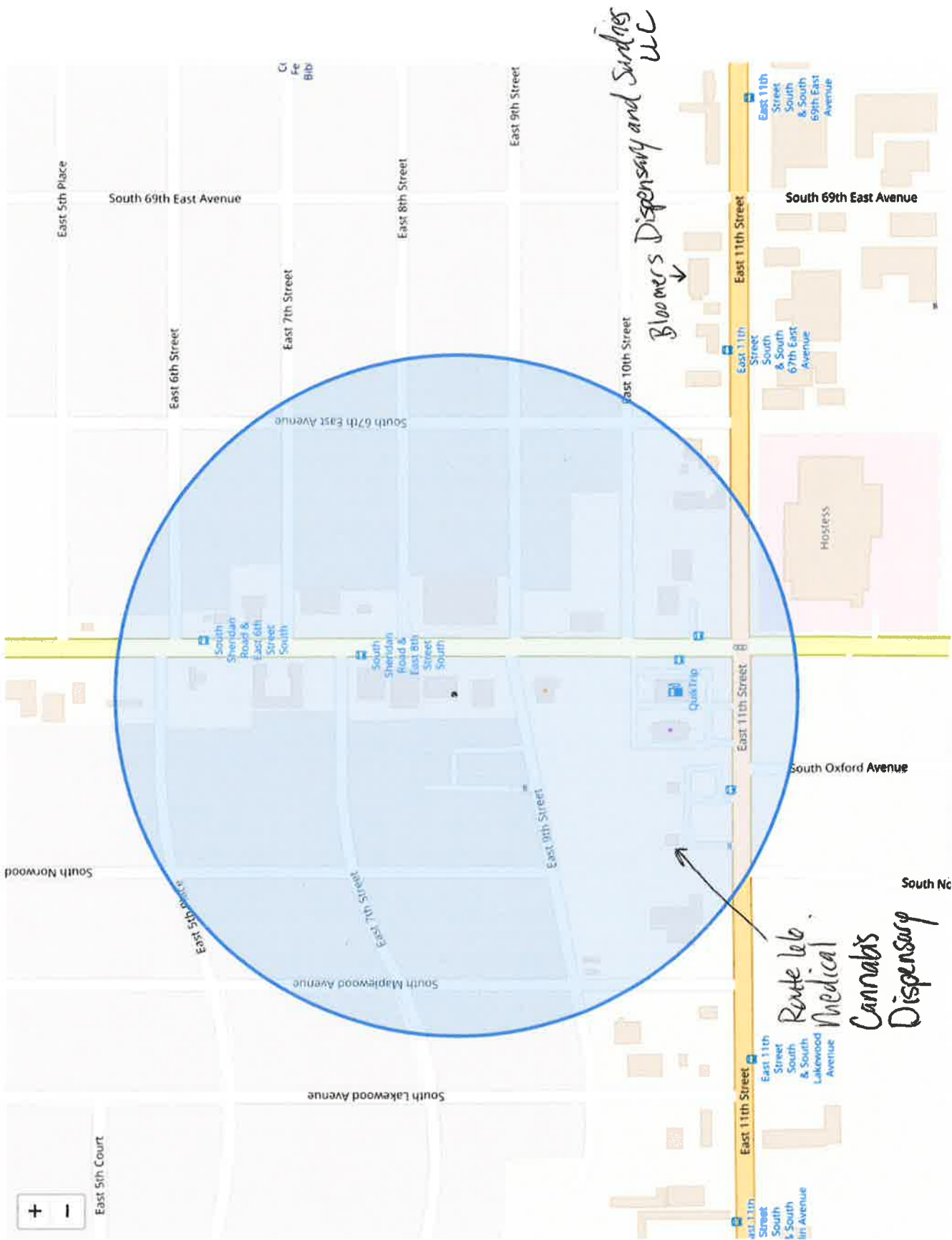
DAAA-EYXK-UB5H



*Tom Bates*

TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

DO NOT COPY



*Bloomer's Dispensary and Sundries W.C.*

*Route 166  
Medical Cannabis Dispensary*



17.17



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**

**October 1, 2019**

**Anthony Smith**  
818 S Sheridan Rd  
Tulsa, OK 74115

**Phone: 918.951.2040**

**APPLICATION NO: BLDC-041346-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 818 S Sheridan Rd**  
**Description: Medical Marijuana Dispensary**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)

17.18

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-041346-2019

818 S Sheridan Rd

October 1, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
2. **Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.  
**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**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**

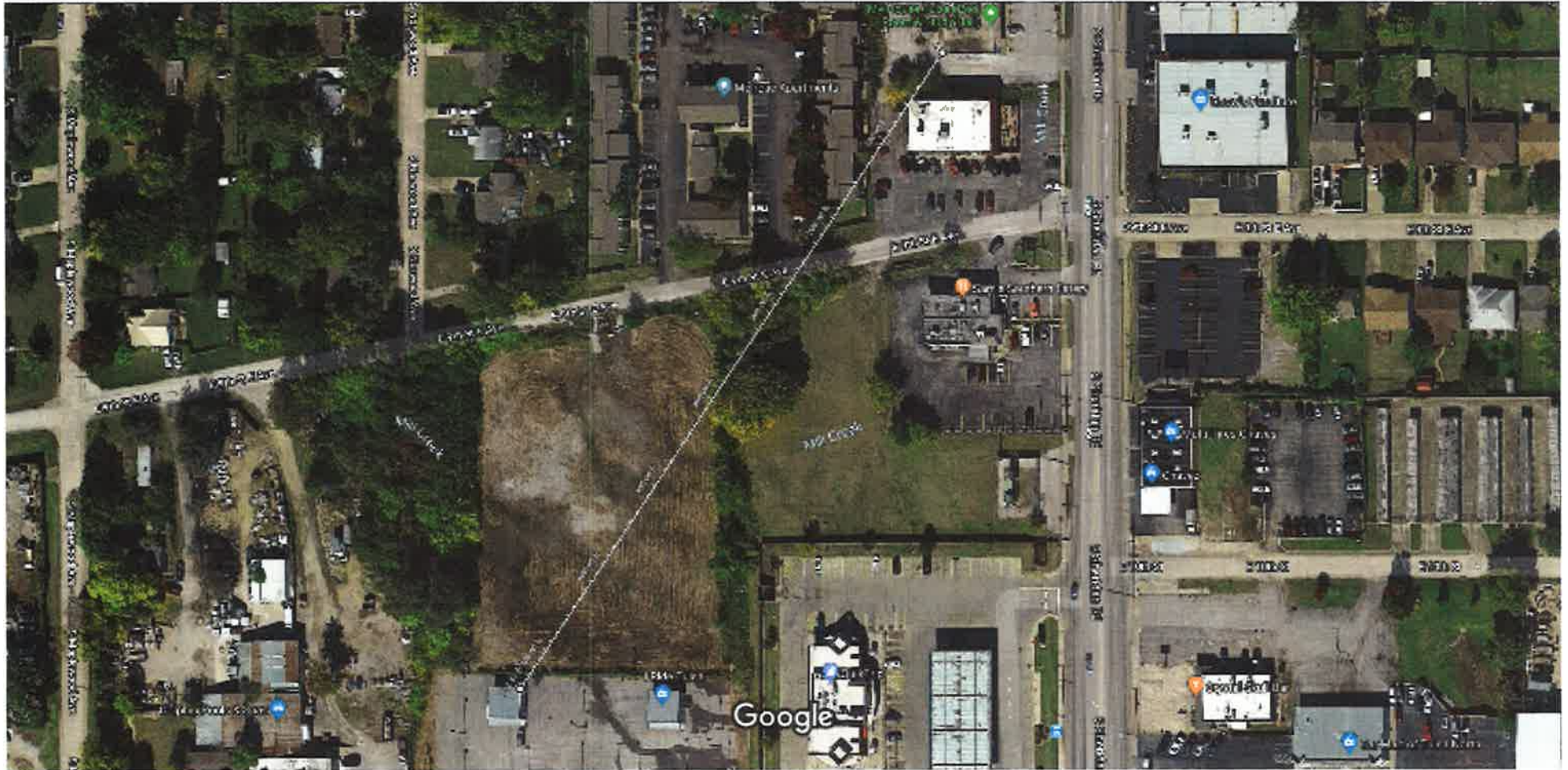
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Imagery ©2019 Maxar Technologies, Map data ©2019 50 ft

Measure distance  
Total distance: 734.57 ft (223.90 m)



17.19



E 4th PL S

E 5 STS

E 5 PL S

E 5 STS

S 67 E AVE

E 5 CTS

S LAKEWOOD AVE

S NORWOOD AVE

E 5 PL S

E 6 STS

S MAPLEWOOD AVE

E 7 STS

E 7 ST S

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E 9 STS

E 10 STS

E 11th ST S

S OXFORD AVE

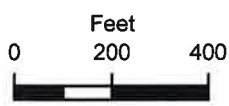
S SHERIDAN RD

S 69 E AVE

E 12 ST S

S NORWOOD AVE

E 12 ST S



 Subject Tract

**BOA-22784**

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

19-13 03

Aerial Photo Date: February 2018



17.20



 Subject Tract

**BOA-22784**

19-13 03

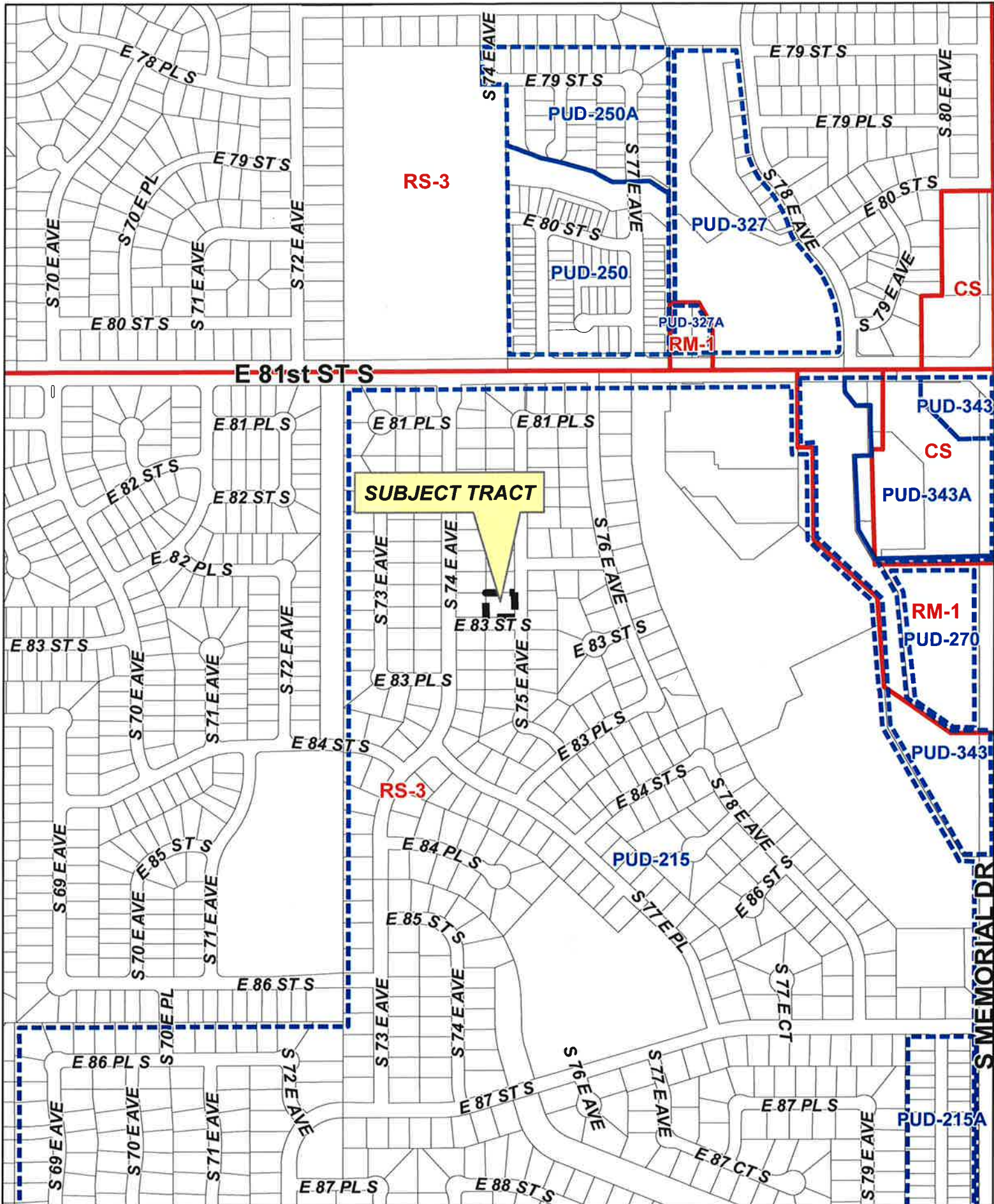
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



17.21

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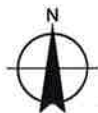


**BOA-22785**



18-13 14

18.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8314

Case Number: **BOA-22785**

**CZM:** 53

**CD:** 8

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Cindy Davis

**ACTION REQUESTED:** Verification of the 300 ft spacing requirement for a family home daycare from another family home daycare (Section 45.070)

**LOCATION:** 7415 E 83 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential / Family Child Care Home

**TRACT SIZE:** 10798.57 SQ FT

**LEGAL DESCRIPTION:** LT 12 BLK 3, SOUTHFIELD ESTATES

**RELEVANT PREVIOUS ACTIONS:**

Subject property: None

Surrounding Properties: None

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RS-3 and located at the NW/c of E. 83<sup>rd</sup> St. S. and S. 75<sup>th</sup> E. Ave.

**STAFF COMMENTS:** The Applicant is requesting **Verification** of the 300 ft spacing requirement for a family home daycare from another family home daycare (Section 45.070)

18.2



**Section 45.070 Family Child Care Homes**

**45.070-A** Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

**45.070-B** Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.

**45.070-C** Family child care homes may provide supervision for no more than 7 children.

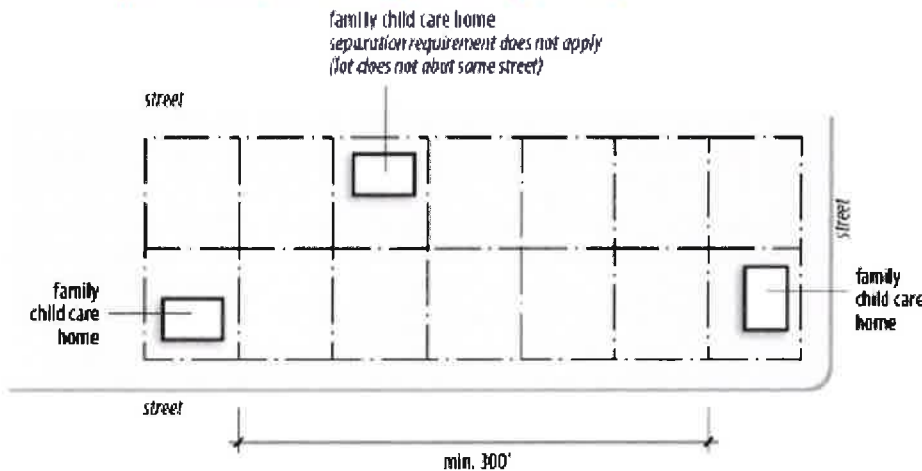
**45.070-D** No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma.

**45.070-E** Signs advertising a family child care home are prohibited.

**45.070-F** No exterior building alterations or site modifications may be made that would change the residential character of the premises.

**45.070-GA** A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets. State-licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

*Figure 45-2: Separation Requirements for Family Child Care Homes*



Included in your packet is an exhibit identifying properties within 300 ft of the subject property and a list of registered Family Home Daycares within the zip code of the subject property. Staff does not know of any family home day cares within 300 ft fo the subject property

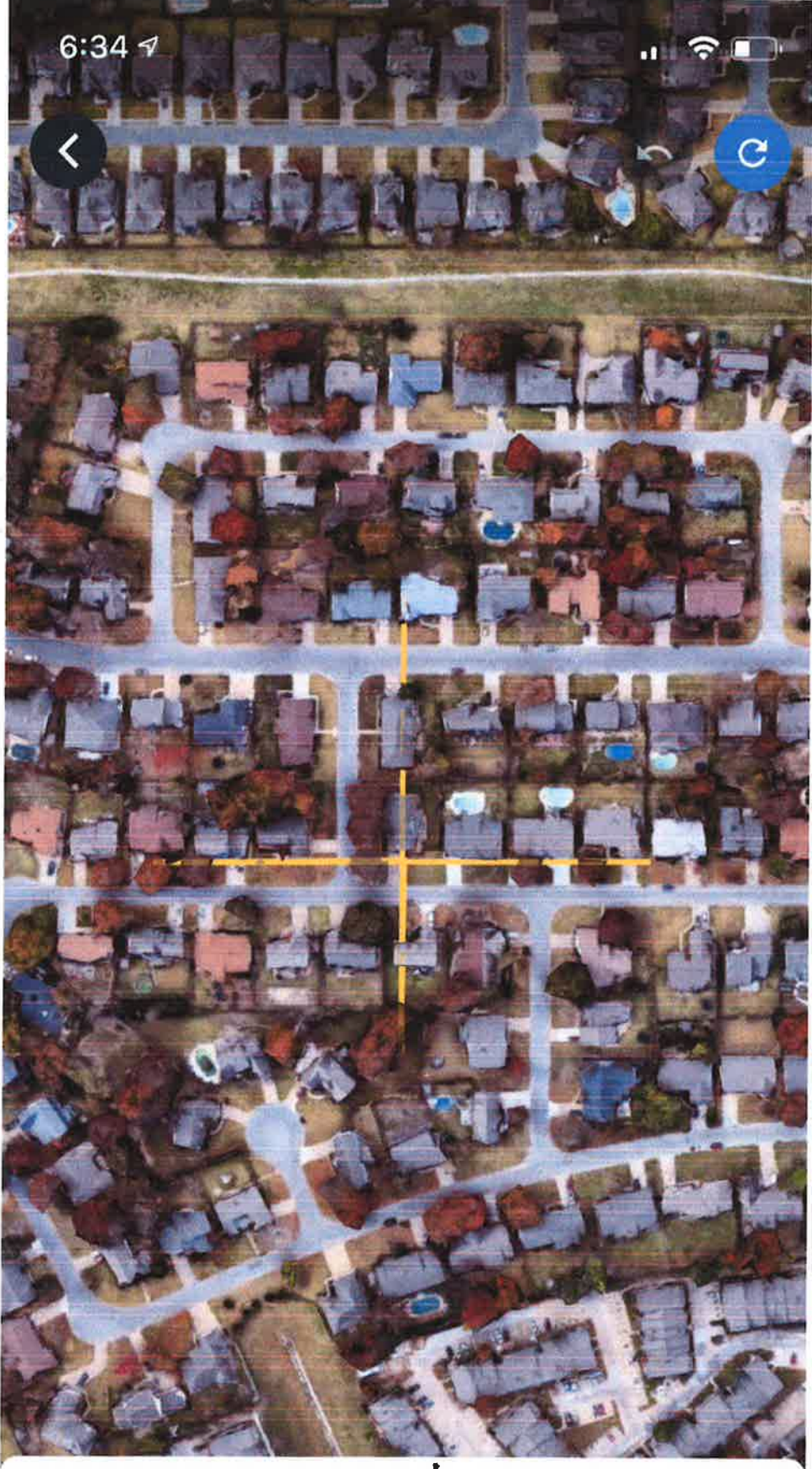
**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot.

18.3



***Subject property***



Distance ?

2,073 ft ▾



18.5



## Oklahoma Child Care Locator

**Selection Criteria:** County=Tulsa; City Name=Tulsa; ZipCode=74133; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

**Click the facility number or name for more information and non-compliance issues.**

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K830054468	29310	★★★	9/1/2018	LEGACY CHILDHOOD EDUCATION CENTERS	Center	9135 E 61ST ST	TULSA	74133	(918) 250-5537	90
K820053223	59541	★★★	2/1/2019	GREENE-ROSS, NICKIA CHILD CARE HOME	Home	6924 E 78TH PL	TULSA	74133	(213) 300-5805	12
K830022042	27151	★★★	5/1/2007	BETHANY COMMUNITY SCHOOL	Center	6730 S SHERIDAN	TULSA	74133	(918) 492-5865	90
K820054858	59767	★★	6/17/2019	HAWKINS, ORLANDO M. CHILD CARE HOME	Home	9219 E 77TH ST	TULSA	74133	(918) 906-3722	7
K830025041	28727	★★	12/1/2011	TREEHOUSE ACADEMY OF TULSA LLC	Center	6605 EAST 93RD ST	TULSA	74133	(918) 392-7852	120
K820047910	58519	★★	11/1/2014	JONES, CARISSA CHILD CARE HOME	Home	8806 E 79TH ST	TULSA	74133	(918) 630-4366	7
K830024436	28329	★★	9/1/2008	JEFFERSON ELEMENTARY EXTENDED DAY PROGRAM	Center	8418 S 107TH E AVE	TULSA	74133	(918) 357-4339	120
K830025002	28791	★★	5/1/2012	UNION 6TH/7TH GRADE EDP	Center	10100 E 61 ST	TULSA	74133	(918) 357-4321	40
K830021188	26657	★★	2/1/2007	GROVE ELEMENTARY-EXTENDED DA	Center	10202 E. 62ND ST	TULSA	74133	(918) 357-8854	80
K830021189	26604	★★	11/1/2006	JARMAN ELEMENTARY	Center	9015 E. 79TH ST	TULSA	74133	(918) 357-8945	120
	26921	★★	6/1/2006	DARNABY	Center	7625 E 87	TULSA	74133	(918)	120

K830021463				ELEM-EXT DAY PROGRAM	ST		357- 8749	
K830021464	26926	★★	5/1/2007	CEDAR RIDGE ELEM-EXT. DAY PR	Center	9817 S MINGO	TULSA 74133 357- 4321	120
K830022851	27442	★★	4/1/2007	GRISSOM BEFORE/AFTER CARE PROGRAM	Center	6646 S 73RD E AVE	TULSA 74133 (918) 833- 9466	40
K830023875		★★	1/1/2011	KINDER CARE (MINGO)	Center	9625 S. MINGO RD	TULSA 74133 (918) 461- 7000	190
K820047308		★	11/1/2009	PETERS, TONYA CHILD CARE HOME	Home	6625 E 103RD ST	TULSA 74133 (918) 344- 1068	12
K830025017		★	9/6/2011	RAINBOW MONTESORRI SCHOOL	Center	9725 E 79TH ST	TULSA 74133 (918) 252- 0079	22
K830054048		★	10/10/2017	PRIMROSE OF SOUTH TULSA	Center	10185 S. 85TH E. AVE	TULSA 74133 (918) 364- 0021	200
K820054701		★	2/6/2019	ASMA SHAHID CHILD CARE HOME	Home	8412 S 107TH E AVE	TULSA 74133 (918) 851- 9779	7
K830054302		★	5/21/2018	GRADE POWER LEARNING	Center	7715 E 91ST ST	TULSA 74133 (918) 250- 5500	30
K820054956		★	8/26/2019	GARNER, SARAH RANAE CHILD CARE HOME	Home	9617 S 88TH E AVE	TULSA 74133 (940) 230- 0317	7
K830025101		★	6/1/2012	LIFE TIME FITNESS KID'S CAMP	Center	10642 SOUTH MEMORIAL ROAD	TULSA 74133 (918) 364- 0551	150
K830052305		★	12/1/2014	CHILDREN'S LEARNING ADVENTURE	Center	8061 E 106TH PLACE	TULSA 74133 (918) 401- 9957	439
K820053329		★	8/9/2016	AUSTIN, DANIELLE CHILD CARE HOME	Home	9320 E 76TH ST	TULSA 74133 (918) 694- 3250	7
K830053740		★	4/3/2017	AVANT GARDE PRESCHOOL AND EARLY LEARNING CENTER	Center	7607 S SHERIDAN RD	TULSA 74133 (918) 497- 1335	87
K820033965	54982	★	7/1/2007	REIDENBACH, TERRI CHILD CARE HOME	Home	8427 S 111 E AVE	TULSA 74133 (918) 638- 5147	12
K820037828	53511	★	11/1/2001	DAVIS, CINDY CHILD CARE	Home	7415 E 83RD ST	TULSA 74133 (918) 671-	12

K820037866	★ 11/28/2006	HOME GALBREATH, ROSEMARY CHILD CARE HOME	Home	10031 S 91ST E AVE	TULSA 74133	6534 (918) 254- 7964	7
K820041913	★ 10/1/2010	OAKLEY, STEPHANIE CHILD CARE HOME	Home	9046 E. 99TH ST	TULSA 74133	(918) 521- 0055	12
K830021482	★ 11/28/2006	FAITH UNITED METHODIST CHURCH	Center	7431 E. 91ST ST.	TULSA 74133	(918) 254- 1934	89
K830023394	★ 11/28/2006	ASBURY PRESCHOOL	Center	6767 S MINGO	TULSA 74133	(918) 392- 1128	269

Page 1 of 2

Next Page Last Page

◆ Facilities with an OKDHS Subsidy Contract are indicated by a ◆ preceding the NUMBER.

Printing problems? The browser File menu contains Page Setup options for printing. To ensure that all information prints, please change the left/right margins to "narrow" and print in "landscape" mode.



Go back to the form to enter another search.

The case files of child care centers and family child care homes are open to the public. Appointments may be made to view these files in the county OKDHS Licensing Services office. A Child Care Licensing Specialist will be available to discuss the file with you and answer any questions you may have about the contents of a file. To locate the telephone number and address of the Child Care Licensing Specialist for your county, please use the Licensing information page. For more information about Child Care Licensing, review the Child Care Locator Fact Sheet.

**Contact us by e-mail - Oklahoma Child Care Services**

Last Updated: 12/07/2017



## Oklahoma Child Care Locator

**Selection Criteria:** County=Tulsa; City Name=Tulsa; ZipCode=74133; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

**Click the facility number or name for more information and non-compliance issues.**

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K820010841		★	11/28/2006	KOONS, ANITA CHILD CARE HOME	Home	7828 E 79 ST	TULSA	74133	(918) 249-0169	12
K820011882		★	6/15/2003	HAMILTON, LINDA CHILD CARE HOME	Home	9314 EAST 93RD ST	TULSA	74133	(918) 252-0157	12

Page 2 of 2

First Page Previous Page

◆ **Facilities with an OKDHS Subsidy Contract are indicated by a ◆ preceding the NUMBER.**

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**Contact us by e-mail - Oklahoma Child Care Services**

Last Updated: 12/07/2017

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**  
**Cindy Davis**  
**7415 E 83 ST**  
**Tulsa, OK 74133**

**October 15, 2019**

**Phone: 918.671.6534**

**APPLICATION NO: COO-044818-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 7415 E 83 ST**  
**Description: Family Day Care**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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)

18.10



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

COO-044818-2019

7415 E 83 ST

October 15, 2019

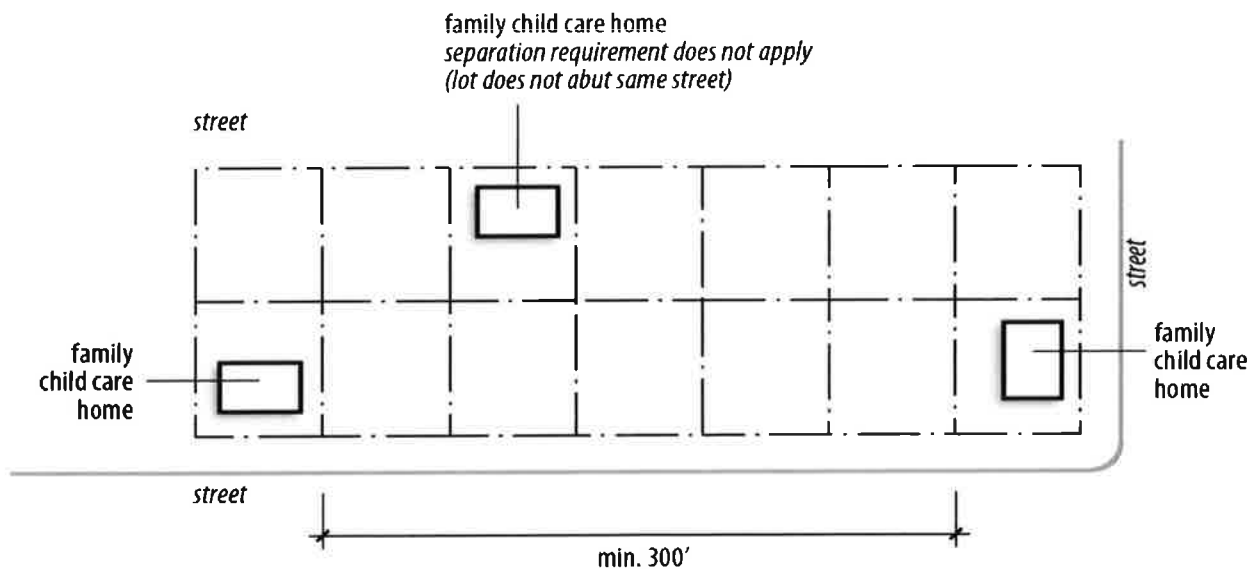
**Note:** Please direct all questions concerning spacing verification, variances and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

**Sec.45.070-G:** Your proposed daycare is designated a Family Child Care Home. Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation. Family child care homes may provide supervision for no more than 7 children. No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma. A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets (see Figure 45-2 below). State licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

**Review comment:** Submit a copy of the 300 foot Spacing and Separation Distance Verification, reviewed and approved per Sec.70.110. A variance reviewed and approved, per Sec.70.130 is required if your lot fails to meet the 300 foot spacing requirement.

**Figure 45-2: Separation Requirements for Family Child Care Homes**



**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.





E83 STS

S76 EAVE

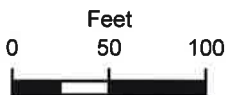
S74 EAVE

E83 PLS

E83 STS

E83 PLS

S75 EAVE



Subject  
Tract

**BOA-22785**

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

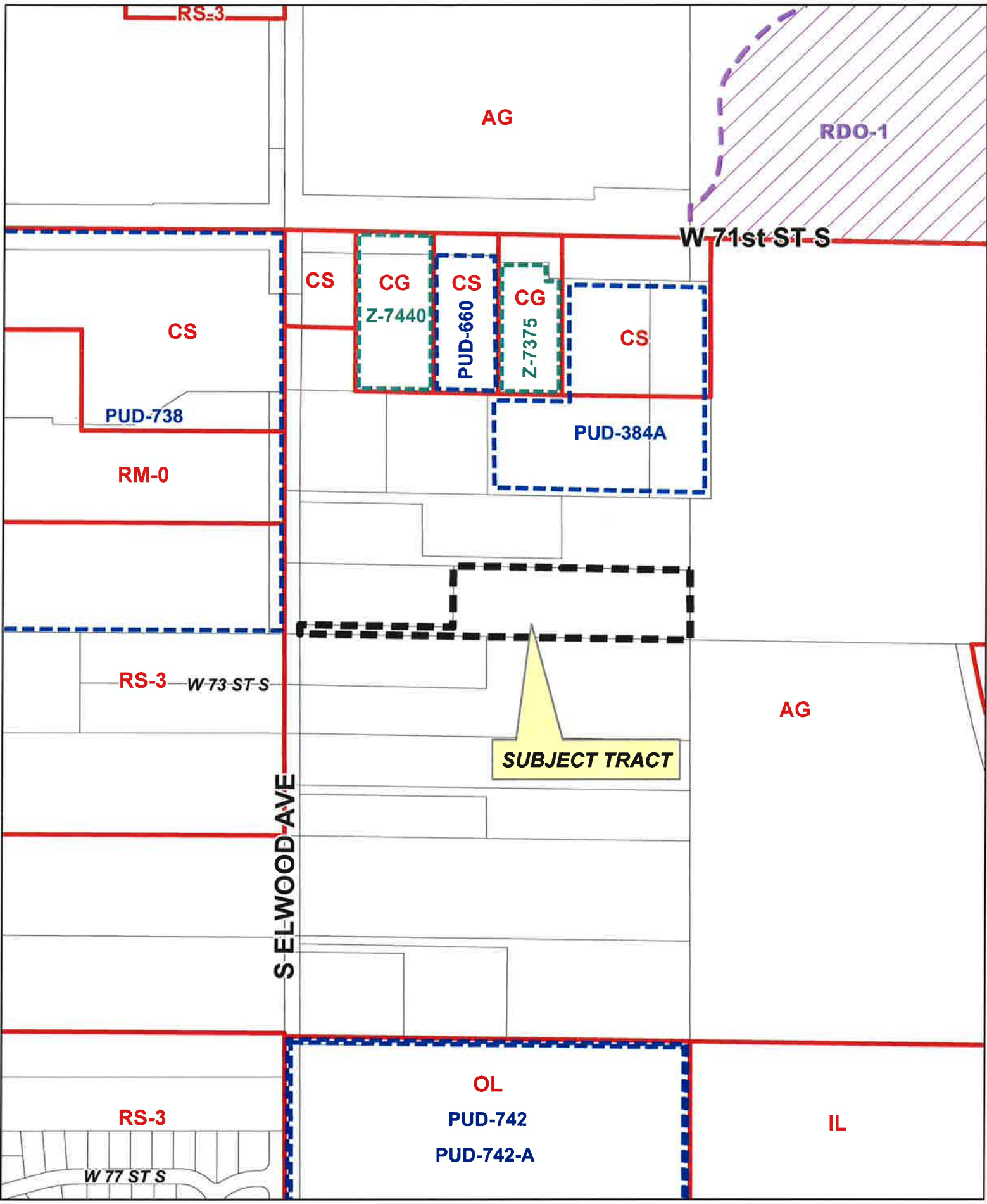
18-13 14

Aerial Photo Date: February 2018

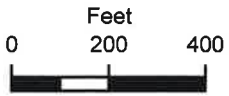


18.14

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**SUBJECT TRACT**



**BOA-22786**

18-12 12

19.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 8212

Case Number: **BOA-22786**

**CZM:** 51

**CD:** 2

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Erik Enyart

**ACTION REQUESTED:** Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F)

**LOCATION:** 7323 S. ELWOOD AVE

**ZONED:** AG

**PRESENT USE:** Vacant

**TRACT SIZE:** 193171.97 SQ FT

**LEGAL DESCRIPTION:** S235 NW NW LESS N200 W550 & LESS W50 S35 THEREOF SEC 12 18 12 4.430ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability."

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an AG zoned property located South of the SE/c of S. Elwood and W. 71<sup>st</sup> St S.

**STAFF COMMENTS:** The applicant is requesting a **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F)

19.2

## 55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [Section 55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [Section 30.010-1.2](#). (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

**STATEMENT OF HARDSHIP:** The applicant provided a statement justifying the requested relief that is included with your packet.

### **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

*a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

19.3



*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*



***Subject Tract***



***Facing North on Elwood***

**NOTES**

GRAZING AND EROSION CONTROL PLAN

1. ALL GRAZING AND EROSION CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY STANDARD CONSTRUCTION SPECIFICATION.
2. ALL EROSION CONTROL CONSTRUCTION SHALL BE INSPECTED BY THE PUBLIC WORKS DEPARTMENT UTILITY INSPECTOR, IN ACCORDANCE WITH CITY POLICY.
3. EROSION CONTROL SHALL START WITH INITIAL CONSTRUCTION AND BE PRACTICED THROUGHOUT THE PROJECT.
4. HAY BALE DIKES OR SBT FENCES SHALL BE CONSTRUCTED ADJACENT TO ALL DRAINAGEWAYS, AND IN ALL AREAS THAT WILL ENDSIDE INTO THE STORM SEWER SYSTEM.
5. WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR 14 DAYS, THE DISTURBED AREAS SHALL BE STABILIZED WITH SEED AND MULCH.
6. THE CONTRACTOR SHALL FENCE ALL AREAS DISTURBED DURING CONSTRUCTION AND CONTRACTOR SHALL BE RESPONSIBLE FOR SEEDING AREAS UNTIL GROWTH IS ESTABLISHED TO A MINIMUM HEIGHT OF TWO (2) INCHES.
7. THERE ARE NO OFFSITE MATERIAL, WASTE, BORROW OR EQUIPMENT STORAGE AREAS.
8. THE STORM WATER POLLUTION PREVENTION PLAN SHALL BE UPDATED AS NECESSARY TO REMAIN CONSISTENT WITH ANY CHANGES APPLICABLE TO PROTECT SURFACE WATER RESOURCES IN RESPECT TO EROSION SITE PLANS OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY STATE OR LOCAL OFFICIALS FOR WHICH THE PERMITTEE RECEIVES WRITTEN NOTICE.



EXISTING UNDEGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND PLANS HAVE BEEN SENT TO THE AFFECTED UTILITY OWNERS FOR VERIFICATION OR EXISTING LINES. BEFORE YOU DIG, CONTACT OKDE: 1.800.222.4543

AT&T COMPANY  
COX COMMUNICATION  
OKLAHOMA NATURAL GAS COMPANY  
SOUTHWESTERN BELL TELEPHONE COMPANY  
AMERICAN ELECTRIC POWER (AEP)

**EROSION CONTROL LEGEND**

- SWALE IN GRADE
- DOWNSPOUT
- DOWNSPOUT TO SPLASH PAD
- UNDERGROUND LEADER, DISCHARGE AT CURB
- NEW DRAINAGE FLOW
- EXISTING DRAINAGE FLOW
- HAY BALE
- SILT FENCE

**LEGAL DESCRIPTION**

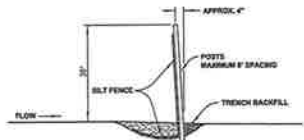
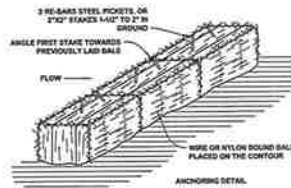
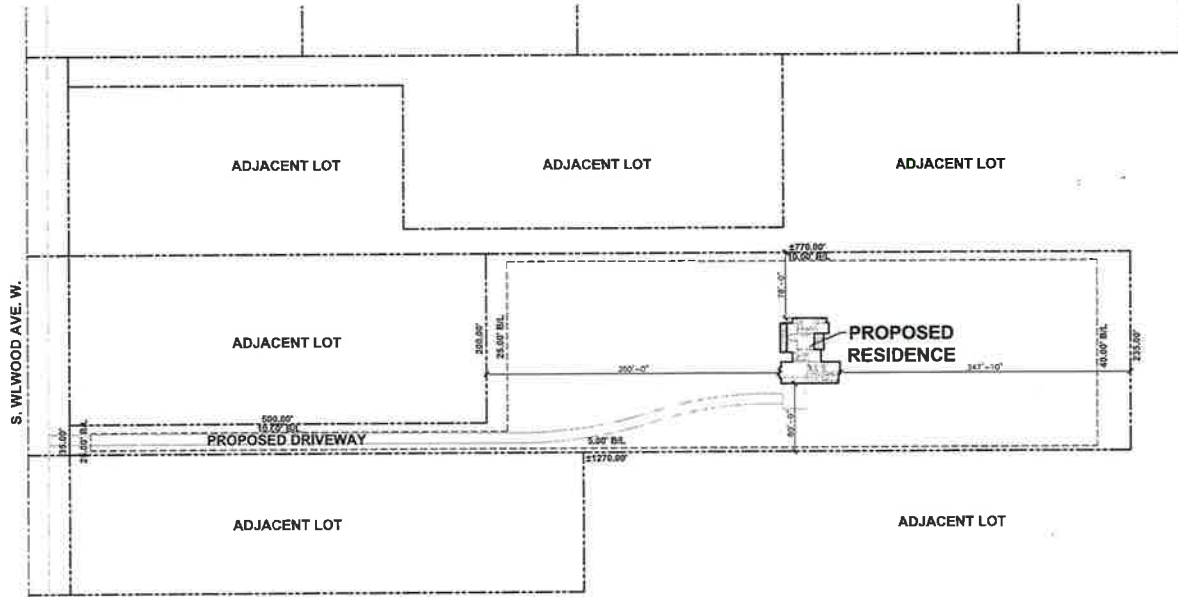
- 5232 9th NW LESS 80th WIDE & LESS 7th SW 6th THEREOF SEC 12 1E 12 48-24-08C TULSA COUNTY OKLAHOMA

**LIVABILITY SPACE**

- ZONING = AO
- LOT SIZE = 4.43 ACRES
- STRUCTURE HEIGHT = 30' 0"
- FIRST FLOOR FRAMED = 3,628 SQ.FT.
- SECOND FLOOR FRAMED = 368 SQ.FT.
- TOTAL FRAMED = 3,996 SQ.FT.
- GARAGE = 878 SQ.FT.
- PORCH = 488 SQ.FT.

**SURVEY DISCLAIMER**

- THIS SITE PLAN IS DRAWN WITHOUT THE BENEFIT OF A BOUNDARY SURVEY, BOUNDARY AND EXISTING STRUCTURE LOCATIONS ARE APPROXIMATE BASED ON FIELD INFORMATION AND ARE FOR ILLUSTRATIVE PURPOSES ONLY.



1. POST SHALL BE ANGLED SLIGHTLY TOWARDS RUNOFF SOURCE.
2. THE TOP OF THE SILT FENCE SHALL BE TRIMMED IN AND BACKFILLED.
3. THE TRENCH SHOULD BE 1' DEEP BY 2' TO 4' WIDE TO ALLOW SILT TO BE LAD IN AND BACKFILLED.
4. SILT FENCE SHALL BE FASTENED TO POSTS OR TO HOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT PROMPT.
6. SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO IMPED STORM WATER FLOW.
7. TRAPPED SEDIMENT SHALL BE DISPOSED OF IN AN APPROVED MANNER AND LOCATION WHICH WILL NOT CONTRIBUTE TO ADDITIONAL POLLUTION.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHED DEPTH OF 8" TO 1" AND DISPOSED OF AS IN NOTE 7 ABOVE.

**3 SILT FENCE DETAIL**  
SCALE: NONE

**2 HAY BALE DIKE DETAIL**  
SCALE: NONE

**1 ARCHITECTURAL SITE PLAN**  
SCALE: 1/8" = 1'-0"



wdesign  
ARCHITECTURE & INTERIORS  
815 E. 3rd Street, Suite C  
Tulsa, OK 74120  
Office: 918.794.6616  
Fax: 918.794.6602  
www.wdesignnfo.com



PROJECT:

**MURPHY RESIDENCE**

PROJECT #  
**19147**

7323 S. Elwood Ave.  
Tulsa, OK  
74132

FARMHOUSE-014

CONSULTANT:



REVISIONS

REV.	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	08/05/2019
2	ISSUE FOR PERMIT	08/05/2019
3	ISSUE FOR PERMIT	08/05/2019
4	ISSUE FOR PERMIT	08/05/2019
5	ISSUE FOR PERMIT	08/05/2019
6	ISSUE FOR PERMIT	08/05/2019
7	ISSUE FOR PERMIT	08/05/2019
8	ISSUE FOR PERMIT	08/05/2019
9	ISSUE FOR PERMIT	08/05/2019
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38	ISSUE FOR PERMIT	08/05/2019
39	ISSUE FOR PERMIT	08/05/2019
40	ISSUE FOR PERMIT	08/05/2019
41	ISSUE FOR PERMIT	08/05/2019
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47	ISSUE FOR PERMIT	08/05/2019
48	ISSUE FOR PERMIT	08/05/2019
49	ISSUE FOR PERMIT	08/05/2019
50	ISSUE FOR PERMIT	08/05/2019

ISSUE DATE:  
08.05.2019

SHEET NAME:  
**ARCHITECTURAL SITE PLAN**

SHEET #:

**SP**

19.6

**Exhibit A**  
**19118 Board of Adjustment Application**  
**Property Description**

**Description**

The South Two hundred thirty-five (235.0) feet of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, LESS AND EXCEPT the North Two hundred (200) feet of the West Five hundred fifty (550) feet, and LESS AND EXCEPT the West Fifty (50) feet of the South Thirty-five (35) feet thereof, all situated in the County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof.

# 7323 S. Elwood Ave.

Tulsa, Oklahoma

BOA-\_\_\_



October 2019

OWNER:

**Precision Project Management, Inc.**

9128 S. Braden Ave., Ste. 201

Tulsa, OK 74137

Phone: (918)970-6102

CONSULTANT:

**Tanner Consulting, L.L.C.**

5323 South Lewis Avenue

Tulsa, Oklahoma 74105

Phone: (918)745-9929

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<b>II. PROJECT CONCEPT.....</b>	<b>3</b>
<b>EXHIBIT LIST:</b>	
Exhibit A: Aerial Photography & Boundary Depiction .....	4
Exhibit B: Conceptual Site Plan .....	5
<b>III. VARIANCE REQUEST AND JUSTIFICATION .....</b>	<b>6</b>

## I. PROPERTY DESCRIPTION

The subject property consists of 4.43 acres addressed 7323 South Elwood Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

The South Two hundred thirty-five (235.0) feet of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, LESS AND EXCEPT the North Two hundred (200) feet of the West Five hundred fifty (550) feet, and LESS AND EXCEPT the West Fifty (50) feet of the South Thirty-five (35) feet thereof, all situated in the County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

## II. PROJECT CONCEPT

The subject property is a vacant, wooded tract of 4.43 acres zoned AG Agricultural District. The subject property has a flag lot configuration and has been in existence since 2000, if not earlier. The subject property was acquired by Precision Project Management, Inc. in early 2018, who filed an application for building permit (BLDR-039648-2019) for a single-family dwelling in 2019.



**EXHIBIT A**  
**Aerial Photography & Boundary Depiction**





### III. VARIANCE REQUEST AND JUSTIFICATION

The subject property is in a unique area of the City of Tulsa, perched on a bluff overlooking the Arkansas River. The rural residential tracts along the east side of Elwood Avenue apparently were created at a depth of ¼ mile, and many have since been split into "front" lots and "back" flag lots. Exhibit A is an aerial depiction showing the subject property and the neighborhood context and Exhibit B is a the Architectural Site Plan submitted with the building permit application.

Tulsa Zoning Code Section 50.090-F.1. requires, in relevant part,

"All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code."

Per the Architect's building plan set, the proposed dwelling will have a three (3) car garage with a paved parking pad in front providing additional off-street parking. Further, the apron (defined herein as that portion of the driveway within the Elwood Ave. right-of-way) will be paved to prevent gravel from being dragged onto the street. Between the parking pad and the apron, the drive itself is proposed to be gravel.

The driveways serving the rural residential lots in this area are almost all gravel, especially when the flag-lot configuration dictates a long driveway length. This application request a variance from the paving requirement of Zoning Code Section 50.090-F.1. for the driveway between the parking pad and the apron.

At 500 feet in length, the "handle" portion of the subject property flag lot is exceptionally long, owing to the original configuration of the area with ¼-mile deep tracts. This unique configuration dictates the exceptionally long driveway. The requirement to pave the entire length would constitute an unnecessary hardship on the owner, as the owner does not need paving for access, will meet the purpose and intent of the Zoning Code and Comprehensive Plan, and as further outlined in the following paragraphs.

The Zoning Code's paving requirement expresses intent to ensure cars are parked on a paved surface. This will be achieved by the 3-car garage and parking pad. The Zoning Code's requirement is evidently generally intended to apply to dense, "City lots," where the driveway is typically in the range of 25', and where paving is thus expected along the entire length.

The variance requested is the minimum necessary, only that part between the parking pad and the apron.

The variance, if granted, will allow the proposed dwelling to maintain the rural residential character of this established neighborhood.

For all the reasons above, we believe that the variance requested (1) if the strict letter of the regulations were carried out, the physical surroundings, shape, and other inherent physical conditions of the subject property would result in unnecessary hardship and/or practical difficulties for the property owner, as distinguished from a mere inconvenience, (2) that the literal enforcement of the subject Zoning Code provisions is not necessary to achieve the provisions' intended purposes, (3) that the conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification, (4) that the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner, (5) that the variance requested is the minimum variance that will afford relief, (6) that the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and (7) that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.

# Murphy Residence

Tulsa County

7323 S. Elwood Ave., Tulsa, OK 74132

Job # 19147

## CONTRACTOR DIRECTIVES

- ALL WORK SHALL CONFORM TO THE INTERNATIONAL RESIDENTIAL CODE OF REGULATIONS (IRC 2015).
- PRIOR TO BIDDING, THE GENERAL CONTRACTORS SHALL VISIT AND INSPECT THE SITE AND FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS EXPECTING THE NEW WORK. THE GENERAL CONTRACTOR SHALL NOT DISPUTE OR ASSERT THAT THERE IS ANY MISUNDERSTANDING IN REGARD TO LOCATION, EXTENT, NATURE, OR AMOUNT OF WORK TO BE PERFORMED UNDER THIS CONTRACT DUE TO THE CONTRACTOR'S FAILURE TO INSPECT THE SITE.
- THE GENERAL CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UNDERGROUND UTILITIES IN ALL AREAS OF NEW WORK PRIOR TO COMMENCEMENT OF ANY EXCAVATION. EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE APPROXIMATE ROUTING LOCATIONS AS BEST DETERMINED FROM EXISTING SURVEY, BUT SHOULD NOT BE CONSTRUED TO REPRESENT ALL EXISTING UTILITIES.
- FIELD VERIFY MEANS THE CONTRACTOR IS REQUIRED TO FIELD SURVEY THE NOTED CONDITION AND/OR DIMENSION PRIOR TO CONSTRUCTION OR PREPARATION OF SUBMITTAL SHOP DRAWINGS AND INTEGRATE FIELD SURVEY INFORMATION INTO THE CONSTRUCTION.
- THE ORGANIZATION OF THE DRAWINGS AND SPECIFICATIONS SHALL NOT CONTROL THE CONTRACTOR IN DIVIDING THE WORK AMONG SUBCONTRACTORS OR ESTABLISHING THE EXTENT OF WORK TO BE PERFORMED BY TRADE.
- IN THE EVENT OF A CONFLICT BETWEEN DRAWINGS OR BETWEEN A DRAWING AND SPECIFICATION ITEM, THE DRAWING OR SPECIFICATION ITEM, REQUIRING THE GREATER EXTENT, LARGER NUMBER OR HIGHER QUALITY SHALL GOVERN. IN ADDITION, W DESIGN LLC. MUST BE NOTIFIED OF ANY AND ALL DISCREPANCIES IN DIMENSIONS AND SIZES, PRIOR TO CONSTRUCTION, TO ASSIST IN PROVIDING THE CORRECT INFORMATION.
- ALL ITEMS OF MECHANICAL, ELECTRICAL, AND PLUMBING DETAILS AND LOCATIONS MAY NOT NECESSARILY APPEAR ON THE ARCHITECTURAL DRAWINGS. THE DRAWINGS PROVIDED MUST BE REVIEWED WITH THE APPROPRIATE SUBCONTRACTOR PRIOR TO CONSTRUCTION, UNLESS THE ARCHITECT OF RECORD HAS CONSULTED WITH THE APPROPRIATE LICENSED ENGINEER. W DESIGN, LLC. WILL NOT BE RESPONSIBLE FOR FIELD CHANGES DUE TO THE MENTIONED TRADES.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL WINDOW AND DOOR ROUGH OPENINGS PRIOR TO ANY FRAMING OF OPENINGS.
- CHANGES TO THE CITY APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY AN ADDENDA OR A CHANGE ORDER. ADDENDA OR CHANGE ORDERS MUST BE APPROVED BY THE ARCHITECT OF RECORD AND THE CITY HOLDING JURISDICTION.
- THE EXISTING GRADE IS A FIELD SURVEY OF EXISTING CONDITIONS PROVIDED BY OWNER. THE ELEVATIONS MEASUREMENTS ARE ONLY APPROXIMATE AND NOT 100% ACCURATE. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND COORDINATE ALL NECESSARY ADJUSTMENTS WITH OWNER.

## W DESIGN, LLC.

RESERVES THE COMMONLAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF W DESIGN, LLC. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT OBTAINING SAID WRITTEN PERMISSION AND CONSENT. W DESIGN, LLC. IS NOT RESPONSIBLE FOR ANY DISCREPANCY BETWEEN THESE PLANS AND ANY LOCAL CODES AND ORDINANCES HAVING JURISDICTION OVER THE CONSTRUCTION SITE. W DESIGN, LLC. RECOMMENDS THAT THE OWNER OF THESE PLANS HAVE THEM REVIEWED BY THE PROPER AUTHORITIES TO DETERMINE IF ANY DISCREPANCIES EXIST AND HAVE ANY NECESSARY CORRECTIONS MADE PRIOR TO CONSTRUCTION.



## TABLE OF CONTENTS

CS	COVER SHEET
SP	SITE PLAN
A1	FLOOR PLAN - FIRST FLOOR
A2	FLOOR PLAN - SECOND FLOOR
A3	ELEVATIONS
A4	ELEVATIONS
A5	ROOF PLAN
A6	WALL SECTIONS / EAVE DETAILS
A7	FINISH PLAN - FIRST FLOOR
A8	FINISH PLAN - SECOND FLOOR

## PROJECT TEAM

ARCHITECT  
W DESIGN, LLC  
515 EAST 3RD STREET, STE. C  
TULSA, OK 74120  
918.794.6616  
ARCHITECT OF RECORD:  
WELDON J. BOWMAN, AIA, NCARB

GENERAL CONTRACTOR  
RUEL CONSTRUCTION  
9128 S. BRADEN AVE., SUITE 201  
TULSA, OK 74137



wdesign  
ARCHITECTURE & INTERIORS  
815 E. 3rd Street, Suite C  
Tulsa, OK 74120  
Office: 918.794.6616  
Fax: 918.794.6602  
www.wdesignllc.com



PROJECT:

**MURPHY  
RESIDENCE**

PROJECT #  
19147

7323 S. Elwood Ave.  
Tulsa, OK  
74132

FARMHOUSE-014

CONSULTANT:



REVISIONS:

NO.	DATE	DESCRIPTION
1	08.05.2019	ISSUE DATE

ISSUE DATE:  
08.05.2019

SHEET NAME:  
**COVER  
SHEET**

SHEET #:

**CS**

19.15



*Facing South on Elwood*

19.16

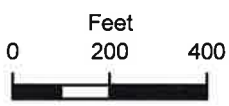


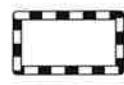
W 71st ST S

W 73 ST S

S SELWOOD AVE

W 77 ST S



 Subject Tract

**BOA-22786**

18-12 12

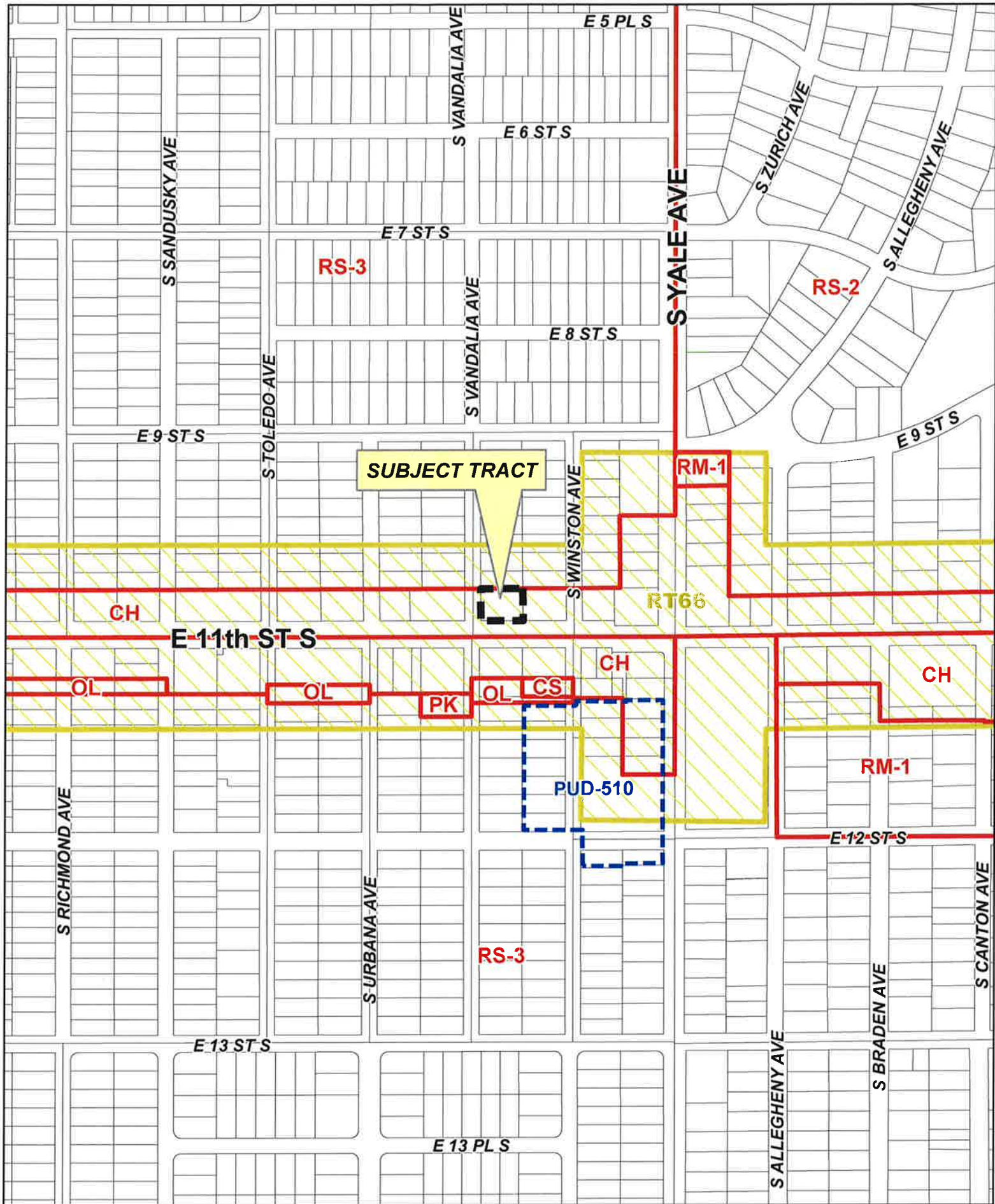
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



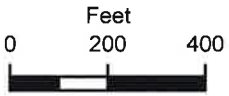
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**SUBJECT TRACT**

**BOA-22787**



19-13 04

20.1





**BOARD OF ADJUSTMENT  
CASE REPORT**

STR: 9304

Case Number: **BOA-22787**

CZM: 37

CD: 4

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Chong Xiong

ACTION REQUESTED: Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: Property Address: 4701 E 11 ST S Tenant Space: 4713 E 11 St S      ZONED: CH

PRESENT USE: Vacant Retail Space

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT-10-BLK-1, WINSTON HGTS

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

ANALYSIS OF SURROUNDING AREA: The subject tract is a CH zoned Tract located West of the NW/c of S. Yale Avenue and E. 11<sup>th</sup> Street S.

STAFF COMMENTS:

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

The applicant provided an exhibit showing a circle with a 1,000 ft radius around the location of their proposed dispensary listing no other dispensaries int that circle. The applicant also provided an exhibit showing the next closest dispensary as being Route 66 Cannabis Dispensary located near the intersection of E. 11<sup>th</sup> Street and S. Sheridan Road. At this time the applicant has not been issued a Dispensary license from OMMA.

20.2

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



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



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



*Location of Proposed Dispensary*

# SAFE Map

EDGE NCES



## Locate

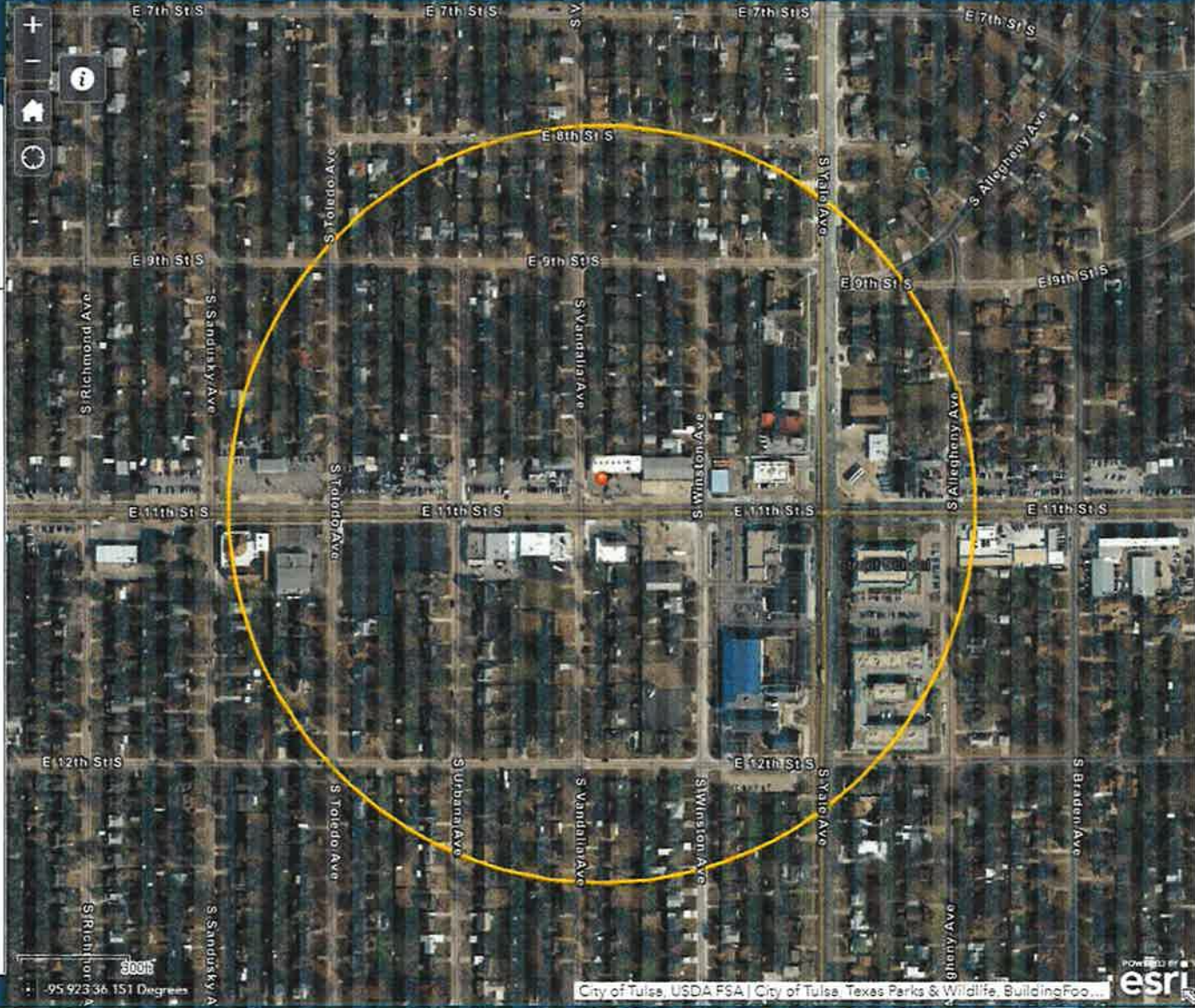
Search for an address or locate on map

.4713 E 11th St S, Tulsa, OK, 741 X

Show results within 1000 Feet

0 12000

No results found



800ft  
: -95.92336 151 Degrees

20.6



20.7

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

October 8, 2019

Chong Xiong  
18115 E 112 SN  
Owasso, OK 74055

Phone: 918.407.0116

APPLICATION NO: **COO-044684-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 4713 E 11 ST

Description: Medical Marijuana Dispensary

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

AP Number

Address

Date

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. **Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**Note:** All references are to the City of Tulsa Zoning Code. [Link to Zoning Code:](http://www.tmapc.org/Documents/TulsaZoningCode.pdf)

<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.

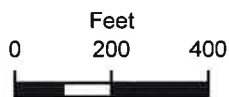
A hard copy of this letter is available upon request by the applicant.

## 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.





Subject Tract

**BOA-22787**

19-13 04

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

Aerial Photo Date: February 2018



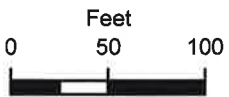
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**E 11th ST S**

**S VANDALIA AVE**

**S WINSTON AVE**



*Subject  
Tract*

**BOA-22787**

19-13 04

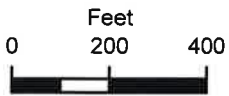
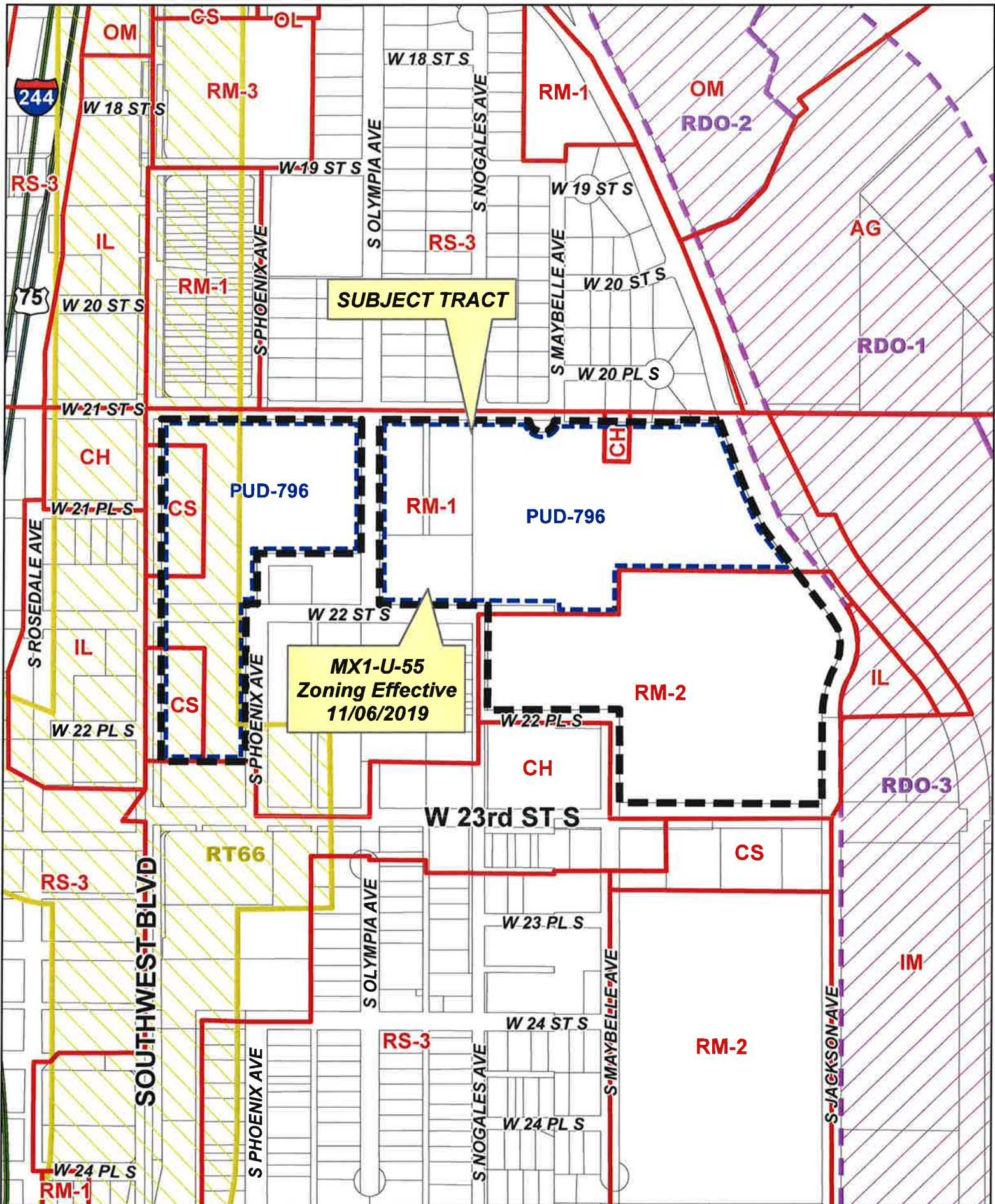
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: February 2018*



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**BOA-22788**

19-12 14

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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9214

**Case Number:** BOA-22788

**CZM:** 36

**CD:** 2

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Mark Capron

**ACTION REQUESTED:** Variance to reduce the required Transparency Percentages for a Building Facade in a MX-1-U District (Sec. 10.030-C, Table 10-5); Variance of the required Minimum parking ratios for an Apartment/Condo in an MX-1-U District (Sec. 55.020; Table 55-1)

**LOCATION:** 2202 S PHOENIX AV; 1002 W 21 ST S; 2212 S JACKSON AV; 1002 W 21 ST S; 2143 S OLYMPIA AV W  
**ZONED:** MX-1-U-55

**PRESENT USE:** Tulsa Housing Authority

**TRACT SIZE:** 1745321.31 SQ FT

**LEGAL DESCRIPTION:** A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS, AND A TRACT OF LAND LYING IN BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; SAID LINE BEING ON THE NORTH LINE OF SAID BLOCK THREE (3); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET; THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 212.36 FEET; THENCE S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF 142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVERVIEW PARK ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST LINE OF SAID BLOCK THIRTY-THREE (33); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 15.50 ACRES MORE OR LESS AND BLOCK ONE (1) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Neighborhood Center**

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

21.2

## **Park and Open Space**

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system.

Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible. This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks. These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, River Parks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks. This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

## **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.

### **Existing Neighborhood**

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

### **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 proximity 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."

#### **Area of Stability**

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract was recently rezoned to MX1-U55 in order to accommodate improvements planned by the Tulsa Housing Authority as a part of their River West Development.

**STAFF COMMENTS:** The Applicant is requesting **Variance** to reduce the required Transparency Percentages for a Building Facade in a MX-1-U District (Sec. 10.030-C, Table 10-5); **Variance** of the required Minimum parking ratios for an Apartment/Condo in an MX-1-U District (Sec. 55.020; Table 55-1)

**Table 10-5: Lot and Building Regulations for -U Character Zones**

Minimum Lot Area (sq. ft.)		Min. Parking Setbacks (feet)(see also §55.080-C)[1]	
Townhouse	1,600	Primary street	30
Apartment/condo	7,500	Secondary street or R zoning district	10
All other	3,500	Nonresidential district	0
Minimum Lot Width (feet)		Min. Ground Floor Ceiling Height (feet)	
Townhouse	20	Vertical mixed-use, mixed-use and commercial buildings	14
Apartment/condo	50	Other buildings	-
All other	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)		Vertical mixed-use buildings	
	20	Ground floor	40
Minimum Open Space per Unit (sq. ft.)		Upper floors	20
Townhouse	200	Commercial buildings and mixed-use buildings	
Apartment/condo/mixed-use	100	Ground floor	35
Minimum Building Setbacks (feet)		Upper floors	20
Street	0	Other buildings	20
Abutting R district	10	Street-facing Entrance Required	
Abutting nonresidential district	0		Yes
Abutting alley	5		
Build-to-Zone (BTZ) (minimum/maximum in feet)			
Primary street BTZ (%)	60		
Secondary street BTZ (%)	30		

**Table 55-1: Minimum Motor Vehicle Parking Ratios**

USE CATEGORY	Measurement (spaces per)	CBD District	CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory					
Specific use					
[1] See Section 20.040 for information on PI Overlay					
RESIDENTIAL					
Household Living					
Detached house	dwelling unit	0.00	1.00	2.00	
Townhouse	dwelling unit	0.00	1.00	2.00	
Duplex	dwelling unit	0.00	1.00	2.00	
Manufactured housing unit	dwelling unit	0.00	1.00	2.00	
Mobile home	dwelling unit	0.00	1.00	2.00	
Multi-unit house	0-1 bedroom dwelling unit	0.00	1.10	1.25	
Multi-unit house	2+ bedroom dwelling unit	0.00	1.50	2.00	
Apartment/condo	0-1 bedroom dwelling unit	0.00	1.10	1.25	
Apartment/condo	2+ bedroom dwelling unit	0.00	1.75	2.00	

Per the applicant's application they are requesting a reduction in transparency percentages from 20% to 10% for other building and a reduction in the parking ratios to 1 space per dwelling unit.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required Transparency Percentages for a Building Facade in a MX-1-U District (Sec. 10.030-C, Table 10-5) and a **Variance** to reduce the required Minimum parking ratios for an Apartment/Condo in an MX-1-U District (Sec. 55.020; Table 55-1)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.

21.5



- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

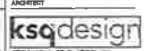
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

21.6



*Portion of Subject Tract taken from Nogales Ave*

8.12



2222 Avenue PC via 2100000  
 2222 Avenue PC via 2100000  
 Tulsa, OK 74103  
 (918) 242-1111  
 www.ksqdesign.com

Owner  
 Tulsa Housing Authority  
 111 East Independence  
 Tulsa, OK 74103  
 (918) 242-1111  
 www.tulsa.gov

CMR Engineer  
 Wallace Engineering  
 121 N. Martin Luther King Jr Blvd  
 Tulsa, OK 74103  
 (918) 242-1111  
 www.wallaceeng.com

MEP Engineer  
 WSP Engineering Inc  
 1818 E. 10th  
 Tulsa, OK 74103  
 (918) 242-1111  
 www.wspengineering.com

Landscaper/Architect  
 Wood and Partners  
 801 N. Lincoln Avenue  
 Tulsa, OK 74103  
 (918) 242-1111  
 www.woodandpartners.com

THIS DOCUMENT IS PRELIMINARY  
 IN NATURE AND IS NOT A FINAL  
 DESIGN AND SHALL BE SUBJECT TO  
 CHANGE.

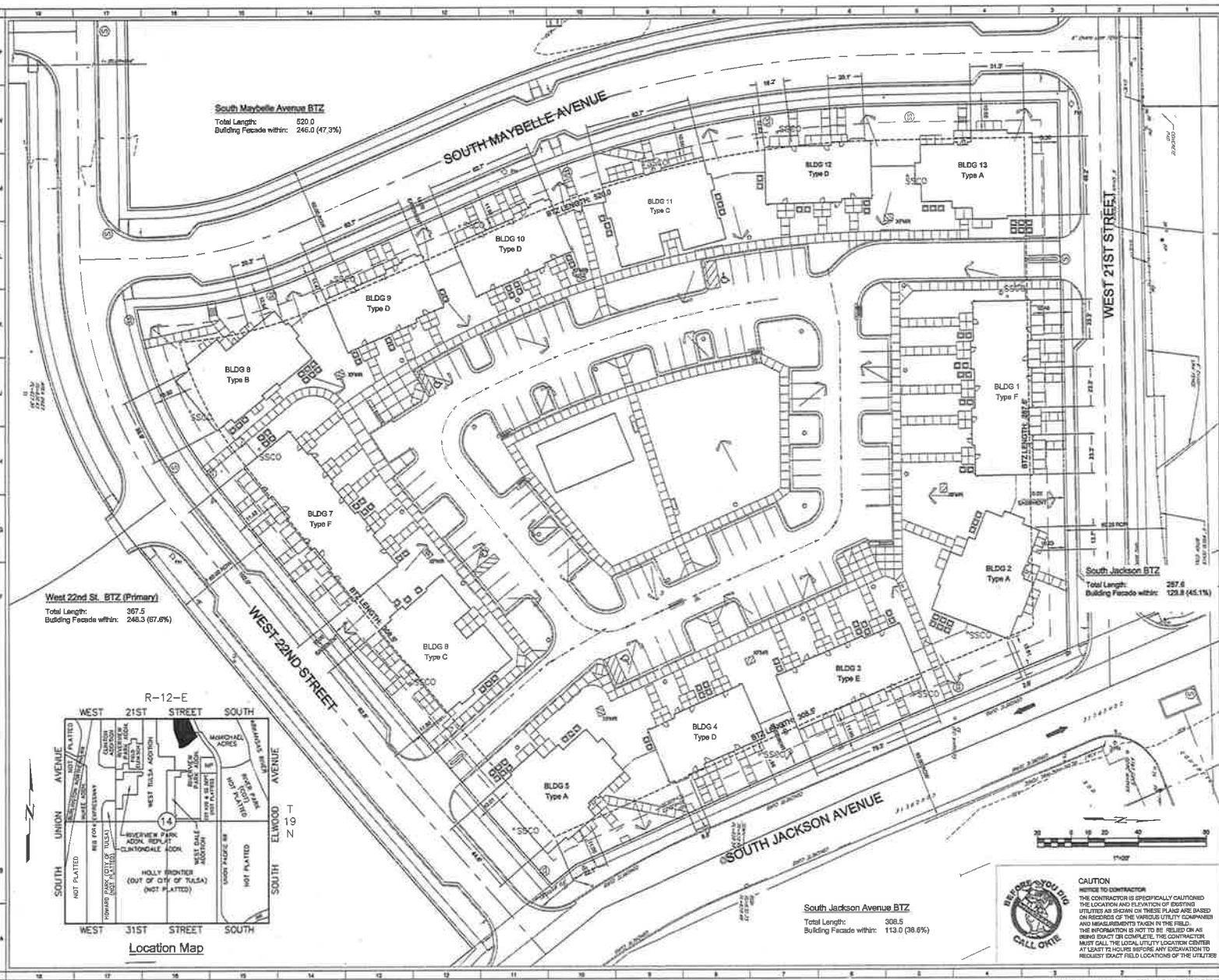
RIVER WEST CHN  
 HOUSING DESIGN  
 PHASE I

PHASE I BLOCK 3  
 TULSA, OKLAHOMA

REVISION	DATE	BY

ISSUED: Zoning Clearance Permit  
 DATE: 2018/05/23  
 SCALE: AS INDICATED  
 SHEET NAME:  
 SITE PLAN PHASE I  
 SHEET NUMBER:  
**ZCP-Exhibit**

PROGRESS SET FOR REVIEW ONLY



**South Maybelle Avenue BTZ**  
 Total Length: 820.0  
 Building Facade within: 246.0 (47.3%)

**West 22nd St. BTZ (Primary)**  
 Total Length: 397.5  
 Building Facade within: 246.3 (61.9%)

**South Jackson BTZ**  
 Total Length: 287.6  
 Building Facade within: 123.8 (43.1%)

**South Jackson Avenue BTZ**  
 Total Length: 308.5  
 Building Facade within: 113.0 (36.6%)



**CAUTION**  
 REFERENCE TO CONTRACTOR  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED  
 THE LOCATION AND DEPTH OF EXISTING  
 UTILITIES AS SHOWN ON THESE PLANS ARE BASED  
 ON RECORDS OF THE WARDEN UTILITY COMPANY  
 AND MEASUREMENTS TAKEN IN THE FIELD.  
 THE INFORMATION IS NOT TO BE RELIED ON AS  
 BEING EXACT OR COMPLETE. THE CONTRACTOR  
 MUST CALL THE LOCAL UTILITY LOCATOR CENTER  
 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO  
 REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.



**CURRENT SITE PLAN Proposed MX1-U-55**





**CURRENT SITE PLAN**    Proposed MX1-U-55







# RIVER WEST CNI PH1 & PH2

GARDEN A



21.12

1835 Archway Dr, Suite 100  
 3215 North 20th East  
 Tulsa, OK 74106  
 918.437.8888  
 www.ksqdesign.com

Owner:  
 River West CNI  
 1100 North 10th  
 Tulsa, OK 74106  
 918.437.8888  
 www.ksqdesign.com

Architect:  
 McCracken Bucken Sulzard  
 222 West Street, Suite 200  
 Tulsa, OK 74103  
 918.437.8888  
 www.mcrackendesign.com

Consulting Engineer:  
 M&S Engineering  
 725 N. 10th St.  
 Tulsa, OK 74103  
 918.437.8888  
 www.mse-engineering.com

Structural Engineer:  
 M&S Engineering  
 725 N. 10th St.  
 Tulsa, OK 74103  
 918.437.8888  
 www.mse-engineering.com

MEP Engineer:  
 M&S Engineering  
 725 N. 10th St.  
 Tulsa, OK 74103  
 918.437.8888  
 www.mse-engineering.com

Landscaping Architect:  
 McCracken Bucken Sulzard  
 222 West Street, Suite 200  
 Tulsa, OK 74103  
 918.437.8888  
 www.mcrackendesign.com

**Building Facade Transparency Summary**

Building Side	BTZ Area	Trans. Area	Percentage	W. 22nd		S. Maybelle		S. 21st		S. Jackson				
				QTY	Tot. BTZ Area	Ext.	QTY	Tot. BTZ Area	Ext.	QTY	Tot. BTZ Area	Ext.	QTY	Tot. BTZ Area
A Front	1,730	300	17.3%	1	1,730	300	1	1,730	300	1	1,730	300		
A Left	1,217	199	16.4%	1	1,217	199	-	-	-	1	1,217	199		
B Front	1,902	296	15.6%	-	-	-	1	1,902	296	-	-	-		
B Right	990	112	11.3%	-	-	-	-	-	-	-	-	-		
C Front	1,537	220	14.3%	-	-	-	1	1,537	220	-	-	-		
D Front	893	149	16.7%	1	893	149	3	2,670	447	-	1	893	149	
E Front	1,139	154	13.6%	1	1,139	154	-	-	-	3	3,398	462		
F Front	1,463	200	13.7%	-	-	-	-	-	-	-	-	-		
<b>Total</b>	<b>10,865</b>	<b>1,630</b>	<b>15.0%</b>		<b>4,973</b>	<b>802</b>		<b>7,848</b>	<b>1,263</b>	<b>1</b>	<b>2,947</b>	<b>489</b>	<b>7,239</b>	<b>1,110</b>
Transparency Total per Street Frontage						16.1%				16.1%		16.0%		15.3%



McCracken Bucken Sulzard

**RIVER WEST CNI HOUSING DESIGN PHASES I AND II**

PHASE I BLOCK 3 TULSA, OKLAHOMA  
 PHASE II TRACT A & B BLOCK 1 AND 33 TULSA, OKLAHOMA

REVISIONS

REVISED: 10/16/2011  
 DATE: 10/16/2011  
 SCALE: AS SHOWN  
 SHEET NAME: EXTERIOR BUILDING ELEVATIONS  
 SHEET NUMBER: A-201(A)

PROGRESS SET FOR REVIEW ONLY

21.13



River West Phase I  
 Parking Analysis

Parking Required per Standard Code

	Units		Total
	1 br	2+ br	
Parking Rate (MX district)	15	59	<b>74</b>
Parking Required (per code)	1.1	1.75	
	16.5	103.25	<b>120</b>

Proposed Parking Analysis

	Units	Percentage	Rate	Qty
Market Rate Units	21	28%	100% PK	34
Affordable & Tax Credit Units (46% Car Ownership)	53	72%	46% PK	39
Actual Parking Spaces Needed				73
Parking Space Provided				<b>74</b>
On Street Parking				29

**LEGAL DESCRIPTION**  
**PROPOSED MX1-U-55 ZONING**  
**River West Choice Neighborhood**

(Property Formally within PUD -796)

A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: **BEGINNING** AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE **POINT OF BEGINNING**, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS.

AND A TRACT OF LAND LYING IN BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: **BEGINNING** AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; SAID LINE BEING ON THE NORTH LINE OF SAID BLOCK THREE (3); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET; THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 123.86 FEET TO THE EAST LINE OF

SAID BLOCK THREE (3); THENCE S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 212.36 FEET; THENCE S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF 142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVERVIEW PARK ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST LINE OF SAID BLOCK THIRTY THREE (33); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 15.50 ACRES MORE OR LESS.

(Property Outside PUD -796 – Currently RM-2)

BLOCK ONE (1) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

October 10, 2019

**LOD Number: 1**  
**Mark Capron**  
**123 N MLK Blvd**  
**Tulsa, OK 74103**

**Phone: 918.584.5858**

**APPLICATION NO: ZCO-042058-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 800 W 21 ST**  
**Description: Apartment**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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)

21.17

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

ZCO-042058-2019

800 W 21 ST

October 10, 2019

**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 variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at [584-7526](tel:584-7526). It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

- 1. Sec.10.030-C3 Table 10-5:** The apartments are in an MX1-U-55 zoning district. The build-to zone (BTZ) is the area on the lot where all or a portion of the street-facing building façade must be located. The minimum and maximum setback range for the BTZ is 0 ft- 20 ft. Sixty percent (60%) of the street facing building façade must be in the (BTZ).

**Review comment:** Submit a site plan that provides 60% of the street-facing building façade located in the BTZ. The street-facing building façade must be in and extend along the length of the BTZ for a minimum distance equal to a percentage (60%) of the width of the lot. The required minimum percentage is calculated by dividing the width of the building façade located within the build-to-zone by the width of the lot.
- 2. Sec.90.110-D:** On corner lots, the buildings must be within the required BTZ for the first 25 feet extending from the intersection of the 2 street rights-of-way.

**Review Comment:** Submit a site plan that locates each building at an intersection within the required BTZ for the first 25 feet extending from the intersection of the 2 street rights-of-way.
- 3. Sec.90.140-A:** Transparency regulations govern the percentage of a street-facing building façade that must be covered by transparent elements (e.g., transparent windows and doors). Such transparent elements shall be designed and maintained to provide views into and out of the building, and shall not be permanently obstructed by fixed elements, such as signage, shelving, furniture, etc.

**Review comment:** The transparency requirement for apartments is 20% (*Table 10-5*). Submit building elevations providing 20% coverage of the street facing building façade with transparent elements. Please provide legible dimensional graphics, and calculations, to verify compliance with required street facing façade and transparency.
- 1. Sec.55.090-D:** Parking areas must be designed in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

**Review comment:** Submit a site providing the design dimensions that comply with Table 55-5 and Figure 55-5.

5. **Sec.65.050-B:** Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:
1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
  2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
  3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

**Review comment:** The proposed parking expansion increases the amount of paved area by more than 33% (5862 sqft/10480 sqft = 56%). Submit a landscape plan providing interior parking lot landscaping in accordance with the requirements listed in *Sec.65.050-D*. **Note:** The materials, Installation and maintenance shall be in accordance with *Sec.080* and *Sec.090*.

6. **Sec.65.060-B:** A "vehicular use area" is an area on a lot that is not contained within a garage or similar enclosed or partially enclosed structure that is designed and intended for use by motor vehicles, including parking lots, vehicle storage and display areas, loading areas; and driveways and drive-through lanes. Unless otherwise expressly stated, the vehicular use area buffer regulations of this section apply to all the following:
1. The construction or installation of any new vehicular use area with a contiguous paved area of 3,500 square feet or more; and
  2. The expansion of any existing vehicular use area that results in the addition of 3,500 square feet of paved area, in which case the vehicular use area perimeter landscaping requirements of this section apply only to the expanded area.

**Review comment:** The proposed parking lot expansion is 5862 sqft. Submit a landscape plan providing vehicular use area landscaping in accordance with the requirements listed in *Sec.65.060-C2*. **Note:** The materials, Installation and maintenance shall be in accordance with *Sec.080* and *Sec.090*.

7. **Sec.65.100-A Preparation of Landscape Plan**

1. **Except as expressly stated in 65.100-A2**, required landscape plans must be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.
2. Required landscape plans for properties that (a) are subject to an approved mandatory or optional development plan or (b) have a lot area of more than 20,000 square feet and are occupied by buildings with a combined gross floor area of more than 15,000 square feet, must be sealed and signed by a landscape architect licensed to practice in the State of Oklahoma.

**Review comment:** The lot area is greater than 20,000 sqft and the building is greater than 15,000 sqft. Submit a landscape plan that is signed and seal by a landscape architect licensed to practice in the State of Oklahoma.

8. **65.100-B Required Information:** All building permit applications for sites requiring landscaping must include a landscape plan that complies with the landscape plan submittal requirements specified by the development administrator. Such submittal requirements must be in writing and made available to the public.

**Review comment:** Submit a landscape plan providing the following information:

1. The date, scale, north arrow, and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing streets and alleys, existing and proposed

- utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
  5. Planting details and/or specifications;
  6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
  7. *The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;*
  8. The schedule of installation of required trees, landscaping and appurtenances;
  9. The location of all proposed drives, alleys, parking and other site improvements;
  10. The location of all existing and proposed structures on the site;
  11. The existing topography and proposed grading;
  12. The area and dimensions of each landscape area and the total landscape area provided on the site.
9. **Sec.65.100-D1:** To accommodate creativity in landscape and screening design and to allow for flexibility in addressing site-specific development/redevelopment challenges, the land use administrator is authorized to approve alternative compliance landscape plans sealed by a landscape architect licensed to practice in the State of Oklahoma.
- Review comment:** You may wish to consider alternative compliance landscape plan. Contact Jay Hoyt @ 918.584.7526 for information applying for an alternative compliance landscape plan.
10. **Sec.67.040-A:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:
1. Submit a lighting plan that complies with the fixture height lighting plan requirements of *Sec.67.040-B*; or
  2. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with *Sec.67.040-C*.
- Review comment:** If site lighting is to be provided, submit an outdoor lighting plan in accordance with a fixture height or photometric plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.

**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.



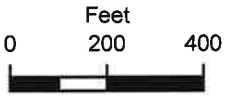
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SOUTHWEST BLVD

**BOA-22788**

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



Subject Tract

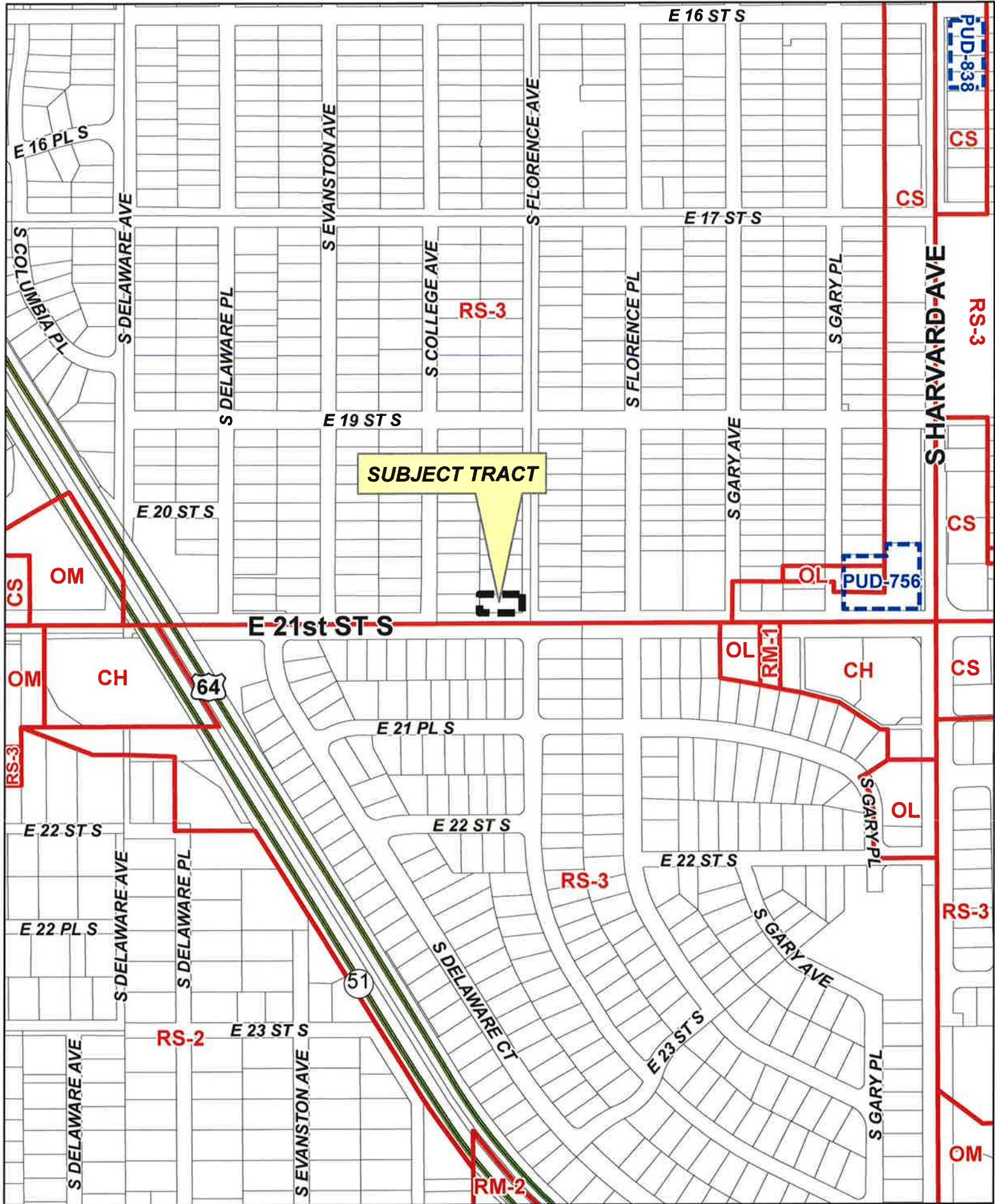
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Aerial Photo Date: February 21

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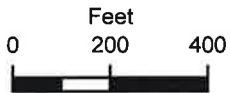


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**SUBJECT TRACT**

**BOA-22789**



19-13 08

22.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9308

Case Number: **BOA-22789**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Jay Hubbell

**ACTION REQUESTED:** Variance to reduce the 35 ft side setback from an arterial street in a RS-3 district (Sec. 5.030, Table 5-3)

**LOCATION:** 1948 S FLORENCE AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 8398.4 SQ FT

**LEGAL DESCRIPTION:** LT 2, HICKORY MANOR 2ND ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an RS-3 zoned tract located at the NW/c of S. Florence Ave. and E. 21<sup>st</sup> St. S.

**STAFF COMMENTS:** The applicant is requesting **Variance** to reduce the 35 ft side setback from an arterial street in a RS-3 district (Sec. 5.030, Table 5-3)

22.2

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

**STATEMENT OF HARDSHIP:** None provided

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the 35 ft side setback from an arterial street in a RS-3 district (Sec. 5.030, Table 5-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*
- That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

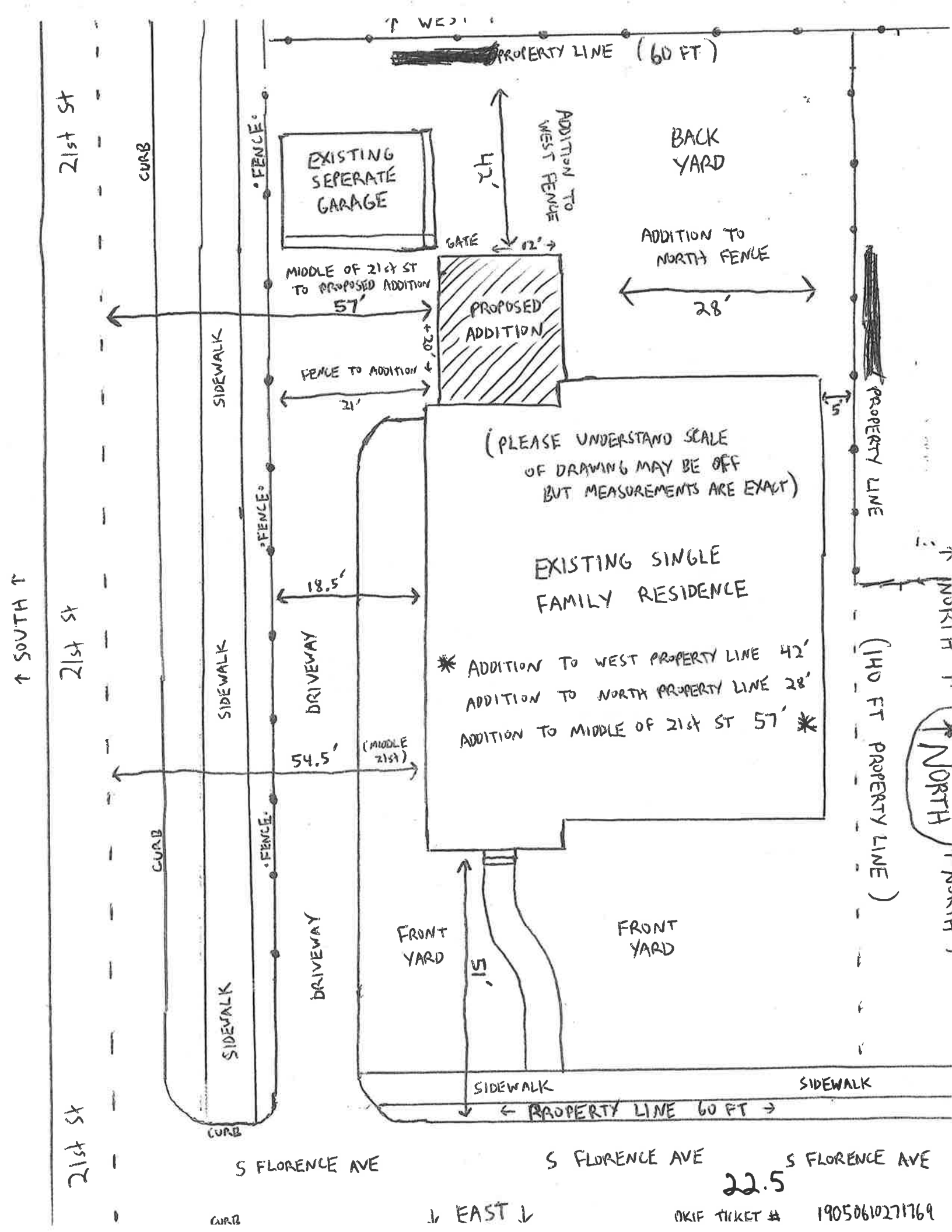
22.3



*Subject property facing West*



*Intersection of 21<sup>st</sup> Street S. and S. Florence Ave.*



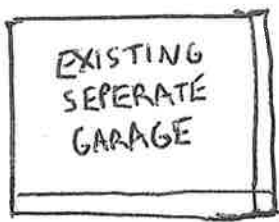
↑ WEST ↑

PROPERTY LINE (60 FT)

21st St

CURB

FENCE



42' ADDITION TO WEST FENCE

BACK YARD

ADDITION TO NORTH FENCE

GATE 12'

MIDDLE OF 21st ST TO PROPOSED ADDITION 57'



28'

FENCE TO ADDITION 21'

20'



PROPERTY LINE

↑ SOUTH ↑

21st St

SIDEWALK

FENCE

SIDEWALK

DRIVEWAY

FENCE

CURB

SIDEWALK

DRIVEWAY

FRONT YARD

15'

FRONT YARD

(140 FT PROPERTY LINE)

↑ NORTH ↑

21st St

CURB

S FLORENCE AVE

S FLORENCE AVE

S FLORENCE AVE

↓ EAST ↓

22.5

OKIF TICKET #

19050610271769

**Jeff S. Taylor**  
Zoning Official  
Plans Examiner

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

Jay Hubbell

5/13/2019

**APPLICATION NO: BLDR-028456-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1948 S Florence Ave E**

**Description: Addition**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" [  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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-028456-2019**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

**5.030-A :Setback(s) (Residential):** In the RS-3 zoned district the minimum side street setback from an arterial street shall be 35 feet from the property line, or measured from the centerline of the abutting arterial street add to the setback distance  $\frac{1}{2}$  the right-of-way (ROW) designated on the major street plan.

**Review Comments:** Revise your plans to indicate a 35' side street setback to the property line and a 85' setback from the center of 21<sup>st</sup> ROW, or apply to INCOG for a variance to allow less than a 35' side street setback.

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.

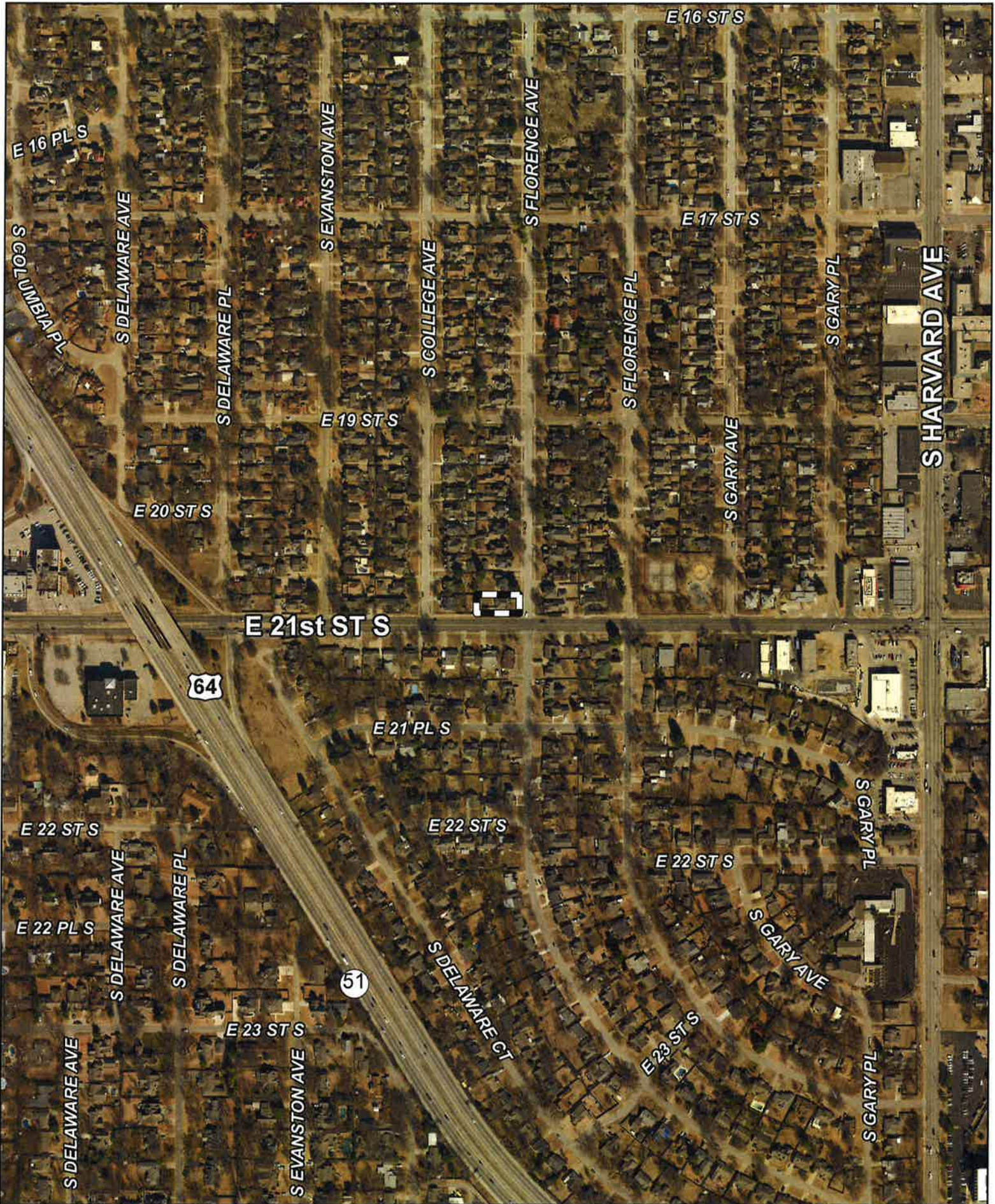
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

## 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.





 Subject Tract

**BOA-22789**

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

19-13 08

Aerial Photo Date: February 2018



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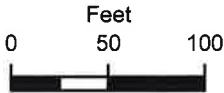


S COLLEGE AVE

S FLORENCE AVE

E 21st ST S

E 21 PLS



Subject Tract

**BOA-22789**

19-13 08

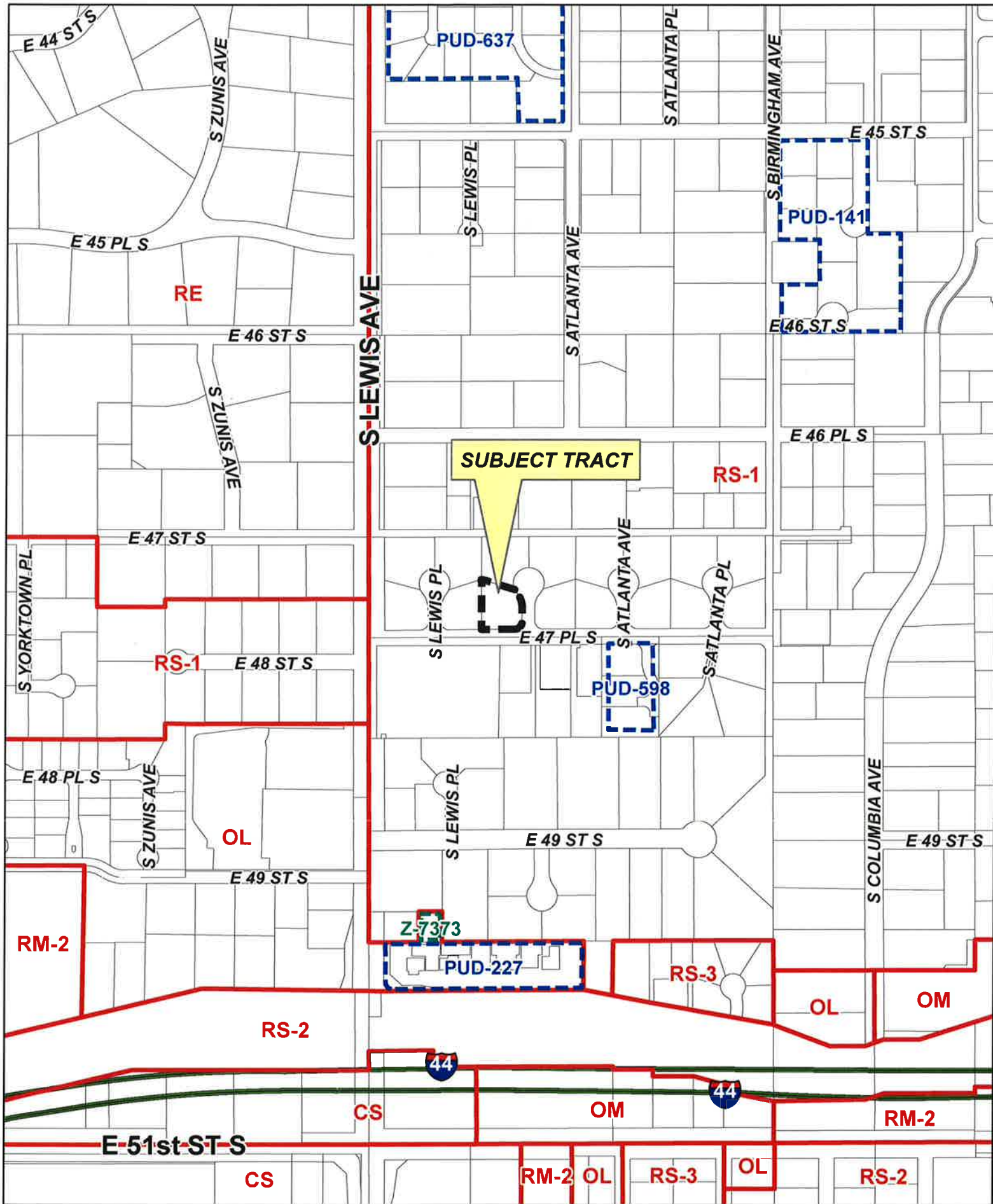
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



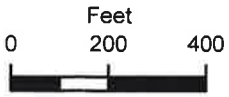
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**SUBJECT TRACT**

**BOA-22790**



19-13 29

23.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9329

Case Number: **BOA-22790**

**CZM:** 47

**CD:** 9

**HEARING DATE:** 12/10/2019 1:00 PM

**APPLICANT:** Jessie Strickler

**ACTION REQUESTED:** Variance to reduce the rear 25 ft setback in an RS-1 District (Sec. 5.030-A, Table 5-3)

**LOCATION:** 4728 S LEWIS CT E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 15873.33 SQ FT

**LEGAL DESCRIPTION:** LT 5 BK 1, REGENCY MANOR ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:**

**BOA-09099;** On 06.03.1976 the Board **approved** a Minor *Variance* of the rear yard setback from 25' to 20' 4" in an RS-1 District (Section 430- Bulk Area Requirements in the Residential District- Under Provisions of Section 1630). Property located 4717 South Lewis Court.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Existing Neighborhood" and an "Area of Stability".

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an RS-1 zoned tract located at the NW/c of S. Lewis Ct. and E. 47<sup>th</sup> Pl. S.

**STAFF COMMENTS:** The applicant is requesting **Variance** to reduce the rear 25 ft rear setback in an RS-1 District (Sec. 5.030-A, Table 5-3)

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

**STATEMENT OF HARDSHIP:**

Per Application: Home was built closer to the rear boundary of lot. It is more desirable to neighbors for homeowner not to add on to the street side of home. More opens space in the front verses the rear conforms better with surrounding lots.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the rear 25 ft setback in an RS-1 District (Sec. 5.030-A, Table 5-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- That the variance to be granted is the minimum variance that will afford relief;*
- That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205-Community Services, Cultural and Recreational Facilities) to use property for church use, subject to a conceptual plot plan being furnished to the Board by July 1, 1976, subject to the approval of the drainage plans by the City Engineer, subject to screening being provided on the southern property line and subject to parking <sup>only for no structure or other uses,</sup> being permitted on the southernmost lots ~~only~~, in an RD District on the following described tract:

*amended  
7/1/76  
setback  
see minutes*

Lots 3, 4, 5, 6, 8 & 9, Block 3, less the south 20' of Lots 6 & 8 and the west 20' of Lot 6, Sanford Heights Addition to the City of Tulsa, Oklahoma.

9099

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard setback from 25' to 20' 4" in an RS-1 District located at 4717 South Lewis Court.

Presentation:

Don Kihle submitted the plot plan (Exhibit "I-1") requesting a minor variance of the rear yard setback in order that he might expand the existing structure as proposed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard setback from 25' to 20' 4", per plot plan, in an RS-1 District on the following described tract:

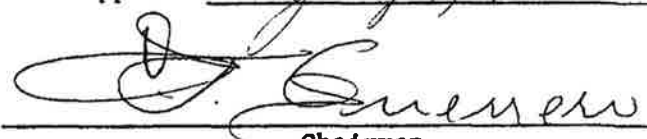
Lot 7, Block 1, Regency Manor Addition to the City of Tulsa, Okla.

ADDITIONAL ITEMS:

ELECTIONS:

On NOMINATION of SMITH, the Board elected Dr. E. T. Guerrero Chairman by acclamation.

There being no further business, the Chair declared the meeting adjourned at 5:13 p.m.

Date Approved July 1, 1976  
  
Chairman 6.3.76:213(18)

Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok. 74105  
Phone: 405.834.6513

Long Residence Addition  
4728 S. Lewis Ct. E.  
Tulsa, Ok. 74105

SITE PLAN

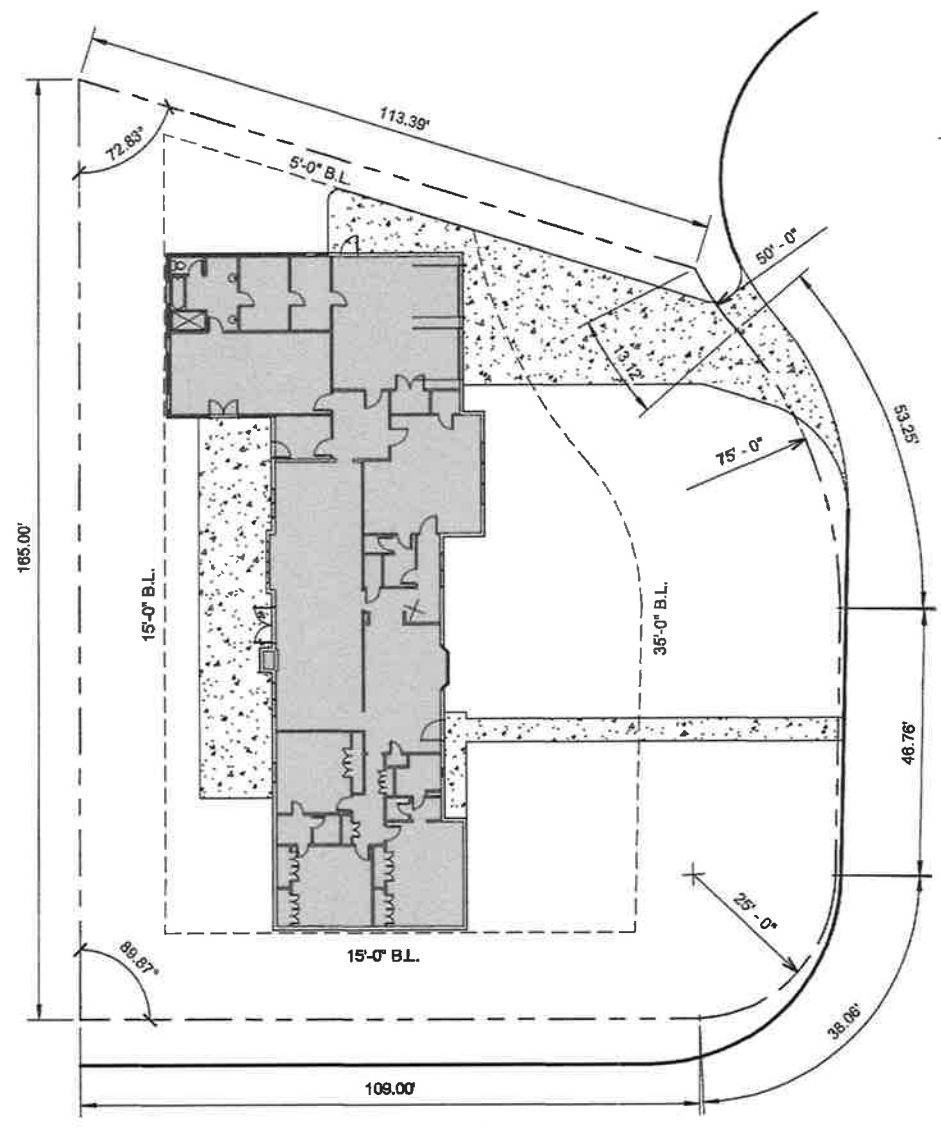
Date 08.25.2019

Project number 19001

Sheet No. A001

LEGAL DESCRIPTION

LOT 5, BLOCK 1  
REGENCY MANOR  
TULSA, OKLAHOMA



E. 47TH PL. S.

S. LEWIS CT. E.



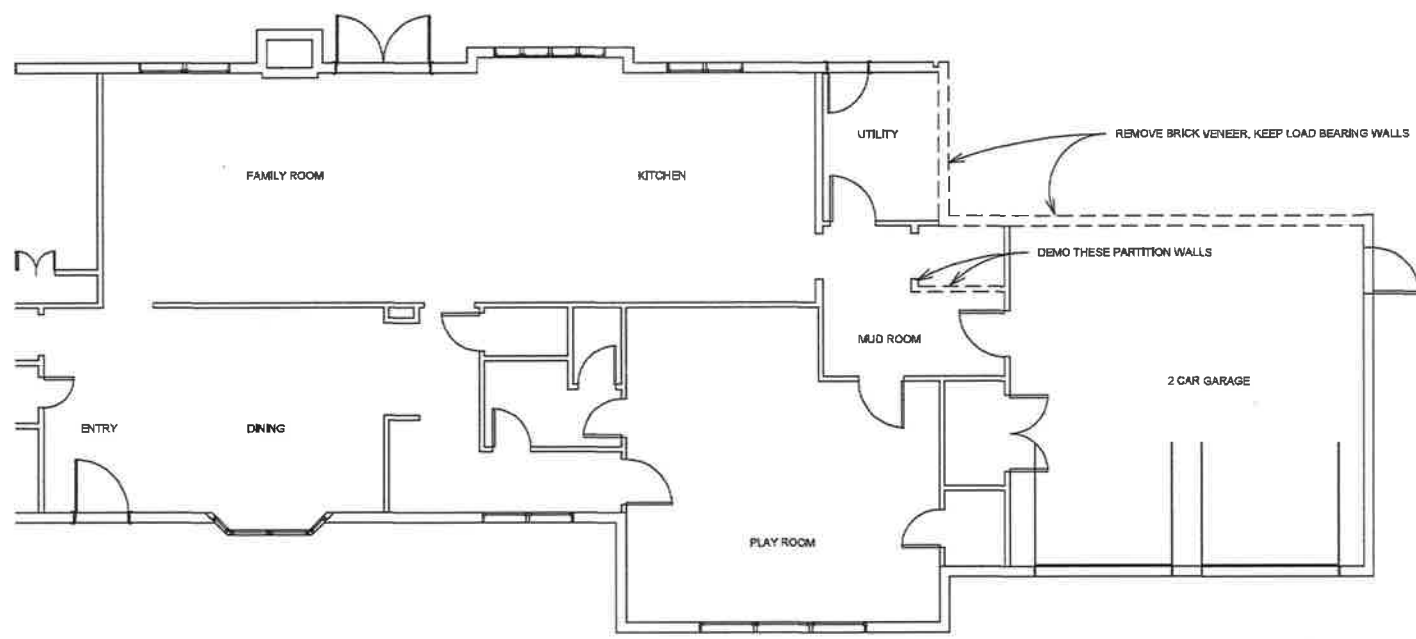
① SITE PLAN  
3/64" = 1'-0"



Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.634.6513

Long Residence Addition  
4728 S. Lewis Ct. E.  
Tulsa, Ok. 74105



EXISTING ROOF PLAN

Date 08.25.2019

Project number 19001

Sheet No. A100E



① FIRST FLOOR EXISTING AND DEMO  
1/8" = 1'-0"

Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.854.6513

Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105

FIRST FLOOR PLAN

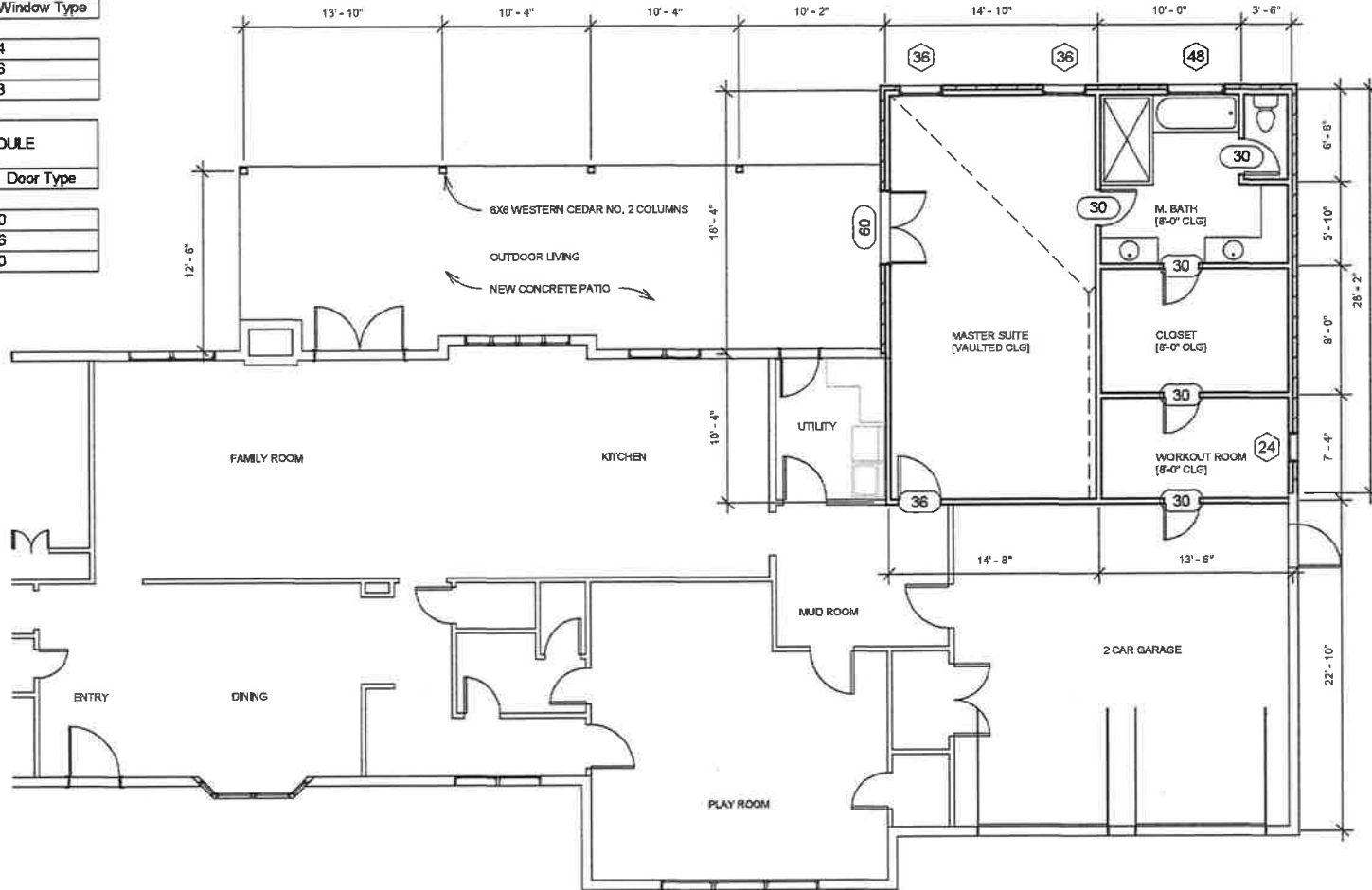
Date 08.25.2019

Project number 19001

Sheet No. A100

WINDOW SCHEDULE		
Width	Height	Window Type
2'-0"	4'-0"	24
3'-0"	5'-0"	36
4'-0"	4'-0"	48

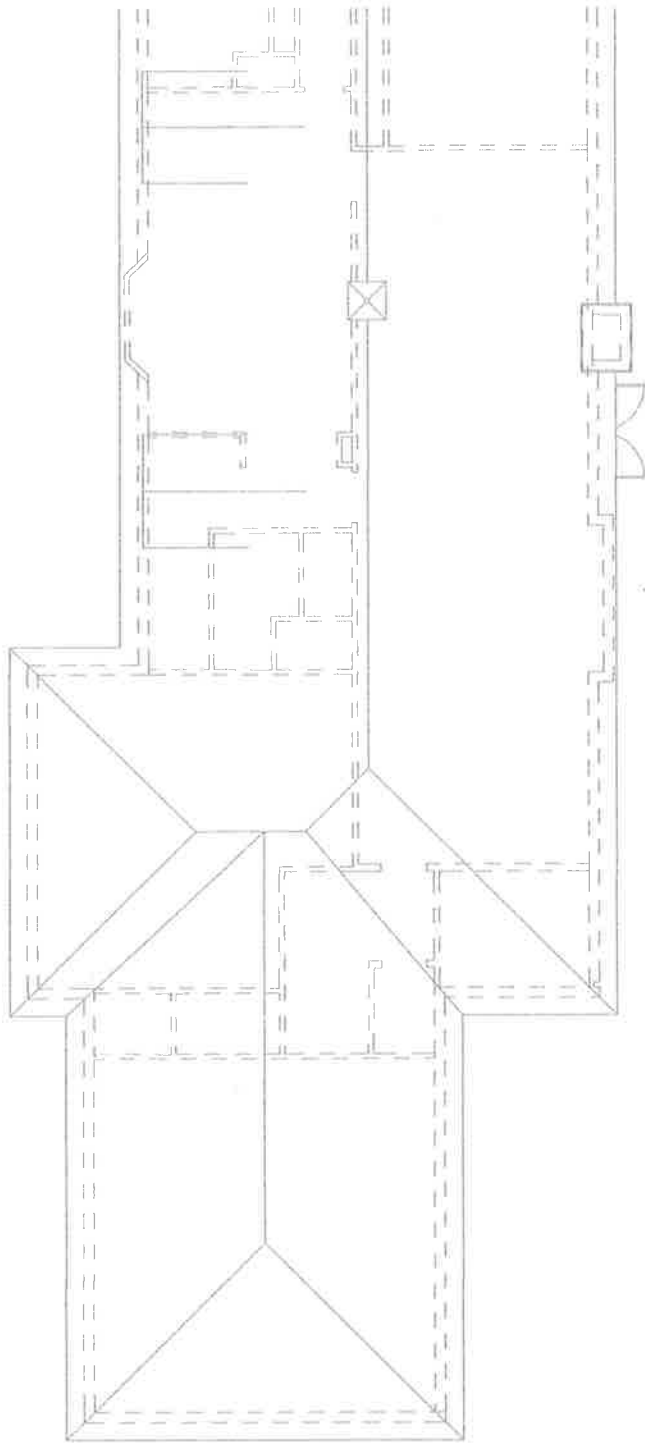
DOOR SCHEDULE		
Width	Height	Door Type
2'-5"	6'-8"	30
3'-0"	6'-8"	36
5'-0"	6'-8"	60



1 FIRST FLOOR  
1/8" = 1'-0"



1 EXISTING ROOF PLAN  
1/8" = 1'-0"



Jennifer Strickler  
Design, LLC

2021 E. 48th St.  
Tulsa, OK 74115  
Phone: 405.834.8513

Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105

EXISTING ROOF PLAN

Date 08.25.2019

Project number 19001

Sheet No.

A101E

Jennifer Strickler  
Design, LLC

2832 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.834.8513

Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105

ROOF PLAN

Date 08.25.2019

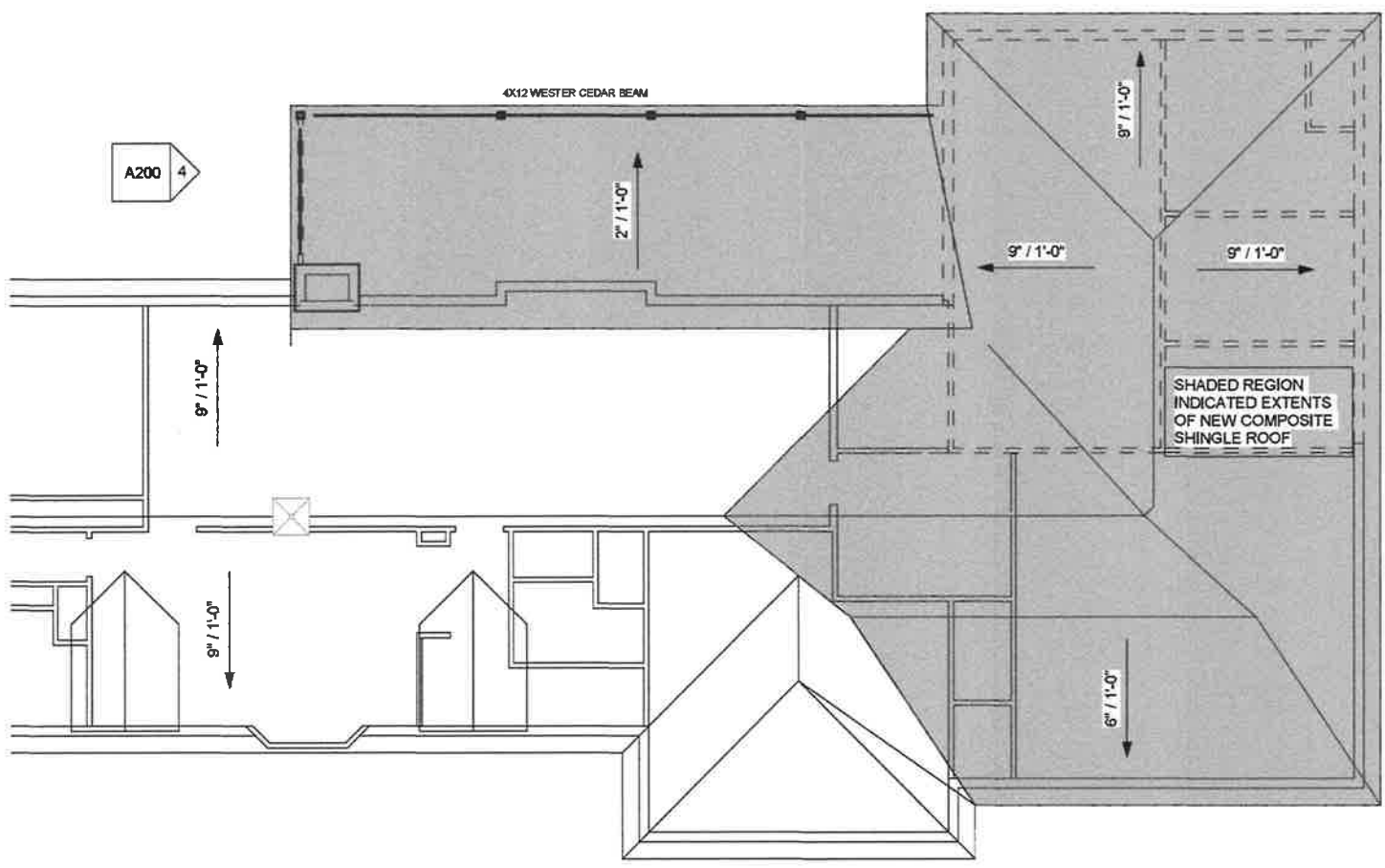
Project number 19001

Sheet No.  
A101

A201  
2

A200  
4

2  
A200



1 ROOF PLAN  
1/8" = 1'-0"

23.10

Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.834.8513

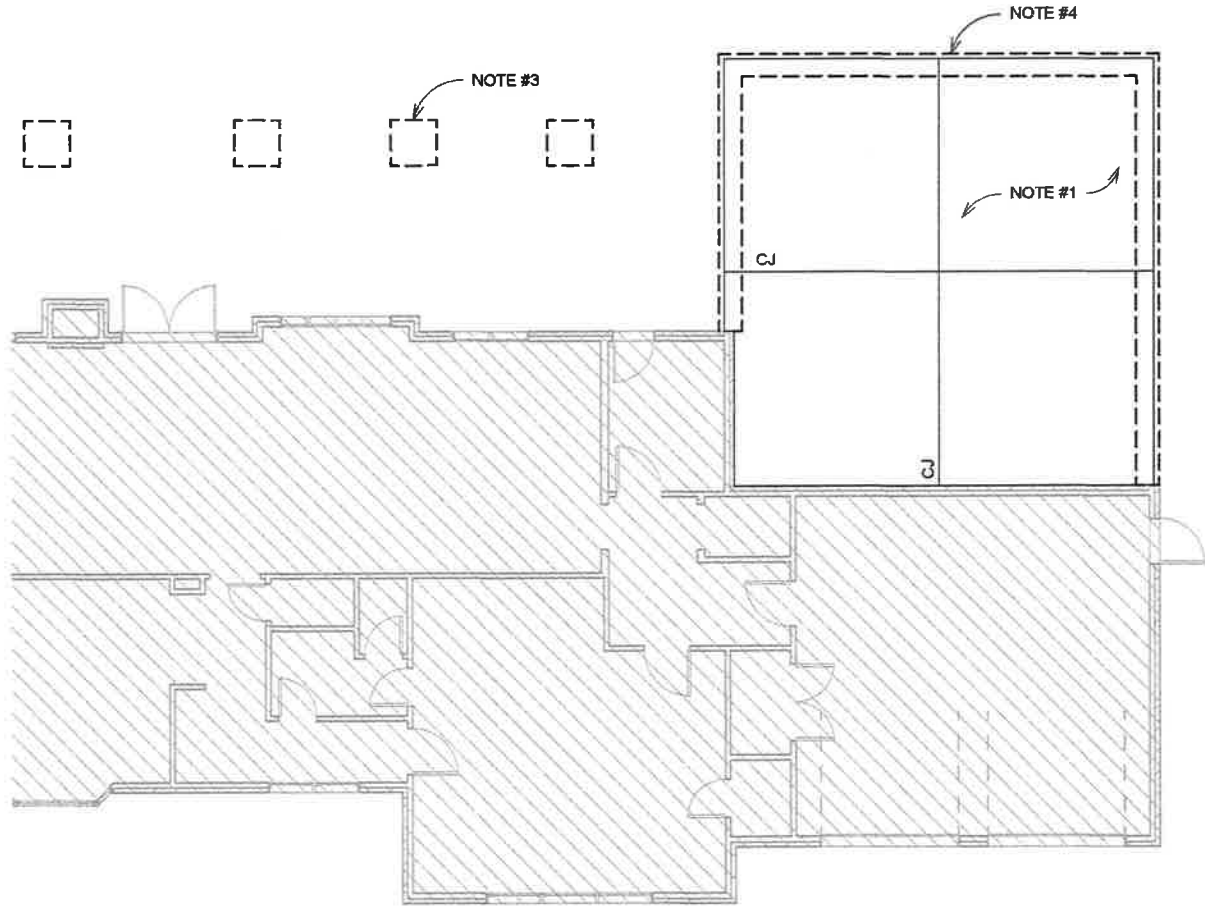
Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105

**FOUNDATION PLAN NOTES**

1. FINISH FLOOR REFERENCE ELEVATION = 100'-0". TYPICAL FLOOR SLAB SHALL BE 4" THICK CONCRETE SLAB-ON-GRADE REINFORCED WITH #4 AT 16" OC EACH WAY OVER 10 MIL MINIMUM VAPOR BARRIER OVER 4" GRANULAR BASE COURSE ON COMPACTED STRUCTURAL FILL.
2. FOOTINGS SHALL BEAR EITHER ON COMPETENT NATIVE SOIL OR COMPACTED STRUCTURAL FILL AS PER THE GEOTECHNICAL REPORT. EXTERIOR PERIMETER FOOTINGS SHALL BEAR NOT LESS THAN 24 INCHES BELOW FINISH GRADE.
3. ALL ISOLATED FOOTINGS SHALL BE F1.
4. ALL CONTINUOUS FTG SHALL BE CF1.

CONTINUOUS FOOTING SCHEDULE		
MARK	SIZE (WxL)	REINFORCEMENT
CF1	1'-6"x1'-6"	(2)-#4 CONT TOP AND BOT, #3 TIE AT 48" OC

ISOLATED FOOTING SCHEDULE		
MARK	SIZE (LxWxD)	REINFORCEMENT
F1	3'-0"x3'-0"x1'-6"	(3)-#6 EACH WAY BOTTOM



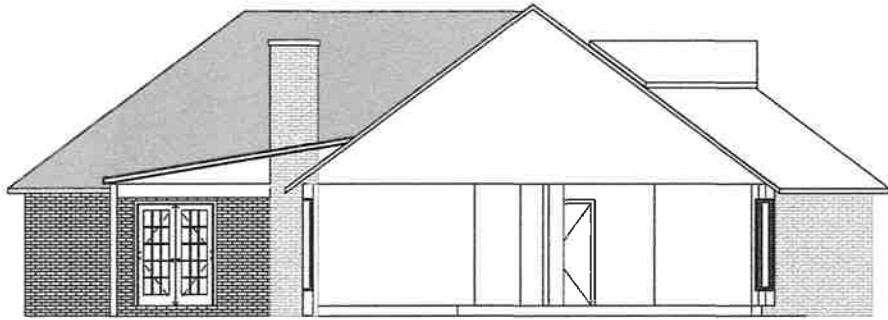
① FOUNDATION PLAN  
1/8" = 1'-0"

Date	08.25.2019
Project number	19001
Sheet No.	S100

Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.834.8513

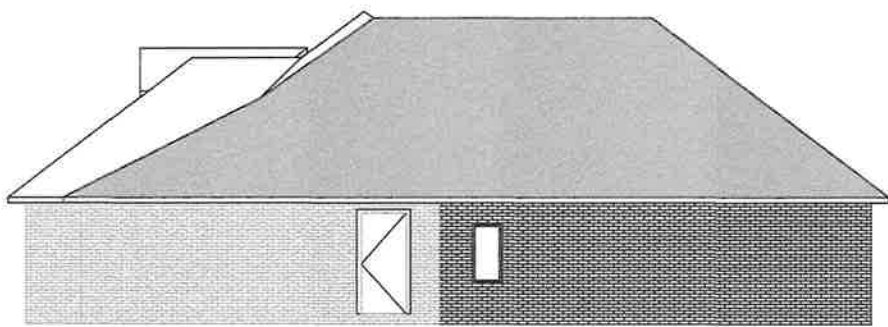
Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105



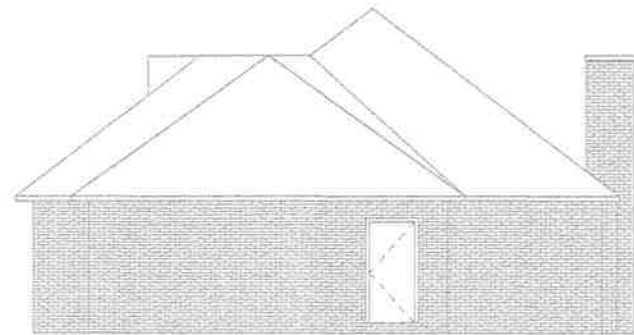
④ SOUTH ELEVATION  
1/8" = 1'-0"



③ SOUTH ELEVATION - EXISTING  
1/8" = 1'-0"



② NORTH ELEVATION  
1/8" = 1'-0"



① NORTH ELEVATION - EXISTING  
1/8" = 1'-0"

ELEVATIONS

Date 08.25.2019

Project number 19001

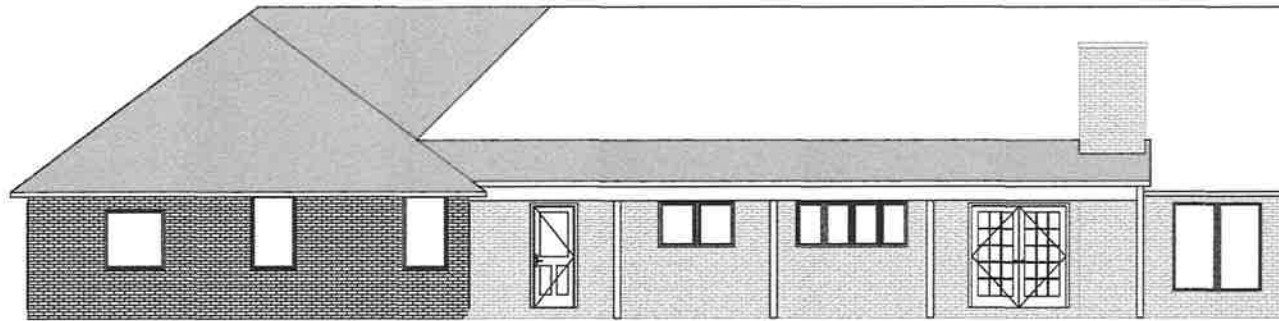
Sheet No. A200

23.17

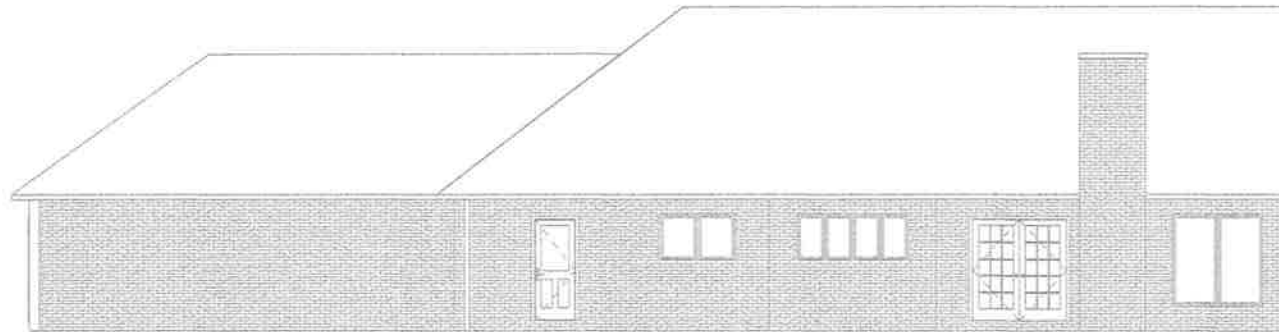
Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone: 405.834.6513

Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105



② PARTIAL WEST ELEVATION  
1/8" = 1'-0"



① PARTIAL WEST ELEVATION - EXISTING  
1/8" = 1'-0"

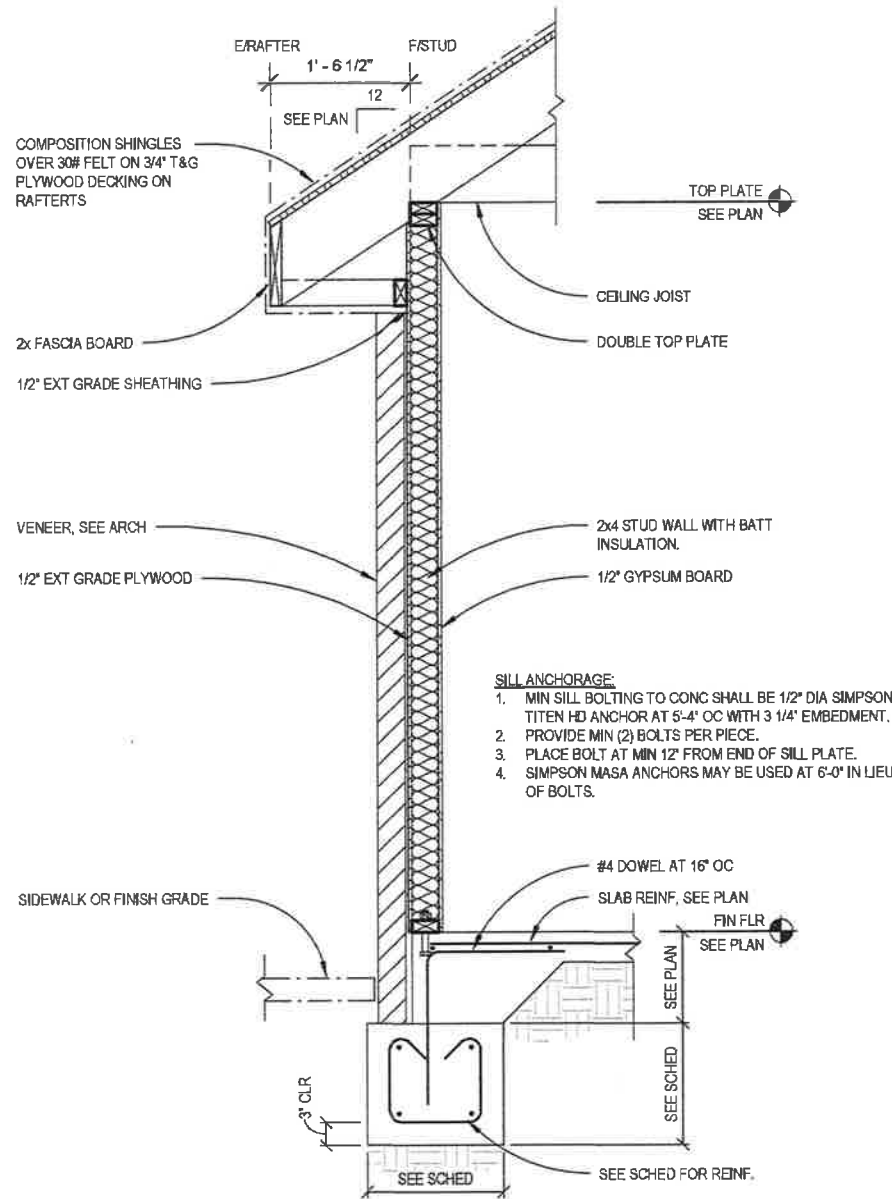
ELEVATIONS

Date	08.25.2019
Project number	19001
Sheet No.	A201

Jennifer Strickler  
Design, LLC

2532 E. 48th Pl.  
Tulsa, Ok 74105  
Phone 405.834.9513

Long Residence Addition  
4728 S. Lewis CT. E.  
Tulsa, Ok. 74105



- SILL ANCHORAGE:**
1. MIN SILL BOLTING TO CONC SHALL BE 1/2" DIA SIMPSON TITEN HD ANCHOR AT 5'-4" OC WITH 3 1/4" EMBEDMENT.
  2. PROVIDE MIN (2) BOLTS PER PIECE.
  3. PLACE BOLT AT MIN 12" FROM END OF SILL PLATE.
  4. SIMPSON MASA ANCHORS MAY BE USED AT 6'-0" IN LIEU OF BOLTS.

① FOOTING DETAIL  
3/4" = 1'-0"

WALL SECTIONS	
Date	08.25.2019
Project number	19001
Sheet No.	A501



**Jeff S. Taylor**  
Zoning Official  
Plans Examiner II

TEL(918) 596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**Jennifer Strickler**  
Jennifer Strickler Design

9/12/2019

**APPLICATION NO: BLDR-041141-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 4728 S Lewis Ct E**  
**Description: Addition**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-041141-2019**

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

**5.030-A:** In the RS-1 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

**Review Comments:** Revise your plans to indicate a 25' rear setback to the property line or apply to INCOG for a variance to allow less than a 25' rear setback.

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

## 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.

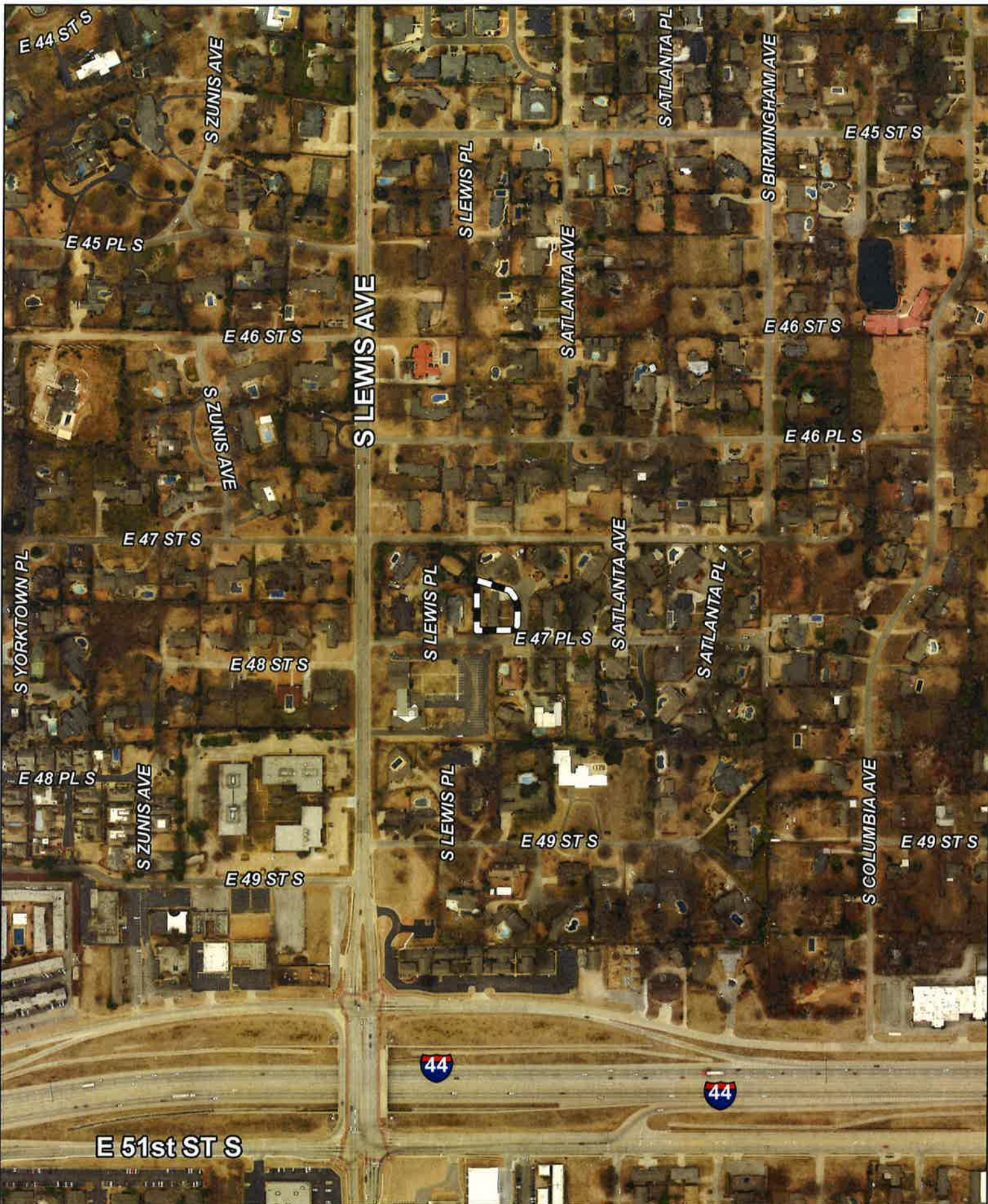
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



***Subject property***



***Side view of subject property from E. 47<sup>th</sup>***



E 44 ST S

S ZUNIS AVE

S ATLANTA PL

S BIRMINGHAM AVE

E 45 ST S

E 45 PL S

S LEWIS PL

S ATLANTA AVE

E 46 ST S

E 46 ST S

E 46 PL S

S ZUNIS AVE

S LEWIS AVE

E 47 ST S

S ATLANTA AVE

S YORKTOWN PL

S LEWIS PL

E 47 PL S

S ATLANTA PL

E 48 ST S

E 48 PL S

S ZUNIS AVE

S LEWIS PL

E 49 ST S

S COLUMBIA AVE

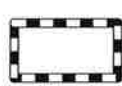
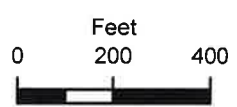
E 49 ST S

E 49 ST S

44

44

E 51st ST S



Subject Tract

**BOA-22790**

19-13 29

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

Aerial Photo Date: February 2018



23.17



E 47 ST S

S LEWIS PL

S LEWIS CT

S ATLANTA AVE

E 47 PLS



Subject Tract

**BOA-22790**

19-13 29

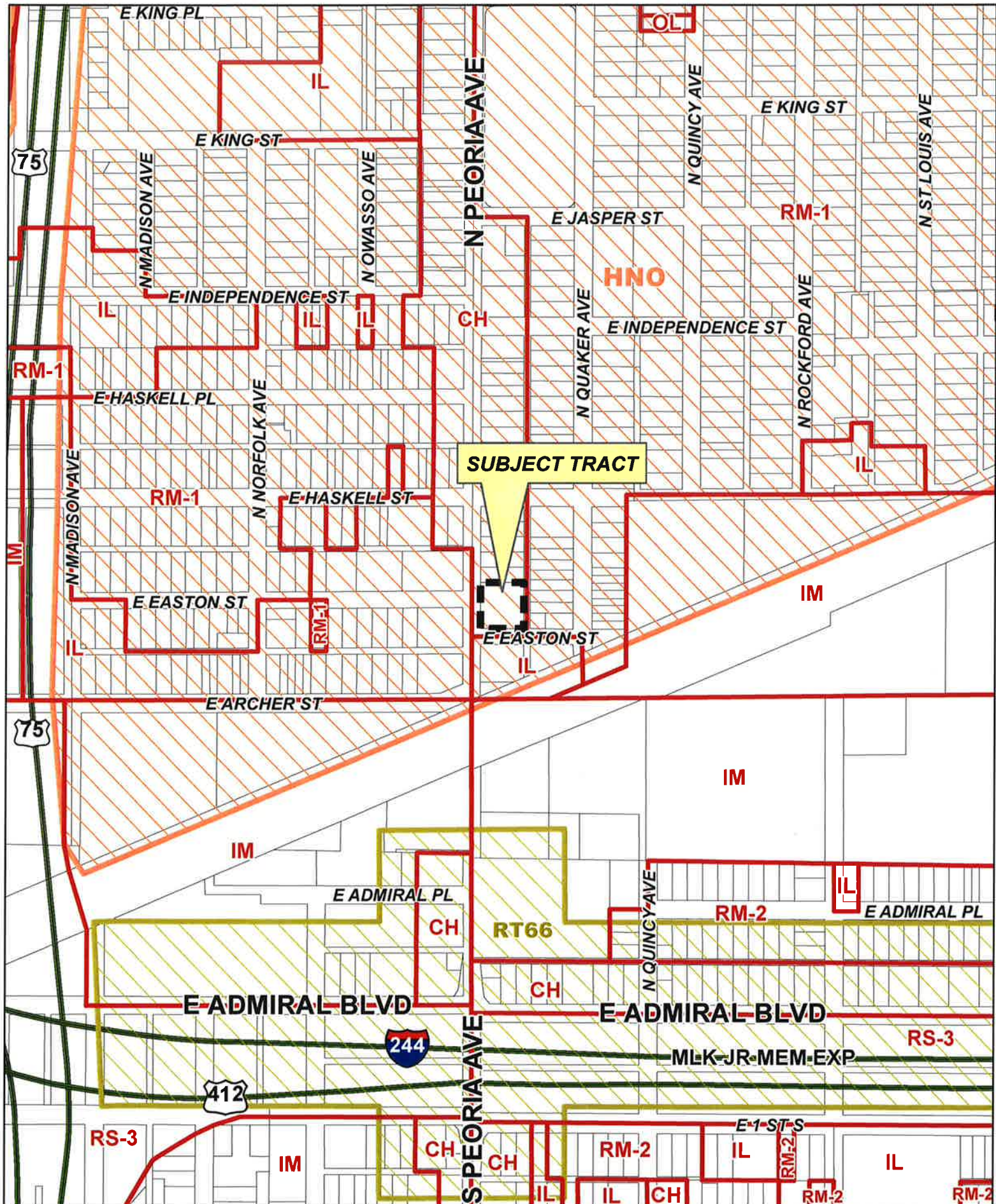
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



23.18

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**SUBJECT TRACT**



**BOA-22791**

20-13 31

24.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 0331

Case Number: **BOA-22791**

**CZM:** 29

**CD:** 1

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Amber Hager

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION:** 503 N PEORIA AV E

**ZONED:** CH

**PRESENT USE:** Vacant

**TRACT SIZE:** 21000.36 SQ FT

**LEGAL DESCRIPTION:** LTS 17 THRU 22 BLK 13, CAPITOL HILL ADDN

**ANALYSIS OF SURROUNDING AREA:** The subject tract is a CH zoned tract Located at the NE/c of E. Easton Street and N. Peoria Ave.

**STAFF COMMENTS:**

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

**40.225-D** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

**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.

The applicant provided an exhibit with a circle with a 1,000 ft radius drawn around their building location with no dispensaries inside of that circle. The applicant listed Sativa Savvy, located at 1007 E. Archer St, as the nearest dispensary which is located more than 1,000 ft away.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

24.2





*Facing North on Peoria*



*Facing South on Peoria*



***Proposed Dispensary***

24.4

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1**

**October 7, 2019**

**Amber Hager**  
503 N Peoria  
Tulsa, OK 74120

**Phone: 206.755.2331**

**APPLICATION NO: COO-043350-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 503 N Peoria Ave**

**Description: Medical Marijuana Dispensary**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
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(continued)

24.5

## REVIEW COMMENTS

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COO-043350-2019

503 N Peoria Ave

October 7, 2019

**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 separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 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.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.
2. **Sec.40.225-H:** The separation distance required under *Sec.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 dispensary.  
**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

**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.

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**THE GREEN DOOR TULSA, LLC**

503 N PEORIA AVE , TULSA, OK, 74120

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 68L. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

07/16/2020

LICENSE NUMBER:

DAAA-4YX0-07EW



*Tom Bates*

TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

DO NOT COPY

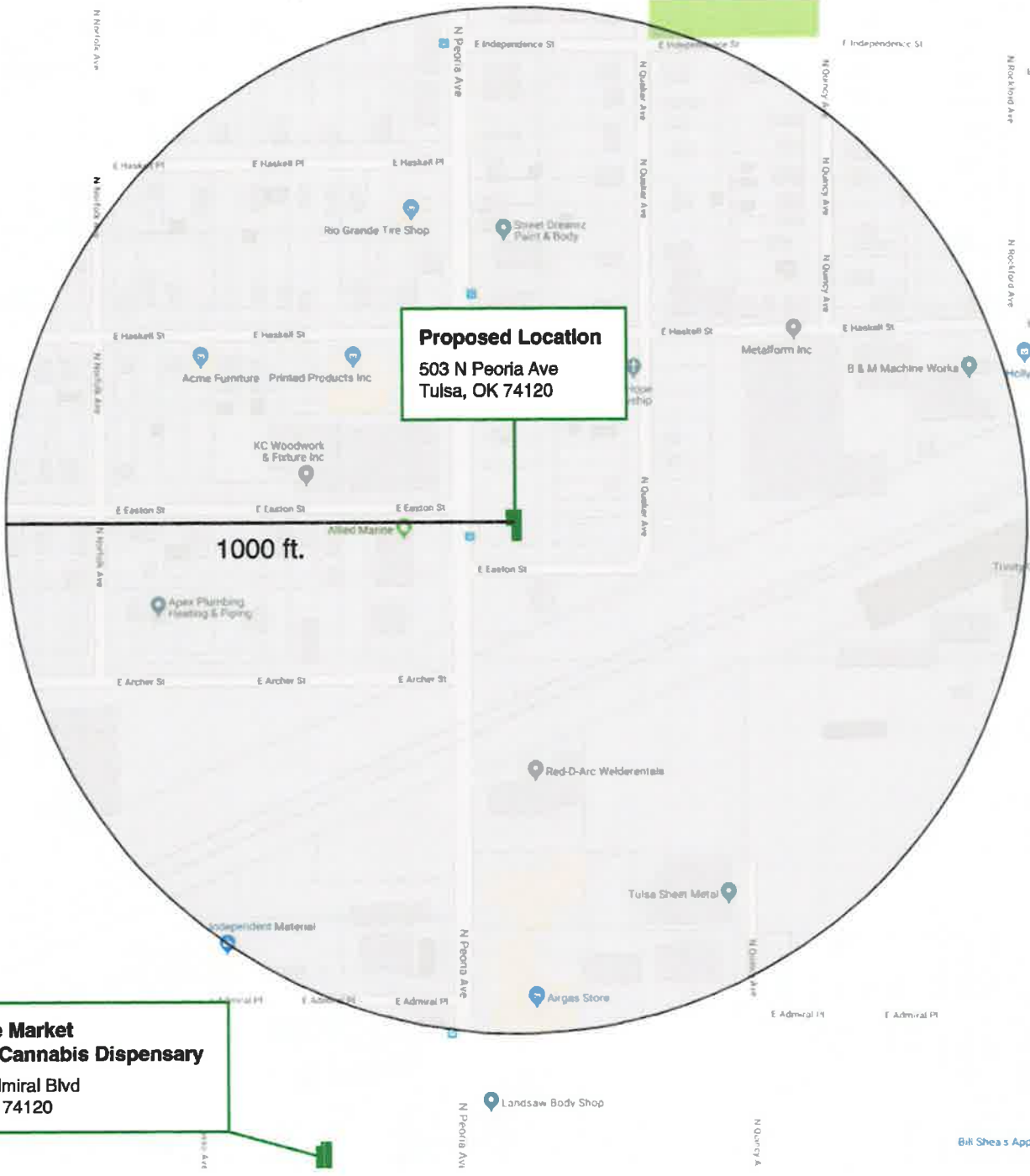
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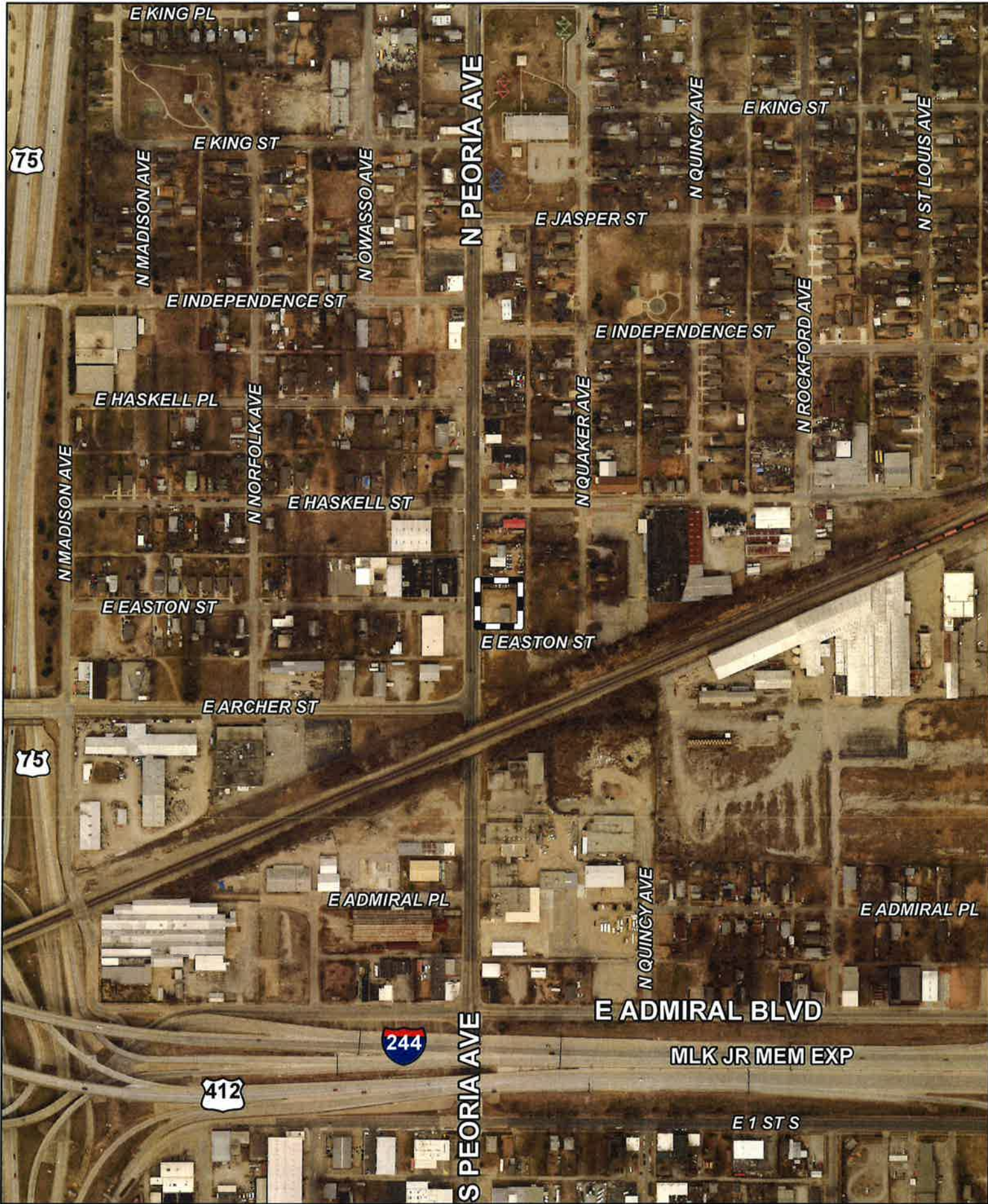
248

**Sativa Savvy**  
1007 E Archer St  
Tulsa, OK 74120

**Fire Tree Market  
Medical Cannabis Dispensary**  
1217 E Admiral Blvd  
Tulsa, OK 74120

**Proposed Location**  
503 N Peoria Ave  
Tulsa, OK 74120



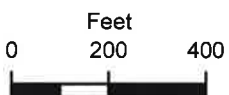


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Subject Tract

**BOA-22791**

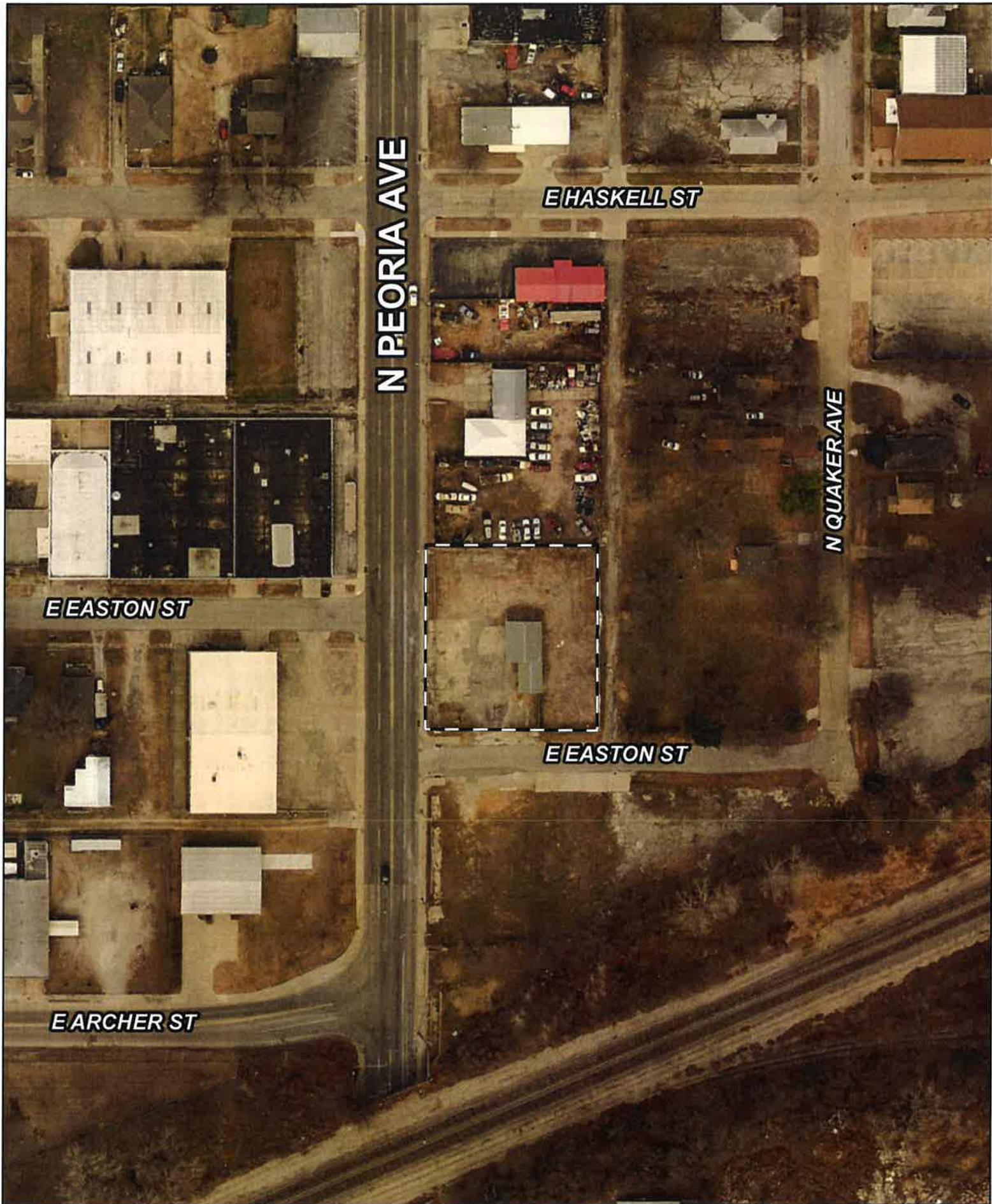
20-13 31

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

Aerial Photo Date: February 2018



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Subject  
Tract

**BOA-22791**

20-13 31

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

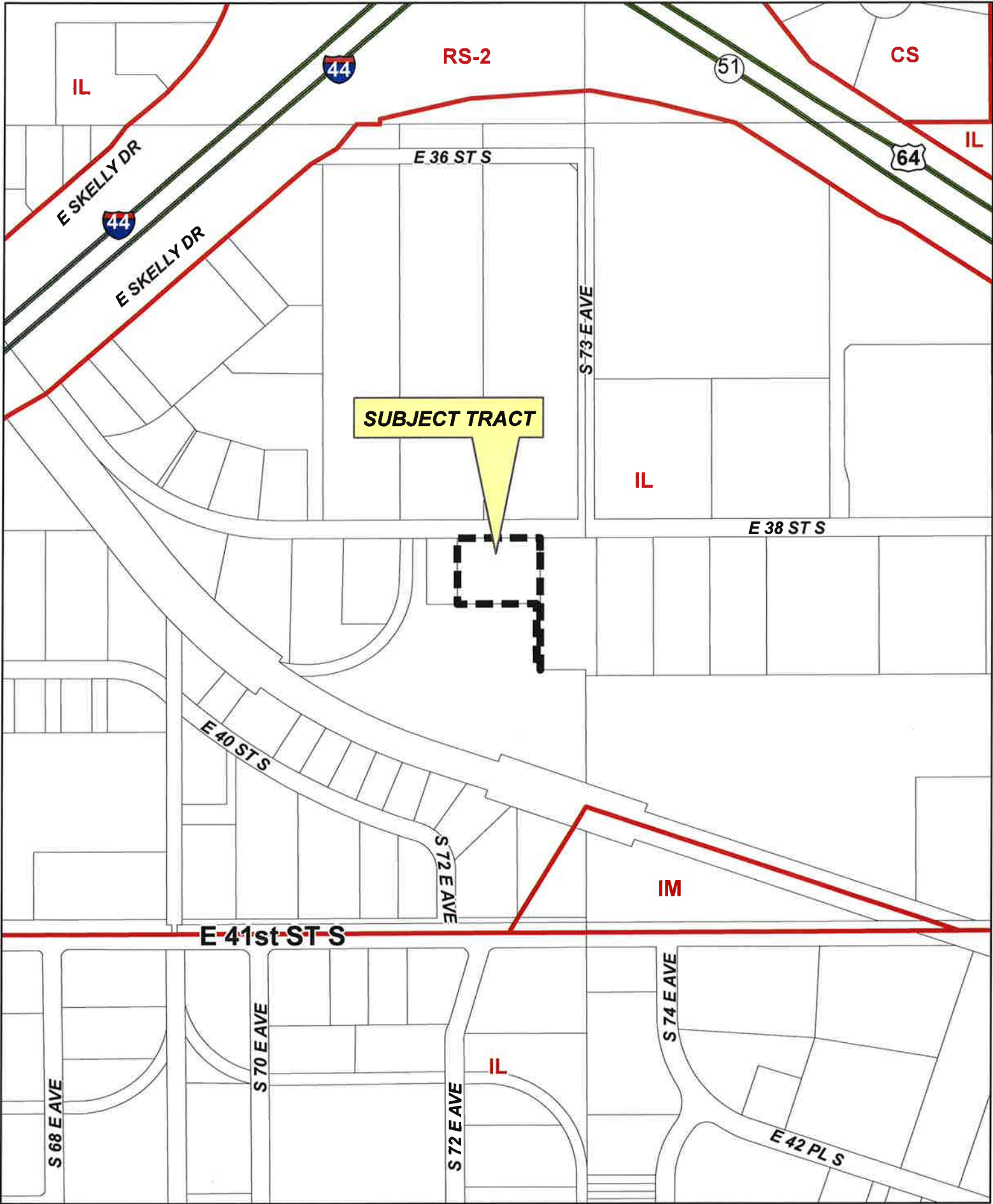
Aerial Photo Date: February 2018



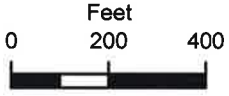
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**SUBJECT TRACT**



**BOA-22792**

19-13 23

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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9323

Case Number: **BOA-22792**

**CZM:** 48

**CD:** 5

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Josh Kunkel

**ACTION REQUESTED:** Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

**LOCATION:** 7020 E 38 ST S

**ZONED:** IL

**PRESENT USE:** Gymnasium

**TRACT SIZE:** 60086.91 SQ FT

**LEGAL DESCRIPTION:** BEG 30S & 147.59W NEC SE SW TH W267.50 S215 E255.5 S215 E11.97 N430 POB SEC 23 19 13 1.3794ACS,

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:** None

**Surrounding Properties:** None

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Employment" 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 an existing IL zoned property currently being used as a gymnastics facility.

25.2

**STAFF COMMENTS:**

The applicant is requesting a **Special Exception** to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
<b>Assembly and Entertainment</b>												<a href="#">Section 40.040</a>
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.040</a>
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	<a href="#">Section 40.040</a>
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District (15.020-C)

- 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***

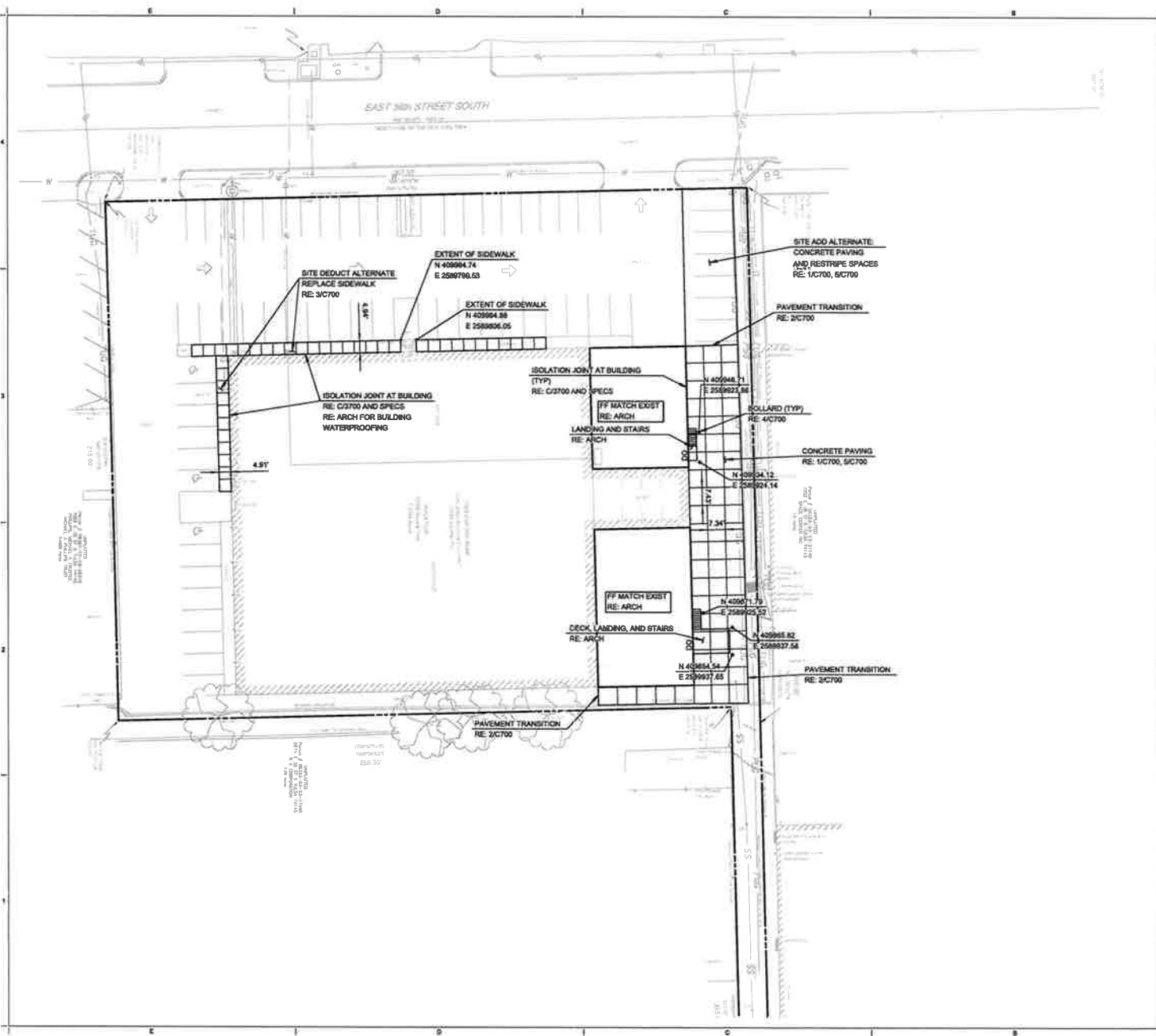


***Facing East on 38<sup>th</sup> Street***



*Facing West on 38<sup>th</sup> Street*

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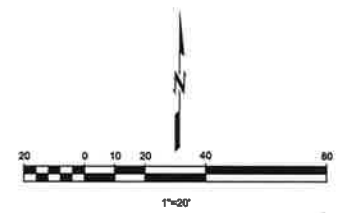
**Sheet Information**

- GENERAL SITE NOTES**
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
  2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
  3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
  4. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.

**PARKING SUMMARY**

USE:	GYMNASIUM
SEATS:	131
REQUIRED:	0.2 SPACES PER BEAT 26 SPACES
PROVIDED:	61 SPACES

**IMPERVIOUS AREA**  
NO CHANGE IN IMPERVIOUS AREA PROPOSED



**BEFORE YOU DIG CALL OKIE**

**CAUTION**  
NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES

**METHOD.**  
Architecture | Interiors | Planning | Preservation

www.methodgroup.com  
*wallace*

360°

**GODFREY ENGINEERING**

**HP ENGINEERING**

**Aim High Academy**  
7020 E. 38th St., Tulsa, OK 74146

No. \_\_\_\_\_ Date \_\_\_\_\_  
Issued for Permit

10/23/2014 10:00 AM Aim High Academy C400.dwg



25th Mile  
East Street  
Project No. 18005  
Issued: 07/28/19  
Drawn By: HCW  
Checked By: SMR

The Owner, user of these plans and other professionals shall be responsible for the accuracy of the information and measurements taken in the field. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES

**C400**  
Site Plan

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 12, 2019

Josh Kunkel  
2417 E Admiral Blvd  
Tulsa, OK 74110

Phone: 918.208.0620

APPLICATION NO: **BLDC-040178-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **7020 E 38 ST**

Description: **I/R & Addition**

#### 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH"  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)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-040178-2019

7020 E 38 ST

September 12, 2019

**Note:** Please direct all questions concerning special exceptions, appeals of an administrative and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body 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.

1. **Sec.15.020 Table 15-2:** The proposed Gymnasium is designated a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity). It is in an IL zoned district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception to allow a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity) use in an IL zoned district

**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**

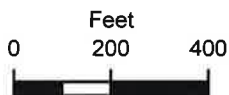
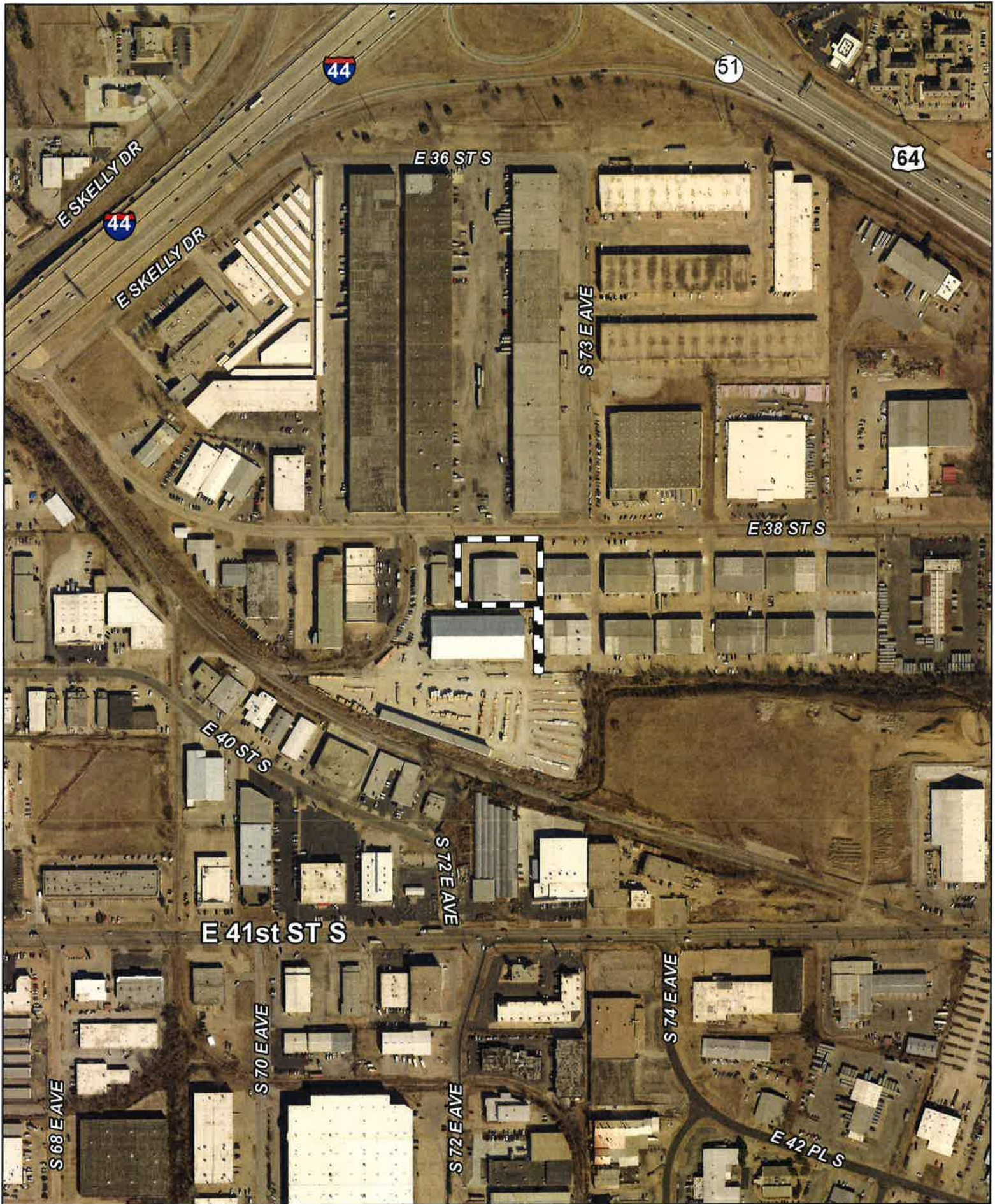
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**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.



 Subject Tract

**BOA-22792**

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

19-13 23

Aerial Photo Date: February 2018

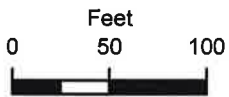


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E38 STS

S73 EAVE



Subject Tract

**BOA-22792**

19-13 23

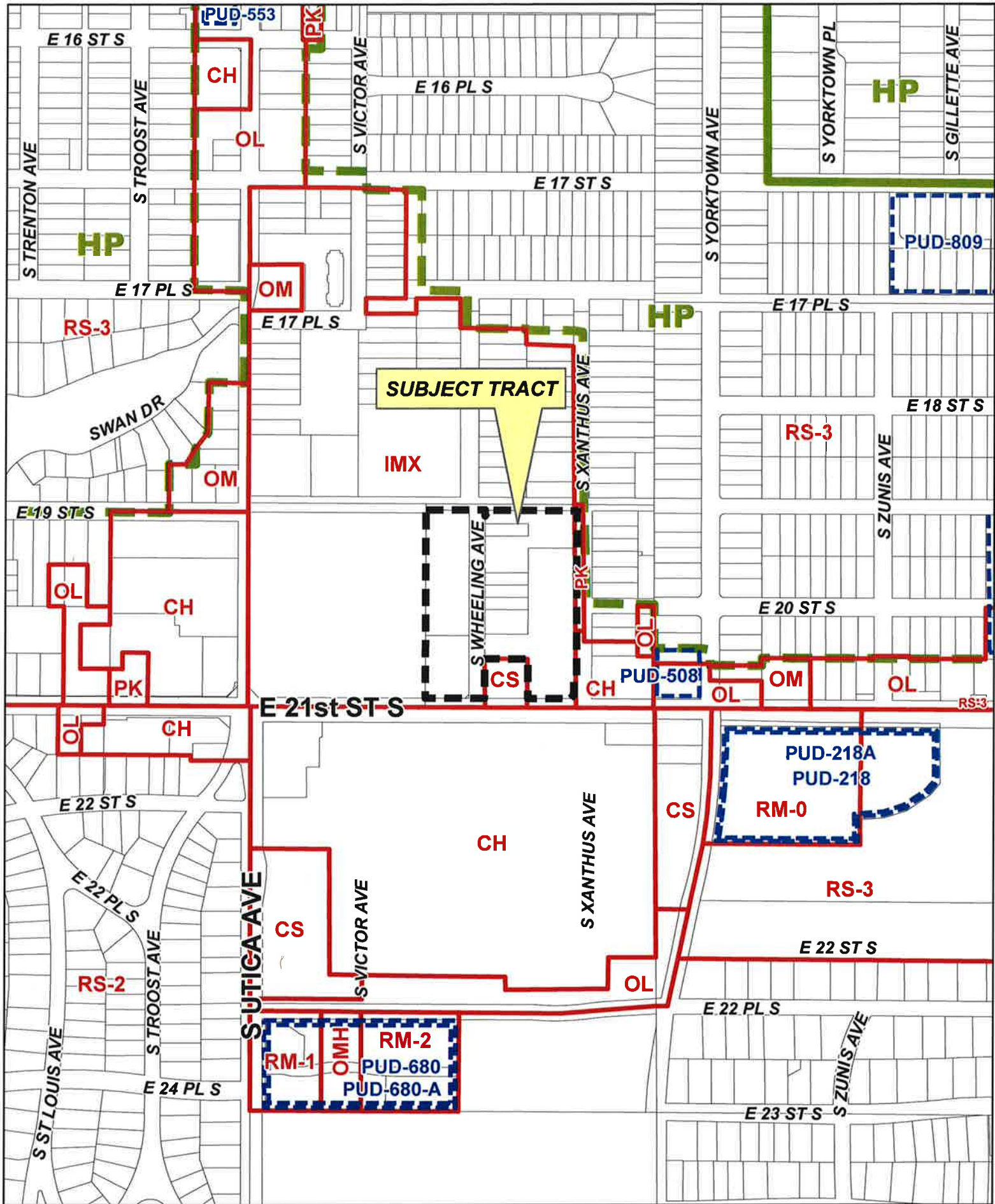
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Aerial Photo Date: February 2018



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**SUBJECT TRACT**

**BOA-22793**



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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9307

Case Number: **BOA-22793**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 11/12/2019 1:00 PM

**APPLICANT:** Tracey Diehl

**ACTION REQUESTED:** Special Exception to permit signage in the Right-of-Way (Sec. 60.020-E) and Special Exception to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3); Variance to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

**LOCATION:** PEDESTRIAN BRIDGES CONNECTING ST. JOHNS HOSPITAL ABOVE WHEELING AVE. BETWEEN E. 19<sup>TH</sup> ST S. AND E. 21<sup>ST</sup> ST. S.      **ZONED:** IMX

**PRESENT USE:** St. Johns Hospital/ Pedestrian bridge      **TRACT SIZE:** 247739.8 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 2; LTS 1 & 3 THRU 5 & 7 LESS BEG NWC LT 1 TH E10 SW22.29 N20 POB FOR RD BLK 2 & LTS 1 THRU 4 LESS S34.26 LT 4 BLK 3; LT 6 BLK 2; LTS 9 & 10 BLK 2; LT 8 BLK 2; LTS 1 THRU 10 BLK 1; LTS 11 THRU 15 LESS PRT LT 15 BEG SECR LT 15 TH W12 NE16.91 S12 POB BLK 1; LTS 11 & 12 BLK 2 & LTS 5 THRU 12 & S34.26 LT 4 BLK 3 & TR BEG SECR LT 12 BLK 3 TH W159 S137.66 E139 NE16.86 N48 NE11.31 N69.66 POB, REDDIN THIRD ADDN: AND INCLUDING THE S WHEELING AVE RIGHT-OF-WAY BETWEEN E 21 ST S AND E 19TH ST S

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**BOA-19277;** On 01.22.2002 the Board **approved** variances to the sign limitations for P and O Districts.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth".

**Regional Centers** are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

26.2

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 action requested is for the Pedestrian Bridges connecting St. Johns' Hospital on Wheeling Avenue between 19<sup>th</sup> St. South and E. 21<sup>st</sup> St. S.

**STAFF COMMENTS:**

The Applicant is requesting a **Special Exception** to permit signage in the Right-of-Way (Sec. 60.020-E) and **Special Exception** to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3) and a **Variance** to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

**60.020-E** Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District" as therein defined).

**60.090-D IMX District**

**1. Applicability**

The regulations of this section apply to signs in all IMX zoning districts. See also the general regulations of Section 60.040.

**2. Signs Allowed**

In addition to any sign exceptions allowed pursuant to Section 60.030, the following signs are the only signs allowed in IMX zoning districts:

- a. Directional and way-finding signs;
- b. On-premise building signature signs;
- c. On-premise wall signs;
- d. On-premise projecting signs;
- e. On-premise canopy signs;
- f. On-premise marquee signs; and
- g. On-premise, monument-style ground signs.

**3. Directional and Way-Finding Signs**

Directional and way-finding signs for business establishments located in the IMX district may be permitted by special exception **within the lot containing the use**. Such signs are subject to conditions (including but not limited to

regulation of the location, number, sign area and height of such signs) established by the board of adjustment in approving the special exception.

Applicant has been advised to communicate with City Engineering and begin review for a license agreement.

**STATEMENT OF HARDSHIP:**

Wayfinding signs are necessary for safe travel when on campus and nearby streets.

**SAMPLE MOTION:**

**Special Exception:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit signage in the Right-of-Way (Sec. 60.020-E) and a **Special Exception** to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3);

- 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.

**Variance:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

*a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

26.4



*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*

The NW/4 NW/4 NW/4 of Section 11, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, formerly described as Lot 3, Block 2, Wren Park Addition, less the S 30' thereof.

\*\*\*\*\*

**Case No.19277**

**Action Requested:**

Variance of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 502.B. ACCESSORY USES IN THE PARKING DISTRICT, Accessory Use Conditions; a Variance of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 602.B. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; a Variance of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP. SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards; a Variance of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; and a Variance of the provisions of Section 1221.C which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located NE/c E. 21<sup>st</sup> St. & S. Utica Ave.

**Presentation:**

**Charles E. Norman**, 2900 Mid-Continent Tower, submitted photographs, maps, sketches and a site plan (Exhibits C-1, C-2, and C-3). This application is for relief for identification and directional signs in PUD 417, St. John Medical Center. This is in an older neighborhood with lot frontages of 40' to 50', allowing only one sign per lot.

### **Comments and Questions:**

The staff recommended approval per the staff report.

### **Interested Parties:**

**Paul (Chip) Atkins**, 1638 E. 17<sup>th</sup> Pl., stated he is the president of the Swan Lake Neighborhood Association. They would like to make a recommendation to the Board that the City of Tulsa set up a guideline separate from other sign guidelines for medical corridors and campuses. They suggest the signs need to be bigger and easier to read for people dealing with emergency medical situations.

### **Board Action:**

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP; a **Variance** of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district; a **Variance** of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan; a **Variance** of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area, subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417; and a **Variance** of the provisions of Section 1221.C, which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP, ~~per plan, subject to the approval of the detail sign plans by the TMAPC under PUD 417,~~ finding there are unusual and unique characteristics to this development, to which the zoning code cannot be made to apply and the public purpose that would be served outweighs any harm to the area or to the purpose and intent of the code; ~~subject to the approval of the detail sign plans by the TMAPC under PUD 417,~~ on the following described property:

Area A: SW/4 SW/4 SE/4, Section 7, T-19-N, R-13-E, and all of Block 1, Reddin Third Addition; Area B: Lots 2 - 18, Block 3, Edgewood Place Addition; Area C: Lots 1 - 5, Block 2, and Lots 1 - 11, Block 3, and the N 4.57' of Lot 12, Block 3,

Township: 19 North Range: 13 East Section: 07



[Click to view this area on the Google Maps web page in a new window](#)

**Summary Data** [parcel with marker]

[VIEW PROPERTY DATA PAGE](#)

<b>Account #</b>	R34350930714950		
<b>Situs address</b>	TULSA 74104		
<b>Owner name</b>	ST JOHN MEDICAL CENTER INC C/O NICKEL & COMPANY LLC		
<b>Fair market value</b>	\$4,129,028	<b>Livable†</b>	172,200
<b>Last year's taxes</b>	—	<b>Year built</b>	1970



Site Plan

26.8

# Sign Recommendation

N13

**Existing**

Sign Type:  
 Quantity:  
 Location:  
 Illumination:  
 Approx. Size:  
 H:  
 W:  
 OAH:  
 HOG:  
 Comment:

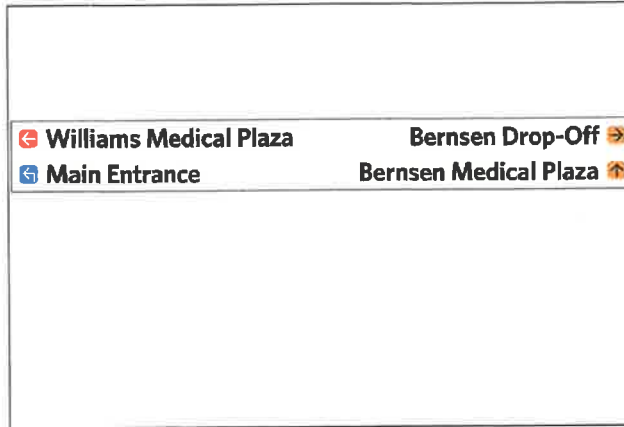


Action: Retrofit

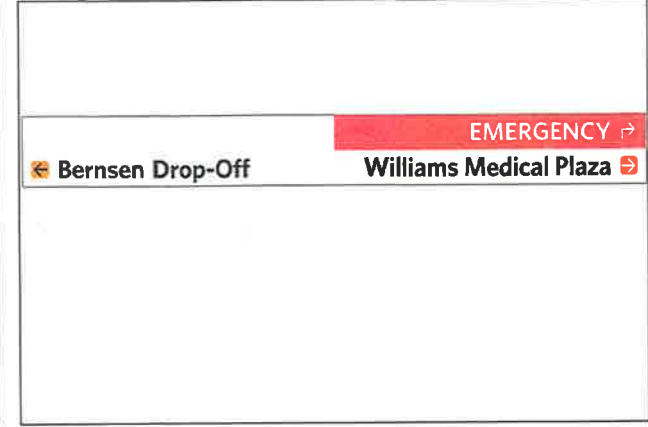
**Recommended**

Sign Type: Brand Moments  
 Sign Code: ASC-RTF-CUSTOM  
 Quantity: 2  
 Attachment: Base/Plinth  
 Illumination: Internal  
 Approx. Size:  
 H: 0'-0"  
 W: 0'-0"  
 OAH: 0'-0"  
 Comment:

Technical Survey: Required  
 Code Compliant: Yes



Recommended - Side A



Recommended - Side B

6.98

# Sign Recommendation

N14

## Existing

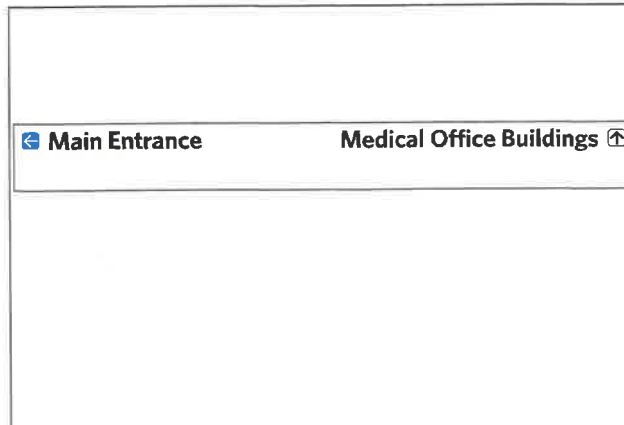
Sign Type:  
 Quantity:  
 Location:  
 Illumination:  
 Approx. Size:  
 H:  
 W:  
 OAH:  
 HOG:  
 Comment:



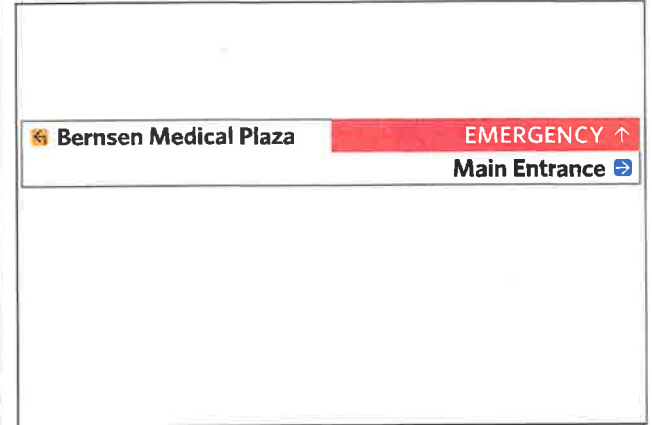
Action: Retrofit

## Recommended

Sign Type: Brand Moments  
 Sign Code: ASC-RTF-CUSTOM  
 Quantity: 1  
 Attachment: Base/Plinth  
 Illumination: Internal  
 Approx. Size:  
 H: 0'-0"  
 W: 0'-0"  
 OAH: 0'-0"  
 Comment:



Recommended - Side A



Recommended - Side B

Technical Survey: Required  
 Code Compliant: Yes

26.10

**AFFIDAVIT OF PERMIT AUTHORIZATION**

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting a variance application(s) on the owner's behalf.

Fill in name

I, Steve Spratt, VP Ascension owner of the property listed below certify that I have granted, Architectural Graphics Inc. and their permit expeditor Expedite The Diehl, my duly authorized agent, permission to obtain the sign variance and related documents necessary for the construction (or installation) of signs at the following address:

1923 S. Utica Ave, Tulsa, OK 74104  
Address of permit location

I understand that I am authorizing them to apply for necessary variance, sign permit and related permit documents. This is limited to what is necessary for sign variance projects to be completed.

Sign/date

Steven C. Spratt 10/17/19  
Signature of Property Owner Date

Complete by Notary

Notary  
State of MISSOURI  
City/ County of ST. LOUIS

I, BARBARA FLICK Notary Public in and for the aforesaid State hereby certify that STEVEN C. SPRATT appeared before me in the State and City/County aforesaid and executed this affidavit on this 17 day of "2019".

Barbara Flick  
Notary Public

My Commission Expires the 19 day of JUNE, 2021.  
Date Month year

Seal



**Resolved On:**

**Comments**

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

**Corrective Action**

Review Comments: The proposed directional Medical Plaza sign appears to be located in the City of Tulsa ROW. The ROW width along S. Wheeling Avenue is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the C/L of S. Wheeling Avenue. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a sign to be located on the pedestrian bridge in the ROW.

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Results per page  1 - 1 of 1

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*N13 Denial*

*26.12*



**Resolved On:**

**Comments**

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

**Corrective Action**

Review Comments: The proposed Bernsen Medical Plaza sign appears to be located in the City of Tulsa ROW. The ROW width along S. Wheeling Avenue is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the C/L of S. Wheeling Avenue. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a sign to be located on the pedestrian bridge in the ROW.

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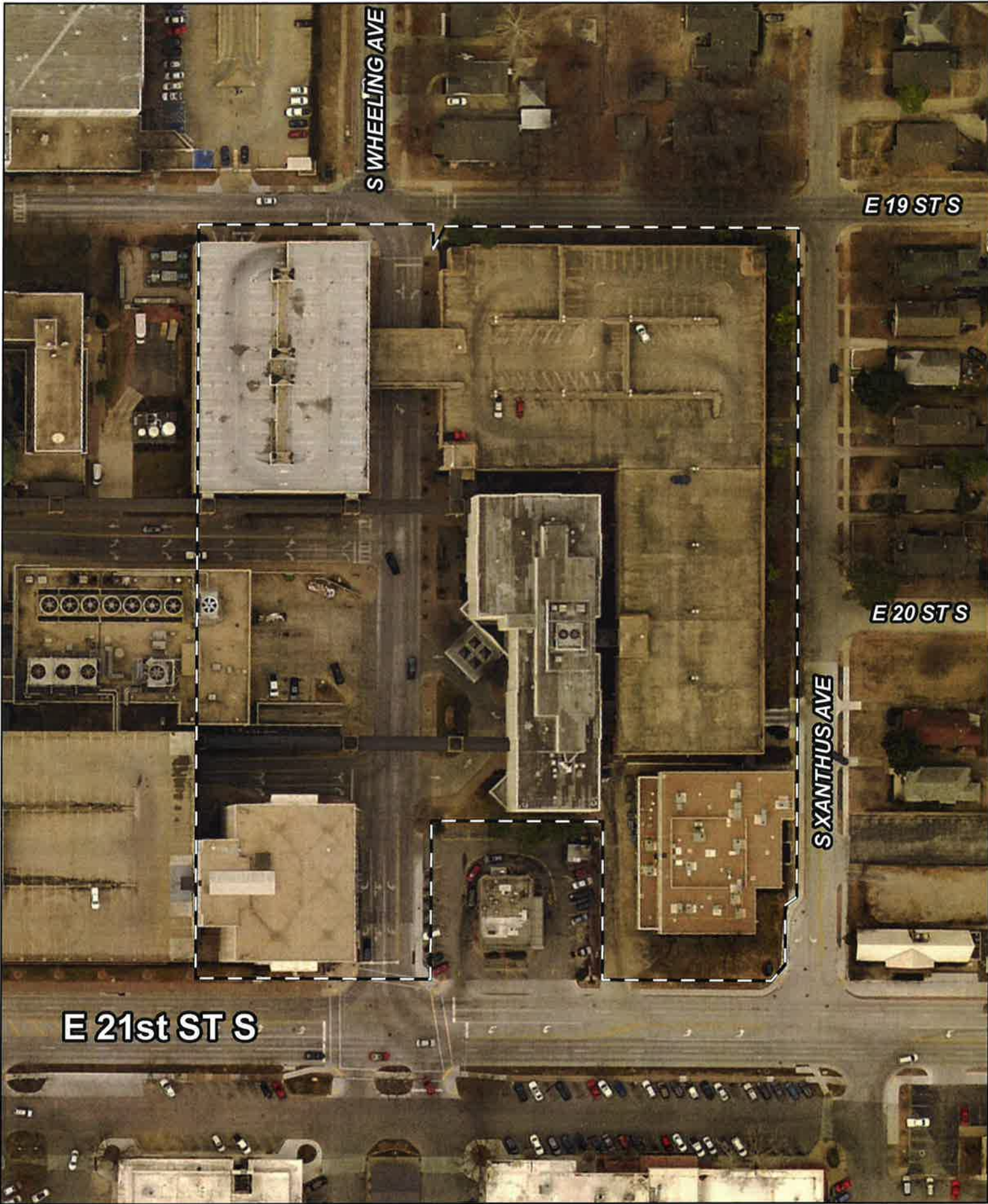
Results per page  1 - 1 of 1

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*N14 Denial*

*26.13*



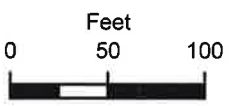
S WHEELING AVE

E 19 ST S

E 20 ST S

S XANTHUS AVE

E 21st ST S



Subject Tract

**BOA-22793**

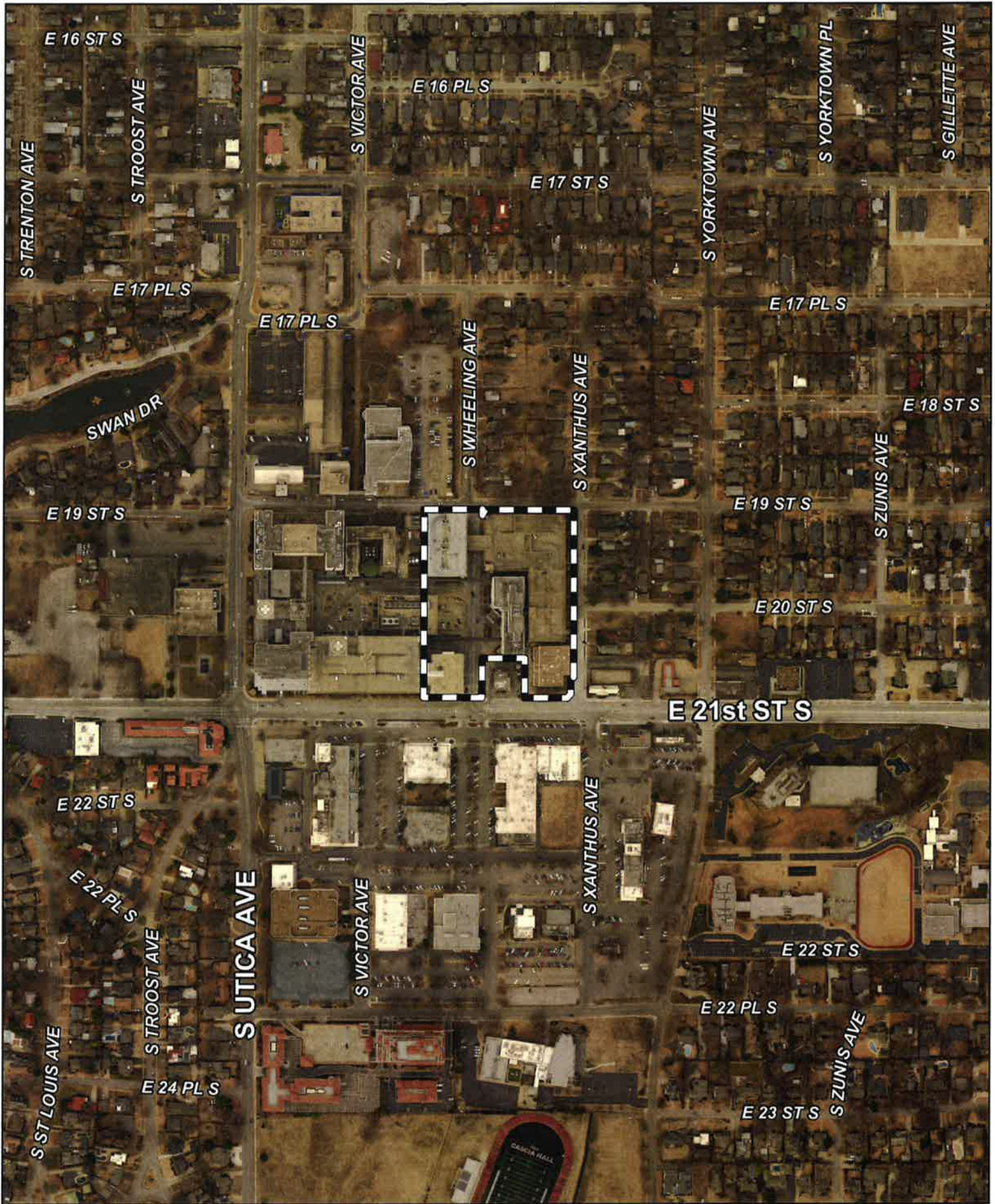
19-13 07

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

Aerial Photo Date: February 2018



26.14



Subject Tract

**BOA-22793**

19-13 07

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

Aerial Photo Date: February 2018



26.15

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