

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 27, 2019, 1:00 P.M.

Meeting No. 1235

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 13, 2019 (Meeting No. 1234).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **22715—Cheryl Cohenour**
Special Exception to permit a low-impact medical marijuana processing facility in a CH District (Section 15.020, Table 15-2). **LOCATION:** 916 West 23rd Street South **(CD 2)**
3. **22716—Jordan Droz**
Special Exception to permit a small Assembly and Entertainment Use serving or selling alcoholic beverages to be located within 150 feet of a residential district (Section 15.020-G, Table Note [2]). **LOCATION:** 9140 South Braden Avenue East **(CD 8)**

The applicant has requested a continuance to September 10, 2019.

4. **22717—Jim Butler**
Variance to increase the maximum building height from 35 feet in an RS-1 District (Section 5.030, Table 5-3). **LOCATION:** 2723 South Zunis Avenue East **(CD 9)**
5. **22718—Cherrie Muzaffar**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6122 South Garnett Road East **(CD 3)**

6. **22719—John Fulton**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 1444 South College Avenue East **(CD 4)**
7. **22720—Charles Rogers**
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)**
8. **22721—D’Andre Miles**
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 63rd Place North **(CD 1)**
9. **22722—KKT Architects**
Variance to permit the wall sign display surface area be increased from 32 square feet to 65.44 square feet, and to increase the aggregate wall sign area from 32 square feet to 130.88 square feet and to permit a 28.77 square foot ground sign to be installed along the west side of the lot with no street frontage (Section 60.050-B.2.a-b). **LOCATION:** 1620 East 12th Street East **(CD 4)**
10. **22723—KKT Architects**
Variance to permit a dynamic display sign in an OL District for a use that is not a Public, Civic or Institutional use (Section 60.060-E). **LOCATION:** 12020 East 31st Street South **(CD 6)**
11. **22724—Brooklyn Burdax**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 1046 East Pine Street North **(CD 1)**
12. **22725—Mary Cooper**
Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6545 East 11th Street South **(CD 3)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

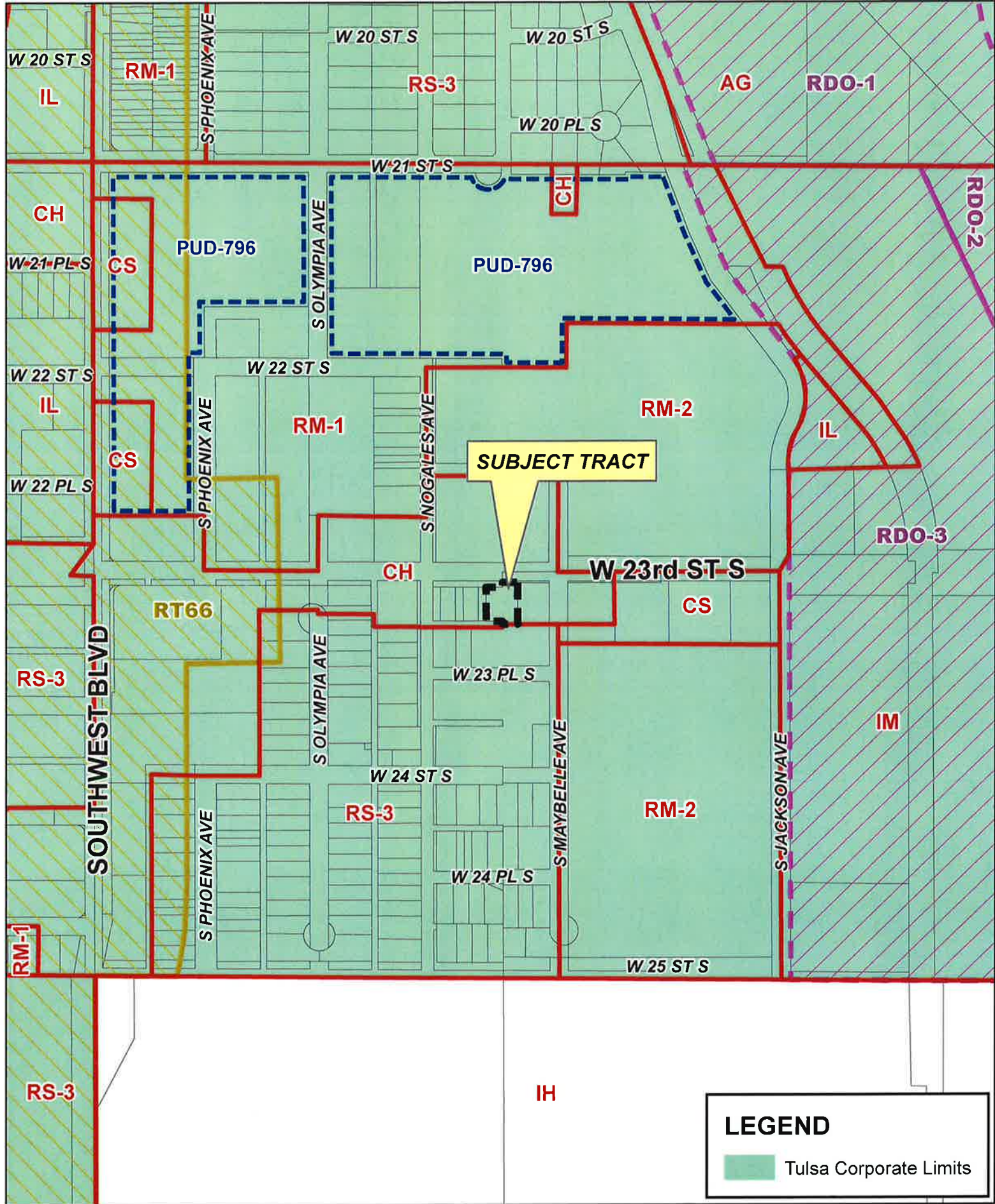
Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office @ (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.



BOA-22715

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9214

Case Number: BOA-22715

CZM: 36

CD: 2

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: Cheryl Cohenour

ACTION REQUESTED: Special Exception to permit a Low-impact Medical Marijuana processing facility in a CH district (Sec. 15.020, Table 15-2)

LOCATION: 916 W 23 ST S

ZONED: CH

PRESENT USE: Non-Profit

TRACT SIZE: 12388.51 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding property:

BOA-19632; On 07.22.03 the Board **approved** a special Exception to permit a car wash in a CS zoned district located approximately 300 ft East of the subject property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

2.2

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

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Low-impact Medical Marijuana processing facility in a CH district (Sec. 15.020, Table 15-2)

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Building service	-	-	-	-	S	P	P	P	P	P	P	
Business support service	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Consumer maintenance/repair service	-	-	-	-	P	P	P	P	P	P	P	
Personal improvement service	S	S	S	S	P	P	P	P	P	P	P	
Research service	-	-	-	-	-	S	P	P	P	P	P	Section 40.225
Financial Services (except as below)	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Funeral or Mortuary Service	P	P	P	P	P	P	P	P	P	P	P	
Lodging												
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	Section 40.060
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	S	S	S	Section 40.170
Marina	S	S	S	S	S	S	S	S	S	S	S	
Office												Section 40.260
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	P	P	P	P	P	P	P	P	P	P	P	
Plasma center	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Parking, Non-accessory	P	P	P	P	P	P	P	P	P	P	P	
Restaurants and Bars												
Restaurant	P[1]	P[1]	P[1]	P	P	P	P	P	P	P	P	Section 40.330
Bar (except as below)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.050
Brewpub	-	-	-	-	S	S	S	P[2]	S	S	S	Section 40.050
Retail Sales												Section 40.340
Building supplies and equipment	-	-	-	-	P	P	P	P	P	P	P	
Consumer shopping goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store	-	S[3,6]	S[3,6]	S[3,6]	P	P	P	P	P	P	P	
Small Box Discount Store	-	S[3,6]	S[3,6]	S[3,6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	
Medical Marijuana Dispensary	-	-	-	-	P	P	P	P	P	P	P	Section 40.225
Self-service Storage Facility	S	S	S	S	S	P	P	P	P	P	P	Section 40.360
Sexually Oriented Business Establishment	-	-	-	-	P	P	P	P	S	S	S	Section 40.370
Studio, Artist or Instructional Service	P	P	P	P	P	P	P	P	P	P	P	Section 40.380
Trade School	-	S	S	S	S	P	P	P	P	P	P	
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	-	S	S	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	
WHOLESALE, DISTRIB. & STORAGE												Section 40.410
Equip. & Materials Storage, Outdoor	-	-	-	-	S	P	P	P	P	P	P	
Trucking and Transportation Terminal	-	-	-	-	S	P	P	P	P	P	P	
Warehouse	-	-	-	-	S	P	P	P	P	P	P	
Wholesale Sales and Distribution	-	-	-	-	S	P	P	P	P	P	P	
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	

The applicant has not gone through the plan review project and does not have a Letter of Deficiency from the Permit Center. All approvals would be subject to compliance to all other regulations inside the Zoning Code or the applicant may choose to seek further relief at a later date. All Medical Marijuana Uses are subject to eh regulation in Sec. 40.225.

Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

- 40.225-A A medical marijuana grower operation must be located inside an enclosed building.
- 40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.
- 40.225-C A medical marijuana dispensary must be located inside an enclosed building.
- 40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
- 40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
- 40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
 2. An electronic security system and surveillance camera.
- 40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
- 40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.
- 40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Low-impact Medical Marijuana processing facility in a CH district (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s)/ 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.



View facing East from center of 23rd Street



View facing East from center of 23rd Street



View of subject property, is currently being used as a non-profit school supply store for educators



View of subject tract parking lot

* * * * *

* * * * *

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

Comments and Questions:

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

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

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

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

*****.

Case No. 19633

Action Requested:

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

Presentation:

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

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

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



0 200 400
Feet



Subject
Tract

BOA-22715

19-12 14

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

Aerial Photo Date: February 2018





0 Feet 50 100



Subject
Tract

BOA-22715

19-12 14

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

Aerial Photo Date: February 2018

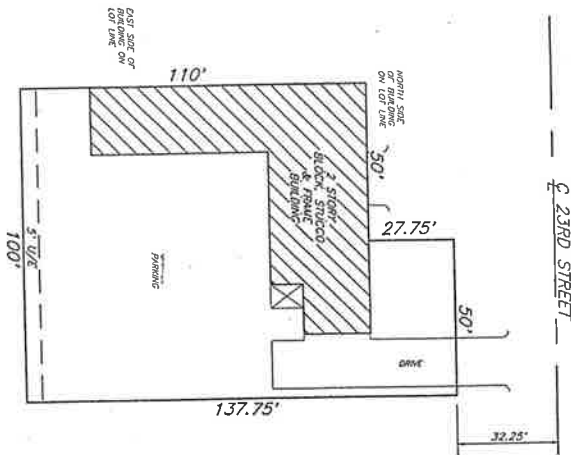
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PROJECT DESCRIPTION
 Interior renovation of existing offices at two story, frame and masonry commercial office building.

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

THIS PROPERTY LIES IN ZONE "B" FLOOD HAZARD AREA PER
 F.I.R.M. COMMUNITY PANEL NO. 405381 0030P, AS LAST
 REVISED NOVEMBER 3, 1989.



1 SITE PLAN
 9/13/00

BOA-22715

A1

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

KAREN MCCALL DUNNING, AIA
 ARCHITECTURE ♦ SPACE PLANNING

211 East 24th Place
 Tulsa, OK 74114-2605
 918-851-5058

2.11



CONSTRUCTION ENTERPRISES

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

August 20, 2019

City of Tulsa Board of Adjustment
175 East 2nd St.
Tulsa, Oklahoma

Attention: Austin Chapman

Reference: Case No. BOA-22715/916 W. 23rd St. S.

Cheryl Cohenour and her property have been a valuable part of our neighborhood for a long time. Construction Enterprises Incorporated, as the Owner of 902 W. 23rd St., supports the Special Exception to the CH Zoning for her property.

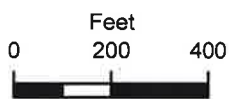
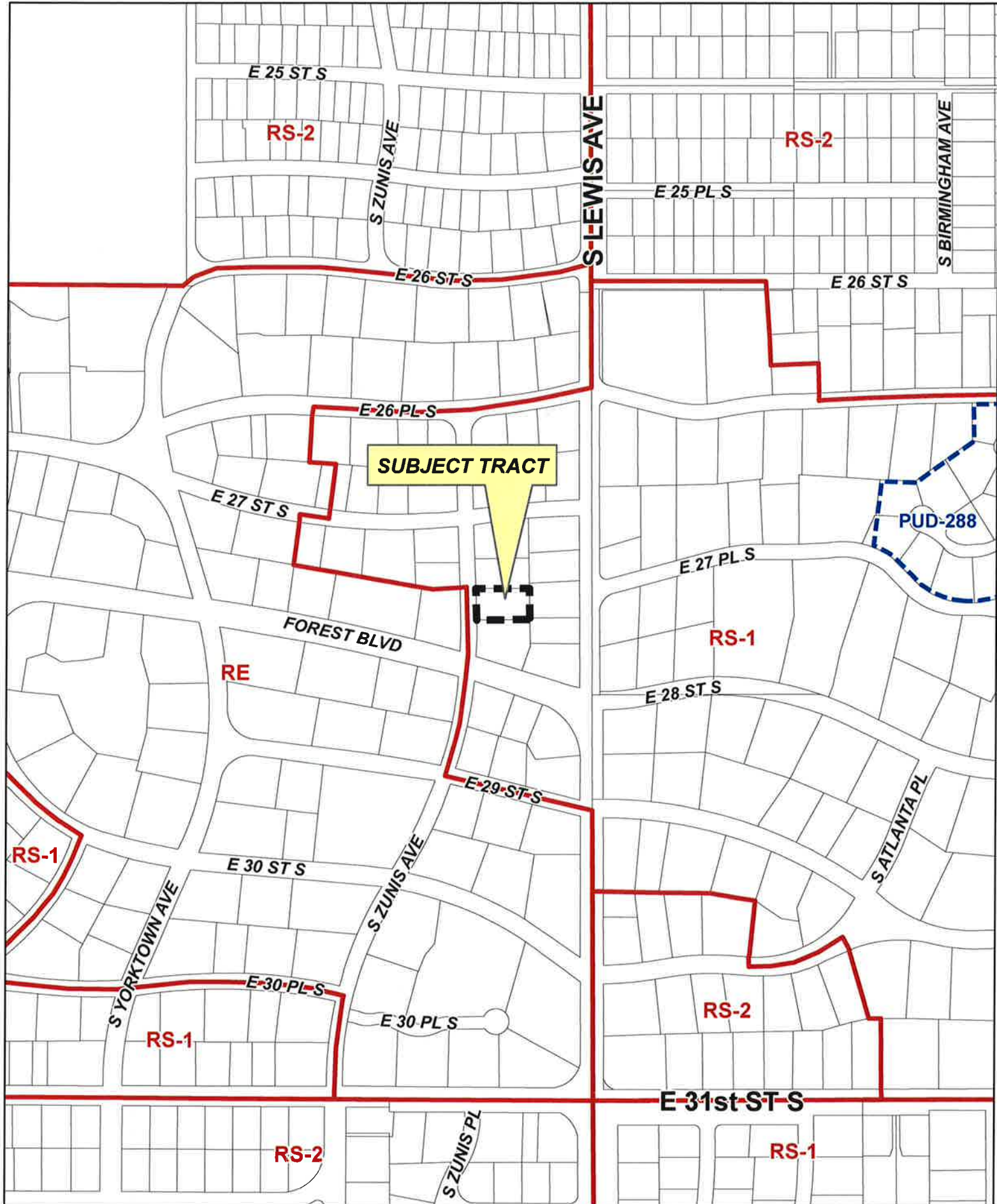
That is conditioned on our understanding that the facility will not be open to the public for sales.

Sincerely,
Construction Enterprises Incorporated
Thomas H. Viuf
Thomas H. Viuf
President

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BOA-22716 – JORDON DROZ

**THE APPLICANT HAS REQUESTED A CONTINUANCE
TO SEPTEMBER 10, 2019**



BOA-22717

19-13 18

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-22717**

CZM: 37

CD: 4

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: James Butler

ACTION REQUESTED: Variance to increase the maximum building height from 35 ft. in an RS-1 District (Sec. 5.030, Table 5-3)

LOCATION: 2723 S ZUNIS AV E

ZONED: RS-1

PRESENT USE: Vacant Residential

TRACT SIZE: 16600.78 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 7, FOREST HILLS

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "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 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-1 zoned property surrounded by RS-1 zoning on the North, South and East. The property abuts RE zoning on the West.

STAFF COMMENTS:

The applicant is requesting a variance to increase the maximum building height from 35 ft. in an RS-1 District (Sec. 5.030, Table 5-3) for a single family detached house.

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
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

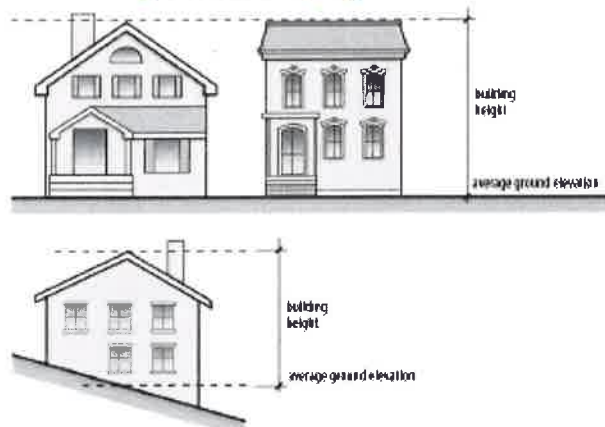
Building Height is measured as set forth in Sec. 90.160-A:

Section 90.160 Building Height

90.160-A Measurement

1. Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest point of the subject building. For purposes of measuring height:
 - a. The average ground elevation is the mid-point between the highest and lowest ground elevations along the exterior building wall; and
 - b. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof. For buildings without a roof, height is measured to the highest point of the structure.

Figure 90-19: Building Height Measurement



SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to increase the maximum building height from 35 ft. in an RS-1 District (Sec. 5.030, Table 5-3)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s)/ Plans(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."*



View facing North from Zunis in front of Subject tract



Front of subject tract

ⓑ

SCALE 3/16"=1'-0"

ALLOWED
BUILDING
AREA

DAYNO SIMULATED SLATE
SHINGLES. CONSULT ARCHITECT

**BROUGHT FOR
SALES, CONSULT**

DORRIS
100-1000

PLATE



CAST STONE
MASONRY

 CAST STONE
FOR ALL STONES

UPPER LEVEL FLOOR LINE

1990-1991

UPPER LEVEL FLOOR LINE
2-1 1/8"

SLIPCOVERS W/ 2

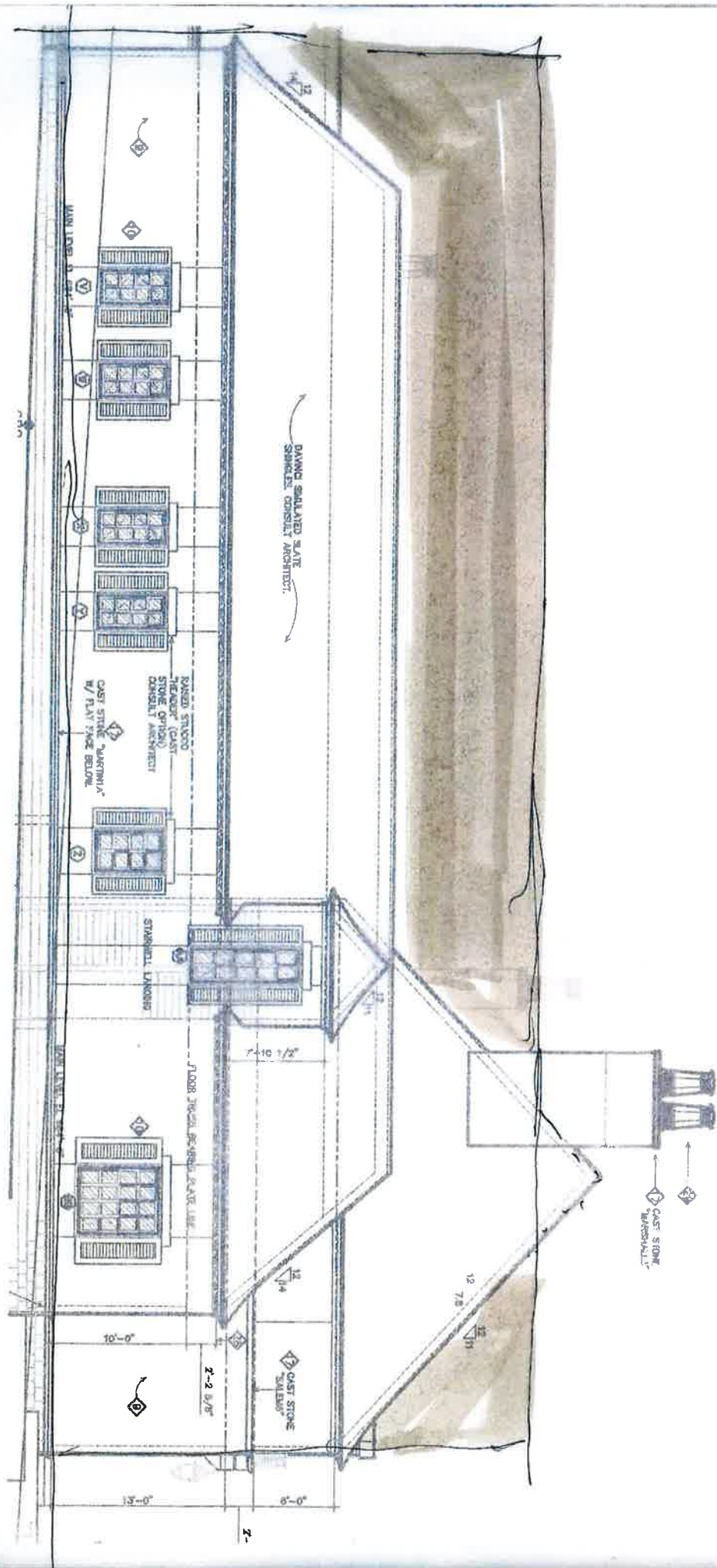
CHEST STONE "MARTINIA"
W/ FLAT FACE BELOW

57

56

FRONT

4.5



- [illegible]

[illegible]

A NEW RESIDENCE FOR:
JIM & KATHY BUTLER
2723 SOUTH ZUNIS AVE., TULSA, OKLAHOMA



REVIEWS

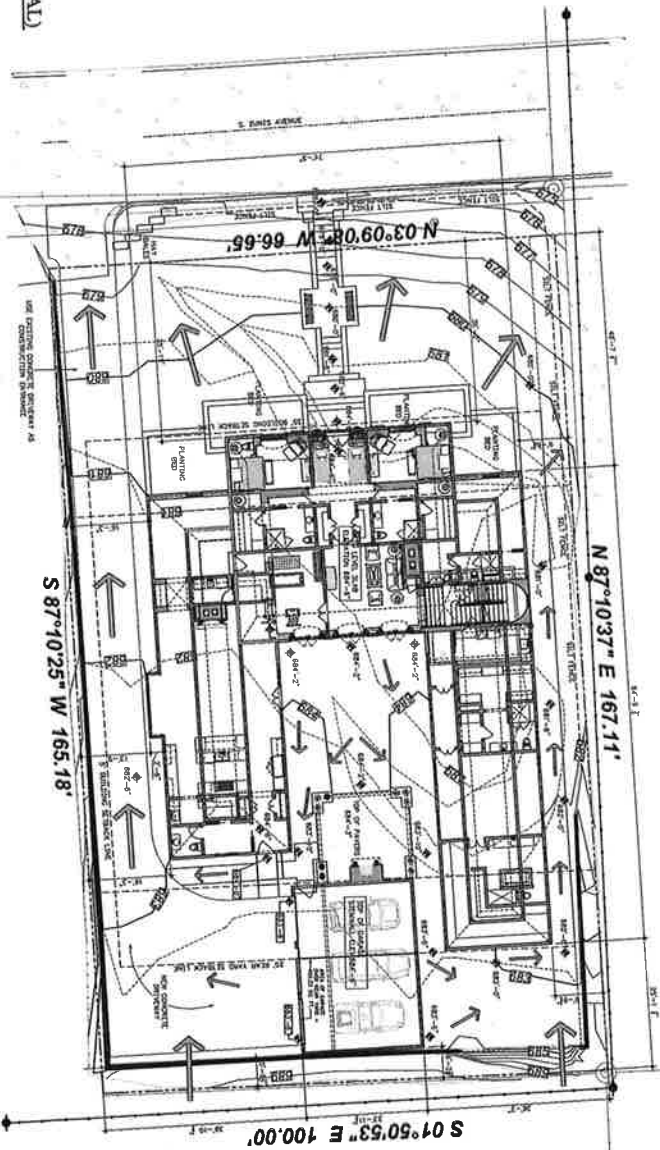
FOR NO. 1205
DRAWN BY: ELI
KEVINGO.

ARCHITECTURAL RESOURCES by
JACK ARNOLD
1310 South Yale • Tulsa, Oklahoma 74136 • 1.918.494.2730 • www.jackarnold.com

LEGAL DESCRIPTION:
LOT FIFTY (15), BLOCK ONE
(1), EIGHT ACRES, AN ADOPTED
TO THE CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA
ACCORDING TO THE RECORDS
PLAT THEREOF.



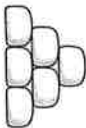
NORTH



A **SCALE: 1/2" = 1'-0"**

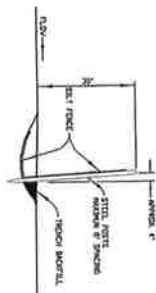
ALUMINUM WICK COMPACT In place
vibro by grouting = 208
excising wick tank = 2100 sq. ft.
allowable coverage = 300 sq. ft.
actual coverage = 692.33 sq. ft.
ratio to H-400 for groutilling
= 2.31

604-22717



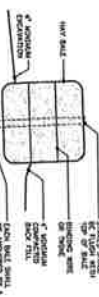
FOR CONSTRUCTION 7/24/00
SILT FENCE DETAIL
D SCALE NONE

- [illegible]



FOR CONSTRUCTION PHASE ONLY
SAND BAG DETAIL (OPTIONAL)
SCALE: 3/4"=1'-0"

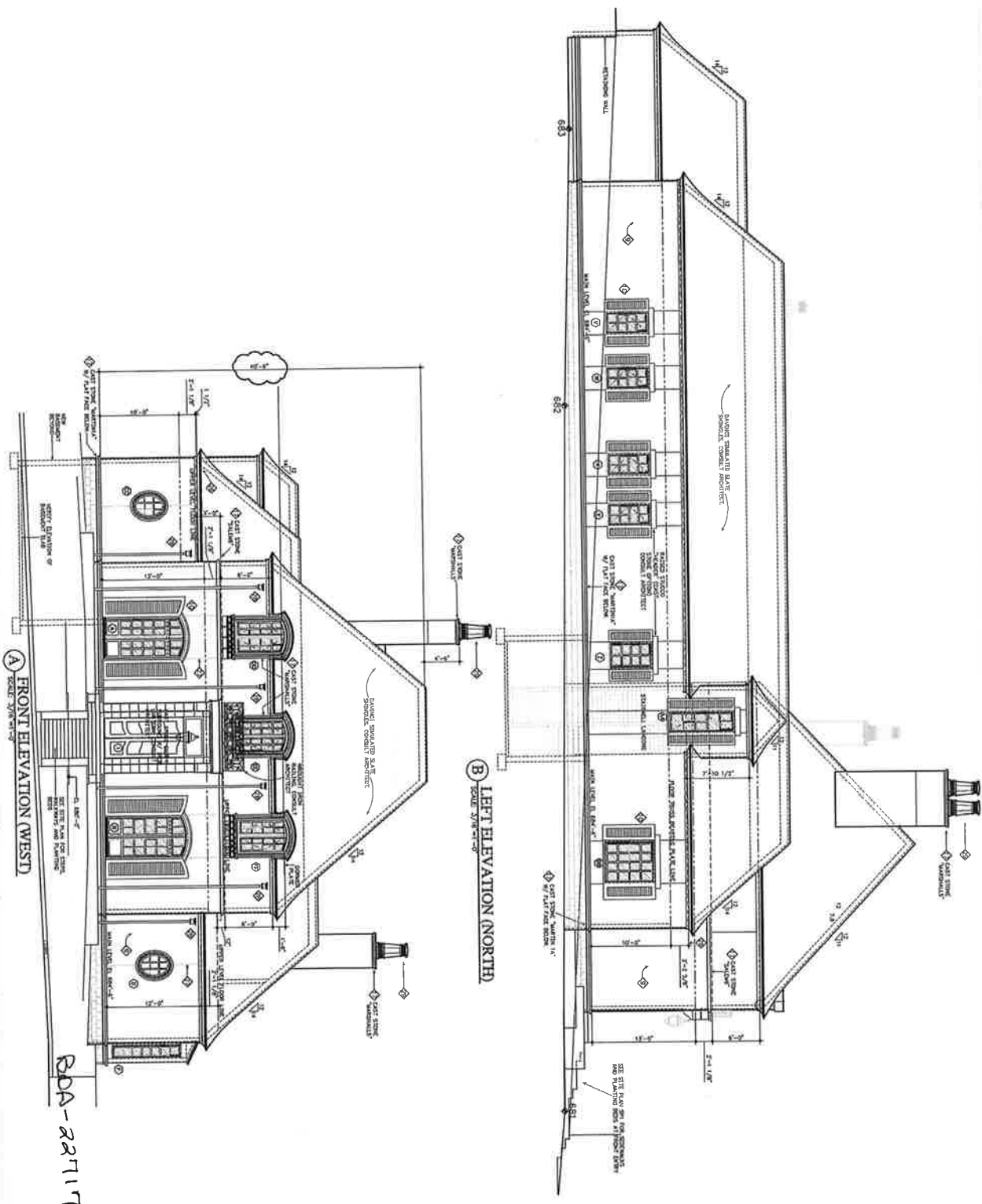
SAND BAG DISC
FOR CONSTRUCTION PILES ONLY
SCALE 3/4"=1'-0"



HAY BALE DETAIL
SCALE: 3/8" = 1'-0"

HAY BALE DETAIL.
SCALE: 3/4" = 1'-0"

4.9



- [illegible]

CONTACT EUROPEAN ALTIM FOR
CONCRETE - CAST STONE -
LAYERS, GABLE VENTS -
ADDITIONAL SELECTIONS REFER TO
"PREFERRED VENDOR LIST" ON
SHEET SMI FOR CONTACT
INFORMATION

Architectural Resources by
JACK ARNOLD
 7330 South Yale • Tulsa, Oklahoma 74136 • 918.694.2730 • www.jackarnold.com

A NEW RESIDENCE FOR:
**JIM & KATHY
BUTLER**
2723 SOUTH ZUNIS AVE., TULSA, OKLAHOMA





0 Feet 200 400



Subject Tract

BOA-22717

19-13 18

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

Aerial Photo Date: February 2018

4.10





0 Feet 50 100



Subject
Tract

BOA-22717

19-13 18

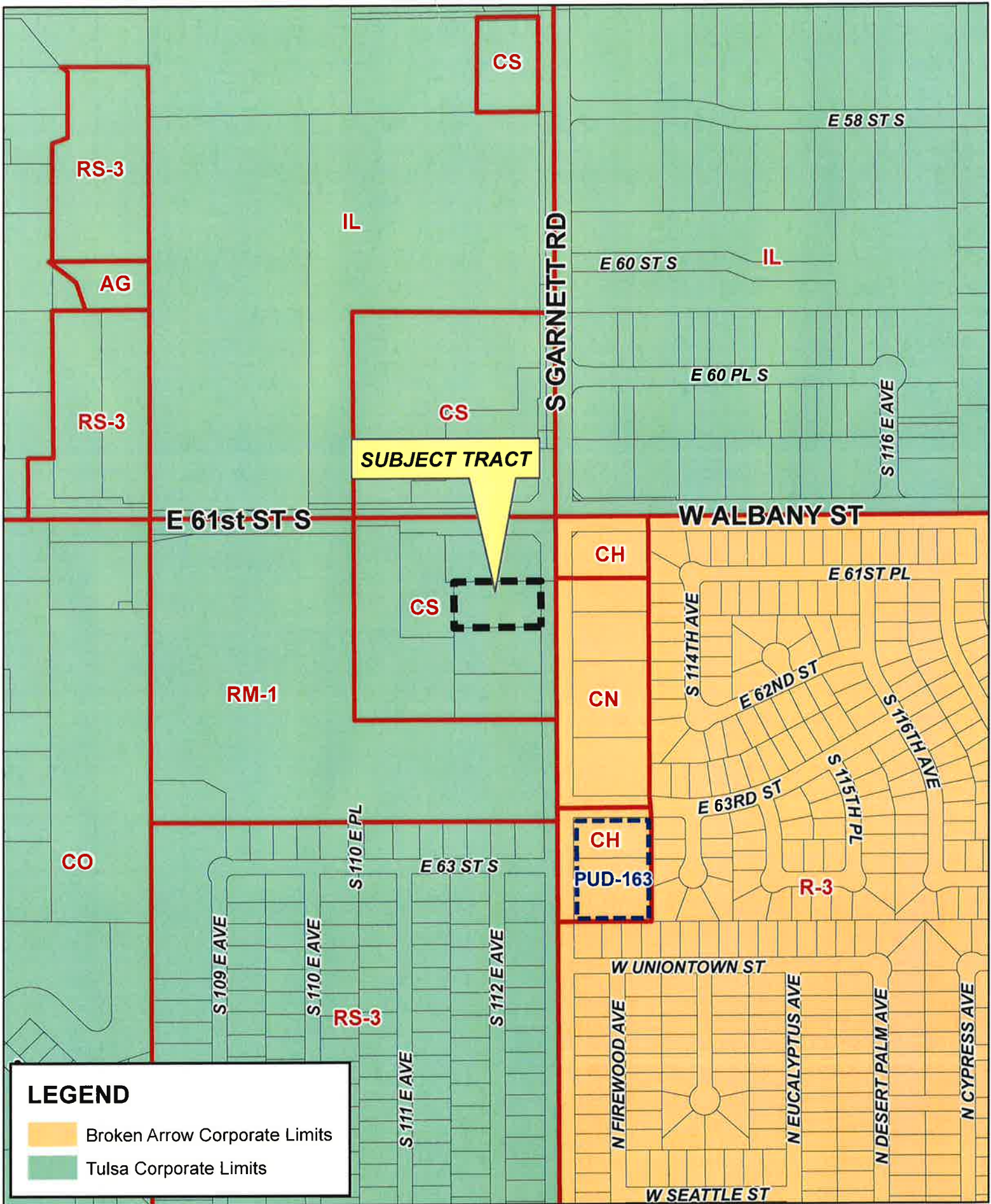
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



4.11

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BOA-22718

18-14 06

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8406

Case Number: BOA-22718

CZM: 54

CD: 7

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: Cherrie Muzaffar

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

LOCATION: 6122 S GARNETT RD E

ZONED: CS

PRESENT USE: Retail

TRACT SIZE: 42749.96 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG EASTERNMOST NEC LT 1 TH S150 W285 N150 E285
POB BLK 1, NEAL PLAZA

RELEVANT PREVIOUS ACTIONS: 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 a CS zoned property South of the SW/c of South Garnett Road and E. 61st Street South. The subject tract abuts CS on the North, South and West. Garnett Serves at the corporate limits for the City of Tulsa and the property East of the subject tract is zoned CN (Neighborhood Commercial) and is located in the City of Broken Arrow.

STAFF COMMENTS: The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board

requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 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 submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries at 5910 S 107th E. Ave which is outside of their radius.

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 South from Garnett sidewalk



View facing North from Garnett sidewalk



View of Subject Property from Garnett Sidewalk



0 200 400
Feet



Subject
Tract

BOA-22718

18-14 06

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

Aerial Photo Date: February 2018

5.6





E 61st ST S

W ALBANY ST

S GARNETT RD

0 Feet
50 100



Subject
Tract

BOA-22718

18-14 06

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

Aerial Photo Date: February 2018

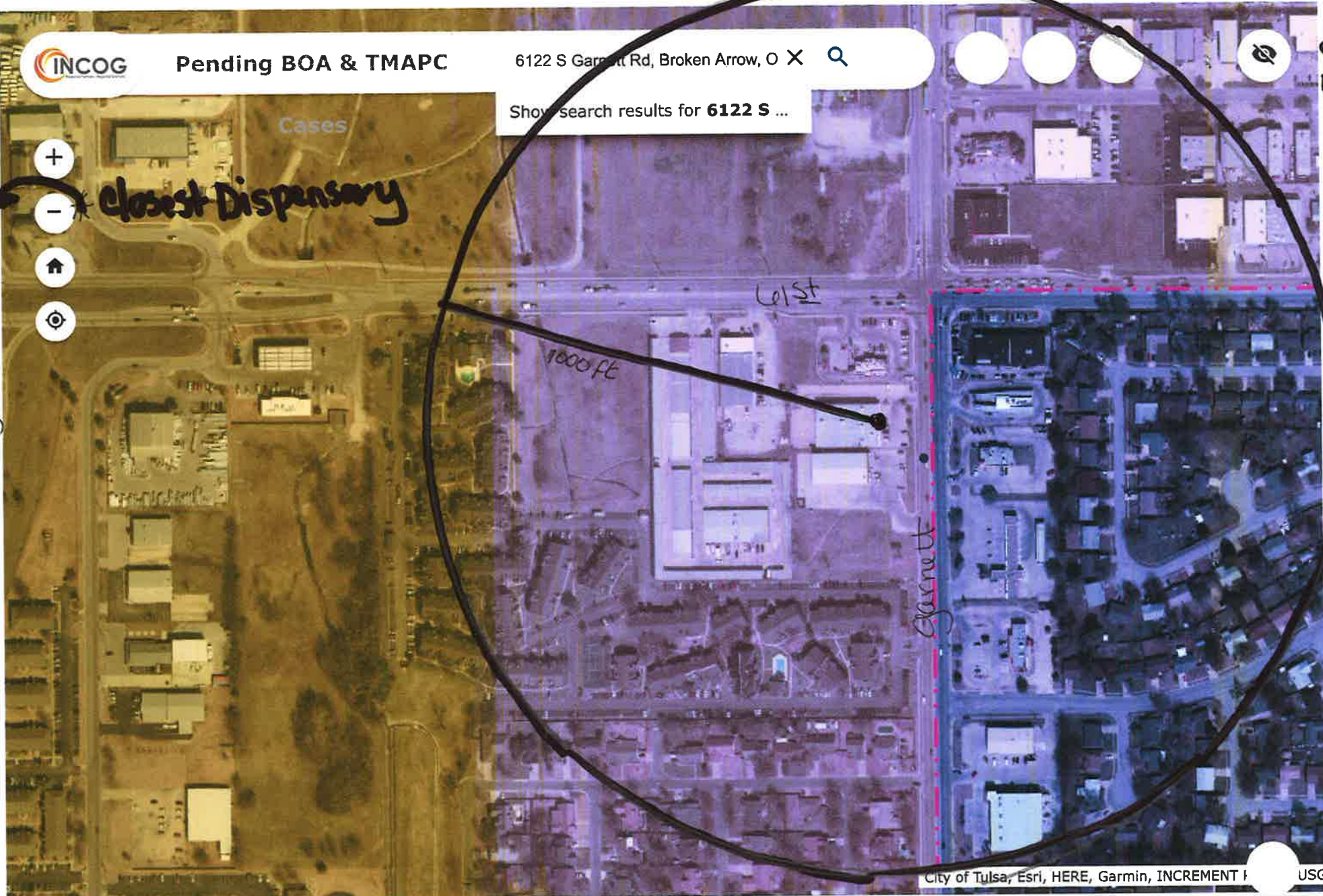
5.7



DAAA-4Y00-W8W8 Tulsa Dispensary 5910 S. 107th E. Ave. 74146

7/18/2019

Pending BOA & TMAPC Cases



5.8

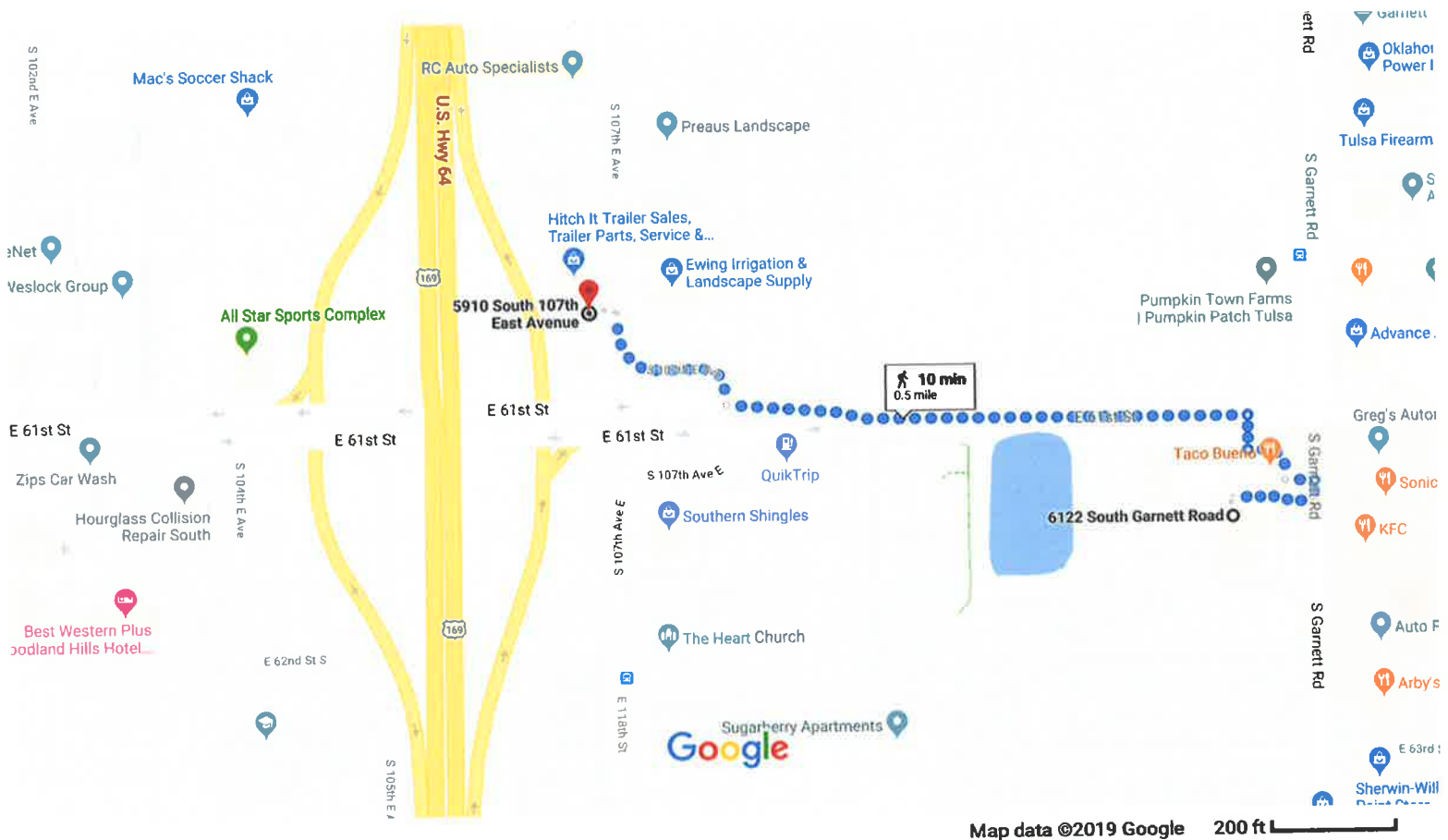
-95.854 36.076 Degrees

300ft



6122 South Garnett Road, Tulsa, OK to 5910 S 107th E Ave, Tulsa, OK 74146

Distance from GreenHub to closest Dispensary



via E 61st St

10 min

0.5 mile

Mostly flat

INCOG Pending BOA & TMAPC 6122 S Garnett Rd, Broken Arrow, O X

Show search results for **6122 S** ...

Measure Tool

Feet

Measurement Result

2,051.4 Feet

Clear

CTRL to enable snapping

City of Tulsa, Esri, HERE, Garmin, INCREMENT P, NGA, USG

5.10

-95.858 36.076 Degrees

300ft



State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

Z&M, INC.

6122 S GARNETT RD STE C , BROKEN ARROW, OK, 74012

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.

04/20/2020

LICENSE NUMBER:

DAAA-NYYK-ZIAY



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 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

July 16, 2019

Cherrie Muzaffar
909 S Butternut PL
Broken Arrow, OK 74012

Phone:

APPLICATION NO: BLDC-035852-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 6122 S Garnett 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 (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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(continued)

5.12

REVIEW COMMENTS

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

BLDC-035852-2019

6122 S Gamett Rd

July 16, 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/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.

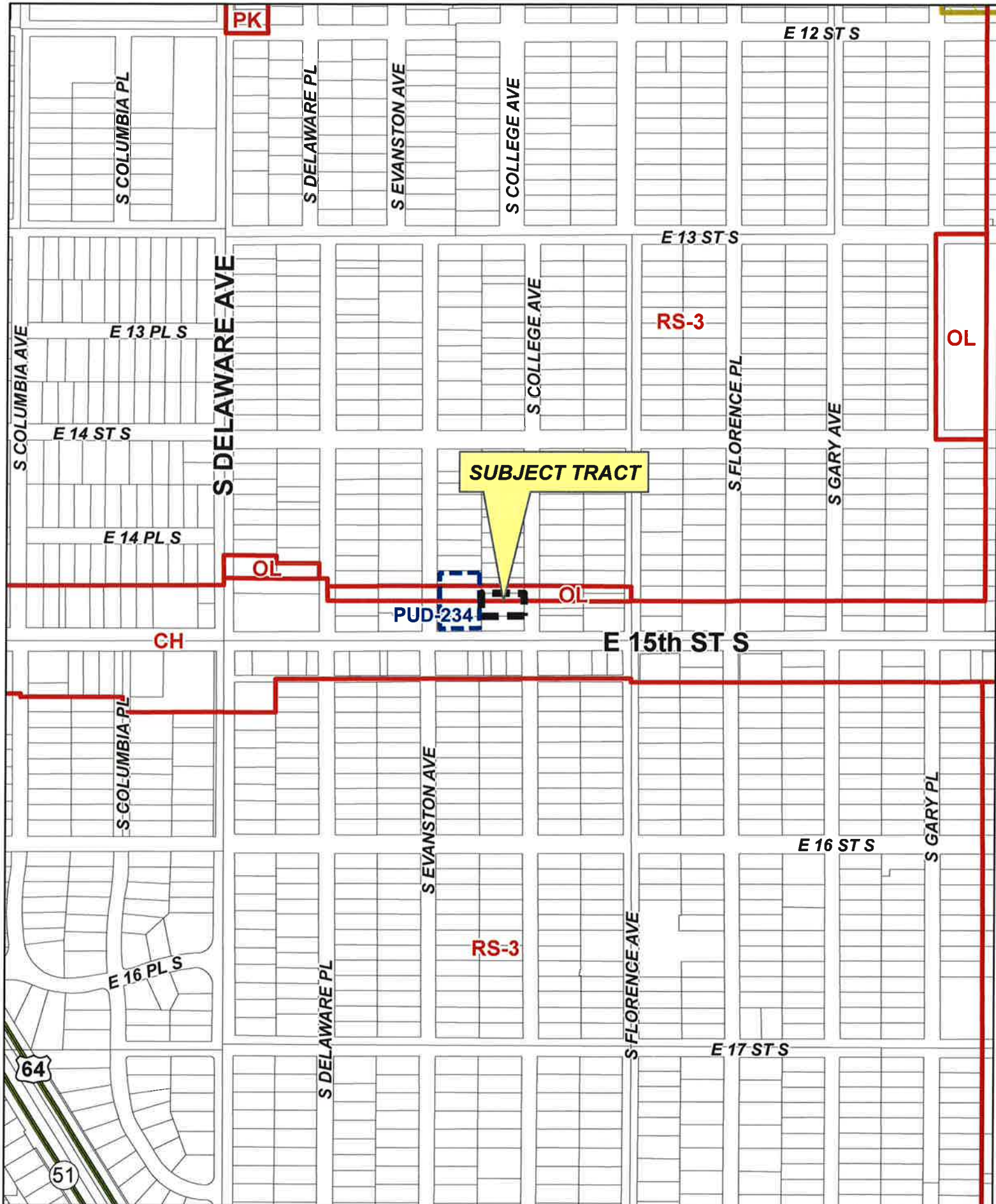
A hard copy of this letter is available upon request by the applicant.

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.

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BOA-22719

19-13 08

BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22719**

CZM: 37

CD: 4

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: John Fulton

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

LOCATION: 1444 S COLLEGE AV E

ZONED: OL,CH

PRESENT USE: Vacant

TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: LTS 20 21 & 22 BLK 7, ROSEMONT HGTS

RELEVANT PREVIOUS ACTIONS: 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 zoned both CH and OL and abuts OL on the North, CH and OL on the East and West boundaries and CH on the South. Per the attached emails and site plan provided by city of Tulsa Permitting staff, the dispensary use is limited to the CH portion of the lot.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the

6.2

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 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 submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries known as "Dr. Green" and "Best Dispensary" both located near the corner E. 15th Street and South Harvard Avenue.

It is the opinion of staff that the property is located within 1,000 ft of the subject property in BOA-22628. Please see the attached building permit, meeting minutes, dispensary license and map containing the location of the subject dispensary in BOA-22628.

SAMPLE MOTION:

I move that based upon the facts in this matter as they exist presently, 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.

Chapman, Austin

From: Lange, Charles <CLange@cityoftulsa.org>
Sent: Friday, July 19, 2019 8:03 AM
To: Chapman, Austin
Subject: RE: BLDC-035621-2019
Attachments: DOC071919-07192019075748.pdf

Austin,

The site plan shows the house south of the driveway to the north. This would place it in the CH district.

Chuck Lange | Zoning Plans Examiner

City of Tulsa Development Services Department
175 E 2nd Street South, Suite 450, Tulsa, OK 74103
T: 918-596-9688
F: 918-699-3511
E: clange@cityoftulsa.org
www.cityoftulsa.org

Visit/Like/Follow/Watch/Subscribe:

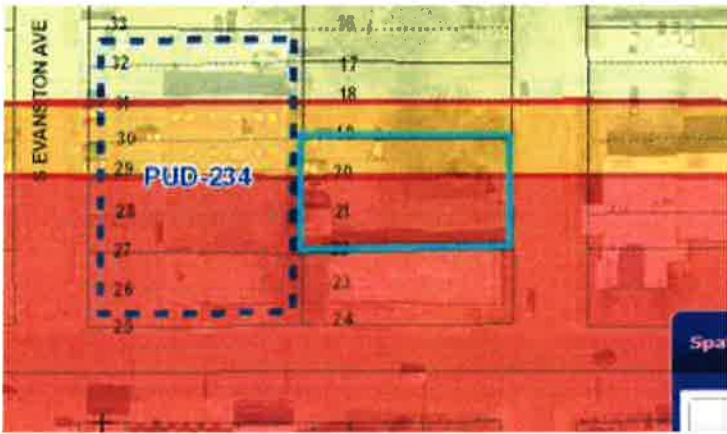


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From: Chapman, Austin <AChapman@incog.org>
Sent: Thursday, July 18, 2019 4:54 PM
To: Lange, Charles <CLange@cityoftulsa.org>
Subject: BLDC-035621-2019

Chuck,

We are receipt of a request for a spacing verification tied to BLDC-035621-2019. The zoning is split between OH and CS, have they provide anything showing the dispensary will be located on the CS portion?



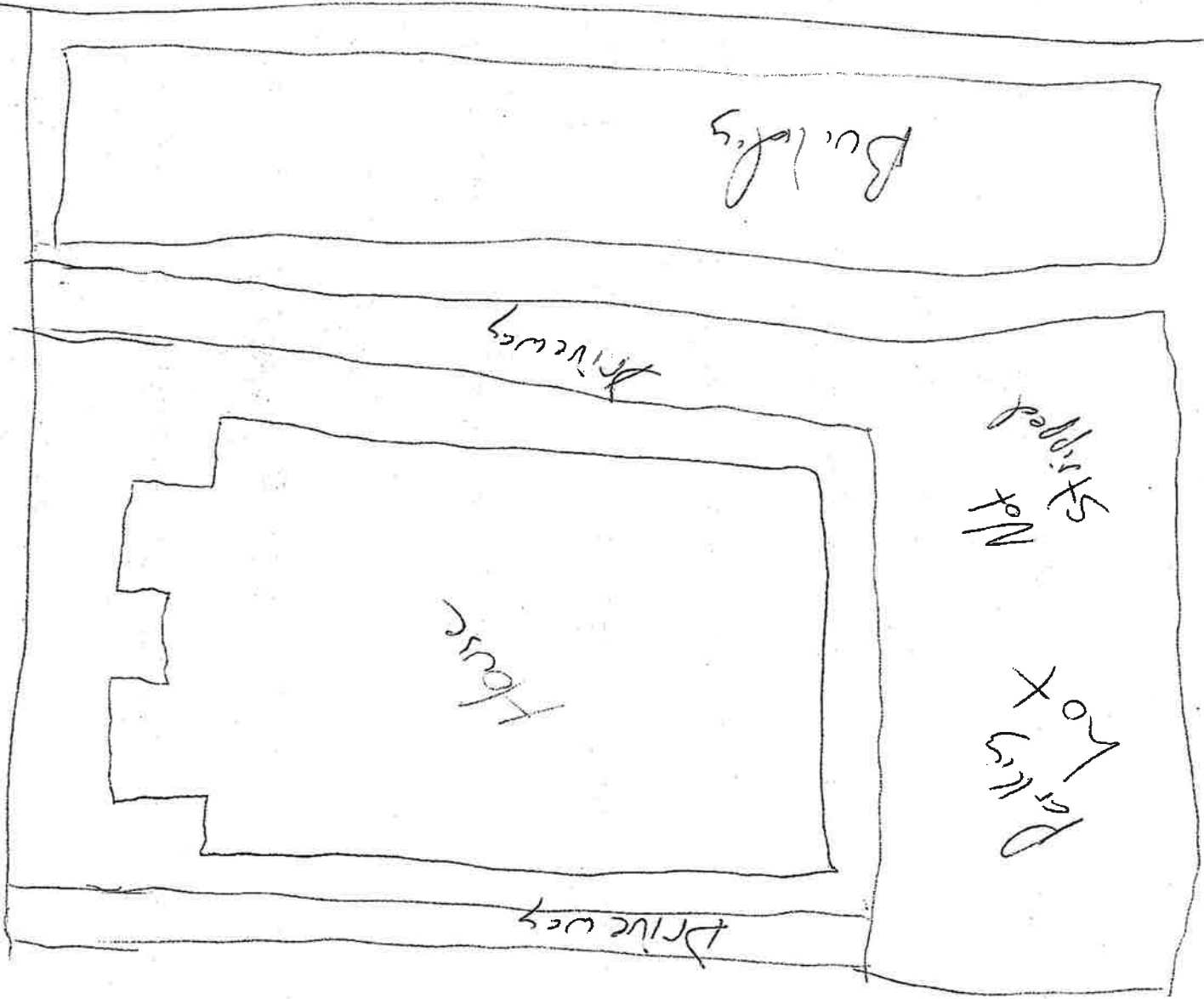
Austin Chapman
 Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
 2 W. 2nd St., 8th Floor | Tulsa, OK 74103
 918.579.9471
achapman@incog.org



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)

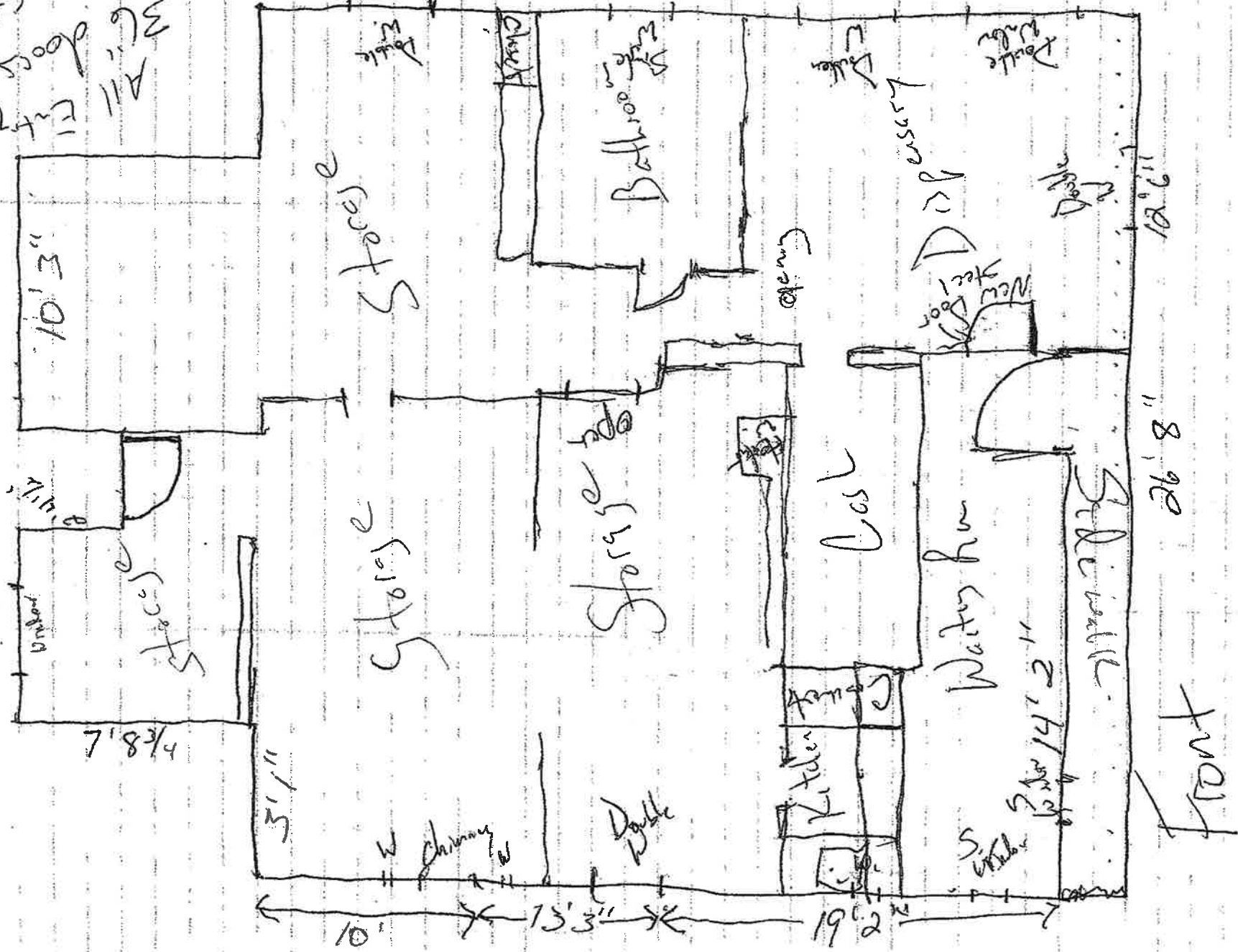
N ←

College



LN

36
All
E-47
Stamps
30



۵

- 1) Paint the outside
- 2) Fix some exterior wood rot.
- 3) Cleanup landscape
- 4) Widen interior door from 30" to 36"
- 5) Move light switch 6 inches over for new door.
- 6) Update light fixtures
- 7) Replace kitchen cabinets No floor plan change
- 8) Replace bathroom cabinet "
- 9) No walls are being removed
- 10) Paint entire interior
- 11) Put down vinyl flooring or commercial carpet



View facing South on College Ave.



View of subject property from College Ave.



View facing North on College Ave.



Subject
Tract

BOA-22719

19-13 08

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

Aerial Photo Date: February 2018

6.11

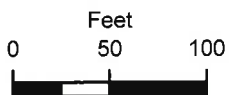




SEVANSTON AVE

E 15th ST S

S COLLEGE AVE



Subject
Tract

BOA-22719

19-13 08

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

Aerial Photo Date: February 2018



Rad Circle Radius
1000 ft.
only 2 Dispensaries
outside my Radius



Dr Green 3333 E 15th St
Dispensary
Best Dispensary
15025. Howard

NAME	CITY	ZIP	COUNTY
License ID #: DAAA-V1GA-RSDD CENTRAL PURP LLC 2504 E 14TH ST	TULSA	74104	TULSA
License ID #: DAAA-EJPU-2YGY DOCTOR GREEN LLC 3232 E 15TH ST	TULSA	74104	TULSA
License ID #: DAAA-N1RQ-XLXT DOWNING INC 2220 E 6TH ST	TULSA	74104	TULSA
License ID #: DAAA-4K2J-BQRA GR COMPANIES OK, LLC 307 S UTICA AVE	TULSA	74104	TULSA
License ID #: DAAA-V1RV-T4VB KIND ALTERNATIVE WELLNESS LLC 1920 E 6TH ST	TULSA	74104	TULSA
License ID #: DAAA-NY1T-VMFP LOCAL RELEAF LLC 420 S UTICA AVE	TULSA	74104	TULSA
License ID #: DAAA-VJP5-E6JP MEDICAL MARIJUANA SUPPLY INC 1205 S GILLETTE AVE	TULSA	74104	TULSA
License ID #: DAAA-4YNO-EXAL MISS BROWN'S TREEHOUSE, LLC 1444 S COLLEGE AVE	TULSA	74104	TULSA
License ID #: DAAA-EKSC-ZICV MJ'S APOTHECARIES LLC 2311 E 12TH PL	TULSA	74104	TULSA
License ID #: DAAA-NJEB-4LKW NATURE'S REMEDY 2442 E 15TH ST	TULSA	74104	TULSA
License ID #: DAAA-VYOW-OFXD PREMIER ALTERNATIVE MEDICAL LLC 1810 E 15TH ST	TULSA	74104	TULSA
License ID #: DAAA-N1T2-XHNH REDBUD NATURES MEDICINE LLC 307 S UTICA AVE	TULSA	74104	TULSA
License ID #: DAAA-V1Y5-C94T RELEAF DISPENSARY TULSA 1113 S LEWIS AVE	TULSA	74104	TULSA
License ID #: DAAA-VYA8-QLAA RIGHT HOOK, LLC 606 S ZUNIS AVE	TULSA	74104	TULSA
License ID #: DAAA-4YWR-KGGF SGOK3, INC. 2516 E 15TH ST	TULSA	74104	TULSA
License ID #: DAAA-VKSF-NQRU SOMMET VENTURES INC. 3206 E 11TH ST	TULSA	74104	TULSA
License ID #: DAAA-NKKB-AQSM TALLGRASS DISPENSARY, LLC 2811 E 15TH ST # 105	TULSA	74104	TULSA

NAME	CITY	ZIP	COUNTY
License ID #: DAAA-VYPE-XC2A TULSA HERBAL CLINIC LLC 2711 E ADMIRAL PL	TULSA	74110	TULSA
License ID #: DAAA-VJDY-MZYR BEST DISPENSARIES LLC 1502 S HARVARD AVE	TULSA	74112	TULSA
License ID #: DAAA-4KBE-VFVS BLOOMERS DISPENSARY AND SUNDRIES, LLC 6733 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-V10A-NR9M BUD WISER, LLC 6307 E 13TH ST	TULSA	74112	TULSA
License ID #: DAAA-N1ET-BJ3D DIMEBAG LLC 5711 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-VKBZ-0GSZ EUFLORIC RELEAF, INC. 1133 S MEMORIAL DR	TULSA	74112	TULSA
License ID #: DAAA-VYFX-DLGV EVERYTHINGS OK 19 LLC 1227 S HARVARD AVE	TULSA	74112	TULSA
License ID #: DAAA-EYPK-YOYS FORT APACHE ENTERPRISES, INC. 10 S 91ST EAST AVE	TULSA	74112	TULSA
License ID #: DAAA-EKLY-2SVI HAPPY DISPENSARIES, INC. 1615 S MEMORIAL DR	TULSA	74112	TULSA
License ID #: DAAA-E1R0-XYRH JASON MCLAUGHLIN 1527 SOUTH SHERIDAN RD.	TULSA	74112	TULSA
License ID #: DAAA-416G-MRIT LEVEL420, LLC 5121 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-EYG9-TFQF MAGIC LEAF LLC 4210 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-EKDJ-DFQB MAGPIE EAST LLC 6305 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-EJWH-ERB8 MOTHER NATURE'S CANNABIS LLC 6526 E 15TH ST	TULSA	74112	TULSA
License ID #: DAAA-VJZL-B6DW MOTHER ROAD EXTRACTS COMPANY 6545 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-E1N8-OJCN RANDY WRIGHT 1519 S SHERIDAN RD	TULSA	74112	TULSA
License ID #: DAAA-VKNW-ZM91 SAVANT CANNABIS, LLC 5757 E 15TH ST	TULSA	74112	TULSA

State of Oklahoma

License Certificate

NON-TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

MISS BROWN'S TREEHOUSE, LLC

1444 S COLLEGE AVE, TULSA, OK, 74104

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARLBOROUGH AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 4206 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 210 CHAPTER 600. 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.

03/14/2020

LICENSE NUMBER:

DAAA-4YNO-EXAL



Tom Bates

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

DO NOT COPY

6.16

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

July 15, 2019

John Fulton
9401 S 68 EA
Tulsa, OK 74133

Phone: 918.830.1531

APPLICATION NO: BLDC-035621-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1444 S College 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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(continued)

6.17

REVIEW COMMENTS

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

BLDC-035621-2019

1444 S College Ave

July 15, 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

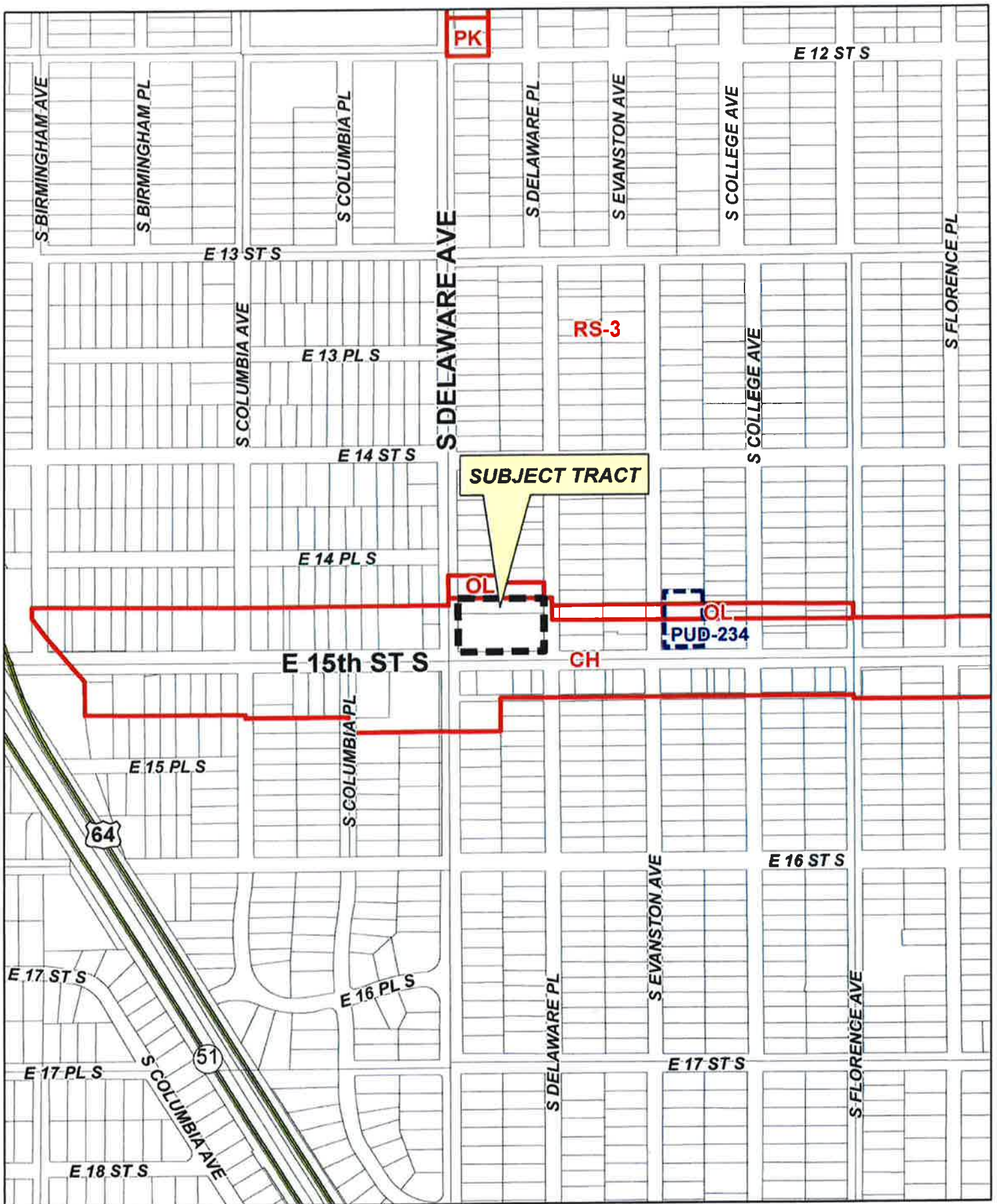
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



BOA-22628

19-13 08



Board Action:

On **MOTION** of **VAN DE WIELE**, I move that based upon the facts in this matter as they presently exist, 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 9 LESS BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

MOTION FAILED There was no second to the motion.

On **MOTION** of **BACK**, the Board voted 2-1-0 (Back, Radney, "aye"; Van De Wiele "nay"; no "abstentions"; Bond, Ross absent) I move that based upon the facts in this matter as they presently exist, we **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; for the following property:

LT 9 LESS BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

22628—Meenakshi Krishnasamy

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: 2811 East 15th Street South & 1442 South Delaware Place East (CD 4)

Presentation:

Meenakshi Krishnasamy, 815 East 3rd Street, Tulsa, OK; no formal presentation was made by the applicant.

Mr. Van De Wiele stated the Board has the applicant's spacing map as shown page 6.6.

Mr. Van De Wiele asked Mr. Krishnasamy if he was aware of any other medical marijuana dispensaries within the 1,000-foot radius. Mr. Krishnasamy answered no.

Interested Parties:

There were no interested parties present.

BOA-22628

FILE COPY

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit 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 18 & 19 & 30 & 31 BLK 5; LTS 20 THRU 29 BLK 5, ROSEMONT HGTS, City of Tulsa, Tulsa County, State of Oklahoma

22629—Brian Letzig

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: 1212 and 1214 East 1st Street South (CD 4)

Presentation:

Brian Letzig, W Design, 815 East 3rd Street, Suite C, Tulsa, OK; stated there are no other dispensaries within the 1,000-foot radius.

Mr. Van De Wiele stated that for full disclosure the interested party used to be a member of the City Board of Adjustment. Mr. Van De Wiele stated that he served with Mr. Tidwell and Ms. Back was staff at INCOG during his term. Mr. Van De Wiele stated that will not impact his decision. Ms. Back stated that it will not impact her decision either.

Interested Parties:

Michael Tidwell, 1225 East 2nd Street, Tulsa, OK; stated he abuts the subject property. Mr. Tidwell stated that in the past he has always seen signs advertising Board of Adjustment proposed cases and there was never a sign placed on the subject property.

Ms. Ulmer stated that signs are only posted for Special Exception use requests only.

Mr. Swiney asked Mr. Letzig about the address he gave to the Board, because it is the same address as Mr. Krishnasamy. Mr. Letzig stated that is the office address of W Design, but his home address is 3540 South Hudson Avenue.

Comments and Questions:

None.

State of Oklahoma
License Certificate
NON-TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

TALLGRASS DISPENSARY, LLC

2811 E 15TH ST # 105, TULSA, OK, 74104

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. § 4204 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 210 CHAPTER 881. 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 OBEY AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

01/23/2020

LICENSE NUMBER:

DAAA-NKKB-AQSM



Tom Bates

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

DO NOT COPY

Permit Number

BLDC-023629-2019

Date Issued

6/27/2019

Building Official

Ther 100

Construction Address: 2811 E 15TH ST S - ROSEMONT HGTS**Work Class:** Alteration**Contractor:****Address:****EROSION CONTROL**

Where construction disturbs the earth, a Placement of Erosion Control Inspection (PEC) must be requested by the responsible party and approved by the Building Inspector **BEFORE** further work.

This permit is subject to compliance with all applicable codes and City ordinances and can be cancelled for failure to comply with any applicable construction standard or for failure to comply with any applicable WIN construction Schedule or WIN Letter of Understanding.

Building TLegendre

Building Code: IBC 2015, IEBC 2015

Fully Sprinklered: Yes

Partially Sprinklered:

Building Area: 12,184 Fire Wall:

COO Required: Yes

Special Inspections: No

Permit Area: 987 FRTW:

Alarm:

Sprinkler Standard: NFPA13-2013

Use Group**Sq Ft Const. Type**

B Business

987

VB

987

Permit Notes

Alteration- dispensary proposed.

Zoning CLange

Zoning District: CH

Required Setbacks:

Required Parking: 0

Front:

Rear:

PUD Number:

Left:

Right:

MPD Number:

Screening Fence Required: No

Allowable Building Height (ft):

Use/Permit Notes:**Use:** Commercial/Retail Sales/Medical Marijuana Dispensary**Permit Notes:**

Approved per BOA-22628:5/14/2019 Verification of the 1000' separation distance from another Medical Marijuana Dispensary. No approval is granted for any construction or use violating any provision of Title 42. No other structures are included in this permit.

W/S/D RJordan

Cert of Elevation Req'd: No

Easements

Floodplain: No

NPL (ft): 17.5

EPL (ft): 17.5

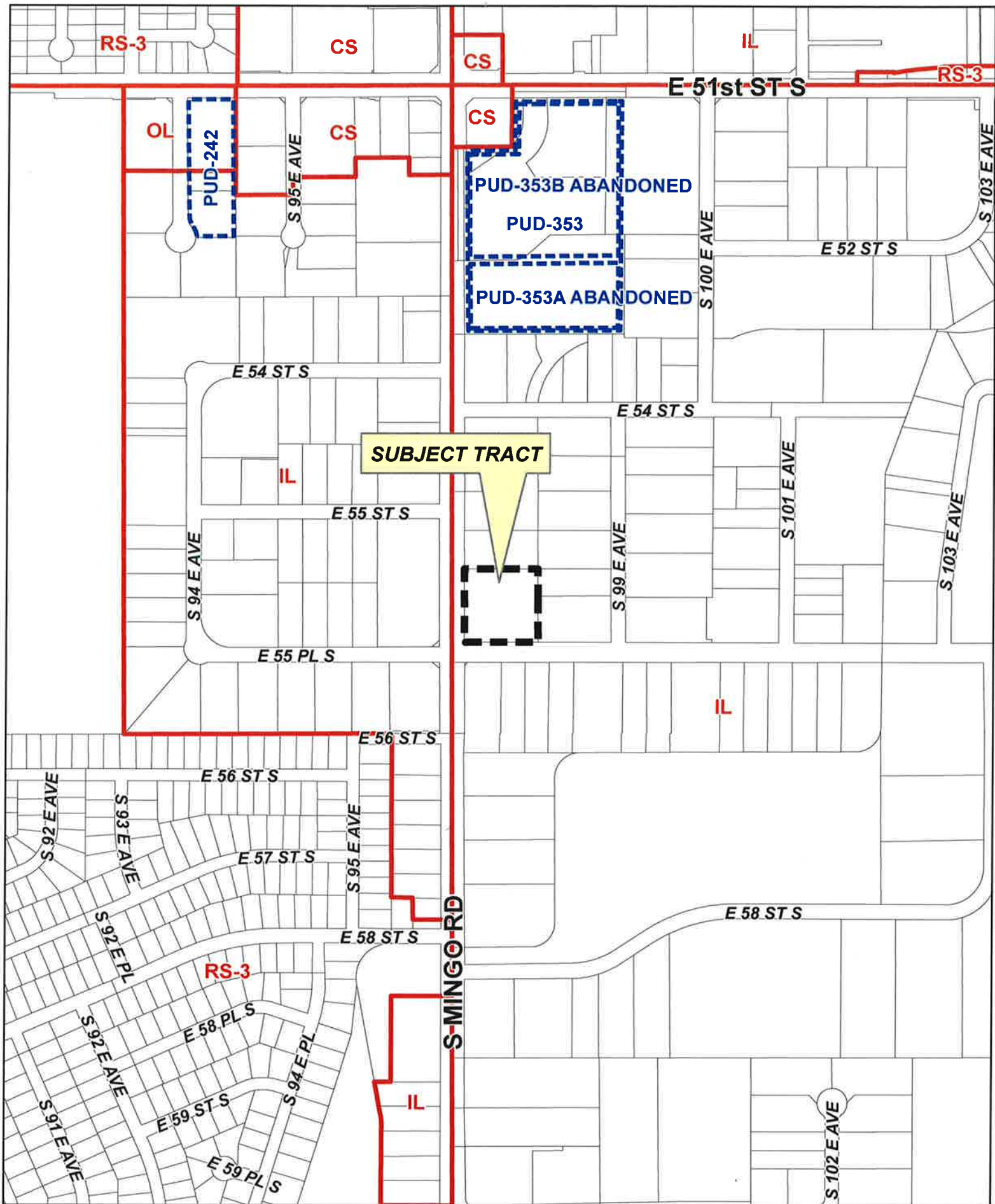
IDP #:

SPL (ft): 0

WPL (ft): 17.5

Permit Notes

Approval of proposed site development for commercial building at the address stated herein. No increase to impervious surface area or alteration to stormwater drainage system. Approval does not include permission for construction or encroachment of any kind upon City of Tulsa owned property, Rights-of-Way (ROW) or utility easements whether actual or planned. The development shall not create a public hazard upon any property within the City or in immediately adjacent areas through the obstruction, impairment, sedimentation, blockage or alteration of the stormwater drainage system. Signage and ROW requires separate permits. All construction must be compliant with Tulsa Revised Ordinances including Title 51 and Title 11.



BOA-22720

19-14 31

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9431

Case Number: BOA-22720

CZM: 49

CD: 7

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: Charles Rogers

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

LOCATION: 5459 S MINGO RD E

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 89986.62 SQ FT

LEGAL DESCRIPTION: 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

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment Area" 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 zoned IL and located at the NE/c of S Mingo Rd. and E. 55 Pl. S. It is completely surrounded by IL zoning.

STAFF COMMENTS:

7.2

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a IL district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the IL district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 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 submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries known as "Rollin Vapor" and "High Roller" both located near the corner E. 54th St. S. and S. Mingo Rd. The Rollin Vapor dispensary appeared to be within the 1,000 ft. radius according to the exhibits provided by the applicant. At the request of staff, the applicant provided an exhibit prepared by Sisemore Weisz & Associates stating the distance between the two building 1,008 ft and is included in your packet. That exhibit was stamped by Shawn A. Collins, Licensed Professional Land Surveyor License Number 1788.

SAMPLE MOTION:

I move that based upon the facts in this matter as they exist presently, 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 South from NE/c of E. 55th Pl. and S. Mingo Rd.



View facing North from NE/c of E. 55th Pl. S. and S. Mingo Rd.



View of Subject property



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



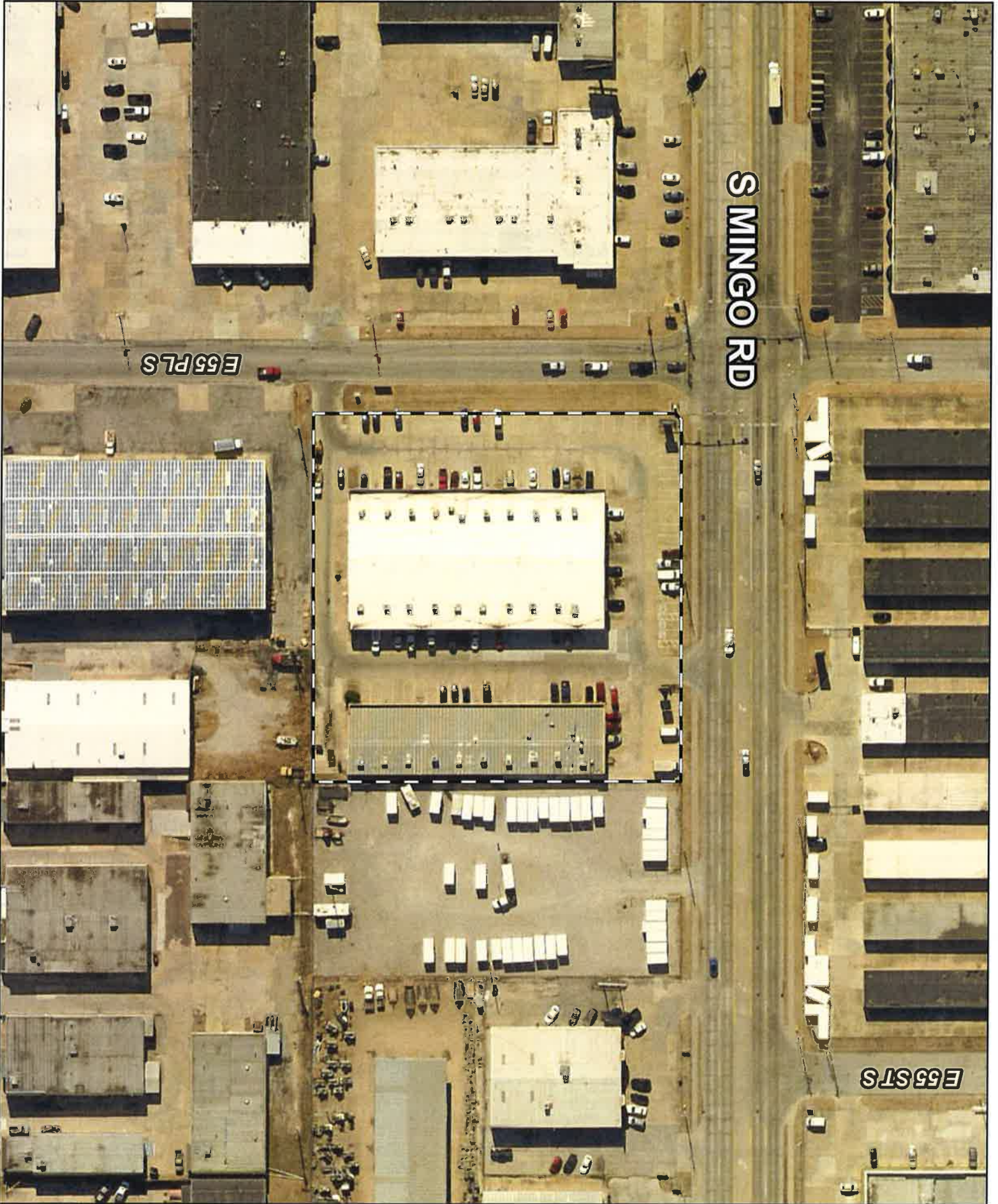
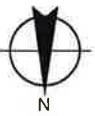


Subject
Tract

19-14 31

BOA-22720

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Aerial Photo Date: February 2018



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

July 15, 2019

Charles Rogers
4735 S Harvard Ave
Tulsa, OK 74135

Phone: 918.327.3589

APPLICATION NO: **COO-036157-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **5459 S Mingo RD**

Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

REVIEW COMMENTS

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WWW.CITYOFTULSA-BOA.ORG

COO-036157-2019

5459 S Mingo RD

July 15, 2019

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State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

CELEBRITY WELLNESS BUDZ LLC

5459 S MINGO RD A , TULSA, OK, 74146

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.

06/02/2020

LICENSE NUMBER:

0AAA-4KH8-OLAI



Tom Bates

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

DO NOT COPY

7.10



High Roller Inc

Rollin Vapo

Tulsa



8459 S Mingo
Celebrity Wellness Budz LLC

Mingo Rd

7.12

NAME	CITY	ZIP	COUNTY
License ID #: DAAA-EKOO-OH9I PURA LLC 8712 E 46TH ST	TULSA	74145	TULSA
License ID #: DAAA-NYHW-JQUI ROSEMARY FARMS LLC 4111 S 70TH EAST AVE	TULSA	74145	TULSA
License ID #: DAAA-NKQN-SIJA SUGAR LEAF 4630 S MEMORIAL DR	TULSA	74145	TULSA
License ID #: DAAA-VYID-OUOK SUPERION GREEN LLC 3975 S SHERIDAN RD	TULSA	74145	TULSA
License ID #: DAAA-VYAA-PQOB T-TOWN MEDICAL MARIJUANA DISPENSARY INC 3524 S SHERIDAN RD	TULSA	74145	TULSA
License ID #: DAAA-E18H-DLFF THE DANKERY LLC 8125 E 51ST ST	TULSA	74145	TULSA
License ID #: DAAA-41LC-SOOO THE GREEN GOAT DISPENSARY, LLC 9435 E 51ST ST	TULSA	74145	TULSA
License ID #: DAAA-4J6Q-PITZ TULSA HERBAL CONNECTION LLC 4201 S SHERIDAN RD	TULSA	74145	TULSA
License ID #: DAAA-VJXX-XEDV TWISTED ROD CUSTOMS LLC 4122 S MEMORIAL DR	TULSA	74145	TULSA
License ID #: DAAA-NJCF-3HIE UK HASH, LLC 8153 E 41ST ST	TULSA	74145	TULSA
License ID #: DAAA-NJJ9-TT9P VVR ENTERPRISES, LLC 3920 S SHERIDAN RD	TULSA	74145	TULSA
License ID #: DAAA-VJTN-O1HW ALTCARE 6 LLC 11414 E 51ST ST	TULSA	74146	TULSA
License ID #: DAAA-4KH8-OLAI CELEBRITY WELLNESS BUDZ LLC 5459 S MINGO RD	TULSA	74146	TULSA
License ID #: DAAA-VYGG-HNDC EVERGREEN DREAMS, LLC 9950 E 55TH PL STE A	TULSA	74146	TULSA
License ID #: DAAA-VJK1-DQ2C HAPPY CURES DISPENSARY LLC 12650 E 31ST ST	TULSA	74146	TULSA
License ID #: DAAA-EY4B-4QVX HIGH ROLLER INVESTMENTS, INC 5333 S MINGO RD	TULSA	74146	TULSA
License ID #: DAAA-NJWR-Z9NL LOIL ENTERPRISES INC. 3148 S 108TH EAST AVE	TULSA	74146	TULSA

NAME	CITY	ZIP	COUNTY
License ID #: DAAA-NYOG-4NCO MEDIJUANA PHARM, LLC 9757 E 31ST ST	TULSA	74146	TULSA
License ID #: DAAA-41E7-QVSA ROLLIN VAPOR LLC 5412 S MINGO RD	TULSA	74146	TULSA
License ID #: DAAA-EYRC-K7IW SAVANT CANNABIS, LLC 4328 S MINGO RD	TULSA	74146	TULSA
License ID #: DAAA-EJAO-C191 SOLSTICE: "A" CANNABIS COMPANY LLC 12206 E 51ST ST	TULSA	74146	TULSA
License ID #: DAAA-4YQQ-W8WB TAYLOR OVERSEE, INC. 5910 S 107TH EAST AVE	TULSA	74146	TULSA
License ID #: DAAA-4KUT-FQVB VVR ENTERPRISES, LLC 10130 E 31ST ST	TULSA	74146	TULSA
License ID #: DAAA-EKLH-TFJK YE OLDE APOTHECARY SHOPPE, LLC 5874 S. MINGO ROAD	TULSA	74146	TULSA
License ID #: DAAA-4JNP-EBVC SMOKIN ACES FARM, LLC. 5810 EAST HIGHWAY 37	TUTTLE	73089	OKLAHOMA
License ID #: DAAA-41T5-3PRH SUNKISSED TANNING SALON LLC 5 S SARA RD	TUTTLE	73089	GRADY
License ID #: DAAA-NKXW-KEZI P&T NATURALS, LLC 16731 W US HIGHWAY 70	VALLIANT	74764	MCCURTAIN
License ID #: DAAA-VYX0-LS2U BUFFALO CHIEF LLC 451566 HIGHWAY 100	VIAN	74962	SEQUOYAH
License ID #: DAAA-E1KR-ZWOU H & H 511 E SCHLEY ST	VIAN	74962	SEQUOYAH
License ID #: DAAA-41HX-MEEK KIM AND HIM INVESTMENTS INC 115 S THORNTON ST	VIAN	74962	SEQUOYAH
License ID #: DAAA-41LM-T4DT NORTH WEST HEALING LLC 59382 SPARROW RD	VICI	73859	DEWEY
License ID #: DAAA-V1GR-TEJW ASTORIA GROWERS USA LLC 441259 E HIGHWAY 60	VINITA	74301	CRAIG
License ID #: DAAA-NJBE-AJUB EVERGREEN WELLNESS LLC 107 S VANN ST	VINITA	74301	CRAIG
License ID #: DAAA-4KNM-UNC6 GREEN CROSS DISPENSARY 105 W DELEWARE	VINITA	74301	CRAIG



Sisemore Weisz & Associates, Inc.

Engineering • Land Surveying
Land Planning • 3D Scanning • UAV Mapping

6111 E. 32nd Place Tulsa, OK. 74135 (918)-665-3600

Zoning Clearance

City of Tulsa Application No.: C00-036157-2019
Applicant Address: 5459 South Mingo Road, Suite A
Date: 7/24/2019

To whom it may concern:

On July 23, 2019 we performed a survey to determine compliance of separation distance as set out in Section 40-225-D and Section 40-225-H of the City of Tulsa Zoning Code. 5459 South Mingo Road, Suite A (application site) and 5412 South Mingo Road, Suite H both reside in multiple tenant buildings. Measurement was taken in a straight line between the nearest perimeter walls of the suites. (The Northwest corner of 5459 South Mingo Road, Suite A [application site] and Southeast corner of 5412 South Mingo Road, Suite H) The straight line distance between the nearest perimeter walls is **1008** feet.

In our opinion the applicant site meets the requirements as set out in Section 40-225-D and Section 40-225-H of the City of Tulsa Zoning Code.

07.24.2019
DATE

SISEMORE WEISZ & ASSOCIATES, INC.
BY SHAWN A. COLLINS


SHAWN A. COLLINS

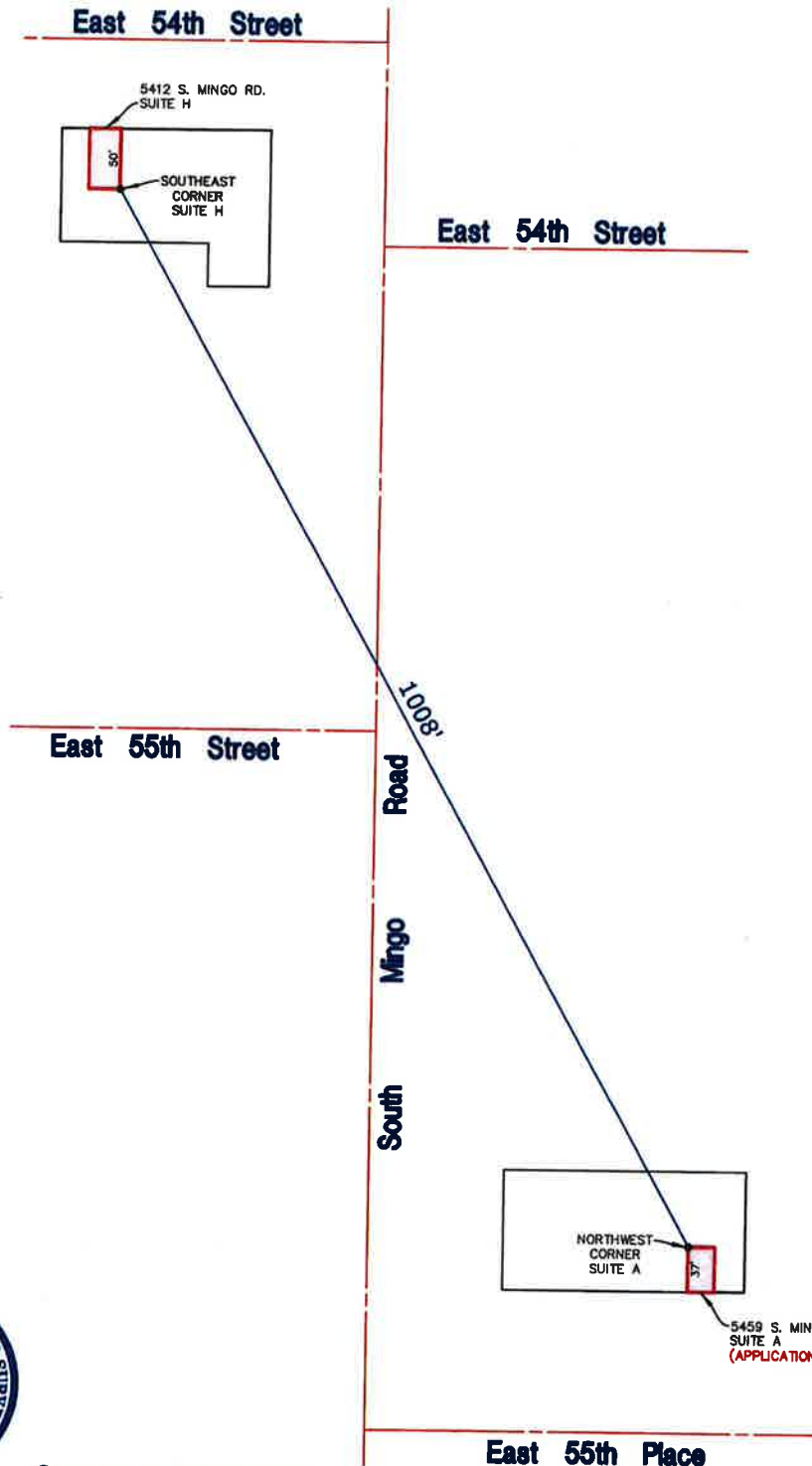
PLS No. 1788, STATE OF OKLAHOMA
C. A. NO. 2421 EXPIRES 6/30/2024



Exhibit
Zoning Clearance
City of Tulsa Application No. C00-036157-2019
5459 South Mingo Road, Suite A



Scale 1"=100'



Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC. HEREBY CERTIFY THAT THE ABOVE REPRESENTS THE ACCURATE DISTANCE BETWEEN THE NORTHWEST CORNER OF 5459 SOUTH MINGO ROAD, SUITE A AND THE SOUTHEAST CORNER OF 5412 SOUTH MINGO ROAD, SUITE H.

DATE OF LAST FIELD VISIT: JULY 23, 2019.

WITNESS MY HAND AND SEAL THIS 24TH DAY OF JULY, 2019.

SISEMORE WEISZ & ASSOCIATES, INC.

BY:

SHAWN A. COLLINS
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1788
EMAIL: scollins@sw-associates.com



8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 130 Case Number: **BOA-22721**

CZM: 21

CD: 1

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: 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 an residential district from 2 acres to 0.44 acres (Sec. 5.020: Table 5.2 and Table 5.2 Note 1; Sec. 40.090-A,)

LOCATION: 344 W 63 PL N

ZONED: RS-3

PRESENT USE: Residential Vacant Property

TRACT SIZE: 19303.08 SQ FT

LEGAL DESCRIPTION: LT 11 & 12 BLK 5, NORTHGATE THIRD ADDN

RELEVANT PREVIOUS ACTIONS: None. This would be the first request for special exception to permit a farm in a Residential District. The zoning code was amended in May of 2019 to allow for this use by special exception.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "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 zoned RS-3 and abuts RS-3 zoning on the North, East, and South and AG on the West. Osage Drive is immediately West of the subject tract and serves as the division between Tulsa and Osage counties.

STAFF COMMENTS: The Applicant is requesting 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 an residential district from 2 acres to 0.44 acres (Sec. 5.020: Table 5.2 and Table 5.2 Note 1; Sec. 40.090-A,)

USE CATEGORY		RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
Subcategory	1		2	3	4	5	0			1	2	3				
Specific use																
AGRICULTURAL																
Animal Husbandry			See Title 2, Ch. 2 of the Tulsa Revised Ordinances													
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.090	
Farm, Market- or Community-supported	\$	\$	\$	0	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	Section 40.090	
[1]																

Farm uses are subject to the supplemental regulation in Sec. 40.090.

Section 40.090 Community Garden and Farm, Market or Community Supported

The supplemental use regulations of this section apply to all community garden uses, and to all farms, market or community supported, as may be allowed in a residentially zones district.

- 40.090-A** Unless permitted by the underlying zoning district or approved as a special exception, on-site sale of products is prohibited.
- 40.090-B** Lawn and garden equipment of the type customarily used by consumers for household lawn and garden care is the only type of motorized equipment allowed. The use of motorized equipment is restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m.
- 40.090-C** The site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
- 40.090-D** An on-site trash storage container must be provided and located as close as practicable to the rear lot line. Compost bins or piles must also be located as close as practicable to the rear lot line. Trash must be removed from the site at least once a week. Dumpster style trash containers are prohibited.
- 40.090-E** Only individuals and organizations authorized by the property owner may participate in the community garden.
- 40.090-F** A sign must be posted on the property identifying the name and phone number of the property owner or the owner's agent name. The sign must be at least 4 and no more than 8 square feet in area and be posted so that it is legible from the public right-of-way.
- 40.090-G** The owner of any lot used for a community garden or a lot used for a farm, market or community supported, must give each abutting property owner and occupant written notice of the intent to establish a community garden or a farm, market or community supported, and the applicable use regulations of this zoning code at least 30 days before the start of the operation.
- 40.090-H** Measures must be taken to prevent cultivated areas from encroaching onto adjacent properties.
- 40.090-I** The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than October 31 of each year.
- 40.090-J** Within a residential zoning district, operating hours for community garden or farm, market or community supported, activities are restricted to between 5:00 a.m. and 11:00 p.m. daily.
- 40.090-K** Any use regulation of this section may be modified by special exception approval.

During a site visit to the property staff became aware that current use of the property involved farm animal raising, as evidenced by the attached photos. Animal husbandry is restricted to AG zoned property. Approval of the requested Special Exception would not permit animal husbandry but is only to permit a Market of Community supported Farm as defined in Sec. 35.090-C of the Zoning Code. Continued use of the property for animal husbandry would be in violation of both the Zoning Code and Title II Chapter II of the City of Tulsa Revised Ordinances.

35.090-C Farm, Market or Community-Supported

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be principal or accessory uses and may be located on a roof or within a building.

SAMPLE MOTION:

Special Exception

Move to _____ (approve/deny) a Special Exception to allow a Market or Community Supported Farm Use in an RS-3 District and to permit on-site sale of products (Sec. 5.020: Table 5.2 and Sec. 40.090-A)

- Per the Conceptual Plan(s)/ 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 Request

Move to _____ (approve/deny) a **Variance** to reduce the minimum land area required for a Market or Community Supported Farm in an residential district from 2 acres to 0.44 acres (Sec. 5.020: Table 5.2 Note 1)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s)/ Plans(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."*



View from center of W 63rd Pl N



View of Eastside of property



View of center of property



View of Fencing



0 Feet 200 400



Subject
Tract

BOA-22721

20-12 02

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

Aerial Photo Date: February 2018

8.8





N OSAGE DR

NELWOOD AVE

W63 CTN

W63 PLN

W63 STN

W63 STN

0 50 100
Feet



Subject
Tract

BOA-22721

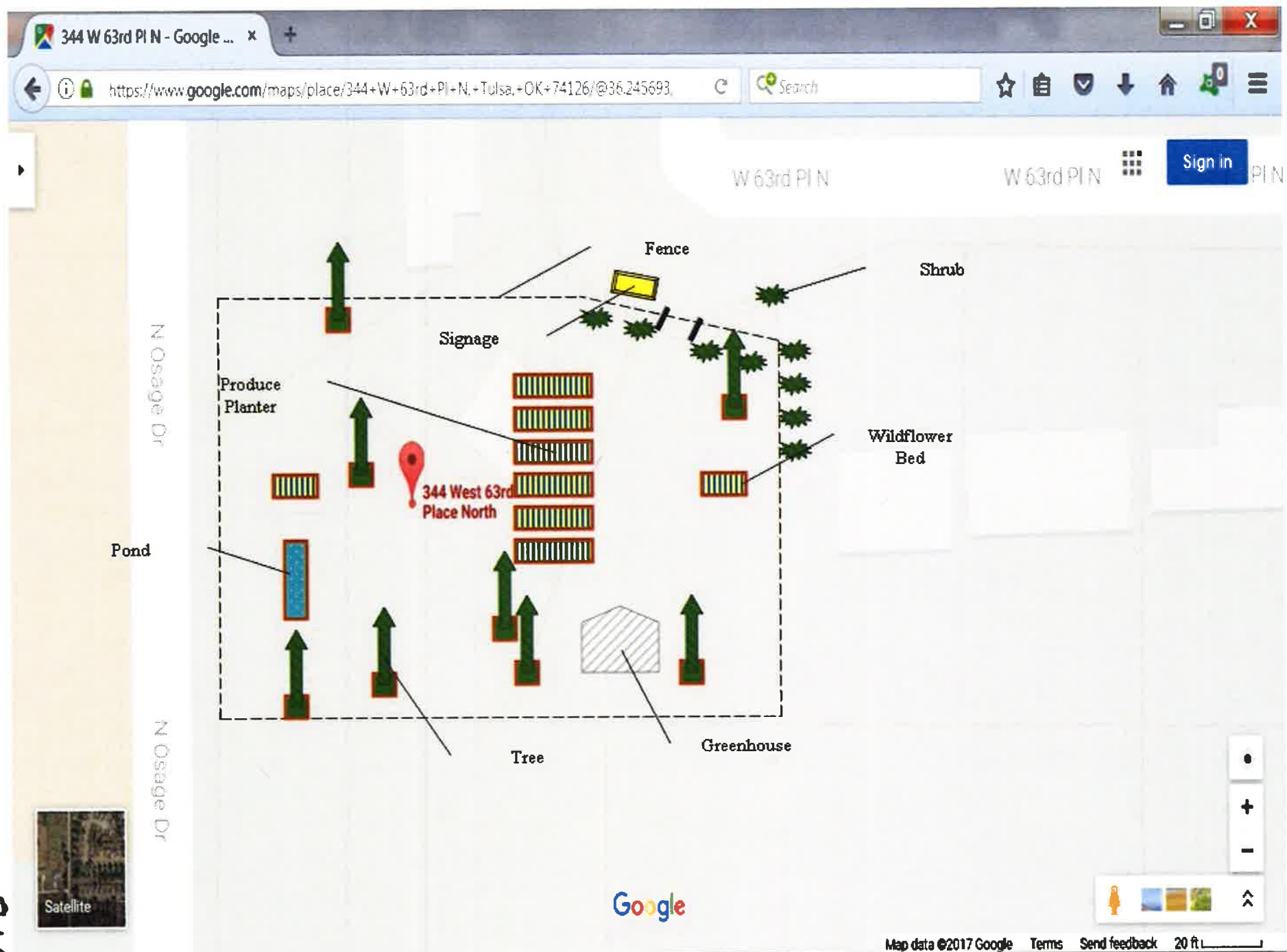
20-12 02

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

Aerial Photo Date: February 2018

8.9





NORTHGATE ACTION GROUP NEIGHBORHOOD ASSOCIATION

918-568-5562

hopebrown1@cox.net

Hope Brown/President

6209 N. Cheyenne Ave.

Tulsa, OK

74126

August 16, 2019

Austin Chapman

Tulsa Board of Adjustments

2 W. 2nd St. #800

Tulsa, OK 74103

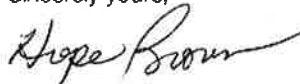
Dear Mr. Chapman,

The Northgate Action Group Neighborhood Association objects to D'Andre Miles application requesting a Special Exception to allow a Market or Community Supported Farm Use in an RS-3 District and to permit on-site sale of products. We also object to allowing a variance to reduce the minimum land area required for a Market or Community Supported Farm in our residential district.

Our first objection is that allowing a Market or Community Supported Farm in our residential district would have a negative impact on the visual appearance of our neighborhood. Our second objection is that we don't need another Farmer's Market or Community Supported Farm in our community.

The Black Wall Street Market is a Farmer's Market located at 5616 N Osage Drive which is less than a mile away from 344 W 63rd Pl N; and in addition to that, we also have a community garden at the North Regional Health and Wellness Center (Tulsa Health Department) located at 5635 Martin Luther King Jr Blvd. This is sufficient for our community.

Sincerely yours,



Hope Brown, President

NORTHGATE THIRD ADDITION

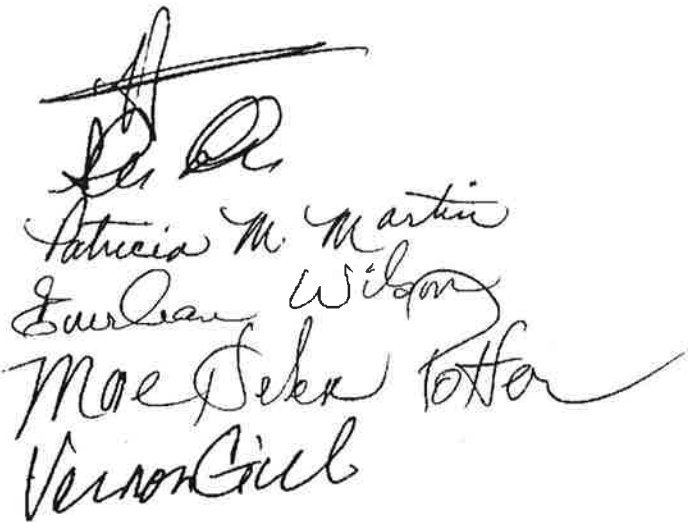
August 16, 2019
Austin Chapman
Tulsa Board of Adjustments
2 W 2nd St #800
Tulsa, OK 74103

Dear Mr Chapman,

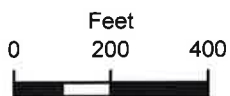
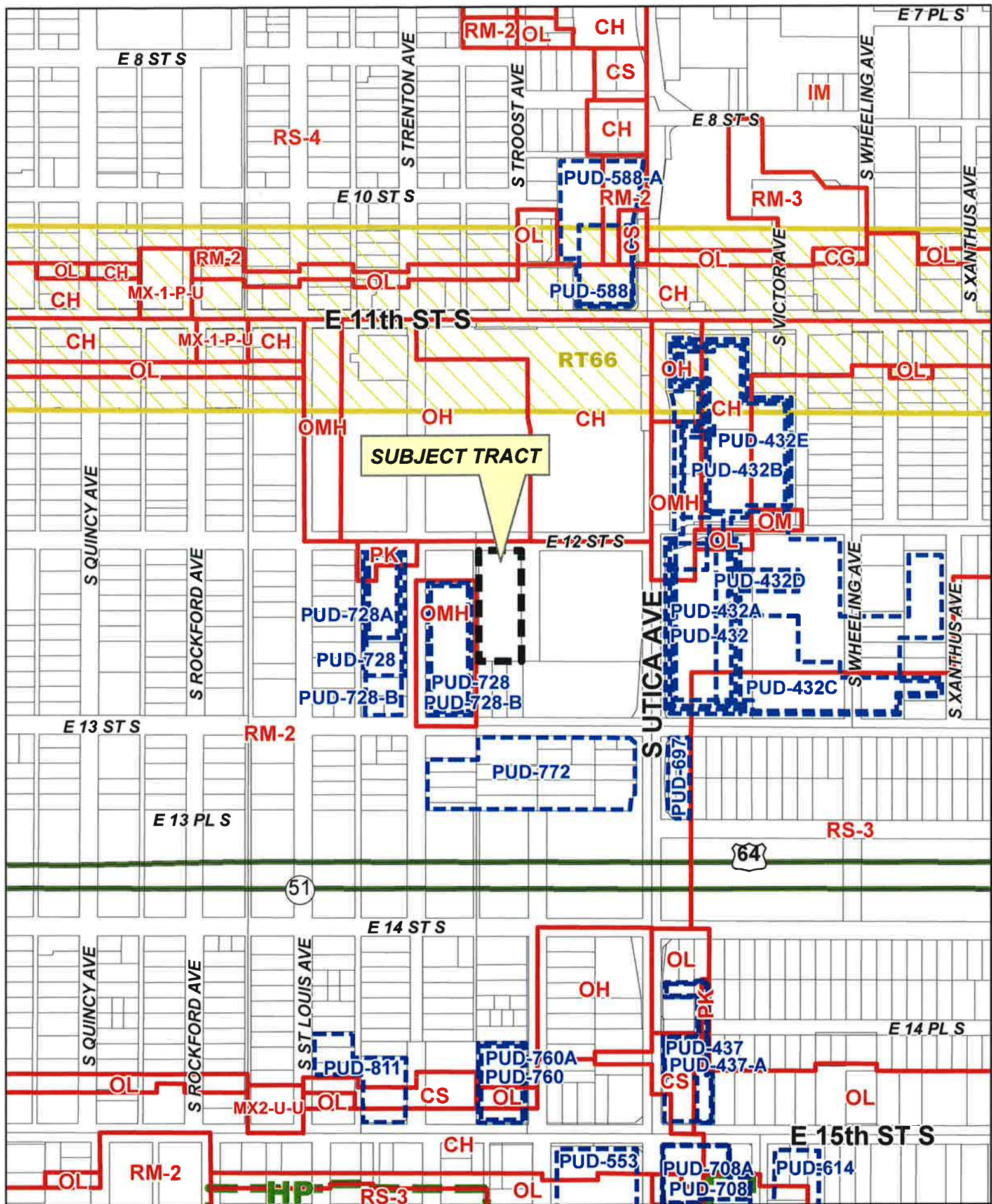
The Northgate Third Addition residents object to allowing a Market or Community Farm Use in an RS-3 District. We also object to permitting the on-site sale of products; and the Variance to reduce the minimum land area required for a Market or Community Supported Farm in our residential district.

Sincerely yours,

Northgate Third Addition Residents



Patricia M. Martin
Lauren Wilson
Mae Debra Potter
Vernon Gill



BOA-22722

19-13 07

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22722**

CZM: 37

CD: 4

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: KKT Architects, Inc.

ACTION REQUESTED: Variance to permit the wall sign display surface area be increased from 32 sq. ft. to 65.44 sq. ft. and to increase the aggregate wall sign area from 32 sq. ft. to 130.88 sq. ft. and to permit a 28.77 sq. ft. ground sign to be installed along the west side of the lot with no street frontage(Sec. 60.050-B.2.a-b)

LOCATION: 1620 E 12 ST

ZONED: RM-2

PRESENT USE: Hospital

TRACT SIZE: 56728.42 SQ FT

LEGAL DESCRIPTION: ALL BLK 3, MCNULTY ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-21801; On 11.25.2014 the Board **approved** a variance to approve 4 wall signs and 1 canopy sign in the OH District without street frontage, a variance to increase the allowed display surface area for five signs from 150 sf to 258 sf at 1120 South Utica.

BOA-21306; On 09.13.2011 the Board **approved** a variance of the maximum display area for signs in the OH district and a variance of the maximum number of signs permitted in the OH district at 1120 South Utica.

BOA-20835; On 11.25.2008 the Board **approved** a variance of the maximum display area for signs in the OH district and a variance of the setback requirement for a sign visible from an R district to a wall sign. Located North of the intersection of East 12th Street and South Trenton.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space "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.

9.2

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 East of the SE/c of East 12th S. and S. Trenton Ave. the Subject property abuts and OMH PUD the West, RM-2 zoning on the South and East, and OH zoning on the North. The property immediate East of the Subject tract is Benedict Park which is part of the City of Tulsa Parks System.

STAFF COMMENTS:

The applicant is requesting a **Variance** to permit the wall sign display surface area be increased from 32 sq. ft. to 65.44 sq. ft. and to increase the aggregate wall sign area from 32 sq. ft. to 130.88 sq. ft. and to permit a 28.77 sq. ft. ground sign to be installed along the west side of the lot with no street frontage(Sec. 60.050-B.2.a-b)

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

a. Wall Signs

Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs

Nonresidential uses in R districts and AG districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

In granting or denying the variance request the Board may look to the general purpose of the of the sign code (Sec. 60.010) in making their decision.

Section 60.010 General

60.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

In the site plan provided by the applicant the relief requested is for signs labeled A8, B6, A7, B5 and C1.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit the wall sign display surface area be increased from 32 sq. ft. to 65.44 sq. ft. and to increase the aggregate wall sign area from 32 sq. ft. to 130.88 sq. ft. and to permit a 28.77 sq. ft. ground sign to be installed along the west side of the lot with no street frontage (Sec. 60.050-B.2.a-b)

- 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.”*

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-2 (Henke, Snyder, Van De Wiele "aye"; no "nays"; Tidwell, White "abstaining"; none absent) to **APPROVE** the request for a **Variance** to reduce the permitted setback from the centerline of East 47th Place from 50 feet to 40 feet in the IL District (Section 903, Table 2), subject to the conceptual site plan on page 3.15. The Board has found that the property is certainly an irregularly shaped property being bordered by a railroad right-of-way on one side and dead ending into Highway 169 toward the east, and that the addition to be built will extend no further into the setback either to the north or to the west than the currently existing building. 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:

LTS 1 THRU 10 & LTS 17 THRU 19 & VAC ALLEY BLK 27, ALSUMA, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell and Mr. White re-entered the meeting at 1:51 P.M.

NEW BUSINESS

21801—A-MAX Sign Company – Lori Worthington

FILE COPY

Action Requested:

Variance to allow four (4) wall signs and one (1) canopy sign in the OH District without street frontage (Section 602.B.4.b); **Variance** to increase the allowed display surface area for five signs from 150 square feet to 258 square feet (Section 602.B.4.c). **LOCATION:** 1120 South Utica Avenue **(CD 4)**

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated this case is for Hillcrest Emergency Department located on the subject property. Trenton Avenue has been vacated and therefore there is no frontage. The property is a large 11 acre tract and used as a hospital. The City of Tulsa issued a conditional permit based on the Board's approval.

FILE COPY

Mr. Van De Wiele asked Mr. Ward where the four wall signs and the one canopy sign will actually be located. Mr. Ward had a plan placed on the overhead projector and pointed out the different locations using a laser pointer.

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 four (4) wall signs and one (1) canopy sign in the OH District without street frontage (Section 602.B.4.b); Variance to increase the allowed display surface area for five signs from 150 square feet to 258 square feet (Section 602.B.4.c), subject to conceptual plans shown on page 4.19 which shows three wall signs on the south facing elevation and the canopy sign on the west facing canopy, and conceptual plan on page 4.20 which shows the fourth wall sign on the south face of the west elevation. Finding that for need of emergency directions for hospital patients for the emergency center at Hillcrest Hospital that this is 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:

LTS 4 THRU 12 LESS N5.5 LT 7 BLK 1 & LTS 1 THRU 6 BLK 2 & LTS 2 THRU 13 LESS N6.5 LT 6 & LESS E34 LT 13 BLK 1 & LTS 2 THRU 7 & S43.5 LT 1 BLK 2 HOPPING HGTS ADDN & LTS 1 THRU 12 LESS E20 LT 12 BLK 1 & LTS 1 THRU 7 BLK 2 MCNULTY ADDN & ALL VAC STREETS & A, FOREST PARK ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21802—Andrew Unruh

Action Requested:

Special Exception to permit a coffee roastery (Use Unit 25) in a CH District (Section 701); Special Exception to allow parking on a lot other than the lot containing the principal use (Section 1301.D). **LOCATION:** 1 North Lewis Avenue (CD 3)

Ms. Snyder recused herself and left the meeting at 1:58 P.M.

Terrace," an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, for 285.85 feet to the Point of Beginning; thence continuing South 00°08'01" East along the East line of said Block 1 for 543.47 feet to a point on the North right of way line of I-44; thence North 48°55'30" East along said right of way for 169.38 feet; thence North 37°36'54" East along said right of way for 254.95 feet; thence North 48°34'30" East along said right of way line for 139.46 feet; thence North 49°12'33" West for 98.54 feet; thence North 73°18'40" West for 180.51 feet; thence North 81°17'44" West for 143.21 feet to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

21306—A-MAX Sign Company

Action Requested:

Variance of the maximum permitted display surface area for signs in the OH district (Section 602.B.4); and a Variance of the maximum number of signs permitted in the OH district (Section 602.B.4). **Location:** 1120 South Utica Avenue

Presentation:

Brian Ward, 7623 South Trenton, Tulsa, OK; stated the request for a non-illuminated sign for the Oklahoma Heart Institute on the west wing lecture hall at the street level. Currently there is no signage at the street to identify Oklahoma Heart or the lecture hall; all the allocated signage has been used for the sign on the tower that faces the Broken Arrow Expressway. There has recently been a monument sign reinstalled that was taken before Oklahoma Heart was constructed, and that used the allowed signage for that lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Variance of the maximum permitted display surface area for signs in the OH district (Section 602.B.4); and a Variance of the maximum number of signs permitted in the OH district (Section 602.B.4), finding that the many additions to the hospital have necessitated more directional and other signs for the benefit of the public. The Board is approving two large wall signs as shown on page 2.7 and page 2.9, each containing 205.90 square feet. These are to be placed one on the east and one on the west of the west wing lecture hall. The Board also approves the replacement of a ground sign at the intersection of 12th Street and Trenton as shown on page 2.6 and page 2.8 as sign number 12. For the reasons above the Board has found that there are extraordinary

BOA-21306

and exceptional conditions or circumstances, which are peculiar to the structure and buildings 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:

LTS 1 THRU 12 & 16 & 17 & 19 & 23 THRU 25 & 27 THRU 40 & VAC ALLEY ADJ THERETO & W10 VAC TRENTON AVE ADJ ON E LESS BEG 21.675 NEC BLK 3 TH E12.70 S147 W160 N60 W26.66 N27 E26.66 N60 E147.30 POB & LESS N3 LTS 1 & 25 BLK 3, FOREST PARK ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

21316—Eric Richards

Action Requested:

Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park (Section 1212.a.C.3) to permit a bar. **Location:** 427 South Boston

Presentation:

Annie Ballenger, 5818 East 77th Street, Tulsa, OK; stated this request is for a bar that is proposed for the ground floor of the PhilTower. The building is a nationally registered building and it will be an upscale bar.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") it was moved that based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to the expansion of this adult entertainment establishment; for the following property:

LT 4 BLK 137, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

S/2 N/2 SW NW LESS BEG 658.90N SWC NW TH N235.46 E125 SE39.01
E141.64 S127.5 SE270.13 W600.44 POB &LESS BEG NWC S/2 N/2 SW NW TH
E1320 S330 TH NWLY TO POB SEC 24 20 12, City of Tulsa, Tulsa County, State
of Oklahoma

FILE COPY

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 district (Section 602.B.4.d) to permit a wall sign, located: North of the intersection of East 12th Street and South Trenton Avenue.

Comments and Questions:

Mr. Cuthbertson stated that this application was continued due to an inaccurate call on the location and that call has been amended to describe an accurate location on the agenda.

Presentation:

James Adair, 7508 East 77th Street, 74133, stated that he has no plans to install a free-standing sign because the building is sitting next to the property line and it doesn't allow for a free-standing sign. His client is requesting additional square footage to allow the sign to be installed on the tower. The sign is necessary to identify the Oklahoma Heart Institute building for new visitors.

Comments and Questions:

Mr. White asked if the sign plan submitted represents how the sign will be built. Mr. Adair answered affirmatively.

Mr. White stated that other signs have been approved in the subject area and this is a medical facility that needs identification.

Mr. Stephens stated that they own the property that is the R-district requiring and protection that becomes a moot point.

Mr. Tidwell stated that there would be good visibility from the expressway and the sign is needed for people to find the building.

There were no interested parties wishing to speak.

Board Action:

On **Motion** of **STEPHENS**, the Board voted 4-0-0 (White, Stephens, Henke, Tidwell "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a 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 district (Section 602.B.4.d) to permit a wall sign; per plan, finding that the sign is necessary to display properly the location of the Oklahoma Heart Institute and finding that the facility owns the R district property and the Board doesn't find that as being a conflict. In granting a Variance, the Board must find 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:

Blocks 2 and 3, Re-Amended Plat of Forest Park Addition and Block 2, McNulty Addition, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

Case No. 20833

Action Requested:

Variance of the minimum land area requirements in the RS-2 district (Section 403) to permit a lot-split, located: 2145 East 22nd Place.

Presentation:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the additional relief needed for the subject property was not communicated to him and it was not applied for. He is here today requesting a variance to permit a lot-split. Mr. Reynolds indicated that with the same conditions from the previous approval his client would build a house 3,000 SF floor area or greater, façade be at least 70% brick, stone, masonry or stucco, no garage doors on the front of the house. The hardship is that the lot has almost 50 feet that is an angular piece that resulted from a street vacation and was not anticipated when the property was subdivided.

There were no interested parties wishing to speak.



View facing East on 12th Street



View facing West on 12th Street



View of subject tract from 12th Street



Feet
0 200 400



Subject
Tract

BOA-22722

19-13 07

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

Aerial Photo Date: February 2018

9.14





STRENTON AVE

E 12 STS

E 13 STS

0 50 100
Feet



Subject
Tract

BOA-22722

19-13 07

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

Aerial Photo Date: February 2018

9.15



BOB KOLIBAS
SIGN PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

August 9, 2019

LOD Number: 1R

KKT Architects
2000 S. Utica Place
Tulsa OK 74114

Phone: (918)744-4270

APPLICATION NO: BLDC-36821, BLDC-36822, BLDC-39372, BLDC-39374, & BLDC-39379 (PLEASE
REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 1620 E. 12th Street

Description: Parkside/Logo /Sign A7, A8, B5, B6 & ground sign C1

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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SHOULD YOU REQUIRE FURTHER CLARIFICATION, PLEASE CONTACT THE PLANS EXAMINER NAMED ABOVE. IF YOU DISAGREE WITH THE CODE INTERPRETATIONS OR COMMENTS, YOU MAY REQUEST AN ADMINISTRATIVE REVIEW OF YOUR APPEAL.

(Continued)

9.16

REVIEW COMMENTS

COMMERCIAL PLAN REVIEW: YOUR APPLICATION WAS REVIEWED UNDER THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE 2015 AND REFERENCED CODES AND ORDINANCES ADOPTED BY THE CITY OF TULSA.

Application No. 036821-2019

1620 E. 12th Street

August 9, 2019

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

a. Wall Signs

Nonresidential uses in R and AG districts are allowed a maximum of one

wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs

Nonresidential uses in R districts and AG districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review comment: The proposed 56 sq. ft. wall sign and 9.44 sq. ft. wall sign on the South elevation and 56 sq. ft. wall sign and 9.44 sq. ft. wall sign on the West elevation exceed the maximum 32 sq. ft per public building entrance for a non-residential use in an RM-2 zoning district. In addition, the proposed 28.77 sq. ft. ground sign does not abut a public street. As an option you may pursue a variance from the BOA to permit the wall sign display surface area be increased from 32 sq. ft. to 65.44 sq. ft. and to increase the aggregate wall sign area from 32 sq. ft. to 130.88 sq. ft. and to permit a 28.77 sq. ft. ground sign to be installed along the west side of the lot with no street frontage.

END – COMMERCIAL ARCHITECTURAL CODE REVIEW

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all building code requirements are satisfied.

July 25, 2019

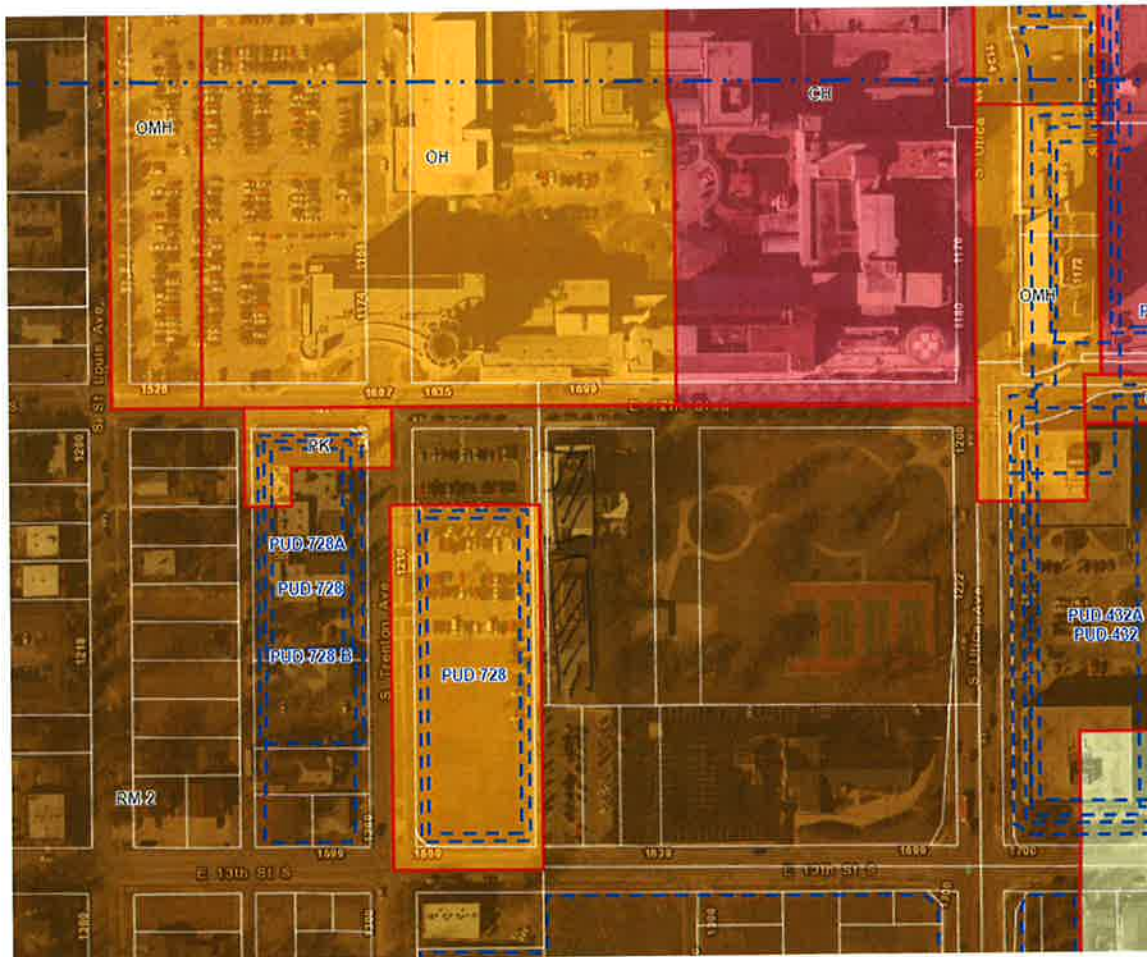
City of Tulsa Board of Adjustment
2 West 2nd Street
#800
Tulsa, Ok 74103

Re: Parkside Psychiatric Hospital & Clinic – 1620 E. 12th Street

Chairman and Members of the Board-

Parkside is in the process of building a new building south of their existing buildings at the northeast corner of 13th Street and South Trenton. Part of this project includes a new parking lot on the west side of Trenton. The intent of this construction project is to create a 'campus' feel for Parkside.

A large part of creating a 'campus' feel for their facilities is to provide comprehensive and consistent signage. With this new sign package, we are proposing to replace signage on the existing buildings. The two existing buildings north and east of the new building are located on City of Tulsa property with a long-term lease. This property, the City's property, is zoned RM-2 even though it doesn't function as RM-2 property. The surrounding properties are CH, OH and PUD's which function as hospitals.



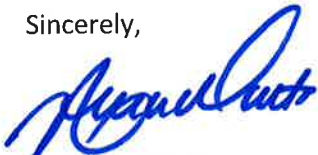
During the sign permit process, it was determined that the proposed new signage on these two existing buildings located on the RM-2 zoned property exceed the allow area allowed per Code. As shown on the attached Exhibit 1, the sign locations are on the west and south of the buildings thus facing toward the new Parkside building and campus. Also shown on the attached Exhibit 2, the new signs that are being proposed are the same size as the existing signs currently attached to the buildings at both locations.

Therefore, we request the Board to approve a Variance to permit the wall sign display surface area to be increased from 32 sf (which is the maximum allowed per public building entrance for a non-residential use in an RM-2 zoned district) to 56 sf and to increase the aggregate sign area from 32 sf to 112 sf in a RM-2 zoning district. The hardship that this property has is:

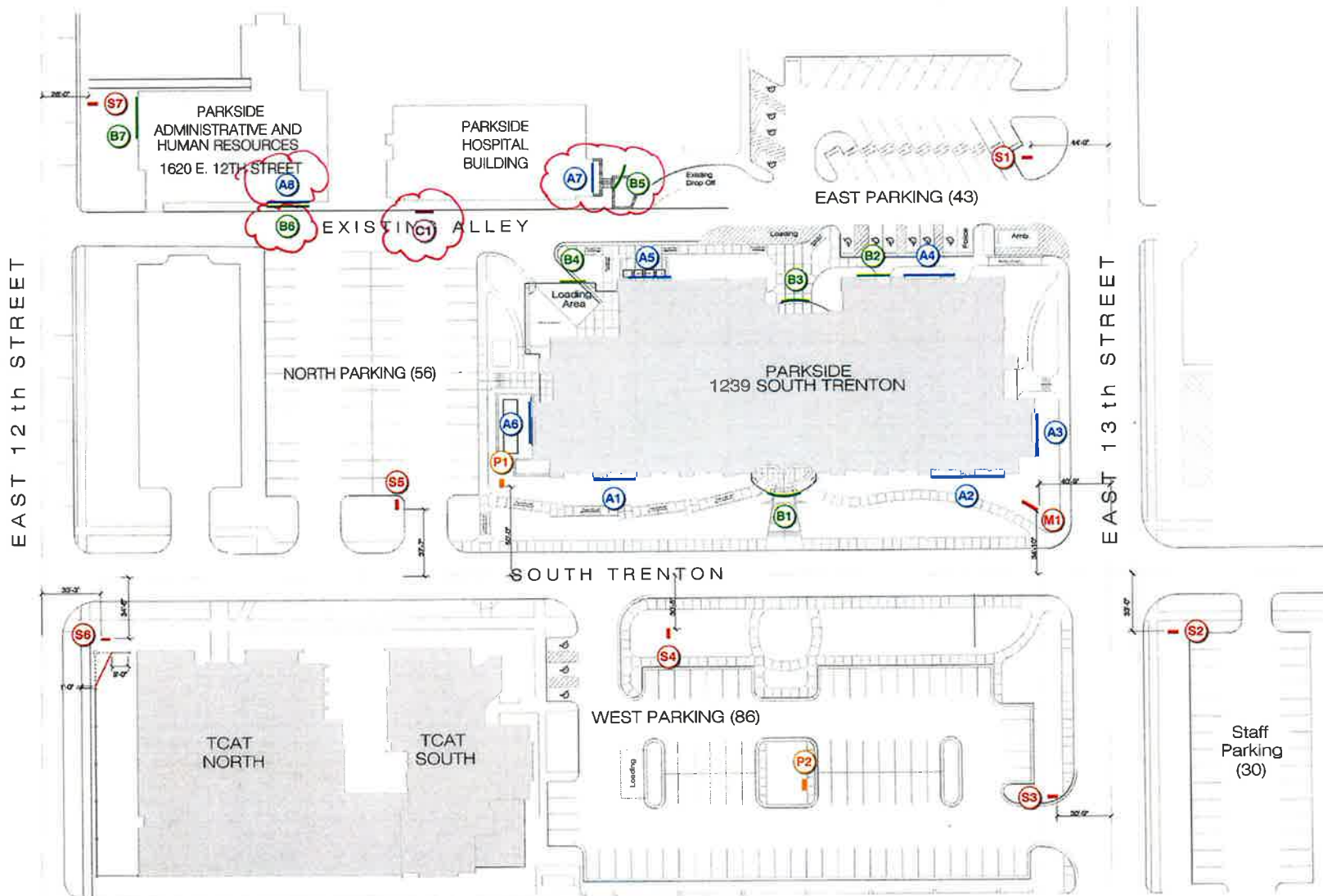
- The property does not now, or has it in the past, functioned as RM-2 zoning and is surrounded by high use properties which have a larger allowable size allowable.
- The existing signs that are being replaced with the new signs are the same size as the proposed new signs.
- The signs are placed on a multi-story building at a high elevation to provide viewing from the freeway located south of the site.

Thank you for your time on this matter.

Sincerely,



A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering



KEY

- (A) BUILDING ID
- (B) ENTRANCE ID
- (C) WALL DIRECTIONAL
- (S) VEHICULAR DIRECTIONAL
- (P) PEDESTRIAN DIRECTIONAL



BoA-22722

a·max
SIGN COMPANY, INC.
www.amaxsign.com
9620 E. 66th Place
Tulsa, Oklahoma 74145
ph. (918)822-0661 ... fax. (918)822-0659

QUALITY | VALUE | ASSURANCE

SCALE: 1:650 WHEN PRINTED AT 11"

DATE: 07-16-19

FILE: Location Plan

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: Parkside Psychiatric Hospital

LOCATION: Tulsa, OK

ADDRESS: 1239 S Trenton

CLIENT APPROVAL SIGNATURE & DATE:

- Sign will be built to meet UL specifications as required.
- All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

- 1
- 2
- 3
- 4
- 5

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FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER
LP

DWG
071619-00

9.20

HOSPITAL & OUTPATIENT

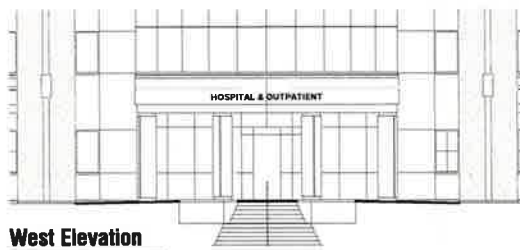
B1 & B3



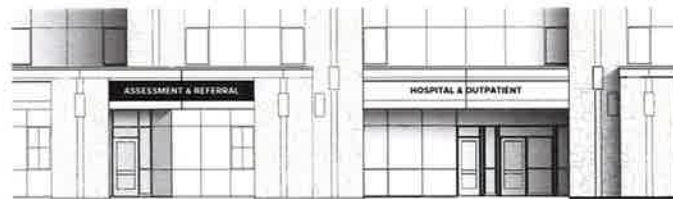
B2

ADMINISTRATION

B6



West Elevation
SCALE: 1:200



East Elevation
SCALE: 1:200

DELIVERIES

B4

Katharyn S. Cornell Building

B5

5.0 Metal Entrance Letters
SCALE: 3/8"

- A** 1" deep fabricated metal letters. Paint White, satin finish. Mounts to building facade on 1/2" standoffs.
- B** 1" deep metal pan painted Red, satin finish.



METAL ENTRANCE LETTERS

BoA- 22722

Letter height, color and mounting height
to match Entrance ID Letters on new building



B5
SCALE: 1/4"

Letter height, color and mounting height
to match Entrance ID Letters on new building



B6
SCALE: 1/4"

METAL ENTRANCE LETTERS - Cont.



BoA- 22722

9.22

ADMINISTRATION



B7

6.0 Acrylic Entrance Letters

SCALE: 3/8"

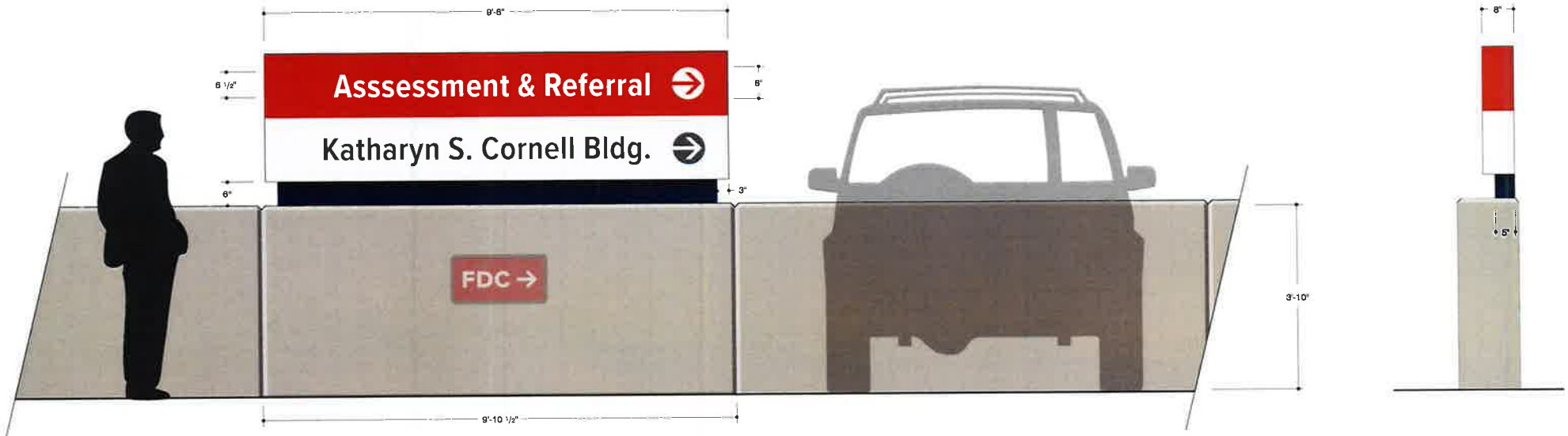
1/2" thick acrylic letters, paint White, satin finish.
Mount to concrete wall on 1/2" standoffs.



a-max
SIGN COMPANY, INC.

ACRYLIC ENTRANCE LETTERS

B0A- 22722



11.0 Wall Directional: C1

8" deep fabricated alum. cabinet, masked and painted field colors and graphics.
5" deep recessed base, painted to match logo Blue.

Sign mounts to top of concrete retaining wall.



Reference Image: 1/8"

WALL DIRECTIONAL

BoA-22722

9.25



F WEST ELEVATION
A-B

PROPOSED BUILDING SIGN H/562.2 SHL
MAKE SIGN SAME SIZE AS EXISTING

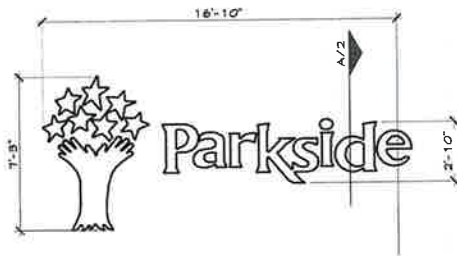
ALTERNATE IS TO INSTALL NEW ILLUMINATED
SIGN. BASE BID IS TO REUSE EXISTING
NON-ILLUMINATED SIGN. RELOCATE
LETTERS AND RELOCATE TREE LOGO TO
OPPOSITE SIDE AS SHOWN ABOVE.



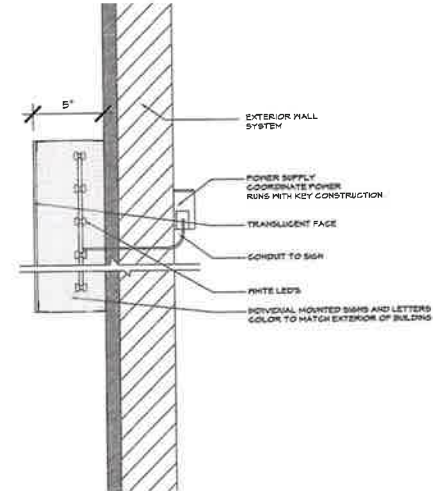
E SOUTH ELEVATION
A-T

PROPOSED BUILDING SIGN H/562.2 SHL
MAKE SIGN SAME SIZE AS EXISTING

ALTERNATE IS TO INSTALL NEW ILLUMINATED
SIGN. BASE BID IS TO REUSE EXISTING
NON-ILLUMINATED SIGN. RELOCATE
LETTERS AND RELOCATE TREE LOGO TO
OPPOSITE SIDE AS SHOWN ABOVE.



B WEST AND SOUTH ELEVATIONS
SCALE 3/8" = 1'-0"



A SIGN SECTION
SCALE 3" = 1'-0"

BOA-22722



KKT ARCHITECTS, INC.
2200 SOUTH URICA PLACE, SUITE 200
TULSA, OKLAHOMA 74114
(P) 918.744.4270 \ (F) 918.744.7849
WWW.KKTARCHITECTS.COM
C OF A 6534 EXPIRES 6/30/19

EXTERIOR SIGNAGE PACKAGE

PARKSIDE
PSYCHIATRIC
HOSPITAL
& CLINIC

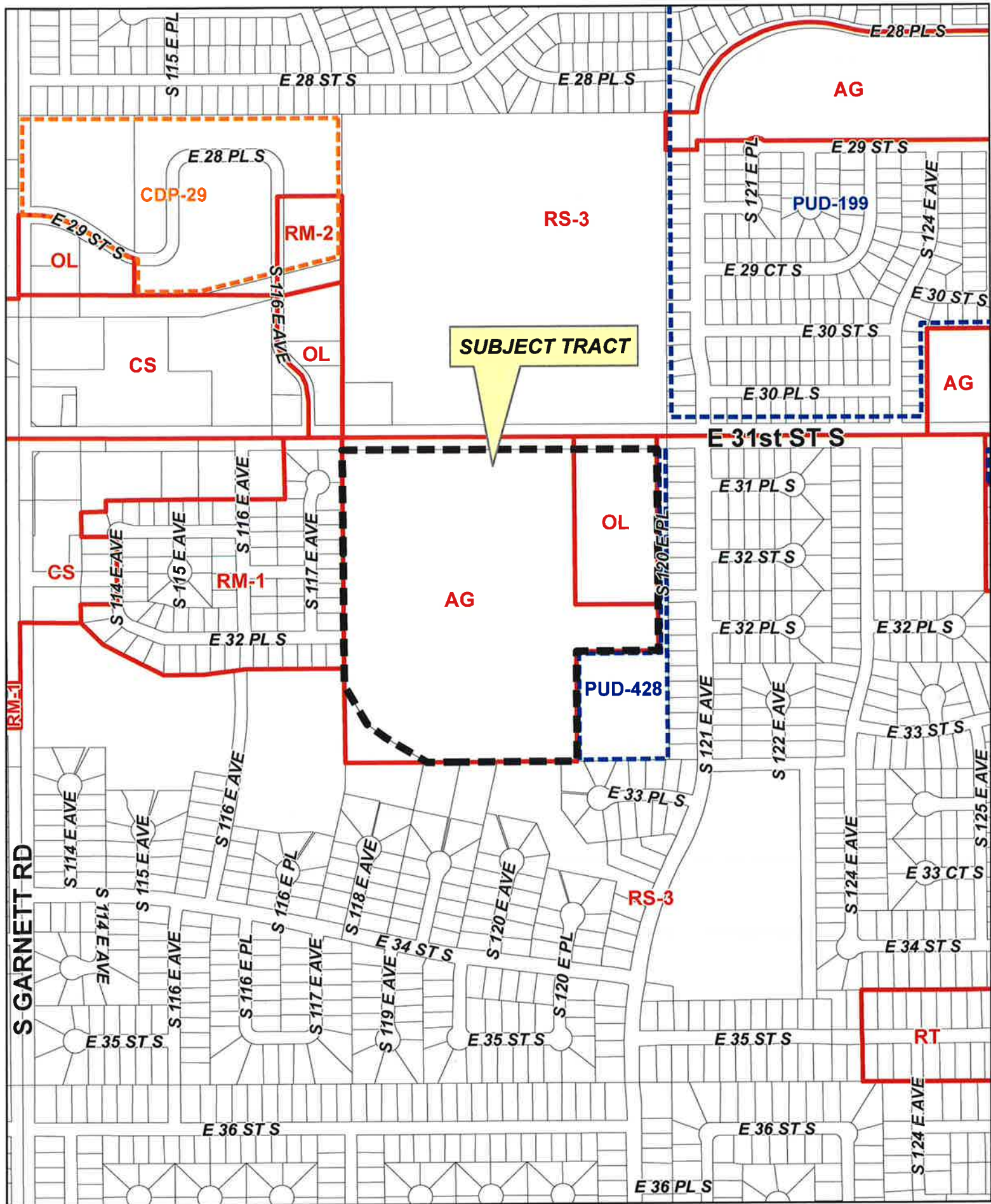
13th and Trenton
Tulsa, OK 74120

EXTERIOR ELEVATIONS
SIGN TYPES A+B

BOA
EXHIBIT

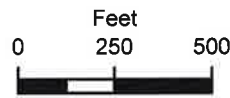
2

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SUBJECT TRACT

S GARNETT RD



BOA-22723

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: Case Number: **BOA-22723**
CZM: 49
CD: 6

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Variance to permit a dynamic display sign in an OL district for a use that is not a Public, Civic or Institutional use (Sec.60.060-E)

LOCATION: W of the NW/c of S. 121st E. Ave. and E. 31st St. S.

ZONED: AG, OL

PRESENT USE: Clinic

TRACT SIZE: 0 SQ FT

LEGAL DESCRIPTION: ALL OF UNION E-14

RELEVANT PREVIOUS ACTIONS: None

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

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is an OL/AG zoned property that includes a Union Public Schools elementary school and a health clinic that is currently under construction. The requested sign will serve the health clinic which is bounded by the School on the West and South and RS-3 Zoning on the East and North.

STAFF COMMENTS: The applicant is requesting a variance to permit a dynamic display sign in an OL district for a use that is not a Public, Civic or Institutional use (Sec.60.060-E)

60.060-E Dynamic Displays

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in O districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Dynamic Display Signs are subject to the regulations of Sec. 60.100:

Section 60.100 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

- 60.100-A The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.
- 60.100-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- 60.100-C The images and messages displayed must be complete in and of themselves within the required dwell time.
- 60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.
- 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.
- 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary.
- 60.100-G Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

- 60.100-H** Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- 60.100-I** The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
- 60.100-J** Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
- 60.100-K** Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

In granting or denying the variance request the Board may look to the general purpose of the of the sign code (Sec. 60.010) in making their decision.

60.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit a dynamic display sign in an OL district for a use that is not a Public, Civic or Institutional use (Sec.60.060-E)

- 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.”



View facing West from E. 31st Street sidewalk



View facing East from E. 31st Street sidewalk



View of subject location at the approximate location of the requested sign



**Subject
Tract**

BOA-22723

19-14 20

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

Aerial Photo Date: February 2018



BOB KOLIBAS
SIGN PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

November 19, 2018

LOD Number: 1

KKT Architects
2000 S. Utica Place
Tulsa OK 74114

Phone: (918)744-4270

APPLICATION NO: BLDC-017664-2018 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 12020 E. 31st Street

Description: Dynamic Display ground sign

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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SHOULD YOU REQUIRE FURTHER CLARIFICATION, PLEASE CONTACT THE PLANS EXAMINER NAMED ABOVE. IF YOU DISAGREE WITH THE CODE INTERPRETATIONS OR COMMENTS, YOU MAY REQUEST AN ADMINISTRATIVE REVIEW OF YOUR APPEAL.

(Continued)

REVIEW COMMENTS

COMMERCIAL PLAN REVIEW: YOUR APPLICATION WAS REVIEWED UNDER THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE 2015 AND REFERENCED CODES AND ORDINANCES ADOPTED BY THE CITY OF TULSA.

Application No. 017664-2018

12020 E. 31st Street

November 19, 2018

1.) 60.060-E Dynamic Displays: Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

Review Comments: Our records indicate the proposed medical offices are located in an OL zoning district. Dynamic displays are not permitted except for Public, Civic and Institutional Uses. As an option you revise the plans for a business electrical sign.

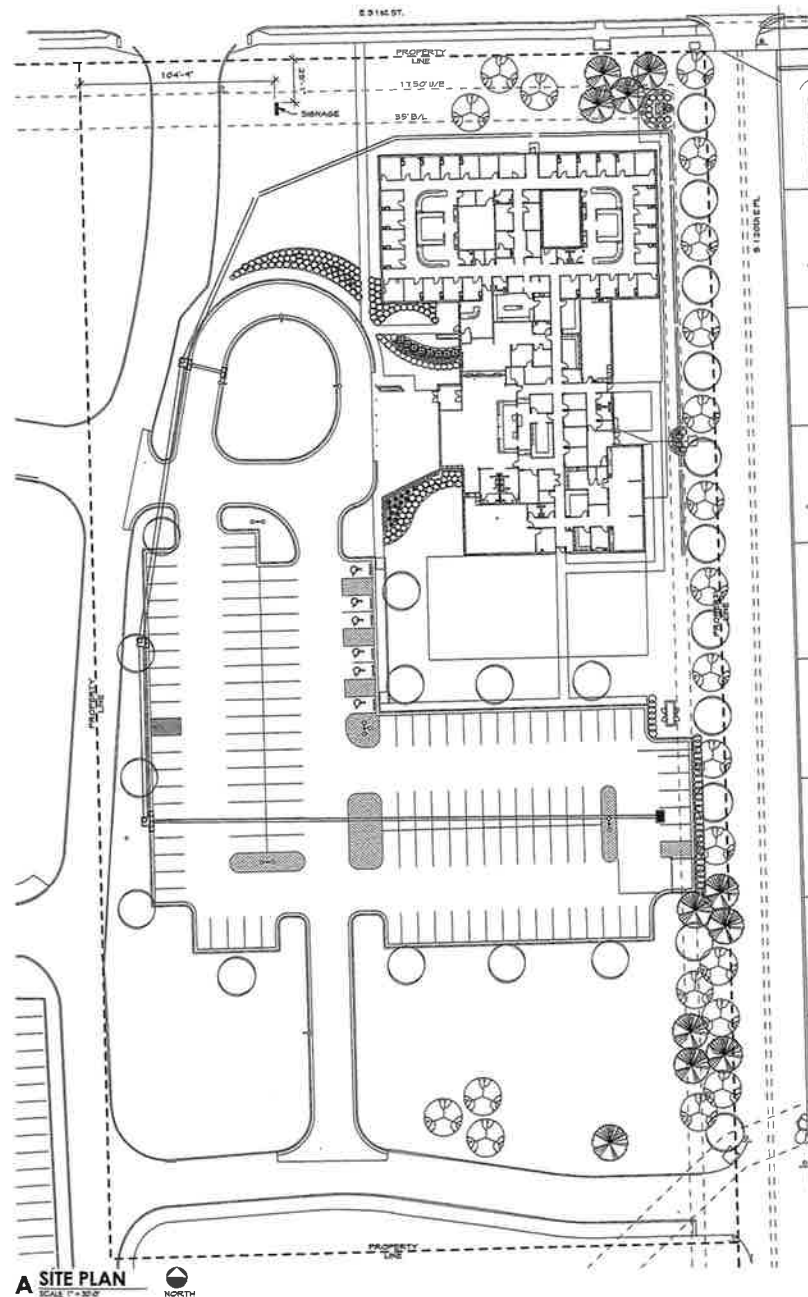
END – COMMERCIAL ARCHITECTURAL CODE REVIEW

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all building code requirements are satisfied.

10.13

BOA-22723

Site Data:	
Land Area Summary	
NET LAND AREA	213,809.07 SF (4.91 AC)
Site Data	
ZONING	OL
Building Data	
PROPOSED BUILDING	21,883 SF
Parking Spaces	
REQUIRED PARKING SPACES (3.40 SPACES/1,000SF)	74 SPACES
PROPOSED PARKING SPACES	138 SPACES
REQUIRED HANDICAP SPACES	3 STANDARD / 1 VAN
PROPOSED HANDICAP SPACES	6 VAN
Setbacks	
REQUIRED BUILDING SETBACK FROM EAST 31ST STREET	35'
PROPOSED	52.14'
REQUIRED BUILDING SETBACK FROM SOUTH 120TH EAST PLACE	25'
PROPOSED	27.35'
Impervious Area	
TOTAL SITE AREA:	213,809.07 SF (4.91 AC)
TOTAL DISTURBED AREA:	189,696.26 SF (4.30 AC)
EXISTING IMPERVIOUS AREA:	34,106.66 SF
PROPOSED IMPERVIOUS AREA:	194,785.00 SF
NET INCREASE:	130,878.32 SF
Legal Description	
COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF GARNETT VILLAGE, ALSO BEING THE POINT OF BEGINNING THENCE SOUTHWEST 28° 28' 28" EAST FOR A DISTANCE OF 433.85 FEET ALONG THE WEST LINE OF GARNETT VILLAGE; THENCE SOUTH 88° 33' 54" WEST FOR A DISTANCE OF 337.00 FEET; THENCE NORTH 88° 33' 28" WEST FOR A DISTANCE OF 475.66 FEET; THENCE NORTH 88° 33' 11" EAST FOR A DISTANCE OF 337.00 FEET TO THE POINT OF BEGINNING.	
Said Tract of Land Containing 4.91 Acres, More or Less.	



KKT ARCHITECTS, INC.
2200 SOUTH UNICA PLACE, SUITE 200
TULSA, OKLAHOMA 74114
(918) 744-4270 | (918) 744-7849
WWW.KKTARCHITECTS.COM
©COPYRIGHT 2019
CERTIFICATE OF AUTHORIZATION
#00234 10/19/19 04/30/21



12020 E 31st St, Tulsa, OK 74146

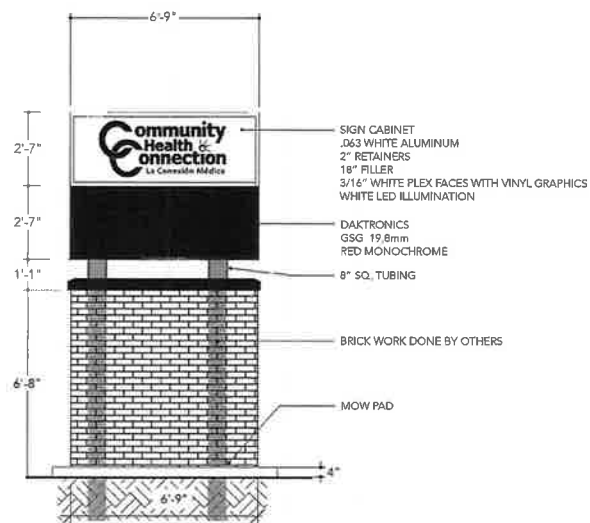


07/24/2019
07/24/2019 BOA SUBMITTAL

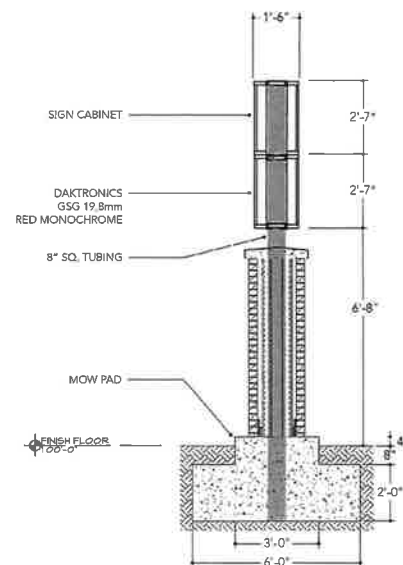
BOA SITE PLAN

EXHIBIT A

OPTION 1



A | ELEVATION
SCALE: 1/4" = 1'-0" D/F ILLUMINATED MONUMENT

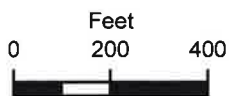
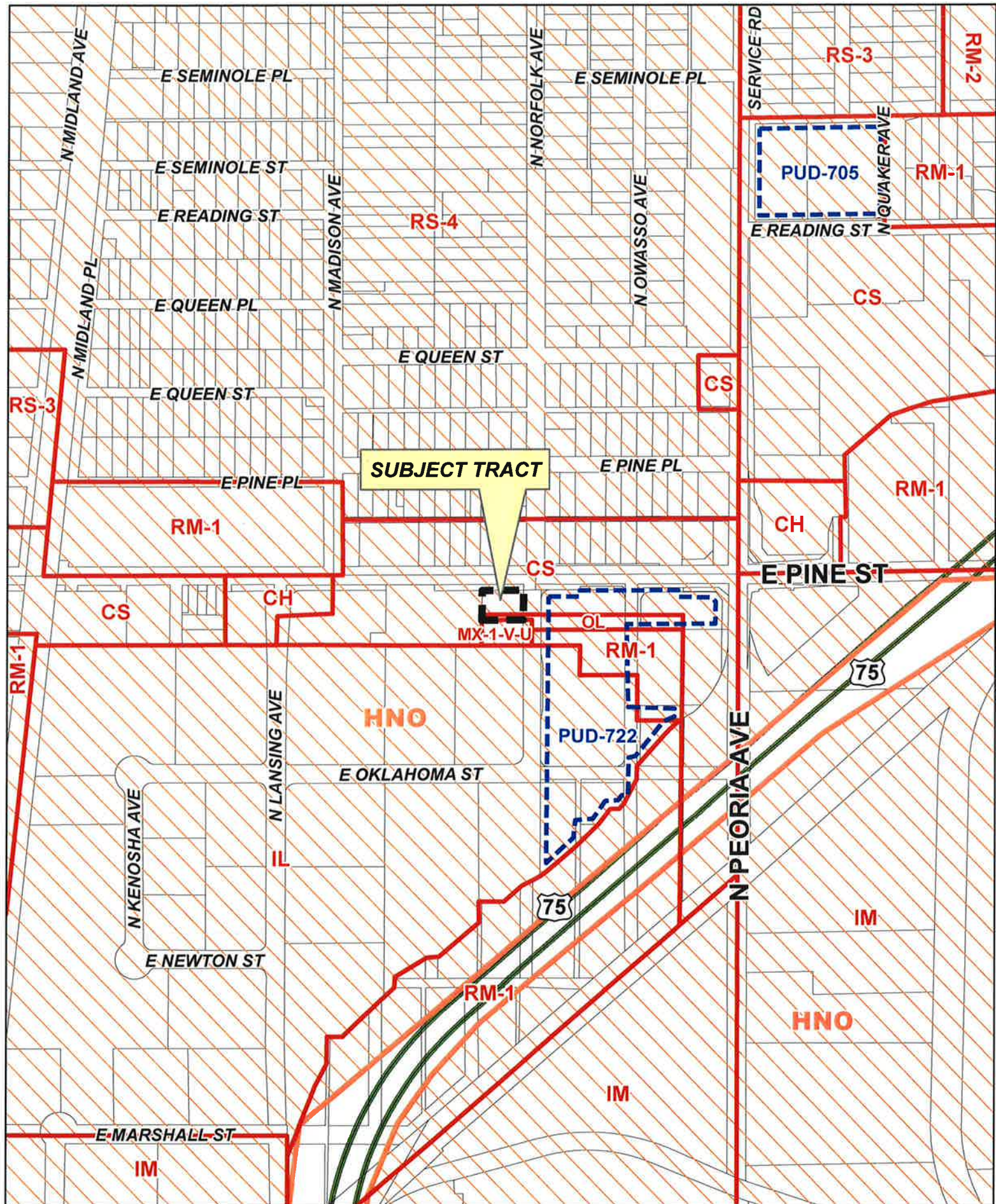


B | SIDE VIEW
SCALE: 1/4" = 1'-0"

BDA-22723

<p>CITY OF TULSA, OKLAHOMA 100 NORTH LAMAR, SUITE 100 TULSA, OKLAHOMA 74103 PH: 918.591.7171 FAX: 918.591.7170 WWW.CITYOFTULSA.ORG</p>	<p>THESE PLANS ARE THE PROPERTY OF THE CITY OF TULSA, OKLAHOMA. THEY ARE TO BE USED FOR THE PROJECT AND NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CITY OF TULSA, OKLAHOMA. THE CITY OF TULSA, OKLAHOMA, DOES NOT WARRANT THE ACCURACY OF THESE PLANS OR THE RESULTS OF THEIR USE. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES. THE CITY OF TULSA, OKLAHOMA, DOES NOT ACCEPT ANY LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF THE USE OF THESE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>X _____ SIGNATURE DATE</p>	<p>PROJECT/CLIENT NAME: COMMUNITY HEALTH CONNECTION</p>	<p>LOCATION: 12020 E 31ST STREET TULSA, OK</p>	<p>ACCOUNT EXEC: TODD ADAIR</p>	<p>DESIGNER: BILL SAMPLE</p>	<p>DATE OF ORIGINAL DWG: APRIL 05, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: MONUMENT</p>	<p>SHEET NAME: ST-1.0</p>
--	--	--	---	--	-------------------------------------	----------------------------------	---	--------------------------	--	-------------------------------

10.14



BOA-22724

20-12 36

11.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0236

Case Number: **BOA-22724**

CZM: 28

CD: 1

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: Broclyn Burdex

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

LOCATION: 1046 E PINE ST N

ZONED: CS,OL

PRESENT USE: Vacant

TRACT SIZE: 13499.3 SQ FT

LEGAL DESCRIPTION: S30 LT 1 & ALL LT 2 & N20 LT 3 & E5 VAC ALLEY ADJ ON W BLK 1, LIBERTY ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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.

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 zoned CS with a small grass strip on the southside of their property zoned OL. Immediately South is an MX-1 zoned property and the other surrounding properties are zoned CS.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

11.2

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 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 submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries known as "Good Greens Dispensary" and "Mary Jane's Treehouse" both located 3,000 ft away.

SAMPLE MOTION:

I move that based upon the facts in this matter as they exist presently, 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 of Subject property from the SW/c of Pine and Norfolk



View facing West from the SW/c of Pine and Norfolk



View facing East from the SW/c of Pine and Norfolk



0 200 400
Feet



Subject
Tract

BOA-22724

20-12 36

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

Aerial Photo Date: February 2018 11.6





0 50 100
Feet



Subject
Tract

BOA-22724

20-12 36

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

Aerial Photo Date: February 2018

11.7



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

July 19, 2019

Brocklyn Burdex
539 E Newton PL
Tulsa, OK 74106

Phone: 918.845.6442

APPLICATION NO:

COO-037540-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

1046 E Pine 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

COO-037540-2019

1046 E Pine ST

July 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/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.



1) Greenwood Cure
1046 E. Pine St.
Tulsa, OK 74106

2) Good Greens Dispensary
1333 N. Utica Ave.
Tulsa, OK 74110

(Distance from Greenwood Cure: 3,000 ft)

3) Mary Jane's Treehouse
2030 E. Pine St.
Tulsa, OK 74110

(Distance from Greenwood Cure: 3,000 ft)

4) Radius of 1,000 ft.

NAME	CITY	ZIP	COUNTY
License ID #: DAAA-VJCI-FSMD TING DISPENSARY INDUSTRIES LLC 549 E 36TH ST N	TULSA	74106	TULSA
License ID #: DAAA-NJ5W-8HF8 BETTER MARIJUANA PRODUCTIONS LLC 3412 W 42ND PL	TULSA	74107	TULSA
License ID #: DAAA-4YSJ-BE48 MR GREEN PLUS INC 708 W 23RD ST	TULSA	74107	TULSA
License ID #: DAAA-N1M0-D1ZL R&D GREEN GRASS CORPORATION 5526 S 48TH WEST AVE	TULSA	74107	TULSA
License ID #: DAAA-41YH-JKHI SHAFFA INC 4942 S UNION AVE	TULSA	74107	TULSA
License ID #: DAAA-4YKY-CSSD THE GREEN ROOM AT JOE'S VAPE SHOP 1618 W 51ST ST	TULSA	74107	TULSA
License ID #: DAAA-EK7U-83XN THE STRAIN STATION DISPENSARY LLC 4117 SOUTHWEST BLVD	TULSA	74107	TULSA
License ID #: DAAA-4Y2N-G25N WILBURS TULSA 8302 W 51ST ST	TULSA	74107	TULSA
License ID #: DAAA-4KQB-OBRI FIGHTING FLOWER, LLC 303 S 193RD EAST AVE	TULSA	74108	TULSA
License ID #: DAAA-4JB6-1X4N PREME CANNABIS COMPANY, LLC 2005 S 129TH EAST AVE	TULSA	74108	TULSA
License ID #: DAAA-VK9T-SK8L GOOD GREENS DISPENSARY, INC 1333 N UTICA AVE	TULSA	74110	TULSA
License ID #: DAAA-NKNN-B7DR GRASS-HOPPER DISPENSARIES LLC 2930 N FLORENCE AVE	TULSA	74110	TULSA
License ID #: DAAA-N1F0-GZ3Q HERBAL MEDS LLC 3018 E PINE ST	TULSA	74110	TULSA
License ID #: DAAA-NYUJ-NBUV MARY JANE'S TREEHOUSE 2030 E PINE ST	TULSA	74110	TULSA
License ID #: DAAA-V1WP-ANYP MOURA BIG BUDS 3112 E ADMIRAL PL	TULSA	74110	TULSA
License ID #: DAAA-EY6E-AWQY SEVEN STAR DISTRIBUTORS LLC 3407 N LEWIS AVE	TULSA	74110	TULSA
License ID #: DAAA-NYW0-8CKQ STOCKHAM HOLDINGS, INC. 14 N UTICA AVE	TULSA	74110	TULSA

State of Oklahoma
License Certificate
NON-TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

ISSUED BY GRANTED TO:

THE GREENWOOD CURE INC

1146 E PINE ST., TULSA, OK, 74108

THE PERSON IN POSSESSION OF THIS LICENSE SHALL BE SUBJECT TO ALL LAWS, ORDINANCES AND REGULATIONS GOVERNING THE OPERATION AND MANAGEMENT OF A DISPENSARY IN THE STATE OF OKLAHOMA. THE LICENSEE SHALL BE RESPONSIBLE FOR THE PROPER OPERATION AND MANAGEMENT OF THE DISPENSARY AND SHALL BE SUBJECT TO ALL LAWS, ORDINANCES AND REGULATIONS GOVERNING THE OPERATION AND MANAGEMENT OF A DISPENSARY IN THE STATE OF OKLAHOMA.

06/02/2020

LICENSE NUMBER:

DAAA-4YD1-QVUT



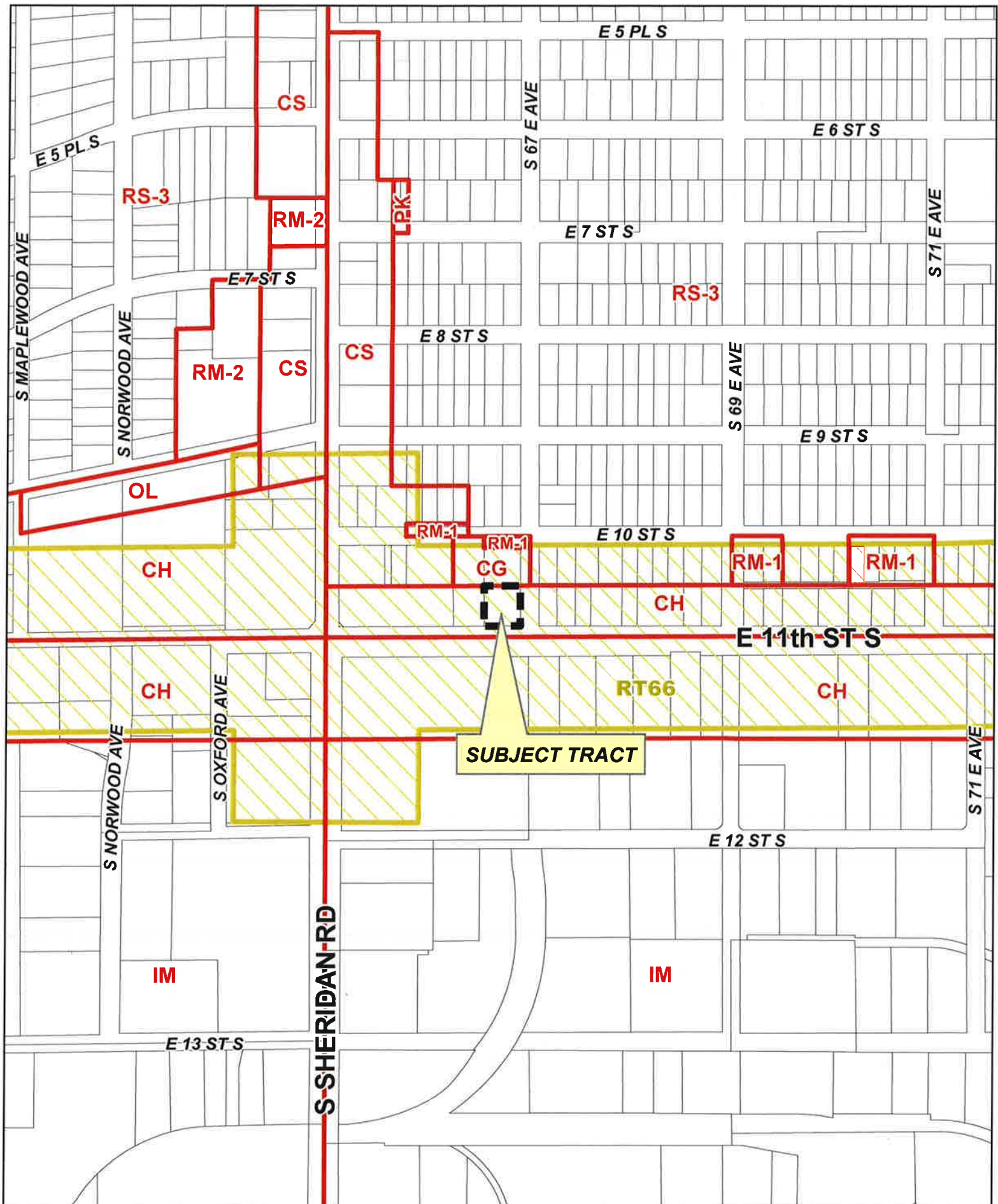
Tom Batts

TOM BATT, L.D.

Member, Commission on
Oklahoma State Regulations of Health

DO NOT COPY

11.18

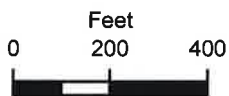


SUBJECT TRACT

BOA-22725

19-13 02

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9302

Case Number: BOA-22725

CZM: 38

CD: 3

HEARING DATE: 08/27/2019 1:00 PM

APPLICANT: 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 E 11 ST S

ZONED: CH

PRESENT USE: Retail/Commercial Space

TRACT SIZE: 15943.03 SQ FT

LEGAL DESCRIPTION: LTS 21 & 22 BLK 36, SHERIDAN HILLS

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-22678; On 07.23.2019 the Board **accepted** the verification of spacing, with a 4-1-0 vote, for a medical marijuana dispensary from another medical marijuana dispensary at 6733 East 11 Street which is approximately 500 ft East of the subject property. The applicant in BOA-22725 was present at this hearing and protested the acceptance of verification.

BOA-22679; On 07.23.2019 the **denied** the verification of spacing, with a 4-0-1 vote, for a medical marijuana dispensary from another medical marijuana dispensary and **approved** a variance of the 1,000 ft spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary, with a 4-0-1 vote, at 810 East 6th street. This case is not in the general vicinity of the subject application, but it is the first and only variance request of this nature that has been heard by the Board. The Board found the hardship to be the unique characteristics of the site as they presently exist; both being in topography, occupancy, and the commercial make up of this site. Additionally, the lack of existing clarity between the present applicant's application and the new Zoning Code.

ZCA-12; on 10.03.2018 the TMAPC voted to **recommend** adoption of the Zoning Code Amendments related to Medical Marijuana including Sec.40.225-D which the Board is being asked to vary. Included in your packet are the TMAPC meeting minutes in which these issues were discussed may inform the board of the intent of these regulations at the time they were adopted.

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

12.2

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

ANALYSIS OF SURROUNDING AREA: The subject tract is a CH zoned tract that abuts a CG zoned tract on the North, and CH zoning on all other sides. The tract South of the subject tract across 11th street is the former site of Wonder Bread bakery.

STAFF COMMENTS:

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

Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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

In Section 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 is requesting this variance because of the issuance of a Certificate of Occupancy for a dispensary located at 6733 East 11 Street which is approximately 500 ft East of the subject property. Please refer to the attachments in the packet and "Relevant Previous Action" section of this report for more information on BOA-22678 in which the Board accepted the verification of spacing for the dispensary located at 6733 East 11th Street.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit the subject medical marijuana dispensary in BOA-22725 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."*



View facing West from NW/c of S. 67th E. Ave and E. 11 Street S.



View of Subject property from E. 11th Street



View facing East from NW/c of S. 67th E. Ave and E. 11 Street S.

Mr. Van De Wiele stated that is the end of the requests for continuances.

Mr. Van De Wiele stated today agenda is a very full agenda, over 20 items, so in order to get through all those cases in a timely manner and to give everyone who wishes to speak an opportunity to do so the Board will limit the applicant to five minutes for their presentation, and any interested parties will be limited to three minutes, then the applicant will have three minutes for a rebuttal. If anyone is being questioned by the Board members, that will not count against the time.

NEW APPLICATIONS

22678—Nancy Lavery

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: 6733 East 11th Street South (CD 3)

Presentation:

Leta Carmona, Bloomers Dispensaries and Sundries, LLC, 6733 East 11th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele asked Ms. Carmona where the nearest dispensary is located. Ms. Carmona stated that it is just past Sheridan on Route 66 at 6305 East 11th Street. Mr. Van De Wiele asked Ms. Carmona how far that location is from her location. Ms. Carmona stated that it is 1,554 feet away.

Interested Parties:

Mary Cooper, Mother Road Extracts, 6545 East 11th Street, Tulsa, OK; stated she is the owner of Mother Road Extracts and her dispensary is a licensed dispensary. Ms. Cooper stated that the information provided by Bloomers Dispensary is incorrect because her facility is located within the 1,000-foot radius.

Mr. Van De Wiele asked Ms. Cooper if she had her spacing verified. Ms. Cooper stated her Certificate of Occupancy was applied for on May 21, 2019. Mr. Van De Wiele asked Ms. Cooper if she had filed an application with INCOG to have her spacing verified. Ms. Cooper stated she went to file it on Friday, the 17th, and after speaking with INCOG staff decided to wait until today. Mr. Van De Wiele asked Ms. Cooper if she was open for business. Ms. Cooper stated that she was not at this time; she filed with OMMA giving them an opening date of June 1st. Mr. Van De Wiele asked Ms. Cooper about the June 1st date. Ms. Cooper stated she did not realize at the time she filed that the Certificate

of Occupancy needed to be filed prior to her being ready to open for business. She believed at the time she filed for her OMMA license, when she did her 1,000-foot radius check she thought that was the marker of how the spacing was going to go so she was not worried about it. All buildings within her 1,000-foot radius have been occupied for at least 10 years and they were not going to be rented out to her knowledge.

Mr. Van De Wiele asked Ms. Cooper what the date of her OMMA license is. Ms. Cooper stated that it is January 4th, and she filed for it on December 29th right after the City passed the ordinance.

Mr. Van De Wiele asked Ms. Cooper if she has been operating since she notified the OMMA of the June 1st date and filing tax returns. Ms. Cooper stated that she has not been operating; she has been filing tax returns as required and filing monthly reports as well.

Mr. Bond asked Ms. Cooper if she had her Certificate of Occupancy. Ms. Cooper stated there is a Certificate of Occupancy on the building, but she did not realize there was a different Certificate of Occupancy was necessary until she began speaking with Nicole Gordon in March.

Mr. Van De Wiele asked Ms. Cooper if she had a Certificate of Occupancy on the dispensary. Ms. Cooper stated that is what she applied for on May 21st.

Ms. Cooper asked the Board to have the Bloomer Dispensary application stricken because it is incorrectly filed. Mr. Van De Wiele asked Ms. Cooper why she thought that. Ms. Cooper stated it is because Bloomers does not have her licensed dispensary located within their 1,000-foot radius.

Ms. Radney asked Ms. Cooper for the name of her business. Ms. Cooper stated it is Mother Road Extracts Company. Ms. Cooper stated she has the application that she is going to file this afternoon and show that Bloomers is located within 500 feet of her location. Ms. Cooper stated the next nearest location is Route 66 Clones and Cannabis which is located more than 1,000 feet from her location.

Mr. Van De Wiele asked Ms. Cooper if her location was in between Route 66 Clones and Bloomers. Ms. Cooper answered affirmatively.

Ms. Cooper stated she does not believe that Bloomers should be the sole dispensary given a Certificate of Occupancy because of the 1,000-foot radius. She thinks this subject area of town is ripe for restoration, and the tax money brought into the City of Tulsa will be good. She thinks there is room for all the dispensaries.

Rebuttal:

Leta Carmona came forward and stated that she too is paying her taxes and have followed all the guidelines from OMMA, but this is a City issue not an OMMA State issue. Even though her license was issued in April she obtained her building in May

and started the process with the City as soon as she started. It is no fault of hers that they did not start the process until recently. Ms. Carmona stated she leased her building May 1st and has all of her licenses and permits with the all entities involved. It was her understanding that whoever gets on the agenda first is the one that basically is approved or denied based on the information provided. Ms. Carmona stated she was aware that Mother Road was there after she started her process. It was her understanding that Mother Road would be grandfathered in had their OMMA license been issued prior to December. Ms. Carmona thinks she has done everything that the City of Tulsa has requested and done it in the manner that it was asked to be done, so she thinks she should be approved based on the circumstances.

Mr. Van De Wiele asked Ms. Carmona if she was aware of any other dispensary other than the Route 66 and the Mother Road dispensary. Ms. Carmona that is she is not aware of any other dispensaries within a 1,000 feet.

Ms. Ross asked Ms. Carmona when she applied for her Certificate of Occupancy with the City. Ms. Carmona stated that she is not sure, but she thinks it was mid-to-late May.

Ms. Radney asked Ms. Cooper if she had a Certificate of Occupancy for the subject property. Ms. Cooper answered affirmatively and stated she owns the property. Ms. Radney asked Ms. Cooper if she applied for that certificate herself. Ms. Cooper answered affirmatively, and stated the building was a previous auto sales business. Ms. Radney asked Ms. Cooper when that certificate was issued. Ms. Cooper stated that it was issued in 2004; the building has been owned and occupied by her family since 1975. Ms. Radney asked Ms. Cooper if her family has continuously owned and operated the building since 1975, and this is a change of use. Ms. Cooper answered affirmatively. Ms. Cooper stated she had the understanding that a Certificate of Occupancy was not necessary until she heard that she had to go through the spacing verification; she thought the spacing verification was going to be done at the State level and that is when she started speaking with Nicole Gordon in March and she thought the Certificate of Occupancy was for the building not the business. Ms. Radney asked Ms. Cooper if the building was zoned in such a way that she could use the building as a medical marijuana dispensary by right. Ms. Cooper answered affirmatively.

Ms. Cooper stated that she understands the 1,000-foot spacing is being done on a case by case basis, but she asked what happens when one of the dispensaries closes? Mr. Van De Wiele stated that if a dispensary closes then there is no longer a business to space against.

Leta Carmona came forward and stated that there has not been an actual business operating out of the building for years. She has done her due diligence to see what was around her location, and she knew at some point that Mother Road was in the area. She understands that the Mother Road location is a family owned property but there has not been an operating business there for years. She feels that she has done what the City has asked her to do, and in the time and fashion that the City has asked to have it done.

Comments and Questions:

Ms. Ross stated that the Board has discussed the criteria they would follow in examining these spacing verification cases, and if the Board follows what they agreed to the applicant would be approved today.

Mr. Van De Wiele asked Mr. Wilkerson if there has been any movement forward on INCOG's interpretive policy for the spacing verifications and is it the direction in which INCOG is heading? Mr. Wilkerson stated it is a policy decision and it is not something that has been documented in the Zoning Ordinance. Mr. Van De Wiele asked Mr. Wilkerson if the policy decision been finalized? Ms. Blank stated that it has not. Ms. Blank stated the Legal Department is also reviewing this, and she thinks where it states that a dispensary has to be 1,000 feet from another dispensary, she thinks that means from another legal lawful dispensary. That would mean both having what the State requires and what the City requires; that would mean if the applicant is before the Board with their license and there is no other lawfully operating dispensary within the 1,000 feet.

Ms. Radney stated that she would be curious to know if this applicant referenced Mother Road in their application, which to say was Mother Road represented to INCOG when the application was made when there was a potential dispensary within the 1,000-foot spacing radius.

Mr. Bond stated that for him it means is there another licensed, both from the State of Oklahoma and the City of Tulsa, dispensary within a 1,000 feet. As it stands right now, there is not.

Mr. Van De Wiele stated that what is before the Board today, the Board has to chose whether there is another dispensary within 1,000 feet of this application. He is seeing there is one, and it is outside of the 1,000-foot radius. The Mother Road Extract is not dispensary, it may at some point be a dispensary, but nothing was being pursued until this application came before the Board. He would be inclined to accept the applicant's verification of spacing.

Board Action:

On **MOTION** of **ROSS**, the Board voted 4-1-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; 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 18 19 & 20 BLK 33, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

22679—Greenwood Wellness – Marvin Jones

Action Requested:

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) **OR** in the alternative a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 810 East 6th Street South (CD 4)

Presentation:

Marvin Jones, 8616 East 98th Street, Tulsa, OK; stated he represents Greenwood Wellness Group. Mr. Jones stated the goal is to do everything in accordance with the State, OMMA, as well as with the City of Tulsa; he feels that he has done that. Mr. Jones stated the subject dispensary is operating and transacting since July 4th. Mr. Jones that the owner of the subject building on East 6th Street is one of the partners in Wellness Group and he has a previous Certificate of Occupancy. In addition, he feels that the dispensary is lawfully operating with all the applications that have been submitted. Mr. Jones stated the Group has one dispensary operating on East Apache and his goal is to make sure that everything is done in accordance to INCOG as well as the City of Tulsa. Mr. Jones stated that there is a license for the first location which was received January 2019 and the license for the second location was received February 2019. Mr. Jones stated he has proceeded to submit for the Certification of Occupancy in early May.

Mr. Van De Wiele asked Mr. Chapman to display page 5.26 on the overhead projector, and Mr. Van De Wiele asked Mr. Jones to identify where any other dispensaries are located within the 1,000-foot radius, and any other licenses.

William Shirley, 1216 East Apache, Tulsa, OK; came forward and stated he is one of the partners in Wellness Group. Mr. Shirley stated that he has been in contact with Mr. Austin Chapman, Ms. Amy Ulmer and Ms. Nicole Gordon for several months, and in this particular circle there is no licensed dispensary; the closest dispensary is 1,700 feet to the North, which is East End located at 202 South Lansing Avenue.

Mr. Van De Wiele asked Mr. Shirley, for clarification, if he was aware of any other licensed dispensary within the 1,000-foot radius. Mr. Shirley stated that he is not aware of any licensed operating dispensary. Mr. Van De Wiele asked Mr. Shirley if he was aware of another license that is not operating within the 1,000-foot radius. Mr. Shirley stated that there is one; it is about 400 feet away. Mr. Shirley stated that at the time his location was established that building was vacant.

Mr. Van De Wiele asked Mr. Shirley if he had one license to cover all of his locations or is it a location-by-location specific license. Mr. Jones stated that it is a location-by-location license. Mr. Van De Wiele asked Mr. Jones if the license for the subject address expires February 2020 and was issued February 3, 2019. Mr. Jones answered affirmatively.

Mr. Van De Wiele asked, for the record, Mr. Jones to confirm that there is a dispensary 1,700 feet away that is open for business, and there is another dispensary that is 400 feet away, is he aware of any other licenses within the 1,000-foot radius? Mr. Jones answered no.

Mr. Shirley came forward and stated that he would like to have noted in the record he would like to one additional piece of information that may bear merit. Mr. Shirley stated that in the previous minutes there was note made about how much was actually spent by the other dispensary and he has invested while operating well over \$55,000 to \$60,000 to get the dispensary operating.

Ms. Ross asked if the dispensary was operating without spacing verification. Mr. Shirley answered affirmatively; just like 70% to 80% of the other dispensaries. Ms. Ross asked Mr. Shirley if he knew that was not lawful. Mr. Shirley stated that was discussion mentioned in the previous minutes and even the previous case today. Ms. Ross stated that if a person has not received their City spacing verification then the dispensary is not lawfully operating; they may have their State license, but they are not operating lawfully without the spacing verification. Mr. Van De Wiele stated that ultimately it is the Certificate of Occupancy, the spacing verification is a hurdle. Mr. Shirley stated that the previous tenant had a Certificate of Occupancy, so there was a case to occupy the building so he could occupy the building because it was retail. Mr. Van De Wiele stated that what throws a lot of these for a loop is if there was a dispensary to open in a building, such as City Hall because there is a Certificate of Occupancy for this building, a new Certificate of Occupancy must be had. Mr. Shirley stated that it was clarified to him and illustrated as a merchant for occupancy. It was determined that there was a previous merchant in the building, and he is applying as a merchant, so the occupancy has not changed even though it is a dispensary; that was determined by the City. Mr. Van De Wiele stated that is news to him, because he has had discussion with the Permitting Office. Mr. Shirley stated the Mr. Berto Morand is the person he spoke to, and he is the one aware of it.

Ms. Blank stated that perhaps the applicant is referring to Building Permits, and what the Board is dealing with is a Use category that is different, so it needs a Certificate of Occupancy.

Ms. Ross stated that at the previous meeting she recalls that the applicant was not open for business at the time, but they had posted a sign for this meeting when they learned that Mr. Palacios was seeking verification of spacing. The argument was made that they will be operating in a week and that it would take Mr. Palacios several months. At that time the Board said that was a risk to take because there was no verification of spacing. Mr. Jones stated that it was his understanding that the risk was stated to Mr. Palacios and that they should hurry up and start operating, because the whole discussion was about an operating business. Ms. Ross stated that the risk was to both parties.

Mr. Van De Wiele asked Mr. Jones if the Board were inclined to lean toward the Variance, what is unique about the property or perhaps the neighborhood the building is located in that would justify a Variance to shrink the 1,000-foot radius to allow both dispensaries within 400 feet. Mr. Jones stated there is easy access from Highway 75 to the location, and the property is not exactly downtown but on the outskirts of downtown.

Interested Parties:

George Palacios, 1420 East 4th Street, Tulsa, OK; stated that it sounds as though the Board remembers the previous meeting well. Both parties were put out to the races; both were told they were at risk and that whoever came forward first with a Certificate of Occupancy would be the one to win. Mr. Palacios stated he was the one that brought to the attention of the Board that there was another dispensary nearby, but that they had not applied for a permit. Ms. Ross is absolutely correct, the other party is operating illegally because they do not have their Certificate of Occupancy, so they have not established a business at this moment in time. Mr. Palacios stated he has received all of his final inspections as of today but has not been able to apply for the Certificate of Occupancy because the final inspections have only been recorded in the field and have not been entered into the system yet. In effect, he has reduced a 90-day construction timeline down to just under 30 days at a significant cost to his client. Mr. Palacios stated that he has met his goal and his timeline, and still his is not opposed to having a neighbor. He believes in a free market economy and does think there is anything wrong with dispensaries being within 1,000 feet of one another and he encourages friendly competition.

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that Mr. Palacios is her client's architect and he obviously is much more familiar with what is happening in the Permit Center. Ms. Cornett reiterated her request for a continuance. Ms. Cornett stated that she believes that the applicant's license for this location expires February 3, 2020, and her client's license expires January 29, 2020 so it is first in time. The next consideration for application would be an application for a building permit or a Certificate of Occupancy. Ms. Cornett stated that her client applied for a building permit on March 5, 2019 and all the final inspections have been passed so there should be a Certificate of Occupancy within the next day.

Mr. Bond asked Ms. Cornett the name of her client's dispensary. Ms. Cornett stated that it is The Treehouse Dispensary dba The Flower Shop.

Ms. Cornett stated that her client does not have an issue with another dispensary operating within a 1,000 feet, and after hearing the applicant's presentation she is not sure they have articulated a particular hardship for this property. Ms. Cornett stated, again, that she would request a continuance to more thoroughly examine the Variance request.

Rebuttal:

Marvin Jones came forward.

Mr. Bond asked Mr. Jones to state his hardship; is there something unique to the location, unique to the application to grant a Variance? Mr. Jones stated the property is owned by one of the partners and it is a family property, so it was easy to get up and going. Location is key as well. Mr. Bond asked Mr. Jones if he thought the area is commercially dense. Mr. Jones answered affirmatively.

Mr. Van De Wiele asked Mr. Jones if he thought the area was on its way to becoming more commercially dense. Mr. Jones answered affirmatively.

Ms. Radney asked Mr. Jones if he thought this was a unique circumstance in the City of Tulsa, is there another business environment similar to this or is it unique? Mr. Jones believes it is unique, taking into consideration what the City of Tulsa is doing in the new developments that are going in downtown and in the subject location.

Mr. Bond asked Mr. Jones if there was a lot or not a lot of residential housing near the subject site compared to other parts of the City? Mr. Jones stated in terms of the apartments and the demographics of the area it is unique.

Comments and Questions:

Mr. Van De Wiele stated that to him this is a relatively unique area. To him it is the commercial business district; it is not as densely populated residentially as other major thoroughfares in Tulsa. He would vote for a Variance if someone could articulate the hardship.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-1 (Bond, Radney, Shelton, Van De Wiele "aye"; no "nays"; Ross "abstaining"; none absent) to **DENY** the request for a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) and to **APPROVE** a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) to permit two medical marijuana dispensaries to be located within 1,000 feet of each other, subject to conceptual plans 5.23 and 5.26 of the agenda packet. The Board finds the hardship to be the unique characteristics of the site as they presently exist; both being in topography, occupancy, and the commercial make up of this site. Additionally, the lack of existing clarity between the present applicant's application and the new Zoning Code. The Variance approval is limited to allow this dispensary to be located within 1,000 feet of the dispensary approved in case #BOA-22647. 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-7 & E20 LT 8 BLK-7, BURNETT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22680—W Design – Weldon Bowman

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: 3403 South Peoria Avenue East (CD 9)

Presentation:

Brian Letzig, W Design, 815 East 3rd Street, Suite C, Tulsa, OK; stated he represents Green Country Bud which is at the top of the building. Mr. Letzig stated he is not aware of any other dispensaries within the 1,000-foot radius. Mr. Letzig stated the nearest dispensary, The Treehouse Dispensary, is south and currently located 4,224 feet away.

Mr. Van De Wiele asked Mr. Letzig if that is the closest dispensary that is open for business. Mr. Letzig stated that it is closest operating dispensary that he is aware of. Mr. Van De Wiele asked Mr. Letzig if there were any license holders within the 1,000-foot radius. Mr. Letzig stated that from his research, at least when he applied, he did not see any, but he has not looked within the last two weeks; none that he is currently aware of.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, 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



Subject
Tract

BOA-22725

19-13 02

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22725

19-13 02

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

Aerial Photo Date: February 2018





July 25th, 2019

Mother Road Extracts Company
6545 E. 11th St.
Tulsa, Oklahoma 74112-4638

RE: APPLICATION NO: COO-32402-2019

In accordance with the request from the City of Tulsa Zoning Review Application No: COO-32402-2019 spacing verification is attached in compliance with Section 40.225-D. ~~A spacing verification and, if necessary, a variance request is respectfully requested to further application for a Certificate of Occupancy permit with the City of Tulsa.~~

Mother Road Extracts Company applied to the Oklahoma Medical Marijuana Authority for a Medical Marijuana retail dispensary license on 12/22/2018. The license was subsequently issued to Mother Road Extracts Company on 01/04/2019. Mother Road Extracts Company submitted an application to the City of Tulsa for a Certificate of Occupancy on 05/20/2019.

List of attached documentation

- Copy of Zoning Review letter of deficiency dated June 20, 2019 and July 3rd, 2019
- Site Plan
- Floor Plan
- DM-01 – Aerial Map of Mother Road Extracts Co. located at 6545 E. 11th St. with a 1,000' radius
- DM-02 - Location of nearest non-operational licensed dispensary within a 1,000' radius
Bloomer's Dispensary and Sundries LLC located at 6733 E. 11th St. within a 1,000' radius
OMMA License # DAAA-4KBE-VFVS
- DM-03 - Nearest known operating dispensary outside of a 1,000' radius
Magpie East LLC located at 6733 E. 11th St
OMMA License # DAAA-EKDJ-DFQB
- Copy of Mother Road Extracts Company application submission and approval date
- Copy of Mother Road Extracts Company License Certificate and approval letter
- OKDOH Open Records Request form dated 04/17/2019
- OKDOH Open Records Request PDF document dated 04/18/2019 of all Oklahoma licensed dispensaries, NOTE that no OMMA licensed dispensaries were within 1,000' of Mother Road Extracts on 04/18/2019.
- List of Dispensaries as of July 17th, 2019, issued by the OMMA in zip code 74112
- Tulsa Planning Office Procedures for receiving Spacing Verification dated June 28th, 2019
- Stated Hardships for granting a variance

Sincerely,

Mary Cooper
Owner
Mother Road Extracts Company

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 20, 2019

LOD Number: 1

Mary Cooper
6545 E. 11th Street
Tulsa OK 74112

Phone: 918-██████████

APPLICATION NO: BLDC 32402-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 6545 E. 11th Street

Description: Medical Marijuana Retail Sales, Processing and Growing

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 2nd 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 OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH 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)

12.19

BOB KOLIBAS
ZONING PLANS REVIEWER
TEL (918)596-9664



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

July 3, 2019

LOD Number: 2

Mary Cooper
6545 E. 11th Street
Tulsa OK 74112

Phone: 918 [REDACTED]

APPLICATION NO: COO-32402-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 6545 E. 11th Street

Description: Medical Marijuana Retail Sales

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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3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

12.20

REVIEW COMMENTS

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

Application No. 32402-2019

6545 E. 11th Street

July 3, 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. Section 40.225 Medical Marijuana Uses: The supplemental uses of this section apply to medical marijuana sales.

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

40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

40.225-1 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 location.

Review Comment: Review comment: Provide a spacing verification accepted by the BOA required under Sec.40.225-D for the medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health after December 1, 2018 for the proposed location.

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.

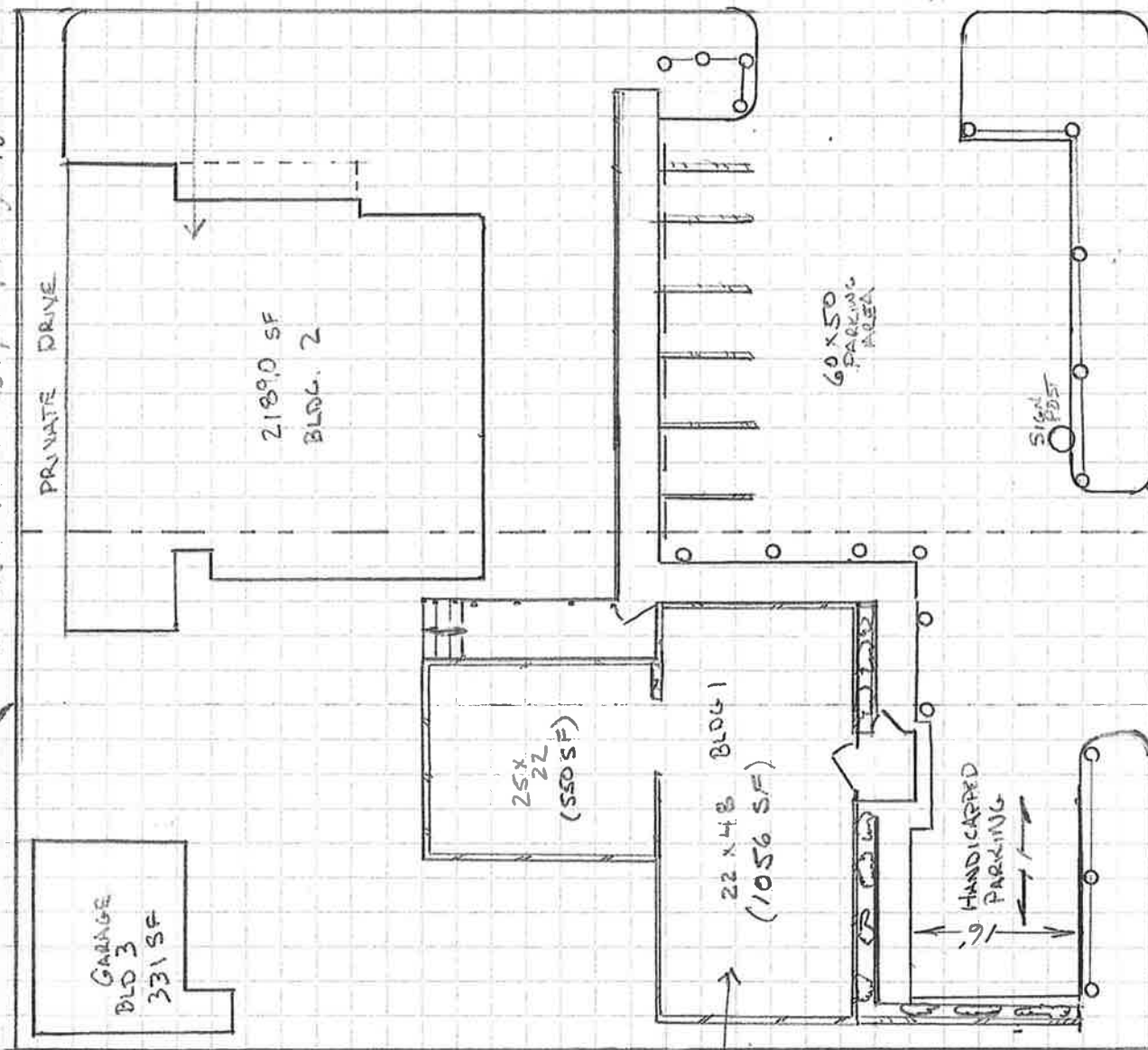
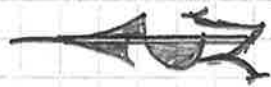
END – ZONING CLEARANCE REVIEW

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.

SITE PLAN

LTS 21 & 22 BLK 36 SHERIDAN HILLS
Section: 02 Township: 19 Range: 13



10116 S 67TH E AVE.
Tulsa, OK 74112

S. 67TH E AVE

6545 E. 11th Street
Tulsa, OK 74112.

11TH STREET (OLD RT 66)

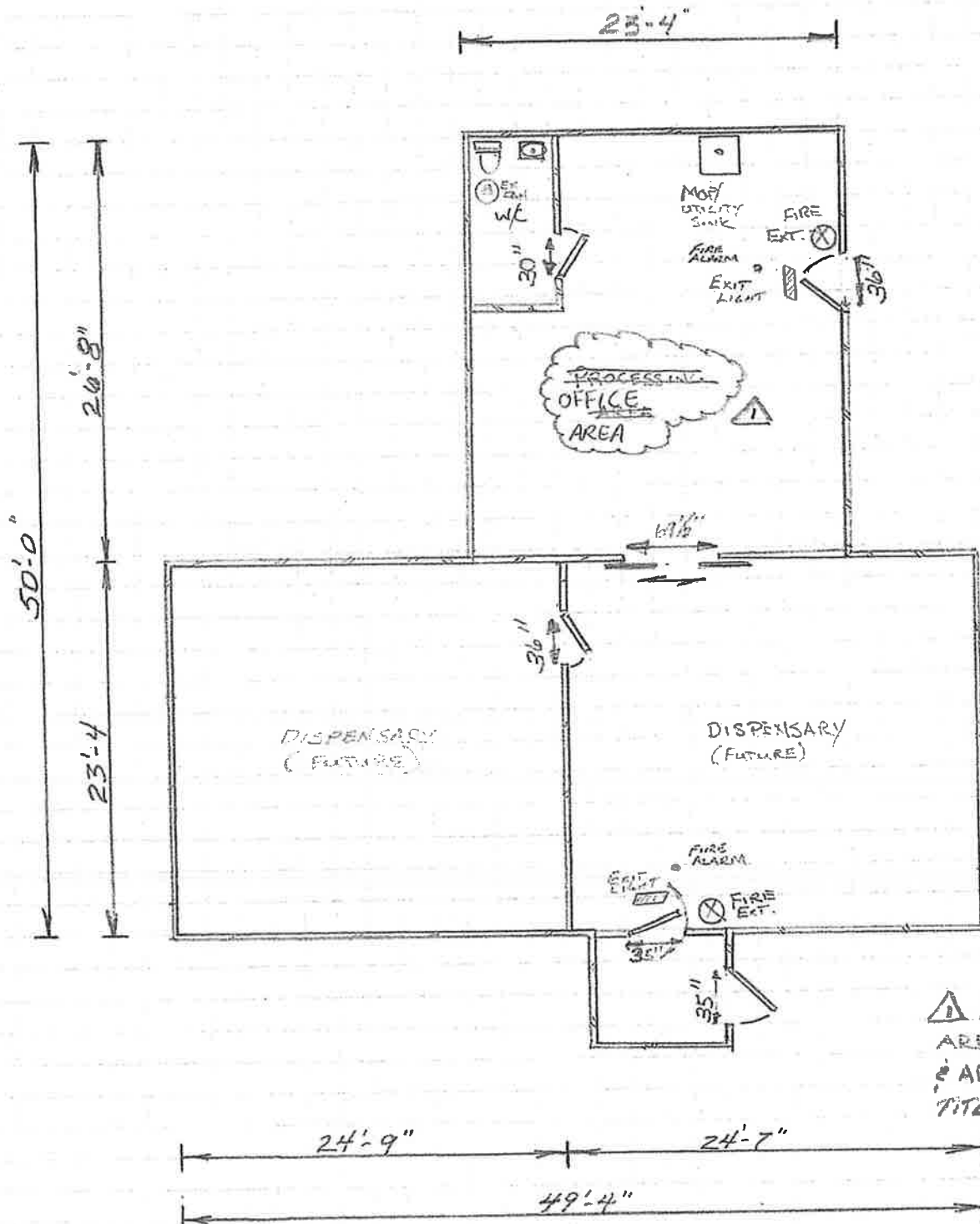
Scale 1/2" = 1 Foot
05.20.2019

FLOOR PLAN
LTS 21 & 22 BLK 36 SHERIDAN HILLS
Section: 02 Township: 19 Range: 13

MRE-FSK-001

REV 1 6/26/19

6545 EAST 11th STREET
TULSA, OKLAHOMA 74112



△ REMOVED "PROCESSING
AREA" FROM PLAN.
& ADDED DWG# TO
TITLE BLOCK.

1"=10'

06-26-2019
05-20-2019

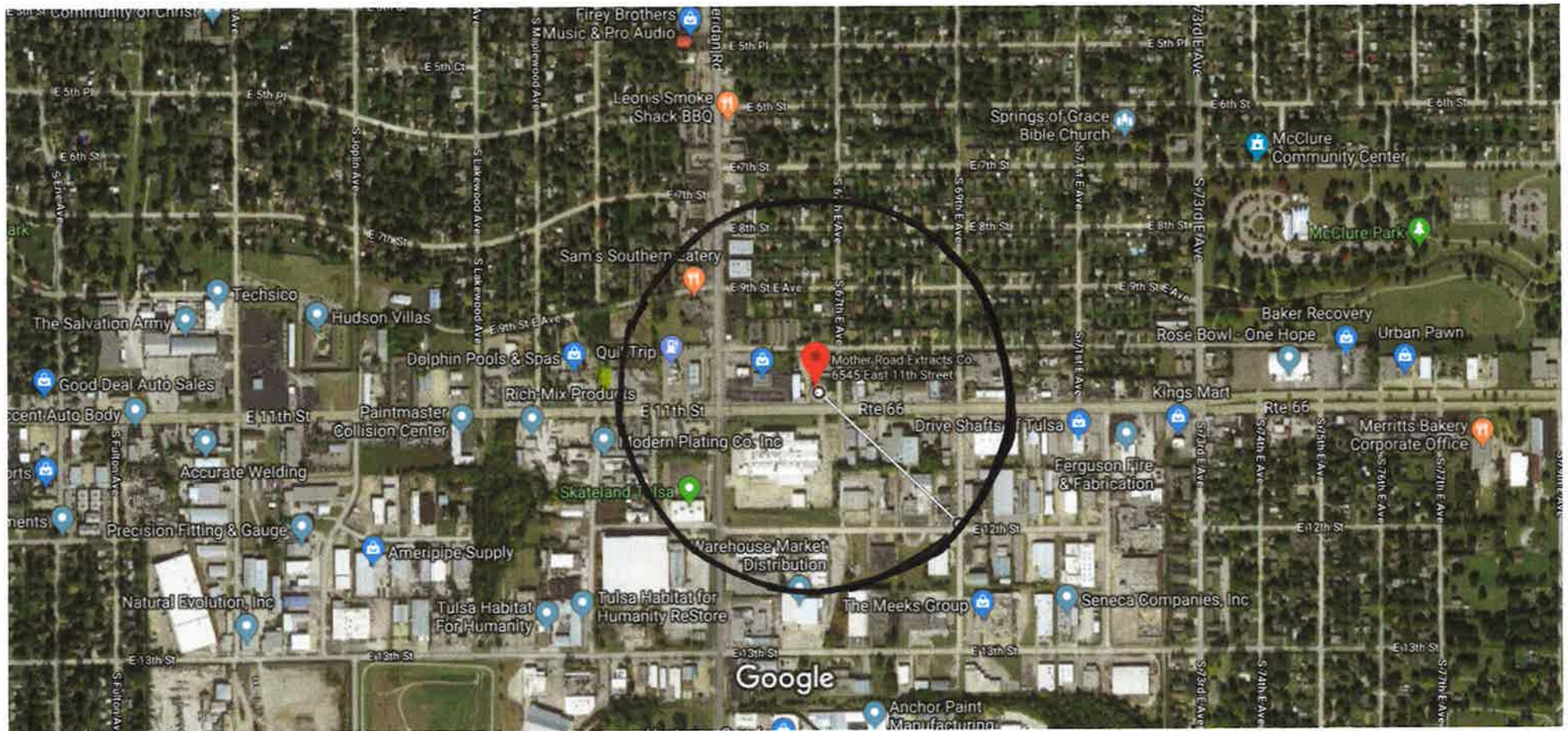
12.24

Aerial map with a 1,000' radius



6545 E 11th St

Mother Road Extracts Co. Spacing Verification



Imagery ©2019 DigitalGlobe, USDA Farm Service Agency 500 ft

Measure distance

Total distance: 1,050.86 ft (320.30 m)

12.25

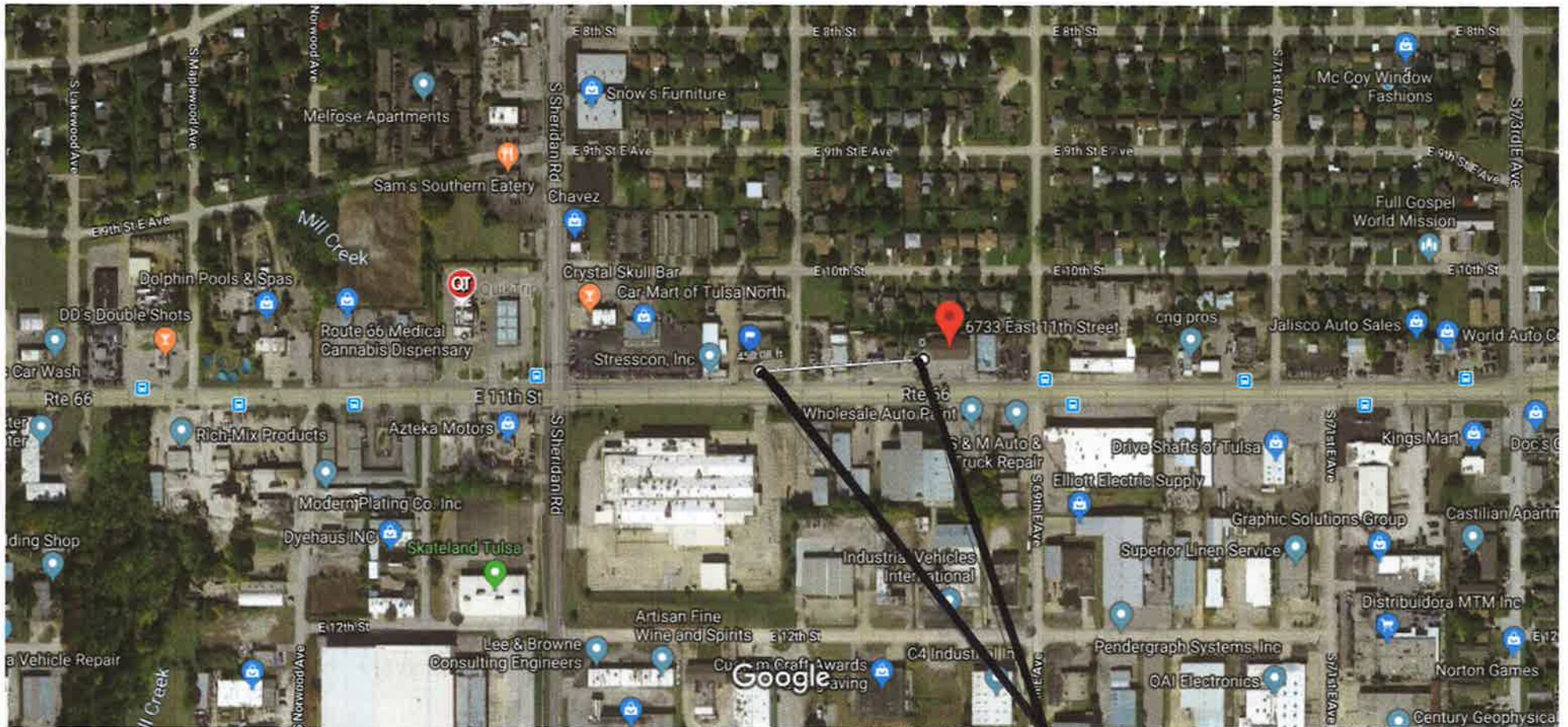
DM-01

Nearest Licensed Dispensary within a 1,000' radius



6733 E 11th St

Bloomer's Dispensary and Sundries, LLC License ID #DAAA-4KBE-VFVS



Imagery ©2019 DigitalGlobe, USDA Farm Service Agency, Map data ©2019 Google

200 ft

Measure distance

Total distance: 450.08 ft (137.19 m)

Mother Road Extracts Co.
6545 E. 11th St. Tulsa OK 74112
Bloomer's Dispensary
and Sundries
6733 E 11th St Tulsa OK 74112

12.26

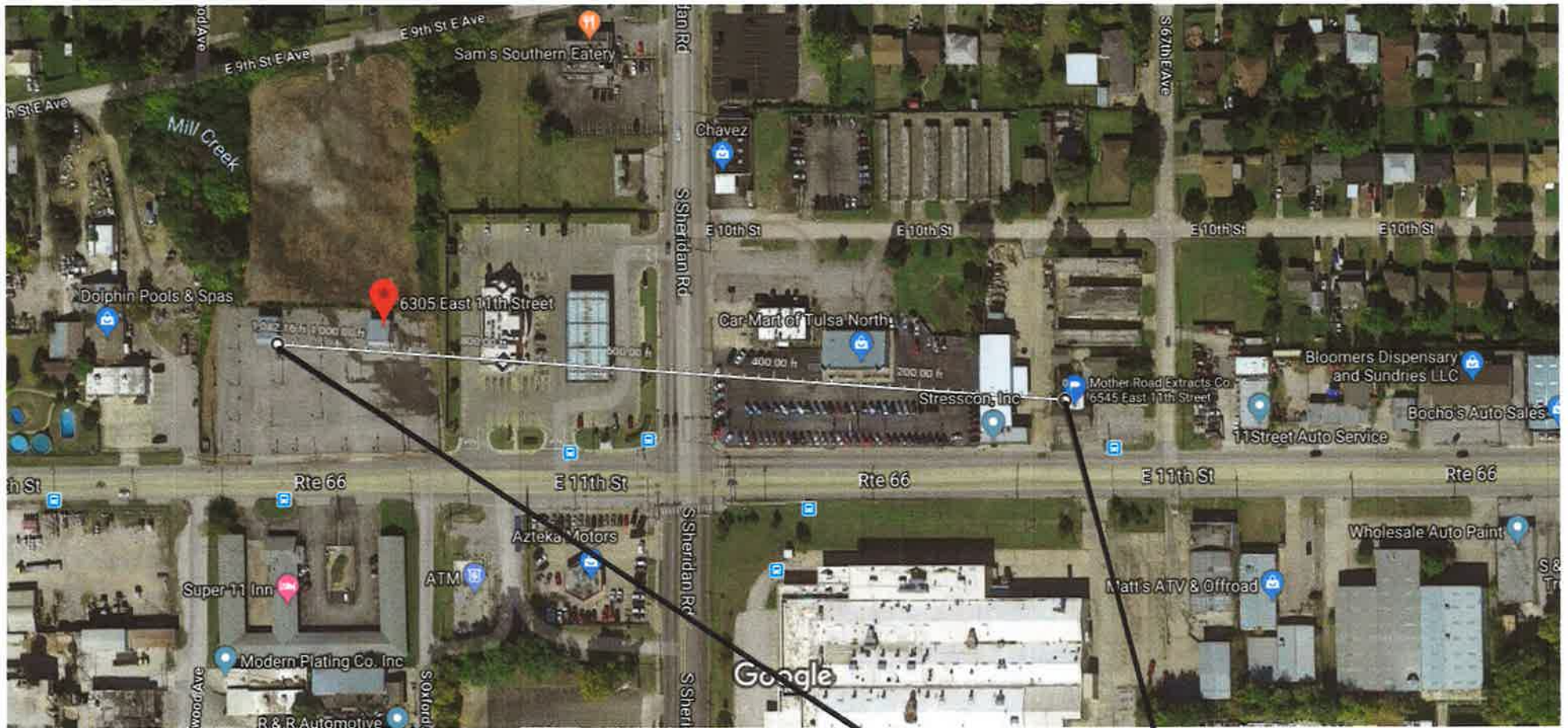
DM-02

Nearest operating dispensary outside of a 1,000' radius



6305 E 11th St

Magpie East LLC License ID # DAAA-EKDJ-DFQB



Imagery ©2019 DigitalGlobe, USDA Farm Service Agency 100 ft

Measure distance

Total distance: 1,082.16 ft (329.84 m)

Mother Road Extracts Co.
6545 E 11th St, Tulsa OK 74112

Magpie East LLC
6305 E. 11th St. Tulsa OK 74112

12.27

DM-03



Review

Selected Account:
Mother Road
Extracts
Company

Switch Account

+ CREATE NEW APPLICATION

LICENSE DASHBOARD(/#!/LICEP

← ALL APPLICATIONS

✓ COMPLETED APPLICATIONS

NEW BUSINESS

BUSINESS LICENSE REPLACEM

BUSINESS LICENSE UPDATE

ACCOUNT

Congratulations! Your application has been approved by the Oklahoma Medical Marijuana Authority.

Your license number is **DAAA-VJZL-B6DW**.

Your license expiration date is **01/09/2020**.

Your application reference code is **29248**.

Application Submission Date : **12/22/2018 9:19 AM**

Application Approval Date : **01/04/2019 3:37 PM**

General Information

✓ **Entity Name:** MOTHER ROAD EXTRACTS COMPANY

✓ **License Type:** Dispensary

✓ **Trade Name:** GREEN COUNTRY HEALING DISPENSARY

✓ **Entity Phone:** [REDACTED]

Fax:

Website:

✓ **Public hours-by appointment only**

✓ **Corporation (Inc. or Corp.)**

Operating Hours of Entity:

Business Structure:

Persons of Interest

✓ **First Name:** MARY

✓ **Middle Name:** CHARLENE

✓ **Last Name:** COOPER

Suffix:

✓ **Phone:** [REDACTED]

✓ **Email:** [REDACTED]

✓ **Date of Birth:** [REDACTED]

✓ **Is this individual an Oklahoma resident?:** Yes

✓ **Role:** OWNER

12.28

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

MOTHER ROAD EXTRACTS COMPANY

6545 E 11TH ST , 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.

01/09/2020

LICENSE NUMBER:

DAAA-VJZL-B6DW



DO NOT COPY

Tom Bates

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

12.29



OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: OMMA.ok.gov | Email: OMMA@ok.gov | Phone: (405) 522-6662

Saturday, January 5, 2019

License #: DAAA-VJZL-B6DW

MOTHER ROAD EXTRACTS COMPANY
GREEN COUNTRY HEALING DISPENSARY
6545 E 11TH ST
TULSA, OK, 74112

RE: **Approval** of Medical Marijuana Commercial License

The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

01/04/2019 and will expire one(1) year after this date, on **01/09/2020**.

It is your responsibility to submit a timely renewal application prior to this expiration date.

Your license number is: **DAAA-VJZL-B6DW**

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

- 1) changes in contact information; or
- 2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov or by phone at (405) 522-6662.

Sincerely,

Tom Bates

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

Attachment: License Certificate



OKLAHOMA STATE DEPARTMENT OF HEALTH OPEN RECORDS REQUEST FORM

In order to complete your request, please read the following instructions:

- Please complete the form fields below. Required fields are noted by an asterisk (*).
- Submit the completed form electronically. Select the 'Submit' button or attach the PDF form and email to: OSDHOOpenRecords@health.ok.gov
 - You will be notified of any applicable fees pursuant to the Oklahoma Open Records Act, 51 O.S. § 24.A.5.
DO NOT send money prior to receiving notification of applicable fees and the exact amount due.

REQUEST INFORMATION

Narrow your request as much as possible. Broad requests that include commonly used terms (health, medical, public, etc.) or requests of information occurring between a lengthy period of time can retrieve thousands of documents, which must be located and reviewed to ensure compliance with confidentiality law, including those prohibiting disclosure of public health information. Reviewing a large number of documents will slow down the process.

Purpose of Request* (select one):



Personal



Commercial



Public Interest

Please provide specific date range:

04/17/2019
Starting Date

TO 04/17/2019
Ending Date

Specify the nature and format of your request and the records you seek.*

Please provide detailed information to make the search as efficient and timely as possible.

Requesting email and phone contacts of all OMMA licensed growers for commercial business interest.

Please provide specific search terms, separated by commas:

OMMA LICENSED GROWERS, OMMA LICENSED GROWER INDIVIDUAL EMAIL AND PHONE NUMBER, CONTACT INFORMATION

CONTACT INFORMATION

I am a member of the (select one):



General Public



Media

MARY

First Name*

Middle Name

COOPER

Last Name*

Suffix

MOTHER ROAD EXTRACTS

Business Name

6545 E. 11th ST.

Current Address *

APT/Bldg #

TULSA

City*

OK

State*

74112

Zip*

TULSA

County

Phone Number*

Fax Number

Email Address*

12.31

Chapman, Austin

From: Mary Cooper <emcee.cooper@att.net>
Sent: Wednesday, August 7, 2019 11:32 AM
To: Chapman, Austin
Subject: BOA-22725 Mother Road Extracts Co. Variance Request
Attachments: Business License List 04.18.2019 (1).pdf

Mr. Chapman,

Good afternoon, I am checking to make sure the application (BOA-22725) requesting a variance for Mother Road Extracts Co. is complete? Please tell me if there is any further information necessary and confirm that we are on the agenda for the BoA meeting on August 27th, 2019? I appreciate it.

Also, in regards to the variance application, it included a large printout of OMMA licensed dispensaries dated 04/18/2019 (I have attached the file below, so you know what I am talking about), can you throw that in the trashcan? I was told it was sufficient to have stated the fact about nearby licensed dispensaries; that I don't need the backup included in the application.

Thank you Austin,
Mary Cooper
918-850-4328

Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Listed below is the procedure to be followed when applying for a spacing verification for the proposed location of a medical marijuana dispensary inside the City of Tulsa:

1. Apply for any needed permits (Building, Certificates of Occupancy, etc.) from the City of Tulsa Development Services Permit Center. The Permit Center is located on the 4th floor of City Hall at 175 E. 2nd St. and online at cityoftulsa.org/permitting.
2. After review of your permit applications, the Development Services Department will supply you with a Letter of Deficiency (LOD) including a requirement for a spacing verification and any other issues that require Board of Adjustment action.
3. After receiving the LOD, you will apply to the Board of Adjustment at the Tulsa Planning Office at INCOG, located at 2 W. 2nd St. on the 8th Floor for any relief outlined in the LOD. The following must be submitted with your application at INCOG:
 - a. **Letter of Deficiency** from the City of Tulsa Development Services Department.
 - b. Exhibit showing an **aerial photograph** of the location of your proposed dispensary with a circle drawn to scale with a **1000 ft. radius** from your location with any known **dispensary or property that has been issued an OMMA license for a dispensary within that radius**. The addresses of the licenses issued are available from the OMMA website (www.omma.ok.gov). The Board has requested you mark the **nearest location that an OMMA license has been issued, even if it is further than 1,000 ft from your property**.
 - c. A copy of your **OMMA-issued dispensary license**.
 - d. Board of Adjustment Application **fees (\$250 + cost of notification determined at time of application)**.
4. At the time of application, the application will be assigned a case number and the hearing date of the Board of Adjustment.
5. On the date of the meeting, the Board will move to accept or reject the applicant's spacing verification. If approved, the applicant may take the paperwork to the Permit Center to get the permit released.

It is the applicant's responsibility to verify the spacing requirement and for the Board to accept or reject that spacing verification.

HARDSHIPS REQUIRED FOR VARIANCE:

1. That the physical surroundings, shape, or topographic 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;

A: Property is located within 1,000' of another licensed dispensary. A unique hardship is created to said property because of the ambiguous, undefined and dynamic laws, regulations and ordinances enacted by the State and local governments, causing the physical surroundings (nearest licensed medical marijuana dispensary) to be a hardship and practical difficulty.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

A: We believe the City Council enacted the 1,000' ordinance due to security concerns. Applicant property is secured with solid iron bars, steel doors and live recording surveillance as well as physical 24 hour security presence.

3. 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;

A: 1,000' spacing verification is the reason for the variance request, most generally CH zoned businesses are not required to perform spacing verification in order to obtain a Certificate of Occupancy.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

A: Applicant property owner has done everything necessary to insure laws and regulations were properly met. The ordinances are unclear and dynamic.

5. That the variance to be granted is the minimum variance that will afford relief;

A: Relief will be granted with the variance. Certificate of Occupancy process can move forward at that time.

6. 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

A: No adjacent property will be impaired and a commercial business will encourage renewed retail business in the corridor

7. 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.

A: Granting this variance will result in a benefit to the public good and seeks to repair the purposes, spirit and intent of comprehensive plan