

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, September 10, 2019, 1:00 P.M.

Meeting No. 1236

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 27, 2019 (Meeting No. 1235).

UNFINISHED BUSINESS

2. **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 zoning district (Section 15.020-G, Table Note [2]). **LOCATION:** 9140 South Braden Avenue East **(CD 8)**

NEW APPLICATIONS

3. **22727—Kathi Hayward**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1333 North Utica Avenue East **(CD 1)**
4. **22728—Claude Neon Federal Signs – Ed Horkey**
Variance to permit a dynamic display in a CS District to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 1228 West Apache Street North **(CD 1)**
5. **22729—Greenway Dispensary, LLC**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 9512 East Pine Street North **(CD 3)**
6. **22730—Martin Yoho**
Special Exception to permit a manufactured home use in a residential district (Table 5-2.5); Special Exception to extend the one year time limit for a manufactured home to indefinitely (Section 40.210); Variance to allow the use of

a non-all-weather parking surface to permit a gravel driveway (Section 55.090-F.1). **LOCATION:** West of the NW/c of West Archer Street North and North 38th Avenue West **(CD 1)**

7. **22731—Phillip Summers**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 10125 South Sheridan Road East, Suite A **(CD 8)**

8. **22732—Gorilla Brothers Renovations, LLC**

Variance to increase the accessory building coverage percentage in the rear setback from 30% to 65% (Table 90-2). **LOCATION:** 1407 East 21st Street South **(CD 4)**

9. **22733—Ron Reddy**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 3202 South Memorial Drive East **(CD 5)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

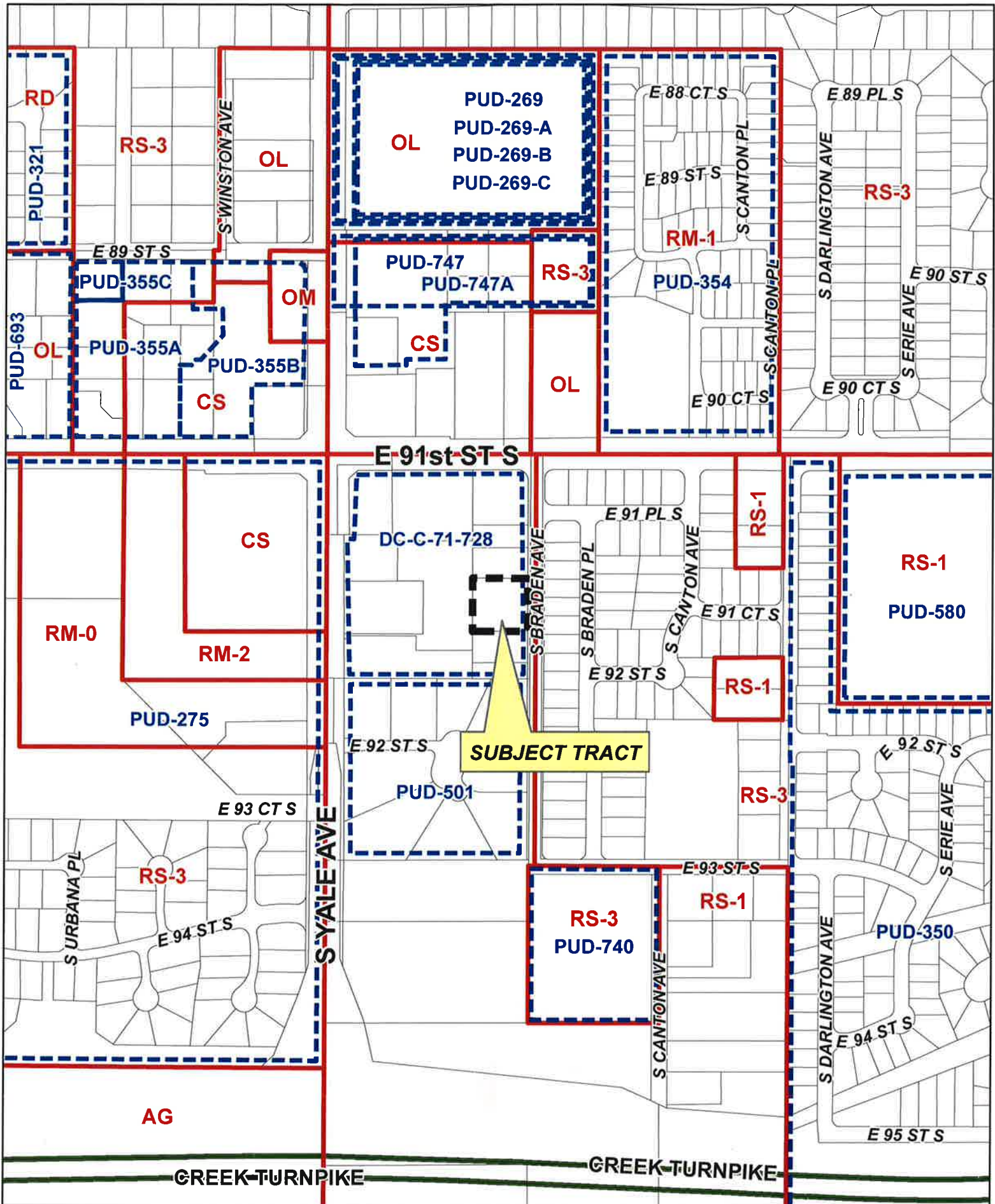
E-mail: esubmit@incog.org

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.

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BOA-22716

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8322

Case Number: **BOA-22716**

CZM: 57

CD: 8

HEARING DATE: 09/10/2019 1:00 PM (Continued from 8/27/2019)

APPLICANT: Jordan Droz

ACTION REQUESTED: Special Exception to permit a Small Assembly and Entertainment Use that will serve or sell alcoholic beverages to be located within 150 ft of Residential Zoning District (Sec. 15.020-G Table Note [2])

LOCATION: 9140 S BRADEN AV E

ZONED: RS-1 superceded by DC-C-71-728

PRESENT USE: Vacant

TRACT SIZE: 31441.74 SQ FT

LEGAL DESCRIPTION: N173.70 S327.70 LT 2 BLK 1, HUNTERS GLEN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

DC-C-71-728; on 11.05.1977 the Court ruled in favor of allowing commercial uses on a piece of property that included the subject tract. Attached is a copy of that case and map outlining where CS uses are allowed and where OL uses are allowed per the decision of the court.

Surrounding Property:

BOA- 21718; On 05.27.2014 the Board accepted a spacing verification for a cigar bar at 4932 East 91st Street South.

BOA-21044; On 03.23.2010 the Board accepted a spacing verification for a liquor store at 9125 S. Yale Avenue.

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

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REVISED 8/29/2019

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 RS-1 and per District Court Case DC-C-71-728 the subject property has the right of commercial uses. The abutting properties on the North, West, and South are zoned RS-1 but were included the previously mentioned Court Case. The property to the East is zoned RS-3 and is triggering the need for a special exception.

STAFF COMMENTS:

The applicant is requesting a **Special Exception** to permit a Small Assembly and Entertainment Use that will serve or sell alcoholic beverages to be located within 150 ft of Residential Zoning District (Sec. 15.020-G Table Note [2]). According to the applicant this project is being requested to be located on the portion of the property the Court deemed appropriate for CS zoning and not the portion it deemed appropriate for OL zoning.

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												
Assembly and Entertainment												Section 40.040
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	Section 40.040
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.040

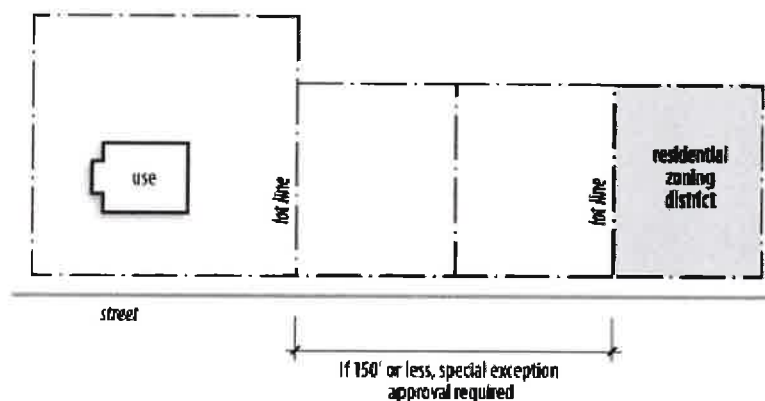
15.020-G Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 15-2](#):

[1] Restaurant is permitted as accessory use in OL, OM, and OMH districts. Use must be located entirely within the principal office building and may not occupy more than 5% of the building's floor area.

[2] Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see [Figure 15-1](#)).

Figure 15-1: Special Exception Requirement within 150 Feet of R zoning



Assembly and Entertainment Uses are subject to the following supplemental regulations of Sec. 40.040:

Section 40.040 Assembly and Entertainment

Whenever an assembly and entertainment use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Small Assembly and Entertainment Use that will serve or sell alcoholic beverages to be located within 150 ft of Residential Zoning District (Sec. 15.020-G Table Note [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.

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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA

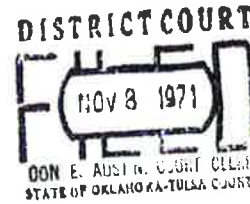
LEMAP, INC., an Oklahoma corporation,

Plaintiff,

vs.

THE CITY OF TULSA, OKLAHOMA, a municipal corporation; ROBERT J. LaFORTUNE, Mayor of the City of Tulsa, Oklahoma; BRAD SCHEER, JOHN R. O'BRIEN, ANTHONY F. KEATING and JOSEPH R. COLEMAN, Commissioners of the City of Tulsa, Oklahoma,

Defendants.



Case No. C-71-728

DISTRICT COURT
CLERK
NOV 8 PM 12 17
DON E. AUSTIN
COURT CLERK

JOURNAL ENTRY OF JUDGMENT

The above styled and numbered cause came on for trial on the 20th day of September, 1971 before the undersigned Judge of the District Court of Tulsa County, Oklahoma. The plaintiff appeared in person and by its attorney of record, William B. Jones, and the defendants appeared by their attorney, Waldo F. Bales, City Attorney, and Curtis L. Culver and Russell R. Linker II, Assistant City Attorneys. All parties to this action thereupon announced ready for trial. The plaintiff introduced its evidence in the above styled and numbered cause and rested. The defendants introduced their evidence and rested. Neither party requested findings of fact and conclusions of law. Thereupon the Court heard arguments of counsel. The Court, having heard the testimony of witnesses sworn in open court, having examined all of the exhibits introduced into evidence, having given due consideration to the oral stipulations of the parties hereto and being personally familiar with the premises which are the subject of this action and the area surrounding the same and being familiar with all judicial decisions and cases cited by both plaintiff and defendants and otherwise being fully advised in the premises finds as follows:

That this Court has jurisdiction of each of the parties and of the subject matter hereof and has jurisdiction to enter a full and complete judgment herein.

The Court finds that the plaintiff, Lemar, Inc., an Oklahoma corporation, is the owner and in possession of the following described real property situated in the City of Tulsa, Tulsa County, State of Oklahoma, to-wit:

That part of the West Half of the Northwest Quarter of the Northwest Quarter (W/2 NW/4 NW/4) of Section 22, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 33 feet South and 33 feet East of the Northwest corner of said Section 22; thence East a distance of 627 feet to a point; thence South 694.7 feet; thence West 627 feet; thence North a distance of 694.7 feet to the point of beginning.

That this is an action wherein the plaintiff seeks to use its abovescribed real property for commercial purposes in a CS shopping center district as said zoning and

use district is presently defined by the zoning ordinances of the City of Tulsa, Oklahoma, more specifically Title 42, Chapter 6, §§600-640 inclusive of the revised and codified ordinances of the City of Tulsa, Oklahoma; that said real property is presently zoned in an RS-1 residential single-family district as the same is presently defined by the City of Tulsa revised ordinances, more specifically Title 42, Chapter 4, §§400-440 inclusive.

The Court finds that the defendants, and each of them, have refused to permit the plaintiff to use its abovescribed real property for commercial purposes in a CS shopping center district as abovescribed and has interfered and is threatening to interfere with the use by the plaintiff of its property for commercial purposes and to make such use of its property as is permitted in a CS zoning district or classification as defined by the above revised zoning ordinances of the City of Tulsa, Oklahoma; that the plaintiff herein does not have a speedy or adequate remedy at law and will suffer irreparable harm and damage if the defendants, or any of them, and all persons acting by, through or under their direction or authority are not permanently enjoined from interfering with the use by the plaintiff, its grantees, successors or assigns, of said real property for commercial purposes in a CS shopping center district as presently defined by the revised zoning ordinances of the defendant City of Tulsa, Oklahoma. The Court further finds that use of the abovescribed real property of plaintiff for commercial purposes is a proper use of said property and will not be detrimental to the interest of surrounding property owners or the public provided that as suggested by the Tulsa Metropolitan Area Planning Commission a buffer zone be established across the East 50 feet of the subject property and the South 50 feet thereof in which buffer zone office buildings may be constructed in an OL office low intensity district as the same is defined by Title 42, Chapter 5, §§500-540 inclusive of the revised ordinances of the defendant City of Tulsa, Oklahoma.

The Court further finds that restriction of the subject property to residential purposes in any residential classification set forth in the revised city ordinances of defendant City of Tulsa, Oklahoma does not bear any substantial relation to public health, safety, morals or general welfare; that the imposition and enforcement by the defendants, and each of them, of a residential use upon plaintiff's aforesaid property and refusal to permit its use for commercial purposes in a CS and OL zoning classification is arbitrary, unreasonable, capricious and discriminatory on the part of the defendants, and each of them; that under all of the circumstances in this case, the reasonableness of the aforescribed ordinances of the defendant City of Tulsa, Oklahoma restricting the use of plaintiff's property to residential purposes and prohibiting its use in a commercial CS shopping center zoning district as defined by said revised zoning ordinances does not present and is not a "fairly debatable" question.

The Court finds that under all of the circumstances in this case the plaintiff should be permitted to use all of its aforescribed real property for commercial purposes in a CS shopping center district as defined by the aforesaid existing City of Tulsa zoning ordinances except that the East 50 feet and the South 50 feet thereof should be restricted in their use to the construction and operation of office facilities and other appurtenant uses provided in an OL office low intensity district as defined by the aforesaid revised ordinances.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Lemar, Inc., an Oklahoma corporation, its grantees, successors and assigns, be and they are hereby granted the right to use all of the abovescribed real property except the East 50 feet thereof and the South 50 feet thereof for commercial purposes consistent with and in a CS shopping center district as said zoning and use district is presently defined and prescribed by the above revised zoning ordinances of the defendant City of Tulsa, Oklahoma, a municipal corporation. IT IS ALSO ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff,

its grantees, successors and assigns, be and they are hereby granted the right to use the East 50 feet and the South 50 feet of the abovedescribed real property for office purposes consistent with and in an OL office low intensity district as said zoning and use classification is presently defined and prescribed by the aforesaid revised zoning ordinances of said defendant City of Tulsa.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants named in the caption hereof, and their successors in office, and each of them, and all persons acting by, through or under their authority or direction be and they are hereby permanently enjoined and restrained from interfering directly or indirectly with the use of all of the abovedescribed real property of plaintiff save and except the East 50 feet thereof and the South 50 feet thereof for commercial purposes consistent with and in a CS shopping center district as said zoning and use district is presently defined by the revised zoning ordinances of the defendant City of Tulsa, Oklahoma. IT IS ALSO ORDERED, ADJUDGED AND DECREED by the Court that the defendants, and their successors in office, and each of them, and all persons acting by, through or under their authority or direction, be and they are hereby permanently enjoined and restrained from interfering directly or indirectly with the use of the East 50 feet and the South 50 feet of the abovedescribed real property of plaintiff for office purposes consistent with and in an OL zoning and use district as presently defined by said revised zoning ordinances. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants named in the caption hereof, and each of them, and their successors in office, and all persons claiming authority under them, be and they are hereby permanently restrained and prohibited from continuing to enforce or attempting to enforce, directly or indirectly, the present RS-1 residential zoning ordinance with respect to the abovedescribed real property as against the plaintiff herein or any one claiming by, through or under the plaintiff with respect to any of said property. The defendants, and each of them, except to the findings of fact of the Court and the Court noted their exceptions and exceptions were allowed.

Now, on this 5th day of November, 1971, the above styled and numbered cause came on to be heard upon the motion for new trial filed herein by the defendant City of Tulsa, Oklahoma, and the Court, after hearing arguments of counsel and being otherwise fully advised in the premises finds that said motion for new trial should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion for new trial filed herein by the defendant City of Tulsa, Oklahoma be and the same is hereby overruled, to which order of the Court the defendant City of Tulsa excepts and their exceptions are noted.

[Signature]
JUDGE OF THE DISTRICT COURT
TULSA COUNTY, OKLAHOMA

Approved As To Form:

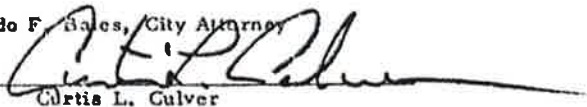
Jones, Givens, Brett, Gotcher & Doyle

By: *[Signature]*
Attorneys for Plaintiff Lemar, Inc.,
an Oklahoma corporation

City of Tulsa, Oklahoma, a municipal corporation,
and its Mayor and Board of Commissioners

Waldo F. Bales, City Attorney

By:


Curtis L. Culver
Assistant City Attorney
Attorney for Defendants



ZONING

CS
OL

Feet
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Subject
Tract

BOA-22716

18-13 22

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

Aerial Photo Date: February 2018

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increase 20 feet minimum carport on one side to 23 feet (Section 210.B.10.a); Variance to reduce the required side yard setback from 5 feet to 3 feet 9.5 inches (Section 210.B.10.b); Variance to allow an 11 foot perimeter height and a 16 feet 5 inch interior ceiling height (Section 210.B.10.d), subject to per plan 3.10. The Board has found that the carport is not out of character with the neighborhood. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 4 BLK 1, TRAVIS PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21718—Russell Hurt

FILE COPY

Action Requested:

Verification of the spacing requirement of 300 feet from a public park, school, or church for an Adult Entertainment Establishment (Cigar Box) in an RS-1 District (Commercial uses permitted by District Court Case) (Section 1212a.C.3.b, Section 1212a.C.3b, and Section 1212a.C.5). **LOCATION:** 4932 East 91st Street South (CD 8)

Presentation:

Russell Hurt, 1501 West 108th Street, Jenks, OK; no formal presentation was made but the applicant was present for any questions from the Board.

Mr. White stated the Board is in receipt of the applicant's survey.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment (cigar bar) subject to the action of the Board being void should another adult entertainment establishment or other conflicting

BOA-21718

FILE COPY

use be established prior to the expansion of this adult entertainment establishment (cigar bar); for the following property:

N20 E244 LT 3 & ALL LT 4 BLK 1, Hunters Glen, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21719—Philip Doyle Design

Action Requested:

Variance of the required side yard along an arterial street (E. 31st St.) from 70 feet to 65 feet in an RS-2 District, to permit an addition (Section 403). **LOCATION:** 2202 East 31st Street South (CD 9)

Presentation:

Philip Doyle, 2616 East 14th Street, Tulsa, OK; stated he represents the home owner. There was no formal presentation made by the applicant but he was available for any questions from the Board.

Mr. Van De Wiele asked Mr. Doyle if the addition being constructed was going to be on the rear of the house. Mr. Doyle stated the addition will be more to the side of the house, and will stay south of the existing house line.

Interested Parties:

There were no interested parties present.

Comment and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Variance of the required side yard along an arterial street (E. 31st St.) from 70 feet to 65 feet in an RS-2 District, to permit an addition (Section 403), subject to conceptual plan 5.7. The Board has found that the home was built well before the current zoning code. The addition to be constructed does not encroach any farther toward East 31st Street than the existing portion of the property. 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:

S985.43 NE NW LYING E OF RR LESS N146.78 & LESS E25 & S30 FOR STS
SEC 10 19 13, City of Tulsa, Tulsa County, State of Oklahoma.

FILE COPY

Case No. 21044

Action Requested:

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). Location: 9125 S. Yale Ave.

Presentation:

Clifford Nutt, 4549 S. Columbia Place, Tulsa, Oklahoma 74105, the applicant requested a verification of spacing for a liquor store. Documentation of the spacing compliance was provided in the packet.

Board Action:

On **MOTION** of **White**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). This is subject to the action of the Board being void should another referenced conflicting use be established prior to this liquor store.

N150 W170 LT 3 BLK 1, HUNTERS GLEN, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 21045

Action Requested:

Variance of the maximum aggregate display surface area for wall signs within a PUD from 2 sq. ft. per lineal foot of building wall to 3 sq. ft. per lineal foot of building wall (Section 1103.B.2.a) to permit additional signs on an existing building. Location: 10106 S. Sheridan Rd.

Presentation:

Ryan McAdams, 1931 S. Knoxville Ave., Tulsa, Oklahoma 74112; the proposed site (May's building) has 13,000 square feet; the applicant is taking 2,800 square feet of this building vacated by a previous tenant. The Applicant proposes to bring in various concepts to fill the 2,800 square feet.

Comments and Questions:

Ms. Stead stated that the applicant wants 124 square feet, which is only 11.7 square feet more than the Code would allow even under the PUD. Mr. Cuthbertson indicated it would be an additional 5.6 square feet. Mr. McAdams



View facing North from Subject Property



Subject property from Braden Ave.



View facing South from Braden Ave.



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400



Subject
Tract

BOA-22716

18-13 22

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

Aerial Photo Date: February 2018



E 91st ST S

E91 PL S

S BRADEN PL

E92 ST S

S BRADEN AVE

E92 ST S



Subject
Tract

BOA-22716

18-13 22

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

Aerial Photo Date: February 2018



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



DEVELOPMENT SERVICES

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

ZONING REVIEW

June 27, 2019

LOD Number: 1

W Design
815 E. 3rd Street
Tulsa OK 74120

Phone: (918) 894-5170

APPLICATION NO: 32777-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 9140 S. Braden Avenue

Description: New Building

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)

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. 32777-2019

9140 S. Braden Avenue

June 27, 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.) **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application.

Review comment: The zoning site plan is required to provide the following:

- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;

NOTE: The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.

Review Comment: Provide a site plan with the above requirements as a revision to your application.

2.) **15.020-B Section 15.020 Use Regulations:** Principal uses are allowed in office, commercial and industrial districts in accordance with Table

Permitted Uses: Uses identified with a "P" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 15-2 and with all other applicable regulations of this zoning code.

Review Comment: The proposed Small Assembly and Entertainment Use (tenant A) is located with 150 ft. of a Residential zoning district and requires a special exception from the BOA.

3.) **Section 65.050 Tree Planting and Preservation 65.050-A Purpose** The tree planting and preservation requirements of this section are intended to help maintain and enhance the city's appearance and maintain and improve air quality.

Review Comment: Provide the type (species) of trees proposed for the landscaping requirements on page L101.

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.

$\frac{2}{5}$

- ### BED PREPARATION AND PLANTING NOTES

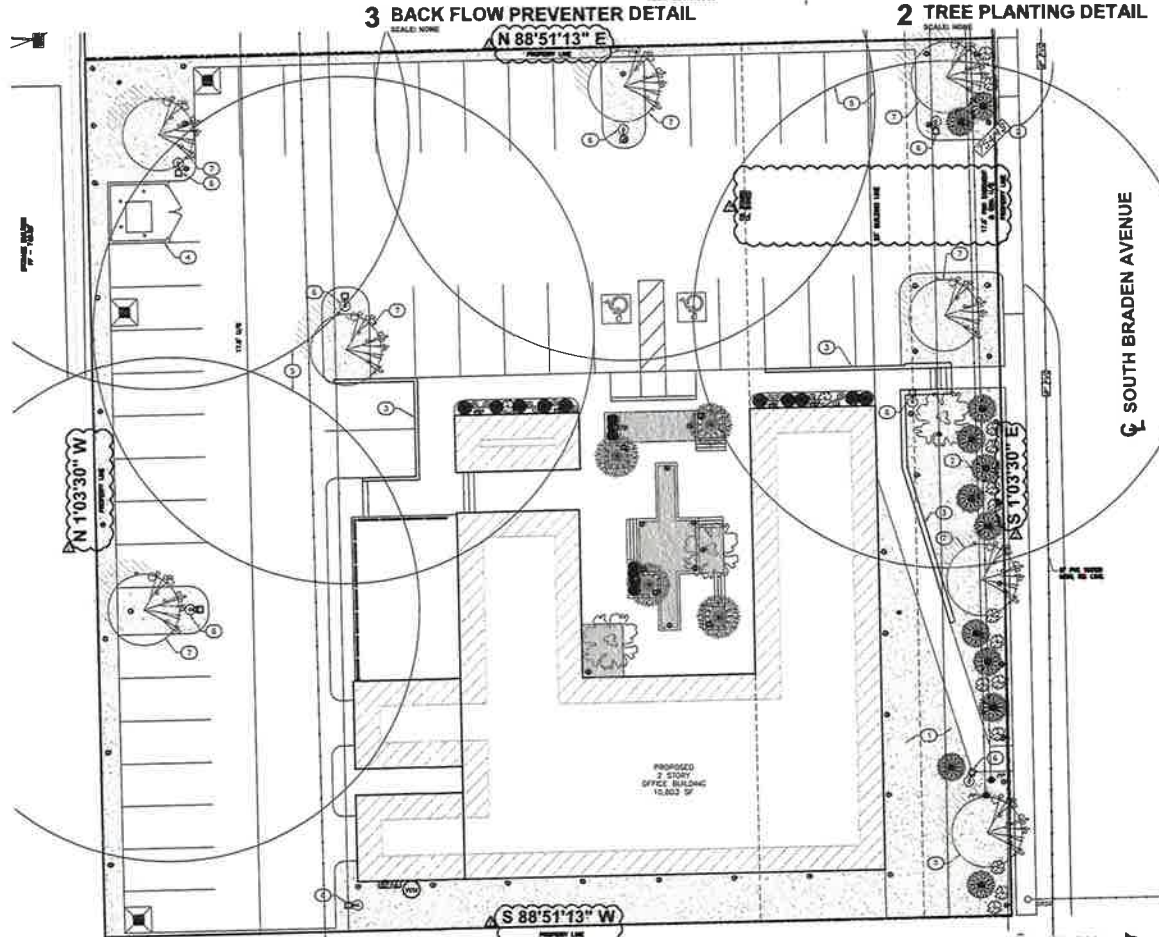
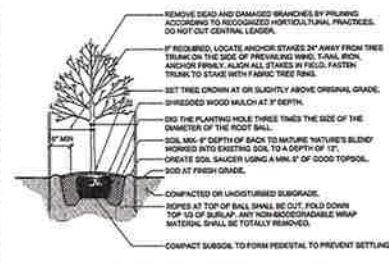
- ## KEYNOTES

- ### LEGEND

- ## LANDSCAPE ORDINANCE SUMMARY

SPECIFICATIONS

-



2

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Tulsa, OK 74120
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Fax: 918.794.6602
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**RUHL
COMMERCIAL
BUILDING**

PROJECT #
17114

9140 S. BRADEN
AVE. E
TULSA, OK
74137

CONSULTANT:



REVISIONS:		
1	FINISHES	05.28.2019
2	LOD#1	07.02.2019

SHEET NAME:

SHEET 18

L101

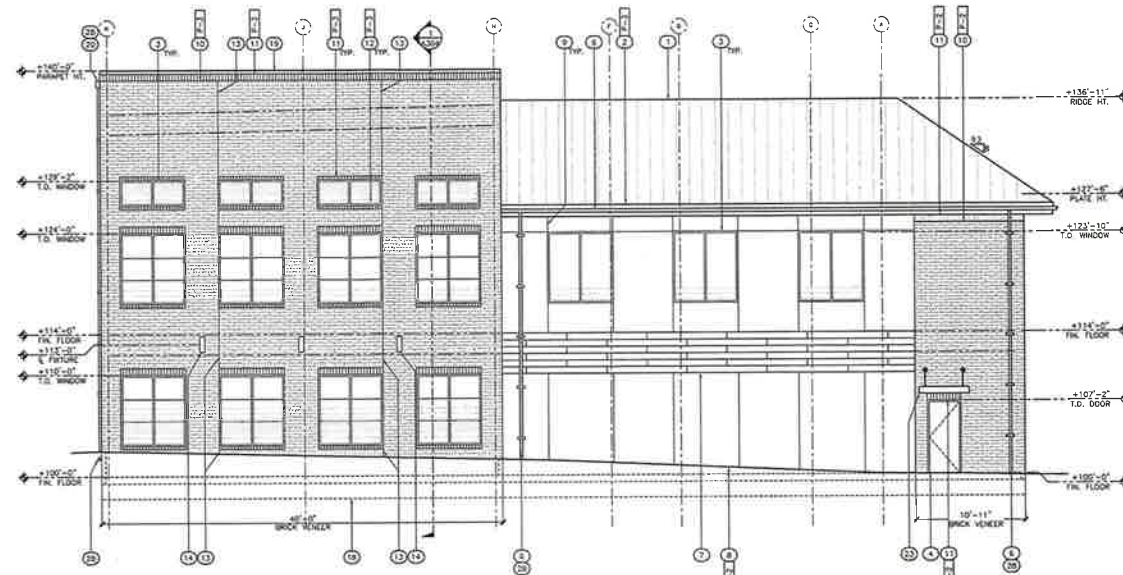
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GENERAL NOTES

- ALL EXTERIOR PAINT COLORS TO BE APPROVED BY OWNER PRIOR TO COMMENCEMENT OF WORK.
- G.C. TO PROVIDE A WORK-UP AREA ON EXTERIOR OF BUILDING FOR OWNER'S APPROVAL OF FINISHES AT EACH FINISH LOCATION.
- ALL EXTERIOR BUILDING MATERIALS TO MATCH MANUFACTURER, MODEL AND COLOR AS SHOWN ON THE EXTERIOR FINISH SCHEDULE. A SAMPLE OF ALL SUBSTITUTIONS TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO PROCUREMENT.
- ALL EXTERIOR TRIM TO BE PAINTED WHITE P-1, UNLESS NOTED OTHERWISE.
- ALL EXTERIOR PAINT TO HAVE ENGLISH BIRDS. G.C. TO VERIFY WITH OWNER PRIOR TO PROCUREMENT.
- OWNER TO APPROVE WINDOW AND DOOR STYLES PRIOR TO PROCUREMENT.
- G.C. TO PROVIDE GUTTER AND DOWNSPOUTS ON A DESIGNABLE BASIS. DOWNSPOUTS TO BE ROUTED TO UNDERGROUND LEADER TERMINATING AT CURB, RE: CIVIL DRAWING. GUTTER AND DOWNSPOUT LOCATIONS TO BE APPROVED BY OWNER. FINISH TO MATCH WHITE TRIM.
- ALL ROOF FLASHING TO MATCH ADJACENT ROOFING FINISH.

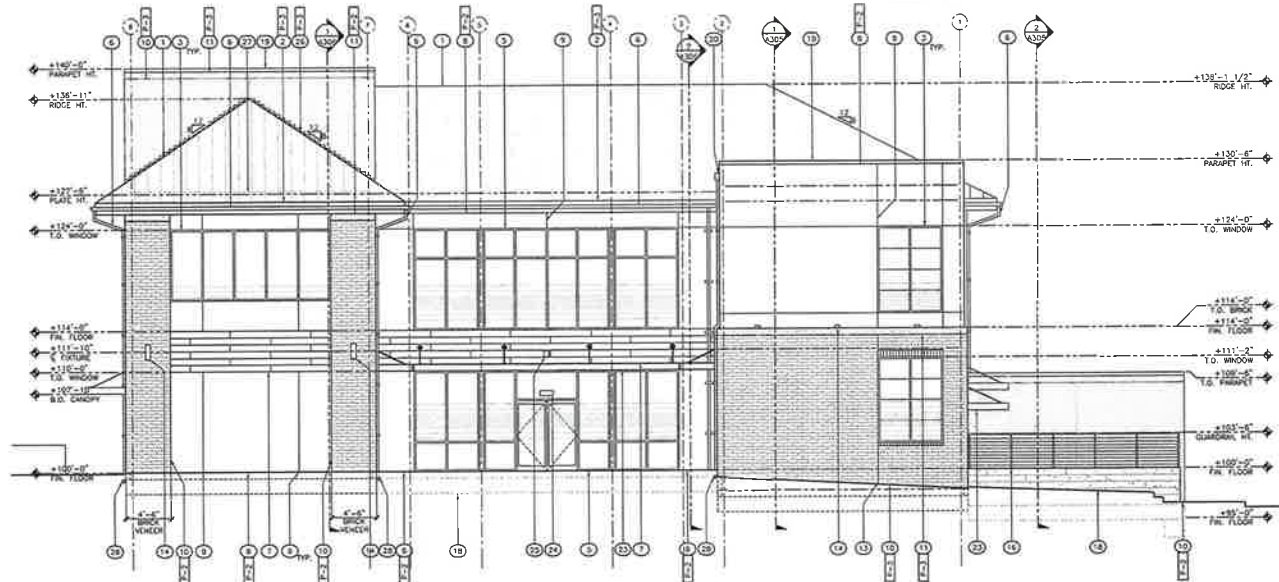
KEYNOTES

- STANDING SEAM METAL ROOF, PRE-FINISHED
- 1" FIBER CEMENT FASCIA TRIM, PAINTED
- FIXED ALUMINUM WINDOW, PRE-FINISHED
- DOOR, FINISH AND PANELS, RE: JST
- PRE-FINISHED ALUMINUM STOREFRONT SYSTEM W/ INSULATED GLAZIS, RE: APN
- PRE-FINISHED ALUMINUM GUTTER AND DOWNSPOUT, RE: CIVIL. MATCH ADJACENT PAINT COLOR
- 1/2" CESAIR TONGUE & GROOVE WOOD SIDING W/ CLEAR COAT FINISH. ATTACH WITH ALUMINUM OR STAINLESS STEEL NAILS ONLY
- STUCCO
- STUCCO CONTROL JOINT
- PAINTED BRICK VENEER
- PAINTED BRICK SOLDIER COURSE HEADER
- PAINTED BRICK ROWLOCK COURSE SILL
- BRICK CONTROL JOINT CUT
- EXTERIOR WALL SCENE LIGHTING, RE: ASM-502
- EMERGENCY WALL PACK LIGHTING, RE: ASM-502
- PRE-FABRICATED METAL RAILING/GUARDRAIL, RE: OWNER
- CONCRETE STAIRS, RE: CIVIL
- STRUCTURAL FOOTING, SHOWN DASHED FOR GRAPHICAL CLARITY, RE: STRUCTURAL
- PARAPET WALL WITH COPING CAP
- CONDUCTOR HEAD WITH DOWNSPOUT, RE: CIVIL
- THRUWALL OVERFLOW SCUPPER
- PRE-MANUFACTURED 4" CESAIR BOARD GARAGE DOOR W/ CLEAR COAT
- PRE-MANUFACTURED METAL CANOPY, RE: ADA
- BUILDING ADDRESS AS APPROVED BY AUTHORITY HAVING JURISDICTION AND OWNER
- J-BOX POWER FOR FUTURE SIGNAGE
- BRICK STEP FLASHING, PAINT TO MATCH ADJACENT BRICK
- PROVIDE STEEL LINTEL TO SUPPORT BRICK, BEYOND, RE: STRUCTURAL
- CONNECT DOWNSPOUT TO STORM DRAINS, RE: CIVIL



2 EAST ELEVATION

SCALE: 3/16" = 1'-0"



1 NORTH ELEVATION

SCALE: 3/16" = 1'-0"



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PROJECT:

**RUHL
COMMERCIAL
BUILDING**

PROJECT #
17114

**9140 S. BRADEN
AVE. E
TULSA, OK
74137**

CONSULTANT:



REVISIONS:

1	FINISHES	05.28.2019
2	LOAD #1	07.02.2019

ISSUE DATE:

05.24.2019

SHEET NAME:

**EXTERIOR
ELEVATIONS**

SHEET #:

A301

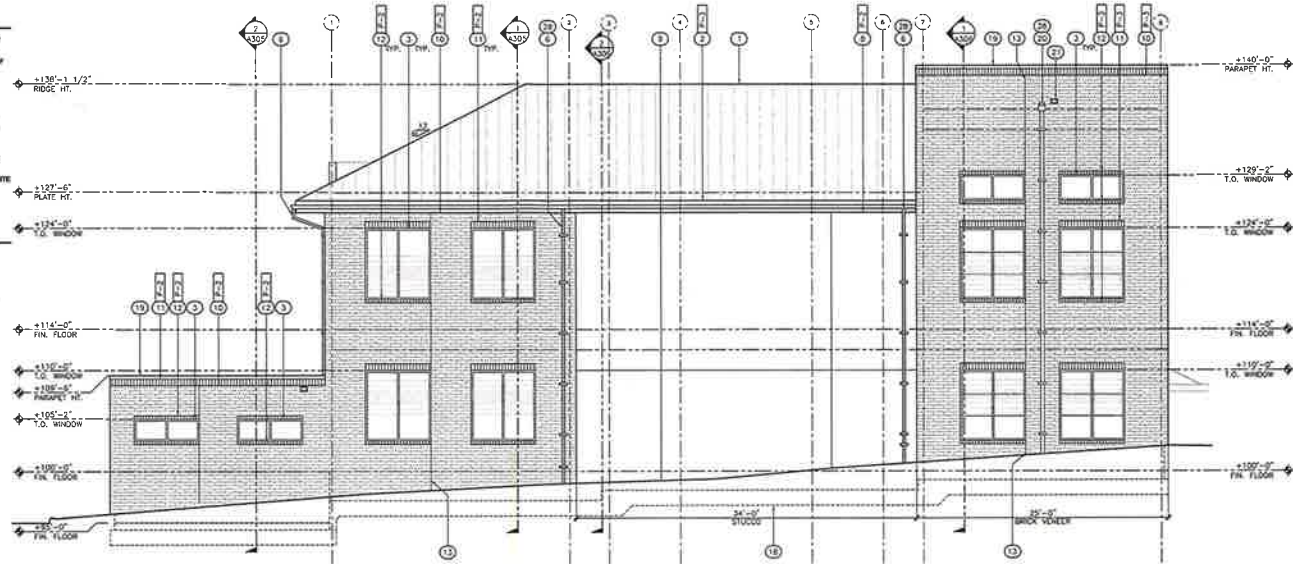
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GENERAL NOTES

- ALL EXTERIOR PAINT COLORS TO BE APPROVED BY OWNER PRIOR TO COMMENCEMENT OF WORK.
- G.C. TO PROVIDE A MOCK-UP AREA ON EXTERIOR OF BUILDING FOR OWNER'S APPROVAL OF FINISHES AT EACH FINISH LOCATION.
- ALL EXTERIOR BUILDING MATERIALS TO MATCH MANUFACTURER, MODEL AND COLOR AS SHOWN ON THE EXTERIOR FINISH SCHEDULE. A SAMPLE OF ALL SUBSTITUTIONS TO BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO PROCUREMENT.
- ALL EXTERIOR TRIM TO BE PAINTED WHITE T-P-1 UNLESS NOTED OTHERWISE.
- ALL EXTERIOR PAINT TO HAVE EGGSHELL SHEEN. G.C. TO VERIFY WITH OWNER PRIOR TO PROCUREMENT.
- OWNER TO APPROVE WINDOW AND DOOR STYLES PRIOR TO PROCUREMENT.
- G.C. TO PROVIDE SUTTER AND DOWNPOUTS ON A DESIGN-BUILD BASIS. DOWNPOUTS TO BE ROUTED TO UNDERGROUND LEADER TERMINATING AT CURB, RE: CIVIL DRAWINGS. SUTTER AND DOWNPOUT LOCATIONS TO BE APPROVED BY OWNER. FINISH TO MATCH WHITE TRIM.
- ALL ROOF FLASHING TO MATCH ADJACENT ROOFING FINISH.

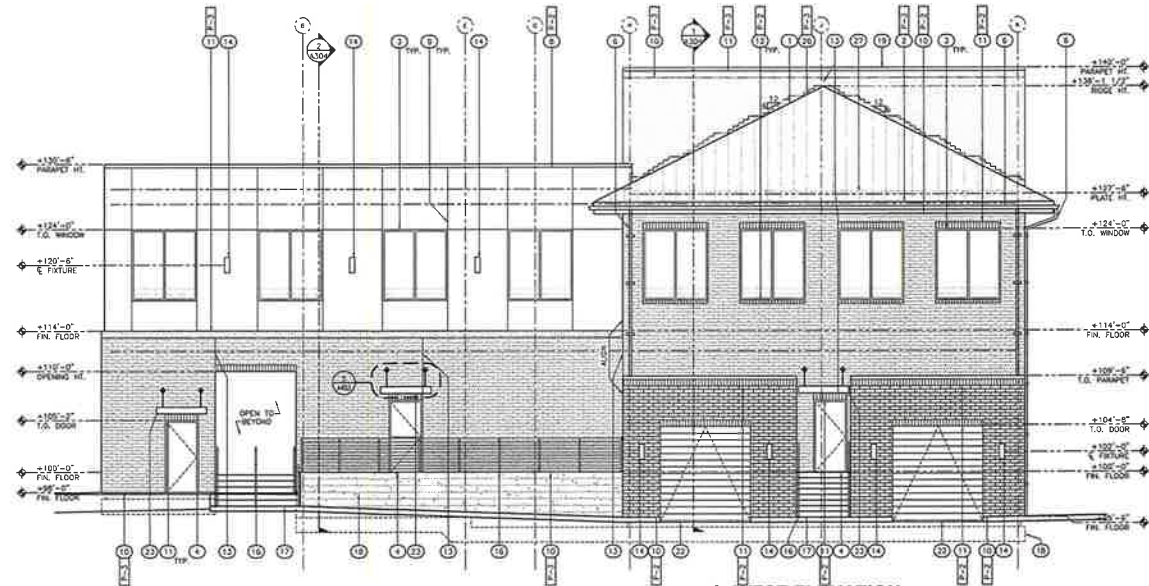
KEYNOTES

- STANDING SEAM METAL ROOF, PRE-FINISHED
- 12" FIBER CEMENT FASCIA TRIM, PAINTED
- FIXED ALUMINUM WINDOW, PRE-FINISHED
- DOOR, FRAMED AND PAINTED, RE: A701
- PRE-FINISHED ALUMINUM STOREFRONT SYSTEM W/ INSULATED GLAZING, RE: A701
- PRE-FINISHED ALUMINUM SUTTER AND DOWNPOUT, RE: CIVIL, WATER-ADJUSTABLE PAINT COLOR
- 1X2 CEDAR TONGUE & GROOVE WOOD SIDING W/ CLEAR COAT FINISH. ATTACH WITH ALUMINUM OR STAINLESS STEEL NAILS ONLY
- STUCCO
- STUCCO CONTROL JOINT
- PAINTED BRICK VENEER
- PAINTED BRICK SOLIDCORE COURSE HEADER
- PAINTED BRICK RHYTHM COURSE SILL
- BRICK CONTROL JOINT GUT
- EXTERIOR WALL SCONCE LIGHTING, RE: A501-622
- EMERGENCY WALL PACK LIGHTING, RE: A881-822
- PRE-FABRICATED METAL RACKING/GUARDRAIL, RE: OWNER
- CONCRETE STAIRS, RE: CIVIL
- STRUCTURAL FOOTING, SHOWN DASHED FOR GRAPHICAL CLARITY, RE: STRUCTURAL
- PARAPET WALL WITH CORNER CAP
- CONDUCTOR HEAD WITH DOWNPOUT, RE: CIVIL
- THRU-WALL OVERFLOW SCUPPER
- PRE-MANUFACTURED 4" CEDAR BOARD GARAGE DOOR W/ CLEAR COAT
- PRE-MANUFACTURED METAL CANOPY, RE: A484
- BUILDING ADDRESS AS APPROVED BY AUTHORITY HAVING JURISDICTION AND OWNER
- JOCK POWER FOR FUTURE SIGNAGE
- BRICK STEP FLASHING, PAINT TO MATCH ADJACENT BRICK
- PROVIDE STEEL LINTEL TO SUPPORT BRICK, BEYOND, RE: STRUCTURAL
- CONNECT DOWNPOUT TO STORM DRAIN, RE: CIVIL



2 SOUTH ELEVATION

SCALE: 3/8" = 1'-0"



1 WEST ELEVATION

SCALE: 3/8" = 1'-0"



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PROJECT:

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17114

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AVE. E
TULSA, OK
74137

CONSULTANT:



REVISIONS:

1	FINISHES	05.28.2019
2	LOD#1	07.02.2019

ISSUE DATE:

05.24.2019

SHEET NAME:

EXTERIOR
ELEVATIONS

SHEET #1

A302

DRAWN BY: JAD, EAL

2.21



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05.24.2019

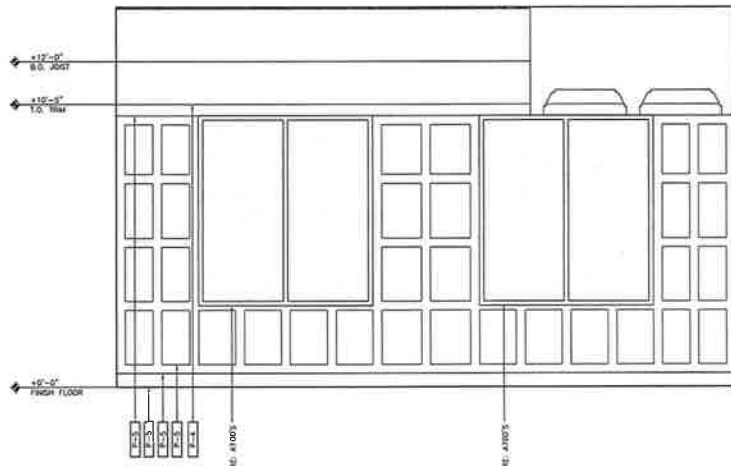
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**INTERIOR
ELEVATIONS**

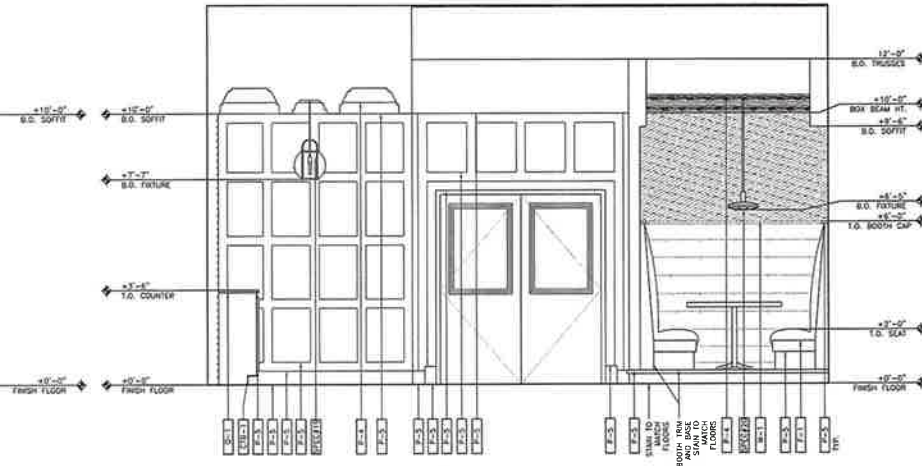
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A801

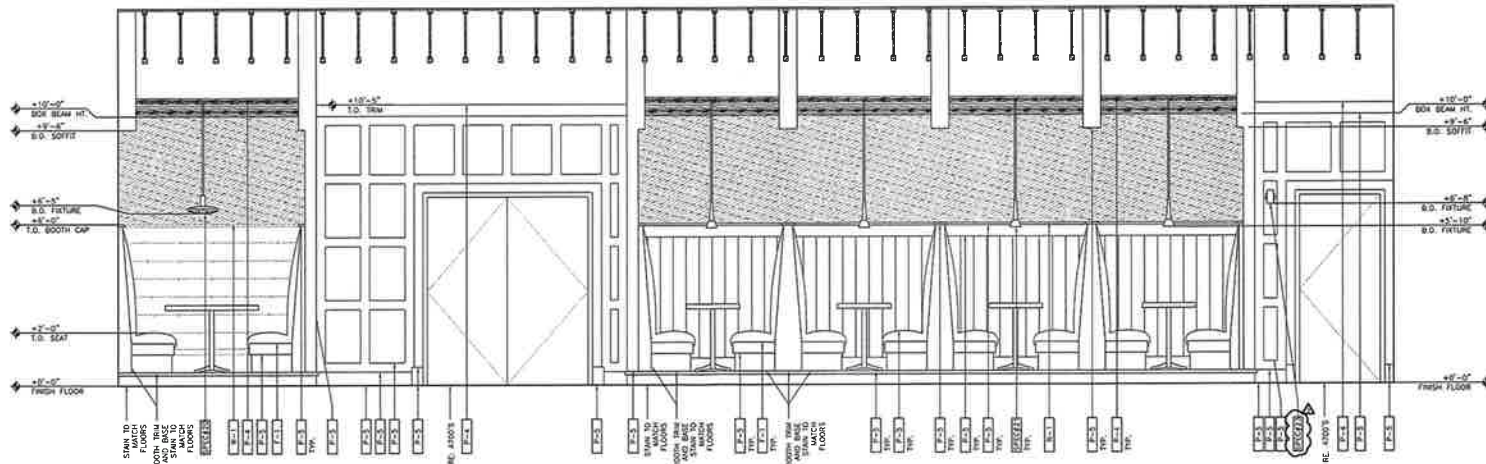
DRAWN BY: JAD, GAY



3 108: SOUTH ELEVATION
SCALE: 1/2"=1'-0"



2 108: NORTH ELEVATION
SCALE: 1/2"=1'-0"



1 108: EAST ELEVATION
SCALE: 1/2"=1'-0"

2.22

3 108C: NORTH ELEVATION
SCALE: 1/8"=1'-0"

2 108C: EAST ELEVATION
SCALE: 1/8"=1'-0"

1 108: WEST ELEVATION
SCALE: 1/8"=1'-0"



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PROJECT:

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TULSA, OK
74137**

CONSULTANT:



REVISIONS:
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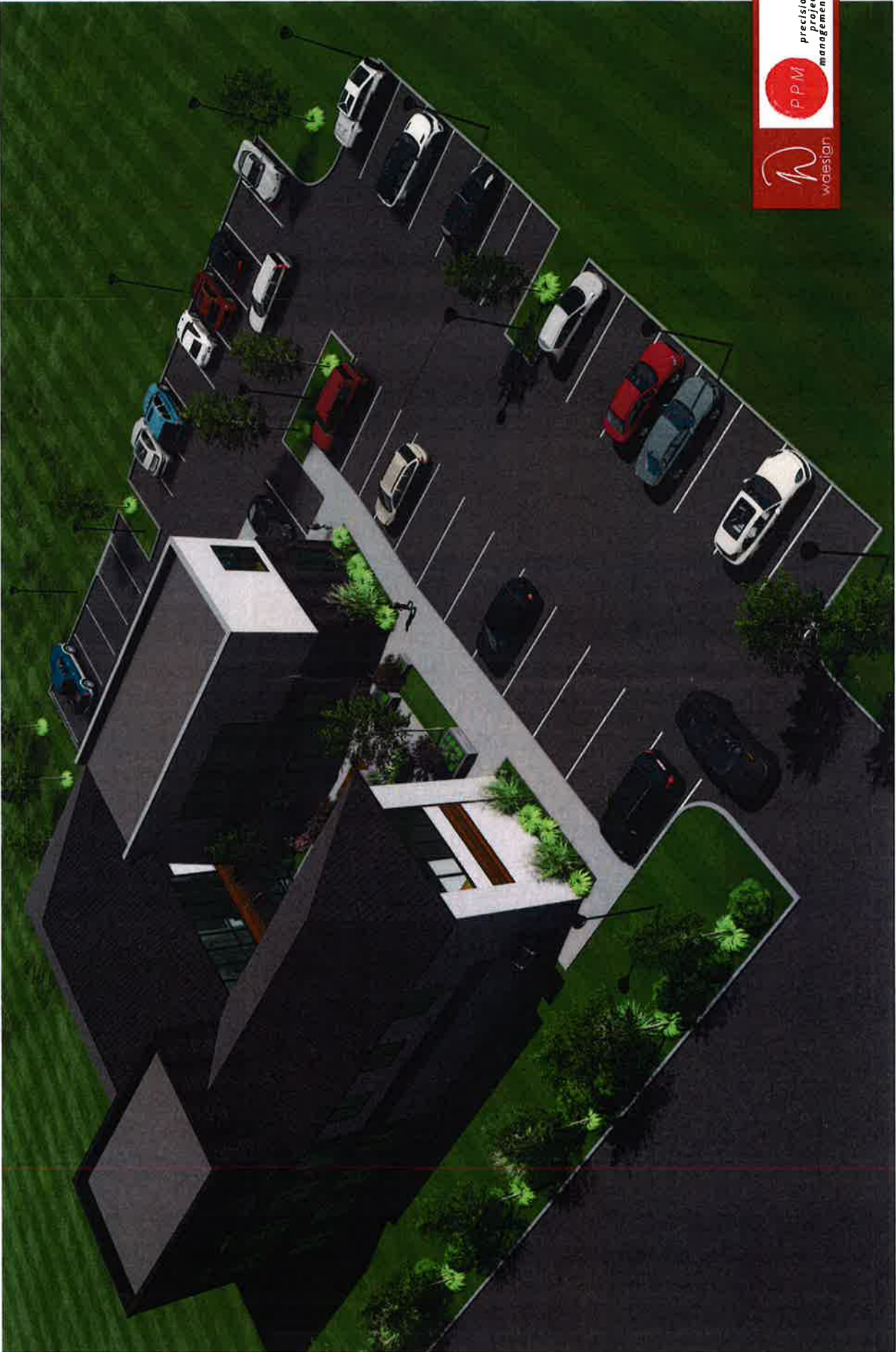
ISSUE DATE:
05.24.2019

SHEET NAME:
**INTERIOR
ELEVATIONS**
SHEET #:

A802

DRAWN BY: JKD, C41

2.23













Chapman, Austin

From: Madonna Smith <MSmith@bestsharp.com>
Sent: Thursday, August 15, 2019 4:06 PM
To: Chapman, Austin
Subject: FW: Building.
Attachments: IMG_4677.JPG; ATT00001.txt

Please see attached letter we received yesterday from City of Tulsa regarding a lot directly behind our house indicating that there will be a Hearing on June 27 at 1:00 p.m.

I would like to address several concerns regarding this application.

1. The home owners in our addition did not receive time needed to make arrangements to attend the hearing.
2. I am having a major surgery that morning and will not be able to attend to voice my concerns.
3. There are several children that live in the houses directly East of the property addressed and several Grandparents that keep their Grandchildren overnight.
4. There are other business establishments on Braden Ave. but they do not require night traffic because they are not open in the evening hours so there is no added noise/lights/people/music etc.
5. I also noticed that in the description of this establishment there is an outside patio - will there be outdoor music playing. And what will their hours be.
6. There are many things to address regarding an establishment that will be selling alcoholic beverages that will be located within 150 ft. of a residential zoning (family homes with children)

Please let me know what I can do to address these and other concerns since I will not be able to attend due to surgery.

Thanking you in advance for your assistance.

Please contact me via cell phone 918-991-8816 or my hot.com address is donnamadonna02@hotmail.com

CAUTION: This email originated from outside of Best & Sharp's email system. Please use caution when clicking links, opening attachments, or providing information unless you recognize the sender and know the content is safe.

Chapman, Austin

From: tslr_105.68@cox.net
Sent: Friday, August 16, 2019 10:25 AM
To: Chapman, Austin
Cc: esubmit
Subject: CASE # BOA-22716

The Braden Park residents in close proximity to the proposed building and the entire neighborhood are vehemently opposed to allowing an establishment serving alcohol being built so close to a family neighborhood—several residents will want to speak at this meeting do we need to be on the agenda?

Sent from Mail for Windows 10

Chapman, Austin

From: Elaine Wyatt <elainemariewyatt@gmail.com>
Sent: Friday, August 16, 2019 2:34 PM
To: Chapman, Austin
Subject: Case number:BOA-22716

Austin Chapman,

We received a notice that there are plans for a bar serving alcohol to be built behind our homes in Braden Park. Our home backs up very close to this location. We would be able to see it and hear it from inside our home windows, and from anywhere in our back yard. This is a neighborhood full of active families using our neighborhood streets for tricycling, bicycling, walking with strollers, jogging, etc. Many residents in our neighborhood use Braden Avenue for these activities too. We moved to Braden Park because of the close location to the Jenks elementary, intermediate, & middle schools. That is why there are so many families with young kids living in this neighborhood.

We are strongly against this bar becoming approved to be build here. It would highly increase traffic flow and cars parking on the street behind our home, and possibly into the front of our neighborhood on 91st Place. It also would increase noise level, and start drunken loitering on the streets.

The establishment would create safety issues for our neighborhood's families and homes, and would be a nuisance.

Please consider this using common sense and good reasoning. Safety first.

Sincerely,
The Wyatt family,
Tim, Elaine, Andrew, and Austin.
9206 S. Braden Place
Tulsa, OK, 74137

Sent from my iPhone
Elaine Wyatt

Referencing Tulsa City Council meeting to change building zoning IN MY BACK YARD from residential to commercial for a bar / restaurant? That could generate thirty parking spaces (120 patrons) per night until 10:00, 12:00, 2:00am ... traffic driving up and down our neighborhood!

The traffic from the construction company coming and going all day long slamming truck doors plus the Pilates class two or three times per day parking on the street, while not being disruptive, does generate significant traffic. The office building's stairs and walk through overlook our back yard and therefore, our sliding glass doors. We can wave to each other.

The footprint of the proposed bar shows that their second floor will also be looking directly into our back yard. And, our HOA cut down our huge tree that provided the only privacy

Please.... what are the plans of our Board of Directors to protect our neighborhood?

I am hoping that our Board of Directors are taking this Seriously enough to rally together as a group to appear at the council meeting to stand up and fight for our neighborhood!!!

Since the meeting is on a weekday at 1:00 ... our neighbors need to be contacted by our HOA immediately so the can schedule time off from work to join us. I offer rides to downtown if needed.

Chapman, Austin

From: Ryan Fair <ryanisfair@gmail.com>
Sent: Sunday, August 18, 2019 9:00 PM
To: Chapman, Austin
Cc: rwhoyle@cox.net
Subject: Case # BOA-22716

Hello Austin,

I am unable to attend the public hearing regarding a special exception to permit building an entertainment venue located at 9140 S. Braden that will serve or sell alcoholic beverages within 150 feet of the Braden Park Neighborhood.

I would like to add my objection to the discussion on this matter. The consumption of alcoholic beverages outside of the home does not belong that close to a neighborhood where families take walks in the evenings and kids ride bikes during the day. My family often takes walks together down that very strip of road and the thought of inebriated drivers on even of foot of that street fills me with dread.

Not to mention that the point at which Braden and 91st meet is already a hazard-prone area. People leaving the proposed establishment would most likely exit at that intersection. On the 16th of this month (two days ago at the time of this writing) there was a collision involving a motorcycle at that very spot around 6 PM. And a few weeks or months prior a car smashed through the back fence of one of my neighbors who backyard faces 91st. I was outside playing with my son at the time of that incident. That could have very easily been our back fence.

Now we are discussing adding the element of the impaired decision making skills of people under the influence of alcohol to that spot? It simply does not belong this close to people's homes and families.

Our neighborhood is a wonderful and peaceful place to live. I support Hunter's Glen Veterinary personally and have never once found the pilates studio to be disruptive. However, drinking patrons are often rowdy and reckless. I do not want my young children woken up late at night by loud intoxicated individuals, I do not want my family exposed to visuals of drunk people so close to their own front door, and I worry about my property as my home would be rather close to the proposed establishment. I do not want to walk out of my front door to find damage to my property or risk seeing someone urinating in public. While these types of occurrences make up the exception to the rule of how people behavior when consuming alcohol, the fact of the matter is that they do occur and they should should never happen near people's homes.

I believe that the risks we are being asked to accept are unacceptable. There are plenty of locations in Tulsa for a business to serve or sell alcohol, but 9140 S. Braden is not one of them.

I object to the proposal for a special exception. We have rules and laws regarding these types of issues for a reason and we should seek to uphold them.

Ryan Fair

Chapman, Austin

From: sharon humphrey <dynaldy1@att.net>
Sent: Saturday, August 17, 2019 1:21 PM
To: Chapman, Austin; dynaldy1@att.net; ehicksmb@hotmail.com
Subject: City Council Meeting re: Re-zoning from RS-1 (residential) to commercial

Tulsa City Council Meeting on Tuesday, August 27th at 1:00 pm
City Hall, 2nd Floor
175 East 2nd Street
Tulsa, OK

I am pleading with the Board of Directors of our HOA to rally together to stop this re-zoning application for this reason:

It's NOT just the alcohol!!!! In fact, it is just a tiny fraction about the alcohol.

We live on the street in question ... South Braden Avenue

The traffic relating to this bar or restaurant will directly impact our quality of living. Their footprint indicates 30 parking spaces ... a possible 120 patrons at one time.

If this "small assembly" stays open until 10:00 pm as a restaurant ... midnight, as a pub ... 2:00 am as a bar ... those thirty vehicles will have slamming doors and revving motors pulling out of the parking lot, parking on the streets and people having loud conversations with their "good buys" as they leave the building and are walking to their vehicle. Think of Cherry Street.

I propose that we petition the court to limit this piece of property to commercial office buildings that will close in the evenings and therefore, the traffic and noise will be limited.

If you do not live off of Braden Avenue, you may not be aware that we already have an office building with a second floor that looks directly into our backyards and glass doors and windows of our homes. We can wave to each other. Although this has not proven to be a problem because they are closed in the evenings, we now have contractors who have offices in this building, therefore there is a constant flow of trucks and trailers, some heavy equipment, coming throughout the day. The vehicles of the patrons of the pilates classes that also park in the street behind our houses and the small amount of traffic from the vet's office that is also on that street. Now ... let's add a bar!!!

It is just not right that all of our neighbors who live on Braden Place should have to endure traffic and noise from a bar or restaurant every evening and the extra traffic it could mean driving THROUGH our neighborhood.

Chapman, Austin

From: Smith, Donald G. <Donald.Smith@oneok.com>
Sent: Sunday, August 18, 2019 10:18 PM
To: Chapman, Austin
Cc: Dist8@tulsacouncil.org; MSmith@bestsharp.com; rwhoyle@cox.net; jan@thehoagroup.net
Subject: CASE NUMBER BOA-22716 9140 S. Braden Ave Objection
Attachments: 0543_001.pdf

Importance: High

I received the attached letter Wednesday, August 14th in the mail from the City of Tulsa regarding development of an entertainment venue at 9140 South Braden Avenue which is immediately behind our home at 9134 South Braden Place. I have numerous questions and personal objections regarding this request. Below is a small sample. I will be attending the meeting with other Braden Park homeowners on Tuesday, August 27th.

1. Why were the residents of Braden Park Home Owners Association given such a short notice? What was the date the original application was filed?
2. Why wasn't all Braden Park Home Owners notified of the Hearing by the Board of Adjustment?
3. Will the principal activity of the entertainment venue be for sale and consumption of liquor, wine beer, or any other alcoholic beverages on the premises with or without food?
4. What will be the hours of operation?
5. Will there be adult entertainment such as Dancers?
6. Will there be other forms of entertainment or special events such as live bands? Would they be performing indoors or outdoors?
7. The proposed entertainment venue will not only have a negative impact on property values in Braden Park but will also significantly increase the traffic, noise level, night life activity, and potential safety issues and privacy issues.
8. Will there be a large neon sign at night?
9. How many parking spaces will be required for this "**Small Assembly and Entertainment**" use serving or selling alcoholic beverages within 150ft of Braden Park Residential district?
10. There are no other buildings or structures currently on Braden Avenue that operate at night or serve alcoholic beverages on the premises.
11. Are there any other similar entertainment venues in Tulsa that are within 150 feet of residential homes serving alcoholic beverages?
12. Braden Park is a quiet family neighborhood with young children, infants, grandchildren adjacent to the proposed entertainment venue.
13. Was 9140 S. Braden Avenue ever zoned for residential use? If so when was it rezoned and were the Braden Park Homeowners notified of this rezoning?
14. If this request were approved by the Board of Adjustment and the venture fails what type of establishment would be next?

Donald Smith
9134 South Braden Place
Tulsa, Oklahoma 74137
(918) 231-8816

Chapman, Austin

From: Richard Hoyle <rwhoyle@cox.net>
Sent: Monday, August 19, 2019 9:08 AM
To: Chapman, Austin
Cc: Richard Hoyle; Joanne Hoyle
Subject: Case # BOA-22716

Austin,

My name is Richard Hoyle and I live at 9138 S Braden Place in Braden Park Addition. I am writing to express my great concern with the discovery of a permitting exception to allow construction of an entertainment venue that will be selling and serving alcoholic beverages in our immediate neighborhood... I plan on attending the hearing on Tuesday, August 27th to express my strong displeasure of such action and hope the BOA will vote to disapprove it. There are numerous locations in the city of Tulsa available for construction that are properly zoned for building venues of entertainment and selling/serving alcoholic beverages and I do not understand how a "men's club bar" would even be considered or allowed to be built in a quiet, residential neighborhood.

Regards,

Richard Hoyle
9138 S. Braden Place
Braden Park Addition
Tulsa, Oklahoma 74137

Sent from my iPad

Chapman, Austin

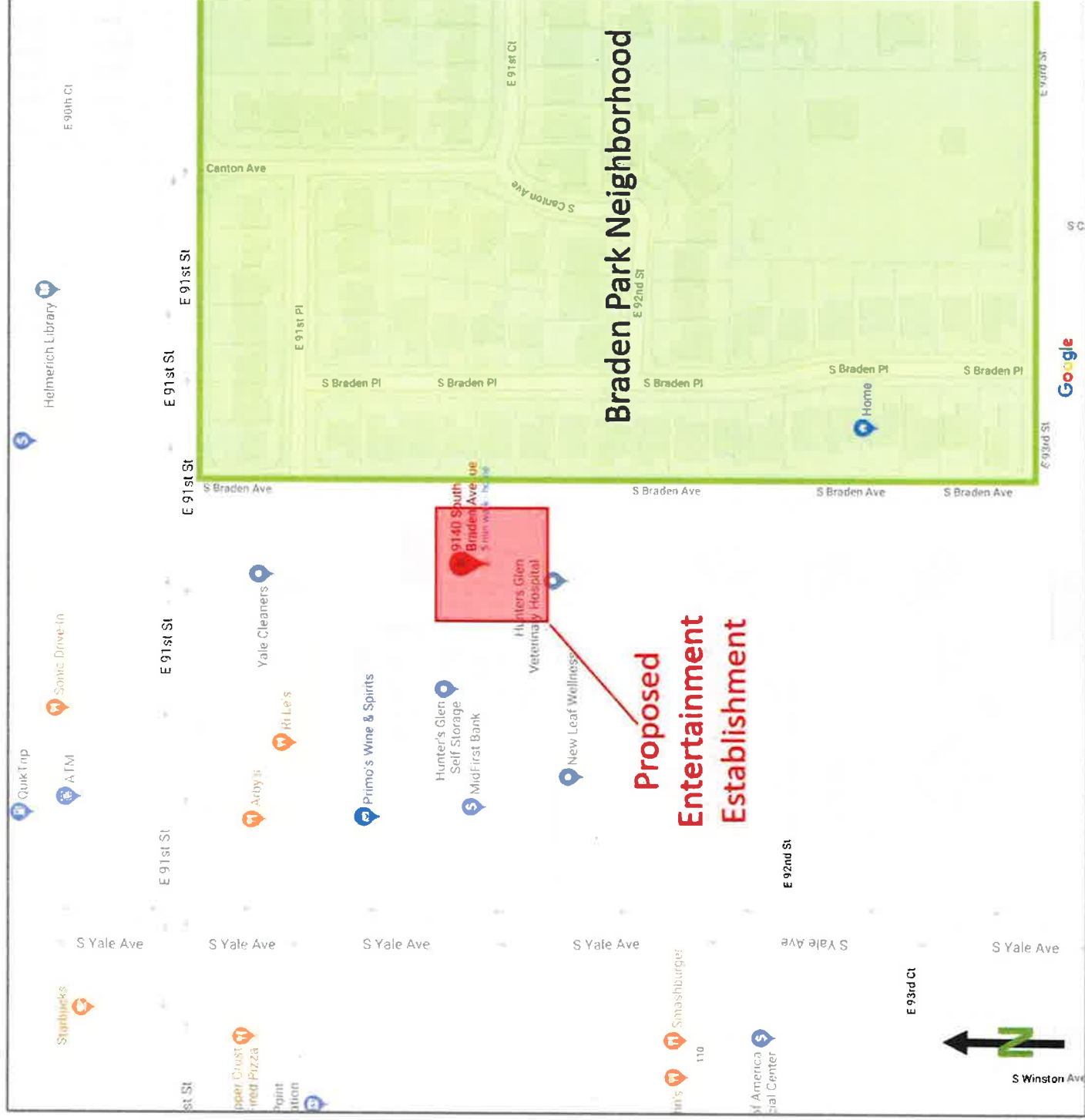
From: Postelwait, Beth <Bethany.Postelwait@wpenergy.com>
Sent: Monday, August 19, 2019 9:21 AM
To: Chapman, Austin; esubmit
Subject: Case # BOA-22716

I wanted to contact you regarding the entertainment establishment that has been proposed for 9140 S. Braden Avenue.

This establishment would back up directly to our neighborhood. A neighborhood with many young children, including my own. I'm all for development in Tulsa, and even development near my neighborhood. However, I am concerned about the vague language of "entertainment establishment." That could cover everything from a restaurant and bar to a strip club. I am against this establishment, for now. The wording is too vague, and I'm worried that it could lead to a rise in crime in our neighborhood as well as noise later at night.

This establishment would negatively affect my family by increasing traffic in the area. Braden Avenue is a quiet street backing up to our neighborhood. Additional traffic would make this perfect, bike-riding street for my children much more dangerous. This establishment also has the potential to lower our property values...because new families moving into the neighborhood would definitely be turned off by a bar being located just behind their house. Noise coming from such an establishment would be bothersome as well. My children, as well as many of the children in the neighborhood, have early bedtimes (~7PM). The noise is likely to wake them – as well as keeping the parents up too. The potential for crime is my highest concern. The houses that back up to Braden Avenue are at a greater risk of break-ins. In fact, a few of the houses were broken into a couple of years ago. It's too easy for criminals to hop the fence and enter those houses, and then be able to get away quickly with no doorbell cameras watching them. This makes me fear for my children's safety as patrons leaving the establishment will be adjacent to our neighborhood, and they may be intoxicated with erratic behavior.

See the map below for the location of the proposed establishment and the Braden Park neighborhood.



Beth Postelwait
Geologist
Williston Basin
539-573-3566 Office
918-779-5659 Cell
Bethany.Postelwait@wpxenergy.com



Chapman, Austin

From: rbanddeb@reagan.com
Sent: Monday, August 19, 2019 7:29 PM
To: Chapman, Austin
Subject: BOA-22716

Mr. Chapman,

My wife and I, along with our neighbors, are deeply distressed over the prospect of an after hours "entertainment" establishment being given clearance to begin operations in our neighborhood. Please use every means at your disposal to block a special exception being granted for the sale and consumption of alcoholic beverages at this establishment. Please consider what would happen to the property values if such an establishment were allowed to operate after business hours in your neighborhood, to say nothing of the likely impact on the peaceful conditions which currently prevail.

Respectfully,

R.B. and Debbie Roberts
9210 South Braden Place
74137

Chapman, Austin

From: Jordan Droz <jordan@wdesignsite.com>
Sent: Tuesday, August 20, 2019 10:51 AM
To: Chapman, Austin
Subject: RE: Case # BOA-22716

Austin,

We would like to request a continuance to the September 10th meeting so that can have a chance to reach out to the neighborhood before coming before the BOA.

We will be at the August 27th meeting to formally present that continuance.

If additional information is needed please let us know.

Once we have the information gathered for the neighborhood meeting we will issue that to your office as well.

Can you please send us the list of mailers so that we may reach out to them as well?

Thanks,

Jordan Droz, NCIDQ, LEED AP, IIDA

W Design | Architecture and Interiors
d 918.894.5170

From: Chapman, Austin <ACHapman@incog.org>
Sent: Tuesday, August 20, 2019 8:35 AM
To: Jordan Droz <jordan@wdesignsite.com>
Subject: RE: Case # BOA-22716

Jordan,

I believe that would be a good idea, you should probably be prepared to answer questions about music volumes, hours of operation and possibly what differentiates this use from a bar. Sarah Davis is the council aide for Councilor Lakin, her contact information is below, please provide her with any literature regarding the proposed business or make her aware of any planned meetings so she can provide notice through their platforms to constituents. Please let me know as soon as possible if you would like to request a continuance in order to organize a meeting prior to the Board hearing.

Sarah Davis:
sarahcdavis@tulsacouncil.org

Best,



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

Sparger, Janet

From: Chapman, Austin
Sent: Tuesday, August 27, 2019 10:51 AM
To: Stuart E. Van De Wiele; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross
Cc: Audrey D. Blank; Swiney, Mark; Wilkerson, Dwayne; Sparger, Janet
Subject: FW: 9140 South Braden Avenue

All,

Please see the comments below regarding BOA-22716.

Best,

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



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

From: George Carley <georgecarleydvm@gmail.com>
Sent: Tuesday, August 27, 2019 10:48 AM
To: Chapman, Austin <ACHapman@incog.org>
Subject: 9140 South Braden Avenue

I will be unable to attend today's meeting at 1 pm concerning the business that's proposed to be a private club with entertainment in this location.

Due to the location of a neighborhood across the street, sound will be an issue. I've been in my current location (9150 South Braden Ave.) since 1991 and after the neighborhood was built across from me then I had numerous complaints about the alarm system and siren when we had any triggers here. I had to finally disable the siren to keep the peace with the neighbors.

Parking will be an issue no doubt. We battle people parking on both sides of Braden now with the building that was built just north of 9140 location. I have no doubt people will use my parking lot to park while they enjoy the club. I do deal with after hours emergencies from time to time and I have staff that come in after hours to care for the patients. I don't need people that may be intoxicated etc....being a issue for the safety of clients and staff.

I personally don't need the trash and vomit that will occur with these events with the approval of liquor being served or sold.

I don't support the development at this time.

George Carley DVM
President Hunters Glen Veterinary Hospital Inc.

Sparger, Janet

From: Chapman, Austin
Sent: Monday, August 26, 2019 9:33 AM
To: Stuart E. Van De Wiele; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross
Cc: Sparger, Janet; Wilkerson, Dwayne; Audrey D. Blank; Swiney, Mark
Subject: FW: Case#2216 9140 S. Braden Ave. Tulsa 74137

All,

Please see the comments regarding BOA-22716.

Best,

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

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}}

-----Original Message-----

From: Flossie Carey <ftcarey31@gmail.com>
Sent: Saturday, August 24, 2019 11:20 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: Case#2216 9140 S. Braden Ave. Tulsa 74137

Dear Mr. Chapman,

I am a resident of Braden Park and understand that the property at 9140 S. Braden Ave. has been zoned commercial. No problem.

It is also my understanding that a Gentleman's club with dancers is to be built on the property. Problem! NOISE.

There will be loud music that the club will have real difficulty capturing and each time a patron enters or leaves the sound spills into the neighborhood.

At a 2 a.m. closing you may have 20 to 40 loud men, some on motorcycles leaving the parking space and further disturbing the neighbors.

Worst case in today's world of gun toting men, should an argument ensue on premises we have an additional problem. We are a quiet neighborhood of young families and seniors who do not want this kind of disruption. It may also impact animals who are being boarded at the vet next door.

I ask that you reconsider the purpose/ use of this space.

Thank you.

Florence T. Carey

9147 S. Canton Ave. 74137. 918 -764 -9314

Sparger, Janet

From: Chapman, Austin
Sent: Friday, August 23, 2019 4:51 PM
To: Stuart E. Van De Wiele; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross
Cc: Audrey D. Blank; Swiney, Mark; Sparger, Janet; Wilkerson, Dwayne
Subject: FW: Braden Park BOA Case# 22716

All,

Please see the comments below regarding the request for continuance in BOA-22716.

Best,

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

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}

-----Original Message-----

From: nathaliejoy79@yahoo.com <nathaliejoy79@yahoo.com>
Sent: Friday, August 23, 2019 4:44 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: Braden Park BOA Case# 22716

Mr. Chapman,

I am emailing to show my support for the continuance filed on BOA Case# 22716 to move this item to Sept. 10th so that our neighborhood can have more time to assemble. I have young children, and I do not want this establishment built in our backyards.

Thank you,
Nathalie (and Eric) Lee
Braden Park Resident

Sparger, Janet

From: Chapman, Austin
Sent: Friday, August 23, 2019 2:26 PM
To: Stuart E. Van De Wiele; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross
Cc: Audrey D. Blank; Swiney, Mark; Sparger, Janet; Wilkerson, Dwayne
Subject: FW: Braden Park HOA - Support for Continuance BOA Case#22716

All,

Please see the comments below regarding the request for **continuance in BOA-22716**.

Best,

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

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}

-----Original Message-----

From: Justin Vakilzadeh <justin@petrodynresources.com>
Sent: Friday, August 23, 2019 2:13 PM
To: Chapman, Austin <AChapman@incog.org>
Cc: Ashley Pore (Braden Park HOA) <ashpore@gmail.com>; Jamie Nussbaum (Braden Park HOA) <jaimie.nussbaum@gmail.com>; Denise Rinehart-Whitten <denise.rinehart@sbcglobal.net>; robin brown <robinlynnbrown7@gmail.com>; The HOA Group LLC Jan Farrimond <jan@thehoagroup.net>
Subject: Braden Park HOA - Support for Continuance BOA Case#22716

Mr. Chapman:

Per our telephone conversation this afternoon and based on your advise, please consider this email as The Braden Park HOA's support for the continuance of the referenced Case until September 10th, 2019.

I personally spoke with the applicant they have verbally agreed to meet with us and present their plans to our HOA on the evening of August 27th @ 6pm; however, I must insist that we make our voice known to you and state that we formally request that this Case is continued until after the agreed meeting with the applicant and at least until the applicant's requested date of September 10th, 2019.

Cordially,

Justin Vakilzadeh
(214) 697-7574

Sparger, Janet

From: Chapman, Austin
Sent: Monday, August 26, 2019 9:35 AM
To: Stuart E. Van De Wiele; Austin P. Bond; Burlinda Radney; Jessica Shelton; Briana Ross
Cc: Audrey D. Blank; Wilkerson, Dwayne; Sparger, Janet; Swiney, Mark
Subject: FW: BOA meeting

All,

Please see the comments below regarding BOA-22716.

Best,

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



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

From: Kathy Feist <bkfeist85@gmail.com>
Sent: Sunday, August 25, 2019 11:50 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: BOA meeting

This is regarding the establishment on 9140 s Braden ave. Our backyard faces Braden Avenue. We are opposed to the request to build a place that will sell and serve alcohol close to our neighborhood. I am concerned due to the many children I. Our neighborhood, the possible increase in traffic and noise late at night, and the potential of decrease in the value of our property. Families would likely not want to buy near a bar type facility.

Thank you, bob and Kathy Feist
9142 s Braden place

August 23, 2019

City of Tulsa Board of Adjustment:

Reference: **Case Number: BOA-22716**
Special Exception to permit Small Assembly and Entertainment Use that will serve or sell alcoholic beverages to be located within 150 feet of a Residential Zoning District. Location: 9140 S. Braden Ave.

Board Members:

Please consider the following to **DENY** the Special Exception request for the property located at 9140 S. Braden.

This proposed venue is across the street and within 150 feet of the Braden Park housing addition which is a quiet neighborhood with houses valued in the \$300,000 range. Since most of the homes are two stories, the homes directly across the street will have a view of this property. Our home is two blocks from this property.

Just south of the proposed venue are houses valued in the range of \$500,000 to \$1,000,000.

We have lived in this neighborhood for 20 years. We have enjoyed walking our dog and running without concern for safety. There has been very little incidence of theft or vandalism in 20 years.

Helmerich Public Library is located across from the Braden Park housing addition and within approximately three blocks from the proposed venue.

There are two Jenks Public Schools, a very desirable school district, within a mile of the Braden Park housing addition and this proposed venue.

Our neighborhood is within walking distance, approximately half a mile, from a city park-Hunter Park.

Within a block of this venue and located on the main streets of Yale and 91st Street there are boutique shops, numerous family restaurants including Upper Crust, Smashburger, Russo's, Yokozuna's, a Whole Foods grocery store, a QT gas station and convenience store, several banks, office buildings, Firestone car care center, a Veterinarian and a CVS Pharmacy.

Our neighborhood is conveniently located within five minutes of the Creek Turnpike.

All of the above items make the Braden Park homes and homes in the surrounding area desirable properties. On the main intersection of 91st and Yale there is every convenience a neighborhood needs or wants.

Per the Approval Criteria in section 70.120-G of the Board of Adjustment zoning section, a Special Exception may be approved only if the board of adjustment makes each of the following findings:

1. That the special exception will be in harmony with the spirit and intent of the zoning code; and
2. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

If you consider the following, the above criteria cannot be met.

This property is one and a half blocks off of well-traveled 91st Street between a Veterinarian Office and an Office Building. This **WOULD BE A PERMANENT BUILDING WITH A PERMANENT ZONING CHANGE** with a **PERMANENT EFFECT ON OUR NEIGHBORHOOD**. This proposed venue is within 150 feet of homes with families with children and retirees with grandchildren. Families that get up and go to work, as we do, and school in the morning. Families that expect a quiet night without interruption of sleep or concern for their safety.

Per the Board of Adjustment zoning code in section 15.020, Assembly and Entertainment –Small, is up to 250-person capacity. That would mean a possibility of at least an additional 250 cars traveling in our neighborhood daily. There is bound to be traffic congestion and parking issues as well, with the customers using residential side streets for parking.

An entertainment venue with alcohol served would typically have hours that extend into the night until 2 or 3 AM. There would be late night increased traffic through the neighborhood. These late hours would mean late night disturbances including police intervention and sirens. This would invite vandalism, trash and concern for personal safety of all homeowners.

Since the type of entertainment is not listed on the public notice we question what type of “entertainment” does not want a main street location? To have “entertainment” tucked away off a major street makes absolutely no business sense. Are they trying to hide their customers?

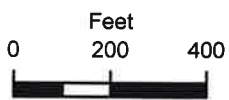
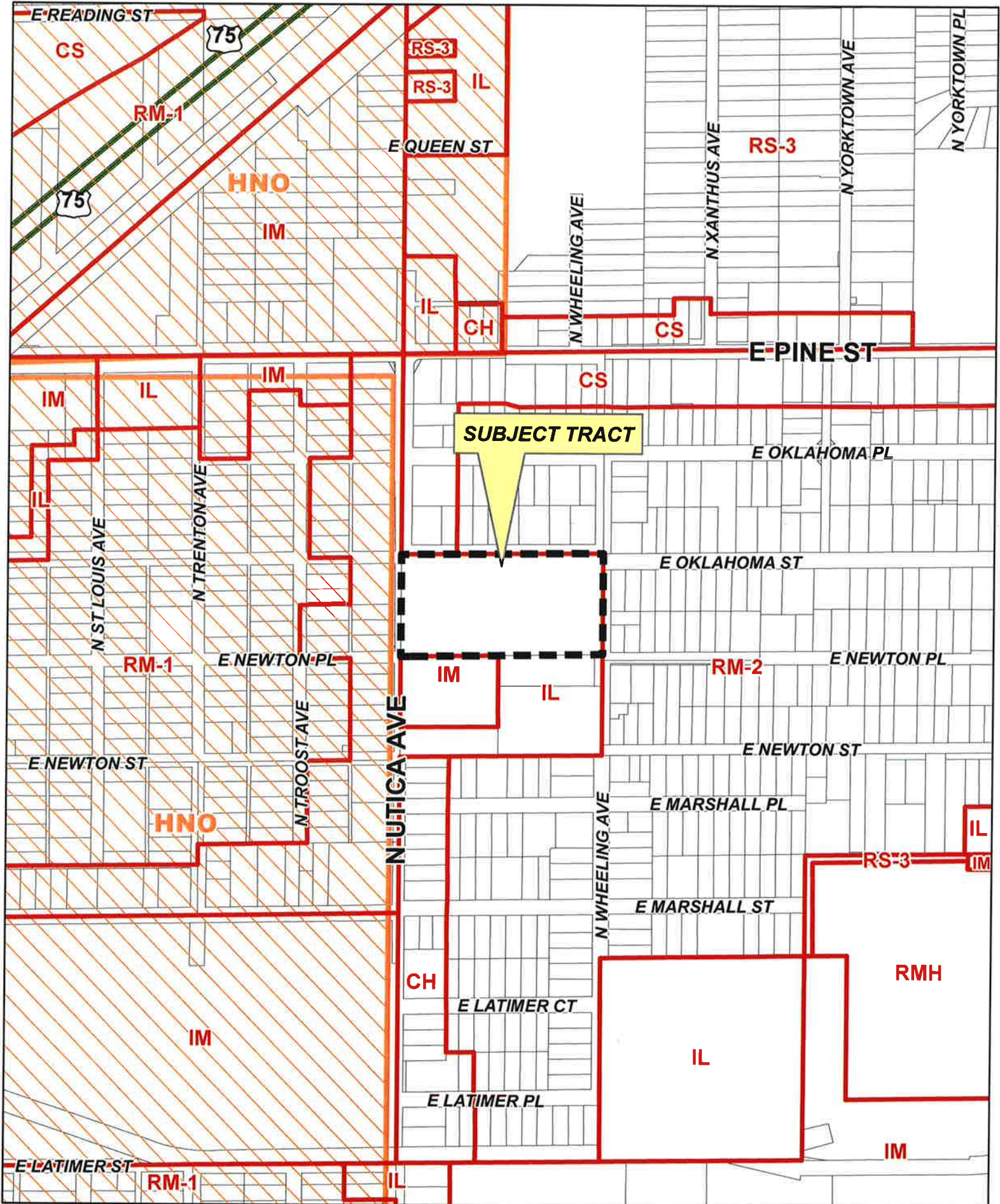
At this location, any type of entertainment serving alcohol will devalue the entire area including all homes and businesses and make this excellent South Tulsa area less desirable.

Given the above reasons, this entertainment venue serving alcohol is not in harmony with this location and would be injurious to the neighborhood and public welfare-schools, library and park in close proximaty to this area.

As a homeowner in Braden Park, we respectfully request that the Special exception to permit building a small assembly entertainment venue, to be located at 9140 S. Braden Ave., that will serve or sell alcoholic beverages be **DENIED**.

Patrick & Jeanette Gorrell
Braden Park Homeowners

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BOA-22727

20-13 31

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331
CZM: 29
CD: 1

Case Number: **BOA-22727**

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Kathi Hayward

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: 1333 N UTICA AV E

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 217800.89 SQ FT

LEGAL DESCRIPTION: N/2 SW NW NE SEC 31 20 13

RELEVANT PREVIOUS ACTIONS: None

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

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 property is zoned IL and is located at the SE/c of N. Utica Ave and E. Oklahoma Street.

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

3.2

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 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 provided the location of the nearest operating dispensary as Mary Jane's Treehouse located at 2024 E Pine Street 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 subject property



View facing North from subject property



View of subject property



Subject
Tract

BOA-22727

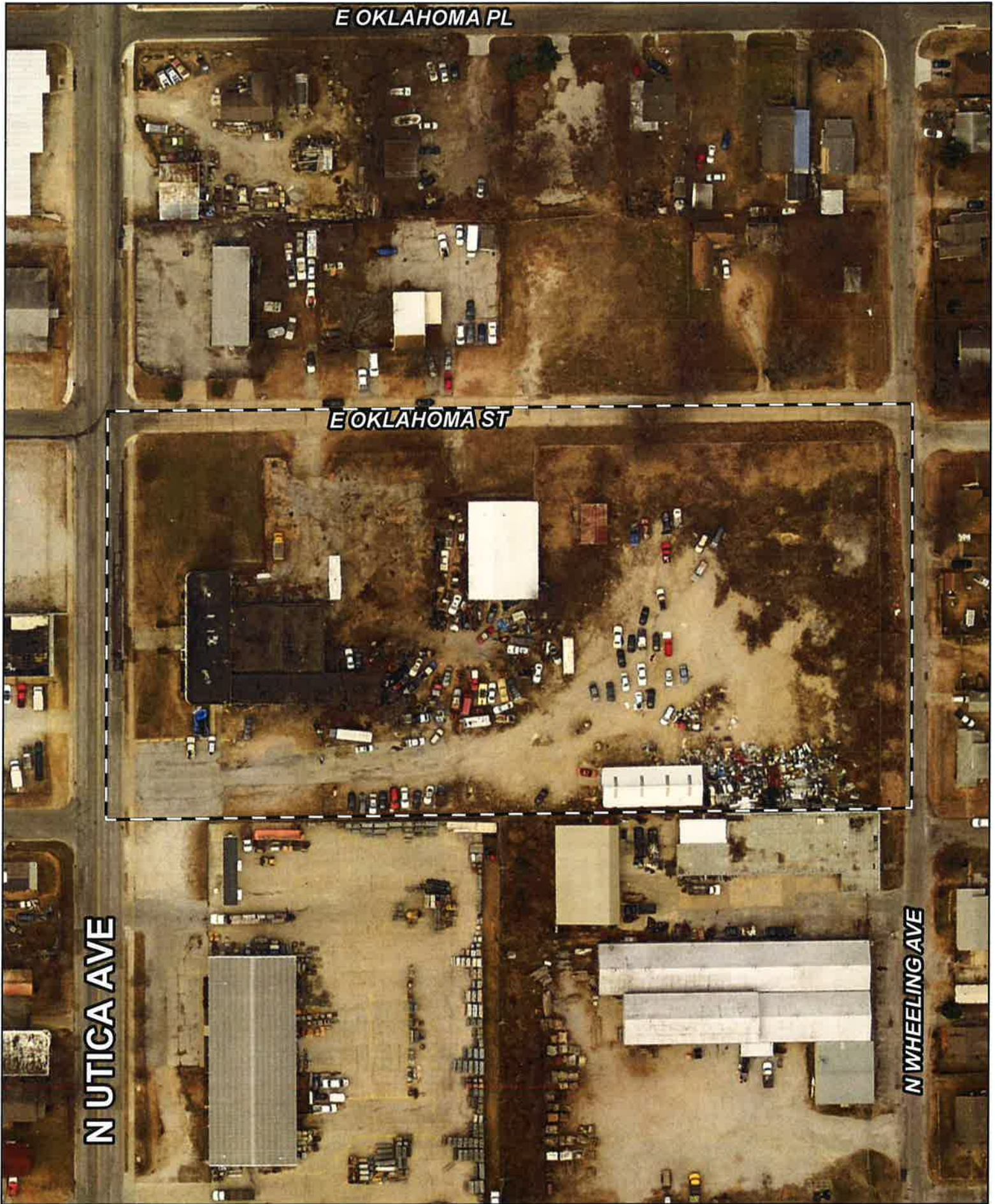
20-13 31

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

Aerial Photo Date: February 2018

3.6





E OKLAHOMA PL

E OKLAHOMA ST

N UTICA AVE

N WHEELING AVE



Subject
Tract

BOA-22727

20-13 31

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

Aerial Photo Date: February 2018

3.7





Map Prepared by INCOG
2 West Second Street, Suite 600
Tulsa, OK 74103

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

1333 N UTICA AVE

0 75 150 300
Feet

Date of Photography:
2016



* ① Maryjane Seehouse - 2024 E Pine St DAAA-MJIS-NBUV

3.8

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GOOD GREENS DISPENSARY, INC

1333 N UTICA AVE , TULSA, OK, 74110

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

12/26/2019

LICENSE NUMBER:

DAAA-VK9T-SK8L



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 29, 2019

Kathi Hayward
2202 N Denver Ave
Tulsa, OK 74106

Phone: 281.220.7771

APPLICATION NO:

COO-038280-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

1333 N Utica 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

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" ☒ **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-038280-2019

1333 N Utica Ave

July 29, 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.

PUD-624-A

RM-1

IL

CS

CS

PUD-624

SUBJECT TRACT

CS

W APACHE ST

TISDALE-EXPWAY

TISDALE-EXPWAY

RM-1

RS-3

W YOUNG ST

N UNION AVE

W YOUNG ST

W XYLER ST

N QUANAH AVE

W WOODROW ST

W VIRGIN ST

N SANTA FE AVE

N ROSEDALE AVE

W WOODROW ST

BOA-22728

4.1



20-12 22



BOARD OF ADJUSTMENT CASE REPORT

STR: 2220

Case Number: **BOA-22728**

CD: 1

HEARING DATE: 09/24/2019 1:00 PM

APPLICANT: Ed Horkey

ACTION REQUESTED: Variance to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F)

LOCATION: 1228 E APACHE

ZONED: RS-3

PRESENT USE: Church

TRACT SIZE: 1069236.85 SQ FT

LEGAL DESCRIPTION: LOT 1 BLOCK 1, METROPOLITAN BAPTIST CHURCH

RELEVANT PREVIOUS ACTIONS: NONE

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The property does not have a land use designation or Growth and Stability designation. Staff believes it was mistakenly listed as right-of-way during the Comprehensive Plan adoption. It has been added to a list of properties for which an amendment to the Comprehensive plan will be required.

ANALYSIS OF SURROUNDING AREA: The subject tract is an RS-3 zoned church in which a small part of the Northern part of the property is zoned CS. The sign will sit on the CS portion of the property. The properties north of the subject tract are zoned CS and the properties on all other sides are zoned RS-3.

STAFF COMMENTS: The Applicant is requesting a variance to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F). All other supplemental regulations relating to Dynamic Displays will remain in effect.

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.

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.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit a Dynamic Display in a CS district to be located within 200 ft of an RS-3 (Sec. 60.100-F)

- 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 of Property immediately across Apache facing North



View facing East from subject property



View facing West of existing sign



0 Feet 200 400



Subject
Tract

BOA-22728

20-12 22

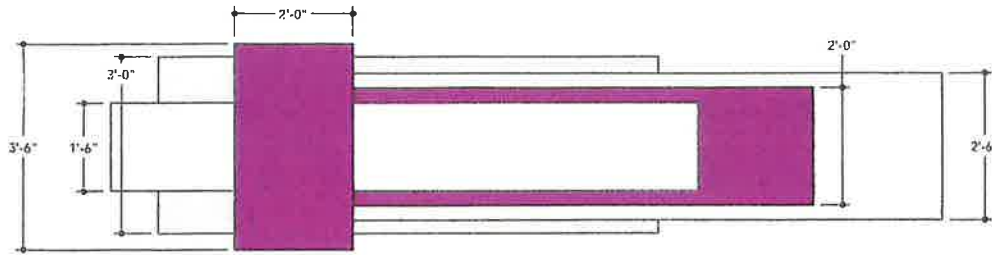
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

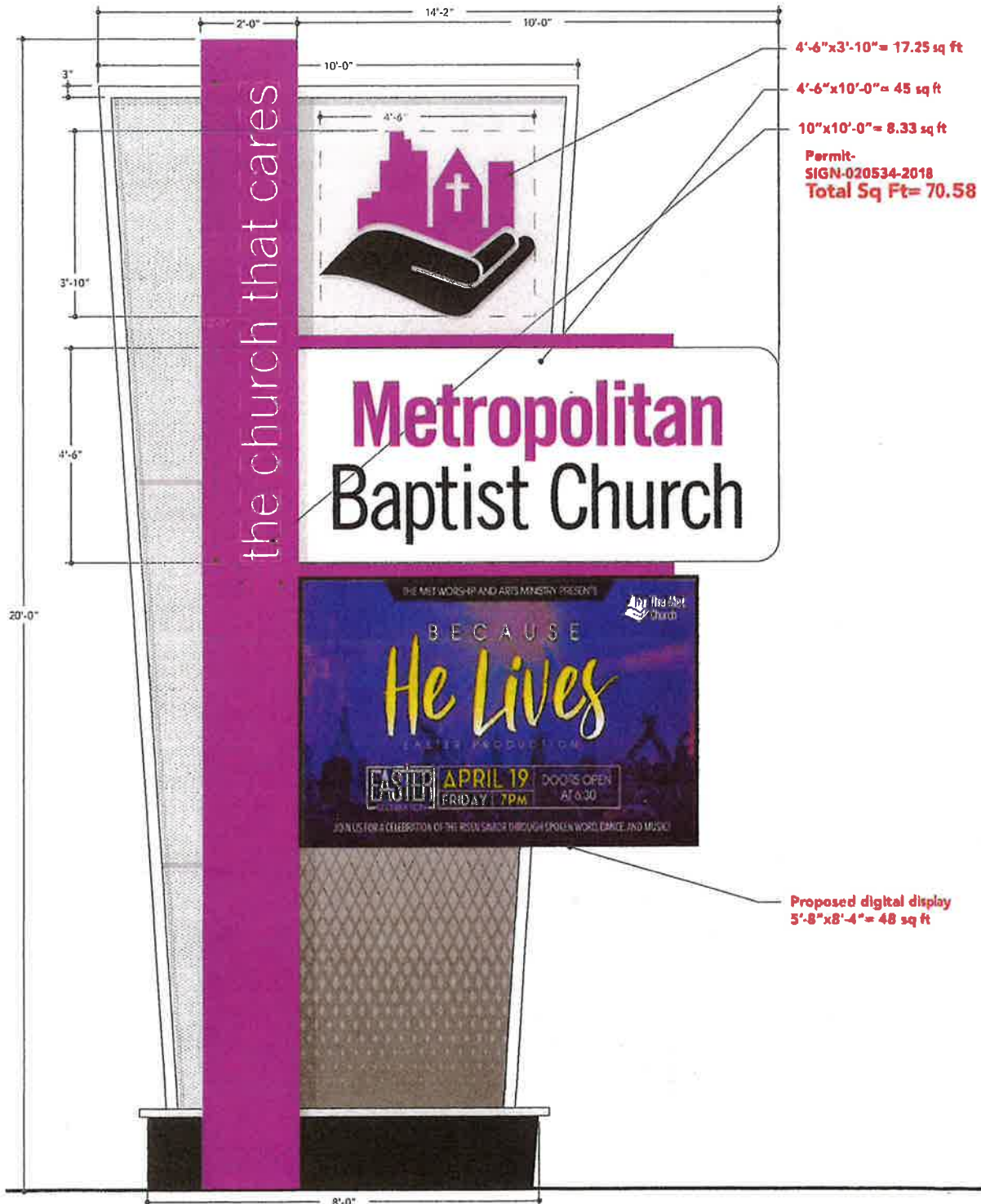
4.8



PERMIT



A PLAN VIEW
SCALE: 1/2" = 1'-0"



B ELEVATION- CONCEPT 1.5
SCALE: 1/2" = 1'-0"

<p>CITY OF TULSA DEPARTMENT OF PUBLIC WORKS PERMITTING DIVISION</p>	<input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED	PROJECT ACQUITTAL NAME: METROPOLITAN BAPTIST CHURCH	LOCALITY: TULSA	PROJECT ENG. ED HORNEY	DESIGNER: JOE KESTERSON	DATE OF ORIGINAL ISSU: APRIL 17, 2019	PERMITTING DIVISION: 04.17.19 V 1.0	DATE FOR REVIEW: PYLON SIGN PERMIT	SCALE: C-1.6
	<p>4.9</p>								





1000 NORTH LINCOLN AVENUE
TULSA, OK 74106-1000
P: 918.591.7777
F: 918.591.7777
WWW.CITYOFTULSA.ORG

THESE PLANS ARE THE PROPERTY OF THE CITY OF TULSA. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF THE CITY OF TULSA IS PROHIBITED. THE CITY OF TULSA ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS.

☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED

PROJECT/CLIENT NAME:
METROPOLITAN BAPTIST CHURCH

LOCATION:
1228 W. APACHE ST
TULSA, OK

ACCOUNT EXEC:
ED HORKEY

DESIGNER:
BILLY SAMPLE

DATE OF ORIGINAL DWD:
AUG 02, 2019

REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
SITE PLAN

ST-2.0

4.11



	<p>STANDARD USE: ON APPROVAL TO PREPARED OFFICIALS: THE APPLICANT'S DESIGNER MUST PREPARE THE PROJECTS IN A MANNER THAT MEETS THE CITY'S REQUIREMENTS FOR THE PROJECTS. THE PROJECTS MUST BE PREPARED IN A MANNER THAT MEETS THE CITY'S REQUIREMENTS FOR THE PROJECTS. THE PROJECTS MUST BE PREPARED IN A MANNER THAT MEETS THE CITY'S REQUIREMENTS FOR THE PROJECTS.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DWG: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>ST-1.0</p>
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4.12

P1 - SIGN LOCATION LOOKING NORTH



	<p>NEED TO CALL OR VISIT US TO GET THE LATEST INFORMATION ON OUR PRODUCTS AND SERVICES. WE ARE ALWAYS LOOKING FOR NEW PROJECTS AND CLIENTS. WE ARE ALWAYS LOOKING FOR NEW PROJECTS AND CLIENTS. WE ARE ALWAYS LOOKING FOR NEW PROJECTS AND CLIENTS.</p>	<p><input checked="" type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 3228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DWG: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>P-1.0</p>
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P2 - SIGN LOCATION LOOKING NORTHEAST



THIS DOCUMENT IS THE PROPERTY OF THE DESIGNER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER IS PROHIBITED.

DESIGNED BY: [blank] DRAWN BY: [blank] CHECKED BY: [blank] APPROVED BY: [blank]
 PROJECT: [blank] DATE: [blank]
 SCALE: [blank] SHEET: [blank] OF [blank]

APPROVED AS SHOWN ☐ APPROVED AS NOTED ☐
 [Signature] [Signature]

PROJECT/CLIENT NAME:
METROPOLITAN BAPTIST CHURCH

LOCATION:
**1228 W. APACHE ST
 TULSA, OK**

ACCOUNT EXEC:
ED HORKEY

DESIGNER:
BILLY SAMPLE

DATE OF ORIGINAL DWG:
AUG 02, 2019

REVISION HISTORY:

SHEET TYPE/DESCRIPTION:
SITE PLAN

P-2.0

4.14

P3 - SIGN LOCATION LOOKING EAST



1228 W. Apache St.
Tulsa, OK 74103
918.581.1111
www.enr.com

THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY THE ENGINEER OR ARCHITECT AND ARE TO BE USED IN CONJUNCTION WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF OKLAHOMA, LATEST EDITION. THE ENGINEER OR ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE USER OF THESE PLANS AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AGENCIES. THE ENGINEER OR ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE USER OF THESE PLANS AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AGENCIES.

☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED

APPROVED AS SHOWN APPROVED AS NOTED

PROJECT/CLIENT NAME:
METROPOLITAN BAPTIST
CHURCH

LOCATION:
1228 W. APACHE ST
TULSA, OK

ACCOUNT EXEC:
ED HORKEY

DESIGNER:
BILLY SAMPLE

DATE OF ORIGINAL DWG:
AUG 02, 2019

REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
SITE PLAN

P-3.0

4.15

P4 - SIGN LOCATION LOOKING SOUTHEAST



	<p>THIS DOCUMENT IS THE PROPERTY OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.</p>	<p><input checked="" type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DWG: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>P-4.0</p>
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4.16

P5 - SIGN LOCATION LOOKING SOUTH



	<p>THIS PLAN AND SPECIFICATIONS ARE PREPARED BY THE ENGINEER FOR THE PURPOSE OF OBTAINING PERMITS AND CONSTRUCTION. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THIS PLAN AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND THE PREPARATION OF THE PLANS AND SPECIFICATIONS. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DSGN: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>P-5.0</p>
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4.17

P6 - SIGN LOCATION LOOKING SOUTHWEST



 <p>THE METROPOLITAN BAPTIST CHURCH 1228 W. APACHE ST TULSA, OK 74103 P-6.0</p>	<p>APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/></p> <p>X</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL INFO: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>P-6.0</p>
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P7 - SIGN LOCATION LOOKING WEST



 <p>Design Firm Logo</p>	<p>APPROVED AS SHOWN <input checked="" type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/></p> <p>DATE: _____</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DWG: AUG 02, 2019</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/USE DESCRIPTION: SITE PLAN</p>	<p>P-7.0</p>
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4.19

P8 - SIGN LOCATION LOOKING NORTHWEST



	<p>APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/></p> <p><i>(Signature)</i> DATE</p>	<p>PROJECT/CLIENT NAME: METROPOLITAN BAPTIST CHURCH</p>	<p>LOCATION: 1228 W. APACHE ST TULSA, OK</p>	<p>ACCOUNT EXEC: ED HORKEY</p>	<p>DESIGNER: BILLY SAMPLE</p>	<p>DATE OF ORIGINAL DWG: AUG 02, 2019</p>	<p>REVISOR HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: SITE PLAN</p>	<p>P-8.0</p>
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4.20

BOB KOLIBAS
SIGN PLANS EXAMINER
TEL (918)596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

May 2, 2019

LOD Number: 1

Claude Neon Sign Company
1225 N. Lansing Avenue
Tulsa OK 74106

Phone: (918)587-7171

APPLICATION NO: **SIGN-029497-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: **1228 W. Apache Street N.**
Description: **Dynamic Display 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 \$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)

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. SIGN-029497-2019

1228 W. Apache Street N.

May 2, 2019

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

Section 60.100 Dynamic Displays

1.) **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.

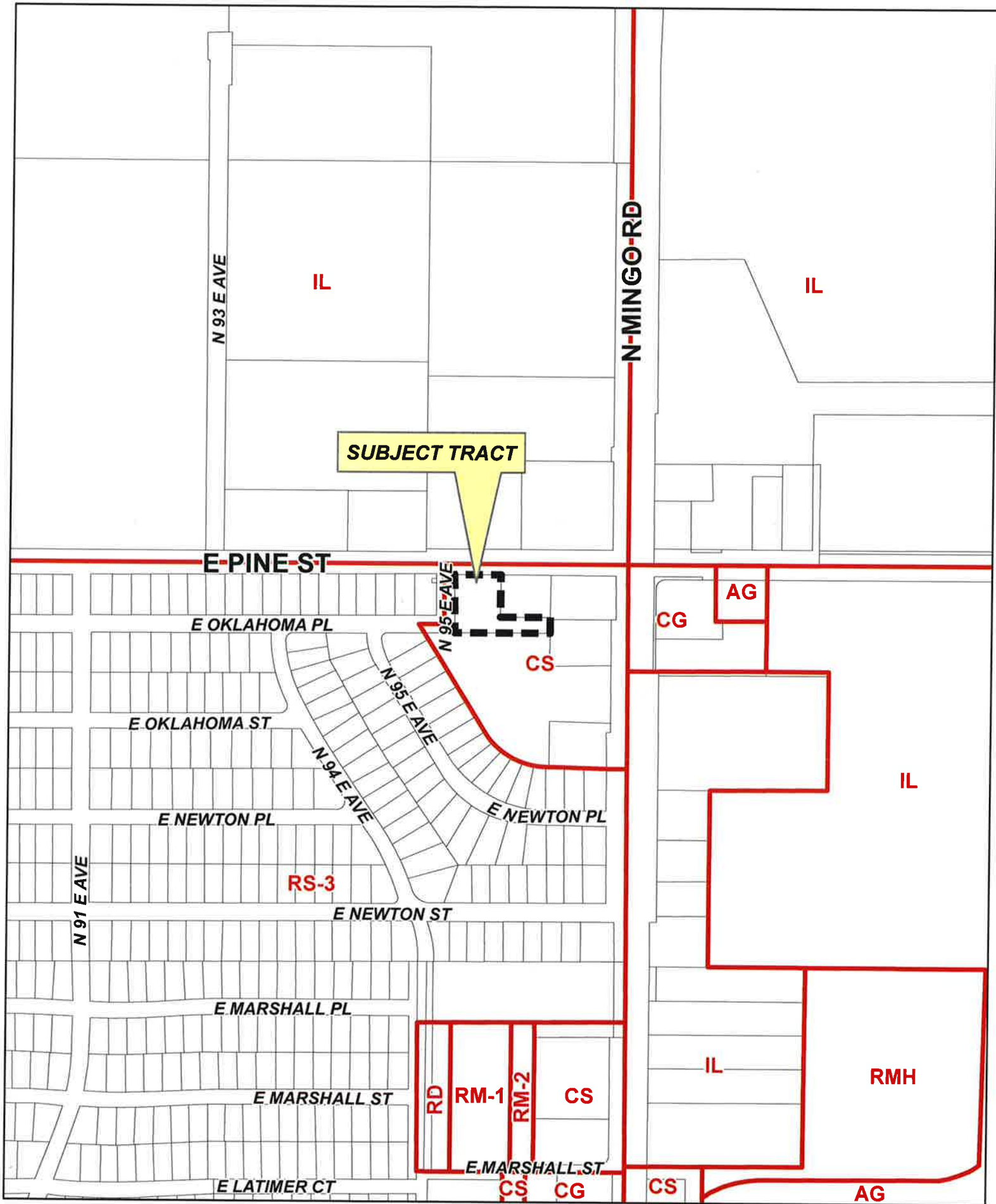
Review Comments: The proposed 48 sq. ft. dynamic display sign appears to be located within 200 feet of an RS-3 Residential zoning district to the South. You may pursue a variance from the BOA to permit a dynamic display sign in a CS zoning district to be located within 200 feet of an RS-3 zoning district.

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 for a Sign Permit 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 AND SIGN 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 CITY OF TULSA SIGN PERMIT.



BOA-22729

20-13 36

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0336

Case Number: **BOA-22729**

CZM: 30

CD: 3

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Alexander King

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: 9514 E PINE ST N

ZONED: CS

PRESENT USE: Commercial Retail

TRACT SIZE: 37383.35 SQ FT

LEGAL DESCRIPTION: N140 W150 BLK 14 & S55 N195 W306.03 BLK 14, VAN ACRES ADDN
AMD RESUB PRT B14

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".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is an existing CS zoned property with RS-3 zoning to the West, IL zoning to the North and CS zoning on all other sides. It is located W of the SW/c of E Pine St and N Mingo Rd.

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 provided the location of the nearest operating dispensary as Fort Apache Enterprises, Inc located at 10 South 91st E. Ave which is outside of their 1,000 ft 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 of Subject Property



View from Pine street facing West



View from Pine Street Facing East



0 Feet 200 400



Subject Tract

BOA-22729

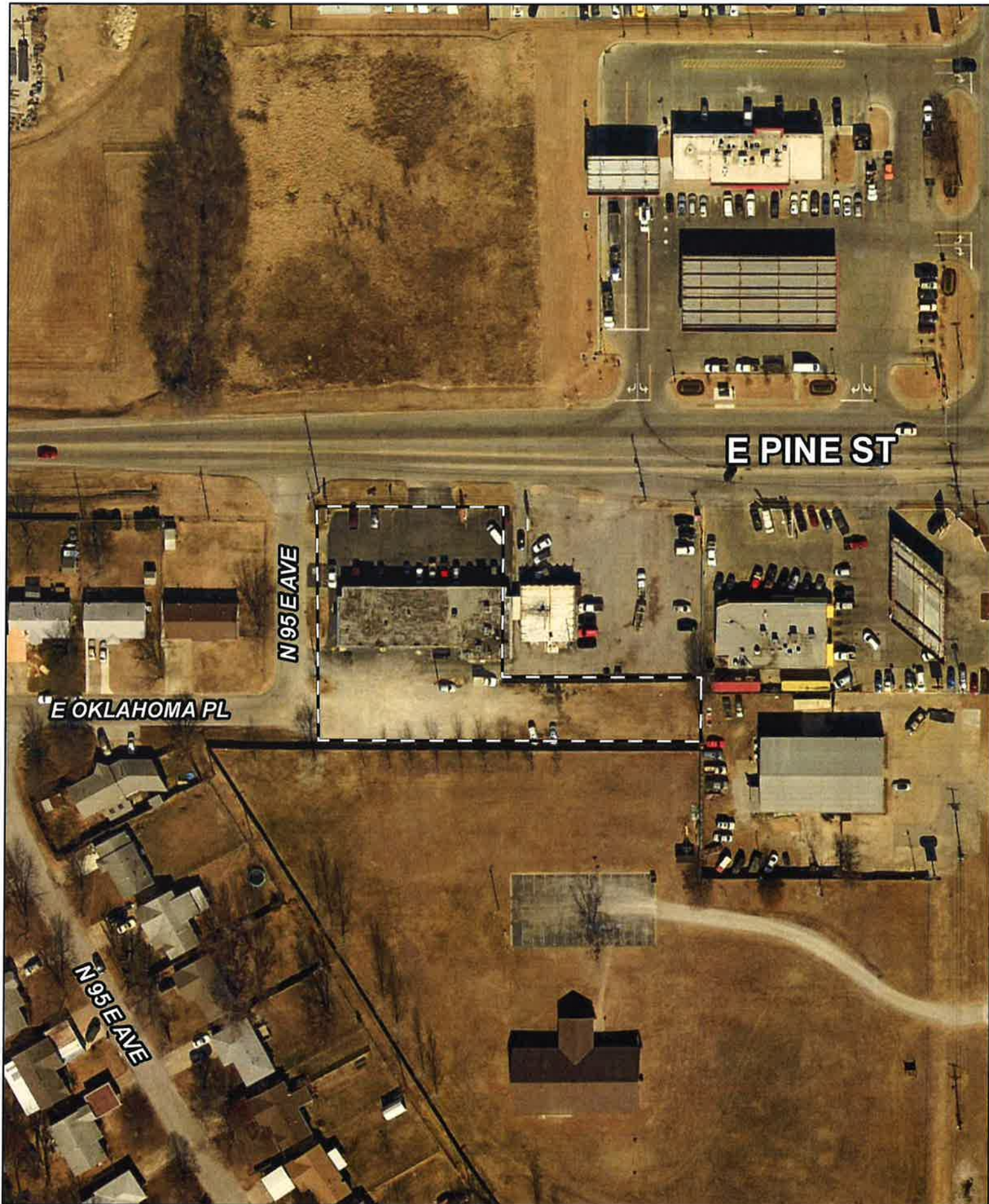
20-13 36

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

Aerial Photo Date: February 2018

5.6





0 50 100
Feet



Subject
Tract

BOA-22729

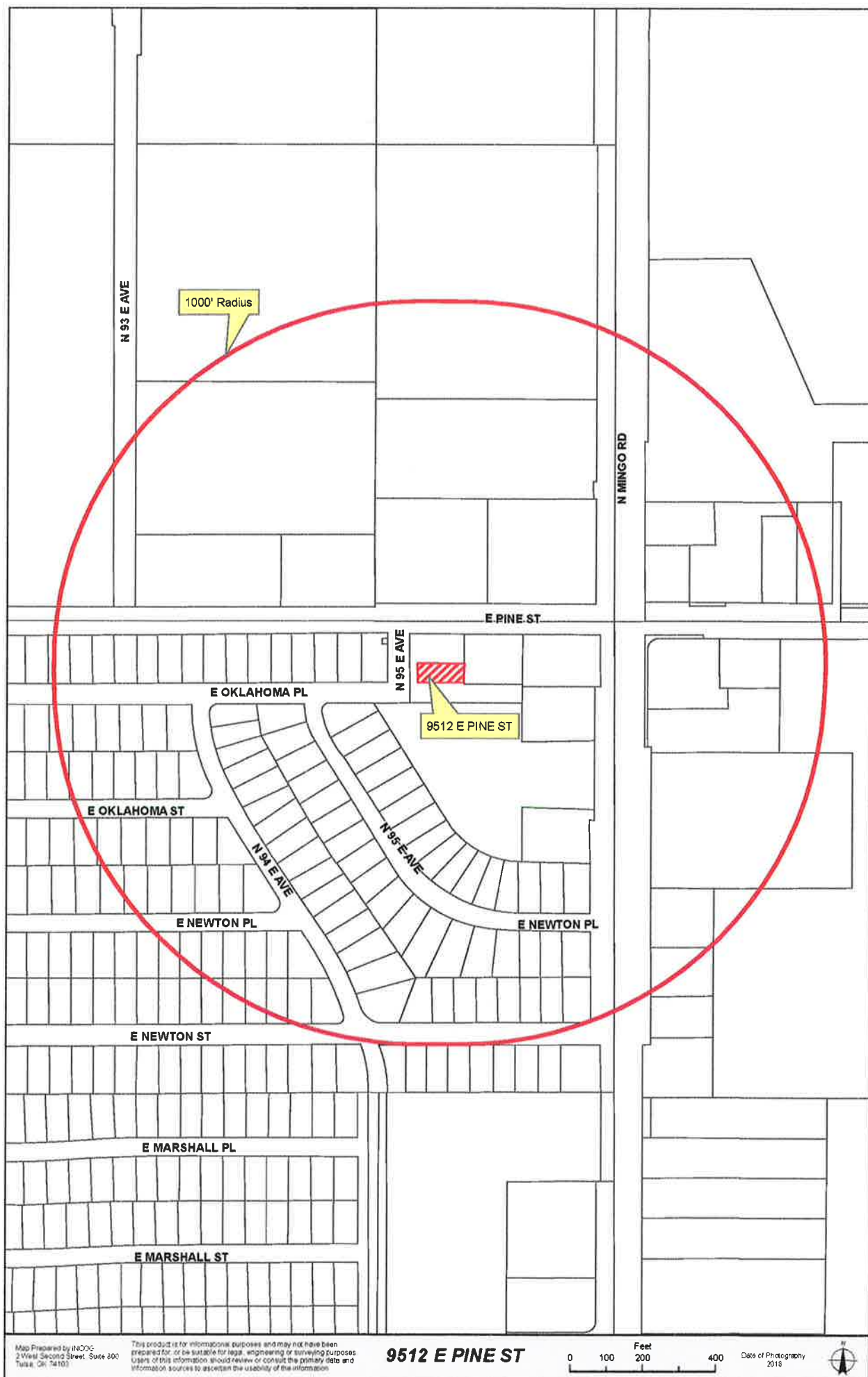
20-13 36

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

Aerial Photo Date: February 2018

5.7





Map Prepared by the COG
2 West Second Street, Suite 200
Tulsa, OK 74103

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

9512 E PINE ST

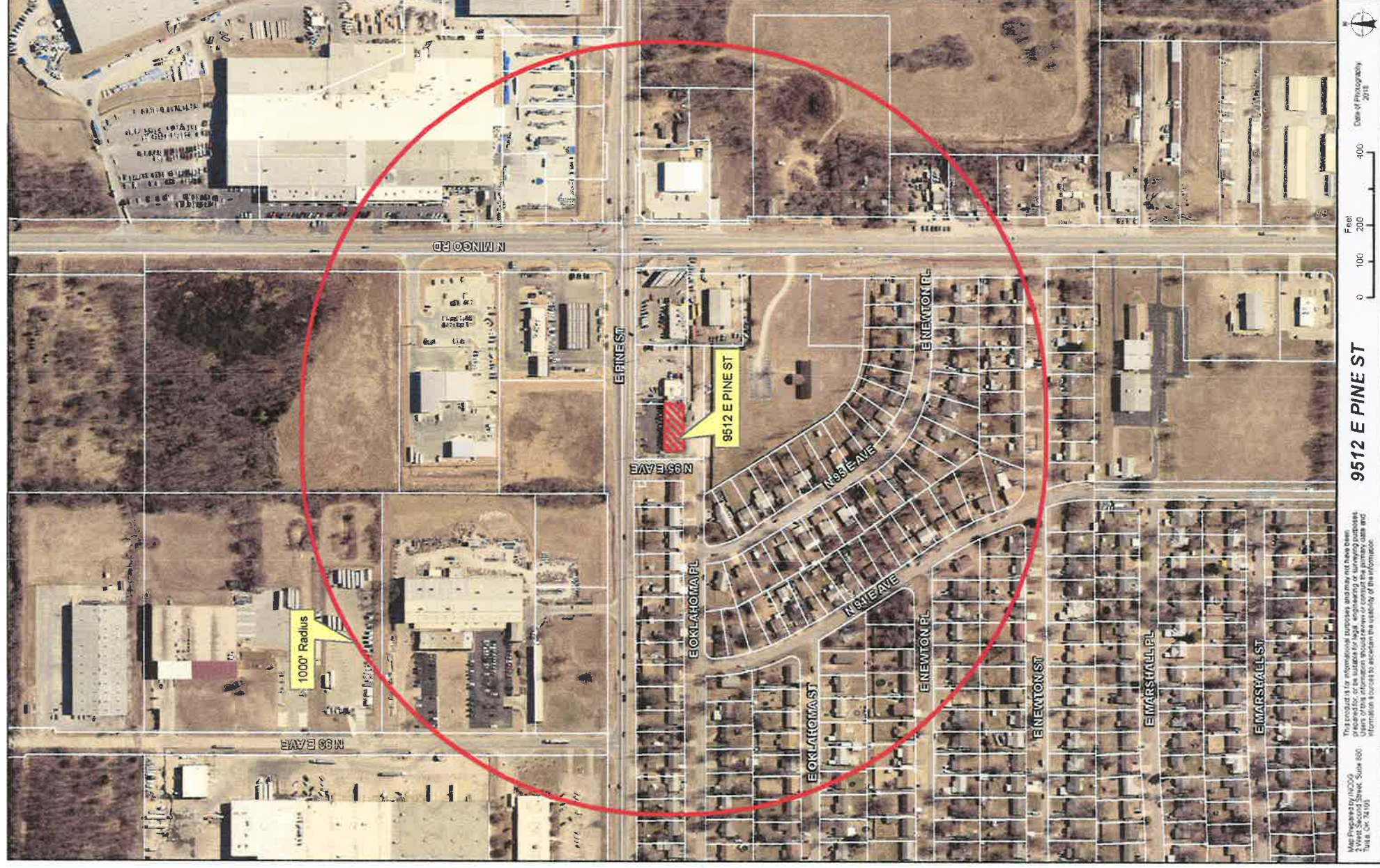
0 100 200 400
Feet

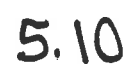
Date of Photography
2018



5.8

See next
page for
nearest
dispensary





NAME	CITY	ZIP	COUNTY
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-MRJT LEVEL420, LLC 5121 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
License ID #: DAAA-4YAE-YRGF THE HEALTH CENTER 918 LLC 1417 S HARVARD AVE	TULSA	74112	TULSA
License ID #: DAAA-VYD5-7RKD TKR ENTERPRISE LLC 432 S SHERIDAN RD	TULSA	74112	TULSA
License ID #: DAAA-EJC9-4GFI TULSA CANNABIS COMPANY LLC 3609 E 11TH ST	TULSA	74112	TULSA
License ID #: DAAA-4YPD-T3DH VVR ENTERPRISES, LLC 1316 S SHERIDAN RD	TULSA	74112	TULSA
License ID #: DAAA-EKV7-T38R DEADHEAD MEDS INC. 5126 E 21ST ST	TULSA	74114	TULSA
License ID #: DAAA-EYVA-LCYS DR Z LEAF LLC 3020 S HARVARD AVE	TULSA	74114	TULSA

State of Oklahoma
License Certificate
NON-TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

GREENWAY DISPENSARY LLC

9512 E PINE ST, TULSA, OK, 74115

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARUANA AUTHORITY TO CERTIFY THE LICENSEE HAS
FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 601. THE LICENSE IS
SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREOF, 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.

05/22/2020

LICENSE NUMBER:

DAAA-NYG2-RAW3



DO NOT COPY

Tom Bates

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

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

August 1, 2019

Alexander King
20 E 5 ST
Tulsa, OK 74103

Phone: 918.232.7416

APPLICATION NO: **BLDC-037291-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

9512 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)

5.13

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-037291-2019

9512 E Pine ST

August 1, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-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.

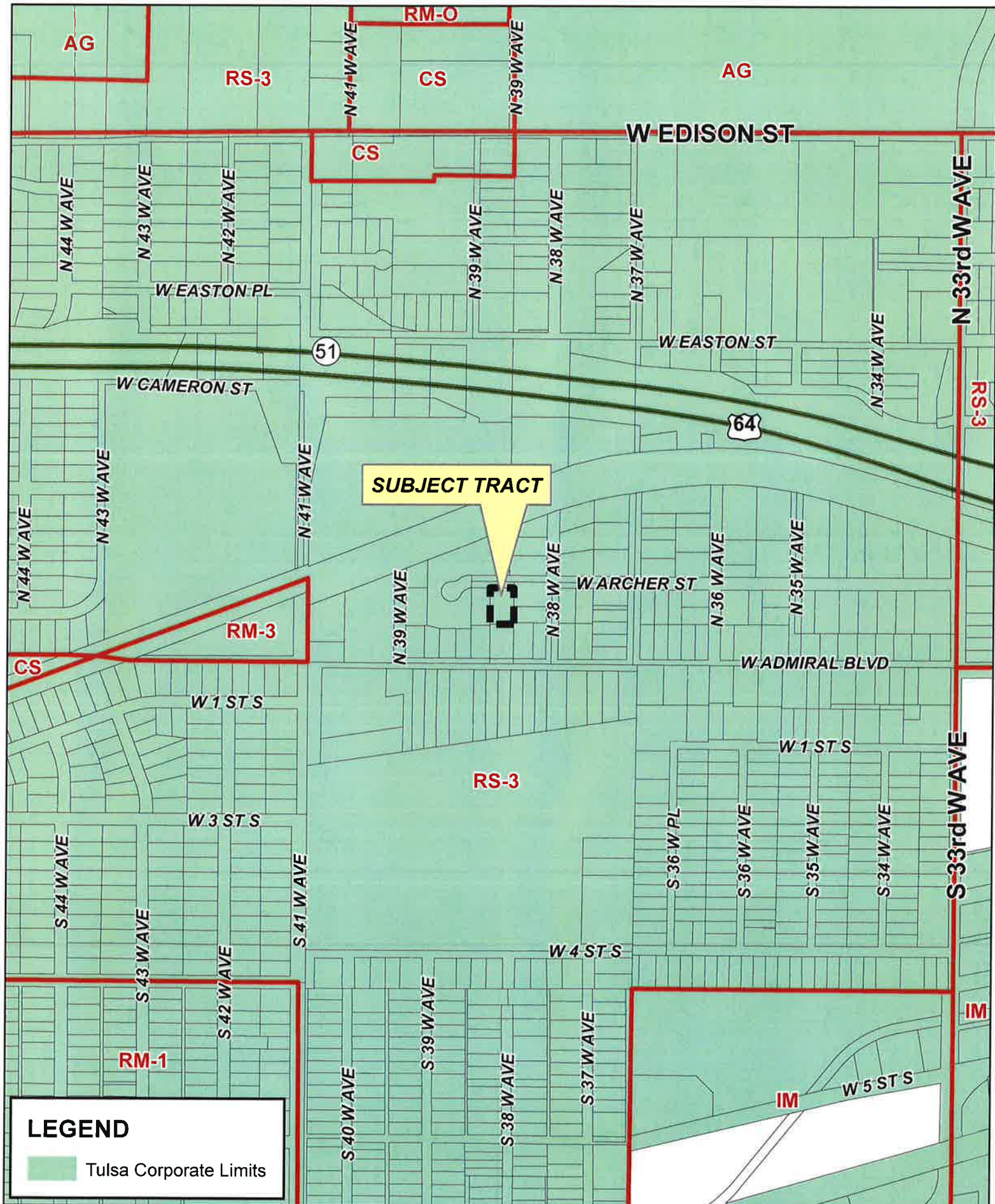
A hard copy of this letter is available upon request by the applicant.

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.

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BOA-22730

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6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9204

Case Number: BOA-22730

CZM: 35

CD: 1

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Martin Yoho

ACTION REQUESTED: Special exception to permit a manufactured home use in a residential district (Table 5-2.5); and a special exception to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210); and a variance to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.1)

LOCATION: W of the NW/c of W. Archer and N 38 W Ave **ZONED:** RS-3

PRESENT USE: Vacant

TRACT SIZE: 13298.92 SQ FT

LEGAL DESCRIPTION: W175 SW SE SW NE LESS W80 & LESS S165 THEREOF & LESS N25 THEREOF FOR RD SEC 4 19 12 0.31AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

BOA-15044; On January 19, 1989 the Board **approved** a Special Exception to permit a mobile home in an RS-3 district and a Variance to increase the time allowed for a mobile home from 1 to 5 years for a property located 3909 West Admiral Boulevard.

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.

6.2

ANALYSIS OF SURROUNDING AREA: The subject tract is an RS-3 zoned property surrounded by other RS-3 Zoned Properties. It should be noted that the property is unplatted but it inside an older part of town and is near subdivisions platted as early as 1928, because of this the paving on the streets is quite narrow compared to the current standards and is lacking curbs and gutters.

STAFF COMMENTS: The Applicant is requesting a Special exception to permit a manufactured home use in a residential district (Table 5-2.5); and a special exception to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210); and a variance to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.1).

Table 5-2.5: R District Building Type Regulations for Household Living

USE CATEGORY														Supplemental Regulations																
Subcategory	RE	RS-					RD	RT	RM-				RMH																	
Specific Uses		1	2	3	4	5			0	1	2	3																		
Building Type																														
RESIDENTIAL																														
Household Living																														
Single household																														
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S																	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290																
Townhouse																														
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390																
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390																
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210																

Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R zoning districts.

40.210-A The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to

extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [Section 55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

SAMPLE MOTION:

Special Exception

Move to _____ (approve/deny) a **Special Exception** to permit a manufactured home use in a residential district (Table 5-2.5); and a **Special Exception** to extend the 1 year time limit for a manufactured home indefinitely (Sec. 40.210)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance

Move to _____ (approve/deny) a **Variance** to to allow the use of a non-all weather parking surface to permit a gravel driveway (Sec. 55.090-F.1)

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

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

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



Subject Property from 38th



Facing East along 38th



Subject Property from 38th



Facing West along 38th



Property immediately across 38th from Subject Property

Case No. 15043 (continued)

Street from 50' to 30' to replace an existing sign; and to APPROVE a Variance (Section 1221.3(b) - General Use Conditions For Business Signs - Use Unit 1221) to allow a flashing sign to locate within 200' of an R District; per plan submitted; subject to one full second or longer between price changes (oscillation of the price change mechanism); finding that the sign is unique and is similar in operation to a time and temperature sign; and finding that the granting of the requests will not be detrimental to the area; on the following described property:

The east 134.40' of Lots 1, 2, 3 and 4, and the east 134.40' of the north 4.0' of Lot 5, Block 24, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15044

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440.6a - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation of mobile home from one year to five years, 3909 West Admiral Boulevard, Tulsa, Oklahoma.

Presentation:

The applicant, Herman Edge, 104 South 41st West Avenue, Tulsa, Oklahoma, was represented by his father, who submitted a plot plan (Exhibit G-1) and stated that the mobile home in question was moved to the present location in September of 1988. He explained that the mobile that was previously located on the property burned and that there was a misunderstanding when the present mobile was moved in. He pointed out that his daughter-in-law was told that the unit would be allowed since there had previously been a mobile home on the site, but later found out that Board approval would be required. Mr. Edge stated that he has lived across the street from the subject tract since 1972 and there has been a mobile home on the property since that time, except for the past two years since the fire.

Comments and Questions:

Ms. Bradley asked Mr. Edge if he owns the property in question, and he replied that he is leasing the tract and the lessor is in the audience.

Ms. White asked the applicant if the mobile home is served by City utilities, and Mr. Edge answered in the affirmative.

Case No. 15044 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation of mobile home from one year to five years; per plot plan submitted; finding that a mobile home has been located on the subject tract for several years and has proved to be compatible with the area; on the following described property:

Beginning 155.5' east of the SW/c, SW/4, SW/4, NE/4, thence east 210', north 404.5' to RY, thence southwesterly 225', south 310' to the Point of Beginning, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15046

Action Requested:

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226 - Request a variance of setback from the centerline of W. 41st Street from 100' to 60' and a variance of setback from the centerline of South Elwood Avenue from 100' to 63', located SW/c West 41st Street and South Elwood Avenue.

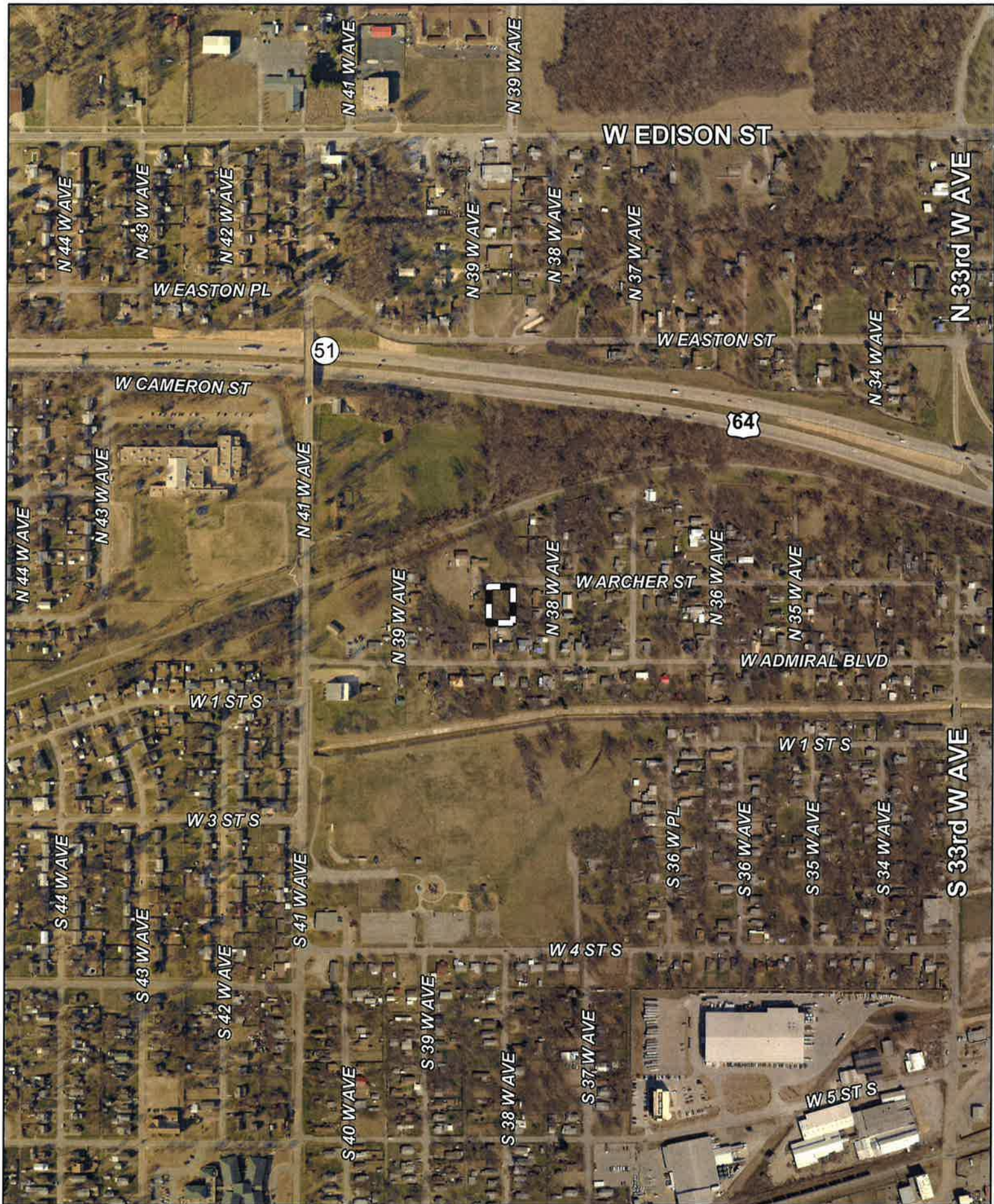
Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) and stated that he is representing Kentube, a manufacturing concern operating at the above stated location. He explained that two buildings contain the manufacturing operation, with one building being 60' from the centerline of 41st Street and the other 63' from the centerline of Elwood. Mr. Johnsen stated that the business is planning an expansion project which will tie the two existing buildings together, with no part of the addition extending closer to the street than the present structures. Photographs (Exhibit H-2) were submitted.

Protestants: None.

Comments and Questions:

Mr. Smith stated that the street setbacks requested are consistent with those already on the property, and that he is supportive of the application.



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Subject
Tract

BOA-22730

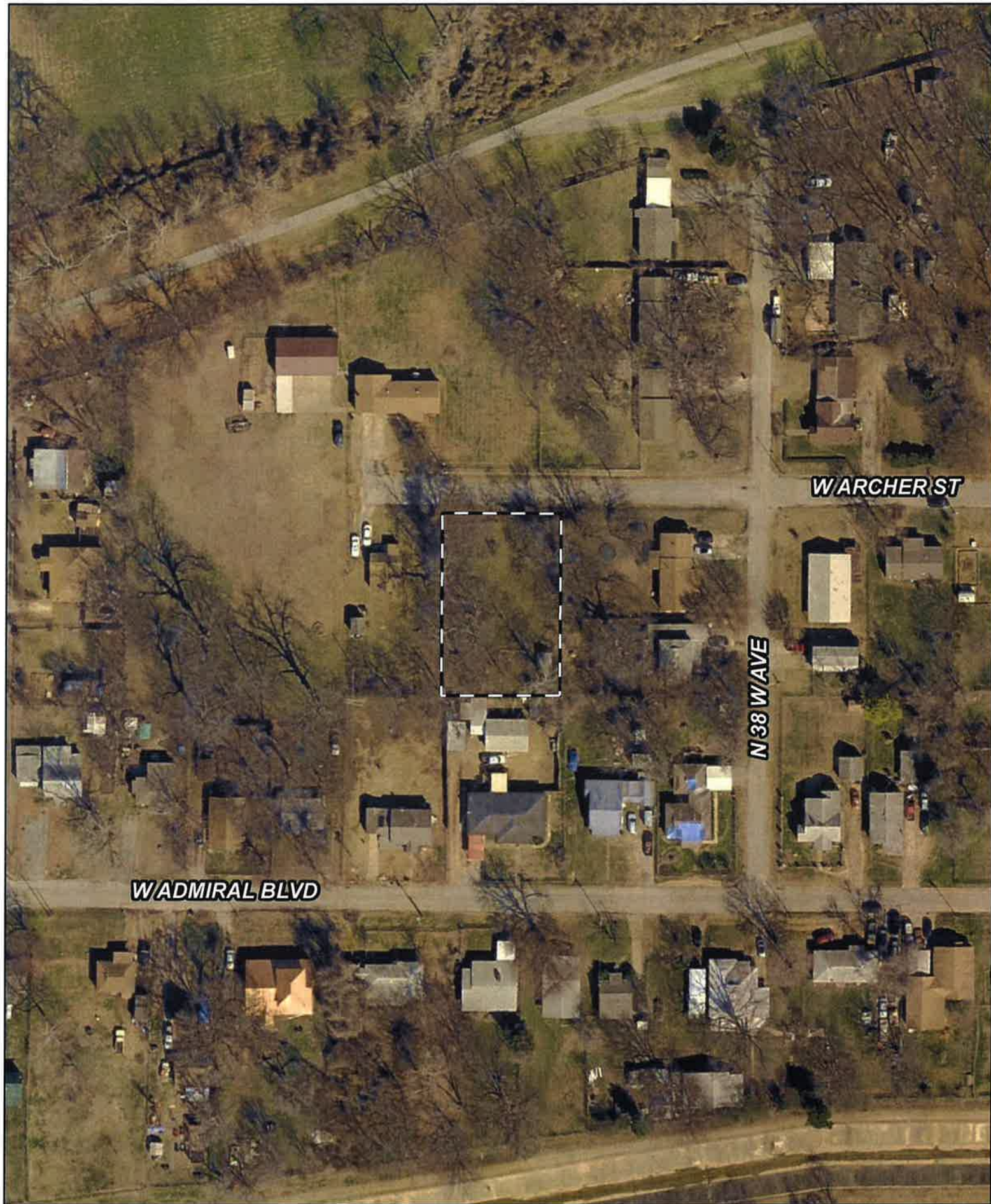
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

6.10





W ARCHER ST

N 38 WAVE

W ADMIRAL BLVD



**Subject
Tract**

BOA-22730

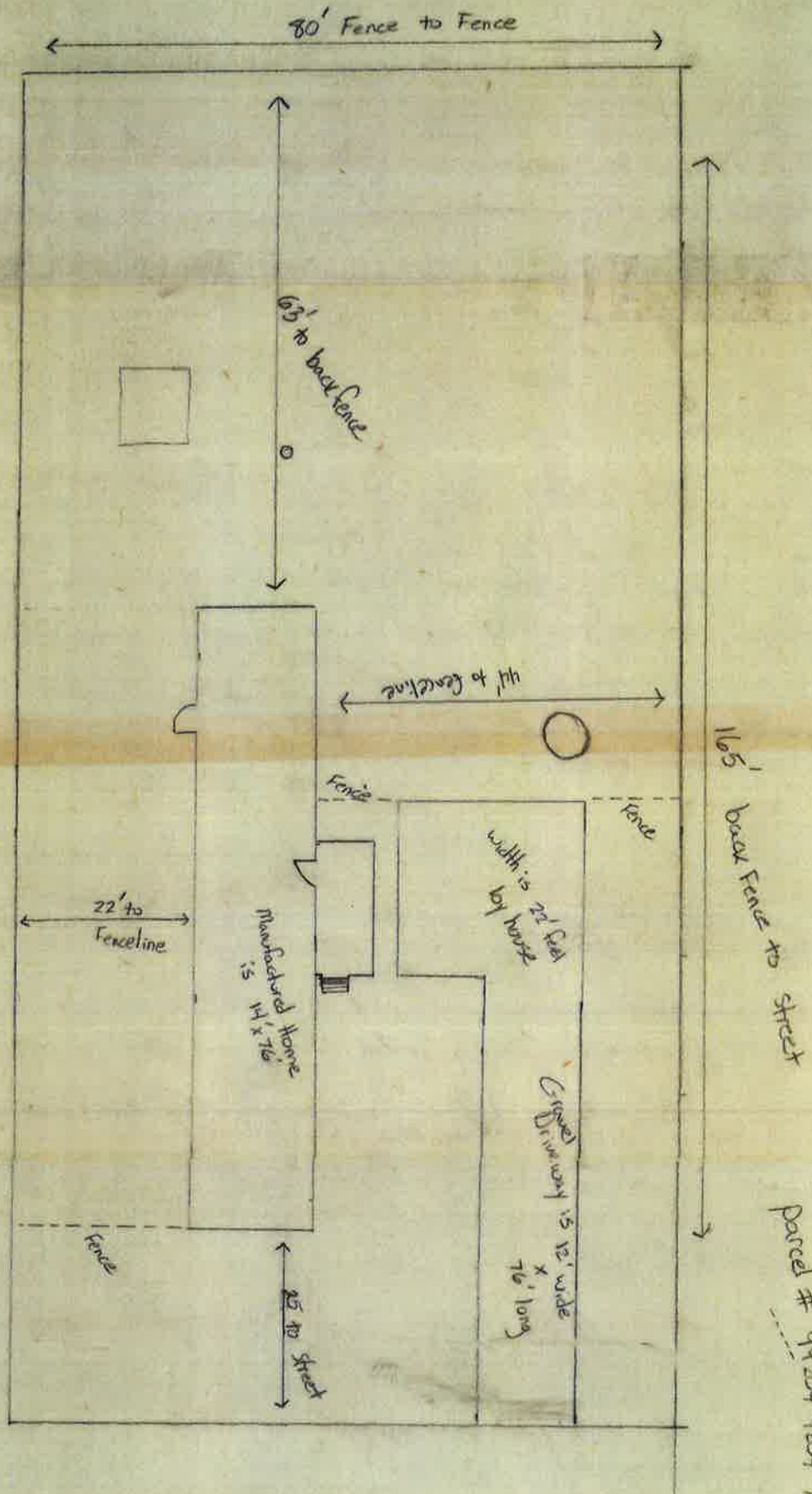
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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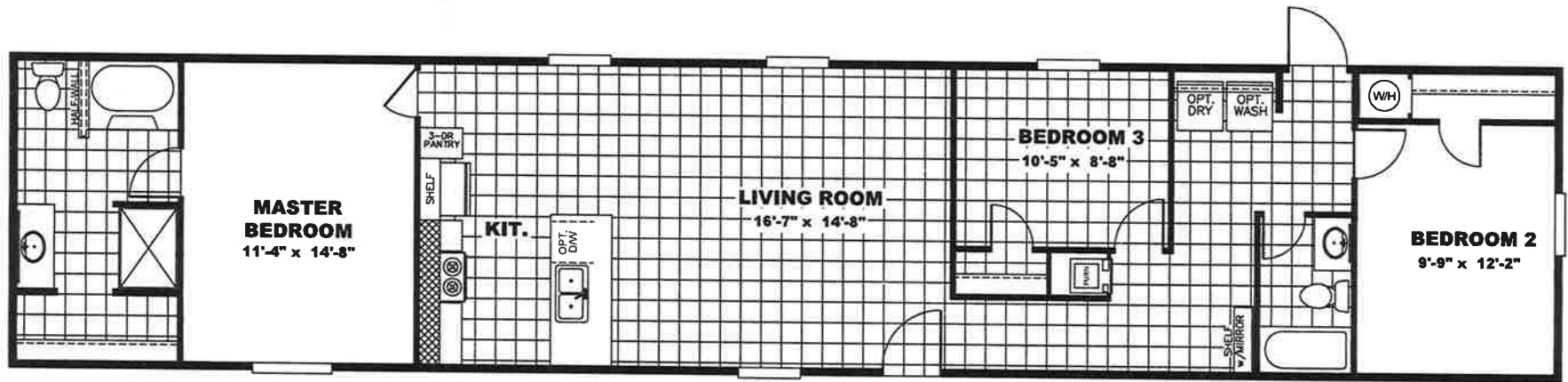




Parcel # 99204 9204 17180

West Arches

Dead End



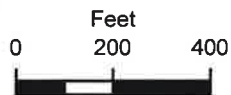
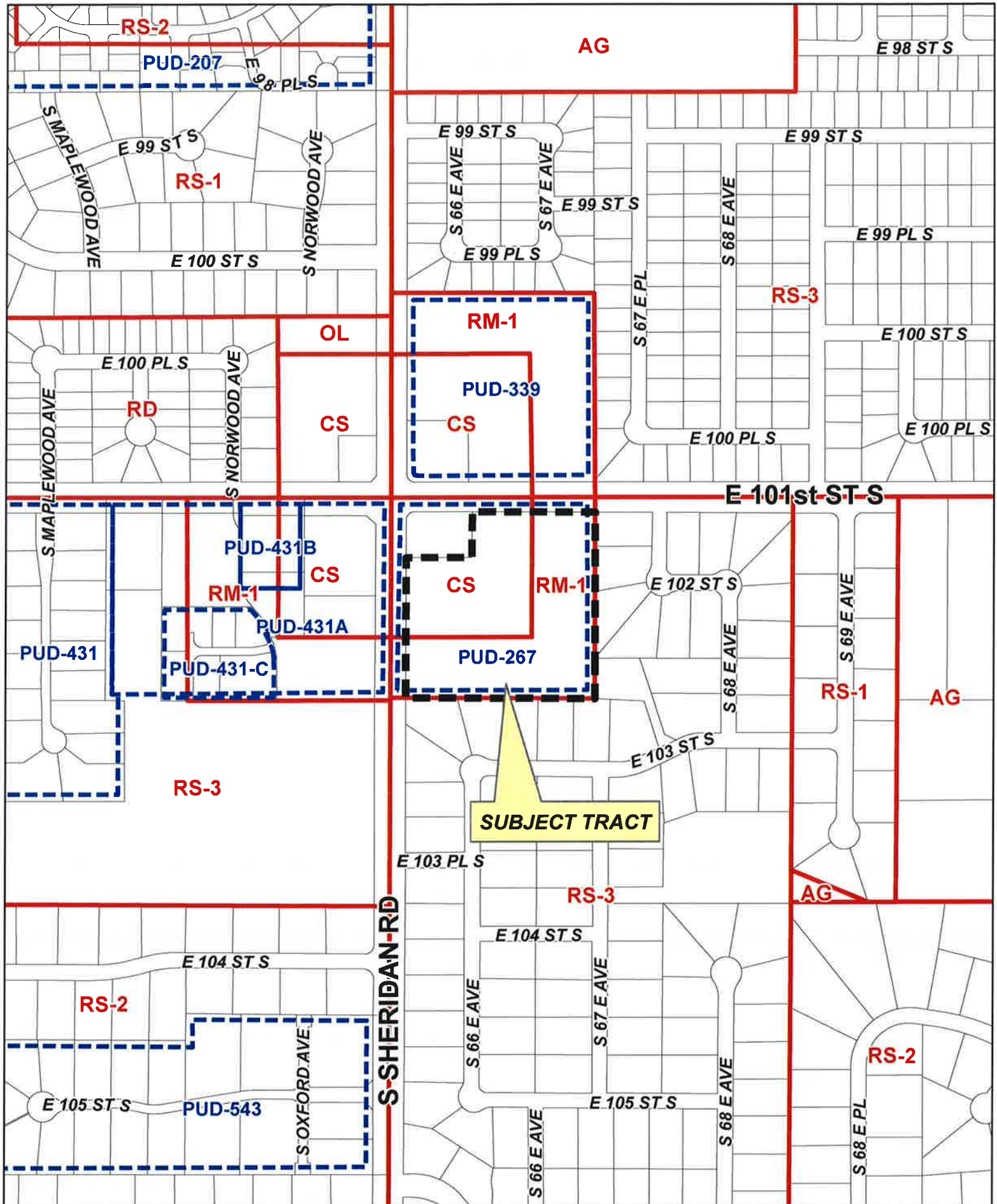




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6.16



BOA-22731

18-13 26

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8326

Case Number: BOA-22731

CZM: 57

CD: 8

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Phillip Summers

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: 10121 S SHERIDAN RD E

ZONED: CS,RM-1

PRESENT USE: Retail

TRACT SIZE: 348442.22 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, VILLAGE SOUTH

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 an existing CS/ RM-1 zoned Tract locate inside PUD 267. It is bounded by an RS-3 Subdivision on the East and South and Commercial PUDs on the North and West.

STAFF COMMENTS: The applicant is proposing the use of tenant space inside 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

7.2

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 provided the location of the nearest issued OMMA Dispensary License as Peaceful Relief issued at 9721 S 70th E Ave which is inside a residential subdivision.

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.



From parking lot of commercial development looking East from tenant space



Tenant space for proposed dispensary



From parking lot of commercial development looking West from tenant space



0 Feet 200 400



Subject Tract

BOA-22731

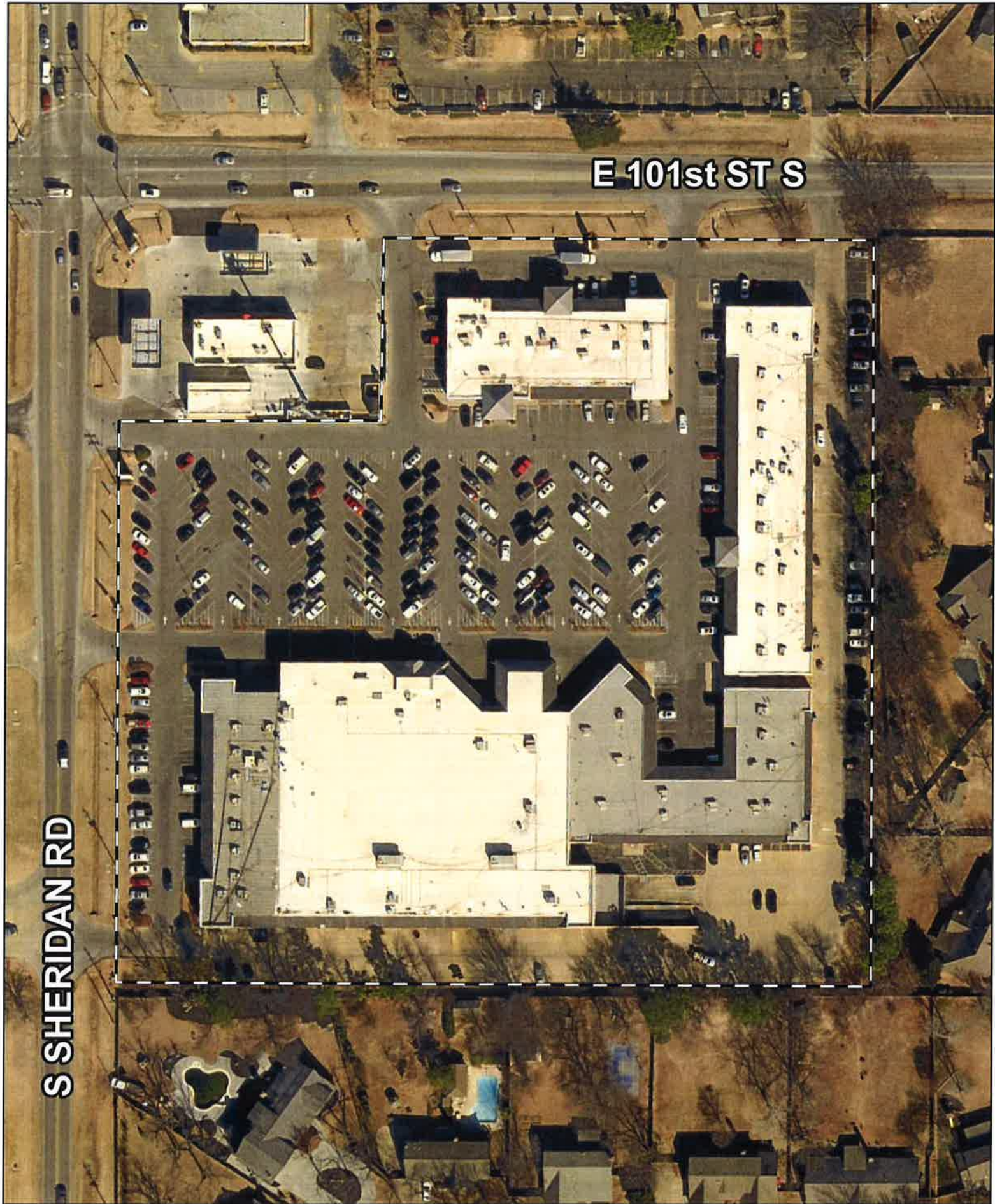
18-13 26

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

Aerial Photo Date: February 2018

7.6





E 101st ST S

S SHERIDAN RD

0 50 100
Feet



Subject
Tract

BOA-22731

18-13 26

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

Aerial Photo Date: February 2018



LEGAL DESCRIPTION:

East 101st Street South

Location of Project

1 Story Concrete Block
B Siding Building
44,638 SF

NORTH

~~VILLAGE SOUTH~~
~~NOT TO OGLE.~~

U/E	Denotes Utility Easement
B.L.	Denotes Building Line
H.C.	Denotes Handicap Parking
U.G.	Denotes Underground
F.H.	Denotes Fire Hydrant

~~RECEIVED~~
MAY 3, 2016

NOTE: PARKING LOT NOT UPDATED
BY CONSTRUCTIVE ELEMENTS
9/16/04, 2017

٨٠٠

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



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

ZONING REVIEW

July 19, 2019

LOD Number: 1

Atmosphere Design Group
Suite 305
Valhalla NY 10595

Phone: (914)747-2344

APPLICATION NO: BLDC-34385-2-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 10125 S. Sheridan Rd.
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.

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)

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. 34385-2019

10125 S. Sheridan Rd

July 19, 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: Submit evidence you have been granted a state license and the date it was approved. The separation distance (spacing verification) 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 location. The provided Medical Marijuana permit issuance date requires a spacing verification form the City Of Tulsa BOA.

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.

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 the permit applications, the Development Services Department will supply applicants with a Letter of Deficiency (LOD), which will include a requirement for a spacing verification and any other issues that require Board of Adjustment action.
- ✓3. After receiving the LOD, apply to the Board of Adjustment at the *Tulsa Planning Office at INCOG*, located at 2 W. 2nd St., 8th Floor, for any relief outlined in the LOD. The following must be submitted with the application:
 - ✓a. **Letter of Deficiency** from the City of Tulsa Development Services Department
 - ✓b. **Map exhibit*** showing an aerial photograph of the location of the proposed dispensary with a 1,000 ft radius circle, drawn to scale, from the proposed location

This map must display any known **dispensary or property** that has been issued an OMMA license for a dispensary within that radius, and the nearest location for which an OMMA license has been issued **beyond** the 1,000 ft radius. Please label the 1,000 ft radius as *1,000 ft* and include a north arrow.

Addresses of the licenses issued are available at omma.ok.gov. List the OMMA licensee's name and address. The separation distance required by the Zoning Code is measured "in a straight line between the nearest perimeter wall of the building (or portion of the building, in the case of multiple tenant building) occupied by the dispensaries" (Sec. 40.225-I).
 - ✓c. A copy of your **OMMA-issued dispensary license**
 - ✓d. Board of Adjustment Application **fees (\$250 plus the cost of notification, determined at time of application)**
4. At the time of application, the application will be assigned a case number and a hearing date of the Board of Adjustment.
5. On the date of the meeting, the Board will move to accept or reject the 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.

*Custom maps showing a 1,000 ft radius from a property may be purchased for a fee of \$15 from the INCOG Mapping Department. Contact Helen Agnew at hagnew@incog.org for all mapping requests. Map exhibits must be submitted with an application.



OKLAHOMA MEDICAL MARIJUANA AUTHORITY

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

Monday, April 8, 2019

License #: DAAA-NJIF-MBXY

ACREAGE RELIEF HOLDINGS OK, LLC

10125 S SHERIDAN RD C
TULSA, OK, 74133

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:

04/05/2019 and will expire one(1) year after this date, on **04/10/2020**.

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

Your license number is: **DAAA-NJIF-MBXY**

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,

A handwritten signature in black ink that reads "Tom Bates".

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

Attachment: License Certificate

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

ACREAGE RELIEF HOLDINGS OK, LLC

10125 S SHERIDAN RD C , TULSA, OK, 74133

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.

04/10/2020

LICENSE NUMBER:

DAAA-NJJF-MBXY



Tom Bates

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

DO NOT COPY

7114

State of Oklahoma

License Certificate

NON TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

ACREAGE RELIEF HOLDINGS OK, LLC

10125 S SHERIDAN RD C , TULSA, OK, 74133

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04/10/2020

LICENSE NUMBER:

DAAA-NJF-MBXY

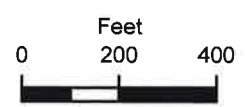
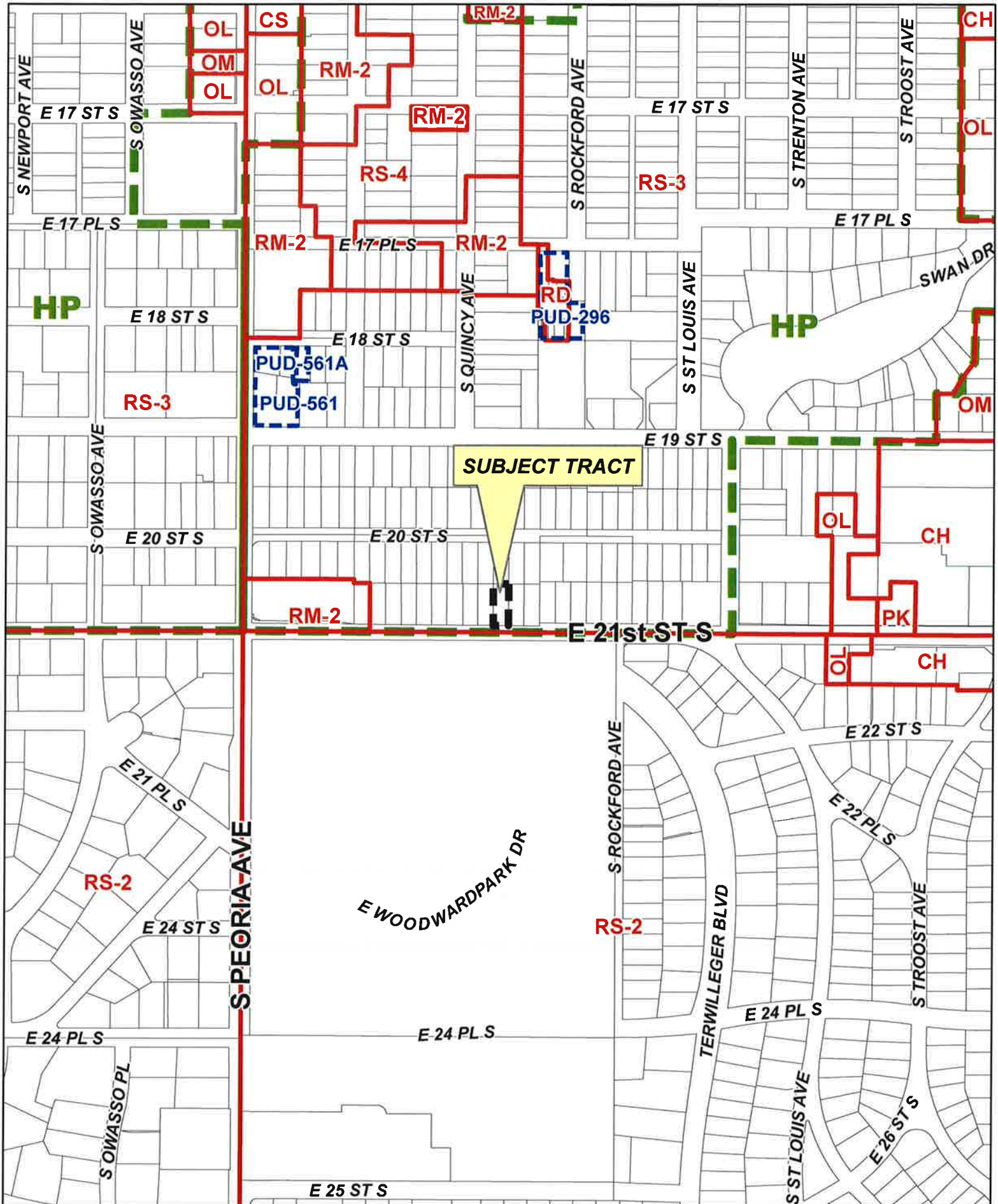


Tom Bates

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

TRANSPORTATION LICENSE ONLY





BOA-22732

19-13 07

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22732**

CZM: 37

CD: 4

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Gorilla Brothers Renovations, LLC

ACTION REQUESTED: Variance to increase the accessory building coverage percentage in the rear setback from 30% to 65% (Table 90-2).

LOCATION: 1407 E 21 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6651.64 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 2, HALSEY'S SUB L7&18&19B28 PARK PLACE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

BOA-21708: On 05.08.2014 the Board approved a Variance of the side yard from 5 ft to 3 ft in and RS-3 District to permit the construction of a detached garage. Located at 1351 East 21st Street.

BOA-19407: on 07.23.02 the Board approved a Variance of the required front yard from 50 ft to 40 ft, a variance to permit a detached accessory building in the front yard; and a Variance of the required side yard from 5 ft to 0 ft to permit a carport in and RS-3 District. Located at 1343 E. 20th Street.

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 has RS-3 zoning on the North, East and West. Immediately South of the subject property is Woodward Park. The Property is located in the Swan Lake Historical Preservation Overlay, but this request is not subject to review by the Historical Preservation Committee since it is not located in a street yard and is a detached accessory structure per Sec. 70.070-B.3 of the Zoning Code.

STAFF COMMENTS: The applicant is requesting Variance to increase the accessory building coverage percentage in the rear setback from 30% to 65% in an RS-3 District (Table 90-2).

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

SAMPLE MOTIONS:

Move to _____ (approve/deny) a **Variance** to increase the accessory building coverage percentage in the rear setback from 30% to 65% in an RS-3 District (Table 90-2)

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the allowable height for a sign from 50' to 65' with a setback from the centerline of Memorial to 101', per plan, finding the hardship to be the elevated expressway and the location of the PSO pole, on the following described property:

Lot 1, Block 1, Bond II Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19407

Action Requested:

Variance of required front yard from 50' to 40' to permit a garage. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6; a Variance to permit a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions; and a Variance of required side yard from 5' to 0' to permit a carport in an RS-3 district. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts, located 1343 E. 20th St.

Turnbo out at 2:29 p.m.

Mr. White stated he would abstain from Case No. 19407.

Presentation:

Michelle Falkenstein, 3319 S. Yorktown, stated she represents the architectural firm and the owners, Jim and Donna Murray. She stated they received the Certificate of Appropriateness from the Tulsa Preservation Council, which she promised to take a copy to INCOG for the file.

Turnbo returned at 2:31 p.m.

Ms. Falkenstein submitted a site plan and photographs (Exhibit F-1). She pointed out the steep terrace up the driveway to the house, and a retaining wall that protrudes to hold the stone terrace. She informed the Board that the studio apartment at the back has never been a garage. There has not been a garage on this site. The plans were prepared to be consistent with the character of the neighborhood. This would give them a carport and better access to the house. She submitted a petition (Exhibit F-2) with signatures of forty neighbors in support of the application.

Comments and Questions:

Ms. Turnbo thought it was a very appropriate design for the neighborhood.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a **Variance** of required front yard from 50' to 40' to permit a garage; a **Variance** to permit a detached accessory building in the front yard; and a **Variance** of required side yard from 5' to 0' to permit a carport in an RS-3 district, per plan, finding it is HP zoning, and finding the elevation differences, it would be difficult to do any other way, on the following described property:

Lot 7, Russell and Sills Re-Subdivision of Lots 15 – 16, Block 28, Park Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19408

Action Requested:

Variance of the required front setback from 25' to 17' for a distance of 25' per site plan for addition to warehouse. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 23, located 4640 S. 83rd E. Ave.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated that he was representing the owner of the property. He submitted a final plat, and photographs, (Exhibits G-2 and 3). He pointed out the unusual design on the curved street. They platted an eyebrow cull deeper into the property than would have been necessary to achieve the same curve. It does not appear on the other side of the property. They propose to build an addition to the existing warehouse. He submitted a letter of support (Exhibit G-4) from Tom McCartney, owner of the property immediately to the north of the auto shop. A site plan was provided (Exhibit G-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required front setback from 25' to 17' for a distance of 25' per site plan for addition to warehouse, per plan, finding the unusual configuration of the eyebrow on the street in front of this building, on the following described property:

some method to allow for wrought iron in the screening fence to preserve the open space affect.

Rebuttal:

Lou Reynolds came forward. The owner's existing house is going to be reconfigured and will be redirected with the frontage on 28th Street and the rear along Peoria. The proposed screening fence will provide more privacy for that rear yard and that is the reason for the proposed design. The other two proposed houses will also have the rear yard along Peoria.

Mr. Henke asked Mr. Reynolds if there would be landscaping in front of the proposed screening fence. Mr. Reynolds stated there would be landscaping.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Special Exception** to permit a screening wall or fence height increase in the required front yard from 4'-0" to 8'-7" to the top of the column end cap (Section 210.B.3 and Section 212.A.2), subject to the conceptual plans as submitted today, May 13, 2014, showing the Peoria Avenue frontage and the 28th Street frontage, and page 5.11 to show the height increase layout along the Peoria Avenue frontage. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 28 BLK 19, LTS 29-30-30A-31-32-33 BLK 19, SUNNYCREST ACREAGE,
SUNSET VIEW ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21708—Maren Christensen

Action Requested:

Variance of the required side yard from 5 feet to 3 feet in RS-3 District to permit the construction of a detached one-car garage (Section 403, Table 3). **LOCATION:** 1351 East 21st Street South **(CD 4)**

FILE COPY

Presentation:

Grant Christensen, 1351 East 21st Street, Tulsa, OK; stated he is the home owner of the subject property. Mr. Christensen did not make a formal presentation but was available for any questions from the Board.

BOA - 21708

FILE COPY

Mr. Henke asked Mr. Christensen when the existing concrete foundation was poured. Mr. Christensen stated it was in 1920. When he purchased the house two years ago the garage was so dilapidated that it had to be razed.

Mr. Van De Wiele asked Mr. Christensen if he was using the original concrete pad for the rebuilt or new garage. Mr. Christensen answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** of the required side yard from 5 feet to 3 feet in RS-3 District to permit the construction of a detached one-car garage (Section 403, Table 3). With the statement made by the applicant that the garage to be built will be replacing one that was torn down, and it will be on the same pad as the one that was torn down, and the new garage will be the same size and height as the old garage. The new garage will be the envelope in all three directions as the old garage. 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:

W51 LT 7, ASA ROSE SUB L8-9 B28 PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21710—Rebecca Stocker

Action Requested:

Special Exception to allow a RV Storage facility (Use Unit 16 – mini storage) in a CS District (Section 701, Table1). **LOCATION:** 9330 East 11th Street South (CD 5)

Presentation:

Rebecca Stocker, 9330 East 11th Street, Tulsa, OK; stated she owns both lots of the subject property. The business is maintenance on and the storage of RV's. Currently everything is open and not secure so she would like to build a building approximately



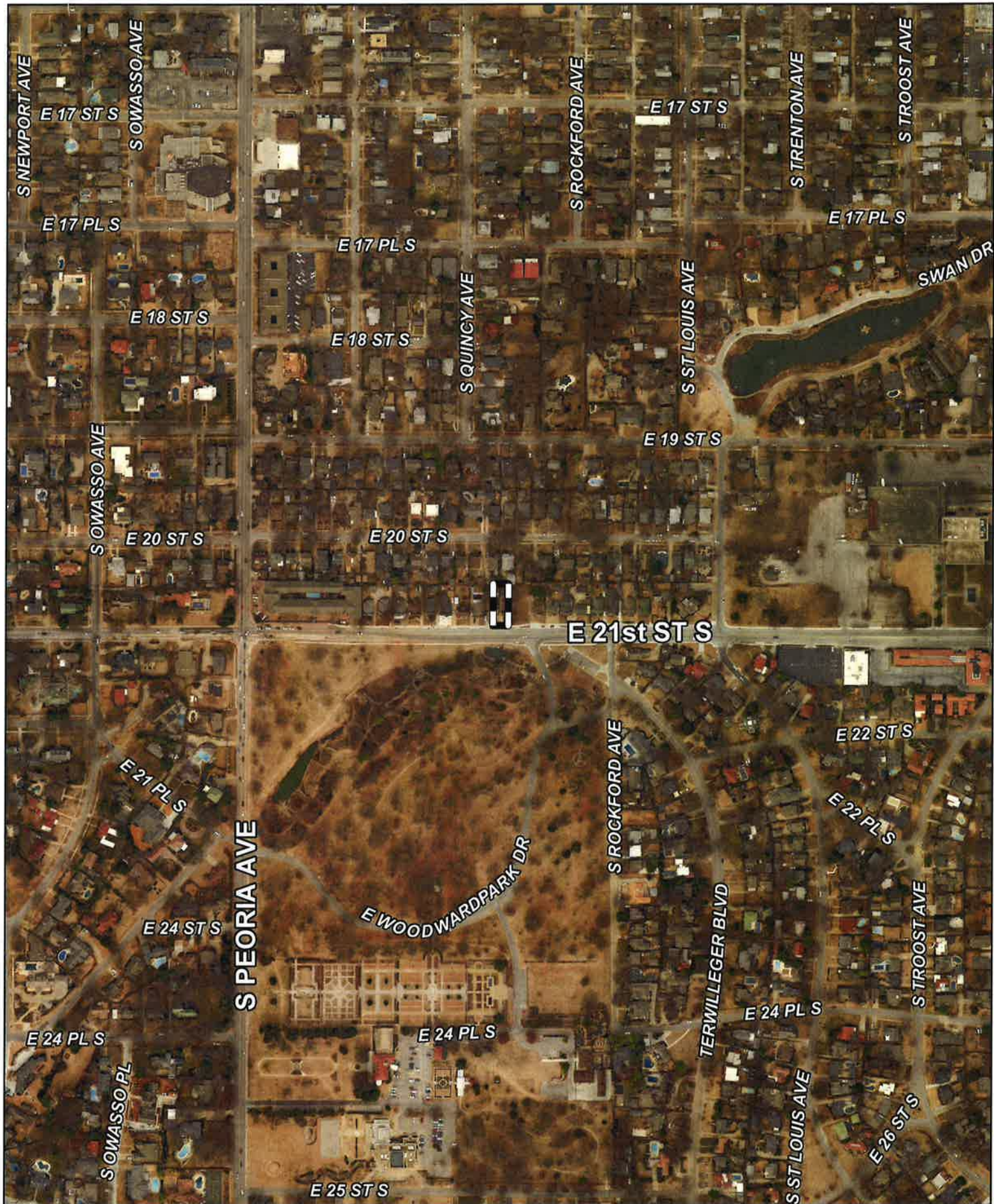
View facing West on 21st Street across from Subject Property



View of Subject Property



View facing East on 21st street across from Subject Property



0 Feet 200 400



Subject Tract

BOA-22732

19-13 07

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

Aerial Photo Date: February 2018

8.11

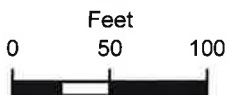




E 20th St S

E 21st St S

S ROCKFORD AVE



Subject Tract

BOA-22732

19-13 07

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

Aerial Photo Date: February 2018

8.12



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



DEVELOPMENT SERVICES

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

ZONING REVIEW

August 5, 2019

LOD Number: 1

Gorilla Brothers Renovations, LLC
14842 E. 92nd Street N.
Owasso OK 74055

Phone: (918)810-7150

APPLICATION NO: BLDC-34952-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 1407 E. 21st Street

Description: Detached Accessory Building/Covered roof addition

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

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

(Continued)

8.13

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. 34952-2019

1407 E. 21st Street

August 5, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) 90.090-C Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review comments: You are proposing a 296 sq. ft roof overhang addition to an existing detached accessory structure. The proposed detached accessory structure is 354 sq. ft. plus the 296 sq. ft. roof overhang addition. Based on the size of the rear setback (50.0x20.0 or 1000 sq. ft.) the addition to the detached accessory building exceeds the permitted 30% building coverage in the rear setback. As an option you may reduce the size of the roof overhang and the percentage in the rear setback not to exceed 30% or you may apply to BOA for a variance to increase the percentage in the rear setback from 30% to 65% building coverage.

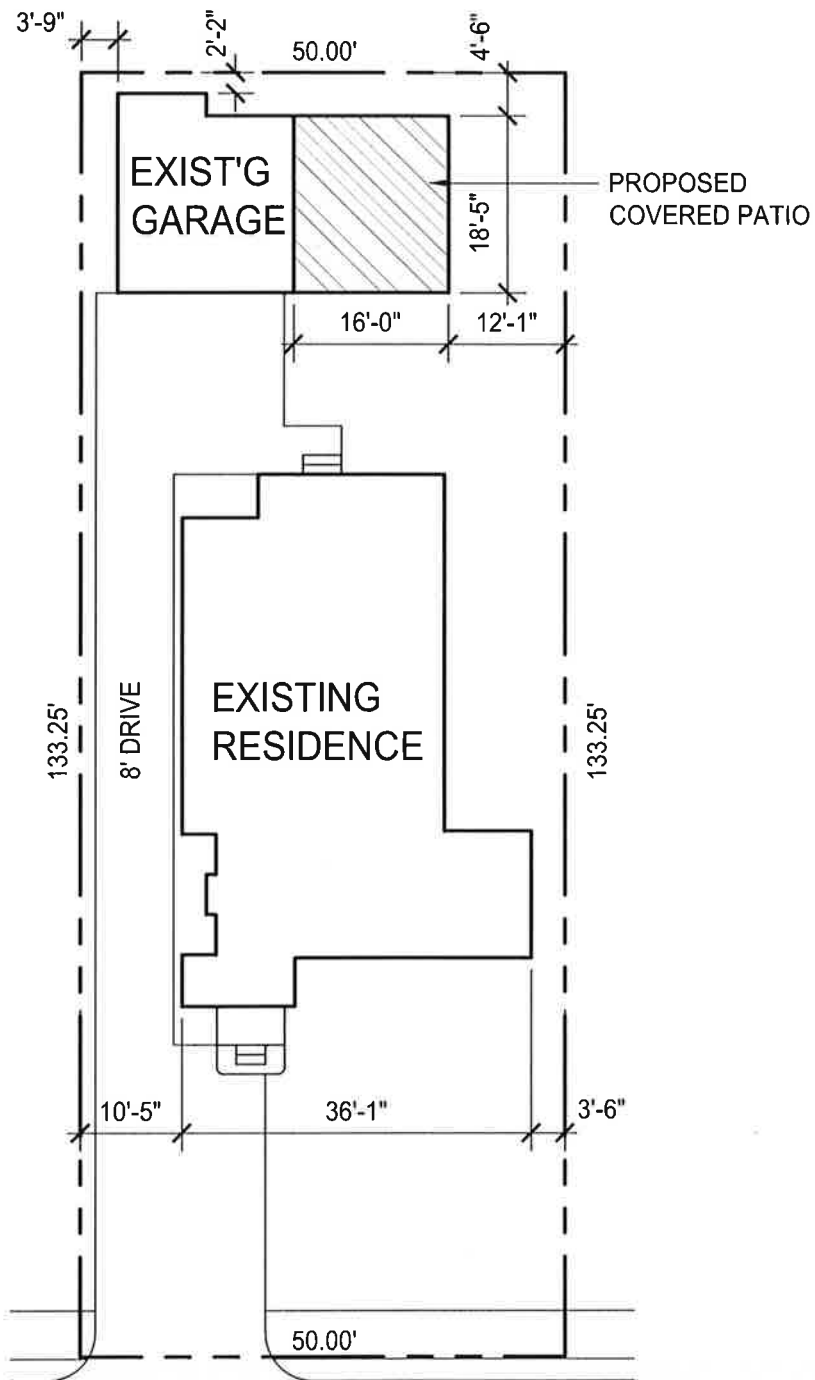
-d-

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.



CL E. 21st STREET S.

A SITE PLAN

1" = 20'-0"



LEGAL DESCRIPTION:
L. 6 BLK. 2, HALSEY'S SUB L7&18&19B28
PARK PLACE ADD'N

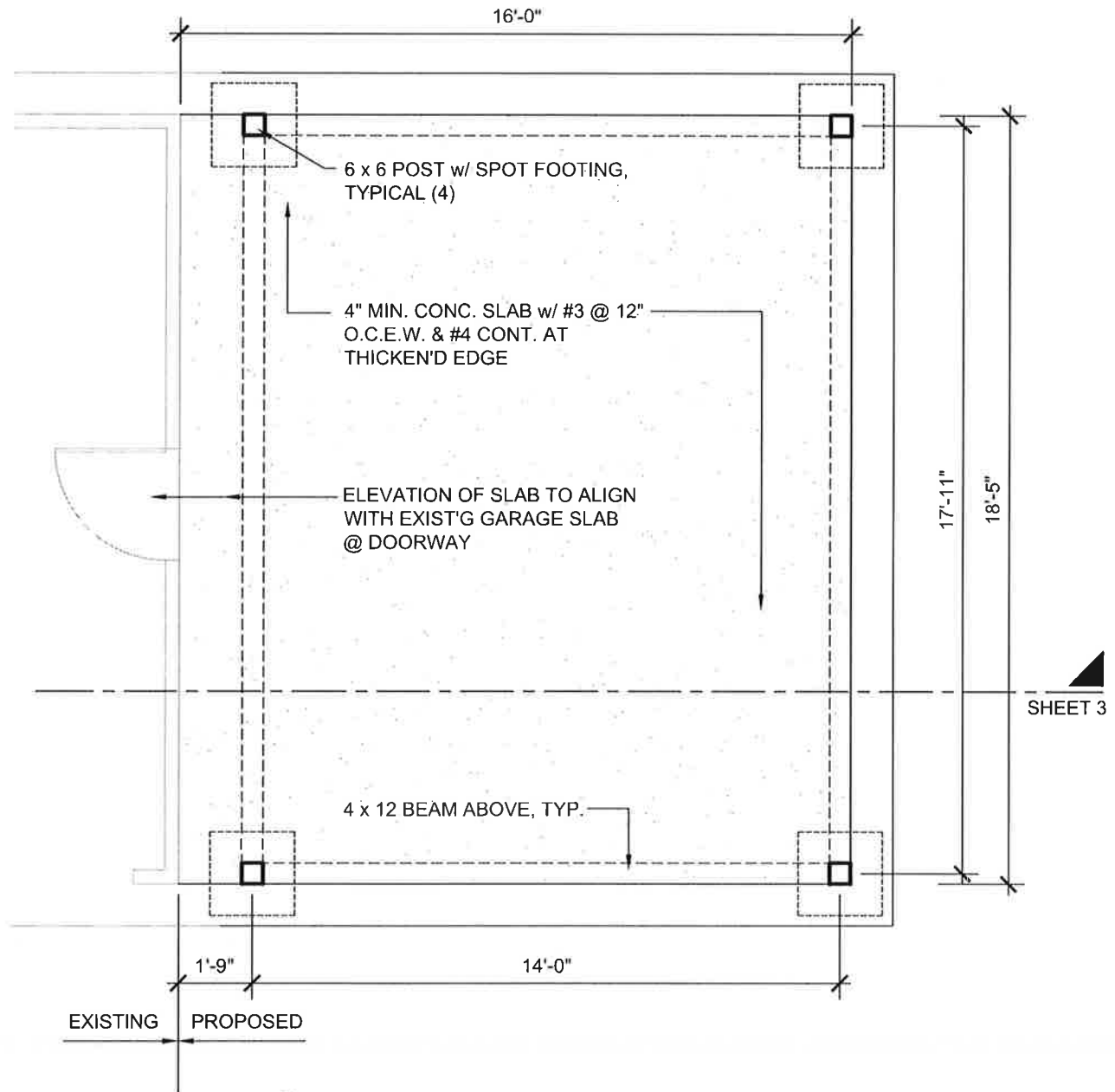
28 May 19

Taylor Residence - New Covered Patio
1407 E. 21st Street, Tulsa, OK



Joc Wilkinson, Architect
Tulsa, Oklahoma

8.15 1




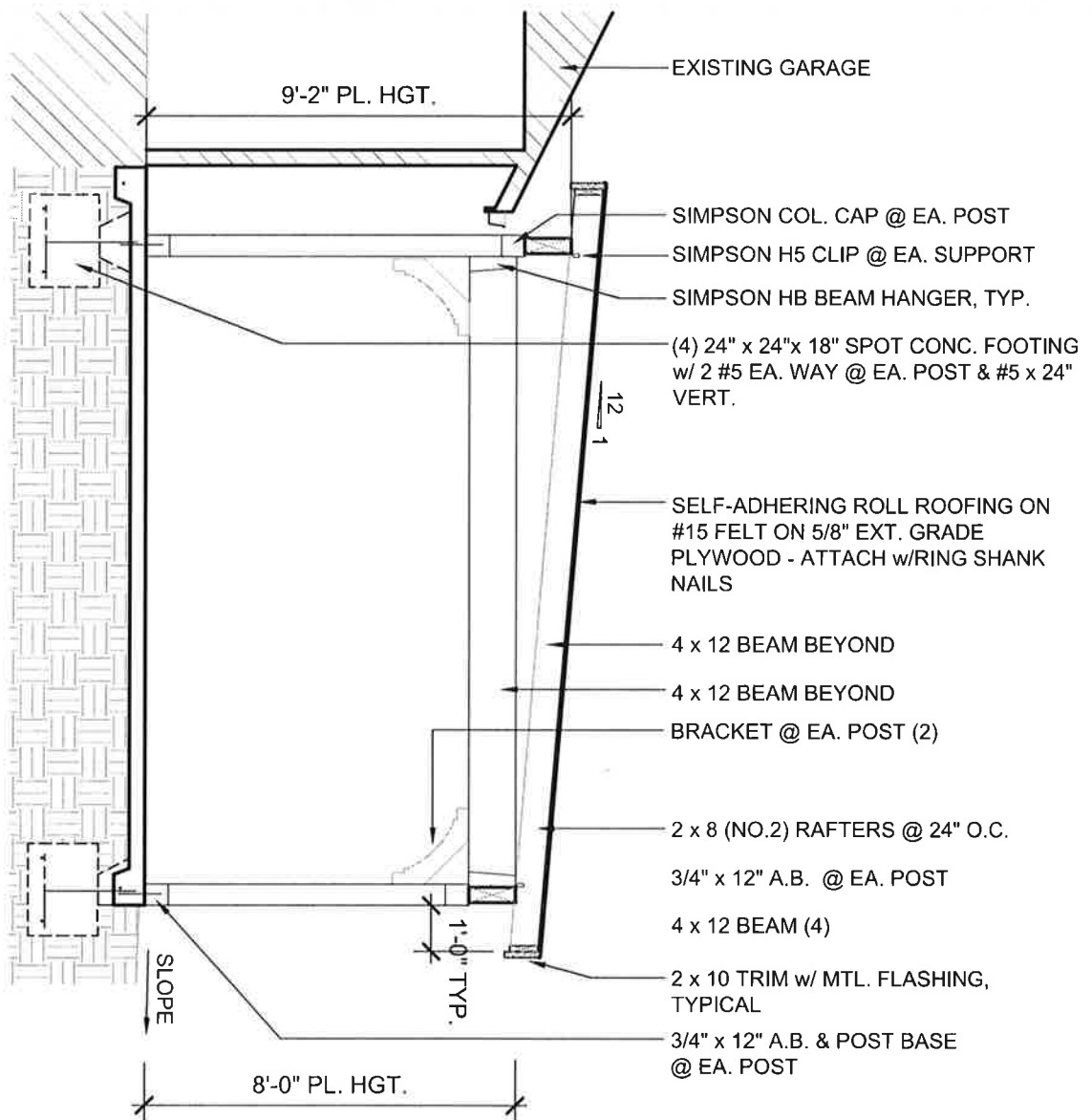
A FLOOR PLAN

1/4" = 1'-0"



12 July 19

Taylor Residence-New Covered Patio 1407 E. 21st Street, Tulsa, OK	
 Joe Wilkinson, Architect Tulsa, Oklahoma	8.16 2



A BLDG. SECTION

1/4" = 1'-0"

12 July 19

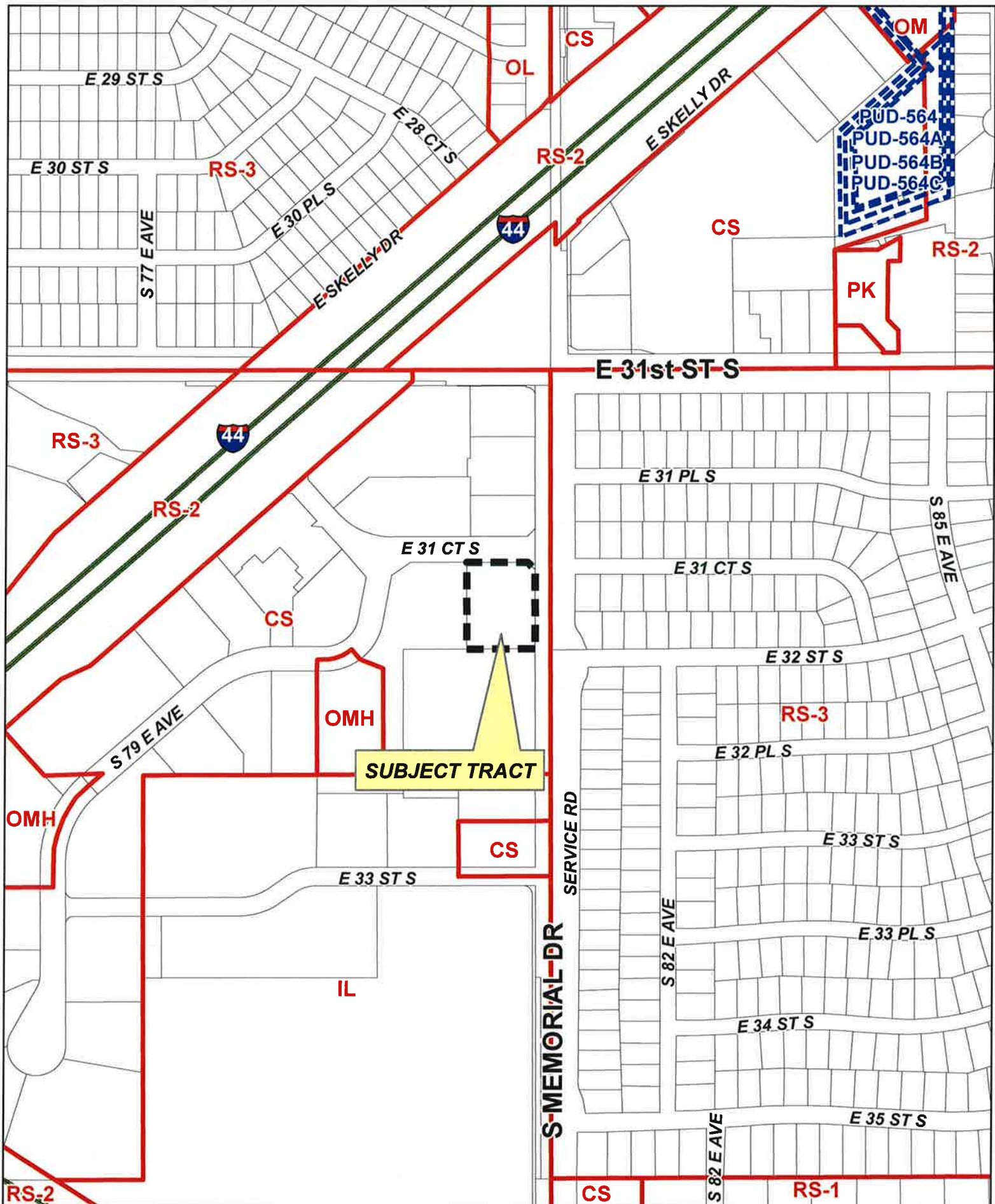
Taylor Residence-New Covered Patio
1407 E. 21st Street, Tulsa, OK



Joe Wilkinson, Architect
Tulsa, Oklahoma

8.17 3

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BOA-22733

19-13 23

9.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9323

Case Number: **BOA-22733**

CZM: 48

CD: 5

HEARING DATE: 09/10/2019 1:00 PM

APPLICANT: Ron Reddy

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: 3202 S MEMORIAL DR E

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 63240.67 SQ FT

LEGAL DESCRIPTION: PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37 POB, INTERCHANGE CTR

RELEVANT PREVIOUS ACTIONS: None

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is an existing CS zoned tract located at the SW/c of S Memorial Drive and E 31st Ct. It is bounded by RS-3 zoning on the East and CS zoning on all other sides.

STAFF COMMENTS: The applicant is proposing the use of tenant space inside 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 provided the location of the nearest dispensary as Therapeutic Hemp Center located at 2777 South Memorial Drive which is outside of the their 1,000 ft 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 of Subject Building, it was not clear which tenant space the dispensary would occupy



View facing South on Memorial Drive from NE/c of subject tract



View facing North on Memorial Drive from NE/c of subject tract



0 Feet 200 400



Subject Tract

BOA-22733

19-13 23

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

Aerial Photo Date: February 2018

9.6





E 31 PL S

E 31 CT S

E 31 CT S

SERVICE RD

E 32 ST S

S MEMORIAL DR

0 50 100
Feet



Subject
Tract

BOA-22733

19-13 23

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

Aerial Photo Date: February 2018

9.7



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 29, 2019

Ron Reddy
11910 S Date Ave
Jenks, OK 74037

Phone: 918.814.0000

APPLICATION NO: COO-038270-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3202 S Memorial DR
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-038270-2019

3202 S Memorial Dr

July 29, 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.

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

FUME VENTURES INC.

3202 S MEMORIAL DR STE 4 , TULSA, OK, 74145

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

07/03/2020

LICENSE NUMBER:

DAAA-V13L-QBKL



Tom Bates

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

DO NOT COPY



NAME	CITY	ZIP	COUNTY
License ID #: DAAA-VKNM-8QAB DOUBLE ENTENDRE, LLC 9938 E 21ST ST	TULSA	74129	TULSA
License ID #: DAAA-V1GT-MF2C GREEN EFFECT LLP 11332 E 21ST ST	TULSA	74129	TULSA
License ID #: DAAA-N1RO-FWKI HEALTHY BUDS LLP 7727 E 21ST ST	TULSA	74129	TULSA
License ID #: DAAA-4K2P-ITYV NATIVE APOTHECARY LLC 2118 S MEMORIAL DR	TULSA	74129	TULSA
License ID #: DAAA-EJBA-OZFU OHG, LLC 9954 E 21ST ST	TULSA	74129	TULSA
License ID #: DAAA-NKSD-EGML SONALI CORPORATION 2112 S GARNETT RD	TULSA	74129	TULSA
License ID #: DAAA-4KYY-QKQH THERAPEUTIC HEMP CENTER 2777 SOUTH MEMORIAL DRIVE	TULSA	74129	TULSA
License ID #: DAAA-VKKB-KZWF AKUI INDUSTRIES INC 7272 W 81ST ST	TULSA	74131	CREEK
License ID #: DAAA-4KQP-XEHX MARY JANE 918 7919 STATE HIGHWAY 66	TULSA	74131	CREEK
License ID #: DAAA-4JOF-PY4Y CANNABIS GALLERIA INC 6130 S UNION AVE	TULSA	74132	TULSA
License ID #: DAAA-NJW9-TQ6G GERALD SANDERS 6161 S 33RD WEST AVE	TULSA	74132	TULSA
License ID #: DAAA-NJIF-MBXV ACREAGE RELIEF HOLDINGS OK, LLC 10125 S SHERIDAN RD	TULSA	74133	TULSA
License ID #: DAAA-4JLW-6ASI CANNVEST GROUP, LLC 7117 S MINGO RD	TULSA	74133	TULSA
License ID #: DAAA-E1N6-KE0Y CENTRAL PURP LLC 6709 E 81ST ST	TULSA	74133	TULSA
License ID #: DAAA-E1E1-FZWQ DR Z LEAF LLC 6827 S MEMORIAL DR	TULSA	74133	TULSA
License ID #: DAAA-EY3T-RRPS GEMINI MEDICAL EQUIPMENT LLC 8160 S MEMORIAL DR	TULSA	74133	TULSA
License ID #: DAAA-EYQF-BCSE GRASS, LLC 7717 E 91ST ST	TULSA	74133	TULSA