APPLICANT: Todd Maxwell

ACTION REQUESTED: Appeal of the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)

LOCATION: 7315 S MEMORIAL DR E
ZONED: CS,OL

PRESENT USE: Restaurant
TRACT SIZE: 67914.67 SQ FT

LEGAL DESCRIPTION: LT 2 LESS W40 THEREOF BLK 2, EL PASEO RESUB L2-3 B1 SKYVIEW ACRES

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".

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 73rd St. S. and S. Memorial Dr.

STAFF COMMENTS: The applicant is Appeal of the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)
Section 70.140 Appeals of Administrative Decisions

70.140-A Authority
Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code.

Figure 70-7: Appeals of Administrative Decisions (Generally)

70.140-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.

2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.

3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

70.140-H Review Criteria
The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.
The applicant representing the proposed dispensary at 7315 S. Memorial Dr. is appealing the denial of the permit, ZCO-067561-2020, for a dispensary. The denial is based on the existence of a Zoning Clearance Permit issued at 7309 S. Memorial Ave, ZCO-067758-2020.

The Development Administrator has been asked to prepare material explaining their position which will be sent to Board members as an addendum to their packets.

**SAMPLE MOTION:**

Move to ________ (affirm/reverse) the Administrative Decision issued by the Development Administrator denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)

Finding that the Development Administrator (acted appropriately/erred) in the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)
Facing South on Memorial Dr.

Facing North on Memorial Drive
Subject property

Property located 7309 S. Memorial Dr. Property was issued a Zoning Clearance Permit (ZCO-067758-2020) for a Medical Marijuana Dispensary.
City of Tulsa
175 E 2nd St., Suite #450
Tulsa, OK 74103
(918) 596-9456

Location Address
7309 S MEMORIAL DR E, Tulsa, OK 74133

Parcel Number
75625831205785

Contacts
Kevin Hale
1319 e 6th street, tulsa, OK 74120
(918) 764-9996
kevin@1architecture.com

Description: Existing use is a mercantile furniture store, proposed use is a medical marijuana dispensary

Valuation: $0.00
Total Sq Feet: 0.00

Fees
Amount
Commercial Zoning Clearance $78.00
Permit and Licensing System $4.00
Maintenance Fee $7.50
Record Retention Fee $7.50
System Development Fee $10.46
Total: $99.96

Payments
Amt Paid
Total Fees $99.96
Check # 970245020 $99.96
Amount Due: $0.00

Additional Information

Proposed Use Type(s): Other (see Describe Proposed Use)
Describe Proposed Use in Detail: Medical Marijuana Dispensary
Zoning Use: Commercial/Retail Sales/Medical Marijuana Dispensary
Zoning Permit Notes: Approved for Commercial/Retail Sales/Medical Marijuana Dispensary as an allowable use by right in a CS zoned district. Accept applicant’s verification of the 1,000’ spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. This is a zoning clearance permit as to use only. This is neither a building permit nor a certificate of occupancy. Other code provisions including but not limited to platting, parking, setbacks, spacing, landscaping and screening may apply upon owner’s submittal of complete building and/or site plans.

Issued By: Braden Cole
September 02, 2020

Authorized Signature
Date
CITY OF TULSA
ZONING CLEARANCE ONLY
PERMIT APPLICATION

Date: 8.4.2020

Note: Please print or type all data

ADDRESS TO BE ZONED: 7315 S. Memorial Drive

☐ Residential ☑ Commercial

No. OF PLANS: 1
No. OF PAGES OF ONE SET OF PLANS & SPECIFICATIONS: 2

APPLICANT: KKT Architects - Ryan Wilbanks
ACCOUNT NO. (IF APPLICABLE): 100519

ADDRESS: 2200 S. Utica Place #200
CITY: Tulsa
STATE: OK
ZIP: 74114

PHONE: (918) 444-4270
MOBILE: 
FAX: 

EMAIL ADDRESS: ryan.wilbanks@kktaarchitects.com

LEGAL DESCRIPTION:
Lot 2 Block 2 Addition El Paseo Resub 62-3 Bl Skyview Acres

BOARD OF ADJUSTMENT No.

VARIANCE Y ☐ N ☑ APPROVAL DATE:

SPECIAL EXCEPTION Y ☐ N ☑ P.U.D. No.

PROPOSED USE: Medical Marijuana Dispensary

Will this be an Adult Entertainment Establishment ☑ YES ☐ NO
Sexually Oriented Business ☑ YES ☐ NO

Are you planning a use change only? ☑ YES ☐ NO

Are you planning new construction or enlargement of existing construction (including parking)? ☑ YES ☐ NO

What is the height from the ground to the top of the wall of the accessory structure? ____________

What is the overall height of the accessory structure? ____________

DAY TIME CONTACT PERSON(S)
Ryan Wilbanks - KKT Architects

ADDRESS: 2200 S. Utica Pl. #200

E-mail Address: ryan.wilbanks@kktaarchitects.com

Position: Architect

PHONE NO.: (918) 444-4270

CITY: Tulsa
STATE: OK
ZIP: 74114

April 23, 2014
OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE
PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS
SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST 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 ORIGINALY SUBMITTED ON-LINE, FOR
   REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND
   REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING
   COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND
   ONLINE AT TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR
   BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF
   DEFICIENCY.
4. A COPY OF A “RECORD SEARCH” 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.)
REVIEW COMMENTS

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

ZCO-067561-2020 7315 S Memorial Dr September 17, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCONE does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.110-B: The application for your proposed Medical Marijuana Dispensary cannot be approved because there is an active Zoning Clearance Permit for another dispensary within 1000 ft of your location.

Review comment: Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with Sec.70.140. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed. The BOA contact person is Austin Chapman. He may be reached at 918.584.7526 or achapman@incog.org.

Note: All references are to the City of Tulsa Zoning Code.

Link to Zoning Code:

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

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

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

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Subject Tract
BOA-23022
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
Subject Tract

BOA-23022

18-13 12

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

Aerial Photo Date: February 2018