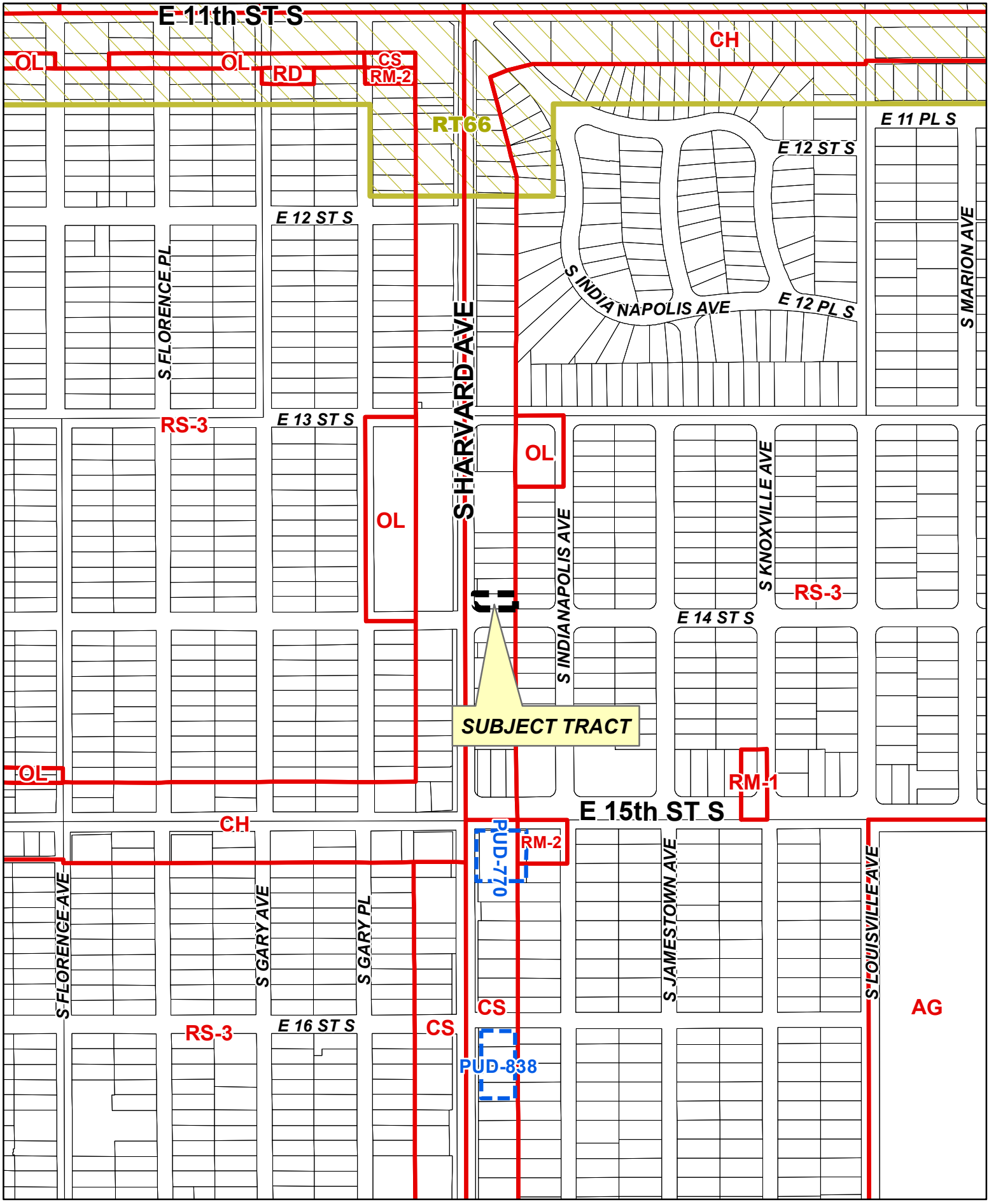

Feet
0 200 400

BOA-23218

19-13 09

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9309 Case Number: **BOA-23218**
CZM: 37
CD: 4

HEARING DATE: 12/14/2021 1:00 PM

APPLICANT: Phillip Nickel

ACTION REQUESTED: Special Exception to permit Low-Impact Medical Marijuana processing (Low-Impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

LOCATION: 1345 S HARVARD AV E **ZONED:** CH

PRESENT USE: Vacant **TRACT SIZE:** 9923.01 SQ FT

LEGAL DESCRIPTION: LT-1-BLK-11, SUMMIT HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-22806; On 12.10.19 the Board approved a a request to allow Low-Impact Manufacturing and Industry Uses in the CH District to permit a a Low-impact Medical Marijuana processing facility. Property located 1502 S. Harvard.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of S. Harvard Ave. and E. 14th Street. The property is the former site of a catering business and is approximately 85-feet West of a residential neighborhood.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit Low-Impact Medical Marijuana processing (Low-Impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

Medical Marijuana Uses are subject to the supplemental regulations of Section 40.225:

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

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

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

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

40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant is proposing to use the property to produce medical marijuana edible using cannabis oil processed elsewhere, please see attached statement form the applicant included in your packet.

SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to permit Low-Impact Medical Marijuana processing (Low-Impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

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

- Subject to the following conditions (including time limitation, if any): _____.

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

Subject property from the corner of E. 14th and Harvard. Ave.

Tenant Space for proposed Use

Facing North on E. 14th St.

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

TEL (918) 596-9657
danabox@cityoftulsa.org

DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

November 3, 2021

LOD Number: 1
Phillip Nickel
3801 S. Yellow Pine Ave.
Broken Arrow, OK 74011

Phone: 918-619-3378

APPLICATION NO: **ZCO-099923-2021**
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1345 S. Harvard Ave.**
Description: **Low-impact Medical Marijuana Processing**

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 http://tulsaplanning.org/plans/TulsaZoningCode.pdf

ZCO-099923-2021 **1345 S. Harvard Ave.** **November 3, 2021**

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 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. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: The proposed processing is considered an Industrial/Low-impact Manufacturing & Industry/Low-impact Medical Marijuana Processing use. It is in a CH zoned district. This use is allowed only by special exception in this district.

Review comment: Seek/obtain a Special Exception from the Board of Adjustment for a Low-impact Medical Marijuana Processing use. Contact Austin Chapman, BOA Administrator, at 918-584-7526 or achapman@incog.org for further instruction and next steps. Once you obtain the approved special exception, you must submit it to the permit office.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
http://tulsaplanning.org/plans/TulsaZoningCode.pdf

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

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

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

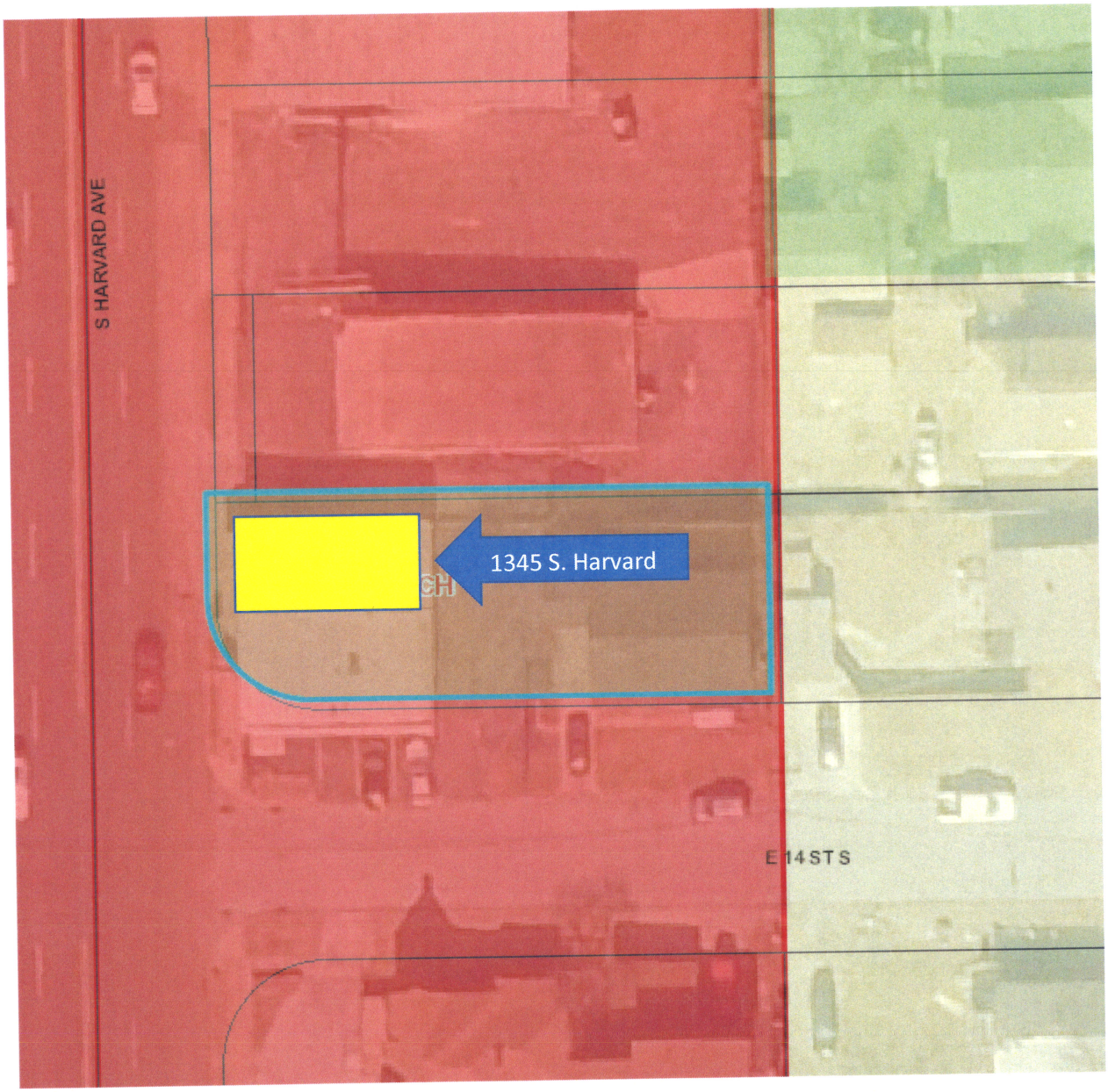
END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

12.7

BOA-23218



November 10, 2021

City of Tulsa Board of Adjustments
INCOG
Case Number BOA-23218
2 West 2nd Street, Suite 800
Tulsa, Oklahoma 74103

Gentlemen,

Phillip Nickel, business co-owner, has filed an application with the Board of Adjustment, case number BOA-23218, asking for a Special Exemption to permit Low-Impact Medical Marijuana processing in the CH district. Business address is 1345 South Harvard Av, Tulsa, Oklahoma.

In our low-impact edible kitchen we will not be using any open flames, volatile gases, or chemicals. Day to day production is the same as any candy company for example, and we will be using only electric plug-in kitchen equipment to make our edibles. Our facilities will require approval from the city and state health department. There will be zero smell or fumes immitted to the outdoors. No cannabis plants will be grown in the building.

No cannabis is processed on site and will purchase already processed cannabis oil and infuse the edibles with the oil. Our business is not open to the public i.e wholesale business only, no store front. Nothing is promoted about this location, no signage or billboard and will remain a nameless shop on the street to maintain a safe and secure location. We will have 360 degree camaras adding even more safety to the surrounding area. There will also be no noise coming from this business.

Day to day business will not impact neighborhood parking due to the small staff required to operate the business.

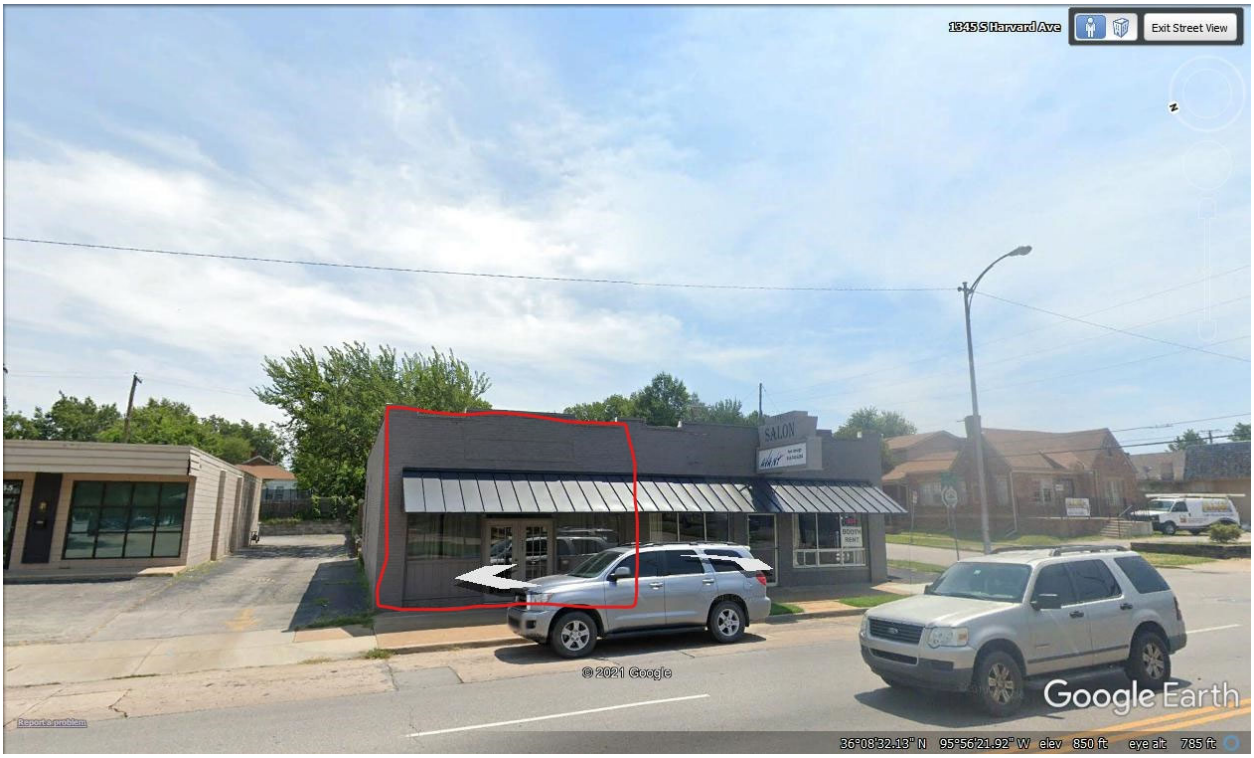
We pray the Board of Adjustment will approve our Special Exception Permit and allow us to move forward with our business operations.

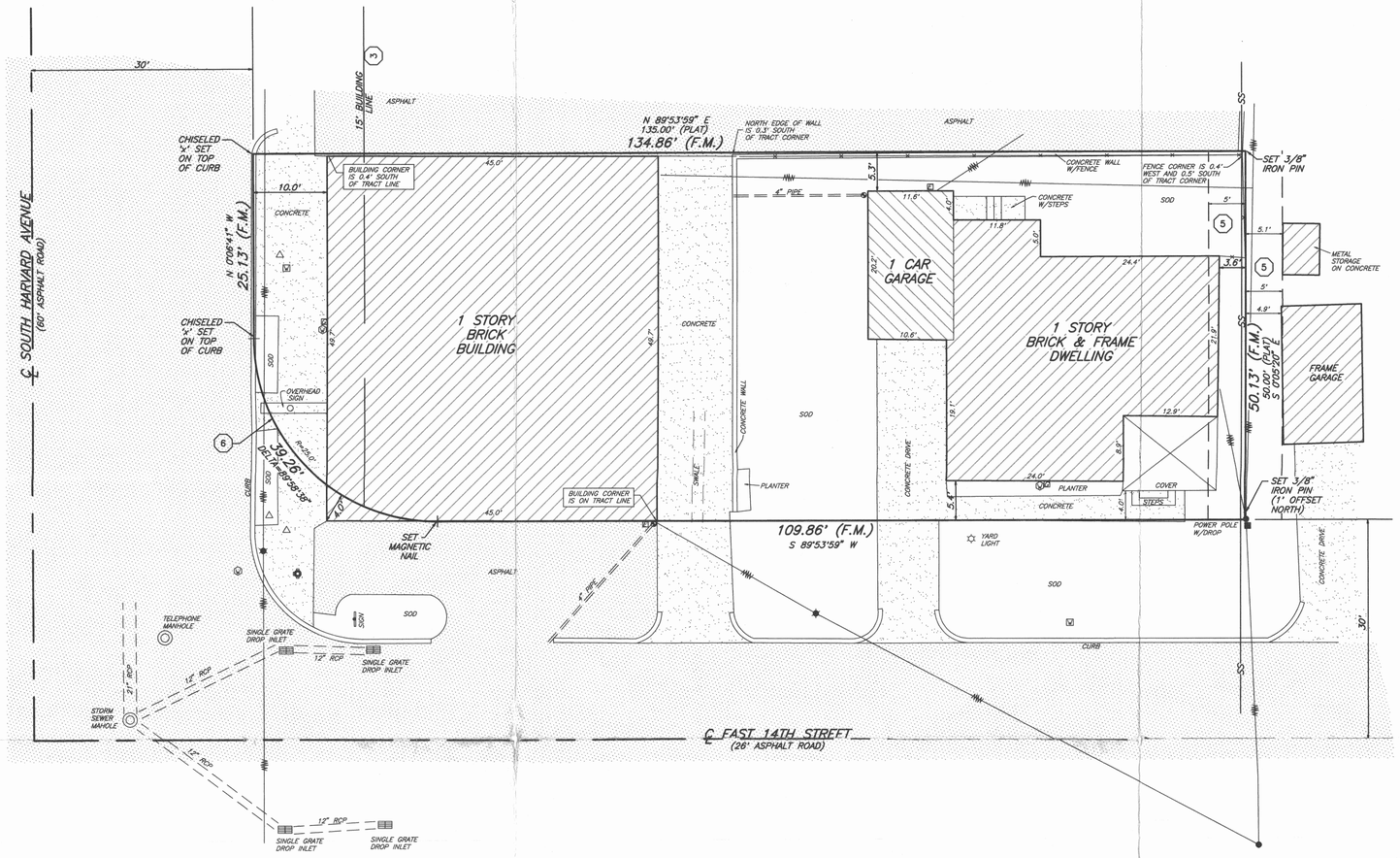
Sincerely,

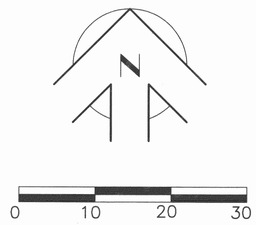
Phillip Nickel
918-619-3378
PLNickel55@gmail.com

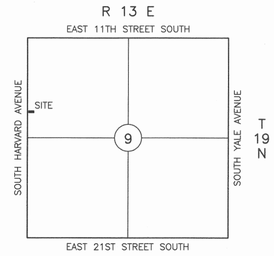
12.9

Untitled Placemark
1345 S Harvard Ave
Allied Plumbing Supply
Google Earth


1345 S Harvard Ave
Exit Street View
SALON
© 2021 Google
Google Earth







LOCATION MAP

SCALE: 1"=2000'

LEGEND

- SEWER MANHOLE
- SS SANITARY SEWER LINE
- RCP REINFORCED CONCRETE PIPE
- WATER METER
- WATER VALVE
- GAS METER
- TELEPHONE PEDESTAL
- POWER POLE
- LIGHT POLE
- ELECTRIC SERVICE
- GAS SERVICE
- FIRE HYDRANT
- OVERHEAD UTILITIES
- FENCE LINE
- ROOF DRAIN
- CONCRETE
- ASPHALT

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED AZIMUTH.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.1521 ACRES, MORE OR LESS.

ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. ABOVE GROUND FEATURES OF PUBLIC UTILITIES ARE LOCATED AND SHOWN, HOWEVER, NO UNDERGROUND UTILITY LINES HAVE BEEN FLAGGED OR SHOWN ON THIS SURVEY.

THE PROPERTY DESCRIBED HEREON IS IN FLOOD ZONE 'X-UNSHADED', WHICH IS DEFINED AS AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN, AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 405381 0365H, AS LAST REVISED SEPTEMBER 22, 1999.

THE PROPERTY DESCRIBED HEREON IS NOT LOCATED WITHIN THE REGULATORY FLOOD ZONE, AS PER THE CITY OF TULSA REGULATORY FLOOD PLAIN MAP ATLAS DATED APRIL 2001.

THE FOLLOWING ITEMS FROM TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, OF THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS HAVE BEEN ADDRESSED AND INCLUDED IN THIS SURVEY: ITEMS 1, 2, 3, 7A, 8, 10 & 11A.

FIELD WORK COMPLETED NOVEMBER 22, 2002.

FM = FIELD MEASURED COURSE.
PLAT = RECORDED PLAT COURSE.

INVOICE NO. STK 02-8891

INSTRUMENT NOTES (X)

1. ALL EASEMENTS AND RIGHTS-OF-WAY CONTAINED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, CASE NO. 02-2357, EFFECTIVE DATE SEPTEMBER 23, 2002 AT 7:59 A.M., ARE SHOWN HEREON.
2. THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE RESTRICTIONS CONTAINED IN THE DEED OF DEDICATION OF SUMMIT HEIGHTS ADDITION, DATED APRIL 30, 1921, FILED MAY 21, 1921. AS PLAT NO. 476.
3. 15' BUILDING LINE CONTAINED IN THE DEED OF DEDICATION OF SUMMIT HEIGHTS ADDITION, RECORDED AS PLAT NO. 476.
4. NO EASEMENTS OR BUILDING SETBACK LINES ARE SHOWN ON THE PLAT OF SUMMIT HEIGHTS ADDITION, PLAT NO. 476.
5. UTILITY EASEMENT PROVIDED FOR IN ORDINANCE NO. 2667, RECORDED IN BOOK 501 AT PAGE 426, AS PARTIALLY RELEASED BY ORDINANCE NO. 4831, RECORDED IN BOOK 1587 AT PAGE 503.
6. NOTE: THE RECORDED PLAT OF SUMMIT HEIGHTS, PLAT NO. 476, GRAPHICALLY DEPICTS A CURVE AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED HEREON. THIS CURVE IS NOT DIMENSIONED ON THE PLAT. FROM AN EXAMINATION OF ATLASES AND OTHER RECORDS, WE DETERMINE THE RADIUS TO BE 25.00 FEET.

ALTA/ACSM LAND TITLE SURVEY

OF:

LOT ONE (1), BLOCK ELEVEN (11), SUMMIT HEIGHTS ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1347 SOUTH HARVARD AVENUE.

CERTIFICATE

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO:

SHEILA HUSTED
FIDELITY NATIONAL TITLE INSURANCE COMPANY
COMMERCIAL TITLE & ESCROW SERVICES, INC.

THAT: THIS ALTA/ACSM LAND TITLE SURVEY PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY OF THE LAND DESCRIBED HEREON, ACCURATELY SHOWS THE BOUNDARY LINES AND DIMENSIONS OF LAND INDICATED HEREON, THE LOCATION OF ALL BUILDINGS AND STRUCTURES, THE LOCATION OF ALL IMPROVEMENTS HEREON, AND THE LOCATION AND DIMENSION OF ALL EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE LEGAL DESCRIPTION OF SUCH EASEMENTS (WITH BOOK AND PAGE NUMBER INDICATED), THAT EXCEPT AS SHOWN, THERE ARE NO EASEMENTS OR RIGHTS-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SUBJECT PROPERTY, THERE ARE NO ENCROACHMENTS OR PROTRUSIONS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY BUILDINGS OR VISIBLE IMPROVEMENTS ON THE SUBJECT PROPERTY, THERE ARE NO ENCROACHMENTS ON THE SUBJECT PROPERTY BY BUILDINGS OR VISIBLE IMPROVEMENTS SITUATED ON ADJOINING PREMISES, THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, "JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1999.

WITNESS MY HAND AND SEAL THIS DATE: 11/26/02

WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098
(RENEWAL 6/30/2003)

BY: _____
REGISTERED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 1373

WHITE *Surveying*
COMPANY
providing land surveying services since 1940
9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax

Copyright 2002 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system or transmitted in any form without the prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.

/SS/TC_0476.DWG 11/26/2002

12.11

Feet
0 50 100

Subject Tract

BOA-23218

19-13 09

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

Aerial Photo Date: 2020/2021

N

Feet
0 200 400

Subject Tract

BOA-23218

19-13 09

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

Aerial Photo Date: 2020/2021

N

12.13