

**BOA-22904**

2.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9315

Case Number: **BOA-22904**

CZM: 38

CD: 5

**HEARING DATE:** 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT:** Sierra Russell

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

**LOCATION:** 6373 E 31 ST S, Suite J

**ZONED:** CS

**PRESENT USE:** Vacant

**TRACT SIZE:** 15877.69 SQ FT

**LEGAL DESCRIPTION:** BEG 330W & 50N SECR SE TH W108 N147 E108 S147 POB SEC 15 19 13,

## RELEVANT PREVIOUS ACTIONS:

### Surrounding Properties:

**BOA-22881;** On March 24<sup>th</sup> the Board accepted a verification of spacing for a medical marijuana dispensary located 6125 East 31<sup>st</sup>. The proposed dispensary received the Certificate of Occupancy on March 25<sup>th</sup>, 2020. A copy of this certificate is included in your packet. The subject location is within 1,000 feet of the dispensary located at 6125 East 31<sup>st</sup> as demonstrated on the exhibit below. The Applicant was made aware of this information and they chose to continue with their application.



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

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

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

The applicant provided the nearest dispensary as T-Town Dispensary, located 3524 S. Sheridan.

**SAMPLE MOTION:**

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



***Facing West on 31<sup>st</sup> Street***



***Subject property***



***Dispensary at 6125 E. 31<sup>st</sup> that has received their Spacing Verification in BOA-22881 and Certificate of Occupancy which is included in your packet***



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

DANA L. BOX  
ZONING OFFICIAL  
PLANS EXAMINER II

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1  
Pat White  
10722 Master's Circle  
Jenks, OK 74037

February 22, 2020

Phone: 918-406-7024

APPLICATION NO: **BLDC-053137-2020**

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

Location: **6373 E. 31<sup>st</sup> St.**

Description: **Medical Marijuana Dispensary**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

#### IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[ 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](http://WWW.CITYOFTULSA-BOA.ORG)

BLDC-053137-2020

6373 E. 31<sup>st</sup> St.

February 22, 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 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.

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

<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

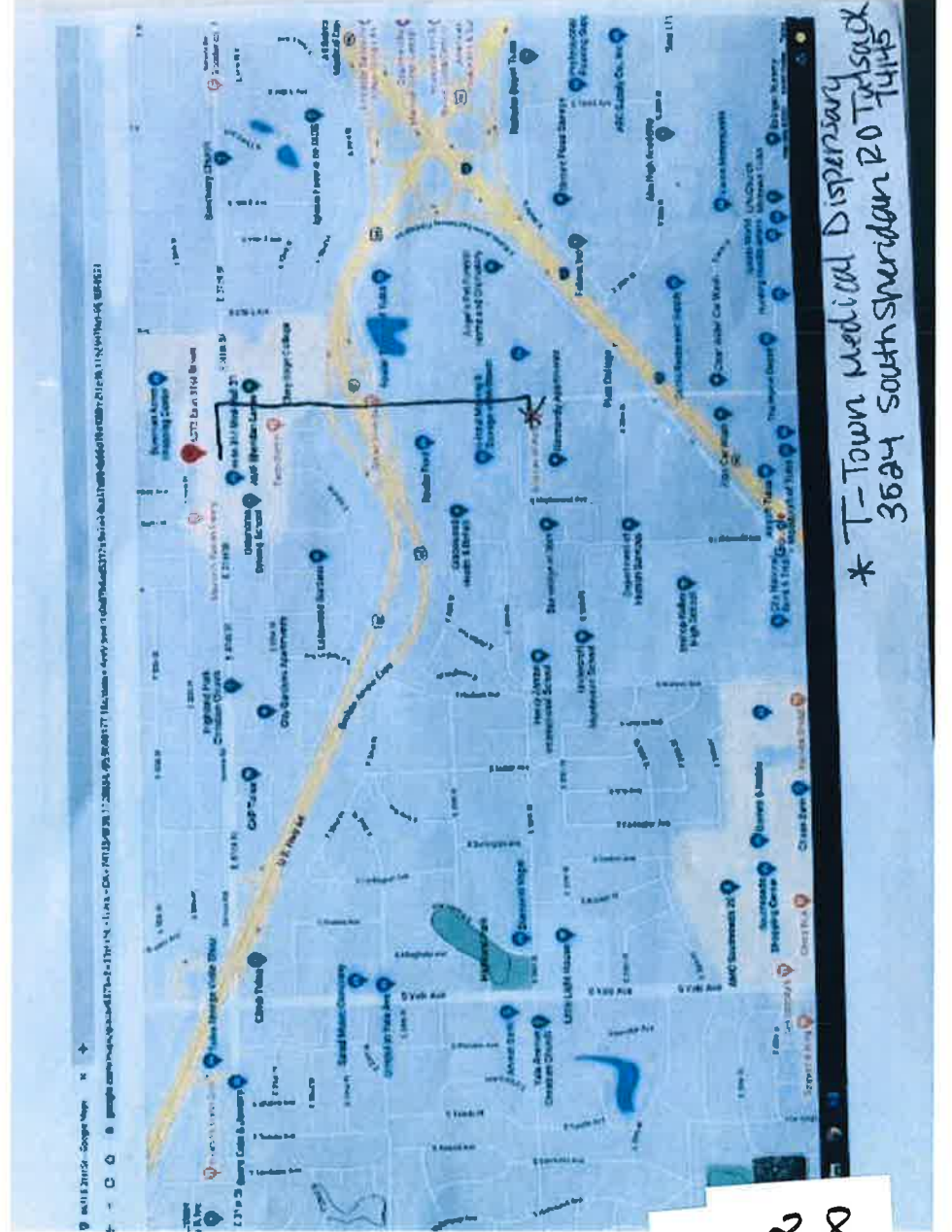
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

### END – ZONING CODE REVIEW

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

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



2.8



# CERTIFICATE of OCCUPANCY      No: COO-054008-2020

**PROPERTY**

Address: 6125 E 31ST ST S

BUILDING PERMIT:  
BLDC-056777-2020

**ZONING USE**

Zoning District: CS  
Use: Commercial/Retail Sales/Medical Marijuana Dispensary  
Use Conditions:

**BUILDING OCCUPANCY**

Building Code Edition: IBC 2015, IEBC 2015

Use Group	Const. Type	Floor Area	Occ. Load	Descriptive Area	Posted
M	VB	896	15	Entire Facility	

Floor area of Permit: 896

OCCUPANCY CONDITIONS:

The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.

Approval Date: March 25, 2020

  
Code Official: Adam Murray

BoA-22904  
Addendum #1

**Chapman, Austin**

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**From:** Chapman, Austin  
**Sent:** Monday, April 27, 2020 1:52 PM  
**To:** Audrey Blank ; Austin Bond ; Briana Ross; Burlinda Radney; Jessica Shelton; Mark Swiney; Sparger, Janet; Stuart Van De Wiele; Wilkerson, Dwayne  
**Subject:** FW: BOA-22904

All,

I reached out to the proprietor of the dispensary at 6125 E 31<sup>st</sup> St. which is within 1,000' of the proposed dispensary in BOA-22904. They have informed me in the email below that they are opening at that location and a copy of their Certificate of Occupancy is included in your packet.

Best,

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



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

**From:** Donyale Stancle <medlifehq@gmail.com>  
**Sent:** Wednesday, April 22, 2020 6:41 PM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** Re: BOA-22904

Hi Austin,

Thanks for reaching out. Yes, I am still planning to open Medicinal Life Headquarters (dispensary) at that location in the very near future; still making my way through the process. My landlord shared the notice with me and I planned to attend in person as well. Thanks again for reaching out.

Donyale Stancle

On Wednesday, April 22, 2020, Chapman, Austin <[AChapman@incog.org](mailto:AChapman@incog.org)> wrote:

Mr. Stancle,

I am writing you in regards to your previous application for a spacing verification at 6125 E 31<sup>st</sup> Street. We have an applicant who put in an application for a spacing verification that is within 1,000' of your address I am reaching out to confirm that you are still opening at that location I see that you have been issued your Certificate of Occupancy but I did want to reach out and confirm that with you. I've attached a map with the location other dispensary. Please respond to this email and let us know if your plans have changed for opening at that location. The Board will have a copy of your Occupancy Certificate but it would be helpful to hear directly from that you are opening at the 6125 E 31<sup>st</sup> Street. Feel Free to contact me with any questions.

Best,



**Austin Chapman**

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

[2 W. 2nd St., 8th Floor | Tulsa, OK 74103](#)

918.579.9471

[achapman@incog.org](mailto:achapman@incog.org)

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy  
{(918) 596-9456}

Chapman, Austin

BOA-22904  
Addendum #2

**From:** Gary Conroy <conroy02@gmail.com>  
**Sent:** Monday, April 27, 2020 6:06 PM  
**To:** esubmit  
**Subject:** Case Number is BOA-22904

I am writing as a parent with a child attending Augustine Christian Academy, that is well within the 1,000' of a dispensary about to open. I object to the opening!! The statute is very clear and this location is under 50' from the play area of the kids.

Sincerely,  
Gary Conroy  
918 282-5514

OKLAHOMA MEDICAL MARIJUANA AUTHORITY Proof of Distance from a School for Dispensaries REQUIREMENTS 1. Title 63 O.S. § 425(G) prohibits medical marijuana dispensaries from operating within one thousand (1,000) feet from public or private schools. 2. Applicants for a dispensary license must attest and submit supporting documentation which demonstrates the premises of a potential business site will be 1,000 feet from any public or private school. 3. This distance is measured by the straight-line (shortest) distance from the property line of the dispensary to any entrance of a school. Any school that holds classes or activities for students, such as field houses, track/practice fields or agriculture classes, is included in this restriction.

## Chapman, Austin

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**From:** Aaron Wiedman <aaron.wiedman@tulsacounty.org>  
**Sent:** Monday, April 27, 2020 4:46 PM  
**To:** esubmit  
**Subject:** Case Number BOA-22904

Good afternoon. I am writing to you today regarding the Case Number BOA-22904. I understand that a medical marijuana dispensary is seeking to open up within 1000 feet of a K-12 school, namely Augustine Christian Academy. I strongly request that you do not allow this business to open in such close proximity to the school. I have three young children that attend this school. The administration, families, and caretakers of Augustine work tirelessly to support the school. We already have a very large problem with vagrants, thieves, and others that vandalize, steal, and destroy school property. It is not an exaggeration to say that we have poured blood, sweat, and tears into this school for over 20 years. We have spent thousands and thousands of dollars in an attempt to mitigate the damage and theft that has occurred just in the last few years. At the risk of sounding cliché, the customers that this type of business would bring into extreme close proximity to children, some as young as four, is in my mind dangerous. This would also be exacerbating the already prevalent issue in an extreme degree. There are already at least 3 other medical marijuana dispensaries within a mile of the location of the school. One could ask how many more are necessary to support the population of this area.

I respectfully plead with the Board of Adjustment to deny this business the ability to open in this location. There are countless other locations in the same general area that would fit within the existing law.

Sincerely,  
Aaron Wiedman

**Aaron Wiedman**  
Budget Analyst  
Tulsa County Clerk Budget Office  
[Aaron.wiedman@tulsacounty.org](mailto:Aaron.wiedman@tulsacounty.org)  
918-596-5865



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## Chapman, Austin

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**From:** Becki Davis <davisb@staugustineacademy.org>  
**Sent:** Monday, April 27, 2020 3:56 PM  
**To:** esubmit  
**Subject:** Case Number: BOA-22904

To Whom it May Concern,

My name is Becki Davis and I live at 414 W. Nashville St. in Broken Arrow, Oklahoma. I am employed as the Academic Counselor at Augustine Christian Academy at 6310 E. 30th St. in Tulsa, OK. It has come to my attention that a marijuana dispensary is planning to open directly behind our school property (your case number BOA-22904). I am writing to strongly encourage you to NOT allow this dispensary to open! I believe that this location is entirely too close to our school! We are already plagued by the homeless population in the area that we have to chase off of our property to keep our students safe... we do not need to add marijuana users into the mix. Please consider how close this dispensary would be to our school playground and the lot where our high school students park their cars, and please to not allow them to open their dispensary in that location.

Thank you for your consideration.

Sincerely,

**Becki Davis**

Academic Counselor  
Administrative Assistant  
Augustine Christian Academy  
918-832-4600 ext. 204



## Chapman, Austin

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**From:** John Ahrens <ahrensj@staugustineacademy.org>  
**Sent:** Monday, April 27, 2020 3:37 PM  
**To:** esubmit  
**Subject:** BOA-22904

I am one of the administrators of St. Augustine Academy, Inc., doing business as Augustine Christian Academy. Our school is located at the corner of 30th and Sheridan, within the 1,000' radius of the proposed dispensary that desires to go into the shopping center just behind us on 31st St. It is my understanding that there is already a regulation in place that would prevent this dispensary from going in just around the corner from our school, but I felt it was important to actually voice my concerns in writing. We have been a member of this community since 1997 and have owned three buildings at the corner of 30th and Sheridan since 2002. Our primary school address is 6310 E 30th Street, a full 200+ feet within the 1,000 radius, which ends at 28th St. to our North.

I plan to attend the hearing tomorrow online.

Thank you,

John Ahrens  
Director of Operations  
Augustine Christian Academy  
918-832-4600 ext. 205 (Office)  
918-863-5535 (Cell)



## Chapman, Austin

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**From:** Kirk Post <postk@staugustineacademy.org>  
**Sent:** Monday, April 27, 2020 3:37 PM  
**To:** esubmit  
**Subject:** Case # BOA-22904

I was sorry to hear that a new marijuana dispensary is scheduled to be opened on 31st and Sheridan in Tulsa, just down from the back of our school property which fronts on 30th and Sheridan. We are a small school, but the impact on our families and children is no less important.

We are already located in a place that receives much traffic from people who are experiencing many difficulties in life, understandable, but not necessarily safe for children. We must constantly remove people who try to sleep on our property and leave drug paraphernalia on our playground. Although marijuana is legal in Oklahoma, we feel this location for a dispensary will encourage even more people who struggle with drugs to hang out in our area. Please protect family by making these retailers consider a spot farther away.

With thanks,

**Kirk D. Post**  
Headmaster  
**Augustine Christian Academy**  
918-832-4600 (Office)  
918-853-9719 (Cell)





## Sparger, Janet

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**From:** Linda Thornhill <thornhill@staugustineacademy.org>  
**Sent:** Tuesday, April 28, 2020 4:25 PM  
**To:** esubmit  
**Subject:** marijuana dispensary Case Number is BOA-22904

The Case Number is BOA-22904

I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

We don't need any more dispensaries. There are four in my own neighborhood.  
I live at 1203 S. Delaware Place, Tulsa, OK 74104 near the University of Tulsa.

PLEASE don't allow this business to move in.

Yours truly,  
Linda Thornhill

**Linda Thornhill**  
Art Teacher  
Augustine Christian Academy  
918-832-4600 (Office)  
918-625-4318 (Cell)



## Chapman, Austin

---

**From:** Linda Thornhill <thornhill@staugustineacademy.org>  
**Sent:** Tuesday, April 28, 2020 4:25 PM  
**To:** esubmit  
**Subject:** marijuana dispensary Case Number is BOA-22904

The Case Number is BOA-22904

I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

We don't need any more dispensaries. There are four in my own neighborhood.  
I live at 1203 S. Delaware Place, Tulsa, OK 74104 near the University of Tulsa.

PLEASE don't allow this business to move in.

Yours truly,  
Linda Thornhill

### Linda Thornhill

Art Teacher  
Augustine Christian Academy  
918-832-4600 (Office)  
918-625-4318 (Cell)



22904

**Chapman, Austin**

**From:** Donyale Stancle <medlifehq@gmail.com>  
**Sent:** Tuesday, June 9, 2020 10:02 AM  
**To:** Chapman, Austin  
**Subject:** Update Re: BOA-22904

Good morning, Austin. I am writing to confirm that I will be opening Medicinal Life Headquarters (dispensary) in 2 weeks. I have received my COO from the City and also my license from the state.

Will I be required to attend today? If I am not in attendance, is it possible that she would be approved to operate within 1000ft of my dispensary? I will be there if needed but hoping this email will serve the same purpose.

Thanks  
Donyale

TULSA CITY BOARD OF ADJUSTMENT  
CASE NO. 22904  
OFFICIAL RECORD EXHIBIT  
ENTERED THE 6/10/20  
OFFICE OF THE TULSA CITY BOARD  
OF ADJUSTMENT

On Friday, April 24, 2020, Donyale Stancle <medlifehq@gmail.com>  
Great. Thank you.

On Friday, April 24, 2020, Chapman, Austin <AChapman@incog.org> wrote:

Yes I did and I will communicate that information to the Board. Thank you for the response.

**From:** Donyale Stancle <medlifehq@gmail.com>  
**Sent:** Friday, April 24, 2020 9:30 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** Re: BOA-22904

Good morning, Austin. Just wanted to confirm you received my email? Thanks and have a great weekend.

Donyale

On Wednesday, April 22, 2020, Donyale Stancle <medlifehq@gmail.com> wrote:

Hi Austin,

Thanks for reaching out. Yes, I am still planning to open Medicinal Life Headquarters (dispensary) at that location in the very near future; still making my way through the process. My landlord shared the notice with me and I planned to attend in person as well. Thanks again for reaching out.

Donyale Stancle

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Mr. Stancle,

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Best,



Austin Chapman

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

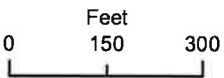
[2 W. 2nd St., 8th Floor | Tulsa, OK 74103](#)

918.579.9471

[achapman@incog.org](mailto:achapman@incog.org)

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupan  
{(918) 596-9456}



**BOA-22904**

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

Aerial Photo Date: November 2019



2.21

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