

BOA-22917

13.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9409
CZM: 39
CD: 6

Case Number: **BOA-22917**

HEARING DATE: 06/09/2020 1:00 PM

APPLICANT: Katina Walker

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

LOCATION: 2005 S 129 AV E, SUITE A

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 22498.83 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, PLAZA HILLS CENTER

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 Fuego, located 11420 E. 20th Street, which is 4,776' away.

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.

13.2



Subject Property



Facing North on 129th E. Ave.



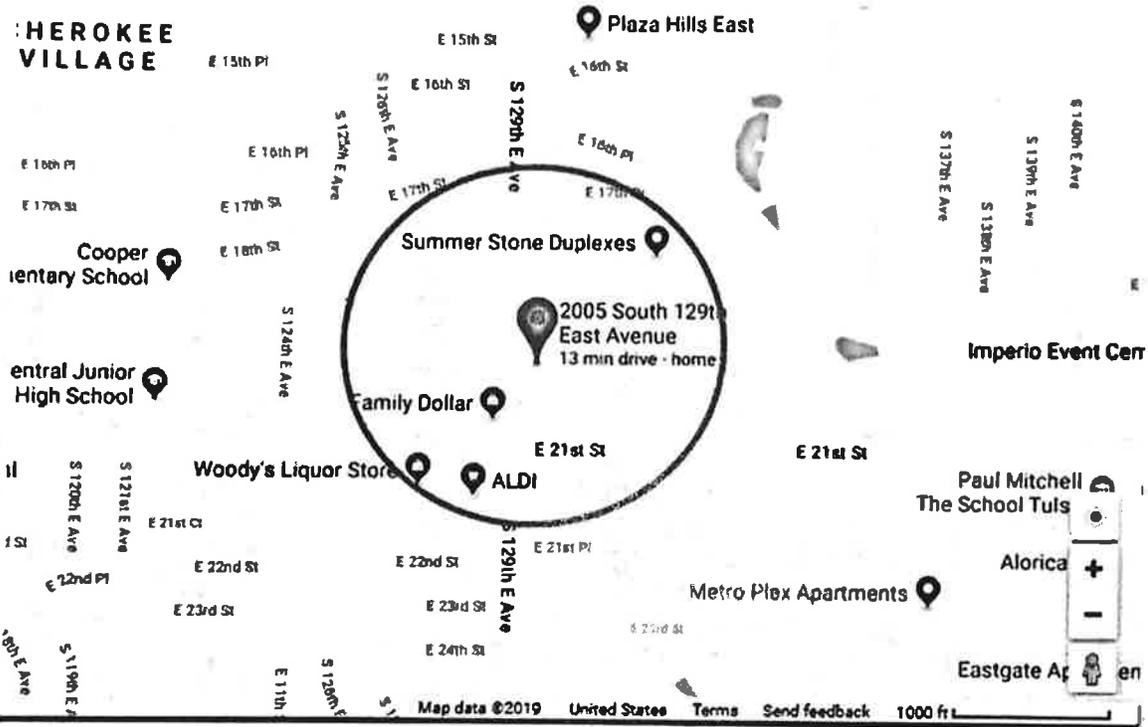
Facing South on 129th E. Ave.

PREME CANNABIS CO.

2005 S. 129th E. Ave

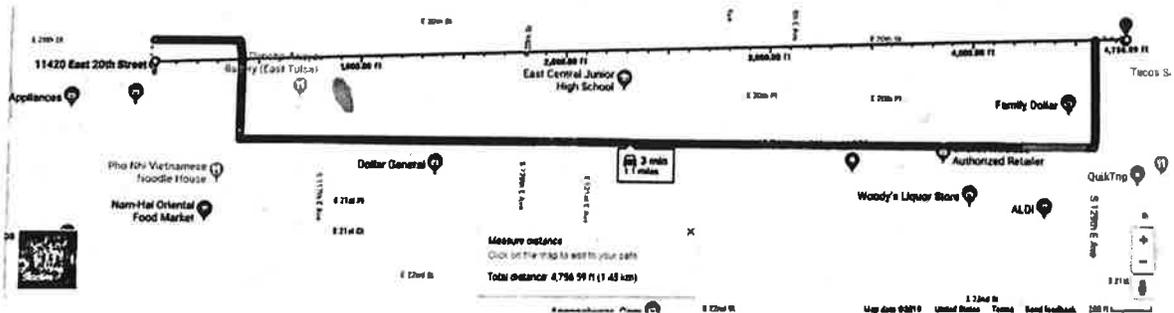
Tulsa, OK 74108

Proof of distance from another dispensary:



Nearest Dispensary located at 11420 E. 20th Street

= 4,776 feet away, easily exceeding the 1,000 foot minimum distance requirement.



DANA L. BOX
ZONING
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

March 23, 2020

Phone: (918)892-0606

LOD Number: 1
Katina Walker
2005 S. 129th E. Ave., Suite A
Tulsa, OK 74108

APPLICATION NO: **BLDC-056216-2020**
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2005 S. 129th E. Ave., Suite A
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

Pursuant to Federal, State, and Local declarations of emergency arising from the Covid-19 threat and as directed by the Administration, our office is closed to the public until further notice. We will continue providing service via remote working. Please bear with us as we go through this together.

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 TO cotdevsvcs@cityoftulsa.org, 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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.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 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.tulsaplanning.org/plans/TulsaZoningCode.pdf

BLDC-056216-2020

2005 S. 129th E. Ave., Suite A

March 23, 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 BOA Planner 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 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.

Section 40.225 Medical Marijuana Uses

- 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-I:** 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org.

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

www.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.



LEGEND

- ⊗ EMERGENCY EXIT SIGN
- EMERGENCY LIGHT
- ⊙ SMOKE DETECTOR
- ⊕ FIRE EXTINGUISHER

NOTES

- (2) FIRE EXTINGUISHERS ON SITE
- (4) SMOKE DETECTORS

- Notes
- ① Revised name of processing room to "Hallway"
 - ② Widening restroom door to 3'-0"
 - ③ wall are 5/8" thickness (UL) made of concrete/metal stud. & double sheet rock
 - ④ Occupancy based on store policy one person per every 60' ft.

NORTH
FLOOR PLAN
 SCALE = 1:100

Revised
 4/15/20

PREME CANNABIS CO.
 2005 S. 129TH E. AVE
 TULSA, OK 74108

13.8

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

PREME CANNABIS COMPANY, LLC

2005 S 129TH EAST AVE., TULSA, OK, 74108

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 68I. 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.

05/19/2020

LICENSE NUMBER:

DAAA-4JB6-1X4N

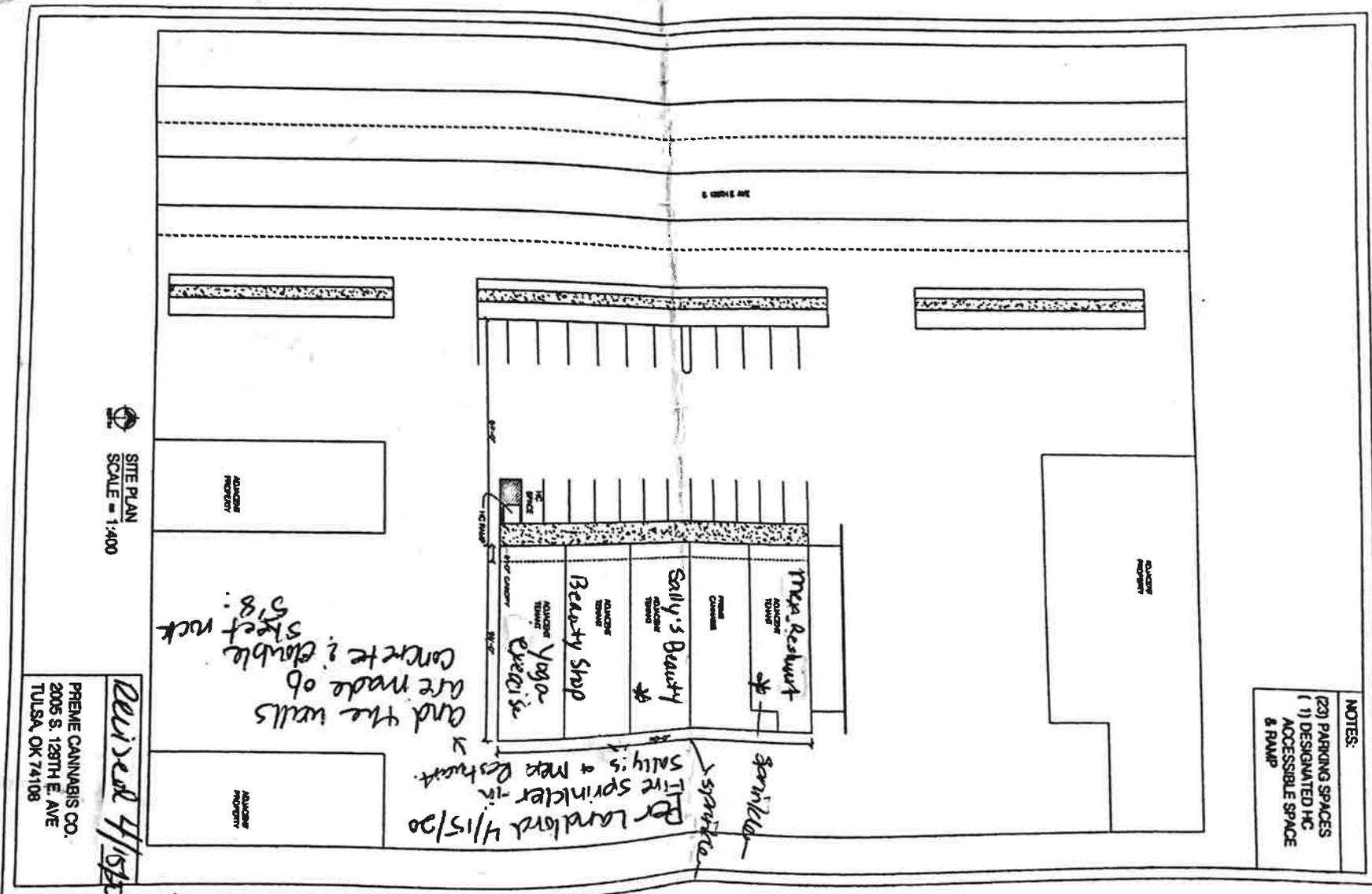


Tom Bates

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

DO NOT COPY

13.9



SITE PLAN
SCALE = 1:400

PREME CANNABIS CO.
2005 S. 128TH E. AVE
TULSA, OK 74108

Revised 4/15/20

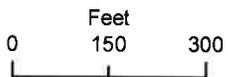
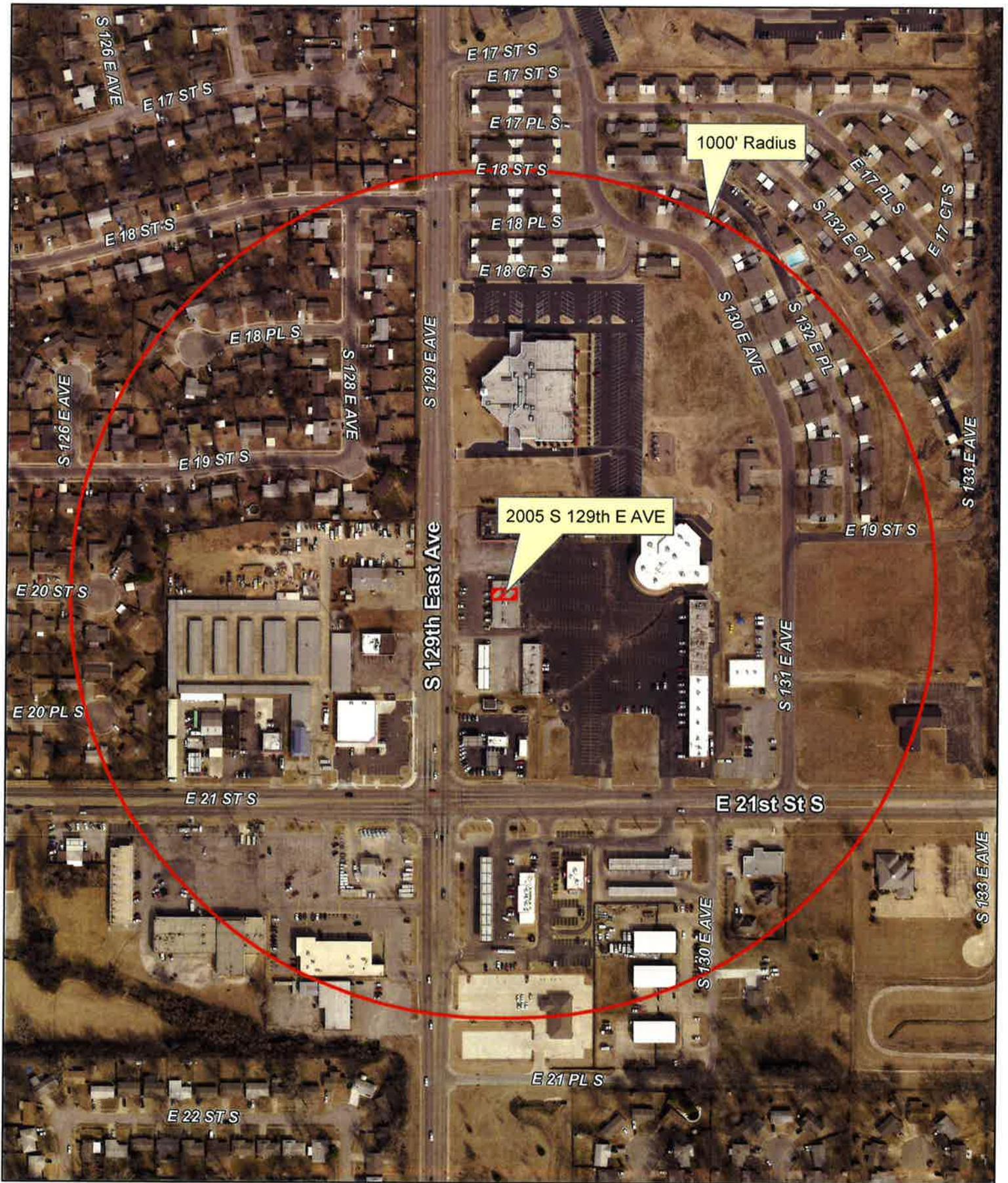
NOTES:
(23) PARKING SPACES
(1) DESIGNATED HC
ACCESSIBLE SPACE
& RAMP

and the walls
are made of
concrete & double
street rock
5/8"

Per landlord 4/15/20
Fire sprinkler in
Sally's & Mega Restaurant
sprinkler
sprinkler

Landlord &
Aspen Land Explorations
918-445-7466 (street)

13.10



BOA-22917

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

Aerial Photo Date: February 2018



13.11

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