

**BOA-22935**

13.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

STR: 8419  
CZM: 58  
CD: 7

Case Number: **BOA-22935**

**HEARING DATE:** 06/23/2020 1:00 PM

**APPLICANT:** Cannatopia LLC

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

**LOCATION:** 9999 S MINGO RD E

**ZONED:** CS

**PRESENT USE:** Medical Marijuana Dispensary

**TRACT SIZE:** 283646.46 SQ FT

**LEGAL DESCRIPTION:** PRT LT 1 BEG 305.79N & 50E SWC SW TH N355.30 E565.95 S600.98 W228 W10 W108.72 N217.41 NW57.79 W176.11 TO POB BLK 1, MILLICENT CROSSING, YALE CLEANERS ADDN NO 101, PLAZA DEL SOL

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 Lotus Gold, located 8010 E 106<sup>th</sup> St, which is 1.25 miles 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



*Plaza del Sol Shopping center at the NE/c of 101<sup>st</sup> St. and S. Mingo Road.*



*Facing West on 101<sup>st</sup> St.*



*Facing East on 101<sup>st</sup> Street*



*Location of proposed Dispensary*

DANA L. BOX  
ZONING  
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

May 7, 2020

LOD Number: 1  
Seth Hendrix  
13814 S. 23<sup>rd</sup> Pl.  
Bixby, OK 74008

Phone: 918-812-6297

APPLICATION NO:

**ZCO-060482-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

9999 S. Mingo Rd., Suite V

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.\*\* (SEE #2, BELOW)

**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. \*\*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. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO [COTDEVSVCS@CITYOFTULSA.ORG](mailto:COTDEVSVCS@CITYOFTULSA.ORG) OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. \*\*
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [WWW.TULSAPLANNING.ORG](http://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](http://www.tulsaplanning.org/plans/TulsaZoningCode.pdf)

ZCO-060482-2020

9999 S. Mingo Rd., Ste. V

May 7, 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.

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 **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](http://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.



### Lotus Gold Marijuana Dispensary

4.5 stars (11)  
Cannabis store

- Directions
- Save
- Search
- Save to list
- Share

#### Verify info with this place

Hours or services may differ due to COVID-19

- 8210 E 166th St, Tulsa, OK 74133
- 2467-63 Tulsa, Oklahoma
- products@lotusgold.com
- (918) 856-5186
- Closed Opens at 10:00 AM
- Manage this listing
- Add a label

Suggest an edit

#### Photos



Measure distance  
Click on the map to set your origin  
Total distance: 1.25 mi (0.78 mi)

**GENERAL NOTES:**

1. THE CONTRACTOR SHALL VERIFY THE SITE AND VERIFY ALL JOB CONDITIONS, DIMENSIONS, AND LOCATIONS OF ALL EXISTING UTILITIES, OBSTRUCTIONS, OR BUILDING CONDITIONS PRIOR TO THE START OF CONSTRUCTION. ALL INFORMATION SHALL BE OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ALL TRADES.
2. ALL MATERIALS AS WELL AS METHODS AND PROCEDURES USED IN THE PERFORMANCE OF THE WORK SHALL BE APPROVED BY THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
3. THE ORIGINAL CONTRACTOR SHALL PROTECT AND BE RESPONSIBLE FOR THE EXISTING STRUCTURE, UTILITIES, AND IMPROVEMENTS LOCATED BY THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ALL TRADES.
4. THE CONTRACTOR SHALL PROTECT AND BE RESPONSIBLE FOR THE EXISTING STRUCTURE, UTILITIES, AND IMPROVEMENTS LOCATED BY THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ALL TRADES.
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**PLUMBING CALCULATIONS:**

SEE ARCHITECT FOR PLUMBING CALCULATIONS. ALL CALCULATIONS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.

**FLOOR PLAN NOTES:**

1. ALL EXISTING CONDITIONS TO BE REMOVED SHALL BE INDICATED BY DASHED LINES.
2. ALL NEW CONDITIONS SHALL BE INDICATED BY SOLID LINES.
3. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
4. ALL MATERIALS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
5. ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
6. ALL UTILITIES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
7. ALL ELECTRICAL SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
8. ALL MECHANICAL SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
9. ALL PLUMBING SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
10. ALL STRUCTURAL SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
11. ALL OTHER SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.

**FLOOR PLAN LEGEND:**

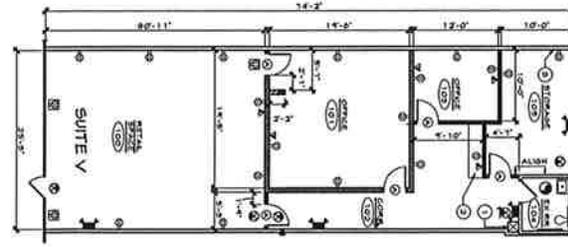
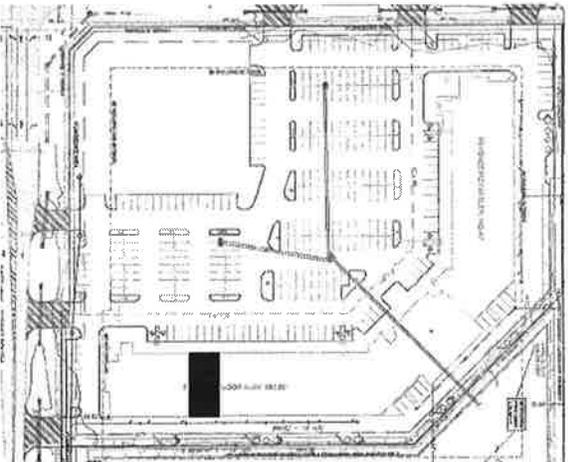
- EXISTING WALL
- NEW WALL
- EXISTING DOOR
- NEW DOOR
- EXISTING WINDOW
- NEW WINDOW
- EXISTING CLOSET
- NEW CLOSET
- EXISTING STAIR
- NEW STAIR
- EXISTING ELEVATOR
- NEW ELEVATOR
- EXISTING ESCAPE ROUTE
- NEW ESCAPE ROUTE
- EXISTING SIGN
- NEW SIGN

**FLOOR PLAN NOTES:**

1. EXISTING WALL TO REMAIN AS IS.
2. NEW WALL TO BE REMOVED.
3. EXISTING DOOR TO REMAIN AS IS.
4. NEW DOOR TO BE REMOVED.
5. EXISTING WINDOW TO REMAIN AS IS.
6. NEW WINDOW TO BE REMOVED.
7. EXISTING CLOSET TO REMAIN AS IS.
8. NEW CLOSET TO BE REMOVED.
9. EXISTING STAIR TO REMAIN AS IS.
10. NEW STAIR TO BE REMOVED.
11. EXISTING ELEVATOR TO REMAIN AS IS.
12. NEW ELEVATOR TO BE REMOVED.
13. EXISTING ESCAPE ROUTE TO REMAIN AS IS.
14. NEW ESCAPE ROUTE TO BE REMOVED.
15. EXISTING SIGN TO REMAIN AS IS.
16. NEW SIGN TO BE REMOVED.

**ELECTRICAL PLAN LEGEND:**

- EXISTING OUTLET
- NEW OUTLET
- EXISTING SWITCH
- NEW SWITCH
- EXISTING PANEL
- NEW PANEL
- EXISTING WIRE
- NEW WIRE



**PERMIT PLAN**



**Case & Associates**  
 ARCHITECTS  
 3300 SOUTH HERKULES PLACE, SUITE 300  
 TULSA, OKLAHOMA 74114  
 (918) 744-4200 | (918) 744-7349  
 WWW.CASEANDASSOCIATES.COM  
 C OF A 8328 EXPIRES 8/30/19

**SCISSORTAIL DISPENSARY SUITES V**

PLAZA DEL SOL CENTER

11/1/2018

PERMIT PLAN  
**PE.1**



1000' Radius



**BOA-22935**

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

Aerial Photo Date: February 2018



13.9

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