

BOA-22943

14.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9325
CZM: 48
CD: 7

Case Number: **BOA-22943**

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

APPLICANT: Robert Jackson

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

LOCATION: 4328 S MINGO RD E

ZONED: IL

PRESENT USE: Retail/Office

TRACT SIZE: 73616.7 SQ FT

LEGAL DESCRIPTION: PRT SE NE BEG 1281.50N & 108.73NW SECR NE TH S270.71 W229.96 N368.79 SE249.95 POB SEC 25 19 13 1.69ACS,

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 PURA Cannabis Collective, located 8712 E. 46th Street, which is 2,990 feet 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.



Facing North on Mingo



Proposed Dispensary Space



Facing South on Mingo

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

October 26, 2019

Carlos Plaud
1821 E Young ST
Tulsa, OK 74110

Phone:

APPLICATION NO: **BLDC-043695-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4328 S Mingo RD**

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 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 WWW.CITYOFTULSA-BOA.ORG

BLDC-043695-2019

4328 S Mingo RD

October 26, 2019

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 acceptance of the 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. The separation required under *Sec.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 Department of Health prior to December 1, 2018 for the particular location.

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.



Robert Jackson



Licenses / New Business License - Savant Cannabis, LLC



Approved

Selected Account:
Savant Cannabis,
LLC

License Number : DAAA-EYRC-K7IW

License Expiry Date : 07/24/2020

Date Issued : 07/19/2019

Date Updated : 10/30/2019

+ CREATE NEW APPLICATION

LICENSE DASHBOARD(/#!/LICEI

APPLICATIONS(/#!/APPLICATIC

ACCOUNT

GENERAL INFORMATION	PERSONS OF INTEREST	LOCATION INFORMATION	CONTACT INFORMATION
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Entity Name :Savant Cannabis, LLC

License Type :Dispensary

Trade Name :Savant Cannabis

Entity Phone :2143173647

Fax :6094826351

Website :www.SavanteCannabis.com

Operating Hours of Entity :10-8

Oklahoma Tax Permit Number (Sales Account ID) :

Oklahoma Tax Permit Number (Site Permit Number) :

14.7

Limited Liability Corporation
Business Structure :(LLC)

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[Accessibility \(/#!/ok/accessibility\)](#)

[Terms and Conditions \(/#!/legal/ok/terms-and-conditions\)](#)

[FAQ](#)

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Legend

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Legal Description
PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE/4 NE/4) OF SECTION TWENTY-TWO (22) TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, TULSA COUNTY, OKLAHOMA, THE PART OF BEING 100.00 FEET NORTH AND 128.33 FEET NORTHEAST OF THE SOUTHEAST CORNER OF THE NORTH 1/4 CORNER 200' BY 111' TRACT, WEST 229.86 FEET, THENCE NORTH 288.79 FEET, THENCE SOUTHEAST 249.95 FEET TO THE POINT OF BEGINNING.

Schedule B-11 Easements
1. MUTUAL ACCESS EASEMENTS AS EVIDENCED BY AN INSTRUMENT DATED DECEMBER 23, 1976, AND RECORDED IN THE LAND RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, ON DECEMBER 28, 1976, IN BOOK 4284, AT PAGE 2488 (25' ACCESS EASEMENT AFFECTS SUBJECT PROPERTY AS SHOWN HEREOF).
2. UTILITY EASEMENT AS EVIDENCED BY AN INSTRUMENT DATED IN FAVOR OF THE PUBLIC, DATED DECEMBER 23, 1976, AND RECORDED IN THE LAND RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, ON DECEMBER 28, 1976, IN BOOK 4284, AT PAGE 2488 (15' UTILITY EASEMENT AFFECTS SUBJECT PROPERTY AS SHOWN HEREOF).
3. UNDERGROUND RIGHT-OF-WAY AS EVIDENCED BY AN INSTRUMENT DATED IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, DATED JUNE 30, 1978, AND RECORDED IN THE LAND RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, ON JULY 11, 1978, IN BOOK 4309, AT PAGE 1215 (10' EASEMENT AFFECTS SUBJECT PROPERTY AS SHOWN HEREOF).

- Miscellaneous Notes**
- A. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. CALL "DIAL" (1-800-522-6543) BEFORE DIGGING. THE "DIAL" DOES NOT GUARANTEE THE EXISTENCE OR LOCATION OF UNDERGROUND UTILITIES.
 - B. THE PROPERTY DESCRIBED HEREON CONTAINS 2338 SQ. FT. OF TAX ACRES.
 - C. THE BEARING BASE FOR THIS SURVEY IS ASSUMED USING SOUTH AS THE EAST END OF SUBJECT PROPERTY.
 - D. THE PROPERTY DESCRIBED HEREON CONTAINS A TOTAL OF 60 STRIPPED PARKING SPACES 2 OF WHICH ARE DESIGNATED AS HANDICAPPED.
 - E. THE PROPERTY DESCRIBED HEREON DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO THE REGULATORY FLOODPLAIN MAP ATLAS FOR THE CITY OF TULSA, DATED MAY 18, 2015.
 - F. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME OF SURVEY.
 - G. WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS MAP NO. 40442-0201R, MAP REVISED, OCTOBER 16, 2012, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
 - H. ALL EASEMENTS AND RIGHT OF WAY CONTAINED IN CHICAGO TITLE INSURANCE COMPANY FOR TITLE INSURANCE COMMITMENT NO. 003369, WITH AN EFFECTIVE DATE OF MAY 31, 2018, ARE SHOWN OR NOTED HEREOF.
 - I. BUILDING LINE PER ZONING CODE ON SURVEY DONE BY HARDEN & ASSOCIATES A-T-A/ADSV LAND TITLE SURVEY OF SUBJECT PROPERTY DATED 2/11/05.

ALTA/NPS Land Title Survey
of
Part of the Section 25, T-19-N, R-13-E
City of Tulsa, Tulsa County, Oklahoma

Surveyor's Certification
WE, SISEWITZ WEISZ & ASSOCIATES, INC. DO HEREBY CERTIFY TO:
THE PROPERTY, I.E.C.
CHICAGO TITLE INSURANCE COMPANY
OKLAHOMA TITLE & ESCRROW CORPORATION
THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 6, 8 & 16 OF TABLE A HEREOF. THE FIELDWORK WAS COMPLETED ON JUNE 26, 2018.
THIS PLAN OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.
WITNESSED MY HAND AND SEAL THIS 27th DAY OF JULY, 2018.



SISEWITZ WEISZ & ASSOCIATES, INC.
BY: *[Signature]*
DEANE ROBINSON
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1246
TEL: 405-742-5500 FAX: 405-742-5500
1410 S. WILSON ST. SUITE 100 TULSA, OKLAHOMA 74106

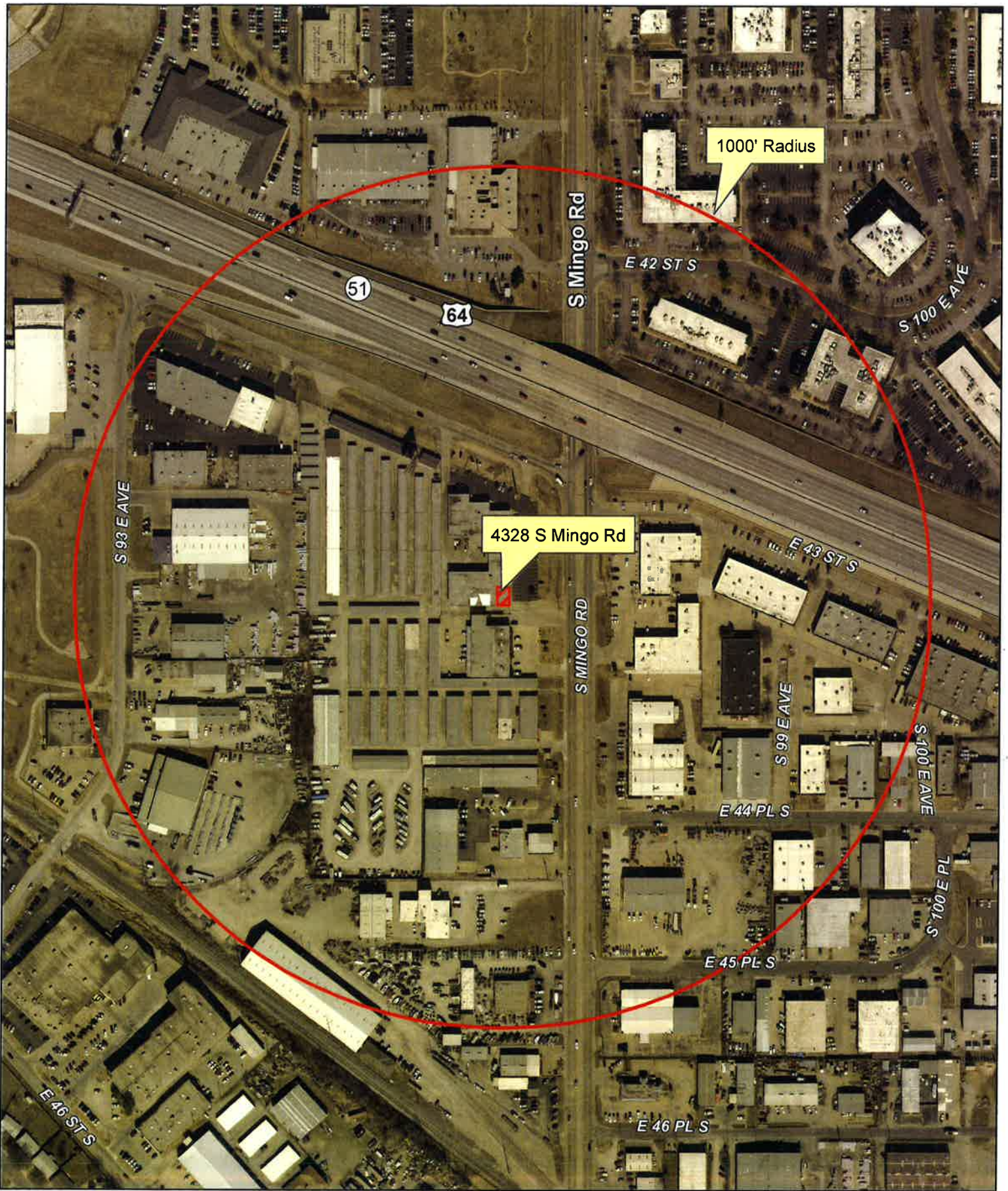
REVISIONS

NO.	DATE	DESCRIPTION
1	07/27/18	AS SHOWN ON CHICAGO TITLE INSURANCE COMPANY FOR TITLE INSURANCE COMMITMENT NO. 003369, WITH AN EFFECTIVE DATE OF MAY 31, 2018, ARE SHOWN OR NOTED HEREOF.

SISEWITZ WEISZ & ASSOCIATES, INC.

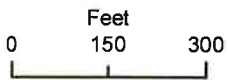
FILE NO.	DATE	BY	CHKD BY	DATE	APP'D BY
1410-18-0000	7/27/18	DR	DR	7/27/18	DR

14.10



1000' Radius

4328 S Mingo Rd



BOA-22943

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

Aerial Photo Date: February 2018



14.11

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