

**Robert L. Triplett, Jr.  
139 E. 122<sup>nd</sup> E. Ave.  
Tulsa, Oklahoma 74128**

August 20, 2020

*Via Email: [esubmit@incog.org](mailto:esubmit@incog.org)*

City of Tulsa Board of Adjustment  
c/o INCOG  
2 W. 2<sup>nd</sup> St., Suite 800  
Tulsa, OK 74103

Re: **Comment**  
**Case No. BOA-22981**

Ladies and Gentlemen:

I received notice of the above referenced case seeking a Special Exception to permit moderate-impact medical marijuana processing in the IL district. I am submitting my comment to express concerns regarding the potential BOA approval of this application.

In addition to the mailed notice, I have reviewed the application available online, as of August 19, 2020. I could not read the fine print on the application floor plan for Fat & Happy Processing LLC. The application does not include a copy of the OMMA License. I did not find Applicant, Cody Welch, Fat & Happy Processing LLC or Fat and Happy Processing LLC on the OMMA list of licensed processors as of August 12, 2020. Surely, the application should include the OMMA license before this application can be approved.

The application is for the whole property and building at 165 S. 122<sup>nd</sup> E. Ave. Tulsa, OK 74128, as indicated on application, aerial photos, and map. However, the Applicant's, Cody Welch, address is for Suite B in the building, not the whole building. Is the application for the whole building or just Suite B? Also, the application does not indicate the owner of the property consents to this application or what Applicant's relationship is with the owner. Does the owner consent to this application and what is the Applicant's relationship to the owner?

I did not see anything in the application about air scrubbers or filters to make sure the odor from processing marijuana (especially on harvesting days) will not be smelled by neighbors when processing marijuana. There is another Medical Marijuana grower/processor at 147 S. 122<sup>nd</sup> E. Ave. Tulsa, OK 74128. When they were processing or harvesting the marijuana, there was a pungent odor that

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permeated our clothes and the interior of our vehicles. We were very concerned that, if stopped by the police, the odor could be probable cause for us to be questioned and detained, and our vehicles could be searched and impounded. Recently, after the grower/processor installed air scrubbers or filters, we have not noticed the odor.

I did not see anything in the application indicating what security measures would be made to prevent this location from being a target for burglary and other crimes. We are very concerned that approving this application would increase crime in the area. What is the Applicant's plan for security?

I tried to find information regarding the Applicant's work experience or education that would indicate Applicant is qualified to operate a Medical Marijuana processing facility. I was unable to find the information I was looking for, however, information I did find indicated Applicant may have a criminal record that should be reviewed before he or an entity he is involved with is licensed by the OMMA.

Based on my comments above I do not want this application for a Special Exception to permit moderate-impact medical marijuana processing in the IL district approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,

  
Robert L. Triplett, Jr.

RLT/tg

**Robert L. Triplett, Jr.  
139 E. 122<sup>nd</sup> E. Ave.  
Tulsa, Oklahoma 74128**

August 21, 2020

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City of Tulsa Board of Adjustment  
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Tulsa, OK 74103

Re: **Comment (#2)**  
**Case No. BOA-22981**

Ladies and Gentlemen:

Shortly after submitting my initial comment I received an email, from Austin Chapman, acknowledging its receipt and encouraging contacting the Applicant directly regarding our concerns. I want to thank Mr. Chapman for his recommendation, when contacted the Applicant was generous with his time discussing my concerns and appeared to be open and honest. I found my discussion with the Applicant very beneficial. I am now more convinced that the Applicant's proposed Medical Marijuana processing facility should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

I wish the Applicant every success starting a Medical Marijuana Processing Facility. The Applicant is planning to sublease a 200 sq. ft. (10'x20') room from the current tenant, Jessie Sims (Current Tenant), at 165 S. 122<sup>nd</sup> E. Ave., Suite B, Tulsa, OK 74128 (Suite B). The Applicant said the Current Tenant is a Marijuana grower that has been growing Marijuana in Suite B for some time. The Applicant said the tenant at 165 S. 122<sup>nd</sup> E. Ave., Suite A, is making building/construction products.

Due to the limited space, the Applicant is planning to limit the Medical Marijuana Processing to mechanical extraction of cannabis oil using two (2) tabletop machines. He is not planning on using chemical solvent processes other Medical Marijuana Processing Facilities use. The Applicant said this location is not ideal for a Medical Marijuana Processing Facility and that ideally, he would like to have 10 acres out in the country to build a Medical Marijuana Processing Facility. The Applicants' proposed 200 sq. ft. Medical Marijuana Processing Facility will only have one (1) employee initially, the Applicant, but in no event more than two (2) employees due to the limited space.

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A Medical Marijuana Processing Facility is a moderate impact operation and should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district where the lots or parcels would be much larger than IL (Industrial Light) and designed to accommodate a Medical Marijuana Processing Facility's potential environmental impact.

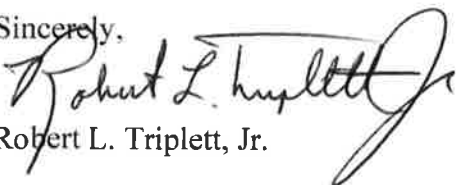
I am still concerned about security, the smell/odor, and the owners written consent for this application. In addition, I have a new concern, should a Special Exception be approved, what area will be given the exception, the whole Lot 8, the whole building, Suite B, or the 200 sq. ft. room to be sublet to the Applicant? If approved, will the Special Exception be conditioned upon the use of mechanical extraction only? How will any Special Exception limitation/condition be enforced? I do not think this application is a good fit for this IL (Industrial Light) district. I think the Applicant and his business would be better suited to an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

Based on my initial comments and my comments above I do not want this application for a Special Exception approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Triplett, Jr.", written in a cursive style.

Robert L. Triplett, Jr.

RLT/tg