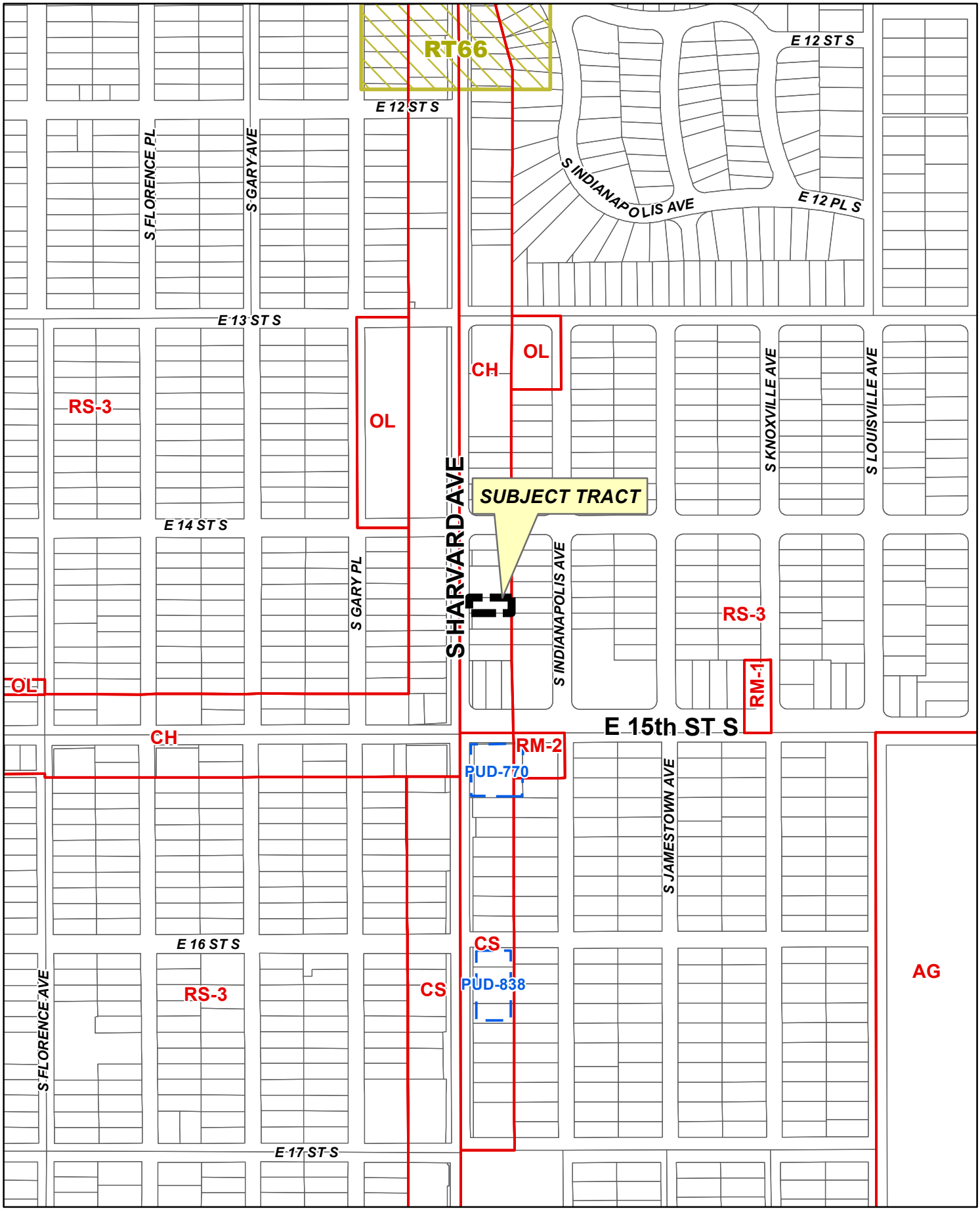

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BOA-23302

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9309 Case Number: **BOA-23302**
CZM: 37
CD: 4

HEARING DATE: 04/12/2022 1:00 PM

APPLICANT: Brian Blott

ACTION REQUESTED: Special Exception to permit a Low-impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

LOCATION: 1417 S HARVARD AV E **ZONED:** CH

PRESENT USE: Medical Marijuana Dispensary **TRACT SIZE:** 6751.83 SQ FT

LEGAL DESCRIPTION: LOT-9-BLK-3, SUMMIT HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-23218; On 12.14.2021 the Board ***approved*** a Special Exception to permit a Low-impact Medical Marijauna Processing Use in the CH District. Property located 1347 S. Harvard Ave.

BOA-22806; On 12.10.19 the Board ***approved*** a a request to allow Low-Impact Manufacturing and Industry Uses in the CH District to permit a a Low-impact Medical Marijuana processing facility. Property located 1502 S. Harvard.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Main Street“ and an “Area of Growth“.

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the East side of Harvard between E. 14th St. S. and E. 15th St. S. The property is an existing Medical Marijuana Dispensary, and this use would be added to that existing business.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Low-impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

Medical Marijuana Uses are subject to the supplemental regulations of Section 40.225:

Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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

40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, and research facilities.

40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
2. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

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.

Included in your packet is a description of the proposed use provided by the applicant.

SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to permit a Low-impact Medical Marijuana Processing Use in the CH District (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions (including time limitation, if any): _____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Subject property

DANA L. BOX
ZONING OFFICIAL
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

December 10, 2021

LOD Number: 1
Brian Blott
1417 S. Harvard Ave.
Tulsa, OK 74112

Phone: 918-500-8294

APPLICATION NO: **ZCO-095743-2021**
(*PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE*)
Location: **1417 S. Harvard Ave.**
Description: **Low-impact medical marijuana processing**

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 (SEE ATTACHED)
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 http://tulsaplanning.org/plans/TulsaZoningCode.pdf

ZCO-095743-2021 **1417 S. Harvard Ave.** **December 10, 2021**

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 variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision-making body 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.

Sec.35.070-A: Your application is for an Industrial/Low-impact Manufacturing & Industry/Low-impact Medical Marijuana Processing. It is located in a CH zoning district.

Review Comments: This use is allowed by Special Exception in the CH zoning districts. You must contact INCOG/Tulsa Planning Office to have a Special Exception approved by the Board of Adjustment. 918-584-7526. Once approved by the BOA, resubmit the approval to the permit office so your application may be approved.

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

To whom it may concern,

The purpose of this letter is in reference to a letter you may have received or will be receiving soon from the City of Tulsa regarding a Special Exemption (BOA-23302) which will permit Low-Impact Medical Marijuana Processing at 1417 South Harvard Ave. Tulsa, Oklahoma.

Low-Impact Medical Marijuana Processing involves the same practices we already perform on a daily basis in a retail setting. We will be making business to business transactions on a wholesale level in addition to the current retail sales. The equipment needed for these operations is already in use on the dispensary side of the property. We will not be using any open flames, volatile gases or chemicals. There will be zero smell and/or fumes emitted to the outdoors.

No cannabis extractions or chemical processing will take place on property. We are strictly making pre rolls and repackaging items from growers and processors to resale at the wholesale level to other licensed businesses. This business will not be open to the public. We will only be conducting business to business sales with no store front. Nothing is promoted about this location. No signage or billboards and will remain a nameless shop on the street to maintain a safe and secure location.

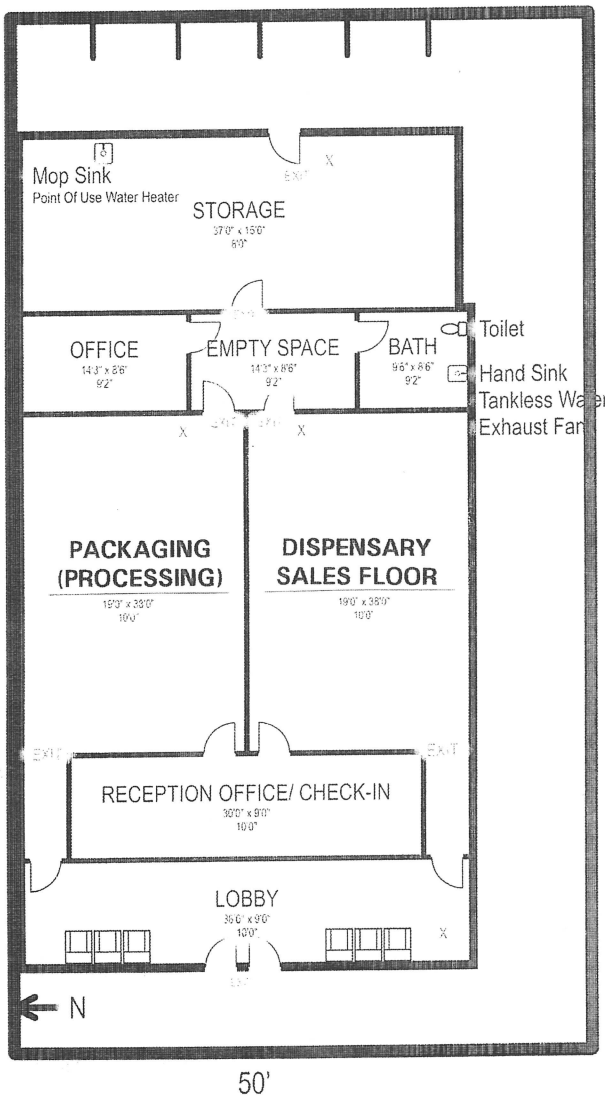
We currently have thirty High Definition cameras with night vision to ensure safe and timely transactions take place in a secured environment. All cannabis products will be stored in the "safe room" inside a 4'x6' walk in safe. The room is also secured with bullet proof Kevlar panels. There will be no noise to disrupt neighboring business or residences. Day to day business will not impact neighborhood parking as we have our own parking lot and staff will be minimal.

We are a local family owned and operated business. We do not have any outside investors or interest. We are 100% Oklahoma owned and operated. I was born and raised in Oklahoma in and have never been a resident of any other State. We are currently a licensed dispensary (est. 2018). We are seeking permission to repackage cannabis products for wholesale purposes and to make "pre-rolls" from shake.

Should you have any questions or concerns, do not hesitate to contact me at thctulsa@gmail.com

Best Regards,
Brian Blott

31' from building to property line



123'

North edge of building sits on property line

12' from building to property line

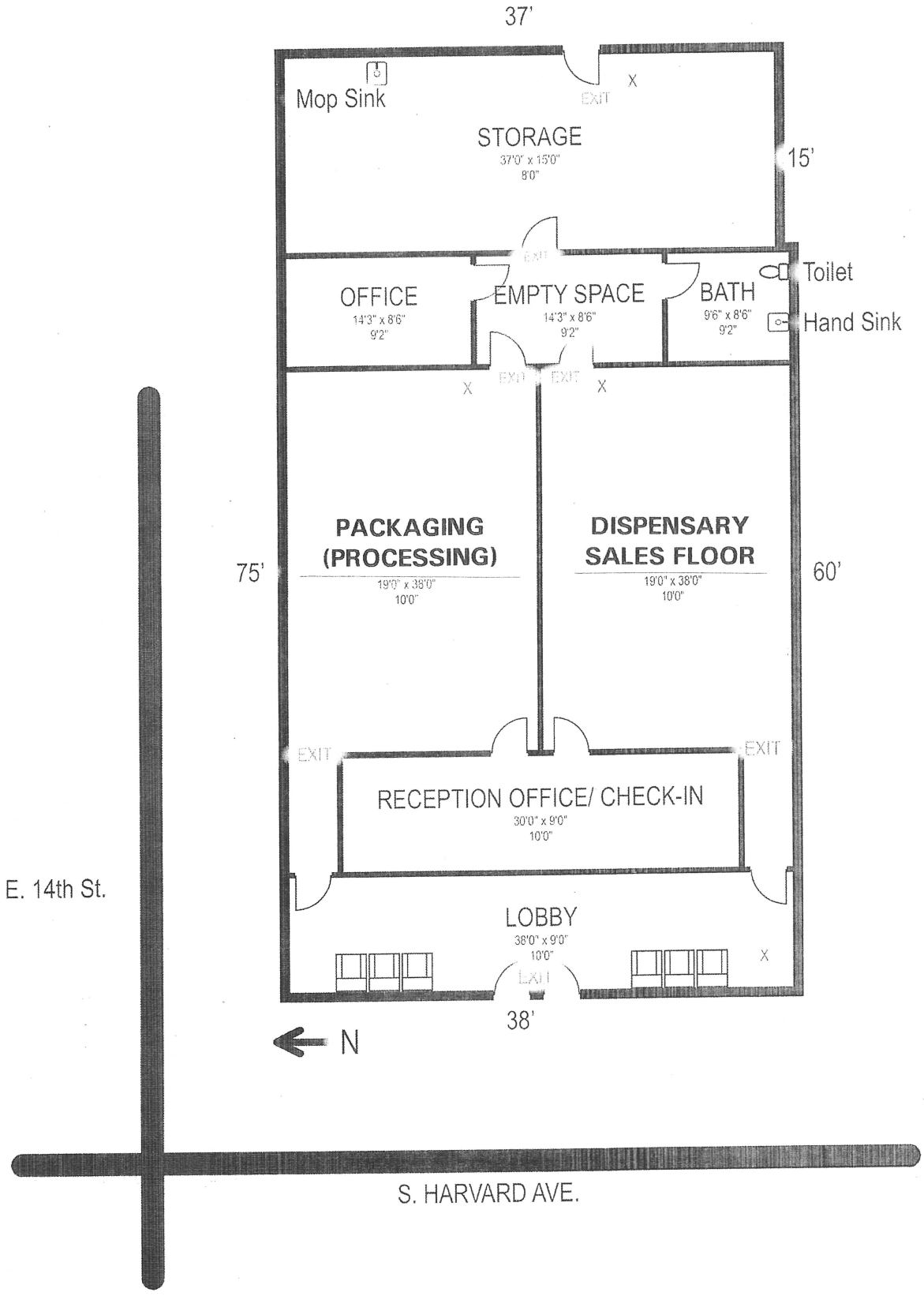
50'

20' from building to curb

THE HEALTH CENTER

Internal - 2664ft2
External - 2828ft2
Overall - 13.02yd x 23.85yd

Powered by Planit2D
Download on the App Store



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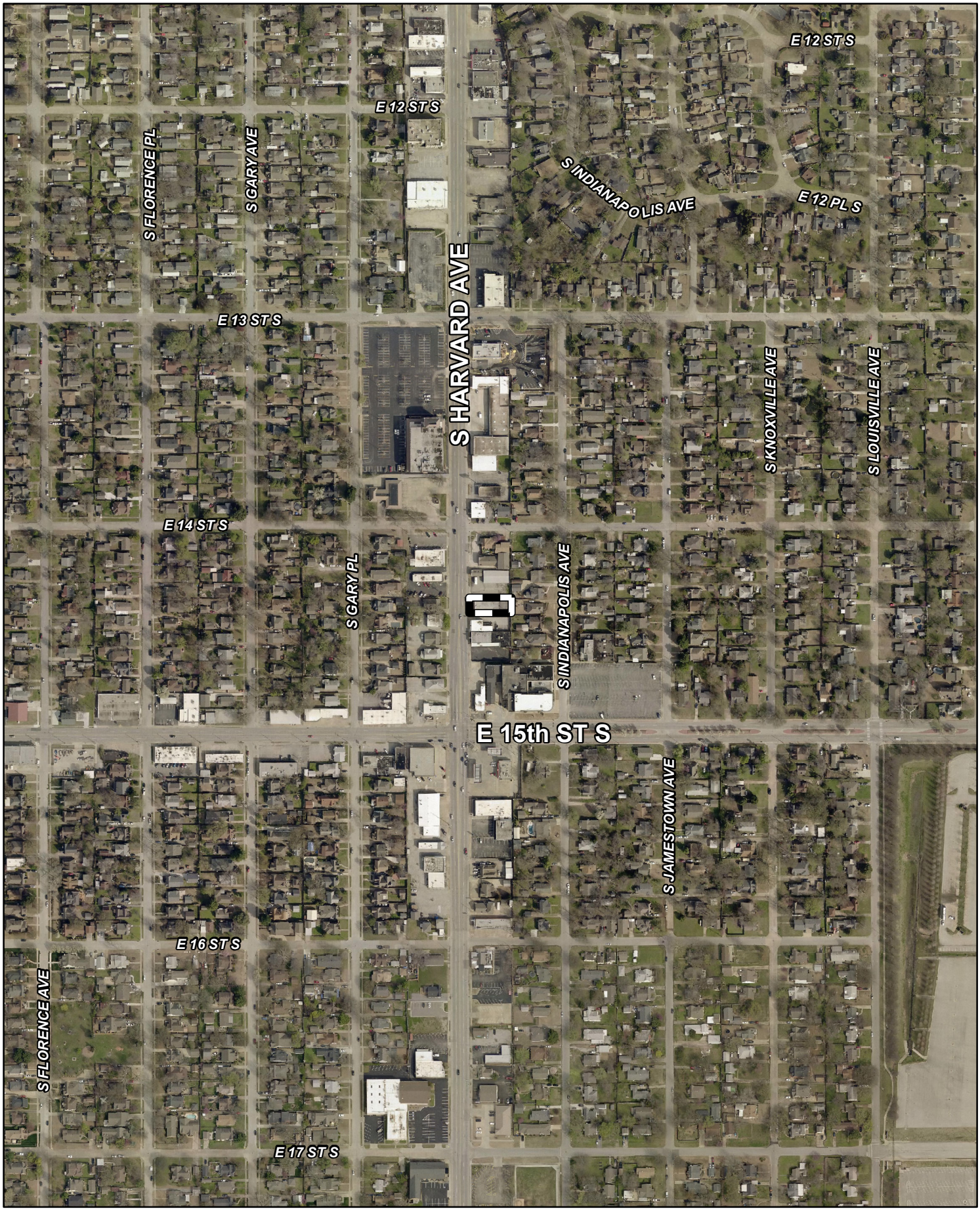

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Subject Tract

BOA-23302

19-13 09

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

Aerial Photo Date: 2020/2021

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Feet
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Subject Tract

BOA-23302

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Aerial Photo Date: 2020/2021

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