

Timeline for ZCO-067561 and ZCO-067758

Application/Permit Number	ZCO-067561-2020	ZCO-067758-2020
Address	7315 S. Memorial	7309 S. Memorial
Applicant	KKT Architects	Kevin Hale Architect
Date Applied for Permit	8/4/2020	8/6/2020
Fees Paid	8/4/2020	8/6/2020
Record Search Added	8/11/2020	8/7/2020
Reviewer	Chuck Lange	Dana Box
Date Available to Review in EnerGov	8/5/2020	8/6/2020
LOD1 Issued	9/2/2020	9/2/2020
LOD1 Response from Applicant with required corrections	9/9/2020	9/2/2020
Application Approved	9/9/2020	9/2/2020
LOD2 Issued to Applicant after discovering a different reviewer approved the 7309 dispensary within 1,000 feet; therefore, the application could not be approved	9/17/2020	
Revised LOD2 reaffirming the dispensary could not be approved, provided information on the right to appeal, and contained an additional issue regarding a	9/29/2020	

Reviewer Synopsis for 7315 S. Memorial Dr. The application was taken in on 8/4/2020. The record search came in on 8/11/2020. The date assigned in ENERGOV was 8/5/2020. The first review was conducted 9/2/2020. This is the date LOD1 was sent to the applicant. This LOD1 required notification to city councilor and the affidavit as to Spacing Verification. The applicant responded to LOD1 with the required corrections and the application was approved on 9/9/2020. The second LOD1 was sent on 9/17/2020 to the applicant after it was discovered a different reviewer approved the dispensary at 7309 S Memorial on 9/2/2020. This letter informed the applicant there was a dispensary within a 1000' and therefore the application could not be approved. The LOD2 Revised was sent on 9/29/2020 not 9/17/2020. This again informed the applicant the dispensary could not be approved, provided information on the right to appeal, and contained an additional issue regarding a drive-through window.

Reviewer Synopsis for 7309 S. Memorial Dr. The application was taken in on 8/6/2020. The record search came in on 8/7/2020. The dated the application was assigned in EnerGov was 8/6/2020. The first review was conducted on 9/2/2020. This is the date LOD1 was sent to the applicant. This LOD1 required a copy of the signed/notarized affidavit. The applicant responded almost immediately, returning the signed affidavit the same day the LOD1 was issued. The reviewer checked to see all required documents were uploaded into EnerGov, which they were, and approved the permit, as all required information had been submitted.

- b. All plats or other documents requiring the property owner's signature have been signed by the property owner;
- c. The activity for which the foundation permit or earth-change permit is requested complies with all applicable regulations; and
- d. Future recordation of all required plats or other documents is reasonably assured.

70.080-C Application

1. Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:
 - a. The actual shape and dimension of the lot;
 - b. The location and dimensions of all easements;
 - c. The location, size and height of any existing buildings or structures to be erected or altered;
 - d. The existing and intended use of each building or structure and portion of the lot;
 - e. The number of dwellings and buildings proposed; and
 - f. Other information required by the development administrator to determine compliance with all applicable provisions this zoning code.
2. If the zoning code requires that the use, structure, or other development feature must be separated or spaced a minimum distance from another use, structure, or development feature, the zoning clearance permit application must also be accompanied by the following information:
 - a. An aerial photograph identifying the location of the proposed use, structure or development feature at the center of a circle drawn to scale, the radius of which is the required separation distance from another use, structure or development feature;
 - b. The location of the nearest use, structure, or development feature from which the proposed use, structure or development feature must be separated; and
 - c. Verification of having provided a copy of the zoning clearance permit application, concurrent with the submission of the application, to the City Councilor for the City Council District in which the subject property is located.

70.080-D Action

Following receipt of a complete application for a zoning clearance permit, the development administrator must review and take action on the permit. If the proposed development and construction complies with all applicable provisions of this zoning code, the permit must be issued. If the proposed development and construction does not comply with one or more provisions of this zoning code, the

permit must be denied. The applicant must be notified of the action taken, and if the permit is denied, notified of the specific reasons for denial.

Section 70.090 Interpretations of Zoning Code, Zoning Map, and Approved Development Plans and Site Plans

70.090-A Purpose and Applicability

1. Day-to-day responsibility for administering and interpreting the provisions of this zoning code, including the zoning map, rests with the development administrator and land use administrator, whose decisions may be appealed to the board of adjustment, in accordance with the procedures of [Section 70.140](#).
2. Occasionally, the zoning code may not sufficiently address an issue that arises in administering or interpreting the zoning code. In those cases, the development administrator may elect to issue, or a citizen may file an application for, a written zoning code interpretation to guide in future decision-making. The procedures of this section govern the issuance of such interpretations. The procedures also govern interpretations of the terms of approved development plans and site plans, such as those associated with PUDs, MPDs and CO zoning districts.

70.090-B Authority

The land use administrator, as to the zoning map and approved development plans and site plans, and the development administrator, as to the zoning code, are authorized to issue written interpretations pursuant to this section. The land use administrator and the development administrator are also authorized to refer the matter to the board of adjustment for an interpretation or for guidance in making an interpretation.

70.090-C Application

A complete application for a written interpretation request may be submitted either to the land use administrator or development administrator, as appropriate.

70.090-D Action

Within 30 days of receipt of a complete application, the land use administrator or development administrator, as appropriate, must (1) review and evaluate the interpretation request in light of the provisions that are the subject of the interpretation request and any other relevant documents (2) consult with affected staff and (3) prepare a written interpretation.

70.090-E Form

The interpretation must be provided to the applicant in writing and filed in the official record of interpretations held by the development administrator.

70.090-F Official Record

The development administrator must maintain an official record of written interpretations and provide copies to the land use administrator. The record of interpretations must be available for public inspection in the office of the land use administrator and development administrator during normal business hours.

2. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

70.100-H Conditions of Approval

In granting an administrative adjustment, the land use administrator is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning code.

70.100-I Lapse of Approval

An approved administrative adjustment will lapse and become void 3 years after it is granted by the land use administrator, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the administrative adjustment must be in place within the 3-year period.

70.100-J Transferability

Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

70.100-K Amendments

A request for changes in the specific nature of an approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including all requirements for fees and notices.

70.100-L Appeals

The applicant or any interested party may appeal the administrative adjustment decision of the land use administrator in accordance with [Section 70.140](#).

Section 70.110 Spacing and Separation Distance Verification

70.110-A Applicability

The spacing and separation distance verification procedure of this section applies whenever this zoning code requires that a use, structure or other development feature be separated or spaced a minimum distance from another use, structure or development feature. The procedure does not apply to a determination of compliance with building setback requirements that apply on individual lots.

70.110-B Action

The development administrator may rely upon the evidence provided by the applicant with an application for a zoning clearance permit to verify that the proposed use, structure or other development feature complies with the applicable spacing and separation distance requirements of this zoning code. Only other uses, structures, or development features that have been legally established by the issuance of a certificate of occupancy, an active building permit, active sign

permit or active zoning clearance permit will be considered in determining compliance with the applicable spacing and separation distance requirements. It is the responsibility of the applicant to provide all information requested by the development administrator to aid in the determination. For purposes of determining whether spacing and separation distance requirements are met, a zoning-clearance-only permit for the use, structure or development feature from which the subject use, structure or development feature must be separated is valid for 180 days after it is issued.

70.110-C Appeal of Decision

Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with §70.140.

Section 70.120 Special Exceptions

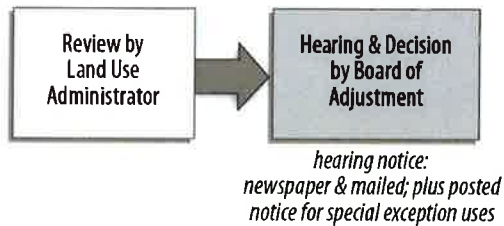
70.120-A Authorized Special Exceptions

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.

70.120-B Authority to File

Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

Figure 70-5: Special Exception Process (Generally)



70.120-C Application Filing

Complete applications for special exception approval must be filed with the land use administrator.

70.120-D Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the proposed special exception. The report must be transmitted to the board of adjustment before the required public hearing.

70.120-E Notice of Hearing

1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See §70.010-F for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

DANA L. BOX
ZONING PLANS EXAMINER

TEL (918)596-6957
danabox@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Kevin Hale
1319 E. 6th St.
Tulsa, OK 74120

September 2, 2020

Phone: 918-764-9996

APPLICATION NO: ZCO-067758-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7309 S. Memorial
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. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO 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 (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT 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 <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

ZCO-067758-2020

7309 S. Memorial

September 2, 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 at 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 ft of another medical marijuana dispensary. The BOA is no longer processing Spacing Verifications.

Review Comment: Submit the following documentation so that your application may continue to be processed.

- 1. ~~An aerial photograph identifying the location of the proposed dispensary at the center of a circle drawn to scale, the radius of which is the required separation distance (1000 ft) from another dispensary; and~~ **RESOLVED**
- 2. ~~The location of the nearest dispensary from which the proposed dispensary must be separated; and~~ **RESOLVED**
- 3. ~~Verification of having provided a copy of the Zoning Clearance Permit Application to the City Councilor for the city council district in which the subject property is located. (A copy of an e-mail will suffice.) To find the councilor for your district, click here: (<http://maps.cityoftulsa.org/citycouncil/>);~~ **RESOLVED** and
- 4. **A copy of the following affidavit:**

Affidavit as to Spacing Verification

I, (Applicant) _____, being duly sworn upon oath, state that I have researched and examined or caused to be researched and examined, the spacing verification requirements and have provided a copy of the Zoning Clearance Permit Application to the city councilor in which the subject property is located.

Signature of Applicant

Subscribed and Sworn to Before Me this _____ Day of _____, 20 _____.

Notary Public _____ My Commission Expires: _____

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.

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
Crystal Hendricks
2200 S Utica PL
Tulsa, OK 74104

September 2, 2020

Phone: 918.744.4270

APPLICATION NO: ZCO-067561-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7315 S Memorial Dr
Description: Medical Marijuana Dispensary

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(continued)

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WWW.CITYOFTULSA-BOA.ORG

ZCO-067561-2020

7315 S Memorial Dr

September 2, 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 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 at 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.

- 1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 ft of another medical marijuana dispensary. The BOA is no longer processing Spacing Verifications.

Review Comment: Submit the following documentation so that your application may continue to be processed.

- 1. RESOLVED An aerial photograph identifying the location of the proposed dispensary at the center of a circle drawn to scale, the radius of which is the required separation distance (1000 ft) from another dispensary.
- 2. UNRESOLVED Verification of having provided a copy of the Zoning Clearance Permit Application to the City Councilor for the city council district in which the subject property is located. <http://maps.cityoftulsa.org/citycouncil/>
- 3. UNRESOLVED A copy of the following affidavit:

Affidavit as to Spacing Verification

I, _____, Being Duly Sworn upon Oath, State That I Have Researched and Examined or Caused to Be Researched and Examined the Spacing Verification Requirements and Have Provided a Copy of the Zoning Clearance Permit Application To The City Councilor in Which The Subject Property Is Located.

Signature

Subscribed and Sworn to Before Me this _____ Day of _____, 20_____.

Notary Public _____ My Commission

Expires: _____

- **ACTION REQUIRED** *You are required to notify the city councilor for this district that an application has been submitted for a dispensary at this location. The affidavit is required to be submitted as a revision to this application.*

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

Link to Zoning Code:

www.tulsaplanning.org/plans/TulsaZoningCode.pdf

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ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Crystal Hendricks
2200 S Utica PL
Tulsa, OK 74104

September 17, 2020

Phone: 918.744.4270

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(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

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ZCO-067561-2020

7315 S Memorial Dr

September 17, 2020

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Sec..110-B: The application for your proposed Medical Marijuana Dispensary cannot be approved because there is an active Zoning Clearance Permit for another dispensary within 1000 ft of your location.

Review comment: Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with Sec.70.140. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed. The BOA contact person is Austin Chapman. He may be reached at 918.584.7526 or achapman@incog.org.

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END – ZONING CODE REVIEW

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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.

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: 2 Revised
Crystal Hendricks
2200 S Utica PL
Tulsa, OK 74104

September 17, 2020

Phone: 918.744.4270

APPLICATION NO: ZCO-067561-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7315 S Memorial Dr

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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT 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)

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REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

ZCO-067561-2020

7315 S Memorial Dr

September 17, 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 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 at 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.

1. **Sec..110-B:** The application for your proposed Medical Marijuana Dispensary cannot be approved because there is an active Zoning Clearance Permit for another dispensary within 1000 ft of your location.

Review comment: Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with Sec.70.140. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed. The BOA contact person is Austin Chapman. He may be reached at 918.584.7526 or achapman@incog.org.

2. **Sec.40.225-E:** Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operation, processing facilities, dispensaries and research facilities.

Review comment: You are proposing a drive-through window on the north side of the building. This is not permitted. Submit a site plan without the Drive Thru Point of Sale window on the north side of the building. You may wish to explore a Variance with the BOA to allow the drive-through window. NOTE: The stacking lane for the drive through must comply with the criteria listed in (Sec.55.100). Please contact Austin Chapman at achapman@incog.org or 918.584.7526 for assistance with the BOA

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

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