

SUBJECT TRACT

CBD

412

RS-3

244

IM

IM

IM

IM

E 5 STS

E 5 PLS

75

75

E 6th ST S

E 3 STS

S FRANKFORT AVE

E 4 STS

S CINCINNATI AVE

S ELGIN AVE

E 6 STS

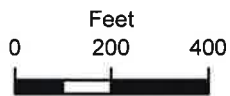
S DETROIT AVE

E 7 STS

E 8 STS

S KENOSHA AVE

IL



BOA-22633

19-12 01

11.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9201
CZM: 36
CD: 4
A-P#:

Case Number: **BOA-22633**

HEARING DATE: 05/14/2019 1:00 PM

APPLICANT: Randy Hendrix

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

LOCATION: 302 S FRANKFORT AV E

ZONED: CBD

PRESENT USE: Unfinished Commercial Retail

TRACT SIZE: ±1.102 acres

LEGAL DESCRIPTION: LTS 1 THRU 12 & N10 VAC ALLEY ADJ ON S BLK 115, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoned lots with a mixture of commercial, retail, office, and restaurant uses.

STAFF COMMENTS:

The applicant is proposing to convert an existing building into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CBD district from other medical marijuana dispensaries (Section 40.225-D).

11.2

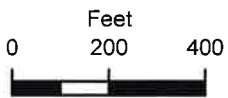
Per the Code, a medical marijuana dispensary is permitted by right in the CBD district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 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 submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept 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.



 Subject Tract

BOA-22633

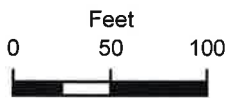
19-12 01

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

Aerial Photo Date: February 2018



11.4



Subject Tract

BOA-22633

19-12 01

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

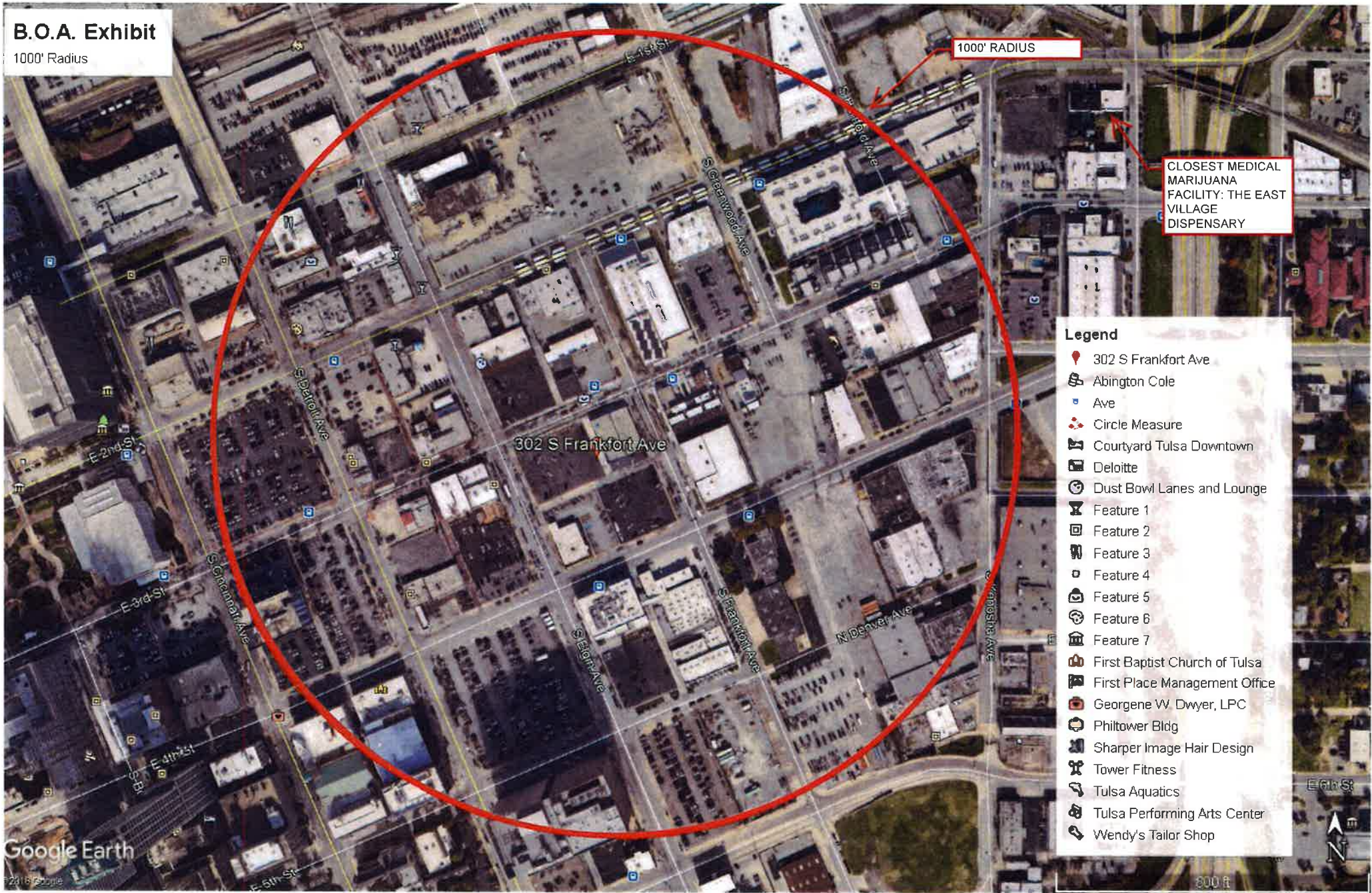
Aerial Photo Date: February 2018

11.5



B.O.A. Exhibit

1000' Radius



1000' RADIUS

CLOSEST MEDICAL MARIJUANA FACILITY: THE EAST VILLAGE DISPENSARY

302 S Frankfort Ave

- Legend**
- 302 S Frankfort Ave
 - Abington Cole
 - Ave
 - Circle Measure
 - Courtyard Tulsa Downtown
 - Deloitte
 - Dust Bowl Lanes and Lounge
 - Feature 1
 - Feature 2
 - Feature 3
 - Feature 4
 - Feature 5
 - Feature 6
 - Feature 7
 - First Baptist Church of Tulsa
 - First Place Management Office
 - Georgene W. Dwyer, LPC
 - Philtower Bldg
 - Sharper Image Hair Design
 - Tower Fitness
 - Tulsa Aquatics
 - Tulsa Performing Arts Center
 - Wendy's Tailor Shop

Google Earth

11.6

Feature 1

1. James E. McNellie's Public House
2. The Max Retropub
3. Woody's Corner Bar

Feature 2

1. Fleet Feet Sports Tulsa Blue Dome
2. EngA Tech
3. Humphrey Associates, Inc.
4. I & M Pipe Beveling Machine Co.
5. Fassler Hall
6. Greyhound Lines
7. Triarch
8. Tulsa Development Authority

Feature 3

1. S & J Oyster Bar

Feature 4

1. Newfield Exploration Company

Feature 5

1. Lyon's Indian Store

Feature 6

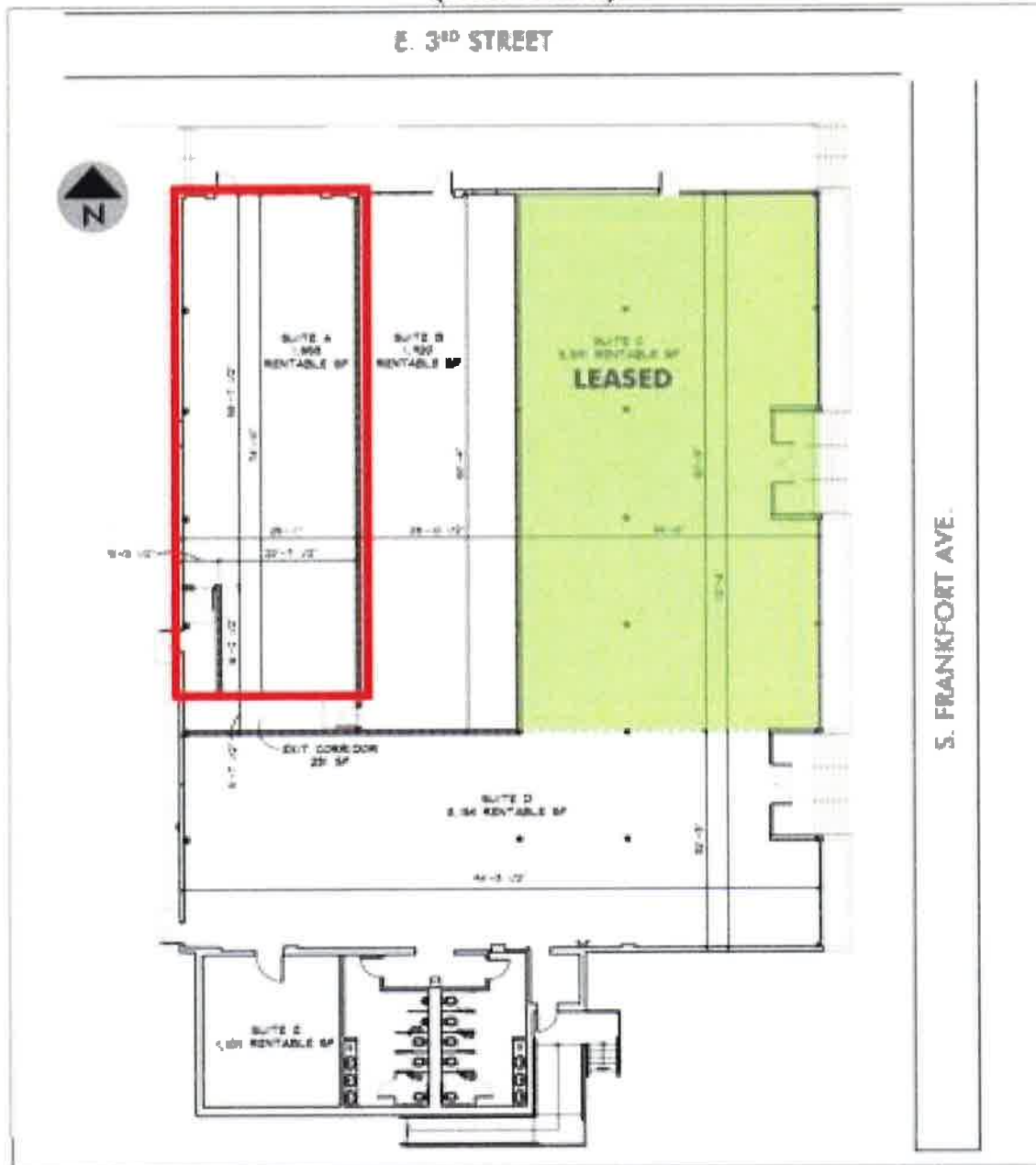
1. Dwelling Spaces

Feature 7

1. City of Tulsa, City Hall
2. Tulsa Industrial Authority

EXHIBIT A

(Site Plan)



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

March 27, 2019

Robert Scott
112 NW 51 ST
OKC, OK 73118

Phone: 405.445.9435

APPLICATION NO: **BLDC-024519-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **302 S Frankfort**

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 (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" **[] 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-024519-2019

302 S Frankfort

March 27, 2019

Note: Please direct all questions concerning separation distance verifications and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices 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 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.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.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.