BOARD OF ADJUSTMENT
CASE REPORT

STR: 8306
CZM: 52
CD: 2
HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Stephen Pedmia

ACTIONS REQUESTED: A Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

LOCATION: 6622 S LEWIS AV E

PRESENT USE: Vacant.

ZONED: CS

TRACT SIZE: 59198.28 SQ FT


RELEVANT PREVIOUS ACTIONS:

Subject Tract:

BOA-16979: On 03.14.95 the Board approved a Special Exception to permit a dry-cleaning facility in a CS District.

Surrounding Properties: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 at the SW/c of E 66 PI S and S Lewis Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

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<th>USE CATEGORY</th>
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<th>OM</th>
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15.020-G Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]" in Table 15-2:

[1] Restaurant is permitted as accessory use in OL, OM, and OMH districts. Use must be located entirely within the principal office building and may not occupy more than 5% of the building's floor area.

[2] Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see Figure 15-1).

This use is subject to the supplemental regulations of Sec. 40.040:

Section 40.040 Assembly and Entertainment
Whenever an assembly and entertainment use is located on a lot abutting an R or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of § 65.070.C.
SAMPLE MOTION:

Move to _______ (approve/deny) a Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 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.
Case No. 16979

Action Requested:
Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; located 6630 South Lewis.

Presentation:
The applicant, Cynthia Woodson, 1519 East 75th Street, was represented by Tod Sanders, owner of Comet Cleaners, who submitted a plot plan (Exhibit W-1) and requested permission to operate a cleaners at the above stated location.

Comments and Questions:
In reply to Mr. Bolzle, Mr. Sanders replied that the cleaning establishment will be located on Spaces 4 and 5.

Mr. Bolzle asked if this location will be limited to pick-up and delivery, and Mr. Sanders stated that a dry cleaning plant will be in operation.

Mr. Gardner advised that the cleaning industry has changed considerably since the last Code revision, and another revision is being considered that will permit additional square footage by right.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; per plan submitted (Spaces 4 & 5); finding the use and size of the cleaning establishment to be compatible with the area; on the following described property:

A tract of land lying in the SE/4, Section 6, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof, described as follows: Beginning at a point on the east line of said Section 6 a distance of 2092.20' north of the SE/c of said Section 6, thence due north a distance of 292', thence N 89° 59' W a distance of 250', thence due south a distance of 390', thence S 89° 59' E a distance of 10', thence due north a distance of 98', thence S 89° 59' E a distance of 240' to the POB, City of Tulsa, Tulsa County, Oklahoma.
Facing South on Lewis

Subject property
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 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

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

ZCO-051934-2020 6622 S. Lewis Ave. February 14, 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,
plating, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions
regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 984-7526. 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.

Sec.15.020 Table 15-2: Your proposed event center is designated a Commercial/Assembly & Entertainment/Indoor
(small < 250 person capacity) Use and is located in a CS zoning district within 150’ of an R zoned district. This is use is
allowed at this location providing no intoxicating beverages or low-point beer are sold or served. Special exception
approval is required if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within
150 feet of any residential zoning district.

Review comment: The owner is required to submit a statement in writing that no intoxicating beverages or low-point
beer will be sold or served at this location or a copy of the special exception, reviewed and approved per Sec. 70.120,
allowing intoxicating beverages or low-point beer to be served or sold.

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

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

Subject Tract

BOA-22877

18-13 06

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018