

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, February 28, 2017, 1:00 P.M.

Meeting No. 1178

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of February 14, 2017 (Meeting No. 1177).

UNFINISHED BUSINESS

2. **22201—Erik Enyart**
Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center) (Section 55.050-K). **LOCATION:** East of the NE/c West 81st Street South & South Elwood Avenue West **(CD 2)**

NEW APPLICATIONS

3. **22199—Genaro Ornelas**
Special Exception to allow an expansion of an existing non-conforming structure in the CS/CH District (Section 80.030-D). **LOCATION:** 6128 West Charles Page Boulevard **(CD 1)**
4. **22200—Thalisa Fuselier**
Spacing Verification to allow a family child care home in the RS-3 District (Section 45.070-A). **LOCATION:** 2742 North Boulder Avenue **(CD 1)**
5. **22205—David Mainprize**
Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club. (Section 15.020). **LOCATION:** 1635 East 6th Street South **(CD 4)**
6. **22207—TCG Development, LLC – Rachel Marquis**
Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A). **LOCATION:** 18001 East 51st Street South **(CD 6)**

7. **22208—American Solera, LLC – Chase Healey**
Special Exception to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery (Section 15.020). **LOCATION:** 108 East 18th Street South **(CD 4)**

OTHER BUSINESS

8. 2016 Administrative Adjustment Applications

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. The ringing/sound on a cell phones and paggers must be turned off during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.

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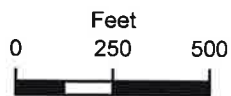
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BOARD OF ADJUSTMENT CASE REPORT

STR: Case Number: **BOA-22201**

CZM: 51

CD: 2

A-P#: n/a

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: Erik Enyart

ACTION REQUESTED: Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center). Section 55.050-K.

LOCATION: E of the NE/c W 81st ST S & S Elwood AV **ZONED:** IL

PRESENT USE: Undeveloped

TRACT SIZE: 59 Acres

LEGAL DESCRIPTION: THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) LYING SOUTH AND WEST OF THE RAILROAD RIGHT OF WAY IN SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22105; on 07.12.16 the Board **approved** a special exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL district (Section 15.020).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" and an "Area of Growth".

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

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REVISED 2/21/2017

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 abutted by IL and OL zoning on the west; AG zoning on the north and east; W 81st St S and IL zoning abuts the site on the south.

STAFF COMMENTS:

The application was heard by the Board during the 02.14.17 hearing; however there were two property owners within the 300 ft. mailing radius that were not mailed notice of the case. Due to the mistake made in noticing the previous action taken by the Board was made void. Staff re-noticed the case and placed it on the 02.28.17 agenda to be re-heard by the Board.

The Code requires that "Other Assembly and Entertainment (Indoor)" use provide 3.75 parking spaces per 1,000 square feet of building area. Therefore the 176,892 sq. ft. indoor sports and training facility will require 663 on-site parking spaces. The parking ratio for "Other Assembly and Entertainment (Outdoor)" is 1.10 parking spaces for every 1000 sq. ft. of entertainment/assembly area. **The applicant has stated that the total parking required by Code for the indoor/outdoor sports facility is 1501 spaces.**

The applicant has stated that Institute of Transportation Engineers (I.T.E.) Common Trip Generation Manual, 9th Edition, calculates 17.70 trips per soccer field in a soccer complex. The trips may serve as an approximation for vehicle parking spaces, as most trips will be via single car parked onsite, although some share of local patrons may drop-off and pick-up. Using this formula, and carrying the 17.70 parking spaces ratio across for each field and volleyball court. There are a total of 23 outdoor fields and courts in the complex; therefore, 407 parking spaces should be planned for the outdoor fields.

The Code through special exception allows the stated parking ratios to be modified by **the Board**. **The applicant is requesting that the Board approve an alternative parking ratio for "Other Assembly and Entertainment (Outdoor)" of 17.70 parking spaces per outdoor field and court or 407 spaces to serve the 23 outdoor fields/courts.** The ratio provided by the Code is 1.10 parking spaces for every 1000 sq. ft. of outdoor field/court area or 867 parking spaces to serve the 23 outdoor fields and courts.

The applicant is proposing that the site contain the 663 parking spaces required by Code to serve the indoor facility and 407 parking spaces established by the modified parking ratio, resulting in 1,070 parking spaces (1,090 parking spaces are planned). With the proposed parking ratio **the applicant is requesting to reduce the total parking requirement from 1501 spaces to 1070 spaces; a reduction of 431 parking spaces for the facility.**

The Code states that alternative compliance parking ratios may be approved through the special exception procedures only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);

2. The board of adjustment must determine that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply. The parking reduction alternatives are attached to this case report for the Board's review.

The applicant has stated that when examined the parking exemptions did not appear to be applicable to the project. Below is the applicant's response to the available parking exemptions and credits in Section 55.050:

- **Section 55.050-A Central Business District** - N/A
- **Section 55.050-B HP-zoned Property** - N/A
- **Section 55.050-C National Register of Historic Places** - N/A
- **Section 55.050-D Accessory Buildings** - N/A
- **Section 55.050-E Motorcycle and Scooter Parking** - *This parking arrangement does not afford any spatial relief from standard parking spaces and is not feasible.*
- **Section 55.050-F Car-Share and Bike-Share Service**- *No city car share or bicycle share programs planned at this time.*
- **Section 55.050-G Long-term Bicycle Parking** - *Minimum required onsite bicycle parking will be provided. Additional bicycle parking is not planned, as this parking arrangement does not afford any spatial relief from standard parking spaces and is not feasible.*
- **Section 55.050-H Public Parking** - *No public parking facilities available to our site.*
- **Section 55.050-I On-street Parking** - *81st Street South does not have the width or design necessary to support on street parking.*
- **Section 55.050-J Shared Parking** - *No other facilities available to share parking with.*

3. The board of adjustment must determine that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Sample Motion for a Special Exception:

Move to _____ (approve/deny) a Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center), Section 55.050-K.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions: _____.
- The Board determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply to the proposed project.
- The Board determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

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

55.040-F Outdoor Customer Seating/Dining Areas

Any outdoor customer seating/dining area exceeding 10% of a bar, restaurant or other use's indoor floor area must be counted as floor area for purposes of determining off-street parking requirements.

55.040-G Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the development administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [§55.040-H](#).

55.040-H Establishment of Other Parking Ratios

The development administrator is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [§55.040-G](#)), (2) on parking data provided by the applicant or (3) other information available to the development administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

Section 55.050 Parking Exemptions and Credits

55.050-A Central Business District

Uses within the CBD zoning district are exempt from compliance with all regulations of this chapter, except for the parking area design requirements of [§55.090-B](#) through [§55.090-G](#), which do apply in the CBD district.

55.050-B HP-zoned Property

Buildings within HP (Historic Preservation) overlay districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-C National Register of Historic Places

Buildings listed in the National Register of Historic Places and contributing buildings within National Register districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-D Accessory Buildings

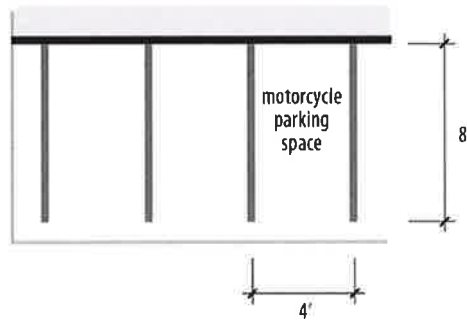
Accessory buildings are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-E Motorcycle and Scooter Parking

In parking lots containing more than 10 parking spaces, the provision of motorcycle or scooter parking spaces may be credited toward satisfying the minimum off-street parking ratios of [Table 55-1](#) at the rate of one motor vehicle parking space

for each 2 motorcycle or scooter parking spaces. The maximum credit allowed under this provision is 2 spaces or 10% of the total minimum motor vehicle parking requirement for the subject property, whichever is greater. To receive credit, each motorcycle and scooter space must have a concrete surface and minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

Figure 55-2: Motorcycle Parking Space Dimensions



55.050-F Car-Share and Bike-Share Service

The following parking credits apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential or mixed-use projects that are required to provide 25 or more motor vehicle parking spaces.

1. The number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space that is leased by a city-approved car-share program for use by a car-share vehicle.
2. The number of required motor vehicle parking spaces is reduced by 2 spaces for uses that provide space for a city-approved bike-share program facility with a minimum of 10 bicycle parking docks.

55.050-G Long-term Bicycle Parking

Each 10 long-term bicycle parking spaces provided in accordance with [Section 55.060](#) is credited as one motor vehicle space.

55.050-H Public Parking

Nonresidential uses may receive credit for parking spaces within a nearby public parking lot or public parking garage, as follows:

1. The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located;
2. The parking facility must be open to the general public from at least 6:00 a.m. to 10 p.m.;
3. Minimum parking requirements may be reduced by one parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces.

55.050-I On-street Parking

Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

55.050-J Shared Parking

1. General

Shared parking refers to the practice of 2 or more users who have need for parking at different times voluntarily agreeing to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

2. Approval

The development administrator is authorized to approve shared parking arrangements among property owners who propose shared parking.

3. Eligibility

Shared parking may be approved for nonresidential uses that have different periods of parking demand. Required residential parking and accessible parking spaces (for people with disabilities) may not be shared, provided that this provision is not intended to prohibit shared driveways serving such uses.

4. Calculation

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

- Multiply the minimum parking required for each individual use, as set forth in [Table 55-1](#) by the percentage identified in [Table 55-2](#) for each of the 6 designated time periods.
- Add the resulting sums for each of the 6 columns in [Table 55-2](#).
- Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 55-2: Shared Parking Calculations

Land Use	Time					
	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m.–Mid- night	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m.–Mid- night
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Restaurants and Bars	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%

Land Use	Time					
	Weekday			Weekend		
	Midnight-7:00 a.m.	7:00 a.m. -6:00 p.m.	6 p.m. -Mid- night	Midnight-7:00 a.m.	7:00 a.m.-6:00 p.m.	6 p.m. -Mid- night
Retail Sales & Comm. Service	5%	70%	90%	0%	100%	60%

5. Other uses

If one or more of the land uses proposing to make use of a shared parking arrangement do not conform to the land use classifications in Table 55-2, as determined by development administrator, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the development administrator is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6. Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of §55.080-D.

7. Agreement

Before final approval of a shared parking arrangement, a shared parking agreement must be provided guaranteeing the long-term availability of the shared parking, commensurate with the uses served. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
3. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Section 55.060 Bicycle Parking

55.060-A Purposes

1. Short-term Bicycle Parking

Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.

2. Long-term Bicycle Parking

Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

55.060-B Spaces Required

1. Short-term Bicycle Parking

Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 55-3](#).

Table 55-3: Minimum Required Bicycle Parking Ratios

USE CATEGORY	
Subcategory	Bicycle Spaces (% of Required Motor Vehicle Parking Spaces)
Specific use	
RESIDENTIAL	
Household Living	
Apartment/condo	10% or 2 spaces, whichever is greater
PUBLIC, CIVIC AND INSTITUTIONAL	
College or University	10% or 2 spaces, whichever is greater
Library or Cultural Exhibit	10% or 2 spaces, whichever is greater
Parks and Recreation	5% or 2 spaces, whichever is greater
School	
Elementary or Middle School	10% or 2 spaces, whichever is greater
Senior High	5% or 2 spaces, whichever is greater
COMMERCIAL	
Assembly and Entertainment	
Assembly and Entertainment	5% or 2 spaces, whichever is greater
Commercial Service	
Personal improvement service	5% or 2 spaces, whichever is greater
Financial Services	5% or 2 spaces, whichever is greater
Restaurants and Bars	
Restaurant	5% or 2 spaces, whichever is greater
Bar	5% or 2 spaces, whichever is greater
Retail Sales	
Consumer shopping goods	5% or 2 spaces, whichever is greater
Convenience goods	5% or 2 spaces, whichever is greater
Studio, Artist or Instructional Service	5% or 2 spaces, whichever is greater

55.060-C Long-term Bicycle Parking

Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with [§55.050-G](#).

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a driveway width greater than 20 feet in the RS-4 District (Section 55.090-F.3), subject to conceptual plan 9.8. The Board has found that this will complete the solid surface required for the driveway in front of the existing residence. Finding the 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; for the following property:

E70 OF S350 BLK 17, GILLETTE-HALL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22105—Eller & Detrich – Lou Reynolds

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Action Requested:

Special Exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL District (Section 15.020). **LOCATION:** East of the NE/c of West 81st Street South & South Elwood Avenue (CD 2)

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the Titan Sports & Performance Center. The subject property is 59 acres in size and zoned IL. There have been several projects proposed for the subject property but the projects never work because of the neighboring airport. The new Jenks school is being built and Titan Sports will have after school activities arranged for the school children. The planned building will be 175,000 square feet and inside the building there will be eight basketball courts, 16 volleyball courts, two indoor soccer fields, and athletic training facilities for strengthening, speed and conditioning. Outside the building there will be 12 fields and 10 fields will be full time soccer fields and two will be Lacrosse fields that can also be used for soccer. Mr. Reynolds had renderings of the proposed building placed on the overhead projector. There are 1,907 parking spaces proposed for the building which is more than the Code requires, but he believes these are more parking spaces than the building will need. The parking is proposed to be paved with parking grass pavers so that it is not an all impervious surface. The proposed landscaping is more than the Code requires. There is an access point from 81st Street and there is another access point on the lower portion of the property. On the north side of the property the driveway will be extended so there is access from West 71st Street, and an agreement with the City is being worked on for this step. Everything is being done to minimize the effect on the area. Mr. Reynolds stated that he has worked very closely with the Airport Authority and kept them informed on the project. Mr. Reynolds stated that he has met with Councilor Cue and she is very supportive of the

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project. Mr. Reynolds would request the Board to approve the Special Exception for the sports facility.

Interested Parties:

Mel Hair, 7703 South Elwood, Tulsa, OK; stated his property is immediately west of the subject property. He has lived in the area most of his life and is very knowledgeable about the property. Mr. Hair believes the project cannot be completed as proposed due to the fact that over half of the 59 acres are recognized as a wetland. Over a year ago he stood before the Board and showed that the Jenks school could not be built as proposed due to excessive runoff that occurs in the area. The neighbors were assured that all runoff would not affect the adjoining properties. Mr. Hair believes the proposed project cannot be completed without elevating the area causing the surrounding areas to flood. Mr. Hair had photos placed on the overhead projector showing extensive silting, 18 inches deep that has occurred on his property and on the neighbor's property to the south. Mr. Hair stated that the high property to the north is the sewage treatment plant, the high property to the east is the levee/railroad tracks, high ground to the south is Riverside Airport, and the Hager Creek Levee borders all the affluent runoff; it extends from south of Turkey Mountain from 71st Street all the way down Elwood. There are three major affluences that come into the zone and it is flooding consistently since the school has cleared their 14 acres. The Hager Creek Levee has forced the water upstream and in his topographical opinion there needs to be a holding pond, Hager Creek has to be reversed and the water has to flow through the levee to the river in floor stage. The Board needs to be aware of the Elwood and 81st Street flooding situation that is taking place. The wetland was originally affluence to Hager Creek that originally flowed across Riverside Airport and came out through Jenks. The water has now been forced uphill by the Corp of Engineers and that is why the flooding exists. Mr. Hair stated that Mr. Reynolds is the same person that told Jenks School would not have a runoff problem and all the water would be contained. Mr. Hair stated that he hopes the Board will consider what is about to happen here because this project will flood all the adjoining properties.

Dennis Hall, 404 West 81st Street, Tulsa, OK; stated he lives at the southeast corner of 81st and Elwood and has lived there since 1994. He cannot remember how many times the streets and 81st and Elwood have been closed due flooding. A person cannot pass the creek where it crosses 81st Street because the water is too deep in a good rain. He thinks the project would be a great project for the area but the problem is that the infrastructure is not in place to support 1,900 cars or even 1,000 cars in the area. Assuming all the area will be paved the runoff will be increased significantly because it will not drain now. Something has to be done with the drainage. He hopes the people that are proposing the development have given consideration to the fact that is going to be a real problem when it rains, particularly if there is an event happening. Flooding is virtually instantaneous in a downpour.

Mr. Van De Wiele stated that Mr. Reynolds has stated that there is a pervious surface proposed for the area, and a pervious surface allows water to drain through because it

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is not solid like asphalt or concrete. Mr. Hall stated that surface would be helpful but there will still be a lot more runoff after the facility is developed.

Mr. Hall stated that he is not opposed to the project but something has to be done with the runoff before there is any building in the area. At this point in time the proposal is not suitable. If the City would come in and do some work the project could be wonderful.

Bill Satterfield, 1 West 81st Street, Tulsa, OK; stated he has lived there since 1980 and he owned the subject property at one time. The neighbors are prodevelopment but there is a flooding problem there. The flooding problem is not natural. It is manmade because of the levee. This proposed project should not be burden with the outcome of something that can be corrected by the governmental agencies. Mr. Satterfield stated that he has spoken directly with the Corp of Engineers, the City, and the County and with Jenks. The flooding issue needs to be corrected by the government. Mr. Satterfield stated that a grant had been given to the airport for a retention pond with a 56" line all the way to the river with a back flap. At the time, he asked County Commissioner Miller why the 81st and Elwood flooding was not included in the grant, and Commissioner Miller stated that the City did not want to do that. The suggestions that have been made would impede the proposed development's use of land. The flooding issues are caused by a secondary levee that was installed in 1911 and never has had a useful purpose per the Corp of Engineers. This is a good project for Tulsa and the problems are fixable, please don't let another project go to Jenks.

Johnie Egbert, 1515 South Frisco, Tulsa, OK; stated she owns property located at 7817 South Elwood. She has investigated developing her property through the years, and she too would like to have access to 71st Street but that would not affect runoff. Every time it rains she cannot use 81st Street and that has always been a problem. Ms. Egbert stated that she is in favor of the project.

Rebuttal:

Lou Reynolds came forward and stated there has been a predevelopment meeting regarding this project, and he is before the Board of Adjustment on a land use matter. Stormwater is not something that is a Board of Adjustment venue, but because this is a stormwater sensitive area he went before the Predevelopment Committee at the City. What happened in the process was that to the extent that the subject property has runoff it will be captured and taken straight to the Arkansas River. That is what his client has been asked to do and that is what he plans to do. The property needs to be platted and the issues, whether access is appropriate or not appropriate, or how stormwater is treated will come about in the platting process.

Mr. Flanagan asked Mr. Reynolds if there would be a problem in granting community easement access. Mr. Reynolds stated that it depends on the terms and what they mean. Will the neighbor pay for the road? Will the neighbor pay for the maintenance? There are a lot of things that need to be figured out. If the City does not think there is an access that needs to be given he believes that community access is something that

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is certainly not shared per gratis because the subject property is 60 acres and the neighbor has 15 acres. If this is something that is to be there has to be terms that are acceptable to his client. He does not know if community access is truly needed but he would be happy to discuss a mutual access easement. In the platting process the City of Tulsa can decide what kind of access should be there, but in terms of access easements if the neighbors want to discuss those, contribute and participate in the process he would be happy to sit down with them to work on agreement.

Mr. Van De Wiele asked Mr. Reynolds if the subject property was a ½ mile deep. Mr. Reynolds stated the subject property is a ½ mile north and south, and at the top it is ¼ mile. Mr. Van De Wiele asked Mr. Reynolds if he was talking about a ½ mile access drive all the way to 71st Street. Mr. Reynolds answered affirmatively.

Mr. Reynolds stated that to keep the numbers in perspective, on an average day there will be 1,700 cars over a 15 hour period.

Mr. Van De Wiele asked staff if the Board needed to make the approval subject to approval of the final platting if the Board should choose to vote that way. Ms. Miller stated this process triggers the platting requirement so that would not be necessary.

Comments and Questions:

Mr. Van De Wiele stated that this Board does not have jurisdiction over water retention and water runoff. Those items are reviewed and subject to platting requirements and permitting requirements. There are times when there are flooding issues in spite of all the permits and reviews and water retention plans being in place. It is something that is relevant to everything but it is not necessarily relevant to the use of the property and this Board's authority in requirements as to what they are approving or not approving in connection with uses.

Ms. Snyder stated that three of the surrounding property owners have stated that they are in support of the project and/or development. If in fact the flooding issues will be addressed once the Board approves this request it seems like this could be a good thing for everyone.

Mr. Bond stated that the Board is not being dismissive of the neighbors concerns; they sound very valid. It is just not something this Board deals with.

Board Action:

On **MOTION of WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL District (Section 15.020), subject to conceptual plan 10.7. Finding the 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; for the following property:

BOA-22105

FILE COPY

W/2 SE SW SEC 12 18 12 AND NE SW LYING SW RR ROW SEC 12 18 12 39.85 AC,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

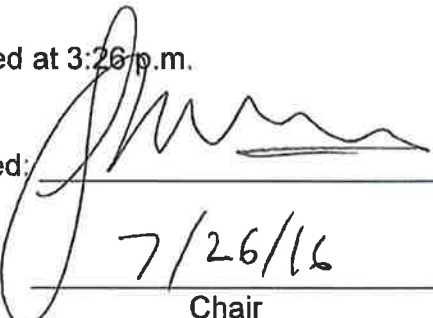
None.

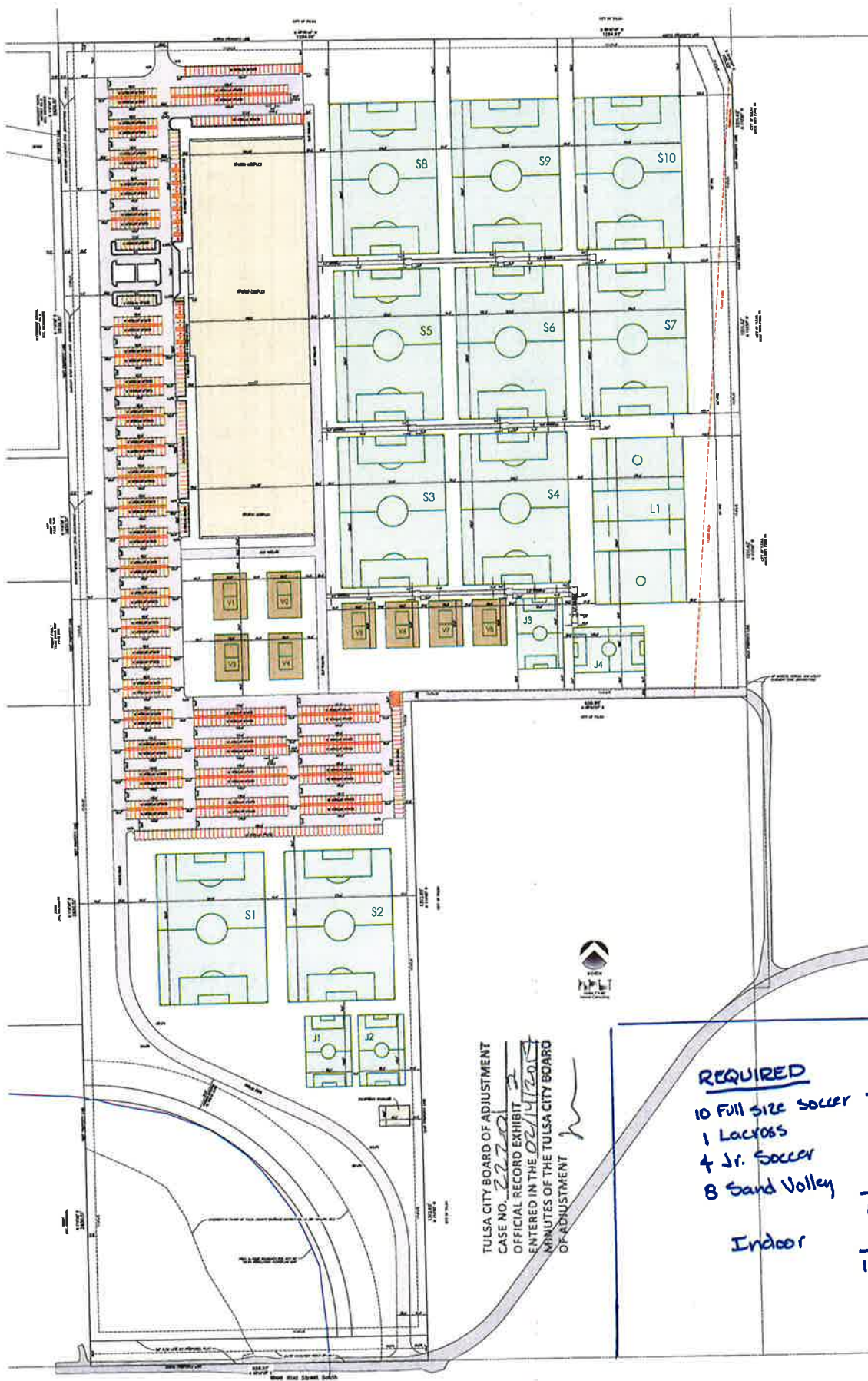
BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:26 p.m.

Date approved:


7/26/16
Chair



TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22201
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 02/14/2023
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

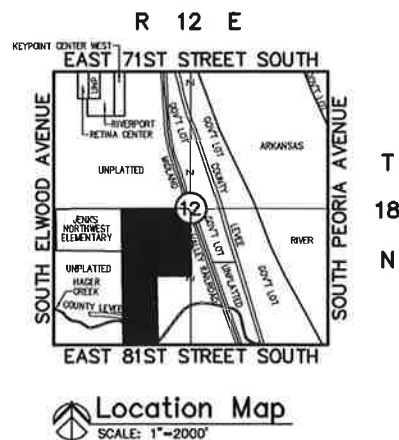
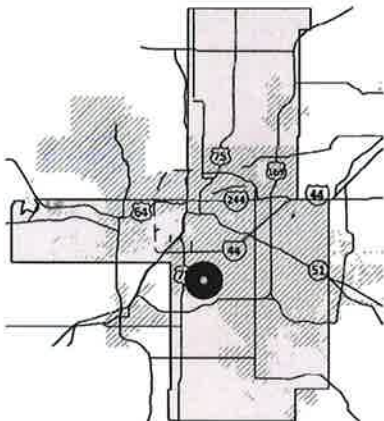
REQUIRED

10 Full size Soccer	700
1 Lacross	66
4 Jr. Soccer	56
8 Sand Volley	16
	<hr/>
	838
Indoor	663
	<hr/>
	1501

APPLICATION FOR ALTERNATIVE COMPLIANCE SPECIAL EXCEPTION

Titan Sports and Performance

APPROXIMATELY 59.665 ACRES
NORTH AND EAST OF 81ST ST. S. AND ELWOOD AVE.
TULSA, OKLAHOMA



R 12 E

JANUARY 2017

APPLICANT / OWNER:

TITAN SPORTS AND
PERFORMANCE CENTER, LLC
6476 E. 12TH ST. S.
TULSA, OK 74112
STAN@TITANSPORTSCOMPLEX.
COM
CONSULTANT:
TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM

TABLE OF CONTENTS

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II.	PROJECT CONCEPT.....	3
	EXHIBIT LIST:	
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	Exhibit B: Conceptual Site Plan	5
III.	ALTERNATIVE COMPLIANCE PLAN	6

I. PROPERTY DESCRIPTION

The subject property consists of 59.665 acres located east of the northeast corner of 81st Street South and Elwood Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) LYING SOUTH AND WEST OF THE RAILROAD RIGHT OF WAY IN SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER (W/2 SE/4 SW/4) OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. PROJECT CONCEPT

Titan Sports and Performance Center, LLC, is constructing an indoor / outdoor multi-sports complex on the subject property of 59.665 acres. The facility will offer indoor soccer and related activities within a 176,892 square foot building and outdoor fields including 10 soccer, four (4) junior soccer, one (1) lacrosse, and eight (8) volleyball courts. Exhibit A is an aerial depiction and Exhibit B is a preliminary site plan.

Titan Sports and Performance Center, LLC, has studied similar sports complexes across the country and has determined the parking demands based on planned operations and as compared to peer facilities. The site proposes 1,090 parking spaces, as indicated on Exhibit B.

Titan Sports and Performance

EXHIBIT A

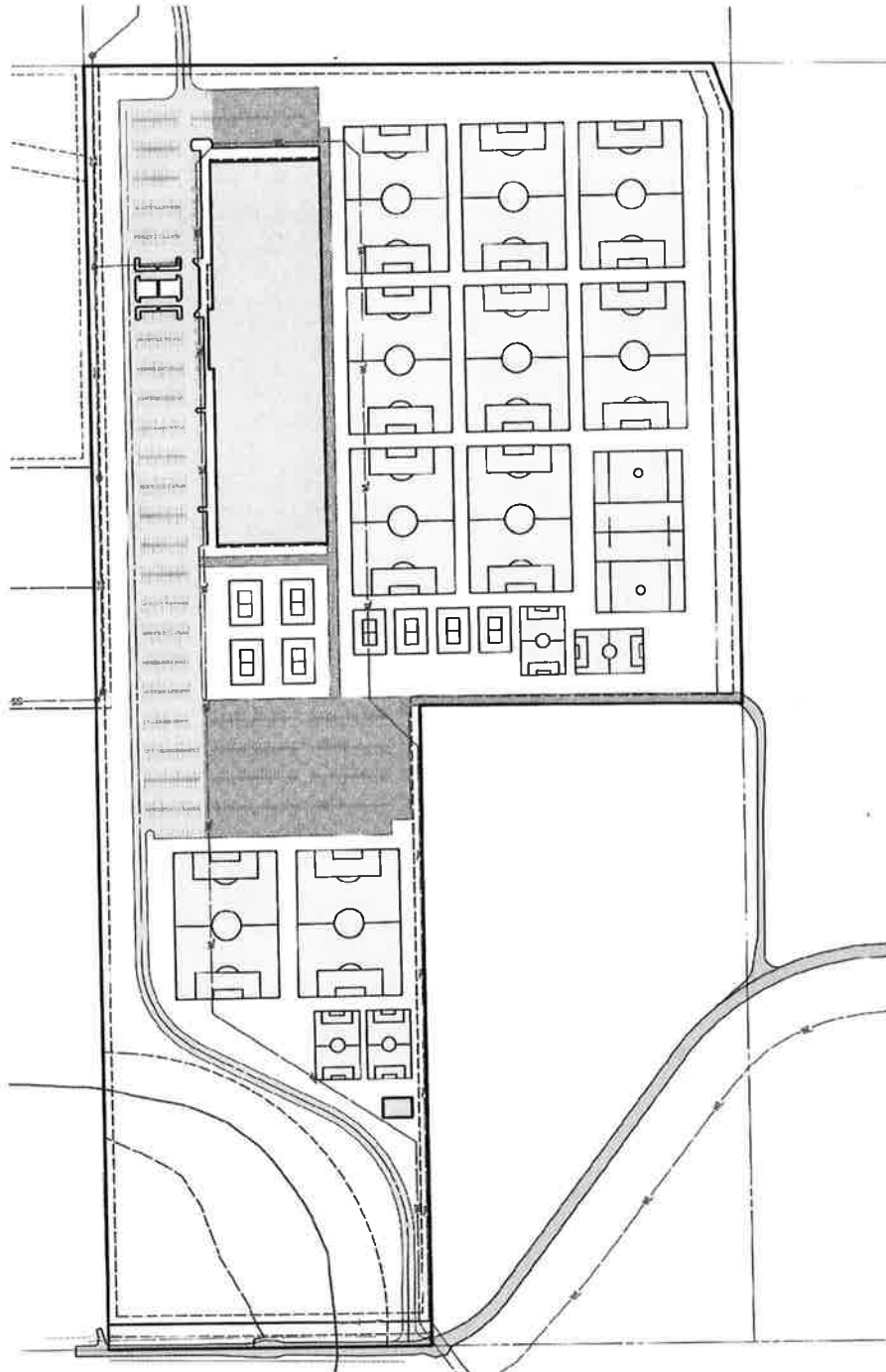
AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION



Titan Sports and Performance

EXHIBIT B

CONCEPTUAL SITE PLAN EXCERPT PRELIMINARY SITE PLAN



III. ALTERNATIVE COMPLIANCE PLAN

Zoning Code Section 55.020 / Table 55-1 requires, for "Other assembly and entertainment (indoor)" occupancy, 3.75 parking spaces per 1,000 square feet of building, or 663 parking spaces.¹ The site will include all 663 parking spaces required for the indoor facility.

Table 55-1 does not appear to anticipate outdoor sports fields, as it would require 69 parking spaces for each soccer field measuring 63,000 square feet.² Altogether, Table 55-1 would require 867 parking spaces for the 15 fields and eight (8) volleyball courts.

Zoning Code Section 55.050-K does anticipate that Table 55-1 may not be universally applicable. It provides,

"The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
3. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area."

The Institute of Transportation Engineers (ITE) Common Trip Generation Manual, 9th Edition, calculates 17.70 trips per soccer field in a soccer complex. The trips may serve as an approximation for vehicle parking spaces, as most trips will be via single car parked onsite, although some share of local patrons may drop-off and pick-up. Using this formula, and carrying the 17.70 parking spaces ratio across for the lacrosse field and volleyball courts, 407 parking spaces should be planned for the outdoor fields.

Altogether, the 663 parking spaces serving the indoor facility and 407 spaces serving the outdoor facilities results in 1,070 parking spaces required, and 1,090 parking spaces are planned.

The Smart Parking and Innovative Parking Solutions guidelines of the Tulsa Comprehensive Plan generally favor reducing minimum parking number requirements and allowing the "marketplace to determine how much parking is needed." Similarly, the Tulsa Zoning Code's stated parking purposes briefly acknowledge the need for [adequate] parking facilities and generally elevate transit and non-motorized forms of transportation and reduction of unnecessary parking. As stated previously, Titan Sports and Performance Center, LLC's business has studied and determined how much parking is needed for facility operations. Finally, new trends and emerging technology in transportation will further reduce parking needs in urban areas.

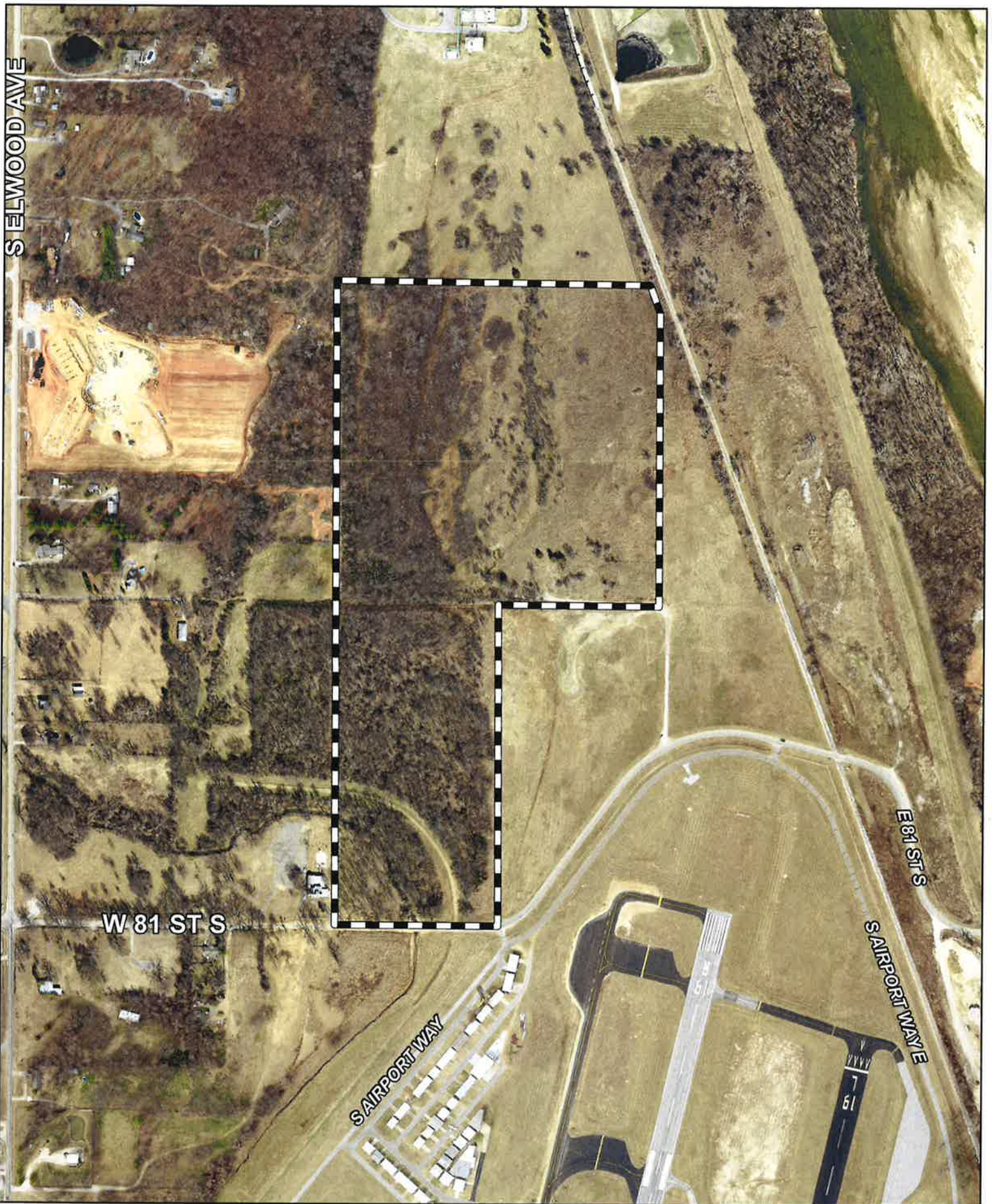
Thus, we propose an alternative compliance plan as outlined above, with 3.75 parking spaces required per 1,000 square feet of indoor facility floor area and 17.70 parking spaces per each outdoor field and court

¹ Per the Architect's information, the indoor facility will have 1,800 seats. If the building were interpreted as a gymnasium, Zoning Code Section 55.020 / Table 55-1 would require 0.2 of a parking space per seat, or 360 parking spaces.

² Per "Other assembly and entertainment (outdoor)."

and a total of 1,070 parking spaces per the building size and number of fields and courts presently planned. Should building floor area or number of fields be reduced, the respective ratios would hold.

Basing parking needs on the ITE guidelines and market studies, and per the purposes and intent of the Tulsa Comprehensive Plan and Zoning Code, we believe and urge the Board of Adjustment to find that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.



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Feet



Subject
Tract

BOA-22201

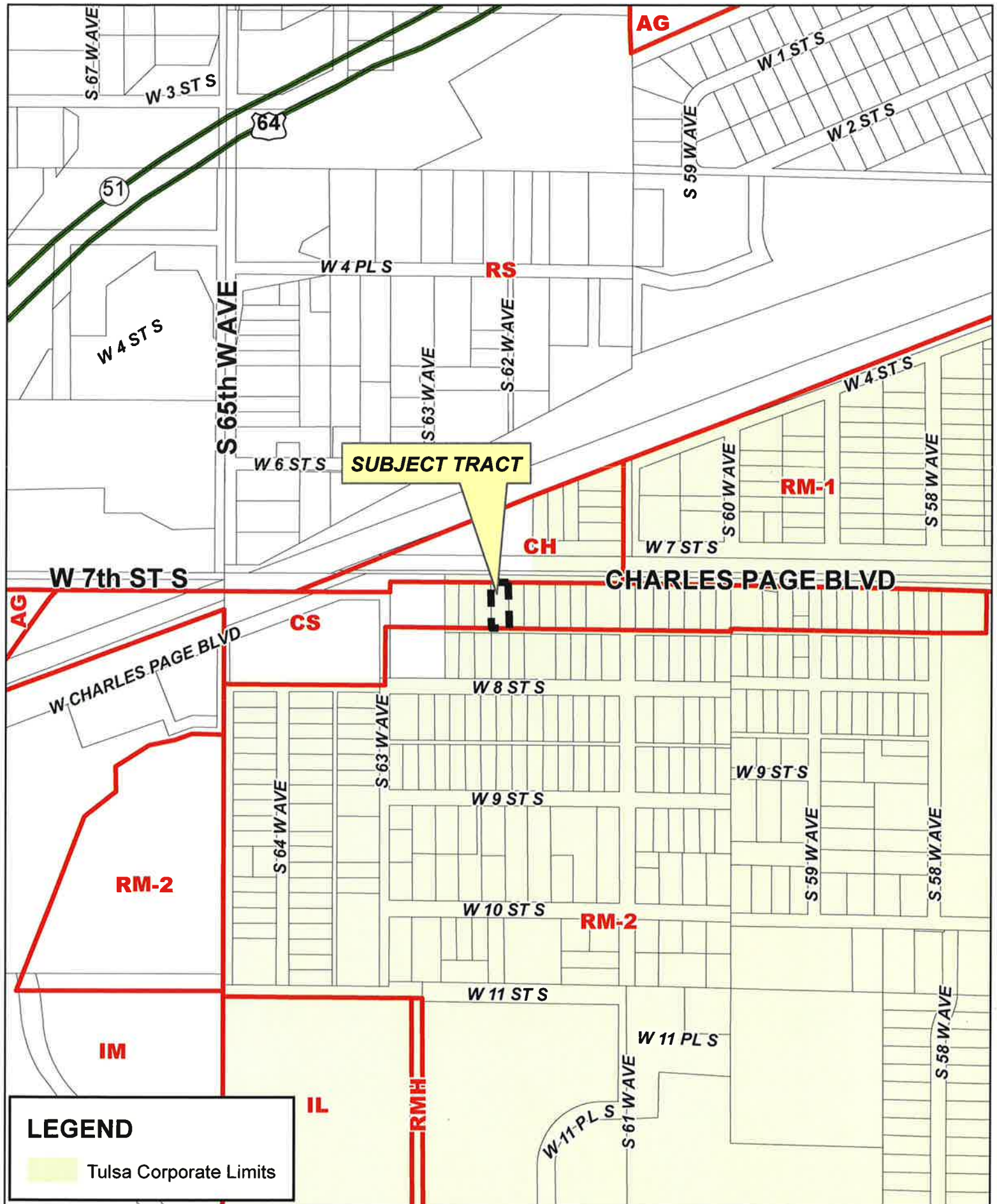
18-12 12

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

Aerial Photo Date: February 2016



2.24



LEGEND

Tulsa Corporate Limits

BOA-22199

19-12 08

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9208

Case Number: **BOA-22199**

CZM: 35

CD: 1

A-P#: 412313

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: Genaro Ornelas

ACTION REQUESTED: Special Exception to allow an expansion of an existing non-conforming structure in a CS/CH district (Section 80.030-D).

LOCATION: 6128 W CHARLES PAGE BLVD

ZONED: CS/CH

PRESENT USE: Residential

TRACT SIZE: 8250.3 SQ FT

LEGAL DESCRIPTION: LT 8, BLK 2, LAWNWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 5683; on 12.05.67 the Board approved a variance to allow a single family residence; located immediately east of the subject site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS zoned residences on the east and west; RM-2 zoned residences about the site on the south. W. Charles Page Blvd. and CH zoning about the site on the north.

STAFF COMMENTS:

The applicant is requesting approval to permit an addition onto the front portion of the house as shown on the attached plan. The existing house and attached garage currently has a setback less than the required 10 ft. from the abutting R zoned lot on the south; the existing house is also only permitted by special exception in the CS/CH district. Therefore the house and attached garage are considered a non-conforming structures because they do not comply with the minimum zoning requirements of the CS/CH district.

It appears the proposed expansion as shown on the site plan will maintain the required 10 ft. street setback from W. Charles Page Blvd. The Code states that horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Special Exception

Move to _____ (approve/deny) Special Exception to allow an expansion of an existing non-conforming structure in a CS/CH district (Section 80.030-D).

- 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.



0 200 400
Feet



Subject
Tract

BOA-22199

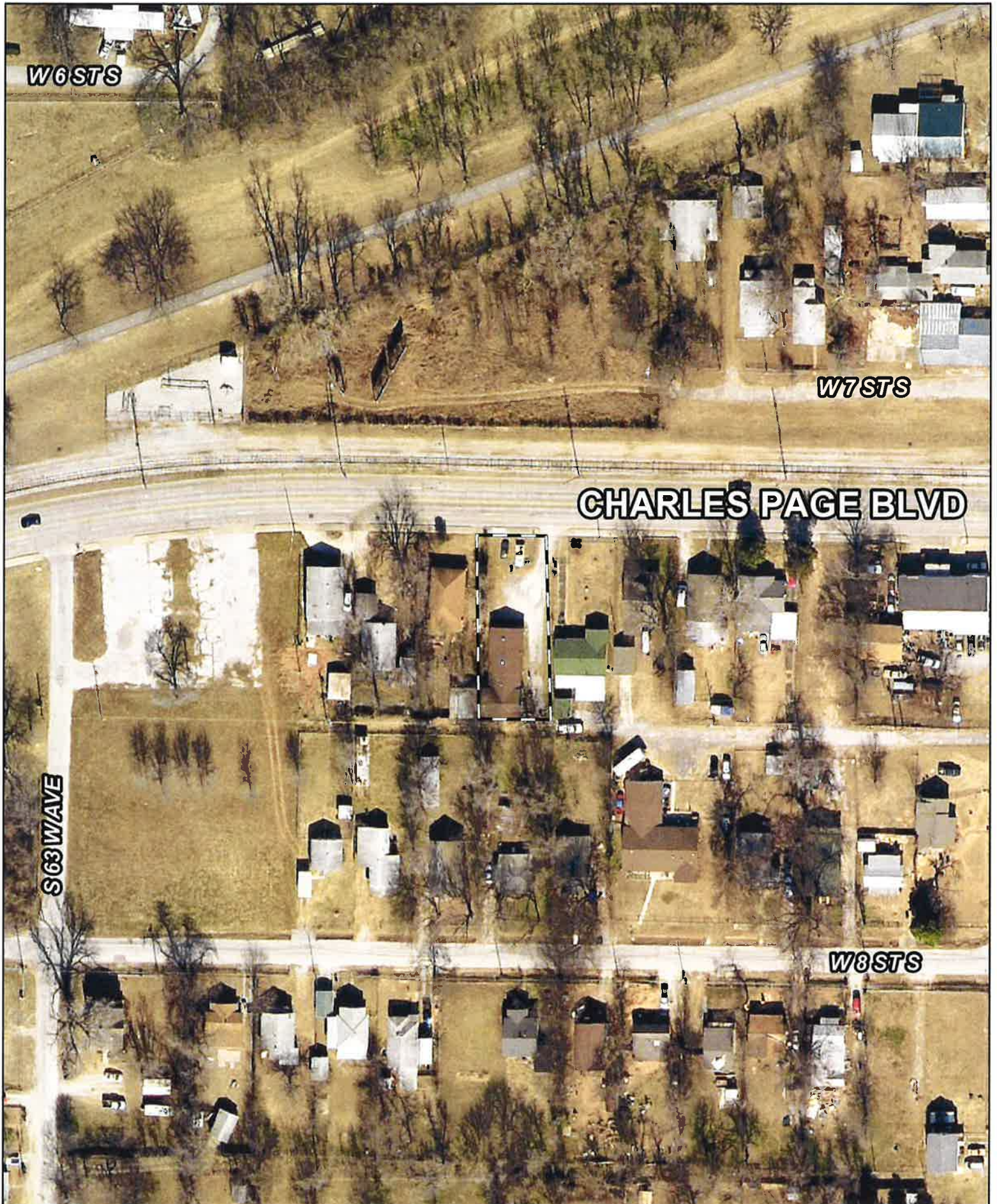
19-12 08

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

Aerial Photo Date: February 2016



3.4



0 50 100
Feet



Subject
Tract

BOA-22199

19-12 08

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

Aerial Photo Date: February 2016

3.5





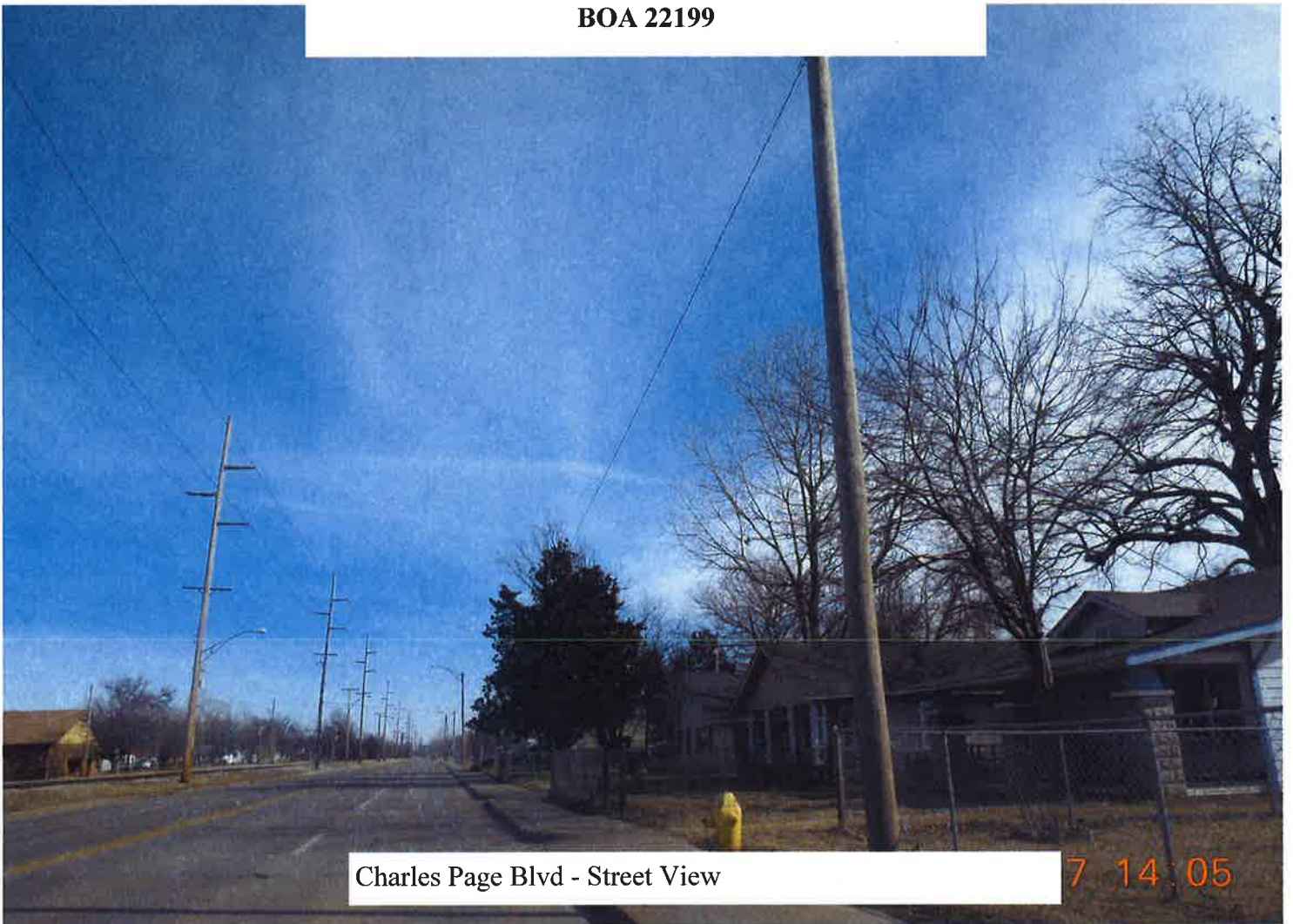
02.03.2017 14:05

Subject Lot - Looking South



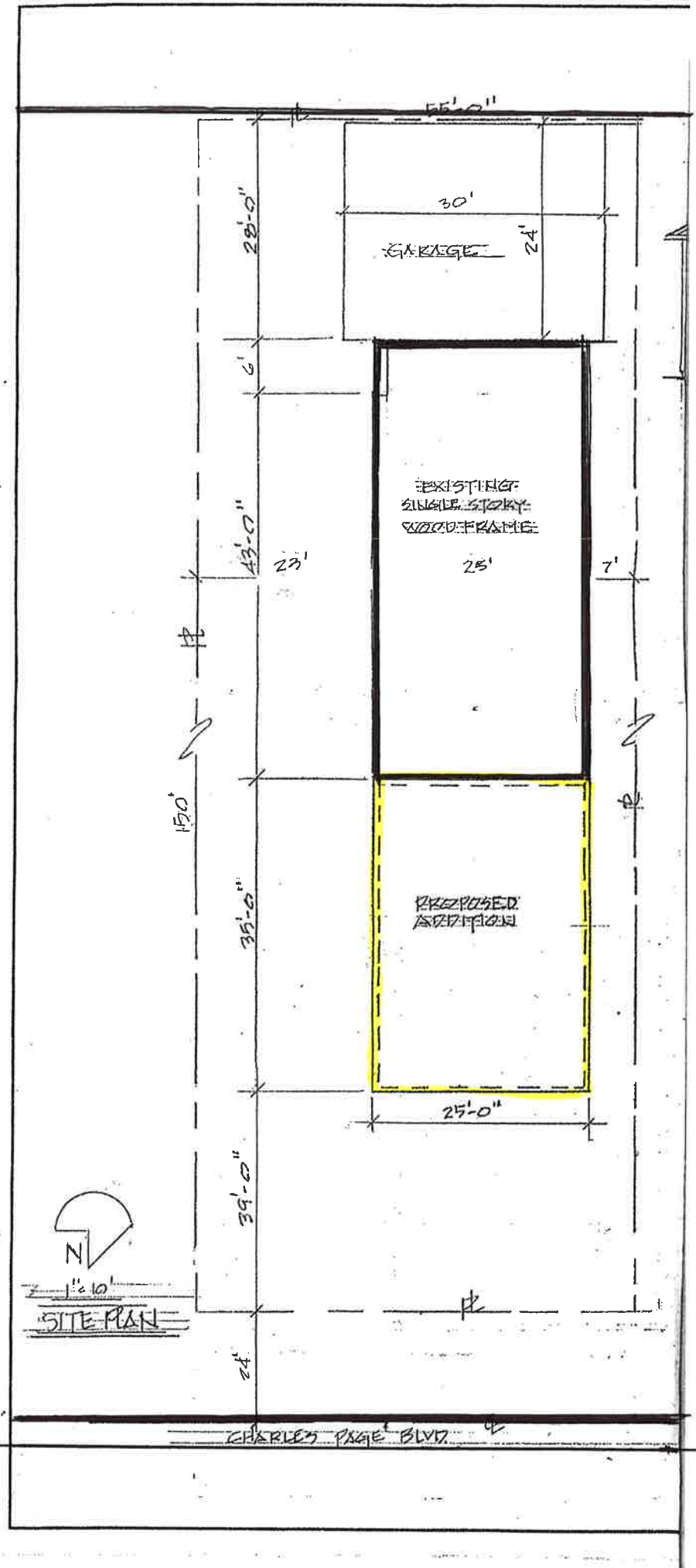
02.03.2017 14:05

3.6



Charles Page Blvd - Street View

7 14 05



JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 983450-1

January 11, 2017

GENARO ORNELAS
HOMEOWNER
1424 W ARCHER
TULSA, OK 74127

Phone: (918)810-6575

APPLICATION NO: **412313** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **6128 W CHARLES PAGE BL S**
Description: **ADDITION**

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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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.
3. 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.).

REVIEW COMMENTS

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

Application No. 412313

6128 W CHARLES PAGE BL S

January 11, 2017

Note: As provided for in Section 70.130 you may request the Board of Adjustment 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 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.

80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Review Comments: You are proposing to add on to and expand an existing structure with a non-conforming use. This lot is zoned CH which is a zoning district that only allows detached Houses by special exception per table 15-2. Since you are proposing to add on to an existing nonconforming structure you will need to apply to BOA for a special exception to allow expansion of an existing non-conforming structure in a CH zoned district.

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.



BOARD OF ADJUSTMENT CASE REPORT

STR: 0223
CZM: 28
CD: 1
A-P#: 413723

Case Number: BOA-22200

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: Thalisa Fuselier

ACTION REQUESTED: Spacing Verification to allow a family child care home in an RS-3 district (Section 45.070-A).

LOCATION: 2742 N BOULDER AV W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6873.8 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 4, HIGHLAND HILLS AMD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Residential Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences.

STAFF COMMENTS:

The applicant is before the Board requesting a **Verification** of the spacing requirement for a family child care home of 300 ft. from any another family child care home on the same street (Section 45.070).

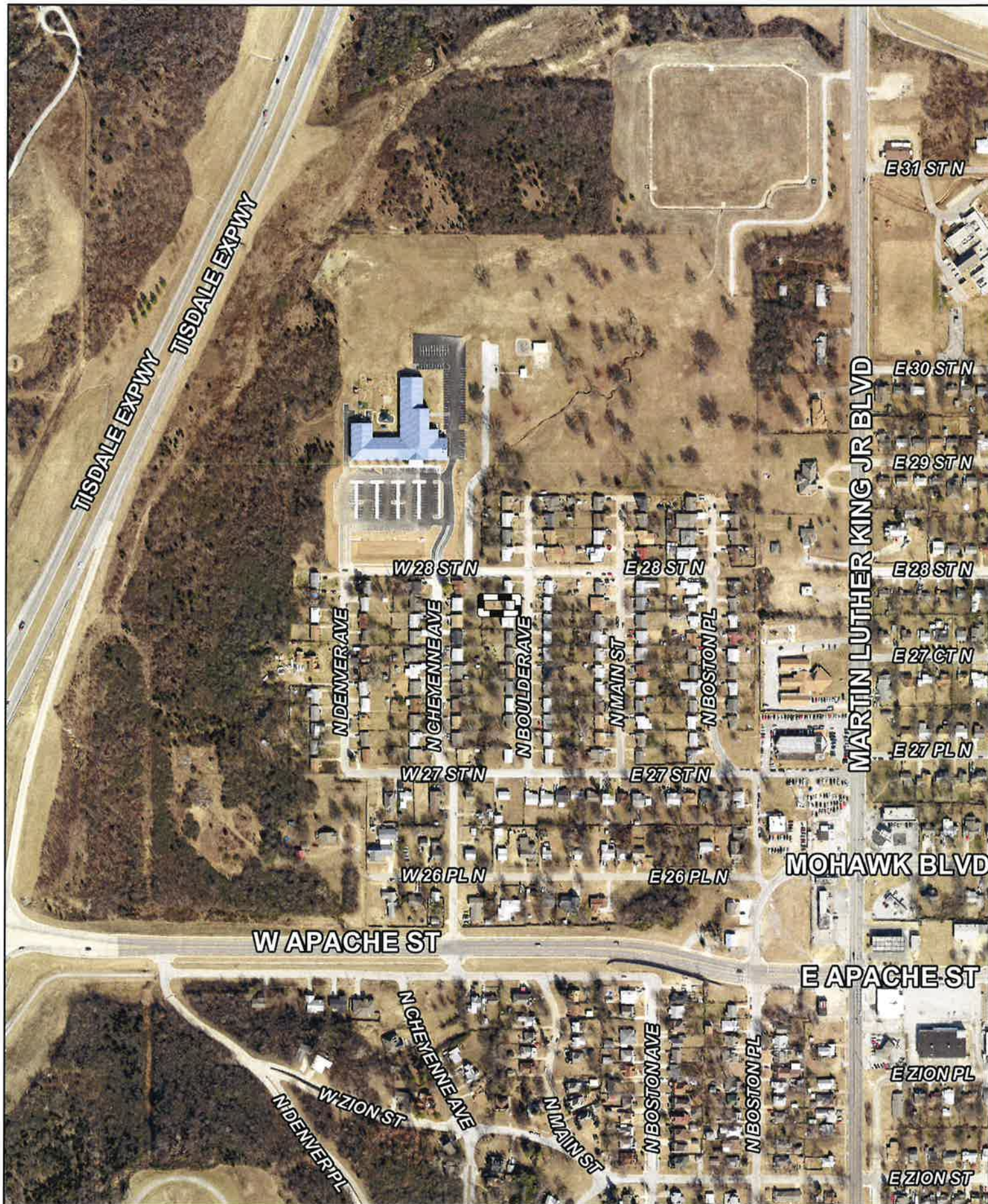
The Code provides that No family day care home may be located on a lot within 300 feet of another lot containing a Family Child Care Home if any boundary of said lots abut the same street. "Street" as used herein shall mean any named or numbered street along its full length, irrespective of any intervening street.

The subject property abuts N Boulder Ave; the spacing requirement is only applicable along N Boulder Ave. The list of the closest care providers registered with the Oklahoma Department of Human Services is attached and the applicant has created a map which illustrates a 300 ft. radius measured from the subject property boundaries.

The applicant has stated on the attached exhibit that there are no existing child care homes abutting N Boulder Ave within 300 ft of the subject site. During a site visit staff did not notice any existing child care homes along N Boulder Ave.

Sample motion that can be utilized by the Board in verifying the spacing requirement:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot.



0 200 400
Feet



Subject
Tract

BOA-22200

20-12 23

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

Aerial Photo Date: February 2016

4.4





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Feet



Subject
Tract

BOA-22200

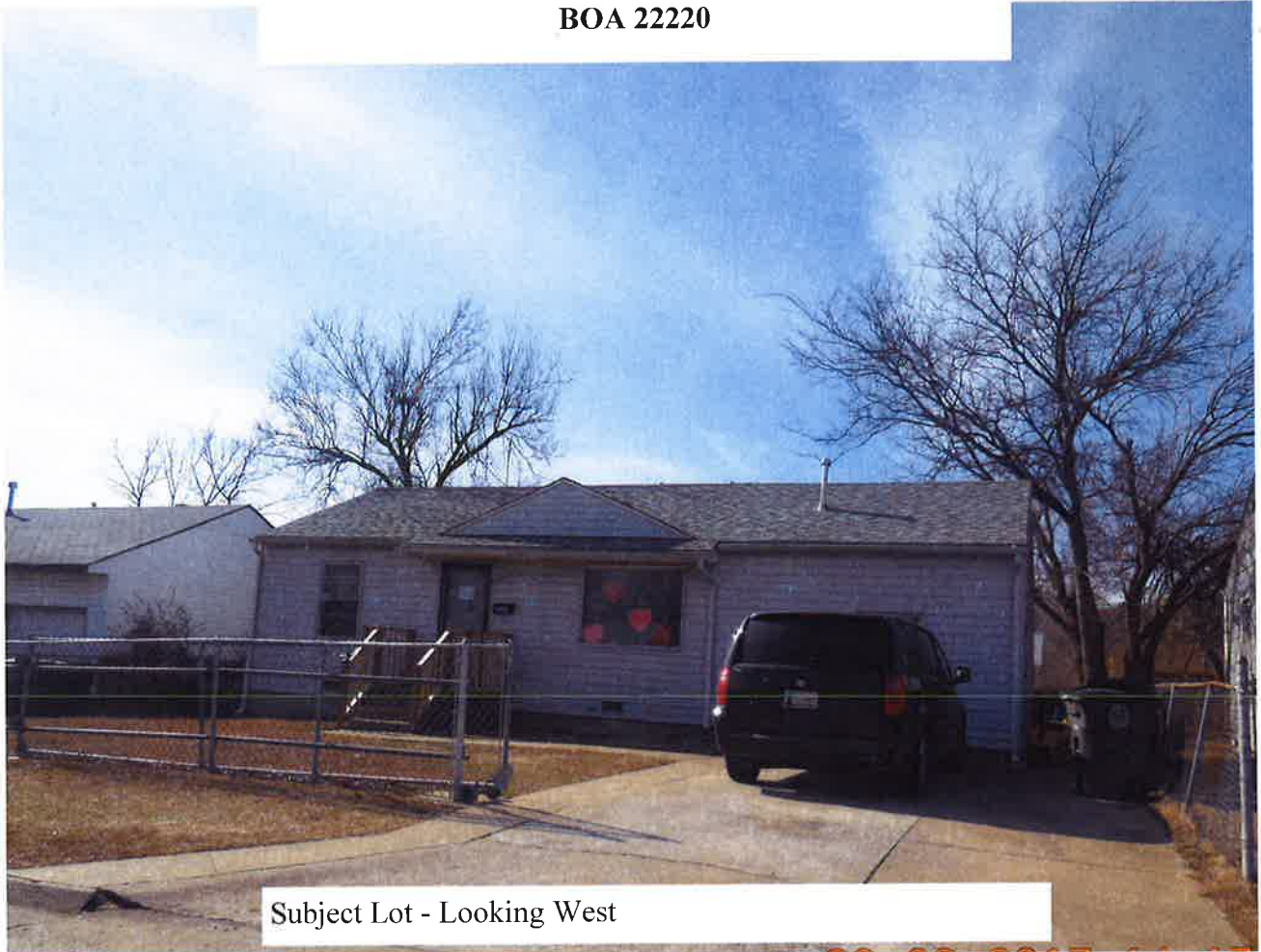
20-12 23

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

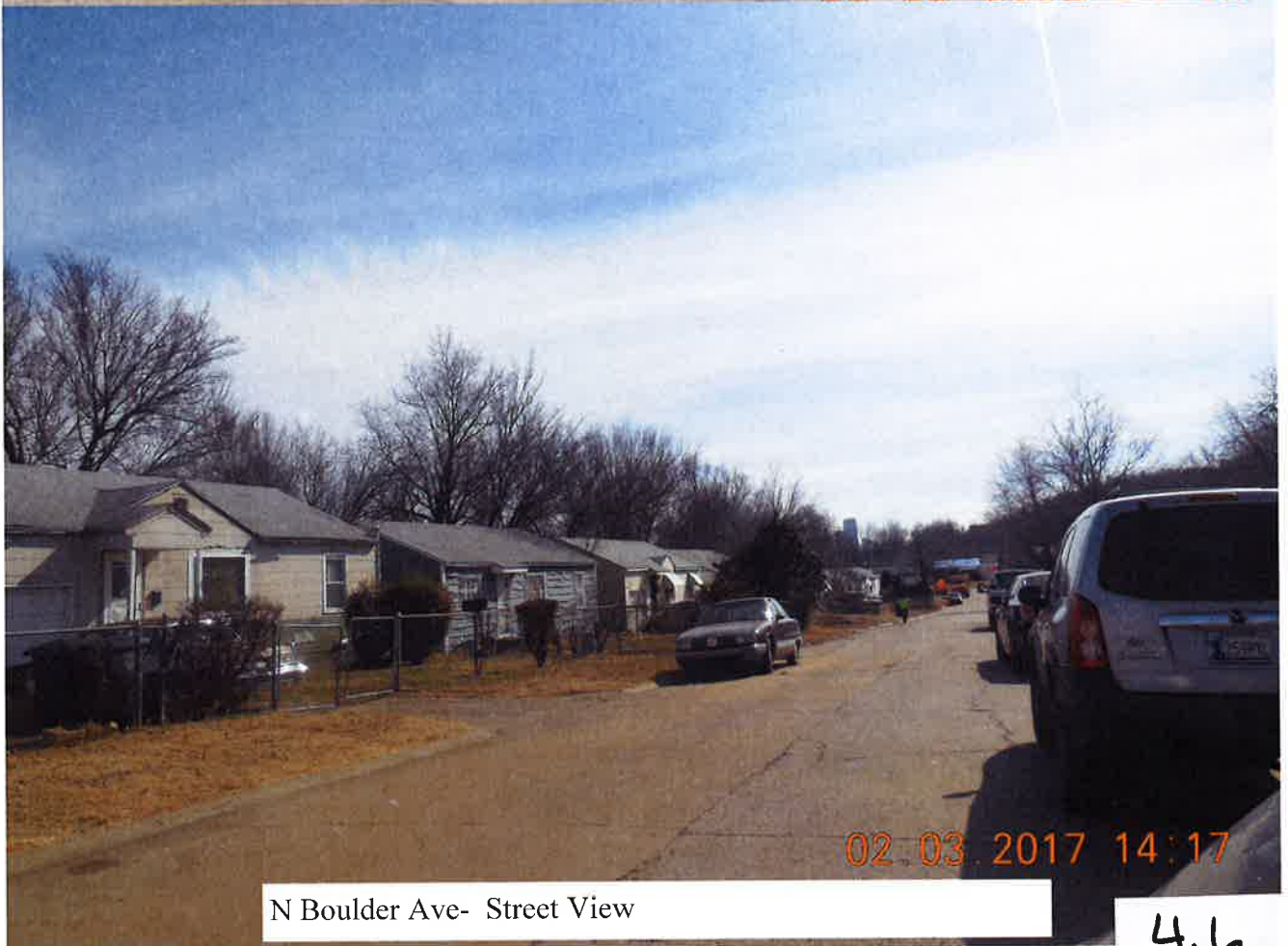
Aerial Photo Date: February 2016

4.5





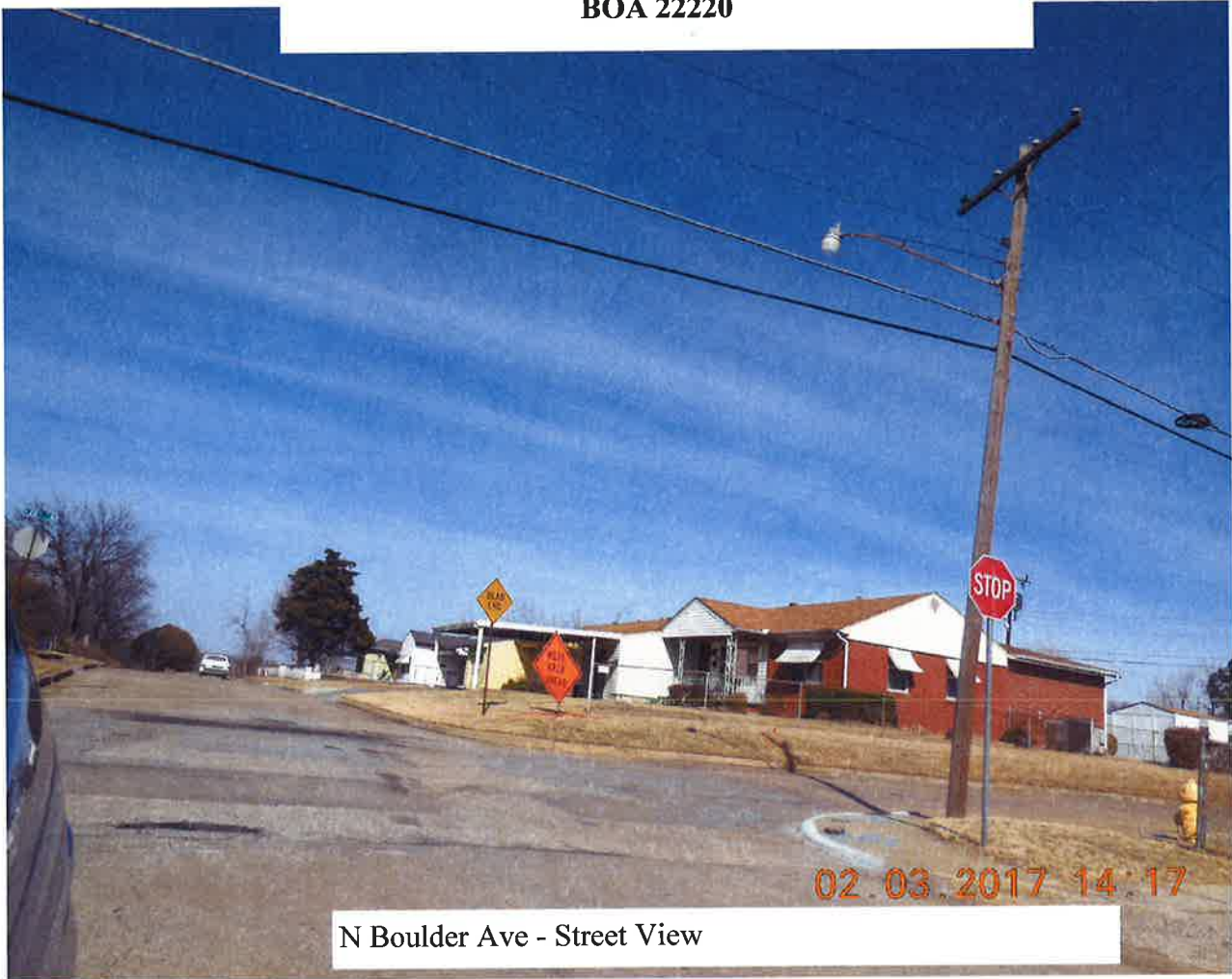
Subject Lot - Looking West



N Boulder Ave- Street View

02 03 2017 14:17

4.6



N Boulder Ave - Street View



Map Prepared by INCOG
2 West Second Street, Suite 800
Tulsa, OK 74103

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

2742 N Boulder Ave

Scale: 0 25 50 Feet

Date of Photography:
February 2016



4.8



Oklahoma Department of Human Services
Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
(405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

Oklahoma Child Care Locator

Selection Criteria: County=All; ZipCode=74106; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

Click the facility number or name for more information and non-compliance issues.

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K830024711	28515	★★★	5/1/2013	TULSA EDUCARE	Center	3420 N PEORIA	TULSA	74106	(918) 508-2250	200
K820017422	16712	★★★	6/1/2010	LEATHERS, MARY ANN CHILD CARE HOME	Home	4521 N JOHNSTOWN	TULSA	74106	(918) 425-2666	12
K820035543	52190	★★★	11/1/2010	KING, MONICA MARIE CHILD CARE HOME	Home	2107 N GARRISON PL	TULSA	74106	(918) 592-3565	12
K820040467	54738	★★★	12/1/2009	EVANS, JACQUELINE RENEE CHILD CARE HOME	Home	644 E MARSHALL	TULSA	74106	(918) 584-3995	12
K820044006	56982	★★★	3/1/2013	FUSELIER, THILISA CHILD CARE HOME	Home	2742 N BOULDER AVE	TULSA	74106	(918) 295-0056	12
K830002306	20778	★★★	1/1/2002	CHILDREN'S LEARNING LAB	Center	3850 NO. PEORIA	TULSA	74106	(918) 828-2052	55
K830004010	22062	★★★	2/1/2010	W.L. HUTCHERSON LEARNING DEVELOPMENT CENTER	Center	1120 EAST PINE ST.	TULSA	74106	(918) 728-3957	45
K830022132	26887	★★★	12/1/2014	FROST FAMILY CENTER HEAD START	Center	203 W 28TH ST N	TULSA	74106	(918) 556-0319	270
K820044629	57372	★★★	4/1/2012	WALKER, TAMIKA CHILD CARE HOME	Home	1610 N DETROIT AVE	TULSA	74106	(918) 295-8568	12
K820053000	59502	★★	3/17/2016	MAXWELL, MEOSHA, LATORA DBA TLC CHILD CARE HOME	Home	1224 N MAIN STREET	TULSA	74106	(918) 932-8620	12

K820050549	52319	★★	11/1/2013	HILL, ANDREA CHILD CARE HOME	Home	1625 N GREENWOOD AVENUE	TULSA 74106 (918) 697- 4561	7
K820050847	59212	★★	10/1/2013	THOMAS, HEATHER CHILD CARE HOME	Home	404 E 28TH ST N	TULSA 74106 (918) 295- 8276	12
K820050919	59249	★★	3/1/2013	WATKINS, RAEKEISHA ARICCA LETIS CHILD CARE HOME	Home	2436 N BOSTON AVE	TULSA 74106 (918) 946- 1618	12
K820051006	59238	★★	5/1/2013	GIBBS, CHYLA OSRINE CHILD CARE HOME	Home	1309 N MAIN	TULSA 74106 (918) 896- 7858	12
K820051079	59262	★★	9/1/2014	JONES, TRACY LYNN CHILD CARE HOME	Home	4330 N KENOSHA AVE	TULSA 74106 (918) 850- 9545	12
K830052462	29038	★★	7/1/2015	PINE PREMIER CHILD CARE INC	Center	518 E PINE ST	TULSA 74106 (918) 607- 3343	60
K830052521	29026	★★	6/1/2015	JAY'S DAYCARE AND LEARNING CENTER	Center	3344 N LANSING PL	TULSA 74106 (918) 282- 7019	50
K820049162	58787	★★	1/1/2010	RISER, LENA CHILD CARE HOME	Home	25 E 44TH ST N	TULSA 74106 (918) 425- 5228	12
K820010716	13970	★★	3/1/2010	STANLEY, ROSETTE CHILD CARE HOME	Home	2007 N ST LOUIS	TULSA 74106 (918) 582- 4433	10
K820015029	17309	★★	12/1/2003	DIKEH, VIRGINIA CHILD CARE HOME	Home	4343 N. KENOSHA	TULSA 74106 (918) 428- 5625	12
K820017619	54595	★★	8/1/2003	MARTIN, BRENDER CHILD CARE HOME	Home	4531 N. IROQUOIS	TULSA 74106 (918) 425- 2343	12
K820032170	50639	★★	6/1/2007	TUNLEY, SHARON CHILD CARE HOME	Home	771 E SEMINOLE PL	TULSA 74106 (918) 599- 0775	12
K820032419	50186	★★	1/1/2002	POWELL, MONA CHILD CARE HOME	Home	1136 E PINE PL	TULSA 74106 (918) 599- 7004	12
K820036128	52426	★★	1/1/2015	REID, BILLIE CHILD CARE HOME	Home	647 E 45TH PL N	TULSA 74106 (512) 902- 7378	12
K820039099	53945	★★	3/1/2015	REED- ARMSTRONG, KIMBERLY	Home	4332 N FRANKFORT AVE	TULSA 74106 (918) 805- 7043	12

K820040136	54572	★★	8/1/2004	ANN CHILD CARE HOME DEMRY, TENISHA RENEE CHILD CARE HOME	Home	2404 N ROCKFORD AVE	TULSA 74106	(918) 282- 2174	12
K820041769	55817	★★	6/1/2003	GEORGE, LISA CHILD CARE HOME	Home	3724 N HARTFORD AVE	TULSA 74106	(918) 428- 3261	11
K820042535	56046	★★	9/1/2003	MABAIN, NICOLE CHILD CARE HOME	Home	783 E SEMINOLE PL	TULSA 74106	(918) 587- 9398	12
K820042585	56265	★★	6/1/2005	BOWEN, BEVERLY CHILD CARE HOME	Home	1814 N TRENTON AVE	TULSA 74106	(918) 378- 9010	12
K820043993	57017	★★	8/1/2004	STOVALL, DEBORAH CHILD CARE HOME	Home	216 E NEWTON PL	TULSA 74106	(918) 582- 1177	12

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[Next Page](#) [Last Page](#)

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Contact us by e-mail - Oklahoma Child Care Services

Last Updated: 3/11/2014

4.11



Oklahoma Department of Human Services
Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
(405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

Oklahoma Child Care Locator

Selection Criteria: County=All; ZipCode=74106; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

Click the facility number or name for more information and non-compliance issues.

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K820044343	57303	★★	3/1/2007	STEWART, MARY CHILD CARE HOME	Home	238 E TECUMSEH ST	TULSA	74106	(918) 592-1019	7
K820044712	57408	★★	2/1/2005	THOMAS, SHA'LEE ANNETTE CHILD CARE HOME	Home	3148 N HARTFORD PL	TULSA	74106	(918) 425-0593	12
K820044881	57524	★★	9/1/2010	THOMAS, IVY CHILD CARE HOME	Home	4332 N FRANKFORT PLACE	TULSA	74106	(918) 813-5721	12
K820045411	57713	★★	4/1/2009	ARMSTRONG, DEBORAH LENORA CHILD CARE HOME	Home	10 E 26TH PL N	TULSA	74106	(918) 592-3549	12
K820045768	57840	★★	3/1/2006	LEWIS, TIFFANY LANIECE CHILD CARE HOME	Home	1108 E QUEEN ST.	TULSA	74106	(918) 282-3881	12
K820046120	58014	★★	3/1/2007	WALKER, DEBRA CHILD CARE HOME	Home	643 E APACHE	TULSA	74106	(918) 425-2988	12
K830006321	23117	★★	12/1/2005	MAMA COLLINS	Center	1125 E 36TH ST N	TULSA	74106	(918) 425-2229	30
K830021790	26516	★★	1/1/2003	PEPPERMINT PETE'S PRESTART &	Center	564 E 32ND ST N	TULSA	74106	(918) 619-9966	17
K830023909	28032	★★	5/1/2006	DJ'S CHILD CARE CENTER	Center	549 E 26TH PL N	TULSA	74106	(918) 425-1035	36
K820037313	53079	★★	11/1/2015	ARMSTRONG, MAXINE	Home	3133 N LANSING PL	TULSA	74106	(918) 289-4907	7

K830024213	28184	★★	8/1/2007	CHILD CARE HOME CHILDREN'S ARK LEARNING CENTER	Center	3709 N HARTFORD AVE	TULSA 74106	(918) 425-2757	20
K820047244	58326	★★	6/1/2010	RAY, ZONIA CHILD CARE HOME	Home	3713 N LANSING AVE	TULSA 74106	(918) 794-8188	12
K820047493	58405	★★	9/1/2008	HARDING, ANITA CHILD CARE HOME	Home	535 E WOODROW PL	TULSA 74106	(918) 582-5104	12
K820053288	59564	★★	11/17/2016	VETAW, SIERRA CHILD CARE HOME	Home	4328 N GARRISON AVE.	TULSA 74106	(918) 794-1369	7
K820053425	59555	★★	10/20/2016	WILSON, DARINA CHILD CARE HOME	Home	621 E 45TH PL NORTH	TULSA 74106	(918) 519-6667	7
K820051344	59379	★★	3/1/2014	PHILLIPS, LATONYA CHILD CARE HOME	Home	1602 N GREENWOOD AVE	TULSA 74106	(918) 599-0027	7
K820051875	59394	★★	9/1/2014	BURR, TAMMY TERRELL CHILD CARE HOME	Home	3020 NORTH GARRSION AVE	TULSA 74106	(918) 606-1188	7
K820052422	59452	★★	6/1/2015	WYTCH, APRIL CHILD CARE HOME	Home	4023 N MLK BLVD	TULSA 74106	(918) 936-9236	7
K820052519	59472	★★	10/1/2015	TURNER, KENYETTA V. CHILD CARE HOME	Home	555 E QUEEN ST	TULSA 74106	(918) 949-8864	7
K820034916	51822	★★	6/22/2016	KELLY, TANITA CHILD CARE HOME	Home	4341 N ELGIN AVE	TULSA 74106	(918) 425-5972	12
K820040476	54729	★★	5/31/2016	SHIELDS, KOWANA J CHILD CARE HOME	Home	313 E APACHE ST	TULSA 74106	(918) 809-7035	7
K820044198	57139	★★	7/1/2015	FARRIS, DANIELLE LATRYCE CHILD CARE HOME	Home	4310 N ELGIN AVE	TULSA 74106	(918) 313-0284	7
K820047755	58455	★★	7/1/2015	ALLEN, BRITTANY NICOLE CHILD CARE HOME	Home	1808 NORTH DENVER AVE.	TULSA 74106	(918) 841-7468	7
K820051019		★	1/28/2013	MCQUARTERS, LORI CHILD CARE HOME	Home	2008 N. MADISON PLACE	TULSA 74106	(918) 402-1125	7
K830024926		★	10/4/2011	NORTH MABEE BOYS AND	Center	3001 N CINCINNATI	TULSA 74106		81

			GIRLS CLUB		(918)	
			AFTERSCHOOL		425-	
			PROGRA		7534	
			CRAVEN,			
K820045109	★	12/16/2015	LAMARA	Home	2219 N	(918)
			CHILD CARE		DENVER	TULSA 74106
			HOME		BLVD	521-
			JONES,			1623
			KATHLEEN			(918)
K820046631	●	58552	CHILD CARE	Home	523 E PINE PL	TULSA 74106
	★	1/1/2011	HOME			855-
						5170
						7

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[First Page](#) [Previous Page](#)

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[Contact us by e-mail - Oklahoma Child Care Services](#)

Last Updated: 3/11/2014

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: 986654-1

January 24, 2017

THALISA FUSELIER
THALISA FUSELIER HOME DAYCARE
2742 N BOULDER AV
TULSA, OK 74106

Phone: (918)295-0056

APPLICATION NO: 413723 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2742 N BOULDER AV W
Description: NOT APPLICABLE

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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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.
3. A COPY OF A "RECORD SEARCH" **[] IS [X] 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)

4.15

REVIEW COMMENTS

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

Application No. 413723

2742 N BOULDER AV W

January 24, 2017

Note: Please direct all questions concerning Spacing Verifications and all questions regarding Board of Adjustment (BOA) 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.

Sec.45.070-A: Your proposed day care is a designated a Family Child Care Home and is located in an RS-3 zoning district. A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets.

Review comment: Submit copy of a Spacing Verification reviewed and approved per Sec.70.110 in order to allow a family child care home at 2742 N Boulder. For assistance please contact Nikita Moye at 918-584-7526.

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.

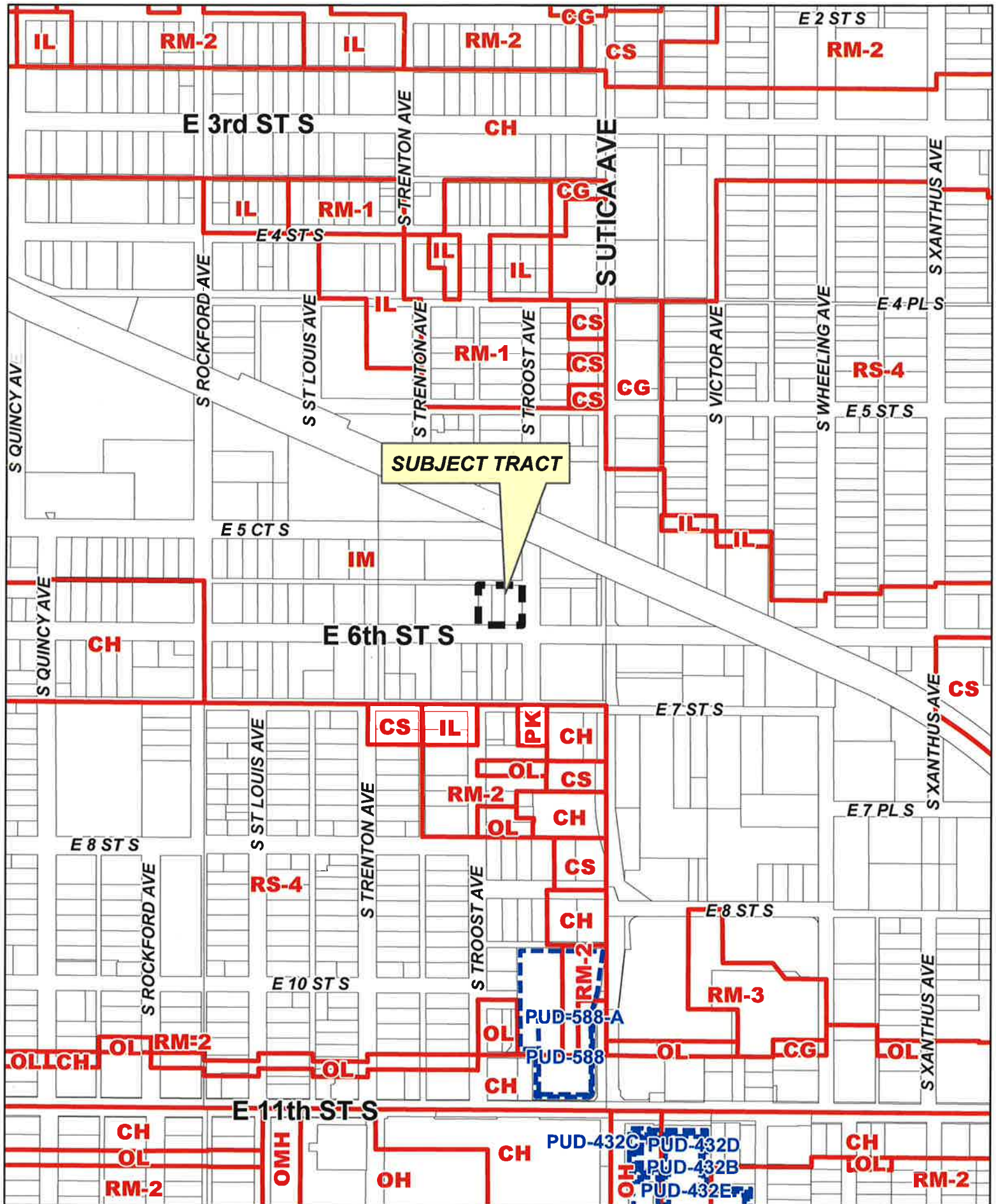
A hard copy of this letter is available upon request by the applicant.

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.

4.16
2



SUBJECT TRACT

BOA-22205

5.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-22205

CZM: 37

CD: 4

A-P#: 412172

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: David Mainprize

ACTION REQUESTED: Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club. (Section 15.020)

LOCATION: 1635 E 6 ST S

ZONED: IM

PRESENT USE: Commercial Building

TRACT SIZE: 18,761.37 SQ FT

LEGAL DESCRIPTION: E45 OF LT 16 BLK 3; W43 OF LT 17 BLK 3; E7 LT 17 ALL LT 18 BLK 3, GLASS FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 18638; on 01.25.00 the Board approved a special exception to permit a church in an IM zoned district; located at 1628 and 1632 East 6th Street immediately south of the subject site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown Neighborhood" and an "Area of Stability".

Downtown Neighborhoods are located outside, but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The Land Use Category, **Area of Stability**, includes approximately 75% of the city's total parcels. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by a mixture of industrial and commercial uses in the IM district.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to permit a health club (Indoor Assembly & Entertainment > 250 persons capacity) in the IM district (Section 15.020).

The applicant is proposing to convert the existing commercial space shown on the attached plans into a gym/health club. A special exception is required due to the potential adverse affects of the proposed gym/health club in the IM district; however if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

As the writing of this case report staff has not received any comments from surrounding neighbors or property owners.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding neighborhood.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 person) in the IM district to permit a gym/health club. (Section 15.020)

- 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. 18638

Action Requested:

Special Exception to permit a church in an IM zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 5, located at 1628 & 1632 E. 6th St.

Presentation:

Ms. Streetman, 4845 S. Sheridan, with Streetman Realty, stated that she is representing Dr. M.B. Jefferson, from Tampa, Florida. He comes to Tulsa and holds crusades. She showed the property at 1628 and 1632 E. 6th St., and the applicant would like to build a small outreach church there. Ms. Streetman submitted photos.

Protestants:

Mike Ashley, 7720 E. 86th St., owner of the commercial buildings at 1616 E. 6th and 1614 E. 6th, appears to oppose the application. He stated his concern that such a facility will be a magnet for homeless people. He mentioned that they already have trouble with graffiti.

David Cordell, 2126 E. 30th St., is representing the property owner at 1635 E. 6th St., a warehouse building. It is currently leased by Tulsa University for storage. The area seems to be improving with long-term tenants and refurbishing buildings, and approval would make the new facility use inconsistent with others in the area.

Interested Parties:

Norris Streetman, 1541 E. 4th, homeowner in the vicinity of the subject property. He stated that he does see drunks and homeless people in the area. He stated his appreciation of the applicant's endeavor to provide this kind of facility in the neighborhood.

Harold Streetman, stated his opinion that a church is not going to hurt the area. It will be reaching out to those who have problems and help the community rather than run it down.

Rebuttal:

Ms. Streetman, stated that the applicant is building this type of facility all over the United States. Their plan is to construct a very nice facility and improve the property.

Comments and Questions:

The Board discussed the issues of the number of people that would be concentrated in one area. They also discussed whether the facility would be a detriment versus improvement to the neighborhood.

Board Action:

On **MOTION** of Turnbo, the Board voted 3-2-0 (Turnbo, Perkins, and Dunham "aye"; Cooper, White "nay"; no "abstentions"; no "absences") to **APPROVE** the ***Special Exception*** to permit a church in an IM zoned district, per plan, finding that it 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 for the following described property:

Lot 2 except the E 5' of the S 100' and Lot 3, all in Block 5, Glass Factory Addition, City of Tulsa, Tulsa County, Oklahoma.

*****.

Case No. 18630

Action Requested:

Request the Board to reconsider the application decided on January 11, 2000, for a Special Exception to allow an auto car wash (Use Unit 17) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 4904 S. Union.

Presentation:

Lawrence Taylor, 3223 E. 31st, is asking for a reconsideration of this case because he misunderstood the schedule of the January 11th meeting and missed his opportunity to present.

Board Action:

On **MOTION** of Turnbo, the Board voted 4-1-0 (Turnbo, Perkins, White and Dunham "aye"; Cooper "nay"; no "abstentions"; no "absences") to Re-hear this case on February 22, 2000 regarding the following described property:

N 205' of Lot 2, Block 2, Greenfield Acres, City of Tulsa, Tulsa County, Oklahoma.

*****.

Case No. 17888

Action Requested:

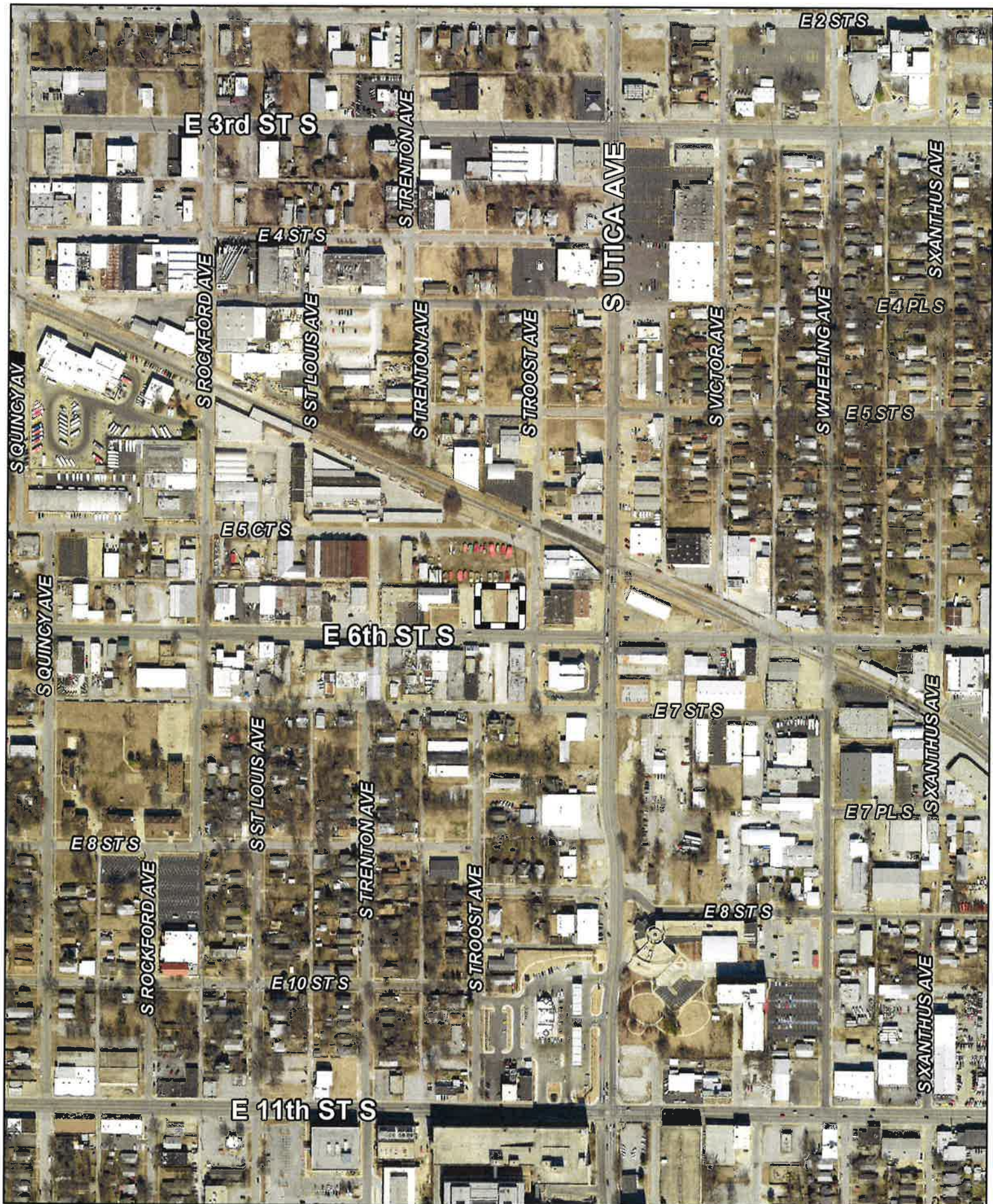
Special Exception to allow a church and accessory uses in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 2, located S of the SW/c E. 4th St. & S. Memorial.

Presentation:

Mr. Beach stated that the staff reviewed the site plan and compared it with minutes of the previous hearing and it satisfied any concerns that the Board expressed at that time.

Board Action:

On **MOTION** of Turnbo, the Board voted 5-0-0 (Cooper, Turnbo, Perkins, White and Dunham "aye"; no "nays"; no "abstentions"; no "absences") to



0 Feet
200
400



Subject
Tract

BOA-22205

19-13 06

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

Aerial Photo Date: February 2016



5.6



E 6th ST S

STROOSTAVE

E 7th ST S

STROOSTAVE

S UTICA AVE

0 50 100
Feet



Subject
Tract

BOA-22205

19-13 06

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

Aerial Photo Date: February 2016



5.7



Subject Lot - Looking NW

02.03.2017 13:07



Subject Lot - Looking NE

02.03.2017 13:06



Subject Lot - Looking NE

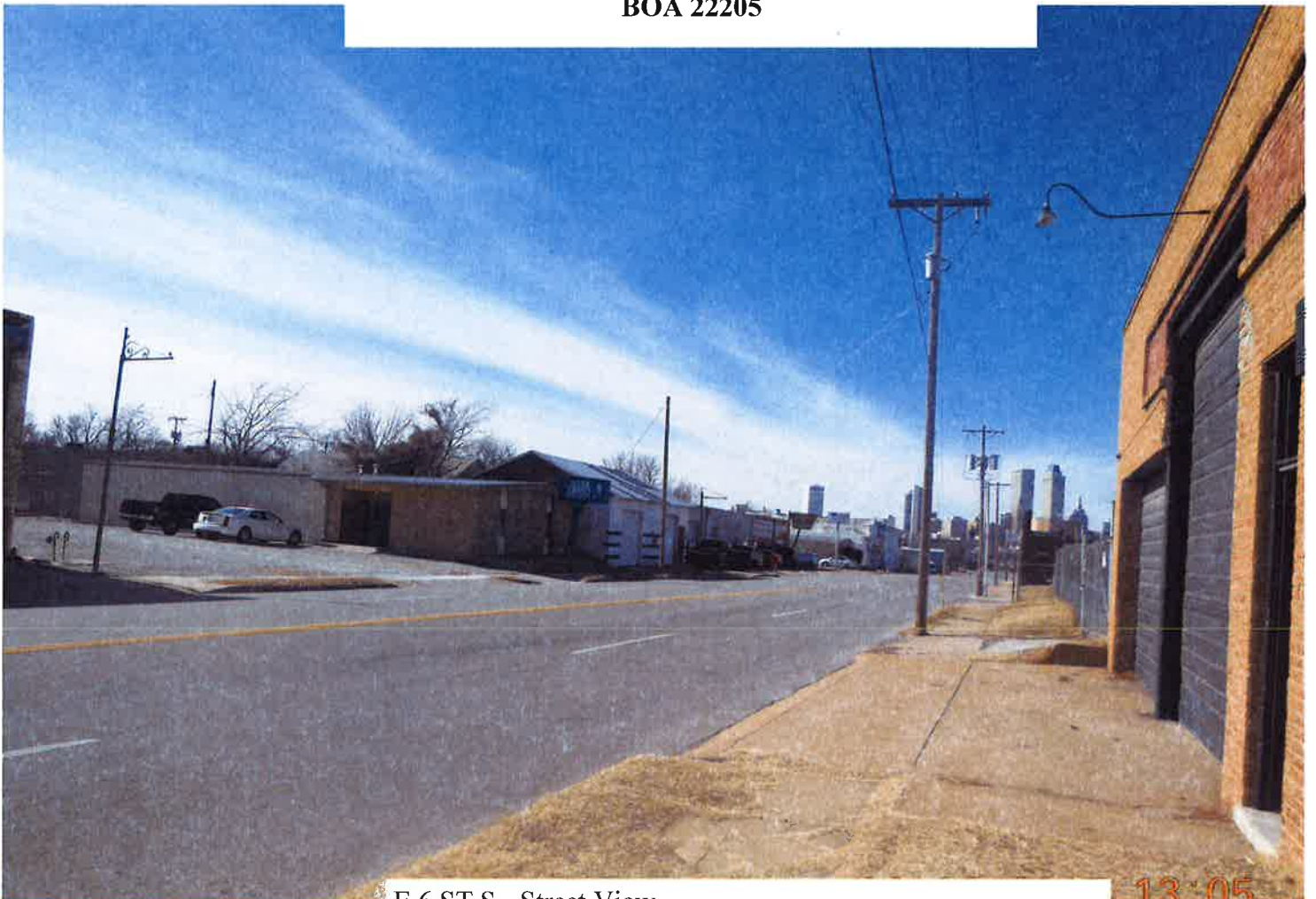
02.03.2017 13:06



Subject Lot - Looking NW

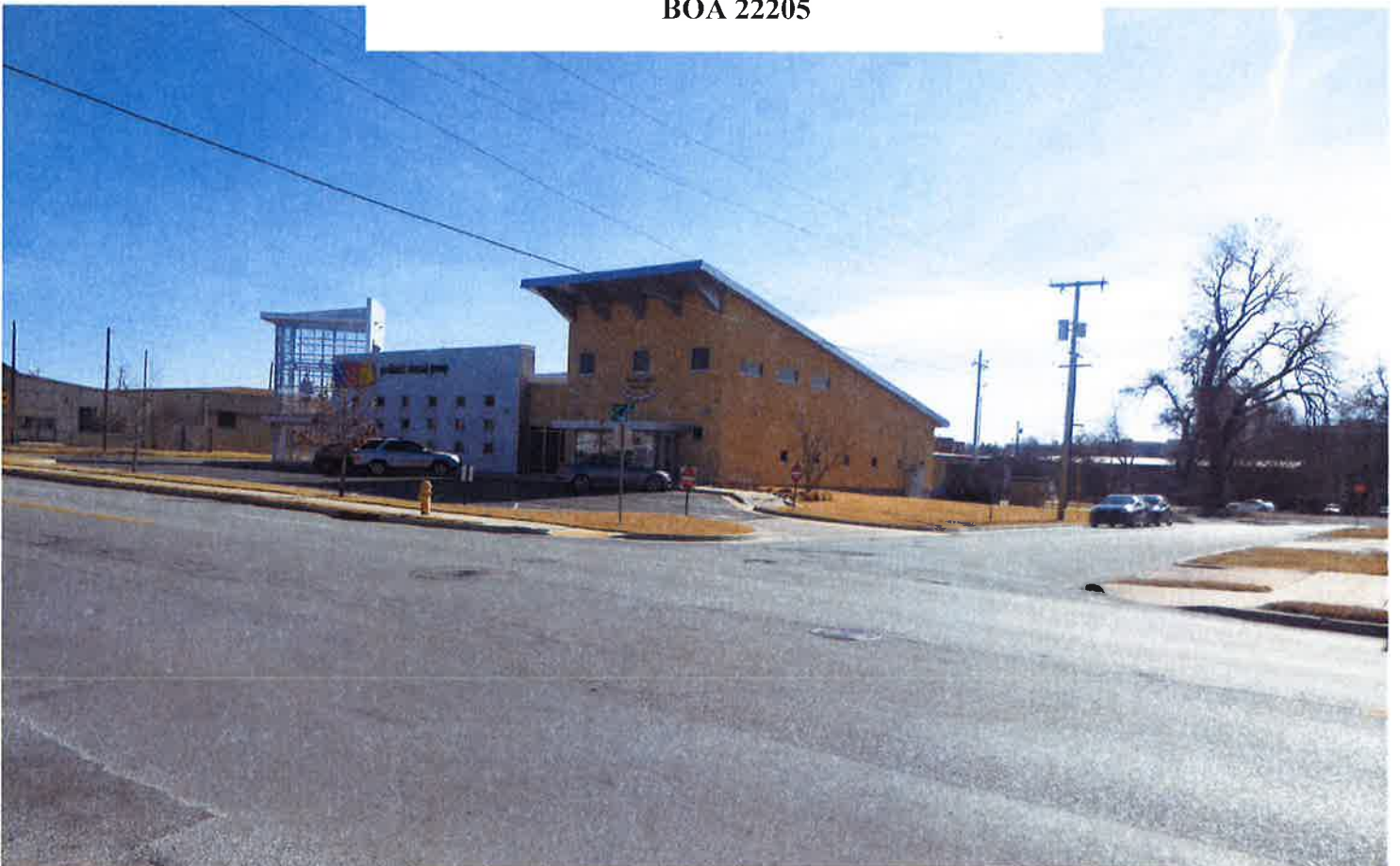
02.03.2017 13:06

5.9



E 6 ST S - Street View





E 6 ST S - Street View

02.03.2017 13:05



02.03.2017 13:06

5.11

Site Plan for 1635 E. 6th St. Tulsa, OK 74120

Drawing not to scale

- Total Building - 5,616 ft²
- Total Outside - 12,024 ft² (alley not included)
- Total Lot - 17,640 ft²
- Hallways - 266 ft²
- Gym - 3,514 ft²
- Office - 578 ft²
- Bathrooms - 340 ft²
- Storage - 918 ft²
- Parking - 8,154 ft²
- Grass - 3,870 ft²
- Alley - 864 ft²

(alley not included)

Fence

120'

Ingress/Egress Gate 20'

Paved Parking (8,154 ft²)

50'

Fence - 96

Grass (3,870 ft²)

90'

150'

Fence

43'

104'

5'

ADA Door

Storage (918 ft²)

Hallway (185 ft²) 34'

27'

Bay Door

Bay Door

Front Door

3'

Hallway (91 ft²) 34'

Office (578 ft²)

Bathrooms (340 ft²)

17'

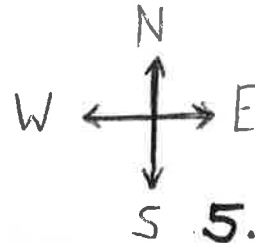
Bay Door

Alley (864 ft²)

54'

16' opening

6th Street



5.12

Troost

ADAM MURRAY
ZONING OFFICIAL
PLANS EXAMINER

TEL (918) 596-7639
amurray@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 983201-1

January 10, 2017

STEPHEN MAINPRIZE
CONQUER FITNESS, LLC
5969 E 27TH ST
TULSA, OK 74114

Phone: (918) 510-0464

APPLICATION NO: 412172 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1635 E 006 ST S
Description: ALTERATION - INTERIOR

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 MUST 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 \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. SUBMIT WITH TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. 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.
3. 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
WWW.CITYOFTULSA-BOA.ORG

Application No. 412172

1635 E 006 ST S

January 10, 2017

Conquer Fitness

Note: As provided for in Section 70.130 you may request the Board of Adjustment 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 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. Section 15.020 Use Regulations. Table 15-2:** The proposed Health club is designated Commercial / Assembly and Entertainment / Indoor, Small < 250 person capacity. It is located in an IM zoned district. This will require a Special Exception approved by the BOA. Submit an approved BOA Special Exception Commercial / Assembly and Entertainment / Indoor, Small < 250 person capacity to be allowed in an IM zoned district.
- 2. Section 55.020 Minimum Parking Ratios.** Off-street motor vehicle parking spaces must be provided in accordance with minimum ratios established in Table 55-1. The minimum off-street parking ratio for this use is 5.50 spaces per 1,000 sq. ft. of building area. Your application indicates the building area is 6,000 sq. ft. This will require 33 off-street parking spaces.
- 3. Section 55.080-D Off-site Parking.** All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with regulations. Required accessible parking spaces may not be located off site. Submit a site plan providing 33 spaces compliant with design criteria specified in Section 55.090. This option is required to be compliant with Chapter 65 Landscaping, Screening and Lighting.
- 4. Section 55.080-D.4 Control of Off-site Parking Area.** The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. You may consider off-site parking to meet parking requirements.

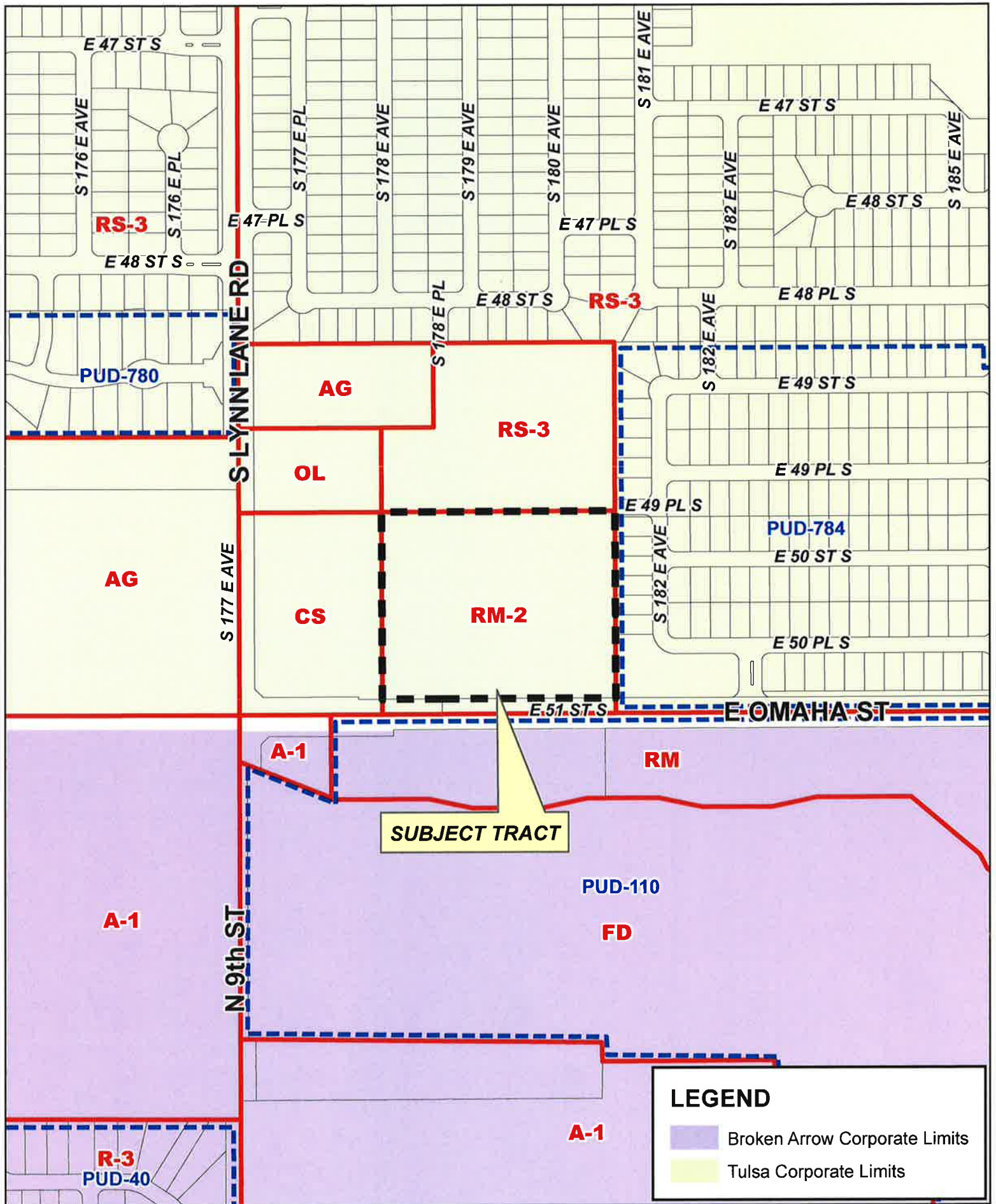
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



LEGEND

-  Broken Arrow Corporate Limits
-  Tulsa Corporate Limits



BOA-22207

19-14 25

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9425

Case Number: **BOA-22207**

CZM: 50

CD: 6

A-P#: 8911

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: TCG Development LLC/ Rachel Marquis

ACTION REQUESTED: Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A).

LOCATION: 18001 E 51 ST

ZONED: RM-2

PRESENT USE: Proposed Assisted Living Facility

TRACT SIZE: 10.6 Acres

LEGAL DESCRIPTION: LOT 1 BLOCK 1, TCG TULSA CAMPUS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

The **New Neighborhood Residential Building Block** is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

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 E 51st Street S and the Broken Arrow City Limits on the south; CS zoning on the east; and RS-3 zoning on the north. RS-3/PUD-784 zoned residential abuts the site on the east.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to permit a fence and/or wall height greater than 4 ft in the required street setback of an RM-2 district. The submitted site plan

6.2

REVISED 2/21/2017

indicates that the applicant is proposing to construct a 6 ft. brick and iron fence within the required 35 ft. street setback along E 51st St S. **Section 45.080-A** of the Code states that within the required street setback fences and walls cannot exceed 4 ft in height.

The Code limits the height of fences in an attempt to maintain a desired streetscape along a given street. The Code allows the Board to modify the permitted height of a fence and/or wall by special exception.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A).15.020)

- 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.



0 200 400
Feet



Subject
Tract

BOA-22207

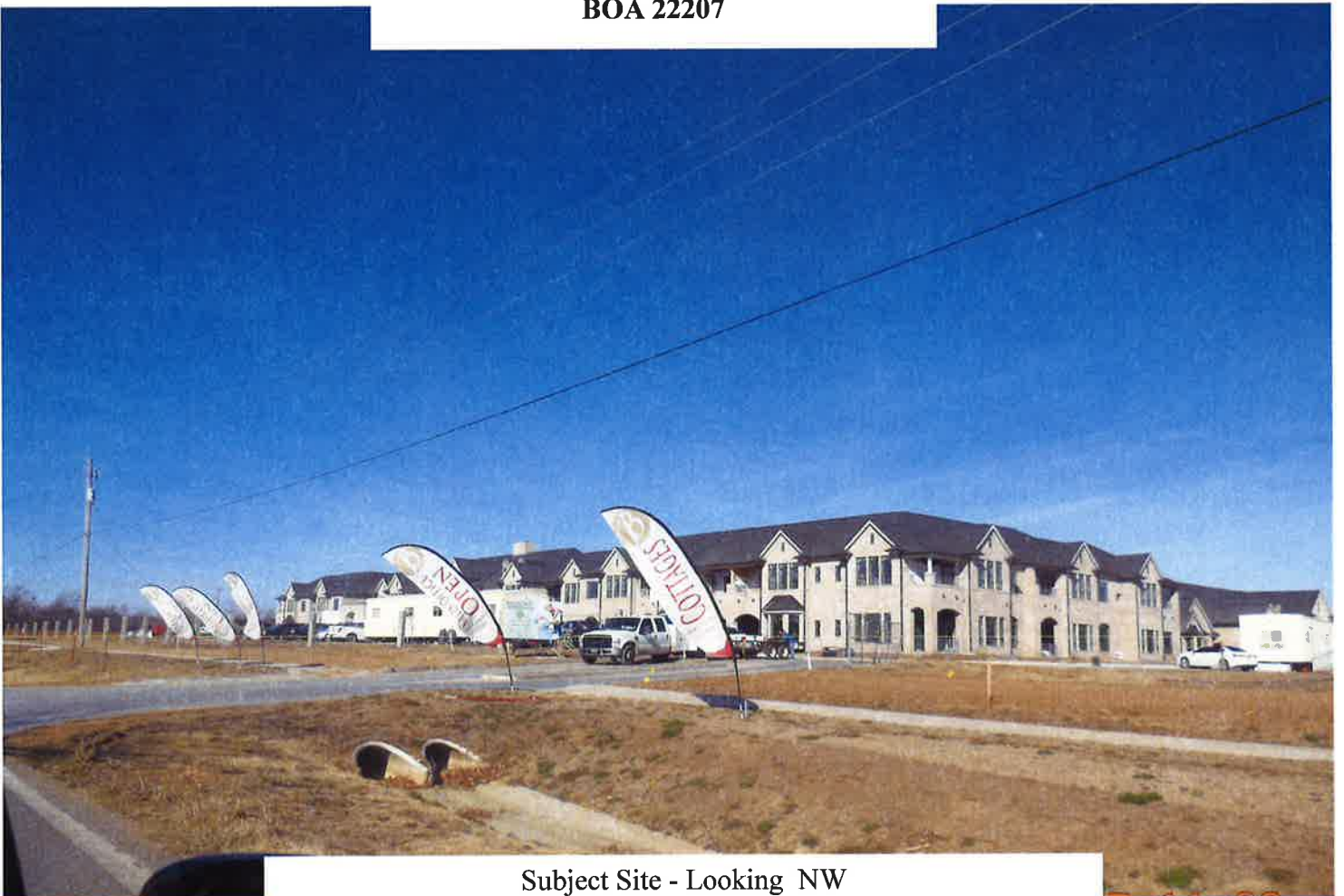
19-14 25

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

Aerial Photo Date: February 2016



6.4



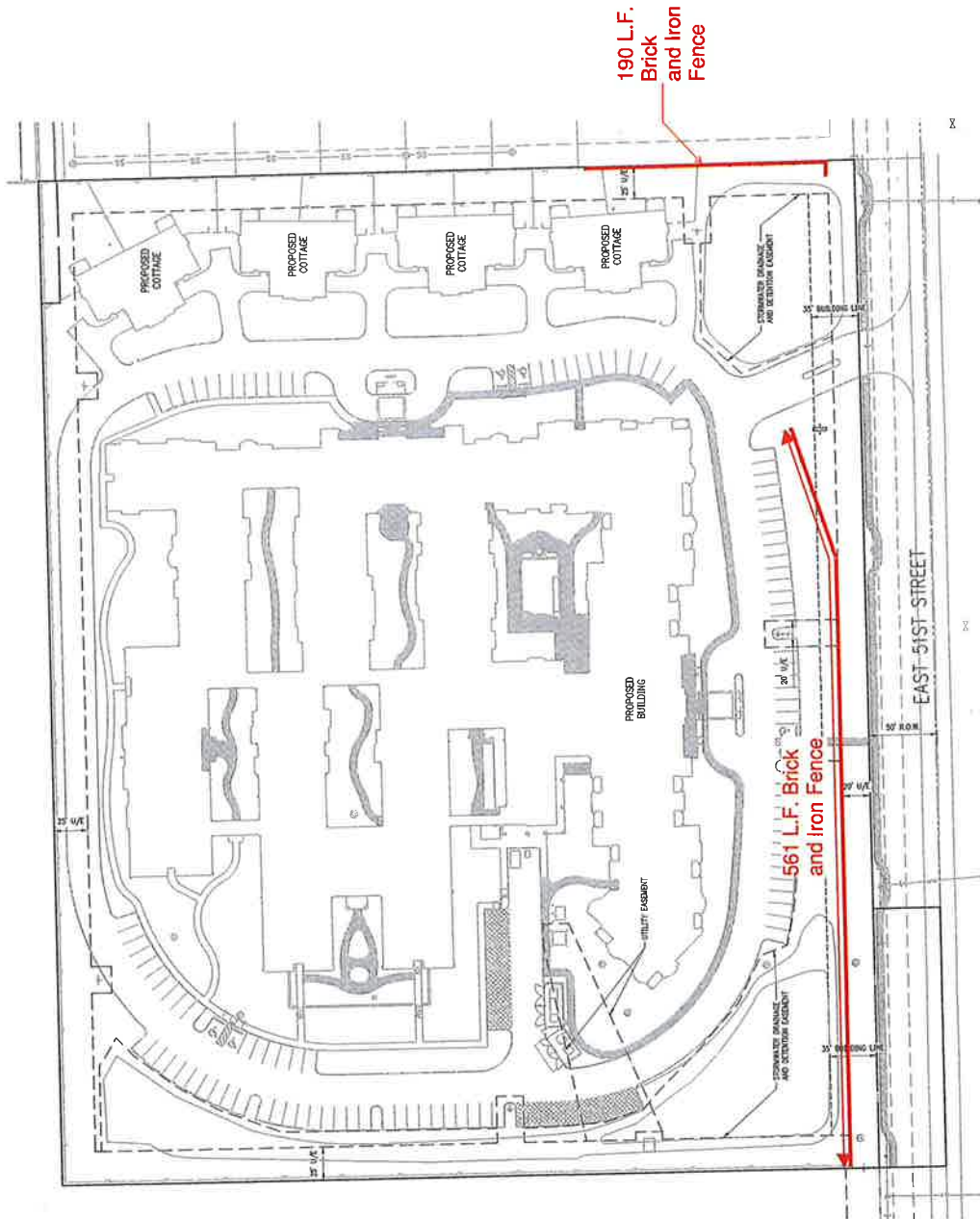
Subject Site - Looking NW



02.03.2017 11:13

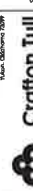


E 51 ST S - Street View

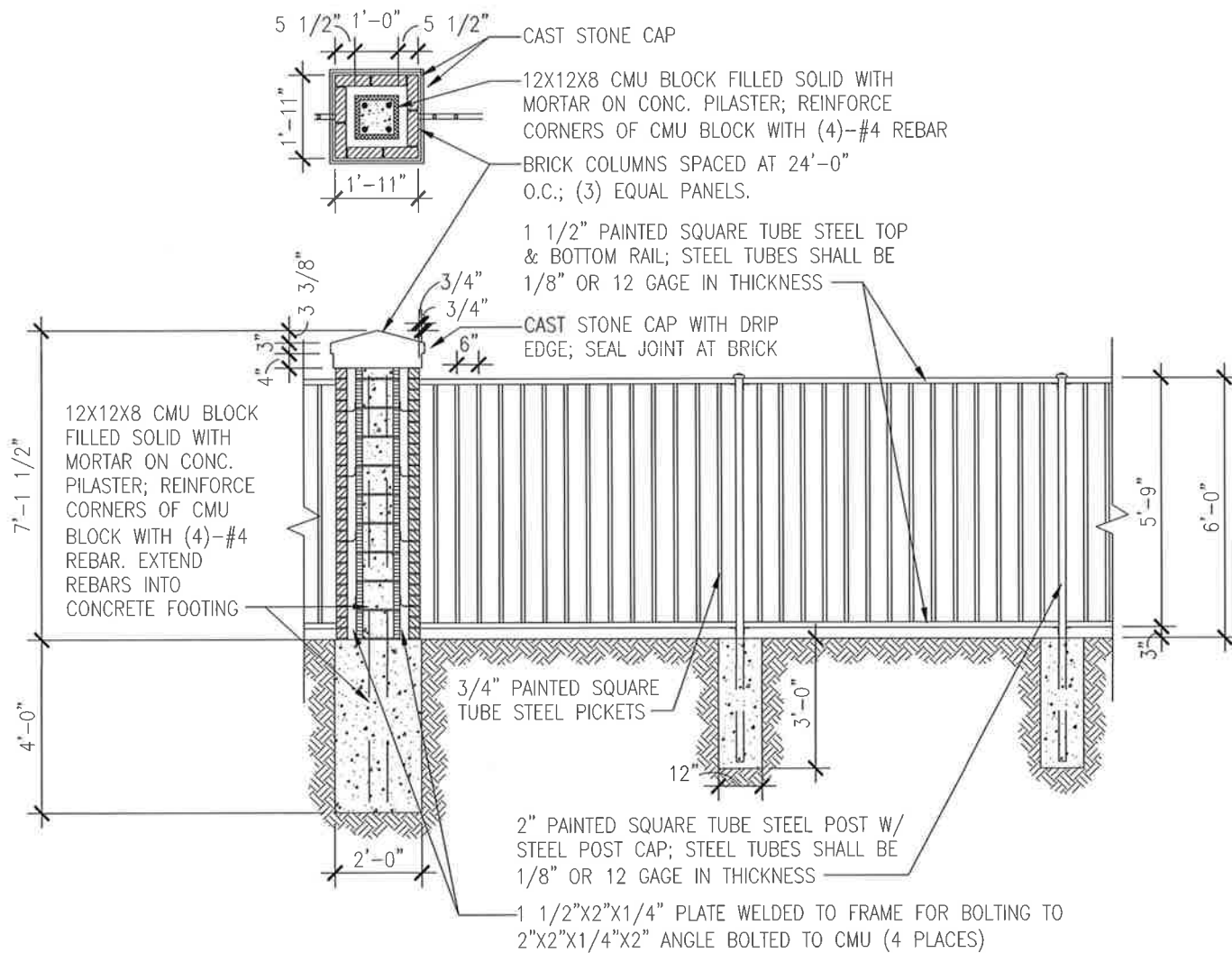


1000 TULSA - SITE PLAN ENGINE

300 South Parkway, Suite 100
Tulsa, Oklahoma 74106



SHEET NO. 01
DATE: 01/19/2017
PROJECT NO.: 1468201



09
A2.04

SECTION DETAIL

SCALE: 1/4" = 1'-0"



ARCHITECTURE
PLANNING
INTERIOR DESIGN
817.801.7200
www.ghila-inc.com



THE COVENANT GROUP
Senior Living Specialists
CGI CONSTRUCTION, INC.

TULSA IL / AL

AN INDEPENDENT AND ASSISTED SENIOR
LIVING RETIREMENT COMMUNITY
TULSA, OKLAHOMA



DATE: 09/23/16
GHILA PROJ. NO.: 1408
REF. SHT.: A2.04

SD-08
SUPPLEMENTARY
DRAWING

6.8

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: 983407-1

January 11, 2017

JOE MAHAFFEY
CGI CONSTRUCTION INC
18001 E 51ST ST
TULSA, OK 74012

Phone: (817)446-4792

APPLICATION NO: 8911 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 18001 E 051 ST S
Description: 6' FENCE AROUND AN ASSISTED LIVING CAMPUS

INFORMATION ABOUT SUBMITTING REVISIONS

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SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

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3. 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)

6.9

REVIEW COMMENTS

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

Application No. 8911

18001 E 051 ST S

January 11, 2017

Note: Please direct all questions concerning special exceptions and all questions regarding BOA 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.

Sec.45.080-A: Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. The board of adjustment is authorized to modify fence and wall regulations in accordance with the special exception procedures of Sec. 70.120.

Review comment: The proposed 6' fence is located on a lot in an RM-2 zoning district and is located in the street setback (35' from the 51st ST Right-of-Way). This will require a special exception, reviewed and approved, per Sec.70.120, to increase the height from 4' to 6'.

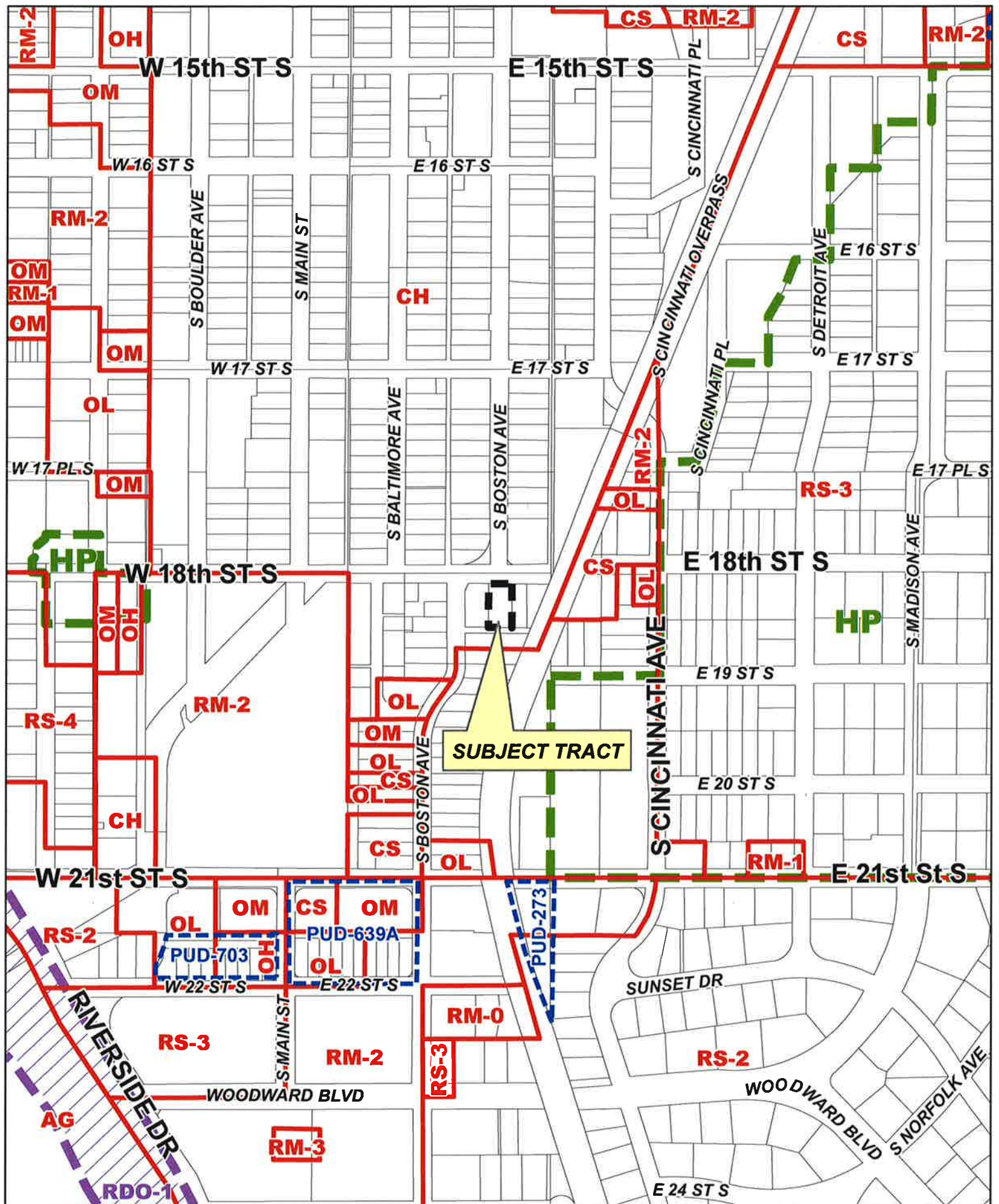
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A hard copy of this letter is available upon request by the applicant.

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.



BOA-22208

19-12 12

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-22208

CZM: 36

CD: 4

A-P#: n/a

HEARING DATE: 02/28/2017 1:00 PM

APPLICANT: American Solera, LLC/ Chase Healey

ACTION REQUESTED: Special Exception to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery (Section 15.020).

LOCATION: 108 E 18 ST S

ZONED: CH

PRESENT USE: Vacant commercial building

TRACT SIZE: 10641.75 SQ FT

LEGAL DESCRIPTION: W46 LT 2 & E30 LT 3 BLK 3, SIEG ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA 18164; on 09.08.98 the Board **approved** a special exception to permit an adult entertainment establishment (bar) within 150' of an R district with the condition that no sexually oriented business be allowed and a variance to permit an adult entertainment establishment within 300' of another adult entertainment establishment.

BOA 16699; on 07.12.94 the Board approved a special exception to permit parking on a lot other than the lot containing the principal use; and a special exception to permit parking in an RM district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown Neighborhood" and an "Area of Stability".

Downtown Neighborhoods are located outside, but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The Land Use Category, **Area of Stability**, includes approximately 75% of the city's total parcels. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by mixture of uses including CH zoned commercial/retail and bars and restaurants.

STAFF COMMENTS:

The Code defines a microbrewery as an establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

A Special Exception is required as the proposed microbrewery is a use which is not permitted by right in the CH district because of potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. Low-Impact Manufacturing and industrial uses are uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery (Section 15.020).

- 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.

Action Requested:

Special Exception to permit an adult entertainment establishment within 150' of an R district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 1212a;** Variance to permit an adult entertainment establishment within 300' of another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions;** Variance to permit parking on a lot other than lot on which Use Unit 1212(a) is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS,** located 112 & 116 East 18th Street.

Presentation:

John Moody stressed that this application is for a 1940s swing-bar-type of adult entertainment, and not for any sexually-oriented type business, noting that the building has housed bars in the past. Addressing staff's comments, he explained that at the time of application, staff said there were prior variances before the Board regarding parking uses. If the staff now concurs that the parking use has been approved previously, the applicant is willing to withdraw that request from the application. Seventy-three (73) parking spaces are proposed, meeting the required 72 spaces: 11 parking spaces that the deli has legal rights to use and 61 spaces for Mac Daddy's, with an additional 17 parking spaces in the future. The other restaurant has no legal right to parking on the subject properties. The parking lot will be resurfaced with landscaping, and will include a six-foot screening fence along the south property line of the parking area. Although the bar is not located within 150' of a residential unit, it is located within 150' of residential zoning.

Comments and Questions:

In response to Ms. Turnbo's question, Mr. Moody stated that a portion of the parking lot is located in a RM-2-zoned district.

Ms. Turnbo asked if the clientele would be encouraged to park in the back lot and walk across the street, rather than to park in the streets. Mr. Moody responded that the additional landscape and the entry into the building will encourage parking in the back lot.

Mr. Dunham pointed out that staff has concurred with the previously approved parking variances. Mr. Stump stated that that was correct; however, the Board could act on the request if they desire to end any further dispute.

Interested Parties:

Irene Bradshaw owns a condominium at 134-D East 18th Street and stated she opposed the application because it would interfere with the peace, tranquility, and dignity of the area. She added that young ladies reside in 2/3 of the condominiums in her building, and felt that safety for the residents is an issue. The condos have been affected by events from other bar clientele that included rape, parking, and loud noises during the night.

Mr. Cooper asked if the concern was with a bar or a sexually oriented business. Mr. Bradshaw replied that she objects to a bar which could result in repeat offenses, but would not object to a decent restaurant.

Applicant's Rebuttal:

Mr. Moody reassured Ms. Bradshaw that, while the business will not be a dining establishment, the owner has a good history of running businesses, and his operations do attract the type of clientele that occupies the condominium building.

Comments and Questions:

Ms. Turnbo expressed her concern of having bars located close to one another, and added that she could recall approving a variance for a bar only once. Mr. Cooper stated that this use is similar to previous uses and asked if it was before the Board today because it has not had proper approval previously. Mr. Moody stated that the ordinance was not in effect at that time, that it was there before the adoption of zoning amendments to Use Unit 12a. With new owner occupancy, the applicant must meet all of new zoning code provisions.

Mr. Dunham stated that he didn't have a problem with this application, but he would like to change the Special Exception from an Adult Entertainment Establishment, or have a restriction from sexually oriented uses.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions") to **APPROVE** a Special Exception to permit an adult entertainment establishment within 150' of an R District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 1212a** with the condition that no sexually oriented business be allowed: Variance to permit an adult entertainment establishment within 300' of another adult entertainment establishment. **SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions** with the condition that no sexually-oriented business be allowed; and noted the request for a Variance to permit parking on a lot other than lot on which Use Unit 1212(a) is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS** was approved in 1994 and be noted that Section 1607.C. was met on the following described property:

W 41' of Lot 1; All of Lots 2, 3, 5 & 6, Block 3, SIEG Addition and Lots 20 & 21, Block 2, Boston Addition, City of Tulsa, State of Oklahoma.

Case No. 18165

Action Requested:

Variance of required 150' of frontage in a CS District to 100'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located at 6538 East 31st Street.

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 660
Tuesday, July 12, 1994, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT

Bolzle
Chappelle
Doverspike, Chairman
S. White
T. White

MEMBERS ABSENT

STAFF PRESENT

Gardner
Moore
Russell

OTHERS PRESENT

Jackere, Legal
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 8, 1994, at 8:23 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** the Minutes of June 28, 1994 (No. 659).

UNFINISHED BUSINESS

Case No. 16699

Action Requested:

Special Exception to permit required parking on a lot other than the lot containing the principal use, and a special exception to permit parking in an RM District - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 12a, located 1817 - 1825 South Boston Avenue.

Presentation

The applicant, **J. R. Primm**, Box 33209, submitted a plot plan (Exhibit A-1) and informed that the off-site parking is located on three paved parking lots south of the business, which have been used for parking for many years.

Comments and Questions:

Mr. Doverspike asked if the parking area is located across the alley from the businesses, and the applicant answered in the affirmative.

Case No. 16699 (continued)

In reply to Ms. White, the applicant stated that the owner of the building has entered into a lease purchase agreement with the owner of the parking lots.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special Exception to permit required parking on a lot other than the lot containing the principal use, and a special exception to permit parking in an RM District - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 12a; per plan; subject to the approval of the bar being permitted as long as the parking lot lease and the building lease run concurrently; finding that the property has been utilized for parking purposes for many years, and approval of the request will not be detrimental to the area; on the following described property:

Lot 6, Block 3, Sieg Addition and Lots 20 & 21, Block 2, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16701

Action Requested:

Variance of the required setback from the centerline of North Santa Fe Place from 50' to 42' to permit existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1914 North Santa Fe Place.

Comments and Questions:

Ms. Russell advised that the case was continued from the last meeting to determine if additional relief would be required. She stated that it was determined by Staff that further Board action would not be necessary since the Tulsa Zoning Code requires that the 50' building setback be measured from the centerline of North Santa Fe Place (Section 403).

Presentation:

The applicant, **Garry Keele**, 4815 South Harvard Avenue, was not present.

Board Action:

Chairman Doverspike stated that this application was approved on June 28, 1994 and advised that additional relief for Case No. 16701 is not required.



0 200 400
Feet



Subject
Tract

BOA-22208

19-12 12

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

Aerial Photo Date: February 2016

7.8





0 50 100
Feet



Subject
Tract

BOA-22208

19-12 12

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

Aerial Photo Date: February 2016 7.9





Subject Lot- Looking SW

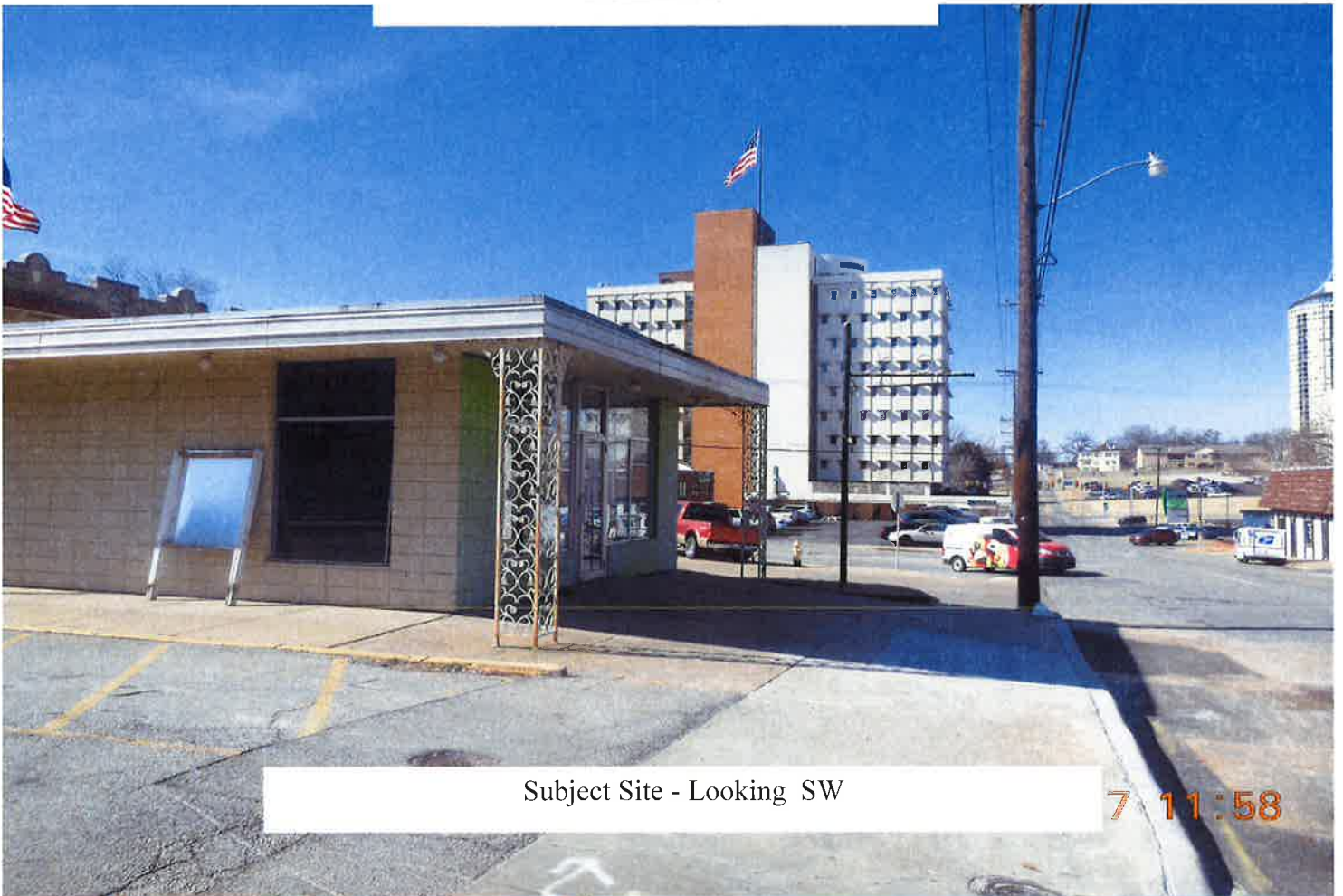
02.03.2017 11:57



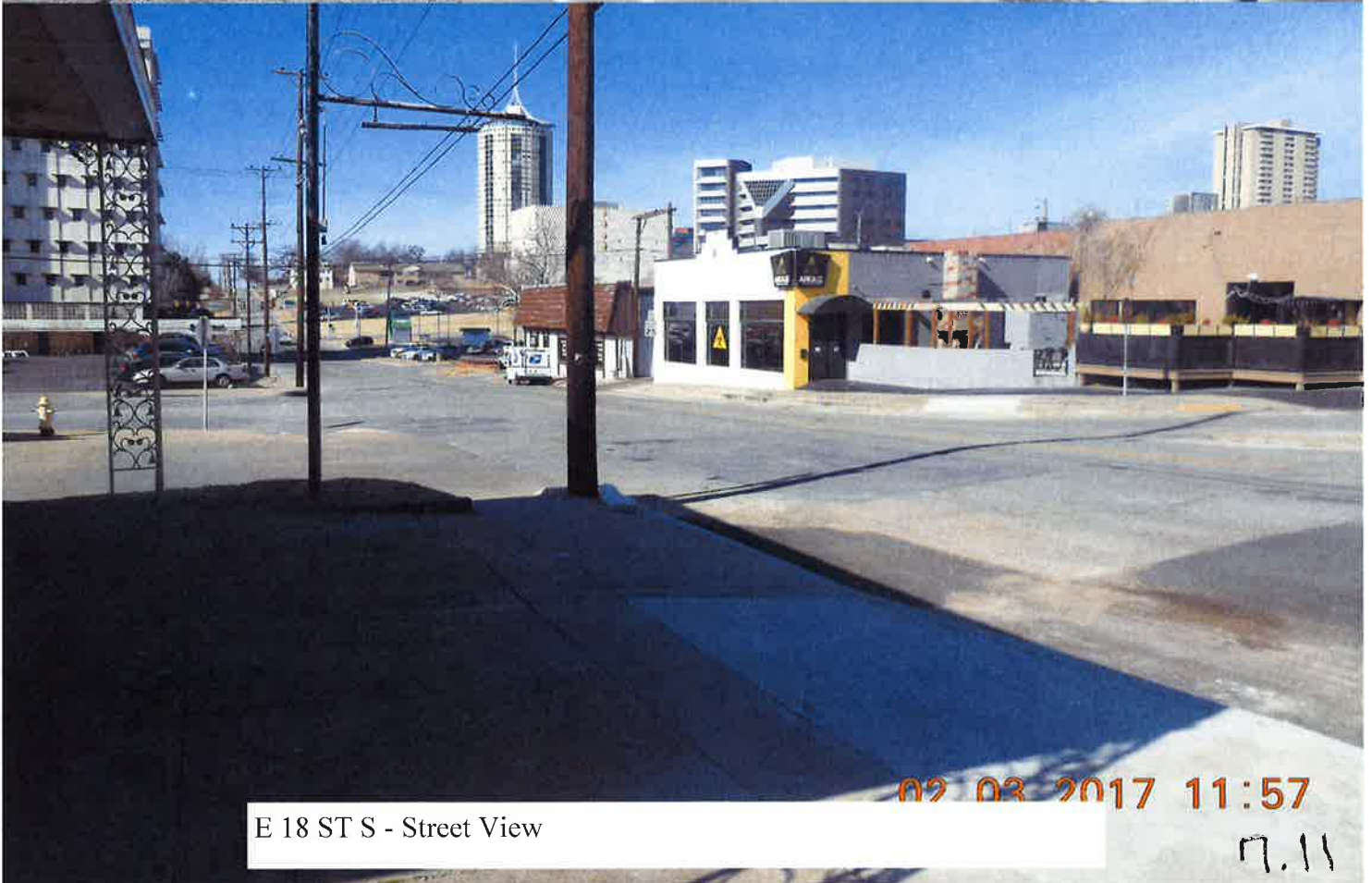
Subject Lot- Looking South

02.03.2017 11:58

7.10

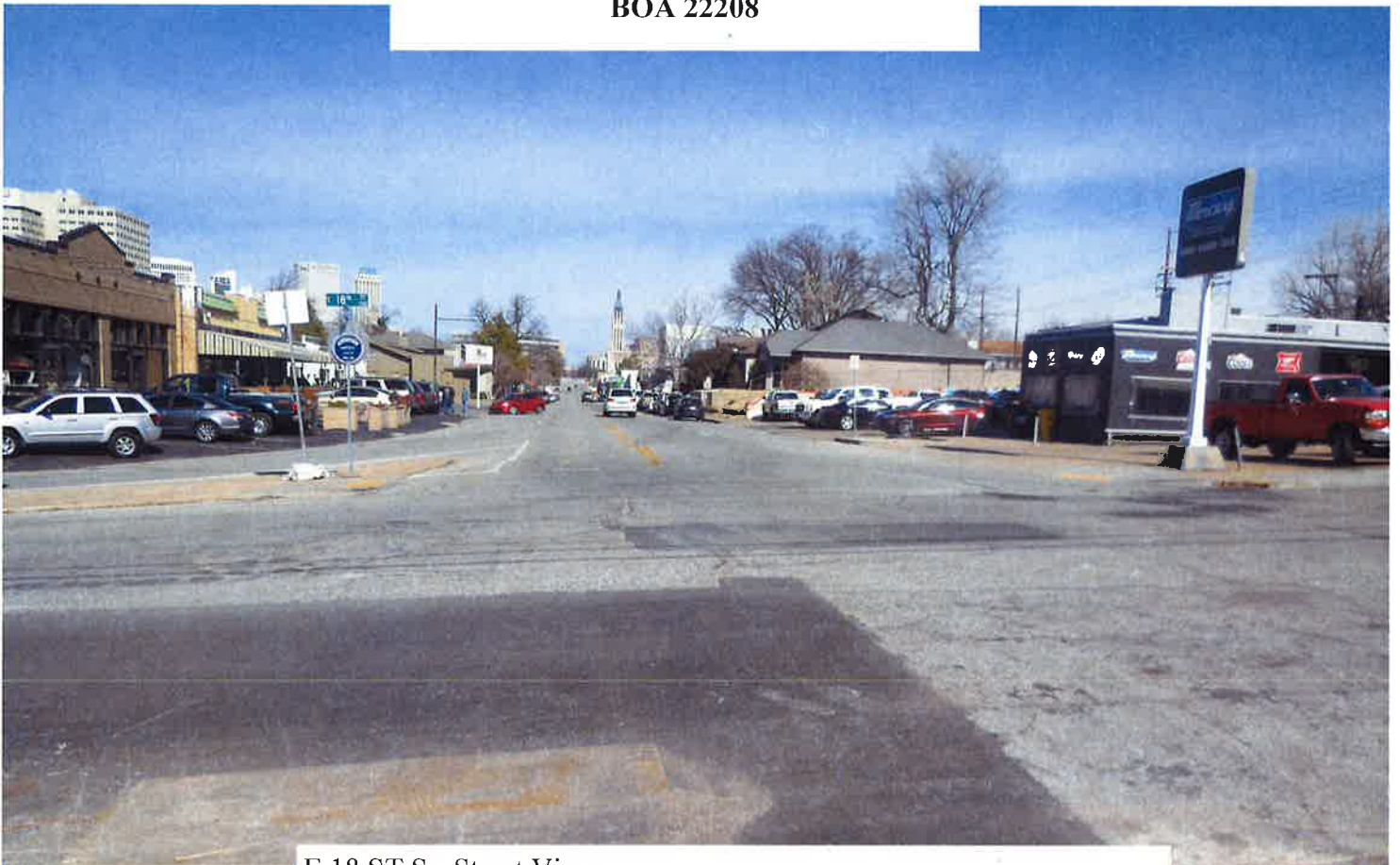


Subject Site - Looking SW



E 18 ST S - Street View

7.11



E 18 ST S - Street View



02.03.2017 11:57

7.12



OTHER BUSINESS:

DISCUSSION AND CONSIDERATION OF 2016 ADMINISTRATIVE ADJUSTMENT APPLICATIONS



CITY OF Tulsa Board of Adjustment

2 West Second Street Suite 800 | Tulsa, OK 74103 | 918.584.7526 | www.cityoftulsa-boa.org

February 15, 2017

To: City of Tulsa Board Adjustment Members
Re: 2016 Administrative Adjustment Decisions

The current zoning code requires that at least once per calendar year, the land use administrator provide the Board with a list of all administrative adjustment decisions. Attached is a list of the 2016 administrative adjustment determinations. Feel free to contact me if you have questions or would like additional information about the administrative adjustment applications.

A total of 180 Board of Adjustment applications were submitted in 2016. Of the 180 applications submitted, 6 (3.3%) were processed as administrative adjustments. Of the 6 administrative adjustment applications submitted for consideration, all were approved with conditions and none were referred to the Board for consideration as a variance.

Best Regards,



Nikita D. Moye

Case #	CD	Property Address	Request	Results
BOA 22032	4	2547 E. 7th St.	Administrative adjustment of the required side (street) setback from 15 ft. to 11 ft. in the RM-2 district.	Approved per plan on 02.12.2016
BOA 22049	4	1571 E. 22nd Pl. S.	Administrative adjustment to reduce the required front setback from 30 ft. to 25 ft.; and the rear setback from 25 ft. to 20. 2 ft. in the RS-2 district to permit construction of a new residence.	Approved per plan on 03.23.2016
BOA 22100	9	5305 S. Atlanta Ave.	Administrative Adjustment to reduce the required rear setback in the RS-2 district from 25 ft. to 21 ft. to permit a patio addition.	Approved per plan on 06.17.2016
BOA 22126	4	2522 E. 5 Place S.	Administrative Adjustment to reduce the required side setbacks from 5 ft. to 4.6 ft. in an RM-2 district to permit construction of a new residence.	Approved per plan on 08.16.2016
BOA 22150	4	2251 S. Rockford Ave.	Administrative Adjustment to reduce the required front setback from 30 ft. to 25 ft. to permit an enclosed entryway in the RS-2 district.	Approved per plan on 10.26.2016
BOA 22163	9	2668 E. 33 Place S.	Administrative Adjustment to reduce the front setback from 35 ft. to 30 ft. to permit construction of a new residence in the RS-1 district.	Approved per plan on 10.20.2016