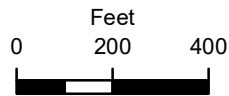
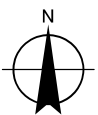


SUBJECT TRACT



BOA-23224

19-13 30



BOARD OF ADJUSTMENT CASE REPORT

STR: 9330

Case Number: **BOA-23224**

CZM: 47

CD: 9

HEARING DATE: 12/14/2021 1:00 PM

APPLICANT: Holy Moses Brewing Company LLC

ACTION REQUESTED: Special Exception to permit a Brewpub in the CH District (Sec. 15.020, Table 15-2)

LOCATION: 4225 S PEORIA AV E

ZONED: CH

PRESENT USE: Vacant Building

TRACT SIZE: 17824.83 SQ FT

LEGAL DESCRIPTION: BEG 336.5 N SW COR LT 1 TH N 91.4 E 195 S 91.4 W 195 TO BEG SEC 30-19-13,

RELEVANT PREVIOUS ACTIONS: None.

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

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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 42nd Pl. S. and S. Peoria Ave.

STAFF COMMENTS: The applicant is requesting **Special Exception** to permit a Brewpub in the CH District (Sec. 15.020, Table 15-2)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Building service	-	-	-	-	S	P	P	P	P	P	P	
Business support service	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Consumer maintenance/repair service	-	-	-	-	P	P	P	P	P	P	P	
Personal improvement service	S	S	S	S	P	P	P	P	P	P	P	
Research service	-	-	-	-	-	S	P	P	P	P	P	Section 40.225
Financial Services (except as below)	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Funeral or Mortuary Service	P	P	P	P	P	P	P	P	P	P	P	
Lodging												
Bed & breakfast	S	S	S	S	P	P	P	P	S	S	S	Section 40.060
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	Section 40.375
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	S	S	S	Section 40.170
Marina	S	S	S	S	S	S	S	S	S	S	S	
Office												Section 40.260
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	P	P	P	P	P	P	P	P	P	P	P	
Plasma center	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Parking, Non-accessory	P	P	P	P	P	P	P	P	P	P	P	
Restaurants and Bars												
Restaurant	P[1]	P[1]	P[1]	P	P	P	P	P	P	P	P	Section 40.330
Bar (except as below)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.050
Brewpub	-	-	-	-	S	S	S	P[2]	S	S	S	Section 40.050

Brewpubs must comply with the supplemental regulations for bars included in Sec. 40.050 which is included in your packet. Additionally, the applicant has included several exhibits demonstrating compliance with these regulations and supporting their request.

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to permit a Brewpub in the CH District (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

_____.

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



Subject property



Facing East on E. 42nd Pl.



Facing North on S. Peoria Ave.

Section 40.010 General

This chapter includes supplemental regulations that apply to some uses and building types. These regulations supplement the applicable zoning district regulations. The applicability of these supplemental use regulations is indicated in the individual sections of this chapter and in the use regulations of the respective zoning district.

Section 40.020 Animal Services

Whenever an animal services use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.070-C~~.

Section 40.030 Apartments/Condos

Whenever an apartment/condo building containing more than 5 dwelling units is located on a lot abutting an RE, RS, or AG-R district, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.070-C~~.

Section 40.040 Assembly and Entertainment

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

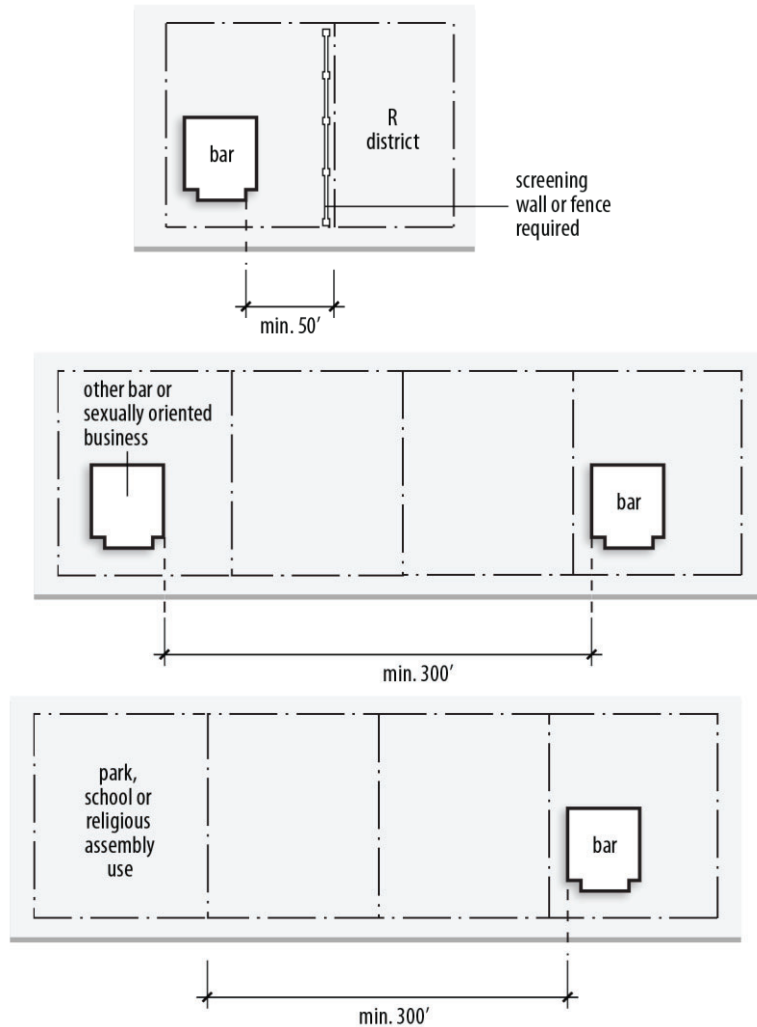
Section 40.050 Bars

The supplemental use regulations of this section apply to all bars, except accessory use bars.

40.050-A Bars are subject to all of the following separation distance requirements:

- 1.** Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
- 2.** Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
- 3.** Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

Figure 40-1: Separation Distance Requirements for Bars



4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

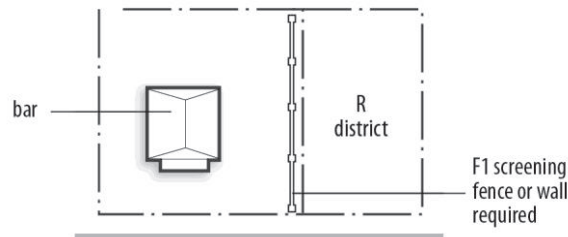
40.050-B Bars must be located within completely enclosed buildings, except that outdoor customer seating/dining areas, including rooftop seating, are allowed subject to the following regulations:

1. Outdoor customer seating/dining areas are subject to all applicable building setback requirements and must abut the building wall or roof area of the principal building;
2. Outdoor customer seating/dining areas may not occupy required parking spaces or parking area access aisles; and

3. When a bar is located on a lot abutting an R-zoned lot, noise emanating from any on-site equipment or activity, including outdoor customer seating/dining areas may not exceed 65 db(A), as measured long the common lot line at the top of the required screening wall or fence.

40.050-C When a bar is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of [§65.070-C](#).

Figure 40-2: Screening of Bar Abutting R District



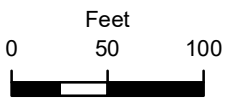
Section 40.060 Bed and Breakfasts

The supplemental use regulations of this section apply to all bed and breakfast uses.

- 40.060-A Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- 40.060-B The maximum length of stay for any guest is limited to 30 consecutive days.
- 40.060-C The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- 40.060-D Cooking facilities are prohibited in guest rooms.
- 40.060-E Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
- 40.060-F Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the board of adjustment, in accordance with the special exception procedures of [Section 70.120](#). As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

Section 40.070 Colleges, Universities and Hospitals

Colleges, universities and hospitals are all subject to a minimum site area requirement of one acre.



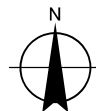
Subject
Tract

BOA-23224

19-13 30

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

Aerial Photo Date: 2020/2021





S MADISON AVE

E 41st ST S

S MADISON AVE

S MADISON PL

SOWASSO AVE

SOWASSO AVE

E 43 ST S

S PEORIA AVE

E 39 ST S

S QUINCY AVE

S ROCKFORD AVE

S ST LOUIS AVE

E 41 PL S

E 41 CT S

E 41 PL S

E 42 ST S

E 42 PL S

S ROCKFORD AVE

S ROCKFORD PL

E 43 ST S

E 43 PL S

E 43 PL S

E 43 CT S

S QUINCY PL

S NORFOLK AVE

E 45 PL S

E 45 CT S

E 46 ST S

E 44 ST S

E 44 ST S

S ROCKFORD AVE

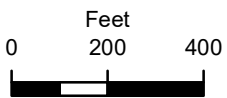
S QUAKER AVE

E 45 ST S

E 45 PL S

E 46 ST S

E 46 PL S



Subject Tract

BOA-23224

19-13 30

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Aerial Photo Date: 2020/2021

