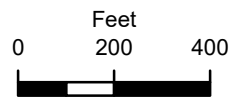
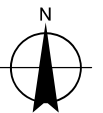


BOA-23318



19-13 27



BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: **BOA-23318**

CZM: 48

CD: 5

HEARING DATE: 04/12/2022 1:00 PM

APPLICANT: Andy Scurto

ACTION REQUESTED: Special Exception to allow a Large (>250 person capacity) Commercial Assembly & Entertainment Use in the CH district to permit a Tulsa Oilers facility (Sec.15.020, Table 15-2)

LOCATION: 4143 S YALE AV E

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 220649.73 SQ FT

LEGAL DESCRIPTION: A tract of land which is part of the NW/4 of Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being described as follows, to-wit: Commencing at the Northwesterly Corner of said NW/4 of Section 27; thence due south along the Westerly line of the NW/4 of Section 27 for 1195.04'; thence due East for 403.60' to a point on the Northerly Right-of-Way Line of East 43rd Street South and the 'Point of Beginning of said tract of land; thence N00°00'14"E for 344.49'; thence S89°59'46"E for 46.20'; thence due North for 43.73'; thence S89°59'46"E for 286.50'; thence N0°00'14"E for 44.25'; thence S89°J9'46"E for 165.25'; thence S17°25'10"E for 386.91 to a point on said Northerly Right-of-Way Line of East 43rd Street South; thence along said Northerly Right-of-Way Line as follows: S72°34'51"W for 149.29' to a point of curve, and along a curve to the right having a central angle of 17°25'09" and a radius of 405.00' for 123.13'; thence due West for 350.12' to the 'Point of Beginning' of said tract of land; City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23228; On 12.14.2021 the Board approved a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CH District to permit the offices of the Tulsa County Election Board (Sec. 15.020, Table 15-2). The property owner is no longer pursuing this use of the property.

Surrounding properties: None.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 the site of the former Macy's department store at Promenade mall on the North side of E. 43rd St. S. and S. Yale Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a Large (>250 person capacity) Commercial Assembly & Entertainment Use in the CH district to permit a Tulsa Oilers facility (Sec.15.020, Table 15-2)

35.050-B

Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

Assembly and Entertainment Uses are subject to the following supplemental regulations:

Section 40.040

Assembly and Entertainment

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

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a Large (>250 person capacity) Commercial Assembly & Entertainment Use in the CH district to permit a Tulsa Oilers facility (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.



West facing Entrance of Subject property



Facing South from Subject property

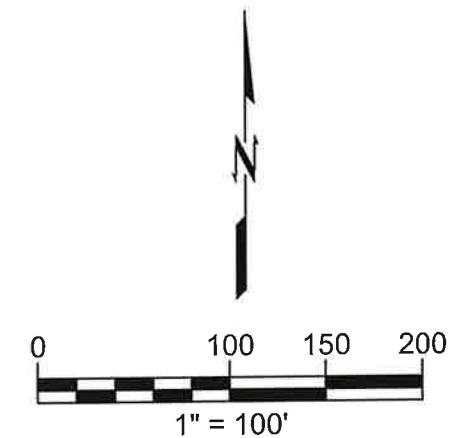
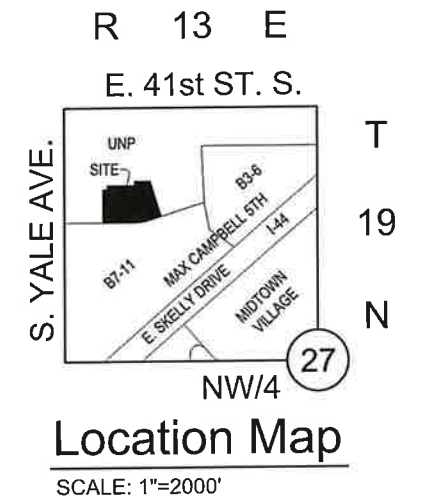
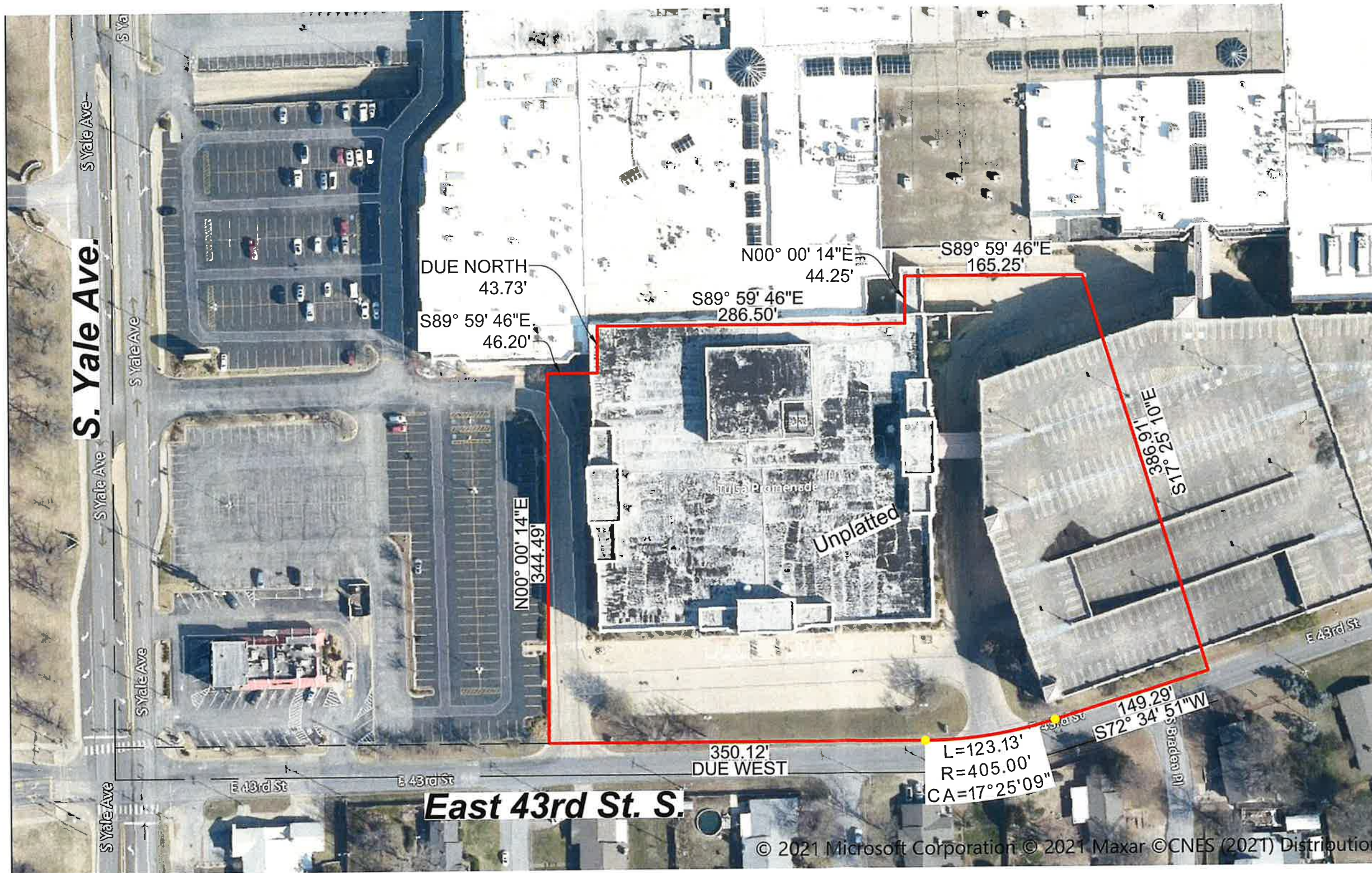


Facing East on E. 43rd St.



South facing entrance of Subject property

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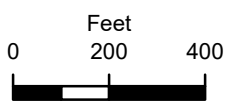
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NOTE:
 PROPERTY LINES ARE IN APPROXIMATE LOCATION ONLY. NO SURVEY
 HAS BEEN PERFORMED TO DETERMINE EXACT RIGHT OF WAY LIMITS
 OR BEARINGS. IMAGE IS FOR INFORMATIONAL PURPOSES ONLY.

Special Exception Exhibit

Board of Adjustment

DATE: 11/1/2021



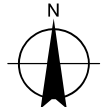
 Subject Tract

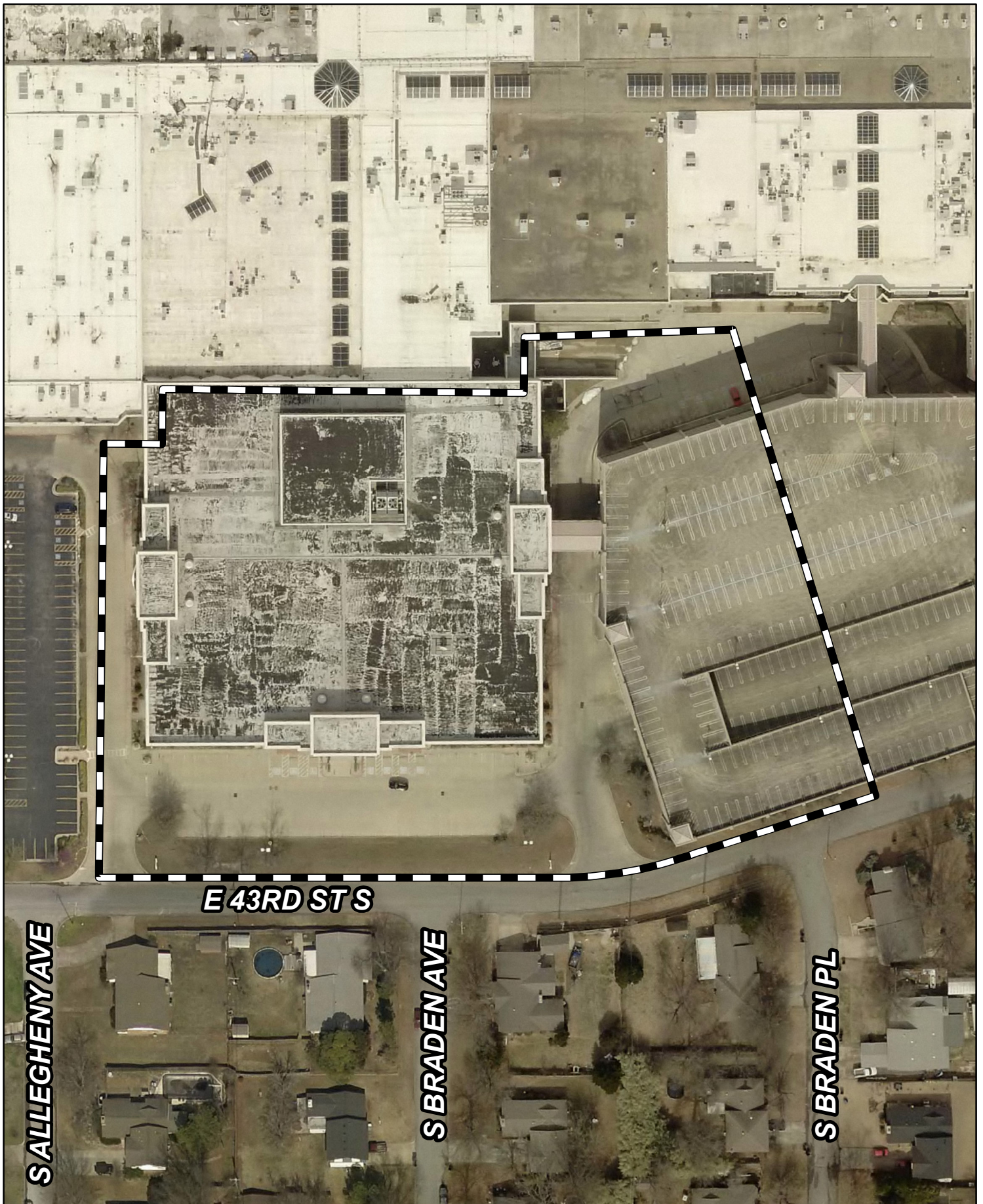
BOA-23318

19-13 27

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

Aerial Photo Date: 2020/2021



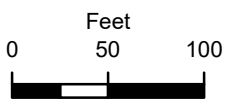


E 43RD ST S

S ALLEGHENY AVE

S BRADEN AVE

S BRADEN PL



Subject Tract

BOA-23318

19-13 27

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

Aerial Photo Date: 2020/2021

