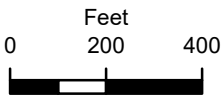
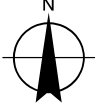


SUBJECT TRACT

BOA-23329



19-13 22



BOARD OF ADJUSTMENT CASE REPORT

STR: 9322

Case Number: **BOA-23329**

CZM: 48

CD: 5

HEARING DATE: 04/26/2022 1:00 PM

APPLICANT: JB LaCombe

ACTION REQUESTED: Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit a Health Club (Sec.15.020, Table 15-2).

LOCATION: 5313 E. 41st St.

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: +- 418029.61 SQ FT

LEGAL DESCRIPTION: LOT 3 BLK 1,SOUTHROADS MALL

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-23318: On 4.12.22 the Board approved 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). Property located 4143 S. Yale Ave. in the former Macy's building at promenade mall.

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 located inside Southroads Shopping center near 41st St. S. and Darlington Ave. The proposed Health Club would occupy the Tenant Space that is immediately East of a party supply store.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit a Health Club (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 CS District to permit a Health Club (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

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

TEL (918) 596-9657
danabox@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

March 3, 2022

LOD Number: 1
Jessica Swanson
6601 Six Forks Rd, Unit 130
Raleigh, NC 27615

Phone: 918-878-1600

APPLICATION NO: **BLDC-110986-2022**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **5311 E. 41st St.**

Description: **Health Club**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[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 <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

BLDC-110986-2022

5311 E. 41st St.

March 3, 2022

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision-making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: Your proposed location is considered a Health Club, designated a Commercial/Assembly & Entertainment/Other Indoor/Large (>250) Use. This facility is in an CS zoned district and will require a *Special Exception approved by the BOA*.

Review comment: Submit an approved BOA *Special Exception, reviewed and approved per Sec.70.120*, to allow a Commercial/Assembly & Entertainment/Large (>250) Use in the CS district. Contact Austin Chapman, Board of Adjustment Administrator, 918-584-7526, for next steps and further instruction.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

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

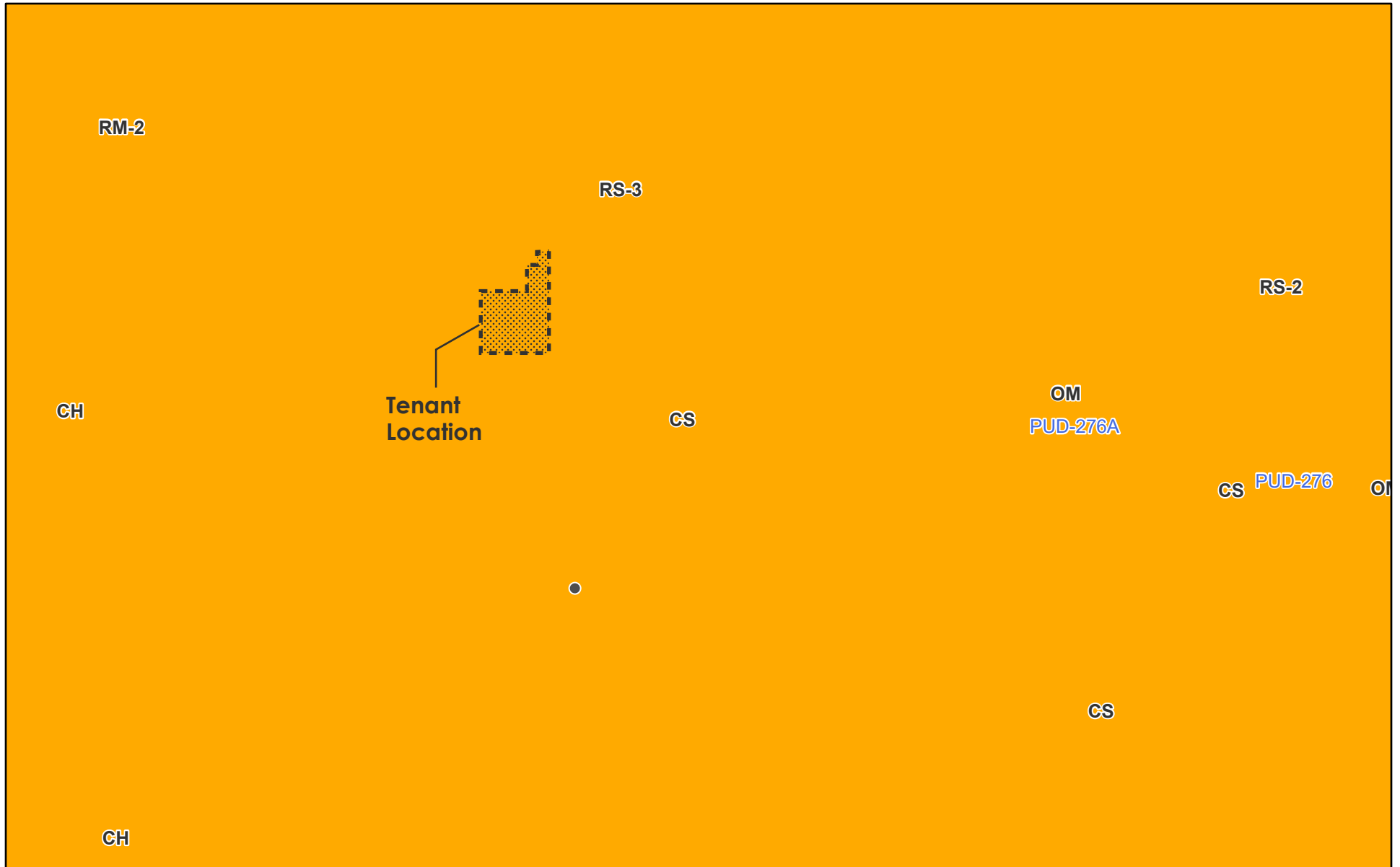
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

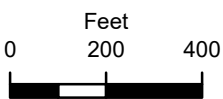
ArcGIS Web Map



3/9/2022, 9:31:28 AM

- | | | | |
|-----------------------|--------------------------|------------------------|---------------------------|
| World Transportation | Tulsa Development Plans | Parcels - Tulsa County | Residential Single-Family |
| Tulsa City Limits | Planned Unit Development | Zoning - Tulsa County | Residential Multi-Family |
| Zoning - Tulsa County | Commercial | Office | |

1:4,514
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km
City of Tulsa, Esri, HERE, GeoTechnologies, Inc., Maxar



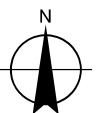
 Subject Tract

BOA-23329

19-13 22

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

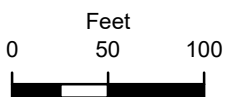
Aerial Photo Date: 2020/2021





E SOUTHROAD DR

E 41st ST S



**Subject
Tract**

BOA-23329

19-13 22

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

Aerial Photo Date: 2020/2021

