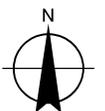
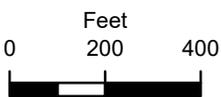


BOA-23335

19-13 35



BOARD OF ADJUSTMENT CASE REPORT

STR: 9335
CZM: 48
CD: 7

Case Number: **BOA-23335**

HEARING DATE: 06/14/2022 (Continued from 05/10/2022)

APPLICANT: Jack Taber

ACTION REQUESTED: Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)

LOCATION: 7626 E 51 ST S

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 223245.91 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG NWC LT 1 TH E331 S250 W6 S339.13 W146.19 NW292.90 NE425.34 N130 POB BLK 13, SOUTHERN PLAZA B8-15

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-22339; On 10.10.17 the Board approved a Special Exception to approve a fitness center (greater than 250-person capacity) in the CS District. Property located 7990 E. 51st St. S.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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 East of the SE/c of S. 76th E. Ave. and E. 51st St. S. The proposed Self-storage facility is to be developed on a tract of undeveloped property that sits behind a Dollar General Store.

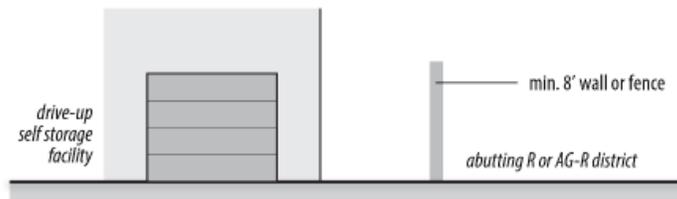
STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2) . The supplemental regulations for a Self-Service Storage Facility in the CS District is included below:

Section 40.360 Self-Service Storage Facilities

40.360-A General

1. The general provisions of this section apply to all self-service storage facilities.
2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts



3. A single dwelling unit may be integrated into the self storage facility.
4. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R, O, or AG-R districts or from any street rights-of-way.

Per the code the applicant must provide an 8-foot screening fence or wall, the site plan provided does not indicate how that screening will be accomplished, and the existing masonry wall on the perimeter does not meet that standard. Should the Board be inclined to approve the request the Board may wish to prescribe the materials included in that screening barrier.

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to permit a Self-service Storage Facility in a CS 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.



Site of proposed Self-service Storage Facility



View from 51st St.



Facing West on 51st St.



Facing East on 51st St.

22339—Kirk Livingstone

Action Requested:

Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS District to allow a fitness center (Section 15.020).

LOCATION: 7990 East 51st Street South (CD 7)

Presentation:

Kirk Livingstone, 1259 South 800 East, Orem, Utah; stated this request is for a proposed large fitness facility to be located in the former Food Pyramid. The space has been vacant for quite some time and he would revitalize the space for a fitness center.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; "abstaining"; White absent) to **APPROVE** the request for a Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS District to allow a fitness center (Section 15.020). The space is to be solely used as a fitness center. 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; for the following property:

PRT LT 1 BEG 723.82E NWC LT 1 TH E141 S200 E210 S415.15 W299.68 NW159.42 N304.51 E106 N302 POB LESS E10 THEREOF FOR ST BLK 13 4.64AC, SOUTHERN PLAZA B8-15, City of Tulsa, Tulsa County, State of Oklahoma

22340—Randy Branstetter

Action Requested:

Special Exception to allow a fence or wall height greater than 4 feet in the street setback area (Section 45.080). **LOCATION:** 2730 East 33rd Street South (CD 9)

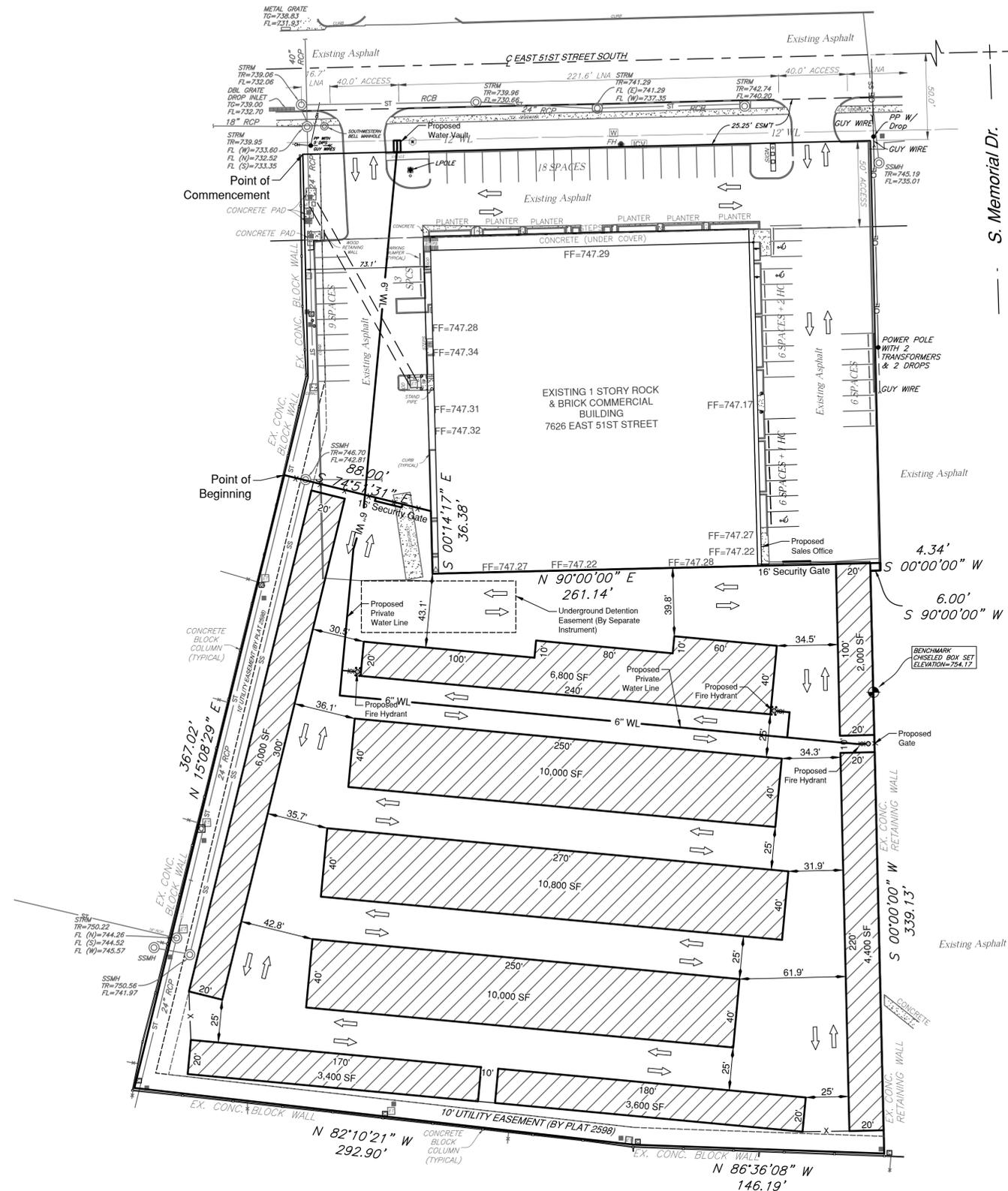
Presentation:

Randy Branstetter, 1708 West 119th Place South, Jenks, OK; stated he is building a house for the Roberts and the front entry gate system is over four feet tall. The walls would be about seven feet tall and the columns would be about 7'-9" tall. The actual gate would be about six foot tall. There is approximately 40 feet of the entry feature that will be over four feet. There is a house two doors away that has a masonry wall that is

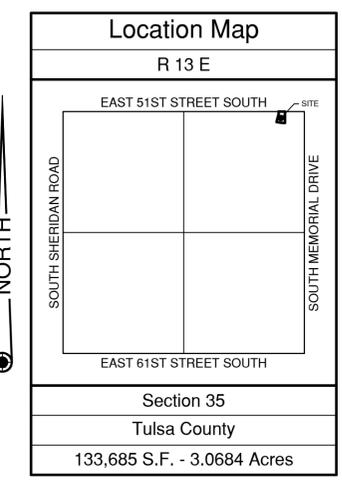
Detailed Site Plan

51 Street Self-Service Storage

A tract of land contained within a part of Lot One (1), Block Thirteen (13), "Southern Plaza, Blocks 8 through 15, Inclusive", an addition to the city of Tulsa, Tulsa County, State of Oklahoma, Plat No. 2598, as recorded in the office of the Tulsa County Clerk



Legend	
Doc. = Document	SSCO = Sanitary Sewer Clean Out
Esmt. = Easement	SSMH = Sanitary Sewer Manhole
FF = Finish Floor	TPed = Telecommunications Pedestal
FH = Fire Hydrant	UE = Utility Easement
HC = Handicap	WV = Water Valve
HDPE = High Density Polyethylene Pipe	LP = Light Pole
RCP = Reinforced Concrete Pipe	WL = Wall Mounted Light
---	Existing Overhead Electric
---	Existing Sanitary Sewer
---	Proposed Sanitary Sewer Service Line
---	Existing Underground Communications Line
---	Existing Water Line
---	Proposed Water Line
---	Proposed Fire Line
○	Proposed Storm Sewer
○	Existing Storm Sewer
▨	Proposed Building



Site Plan Statistics	
Total Lot Area:	133,685 S.F. or 3.0684 Acres
Permitted Uses:	Those uses as a matter of right in the CS District and uses customarily accessory thereto.
Propose Use:	Self-Service Storage via Special Exception
Maximum Floor Area Ratio:	0.50
Building Floor Area Proposed:	0.43
Minimum Building Setback Required:	
from West Boundary	10 feet
from South Boundary	10 feet
Off-Street Parking	
ratio per use	0.10 per 1000 Spaces
total number of spaces required:	6
total number of spaces provided:	6
Impervious Area	
Existing:	3,051 S.F.
Proposed:	121,221 S.F.
Net Increase:	118,170 S.F.

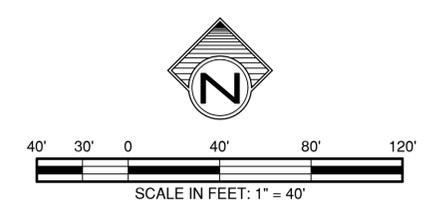
OWNER / DEVELOPER

Omega Properties
an Oklahoma corporation
 6304 S. Peoria Ave.
 Tulsa, Ok 74136
 (918) 742-0745
 Rouven Irom, Project Manager
 office@omegapropertiesllc.net

ENGINEER / SURVEYOR

Tulsa Engineering & Planning Associates, Inc.
an Oklahoma corporation
 9810 E. 42nd St., Suite 100
 Tulsa, Oklahoma 74146
 Phone: 918.252.9621

CERTIFICATE OF AUTHORIZATION NO. 531
 RENEWAL DATE: JUNE 30, 2023



51 Street Self-Service Storage
 Date of Preparation: February 25, 2022

JEFFREY BUSH
ZONING OFFICIAL
PLANS EXAMINER I

TEL (918) 596-9688
jbush@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Jack Taber
9810 E 42nd St S
Tulsa, OK 74146

March 16, 2022

Phone: 918-359-5312

APPLICATION NO: ZCO-113213-2022

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7626 E 51ST ST S

Description: Zoning Clearance Only

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

ZCO-113213-2022

7626 E 51ST ST S

March 16, 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@incoq.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: The proposed Used Mini storage is a use categorized as a Commercial/Self-Storage Facility and is located in a CS zoning district. This stated use is only permitted in the CS zoning district by Special Exception per *Sec.15.020 Table 15-2: O, C, and I District Use Regulations*.

Review Comment: All applications for Special Exception requests will be heard by the City of Tulsa Board of Adjustment (BOA) per *Sec.70.120 Special Exceptions*. If approved, two copies of the Special Exception shall be submitted as a revision to this application. Please contact an INCOG representative at 584-7526 to assist you with this process.

Sec.65.050-A: The interior parking lot landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

65.050-B: Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:

1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

65.050-C: Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the interior parking lot landscaping requirements of this section.

65.050-D Requirements:

1. Landscape Area

- a. At least 35 square feet of interior parking lot landscape area must be provided for each parking space. If compliance with this regulation would result in the loss of required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior parking lot landscape area.
- b. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape area requirement is reduced from 35 square feet per parking space to 28 feet per parking space. To receive this bioretention credit, the stormwater harvesting area must be at least 6 inches and not more than 18 inches in depth and planted with vegetation that can withstand periodic inundation.

2. Trees and Plant Material

Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see Sec. 65.080-B4 to determine available incentives for preservation of existing trees).

3. Location and Design

a. Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:

- (1) They must be bordered by a paved surface on at least 2 sides;
- (2) They must be at least 7 feet wide, as measured from the back of the curb;
- (3) They must include at least one tree per island and be covered with ground cover plants or mulch;
- (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
- (5) They must be located so that every parking space is within 100 feet of a tree.

b. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of 65.050-D3.a apply to the landscape terminal island.

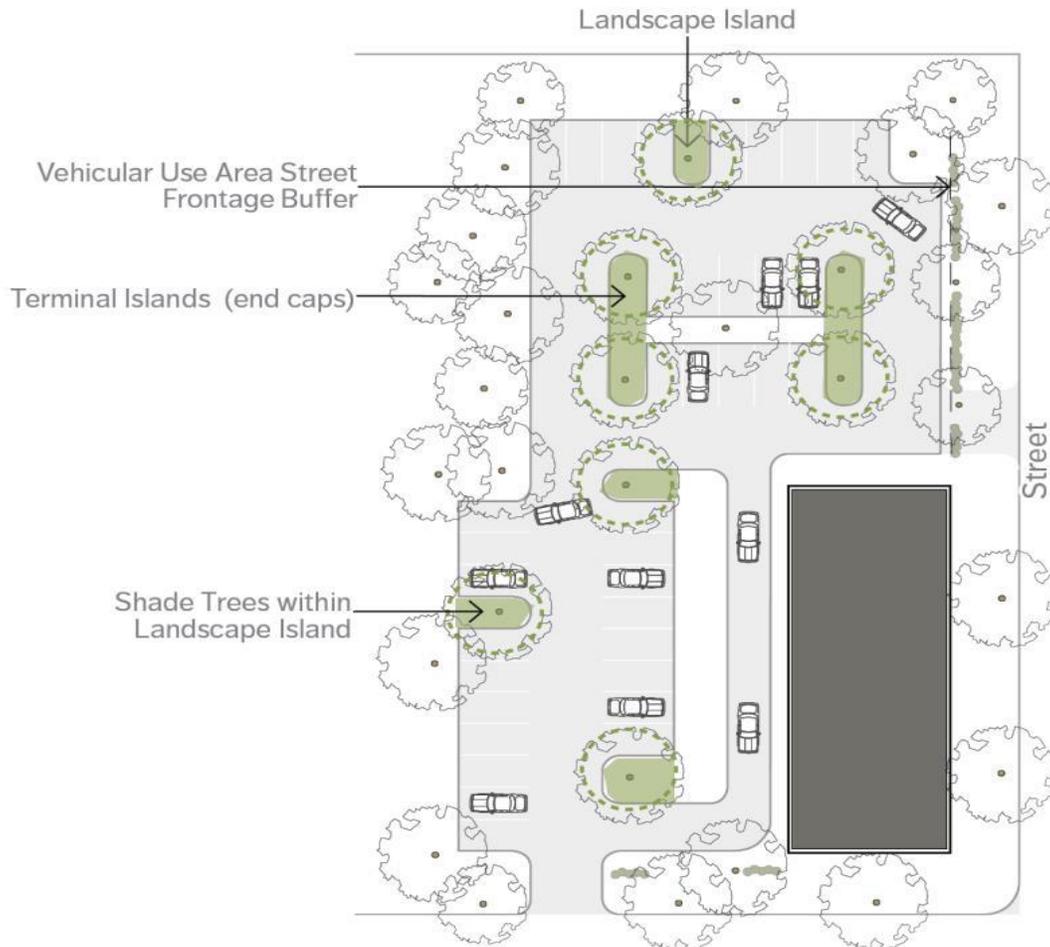
c. The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

4. Vehicle Overhangs: A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

5. Relationship to Vehicular Use Area Buffer Regulations: Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of Section 65.060 may not be counted toward satisfying the interior parking lot landscaping regulations of this section (Section 65.050).

6. Materials, Installation and Maintenance: See Section 65.080 and Section 65.090.

Figure 65-2: Interior Parking Lot Landscaping



Review Comment: Please submit landscape plan for interior parking lot landscape.

Review Comment: The parking ratio on your plans is currently set at .1 per 1000sqft. Per Table 55-1 This is only for CH and MX districts. The CS district minimum ratio is .2 per 1000sqft. $57K \times .2 = 12$ spots. Please provide a minimum of 12 parking spots on plans.

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

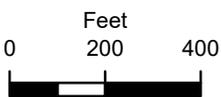
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Subject Tract

BOA-23335

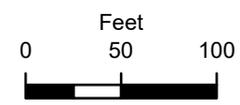
19-13 35

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

Aerial Photo Date: 2020/2021



6.14



Subject
Tract

BOA-23335

19-13 35

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

Aerial Photo Date: 2020/2021



6.15

From: [Lois McGinnis](#)
To: [esubmit](#)
Subject: Case Number BOA-23335
Date: Thursday, May 5, 2022 1:01:53 PM

My name is Lois McGinnis, I reside at 7805 East 53rd Street. My residence will be behind this storage facility project. I am very much opposed to this project. According to your diagram, your building right next to the utility easement. This large complex is going to bring in more traffic, and increase the already high noise level in this neighborhood. It increased significantly when Vasa Exercise Facility was built. It will also increase the potential for crime. Which is already a problem. We have homeless people camping out and living behind our homes as it is. Loiterers, and people dumping their trash is a constant problem. I'm concerned about safety. All of these issues and the fact that this is a commercial business. WILL DEPRECIATE OUR PROPERTIES VALUES DRASTICALLY. This is not acceptable. I wish to object to this project, being so close to our homes. Office Depot and the Strip Center it occupies are set further back on their property. Which makes their businesses more acceptable. My phone number is 918-605-0723. I would like my name and address documented, as an objector, to this project according to said diagram. Please contact me if you have any questions in this matter. I am looking forward to a favorable outcome.