BOARD OF ADJUSTMENT
CASE REPORT

STR: 8306 Case Number: **BOA-23410**
CD: 9

PREPARED BY: Austin Chapman

HEARING DATE: 08/23/2022 1:00 PM

APPLICANT: Blaise Tintong

ACTION REQUESTED: Special Exception to allow a Small (< 250 person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District (Sec. 15.020, Table 15-2, Sec. 15.020-G, Table Note 2) Special Exception is required when the use is within 150-feet of a Residential District.

LOCATION: 6622 S. Lewis Ave. E. **ZONED:** CS

PRESENT USE: Commericial **TRACT SIZE:** 59198.28 SQ FT

LEGAL DESCRIPTION: PRT NE SE BEG 250S & 50W SECR SE TH S292 W190 S98 W10 N390 E200 TO POB LESS BEG 2385.91N & 50W SECR SE TH W10 SE14.14 N10 TO POB SEC 6 18 14 .001AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22877; On 06.09.20 the Board approved a Special Exception to allow a Small (< 250 person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District within 150-feet of a resdiential district. The Board approved the use with the following condiitons:

- use was limited to a 2-year time limit ending in June of 2022;
- event must end by 10:00 pm Sunday through Thursday and 12:00 am Friday and Saturday;
- Security must be provided at a ratio of 1 security guard per every 100 guests.

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’.

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.

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a Small (< 250 person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District (Sec. 15.020, Table 15-2, Sec. 15.020-G, Table Note 2) Special Exception is required when the use is within 150-feet of a Residential District.

Sec. 40.040 of the Zoning Code contains the following supplemental regulations for an Assembly and Entertainmenty Use:

> 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 Small (< 250 person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District within 150-feet of a Residential District (Sec. 15.020, Table 15-2, Sec. 15.020-G, Table Note 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 West on 66th Pl. S.

Comments and Questions:
None.

Board Action:
On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210) to the June 9, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

22877—Stephen Pedmia

FILE COPY

Action Requested:
Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). **LOCATION:** 6622 South Lewis Avenue East **(CD 2)**

Presentation:
The applicant has requested a continuance to June 9, 2020.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2) to the June 9, 2020 Board of Adjustment meeting; for the following property:

PRT NE SE BEG 250S & 50W SECR SE TH S292 W190 S98 W10 N390 E200 TO POB LESS BEG 2385.91N & 50W SECR SE TH W10 SE14.14 N10 TO POB SEC 6 18 14 .001AC, City of Tulsa, Tulsa County, State of Oklahoma

Comments and Questions:
None.

Board Action:
On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210) to the June 23, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

22877—Stephen Pedmia

FILE COPY

Action Requested:
Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). **LOCATION:** 6622 South Lewis Avenue East **(CD 2)**

Presentation:
Stephen Doh, 4606 East 143rd Street South, Bixby, OK; stated he would like to have a venue to have corporate meetings, anniversaries, weddings, and birthdays; this is not going to be a night club. When he purchased the subject building, he thought it would be nice to allow his customers to serve alcoholic beverages at their events. The zoning allows for an event center to opened at that location. If he is permitted to do this, he would have his customer bring in people to serve the alcohol.

Mr. Van De Wiele asked Mr. Doh what the hours of operation would be for the event center. Mr. Doh stated he would not stay open past 1:00 A.M. Mr. Van De Wiele asked Mr. Doh if those hours would be seven days a week. Mr. Doh answered no and stated that it would be mostly weekends.

Ms. Radney asked Mr. Doh if all the food and all the alcohol would be catered. Mr. Doh stated there is no kitchen in the building, people would need to have their food or alcohol catered.

Interested Parties:
Cecilia Gable, 6603 South Zunis Avenue, Unit 2407, Tulsa, OK; stated she serves as a Board officer on the Board of Directors of the Royal Oaks Townhomes Homeowner's Association; she has lived there for over 25 years as an owner and as a renter. She is also in the resort industry where there is an entertainment center; she coordinates the reservations for weddings, receptions, corporate retreats and so forth, which is similar to what the applicant is requesting. Ms. Gable stated that she represents herself and has had homeowners e-mail and text their concerns regarding the proposed event center.

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BOA-22877

The building is only a few feet from two-bedroom townhomes where families reside, and 1:00 A.M. for any event with music, with or without alcohol, is not conducive to the environment. Out investors who lease out their units are very concerned that the units they own will be even harder to rent having that kind of problem in the area. She uses the word problem, with all due respect, because alcohol does tend to bring issues no matter how well it is policed. There have been multiple problems with the subject property about people not keeping it up on the applicant's side; the fence separating the properties. The area is very congested; her community is over 300 homes, and there is crime, homeless, and vagrants. The area does not need any more notoriety and she fears that is going to bring more into the area, and that is the consensus of homeowners. This is not the place for an event center to go in, that section of Tulsa with all the multi-family units and housing makes it not conducive. There are other areas in south Tulsa the applicant can put an event center in. Ms. Gable stated the area does not need the issue of more traffic or the fear that this will bring more problems in the area. The residents would like to maintain a quiet neighborhood that they pay good dues for.

Ms. Shelton asked Ms. Gable how many of residents of the condominium complex has she been in contact with regarding this request. Ms. Gable stated she sent out a mass e-mail to every owner which is about 220 owners, and they vehemently wrote back saying no to the request.

Ms. Radney asked Ms. Gable if there was an existing fence between the properties and if so, could she describe it. Ms. Gable stated there is an existing ten-foot wooden fence that the complex had to replace because the owner of the subject property did not maintain his side along the alley; the overgrowth grew into the condominium fence causing the fence to almost collapse; the City asked the condominium to replace the fence, and when the condominium asked the subject property owner to split the cost because it was his over growth to cause the destruction we were told it was not his problem.

Ms. Radney asked Ms. Gable if the fence she described belongs to the homeowner's association for the condominium community. Ms. Gable answered affirmatively.

Ms. Radney asked Ms. Gable about the parking. Ms. Gable stated the condominiums have a parking lot that borders the two properties, and the parking lot extends from 66th Street to 67th Street. That parking lot serves six buildings of twelve units each, so it does tend to fill up. In the past there have been problems with people from the center parking in the condominiums lots; that has stopped since the strip center has been empty. There is not a lot of parking in the subject property parking lot and that overflow will come into the condo parking lot causing a hardship for people that live in the condo community and have a permit to park there. The street parking is highly congested for guests that come to visit the condo residents because there is no visitor parking in the lots.

BOA-22877

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Mr. Van De Wiele asked Mr. Doh how he could have a potential of 249 people parking in 60 parking spaces because his request is for less than a 250 person capacity facility for the event center that is about 5,000 square feet and the building is about 15,000 square feet. Mr. Doh stated that he did contact the City, and this event center does not mean that there will be 250 people. The front section of the event area will be for people that just want to have meetings, so there will be no one time that there will be more than 20 people in the hall; people can also carpool.

Ms. Radney asked Mr. Doh if the event center is currently in use or is this a proposed use? Mr. Doh stated it is a proposed use because he just purchased the building.

Ms. Radney asked Mr. Doh if he had said that it will not be just one big 5,200 square foot space but that there will be smaller spaces in the building. Mr. Doh answered affirmatively. Mr. Doh stated the he will partition the building so there can be corporate meetings.

Ms. Radney asked Mr. Doh if he would have any issues with limiting the hours in which alcohol is served not going all the way to 1:00 A.M. in the morning. Mr. Doh stated during the week he can make sure that during the week he can limit that, but he plans to only have events on the weekends.

Comments and Questions:

Mr. Bond stated parking is a concern. He is not inclined right now to support this request. What he suggests is to give the applicant and Ms. Gable a chance to talk this over.

Mr. Van De Wiele stated that even though he may have the right to do this, 250 people is still a large gathering space. The reason the use or the sale or the serving of alcohol kicks this request to this Board is because that tends to drive the crowd sizes larger, potential for more noise, potential for later in the evening, and parking is an issue. Mr. Van De Wiele stated his concern is that at midnight, 1:00 A.M. during the week is a problem. That doesn't necessarily just speak to the alcohol part of it but the alcohol part of it drives those types of events to go later and louder. When that is right next door to a residential area that gives him concern.

Ms. Ross stated that she thinks 250 people might be excessive for this space and the parking available and being on a crowded commercial street. If there is no other alternative for parking the customers will go behind the building and into the neighborhood.

Ms. Radney stated that she too shares concerns about noise and boisterous customers. She is not that concerned about the parking because she thinks this is in a new business paradigm especially for events. Ride Share is becoming more of the norm so she is not as concerned about the parking, but she would feel better about limited hours of operation.

BOA-22877

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Ms. Shelton stated she is sitting at a no on this request. She already has heartburn about the event center being so close to multi-family. The allowance of alcohol will drive more frequency and certain types of events that will run later and louder. That puts a burden on the homeowners on the enforcement side to make sure the applicant does his part. The only thing that could get her off a no is a very limited hours.

Board Action:
On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2), subject to conceptual plan 4.10, 4.11 and 4.12 of the agenda packet. The hours of operation are to be Sunday through Thursday evenings are to end by 10:00 P.M. and on Friday and Saturday the event center must close at 12:00 midnight. Security is to be provided for all events where alcohol is served, and there are to be two guards per 100 attendees. The approval has a two-year time limitation to June 2022. 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:

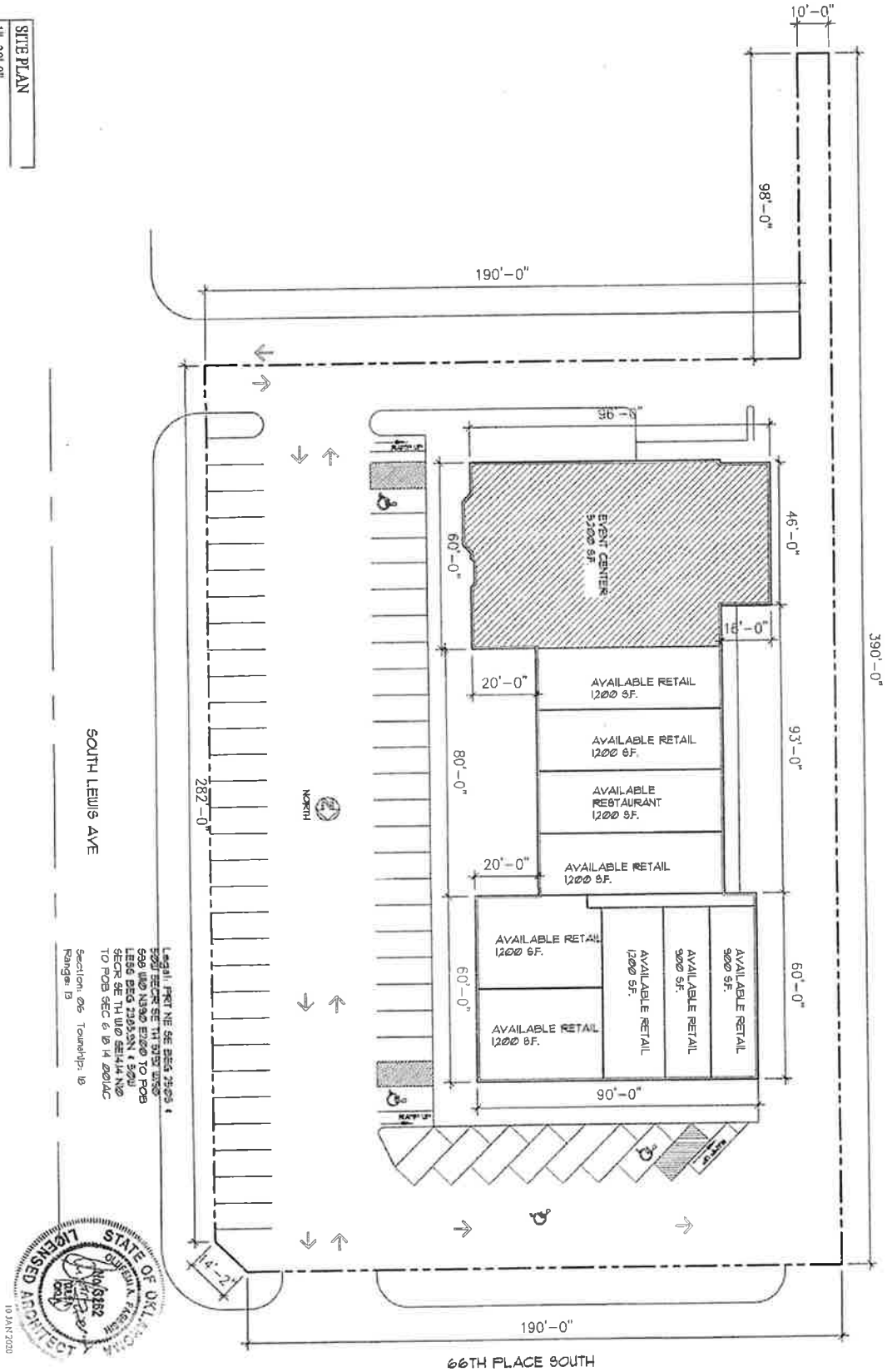
PRT NE SE BEG 250S & 50W SECR SE TH S292 W190 S98 W10 N390 E200 TO POB LESS BEG 2385.91N & 50W SECR SE TH W10 SE14.14 N10 TO POB SEC 6 18 14 .001AC, City of Tulsa, Tulsa County, State of Oklahoma

22879—J. R. Donelson

Action Requested:
Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090). **LOCATION:** 5866 South 107th East Avenue **(CD 7)**

Presentation:
J. R. Donelson, 12820 South Memorial Drive, Bixby, OK; stated he represents Hitch and Trailers, and this is an existing business on the property. This property is zoned IL along with other properties on 107th East Avenue. The business and building have been in existence since 1998, and the area under discussion today has been a gravel surface for over 22 years. This surface and building existed prior to the City of Tulsa resurfacing 107th East Avenue a few years ago. The property is used to sell and rent trailers, but the parking area under discussion is used for the parking of equipment, trailers that hook up on the back of pickup trucks. The business has a dust abatement program in place and the owner, or the City of Tulsa has never received any complaints with regards to dust to the best of his knowledge. The business currently parks their clients on a concrete surface, but the trailers are situated on gravel. This property and a number of other properties in the City of Tulsa do have parking or storage areas for everything from trailers, heat exchangers, pressure vessels, large equipment, etc. All of

SITE PLAN
1"=30'-0"



FEMI FASESIN, ARCHITECT
ARCHITECTURE & PLANNING

EVENT CENTER
6622 SOUTH LEWIS AVE
Tulsa, Oklahoma
74136

1" = 20'-0"
10 JAN 2020
Site Plan
A-1

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

TEL (918) 596-9661
danabox@cityoftulsa.org

DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

February 14, 2020

Phone: 918-346-9700

LOD Number: 1
Femi Fasesin
421 S. Olympia Ave.
Tulsa, OK 74127

APPLICATION NO: **ZCO-051934-2020**
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **6622 S. Lewis Ave.**
Description: **Event Center**

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 WWW.CITYOFTULSA-BOA.ORG

ZCO-051934-2020 6622 S. Lewis Ave. February 14, 2020

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 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.15.020 Table 15-2: Your proposed event center is designated a Commercial/Assembly & Entertainment/Indoor (small < 250 person capacity) Use and is located in a CS zoning district within 150' of an R zoned district. This is use is allowed at this location providing no intoxicating beverages or low-point beer are sold or served. Special exception approval is required if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within 150 feet of any residential zoning district.
Review comment: The owner is required to submit a statement in writing that no intoxicating beverages or low-point beer will be sold or served at this location or a copy of the special exception, reviewed and approved per *Sec.70.120*, allowing intoxicating beverages or low-point beer to be served or sold.

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

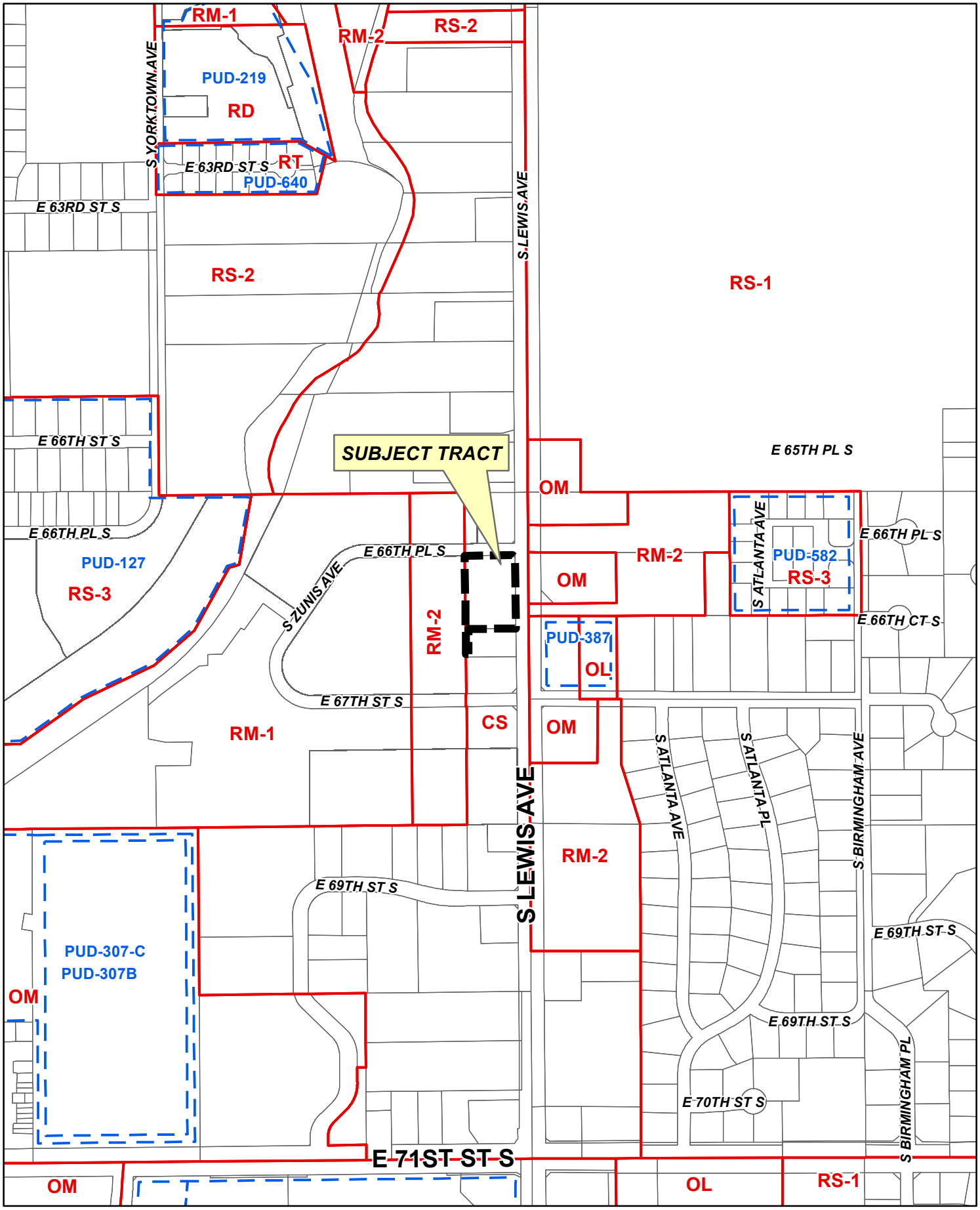
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Feet
0 200 400

BOA-23410

18-13 06

N

Feet
0 200 400

Subject Tract

BOA-23410

18-13 06

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

Aerial Photo Date: 2020/2021

N

Feet
0 50 100

Subject Tract

BOA-23410

18-13 06

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

Aerial Photo Date: 2020/2021

N