



**CITY OF
Tulsa**
Board of Adjustment

Case Number: B0A-23526

Hearing Date: 05/09/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

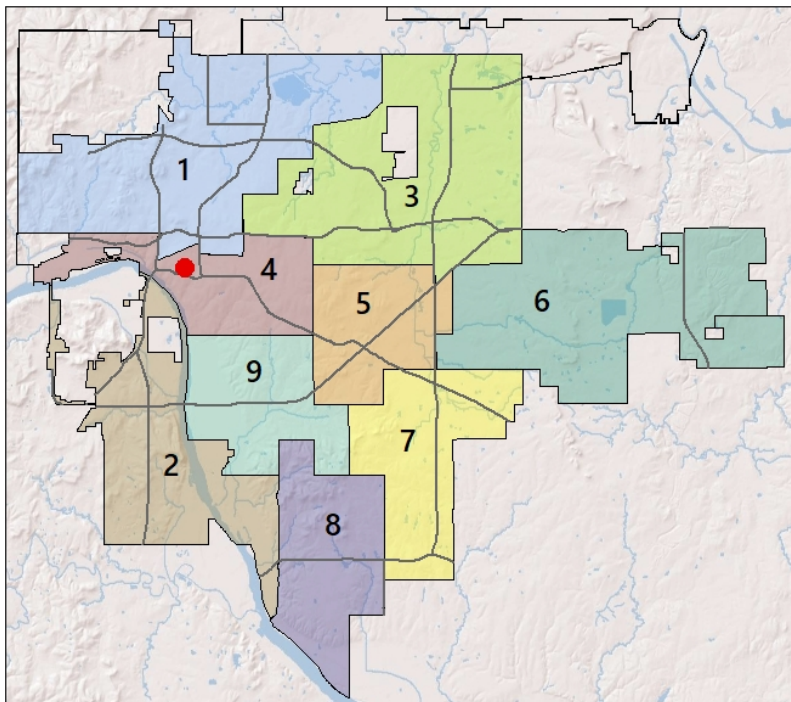
Owner and Applicant Information:

Applicant: Conner Von Holten

Property Owner: Tayburn Music Building LLC

Action Requested: Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

Location Map:



Additional Information:

Present Use: Church

Tract Size: 0.5 acres

Location: 924 S. Boulder Ave.

Present Zoning: CBD

BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-23526

CD: 4

HEARING DATE: 05/09/2023 1:00 PM

APPLICANT: Conner Von Holten

ACTION REQUESTED: Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

LOCATION: 924 S. Boulder Ave.

ZONED: CBD

PRESENT USE: Church

TRACT SIZE: 21980.47 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the “Downtown Core” and an “Area of Growth”.

Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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 Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

Assembly and Entertainment uses are described as follows:

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.

The applicant is seeking to operate an Indoor Entertainment inside the former church located on the subject property.

SAMPLE MOTION:

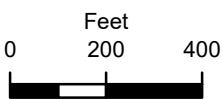
Move to _____ (approve/deny) a Special Exception to allow a Large (Greater than 250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

- 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

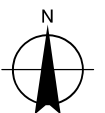


BOA-23526

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

19-12 12

Aerial Photo Date: 2020/2021



6.4



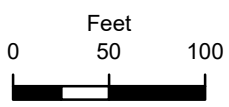
W 9TH ST S

W 10TH ST S

W 11TH ST S

S CHEYENNE AVE

S BOULDER AVE



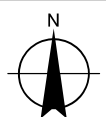
 Subject Tract

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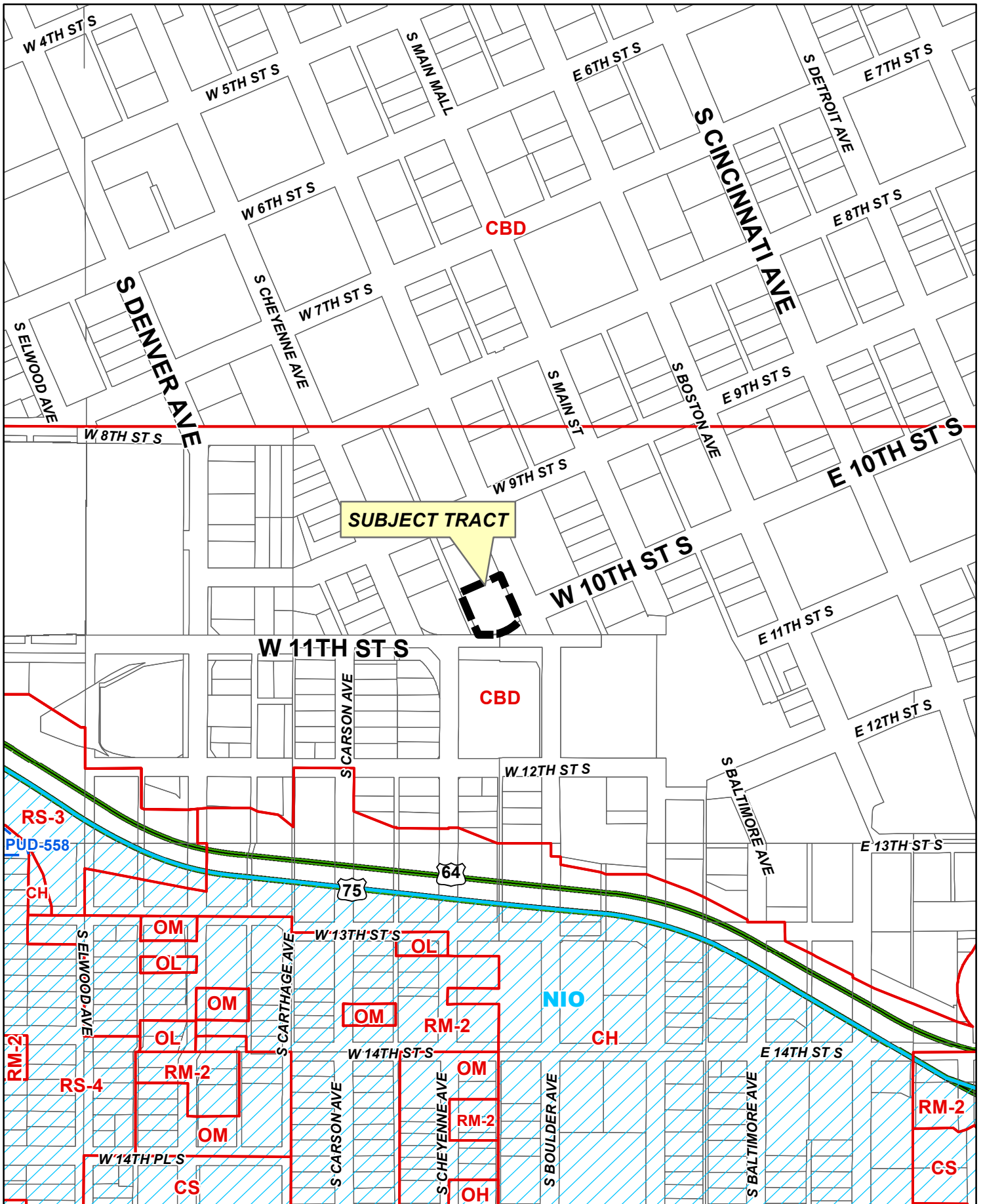
19-12 12

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

Aerial Photo Date: 2020/2021

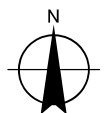
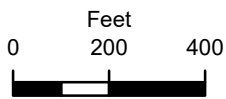


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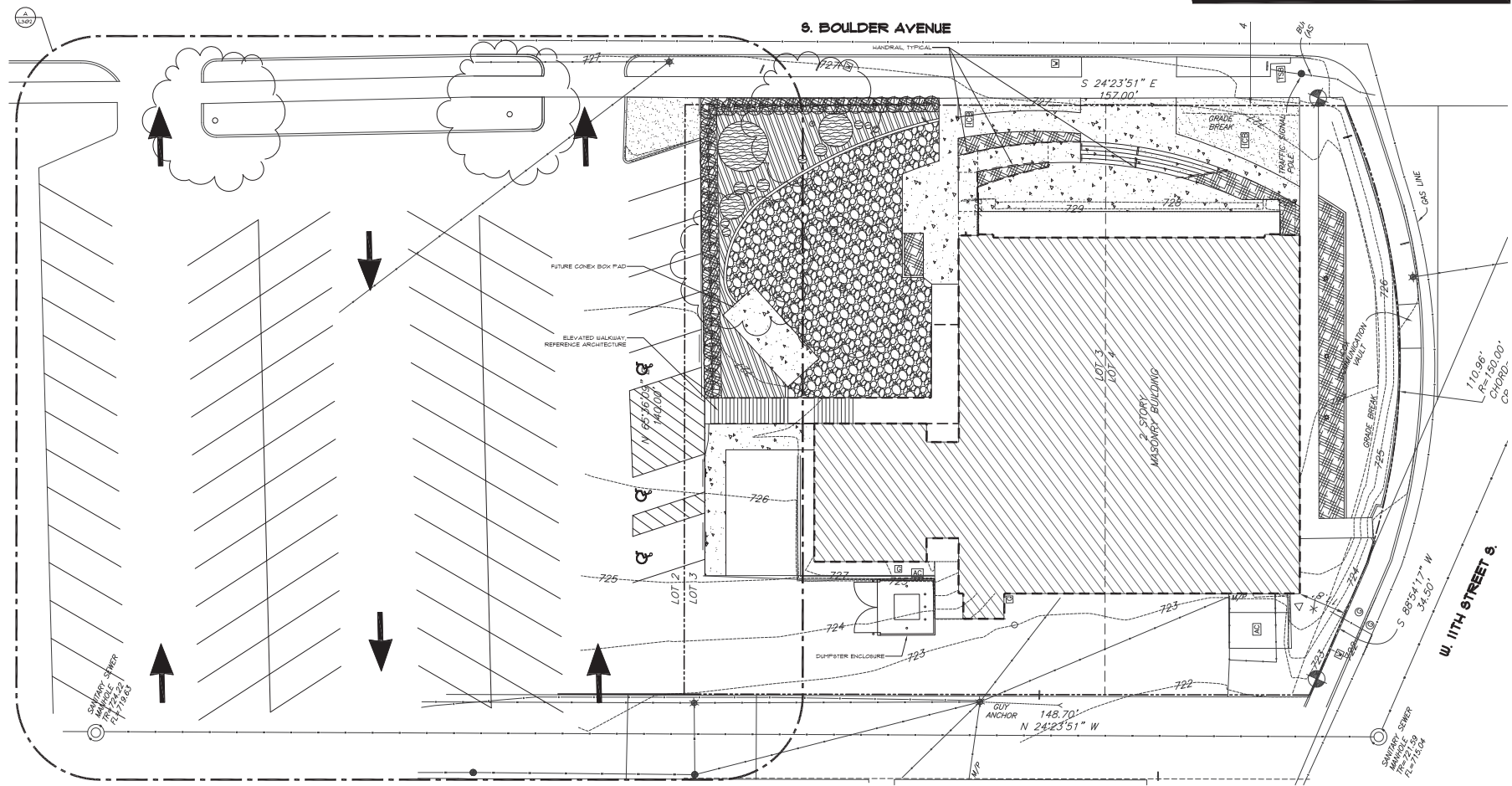
19-12 12



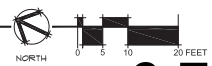
6.6

QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/NOTES
42	BROOK EASTERN RED CEDAR	JUNIPERUS VIRGINIANA 'DRUCE'	18" HEIGHT
	EXISTING TREE TO REMAIN, PROTECT DURING CONSTRUCTION		
	IN-GROUND UPLIGHT	PROPERTY LINE	
	CONCRETE PAVING	SOIL	
	LANDSCAPE BED	DECORATIVE AGGREGATE TYPE 1	
	DECORATIVE AGGREGATE TYPE 2	ARCHITECTURAL CONCRETE	

- GENERAL NOTES**
- VISIT SITE PRIOR TO BIDDING TO DETERMINE THE EXTENT AND NATURE OF THE CONDITIONS WITHIN WHICH WORK MUST BE ACCOMPLISHED.
 - VERIFY THE EXISTENCE AND LOCATION OF UTILITIES PRIOR TO STARTING ANY WORK.
 - MAINTAIN UTILITY SERVICES AND PROTECT THEM AGAINST DAMAGE DURING CONSTRUCTION OPERATIONS.
 - CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE UTILITIES (OVERHEAD AND BURIED) WHICH MAY OCCUR DUE TO HIS ACTION OR LACK OF ACTION ON THE PROJECT SITE DURING CONSTRUCTION OPERATIONS. SEEK ASSISTANCE OF LOCAL UTILITIES IN LOCATING THE UTILITIES PRIOR TO PERFORMING OPERATIONS IN ANY AREA.
 - VERIFY LANDSCAPE MATERIAL QUANTITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 - PLANT SUBSTITUTIONS ARE PERMITTED UPON APPROVAL FROM THE LANDSCAPE ARCHITECT. LAYOUT PLANTS IN THE BEDS AND HAVE THE LAYOUT APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PROCEEDING WITH THE INSTALLATION.
 - PLANTING BEDS SHALL CONTAIN INCHES OF MULCH CONTINUOUSLY BETWEEN PLANTS.
 - PLANTING BEDS SHALL BE LOWERED AT EDGES AS NEEDED TO PROVIDE 3" DEPTH TO CONTAIN MULCH.
 - TREES SHALL RECEIVE 4-INCHES 11/16" INCH OR TULCH 3/4-INCH RADIUS AROUND TRUNK.
 - TREES SHALL BE SECURED WITH BELLOUS GRADE #1 ABUTMENT PILES.
 - SEPARATE INDIVIDUAL MULCHED TREES FROM TURF AREAS WITH A 45-DEGREE, 4 TO 6-INCH DEEP, SHOULDER CUT EDGE.
 - GUARANTEE ALL LANDSCAPE WORK AND PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF ACCEPTANCE OF THE WORK BY THE OWNER.
 - PLANT MATERIAL WHICH DIES DURING THE ONE YEAR GUARANTEE PERIOD SHALL BE REPLACED DURING NORMAL PLANTING SEASON.
 - CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF THE PLANTS UNTIL COMPLETION OF THE PROJECT AND ACCEPTANCE BY THE OWNER.
 - PLANT NAMES ON THE PLANT LIST CORRESPOND TO THE STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE OR TO NAMES GENERALLY ACCEPTED IN THE NURSERY TRADE.
 - PLANT MATERIAL SHALL BE SPECIFIC QUALITY STOCK AS DETERMINED IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. SIZE OF PLANT SPECIES AND TYPE OF TYPICAL GROWTH OF THE SPECIES AND HAVING A HEALTHY NORMAL ROOT SYSTEM.
 - SIZES INDICATED ON THE PLANT LIST ARE THE MINIMUM ACCEPTABLE SIZE.
 - PLANTS SHALL NOT BE PRUNED PRIOR TO DELIVERY TO THE SITE OR AFTER INSTALLATION EXCEPT FOR THOSE SPECIALLY NOTED THAT HAVE BEEN DAMAGED.
 - PLANTS SHALL NOT HAVE NAME TAGS REMOVED PRIOR TO FINAL INSPECTION.
 - THE GRASS AND SOIL AREAS SURROUNDING THE CONSTRUCTION.
 - TOPSOIL DEPTH IN SOIL AREAS SHALL BE 6-INCHES, 11/16" INCH.
 - SOILS COVERED AREAS WITH EXISTING TREE DRIPLINES AND LANDSCAPE AREAS SHALL BE RESTORED TO A CONDITION CONDUCE TO PROMOTE LONG TERM PLANT HEALTH. RESTORATION METHODS SHALL BE AS RECOMMENDED BY A CERTIFIED ARBORIST AND REMEMBED TO THE OWNER.
 - REPLACE DAMAGED LANDSCAPE OR LANDSCAPE WHICH DIES AS A RESULT OF CONSTRUCTION OPERATIONS WITH EQUIVALENT LANDSCAPE AT NO COST TO THE OWNER.
 - NATURE TREES TO REMAIN REQUIRING REPLACEMENT AS A RESULT OF CONSTRUCTION OPERATIONS SHALL BE APPRAISED BY A PROFESSIONAL APPRAISER. THE VALUE ASSIGNED SHALL BE CREDITED TO THE OWNER.



A LANDSCAPE PLAN - OVERALL
1" = 10'-0"



From: [Tyler Wallace](#)
To: [Chapman, Austin](#)
Subject: FW: BOA 23526 11th and Boulder Change of Use Support
Date: Saturday, April 29, 2023 10:55:15 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Morning Austin,
I will forward on all support letters and emails the Owner has received. BOA 23526

Thank you!

Tyler Wallace, AIA

Associate Principal

tdw@gh2.com | O: [918.587.6158](tel:918.587.6158) M: [918.645.9299](tel:918.645.9299)



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From: Eric Sherburn <eric@tayburnmusic.com>
Sent: Friday, April 28, 2023 9:54 PM
To: Tyler Wallace <tdw@gh2.com>
Subject: Fwd: 11th and Boulder Change of Use Support

This is a restaurant in the neighborhood!

Get [Outlook for iOS](#)

From: etal <etaltulsa@gmail.com>
Sent: Friday, April 28, 2023 8:50:50 PM
To: Eric Sherburn <eric@tayburnmusic.com>
Subject: 11th and Boulder Change of Use Support

Eric,

Apologies for the delay but if it's not too late I would like to share Et Al.'s support of the change of use for the property on 11th and Boulder.

We would be thrilled to be neighbors to an exciting new venture and would look forward to supporting the venue and the new possibilities it would bring to our neighborhood.

Cheers,

Sam Luna
Et Al. Tulsa
615.986.8178



Tayburn Music
Eric Sherburn
924 S. Boulder Ave. W
Tulsa, OK 74119

April 19, 2023

Tayburn Music:

John A. Marshall Company has no objections to a change of venue for the former First Church of Christ Scientist becoming a music/entertainment venue.

Thank you.

Stephanie Pugh  Digitally signed by Stephanie Pugh
DN: cn=Stephanie Pugh, email=Stephanie.pugh@jamarshall.com,
o=John A. Marshall, cn=Stephanie
Pugh
Date: 2023.04.19 11:20:44-0500'

Stephanie Pugh
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