



## Board of Adjustment

## Staff Report Special Exception BOA-23658

**Hearing Date:** March 26, 2024

**Prepared by:** Dylan Siers

dsiers@cityoftulsa.org

918-596-7584

### **Owner and Applicant Information**

Applicant: InClined Productions

Property Owner: Tulsa Public Schools

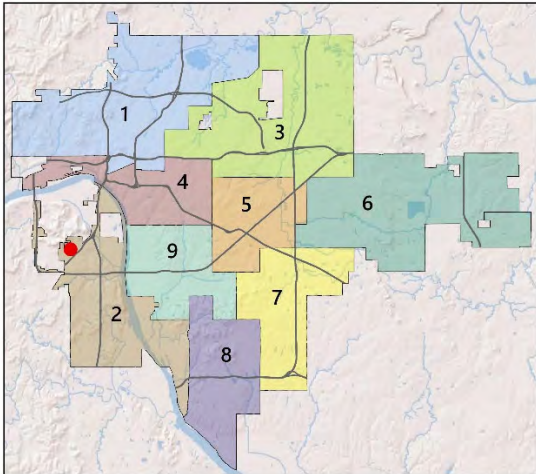
### **Property Location**

3205 W 39 St S

Tract Size: ±2.27 acres

### **Location within the City of Tulsa**

(shown with City Council districts)



### **Elected Representatives**

City Council: District 2, Jeannie Cue

County Commission: District 2, Karen Keith

### **Public Notice Required**

Newspaper Notice – min. 10 days in advance

Mailed Notice to 300' radius – min. 10 days in advance

Posted Sign – min. 10 days in advance

### **Request Summary**

Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D)

### **Zoning**

Zoning District: RS-3

Zoning Overlays: None

### **Comprehensive Plan Considerations**

#### **Land Use**

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Streetcar

#### **Transportation**

Major Street & Highway Plan: None

planitulsa Street Type: None

Transit: N/A

Existing Bike/Ped Facilities: none

Planned Bike/Ped Facilities: None

#### **Environment**

Flood Area: N/A

Tree Canopy Coverage: 0-10%

Parks & Open Space: None

## Staff Analysis

The applicant is proposing a Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D)

### Section 50.020 Authority to Approve

**50.020-A** Except as expressly stated in [Section 50.050](#), all temporary uses require city approval.

**50.020-B** The development administrator is authorized to establish administrative procedures governing the processing, review and approval of temporary uses.

**50.020-C** The development administrator is authorized to approve a zoning clearance permit for temporary uses that comply with the provisions of this chapter and to impose conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding uses and that they operate safely and without causing nuisances, consistent with the general purposes of this zoning code.

**50.020-D** Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved as special exceptions in accordance with [Section 70.120](#). The development administrator is authorized to refer any temporary use to the board of adjustment for consideration in accordance with special exception procedures of [Section 70.120](#).

**50.020-E** Special events require city council review and approval.

### Relevant Case History

- BOA-23486, Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D), 1.24.2023
- BOA-23284, Special Exception to permit a Temporary Office Use in the RS-3 District for not longer than 180 days. (Sec. 50.020-D), 2.22.22

## Comprehensive Plan Considerations

### Land Use Plan

The subject property is designated as Neighborhood.

**Neighborhoods** are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

### Surrounding Properties:

| <u>Location</u> | <u>Existing Zoning/Overlay</u> | <u>Existing Land Use Designation</u> | <u>Existing Use</u> |
|-----------------|--------------------------------|--------------------------------------|---------------------|
| North           | RS-3                           | Neighborhood                         | Residential         |
| East            | RS-3                           | Neighborhood                         | Residential         |
| South           | RS-3                           | Neighborhood                         | Residential         |
| West            | RS-3                           | Neighborhood                         | Residential         |

### Small Area Plans

The subject properties are not within a small area plan.

**Development Era**

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: The subject property is not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 8%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

**Sample Motion**

I move to approve or deny a Special Exception to permit a Temporary Office Use in the RS-3 District. (Sec. 50.020-D)

- 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.

**Property Description**

LTS 4 THRU 6 & E30 VAC STREET ADJ ON W BLK 35; ALL BLK 6 & W30 VAC STREET ADJ ON E RED FORK, YARGEE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Exhibits**

Photos

Case map

Aerial (small scale)

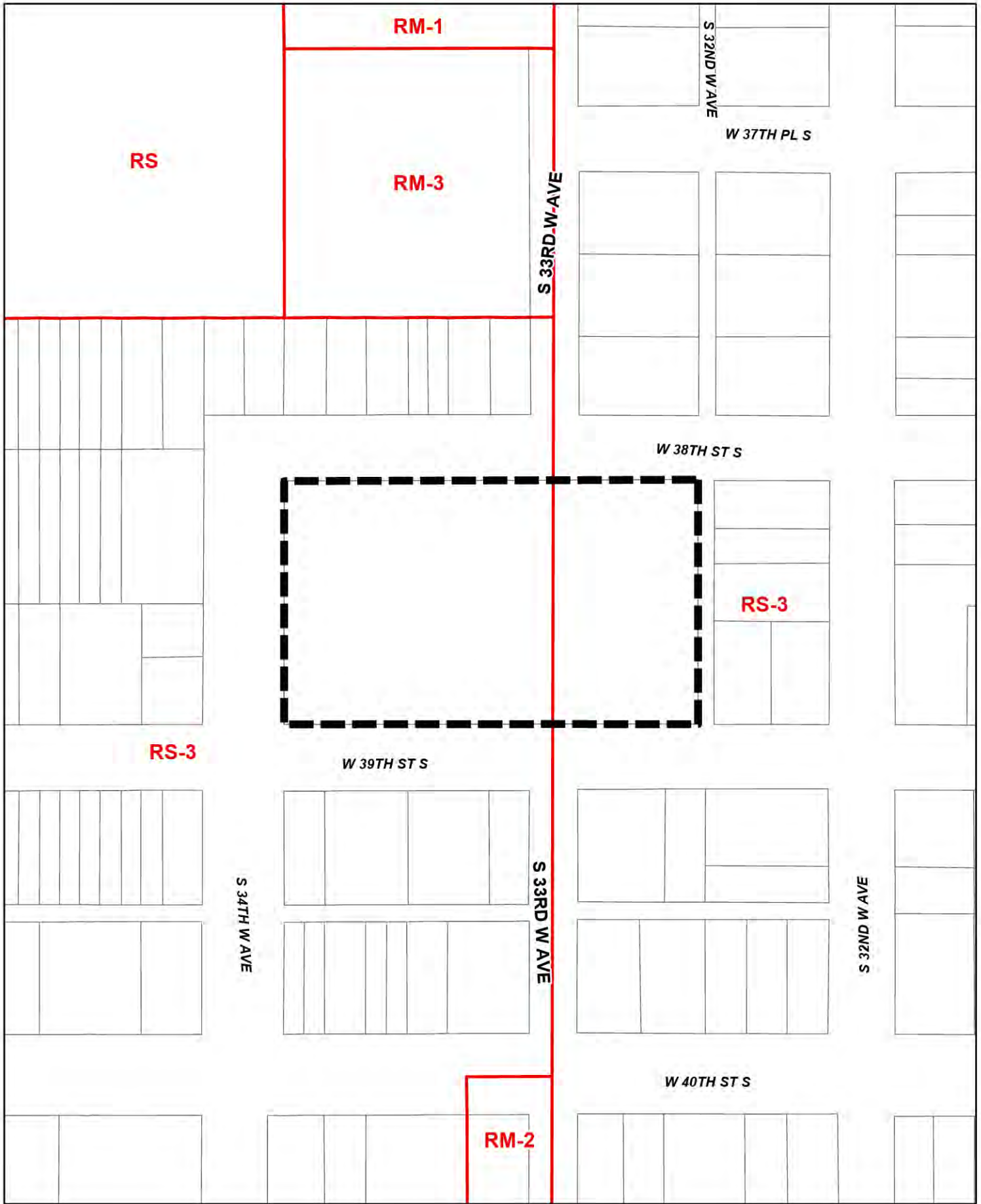
Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map

Applicant's Exhibits



Subject property in BOA-23658 (Image used from Google Street View)



RM-1

RS

RM-3

S 33RD W AVE

S 32ND W AVE

W 37TH PL S

W 38TH ST S

RS-3

RS-3

W 39TH ST S

S 33RD W AVE

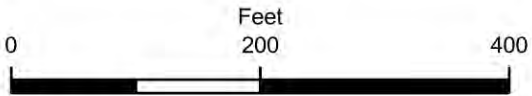
S 34TH W AVE

S 32ND W AVE

W 40TH ST S

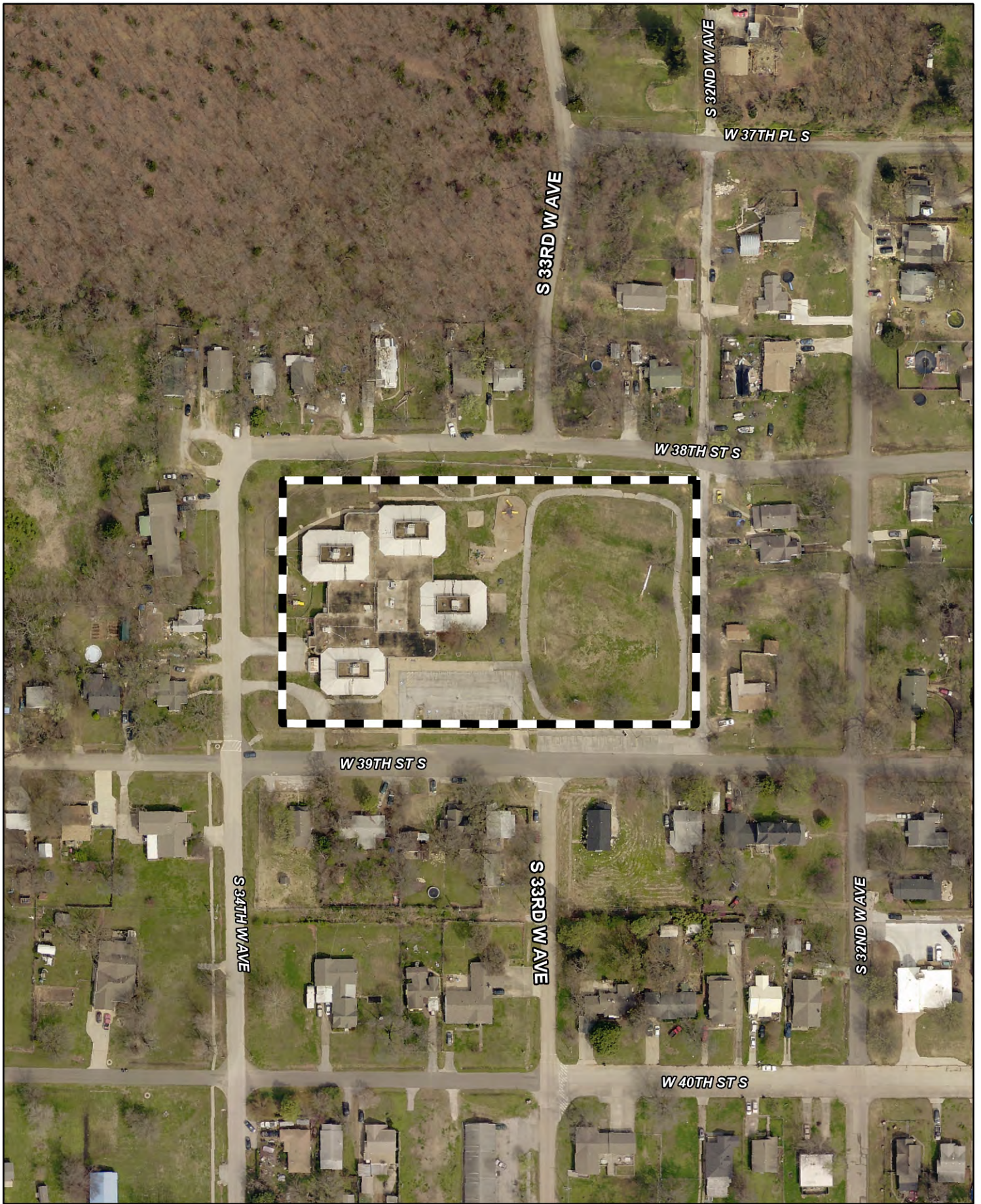
RM-2

**BOA-23658**



12.5





Subject  
Tract

Feet  
200

400

**BOA-23658**

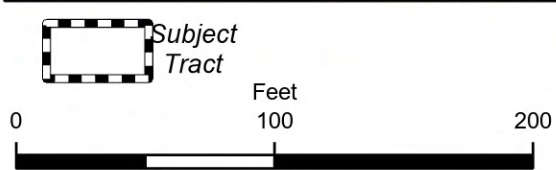
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2021



12.6





**BOA-23658**

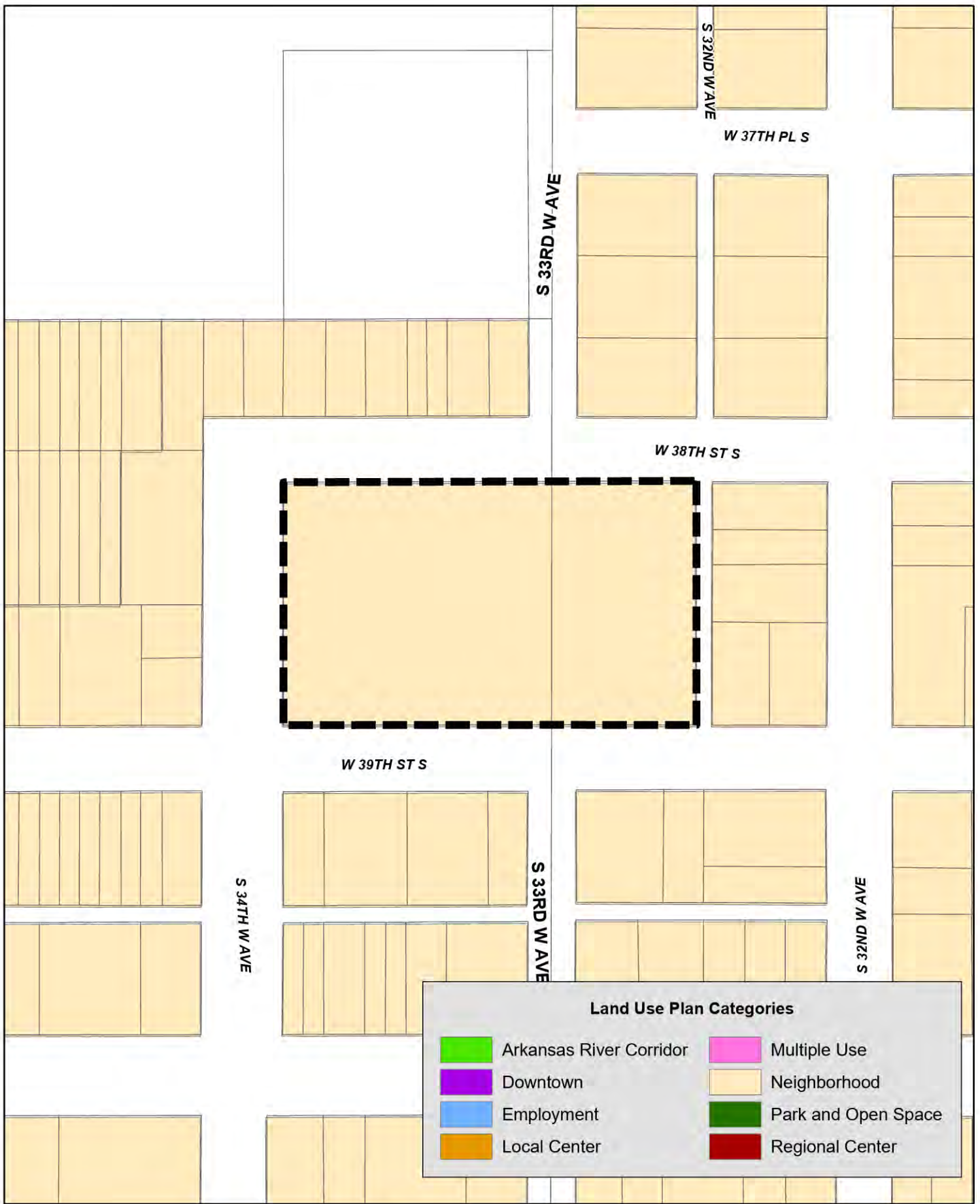
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



12.7

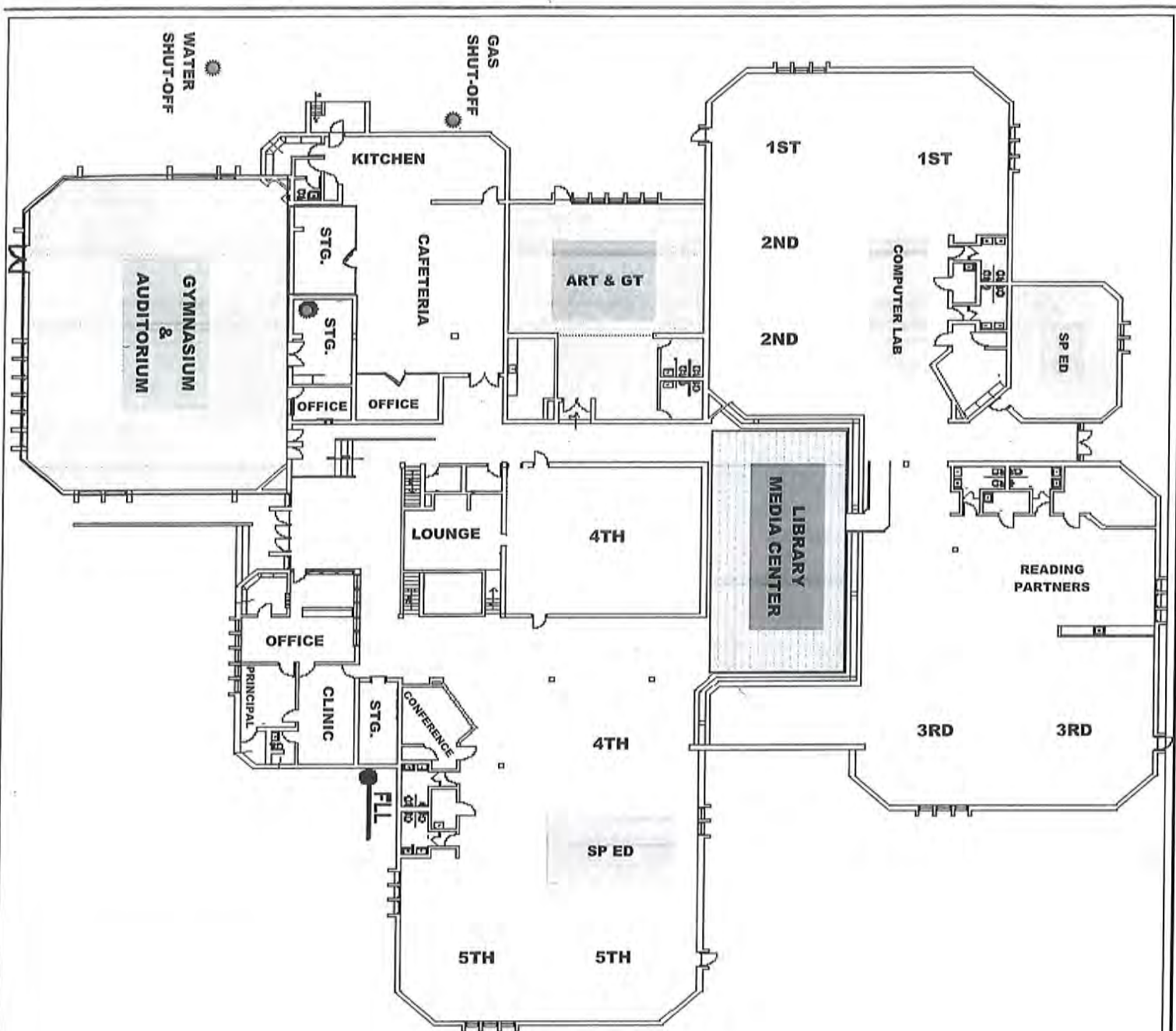




**BOA-23658**







**\*\*All Interior Space to be Used by InClined Productions, Inc\*\***

**LEGEND:**

MDF = MAIN DATA FRAME  
 DMARC = SWB-FOR TELEPHONE  
 FLL = FIBER LOCATION LINE  
 DF = INTERMEDIATE DATA FRAME  
 ● = LOCATION MARK  
 — = FIBER LINE INTO BUILDING

GM = GAS METER SHUT-OFF  
 WM = WATER METER SHUT-OFF  
 ELEC = ELECTRICAL BOX SHUT-OFF

T 1 STORAGE

T 2 READING

T 3

T 4 COUNSELOR



TPS

UPDATED  
5/2016

PARK ELEMENTARY SCHOOL

3205 WEST 39 STREET

**TULSA PUBLIC SCHOOLS**  
INDEPENDENT SCHOOL DISTRICT NUMBER ONE



**PARK ELEMENTARY -  
3205 W 39th St,  
Tulsa, OK 74107**

