



## Board of Adjustment

## Staff Report Special Exception BOA-23659

**Hearing Date:** March 26, 2024

**Prepared by:** Dylan Siers

dsiers@cityoftulsa.org

918-596-7584

### **Owner and Applicant Information**

Applicant: Kathy Cott

Property Owner: Calvary Church of the Nazarene INC

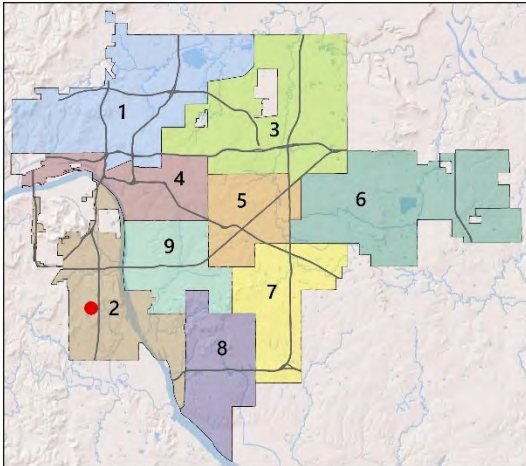
### **Property Location**

840 W 81<sup>st</sup> St S

Tract Size: ±2.61 acres

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

(shown with City Council districts)



### **Elected Representatives**

City Council: District 2, Jeanie 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 Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1)

### **Zoning**

Zoning District: AG

Zoning Overlays: None

### **Comprehensive Plan Considerations**

#### **Land Use**

Land Use Plan: Neighborhood

Small Area Plans: None

Development Era: Late Automobile

#### **Transportation**

Major Street & Highway Plan: Secondary Arterial

planitulsa Street Type: Multimodal Corridor

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

#### **Environment**

Flood Area: City of Tulsa Regulatory Floodplain

Tree Canopy Coverage: 20-30%

Parks & Open Space: N/A

**Staff Analysis**

Special Exception to permit a Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1). Day care Uses are described as follows:

**35.040-D Day Care**

**1. Child Care Center**

Uses providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Uses providing care and supervision for children or adults for 24 hours per day or longer are classified as group living uses. Child care centers in residential districts are subject to the same lot and building regulations that apply to detached houses, except as modified by supplemental regulations of [Section 40.120-A](#).

The applicant is proposing to operate an Adult day Care Center use inside the existing church located on the property.

Relevant Case History

- None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as neighborhoods.

**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	AG	Neighborhood	Residential
South	AG	Neighborhood	Residential
West	AG	Regional Center	Church

**Small Area Plans**

The subject properties are not within a small area plan.

**Development Era**

The subject property is located in an area developed during the Late Automobile Era.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and

nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

### **Transportation**

Major Street & Highway Plan: Secondary Arterial

Comprehensive Plan Street Designation: Multi-Model Street

Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 2500-5000 per lane

### **Environmental Considerations**

Flood Area: The subject property City of Tulsa Regulatory Floodplain

Tree Canopy Coverage: Tree canopy in the area is 28%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: N/A

### **Sample Motion**

I move to approve or deny a Special Exception to permit a Day Care Use in the AG zoning district (Sec.25.020-B, Table 25-1)

- 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**

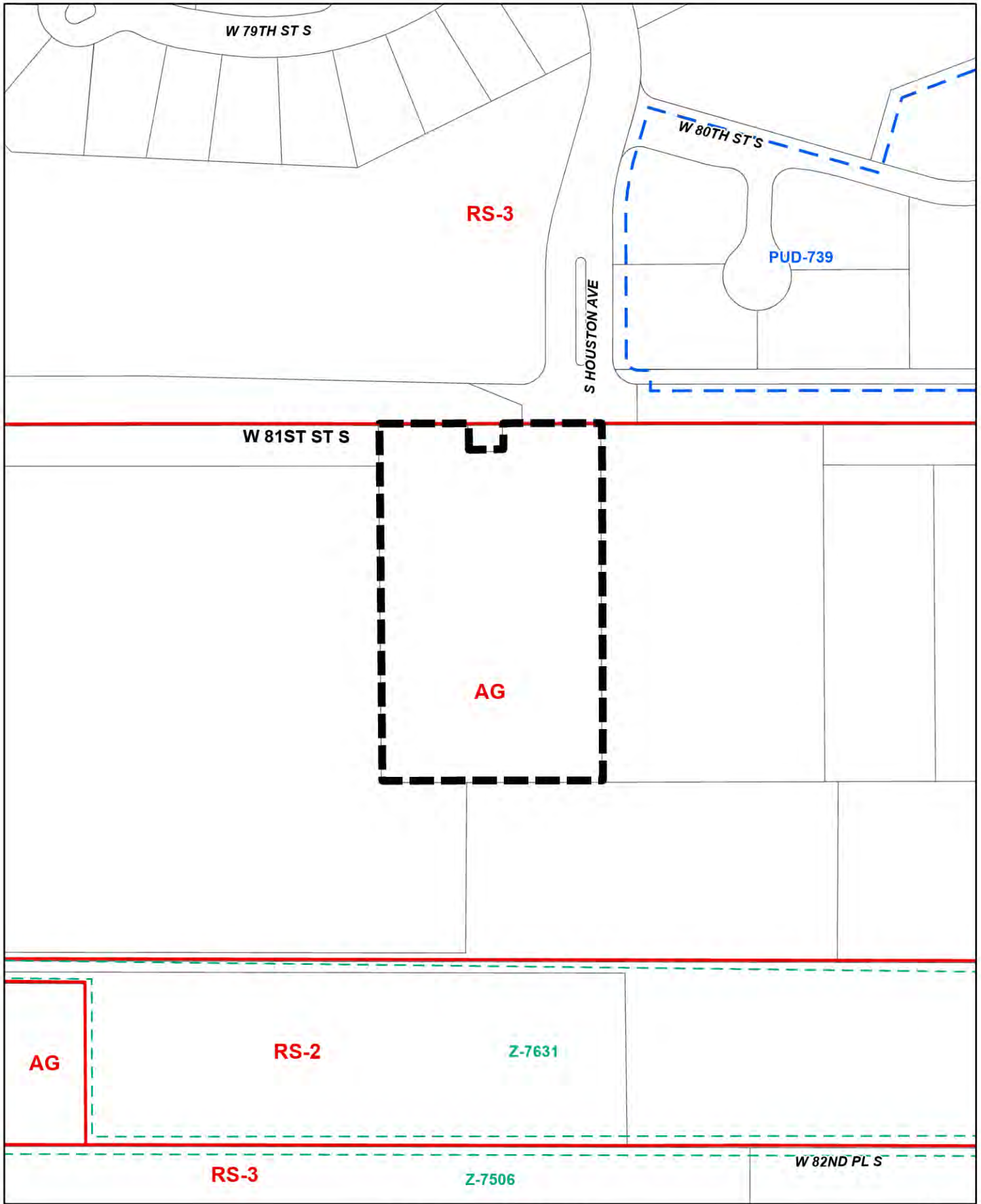
BEG 1822.25W NEC NE TH S436 W269.75 N436 E269.75 POBLESS BEG 1966.77W NEC NE TH S32 W42.32 2.671ACS, , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

### **Exhibits**

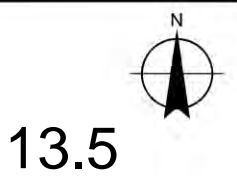
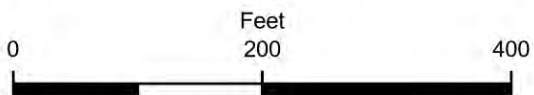
Photos; Case map; Aerial (small scale); Aerial (large scale); Tulsa Comprehensive Plan Land Use Map; Applicant exhibits



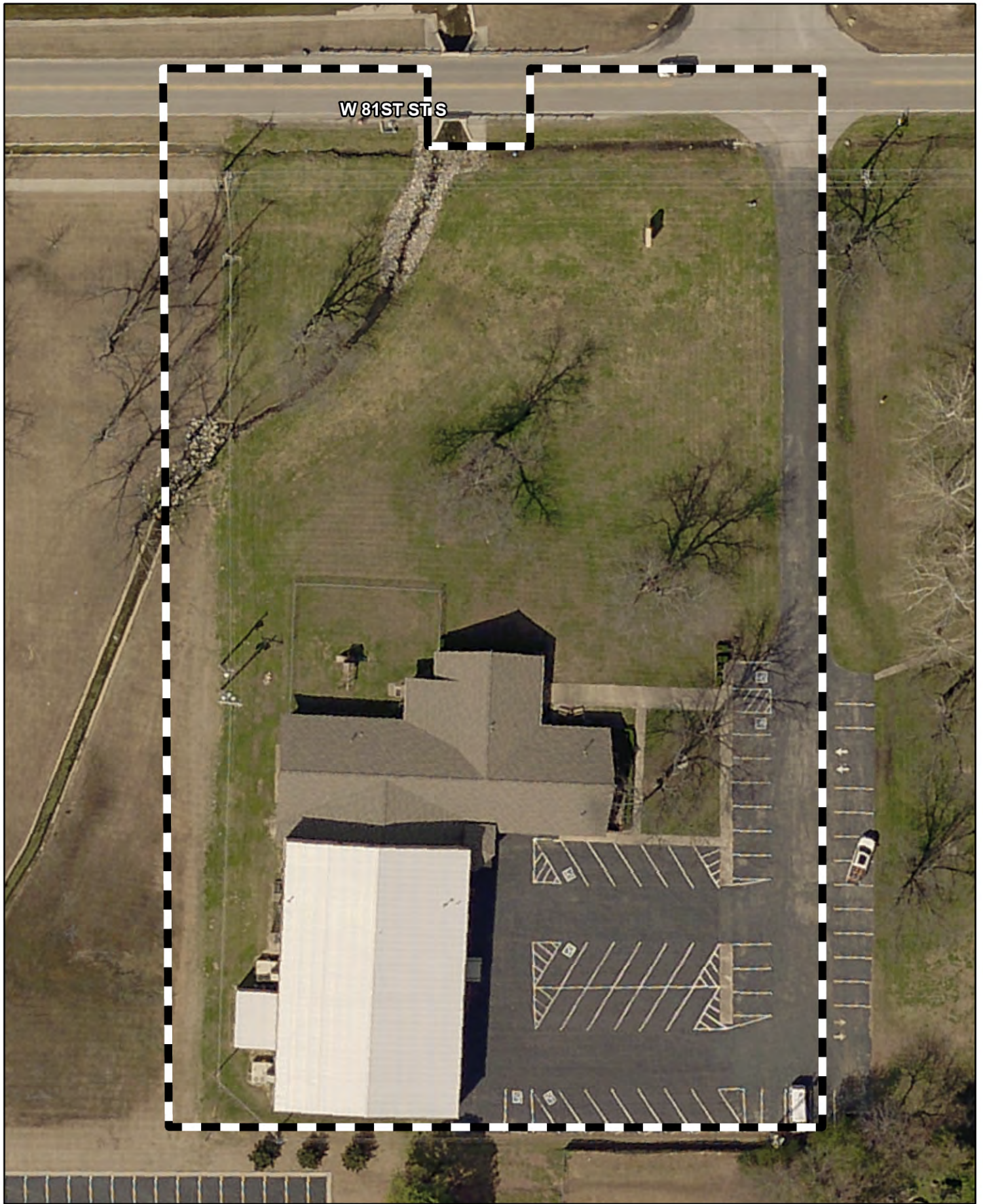
**Subject property in BOA-23659 (Image used from Google Street View)**



**BOA-23659**







W 81ST ST S

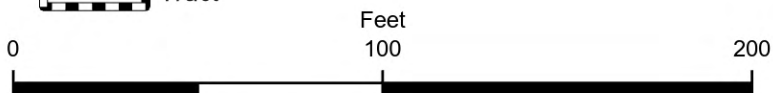


Subject  
Tract

**BOA-23659**

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

Aerial Photo Date: 2021



13.6





W 79TH ST S

W 80TH ST S

S HOUSTON AVE

W 81ST ST S

W 82ND PL S



Subject  
Tract

Feet  
200

400

**BOA-23659**

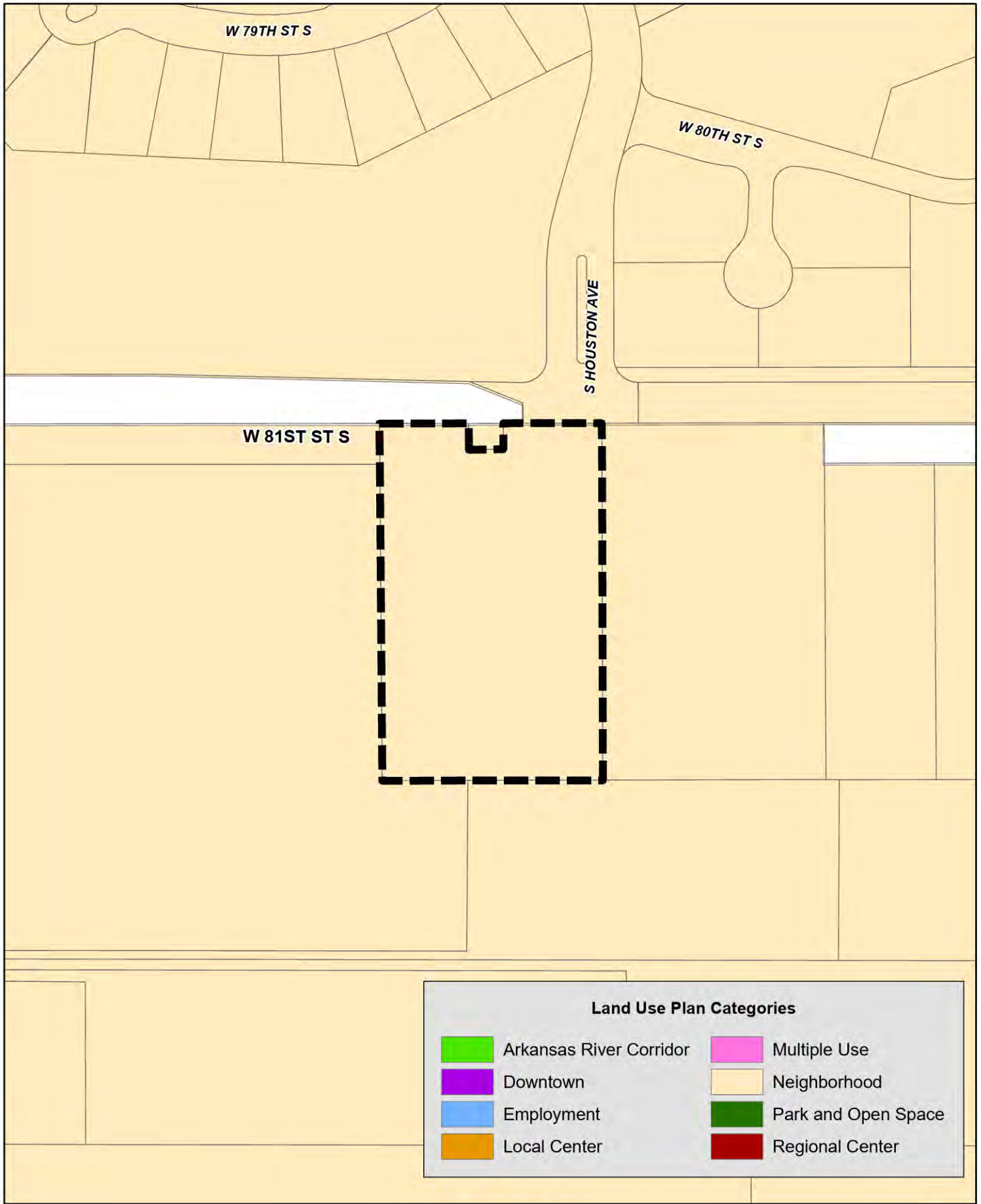
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2021

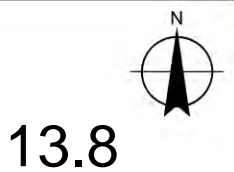
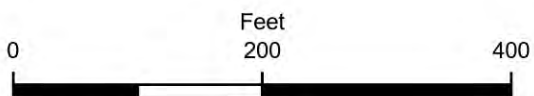


13.7





**BOA-23659**



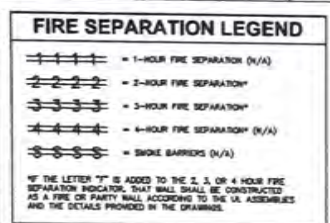


840 W. 81st Tulsa, OK 74132

840 W. 81st Tulsa, OK 74132

PLUMBING FIXTURE SUMMARY						
NEED TO ADD	REQUIRED MEN	EXISTING MEN	FIXTURE TYPE	EXISTING WOMEN	REQUIRED WOMEN	NEED TO ADD
NONE, REF. COMMENTARY	7	5	WATER CLOSET (TOILET)	7	11	4
NONE, REF. COMMENTARY	0	5	URINAL	N/A	N/A	N/A
NONE, REF. COMMENTARY	5	4	LAVATORY	5	5	0

ACCESSIBILITY:  
MOST IF NOT ALL THE EXISTING RESTROOMS DO NOT COMPLY WITH CURRENT HANDICAP ACCESSIBILITY REQUIREMENTS. THESE RESTROOMS WILL NEED TO BE BROUGHT INTO COMPLIANCE WITH CURRENT ACCESSIBILITY REQUIREMENTS.



2015 INTERNATIONAL BUILDING CODE SUMMARY	
<b><u>REMARKS:</u></b> EXISTING BUILDING EXCEEDS THE ALLOWABLE STORED AND ALLOWABLE SQUARE FOOTAGE PER 2015 IBC.	
<b><u>EXISTING BUILDING</u></b> A-3 USE VB CONSTRUCTION TYPE UNSPRINKLED NO FIRE DAMPERS PRESENT NO FIREWALLS PRESENT	<b><u>2015 IBC ALLOWABLE FOR:</u></b> A-3 USE VB CONSTRUCTION TYPE UNSPRINKLED NO FIRE DAMPERS PRESENT NO FIREWALLS PRESENT
13,004 SF FIRST FLOOR (OVER/EXCEEDS THE ALLOWABLE SF BY 8,994 SF) 3,148 SF SECOND FLOOR AREA 1 (SECOND FLOOR NOT ALLOWED) 1,046 SF SECOND FLOOR AREA 2 (SECOND FLOOR NOT ALLOWED)	6,000 SF MAXIMUM (SINGLE STORY UNSPRINKLED) 24,000 SF MAXIMUM (SPRINKLED MAXIMUM) 18,000 SF FLOOR MAXIMUM (SPRINKLED MAXIMUM)
<b><u>OPEN RAMPED STORAGE ALLOWANCES:</u></b> OF 0.45	
SINGLE STORY, SINGLE OCCUPANCY, NOT SPRINKLED, INCREASE=2,500 SF FOR A TOTAL OF 8,500 ALLOWABLE SF	
MULTIPLE STORY, SINGLE OCCUPANCY, WITH SPRINKLER, INCREASE=2,500 SF/FLOOR FOR A TOTAL OF 28,250/FLOOR, WITH 2 FLOOR MAX.	
SINGLE STORY, SINGLE OCCUPANCY, WITH SPRINKLER, INCREASE=2,500 SF FOR A TOTAL OF 20,500 ALLOWABLE SF.	

Highlighted area will be an Adult Day Care Center named The Tulsa Hills by Academy.

Dear Friends of the Hyde Park HOA,

My name is Kathy Cott, the CEO of Joys To The World, Inc. We are a non-profit organization serving young adults with multiple disabilities and their families. In September 2020, we opened a tertiary school for our clients.

For 2 years we used a portion of Tulsa Hills Church of the Nazarene's facility (south side of 81<sup>st</sup> Street, 840 W. 81<sup>st</sup> Street) to work with about 10 students from 8 to 5 PM, Monday through Friday. Parents would drop off and pick up their child at the south doors of the church.

In October, we moved out of Tulsa Hills to fine-tune some arrangements. Now we are preparing to return to Tulsa Hills Church as a state-licensed Adult Day Care Center. Part of the process requires us to notify Tulsa Hills neighbors about our intention to request a special exception zoning permit from the City of Tulsa Planning Office. The planned variance will not change the neighborhood in any way. Please peruse our website, [www.joystotheworld.org](http://www.joystotheworld.org) to learn more about Joys To The World and contact me with questions at 918-697-3160.



Blessings, Kathy Cott

2/16/24 Sent letter to Winchester Park HOA Mike Snyder [contact@winchesterparkhoa.com](mailto:contact@winchesterparkhoa.com)

2/20/24 Sent letter to Hyde Park HOA Penny Kempf [hydepark@collins-association.net](mailto:hydepark@collins-association.net)

2/20/24 Sent letter to Stonebrook HOA LeWanna [slewanna@yahoo.com](mailto:slewanna@yahoo.com)