

BOA-22792

19-13 23

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**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9323

Case Number: **BOA-22792**

CZM: 48

CD: 5

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Josh Kunkel

ACTION REQUESTED: Special Exception to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

LOCATION: 7020 E 38 ST S

ZONED: IL

PRESENT USE: Gymnasium

TRACT SIZE: 60086.91 SQ FT

LEGAL DESCRIPTION: BEG 30S & 147.59W NEC SE SW TH W267.50 S215 E255.5 S215 E11.97 N430 POB SEC 23 19 13 1.3794ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties: None

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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 an existing IL zoned property currently being used as a gymnastics facility.

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STAFF COMMENTS:

The applicant is requesting a **Special Exception** to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District to permit expansion of an existing gymnastics facility (15.020-C)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Assembly and Entertainment												Section 40.040
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	Section 40.040
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.040
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	Section 40.040
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	Section 40.040
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	Section 40.040

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Large (>250 person capacity) Commercial Assembly and Entertainment use in an IL District (15.020-C)

- 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 East on 38th Street



Facing West on 38th Street

Sheet Information

GENERAL SITE NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.B.M.A. STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE AND SANITARY SEWERAGE. ALL RELOCATIONS SHALL BE APPROVED BY THE CITY ENGINEER. SPECIFICATIONS AND QUANTITIES SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
4. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.

PARKING SUMMARY

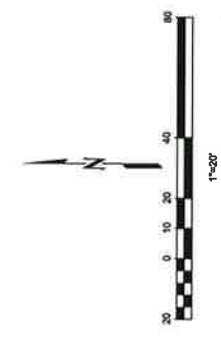
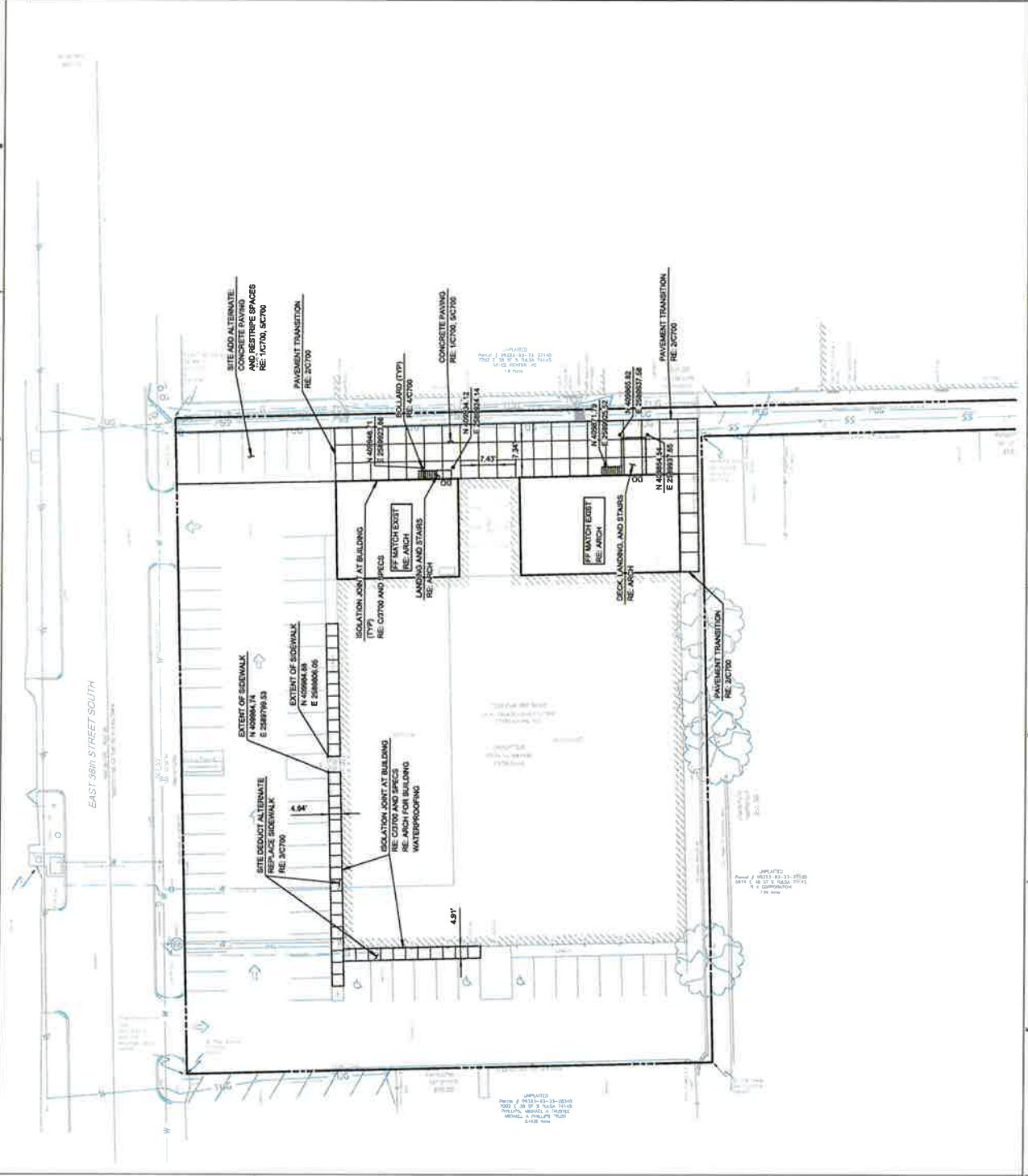
USE: GYMNASIUM

SEATS: 131

REQUIRED: 0.2 SPACES PER SEAT
28 SPACES

PROVIDED: 61 SPACES

IMPERVIOUS AREA
NO CHANGE IN IMPERVIOUS AREA PROPOSED



CAUTION
CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND SANITARY SEWERAGE ON BEHALF OF THE UTILITY COMPANIES AND ADJUSTMENTS MADE IN THE FIELD BEAS STAFF OR COMPLETE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND SANITARY SEWERAGE AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD CONDITIONS OF THE UTILITIES.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 12, 2019

Josh Kunkel
2417 E Admiral Blvd
Tulsa, OK 74110

Phone: 918.208.0620

APPLICATION NO: **BLDC-040178-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7020 E 38 ST

Description: I/R & Addition

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 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

BLDC-040178-2019

7020 E 38 ST

September 12, 2019

Note: Please direct all questions concerning special exceptions, appeals of an administrative and all questions regarding BOA 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.

1. **Sec.15.020 Table 15-2:** The proposed Gymnasium is designated a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity). It is in an IL zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow a Commercial/Indoor Assembly and Entertainment Use, Indoor Large (>250 Person capacity) use in an IL zoned district

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

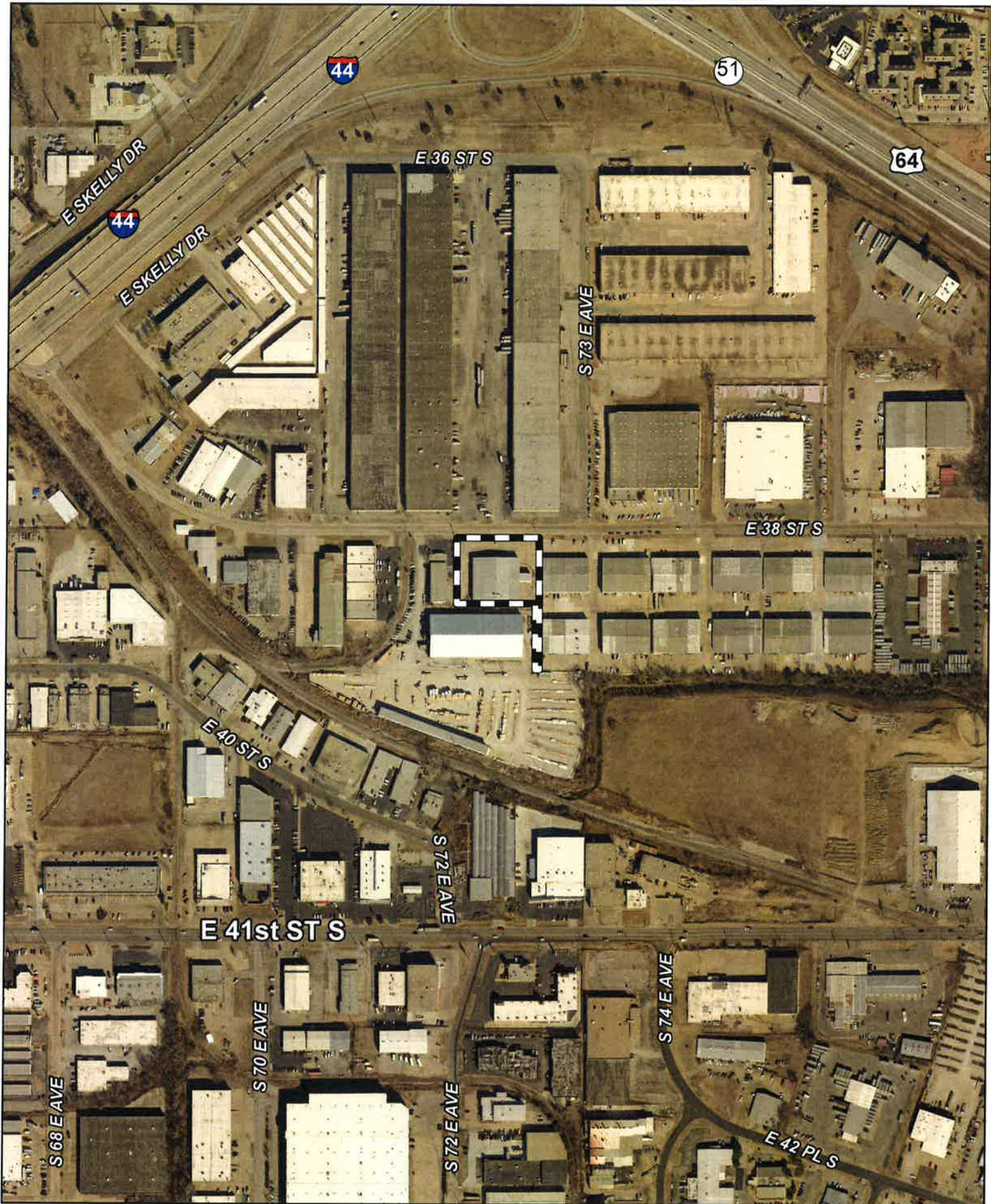
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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-22792

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

Aerial Photo Date: February 2018

19-13 23

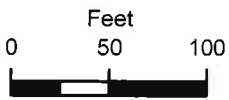


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E38 STS

S73 EAVE



Subject Tract

BOA-22792

19-13 23

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

Aerial Photo Date: February 2018



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