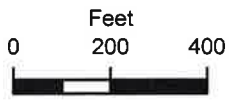


SUBJECT TRACT



BOA-22555

4.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9307

Case Number: **BOA-22555**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Gregory Helms

ACTION REQUESTED: Special Exception to permit the expansion of a liquor store on a lot within 150 ft of an R-zoned lot (Sec. 15.020-G); Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers, or pawnshops (Sec. 40.300-A).

LOCATION: 1522 E 15 ST S

ZONED: OL,CH

PRESENT USE: commercial center

TRACT SIZE: 13499.3 SQ FT

LEGAL DESCRIPTION: N 35' W 100' LT 14 & W 100' LTS 15 & 16 BLK 4, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS: No relevant history

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

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 exist 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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

ANALYSIS OF SURROUNDING AREA: The subject tract is along a commercial corridor. The subject tract abuts CH/OL zoned commercial uses to the east and west; RS-3 residences to the south; E. 15th St. S. is immediately to the north.

STAFF COMMENTS:

The applicant is proposing to expand a portion of the perimeter wall of the existing liquor store. To permit expansion of the existing liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in a CH district from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

The overall subject tract is zoned CH and OL. The proposed liquor store appears to be located on the CH zoned portion of the lot. A liquor store is permitted by right in the CH district as long as it meets the spacing requirement of 300 ft. from from other **liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops**. The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

The applicant submitted an exhibit indicating a radius around the subject property that contains the existing liquor store and has labeled all uses of property within the subject building and that radius in support of the verification. Staff did not notice any of the above-mentioned conflicting uses within 300 ft. of the subject site.

The applicant has requested a **special exception** as Section 15.020-G of Code requires special exception approval for a use 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 other than R-zoned street right-of-way. The lot abuts an RM-2 zoned lot directly to the south.

Sample Motions:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store.

Move to _____ (approve/deny) a Special Exception to permit the expansion of a liquor store on a lot within 150 ft of an R-zoned lot (Sec. 15.020-G)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

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.



S PEORIA AVE

S SQUAKER AVE

S SQUINGY AVE

S ROCKFORD AVE

E 13 ST S

E 13 PL S

64

51

E 14 ST S

S SQUAKER AVE

S SQUINGY AVE

S ROCKFORD AVE

S ST. LOUIS AVE

E 14 PL S

E 15th ST S



S STRENTON AVE

S UTICA AVE

E 16 ST S

S SQUAKER AVE

E 16 ST S

S SQUINGY AVE

S ROCKFORD AVE

S TROOST AVE

S VICTOR AVE

E 17 ST S

E 17 PL S

E 17 PL S

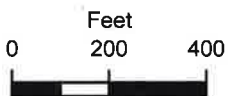
E 17 PL S

E 18 ST S

S ST. LOUIS AVE

SWAN DR

E 19 ST S



Subject Tract

BOA-22555

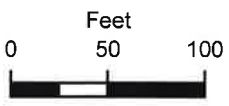
19-13 07

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

Aerial Photo Date: February 2018

4.4





Subject Tract

BOA-22555

19-13 07

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

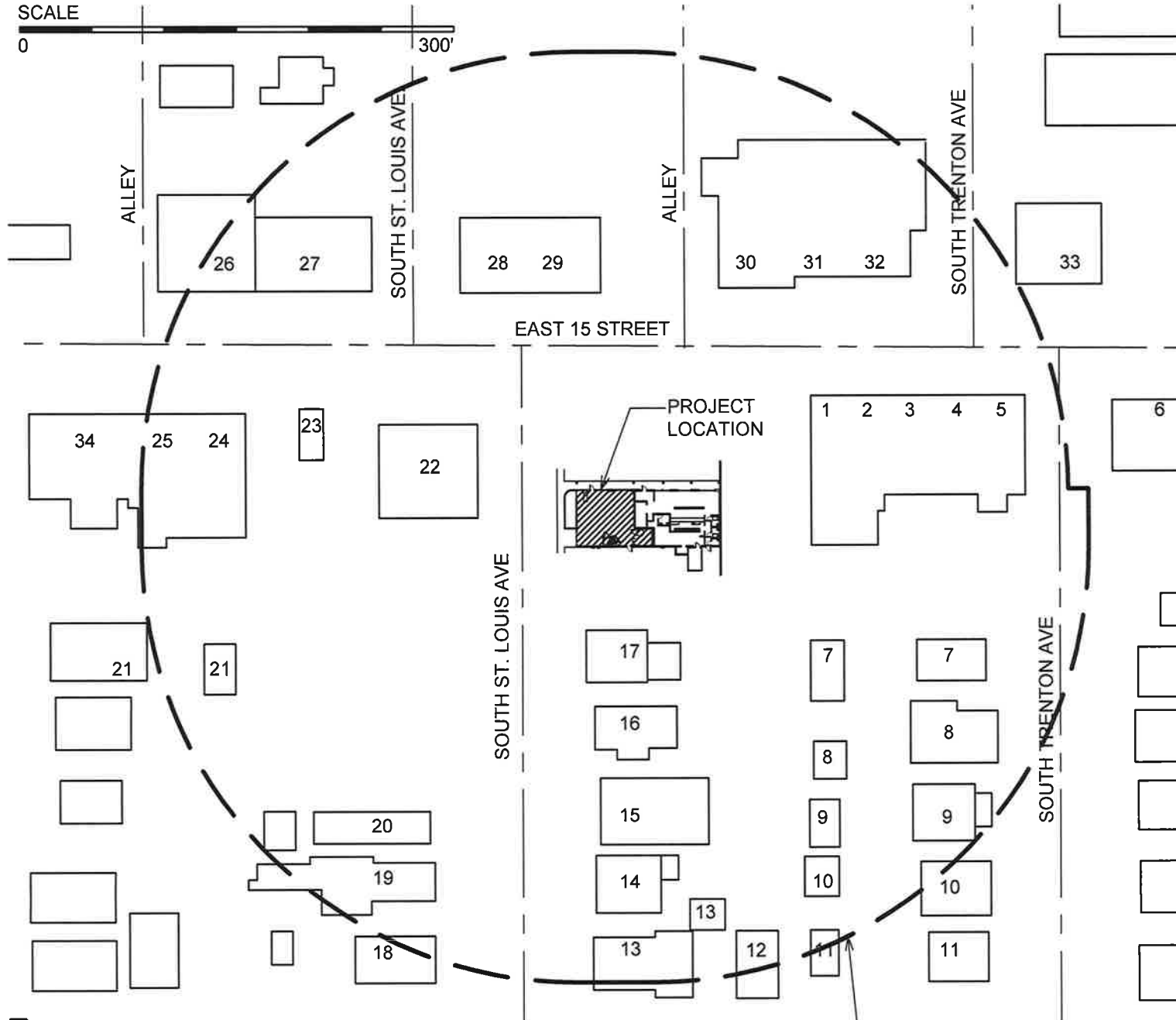
Aerial Photo Date: February 2018

4.5



SCALE

0 300'



BUSINESS NAME

- ① SMOKE WOOD FIRE GRILL (RESTAURANT)
- ② DRAKES TAVERN (BAR)
- ③ ANDOLINI'S INCORPORATED (OFFICE)
- ④ VACANT
- ⑤ ANDOLINI'S PIZZERIA (RESTAURANT)
- ⑥ THE LINGERIE BOUTIQUE (RETAIL)
- ⑦ THRU ②① RESIDENCE
- ②② QDOBA MEXICAN EATS (RESTAURANT)
- ②③ THE NEST (RETAIL)
- ②④ FIFTEEN AND HOME FURNITURE & DECOR (RETAIL)
- ②⑤ TOM'S BICYCLE (RETAIL)
- ②⑥ FUTURE LOFT APARTMENTS UNDER CONST. (RESIDENCE)
- ②⑦ BUILDING UNDER CONST.
- ②⑧ VACANT
- ②⑨ CRUSHED RED (RESTAURANT)
- ③① ROOSEVELT GASTRO PUB (BAR)
- ③② TAZIKI'S MEDITERRANEAN CAFE (RESTAURANT)
- ③③ ORANGE THEORY (FITNESS)
- ③④ GELATERIA ICE CREAM (RESTAURANT)
- ③⑤ THE COFFEE HOUSE ON CHERRY STREET (RESTAURANT)

300' ZONE MEASURED IN ACCORDANCE TO THE ZONING CODE SECTION 40.300 A & B



NORTH

SPACING VERIFICATION SITE PLAN

1522 EAST 15th STREET - TULSA, OKLAHOMA

4.6

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

November 3rd, 2018

Greg Helms
424 S Main
Jenks, OK 74037

Phone: 918.298.7257

APPLICATION NO: **BLDC-012575-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1522 E 15th ST**

Description: **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. 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.
2. 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.
3. 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

Application No. BLDC-012575-2018

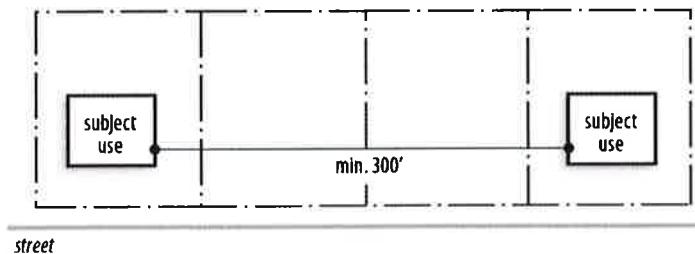
1522 E 15th ST

November 3, 2018

Note: Please direct all questions concerning spacing verifications, appeals of an administrative official 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.40.300-A & B: Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet. For uses established after July 1, 2001, the separation distance requirement of *Sec.40.300-A* must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

*Figure 40-11: Measurement of Required Use Separation
(Permits Issued after 7/1/2001)*



Review comment: The perimeter wall of the portion of the building occupied by the liquor store has been altered by the proposed expansion. This has modified the distance that the liquor store is required to be separated from the nearest perimeter wall of the portion of a building occupied by any other subject use. Submit a spacing verification reviewed and accepted by the BOA per *Sec.70.110* that demonstrates compliance with *Sec.40.300-A & B*.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf>

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.

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