

**BOA-22452**

19-12 01

9.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9201

Case Number: **BOA-22452**

**CZM:** 36

**CD:** 4

**A-P#:**

**HEARING DATE:** 06/12/2018 1:00 PM

**APPLICANT:** Justin Brauchie

**ACTION REQUESTED:** Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot. (Sec. 40.050-A)

**LOCATION:** 412 E 2 ST S

**ZONED:** CBD

**PRESENT USE:** retail

**TRACT SIZE:** 3593.71 SQ FT

**LEGAL DESCRIPTION:** E40 LT 8 LESS BEG SECR TH W40 N.19 ELY40 S.23 POB BLK 109, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

**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. 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 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 necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract located in the CBD is surrounded by mixture of uses including surface parking lots, office space and restaurants/bars.

**STAFF COMMENTS:**

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A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

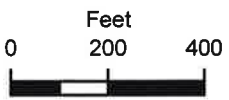
- *Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*
- *Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.*

The applicant has submitted a map indicating the required spacing radius of 300 ft. from the perimeter subject site; based on the map there do not appear to be any public parks, churches, or schools within 300 ft. of the proposed bar. There is not an R district within 50 ft the subject property.

The Board must find that the proposed bar meets or does not meet the spacing requirement.

Language traditionally utilized by the Board in verifying the spacing requirement:

**I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.**



Subject Tract

**BOA-22452**

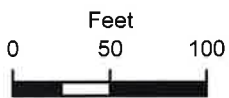
19-12 01

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

Aerial Photo Date: February 2018

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Subject Tract

**BOA-22452**

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

Aerial Photo Date: February 2018

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# THE TULSAN BAR



Sec.40.050-A

1. We dont have any R-Zoned within 50 feet of the entrance doors.
2. We have no Public Parks, Schools or Religious as-assembly use within 300 feet of the property lines.
3. We are within 300 feet of the following bars.

- Arnie's Bar
- Woodys Corner Bar
- The Max Retropub

3. Cont. The Back exterior wall is within 300 feet of Midtown Adult Superstore.
4. Not a issue within the 300 feet area.
5. No Schools within the 300 feet area.



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**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1058951-1

April 06, 2018

**JUSTIN BRAUCHIE**  
412 E 2 ST  
TULSA, OK 74120

Phone: (918)671-6989

*BOA 22 452*

**APPLICATION NO:** **443654** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 412 E 002 ST S  
**Description:** ALTERATION - INTERIOR

#### 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 2<sup>nd</sup> 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 [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH"  **X**  **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)

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## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 443654

412 E 002 ST S

April 06, 2018

Note: Please direct all questions concerning spacing verifications and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. 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.40.050-A:** The proposed bar is located in the CBD zoning district and is subject to the following separation distance requirements:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
2. Bars may not be located within 300 feet of a public park, school or religious as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.
4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

**Review comment:** Submit a copy of the spacing verification that has been reviewed and approved per Sec.70.110.

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.