

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9335
CZM: 48
CD: 7
A-P#: 9312

Case Number: **BOA-22339**

HEARING DATE: 10/10/2017 1:00 PM

APPLICANT: Kirk Livingstone

ACTION REQUESTED: Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS district to allow a fitness center. (Section 15.020)

LOCATION: 7990 E 51 ST S

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 4.64 Acres

LEGAL DESCRIPTION: PRT LT 1 BEG 723.82E NWC LT 1 TH E141 S200 E210 S415.15 W299.68 NW159.42 N304.51 E106 N302 POB LESS E10 THEREOF FOR ST BLK 13 4.64AC, SOUTHERN PLAZA B8-15, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22280; on 07.11.17 the Board approved a special exception to allow a Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL district; located at the NE/c of E 51 St and S Memorial Drive.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents.

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 abutted on the north by E. 51st Street S. and CS zoning; RS-3 and CS zoning abuts the site on the south. CS zoned commercial shopping abuts the site on the west; S Memorial Drive and a RS-3 zoned cemetery abuts the site on the east.

STAFF COMMENTS:

The applicant is before the Board requesting a special exception to permit a fitness center/health club (Indoor Assembly & Entertainment greater than 250 persons capacity) in the CS district.

The applicant is proposing to convert the existing commercial space shown on the attached photos into a fitness center. A special exception is required due to the potential adverse affects of the proposed Indoor Assembly & Entertainment use in the CS district; however if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

As the writing of this case report staff has not received any comments from surrounding neighbors or property owners.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS district to allow a fitness center. (Section 15.020)

- 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.

W 100 LT 9 BLK 14, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22280—D-A-C Events

FILE COPY

Action Requested:

Special Exception to allow an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020). **LOCATION:** 4955 South Memorial Drive East, Unit F (CD 7)

Presentation:

Saul Resendiz, 105 East Granger Street, Broken Arrow, OK; stated the request is to be able to use the facility for small birthday parties, showers, and weddings.

Mr. White asked Mr. Resendiz if he wanted to continue doing what he is already doing in the facility. Mr. Resendiz answered affirmatively. Mr. White asked if there would be any changes to the operation. Mr. Resendiz stated there would not be any changes.

Ms. Back asked Mr. Resendiz if he was the previous owner or if he had just purchased the property recently. Mr. Resendiz stated that he is a new owner.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020), subject to conceptual plan 10.11, 10.12 and 10.13 in the agenda packet. The approval is subject to the business closing no later than 2:00 A.M. In granting a Special Exception, the Board finds that the 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; for the following property:

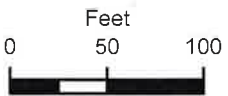
LTS 6 8 & 9 LESS W110 S150 LT 6 BLK 4, SECOND RESEARCH & DEVELOPMENT CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma



E 51st ST S

S MEMORIAL DR

E 53 ST S



Subject Tract

BOA-22339

19-13 36

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

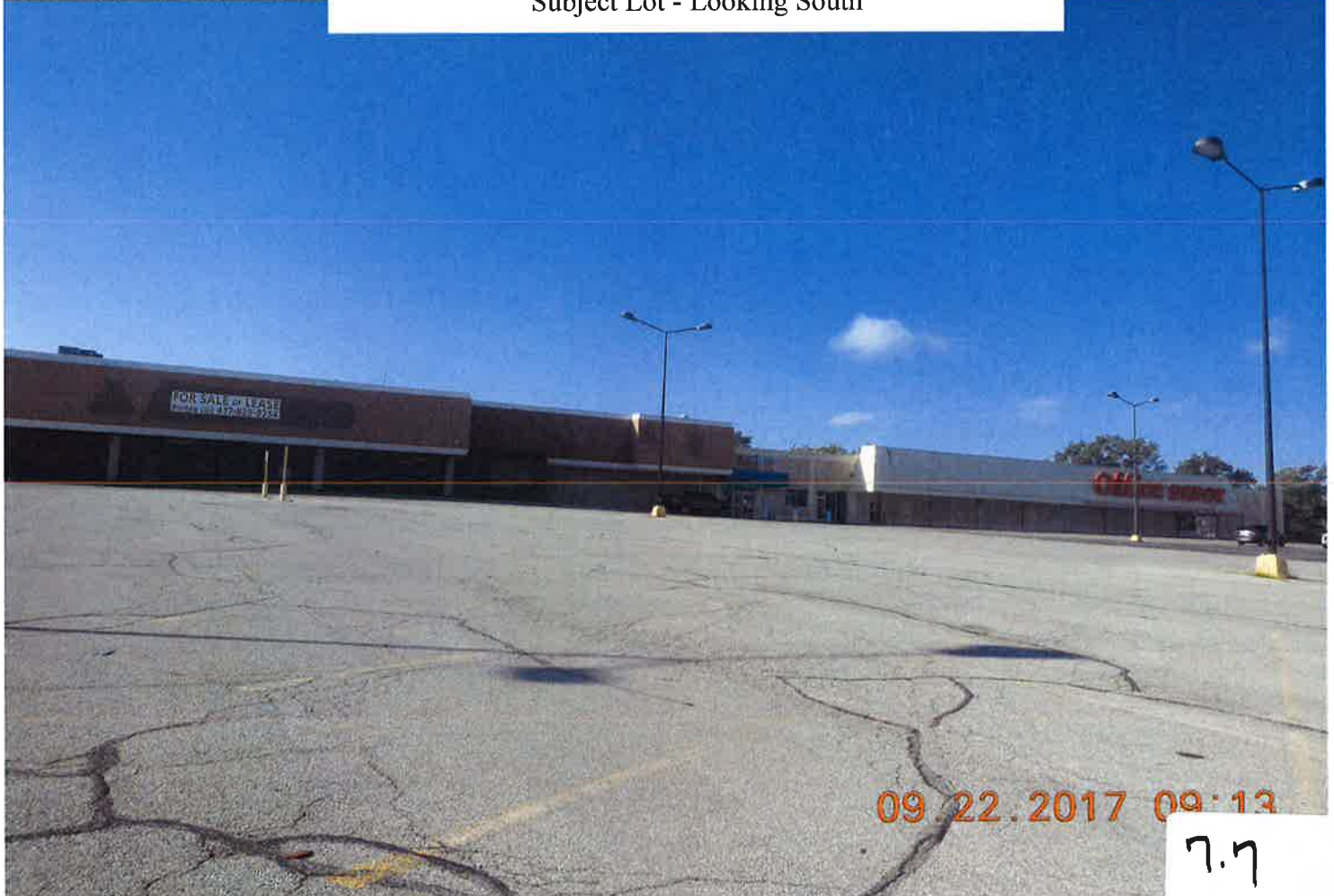
Aerial Photo Date: February 2016





09 22 2017 09 13

Subject Lot - Looking South



09 22 2017 09 13

7.7



September 8, 2017

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: VASA Fitness Center
7990 E. 51st Street S.
Application No. 9312
LOD Number 1027530-1

To whom it may concern,

Please accept this letter as supplemental information relative to our application for Special Exception for the referenced location. Per the referenced Letter of Deficiency (LOD) the proposed fitness center is designated as a Commercial/Assembly & Entertainment/Indoor (Large>250 person capacity) and is only allowed within the CS – Commercial Shopping Zone District as a Special Exception as noted in Section 15.020, Table 15-2.

Per Section 70.120-G A Special Exception may be approved only if the Board of Adjustment (BoA) makes each of the following findings:

1. That the special exception will be in harmony with the spirit and intent of the zoning code; and
2. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

To that end we believe that the proposed fitness use is in harmony with the spirit of the CS – Commercial Shopping Zone District as defined in Section 15.010 Table 15-1 CS – Commercial Shopping which is “intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses”. The proposed fitness use will provide a convenient personal service use to the surrounding neighborhoods.

Furthermore, the proposed fitness use will not be injurious to the neighborhood or otherwise detrimental to the public welfare by actually back filling currently vacant space with an active use that will provide a convenient personal service use to the surrounding neighborhoods. It should also be noted that the proposed fitness use is consistent with an existing fitness use located across the street in the same CS Zone District.

Thank you in advance for your consideration of our request. Please let us know if you have any questions or require additional information.

Sincerely,
Galloway & Company, Inc.

Zell O. Cantrell
Site Development Project Manager
ZellCantrell@GallowayUS.com

cc: Kirk Livingstone – VASA Fitness via email
Rick Sander – Galloway via email

7.8

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: 1027530-1

August 23, 2017

KEVIN HAWKINS
7108 S ALTON WAY STE F-2
CENTENNIAL, CO 80112

Phone: (303)694-1500

APPLICATION NO: 9312 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 7990 E 051 ST S
Description: FITNESS CENTER

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 [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 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)

7.9

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. 9312

7990 E 051 ST S

August 23, 2017

Note: Please direct all questions concerning special exceptions 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.

Sec.15.020 Table 15-2: The proposed fitness center is designated a Commercial/Assembly & Entertainment/Indoor (Large>250 person capacity) Use and is located in a CS zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception, reviewed and approved per *Sec.70.120*, to allow a Commercial/Assembly & Entertainment/Indoor (Large>250 person capacity) Use in a CS zoned district.

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.