AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
October 11, 2022, 1:00 P.M.

Meeting No. 1304

If you wish to present or share any documents, written comments, or exhibits during the
hearing, please submit them by 9:00 a.m. the day of the hearing. Remember to
reference the case number and include your name and address.

Email: esubmit@incog.org
Mail or In Person: City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800 Tulsa 74103

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting, the Board of Adjustment, in accord with and pursuant to applicable
Board of Adjustment Policies and Procedures, will review, consider, discuss, and may
take action on, approve, amend, modify, approve with amendment(s) or modification(s),
deny, reject, or defer any action on any item listed on this Agenda.

1. Approval of Minutes of September 13, 2022 (Meeting No. 1302

UNFINISHED BUSINESS

Review and possible approval, approval with modifications, denial, or deferral of the following:

2. 23325 - Ryan Neuhor, Image Builders

   Action Requested: Special Exception to permit a Dynamic Display sign in a
   Residential District containing a School Use (Sec. 60.050-B.2.c) Special
   Exception to permit a dynamic display sign within 200-feet of Residentially Zoned
   Lots (Sec. 60.100-F) Location: 1127 S. Columbia Ave. (Mayo Demonstration
   Academy) (CD – 4)

3. 23388 - Nathalie Cornett

   Action Requested:

   Special Exception to permit a monument sign to be partially located in the right-
of-way (Sec 60.020-E) Location: 4132 E. 51st St. (CD – 9)
4. **23419 - Superior Signs**

   **Action Requested:**
   
   Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) **Location:** 4249 S. Yale (CD – 5)

5. **23429 - Ray Toraby**

   **Action Requested:**
   
   Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D) **Location:** 9014 S Yale Ave E (CD – 8)

6. **23430 - Amy Wightman**

   **Action Requested:**
   
   Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2) **Location:** 905 S. Hudson Ave. (CD- 3)

7. **23432 - Marketta Rowe**

   **Action Requested:**
   
   Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 1710 E 48th St N (CD – 1)

8. **23437 - Tim Boeckman-CJC Architects, Inc.**

   **Action Requested:**
   
   Special Exception to allow a Large (>250 person-capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) **Location:** 5 S. Boston Ave. (CD – 1)
NEW APPLICATIONS

9. **23441 - Childs, Clinton Ross & Elizabeth Anne**

   **Action Requested:**

   Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

   **Location:** 2507 S. Evanston Ave (CD – 4)

10. **23442 - Acura Neon**

   **Action Requested:**

   Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b) **Location:** 7777 S. Lewis Ave. (CD-2)

11. **23443 - Max McGuirk**

    **Action Requested:**

    Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 209 S. Urbana (CD – 4)

12. **23444 - Kiana Smith**

    **Action Requested:**

    Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3) **Location:** 12 W. Queen St. (CD – 1)

13. **23445 - Nathalie Cornett**

    **Action Requested:**

    Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3) **Location:** 3218 S. 79th Ave (CD -5)

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT
NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
Case was continued from 5/10/2022. Applicant to meet with clients regarding moving the sign closer to 11th street.

**APPLICANT:** Ryan Neurohr, Image Builders

**ACTION REQUESTED:** Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 1127 S COLUMBIA AV E (Mayo Demonstration Academy)  
**ZONED:** RS-3

**PRESENT USE:** School  
**TRACT SIZE:** 435601.78 SQ FT

**LEGAL DESCRIPTION:** NE NE NW SEC 8 19 13,

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and an “Area of Stability”.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**STAFF COMMENTS:** The applicant is requesting a Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F).

Included in your packet are the standards for Sec. 60.050 and 61.100 for Dynamic Display signs in a Residential District and the general Regulations for Dynamic Display Signs.
SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

- 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.
60.040-D Dynamic Displays
Unless otherwise expressly stated, all signs that include a dynamic display are subject to the supplemental regulations of Section 60.100.

60.040-E Off-Premise Business Signs
Off-premise business signs may be approved for multi-tenant developments only when such developments are included in a mandatory development plan (See Section 70.040). The authority to approve off-premise business signs is intended to be used only when the location of the identified business or activity precludes placement of a sign that is visible to motorists and pedestrians along the highest (traffic) volume street that provides access to the subject development and when the result of the approval will be in keeping with the stated purposes of this chapter (§60.010-A). The intent of this off-premise business sign authorization is to provide flexibility in overcoming the locational and visibility challenges of lots within a mandatory development plan area, not to allow an overall increase in the amount of signage allowed or encourage a proliferation of signs within the area covered by the mandatory development plan. Any waiver, modification, or variance to the regulations of Section 60.040-E is considered a use variance and is thereby prohibited in accordance with §70.130-B1.

60.040-F Illumination
Except for authorized dynamic displays, the illumination on the face of any sign where illumination is permitted must be by constant light and may not exceed 70 foot candles measured at a distance of 2 feet from the face of the sign.

Section 60.050 Signs in R, AG, and AG-R Zoning Districts

60.050-A Applicability
The regulations of this section apply to signs in R, AG, and AG-R districts. See also the general regulations of Section 60.040.

60.050-B Signs Allowed
The following signs are allowed in R, AG, and AG-R districts in addition to any signs allowed pursuant to Section 60.030. On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R, AG, and AG-R districts.

1. Apartment/Condo Buildings and Neighborhood and Subdivision Identification Signs
   a. Lots occupied by one or more apartment/condo buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall. Wall signs may not exceed 32 square feet in area.
   b. Residential neighborhoods and residential subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision.
   c. The freestanding signs allowed by this section may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on...
2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R, AG, and AG-R districts.

a. Wall Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

b. Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

c. Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.
a. Off-premise outdoor advertising signs;
b. Dynamic displays;
c. Inflatable signs; and
d. Roof signs.

**60.090-E MPD District**

Except as otherwise expressly allowed as part of an approved MPD development plan:

1. Residential development areas are subject to the sign regulations that apply to R districts; and
2. Nonresidential development areas are subject to the sign regulations that apply to CS districts.

**Section 60.100 Dynamic Displays**

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

**60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

**60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

**60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.

**60.100-D** Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

**60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

**60.100-G** Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.

60.100-J Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

60.100-K Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

Section 60.110 Administration

60.110-A Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.

60.110-B Sign permit fees must be paid prior to the issuance of a sign permit.

60.110-C If the work associated with a sign permit has not been completed within 180 days of the date of the issuance of the permit, such permit will lapse and become null and void.

Section 60.120 Nonconforming Signs

See Section 80.060.

Section 60.130 Rules of Measurement

60.130-A Sign Area

1. Signs Enclosed in Frames or Cabinets

   The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 60.2).
Thanks to Tulsa voters who approved funding for digital marquees in the 2021 bond package, Tulsa Public Schools will be submitting requests for approval for approximately 45 digital school marquees over the next year. The district is sensitive to neighborhood concerns and aware of city regulations. We intend to adhere to all elements of the Tulsa Zoning Code including those of Section 60.100 relating to dynamic displays.

Nearly all of the marquees will be replacing older, manually managed signs. Schools are truly excited about this opportunity to install dynamic digital signs for several reasons including:

**Improved communication with families and neighbors:**
- Messages can be easily displayed in multiple languages to match community needs
- Displays can be quickly changed to share emergency information when needed
- Sharing information about multiple and varied school activities helps spark and grow family and neighborhood interest and connections

**Improved safety:**
- The displays can be centrally managed via a cellular network to quickly share emergency notifications in multiple languages if needed. Messages can be controlled individually by school, by neighborhood or district wide.
- School staff will no longer need to climb on ladders in challenging weather to change out manual marquees.

**Improved appearance and perception of our schools:**
- New marquees will brighten and modernize the look and “curb appeal” of our schools and show the community that we are investing in our children, schools, and neighborhoods.

We know the importance of keeping families informed and we use multiple lines of communication to reach the families of our more than 33,000 students. We see the digital marquees as another valuable tool, especially for families who don’t have reliable access to internet and technology. The marquee project was one of the bond items that generated the most positive response from parents and school leaders during the 2021 bond election and we look forward to meeting with members of the Board of Adjustment to discuss this work and answer any questions. We appreciate your time and consideration.

Sincerely,

Jorge Robles
Chief Finance and Information Officer
Tulsa Public Schools
SIGN PLAN REVIEW

March 9, 2022

Bonnie Moore
204 E. 5th Ave.
Owasso, OK 74055

Phone: 918-232-8024

APPLICATION NO: SIGN-111960-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 1127 S. Columbia Ave.
Description: Freestanding sign with dynamic display

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)

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 REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2nd STREET, 8th FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
1. Section 60.050 Signs in R and AG Zoning Districts

60.050-B.2.c Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

**Review comments:** The proposed freestanding sign with a dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit.

The sign review will resume once the required revised plans and BOA approval paperwork is submitted.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office 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.

END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.
NEW CABINET
4' X 7'-10"
0.03 P/F WHITE ALUMINUM PAINTED BLACK
FILLER 'BD'
1/2" RETAINERS
3/16" WHITE PLEX FACES WITH
VINYL GRAPHICS APPLIED
WHITE LED ILLUMINATION

NEW EMC UNIT
3'-1" X 7'-10"
0.03 ALUMINUM FILLER
PAINTED BLACK

POLE PAINTED BLACK

8'
7'-10"
3'-1"
4'-0"

7'-10"

14' 1-1/2"
9' 1-1/2"

5'

ELEVATION
SCALE 1/8" = 1'-0"
D/F ILLUMINATED
Notes:
Positions and dimensions of the parts in this drawing are for reference only.
For accurate drawing, please request production drawing from Optec.
EMT 3/4 compression X NPSM Male
AC wiring Diagram

Total Power Required: 1080 Watts/Peak
Arc/Sparking Power: 360 Watts/Peak

<table>
<thead>
<tr>
<th># of Circuits</th>
<th>1006</th>
<th>9</th>
</tr>
</thead>
</table>

Total number of circuits per face must be limited as shown in the diagram.

**Electrical must be installed in accordance with the requirements of National Electrical Codes or local codes.**
Air Ventilation Requirements (Force Air):
FAN CFM = 3.19 x Total Watts/20

**Forced Air Circulation**

**DO**
- Provide Sufficient Vents to allow outside air into a shaded/closed structure
- Provide Fans if necessary to push Hot Air out of closed structures
- Maintain minimum of 15" clearance at bottom of enclosure sign
- Maintain Temperature inside sign between 72°F to 90°F
- Keep Temperatures below 100°F inside cabinet
- Provide Axial Flow Fans if Air Flow Restricted inside Frame/Structure
- Provide Thermal Switches to turn on fans if 90-105 degrees F

**DON'T**
- Block Cabinet Vents at back of Display
- Place cabinet against a wall without back side of cabinet open to outside air
- Allow Heat to Rise above 100 Degrees F inside cabinet
- Mount an D: Sign/Marquee Cover above or below the Optec LED Sign without 15° clearance needed for ventilation

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Air Ventilation Requirements (Natural Convection):

**Natural Convection**

**DO**
- Provide Outside Air To Reach Cabinet Air Inlet Vents
- Maintain Temperature inside sign between 72°F to 90°F
- Provide Sufficient Venting For Natural Convection if Skinned
- Inspect Vents Periodically to ensure they are Clear/Open
- Keep inside cabinet temperature below 100°F
- Maintain clearance above and below cabinet a min of 15°

**DON'T**
- Block Cabinet Air Vents in back of Display
- Allow Temperature to Rise above 100 degrees F

**Note:** The warranty does not cover damages caused by improper ventilation.
HEARING DATE: 10/11/22 (Continued from 07/12/2022)

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Special Exception to permit a monument sign to be partially located in the right-of-way (Sec 60.020-E); Variance to permit a dynamic display to be located within 200 feet of a residential district. (Sec 60.100-F) (Approved on 7/12/2022)

LOCATION: 4132 E 51 ST S ZONED: OM/ PUD-630-A

PRESENT USE: Compounding Pharmacy TRACT SIZE: 44566.42 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, YOUNG PLAZA, OIL CAPITAL FEDERAL CREDIT UNION

RELEVANT PREVIOUS ACTIONS:

Subject Property:

PUD-630-A; On 12.08.21 the Tulsa City Council approved a Major Amendment to PUD-630 to allow for a compounding pharmacy.

BOA-20199; On 12.14.06 the Board denied a variance to increase the allowed number of signs from 1 to 2 and approved a variance to increase the permitted square footage from 32 square-feet to 43 square-feet.

Surrounding properties: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Town Center” 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 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.

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. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the SW/c of E. 51st St. S. and S. Richmond Ave. property is located in PUD-630-A. The proposed sign would be within 200-feet of residential properties both to the North and South.
STATEMENT OF HARDSHIP: Please see statement titled Exhibit A provided by the applicant in your agenda packet.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a monument sign to be partially located in the right-of-way (Sec 60.020-E); and a Variance to permit a dynamic display to be located within 200 feet of a residential district. (Sec 60.100-F)

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 79.120, and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the “Central Business District” as therein defined).

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

Tulsa Planning Office Staff previously approved a PUD sign plan for this sign. At that time, the sign was shown to be 51-feet from the centerline of E. 51st St. S. The sign as proposed in this application is 41-feet from the centerline of E. 51st St. S. placing the sign inside the right-of-way and outside the boundaries of the PUD.

Should the Board approve this application the applicant would be required to obtain a license agreement for the sign to be located in the right-of-way.

The applicant provided a rendering showing compliance to the code placing the sign outside of the right-of-way and inside the PUD boundaries. In reviewing that rendering the sign location appears to be a mere inconvenience for the property owner as the sign still appear visible to the traffic on E. 51st S. when constructed outside the right-of-way.

The approved the variance at the 7/12/2022 hearing and continued the Special Exception in order for the applicant to seek approval of a license agreement.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a monument sign to be partially located in the right-of-way (Sec 60.020-E).

- 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.
Residential property immediately North of Subject Property

Subject Property
Grass strip where the proposed sign is to be placed
SIGN PLAN REVIEW

June 1, 2022

Phone: (918) 872-8425

APPLICATION NO: SIGN-118822-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4132 E. 51st St.
Description: Dynamic Display Freestanding sign

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)

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 REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
1. Section 60.100-F Dynamic Displays
Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

Review Comments: The proposed sign is within 200 feet of residential (RS-2 and RM-2) zoned lots to the east and north. You may change the sign type to non-dynamic display, or you may seek a variance from the Board of Adjustment to permit a sign with a dynamic display to located be within 200 feet of residential zoned lots.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office 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.

END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.
Exhibit "A"

The Applicant requests (1) a Special Exception pursuant to Section 60.020-E of the Tulsa Zoning Code (the "Code") to permit a monument sign to be partially located in the right-of-way, and (2) a Variance of Section 60.100-F of the Code to permit a dynamic display to be located within 200 feet of a residential district for property located at 4132 East 51st Street (the "Property").

The Property is located on the south side of E. 51st Street between Harvard and Yale. The existing building is a former credit union which has recently been converted into a compounding pharmacy. The Property is abutted to the west and east by offices zoned OM and OL, respectively. Further east and to the south is the Tanglewood neighborhood, zoned RS-2. Across 51st Street to the north are the Avery Park Apartments, zoned RM-2 and the Case & Associates office park.

The Property owner desires to place a new monument sign (the "Sign") in the landscaped median on the Property, located 20 feet from curb and 41 feet from the centerline of 51st Street, which will result in a portion of the Sign being located in the right-of-way. Additionally, the Sign will contain a dynamic display. The proposed location and display of the Sign will provide additional visibility to vehicular traffic on 51st, which is needed due to the depth of the landscaped median and significant setback of the building. The dynamic display will be approximately 100 feet from the property line of the Avery Park Apartments and approximately 135 feet from the nearest building in the apartment complex.

The requested Special Exception will result in the Sign being located ten (10) feet closer to the street than what is permitted by right. Given the traffic patterns of 51st Street, a secondary arterial/multi-modal corridor on the MSHP, coupled with depth of the large landscaped median (45 feet) which is unique to the Property, the literal enforcement of the Code results in unnecessary hardship. The Sign will otherwise comply with all sign regulations of the Code and the Applicant will apply for the requisite license agreement from the City of Tulsa. Additionally, based on historical photos, the previous credit union had a monument sign similarly placed, but entirely in the right-of-way (the Applicant has not been able to locate any evidence of a previous special exception or license agreement for the credit union sign). Based on the foregoing, the location and dynamic display of the Sign is 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.
PUD APPROVED AT 30’ FROM CURB 51’ TO CENTER OF 51ST, AS SHOWN BELOW:

WE WOULD LIKE IT TO BE 20’ FROM CURB TO BE SEEN (41’ TO CENTER OF 51ST):
SIGN A

- 20' From Curb To Leading Edge
- 41' From Leading Edge To Middle of 51st Street
- 165' Lot Frontage
- 81'-1" From West Side of Sign to Property Line
- 80'-11" From East Side of Sign to Property Line
HEARING DATE: 10/11/22 (Continued from 09/13/2022). Sign exhibits were requested of the applicant to demonstrate what the signage would look like on the property if it met code.

APPLICANT: Superior Signs

ACTION REQUESTED: Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2)

LOCATION: 4249 S YALE AV E  ZONED: CH

PRESENT USE: Drive Thru  TRACT SIZE: 22498.83 SQ FT

LEGAL DESCRIPTION: TR A BEG 1190 S 90 E OF NW COR NW NW TH E 150 N 150 W 150 S 150 TO PT BEG SEC 27-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19908; On 09.28.04 the Board approved a Variance to allow parking in between the building and Yale Avenue inside the right of way and a Special Exception to modify the screening requirement along E. 43rd St.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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.

STATEMENT OF HARDSHIP:

6-Directionals: Yale directional are essential for the traffic, they have 1 entrance and 1 exit to keep the flow of traffic moving. 43rd Street directionals have the same reason traffic flow.

1-Menu Presale Board- McDonalds is most busy during lunch. 2 Drive-thru lanes helps with traffic.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); and a Variance to increase the number of allowed
driveway and drive-through signs and to increase the permitted 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2)

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120, and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the “Central Business District” as therein defined).

60.030-A Driveway Signs
1. One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or apartment/condo building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.

2. Off-street parking areas with a capacity of more than 4 vehicles, multi-tenant developments and uses on lots exceeding 80,000 square feet in area may display internal site driveway signs. Such signs must be located within 10 feet of an internal site driveway or drive aisle and may not exceed 12 square feet in area or 10 feet in height.

60.030-B Drive-through Signs
Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

1. Location
Drive-through signs must be located within 10 feet of a drive-through lane.

2. Number and Dimensions
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

The applicant is seeking an additional driveway sign at each of the three entrances/exits of the property that are proposed at 5.75 square feet each. Four of these signs are proposed to be in the right-of-way of S. Yale Ave. The applicant is also seeking an an additional secondary drive through sign to service the second drive through lane.

Facts staff finds favorable for variance request:
- The additional signage may benefit traffic circulation to serve the three existing curb-cuts into the property.

Facts Staff find unfavorable for the variance request:
- The need for the additional signage seem to be required because of the design laid out by the user and not related to the property itself.
- It is not clear why the additional size on the signs is needed.

Included in your packet is a copy of the original license agreement permitting certain improvement inside the right-of-way along S. Yale Ave. The applicant will need to revise that agreement with the City of Tulsa to include signage.
SAMPLE MOTION:

Special Exception:
Move to _________ (approve/deny) a Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E)

- 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

Variance:
Move to _________ (approve/deny) a Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2)

- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ___________________________.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

4.3
Facing East on 43rd St.

Subject Property
Rear portion of Subject property
Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: The right of way at this location extends 90’ from the centerline of Yale Ave. No distance from the center of the street is shown on the plans. Revise the site plan to show the distance from the leading edge of the sign to the centerline of Yale Ave. to show that the sign will not be located in the right of way.

Comment

Section 60.020-E Prohibited Signs and Sign Characteristics: Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the “Central Business District as therein defined”).

Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: There are two driveway signs shown for each entry, and the driveway sign square footage of 5.75 exceeds the allowable area for a driveway sign which is 4 square feet. Revise the plans to reduce the number of driveway signs to one per entry and to reduce the display square footage to 4 square feet or less. Alternatively you may seek a variance from the Board of Adjustment for two driveway signs per vehicle entrance and for each driveway sign to have a display area of 5.75 square feet.

Comment

Section 60.030-A.1 Driveway Signs: One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or apartment/condo building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.
Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: The right of way at this location extends 90' from the centerline of Yale Ave. No distance from the center of the street is shown on the plans. Revise the site plan to show the distance from the leading edge of the sign to the centerline of Yale Ave. to show that the sign will not be located in the right of way.

Comment

Section 60.020-E Prohibited Signs and Sign Characteristics: Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District as therein defined.")

Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: There are two driveway signs shown for each entry, and the driveway sign square footage of 5.75 exceeds the allowable area for a driveway sign which is 4 square feet. Revise the plans to reduce the number of driveway signs to one per entry and to reduce the display square footage to 4 square feet or less. Alternatively, you may seek a variance from the Board of Adjustment for two driveway signs per vehicle entrance and for each driveway sign to have a display area of 5.75 square feet.

Comment

Section 60.030-A.1 Driveway Signs: One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or apartment/condo building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.
Correction Type

Zoning
Category

General Correction
Corrective Action

Review Comments: The right of way at this location extends 90’ from the centerline of Yale Ave. No distance from the center of the street is shown on the plans. Revise the site plan to show the distance from the leading edge of the sign to the centerline of Yale Ave. to show that the sign will not be located in the right of way.

Comment

Section 60.020-E Prohibited Signs and Sign Characteristics: Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the “Central Business District as therein defined). 

Correction Type

Zoning
Category

General Correction
Corrective Action

Review Comments: There are two driveway signs shown for each entry, and the driveway sign square footage of 5.75 exceeds the allowable area for a driveway sign which is 4 square feet. Revise the plans to reduce the number of driveway signs to one per entry and to reduce the display square footage to 4 square feet or less. Alternatively you may seek a variance from the Board of Adjustment for two driveway signs per vehicle entrance and for each driveway sign to have a display area of 5.75 square feet.

Comment

Section 60.030-A.1 Driveway Signs: One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or apartment/condo building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.

Directional
4.9
Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: The right of way at this location extends 90' from the centerline of Yale Ave. No distance from the center of the street is shown on the plans. Revise the site plan to show the distance from the leading edge of the sign to the centerline of Yale Ave. to show that the sign will not be located in the right of way.

Comment

Section 60.020-E Prohibited Signs and Sign Characteristics: Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the “Central Business District as therein defined). 

Correction Type

Zoning

Category

General Correction

Corrective Action

Review Comments: There are two driveway signs shown for each entry, and the driveway sign square footage of 5.75 exceeds the allowable area for a driveway sign which is 4 square feet. Revise the plans to reduce the number of driveway signs to one per entry and to reduce the display square footage to 4 square feet or less. Alternatively you may seek a variance from the Board of Adjustment for two driveway signs per vehicle entrance and for each driveway sign to have a display area of 5.75 square feet.

Comment

Section 60.030-A.1 Driveway Signs: One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or apartment/condo building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 5 feet in height.

Directional
Correction Type
Zoning
Category

General Correction
Corrective Action

Review comments: only one secondary drive through sign is allowed per lot. Reduce the number of secondary drive through signs to one, or as an alternative you may request a variance from the Board of Adjustment for two secondary drive through signs on one lot.

Comment

60.030-B.2 Drive-through Signs, Number and Dimensions:
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

The Sell Menu Digital
Frame
Hot dip galvanized + anti-graffiti powder coated steel

Brackets
Hot dip galvanized

Panels
Aluminium + anti-graffiti powdercoat

Access fasteners
Security Torx

Media player access
Dual camlock

Eyebolt
Stainless crane on

Baseplate
McDonalds spec triple mounting pattern option

ODMB 02 SINGLE
Displays
Samsung OH55F

Hardware
Stratacache Spectra NG

Heating/Cooling
Watlow 100W Heater
Sunon 120mm AC Fan

Power Supply Units
60W DC Media Player
Power Supply

Power Cables
1 x IEC Power Cable

Electrical Components
Isolated Ground
2 x 1G Receptacles
20A Circuit Breaker

Communication Cables
2 x HDMI
1 x RS232

Certification
UL Certified
LICENSE AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF TULSA, OKLAHOMA, a municipal corporation, 175 East Second Street, Tulsa, OK 74103 (hereinafter referred to as “City”) and RHC ASSOCIATES, a New York General Partnership (hereinafter referred to as “Licensee”),

WITNESSETH:

WHEREAS, City owns certain real property, adjacent to:

Part of the Northwest Quarter of the Northwest Quarter of Section 27, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa, County, State of Oklahoma, more particularly described as follows:
Commencing at a point 1190 feet south and 90 feet east of the Northwest Corner of said Section 27 (same being the point of intersection of the north line of 43rd Street and the east line of Yale Avenue as currently dedicated);
THENCE east along the north line of 43rd Street a distance of 150 feet;
THENCE north parallel to the east line of Yale Avenue a distance of 150 feet;
THENCE west parallel to the north line of 43rd Street a distance of 150 feet to the east line of Yale Avenue;
THENCE south along the east line of Yale Avenue 150 feet to the Point of Beginning, according to the U.S. Survey thereof.

WHEREAS, Licensee has applied for a license to install, use and maintain certain improvements, to-wit: eleven parking stalls in and upon City’s real property in the right-of-way of Yale Avenue, and

WHEREAS, City is agreeable to the issuance of said license, subject to the covenants and conditions set forth below;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN CITY AND LICENSEE AS FOLLOWS:

1. City does hereby grant this license to Licensee to construct, install and maintain the said improvements, in substantial conformity with attached Exhibit “A”, in and upon City’s real property, provided that such use does not unreasonably interfere with public use of the said property.

2. This license is unconditionally revocable at any time at the will of City, and is subject to and subordinate to City’s right to maintain, use, alter or excavate any portion of City’s said real
4.20

property. This license is subject to and subordinate to any rights heretofore or hereafter granted by City to any public utility or franchise holder, to construct, install, operate, maintain, repair or replace any utility or appurtenance thereto, or to use any portion of City’s said real property. Should removal, construction and/or excavation become necessary in City’s opinion, Licensee agrees to hold City harmless for any loss or damage to Licensee’s improvement(s); City shall not be responsible to replace any of Licensee’s improvement(s).

3. The said improvements shall at all times be and remain the property of Licensee. It is specifically agreed that Licensee shall install and maintain said improvements at Licensee’s own expense, and at Licensee’s own risk. During the term of this agreement, Licensee shall maintain the said improvements in a functional, safe and attractive condition.

4. Licensee shall indemnify and hold City, and its employees, officers, elected officials and agents, harmless of and from any and all claims, suits, actions or judgments, including all expenses, attorney fees, witness fees and costs of defending any such claim, or appeals therefrom, which arise in any way out of Licensee’s installation, use or maintenance of said improvements, including but not limited to, any interference or damage to any third person or property.

5. Upon termination of this license as herein provided, Licensee shall, if City so desires, and after receiving prior written demand from City, remove said improvements and restore the said real property, as nearly as is practical, to the state and condition of its existence prior to the installation of said improvements, ordinary wear and tear excepted, to the reasonable satisfaction of City.

6. Nothing herein shall release Licensee or its contractors from their duty to obtain necessary permits and comply with all applicable ordinances, laws and regulations, including but not limited to mechanical, electrical and building codes, fire and safety regulations, ADA standards, street-closing and zoning ordinances.

7. This license, when duly recorded in the office of the County Clerk, shall bind Licensee’s successors in title, and shall run with the land.

8. The effective date of this agreement shall be the date on which it is executed by the City of Tulsa.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

5-4-21-05
Page 2 of 5
RHC ASSOCIATES,
a New York General Partnership

By: Cushman Associates, LP,
a Delaware Limited Partnership,
its Managing General Partner

By: Cushman Associates, LLC,
a Delaware Limited Liability Company,
its General Partner

By: Stefan H. Cushman
Vice President

STATE OF Florida

COUNTY OF Pinellas

This instrument was acknowledged before me on 15 Dec, 2021 by Stefan H. Cushman as Vice President of Cushman Associates, LLC, a Delaware Limited Liability Company, General Partner of Cushman Associates, LP, a Delaware Limited Partnership, Managing General Partner of RHC ASSOCIATES, a New York General Partnership.

Given under my hand and seal the day and year last above written.

My Commission Expires:

1-1-2023

5-4-21-05 Page 3 of 5
STATE OF OKLAHOMA
COUNTY OF TULSA

Before me, a Notary Public in and for said County and State, on the 9th day of February, 2022, personally appeared Lori Decter Wright, to me known to be the identical person who approved the within and foregoing instrument as Chair of the City Council of the City of Tulsa, Oklahoma, and acknowledged to me that she approved the within and foregoing instrument as her free and voluntary act and deed and as the free and voluntary act and deed of the City Council of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires:

May 4, 2022

LORI ANN DORING
Notary Public

Notary Public - State of Oklahoma
Commission Number 18004536
My Commission Expires May 4, 2022
APPROVED BY MAYOR:

Date: 10/5/2022

CITY OF TULSA, OKLAHOMA,
a municipal corporation

G. T. Bynum, Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA  )
COUNTY OF TULSA  ) ss.

Before me, a Notary Public in and for said County and State, on the 16th day of February, 2022, personally appeared G. T. Bynum, to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires:

2/15/25

Notary Public

5-4-21-05
APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN PRIVATE IMPROVEMENTS UPON PUBLIC WAY

APPLICANT NAME AND ADDRESS
[THIS PERSON WILL RECEIVE A COPY OF THE FILED AGREEMENT]
RHG ASSOCIATES GENERAL PARTNERSHIP C/O MCDONALDS 1767
1811 S UTICA AVE STE 341 TULSA, OK 74104-4909

DATE OF APPLICATION
12/17/20

ADDRESS OF THE PUBLIC WAY
4240 S YALE AVE
TULSA, OK 74135

CO Talal Mdelej
TELEPHONE NUMBER
817-371-0977

NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)
Greg Massey
Red Plains Professional

TELEPHONE NUMBER
405-341-4031

EMAIL
greg.massey@red-plains.com

ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.

Subdivision: UNPLATTED

Legal: TR A BEG 190 S 90 E OF NW COR NW NW THE 150 N 150 W 150 S 150 TO PT BEG SEC 27-19-13

Section: 27 Township: 19 Range: 13

Explanation of purpose or need to occupy Public Way (restate Criteria for Consideration).

McDonald's at this location is going to be rebuilt. The site currently has 11 parking spots on the R/W and has submitted plans to the city showing this parking being rebuilt with 11 new parking spots. The 11 parking spots represents 1/3 of the parking for the McDonald's.

Type of Improvement requested for License Agreement

Concrete parking lot

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance, bearings, and encroachments.

Submitted by:

[Signature]

OWNER SIGNATURE

PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)

[Signature]

Rev 11/13

Christoph Cushman

EXHIBIT “A”
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Ray Toraby</td>
</tr>
<tr>
<td></td>
<td>Property Owner: TARHEEL PROPERTIES LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D)

<table>
<thead>
<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Map Image]</td>
<td>Present Use: Commercial Shopping</td>
</tr>
<tr>
<td></td>
<td>Tract Size: 0.66 acres</td>
</tr>
<tr>
<td></td>
<td>Location: 9014 S. Yale Ave. E.</td>
</tr>
<tr>
<td></td>
<td>Present Zoning: CS</td>
</tr>
</tbody>
</table>
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8316  Case Number: B0A-23429
CD: 8

HEARING DATE: 09/13/2022 1:00 PM

APPLICANT: Ray Toraby

ACTION REQUESTED: Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D)

LOCATION: 9014 S. Yale Ave. E.  ZONED: CS

PRESENT USE: Commercial Shopping  TRACT SIZE: 28815.06 Sq Ft

LEGAL DESCRIPTION: LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1, SOUTHERN WOODS PARK, STAR CENTER II CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21344; On 11.22.11 the Board denied a variance to reduce the required setback from 50-feet to 18-feet from a signalized intersection and from 20-feet to 17-feet for an Electronic Message Center.

BOA-17251; On 12.12.95 the Board approved a variance to increase the permitted height from 25-feet to 40-feet for a freestanding sign.

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

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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.

STATEMENT OF HARDSHIP: The shopping center is currently at the right setback, but it is about 10-feet to close to the center of the visual triangle. If they move the sign by 10-feet the sign inward to the the 50-feet intersection requirement, it will be blocking the parking lot traffic and Starbucks drive through traffic, The tenants need remotely changeable messaging to promote their services to cope with demanding economic times.

STAFF ANALYSIS: The applicant is requesting a Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D)
Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The location of the existing sign and the building layout if a self-imposed hardship by the property owner.
- Having signage built near the intersection is common throughout the City of Tulsa and this is not a unique circumstance.

SAMPLE MOTION: Move to ________ (approve/deny) a Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D)

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

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Distance between existing sign and intersection

Facing North on Yale Avenue
Taken from the NW/c of S. Yale Ave. and E. 91st St. S.
5.6
This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1. Section 60.100-D
Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

Review Comments: The proposed dynamic display sign will be located within 50 feet of the driving surface of a signalized intersection. You may change the sign type to non-dynamic display, relocate the sign to be no closer than 50 feet to the to the driving surface of the intersection of 91st St. and Yale Ave., or you may seek a variance from the Board of Adjustment to permit a sign with a dynamic display to be within 50 feet of the driving surface of a signalized intersection.

Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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.

Please Notify Plans Examiner by Email When You Have Submitted a Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.
5,000 cd/m² High resolution, double faced led on existing tenant sign structure. Total display area is 4.5 square feet. There will be no flashing and no animation. There will be at least 8 seconds between message changes and the change will happen within 2 milliseconds.
**Case Number:** BOA-23430  
**Hearing Date:** 10/11/22 (Continued from 09/27/2022).

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Amy Wightman  
**Property Owner:** Mohamad K And Daad Soukieh,

**Action Requested:** Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2)

**Location Map:**

**Location:** 905 S. Hudson Ave. E.  
**Present Zoning:** IL

**Additional Information:**  
**Present Use:** Medical Marijuana Grow  
**Tract Size:** 2.8 acres  
**Location:** 905 S. Hudson Ave. E.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303
CD: 3

HEARING DATE: 10/11/22 (Continued from 09/27/2022).

APPLICANT: Amy Wightman

ACTION REQUESTED: Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2)

LOCATION: 905 S. Hudson Ave E.

PRESENT USE: Medical Marijuana Grow

LEGAL DESCRIPTION: BLK 67 & S30.43 VAC ST ADJ ON N THEREOF LESS S200 THEREOF BLK 67, GLENHAVEN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

ZONED: IL
TRACT SIZE: 122090.47 SQ FT

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7492: On 10.23.19 the City Council approved a re-zoning from CH to IL with an optional development plan to permit Medical Marijuana Cultivation. The development plan does not permit Industrial uses.

Z-7492-1: On 10.05.22 (Continued from 9/21/22) the Tulsa Metropolitan Area Planning commission will hear a minor a amendment to the Development to allow Moderate-impact manufacturing and Industry uses if approved as a Special Exception. Should this item be continued or otherwise not heard on this date staff will request a continuance of BOA-23430.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” Land Use” Designation 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.
**STAFF ANALYSIS:** The applicant is requesting to allow a **Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2)

2. **Moderate-impact Medical Marijuana Processing Facility**
   An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction.

Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225 of the Zoning Code:

<table>
<thead>
<tr>
<th>Section 40.225</th>
<th>Medical Marijuana Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.225-A</td>
<td>A medical marijuana grower operation must be located inside an enclosed building.</td>
</tr>
<tr>
<td>40.225-B</td>
<td>A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.</td>
</tr>
<tr>
<td>40.225-C</td>
<td>A medical marijuana dispensary must be located inside an enclosed building.</td>
</tr>
<tr>
<td>40.225-D</td>
<td>A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.</td>
</tr>
<tr>
<td>40.225-E</td>
<td>Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, and research facilities.</td>
</tr>
<tr>
<td>40.225-F</td>
<td>Medical marijuana grower operations, processing facilities and dispensaries must provide the following:</td>
</tr>
<tr>
<td></td>
<td>1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in a multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.</td>
</tr>
<tr>
<td></td>
<td>2. An electronic security system and surveillance camera.</td>
</tr>
<tr>
<td>40.225-G</td>
<td>Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.</td>
</tr>
</tbody>
</table>

TULSA ZONING CODE | June 28, 2022
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Chapter 40 | Supplemental Use and Building Regulations
Section 40.225 | Mining or Mineral Processing

40.225-H | No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license issued by the Oklahoma State Department of Health for the particular use at the particular location.

40.225-I | The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.
The proposed use will occupy a tenant space on the southeast corner of the property labeled Suite D on the site plan.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district (Sec. 15.020, Table 15-2)

- 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 North on Hudson Ave.
3. **Z-7499 David Henke** (CD 4) Location: East of the northeast corner of East 10th Street South and South Peoria Avenue rezoning from RS-4 to CH (withdrawn by applicant)

4. **Z-7489 Kyle Gibson** (CD 4) Location: Northwest corner of East 5th Street South and South Norfolk Avenue rezoning from IL and RM-2 to CH (Continued from July 17, 2019 and August 21, 2019 and September 4, 2019) (withdrawn by applicant)

Mr. Covey addressed the continuance of item 6.

6. **Z-7498 Malcolm Rosser** (CD 6) Location: South of the southeast corner of East 11th Street South and East Skelly Drive rezoning from CS to IL with optional development plan (Continued to October 16, 2019)

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

5. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting rezoning from CH to IM (Continued from August 7, 2019 and September 4, 2019) with optional development plan

**STAFF RECOMMENDATION:**
**SECTION I: Z-7492**

DEVELOPMENT CONCEPT: Horticulture nursery uses are only allowed in AG, IL, IM and IH zoning districts. No options exist in the zoning code to use existing buildings in any of the commercially zoned districts for an indoor Horticulture Nursery. The rezoning request is to allow an indoor growing facility inside an existing building.
The applicant has indicated, in the narrative included with this report, that they will be taking measures to assure the security of the facility as well as those to mitigate any impacts from the growing operation.

SECTION II: Optional Development Plan Standards:

Z-7492 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORIES

i. PUBLIC, CIVIC, AND INSTITUTIONAL
   Safety Service

ii. COMMERCIAL
   Animal Service (includes all specific uses)
   Broadcast or Recording Studio
   Commercial Service (includes all permitted specific uses)
   Financial Services (includes all specific uses)
   Funeral or Mortuary Service
   Office (includes all specific uses)
   Parking, Non-accessory
   Restaurant
   Retail Sales (includes all specific uses)
   Self-service Storage Facility
   Studio, Artist, or Instructional Service
   Trade School
   Vehicle Sales and Service
      Commercial vehicle repair/maintenance
      Commercial vehicle sales/rentals
      Fueling Station
      Personal vehicle repair and maintenance
      Personal vehicle sales and rentals
      Vehicle parts and supply sales
      Vehicle body and paint finishing shop

iii. WHOLESALE, DISTRIBUTION AND STORAGE
     Warehouse
     Wholesale Sales and Distribution

iv. RECYCLING
    Consumer Material Drop-off Station

v. AGRICULTURAL
   Community Garden
   Farm, Market- or Community-supported
   Horticulture Nursery
vi. OTHER
Drive-in or Drive-through Facility (as a component of an allowed principal use)

DETAILED STAFF RECOMMENDATION:

Uses that may be allowed in an IM district are not consistent with the expected development in the area and,

IM zoning allows low-impact manufacturing and industry uses that may be considered injurious to the surrounding properties,

All Industrial uses are prohibited, except for those within the Agricultural use category;

IL zoning with an optional development plan would be non-injurious to the surrounding properties and would be more consistent with the expected development in the area.

Staff recommends denial of Z-7492 to rezone property from CH to IM and approval of rezoning from CH to IL with an optional development plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IM zoning may be consistent with the employment land use designation in the comprehensive plan however there is no industrial zoning or industrial use opportunities in the area. IL zoning with an optional development plan would be compatible, as well, while remaining less injurious to the surrounding properties.

Land Use Vision:

Land Use Plan map designation is Employment.

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.

Areas of Stability and Growth designation: 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 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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: The south portion of this lot is included in the RT 66 overlay. That overlay does not provide use opportunities and is limited to allowing signage that cannot be implemented in the rest of the city.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:
Staff Summary: The subject tract is a parking lot and car repair facility.

Environmental Considerations: None

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Hudson</td>
<td>Collector</td>
<td>60 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-2</td>
<td>Employment</td>
<td>Growth</td>
<td>Single family</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Employment</td>
<td>Growth</td>
<td>Transitional Housing</td>
</tr>
<tr>
<td>South</td>
<td>CH</td>
<td>Employment</td>
<td>Growth</td>
<td>Used Car Lot</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Employment</td>
<td>Growth</td>
<td>Car lot and auto repair</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

**BOA-19647 August 2003:** The Board of Adjustment approved a special exception for Use Unit 20 (Commercial Recreation: Intensive) for conducting Motorcycle Safety Foundation approved rider safety courses subject to conditions, located on subject property.

**BOA-15586 November 1990:** The Board of Adjustment approved a special exception to permit off-street parking in an RM-2 zoned district, per plan submitted, located on subject property.

Surrounding Property:

**BOA-20815 January 2008:** The Board of Adjustment approved a special exception to permit fixture assembly and manufacturing (Use Unit 25) in a
CH District; a *special exception* to permit required parking on a lot other than the one containing the principal use, subject to conditions, on property located West of the Northwest corner of East 11th Street and South Hudson Avenue.

**BOA-17761 July 1997:** The Board of Adjustment approved a *special exception* to permit a lodge in an RM-1 District, per plan submitted, on property located at the Northeast corner of South Joplin Avenue and East 9th Street South.

**BOA-6545 January 1970:** The Board of Adjustment approved an *exception* to permit extending a nonconforming use (manufacturing of fixtures) in a U-3E district, subject to the plot plan, on property located North of the Northwest corner of East 11th Street South and South Hudson Avenue.

**BOA-5911 May 1968:** The Board of Adjustment approved an *exception* to permit a service station canopy to extend 12’ 6” over into the major street setback requirements in a U-3E district, subject to the execution of a right-of-way removal agreement, on property located at the Southeast corner of East 11th Street South and South Hudson Avenue.

**TMAPC Comments:**
Ms. Kimbrel asked if staff could explain what an optional development plan does.

Staff stated they started with the basic requirements of the zoning and decide if an optional development plan is feasible for this application. Staff stated the optional development plan can restrict uses but it can’t lessen the restrictions. Staff stated the uses are then looked at to decide which ones would be injurious to the area and eliminate those from being used.

**Applicant Comments:**
**Steve Soukieh** 9907 South 93rd East Place, Tulsa, OK 74133

Mr. Soukieh stated he would like to thank the Commission for giving him this opportunity as well as staff for their hard work on this. Mr. Soukieh stated he has owned the subject property for over 20 years and built the existing building in 2005. He stated the intent was to rent it out for more of a commercial use instead of a mechanic shop but that’s mostly the type of interest that they have had in that area. Mr. Soukieh stated a few years ago the building was rented to a mechanic shop and he has cars stored on the property. Mr. Soukieh stated there are four units in the building and three are vacant. He stated when medical marijuana was approved, he was approached multiple times by different growers to rent the space and because of the zoning he was not allowed that use so the hope is to be able to use that building for marijuana cultivation and employ more people in the area. Mr. Soukieh stated moving away from all the cars will make it...
a nice area. He stated as far as security concerns the law states there has to be camera systems and 24-hour monitoring so that will be installed. Mr. Soukieh stated the property has a chain link fence with a rail all the way around it. He stated there will be carbon filters in the ventilation system for the smell. Mr. Soukieh stated he is hoping to get the zoning change approved.

Mr. Reeds asked if the growth will be inside and outside.

The applicant stated all indoors.

Mr. Reeds asked if there is an apartment building to the east.

The applicant stated he wasn’t sure how it is classified but it’s more of a homeless shelter ran by the Day Center.

Ms. Kimbrel asked if the applicant had talked to any neighboring residents or other community organizations or businesses in the area.

The applicant stated he had talked briefly with the Salvation Army.

Mr. Covey asked if the applicant owned the property to the south.

Mr. Soukieh stated he owned the property to the south and the east of the subject property.

Mr. Covey asked if the intent was to build a new facility.

Mr. Soukieh stated no, it was to use the existing building.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:
On MOTION of McARTOR, TMAPC voted 9-0-0 (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Shivel, “absent”) to recommend APPROVAL of rezoning from CH to IL with optional development plan for Z-7492 per staff recommendations.

Legal Description Z-7492:
BLK 67 & S30.43 VAC ST ADJ ON N THEREOF LESS S200 THEREOF BLK 67, GLENHAVEN

***************

7. **CZ-491 Christina Wilson** (County) Location: West of the southwest corner of West 21st Street South and South 49th West Avenue rezoning from **CS to IL**
**APPLICATION NO:** COO-123333-2022  
*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*  
**Location:**  
905 S. Hudson Ave.  
**Description:** Medical Marijuana Moderate-impact Processing Facility

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**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.**

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**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](http://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” [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)
REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT

COO-123333-2022
905 S. Hudson Ave.
July 28, 2022

Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

1. Sec.15.020 Table 15-2: The proposed Medical Marijuana Processing is designated a Industrial/Moderate-Impact Manufacturing and Industry/Moderate-impact Medical Marijuana Processing Facility Use and is located in an IL zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit a Special Exception reviewed and approved by the BOA, per Sec.70.120, to allow a Industrial/Moderate-impact Manufacturing and Industry/Moderate-impact Medical Marijuana Processing Facility in an IL zoned district.

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

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

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.
Case Number: BOA-23432  
Hearing Date: 10/11/2022 (continued from 9/27/22)

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Marketta Rowe</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Tana Parks</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

**Location Map:**

<table>
<thead>
<tr>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use: AG</td>
</tr>
<tr>
<td>Tract Size: 5.11 acres</td>
</tr>
<tr>
<td>Location: 1710 E. 48 ST. N.</td>
</tr>
<tr>
<td>Present Zoning: AG</td>
</tr>
</tbody>
</table>
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-23432

STR: 199
CD: 1
HEARING DATE: 10/11/22 (Continuance requested from applicant from the 09/27/2022 hearing)

APPLICANT: Marketta Rowe

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

LOCATION: 1710 E. 48 St. N.  ZONED: AG

PRESENT USE: AG  TRACT SIZE: 222562.02 SQ FT

LEGAL DESCRIPTION: BEG NWC SW SE TH E TO EL W/2 W/2 SW SE TH S712.11 W304.44 N737.43 POB LESS N25 &E25 FOR ST SEC 7 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “New Neighborhood” and an “Area of Growth”.

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a manufactured housing unit in the AG District (Sec. 25.020-D, Table 25-1.5); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)
The site plan described a gravel construction entrance. The applicant has not requested any relief on the parking surface requirement and all parking area will need to be a dustless, all-weather material. There is an existing building on the property that appears to be the proposed manufactured housing. No Date of construction or elevation drawings have been provided for the proposed unit.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A).

- 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 South on N. Victor
DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD No. 2

8/5/2022

Marketta Rowe
301 W. 63rd Ct. N.
Tulsa, OK 74126

APPLICATION NO: BLDR-116828-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1710 E. 48th St. N.
Description: Manufactured housing unit

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tbody>
<tr>
<td>OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE</td>
</tr>
<tr>
<td>PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL</td>
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<tr>
<td>BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.</td>
</tr>
<tr>
<td><strong>REVISIONS NEED TO INCLUDE THE FOLLOWING:</strong></td>
</tr>
<tr>
<td>1. A COPY OF THIS DEFICIENCY LETTER</td>
</tr>
<tr>
<td>2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED</td>
</tr>
<tr>
<td>3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)</td>
</tr>
<tr>
<td>4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT</td>
</tr>
<tr>
<td><strong>REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED</strong></td>
</tr>
<tr>
<td><strong>AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.</strong></td>
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<tr>
<td><strong>THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE</strong></td>
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<tr>
<td><strong>PLANS EXAMINERS.</strong></td>
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<tr>
<td><strong>SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.</strong></td>
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<td>OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION</td>
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<td>MARKS.</td>
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<td>BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION</td>
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<tr>
<td>(TMAPC) IS AVAILABLE ONLINE AT <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a> OR AT INCOG OFFICES AT</td>
</tr>
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<tr>
<td>APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE</td>
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<tr>
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<tr>
<td>FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)</td>
</tr>
</tbody>
</table>

(continued)
1. **R106.2 Site plan or plot plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

Review Comment: Please submit a site plan drawn to scale that provides all of the following information:

- Legal description of the property;
- Boundaries and dimensions of property drawn to scale, and names of bordering streets. All property lines must be shown;
- Drawing to scale with location, dimensions and identification of existing and proposed buildings, structures, **driveways, and parking areas.** Driveway dimensions need to be shown with length and width;
- Drawing to scale with distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
- Identify any easements and public rights of way;
- Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.;
- Location of all utility service lines and meters;
- North arrow.

2. **Section 25.020-D, Table 25-1.5, Residential Building Types** Residential uses allowed in AG and AG-R districts must be located in residential buildings. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010. The following residential building types are allowed in AG and AG-R districts.

Review Comments: Manufactured Housing Units are allowed in the AG district by special exception only. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on this lot. Once you receive approval you will need to submit the approval documents to this office as a revision to your application for a building permit.

3. **55.090-A Applicability** The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces. You are required to provide 2 parking spaces on this lot per table 55-1.

Review Comments: Provide the required 2 parking spaces on this lot. Each parking space must be 8.5 feet by 18 feet on this lot, or one driveway 36' long by 8.5 feet wide. **Show the driveway/parking area on the lot, with dimensions.**

4. **55.090-F Surfacing.** All off-street drive and parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Revise site plan to indicate concrete or other approved dustless all-weather parking surface from the public street to the 2 required parking spaces.

The zoning review will resume after these modified plans are submitted. Revise the site plan to show a concrete driveway with dimensions shown. Submit that site plan to the Board of Adjustment with the special exception request for a manufactured housing unit on this lot. The zoning review will not resume until a corrected site plan AND Board of Adjustment approval documents are submitted to this office as revised plans. Additional deficiencies may be found which will need to be addressed prior to issuing the permit.
Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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.

Please Notify Plans Examiner by Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

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.
**Case Number:** BOA-23437  
**Hearing Date:** 10/11/22 (Continued from the 09/27/2022 hearing)

### Case Report Prepared by:

Austin Chapman

### Owner and Applicant Information:

**Applicant:** Tim Boeckman CJC Architects, Inc.  
**Property Owner:** The Jazz Foundation

**Action Requested:** Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

**Location Map:**

![Location Map](image)

**Additional Information:**

**Present Use:** Assembly, Large  
**Tract Size:** 1.71 acres  
**Location:** 5 S. Boston Ave.  
**Present Zoning:** CBD
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CD: 1
HEARING DATE: 10/11/22 (Continued from 09/27/2022, applicant not present)

APPLICANT: Tim Boeckman CJC Architects, Inc.

ACTION REQUESTED: Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

LOCATION: 5 S. Boston Ave.

ZONED: CBD

PRESENT USE: Assembly, Large

TRACT SIZE: 74400.78 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: None.

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. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. 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 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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)
The property has served as an event center for some time though no Exception has been approved on the property. No parking is required inside the CBD, though the Board may note that there is a large public parking garage immediately across Boston from the subject property.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

- 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.
LEGAL DESCRIPTION AS PROVIDED:

A TRACT OF LAND THAT IS PART OF LOTS 1-11, BLOCK 73, AND ALSO A PARCEL OF LAND LYING BETWEEN BLOCK 73 AND BLOCK 58, AND ALSO PART OF SOUTH BOSTON AVENUE, ALL IN THE 'ORIGINAL TOWNSITE OF TULSA', TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

'BEGINNING AT A POINT' THAT IS THE NORTHWEST CORNER OF SAID BLOCK 73; THENCE S 89°59'10" W ALONG THE PROJECTED NORTHERLY LINE OF BLOCK 72 IN THE 'ORIGINAL TOWNSITE OF TULSA' FOR 80.00 TO A POINT THAT IS THE NORTHEAST CORNER OF SAID BLOCK 72, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH BOSTON AVENUE; THENCE N 00°02'23" W ALONG THE PROJECTED EASTERLY LINE OF BLOCK 72 AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 180.00'; THENCE N 89°59'10" E AND PARALLEL WITH THE NORTHERLY LINE OF BLOCK 73 FOR 380.00' TO A POINT ON THE PROJECTED EASTERLY LINE OF BLOCK 73 AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH CINCINNATI AVENUE; THENCE S 00°02'23" E ALONG SAID EASTERLY AND WESTERLY LINES FOR 180.00' TO A POINT THAT IS THE NORTHEAST CORNER OF BLOCK 73; THENCE CONTINUING S 00°02'23" E ALONG THE EASTERLY LINE OF BLOCK 73 AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 20.00'; THENCE S 89°59'10" W AND PARALLEL WITH THE SOUTHERLY LINE OF BLOCK 73 FOR 300.00' TO A POINT ON THE WESTERLY LINE OF BLOCK 73 AND EASTERLY RIGHT-OF-WAY LINE OF SOUTH BOSTON AVENUE; THENCE N 00°02'23" W ALONG SAID WESTERLY AND EASTERLY LINES FOR 20.00' TO THE 'POINT OF BEGINNING' OF SAID TRACT OF LAND.
APPLICATION NO: BLDC-122714-2022
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 5 S BOSTON AVE E
Description: Alteration

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.in cog.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” [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.)
REVIEW COMMENTS


BLDC-122714-2022 5 S BOSTON AVE E July 13, 2022

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office 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 Event Center is designated Commercial/Assembly and Entertainment Use/Indoor, Large > 250 person capacity. It is located in the CBD zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception Commercial/Assembly and Entertainment Use/Indoor, Large > 250 person capacity to be allowed in a CBD zoned district.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://tulsaplanning.org/plans/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.
Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Childs, Clinton Ross Elizabeth Anne
Property Owner: Childs, Clinton Ross & Elizabeth Anne

Action Requested: Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

Location Map:

Additional Information:
Present Use: Residential
Tract Size: 0.45 acres
Location: 2507 S. Evanston Ave.
Present Zoning: RS-2
Case Report

Board of Adjustment

Case Number: B0A-23441

STR: 9317
CD: 4

Hearing Date: 10/11/2022 1:00 PM

Applicant: Childs, Clinton Ross Elizabeth Anne

Action Requested: Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

Location: 2507 S. Evanston Ave.

Zoned: RS-2

Present Use: Residential

Tract Size: 19798.1 SQ FT

Legal Description: LT 1 BLK 10, BRYN-MAWR CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Relevant Previous Actions:

BOA-17226: On 11.14.95 the Board approved a Variance of the required 45-feet setback from the centerline of E. 25th St. to 37.5-feet. The board should note that the original variance was granted with the understanding that no vehicle would be parked in front of the garage without overhanging in the street right-of-way.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and an “Area of Stability”.

An Existing Neighborhood is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Statement of Hardship: Bryn Mawr was platted in the early 1920’s. the 50-foot right-of-way on an interior subdivision side-street is excessive and significantly affects the ability of property owners to utilize their properties. A 45-foot setback would render a significant part of the lot unusable. This house is located on a corner lot and the driveway and detached garage are proposed for location of 25th Street. The current hardship was not caused by the current property owner, the request is the minimum to afford relief, and will not affect any nearby property owner.

Staff Analysis: The applicant is requesting a Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

The applicant is requesting to decrease their side street setback to 2-feet.

9.2
The applicant is requesting to increase their allowed driveway width from 27-feet in the right-of-way and 30-feet on the lot to 60-feet width across the E. 25th St. Frontage.

Facts staff finds favorable for variance request:
- None.

Facts Staff find unfavorable for the variance request:
- The applicant state that 50-feet is an excessive right-of-way, but that is the minimum amount of right-of-way for any residential street. Currently the street is not completely curbed and lacks sidewalks. At the point that street is re-built the Board should consider the adverse effects of having vehicle exiting out of the garage over the right-of-way.
- The lot is of standard size and having a corner lot is not a unique condition.
- Exhibits given as a part of the application do not seem consistent with current conditions of the property.
Staff has prepared an exhibit below demonstrating how the additional garage might be built to meet code or reduce the amount of relief needed. The applicant should be able to demonstrate unique conditions with the subject property that would prevent them from a design to meet code.

**SAMPLE MOTION:**

Special Exception:

Move to ________ (approve/deny) a **Special Exception** to increase the permitted driveway width (Section 55.090-F.3)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

- Suggested condition: Applicant must to obtain a City of Tulsa right-of-way permit prior to construction.

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.
Move to _________ (approve/deny) a **Variance** to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3])

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

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- **a.** That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- **b.** That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

- **c.** That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

- **d.** That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

- **e.** That the variance to be granted is the minimum variance that will afford relief;

- **f.** That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

- **g.** That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Facing East on 25th St.

Subject property (Location of proposed garage)
Facing West on 25th St.

Subject property
APPLICATION NO: BLDR-116446-2022
Location: 2507 S Evanston Ave E
Description: Accessory Structure

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)

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/EMAIL 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" 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.)

DOD Number: 01
Beth Anne Childs
2507 S Evanston Ave E
Tulsa, OK 74114

Phone: (918) 855-1306

Development Services
175 East 2nd Street, Suite 450
Tulsa, Oklahoma 74103-3227

May 12, 2022

(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. BLDR-116446-2022 2507 S Evanston Ave E May 12, 2022

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans 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 office 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. **Site Plan:** Provide a dimension line from the centerline of 25th street to the property line. The garage is required to be setback 20' from the property line which is 25' from the centerline of the street. The total distance from the centerline of the street to the garage face is to be 45'. If it is closer, you may apply to the Board of Adjustment (BOA) at INCOG for a special exception to allow a shorter side street setback.

2. **Site Plan:** Revise and resubmit plans to provide dimensions on the proposed garage. Include length, width, and height.

3. **55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' in the street setback on your lot.

<table>
<thead>
<tr>
<th></th>
<th>Lot Frontage</th>
<th>75'+</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30' [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
<td></td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>

**Review Comments:** The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception for the proposed driveway width within the ROW and for the proposed driveway width in the side street setback.

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

Aerial Photo Date: 2020/2021

Subject Tract

BOA-23441

19-13 17

9.14
BOA-23441
19-13 17

Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
Case Report Prepared by:

Austin Chapman

Owner and Applicant Information:

Applicant: Acura Neon
Property Owner: ORAL ROBERTS UNIVERSITY

Action Requested: Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b)

Location Map:

Additional Information:

Present Use: Oral Roberts University
Tract Size: 149.86 acres
Location: 7777 S. Lewis Ave. E.
Present Zoning: RS-1, RS-3
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8308 Case Number: BOA-23442
CD: 2
HEARING DATE: 10/11/2022 1:00 PM

APPLICANT: Acura Neon

ACTION REQUESTED: Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b)

LOCATION: 7777 S LEWIS AV E ZONED: RS-1,RS-3

PRESENT USE: Oral Roberts University TRACT SIZE: 6,527,954.47 SQ FT

LEGAL DESCRIPTION: BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

MPD-4: To be heard on 11.02.22 by the TMAPC. The proposed Master Planned Development incorporates development standards are proposed to incorporate land use regulations that are consistent with a university use including signage.

BOA-17831-A; On 12.08.2015 the board approved a modification to a previously approved plan for a digital sign.

BOA-21495; On 11.13.12 the Board approved a variance to allow 2 wall signs in an R district.

BOA-21488; On 10.23.2012 the Board approved a variance to allow a wall sign in an R district.

BOA-17831; On 09.23.97 the Board approved an amendment to a previously approved exception for a sponsor sign and a variance of the maximum square feet for a sponsor sign.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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.

STATEMENT OF HARDSHIP: ORU would like to have a monument sign for their new welcome center. This sign will provide identifications to visitor/students visiting their facility.
**Staff Analysis:** The applicant is requesting Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b)

b. Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Facts staff finds favorable for variance request:**

- None.

**Facts Staff find unfavorable for the variance request:**

- The applicant did not provide any unique circumstances related to the physical surroundings, shape, or topographical conditions of the subject property.
- Applicant has not provided an inventory of the current signs along the street frontage.

**Sample Motion:** Move to _________ (approve/deny) a Variance to permit more than one freestanding sign per street frontage in an R District for a non-residential use (Sec. 60.050-B.2.b)

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

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Section 60.110-A Administration: Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.

Review comment: Please provide a distance from the center of Lewis Ave. to this sign.

60.050-B.2.b Freestanding Signs: Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review comment: Review comment: This lot is a residential zoned lot and there are already existing freestanding signs on the Lewis Ave. frontage. You may request a variance from the Board of Adjustment to exceed more than one freestanding per street frontage in the RS-3 district.

Site plan is missing measurement from the leading edge (nearest Lewis) of the proposed sign to the centerline of Lewis. Revise site plan to show measurement. Note: Minimum setback for the leading edge of the sign is 80' from the centerline of Lewis (50' ROW + 30' Easement).
Concrete wall and footing by others.

5/8" Thick Cast Aluminum letters painted Black (semi-gloss) and installed flush to concrete wall with aluminum studs.

1" Thick Cast Aluminum letters painted Black (semi-gloss) and rail mounted to 1 1/2 square aluminum tubing.

**Elevation View - Scale: 3/4" = 1'-0"

- Manufacture and install (1x) single sided monument sign.

8.68 Sq. Ft.

3.50 Sq. Ft.

**NOTES:**
- FONT TO BE MYRIAD PRO BOLD.

#5 @ 12" O.C. with ACI Std. hook into footing.

#5 @ 12" O.C.

#6 @ 12" O.C.

(4) #6 Cont.
Concrete wall and footing by others.

5/8" Thick Cast Aluminum letters painted Black (semi-gloss) and installed flush to concrete wall with aluminum studs.

1" Thick Cast Aluminum letters painted Black (semi-gloss) and rail mounted to 1 1/2 square aluminum tubing.

Elevation View - Scale: 3/4" = 1'-0"
- Manufacture and install (1x) single sided monument sign.
<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Case Number:</strong></td>
<td>BOA-23443</td>
</tr>
<tr>
<td><strong>Hearing Date:</strong></td>
<td>10/11/2022 1:00 PM</td>
</tr>
<tr>
<td><strong>Case Report Prepared by:</strong></td>
<td>Austin Chapman</td>
</tr>
<tr>
<td><strong>Owner and Applicant Information:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Max McGuirk</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>TRIPLE M REAL ESTATE LLC</td>
</tr>
<tr>
<td><strong>Action Requested:</strong></td>
<td>Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)</td>
</tr>
<tr>
<td><strong>Location Map:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Additional Information:</strong></td>
<td></td>
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<tr>
<td><strong>Present Use:</strong></td>
<td>Single-family</td>
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<tr>
<td><strong>Tract Size:</strong></td>
<td>0.17 acres</td>
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<tr>
<td><strong>Location:</strong></td>
<td>209 S. Urbana Ave.</td>
</tr>
<tr>
<td><strong>Present Zoning:</strong></td>
<td>RS-3</td>
</tr>
</tbody>
</table>
The Tulsa Comprehensive Plan identifies the subject property as part of a “Existing Neighborhood” and an “Area of Stability”.

An Existing Neighborhood is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

An addition was made to the house in 2022 to expand the existing single-family home, the design of that addition was done to accommodate future use of the property as a duplex if the Special Exception is approved by the Board.

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

- 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

Subject property facing North
207 S. Urbana Ave.

West side of House

Back of House
East side of House
207 S. Urbana Ave.

North Side

South Side
**Case Report Prepared by:**
Austin Chapman

**Owner and Applicant Information:**
**Applicant:** Kiana Smith
**Property Owner:** SPURLIN, RODNEY ALAN REV TRUST

**Action Requested:** Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

**Location Map:**

**Additional Information:**
**Present Use:** Residential
**Tract Size:** 0.16 acres
**Location:** 12 W Queens St. N.
**Present Zoning:** RS-3
BOA-23444

Subject Tract

20-12 26

Aerial Photo Date: 2020/2021

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

Subject Tract

12.4
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0226
CD: 1

HEARING DATE: 10/11/2022 1:00 PM

APPLICANT: Kiana Smith

ACTION REQUESTED: Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

LOCATION: 12 W. Queen St. N.

Zoned: RS-3

PRESENT USE: Residential

TRACT SIZE: 6952.2 SQ FT

LEGAL DESCRIPTION: LT 24 BLK 2, ENGLEWOOD ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and an “Area of Stability”.

An Existing Neighborhood is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

STATEMENT OF HARDSHIP: See attached.

STAFF ANALYSIS: The applicant is proposing a Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

Facts staff finds favorable for variance request:
• Staff does not see any facts favorable to the applicant without more information provided.

Facts Staff find unfavorable for the variance request:
• It is unclear what the physical surroundings, shape, or topographical conditions exist that present a hardship. Currently the existing structure sits on a retaining wall, the applicant should explain why the structure cannot be expanded to the West.
SAMPLE MOTION:
Move to _________ (approve/deny) a Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

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

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
City of Tulsa Board of Adjustment,

I hope this letter finds you well. I am filing a hardship for the property on 12 West Queen Street, Tulsa, Oklahoma 74106 parcel number 13200-02-26-01010. The property sits on an irregular forming property line that supports a request for the proposed action.

The proposed action is to extend the livable space by building a one-story extension to the east facing side of the property. Currently, the east side of the home is non-usable land that does not allow for other use outside of extending the dwelling. If the dwelling cannot be extended I have seen this property become a temporary camp for members of the transit community, rodents and other unsafe happenings.

The extension to this property in the requested area will help turn the blight area into a usable living area that will increase the value of the home and community. Thank you for your time and consideration.

Kiana Smith
ksmith18009@gmail.com
678-227-3193
Subject property and proposed location of addition.

Subject property facing East from corner of W. Queen St. and N. Cheyenne Ave.
<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Nathalie Cornett</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Warren Clinic Inc c/o Nickel &amp; Company LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

<table>
<thead>
<tr>
<th><strong>Location Map:</strong></th>
<th><strong>Additional Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Location Map" /></td>
<td>Present Use: Commercial</td>
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<tr>
<td></td>
<td>Tract Size: 3.13 acres</td>
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<tr>
<td></td>
<td>Location: 3218 S. 79th Ave. E.</td>
</tr>
<tr>
<td></td>
<td>Present Zoning: CS, OMH</td>
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</tbody>
</table>
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9323
CD: 5

HEARING DATE: 10/11/2022 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

LOCATION: 3218 S. 79th E. Ave. ZONED: CS/OMH

PRESENT USE: Commercial TRACT SIZE: 136421.77 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:
Subject property:

BOA-21919; On 07.28.15 the Board accepted a verification of spacing for dynamic display off-premise outdoor advertising sign.

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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.

STATEMENT OF HARDSHIP: The applicant has provided a separate exhibit identified as Exhibit “B” in your packet.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)
The applicant is allowed 3 signs on site with a total display area of 538 square feet for the entire property. The applicant is requesting 2 signs and to increase aggregate display area of the existing off-premise outdoor advertising sign to 672 square feet and the display area of the existing on-premise advertising sign.

The proposed sign is multisided, below is how the code measures those signs.

### Table 60-3: Maximum Aggregate Sign Area

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Not Within Freeway Sign Corridor[1]</th>
<th>Within Freeway Sign Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If More than 1 Such Sign</td>
<td>If Only 1 Such Sign</td>
</tr>
<tr>
<td>MX, CO and CS</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>CG, CH, CBD, IL, IM and IH</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

[1] Off-premise outdoor advertising signs are prohibited outside of freeway sign corridors and prohibited in MX districts.

The proposed sign face are roughly 21 degrees from being parallel so only once sign face is counted as display area.
**Facts staff finds favorable for variance request:**
- Staff does not see any facts favorable to the applicant without more information provided.

**Facts Staff find unfavorable for the variance request:**
- Applicant has not provided any exhibits showing the display area of the existing on-premises sign. This exhibit has been requested by the applicant, but the Board should only act with complete information about their potential approval.
- The applicant has not presented any evidence the hardship of the lots being reconfigured have not been caused by the current property owner.
- The current size seem adequately sized and provide visibility from the highway. The board may wish to request of the applicant a rendering showing what the proposed signs with their new size would look like from the highway.

*Taken from Goodle Street view, image capture July of 2022. Image shown from South face of sign. Red arrow indicates the current sign.*
SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

- Finding the hardship(s) to be________________________________.

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

- Subject to the following conditions ________________________________.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”