Introduction and Notice to the Public
The City of Tulsa Board of Adjustment (BOA) is empowered by state law to grant variances due to hardships, and special
exceptions to the zoning code. At this meeting, BOA, in accordance with and pursuant to applicable policies and procedures,
will review, consider, discuss, and may take action on, approve, approve with conditions, amend or modify, deny, reject, or
defer action on any item listed on the agenda.

How to Participate
You may attend the hearing to express your opinions, or have someone appear on your behalf. If you wish to present
documents or exhibits during the hearing, please submit them by 9:00 a.m. the day of the hearing. Please reference the case
number and include your name and address. Any exhibits presented will become part of the public record of the case.

To comment on cases, email planning@cityoftulsa.org.
Mail: Tulsa Planning Office, 175 E. 2nd St., Suite 480, Tulsa, OK 74103

All electronic devices must be silenced during the hearing. Note: If you require special accommodations pursuant to the
Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-596-7526.

Call to Order

Approval of Minutes

1. Minutes from Meeting 1328, December 23, 2023
2. Minutes from Meeting 1333, March 12, 2024

Unfinished Business

3. BOA-23642
   Location: 126 E. Latimer Pl.
   City Council District: 1
   Applicant: Dewite Dugger
   Action(s) Requested: Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

4. BOA-23643
   Location: 5119 E. 81st St.
   City Council District: 8
   Applicant: Lyndsey Bigheart
   Action(s) Requested: Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)
5. **BOA-23644**  
**Location:** 1100 E. 4th St.  
**City Council District:** 1  
**Applicant:** Trent Harris  
**Action(s) Requested:** Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

6. **BOA-23645**  
**Location:** 765 N. Mingo Rd.  
**City Council District:** 3  
**Applicant:** Lou Reynolds  
**Action(s) Requested:** Special Exception to permit a College or University Use in the IL District (Sec. 15.020, Table 15-2)

7. **BOA-23646**  
**Location:** 4143 S. Peoria Ave.  
**City Council District:** 9  
**Applicant:** Lou Reynolds  
**Action(s) Requested:** Special exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

8. **BOA-23662**  
**Location:** 3606 S. Peoria Ave.  
**City Council District:** 9  
**Applicant:** Apex Imaging Services  
**Action(s) Requested:** Variance to permit a dynamic display sign within 20 feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Sec. 60.100-D)

9. **BOA-23664**  
**Location:** 4545 N. Lewis Ave.  
**City Council District:** 1  
**Applicant:** Apex Imaging Services  
**Action(s) Requested:** Variance to permit a dynamic display sign within 200 feet of a Residential Zoning District (Sec. 60.100-F)

**New Applications**

10. **BOA-23666**  
**Location:** 6243 E. 28th St.  
**City Council District:** 5  
**Applicant:** Steve Benge  
**Action(s) Requested:** Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).
11. BOA-23667  
Location: Southwest Corner of East 5th Place & South Quaker Avenue  
City Council District: 5  
Applicant: Justin DeBruin, Wallace Design Collective  
Action(s) Requested: Variance to allow parking serving a residential use to located in the City of Tulsa Right-of-Way and on another lot (Sec. 55.080.D, Sec.90.090-A); Special Exception to reduce the required parking ratio for Apartment/ Condo uses in the CH District (Sec. 55.050-K);  

12. BOA-23668  
Location: 3805 S. 79th E. Ave.  
City Council District: 5  
Applicant: Sierra Vetalw  
Action(s) Requested: Variance to reduce the required street frontage in an IL district (Table 15-3); Special Exception for Day Care use in an IL District (Sec. 15.020, Table 15-2).  

13. BOA-23669  
Location: 3226 N. Hartford Ave.  
City Council District: 1  
Applicant: Crossover Development Co.  
Action(s) Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)  

14. BOA-23670  
Location: 4326 S. 193rd E. Ave.  
City Council District: 6  
Applicant: Enrique Ruiz  
Action(s) Requested: Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F)  

15. BOA-23671  
Location: 2901 S. Yale Ave.  
City Council District: 5  
Applicant: Lori Worthington - AMAX Sign Company  
Action(s) Requested: Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)  

16. BOA-23672  
Location: 10310 S. Sheridan Rd.  
City Council District: 8  
Applicant: Lori Worthington - AMAX Sign Company  
Action(s) Requested: Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)
17. **BOA-23673**  
Location: 4030 S. Garnett Rd.  
City Council District: 6  
Applicant: Apex Imaging Services  
Action(s) Requested: Variance to permit dynamic display signs within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

18. **BOA-23674**  
Location: 12910 E. 21st St.  
City Council District: 6  
Applicant: Apex Imaging Services  
Action(s) Requested: Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

19. **BOA-23675**  
Location: 1946 S. Harvard Ave.  
City Council District: 4  
Applicant: Apex Imaging Services  
Action(s) Requested: Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit dynamic display signs within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

20. **BOA-23676**  
Location: 3050 S. Sheridan Rd.  
City Council District: 5  
Applicant: Apex Imaging Services  
Action(s) Requested: Variance to permit dynamic display signs within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

21. **BOA-23677**  
Location: 1022 S. Utica Ave.  
City Council District: 4  
Applicant: Apex Imaging Services  
Action(s) Requested: Variance to permit a Dynamic Display sign in a Residential District (Sec. 60.050-B.2); Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display signs within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a Commercial Zoning District (Sec. 60.080-E)

22. **BOA-23678**  
Location: 6001 S. Sheridan Rd.  
City Council District: 7  
Applicant: Deborah K. Palinskee  
Action(s) Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)
23. **BOA-23679**
   
   **Location:** 7318 S. Yale Ave.
   **City Council District:** 8
   **Applicant:** SBWG, LLC

   **Action(s) Requested:** Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F)

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**Other Business**

**Board Members' Comments**

**Adjournment**
## Staff Report

**Special Exception Case BOA-23642**

**Hearing Date:** April 9, 2024  
**Prepared by:** Dylan Siers  
dsiers@cityoftulsa.org  
918-596-7584

### Owner and Applicant Information

**Applicant:** Dewite Dugger  
**Property Owner:** Dewite Dugger

### Property Location

126 E. Latimer  
Tract Size: ±5154 sq ft

### Location within the City of Tulsa

(Shown with City Council districts)

### Request Summary

Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

### Zoning

**Zoning District:** RS-4  
**Zoning Overlays:** NIO/HNO

### Comprehensive Plan Considerations

**Land Use**  
**Land Use Plan:** Neighborhood  
**Small Area Plans:** Unity Heritage  
**Development Era:** Streetcar

**Transportation**  
**Major Street & Highway Plan:** None  
**planitulsa Street Type:** None  
**Transit:** N/A  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** None

### Environment

**Flood Area:** N/A  
**Tree Canopy Coverage:** 10-20%  
**Parks & Open Space:** N/A

### Elected Representatives

**City Council:** District 1, Vanessa Hall-Harper  
**County Commission:** District 1, Stan Sallee

### Public Notice Required

Newspaper Notice – min. 10 days in advance  
Mailed Notice to 300’ radius – min. 10 days in advance

### Case History:

2/27/2024: First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.

03/26/2024: Item was continued to 4/9/24 to correct a noticing error.
Staff Analysis
The applicant is proposing Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of §30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704). [1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided. [2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

Applicant is seeking to increase their allowed width from 27-feet to 35.5-feet.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Neighborhood.

Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>RS-4/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-5/NIO/HNO</td>
<td>Neighborhood</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are within the Unity Heritage Neighborhood Plan.

Development Era
The subject property is located in an area developed during the Streetcar Era.

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability,
bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

**Major Street & Highway Plan:** None

**Comprehensive Plan Street Designation:** None

**Transit:** None

**Existing Bike/Ped Facilities:** None

**Planned Bike/Ped Facilities:** None

**Arterial Traffic per Lane:** N/A

**Environmental Considerations**

**Flood Area:** The subject property is not within a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 17%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

**Parks & Open Space:** N/A

**Sample Motion**

I move to approve or deny a Special Exception to increase the permitted driveway width in a RS district (Sec. 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): ____________________________.

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.

**Property Description**

LT 6 & E29 LT 7 LESS N25 THEREOF FOR RD BLK 1, KIRKPATRICK HGTS, City of Tulsa, Tulsa County, State of Oklahoma
Photos:

Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject: WSD Comment
Page Label: 2
Author: James Henley
Date: 8/29/2023 1:15:24 PM
Status:
Color:
Layer:
Space:

Review for residence only. Pool requires separate permit.

Zoning Review (1)

Subject: Zoning Review
Page Label: 2
Author: DWhiteman
Date: 9/14/2023 4:06:10 PM
Status:
Color:
Layer:
Space:

Section 55.090-F.3, Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Review Comment: Per the table in this section, the maximum driveway width allowed on this lot is 30' and 27' in the right of way. Revise plans to show compliance or apply to the Board of Adjustment for a special exception to allow a driveway width to exceed the maximum widths.
**Owner and Applicant Information**  
Applicant: Lynsey Bigheart  
Property Owner: SJV LLC

**Property Location**  
5119 E 81st St S  
Tract Size: ±20,251.13 square feet

**Location within the City of Tulsa**  
(shown with City Council districts)

**Elected Representatives**  
City Council: District 8, Phil Lakin Jr  
County Commission: District 3, Kelly Dunkerley

**Public Notice Required**  
Newspaper Notice – min. 10 days in advance  
Mailed Notice to 300’ radius – min. 10 days in advance

**Case History:**  
2/27/2024: First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.  
03/26/2024: Item was continued to 4/9/24 to correct a noticing error.

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**Request Summary**  
Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

**Zoning**  
Zoning District: OL  
Zoning Overlays: None

**Comprehensive Plan Considerations**

**Land Use**  
Land Use Plan: Local Center  
Small Area Plans: Choose an item.  
Development Era: Late Automobile

**Transportation**  
Major Street & Highway Plan: Multimodal Corridor  
planitulsa Street Type: None  
Transit: N/A  
Existing Bike/Ped Facilities: None  
Planned Bike/Ped Facilities: Bike Corridor

**Environment**  
Flood Area: N/A  
Tree Canopy Coverage: 30-50%  
Parks & Open Space: N/A
Staff Analysis
The applicant is proposing a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-B.1)

60.060-B  Signs Allowed

1. In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to 60.060-B.2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Relevant Case History
- BOA-22494, 8/28/20218, Special Exception to allow a Personal Improvement Service in an OL Zoned District.

Statement of Hardship
"Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(l) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients’ ability to locate the clinic from the street."

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Local Center.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3/PUD-457</td>
<td>Neighborhood</td>
<td>Reserve Area</td>
</tr>
<tr>
<td>East</td>
<td>OL</td>
<td>Local Center</td>
<td>Office</td>
</tr>
<tr>
<td>South</td>
<td>RD/PUD-389</td>
<td>Neighborhood</td>
<td>Apartments</td>
</tr>
<tr>
<td>West</td>
<td>OL</td>
<td>Local Center</td>
<td>Parking Lot</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not within a small area plan.
Development Era
The subject property is located in an area developed during the Late automobile era.

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: Multimodal Corridor

Comprehensive Plan Street Designation: Multimodal

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Bike Corridor

Arterial Traffic per Lane: 7500 or more per lane

Environmental Considerations
Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 30-50%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A
Sample Motion

I move to approve or deny a Variance to permit more than one on premise sign per street frontage in the OL District (Sec. 60.060-8.1)

- 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 the hardship to be ____________________________________________________________________________.

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.

Property Description

LOT 4 BLOCK 1, THE OFFICES AT HOLLAND LAKE, City of Tulsa, Tulsa County, State of Oklahoma
Photos:

Subject Property

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Photos
Tulsa Comprehensive Plan Land Use Map
Attachment to the Variance Request of Twenty Twenty Eyecare
Before the Tulsa Board of Adjustment

Twenty Twenty Eyecare is the trade name of Bigheart Morgans, LLC, owned by Lynsey Bigheart, O.D., and Shannon Morgans, O.D. Dr. Bigheart, Dr. Morgans, and the other optometrists employed by Twenty Twenty Eyecare are primary eye care physicians trained to treat eye infections, injuries, and diseases, as well as provide routine vision and ocular healthcare. Twenty Twenty Eyecare strives to provide the best comprehensive eye care for all ages and has been in business since 2013. Twenty Twenty Eyecare's clinic, optical shop, and offices are located at 7408 South Yale Avenue.

Response to #1:

Recently, Twenty Twenty Eyecare opened a satellite clinic at 5119 E. 81st Street dedicated to the specialized fitting of scleral lenses for patients with abnormal corneas. Twenty Twenty Eyecare is leasing this space from Dr. Chris Vinson, who uses the west half of this property to conduct his dental practice. Dr. Vinson has wall signage facing south on the west side of the building in connection with his dental practice, while Twenty Twenty Eyecare does not have any signage on the building. Section 60.060-B(1) of the Tulsa Zoning Code, specifically applicable to all office zoning districts, only allows for one on-premise sign per street frontage. This presents a substantial hardship for Twenty Twenty Eyecare, as the absence of adequate signage severely inhibits their very low vision patients' ability to locate the clinic from the street.

Response to #2:

Section 110.1 of the Tulsa Zoning Code states its purpose is to promote health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare. In this instance, granting the requested variance specifically promotes public health by helping Twenty Twenty Eyecare provide essential medical services to its patients. Granting the variance also provides a safety benefit, as Twenty Twenty Eyecare's patients driving to this location could cause traffic problems while searching to find the specific address. The literal enforcement of zoning code provisions regarding signage is not necessary in this instance to achieve the intended purposes of the code. Nor will granting the variance cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.
Response to #3:

Twenty Twenty Eyecare is providing services at the subject property that are unique even within the eye care industry. Accordingly, the requested variance is unique to this particular business. The needs of Twenty Twenty Eyecare and its patients in this regard are generally not applicable to other businesses or properties within the same zoning classification.

Response to #4:

The hardship for Twenty Twenty Eyecare and its patients, in not having adequate signage on the property, was not created by Twenty Twenty Eyecare. Twenty Twenty Eyecare's lease with the current owner specifically provides that Twenty Twenty Eyecare, as the tenant, can place a sign consistent with the rest of the building. The signage requested by Twenty Twenty Eyecare is consistent with those lease provisions. Accordingly, there are no self-imposed restrictions or limitations in this regard from the current property owner.

Response to #5:

The signage to be posted by Twenty Twenty Eyecare on the building is consistent with the existing signage on the building and is the minimum necessary to afford relief and meet the needs of Twenty Twenty Eyecare and its patients in this instance. It is necessary for Twenty Twenty Eyecare patients to see the signage from the street, and the proposed signage is the minimum in that regard.

Response to #6:

The requested variance granted will not have any effect on the essential character of the neighborhood where the subject property is located or cause any kind of impairment to the use or development of any adjacent property.

Response to #7:

The response with respect to this particular condition is discussed thoroughly in response to #2 above. Again, the granting of the variance in this instance will not cause substantial detriment to the public good or the purposes, spirit, and intent of the zoning code or the comprehensive plan. In fact, in this instance, the granting of the variance is not only consistent with but promotes the purposes, spirit, and intent of the zoning code.
SIGN-164464-2023 (5119 E 81ST ST S Tulsa, OK 74136) Markup Summary #1

Sign Review (1)

Subject: Sign Review
Page Label: 1
Author: DWhiteman
Date: 11/13/2023 12:49:23 PM
Status: 
Color: 
Layer: 
Space: 

60.060-B Signs Allowed. In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts. Review Comments: only one sign is allowed on this Office zoned lot. Their appears to be a sign already on this building, which is on the same lot, for Tulsa Precision Dental. You may apply to the Board of Adjustment for a variance to allow more than one sign on an Office zoned lot.
REVERSE CHANNEL LETTERS

Fabricated Alum.,
2" Deep Returns w/ Clear Polycarbonate Backs,
Letters - White LED Halo Illumination,
Logo / Capsule - White LED Halo (Logo / Text Cut Out) Face Illumination,
Stud Mount w/ 1-1/2" Spacers.

Finish: Fab Alum. (SAC Clear Semi Gloss Satin Alum.),
Horizontal Grain On Faces.

3.5' X 5.09' = 17.81 SQFT
# Staff Report
## Variance Case BOA-23644

**Hearing Date:** April 9, 2024  
**Prepared by:** Dylan Siers  
  dsiers@cityoftulsa.org  
  918-596-7584

### Owner and Applicant Information
- **Applicant:** Trent Harris  
- **Property Owner:** Sisu Investments

### Property Location
- **1100 E. 4th Street**  
- **Tract Size:** ±0.31 acres

### Location within the City of Tulsa
(show with City Council districts)

### Request Summary
- Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

### Zoning
- **Zoning District:** CH  
- **Zoning Overlays:** NIO

### Comprehensive Plan Considerations

#### Land Use
- **Land Use Plan:** Employment  
- **Small Area Plans:** Pearl District  
- **Development Era:** Streetcar

#### Transportation
- **Major Street & Highway Plan:** N/A  
- **planitulsa Street Type:** None  
- **Transit:** N/A  
- **Existing Bike/Ped Facilities:** None  
- **Planned Bike/Ped Facilities:** Bike Lane

#### Environment
- **Flood Area:** N/A  
- **Tree Canopy Coverage:** 0-10%  
- **Parks & Open Space:** N/A

### Elected Representatives
- **City Council:** District 1, Vanessa Hall-Harper  
- **County Commission:** District 2, Karen Keith

### Public Notice Required
- **Newspaper Notice** – min. 10 days in advance
- **Mailed Notice to 300’ radius** – min. 10 days in advance

### Case History:
- **2/27/2024:** First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.  
- **03/26/2024:** Item was continued to 4/9/24 to correct a noticing error.
Staff Analysis
Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

Relevant Case History
- None

Statement of Hardship
The property located at 1100 E. 4th St. in Tulsa (corner of 4th & Norfolk) is requesting a variance to the landscaping zoning code for this project due to hardship associated with the lots preexisting conditions. This property is currently all concrete. The property owner Phillip Childers (SISU Investments) purchased this property in this condition and did not add any of the concrete to the lot. The building and lot used to serve as an armored security truck company and that is why it is all concrete and has all of the higher security chain link fencing. Also, with the heavy trucks the previous owner had they made the concrete very reinforced and excessively thicker than normal to support the weight of the vehicles. In order to accommodate the landscape zoning code it would require major concrete excavation and removal and this also poses other challenges.

We have met with Planning and discussed several possible options such as concrete removal, planters, etc.. We even looked into requesting a licensing agreement to plant trees within the City of Tulsa right of way. After further consideration, planting in this right of way would impede the traffic’s ability to see well around the corner when turning and the tree growth would also be going into overhead lines. We then looked into removing concrete on the lot. The North side trees would grow into overhead lines. If moved to the South side, then the property owner would be removing the concrete to the only parking area that he has accessible. We also entertained the option of removing concrete from the driveway on Norfolk, this also would be near powerlines and would decrease his entryway into the only gate accessing the South side of the lot.

The conditions on this lot are unique to just this property due to utility challenges, the building layout, and preexisting construction methods of making the entire lot an impervious surface. The variance, if granted, would not cause detriment to the public or the surrounding neighbors or businesses. This lot has appeared the same way for many years and by being granted this variance it would not harm the character of the neighborhood. This will actually make the lot look better due to improvements that the property owner intends to make both to the structure and by adopting the nuisance code by removing the razor wire on the top of the security fencing.

SISU Investments wants to make this lot and property appear better to the public and also be of a better use to them on their needs. This hardship was acquired when the property was purchased in this condition and the property owner is not trying to bypass any zoning codes. We are respectfully asking permission from this Board and the public to be allowed to improve the use, condition, and looks of this lot and this structure.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Employment.

Employment is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.
### Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CH/IM</td>
<td>Employment</td>
<td>Industrial</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Employment</td>
<td>Multiple Uses</td>
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<tr>
<td>South</td>
<td>IL</td>
<td>Employment</td>
<td>Vacancy</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Employment</td>
<td>Tool Shop</td>
</tr>
</tbody>
</table>

### Small Area Plans

The subject properties are located within the Pearl District Small area plan.

### Development Era

The subject property is located in an area developed during the Streetcar era.

The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

### Transportation

- **Major Street & Highway Plan:** N/A
- **Comprehensive Plan Street Designation:** None
- **Transit:** N/A
- **Existing Bike/Ped Facilities:** N/A
- **Planned Bike/Ped Facilities:** Bike Lane
- **Arterial Traffic per Lane:** N/A

### Environmental Considerations

- **Flood Area:** The subject property not within a flood area.
- **Tree Canopy Coverage:** Tree canopy in the area is 0%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.
- **Parks & Open Space:** N/A
Sample Motion

I move to **approve or deny** a Variance to eliminate the Street Tree and the Interior Parking Lot Landscaping required for a building addition (Sections 65.040 and 65.050)

- 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 the hardship to be __________________________________________________________.

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.

Property Description

S30 LT 1 LESS E45 THEREOF & ALL LT 3 LESS E45 THEREOF & LESS S16 LT 3 BLK 16, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Photos:

City of Tulsa Board of Adjustment
Exhibits
Sections 65.040 and 65.050 of the zoning code.
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant's Exhibits
65.020-C The design of landscape areas to promote low-impact development practices (e.g., bioretention basins, rain gardens, filter strips, and grassed swales) is strongly encouraged and may be used to satisfy the landscaping regulations of this zoning code, subject to compliance with all applicable standards of the Stormwater Management Criteria Manual.

65.020-D The alternative compliance provisions of §65.100-D are intended to accommodate creativity in landscape and screening design and address site-specific barriers that prevent strict compliance with the regulations of this chapter.

Section 65.030 Applicability
The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. The following are expressly exempt from the landscaping and screening regulations of this chapter:

65.030-A Agricultural uses;
65.030-B Public parks and open spaces;
65.030-C Household living uses consisting of a single household on one lot or 2 households on one lot (existing or proposed); and
65.030-D Reconstruction of any building that is damaged or destroyed by tornadoes, straight-line winds, ice storms, accidental fire, floods, hail, lightning, or other forces beyond the reasonable control of the property owner.

Section 65.040 Street Trees

65.040-A Purpose
Street trees help maintain and enhance the appearance of the city, contribute to pedestrian safety and comfort and offer environmental benefits by allowing the infiltration of stormwater, reducing urban heating and improving air quality.

65.040-B Applicability
The street tree planting requirements of this section apply to all the following, except as otherwise expressly stated:

1. Construction of any principal building or non-accessory parking;
2. Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 20% of the building’s existing floor area; and
3. Any increase in impervious coverage on the subject lot that exceeds 20% of the lot’s existing impervious coverage.

65.040-C Requirements

1. Number
At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree
requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees). The tree list prepared by the planning director (see §65.080-A2) identifies and classifies street trees by size.

2. Location

a. Required street trees must be located on the subject property within 20 feet of the planned street right-of-way unless the land use administrator determines that the presence of buildings or obstructions or other factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way. Street tree planting in the right-of-way must comply with the regulations of Title 35, Chapter 6 of the Tulsa Revised Ordinances.

b. The land use administrator is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations when circumstances prevent tree planting within the areas described in §65.040-C2.a or when compliance with §65.040-C2.a would result in a poor growing environment for the tree or damage to public or private improvements.

3. Spacing
Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

4. Materials, Installation and Maintenance
See Section 65.080 and Section 65.090.
Section 65.050  Interior Parking Lot Landscaping

65.050-A  Purpose
The interior parking lot landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

65.050-B  Applicability
Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:

1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

65.050-C  Exception
Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the interior parking lot landscaping requirements of this section.

65.050-D  Requirements
1. Landscape Area
   a. At least 35 square feet of interior parking lot landscape area must be provided for each parking space. If compliance with this regulation would result in the loss of required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior parking lot landscape area.
   b. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape area requirement is reduced from 35 square feet per parking space to 28 feet per parking space. To receive this bioretention credit, the stormwater harvesting area must be at least 6 inches and not more than 18 inches in depth and planted with vegetation that can withstand periodic inundation.

2. Trees and Plant Material
   Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees).
3. **Location and Design**
   a. Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:
      
      (1) They must be bordered by a paved surface on at least 2 sides;
      
      (2) They must be at least 7 feet wide, as measured from the back of the curb;
      
      (3) They must include at least one tree per island and be covered with ground cover plants or mulch;
      
      (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
      
      (5) They must be located so that every parking space is within 100 feet of a tree.
   
   b. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of §65.050-D3.a apply to the landscape terminal island.
   
   c. The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

4. **Vehicle Overhangs**
   A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

5. **Relationship to Vehicular Use Area Buffer Regulations**
   Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of Section 65.060 may not be counted toward satisfying the interior parking lot landscaping regulations of this section (Section 65.050).

6. **Materials, Installation and Maintenance**
   See Section 65.080 and Section 65.090.
Section 65.060  Vehicular Use Area Buffers

65.060-A  Purpose
The vehicular use area buffer regulations of this section are intended to help mitigate the visual and operational impacts of parking lots and other vehicular use areas when such areas are adjacent to streets, highways, residential zoning districts, or agricultural-residential zoning districts.

65.060-B  Applicability
A “vehicular use area” is an area on a lot that is not contained within a garage or similar enclosed or partially enclosed structure that is designed and intended for use by motor vehicles, including parking lots, vehicle storage and display areas, loading areas; and driveways and drive-through lanes. Unless otherwise expressly stated, the vehicular use area buffer regulations of this section apply to all the following:

1. The construction or installation of any new vehicular use area with a contiguous paved area of 3,500 square feet or more; and
2. The expansion of any existing vehicular use area that results in the addition of 3,500 square feet of paved area, in which case the vehicular use area perimeter landscaping requirements of this section apply only to the expanded area.
Note (3)

Subject: Note  
Page Label: [1] 9411PVCV-PVCV01  
Author: danabox  
Date: 11/28/2023 10:26:15 AM  
Color:  

Sec.70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale.  
Review comment: Submit a site plan with the following information:  
• Actual shape and dimensions of the lot;  
• Location and dimensions of all easements;  
• Lot lines and names of abutting streets;  
• The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;  
• The location, dimensions and height of proposed buildings or structures to be erected or altered;  
• The intended use of existing and proposed buildings, structures or portion of the lot;  
• Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

Subject: Note  
Page Label: [1] 9411PVCV-PVCV01  
Author: danabox  
Date: 11/28/2023 10:26:11 AM  
Color:  

Section 65.030 Applicability  
The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.  
Review Comment: Provide a Landscape Plan according to the regulations stated in Chapter 65 of the Tulsa Zoning Code.
Hall Engineering has determined that the foundation system, as described herein, satisfies applicable “Structural Design Considerations” as set forth by 2021 International Business Code (2021 IBC) and is suitable to serve its intended purpose.

General Notes

1. The retrofit, concrete pile foundation system described herein is specifically intended to support the client-provided, pre-engineered, “stand alone” steel metal building design plan.

2. It is the responsibility of the land-owner or delegated contractor to acquire all necessary city permits prior to the start of construction.

3. Coordinate with utility master as required to mark all active utilities.

4. For property limits and easements, if available, refer to current land survey accomplished by registered Professional Land Surveyor.

5. Remove all trees, and undergrowth that may impede the construction and/or damage the foundation after construction.

6. Design considerations and select views, as referred-to throughout were made in consideration of client-provided Engineered Steel Building Design Plan further described as Job 22-163WB as developed by Whitney Steel Building Systems, and as dated 1/05/23.

7. All phases of this construction plan are to be accomplished using standard construction practices, in accordance with state and local building codes where not otherwise specified.

THE UNDERSIGNED PROFESSIONAL ENGINEER IS NOT THE ENGINEER OF THE RECORD FOR THE OVERALL PROJECT. THIS CERTIFICATION COVERS FOUNDATION DESIGN ONLY. PRIMARY STRUCTURE METAL FRAMING, SECONDARY STRUCTURE, PANELS, FLANGE BRACING, CLIPS, STRUTS, AND PARTS SUCH AS DOOR, WINDOWS, AND OTHER AS REQUIRED FOR ERECTION/CONSTRUCTION ARE TO BE PROVIDED BY OTHER.

Figure 1: Schematic Showing Subject Expansion/Retrofit

Drawing is NOT to Scale
Figure 2: Load Condition/Anchor Bolt Summary
(As taken from Steel Building Design Plan - Job #: 22-163WB DWG SH 3 of 12)

Sheet 3 indicates soil bearing of 2000 psf was used for design for the 1.5 ft x 1.5 ft piers. An allowable load of 4.5k would be presumed, yet some of the vertical reactions exceed -4.5k. Please provide brief description of how to interpret these reactions for verification.

5.17
1. Footing design was developed without the aid/insight of a soil report, that would have otherwise been developed/provided by a duly qualified and licensed geotechnical engineer. As such, foundation design is based on a bearing pressure of 2000 PSF for sand, silty sand, clayey sand, silty gravel, and sandy gravel (SW, SP, SM, SC, GM and GC). If other soil conditions are known to exist or the existing soil at bottom of pile excavation is soft or unsuitable, it will be necessary to over excavate to suitable material and replace with flowable fill or crushed stone. If crushed stone is used, it shall be placed in 6-8” lifts and compacted to 95%.

**General Notes**

Figure 3: Plan View for Retrofit Pile Footings
Construction Notes:

1. The following requirements apply for the concrete pile footing.
   a. Concrete shall have a 28-day cure compressive strength of 3500 PSI or stronger.
   b. Do not install footings in backfill; they are to be drilled/dug in undisturbed soils.
   c. Reinforce with #5 (5/8") rebar cage approximately as shown using 3 vertical sticks, evenly spaced every 8" along each formed edge of the footing.
   d. Maintain 4" between rebar and formed edge of footing.
   e. Box rebar cage with ½" rebar every 10-12" vertically.

2. Set 18" sq. rebar grid in the upper 4-5" of existing slab/foundation system using #4 (1/2") rebar.

3. Pin 18" sq. rebar grid into cut edges of existing slab. Maintain 18" of overlap and epoxy bond each pin 8-12" deep into the cut edge of the existing slab. To accomplish, fill drilled hole for pins completely by inserting injection tube at full depth and inject epoxy while slowly removing the injection tube. Use ½ diameter rebar pins.

NOTE: Where possible/if possible, utilize and tie-in to the existing rebar of the existing slab. To accomplish, score and jack-hammer slab section to be removed making efforts to expose the existing rebar of existing slab.

Figure 4: Reinforced Concrete Pile Footing Detail
Figure 5: Pinning Detail
### Owner and Applicant Information
Applicant: Lou Reynolds  
Property Owner: Phillips Theological Seminary

### Property Location
765 N Mingo Rd E  
Tract Size: ±3 acres

### Location within the City of Tulsa
(Shown with City Council districts)

### Request Summary
Special Exception to permit a college or university use in the IL District (Sec. 15.020, Table 15-2).

### Zoning
- Zoning District: IL  
- Zoning Overlays: None

### Comprehensive Plan Considerations
#### Land Use
- Land Use Plan: Multiple Use  
- Small Area Plans: None  
- Development Era: Late Automobile

#### Transportation
- Major Street & Highway Plan: N/A  
- planitulsa Street Type: N/A  
- Transit: N/A  
- Existing Bike/Ped Facilities: None  
- Planned Bike/Ped Facilities: Mohawk/Port of Catoosa Trail  
  - Shared-use path

#### Environment
- Flood Area: FEMA 500-year floodplain  
- Tree Canopy Coverage: 20-30%  
- Parks & Open Space: Mingo Creek borders property

### Elected Representatives
- City Council: District 3, Crista Patrick.  
- County Commission: District 2, Karen Keith.

### Public Notice Required
- Newspaper Notice – min. 10 days in advance  
- Mailed Notice to 300’ radius – min. 10 days in advance  
- Posted Sign – min. 10 days in advance

### Case History:
- **2/27/2024**: First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.  
- **03/26/2024**: Item was continued to 4/9/24 to correct a noticing error.
Staff Analysis
The applicant is proposing an expansion/new building for student housing, dining, offices, and conference rooms. The Tulsa zoning code requires a special exception for this use in an IL district.

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Multiple-use. These areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IL</td>
<td>Multiple-use</td>
<td>Phillips Seminary</td>
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<td>East</td>
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<td>Employment</td>
<td>RV park</td>
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<td>South</td>
<td>CG</td>
<td>Multiple-use</td>
<td>Warehouse</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not inside a small area plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the...
intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

**Transportation**

*Major Street & Highway Plan:* N/A

*Comprehensive Plan Street Designation:* N/A

*Transit:* N/A

*Existing Bike/Ped Facilities:* None

*Planned Bike/Ped Facilities:* Mohawk/Port of Catoosa Trail Shared-use path is recommended in the Tulsa GO Plan.

*Arterial Traffic per Lane:* 2,646 vehicles per lane on Mingo Rd.

**Environmental Considerations**

*Flood Area:* The subject property is located in a FEMA 500-year floodplain.

*Tree Canopy Coverage:* Tree canopy in the area is 23%. For areas between 20% and 50% canopy coverage, significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

*Parks & Open Space:* Mingo Creek borders property to the east – planned trails.

**Sample Motion**

I move to approve or deny a Special Exception to permit a college or university 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.

**Property Description**

*Subdivision:* EXPRESSWAY VILLAGE CENTER RESUB PRT W200 VAN EST NO 1 AMD (13630)

*Legal:* LTS 1 THRU 5 BLK 2

*Section:* 31 *Township:* 20 *Range:* 14
Exhibits

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant's Exhibits
ZCO-159105-2023 (765 N MINGO RD E Tulsa, OK 74116) Markup Summary #2

Note (1)

Subject: Note
Page Label: [3] C2.01 SITE PLAN
Author: danabox
Date: 1/30/2024 3:37:41 PM
Status:
Color: 
Layer:
Space:
Responsibility:

Sec.15.020 Table 15-2: The proposed facility is designated a Public, Civic or Institutional/College or University Use and is located in an IL zoned district. This will require a Special Exception approved by the Board of Adjustment (BOA).
Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Public, Civic or Institutional/College or University Use in an IL zoned district. Call the Tulsa Planning Office at 918-596-7526 for next steps and further instruction.
EXHIBIT “A”

LEGAL DESCRIPTION

Lots Two (2), Three (3), Four (4) and Five (5), Block Two (2) EXPRESSWAY VILLAGE CENTER, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.
Sec.15.020 Table 15-2: Your building contains three uses, an Event Center which is designated a Commercial/Assembly & Entertainment/Other Indoor Use; Lodging facility which is considered a Commercial/Lodging/Hotel/Motel; and Public, Civic and Institutional/Religious Assembly use. This facility is in the IL zoned district. The Event Center, Commercial/Assembly & Entertainment Use; the Lodging use and the Religious Assembly use will all require Special Exceptions approved by the BOA.

Review comment: Submit approved BOA Special Exceptions, reviewed and approved per Sec.70.120, to allow Commercial/Assembly & Entertainment Use; Commercial/Lodging/Hotel/Motel; and Public, Civic and Institutional/Religious Assembly use in the IL district. Contact the Tulsa Planning Office, 918-596-7526, to schedule your appearance before the Board of Adjustment to apply for and receive the Special Exceptions required for the uses in the IL district. You may wish to consider rezoning the property to a commercial use.
# Staff Report

## Special Exception Case BOA-23646

**Hearing Date:** April 9, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

### Owner and Applicant Information

**Applicant:** Lou Reynolds  
**Property Owner:** 4143 LLC & Brookside LLC Attn: Tim Clark

### Property Location

4143 S Peoria Ave  
Tract Size: ±.6 acres

### Location within the City of Tulsa

(Shown with City Council districts)

### Request Summary

Special exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

### Zoning

**Zoning District:** MX3-U-U  
**Zoning Overlays:** None

### Comprehensive Plan Considerations

#### Land Use

**Land Use Plan:** Multiple Use  
**Small Area Plans:** Brookside  
**Development Era:** Early Automobile

#### Transportation

**Major Street & Highway Plan:** N/A  
**planitulsa Street Type:** N/A  
**Transit:** BRT Route  
**Existing Bike/Ped Facilities:** None  
**Planned Bike/Ped Facilities:** None

#### Environment

**Flood Area:** City of Tulsa Regulatory Floodplain  
**Tree Canopy Coverage:** 10-20%  
**Parks & Open Space:** River Parks ½ mile

### Elected Representatives

**City Council:** District 9, Jayme Fowler.  
**County Commission:** District 2, Karen Keith.

### Public Notice Required

Newspaper Notice – min. 10 days in advance  
Mailed Notice to 300’ radius – min. 10 days in advance  
Posted Sign – min. 10 days in advance

### Case History:

**2/27/2024:** First appearance on an agenda. Staff was made aware of a noticing deficiency after the case was heard and re-noticed the item for the current agenda.  
**03/26/2024:** Item was continued to 4/9/24 to correct a noticing error.
**Staff Analysis**

The applicant is requesting a Special exception to permit a drive-through facility in the MX3-U-U District.

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**Relevant Case History**

- Z-7723, 08/09/23, Tulsa City Council approved re-zoning for a portion of the subject tract from RS-3 to MX-3-U-U.
- Z-7422, 12/20/2017, Tulsa City Council approved re-zoning for a portion of the subject tract from RM-1, RM-2, CH and PUD-744-A to MX-3-U-U.

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as **Multiple Use**. These areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>MX3-U-U</td>
<td>Multiple-use</td>
<td>Mixed commercial</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Multiple-use</td>
<td>Single-family Subdivision</td>
</tr>
<tr>
<td>South</td>
<td>CH/ RS-3</td>
<td>Multiple-use/ Neighborhood</td>
<td>Fast-food restaurant near Peoria, Single-family Subdivision further East</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Multiple-use</td>
<td>Paint store</td>
</tr>
</tbody>
</table>

**Small Area Plans**

The subject properties are in the Brookside Infill Development Plan Area adopted in 2002.

**Development Era**

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.
Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Secondary Arterial (S. Peoria Ave.)

Transit: BRT Route

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 5,447 vehicles per lane on S. Peoria.

Environmental Considerations
Flood Area: The subject property is located within the City of Tulsa Regulatory Floodplain.

Tree Canopy Coverage: Tree canopy in the area is 14%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: River Parks is half-mile west of property.

Sample Motion
I move to **approve or deny** a Special Exception to permit a drive-through facility in the MX3-U-U District (Sec. 10.020, Table 10-2).

- 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.

Property Description
A tract of land being ALL of Block Three (3) and Block Four (4) and a portion of Reserve A of THE RETREAT AT BROOKSIDE SOUTH (PLAT #6215), according to the recorded plat thereof, TOGETHER WITH a portion of the Northwest Quarter (NW/4) of Section Thirty (30), Township Nineteen North (T19N), Range Thirteen East (R13E) of the Indian Meridian, City of Tulsa, County of Tulsa, State of Oklahoma, all together being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of said NW/4, marked by a MAG Nail found in place; thence S01°17’55”E along the West line of said NW/4 a distance of 464.51 feet; thence N89°16’08”E a distance of 35.62 feet to a point on the Eastern Right of Way line of South Peoria Avenue marked by a 5/8” Rebar found in place, same being the POINT OF BEGINNING; thence N89°16’11”E along the South line of JENNINGS-ROBARDS ADDITION (PLAT #705), according to the recorded plat thereof, a distance of 253.66 feet to a point on the Westerly line of Plat #6215; thence N89°16’06”E along said line a distance of 2.50 feet; thence N89°16’11”E a distance of 332.50 feet to a point on the East line of said Plat #6215; thence
S01°00'27"E along the East line of said Plat #6215 a distance of 128.16 feet to the Southeast corner of said plat marked by a MAG Nail with shiner stamped "Blew & Assoc. OK COA5387" set in place; thence S88°58'49"W along the South line of said Plat #6215, same being the North Right of Way line of East 42nd Street South a distance of 335.00 feet to the SW corner of said plat, marked by a 5/8" Rebar with cap stamped "Blew & Assoc. OK COA5387" set in place; thence S88°58'44"W along said R/W line a distance of 253.66 feet to its intersection with the East R/W line of said South Peoria Avenue, marked by a 3/8" Rebar with illegible cap found in place; thence N01°00'26"W along said East line a distance of 131.14 feet to the POINT OF BEGINNING.

Said Tract having an area of 76,321 Square Feet or 1.75 Acres, more or less.

Photos:

(Subject property looking north on Peoria)
Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant's Exhibits
Summary of Comments on Layout 1

Page: [1] Layout 1

Number: 1  Author: danabox  Subject: Note  Date: 1/25/2024 8:38:24 AM
Sec. 55.060-B Spaces Required
1. Short term Bicycle Parking
   Short-term bicycle parking spaces must be provided in accordance with the
   minimum ratios established in Table 55-3: Minimum Required Bicycle Parking
   Ratios
   Review Comment: Provide a plan with Bicycle Parking in accordance with Sec. 55.060-B of the Tulsa Zoning Code.

Number: 2  Author: danabox  Subject: Note  Date: 1/25/2024 8:29:56 AM
Sec. 10.020 Use Regulations Table 10-2 MX District Use Regulations Drive-in or Drive-through Facility (as a component
   of an allowed use) requires a Special Exception in MX3 zoning.  Review Comment: Provide a Special Exception
   reviewed and approved by the Board of Adjustment.  The paperwork, once complete, should be resubmitted as a
   revision to this permit application.

Number: 3  Author: danabox  Subject: Note  Date: 1/25/2024 8:32:52 AM
Section 65.030 Applicability
   The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.
   Review Comment: Provide a landscape plan as detailed in Chapter 65 of the City of Tulsa Zoning Code.  See https://tulsaPlanning.org/plans/

Number: 4  Author: danabox  Subject: Note  Date: 1/25/2024 8:26:35 AM
Sec. 40.330-B Whenever a restaurant is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence
   must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.
   Review Comment: Provide a site plan that indicates an F1 screen on the lot line abutting R zoning to the South and
   East.

Number: 5  Author: danabox  Subject: Note  Date: 1/25/2024 8:35:48 AM
Sec. 65.070-B Features Required to be Screened 2. Dumpsters
   All dumpsters must be screened from view of all street rights-of-way and R zoned property, and AG-R zoned property.
   Review Comment: Provide a site plan with the dumpsters screened as detailed in Sec. 65.070-B 2.
Exhibit “B”

The Applicant requests a Special Exception, pursuant to Table 10-2 of the Tulsa Zoning Code to permit a Drive-Through Facility in the MX3-U-U District, for property located at the northeast corner of S. Peoria Ave. and E. 42nd Street (the “Property”).

The Property is approximately two (2) acres and is a former Arby’s location. The existing, unoccupied building addresses Peoria and the remainder of the site is currently vacant. The Property is located within two zoning districts, CH (Commercial Heavy) abutting Peoria, and MX3-U-U (Regional Mixed Use-Urban-Unlimited Height) for the remaining, vacant portion of the tract.

The site is intended to be developed as a Chick-fil-A restaurant with a drive-through. The Chick-fil-A restaurant building will be located entirely within the CH district, similarly oriented as the existing building. The associated drive-through facility will be located in the MX3 district. A Conceptual Site Plan is attached hereto.

Restaurants are permitted by right in both the CH and the MX3 districts. Drive-through facilities are permitted by right in the CH district but require a Special Exception in the MX3 district. Because a portion of the drive-through facilities for the proposed restaurant use will be located in the MX district, the Applicant requests this Special Exception and proposes the following, additional conditions:

1. The drive-through facility, including all speakers, ordering stations, and service windows shall be located on the northern side of the Property, as shown on the Conceptual Site Plan;
2. No signage shall be permitted on the rear (east) side of the building;
3. Only two (2) access points shall be permitted on 42nd Street, as shown on the Conceptual Site Plan;
4. A “pork chop” restricting left-hand turns onto 42nd Street shall be installed within westervl access point, as shown on the Conceptual Site Plan;
5. A six-foot (6’) tall opaque screening fence with masonry base and columns shall be installed along 42nd Street, as shown on the Conceptual Site Plan;
6. Dumpsters shall be screened from view with a masonry screening wall made of similar materials as the principal structure and enclosure doors with at least 95% opacity;
7. Along the southern boundary of the Property, required street trees shall be at least 14 feet tall with a 4” caliper at planting. Evergreen shrubs shall be planted on both sides of the screening wall.

As the former use of the Property was a restaurant with drive-through facilities, the proposed restaurant with drive-through use is not new to the site or the neighborhood. Additionally, with the above conditions, any potential adverse effects of the drive-through facility for the restaurant will be substantially mitigated or eliminated. Accordingly, the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
TRAFFIC IMPACT ANALYSIS

Chick-fil-A
Northeast Corner of Peoria Avenue and 42nd Street
Tulsa, Oklahoma

Prepared for:
Greyden Engineering
December 2023

Prepared by:
Traffic Engineering Consultants, Inc.
TABLE OF CONTENTS

1.0 INTRODUCTION ................................................................................................................................. 2

2.0 BACKGROUND ................................................................................................................................... 2
  2.1 PROPOSED DEVELOPMENT ........................................................................................................... 2
  2.2 ADJACENT ROADWAY NETWORK .............................................................................................. 2

3.0 BACKGROUND TRAFFIC ..................................................................................................................... 3
  3.1 EXISTING TRAFFIC ......................................................................................................................... 3
  3.2 FUTURE BACKGROUND TRAFFIC ............................................................................................... 3

4.0 PROPOSED SITE TRAFFIC ................................................................................................................... 3
  4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC ........................................................................... 4
  4.2 DIVERTED LINK TRIPS .................................................................................................................. 4
  4.3 TOTAL TRAFFIC ............................................................................................................................ 5

5.0 CAPACITY ANALYSIS .......................................................................................................................... 5
  5.1 METHODOLOGY ............................................................................................................................ 5
  5.2 SCENARIOS .................................................................................................................................... 6
    5.2.1 2023 EXISTING TRAFFIC ............................................................................................................. 7
    5.2.2 2024 FUTURE BACKGROUND TRAFFIC ...................................................................................... 7
    5.2.3 2024 TOTAL TRAFFIC ................................................................................................................. 7

6.0 CONCLUSIONS ................................................................................................................................... 8
  6.1 SUMMARY ..................................................................................................................................... 8
  6.2 RECOMMENDATIONS .................................................................................................................... 8
1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained to conduct a traffic impact analysis (TIA) for a proposed Chick-fil-A development to be constructed in Tulsa, Oklahoma. The analysis was requested to determine the effects the proposed development would have on the adjacent street system, to review the available access to the development, and to provide recommendations for improvements that may be necessary to accommodate the traffic expected to be generated by the development.

2.0 BACKGROUND

2.1 PROPOSED DEVELOPMENT

The site of the proposed development is located north of 42\textsuperscript{nd} Street and east of Peoria Avenue as shown in Figure 1. The current site location is a combination of a closed fast-food restaurant and undeveloped land. Access to the new development as shown in Figure 2 is proposed via two full-access drives that connect onto 42\textsuperscript{nd} Street and an exit only drive onto Peoria Avenue.

2.2 ADJACENT ROADWAY NETWORK

Peoria Avenue is a five-lane north/south primary arterial with a posted speed limit of 35 mph. 41\textsuperscript{st} Street is a four-lane east/west primary arterial with a posted speed limit of 35 mph. 41\textsuperscript{st} Place is a two-lane east/west local street with a statutory speed limit of 25 mph. 42\textsuperscript{nd} Street is a two-lane east/west local street with a posted speed limit of 25 mph.

The intersection of 41\textsuperscript{st} Street and Peoria Avenue is signalized. The north and southbound approaches have a shared through + right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The eastbound approach has the same lane configuration as the north and southbound approaches. The westbound approach has an exclusive right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The left turns operate as a “permissive + protected” turn phase and the westbound right turn operates with an “overlap” turning phase.
FIGURE 1. Site Location Map
Chick-fil-A
Tulsa, Oklahoma
FIGURE 2. Site Plan
Chick-fil-A
Tulsa, Oklahoma
3.0 BACKGROUND TRAFFIC

3.1 EXISTING TRAFFIC
Existing traffic volume data was collected adjacent to the proposed site in November 2023. 24-hour turning movement volumes were collected at the intersections of 41st Street and Peoria Avenue, 41st Place and Peoria Avenue, and 42nd Street and Peoria Avenue. The traffic volume data indicated that the a.m. peak hour occurred from 10:00-11:00, the midday peak hour occurred from 11:45 – 12:45, and the p.m. peak hour occurred from 5:00 – 6:00. Given the traffic characteristics in the area and the anticipated trip generation for the proposed site, the weekday peak periods would represent a “worst-case scenario” with regards to traffic impact on the surrounding roadway network. If traffic operations are acceptable during these weekday peak hours, it can be reasoned that conditions would be acceptable throughout the remainder of the day and week. The 2023 existing traffic is summarized in Figure 3 and detailed printouts of the traffic count data are included in the appendix.

3.2 FUTURE BACKGROUND TRAFFIC
The 2023 existing traffic volumes were utilized to determine the background traffic for 2024. The 2024 year was selected as the future design year the development is estimated to be completed. The background traffic was determined for the 2024 future design year by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 projected background traffic is summarized in Figure 4.

4.0 PROPOSED SITE TRAFFIC
To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. Historic Chick-fil-A site trips from other similarly sized restaurants was used to determine the amount of traffic the development is expected to generate. A summary of the trip generation data analyzed is provided in the appendix. The resulting traffic volumes projected to be generated by the proposed site once fully constructed and occupied are indicated in Table 1.
FIGURE 3. 2023 Existing Traffic
FIGURE 4. 2024 Future Background Traffic
The proposed site would be expected to generate 3,006 vehicles on a daily basis with 157 entering and 152 exiting vehicles during the a.m. peak hour, 174 entering and 173 exiting during the midday peak hour, and 162 entering and 149 exiting vehicles during the p.m. peak hour.

4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC
The traffic expected to be generated by the proposed site was distributed among the points of access and the adjacent study intersections for the a.m., midday, and p.m. peak hours. The distribution of the proposed site traffic was based on the anticipated destination of the future customers and the traffic patterns in the area which were obtained from the traffic data collected and field observations made for this study. The directional distribution of the site generated traffic for the proposed site is expected to be:

- 30% to/from Peoria Avenue north of the site
- 30% to/from Peoria Avenue south of the site
- 20% to/from 41st Street east of the site
- 20% to/from 41st Street west of the site

It was assumed that site traffic would redistribute as necessary to the path of least resistance coming to and exiting the site. The traffic expected to be generated by the proposed site is summarized in Figure 5.

4.2 DIVERTED LINK TRIPS
Diverted link trips occur when trips are attracted from roadways in the study area that do not have direct access to the proposed site. These trips divert from their original path and travel onto the roadway that
FIGURE 5. Projected Site Trips
provides direct access. Therefore, diverted link trips add traffic to the roadway adjacent to the proposed site as well as the site driveways, but would remove traffic from the roadway from which it was diverted.

Based on guidance provided by the *Trip Generation Handbook* as published by the Institute of Transportation Engineers (ITE) for this land use, it was assumed that 50 percent of trips in the a.m., 50 percent of the trips in the midday, and 50 percent of trips in the p.m. originating from Peoria Avenue would divert to Chick-fil-A on the way to their destination. Alternatively, it was also assumed that 50 percent of trips in the a.m., 50 percent of the trips during the midday, and 50 percent of trips in the p.m. originating from Chick-fil-A would divert to the proposed site enroute to Peoria Avenue. The projected diverted link trips are summarized in Table 1 and shown in Figure 6.

### 4.3 TOTAL TRAFFIC

The projected site traffic with the diverted link reduction was added to the future background traffic for the 2024 design year. The 2024 total traffic (2024 future background traffic + proposed site traffic with diverted link trips) for each access point to the proposed site as well as the adjacent study intersections are summarized in Figure 7.

### 5.0 CAPACITY ANALYSIS

#### 5.1 METHODOLOGY

The capacity analyses were conducted using *Synchro 11*, which is a software package for modeling and optimizing traffic signal timings at signalized intersections and analyzing unsignalized intersections in accordance with the methodology of the *Highway Capacity Manual*. The *Highway Capacity Manual* is published by the Transportation Research Board of the National Research Council, Washington, D.C. The information has been widely accepted throughout the U.S. as a guide for defining and solving transportation challenges. The information is approved and distributed by the U.S. Department of Transportation, Federal Highway Administration.

The capacity analysis provides a measure of the amount of traffic that a given facility can accommodate. Traffic facilities generally operate poorly at or near capacity. The analysis is intended to estimate the maximum amount of traffic that can be accommodated by a facility while maintaining prescribed operational qualities. The definition of operational criteria is accomplished using levels-of-service. The
The concept of levels-of-service is defined as a qualitative measure and describes operational conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis procedures are available. They are given letter designations, from “A” to “F”, with level-of-service “A” representing the best operating conditions and level-of-service “F” the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for each approach and for the intersection as a whole. The level-of-service for this type of traffic control is directly related to the control delay value. The criteria for stop-controlled or unsignalized intersections have different threshold values than do those for signalized intersections. A higher level of control delay has been determined to be acceptable at a signalized intersection for the same level-of-service. Longer delays for side streets are generally acceptable if gaps in traffic are prevalent. Generally, a gap acceptance threshold for longer delay values (LOS “E” or “F”) is defined when v/c ratios are less than 0.80. The level-of-service criteria are summarized in Table 2. The Highway Capacity Manual considers an overall intersection level-of-service “D” or better and a critical approach (approach with the lowest level-of-service) level-of-service “E” or better to be acceptable regarding vehicular traffic delay.

### TABLE 2
Level-of-Service Criteria

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Unsignalized Average Delay (seconds/vehicle)</th>
<th>Signalized Average Delay (seconds/vehicle)</th>
<th>Traffic Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤10</td>
<td>≤10</td>
<td>Free Flow</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 15</td>
<td>&gt; 10 - 20</td>
<td>Stable Flow (slight delays)</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 15 - 25</td>
<td>&gt; 20 - 35</td>
<td>Stable Flow (acceptable delays)</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 25 - 35</td>
<td>&gt; 35 - 55</td>
<td>Approaching Unstable Flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 35 - 50</td>
<td>&gt; 55 - 80</td>
<td>Unstable Flow (intolerable delay)</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 50</td>
<td>&gt; 80</td>
<td>Forced Flow (congested and queues fail to clear)</td>
</tr>
</tbody>
</table>

5.2 SCENARIOS

Capacity analyses were conducted for the a.m., midday, and p.m. peak hours at each access point to the proposed site as well as the adjacent study intersections. The intersections were analyzed and reviewed under the 2023 existing traffic, 2024 future background traffic, and 2024 total traffic. The site traffic was analyzed entering and exiting the site via two full access drives on 42nd Street and one exiting drive on Peoria Avenue. Existing signal timings for 41st Street and Peoria provided by the City of Tulsa were utilized.
for the scenarios listed above. The results of the capacity analyses conducted are summarized in Table 3 and the raw data sheets have been included in the appendix.

### TABLE 3
CAPACITY ANALYSIS SUMMARY

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Type of Traffic Control</th>
<th>AM Peak Hour</th>
<th>Midday Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Approach</td>
<td>Intersection</td>
<td>Approach</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delay (sec/veh)</td>
<td>LOS</td>
<td>Delay (sec/veh)</td>
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<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>Signalized</td>
<td>NB</td>
<td>14.8 B</td>
<td>14.0 B</td>
</tr>
<tr>
<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>17.1 C</td>
<td>1.0 A</td>
</tr>
<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>15.3 C</td>
<td>0.4 A</td>
</tr>
<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>Signalized</td>
<td>NB</td>
<td>14.8 B</td>
<td>14.1 B</td>
</tr>
<tr>
<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>17.5 C</td>
<td>1.0 A</td>
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<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>15.5 C</td>
<td>0.4 A</td>
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<td>41st Street &amp; Peoria Avenue</td>
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<td>41st Place &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>19.8 C</td>
<td>1.0 A</td>
</tr>
<tr>
<td>42nd Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
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<td>20.5 C</td>
<td>2.6 A</td>
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<td>41st Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
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<td>12.2 B</td>
<td>0.8 A</td>
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<td>East/Westbound Stop</td>
<td>WB</td>
<td>8.7 A</td>
<td>5.7 A</td>
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<tr>
<td>41st Street &amp; Peoria Avenue</td>
<td>East/Westbound Stop</td>
<td>WB</td>
<td>8.4 A</td>
<td>7.4 A</td>
</tr>
</tbody>
</table>

#### 5.2.1 2023 EXISTING TRAFFIC

The analyses conducted under the 2023 existing traffic indicated that the critical approach at the intersections currently operate at a level-of-service “C” or better during the a.m. midday and p.m. peak hours. The intersections currently operate at an overall level-of-service “B” or better during the peak hours.

#### 5.2.2 2024 FUTURE BACKGROUND TRAFFIC

The analyses conducted under the 2024 future background traffic indicated that the critical approach at the intersections would be expected to continue operating at a level-of-service “C” or better during the peak hours. The intersections would be expected to continue operating at an overall level-of-service “B” or better during the peak hours.

#### 5.2.3 2024 TOTAL TRAFFIC

Once the proposed site traffic with diverted link trips are added to the 2024 future background traffic, each intersection's critical approach would be expected operate at level-of-service “D” or better during the peak hours. The study intersections would be expected to continue operating at an overall level-of-service “B” or better during both peak hours.
6.0 CONCLUSIONS

6.1 SUMMARY
TEC was requested to conduct a traffic impact analysis for a proposed Chick-fil-A development in Tulsa, Oklahoma. Existing traffic volume data was collected adjacent to the proposed site. The existing traffic was utilized to determine the background traffic for 2024 by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 design year was selected as the year the development is estimated to be completed. The proposed site traffic was determined and added to the 2024 future background traffic for conducting site reviews and analyses.

The analyses conducted under the 2023 existing traffic and 2024 future background traffic indicated that the study intersections currently operate and would be expected to continue operating at acceptable levels-of-service during the a.m., midday, and p.m. peak hours. Once the proposed site traffic was added to the 2024 future background traffic, each study intersection and site driveway would be expected to continue operating at an acceptable level-of-service during the peak hours.

6.2 RECOMMENDATIONS
Based on the results of the analyses conducted, no geometric roadway improvements are necessary as a result of the proposed site development for traffic to operate at an acceptable level-of-service.
February 21, 2024

Dear Nathan:

Please find enclosed exhibits for this case to be included, along with this letter, in the Board’s materials. The Applicant, the Property Owner, and representatives of Chick-fil-A have had two (2) meetings with the residential neighbors prior to the filing of this application. Enclosed are copies of the letters mailed out to the neighbors prior to both meetings, along with the sign-in sheets from those meetings. We have also met once with the Brookside Business Association.

The attached renderings reflect design changes from the original concept presented based on the input and requests we received from those meetings.

A. **Building Colors:** The building colors have been changed to include two-tone masonry materials to provide a more aesthetic design and Brookside “feel”.

B. **Screening Wall:** A 6’6” masonry and vinyl slat screening wall has been added along the southern property line facing 42nd Street. Landscaping will be installed on both sides of the screening wall.

C. **Screening Wall Sight Line:** The screening wall was presented to the neighbors at 6’ tall. However, at the request of one of the property owners who lives on the south side of 42nd Street, the wall height has been increased to 6’6” to account for the sight line from the front of the residence facing the subject property.
D. **Vehicular Access:** A “pork chop” has been added to the westerly curb cut on E. 42nd Street to restrict left-hand vehicular turns into the residential neighborhood.

E. **Patio Amenities:** The patio area has been expanded to provide more outdoor, dine-in seating. Additional waste receptacles have been added in the patio area and near the pedestrian crosswalk connecting the site to the public sidewalk along Peoria.

These design considerations, as well as the proposed conditions provided in Exhibit “B” to the filed application, directly result from the input of both the commercial and residential neighbors to the site and in the Brookside area.

Sincerely,

**ELLER & DETRICH**  
*A Professional Corporation*

[Signature]

Lou Reynolds
# SIGN-IN

**CHICK-FIL-A/42ND & PEORIA NEIGHBORHOOD MEETING**  
December 13, 2023  7:00 P.M.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>E-MAIL</th>
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<tbody>
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</tr>
<tr>
<td>Tracey Nyquist</td>
<td>Brookside Resident</td>
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</tr>
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<td>1336 E. 24th St.</td>
<td><a href="mailto:AlexanderR.Hewitt@Gmail.com">AlexanderR.Hewitt@Gmail.com</a></td>
</tr>
<tr>
<td>Julia Park</td>
<td>Brookside Resident- 35th Pl.</td>
<td></td>
</tr>
<tr>
<td>Jay Zollicoff</td>
<td>1105 E. 34th Street</td>
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<td>John Profitt</td>
<td>4631 S. Quincy Pl.</td>
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</tr>
<tr>
<td>NAME</td>
<td>ADDRESS</td>
<td>E-MAIL</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Gregory Pratt</td>
<td>1416 E 42nd St</td>
<td><a href="mailto:gregory.p@hotmail.com">gregory.p@hotmail.com</a></td>
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<tr>
<td>Marianna Wetlan</td>
<td>3645 S. Yorktown Pl.</td>
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</tr>
<tr>
<td>Cindy Woodward</td>
<td>1334 E 36th St</td>
<td></td>
</tr>
</tbody>
</table>
42/Peoria LLC  
8909 S. Yale Ave.  
Tulsa, OK  74137-3557  

Re: New Chick-fil-A restaurant at 42nd Street and Peoria Ave.  

Dear Sir or Madam:  

I am writing to you to invite you to a follow-up meeting with the Chick-fil-A team on Tuesday, January 23, 2024, at 6:00 p.m., which will be held at The Brookside Collective, located upstairs, on the parking lot side of the building, at 1307 E. 38th Street, Tulsa, Oklahoma 74105, (above the Sushi Hana restaurant).  

On behalf of Chick-fil-A, we hope to see you at the meeting to discuss the input Chick-fil-A received at the first meeting held in December and to answer any additional questions you may have about the project. Again, we look forward to seeing you at the January 23rd meeting.  

Sincerely,  

ELLER & DETRICH  
A Professional Corporation  

[Signature]  

R. Louis Reynolds  

January 16, 2024
# SIGN-IN

**CHICK-FIL-A/42ND & PEORIA 2nd NEIGHBORHOOD MEETING**

January 23, 2024  6:00 P.M.

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<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>E-MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lou Reynolds</td>
<td>2727 E. 21st St.</td>
<td><a href="mailto:lroy@freeemail.com">lroy@freeemail.com</a></td>
</tr>
<tr>
<td>Bill Beichler</td>
<td>6802 S Jamestown Ave.</td>
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<tr>
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</tr>
<tr>
<td>Tracy Nyquist</td>
<td>Brookside</td>
<td></td>
</tr>
<tr>
<td>Cindy &amp; Mike Treat</td>
<td>4140 S. Peoria</td>
<td></td>
</tr>
<tr>
<td>Dana Manry</td>
<td>4143 S. Madison Pl.</td>
<td><a href="mailto:manry.dana@gmail.com">manry.dana@gmail.com</a></td>
</tr>
<tr>
<td>Gregory Darnell</td>
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<td><a href="mailto:gregoryp@hotmail.com">gregoryp@hotmail.com</a></td>
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<td>1441 E 72nd Pl.</td>
<td><a href="mailto:pastor@communitybooks.org">pastor@communitybooks.org</a></td>
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<tr>
<td>Corey Abernathy</td>
<td>724 S Main St.</td>
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</tr>
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<td>1621 E. 32nd St.</td>
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</tr>
<tr>
<td>NAME</td>
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<td>E-MAIL</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Sandy Moore</td>
<td>1360 E 44</td>
<td><a href="mailto:skmoore7@me.com">skmoore7@me.com</a></td>
</tr>
<tr>
<td>Gabriele Tvedt</td>
<td>1332 E 42 St</td>
<td><a href="mailto:gabriel.tvedt@gmail.com">gabriel.tvedt@gmail.com</a></td>
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**PLANT LIST**

<table>
<thead>
<tr>
<th>Trees</th>
<th>Qty</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Scheduled Size</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>6 Chinese Fringe Tree</td>
<td>6</td>
<td>Chionanthus retusus</td>
<td>Chinese Fringe Tree</td>
<td>4&quot; Cal, 14' Hgt.</td>
<td>B &amp; B, well branched</td>
</tr>
<tr>
<td>26 Foster Holly</td>
<td>26</td>
<td>Ilex x attenuata 'Fosteri'</td>
<td>Foster Holly</td>
<td>9' Hgt.</td>
<td>B &amp; B, well branched, full to ground</td>
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<tr>
<td>6 Dynamite Crepe Myrtle</td>
<td>6</td>
<td>Lagerstroemia indica 'Whit II'</td>
<td>Dynamite Crepe Myrtle</td>
<td>7'-8' Hgt.</td>
<td>Multi-trunk</td>
</tr>
<tr>
<td>8 Wildfire Tupelo</td>
<td>8</td>
<td>Nyssa sylvatica 'Wildfire'</td>
<td>Wildfire Tupelo</td>
<td>4&quot; Cal; 14' Hgt.</td>
<td>B &amp; B, single straight leader</td>
</tr>
<tr>
<td>3 Chinese Pistache</td>
<td>3</td>
<td>Pistacia chinensis</td>
<td>Chinese Pistache</td>
<td>3&quot; Cal; 12' Hgt.</td>
<td>B &amp; B, single straight leader</td>
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<tr>
<td>5 Nuttall Oak</td>
<td>5</td>
<td>Quercus nuttallii</td>
<td>Nuttall Oak</td>
<td>4&quot; Cal; 14' Hgt.</td>
<td>B &amp; B, single straight leader</td>
</tr>
<tr>
<td>5 Drake Elm</td>
<td>5</td>
<td>Ulmus parvifolia 'Drake'</td>
<td>Drake Elm</td>
<td>4&quot; Cal; 14' Hgt.</td>
<td>B &amp; B, single straight leader, well branched</td>
</tr>
<tr>
<td>Shrubs</td>
<td>28</td>
<td>Abelia x chinensis 'Rose Creek'</td>
<td>Rose Creek Abelia</td>
<td>18&quot; Hgt.</td>
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<tr>
<td>304 Needlepoint Holly</td>
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<td>Ilex cornuta 'Needlepoint'</td>
<td>Needlepoint Holly</td>
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<tr>
<td>103 Ruby Loropetalum</td>
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<td>Loropetalum chinense 'Ruby'</td>
<td>Ruby Loropetalum</td>
<td>36&quot; Hgt.</td>
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<tr>
<td>120 Adagio Grass</td>
<td>120</td>
<td>Miscanthus sinensis 'Adagio'</td>
<td>Adagio Grass</td>
<td>3 Gal.</td>
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</tr>
<tr>
<td>56 Mojo Dwarf Pittosporum</td>
<td>56</td>
<td>Pittosporum tobira 'CNI Three'</td>
<td>Mojo Dwarf Pittosporum</td>
<td>10&quot; Hgt.</td>
<td></td>
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<tr>
<td>Groundcovers</td>
<td>44</td>
<td>Hemerocallis 'Stella De Oro'</td>
<td>Stella De Oro Daylily</td>
<td>1 Gal.</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**TOTAL AREA:** 90,235 SQUARE FEET ± 2.072 ACRES ± TRACT 15
D/F PYLON WITH READERBOARD SIGN

PAINTED DK. BRONZE

SQUARE TUBE SUPPORT

114 SF

CFA #5440 - SOUTH PEORIA AVENUE

LOAD REQUIREMENTS.

BASIS, LOCAL SOIL CONDITIONS AND WIND-

ONE ( 1 ) 3'-0" DIA. x 10'-0" DEEP CONCRETE SUPPORT

INCLUDE CHANGE ARM. FRANKLIN GOTHIC COND.

 safari. FACE ROUTED FOR READER BOARD

READER BOARD CABINET

SEMI-GLOSS FINISH.

PAINT INTERIOR OF CABINETS MATTE WHITE,

WHITE SHOW THRU GRAPHICS.

APPLIED FIRST SURFACE.

#3630-53  TRANSLUCENT CARDINAL RED VINYL

TWO (2) S/F .080" ROUTED ALUM. FACES AND

INTERNALLY ILLUMINATED WITH 7100K WHITE LEDS.

BRONZE, SEMI-GLOSS.

FABRICATED D/F ALUM. CABINET WITH SIGNCOMP

D/F MAIN ID CABINET

Wall Dimension and Section

South Elevation  SCALE: 1" = 1'-0"

6' Hgt. Privacy Fence - Brick Wall and Columns
w/ vinyl opaque fence.

3/16" = 1'-0"
Wildfire Tupelo
Nuttall Oak
Drake Elm
Chinese Fringe Tree
Chinese Pistache
Dynamite Crepe Myrtle
Foster Holly
Adagio Grass
Asiatic Jasmine
Henry's Garnet Sweetspire
Mojo Dwarf Pittosporum
Rosecreek Abelia
Ruby Loropetalum
Needle Point Holly

CFA #5440 - SOUTH PEORIA AVENUE
TRAFFIC IMPACT ANALYSIS

Chick-fil-A
Northeast Corner of Peoria Avenue and 42nd Street
Tulsa, Oklahoma

Prepared for:
Greyden Engineering
December 2023

Prepared by:
Traffic Engineering Consultants, Inc.

ESTHER M. SHAW-SMITH, P.E. # 23711
C.A. # 1160, RENEWAL 06-30-25

12-10-23
DATE
# TABLE OF CONTENTS

1.0 INTRODUCTION ........................................................................................................................................ 2

2.0 BACKGROUND ........................................................................................................................................... 2

2.1 PROPOSED DEVELOPMENT ................................................................................................................... 2

2.2 ADJACENT ROADWAY NETWORK ....................................................................................................... 2

3.0 BACKGROUND TRAFFIC ............................................................................................................................ 3

3.1 EXISTING TRAFFIC .................................................................................................................................. 3

3.2 FUTURE BACKGROUND TRAFFIC ......................................................................................................... 3

4.0 PROPOSED SITE TRAFFIC .......................................................................................................................... 3

4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC ..................................................................................... 4

4.2 DIVERTED LINK TRIPS ............................................................................................................................ 4

4.3 TOTAL TRAFFIC ....................................................................................................................................... 5

5.0 CAPACITY ANALYSIS ............................................................................................................................... 5

5.1 METHODOLOGY ....................................................................................................................................... 5

5.2 SCENARIOS .............................................................................................................................................. 6

5.2.1 2023 EXISTING TRAFFIC .................................................................................................................... 7

5.2.2 2024 FUTURE BACKGROUND TRAFFIC ............................................................................................. 7

5.2.3 2024 TOTAL TRAFFIC ........................................................................................................................ 7

6.0 CONCLUSIONS ......................................................................................................................................... 8

6.1 SUMMARY .............................................................................................................................................. 8

6.2 RECOMMENDATIONS ............................................................................................................................. 8
1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained to conduct a traffic impact analysis (TIA) for a proposed Chick-fil-A development to be constructed in Tulsa, Oklahoma. The analysis was requested to determine the effects the proposed development would have on the adjacent street system, to review the available access to the development, and to provide recommendations for improvements that may be necessary to accommodate the traffic expected to be generated by the development.

2.0 BACKGROUND

2.1 PROPOSED DEVELOPMENT
The site of the proposed development is located north of 42\textsuperscript{nd} Street and east of Peoria Avenue as shown in Figure 1. The current site location is a combination of a closed fast-food restaurant and undeveloped land. Access to the new development as shown in Figure 2 is proposed via two full-access drives that connect onto 42\textsuperscript{nd} Street and an exit only drive onto Peoria Avenue.

2.2 ADJACENT ROADWAY NETWORK
Peoria Avenue is a five-lane north/south primary arterial with a posted speed limit of 35 mph. 41\textsuperscript{st} Street is a four-lane east/west primary arterial with a posted speed limit of 35 mph. 41\textsuperscript{st} Place is a two-lane east/west local street with a statutory speed limit of 25 mph. 42\textsuperscript{nd} Street is a two-lane east/west local street with a posted speed limit of 25 mph.

The intersection of 41\textsuperscript{st} Street and Peoria Avenue is signalized. The north and southbound approaches have a shared through + right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The eastbound approach has the same lane configuration as the north and southbound approaches. The westbound approach has an exclusive right-turn lane, an exclusive through lane, and an exclusive left-turn lane. The left turns operate as a “permissive + protected” turn phase and the westbound right turn operates with an “overlap” turning phase.
FIGURE 1. Site Location Map
Chick-fil-A
Tulsa, Oklahoma
FIGURE 2. Site Plan
Chick-fil-A
Tulsa, Oklahoma
3.0 BACKGROUND TRAFFIC

3.1 EXISTING TRAFFIC

Existing traffic volume data was collected adjacent to the proposed site in November 2023. 24-hour turning movement volumes were collected at the intersections of 41st Street and Peoria Avenue, 41st Place and Peoria Avenue, and 42nd Street and Peoria Avenue. The traffic volume data indicated that the a.m. peak hour occurred from 10:00-11:00, the midday peak hour occurred from 11:45 – 12:45, and the p.m. peak hour occurred from 5:00 – 6:00. Given the traffic characteristics in the area and the anticipated trip generation for the proposed site, the weekday peak periods would represent a “worst-case scenario” with regards to traffic impact on the surrounding roadway network. If traffic operations are acceptable during these weekday peak hours, it can be reasoned that conditions would be acceptable throughout the remainder of the day and week. The 2023 existing traffic is summarized in Figure 3 and detailed printouts of the traffic count data are included in the appendix.

3.2 FUTURE BACKGROUND TRAFFIC

The 2023 existing traffic volumes were utilized to determine the background traffic for 2024. The 2024 year was selected as the future design year the development is estimated to be completed. The background traffic was determined for the 2024 future design year by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 projected background traffic is summarized in Figure 4.

4.0 PROPOSED SITE TRAFFIC

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. Historic Chick-fil-A site trips from other similarly sized restaurants was used to determine the amount of traffic the development is expected to generate. A summary of the trip generation data analyzed is provided in the appendix. The resulting traffic volumes projected to be generated by the proposed site once fully constructed and occupied are indicated in Table 1.
FIGURE 3. 2023 Existing Traffic
FIGURE 4. 2024 Future Background Traffic
The proposed site would be expected to generate 3,006 vehicles on a daily basis with 157 entering and 152 exiting vehicles during the a.m. peak hour, 174 entering and 173 exiting during the midday peak hour, and 162 entering and 149 exiting vehicles during the p.m. peak hour.

### 4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC

The traffic expected to be generated by the proposed site was distributed among the points of access and the adjacent study intersections for the a.m., midday, and p.m. peak hours. The distribution of the proposed site traffic was based on the anticipated destination of the future customers and the traffic patterns in the area which were obtained from the traffic data collected and field observations made for this study. The directional distribution of the site generated traffic for the proposed site is expected to be:

- 30% to/from Peoria Avenue north of the site
- 30% to/from Peoria Avenue south of the site
- 20% to/from 41st Street east of the site
- 20% to/from 41st Street west of the site

It was assumed that site traffic would redistribute as necessary to the path of least resistance coming to and exiting the site. The traffic expected to be generated by the proposed site is summarized in Figure 5.

### 4.2 DIVERTED LINK TRIPS

Diverted link trips occur when trips are attracted from roadways in the study area that do not have direct access to the proposed site. These trips divert from their original path and travel onto the roadway that
A.M. EXITING = 76 VPH
P.M. EXITING = 75 VPH
NOON EXITING = 87 VPH

A.M. ENTERING = 79 VPH
A.M. EXITING = 76 VPH
NOON ENTERING = 87 VPH
NOON EXITING = 87 VPH
P.M. ENTERING = 81 VPH
P.M. EXITING = 75 VPH

FIGURE 5. Projected Site Trips
provides direct access. Therefore, diverted link trips add traffic to the roadway adjacent to the proposed site as well as the site driveways, but would remove traffic from the roadway from which it was diverted.

Based on guidance provided by the *Trip Generation Handbook* as published by the Institute of Transportation Engineers (ITE) for this land use, it was assumed that 50 percent of trips in the a.m., 50 percent of the trips in the midday, and 50 percent of trips in the p.m. originating from Peoria Avenue would divert to Chick-fil-A on the way to their destination. Alternatively, it was also assumed that 50 percent of trips in the a.m., 50 percent of the trips during the midday, and 50 percent of trips in the p.m. originating from Chick-fil-A would divert to the proposed site enroute to Peoria Avenue. The projected diverted link trips are summarized in Table 1 and shown in Figure 6.

4.3 TOTAL TRAFFIC
The projected site traffic with the diverted link reduction was added to the future background traffic for the 2024 design year. The 2024 total traffic (2024 future background traffic + proposed site traffic with diverted link trips) for each access point to the proposed site as well as the adjacent study intersections are summarized in Figure 7.

5.0 CAPACITY ANALYSIS

5.1 METHODOLOGY
The capacity analyses were conducted using *Synchro 11*, which is a software package for modeling and optimizing traffic signal timings at signalized intersections and analyzing unsignalized intersections in accordance with the methodology of the *Highway Capacity Manual*. The *Highway Capacity Manual* is published by the Transportation Research Board of the National Research Council, Washington, D.C. The information has been widely accepted throughout the U.S. as a guide for defining and solving transportation challenges. The information is approved and distributed by the U.S. Department of Transportation, Federal Highway Administration.

The capacity analysis provides a measure of the amount of traffic that a given facility can accommodate. Traffic facilities generally operate poorly at or near capacity. The analysis is intended to estimate the maximum amount of traffic that can be accommodated by a facility while maintaining prescribed operational qualities. The definition of operational criteria is accomplished using levels-of-service.
FIGURE 6. Diverted Link Trips
The concept of levels-of-service is defined as a qualitative measure and describes operational conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis procedures are available. They are given letter designations, from “A” to “F”, with level-of-service “A” representing the best operating conditions and level-of-service “F” the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for each approach and for the intersection as a whole. The level-of-service for this type of traffic control is directly related to the control delay value. The criteria for stop-controlled or unsignalized intersections have different threshold values than do those for signalized intersections. A higher level of control delay has been determined to be acceptable at a signalized intersection for the same level-of-service. Longer delays for side streets are generally acceptable if gaps in traffic are prevalent. Generally, a gap acceptance threshold for longer delay values (LOS “E” or “F”) is defined when v/c ratios are less than 0.80. The level-of-service criteria are summarized in Table 2. The Highway Capacity Manual considers an overall intersection level-of-service “D” or better and a critical approach (approach with the lowest level-of-service) level-of-service “E” or better to be acceptable regarding vehicular traffic delay.

### Table 2

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Average Delay (seconds/vehicle)</th>
<th>Traffic Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsignalized</td>
<td>Signalized</td>
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<tr>
<td>A</td>
<td>≤10</td>
<td>≤10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 15</td>
<td>&gt; 10 - 20</td>
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<tr>
<td>C</td>
<td>&gt; 15 - 25</td>
<td>&gt; 20 - 35</td>
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<tr>
<td>D</td>
<td>&gt; 25 - 35</td>
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<tr>
<td>E</td>
<td>&gt; 35 - 50</td>
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<tr>
<td>F</td>
<td>&gt; 50</td>
<td>&gt; 80</td>
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</table>

5.2 SCENARIOS

Capacity analyses were conducted for the a.m., midday, and p.m. peak hours at each access point to the proposed site as well as the adjacent study intersections. The intersections were analyzed and reviewed under the 2023 existing traffic, 2024 future background traffic, and 2024 total traffic. The site traffic was analyzed entering and exiting the site via two full access drives on 42nd Street and one exiting drive on Peoria Avenue. Existing signal timings for 41st Street and Peoria provided by the City of Tulsa were utilized.
for the scenarios listed above. The results of the capacity analyses conducted are summarized in Table 3 and the raw data sheets have been included in the appendix.

### TABLE 3
CAPACITY ANALYSIS SUMMARY

<table>
<thead>
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<th>Intersection</th>
<th>Type of Traffic Control</th>
<th>AM Peak Hour</th>
<th>Midday Peak Hour</th>
<th>PM Peak Hour</th>
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<td></td>
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<td>Critical Approach</td>
<td>Critical Approach</td>
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<tr>
<td></td>
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<td>Interception</td>
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<td></td>
<td>Delay (sec/veh)</td>
<td>LOS</td>
<td>Delay (sec/veh)</td>
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<td></td>
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<td></td>
</tr>
<tr>
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<td>14.0 B</td>
<td>EB 15.5 B</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
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<td>EB 23.4 C</td>
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<td>Drive 3 &amp; 42nd Street</td>
<td>Southbound Stop</td>
<td>SB 8.4 A</td>
<td>7.4 A</td>
<td>SB 8.5 A</td>
</tr>
</tbody>
</table>

### 5.2.1 2023 EXISTING TRAFFIC

The analyses conducted under the 2023 existing traffic indicated that the critical approach at the intersections currently operate at a level-of-service “C” or better during the a.m. midday and p.m. peak hours. The intersections currently operate at an overall level-of-service “B” or better during the peak hours.

### 5.2.2 2024 FUTURE BACKGROUND TRAFFIC

The analyses conducted under the 2024 future background traffic indicated that the critical approach at the intersections would be expected to continue operating at a level-of-service “C” or better during the peak hours. The intersections would be expected to continue operating at an overall level-of-service “B” or better during the peak hours.

### 5.2.3 2024 TOTAL TRAFFIC

Once the proposed site traffic with diverted link trips are added to the 2024 future background traffic, each intersection's critical approach would be expected operate at level-of-service “D” or better during the peak hours. The study intersections would be expected to continue operating at an overall level-of-service “B” or better during both peak hours.
6.0 CONCLUSIONS

6.1 SUMMARY
TEC was requested to conduct a traffic impact analysis for a proposed Chick-fil-A development in Tulsa, Oklahoma. Existing traffic volume data was collected adjacent to the proposed site. The existing traffic was utilized to determine the background traffic for 2024 by applying an average annual growth rate of 2.00% to the 2023 existing traffic volumes. The 2024 design year was selected as the year the development is estimated to be completed. The proposed site traffic was determined and added to the 2024 future background traffic for conducting site reviews and analyses.

The analyses conducted under the 2023 existing traffic and 2024 future background traffic indicated that the study intersections currently operate and would be expected to continue operating at acceptable levels-of-service during the a.m., midday, and p.m. peak hours. Once the proposed site traffic was added to the 2024 future background traffic, each study intersection and site driveway would be expected to continue operating at an acceptable level-of-service during the peak hours.

6.2 RECOMMENDATIONS
Based on the results of the analyses conducted, no geometric roadway improvements are necessary as a result of the proposed site development for traffic to operate at an acceptable level-of-service.
Dylan,

I appreciate the quick reply.

Unfortunately, I had left for work at the time it was sent, and I am not able to view my personal email while at work. (I've had a company phone for YEARS, and I do not have my personal email on my company phone, etc.)

I will provide information in a separate email this weekend, but I do not believe we have sufficient time to have it approved and submitted. If it can be reviewed Monday, February 26th, then I guess we are good.

All of that said, I request a continuance as I do not believe the neighborhood has been provided an opportunity to be able to schedule PTO to attend the meeting. We are all concerned about the affects this will have on an already busy residential street and how the restaurant will affect our home values, ability to move freely around the neighborhood, and the possibility of selling our home is we wish to do so. I have attached the only form I could find requesting a continuance. (I'm, obviously, not an attorney, but I'm doing what I can.)

Thank you!
John
It is always best to send emails regarding the case before the meeting. If approved and it is submitted after the board members will not see it. If you submit before, we can place it in their packet.

Usually there is a time limit of 3-5 minutes for opposition, this depends on the amount of people there to protest a case.

Neighborhoods can request a continuance through email. The board has to approve that request, and we usually send it to the applicants.

Best,

Dylan Siers | Planner
Tulsa Planning Office
Department of City Experience
175 E. 2nd Street, Suite 480
Tulsa, OK 74103-3216
T: 918-596-7584
E: dsiers@cityoftulsa.org
www.tulsaplanning.org

From: J Frazer <john_ski44@hotmail.com>
Sent: Thursday, February 22, 2024 7:56 PM
To: Tulsa Planning Office <Planning@cityoftulsa.org>
Subject: Case #BOA-23646 - 2/27/2024 Hearing - Quick Questions
Importance: High

Hello,

I just received the notification of hearing for the captioned case today, February 22, 2024, for the hearing scheduled on February 27, 2024, and I wanted to ask a couple of questions:

- Can opposition or support be submitted via email before or after the hearing?
- What are the rules for addressing the board, e.g. time limits, documentation accepted, etc.?
- Can a request be submitted to delay the hearing for either opposition or support? If so, what is that process?

Thank you,
John

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
February 25, 2024

City of Tulsa Board of Adjustment
2 W 2nd Street, Ste 800
Tulsa, OK 74103

RE: Case #BOA-23646 – Opposition of Special Exception to Permit a Drive-Through Facility in the MX-3-U-U District. Chick-fil-A (CFA)

Dear Members of the City of Tulsa Board of Adjustment,

I am writing to express my opposition to the special exception to permit a drive-through facility in the MX-3-U-U District as outlined in the Staff Report prepared by Sean Wallace of the Tulsa Planning Commission.

I purchased my home located 1404 E 42nd St in May 2005. At that time, houses lined the north side of E 42nd St and south side of 41st Pl up to Quincy Ave. The houses were located in the vacant area now zoned as MX3-U-U. (RS3 until 8/9/2023.)

In or around 2007, those houses were purchased and razed, and there were plans to build high-value townhomes where the houses once stood. While Phase I of that plan was completed, Phase II was, I believe, abandoned after the housing issues of 2008. The neighborhood would have gladly welcomed these residents. However, things changed on 8/9/2023, more than 15 years later, as stated in the Relevant Case History section of Mr. Wallace’s report.

Several neighbors attended the public meetings held on 12/13/2023 and 1/23/2024. The main concerns from many neighbors, especially those that reside on 42nd St, are as follows:

- **Traffic to Date** – E 42nd St has been an inlet and outlet for many within the neighborhood and those trying to avoid the traffic at the intersection of 41st St and Peoria. On most occasions, these vehicles are traveling at a high rate of speed. The current construction on Peoria has exacerbated the issues with those avoiding the intersection.
  - E 42nd St is *not* a through street as demonstrated in 8.6, 8.7, 8.9, and 8.18 in Mr. Wallace’s report. (Attached)
  - The camera at my house currently records 100-125 vehicles per day on a regular day. This typically begins at 6 AM and can go well into the nighttime hours.

- **Potential Traffic** – We were initially advised that a typical Chick-fil-A can have, on average, 175 vehicles per rush hour with 3 separate rush hours – breakfast, lunch, and dinner.
  - The report from Traffic Engineering Consultants, Inc. states that the restaurant is expected to *generate 3,006 vehicles on a daily basis*, which would be considered a D in the Level of Service. (Table 1 and Table 2 of the TEC report.) This is an extraordinary number of vehicles. Except for Sunday, of course.
    - Level of Service D - Approaching Unstable Flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding) (Table 3.)
  - Neighbors could be affected by a delay in first responders due to inability to reach them in a timely manner. (My neighbor is diabetic, and any delay could be very detrimental.)
These issues are not limited to our neighborhood. The volume of traffic has been well documented in the cities of Collierville, TN, Springfield, VA, Oceanway, FL, and Toledo, OH, to name just a few. (Attached)

- **Effect on Area Business** – There is no doubt the addition will affect nearby businesses and the livelihoods of those who own or work at the businesses. Except for Sunday, of course. This includes Super Wok (4203 S Peoria), Mazzio’s Delivery (4205 S Peoria Ave), and KFC (4235 S Peoria Ave), to name a few.

- **Odors, lighting, etc.** – The neighbors have discussed the odor of fried chicken, car exhaust (except for Sunday, of course), and dumpsters in Oklahoma heat. This, combined with the refinery smell we get starting in the fall, is a concern.
  - A fully lit parking lot of that size at all hours of the night is a concern.
  - Trash. While I know the company does very well in maintaining their respective premises, I guarantee I will find plenty of CFA trash in my yard regardless of the direction of the wind.

- **Delivery Trucks** – It is our understanding that the delivery trucks arrive around 3 AM every morning. Except for Sunday, of course. The entrance of those deliveries in relation to the design have not been addressed, but the **only access points are located on E 42nd St**.

I would also like the opportunity to dispute portions of Exhibit “B” in the report:

3. **Only two (2) access points shall be permitted.** The **only access points are on E 42nd St**. As most CFAs are located in retail lots, this is very unique. We consider this a burden on our ability to move freely within our neighborhood, especially when entering and exiting our driveways. (“3,006 vehicles on a daily basis”)
   - During a 2-hour drive-around with Councilman Fowler on 12/31/2023, he stated he did not know how the only entrances could be on our residential street.

4. **“Pork Chop”** – This only applies to the westerly access point. Please note that the westerly **access is only three (3) car lengths, or 75 feet from Peoria Ave**. The easterly access point allows vehicles to move in eastward and westward directions. This easterly access is directly across the street from my house. Again, **E 42nd St is not a through street**.

6. **Dumpsters** – Please see “Odors, lighting, etc.” above. Rats and other animals that will be attracted are very much a concern. Frequency of trash collection is unknown.

I hope the Board will consider my opposition and deny the special exception. I, as well as my neighbors, believe the addition of the CFA will create a tremendous burden on the residents of this neighborhood by restricting our ability to move freely within the neighborhood, affect our ability to sell our homes if we choose to do so, and add a substantial amount of traffic to an already congested area.

Respectfully,

John Frazer
1404 E 42nd St
Tulsa, OK 74105

Enc.
The proposed site would be expected to generate 3,006 vehicles on a daily basis with 157 entering and 152 exiting vehicles during the a.m. peak hour, 174 entering and 173 exiting during the midday peak hour, and 162 entering and 149 exiting vehicles during the p.m. peak hour.

4.1 DISTRIBUTION OF PROJECTED SITE TRAFFIC

The traffic expected to be generated by the proposed site was distributed among the points of access and the adjacent study intersections for the a.m., midday, and p.m. peak hours. The distribution of the proposed site traffic was based on the anticipated destination of the future customers and the traffic patterns in the area which were obtained from the traffic data collected and field observations made for this study. The directional distribution of the site generated traffic for the proposed site is expected to be:

- 30% to/from Peoria Avenue north of the site
- 30% to/from Peoria Avenue south of the site
- 20% to/from 41st Street east of the site
- 20% to/from 41st Street west of the site

It was assumed that site traffic would redistribute as necessary to the path of least resistance coming to and exiting the site. The traffic expected to be generated by the proposed site is summarized in Figure 5.

4.2 DIVERTED LINK TRIPS

Diverted link trips occur when trips are attracted from roadways in the study area that do not have direct access to the proposed site. These trips divert from their original path and travel onto the roadway that...
concept of levels-of-service is defined as a qualitative measure and describes operational conditions in
terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and
convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis
procedures are available. They are given letter designations, from “A” to “F”, with level-of-service “A”
representing the best operating conditions and level-of-service “F” the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for
each approach and for the intersection as a whole. The level-of-service for this type of traffic control is
directly related to the control delay value. The criteria for stop-controlled or unsignalized intersections
have different threshold values than do those for signalized intersections. A higher level of control delay
has been determined to be acceptable at a signalized intersection for the same level-of-service. Longer
delays for side streets are generally acceptable if gaps in traffic are prevalent. Generally, a gap acceptance
threshold for longer delay values (LOS “E” or “F”) is defined when v/c ratios are less than 0.80. The level-
of-service criteria are summarized in Table 2. The Highway Capacity Manual considers an overall
intersection level-of-service “D” or better and a critical approach (approach with the lowest level-of-
service) level-of-service “E” or better to be acceptable regarding vehicular traffic delay.

**TABLE 2**

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Average Delay (seconds/vehicle)</th>
<th>Traffic Condition</th>
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<tr>
<td></td>
<td>Unsignalized</td>
<td>Signalized</td>
</tr>
<tr>
<td>A</td>
<td>≤10</td>
<td>≤10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 15</td>
<td>&gt; 10 - 20</td>
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<tr>
<td>C</td>
<td>&gt; 15 - 25</td>
<td>&gt; 20 - 35</td>
</tr>
<tr>
<td><strong>D</strong></td>
<td>&gt; 25 - 35</td>
<td>&gt; 35 - 55</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 35 - 50</td>
<td>&gt; 55 - 80</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 50</td>
<td>&gt; 80</td>
</tr>
</tbody>
</table>

5.2 **SCENARIOS**

Capacity analyses were conducted for the a.m., midday, and p.m. peak hours at each access point to the
proposed site as well as the adjacent study intersections. The intersections were analyzed and reviewed
under the 2023 existing traffic, 2024 future background traffic, and 2024 total traffic. The site traffic was
analyzed entering and exiting the site via two full access drives on 42nd Street and one exiting drive on
Peoria Avenue. Existing signal timings for 41st Street and Peoria provided by the City of Tulsa were utilized
for the scenarios listed above. The results of the capacity analyses conducted are summarized in Table 3 and the raw data sheets have been included in the appendix.

### TABLE 3

CAPACITY ANALYSIS SUMMARY

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Type of Traffic Control</th>
<th>AM Peak Hour</th>
<th>Critical Approach</th>
<th>Midday Peak Hour</th>
<th>Critical Approach</th>
<th>PM Peak Hour</th>
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<td>LOS</td>
<td>Approach</td>
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<td>0.4</td>
<td>A</td>
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<td>A</td>
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<td>8.4</td>
<td>A</td>
<td>7.4</td>
<td>A</td>
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</tbody>
</table>

5.2.1 2023 EXISTING TRAFFIC

The analyses conducted under the 2023 existing traffic indicated that the critical approach at the intersections currently operate at a level-of-service “C” or better during the a.m. midday and p.m. peak hours. The intersections currently operate at an overall level-of-service “B” or better during the peak hours.

5.2.2 2024 FUTURE BACKGROUND TRAFFIC

The analyses conducted under the 2024 future background traffic indicated that the critical approach at the intersections would be expected to continue operating at a level-of-service “C” or better during the peak hours. The intersections would be expected to continue operating at an overall level-of-service “B” or better during the peak hours.

5.2.3 2024 TOTAL TRAFFIC

Once the proposed site traffic with diverted link trips are added to the 2024 future background traffic, each intersection's critical approach would be expected operate at level-of-service “D” or better during the peak hours. The study intersections would be expected to continue operating at an overall level-of-service “B” or better during both peak hours.
**Brookside businesses react to possible Chick-fil-A coming soon**

By: [Samson Tamijani](mailto:Samson.Tamijani@thetimes.com), [Braden Bates](mailto:Braden.Bates@thetimes.com), [Alexandra Blake](mailto:Alexandra.Blake@thetimes.com)

*Posted at 11:39 AM, Dec 07, 2023 and last updated 6:31 PM, Dec 14, 2023*

TULSA, Okla. — The Brookside Neighborhood Association held a public meeting on Dec. 13 to discuss a possible Chick-fil-A coming to the area.

More than two dozen people showed up to learn about the chain's plans to build in Tulsa's Brookside neighborhood. Some are worried they won't be able to get in or out of their neighborhoods because of the traffic.

Others are concerned there's not enough privacy between the business and homes. Some thought it was a good idea to bring Chick-fil-A into Brookside.

*[SEE MORE: Photos from Chick-fil-A meeting]*

2 News reached out to the Tulsa Planning Office about the location. The staff said applications are filed for the vacant Arby's Property at 4143 S. Peoria Ave. The filing is for a "restaurant/multi-use" location with conceptual plans showing the building and drive-thru.

Brookside Business Association Vice President Matt Morgan, who said the announcement indicated Tulsa's newest Chick-fil-A. "I knew there were conversations happening for quite some time. Obviously, we don't make any sort of announcement about anything until we know more concrete evidence and we're more sure of the plans," Morgan said.

Chick-fil-A confirmed its eyeing the location:

*While we are still early in the process, Chick-fil-A is happy to share that we are actively pursuing a new location in Tulsa on S Peoria Ave. We look forward to working through the approval process and are excited by the prospect of an additional restaurant in the community. Each locally owned and operated restaurant creates 80 – 120 jobs in the area. We look forward to the opportunity to serve new guests delicious food in an environment of genuine hospitality.*

As for the traffic concerns, Brookside Neighborhood Association President Cindy Woodward said once construction is completed and the new center lane is added it will help with traffic. "I believe a busy restaurant is preferable to an empty building. A fast food restaurant has existed in that location for decades so this isn't a big change," said Woodward.
TULSA, Okla. — Brookside neighbors got another update on plans for a new Chick-fil-A restaurant set to be located on 42nd and Peoria.

Developers tweaked original plans after hearing from neighbors a few weeks ago. The 42nd and Peoria area is largely residential, a unique location for a Chick-fil-A restaurant, posing unique challenges.

It will be a "balancing act between the success of Chick-fil-A, with the location they've chosen," said neighbor Shawn Linfoot.

Developers have plans in place to strike that balance.

Investors are trying to soften the impact on the neighborhood by constructing a 6'8" wall surrounding the parking lot, planting trees, and using subtle lighting.

The aesthetics might be the least of neighbors’ concerns. The most common theme is traffic patterns.

"They may have a honeymoon for a day or two, and they’ll go hire policemen, and the police will direct traffic," said Louis Reynolds, an attorney representing Chick-fil-A.

Developers anticipate seeing, on average, 170 cars pass through the drive-thru during peak hours. The drive-thru can hold about 40 cars at any given moment — that's without spillage into the street.

Exiting traffic has to turn on to Peoria. Unless they go all the way around the building to an alternative exit. One Brookside neighbor is not convinced.

"We’re not throwing darts. We’re expressing our feelings toward the homes we live in, and it’s nothing personal," he said.

Tim Clark, another Brookside neighbor, disagrees. He’s excited about the new eatery.

"Chick-fil-A will enhance the neighborhood in every respect. Property value wise, property-tax-wise, the taxes they will pay the city are tremendous," Clark said.

Hear more reactions from neighbors to the new Chick-fil-A:

One restaurant that may be a predictor? Raising Cane’s.

"You know, I was watching Cane’s real closely when that came in. They would love to have 170 cars an hour," Linfoot said.

Neighbors think the Cane's is not comparable.

The Chick-fil-A is a while away from completion. Developers have to get city approvals and, of course, build the entire restaurant.
Chick-fil-A loses battle over proposed ‘mega’ restaurant after Tennessee community fights back

Nancy Luna

Jan 9, 2024, 1:37 PM CST

Chick-fil-A lost the battle with local residents of a small Tennessee town who fought the chain's plan for a "mega" store.

Jeff Greenberg/Getty Images

- Chick-fil-A wanted to build a new, larger restaurant in a small town in Tennessee.
- But residents fought back, saying the "mega" restaurant would increase traffic.
- City leaders voted against the project Monday, forcing Chick-fil-A to start over.

INSIDER TODAY

Chick-fil-A had big plans to build a large-scale modern restaurant with an indoor playground and dual-drive-thru lanes in a small Tennessee town.

But the fast-food juggernaut underestimated the tenacity of locals, who rallied against the proposed "mega" Chick-fil-A in Collierville, whose population is just over 50,000.

On Monday night, the Collierville Board of Mayor and Alderman denied Chick-fil-A’s plan to build a 6,110-square-foot restaurant in the city. The proposed restaurant, a relocation of an existing smaller Chick-fil-A, was billed by the company as the "latest greatest prototype Chick-fil-A has" in its system.

However, residents who live near the site organized to fight Chick-fil-A. They said they loved the chain’s fried chicken but didn’t like the long, snaking drive-thru lines accompanying it.

A rendering of the proposed "mega" Chick-fil-A that was denied by the city of Collierville. Collierville
They said a new "mega" Chick-fil-A would result in more cars clogging local roads. They presented the city with their own traffic analysis to show how the larger Chick-fil-A would negatively impact the community.

City leaders agreed. The Board of Mayor and Aldermen rejected the Chick-fil-A relocation project in a 5-1 vote.

"The overall sentiment from the board was that it was not the right location because of traffic concerns primarily related to Bray Station — a two-lane road that would provide access to the restaurant," city spokesperson Jennifer Casey told Business Insider.

The new Chick-fil-A restaurant had been in the works for months. The chain said it needed the larger restaurant to meet consumer demand for its food.

The new restaurant would have included a 300-square-foot playground, an employee meeting room, a bigger dining room, double drive-thru lanes with the capacity to handle 43 cars, and expanded outdoor dining.

But residents said the chain was simply "shifting" its traffic-causing lines from one neighborhood to another and possibly increasing it by building a larger store.

Resident Raymond Descheneaux told Business Insider that he was happy that city leaders took the time to listen to their concerns.

"They took the time to weigh all the facts, separating promises, good intentions and well wishes with reality," he said.

Chick-fil-A did not return a request for comment.

The city’s town planner, Jaime Groce, said Chick-fil-A is a "great corporate citizen, and we hope they will continue to invest in our community."

Groce said the chain’s next step is to submit a new plan for a Chick-fil-A location that "fully complies with all town regulations."

The new plan would have to go through various public planning processes before it is approved, Groce said.
Frustrated business owners are complaining about Chick-fil-A's massive drive-thru lines

Kate Taylor and Mary Meisenzahl

Feb 22, 2021, 9:27 AM CST

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A Chick-fil-A line in Springfield, Virginia, blocking other businesses' parking spots. Courtesy of Sylvia Tan

- Business owners across America are complaining about Chick-fil-A's massive drive-thru lines.
- Three business owners in three states sued Chick-fil-A in 2020, saying the lines hurt business.
- "We're a small mom-and-pop shop," one manager said. "So I feel like nobody really cares about us."

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Chick-fil-A lovers are more than happy to wait in some of the longest drive-thru lines in fast food to get their chicken sandwiches.

But at some of the chain's locations, out-of-control drive-thru lines are causing problems for neighboring businesses.

Mario Kiezi, who owns a shopping center in Toledo, Ohio, told Insider that a Chick-fil-A location in a neighboring lot had created a disaster: The fast-food chain's drive-thru line regularly stretches into his shopping center's parking lot, blocking parking spaces.

"Customers have a hard time getting in," Kiezi said. "Customers have a hard time leaving. In some instances, customers are trapped in their parking spots. We have had instances where people that are parked in handicap spaces are not able to back out of their space."
Kiezi filed a lawsuit against Chick-fil-A in December, making him at least the third business owner to sue the chicken chain in 2020 over its drive-thru. Business owners in Beaumont, Texas, and Union, New Jersey, also alleged that Chick-fil-A's long drive-thru lines were damaging business and turning away customers.

Other business owners who haven't filed lawsuits say they are facing similar problems. Insider found dozens of instances of business complaints, police intervention, and significant traffic problems linked to Chick-fil-A's drive-thrus across more than 20 states in recent years.

Drive-thru traffic skyrocketed during the pandemic, causing new problems
A Chick-fil-A drive-thru line outside Joi Wig Salon in Springfield. Courtesy of Sylvia Tan

Business owners and local government officials said the problems had gotten worse during the pandemic.

Sylvia Tan, the store manager of Joi Wig Salon, in Springfield, Virginia, told Insider that Chick-fil-A's drive-thru line made it difficult for customers to enter the salon every day the restaurant is open.

"The customers, they're fed up," Tan said. "All our spaces are blocked right in the front, including our handicap spots. And we have a lot of clients with disabilities."

Tan added: "We're a small mom-and-pop shop. So I feel like nobody really cares about us. The property manager ... they care more about Chick-fil-A than us."
Victor Albisu, the founder of Taco Bamba, which has a location in the same shopping center, described dealing with the Chick-fil-A drive-thru line as a "constant struggle." Taco Bamba workers are forced to weave in between the cars in the drive-thru to fulfill orders, Albisu said.

"You sign up to be a cashier and then you're really not a cashier — you're somebody running across a mall with a bag of tacos," Albisu said, adding that he was constantly telling staff to stay safe.

Tan said that Joi Wig Salon planned to move when its lease is up later this year.

"It was solely because of the Chick-fil-A line," Tan said. "There was no other reason."
A line for a Chick-fil-A drive-thru in Springfield blocking some parking spaces. Courtesy of Sylvia Tan

Andy Douglas, a lawyer representing Kiezi, said he'd received calls from business owners across the country dealing with similar issues.

"The stories are almost identical — that poor people, who are individuals without the wherewithal to fight somebody like Chick-fil-A, are just expected to cave in and give them whatever they want," Douglas said.

Chick-fil-A said in a statement to Insider that it strives to be a good neighbor and had modified its drive-thrus to accommodate increased activity because of closed dining rooms during the pandemic.

"In addition to corporate investment in innovation, our restaurant Operators and their leaders worked with and continue to work with landlords and local authorities on a localized throughput plan unique to each individual restaurant and community to identify the best possible solution that considers the needs of our customers, neighbors and Team Members," Chick-fil-A said.

Insider spoke with 10 business owners, government employees, and Chick-fil-A workers about how drive-thru lines were affecting their communities. Along with local news reports and analysis of four lawsuits, the insiders described a problem that Chick-fil-A is working to solve before it becomes a catastrophe.

Read the full story of Chick-fil-A's out-of-control drive-thru lines here »
Tensions run high at Oceanway community meeting over plan to build Chick-fil-A across from First Coast High School

Neighbors oppose plan to build Chick-fil-A in Oceanway

NOW PLAYING

Oceanway community frustrated over opposed Chick-fil-A public hearing confusion

Oceanway neighbors will get more opportunities to voice concerns after Chick-fil-A public hearing confusion

Tensions run high at Oceanway community meeting over plan to build Chick-fil-A across from First Coast High School

This Week in Jacksonville: Business Edition - JPMorgan Chase expanding in Northeast Florida

JACKSONVILLE, Fla. -- A proposed plan to bring a new Chick-fil-A restaurant to the Oceanway neighborhood is causing a stir among residents. Not all of them are happy about it.

Tensions were high as residents packed the Oceanway Community Center Thursday night to discuss their frustration and concerns with the possible development.
During the meeting, a lawyer working with the property owner explained that the land was originally zoned in 2008 for a McDonald’s, but Chick-fil-A wants to update that plan to include 64 parking spaces instead of the original 35 and expand the capacity for the drive-thru from 14 to 34 cars.

We’ve all seen how busy a Chick-fil-A restaurant can get on any given day (except on Sundays, of course). That’s precisely why some in Oceanway are against one being built directly across from First Coast High School.

A woman named Cindy told News4JAX she’s lived in the area for decades and has seen the fast development. With heavy traffic in the area, Cindy says her main concern is the safety of the students across the street.

“They’ll be running across the street, and it’ll cause more accidents,” Cindy said. “They need a red light, really, for that area so the kids can go across. But they just go zoom on by.”

Tensions run high at Oceanway community meeting over plan to build Chick-fil-A across from First Coast High School

Rowland Thagard Jr. serves as the HOA vice president for the North Creek Subdivision and he said he’s also concerned about the high amount of traffic and other issues.

“The main thing is you have outside personnel that’s visiting the restaurant entering into the neighborhood. We feel that the crime rate will rise, and we feel that it’s going to be a high volume of trash around the neighborhood. We take pride in the North Creek,” Thagard said.

But the traffic and safety worries are just the beginning for some residents.

Plans for the proposal show Chick-fil-A customers would get to the restaurant using Lady Lake Road, within the North Creek subdivision. North Creek’s entrance is directly adjacent to where the restaurant would be built. This means customers would either walk or drive through the neighborhood to get to the restaurant.

“They want to use our entrance, that in itself is bad. The safety of the kids from the school going across the street is bad, and the traffic will be a nightmare. I’ve said it 100 times, I don’t know how else to say it, it’s just not a good idea,” Roberta Smith said.

If this story sounds familiar, it’s because the property owner tried to bring the Chick-fil-A to this location last year, but it was denied.

Jacksonville City Councilman Reggie Gaffney Jr. was front and center during that initial proposal and that was no different on Thursday night.

He told News4JAX he was surprised to hear the property owner is trying again. Now that the proposal has come up for a second time, he said constituents are reaching out to him.

“I have gotten numerous calls. I have gotten at least 10 or 15 calls, and they’re quite concerned,” Gaffney said. “They pretty much call me every day worrying about their home values. They asked me about potential people coming in the neighborhood, maybe loitering and littering, throwing out trash, and their neighborhood traffic and congestion.”
The North Creek neighborhood is encouraging residents to attend a meeting about Chick-fil-A rezoning in the area. (WJXT)

“There’s power in numbers. I think if the community can come out and convince my colleagues then they have a great chance of overcoming this legislation,” Gaffney told News4JAX at the meeting.

That’s exactly what Thagard said he plans to do.

“We’re going to gather, and we’re going to take the fight to them. We’re going to make sure that we stop the project. We don’t want the Chick-fil-A there, high volume traffic, the kids safety is our number one concern,” he said.

Gaffney said a woman who has lived in the area for about 18 years told him that if Chick-fil-A builds in that location, she would sell her home.

As of now, the lot sits vacant. Signs posted nearby highlight what’s happening behind the scenes. Some people, including Belinda Nash, question if a Chick-fil-A is even needed in that location.

“I believe we have one that is not far from here in (the) River City (Marketplace), so that’s pretty close,” Nash said. “I’m not against it either, but I do know the one at River City does have a lot of traffic.”

Gaffney has scheduled a community meeting to discuss the proposed Chick-fil-A restaurant, similar to one he held last year. He said he wants people to hear from those on all sides, and he’s expecting a sizable turnout.

“I want to see if they have a change of heart,” Gaffney said. “Or if they still have the same thought process.”

In the coming weeks, the city itself is expected to take a closer look at the proposal.
An Ohio Chick-Fil-A branch is being sued by a local business owner because its drive-thru line is too long.

Grace Dean

Dec 10, 2020, 9:23 AM CST

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Some vehicles are apparently unable to leave the branch's parking lot because of the long lines. Kevin C. Cox/Getty Images

- A Chick-Fil-A branch in Toledo, Ohio, has such long drive-thru lines that a local business owner has filed a lawsuit against it and its landlord.

- The lines make access to the parking lot at neighboring shopping plaza difficult, which could affect their sales, the lawsuit alleges, per WTOL11.

- The restaurant gets very busy and some customers have complained of an unsafe environment in the parking lot, the owner of a liquor store in the plaza said.
A business owner in Toledo, Ohio, has filed a lawsuit against a Chick-Fil-A branch, alleging that its long drive-thru lines are hitting the sales of local businesses.

The lines at the Secor Avenue branch are so long that they make access to the parking lot at neighboring shopping plaza difficult, the lawsuit alleges. This could deter shoppers from visiting other stores, it concluded, per WTOL11.

Mario Kiezi, who owns the plaza, wrote in the lawsuit that its aim isn't to get financial compensation, but to get Chick-Fil-A to fix the situation.

The lawsuit is filed against both the fast food branch and the property's owner, Mona Real Estate.

"As they backup and get busy, their line stacks in front of the other locally owned businesses, including ours," said A.J. Faulkner, the general manager at Bulk Beverage, told WTOL11.

"On a daily basis they do get very busy during the lunch rush and at nighttime as well during dinner time as one of our neighbors," said Faulkner.

Customers have complained to Bulk Beverage of an "unsafe environment" in the parking lot, and some vehicles are unable to leave the parking lot because of the long lines, he told the publication.

But Faulkner added that the liquor store enjoys having the fast food restaurant as a neighbor, saying it brings them extra traffic.

Chick-Fil-A didn't immediately respond to Business Insider's request for comment.

This isn't the first time Chick-Fil-A has come under fire for its long drive-thru lines this fall.

In November, a Chick-Fil-A site in Union, New Jersey, was ordered to close its drive-thru after a lawsuit was brought against it by its neighbor Pita Shack.

According to the suit, the local planning board approved a site plan limiting its drive-thru to 18 cars, but the parking lot between the two restaurants has since become a "large loop drive-thru lane with a capacity of almost 100 cars for the Chick-fil-A restaurant."

The area has seen multiple traffic problems since the restaurant opened in 2013, local news outlet Tap Into Union reported, and Chick-Fil-A drive-thru customers loop round neighboring business.
To Tulsa Board of Adjustments,

Reference case BOA-23646 Name: Alexander Hewitt Address: 1336 E 42nd St, Tulsa, OK

Dear Members of the Board,

I am writing to express my vehement opposition to the proposal allowing traffic from Chick-fil-A to be routed through our residential street, 42nd Street. The potential ramifications of this decision extend far beyond mere inconvenience; they pose serious threats to the safety, tranquility, and property values of our neighborhood.

First and foremost, the safety of our residents, particularly our children and elderly, is of paramount concern. Introducing heavy commercial traffic onto a street designed for residential use significantly increases the risk of accidents involving pedestrians. Additionally, our neighborhood lacks sidewalks and crosswalks, further exacerbating the danger to pedestrians navigating the increased traffic flow.

Furthermore, the influx of vehicles will inevitably lead to heightened noise pollution, disrupting the peaceful ambiance that characterizes our neighborhood. The cacophony of constant traffic will intrude upon our daily lives, diminishing our quality of life and making it increasingly difficult to enjoy our own homes.

Moreover, the introduction of commercial traffic onto 42nd Street threatens to erode the property values of our homes. Residential streets are prized for their tranquility and sense of community, qualities that will be irreparably damaged by the imposition of heavy traffic. Potential buyers will be deterred by the prospect of living on a street overrun by commercial vehicles, leading to decreased demand and lower property values for homeowners.

It is imperative that we preserve the character and integrity of our residential neighborhood. Allowing commercial traffic to dominate our streets undermines the sense of community and cohesion that binds us together. We must resist any efforts to sacrifice the well-being of our residents for the sake of corporate convenience.

I urge the Board to consider alternative solutions that would accommodate Chick-fil-A’s traffic needs without burdening our residential streets. This could include exploring alternative access routes, implementing traffic calming measures, or working with the city to develop a more suitable transportation plan. Let us work together to find a solution that protects the interests of our community while addressing the needs of all stakeholders involved.

Thank you for your attention to this matter. I trust that you will make the right decision for the well-being of our neighborhood and its residents.

Sincerely,

Alexander Hewitt 1336 E 42nd St Tulsa, OK
Staff Report
Variance Case BOA-23662

Hearing Date: April 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Apex Imaging Services
Property Owner: QuikTrip

Property Location
3606 S. Peoria Ave.
Tract Size: ±.7 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

Zoning
Zoning District: CH
Zoning Overlays: N/A

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use
Small Area Plans: Brookside
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: Main Street
planitulsa Street Type: Secondary Arterial
Transit: BRT Route
Existing Bike/Ped Facilities: 36th St Linkage (sharrow)
Planned Bike/Ped Facilities: N/A

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: Within ½ mile of River Parks & Trails

Elected Representatives
City Council: District 9, Jayme Fowler.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Case History:
Staff Analysis
The applicant is requesting a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

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.

Statement Of Hardship: See attached.

Relevant Case History
- BOA-15851, October 1991, variance of the street setback to permit a sign.
- BOA-15185, July 1989, variance of the space requirement from a signalized intersection for a sign and to allow a flashing sign within 200-feet of a residential zoned district.
- BOA-13589, variance of the street setback to permit a sign.

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Multiple Use. Multiple Use areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
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<tr>
<td>North</td>
<td>CH</td>
<td>Multiple Use</td>
<td>Veterinary Hospital</td>
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<tr>
<td>East</td>
<td>MX1-P-U</td>
<td>Multiple Use</td>
<td>Church</td>
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<tr>
<td>South</td>
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<tr>
<td>West</td>
<td>RS-3</td>
<td>Multiple Use/Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

City of Tulsa Board of Adjustment
Small Area Plans
The subject properties are within the Brookside Infill Development Plan Area.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation
Major Street & Highway Plan: Main Streets are the streets whose land uses have maintained their historic or urban characteristics. Buildings have minimal setbacks, pedestrian infrastructure is safe and comfortable, and many buildings have a mix of uses, whether multiple storefronts, or a combination of retail and residential on different floors of the building. On-street parking, bicycle lanes, pedestrian islands, and curb extensions are used to slow traffic to a speed that is safe for pedestrians and cyclists. These streets are prime candidates for economic development and community development investment efforts.

New construction and renovations of existing properties should be consistent with the existing character of the Main Street, and maintain a high degree of pedestrian accessibility. Setbacks should be minimal, and parking should be located on the street, on the side of a building, or behind the building. Uses should be predominantly mixed-use, commercial, or higher density residential. Connectivity should be maintained to surrounding neighborhoods, but transitions between Main Street and Neighborhood areas should be considerate of potential compatibility issues, such as noise, light, and parking. Interactions between Main Streets and neighborhoods should be identified and mitigated, but should not cause a decrease in quality of either environment.

Comprehensive Plan Street Designation: Secondary Arterial (Peoria Ave)

Transit: BRT Route

Existing Bike/Ped Facilities: 36th St Trail Linkage (Sharrow)

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 4,624 vehicles per lane on Peoria

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 13%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Within ½ mile of River Parks & Trails.
Sample Motion
I move to approve or deny a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); and a Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); and a Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

- 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 the hardship to be ________________________________.

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.

Property Description
LTS 5 & 6 LESS E/10 THEREOF BLK 5; LT 7 LESS E10 THEREOF BLK 5, PEORIA GARDENS ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Exhibits
Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicants Exhibits
Subject property in BOA-23662 (Image used from Google Street view)
Land Use Plan Categories

- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center

BOA-23662

0 200 400 Feet

SUBJECT TRACT
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED’s. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
Section 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 road-way marked or understood as such. Review Comments: The proposed dynamic display is within 20 feet of the street curb. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Section 60.100-D Dynamic displays may not be located within 50 feet 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 gas price sign appears to be within 50 feet of a signalized intersection. You may relocate the dynamic display sign outside of the 50 foot area or you may pursue a variance from the BOA to permit a dynamic display gas price sign to be located closer within 50 feet of signalized intersection.

Section 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an 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 and AG districts if approved through the special exception process. Review Comments: The proposed dynamic display sign appears to be located within 200 feet of a Residential zoning district. You may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located within 200 feet of an RS-3 zoning district. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Note: part of this comment is unresolved from the first sign review. 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 Comments: Please provide a detailed site plan that shows the exact location of the sign on the lot, the distance from the sign to the street curb, and show the distance from the leading edge of the sign to centerline of the nearest streets. This includes 36th St., please provide the distance from the leading edge of the sign to the center of 36th St.
Site Plan
QuikTrip
3606 S Peoria Ave, Tulsa, OK 74105

Property Owner:
QuikTrip
4705 S. 129th E. Ave - Tulsa, OK 74134-7008
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.615.7700

Scope of Work: Pricer LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only LED's. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backed the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Existing Sign
Existing sq ft: 53.1

Proposed LED Sign (not exact)
Proposed sq ft: 53.1

Distance from leading edge of sign to centerline of nearest street: 40 ft (Peoria) and 28 ft (36th)

Distance from sign to street curb: 13 ft
Work Detail

Scope of Work - Price LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED’s. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be for like to what is existing, being installed in the same location and using the same power that backed the previous numbers. 1. Remove existing numbers and prep for disposal. 2. Install LED number signage. 3. Ensure power and data are working properly.

Option 1 - Existing Manual Tiles

Option 1 - Proposed LED Replacement

Project Data

Project Name: QuikTrip Signage Upgrade
Project Address: 7950 E 41st St S Tulsa, OK 74145
Facility Owner:
Property Owner: QuikTrip
Owners Address:

Project Directory

Contractor Contact:
PM - Matt Hohn (909)-717-2302
Director of Construction - Jay Kassity
(949)-463-4463

Vicinity Map
Board of Adjustment

**Staff Report**

**Variance Case BOA-23664**

**Hearing Date:** April 9, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

<table>
<thead>
<tr>
<th><strong>Owner and Applicant Information</strong></th>
<th><strong>Request Summary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: Apex Imaging Services</td>
<td>Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F).</td>
</tr>
<tr>
<td>Property Owner: QuikTrip</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Property Location</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>4545 N. Lewis Ave.</td>
</tr>
<tr>
<td>Tract Size: ±1.3 acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Location within the City of Tulsa</strong> (shown with City Council districts)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Elected Representatives</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council: District 1, Vanessa Hall-Harper.</td>
</tr>
<tr>
<td>County Commission: District 1, Stan Sallee.</td>
</tr>
</tbody>
</table>

<table>
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</table>

<table>
<thead>
<tr>
<th><strong>Zoning</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District: CS</td>
</tr>
<tr>
<td>Zoning Overlays: N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Comprehensive Plan Considerations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td>Land Use Plan: Local Center</td>
</tr>
<tr>
<td>Small Area Plans: None</td>
</tr>
<tr>
<td>Development Era: Early Automobile</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
</tr>
<tr>
<td>Major Street &amp; Highway Plan: Multi-Modal Corridor</td>
</tr>
<tr>
<td>planitulsa Street Type: Secondary arterial</td>
</tr>
<tr>
<td>Transit: N/A</td>
</tr>
<tr>
<td>Existing Bike/Ped Facilities: Buffered bike lane is present on Lewis.</td>
</tr>
<tr>
<td>Planned Bike/Ped Facilities: None.</td>
</tr>
<tr>
<td><strong>Environment</strong></td>
</tr>
<tr>
<td>Flood Area: FEMA 500-year floodplain</td>
</tr>
<tr>
<td>Tree Canopy Coverage: Greater than 50%</td>
</tr>
<tr>
<td>Parks &amp; Open Space: There are large, undeveloped, natural areas surrounding the property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Public Notice Required</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper Notice – min. 10 days in advance</td>
</tr>
<tr>
<td>Mailed Notice to 300’ radius – min. 10 days in advance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Case History:</strong></th>
</tr>
</thead>
</table>
Staff Analysis
The applicant is requesting a Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F).

**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.

Statement of hardship: See attached.

Relevant Case History
- BOA-18512, September 1999, the Board approved a special exception modifying or removing the requirement that use be screened from abutting RS district on south side of subject property, a variance from the requirement that any structure be setback from the centerline of the abutting street, to permit the location of a vertical monument sign, and a variance for setback from the centerline of abutting street from 100’ to 50’.

Comprehensive Plan Considerations

Land Use Plan

**Local Centers** serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

### Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>OL</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject property is not within a small area plan.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.
Major Street & Highway Plan: Multi-Modal Corridor

Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Comprehensive Plan Street Designation: Secondary arterial

Transit: N/A

Existing Bike/Ped Facilities: Buffered bike lane is present on Lewis.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 2,198 vehicles per lane per day on N. Lewis Ave.

Environmental Considerations

Flood Area: The subject property is within the FEMA 500-year floodplain.

Tree Canopy Coverage: Tree canopy in the area is 63%. Development will naturally have an impact on tree canopy, but all effort should be taken to preserve a substantial portion of the tree canopy in these areas. These areas should have the highest level of preservation to maintain the existing habitat and recreational places in the city. Future land use planning for Future Growth areas should include the goal of tree canopy preservation.

Parks & Open Space: There are large, undeveloped, natural areas surrounding the property.
Sample Motion
I move to approve or deny a Variance to permit a dynamic display sign within 200-feet of a residential zoning district (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 the hardship to be ____________________________________________________________.

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.

Property Description
LT 1 BLK 1, QUIKTRIP #11RR COMMERCIAL CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Exhibits
Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant’s Exhibits
Subject property in BOA-23664 (Image used from Google Street view)
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
9.11

Markups

Text

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an 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 and AG districts if approved through the special exception process. Review Comments: The proposed dynamic display sign appears to be within 200 feet of a Residential zoning district. You may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located within 200 feet of Residential districts. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

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). Review Comment: The proposed sign is located in the planned right of way (ROW) of N. Lewis Ave., which is designated a Secondary Arterial by the Major Street and Highway Plan. The planned ROW width at this location is 100’, which requires a 50’ setback from the centerline of N. Lewis Ave. This sign requires two things: a City of Tulsa ROW removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You can also double check the measurement, to make sure the measurement shown is to the overall center of N. Lewis Ave. and not the center of the northbound lanes. Otherwise, contact Jenna Richardson at 918-596-7821 for information on acquiring a ROW license and removal agreement and Tulsa Planning Office at 918-596-7526 to apply for a special exception to permit a freestanding sign to be located in the planned ROW of N. Lewis Ave. If the license and removal agreement and the special exception were obtained when the sign was installed, please provide that information. If the distance to the center of N. Lewis Ave. is incorrect; please provide a site plan with the correct measurement.
Site Plan
QuikTrip
4545 N Lewis Ave, Tulsa, OK 74110

Property Owner
QuikTrip
4705 S. 129th E. Ave - Tulsa, OK 74134-7008
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.615.7700

Scope of Work - Price LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's. Pricing cabinet to remain as is.
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backed the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

VICINITY PLAN

Existing Sign
Existing sign sq ft: 41.3

Proposed Sign (not exact)
Proposed sign sq ft: 41.3

Distance from sign to street curb: 28 ft
Distance from leading edge of sign to centerline of nearest street: 39 ft
Work Detail

Scope of Work - Pricer LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LEDs. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backed the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Project Data

Project Name: QuikTrip Signage Upgrade
Project Address: 7950 E 41st St S Tulsa, OK 74145

Facility Owner:
Property Owner: QuikTrip
Owners Address:

Project Directory

Contractor Contact:
PM - Matt Hohn (909)-717-2302
Director of Construction - Jay Kassity
(949)-463-4463

Vicinity Map
Staff Report
Variance BOA-23666

Hearing Date: April 9, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information
Applicant: Steve Benge
Property Owner: Carlos Stephen & Brett Benge

Property Location
6243 E 28 St
Tract Size: ±0.54 acres

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 5, Grant Miller
County Commission: District 2, Karen Keith

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary
Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

Zoning
Zoning District: RM-0
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Local Center
Small Area Plans: None
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: None
Transit: N/A
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: N/A

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A
Staff Analysis
The applicant is proposing a Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

Statement of Hardship
No hardship provided by the applicant.

Relevant Case History
- Z-7713, 4/6/2023, Rezoning from OL to RM-0.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Local Center.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

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<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residence</td>
</tr>
<tr>
<td>East</td>
<td>OL</td>
<td>Local Center</td>
<td>Advocacy Center</td>
</tr>
<tr>
<td>South</td>
<td>OL</td>
<td>Local Center</td>
<td>Organization</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residence</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not within a small area plan.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: N/A
Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

**Environmental Considerations**

**Flood Area:** The subject property not within a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 10% – 20%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

**Parks & Open Space:** N/A

**Sample Motion**

I move to approve or deny a Variance to reduce the minimum 10-foot side/street setback for apartment/condo use in the RM-0 District (Sec. 5.030-B, Table 5-3, Table Note 6).

- 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 the hardship to be _____________________________________________________________.

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.

**Property Description**

LTS 1, 2 & 3 BLK 1, BOMAN ACRES SECOND ADON, BOMAN ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Section 60.040-C.2.a, Street Trees, Location:
Required street trees must be located on the subject property within 20 feet of the planned street right-of-way unless the land use administrator determines that the presence of buildings or obstructions or other factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way. Street tree planting in the right-of-way must comply with the regulations of Title 35, Chapter 6 of the Tulsa Revised Ordinances.

Review Comments: The four trees on the east side appear to be located in the right of way (ROW) of Sheridan Rd. and not on the subject property. Please relocate the required large trees to be on the subject property. Otherwise you will need to contact the Planning Office at 918-596-7526 regarding an alternative landscape compliance plan.

Section 5.030-A Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Footnote [6]: Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings.

Review Comment: This lot is zoned RM-0 and there are two issues with setbacks that must be resolved. Please revise the site plan to resolve the following:
1) Per Table 5-3, a 10’ street setback is required. The east side of the lot abuts the right of way for Sheridan Rd., please increase the setback of the building to at least 10’ from the east property line.
2) Per Footnote 6 to Table 5-3, a 10’ interior side setback is required for Apartment/Condo uses. Please increase the setback from the west property line to at least 10’.
ALT/NSPS LAND TITLE SURVEY
OF
'ROMAN ACRES
SECOND ADDITION'
SECTION 15, T-19-N, R-13-E
CITY OF TULSA, TULSA COUNTY, OKLAHOMA

Certificate

WE, SACK AND ASSOCIATES, INC., DO HEREBY CERTIFY

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN COMPLIANCE WITH THE PROVISIONS OF THE APPROPRIATE ENGINEERING LAWS, LAWS RELATING TO LAND SURVEYING, AND GURANTS AND CUSTOMS OF THE OKLAHOMA STATE BOARD OF ENGINEERS AND LAND SURVEYORS. THIS SURVEY MEETS THE RECOMMENDED STANDARDS FOR THE PERFORMANCE OF LAND SURVEYS IN THE STATE OF OKLAHOMA AS APPROVED BY THE OKLAHOMA STATE BOARD OF ENGINEERS AND LAND SURVEYORS.

CERTIFIED THIS 1st DAY OF JUNE, 2021.

SACK AND ASSOCIATES, INC.

Steve Benge
Legacy Park Midtown East
6241 East 29th Street
Tulsa, OK

EXISTING SITE PLAN
### Owner and Applicant Information
Applicant: Justin DeBruin, Wallace Design Collective  
Property Owner: Halona Development LLC

### Property Location
SW/c of East 5th Place and South Quaker  
Tract Size: ±3.11 acres

### Location within the City of Tulsa
*(shown with City Council districts)*

### Request Summary
Variance to allow parking serving a residential use to located in the City of Tulsa Right-of-Way (Sec. 55.080.D, Sec.90.090-A); Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);

### Zoning
Zoning District: CH  
Zoning Overlays: NIO

### Comprehensive Plan Considerations

#### Land Use
Land Use Plan: Multiple Use, Neighborhood, Employment  
Small Area Plans: Pearl District  
Development Era: Streetcar

#### Transportation
Major Street & Highway Plan: Commercial/CBD Collector  
planitulsa Street Type: Main Street  
Transit: TOD Area  
Existing Bike/Ped Facilities: Bike Lane  
Planned Bike/Ped Facilities: N/A

#### Environment
Flood Area: N/A  
Tree Canopy Coverage: 0-10%  
Parks & Open Space: N/A
**Staff Analysis**

The applicant is proposing Variance to allow parking serving a residential use to located in the City of Tulsa Right-of-Way (Sec. 55.080.D, Sec.90.090-A); Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);

Applicant is seeking to have a portion of their required parking in the right of way along E. 5th Pl.

**90.090-A Measurement**

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See 90.090:C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right-of-way or planned right-of-way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless 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.

The applicant is also seeking to reduce their parking requirement to allow 0.83 spaces per dwelling unit for a total of 175 spaces.

**55.050-K Alternative Compliance**

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 79.120 only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

**Statement of Hardship:** Please see attached.
Relevant Case History
- Z-7755, 1/3/2024, Rezone from IM to CH

Comprehensive Plan Considerations

Land Use Plan
The subject property is designated as Multiple Use, Neighborhood, and Employment. The Employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The “Industrial Site Suitability” map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas. Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation. Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>IM/NIO</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>CH/NIO</td>
<td>Employment/Neighborhood</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>MPD-FBC1</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>CH/NIO</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are within the Pearl District small area plan. In general, the plan is supportive of paring modification in order to support infill development. Additionally the plan would encourage shared parking arrangement among users of mixed use spaces.

Development Era
The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

Transportation
Major Street & Highway Plan: Commercial/CBD Collector

Comprehensive Plan Street Designation: Main Street

Transit: TOD Area

Existing Bike/Ped Facilities: Bike Lane

Planned Bike/Ped Facilities: N/A
Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property is not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 0-10% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

Sample Motion

Special Exception:
I move to approve or deny a Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);
- 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, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Variance:
I move to approve or deny a Variance to allow parking serving a residential use to located in the City of Tulsa Right-of-Way (Sec. 55.080.D, Sec.90.090-A);
The board finds the hardship to be ______________________________________.

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.
**Property Description**

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) OF BLOCK FOUR (4), SUNSET ADDITION, AND LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND SEVEN (7) OF BLOCK EIGHT (8), FACTORY ADDITION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

**BEGINNING** AT THE SOUTHEAST CORNER OF SAID LOT FOUR (4), BLOCK EIGHT (8) FACTORY ADDITION (P.O.B) THENCE S88°56'53"W AND ALONG THE SOUTH LINE OF SAID LOT FOUR (4), BLOCK EIGHT (8), FACTORY ADDITION FOR A DISTANCE OF 146.00 FEET; THENCE S01°12'56"E FOR A DISTANCE OF 36.09 FEET; THENCE S88°56'53"W FOR A DISTANCE OF 130.00 FEET; THENCE N01°12'56"W FOR A DISTANCE OF 475.13 FEET TO THE NORTHWEST CORNER OF SAID LOT FOUR (4) BLOCK FOUR (4) SUNSET ADDITION; THENCE N89°13'22"E AND ALONG THE NORTH LINE OF SAID LOT FOUR (4), BLOCK FOUR (4) AND LOT ONE (1), BLOCK FOUR (4), SUNSET ADDITION, FOR A DISTANCE OF 276.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1), BLOCK FOUR (4), FACTORY ADDITION, AND THE EAST LINE OF CLOSED BIRCH STREET, AND THE EAST LINE OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) OF BLOCK EIGHT (8), FACTORY ADDITION, FOR A DISTANCE OF 437.71 FEET TO THE **POINT OF BEGINNING** (P.O.B.); SAID TRACT CONTAINING 2.89 ACRES MORE OR LESS.

AND

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, AND A PART OF LOTS ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), AND SIXTEEN (16), BLOCK TWO (2) OF FACTORY ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

**BEGINNING** (P.O.B.) AT THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13) BLOCK TWO (2) OF FACTORY ADDITION; THENCE S89°13'22"W AND ALONG THE SOUTH LINE OF LOTS THIRTEEN (13) FOURTEEN (14), FIFTEEN (15), AND SIXTEEN (16) BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 180.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT SIXTEEN (16), BLOCK TWO (2); THENCE N01°12'56"W AND ALONG THE WEST LINE OF LOT SIXTEEN (16), FACTORY ADDITION, AND LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, FOR A DISTANCE OF 178.30 FEET TO A POINT ON THE NORTHWEST CORNER OF SAID LOT SIX (6), BLOCK TWO (2); THENCE N89°13'22"E FOR A DISTANCE OF 180.00 FEET; THENCE S01°12'56"E AND ALONG THE EAST LINES OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 178.30 FEET TO THE SOUTHEAST CORNER OF LOT THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION AND THE **POINT OF BEGINNING** (P.O.B.); SAID TRACT CONTAINING 0.74 ACRES MORE OR LESS.
Exhibits

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Variance Response
6th and Peoria (55.080.D)

1. That the physical surroundings, shape, or topographic 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.

   This infill redevelopment is located on a small, urban block which provides no opportunity to add additional surrounding parcels to the property. This is limited by required alleys and existing roadways.

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

   Though it is not possible to expand the lot proposing development, the parking anticipated directly to the east will satisfy requirement to be within one-thousand foot radius, per Section 55.080.D.1. All accessible parking with be located appropriately on the proposed, western development lot.

3. 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.

   As recognized in the Neighborhood Infill Overlay district and Pearl District text, infill development with the desired uses (ex. multi-family) is difficult due to the existing infrastructure in place that may not be conducive. The development site cannot be expanded, so creative solutions are required.

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

   Being an infill development, the hardships on the site are pre-existing.

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

   The requested variance is necessary and expected to provide necessary parking for the multi-family development.
6. 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.

   If the variance is granted, the proposed multi-family apartment is a desired use for the neighborhood and is an opportunity to improve the essential character.

7. 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.

   The variance, if granted, would assist in developing a use that is beneficial to the public good and in spirit with the intent of the zoning code, comprehensive plan, and other relevant studies for this area.
BOA Narrative
6th and Peoria

The attached application is associated with a five-story, multi-family development to be located northeast of 6th and Peoria. The project site in its current state includes minimal use and vacant land; however, the vision is to provide quality, high-density residential housing in proximity to commercial activity and public amenities in a location encouraging multi-modal transportation options. Multi-family housing is supported and encouraged by the associated Neighborhood Infill Overlay (NIC) and Pearl District Small Area Plan, while also being a permitted use in the CH zoning district. Due to the constrained nature of this urbanized site, requested is one variance and a special exception to the city's parking standards.

Variance Request – Chapter 55, Section 55.080.D – Location of off-street parking

The nature of developing infill on an existing, urbanized block brings insurmountable difficulties. Urban blocks are small and are bounded by streets that do not allow the option to combine with adjacent properties to allow for a larger development footprint. The limited developable space and existing business on the block create a need to provide off-site parking, which is proposed directly to the east and under common ownership. This additional space will allow for more residential parking that also within one-thousand food radius of the use served by the parking, required per Section 55.080.D.1 of the zoning code.

Special Exception – Chapter 55, Section 55.020 – Minimum parking ratios

The development will include 210 residential units containing both one- and two-bedroom units, 89% of which will be one-bedroom units. These units will be broken down into 28 studio apartments, 190 1-bedroom units, and 34 two-bedroom units. Per the parking requirements outlined in Section 55.020 of the Zoning Code, 248 parking spaces would be required. The proposed site plan can provide 175 spaces, leaving a deficit of 73 spaces from the required code. There are currently no public parking spaces on this block, so in addition to 175 spaces, 15 public on-street parking spaces are also proposed.

The concept for this project, including the reduced parking, is based on successful experiences from other communities in U.S. finding creative solutions to provide much needed housing in appropriate areas. Based on the content of related City of Tulsa plans and future goals, this type of development would be a great opportunity to find a creative solution.

Austin, TX is a great example of a community who eliminated parking minimum standards to fight climate change and spur the development of more affordable housing options. The list of cities that have acted similarly include, but are not limited to: Portland, Minneapolis, San Jose, TX, Raleigh, NC, and Auburn, ME. Understanding these are examples of city-wide policy change, we are requesting consideration of these principals to allow for the subject variance and special exception.
The higher density concept on a reduced footprint has proven to compliment multi-modal transportation, which this area is primed for. The site is directly accessible to designated bike lanes along East 6th Street, South, along Veterans Parks, and continuing to the primary, Midland Valley Trail along Highway 75, creating excellent mobility (Graphic 4). This network of trails also provides direct access to downtown Tulsa. Further bike route connectivity is also proposed, per the City of Tulsa GO Plan, serving South Peoria and continuing the connection along East 6th Street South (Graphic 2). South Peoria also serves as a major public transit route, hosting the innovative AERO Peoria Bus Rapid Transit (BRT), as shown on Graphic 3. Lastly, this location is already part of comprehensive sidewalk grid, providing quality, safe pedestrian access and connectivity. Having quality sidewalks, bike routes, and access to public transit support a reduced need for parking.

From the perspective of existing Tulsa code and relevant studies, the subject property is located in the NIO zoning district, which came about the 2020 Downtown & Surrounding Neighborhood Housing Study & Strategy that recognized site and zoning barriers to new housing development. It determined that there are zoning related burdens on housing development in and near downtown neighborhoods. This area is also located within the Pearl District Small Area Plan, which states that a primary goal is to support compatible infill and reinvestment and even explore modifying on-site parking requirements in certain cases. These area plans encourage the revitalization and redevelopment of vacant properties, along with higher density development in transit rich areas, which the proposal exemplifies.

In summary, reducing parking requirements for infill development can have multiple benefits for the city and its residents. First, it can encourage more housing diversity and affordability. Second, it can reduce the environmental impact of development by discouraging car dependency and promoting alternative modes of transportation, such as walking, biking, or public transit. Third, it can enhance the urban design and livability of neighborhoods by creating more active and attractive streetscapes, rather than large surface parking lots that disrupt the pedestrian environment. Therefore, reduced parking requirements for infill development can support Tulsa’s goals of creating more sustainable, equitable, and vibrant communities. The use is encouraged by the city, which also recognizes the hardships of revitalizing and redeveloping urbanized infill land.
Graphic 1: Tulsa Metropolitan Area: Bicycle & Pedestrian Trails

Graphic 2: GO Plan: Proposed Bike Facilities
Graphic 3: Tulsa Transit System – AERO Peoria Route Bus Rapid Transit (BRT)

Graphic 4: Map of cities that reformed or eliminated parking minimum standards – Strong Towns, Advocacy Group
GENERAL NOTES:

1. ALL MATERIALS, EXECUTION, AND TESTING TO CONFORM TO AHJ REQUIREMENTS (I.E. LOCAL OR STATE DOT STANDARDS AND SPECIFICATIONS, CODES, WHICHER IS MORE STRINGENT). RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.

3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. CONTRACTOR TO PROVIDE PRODUCT DATA SUBMITTALS INCLUDING, BUT NOT LIMITED TO, DESIGN MIXES, MATERIAL CERTIFICATES, AND MATERIAL TEST REPORTS AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING CONDITIONS AS OUTLINED IN THEIR REPORT DATED XX.XX.XXXX. ANY QUESTIONS REGARDING THE SUITABILITY OF THESE OR ALTERNATE PAVEMENT SECTIONS, WALLACE’S SCOPE OF SERVICES FOR THIS PROJECT.

4. CONTRACTOR SHALL DEVELOP AND IMPLEMENT PROPER TRAFFIC CONTROL IN EMERGENCY VEHICLES AND LOCAL TRAFFIC SHALL BE MAINTAINED AT ALL TIMES.

5. ALL DIMENSIONS AND COORDINATES ARE FROM FACE OF CURB UNLESS SHOWN OTHERWISE DURING CONSTRUCTION.

6. RADII = 2-00" UNLESS OTHERWISE INDICATED. PAVEMENT CONTRACTOR TO INSPECT PAVEMENT SUBGRADE AND CORRECT ANY DEFICIENCIES PRIOR TO PAVING OPERATIONS.

6. PAVEMENT CONTRACTOR TO INSPECT PAVEMENT SUBGRADE AND CORRECT ANY DEFICIENCIES PRIOR TO PAVING OPERATIONS.

7. CONTRACTOR TO COORDINATE CONSTRUCTION TESTING UNLESS OTHERWISE RECOMMENDED, IN ACCORDANCE WITH MATERIALS AND PRODUCTS ASSOCIATED WITH PAVING AND PAVEMENT MARKING OPERATIONS.

8. CONTRACTING TO ENSURE A CONTINUOUS BOND BETWEEN ADJOINING PAVEMENT SECTIONS. OFFSET LONGITUDINAL JOINTS, IN SUCCESSIVE COURSES, AMINIMUM OF 6 INCHES AND TRANSVERSE JOINTS A MINIMUM OF 24 INCHES.

9. CONSTRUCT JOINTS TO ENSURE A CONTINUOUS BOND BETWEEN ADJOINING PAVEMENT SECTIONS. OFFSET LONGITUDINAL JOINTS, IN SUCCESSIVE COURSES, AMINIMUM OF 6 INCHES AND TRANSVERSE JOINTS A MINIMUM OF 24 INCHES.

10. WHERE DIFFERENT THICKNESS PAVEMENTS ABUT, PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.

11. AVERAGE DENSITY: 96 PERCENT OF REFERENCE LABORATORY DENSITY ACCORDING TO ASTM D 6927 BUT NOT LESS THAN 94 PERCENT OR GREATER THAN 100 PERCENT, OR 11.2. AVERAGE DENSITY: 92 PERCENT OF REFERENCE MAXIMUM THEORETICAL GREATER THAN 96 PERCENT.

12. INSTALLATION TOLERANCES:

12.1. PAVEMENT THICKNESS: BASE COURSE PLUS OR MINUS 1/2 INCH; SURFACE PLUS 1/4 INCH.

12.2. PAVEMENT SMOOTHNESS: BASE COURSE 1/4 INCH IN 10 FEET; SURFACE COURSE 1/8 INCH IN 10 FEET.

13. CONCRETE PLACEMENT TO CONFORM TO ACI 301 / 306 / 330 REQUIREMENTS.

14.2. MAXIMUM W/C RATIO AT POINT OF PLACEMENT: 0.4514.3. SLUMP: 4 INCHES PLUS OR MINUS 1 INCH14.4. AIR CONTENT: 6 PERCENT PLUS OR MINUS 1-1/2 PERCENT

15.1. GRADE 60 15.2. COMPLY WITH CRSI’S “MANUAL OF STANDARD PRACTICE” FOR FABRICATION, PLACEMENT, AND SUPPORT.

16. JOINTS:

16.1. FORM CONSTRUCTION, ISOLATION, AND CONTRACTION JOINTS WITH FACES PERPENDICULAR TO SURFACE PLANE OF CONCRETE. WHEN JOINING EXISTING PAVING, PLACE JOINTS TO ALIGN WITH PREVIOUSLY PLACED JOINTS UNLESS OTHERWISE INDICATED.

16.2. FORM ISOLATION JOINTS OF PREFORMED JOINT-FILLER STRIPS ABUTTING LIGHT 17. CONSTRUCTION Joints shall not exceed 24 TO 30 TIMES THE PAVEMENT THICKNESS (E.G. 0.5' THICK CONCRETE X 30 = 15' MAXIMUM JOINT SPACING) WITH A MAXIMUM SPACING OF 15 FEET.

17.3. CONTRACTOR TO SUBMIT A JOINT LAYOUT PLAN FOR REVIEW AND APPROVAL PRIOR TO COMMENCING PAVING OPERATIONS. CONTRACTOR TO TAKE INTO ACCOUNT JOINT PATTERNS OF ABUTTING PAVEMENTS WHERE JOINT PATTERNS OF ABUTTING PAVEMENTS DO NOT MATCH AND ARE WHERE JOINT PATTERNS OF ABUTTING PAVEMENTS DO NOT MATCH AND ARE

18. WHERE DIFFERENT THICKNESS PAVEMENTS ABUT, PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.

19. WHERE DIFFERENT THICKNESS PAVEMENTS ABUT, PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.

20. ALLOW PAVING TO AGE A MINIMUM OF 30 DAYS BEFORE STARTING PAVEMENT MARKING OPERATIONS.

21. PAVEMENT MARKING PAINT SHALL BE ACRYLIC, WATERBORNE EMULSION, LEAD AND CHROMATE FREE, READY MIXED, COMPLYING WITH FS TT-P-1952, TYPE II, WITH A DRYING TIME OF LESS THAN THREE MINUTES.

22. COLOR AS INDICATED.

CONTRACTING TO ENSURE A CONTINUOUS BOND BETWEEN ADJOINING PAVEMENT SECTIONS. OFFSET LONGITUDINAL JOINTS, IN SUCCESSIVE COURSES, AMINIMUM OF 6 INCHES AND TRANSVERSE JOINTS A MINIMUM OF 24 INCHES.

IMPROVEMENT'S PAVEMENT PAINT CONTRACTOR TO PROVIDE A THICKENED EDGE ON THE THINNER PAVEMENT SECTION WHICH TRANSITIONS TO THE THICKER PAVEMENT DEPTH ACROSS FOUR FEET.

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CONTRACTING TO ENSURE A CONTINUOUS BOND BETWEEN ADJOINING PAVEMENT SECTIONS. OFFSET LONGITUDINAL JOINTS, IN SUCCESSIVE COURSES, AMINIMUM OF 6 INCHES AND TRANSVERSE JOINTS A MINIMUM OF 24 INCHES.
### Owner and Applicant Information
**Applicant:** Sierra Vetaw  
**Property Owner:** BA Memorial LLC

### Property Location
3805 S 79 Ave E

### Location within the City of Tulsa
(Shown with City Council districts)

![City Council districts map]

### Elected Representatives
**City Council:** District 5, Grant Miller  
**County Commission:** District 2, Kelly Dunkerley

### Request Summary
Variance to reduce the required street frontage in an IL district (Table 15-3); Special Exception for Day Care use in an IL District (Sec. 15.020, Table 15-2).

### Zoning
**Zoning District:** IL  
**Zoning Overlays:** None.

### Comprehensive Plan Considerations
#### Land Use
**Land Use Plan:** Employment  
**Small Area Plans:** N/A  
**Development Era:** Late Automobile

#### Transportation
**Major Street & Highway Plan:** The Broken Arrow Expressway is classified as a Freeway  
**Planitulsa Street Type:** N/A  
**Transit:** N/A  
**Existing Bike/Ped Facilities:** N/A  
**Planned Bike/Ped Facilities:** N/A

#### Environment
**Flood Area:** None  
**Tree Canopy Coverage:** 0-10%  
**Parks & Open Space:** None

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**Staff Report**  
**Special Exception BOA-23668**

**Hearing Date:** April 9, 2024  
**Prepared by:** Dylan Siers  
dsiers@cityoftulsa.org  
918-596-7584

---

12.1
**Staff Analysis**

The applicant is proposing a Variance to reduce the required street frontage in an IL district (Table 15-3); Special Exception for Day Care use in an IL District (Sec. 15.020, Table 15-2).

The current lot is non-conforming and has no actual street frontage. Access comes from the property to the South which has access unto S. 79th E. Ave.

<table>
<thead>
<tr>
<th>Regulations</th>
<th>OL</th>
<th>OM</th>
<th>OMH</th>
<th>OH</th>
<th>CS</th>
<th>CG</th>
<th>CH</th>
<th>CBD</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Minimum Street Frontage (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>-</td>
<td>50</td>
<td>50</td>
<td>-</td>
<td>50</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.40</td>
<td>0.50</td>
<td>2.00</td>
<td>8.00</td>
<td>0.50</td>
<td>0.75</td>
<td>-</td>
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</tbody>
</table>

The proposed use would be a Day Care.

**35.040-D Day Care**

1. **Child Care Center**
   
   Uses providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Uses providing care and supervision for children or adults for 24 hours per day or longer are classified as group living uses. Child care centers in residential districts are subject to the same lot and building regulations that apply to detached houses, except as modified by supplemental regulations of Section 40.120-A.

2. **Family Child Care Home**
   
   A day care that provides care and supervision for 12 or fewer children for less than 24 hours per day. Family child care homes may be a principal use or accessory to an allowed household living use. Family child care homes are subject to the same lot and building regulations that apply to detached houses, except as modified by the supplemental regulations of Section 40.120-B.

**Relevant Case History**

- None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as employment. The Employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The “Industrial Site Suitability” map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IL</td>
<td>Employment</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>East</td>
<td>RS-2</td>
<td>None</td>
<td>Highway</td>
</tr>
<tr>
<td>South</td>
<td>IL</td>
<td>Employment</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>West</td>
<td>IL</td>
<td>Employment</td>
<td>Light Industrial</td>
</tr>
</tbody>
</table>
Small Area Plans
The subject properties are not in a small area plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: The Broken Arrow Expressway is classified as a Freeway.

Comprehensive Plan Street Designation: N/A
Transit: N/A
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: N/A
Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property none.

Tree Canopy Coverage: Tree canopy in the area is 0-10%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.
Parks & Open Space: N/A
Sample Motion

Special Exception

I move to approve or deny a Special Exception to permit a Special Exception for Day Care use in an 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): ________________________________

Variance

I move to approve or deny a Variance to reduce the required street frontage in an IL district (Table 15-3);

The board finds the hardship to be ________________________________.

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.

Property Description

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Review Comment: Your proposed use is categorized as a Public, Civic, and Institutional/Day Care use. The proposed use is located within an IL zoned district. Per table 15-2 of the Tulsa Zoning Code this use requires a Special Exception within an IL zone. Please provide an approved Special Exception to permit a Day Care use within an IL zone.

Review Comment: Per table 15-3 an IL zone requires a street frontage of 50'. Our records indicate the lot has 0' of street frontage. You may wish to seek a variance to allow the use with a frontage of 0'. If so contact the Tulsa Planning Office for further instruction at 918-596-7526 or Planning@cityoftulsa.org.
Staff Report
Special Exception BOA-23669

Hearing Date: April 9, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information
Applicant: Crossover Development Co
Property Owner: Crossover Development Co

Property Location
3226 N Hartford Ave E
Tract Size: ±8400 sf

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Special Exception to permit a duplex in the RS-3 district
(Table 5.020, Table 5-2, Table 5-2.5)

Zoning
Zoning District: RS-3
Zoning Overlays: None.

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: N/A
Planned Bike/Ped Facilities: N/A

Environment
Flood Area: N/A
Tree Canopy Coverage: 20-30%
Parks & Open Space: N/A

Elected Representatives
City Council: District 1, Vannessa Hall-Harper
County Commission: District 1, Stan Sallee

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Posted Sign – min. 10 days in advance
**Staff Analysis**

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

![Duplex Diagram](image)

*Figure 35-5: Duplex*

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Neighborhood. Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Small Area Plans**

The subject properties are not within a small area plan.

**Development Era**

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization,
compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

**Transportation**

Major Street & Highway Plan: None

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: None

**Environmental Considerations**

Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 20-30%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: None

**Sample Motion**

I move to **approve or 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.

**Property Description**

Lt 6 BLK 2, Teel Terrace, City of Tulsa, Tulsa County, State of Oklahoma
Subject property in BOA-23669 (Image used from Google Street view)

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Applicant's Exhibits
Tabulations:
Lot size = 8,422sf.
House size = 1,608sf.
Porch size = 224sf.
Drive-way = 850sf.
Remaining Open Space = 5,750sf.
Open Space per unit = 2,875sf.

Site Plan
3226 North Hartford Avenue, Tulsa, OK.
Lot 6, Block 2, Teel Terrace.
Scale: 1" = 1'
Lot size = 8,432 square feet.
First Floor = 1,608 square feet.
Front Porch = 224 square feet.
Drive-way = 1,250 square feet.
Caution: Be careful not to encroach the
front building line with the front porch.
You may want to set back another 1/2" or 1".

Deficiencies:
Section 90.080-A, Open Space = 5,257,222 square feet.
Section 90.080-B, Total Open Space required = 1,200 square feet.
Section 90.080-C, Available Open Space per unit = 2,628 square feet.
Front & Back Elevations

- Eave Overhangs = 13".
- Siding = 8" textured lap "Smart".
- Corners and Base trim to be 2\(\times\)8" "Smart".
- Top of First Floor windows = 7'-0" AFF.
- Top of Second Floor windows = 16'-0" AFF.
- First Floor plate = 8'-0". First Floor plate may be raised as desired.
- Second Floor plate = 17'-0".
- Exterior stairs shall be detached from frame by 8".
- Exterior stair treads = 10", risers = 7.5".
- Roof pitches are 4 / 12.
Right & Left Elevations

Eave Overhangs = 13".
Siding = 8" textured lap "Smart".
Corners and Base trim to be 3/4 x 8", "Smart".
Top of First Floor windows = 7'-0" AFF.
Top of Second Floor windows = 16'-0" AFF.
First Floor plate = 8'-0".  First Floor plate may be raised as desired.
Second Floor plate = 17'-0".
Exterior stairs shall be detached from frame by 8".
Exterior stair treads = 10", risers = 7.5".
Roof pitch = 4/12.

Top of Windows = 7'-0"
Top of Windows = 16'-0"
Second Floor Plan

Ceiling Height = 8'-0'.

HVAC & Water Heater to be in attic with pans.

Check Code for window egress requirements.
## Owner and Applicant Information
Applicant: Enrique Ruiz  
Property Owner: Enrique Ruiz

## Property Location
4326 S 193rd E Ave  
Tract Size: ±5.00 acres

## Location within the City of Tulsa
(Shown with City Council districts)

![Location Map](image)

## Elected Representatives
City Council: District 6, Christian Bengel  
County Commission: District 1, Stan Sallee

## Request Summary
Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F);

## Zoning
Zoning District: AG  
Zoning Overlays: None

## Comprehensive Plan Considerations

### Land Use
Land Use Plan: Neighborhood  
Small Area Plans: None  
Development Era: Future Growth

### Transportation
Major Street & Highway Plan: Secondary Arterial  
planitulsa Street Type: None  
Transit: None  
Existing Bike/Ped Facilities: N/A  
Planned Bike/Ped Facilities: N/A

### Environment
Flood Area: Regulatory Floodplain  
Tree Canopy Coverage: 0-10%  
Parks & Open Space: None
**Staff Analysis**

The applicant is proposing a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F); an all-weather surface is defined as follows.

**All-Weather Surface (or Material)**

A hard surface, dustless material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock or screenings alone, without use of a road surface binder, does not meet the definition of an all-weather surface.

The applicant will be required to get a Right-of-way permit for the portion of the driveway inside the Right-of-way which will need to meet City Standards.

**Relevant Case History**

- BOA-23375, 6/28/22, Variance to reduce the 200-feet minimum lot width in the AG district (Sec 25.020-D, Table 25-2)

### Comprehensive Plan Considerations

**Land Use Plan**

The subject property is designated as Neighborhood. **Neighborhoods** are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

<table>
<thead>
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<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AG</td>
<td>Neighborhood</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
<td>A-1 (Wagoner County)</td>
<td>N/A</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>AG</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>AG</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Surrounding Properties:**

**Small Area Plans**

The subject properties are not within a small area plan.

**Development Era**

These areas of the city have yet to be developed beyond agricultural uses, and they present opportunities to ensure the pattern of development is efficient and fiscally responsible. These areas typically do not have subdivision streets or connectivity beyond the mile-by-mile grid, have poor public service distribution (fire, police, transit, etc.) and lack utility infrastructure (water, sewer, broadband, etc.) Some areas also include exposed bedrock and/or extreme slopes. Priorities in these areas include ensuring the ability to provide adequate public services, the implementation of planned streets in the Major Street and Highway Plan, land use planning to establish frameworks for decision making, and conservation of natural areas.

**Transportation**

**Major Street & Highway Plan:** Secondary Arterial
Comprehensive Plan Street Designation: None

Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

Environmental Considerations

Flood Area: The subject property is within the regulatory floodplain.

Tree Canopy Coverage: Tree canopy in the area is 0-10% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A

Sample Motion

I move to approve or deny a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the AG district (Section 55.090-F);

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ________________________________.

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.

Property Description

The North Half of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter (N/2 N/2 N/2 SE/4 NE/4) of Section Twenty-five (25), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma,
Subject property in BOA-23670 (Image used from Google Street view)

Exhibits
Case map
Aerial
Tulsa Comprehensive Plan Land Use Map
Construction Documents Site Plan: ICC Building Code: 2018 Edition. City of Tulsa Ordinance 23396: 10 November 2018 (Title 51, Chapter 4, Sec 401, 107.3.5) The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of construction, site data, area of disturbance & impervious surface impact calculations and existing structures on the site, property boundaries, distance from lot lines, the established grades and the proposed finished grades, easements, rights-of-way, utilities, ADA sidewalks, driveway entries, erosion control plans and as applicable, flood hazard areas, floodways, design flood elevation and finished floor elevations, and it shall be drawn in accordance with an accurate boundary line survey. In 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 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.

1. Required Revision: Please revise existing civil site plans & drawing and resubmit along with City of Tulsa revised-additional plans/drawing routing form. Please identify design plan and feature for each issue called for in above Building Code and City of Tulsa ordinance and title listed above.

Floodplain On Property/Parcel:

1. Required Revision: Please add note on plans/drawings “FEMA and TULSA REGULATORY FLOOD PLAIN ON PROPERTY. NO FILL OR SPOILS TO BE PLACED IN THE FLOOD PLAIN. FLOOD PLAIN MUST BE STAKED OUT PRIOR TO CONSTRUCTION”. TULSA REGULATORY FLOOD PLAIN ON THE PROPERTY.

2. Required Revision: Your proposed construction project is located within the FEMA, City of Tulsa Regulatory Floodplain. Please obtain a Flood Zone Determination letter from the City of Tulsa by contacting the Mayor’s Action Line 918 596-2100, they will provide you with the regulatory flood elevation determination letter. Logging onto The City of Tulsa home page and using the customer care center 311 link to begin process. Additional information for flood zone determinations letter requests may be googled at Tulsa311.com. A current FEMA FIRM Map. A current FEMA Flood Profile. A current Parcel Screenshot. Based upon the information submitted your existing construction or structure may be required to be elevated or flood proofed one foot (1ft) above the regulatory flood elevation. Please identify flood fringe outline on revised drawings and plans. If your construction is deemed a substantial improvement and the existing structures finished floor area is not elevated or flood proofed one foot above the regulatory flood elevation; your structure shall be required to be brought into compliance. Please submit to our office the existing structure finished floor area elevation, the lowest adjacent grade, along with the Flood Zone Determination letter.

NOTE: Please Notify Plans Examiner By Email royjordan@cityoftulsa.org When You Have Submitted A Revision.

Sec. 25.020-D Table 25-2 AG District Lot and Building Regulations Minimum Lot Width (feet) AG = 200 feet

Review Comment: Your lot does not meet the minimum requirement of 200 feet in width. You may wish to seek a variance of the Lot Regulations for width. Contact the Tulsa Planning Office at 918-596-7526 for further instruction and next steps.

Section 1804.4 Site grading. Please indicate a minimum 5-percent slope for a minimum distance of 10-feet away from the building on all sides.

Sec. 55.090-F Surfacing
1. All off-street 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-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comment: Your drive and parking areas must be comprised of a dustless all-weather surface. Indicate type of materials for drive and parking area on the face of your plans.
Lynn Lane

4326 S 193rd Ave
Broken Arrow, OK
74014

N/2 N/2 N/2 SE NE SEC 25 19 14 SACS
Section: 25 Township: 19 Range: 14

1" = 25'-0"
Owner and Applicant Information
Applicant: Lori Worthington
Property Owner: Church of Christ

Property Location
2901 S Yale Ave

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 5, Grant Miller
County Commission: District 3, Kelly Dunkerley

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary
Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

Zoning
Zoning District: OL and RS-3
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Early Automobile

Transportation
Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: None
Transit: None
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: None
Tree Canopy Coverage: 0-10%
Parks & Open Space: None
Staff Analysis
The applicant is proposing a Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); and Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

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.

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.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Neighborhood.

Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

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<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
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<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>CS</td>
<td>Neighborhood</td>
<td>Highway</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
</tbody>
</table>
Small Area Plans
The subject properties are not within a small area plan.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation
Major Street & Highway Plan: Secondary Arterial

Comprehensive Plan Street Designation: None

Transit: None

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property not within a flood area

Tree Canopy Coverage: Tree canopy in the area is 0-10%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space:

Sample Motion
I move to approve or deny a Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); 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.

Property Description
BEG 50E & 310S NWC SW SW TH E209.99 ELY31.46 SLY435.85 W211.1 N104 W114 N319.5 TO POB SEC 15 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

City of Tulsa Board of Adjustment
Subject property in BOA-23671 (Image used from Google Street view)

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Section 60.050-B.2; Nonresidential uses: 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 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 COMMENT: The proposed freestanding sign with a dynamic display is located in an RS-3 zoning district and requires a special exception from the Board of Adjustment prior to issuance of a sign permit.

If you are removing the existing sign, please note that on the site plan. In R districts no more than one freestanding sign is allowed per street frontage for non-residential uses.

Sign will be Removed.
5.25' X 7.33' = 38.48 SQFT

Midtown
Church of Christ

WORSHIP WITH US

All ARE WELCOME

2901 S. Yale Avenue

Remote control box with ethernet cable

12 SU" CELLULAR ANTENNA

6' person
Staff Report
Special Exception BOA-23672

Hearing Date: April 9, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information
Applicant: Lori Worthington
Property Owner: South Tulsa Baptist Church

Property Location
10310 S Sheridan RD E

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 8, Phil Lakin Jr.
County Commission: District 3, Kelly Dunkerley

Request Summary
Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

Zoning
Zoning District: RS-3/RM-1
Zoning Overlays: PUD-431-A

Comprehensive Plan Considerations
Land Use
Land Use Plan: Neighborhood
Small Area Plans: None
Development Era: Late Automobile

Transportation
Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: None
Transit: None
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: None
Tree Canopy Coverage: 0-10%
Parks & Open Space: None

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

16.1
Staff Analysis
The applicant is proposing a Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); and Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

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.

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.

The proposed dynamic display sign is greater than the allowed 32 square feet of display area for a dynamic display sign in a Residential District. The applicant will need to apply for an amendment to PUD-431-A to accommodate the additional display area that will need to be approved by the Planning Commission.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Neighborhood.

Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-1/PUD-431-C</td>
<td>Local Center</td>
<td>Office/Commercial</td>
</tr>
</tbody>
</table>
Small Area Plans
The subject properties are not within a small area plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: Secondary Arterial
Comprehensive Plan Street Designation: None
Transit: None
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None
Arterial Traffic per Lane: N/A

Environmental Considerations
Flood Area: The subject property not within a flood area
Tree Canopy Coverage: Tree canopy in the area is 0-10%. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.
Parks & Open Space: N/A

Sample Motion
I move to **approve or deny** a Special Exception to permit a Dynamic Display sign in a Residential District containing a Religious Assembly Use (Sec. 60.050-B.2); Special Exception to permit a dynamic display sign within 200-feet of Residually 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.
Property Description
RES A, B, C SOUTH TULSA BAPTIST CHURCH EXT & RES A & LT 1 BLK 1,SOUTH TULSA BAPTIST CHURCH, , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
1.1 D/F Main ID
SCALE: 1:40

Fabricated aluminum cabinet. Painted 2-tone finish to match building fascia.
Paint thru acrylic 3/16" for 1/2" projection. Digital print vinyl overlays w/ internal white LED illumination.

10mm RGB LED display panels (20). Aluminum filler panels on top and end section. Paint Black to match.

NOTE:
S SHERIDAN RD STREET FRONTAGE = 883'. RS-3 SQ FT ALLOWANCE = .2 PER FT / MAX OF 150 sq ft

Façade signage to be temporarily removed prior to installation (by others).
Staff Report
Variance BOA-23673

Hearing Date: April 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Apex Imaging Services
Property Owner: QuikTrip

Property Location
4030 S. Garnett Rd.
Tract Size: ±2.5 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E).

Zoning
Zoning District: CS
Zoning Overlays: None

Comprehensive Plan Considerations
Land Use
Land Use Plan: Local Center
Small Area Plans: None
Development Era: Late Automobile

Transportation
Major Street & Highway Plan: N/A
planitulsa Street Type: Secondary arterial
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A

Elected Representatives
City Council: District 6, Christian Bengel.
County Commission: District 1, Stan Sallee.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
Staff Analysis
The applicant is requesting a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec.60.100-E); and a Variance to permit more than 1 dynamic display sign in a commercial zoning district (Sec.60.080-E).

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.

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs
A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Section 60.100.

Relevant Case History
- BOA-14358, January 1987, Variance of signage display area size.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Local Center. Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
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<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
<tr>
<td>South</td>
<td>CS</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
<tr>
<td>West</td>
<td>CS</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not in a Small Area Plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and
destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

**Transportation**

**Major Street & Highway Plan:** N/A

**Comprehensive Plan Street Designation:** Secondary arterial

**Transit:** N/A

**Existing Bike/Ped Facilities:** None

**Planned Bike/Ped Facilities:** None

**Arterial Traffic per Lane:** 5,065 vehicles per lane per day on Garnett and 5,482 vehicles per lane per day on E 41st St.

**Environmental Considerations**

**Flood Area:** The subject property is not in a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 21%. Significant effort should be given to preserve mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

**Parks & Open Space:** N/A
Sample Motion

I move to approve or deny a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec.60.100-E); and a Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-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 the hardship to be ________________________________________________________________________.

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.

Property Description

LOTS 4-6 BLOCK 1, CROSSBOW CENTER II RESUB, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject property looking south on Garnett Rd (Image used from Google Street view)

Subject property looking east on 41st St (Image used from Google Street view)
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021
Land Use Plan Categories

- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center

SUBJECT TRACT

S GARNETT RD
E 41ST ST S
19-14 04
0 200 400

BOA-23673

19-14 04

17.9
Section 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. Review Comments: Please provide the distance from the sign to the curb on the site plan. If the sign is within 20' of the curb, you may relocate the dynamic display sign 20 feet from the edge of the curb/roadway, or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Section 30.010-D.3 Planned Unit Development, Signs Except for regulations governing dynamic displays, which must comply with all applicable provisions of Chapter 60, signs in a PUD, including outdoor advertising signs, must comply with all provisions of the PUD or if not provided for within the PUD, with all applicable provisions of the zoning code in effect at the time any new sign permit application is submitted. Review Comments: A PUD Sign Review is required by the Tulsa Planning Office (TPO) prior to receiving a sign permit from the City of Tulsa. This parcel is located in PUD 801, and therefore requires a detailed sign plan review and approval from the TPO. Please provide this office with two stamped and signed copies of an approved detail site/sign plan from the TPO (or upload one copy if you applied online). IMPORTANT NOTE: Should you receive PUD District detail sign plan approval from the TPO it is your responsibility to provide this office with the TPO stamped approved sign plan. Contact the TPO regarding detail sign review and approval at 918-596-7526 or email planning@cityoftulsa.org.
Site Plan
QuikTrip

4030 S Garnett Rd Tulsa, OK 74146

Property Owner
QuikTrip
4700 S. 129th E. Ave - Tulsa, OK 74134-7008
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.615.7700

Scope of Work: LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like (or like to) what is existing, being installed in the same location and using the same power that backlit the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Existing Signs
Existing sign sq ft: 83.125

Proposed LED Signs (Not exact)
Proposed sq ft: 83.125

VICINITY PLAN

Sign Location off Garnett Rd
Distance from leading edge of sign to centerline of nearest street: 61 ft
Distance from sign to street curb: 14 ft

Sign Location off 41st St
Distance from leading edge of sign to centerline of nearest street: 43 ft
Distance from sign to street curb: 18 ft

NOT TO SCALE

17.11
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
Staff Report  
Variance BOA-23674

**Hearing Date:** April 9, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

<table>
<thead>
<tr>
<th>Owner and Applicant Information</th>
<th>Request Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: Apex Imaging Services</td>
<td>Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E).</td>
</tr>
<tr>
<td>Property Owner: QuikTrip</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Location</th>
<th>Zoning</th>
</tr>
</thead>
</table>
| 12910 E. 21st St. | Zoning District: CS  
Zoning Overlays: N/A |
| Tract Size: ±.9 acres | |

<table>
<thead>
<tr>
<th>Location within the City of Tulsa</th>
<th>Comprehensive Plan Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(shown with City Council districts)</em></td>
<td>Land Use</td>
</tr>
</tbody>
</table>
| | Land Use Plan: Local Center  
Small Area Plans: None |
| | Development Era: Late Automobile  
Transit: BRT Route |
| | Major Street & Highway Plan: N/A  
planitulsa Street Type: Primary Arterial |
| | Existing Bike/Ped Facilities: None  
Planned Bike/Ped Facilities: None |

<table>
<thead>
<tr>
<th>Elected Representatives</th>
<th>Environment</th>
</tr>
</thead>
</table>
| City Council: District 6, Christian Bengel.  
County Commission: District 1, Stan Sallee. | Flood Area: N/A  
Tree Canopy Coverage: 0-10%  
Parks & Open Space: N/A |

<table>
<thead>
<tr>
<th>Public Notice Required</th>
<th></th>
</tr>
</thead>
</table>
| Newspaper Notice – min. 10 days in advance  
Mailed Notice to 300’ radius – min. 10 days in advance | |
Staff Analysis
The applicant is requesting a Variance to permit more than 1 dynamic display sign in a Commercial zoning district (Sec.60.080-E).

Relevant Case History
- None

Statement of Hardship: See attached.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Local Center. **Local Centers** serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Local Center</td>
<td>Used-car lot</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Local Center</td>
<td>Restaurant</td>
</tr>
<tr>
<td>South</td>
<td>CS</td>
<td>Local Center</td>
<td>Church</td>
</tr>
<tr>
<td>West</td>
<td>CS</td>
<td>Local Center</td>
<td>Truck/trailer rental</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not in a Small Area Plan.

Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.
Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Primary Arterial

Transit: BRT Route

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 2,411 vehicles per lane per day on E 21st St.

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 5%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A
Sample Motion
I move to approve or deny a Variance to permit more than 1 dynamic display sign in a Commercial zoning district (Sec.60.080-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 the hardship to be ____________________________.

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.

Property Description
PRT LT 2 BEG 174.98E & 104S NWC BLK 1 TH E17.62 S238 W186.21 NE2.11 N113 E167.48 N123.37 POB BLK 1; PRT LTS 1 & 2 BEG 8E SWC LT 1 TH N126.07 NE31.21 E139.07 S227.37 W167.48 N87 POB BLK 1, MIZEL CENTER SUB TR 1 SMITTLE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits
Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject property looking north on S 129th E Ave (Image used from Google Street view)

Subject property looking west on E 21st St (Image used from Google Street view)
Subject Tract

BOA-23674

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

Aerial Photo Date: 2021

18.8
SUBJECT TRACT

Land Use Plan Categories
- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:

1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
Note: this sign meets the definition of a Dynamic Display sign per Section 95.220 of the zoning code. Also, there are two different freestanding gas price signs on this lot. This review is only for the sign nearest to the 21st St. frontage. The sign on the south end of the lot is not part of this review. Per Section 60.080-E, only one dynamic display sign is allowed per lot. If you wish to have each freestanding sign converted to dynamic display, you will need to request a Variance from the Board of Adjustment to have two dynamic display signs on one IL zoned lot. The second sign will also need its own permit.

A second permit has already been applied for
Site Plan
QuickTrip
12910 E 21st St
Tulsa, OK 74134

Property Owner
QuickTrip
4705 S 129th E Ave - Tulsa, OK 74134-7003
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.815.7700

Scope of Work: Price LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's, Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backed the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Existing Signs
Existing Signs sq ft: 53.1

Proposed LED Signs
(Not exact)
Proposed signs sq ft: 53.1

Distance from leading edge of sign to centerline of nearest street: 60 ft
Distance from sign to street curb: 25 ft
Sign Location off 129th Ave

21ST STREET SOUTH
NOT TO SCALE

18.12
Work Detail
Scope of Work - Pricer LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED’s. Pricing cabinet to remain as is.
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Project Data
Project Name: QuikTrip Signage Upgrade
Project Address: 7950 E 41st St S Tulsa, OK 74145
Facility Owner:
Property Owner: QuikTrip

Project Directory
Contractor Contact:
PM - Matt Hohn (909)-717-2302
Director of Construction - Jay Kassity
(949)-463-4463

Vicinity Map
Board of Adjustment

Staff Report
Variance BOA-23675

Hearing Date: April 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Apex Imaging Services
Property Owner: QuikTrip

Property Location
1946 S. Harvard Ave.
Tract Size: ±1.2 acres

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 4, Laura Bellis.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary
Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E)

Zoning
Zoning District: CS/ OL/ RS-3
Zoning Overlays: PUD-756

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use
Small Area Plans: None
Development Era: Streetcar

Transportation
Major Street & Highway Plan: Multi-Modal Corridor
planitulsa Street Type: Secondary Arterial
Transit: BRT Route
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: On-street bike lane is recommended in the Tulsa GO Plan.

Environment
Flood Area: N/A
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A
Staff Analysis
The applicant is requesting a Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E).

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.

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Section 60.100.

Statement of Hardship: See attached.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Multiple Use. Multiple Use areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Surrounding Properties:

<table>
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<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
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<td>North</td>
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<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Multiple Use</td>
<td>Fast-food restaurant</td>
</tr>
<tr>
<td>South</td>
<td>CH</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
</tbody>
</table>
Small Area Plans
The subject properties are not in a Small Area Plan.

Development Era
The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

Transportation
**Major Street & Highway Plan:** Multimodal Corridor/Main Street. Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

**Comprehensive Plan Street Designation:** Secondary arterial

**Transit:** N/A

**Existing Bike/Ped Facilities:** None

**Planned Bike/Ped Facilities:** On-street bike lane is recommended on S. Harvard Ave. in the Tulsa GO Plan.

**Arterial Traffic per Lane:** 5,003 vehicles per lane per day on S Harvard Ave.

Environmental Considerations
**Flood Area:** The subject property is not in a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 13%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

**Parks & Open Space:** N/A
Sample Motion

I move to approve or deny a Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); a Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); and a Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-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 the hardship to be ________________________________.

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.

Property Description

LOT 1 BLOCK 1, QUIKTRIP STORE # 27 RESUB PRT B1 FLORENCE PARK ADD, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject property looking north on Harvard (Image used from Google Street view)

Subject property looking west on 21st St (Image used from Google Street view)
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
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). Review Comment: The proposed sign is located in the planned right of way (ROW) of 21st St., which is designated a Secondary Arterial by the Major Street and Highway Plan. The planned ROW width at this location is 100', which requires a 50' setback from the centerline of 21st St. This sign requires two things: a City of Tulsa ROW removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You can also double check the measurement, to make sure the measurement is accurately shown is to the overall center of 21st St. Otherwise, contact Jenna Richardson at 918-596-7821 for information on acquiring a ROW license and removal agreement and Tulsa Planning Office at 918-596-7526 to apply for a special exception to permit a freestanding sign to be located in the planned ROW of 21st St. If the license and removal agreement and the special exception were obtained when the sign was installed, please provide that information. If the distance to the center of 21st St. is incorrect; please provide a site plan with the correct measurement.

Section 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an 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 and AG districts if approved through the special exception process. Review Comments: The proposed dynamic display sign appears to be located within 200 feet of a Residential zoning district. You may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located within 200 feet of an RS-3 zoning district. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Section 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 road-way marked or understood as such. Review Comments: The proposed dynamic display is within 20 feet of the street curb. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Section 30.010-D.3 Planned Unit Development. Signs Except for regulations governing dynamic displays, which must comply with all applicable provisions of Chapter 60. signs in a PUD, including outdoor advertising signs, must comply with all provisions of the PUD or if not provided for within the PUD, with all applicable provisions of the zoning code in effect at the time any new sign permit application is submitted. Review Comments: A PUD Sign Review is required by the Tulsa Planning Office (TPO) prior to receiving a sign permit from the City of Tulsa. This parcel is located in PUD 756, and therefore requires a detailed sign plan review and approval from the TPO. Please provide this office with two stamped and signed copies of an approved detail site/sign plan from the TPO (or upload one copy if you applied online). IMPORTANT NOTE: Should you receive PUD District detail sign plan approval from the TPO it is your responsibility to provide this office with the TPO stamped approved sign plan.
Site Plan
QuikTrip
1946 S Harvard Ave
Tulsa, OK 74112

Property Owner
QuikTrip
4705 S 129th E, Ave - Tulsa, OK 74134-7008
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.515.7700

Scope of Work: Price LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backed the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Existing Signs
Existing Sign sq ft: 53.1

Proposed LED Signs (Not exact)
Proposed sq ft: 53.1

Distance from leading edge of sign to centerline of nearest street: 50 ft
Distance from sign to street curb: 15 ft
Distance from sign to centerline of nearest street: 50 ft
Sign Location off Harvard

SOUTH HARVARD
21ST STREET SOUTH
Work Detail
Scope of Work - Pricer LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's. Pricing cabinet to remain as is.
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. Remove existing numbers and prep for disposal. Install LED number signage. Ensure power and data are working properly.

<table>
<thead>
<tr>
<th>Option 1 - Existing Manual Tiles</th>
<th>Option 1 - Proposed LED Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="Existing Manual Tiles" /></td>
<td><img src="image2" alt="Proposed LED Replacement" /></td>
</tr>
</tbody>
</table>

Project Data
Project Name: QuikTrip Signage Upgrade
Project Address: 7950 E 41st St S Tulsa, OK 74145
Facility Owner:
Property Owner: QuikTrip
Owners Address: 

Project Directory
Contractor Contact:
PM - Matt Hohn (909)-717-2302
Director of Construction - Jay Kassity (949)-463-4463
### Owner and Applicant Information
- **Applicant:** Apex Imaging Services
- **Property Owner:** QuikTrip

### Property Location
- **3050 S. Sheridan Rd. E**
- **Tract Size:** ±1.8 acres

### Location within the City of Tulsa
(Shown with City Council districts)

### Request Summary
- **Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E)**
- **Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E)**

### Zoning
- **Zoning District:** CH
- **Zoning Overlays:** N/A

### Comprehensive Plan Considerations
#### Land Use
- **Land Use Plan:** Local Center
- **Small Area Plans:** None
- **Development Era:** Early Automobile

#### Transportation
- **Major Street & Highway Plan:** Multi-Modal Corridor
- **planitulsa Street Type:** Secondary Arterial
- **Transit:** N/A
- **Existing Bike/Ped Facilities:** None
- **Planned Bike/Ped Facilities:** On-street bike corridor on E 31st St. is recommended in the Tulsa GO Plan.

#### Environment
- **Flood Area:** N/A
- **Tree Canopy Coverage:** 10-20%
- **Parks & Open Space:** N/A

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**Elected Representatives**
- **City Council:** District 5, Grant Miller.
- **County Commission:** District 2, Karen Keith.

**Public Notice Required**
- Newspaper Notice – min. 10 days in advance
- Mailed Notice to 300’ radius – min. 10 days in advance

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**Staff Report**
**Variance BOA-23676**

**Hearing Date:** April 9, 2024
**Prepared by:** Sean Wallace
swallace@cityoftulsa.org
918-596-7585
Staff Analysis
The applicant is requesting a Variance to permit dynamic display signs within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec. 60.080-E)

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.

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs  
A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Section 60.100.

Statement of Hardship: see attached.

Relevant Case History
- Case Number, Date, Description

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Local Center. Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

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</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>CS</td>
<td>Local Center</td>
<td>Financial Institution</td>
</tr>
<tr>
<td>West</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are not in a Small Area Plan.

Development Era
The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office,
industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

Transportation

**Major Street & Highway Plan:** **Multi Modal Corridor.** Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

**Comprehensive Plan Street Designation:** Secondary Arterial

**Transit:** N/A

**Existing Bike/Ped Facilities:** None.

**Planned Bike/Ped Facilities:** On-street bike corridor on E 31st St. is recommended in the Tulsa GO Plan.

**Arterial Traffic per Lane:** 5,738 vehicles per land per day on S Sheridan Rd.

Environmental Considerations

**Flood Area:** The subject property is not in a flood area.

**Tree Canopy Coverage:** Tree canopy in the area is 11%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

**Parks & Open Space:** N/A
Sample Motion
I move to approve or deny a Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-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 the hardship to be ________________________________________________________________________.

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.

Property Description
SE SE SE LESS S50 & LESS E50 & LESS BEG 50N & 50W SEC R THEREOF TH W100 CRV LF TO PT 150N & 50W SEC
SE SE SE TH S100 POB SEC 15 19 13 1.74AC, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits
Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject property looking south on Sheridan Rd (Image used from Google Street view)

Subject property looking west on 31st St (Image used from Google Street view)
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
Markups

Note: this sign meets the definition of a Dynamic Display sign per Section 95.220 of the zoning code. Also, there are two different freestanding gas price signs on this lot. This review is only for the sign nearest to Sheridan Rd. The sign on the west end of the lot is not part of this review. Per Section 60.080-E, only one dynamic display sign is allowed per lot. If you wish to have each freestanding sign converted to dynamic display, you will need to request a Variance from the Board of Adjustment to have two dynamic display signs on one CH zoned lot. The second sign will also need its own permit. *A second permit has been already been submitted

Section 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 road-way marked or understood as such. Review Comments: The proposed dynamic display is within 20 feet of the street curb for Sheridan Rd. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.
Site Plan

QuikTrip
3050 S Sheridan Rd - Tulsa, OK 74129

Property Owner

QuikTrip
4705 S. 129th E. Ave - Tulsa, OK 74134-7008
P.O. Box 3475 - Tulsa, OK 74101-3475
p: 918.615.7700

Scope of Work - Price: LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LED's. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Existing Signs
Existing Signs sq ft: 41.3

Proposed LED Signs (Not exact) Proposed signs sq ft: 41.3

Distance from leading edge of sign to centerline of nearest street: 50 ft
Distance from sign to street curb: 17 ft

EAST 31ST STREET SOUTH
SOUTH SHERIDAN ROAD

NOT TO SCALE
Staff Report
Variance BOA-23677

Hearing Date: April 9, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information
Applicant: Apex Imaging Services
Property Owner: QuikTrip

Property Location
1022 S. Utica Ave. E
Tract Size: ±2.8 acres

Location within the City of Tulsa
(shown with City Council districts)

Request Summary
Variance to permit a Dynamic Display sign in a residential district (Sec. 60.050-B.2); Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F); Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a commercial zoning district (Sec. 60.080-E).

Zoning
Zoning District: CH, RM-2, RS-4, CS
Zoning Overlays: PUD-588-A

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use
Small Area Plans: Pearl District
Development Era: Streetcar

Transportation
Major Street & Highway Plan: Main Street
planitulsa Street Type: Urban Arterial
Transit: BRT Route
Existing Bike/Ped Facilities: 11th St Bike Lane
Planned Bike/Ped Facilities: None

Environment
Flood Area: N/A
Tree Canopy Coverage: 0-10%
Parks & Open Space: N/A

Elected Representatives
City Council: District 4, Laura Bellis.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance
**Staff Analysis**
The applicant is requesting a Variance to permit a Dynamic Display sign in a residential district (Sec. 60.050-B.2); Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F); Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a commercial zoning district (Sec. 60.080-E)

**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.

**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.

**60.080-E**
Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs
A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of **Section 60.100**.

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**
The subject property is designated as Multiple Use. **Multiple Use** areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.
Surrounding Properties:

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<td>Multiple Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Regional Center</td>
<td>Sports Complex</td>
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<tr>
<td>South</td>
<td>CH</td>
<td>Regional Center</td>
<td>Hospital</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Multiple Use</td>
<td>Fast-food restaurant</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject properties are in the Pearl District Small Area Plan.

Development Era
The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

Transportation
Major Street & Highway Plan: Main Street

Comprehensive Plan Street Designation: Urban arterial.

Transit: BRT Route

Existing Bike/Ped Facilities: 11th Street bike lane.

Planned Bike/Ped Facilities: None.

Arterial Traffic per Lane: 6,792 vehicles per lane per day on 11th St.

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 6%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A
**Sample Motion**

I move to **approve or deny** a Variance to permit a Dynamic Display sign in a residential district (Sec. 60.050-B.2); Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F); Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a commercial zoning district (Sec. 60.080-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 the hardship to be ________________________________________________________________.

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.

**Property Description**

LOT 1 BLK 1, QUIKTRIP STORE #0090R RSB LTS 21-31 PRT LT32 BLK 8 PARKDALE ADDN & RSB ALL QUIKTRIP #90R COMMERCIAL CENTER, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject Tract

BOA-23677

21.6
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021
Subject Tract BOA-23677
21.8
Section 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. Review Comments: The proposed dynamic display is within 20 feet of the street curb. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org to discuss Board of Adjustment scheduling and procedures.

Note: this sign meets the definition of a Dynamic Display sign per Section 95.220 of the zoning code. Also, there are two different freestanding gas price signs on this lot. This review is only for the sign on the south of the lot on 11th St. frontage. The other sign is not part of this review.

Section 30.010-D.3 Planned Unit Development. Signs Except for regulations governing dynamic displays, which must comply with all applicable provisions of Chapter 60, signs in a PUD, including outdoor advertising signs, must comply with all provisions of the PUD or if not provided for within the PUD, with all applicable provisions of the zoning code in effect at the time any new sign permit application is submitted. Review Comments: A PUD Sign Review is required by the Tulsa Planning Office (TPO) prior to receiving a sign permit from the City of Tulsa. This parcel is located in PUD 588, and therefore requires a detailed sign plan review and approval from the TPO. Please provide this office with two stamped and signed copies of an approved detail site/sign plan from the TPO (or upload one copy if you applied online). IMPORTANT NOTE: Should you receive PUD District detail sign plan approval from the TPO it is your responsibility to provide this office with the TPO stamped approved sign plan. Contact the TPO regarding detail sign review and approval at 918-596-7526 or email planning@cityoftulsa.org.
Work Detail

Scope of Work - Pricer LED Replacement
- Replacing existing white numbers with LED numbers
- Re-utilizing existing power and data
- Changing the numbers only to LEDs. Pricing cabinet to remain as is
- NO NEW POWER or DATA
- The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backs the previous numbers

1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

Project Data

Project Name: QuikTrip Signage Upgrade
Project Address: 1022 S Utica Ave Tulsa, OK 74104
Facility Owner:
Property Owner: QuikTrip
Owners Address:

Project Directory

Contractor Contact:
PM - Matt Hohn (949)-717-2302
Director of Construction - Jay Kassity
(949)-463-4463

Vicinity Map
Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED’s. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:
1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.
# Staff Report
## Variance BOA-23678

**Hearing Date:** April 9, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

<table>
<thead>
<tr>
<th>Owner and Applicant Information</th>
<th>Request Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: Deborah K. Palinskee</td>
<td>Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec.55.100-C.2).</td>
</tr>
<tr>
<td>Property Owner: DEWCO LLC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Location</th>
<th>Zoning</th>
</tr>
</thead>
</table>
| 6003 S. Sheridan Rd. E | Zoning District: CS  
Zoning Overlays: N/A |
| Tract Size: ± .4 acres |                             |

<table>
<thead>
<tr>
<th>Location within the City of Tulsa</th>
<th>Comprehensiva Plan Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(shown with City Council districts)</td>
<td>Land Use</td>
</tr>
<tr>
<td></td>
<td>Land Use Plan: Local Center</td>
</tr>
<tr>
<td></td>
<td>Small Area Plans: None</td>
</tr>
<tr>
<td></td>
<td>Development Era: Late Automobile</td>
</tr>
<tr>
<td></td>
<td>Transportation</td>
</tr>
<tr>
<td></td>
<td>Major Street &amp; Highway Plan: N/A</td>
</tr>
<tr>
<td></td>
<td>planitulsa Street Type: Secondary Arterial</td>
</tr>
<tr>
<td></td>
<td>Transit: BRT Route</td>
</tr>
<tr>
<td></td>
<td>Existing Bike/Ped Facilities: None</td>
</tr>
<tr>
<td></td>
<td>Planned Bike/Ped Facilities: None</td>
</tr>
<tr>
<td></td>
<td>Environment</td>
</tr>
<tr>
<td></td>
<td>Flood Area: N/A</td>
</tr>
<tr>
<td></td>
<td>Tree Canopy Coverage: 20-30%</td>
</tr>
<tr>
<td></td>
<td>Parks &amp; Open Space: N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Elected Representatives</th>
<th>Public Notice Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council: District 9, Jayme Fowler.</td>
<td>Newspaper Notice – min. 10 days in advance</td>
</tr>
<tr>
<td>County Commission: District 3, Kelly Dunkerley.</td>
<td>Mailed Notice to 300’ radius – min. 10 days in advance</td>
</tr>
</tbody>
</table>
**Staff Analysis**
The applicant is requesting a variance to allow drive-through facilities to be located on the street-facing side of the property (Sec.55.100-C.2).

**55.100-C Location and Design**

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec.55.070-C.

**Statement of Hardship:** There is not enough room to rotate the building to meet the requirement of not having the drive through facing a street.

**Relevant Case History**
- None

**Comprehensive Plan Considerations**

**Land Use Plan**
The subject property is designated as Local Center. Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Local Center</td>
<td>Church</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>CS</td>
<td>Local Center</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject property is not in a Small Area Plan.

**Development Era**
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively...
concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

**Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Secondary Arterial

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 6,016 vehicles per lane per day on S Sheridan Rd.

**Environmental Considerations**

Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 29%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: N/A
**Sample Motion**

I move to **approve or deny** a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec.55.100-C.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 the hardship to be ________________________________________________________________.

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.

**Property Description**

LOT 1 BLK 1, SOUTHERN HILLS CENTER RESUB, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

Photos  
Case map  
Aerial (small scale)  
Aerial (large scale)  
Tulsa Comprehensive Plan Land Use Map
(Subject property - Image used from Google Street view)
Sec. 55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

Review Comment: Provide a site plan with stacking spaces not interfering with ingress and egress from the street and parking spaces. If you cannot provide such plan, contact the Tulsa Planning Office to request relief from the code. 918-596-7526.

Sec. 55.100-C Location and Design

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AGR-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

Review Comment: The drive through service window and stacking lanes cannot be located on the street facing side of the property. Provide a plan with the drive through located on the non-street facing side of the property. If you cannot provide such plan, contact the Tulsa Planning Office to request relief from the code. 918-596-7526.
Charlie's Chicken
6001 S. Sheridan Rd.
Tulsa, OK.

Location Map
**Owner and Applicant Information**
Applicant: SBWG, LLC
Property Owner: SBWG, LLC

**Property Location**
7318 S. Yale Ave.
Tract Size: ± .6 acres

**Location within the City of Tulsa**
(shown with City Council districts)

**Elected Representatives**
City Council: District 8, Phil Lakin Jr.
County Commission: District 3, Kelly Dunkerley.

**Public Notice Required**
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

**Request Summary**
Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F).

**Zoning**
Zoning District: OL
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**
Land Use Plan: Local Center
Small Area Plans: None
Development Era: Late Automobile

**Transportation**
Major Street & Highway Plan: N/A
planitulsa Street Type: Primary arterial
Transit: N/A
Existing Bike/Ped Facilities: None
Planned Bike/Ped Facilities: None

**Environment**
Flood Area: N/A
Tree Canopy Coverage: 30-50%
Parks & Open Space: N/A
Staff Analysis
The applicant is requesting a Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F).

60.060-E Dynamic Displays
Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

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.

Relevant Case History
- BOA-23608; On 12/12/2023 the Board approved the same request for the subject property, the applicant is coming back to the Board to request approval of a greater portion of their sign to be located within the 20-feet of the curb.

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Local Center. Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

Surrounding Properties:

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<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
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<td>OM</td>
<td>Local Center</td>
<td>Nursing Home</td>
</tr>
<tr>
<td>East</td>
<td>RD</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>OL</td>
<td>Local Center</td>
<td>Offices</td>
</tr>
<tr>
<td>West</td>
<td>OL</td>
<td>Local Center</td>
<td>Offices</td>
</tr>
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</table>

Small Area Plans
The subject properties are not within a small area plan.
Development Era
The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation
Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Primary Arterial

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 4,182 vehicles per lane per day on S. Yale Ave.

Environmental Considerations
Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 49%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

Parks & Open Space: N/A
Sample Motion
I move to **approve or deny** a Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of an R district (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 the hardship to be ____________________________________________________________.

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.

**Property Description**
LOT 1 BLK 1, SOUTHERN HILLS CENTER RESUB, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**
Photos
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Subject property looking north on Yale Ave (Image used from Google Street view)
Notes:
- Same for both sides (north & south).
- The dynamic display portion is the rectangular section in the middle.