

**AMENDED STAFF REPORT BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9307

Case Number: **BOA-23175**

CZM: 37

CD: 4

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Christopher Wadleigh

ACTION REQUESTED: Variance to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); ~~Variance to reduce the required number of short-term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3);~~ Variance of the required interior parking lot landscaping standards (Sec. 65.050) Variance of the required street frontage buffer requirements (Sec. 65.060-C); Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2)

LOCATION: 1905 E 21 ST S

ZONED: CS

PRESENT USE: Wendy's Restaurant

TRACT SIZE: 17228.05 SQ FT

LEGAL DESCRIPTION: LTS 13 THRU 15 LESS BEG SWC LT 15 TH N14.88 E1 S8 SE8.08 W5 POB BLK 2, REDDIN THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-6416; On 0.19.69 the Board approved a a variance of the setback requirement from 21st street for a canopy on a gas station.

BOA-10346; On 03.15.79 the Board approved a variance of the setback requirements form 21st street for the original Wendy's restaurant and signage.

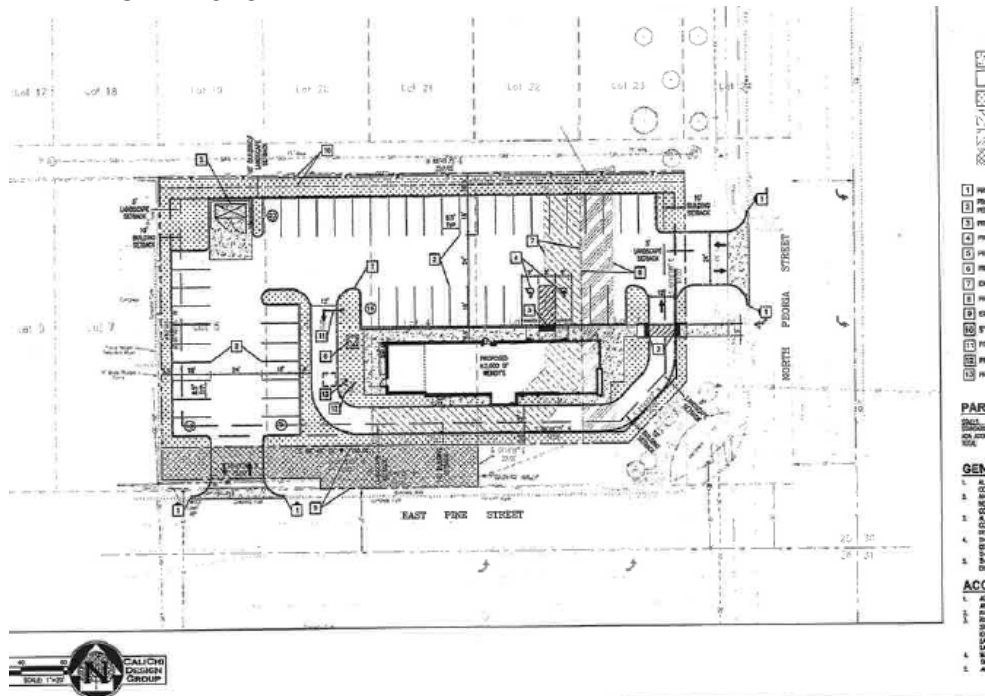
BOA-14615; On 09.17.87 the Board approved variance of the setback requirements from 21st street for an addition to the restaurant.

BOA-15396; On 03.15.90 the Board approved a variance of the setback requirement from 21st street for a new sign.

Other properties:

BOA-22825; On 01.14.2020 the Board approved a variance to allow drive-through facilities to be located on the street-facing side of a property and a variance of the required number of stacking spaces for a Wendy's restaurant located at 1209 E. Pine Street N. This property is not in the immediate area, btu the relief request is similar for the same Restaurant brand. It should be noted that in this case the site was limited to two entry points and the current site configuration at 1905 E. 21st Street contains three curb-cuts, one of which is only a few feet from the intersection of Wheeling and E. 21st Street.

Approved Site Plan in BOA-22825:



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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of East 21st Street and Wheeling Ave. The subject property is immediate East of St. John Ascension Hospital and North of Utica Square Shopping center.

STATEMENT OF HARDSHIP: The proposed project is to remove and replace the existing building and parking lot for the existing Wendy’s restaurant. Due to the size of the property, we are unable to meet all the parking and landscaping requirements. It appears that the existing site does not meet many of these codes, so we are proposing to generally match the existing conditions.

STAFF COMMENTS: The applicant is requesting Variance to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); Variance to reduce the required number of short-term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3); Variance of the required interior parking lot landscaping standards (Sec. 65.050) Variance of the required street frontage buffer requirements (Sec. 65.060-C); Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2)

As of the writing of this case report the applicant has engaged with staff about the applying for an Alternative Compliance Landscape plan which , if approved by staff ,would allow the project to move forward without the need for the landscaping variances. Additionally the applicant has indicated that they are working to find the required number of bicycle parking spaces on site and may not need that relief.

Include in your packet is a copy of code sections Table 55-1, Table 55-3, 65.050 and 65.060-c.

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 §65.070-C.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); ~~Variance to reduce the required number of short term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3);~~ **Variance** of the required interior parking lot landscaping standards (Sec. 65.050) **Variance** of the required street frontage buffer requirements (Sec. 65.060-C); **Variance** to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2)

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

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

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

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



Subject property



Subject Property, please note the distance between the existing curb-cut and the intersection.



Intersection of 21st and Wheeling



Existing Restaurant