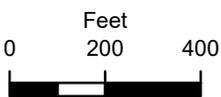


BOA-23298

20-13 29



BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: **BOA-23298**

CZM: 29

CD: 3

HEARING DATE: 04/12/2022 1:00 PM

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to permit a second freestanding sign in an R zoned district (Section 60.050 B-2.b)

LOCATION: West of the SW/c E. Seminole St. and N. Havard Ave.

ZONED: RS-3

PRESENT USE: School

TRACT SIZE: 419465.74 SQ FT

LEGAL DESCRIPTION: PRT NW SE SE BEG 25S & 179.19E NWC NW SE SE TH E481.65 S608.76 W285.26 N99.18 NW15.95 W86.66 NW217.02 CRV RT 211.03 NE47.65 N106.66 CRV RT 32.95 POB SEC 29 20 13 6.653ACS; NW SE SE LESS BEG 25S & 179.19E NWC NW SE SE TH E481.65 S608.76 W285.26 N99.18 NW15.95 W86.66 NW217.02 CRV RT 211.03 NE47.65 N106.66 CRV RT 32.95 POB & LESS N25 THEREOF FOR RD SEC 29 20 13 2.976ACS,

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22481; on 10.23.18 the Board **approved** a Special Exception to permit a School use in the RS-3 District to permit the current facility occupying the property. .

Surrounding properties:

BOA-23279; On 03.08.22 the Board **approved** a Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) and a Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F). Property located 1740 N. Harvard (Celia Clinton Elementary School).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space" and an "Area of Stability".

Tulsa's **park and open space** are assets. These are areas to be protected and promoted through the targeted investments, public- private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill

projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the SW/c E. Seminole St. and N. Havard Ave.

STATEMENT OF HARDSHIP: The current sign we have at the Tulsa Educare Celica Clinton Site is specific for the portion of the building housing our Early Learning Works (ELW) agency. The ELW has its own address (3120 E. Seminole St.) which is different from the actual Tulsa Educare Celia Clinton early childhood services address (3110 E. Seminole St.). There are two front doors to the building and it is very confuding to parent and visitors which door to enter. Having the 2nd sign will help clarify that for our families.

STAFF COMMENTS: The applicant that is requesting a **Variance** to permit a second freestanding sign in an R zoned district (Section 60.050 B-2.b)

2. Nonresidential Uses

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

a. Wall Signs

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

b. Freestanding Signs

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

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to permit a second freestanding sign in an R zoned district (Section 60.050 B-2.b)

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

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

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

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



Subject Property

FILE COPY

22481—Mark Capron

Action Requested: (Reconsideration from 08/28/2018)
Special Exception to permit a school use in an RS-3 District (Section 5.020-C).
LOCATION: 3121 East Queen Street North (CD 3)

Presentation:

Josh Miller, 7030 South Yale, Suite 600, Tulsa, OK; stated he represents the applicant Educare. Mr. Miller stated the City has made the transfer of the park to Tulsa Public Schools and all the recommendations will be implemented of City parks with regard to moving the sport court, renovation, making a multi-use sports court to accommodate soccer, basketball and volleyball. There will be 1.6 acres of open space preserved to allow all the existing uses as well as consideration will be given to renovating the shelter as needed. The City has made a commitment towards safety improvements. There is an overall need for the Educare facility and there will be benefits to the neighborhood. Mr. Miller stated he has met with the neighbors four times; twice since the last hearing. He feels like all the neighborhood input has been incorporated and they have addressed all their concerns and are leaving the traffic condition better than when the proposed project started.

Esther Shaw-Smith, Lee Engineering, 1000 West Wilshire, Suite 403-E, Oklahoma City, OK; stated Lee Engineering was contracted by TPS to study queueing, parking, and the traffic impact that Educare would have on the existing roadway network. Lee Engineering did look at all that and used industry standard computation methods; methodologies that are readily approved by the City of Tulsa. Lee Engineering presented two options. The first option would be to separate the traffic that is coming for Educare versus the existing Celia Clinton traffic. Lee Engineering has already been contracted with the City of Tulsa to perform the school's safety first initiative school safety audits, and the firm has already been to Celia Clinton to observe drop off and pick up operations, do a full site assessment of the campus, look at the ADA paths, and routes that kids can use to get to and from the school safely whether walking or biking. Celia Clinton was one of the City's top priority schools to look at, so the school safety had been completed when the firm was contracted by TPS to do the Educare impact study. It was acknowledged in Option #1 that the traffic needed to be separated from Celia Clinton and Educare, and it was recommended to have an operational plan that would keep Celia Clinton traffic in the pattern that it is today, on Seminole, and Educare would use Queen Street and the newly built Florence for access to Educare. This plan would entail the school increasing their operational procedures at their site during pick up because several like to pick up their children from school. There were over 150 parents that came to pick up their children on a regular basis at the school, and they do use Seminole for the pick-up operation. It was also recommended to have a traffic signal be installed at Harvard and Seminole so there would be a full signal actuated for cars and pedestrians. That will speed up exiting traffic from Seminole and the school. Ms. Shaw-Smith stated that it has also been recommended to increase enforcement of

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the no parking signs that are along Seminole. Tulsa Police Department and the school have been asked to have periodic enforcement of the no parking zones as well. Option #2 was based solely on the need to help the neighbors and to try to get Celia Clinton traffic off Seminole. So, another option was looked at where both schools would use Florence, and Florence would be made wider to accommodate a lane to go to Educare and a lane that would go to Celia Clinton. With this existing traffic would be taken off Seminole. With Option #2 there is plenty of stacking room, 1,600 feet of stacking room before impacting Harvard, for Educare and Celia Clinton. The maximum queues, if everyone should arrive at the same time, would be about 1,100 feet for Option #2. Educare should not significantly impact Seminole. The number of cars in the peak hour for Educare is just over 100 peak hour trips.

Mr. Van De Wiele asked Ms. Shaw-Smith if it was known which option the two facilities have opted for at this point. Ms. Shaw-Smith stated that right now they are proceeding with Option #2.

Mr. Van De Wiele asked Ms. Shaw-Smith how the plan will be implemented and enforced. Ms. Shaw-Smith stated the best thing is to get the parents and the kids on board, the school has to give out the operations plan at the very beginning of the school year. It is all about the education of the parents and the students and having enough staff members outside for the first two or three weeks to make sure everyone is following the pattern. There will always be the 1% or 2% that rules don't apply to but overall if the parents are given a good plan on what to do, they will follow it.

Ms. Radney asked Ms. Shaw-Smith if a queuing analysis had been done for the Celia Clinton population. Ms. Shaw-Smith stated that Celia Clinton had been observed previously in the school safety study, and a queueing analysis was done on Seminole during pick up because that the longest queue length; morning drop off time tends not to be as long as the pick-up time. There were queues almost to Harvard, but they did not encroach upon Harvard; they used the entire parking lot frontage where there are three lines to maximize the parking lot space. Ms. Radney asked if there had been a numerical analysis done. Ms. Shaw-Smith stated the cars were counted, there were 45 in the queue for the peak at five-minute queue counts for the Celia Clinton school safety study. The analysis was observational for Celia Clinton and the analysis for Educare was computational because they are estimates for the number of trips that are generated.

Ms. Shaw-Smith stated that queue length is determined at 25 feet per car, and the estimate for Celia Clinton was about 1,100 feet leaving about 500 feet to be used if needed.

Ms. Radney asked Ms. Shaw-Smith how many dedicated parking spaces are there for parents? Ms. Shaw-Smith stated that right now there is the front row that visitor type parents which is about 20 spaces, and the side lot is used mostly by staff members.

Ms. Radney asked Ms. Shaw-Smith if the existing parking for Celia Clinton is less than what is allocated parking for Educare. Ms. Shaw-Smith stated the pick-up operations is a lot different for Educare. All of the Educare parents are required to park and walk in. At an elementary school that provides a pick-up operation the parents do not have to park and come into the school. It is a different scenario as to why Educare is going to need more spaces than Celia Clinton.

Tanya Davis, Principal of Celia Clinton Elementary School, 1740 North Harvard, Tulsa, OK; stated she is very excited for the opportunity for Educare to go in because the children will be educated from six weeks to age three, then they will come into Celia Clinton much more prepared. The drop off is a lot easier because there is staff outside at 7:00 A.M., there are three lanes with Teacher Assistants, there is a safety patrol on the sidewalk, and the children are walked into the door. If the children arrive before 7:20 A.M. there are two adults outside on the sidewalk that monitor the children. At 7:20 A.M. the school doors open, and the Teacher Assistants are still outside bringing the children in from the parking lot. Drop off in the morning is not as big a problem as dismissal. For dismissal the parents have a placard in the windshield, so the staff know those cars go into the third lane. School dismisses at 2:35 and everyone is back in the building at 2:50 P.M., after that the parents must park, come inside and pick up their child.

Mr. Van De Wiele asked Ms. Davis how the school kept the parents from stacking up early to the west down to the dead end on Seminole. Ms. Davis stated that the cul-de-sac was installed a few years ago because of the back up on Harvard. Some of the issues are the parents that like to get out of the car and find their child and walk back to the car with their child, because it takes that parent longer, but it is their preference. The gravel was poured along the side of the street for the cars that park and all other cars keep moving.

Mr. Van De Wiele asked Ms. Davis if the new Florence were installed is it her commitment to the neighbors that stacking will be on Florence and not on Seminole. Ms. Davis stated she cannot control every parent even though she does her best. The way the traffic pattern would go the parents should not even be going down Seminole. Ms. Davis stated when the cul-de-sac was completed there was a map handed to every parent, in English and in Spanish, and there was a meeting with interpreters to explain the traffic pattern. That is what will have to be done again; retraining of the parents and children.

Deborah Gist, Superintendent of Tulsa Public Schools, 6232 South Jamestown Avenue, Tulsa, OK; stated these changes will mean safer access for the children, less congestion, and improved access to greenspace. Campus Police can bring in additional officers to help the schools get the traffic flow patterns into place, and it would be done in this instance. This is creating an incredible high-quality early childhood education center for the community. Tulsa is a model for the country in terms of quality early childhood experiences. Early childhood matters for the children. This center will make a difference for Celia Clinton and for the young children who are able to

participate in the Educare experience, but it will also make a difference for the children around them because overall it lifts up the experience that every child in the school receives. A lot of research has been conducted in Tulsa that is used nationally, and it demonstrates not only does it affect the children who have the experience and the children around them. Not only does it affect their readiness and their quality of experience in elementary school, but it actually has benefits that demonstrate the children are more likely to stay in school, to graduate, to rely less on social services, and to contribute to society in different ways. Overall, this has a massive impact on Tulsa. Ms. Gist stated there about 1,500 children under the age of five living within a mile of the school. This is a need and Educare would serve a fraction of those. This is a very positive thing for the families, for the children, and for the community overall.

Interested Parties:

Rachel Stagner-Farrell, 7304 South 99th East Avenue, Apt. 711, Tulsa, OK; stated she is a parent of Tulsa Educare and her daughter was in the program for four years and has graduated to public school. She was a parent that was hesitant of putting her daughter into any type of daycare or early learning academy. A friend steered her toward Educare. Being in the program has changed her daughter's life and hers as well. Ms. Stagner-Farrell stated that she just had her first parent-teacher conference and her daughter has excelled in every category. This is what Educare is about, getting the early childhood education and giving the children a step ahead of the rest in today's world. Ms. Stagner-Farrell stated there have been so many things that Educare has brought to her life and to have the opportunity to service even a fraction of the 1,500 children, how can the community not do this?

Ms. Radney congratulated Ms. Stagner-Farrell for seeing the civics homework that needed to be done. As one of the volunteers on this panel for the Board of Adjustment she would applaud Ms. Stagner-Farrell. Democracy is not a spectator sport.

Nick Doctor, Chief of Community Development for Mayor Bynum's Office for the City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated that part of the Vision Tulsa package that voters approved in 2016 had \$14.5 million dollars for a safety first initiative, and it was a partnership between the City of Tulsa and Tulsa Public Schools to ensure there were safe routes to elementary schools in particular. Celia Clinton is one of the Tier 1 schools for the City of Tulsa and one of the locations the City is prioritizing for that work. A lot of that work has begun now, and Lee Engineering was one of the firms that was contracted with the City of Tulsa to perform the analysis of the school sites, and they have done 40 of the studies for the City for Tier 1 and Tier 2 schools. The implementation phases of those studies are beginning now. To speak to Celia Clinton specifically, the City is in the middle of the design phase for the improvements that were presented in Option #1, in particular, and Option #2 has the third lane added to it. The infrastructure that is required for that is being considered as part of the design work now. The City expects the design work to be complete by January or February 2019 and going through all the construction required for those improvements by the summer of 2019. There is a little over \$300,000 in improvements that will entail and that includes \$180,000 for a new traffic signal at Seminole and Harvard; \$30,000 for a new

bus shelter; \$16,000 for four new school zone beacons to calm traffic on Harvard; \$8,400 for new crosswalks at Seminole and Harvard and at Queen and Harvard; and \$8,000 for new signs directing traffic. The no parking signs have already been installed and TPS and TPD are beginning to enforce those.

Ms. Radney asked Mr. Doctor if there was a way the City could stripe the areas in front of the resident's driveways to keep the wayward parents from blocking driveways. Mr. Doctor stated he could investigate that further, but it has not been discussed.

Fran Trujillo, 6812 South 230th East Avenue, Broken Arrow, OK; stated she is a nurse educator and is one of the nurses that taught classes at Educare I. The program started in 2008 and it made a great impact on one of the mothers. Some of the mothers became nurses and one is in the nursing program to be a Nurse Practitioner while another is going to get her Master's Degree in Nursing. This is the impact that has been brought by the programs being offered at Educare. Ms. Trujillo stated that the maternal mortality rate is number one in Oklahoma and Educare has a program that has been focused on improving the health of the child bearing woman. Educare makes not just an impact on the children by educating them but by providing them healthy mothers.

Ms. Radney thanked Ms. Trujillo for her service, and she agreed with Ms. Trujillo that Educare is a great model for helping parents to see that they can have hope for more for their children. That is a wonderful gift.

Molly Bryant, 4911 South Madison Avenue, Tulsa, OK; stated she is the representative for Domestic Violence Intervention Services which is located at Harvard and Apache, a half mile from Celia Clinton. This connects families to the community and the more connection parents have to service providers the greater chance they will actually access services from DVIS and other services. It also reduces child abuse. When the children are in Educare and pre-school there are parents that are able to have a break. What matters most to the survivors of domestic violence is that it increases economic stability; 74% of survivors of domestic violence stay in abusive relationships because they are not financially able to leave. If there is more access to affordable or free child care and pre-K, especially mothers who are able to work outside of the home, they are able to be financially independent and leave the abusive relationship. There are a lot of reasons Educare would improve the livelihood of DVIS clients. On behalf of DVIS staff, they will gladly spend an extra five or ten minutes at any point in the day to wait in traffic if that means there is more affordable child care in the community. There is no way to create safety in the community unless there is opportunity for economic stability for DVIS clients.

Bob Buchanan, P. O. Box 54339, Tulsa, OK; stated he is fully in agreement with Educare and thinks it is real important. The real issue is traffic. Springdale Park is about one mile from Celia Clinton, and it also has three or four schools around it which includes Celia Clinton that have as high a need as Celia Clinton. If Educare is allowed to come it will add 700 car trips daily; there is 160 people coming in and leaving twice a day. He noticed in the traffic report there is no allowance made for shift changes. After

a 12-hour work day at the school and there will be 50 or 60 employees that will be in a shift change, so that is possibly another 120 trips in and out that has not been accounted for. The neighborhood is not against Educare, but the neighbors are trying to grasp some sense of sanity in the traffic. In the original report that was done in August for the different conditions of people parking wherever they want on Queen, there is about 40 cars on Queen while about 150 cars are queued on Seminole. It was not the neighborhood's suggestion to take traffic off Seminole and he does not think it is a good idea because people will be queued out on Harvard. Mr. Buchanan believes that Springdale Park has no residents in the area, there is an entry and an exit, and there is no issue of blocking people in from the traffic congestion; it is the perfect situation and it is still within the center of an area that the students will be served by it and there are three other schools that could also be served.

Ms. Ross stated that she heard Mr. Buchanan say it was not the neighborhood's goal to get the traffic off Seminole, but that is not what she has heard at the prior meetings, so she is confused. Ms. Ross stated that what she sees TPS, the City and Educare doing is trying to get the traffic off Seminole so that residents can back out of their driveways, enforce the parking with TPD and through the use of the TPS security, and they are installing a traffic signal so people turning left onto Harvard can get out of the area quicker. Ms. Ross asked Mr. Buchanan for clarification. Mr. Buchanan stated that he does not see how traffic will not be queued onto Harvard. The traffic coming and out of Educare already has 40 people parking along the street on Queen, run all the traffic that is queued on Seminole which ends up being about 60 cars which does not include what is in the parking lot; there are three lines of traffic on Seminole to go into the school. There is another 30 or 40 cars lined up to go out, then there are 45 cars on Queen Street that completely plug up the street. Now there will be 700 cars a day coming and going, which is double what is there now. Mr. Buchanan stated that traffic getting out onto Queen Street to turn onto Harvard is a bad intersection because traffic crests a hill and people are trying to get out; that area makes him nervous. What he would really like to see is have Educare someplace else and not compound the traffic problems, leaving the residents with the park.

Mr. Bond asked Mr. Buchanan if he was opposed to any school on the subject property because of the traffic. Mr. Buchanan stated he is being honest and be a good community person.

Connie Page, 3025 East Seminole Street, Tulsa, OK; stated she has lived in the neighborhood most of her life. Ms. Page stated that when Celia Clinton was doubled in size and the problem came up of the queueing on Harvard, the large circle at the end of the street was to be solution. The big circle at the end of the drive caused the present traffic issues. The residents are not against Educare and she believes in early education, but that is not the point. The point here is that she believes the residents have been told certain things that are not true. Ms. Page stated there were "Do Not Block Driveways" signs erected along the street in the past couple of weeks, but it has not stopped driveways being blocked. Ms. Page stated she has not seen any officers issuing tickets. Ms. Page stated this is an enforcement problem. If Educare is put in

and everything is required to go in off Queen it will set up another queueing out onto Harvard, and everyone will have the same problem when Celia Clinton was doubled in size. If Option 2 is chosen and everything is run to Celia Clinton with a third lane and the traffic signal being installed that will allow the traffic to move faster. The residents have open minds and they are not against Educare, they are against traffic and the chaos that is caused. The science of the traffic looks great except it is our contention that there are many variables left out of their analysis due to the limitations of the methodology when applied to urban streets. Ms. Page quoted, "Urban street speed is computed by HCS, which is the methodology that was used for the traffic study, is computed but not delay. Mean and total facility delay can be estimated manually by the analyst using the HCS outputs as described for freeway facilities. She has no way of knowing if the people that did the traffic study manually computed the grades that were so glowing with traffic safety. The HCS does directly compute delay for each individual signalized intersection as described above under speed estimation for urban streets. Unsignalized intersection delay is computed by HCS using an intersection approach delay formula similar to the one described above for signalized intersections"; HCS being the Highway Capacity Manual. Ms. Page quoted several more sections from *Traffic Analysis Toolbox Volume VI, Calculations of MOEs by Traffic Analytical Tools*. Ms. Page stated she has problems with their methodology. Ms. Page quoted from *Livable Streets Connecting People and Places, Traffic Engineering Myths Revealed*, dated August 21, 2009 by Steven Miller and from *Project for Public Spaces*. Ms. Page stated that it is time for communities and transportation professionals to accept that we have been using the wrong tools for the wrong job. They can come up with traffic modeling all they want, she has lived through their version of traffic modeling for several years and for the past several years she has not been able to get out of her driveway. Ms. Page stated she does not trust traffic engineers and she thinks she has shown why she does not trust them, and she believes that the residents do not have much power. Ms. Page stated she is not against Educare and thinks there are several other viable options that would prevent the park from being taken away leaving the green space for the community and could alleviate the traffic issues.

Luwanna Horn, 3107 East Seminole Street, Tulsa, OK; stated that none of the residents are against education because education is good. Ms. Horn stated the residents do not want a school to replace the park. There are over 165 parents and children and 40 employees that are part of the traffic issues. When Option #2 was suggested at the neighborhood meeting it was big juicy carrot for residents. That option promised to take all of the traffic issues away that have been dealt with on Seminole for years, especially the last four or more years since the traffic circle was installed. The residents do not want the traffic issues to be moved to Queen Street for those neighbors to deal with. Ms. Horn stated she spoke with the residents living on Queen Street, Florence Place and Florence Avenue about the proposed plans and they do not want the traffic. Ms. Horn presented pictures that she took today of traffic in the neighborhood and stated the signs that were erected do not work because driveways are still blocked.

Rebuttal:

Josh Miller came forward and stated that Celia Clinton does not have shift changes and Educare has four or five employees that leave a little past lunch. The turn right leaving the Educare parking lot isn't recommended. Educare has a drop off time of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. is the pick-up time which is nonconflicting. The TPS Police have been in the neighborhood a couple of times a week over the last few weeks and has issued one ticket trying to enforce. Obviously, the neighbors are highly frustrated with the existing condition, and he certainly understands that, but it will all change with the improvements as well as the school safety. The sidewalks and the crosswalks have not been installed as of yet. The traffic signal will be installed this summer, so the school traffic will have an opportunity to adjust to the light almost an entire school year before Educare is even built. The City and TPS sat together, analyzed all the schools within the area of need before choosing the subject site. Mr. Miller stated that Option #2 is clearly the option being proposed in this case and there would be a third lane for traffic. The third lane will be a full regulation lane width and will comply with all City regulations because it will be a city street. There will also be a median installed to insure the Educare traffic turns left into their parent parking lot.

Esther Shaw-Smith came forward and stated the research presented to the Board was done in 2005 with HCS software which is Highway Capacity Software. Lee Engineering did not use HCS for this analysis, they used Synchro SemTraffic which is a software package developed by Traffic Ware. It is based on the latest edition of the highway capacity manual that was issued in 2016. The document the neighbors provided is an old HCM version in 2000. The HCM has been cognizant that people are changing the way they drive, and it is not vehicle centric anymore. The HCM 2016 does a very good job incorporating the multi-modal uses of urban streets. Lee Engineering does not want to just rely on the traffic, they want to make things safer for pedestrian and students. Levels of service and the queueing can be intimidating but it is her job. It is what she has to do to get this approved by the City so that it is a reputable traffic study that is using industry standard methodologies.

Comments and Questions:

Ms. Back stated this is a very delicate matter for the neighbors and Tulsa Public Schools for the subject property. Celia Clinton is a Tulsa Public School and that is not before the Board, and it is unfortunate that the traffic has impacted the neighbors as it has. At the last meeting the Board encouraged Tulsa Public Schools to step up to the plate and do something. Tulsa Public Schools has the Superintendent and other staff in attendance today. The City has installed signs. Superintendent Gist has stated that the Tulsa campus police will be at the site to help enforce the new traffic pattern, and Ms. Back stated she has to trust Ms. Gist by doing what she says she will do. Things are happening to help the residents with relief in the neighborhood. The site has been redesigned, again, and she believes Option #2 with the third lane being submitted today is an excellent design and an excellent addition to the community.

Ms. Ross stated that she agrees with Ms. Back. Ms. Ross understands from the resident's perspective is the traffic issue, but what she is not hearing is any

acknowledgment of how the new design is actually going to help the traffic situation. What is being ignored is that Florence Place is going to relieve a lot of the congestion and it will not be in front of any houses or driveways. There has actually been created a lot more ways of getting in and out of Celia Clinton and Educare with this design.

Mr. Bond stated that he voted no at the last meeting, because he felt like the traffic situation was abhorrent and needed to be addressed. He believes that the City and the school system has come back with a better solution. He would be inclined to vote for Option #2 with the third lane. He thinks the situation the residents are facing now will be alleviated. No traffic plan is perfect, but the City has traffic engineers that are here now to present the plan. The contention that no school can go on the subject property he does not agree with in any way. The better relationship everyone has with the school, the more invested the neighbors are in the success of both Celia Clinton and Educare the better the residents will have the ability to pick up the telephone and call to talk about ways to fix the traffic problems and make it a safer place.

Ms. Radney stated that her opinion of the current Option #2 plan is that it is a vast improvement over the first. She also acknowledges that it likely would have never come about except for the objection of the neighborhood. Ms. Radney thanked the neighbors for being steadfast in their position. She is a little less forgiving of the City and the Tulsa Public Schools; Educare is a captive tenant of Tulsa Public Schools. The issues that have been before the Board have had one primary stake holder. Ms. Radney stated she is still going to vote no. She is for the school and the Educare facility being in the district, she still thinks that Seminole and Queen don't have the capacity to bear this much traffic. She concurs with the residents, this is not the best use of this land, but the neighborhood will benefit by having Educare.

Mr. Van De Wiele stated that he does not think it was the intention of TPS or Educare, but from the Board's standpoint collectively, there was not an insinuation that the neighbors were against the mission of Educare. The one thing that he would say to Tulsa Public Schools, and he has been on the Board for nine years, we have seen things like this at other schools and he is hoping it is eye opening and ear opening for the schools. The schools are a wonderful service for the City and for the students but in these neighborhoods where schools are, where parents now drive to pick up their children more than they did 20 or 30 years ago there is an opportunity to become less than a good neighbor. Mr. Van De Wiele implored the school to be a good neighbor, and if that means walking down Seminole and telling parents to move their car and doing it everyday until they continue to not do it. It's not as simple a fix as handing the parents a flyer, the school will have to be firm until the parents correct their behavior. The neighbors need to continue to be a thorn in the school's side and the Mayor's side. The Board has heard from the City, the school, and the Mayor's office that they all support this request, but it doesn't need to be at the resident's cost. It shouldn't be at the resident's cost. He thinks the Board has seen a better plan put before them and he does not think that would have come about but for the residents being the thorn in everybody's side.

BOA-22481

FILE COPY

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a school use in an RS-3 District (Section 5.020-C), subject to conceptual plans submitted today known as Option #2 with the third lane. The street is to be installed at Seminole and Harvard this coming summer of 2018, and per the City's financial commitment as noted today on the record by Mr. Nick Doctor from the Mayor's office. 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; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma

22505—Mark Capron

Action Requested:

Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3rd Street South (CD 4)

Presentation:

Mark Capron, 6111 East 32nd Place, Tulsa, OK; stated this request is for a small awkward small piece of property. Anytime there is a right-of-way closed down it goes through a process through Mr. Kovak's office who is the utilities coordinator at 23rd and Jackson. There is an alleyway closing right now. The proposal is staying out of the existing right-of-way, but the planned right-of-way encroaches into the property. The planners are excited about the project and do not have a problem with the right-of-way staying where it is. Mr. Capron stated that there have been meetings with all the utilities and all the concerns have been addressed.

Mr. Van De Wiele asked Mr. Capron if he had crossed any hurdles regarding the site lines with the traffic department. Mr. Capron stated that is one of things that came up with the City of Tulsa and it has been addressed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

January 3, 2022

LOD Number: 1

Phone: 918-622-0651

Lori Worthington
9520 E. 55th Pl.
Tulsa, OK 74145

APPLICATION NO: SIGN-106995-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3120 E. Seminole St.
Description: Freestanding Sign

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-106995-2021

This letter of deficiencies covers Sign Plan Review items only.

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

1. Section 60.050 B-2.b Signs in R and AG Zoning Districts, Freestanding Signs

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

Review Comments: This lot is zoned residential (RS-3) and is allowed one freestanding sign per street frontage. There is already a recently approved permit for a freestanding sign on the E. Seminole St. frontage. You may pursue a variance from the Board of Adjustment (BOA) to allow a second freestanding sign per street frontage on an R zoned lot with a nonresidential use.

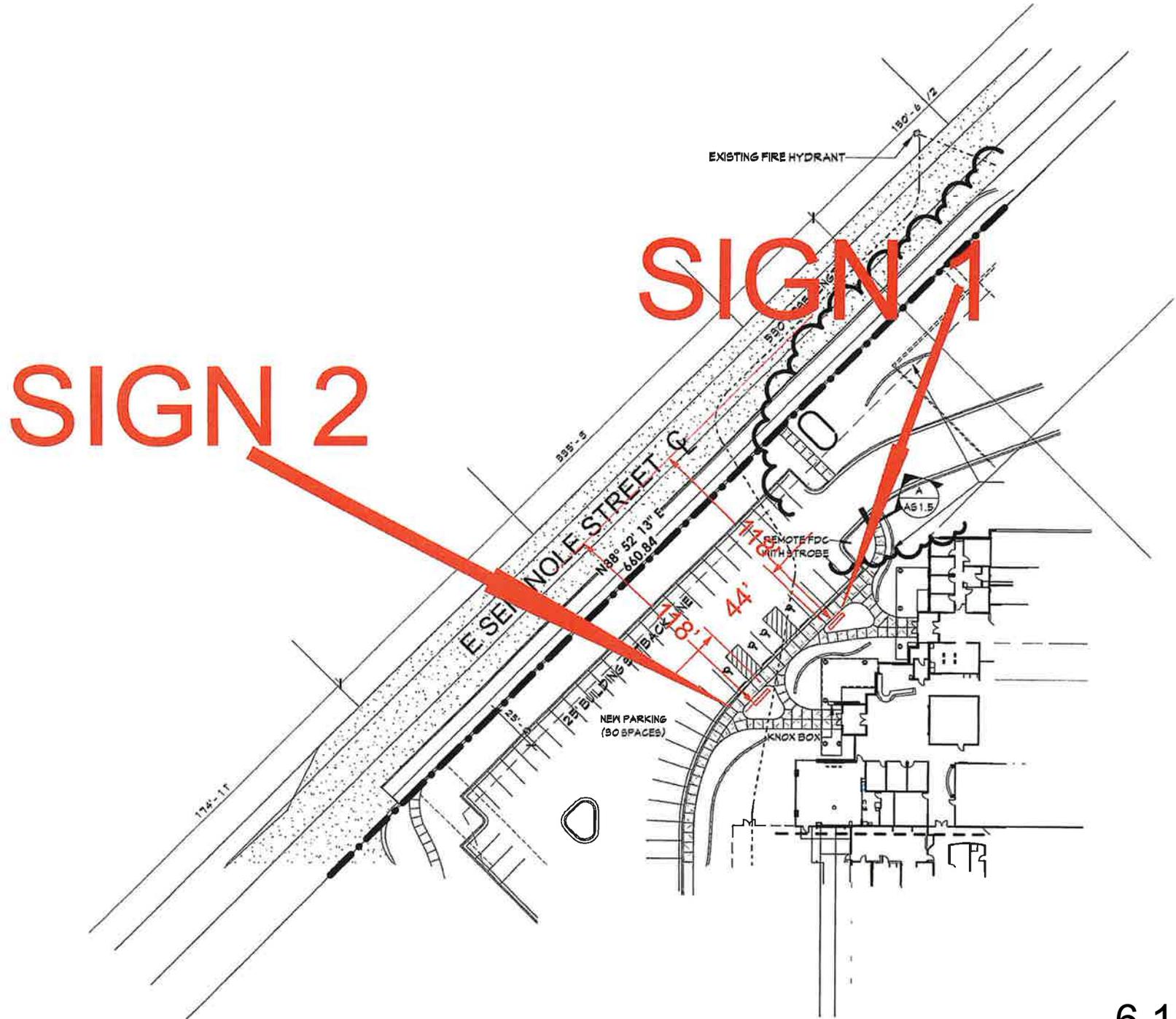
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END – ZONING CLEARANCE AND SIGN CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.

EXPLODED VIEW

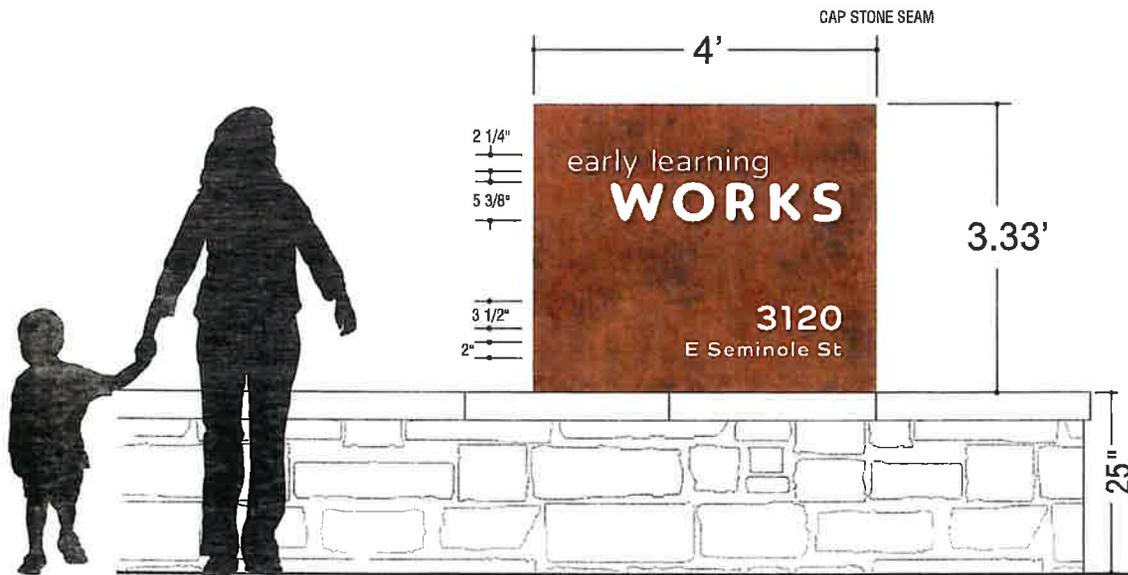


3.33' X 4' = 13.32SQFT

FABRICATED CABINET CLADDED IN POWDER COATED FAUX
CORTEN STEEL PANELS. INTERNAL WHITE LED ILLUMINATION.
(1) 120V 20AMP CIRCUIT RUN TO SIGN LOCATION (BY OTHERS).

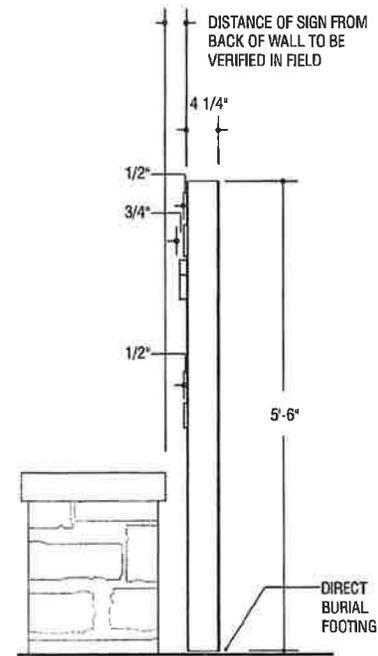
LETTER FORMS ARE 1/2" & 3/4" PUSH-THRU TRANSLUCENT
WHITE ACRYLIC.

SIGN TO BE DIRECT BURIED INTO LAWN PATCH BEHIND.



1 Building ID SIGN 1 AND 2

Scale: 3/4" = 1'-0"



2 Side View

Scale: 3/4" = 1'-0"

a
a·max
SIGN COMPANY, INC.
www.amaxsign.com
9520 E. 55th Place
Tulsa, Oklahoma 74145
ph. (918)622-0651 ... fax. (918)622-0659

DATE: 04-08-21

SCALE: As Shown

DATE: 04-08-21

FILE: Building ID

SALES REP: Jonathan Buck

DRAWN BY: Jonathan Buck

PROJECT: Early Learning Works

LOCATION: Tulsa, OK

ADDRESS: 3120 E Seminole St

CLIENT APPROVAL SIGNATURE & DATE:

UL Signs will be built to meet UL specifications as required.

ngc All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1. 1
2. 2
3. 3
4. 4
5. 5

These drawings are the property of A-Max Sign Company and should not be copied, reproduced or displayed in any fashion other than for the purpose of the product illustrated. Do not duplicate or use for any other purpose without the written consent of A-Max Sign Company, Inc.

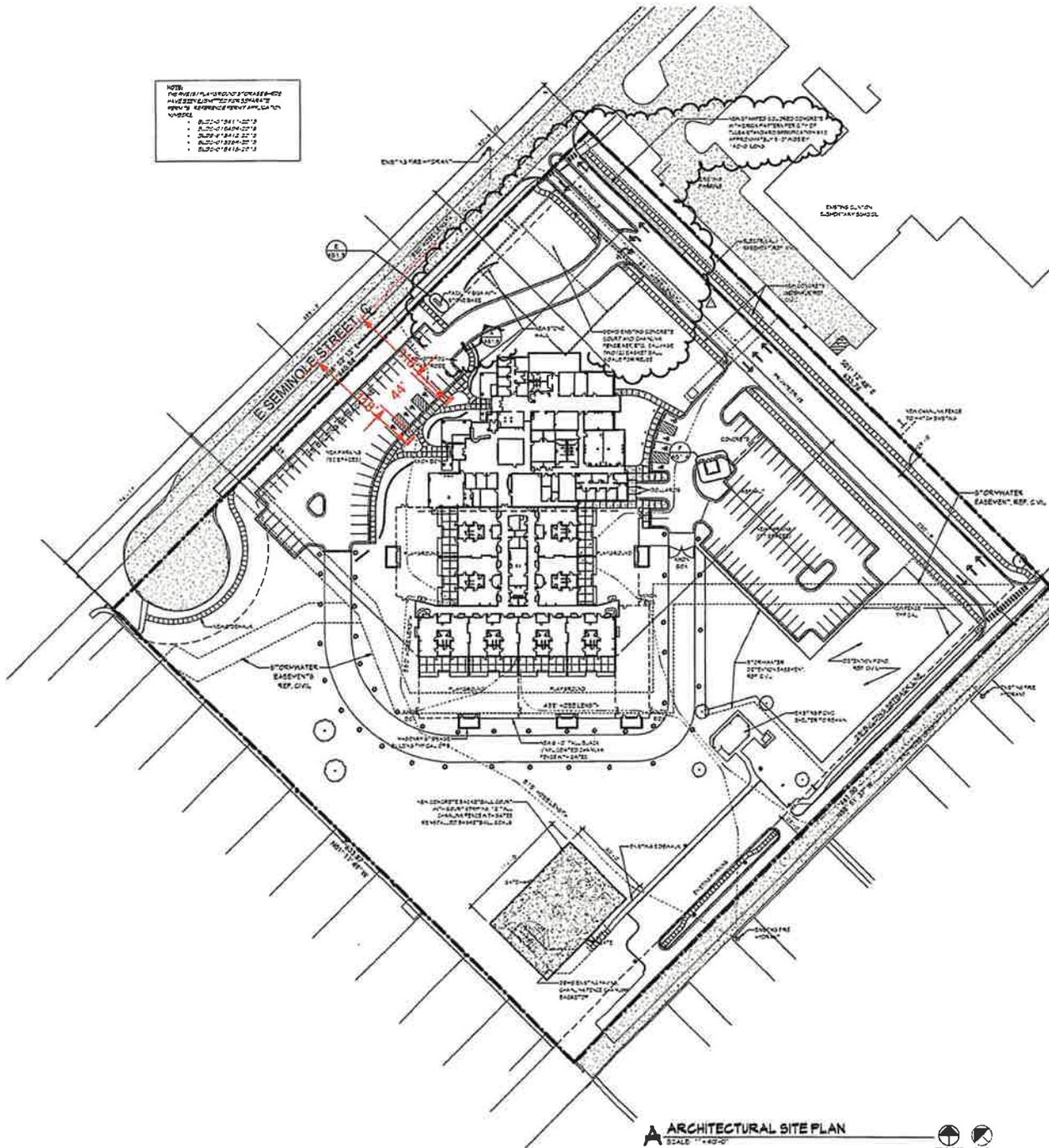
PROJECT MANAGER:

Project Manager:

SHEET NUMBER

1 DWG 040821-05

NOTE:
 THE NUMBER IN CIRCLES INDICATES THE SHEET NUMBER FOR THE PREVIOUS SHEET.
 THE NUMBER IN SQUARES INDICATES THE SHEET NUMBER FOR THE NEXT SHEET.
 THE NUMBER IN TRIANGLES INDICATES THE SHEET NUMBER FOR THE NEXT SHEET.
 THE NUMBER IN DIAMONDS INDICATES THE SHEET NUMBER FOR THE NEXT SHEET.



ARCHITECTURAL SITE PLAN
 SCALE: 1/4" = 1'-0"



ARCHITECTURE
 INTERIORS
 PLANNING
 FRITZ BAILY, P.C.
 1004 SOUTH BALL HOOKS
 TULSA, OKLAHOMA 74115
 918 485 2000
 www.fritzbailey.com

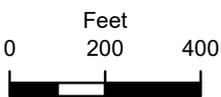
TULSA EDUCARE 4
 3110 East Seminole Street
 Tulsa, Oklahoma 74115



DATE: JULY 26, 2018
 TIME: 11:00 AM
 DRAWN BY: [Signature]

ARCHITECTURAL SITE PLAN

AS1.1



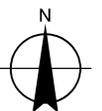
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Tract

BOA-23298

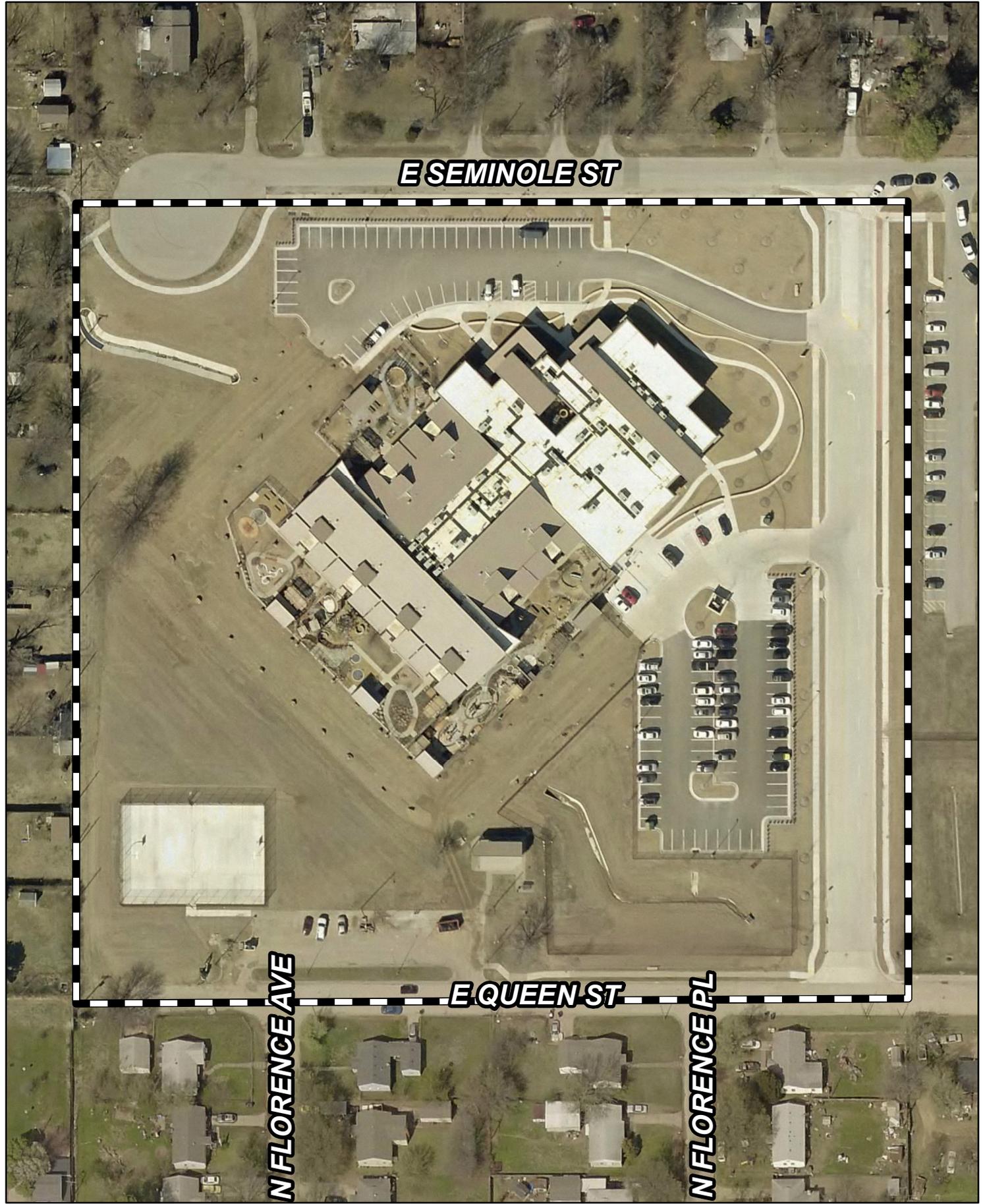
20-13 29

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

Aerial Photo Date: 2020/2021



6.21

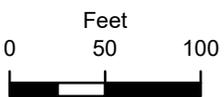


E SEMINOLE ST

N FLORENCE AVE

E QUEEN ST

N FLORENCE PL



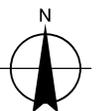
Subject Tract

BOA-23298

20-13 29

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

Aerial Photo Date: 2020/2021



6.22