



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23507

Hearing Date: 04/25/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

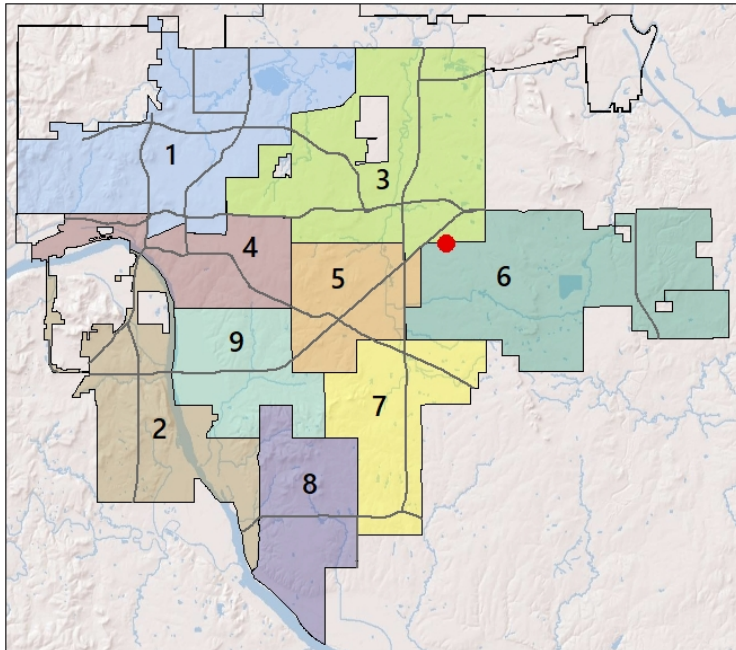
Owner and Applicant Information:

Applicant: Oscar Garcia

Property Owner: REGENT BANK

Action Requested: Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

Location Map:



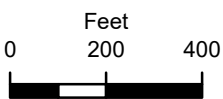
Additional Information:

Present Use: Vacant

Tract Size: 2.92 acres

Location: 12430 E. 11th St. S.

Present Zoning: CS



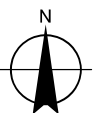
Subject
Tract

BOA-23507

19-14 08

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

Aerial Photo Date: 2020/2021



2.2



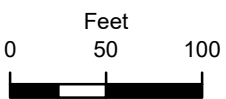
S 127TH E AVE

E 11TH ST S

S 124TH E AVE

E 11TH CT S

S 125TH E AVE



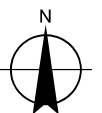
Subject Tract

BOA-23507

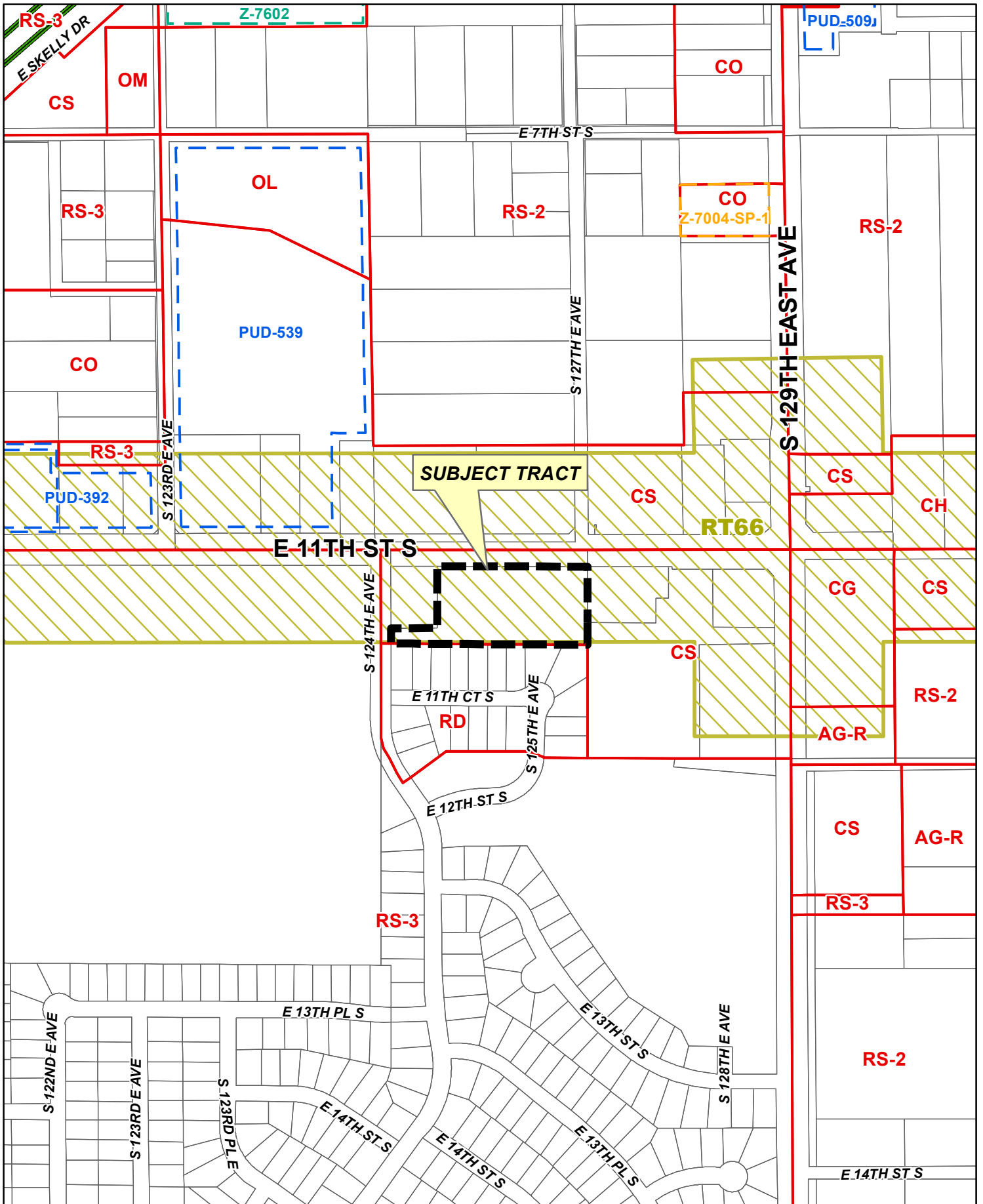
19-14 08

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

Aerial Photo Date: 2020/2021



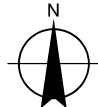
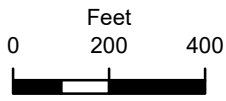
2.3



SUBJECT TRACT

BOA-23507

19-14 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9408 **Case Number:** BOA-23507

CD: 6

HEARING DATE: 04/25/2023 (Continued from 03/28/2023)

APPLICANT: Oscar Garcia

ACTION REQUESTED: Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

LOCATION: 12430 E. 11th St. S.

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 127404.81 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 1, EAST CENTRAL PLAZA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

STATEMENT OF HARDSHIP: None provided as of the writing of this staff report.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

Vehicles Sales and Service Uses are subject to the following supplemental regulations:

Section 40.400

Vehicle Sales and Service

40.400-A Whenever a vehicle sales and service use 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.

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R- zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- At the time this report is being written the applicant has provided a minimal site plan that is not properly scaled and lacks mention of landscaping, screening and basic design characteristics of the proposed development of this site.
- The property current has an access point onto S. 124th E. Ave. which serves a residential collector in the Major Street and Highway Plan. The site plan provided has not addressed how access will be managed onto the site.

Other Staff Comments:

- The property is included in the Route 66 Overlay, The purpose and intent if which is to established zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. In general, the current standards of the overlay grant larger sign budget when those signs incorporate neon.
- The property is included in the Plan 66, which is Tulsa's Route 66 Master Plan, the following action items from the plan may be useful in guiding the Board's decision

GOAL #1 - PRESERVE

Action 1.1.4 Adopt design and use provisions within the Route 66 Overlay, to promote compatible new development

Action 1.3.4 Encourage a diverse set of uses along the corridor to attract tourists, foster arts and culture, and promote the Route, including lodging and hospitality services.

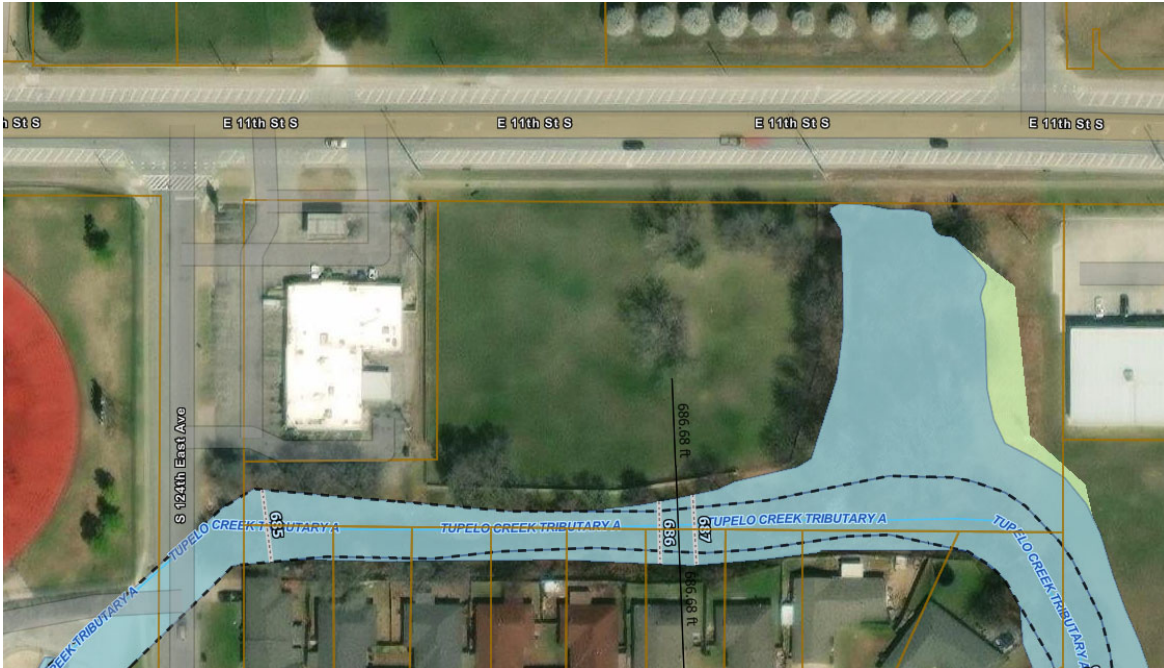
GOAL #2 REVITALIZE

Action 2.1.1 Encourage development built up to the right-of-way to mirror historically built form and promote parking behind buildings.

Action 2.1.2 Enhance the Route through higher density, infill, and mixed-use development.

Action 2.1.8 Adopt design standards for vehicle sales and services businesses.

- As a note to the applicant and Board a portion of this is inside the City of Tulsa Regulatory Floodplain and development on this site will need to comply with those standards.



Updated from 3/28/2023 Hearing:

More detail was requested from the applicant regarding their site plan at the 3/28/2023 hearing, staff has not received any additional exhibits from the applicant regarding this application.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a Special Exception to permit Personal Vehicle Sales in the CS 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.

Variance:

Move to _____ (approve/deny) a Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

- 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 taken from 11th St.



Property immediately across 11th St. from the subject property.



Facing West on 11th St.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY

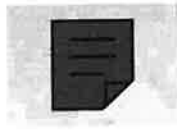
ZCO-138327-2023 (12430 E 11TH ST S Tulsa Tulsa, OK 74128)
138327 PLANS_v1.pdf Markup Summary #1

Note (5)



Subject: Note
Page Label: 1
Status:
Author: danabox
Date: 1/23/2023 11:09:13 AM
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Sec.15.020 Table 15-2: The proposed Used Car Sales Lot is designated Commercial/Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use. It is located in a CS zoned district. This will require a Special Exception approved by the BOA. Review comment: Submit an approved BOA Special Exception for a Commercial/Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use to be allowed in a CS zoned district. Contact Austin Chapman at INCOG for further instruction. achapman@incog.org or 918-584-7526.



Subject: Note
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Author: danabox
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Sec.15.040-A: In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district. Review comment: The proposed car lot is in a CS district and located within 300 feet of an abutting R district and is not permitted. Submit a BOA approved Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district. Contact Austin Chapman at INCOG for further instruction. achapman@incog.org or 918-584-7526.



DEVELOPMENT SERVICES
175 E 2ND ST., STE 405
TULSA, OK 74103
918-596-9456

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Note
Page Label: 1
Status:
Author: danabox
Date: 1/23/2023 11:15:21 AM
Color: ■

1.Sec.70.080-C: Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:

- The actual shape and dimension of the lot;
- The location and dimensions of all easements;
- The location, size and height of any existing buildings or structures to be erected or altered;
- The existing and intended use of each building or structure and portion of the lot;
- The number of dwellings and buildings proposed; and
- 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.

Review Comment: Submit a site plan providing the information above.



Subject: Note
Page Label: 1
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Author: danabox
Date: 1/23/2023 11:15:36 AM
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Sec.55.090-F2: All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless; all-weather surface if the location complies with all applicable minimum building setbacks.

Review comment: The proposed vehicle storage area is not located on a dustless, all-weather surface. Resubmit a site plan providing a dustless, all-weather surface. Contact Austin Chapman at INCOG for further instruction.
achapman@incog.org or 918-584-7526.



Subject: Note
Page Label: 1
Status:
Author: danabox
Date: 1/23/2023 11:24:43 AM
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Section 40.400: Whenever a vehicle sales and service use is located on a lot abutting an 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 Sec.65.060-C2.

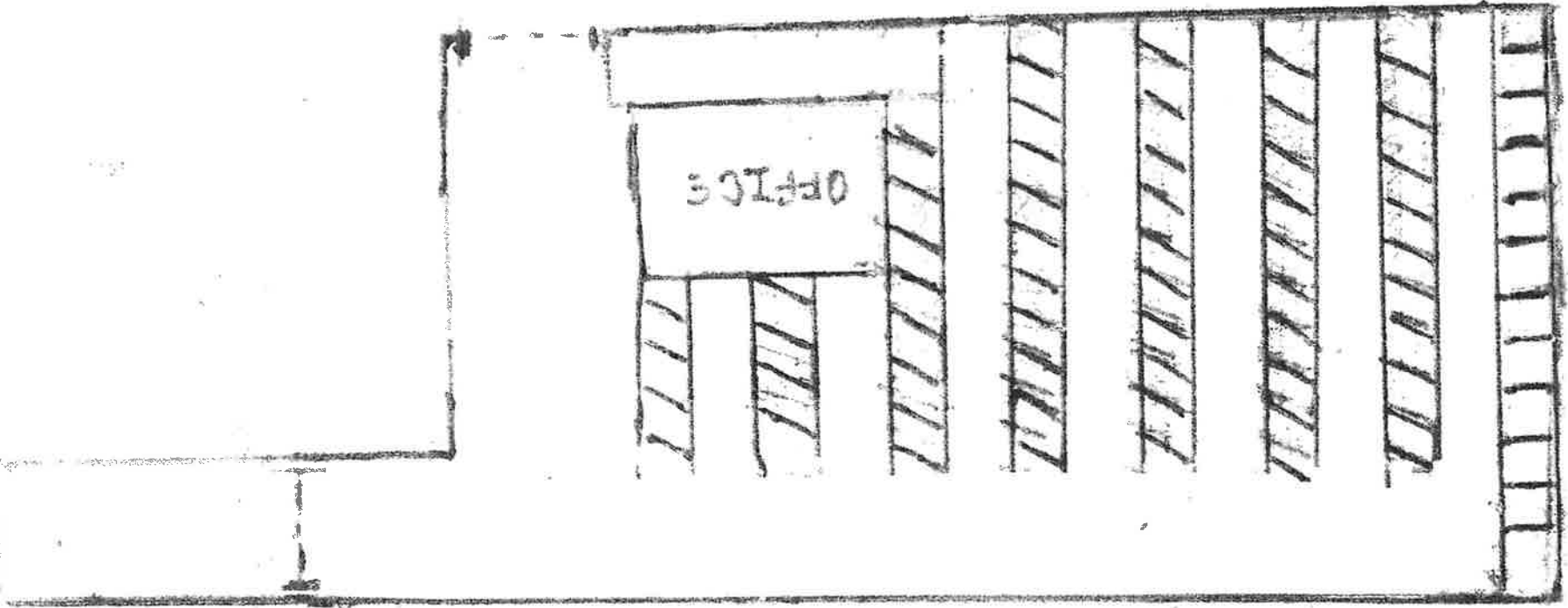
Review comment: Your lot abuts an RD zoning district to the south. Revise your site plan providing F1 screening, compliant with Sec.65.060-C2, along the south lot line.

S 127th E Ave



U.S. Rt. 66

U.S. Rt. 66



S 124th E Ave S 124th E Ave

S 124th E Ave

S 124th

EAST CENTRAL PLAZA

AN ADDITION TO THE CITY OF TULSA, OKLAHOMA

PART OF THE NE/4 NE/4, SECTION 8, T19N, R14E

STACHIA INVESTMENT CO. - OWNER
12331 E. 11th ST. S. PH. GE 7-2820

MANSUR-STEELÉ-WILLIAMS, INC.
CONSULTING ENGINEERS
1648 S. BOSTON TULSA, OKLAHOMA
SEPT 2, 1969 : REG. NO. 69-C275A-6033

SCALE: 1"=100'

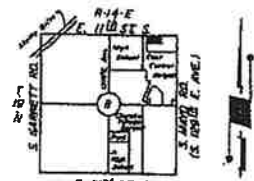
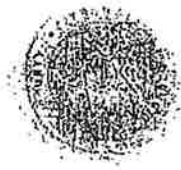


Plot # 3072

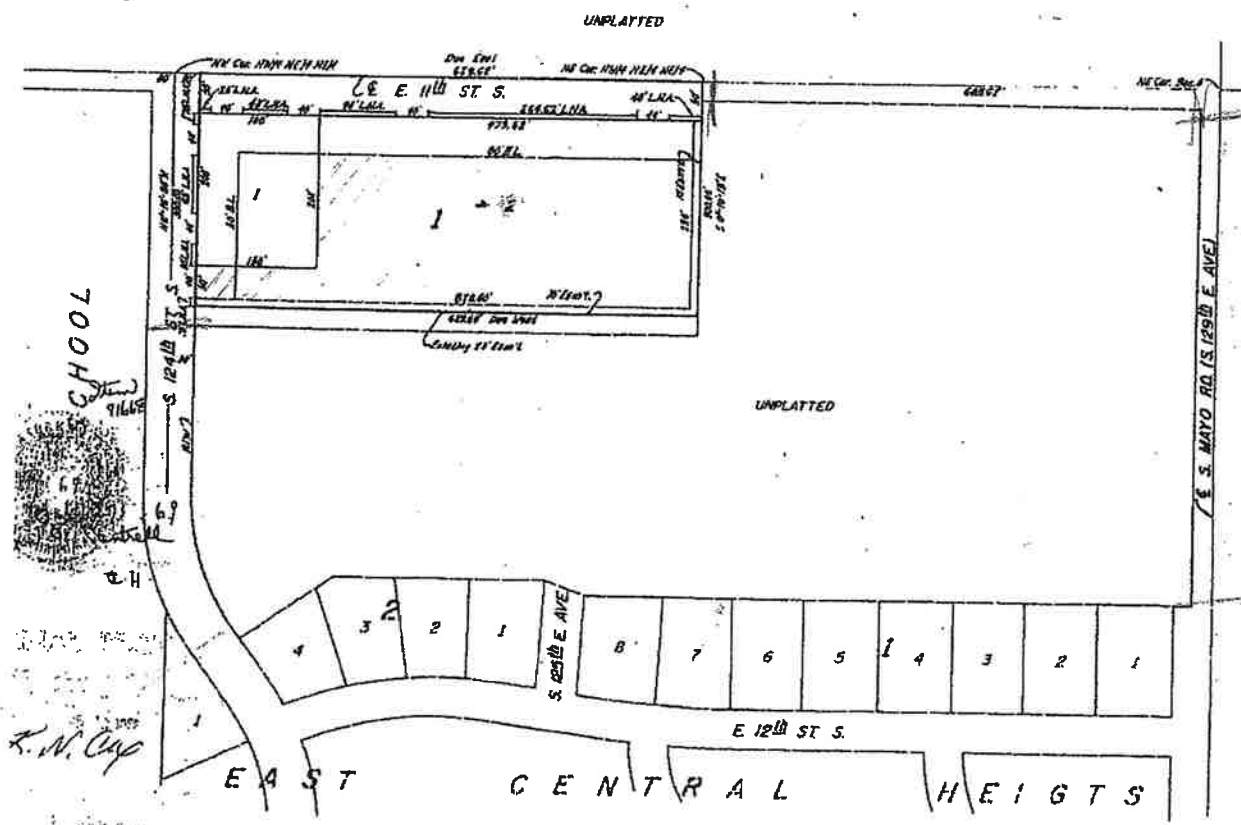
69081G

STATE OF OKLAHOMA
TULSA COUNTY
FILED

SEP 21 3 03 PM 1969
W. H. L. L. L. L.
COUNTY CLERK



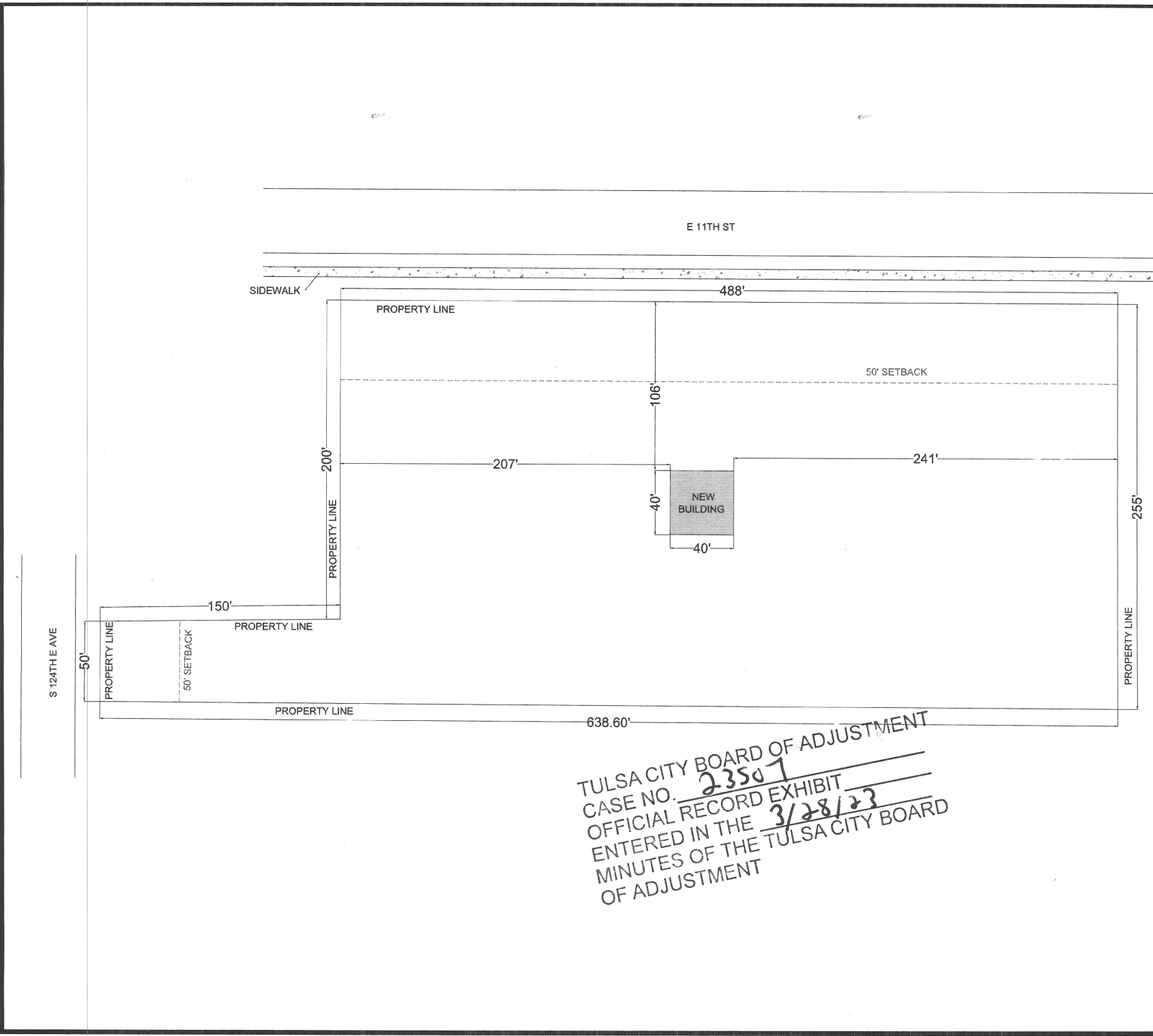
2 LOTS
4.336 ACRES



F. N. Cap
A. R. Smith

L.N.A. = Limits of No Access
B.L. = Building Line

EXCEPTION 10
2.14



TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. 23507
 OFFICIAL RECORD EXHIBIT
 ENTERED IN THE 3/28/23
 MINUTES OF THE TULSA CITY BOARD
 OF ADJUSTMENT

NOTES:

ADDRESS:
 12430 E 11TH ST
 TULSA, OK 74128

SITE PLAN

PARCEL ID: R11910940817100

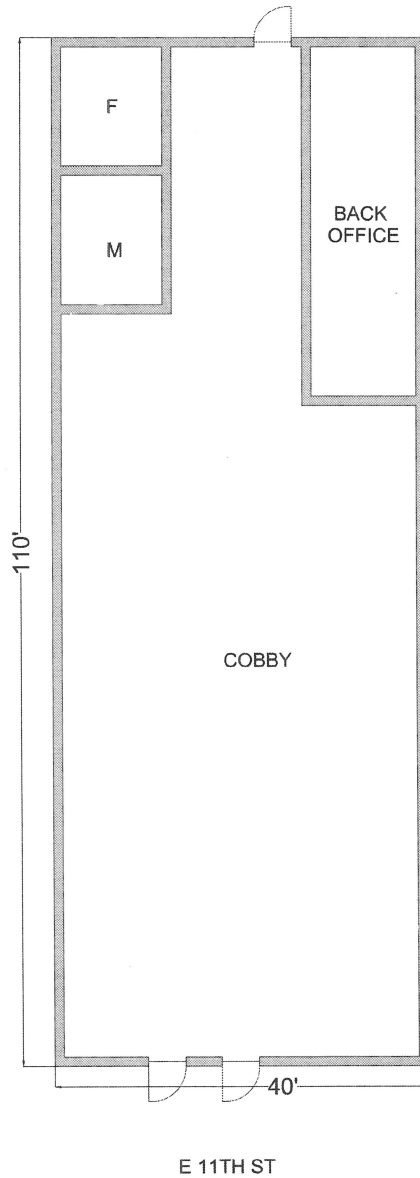
LOT AREA: 2.88 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING SCALE: 1"=80'



2.15



TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. 23507
 OFFICIAL RECORD EXHIBIT
 ENTERED IN THE 3/28/23
 MINUTES OF THE TULSA CITY BOARD
 OF ADJUSTMENT

NOTES:

ADDRESS:
 12430 E 11TH ST
 TULSA, OK 74128

FLOOR PLAN

PARCEL ID: R11910940817100

LOT AREA: 2.88 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING SCALE: 1"=20'





TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. 23507
 OFFICIAL RECORD EXHIBIT
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