



CITY OF
Tulsa
Board of Adjustment

Case Number: BOA-23569

Hearing Date: 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

Case Report Prepared by:

Austin Chapman

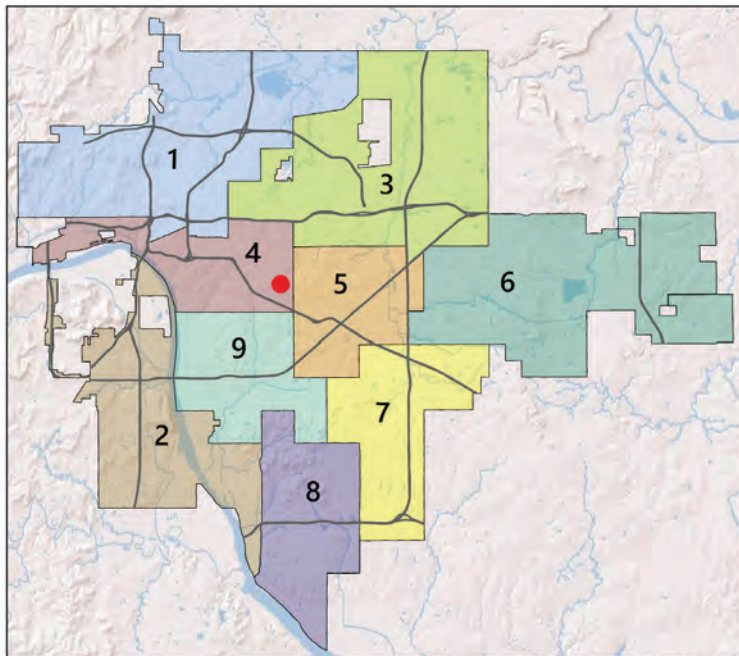
Owner and Applicant Information:

Applicant: Mark Capron

Property Owner: Nidiffer Shopping Centers INC

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 1.17 acres

Location: SE/c of 21st St. S. and S. Vandalia

Present Zoning: CS,RS-3

Case History:

09/12/2023: First appearance on agenda, Board continued item until the next hearing.

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9316

Case Number: **BOA-23569**

CD: 4

HEARING DATE: 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

LOCATION: SE/c of 21st St. S. and S. Vandalia

ZONED: CS,RS-3

PRESENT USE: Vacant

TRACT SIZE: 50751.96 SQ FT

LEGAL DESCRIPTION: PRT BLK 1 & PRT VAC 21 PL BEG NWC BLK 1 TH E197.04 S5 E59.08 SE APR 24.42 S124.96 CRV RT 54.03 W104.54 S15.97 W135 N197.80 POB, MAYO MEADOW EXTENDED CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7728: On 07.19.2023 the TMAPC voted to **Recommend approval** of a re-zoning from RS-3 to CS for the Southernmost portion of the subject property. The City Council will not hear this item until mid-September. Minutes from this case are attached to the staff report.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center"

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

STAMENT OF HARDSHIP: Please see exhibit provided by applicant titled "Statement of Hardship" .

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 §65.070-C.

The site plan presented would have drive-through facilities facing both Vandalia and E. 21st St.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The applicant has not provided an explanation of how the elevation grade has caused any site design changes.
- The Southernmost portion is still zoned RS-3 pending the approval of Z-7728. The City Council will not act on this item until September 20th at the earliest. The Zoning Code prohibits using the use of RE-, RS-, RD- or RT-zoned land for access to any RM, O, C, or I zoning district, or the use of an RM district for access to any O, C, or I zoning district is prohibited unless permitted through an approved PUD or MPD (Sec. 5.040-H). Should the Board be inclined to support the variance request a condition restricting access unto Vandalia Ave. should be included or in the alternative the Board will need to continue the item until the City Council has made a final decision regarding the rezoning.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow drive-through facilities to be located on the street-facing side of the property (Sec. 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."*



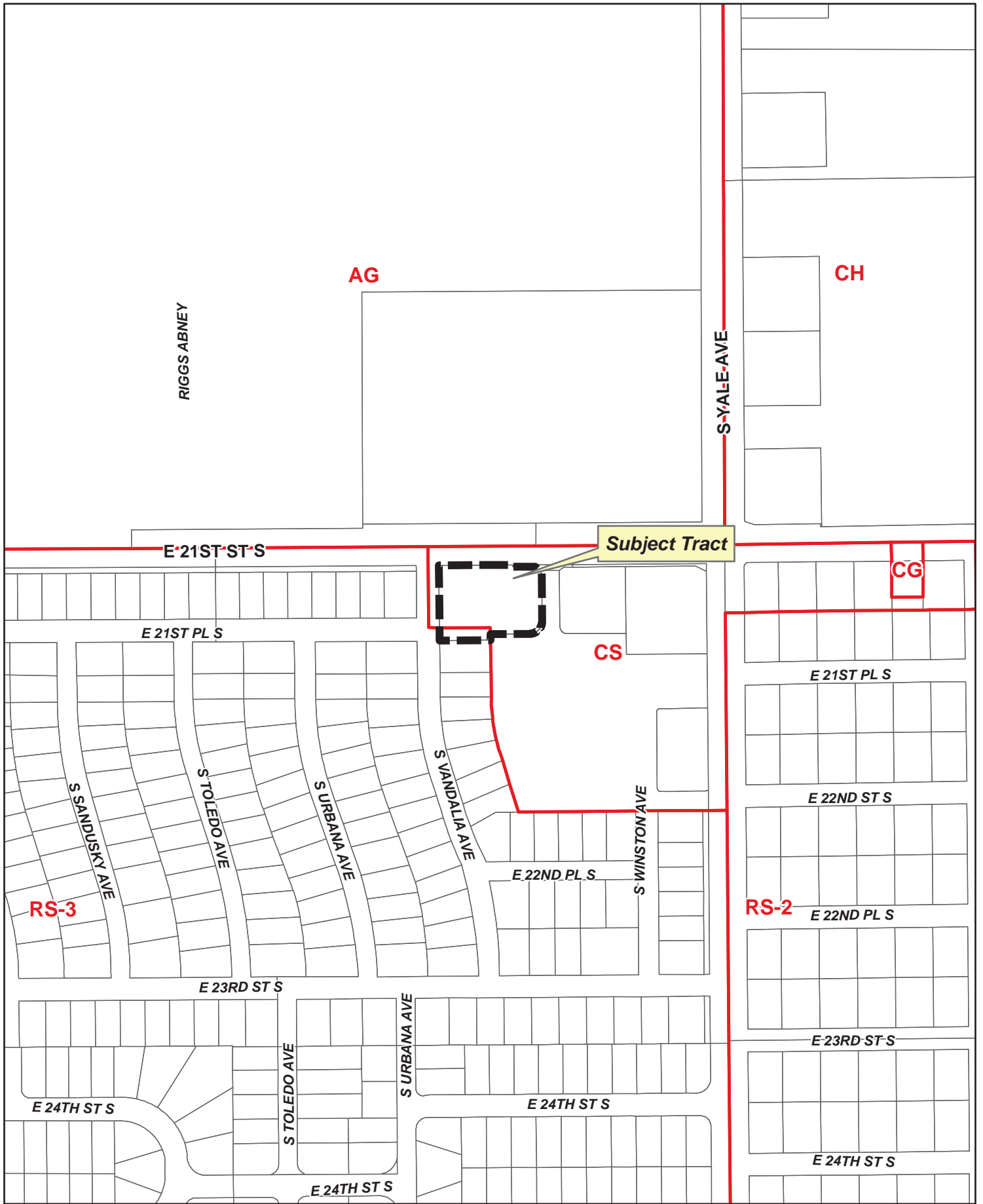
Facing West from the Subject property down E. 21st. Pl.



Facing North from Vandalia



Proposed access point unto Vandalia from subject property. Property is currently zoned RS-3.



Subject Tract

AG

CH

E 21ST ST S

CG

E 21ST PL S

CS

E 21ST PL S

S SANDUSKY AVE

S TOLEDO AVE

S URBANA AVE

S VANDALLA AVE

S WINSTON AVE

E 22ND ST S

E 22ND PL S

RS-2

E 22ND PL S

RS-3

E 23RD ST S

E 23RD ST S

S URBANA AVE

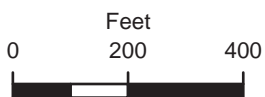
S TOLEDO AVE

E 24TH ST S

E 24TH ST S

E 24TH ST S

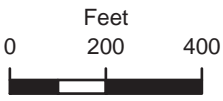
E 24TH ST S



BOA-23569



4.6



 Subject Tract

BOA-23569

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

Aerial Photo Date: 2021



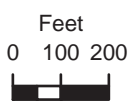
4.7



E 21ST ST S

E 21ST PLS S

S VANDALIA AVE



Subject Tract

BOA-23569

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

Aerial Photo Date: 2021



4.8

9. **Z-7728 Justin Debruin** (CD 4) Location: West of the southwest corner of East 21st Street South and South Yale Avenue requesting rezoning from **RS-3 to CS**

STAFF RECOMMENDATION:
SECTION I: Z-7728

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The subject property includes half of a vacated right-of-way formerly dedicated as East 21st Place South by the Mayo Meadow Extended subdivision plat. Following vacation of the right-of-way, the property previously included was conveyed to the property owner of Lot 1 Block 1, Mayo Meadow Extended. The Mayo Meadow Extended subdivision was filed in January of 1953, zoning was applied to the property in 1970.

The CS zoning is consistent with the surrounding zoning pattern.

CS zoning is consistent with the Regional Center land use designation.

Staff recommends approval of Z-7728 to rezone property from RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the Regional Center land use designation of the City's Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Regional Center

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and highcapacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, bigbox shopping centers, and very large churches.

Transportation Vision:

Major Street and Highway Plan: East 21st Street South is designated as a secondary arterial by the Major Street and Highway Plan. Secondary arterials are considered main thoroughfares which anticipate high traffic volume and larger right-of-way widths.

Trail System Master Plan Considerations: None.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The area under application is a minor portion of a larger commercial tract located at the southwest corner of East 21st Street South and South Yale Avenue. The area was included in a previously dedicated right-of-way that has since been vacated. There are commercial developments to the north and east of the larger subject property with single-family residential development to the south and west.

Environmental Considerations: None related to the area under application.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|--------------------|----------|----------------|
| East 21 st Street South | Secondary Arterial | 100' | 4 |
| South Vandalia Avenue | None | 60' | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Existing Use |
|----------|-----------------|-------------------------------|---------------------------|
| North | CS | Regional Center | Vacant |
| East | CS | Regional Center | Commercial/Retail |
| South | RS-3 | Neighborhood | Single-Family Residential |
| West | RS-3 | Neighborhood | Single-Family Residential |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Mr. Craddock asked if the subject property will still have setbacks away from their property line.

Staff stated they will still have the residential applicable CS setback, everything that would have been required to be setback along the south side of those properties will be applicable on the north side as well if that CS is approved. He asked stated what would the setback be.

Staff stated he believes it is a 10-foot setback.

David Kessock 2125 South Urbana, Tulsa, OK 74114

Mr. Kessock stated he has been self-employed for 20 years and is pro development and smart development. He stated on the application the applicant is trying to put an entry-exit in a development. He stated the owner needs to work on getting better entryways. He asked if there was going to be a light put in or are people going to go all the way down Pittsburg and turn at the Driller statue. Mr. Kessock stated he ran three retail food businesses here in Tulsa and Bixby. He stated a coffee shop is going to take in about eight to \$9,000 a week in sales to break even. He stated that's \$10 a shot and that's going to be 100-120 cars a day. Mr. Kessock stated he is opposed to this application because he does not want the traffic to come into the neighborhood or the noise and the garbage.

Mike Thedford, Wallace Design Collective 123 N MLK Jr. BLVD., Tulsa, OK 74103

The applicant stated as in the previous case, engineering has yet to take place at this stage in the process. He stated he would ask to really look at what makes sense here, it is a remnant that he believes was fully intended to be included when it was zoned in the first place. The applicant stated as far as the access he can only speculate but would venture to say that it is not going to be the primary access that it might be secondary if it is used for access. He stated he doesn't know if a site plan has been submitted for review at this point but knows the use, which is a coffee shop that is adjacent to a Taco Bell.

Mr. Covey stated this item is sort of like the prior case where it is not at the development review process yet and the access points are not known yet.

The applicant stated he looked at this application about six months ago about the feasibility of whether or not even needed to be rezoned, but obviously for commercial use, you want to maximize, and this is part of that ownership. So, the owner is going to own and use that property for CS purposes.

Mr. Craddock asked if the applicant was aware of any mutual access parking easements in the rest of the shopping center.

The applicant stated he knows there are some existing, there is an access to the east of the primary tract to the north. And there's one access point along the north boundary that will need to be improved.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7728 per staff recommendation.

Legal Description for Z-7728:

A TRACT OF LAND LYING IN THE NORTH HALF (1/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AN MERIDIAN, BEING A PART OF MAYO MEADOW EXTENDED, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF BLOCK ONE (1) OF SAID MAYO MEADOW EXTENDED; THENCE SOUTH 00°00'38" ALONG THE WEST LINE OF SAID BLOCK ONE (1) A DISTANCE OF 137.80 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89°53'41" EAST A DISTANCE OF 135.00 FEET TO THE EAST RIGH OF-WAY LINE OF 21ST PLACE; THENCE S 00°00'38" WEST A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 21ST PLACE; THENCE SOUTH 89°53'41" WEST A DISTANCE OF 135.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF VANDALIA AVENUE; THENCE NORTH 00°00'38" EAST A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE TO THE POINT OF BEGINNING

* * * * *

STATEMENT OF HARDSHIP
Provided by the Applicant.



August 10, 2023

Austin Chapman
City of Tulsa
City Experience
175 E 2nd Street, Suite 480
Tulsa, OK 74103-3227

Re: 7 Brew – Letter of Justification

Dear Mr. Chapman,

The attached application for variance is being submitted on behalf of the property owner, NDIFFER SHOPPING CENTERS, INC. The subject property and future development site for 7 Brew Coffee / Taco Bell is located on the southeast corner of East 21st Street South and South Vandalia Avenue. The site is approximately 1.18 acres in size and is primarily zoned Commercial Shopping (CS). A zoning application was submitted to the city on June 6th, 2023 to rezone a 0.18-acre portion of vacated right-of-way on the south west corner of the property from RS-3 to CS. At this time, the zoning application was approved by planning commission on July 19th and will be moving forward to city council.

Recently, a corrections summary was acquired from the city (BLDC-154858-2023) containing comments associated with a site plan for the subject property. The variance request is tied to one particular comment referencing Section 55.100-C.2 of the Tulsa Zoning Code, which states, "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."

The proposed development includes a drive through coffee establishment located on the west side of the site and a fast-food restaurant located to the east. The design of this site has been substantially restricted due to a few factors. First, there is a thirteen (13') foot elevation difference between the southeast corner and northwest corner, limiting location and orientation options. Second, there is an existing no build area along the eastern side of the property. The above factors have limited options regarding design and orientation to meet the city's site design requirements, which include required parking, circulation, and appropriate drive through stacking which cannot conflict with drive alley circulation.

Regarding the 7 Brew coffee structure, the zoning code in its current state does not anticipate a no sit-down, drive-through only establishment. Such uses have grown in popularity since the pandemic. Establishments such as these require extensive drive-through lanes that account for 80% - 90% of circulation around the building to appropriately account for internal circulation and to ensure that stacking remains on site without extending onto the public roadways. According to the current zoning code, there is no orientation on this site that would conform to Section 55.100-C.2.

Lastly, to account for this modification we have made a focused effort to internalize the necessary parking toward the southeast portion of the site and incorporated the required landscaping to specifically buffer drive-through / stacking lanes from the public right-of-way and adjacent uses along the northern and western frontage. Please find attached a landscape site plan demonstrating these additional measures. If any questions arise, please let me know.

Sincerely,

Justin DeBruin
Wallace Design Collective
Justin.debruin@wallace.design



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

CITY OF TULSA

CORRECTIONS SUMMARY

Note (5)



Subject: Note
Page Label: 7
Status:
Author: danabox
Date: 7/25/2023 2:46:47 PM
Color: ■

Sec. 55.040-B Calculations

In calculating the number of parking spaces required for uses subject to a minimum parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x."

Review Comment: Your plan indicates 3 available parking spaces. The proposed space is 510 sf / 1000 = .510 x 8.5/1000=4.335 or 5 spaces required. Provide a parking plan with 5 parking spaces.



Subject: Note
Page Label: 7
Status:
Author: danabox
Date: 7/25/2023 2:40:30 PM
Color: ■

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.

Review Comment: Provide a site plan with drive-through on non-street facing side of the property.



Subject: Note
Page Label: 16
Status:
Author: danabox
Date: 7/25/2023 3:00:41 PM
Color: ■

Sec. 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.

Review Comment: Provide a Landscape Plan that provides 1 large tree per 30 feet or 1 small tree per 25 feet.

7 BREW COFFEE & TACO BELL
E. 21ST ST. & S. VANDALIA AVE, TULSA, OK 74114

| DATE | DESCRIPTION |
|------|-------------|
| | |
| | |
| | |
| | |
| | |
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| | |
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| | |

DATE: 06/30/2023
PROJECT NO.: 2340114
SHEET NAME:

SITE PLAN
SHEET NO.
C400

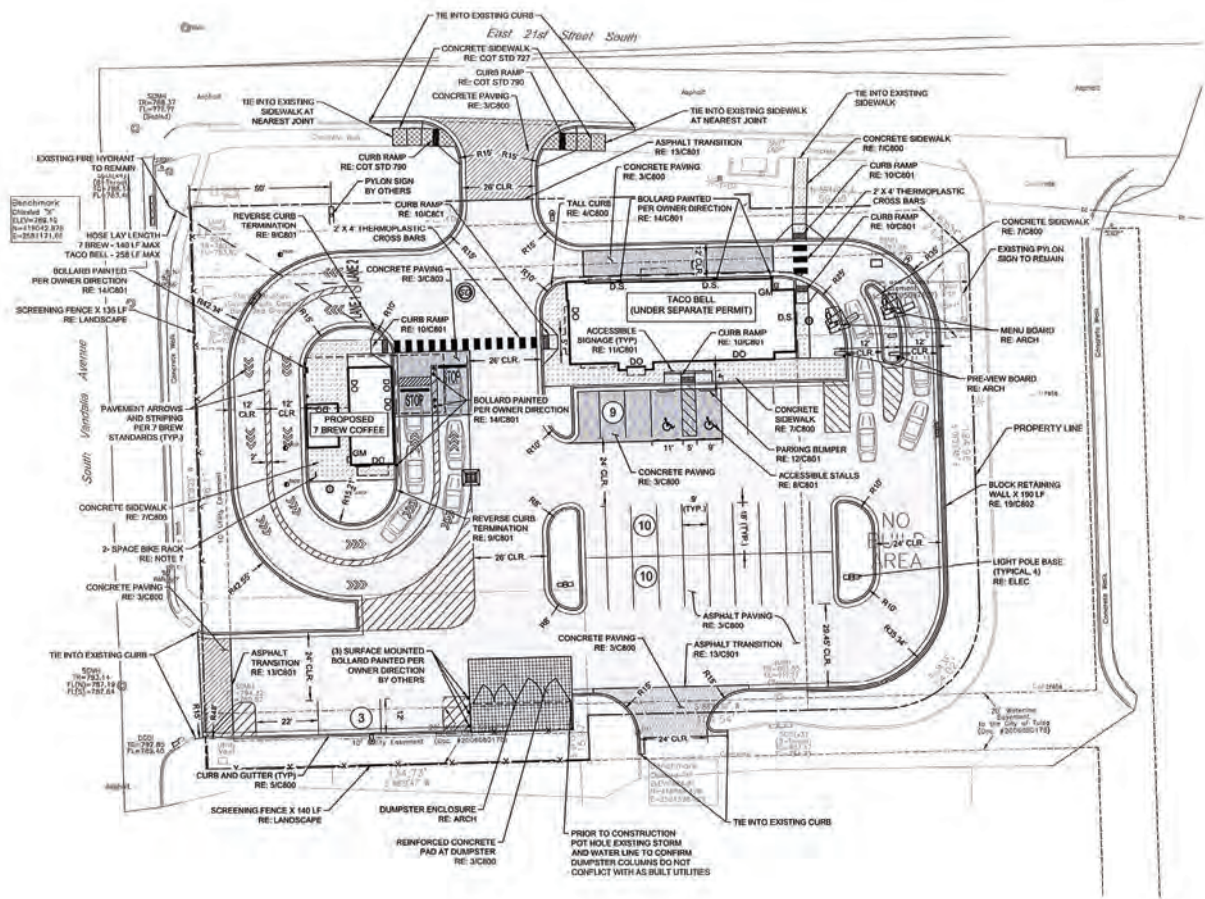
GENERAL SITE NOTES:

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICHEVER IS MORE STRINGENT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED, ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITY'S SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COSTS SHALL BE INCLUDED IN BASE BID.
4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES, AND PLANTED MATERIALS.
5. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
6. RAMP - 7:50' UNLESS OTHERWISE INDICATED.
7. BIKE RACK TO BE EQUAL TO STREET SIDE 3-BIKE FLOOR RACK, FUSION ADV FINISH, SURFACE MOUNT AS MANUFACTURED BY ANOVA FURNISHINGS, INC. WWW.ANOVAFURNISHINGS.COM. ITEM # BR3PVCBLRF. BIKE RACK COLOR TO BE BLACK. SURFACE MOUNT PER MANUFACTURER'S RECOMMENDATIONS. SUBMIT PRODUCT INFORMATION FOR REVIEW AND APPROVAL BY OWNERS REPRESENTATIVE.

| PARKING SUMMARY | |
|--|-----------|
| REQUIRED PARKING: | |
| COFFEE SHOP: - 5000 SF | 5 |
| TACO BELL: 8.5 SPACE PER 3000 SF; (2150/1000) * 6.5 = | 18 |
| PROVIDED PARKING: | |
| STANDARD: | 30 |
| ACCESSIBLE: VAN ACCESSIBLE: | 1 |
| TOTAL PROVIDED PARKING: | 32 |

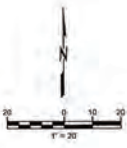
| | |
|---|------------|
| TOTAL DISTURBED AREA | 1.22 ACRES |
| EXISTING IMPERVIOUS AREA | 0 SF |
| ORIGINAL IMPERVIOUS AREA (2002 AERIAL RANGERS) | 50,885 SF |
| PROPOSED IMPERVIOUS AREA | 37,347 SF |
| DECREASE IN IMPERVIOUS AREA | 14,680 SF |

| LEGEND | |
|--------|--|
| | STANDARD DUTY ASPHALT PAVEMENT RE: 3/C800 |
| | STANDARD DUTY CONCRETE RE: 3/C800 |
| | REINFORCED CONCRETE RE: 3/C800 |
| | CONCRETE SIDEWALK RE: 7/C800 |
| | DRIVEWAY IN RIGHT-OF-WAY RE: COT STD 706 |
| | CONCRETE SIDEWALK IN RIGHT-OF-WAY RE: COT STD 727 |

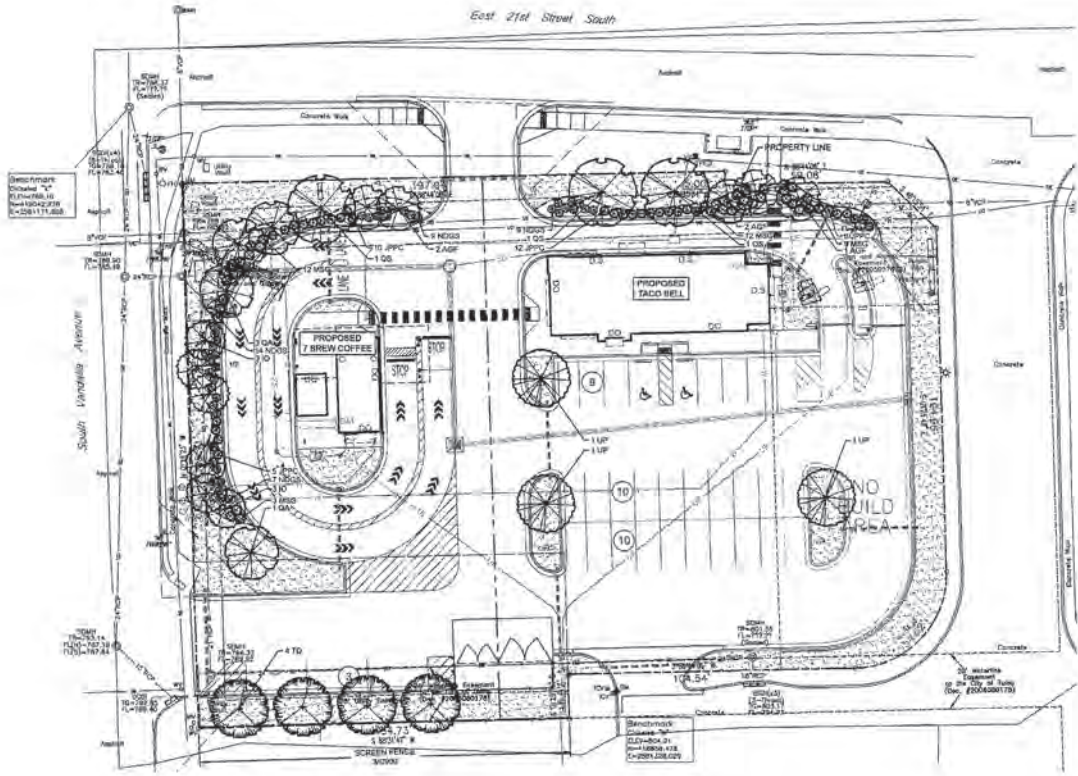


CAUTION
NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTERS AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.



I:\C:\SERVER\POWER\2023\114_7_Power_Collier - East 21st 7BrewCoffeePRODUCTION\2340114_C400 Site Plan.dwg
 PLOT: 05/20/2023 4:12:25 PM
 C400 SITE PLAN.rvt



LANDSCAPE SUMMARY

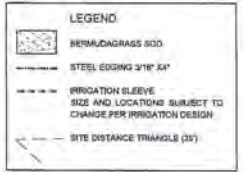
STREET TREES
REQUIRED
 1 SMALL TREE PER 25 LF OF STREET FRONTAGE OR
 1 LARGE TREE PER 30 LF OF STREET FRONTAGE
 (EAST 21ST STREET (210 LF))
PROVIDED
 5 LARGE TREES AT 30 LF 150 LF
 5 SMALL TREES AT 25 LF 125 LF
TOTAL PROVIDED: 275 LF

SOUTH VANDALIA AVENUE (188 LF)
 2 LARGE TREES AT 30 LF 60 LF
 8 SMALL TREES AT 25 LF 150 LF
TOTAL PROVIDED: 210 LF

INTERIOR PARKING LOT LANDSCAPING 32 SPACES
AREA
REQUIRED: 35 SF PER SPACE 1,120 SF
PROVIDED: 1,512 SF

TREES
REQUIRED: 1 TREE PER 10 PARKING SPACES 3 TREES
PROVIDED: 3 TREES

VEHICLE USE AREA BUFFERS 48 LF
REQUIRED: 1 TREE PER 25 FEET 2 TREES
PROVIDED: 4 TREES



PLANT LIST

| QTY | BOTANICAL NAME | COMMON NAME | SIZE | CONT. | SPACING/REMARKS |
|---|-----------------------------|----------------------------|---------------|--------|----------------------|
| TREES | | | | | |
| AGP 5 | ACER GINNALA FLAME | FLAME AMUR MAPLE | 2" CAL/8' HT. | 8A8 | M/LT-STEM |
| IO 5 | LEX OPACA | AMERICAN HOLLY | 8' HT. | | M/LT-STEM |
| QA 4 | QUERCUS ACUTISSIMA | SAWTOOTH OAK | 2" CAL/12 HT. | 8A8 | MATCHED |
| QB 3 | QUERCUS GYMNOCARPA | SHUMARD OAK | 2" CAL/10 HT. | 8A8 | MATCHED |
| TD 4 | TAXODIUM DISTICTUM | BALD CYPRESS | 2" CAL/12 HT. | 8A8 | MATCHED |
| UP 3 | ULMUS PARVIFOLIA | LACEBARK ELM | 2" CAL/10 HT. | 8A8 | MATCHED |
| SHRUBS | | | | | |
| JPPO 33 | JUNIPERUS X PYRIFERIANA sp. | COMPACT PYRIFER JUNPER | 18" HT. | 5 GAL. | 40" O.C. |
| MSG 36 | MISCANTHUS SPENSIS | GRASS MAIDEN GRASS | | 5 GAL. | 40" O.C. |
| NOZS 39 | NAJARIA DOMESTICA | GULF S GULF STREAM NARDINA | 12" SP. | 3 GAL. | 3" O.C. |
| SOO AND ACCESSORIES | | | | | |
| | CYNODON DACTYLON | COMMON BERMUDAGRASS | | | SOLID SOO, W/EO FREE |
| ABBREVIATIONS: 8A8 BALLED AND BURLAPED, CAL - CALIPER, GAL - GALLON, HT. - HEIGHT, LF - LINEAR FOOT, MATCHED - WITHIN 5% OF SIZE AND SHAPE, STK - STAKED, O.C. - ON CENTER (APPROXIMATE), SF - SQUARE FOOT, SP - SPREAD | | | | | |

CERTIFICATION OF INSTALLATION

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WRITTEN CERTIFICATION SHALL BE SUBMITTED TO THE CITY BY AN ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER OR OWNER AUTHORIZED TO DO BUSINESS IN THE STATE OF OKLAHOMA OR THE OWNER OF THE PROPERTY THAT THE INSTALLATION OF THE LANDSCAPING AND APPURTENANCES, EXCEPT TREES, ARE IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN PRIOR TO OR WITHIN 120 DAYS OF THE ISSUANCE OF THE OCCUPANCY PERMIT. WRITTEN CERTIFICATION BY AN ARCHITECT, LANDSCAPE ARCHITECT OR ENGINEER AUTHORIZED FOR BUSINESS IN THE STATE OF OKLAHOMA OR THE OWNER OF THE PROPERTY THAT ALL TREES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY.

LANDSCAPE CERTIFICATE

WALLACE DESIGN COLLECTIVE, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED LANDSCAPE ARCHITECT, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE LANDSCAPE PLANS DESCRIBED HEREON ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING CODE OF THE CITY OF TULSA, OKLAHOMA.



CAUTION
 NOTICE TO CONTRACTOR


THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

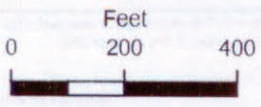
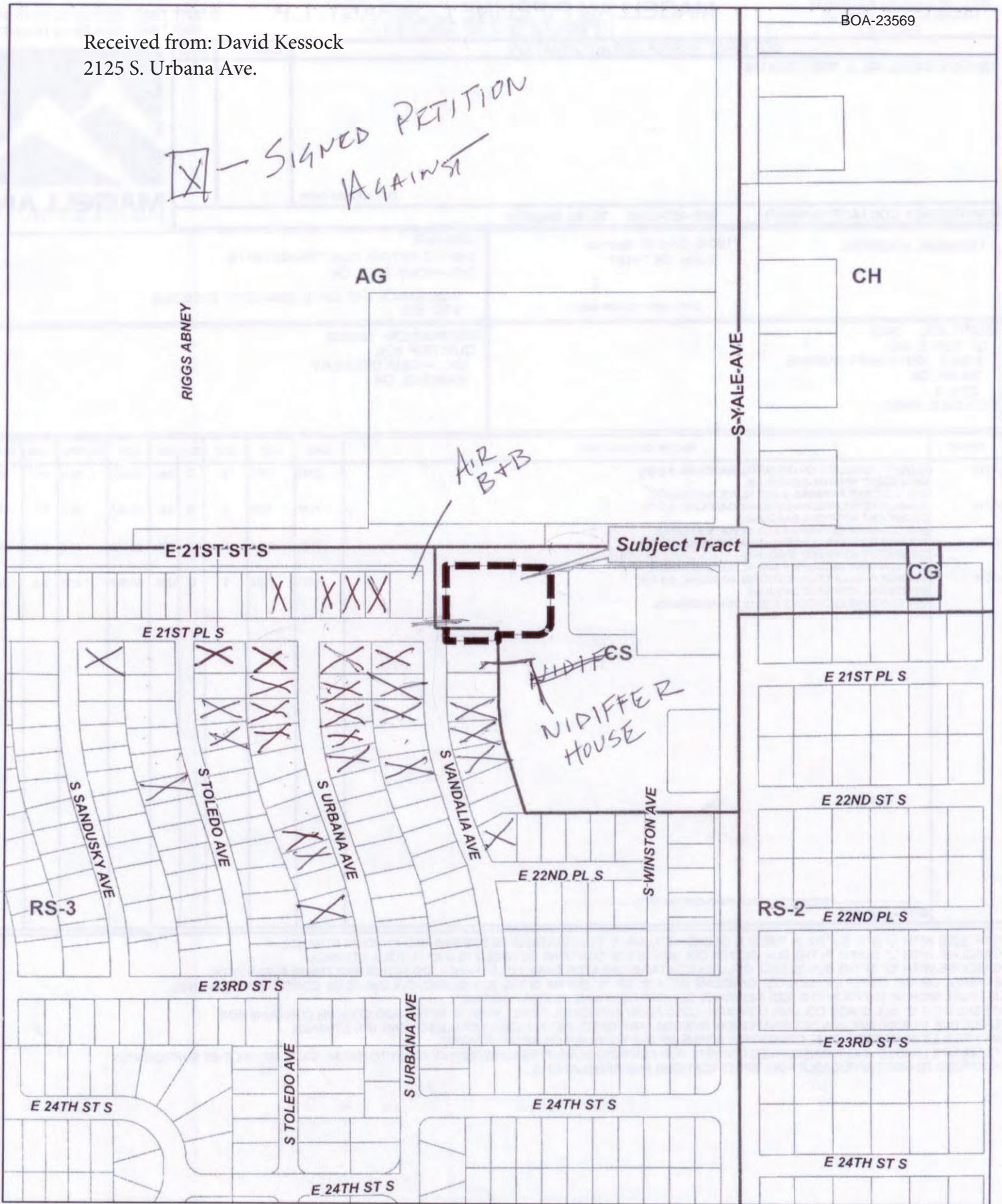
7 BREW COFFEE & TACO BELL
 E. 21ST ST. & S. VANDALIA AVE. TULSA, OK 74114

| DATE | DESCRIPTION | REV. |
|--|-------------------------------|------|
| 06/30/2023 <td>PROJECT NO. 2340114 <td></td> </td> | PROJECT NO. 2340114 <td></td> | |
| | SHEET NAME | |
| | LANDSCAPE PLAN | |
| | SHEET NO. C900 | |

Received from: David Kessock
2125 S. Urbana Ave.

BOA-23569

 - SIGNED PETITION AGAINST



BOA-23569



Neighbors AGAINST any kind of traffic opening (Entry, Exit) located on the western property line of the Commercial space at the SE corner of E 21st Street and Vandalia Avenue located in Tulsa, OK 74114. Commercial traffic (customers, vendors, suppliers, etc.) should NOT be entering and exiting from and onto the residential street "Vandalia" located in the Mayo Meadow neighborhood.

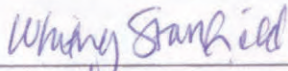



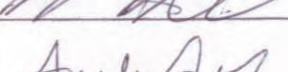
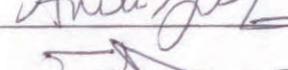
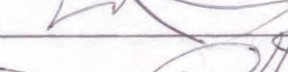
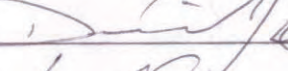


| | |
|-----------------------|--|
| Petition Reason | FOR THE PROTECTION AND SAFTY OF THE MAYO MEADOW NEIGHBORHOOD |
| Action petitioned for | We, the undersigned, are concerned citizens who urge Tulsa City Planning and Tulsa City Council to take action on above statement. |

| Printed Name | Signature | Address | Comment | Date |
|-----------------|------------------------|--------------------------------|--------------------------------|---------|
| Aaron Neighbors | <i>Aaron Neighbors</i> | 4607 E. 21 Pl. | Va5hthe5tampele@yahoo.com | 8/30 |
| Tommy Edwards | <i>Tommy Edwards</i> | 4620 E 21 st PL. | soonerfan12@gmail.com | 8/30 |
| DAVID KESOCK | <i>David Kesock</i> | 2125 S. URBANA AVE | DKESOCK@GMAIL.COM | 8/30/23 |
| Garrett Johnson | <i>Garrett Johnson</i> | 4613 E 21 st Pl | GarrettJohnson@gmail.com | 8/30/23 |
| Ricky Weaver | <i>Ricky Weaver</i> | 4316 E 24 th St | rickyweaver3@gmail.com | 8/30/23 |
| Monica McIntyre | MONICAMCINTYRE | 4603 E. 21 st PL. | monica.mcintyremc@gmail.com | 8-30-23 |
| RAY BARNUM | <i>Ray Barnum</i> | 4519 E. 21 st PLACE | NEED TRAFFIC LIGHT@WALMART | 8-30-23 |
| Cheryl Cato | <i>Cheryl Cato</i> | 2138 S. Urbana Ave | | |
| Rick Ennis | <i>Rick Ennis</i> | 2139 S. URBANA AVE | | |
| Elijah Johnson | <i>Elijah Johnson</i> | 2132 S. Urbana Ave. | Prioritize neighborhood safety | 8/30/23 |

→ ejj9293@tulsa.edu

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| | |
|-----------------------|--|
| Petition Reason | FOR THE PROTECTION AND SAFETY OF THE MAYO MEADOW NEIGHBORHOOD |
| Action petitioned for | We, the undersigned, are concerned citizens who urge Tulsa City Planning and Tulsa City Council to take action on above statement. |

| Printed Name | Signature | Address | Comment | Date |
|----------------------|---|---|---------------------------------------|---------|
| Whitney Stanfield |  | 4510 E 21 PL ^{TULSA, OK} 74114 | | 8/31/23 |
| DANIEL STANFIELD |  | 4510 E 21 PL ^{TULSA, OK} 74114 | | 8/31/23 |
| Cesar Garcia-Morales |  | 4520 E 21 PL ^{TULSA, OK} 74114 | | 8/31/23 |
| MARK HOWARD |  | 2635 SQUEDEL AVE ⁷⁴¹¹⁴ | MARK & J HOWARD ^{PH} 400.100 | 9-6-23 |
| Amber Jeffries |  | 2132 S Vandalia Ave ⁷⁴¹¹⁴ | | 9-6-23 |
| JEAN TERSKA |  | 2148 S. VANDOLIA AVE ⁷⁴¹¹⁴ | | 9-6-23 |
| DAVID YORK |  | 4703 E 22nd PL ⁷⁴¹¹⁴ | | 9-6-23 |
| Andres Padilla |  | 2174 S. URBANA AVE. | | 9-6-23 |
| John McEoy |  | 2168 S URBANA AVE | | 9/6/23 |
| Scott Grubbs |  | 2149 S. URBANA AVE | | 9-6-23 |
| Deborah Battese | Deborah Battese | 2131 S. Toledo Ave. | | 9-6-23 |

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| Petition Reason | | FOR THE PROTECTION AND SAFETY OF THE MAYO MEADOW NEIGHBORHOOD | | | |
|-----------------------|--------------------------|--|-------------------------|---------|--|
| Action petitioned for | | We, the undersigned, are concerned citizens who urge Tulsa City Planning and Tulsa City Council to take action on above statement. | | | |
| Printed Name | Signature | Address | Comment | Date | |
| Sheila Givens | <i>Sheila Givens</i> | Tulsa, OK 2158 S. Urbana 74114 | sheila-givens@tulsa.edu | 8/30/23 | |
| Chelsea Kephart | <i>Chelsea Kephart</i> | 4610 E. 21 st A. | ckkephart@gmail.com | 8/31/23 | |
| Eugene Latham | <i>Eugene Latham</i> | 2131 So. Urbana | latham.eugene@gmail.com | 8/31/23 | |
| Kathy Burns | <i>Kathy Burns</i> | 2126 S. Urbana | kathy.burns@gmail.com | 9/6/23 | |
| CHRISTINE GOINS | <i>Christine Goins</i> | 2137 S. Toledo Ave | | 9/6/23 | |
| Drew Adney | <i>Drew Adney</i> | 2157 S. Toledo Ave | | 9/6/23 | |
| Tanner Hosseloder | <i>Tanner Hosseloder</i> | 2121 S. Sandusky Ave | | 9/6/23 | |
| Cauna Morris | <i>Cauna Morris</i> | 2126 S Vandalia Ave | | 9-6-23 | |
| Iruen McPherson | <i>Iruen McPherson</i> | 2126 S Vandalia Ave | | 9/6/23 | |
| Tom Nelson | <i>Tom Nelson</i> | 2131 S. Vandalia | | 9/6/23 | |
| Brenda... | <i>Brenda...</i> | 2143 Vandalia | | 9/6/23 | |

By Commission Expires December 9, 1955.

RETURNED BY MAIL AND SENT THIS 21st DAY OF JANUARY, 1955.

COURT OF OKLAHOMA

COUNTY OF TULSA

STATE OF OKLAHOMA

BY COMMISSIONER OF LANDS

By Commission Expires December 9, 1955.

RETURNED BY MAIL AND SENT THIS 21st DAY OF JANUARY, 1955.

COURT OF OKLAHOMA

COUNTY OF TULSA

STATE OF OKLAHOMA

BY COMMISSIONER OF LANDS

(1) Investigation of any use of these proceeds by judgment or court order shall be an ultra vires act of the Board and shall be null and void and of no effect, and no person shall be held liable therefor.

(2) The proceeds shall be used for the purposes set forth in this Act, and no part thereof shall be expended for any other purpose.

(3) The Board shall have the right to sell, lease, or otherwise dispose of any real or personal property owned by it in order to carry out the purposes of this Act.

(4) The Board shall have the right to borrow money from any source, and to incur liabilities in order to carry out the purposes of this Act.

(5) The Board shall have the right to accept donations or gifts of money or property for the purposes of this Act.

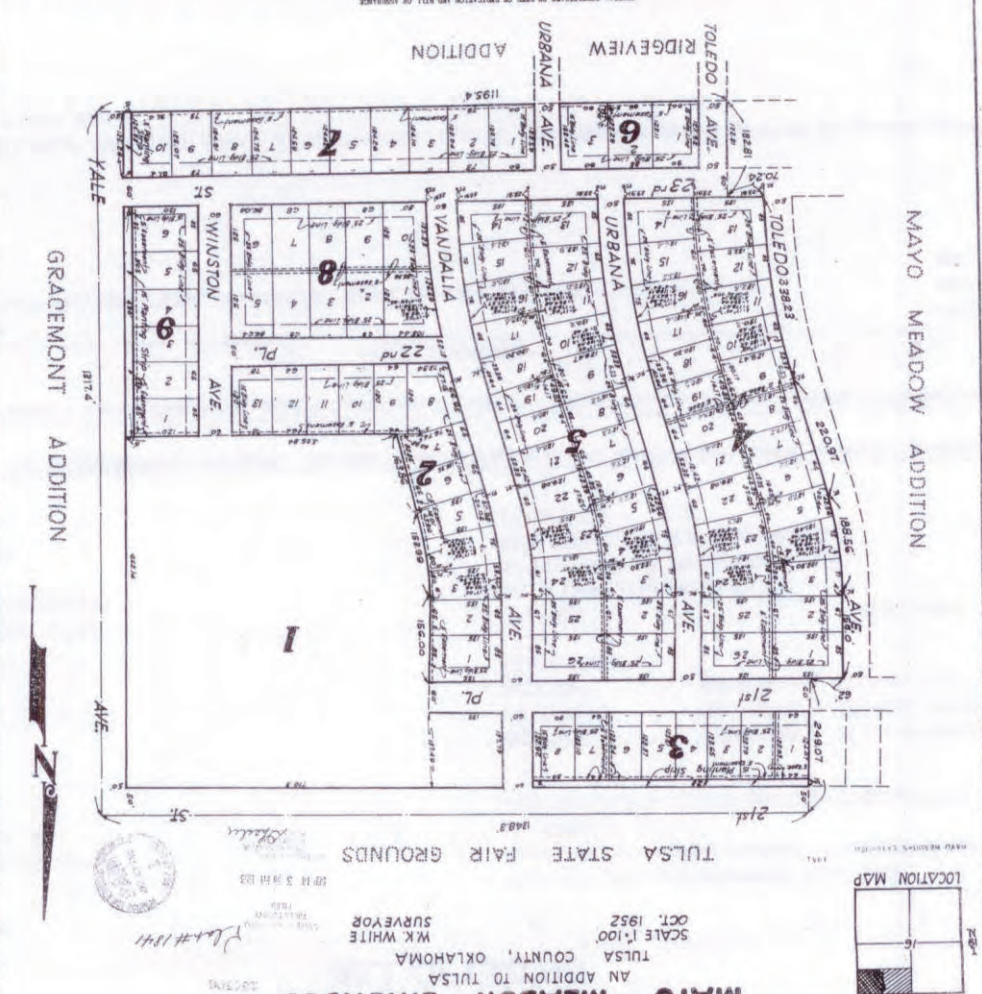
(6) The Board shall have the right to acquire, hold, and dispose of real and personal property, including the right to acquire, hold, and dispose of any interest in any real estate.

(7) The Board shall have the right to sue and be sued, to defend itself, and to prosecute and defend any legal action.

(8) The Board shall have the right to make contracts and execute any instrument necessary to carry out the purposes of this Act.

(9) The Board shall have the right to exercise any power conferred upon it by any law of the State of Oklahoma.

(10) The Board shall have the right to do all things necessary to carry out the purposes of this Act.



From: [petross](#)
To: [Tulsa Planning Office](#)
Subject: BOA 23569
Date: Monday, September 11, 2023 12:11:49 PM

Hello,

I live off of 21st and this shopping center already has 3 entrances and exits. Please do not add another exit/entrance for a TACO BELL! It would create too much traffic on a pedestrian street we're kids are riding bikes and people are walking, jogging, etc. Please respect our neighborhood.

Thank you,
Claire Conley

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.

From: [Tommy Edwards](#)
To: [Tulsa Planning Office](#)
Date: Tuesday, September 12, 2023 4:16:27 AM

I am also a neighbor I live on the corner right beside her we don't want this entrance onto our street. We have small children learning how to ride their bikes, neighbors walking with partners and their dogs, it's bad enough without this. I already pick up Walmart trash in my yard don't need any more. Ty for listening.

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Chapman, Austin

From: Chelsea Kephart <cnkephart@gmail.com>
Sent: Friday, September 8, 2023 3:27 PM
To: Tulsa Planning Office
Subject: Case #BOA-23569 - KEPHART

Hi,

My name is Chelsea Kephart and I am a resident at 4610 E. 21st Pl.

Please review the CONCERNS regarding Case #BOA-23569 (I.e. allow drive-through facilities to be located on the street-facing side of the property Sec. 55.100-C.2).

- 1) Mayo Meadows is a NEIGHBORHOOD not a side access for fast food restaurants.
- 2) Mayo Meadow is where FAMILIES with small children and animals walk on the streets daily. SAFETY HAZARDS.
- 3) Mayo Meadow is a community who welcomes the state fair ONCE a year; however, does not appreciate the filth crowds bring. We are chore with picking up dirty diapers, beer bottles, etc. from our lawns. UNWELCOME PUBLIC TRAFFIC/TRASH.
- 4) Mayo Meadow is where I call HOME. We do not need additional traffic being funneled into our peaceful neighborhood in all hours of the day and night. UNWELCOME NOISE HAZARDS.
- 5) Please review the below photos as it shows, outlined in red, where this access road into the parking lot will be. It is very clear from my front porch I will be forced to deal with the repercussions of this being passed.

Please DO NOT pass this as Mayo Meadows is a neighborhood which DOES NOT need Safety Hazards, Unwelcome Public Traffic/Trash, and Unwelcome Noise Hazards.

If you need additional information, please call me at (770) 789-4096





From: [Monica McIntyre](#)
To: [Tulsa Planning Office](#); [Chapman, Austin](#)
Subject: Case Number BOA-23569
Date: Monday, September 11, 2023 9:09:12 PM

I live at 4603 E. 21st Pl. and I wish to express my serious concerns regarding this proposed application:

Mayo Meadow is a peaceful neighborhood with high pedestrian traffic from people walking, walking their dogs, and from children playing in the street. The proposed entrance/exit onto a neighborhood street would cause a significant increase in vehicular traffic moving through the neighborhood to gain access to these facilities, thus posing an exponentially greater risk to pedestrians.

Any type of fast food outlet is frequently associated with an escalation in litter. The residents of Mayo Meadow accept that during the Tulsa State Fair they may have to deal with cups, paper plates, wrappers, and other discarded debris, but will the City provide increased street cleaning to deal with the repercussions of having food wrappers and containers being discarded every day?

I chose to make Mayo Meadow my home because, despite being close to a wide range of retail outlets and restaurants, it is a quiet residential area with a family-oriented personality that is only disrupted once a year during the Tulsa State Fair. I believe that the proposed entrance/exit onto a neighborhood street will destroy the ambience, and will increase the amount of traffic, noise, litter, and the probability of pedestrian accidents.

I am therefore asking that any entrance/exit be located on 21st St. along with access to all the other facilities located to the east of the Mayo Meadow neighborhood

Thank you for your consideration.
Respectfully,
Monica McIntyre

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REVISED PLAN



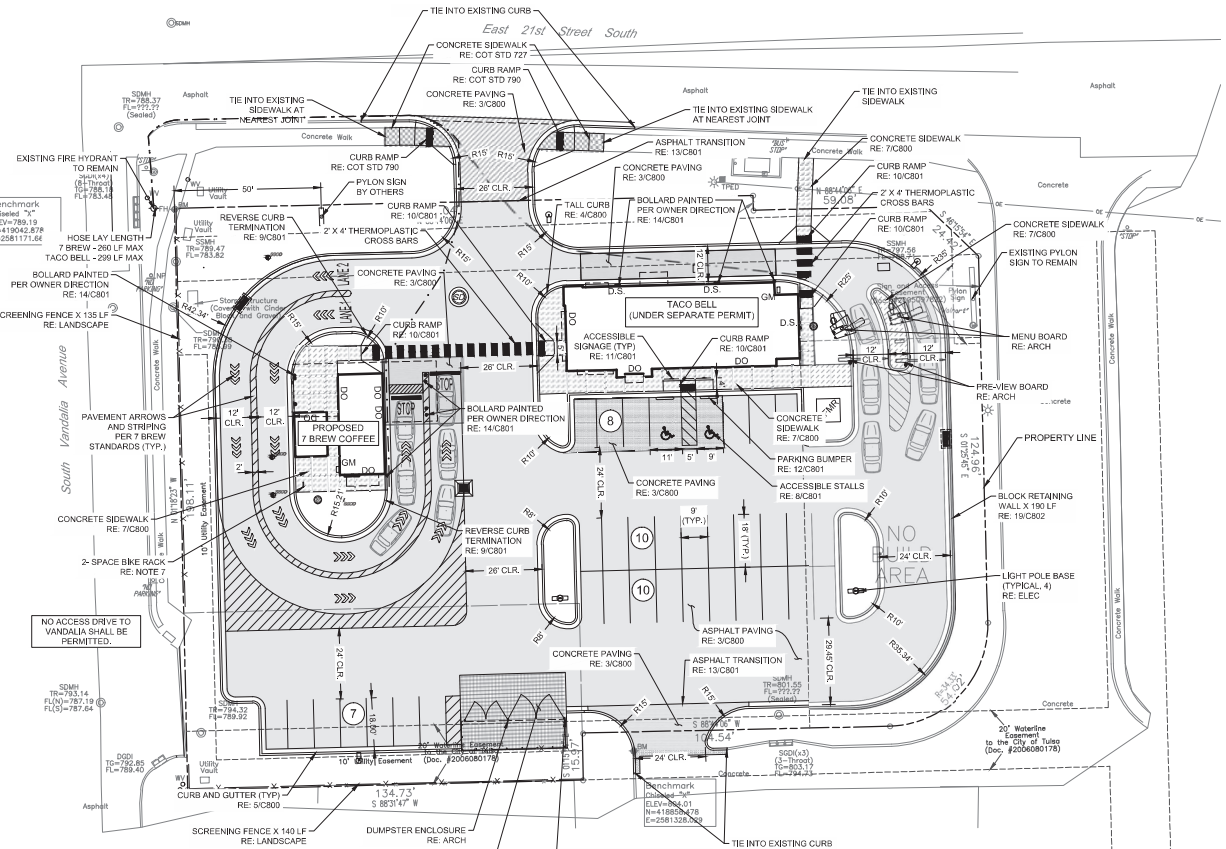
wallace design collective, inc.
 123 north main street, suite 100
 tulsa, oklahoma 74103
 phone: 918.592.1100
 fax: 918.592.1101
 www.wallacedesigncollective.com

GENERAL SITE NOTES:

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICH EVER IS MORE STRINGENT.
 2. ALL WORK AND MATERIALS SHALL COMPLY WITH O.S.H.A. STANDARDS.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO: ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES' SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 4. REFER TO LANDSCAPE PLANS FOR GRASS, TREES, AND PLANTED MATERIALS.
 5. ALL DIMENSIONS AND COORDINATES ARE FROM BACK OF CURB UNLESS SHOWN OTHERWISE.
 6. RADII = 2'-0" UNLESS OTHERWISE INDICATED.
- BIKE RACK TO BE EQUAL TO STREETSIDE 3-BIKE/4-LOOP RACK, FUSION ADV FINISH, SURFACE MOUNT AS MANUFACTURED BY ANOVA FURNISHINGS, INC. WWW.ANOVAFURNISHINGS.COM. ITEM #RSPVC001. BIKE RACK COLOR TO BE BLACK. SURFACE MOUNT PER MANUFACTURER'S RECOMMENDATIONS. SUBMIT PRODUCT INFORMATION FOR REVIEW AND APPROVAL BY OWNERS REPRESENTATIVE.

| PARKING SUMMARY | |
|---|---------|
| REQUIRED PARKING: | |
| COFFEE SHOP: < 5000 SF: | 5 |
| TACO BELL: 6.5 SPACE PER 1000 SF: (2159/1000) * 8.5= | 19 |
| PROVIDED PARKING: | |
| STANDARD ACCESSIBLE VAN ACCESSIBLE: | 33 1 |
| TOTAL PROVIDED PARKING: | 35 |

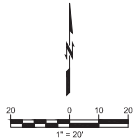
| | |
|---|------------|
| TOTAL DISTURBED AREA | 1.22 ACRES |
| EXISTING IMPERVIOUS AREA | 0.9F |
| ORIGINAL IMPERVIOUS AREA (2002 AERIAL IMAGERY) | 50,885 SF |
| PROPOSED IMPERVIOUS AREA | 37,347 SF |
| DECREASE IN IMPERVIOUS AREA | 14,600 SF |



| LEGEND | |
|-----------|--|
| [Pattern] | STANDARD DUTY ASPHALT PAVEMENT RE: 3/C800 |
| [Pattern] | STANDARD DUTY CONCRETE RE: 3/C800 |
| [Pattern] | REINFORCED CONCRETE RE: 3/C800 |
| [Pattern] | CONCRETE SIDEWALK RE: 7/C800 |
| [Pattern] | DRIVEWAY IN RIGHT-OF-WAY RE: COT STD 756 |
| [Pattern] | CONCRETE SIDEWALK IN RIGHT-OF-WAY RE: COT STD 727 |

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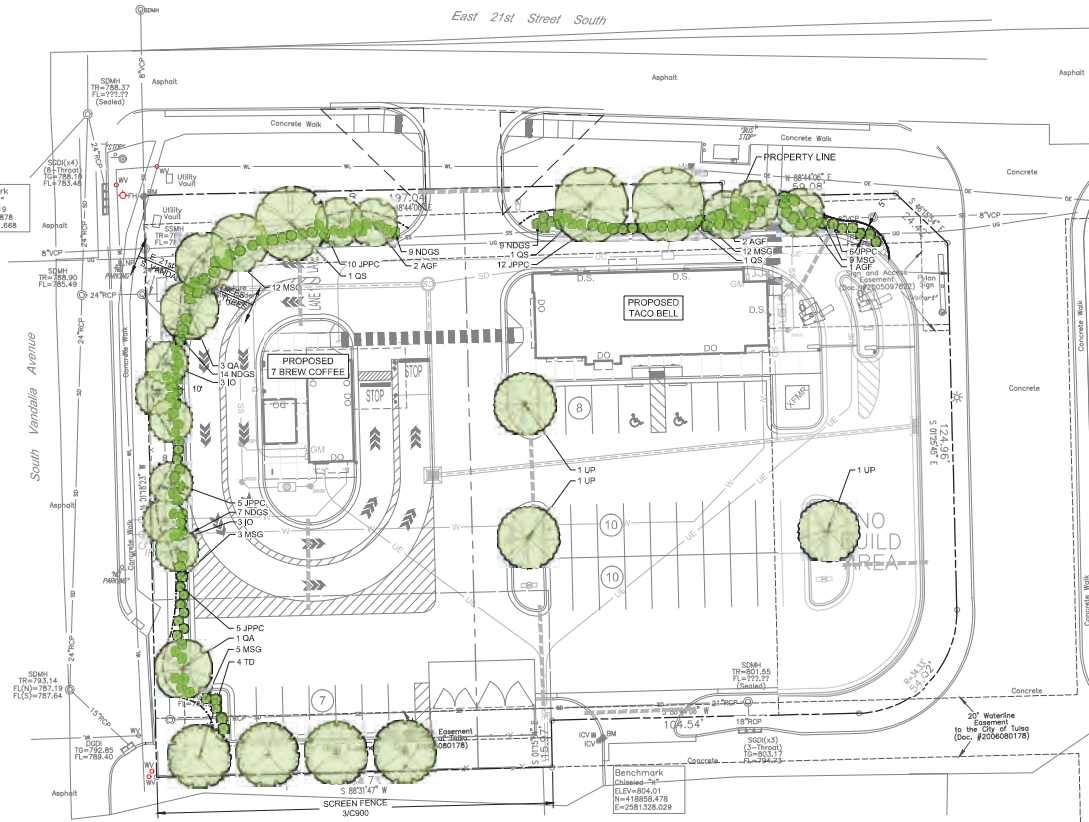


7 BREW COFFEE & TACO BELL
E: 21ST ST. & S. VANDALIA AVE. TULSA, OK 74114

| DATE | DESCRIPTION |
|------|-------------|
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| | |

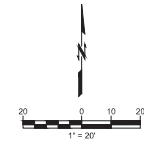
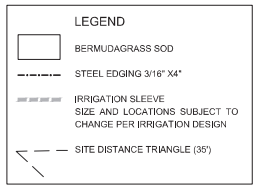
SITE PLAN
 SHEET NO. **C400**

REVISED PLAN



LANDSCAPE SUMMARY

| | |
|--|------------------------------|
| STREET TREES | |
| REQUIRED | |
| 1 SMALL TREE PER 25 LF OF STREET FRONTAGE OR | |
| 1 LARGE TREE PER 30 LF OF STREET FRONTAGE | |
| EAST 21ST STREET (273 LF) | |
| PROVIDED: | |
| 5 LARGE TREES AT 30 LF | 150 LF |
| 5 SMALL TREES AT 25 LF | 125 LF |
| TOTAL PROVIDED: | 275 LF |
| SOUTH VANDALIA AVENUE (198 LF) | |
| 2 LARGE TREES AT 30 LF | 60 LF |
| 6 SMALL TREES AT 25 LF | 150 LF |
| TOTAL PROVIDED: | 210 LF |
| INTERIOR PARKING LOT LANDSCAPING | |
| AREA: | 32 SPACES |
| REQUIRED: | 35 SF PER SPACE |
| PROVIDED: | 1,120 SF |
| TREES: | |
| REQUIRED: | 1 TREE PER 10 PARKING SPACES |
| PROVIDED: | 3 TREES |
| | 3 TREES |
| VEHICULAR USE AREA BUFFERS | |
| REQUIRED: | 1 TREE PER 25 FEET |
| PROPOSED: | 88 LF |
| | 4 TREES |
| | 4 TREES |



CERTIFICATION OF INSTALLATION

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WRITTEN CERTIFICATION SHALL BE SUBMITTED TO THE CITY BY AN ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER OR OWNER AUTHORIZED TO DO BUSINESS IN THE STATE OF OKLAHOMA OR THE OWNER OF THE PROPERTY THAT THE INSTALLATION OF THE LANDSCAPING AND APPURTENANCES, EXCEPT TREES, ARE IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN. PRIOR TO OR WITHIN 120 DAYS OF THE ISSUANCE OF THE OCCUPANCY PERMIT, WRITTEN CERTIFICATION BY AN ARCHITECT, LANDSCAPE ARCHITECT OR ENGINEER AUTHORIZED FOR BUSINESS IN THE STATE OF OKLAHOMA OR THE OWNER OF THE PROPERTY THAT ALL TREES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY.

LANDSCAPE CERTIFICATE

WALLACE DESIGN COLLECTIVE, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED LANDSCAPE ARCHITECT, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE LANDSCAPE PLANS DESCRIBED HEREON ARE IN CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING CODE OF THE CITY OF TULSA, OKLAHOMA.

| QTY | BOTANICAL NAME | COMMON NAME | SIZE | CONT. | SPACING/REMARKS |
|--|---------------------------|------------------------------|-----------------|--------|---------------------|
| TREES | | | | | |
| AGF 5 | ACER GINNALA 'FLAME' | FLAME AMUR MAPLE | 2" CAL/8' HT. | B&B | MULTI-STEM |
| IO 6 | ILEX OPACA | AMERICAN HOLLY | 6' HT. | | MULTI-STEM |
| QA 4 | QUERCUS ACUTISSIMA | SAWTOOTH OAK | 2" CAL./12 HT. | B&B | MATCHED |
| OS 3 | QUERCUS SHUMARDII | SHUMARD OAK | 2" CAL./10 HT. | B&B | MATCHED |
| TD 4 | TAXODIUM DISTICTUM | BALD CYPRESS | 2" CAL./12 HT. | B&B | MATCHED |
| UP 3 | ULMUS PARVIFOLIA | LACEBARK ELM | 2" CAL./10' HT. | B&B | MATCHED |
| SHRUBS | | | | | |
| JPPC 40 | JUNPERUS X PFIZERIANA sp. | COMPACT PFITZER JUNIPER | 18" HT. | 5 GAL. | 40" O.C. |
| MSG 41 | MISCANTHUS SINENSIS | 'GRAC MADEN GRASS | | 5 GAL. | 40" O.C. |
| NDGS 46 | NANDINA DOMESTICA | 'GULF S GULF' STREAM NANDINA | 12" SP. | 3 GAL. | 3' O.C. |
| SOD AND ACCESSORIES | | | | | |
| | CYNODON DACTYLON | COMMON BERMUDAGRASS | | | SOLD SOD, WEED FREE |
| ABBREVIATIONS: B&B: BALLED AND BURLAPED, CAL.: CALIPER, GAL.: GALLON, HT.: HEIGHT, L.F.: LINEAR FOOT, MATCHED: WITHIN 5% OF SIZE AND SHAPE, STK: STAKED, O.C.: ON CENTER (APPROXIMATE), S.F.: SQUARE FOOT, SP.: SPREAD | | | | | |

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E. 21ST ST. & S. VANDALIA AVE. TULSA, OK 74114

| DATE | DESCRIPTION |
|------|-------------|
| | |
| | |
| | |
| | |

DATE: 09/12/2023
PROJECT NO.: 2340114
SHEET NAME:

LANDSCAPE PLAN
SHEET NO. C900



Picture from Davis Kessock.