

# Staff Report Variance Case BOA-23644

**Hearing Date:** April 9, 2024 **Prepared by:** Dylan Siers

dsiers@cityoftulsa.org 918-596-7584

## **Owner and Applicant Information**

**Applicant: Trent Harris** 

Property Owner: Sisu Investments

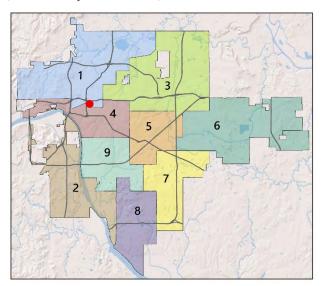
## **Property Location**

1100 E. 4th Street

Tract Size: ±0.31 acres

## **Location within the City of Tulsa**

(shown with City Council districts)



## **Elected Representatives**

<u>City Council:</u> District 1, Vanessa Hall-Harper <u>County Commission:</u> District 2, Karen Keith

## **Public Notice Required**

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

#### **Case History:**

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

## **Request Summary**

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

## **Zoning**

Zoning District: CH
Zoning Overlays: NIO

## **Comprehensive Plan Considerations**

#### **Land Use**

<u>Land Use Plan</u>: Employment <u>Small Area Plans</u>: Pearl District <u>Development Era</u>: Streetcar

### Transportation

Major Street & Highway Plan: N/A

planitulsa Street Type: None

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: Bike Lane

#### **Environment**

Flood Area: N/A

<u>Tree Canopy Coverage</u>: 0-10% <u>Parks & Open Space</u>: N/A BOA-23644 Staff Report April 9, 2024

## Staff Analysis

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

#### Relevant Case History

None

## **Statement of Hardship**

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

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

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

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

# **Comprehensive Plan Considerations**

## **Land Use Plan**

The subject property is designated as Employment.

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

## **Surrounding Properties:**

<u>Location</u>	Existing Zoning/Overlay	Existing Land Use Designation	<u>Existing Use</u>
North	CH/IM	Employment	Industrial
East	СН	Employment	Multiple Uses
South	IL	Employment	Vacancy
West	СН	Employment	Tool Shop

#### **Small Area Plans**

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

#### **Development Era**

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

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

## **Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: None

Transit: N/A

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: Bike Lane

Arterial Traffic per Lane: N/A

#### **Environmental Considerations**

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

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

Parks & Open Space: N/A

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## Sample Motion

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

- per the conceptual plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.

The board finds the hardship to be \_\_\_\_\_\_.

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

# **Property Description**

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

## Photos:

5.4

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**Subject Property** 

# **Exhibits**

Sections 65.040 and 65.050 of the zoning code. Case map Aerial (small scale) Aerial (large scale) Tulsa Comprehensive Plan Land Use Map Applicant's Exhibits

- **65.020-C** The design of landscape areas to promote low-impact development practices (e.g., bioretention basins, rain gardens, filter strips, and grassed swales) is strongly encouraged and may be used to satisfy the landscaping regulations of this zoning code, subject to compliance with all applicable standards of the *Stormwater Management Criteria Manual*.
- **65.020-D**The alternative compliance provisions of §65.100-D are intended to accommodate creativity in landscape and screening design and address site-specific barriers that prevent strict compliance with the regulations of this chapter.

## Section 65.030 Applicability

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

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

#### Section 65.040 Street Trees

#### **65.040-A** Purpose

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

#### 65.040-B Applicability

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

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

## **65.040-C** Requirements

## 1. Number

At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree

requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees). The tree list prepared by the planning director (see §65.080-A2) identifies and classifies street trees by size.

#### 2. Location

- **a.** Required street trees must be located on the subject property within 20 feet of the planned street right-of-way unless the land use administrator determines that the presence of buildings or obstructions or other factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way. Street tree planting in the right-of-way must comply with the regulations of <u>Title 35</u>, <u>Chapter 6</u> of the Tulsa Revised Ordinances.
- **b.** The land use administrator is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations when circumstances prevent tree planting within the areas described in §65.040-C2.a or when compliance with §65.040-C2.a would result in a poor growing environment for the tree or damage to public or private improvements.

## Spacing

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

4. Materials, Installation and Maintenance See Section 65.080 and Section 65.090.

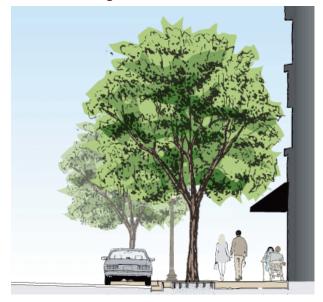


Figure 65-1: Street Tree

## Section 65.050 Interior Parking Lot Landscaping

#### **65.050-A** Purpose

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

#### 65.050-B Applicability

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

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

## 65.050-C Exception

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

#### 65.050-D Requirements

## Landscape Area

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

#### 2. Trees and Plant Material

Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see §65.080-B4 to determine available incentives for preservation of existing trees).

#### 3. Location and Design

- **a.** Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:
  - (1) They must be bordered by a paved surface on at least 2 sides;
  - (2) They must be at least 7 feet wide, as measured from the back of the curb;
  - (3) They must include at least one tree per island and be covered with ground cover plants or mulch;
  - (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
  - (5) They must be located so that every parking space is within 100 feet of a tree.
- **b.** Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of §65.050-D3.a apply to the landscape terminal island.
- c. The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

#### 4. Vehicle Overhangs

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

# 5. Relationship to Vehicular Use Area Buffer Regulations

Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of <u>Section 65.060</u> may not be counted toward satisfying the interior parking lot landscaping regulations of this section (<u>Section 65.050</u>).

6. Materials, Installation and Maintenance See Section 65.080 and Section 65.090.

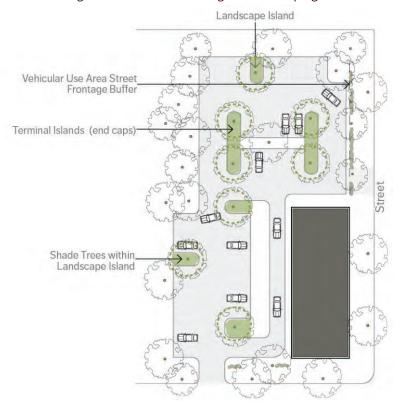


Figure 65-2: Interior Parking Lot Landscaping

#### Section 65.060 Vehicular Use Area Buffers

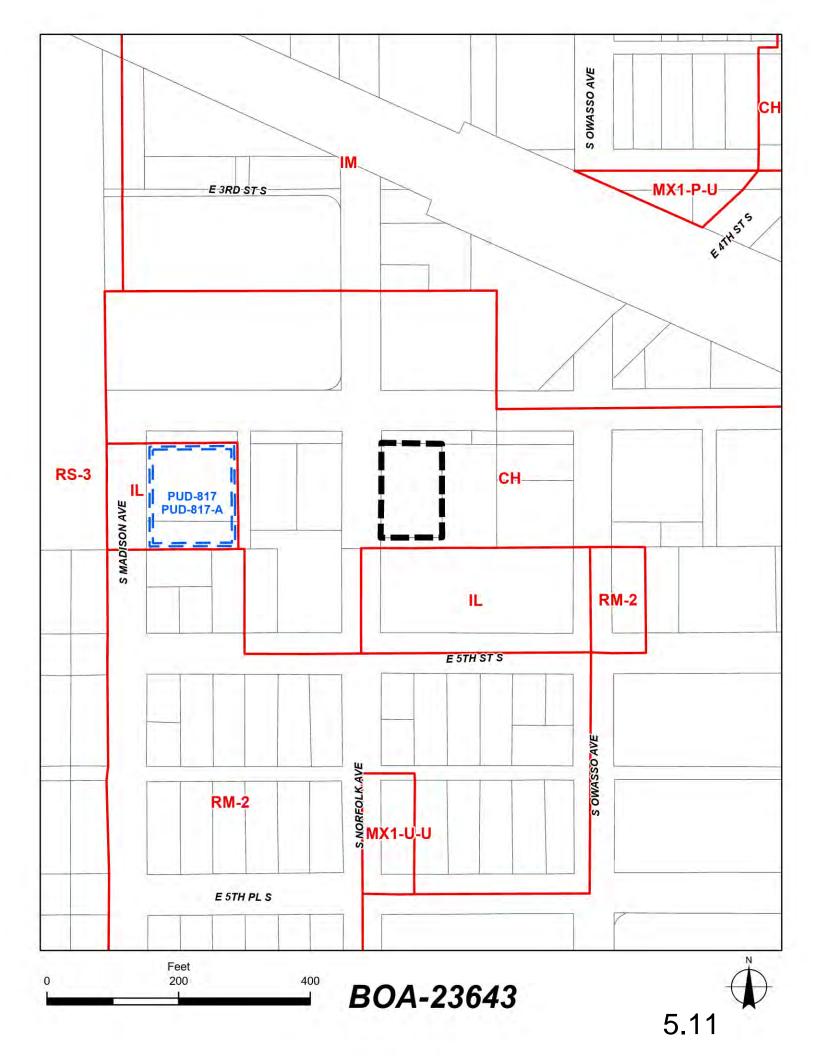
#### **65.060-A** Purpose

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

#### **65.060-B** Applicability

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

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





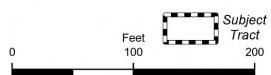


**BOA-23643** 

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





BOA-23643

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

Aerial Photo Date: 2021







# CITY OF TULSA CORRECTIONS SUMMARY

Note (3)



Subject: Note

Page Label: [1] 9411PVCV-PVCV01

**Author:** danabox

Date: 11/28/2023 10:26:15 AM

Color:

Sec.70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale.

Review comment: Submit a site plan with the following information:

Actual shape and dimensions of the lot;

•Location and dimensions of all easements;

•Lot lines and names of abutting streets;

•The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;

•The location, dimensions and height of proposed buildings or structures to be erected or altered;

•The intended use of existing and proposed buildings, structures or portion of the lot;

•Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.



Subject: Note

Page Label: [1] 9411PVCV-PVCV01

Author: danabox

Date: 11/28/2023 10:26:11 AM

Color:

Section 65.030 Applicability

The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter.

this chapter.

Review Comment: Provide a Landscape Plan according to the regulations stated in Chapter 65 of the Tulsa Zoning Code.

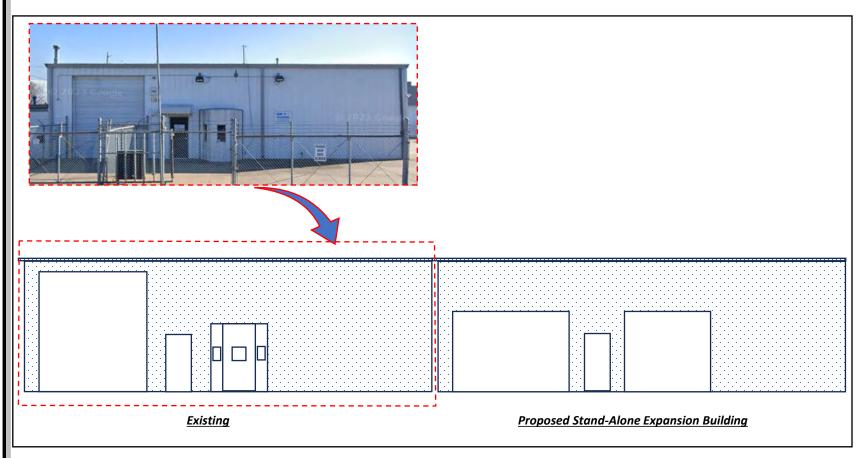


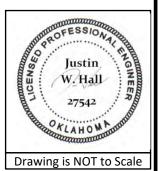
Figure 1: Schematic Showing Subject Expansion/Retrofit

Hall Engineering has determined that the foundation system, as described herein, satisfies applicable "Structural Design Considerations" as set forth by 2021 International Business Code (2021 IBC) and is suitable to serve its intended purpose.

#### **General Notes**

- 1. The retrofit, concrete pile foundation system described herein is specifically intended to support the client-provided, preengineered, "stand alone" steel metal building design plan.
- 2. It is the responsibility of the land-owner or delegated contractor to acquire all necessary city permits prior to the start of construction.
- 2. Coordinate with utility master as required to mark all active utilities.
- 3. For property limits and easements, if available, refer to current land survey accomplished by registered Professional Land Surveyor.
- 4. Remove all trees, and undergrowth that may impede the construction and/or damage the foundation after construction.
- Design considerations and select views, as referred-to throughout were made in consideration of client-provided Engineered Steel Building Design Plan further described as Job 22-163WB as developed by Whitney Steel Building Systems, and as dated 1/05/23.
- 6. All phases of this construction plan are to be accomplished using standard construction practices, in accordance with state and local building codes where not otherwise specified.

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



# HALL ENGINEERING GROUP, LTD

Oklahoma – Arkansas – Missouri - Texas

www.hallengineeringok.com Phone: 918-720-3393

**Project/Client:** "Childers" / LCS Construction

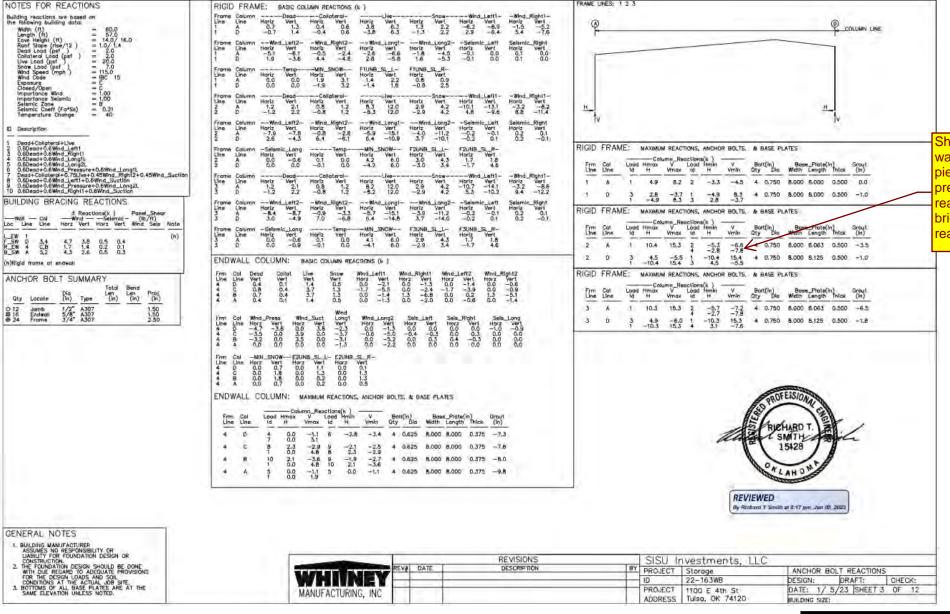
Address: 1100 E. 4th St., Tulsa, OK

Drawn By: M. Henry 5.16 Issued: 08/09/23

Job #: 23-5317 IR

ENGINEERING

Pg: 1 of 4



#### **General Notes**

1. Clint provided design criteria shown for reference purposes.

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

5.17

#### Figure 2: Load Condition/Anchor Bolt Summary

(As taken from Steel Building Design Plan - Job #: 22-163WB DWG SH 3 of 12

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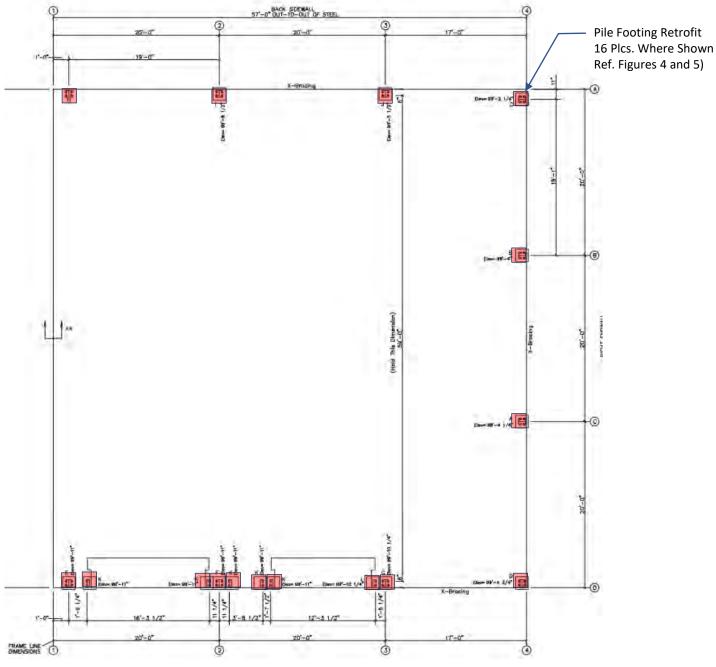


Figure 3: Plan View for Retrofit Pile Footings

## **General Notes**

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



5.18

Drawing is NOT to Scale

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Job #: 23-5317 IR Retrofit Conc. Pile Foundation Plan

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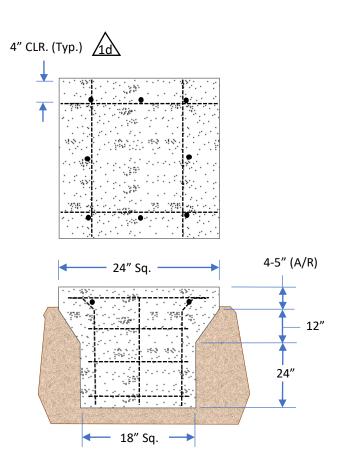


Figure 4: Reinforced Concrete Pile Footing Detail

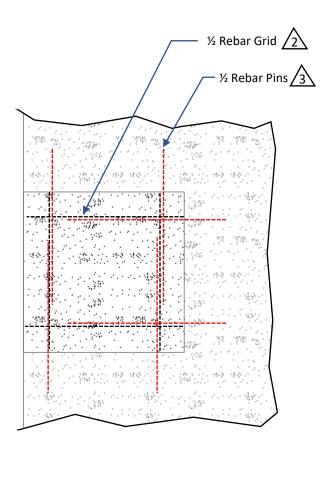


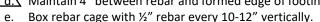
Figure 5: Pinning Detail

#### **Construction Notes:**

diameter rebar pins.

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

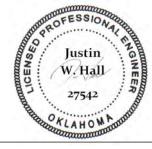
Maintain 4" between rebar and formed edge of footing.



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

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

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



5.19

Drawing is NOT to Scale

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Job #: 23-5317 IR Retrofit Conc. Pile Foundation Plan Page: 4 of 4