



**Board of Adjustment**

**Staff Report  
Variance Case BOA-23662**

**Hearing Date:** April 9, 2024  
**Prepared by:** Sean Wallace  
swallace@cityoftulsa.org  
918-596-7585

**Owner and Applicant Information**

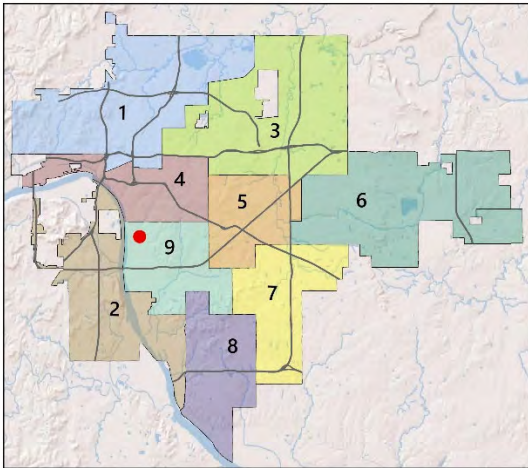
Applicant: Apex Imaging Services  
Property Owner: QuikTrip

**Property Location**

3606 S. Peoria Ave.  
Tract Size: ±.7 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 9, Jayme Fowler.  
County Commission: 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:**

**3/26/24:** Applicant requested continuance until 4/9/24.

**Request Summary**

Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

**Zoning**

Zoning District: CH  
Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Multiple Use  
Small Area Plans: Brookside  
Development Era: Early Automobile

**Transportation**

Major Street & Highway Plan: Main Street  
planitulsa Street Type: Secondary Arterial  
Transit: BRT Route  
Existing Bike/Ped Facilities: 36th St Linkage (sharrow)  
Planned Bike/Ped Facilities: N/A

**Environment**

Flood Area: N/A  
Tree Canopy Coverage: 10-20%  
Parks & Open Space: Within ½ mile of River Parks & Trails

## **Staff Analysis**

The applicant is requesting a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

**60.100-D** Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

**60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

**Statement Of Hardship:** See attached.

### Relevant Case History

- BOA-15851, October 1991, variance of the street setback to permit a sign.
- BOA-15185, July 1989, variance of the space requirement from a signalized intersection for a sign and to allow a flashing sign within 200-feet of a residential zoned district.
- BOA-13589, variance of the street setback to permit a sign.

## **Comprehensive Plan Considerations**

### **Land Use Plan**

The subject property is designated as Multiple Use. Multiple Use areas are mostly commercial or retail uses, which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

### Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CH	Multiple Use	Veterinary Hospital
East	MX1-P-U	Multiple Use	Church
South	CH	Multiple Use	Commercial
West	RS-3	Multiple Use/Neighborhood	Residential

**Small Area Plans**

The subject properties are within the Brookside Infill Development Plan Area.

**Development Era**

The subject property is in an area developed during the Early Automobile Era (1930s-50s), which retained a high degree of the connectivity from neighborhood streets to the arterial network, with mostly commercial, office, industrial, and other active uses along major streets and a mix of housing options and neighborhood-based uses like schools, churches, and libraries in the interior sections. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, commercial revitalization, compatibility of scale for neighborhood development, and transitions between commercial corridors and residential areas.

**Transportation**

Major Street & Highway Plan: Main Streets are the streets whose land uses have maintained their historic or urban characteristics. Buildings have minimal setbacks, pedestrian infrastructure is safe and comfortable, and many buildings have a mix of uses, whether multiple storefronts, or a combination of retail and residential on different floors of the building. On-street parking, bicycle lanes, pedestrian islands, and curb extensions are used to slow traffic to a speed that is safe for pedestrians and cyclists. These streets are prime candidates for economic development and community development investment efforts.

New construction and renovations of existing properties should be consistent with the existing character of the Main Street, and maintain a high degree of pedestrian accessibility. Setbacks should be minimal, and parking should be located on the street, on the side of a building, or behind the building. Uses should be predominantly mixed-use, commercial, or higher density residential. Connectivity should be maintained to surrounding neighborhoods, but transitions between Main Street and Neighborhood areas should be considerate of potential compatibility issues, such as noise, light, and parking. Interactions between Main Streets and neighborhoods should be identified and mitigated, but should not cause a decrease in quality of either environment.

Comprehensive Plan Street Designation: Secondary Arterial (Peoria Ave)

Transit: BRT Route

Existing Bike/Ped Facilities: 36th St Trail Linkage (Sharrow)

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 4,624 vehicles per lane on Peoria

**Environmental Considerations**

Flood Area: The subject property is not in a flood area.

Tree Canopy Coverage: Tree canopy in the area is 13%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: Within ½ mile of River Parks & Trails.

**Sample Motion**

I move to approve or deny a Variance to permit a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-E); and a Variance to permit a dynamic display sign within 200-feet of a Residential Zoning District (Sec. 60.100-F); and a Variance to permit a dynamic display sign within 50-feet of a signalized intersection (Sec. 60.100-D).

- 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 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**

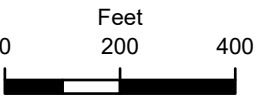
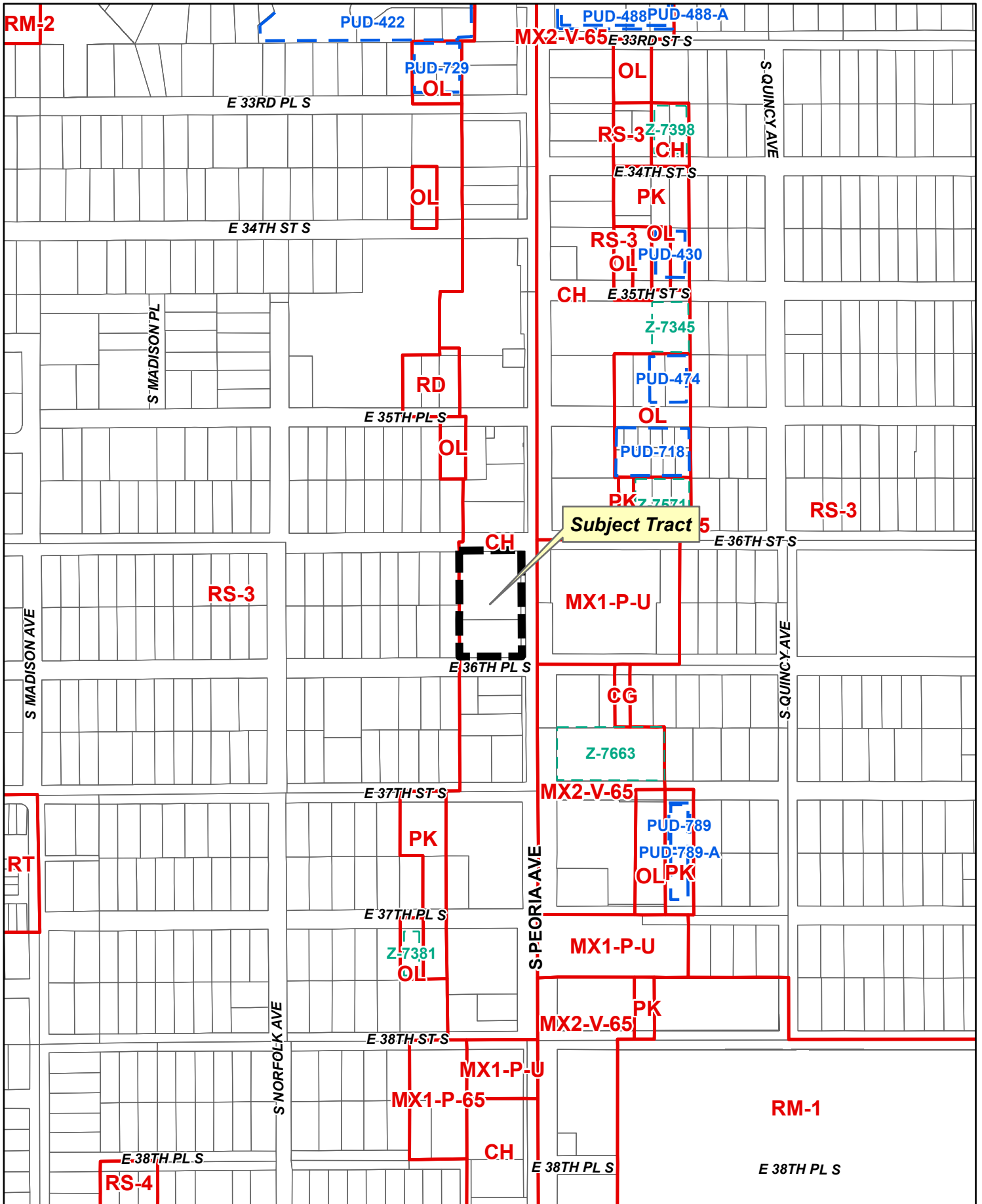
LTS 5 & 6 LESS E/10 THEREOF BLK 5; LT 7 LESS E10 THEREOF BLK 5, PEORIA GARDENS ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Exhibits**

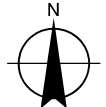
- Photos
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Applicants Exhibits

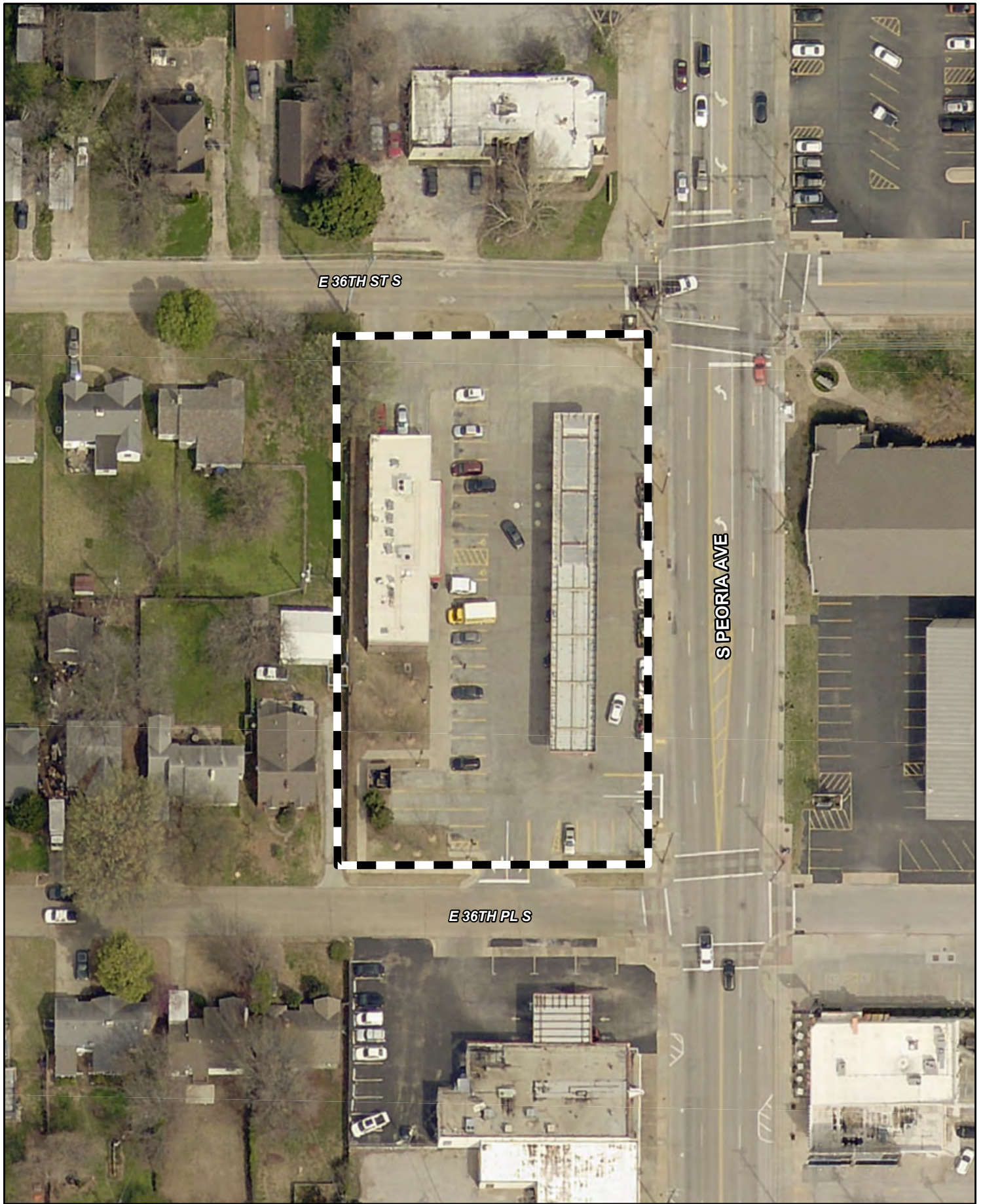


***Subject property in BOA-23662 (Image used from Google Street view)***



**BOA-23662**





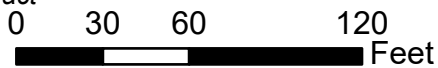
E 36TH ST S

S PEORIA AVE

E 36TH PL S



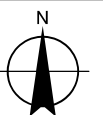
Subject Tract



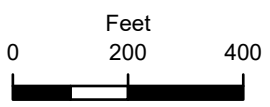
**BOA-23662**

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

Aerial Photo Date: 2021



8.7

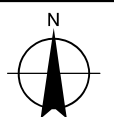


 Subject Tract

**BOA-23662**

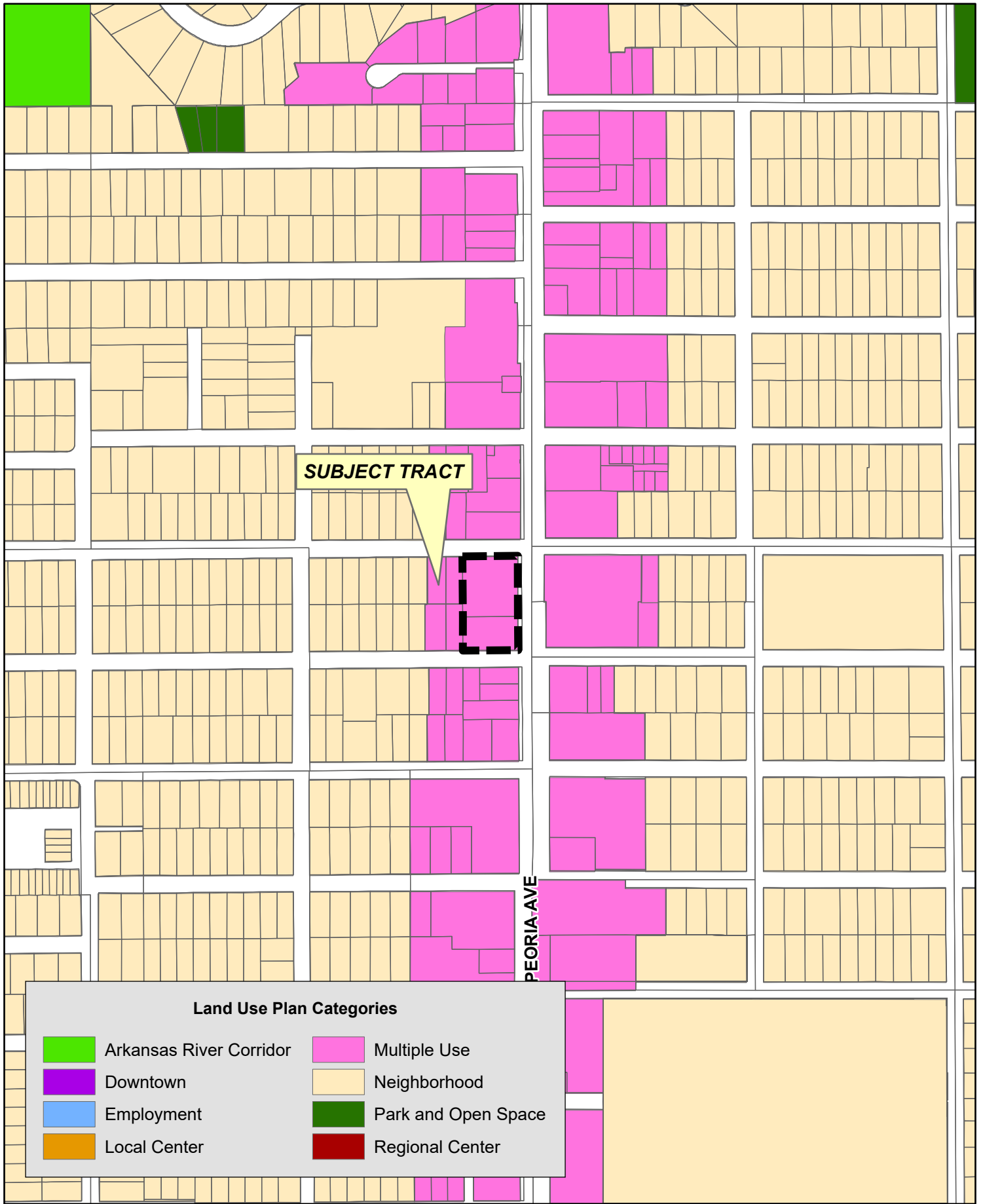
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



8.8



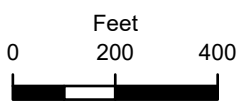


**SUBJECT TRACT**

PEORIA AVE

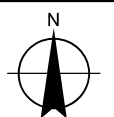
**Land Use Plan Categories**

- Arkansas River Corridor
- Downtown
- Employment
- Local Center
- Multiple Use
- Neighborhood
- Park and Open Space
- Regional Center



**BOA-23662**

19-14 04



8.9

#### Board of Adjustment Variance Info:

We, Apex Imaging Services, have been contracted by QuikTrip to assist with updating their existing ground signs to LED. This process requires replacing existing white numbers with LED numbers, re-utilizing existing power and data, and changing the numbers only to LED's. The pricing cabinet itself remains as is. There will be no changes to the structure of the sign. These signs were approved to be installed years ago, and we are only updating to LED. There will be no new power or data as that is all existing.

The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. See process below:

1. Remove existing numbers and prep for disposal
2. Install LED number signage
3. Ensure power and data are working properly

This upgrade does not affect any of its physical surroundings and will not serve as a flashing distraction to drivers or neighbors. It does not affect the physical surroundings since the sign itself is existing.

Text

Section 60.100-E. Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such. Review Comments: The proposed dynamic display is within 20 feet of the street curb. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway. Please contact the Tulsa Planning Office at 918-596-7526 or [planning@cityoftulsa.org](mailto:planning@cityoftulsa.org) to discuss Board of Adjustment scheduling and procedures.

Section 60.100-D Dynamic displays may not be located within 50 feet of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection. Review Comments: The proposed dynamic display gas price sign appears to be within 50 feet of a signalized intersection. You may relocate the dynamic display sign outside of the 50 foot area or you may pursue a variance from the BOA to permit a dynamic display gas price sign to be located closer within 50 feet of signalized intersection.

Section 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Review Comments: The proposed dynamic display sign appears to be located within 200 feet of a Residential zoning district. You may pursue a variance from the Board of Adjustment to permit a dynamic display sign to be located within 200 feet of an RS-3 zoning district. Please contact the Tulsa Planning Office at 918-596-7526 or [planning@cityoftulsa.org](mailto:planning@cityoftulsa.org) to discuss Board of Adjustment scheduling and procedures.

Note: part of this comment is unresolved from the first sign review. Section 60.110-A, Administration. Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations. Review Comments: Please provide a detailed site plan that shows the exact location of the sign on the lot, the distance from the sign to the street curb, and show the distance from the leading edge of the sign to centerline of the nearest street/s. "This includes 36th St., please provide the distance from the leading edge of the sign to the center of 36th St."

Site Plan

Store #57

QuikTrip

3606 S Peoria Ave  
Tulsa, OK  
74105

Property Owner

QuikTrip  
4705 S. 129th E. Ave - Tulsa, OK  
74134-7008  
P.O. Box 3475 - Tulsa, OK 74101-3475  
p: 918.615.7700

Scope of Work Pricer LED Replacement

- Replacing existing white numbers with LED numbers
  - Re-utilizing existing power and data
  - Changing the numbers only to LED's. Pricing cabinet to remain as is
  - NO NEW POWER or DATA
  - The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers
1. Remove existing numbers and prep for disposal
  2. Install LED number signage
  3. Ensure power and data are working properly

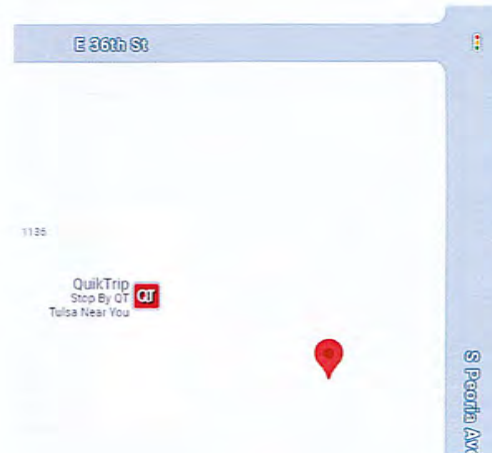


Existing Sign  
Existing sq ft: 53.1



Proposed LED Sign (Not exact)  
Proposed sq ft: 53.1

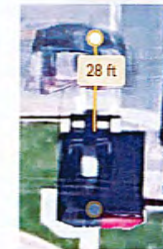
VICINITY PLAN



Sign Location



Distance from leading edge of sign to centerline of nearest street: 40 ft (Peoria) and 28 ft (36th)



Distance from sign to street curb: 13 ft

**Work Detail**

Scope of Work - Pricer LED Replacement  
 - Replacing existing white numbers with LED numbers  
 - Re-utilizing existing power and data  
 - Changing the numbers only to LED's. Pricing cabinet to remain as is  
 - NO NEW POWER or DATA  
 - The size of the numbers will be like for like to what is existing, being installed in the same location and using the same power that backlit the previous numbers. Remove existing numbers and prep for disposal. Install LED number signage. Ensure power and data are working properly



**Project Data**

Project Name: QuikTrip Signage Upgrade  
 Project Address: 7950 E 41st St S Tulsa, OK 74145

Facility Owner:  
 Property Owner: QuikTrip  
 Owners Address:

**Project Directory**

Contractor Contact:  
 PM - Matt Hohn (909)-717-2302  
 Director of Construction - Jay Kassity (949)-463-4463

7950 E 41st St S Tulsa, OK 74145



**1** Option 1 - Existing Manual Tiles

**2** Option 1 - Proposed LED Replacement

**3**

**4**

**5**

**6**

**Vicinity Map**

**7**

Mark	Date	Revised/Modifies	Initial	Mark	Date	Revised/Modifies	Initial
						7950 E 41st St S	
						Tulsa, OK 74145	
720 Indigo Ct. Pomona, CA 91767				<b>SITE PLAN and ELEVATIONS</b>			

Drawing Created 1/5/2023

Sheet **A1**