



## Board of Adjustment

## Staff Report Variance Case BOA-23663

**Hearing Date:** March 26, 2024

**Prepared by:** Sean Wallace

swallace@cityoftulsa.org

918-596-7585

### **Owner and Applicant Information**

Applicant: Apex Imaging Services

Property Owner: QuikTrip

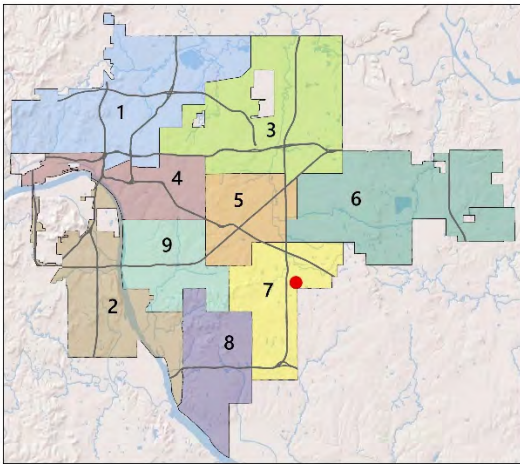
### **Property Location**

10738 E. 61st St.

Tract Size: ±1.3 acres

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

(shown with City Council districts)



### **Elected Representatives**

City Council: District 7, Lori Decter Wright.

County Commission: District 1, Stan Sallee.

### **Public Notice Required**

Newspaper Notice – min. 10 days in advance

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

### **Request Summary**

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

### **Zoning**

Zoning District: CO

Zoning Overlays: N/A

### **Comprehensive Plan Considerations**

#### **Land Use**

Land Use Plan: Multiple Use

Small Area Plans: None

Development Era: Late Automobile

#### **Transportation**

Major Street & Highway Plan: N/A

planitulsa Street Type: Secondary Arterial

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

#### **Environment**

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: There are open stormwater detention facilities north and south of the property.

## **Staff Analysis**

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

**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-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

- None

## **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	RS-3	Park and Open Space	Stormwater detention
East	RM-1	Neighborhood	Residential
South	CO	Park and Open Space	Stormwater detention
West	CO	Employment	Commercial

### **Small Area Plans**

The subject property is not within a small area plan.

### **Development Era**

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking,

community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

**Transportation**

Major Street & Highway Plan: N/A

Comprehensive Plan Street Designation: Secondary arterial.

Transit: N/A

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 6,758 vehicles per lane per day on E 61st St.

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 12%. 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: There are open stormwater detention facilities north and south of the property.

**Sample Motion**

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

- 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**

LT 1 BLK 1, QUIKTRIP NO 83R, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Exhibits**

Photos

Case map

Aerial (small scale)

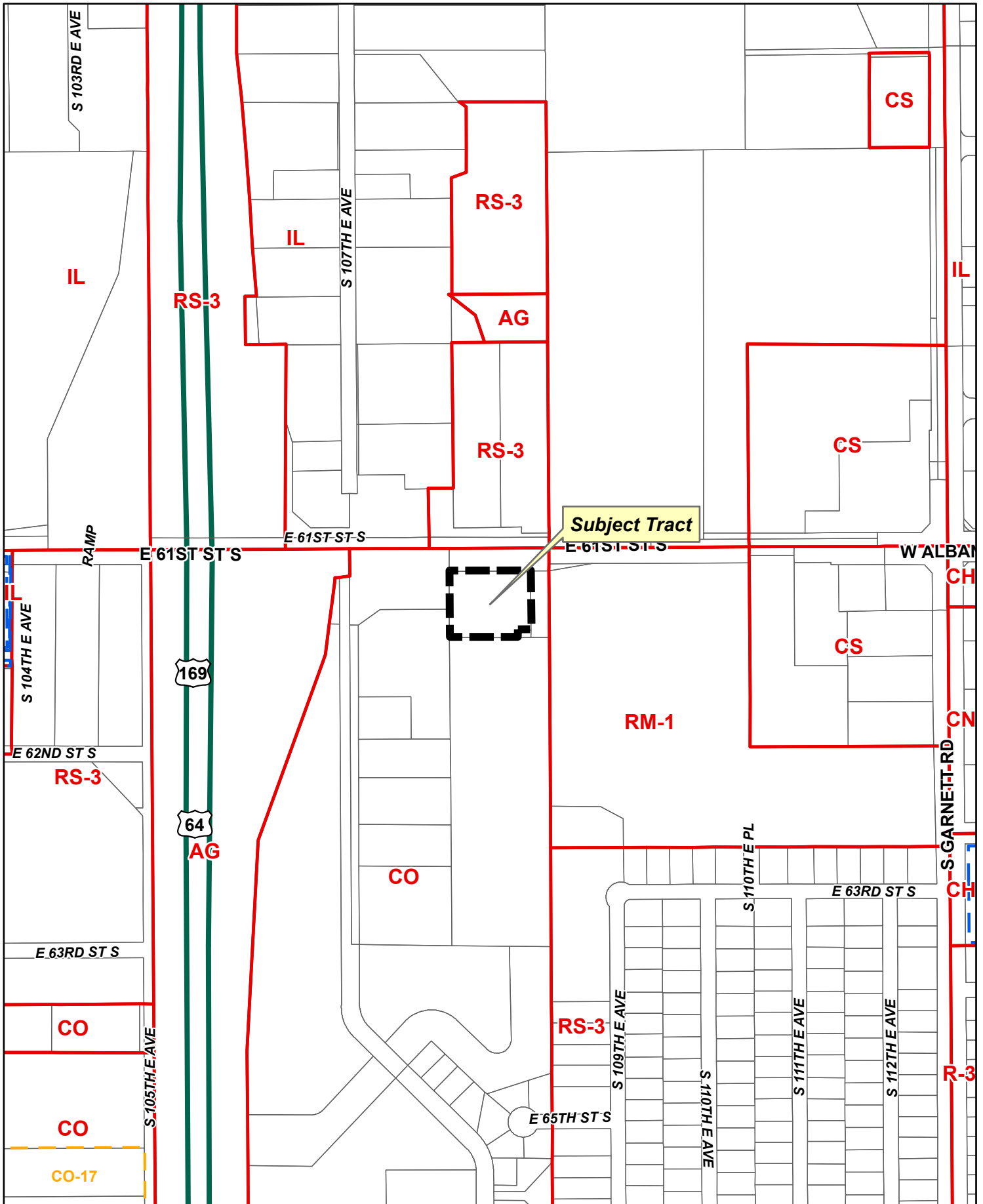
Aerial (large scale)

Tulsa Comprehensive Plan Land Use Map

Applicant's exhibits



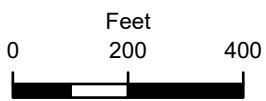
***Subject property in BOA-23663 (Image used from Google Street view)***



BOA-23663

17.6



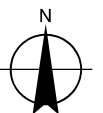


Subject  
Tract

**BOA-23663**

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

Aerial Photo Date: 2021



17.7





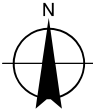
Subject  
Tract

0 30 60 120  
Feet

**BOA-23663**

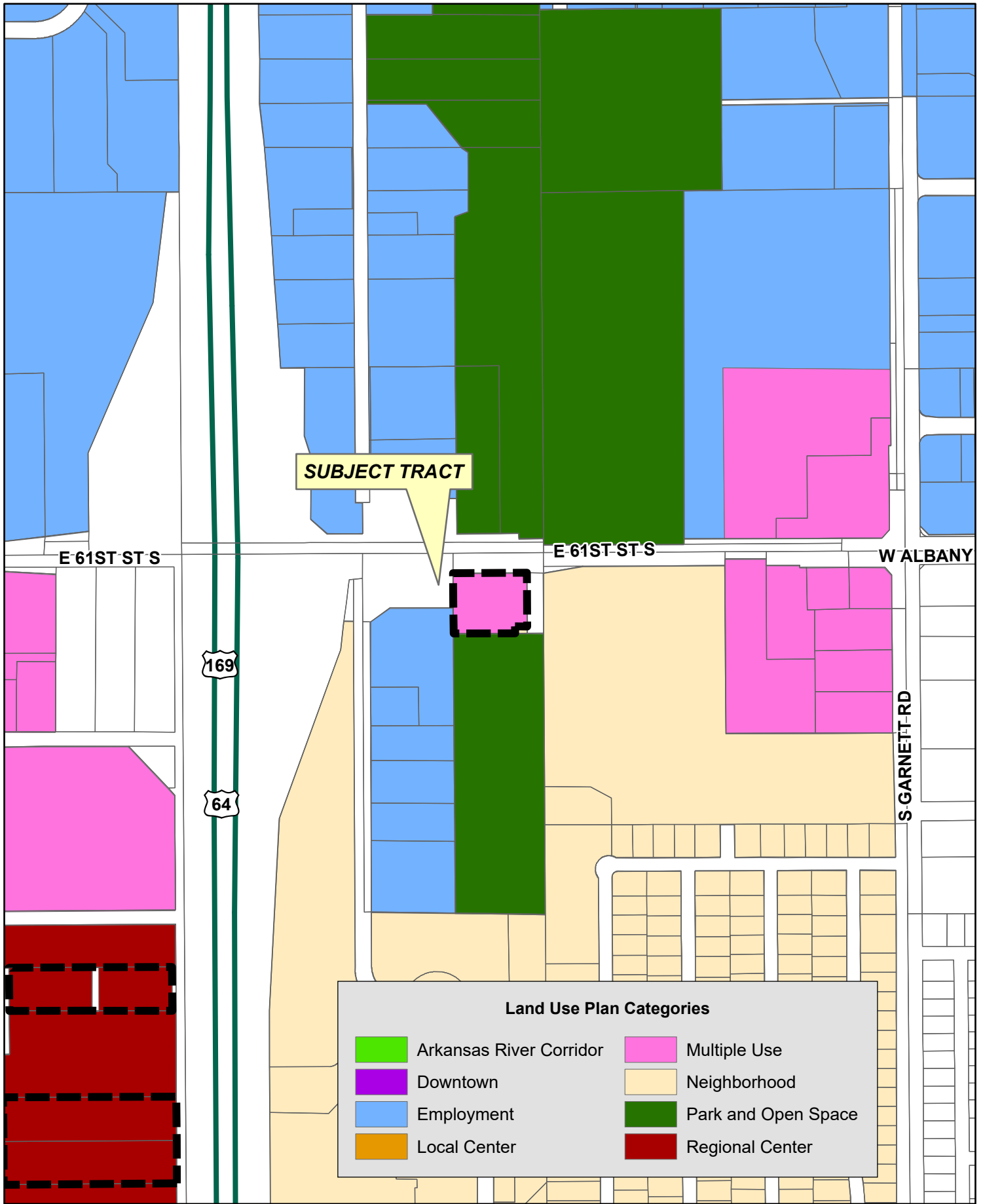
*Note: Graphic overlays may not precisely align with physical features on the ground.*

Aerial Photo Date: 2021



17.8





**SUBJECT TRACT**

**E 61ST ST S**

**E 61ST ST S**









**W ALBANY**

**169**

**64**

**S GARNETT RD**

**Land Use Plan Categories**

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

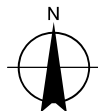
Feet

0 200 400

**BOA-23663**

19-14 04

**17.9**



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.

Section 60.090-C: CO District: Signs in CO districts are subject to same regulations that apply in commercial and industrial zoning districts (see Section 60.080). They are subject to review as part of development plan approval process (see Section 70.040). Review Comments: The proposed sign is located in a Corridor (CO) district. A CO Sign Review is required by the Tulsa Planning Office (TPO) prior to receiving a sign permit from the City of Tulsa. Please provide this office with two stamped and signed copies of an approved detail site/sign plan from the TPO (or upload one copy if you applied online). IMPORTANT NOTE: Should you receive CO District detail sign plan approval from the TPO it is your responsibility to provide this office with the TPO stamped approved sign plan. Contact the TPO regarding detail sign review and approval at 918-596-7526 or email [planning@cityoftulsa.org](mailto:planning@cityoftulsa.org).

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 60.020-E Prohibited Signs and Sign Characteristics: Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District" as therein defined). Review Comment: The proposed sign is located in the planned right of way (ROW) of 61st St., which is designated a Secondary Arterial by the Major Street and Highway Plan. The planned ROW width at this location is 100', which requires a 50' setback from the centerline of 61st St. This sign requires two things: a City of Tulsa ROW removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You can also double check the measurement, to make sure the measurement is accurately shown is to the overall center of 61st St. Otherwise, contact Jenna Richardson at 918-596-7821 for information on acquiring a ROW license and removal agreement and Tulsa Planning Office at 918-596-7526 to apply for a special exception to permit a freestanding sign to be located in the planned ROW of 61st St. If the license and removal agreement and the special exception were obtained when the sign was installed, please provide that information. If the distance to the center of 61st St. is incorrect, please provide a site plan with the correct measurement.

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.



# Site Plan

Store #83

## QuikTrip

10738 E  
61st St  
Tulsa, OK  
74133

## 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

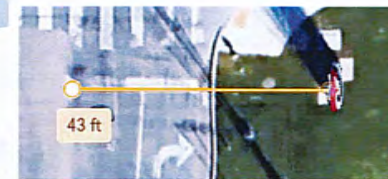
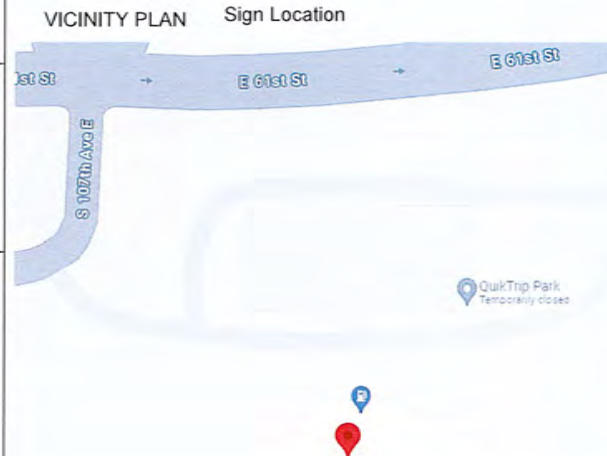
- Replacing existing white numbers with LED numbers
  - Re-utilizing existing power and data
  - Changing the numbers only to LED's. Pricing cabinet to remain as is
  - NO NEW POWER or DATA
  - The size of the numbers will be like for like to what is existing, being installed in the same location and 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 sign sq ft: 53.1

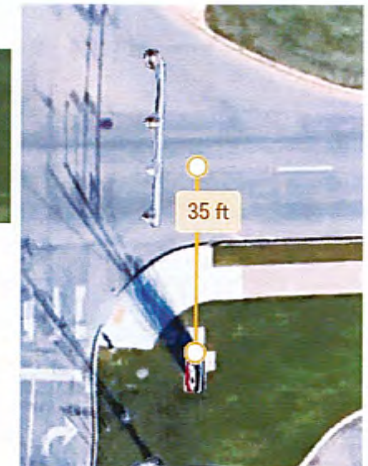



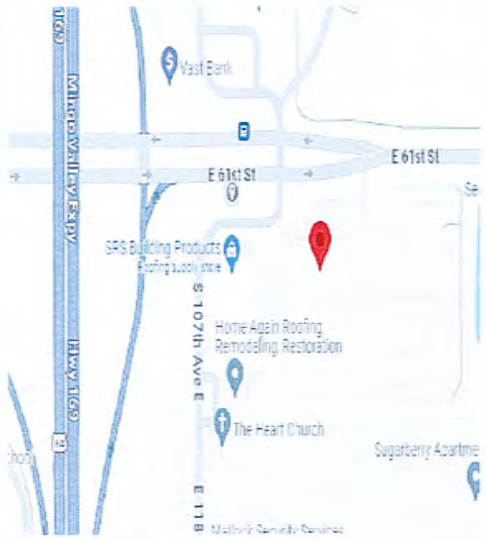



Proposed LED Sign (Not exact)  
Proposed sign sq ft: 53.1



Distance from sign to street curb: 21 ft

Distance from leading edge of sign to centerline of nearest street: 35 ft (61st St) and 43 ft (107th E. Ave)



<p><b>Work Detail</b></p> <p>Scope of Work - Pricer LED Replacement</p> <ul style="list-style-type: none"> <li>- Replacing existing white numbers with LED numbers</li> <li>- Re-utilizing existing power and data</li> <li>- Changing the numbers only to LED's. Pricing cabinet to remain as is</li> <li>- NO NEW POWER or DATA</li> <li>- 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 numbers1. Remove existing numbers and prep for disposal2. Install LED number signage3. Ensure power and data are working properly</li> </ul>			<p><b>Project Data</b></p> <p>Project Name: QuikTrip Signage Upgrade</p> <p>Project Address: 7950 E 41st St S Tulsa, OK 74145</p> <p>Facility Owner: Property Owner: QuikTrip Owners Address:</p>																																																
<p>7950 E 41st St S Tulsa, OK 74145</p>	<p><b>1</b> Option 1 - Existing Manual Tiles</p>	<p><b>2</b> Option 1 - Proposed LED Replacement</p>	<p><b>Project Directory</b></p> <p>Contractor Contact: PM - Matt Hohn (909)-717-2302 Director of Construction - Jay Kassity (949)-463-4463</p>																																																
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<p><b>Vicinity Map</b></p>	<table border="1"> <thead> <tr> <th>Mark</th> <th>Date</th> <th>Revisions/Measurements</th> <th>Initial</th> <th>Mark</th> <th>Date</th> <th>Revisions/Measurements</th> <th>Initial</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4"></td> <td colspan="4">7950 E 41st St S Tulsa, OK 74145</td> </tr> <tr> <td colspan="4"></td> <td colspan="4"> <b>SITE PLAN and ELEVATIONS</b> </td> </tr> <tr> <td colspan="4">  720 Indigo Ct. Pomona, CA 91767         </td> <td colspan="4"></td> </tr> <tr> <td colspan="7">           Drawing Created 1/5/2023         </td> <td>           Sheet <b>A1</b> </td> </tr> </tbody> </table>			Mark	Date	Revisions/Measurements	Initial	Mark	Date	Revisions/Measurements	Initial													7950 E 41st St S Tulsa, OK 74145								<b>SITE PLAN and ELEVATIONS</b>				 720 Indigo Ct. Pomona, CA 91767								Drawing Created 1/5/2023							Sheet <b>A1</b>
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