



## Board of Adjustment

## Staff Report Variance Case BOA-23664

**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

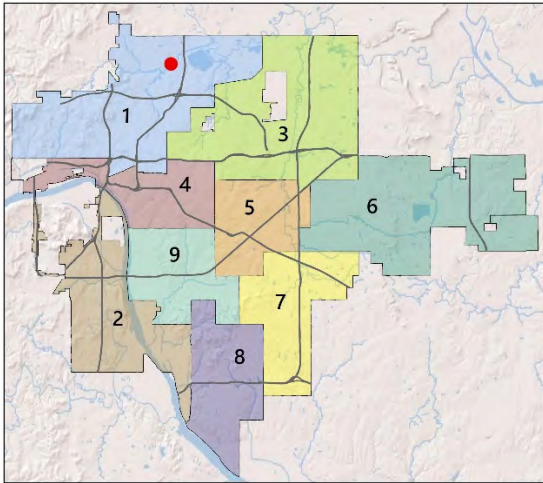
### **Property Location**

4545 N. Lewis Ave.

Tract Size: ±1.3 acres

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

(shown with City Council districts)



### **Elected Representatives**

City Council: District 1, Vanessa Hall-Harper.

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

### **Case History:**

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

### **Request Summary**

Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F).

### **Zoning**

Zoning District: CS

Zoning Overlays: N/A

### **Comprehensive Plan Considerations**

#### **Land Use**

Land Use Plan: Local Center

Small Area Plans: None

Development Era: Early Automobile

#### **Transportation**

Major Street & Highway Plan: Multi-Modal Corridor

planitulsa Street Type: Secondary arterial

Transit: N/A

Existing Bike/Ped Facilities: Buffered bike lane is present on Lewis.

Planned Bike/Ped Facilities: None.

#### **Environment**

Flood Area: FEMA 500-year floodplain

Tree Canopy Coverage: Greater than 50%

Parks & Open Space: There are large, undeveloped, natural areas surrounding the property.

## **Staff Analysis**

The applicant is requesting a Variance to permit a dynamic display sign within 200-feet of a residential zoning district (Sec. 60.100-F).

**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-18512, September 1999, the Board approved a special exception modifying or removing the requirement that use be screened from abutting RS district on south side of subject property, a variance from the requirement that any structure be setback from the centerline of the abutting street, to permit the location of a vertical monument sign, and a variance for setback from the centerline of abutting street from 100' to 50'.

## **Comprehensive Plan Considerations**

### **Land Use Plan**

**Local Centers** serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

#### Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CS	Local Center	Commercial
East	RS-3	Neighborhood	Undeveloped
South	RS-3	Neighborhood	Residential
West	OL	Local Center	Restaurant

### **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 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.

Major Street & Highway Plan: Multi-Modal Corridor

Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Comprehensive Plan Street Designation: Secondary arterial

Transit: N/A

Existing Bike/Ped Facilities: Buffered bike lane is present on Lewis.

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: 2,198 vehicles per lane per day on N. Lewis Ave.

**Environmental Considerations**

Flood Area: The subject property is within the FEMA 500-year floodplain.

Tree Canopy Coverage: Tree canopy in the area is 63%. Development will naturally have an impact on tree canopy, but all effort should be taken to preserve a substantial portion of the tree canopy in these areas. These areas should have the highest level of preservation to maintain the existing habitat and recreational places in the city. Future land use planning for Future Growth areas should include the goal of tree canopy preservation.

Parks & Open Space: There are large, undeveloped, natural areas surrounding the property.

**Sample Motion**

I move to approve or deny 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**

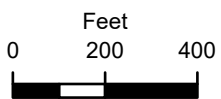
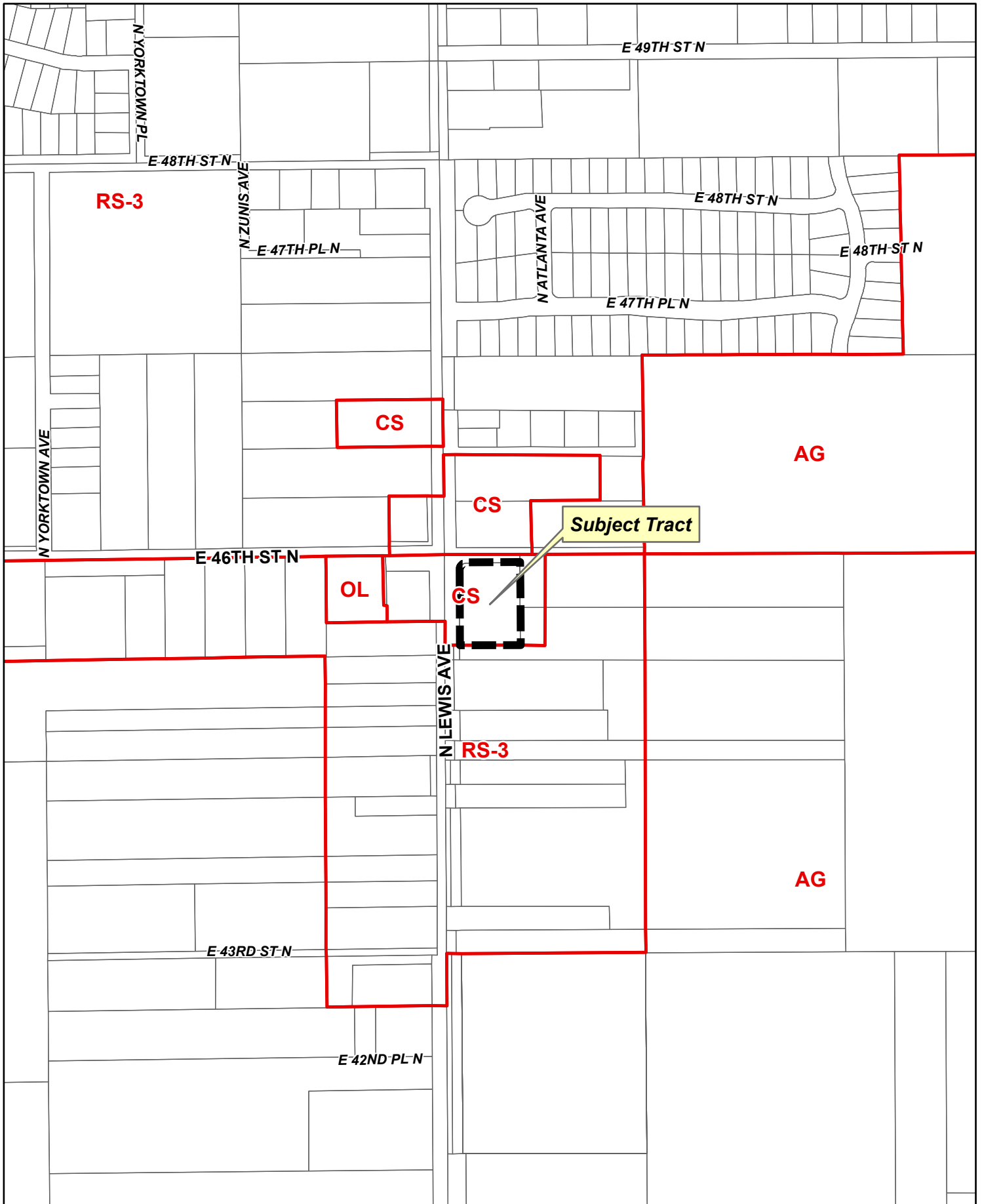
LT 1 BLK 1, QUIKTRIP #11RR COMMERCIAL CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Exhibits**

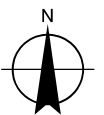
Photos  
Case map  
Aerial (small scale)  
Aerial (large scale)  
Tulsa Comprehensive Plan Land Use Map  
Applicant's Exhibits



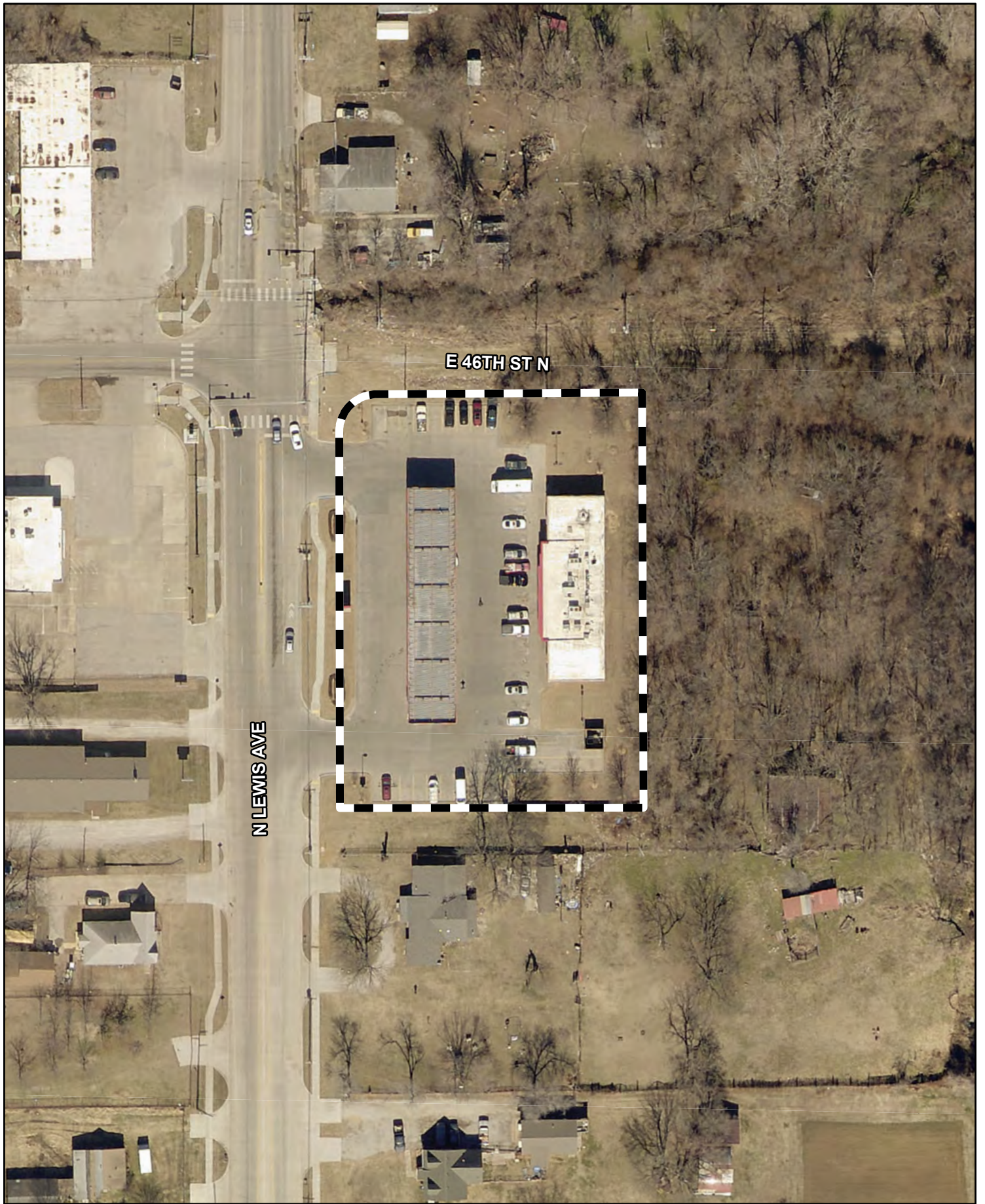
***Subject property in BOA-23664 (Image used from Google Street view)***



**BOA-23664**



**9.6**



E 46TH ST N

N LEWIS AVE



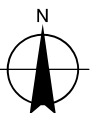
Subject  
Tract

0 40 80 160  
Feet

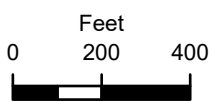
**BOA-23664**

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

Aerial Photo Date: 2021



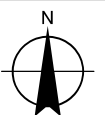
9.7



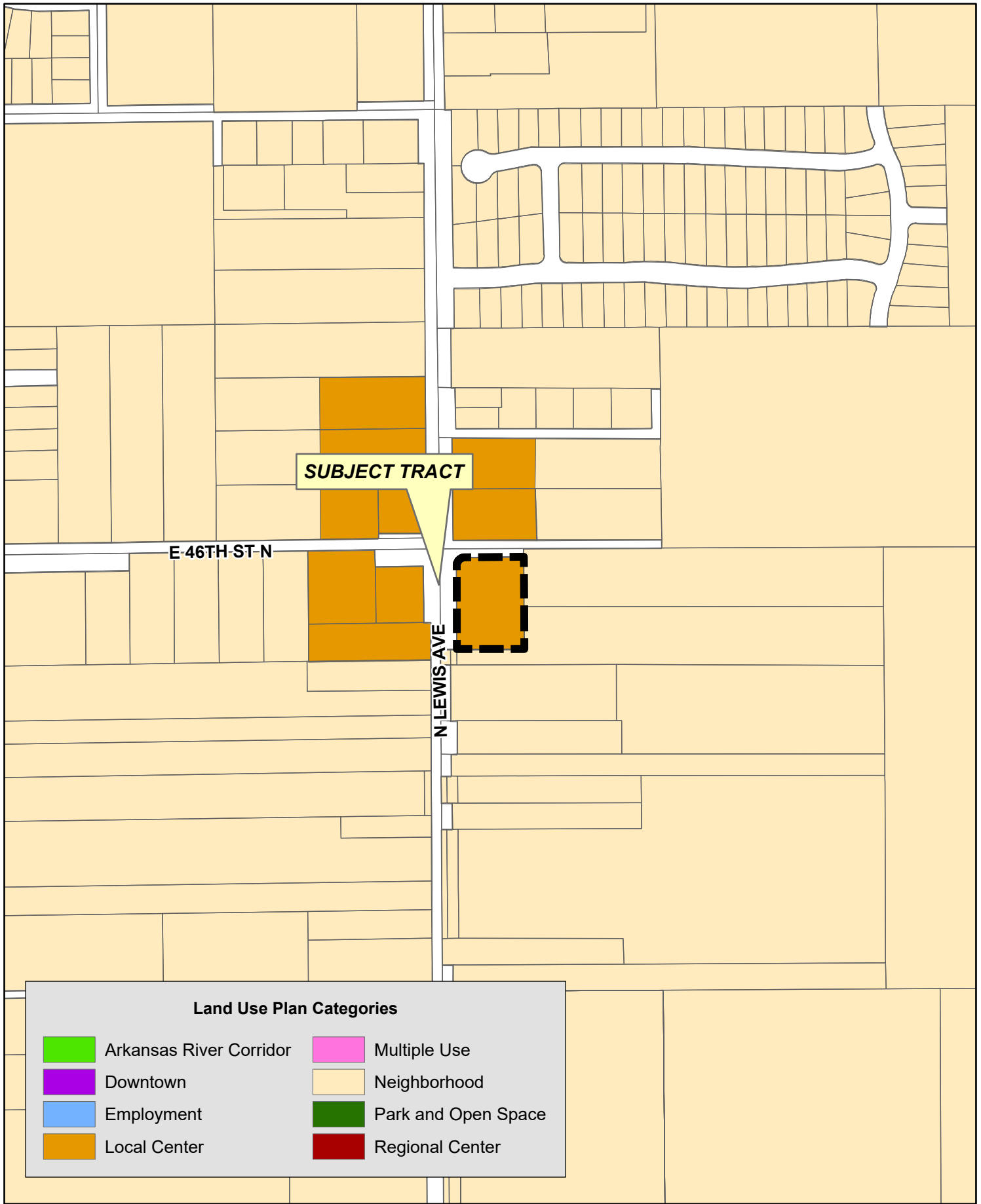
**BOA-23664**

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

Aerial Photo Date: 2021



**9.8**











**SUBJECT TRACT**

**E 46TH ST N**

**N LEWIS AVE**

**Land Use Plan Categories**

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

**BOA-23664**

19-14 04

#### 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.

---

## Markups

### Text

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 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 Residential districts. 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 60.020-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 N. Lewis Ave., 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 N. Lewis Ave. 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 shown is to the overall center of N. Lewis Ave. and not the center of the northbound lanes. 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 N. Lewis Ave. 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 N. Lewis Ave. is incorrect; please provide a site plan with the correct measurement.

Site Plan

Store #11

QuikTrip

4545 N Lewis  
Ave Tulsa, OK  
74110

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

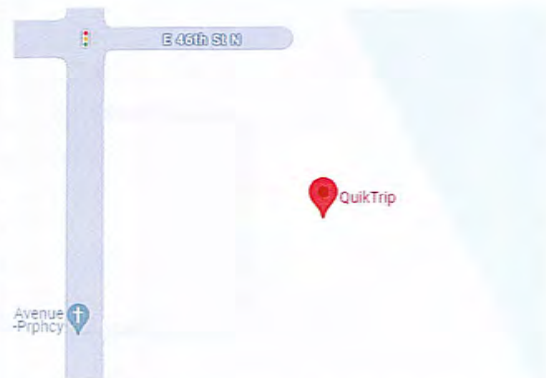


Existing Sign  
Existing sign sq ft: 41.3



Proposed Sign (not exact)  
Proposed sign sq ft: 41.3



VICINITY PLAN



Distance from sign to street curb: 28 ft



Distance from leading  
edge of sign to  
centerline of nearest  
street: 39 ft

<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:</p> <p>Property Owner: QuikTrip</p> <p>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:</p> <p>PM - Matt Hohn (909)-717-2302</p> <p>Director of Construction - Jay Kassity (949)-463-4463</p>																
	<p><b>3</b></p>	<p><b>4</b></p>	<table border="1"> <thead> <tr> <th>Mark</th> <th>Date</th> <th>Revised/Modifications</th> <th>Initials</th> <th>Mark</th> <th>Date</th> <th>Revised/Modifications</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>7950 E 41st St S Tulsa, OK 74145</p> <p><b>APEX</b> 720 Indigo Ct. Pomona, CA 91767</p> <p><b>SITE PLAN and ELEVATIONS</b></p>	Mark	Date	Revised/Modifications	Initials	Mark	Date	Revised/Modifications	Initials								
Mark	Date	Revised/Modifications	Initials	Mark	Date	Revised/Modifications	Initials												
<p><b>Vicinity Map</b></p>	<p><b>7</b></p>		<p>Drawing Created 1/5/2023</p> <p>Sheet <b>A1</b></p>																