



Board of Adjustment

**Staff Report
Variance BOA-23675**

Hearing Date: April 23, 2024
Prepared by: Sean Wallace
swallace@cityoftulsa.org
918-596-7585

Owner and Applicant Information

Applicant: Apex Imaging Services

Property Owner: QuikTrip

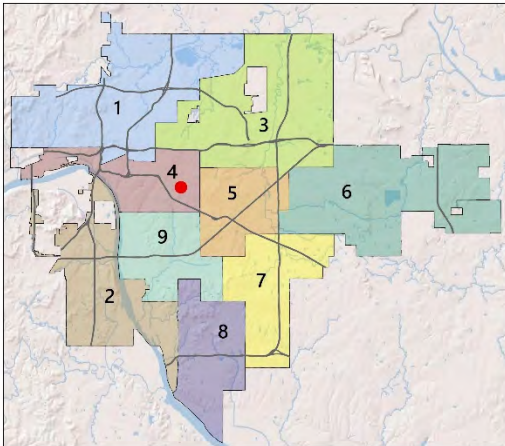
Property Location

1946 S. Harvard Ave.

Tract Size: ±1.2 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 4, Laura Bellis.

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:

04/09/2024: First appearance on the agenda, item continued to provide time to meet with interested party.

Request Summary

Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E)

Zoning

Zoning District: CS/ OL/ RS-3

Zoning Overlays: PUD-756

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use

Small Area Plans: None

Development Era: Streetcar

Transportation

Major Street & Highway Plan: Multi-Modal Corridor

planitulsa Street Type: Secondary Arterial

Transit: BRT Route

Existing Bike/Ped Facilities: None

Planned Bike/Ped Facilities: On-street bike lane is recommended in the Tulsa GO Plan.

Environment

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: N/A

Staff Analysis

The applicant is requesting a Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E).

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.

60.080-E **Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs**
 A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of Section 60.100.

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	CS	Multiple Use	Commercial
East	CS	Multiple Use	Fast-food restaurant
South	CH	Local Center	Commercial

West	CS	Multiple Use	Commercial
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Small Area Plans

The subject properties are not in a Small Area Plan.

Development 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: **Multimodal Corridor/Main Street.** Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish 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: None

Planned Bike/Ped Facilities: On-street bike lane is recommended on S. Harvard Ave. in the Tulsa GO Plan.

Arterial Traffic per Lane: 5,003 vehicles per lane per day on S Harvard Ave.

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: N/A

Sample Motion

I move to approve or deny a Variance to permit dynamic display signs within 200-feet of a Residential Zoning District (Sec. 60.100-F); a Variance to permit dynamic display signs within 20-feet of the driving surface (Sec.60.100-E); and a Variance to permit more than 1 dynamic display sign in a Commercial Zoning District (Sec.60.080-E),

- 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:

- 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;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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

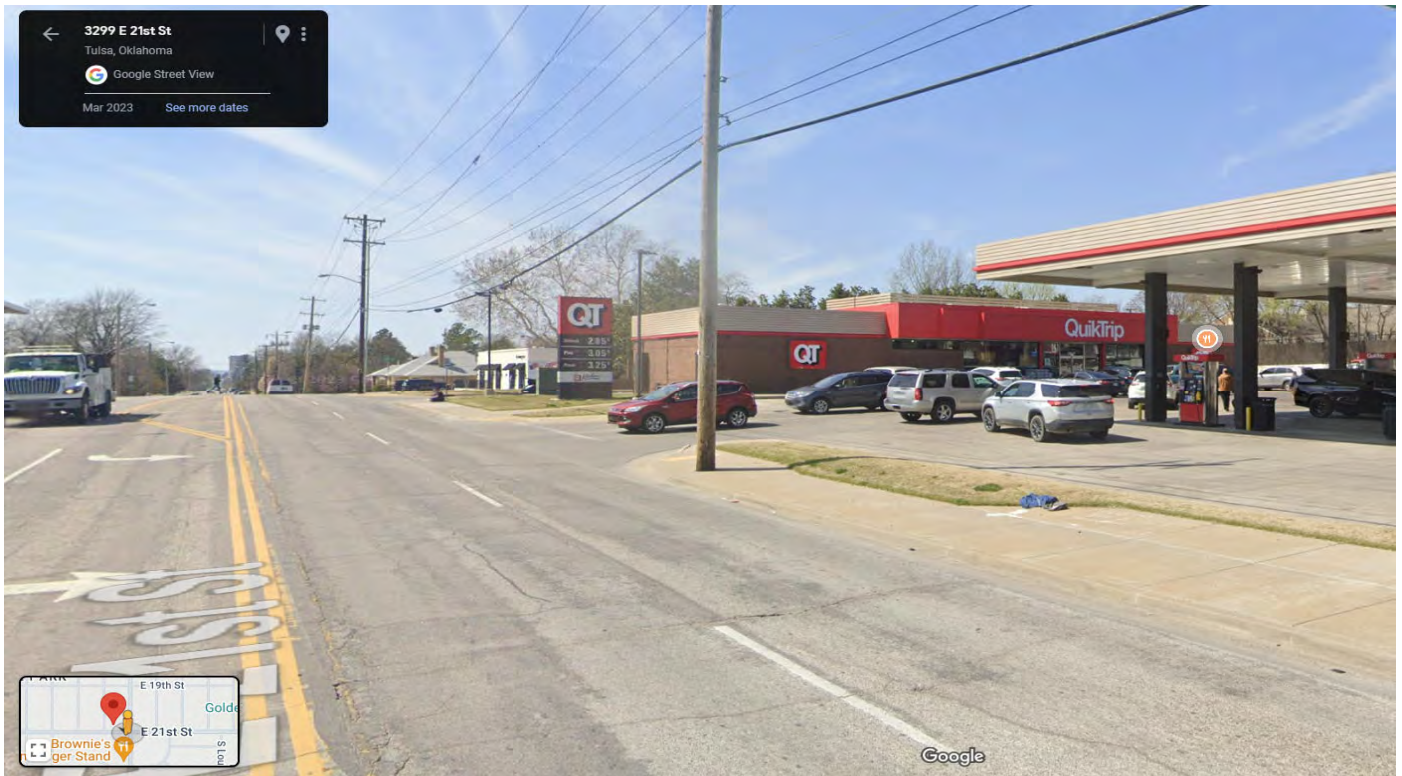
LOT 1BLOCK 1, QUIKTRIP STORE # 27 RESUB PRT B1 FLORENCE PARK ADD, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

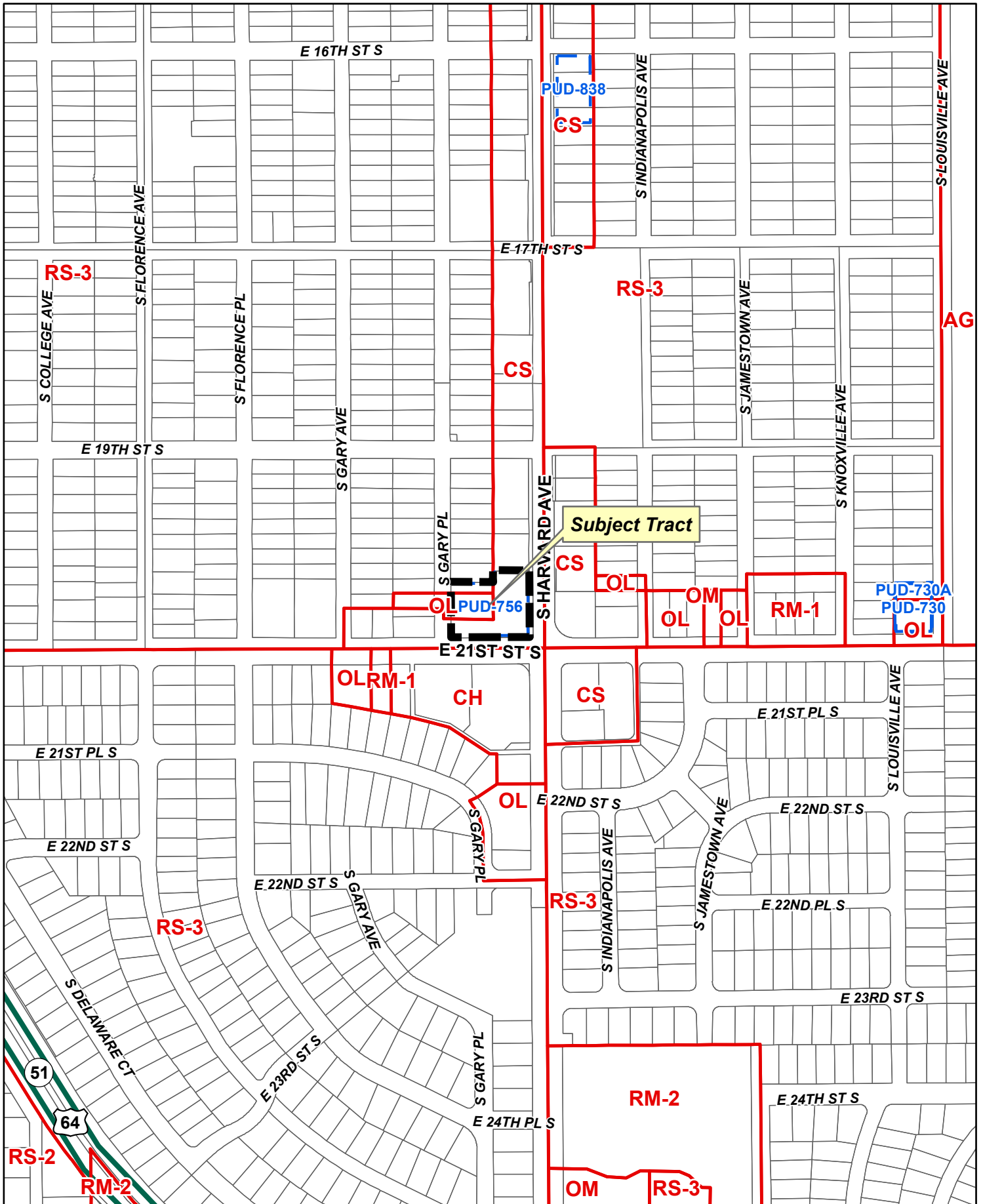
- Photos
- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



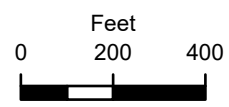
Subject property looking north on Harvard (Image used from Google Street view)



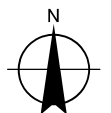
Subject property looking west on 21st St (Image used from Google Street view)



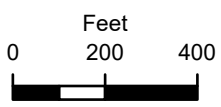
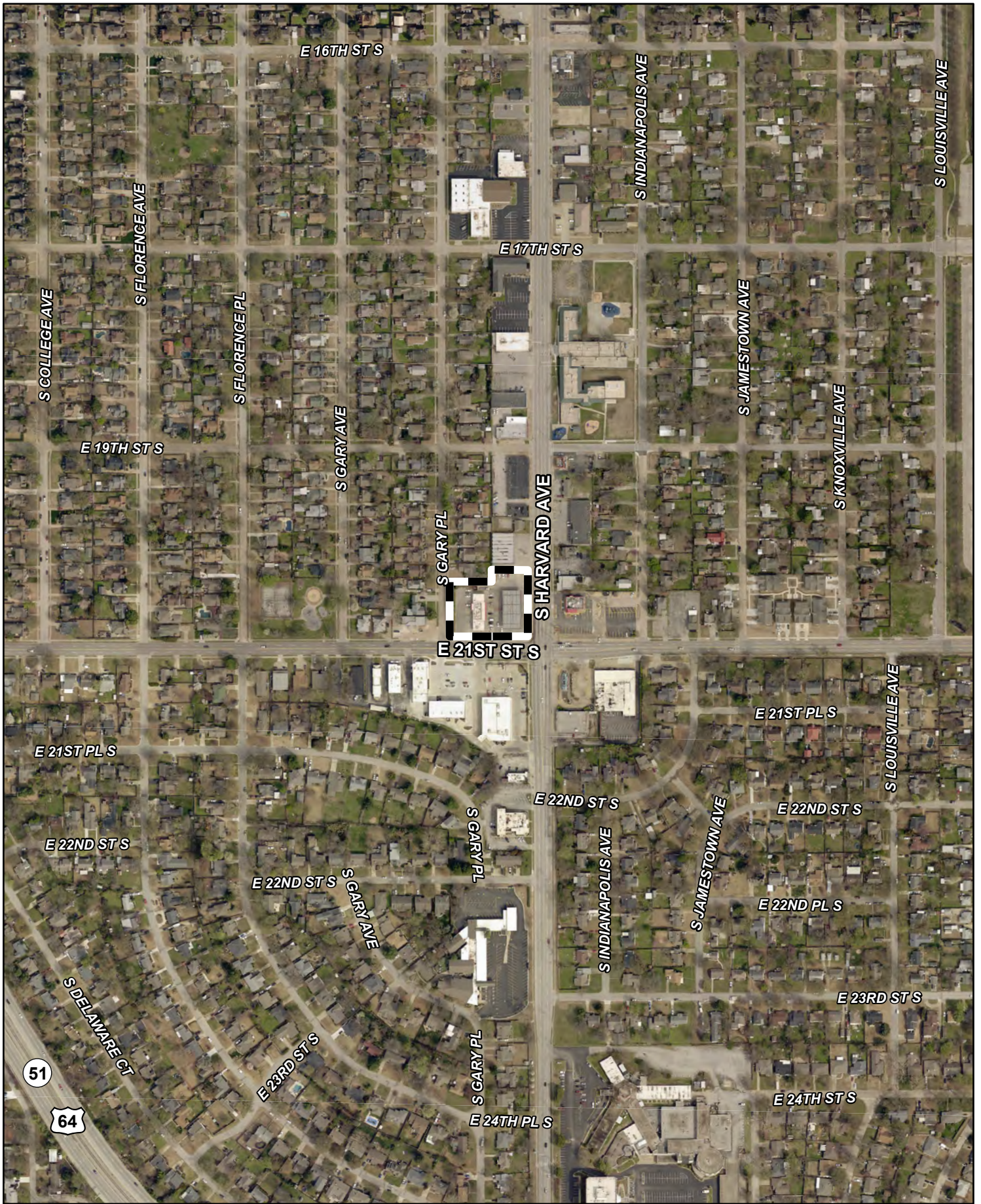
Subject Tract



BOA-23675



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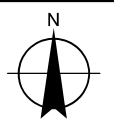


 Subject Tract

BOA-23675

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

Aerial Photo Date: 2021



8.7



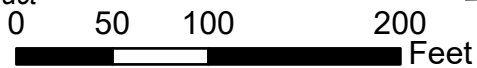
S GARY PL

S HARVARD AVE

E 21ST ST S



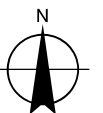
Subject Tract



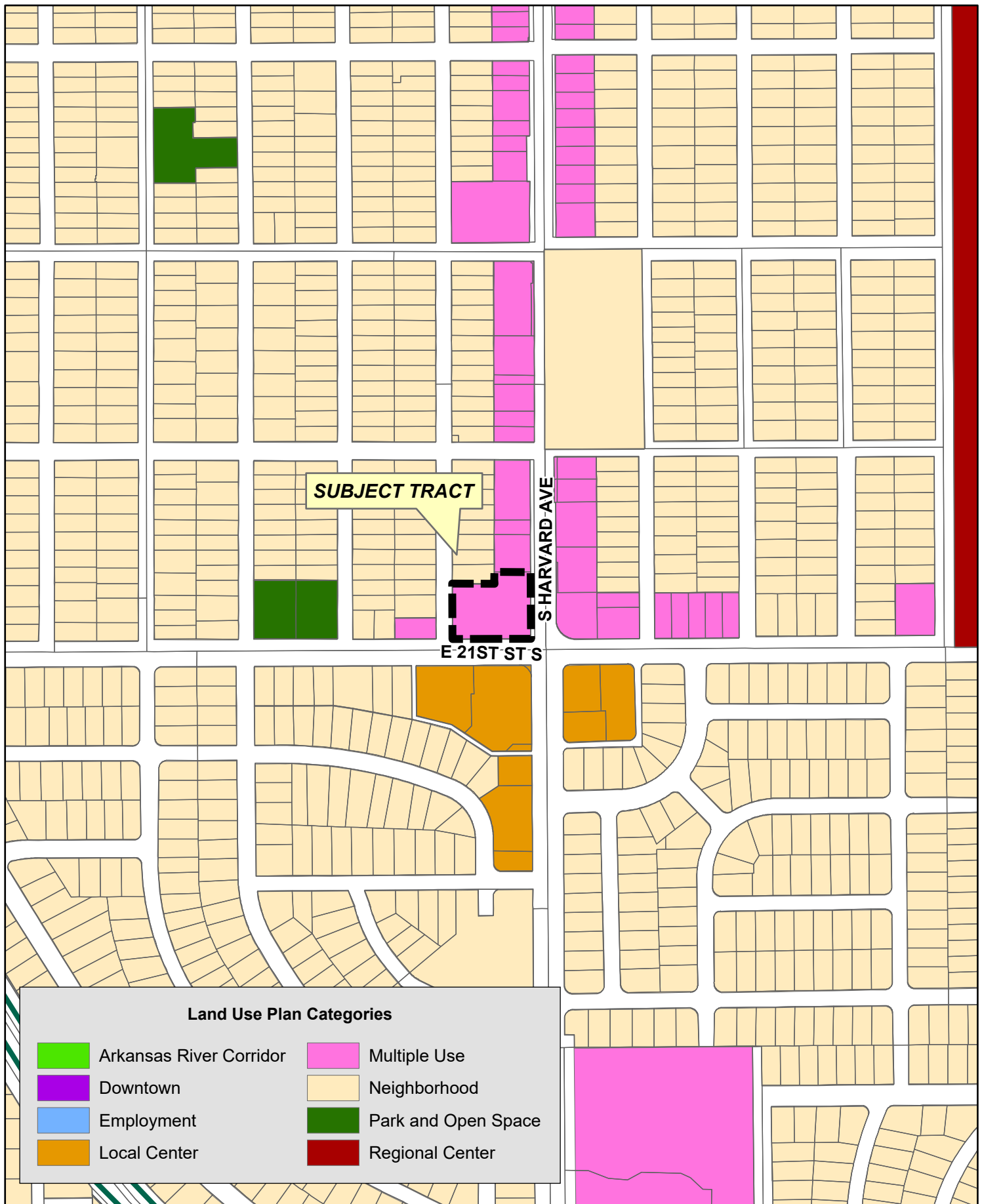
BOA-23675

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




Aerial Photo Date: 2021

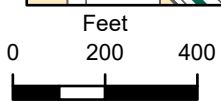


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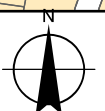
Land Use Plan Categories

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



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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 60.020-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 21st 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 21st 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 21st 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 21st 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 21st 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 to discuss Board of Adjustment scheduling and procedures.

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 to discuss Board of Adjustment scheduling and procedures.

Section 30.010-D.3 Planned Unit Development, Signs Except for regulations governing dynamic displays, which must comply with all applicable provisions of Chapter 60, signs in a PUD, including outdoor advertising signs, must comply with all provisions of the PUD or if not provided for within the PUD, with all applicable provisions of the zoning code in effect at the time any new sign permit application is submitted. Review Comments: A PUD Sign Review is required by the Tulsa Planning Office (TPO) prior to receiving a sign permit from the City of Tulsa. This parcel is located in PUD 756, and therefore requires a detailed sign plan review and approval from the TPO. 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 PUD District detail sign plan approval from the TPO it is your responsibility to provide this office with the TPO stamped approved sign plan.**

Site Plan

Store #27

QuikTrip

1946 S Harvard Ave
Tulsa, OK 74112

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

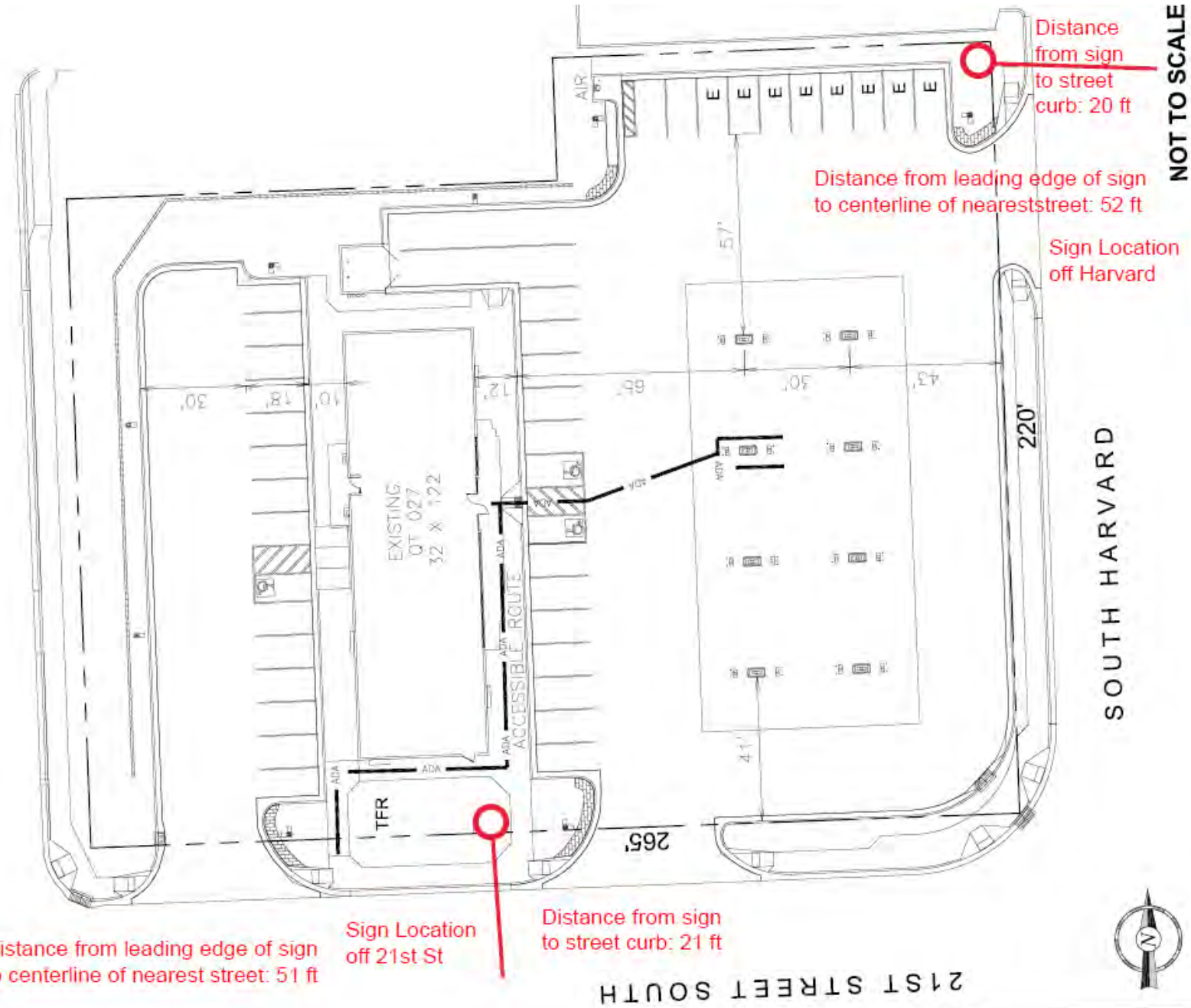


Existing Signs
Existing Sign sq ft: 53.1



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

VICINITY PLAN



NOT TO SCALE

TITLE	EXISTING SITE PLAN	STORE #:	0027
SITE #	SP453.576	GEN II	
CONCRETE #	36-477	DRAWN BY:	KSR
DATE:	01-00-13	REVISION LOG	DATE
		DESCRIPTION	

Work Detail

Project Data

Project Directory

1	Option 1 - Existing Manual Tiles	2	Option 1 - Proposed LED Replacement
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3		4	
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5		6	
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Mark	Date	Revisions/Notes	Initial	Mark	Date	Revisions/Notes	Initial

SITE PLAN TILES 8.13

Vicinity Map

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