



**Board of Adjustment**

**Staff Report  
Variance BOA-23677**

**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

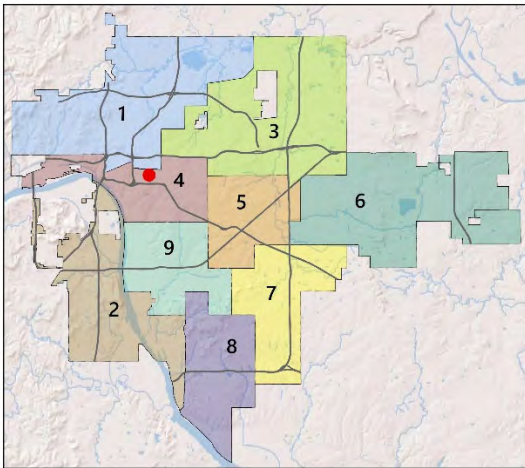
**Property Location**

1022 S. Utica Ave. E

Tract Size: ±2.8 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 a Dynamic Display sign in a residential district (Sec. 60.050-B.2); 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 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a commercial zoning district (Sec. 60.080-E).

**Zoning**

Zoning District: CH, RM-2, RS-4, CS

Zoning Overlays: PUD-588-A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Multiple Use

Small Area Plans: Pearl District

Development Era: Streetcar

**Transportation**

Major Street & Highway Plan: Main Street

planitulsa Street Type: Urban Arterial

Transit: BRT Route

Existing Bike/Ped Facilities: 11th St Bike Lane

Planned Bike/Ped Facilities: None

**Environment**

Flood Area: N/A

Tree Canopy Coverage: 0-10%

Parks & Open Space: N/A

## **Staff Analysis**

The applicant is requesting a Variance to permit a Dynamic Display sign in a residential district (Sec. 60.050-B.2); 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 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot in a commercial zoning district (Sec. 60.080-E)

### **Dynamic Displays**

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

**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](#).

### **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	CH	Multiple Use	Commercial
East	CH	Regional Center	Sports Complex
South	CH	Regional Center	Hospital
West	CH	Multiple Use	Fast-food restaurant

**Small Area Plans**

The subject properties are in the Pearl District 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: Main Street

Comprehensive Plan Street Designation: Urban arterial.

Transit: BRT Route

Existing Bike/Ped Facilities: 11th Street bike lane.

Planned Bike/Ped Facilities: None.

Arterial Traffic per Lane: 6,792 vehicles per lane per day on 11th St.

**Environmental Considerations**

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

Tree Canopy Coverage: Tree canopy in the area is 6%. 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 a Dynamic Display sign in a residential district (Sec. 60.050-B.2); 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 20-feet of the driving surface (Sec. 60.100-E); Variance to permit more than 1 dynamic display sign per lot 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 1 BLK 1, QUIKTRIP STORE #0090R RSB LTS 21-31 PRT LT32 BLK 8 PARKDALE ADDN & RSB ALL QUIKTRIP #90R 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

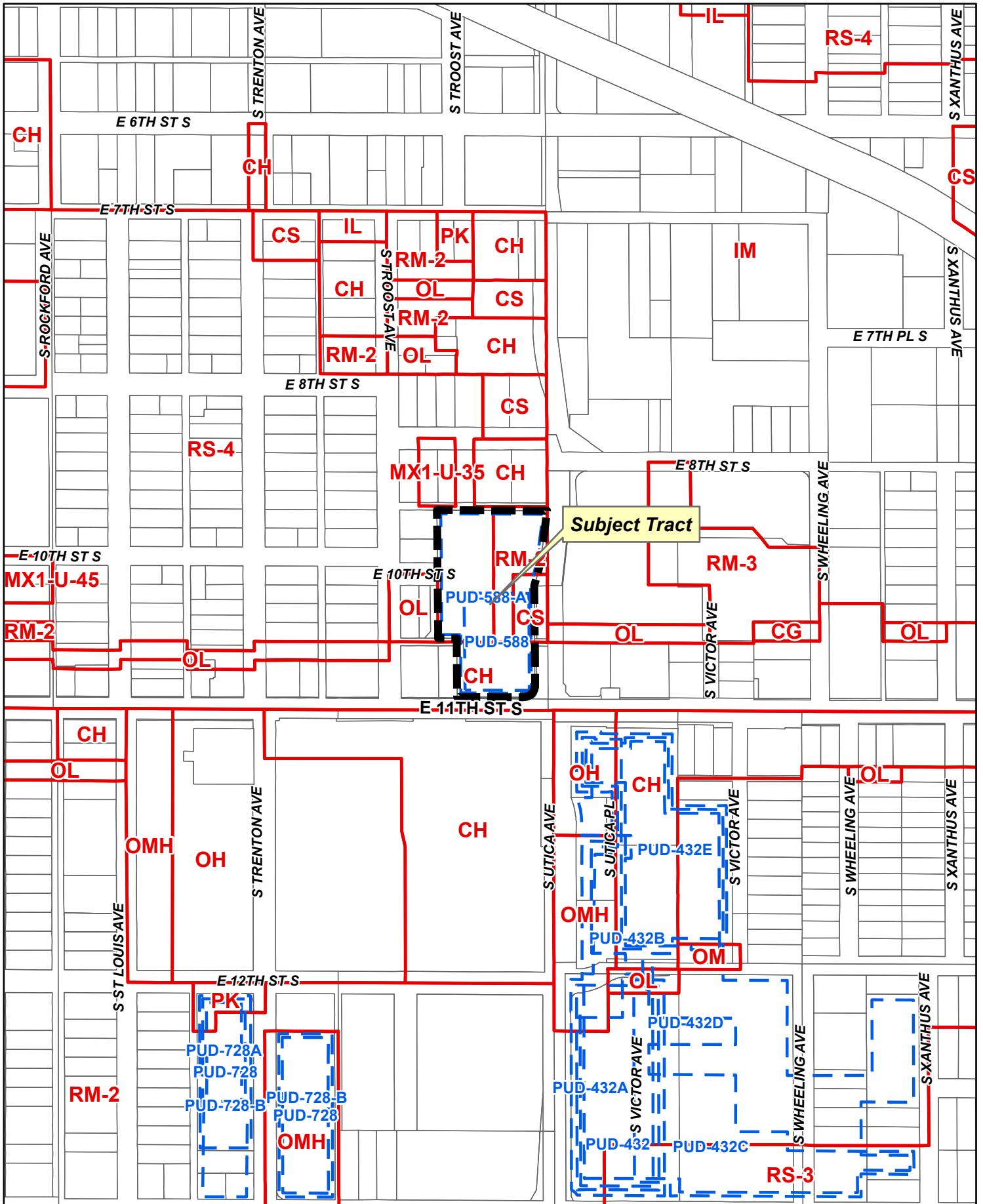




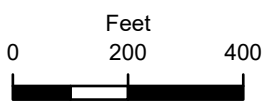
***Subject property looking south on Utica (Image used from Google Street view)***



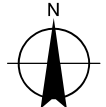
***Subject property looking east on 11th St (Image used from Google Street view)***



Subject Tract

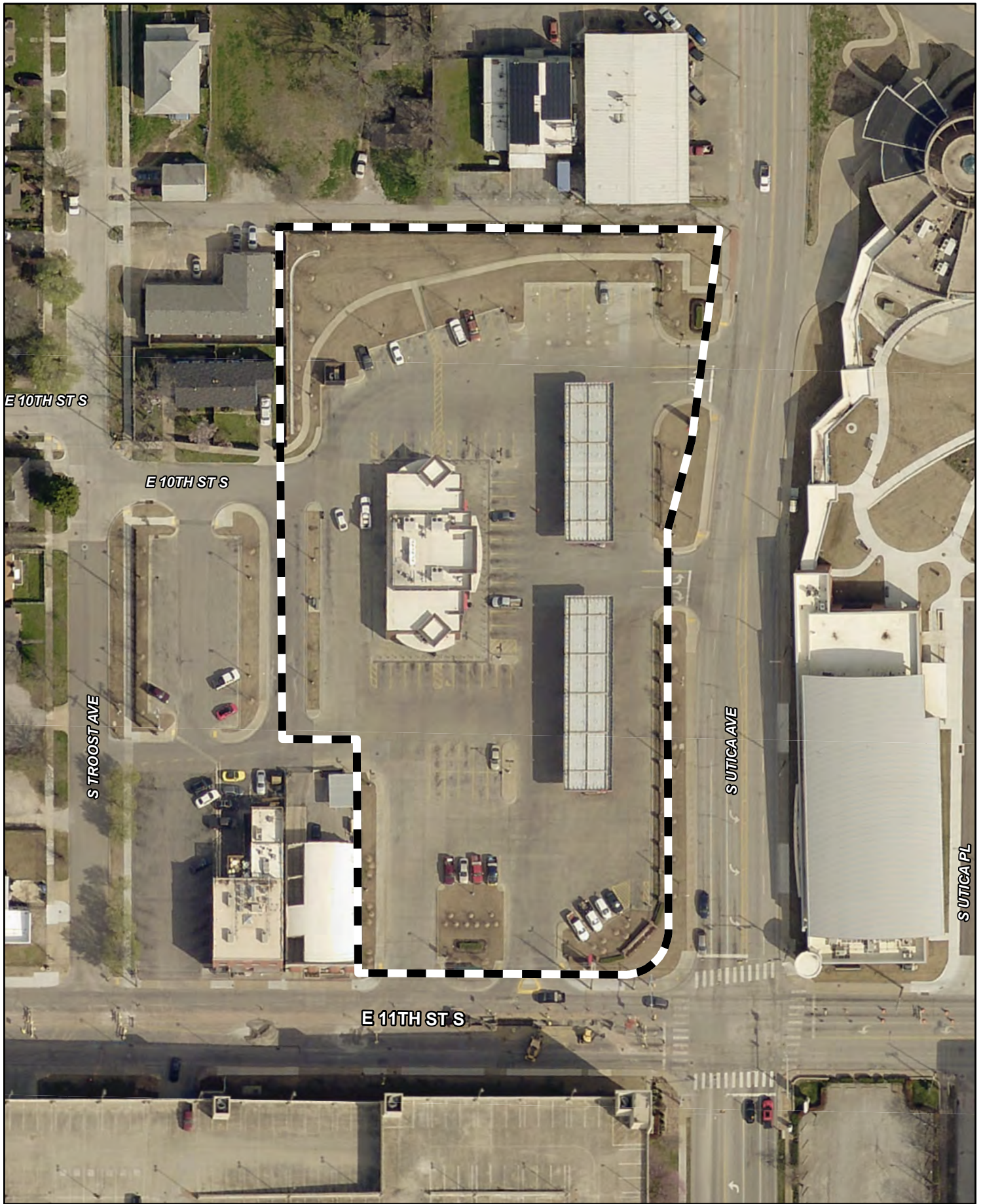


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E 10TH ST S

E 10TH ST S

S TROOST AVE

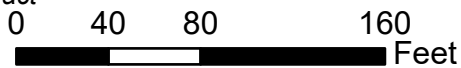
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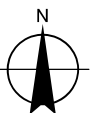
Subject Tract



**BOA-23677**

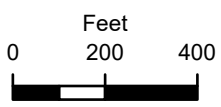
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



9.7



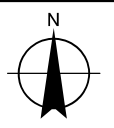


 Subject Tract

**BOA-23677**

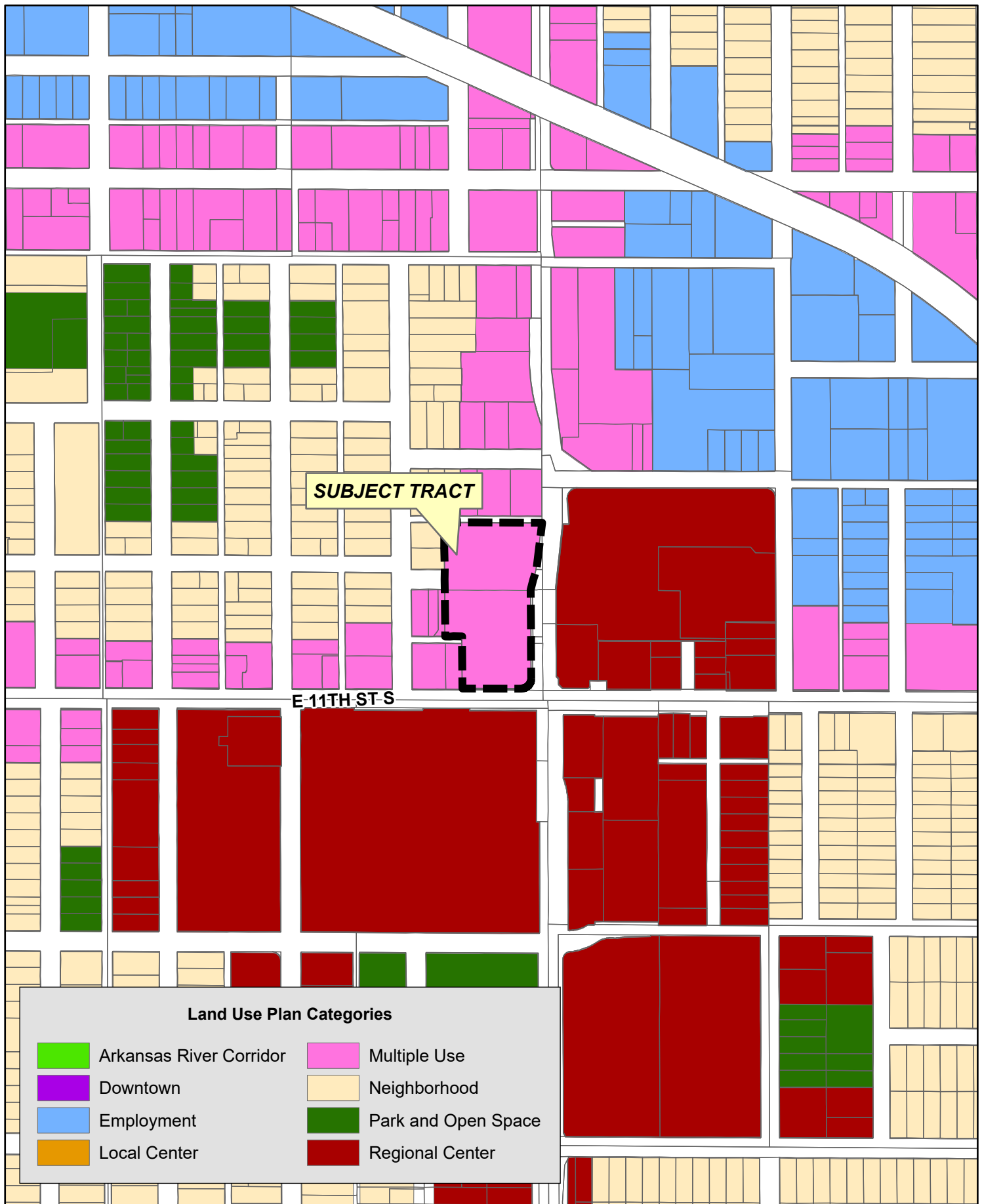
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



9.8











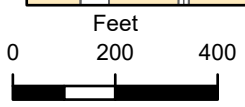


**SUBJECT TRACT**

**E-11TH ST S**

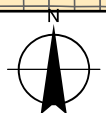
**Land Use Plan Categories**

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



**BOA-23677**

19-14 04



9.9

Site Plan

Store #90

QuikTrip

1022 S Utica Ave Tulsa, OK 74104

Property Owner

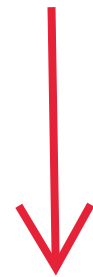
QuikTrip  
4705 S. 129th E. Ave - Tulsa, OK  
74134-7008  
P.O. Box 3475 - Tulsa, OK 74101-3475  
p: 918.615.7700

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

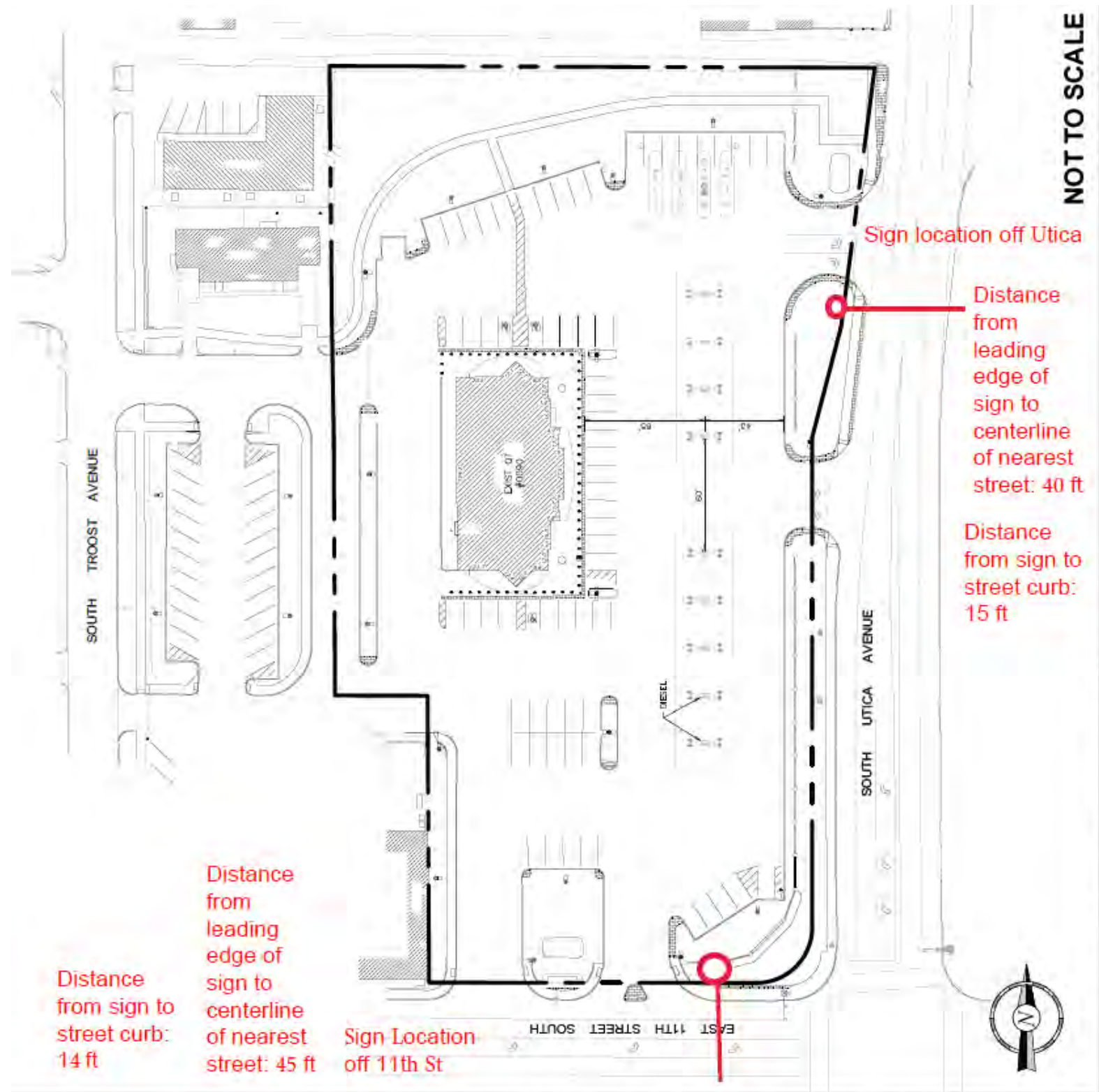


Existing Signs  
Existing sign sq ft: 83.125



Proposed LED Signs (Not exact)  
Proposed sq ft: 83.125

VICINITY PLAN



C:\Value\01\01\1014\01-1090\05 Operating Facility\Thumbnail Documents\01-0090 - Site Plan\Thumbnail Non-Ad.dwg - Thursday, Apr 26, 2018 - 2:19PM



**Work Detail**

**Project Data**

**Project Directory**

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

**SITE PLAN and ELEVATIONS**

**9.11**

Sheet A1

**Vicinity Map**

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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.

Note: this sign meets the definition of a Dynamic Display sign per Section 95.220 of the zoning code. Also, there are two different freestanding gas price signs on this lot. This review is only for the sign on the south of the lot on 11th St. frontage. The other sign is not part of this review.

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 588, 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. Contact the TPO regarding detail sign review and approval at 918-596-7526 or email [planning@cityoftulsa.org](mailto:planning@cityoftulsa.org).



#### 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.