



Board of Adjustment

**Staff Report
BOA-23733**

Hearing Date: July 9, 2024
Prepared by: Dylan Siers
dsiers@cityoftulsa.org
918-596-7584

Owner and Applicant Information

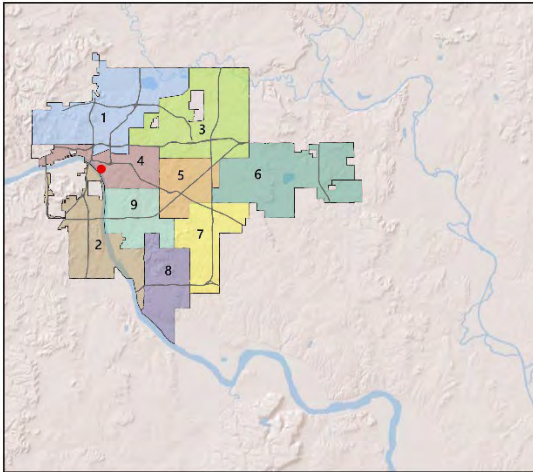
Applicant: Nathalie Cornett, Eller & Detrich
Property Owner: Armstrong Family Irrevocable Trust
c/o QuikTrip Corp

Property Location

1443 S Denver Ave
Tract Size: ±1.61 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

Request Summary

Variance to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection (Sec. 60.100-D); Variance to permit a dynamic display sign to be located within 200 feet of a residential district (Sec. 60.100-F); Variance to permit a dynamic display to be located within 20 feet of the driving surface of a street (Sec. 60.100-E); Variance to permit two dynamic display signs on a lot (Sec. 60.080-E)

Zoning

Zoning District: CS
Zoning Overlays: NIO

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use
Small Area Plans: None
Development Era: Streetcar

Transportation

Major Street & Highway Plan: Urban Arterial (S Denver Ave)
& Urban Arterial (W 15th St S)
planitulsa Street Type: None
Transit: Regular Route
Existing Bike/Ped Facilities: Sidewalks
Planned Bike/Ped Facilities: None

Environment

Flood Area: None
Tree Canopy Coverage: 0-10%

Staff Analysis

The applicant is proposing a Variance to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection (Sec. 60.100-D); Variance to permit a dynamic display sign to be located within 200 feet of a residential district (Sec. 60.100-F); Variance to permit a dynamic display to be located within 20 feet of the driving surface of a street (Sec. 60.100-E); and Variance to permit two dynamic display signs on a lot (Sec. 60.080-E).

Relevant Case History

- None

Statement of Hardship

The Applicant requests (1) a Variance of Section 60.100-D of the Tulsa Zoning Code (the "Code") to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection, (2) a Variance of Section 60.100-F of the Code to permit a dynamic display sign to be located within 200 feet of a residential district, (3) a Variance of Section 60.100-E to permit a dynamic display to be located within 20 feet of the driving surface of a street, and (4) a Variance of Section 60.080-E to permit two dynamic displays signs on a lot, for property located at 1443 S. Denver Ave. (the "Property"). The Property is located at the northeast corner of W. 15th Street and S. Denver Avenue and is operated as a QuikTrip. The Property is abutted by streets on two sides: S. Denver Ave. to the west and W. 15th St. to the south. QuikTrip has two (2) existing, freestanding ground signs on the Property, one sign addressing each street frontage. The existing signs, as they are currently located, are permitted by right under the Code. QuikTrip desires to upgrade these existing signs to contain "E-Tile" pricing displays instead of changeable copy, plastic tile pricing displays. Except for the upgrade in pricing display, the cabinet signs will remain unchanged - in size, in location, and in internal illumination. The Code's definition of a Dynamic Display Sign is extremely broad and captures any sign with LED lights "manipulated through digital input", which includes the proposed E-Tiles. Further, the Code's definition of a Static Sign creates an ambiguity as it specifically excludes changeable copy, which are what the existing signs contain today. The overly broad and conflicting definitions of dynamic display and static message signs results in unnecessary hardship to the Property owner. The signs exist lawfully by right and the addition of the E-Tile elements are the minimum relief necessary. The literal enforcement of the Code is not necessary to achieve its intended purpose, which is to minimize distraction to vehicle traffic from flashing or animation of digital signs - which the proposed signs will not contain.

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	OM/NIO	Multiple Use	Commercial/Office
East	RM-2/CS/NIO	Neighborhood	Residential/Commercial
South	OL/RM-2/NIO	Multiple Use	Commercial/Office
West	CS/NIO	Multiple Use	Commercial

Small Area Plans

The subject property is 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: S Denver Ave and W 15th St S are classified as Urban Arterials.

Comprehensive Plan Street Designation: None

Transit: Regular Route 150 runs along S Denver Ave and W 15th St S.

Existing Bike/Ped Facilities: Sidewalks are present on S Denver Ave and W 15th St S.

Planned Bike/Ped Facilities: None

Arterial Traffic per Lane: 2,671 vehicles per lane on S Denver Ave and 1,979 vehicles per lane on W 15th St S.

Environmental Considerations

Flood Area: The subject property not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 0-10% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: None

Sample Motion

I move to approve or deny a Variance to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection (Sec. 60.100-D); Variance to permit a dynamic display sign to be located within 200 feet of a residential district (Sec. 60.100-F); Variance to permit a dynamic display to be located within 20 feet of the driving surface of a street (Sec. 60.100-E); Variance to permit two dynamic display signs on a lot (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:

- 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

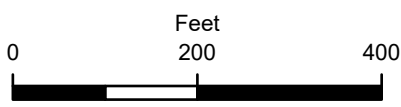
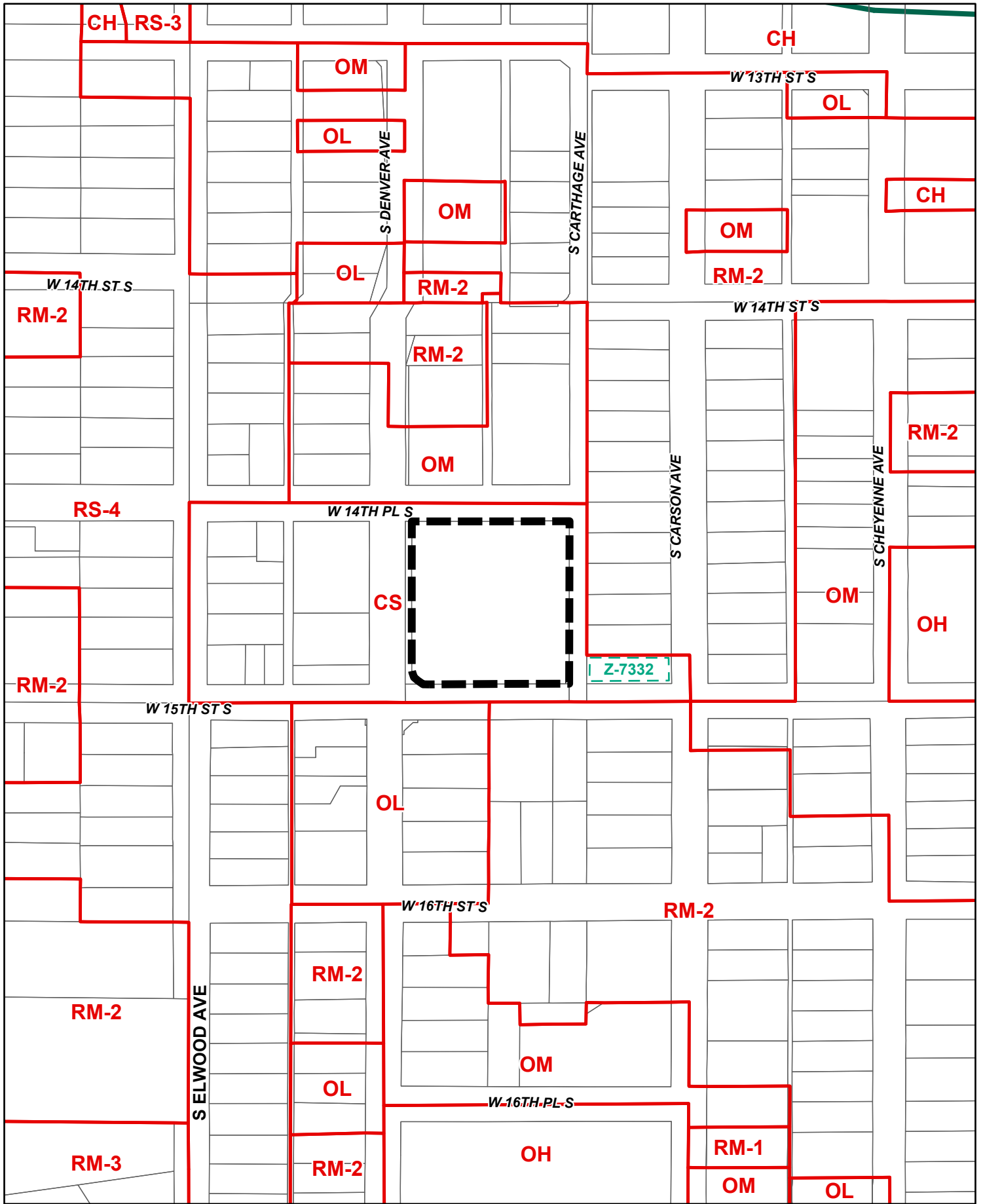
Lots 1 & 2, Block 1, D-Landco Addition, City of Tulsa, Tulsa County, State of Oklahoma



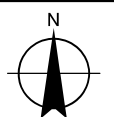
(Image captured of 1443 S Denver Ave using Google Street View)

Exhibits

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

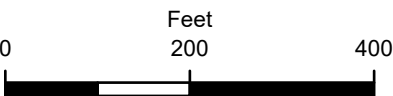


BOA-23732



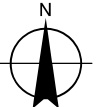


Subject Tract



BOA-23732

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



Aerial Photo Date: 2021

9.7



W 14TH ST S

W 14TH PLS

S DENVER AVE

S CARTILAGE AVE

W 15TH ST S

S CARSON AVE

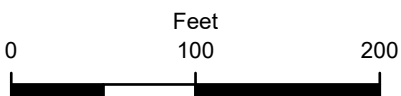
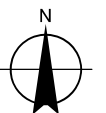


Subject Tract

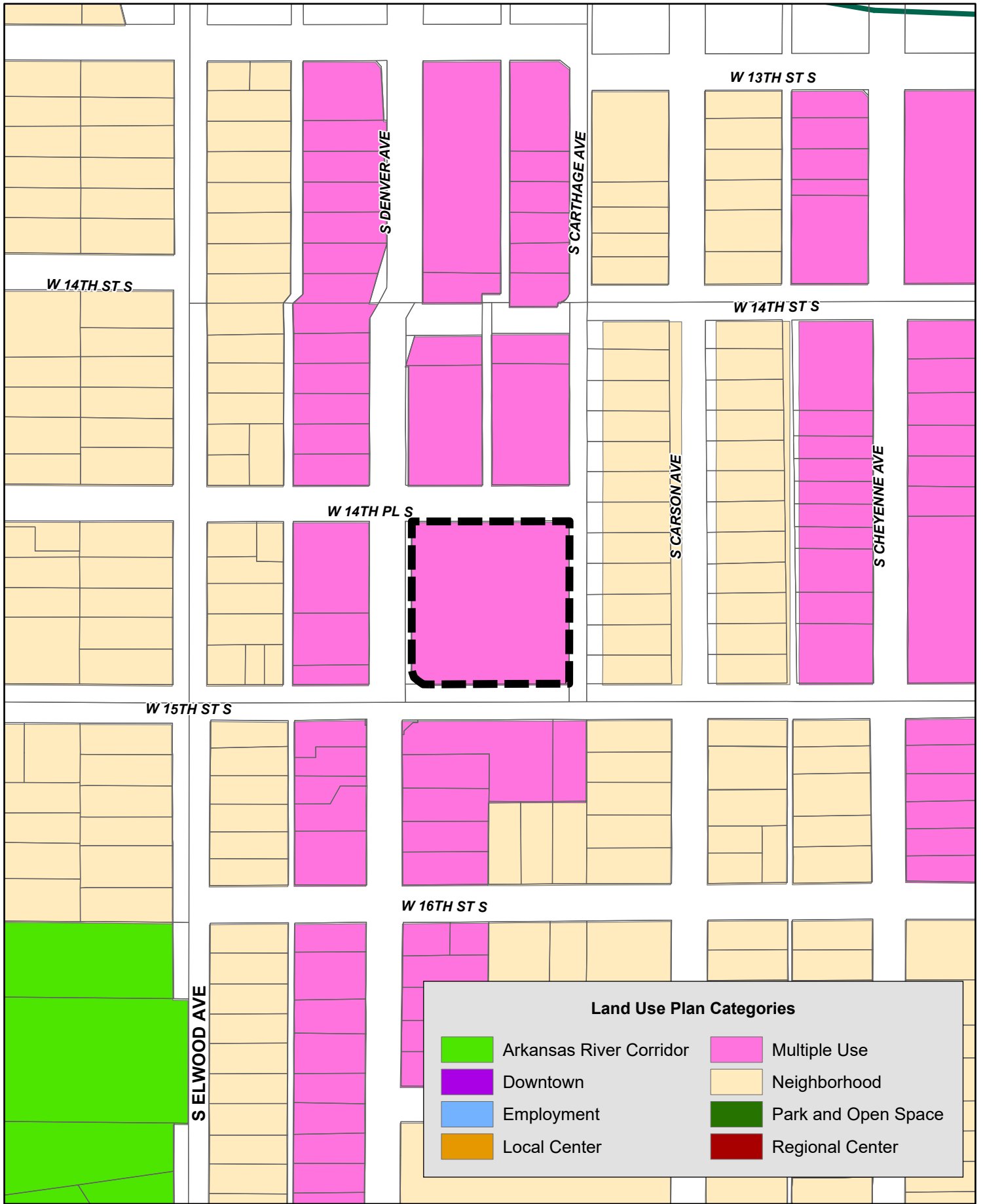
BOA-23732

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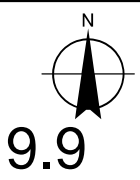
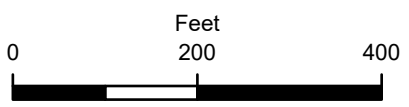
Aerial Photo Date: 2021



9.8



BOA-23732



Section 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. REVIEW COMMENT: The proposed dynamic display sign appears to be located within 200 feet of an RM-2 Residential zoning district. You may pursue a variance from the BOA to permit a digital sign to be located within 200 feet of an RS-3 zoning district.

Note: the site plan makes reference to Sheridan Rd. on the notes about the signs; to avoid confusion please correct to the appropriate street name.

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 COMMENT: The proposed dynamic display is within 20 feet of the street curb for E. 15th St. 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 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. REVIEW COMMENT: Only one dynamic display sign is allowed per lot. You may request a variance from the Board of Adjustment for a lot in a mixed-use, commercial or industrial zoning district to have two freestanding signs that contain dynamic displays.

Exhibit “A”

The Applicant requests (1) a Variance of Section 60.100-D of the Tulsa Zoning Code (the “Code”) to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection, (2) a Variance of Section 60.100-F of the Code to permit a dynamic display sign to be located within 200 feet of a residential district, (3) a Variance of Section 60.100-E to permit a dynamic display to be located within 20 feet of the driving surface of a street, and (4) a Variance of Section 60.080-E to permit two dynamic displays signs on a lot, for property located at 1443 S. Denver Ave. (the “Property”).

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The Code’s definition of a Dynamic Display Sign is extremely broad and captures any sign with LED lights “manipulated through digital input”, which includes the proposed E-Tiles. Further, the Code’s definition of a Static Sign creates an ambiguity as it specifically excludes changeable copy, which are what the existing signs contain today.

The overly broad and conflicting definitions of dynamic display and static message signs results in unnecessary hardship to the Property owner. The signs exist lawfully by right and the addition of the E-Tile elements are the minimum relief necessary. The literal enforcement of the Code is not necessary to achieve its intended purpose, which is to minimize distraction to vehicle traffic from flashing or animation of digital signs – which the proposed signs will not contain.

Site Plan

Store #53

QuikTrip

1443 S DENVER
AVE Tulsa, OK
74119

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 Cabinet Replacement
- New cabinets are the same size as existing
 - Changing to LED
 - Utilizing existing power and data lines
1. Take off hindering signage to reach pricer cabinets
 2. Remove existing pricer cabinets and prep for disposal
 3. Install new pricer cabinets
 4. Ensure power and data are working properly



Existing Sign



Existing Sign
Existing Signs sq ft 83.125

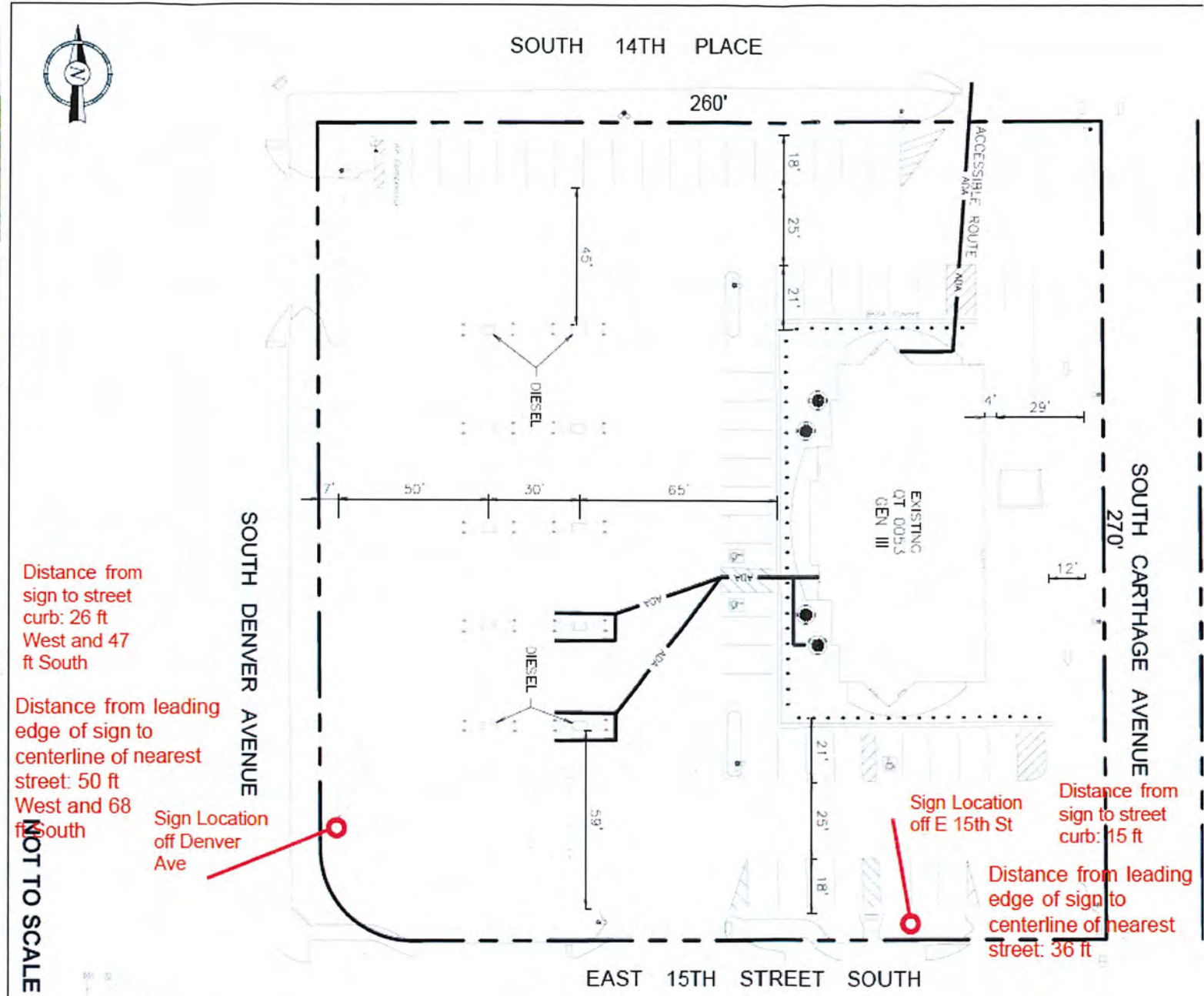


Proposed Sign



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

VICINITY PLAN



Distance from sign to street curb: 26 ft West and 47 ft South

Distance from leading edge of sign to centerline of nearest street: 50 ft West and 68 ft South

NOT TO SCALE

Sign Location off Denver Ave

Sign Location off E 15th St

Distance from sign to street curb: 15 ft

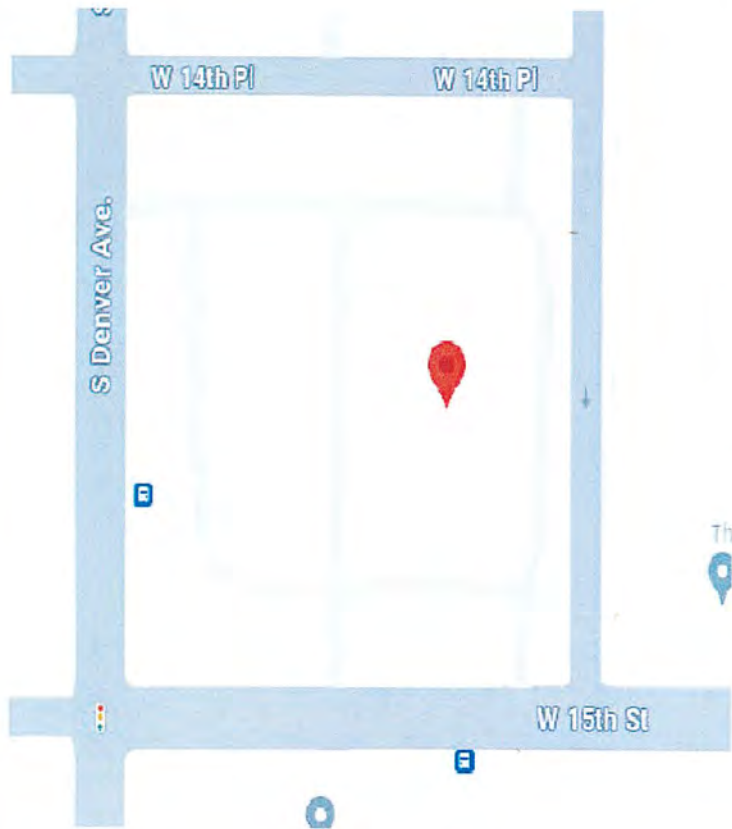
Distance from leading edge of sign to centerline of nearest street: 36 ft



Work Detail

- Scope of Work - Pricer Cabinet Replacement
- New cabinets are the same size as existing
 - Changing to LED- Utilizing existing power and data lines
1. Take off hindering signage to reach pricer cabinets
 2. Remove existing pricer cabinets and prep for disposal
 3. Install new pricer cabinets
 4. Ensure power and data are working properly

1443 S DENVER AVE Tulsa, OK 74119



Vicinity Map



1 Option 1 - Existing Manual ties



2 Option 1 - Proposed LED Replacement



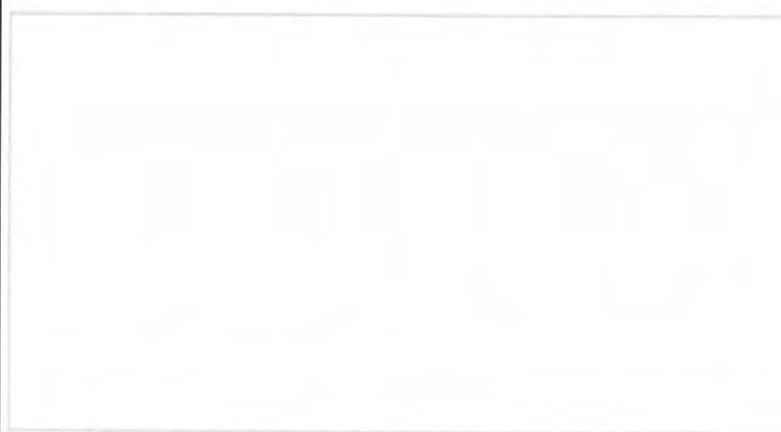
3 Option 1- Existing Pole Sign



Option 1-Proposed Cabinet Replacement



5



6



7



Project Data

Project Name: QuikTrip Signage Upgrade
 Project Address: 1443 S DENVER AVE Tulsa, OK 74119
 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

Mark	Date	Revisions/Notes	Initial	Mark	Date	Revisions/Notes	Initial

APEX 720 Indigo Ct.
 Pomona, CA 91767

SITE PLAN and ELEVATIONS

9.13

Drawing Created 1/5/2023

Sheet **A1**