



Board of Adjustment

**Staff Report
BOA-23807**

Hearing Date: December 10, 2024

Prepared by: Erin Roark

eroark@cityoftulsa.org

918-596-7618

Owner and Applicant Information

Applicant: Jimmy Hunkapiller

Property Owner: H W Allen Co, LLC

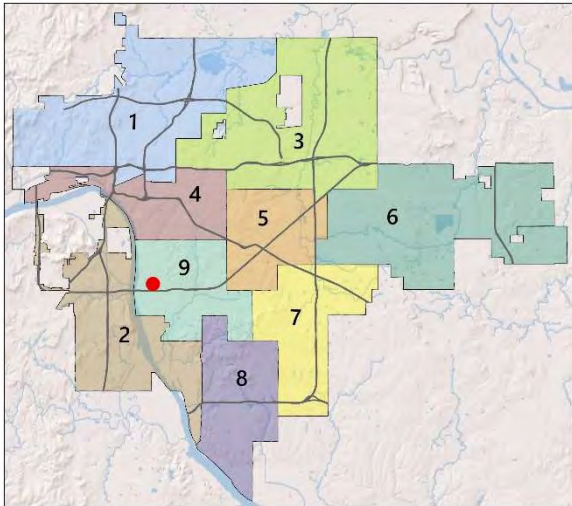
Property Location

4847 South Peoria Avenue East

Tract Size: ±0.98 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 9, Jayme Fowler/Carol Bush

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 drive-through and wall signs within 50 feet of residentially zoned property (Section 60.030-B and Section 60.040-B).

Zoning

Zoning District: CS

Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use

Land Use Plan: Multiple Use

Small Area Plans: Brookside

Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Secondary Arterial

planitulsa Street Type: N/A

Transit: BRT Route

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Environment

Flood Area: N/A

Tree Canopy Coverage: 10-20%

Parks & Open Space: Henthorne Park

Staff Analysis

The applicant is requesting a variance to permit drive-through and wall signs within 50 feet of residentially zoned property (Section 60.030-B and Section 60.040-B). The subject property abuts an RM-2 and an RS-3 district to the east, and the proposed drive-through and wall signs would be within 50 feet of and visible from the R-zoned properties.

Section 60.030 Sign Exceptions

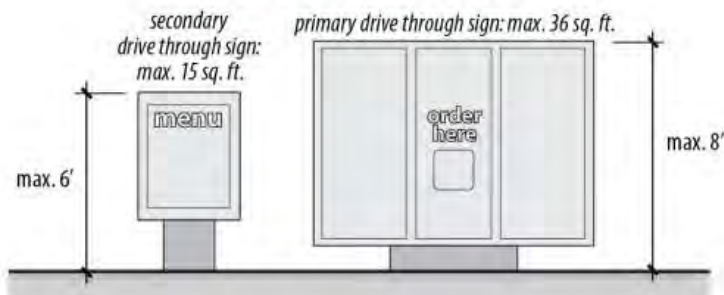
The following signs are not counted as signs for purposes of determining the number of signs or amount of signage on a lot.

60.030-B Drive-through Signs

Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

1. **Location**
Drive-through signs must be located within 10 feet of a drive-through lane.
2. **Number and Dimensions**
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
3. **Residential Separation**
Drive-through signs must be set back at least 50 feet from residential zoning districts.
4. **Visibility**
Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

Figure 60-1: Drive-through Signs



Section 60.040 Sign Regulations of General Applicability

60.040-A Applicability

The regulations of this section apply to on-premise wall, projecting and freestanding signs and all off-premise outdoor advertising signs, except as otherwise expressly stated. These regulations are in addition to any other applicable regulations established in this chapter.

60.040-B Required Setbacks, Spacing and Separations

1. All parts of a sign must be set back at least 10 feet of a freeway planned right-of-way.

2. All on-premise projecting signs, roof signs and freestanding signs and all off-premise outdoor advertising signs must be separated from all other roof signs, projecting signs, freestanding signs and off-premise outdoor advertising signs by a minimum distance of 30 feet. Additional spacing requirements apply between off-premise outdoor advertising signs (See 60.080-F5).
3. Signs that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 50 feet.
4. Signs with an area of more than 300 square feet that are visible from an R or AG-R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R or AG-R district or residential development area by a minimum distance of 200 feet.

Relevant Case History

- BOA-16681, May 24, 1994; The board of adjustment voted to approve a variance of the required setback from the centerline of South Peoria Avenue from 100 feet to 74 feet.

Statement of Hardship

A statement of hardship is included as a separate exhibit.

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	Office
East	RS-3, RM-2	Multiple Use	Office/Residential
South	CS	Multiple Use	Restaurants
West	CH, OL, PUD-837	Multiple Use	Vehicle Sales

Small Area Plans

The subject property is located within the Brookside 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.

Transportation

Major Street & Highway Plan: South Peoria Avenue runs parallel to the west side of the subject property and is classified as a Secondary Arterial, which has a planned minimum right-of-way width of 100 feet.

Comprehensive Plan Street Designation: N/A

Transit: The BRT Route 700 runs along South Peoria Avenue.

Existing Bike/Ped Facilities: N/A

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: South Peoria Avenue has an average annual daily traffic (AADT) count of 5,447 vehicles per lane.

Environmental Considerations

Flood Area: The subject property is not located within a floodplain.

Tree Canopy Coverage: Tree canopy in the area is 18%. 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. The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: Henthorne Park is located nearby to the west of the subject property.

Sample Motion

I move to approve or deny a variance to permit drive-through and wall signs within 50 feet of residentially zoned property (Section 60.030-B and Section 60.040-B),

- 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:

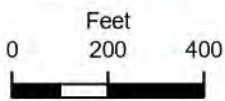
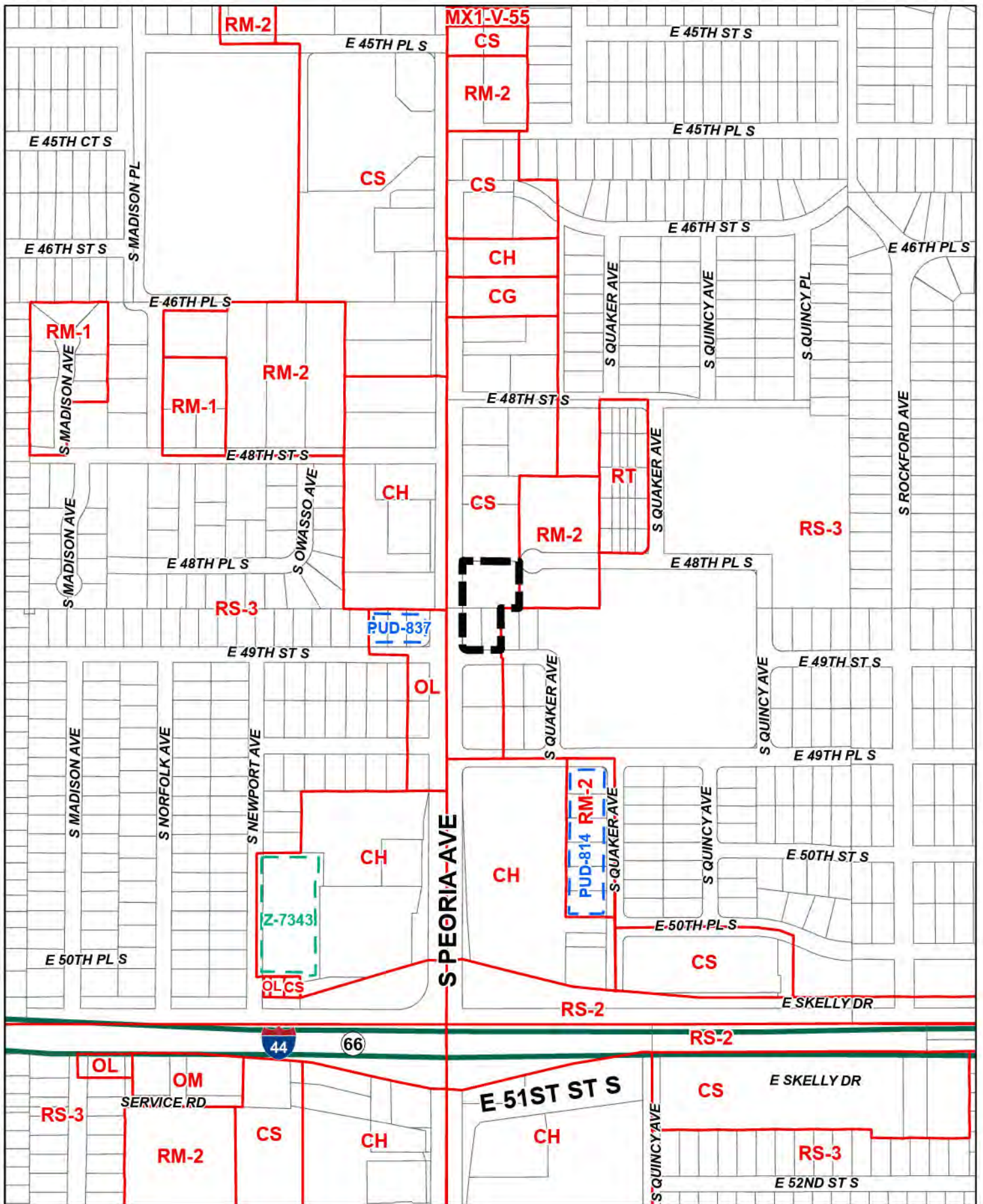
- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- That literal enforcement 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

LTS 1 & 2 BLK 17 BELLAIRE ACRES SECOND EXT AND LT 2 BLK 1 SOUTHERN CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Exhibits

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



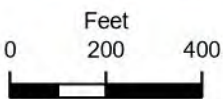
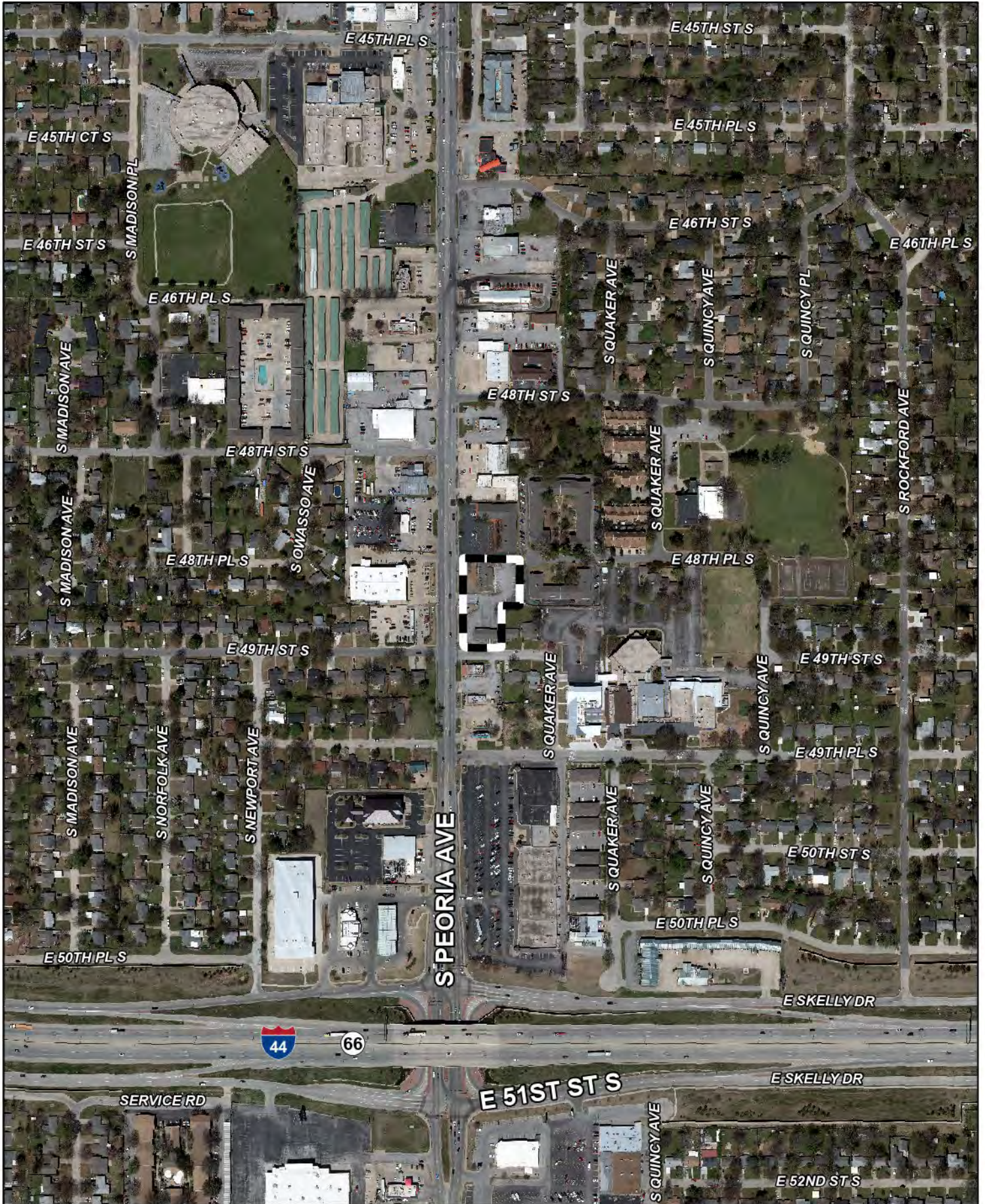
 Subject Tract

BOA-23807

19-13 30



10.6



Subject Tract

BOA-23807

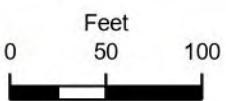
19-13 30

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

Aerial Photo Date: 2022



10.7



Subject Tract

BOA-23807

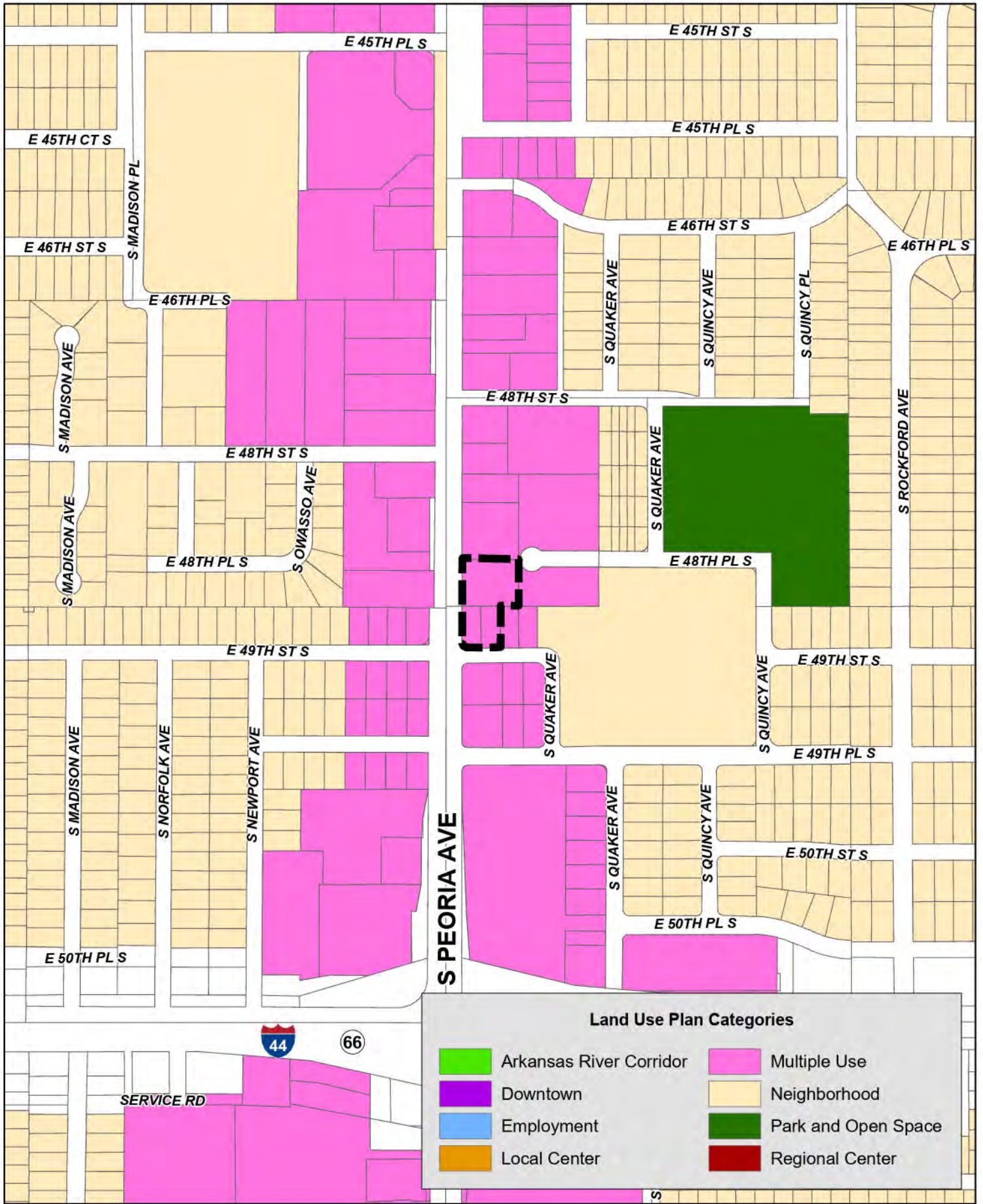
19-13 30









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

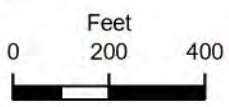
Aerial Photo Date: 2022



10.8



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



 Subject Tract

BOA-23807
19-13 30

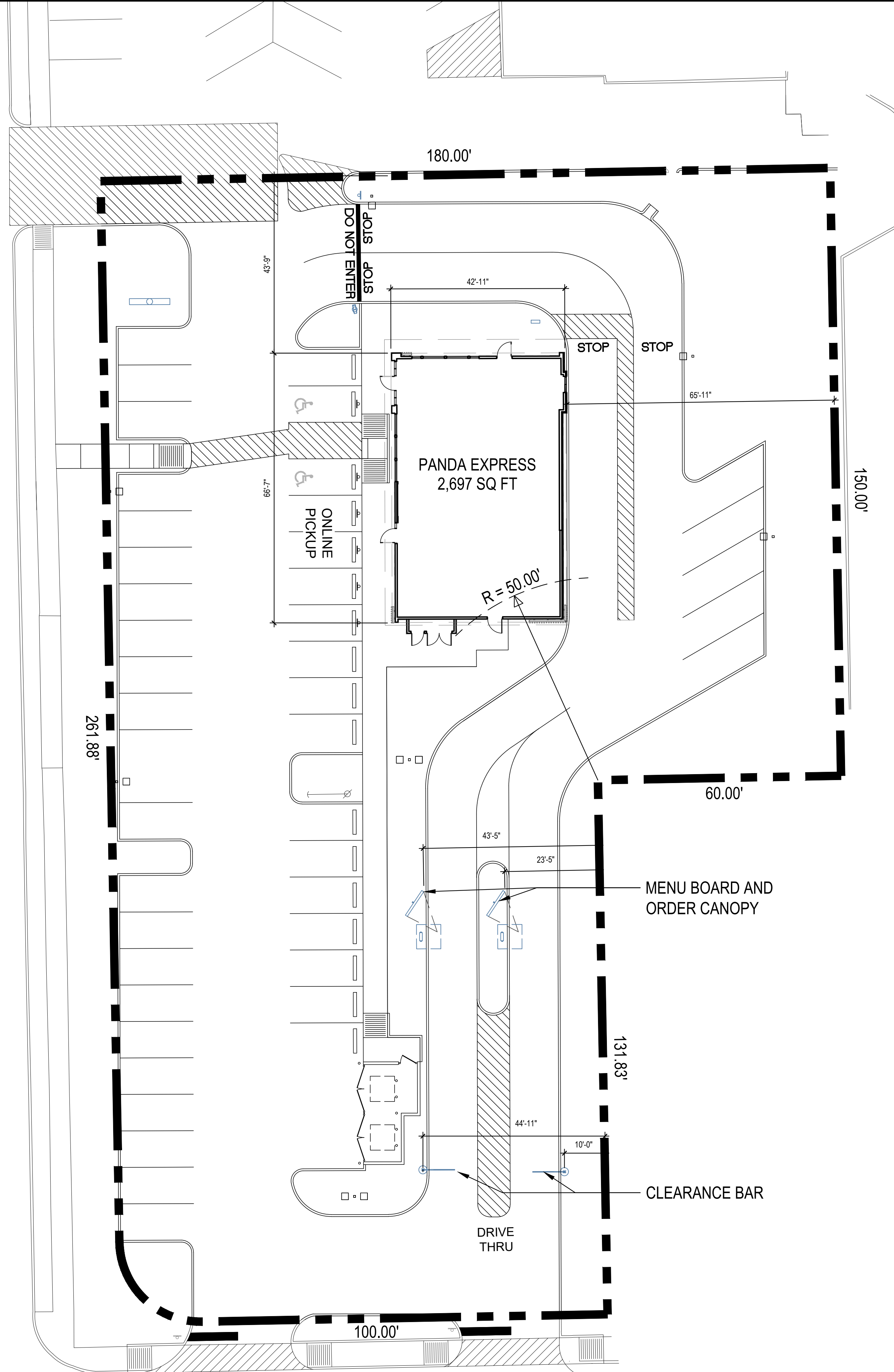


4847 S PEORIA AVE
TULSA, OK 74105

LOT 2, BLOCK 1 OF SOUTHER CENTER
ADDITION AND LOTS 1 & 2, BLOCK 17 OF
BELLAIRE ACRES SECOND EXTENSION

SITE METRICS

LOT AREA:	42,748 SQ FT
ZONING DESIGNATION:	CS
BUILDING AREA:	2,697 SQ FT
OPEN SPACE:	10,010 SQ FT



PANDA EXPRESS, INC.
1683 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.799.9898
Facsimile: 626.372.8288

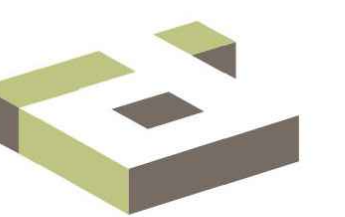
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REVISIONS:

ISSUE DATE:

DRAWN BY:

PANDA PROJECT #: D30743
PANDA STORE #: -
ARCH PROJECT #: 261-543



idGROUP

PANDA EXPRESS

PANDA HOME
49TH STREET & PEORIA AVE
TULSA, OK 74105

A-100

SITE PLAN
ARCHITECTURAL

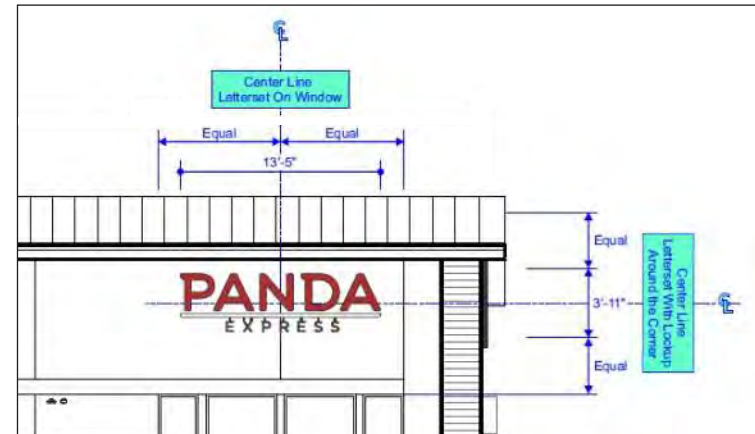


SITE PLAN 01

Scale= 1/16" = 1'-0" A-100

Elevations

Scale | 3/32" = 1'



SIGN	LOCATION	TYPE	HEIGHT	WIDTH	ALLOWED	PROPOSED	BALANCE
S1	SHORT STOREFRONT	STACKED RED LETTERSET	3'-11 3/8"	13'-5 1/2"	127.7	53.13	74.57



Revisions:	
updates sign placement - JAS - 8.2.24	X
Revised code and building dims - RF - 8/19/24	X
Revised w/ new elevation DM 8/22/24	X

File Location:	STND
Drive/Clients/	CSTM
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<input type="checkbox"/> EN	

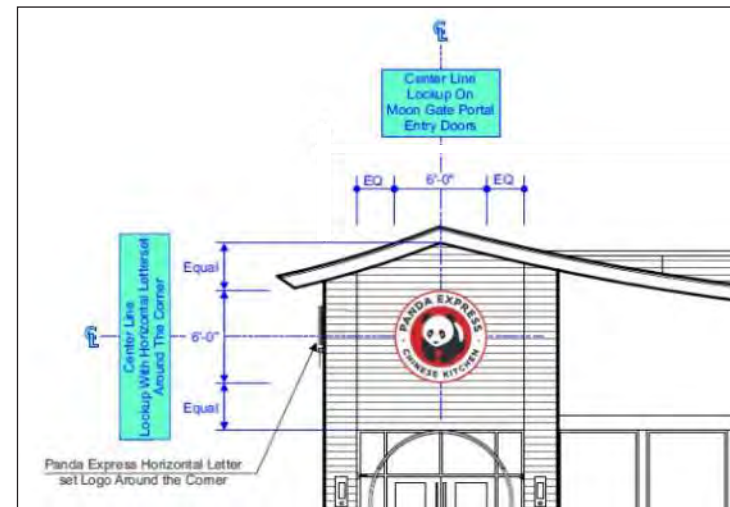
Date:	11/10/23
Designer:	PB
PM:	SN

City/State:	Tulsa, OK.
Address:	4847 S Peoria Ave.

Drawing #	C80781-3
OE #	168409

Elevations

Scale | 3/32" = 1'



SIGN	LOCATION	TYPE	HEIGHT	WIDTH	ALLOWED	PROPOSED	BALANCE
S2	LONG STOREFRONT	LOCKUP LOGO	6'-0"	6'-0"	199.2	36	163.2



Revisions:	
updates sign placement - JAS - 8.2.24	X
Revised code and building dims - RF - 8/19/24	X
Revised w/ new elevation DM 8/22/24	X

File Location: STND ___
 Drive/Clients/ CSTM ___

AS CR EN

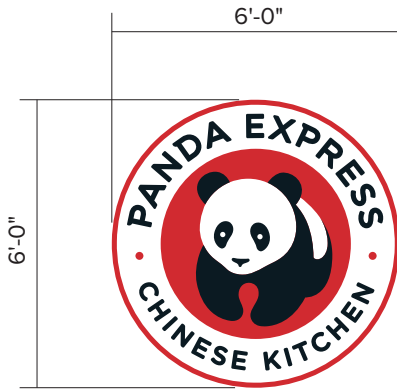
Date: 11/10/23
 Designer: PB PM: SN

City/State: Tulsa, OK.
 Address: 4847 S Peoria Ave.

Drawing # **C80781-3**
 OE # **168409**

Elevations

Scale | 3/32" = 1'



Scale | 1/4" = 1'

SIGN	LOCATION	TYPE	HEIGHT	WIDTH	ALLOWED	PROPOSED	BALANCE
S3	REAR ELEVATION	LOCKUP LOGO	6'-0"	6'-0"	127.7	36	91.7



Revisions:

Revised from drive thru elevation (12/08/23) PB
 updates sign placement - JAS - 8.2.24
 Revised code and building dlms - RF - 8/19/24

Revised w/ new elevation | DM 8/22/24

X
 X
 X

File Location: STND ___
 Drive/Clients/ CSTM ___

AS CR EN

Date: 11/10/23

Designer: PB PM: SN

City/State: Tulsa, OK.

Address: 4847 S Peoria Ave.

Drawing # **C80781-4**

OE # **168409**

D4.2

DT-R Clearance Bar - (Qty: 1)

Install new DT-R Clearance Bar sign. Refer to site plan for exact location.

NOTE: Wind Load: 115 mph wind speed / Snow Load: 60 PSF ground snow load.

COLOR SPECIFICATIONS

PAINT

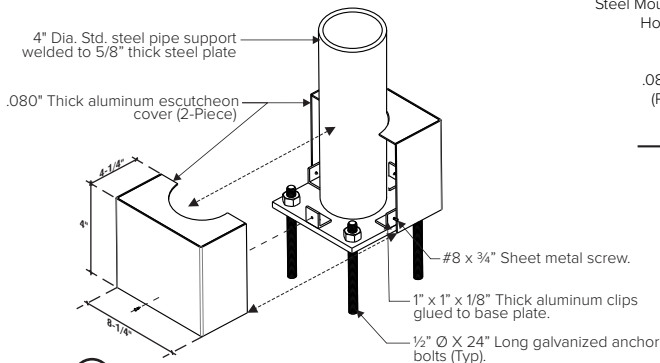
 PMS Black 7C

VINYL

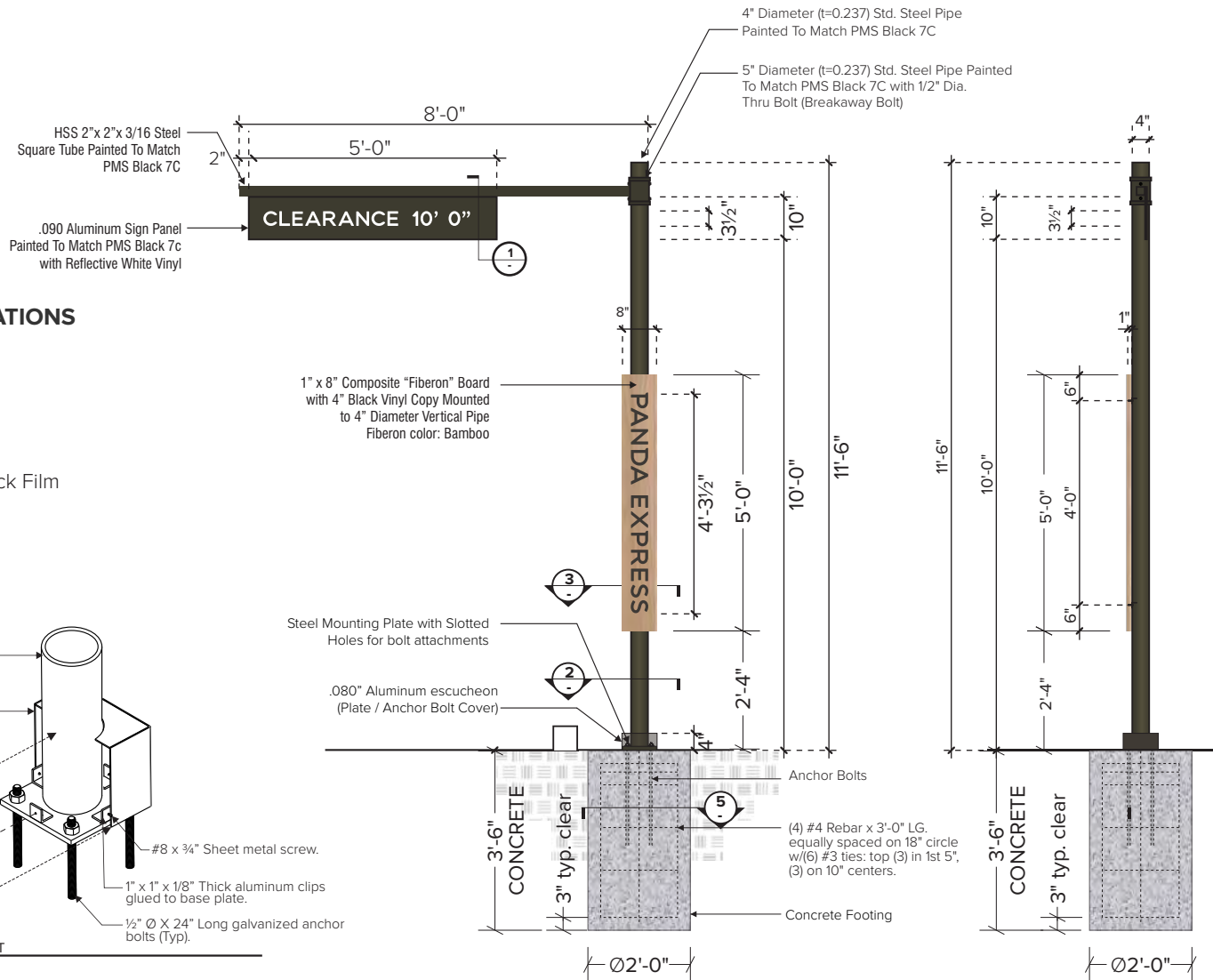
 Reflective Black Film

PANEL COLOR

 Bamboo

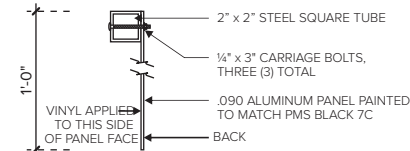


4 WOOD ATTACHMENT
SCALE: NTS

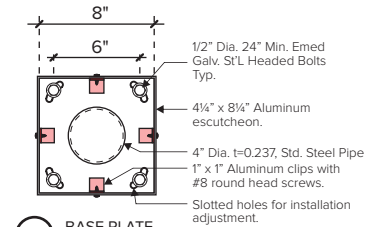


J NON-ILLUMINATED CLEARANCE BAR
QUANTITY: ONE (1) SET REQUIRED
SCALE: 1:40

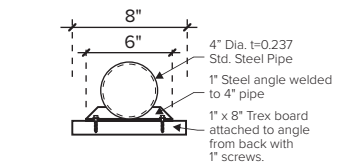
SIDE VIEW - NON-ILLUMINATED CLEARANCE BAR
SCALE: 1:40



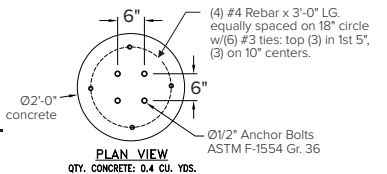
1 SECTION DETAIL



2 BASE PLATE



3 WOOD ATTACHMENT



5 FOOTING DETAIL

Revisions:		
X		X
X		X
X		X
X		X

File Location:	STND_X
Drive/Clients/	CSTM
 AS	 CR
 EN	

Date:	11/10/23
Designer:	PB
PM:	SN

City/State:	Tulsa, OK.
Address:	4847 S Peoria Ave.

Drawing #	C80781
OE #	168409

D6

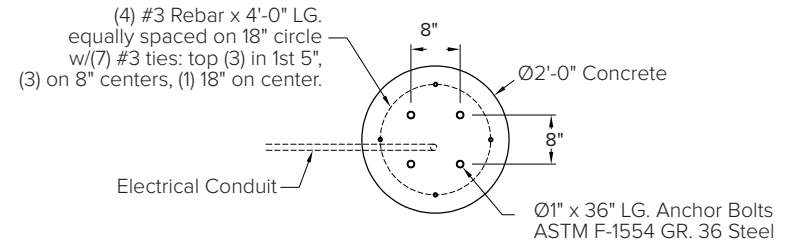
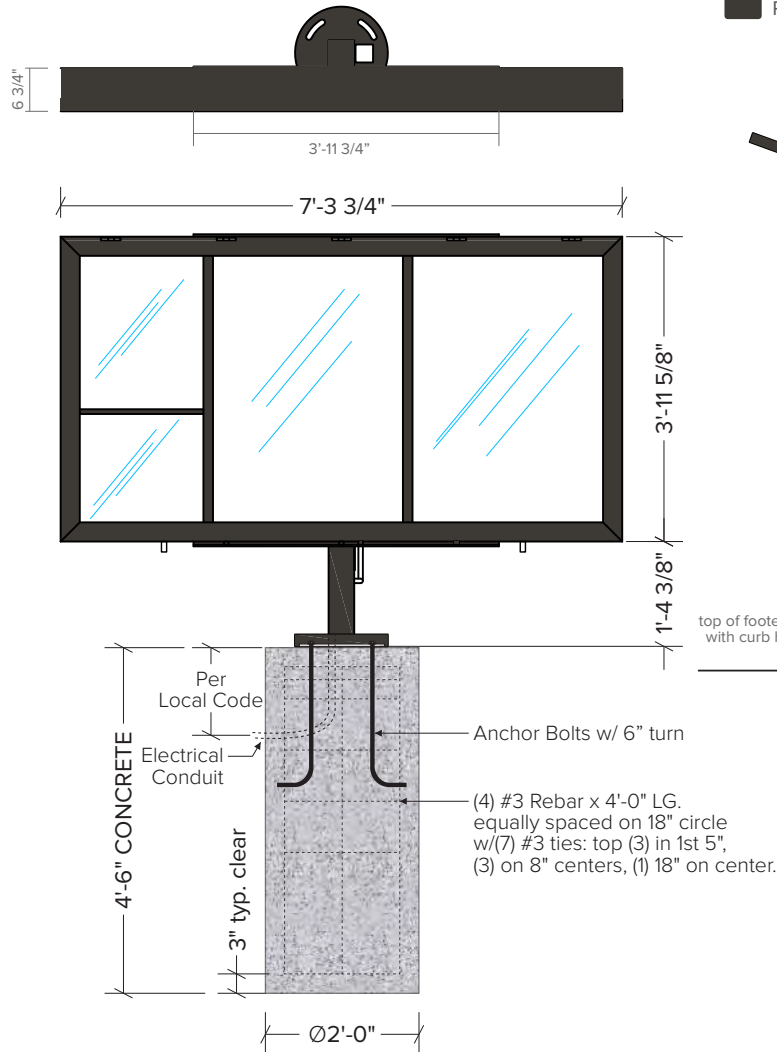
DT Menu Board - (Qty: 2)

Install new DT Menu Board. Refer to site plan for exact location.
NOTE: Wind Load: 115 mph wind speed

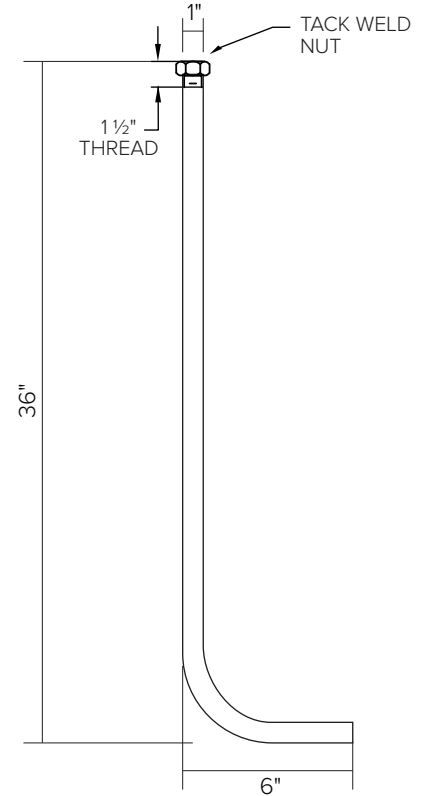
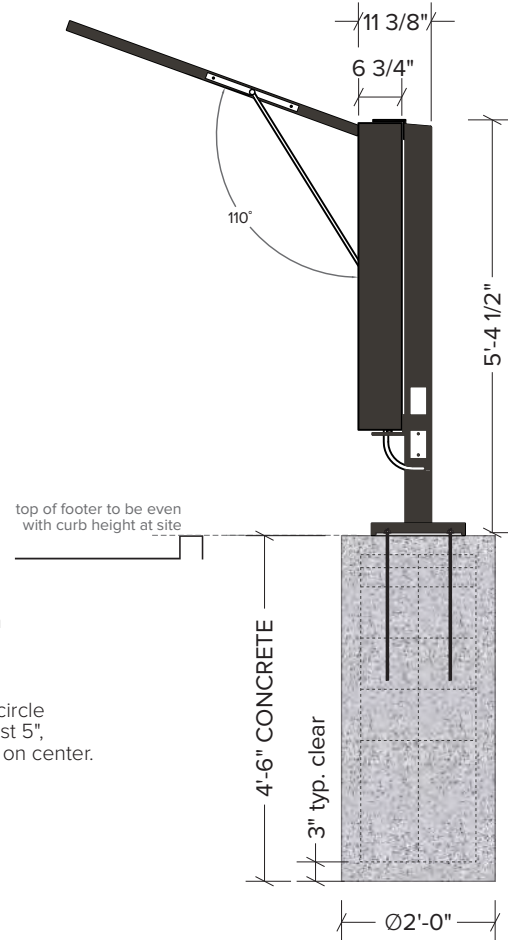
COLOR SPECIFICATIONS

MAIN CABINET

Painted to match PMS Black 7C



PLAN VIEW
 QTY. CONCRETE: 0.5 CU. YDS.
FOOTING DETAIL
 nts



ANCHOR BOLT DETAIL (NTS)
 Ø1\"/>

SCALE | 1:30



Revisions:		
X		X
X		X
X		X
X		X

File Location:	STND_ X
Drive/Clients/	CSTM
AS	CR
EN	

Date: 11/10/23

Designer: PB PM: SN

City/State: Tulsa, OK.

Address: 4847 S Peoria Ave.

Drawing # **C80781**

OF # **168409**

10.17