

BOA-22793

19-13 07

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22793**

CZM: 37

CD: 4

HEARING DATE: 11/12/2019 1:00 PM

APPLICANT: Tracey Diehl

ACTION REQUESTED: Special Exception to permit signage in the Right-of-Way (Sec. 60.020-E) and Special Exception to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3); Variance to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

LOCATION: PEDESTRIAN BRIDGES CONNECTING ST. JOHNS HOSPITAL ABOVE WHEELING AVE. BETWEEN E. 19TH ST S. AND E. 21ST ST. S. **ZONED:** IMX

PRESENT USE: St. Johns Hospital/ Pedestrian bridge **TRACT SIZE:** 247739.8 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 2; LTS 1 & 3 THRU 5 & 7 LESS BEG NWC LT 1 TH E10 SW22.29 N20 POB FOR RD BLK 2 & LTS 1 THRU 4 LESS S34.26 LT 4 BLK 3; LT 6 BLK 2; LTS 9 & 10 BLK 2; LT 8 BLK 2; LTS 1 THRU 10 BLK 1; LTS 11 THRU 15 LESS PRT LT 15 BEG SECR LT 15 TH W12 NE16.91 S12 POB BLK 1; LTS 11 & 12 BLK 2 & LTS 5 THRU 12 & S34.26 LT 4 BLK 3 & TR BEG SECR LT 12 BLK 3 TH W159 S137.66 E139 NE16.86 N48 NE11.31 N69.66 POB, REDDIN THIRD ADDN: AND INCLUDING THE S WHEELING AVE RIGHT-OF-WAY BEWEEEN E 21 ST S AND E 19TH ST S

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-19277; On 01.22.2002 the Board **approved** variances to the sign limitations for P and O Districts.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth".

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to

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increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The action requested is for the Pedestrian Bridges connecting St. Johns' Hospital on Wheeling Avenue between 19th St. South and E. 21st St. S.

STAFF COMMENTS:

The Applicant is requesting a **Special Exception** to permit signage in the Right-of-Way (Sec. 60.020-E) and **Special Exception** to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3) and a **Variance** to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

60.020-E 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).

60.090-D IMX District

1. Applicability

The regulations of this section apply to signs in all IMX zoning districts. See also the general regulations of [Section 60.040](#).

2. Signs Allowed

In addition to any sign exceptions allowed pursuant to [Section 60.030](#), the following signs are the only signs allowed in IMX zoning districts:

- a. Directional and way-finding signs;
- b. On-premise building signature signs;
- c. On-premise wall signs;
- d. On-premise projecting signs;
- e. On-premise canopy signs;
- f. On-premise marquee signs; and
- g. On-premise, monument-style ground signs.

3. Directional and Way-Finding Signs

Directional and way-finding signs for business establishments located in the IMX district may be permitted by special exception **within the lot containing the use**. Such signs are subject to conditions (including but not limited to

regulation of the location, number, sign area and height of such signs) established by the board of adjustment in approving the special exception.

Applicant has been advised to communicate with City Engineering and begin review for a license agreement.

STATEMENT OF HARDSHIP:

Wayfinding signs are necessary for safe travel when on campus and nearby streets.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit signage in the Right-of-Way (Sec. 60.020-E) and a **Special Exception** to allow Directional and Way-Finding Signage for business establishments in an IMX District (Sec. 60.090-3);

- 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 that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance:

Move to _____ (approve/deny) a **Variance** to permit Directional and Way Finding Signage to be permitted in the right-of-way and not on the lot containing the use (Sec. 60.090-3)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

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;

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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.”

The NW/4 NW/4 NW/4 of Section 11, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, formerly described as Lot 3, Block 2, Wren Park Addition, less the S 30' thereof.

Case No.19277

Action Requested:

Variance of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 502.B. ACCESSORY USES IN THE PARKING DISTRICT, Accessory Use Conditions; a Variance of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 602.B. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; a Variance of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP. SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards; a Variance of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; and a Variance of the provisions of Section 1221.C which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located NE/c E. 21st St. & S. Utica Ave.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, submitted photographs, maps, sketches and a site plan (Exhibits C-1, C-2, and C-3). This application is for relief for identification and directional signs in PUD 417, St. John Medical Center. This is in an older neighborhood with lot frontages of 40' to 50', allowing only one sign per lot.

Comments and Questions:

The staff recommended approval per the staff report.

Interested Parties:

Paul (Chip) Atkins, 1638 E. 17th Pl., stated he is the president of the Swan Lake Neighborhood Association. They would like to make a recommendation to the Board that the City of Tulsa set up a guideline separate from other sign guidelines for medical corridors and campuses. They suggest the signs need to be bigger and easier to read for people dealing with emergency medical situations.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP; a **Variance** of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district; a **Variance** of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan; a **Variance** of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area, subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417; and a **Variance** of the provisions of Section 1221.C, which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP, per plan, subject to the approval of the detail sign plans by the TMAPC under PUD 417, finding there are unusual and unique characteristics to this development, to which the zoning code cannot be made to apply and the public purpose that would be served outweighs any harm to the area or to the purpose and intent of the code; subject to the approval of the detail sign plans by the TMAPC under PUD 417, on the following described property:

Area A: SW/4 SW/4 SE/4, Section 7, T-19-N, R-13-E, and all of Block 1, Reddin Third Addition; Area B: Lots 2 - 18, Block 3, Edgewood Place Addition; Area C: Lots 1 - 5, Block 2, and Lots 1 - 11, Block 3, and the N 4.57' of Lot 12, Block 3,

Township: 19 North Range: 13 East Section: 07



[Click to view this area on the Google Maps web page in a new window](#)

Summary Data [parcel with marker]

[VIEW PROPERTY DATA PAGE](#)

Account #	R34350930714950			
Situs address	TULSA 74104			
Owner name	ST JOHN MEDICAL CENTER INC C/O NICKEL & COMPANY LLC			
Fair market value	\$4,129,028	Livable†	172,200	
Last year's taxes	—	Year built	1970	

Site Plan

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Sign Recommendation

Existing

Sign Type:
Quantity:
Location:
Illumination:
Approx. Size:
H:
W:
OAH:
HOG:
Comment:

Action: Retrofit

Recommended



Sign Type: Brand Moments
Sign Code: ASC-RTF-CUSTOM
Quantity: 2
Attachment: Base/Plinth
Illumination: Internal
Approx. Size:
H: 0'-0"
W: 0'-0"
OAH: 0'-0"
Comment:

Technical Survey: Required
Code Compliant: Yes





N13



 Williams Medical Plaza	Bernsen Drop-Off
 Bernsen Medical Plaza	Bernsen Medical Plaza

Recommended - Side A

 Bernsen Drop-Off	EMERGENCY
 Williams Medical Plaza	Williams Medical Plaza

Recommended - Side B

Sign Recommendation

Existing

Sign Type:
Quantity:
Location:
Illumination:
Approx. Size:
H:
W:
OAH:
HOG:
Comment:

Action: Retrofit

Recommended

Sign Type: Brand Moments
Sign Code: ASC-RTF-CUSTOM
Quantity: 1
Attachment: Base/Plinth
Illumination: Internal
Approx. Size:
H: 0'-0"
W: 0'-0"
OAH: 0'-0"
Comment:

Technical Survey: Required
Code Compliant: Yes



N14



<p> Main Entrance</p>	<p>Medical Office Buildings</p>
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Recommended - Side A

<p> Bernsen Medical Plaza</p>	<p>EMERGENCY</p> <p>Main Entrance</p>
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Recommended - Side B

AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting a variance application(s) on the owner's behalf.

Fill in name

I, Steve Sprath, VP Ascension owner of the property listed below certify that I have granted, Architectural Graphics Inc. and their permit expeditor Expedite The Diehl, my duly authorized agent, permission to obtain the sign variance and related documents necessary for the construction (or installation) of signs at the following address:

1923 S. Utica Ave, Tulsa, OK 74104

Address of permit location

I understand that I am authorizing them to apply for necessary variance, sign permit and related permit documents. This is limited to what is necessary for sign variance projects to be completed.

Sign/date

Steven C. Sprath
Signature of Property Owner

10/17/19
Date

Complete by
Notary

Notary

State of Missouri

City/ County of St. Louis

I, BARBARA FLICK Notary Public in and for the aforesaid State hereby certify that STEVEN C. SPRATH appeared before me in the State and City/County aforesaid and executed this affidavit on this 12 day of "OCT" 2019.

Barbara Flick
Notary Public

My Commission Expires the 19 day of JUNE, 2021.
Date Month year

Seal



Resolved On:

Comments

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

Corrective Action

Review Comments: The proposed directional Medical Plaza sign appears to be located in the City of Tulsa ROW. The ROW width along S. Wheeling Avenue is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the C/L of S. Wheeling Avenue. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a sign to be located on the pedestrian bridge in the ROW.

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N/3 Denial

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Resolved On:

Comments

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

Corrective Action

Review Comments: The proposed Bernsen Medical Plaza sign appears to be located in the City of Tulsa ROW. The ROW width along S. Wheeling Avenue is 50 feet total. The minimum setback for the proposed ground sign is 25 feet from the C/L of S. Wheeling Avenue. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a sign to be located on the pedestrian bridge in the ROW.

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N14 Denial

26.13



0 50 100
Feet



Subject
Tract

BOA-22793

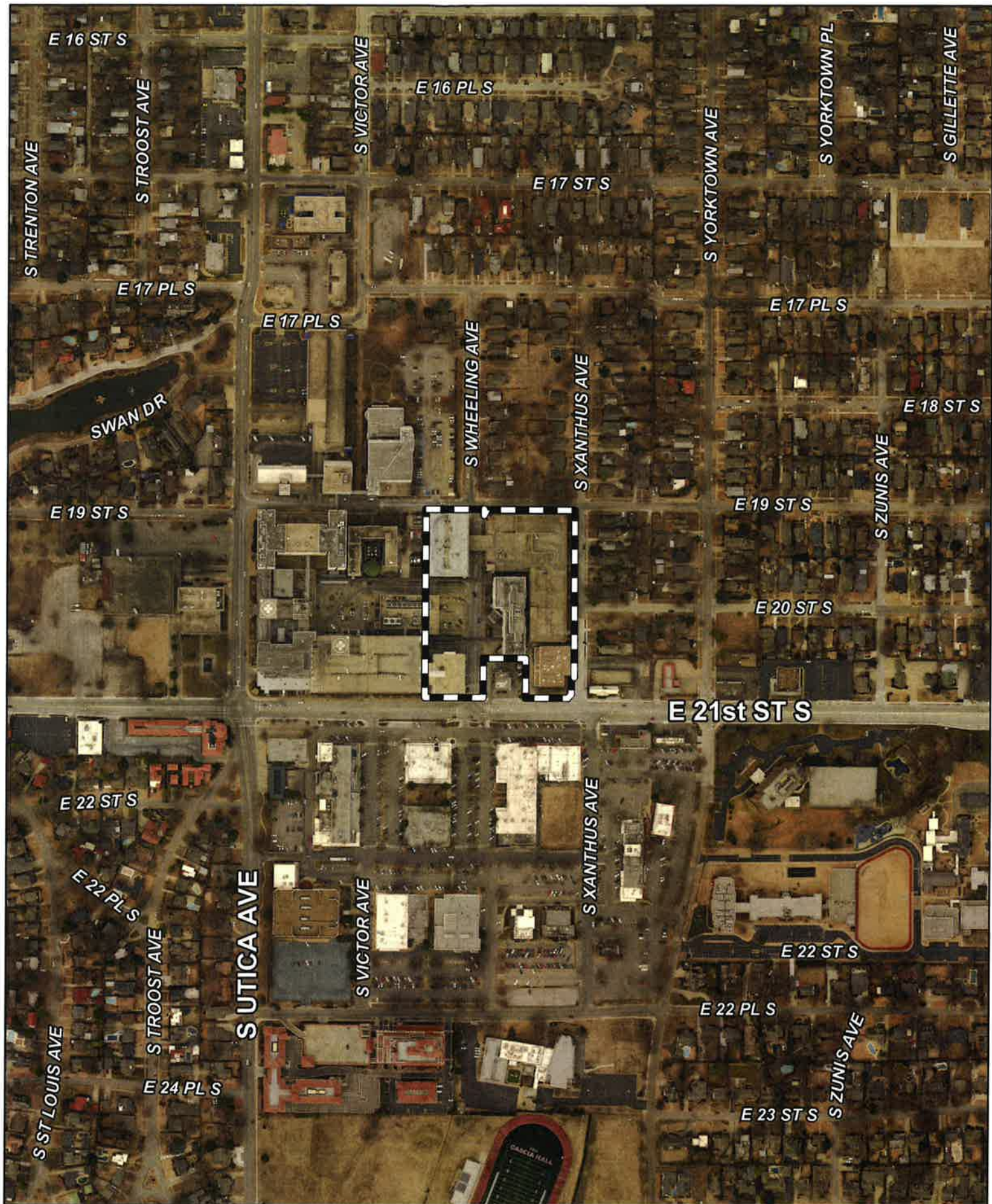
19-13 07

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

Aerial Photo Date: February 2018



26.14



0 200 400
Feet



Subject
Tract

BOA-22793

19-13 07

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

Aerial Photo Date: February 2018



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