

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2621

Wednesday, March 7, 2012, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Liotta	Bates	Edmiston, Legal
Carnes		Fernandez	Steele, Sr. Eng.
Dix		Huntsinger	
Edwards		Matthews	
Leighty		Sansone	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 1, 2012 at 11:47 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

REPORTS:

None.

Minutes:

Approval of the minutes of February 15, 2012 Meeting No. 2620

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Perkins, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; Liotta, Midget “absent”) to **APPROVE** the minutes of the meeting of February 15, 2012, Meeting No. 2620.

AGENDA:

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20490** (Lot-Split) (CD-1), Location: North of northwest corner of South Lewis Avenue and East 69th Street South (Related to LC-380)
3. **LC-380** (Lot-Combination) (CD-9), Location: Northwest corner of South Lewis Avenue and East 69th Street South (Related to LS-20490)
4. **LC-382** (Lot-Combination) (CD-1), Location: East of the northeast corner of North Wheeling Avenue and East Newton Street
5. **LS-20492** (Lot-Split) (CD-4), Location: Southeast corner of South Joplin Avenue and East Admiral Place
6. **LS-20493** (Lot-Split) (CD-1), Location: South of the southeast corner of West Pine Street and North Xenophon Avenue
7. **LS-20495** (Lot-Split) (CD-8), Location: North of East 115th Street South and west of South Louisville Place (Related to LC-383)
8. **LC-383** (Lot-Combination) (CD-8), Location: North of East 115th Street South and west of South Louisville Place (Related to LS-20495)
9. **LC-384** (Lot-Combination) (CD-3), Location: North of the northwest corner of East Admiral Place and South Mingo Road
10. **LC-385** (Lot-Combination) (CD-4), Location: Southeast corner of West 17th Place South and South Carson Avenue
11. **LC-386** (Lot-Combination) (CD-1), Location: Southeast corner of West Edison Street and North 33rd West Avenue
12. **Change of Access** – Lot 1, Block 1, Lewis Village Addition, Location: Northwest corner of East 69th Street South and South Lewis Avenue
13. **QuikTrip No. 0107** - Final Plat, Location: East of northeast corner of Highway 75 and West 71st Street South

14. **PUD-275-6 – Sack & Associates, Mark Capron**, Location: Southwest corner of 91st Street South and South Yale Avenue, Requesting a **Minor Amendment** to change a permitted use boundary line and modify a landscape requirement along Yale Avenue to reflect as-built conditions within the PUD, **RS-3/RM-0/RM-2/CS**, (CD-8)
15. **PUD-360-A-13 – Brett Mann/McDonald's**, Location: Northwest corner of East 91st Street South and South Memorial Drive, Requesting a **Minor Amendment** to reduce required parking from 35 spaces to 26 spaces to allow for the expansion of the drive-through to accommodate for a second drive-through lane, **RM-0/CS**, (CD-8)
16. **PUD-709-6 – Jim Finley**, Location: Southeast of the southeast corner of East 111th Street South and South Delaware Avenue, Requesting **Minor Amendment** to reduce a side setback from 10 feet to 5.5 feet, **RS-2**, (CD-8)
17. **PUD-379-A-9 – Amax/Lori Worthington/Village at Woodland Hills**, Location: North of the northwest corner of East 71st Street South and South Memorial Drive, Requesting a **Minor Amendment** to increase the permitted display surface area for a tenant identification sign by 12 square feet, **CS**, (CD-7)
18. **PUD-431-A – Tanner Consulting/Matt Baer/Wright Office Building**, Location: Southwest of the southwest corner of 101st Street South and South Sheridan Road, Requesting a **Detail Site Plan** for a 9,931 square foot, two-story office building, **RM-1/CS**, (CD-8)

PUBLIC HEARING

19. **FY 13-17 CIP Review for conformance to the Comprehensive Plan**
As required by State Statute, the TMAPC must review any requests for expenditures for capital projects in the City for conformance with an adopted Comprehensive Plan.
20. **LS-20494** (Lot-Split) (CD-2), Location: Southwest corner of West 78th Street South and South Xenophon Avenue
21. **Z-7083-SP-2** – Plat Waiver, Location: Northeast corner of U.S. Highway 75 and West 91st Street South

22. **PUD-588-A – Alan Betchan/QuikTrip**, Location: Northwest corner of East 11th Street and South Utica Avenue, Requesting a **Major Amendment** to allow for 1.35 acres of property located north of the existing PUD to be added to the PUD to allow for the redevelopment of the property with a larger store and greater service capacity, from **RS/4/RM-2/CS/CH/PUD-588 to RS-4/RM-2/CS/CH/PUD-588-A**, (CD-4)

ADJOURN

Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Midget in at 1:33 p.m.

MINUTES:

CONSENT AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

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10. **LC-385** (Lot-Combination) (CD-4), Location: Southeast corner of West 17th Place South and South Carson Avenue
11. **LC-386** (Lot-Combination) (CD-1), Location: Southeast corner of West Edison Street and North 33rd West Avenue
12. **Change of Access** – Lot 1, Block 1, Lewis Village Addition, Location: Northwest corner of East 69th Street South and South Lewis Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access to make one access larger along South Lewis Avenue. The property is zoned CS (Commercial Shopping).

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

13. **QuikTrip No. 0107** - Final Plat, Location: East of northeast corner of Highway 75 and West 71st Street South

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 2.68 acres.

Staff has received letters for this plat and can recommend approval of the final plat.

14. **PUD-275-6 – Sack & Associates, Mark Capron**, Location: Southwest corner of 91st Street South and South Yale Avenue, Requesting a **Minor Amendment** to change a permitted use boundary line and modify a landscape requirement along Yale Avenue to reflect as-built conditions within the PUD, **RS-3/RM-0/RM-2/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to change a permitted use boundary line and modify a landscape requirement along Yale Avenue to reflect as built conditions within the PUD.

Please refer to the attached case map aerial photograph as well as, Exhibit B. As approved, the PUD limited the south 300 feet of the PUD to office uses in anticipation of construction of the bank. The bank property has been developed and platted with 235 feet of frontage along Yale Avenue. This minor amendment request seeks to shift the

300 foot line 65 feet south to follow the platted north boundary line of Lot 1, Block 1 – Nations Bank Branch No. 1.

Section 1107.H.1 of the Code allows, by minor amendment adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.

Concurrently, the PUD was approved to require a 25 foot deep by 300 foot wide landscape strip along Yale Avenue, the east boundary of the bank property. This amendment also includes a request to reduce the landscape strip along Yale Avenue to 235 feet wide to follow the platted lot line along the eastern boundary of the bank along Yale Avenue. The 25 foot wide strip is far above what the Code requires for street yard landscaping. There is no request to reduce any landscaping in the rest of the development below what the Code requires.

Section 1107.H.13 permits by minor amendment modification to approved screening and landscape plans, provided the modification is not a substantial deviation from the original approved plan.

Staff feels the 65 foot shift in the permitted uses boundary and the 65 foot reduction in the length of a 25 foot wide landscape strip is not a substantial deviation from the original approved plan. The remainder of the development will be held to the existing landscaping requirements of the PUD (30,679 square feet of open space required) as well as the street yard and parking area landscape requirements in Chapter 10 of the Code.

Staff recommends **APPROVAL** of minor amendment PUD-275-6.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

15. **PUD-360-A-13 – Brett Mann/McDonald's**, Location: Northwest corner of East 91st Street South and South Memorial Drive, Requesting a **Minor Amendment** to reduce required parking from 35 spaces to 26 spaces to allow for the expansion of the drive-through to accommodate for a second drive-through lane, **RM-0/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce required parking on from 35 spaces to 26 spaces to allow for the expansion of the drive-thru to accommodate for a second drive-through lane. The applicant cites the extremely high volume of drive-through customers

versus the number of sit-down customers as necessitating the need for the amendment.

Section 1106 of the Code allows parking reductions in PUDs so long as any reduction is completed by filing the approved amendment as an addendum to the approved plat with the County Clerk's Office.

Please refer to the attached case photographs. Staff randomly picked a Wednesday lunch hour to conduct a site visit. Staff arrived on site at 11:30 AM and stayed until 12:45 PM. While not claiming to be conclusive, staff observed considerable congestion at the drive-through while portions of the parking lot remained empty. On occasion the queue for the drive-through backed up to where cars were waiting in the access point to the lot, keeping autos seeking to exit the site from doing so. Every car that staff witnessed using the drive-through left the site after receiving their order.

The applicant has stated that the added drive-through lane will only reduce the open area of the lot by 23 square feet and that all landscape and open space requirements of the PUD and Chapter 10 of the Code will continue to be met.

Staffs feel the nine-space parking reduction should not substantially alter the approved development plan or the Character of the PUD. The addition of the drive-thru lane should help to make the site more functional. This includes limiting the number of autos in the queue and reducing the number of autos waiting for the drive-thru in the access point to the property (a mutual access easement).

Staff recommends **APPROVAL** of minor amendment PUD-360-A-13.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

17. **PUD-379-A-9 – Amax/Lori Worthington/Village at Woodland Hills**, Location: North of the northwest corner of East 71st Street South and South Memorial Drive, Requesting a **Minor Amendment** to increase the permitted display surface area for a tenant identification sign by 12 square feet, **CS**, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted display surface area for a tenant identification sign by 12 square feet.

Currently the PUD allows this sign to be 28 feet tall with a total of 310 square feet (SF) of display area. As the sign exists is 28 feet tall with 300 SF display area. The applicant proposes to add two tenant panels to the bottom of the sign, each panel totaling 12 SF in display area.

Free-standing signs for this multi-tenant, mixed use PUD are limited to two signs along Memorial Drive frontage, only one of which is dedicated to multi-tenant identification. The second sign along Memorial Drive is reserved for the movie theater. For a PUD of this scale with as many different tenants located within the shopping center one sign seems a bit prohibitive. Street frontage of the lots along Memorial Drive would allow a total of 950 SF of display area, shared among the four lots within this development area.

Staff contends the increase does not substantially alter the size, location, number and character (type) of signs permitted within the PUD nor does it substantially alter the approved PUD concept plan or the intent of the PUD chapter of the Code.

Therefore staff recommends **APPROVAL** of minor amendment PUD-379-A-9.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

18. **PUD-431-A – Tanner Consulting/Matt Baer/Wright Office Building,**

Location: Southwest of the southwest corner of 101st Street South and South Sheridan Road, Requesting a **Detail Site Plan** for a 9,931 square foot, two-story office building, **RM-1/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 9,931 square foot (SF), two story office building. The proposed use, Use Unit 11 –Offices, Studios and Support Services is a permitted use in PUD-431-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from one point along the private access drive. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping is provided per the PUD and landscape chapters of the Zoning Code. There is no site lighting proposed at this time. A trash enclosure will be provided as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 – South Tulsa Baptist Church Extended.

Note: Detail site plan approval does not constitute landscape and sign plan approval.

Mr. Walker announced that Item 16, PUD-709-6 will be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2 through 15 and 17 through 18 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

- 16. **PUD-709-6 – Jim Finley**, Location: Southeast of the southeast corner of East 111th Street South and South Delaware Avenue, Requesting **Minor Amendment** to reduce a side setback from 10 feet to 5.5 feet, **RS-2**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce a side setback from 10 feet to 5.5 feet per the attached plan. The PUD requires that homes in the subdivision observe a 10 foot setback on each side. Side setbacks along streets are required to be 15’.

Section 1107.H.9 of the Code allow the Planning Commission to relax structure heights, building setbacks, yards, open spaces, building coverage, and lot widths or frontages, provided the approved development plan, the approved PUD standards, and the character of the development are not substantially altered.

This PUD was developed to provide flexibility with respect to open space/livability space within the PUD as permitted by section 1104.C of the Code. Section 1104.C allows required livability space on a lot by lot basis to be placed within the lots themselves as well as within reserve areas so long as the total open space requirement for the PUD

is met. The effect is larger homes that can be built on smaller lots allowing for “low-maintenance” marketability. Many times developers will increase required setbacks in exchange for this provision.

The underlying zoning of this property is RS-2. The RS-2 District requires side setbacks of 10 feet on one side and five feet on the other. PUD-709 requires 10 feet on each side. Referring to the attached site plan, there is a 16-foot utility easement along the south side of the lot. The applicant contends the 16-foot easement makes it difficult to meet the 10 foot requirement along the opposing side lot line.

Staff contends the 4.5-foot reduction in setback will not substantially alter the approved development plan, the approved PUD standards, or the character of the development. Therefore recommends **APPROVAL** of minor amendment PUD-709-6.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Sansone stated that property owners within 300 feet of the subject property (property lines) are noticed.

Applicant's Comments:

Jim Finley, 11414 South 66th East Avenue, Bixby, 74008, stated that the other speaker who wanted to object was confused and thought the reduction was facing his property. The house will actually be 26 feet away from his house.

Mr. Finley indicated that he agrees with staff's comments regarding the water runoff from the roof.

TMAPC COMMENTS:

Ms. Cantrell stated that the letter received from the homeowners association stated that the applicant refused to meet with the neighbor that this would affect. Mr. Finley stated that he didn't know who the neighbor was. The HOA supplied a name, but the company is no longer in business. Mr. Finley further explained that since he filed for the minor amendment he thought the noticing would be sufficient. Ms. Cantrell stated that had Mr. Finley met with the neighbors prior to the meeting there may not have been a misunderstanding. Mr. Finley stated that the letter is talking about the property owner to the north and he didn't have any contact information for that property owner.

Mr. Perkins stated that Mr. Finley has been building homes for quite a while and finding out the name of a property owner is pretty easy. Mr. Finley stated that he had a name, but he didn't have any contact

information. Mr. Perkins stated that it seems that if Mr. Finley wanted to meet with the property owners, he probably could have and if the Architectural Committee encouraged him to do so it seems to be the prudent thing to do. Mr. Finley stated that he received an email on Tuesday and in the email they told him they were filing an objection. Mr. Perkins asked what the hardship is for the request. Mr. Finley stated that the hardship is the 16.5-foot easement on the south side of the property that would normally be 10-foot. He explained that he has to move the house over an additional 6.5 feet and it makes the lot smaller to have 10 feet on the other side. He is attempting to build a house comparable with the existing homes in the neighborhood. Most of the homes are 6,000 square feet or more and the proposed house is 5,000 square feet. Mr. Perkins stated that there would be a 79-foot building space on 16.5-foot and 5-foot setbacks. Mr. Finley stated that it would be 75 feet.

Mr. Dix moved to approve the minor amendment and Mr. Carnes seconded.

Mr. Perkins asked to have discussion.

TMAPC COMMENTS:

Mr. Perkins stated that he personally doesn't see what the hardship is here and he understands that they don't have to have one. Mr. Perkins expressed a problem with the applicant not making an effort to meet with the surrounding property owners. Mr. Perkins indicated that he can't support this application.

Ms. Cantrell expressed concerns that the Committee denied his application before them.

Mr. Edmiston stated that if the covenants are still in effect then the Architectural Committee that is described in those covenants will have to approve his application before them. If the applicant wants to get started, he may find himself with an injunction if they go to court to seek enforce the restrictive covenants. If that Architectural Committee and the HOA failed to enforce their covenants, then he goes through with impunity and it would be up to that group to enforce their covenants.

Mr. Perkins stated that the Architectural Committee typically looks at this from a covenant standpoint: taste, style, percentage of brick, roof pitch, etc. If the TMAPC makes an approval that they are allowed to legally to build beyond those building lines they would be hard-pressed to turn him down strictly because the building envelope is bigger.

Mr. Leighty stated that it does have a hardship with the 16.5-foot easement. That gives him something to think about and to support the request. If the applicant is building a 5,000 square foot home and the neighborhood has 6,000 square foot homes, then he has already made a concession. Mr. Leighty indicated that he would be supporting this application.

Mr. Finley stated that he assumed that the person to the north side would contacted him after receiving the notice of this meeting if he had a problem with it.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **7-3-0** (Carnes, Dix, Edwards, Leighty, Midget, Shivel, Walker "aye"; Cantrell, Perkins, Stirling "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the minor amendment for PUD-709-6 per staff recommendation.

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PUBLIC HEARINGS:

- 2. **FY 13-17 CIP Review for conformance to the Comprehensive Plan**
As required by State Statute, the TMAPC must review any requests for expenditures for capital projects in the City for conformance with an adopted Comprehensive Plan.

STAFF RECOMMENDATION:

As required by State Statute, the TMAPC must review any requests for expenditures for capital projects in the City for conformance with an adopted Comprehensive Plan. Staff has reviewed the list submitted this year and finds it either in accord with the Plan or maintenance/repair of existing capital improvements. Requested improvements include roadways (all in accord with the adopted Major Street and Highway Plan), signalization (not within the scope of the Plan) and trail renovation/extension/maintenance.

Among the maintenance/replacement requests are a Police helicopter, a radio system upgrade, courtroom automation, and improvements to Gilcrease Museum and the PAC. Among the River Park Authority requests are bank stabilization, trail renovations and extensions, recreational facility upgrading and pedestrian bridge safety improvements. The BOK Center has requests for infrastructure improvements within its facility; however, staff notes that the proposed marquee at the center must comply with all sign and lighting ordinances. Many of the Planning Department requests are related to economic development within one of the Small Area Plan sites. Public

Works has requested funding to move the City Equipment and Materials facility from the present 23rd and Jackson location, in accord with the Downtown Master Plan's recommendation of reuse of the existing site for economic redevelopment. Staff further notes that the request for widening/straightening of East 61st Street between Lewis and Harvard will impact Southern Hills Golf Course.

In summary, staff finds the requests to be either in accord with the Plan or beneath the scope of it. We recommend the TMAPC do so as well.

TMAPC COMMENTS:

Ms. Cantrell questioned the widening of a road from four lanes to six lanes that are not actually on the Major Street and Highway Plan (MSHP) such as 41st to 51st on Riverside. This is not in the Comprehensive Plan and it shows that they are to remain four lanes. Ms. Matthews stated that she would defer this to Mr. Hamer.

Gary Hamer, City of Tulsa Capital Planning Manager, stated that as far as he knows; the project Ms. Cantrell is referring to was in conformance with the MSHP. It may be in conflict with the Long Range Transportation Plan (LRTP), which he believes the INCOG Transportation staff noted. The LRTP doesn't show these projects in the next ten years or longer and they would probably need to be deferred and put further out to 40 to 50 years. The MSHP indicates Riverside between 41st and 51st as being six-lane facility.

Mr. Leighty stated that he would like to see if the Planning Commissioners would be interested in having more time to consider the CIPs and continue it until the next meeting. He would like to have some discussion today about some of the items on the list and some that are not on the list. Mr. Leighty requested Mr. Hamer to speak to the timeframe. Mr. Hamer stated that the reason for bringing the projects to the Planning Commission is because it is a State Law and it has to be found in conformance with the City's Comprehensive Plan. If the project is identified in a shorter timeframe, it would need to be approved by the Planning Commission so that it could be included in the next fiscal year budget and that would be a time sensitive issue. Many of the projects that have a longer time horizons would not have an issue with delaying it for further consideration. Mr. Leighty stated that the evaluation of whether or not five hundred or six hundred million dollars worth of projects are in conformance with the Comprehensive Plan is a fairly subjective determination and that is the determination that has been made by our staff. He believes that there are issues that quantitatively maybe most of these items do conform to the plan, but he is not so sure that qualitatively that they do. Mr. Leighty explained that he is talking about in terms of sustainability and other issues. Our

Transportation Advisory Board recently hosted a gentleman from HDR who came in and gave a talk about sustainability return on investments and evaluating capital improvement projects placed on a broad range of ideals, concepts and values. In the past the City of Tulsa's capital planning hasn't had a lot of public input. The Planning Commission can play a role; there are some talented people with experience in different areas. Mr. Leighty suggested that this item be continued and give some real thought and consideration to it. One of the projects on the list is a ninety million dollars set aside for the relocation of the engineering and maintenance facility for Public Works from the 23rd and Jackson area. He understands that as a part of that there is some money in there for the acquisition of a concrete plant on the west side. The redevelopment of the site is a part of the Downtown Master Plan and a part of the Comprehensive Plan, but spending ninety million dollars is something that needs a lot more thorough analysis of whether that is indeed a good investment and would actually conform to the sustainability requirements of the Comprehensive Plan. The Fast Forward Regional Transportation Plan has not been adopted by the Planning Commission as a part of the Comprehensive Plan and he believes that is something that should be considered and have staff evaluate and possibly bring back to the Planning Commission to have a public hearing, because it identifies certain corridors and one of those corridors is the 11th Street "Historic Street Car Route". The CIP package doesn't have this concept on the list and it is a major part of the Comprehensive Plan. The Mayor has been interested in developing an intermodal transportation facility near the Port. Mr. Leighty asked Mr. Hamer if there is anything in the CIP list for the development of an intermodal facility. Mr. Hamer stated that the project would have to be developed and they are in the early stages of doing that and the land swap has not occurred at this time so there is not enough information to put together the project. Once the scope is developed it would be brought forward to be added to the CIPs. This would require coming back before the Planning Commission to amend the CIPs.

Mr. Hamer suggested that the Planning Commission review the list and if there are specific projects that they have issues with that could be pulled for further review and approve the remainder projects and allow them to go forward.

In response to Mr. Leighty, Mr. Hamer stated that the Mayor has to have these projects put into the budget and delivered to the City Council on or before May 1, 2012, which is Stated Law. This is a big undertaking and need these items determined as soon as possible.

Ms. Matthews cautioned the Planning Commission that their role is to determine if these are in conformance with the Comprehensive Plan and not to look at the budget number. The Budget Department and the Finance Department are the ones who are in charge of the numbers.

Mr. Leighty stated that he is not suggesting that at all, but he is stating that there are different ways to evaluate if these are in conformance with the Comprehensive Plan.

Mr. Midget stated that Ms. Matthews already stated what he was going to state. It is not our role; these are policy issues and Mr. Hamer pointed out that they will be properly vetted when it comes time to actually fund these projects. What Mr. Hamer is requesting the Planning Commission to consider these projects and find them in conformance with the Comprehensive Plan. If the Planning Commission finds these in conformance then vote affirmatively and if not vote in the negative. Mr. Midget stated that if there is no further discussion he would move for approval. Mr. Dix seconded.

Mr. Shivel stated that he also serves on the Transportation Policy Committee and they are currently looking at plans out to 2032 and 2035. The Planning Commission depends on staff to really tell them and give them leadership guidance and they are doing so in the last paragraph. We are here to discuss budget issues, but also to look at the long range plan per se.

Mr. Leighty asked why have a Planning Commission if we are going to accept staff's statement that this is in conformance with the Comprehensive Plan, and then we really don't need to be up here. There is a lot more to determining whether or not something on this list is in conformance with the Plan, than just a cursory look at it. There is five hundred million dollars worth of projects and we are just giving it a rubber stamp and sending it on its way.

Mr. Carnes said in the past there have been errors found in the planning due to a boundary line that needed to be corrected. The Planning Commission is not a budget maker and these things are in compliance with the Comprehensive Plan. Mr. Carnes indicated that he would be supporting this item.

Ms. Cantrell stated that she will be supporting it as well. There are some issues, like the 41st/51st and Riverside improvement not being something she has seen in the Comprehensive Plan, nor maps that she has seen. This has potential to affect some stable neighborhoods. This should be evaluated very cautiously. The overall emphasis of the Comprehensive Plans is to not continually widen the streets. Ms.

Cantrell stated that she isn't going to interfere with the elected officials who have the final say on the budget. She would like to convey her concerns about some of the street widening.

Mr. Leighty stated that he doesn't see the rush and he will be voting against it.

Mr. Perkins stated that he will be supporting this, but he would like to raise a concern with Item 63. It is seen as 61st Street Corridor between Lewis and Harvard and on the Long Range Transportation Plan it is shown as a four-lane. This goes through a neighborhood, dead-man's curve, and would affect Southern Hills Country Club. Ms. Matthews stated that staff had the same concerns and it is not a guarantee and if Mr. Perkins would like to get involved with the process Mr. James Wagner, INCOG/Transportation Project Coordinator, would be happy to talk with him regarding this process.

Mr. Leighty asked if the Planning Commission would consider a friendly amendment to have this come back with an estimate for a street car to be included in the CIPs. The street car is a part of the Comprehensive Plan and he doesn't know why it didn't show up on this list. If the Plan is going to be implemented there needs to be a vision about where Tulsa is going in the future and that vision needs to start now and the Capital Improvements Project planning process and he would like the members of the Commission to think about the Comprehensive Plan, the transportation development of the Comprehensive Plan.

Mr. Walker stated that the Planning Commission is only to vote whether the items before the Planning Commission today are in conformance with the Comprehensive Plan. Mr. Leighty stated that he is adding the street car as a friendly amendment.

Ms. Matthews stated that last year there were two or three different amendments to the CIP list. The street car can always be added at a later date if that is the wish of the departments at the City of Tulsa. This would be up to the departments because they are the ones who submit the list.

Mr. Hamer stated that the CIPs can be amended.

Mr. Leighty stated that he is still waiting for Mr. Midget to state whether he would accept the friendly amendment.

Mr. Midget stated that he absolutely would not accept the friendly amendment. Ms. Matthews has already pointed out that this particular list is before the Planning Commission to vote on whether it is in conformance with the Comprehensive Plan. If there are other projects that Mr. Leighty would like to see on the CIP list, then there is a process where they can be added in enough time to be vetted by the Administration, City Council and the public when it goes out for funding. The Commission needs to make a decision about today's list and move forward.

Mr. Leighty stated that if the Planning Commission is going to vote for this, then basically what they are saying, in his view, is that the Planning Commission agrees that every single line item on this CIP list is in conformance with the Comprehensive Plan.

TMAPC Action; 10 members present:

- 3. On **MOTION** of **MIDGET**, TMAPC voted **9-1-0** (Cantrell, Carnes, Dix, Edwards, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nay"; none "abstaining"; Liotta, "absent") to recommend **APPROVAL** of the FY 13-17 CIP list and finding it in conformance with the Comprehensive Plan.

* * * * *

- 4. **LS-20494** (Lot-Split) (CD-2), Location: Southwest corner of West 78th Street South and South Xenophon Avenue

STAFF RECOMMENDATION:

The Lot-split proposal is to split an existing RS-3 (Residential Single-Family) tract into three tracts. All three tracts will exceed the Bulk and Area Requirements of the Tulsa County Zoning Code.

One of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract has more than three side lot lines.

The Technical Advisory Committee met on February 16, 2012. Approval from the Health Department for the use of a septic or aerobic system should be given prior to construction of new homes. If approval is not given by the Health Department an extension of the sewer line may be required.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the waiver of *Subdivision Regulations* and of the lot-split for LS-20494 per staff recommendation.

Mr. John Southern, 2002 West 78th Street, 74132, submitted a passing perk test from 1983 (Exhibit B-1).

* * * * *

5. **Z-7083-SP-2** – Plat Waiver, Location: Northeast corner of U.S. Highway 75 and West 91st Street South

STAFF RECOMMENDATION:

The platting requirement is being triggered by a corridor plan for signs.

Staff provides the following information from TAC for their February 16, 2012 meeting:

ZONING:

TMAPC Staff: The property is described for two small parts of a CO (corridor) area for two signs. The remainder property will need to be platted as development occurs in the future.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **Approval** of the plat waiver for the property for the two signs only. Property will need to be platted as the remainder of the corridor develops.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- | | | |
|-----|---|---|
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | X |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

Applicant's Comments:

William LaFortune, 2100 South Utica Avenue, Suite 210, 74114, stated that his client is in agreement with the staff recommendation. The subject property will be platted when it is fully developed.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **APPROVE** the plat waiver for Z-7083-SP-2 per staff recommendation.

* * * * *

6. **PUD-588-A – Alan Betchan/QuikTrip**, Location: Northwest corner of East 11th Street and South Utica Avenue, Requesting a **Major Amendment** to allow for 1.35 acres of property located north of the existing PUD to be added to the PUD to allow for the redevelopment of the property with a larger store and greater service capacity, from **RS/4/RM-2/CS/CH/PUD-588 to RS-4/RM-2/CS/CH/PUD-588-A**, (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19289 dated June 19, 1998, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7109 October 2008: All concurred in approval of a request for rezoning a .32± acre tract of land from RS-4 to OL for accessory parking for a restaurant on property located on the southeast corner of South Troost Avenue and East 10th Street and abutting the subject property to the west.

PUD-588 June 1998: All concurred in approval of a proposed Planned Unit Development on a 2± acre tract of land for a 9,000 sq. ft. convenience store (QuikTrip) on property located on the northwest corner of East 11th Street and South Utica Avenue and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.35± acres in size and is located northwest corner of East 11th Street and South Utica Avenue. The property has been developed as a QuikTrip convenience store and is zoned RS-4/RM-2/CS/CH/ PUD-588.

SURROUNDING AREA: The subject tract is abutted on the west by Park Dale AMD, zoned CH/RS-4 and being used as a Credit Union and a Restaurant; on the north by Park Dale AMD, zoned RS-4/RM-2 and is vacant; on the south by 11th Street South and then Hopping Heights, zoned CH and being used as a structured parking facility and a hospital; and on the east by Utica Avenue and then Ferrell Addition L15 B3 Clover Ridge Addition, zoned OL/CH and Tulsa Recreation Center for the Physically Limited, zoned RM-3/OL/IM. The Ferrell property at the hard corner of 11th Street and Utica Avenue is vacant while the Tulsa Recreation Center is the site of the Center for Individuals with Physical Challenges.

UTILITIES: The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates 11th Street South as a Multi-Modal Corridor and does not designate Utica Avenue.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and

sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

TULSA METROPOLITAN AREA MAJOR STREET AND HIGHWAY PLAN:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11th Street	Multi-Modal Urban Arterial	70'	4
South Utica Avenue	Urban Arterial	70'	4

RELATIONSHIP TO THE TULSA COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an “Area of Growth” with a land use designation of “Main Street” and “Downtown Neighborhood”.

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Main Streets are Tulsa’s classic linear centers. They include residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors

from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Page 26 of the Land Use chapter of the Plan further states, “On a Main Street, where strolling and window shopping by pedestrians is desired, design standards include bringing buildings near the sidewalk and providing a minimum amount of display window area at street level. Street design elements include wide sidewalks, street trees and street furniture”.

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas include university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

PUD-588 was approved by the City Council in 1998 and was found in accord with the Comprehensive Plan. ~~Since the adoption of the updated Comprehensive Plan in 2010, it has been the policy of staff as well as the Planning Commission, to not retroactively enforce the newly adopted policies found in the plan on existing PUDs that have been developed according to previous development guidelines. All new, “ground-up” PUDs proposed within the City are reviewed under the guide of the Comprehensive Plan for appropriateness with the policies outlined in the current plan and other small area plans adopted as part of the over-all Comprehensive Plan.~~

The recommendations of the Comprehensive Plan target the future redevelopment of 11th Street as a Multi-Modal Corridor. East 11th Street is also identified by “Fast-Forward”, the recently completed Regional Transit System Plan for the Metro Tulsa Area, as a “Historic Streetcar Corridor”. The redevelopment of 11th Street in such a manner would clearly be an impetus for the development of 11th Street as a “Main Street” as defined within the Comprehensive Plan (see definitions above).

However, INCOG/TMAPC transportation planners have indicated that based on current and expected funding levels targeted for public transportation, it cannot be assumed that a fixed rail streetcar will be operating on this segment in the foreseeable future. Accommodations for bus shelters have been designed into the site plan and are

appropriate for the level of transit service on this route currently and for the foreseeable future.

INCOG/TMAPC Transportation Planners further state that the best alternative for development along the 11th Street corridor would be to consider robust bus shelter(s) on Utica and 11th connected by sidewalks to adjacent buildings. Until such a time that funding is appropriated and more specific work can be completed, transportation staff contends the priority of the PUD process should be the enhancement of pedestrian and bicycle connectivity to sites, availability and access to public transportation (the bus) and to make sure 70' of ROW is dedicated given the street classification of Multi-modal Urban Arterial within the Plan.

RELATIONSHIP TO THE 6th STREET INFILL PLAN (adopted as part of the Tulsa Comprehensive Plan):

The existing property is identified by the 6th Street Infill Plan as being within the “Neighborhood Commercial Corridor Subarea”.

SUBJECT AREA

Several goals are identified by the Plan for the restoration and enhancement of private property along key arterial corridors. The 6th Street, 11th Street, and Peoria Avenue corridors provide opportunities for small-scale infill development. The Plan recommends that new development utilize existing lots, streets, and alleyways, and designs should complement the existing architecture.

Goals for the Neighborhood Subarea include:

- 1. Create a stable neighborhood with rising property values.*
- 2. Allow for a thriving neighborhood commercial area.*
- 3. Removal of blight through restoration or replacement.*
- 4. Provide adequate parking for commercial businesses.*
- 5. Land use policies that support traditional forms of development.*
- 6. Make the process of restoring older buildings sensible and economically competitive.*

Objectives for Neighborhood Commercial Corridors Subarea:

1. Encourage two to four story infill developments.
2. Require infill development that will complement the existing, urban vernacular in the area.
3. Retain the established street wall.
4. Require substantial buffers between higher density and lower density development.
5. Work with City of Tulsa to allow on-street parking on both sides of arterial corridors.

6. Work with City of Tulsa and other partners to repair sidewalks.
7. Work with City of Tulsa and other partners to create attractive landscaping: use trees that are appropriate in urban environments,
8. Work with City of Tulsa and other partners to install pedestrian-scale street-lighting, furniture, signage, awnings, etc.

With respect to the closure of a portion of 10th Street between Troost Avenue and Utica Avenue; section 1.6.9.1.1.1 of the 6th Street Plan states that, “Whenever and wherever possible, the existing grid network of streets and sidewalks should be retained”. The City of Tulsa Traffic Engineer has stated that in limited cases, such as this one, the effects of street closures can be mitigated. City of Tulsa Traffic conducted traffic counts on the surrounding streets, observing the traffic at peak times and concluded that the impact of closing 10th Street would not be significant enough to object to the closure of 10th Street.

The 6th Street Infill Plan was adopted in 2006 by the Tulsa City Council eight years after the PUD was completed. Staff contends that the current proposal attempts to meet several of the goals and objectives above; particularly numbers 1 – 5 of the Goals and numbers 2, 6, 7, and 8 of the Objectives. It cannot be assumed that every proposal can meet every goal and objective of every adopted plan.

Staff conducted two site visits of two hours each, one in the morning peak time on a Monday and one in the afternoon peak time on a Thursday. These visits are not construed by staff to be completely representative. However, staff observed a majority of traffic utilizing 10th Street was either going to the QuikTrip Store or using 10th Street to Troost Avenue as a cut-through to avoid the signal at 11th and Utica. Through-traffic into the neighborhood west of Troost Avenue was also observed in some instances. The project proposes to relocate, enhance and preserve the alley to the west of the existing store (the north-south alley) and to improve the alley running east-west to Troost Avenue, thus continuing direct access to the restaurant, credit union and QT store from the neighborhood. A 20-foot alley will also be maintained on the north boundary of the site allowing direct access from Troost Avenue. In doing so, many of the goals and objectives of the 6th Street Infill Plan with respect to alleys are being met (sections 16.9.2.1 and 16.9.2.2).

The 6th Street Infill Plan was adopted as part of the Tulsa Comprehensive Plan. The Comprehensive Plan states, "Existing small area plans remain in effect, but shall be reviewed for effectiveness of implementation, and new plans and updates shall meet the requirements of the Comprehensive Plan".

Making this proposal more complex is the site location within the Pearl District as well as within the Medical Corridor, a regional destination center attracting people from all over eastern Oklahoma. The Utica Corridor from I-244 to the project site and beyond is a high capacity corridor and will remain that way as a result of the presence of four major regional destination complexes (Hillcrest Medical Center, St. John's Medical Center, Parkside Mental Health Facility and the Utica Square Shopping Center). Staff *strongly* supports the goals and objectives of the 6th Street Infill Plan and the Comprehensive Plan and feels this project, while not meeting every goal and objective of the Plans, **is** in accord with the Comprehensive Plan and 6th Street Plans.

STAFF RECOMMENDATION:

The purpose of this PUD major amendment is to allow for 1.35 acres of property (gross) located north of the existing PUD, to be added to the PUD to allow for the redevelopment of the property with a larger store and greater service capacity (see attached sheet C100). The proposal does not include a request to increase the permitted floor area within the PUD which allows a maximum of 9,000 square feet (SF). The proposal includes closing an approximate 250 foot stretch of 10th Street connecting Troost Avenue to the West to Utica Avenue.

The site is located on the northwest corner of 11th Street South and South Utica Avenue. Topographically, the site slopes gradually downward from 11th Street north, with a high elevation of 735' at the southwest corner of the site to a low point of 714' as the northeast corner. The expanded PUD would include property that is zoned RS-4/RM-2/CS and CH (see attached zoning map).

The applicant cites the current store as being functionally inefficient and undersized with a fuel canopy that does not adequately serve the volume of traffic at this location as necessitating the need for the expansion. Site improvements are proposed that should greatly improve vehicular and pedestrian access as well as site circulation and safety around the store. The revised store will provide more floor space for the new grocery offers developed by QuikTrip and multiple entry locations to facilitate access.

Making this site most unique is the location within the Pearl District, as well as being located within the Medical Corridor, which is very much a regional destination. As discussed above, this creates some difficulty when assessing the goals and objectives of the 6th Street Infill Plan alongside the functional and safety improvements proposed for the PUD. The use of the property is not the issue but rather the design of the site.

Please refer to the discussion above under the “relationship to the 6th Street Infill Plan”. The Plan calls for the preservation of the street grid system while the proposal seeks to close a section of 10th Street. Aside from the location of the store along the street right-of-way (ROW), it could be interpreted that much of the proposal can be found in accord with the goals and objectives of the Neighborhood Commercial Corridor Subarea as described in the 6th Street Plan. Also, the preservation and enhancement of the existing alleys around the sight are in keeping with the Plan. It appears to staff that *functionally*, the closure of 10th Street would have minimal impact on the area. Direct access to Utica Avenue for the homes immediately west of the expanded sight would remain through the preservation of the alley along the north boundary of the expanded sight. Neighborhood vehicular access would be preserved and staff feels pedestrian access would be greatly improved.

This store is also distinctive in that it is utilized by a high number of customers with physical disabilities, given the location within proximity to the Center for Individuals with Physical Challenges and Murdock Villa. The site expansion takes this into account by greatly improving pedestrian and wheelchair access including improved and enhanced sidewalks including pathways that are designed to keep pedestrians away from vehicles accessing the fueling canopy (see Exhibit 1). Also the applicant proposes all power assist doors, increased ADA signage and increased and enhanced lighting. Staff is also recommending that bike racks be included in addition to adding more tables in the front of the store and maybe at the (north) side of the store to give the many pedestrians who utilize the store a place to sit if so desired.

With respect to site lighting and safety, staff feels the expanded site and the relocation of the store should help improve conditions along the west side of the site. The reconstruction of the north-south alley, the elimination of the wall which extends 70 feet from the northwest corner of the existing store, and enhanced security lighting will open the site and eliminate the “dead” area behind the existing store which should aide in increasing site safety and reduce loitering.

Staff has carefully considered the proposal and recognizes that the proposal does not meet every goal and objective of the 6th Street Plan and the property's land use designation within the Comprehensive Plan. Staff does contend, however, that the proposal has merit. The framework has been established for the redevelopment of the surrounding area to the northwest into a truly urban, Main Street style environment, including along 11th Street going west. However, public funding for infrastructure redevelopment to support this type of development will not be available for the foreseeable future and private investment in this area has been slow. As mentioned above, Utica Avenue from I-244 to the Broken Arrow Expressway is a high capacity corridor anchored by four major destination complexes and staff does not see this changing.

Letters from interested parties are attached.

Given the unique circumstances surrounding the property and the current proposal as it relates to its function within the surrounding area, staff is supporting the project. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Zoning Code. Staff finds major amendment PUD-588-A to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code. Therefore staff recommends APPROVAL of major amendment PUD-588-A subject to the following conditions:

- 1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
- 2. Development Standards:

Land Area:

Net Lot Area	*123,861 SF
Gross Lot Area	145,845 SF

** Includes 10th Street right of way to be vacated*

Permitted Uses:

Uses permitted by right (including all uses customarily accessory thereto) within the Use Unit 10 - Off-Street Parking; Use Unit 12 - Entertainment Establishments Other Than Drive-ins; Use Unit 13 - Convenience Goods and Services and Use Unit 14 - Shopping Goods and Services

Maximum Building Area: 9000 SF

Minimum Building Setbacks:**

11th Street	80 FT
Utica Avenue	100 FT
North Property Line	50 FT
Rear Property Line	50 FT

*** Setbacks shall be measured from the southern line of Section 6 Township 19 North Range 13 East for 11th street and from the east line of the southwest quarter of said Section 6 for Utica.*

Maximum Building Height: 1 story and 35'

Off-Street Parking:

As required by the applicable use unit within the Tulsa Zoning Code.

Lighting

No free standing light standard shall exceed 25' with building mounted lighting limited to 18 feet. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing at ground level in any R District or residentially used property. Verification of such shall be by submittal of a photometric plan and manufacturer's cut-sheets showing full cut-off capability for all light fixtures at the time of detail site plan review. No building mounted light standard shall exceed 18-feet in height and shall be for security purposed only.

Signage

Signs shall be limited to the following:

- ~~One~~ Two ground signs not exceeding ~~25'~~ 17.5' in height with 120 sf of display area shall be permitted along each the Utica Avenue street frontage.
- One ground sign shall be permitted along the 11th Street frontage not to exceed 17.5' in height with 120 sf of display area.
- Wall signs shall be limited to 2 square feet per linear foot of building or canopy wall to which the signs are affixed.
- No roof or projecting signs shall be permitted.

Screening & Landscaping

All trash and mechanical areas, including building mounted shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% shall be allowed on trash enclosure doors only.

A six-foot tall masonry screening fence will be constructed along the western boundary of the PUD that abuts residentially zoned property. Two staggered rows of trees and ample green space will abut the screening wall providing visual separation between the properties.

Landscaping***

Minimum internal landscaped space: 10%
Minimum landscape width abutting streets: 15' (except at points of access)

**** In lieu of providing a tree within 75' of every parking space no less than 36 trees shall be provided with the street yards. In addition landscaped shrubbery beds will be provided as shown on Exhibit D conceptual landscape plan. The PUD shall meet all other requirements of the Landscape Chapter of the City of Tulsa Zoning code.*

Pedestrian Access and Circulation

Pedestrian and bicycle access shall be in strict conformance with the attached "Sheet 1: Pedestrian Flow". Sidewalks will be constructed or reconstructed along Utica Avenue and 11 Street. Direct pedestrian and bicycle access from the 11th Street and Utica Avenue sidewalks to store doors shall be provided in such a manner that pedestrian ways do not intersect with vehicles seeking to access the fuel canopy. At the two points on Sheet 1 where the pedestrian access does cross a vehicular path, the pedestrian way shall be distinguished to vehicular traffic through the use of raised pavement or high contrast striping. Bike racks will be provided, the location of which shall be determined by detail site plan review.

3. No zoning clearance permit shall be issued within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level at the perimeter of the site.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD

except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: Approval should be contingent upon approval to vacate 10th Street.

Water: No comments.

Fire: No comments.

Stormwater: Please address the Environmental, Stormwater Quality, Issues involved with the Stormwater Runoff flowing into the Stormwater Drainage System from the Vehicle Fueling Areas, and the Tank Excavation Area.

Wastewater: No comments.

Transportation: The east drive off 11th street must be right in, right out only, with an island designed to facilitate this traffic pattern.

INCOG/TMAPC Transportation:

- **MSHP:** Utica Avenue is a designated Urban Arterial. East 11th Street is a designated Urban Arterial. East 11th Street is a Multi-Modal street in the Major Street & Highway Plan.
- **LRTP:** East 11th Street Street between Peoria Avenue and Utica Avenue, existing four lanes. Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates existing routes on East 11th Street, between Peoria Avenue and Utica Avenue. Another route runs along Utica Avenue According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.
- **Fast Forward Regional Transit Plan:** The Fast Forward plan shows 11th Street as a high priority (Foundation) high capacity transit corridor.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

Inspection Services: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Dix stated that he has had ex parte communication with the applicant, but it will in no way affect how he votes on this project.

Mr. Leighty stated that he has had communications with some members of the Pearl District Association, including Mr. Jamieson. Mr. Leighty further stated that he has not reached a decision on the matter.

In response to Ms. Cantrell, Mr. Sansone stated that there are a lot of handicapped people that use the subject site and he is very familiar with this site. He commented that he has never been in the store and not seen someone that is handicapped inside the store. Murdock Villa is across the street and the existing store is pedestrian prohibited in his opinion. The new plan has attempted to move the pedestrian access as far away from the pumps as possible. There is a sidewalk that curls up around the north portion of the site and provides the direct access to the side of the building rather than the front of the building. The same is done on the southern portion of the site. The pedestrian is a vast improvement over the existing site. Ms. Cantrell stated that she was there today and she was amazed at the number of people walking around the existing store. There were people walking around the site and people with mobility issues were cutting straight across the site and she wonders how many people are really going to go along the sidewalk and pass two exits to enter the store. Is there any other way to improve the pedestrian issue? Mr. Sansone stated that people will walk where they want. Mr. Sansone further stated that one of his concerns is people in wheelchairs and the ability for them. They do have to go through to access points to the south, but this particular plan is better than the existing site. He is sure that there is some other way to configure the pedestrian access, but he doesn't believe one will ever find 100% of the people walking onto a sidewalk and following the distinct pedestrian access. It is human nature to take the shortest route possible. Ms. Cantrell encouraged the applicant to create a shorter route for the pedestrian.

Ms. Cantrell asked staff if there is anything particularly unique about this proposal that distinguishes it from the next one that came over. Is it because they are the first ones in here or is there something specific about his location? Mr. Sansone stated that the site's location at the corner of the two arterial streets makes it a unique situation. Staff is responsible starting the discourse and because a certain staff member may view things in one certain way doesn't necessarily mean that that is the way the Planning Commission has to view the project. There has to be a starting point and staff brings the application to the Planning Commission. There is some civil discourse on the project and then the Planning Commission makes a decision whether to move it on or not. Mr. Sansone stated that he looks at the west side of Utica differently because it is included within the Pearl District, but it is also along the Medical Corridor. The site is unique because it is bounded on the south by 11th Street and on the east by Utica, which is a high capacity corridor. There

are four very large institutional uses located to the south, which in a way this site serves. Mr. Sansone explained that he looked at the relationship of the subject site along 11th Street and Utica Avenue. He doesn't believe that the closure of 10th Street will have a great impact due to the work that is being done with the alley.

Ms. Cantrell stated that she did receive an email from Herb Fritz that she didn't share with everyone. Ms. Cantrell indicated that she would forward the email to Ms. Huntsinger.

Mr. Leighty stated that if the aim is to improve the pedestrian and handicap access wouldn't it have made more sense to bring the building up to the street and provide access to them there and move the pumps to the back where there is less chance for them to be crossing where there are cars. Mr. Sansone stated that that argument could be made.

Mr. Leighty stated that the idea of closing 10th Street is in direct conflict with the 6th Street Infill Plan where it specifically states that the street grid should be maintained at just about any cost to fulfill the long term goals. In response, Mr. Sansone stated that he agrees the 6th Street Plan does state that, but with that said there are policies and ordinances that staff has to look at and the 6th Street Infill Plan is a policy guide and so is the Comprehensive Plan. Mr. Sansone stated that he will not try to convince the Planning Commission that every single aspect of this plan is conformance with every single aspect of the Comprehensive Plan and the 6th Street Infill Plan. There are very few project proposals that would be developed that meets every single guideline of every single plan that is out there. The staff report includes several points where staff felt that the proposal is meeting some of the requirements and where it doesn't meet some of the requirements. Today's meeting is to start the conversation about the validity of meeting those requirements or not meeting those requirements. Staff feels comfortable recommending approval, but staff doesn't determine if this proposal is approved, that would be up to the Planning Commission and the City Council.

Mr. Leighty stated that his point on the closing of 10th Street is that maybe now it doesn't have a great impact on what currently exists, but to fulfill the infill goals and vision of the 6th Street Infill Plan was for higher density development within the neighborhoods that connect to Utica by 10th Street. It seems like a short-sighted easy fix without consideration for the long term. Mr. Sansone stated that if that is Mr. Leighty's determination, that is fine. Mr. Leighty stated that is not his determination, but the Plan's determination.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, submitted photographs of the proposal and elevations (Exhibit A-1), stated his client is proposing a 5,700 square foot Generation III QuikTrip store on the subject site. The first QuikTrip store was built on the subject site in 1981 and contained only 2,400 square feet. In 1999 the original store was scrapped and replaced with the current 4,200 square foot store. The proposed major amendment adds six lots to the current PUD. There will be no zoning change required for the proposal.

Mr. Reynolds stated that the Generation III stores increase the size of the store from 4,200 square feet to 5,700 square feet. This is primarily to allow for increase in food and groceries sales. Prior to filing this case, QuikTrip met with its neighbors and had several meetings with the neighbors, individually and collectively. In general, this project has been well received by its neighbors (see letters in the agenda and letters received prior to today's meeting). One of the supporters stated that the reason she purchased her property was because it was adjacent to QuikTrip. One of the criticisms he received from a neighbor was about making the site bigger. The reason for this is dimensional because the subject site is a rectangle. There will be a single fuel canopy where other sites have had double fuel canopies. There will be a break in the canopy and one will be able to see the store through the canopy, which is more attractive from the street. The additional land is necessary for parking. This proposal is very dense and intense use and that is why the project is as big as it is and covers the land site that it does.

Mr. Reynolds stated that is proposed to close 10th Street. The proposal is to pave a 30-foot alley that will run north and south. One of the things that the Pearl District calls for is that they do not want cul-de-sacs. The Pearl District doesn't say that there won't be any street closure and in fact it acknowledges that in some places there would be street closures. QuikTrip is not creating a cul-de-sac and there will be 30 feet of paved two-lanes driving alley that allows access to the store or to a 20-foot paved alley that will take one back out to Troost. The alley is not in good shape today, but QuikTrip is going to redo the alley and relocated utilities. The relocation of the utilities is something that the 6th Street Infill Plan calls for and there will be an east/west alley back to Troost. All the connections to the subject site are fully Code compliant and they have been reviewed and approved by Traffic Engineering, Fire Department and Emergency Services (TAC comments are included in the staff report). Mr. Reynolds explained that with the circulation plan that is proposed one can come through the alley on 10th Street and get out to 11th Street. The plat will dedicate that as a driveway. Utica is accessible from the alley through the QuikTrip property and one can go back into the neighborhood by visiting the QuikTrip and utilizing the alley on 10th Street. Mr. Reynolds stated that they are closing 10th Street, but not in a physical sense, but in

a narrow legalistic sense 10th Street is being closed. Traffic Engineering requested that the traffic be studied and Jon Eshelman was hired to study the traffic plan. Total number of trips per day on 10th Street was 1,500 and that is counting them both ways. Plus or minus 1,200 of those trips come and go to the QuikTrip. Three hundred of those trips used 10th Street and didn't visit the QuikTrip. Mr. Reynolds commented that he doesn't think modifying the street and closing it in this sense will have any material impact on the neighborhood streets. This will not create any dead-ends or crime spots and the proof is in the letters of support that has been received. Every person that owns property on 10th Street has written a letter in support of this plan. The street will still be opened, but in a different sense to allow something that is unique and in a unique area of Tulsa. QuikTrip is the only business that is open 24/7 for one mile and that makes it unique, and it fits in the neighborhood. QuikTrip will not be overrunning the neighborhood streets. The neighborhood can still use the site and can enter and leave without entering an arterial street and that is convenient. The way the circulation plan is configured it will be safer for children. QuikTrip doesn't put gates up to block traffic and the site can be utilized to reach Utica and 11th.

Mr. Reynolds pointed out all of the sidewalks that would be rebuilt by QuikTrip and that they will be ADA compliant. There will be five-foot sidewalks on both sides of 10th Street from Troost. There is a three-foot grade change and that is the reason for not coming straight across, since it wouldn't be ADA compliant. There will be colored-concrete to show the pedestrian path across the driveway. It will not wear out like paint and it will not fade. Mr. Reynolds pointed out that the sidewalk along 11th and Utica will be widened for the utility pole so that disabled people can get around. QuikTrip will rebuild a bus stop and provide a pathway to get into the store. All three doors into QuikTrip will be power-assisted and that is unique to any of the QuikTrip stores. Mr. Reynolds stated that he visited the subject site and visited with the customers and they informed him that they are delighted with QuikTrip and want them to stay. Pedestrians from the neighborhood can enter and exit the store site without blending with the car traffic. The first turn on the east side of 11th will have an island that will make it a right-turn in and a right-turn out only. The island will act as a traffic calming measure and it will also provide an aid for pedestrians crossing 11th Street. The subject site is not only pedestrian-friendly for anyone from the Center, but it is also pedestrian friendly for anyone walking down 11th Street. There will be a bicycle rack on the northeast corner on Utica and QuikTrip is proud of the pedestrian access-way and believes that it is a significant feature that protects customers. The design separates the in-transit customers and the neighborhood customers. QuikTrip is trying to make this subject store the neighborhood store. The 6th Street Plan indicates that this is what is supposed to be done. All of the connections to the store are ADA compliant.

Mr. Reynolds presented the landscaping plans and cited the types of plantings. He explained that the landscaping plans exceeds the Zoning Code requirement and exceeds and meets any type of Plan landscaping requirements. There will be a six-foot masonry screening fence next to the residentially zoned property. The neighbors have written letters in support of this. The lighting will not exceed 25 feet in height and will be shielded as provided for in the Zoning Code. The Project signage will be monument type with a brick/masonry base, which is out of character for QuikTrip, but they recognize where they are located. There is an error in QuikTrip's submittal that needs to be corrected. They requested two signs along Utica and not one. Both signs will comply with the spacing and are smaller than what is permitted by right. There will be one sign along 11th street. The reason for the need of two signs on Utica is due to the unusual curve.

Mr. Reynolds stated that the issue that has come up is the context of the subject project and the context of the 6th Street Infill Plan. Mr. Reynolds compared the text of the 6th Street Infill Plan with the plans for the subject property. The plan addresses the lack of restaurants, convenience stores and retail shopping opportunities. QuikTrip is all of that and opened 24/7 for 365 days a year. There is nothing else in the Pearl District like it and QuikTrip is the first gas station in many directions. QuikTrip serves many products and their offering is much healthier because they are responding to customer demand. The Pearl District is considered a "food desert". Hillcrest supports the subject project and they see it as a commissary for their employees and patients. The current store is underutilized and the new project will be maximizing the utilization. This will not be for only QuikTrip's benefit, but everyone in the subject area's benefit. The neighbors have told him that transients sleep in the lot behind the subject property and requested that QuikTrip build their new store. Many retail stores are not viable because they have insufficient parking, but QuikTrip will have sufficient parking.

Mr. Reynolds compared the proposal with the Plan statements and commented that QuikTrip is creating a stable neighborhood with rising property values. This is a thriving neighborhood commercial area and its presence will allow for a greater thriving neighborhood commercial area. QuikTrip is removing blight for restoration or replacement. They are providing adequate parking for the commercial business. If one looks down the Utica corridor toward Admiral, there are only two buildings that have any kind of a street presence and one is an industrial building and the other one is a car lot. The remainder properties have parking lots in front of them and are set back from the street.

Mr. Walker informed Mr. Reynolds that his 20 minutes are almost over.

Mr. Reynolds cited the reasons he believes that the subject proposal meets the 6th Street Infill Plan. He commented that QuikTrip is the existing urban vernacular in the subject area. There is no street wall on Utica and there is nothing to retain and there is hardly any street wall on 11th Street. The Plan states an "established street wall" not make a street wall.

Mr. Walker informed Mr. Reynolds that his time is up and he would have a chance for a rebuttal. There is one speaker signed up for this application.

INTERESTED PARTIES COMMENTS:

Jamie Jamieson, 754 South Norfolk Avenue, 74120, read his letter opposing the major amendment for PUD-588-A which was emailed and hand delivered to the Planning Commissioners. Mr. Jamieson believes that this application conflicts with the 6th Street Infill Plan and cited the reasons he believes that it conflicts. He requested that the Planning Commission reject this application. He commented that the Planning Commission and the City are poorly served by INCOG's evaluation of this application. (See letter dated March 2, 2012)

Mr. Walker stated that Mr. Jamieson is reading his letter that was submitted on March 2, 2012. Mr. Walker reminded Mr. Jamieson that he is running out of time and could he add anything new. Mr. Jamieson acknowledged that he is reading his letter and he doesn't have any new information to add. Mr. Jamieson stated that he didn't receive any sense from the Planning Commission that they had read it. Mr. Walker assured Mr. Jamieson that the Planning Commission did receive his letter and that he read the entire letter. Mr. Walker allowed Mr. Jamieson more time. Mr. Jamieson continued to read his letter with the 16 reasons to reject the subject application. PUD-588-A is much less business friendly than the 6th Street Infill Plan. A convenience store doesn't need to occupy two acres or more of urban land. Mr. Jamieson stated that this PUD amendment is an attempt to pre-empt the real issue, which is Form Based Code that will be before the Planning Commission on April 4, 2012.

TMAPC COMMENTS:

Ms. Cantrell stated that she finds it hard to envision how one can make a gas station and pumps pedestrian-friendly. Mr. Jamieson stated that the Form-Based Code's primary goal is to create pedestrian-friendly neighborhoods by bringing buildings up to the street. He indicated that he brought this up to QuikTrip in a meeting he had with them. In this instance a very large building is being placed in the back of a site for reasons he understands, but it doesn't preclude putting the building at the street where it would be much more visible and have the pumps around the

back. Mr. Jamieson indicated that he felt that the QuikTrip doesn't see urban settings as their future.

Applicant's Rebuttal:

Mr. Reynolds stated that it seems fair to him that the subject project is not that greatly different than what was contemplated when one reads the language about existing in the 6th Street Infill Plan. This request is much more beneficial than it is detrimental to the existing and the planned uses. It is consistent with the existing uses and the use is allowed in the Zoning Code. Mr. Reynolds respectfully requested that the Planning Commission approve the major amendment with the one amendment for two signs on Utica and one on 11th Street.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Reynolds stated that the signs would be 17 feet in height and there would be a total of three. Ms. Cantrell stated that by pushing this building back it has created increased risk to pedestrians. When she visited the site the vast majority of the people that walk there come from 11th and Utica. She asked Mr. Reynolds if his client considered moving the building closer to 11th Street and if not, why not. Mr. Reynolds stated that his client did consider it and they do not see it operating nor accepted by our customers. They come to expect a certain class of service from QuikTrip and this is not consistent with the expectations of customers that QuikTrip has modeled through the years. Ms. Cantrell stated that she is not suggesting all the way to the street, but left it with only one or two rows of parking. Mr. Reynolds stated that his client doesn't believe that would work. Once you move the store around and the canopies around, it is simply mixing traffic patterns and QuikTrip believes that they have a fairly consistent traffic pattern created from this and believe it is safe and an improvement of the existing store. There will be colored concrete to designate the pedestrian areas and less traffic around it so it is a safer mode of access. There is no perfect solution for pedestrian traffic, but this is a big improvement of what is present today and QuikTrip believes it is a very good plan.

Alan Betchan, Civil Engineer for the subject site, 717 East 2nd, Sand Springs, 74063, stated that the reason for pushing the building back north from the existing store is because there is a drive-through access for Hillcrest Credit Union that goes through the building, which is in-line with the north/south alleyway. When crunching the site down and moving it to the south the vendor traffic can drop off for delivery all in the back of the store and needs to be able to negotiate the south end of the site and access 11th Street. There are grade issues that come into play for providing the connection to the alleyways that are going east toward Troost and providing that connection to the site. It is material in the layout that it still be connected to the neighborhood and not cut it off in great

extent because of the connectivity requirement of the Comprehensive Plan. When coming south the corridor was cut down and it becomes impractical to get truck traffic through and get traffic into the drive-through. QuikTrip is providing a dedicated mutual access easement for the public generally and the concept was to get alley traffic to 11th Street and to get 11th Street traffic to the Troost east/west alleyway. This will also provide access to the credit union. QuikTrip would like the building to be farther south but the dimension of the site doesn't allow the vehicular traffic to work as needed for the site.

Mr. Leighty stated that no one is questioning the low traffic counts on 10th Street today, but the point that is being made by the Pearl Association and some of the neighbors is that there is a grander plan in place for that. With the flooding problems on 7th and 8th Street and the potential construction of a pond taking one of those streets away from the connection to Utica and removing 10th Street now can have some broad long-range implications. Mr. Reynolds stated that the closing has been approved by the Fire Marshal, Emergency Services and there is no one that will not be able to get out. The ingress/egress has not been changed. Mr. Leighty stated that it is being limited and that can't be denied. Mr. Reynolds stated that it is impacted by the project, but it has not been impacted in a material way.

Mr. Leighty stated that there may not be a street wall in place right now, but he is assuming that when the plan was written and they talked about the traditional forms of development they were not talking about what is in place now, but about something when there was at one time a street wall with buildings up close to the street. Mr. Reynolds stated that he has not seen anything that indicates that there were things like that. When one look at the words and their plain meaning and not dress them up add to them and add intent to the assumption, then one will look at the plain meaning. Mr. Leighty stated that both of us are doing that to a certain extent. Mr. Reynolds stated that he read it like it states, with all due respect and didn't assume anything.

Mr. Leighty stated that there are other values to the properties throughout the Pearl District rather than just the dollar figure. The people, businesses, homes, neighborhoods in the Pearl District all have intrinsic values in them. Mr. Leighty asked why QuikTrip can't be more sensitive to the long term plan that has been approved by the Planning Commission and the 6th Street Infill Plan and the Comprehensive Plan by making some compromises. Mr. Leighty asked why QuikTrip can't take all of their resources and make this work in an urban setting and really contribute to the neighborhood instead of trying to take a one-size-fits-all suburban style auto centric thing that is totally against our Comprehensive Plan. The Planning Commission has adopted a plan that is trying to take us into

a new direction and a new paradigm and this project doesn't do it. QuikTrip has the ability to do it if they would just sit down and work at it. This is bigger than just this subject property. Mr. Reynolds stated that this project is not like their other projects and QuikTrip has made great efforts to fit this into the neighborhood. This is reflected by the fact that everyone that is close to the subject property has written letters in support of it. Mr. Leighty stated that there are a number of letters that are against it. Mr. Reynolds stated that the letters of support outnumber the letters of opposition by eight to one. Mr. Reynolds stated that this is not a show of hands or who shouts the loudest, but QuikTrip has made a large effort to make this work and they have listened. QuikTrip has worked with the credit union for years regarding the traffic. Mr. Leighty stated that planners from coast to coast are trying to figure out a different way of doing things and this isn't the first rodeo that QuikTrip will go through in the future and it looks like it would be well served to try and come up with a more urban environment than what is typically seen in a suburban area. Mr. Reynolds stated that he respects Mr. Leighty's opinion.

Mr. Carnes stated that the Planning Commissioners are citizens of the City of Tulsa and have seen when someone has come into an area and beautified it. This is what QuikTrip is doing on this corner of 11th Street and Utica. It is the corner of Pearl District, but that is the first place to start the beautification of Pearl District with the landscaping and sidewalks. Mr. Carnes stated that he will be supporting this.

Mr. Dix stated that in reviewing this project and reading all of the letters received, etc., it seems the main opposition is from the Pearl District and the 6th Street Infill Plan. Mr. Dix read the following statement: This PUD amendment is to be considered under the current ordinances of the City of Tulsa and while the 6th Street Infill Plan is wonderful in its concept, it is only just a plan and there are no ordinances written or enacted governing that Plan that could be applied to this application. The Pearl District overlay and supporting Form-Based Code cover only the pilot area and do not apply to any area other than that pilot area. Neither the 6th Street Infill Plan nor the pilot area have any standing to govern this application in any way with regard to application of design, zoning or setbacks. With this in mind, the only issue to be considered by the Planning Commission today, in his opinion, is the approval of the PUD amendment under the existing City ordinances and the vacation of a portion of 10th Street that is virtually unused except for traffic to and from the QuikTrip store. Any other issues brought before the Planning Commission for this application with regard to the 6th Street Infill Plan or the Pearl District Form-Based Code are not controlling. It is entirely applicant's option whether to develop this plan within that Plan or Codes or ignore them under the existing ordinances, which it has chosen to do. Mr. Dix asked Mr. Edmiston to voice his opinion about the validity of this statement.

Mr. Edmiston stated that he finds no factual flaws in Mr. Dix's statement and certainly it is his personal statement which he indicated prior to the meeting and not something he is stating to be controlling upon any other Commissioner. However, the fact that he has said that the Plans mentioned are not controlling certainly is not an attempt to dismiss them and it is entirely within the prerogative of each Commissioner sitting here today to put a value and an importance upon those existing plans as they would any other condition that they personally feel is important in their deliberative process in arriving at a decision that is called upon today.

Ms. Cantrell stated that she would like to remind the Commissioners that the PUD Chapter itself requires that the Commission make findings of fact, which is consistency with the Comprehensive Plan.

Mr. Edwards stated that he drove the subject area extensively and read the letters received to see if he was missing something. Neighborhood is being mentioned a lot and it is his opinion that he doesn't see this neighborhood expanding or growing as a residential area. The potential is clearly headed toward commercial or something similar to commercial. Mr. Edwards stated that he doesn't see a plan with this; he sees this as something progressive. If one goes down 10th Street it is currently blocked off now and the access into the neighborhood is off of 11th Street and Troost and 8th Street off of Utica. Mr. Edwards indicated that he was in the subject area for 15 to 20 minutes at a time and there seemed to be no problem with cars getting in and out of the neighborhood and moving around in the neighborhood. Mr. Edwards stated that he doesn't see this as a detriment to the neighborhood and he doesn't see it as something that will cause great harm to the neighborhood. Mr. Edwards indicated his support of the application.

Mr. Midget stated that he does understand the value of the 6th Street Infill Plan and he has been with the plan since its inception. He understands the commitment from the neighbors and the area on that Plan. Mr. Midget stated that he doesn't believe what is being proposed is inconsistent with the true nature of the Plan, particularly as it exists today. Mr. Midget commented that he sees this as an improvement from the existing store and it will add some value to the neighborhood. Mr. Midget indicated that he will be supporting this application.

Mr. Leighty stated that it looks like he will be the minority on this issue. He hopes that when this goes to City Council that they will have a different view on things. Mr. Leighty commented that he feels that this is a step backwards and he has been personally, as much as anyone else on the Planning Commission, a supporter of PUDs and have fought for protection against the previous Council that took after the PUD. The PUD has to

serve the Comprehensive Plan or it really is more dangerous than it is a positive. Mr. Leighty commented that he doesn't think that this project proposes a harmonious development, long-term, for the Pearl District neighborhood and the area. Giving up of a public street for basically self-interest of a private party is something that should only be done in the most extreme cases. He doesn't see an extreme case in this proposal. Mr. Leighty stated that he sees a thriving business in place and a local corporate employer that is a great asset to this City and has done wonderful things, generous and philanthropic giving to the City of Tulsa. However, in this case he doesn't see QuikTrip trying to fit into the neighborhood. The City should maintain the integrity of the grid system and this will have long-term, very broad implications by closing 10th Street. Once it is closed it is just about done and it will not be undone. Mr. Leighty indicated that he is in opposition to this application. Mr. Leighty agreed that currently it doesn't look as if the subject area will expand residentially, but it has to start somewhere and in his view the neighborhoods have very little chance to be successful in reinventing themselves if this is how the Planning Commission makes their decisions. The disconnect between higher intensities side by side has gotten our City in trouble many times.

Mr. Carnes moved to approve the staff recommendation.

Ms. Cantrell stated that she has a hard time with this and has gone back and forth. On the one hand it is very difficult to argue that this is in any way that it is consistent with the 6th Street Infill Plan. Overall, a bigger QuikTrip with more parking and more gas pumps is not what the 6th Street Infill Plan envisioned. Ms. Cantrell stated that she doesn't know if the 6th Street Infill Plan took into account what was there in the first place. QuikTrip is not a pedestrian oriented business. There is no way to make it completely pedestrian oriented, because it is about getting cars in and out as fast as possible. Ms. Cantrell indicated that she was at the subject site for 15 minutes and there were 30 cars whipping in and out. There are some things that could be done to improve this proposal and she will be opposing this because she doesn't think they made enough steps. Ms. Cantrell stated that she doesn't see closing 10th Street as being a big issue, but there is more that could be done with this site plan to make it a little bit less dangerous. Ms. Cantrell stated that in her opinion she sees something that is not necessarily pedestrian-oriented in the first place and it is worse. This project could be tweaked a little bit and it would be fine. Ms. Cantrell reiterated that she doesn't have an issue with the closing of 10th Street; it is the placement of the building and the fact that handicapped people will have to walk across more cars and more traffic zipping in and out, more exits. She hopes that the Council will look at this and see if there is something that QuikTrip could do to make this a little bit better.

Mr. Midget stated that he is glad for Ms. Cantrell's statements, because it brought back what he was impressed with, which is the way QuikTrip did try to accommodate pedestrian traffic given the fact that it is a "vehicular" type of business. Mr. Midget indicated that he uses QuikTrip and looking at this particular site, they have done some things to try to accommodate the pedestrian and putting an island to slow traffic turning off of Utica and 11th into the site, which he has never seen in any of their stores. The fact that they have made the pedestrian walkway more accommodating seems to show some indication that they were in fact mindful of the pedestrian traffic and not just for those individuals who are impaired. Mr. Midget stated that his greatest concern is the pedestrian crossing at 11th and Utica getting hit and not once they get inside the QuikTrip site. Mr. Midget commented that he believes that QuikTrip has done an admirable job, given their nature of the business, trying to accommodate pedestrian traffic. He once again thanked Ms. Cantrell for her comments because it brought that back to his memory.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-3-0** (Carnes, Dix, Edwards, Midget, Perkins, Shivel, Walker "aye"; Cantrell, Leighty, Stirling "nays"; none "abstaining"; Liotta "absent") to recommend **APPROVAL** of the major amendment for PUD-588-A per staff recommendation, subject to adding one additional sign along Utica Square and modifying language as presented by staff. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-588-A:

LOTS ONE (1) AND TWO (2), BLOCK ONE (1), QUIKTRIP #90R COMMERCIAL CENTER, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND THAT IS ALL OF EAST 10TH STREET SOUTH RIGHT-OF-WAY LYING BETWEEN BLOCK EIGHT (8), AMENDED PLAT OF PARK DALE ADDITION AND QUIKTRIP #90R COMMERCIAL CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THEIR RECORDED PLATS THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH UTICA AVENUE, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 32, BLOCK 8, AMENDED PLAT OF PARK DALE ADDITION; THENCE SOUTH 13°42'54" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 61.96 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1, QUIKTRIP #90R COMMERCIAL CENTER; THENCE SOUTH 89°15'55" WEST ALONG THE NORTHERLY LINES OF LOT 1 AND LOT 2, BLOCK 1, QUIKTRIP #90R COMMERCIAL CENTER, AND ALONG THE

SOUTHERLY RIGHT-OF-WAY LINE OF EAST 10TH STREET SOUTH, FOR 258.30 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 01°55'04" WEST FOR 60.01 FEET TO THE SOUTHWEST CORNER OF LOT 21, BLOCK 8, AMENDED PLAT OF PARK DALE ADDITION; THENCE NORTH 89°15'55" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 8, AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 10TH STREET SOUTH, FOR 275.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; AND LOTS 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND ALL THAT PART OF LOT 32 DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 32; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 32 TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 32 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF SAID LOT 32 TO THE POINT AND PLACE OF BEGINNING, ALL IN BLOCK 8, AMENDED PLAT OF PARK DALE ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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OTHER BUSINESS:

Commissioners' Comments

None.

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TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta "absent") to **ADJOURN** TMAPC meeting No. 2621.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 3:42 p.m.

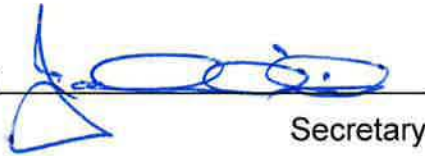
Date Approved:

April 4, 2012

Joshua G. Wall

Chairman

ATTEST:



Secretary