

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2711

Wednesday, December 2, 2015, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

Members Present	Members Absent	Staff Present	Others Present
Carnes	Dix	Fernandez	VanValkenburgh, Legal
Covey	Stirling	Hoyt	
Fretz		Huntsinger	
Midget		Miller	
Millikin		White	
Reeds		Wilkerson	
Shivel			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 30, 2015 at 2:11 p.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 Covey called the meeting to order at 1:30 p.m.

### REPORTS:

#### Chairman's Report:

Mr. Covey reported that elections for TMAPC Officers are on the first meeting in January and requested the members to be giving thought to who may want to serve as officers for next year.

Mr. Covey wished Mr. Fretz a happy 75<sup>th</sup> birthday.

#### Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of October 2015, which are down from the last month and it seems to be common due to the holidays.

Ms. Miller reported on the City Council and BOCC agendas and actions.

Ms. Miller reported that on January 11, 2016 there will be a full day training session on the new Zoning Code for private sector planners, engineers, etc. Ms. Miller cited the many co-sponsors of the training session. Ms. Miller indicated that Mr. Bishop will be here two days to conduct the training sessions and he will spend time with staff and the Board of Adjustment as well.

\* \* \* \* \*

1. **Minutes:**

**Approval of the minutes of November 18, 2015 Meeting No. 2710**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to **APPROVE** the minutes of the meeting of November 18, 2015, Meeting No. 2710.

\* \* \* \* \*

**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-20822** (Lot-Split) (CD 9) – Location: West of the Southwest corner of East 32<sup>nd</sup> Street South and South Birmingham Avenue (Related to LC-716)
3. **LC-716** (Lot-Combination) (CD 9) - Location: South of the Southwest corner of East 32<sup>nd</sup> Street South and South Birmingham Avenue (Related to LS-20822)
4. **LS-20829** (Lot-Split) (CD 1) – Location: Northwest corner of East Young Place and North Owasso Avenue

**WITHDRAWN**

5. **LC-724** (Lot-Combination) (CD 6) – Location: East of the Northeast corner of East 21<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue
6. **LC-725** (Lot-Combination) (CD 1) – Location: Southeast corner of East 27<sup>th</sup> Street North and North Wheeling Avenue
7. **LS-20830** (Lot-Split) (CD 4) – Location: East of the northeast corner of East 27<sup>th</sup> Street South and South Utica Avenue (Related to: LC-726)

8. **LC-726** (Lot-Combination) (CD 4) – Location: East of the northeast corner of East 27<sup>th</sup> Street South and South Utica Avenue (Related to: LS-20830)
9. **LS-20831** (Lot-split) (County) – North of the northeast corner of East 166<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue
10. **LS-20832** (Lot-Split) (CD 5) – Location: Southeast corner of East 41<sup>st</sup> Street South and South Hudson Avenue
11. **LC-727** (Lot-Combination) (County) – Location: West of the northwest corner of East 181<sup>st</sup> Street South and South Sheridan Road

12. **Change of Access** – Location: 12583 East 21<sup>st</sup> Street, Northwest corner of East 21<sup>st</sup> Street and South 129<sup>th</sup> East Avenue, (CD 6)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to shift one access along East 21<sup>st</sup> Street, and to shift one access along South 129<sup>th</sup> East 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. **Partial Vacation of Plat and Termination of Deed of Dedication, Stringer Nursery and Gardens and Partial Vacation of Plat and Termination of Deed of Dedication and Restrictive Covenants**, South Tulsa Medical Office Center, in conjunction with the replat of property as Tulsa Rehabilitation Hospital, recorded plat number 6638, South of East 91<sup>st</sup> Street South, East of South Mingo Road, (CD 7)

14. **Sheridan Crossing II – Final Plat**, Location: North side of East 86<sup>th</sup> Street North between North Sheridan Road and North Memorial Drive, (County)

**STAFF RECOMMENDATION:**

This plat consists of 45 lots, five blocks on 40 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

15. **PUD-196-A-1 – Andrew A. Shank**, Location: Northwest corner of East 73<sup>rd</sup> Street South and South Memorial Drive, requesting a PUD Minor Amendment to remove Use Unit 17 – Tire Store Use from permitted uses and replace with Use Unit 17 – Auto Wash and accessory uses, **CS/PUD-196-A**, (CD 8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD to remove Use Unit 17 – Tire Store Use from permitted uses and replace with Use Unit 17 – Auto Wash and accessory uses.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1107.H.15 PUD Section of the City of Tulsa Zoning Code.*

*“Changes in approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-196-A and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to remove Use Unit 17 – Tire Store Use from permitted uses and replace with Use Unit 17 – Auto Wash and accessory uses.

16. **PUD-619-C – Khoury Engineering, Inc./Malek Elkhoury**, Location: Southwest corner of South Memorial Drive and East 106<sup>th</sup> Place South, requesting a PUD Detailed Site Plan for a new office building within the PUD, **CS/PUD-619-C**, (CD 8)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 1.125 Acre site in a Planned Unit Development for a new office building including one, two story building.

**PERMITTED USES:**

Uses permitted as a matter of right in the CS district, Use Unit 19, Hotel Motel and Recreation for a health club/spa and an enclosed swimming pool use only; Use Unit 20, Recreation: Intensive for an unenclosed swimming pool only; and uses customarily accessory to permitted uses

but shall exclude Use Unit 12A. The office building proposed for this project is allowed by right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Planned Unit Development.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans provided. Light standards within 200 feet of the west boundary shall not exceed 12 feet in height. Light standards within the remainder of the planned unit development shall not exceed 25 feet in height. All lights, including building mounted, shall be hooded and directed downward and away from the west and north boundaries of the PUD. Shielding of outdoor lighting 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 adjacent AG or RS zoned areas.

**SIGNAGE:**

The site plan illustrates wall and ground signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays pedestrian paths adjacent to the proposed building and a pedestrian connection to the existing sidewalk along South Memorial Drive.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-619-C**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new office building.

*(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)*

17. **PUD-773 – Darshan Patel**, Location: North of the northwest corner of South Memorial Drive and East 101<sup>st</sup> Street South, requesting a PUD Detailed Site Plan for a new office building within the PUD, **OL/CS/PUD-773**, (CD 8)

#### **STAFF RECOMMENDATION:**

##### CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a .86 Acre site in a Planned Unit Development for a new office building including one, one story building.

##### PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments other than drive-ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; Health Club/Spa only as permitted within Use Unit 19, Hotel, Motel and recreation facilities; and uses customarily incident to permitted principal used. The office building proposed for this project is allowed by right.

##### DIMENSIONAL REQUIREMENTS:

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

##### ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Planned Unit Development.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans not provided. Lighting shall be arranged so as to shield and direct the light away from the residential area to the west. Except for bollards, no light standards shall be permitted within 25 ft of the west boundary. Bollards not to exceed 4 ft in height with the light fixture directed to the east will be used to light the vicinity of the western wall of the westernmost building. All pole mounted lighting within the west 50 ft of Development Area A will be shielded and/or cut off to reduce the potential for lighting to spill over to the west of the light fixture. Pole and building mounted lighting shall not exceed 14 ft in height as measured from adjacent ground level. For the purposes of measurement, ground level shall be considered the adjacent paved surface. Building mounted lighting on west facing buildings within 50 ft of the west boundary shall be restricted to security lighting only. Security lighting is defined as lighting which is intended to light rear door emergency exits and will be activated for a short period of time only when the door is opened.

**SIGNAGE:**

The site plan does not illustrate wall or ground signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays pedestrian paths adjacent to the proposed building.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-773**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new office building.

*(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)*

18. **PUD-820 – Sisemore Weisz & Assoc./Mark Capron**, Location: South and East of the southeast corner of South Memorial Drive and East Admiral Place, requesting a PUD Detailed Site Plan for a beverage distribution center, **CH/PUD-820**, (CD 3)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 26 Acre site in a Planned Unit Development for a beverage distribution center including one, one story warehouse and one, one story vehicle maintenance shop.

**PERMITTED USES:**

Uses permitted in Use Unit 11, Offices, Studios and Support Services, Use Unit 17, Automotive and Allied Activities; and Use Unit 23, Warehousing and Wholesaling and uses customarily accessory to the permitted principal use. The proposed beverage distribution center is allowed by right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Planned Unit Development.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.



#### LIGHTING:

Site lighting plans not provided. Light standards, whether located upon freestanding light poles or building-mounted, shall not exceed 25 feet in height. All exterior lighting fixtures shall be hooded and direct light downward and away from properties to the north, south and east. No light standards shall be permitted within 75 feet of the north boundary, nor within 100 feet of the south and east boundaries.

#### SIGNAGE:

The site plan does not illustrate signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process. Wall mounted business signs are not permitted on the south face of the building.

#### SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

#### PEDESTRIAN ACCESS AND CIRCULATION:

Sidewalks are shown along East 4<sup>th</sup> PI and South 89<sup>th</sup> East Ave. The plan displays pedestrian paths adjacent to the proposed building.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-820**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed beverage distribution center.

*(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)*

Mr. Covey announced that Item 4, LS-20829 has been withdrawn by the applicant.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to **APPROVE** Items 2, 3 and 5 through 18 per staff recommendation.

\* \* \* \* \*

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

**PUBLIC HEARINGS:**

19. **Cadent Park –** Minor Subdivision Plat, West of the northwest corner of east 91<sup>st</sup> Street South and South Yale Avenue, (CD 8) (Continued from October 7, 2015, November 4, 2015, and November 18, 2015) (**Staff requests a continuance to December 16, 2015**).

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to **CONTINUE** the minor subdivision plat for Cadent Park to December 16, 2015.

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20. **Z-7277, PUD 817-A, Plat Waiver,** Location: 1004 East 4<sup>th</sup> Street South, Southwest corner of South Madison Avenue East and East 4<sup>th</sup> Street South, (Dead Armadillo Brewery) (CD 4)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a major amendment to PUD 817.

**Staff provides the following information from TAC for their November 19, 2015 meeting:**

**ZONING:** TMAPC Staff: The property has been previously platted.

**STREETS:** Right of way has been determined to have been appropriately dedicated.

**SEWER:** No comment.

**WATER:** A six-inch water main line exists along both South Madison Avenue and East 4<sup>th</sup> Street.

**STORMWATER:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

Staff can recommend **APPROVAL** of the plat waiver for the platted property.

**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.  |   |
| 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.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to **APPROVE** the plat waiver for Z-7277/PUD-817-A (Dead Armadillo Brewery) per staff recommendation.

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21. **Z-7324 – Roy Johnsen**, Location: Northwest corner of East 46<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue, requesting rezoning from **AG to IH**, (CD 3)

**STAFF RECOMMENDATION:**

**DETAILED STAFF RECOMMENDATION:**

Z-7324 requesting IH zoning is compatible with the Employment Land use classification in the Comprehensive Plan and,

IH zoning is harmonious with the anticipated development pattern along both sides of East 46<sup>th</sup> Street north between Highway 169 and North 129<sup>th</sup> East Avenue and,

The Zoning Request for IH uses are compatible with the existing development surrounding the site in all directions therefore,

Staff recommends **APPROVAL** of Z-7324 to rezone property from AG to IH.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The Comprehensive Plan Land Use Map recognizes the site as an Employment area recognizing the long history of limestone quarry activity. Quarry operations have been allowed through the special exception process at the Board of Adjustment. The existing quarry operations include AG zoned land and an area of IH zoning northwest of this request. The current site and adjacent property have been approved for mining, quarrying and extraction of stone, sand and gravel including processing, crushing, washing, sale and loading of crushed rock, sand and gravel the Board of Adjustment. The employment land use vision does not specifically mention mining however there are several references to mining as one of the largest growth sectors for employment. The latest numbers available when the Comprehensive Plan was adopted indicated that natural resource and mining was the second largest growth sector with a 28.8% growth adding 1500 jobs between 2000 and 2007.*

## Land Use Vision:

### *Land Use Plan map designation: Employment*

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

### *Areas of Stability and Growth designation: Area of Growth*

The purpose of an Area 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 in 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.

Transportation Vision:

*Major Street and Highway Plan:* East 46<sup>th</sup> Street north is anticipated to be a primary arterial. No special design considerations are anticipated for this street. This site is near the east edge of 4 lane construction however the current street configuration is only a two lane street. The major street and highway plan anticipates 4 lane street construction in this area.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is on the edge of a limestone quarry and is currently being modified with a dirt work project. The small size of the IH request will be compatible with the continuation of future quarry operations north of East 46<sup>th</sup> Street North between Highway 169 and North 129<sup>th</sup> East Avenue.

Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 46 <sup>th</sup> Street North	Primary arterial	120 feet	

Utilities:

The subject tract has municipal water available. Sanitary sewer is expected to be provided through a private system approved by the Oklahoma Department of Environmental Quality.

Surrounding Properties: The subject tract is abutted on the north, east and west by a large limestone quarry, zoned AG. South across East 46<sup>th</sup> street North a large parcel of undeveloped land is zoned IH.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11804 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-18611 December 14, 1999:** The Board of Adjustment **approved** a *Special Exception* to permit limestone mining in an AG and IM district, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code; located north of E. 46<sup>th</sup> St. N. at N. 129<sup>th</sup> E. Ave. and includes the subject property.

***Surrounding Property:***

**BOA-20800 October 28, 2008:** The Board of Adjustment **approved** a *Special Exception* to permit a Rock Quarry (Use Unit 24 - Mining and Mineral Processing) in an AG district (Section 301), subject to the conditions submitted, including narrative and use conditions, as from Case No. 19674 on September 23, 2003, subject to the differences in the changes in setbacks according to new requirements, on property located northwest of the intersection of 129<sup>th</sup> East Avenue and 46<sup>th</sup> Street North.

**BOA-19674 September 23, 2003:** The Board of Adjustment **approved** a *Special Exception* to permit within an 80 acre tract in the IH and AG zoning districts the mining, quarrying and extraction of stone, sand and gravel including processing, crushing, washing, sale and loading of crushed rock, sand and gravel for utilization off the premises, to include all conditions in applicant's Exhibit A: 1) the quarry shall be operated in accord with the following: a) The Oklahoma Department of Mines, Non-Coal Mining Rules and Regulations and permits there under; b) the Oklahoma Department of Environmental Quality Rules and Regulations and permits there under; c) the federal Mining Safety and Health Act (MSHA) which establishes safety regulations for quarry operations; d) all applicable ordinances and regulation of the City of Tulsa and the City-County Health Department; 2) the quarry walls shall be setback a minimum distance from the property boundaries as follows: a) 50 ft. from the northern right-of-way line of E. 46<sup>th</sup> St. N. b) 400 ft. from the centerline of the southernmost City of Tulsa Spavinaw water flow line; c) 10 ft. from the west property line; d) 0 ft. from the east property line; 3) No fly-rock from the quarry shall be permitted; the conditions in Title 460:10-31-8 Chapter 10 of the Department of Mines Non-Commercial Rules and Regulations as follows: (attached); located north of E. 46<sup>th</sup> St. N., ½ mile east of N. Garnett Rd. and abutting the subject property to the west.

**Z-6837 October 2001:** All concurred in **approval** of a request for *rezoning* a 155± acre tract of land from AG to IM and IH, for industrial uses, on property located on the southeast corner of E. 46<sup>th</sup> St. N. and N. Garnett Rd. and south of subject property, across E. 46<sup>th</sup> St. N..



**BOA-18291 January 26, 1999:** The Board of Adjustment **approved** a *Special Exception* for mining/mineral processing and **approved** a *Special Exception* for cement, lime, gypsum, plaster of Paris, asphalt manufacturing and paving plants, and Mining and Mineral processing in an IM district; located to the east of N. 129<sup>th</sup> E. Ave. between E. 46<sup>th</sup> St. and E. 36<sup>th</sup> St. N.

**BOA-9523 June 16, 1977:** The Board of Adjustment **approved** a *Special Exception* to operate a quarry and asphalt producing plant as presented in an AG district; located at 12859 E. 46<sup>th</sup> St. N. and abutting north of the subject property.

Mr. Wilkerson stated that the subject rock quarry has been in this location for a long time and the owner of the subject property is anticipating using it for a fueling station. The Board of Adjustment has granted a special exception to allow the rock quarry to continue further to the west and it is expected to be there for a long time.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to recommend **APPROVAL** of the IH zoning for Z-7324 per staff recommendation.

**Legal Description for Z-7324:**

Beginning at the SW corner of SE ¼, SE ¼, Section 8, Township 20 North, Range 14 East, City of Tulsa, Tulsa County, State of Oklahoma, thence North 200 feet; thence East 400 feet; thence South 200 feet; thence West 400 feet to the Point of Beginning. The tract size contains 1.84 acres more or less.

\* \* \* \* \*

- 22. Z-7318 – Antoine Harris**, Location: West of southwest corner of East 36<sup>th</sup> Street North and North Garrison Avenue, requesting rezoning from **AG/CS to CH**, (CD 1) (Continued form 10/7/15) (**Applicant has withdrawn this application**)

**WITHDRAWN**

\* \* \* \* \*

Mr. Wilkerson stated that he will be presenting Item 23 and 24 together:

23. **Z-7321 – AAB Engineering, LLC/Alan Betchan**, Location: Northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard, requesting zoning from **RS-4 to CS**, (CD 1) (Continued from 11/4/15)

**STAFF RECOMMENDATION:**

**DETAILED STAFF RECOMMENDATION:**

Rezoning request from RS-4 to CS may not be consistent with the Tulsa Comprehensive Plan which identifies this area as a New Neighborhood and Neighborhood Center and,

The Tulsa Development Authority Sector Plan which also recommends this site as a residential and commercial area and provides design standards that cannot be implemented with straight zoning. The associated PUD 842 provides those standards. Staff does not recommend the zoning without a PUD and,

The adjacent neighborhood is a significant consideration for this request. The City Planning Department has provided recommendations and concepts supporting small multi family or single family development on this site that are not consistent with CS zoning. The commercial development may be injurious to the anticipated and recent redevelopment of the single family residential neighborhood therefore,

Staff recommends **DENIAL** of Z-7321 to rezone property from RS-4 to CS.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The Tulsa Comprehensive plan and the Tulsa Development Authority Sector Redevelopment Plan illustrate that this site is on the edge of commercial and residential development. The Neighborhood Center concept identified in the Tulsa Comprehensive Plan recognizes that this area can be a small scale one to three story mixed use area intended to serve nearby neighborhoods with retail, dining, and services. The edges are typically recognized as areas with apartment's condominiums and townhouse with small lot single family homes on the edges. CS zoning allows residential uses and could be supported by the Comprehensive plan when developed in context with the neighborhood.*

*The Comprehensive Plan conflicts with the Tulsa Development Authority Sector Plan. The Sector Plan identifies this area as a commercial and office area.*

Land Use Vision:

*Land Use Plan map designation:* Neighborhood Center, New Neighborhood

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

*Areas of Stability and Growth designation:* Area of Growth

The purpose of an Area 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 in 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.

Transportation Vision:

*Major Street and Highway Plan:*

Martin Luther King Jr. Blvd is a fully developed secondary arterial street with 4 lanes of traffic. Redevelopment of this site, with any of the anticipated uses that commercial or residential zoning would allow, will increase traffic on existing street infrastructure. Existing street infrastructure can easily support small scale commercial or any residential zoning use in this area.

Part of the street system should include sidewalks. Along Martin Luther King Jr. Blvd a sidewalk has been constructed however no sidewalks are currently located on East Queen Street. Sidewalks will support the neighborhood center concept and will be required as part of the PUD and replat process.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations:

Tulsa Development Authority Sector Plan for the Extension and Moton Sectors:

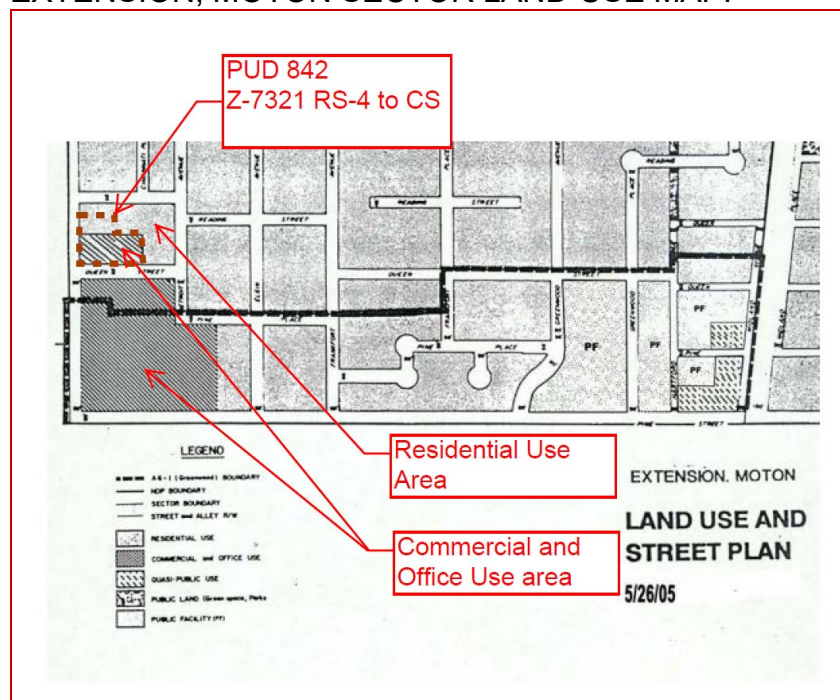
Many development standards for Commercial shopping areas are recommended in the sector plan but none of those standards can be implemented without a PUD overlay. The PUD submitted with the zoning application provides many of the opportunities for implementing standards outlined in the Sector Plan for this area.

The following list defines a few of the sector plan standards that are recommended:

- 1) Yard areas and other open spaces shall be landscaped and maintained in a neat condition.
- 2) A minimum of one parking space per each 225 square feet of building area
- 3) Off street loading facilities shall be provided for each commercial establishment where a loading dock is necessary shall be located so as not to interfere with offsite and or on site pedestrian and vehicular traffic and shall be screened from view of any residential district.

- 4) No building shall cover more than twenty five percent of the lot area
- 5) All outdoor mechanical refuse and other storage areas shall be visually screened from adjacent structures
- 6) No building or structure shall exceed one story in height
- 7) No building or other structure including advertising signs paving curbing decorative and protective walls or landscaping shall be constructed or reconstructed before plan for such construction have been submitted to the Tulsa Development Authority of approval.
- 8) Ingress and egress will be from arterial streets and not residential or collector streets

**EXTENSION, MOTON SECTOR LAND-USE MAP:**



Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:** Existing site conditions are suitable for redevelopment opportunities. Existing utility infrastructure may conflict with redevelopment plans and may require relocation of underground and overhead utilities. The site is gently sloping and should not affect redevelopment plans.*

Environmental Considerations: None that would affect redevelopment opportunities for residential or commercial development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Martin Luther King Blvd.	Secondary arterial	100'	4
East Queen Street South*	None	50'	2

\*The existing street right of way is 60 feet and exceeds the minimum standards for a street that is not classified on the major street and highway plan

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

Surrounding Properties: The subject tract is abutted on the east by single-family residential uses, zoned RS-4; on the north by single-family residential and vacant residential uses, zoned RS-4; on the south by the North Pointe office/retail center, zoned CS; and on the west by single-family, zoned RS-3.

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 22465 (Z-7169) and 22467 (PUD-743-A) dated July 14, 2011, established zoning for the subject property.

**Subject Property:**

**Z-7169 July 2011:** All concurred in **approval** of a request for *rezoning* a 39,857± square foot tract of land from OL/ PUD-743 to RS-4, for single-family homes, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**PUD-743-A July 2011:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a PUD on a 39,857± square foot tract of land for future single-family home development, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**Z-7068/PUD-743 October 2007:** All concurred in **approval** of a request for *rezoning* a 37,800± square feet tract of land from RS-4 to OL/PUD-743 for dental offices, clinics, laboratories and related dental research facilities on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**Z-7057 June 2007:** All concurred in **denial** of a request for *rezoning* a 37,900± square feet tract of land from RS-4 to OM on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**Z-6428 January 1994:** All concurred in **approval** of a “blanket *rezoning*” on lots lying between N. Cincinnati Ave. and the Missouri-Pacific Railroad right-of-way; from E. Ute Pl. on the north to E. Pine Pl. on the south, from RM-1 to RS-4. The subject property was included in this action.

**Surrounding Property:**

**Z-5893 March 1984:** All concurred in **approval** of a request for *rezoning* a large tract of land on property located between N. Peoria Ave. and N. Cincinnati Ave., E. Apache St. and E. Archer St., from RS-3/ RM-1/ CS/ IM/ IL to RS-3/ RM-1/ RM-2/ OM/ CS/ CH/ IL for rehabilitation of housing and businesses. This rezoning case zoned the property abutting south, across E. Queen St. from the subject property, to CS zoning.

**RELATED TO Z-7321:**

- 24. PUD-842 - AAB Engineering, LLC/Alan Betchan,** Location: Northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard, requesting a **PUD** for all uses allowed in CS zoned districts except Adult Entertainment – Use Unit 12.a, **RS-4 to CS/PUD**, (CD 1) (Continued from 11/4/15)

**STAFF RECOMMENDATION:**

**APPLICANTS DEVELOPMENT CONCEPT:**

Dollar General Martin Luther King is a proposed Dollar General convenience store located on the northeast corner of East Queen Street and Martin Luther King Boulevard in Tulsa, Oklahoma. Exhibit A shows the subject property in relation to surrounding uses. This Planned Unit Development (PUD) is an overlay of a property that is currently zoned as RS-4; however, this PUD is being filed in conjunction with a zoning change to CS for the southern portions of the property. This project will be developed along CS bulk and area requirements except as modified by this PUD. Nearly all such modifications are more stringent than what would be allowed by straight CS zoning. The property is currently vacant and has been offered for redevelopment by the Tulsa Development Authority. Exhibit F shows the existing zoning for the PUD as well as the surrounding properties.

The Comprehensive Plan designates the southern portion of the project as Neighborhood Center with the northern portion of the property classified as New Neighborhood. The currently effective small area plan for this

property designates the southern portions of the property (those roughly conforming to the Neighborhood Center designation and the proposed CS zoning change) as office/commercial. The development concept as proposed encroaches slightly into the portion of the property planned as new neighborhood, however, the limited area available for redevelopment as New Neighborhood and its orientation toward Martin Luther King Boulevard limits the viability of the project to develop residentially. Per the comprehensive plan the purpose of the neighborhood center is to provide “small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services.” There are few uses so specifically suited to this purpose as a Dollar General store.

The tract will be developed as a Dollar General store with access and parking oriented toward Martin Luther King Boulevard to the extent possible. Care has been taken to site the building in a location that gives maximum separation between it and the adjacent residential uses and provides a landscaping and screening buffer along the majority of the residentially zoned properties. The building will be constructed with a full masonry façade on all four sides allowing it to more effectively blend with the character of the adjacent residential properties. The site is also oriented to maximize the pedestrian connectivity of the site and will include the installation of sidewalks as necessary to facilitate that connectivity. Exhibit C depicts the conceptual site plan for the PUD.

## **SECTION II PUD-842 DEVELOPMENT STANDARDS:**

Gross Land Area	69,700 square feet	1.60 Acres
Net Land Area	48,411 square feet	1.11 Acres

### **Permitted Uses**

Uses permitted as a matter of right by the city of Tulsa Zoning Code within the CS district, including uses customarily accessory thereto, except Use Unit 12a: Adult Entertainment Establishments and Use Unit 10: off street parking.

Maximum Floor Area Ratio: 0.25

### **Minimum Building Setbacks**

West Line (MLK right of way line)	10 FT
East Property Line (East line lot 15)	40 FT
North Property Line (South line of Lots 4-6)	50 FT
South Property Line (North right of way line for East Queen St.)	10 FT

Maximum Building Height: 25 FT



**Parking:**

Parking shall meet or exceed the minimum standards of the applicable use unit as required by the City of Tulsa Zoning Code.

Bicycle parking racks with a capacity to store 4 bicycles shall be installed within 50 feet of the front door.

**Lighting:**

All lighting shall be constructed in a manner that prevents visibility of the light emitting element from adjacent residentially zoned properties. No pole mounted light will exceed 18 feet in height. No building mounted light will be allowed higher than 16'-6" above the finished floor and will be pointed down.

**Signage:**

Signs shall be limited to the following:

- One double-sided ground sign not exceeding 20 feet in height shall be permitted along Martin Luther King Jr. Boulevard and shall not exceed 100 square feet of display surface area for each side.
- Signs mounted on a single pole are prohibited. Signs shall be mounted on two masonry columns or integrated into a monument style sign. The ground sign shall not be located within 125 feet of the north boundary of the PUD.
- Wall signs shall be limited to 1.5 square feet per linear foot of building wall to which the signs are affixed however wall signs are prohibited on the north and east wall of any building.

**Landscaping:**

All landscaping shall meet or exceed the existing Landscape Chapter of the Tulsa Zoning Code however the following additional standards are required.

Evergreen Shrubs will be installed and maintained in a double row within the street yard at a ratio of not less than one shrub per 5 feet along the Martin Luther King Jr. street frontage. The shrubs shall be arranged to provide a visual separation between the street right of way and remainder of the lot. Dwarf variety shrubs are prohibited and the mature growth will not be less than 36" from the ground surface. Shrubs will be evergreen and not less than a 5 gallon size at time of planting.

The northern 50 feet of the property that abuts Lot 7 and the eastern 40 feet abutting Lot 16 will be maintained as an open space and landscaping buffer. A minimum of 8 large shade trees will be installed and maintained in that space. At the time the trees are planted the minimum caliper size is 2.5" with a minimum height of 12 feet.

Trees will be placed within 10 feet of the street right of way with a maximum spacing of 25 feet except at driveway locations.

At the time the trees are planted the minimum caliper size is 2.5" with a minimum height of 12 feet

#### Screening Walls and Fences:

A masonry screening wall with a minimum height of 6 feet shall be constructed and maintained along all lot lines abutting the adjacent single family residentially zoned properties. This wall will be constructed within a fence easement directly abutting those properties.

A trash and mechanical areas shall be screened from public view of a person standing at ground level. Trash enclosure screening shall be constructed of masonry on three sides. A fabric or metal mesh with a minimum opacity of 95% shall be allowed on enclosure doors.

Dumpsters outside the trash enclosure areas are prohibited. Outdoor storage of any trash is prohibited outside the trash enclosure areas.

#### Architectural Requirements:

All building facades shall be constructed of full masonry except at doors and windows. Metal parapet walls and architectural features are allowed. The concept may be further defined as follows:

All building walls shall be full masonry except the glass store front and metal parapet that may be part of the building design.

The metal parapet is an additional structure added to the wall. If the metal parapet is ever removed the entire remaining wall face shall be masonry.

#### Vehicular access and circulation:

Vehicular access on the south boundary of the site shall only be permitted in the west 75 feet of the site.

Vehicular access on the west boundary of the site shall only be permitted in the south 175 feet of the site.

**Pedestrian Access:**

Sidewalks meeting City of Tulsa requirements shall be installed and maintained along the perimeter of the site abutting Martin Luther King Jr Blvd and East Queen Street. Sidewalks shall be installed to provide a direct pedestrian access from Queen to the front door without crossing a vehicular drive.

**Platting Requirement:**

No building permit shall be issued until a subdivision plat meeting the subdivision guidelines has been filed for this property.

**Expected Schedule of Development:**

Development construction is expected to begin in early spring of 2016.

**DETAILED STAFF RECOMMENDATION:**

The uses defined in the PUD are consistent with the most intense development expected in a neighborhood center however, the Tulsa Comprehensive Plan anticipates the edges of the neighborhood center to grow into condominiums, townhomes or small lot single family residential development. The PUD may not be consistent with the expected edge treatment of a neighborhood center concept of the comprehensive plan and,

The commercial component of the neighborhood center has been previously implemented in this neighborhood with the shopping center south of Queen Street. The edge treatment on the existing shopping center including fencing and landscaping is deteriorating and poorly maintained. Poor maintenance of commercial properties in this area is a significant concern for the single family residential neighborhood. Introduction of another commercial element into the edges of a neighborhood that has seen significant redevelopment since 1995 will be disruptive to the single family redevelopment pattern in the neighborhood north and east of the PUD. The PUD is not harmonious with the existing and expected development of the surrounding areas especially north and east of the site however it provides another option for food and retail services for this neighborhood and,

The Tulsa Development Authority Sector plan considers the site as a commercial area. The standards implemented in the PUD provide screening and design details to meet the goals of the Extension and Moton Sector plan. The Sector Plan was scheduled to expire in 2015. The Tulsa Development Authority is updating the plan and has extended the

expiration date until the planning process is complete. Significant changes to that plan are not expected. The proposal is consistent with the Tulsa Development Authority Sector Plan vision for the area and,

The PUD provides a unified treatment of the development possibilities on the property and implements significant architectural, signage and landscape standards that would screen the property from the adjacent residential uses and is isolated from the surrounding single family residential uses and also isolate from the adjacent neighborhood center south of Queen and,

The PUD is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code. Section II above meets minimum standards expected for site development for a commercial development however it is not consistent with the overall vision of a Neighborhood Center and,

The adjacent neighborhood is a significant consideration for this project; the City Planning Department has provided recommendations and concepts supporting small multi family or single family development on this site that are not consistent with the PUD therefore,

Staff recommends **DENIAL** of PUD-842 as outlined in Section II above.

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The Tulsa Comprehensive plan and the Tulsa Development Authority Sector Redevelopment Plan illustrate that this site is on the edge of commercial and residential development. The Neighborhood Center concept identified in the Tulsa Comprehensive Plan recognizes that this area can be a small scale one to three story mixed use area intended to serve nearby neighborhoods with retail, dining, and services. The edges are typically recognized as areas with apartment's condominiums and townhouse with small lot single family homes on the edges. CS zoning allows residential uses and could be supported by the Comprehensive plan when developed in context with the neighborhood.*

*The Comprehensive Plan conflicts with the Tulsa Development Authority Sector Plan. The Sector Plan identifies this area as a commercial and office area.*

Land Use Vision:

*Land Use Plan map designation:* Neighborhood Center, New Neighborhood

Neighborhood Centers are small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

*Areas of Stability and Growth designation:* Area of Growth

The purpose of an Area 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 in 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.

Transportation Vision:

*Major Street and Highway Plan:*

Martin Luther King Jr. Blvd is a fully developed secondary arterial street with 4 lanes of traffic. Redevelopment of this site, with any of the anticipated uses that commercial or residential zoning would allow, will increase traffic on existing street infrastructure. Existing street infrastructure can easily support small scale commercial or any residential zoning use in this area.

Part of the street system should include sidewalks. Along Martin Luther King Jr. Blvd a sidewalk has been constructed however no sidewalks are currently located on East Queen Street. Sidewalks will support the neighborhood center concept and will be required as part of the PUD and replat process.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

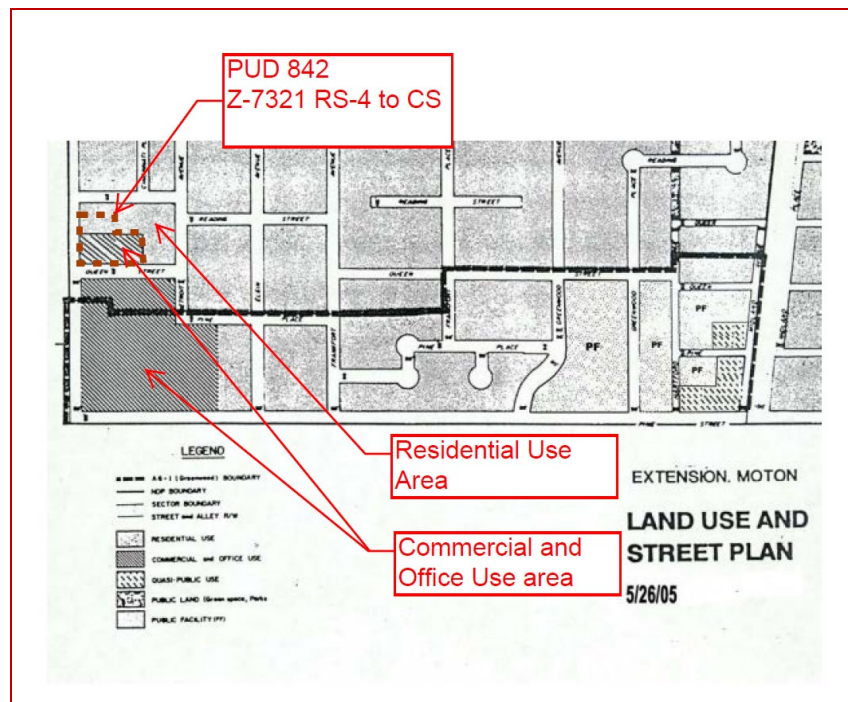
Special District Considerations: Tulsa Development Authority Sector Plan for the Extension and Moton Sector:

Many development standards for Commercial shopping areas are recommended in the sector plan but none of those standards can be implemented without a PUD overlay. The following list defines a few of the sector plan standards that are recommended:

- 1) Yard areas and other open spaces shall be landscaped and maintained in a neat condition.
- 2) A minimum of one parking space per each 225 square feet of building area.
- 3) Off street loading facilities shall be provided for each commercial establishment where a loading dock is necessary shall be located so as not to interfere with offsite and or on site pedestrian and vehicular traffic and shall be screened from view of any residential district.
- 4) No building shall cover more than twenty five percent of the lot area
- 5) All outdoor mechanical refuse and other storage areas shall be visually screened from adjacent structures

- 6) No building or structure shall exceed one story in height
- 7) No building or other structure including advertising signs paving curbing decorative and protective walls or landscaping shall be constructed or reconstructed before plan for such construction have been submitted to the Tulsa Development Authority of approval.
- 8) Ingress and egress will be from arterial streets and not residential or collector streets

EXTENSION, MOTON SECTOR LAND-USE MAP:



Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Existing site conditions are suitable for redevelopment opportunities. Existing utility infrastructure may conflict with redevelopment plans and may require relocation of underground and overhead utilities. The site is gently sloping and should not affect redevelopment plans.

Environmental Considerations: None that would affect redevelopment opportunities for residential or commercial development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Martin Luther King Blvd.	Secondary arterial	100'	4
East Queen Street South*	None	50'	2

\*The existing street right of way is 60 feet and exceeds the minimum standards for a street that is not classified on the major street and highway plan

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

Surrounding Properties: The subject tract is abutted on the east by single-family residential uses, zoned RS-4; on the north by single-family residential and vacant residential uses, zoned RS-4; on the south by the North Pointe office/retail center, zoned CS; and on the west by single-family, zoned RS-3.

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 22465 (Z-7169) and 22467 (PUD-743-A) dated July 14, 2011, established zoning for the subject property.

***Subject Property:***

**Z-7169 July 2011:** All concurred in **approval** of a request for *rezoning* a 39,857± square foot tract of land from OL/ PUD-743 to RS-4, for single-family homes, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**PUD-743-A July 2011:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a PUD on a 39,857± square foot tract of land for future single-family home development, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**Z-7068/PUD-743 October 2007:** All concurred in **approval** of a request for *rezoning* a 37,800± square feet tract of land from RS-4 to OL/PUD-743 for dental offices, clinics, laboratories and related dental research facilities on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.



**Z-7057 June 2007:** All concurred in **denial** of a request for *rezoning* a 37,900± square feet tract of land from RS-4 to OM on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

**Z-6428 January 1994:** All concurred in **approval** of a “blanket *rezoning*” on lots lying between N. Cincinnati Ave. and the Missouri-Pacific Railroad right-of-way; from E. Ute Pl. on the north to E. Pine Pl. on the south, from RM-1 to RS-4. The subject property was included in this action.

***Surrounding Property:***

**Z-5893 March 1984:** All concurred in **approval** of a request for *rezoning* a large tract of land on property located between N. Peoria Ave. and N. Cincinnati Ave., E. Apache St. and E. Archer St., from RS-3/RM-1/CS/IM/IL to RS-3/RM-1/RM-2/OM/CS/CH/IL for rehabilitation of housing and businesses. This rezoning case zoned the property abutting south, across E. Queen St. from the subject property, to CS zoning.

Mr. Wilkerson stated that the issue with this site is that the land-use designation is a “Neighborhood Center” and staff believes that the neighborhood center has already been constructed south of the subject site and south of Queen Street. The neighborhood center is in place and there is already a similar store east side of the subject site. The Comprehensive Plan states that on the edges of the neighborhood center could be used for a commercial site, but in this particular circumstance staff feels that a single-family use would fit the standards of what the Comprehensive Plan actually suggests. Mr. Wilkerson stated that he did get a lot of input from the City Planning Department. Mr. Wilkerson further stated that the project is consistent with the Sector Plan that was developed by the Tulsa Development Authority. The Sector Plan originally expired in 2014 and has requested an extension until they can finish their planning process, which has been started but it is not complete. Staff has no reason to believe that the Tulsa Development Authority is any different than what is in the Sector Plan today. The contract prepared between Tulsa Development Authority and Dollar General was something that they agreed to before coming to staff. Mr. Wilkerson stated that he has been in conversation with the neighborhood and they are here today. Mr. Wilkerson stated that a lot of the original homes in the subject area were torn down and has been rebuilt with new construction and there are still a few of the old homes that are boarded up, but the neighborhood is slowly evolving to a more contemporary subdivision. Mr. Wilkerson stated that the proposal is not consistent with the Comprehensive Plan. Mr. Wilkerson further stated that the big thing in his mind was the evolution of the neighborhood, which changed from a place one didn’t want to be to a nice neighborhood. There is new construction in the subject area and staff feels that the neighborhood is important. The existing shopping

center has struggled over the years and the maintenance of that facility, especially on the edges that abut the neighborhood has not been maintained well and from a planning prospective that an additional component of commercial uses at this location could be slow down or stop redevelopment of the single-family neighborhood. Mr. Wilkerson stated that for these reasons and some of the things that staff looked at, we could support this project, but generally staff feels like that the stability of the neighborhood and the future growth of the neighborhood out way the commercial opportunities that might be in compliance with the Sector Plans, but felt it was more important to recommend denial of the zoning and PUD.

**TMAPC COMMENTS:**

Mr. Reeds stated that when competitors in commercial next to each other it tends to bring more traffic and helps the existing commercial. Mr. Reeds asked Mr. Wilkerson if staff looked at it in this respect. Mr. Wilkerson stated that staff did look at that. Mr. Wilkerson further stated that the existing shopping center doesn't have a grocery store and the Dollar General will bring some limited groceries and convenience that is actually beneficial to the neighborhood. All of these things were part of the consideration.

Mr. Covey asked staff if the subject property is labeled Neighborhood Center. Mr. Wilkerson answered affirmatively. Mr. Covey asked if the application for the Dollar General normally fit into a Neighborhood Center designation. Mr. Wilkerson stated that if this were to be developed as a mixed-use building and there was going to be a doctor's office or some multifamily in with the dollar general then staff would probably be more supportive of that, but as a stand-alone store that is pushing the edges of what a Neighborhood Center really is. Mr. Covey stated that not to jump ahead, but it is almost like staff is taking opposing views on this case and the next case on the agenda. Mr. Wilkerson stated that he fully expected to have that conversation. Mr. Covey stated that he is struggling with this recommendation versus the next case coming up and to him they are similar.

**Applicant's Comments:**

**Alan Betchan**, AAB Engineering, LLC, PO Box 2136, Sand Springs, 74063, stated that there is only a couple of things that he really feels are worth pointing out. One the definition of a Neighborhood Center in the Comprehensive Plan, which specifically layouts as small scale, one to three story mixed-use areas, continue to serve nearby neighborhoods with retail, dining and services. The argument by staff is that the neighborhood center has already developed elsewhere and the proposed is a stand alone. This was an overall designation, it wasn't this piece separate from this piece, but then they make the argument that they need to be mixed

together and it is when one looks at the macro neighborhood center that was defined on this corner. Mr. Betchan stated that if there is a discrepancy or some ambiguity in the Comprehensive Plan of what a Neighborhood Center should be, the Sector Plan makes it very clear of what was intended by TDA. What most of the residential redevelopment was done and that same Sector Plan was in place when those residential redevelopments took place. Mr. Betchan commented that he is conforming to the Sector Plan. Mr. Betchan stated that his opinion of a what a Neighborhood Center is a small scale immediate area services for retail and general neighborhood services, which he can't think of a use more appropriate for that than Dollar General. Mr. Betchan commented that the subject area is defined as a food desert today by the Health Department and Dollar General is bringing in more food offerings that are not there.

Mr. Betchan stated that something to point out is that the development standards that are in place and proposed as part of this PUD are more stringent that is already put in place on the adjacent properties. Mr. Betchan further stated that he is bringing forward masonry on all of the abutting residential properties, six-foot masonry screening fences. Four sides of the building will have masonry. There will be heavy landscaping and the building is oriented to maximize the space between subject property and the residential properties. Mr. Betchan explained the building isn't shoved back against the fence and throw all of the parking to the front. Mr. Betchan stated that the proposal is probably some of the higher development standards that are applied anywhere within the City. Mr. Betchan explained that he is respectful of the fact that the existing screening hasn't held up well and that is one of the concerns he heard from the neighborhood. Mr. Betchan stated that the masonry screening fence will be low-maintenance. Mr. Betchan further stated that he feels that what this has come down to is the cherry picking of uses of what is a Neighborhood Center. The staff has put forward that this area needs to be residential and the Neighborhood Center says it can be residential, but it doesn't say that it is supposed to be and that wasn't the primary focus of Neighborhood Center within the Comprehensive Plan. This is a use that is very fitting to serve the neighborhood and it is built in a way that there will be connectivity with sidewalks to the adjacent properties and they will be the clientele.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Betchan if the Dollar General will have fresh produce in their store. Mr. Betchan stated that he believes that there is a limited offering of it; however, most will be milk and staple items. Mr. Midget stated that he asked because of the comparing to a grocery store and the food desert. Mr. Midget further stated that he wanted to make sure it was clear that it is limited.

### **INTERESTED PARTIES COMMENTS:**

**Corey Myers**, 1606 North Detroit, 74106, President of the Dunbar Neighborhood Association, stated he is opposed to the subject development. Mr. Myers stated that Dollar General and Family Dollar retailers target low-income individuals and families and are over saturating the community. The Family Dollar that is south of the proposed development is less than ¼ mile away. There are four other Dollar General or Family Dollar stores within a five mile radius of the subject area. Mr. Myers stated that home owners reinvested in the subject area with a commitment from TDA to likewise invest in profitable/revenue generating developments. Mr. Myers stated that the lower income retailers negatively impact his property value. It will stifle development and the potential for future residential and commercial development. Mr. Myers stated that he would like to see home developments as it was intended for. Mr. Myers commented that Dollar Stores has a reputation of not taking care of business when it comes to their lawn and property maintenance. Mr. Myers stated that the Family Dollar store doesn't mow their lawn and there is trash on their property for days without being attended to. Mr. Myers stated that he is opposed to this proposal.

Mr. Reeds stated he understands the objection to the low-income retail store, but would he object if a nicer retail store were to go into there. Mr. Myers stated that if they have a reputation for taking care of their properties maybe he would be okay with it. Mr. Myers further stated that he would like to have homes, which is what it was intended for and when he moved to the subject area he thought that was what the property would be for. Mr. Reeds asked Mr. Myers if he would agree that the existing shopping/commercial center is not succeeding right now. Mr. Myers stated that they have their issues and they are not taking care of business when it comes to keeping up their property. Mr. Myers commented that it seems to be 50% occupied today.

**Alisia Myers**, 1606 North Detroit, 74106, stated that this is the second time that Dollar General has applied for the subject property. Ms. Myers stated that there has been a growth in new homes in the subject area. Ms. Myers stated that there needs to be stability in a neighborhood in order to support businesses. Ms. Myers stated that there has been several businesses started in the subject neighborhood and then they are gone and leave an abandoned building. Ms. Myers commented that there have been a lot of problems with the current Family Dollar not maintaining their property. Ms. Myers stated that when she comes home from work she would like to come home to a well-kept neighborhood. Ms. Myers stated that there were a couple of meetings with TDA regarding this proposal and she felt that her concerns were not considered. Ms. Myers

commented that she was given the impression that she would be surrounded by new homes.

**O.C. Walker**, Executive Director for Tulsa Development Authority, 1216 North Lansing Avenue, 74106, stated that Ms. Myers is correct that in 2011 the Dollar Store came to TDA and at that time staff took it back to the TDA Board denied that request and down zoned the subject property and got lot-splits to make way for single-family development to occur. Once that started to happen the properties were announced for purchase and lot-draws. There were two lot-draws and one family actually came up and purchased the lot. The property has set vacant for three to four years after the lot-draws. The current developer came in and took it back to the TDA Board and the Board directed staff to meet with the residents. There were two meetings and they weren't really onboard at the time. The developer tried to improve the proposal with masonry screening walls, etc. and the neighborhood was still not onboard. Mr. Walker explained that the revised development plans were taken to the TDA Board for a vote and they voted 3 to 2 in favor of the subject development moving forward with the understanding that this development would have to come to TMAPC for review. Mr. Walker explained that he is not personally taking either side, but it is his duty to make sure the TMAPC have all of the facts.

**TMAPC COMMENTS:**

Mr. Midget stated that he wants to make it clear that the vote was 3 to 2 and there are five members on the Board. Mr. Walker answered affirmatively. Mr. Midget asked Mr. Walker how long the property remained vacant before it was down zoned into individual lots. Mr. Walker stated that was vacant in the 1990's. Mr. Midget stated that he understands that it remained vacant and then when it was down zoned there was only one person that purchased a lot. Mr. Midget asked if there were any layouts proposed when it the subject property was down zoned. Mr. Walker stated that they did and one individual came in and was interested in purchasing a lot.

Ms. Millikin asked Mr. Walker if he would summarize what the TDA Board heard and considered and if there was anything new. Mr. Walker stated that it was the same discussion and there was nothing new.

**Renea Shoate**, 1335 North Main, 74106, stated that there is already a Family Dollar in the subject area and this would be like a mirror. Why are we putting the same thing in the subject area and for what reason are we trying to push that in this community.

**Applicant's Rebuttal:**

Mr. Betchan stated that one of the things brought up was the vacancy on the subject property. Mr. Betchan explained that when these are

developed there is a 15 year lease signed in order to make a commitment to the long-term stability and use of the subject property. It is more than one would get out of year-to-year leasing on a commercial space. This is built to suit and there is a significant development/investment involved and they have to make that kind of commitment to do that.

Mr. Betchan stated that what he has tried to bring is the best and highest development standards that he could bring to a development. Mr. Betchan further stated that he met with staff on what could be brought forward to make this a more compatible development. Mr. Betchan commented that he requested a parking ratio of 1 to 305 square feet instead of 1 to 250 square feet for the subject property. Mr. Betchan explained that the Dollar General isn't a heavily vehicle traffic use. Mr. Betchan stated that Dollar General knows what it's use necessitates from a parking standpoint and it is 30 spaces and 41 spaces isn't necessary for their use and it makes the development encroach closer to the neighborhood. Mr. Betchan requested that this be modified as originally requested.

**TMAPC COMMENTS:**

Mr. Reeds asked if TDA owns the existing center to the south. Mr. Betchan stated that he doesn't believe so. Mr. Reeds asked if Dollar General considered looking at occupying a space there. Mr. Betchan stated that the new process with Dollar General is to have a stand-alone building when possible, which is due to a maintenance concern. Dollar General is able to build a stand-alone and run a scheduled maintenance on the buildings.

Mr. Covey asked if Family Dollar and Dollar General are the same stores or different. Mr. Betchan stated that they are different stores and different owners. Mr. Betchan commented that he believes Dollar Tree acquired Family Dollar not too long ago.

Mr. Carnes stated that he is going to vote against this proposal and the reason why is because these neighbors have invested in the subject area. He doesn't see a change in five years and he believes that they need more time to have people work with them and not against them.

Mr. Covey stated that one of the speakers stated that a dental office or something of that nature was proposed. Mr. Covey asked staff if they would have approved that type of use. Mr. Wilkerson stated that there was a PUD that was approved for a dental office on the subject property several years ago and he believes that he would have had the same conversation, but it was approved so there was a history for office approval there. Mr. Wilkerson stated that from the perspective of an office being built on the edges of a Neighborhood Center staff would have been

more likely to support that project than a commercial use. The Neighborhood Center designation says that it is 1 to 3 stories and can have a lot of uses in there, but it can also have the single-family or multifamily on the edges. Staff would have been pushing for a mixed-use or residential on that edge. Mr. Wilkerson stated that what makes the edge on the north and east side different than what will be talked about in on the next item is most of the edge is defined by fencing and landscaping and there is also a street that separates that edge. Once one starts to cross that street and encroach into a neighborhood it makes that decision a lot tougher. Staff would have been more likely to support an office on this location than a single-use commercial project. Mr. Covey stated that his thinking is back to what the Comprehensive Plan states, which is do the neighbors want this to be commercial or not and if not why not do a Comprehensive Plan amendment to make it residential. Mr. Covey explained that he is struggling with this application because it is for Neighborhood Center right now and it comes across that the Planning Commission is trying to pick what store we want to go there. Mr. Covey stated that the comments of how many Dollar General and Family Dollar stores are going to be in the subject area and it is the same argument with QuikTrip and Kum-n-Go or banks of why do we need them everywhere, but they are. Mr. Covey stated that this is his rub on this item and the next item to be discussed as well. Mr. Wilkerson stated that he does believe that the primary difference here is that in this particular instance, being respectful to the neighborhood and having suitable uses that are compatible with the neighborhood that is trying to bring itself up and forward. Mr. Wilkerson further stated that if everything else was equal that was what led him to recommend denial of what is happening in the neighborhood.

Mr. Reeds stated that he is having the same problems as Mr. Covey. Mr. Reeds further stated that it seems that we are playing God here. The application already meets the letter of a Neighborhood Center. Mr. Reeds asked Mr. Wilkerson if the use meets that designation. Mr. Wilkerson stated that it can be because a commercial use is part of a Neighborhood Center. Mr. Wilkerson further stated that it is the edge treatment that is a little bit different. Mr. Reed stated that the use is part of a Neighborhood Center and a preferred use. Mr. Wilkerson agreed. Mr. Reed asked what this applicant has done wrong other than the edge treatment, which could go in the final site plan. Mr. Wilkerson stated that when he states the "edge treatment" it is the uses that are on the edges. Mr. Wilkerson stated that the City of Tulsa Planning Department came in with their recommendation and that was an important part of the consideration as well. Mr. Wilkerson read the City of Tulsa Planning Department's recommendation: "Neighborhood Centers are small scale 1 to 3 stories mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums,

townhomes and small lot single-family homes on the edges.” Mr. Wilkerson stated that staff felt that is what should be on the edge in this particular Neighborhood Center because of what is already in place.

Ms. Miller stated that the Comprehensive Plan for a City the size of Tulsa has a handful of land designations. They are very broad and for instance in an employment land use designation there can be anywhere from a low intensity dentist office to a Macy’s distribution center. It is really about the context of the surrounding area and it is not black and white, it is very gray. Ms. Miller explained that in this instance, as planners, staff apply other planning principles to see what uses are appropriate. When staff visited the subject area, it was clear to staff that any retail use on that block, north of the defining edge of screening fence on Queen Street, would be encroachment into the neighborhood. Ms. Miller stated that if it was something more of a neighborhood integrated use, it could be more appropriate and it may have a little retail and more pushed to the corner and not behind the houses. Ms. Miller stated that it is not black and white and there is a wide array of uses in each land use designation. Ms. Miller further stated that just because it allows the uses doesn’t mean that it would be appropriate everywhere there is that land use designation.

Mr. Covey stated that how it comes across is that if it was a Wal-Mart Neighborhood Market that would be okay. Ms. Miller stated that it wouldn’t be from staff’s perspective. Mr. Covey stated that it seems that if it was a Whole Foods or a Fresh Market it would be okay, but because it is a Dollar General it’s not is how it comes across. Ms. Miller stated that that is not from staff’s perspective. Ms. Miller stated that staff feels that the edge treatment of townhomes or something much lighter in the neighborhood would be appropriate.

Mr. Reeds stated that if staff was concerned with the edge and the placement of the building than why not just tell them to move it forward and put the parking behind with nice landscaping to create a buffer. Ms. Miller stated that she thinks the commercial, even though it is not a huge scale, is inappropriate for the subject property. Ms. Miller explained that on the south side of Queen Street there is a hard edge of retail and something that is much softer into the neighborhood is more appropriate.

Mr. Midget stated that this came up a while back and he can’t remember when it was, but there was a funeral home wanted to be located on the subject site and it was denied. Then there was the Dollar General and the dentist office and the dental office was more amendable because it was an office. Mr. Midget commented that he has been involved with this subject property even before the development of North Point at Pine and Peoria. Mr. Midget stated that because of development, things change. Mr. Midget commented that houses starting building in the subject area



and they were actually enticed to move into the subject area and build brand new homes, upscale homes, with a promise that it would be residential. That is why it is important that we try to protect both the residential area and the promise made to the neighbors. Mr. Midget stated that the Neighborhood Center definition came with the recent Comprehensive Plan stuff and before that definition hit the ground they were already built and had nothing to do with Neighborhood Center. Mr. Midget commented that the Comprehensive Plan needs to be tweaked in this subject area because it was a broad brush deal. Mr. Midget stated that TDA is currently updating their Sector Plans, but they are not completed and there is possibility that it will be changed through the whole process, which would impact this subject area as well. Mr. Midget stated that the existing Family Dollar store has been nothing but problems, which is on a linear park site. When North Point was developed the neighbors were promised a park there, but when back on that word and put commercial. Neighbors that abut that site have had problems with the Family Dollar development. The same thing with the neighbors to the west, where we have another marginal convenience store that will probably be sold and then turned into something else. Mr. Midget indicated that the neighbors next to the convenience store have had nothing but problems with that type of development. Mr. Midget stated that with the Family Dollar store has left a bad reputation with the neighbors with their trash and debris and the unkempt property. This is too much for the subject area that has been invested in by rebuilding upscale houses. Mr. Midget stated that he has nothing against Dollar General except that he knows he can't go in there and buy cabbage or fresh produce. Mr. Midget commented that he doesn't believe it is appropriate development for the subject property. Mr. Midget stated that a less intense use, like an office, would be appropriate. Mr. Midget further stated that he wouldn't support a Whole Foods store at that site because it is unfair to the neighbors. Mr. Midget expressed his disappointment with TDA for not being able to market the subject site as residential. Mr. Midget suggested that the TDA put their cul-de-sac in and market the subject site as residential. Mr. Midget stated that there are people looking for nice homes, African Americans in particular, that they can live in.

Mr. Carnes stated that he would echo Mr. Midget's comments. Mr. Carnes stated that he was present when everyone was promised that the neighborhood would be built back and there has been a lot of time and money invested in this. The neighbors went in and built their homes and now it is up to the Planning Commission to back them on the rest of the promise.

Mr. Willis stated that the thing that concerns him is that by keeping this set up in the Comprehensive Plan as a Neighborhood Center we are holding a carrot out in front of folks. On the surface it looks like it does meet the

Neighborhood Center designation, but at the same time he agrees with Mr. Midget about what promises were made to the neighbors and the neighborhood at large. Mr. Willis stated that he doesn't see this as appropriate development, but he would like to see an initiation to the Comprehensive Plan to keep this from happening.

Mr. Reeds stated that he understands Mr. Midget's comments, but his problem is with the process and not the product.

Mr. Fretz stated that he drove through the neighborhood and it is well maintained and they deserve something better than this.

Mr. Covey stated that he also has a problem with the process and not the product. The Comprehensive Plan needs to be amended if they want residential homes.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to recommend **DENIAL** of the CH zoning for Z-7321 per staff's recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to recommend **DENIAL** of PUD-842 per staff's recommendation.

\* \* \* \* \*

- 25. PUD-437-A – Donn E. Fizer**, Location: Northeast corner of East 15<sup>th</sup> Street and South Utica Avenue, requesting a PUD Major Amendment to modify boundary for Development Area A and B, establish new uses and modify bulk and area requirements for each development area, **PK/OL/CS/CH/PUD-437 to PK/OL/CS/CH/PUD-437-A**, (CD 4) (Continued from 11/18/15)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

**APPLICANTS DEVELOPMENT CONCEPT:**

CVS/pharmacy has been serving the Tulsa community for many years. The corner of 15<sup>th</sup> St. & Utica Ave. is an ideal location for a new pharmacy. The proximity of the surrounding medical facilities and residential uses create a need for a convenient pharmacy option. This

facility will provide pharmaceutical and retail sales along with minute clinic medical care.

The proposed pharmacy will occupy an approximately 1.01 acre site (48,335 SF) in size. This building will replace an existing medical office, gas station, and commercial office space. The approximately 15,000 SF building will consist of a main first floor with a mezzanine.

A streetscape will be provided along Utica Ave. with wide sidewalks, and bus shelter. This streetscape will provide a pedestrian friendly environment. The building elevation along Utica provides transparency with the use of large windows and offers pedestrians a softly lit walkway with wall mounted lighting.

These amenities along with additional landscaping along 15th St. will bring this corner of the intersection into conformance with the City of Tulsa Comprehensive plan, Utica Midtown Corridor Plan, and the character of the neighborhood. 55 parking spaces are provided for customer convenience.

This is less than city code requires but is within the range of necessary spaces to ensure a successful business. The building exterior will be masonry with large windows along Utica and a main entry on the south face to provide convenient access to both pedestrian and automobile traffic.

This site has a mix of zonings with a portion being a part of PUD-437. Due to the mixed zoning, lot size, and existing PUD restrictions a Major Amendment to the existing PUD is required. The major amendment will allow the construction of a CVS/pharmacy while improving the intersection aesthetically and providing a more pedestrian friendly environment. This development is compatible with the surrounding neighborhood in both style and use.

#### ADDITIONAL STAFF CONCEPT STATEMENT:

PUD 437 also includes property north of East 14<sup>th</sup> Place. The PUD north of 14<sup>th</sup> is owned separately but the development standards north of East 14<sup>th</sup> Place benefit the property on the south side of the street. Staff has received authorization to proceed with this amendment including property north of East 14<sup>th</sup> Place. The primary purpose of the amended PUD north of 14<sup>th</sup> is to separate the development area matching ownerships, redefine allowable uses, and bulk and area requirements. All previous PUD standards remain except as noted below in the portion of Development Area A north of 14<sup>th</sup> Place.

## **SECTION II PUD-437-A DEVELOPMENT STANDARDS:**

### **DEVELOPMENT AREA A:**

Except as defined below, the previous standards defined for Development Area A north of 14<sup>th</sup> place in PUD 437 will remain as previously approved.

Permitted Uses: Principal and accessory uses as allowed by right within a CS zoning district. Principal and accessory uses as allowed by right within a PK zoning district.

Gross Land Area: 0.20 acres +/- (As determined from GIS graphic data)

Summary of Underlying Zoning in gross land area:

CS zoned land area: 0.26 acres (Zoning Code maximum floor area ratio allowed: 0.5)

PK zoned land area: 0.09 acres (Zoning Code maximum floor area ratio allowed: na)

Maximum Floor Area Allowed in Development Area A: 5,660 square feet

Building Setbacks: (As measured from the Major Street and highway planned right-of-way edge)

Minimum setback from South Utica: 15 feet

Minimum setback from East 14<sup>th</sup> Place South 25 feet

Maximum building height: 50 feet

Parking Ratio Standards:

Minimum Parking Standards Medical office: 2.6 spaces per 1000 square feet

All other uses as allowed: 2.2 spaces per 1000 square feet excluding the first 2500 square feet of floor area.

### **DEVELOPMENT AREA B:**

Permitted Uses:

Principal and accessory uses as allowed by right within a CS zoning district, including drive-thru pharmacy service

Gross Land Area: 1.58 acres +/- (As determined from GIS graphic data)

Summary of Underlying Zoning in gross land area:

CS zoned land area: 1.15 acres (Zoning Code maximum floor area ratio allowed: 0.5)

PK zoned land area: 0.06 acres (Zoning Code maximum floor area ratio allowed: na)

OL zoned land area: 0.41 acres (Zoning Code maximum floor area ratio allowed: 0.30)

Maximum Floor Area Allowed in Development Area B: 30,000 square feet

Maximum Building Height: 3 stories

Building Setbacks: (As measured from the Major Street and highway planned right-of-way edge)

Minimum setback from east boundary of PUD: 25 feet

Minimum setback from south right-of-way line on East 14<sup>th</sup> Place South: 25 feet

Build-to-zone requirements:\*

From the east boundary of the South Utica right of way:

Minimum building setback: 10 feet

Maximum building setback: 25 feet

From the north boundary of the East 15<sup>th</sup> Street right-of-way:

Minimum building setback: 10 feet

Maximum building setback: 25 feet

\*Canopies including any structural support system that is integral to the building design and attached to the building are exempt from this requirement.

Parking Ratio Standards:

Minimum parking allowed: 2.2 spaces per 1000 square feet excluding the first 2500 square feet of floor area.

Minimum landscaped open space will exceed 10% of net land area.

Architectural Standards:

The exterior veneer of the building shall be full masonry except where transparency is required and where doors are located.

West-facing walls shall provide a minimum of 25% transparency on the ground floor elevation. Spandrel glass may be used in one third of the transparency requirement.

South-facing walls shall provide a minimum of 8% transparency on the ground floor elevation. Spandrel glass may be used in the transparency requirement.

**Screening and Landscaped Open Space:**

A screening fence or masonry wall shall be constructed and maintained along the east boundary of the Development Area B. The height of the screening fence shall not be less than 6 feet or greater than 8 feet as measured from the existing ground on the east side of the fence. Within 25 feet of the planned right of way on the north and south ends of the site the wall or fence may be eliminated or if installed shall not exceed 4 feet in height. If wood fencing is installed a cap detail along the entire length of the fence is required. "Dog-ear" style fencing is not allowed. The fence or wall system shall be a double sided design that is visually the same on both sides.

Landscape features shall be installed and maintained along East 14<sup>th</sup> Place, East 15<sup>th</sup> Street South & South Utica to provide a pedestrian friendly path within the ROW. The following standards shall apply adjacent to those street rights of way.

- 1) Landscape areas in the street right-of-ways, to the extent permitted by the City of Tulsa, shall be grassed & landscaped with approved street trees and shrubs along South Utica, East 15<sup>th</sup> Street South and along East 14<sup>th</sup> Place south. A minimum of 7 street trees will be installed and maintained within 10 feet of the South Utica right of way line. A minimum of 5 trees shall be installed and maintained within 10 feet of the right of way line along East 15<sup>th</sup> Street and along East 14<sup>th</sup> Place.
- 2) A landscape edge shall be provided adjacent to East 14<sup>th</sup> Place South and adjacent to any parking area within 25 feet of a street right-of-way. The landscaped edge shall be a minimum width of 10 feet and shall include shrubs with sufficient density and size will be installed and maintained to provide a 3' tall effective visual barrier along those rights of way after a 3 year growing cycle. A maximum of 5 feet of the 10 wide landscape edges may be placed in the street right of way.

The required landscaped open spaces may include parking islands, plazas and courtyards, but shall exclude walkways which solely provide minimum pedestrian circulation.

A detailed landscaping plan shall be provided as part of the normal PUD process.

Trash and dumpster enclosures shall be masonry construction and be constructed of similar material as the principal structure. The minimum height of the enclosure shall not be less than 6 feet but must exceed the dumpster height. Doors constructed with a steel frame and a cover that blocks a minimum of 85% of the opening. Dumpster doors shall not be accessed from public right of way.

#### Sign Standards:

One monument sign is allowed along East 15<sup>th</sup> Street South. The sign shall be limited to a maximum height of 8 feet with a maximum display surface area of 20 square feet for each side of the sign.

One monument sign is allowed along South Utica Avenue. The Utica monument sign shall be limited to a maximum height of 18 feet with a maximum display surface area of 70 square feet.

These signs will include architectural features to match the building elevations and create a more cohesive development.

Building mounted signs on the north or east side of the building may not be illuminated.

#### Lighting:

The principal project lighting shall be provided per the approved lighting plan during the site plan process. This plan will include both pole and wall mounted lighting.

Pole mounted lighting shall not exceed 20 feet above the pavement surface and shall be pointed down and away from adjacent property lines.

Building mounted lighting shall be pointed down. Wall packs that direct lighting away from the building are prohibited.

#### DEVELOPMENT AREA REVISION

Lots south of 14<sup>th</sup> Place shall be further known as Area B. The portion of PUD-437 north of the south ROW line of 14<sup>th</sup> Place shall remain Area A. Any future development of that area shall be independent of the development of Area B.

### SUBDIVISION PLAT REQUIREMENTS

The lots south of 14<sup>th</sup> Pl. shall be re-platted. As part of the Plat process an additional 5' ROW dedication is required along 15<sup>th</sup> Street to meet City of Tulsa requirements to meet the major street and highway plan standards.

### EXPECTED SCHEDULE OF DEVELOPMENT

The construction of the project should commence within 12 months from the date of approval. It will be completed within 12 months of the construction start date.

### **DETAILED STAFF RECOMMENDATION:**

Anticipated uses and development standards outlined Section II are consistent with the Comprehensive Plan and the Utica Midtown Corridor Small Area Plan. The small area plan strongly supports mixed use buildings. This building is not a mixed use however it is part of a two larger mixed use corridors along East 15<sup>th</sup> Street and along South Utica Avenue and,

Mixed use buildings are the preferred use. The building shown on the conceptual plan is for a single use and is shown within the build to zone identified in section II. The proposed drive thru window and aisle on the west and south side of the building is not consistent with the vision of the public realm that is part of the vision of the Utica Midtown Corridor Small Area Plan or the Tulsa Comprehensive Plan. The existing buildings on the southwest and southeast corner of this intersection have the same problem however the placement of the buildings is generally correct. Those buildings are bank and office buildings do not include pedestrian entrance at the intersection. Placement of the building at the corner of South Utica at East 15<sup>th</sup> Street South within the build to zone established in the PUD will contribute to the urban framework of the area and,

The architectural standards and landscape standards outlined in the PUD are harmonious with the existing and expected development along South Utica and East 15<sup>th</sup> Street South and,

PUD 437-A is consistent with the PUD Chapter of the Tulsa Zoning Code therefore,

Staff recommends **APPROVAL** of PUD-437-A as outlined in Section II above.

### **SECTION III: Supporting Documentation**

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:



*Staff Summary: The PUD as outlined in Section II is consistent with the Comprehensive Plan and the Utica Midtown Corridor Small Area Plan. The preferred building use at this intersection would be a mixed use building that could include a pharmacy use. The building placement is consistent with a typical build-to-zone anticipated along the Utica Corridor and recognized in the Utica Corridor Small Area Plan.*

*The proposed drive-thru system and associated canopy between the public street right-of-way and the face of the building is not the normal consideration for the pedestrian realm that is defined in the comprehensive plan.*

Land Use Vision:

*Land Use Plan map designation:* Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

*Areas of Stability and Growth designation:* Area of Growth

The purpose of an Area 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 in 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.

Transportation Vision:

*Major Street and Highway Plan:*

East 15<sup>th</sup> Street is an Urban Arterial and Main Street designation on the Major Street and highway plan. The main street vision can also be identified in the Comprehensive plan as follows:

Main Streets are Tulsa's classic linear centers. They are comprised of 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.

*South Utica Avenue is an Urban Arterial Multi Modal Corridor.*

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.

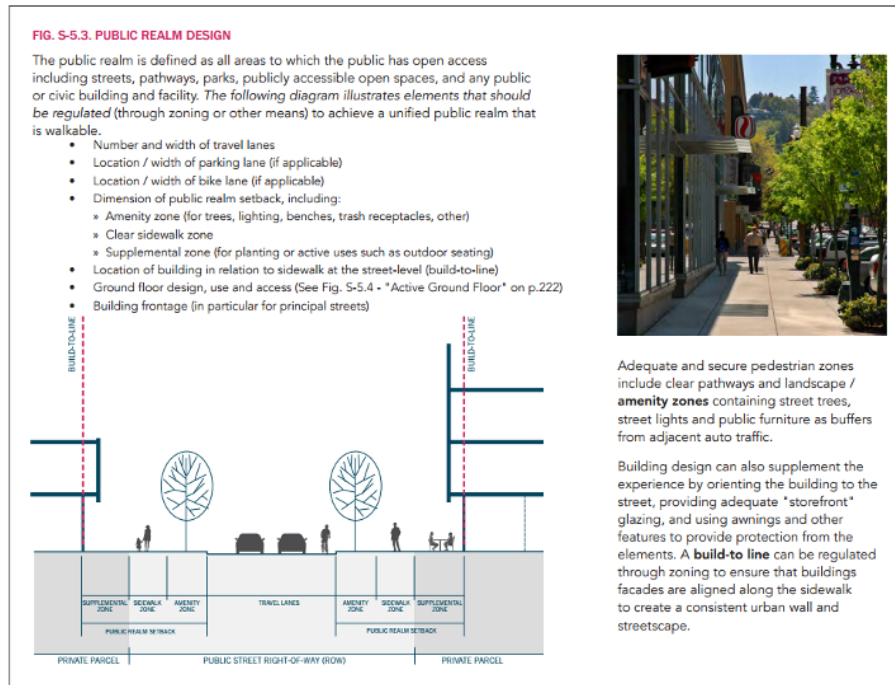
Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

*Trail System Master Plan Considerations: None*

## Small Area Plan:

### Utica Midtown Corridor Small Area Plan:

Many of the concepts that are defined in the Planned Unit development are reflected in the following exhibit taken from the Utica Corridor Small Area Plan. The build-to-zone provides flexibility beyond the build-to-line requirements noted in the exhibit below.



Special District Considerations: None

Historic Preservation Overlay: None

### DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently occupied with three different buildings that will all be demolished to accommodate this proposed plan.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Utica Avenue	Urban Arterial/Multi Modal	75 feet	5
East 15 <sup>th</sup> Street South	Urban Arterial/Main Street	75 feet	5
East 14 <sup>th</sup> Place South	None	50 feet	2

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

Surrounding Properties: The subject tract is abutted on the east by single-family residences, zoned RS-3 and Offices, zoned OL; on the north by offices, zoned OL; on the south by and office building and bank, zoned CS/OL/PUD-708-A; and on the west by a gas station, zoned CH.

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number **17042** dated August 22, 1988 (PUD-437), **17010** dated July 12, 1988 (PK), **14605** dated November 16, 1979 (CS), **14251** dated September 14, 1978, **13949** dated October 11, 1977 (CS) and **11815** dated June 26, 1970, established zoning for the subject property.

**Subject Property:**

**Z-6193/PUD-437 August 1988:** All concurred in **approval** of a proposed Planned Unit Development a 1.35± acre tract of land for uses as permitted by right in an OL district excluding drive-in banks and funeral homes and allowing 2 stories on property located on the southeast corner of East 14<sup>th</sup> Place and South Utica Avenue and also known as the subject property.

**Z-6195 July 1988:** All concurred in **approval** of a request for rezoning a tract of land from RS-3 to PK on property located east of S. Utica at E. 14<sup>th</sup> Pl. north and south and a part of the subject property.

**Z-5290 October 1979:** All concurred in **approval** of a request for rezoning a tract of land from OL to CS to correct a mapping error, on property located north of the northeast corner of E. 15<sup>th</sup> St. and S. Utica Ave. and a part of the subject property.

**Z-5145 September 1978:** All concurred in **approval** of a request for rezoning a tract of land from OL to CS, on the south 25 ft. of tract, on property located on the southeast corner of E. 14<sup>th</sup> Pl. and S. Utica Ave. and a part of the subject property.

**Z-5026 July 1977:** All concurred in **approval** of a request for rezoning a tract of land from OL to CS on property located north of the northeast corner of E. 15<sup>th</sup> St. and S. Utica Ave. and a part of the subject property.

***Surrounding Property:***

**Z-7102 October 2008:** All concurred in **approval** of a request for rezoning a 2.7± acre tract of land from RM-2/ OL to OH, for offices, on property located on the southwest corner of the Broken Arrow Expressway and South Utica Avenue.

**Z-6977/PUD-708-A July 2005:** All concurred in **approval** of a proposed Major Amendment to a PUD on a 1.34± acre tract of land on property and to allow on property located on the southeast corner East 15<sup>th</sup> Street and South Utica Avenue. Staff and TMAPC recommended approval to remove HP zoning subject to the removal of the Victor access. The City Council motioned to retain the three lots in HP overlay zoning, and approve the curb-cut onto Victor but not allow to open until the scheduled improvements at 15<sup>th</sup> and Utica intersection are made; and to approve a landscaping addition to the project at the southeast corner of parking lot providing a buffer and transition into the remaining single-family residential uses to the south.

**PUD-708 August 2004:** All concurred in **approval** of a proposed Planned Unit Development on a 1.34± acre tract of land, to permit the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP to allow for a bank, including drive-thru facility, and office use subject to staff recommendations and eliminating access to Victor Avenue, and to specific traffic flow requirements on property located on the southeast corner of East 15<sup>th</sup> Street South and South Utica Avenue.

**PUD-614 August 1999:** All concurred in **approval** of a proposed Planned Unit Development a 1.2± acre tract for a one-story medical office (KMO Cancer Care Facility) on property located on the southeast corner of East 15<sup>th</sup> Street and South Victor Avenue.

**PUD 553 April 1997:** All concurred in **approval** of a proposed Planned Unit Development on a 2.14± acre tract of land to permit a bank, including drive-in facility, and office use per conditions on property located on the southwest corner of East 15<sup>th</sup> Street and South Utica Avenue.

Mr. Wilkerson stated that it would have been preferable to have a mixed-use building on the site with an active ground floor space that might have a CVS pharmacy, but that wasn't presented. It was important to consider things like architectural details, transparency, where the building is in relations of the street, and what kind of improvements would be made along the street right-of-way. The use itself was acceptable as part of the small area plan in process. The existing buildings were done before the small area plan was

done and there is not a primary difference to these buildings on 15<sup>th</sup> or Utica, they are up close to the curb and there were significant improvements made on the pedestrian side of the street system. Mr. Wilkerson explained that on this project there is no rezoning request because it is already in place. Mr. Wilkerson stated that the proposal is in context with the small area plan. Mr. Wilkerson further stated that the drive-through that is proposed is not what staff visualized for the subject property, but there is a proposal for a canopy to cover a portion of the drive-through and it helps with that urban feel better than just having a drive-through there. Mr. Wilkerson summarized the staff recommendation.

**TMAPC COMMENTS:**

Mr. Fretz stated that they will be short on parking spaces according to the City Zoning Code, how many spaces they will be short. Mr. Wilkerson stated that the way the PUD is set up it meets the business model for the site so they have plenty of parking for their expectations. Mr. Wilkerson stated that he didn't do the math on how this compared with the current Code and their part of the standards. The PUD allows fewer parking spaces than they actually have shown here.

Mr. Reeds asked if Traffic Engineering looked at this in terms of the lights shining on the corner and maybe some confusion in traffic patterns. Mr. Wilkerson stated that Traffic Engineering has been a part of the conversation through this whole process and that has not been a concern to them.

Mr. Covey asked if there is an HP overlay on the subject property. Mr. Wilkerson stated that there is none. Mr. Wilkerson stated that many of the homes in the subject area are craftsman style homes and there is some historic character there, but it is not part of a HP overlay or HP designation.

Mr. Covey stated that a number of the emails talk about closing down 14<sup>th</sup> Place. Mr. Wilkerson stated that there has been some discussion about possibly not having any vehicular access to 14<sup>th</sup> Place from this site. Mr. Covey stated that several emails mentioned dead-ended 14<sup>th</sup> Place. Mr. Wilkerson stated that these ideas were thrown out there, but never seriously discussed with Traffic Engineering. Mr. Wilkerson further stated that on 14<sup>th</sup> Place there is an entrance onto the Broken Arrow Expressway and there is some concern about more and more traffic.

Mr. Walker asked if there were any concessions made at the neighborhood meeting. Mr. Wilkerson stated that he doesn't know if they actually had a neighborhood meeting in the last couple of weeks. There have been conversations that have happened, but he doesn't know if there has been a formal neighborhood meeting.

**Applicant's Comments:**

**Lou Reynolds**, Eller & Detrich, 2727 East 21st Street, 74114, representing CVS Pharmacy, stated that there are three properties included in the subject application. Mr. Reynolds submitted photographs of the existing buildings on the properties under application (Exhibit A-4). Mr. Reynolds explained that three buildings would come down and replaced with the proposed development. The existing buildings have five accesses at various points onto Utica, 15<sup>th</sup> and 14<sup>th</sup> Place. Mr. Reynolds submitted a revision for the agenda packet to replace page 25.17 for the development area. Mr. Reynolds submitted a revised site plan for Development Area B (Exhibit A-5). Mr. Reynolds indicated that there was a neighborhood meeting one week prior to today's meeting. There is one change in the site plan regarding the location of the dumpster. Mr. Reynolds stated that the main issue is the access point onto 14<sup>th</sup> Place. Mr. Reynolds further stated that there has been a lot of discussion about mixed-use and CVS may have only one owner, but he doesn't know how one could have more of a mixed-use. Mr. Reynolds stated that there is a pharmacy, retail merchandise component, the minute clinic (staffed by Physician's Assistants); in the future there will be doctors in the clinic. Mr. Reynolds stated that this is many mixed-use services.

Mr. Reynolds described the placement of the building and screening wall, which is high enough to catch car lights. This is an amenity rich building and environment for Tulsa. Mr. Reynolds stated that all of the lights are directed down and designed to light the sidewalk. The coloring in the sidewalk will have some type of decorative finish with planters. Mr. Reynolds cited the façade and placement of the building, dumpster, etc. Mr. Reynolds explained that his engineers has looked at the circulation on the subject site and there is no clear path to make this a cut-through spot and doesn't see it will increase some type of traffic level. Mr. Reynolds indicated that there is not an electric message center sign, but there will be a monument sign. Mr. Reynolds stated that there will be a covered bus stop on the subject property. Mr. Reynolds further stated that the building is 32 feet tall at its tallest point. For all intents and purposes it is a two-story building in height and the small area plan calls for a two-story buildings. The storage will be in the mezzanine above the store. The masonry building will reduce the noise from the subject area. Mr. Reynolds submitted an amended standard for page 25.33 (Exhibit A-3) and stated that he has eliminated the monument sign on 15<sup>th</sup> Street and will put the signage on the masonry wall that hides the dumpster. Mr. Reynolds demonstrated the windows that will provide the transparency treatment.

**INTERESTED PARTIES OPPOSED:**

**Daniel Gomez**, VP of Terrace Drive HOA, 1788 E 14<sup>th</sup> Pl, 74104; **Chip Atkins**, 1638 E 17<sup>th</sup> Pl, 74120; **Bill McMahan**, 1720 E 14<sup>th</sup> Pl, 74104; **C.J. McMahan**, 1720 E 14<sup>th</sup> Pl, 74104; **Linda Mummey**, 1731 E 14<sup>th</sup> Pl, 74104;

**Chace Daley**, 1738 E 14<sup>th</sup> Pl, 74104 (requested to reserve the right to have the TMAPC hear and approve the site plan); **Don Barnum**, 1910 E 13<sup>th</sup> St, 74104; **Mike Koster**, 1792 E 14<sup>th</sup> Pl, 74104.

**INTERESTED PARTIES OPPOSING COMMENTS:**

The following concerns were expressed by the interested parties listed above: The proposal doesn't meet the small area plan for the subject area; stay with the small area plan vision; mezzanine level doesn't fit, it should be two-story, mixed-use; the proposal is not a genuine mixed-use building; the drive-through is in the front and the entrance is in the back, which doesn't fit the small area plan vision; more traffic on 14<sup>th</sup> Place to get on the Broken Arrow Expressway; safety issues with the drive-through; crime issues with drug stores; neighborhood was promised things through the plan and this doesn't meet those promises; too many pharmacies in the subject area; cited the surrounding types of homes and businesses; will see a gigantic drug store from home; do not want the subject site to have access onto 14<sup>th</sup> Place; neighbors have substantial investments in their homes and young people are starting to move back to the neighborhood; doesn't meet the vision of urban development; expressed concerns about delivery trucks using 14<sup>th</sup> Place; children play in their front yards along 14<sup>th</sup> Place and do not want more traffic; convoluted excuse for mixed-use and is shameful; follow the small area plan that was created by the stakeholders and the City of Tulsa.

**INTERESTED PARTIES SUPPORTIVE:**

**Donald Siivola**, 1712 E 14<sup>th</sup> St, 74104

**INTERESTED PARTIES SUPPORTIVE COMMENTS:**

The proposal will be getting rid of crime by eliminating the existing gas station on the corner; debris will be gone; homeless people will be gone; there is no pharmacy between St. Johns and Hillcrest along Utica; this is first class project. The people committing crimes aren't coming to people's houses; they are going to the pharmacies for drugs or money.

**Applicant's Rebuttal:**

Mr. Reynolds pointed out that the existing driveways on 15<sup>th</sup> and Utica for the existing uses on the subject property and the access points that will remain. The delivery trucks will enter the subject property off of 15<sup>th</sup> Street. There will be one CVS truck per week delivering products. Mr. Reynolds explained that most of the delivers will be by UPS and Federal Express. Mr. Reynolds stated that he bets that the UPS and Federal Express will turn right and go into the neighborhood because he will deliver parcels to the neighborhood that he is delivering to right now. Mr. Reynolds stated that the Pepsi truck will have no reason to go into the neighborhood, but some of the trucks would be going through the neighborhood anyway for deliveries. Mr. Reynolds claimed that there will not be any new trucks into the



neighborhood; they will be the same trucks that already come into the subject area today. Mr. Reynolds stated that this application meets the details of this plan and it is mixed-use. Mr. Reynolds further stated that if they went by the old Zoning Code they would need eight more parking spaces to meet the requirement. There is no sea of parking and it is landscaped and decorated. Mr. Reynolds stated that there will be no more traffic than what already exists at the current uses on the subject property.

In response to Ms. Millikin, Mr. Reynolds stated that he doesn't know what time the CVS truck arrives, but it is during the day at regular business hours. Ms. Millikin asked Mr. Reynolds why he needed the entrance onto 14<sup>th</sup> Place. Mr. Reynolds stated that the CVS truck can't turnaround in the parking lot and it will go through and turn left to get back on the expressway.

**TMAPC COMMENTS:**

Mr. Covey stated that there is a small area plan in place that took 15 months of the resident's time and how does this argument differ from the case the TMAPC last heard given that there were promises made. Mr. Wilkerson stated that the distinction is that the residents in the neighborhood on the previous project really had the belief that it would be some kind of residential use. Mr. Wilkerson further stated that one could make the debate that this is or isn't a mixed-use building, but it is not as far from the vision as the previous one was. Mr. Wilkerson explained that staff felt that the general form and the general location of the site is okay, but it didn't represent the pure vision of what that pedestrian edge and store front standards. Mr. Covey asked why is there a drive-through located where one would think the front of the store would be. Mr. Wilkerson stated that this is something staff has asked for multiple times and have never seen a site plan that represents that. Mr. Wilkerson commented that he never understood why they feel that they have to parking at the front door and then walk all the way back of the store to reach the pharmacy part of it. Mr. Wilkerson stated that the internal layout is not significant to him, but the layout of the building is more important for the urban feel.

Mr. Reeds stated that the only think CVS has done is flipped a prototype. Mr. Reeds commented that this is still in the confines of a typical box that they work with all of the time. He doesn't see any attempt to meet the vision or the model that we laid out to the neighborhood or to the City on the small area plan. Mr. Wilkerson stated that he believes what is worth considering is the PUD is set up in a way that the standards that are in a PUD are consistent with the small area plan. Mr. Wilkerson further stated that the argument could be made that this isn't really a mixed-use building, but the standards are there. Mr. Wilkerson indicated that what wasn't put in the PUD was that the entrance had to absolutely be at the intersection. If the Planning Commission chose to make that a requirement in addition to what the staff has already done then it would bring it closer to the vision of what was in the

small area plan. Mr. Reeds commented that creating a bus stop is fantastic, but to say it is pedestrian friendly is really laughable because one is walking right next to a drive-through.

Mr. Reeds stated that in terms of the use the permitting department is going to look at the use as retail under their Code. There may be other ancillary uses, but they will be accessory uses to the main use and will not have multiple uses on it. This is not a mixed-use structure and to say that is wrong.

Mr. Wilkerson stated that the site plan is not being approved today, but the standards are being approved. Ms. VanValkenburgh reminded the Planning Commission that if they approve the standards today, they don't have any lead way in the approval of the site plan unless it is reserved specifically.

Ms. Millikin stated that the exit onto 14<sup>th</sup> Place could be blocked except for when the CVS truck arrives.

Mr. Midget expressed concerns with the drive-through being in front and believes that a better design could be done.

Mr. Shivel stated that he feels that staff is stating in their recommendation that this is good to go, but when asked questions he doesn't feel that staff is ready. Mr. Wilkerson stated that staff spent a lot of time with the developer on this and there are things about this are consistent with the small area plan. Mr. Wilkerson stated that the small area plan is a vision and a guide. Mr. Wilkerson admitted that there are some things that do not meet the small area plan, but felt it met enough to bring to the Planning Commission and City Council and see what happens.

Discussion ensued and Mr. Midget moved to approve the application subject to the review of site plan, limit access off of 14<sup>th</sup> Place and review the drive-through at the front.

The TMAPC decided that there are too many changes needed to this proposal and recommended a continuance and the applicant return with what the Planning Commission has expressed concerns about. (Masonry screening fence, masonry enclosure for the dumpster, drive-through location, and restrict access onto 14<sup>th</sup> Place, etc.)

Mr. Midget withdrew his motion.

**TMAPC Action; 9 members present:**

On **MOTION** of **WILLIS**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling, "absent") to **CONTINUE** the major amendment for PUD-437-A to December 16, 2015.

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**OTHER BUSINESS**

26. **Commissioners' Comments:** Ms VanValkenburgh reminded the Planning Commissioners that PUD's automatically go to the City Council when recommended for denial.

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**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Dix, Stirling "absent") to **ADJOURN** TMAPC meeting 2711.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 4:25 p.m.

Date Approved:

12-16-2015

  
Chairman

ATTEST:

  
Secretary