

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2712

Wednesday, December 16, 2015, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, December 11, 2015 at 2:21 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:

Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of November 2015 and stated that the numbers are up from this time last year.

Ms. Miller reported on the City Council agenda and actions.

Ms. Miller reported on the full day training session scheduled for the New Zoning Code, January 11, 2015 for the public. Ms. Miller indicated that the invitation is on the website at www.tmapc.org. Ms. Miller stated that RSVP is needed due to limited seating.

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1. **Minutes:**

Approval of the minutes of December 2, 2015 Meeting No. 2711

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; Carnes, Fretz “absent”) to **APPROVE** the minutes of the meeting of December 2, 2015, Meeting No. 2711.

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-20833** (Lot-Split) (County) – Location: South of the southwest corner of East 161st Street South and South Peoria Avenue
3. **LC-728** (Lot-Combination) (CD 4) – Location: Northeast corner of East 13th Street South and South Trenton Avenue
4. **LC-729** (Lot-Combination) (CD 9) – Location: North and east of the northeast corner of East 41st Street South and South Lewis Avenue (Related to: LS-20834 and LC-730)
5. **LC-730** (Lot-Combination) (CD 9) – Location: North and east of the northeast corner of East 41st Street South and South Lewis Avenue (Related to: LS-20834 and LC-729)
6. **LS-20835** (Lot-Split) (County) – Location: West of the southwest corner of West 51st Street South and Southwest Boulevard (Related to: LC-731 & LC-732)
7. **LC-731** (Lot-Combination) (County) - Location: West of the southwest corner of West 51st Street South and Southwest Boulevard (Related to: LS-20835 & LC-732)
8. **LC-732** (Lot-Combination) (County) - Location: West of the southwest corner of West 51st Street South and Southwest Boulevard (Related to: LS-20835 & LC-731)

9. **QuikTrip 0007 – Final Plat**, Location: ~~Northeast~~ Southeast corner of East Admiral Place and North Yale Avenue, (CD 3)

STAFF RECOMMENDATION:

This plat consists of two lots, one block on 3.9 acres.

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

10. **Yale Village – Reinstatement of Plat**, Location: Southwest corner of East 91st Street South and South Yale Avenue, (CD 8)

11. **Z-7236-SP-1a – KKT Architects/Nicole Watts**, Location: Southwest corner of West 81st Street South and Highway 75, requesting a **Corridor Minor Amendment** to revise allowable ground sign sizes, **CO** (CD 2)

STAFF RECOMMENDATION:

Amendment Request: Modify the Corridor Plan to revise Development Standards to increase allowable signage area for the sign located on W. 81st Street and allowable signage area and height for tenant directional signs.

Proposed Development Standard revisions are listed on the Applicant's Corridor Minor Amendment Text Exhibit.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 806.C of the Corridor District Provisions of the City of Tulsa Zoning Code.

“Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which shall direct the processing of an amended site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of this chapter. “

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor Development Plan.
- 2) All remaining development standards defined in Z-7236-SP-1 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase allowable signage area for the sign

located on W. 81st Street and allowable signage area and height for tenant directional signs.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

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

Mr. Covey stated that there are several items to be continued: Items 16 and 17 continue to January 20, 2015.

16. **PUD-467-A – Eller & Detrich/Andrew Shank**, Location: West of northwest corner of East 51st Street South and South Pittsburgh Avenue, requesting a **PUD Major Amendment** to add Use Unit 21 – Outdoor Advertising Sign, **CO/PUD-467 to CO/PUD-467-A**, (CD 9) (Related to Z-6310-SP-6)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **CONTINUE** PUD-467-A to January 20, 2015.

17. **Z-6310-SP-6 - Eller & Detrich/Andrew Shank**, Location: West of northwest corner of East 51st Street South and South Pittsburgh Avenue, requesting a **Major Amendment to a Corridor Development Plan** to add Use Unit -21-Outdoor Advertising Sign, **CO/PUD-467 to CO/PUD-467-A**, (CD 9) (Related to PUD-467-A)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **CONTINUE** major amendment to Corridor Development Plan for Z-6310-SP-6 to January 20, 2015.

19. PUD-636-D – Matt Christensen, Location: South of the southeast corner of West 71st Street and South Union Avenue, requesting a **PUD Major Amendment to Abandon**, (CD 2) (**Staff is requesting a continuance to January 6, 2016**)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **CONTINUE** major amendment to Abandon for PUD-636-D to January 6, 2015.

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20. Z-7323 – Gary Hassenflu, Location: East of the northeast corner of South Yale Avenue and East 32nd Street South, requesting rezoning from **RS-2/RD to RM-3**, (CD 5) (Continued from 11/18/15) (**Applicant has requested a continuance to January 20, 2016**)

Mr. Covey stated that there are several speakers signed up for this item.

Applicant's Comments:

Malcolm Rosser, 321 South Boston, 74103, stated that he is representing the applicant, Gary Hassenflu. Mr. Hassenflu has been working with the representative of the Highland Park HOA, Joe Steiner to set up a neighborhood meeting and they now have a meeting set up for January 7, 2016 at 5:30 p.m. Mr. Rosser explained that he was recently hired by the applicant and he will need time to meet with Mr. Hassenflu and meet with the HOA before presenting this application.

Mr. Covey stated that he will only hear comments regarding the continuance.

INTERESTED PARTIES COMMENTS:

Madison Miller, 5306 East 35th Street, 74135, stated that she opposes the continuance. Ms. Miller explained that the HOA hasn't met with Mr. Hassenflu because he canceled on them. She explained that the HOA had a meeting scheduled with him and 37 people were in attendance when he canceled that morning. Ms. Miller commented that the HOA members are present today and ready to present their concerns today, which is a very well thought-out presentation.

Joe Steiner, 5238 East 35th Street, President of the HOA, stated that he has gone back and forth with several emails with Mr. Hassenflu in order to set up a meeting and after settling on a date, which he confirmed three days prior, then, 10:00 a.m. on the morning of the meeting date he canceled because he wasn't prepared.

In response to Mr. Covey, Mr. Steiner stated that he rescheduled the meeting for January 7 with Mr. Hassenflu.

Nigel Higgs, 3206 South Darlington Avenue, 74135, stated that he strongly opposes the continuance.

John Oxford, 3515 South Darlington Avenue, 74135, stated that after the last meeting the TMAPC strongly recommended that Mr. Hassenflu set up a meeting and he recommended the day before Thanksgiving, which the HOA declined due to the Holiday. Mr. Oxford stated that he assumed Mr. Hassenflu was ready to meet or he wouldn't have suggested that date and doesn't understand why he canceled the December meeting claiming he wasn't ready.

Rebecca Stephenson, 3202 South Braden Avenue, 74135, stated that after the last meeting Mr. Hassenflu agreed to meet with the HOA immediately after the meeting and all 30+ members went outside of the meeting room and waited for him and apparently he left without meeting. Mr. Stephenson stated that today there are seven speakers ready to talk about a range of topics and they do not overlap on topic. Ms. Stephenson stated that she strongly opposes a continuance.

Mr. Covey stated that the TMAPC recommended a continuance last time and it is the standard practice that each side gets a continuance.

Applicant's Rebuttal:

Mr. Midget stated that he encouraged Mr. Hassenflu to continue his case in order to give the developer an opportunity to talk with the neighbors. Mr. Midget further stated that he knows that the neighborhood didn't ask for the continuance, but he thought it would be in the best interest to have both sides to meet. Mr. Midget commented that it is unfortunate that Mr. Hassenflu did not do his due diligence. Mr. Midget stated that he wants to be fair and grant the continuance. It is like convicting a person without him being here to defend himself. Mr. Midget expressed his disappointment that Mr. Hassenflu didn't meet with the neighbors.

Mr. Dix asked Mr. Rosser if he would be prepared to present this case if the TMAPC were to deny the continuance. Mr. Rosser stated that he was contacted last week by Mr. Hassenflu and he would have to plead ignorance on this matter at this time. Mr. Rosser commented that if Mr.

Hassenflu has mistreated any of the neighbors he would like to apologize for that. He further commented that he doesn't have all of the details of what has happened in the past, but he guarantees that the next meeting will happen. Mr. Rosser stated that he would prefer not to present this case today because it is not a simple application.

Discussion ensued regarding the TMPAC's view on whether it would be appropriate to continue the subject application.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **8-1-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; Willis "nay"; none "abstaining"; Carnes, Fretz "absent") to **CONTINUE** Z-7323 to January 20, 2016.

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PUBLIC HEARINGS:

12. **LS-20834** (Lot-Split) (CD9) – Location: North and East of the northeast corner of East 41st Street South and South Lewis Avenue (Related to: LC-729 and LC-730)

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an existing RS-1 (Residential Single Family Low Density) tract into three tracts. One of the resulting tracts meets the Bulk and Area requirements of the City of Tulsa Zoning Code. The two smaller tracts will be combined with adjoining tracts (LC-729 & LC-730).

Technical Advisory Committee met on December 3, 2015. Development Services made the request that a sanitary sewer easement be shown on the survey.

The proposed Lot-Split and Lot-Combinations would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

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 **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **APPROVE** the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20834 per staff recommendation.

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13. **Breeze Farms – Preliminary Subdivision Plat**, Location: Southeast of southeast corner of East 161st Street South and South Lewis Avenue, (County)

STAFF RECOMMENDATION:

The plat consists of 33 lots, 4 blocks, on 189 acres.

The following issues were discussed December 3, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG (agricultural) and the lot sizes in the residential subdivision proposed must meet the zoning district bulk and area requirements.
2. **Streets:** The County Engineer has requested a cul-de-sac and a hammerhead turn around redesign of certain streets. Show limits of no access.
3. **Sewer:** Aerobic systems are proposed.
4. **Water:** Rural water district Creek # 2 will serve water.
5. **Storm Drainage:** Drainage studies must be submitted and approved by the County Engineer.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Bixby will serve fire and need to send a release letter for the plat.
8. **Other: GIS:** Submit subdivision control data sheet with the final plat. Provide an email address. Define basis of bearing between two known points. Provide bearing. Provide individual lot addresses. Show all pins found or set. Drawing does not scale properly. Correct legal description. Show total length on south line with bearing. Provide street names for plat.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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 **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **APPROVE** the Preliminary Subdivision Plat for Breeze Farms per staff recommendation.

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14. **PUD-728 B and Z-7389 – Plat Waiver**, Location: Northeast corner of South Trenton and East 13th Street, (CD 4)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to PUD 729 B.

Staff provides the following information from TAC for their December 3, 2015 meeting:

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

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

Staff can recommend **APPROVAL** of the plat waiver for the previously 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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **APPROVE** the plat waiver for PUD-728-B/Z-7389 per staff recommendation.

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15. **Cadent Park – Minor Subdivision Plat**, Location: West of the northwest corner of East 91st Street South and South Yale Avenue, (CD 8) (Continued from October 7, 2015, November 4, 2015, and November 18, 201, and December 2, 2015) (Staff requests the plat be held until release letters have been received at which time the plat will be re-advertised and put on an agenda.)

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 **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **TABLED** to be reset upon notification by staff.

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18. **PUD-843 – AAB Engineering, LLC/Alan Betchan**, Location: West of southwest corner of East 11th Street and South Garnett Road, requesting a **PUD** for development standards to allow lots without frontage on a public street and to identify certain allowed uses, **CS to CS/PUD-843**, (CD 5)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

11th Street Commerce Park (PUD 843) is a proposed mixed use development located on the south side of East 11th Street South between Mingo Road and Garnett Road in the City of Tulsa. Exhibit A shows the subject property in relation to surrounding areas. This Planned Unit Development proposes a two Development Area overlay of a property that is currently zoned CS. This project will be developed along CS bulk and area requirements except as modified by herein. Exhibits C & F show the proposed development areas and the existing zoning map in the area of the PUD, respectively.

The property is approximately 635 feet in depth and 320 feet in width which makes much of the traditional commercial development contemplated by CS zoning difficult. This PUD allows the creation of lots within Development Area B which will not front onto a public street. This design allows the rear of the property to be developed while still preserving traditional commercial viability of the northern tract. The PUD also allows for tenant identification signage for Development Area B along the ROW within Development Area A. It also reduces the northern building setback within Development Area A to allow buildings to be constructed with a setback similar to that of the adjacent properties. Exhibit B depicts the conceptual site plan for the PUD. The developer currently plans to provide leasable spec. tenant space as shown on the conceptual plan but would like to maintain the flexibility of splitting Development Area B into smaller tracts.

In May of 2015 the City of Tulsa Board of Adjustment heard a request by the property owner to allow Use Unit 15 Other Trades and Services, Use Unit 16 Mini Storage, and Use Unit 17: Automotive and Allied Activities, with certain uses within those Use Units being excluded. After significant discussion the Board voted to approve the request. This PUD limits those special exception uses to Development Area B which preserves Development Area A for more traditional commercial uses.

SECTION II: PUD-843 DEVELOPMENT STANDARDS

Development Area A

Gross Land Area	89,600 sq. ft.	2.06 ac
Net Land Area	76,533 sq. ft.	1.76 ac

Permitted Uses

Uses permitted as a matter of right by the City of Tulsa Zoning Code within the CS district, including all uses customarily accessory thereto, except Use Unit 12a: Adult Entertainment Establishments.

Maximum Building Area 11,000 sq. ft. FAR (0.13)

Minimum Building Setbacks

North Property Line	17.5 ft.
South Property Line (Along Queen Street)	10 ft.
West Property Line (Front Yard)	10 ft.
East Property Line	10 ft.

Maximum Building Height: 20 ft.

Development Area B

Gross Land Area	113,600 sq. ft.	2.61 ac
Net Land Area	113,600 sq. ft.	2.61 ac

Permitted Uses

Uses permitted as a matter of right by the City of Tulsa Zoning Code within the CS district as well as Use Unit 15: Other Trades and Services and Use 16: Mini-Storage, including all uses customarily accessory thereto, except Use Unit 12a: Adult Entertainment Establishments. The following uses within Use Unit 15 shall not be allowed: Bait Shop, Bottled Glass, Flea Market, Fuel Oil, Greenhouse, Lumber Yard, Model Home (display only), Portable Storage Building, Sales, Armored Care Service, Bindery, Kennel, Recycling Drop Off, Taxidermist, Barber School, Beauty School, Trade School, and NES.

Public Street Frontage

Tracts within Development Area B shall not be required to have the minimum frontage prescribed by the CS district. Access to these tracts will be provided via Mutual Access Easements recorded of record.

Maximum Building Area	55,000 sq. ft.	FAR (0.48)
Minimum Building Setbacks		
North Property Line		10 ft.
South Property Line		10 ft.
West Property Line		10 ft.
East Property Line		10 ft.
Maximum Building Height:		20 ft.

Parking

Parking for uses contained within Use Unit 14: Shopping Goods and Services, when contained within Development Area A, shall be provided at a minimum ratio of 1:325. All other uses shall provide parking as required by the City of Tulsa Zoning Code.

Lighting

All lighting standards shall be constructed in a manner that prevents visibility of the light emitting element from adjacent residentially zoned properties. No lighting standard shall exceed 25'. No building mounted lighting will be allowed higher than 16'-6" above the finished floor.

Signage

Signs shall be limited to the following:

- One double sided ground sign not exceeding 25' in height shall be permitted in Development Area A along 11th Street, provided it does not exceed 250 square feet of display surface area per side.
- Wall signs shall be limited to 1.5 square feet per linear foot of building wall to which the signs are affixed. Internally illuminated wall signs in Development Area B are prohibited.
- No roof or projecting signs shall be permitted.

Landscaping

All landscaping shall conform to the existing Landscape Chapter of the Tulsa Zoning Code however the following additional standards are required.

Screening Walls and Fences

- A wood or masonry screening fence at least 6 feet in height shall be constructed along all property lines abutting a residential use.
- All trash and mechanical areas shall be screened from public view of person standing at ground level. A fabric mesh with a minimum opacity of 95% shall be allowed on enclosure doors.

Vehicular Access and Circulation:

Vehicular access to site will be derived from a single newly proposed curb cut onto 11th Street along the eastern property line. The fairly significant depth compared of the tract relative to the narrow width makes a public access to the southern portion of the site difficult. Access will instead be provided via a mutual access easement covering the new curb cut and extending along the eastern boundary of Development Area A. If Development Area B is further split access easements serving those newly created lots will be dedicated at that time.

Existing driveway access from 11th Street into the site shall be removed and replaced with sidewalks and curb matching the existing sidewalks along East 11th Streets.

Pedestrian Access:

Sidewalks access will be provided from all lots to the public sidewalk system on East 11th Street.

Platting Requirement:

No building permit shall be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with the City of Tulsa Subdivision Regulations.

Site Plan Review:

No building permit shall be issued until a site plan is submitted to and approved by the Tulsa Metropolitan Area Planning Commission in accordance with the City of Tulsa Zoning Code.

No Sign permit shall be issued until a detailed sign plan is submitted to and approved by the Tulsa Metropolitan Area Planning Commission in accordance with the City of Tulsa Zoning Code.

EXPECTED SCHEDULE OF DEVELOPMENT:

Development construction is expected to begin in spring of 2016.

DETAILED STAFF RECOMMENDATION:

PUD 843 is consistent with the anticipated future development in the area and,

PUD 843 is consistent with the Board of Adjustment approvals granted in May 2015 and,

Development standards outlined in Section II are consistent with the PUD chapter of the Tulsa Zoning Code and,

PUD 843 is consistent with the Mixed Use Land Use designation of the Comprehensive Plan therefore,

Staff recommends **APPROVAL** of PUD-843 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The PUD as defined in Section II of the staff report is consistent with previously approved Board of Adjustment action and consistent with the Mixed Use Corridor vision of the Comprehensive Plan. The proposed minimum building setbacks will allow building construction close to the street right of way and encourage store front development along this corridor.

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: Multi Modal

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: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

At this time there are no known conditions that would affect development of this site or affect adjacent properties if this site is developed.

The site generally slopes from the southwest to northeast. The Tulsa County Soils survey defines the onsite soils as Dennis Silt Loam with grades from 1-3 percent. These soils are typically well drained and provide little issue to construction of a project as proposed. A geotechnical engineer has been contracted to perform a soils analysis but the results are not yet complete.

The attached Exhibit E depicts an aerial of the existing site as well as topography.

Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street	Secondary Arterial	100 feet	6 with a grass median

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east and south by a multifamily residential site, zoned RM-1; on the north across East 11th Street is auto sales and auto parts store, zoned CS; and on the west by a mobile home neighborhood, zoned CS.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-21889 May 26, 2015: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701). This approval is with the condition that all the Use Units referred both in 15, 16, 12 and 14 are referenced in the letter from Tanner Consulting dated May 26, 2015. This approval is per conceptual site plan 3.8, on property located at 10880 E. 11th St. and also known as the subject property.

BOA-18957 January 23, 2001: The Board of Adjustment **approved** a *Special Exception* to permit RV and trailer sales (UU17) in the CS district; and a *Variance* of the required all-weather surface parking to allow for gravel parking, on property located and known as the subject property.

BOA-7212 November 4, 1971: The Board of Adjustment approved a Special Exception to permit operating a sales and service of travel trailers (camping trailers) and articles incidental to recreation and camping activities, on property located at 10884 E. 11th St. and also known as the subject property.

Surrounding Property:

BOA-20871 February 24, 2009 The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage facility (Use Unit 16) in a CS district with the conditions that the new units be painted to match the existing storage units and have no open air storage, on property located at 10540 E. 11th St.

BOA-20547 September 11, 2007: The Board of Adjustment **approved** a *Special Exception* to permit automobile and allied activities (Use Unit 17) in a CS district, with conditions, on property located at 10705 E. 11th St. S.

BOA-20056 June 14, 2005: The Board of Adjustment approved a Special Exception to allow the sale of manufactured homes in a CS zoned district within a mobile home park - Use Unit 17 (Section 701), on property located at 1211 S. 107th E. Ave.

BOA-19331 April 9, 2002 The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (electrical contractor) in a CS district, on property located at 10705 E. 11th St. S.

BOA-18868 March 14, 2000: The Board of Adjustment approve a special exception to allow electrical contractor business (Use Unit 15) in a CS district, on property located at 1136 South 107th East Avenue.

BOA-14951 October 6, 1988: The Board of Adjustment **approved** a *Special Exception* to permit the sale of auto parts and other automotive uses (UU17), on property located at 10883 E. 11 St. S.

BOA-13933 February 20, 1986: The Board of Adjustment **approved** a *Special Exception* to permit auto custom repair and related sales in the CS zoned district, on property located at 10877 E. 11 St. S.

BOA-13911 January 23, 1986: The Board of Adjustment **approved** a *Special Exception* to allow retail building material sales business with minor wholesaling (UU15) in a CS district, on property located at 10724 E. 11 St. S.

BOA-13517 April 4, 1985 The Board of Adjustment **approved** the *Special Exception* to permit a car wash in a CS zoned district with the restrictions that the exterior building materials of the car wash be compatible with the abutting apartment complex; there be an attendant on duty seven days a week from 8a to 10p; and built per plot plans; located at the NW/c of 11th St. and 107th E. Ave.

BOA-13350 November 1, 1984: The Board of Adjustment **approved** a *Variance* to permit a guttering and roofing establishment in a CS district, per plan, finding that due to the unusual circumstances of the land (in regard to the way the flood plain developed), that it caused an unnecessary hardship, on property located at east of the northeast corner of S. 107th E. Ave. and E. 11th St.

BOA-12703 July 14, 1983: The Board of Adjustment approved a Special Exception for storage and office space for electrical contractors in CS district, with the condition that there be no outside storage at all, on property located at the southeast corner of S. 107th E. Ave. and E. 11th St.

BOA-12137 August 19, 1982 The Board of Adjustment **approved** a *Special Exception* to allow a Use Unit 17 (muffler shop) in a CS district as described using tilt-up rock panels, subject to all work being performed inside, that all storage be inside with no outside storage being permitted, that refuse be placed outside in covered containers, and that no manufacturing of mufflers take place, on property located at 10705 E. 11th St. S.

BOA-11386 March 5, 1981 The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 for other trades and services in a CS district; and a *Special Exception* to waive the screening requirement on the north property line until such time that the north portion of the property is developed residentially or is sold; all subject to the plans submitted, with the condition that no outside storage will be permitted, on property located east of the northeast corner of S. 107th E. Ave. and E. 11th St.

BOA-11040 June 12, 1980 The Board of Adjustment **approved** a *Special Exception* to permit an electrical contractor in a CS district; per plot plan submitted, with the screening fence to be constructed all around the building as drawn on the submitted plot plan, with access being also screened, (gates) as shown on the plot plan, no outside storage shall

exceed the height of the screening fence; outside storage limited to lighting poles and arms, located at 10705 ½ E. 11th St.

BOA-10798 November 29, 1979 The Board of Adjustment **approved** an *Exception* to permit mini-storage buildings in a CS district; and **approved** an *Exception* to remove the screening requirement where existing physical features provide visual separation of uses, per plot plan submitted, with the units painted earth tones, on property located west of northwest corner of E. 12th St. and S. 107th E. Ave.

BOA-9990 June 1, 1978: The Board of Adjustment **approved** a *Special Exception* to operate a retail glass outlet; and a Special Exception to remove the screening requirements where the purpose of the screening requirement cannot be achieved, per plot plan in a CS and RS-3 district, on property located at 10737 E. 11th St.

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 **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to recommend **APPROVAL** of PUD-843 per staff recommendation.

Legal Description for PUD-843:

THE EAST HALF (E/2) OF LOT ONE (1) AND THE NORTH 20 FEET OF THE VACATED STREET ADJACENT ON THE SOUTH THEREOF, MINGO VALLEY ACREAGE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

* * * * *

21. PUD-437-A – Donn E. Fizer, Location: Northeast corner of East 15th 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 and 12/2/15)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

APPLICANTS DEVELOPMENT CONCEPT:

CVS/pharmacy has been serving the Tulsa community for many years. The corner of 15th 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 14th Place. The PUD north of 14th is owned separately but the development standards north of East 14th 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 14th Place. The primary purpose of the amended PUD north of 14th 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 14th Place.

Neighborhood Participation:

Miscellaneous neighborhood correspondence

SECTION II PUD-437-A DEVELOPMENT STANDARDS:

DEVELOPMENT AREA A:

Except as defined below, the previous standards defined for Development Area A north of 14th 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 Plan right-of-way edge)

Minimum setback from South Utica: 15 feet

Minimum setback from East 14th 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: three 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 14th 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 15th 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. **If a canopy on the west or south facade is installed a masonry screening wall with a minimum height of 3 feet from the sidewalk elevation shall be used as a physical and visual barrier between any pedestrian traffic in the street right of way and a drive thru. The wall shall be integral to the design of a canopy support and include planters.**

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 or spandrel glass is required and where doors are located.

West facing walls shall provide a minimum of 25% transparency. Spandrel glass and must match the color of transparent glass may be used in two thirds of the transparency requirement.

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

Screening and Landscaped Open Space:

A masonry screening fence shall be constructed and maintained along the east boundary of the Development Area B where adjacent to single family residential zoned property. 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 end of the site the wall or fence may be eliminated or if installed shall not exceed 4 feet in height. 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 14th Place, East 15th 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 15th Street South and along East 14th 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 15th Street and along East 14th Place.

- 2) A landscape edge shall be provided adjacent to East 14th 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 shall exclude walkways which solely provide 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 **and placed within 100 feet of the north right of way line on East 15th Street South.**

Sign Standards:

One monument sign is allowed along East 15th 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.

Vehicular Access:

Vehicular access is prohibited from East 14th Place south

DEVELOPMENT AREA REVISION

Lots south of 14th Place shall be further known as Area B. The portion of PUD-437 north of the south ROW line of 14th 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 14th Pl. shall be re-platted. As part of the Plat process an additional 5' ROW dedication is required along 15th 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 15th 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 15th 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 15th 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 15th 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.

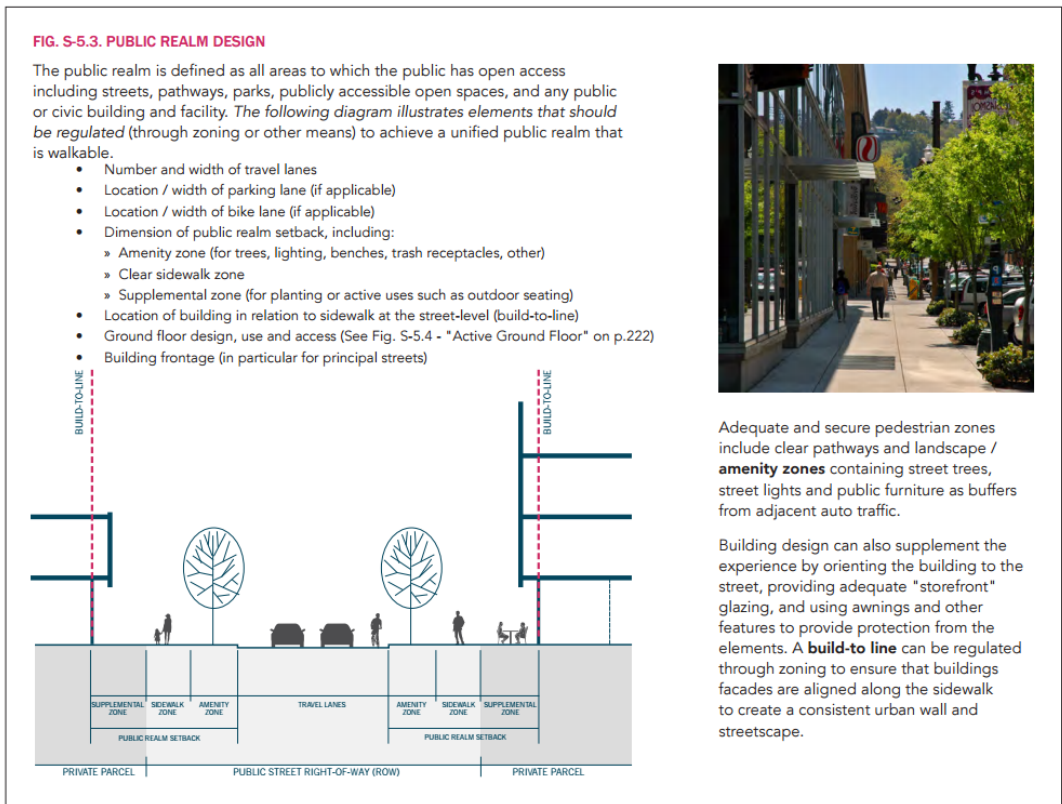
Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

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 th Street South	Urban Arterial/Main Street	75 feet	5
East 14 th 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 14th 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. 14th 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. 15th 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. 14th 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. 15th 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 15th 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 15th 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 15th Street South and South Utica Avenue.

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

PUD 553 April 1997: All concurred in **approval** of a proposed Planned Unit Development on a 2.14 \pm 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 15th Street and South Utica Avenue.

Mr. Wilkerson cited the minor changes made to the staff report since the December 2, 2015 meeting. Mr. Wilkerson reiterated that the PUD does require that this building to be within a “build to zone”.

Mr. Covey read from the small area plan that requires main entrances facing the street. Mr. Wilkerson stated that this particular project satisfies a lot of the development standards, but it doesn't meet that particular standard. Mr. Covey asked Mr. Wilkerson about the standard for walkability. Mr. Wilkerson stated that today it is not as walkable as he would like. Mr. Wilkerson stated that this particular PUD does a good job of providing some street trees and scaling the signage down. Mr. Wilkerson commented that the subject proposal does provide a friendlier pedestrian environment because there are more street trees and fewer driveway crossings. Mr. Covey asked Mr. Wilkerson about the standard for windows, doorways facing the sidewalk and automobile parking generally located on the side or behind the building. Mr. Wilkerson stated that the PUD requires the building to be up closer to the sidewalk, it does require a certain amount of glass and windows for store type uses and this PUD meets that standard. This particular location has a drive-through between the building and the street that would block that vision. Mr. Wilkerson stated that right now the pedestrian realm, the street trees, medians, etc. is all done well as part of this PUD. Mr. Wilkerson further stated that when one looks at the part of it that includes windows, store fronts along the sidewalk, this particular does some of that, but not probably as completely as this concept implies. The parking is located on the side and behind the store.

Mr. Reeds asked Mr. Wilkerson to explain his understanding of mixed-use. Mr. Wilkerson stated that there are two meanings to mixed-use. One is a mixed-use corridor along the length of a street, which can mean a lot of individual uses along that corridor. A mixed-use building is a different conversation, which is something that might truly be a hotel with a CVS in the bottom with some offices. The mixed-use building is part of the small area plan, but it really more a part of the plan in context where MXI zoning is proposed. The MXI zoning is proposed closer to St John's and Hillcrest. The subject area is more of a mixed-use corridor in this location.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he has removed the driveway off of 14th Place, added additional street trees and will install a masonry wall along the residential property. Mr. Reynolds further stated that his client has agreed to remove the wooden screening fence where it abuts the office area and open it up; the dumpster will have to be moved to the south with a masonry screening facility. Mr. Reynolds stated that it wasn't clear previously that there will be a wall that runs parallel to the sidewalk and the wall will separate the sidewalk from the cars in the drive-through lane. Mr. Reynolds submitted a concept photograph (Exhibit A-2). Mr. Reynolds demonstrated where the screening wall, bus shelter and parking will be located. He demonstrated how the sidewalks would have the decorative bricks to meet the City's streetscape plan and lighting fixtures along the brick wall that will light the sidewalk from the outside of the drive-through facility in a decorative way. Mr. Reynolds indicated that there will be a bike rack in front of the store. Mr. Reynolds explained how the drive-through would work and the elevations of the drive-through, which will have a screening wall to block the lights of the cars.

Mr. Reynolds stated page 21.33 is from PLANiTULSA in this concept and that was five years ago and then two years ago there was a small area plan developed. Mr. Reynolds commented that in his mind the small area plan supersedes PLANiTULSA. Mr. Reynolds argued the difference in the language of "bringing to the street" and "facing the street". Mr. Reynolds stated that the door of the proposed development faces the street on East 14th Place. Mr. Reynolds proposed some additional language (Exhibit A-1). Mr. Reynolds requested that the subject proposal be approved per staff recommendation.

TMAPC COMMENTS:

Ms. Millikin read from the small area plan. Ms. Millikin stated that it weren't for the small area plan she would have no problem approving this plan, but she is still struggling with how it meets the small area plan. Ms. Millikin further stated that she understands that the small area plan is a policy guideline, but she doesn't know if it should be departed from without some good reason to explain to the City Council as to why. Ms. Millikin commented that she doesn't quite see how the drive-through in the front meets the definition of active ground floor. Mr. Reynolds stated that one looks at it in a total package and this proposal comes very close to meeting all of the standards and remember that this plan is not a regulating document. This small area plan was to allow this type of development and these aren't restrictions, but recommendations to be followed. Mr. Reynolds stated that there is rarely case before the TMAPC that meets and conforms to the plan as the subject proposal. Mr. Reynolds further stated that this application doesn't perfectly comply with all, but comes close and closer than it seems. Mr. Reynolds stated that he tried to promote the ground floor with

windows and landscaping. Ms. Millikin stated that windows and landscaping are a different concept. Ms. Millikin further stated that the proposal has walkable environment, landscaping and they are done very nicely, but it is the ground floor elements that she feels could be improved here. Ms. Millikin asked if it would be possible to have a door that faces Utica. Ms. Millikin asked why the drive-through couldn't be switched to the other side of the building. Mr. Reynolds stated that it would put the drive-through where the pedestrian traffic to the front door is. Ms. Millikin stated that the front door could be moved to Utica. Mr. Reynolds stated that the store needs convenient parking to be a success. Mr. Reynolds explained that that today's proposal is the third generation of the proposal and staff has requested that the building be brought to the corner and it would strain the store to have the front door at 15th and Utica and the people would have to park and walk around to the door.

In response to Mr. Walker, Mr. Reynolds stated that CVS has determined that they can make deliveries with their trucks and maneuver without access to 14th Street.

Mr. Reeds stated that this is a handsome building, but unfortunately it is built around cars and not people, which is the whole purpose of an urban design. The ultimate goal is to make it a walkable urban facility and this doesn't make it. Mr. Reeds expressed a concern with the drive-through and it being a safety issue. Mr. Reeds stated that at night time people will be blinded by these cars. Mr. Reeds further stated that he doesn't have a problem with the single usage of the subject property. Mr. Reeds commented that there are other ways to solve this and not have a chute on the corner of an urban street. Mr. Reynolds stated that the drive-through has been carefully designed so that lights are not blinding people.

Mr. Midget stated that he appreciates that some of the concerns from the last meeting were looked at, particularly the access onto 14th. Mr. Midget further stated that he still has an issue with the front drive-through and he believes that they have tried to address it. Mr. Midget further stated that with the design walkability has been addressed. Mr. Midget commented that he travels this route frequently and he can never envision the subject area being where one would put a nice boutique with outdoor seating because it is near the expressway with car traffic all day. Mr. Midget stated that he would like to see a better design for the drive-through. Mr. Midget further stated that he understands the intent of the small area plan, but on either of the subject corners he can't imagine the kind of quiet, table ambience one wants. Mr. Midget commented that Mr. Reynolds's client has done a good job trying to make the proposal to work. Mr. Midget stated that people are not going to park in the back and walk around to the front of the store.

INTERESTED PARTIES OPPOSING PUD-437-A:

Don Barnum, 1910 East 35th Street, 74104; **Daniel Gomez**, 1788 East 14th Place, 74104; **Terry Meier**, 1760 East 14th Place, 74104; **Michael Koster**, 1792 East 14th Place, 74104; **William McMahan**, 1720 East 14th Place, 74104; **Chip Atkins**, 1638 East 17th Place, 74120; **C.J. McMahan**, 1720 East 14th Place, 74104; **Burlinda Radney**, 2016 East 12th Place, 74104.

INTERESTED PARTIES OPPOSING PUD-437-A COMMENTS:

Not a good plan and not a good site for the subject plan; increased traffic, increased noise, trucks, and noise; more crime; will lower property values; follow the small area plan; doesn't meet the small area plan spirit or vision, not appropriate to have drive-through in the front, oppose spandrel glass; move to 11th Street where they are better needed; the subject intersection is the gateway to HP district and Utica Square; the drive-through elevation change is bizarre and is not pedestrian friendly; this is the first test of the small area plan and a drive-through is not appropriate for the subject property; the subject area wants to extend what is on Cherry Street and make it a walkable corridor and this proposal will kill that; if the goal is to increase economic activity in the area there is already five drug stores within one mile of St John's and Hillcrest; there needs to be a flow of energy in the neighborhood and a big box store at the end of a block stops that energy; the existing businesses on the subject property do not want to leave; do not want box stores; this is a banking corridor in the subject area than it is a medical corridor; hospitals come and go and there will be a new sign on St John's by January 1, 2016, new management and who knows if it will stay in business; Hillcrest has filed bankruptcy numerous times and is under new ownership; box store doesn't meet the vision of the plan; State Statute states that the Comprehensive Plan "shall" be followed; Tulsa is unattractive and this plan was created to make it better; don't sell out to the big box stores that will not bring the charm that is wanted in the subject area; the small area plan has renewed interest in the neighborhood for housing; property values are increasing since the small area plan has been approved; the subject intersection is a busy intersection and she understands why CVS would like to keep an open door to have access to 14th Place in the future due to the traffic flow; understand that neighbors on 14th Place are concerned about traffic dumping onto their street; the small area plan is about pedestrian economic activity and not car-based economic activity.

TMAPC COMMENTS:

Ms. Millikin stated that she has heard a few protestant's argue that a CVS doesn't fit the plan and she has to ask if they have read the sections on economic development in the Utica/Midtown Corridor Small Area Plan. There is Hillcrest in the north section of the plan, St John's in the south section of the plan and the small area plan on page 250 states that one of the purposes is to retain medical and healthcare related industries in the area. How is a CVS on the Utica Corridor between two main hospitals in the

subject area not fit with the small area plan? Mr. Koster stated that when he says CVS he actually means the plan that is being proposed today. Mr. Koster further stated that if there was a CVS in a mixed-use building then maybe there wouldn't be the arguments from the neighborhood. Mr. Koster explained that CVS is trying to put a box store at the end of a neighborhood, which is a primarily drive-through business, and the business model is about getting the parking work and it is at the expense of walkability and things that are in the small area plan. Ms. Millikin stated that the plan doesn't require a mixed-use building, it is a mixed-use corridor and so one can have a building with a single purpose function. Ms. Millikin stated that while she is still struggling whether certain aspects of the plan are met, she does believe that CVS fits within the economic development vision of the small area plan for the Utica/Midtown Corridor. Ms. Millikin stated that function and economic wise this does fit with the plan. Ms. Millikin further stated that the neighbors have to think of the vitality of the medical industry that is in place and in addition to that part of the plan asks for supportive improvements and research and equipment for stated of the art healthcare and CVS can contribute to that. Ms. Millikin read from the plan where CVS fits with the plan. Mr. Koster stated that he understands all of that and he thinks one could make an economic argument for almost anything that would go in on the subject property, but part of the small area plan is to be pedestrian friendly, which this is the opposite of. Ms. Millikin stated that she does hear that part of the concerns and have already addressed that with Mr. Reynolds, but it is not completely off the chart and in fact she believes that this application is mostly there. Mr. Koster asked how much of the plan does it have to be 50%?

Applicant's Rebuttal:

Mr. Reynolds stated that the small area plan seeks to get a balance between pedestrian and automobile activity and this PUD is designed to achieve that. Mr. Reynolds further stated that he believes the proposal is a walkable streetscape and meets many of the standards of the plan. Mr. Reynolds commented that the proposal is not a true two-story building, but it is over 30 feet and there will be a mezzanine, which will be used for storage. The height is intended to be a noise reduction and buffer to the neighborhood. Mr. Reynolds stated that he believes that the proposal meets the plan and respectively request that the Planning Commission approve the PUD per staff recommendation with the amendments he has proposed.

TMAPC COMMENTS:

Mr. Midget asked Mr. Reynolds if CVS has to have a drive-through. Mr. Reynolds answered affirmatively. Mr. Midget stated that he was thinking about the pharmacy in Utica Square that is one of the busiest in the City and it doesn't have a drive-through. Mr. Reynolds stated that at this location CVS does need a drive-through because it isn't in that type of an area. Mr.

Reynolds further stated that the design is due to grade, which is a six-foot grade drop on the subject property.

Mr. Shivel stated that he believes that Cherry Street is walkable because there are not traffic lights between Peoria and Utica. The developer is willing to modify his plans and no longer use 14th Place as an access point. Mr. Shivel stated that he appreciates Mr. Wilkerson's explanation about "mixed-use corridor" versus "mixed-use building" issues. Mr. Shivel commented that it appears that the sidewalks fronting on 15th and Utica are actually wider than what currently exists on 15th to the east. It makes more sense from a functional standpoint to have the front door in the parking area, which is traditionally seen for access. Appearance is key and the appearance of the building is very close to being consistent with the sidewalk and he could be in support of the measure.

Mr. Dix stated that he understands what CVS is trying to do. Mr. Dix further stated that many of the buildings west of Utica front to Utica and that in itself is what has helped create walkability all the way down Cherry Street. Mr. Dix commented that if one goes east Utica beyond the subject site and beyond the one building that will be removed, none of the buildings are up close to the street and they all have parking in front of them, which indicates that they are all car driven facilities, such as doctor and lawyer offices. To say that the CVS is going to stop the walkability of Cherry Street and this corridor is ludicrous. The only thing that stops walkability is the fact that there is nothing down there for people to walk to. Mr. Dix stated that putting the parking in the back and the front door around to the front of the building will not work, because people will not do it. Mr. Dix commented that he believes that CVS has done a tremendous job of trying to make this walkable to fit in the neighborhood and fit into the plan. Mr. Dix stated that the drive-through with a wall around it is very creative and probably 85% of their business is from the drive-through for prescriptions. Mr. Dix further stated that CVS understands that, at this location, they need the drive-through because it is a high-traffic location. Mr. Dix indicated that he would be supporting this application. Mr. Dix commented that the comments about the number of existing pharmacies in the subject area means nothing because it is not the Planning Commissions' job to restrict competition, but to enhance development.

Mr. Stirling stated that he will not be supporting this application. The drive-through is a major hindrance and he doesn't believe that it fits with the small area plan at all for terms of walkability. Mr. Stirling commented that he believes that there is a vision here and there is other possibilities that could make this a better plan and perhaps it isn't for CVS. Mr. Stirling concluded that he can't support this application.

Ms. Millikin stated that she has really struggled with this application. Ms. Millikin further stated that if it weren't for the small area plan she would have no problems with approving it. The location of the drive-through is problematic and it does not fit with the small area plan. Ms. Millikin commented that she is completely happy to see a CVS located on the subject property and is entirely the type of development that fits with the economic section of the small area plan that this neighborhood adopted and endorsed. Ms. Millikin stated that the ground floor uses that the plan requires and the drive-through that is proposed is not entirely consistent with the small area plan and better job could be done. Ms. Millikin suggested that this application be continued and allow the applicant to come back with another draft of the plan because she believes that they are very close and she would hate see them go back to the drawing board and start all over in a few months from now.

Mr. Reeds stated that he agrees it is a creative solution to a tight site, but unfortunately it is site in our first small area plan and first test of whether we abide by the intent of the small area plan or not. Mr. Reeds further stated that he has no objections to the use and the Planning Commission is not in the business of legislating use on this corner and it is entirely wrong to even suggest that. Mr. Reeds commented that he doesn't mind CVS moving onto this corner because conceivably and economically they are a good fit. Mr. Reeds stated that he has no problem with the massing of the building, but he does have a problem with the drive-through. The streetscape is not just the sidewalk, which they did a great job, it is the engagement of the building to the sidewalk by people who use that sidewalk. Mr. Reeds stated that he has seen CVS's where people drive up and they bring their medications to them all over the country. Mr. Reeds further stated that the ground floor is not active as intended by the small area plan. Mr. Reeds agrees that the subject site is a gateway to Tulsa, but he doesn't agree that Tulsa is an ugly City. Mr. Reeds commented that the small area plan enhances the beauty and not take away from it. Mr. Reeds indicated that he can't support the proposal.

Mr. Walker stated that he is conflicted and the Planning Commission doesn't get that many cases that requires this much interpretation very often. Mr. Walker commented that this proposal fails so many of the intents of the small area plan, but it is also a CVS on a hard corner. Mr. Walker commented that the drive-through is heinous and both sides make a compelling argument.

Mr. Midget stated that he believes that he applicant has done a great job meeting some of the initial concerns, particularly 14th Place access. Mr. Midget further stated that he feels the same as most of the Planning Commissioners regarding the drive-through. Mr. Midget commented that the drive-through goes against the grain of what walkability is. Mr. Midget stated that he doesn't have a problem with the CVS because when he looks to the south it is not changing. Mr. Midget pointed out that the houses to the east

are backed away from 15th Street and so there are some issues there with walkability/pedestrian. Mr. Midget concluded that he has a problem with the drive-through because it doesn't meet the intent of the small area plan. Mr. Midget commented that this is the first real test in the neighborhood and the Planning Commission owes it to the neighborhood to try and be as true to the vision of the small area plan. Mr. Midget encouraged CVS to be the first big box store to think out of the box and develop something different that meets the intent and vision of the plan.

Mr. Covey stated that he believes that the Planning Commission needs to either start following the small area plans or quit doing small area plans. There is no reason to make citizens to volunteer their time and staff of INCOG and City of Tulsa to spend years working on these small area plans if they are not going to be followed. The words in these small area plans are important words that nobody would have ever come up with. Mr. Covey stated that when he sees the words the front doors should face "the street" to him that means Utica and/or 15th Street. Mr. Covey stated that his interpretation of the "the street" is that the entrance needs to be on 15th and/or Utica. Mr. Covey commented that he has heard other Planning Commissioners say that if the entrance is placed on 15th or Utica and the parking behind the building than no one will come and possibly that shouldn't have been in the small area plan. The plan doesn't extend all the way down 15th Street and stops about 100 yards are so. Mr. Covey indicated that he agrees with Mr. Koster that he doesn't believe that this application meets the spirit of the plan. Mr. Covey further indicated that he agrees with Mr. Atkins that this application doesn't meet the vision of the plan and it doesn't meet the specific requirements of a small area plan. Mr. Covey stated that he cannot support this application.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **4-5-0** (Dix, Shivel, Walker, Willis "aye"; Covey Midget, Millikin, Reeds, Stirling, no "nays"; none "abstaining"; Carnes, Fretz "absent") to recommend **APPROVAL** of the PUD major amendment for PUD-437-A per staff recommendation.

Motion failed.

Discussion ensued regarding whether to move to continue the application and allow the applicant to change his proposal or approving with conditions to make the changes discussed.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **5-4-0** (Covey, Midget, Millikin, Reeds, Stirling "aye"; Dix, Shivel, Walker, Willis "nays"; none "abstaining"; Carnes, Fretz "absent") to recommend **DENIAL** of the PUD major amendment for PUD-437-A.

OTHER BUSINESS

22. Consider and discuss Initiating an amendment to Land Use Map for property located at the northeast corner of East Queen Street and North Martin Luther King Jr. Boulevard – Michael Covey

Planning Commission directed staff to place this on the next agenda to vote on initiating the amendment.

* * * * *

23. Adopt proposed revisions to Fee Schedule for TMAPC and Board of Adjustment to reflect new categories/processes in the new Zoning Code.

STAFF RECOMMENDATION:

Item for discussion: Proposed revisions to the Fee Schedule for TMAPC and Board of Adjustment to reflect new categories/processes in new Zoning Code

Background: The Tulsa Metropolitan Area Planning Commission (TMAPC), the Tulsa City Council and the Tulsa County Commission establish application fees for the land development processes. Fee schedules for both the TMAPC and Board of Adjustment (BOA) were slightly modified in 2013. Prior to that, fees had not been adjusted since 2002.

The City of Tulsa adopted a new Zoning Code, which will be effective on January 1, 2016. The new Zoning Code includes several new categories and processes that require adjustment to TMAPC and Board of Adjustment (BOA) fees and fee structure. New categories include: RS-5, Master Planned Development (MPD) District, Mixed Use (MX) Districts and Special Area (SA) Overlays. The proposed fee schedule is modified to reflect Planned Unit Developments (PUDs) as a legacy district (no new PUDs will be created) and the repeal of the Form-Based Code. There is also an optional Development Plan available for straight zoning districts introduced in the new Code.

Under the new Zoning Code, certain application types now only require administrative approval – such as minor Variances, minor Special Exceptions and PUD, Corridor and MPD site plan review, as well as Alternative Compliance landscape plans. A few other application fees (for minor amendments, site plans, zoning letters and Comprehensive Plan amendments) were slightly increased to reflect the amount of staff work involved to evaluate and process those items.

The previous format for application fees based on intensity of use and size has been eliminated since recent caseload (within the past several years) has demonstrated that there is no consistent direct correlation between the complexity of the application and the intensity and / or size of the project. For example, some of the most controversial and time-consuming applications have been those of relatively small size with medium intensity. Because of the revised fee structure format, the amended fee schedule will also impact TMAPC applications for sites located in unincorporated Tulsa County.

The attached revised fee schedule reflects the proposed changes (shown in highlight). The existing fee schedule is also attached for comparison.

Staff Recommendation: Adopt proposed revisions to TMAPC and Board of Adjustment fee schedule.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **APPROVE** the Fee Schedule for TMAPC and Board of Adjustment.

* * * * *

24. Discuss Election of TMAPC Officers

TMAPC COMMENTS:

Mr. Midget stated that he believes that there is a limit on the number of consecutive terms for the Chairman, which is two years. Mr. Midget asked if the Planning Commission is prohibited from suspending that rule. Ms. VanValkenburgh stated that it can be waived by a vote.

Mr. Willis stated that it would help him to know if the sitting officers are interested in potentially continuing to serve. Mr. Covey stated that he would be happy to continue if everything thinks he is doing a good job, if not he would be okay with being put out to pasture.

Mr. Reeds stated that he believes Mr. Covey is doing a great job and he is a good character for the job and one has to be a good character to handle the Chairman position.

Mr. Covey asked if everyone wants to continue to serve in their capacity. Mr. Stirling stated that he is ready to move out of office. Mr. Dix and Mr. Shivel stated that they would continue to serving unless someone else would like to serve. Mr. Covey asked Ms. Millikin if she would like to be secretary. Ms. Millikin stated that if the Planning Commissioners would like her to take on that position she would be willing.

25. Commissioners' Comments: None.

TMAPC Action; 9 members present:

On **MOTION** of **WILLIS**, TMAPC voted **9-0-0** (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Fretz "absent") to **ADJOURN** TMAPC meeting 2712.


ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:10 p.m.

Date Approved:

01-20-2016


Chairman

ATTEST: 
Secretary