

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2596**

Wednesday, February 16, 2011, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Liotta	Alberty	Boulden, Legal
Carnes	McArtor	Bates	Steele, Sr. Eng.
Dix	Midget	Fernandez	Warlick, COT
Edwards	Shivel	Huntsinger	
Leighty		Matthews	
Stirling		Sansone	
Walker		White	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, February 11, 2011 at 8:58 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Leighty called the meeting to order at 1:35 p.m.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the December TMAPC Receipts, which indicates a 3% decrease for the month and 8.5% decrease for the Fiscal Year.

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**1. Minutes:**

**Approval of the minutes of January 19, 2011 Meeting No. 2594**

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of January, 2011, Meeting No. 2594.

**2. Minutes:**

**Approval of the minutes of February 2, 2011 Meeting No. 2595**

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of February 2, 2011, Meeting No. 2595.

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

**CONSENT AGENDA**

- 3. LC-297 – Stephanie Byrd**, Location: Northwest Corner of West 61<sup>st</sup> Street South and South 170<sup>th</sup> West Avenue (Lot-Combination) (County)
- 4. LS-20416 – Jeffery D. Lower**, Location: North of East 119<sup>th</sup> Street South and East of South Braden Avenue (Lot-Split) (CD-8) (Related to Items 5, 6, 7 and 8)
- 5. LS-20417 – Jeffery D. Lower**, Location: North of East 119<sup>th</sup> Street South and East of South Braden Avenue (Lot-Split) (CD-8) (Related to Items 4, 6, 7 and 8)
- 6. LC-298– Jeffery D. Lower**, Location: North of East 119<sup>th</sup> Street South and East of South Braden Avenue (Lot-Split) (CD-8) (Related to Items 4, 5, 7 and 8)
- 7. LC-299– Jeffery D. Lower**, Location: North of East 119<sup>th</sup> Street South and East of South Braden Avenue (Lot-Split) (CD-8) (Related to Items 4, 5, 6 and 8)
- 8. LC-300– Jeffery D. Lower**, Location: North of East 119<sup>th</sup> Street South and East of South Braden Avenue (Lot-Split) (CD-8) (Related to Items 4, 5, 6 and 7)
- 9. LC-301– White Surveying Company**, Location: East of South Garnett Road and East 51<sup>st</sup> Place (Lot-Split) (CD-6)

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the consent agenda Items 2 through 9 per staff recommendation.

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**Chairman Leighty announced that Item 10 would be moved the end of the agenda.**

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**PUBLIC HEARING**

**11.\*Riverbend Gardens – (9211) (CD-4)** - Preliminary Plat, Location: South and west of southwest corner of West 7<sup>th</sup> Street and South Elwood Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the request for a continuance is from staff and from the consulting engineer because there are some changes in the plans as of this morning and there hasn't been sufficient time to have a TAC review of the changes. Staff recommends a continuance to March 2, 2011.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **CONTINUE** the Riverbend Gardens to March 2, 2011.

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**12. \*Dirty Butter-Heritage Hills Extension – (0225) (CD-1)** - Preliminary Plat, Location: Southwest corner of Virgin and Hartford

**STAFF RECOMMENDATION:**

This plat consists of 15 lots, four blocks on 6.17 acres.

The following issues were discussed for the cancelled February 3, 2011, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-4.
2. **Streets:** Call out, with dimension lines, width of hatched area, right-of-way dedicated by plat. Sidewalks are required on all streets, not just Hartford Avenue. Specify if developer or individual owners will construct sidewalks along all other streets. Are lot owners to construct sidewalks on east or west side of Hartford?
3. **Sewer:** Identify the dashed lines between lots. Are they easements, or setback lines? Include the width of the distance from the property lines on all lots. Locate the proposed sanitary sewer extensions along the west boundary line 12.5 feet from the property line per City of Tulsa Design Criteria. All sanitary sewer service lines located within the street right-of-way must be ductile iron pipe. No service connections will be allowed on the existing 24 inch sewer main.
4. **Water:** An Infrastructure development plan will be required. If the separation between water and storm sewer is less than ten feet, the waterline must be ductile iron pipe. Two existing fire hydrants may have to be relocated. Approval/Permit required to place a retaining wall less than seven feet from an existing six-inch water main line in the right-of-way of Virgin Street. Along Hartford Avenue the water line should be on the east side of street not the west. What will anchor the two-foot high block wall over the water main line at East Seminole Place and Hartford Avenue?
5. **Storm Drainage:** Show the revised floodplains. Per meeting agreement, all floodplains will be on street right-of-way and no floodplains on any lots. The conceptual plan does not address the drainage system that will remove this area from the FEMA floodplain, nor does it show the 13'x10'6" arch pipe conveying stormwater drainage under Hartford Avenue.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

**GIS:** Tie plat from a section corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Add point of commencement to the legend. Point/extend the point of beginning leader line to the actual point of beginning. Correct location map. Correct East Virgin Street North. Please make note on face of plat any benchmarks and the size, location, description and identification of all monuments to be set or found in making the survey shown to assure the re-establishment of any

point or line of the survey. Submit subdivision control data sheet. Show corrected addresses per approval of Development Services.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department Staff must be taken care of to their 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.

**TMAPC COMMENTS:**

Mr. Carnes asked why the applicant moved west of Hartford Avenue. In response, Tom Cobb, Breisch and Associates Engineering, 501 East Alliance Boulevard, Sand Springs, Oklahoma 74063, stated that there was no existing right-of-way on the project and Hartford was moved over so that it would be entirely on property owned by either the City of Tulsa or the Tulsa Development Authority.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the preliminary plat for Dirty Butter-Heritage Hills Extension, subject to special conditions and standard conditions per staff recommendation.

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**13. \*Oklahoma Methodist Manor – (9321) (CD-9)** Authorization for Release of Accelerated Building Permit, Location: South of East 31 Street South, west of South Yale Avenue

The property is zoned PUD 197 A. Full permits for the site are requested. The final replat for the site has already been approved.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

**The following information was provided by the Technical Advisory Committee for the cancelled February 3, 2011 meeting.**

**ZONING:**

*TMAPC Staff: Full permits are requested.*

**STREETS:**

*No comment.*

**SEWER:**

*Public Works, Waste Water: No comment.*

**WATER:**

*Public Works, Water: No comment.*

**STORM DRAIN:**

*Public Works, Stormwater: All separate instrument easements that are not part of the plat need to be submitted.*

**FIRE:**

*Public Works, Fire: No comment.*

**UTILITIES:**

*Franchise Utilities: No comment.*

**The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.**

Mrs. Fernandez explained the process for an accelerated building permit. She explained that this is unusual because it is at the end of the platting process. The applicant is concerned about their time lime and would like to get started.

In response to Mr. Leighty, Mrs. Fernandez and Mr. Steele both agreed that there is no risk to the City of Tulsa by approving the accelerated building permit before these things are vacated. Mrs. Fernandez stated that these are old easements and the applicant is replacing them with new easements. The applicant didn't have to replat this, but are going through the platting process and staff is in favor of all of them.



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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the authorization for release of Accelerated Building Permit for Oklahoma Methodist Manor per staff recommendation.

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**OTHER BUSINESS:**

**14. Request for Refund - Z-5842-SP-7/PUD-411-F - Sack & Associates/Mark B. Capron/CM&L, LLC**, Location: Southeast corner of East 97<sup>th</sup> Street and South 84<sup>th</sup> East Avenue (CD-8) (**Applicant has withdrawn this case and has requested a refund.**)

**STAFF RECOMMENDATION:**

Mr. Sansone explained that the application was withdrawn before staff processed the application. Staff recommends a full refund in the amount of \$2,552.25.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the full refund for Z-5842-SP-7/PUD-411-F in the amount of \$2,552.25 per staff recommendation.

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**PUBLIC HEARINGS-ZONING CODE AMENDMENTS:**

10. Proposed amendments to the Tulsa Revised Ordinance, including but not limited to Title 42, the Zoning Code of the City of Tulsa, Oklahoma by adding provisions for the form-based land use and development code applicable to a pilot area near East 6<sup>th</sup> Street and South Peoria Avenue, commonly referred to as the Pearl District. (Continued from 12/7/10)

**STAFF RECOMMENDATION:**

Mr. Cuthbertson reviewed the Form-Based Codes and explained that the final copy has been provided to the Planning Commission and a marked up copy that indicates all of the changes that have been made since the Code has been presented to the TMAPC on September. Mr. Cuthbertson stated that there has been an appendix provided as well.

**TMAPC COMMENTS:**

Mr. Walker stated that he is inclined to approve this today if there aren't any changes necessary except spelling errors, etc. In response, Mr. Cuthbertson stated that he believes that the Planning Commission has the ability to move this forward with specific recommendations. But if there are changes that come up in the discussion today and if the Planning Commission would feel more comfortable seeing the product of that before moving it on, then they would recommend it be modified and brought back to the Commission. Mr. Cuthbertson explained that today this is before the Planning Commission for a recommendation to the City Council. The issue is the Code itself and it doesn't change any underlying zoning. Today the Planning Commission is being asked to adopt the Code as a new land use regulatory tool. The idea is that this Code would be adopted into the City's regulatory structure as a new Title and not an addition or expansion to Title 42. The new Title would be Title 42B.

Ms. Cantrell stated that she really likes how this is put together. Ms. Cantrell commented that she read through the Code and sent an email with comments to Duane Cuthbertson and Patrick Boulden. She believes that there are things that need to be discussed before recommending approval. Ms. Cantrell proceeded to read from her email with suggestions of modifications and clarifying issues. (Exhibit A-2: P. 8, 201(A)(1)—I raised this before, and can't remember the response—what about Plat waivers? Will plat waivers be prohibited in the Pearl?

P. 10, Applicability Matrix: Under the Detached Frontage, Expansion of Use—I am presuming that the requirements would only apply to those actual expansions. For example, if someone adds a deck to the back of their house, they shouldn't be required to suddenly correct the siting & height of their entire house, right? I think that should be clarified.

P. 11, 204(D)(2)(b)(4)—should be a comma after "and," not a period.

P. 22, 402(B)(1)(a-d)—to improve the grammar a bit, I would rewrite as follows:

1. The purposes and intent of the façade composition regulations provided in this Subsection 402.B are as follows;
  - a. To create a comfortably scaled and well detailed urban environment...;

- b. To provide for the comfort [no change];
- c. To avoid large areas of undifferentiated...;
- d. To create building facades which take advantage....

P. 22, 402(B)(2): Each building façade ORIENTED to an RBL...

P. 22, 402(B)(3): Sorry for my lack of knowledge, but I don't understand the last sentence. What is a liner shop? How will they used to satisfy the street entry door?

P. 23, 402(C): Building size—I am a little concerned about allowing a special exception for the limitation of building size, especially without any specific guidance of when it should be allowed. In my mind, creating this prohibition on size implies that it is both injurious to the neighborhood AND not in harmony with the code. When would the BOA allow it? I think this would be much more appropriate as a variance, or not have the limitation at all.

P. 24(F)—having general siting requirements, as well as specifics in each provision, is great, but I think there may be some inconsistencies. Paragraph 1 states that a building façade shall be built within 5' of the RBL when 30' from a block corner; however, under the urban general building form standards, it states that the entire building façade can be built within 5' of the RBL. Why is paragraph 1 necessary? Also, paragraph 3 indicates that the RBL incorporates a 2' offset area. Does that mean that buildings can be off the RBL by as much as 7'? That seems like a significant variation. Did earlier versions have the 5' offset? And why is it allowed in all of the frontages except for detached? Also, I think it would be helpful to include a general sentence here, such as "No building may be set back farther than the RBL except as provided in sections 407 through 410." I know this may seem obvious, but since it is such a break from our current zoning code, I think that it would help to spell it out. Other than in the definitions, this is never explained.

P. 26(J)—why are civic buildings exempt?

P. 26 403(A)—2<sup>nd</sup> to last sentence should read "shall BE advisory only."

P. 26 - Signage. I understand the reasoning to prohibit all twinkling, scrolling, etc... signs, but was wondering if you considered digital bulletin boards for civic spaces? Not a big deal, but I imagine it would be helpful to schools, libraries, churches, etc....

P. 30, 405(A)(2) & (B)(1-5)—these provisions should be combined. B(3) is repetitive of A(2).

P. 33 407(B)—I know you discuss it elsewhere, but I think that you should include the subcategory Urban General Storefront, just to clarify, and reiterate the difference in fenestration requirements.

P. 39—Detached BFS. While I like the idea of no driveways, I am not sure how well that will work. What about neighborhoods with no alley access? Also, what about individual houses being rebuilt where the rest of the street (and the former house) all had driveways?)

In response to Ms. Cantrell, Mr. Cuthbertson stated that this code could be applicable in other parts of the City. He gave examples how it could be applicable to other areas of Tulsa. Mr. Cuthbertson stated that if another area of Tulsa would like to incorporate this code it would have to be done in the public process and approved by the City Council.

Mr. Alberty stated that this issue started about six years ago, after the adoption of the 6<sup>th</sup> Street Corridor Plan and they suggested a Form-Based Code. At that time, staff was sent to learn about the Code and Duane Cuthbertson was one of the staff members who attended the training. There wasn't funding to hire a consultant and we are restricted by limited funding to do a pilot study on a portion of the Pearl District. Today there is a Form-Based Code before the Planning Commission that could be applied to a broader area outside of the Pearl District, but there is a regulated plan that is very specific (IDL, 6<sup>th</sup> Street, 11<sup>th</sup> Street and Peoria) and that is all that the regulated plan will be addressing. The Code itself has been described as Title 42-A, could be applied to a larger area and the purpose and hopes of the Pearl District is that once that this adopted, that the regulating plan would be developed for the rest of the Pearl District. The Planning Commission is actually looking at two things today and he would suggest that perhaps the name "Pearl District" be removed because this will be a stand-alone ordinance. Mr. Alberty explained the steps that would be necessary if this item is approved. Mr. Alberty explained that typically when the Planning Commission approves an ordinance, it is in the final form and he stated this is not in the final form. Perhaps today the best thing to do is to approve whatever changes that the Planning Commission agrees with, close the public hearing and continue it until it is in the final form so that it can be actually sent to the City Council in final form.

Mr. Carnes indicated that he is ready to approve the Form-Based Codes as presented by staff.

#### **INTERESTED PARTIES COMMENTS:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, representing Hillcrest Hospital and the Indian Healthcare Resource Center, stated that both are impacted by the Plan and are supportive of the Form-Based

Code and the regulating plan that is before the Planning Commission today. His clients do want to be involved in any design planning for any expanding regulating plan in the vicinity of Hillcrest or the Indian Healthcare Resources Center.

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, indicated his support for the proposal.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Jamieson if he is comfortable with the changes that she has suggested without seeing it in writing. In response, Mr. Jamieson indicated his agreement with the changes proposed by Ms. Cantrell.

Mr. Walker asked Mr. Boulden if he is comfortable with moving this forward today with the suggestions Mr. Alberty made. In response, Mr. Boulden stated changing the name of the Code could be done and then do a word-search to change out the name Pearl District Code throughout the document. He personally disagrees with Mr. Alberty with regards to changing the name because, at least for the near future, it will be applicable to the Pearl District and at the time it expands to other areas the name could be changed to whatever it needs to be called. Mr. Boulden reminded the Planning Commission that there might be some small changes after today's hearing because the City Council does get some input on this and staff could find some mistakes. Mr. Boulden informed the Planning Commission that this will have to be named Title 42-B.

Mr. Boulden stated that he would like to explain how this will progress. Assuming that the proposal passes, it will first be sent to the City Council with the Planning Commission's recommendation. The City Council will adopt it, but it will not be applicable to the Pearl District or the area in the regulating plan that is designated in the Code because it will then need an amendment to the Zoning Code to make reference to the existing Form-Based Code and perhaps come up with some sort of district name for that type of zoning. The zoning will simply make reference to the Form-Based Code or Pearl District Code and there won't be a whole lot of other changes anticipated in the Zoning Code to make this proposal applicable or compatible to the Pearl District Code. Even then, it will not be applicable to the Pearl District, because once the Zoning Code is amended, then the Pearl District Area will have to have the underlying zoning removed to then make the new zoning district classification applicable to the subject area. In the future, should this area expand, there would need to be a new amendment to the regulatory plan, which would be reviewed by the Planning Commission and sent to the City Council.

Mr. Leighty informed the Planning Commission that Mr. Midget is out on personal business and he did request that this item be continued until March 2, 2011 so that he could attend that meeting. Mr. Leighty indicated that he doesn't want to delay this any more than necessary and there is an enormous amount of support to get this approved and adopted. Mr. Leighty stated that there are numerous letters of support (Exhibit A-3). There is no one in opposition to the proposal signed up or speaking out against it. Mr. Alberty is recommending it be continued to March 2, 2011 so that the final document can be sent to the City Council and be less confusing.

Ms. Cantrell stated that if Mr. Midget has concerns with the Code as it is written, then that would be a strong argument to delay this, but if it is a concern as to how it is applied, that is such a long ways off. She believes that there would be plenty of opportunity to debate where and how it applies.

Mr. Alberty stated that he is not suggesting that the Planning Commission continue the public hearing. He explained that he is suggesting that the Planning Commission continue the final action because if this is approved today and if there are changes made, it would need to be done line-by-line and state which changes will be made so that we know what the final document is. There are quite a few errors in the document today that need to be corrected. The document before the Planning Commission today is not ready to move forward.

Mr. Leighty asked Mr. Alberty if he is suggesting that the Planning Commission close the public hearing today and continue the final to March 2, 2011. In response, Mr. Alberty answered affirmatively.

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor Midget, Shivel "absent") to **CLOSE** the public hearing and to continue final action to March 2, 2011 for proposed amendments to the Tulsa Revised Ordinance, including but not limited to Title 42, Zoning Code of the City of Tulsa, Oklahoma by adding provisions for the form-based land use and development code applicable to a pilot area near East 6<sup>th</sup> Street and South Peoria Avenue, commonly referred to as the Pearl District.

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Stirling, Walker "aye"; no "nays"; none "abstaining"; Liotta, McArtor Midget, Shivel "absent") to **APPROVE** these changes that were discussed in addition to any further typos or grammatical problems

be corrected in the final version for review and action on March 2, 2011: the changes proposed by Ms. Cantrell are as follows: P. 10, Applicability Matrix: Under the Detached Frontage, Expansion of Use—I am presuming that the requirements would only apply to those actual expansions. For example, if someone adds a deck to the back of their house, they shouldn't be required to suddenly correct the siting & height of their entire house, right? I think that should be clarified. P. 11, 204(D)(2)(b)(4)—should be a comma after “and,” not a period. P. 22, 402(B)(1)(a-d)—to improve the grammar a bit, I would rewrite as follows: The purposes and intent of the façade composition regulations provided in this Subsection 402.B are as follows; To create a comfortably scaled and well detailed urban environment...; To provide for the comfort [no change]; To avoid large areas of undifferentiated...; To create building facades which take advantage; P. 22, 402(B)(2): Each building façade ORIENTED to an RBL; P. 24(F)—having general siting requirements, as well as specifics in each provision, is great, but I think there may be some inconsistencies. Paragraph 1 states that a building façade shall be built within 5' of the RBL when 30' from a block corner; however, under the urban general building form standards, it states that the entire building façade can be built within 5' of the RBL. Why is paragraph 1 necessary? Also, paragraph 3 indicates that the RBL incorporates a 2' offset area. Does that mean that buildings can be off the RBL by as much as 7'? That seems like a significant variation. Did earlier versions have the 5' offset? And why is it allowed in all of the frontages except for detached? Also, I think it would be helpful to include a general sentence here, such as “No building may be set back further than the RBL except as provided in sections 407 through 410.” I know this may seem obvious, but since it is such a break from our current zoning code, I think that it would help to spell it out. Other than in the definitions, this is never explained. P. 26 403(A)—2<sup>nd</sup> to last sentence should read “shall BE advisory only.” P. 30, 405(A)(2) & (B)(1-5)—these provisions should be combined. B(3) is repetitive of A(2). P. 33 407(B)—I know you discuss it elsewhere, but I think that you should include the subcategory Urban General Storefront, just to clarify, and reiterate the difference in fenestration requirements.

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### **Commissioners' Comments**

Mr. Leighty stated that he really wants to get the Pearl District proposal done within the next two weeks. This has been going on for a long time and there has to come a time to get it done. He appreciates everyone's patience and hard work. It is important to take the time to get this done right and correct any errors.

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There being no further business, the Chair declared the meeting adjourned at 2:45 p.m.

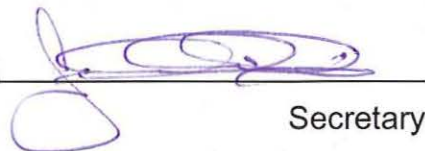
Date Approved:

3-2-11



Chairman

ATTEST:



Secretary