

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2631

Wednesday, August 1, 2012, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Bates	Edmiston, Legal
Dix	Midget	Fernandez	Steele, Sr. Eng.
Edwards	Perkins	Huntsinger	VanValkenburgh, Legal
Leighty		Wilkerson	Warlick, COT
Liotta			Warrick, COT
Shivel			DeCort, COT
Stirling			Sharrer, COT
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 26, 2012 at 3:26 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 Walker called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Walker reported that Item 10 will be moved to the end of the agenda.

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

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.

1. **LS-20531** (Lot-Split) (County), Location: South of the southwest corner of East 128th Street North and North 93rd East Avenue
2. **LS-20532** (Lot-Split) (CD-2), Location: East of the southeast corner of Southwest Boulevard and West 23rd Street South
3. **LS-20533** (Lot-Split) (County), Location: Northwest corner of West 35th Street South and South 65th West Avenue
4. **LC-415** (Lot-Combination) (County), Location: Southeast corner of West 14th Street South and South 221st West Avenue
5. **LC-414** (Lot-Combination) (CD-3), Location: Southeast corner of East Pine Street and North Lewis Avenue
6. **Life Church Jenks – Final Plat**, Location: Southeast corner of West 81st Street and South Maybelle Avenue (4812) (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 8.5 acres.

There is a parcel of property between the right-of-way of Maybelle Avenue and the western boundary of the plat. This is under separate ownership.

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

7. **Saint Francis South – Reinstatement of Final Plat**, Location: Northeast corner of 91st Street and South Highway 169 (8418) (CD 8)

STAFF RECOMMENDATION:

This plat consists of four lots in one block on 21.95 acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

8. **PUD-304-2 – Ken Klein/Mini Storage**, Location: Southeast corner of South Trenton at East 71st Street, Requesting a Minor Amendment to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility, **CS/OL**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting permission to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility. The PUD-304-2 was originally approved in 1982. The request would add an allowed use to an underutilized mixed-use office and retail building at 1660 East 71st Street South.

The existing Planned Unit Development allows Use Units 11 (Offices Studios and Support Services), 12 (Eating Establishments excluding drive-ins), 13 (Convenience Goods and Services) and 14 (Shopping Goods and Services).

The additional use requested (Use Unit 16) is allowed by exception in all office zoning districts and in CS zoning areas. The underlying zoning classification for this Planned Unit Development is OL and CS which allows Use Unit 16 by exception however there is no provision in the current Code regarding climate controlled storage in existing buildings. Staff believes this request is minor because it only requests the use inside the existing building and does not affect any other development standard in the Planned Unit Development. Further staff believes this change in interior use is consistent with existing and expected development of the surrounding area and continues a unified treatment of the development possibilities of the project site.

In summary the request to add Use Unit 16 for climate controlled storage inside the existing building is in harmony with the design intent of the Planned Unit Development and provides suitable use for the existing structure.

Therefore, staff recommends **APPROVAL** of the minor amendment for PUD-304-2 to allow Use Unit 16 but limits that use to interior climate controlled storage inside an existing building.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** the consent agenda Items 1 through 8 per staff recommendation.

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PUBLIC HEARING TO CONSIDER THE TULSA PRESERVATION COMMISSION'S UPDATES FOR EXISTING DESIGN GUIDELINES

9. **Consideration for Tulsa Preservation Commission's Combination of the existing design guidelines for all Historic Preservation Overlay Zoning Districts into a single set of unified design guidelines for residential structures and non-residential and mixed-use structures within historic preservation overlay zoning districts for the City and County of Tulsa, Oklahoma.**

Applicant's Comments:

Amanda DeCort, City of Tulsa Planning Department, **Ed Sharrer**, City of Tulsa Planning Department, stated that the Planning Commission has had a work session for the proposed guidelines and she would be willing to answer any questions.

TMAPC COMMENTS:

Mr. Walker asked Ms. DeCort what they are combining. Ms. DeCort stated that there are five Historical Preservation Districts out of the 22 Historic Districts. The Design Guidelines are what the Preservation Commission and staff uses to make their decisions when homeowners want to make changes to their property or build a new project. There were five different sets and they were all similar and they were all combined. Ms. DeCort submitted an example of the combined guidelines regarding windows for the five districts (Example A-1). This is to give the Preservation Commission the tools they need to make fair, consistent and predictable decisions and a document that is easy for the public to use.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to recommend **APPROVAL** of the Tulsa Preservation Commission's Combination of the existing design guidelines for all Historic Preservation Overlay Zoning Districts into a single set of unified design guidelines for residential structures and non-residential and mixed-use structures within historic preservation overlay zoning districts for the City and County of Tulsa, Oklahoma per submitted recommendation.

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PUBLIC HEARING

11. **Bethel Indian Christian Assembly – (7212)** (County) Preliminary Plat,
Location: South of East 131st Street South, west of South Peoria Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on .771 acres.

The following issues were discussed July 5, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG with CS zoning pending.
2. **Streets:** Include section on sidewalks per County.
3. **Sewer:** Out of service area.
4. **Water:** Out of service area.
5. **Storm Drainage:** Section I.C addresses neither sanitary sewer nor storm sewer services.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Get with responding fire department for comments. Release letter required.

GIS: Label point of beginning on face of plat. Add date of preparation. Show basis of bearing clearly. Show benchmarks notes. Submit Control Data sheet.

County Engineer: Access points and drainage need to be approved by County Engineer. Square footages of each lot need to be shown.

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 Public Works staff and Development Services 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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** preliminary plat for Bethel Indian Christian Assembly, subject to special conditions and standard conditions per staff recommendation.

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12. **Legend Senior Living –** (8202) (CD 2) Preliminary Plat, Location: East of northeast corner of U.S. Highway 75 and West 71st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 3.7 acres.

The following issues were discussed July 5, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG, RM-2, and PUD-790.
2. **Streets:** Provide reference for existing right-of-way. Temporary Access Easement mentioned in the covenants is not shown on plat. In Section I I.K. delete arterial and insert "all" before streets.
3. **Sewer:** In Section 1-C-2. Line 2, omit the words: "in excess of three feet". Excess capacity fees of \$1090.00/acre must be paid, in order to connect to the existing sanitary sewer system.

4. **Water:** Water distribution must approve of any proposed water service connections off of the existing 36-inch concrete water line. A 12-inch stub-out exists off of the 36-inch mainline to the west, which could be used to connect to and extended from a 12-inch water mainline across this property's frontage.
5. **Storm Drainage:** Off-site, public, drainage flows onto this site from the west. This drainage must be collected at the west property line, and thence be conveyed in a public drainage system across the property, in the appropriate easements. Please label the "Hager Creek Tulsa Regulatory Floodplain" as such. The Floodplain must be located on the plat by plotting the Master Drainage Plans Regulated Water Surface Profile on a current topographic land survey of the property. The Floodplain, plus a minimum of 20 feet adjacent to and outside the limits of the floodplain, must be placed in an Overland Drainage Easement (ODE). Every boundary line of the ODE must be shown on the face of plat and must be labeled with its distance and bearing. The "Stormwater Detention Easement" must be labeled as such. Every bounding line of that easement must be labeled with its distance and bearing. There must be a distance and bearing on a line from a known point to the point of beginning of this easement. Please place the contours on the Conceptual plan instead of on the plat. Please use City of Tulsa standard covenant language for "C. Water, Sanitary Sewer, And Storm Sewer Service", "F. Stormwater Detention Easements" and "Overland Storm Sewer Service", "F. Stormwater Detention Easements" and "Overland Drainage Easements".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Provide fire hydrants within 600 feet of any portion of the building as a fire hose would be laid off the back of a fire truck. Provide aerial fire apparatus access as per D105 of the International Fire Code. The FDC will be allowed to be located on the front corner on the west side of the building as discussed in the predevelopment meeting.

GIS: Label all subdivisions and highways within the mile section of the location map. Include a north arrow for the location map. Show and label the point of commencement (P.O.C.) on the face of the plat to match what is described in the legal description. Remove the three confusing bearing and distance labels. Add a date of preparation to the lower right hand corner of the sheet. Submit a subdivision control data form. Add point of beginning (P.O.B.) to the legal description.

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 Public Works staff and Development Services 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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** preliminary plat for Legend Senior Living, subject to special conditions and standard conditions per staff recommendation.

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13. **Northwind Estates –** (0224) (CD 1) Preliminary Plat, Location: Northeast corner of Gilcrease Expressway and North Cincinnati Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 17.95 acres.

The following issues were discussed July 18, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RM-1 with BOA 21455 pending.
2. **Streets:** Provide dedication reference for North Cincinnati Avenue.
3. **Sewer:** Some sanitary lines are not in easements. Place them in a minimum 15-foot sanitary sewer easement. All lines under paving are to be ductile iron pipe.
4. **Water:** Some of the waterlines are not in easements. Place those lines in a 20-foot restricted waterline easement. All lines under paving are to be ductile iron pipe.

5. **Storm Drainage:** Please add “Stormwater Detention Easement” to the labels for Reserve A and for Reserve B. Please add the City of Tulsa standard language for stormwater detention easement in a reserve.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO may need area to work in within ten-foot building line area.
7. **Other: Fire:** With only one fire department access all buildings will requires sprinkler protection including the clubhouse.

GIS: Add Gilcrease Expressway to location map. Provide addresses for surveyor/engineer. Submit subdivision control data sheet. Provide proper legal.

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 Public Works staff and Development Services 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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** the preliminary plat for Northwind Estates subject to special conditions and standard conditions per staff recommendation.

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14. **Dollar General Store # 13918** - (9002) (County) Minor Subdivision Plat,
Location: North of northeast corner of South 209th West Avenue and
Keystone Expressway

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.4 acres.

The following issues were discussed July 19, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CG.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Offsite drainage flowing onto this site from the north is public drainage and should be conveyed across the site in a public overland drainage easement. It may not be acceptable to place signs and stormwater detention facility outlet structures and channels in utility easements.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Contact responding fire department and get release letter.

GIS: Describe basis of bearing clearly. Submit subdivision control data sheet. Include north arrow for location map.

County Engineer: Access and drainage must be approved by County Engineer.

Staff recommends **APPROVAL** of the minor 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 per his approval.

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).
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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.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** the minor subdivision plat for Dollar General Store #13918 per staff recommendation.

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15. **Triple S Addition** – Minor Subdivision Plat, Location: Southeast corner of North Lewis Avenue and East Pine Street (0332) (CD 3) (Continued from 6/20/12, 7/11/2012, 7/25/2012, for further review of revisions to plat.)

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 1.8 acres.

The following issues were discussed June 7, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping). Limits of No Access are needed for the plat. Further define any mutual access easements.
2. **Streets:** Additional 15-foot right-of-way dedication required along Pine Street. Also provide 28-foot corner radius at intersection of Pine and Lewis. Access is limited to maximum 40-foot along Lewis Avenue and Pine Street. Include right-of-way dedication in Section 1.A. Modify sidewalk section I.H to reflect plat, i.e. remove reference to reserve area, common areas etc.
3. **Sewer:** No comments.
4. **Water:** No comments.
5. **Storm Drainage:** Overland drainage crossing lot lines or flowing between the two lots must be placed in an overland drainage easement; if such overland drainage occurs then the standard language for overland drainage easement and/or overland drainage easement in a Reserve must be placed in the covenants. A sanitary sewer relocation plan does not provide sufficient information for the remaining utilities. It is not possible to determine what easements are required for the stormwater drainage system, without a conceptual stormwater drainage system and site development plan.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comments.

GIS: Label all subdivisions within the mile section of the location map. Add north and east designations to the four arterial street labels on the location map. The plat needs to be tied from a section corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Submit a subdivision control data form. Applicant will work with MTTA on bus station shelter.

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

Staff will have a revised recommendation at the meeting after all TAC members have responded to the latest revisions to the proposed subdivision plat that are in progress.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Staff and Development Services 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.

Mrs. Fernandez stated that there were now appropriate approvals received.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** of the minor subdivision plat for Triple S Addition per staff recommendation.

* * * * *

16. **CZ-416 – Brandon Davis**, Location: West of southwest corner South Yale Avenue and East 191st Street, Requesting rezoning from **AG to AG-R**, (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CBOA-2342 August 18, 2009: The Board of Adjustment approved a Variance of the maximum number of dwellings permitted on an AG zoned lot from 2 to 3, to permit a third dwelling on a 15 acre tract, on property located at 19536 South 43rd East Avenue and south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size and is located West of southwest corner of South Yale Avenue and East 191st Street. The property appears to be residential and is zoned AG.

SURROUNDING AREA: The subject tract is surrounded by AG zoned parcels, with large lot residential uses abutting and surrounding the site.

UTILITIES: The subject tract does not have municipal water and sewer available.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 191st Street	Secondary Arterial	100 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The site is south in the County and is not designated for a specific use.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the AG-R zoning for the site. The AG-R zone requires 1.1 acres of property. The AG zone requires 2.1 acres of property.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-416 per staff recommendation.

Legal Description for CZ-416:

The W/2 of the NW/4 of NW/4 of NE/4, of Section 9, T-16-N, R-13-E, Tulsa County, State of Oklahoma. 25 ft. across the south and across the north reserved for road easements.

- 17. **CZ-417 – Advanced Industrial Solutions/Jimmy Davis**, Location: North of northeast corner of East 126th Street North and North Garnett Road, Requesting rezoning from **AG to IM or IL**, (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CBOA-848 November 15, 1988: The Board of Adjustment approved a Special Exception to allow for storage of a maximum of 15 inoperable automobiles and trucks in an IM district, on property located north of the northeast corner of East 126th Street North and Old Highway 169

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.86± acres in size and is located north of northeast corner of East 126th Street North and North Garnett Road. The property appears to be vacant and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by vacant and residential property, zoned AG; on the north by industrial use, zoned IM; on the south by vacant and residential property, zoned AG; and on the west by Old Highway 169 and vacant property, zoned AG and IM.

UTILITIES: The subject tract does not have municipal water and sewer available.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Old Highway 169 (Garnett)	Secondary Arterial	100'	2 lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Plan does not designate a specific use for this area.

STAFF RECOMMENDATION:

Staff can recommend APPROVAL of IL zoning on the parcel requested. There is IM zoning west and north of the site. There is some residential south of the parcel, and any further industrial zoning could be conditioned through the PUD process to protect the non-vacant parcels.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to recommend **APPROVAL** of the IL zoning for CZ-417 per staff recommendation.

Legal Description for CZ-417:

S/2 N/2 NW SW E of R/W Section 32 T-22-N, R-14-E, , Tulsa County, State of Oklahoma.

* * * * *

18. **PUD-588-A – AAB Engineering, LLC/Alan Betchan**, Location: Northwest corner East 11th Street South and South Utica Avenue, Requesting a Detail Site Plan for a new Convenience Goods and Service Store (QuikTrip #0090R), (CD-4)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting approval of a detail site plan for a new Convenience Goods and Services Store (QuikTrip #0090R) located in PUD-588-A. The proposed use, Convenience Goods and Services (Use Unit 13), is a permissible use within this Planned Unit Development. The applicant cites the current store as functionally inefficient and undersized with a fuel canopy that does not adequately serve the volume of traffic at this location as necessitating the need for the new larger facility. Site improvements are proposed that should greatly improve vehicular and pedestrian access as well as site circulation and safety around the store. The new generation QuikTrip store will provide more floor space for the new grocery offers developed by QuikTrip and multiple entry locations to facilitate access.

RELATIONSHIP TO THE 6TH STREET INFILL PLAN

The existing property is identified by the 6th Street Infill Plan as being within the Neighborhood Commercial Corridor Subarea”. Several goals are identified by the Plan for the restoration and enhancement of private property along key arterial corridors including 11th and Utica. The 6th Street, 11th Street, and Peoria Avenue corridors provide opportunities for small-scale infill development. The Plan recommends that new development utilize existing lots, streets, and alleyways, and designs should complement the existing architecture. Making this site most unique is the location within the Pearl District, as well as being located within the Medical Corridor, which is a regional destination.

The previous staff report for PUD-588-A concluded that the “current proposal attempts to meet several of the goals and objectives included in the 6th street plan”; however, it cannot be assumed that every proposal presented in the site plan for PUD-588-A meets the intent of the 6th Street Infill Plan. Staff strongly supports the goals and objectives of the 6th Street Infill Plan and the Comprehensive Plan.

This site plan submitted for Planning Commission review follows the concept of the approved PUD-588-A as noted below. This staff recommendation has been prepared through a reviewed of the guidelines defined in the approved PUD-588-A.

RELATIONSHIP TO THE APPROVED PUD 588-A

PERMITTED USES:

The Site Plan provided as an attachment to this staff report illustrates a new QuikTrip Store which is permitted by right in the Planned Unit Development. The Planned Unit Development allows Use Unit 10 (Off-Street Parking); Use Unit 12 (Eating Establishments other than Drive-Ins); Use Unit 13 (Convenience Goods and Services) and Use Unit 14 (Shopping Goods and Services)

DIMENSIONAL REQUIREMENTS:

The Site Plan provided is smaller than the all maximum building area allowed, is further from the street than defined in the minimum building setback lines established and is shorter than building height restrictions defined in the approved PUD.

OFF-STREET PARKING:

The Site Plan provides significantly more parking spaces than the required minimum defined in the Tulsa Zoning Code.

LIGHTING:

Proposed Site lighting meets the minimum requirements defined in the Planned Unit Development.

SIGNAGE:

The site plan illustrates location appropriately for site plan review however this staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The landscape plan does not meet the minimum spacing requirement defined in Chapter 10 of the Tulsa Zoning Code which requires all parking spaces to be within 75' of any parking space. Within the Planned Unit Development provisions were made to modify that requirement. The landscape and screening plan does meet or exceed the minimum standards outlined in the approved PUD. In addition to the tree requirement, the entire street yard design, including shrubs and fencing, is part of the approved landscape concept for the project as was considered during this site plan review. In summary, the landscape plan section of the approved PUD was very specific and the landscape concept provided as part of this review meets or exceeds the approved PUD standards.

PEDESTRIAN ACCESS AND CIRCULATION:

Pedestrian access has been provided in accordance with the approved PUD. The location of the reconstructed bus stop shelter is also shown as required. There is some discrepancy between the text in the approved

PUD and the exhibits provided during the PUD review and the Site Plan presented in this application.

1.a) The PUD text states that “two pedestrian pathways shall be distinguished to vehicular traffic through the use of raised pavement or high contrast striping”. The site plan submitted provides color pigment concrete in two areas which staff believes is an acceptable alternate.

1.b) The Exhibit 22.22 in the original PUD packet shows a pedestrian pathway designation across all drives plus the two locations identified in the written text. It is staff opinion that the text is very precise and that Exhibit 22.22 in the original presentation was shown as a graphic illustration indicating pedestrian movement and not intended to be a designated pedestrian pathway on the ground.

2.a) Within the PUD, bike racks are promised by the following statement “Bike racks will be provided, the location of which shall be determined by detailed site plan review.”

2.b) The site plan submitted shows one location for a concrete pad for bike rack placement by the City of Tulsa. Planned bike racks by the City of Tulsa in this area do not relieve the requirement for bike racks in the PUD. Staff believes that the intent of the PUD has always been for the store to provide bike racks in a usable location near the store entrances and near the outdoor seating areas. A minimum of two bike racks should be placed near the store as intended in the PUD.

SUMMARY:

Given the unique circumstances of the property and the long term use of this area as a successful QuikTrip Store and taking into consideration the current proposal staff has previously supported this project during the PUD approval process. With regard to the Site Plan the staff has reviewed the applicant’s submittal as it relates to the approved PUD-588-A. The applicant has met the site plan requirements of the PUD.

Therefore, staff recommends **APPROVAL** of the detail site plan for QuikTrip No. 0090R in PUD-588-A as attached and as modified in statement 1.b and 2.b above.

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

TMAPC COMMENTS:

Mr. Leighty stated that he is going to vote against this application. He further stated that he voted against the PUD. This is going to be an improvement of the existing store and the applicant did make some concessions, but he believes that they missed a real opportunity to

cooperate with the neighborhood. The applicant could have been more consistent with the 6th Street Infill Plan. Mr. Leighty concluded that this is personal opinion.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** the detail site plan for PUD-588-A per staff recommendation.

* * * * *

OTHER BUSINESS:

- 19. **PUD-387-4 – Madrona on Lewis, LLC/Tami Jackson, Request for Refund**, after further review staff was able to process the application as a Minor Revision to the PUD site plan rather than a Minor Amendment to the PUD as originally submitted.

STAFF RECOMMENDATION:

Mr. Wilkerson stated that staff is recommending a refund of \$551.50. The applicant submitted a minor amendment to PUD-387-4 and after staff determined what the applicant was trying to accomplish it was decided that a minor revision to the site plan was needed and it is a significant savings in cost to the applicant. Staff recommends a refund of \$551.50.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **APPROVE** the refund for PUD-387-4 in the amount of \$551.50 per staff recommendation.

* * * * *

FORM-BASED CODE REGULATING PLAN PUBLIC HEARING:

- 10. Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma.
(Continued from 4/4/12 and 6/6/12)**

STAFF RECOMMENDATION:

Dawn Warrick, City of Tulsa Planning Director, stated that she can provide an update from the public meeting held last week. Ms. Warrick provided a memorandum regarding the feedback from the public meeting and a memorandum regarding lending institutions and concerns about possible financial impact. Ms. Warrick stated that she would be happy to collaborate with INCOG staff to provide a staff report.

TMAPC COMMENTS:

Mr. Edwards asked Ms. Warrick if she has received any additional feedback from any of the participants attending the public meeting. Ms. Warrick stated that there was some questions about the information in the summary and the final summary contained a response.

Theron Warlick, City of Tulsa Planning Department, stated that there was additional feedback and there is an addendum to the memo regarding that feedback.

Mr. Edwards asked who gave the additional feedback. Mr. Warlick stated that it was from Joe Westervelt and his concerns are addressed in the addendum.

INTERESTED PARTIES COMMENTS:

Gail Runnels, P.O. Box 4626, 74159, representing Skinner Brother's Corporation, stated that his company manufactures oil field equipment and are located for 80 years at 5th Place and Quaker. This is one block east of Peoria and one block north of 6th Street. Mr. Runnels cited that he filed a lengthy letter previously to the TMAPC objecting to the Form-Based Code. The proposed modification of the original recommendation from the staff includes the creation or use of additional form structure called "urban general", which is the area to the southwest of the part of the plan that was proposed to be excluded. Mr. Runnels cited the boundaries of the proposed urban general area. Mr. Runnels suggested that the urban general area is inappropriate to be included in the Form-Based Code. He suggested that the excluded area be expanded because it is all manufacturing. Mr. Runnels stated that the south boundary should be half way between 6th Street and 5th Court, leaving the frontage on 6th Street as a part of the Form-Based Code. The properties on the north-half of the subject block are all manufacturing and warehousing and there is no reason for them not to be excluded as well as the others. Mr. Runnels

stated that his building is one that is a composite of several buildings that have been built through the years and in no way does it match the Form-Based Code. Mr. Runnels stated that he is struggling to have enough parking spaces and there is a lot across the street that is being used for that purpose. He indicated that his company needs to take the north-half of the block and tie it onto the current facility. There is no way that he can make both properties meet the Form-Based Code for expansion and he would be forced to move outside of the Tulsa City Limits. Mr. Runnels concluded that it is inappropriate to rezone property today for future rails and ponds that are decades away from being developed. The subject area can't be operated without cars and they have to be accommodated for parking. One can't take the subject area back to the time when cars used ten-foot alleys and be satisfied. The current Zoning Code is easier than trying to fit into the categories that the FBC spells out. Don't burden businesses with anymore nonsense than they already have, the Federal Government does enough of that.

TMAPC COMMENTS:

Mr. Dix stated that he is in support of an optional method of expanding the Form-Based Code. However, if Mr. Runnels is trying to purchase additional property for his expansion the optional method gives him some pause. Mr. Runnels stated that the current property owner may not elect and it may not be optional to reverse it if they were to elect into it. Mr. Runnels stated that if they couldn't use the property to add on to the existing building then there would be no reason to acquire it. Mr. Runnels stated that people should be given the option to vote on the Form-Based Code.

INTERESTED PARTIES COMMENTS:

Jamie Jamieson, 754 South Norfolk Avenue, 74120, stated that he lives and develops in the Pearl District. Mr. Jamieson stated that the previous speaker might like to actually read the Form-Based Code in detail and he will find that as a business owner he is much better shape than with the current zoning and his parking problems would go away.

Mr. Jamieson stated that this has been a battle between large corporations that don't like collaborating and smaller businesses that are more than happy to collaborate. Mr. Jamieson stated that Hillcrest Hospital didn't want to collaborate with the Pearl District and the Form-Based Code and he doesn't believe that they have a case to get out of the Form-Based Code on the south side of the street. He has not heard a single compelling reason why they shouldn't conform to the law like everyone else. Mr. Jamieson stated that Forest Orchard is located on the south side of the street and they are in favor of the Form-Based Codes. The south side of 11th Street and the east side of Utica can't be a successful street unless both sides conform. Mr. Jamieson urged the

Planning Commission to resist the temptation to meddle with the underlying principles of the Form-Based Codes. Most of the south side of the street conforms to the Form-Based Code today. QuikTrip also wouldn't work with the Pearl District. Mr. Jamieson cited that McDonald's and Sonic could also conform to the Form-Based Codes.

Mr. Jamieson stated that the current Zoning Code has led to 50 years of blight in the Pearl District. Any one claiming that there is nothing wrong with the current Code is wearing blinkers because there is far too much property in the Pearl that is abandoned, vandalized, ignored and underutilized. Mr. Jamieson stated that he believes that the Planning Commission has been badly served by INCOG because of a "Kitchen Sink Strategy" and the planners have done an excellent job of disposing of misinformation.

TMAPC COMMENTS:

Mr. Liotta stated that he recognizes that Mr. Jamieson has a passionate interest in this effort and a financial interest as well. Mr. Jamieson stated that he has a substantial financial interest in the Pearl District. Mr. Liotta stated that there is nothing wrong with that and he applauds Mr. Jamieson's efforts to try to improve this area in a way that is economically sustainable. Mr. Liotta further stated that Mr. Jamieson sent a letter to the Planning Commissioners that is now part of the record surrounding this case and he believes it should be given due consideration and he has some questions for Mr. Jamieson. The letter states that the TMAPC dithers and prevaricates in spite of years of hard detailed work leading to an excellent Code. And later it states that the TMAPC itself has made clear its hostility toward the Pearl District and strategies for a urban future through its prevarications with this Code. That is twice in the letter that Mr. Jamieson used the word "prevaricate" and after looking it up to make sure it didn't have a second meaning, it doesn't. Prevaricate means to deviate from the truth and is synonymous with lying with intent. Mr. Liotta stated that he doesn't think Mr. Jamieson meant to say that the Planning Commissioners or that this Commission has been lying about this issue and he would like to give Mr. Jamieson the opportunity to verify. Mr. Jamieson stated that he didn't mean either of those two things. Prevaricate, to him, he doesn't know which dictionary Mr. Liotta used and he hasn't looked it up lately, but it means to him "avoid making a decision" and that was his intent of using the word "prevaricate".

Mr. Liotta stated that he does have a second question. In Mr. Jamieson's letter he also stated that the "TMAPC still fails to grasp the significance and benefits of a Form-Based Code that has been in front of it for years. The Planning Commission has instead indulged the dismal campaign of a tiny minorities still intent on destroying the Code". Mr. Liotta stated that the only indulgence he is aware of, that this Commission took part in, was in

the form of a public hearing where the Commission allowed property owners, who both support and oppose the plan, to speak. This is proper and prudent on the Planning Commission's part to do so and he doesn't believe that Mr. Jamieson meant that the Planning Commission shouldn't hear from the folks that are affected by this and he would like to give Mr. Jamieson an opportunity to verify that. Mr. Jamieson stated that he appreciates that opportunity. Mr. Jamieson further stated that he is a huge supporter of public meetings and public hearings. He is not a huge supporter of doing things behind the scenes and he does believe that some of that might have entered into this. Perhaps it is a normal function of democracy where people seek to influence elected officials and it is their prerogative. Looking at this from the neighborhood's point of view, when it was suggested and proposed a new Code in 2001 the Form-Based Code was referenced specifically in the 6th Street Infill Plan, which was adopted by the Council in 2006. It took another couple of years to get the funding, which was only \$34,000.00 to get a consultant. At that time the Official working with INCOG who was working with the Pearl District gave an estimate that Code would be in place across the entire Pearl District by late 2009. The Pearl District has done everything they have been asked to do. It has only been very recently that the Planning Commission has borne the brunt of this and suddenly an evidently campaign opposition to this Code has jumped out. Mr. Jamieson stated that it has taken him by surprise.

Mr. Shivel stated that one of the comments Mr. Jamieson made today was "that there would be numerous benefits for Mr. Runnels" and he would like Mr. Jamieson to numerate what those benefits are that Mr. Runnels is somehow missing. Mr. Jamieson stated that the first benefit is that a landowner/developer is allowed to provide parking for cars, but one doesn't have to. The owner/developer can provide as much or as little off-street parking as necessary to provide. He heard the expression "struggling to provide parking" and he interprets that as struggling to deliver the parking required by the current Zoning Code, which is extremely demanding and very intrusive in that regard. The Pearl District is trying to develop a more compact/tax efficient, physically sustainable, environmental, livable, walkable, etc. City. Pearl District took the view that parking should be the prerogative of the property owner and not of the City. There has never been a problem with parking in the Village at Central Park. The Form-Based Code allows one to make greater use of their lot. The next major thing in the Form-Based Code there is much more flexibility in terms of the uses to which a property owner can use their property. Mr. Jamieson stated that one of his critical remarks in his letter was that he didn't think, because the Planning Commissioners are volunteers and have day jobs, that they didn't have time to read everything and think about every detail that is in it. To those who have worked on this and labored with the City and INCOG for many years, it is frustrating

knowing as much about it as we do and knowing the benefits are humongous, hence the reference to disinformation which is really sort to pick holes at the edges. The recent pausing is appropriate from a lawyerly point of view but it is missing the point of the Code.

Mr. Shivel asked Mr. Runnels if he would like to respond to Mr. Jamieson's comments.

Mr. Runnels stated that the supposed benefits are not of interest to his company. He further stated that he was aware of them. He explained that his point about parking is finding a place to put it and not the absence of desire to have it. His company has employees, agents and customers that come to the place of business and they need parking provided. His company wants to provide the parking and can't do so by alley access because it is only ten feet and the large trucks are unable to utilize. Mr. Runnels explained that he is not interested in building entirely on his lot because his company wants to provide parking onsite. The ability to have other uses for future owners of the building that might be something some people may be interested in. His company is interested in continuing to do manufacturing and providing jobs within the City of Tulsa and bring in revenue for the City of Tulsa. His company also provides work for people that live nearby and far away. Many of his employees have to drive to work. They can't use light rail because it doesn't exist and he doesn't believe it has since the 1920's and will probably never exist again. Once a street system is developed, people get set for it and they don't thereafter change their habits. If a light rail is installed, people will still have to travel to it by car. Mr. Runnels stated that the other opportunities that Mr. Jamieson are of no interest to his company. Mr. Runnels indicated that he is aware of the Form-Based Code and he has read it. Mr. Runnels commented that the benefits that Mr. Jamieson mentioned doesn't include anything that proximate what his company has and what all of the other manufacturing companies have. Mr. Runnels requested that his company and property be left out of the Form-Based Code Regulating Plan.

Mr. Leighty asked Mr. Runnels if he would support the continuation of the Euclidean use-based Code for all of Tulsa. Mr. Runnels stated that it has worked well for 50 years and it has become ingrained in everyone's decision regarding their locations and uses. The use-based Code is a highly preferred one for people who want certainty to what their neighbors are going to be now and in the future. It doesn't necessarily travel across economic levels because one can have a poor person next to a rich one, but they are both going to be doing residential activities or business activities. Companies have made their investments as individuals businesses based on that Code and to scrap that Code and say that the shape of the building is the only thing that matters and move it to the street and don't provide for parking that one might otherwise need for their

customers and assume that it will be on the streets, then you have the traffic situation that is along 15th Street, between Peoria and Utica right now. Mr. Runnels stated that there is not enough parking off of the street along 15th. He further stated that there is a reason why cars, which are necessary, trucks and other things are specified in Building Code presently to be a part of the plan. Don't build a building and create a traffic problem for the rest of us, solve it on your site. There is virtue in that. When one builds their businesses and makes their investment, based on that it doesn't make sense to make everyone nonconforming uses, legal or not, and expect us to accommodate the future. The Euclidean Code has worked. Mr. Leighty asked Mr. Runnels if he knew the zoning on the subject property he is representing. Mr. Runnels stated that it is currently zoned IM. Mr. Leighty asked Mr. Runnels if he is aware that communities throughout the country are looking for ways to create mixed-use developments with higher density to take advantage of the existing infrastructure in a more sustainable way. Mr. Runnels stated that he is aware of that and he agrees that there are places, even in Tulsa, where that could work and have worked. Mr. Runnels stated that Brookside and South Peoria has a number of those areas, the Blue Dome District and Cherry Street. Mr. Runnels further stated that there are a few places in town where it can work, but when one takes an established, and staff has recognized, a major manufacturing area that has been businesses with hundreds of employees, heavy traffic, noise, sounds and smells and try to convert it to the pedestrian mixed-use, live next door to it kind of thing and expect the people that are interested in \$300,000.00 townhouses in Central Park are going to want to live next door to a manufacturing facility is silly. Mr. Runnels stated that his next-to-last point in his outline was that the only thing that will make this work is economics. The economics require individual decisions to move from South Tulsa or somewhere else and move into the place where manufacturing overrides everything else. It might work south of 6th Street to some extent, but it will not work north of 6th Street. The Form-Based Code is not necessarily bad, but it is very unique for a town this young, as opposed to New York and St. Louis, etc. that have been doing this for some time, with high concentrations, much mass transit that does in fact work where cars aren't needed. Mr. Leighty interrupted Mr. Runnels and stated that he has gone a little farther than answering his question. Mr. Leighty stated that he just wanted to make sure he was clear. Mr. Leighty further stated that basically, Mr. Runnels's responses to his questions are that Mr. Runnels is proposing that the best thing for the City of Tulsa would be to continue on with the use-base Euclidean Zoning Code. Mr. Runnels answered affirmatively.

Mr. Walker recognized Mr. Jamieson.

Mr. Walker asked Mr. Jamieson if there is a scenario where the opt-in or opt-out concept that has been proposed could work in the Pearl District or

a portion of it or is it a deal killer in his opinion. In response, Mr. Jamieson stated that his only experience, having built most a of a development that is of good quality, stated that he lived in constant terror of someone buying a piece of property nearby and doing something totally different from what we are trying to do, which is to reinvent a compact, walkable Tulsa. It use to be that way in the 1950's and he recently received some pictures from that time. If one doesn't know what the neighbor is going to do, current or future owner, one is less likely to stick their neck out if they can't predict roughly what will go in. This is a huge risk with an optional code. There are no options in the current Zoning Code and the new Code is actually more liberal. Mr. Jamieson stated that if there is a transitional period, there is a limited period of time for them and is an accommodation for that. There isn't a single planning department around the country, that he has come across, that likes an optional code. The problems one faces in the City is pretty dramatic and the faster it starts moving and physically improving the better. He concluded that an optional code is a bad idea.

Mr. Leighty stated that the Planning Department, the professionals, have made it clear that they do not recommend an optional code. There are valid reasons that have to do with planning and he doesn't know how much more clear that they can make it. The predictability is everything and the same thing for both sides of the street. The argument has been made about the difference between the text and the graphics on the maps. He doesn't see anything in that text that specifically says that the south side of 11th Street or the East side of Utica should be excluded. He doesn't believe it is inconsistent at all. The idea of trying to do expand the Regulating Plan on one side of the street or trying to have property owners be able to elect to stay with the existing Code and the guy next door be on Form-Based Code, who is going to want to make an investment in that kind of environment. The whole idea of developers, as far as the 25 years that he has been in the real estate business, people want to know what they can do and they don't want to have to come down to the TMAPC to figure it out. Whether they can do it in a PUD or convoluted PUD, they want to know what they can do by right. A Form-Based Code delivers that to developers and it tells them what they can do by right. It is a little bit of a change and it is not any more restrictions than what people already have and it actually loosens the amount restrictions.

Mr. Dix stated that he would grant that Mr. Jamieson seems to be an expert or an expert in the writing of this Code. Mr. Dix asked Mr. Jamieson what his business experience is in running a retail operation. Mr. Jamieson stated that when he was previously running an organization, there were approximately 25 retail units. The retailers where in a variety of Countries, including the United States in New York City. Mr. Dix asked if they were walk-in customers on a daily basis. Mr. Jamieson stated that they were walk-in customers, but not daily because they were expensive

goods. People would park out in front and walk in. Mr. Dix asked Mr. Jamieson if his retail experience is with daily walk-in traffic. Mr. Jamieson stated that he also marketed in the food industry and he has marketed to retailers in most of the businesses he has been involved in. He explained that he was constantly visiting the stores all over the world and worked directly with about 40 countries. Mr. Jamieson stated that he is extremely familiar with the retail world and he has learned quite a lot from his wife, whom worked for McDonald's Corporation for many years at senior levels in the United States and Europe. Mr. Dix asked Mr. Jamieson if his current occupation is a developer. In response, Mr. Jamieson answered affirmatively. Mr. Dix asked Mr. Jamieson if he currently has a development in the Central Park area. In response, Mr. Jamieson answered affirmatively. Mr. Jamieson stated that he owns 44 lots and it is all within the Form-Based Code. Mr. Dix asked Mr. Jamieson his development was in conformance with the Form-Based Code at the time it was written. In response, Mr. Jamieson answered affirmatively. Mr. Jamieson stated that he is concerned about one-foot of setback on one of the buildings. Mr. Jamieson stated that the units are individually owned and all that are currently built are sold. There is a potential to develop 36 more units and there are eight commercial properties on Peoria that he owns as well on the west side. In response to Mr. Dix, Mr. Jamieson stated that he has built 50 single-family homes. Mr. Leighty stated that he objected to this line of questioning and doesn't know where Mr. Dix is going. Mr. Dix stated that he has the floor and he is trying to get a history of Mr. Jamieson's experience. Mr. Dix asked Mr. Jamieson how many empty lots he has yet to build that he has interest in. In response, Mr. Jamieson stated that he answered that earlier and stated that he has 44 lots and eight of these lots are commercial. Mr. Dix stated that in his former life there were three axioms that was used when looking for locations for a high-traffic customer per day business and it was to never locate near one of the three "B"s. One is do not locate next to a Barber Shop, Beauty Shop or a Bar and later Block Busters was added to that axiom. The reason for this is because they would take up all of his company's parking. Customers of the other businesses would park and be gone for hours because the facility they were visiting had no parking for their customers. There is a facility in Owasso where there is a Block Buster store and the property owner next door actually had to build a chain-linked fence to keep the Block Buster customers off of his lot. If those type of businesses were to come and build on Mr. Jamieson's commercial lots, how would he address the parking if it infringes on the neighbors. Mr. Jamieson stated that Form-Based Code encourages shared parking, on-street parking and the vision is to have a more walkable environment where one walks to the store. QuikTrip makes a much more margin on the convenience store goods than they do on gas. If there were businesses that were oriented to pedestrian traffic there would be more foot or bike traffic at the QuikTrip. Mr. Jamieson stated that he

met with QuikTrip and he informed them that they really need to get their heads around urban design. He further stated that he saw a Whole Food Store this morning that was designed just like a traditional grocery store and it looks fantastic. Mr. Dix stated that the shared parking is the problem. Mr. Jamieson stated that one can view as a problem, but he doesn't see it as a problem. Mr. Jamieson indicated that he volunteers to share his parking and this has been a problem with Euclidean Zoning, and 300 Cities around the United States agree and switched to Form-Based Code and show no signs of going back to the Euclidean Zoning. These cities are dealing with parking and using mass transit. An integral part of land use policy change is transportation policy shifts as well. Nothing will happen overnight and it was pointed out that it will be decades before we see transit. This will be true until one starts doing something about it and enable the City of Tulsa to compete with other cities. Mr. Jamieson stated that he believes that Mr. Dix's concerns are perfectly understandable, but he and other municipalities are very clear that these are far from insurmountable problems. One has the mindset of a company, and he is speaking as a person, one has to share and deal with new realities and think through carefully and in detail the issues. Mr. Dix stated that when the Form-Based Code was applied to the Pilot Area he was very vocal about not seeing any return on investment for anybody who could go into that and make a business. He felt that in order to attract those businesses that they would have to probably give away free rent for six months to commercial users in those buildings. There will be rental buildings, but once they get through the six months and have to start paying rent with no parking available for their customers, except on the street, that does not lend itself well to a high volume business. These renters will start going out of business. Mr. Jamieson stated that he has 52 parking spaces behind his building without parking on the street, which was part of the original PUD. One has to provide the policy infrastructure that makes a different kind of urban and sustainable environment. There is one well-known business person doing something new because he was able to get around the parking requirement and he believes there will be more flourishing businesses in the center of the Pearl District. Mr. Dix stated that he grew up in a small town and that small town was the epitome of Form-Based Code, with buildings up to the street, angle parking and signs on every store front stating there was parking in the rear. There were blocks of parking in the backs of these stores and no one ever used them, because new businesses had located out where there was parking in front of the building. People do not like to park behind buildings, where it is dark and they may be by themselves at night, and go to their car. Mr. Jamieson stated that Mr. Dix touched on some good points, but many of the issues can be dealt with by proper lighting and cleanliness of the parking and alley. Urbanization is world-wide and small to medium sized towns are realizing that they can't afford their infrastructure unless they have density. Mr. Dix stated that he is struggling because the Pearl District Design

Team wrote this Code. Mr. Jamieson stated that the Team didn't write it, a consultant wrote the Code. Mr. Dix stated that whoever wrote it, did it without a lot of retail experience evidently. Mr. Jamieson stated that Code writers are not retailers. Mr. Dix stated that the consultant had been to planning school and drank the Kool-Aid that planning schools dispense. Mr. Dix stated that he is struggling for the encumbrance of 300 + acres with a Code that has no basis and experience. Mr. Jamieson stated that it does and there are over 300 municipalities that have adopted the Form-Based Code. Mr. Jamieson further stated that Nashville has applied the Form-Based Code and they are working and property values have risen.

Mr. Leighty stated that the Form-Based Code is not just about retail. It is about a neighborhood and a community. The Form-Based Code can't be tailor made for retail. This is for a much more broader balance between businesses and residence.

Mr. Edwards stated that there was a meeting two weeks ago on this subject and the majority of the people at that meeting were retail people and very few neighborhoods were there. That meeting was about what affect Form-Based Code would have on retail businesses in the Pearl District. Mr. Edwards commented that he listened to their concerns and that meeting was primarily was concerned about what would happen to the retail businesses. It was a spirited meeting and well attended meeting. Mr. Edward stated that he understands their concerns and it should be addressed. Mr. Edwards further stated that in his opinion the businesses didn't seem to be in support of the Form-Based Code. The feedback was very strong and very clearly precise. The businesses owners expressed some of the same concerns that Mr. Dix has brought up today. Mr. Edwards stated that he would like to hear those issues addressed before there is a vote on this Code. Mr. Leighty requested to respond to Mr. Edwards's comments. Mr. Edwards informed Mr. Leighty that he is not the neighborhood and he would like to hear from someone in the neighborhood and someone that will be affected by this. Mr. Leighty stated that he would like to respond to Mr. Edwards's comments.

Mr. Walker stated that he would like to see if there are any further questions for Mr. Jamieson.

Mr. Leighty stated that people that do not have a problem with issues do not show up. People who think they have something to lose will be vociferous, reactionary and plead their case. This is a broader issue than just about the business. Mr. Leighty further stated that he knows that there was more people attending the meeting that was in support of the Code, but they didn't say a single word. Mr. Leighty commented that he will not state their names. It is normal for people that do not have a problem to not really say anything and be engaged. There has been an enormous

amount of concessions made through staff and they have bent over backwards to address these issues. There has been close to one third of the area taken out of the proposal and every single issue that has been raised has been dealt with in a responsible, professional, planning manner by the City of Tulsa staff and by INCOG staff. If we try to please everyone, then we might as well just mail it in because it is not going to happen. The Planning Commission is going to have to make some tough decisions. Mr. Leighty commented that he believes that a lot of this is an over-reaction to something, fear of the unknown and people just need to give it chance to work. There are tons of letters of support and a number of people have come to previous meetings to speak. They are weary and fatigued.

Mr. Liotta stated that he would like to talk with Ms. Warrick. The issue of an opt-in was addressed in the hand-out provided today and staff doesn't recommend it. Mr. Liotta commented that one of the things he learned in Legislature is that one doesn't make a bad bill better. This isn't a bill, but it affects people's lives and he is looking for a way to eliminate concerns. If an opt-in is not workable, has there been consideration of an opt-out. He suggested a one-time opt-out provision that every property owner has. For example at the point that the provisions of Form-Based Codes would be triggered, the property owner has an opt-out. This would give the property owners some certainty. Mr. Liotta stated that Mr. Jamieson suggested that there is a period of time that may address that issue and he would like a better explanation of that from staff. Ms. Warrick stated that staff would recommend, as a means of addressing the people who purchase property with an intent to do something specific or with plans in the works to develop or make modifications to their property, a transition period is a way to give that property owner a way to act on what they have already initiated or put in place or started towards with regards to a change on their property without having to fully comply with the Form-Based Code. Ms. Warrick stated that she also believes it is important to recognize that the Form-Based Code will not require any individual property owner, the day it becomes affective, to go out and make physical changes to their site. If they choose to make physical changes in the future, if it is moderate (0% to 25% expansion of existing floor area) would not cause the need for them to comply with the Form-Based Code. The property owner would only have to comply with the area of expansion that is over 26% and anything above 50% would be the trigger to require the entire site to be in compliance with the Form-Based Code. This gives the people, that have invested in the subject area, to continue to use their property and to continue to modify it and they can gradually bring the subject property into conformance or they can make a minor expansion and never do another thing. Ms. Warrick stated that staff feels that the way the Code is currently structured provides a lot of opportunities for variations. The other thing that is relevant is that, like any other zoning provision, there is a relief valve through the Board of Adjustment. This is a not a vice grip on

somebody's ability to ever do anything with their property. Mr. Liotta asked Ms. Warrick to give some specifics on the transition period. Ms. Warrick stated that anytime a new regulation is in place, unless it is otherwise listed or stated within the ordinance, as soon as it is adopted by the Legislative body it becomes effective. Staff would recommend that the ordinance enacting the Form-Based Code for the subject area have a provision within it that states that during a specified transition period (specific dates) that properties pursuing development approvals would have the opportunity to select either compliance with the Form-Based Code or with the standard underlying Zoning Code prior to.

Mr. Dix stated that he is struggling with the relief through the Board of Adjustment due to experience over the years with Boards of Adjustment, City Councils and Planning and Zoning, because those people change and their opinions of what should and shouldn't be allowed change. This is not really an equal relief because one member may be appointed by a more conservative leaning person and the next person may be appointed by a more liberal leaning person and therefore there is no fairness there. The one reason he has heard that staff has heard for not having the opt-in option is because it is difficult to administrate, and he has a real problem with that. Because it makes staff's job a little tougher it is being opposed by staff and the assessor has to do a tough job every day when zoning changes come along or property ownership changes. Mr. Dix stated that he is not buying that it is more difficult to administer. Mr. Dix asked Ms. Warrick if the Planning Commission stated that the only way they would approve this is if there was an opt-in option or reduce the amount of area that is being encumbered, what would she do. Ms. Warrick stated that the Planning Commission has the prerogative to modify, accept or decline any recommendation that is put in front of it. Staff is going to make a recommendation and the Planning Commission can do with it as they would with any other recommendation for a change in zoning, development approval or whatever the Planning Commission is considering. It is not the staff's final determination, staff is here to provide the Planning Commission support, conduct research, and provide information so that the Planning Commission can make informed decisions. Mr. Dix asked Ms. Warrick if she is looking for the Planning Commission to direct her with what changes they would like to see. In response, Ms. Warrick stated that staff is looking for some feedback and if the Planning Commission feels very strongly about something that needs to be addressed in the final report to the Planning Commission, that would be very helpful so that when staff provides the final report they can address those issues.

Mr. Covey asked Ms. Warrick if she would be making any more changes to the Code and would the Planning Commission expect to see that. In response, Ms. Warrick stated that staff would like to take the information

that we have gathered through all of this process, public meetings, various work sessions, conversations and compile them into a comprehensive report for the Planning Commission to consider. In that report staff will make a recommendation for what they believe to be responsive to the feedback that has been received, which will be helpful for the Planning Commission to make a decision and to send this forward to either adopt or not adopt the proposal. The Planning Commission has the authority to modify, accept or reject what is presented. Staff feels that it is in our best interest to address the Planning Commission's concerns and provide research information needed. Mr. Covey asked if the Title 42B will be amended. Ms. Warrick stated that the adopted Title 42B, Form-Based Code, is not before the Planning Commission for consideration right now. This does not mean that staff may not make recommendations to bring it back and modify various sections of it. It is an action that would require notice individually.

Mr. Walker stated that his understanding is that staff is working on a final report for the Planning Commission that is adoptable. We are waiting for the FBC Coordinator to get back into town for a final recommendation to the Planning Commission for adoption in its current form. Ms. Warrick stated that the Planning Commission needs a fully researched and drafted staff report for this proposal. Ms. Warrick recognized that the Form-Based Code Administrator is needed to assist in forming the final recommendation.

In response to Mr. Dix, Ms. Warrick stated that she doesn't know if the Planning Commission typically directs the content of the staff report. That is information that is provided to the Planning Commission. Mr. Dix stated that the Planning Commission wants to talk about and recommend whether or not the existing borders are used or reduced, whether or not the pilot area needs to be expanded, whether there is an opt-in or opt-out option and what point would the Planning Commission vote on those types of things.

Mr. Leighty stated that he doesn't believe it is appropriate for the Planning Commission to be instructing staff on anything in that regards. The Planning Commission look to them to bring the facts to us and make a recommendation and for the Planning Commission to interfere or try to tell them how to do this is inappropriate. Mr. Dix stated that Ms. Warrick stated that she is looking for input on what to do and if the Planning Commission wanted to make changes to it. Ms. Warrick stated that staff needs to understand if there are pieces of information that the Planning Commission feels are important and should be included in the staff report in order for them to make an informed decision. Mr. Dix stated that Ms. Warrick also stated that the Planning Commission can make change to

the staff report. Ms. Warrick stated that the Planning Commission will have the opportunity to vote on the proposal to modify, accept or deny.

Mr. Covey asked Ms. Warrick if she would be addressing the issue he brought up regarding whether the Code should be applied to the opposite sides of the street. Ms. Warrick stated that it would be addressed in the staff report. Mr. Covey stated that the Planning Commission also brought in the opt-in provision and that will also be addressed in the report. In response, Ms. Warrick answered affirmatively.

Mr. Edwards asked Ms. Warrick if the Planning Commission would vote on the various sections or whatever the staff brings to us. Ms. Warrick answered affirmatively.

Mr. Dix stated that if the staff recommends against an opt-in and the Planning Commission turns it down as a whole because it doesn't have an opt-in provision that is... Ms. Warrick stated that would be the Planning Commission's prerogative. Mr. Dix stated that the Planning Commission is not giving the staff recommendations to include or not include, but staff is researching what the Planning Commission has talked about and staff will come back with a recommendation. Ms. Warrick answered affirmatively.

Ms. Warrick stated that staff would like to know if the Planning Commission feels that a new notice needs to go out for the final report. Mr. Leighty stated that in his view that is not necessary. People who have been following this knows what is going on and there is no need for additional notices.

Mr. Edwards commended both Dawn Warrick and Theron Warlick for the work done on this proposal. They conducted a good meeting two weeks ago and answered a lot of questions. Mr. Edwards stated that no matter what the Planning Commission does with the Code, Ms. Warrick and Mr. Warlick need to be recognized for hanging in there.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **CONTINUE** the Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma to September 5, 2012.

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TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perkins "absent") to **ADJOURN** TMAPC meeting No. 2631.

Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 3:11 p.m.

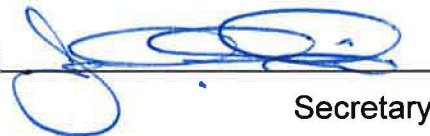
Date Approved:

9-19-12

Joshua G. Wake

Chairman

ATTEST:


Secretary