

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2645

Wednesday, March 06, 2013, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Edwards	Bates	Tohlen, COT
Carnes		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	
Leighty		Miller	
Liotta		White	
Midget		Wilkerson	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 28, 2013 at 3:19 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:**

#### **Director's Report:**

Ms. Miller reported on upcoming reviews of the City of Tulsa Zoning Code draft and Capital Improvements Programs for the City of Tulsa.

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

Ms. Miller reported that there is a letter included in today's packets from Mr. Leighty indicating that he didn't intend to hold up the process for drafting the ordinance regarding surface parking. Ms. Miller stated that Ms. Warrick is present and can give an update on this process.

Ms. Warrick, City of Tulsa Planning and Economic Development Director, stated that after receiving Mr. Leighty's letter, staff started pulling together various bits of research and information for the Planning Commission with relationship to parking in the downtown area. City staff has started to compile that information and review different studies and inventories that were conducted. Ms. Warrick proposed that if the Planning Commission felt it was appropriate staff could provide the information in advance of a public hearing for consideration.

Mr. Leighty stated that he would like to apologize to Ms. Warrick. He further stated that it was not his intention at the last work session to prolong this process. It is critical to move this forward and provide some sort of relief if necessary for the public. Mr. Leighty stated that it is necessary to revitalize the downtown area and have more structured parking and less surface parking.

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**Minutes:**

**Approval of the minutes of February 20, 2013 Meeting No. 2644**

On **MOTION** of **CARNES** the TMAPC voted 9-0-1 (Carnes, Dix, Leighty, Liotta, Midget Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Covey "abstaining"; Edwards "absent") to **APPROVE** the minutes of the meeting of February 20, 2013, Meeting No. 2644.

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**CONSENT AGENDA**

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

2. **LC-466** (Lot Combination) (CD 2) – Location: South of the southeast corner of West 71<sup>st</sup> Street South and South 26<sup>th</sup> West Avenue
3. **LS-20582** (Lot-Split) (CD 3) – Location: Northwest corner of East Apache Street and North Florence Avenue (Applicant has requested a continuance to March 20, 2013; this item was pulled from the consent agenda.)
4. **LS-20584** (Lot-Split) (County) – Location: South of the southeast corner of East 201<sup>st</sup> Street South and South Garnett Road
5. **LC-467** (Lot Combination) (CD 8) – Location: South of the southwest corner of East 83<sup>rd</sup> Street South and South Urbana Avenue

6. **LS-20585** (Lot-Split) (CD 9) – Location: South of the southwest corner of East 38<sup>th</sup> Street South and South Victor Avenue (Related to LC-468)
7. **LC-468** (Lot Combination) (CD 9) – Location: South of the southwest corner of East 38<sup>th</sup> Street South and South Victor Avenue (Related to LS-20585)
8. **PUD-584-1 – Jim Coleman**, Location: 26229 West Highway 51, Requesting a **Minor Amendment** to allow a larger area of mini-storage than originally included in the PUD, **CS/PUD-584**, (County)

**STAFF RECOMMENDATION:**

Concept Statement:

The applicant is requesting a minor amendment to re-define the allowable uses in Development Area A. The underlying zoning classification for this Development A in PUD 584-1 is CS. Tulsa County Zoning Code allows mini storage (Use Unit 16) by exception in a CS district. Inside this PUD a mini storage use can be allowed by a minor amendment to a PUD as defined in the PUD chapter of the Tulsa County Zoning Code.

Minor Amendment Summary:

The applicant is the same entity who developed the original PUD which allowed a mini storage and office development on the site. The following two items are requested in the minor amendment:

- 1) The success of the mini storage portion of the business has exceeded the original expectations and the applicant is now asking for a minor amendment to allow Use Unit 16 in Development Area A of the Planned Unit Development.
- 2) Omit the landscape buffer originally depicted on the conceptual plan in Development Area A.

Staff Recommendation:

Staff has reviewed the applicants request to expand the mini storage use to development area A and eliminate the green belt requirement as allowed in the Tulsa County Zoning Code and has determined that;

- 1) Within the Tulsa County Zoning Code, PUD Section 1170.7:  
*“Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained within the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require*

*compliance with the notice and procedural requirements of an original Planned Unit Development.”*

- 2) The applicants request is consistent with the concept outlined in the original PUD.
- 3) There is no comprehensive plan for the area however, the proposed minor amendment is compatible with the expected land use pattern of the surrounding the area.
- 4) The property adjacent to this PUD is Corps of Engineers Land which surrounds Keystone Lake, State Highway 51 right-of-way, and Railroad right-of-way and is not expected to develop into commercial, industrial or residential uses. This minor amendment will not have an adverse impact on the potential development opportunities for adjacent properties.

Therefore, staff recommends **APPROVAL** of the minor amendment request for PUD-584-1 as outlined in the Minor Amendment Summary above.

9. **PUD-267-11 – Ron Kitchen**, Location: Southeast corner of South Sheridan Road at East 101<sup>st</sup> Street South, Requesting a **Minor Amendment** to modify the architectural standards outlined in the original PUD, **RM-1/CS/PUD-267**, (CD-8)

**STAFF RECOMMENDATION:**

**Concept Statement:**

The applicant is requesting a minor amendment to re-define the architectural standards that were included in the original Planned Unit Development in this site. Normally the architectural character of the building does not require a minor amendment to the Planned Unit Development however in this instance the original PUD was very specific about the roof material and the siding materials. The applicant is requesting a modification of those standards developed in 1981.

**Minor Amendment Summary:**

**Original PUD development standards defined in PUD 267, Paragraph 3**

1. The south and east elevations must be compatible with the north and west elevations of the buildings within the shopping center
2. The roof of any building within the shopping center shall not exceed 26 feet in height. The perimeter of all roofs shall be sloped at a 45 degree angle from the highest point of the roof to the eave. Eaves shall not exceed 12 feet in height above the adjacent ground level, except at corners where, for a distance of 40 feet from the corner, the building walls

may extend to the full height of the building. The sloped portion of the roofs shall be covered with composition shingles weighing not less than 340 pounds per square

3. The siding materials on the south and east faces of buildings within the shopping center shall be brick or lapped siding with a horizontal pattern or combinations of brick and siding. Where siding is used material shall be wood or vinyl.

Modified language in PUD 267 paragraph 3

1. The south and east elevations must be compatible with the north and west elevations of the buildings within the shopping center.
2. The roof of any building within the shopping center shall not exceed 26 feet in height. The roof line and eave height must be similar in concept to the concept provided with this application. The sloped portion of the roofs shall be covered with composition shingles weighing not less than 340 pounds per square or may be standing seam metal roof material similar to the concept attached.
3. The siding materials on the south and east faces of buildings within the shopping center shall be brick or stucco or combinations of brick and stucco and shall be similar to the concept plan provided with this application.

Staff Recommendation:

Within the City of Tulsa Zoning Code, PUD Section 1107.K.9, a minor amendment may be permitted when ...“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the applicants request for the modification of the architectural standards. We have determined that this request does not substantially alter the original character of the PUD and will not result in any increase incompatibility with the present and anticipated future use of the proximate properties.

Staff recommends **APPROVAL** of the minor amendment request PUD-267-11 as outlined in the Minor Amendment Summary above.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the consent agenda Items 2, 4 through 9 per staff recommendation.

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**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

3. **LS-20582** (Lot-Split) (CD 3) – Location: Northwest corner of East Apache Street and North Florence Avenue (Applicant has requested a continuance to March 20, 2013; this item was pulled from the consent agenda.)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the lot-split for LS-20582 to March 20, 2013.

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

**PUBLIC HEARINGS:**

10. **LS-20583 – CBC Builds, LLC -** (Lot-Split), Location: North and east of East 41<sup>st</sup> Street South and South Utica Ave (4015 South Victor Ave) (8319) (CD 9)

**STAFF RECOMMENDATION:**

The Lot-split proposal is to split an existing RS-2 (Residential Single-Family) tract into two tracts. Both of the resulting tracts will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code.

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

The Technical Advisory Committee reviewed the Lot-Split information and had no comments to date.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the waiver of *Subdivision Regulations* and the lot-split.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20583 per staff recommendation.

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- 11. **The Vineyard on Memorial** – Minor Subdivision Plat, Location: North of the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive (8326) (CD 8) (A continuance is requested until March 20, 2013 for further Technical Advisory Committee review.)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LIOTTA**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the minor subdivision plat for The Vineyard on Memorial to March 20, 2013.

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- 12. **Cornerstone Hardware** – Minor Subdivision Plat, Location: Southwest corner of East 116<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue (2408) (County)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 6.55 acres.

The following issues were discussed February 21, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping center). VVEC will service electric and has sent in a release letter. Traffic lights may be warranted in the future and the City of Owasso and County may solicit federal and other funds to help fund these improvements. Traffic counts have been taken and there have been traffic problems in the area.
2. **Streets:** Include section on sidewalks which must be provided along all streets per subdivision regulations. Show sidewalks and access ramps. The County and City of Owasso will make sure the sidewalks are put in as there are current road improvement projects near the site that will include them.
3. **Sewer:** The City of Owasso will provide sewer.
4. **Water:** Washington County Rural Water District 3 will service water.
5. **Storm Drainage:** Section I.G. should be removed since no detention easement is shown. The County Engineer must approve drainage plans for the site.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** The City of Owasso will provide Fire service. A release letter will be required from the City of Owasso.

**GIS:** Label all subdivisions within the mile section of the Location Map. Submit a subdivision control data form per the subdivision regulations. Square footages of lots need to be shown. Addresses need to be shown and coordinated through the Owasso Fire Department, Tulsa County and E911. **County Engineer:** Parking lot detention and drainage needs to be approved by County Engineer. **Owasso City Planner and Public Works Director:** Use the term "Tulsa County and its successors" in covenants. Owasso plans to annex the property in a few months and welcomed the opportunity to participate in the platting process and supported the rezoning. Accesses should allow for two cars traveling in and out.

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 to his satisfaction.

**Standard Conditions:**

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

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

Mr. Leighty questioned that the sidewalk would be built and didn't feel that the sidewalks should be waived. Mrs. Fernandez stated that staff usually doesn't agree to waive sidewalks. She further stated that there is a letter from the City of Owasso and Tulsa County agreeing to build the sidewalks with the road improvements in the future and they will be built. Mr. Leighty stated that he isn't buying that the sidewalks will be built in the future by the City of Owasso and Tulsa County.

Mr. Walker stated that he believes that if the sidewalks were built now, then when the road improvements are being done it would damage the sidewalks. When the road improvements are done the sidewalks will be installed at that time.

Mrs. Fernandez reminded Mr. Leighty that the Planning Commission can make a recommendation to deny the sidewalk waiver. Mrs. Fernandez reiterated that the sidewalks will be built in the future. Mr. Leighty stated that Mrs. Fernandez can't stand there and say that the sidewalks will be built. There is a letter from the City of Owasso stating that they are working with the County and the City to try and get some road improvements, but that doesn't mean anything. Mr. Leighty concluded that there is no funding for the road improvements and there is no plan for it. Mrs. Fernandez stated that the City of Owasso and the Tulsa County have stated that they will build the sidewalks and the letter included in the agenda packets is for the Planning Commission's information regarding the sidewalk.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-1-0** (Carnes, Covey, Dix, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the minor subdivision plat for Cornerstone Hardware per staff recommendation.

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13. **South Lewis Plaza Amended** – Minor Subdivision Plat, Location: South of the southeast corner of East 71<sup>st</sup> Street South and South Lewis Avenue (8308) (CD 2)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.18 acres.

The following issues were discussed February 21, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 329 A and PUD 657. Both Planned Unit Developments are being modified so the new plat is being created.
2. **Streets:** Mutual access easements will be provided.
3. **Sewer:** No new service connections will be allowed on the existing 24-inch sanitary sewer pipe. Any new development of the property will require construction of an eight-inch sanitary sewer line, to provide sanitary sewer service to the development.
4. **Water:** Add restrictive waterline easement with bearings and distances. Restrictive waterline easement language is needed. A looped waterline main inside a 20-foot restrictive waterline easement is needed.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO needs loading information.
7. **Other: Fire:** Provide a fire hydrant within 400 feet of a non-sprinkled building. Provide a fire hydrant within 600 feet of a sprinkled building.

**GIS:** Provide the expiration date for the CA number of the engineer/surveyor. What is the scale of the drawing? On the face of the plat the graphic scale bar shows 1"=30' and the stated scale under the north arrow is 1"=40'. On the face of the plat replace phrases like "Due North" and "Due South" with actual bearings. 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. For the Basis of Bearing, state the bearing in degrees, minutes and seconds. Submit a Subdivision Control data Form per the subdivision regulations. Use actual bearings.

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 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; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the minor subdivision plat for South Lewis Plaza Amended per staff recommendation.

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14. **Z-7218 – Sisemore, Weise & Associates, Inc./Darin Akerman,**  
Location: South of southeast corner of East 63<sup>rd</sup> Street and South 103<sup>rd</sup>  
East Avenue, Requesting a rezoning from **RS-3 to CO**, (CD-7) (Continued  
from 2/20/13)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11830 dated June 6, 1970,  
established zoning for the subject property.

***RELEVANT ZONING HISTORY:***

**BOA-21161 October 26, 2010:** The Board of Adjustment Accepted a  
Verification of spacing requirement for a digital outdoor advertising sign of  
1,200 ft. from any other digital outdoor advertising sign facing the same  
traveled way subject to the action of the Board being void should another  
digital outdoor advertising sign be constructed prior to this sign, on  
property located at 6500 South Highway 169 and is a part of the subject  
property.

**BOA-20729 June 24, 2008:** The Board of Adjustment Accepted a  
Verification of spacing requirement for a digital outdoor advertising sign of  
1,200 ft. from any other digital outdoor advertising sign facing the same  
traveled way based upon the facts in this matter as they presently exist,  
subject to the action of the Board being void should another digital outdoor  
advertising sign be constructed prior to this sign, on property located at  
6500 South Highway 169 and is a part of the subject property.

**BOA-20523 June 26, 2007:** The Board of Adjustment approved a  
Variance of the maximum permitted display surface area for signage in a  
CO district from 662 sq. ft. to 1,334 sq. ft., to allow an existing outdoor  
advertising sign, finding the hardship to be due to the settlement of a court  
case that the existing sign would remain, on property located northeast of

the northeast corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> East Avenue and part of the subject property.

**Z-6277-SP-3/ Z-6484-SP-1/ Z-6718-SP-1 October 2006:** All concurred in approval of a request for a Corridor Development Plan on a 13± acre tract of land for commercial/office development, on property located northeast corner and northeast of the northeast corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> East Avenue and part of the subject property.

**Z-6673-SP-1/AC-47 April 1999:** All concurred in approval of a Corridor Site Plan on 4.56+ acre tract for a 75,000 square foot recreational vehicle storage and self-storage facility located at 6336 South 105<sup>th</sup> East Avenue and is a part of the subject property; also approving an Alternative Compliance to landscape requirements.

**BOA-18357 March 23, 1999:** The Board of Adjustment approved a Variance of the land area coverage by building from 30% to 41% in a CO district on property located at 6336 South 105<sup>th</sup> East Avenue and is a part of the subject property.

**Z-6722-SP-2 March 1999:** On a proposed Corridor Site Plan to re-approve an existing outdoor advertising sign (Z-6722-SP-1 originally approved sign April 17, 1990 for a period of 5 years) on a 2.2± acre tract, staff recommended denial but TMAPC recommended approval due to its placement in a freeway corridor, and the City Council approved it per TMAPC recommendation.

**BOA-18307 February 9, 1999:** The Board of Adjustment approved a Variance of the maximum land coverage of buildings from 39% to 38%, on property located at 6336 S. 105<sup>th</sup> East Avenue and a part of the subject property.

**Z-6673 February 1999:** All concurred in approval of a request to rezone a 4.5+ acre tract from RS-3 to CO, located on the southeast corner of E. 63<sup>rd</sup> Place S. and S. 103<sup>rd</sup> East Avenue and a part of the subject property.

**BOA-17848 October 1997:** The Board of Adjustment approved a request for a special exception to allow church and accessory uses and a special exception to allow a school in an RS-3 zoned district, located at 6336 South 105<sup>th</sup> East Avenue and is a part of subject property.

**Z-6484 April 1995:** All concurred in approval of a request to rezone a 6.7± acre tract from RS-3 to CO located south of the southeast corner of E. 65<sup>th</sup> Place S. and S. 103<sup>rd</sup> East Avenue and a part of the subject property.



**Z-6277 January 1990:** All concurred in approval of a request to rezone a 2± acre tract from RS-3 to CO, located as part of the subject tract on the northwest corner of East 66<sup>th</sup> Street S. and S. Mingo Valley Expressway and a part of the subject property.

**PUD-595-C/ Z-5970-SP-6 January 2013:** All concurred in approval of a proposed Planned Unit Development on a 4± acre tract of land to add Use Unit 23 for warehousing and increase permitted land coverage from 30% to 43.5%, on property located southeast corner of South 101<sup>st</sup> East Avenue and East 67<sup>th</sup> Street and abutting south of subject property.

**PUD-595-B/Z-5970-SP-5 February 2007:** All concurred in approval of a proposed Planned Unit Development on a 37± acre tract of land to establish development areas and to increase allowed land coverage, on property located northeast of the northeast corner East 71<sup>st</sup> Street and South Mingo Road and abutting south of subject property.

**Z-6718 October 1999:** A request to rezone a 1.18-acre tract located on the northeast corner of East 66<sup>th</sup> Street S. and S. 101<sup>st</sup> East Avenue, a part of the subject tract, from RS-3 to CO was approved by TMAPC and the City Council.

**PUD-595-A/Z-5970-SP-4 February 1999:** All concurred in approval of a Major Amendment to PUD/Corridor Site Plan to change land area, maximum building floor area and building height of previously approved PUD-595/Z-5970-SP-3 on property located northeast of the northeast corner East 71<sup>st</sup> Street and South Mingo Road and abutting south of subject property.

**PUD-595/Z-5970-SP-3 October 1998:** All concurred in approval for a PUD/Corridor Site Plan for a proposed retail furniture sales center on property located northeast of the northeast corner East 71<sup>st</sup> Street and South Mingo Road and abutting south of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.2± acres in size and is located south of southeast corner of East 63<sup>rd</sup> Street and South 103<sup>rd</sup> East Avenue. The property appears to be vacant and is zoned RS-3.

**SURROUNDING AREA FOR CO ZONING REQUEST:** The subject tract is abutted on the east by Highway 169; on the north by a church, zoned RS-3; on the south by vacant land, zoned CO and on the west by single family residential property, zoned RS-3.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not identify specifics for any of the adjacent streets however a proposed multipurpose trail system is planned inside the Highway 169 right of way just east of this site. Appropriate trail connections are an important part of this development and have been included in the development plan. Future consideration for additional trail development will be part of the future Corridor Development Plans south of this site.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 103 <sup>rd</sup> East Avenue	residential	50'	2 lanes no curb and gutter
South 105 <sup>th</sup> East Avenue	No designation	50'	2 lanes no curb and gutter

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The CO zoning request is for a 2.2 acre tract which is currently zoned RS-3. The staff report is prepared for CO zoning only. Ultimately a Corridor Development Plan will be required to define the development standards for this parcel prior to any further development.

**Land Use Plan:**

The entire site is included in a Regional Center designation in the Tulsa Comprehensive Plan.

Regional Center Definition: A Regional Center is defined as an area that is “a mid-rise mixed use area for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district”.

Connectivity: The west boundary of the site is defined by a substandard public street (South 103<sup>rd</sup> East Ave.) that is two lane asphalt constructed by the original developer of the area. The street is not curbed and has historically been used as a residential street. On-street parking should not be considered in this area because of the narrow streets and residential character of the neighborhood.

*Staff comment: The Tulsa Comprehensive Plan for the area encourages growth however appropriate balance with the existing neighborhood is also important. Connectivity should be*

*encouraged. Future expansion of the corridor development area south of this site will be required to provide a multipurpose trail expansion and vehicular connection to provide connectivity through this area.*

The east boundary of the site is South 105<sup>th</sup> East Avenue and is currently a substandard two lane asphalt street. The developer is in the design phase for a privately funded street improvement project for this street. The goal is to improve this street to City Standards.

*Staff Comment: East 105<sup>th</sup> Street South is part of the corridor collector street normally seen in a CO district. On street parking is not provided in the remainder of the collector street system and is not an important part of the parking strategy in this area. The future development plan will require connection to a commercial collector street.*

#### Growth and Stability Map:

Areas of Growth are defined in the Tulsa Comprehensive Plan to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for and in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

#### **STAFF RECOMMENDATION:**

Staff finds the following:

- 1) Uses and intensities of the development proposal to be in harmony with the spirit and intent of the Zoning Code.
- 2) Proposed corridor development and zoning is consistent with the vision of the Tulsa Comprehensive Plan.
- 3) Future development will require approval of a Corridor Development Plan prior to any construction.

- 4) Street improvements will be required to provide for the corridor street frontage on new lots in a CO district.
- 5) Additional street right of way for future street improvements along South 103<sup>rd</sup> East Avenue and South 105<sup>th</sup> East Avenue may be required for future development of this site. Adequate right of way shall be dedicated to allow vehicular traffic connection to the west and south through future Corridor development areas. Future vehicular and pedestrian connectivity is an important concept that will help piece together a difficult but existing street pattern in this area.

Therefore, staff recommends **APPROVAL** of Z-7218 in as outlined in the staff summary and recommendation outlined above.

**TMAPC COMMENTS:**

In response to Mr. Dix, Mr. Wilkerson stated that the improvements from 63<sup>rd</sup> Street to the north end of the Mathis Brother's property will be privately funded.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CO zoning for Z-7218 per staff recommendation.

**Legal Description for Z-7218:**

Lot 2, Block 6, Union Gardens, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

- 15. **Z-7216 – J & J Appliances, LLC**, Location: South of the southwest corner of 33<sup>rd</sup> Street North and North Peoria Avenue, Requesting rezoning from **CG TO IH**, (CD-1) (Continued from 2/6/13)

**STAFF RECOMMENDATION:**

Applicant has withdrawn this application.

**WITHDRAWN.**

\* \* \* \* \*

16. **CZ-423 – Eight Sixth Properties, LLC**, Location: Northeast corner of East 86<sup>th</sup> Street North and North Sheridan Road, Requesting rezoning from **AG to RE**, (County)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 98754 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**CZ-347 September 2004:** All concurred in approval of a request for rezoning a 160± acre tract of land from AG to RE for residential development, on property located on the southeast corner of East 86<sup>th</sup> Street North and North Sheridan Road and abutting south of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 160± acres in size and is located Northeast corner of East 86<sup>th</sup> Street North and North Sheridan Avenue. The property appears to be undeveloped and is zoned AG.

**SURROUNDING AREA:** The subject tract is abutted on the east by undeveloped land, zoned AG; on the north by undeveloped land, zoned AG; on the south by single family residential property, zoned RE; and on the west by undeveloped land, zoned AG.

**UTILITIES:** The subject tract is served by Washington County Rural Water #3. Public sanitary sewer service is not available. These large lots will provide private sanitary sewer solutions as regulated by the Oklahoma Department of Environmental Quality.

**TRANSPORTATION VISION:**

There is no specific transportation vision for this area other than the master street and highway plan outlined below.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Sheridan Road	Secondary Arterial	100 feet	2
East 86 <sup>th</sup> Street North	Primary Arterial	120 feet	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This 160 acre parcel is included in the North Tulsa County Comprehensive Plan 1980-2000. The area is identified as a residential area with a

possible commercial-office note on the northeast corner of East 86<sup>th</sup> Street North at North Sheridan Ave. Although the plan is outdated it does recognize the potential for low intensity residential development and medium intensity commercial development.

**STAFF RECOMMENDATION:**

Staff finds the uses and intensities of CZ-423 to be in harmony with the spirit and intent of the 1980-2000 North Tulsa County Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site.

Therefore, staff recommends **APPROVAL** of CA-423 rezoning the entire referenced tract from AG to RE.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the RE zoning for CZ-423 per staff recommendation.

**Legal Description for CZ-423:**

The southwest quarter (SE/4) of Section 23, Township 21 North, Range 13 East, I.B.M., Tulsa County, Oklahoma.

\* \* \* \* \*

**OTHER BUSINESS**

**17. TMAPC direction on Pearl District Form-Based Code options**

**STAFF RECOMMENDATION:**

**Item:** Provide Direction to INCOG/TMAPC and City of Tulsa Planning staff regarding further work on the Pearl District Form-Based Code

**A. Background:** At the February 20, 2012 TMAPC Work Session, INCOG/TMAPC and City of Tulsa Planning staff presented feedback received at recently held public workshops. In addition, five potential options were presented to the TMAPC to consider when providing direction to move forward. The TMAPC asked that five options be

presented at their next regular meeting, as well as another option that included an opt-in/opt-out provision.

## **B. Potential Options**

### **1. Adopt Regulating Plan for the proposed expansion area and rezone to Form-Based Code**

- Re-evaluate in one year, taking into account relief requested and any Board of Adjustment or administrative review actions.
- Based on that information, address parts of the Form-Based Code that has surfaced as problems during the first year.

### **2. Adopt Regulating Plan for the proposed expansion area, rezone to Form-Based Code and amend Form-Based Code (Title 42-B)**

- Address concerns and comments from public workshops.
- Address site specific modifications through Variances or Special Exceptions noted on the Regulating Plan.
- Once drafted, Staff presents amended Form-Based Code (Title 42-B) and Regulating Plan to TMAPC.

### **3. Re-examine Form-Based Code (Title 42-B) and Regulating Plan for the proposed expansion area boundaries, prior to rezoning to Form-Based Code**

- Address concerns and comments from public workshops
- Include modifications to site specific conditions.
- Once drafted, Staff presents amended Form-Based Code (Title 42-B) and proposed Regulating Plan to TMAPC.

### **4. Re-examine Form-Based Code (Title 42-B) prior to adopting proposed expansion area and rezoning to Form-Based Code**

- Address FBC issues raised at public workshops.
- Once drafted, Staff presents amended Form-Based Code (Title 42-B) to TMAPC.

### **5. Re-examine Form-Based Code (Title 42-B) and Regulating Plan for the proposed expansion area boundaries prior to allowing for an opt-in/opt-out provision as to properties rezoned to Form-Based Code (FBC).**

- Once drafted, Staff presents amended Form-Based Code (Title 42-B) and proposed Regulating Plan to TMAPC.
- TMAPC could waive rezone application fees for all applicants who wished to rezone to FBC.

- Staff could establish quarterly rezoning submittal deadlines/opportunities for bulk rezone applications, so that they are presented as a batch to the TMAPC and City Council. This would method would encourage current property owners through the process. Required advertising cost is distributed among all the participants in the bulk rezoning or the City/INCOG pay those cost.
- Rezoning could run concurrent with the Form-Based Code Administrative Review.
- Progress could be evaluated on a two (2) year basis based upon activity in the area.
- Depending on progress: could extend the quarterly rezoning for an additional two (2) years, consider expanding the Regulating Plan area, and/or implementing parking and stormwater solutions through the City's Capital Improvements Plan (CIP) process.

#### **6. Take no further action on this proposal.**

One additional action item related to options 1, 2, 3, 4 & 5 above could include an inventory of the proposed expansion area identifying the current status of each property and if it is currently conforming or non-conforming with existing City of Tulsa Zoning Code and/or Form-Based Code.

#### **TMAPC COMMENTS:**

Mr. Leighty asked staff what is profoundly different between the proposed Form-Based Code and the Chicago Code that has been mentioned in several letters and emails. Ms. Miller stated that she looked at it in a general way, but Louis Mercado, Urban Planner for the City of Tulsa, did a specific breakdown of the Chicago Code compared to Tulsa's. Ms. Miller further stated that she is not well versed to give that explanation. In the general way, the difference between the two Codes is that the Chicago Code has a Form-Based Code section in their overall Code. Chicago's is very brief and it isn't a stand-alone Code. Tulsa's FBC Code is much bigger and to compare it to Chicago's is not "apples to apples". Chicago takes a hybrid approach with more traditional zoning regulations.

Mr. Leighty asked if the Chicago Code is applied parcel by parcel for a zoning change as opposed to a blanket type of zoning. Ms. Miller stated that she isn't sure she can answer that question. The Chicago Code talks about streets and pedestrian streets. The Chicago Code addresses specific streets that it applies to, but is still part of the overall Zoning Code.

Mr. Leighty asked if the Chicago Code has a height restriction. Ms. Miller stated that she doesn't remember.



Mr. Leighty asked Ms. Miller what her personal opinion is of the Chicago Code and should it be considered. Ms. Miller stated that if the Planning Commission gives staff direction to go back and look at the Form-Based Code and the regulations that apply, specifically buildings, properties and heights, relationships to the street, then she believes that it is something to look at because it is less detailed and prescriptive than the Code in place right now.

Mr. Leighty asked staff if the Planning Commission has to get to where there is no opposition or is two people enough. At what point does the Planning Commission state that everything has been done that could be done and move forward. It seems that all the Planning Commission is trying to do is satisfy one particular section of the business owners and it is not really about the neighborhood, creating a sense of place, creating an environment for mixed-use development, but about satisfying some business interest who wants to continue doing business as they have always done. Ms. Miller stated that like most changes in Code she doesn't believe one can ever satisfy everyone. Staff is trying to do what is best for the community based on feedback that staff has heard and sharing it with the Planning Commission to help give staff direction on which way to go at this point. Ms. Miller further stated that as far as implementing the 6<sup>th</sup> Street Infill Plan, she believes that all of these options can get us there.

Mr. Perkins stated that he doesn't believe that it is staff that the Planning Commission is trying to satisfy, but to try and satisfy this Planning Commission that we have enough information to pass something on to City Council. The Planning Commission is directing staff to do things and they are asking the Planning Commission what is it the Planning Commission wants them to do at this point. Mr. Leighty stated that the Planning Commission doesn't pay attention to what they recommend. Mr. Leighty further stated that the staff and the City of Tulsa Planning Department recommended that a much larger Regulating Plan than what is being considered right now and the Planning Commission said "sorry not interested".

Ms. Miller stated that at this stage of the overall process of where we are moving forward right now she doesn't see this as a staff recommendation stage. Staff really wants to present the information and the possible options and let the Planning Commission take it from there. Obviously the recommendation stage comes later.

Mr. Covey asked if staff's recommendation option five because there is always a staff recommendation. Ms. Miller stated that options two through

four are preferable and option five could give the checker-board affect and doesn't get this where it needs to go.

Ms. Warrick stated that she agrees with Ms. Miller regarding the options. The City Planning staff believes that all of the options are variations of the same thing and it is a way to move forward and steps toward implementation. Ms. Warrick reiterated that options two through four would definitely get this to a point that can be steps toward implementation and option five is definitely a consideration if the Planning Commission doesn't believe that options two through four is not broad enough of an option.

Mr. Midget stated that he would like to comment on one of the potential options. He believes that option three or four would be more favorable than the others as moving forward. Mr. Midget further stated that he can't see the Planning Commission adopting anything right now. Mr. Midget indicated that he is also interested in the aspects of the Chicago Form-Based Code. Mr. Midget explained that the reason he is interested is because it is less prescriptive and easier. The easier is it for one to read and understand what is being asked it does away with a lot of interpretation that may be based on false assumptions and that sort of thing. Mr. Midget stated that he would be interested in a Code that is not as prescriptive but still helps get to the types of development objective we are seeking for walkability, etc. Mr. Midget concluded that he is not opposed to re examining this and moving forward. Mr. Midget stated that from his perspective, contrary to a lot of folks opinions, businesses in a neighborhood are a part of neighborhoods and it has to be recognized. Mr. Midget further stated that this is true for the entire City of Tulsa. The businesses are a part of the fabric of the neighborhood and the City can't plan in isolation of businesses, as well as single-family residences. All need to be together and move forward. Brookside is a great example of where business owners and residences came together and decided what they wanted for their area. In the beginning they were like oil and water, but recognized the need to come together. There are parking problems on Brookside, but that is true all over the City of Tulsa right now. Brookside has a sense of identity and that is where this proposal needs to go. It is important that businesses in an area, as well as single-family residences or structures are in concert with consistency. There is no way to satisfy everyone, but until we can get the overwhelming majority of people in a position to where they are in concert with what is being proposed.

Mr. Leighty stated that he is not suggesting that the Planning Commission not pay attention to the businesses, but his problem is that is all we are paying attention to right now. The neighborhoods have been drowned out and we don't hear their voice or know that they are there. This Planning

Commission has had dozens of letters in support of the Form-Based Code and yet one would think that there hasn't been even one letter of support. The only people that we are listening to are the business interest. Mr. Leighty read the Tulsa Chamber of Commerce letter from Mr. Chris Bengé. Mr. Leighty stated that he doubts many of the business people present today actually live in the Pearl District. Their businesses are a part of the neighborhood, but they do not live in the Pearl District. The Planning Commission is not asking anybody to change what they are doing, the only thing proposed is to change the way we build going forward and that is a progressive minded policy that looks that the present situation as being sustainable. This proposal tries to increase our densities in our inner-city neighborhood and take advantage of the existing infrastructure to create that sense of place one wants to go.

Mr. Walker suggested that the Planning Commission listened to the interested parties first and then have discussion.

Mr. Walker stated that there are over two hours of speakers signed up today. He requested that only new information be presented and try to avoid repeating other's comments.

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

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, stated that he lives in the Pearl District and runs a business in the Pearl District. Mr. Jamieson stated that the Form-Based Code is already applied to his property and nothing has exploded since that has happened. Mr. Jamieson commented that he agrees with Mr. Midget's comments regarding businesses in the Pearl District, but it sounded like he was insinuating that the Pearl District Association is NIMBY's and ignoring businesses. The fact is that most of the people now on the Board of the Pearl District Association and throughout its past has been businesses owners themselves. Some live in the neighborhood and some do not, but live nearby. Mr. Jamieson suggested that the Planning Commission not only look at the Chicago Code, but to look at the other 350 Form-Based Codes that are in operation around the United States. Mr. Jamieson suggested that by asking the staff to look at the all of the Form-Based Codes and devaluate them is a way to never introduce the Form-Based Code. The Planning Commission did not decide to accept the combined recommendation of INCOG and the planners several months ago that was a proposal that the Pearl District reluctantly supported because we liked the original proposal that was developed over many years with INCOG. Mr. Jamieson stated that the FBC is not about the Planning Commission's comfort level, but whether or not the proposal is consistent with the Comprehensive Plan.

Mr. Jamieson concluded by requesting the Planning Commission to make a decision quickly. Mr. Jamieson requested that an opt-in and opt-out option not be allowed.

**TMAPC COMMENTS:**

Mr. Midget stated that he would like to make a clarification. Mr. Midget further stated that he didn't reference what the Pearl District did or did not do, but did make reference to what he believes to be true as the speaker just said that the businesses are a fabric of the neighborhood. Mr. Midget commented that he is not recommending anything at this point, but for clarification, what has been presented today he would prefer options three and four.

**INTERESTED PARTIES COMMENTS:**

**Brooke Hamilton**, 325 South Quincy, 74120, Owner of Nameplates, Incorporated, stated that her business is located in the Pearl District. She explained that the Pearl District Business Association started as a small group 18 months ago. After several meetings the business owners now know what they would like to have in the neighborhoods and businesses. Ms. Hamilton stated that the business owners have done what the Planning Commission has asked them to do, which is to organize and educate themselves. The Association represents \$90,000,000.00 worth of investment in the Pearl District. The businesses provide over 900 jobs and this does not include Hillcrest or QuikTrip. Over 50% of the businesses are Chamber members. Ms. Hamilton pointed out some maps that indicate property owners that are "for" and "against" the Form-Based Code as presented previously and a map of the Association Members opposed and non-association members opposed and supporters via INCOG's letters (Exhibit A-1). Ms. Hamilton stated that the businesses want to get back to their jobs rather than spending their time and money fighting the Form-Based Code as presented. Ms. Hamilton requested that the Planning Commission choose option four today. Ms. Hamilton explained that the business owners support the FBC, but not as it is presently proposed. She indicated that she prefers a Chicago style of FBC. Ms. Hamilton requested that the current Form-Based Code properties be allowed to be zoned out of the FBC with a simple zoning application. Ms. Hamilton requested that the Business Association members be allowed to be an active part of the rewrite of the new FBC.

**TMAPC COMMENTS:**

Mr. Leighty asked Ms. Hamilton what she wants for the neighborhood. Ms. Hamilton stated that the businesses want to be involved with the writing of the FBC. Mr. Leighty asked Ms. Hamilton what her vision is for the neighborhood going forward. Ms. Hamilton stated that the businesses want to see a neighborhood that includes the businesses in the plan. Mr. Leighty asked Ms. Hamilton what she wanted to see aesthetically, public

improvements, lifestyle, amenities, etc. Ms. Hamilton stated that she would be happy to sit down and discuss this.

**INTERESTED PARTIES COMMENTS:**

**Katy Brown**, 550 South Peoria, 74120, Indian Healthcare Resource Center, demonstrated the Pearl District Business Associations website with their mission statement and members at [www.pearlbusinessassociation.com](http://www.pearlbusinessassociation.com). Ms. Brown stated that the businesses want to be a part of a good plan and not be carved out of a bad plan. Ms. Brown stated that one of the important things about this website and the business association is that it has brought the businesses, as a neighborhood, closer together and helped to become educated, and to know about each other's businesses as professionals.

**TMAPC COMMENTS:**

Mr. Leighty asked Ms. Brown what kind of housing options she would like to see in the neighborhood. Ms. Brown stated that she would be happy to sit down the issues with staff and the Planning Commission.

**INTERESTED PARTIES COMMENTS:**

**Vic Sherrell**, 537 South Peoria, 74120, Sherrell Paint and Body, stated that his business has been a family business since 1959 and the current building was built in 1975. Mr. Sherrell stated that he is a member of the Pearl Business Association. Mr. Sherrell explained that he and his wife are currently running the business that his parents started and hope to expand it in the future. He expressed concerns with the proposed FBC harming and limiting his business. Mr. Sherrell stated that his business depends on cars driving to his business and it is not a pedestrian type of business. Mr. Sherrell requested that option four be approved and he would like to be a part of the rewrite of the FBC.

**Claudia Hamilton**, 325 South Quincy, 74120, CEO of Nameplates, Incorporated, stated that she is representing Quincy Square, who owns all of the properties that Nameplates operates from. The subject companies have been there since the 1950's. There are currently 12 properties with buildings. Ms. Hamilton stated that she is a member of the Business Association and she is not against FBC, but she is opposed to the proposed FBC. Ms. Hamilton indicated that she supports option four. Ms. Hamilton concluded that all property owners in the subject area should be involved in the FBC rewrite and should have been involved in the very beginning.

**TMAPC COMMENTS:**

Mr. Leighty asked Ms. Hamilton what specifically she is against in the proposed FBC. Ms. Hamilton stated that one thing about the proposed Form-Based Code is that if she needed to expand any of her buildings, the

form she would have to use would not suit her business. Mr. Leighty asked Ms. Hamilton to be more specific. Ms. Hamilton stated that Mr. Leighty and the Planning Commission can come and look at her business and know exactly what she is talking about. There is heavy equipment and it does not fit the store front requirement and there is no need for bicycle racks. Her business needs to have a one-story building to allow for the equipment. Mr. Leighty asked if there is a Form-Based Code that she would be in support of. Ms. Hamilton stated that she would prefer that option four be approved today.

**Lori Long**, 815 South Utica Avenue, 74104, Executive Director of the Center for Individuals with Physical Challenges, stated that the facility has been in existence for 55 years and it is a community recreation center that provides certain services a wide array of individuals with physical challenges and physical disabilities. Ms. Long stated that the facility serves over 1,000 clients annually and staff of 15 and a volunteer base of over 100 individuals annually. The facility has 35,000 square feet and it costs over seven million dollars to produce in the subject area. The facility is operated on a 1.5 million dollar budget each year that is supported by the community. Ms. Long indicated that she is proud to be a member of the Business Association. She stated that the facility is located on the east side of Utica, but under the current proposed Form-Based Code the center would be required to comply with the Form-Based Code. The current facility design and any future facility design should not be mandated by such a restrictive Code, but rather by the unique needs of the clientele. A two story requirement would not satisfy the clientele that is served at the facility. Not allowing the facility to have a portico is ridiculous, especially when over 50% of the clientele rely on public transportation or family and friends to bring them to the facility. Ms. Long requested that property owners in the existing FBC area be allowed to apply for a simply zoning application to remove them from the current FBC area. Ms. Long stated that the time is now for full inclusiveness and she supports option four. Ms. Long commented that she does support FBC, but not the proposed FBC. She is in favor of a simpler approach and similar to the Chicago FBC. Ms. Long concluded that she would like to be involved in the rewrite of the FBC.

**TMAPC COMMENTS:**

Mr. Leighty stated that Ms. Long's statement that she would be forced to comply and that would only be if she developed more than 30%. Mr. Leighty further stated that the current facility wouldn't be forced to change anything at this point. Ms. Long stated that she understands that. Mr. Leighty stated that he knows a little about Ms. Long's organization and applaud them for the work that they do. Mr. Leighty stated that his mother has volunteered at the facility back in the 1960's and he has a lot of respect for the things the facility provides and the community it serves. He

can't think of anybody who would benefit more by having a pedestrian-friendly environment than this organization. Mr. Leighty stated that he can't think of why the facility wouldn't be in favor reducing the risk that are associated with high traffic areas that are not pedestrian friendly. Ms. Long stated that she is not against Form-Based Code. Mr. Leighty asked Ms. Long what she is against in the proposed Form-Based Code. Ms. Long stated that one of the examples that she stated was a building a for a two-story requirement. Mr. Leighty stated that the facility currently has two-story buildings. Mr. Long stated that the facility doesn't have any two-story buildings and obviously he is not as familiar as he states. Mr. Leighty stated that he is familiar with the organization and the people that are served at the facility. Ms. Long stated that sidewalks are very important and that is not the part that she is opposed to.

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

**Jason Wall**, 1701 East 7<sup>th</sup> Street, 74104, stated that he is another east side property. Mr. Wall further stated that no one will want to live above a body shop. Mr. Wall indicated that he doesn't plan to expand and he doesn't live there, but if you come by at crazy hours of the night he is probably painting cars there. Mr. Wall stated that he purchased his property in 2008 and his uncle started the business in the 1950's down the street on 6<sup>th</sup> Street between Lewis and Utica. Mr. Wall commented that he would like to stay in the subject area and would like the best possible outcome. The FBC has a time and a place, but he would really challenge the whole Planning Commission to find him an industrial area that is thriving and is really supported by a Form-Based Code. The Form-Based Code has to support residential, commercial and industrial in order to work. Mr. Wall stated that it should be sent back and looks at it again. It can't be at the expense of the property owners. There are a lot of talented people here and it can be made right.

**Nancy Keithline**, 602 South Utica Avenue, 74102, Pediatric Dental Group, stated that she has an adult clinic as well called the Pearl District. Ms. Keithline stated that she recently purchased the building to the west of her facility and is currently leased to a retailer. Ms. Keithline commented that her biggest complaint is parking. The corner of 6<sup>th</sup> and Peoria is currently experiencing parking issues and there are two businesses opened in that area. The cars are expanding into the neighborhoods and it is only going to be worse as it begins to grow. Ms. Keithline requested that option four be approved today.

**Steve McNabb**, 4956 South Peoria, 74105, Vice President with Oklahoma Central Credit Union, stated that he has a branch located at 515 South Peoria and three months ago he broke ground in efforts to meet needs for the drive-through. The Credit Union relies heavily on their members using automobiles to transact business. Mr. McNabb stated that he is support of

option four. Mr. McNabb further stated that the credit union serves the residents and our members who work there.

**Carmelita Skeeter**, 550 South Peoria, 74120, CEO of Indian Healthcare Resource Center, stated that the center has over 10,000 patients in and out of the facility per month. Ms. Skeeter stated that they fought the neighborhood and the City to purchase the property in 1999. The Neighborhood Association didn't want the facility there. Ms. Skeeter further stated that the next battle was over parking and when a facility serves patients in wheelchairs, walkers and comes on buses then there is a need for parking. The facility purchased the lot west of 6<sup>th</sup> and Peoria in order to expand the parking lot. There are 150 staff members at the facility and we provide a great service to the community. The overall patient load is 17,000 and that is a lot of individuals being served each month for healthcare. Ms. Skeeter indicated that the facility has purchased part of the lots next off of 5<sup>th</sup> Street and Peoria and would like to build a wellness center for exercise and activities. Ms. Skeeter stated that she doesn't want to have to build a two-story facility on the street, but she would like to build a one story facility to match the facility at 6<sup>th</sup> and Peoria. Ms. Skeeter further stated that she believes that the facility is the cornerstone of the community. Ms. Skeeter commented that after the facility was built in 1999 things started happening in the subject area. Ms. Skeeter stated that the facility has added to the community. Ms. Skeeter concluded that the reason she is against the FBC is because she doesn't want to build a two-story building and would prefer to have a building that looks exactly like the existing building.

**Max Tankersley**, 1312 East 26<sup>th</sup> Street, 74105, stated that he is a property owner and a member of the newly formed Business Association. Mr. Tankersley further stated that he has been in the real estate business for approximately 40 years and primarily in the commercial and appraisal business. Mr. Tankersley indicated that he has invested in a new building on 3<sup>rd</sup> Street that is an industrial oriented type building. Mr. Tankersley stated that he is also a member of the VFW and the American Legion and active in both organizations. The membership is over 1600 and oppose to the FBC. The association has expressed a willingness to work under option four of the guidelines. Mr. Tankersley stated that as a member he will support this, but personally he is opposed to Form-Based Code and doesn't think it is appropriate for this application. There are other areas in the City of Tulsa that would be easier to work with and would have fewer incubuses. Redevelopment is occurring in the subject area in spite of the Form-Based Code and is doing quite well and there is no reason to make any changes. Mr. Tankersley requested that the Planning Commission allow the existing members of the FBC to be allowed to rezone out of that system.



**TMAPC COMMENTS:**

Mr. Liotta stated that several members of the interested parties that have spoken today have expressed a wish to opt in or opt out, but then they say they are for option for, which doesn't allow for this option rather option five does. Mr. Liotta asked Mr. Tankersley if he was aware of option five. Mr. Tankersley stated that he can't speak for everyone, but they seem to have a strong belief that Form-Based Code is possible if it can be structured as useable and friendly to put in affect for the association. Mr. Tankersley stated that one can't just arbitrarily drop a bomb on top of them. Mr. Tankersley compared the FBC to an artist only being allowed to use one method for reaching a product. Mr. Tankersley stated that the Chicago From-Based Code seems to be easier to work with.

**INTERESTED PARTIES COMMENTS:**

**Austin Bond**, representing Veteran's of Foreign Wars (VFW) Post 577, stated that he doesn't live in the Pearl District, but when he came back from Afghanistan the first people to welcome him home was the members of the VFW. The VFW has been doing this for over 100 years and the membership is composed of veterans that have been in combat operations and it gives the members some unique challenges and unique advantages as well. The members commend the staff and Planning Commission for their hard work on the FBC, but members do not believe that it is ready at this time. The VFW would like a less prescriptive Code and would like to work with the staff and Planning Commission on this.

**TMAPC COMMENTS:**

Mr. Leighty stated that the current VFW, with a few exceptions, is pretty close to the type of building standards that we are looking for. Mr. Bond stated that it is but the subject area is a neighborhood and community. Mr. Bond further stated that he acknowledges that the Indian Health Clinic has done wonders for the neighborhood. He explained that the VFW is concerned about future expansions and the prescriptive barriers that would be a hindrance to the future development.

Mr. Leighty stated that the Indian Health Care facility does have a nice campus and in South Tulsa he would say this is a great and just what we are looking for. Mr. Leighty further stated that if he had to do it over again and if they could have built those buildings up to the street and created a nice street wall that would be more friendly toward pedestrians and with windows and doors on the street with the parking in the rear why wouldn't that be an improvement over what is there now. Mr. Bond stated that respectively a sheer friendly pedestrian policy as an over arching goal is going to be harmful to a lot of land owners who are disabled and it will make it tougher for them. Mr. Bond stated that on a personal note, he thinks some communities do a good job of making things "cookie cutter" and he doesn't see that as something in Tulsa. Mr. Bond commented that

development in the subject area is wanted and he believes the best way to encourage development is to take away some of the prescriptive barriers. What is currently going on in the subject area is great and would like to keep it going.

**INTERESTED PARTIES COMMENTS:**

**Doug Dodd**, 2 West 2<sup>nd</sup> Street, Suite 700, 74103, representing the American Legion Post 1, stated that the American Legion is in part of what used to be called the “pilot plan” for the Pearl District, which raises an interesting question of whether there has been a study to see how it is working. Mr. Dodd stated that the American Legion is located at 1120 East 8<sup>th</sup> Street and respectively requests that the American Legion be allowed to be out of the Form-Based Code. Mr. Dodd stated that the American Legion is a member of the Pearl District Business and Property Owners Association and appreciate the large number of interested parties who have put this group together to raise questions that weren’t adequately raised before. Mr. Dodd stated that his preference for the American Legion property is to be out of the Form-Based Code, but he does understand that there are members of the association that do favor the concept of a Form-Based Code, but not the proposed Form-Based Code.

**Mike Tidwell**, 1225 East 2<sup>nd</sup> Street, 74120, stated that he is a member of the City Board of Adjustment, but he is not here in their stead. Mr. Tidwell indicated that he has a company called Southern Sheet Metal and it is located at 2<sup>nd</sup> and Peoria. Their company owns about 65% of the block from 1<sup>st</sup> Street to 2<sup>nd</sup> Street on both sides of the alley. Mr. Tidwell stated that his company would like to “opt out” of the district. He explained that his company has semi-truck traffic in the alley everyday with approximately two to three trucks per day. Mr. Tidwell stated that there are about 15 pickup trucks per day plus the six or seven the employees drive everyday from job sites. Mr. Tidwell explained that he doesn’t see how his company can accommodate the Form-Based Code in its present form. He would like to have the ability to “opt out” of it. Mr. Tidwell stated that the four blocks surrounding his company do not have any residential neighbors.

Mr. Leighty stated that he still believes that there is a way to integrate the Form-Based Code in the industrial sites.

Mr. Tidwell mentioned that 6<sup>th</sup> and Peoria is a whole different world than the industrial area. He explained that Victor Welding and Supply is across the street from his company and they take almost a 1 ½ blocks with customers that are driving in to do business every day. He would hate to see the company leave the area and go out south or to another community.

**Cal Vogt**, 4167 South Wheeling, 74105, stated that he has been a long time property owner in the Pearl District. He purchased Southern Specialties on the southwest corner of 2<sup>nd</sup> and Peoria in 1968 and with partners purchased Skinner Brother's Company half a block east of Peoria on 5<sup>th</sup> Place a year or two later. Mr. Vogt cited his history of purchasing property for his companies. Mr. Vogt explained that he didn't understand the extent of the restrictions and limitations of the Form-Based Code until he attended the three workshops. Mr. Vogt stated that the Form-Based Code is too much micro-detailed and in complete opposition to many long time business and property owners in the subject area who have contributed and continued improvements, which would be hindered by restrictions imposed.

**Joe Westervelt**, 1630 South Boston Avenue, 74119, stated that this un-codified Code almost cost him a tenant of 17 years at 11<sup>th</sup> and Utica. Mr. Westervelt stated that if you look at the other exciting things that have happened in the subject area would have been prohibited by the FBC had it been in place. If the FBC is placed on the existing facilities it will become a non-conformity. Mr. Westervelt stated that he would like the Form-Based Code to go back and allow the Business Association to look at with a fresh start and more consistent with the Chicago Code that is not so prescriptive. Mr. Westervelt further stated that the Business Association feels that the proposed Form-Based Code is really bad law and we don't want a drop of it in our district. Mr. Westervelt suggested that it should go back and be fixed and made right for the diverse neighborhood and a Code that will work with a diverse neighborhood. Mr. Westervelt commented that the Business Association does have a good vision for the subject area and are very excited to get started.

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

Mr. Leighty asked Mr. Westervelt to tell him what his vision for the subject area is. Mr. Westervelt stated that he could tell him the vision and it might surprise him. Mr. Westervelt further stated that that association has already requested some documents from the City so that they can already be looking into such things as TIF Districts, etc. The Business Association should be a very exciting thing for the Planning Commission and for planners. It is a tough job to go into areas and make good things happen and this is a neighborhood that has invested people, ninety million dollars worth of investment. The association wants to be involved and will help to be involved and help come up with a way to fund some of the things seen in their vision. The businesses want good sidewalks and pedestrian activity, but they also do not want to lose the auto activity at the same time. The association wants better lighting and better Code enforcement. Mr. Westervelt stated that the past few months have not been much fun for anyone and everyone needs to get back to their work. Mr. Westervelt

requested that the Planning Commission to help them today and they will not be disappointed by what they see.

Mr. Leighty asked Mr. Westervelt if he would like to see more four-story parking garages on 11<sup>th</sup> Street. Mr. Westervelt stated that if it brings economic vitality, jobs and growth to the subject area he would.

**Jim Cameron**, 550 South Peoria, 74120, Vice President of the Board of Trustees for the Indian Health Care Resources, and the Chair of the Facility Committee, stated that he is a member of the Business Association. Mr. Cameron stated that the Form-Based Code as it is written today would be devastating to the wellness center that is planned. Mr. Cameron cited all the reasons the current Form-Based Code wouldn't work for the future wellness center. Mr. Cameron expressed concerns that his lenders would not look favorably on the buildings becoming non-conforming. Mr. Cameron cited the various projects in the Pearl District that wouldn't have been allowed under the current FBC. The formation of the Pearl Business Association is the best example of democracy that he has ever seen and people are coming together in a professional manner. Mr. Cameron stated that the individuals in the association, and it has been mentioned before, have been the absolute fabric of the Pearl District for decades and do not need the headwinds that would be created by the proposed FBC. Mr. Cameron indicated that he is in favor of option four and requested that property owners in the pilot area be allowed to zone out by filing a simple zoning application.

Mr. Leighty asked Mr. Cameron if he is anticipating a street closure for the wellness center. In response, Mr. Cameron stated that he would like a street closure in order unify the campus.

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, 74114, stated that the best things that have happened in the Pearl District, and more or less of the new things that have been built from the ground up in the last 11 or 13 years, all do not comply with the Form-Based Code. The Central Park Townhomes have vacated streets and you can't vacate streets in the Form-Based Code. The City's building at Central Park was built on vacated alleys and streets. Youth Services of Tulsa was built on vacated alleys and streets, mostly one story with setback issues, parking to the street. Central Park has parking to the street and not set back behind the building. Indian Health Care Resources is a blessing to the subject area and there is a certain attitude of the proponents that it belongs in South Tulsa, but there is not a part of this town that Indian Health Care doesn't belong in. Mr. Reynolds stated that he wished that the IHCR was in his neighborhood because it is a beautiful building that is well maintained. The QuikTrip is located at an intersection of two arterial streets and would fit anywhere in Tulsa. The Center for Individuals with Physical

Challenges' floor plate is so big that they can't add on to it under the FBC. These are all wonderful projects and they don't comply with the FBC. The best assets of Pearl couldn't be built today under this Code. Mr. Reynolds requested that option number four be approved today and allow businesses in the current FBC be allowed to zone out.

Mr. Leighty stated that examples that Mr. Reynolds used for development in the last ten years or so, based on what was there before and what is there after was an improvement. Mr. Leighty further stated that the momentum for these kinds of changes in zoning is not an isolated thing; there are over 300 communities that have come up with some type of Form-Based Code and has become a gradual thing. More and more people are looking at the benefits of it and if all of these buildings were under the Form-Based Code then there would be something that is strong and inviting to new development to come in to peacefully coexist with it. Mr. Reynolds stated that first if the existing buildings were put under the Form-Based Code than they would become non-conforming and a QuikTrip wouldn't be allowed. Mr. Reynolds stated that Mr. Leighty asks these things, but they have consequences and it is easy to wish but he is picking and quibbling at small things. The Planning Commission has asked these people what they want and they want the same thing Mr. Leighty wants, they want rising property values, a thriving commercial area and a thriving industrial area. If one reads the 6<sup>th</sup> Street Plan it says that there would be a way to not displace the established businesses. It says that the industrial sector is valued in about six different places. The Form-Based Code is not in conformity with the 6<sup>th</sup> Street Infill Plan and it is not where close. The 6<sup>th</sup> Street Plan wants removal of blight, restoration; adequate parking for commercial businesses and it is not in the FBC. Mr. Reynolds spoke of the number one route for MTTA, which runs from 46<sup>th</sup> Street North and Peoria to 81<sup>st</sup> and Lewis to go to the Wal-Mart Super Center. (Microphone Problems) Mr. Reynolds stated that Ms. Hamilton attended the first meeting regarding the Form-Based Code and she was informed that it didn't apply to her and she didn't need to stay for the meeting. Mr. Reynolds stated that an INCOG staff member informed Ms. Hamilton that it didn't apply to her and therefore she wasn't given a chance to weigh in on the FBC. Mr. Reynolds stated that the only thing the Business Association wants is to have a chance to weigh in on this. They represent some of the best assets of the Pearl. We want the IHCR to expand. Mr. Leighty stated that non-conforming is not a death certificate. Mr. Reynolds stated that non-conforming is terrible.

Mr. Covey asked Mr. Reynolds to explain his reasoning for his first recommendation to number four. Mr. Reynolds stated that to be frank, the number two is the same as number six. Mr. Reynolds further stated that he doesn't understand how number three is written. Mr. Reynolds explained that he is hesitant to expanding the boundaries of the Form-

Based Code and it doesn't comply with the Comprehensive Plan. The Code needs to come back and be looked at again. The Comprehensive Plan also needs some amendments. Mr. Covey asked Mr. Reynolds if he is recommending number four because he wants the FBC hammered out before even considering where it expands. Mr. Reynolds answered affirmatively.

Mr. Walker asked Mr. Reynolds how many times, as a body, has the new association met with INCOG and the City of Tulsa Planning. Mr. Reynolds stated that they haven't met. Mr. Walker asked Mr. Reynolds why. Mr. Reynolds stated that he doesn't know why. Mr. Reynolds stated that the association members have felt marginalized in all of this and it has been difficult. That is the reason the association began. Every one of these people should be back at their businesses making money and shouldn't have to be paying him to be up here talking for them. Mr. Walker asked if neither group has reached out to each other. Mr. Reynolds stated that some of the members of the IHCR called and we had a meeting with staff. The members of the association feel a little jaded because no one has picked up the phone and reached out to them to see their businesses and their issues. The businesses are not the applicants and shouldn't have to be the ones to invite them in.

**Tom Crowe**, 1317 East 6<sup>th</sup> Street, 74120, stated that he and his wife are business owners in the Pearl, The Emporium Shop. He further stated that they moved to the area because they saw a potential of what the area has to offer. Mr. Crowe indicated that he is in support of Form-Based Code. Mr. Crowe stated that the experts have written the Code to address the needs in the subject area and he is not for an industrial complex in the subject area. He wants a place where people can live, work, eat, play and shop. This is something that can put Tulsa on the map and make it something different.

**TMAPC COMMENTS:**

Mr. Walker stated that he feels that he has been trying to keep this on the agenda and he doesn't think it is adoptable. Mr. Walker stated that Ms. Miller didn't think it would be adoptable and until the new association gets in a room with INCOG and Planning, just like we do on other cases, this will keep being thrown on the agenda. Mr. Walker stated that the staff will have to get in a room with both sides and come to an agreement. The opposition has said that they would be willing to write a Code that they would like, but if no one can agree on it, maybe there won't be a FBC. Mr. Walker suggested that INCOG and City Planning Department meet with the association and the Pearl Design Team and then bring something to the Planning Commission.

Mr. Carnes stated that he would like to have it on the table that the American Legion has the right to opt out of the FBC zoning. Mr. Leighty informed Mr. Carnes that this is not a consideration today. Mr. Carnes stated that he wanted it on the table and he has the right to speak as Mr. Leighty has taken all afternoon.

Mr. Leighty stated that he is the "Lone Ranger" and he is disappointed. Tulsa has great things going for it, but he asks himself and everyone in this room needs to ask themselves why Tulsa is sitting here with stagnant population growth over the last 20 or 25 years. Our sister city down at the other end of the turnpike and cities throughout the Midwest and Southwest are growing and attracting businesses. Mr. Leighty stated that it is a simple answer to him, because the City is trying to do business in a way that has past us by. The City has a chance here, we have spent all of this time and over a million dollars paying a consultant to come in and update our Comprehensive Plan, two years of discussions, meetings and forums, then adopted a Plan that stated we want to develop in a new way and be more sustainable moving forward. The Plan stated that we wanted to see more walkable communities in parts of the City that it was suitable for. The existing Zoning Code that we have in the Pearl District today does not allow for that. Mr. Leighty stated that what he is upset about and concerned about is the fact that he believes that we are only listening to one side here. Mr. Leighty commented that if you get a room full of people they will sway you from doing what is right for the community and if that is so then we don't need to be here and could just mail our votes in. Mr. Leighty indicated that the Planning Commission has become a rubber stamp. Mr. Leighty stated that the City is not growing because it is not thinking outside of the box and looking at new ways of doing things. Mr. Leighty further stated that he asked a half dozen people today what their plan was and what their vision is and they didn't have a plan or vision. Mr. Leighty commented that the only vision they have is for their own little parcel and what they can do with it. The Pearl District Association had a grass roots vision and wanted a walkable community with public transit. Mr. Leighty suggested that option number two be approved, but if that is possible, then go with number three or number four. He commented it would be criminal to let this thing die. Mr. Leighty further commented that for Mr. Reynolds to stand here and act like he hasn't had the opportunity to speak and was marginalized is an insult and not true. The meetings were highly publicized from the very beginning and he knows because he was there. Now the business association waits until the very last minute to step up and voice their complaints. They have been offered everything, a one year moratorium and still take their existing plan and get started. Mr. Leighty stated that he wished his fellow Planning Commissioners would take a stand and take the advice from the professionals that were paid to advise us.

Mr. Midget stated that he doesn't believe that the Sister City down the pike has progressed more because they have the Form-Based Code. Mr. Midget further stated that he finds it insulting to state that we as a Commission is only listening to one side. The fact that we have taken this much time to hear the concerns of all gives us merit. Mr. Midget stated that he believes it gives the Planning Commission more credit because the process that has been put in place. Mr. Midget further stated that this is a hard decision and he doesn't think the Planning Commission is skirting it by doing our due diligence. The Planning Commission wants to hear what the concerns are. Mr. Midget commented the Form-Based Code was in the first area of the Pearl and would like it to be applied in other areas of the City and if this is the case, then the Planning Commission owes it to the other areas of the City to get it right. If this had been adopted the way it was presented initially, it would have been worse. Mr. Midget stated that he doesn't want to drop this proposal, but he did hear everyone say that option four would be their preference and it would seem that it is the common thread. Mr. Midget suggested that this move forward and come up with a plan that would work. Mr. Midget stated that the community is not going to die in twelve months. Mr. Midget stated that the Planning Commission should take their time and get it right.

Mr. Covey stated that at two work sessions ago the Planning Commission drew the new lines for the expanded areas. He further stated that he stated in the work session that he would be in favor of the largest expansion, but with amendments to the Form-Based Code. As these issues have come up which ones does INCOG find relevant and which ones could work with a Form-Based Code. Mr. Covey indicated his preference for option number four to reexamining the Form-Based Code prior to adopting an expansion area. Mr. Covey stated that the residents and the business owners all need to come up with a Form-Based Code that all of them can live with.

Mr. Shivel stated that he stands by his comment "ready, shoot, aim". Mr. Shivel stated that he is appreciative of the energy, intelligence and the time that has gone into a process on both sides. It is important in a representative democracy to have the ability discuss these issues. It doesn't matter if it is in the first hour or the eleventh hour. Mr. Shivel stated that he is in support of option four after hearing today's speakers.

Mr. Dix stated that before retiring he had a chance to review a lot of market areas. Mr. Dix cited the various markets he reviewed for locations for his former job. Mr. Dix stated that Form-Based Code and the restrictions it places on businesses is something that would eliminate the location because it meant that someone else was designing how his form employer did business. Mr. Dix further stated that this scenario very seldom came up. Mr. Dix commented what did come up without exception



was what are the beer laws and what is the zoning laws can they be worked with. Mr. Dix explained that the ability to build your business model is very important and it is important to attract other businesses. Mr. Dix commented that he didn't mind tough zoning because that made the game fair for everybody. Mr. Dix disclosed that his former employer was QuikTrip and he explained that Zoning Codes have to have the ability for people to do business and if it doesn't allow that it is worthless. Mr. Dix stated that if the original area of Pearl District is rezoned FBC he is all for it, but there are some steps needed before encumbering all these property owners with requirements that prevent them from operating their businesses or building their homes in the manner that they want to or works for them. To encumber them and force them to go elsewhere to do their business according to the way they have done it all these years would not be doing our job and would not be allowing a good business environment or home environment. If the property owners want the FBC, then absolutely let them have it. Mr. Dix stated that Mr. Jamieson and his group wanted FBC and went out and purchased the properties and had the FBC written the way they wanted it and more power to them. Mr. Dix further stated that if Mr. Jamieson and his group can conduct business with the current FBC then more power to them, but to take that business model mindset or the mindset that they have and implore it on the other property owners in the subject area has no place in a democratic society. Mr. Dix stated that he wants to give staff clear definitive direction on what it is the Planning Commission wants them to do.

Mr. Leighty stated that he was not trying to say that Tulsa is going to die in twelve months, but be aware that we are in a war. Mr. Leighty asked the audience how many have children that do not want to live in this town. Tulsa is competing against cities all over the United States and we are not getting with the program. Oklahoma City has adopted a Form-Based Code. Ms. Miller indicated that Oklahoma City doesn't have a Form-Based Code. Mr. Leighty stated that they are considering it. Ms. Miller indicated that Oklahoma City is not considering a Form-Based Code. Mr. Leighty stated that Oklahoma City has obviously been much more progressive than the City of Tulsa has been. Tulsa will have to start changing the way they do business in order to move forward.

Mr. Carnes stated that he would like to make a motion to accept option number four. Mr. Midget seconded.

In response to Mr. Walker, Ms. VanValkenburgh stated that the Planning Commission needs to be the ones to direct the staff. Ms. VanValkenburgh further stated that the two groups getting together after today's meeting to discuss the content is a good idea.

After a lengthy discussion the Planning Commission voted to choose option number four of the staff recommendation. Ms. Miller stated that staff and the City Planning Department will create a timeline to move this forward.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-1-0** (Carnes, Covey, Dix, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nay"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the option four to re-examine Form-Based Code (Title 42-B) prior to adopting proposed expansion area and rezoning to Form-Based Code.

Mr. Walker stated that the Planning Commission is directing staff to re-examine the Form-Based Code and to meet with the associations.

Mr. Perkins stated that the Planning Commission knows who the business association is, but he doesn't know who the Design Team is or the Jamie Jamieson side is. Mr. Perkins stated that the leadership has recently changed and they no longer have a website. Ms. Miller stated that staff can get that information. Ms. Miller stated that staff works closely with Rachel Navarro and we can get with Jamie Jamieson.

\* \* \* \* \*

Mr. Carnes out at 3:53 p.m.

**18. TMAPC consideration of 6<sup>th</sup> Street Infill Plan Amendment Request**

**STAFF RECOMMENDATION:**

**Item:** Consider initiation of 6<sup>th</sup> Street Infill Plan Amendment Request.

- A. Background:** At the February 20, 2012 TMAPC Work Session, TMAPC staff presented the 6<sup>th</sup> Street Infill Plan Amendment Request. According to *"Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission,"* such requests must be presented to the TMAPC who will determine whether to initiate the proposed amendment. The TMAPC asked that the options be presented at their next regular meeting in order for that consideration.

This report serves as an overview of the amendment request and preliminary staff responses to the 8 requested items in the application, providing the TMAPC assistance in their review and consideration of this request. This report also contains some

options that the TMAPC may consider in the decision making process.

## **B. Overview of the Amendment Request:**

- **Request 1** – *Amend the Map to provide that all of South Utica Avenue, all of East 11<sup>th</sup> Street South, South Peoria Avenue north of 6<sup>th</sup> Street, and I-244 frontage, be planned within the Highway Commercial Subarea (Auto-Oriented Commercial) and removed from the Neighborhood Commercial Corridors Subarea (Mixed Use Infill).*

**Staff Response:** There are some inconsistencies in the maps that may warrant amending, namely the sub area maps do not always correspond with the land use map. However, the proposed change from *Mixed Use Infill* to *Auto-Oriented Commercial* on portions of north Peoria and 11<sup>th</sup> Street is a substantial deviation from the vision of the plan, which promotes pedestrian orientation and compact redevelopment in these areas. Since this represents such a significant change, a plan update would be necessary to adequately evaluate this amendment.

- **Request 2** – *Amend the Plan and the Map so that all industrial zoned properties (IL and IM) be planned within the Industrial Subarea (Manufacturing Warehousing).*

**Staff Response:** The development of comprehensive plans takes into account existing zoning designations. However, the Plan may reflect a different vision for the future than what is represented by the present zoning designation or land use. Modifying the plan to reflect the existing uses does not accomplish the goal of establishing a new vision for the area.

Additional study on this topic may be warranted to determine if the *Manufacturing Warehousing* area within the Plan and on the map should be different today than it was 8 years ago when the Plan was adopted.

- **Request 3** – *Amend the Map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11<sup>th</sup> Street South from the plan area.*

**Staff Response:** The text of the Plan is inconsistent with the boundary, so this change would be warranted. Properties east of the center line of South Utica Avenue and south of the center line of East 11<sup>th</sup> Street South were not a primary focus during the drafting of the Plan.

- **Request 4** – *Amend the Plan to provide that no reduction in required parking as currently specified in the Tulsa Zoning Code is allowed until such time as public parking facilities and enhanced public transportation are available in the planned area. Until such time as parking facilities or enhanced public transportation are provided, any relief from parking requirements should be obtained through processing a Variance request through the Board of Adjustment.*

**Staff Response:** Enhanced public transportation in the form of Bus Rapid Transit system on Peoria is planned and is seeking funding through the City of Tulsa’s 2015-2019 Capital Improvement Plan. Parking in this area has been one of the primary topics of discussion in the recent form-based code workshops; therefore, there may be recommendations regarding parking changes in the form-based code that come out of this process.

- **Request 5** – *Work force housing is a vital component of the plan area and should be encouraged rather than eliminated.*

**Staff Response:** The Plan does not call for eliminating workforce housing, rather eliminating blight in the area. The 6<sup>th</sup> Street Infill Plan, page 63, “16.5.1.1 Goals for Neighborhood Commercial Corridors Subarea,” Goal 16.5.1.1.3 states “Removal of blight through restoration or replacement.”

In addition, on page 61, under “16.4.1.1 Goals for Restoration Subarea,” there are multiple goals to encourage the preservation of existing housing, a diversity of housing stock and “fixer upper” opportunities for those who want to purchase reasonably priced housing in this area. Also, page 80, 16.11.8 recommends that discussions begin on employer assisted housing opportunities in the area.

- **Request 6** – *Amend the Plan to allow street closures to continue to be allowed in order to permit larger scale developments and expansions, as well as controlled access.*

**Staff Response:** The Plan does not prohibit street closures or controlled access. Instead, it speaks to the negative effects of past street closures, including increased traffic on open streets. The Form-Based Code (Title 42B) does prohibit closures. That regulation is already in place and amending the Plan will not affect the adopted zoning code. This change would require a code amendment, presented to the TMAPC with a recommendation being forwarded to the legislative body for final action.

**Request 7** – *A form based code may not be appropriate in all of the plan area. Especially, a form based code that wastes land, limits and restricts parking, limits the size of building floor plates, on the one hand restricts building height along arterial streets and on the other require such buildings to be at least two (2) stories in height, permits buildings without any or even adequate parking, fails to recognize existing land uses, requires street walls and fails to recognize the importance of the automobile in the success and vitality of the Planned Area. Recommendation: Consider adopting an abbreviated and streamlined version of a form based code with concepts similar to those recently adopted City of Chicago for use along certain arterial streets. Such concepts would allow buildings to be build back from the street with pedestrian-oriented features such as street walls and landscaping.*

**Staff Response:** This is a request to re-examine some of the details in the existing form-based code, not a change to *The 6<sup>th</sup> Street Infill Plan*. Per TMAPC direction, INCOG/TMAPC staff and City of Tulsa Planning staff have held three recent public meetings to gain a better understanding of issues to present back to the Planning Commission. This process could result in changes to the existing form-based code.

- **Request 8** – *For such other amendments as are necessary to recognize and encourage work-force housing, places of worship, existing businesses, as well as contemporary businesses and the recent development activities that add to the diversity, prosperity and well-being of the plan area by providing housing, places of worship, parks, employment, commercial activity and services in the plan area in general.*

**Staff Response:** This is a very broad request and would require a plan update to fully re-evaluate all of these factors in the Plan.

- C. Conclusion:** *The 6<sup>th</sup> Street Infill Plan* was adopted by the TMAPC in November, 2005 and, therefore, has been in place for almost 8 years. Given that length of time and the magnitude of some of the changes in this request, a small area plan update would be necessary if the TMAPC chose to initiate this proposal in its entirety. A small area plan update process would need to follow the process set forth in the 2010 Tulsa Comprehensive Plan, which would include significant public involvement.

It should be noted that since the adoption of *The 6<sup>th</sup> Street Infill Plan*, there has been new activity in the area, namely: 1) Many new property owners have chosen to invest in the Pearl District based on

the vision stated in the Plan; and 2) City of Tulsa is currently pursuing capital investment strategies in the Pearl District to implement the Plan.

There are some portions of this request that could be accomplished on a shorter term basis if the TMAPC wishes to give that direction. The next section provides several options for TMAPC consideration.

**D. Potential Options**

1. Initiate *The 6<sup>th</sup> Street Infill Plan* amendment request as presented, recognizing that a full small area planning process as defined in the 2010 Tulsa Comprehensive Plan would be the appropriate method.
  
2. Initiate any or all of the following requests from the petitioner's application: a) Request 1 - by cleaning up amendments to maps; b) Request 3 - by amending the map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11th Street South from the plan area; and c) Request 7 - consider adopting an abbreviated and streamlined version of a form-based code.
  
3. Not initiate *The 6<sup>th</sup> Street Infill Plan* amendment request as presented.

**TMAPC COMMENTS:**

Mr. Covey asked Ms. Miller what would happen if this request is completely turned down. Ms. Miller stated that it wouldn't move forward if the Planning Commission chooses to not initiate it. Mr. Covey asked if the applicant could take this to the City Council. Ms. Miller stated that it would just die and that the applicant couldn't take it to the City Council.

**INTERESTED PARTIES COMMENTS:**

**Jamie Jamieson**, 754 South Norfolk Avenue, 74120, stated that he is in favor of plan reviews and involve everyone. People should not be allowed at the end of the process to deny that anyone ever told them that this plan review would take place. There should be a timeline on it and a very specific process.

Mr. Covey asked Mr. Jamieson if he had no problems with relooking at the 6<sup>th</sup> Street Infill Plan. Mr. Jamieson stated that he doesn't believe the Planning Commission should revisit it in the sense of undoing it. Mr. Jamieson further stated that every plan should be looked at so that it can be nudged along and updated. It is not desirable or appropriate to do this to unravel a plan.

Mr. Covey asked Mr. Jamieson if he has seen the proposed map of what the applicant is proposing. Mr. Jamieson stated that he tries to ignore pretty much everything that has emerged from certain attorneys lately that took the option to insult the members of the Pearl District Association very personally. Mr. Jamieson further stated that he has no interest in what they have to say. Mr. Covey clarified that the reason for his question is that what one considers an update the other could consider unravel. Mr. Covey stated that he was surprised that Mr. Jamieson wasn't opposed to relooking at the 6<sup>th</sup> Street Infill Plan. Mr. Jamieson stated that he is always in favor of moving things along, but if this means to write it off and going back to square one, then he is not in favor of that. Mr. Jamieson commented that he believes that the 6<sup>th</sup> Street Infill Plan is an excellent document, but things can always be improved.

Mr. Dix asked Mr. Jamieson what provisions or submittal makes him think that they want to unravel them. Mr. Jamieson stated that he hasn't read their proposal. Mr. Jamieson further stated that he is talking about the general principal of updating plans. Mr. Jamieson concluded that he doesn't have a point of view on their proposal.

**Claudia Hamilton**, 325 South Quincy, 74120, read what grass roots plans are how they need the neighborhood and businesses support. Ms. Hamilton explained that the support is for their own interest as well as their neighbors.

**Joe Westervelt**, 1630 South Boston Avenue, 74119, stated that the piece that Ms. Hamilton just read was directly from the 6<sup>th</sup> Street Infill Plan. There are eight suggested modifications or amendments that he would like the Planning Commission to make and make it a better plan for the entire area. Mr. Westervelt read from Section 2.5 of the new Comprehensive Plan in the Land Use Area. "The land use plan is adopted by the City Council by recommendation by the Planning Commission. It is amended by the City Council upon recommendation by the Planning Commission. Amendments can be initiated by land owners, the Planning Commission or the City Council." Mr. Westervelt stated that he has looked at the Comprehensive Plan and clearly knows that there is a procedure for amending this plan. Mr. Westervelt commented that he is here today with amendments that have taken 18 months to discuss. Mr. Westervelt cited the requests for the amendments. Mr. Westervelt indicated that there are eight requests. Mr. Westervelt compared the existing plan maps and the requested changes to the maps (Exhibit A-1). Mr. Westervelt cited the vehicle oriented areas in the Pearl District. Mr. Westervelt stated that \$300,000 dollars have been funded to bring additional auto traffic to Route 66 and it seems odd to not have auto centric zoning along the frontage of that street. Mr. Westervelt cited the various destinations that rely on Route 66 (11<sup>th</sup> Street). Mr. Westervelt

concluded that he would like to amend the plan to remove the nonconformity for the business association members. Mr. Westervelt expressed surprise at staff's comment that says the requests are a substantial deviation from the Plan. It is an amendment to the Plan and it is not substantial when one looks at 62 pages of documents, but it does begin to give a functional plan that one can live with and work with. Mr. Westervelt stated that he believes that existing conditions matter and ask that the Planning Commission recognize those by accepting the submitted maps when voting on the first request to amend the plan.

Mr. Leighty asked Mr. Westervelt what he thinks the draw is for people to want to drive down Route 66. Mr. Westervelt stated that currently it links downtown with the University of Tulsa, and it is something that we have started spending money on to bring some sort of theme back to Route 66 where there is a lot of history and legacy. There are wonderful signs along the corridor, which they would like to make happen again. The money spent didn't affect the businesses in a bad way like the plan would. It did some public improvements that would bring more business and activity and if this is done in the public realm and let the businesses work in the private realm that is a good plan and a good leverage for City money. Mr. Leighty asked what the draw is for people to drive Route 66, is it to do so and see a QuikTrip or a four-story parking garage or do they want to see developments like the fast-food restaurants. Mr. Leighty stated that he doesn't think that is what really gets people to drive their sports car and drive from Chicago to L.A. Mr. Westervelt stated that he doesn't know how to answer that. Mr. Leighty stated that he believes that people are looking for walkable, urban, funky neighborhoods with businesses that are built up to the roadway and have a sense of place as opposed to urban sprawl. Mr. Westervelt stated that these are the amendments to the Comprehensive Plan that he is bringing and please don't put words in my mouth. Mr. Westervelt further stated that he doesn't agree with Mr. Leighty and he would like to proceed so he can finish these items and let the Planning Commission make a decision.

Mr. Dix stated that he can answer Mr. Leighty's questions about driving down Route 66. Mr. Dix further stated that one drives Route 66 and it is not because they are driving to a place, but because it is Route 66. Mr. Dix commented that Mr. Leighty is talking about a one mile section of 2,000 mile road. It doesn't matter whether it is walkable or not, it is Route 66 and it is the street/highway that is the draw.

Mr. Leighty stated that people are drawn to it because it is the "Mother Road" with attractions along the way. Mr. Leighty further stated that they want to drive it because it isn't like South Tulsa.



Mr. Westervelt explained that originally the Business Association had four speakers to break down the eight proposed amendments, but lost one of their speakers due to scheduling. He requested additional time to cover three requests rather than two. Mr. Westervelt stated that if the discussion is limited he can get through this quickly and have plenty of discussion and review at the end. Mr. Walker gave Mr. Westervelt additional time.

Mr. Westervelt stated that the amendments are needed to protect the property owners and as a guide to policy as we move forward.

Mr. Westervelt addressed street closures and how important that it is allowed. He pointed out that without this option Central Park Townhomes, Indian Health Care Resources, QuikTrip and many other developments in the subject area wouldn't have been possible without street closures. Street closures provide more alternatives for development and redevelopment. It increases the ad valorem taxes and sales base for citizens, stakeholders and people in the City of Tulsa. Lack of ability to close a street will result in odd shaped lots and a diminished economic value. When the detention ponds are constructed, as anticipated by the Plan, they will cause a lot of irregular boundaries and unusable lots. This will also happen to the industrial users on the railroad tracks if they are not able to close some streets and consolidate some properties to attract other manufacturing businesses. Mr. Westervelt stated that staff comments state that the Plan doesn't prohibit street closures, but he had a QuikTrip store that he watched almost disappear as they held the Comprehensive Plan up and stated that the store was in violation of the Comprehensive Plan. The reason was because they were closing a street. Mr. Westervelt concluded by requesting that Planning Commission to help get the Plan where it should be.

**Jim Cameron**, 550 South Peoria, 74120, stated that he will be covering request number three and four. (See Exhibit A-1 regarding the maps requested to be amended.) Mr. Cameron indicated that he is in agreement with staff's response for request number three. Mr. Cameron addressed request number four regarding parking. He explained that there is currently there is one business opened and all of the parking is gone. Mr. Cameron stated that people tend to use the parking at the Indian Health Care Resources that was intended to be provided for patients. Mr. Cameron stated that the bus rapid transit system has not been funded and it is a nationwide competition between the cities and it will be fierce. The cost to put this type of system in place is 300,000.00 dollars more than the MTTA's annual budget. Mr. Cameron commented that ridership alone will not take care of the parking issues.

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, 74114, addressed requests five through eight, stated that work force housing is missing from the original

plan. This would support the industrial area and they go together. It would also go together with the other businesses and services that are offered in the subject area. The Plan and the Form-Based Code has a too heavy of reliance on townhouses and upper elevation row houses. Mr. Reynolds commented that he doesn't know of any working class folks that live in places like that.

Mr. Reynolds stated that the Comprehensive Plan states that there are portions of the neighborhood where design guidelines are critical and there are also areas where design guidelines are needed. Mr. Reynolds further stated that he doesn't think it is much of a stretch to look at the commercial maps, commercial areas and industrial areas as Mr. Westervelt has presented. Mr. Reynolds agreed that request number eight is a catchall and rather broad. Mr. Reynolds stated that the Plans vision was to create housing of various sizes, styles and levels of affordability. It also talks about preserving the established businesses and industries in the subject area. Mr. Reynolds cited statements from the Plan and stated that he believes that the industrial sector is undervalued in the goals and objectives of the Plan and way undervalued in the Form-Based Code. Mr. Reynolds stated that goals and objectives of the Plan lost sight of the vision of the Plan and the businesses were blindsided by the Form-Based Code. Mr. Reynolds requested that the amendments be approved as submitted.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Reynolds to clarify what he considers to be work force housing. Mr. Reynolds stated that he knows that townhouses and row houses can be work force housing, but it is rarely built as new. There is work force housing in Kendall Whittier and he believes that is the type of housing that is appropriate for the subject area. Mr. Reynolds further stated that there are approximately 2,000 people employed in the businesses in the Pearl District and 900 are employed by the members of the Business Association. They would like to have better and newer housing for their employees. There aren't a lot of nice housing options in the subject area for the employees of the businesses. Mr. Midget thanked Mr. Reynolds for this clarification because one doesn't want to saturate one area with minimum wage earners. It is not healthy for the neighborhood and it is better to have mixed-income development housing, which sustains a neighborhood. Mr. Reynolds agreed that one shouldn't over burden a neighborhood, even when it trying to do a good thing.

Mr. Covey asked staff if the Planning Commission request that this be reviewed it doesn't necessarily mean that all of these changes would be made correct. Ms. Miller answered affirmatively. Ms. Miller clarified what "initiate" means in the Comprehensive Plan that the applicant submitted. That portion that the applicant read is for Land Use Plan and for the

property that the applicant owns. Any property owner can initiate by submitting an application to INCOG an amendment to their property to change the land use designation. The request submitted is a policy and land use plan document that is greater than the property owned by the applicants. Ms. Miller stated that “initiate” simply means direction to start working toward analyzing the request. Ms. Miller further stated that to say yes approve these amendments as submitted wouldn’t work because there would be a lot of work involved. This would be considered a plan update and it is a very substantial change from the existing plan. The City of Tulsa are the small area planners and there is a priority list of plans that they have in queue and need to be done in a certain order and this would have to be put in that order and determine the priority.

Mr. Covey asked Ms. Miller if she believes that the plan needs to be updated and if so and if the Planning Commission chooses to do this, how long would it take. Ms. Miller turned the question over to Ms. Warlick. Ms. Warlick stated that the determination of whether or not a plan needs to be updated is based upon change and conditions and whether or not there have been substantial implementation steps taken to evaluate if the Plan is doing what it was intended to do. Ms. Warlick stated that in this case there have been some changes in the district, but she is not sure that they are all addressed within these specific eight items. Staff did find some inconsistencies and there are some things that would not take as significant effort to go back and reevaluate the full content of the plan and bring them into conformance with the text and mapping. If the Planning Commission directed a fully updated 6<sup>th</sup> Street Infill Plan, it would be going back and redoing the entire plan, which requires resources. Ms. Warlick stated that currently her staff is engaged in four small area plans and they are over extended. Ms. Warlick explained that currently she couldn’t tell the Planning Commission what a timeline would look like to produce a plan from start to completion, but she would hope it would only take about six months if it were the only small area plan a team was working on at that particular time. Mr. Covey stated that the City is booked until the end of this year and have other requests coming so it could possibly be two years. Ms. Warlick stated that two years would be reasonable for a full plan update. Ms. Warlick stated that she believes the Plan needs to move forward as it exists. It is a policy document, which is a guide; the Planning Commission is where decisions can be made with regard to specifics.

Mr. Walker out at 5:00 p.m.

After a lengthy discussion the Planning Commission moved to direct staff to implement option two.

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Walker "absent") to **APPROVE** staff to initiate any or all of the following requests from the petitioner's application: a) Request 1 – by cleaning up amendments to maps; b) Request 3 – by amending the map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11<sup>th</sup> Street South from the plan area; and c) Request 7 – consider adopting an abbreviated and streamlined version of a form-based code.

After lengthy discussion Mr. Dix moved to reconsider his motion. Mr. Midget seconded.

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-1-0** (Covey, Dix, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; Leighty "nays"; none "abstaining"; Carnes, Edwards, Walker "absent") to **RECONSIDER** motion.

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-1-0** (Covey, Dix, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; Leighty "nays"; none "abstaining"; Carnes, Edwards, Walker "absent") to **WITHDRAW** motion.

**TMAPC COMMENTS:**

Mr. Leighty stated that the Planning Commission should allow the 6<sup>th</sup> Street Infill Plan has the opportunity to work. Mr. Leighty further stated that the Planning Commission shouldn't try to rewrite the plan.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-1-0** (Covey, Dix, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; Leighty "nays"; none "abstaining"; Carnes, Edwards, Walker "absent") to **APPROVE** option two - staff to initiate any or all of the following requests from the petitioner's application: a) Request 1 – by cleaning up amendments to maps; b) Request 3 – by amending the map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11<sup>th</sup> Street South from the plan area; and c) Request 7 – consider adopting an abbreviated and streamlined version of a form-based code, with the following amendment to add requests 2 and 6.

\* \* \* \* \*

**19. Commissioners' Comments**

None.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Walker "absent") to **ADJOURN** TMAPC meeting No. 2645.

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There being no further business, the Chair declared the meeting adjourned at 5:17 p.m.

Date Approved:

4-3-13

John A. Wick  
Chairman

ATTEST:

[Signature]  
Secretary