

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2658

Wednesday, September 18, 2013, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 12, 2013 at 9:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

## REPORTS:

### Director's Report:

Ms. Miller reported that the Utica Midtown Corridor Plan and a proposed Mixed-Use Institutional Zoning District could possibly be before the TMAPC on the 2<sup>nd</sup> meeting in October.

\* \* \* \* \*

1. **Minutes:**

**Approval of the minutes of September 4, 2013 Meeting No. 2657**

On **MOTION** of **PERKINS**, the TMAPC voted 8-0-2 (Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Walker "aye"; no "nays"; Carnes, Stirling "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of September 4, 2013, Meeting No. 2657.

\* \* \* \* \*

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

**CONSENT AGENDA**

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

2. **LS-20634** (Lot-Split) (CD-1) – Location: East of the Northeast corner of West Cameron Street and North 29<sup>th</sup> West Avenue (Related to LC-515)
3. **LC-515** (Lot-Combination) (CD-1) - Location: East of the Northeast corner of West Cameron Street and North 29<sup>th</sup> West Avenue (Related to LS-20634)
4. **LS-20635** (Lot-Split) (CD-1) – Location: East of the Northeast corner of West Cameron Street and North 29<sup>th</sup> West Avenue (Related to LC-516)
5. **LC-516** (Lot-Combination) (CD-1) - Location: East of the Northeast corner of West Cameron Street and North 29<sup>th</sup> West Avenue (Related to LS-20635)
6. **LC-523** (Lot-Combination) (CD-1) – Location: Northwest corner of East 36<sup>th</sup> Street North and North Lansing Place
7. **LC-524** (Lot-Combination) (CD-2) – Location: Northwest corner of West 48<sup>th</sup> Street South and South 32<sup>rd</sup> West Avenue
8. **LS-20640** (Lot-Split) (CD-2) – Location: Southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue
9. **LS-20642** (Lot-Split) (County) – Location: East of the Southeast corner of West 41<sup>st</sup> Street South and South 73<sup>rd</sup> West Avenue

10. **LS-20643** (Lot-Split) (County) – Location: West of the Northwest corner of West 21<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue
11. **LS-20644** (Lot-Split) (CD-3) – Location: Southeast corner of East Pine Street and North 143<sup>rd</sup> East Avenue
12. **LS-20645** (Lot-Split) (CD-4) – Location: Northeast corner of East 11<sup>th</sup> Street South and South Elgin Avenue

**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, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 2 through 12 per staff recommendation.

\* \* \* \* \*

#### **COMPREHENSIVE PLAN PUBLIC HEARINGS:**

13. **Consider adoption of Housekeeping Amendments to the Tulsa Comprehensive Plan, Resolution**

#### **STAFF RECOMMENDATION:**

**A. CPA 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 & 18:** Consider adoption of housekeeping Comprehensive Plan map amendments.

**B. Background:** The Tulsa Comprehensive Plan was adopted in July, 2010. Since that time, there have been no amendments made to either the Land Use Map or the Areas of Stability and Growth Map of the Comprehensive Plan (other than the Land Use Plan Map area of Eugene Field which was adopted as part of the Small Area Plan). As the Plan is used on a daily basis to guide development decisions in Tulsa (both public and private), a consequence of implementation is finding certain areas and/or parcels of land do not have the most appropriate map designations. Some of these are discovered through review of development applications, some by the need to proactively designate lands for future activity, and some areas or parcels simply did not receive the most appropriate map designation when the Plan was adopted.

The Comprehensive Plan states that the Land Use Plan and Areas of Stability and Growth Map “should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually.” (p. LU-75)

The Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission were amended in January, 2013 to include a specific process as to how to proceed with housekeeping amendments. The document states: “TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a comprehensive plan amendment to TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Growth and Stability Maps.”

TMAPC presented the proposed housekeeping amendments to the TMAPC at their Work Sessions on July 24 and August 21, 2013.

**C. Amendments Summary:** There are seven areas and/or parcels that have been identified as proposed map amendments to the Comprehensive Plan. The attachments to this report contain information on each of these, including general information, justification for the change, and supporting maps (Land Use, Areas of Stability and Growth, and aerial/zoning) for each site.

In addition to these site specific map amendments, staff is proposing to insert 17”x 22” size versions of the Land Use Plan map and Areas of Stability and Growth map at the end of the Land Use Section of the Plan, as well as adding a 17”x 22” size map of the adopted Small Area Plans. These maps are at a size more legible than those existing in the Comprehensive Plan and will be updated as amendments are adopted.

To assist in tracking amendments to the Comprehensive Plan as they are adopted, staff has prepared an Amendment Inventory to insert into the Appendix of the Comprehensive Plan.

**D. Staff Recommendation:** Adopt the proposed housekeeping amendments to the Tulsa Comprehensive Plan.

**ATTACHMENT 1**  
**Comprehensive Plan Amendment (CPA-6)**  
Change of Land Use Designation

**Location:** South of the SE corner of 41<sup>st</sup> Street South & Harvard Avenue (Harvard Square South)  
**Size:** 3.2 Acres      **Zoning** RS-1/PUD      **Existing Use:** Dry Cleaners  
**District:**

<u>Land Use Designation</u>		<u>Stability &amp; Growth Designation</u>
<u>Existing</u>	<i>Existing Neighborhood</i>	<i>Area of Growth</i>
<u>Proposed</u>	<i>Neighborhood Center</i>	<i>Area of Growth</i>

**Development Approval History:**

- **2008:** PUD-761: Established Harvard Square South shopping center, permitting only commercial uses.
- **2010:** PUD-761-A: Permitted dry cleaner use and amended some development standards.
- **2012:** PUD-761-B: Established development areas, amended standards for Area C, and reallocation of floor area.

**Justification:** At the time of adoption of the Comprehensive Plan in 2010, the Land Use designation was incorrectly identified as *Existing Neighborhood*, although correctly identified as an *Area of Growth*. PUD-761 was approved in 2008 for a variety of commercial uses. In the recent major amendment PUD-761-B, the permitted uses changed to allow Use Units 10 (Off-street Parking), 11 (Office, Studios, & Support Services), 12 (Eating Establishments, Other than Drive-ins), 13 (Convenience Goods and Services), and 14 (Shopping Goods and Services), all of which are intended to serve the nearby neighborhoods. The remaining land included within this Planned Unit Development (PUD) was designated as a *Neighborhood Center* at the time of adoption of the Comprehensive Plan in 2010.

**Staff Recommendation:** Staff recommends changing the Land Use designation for the subject property to *Neighborhood Center*.

## ATTACHMENT 2

### Comprehensive Plan Amendment (CPA-7)

Change of Land Use Designation

**Location:** North of the NE corner of 91<sup>st</sup> Street South and Yale Avenue (Society of Exploration Geophysicists)

**Size:** 11 ± Acres      **Zoning District:** OL/PUD      **Existing Use:** Office building(s)

	<b><u>Land Use Designation</u></b>	<b><u>Stability &amp; Growth Designation</u></b>
<b><u>Existing</u></b>	<i>Neighborhood Center</i>	<i>Area of Growth</i>
<b><u>Proposed</u></b>	<i>Employment</i>	<i>Area of Growth</i>

**Development Approval History:**

- **1981:** PUD-269: Established an office building use on the property with only 19% of land to be covered by buildings, and the rest preserved as open space.
- **1982:** PUD-269-A: Major Amendment to PUD to reduce the number of office buildings on property, increased the height of buildings from 2 stories to 5 stories, and increased the amount of open space from 58% to 65% to allow for a park-like setting.
- **2001:** PUD-269-B: Major Amendment to PUD to add a 30,000 SF, 3 story office building.
- **2001:** Z-6791: Rezoned property from RS-3/OL to OL/PUD-269-B.
- **2013:** PUD-269-C: Major Amendment to PUD to construct a 4-story office building near the center of the site, a parking garage, and site improvements.
- **2013:** Z-7225: Rezoned property from RS-3/PUD-269-B to OL/PUD-269-C.

**Justification:** At the time of adoption of the Comprehensive Plan in 2010, the Land Use designation of *Neighborhood Center* that was assigned to the property did not adequately reflect the existing and future uses intended for the property. An *Employment* land use designation will more appropriately do that. The development standards of this Planned Unit Development allow for two multi story office buildings with open space buffering the adjacent neighborhood. This use does not contain pedestrian-oriented, mixed use places intended to serve nearby neighborhoods, as suggested by the *Neighborhood Center* designation.

**Staff Recommendation:** Staff recommends changing the Land Use designation for this property to *Employment*.

# **ATTACHMENT 3** **Comprehensive Plan Amendment (CPA-8)** Change of Land Use and Area of Stability & Growth Designations

**Location:** South of the SW corner of South Memorial Drive and Admiral Place

**Size:** 1.7 Acres      **Zoning District:** RS-3      **Existing Use:** 10 Single-Family Homes

	<u>Land Use Designation</u>	<u>Stability &amp; Growth Designation</u>
<u>Existing</u>	<i>Existing Neighborhood</i>	<i>Area of Stability</i>
<u>Proposed</u>	<i>Mixed Use Corridor</i>	<i>Area of Growth</i>

## **Development Approval History:**

- **2013: Z-7228:** Rezoned property from RS-3 to OL (only on the 2 lots directly fronting on Memorial Drive).

**Justification:** The existing character of the subject area is transitioning away from that of *Existing Neighborhood* and, accordingly, can no longer be considered an *Area of Stability*. The two parcels directly fronting on Memorial Drive were rezoned to OL in June, 2013 to allow for a parking lot and ATM for the Arvest Bank to the south. The surrounding properties to the north, east, and south of this area are zoned for commercial and office uses, and the office zoning to the south is a part of the *Mixed-Use Corridor* land use designation, described as:

“Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.”(Tulsa Comprehensive Plan, LU p. 32).

Given the commercial intensification in the area, this is a logical continuation of the *Mixed-Use Corridor* land use designation. In order to accommodate a quality transition to non-residential uses and ensure adequate buffering to the residential area to the west, a larger area than the recently rezoned OL parcels are included in this proposed amendment.

**Staff Recommendation:** Staff recommends changing the area to a *Mixed-Use Corridor* land use designation, and an *Area of Growth*.

**ATTACHMENT 4**  
**Comprehensive Plan Amendment (CPA-9)**  
 Change of Land Use and Area of Stability & Growth Designations

**Location:** East of the SE corner of 41<sup>st</sup> Street South & 129<sup>th</sup> E. Ave  
**Size:** 4.8 **Zoning** RS- **Existing** Vacant Land  
 Acres **District:** 3/PUD **Use:**

	<b><u>Land Use Designation</u></b>	<b><u>Stability &amp; Growth Designation</u></b>
<b><u>Existing</u></b>	<i>Open Space</i>	<i>Area of Stability/Open Space</i>
<b><u>Proposed</u></b>	<i>Existing Neighborhood</i>	<i>Area of Growth</i>

**Development Approval History:**

- **1979:** PUD-221: This PUD designates the subject area as Development Area I, and the standards permit townhouses, patio homes, and uses found in Use Unit 5 (Community Services and Similar Uses).
- **1999:** PUD-221-F: Major Amendment to PUD to add church, school, and accessory uses; to amend development standards; and to allocate floor area in development areas.
- **2013:** PUD-221-G (DENIED): Proposed Major Amendment to PUD to permit Use Unit 14 (Shopping Goods and Services) on a 1.771 acre piece of the subject property to allow for the construction of a Dollar General.
- **2013:** Z-7215 (DENIED): Request to rezone area from RS-3 to CS.

**Justification:** At the time of adoption of the Comprehensive Plan in 2010, the subject site was given an *Open Space* land use designation and *Area of Stability* designation because of its proximity to the flood plain. In the development of the Plan, the City of Tulsa assigned *Open Space* land use designations to vacant properties located in the flood plain. The subject site has a very slight flood plain encroachment along its southern boundary; therefore, an *Existing Neighborhood* land use designation and *Area of Growth* designation is more appropriate and consistent with the similar property immediately west. There are non-residential uses allowed in PUD-221 that may be appropriate for this site, such as a church, school, and accessory uses.

**Staff Recommendation:** Staff recommends changing the subject site to an *Existing Neighborhood* land use designation, and an *Area of Growth*.



## **ATTACHMENT 5**

### **Comprehensive Plan Amendment (CPA-12)**

Addition of 17" x 22" updated **Tulsa Plan Map** to the Tulsa Comprehensive Plan

**Description:** At the end of the Land Use Section of the Comprehensive Plan, a 17" x 22" Tulsa Plan Map illustrating the most current land use designations will be added. The map will be folded down to an 8.5" x 11" page size to insert as page LU 87 as a part of the hard-copy of the Tulsa Comprehensive Plan.

**Justification:** The Tulsa Plan Map currently found in the Comprehensive Plan is small and, therefore, not user friendly. As land use amendments are made to the Tulsa Plan Map, a larger, more legible version is necessary to more accurately view land use designations on properties.

**Staff Recommendation:** Staff recommends the addition of 17" x 22" updated Tulsa Plan Map as page LU 87 in the Tulsa Comprehensive Plan.

## **ATTACHMENT 6**

### **Comprehensive Plan Amendment (CPA-13)**

Addition of 17" x 22" updated **Areas of Stability & Growth Map**  
to the Tulsa Comprehensive Plan

**Description:** At the end of the Land Use Section of the Comprehensive Plan, a 17" x 22" Areas of Stability & Growth Map illustrating the current stability and growth designations will be added. The map will be folded down to an 8.5" x 11" page size to insert as page LU 88 as a part of the hard-copy of the Tulsa Comprehensive Plan.

**Justification:** The Areas of Stability & Growth Map currently found in the Comprehensive Plan is small and, therefore, not user friendly. As amendments are made to the Areas of Stability & Growth Map, a larger, more legible version is necessary to more accurately view areas of stability and growth.

**Staff Recommendation:** Staff recommends the addition of 17" x 22" updated Areas of Stability & Growth Map as page LU 88 in the Tulsa Comprehensive Plan.

**ATTACHMENT 7**  
**Comprehensive Plan Amendment (CPA-14)**  
**Addition of 17" x 22" Small Area Plans Map**

**Description:** After the Tulsa Plan Map and the Areas of Stability and Growth Map, a 17 x 22 map illustrating the locations of all adopted small area plans will be added. This map will be folded down to regular 8.5 x 11 page to keep as a part of the hard-copy to the Comprehensive Plan on page LU 89.

At the time of adoption of the Comprehensive Plan in 2010, several existing neighborhood plans were mentioned in the Plan (page LU 63):

- Kendall-Whittier Plan
- Springdale Area Plan
- Charles Page Blvd. Plan
- Brookside Infill Area Plan
- Crutchfield Neighborhood Plan
- 6<sup>th</sup> Street Infill Plan- Pearl District
- East Tulsa Area Plans Phase 1 & 2
- Riverwood Neighborhood Plan
- Southwest Tulsa Plan Phase I

Since the adoption of the Comprehensive Plan in July, 2010, several other small area plans have been adopted as amendments:

- Tulsa Downtown Master Plan
- Southwest Tulsa Plan Phase II
- Brady Arts District Small Area Plan
- Eugene Field Small Area Plan

**Justification:** There is not currently a map illustrating the locations of all small area plans. The addition of this map will allow users to determine the locations of small area plans in detail and determine if a property is located within a small planning area.

**Staff Recommendation:** Staff recommends the addition of 17" x 22" Small Area Plans Map as page LU 89 in the Tulsa Comprehensive Plan.

## ATTACHMENT 8

### Comprehensive Plan Amendment (CPA-15)

Addition of Amendments Inventory to Appendix of Comprehensive Plan

**Justification:** Since the adoption of the Comprehensive Plan in July, 2010, there has been no official inventory created to track amendments to the Plan. As mentioned on page 11 of this report, several small area plans have been adopted; however, no amendments have been made to the Comprehensive Plan document itself. In order to record and keep track of all amendments that have been made to the Comprehensive Plan, an Amendments Inventory is proposed to be added to the end of the Appendix on page AP 63.

In addition to amendments made after the adoption of the Comprehensive Plan, a log of the small area plans adopted prior to the adoption of the 2010 Comprehensive Plan, but brought forward into with the Plan, will also be included.

**Staff Recommendation:** Staff recommends the addition of an Amendments Inventory as page AP 63 in the Tulsa Comprehensive Plan.

## ATTACHMENT 9

### Comprehensive Plan Amendment (CPA-16)

Change of Land Use and Area of Stability & Growth

**Location:** (1) SW corner of I-44 and S 33<sup>rd</sup> W Ave;  
 (2) North of NW corner of W 51<sup>st</sup> St S and S 33<sup>rd</sup> W Ave;  
 (3) NW corner of W 51<sup>st</sup> St S and S 32<sup>nd</sup> W Ave.

**Size:** 1.5 **Zoning** CS, PK, **Existing** Gas Station & Vacant  
 Acres **District:** OL **Use:** Land

<b><u>Land Use Designation</u></b>		<b><u>Stability &amp; Growth Designation</u></b>
<b><u>Existing</u></b>	<i>Existing Neighborhood</i>	<i>Area of Stability &amp; Growth</i>
<b><u>Proposed</u></b>	<i>Neighborhood Center</i>	<i>Area of Growth</i>

**Development Approval History:**

- **Area (1):**
  - **1991:** Z-6321: Property located at southwest corner of S 33<sup>rd</sup> W Ave & I-44 rezoned from RS-3 to CS.
  - **2012:** Z-7200: Request to rezone PK district zoning to CS at the southwest corner of S 33<sup>rd</sup> W Ave and W Skelly Dr. Request was DENIED.

- **2012: Z-7190:** Request to rezone from RS-3 to CS at a parcel located south of the southwest corner of S 33<sup>rd</sup> W Ave and W Skelly Dr. Request was DENIED.
- **2012: PUD-791:** Request to permit 4,000 sq ft of retail/office space to be added south of an existing convenience store. Request DENIED.
- **Area (2):**
  - **2009: Z-7143:** Property located north of the northwest corner of W 51<sup>st</sup> St S and S 33<sup>rd</sup> W Ave rezoned from RS-3 to CS and 10 feet of the northern boundary rezoned to OL.
- **Area (3):**
  - **1981: Z-5531:** Property located at northeast corner of S 33<sup>rd</sup> W Ave and W 51<sup>st</sup> St S rezoned from RS-3 to CS.

**Justification:** The Comprehensive Plan, as adopted in 2010, did not assign the three different sites located around the intersection of I-44 and S 33<sup>rd</sup> W Avenue with the most appropriate land use designations. At site (1), an existing gas station was designated as an *Existing Neighborhood*, but this development has potential for growth and no longer exhibits the qualities found in that land use. At site (2), this vacant parcel was incorrectly designated as part of the *Existing Neighborhood*, but CS and OL zoning, as well as surrounding uses make this property better suited as a part of a *Neighborhood Center*. At site (3), this vacant property was incorrectly designated as part of the *Existing Neighborhood* even though it was rezoned to CS in 1981 for the purpose of being developed into neighborhood commercial uses.

**Staff Recommendation:** Staff recommends changing the land use designation for all three sites to *Neighborhood Center* and an *Area of Growth*.

# **ATTACHMENT 10** **Comprehensive Plan Amendment (CPA-17)** Change of Land Use

**Location:** NE corner of N Osage Dr and W Apache St  
**Size:** 44 **Zoning** IM **Existing** Under Construction  
Acres **District:** **Use:**

	<u>Land Use Designation</u>	<u>Stability &amp; Growth Designation</u>
	<u>Existing</u>	<u>Area of Growth</u>
<u>Proposed</u>	<i>Employment</i>	<i>Area of Growth</i>

## **Development Approval History:**

- **2011:** Z-7189: Property rezoned from CS to IM.

**Justification:** Since the adoption of the Comprehensive Plan, the subject property has been rezoned to IM, and is being developed for a large scale welding operation. An *Employment* land use designation is now more appropriate for this industrial zoned property.

**Staff Recommendation:** Staff recommends changing the land use designation of the subject property to *Employment*.

# **ATTACHMENT 11** **Comprehensive Plan Amendment (CPA-18)** Change of Land Use

**Location:** East of the SE corner of E Admiral Pl and I-44  
**Size:** 14.3 **Zoning** IL **Existing** Vacant  
Acres **District:** **Use:**

	<u>Land Use Designation</u>	<u>Stability &amp; Growth Designation</u>
	<u>Existing</u>	<u>Area of Growth</u>
<u>Proposed</u>	<i>Employment</i>	<i>Area of Growth</i>

## **Development Approval History:**

- **2000:** Z-6799: Property rezoned from OL to CG.
- **2012:** Z-7207: Property rezoned from CG to IL.

**Justification:** Since the adoption of the Comprehensive Plan, the subject property has been rezoned to IL for a truck parts facility. An *Employment*

land use designation on this site would be an extension of the *Employment* land use designation to the east and is more appropriate for this industrial zoned property.

**Staff Recommendation:** Staff recommends changing the Land Use designation of the subject property to *Employment*.

**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, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **ADOPT** of the Housekeeping Amendments to the Tulsa Comprehensive Plan per staff recommendation.

\* \* \* \* \*

#### **ZONING CODE PUBLIC HEARINGS:**

14. **Consider proposed amendments to the Zoning Code of the City of Tulsa, Oklahoma, regarding building demolition and surface parking lots in the IDL.**

#### **STAFF RECOMMENDATION:**

**Item:** Provide recommendation to City Council on ordinance regarding Building Demolition and Surface Parking within the IDL.

**Background & Purpose:** The purpose for developing this proposal was to provide a permanent solution to the problems identified by the City Council in the moratorium imposed in July 2012 (see attached). The focus of the initial moratorium was clearly two-fold with a desire to address both demolition of downtown structures and the location of new surface parking facilities. This proposal is supported by land use policies within the 2010 Comprehensive Plan (PLANiTULSA) as well as the Downtown Area Master Plan. While the proposed ordinance does not resolve every possible scenario or example it is moving the community toward adopted goals and policies for the creation of the downtown environment that is more pedestrian friendly. Continued development is encouraged with uniform parameters allowing all downtown property owners to seek approvals and/or relief through the same means.

It is appropriate for the City to lead and to provide expectations regarding the desired outcomes of downtown development. Ensuring a clear path to a decision and involving interested parties (see attached spreadsheet with comments received to date) in the decision-making process represents sound community planning practices and an appropriate application of the

guidance provided by our Comprehensive Plan. There is no attempt to stifle development, only ensure the interests and priorities of the City are taken into account as proposals are considered.

Key Components of Proposed Ordinance:

A. Demolition – permitted when:

1. Approved redevelopment
2. Threat to public safety
3. Special Exception
  - a. BOA consideration
    - Building does not contribute in a significant way to the quality, character or integrity of the neighborhood
    - No viable economic use of the building
  - b. Submittal materials to include
    - 2009 HP survey info
    - Owner records demonstrating efforts to rehabilitate
    - Records of property condition, listing history
    - Other deemed relevant by applicant for consideration

B. Parking:

1. Two use units instead of one
  - a. Structured
    - Permitted by right
  - b. Surface
    - Permitted as accessory
    - Permitted by Special Exception
    - Basic landscape requirements

**Staff Recommendation:** Provide a recommendation of approval to City Council on ordinance regarding Building Demolition and Surface Parking within the IDL.

Ms. Miller stated that emails have been sent to the Planning Commission received from interested parties.

Ms. Warrick, Director of Planning and Economic Development for the City of Tulsa, presented the proposed amendments to the Zoning Code of the City of Tulsa, Oklahoma, regarding building demolition and surface parking lots in the IDL. Ms. Warrick explained that the moratorium on surface parking lots has expired and staff has been asked to develop some options for the issues that were being addressed through the moratorium.

Ms. Warrick stated that the City Planning Department has received a lot of comments and some were received at various meetings that staff members attended. Ms. Warrick referred to the comment log that the Planning Commissioner's received today. Ms. Warrick further explained the different documents submitted to the Planning Commission for their review.

**TMAPC COMMENTS:**

Mr. Leighty stated that there had been some talk about continuing this application and asked if that was still being considered. Ms. Warrick stated that it would be the Planning Commissions' prerogative if there is a need for more time to review this information. Mr. Leighty stated that there have been some people commenting that they didn't know that this was happening until the end of the process. Mr. Leighty asked Ms. Warrick to speak about the notices that were mailed and how long has she been working on this. Ms. Warrick stated that the City Council began talking about this in the early spring of 2012 and the moratorium was in place the summer of 2012. Staff began looking for ways to provide the solution that was being sought through the moratorium starting the fall of 2012. The draft document was brought to the Planning Commission at the August 21, 2013 work session. The online forum was posted to the City of Tulsa website on August 19, 2013. This kicked off the more active public active campaign. Staff directly communicated and sent the proposal to a dozen different stakeholder groups. Direct notice was mailed to 697 individual property owners within the IDL.

Mr. Carnes stated that he sees a lot of people that have volunteered a lot of hours trying to move things in order to get a building permit to do business in Tulsa. Time costs everyone money, the City, the property owner, the developer, everyone and what this document is asking them to do regarding going before the BOA is setting this back 25 years.

Mr. Covey asked Ms. Warrick what the triggering event was for this proposal. Ms. Warrick stated that she asked her staff to look at some numbers with regard to demolitions and within the last five years there have been 25 partial or interior demolition permits and 11 demolitions resulting in vacant lots and two resulting in parking lots. Ms. Warrick stated that she can't speak for the Council regarding the specifics that may have been the triggering event.

Mr. Walker asked if there has been any permit applications since the moratorium expired 18 days ago. Ms. Warrick stated that to her knowledge there have not been any permits requested.



Mr. Perkins asked if there is a parking plan for the downtown area being done in the future. Ms. Warrick stated that has not been presented to her as far as the terms of the moratorium, which she was attempting to address. Ms. Warrick further stated that she does believe that downtown does deserve a good comprehensive plan with regard to all types of parking and how it could be provided through public and private means. Mr. Perkins stated that it would be hard for the Planning Commission to come up with a plan for downtown and handcuff property owners without having the public do their planning that is necessary, which would be a report for parking downtown. Mr. Perkins further stated that he hasn't made his mind up yet, but it seems that in order to give an informed decision one needs to make sure that there is a parking plan for downtown and it doesn't look like there is one. Ms. Warrick stated that there is a Downtown Master Plan and it does not have a site specific allocation of various types of parking that would be a drill down from that adopted policy. Ms. Warrick referred to a 2008 Parking Demand Survey that was conducted, but it is not a comprehensive review. Mr. Perkins stated that this study has been discussed many times and never completed and it would seem it should be done and done quickly to make an informed decision. Ms. Warrick stated that one can identify the funding for such a study it could be done a lot quicker, but unfortunately that is a circumstance staff is dealing with.

#### **INTERESTED PARTIES:**

**Tom Baker**, Manager of Downtown Coordinating Council; **Bill Mizener**, 1401 South Boulder, 74103; **Chris Bumgarner**, 2672 E. 37<sup>th</sup> Street; **Michael Sager**, no address given; **Jim Brackett**, 109 South Main, 74103; **Ted Reeds**, 1850 S. Boulder, 74103; **Patrick Fox**, 624 S. Boston, 74119; **Kent Morlan**, 406 South Boulder, #400, 74103; **Gail Runnels**, 10 E 3<sup>rd</sup>, 74103; **Jonathan Cowan**, 5523 East 115<sup>th</sup> Street, 74137; **Stephen Lassiter**, 10 North Greenwood Avenue, 74120.

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

Costs to developers to prove that an existing building needs to be demolished; the BOA process would be a significant cost to developers and timely; taking of property owner's rights without compensation; City government that is over reaching its bounds; complaints with the City already having problems with enforcing their ordinances; complaints that Developmental Services not returning calls for a small parking lot regarding two deficiencies; proposed ordinance would apply to only properties within the IDL and could one imagine if the City tried to take the same action within a neighborhood; property owners within the IDL are already being asked to shoulder a one hundred million dollar access tax over 30 years to fund the ball park; the ordinance would create unnecessary and substantial costs in delays, red tape and uncertainty which is not good for development and the very thing the City stated they

wanted to try and minimize and eliminate to streamline development services in order to compete locally and regional; it would require a massive cost before one would know if they would be allowed to do their project; ordinance could be seen as regulatory taking with no compensation to the property owner; this is bad public policy and there is no present demand for this ordinance; there has been one application for a demolition permit since the moratorium; downtown is finally moving in the right direction with positive energy and many of the surface lots in the core, Brady and around the churches are being filled in at an unprecedented rate, there is no need for this ordinance; 30% of the Downtown Coordinating Council does not own property in this district, but are members for other reasons; many years ago the surface parking arrived and now is too late to have this type of ordinance; the DCC has done many good things for downtown; the ordinance doesn't have anything to do with reality; there is positive absorption everywhere downtown today; there is no money to pay for future parking garages; the DCC requested money in the next third penny sales tax vote and received no support; TDA tore down many of the properties years ago and left empty lots; the people that caused the problems are gone and the people that are engaged are present and do not need to be policed by an ordinance; Mr. Sager cited how many buildings are downtown that are paying taxes; if the City of Tulsa wants to beautify Tulsa let them appropriate funds and try to keep up with Williams and other property owners and set an example on their own properties that the City owns; many of the surface parking lots along Boston, Boulder and Main have cleaned up blighted areas; the ordinance that speaks to these surface parking lots is about 30 years late; people love parking and the demise of downtown was due to the lack of parking and the inability to compete; downtown has changed, everyone is embracing downtown and coming back; if TCC had structured parking there would be a blank canvas for development; property owners downtown has put their blood sweat and tears into downtown through many different evolutions of development; frustration with trying to get the City of Tulsa to return calls when attempting to develop property; the surface parking and demolition issues happened in the 70's and 80's; urban development took place largely in the 60's and tore down a lot of the fabric of our Cities and built roads that cut us off from our neighborhoods; it is easier to tear down for a specific use, it is much more difficult to maintain a building and find a thoughtful use for it; continue the moratorium for one more year and bring the players to the table that are impacted directly; (Mr. Reed stated that he believes the City of Tulsa Building Department is very well organized.); the demolition permits and the surface parking issues should be addressed independently from each other; some thought needs to be given to how these ordinances effect existing parking lots for the long term; we are currently seeing surface parking lots come off the role and buildings are being rehabbed; downtown is not just one place, it is actually ten places:

1) Jail neighborhood (not likely anyone will want to build a surface parking lot in that area.), 2) Brady District, (possibly.), 3) Greenwood, (nothing left to tear down.), 4) East Village, (possibly the Nordam area where the buildings need to be torn down, but not near anything where someone would want to park.); 5) Government Center Area (use to be the Maxwell Convention Center doesn't have anything left to tear down), 6) Southwest residential district (Central Park area has nothing left to tear down either), 7) Church District (everything has been torn down and is gone), 8) Gunboat Park Neighborhood (needs to be torn down, although there are homes and buildings that are over 100 years old), there are only three neighborhoods left where tear downs could be possible, but none of them will be for a parking lot because they are not close enough to where anyone would want to park); people will rarely walk more than 450 feet to an event; all the buildings that could be torn down in downtown have already happened, except the building where Arby's used to be located and it will be torn down since it is structurally unsound; several buildings have been torn down to prevent paying the assessment for the ballpark; the core of downtown is a done deal; this ordinance will depreciate property values; taking people's property without compensation is unconstitutional and immoral and bad public policy; majority of the clearing in downtown has happened by the public for the jail, the BOK Center, (which is the most irresponsible placement of a facility one could imagine because it can't be utilized during the day because all of the parking is for the businesses around it.), and TCC; the public has been responsible for more of the clearing of land for good uses; parking is absolutely essential if one wants everyone to come from all over Tulsa County to attend classes; according to the Census Bureau there are 540,000 registered motor vehicles in Tulsa County and 270,000 households, which would be two cars for every house in town; if people come to downtown they will come in a car and will need a place to park; Tulsa has the largest Churches of approximately ten denominations in the downtown area; all still have their major facilities downtown and some have as many as 9,000 members and where would they park if the churches had not cleared off several blocks for parking to accommodate the people that attend; some churches rent their parking lots during the week; the parking is necessary to support the churches and their events; it is a blessing to see the churches downtown; downtown Tulsa has become basically institutionalized with the public facilities, the universities, the churches, the schools, etc. that are downtown; one can't give away parking in a structured facility if it costs \$18,000 dollars a slot to build it; the parking restrictions and landscaping being required by the proposed ordinance would bring the cost per stall for a single-surface lot to almost that much and will discourage the surface lots to serve the adjacent building; need better public discussion first; is there a current problem, are there developers lining up to demo structures; developers will not take the risk of the unknown; if one looks at the Brady District they will see infill

happening and parking lots are becoming buildings; are we trying to solve a parking solution or a historic building demolition solution; bike parking is needed to be addressed as well as surface parking; surface lot is an accessory use for apartments; can see both sides regarding the parking issues.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Mizener if the thought the citizen's of Tulsa have any rights in regards to what the built environment should look like. Mr. Mizener stated that he does and he believes that there are plenty of laws on the books right now. Mr. Leighty asked Mr. Mizener how would he propose that there be less parking in the downtown area as the Comprehensive Plan and the Downtown Master Plan calls for. Mr. Mizener asked Mr. Leighty why he would want less surface parking. Mr. Leighty stated that surface parking doesn't add to the ambiance of downtown, it is not pedestrian friendly, not a place making kind of development standard. Mr. Mizener stated that the public isn't going to walk. Mr. Mizener commented that he lives two blocks from Utica Square and he has only walked to Utica Square two or three times and he believes that is pretty representative of the public in general. Mr. Leighty stated that it may be representative of Mr. Mizener and perhaps someone his age group, but it is not representative of the younger generation. Mr. Mizener stated that taking charge of his property to procure what Mr. Leighty perceives is a problem is not right. Mr. Leighty stated that he doesn't see this as a taking of anything because the property owner can still build a surface parking lot if it makes sense and meets the communities ideas and goals of where we would like to see our development. Mr. Mizener stated that this is just another layer of government.

Mr. Leighty asked Mr. Bumgarner if there is any tweaking that could be done or is he totally against the ordinance. Mr. Bumgarner stated that as soon as somebody comes to talk with him about it he would be happy to talk, but there is a fully developed proposal and the Planning Commission is being asked to take action today. Mr. Leighty stated that this is the public hearing and it is the first time to hash this out. Staff has been working on this for about one year. Mr. Bumgarner stated that a year ago would have been the best time to talk to him. Mr. Leighty asked Mr. Bumgarner if he would be in support of a 60-day continuance and meet with staff to work on the ordinance. Mr. Bumgarner stated that he has reached out to Councilor Ewing and he showed no signs of wanting to do that. Mr. Bumgarner stated that the ordinance should be shot down.

Mr. Leighty questioned the number reported for buildings downtown paying taxes. Mr. Leighty stated that if the surface parking lots and demolitions are no longer a problem, then why cause an issue over the

ordinance. Mr. Sager stated that it is because it would impose handcuffs on people that are doing good.

Mr. Carnes informed Mr. Reed that he didn't say that the Building Department was slow. Mr. Carnes stated that he did state that to add additional step of the Board of Adjustment is taking it back 25 years. Time is money and the Boards and the City worked on streamlining the process.

Mr. Walker asked Mr. Reed if he supports the ordinance. Mr. Reed stated that he supports a continuance of the moratorium for one year.

Mr. Leighty asked Mr. Morlan if he was going to sue the City if the ordinance is passed. Mr. Morlan stated that if someone would hire him he might. Mr. Morlan cited his first study case in the 60's, which was Ranch Acres and stated that the City would probably get away with the ordinance, but it is bad public policy. Mr. Leighty stated that Mr. Morlan mentioned the Downtowner Motel and if there was a defining moment that was it. Mr. Leighty commented that the building that had potential to be renovated. Mr. Morlan stated that the owner had the property on the market for years and no takers. Mr. Morlan further stated that the owner didn't have any way to use the hotel for commercial that would be profitable. Mr. Morlan commented that the owner told him he was tearing it down because of the baseball stadium assessment. Mr. Morlan explained that the City was charging the property owner 6.5 cents per square foot for the dirt and every floor and including the first floor to pay for a baseball stadium that he didn't want to do. It costs to tear down a building and most will not until they have to, but the baseball stadium issue encouraged him to tear it down and leave the lot empty. Mr. Leighty stated that the ONEOK Ballpark would be in Jenks if it weren't for the improvement district. Mr. Leighty further stated that all of the properties downtown has increased in value due to the ballpark. The BOK Center, the ballpark, and what the Kaiser Foundation is doing in the Brady District has brought energy back to downtown Tulsa. Mr. Leighty stated that he doesn't agree that this is a taking and he doesn't agree that the stadium improvement fees have represented a hardship that will last for an infinite amount of time. Everyone within the IDL is seeing an increase in the values and the ones closest to the ballpark have seen the biggest increase in the values. Mr. Morlan stated that he lives in Central Park and the assessment that is on the Central Park Apartments, that are not homesteads, went from \$5,000 dollars a year to \$25,000 dollars a year. Mr. Morlan further stated that he guarantee that his property values have not increased one penny since the 2008. Mr. Morlan cited several areas of downtown that are not seeing an increase in property values due to the ballpark, but pointed out that Councilor Ewing is a winner because he is close to the ballpark.

Mr. Perkins reminded everyone that the Planning Commissioners are not elected, they volunteer their time. Mr. Morlan cited the various boards he has served on to benefit Downtown.

Mr. Leighty stated that there is a problem downtown and it is never too late to correct the problem. Mr. Leighty further stated that Mr. Cowan makes a good point regarding assembling large tracts for a development and that should be looked at.

Mr. Leighty thanked Mr. Lassiter for his public service and volunteering.

Mr. Leighty requested Councilor Ewing to come forward. Mr. Leighty asked Councilor Ewing why the City Council adopted the moratorium. Councilor Ewing stated that he understands that the Downtown Master Plan, as well as PLANiTULSA, both prescribed this idea of density and infill. Councilor Ewing further stated that when the public is asked what they want the general response is that they want walkability, structures that address the sidewalk and infill that makes it feel comfortable to walk from the Blue Dome District to the Deco District. People do not like to walk past empty buildings and would prefer to walk past activity in store fronts, etc. People generally do not like to walk in Tulsa because of our disconnectedness. The ordinance was a response to public sentiment to have a dense and urban feel. Councilor Ewing stated that there is infill development happening and it is exciting, but we are creating new problems with the infill. It is problems that short term solution of bulldozing a building to create parking seems like it solves it, but it resolves in a perpetual cycle. Councilor Ewing commented that he has been an advocate for a Comprehensive Downtown Parking Plan. The proposed ordinance is a response to a legitimate need.

Mr. Leighty asked Councilor Ewing if he thought the City Council would pursue this if the TMAPC decides not to consider it or vote it down. In response, Councilor Ewing stated that some on the Council would see a moratorium as stopping something from happening while pursuing a more definitive plan and not consider the moratorium itself as the definitive plan. Councilor Ewing stated that he is not present today to speak for the Council, but he believes it is the general sentiment that the moratorium would be in place temporarily while zoning changes were developed that made sense in the context of the Comprehensive Plan. The Planning Commission and the Council are trying to respond to the statements of the citizenry and what the citizens have put to us, both on the Planning Commission and the City Council, is well defined and adopted mutually by the Planning Commission and the Council, which states what kind of downtown we are pursuing and what kind of urban centers we are seeking as a community. One hears the development community generally support that kind of thing in the general sense and then they defend their

right to do with their property what they choose when it comes down to their specific property. It makes sense in these arguments that property owners, especially within the downtown area, would defend their specific right where we have had fewer restrictions across the board. Councilor Ewing stated that he feels that the argument today is that this would open the door for more restrictions. Councilor Ewing further stated that the argument he is hearing today is that there are no more buildings being demolished and there is no need for this ordinance, and if that is the case than way is the room packed with owners arguing passionately in defense of the property. The only right that the proposed ordinance takes away is the right to demolition your property without a plan for its future development. It doesn't tell you what you have to do with your existing building and doesn't prescribe anything other than what one has to do or has to show on their property in order to get a demolition permit. Councilor Ewing stated that as long as someone has a plan the City doesn't deny the demolition permit. Councilor Ewing discounted the fear of putting dollars into a project and being denied because if one does their plan and due diligence then the City will grant the building permit and allow them to demolition their existing structure and build back a new building. It is to stop the demolition of a building for the purpose of only a surface parking lot; one could build a structured parking lot and build surface parking lots adjacent to a new building as an ancillary use, but not a single-surface lot by itself where there use to be a building without getting an approval.

Mr. Covey asked Councilor Ewing what he would say to someone who believes that the highest and best use should prevail. Councilor Ewing stated that he believes that it would be a difficult case to make that in downtown Tulsa that highest and best use of any property is surface parking. Councilor Ewing stated that the conservatives in the room tend to look at these things by property rights, but they also need to look at what makes the most fiscal sense and it makes the most fiscal sense for a City to have policies that identifies densities where it is appropriate. Downtown is the one chance to offset our decades of sprawling development. Councilor Ewing stated that the community will be bankrupt if one continues to develop in a low-density sprawl area pattern without also pursuing high density areas to offset the other parts of town. Councilor Ewing stated that he hates to break the news to the property owner's downtown, but they are already not allowed to build pig farm, refinery, or other types of things with their property in downtown Tulsa. There are laws prohibiting the use of their property for their own whimsy. The reason that was allowed by the Constitution is because it was acknowledged that what one does with their property affects the people around them.

Mr. Covey asked Ms. Warrick if she is advocating the approval from the Planning Commission. Ms. Warrick stated that at this time she is advocating the Planning Commission's consideration of this proposal. If the Planning Commission feels that it is not fully refined or not prepared to make a recommendation, then the Planning Commission should dispense with it as they wish. Ms. Warrick further stated that she believes what has been presented today is consistent with the Comprehensive Plan and other land use policies. Ms. Warrick commented that this may be an issue that needs to be more fully vetted. Mr. Covey stated that within the packet the Planning Commission received a staff recommendation from TMAPC staff that they recommend approval, does the City agree or disagree with that report. Ms. Warrick stated that the recommendation is actually a joint recommendation with her name on it and it was provided over a week ago, which was a preliminary recommendation.

In response to Mr. Stirling, Ms. Warrick stated that staff did make efforts to reach out to business property owners. There may be a timeliness factor regarding organizing meetings and staff members. Ms. Warrick indicated that a large percent of the feedback received has been in the past two or three days.

#### **TMAPC COMMENTS:**

Mr. Leighty stated that he would like to make a motion to continue consideration of the ordinance and direct staff to hold a couple of public meetings with the property owners who are most affected by this and to get their input and figure out how to protect some of the historic assets that we have downtown and not put undue burdens on them that would inhibit or make it more difficult to develop downtown.

#### **TMAPC Action; 11 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **3-8-0** (Leighty, Liotta, Stirling "aye"; Carnes, Covey, Dix, Edwards, Midget, Perkins, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **CONTINUANCE** of the ordinance for 60 days and to instruct staff to have a public meeting with the downtown property owners, including the members of the DCC.

#### **Motion Failed.**

Mr. Perkins moved to deny the proposed amendments to the Zoning Code regarding building demolition and surface parking lots in the IDL.

Mr. Leighty requested discussion. Mr. Leighty stated that he is not surprised at this Planning Commission to take such move. The Planning Commission has been repeatedly in denial of the Comprehensive Plan and refuses to listen to engaged citizens who have spent a lot of time trying to determine the development standards that they want to see in



their city going forward. Mr. Leighty commented that he is shocked that the Planning Commission continually refuses to face up to the responsibility to implement this plan and to listen to the recommendations of their own staff and the City of Tulsa Planning staff and turn a blind-eye to all the people who worked in PLANiTULSA and the people who worked on the Downtown Master Plan.

**TMAPC Action; 11 members present:**

On **MOTION** of **PERKINS**, TMAPC voted **10-1-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nay"; none "abstaining"; none "absent") to **DENY** the proposed amendments to the Zoning Code of the City of Tulsa, Oklahoma, regarding building demolition and surface parking lots in the IDL.

\* \* \* \* \*

**PUBLIC HEARINGS:**

15. **LS-20641** (Lot-Split) (County) – Location: West of the Northwest corner of West 111<sup>th</sup> Street South and South 33<sup>rd</sup> West Avenue.

**STAFF RECOMMENDATION:**

The lot-split proposal is to split an existing AG (Agriculture) tract into two tracts. Both tracts exceed the bulk and area requirements of the Tulsa County Zoning Code.

Both 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 has more than three side lot lines.

The Technical Advisory Committee reviewed the lot-split information on July 11 ~~August 15~~, 2013, and had no comments.

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; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-1-0** (Carnes, Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; Leighty "nay"; none "abstaining"; none "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20641 per staff recommendation. (Language underlined has been added and language with a strike-through has been deleted.)

\* \* \* \* \*

16. **DVIS** – Preliminary Plat, Location: 2424 North Harvard Avenue, South of East Apache Street, West of North Harvard Avenue (0329) (CD 3)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 4.46 acres.

The following issues were discussed September 5, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PK (parking), IM (industrial medium), with BOA 20601 A pending (to permit an Emergency and Protective Shelter with accessory uses and a Homeless Center and Emergency and Protective Shelter with accessory uses).
2. **Streets:** Provide reference such as plat # or book/page # for existing right-of-way.
3. **Sewer:** An IDP (infrastructure development plan) is required for the proposed sanitary sewer main extension. All eight-inch sanitary sewer lines, both public and private, must be constructed under an IDP.
4. **Water:** Restricted waterline easement is not included in the abbreviations. Establishing document is not shown for the waterline easement to the north of the property. Please show the valves on the existing eight-inch water line. Clarify "ST" as shown on plat. Clarify if the fire hydrant will have an inline valve on the main line? North of the project, the existing fire hydrant looks like it is attached to the storm sewer. Atlas shows the fire hydrant on the left of the connection where plans show fire hydrant to right. Correct this error.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Hammer head entrance needs to be 26 feet wide per IFC 2009 Section 1-3 Figure D 103.1.
8. **Other: GIS:** Complete location map. Add e-mail address for engineer and surveyor. Complete legal description. Submit control data sheet. Show preparation date. Fix typos in covenants, i.e. number of lots referenced.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Development Services and Engineering 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; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for DVIS per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

**17. CZ-428 – Sisemore, Weisz & Associates, Inc./Darin Akerman,**

Location: North of northwest corner of West Avery Drive and Highway 97,  
Request for rezoning from **AG to IM**, (County)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**CZ-19 July 1981:** All concurred in approval of a request for rezoning a 3± acre tract of land from AG to IM for industrial on property located on the southwest corner of Highway 97 and Arkansas River and abutting the subject property to the south.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 3± acres in size and is located north of northwest corner of West Avery Drive and Highway 97. The property appears to be used for a sand mining operation and is zoned AG.

**SURROUNDING AREA:** The subject tract is abutted on the east by Highway 97, zoned AG; on the north by the Arkansas River, zoned AG; on the south by Highway 51, zoned AG; and on the west by sand and aggregate operations also zoned AG.

**UTILITIES:** The subject tract has municipal water and sewer available however mainline extensions may be required for any building construction.

**TRANSPORTATION VISION:**

This area is surrounded by the City of Sand Springs which does not have a comprehensive plan establishing the transportation vision. The site is adjacent to rail service on the south and primary arterial and secondary arterials on the east and south providing adequate vehicular circulation for the foreseeable future.

**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>
West Avery Drive	Secondary Arterial	100 ft	2
Highway 97	Primary Arterial	120 ft	4

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This site is not included in the Tulsa Comprehensive Plan or any previous comprehensive plans for Tulsa County, or the City of Sand Springs Plan.

**STAFF RECOMMENDATION:**

This site is a continuation of the sand processing business that has been at this location for several decades but has never been properly zoned. The applicant is requesting IM rezoning to bring the facility into compliance with the Tulsa County Zoning Code.

There are no immediate plans for any construction or building permit activities that will require the modification of the zoning classification on this site.

The requested zoning is consistent with the anticipated development pattern around the site and the existing facility will be in conformance with the current zoning code.

Therefore staff recommends approval of CZ-428 to change the zoning from AG to IM

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the IM zoning per staff recommendation for CZ-428.

**Legal Description for CZ-428:**

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE ELEVEN (11) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE NORTH 01°39'23" WEST ALONG THE WESTERLY LINE OF SAID SW/4 FOR 657.09 FEET TO A POINT ON THE NORTHERLY RAILROAD RIGHT OF WAY LINE; THENCE CONTINUING NORTH 01°39'23" WEST ALONG SAID WESTERLY LINE FOR 254.20 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°39'23" WEST ALONG SAID WESTERLY LINE FOR 140.72 FEET; THENCE NORTH 77°33'14" EAST FOR 163.60 FEET; THENCE NORTH 58°41'10" EAST FOR 135.71 FEET; THENCE NORTH 81°35'42" EAST FOR 174.80 FEET; THENCE NORTH 62°13'10" EAST FOR 100.73 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 97; THENCE SOUTH 01°07'37" EAST ALONG SAID RIGHT OF WAY LINE FOR 596.50 FEET TO A POINT ON THE NORTHERLY RAILROAD RIGHT OF WAY LINE; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°39'36", A RADIUS OF 1803.42 FEET, A CHORD BEARING OF SOUTH 84°43'39" WEST, AND A CHORD DISTANCE OF 52.25 FEET FOR AN ARC LENGTH OF 52.25 FEET; THENCE NORTH 01°39'23" WEST PARALLEL WITH THE WESTERLY LINE OF SAID SW/4 FOR 296.38 FEET; THENCE SOUTH 88°20'37" WEST FOR 485.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINS 133,201 SQ. FT. OR 3.058 ACRES, MORE OR LESS.

\* \* \* \* \*

18. **PUD-801 – Lou Reynolds/Crossbow Center**, Location: Northwest corner of South Garnett Road and East 41<sup>st</sup> Street, Requesting a PUD for redevelopment of Crossbow Center, (CD-6)

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 2, 2013.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** PUD-801 to October 2, 2013.

\* \* \* \* \*

**OTHER BUSINESS**

19. **Consider initiation of three (3) additional amendments to the 6<sup>th</sup> Street Infill Plan**

**STAFF RECOMMENDATION:**

- E. **Background:** In response to a February 1, 2013 amendment application to the 6<sup>th</sup> Street Infill Plan, TMAPC staff presented the items to the TMAPC at a February 20, 2013 Work Session. 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 considered eight (8) items for initiation at their March 6, 2013 meeting. The following items were initiated at that meeting:

- Request 1) clean up amendments to maps;
- Request 2) evaluate all Industrial zoned property for inclusion into the Industrial Subarea (Manufacturing Warehousing);
- Request 3) amend 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;
- Request 6) clarify language in plan regarding street closures, especially as it relates to larger scale developments and expansions, as well as controlled access; and
- Request 7) draft an abbreviated and streamlined version of a form-based code.



These five (5) were presented at an August 21, 2013, TMAPC Work Session for discussion. The Pearl District Business and Property Association voiced their intent to resubmit the three (3) proposed amendments that were not previously initiated. As a result, TMAPC asked that all initiated items - the original five (5) plus any or all of the additional three (3) – be brought back together for a future public hearing.

On August 29, 2013, the Pearl District Business and Property Association made an official Comprehensive Plan Amendment Application for three (3) items (see attached). These proposed amendments items are similar, although not identical, to the items that were not initiated by TMAPC on March 6, 2013. As an application requirement, the applicant was also asked to identify the “proposed plan change” so that the specific modification to the plan is clear.

This report serves as an overview of the amendment request and preliminary staff responses to the three (3) 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.

**F. Overview of the Amendment Request:**

- **Request 1** –Amend the Map to provide that all of South Utica Avenue, all of East 11th Street South, South Peoria Avenue north of East 6th 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).

*PROPOSED PLAN CHANGE: Substitute Highway Commercial Subarea (Auto-Oriented Commercial) for Neighborhood Commercial Corridor Subarea (Mixed Use infill) as shown on the revised land plan map. (see attached “Manufacturing Warehousing I-244 Frontage” map)*

**Staff Response:** The proposed change from *Mixed Use Infill* to *Auto-Oriented Commercial* in all areas requested by the applicant is a substantial deviation from the vision of the plan, which promotes pedestrian orientation and compact redevelopment in these areas. The vision of *The 6<sup>th</sup> Street Infill Plan* is supported by key principles identified on page 53 and 54. This proposed change would conflict with two of those principles, as stated below:

#### 14.2.1. Pedestrian Orientation

“The pedestrian orientation of this neighborhood is one of its chief assets and has been identified as a key contributor to the long term success of this neighborhood. Pedestrian orientation should be protected and incorporated into new developments.”

#### 14.2.4. Reducing Automobile Dependency

“The 6<sup>th</sup> Street Task Force is pragmatic in its approach to this principle. In the short run, the Task Force is recommending strategies which efficiently increase the amount of available parking in order to make existing properties commercially viable. But in the long run, the Task Force is recommending changes in density; preservation of pedestrian movement; and retention of a wide array of businesses and industries within the neighborhood. These measures will ensure that the neighborhood continues to offer residents plenty of opportunities to live, work, and play without having to use a car. Ultimately, the same variables that reduce dependence on automobiles will increase the demand for and the viability of mass transit in the neighborhood and throughout the City.”

If an auto-oriented approach is applied to this neighborhood in the future, additional curb cuts and other automobile related infrastructure modifications will alter the district to the point where a pedestrian friendly development pattern cannot be achieved. Since the full request of the applicant represents such a significant departure from the vision and supporting principles, a plan update would be necessary to reevaluate the vision of *The 6<sup>th</sup> Street Infill Plan*.

One potential option would be to define the term *Auto-Oriented Commercial* in the context of this neighborhood and evaluate all of Utica Avenue (currently Utica Ave. north of the railroad tracks is already designated *Auto-Oriented Commercial*) and E. 11<sup>th</sup> Street for possible inclusion into this subarea. Both of these roadway segments are the only in the Plan area identified as Urban Arterials on the Major Street and Highway Plan.

Further clarification through design standards within the Form-Based Code are needed to better establish the type of regulatory controls appropriate for properties within the *Auto-Oriented Commercial* subarea.

- **Request 2** – 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 within the plan area. Until such time as public 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.

*PROPOSED PLAN CHANGE: Add the following language to the Plan as new Section 11.4.3., Parking, as follows:*

*11.4.3. Parking.*

*There should be no reduction in required parking as currently specified in the Tulsa Zoning Code until such time as public parking facilities and enhanced public transportation are available within the planned area. Until such time as public 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:** Parking in this area was one of the primary topics of discussion in the form-based code workshops held in January and February, 2013; therefore, there will likely be recommendations regarding parking changes in the Form-Based Code that come out of the re-evaluation process. A change such as the one requested by the applicant is not appropriate for inclusion in a comprehensive plan. Rather, this is a regulatory issue that should be dealt with in the re-evaluation of the Form-Based Code.

The City of Tulsa Zoning Code, which is the regulatory document currently in place for the majority of the Pearl District, only allows relief from parking requirements through Variance from the Board of Adjustment. Therefore, outside of the existing Form-Based Code zoned area; the applicant's request is already in place. The key is to closely assess this issue through the re-evaluation of the Form-Based Code.

It should also be noted that enhanced public transportation in the form of Bus Rapid Transit system on Peoria is planned and part of the City of Tulsa's 2015-2019 Capital Improvement Plan package that will be presented to voters for their consideration in November.

- **Request 3** – Diverse housing is a vital component of the plan area and should be encouraged rather than eliminated.

*PROPOSED PLAN CHANGE: Revise the Plan to provide for more diverse housing types per attached land plan map (see attached "Manufacturing Warehousing I-244 Frontage" map)*

**Staff Response:** The Vision Statement of *The 6<sup>th</sup> Street Infill Plan* clearly states that the intent is to have a diverse neighborhood. One of the key supporting principles of the vision states:

#### 14.1. Diversity

"The 6th Street neighborhood is diverse socially, economically, and in physical function and form. It retains an organic character that predates present-day development, which tends to be formulaic and segregated. This traditional character should be retained. New development should be accessible and responsive to a wide range of needs, needs that tend to evolve over time. This is less a social justice issue and more a marketing strategy. Without cynicism, the 6th Street Task Force recognizes a growing population that seeks a more diverse, interesting, and by default more egalitarian lifestyle. In a bustling city neighborhood, one-dimensional, "one-size-fits-all" solutions just don't seem to work."

The applicant's proposed changes to the map include a significant increase in land area for the *Residential Revitalization* subarea, while significantly decreasing land in the *Redevelopment* subarea and the *Mixed Use Infill* subarea.

All three subareas allow for variety of housing types (See Goals for each subarea below). In fact, diversity of housing is encouraged in *The 6<sup>th</sup> Street Infill Plan* through the creation of the *Mixed Use Infill* subarea and *Redevelopment* subarea. These subareas allow for alternative types of housing not fully supported by the City's current conventional zoning code. It should be noted that with the applicant's proposed increase in *Manufacturing Warehousing* and *Auto-Oriented Commercial*, the land uses appropriate and available for residential uses of any kind appear to be decreased by at approximately 50%.

#### **16.4.1.1. Goals for *Residential Revitalization* subarea:**

- “16.4.1.1.1. **Retain a small enclave of traditional bungalow housing and small, compatible residential buildings.**
- 16.4.1.1.2. Preserve the historical character of the neighborhood.
- 16.4.1.1.3. **Encourage new infill development that allows for increased density** while respecting the continuity and context of the existing neighborhood.
- 16.4.1.1.4. **Retain a diversity of the housing stock in the neighborhood.**
- 16.4.1.1.5. Create, in the short term, “fixer-upper” opportunities for those who want to purchase housing at reasonable prices and move into this neighborhood.”

#### **16.4.1.1. Goals for *Mixed Use Infill* subarea:**

- “6.5.1.1.1. **To create a stable neighborhood with rising property values.**
- 16.5.1.1.2. Allow for a thriving neighborhood commercial area.
- 16.5.1.1.3. **Removal of blight through restoration or replacement.**
- 16.5.1.1.4. Provide adequate parking for commercial businesses.
- 16.5.1.1.5. Land use policies that support traditional forms of development.
- 16.5.1.1.6. **Make the process of restoring older buildings sensible and economically competitive.”**

#### **16.6.1.1. Goals for *Redevelopment* subarea:**

“**To create high-density housing** and mixed use development that complements and enhances the existing neighborhood. Walkable neighborhoods have certain physical and contextual traits. Infill development in these kinds of neighborhoods needs to reflect these traits.”

One potential option could be to more clearly define each of these subareas, outlining various types of housing that would be

appropriate in each to demonstrate that a diversity of housing needs are met.

**G. Potential Options**

1. Initiate all amendments to *The 6<sup>th</sup> Street Infill Plan* as presented by the applicant. This action would require a full small area planning process with extensive stakeholder engagement as defined in the 2010 Tulsa Comprehensive Plan.
2. Initiate any or all of the following options in response to the applicant's concerns:
  - a) Request 1: Define the term *Auto-Oriented Commercial* in the context of this neighborhood and evaluate all of S. Utica Ave. (currently S. Utica Ave. north of the railroad tracks is already designated Auto-Oriented Commercial) and E. 11st Street for possible inclusion in this subarea.
  - b) Request 2: Consider regulatory changes to address parking as part of the re-evaluation of the Form-Based Code.
  - c) Request 3: Define the three subareas: *Residential Revitalization* subarea, *Redevelopment* subarea and the *Mixed Use Infill* subarea, outlining appropriate housing types in each to ensure that a diversity of housing needs are met.
3. Not initiate *The 6<sup>th</sup> Street Infill Plan* amendment request as presented.

Ms. Miller presented the proposed amendments to the 6<sup>th</sup> Street Infill Plan and explained what the request is for and staff's recommendation for each item.

**TMAPC COMMENTS:**

Mr. Dix stated that developers look at the map to see what the potential development is and if the map doesn't show what one can do or what is allowed, then they resist from pursuing the property. It is imperative to change the maps to what the changes should be. Ms. Miller stated that if the land use designations were defined to include those things that they really want, then the map doesn't need to be changed. Ms. Miller stated that the terms need to be better defined. Mr. Dix stated that the maps need to be accurate and match the text. Ms. Miller stated that there are no inconsistencies with the land use maps and text at this time, pending that the first five amendments move forward.

Mr. Covey asked Ms. Miller to explain to him what initiate means. Mr. Covey stated that he is a little confused on what is being voted on today. Ms. Miller explained that the policies requires that, for these types of

amendments, that staff presents them to the Planning Commission within 30 days to determine if the Planning Commission would like to initiate them. Initiate means that the Planning Commission is directing staff to move forward with work related to that amendment. Ms. Miller used the last five proposed amendments as an example and how the direction was to look at few a little closer and study some of the items a little bit more. Directing staff to do the work necessary to bring it back to the Planning Commission in a more informed recommendation for adopting the amendments. Mr. Covey stated that a “no” vote would mean that staff is not to do any more work and a “yes” vote would mean that staff does the work and understand that it will come back to the Planning Commission for consideration of adoption. Ms. Miller agreed with Mr. Covey’s statement.

#### **INTERESTED PARTIES:**

**Douglas Waldman**, Superior Linen Service, 534 South Rockford; **Joe Westervelt**, 2537 East 27<sup>th</sup> Street, 74114; **Jamie Jamieson**, 754 South Norfolk Avenue, 74120 (emailed a letter opposing the amendments and read the letter.); **Lorenda Greet Stetler**, 2440 South St. Louis, 74114, **Jim Cameron**, Vice President of the Indian Health Care Board of Trustees, 550 South Peoria, 74114;

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

Presented a video of 6<sup>th</sup> Street areas, <http://www.pearlbusinessassociation.com/policy-docs/>; explained why they have requested the three additional amendments; staff has done a good job on the first five items and the three additional items; not here to debate staff recommendation and wait until all amendments, the five from previous meetings and the additional three amendments requested today, to debate the merits; there is something fundamentally not correct when a planning process does not forward the voice of a grass root group of business and property owners that have become well informed; requested that the Planning Commission schedule a public hearing to hear the Comprehensive Plan Amendments and hear all of the three proposed today along with the original five heard earlier; Mr. Jamieson read his four-page letter dated September 17, 2013, which opposes the amendments; Mr. Jamieson requested that the Planning Commission to reject the additional three amendments; Ms. Stetler stated that the Pearl District Association does want to work with the Business Association and the Planning Commission; Ms. Stetler stated that the association has reached out to the Business Association and has received negative responses in return, but the association is working with INCOG and hoping to set up meetings to go over the different proposals with the Pearl District Business Association; the information being reported that the Pearl District Business Association is being uncooperative and refuse to meet is totally incorrect;

Mr. Cameron stated that he has personally seen multiple emails to the Pearl District Association requesting meetings of the key people on each side;

**TMAPC COMMENTS:**

Mr. Walker informed Mr. Jamieson that he will not allow him to trash the Planning Commission. Mr. Walker explained that if Mr. Jamieson has some topics he would like to go over then to proceed.

Mr. Perkins stated that he is getting tired of hearing the bashing of the Planning Commission from Mr. Jamieson.

Mr. Perkins asked Mr. Jamieson if he or his group met with the Business Association to try and hammer out a compromise. Mr. Jamieson stated that he has tried to do so. Mr. Perkins stated that it is damaging to both sides because it doesn't allow the Planning Commission to make a very informed decision. Mr. Perkins further stated that to hear that the two sides have not met means he would have to vote what he thinks is the best for everyone. Mr. Jamieson explained that they have tried to meet and it appears to be a closed shop.

Mr. Midget thought he understood that both sides had spoken with each other and was laying the ground work for the leadership meeting that Mr. Cameron. Mr. Cameron stated that is correct and he has offered the meeting. Mr. Midget stated that he thought Katy Brown was working on setting up the meetings. Mr. Westervelt stated that Katy is not present today, but he has seen all of the emails and have forward some of the emails to staff. Mr. Westervelt indicated that Ms. Brown made several overtures to Mr. Crowe after the last meeting and Mr. Crowe said his schedule was too busy, but he would attend our meeting and to provide the date. After providing the date and Mr. Crowe sent an email stating that he was too busy to attend. Katy then took it upon herself to try and meet with another member on the Pearl Association and they cancelled as well. Mr. Westervelt assured the Planning Commission that the Business Association will try and narrow the gap and meet with the Pearl District Association before the public hearings on the proposed amendments. Mr. Midget encouraged both sides to meet.

Mr. Leighty stated that he understands the frustration Mr. Jamieson has expressed. This Planning Commission has had its mind made up about this a long time ago. There is no sense in talking anymore, what is there to talk because the decision has already been made. The Planning Commission has been listening to one side and all of the other voices and all of the other people that have worked to build the 6<sup>th</sup> Street Plan are being completely ignored. Mr. Leighty stated that we are going on about our way, and when I say "we", you guys and you are so focused on



catering to the special interest in this that you are ignoring the vision of the 6<sup>th</sup> Street Infill Plan and what is trying to achieve and ignoring the Comprehensive Plan and it is preposterous to say anything else. Mr. Leighty indicated that he will not be in favor of any of these three amendments.

Mr. Midget stated that he didn't think he would be here today so he sent an email encouraging the Planning Commission to consider these three amendments because we will be hearing the other five. Regardless of how the Planning Commission ends up voting on this in the end, at least everyone will feel that they have had their day and their concerns have been addressed. Mr. Midget explained that is why he would be supportive of adding these three to the original five. Mr. Midget commented that he is encouraged with what staff has brought for options to be looked at. Mr. Midget stated that Ms. Miller stated that she has looked at this and she sees where there is some confusion in the definitions and so he sees the Planning Commission incrementally getting to a place where everyone can be comfortable. Mr. Midget further stated that he has always stated that no one is going to get everything that they want. Mr. Midget stated that it will be a public discussion/public hearing and people ought to be allowed to have that opportunity.

Mr. Perkins asked Mr. Leighty if he is agreeing with staff to better define the terms or is he saying that he doesn't agree with staff and do not touch the Plan. Mr. Leighty stated that it isn't going to make any difference what he says or what Mr. Jamieson, and Ms. Stetler says, because the Planning Commission already has it in their mind on how this is going to go. Mr. Leighty further stated that earlier, City staff and TMAPC staff stated that to add the three additional amendments would require a complete rewrite of the Plan. Mr. Leighty commented that there are areas of improvement that could be done, but what is really being asked is to gut the 6<sup>th</sup> Street Infill Plan by proposing these additional amendments. The Planning Commission has given them everything else that they want, so why not give them this. Mr. Leighty stated that if the Planning Commission isn't going to implement the plan, then why you don't just change the Comprehensive Plan because that is what it all boils down to. Mr. Perkins stated that he doesn't think he got his answer, but that is okay.

Mr. Perkins asked Ms. Miller for better clarification for the staff recommendation. Ms. Miller explained her staff recommendation for the three items.

**TMAPC Action; 11 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-3-0** (Carnes, Dix, Covey, Edwards, Liotta, Midget, Shivel, Walker "aye"; Leighty, Perkins, Stirling "nays"; none "abstaining"; none "absent") to **INITIATE** requests 1, 2 and 3 of the proposed amendments for the 6<sup>th</sup> Street Infill Plan.

\*\*\*\*\*

**20. Commissioners' Comments**

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting No. 2658.

\*\*\*\*\*

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 4:37 p.m.

Date Approved:

10-16-13

Joshua G. Webb

Chairman

ATTEST:

[Signature]  
Secretary