

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2591

Tuesday, December 7, 2010, 4:00 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Carnes	Alberty	Boulden, Legal
Dix	Shivel	Bates	Steele, Sr. Eng.
Edwards		Cuthbertson	
Leighty		Fernandez	
Liotta		Matthews	
McArtor		Sansone	
Midget		Sparger	
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 1, 2010 at 3:10 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 Cantrell called the meeting to order at 4:00 p.m.

### **REPORTS:**

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

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

Mr. Alberty reported that next meeting will be held December 15, 2010 and it will be a quick turnaround.

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#### **Minutes:**

##### **Approval of the minutes of November 2, 2010 Meeting No. 2589**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of November 2, 2010, Meeting No. 2589.

**Minutes:**

**Approval of the minutes of November 17, 2010 Meeting No. 2590**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **CONTINUE** the minutes of the meeting of November 17, 2010, Meeting No. 2590 to December 15, 2010.

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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.

3. **LS-20405**– Gerald H. McElroy (2311) Lot-Split (County)  
East of the Southeast corner of North Sheridan Road and East 176<sup>th</sup> Street North
4. **LS-20402**– Tanner Consulting (8334) Lot-Split (CD-8)  
Northwest corner of South Sheridan Road and East 121<sup>st</sup> Street South
5. **LC-289** – Mary Kell (9202) Lot-Combination (CD-1)  
Southeast corner of North Union Avenue and West Easton Street
6. **LS-20404** – Gary W. and Ollie F. Akin (9406) Lot-Split (CD-6)  
West of the Northwest corner of South Garnett Road and East 7<sup>th</sup> Street South (Related to Item 7)
7. **LC-290** – Gary W. and Ollie F. Akin (9406) Lot-Combination (CD-6)  
West of the Northwest corner of South Garnett Road and East 7<sup>th</sup> Street South (Related to Item 6)
8. **LS-20407**– Gerald T. Mitchell (9212) Lot-Split  
East of the Southeast corner of South Denver Avenue and West 16<sup>th</sup> Street South (Related to Item 9)
9. **LC-291** – Gerald T. Mitchell (9212) Lot-Combination (CD-4)  
East of the Southeast corner of South Denver Avenue and West 16<sup>th</sup> Street South (Related to Item 8)

Consent Agenda (Cont'd)

10. **LS-20406**– HRAOK, Inc. (0319) Lot-Split (CD-3)  
Southwest corner of East Apache Street and North Harvard Avenue
11. **LS-20403**– J.R. Donelson (7333) Lot-Split (County)  
South of the Southeast corner of South Harvard Avenue and East 171<sup>st</sup> Street South (Related to Item 12)
12. **LC-288**– J.R. Donelson (7333) Lot-Combination (County)  
South of the Southeast corner of South Harvard Avenue and East 171<sup>st</sup> Street South (Related to Item 11)
13. **Saint Francis South** – (8418) Final Plat (CD 5)  
Northeast corner of 91<sup>st</sup> Street and South Highway 169

**STAFF RECOMMENDATION:**

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

All release letters have been received and staff recommends **APPROVAL**.

**ITEM 13 HAS BEEN REMOVED FROM AGENDA.**

14. **PUD-521-3 – William D. LaFortune** RM-2/CS/PUD (CD-7)  
Southwest corner of 71<sup>st</sup> Street South and US-169 (Minor Amendment to add digital technology to the north-face only of an existing outdoor advertising sign and to clearly re-establish ground sign standards for Area C.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to add digital technology to the north face only of an existing outdoor advertising (OA) sign and to clearly re-establish ground sign standards for Area C per sections 1103-B and 1221-D of the Zoning Code. On November 23, 2010 the Board of Adjustment (BOA) re-verified the spacing for this billboard in case number 21168.

Minor Amendment PUD-521-1 was approved in 1995 and established permitted display surface area (DSA) for ground signs in Area C (Lot 4) as follows:

- Two (2) existing billboards (320 square feet each) and additional ground signs total area not to exceed 940 square feet (SF).

Minor Amendment PUD-521-3 proposes ground sign standards as follows:

- Three (3) ground signs shall be permitted per section 1221, C-8a of the Code allowing two general business signs and one outdoor advertising sign;
- The permitted DSA of the outdoor advertising sign shall not exceed 600 SF and digital technology shall be limited to the north face of the sign;
- The permitted DSA for the two general business signs shall not exceed 115 SF each and shall be limited to 25 feet in height;
- Wall signs shall not exceed 1.5 SF of display area per lineal foot of building wall to which they are affixed. Further, the length of wall signs shall not exceed 75% of the frontage of the building;

Since the overall display area permitted in Area C would decrease from 940 SF to 830 SF and the digital technology is limited to one side of the sign, staff can support the request. Staff recommends **APPROVAL** of minor amendment PUD-521-3.

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

15. **PUD-306-G – Southwest Tulsa, LLC/Sherwin Williams**      **RM-1/RS-3/PK/CS/PUD**

Northeast corner of South Delaware Avenue and 95<sup>th</sup> Street South (Detail Site Plan for a 4,000 SF paint store.)      (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 4,000 square foot (SF) paint store. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use in PUD-306-G.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided via mutual access easement from 95<sup>th</sup> Street South and South Delaware Avenue. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. All sight lighting will be directed down and away from adjoining residential properties in a manner that the light-producing element and/or reflector are not visible to a person standing at ground level within said residential district. A trash enclosure will be provided as required by the PUD. Sidewalks are provided along 95<sup>th</sup> Street South and South Delaware Avenue as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Development Area A/Tract 1 of PUD-306-G.

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

16. **PUD-637-3 – Claude Neon/Ed Horkey/Greenhill Residential Subd.** **RS-1/PUD**

North of the northeast corner of 45<sup>th</sup> Street South and South Lewis Avenue (Minor Amendment to increase the height of a sign from six feet to 18.7 feet.) (CD-9)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the height of a sign from 6' to 18' 7" per the attached Exhibit A. The underlying zoning of this residential subdivision is RS-1.

PUD-637 allows signs as follows:

- One entry identification sign with a maximum display area of 24 square feet (SF) and a maximum height of six feet, one two-foot by three-foot identification sign at the Atlanta Avenue entrance and no other signs permitted at other street frontages.

Signs are permitted in residential districts per section 402-B, 4 of the Code as follows:

- One (1) identification sign may be erected on each perimeter street frontage of a multifamily development, manufactured-home park or subdivision, single-family subdivision or permitted nonresidential use. The sign shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two (32) square feet nor permitted to exceed one hundred fifty (150) square feet of display surface area. The sign shall not exceed twenty (20) feet in height, and illumination, if any, shall be by constant light.

Sign standards for PUD-637 are much more restrictive than the residential chapter of the Code. Staff supports the existing standards given the character of the neighborhood and surrounding area. However, the proposed 13.85 SF sign is being kept well under the permissible 32 SF and at 18'7" is under the 20' in height permitted by Chapter 4 of the Code. The sign also has the support of the neighborhood association (see Exhibit B).

Staff recommends **APPROVAL** of minor amendment PUD-637-3.

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

17. **PUD-691-A – David Jaeckels/TTCU Riverside** **OL/PUD**  
South of the southeast corner of 71<sup>st</sup> Street South and Riverside Drive (Detail Site Plan for a 3,955 SF single-story bank and drive-through facility.) **(CD-2)**

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 3,955 square foot (SF), single-story bank with drive-through facility. The proposed use, Use Unit 11 – Office, Studios and Support Services, is a permitted use in PUD-691-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from Riverside Drive and Quincy Avenue. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Zoning Code. Landscaping will be provided per PUD requirements and Chapter 10 of the Zoning Code. All site lighting, including building mounted, will be limited to 20 feet in height. Lighting will be directed down and away from adjoining residentially zoned or residentially used properties in a manner that the light-producing element and/or reflector are not visible to a person standing at ground level within said residential district. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along Quincy Avenue and Riverside Drive as required by PUD Development Standards and Subdivision Regulations. A protected pedestrian pathway will be provided from the Riverside Drive sidewalk through the parking lot to the building as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – TTCU Riverside Branch Replat of L1 B2 Rivergrove. The approval is conditioned upon the receipt of the signatures of the City of Tulsa Fire Marshal and Traffic Engineering for the access drive as required by the PUD.

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

18. **PUD-759-4 – Tanner Consulting, LLC/Matt Baer/Crestwood Village** **CS/RS-3/PUD**  
Northwest corner of 121<sup>st</sup> Street South and South Sheridan Road (Minor Amendment for the purpose of a lot-split, reallocation of existing floor area and establishment of building setbacks from internal lot lines.) (Related to Items 19 & 20) **(CD-8)**

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment for the purpose of a lot-split, reallocation of existing floor area and establishment of building setbacks from internal lot lines. There is no request to increase the existing permitted floor area within the PUD.

PUD-759-3 dedicated 40,250 square feet (SF) of floor area to Development Area B; a .23 floor-to-area ratio (see Exhibit A). The owner now intends to divide the development area into tracts requiring the dedication of the existing floor area as follows (see Exhibits B, C, and D):

Lot 1/Tract A:	3,100 SF
Lot 1/Tract B:	3,100 SF
Lot 1/Tract C:	34,050 SF
Total:	40,250 SF

By subdividing the development area it becomes necessary to establish setbacks from internal lot lines. The applicant is proposing 0 feet which staff supports.

Staff views this request as minor in nature and recommends **APPROVAL** of minor amendment PUD-759-4.

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

19. **PUD-759/Tract 1-A – Tanner Consulting, CS/RS-3/PUD LLC/Crestwood Office Park**

Northwest corner of 121<sup>st</sup> Street South and South Sheridan Road (Detail Site Plan/Tract 1-A for a 3,024 SF single-story office building.) (Related to Items 18 & 20) (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 3,024 square foot single-story office building. The proposed use, Use Unit 11 – Office, Studio and Support Services, is a permitted use in PUD-759. Associated with this detail site plan is minor amendment PUD-759-4 and lot-split application LS-20402 which also appear on the December 7<sup>th</sup> agenda of the TMAPC.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from 121<sup>st</sup> Street. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting, including building mounted, will not exceed 25 feet in height per PUD limitations for exterior lighting. Lighting will be directed

down and away from adjoining residential properties in a manner that the light-producing element and/or reflector is not visible to a person standing at ground level within said residential district. Sidewalks and pedestrian access will be provided as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-759/Tract 1-A conditioned on the approval of minor amendment PUD-759-A and Lot Split application number LS-20402.

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

20. **PUD-759/Tract 1-B – Tanner Consulting, CS/RS-3/PUD LLC/Crestwood Office Park**

Northwest corner of 121<sup>st</sup> Street South and South Sheridan Road (Detail Site Plan/Tract 1-B for a 3,024 SF single-story office building.) (Related to Items 18 & 19) (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 3,024 square foot single-story office building. The proposed use, Use Unit 11 – Office, Studio and Support Services, is a permitted use in PUD-759. Associated with this detail site plan is minor amendment PUD-759-4 and lot-split application LS-20402 which also appear on the December 7<sup>th</sup> agenda of the TMAPC.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from 121<sup>st</sup> Street. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting, including building mounted, will not exceed 25 feet in height per PUD limitations for exterior lighting. Lighting will be directed down and away from adjoining residential properties in a manner that the light-producing element and/or reflector is not visible to a person standing at ground level within said residential district. Sidewalks and pedestrian access will be provided as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-759/Tract 1-B conditioned on the approval of minor amendment PUD-759-A and Lot Split application number LS-20402.

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



21. **AC-101 – J.R. Donelson**

IL

North of the northwest corner of 61<sup>st</sup> Street South and South Mingo Road (Alternative Compliance Landscape Plan to locate street yard landscaping elsewhere on the site.)

(CD-7)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan to locate street yard landscaping elsewhere on the site. The applicant states that the property owner was cited by the City of Tulsa for a gravel parking lot and when the parking lot was paved, the contractor inadvertently paved to the right-of-way line.

Landscape requirements state that 15% of the street yard shall be landscaped with one tree planted in the street yard for every 1,500 SF of street yard area. Additionally, there must be one tree planted in a landscaped area no less than 30 square feet in size for every 12 spaces provided outside of the street yard. There must also be a minimum five-foot landscape strip provided along any lot line in common with a Residential District with a minimum six-foot high screening wall or fence along the lot line.

The requirements for this lot would therefore be three trees planted in a street yard grass strip of no less than five feet in width and one tree planted in the parking area outside the street yard with every parking space within 50 feet of a landscaped area. The applicant proposes to keep 21% of the lot landscaped and preserve ten mature trees on site while meeting all other requirements of the Code with the exception of the street yard. Section 1002, C-4 of the Code allows mature trees greater than 6" in caliper to be counted as two trees, so technically there are 20 trees on site

Staff contends that keeping 21% of the lot landscaped and preserving ten mature trees on site "meets or exceeds" the requirements of Chapter 10 of the Code as required for approval of an alternative compliance landscape plan. Therefore, staff recommends **APPROVAL** of AC-101.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LIEGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the consent agenda for Items 3-12 and 14-21 per staff recommendation.

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**PUBLIC HEARING**

22. **Rockford Industrial Park** – (0331) Minor Subdivision (CD 1)  
Park

1212 North Rockford, South of Pine Street and West of North Rockford Road (Request continuance to 12/15/2010 for further revision and review.) (Continued from 10/20/2010.)

**STAFF RECOMMENDATION:**

Staff requests a continuance to December 15, 2010 for further revision and review.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LIEGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **CONTINUE** the minor subdivision plat for Rockford Industrial Park to December 15, 2010.

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

**Mr. Midget in at 4:15 p.m.**

**TMAPC COMMENTS:**

Ms. Cantrell stated that there was a letter written and published in the Tulsa World Newspaper requesting her recusal from Item 23 and she would like Legal to comment on this issue.

Mr. Boulden stated that he has reviewed the letter requesting Ms. Cantrell's recusal and he has no problem with her participating in the public hearing on a zoning amendment change. The letter indicated that Ms. Cantrell had ex parte communication with staff. Ex parte communication is not intended to encompass communication with staff and particularly TMAPC staff. In particular, this proceeding is more of a legislative function, as opposed to a quasi-judicial function, where ex parte communication certainly would be less appropriate. In essence, he believes that any type of communication regarding what legislative actions one might recommend is more appropriate so that one acts in the interest of the public.

Ms. Cantrell stated that she would like to comment that she always comes to the meetings prepared to listen to all sides of the argument. There is a difference between having an opinion and having a conflict of interest. Each one of us on the TMAPC have opinions about matters and as long as we come to the meetings with an open mind and listen to all sides, we are doing our job. Ms. Cantrell stated that she has always tried to have an open mind and she believes that all of the other Commissioners have as well.

## **PUBLIC HEARING ZONING CODE AMENDMENTS**

23. Proposed amendments to the City of Tulsa Zoning Code, Title 42, Chapter 11, Section 1103, titled "Uses Permitted in a Planned Unit Development", generally related to allowing the reallocation of principal and accessory uses within a Planned Unit Development, regardless of general zoning district boundaries, except when a development is located within a Historic Preservation District.

### **STAFF RECOMMENDATION:**

(Published in the Tulsa Daily Commerce  
& Legal News,

\_\_\_\_\_, 2010.)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING CHAPTER 11, TITLED "PLANNED UNIT DEVELOPMENT"; AMENDING SECTION 1103 TITLED "USES PERMITTED IN PLANNED UNIT DEVELOPMENT"; AMENDING PARAGRAPH 1103.A.3, PERTAINING TO THE REALLOCATION OF USES WITHIN A PLANNED UNIT DEVELOPMENT (PUD) REGARDLESS OF GENERAL ZONING DISTRICT BOUNDARIES; PROVIDING THAT THE REALLOCATION OF USES WITHIN A PLANNED UNIT DEVELOPMENT SHALL NOT BE PERMITTED WITHIN A HISTORIC PRESERVATION (HP) DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 42, Chapter 11, Subsection 1103.A.3, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:*

**"SECTION 1103. USES PERMITTED IN PLANNED UNIT DEVELOPMENT**

A. **Principal Uses.** The development may consist of one (1) or more of the uses permitted by right or exception within the general zoning district or districts within which the Planned Unit Development is located, provided:

1. That if any part of the Planned Unit Development is located within a residential district, the permitted uses may additionally include one (1) or more of the dwelling types contained in Use Unit 6, Single-Family Dwelling, Use Unit 7, Duplex Dwelling, Use Unit 7a, Townhouse Dwelling, Use Unit 8, Multifamily Dwelling;

2. That Use Unit 9, Manufactured Home Dwelling, shall be a permitted use only within Planned Unit Developments which are located in whole or in part in an RMH District;

3. That, except within property supplementally zoned as a Historic Preservation (HP) District, the permitted uses, whether principal or accessory uses, may be reallocated within the development irrespective of the general zoning district boundaries.

4. Outdoor advertising signs shall meet the use conditions set forth in Subsection 1221.F.

B. **Accessory Uses.** Accessory uses customarily incidental to the principal uses within the PUD shall be permitted.

1. **Accessory Commercial.** In addition to accessory uses customarily incidental to a permitted principal residential use, accessory commercial uses may be permitted within a multifamily development area, subject to the conditions enumerated in paragraph 402.B.2. Accessory commercial uses may be permitted within an office development area, irrespective of the specific office zoning classification, subject to the conditions enumerated in paragraphs 602.B.2 and 602.B.3.

2. **Signs.**

a. Signs accessory to residential uses or uses permitted by exception in residential districts shall comply with the provisions of the residential district.

Signs accessory to principal office and/or scientific research uses shall comply with the restrictions in the OL or SR zoning districts, respectively. Provided signs accessory to principal office and/or scientific research uses if located in areas with C or I underlying zoning may be permitted signage based on the standards set out in the paragraph immediately below.

Business signs, except wall signs, which are accessory to principal commercial or industrial uses shall comply with the regulations for signs in a CS District as set forth in paragraphs 1221.D.1, 1221.D.3 and 1221.D.4 and, in addition, shall comply with the provisions of paragraph 1103.B.2.b, herein. Wall signs shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of the building wall to which the sign or signs are affixed.

The approving authority may impose such additional restrictions as are necessary to maximize compatibility with other neighboring uses.

**b. General Use Conditions for Business Signs.**

(1) No roof signs shall be permitted. Projecting signs, signs with movement or flashing illumination, revolving or rotating signs, signs with animation or changeable copy signs may be permitted as limited by paragraph 1221.C.2.

(2) Signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within fifty (50) feet of such a district or area. However, signs larger than three hundred (300) square feet visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within two hundred (200) feet of said district or area.

(3) Any ground sign shall maintain a minimum separation of one hundred (100) feet from any other ground sign.

(4) Ground signs and promotional business signs shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in paragraph 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed a height of forty (40) feet unless the abutting

street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted sign height shall be fifty (50) feet. No portion of the ground sign shall be within ten (10) feet of the freeway right-of-way.

(5) Only one (1) side of a double-faced sign shall be included in the computation of display surface area.

(6) Promotional business signs may be utilized in accordance with paragraph 1221.C.7.

c. **General Use Conditions for Outdoor Advertising Signs.** Outdoor advertising signs shall comply with Subsection 1221.F, provided that the approving authority may impose such additional restrictions as are necessary to maximize compatibility with neighboring uses."

*Ord. Nos. 17830, 17922, 21100*

*Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

*Section 3. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.*

*Section 4. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.*

#### **STAFF RECOMMENDATION:**

Mr. Boulden presented the proposed changes to recommend to the City Council. Mr. Boulden reminded the Planning Commissioners and the public that the TMAPC merely make recommendations to the City Council. Mr. Boulden read the language changes as indicated above. The amendment would only affect one provision of the Planned Unit Development (PUD) ordinances. It doesn't prohibit or intend to prohibit the use of a PUD within a Historic Preservation district. The purpose of this amendment would be to simply to say if there is a PUD and it perhaps goes into an office or commercial district and into an HP district, which are most commonly zoned residential, one could not reallocate the uses that area allowed in the office or commercial district into the HP-zoned area. The underlying zoning in a residentially-zoned HP district would control and this

would prevent a PUD from varying from the underlying zoning (residential use). One would have to go to what residential uses are allowed under this Zoning Code and read the chart. Sometimes those uses may not be residential in nature (may be schools that can be built in a residentially-zoned property).

**TMAPC COMMENTS:**

Mr. Leighty asked if the only change proposed is highlighted in red. Mr. Boulden stated that if the copy is in color it is highlighted in red, but if the copy is in black and white, it is underlined. The item is advertised broadly enough to consider other portions of 1103 if so desired. Mr. Boulden stated that what is before the Planning Commission today is his concept of what they might do in order to comply with what the City Council has requested the TMAPC to look at.

Ms. Cantrell stated that if someone wanted to actually change the underlying zoning of a property that is in HP, they could still do so by petitioning to rezone something commercial. This is strictly with respect to PUDs and it doesn't stop any property from becoming commercial that is currently residential. Mr. Boulden stated that this proposal doesn't stop a property from being taken out of an HP-zoned district and it doesn't stop the underlying zoning from being changed to something within the HP-zoned district. Ms. Cantrell stated that if this change is not made, the Planning Commission could still recommend denial of PUDs that come before the Planning Commission. This doesn't predetermine any cases that come before the Planning Commission.

**INTERESTED PARTIES:**

**Ian Browne**, 1871 East 16<sup>th</sup> Street, 74104; stated that he is in support of this proposed change. Recently three houses have been torn down in his neighborhood and he has no idea why. He would like to see a stronger sense of what HP protection means and what HP means. He expressed concerns that one of the homes destroyed had asbestos and wasn't properly demolished to protect the neighborhood or the workers.

**Mark Radzinski**, 1552 South Yorktown, 74104, President of Yorktown Association, stated that he is in support of the proposed change in the zoning. The neighborhood chose to be zoned HP and he doesn't feel that it is fair to allow the use of a PUD to change the use and reallocate the use by using that method of rezoning.

**Martin Steinmetz**, 1763 South Xanthus, 74104, Attorney for the Yorktown Neighborhood Association, stated that he does support this proposal for the Zoning Code change. He suggested that there is some incorrect information in the memo submitted by Mr. Alberty in November with reference to non-residential construction being anticipated in the Yorktown HP district. Mr. Steinmetz stated that the only reason for the non-residential construction was to accommodate the YWCA. He indicated that the sole reason for the neighborhood to vote for HP zoning was to protect their inner city and historical assets.

**Joe Westervelt**, 1630 S. Boston Avenue, 74119, stated that the requested ordinance change is ill-conceived and disingenuous. These topics were discussed during PLANiTULSA and there were a number of people who were concerned that these tools would be used poorly. This ordinance is a part of a two-step action. It came from the City Council asking for a small area plan on Utica from 11<sup>th</sup> to 21<sup>st</sup> and have the Planning Commission modify this ordinance. There is already a safeguard in place because the PUD comes before the Planning Commission and if it is a good PUD, it can be recommended for approval to the City Council and they get a second chance to review it and approve or deny. To take this tool out of the tool box in an effort to force someone into another type of function, like a small area plan, is not the proper way to go about doing business. He would like the Planning Commissioners to go back to their experience with PLANiTULSA and think of the words that were and weren't important. He requested that the Planning Commission not make this change and instead wait for the new Planning Director and let the PLANiTULSA be codified so that there are some rules as to where small area plans may be chosen. There is no emergency or crisis and this is an ill-conceived plan. He agrees with something he heard earlier by Mr. Browne, that everyone does need to play by the same rules and the Planning Commission knows what the right rules are. He requested that the Planning Commission not adopt the ordinance change and leave the PUD tool in place.

**Stacey Bayles**, 1532 S. Troost, 74120, stated that she has lived in Swan Lake for 30 years on the perimeter of Swan Lake, which is one of the areas most affected by encroachment. Ms. Bayles reiterated what Mr. Westervelt stated. Ms. Bayles stated that from her experience as a former neighborhood association president and as a member of PLANiTULSA and a former member of the TMAPC/Chair, she spoke most ardently for a new Comprehensive Plan that this is an opportunity for us to reexamine this proposal. No matter how well-intentioned, this is a preventative measure that will not stop redevelopment. The Planning Commission has the opportunity to decline a PUD or accept a PUD. It is one of the tools available with the most control by the TMAPC. She expects redevelopment in historic neighborhoods and there should be to make Tulsa a vibrant healthy place to live.

**Randy Wagner**, 2211 East 18<sup>th</sup> Street, 74104, stated that he is in support of this amendment. He has lived in the subject area for over three years and one of the plus factors for him to purchase his home is that it was in a preservation district and a historic district that should be preserved.

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, representing St. John's Hospital and Hillcrest Hospital, stated that they understand this is a culmination of a request that was made to the TMAPC to study and make a recommendation on suggested text amendments to the Zoning Code and increasing the City's ability to protect encroachment into the historic district from incompatible



development. Currently the Zoning Code doesn't permit any such encroachment into the HP districts without the approval of the Planning Commission and City Council. Other than an absolute prohibition, how much more power does the City need? Mr. Reynolds stated that from what he knows, this is nothing more than a spur-of-the-moment decision. We have been told by members of the TPC that this request was triggered by a recent request to demolish two rent houses at 15<sup>th</sup> and Utica. What specifically is the problem that needs to be addressed and why are we here today? Why should the PUD Chapter be amended? These amendments can only happen with a hearing before the Planning Commission and the City Council, then there are site plans, lighting plans, landscaping plans, screening plans and any other kind of plan that might have gone through the process. The process might even require that those plans come back through the City Council (Mr. Reynolds indicated that he currently has PUDs that require the minor amendments to go before the City Council) and he thinks everyone should be mindful of the big picture that the primary factor in both these hospitals' support of PLANiTULSA was that the PUD Chapter provided them this opportunity to continue to develop, per TMAPC and City Council review pending a new Zoning Code that is consistent with PLANiTULSA. In summary, the hospital submits that TMAPC should not replace good planning with spur-of-the-moment decisions and the PUD Chapter doesn't need to be amended. He requests that the TMAPC deny the proposed amendment.

**Bob Sober**, 2420 East 24<sup>th</sup> Street, 74114, Chairman of the Tulsa Preservation Commission, asked questions regarding what HP zoning is and answered his own questions. He indicated that not many people know what happens and how a neighborhood achieves HP zoning. Mr. Sober explained how HP zoning is achieved and the process. There are five neighborhoods granted HP zoning: Gillette, North Maple Ridge, Swan Lake, Yorktown and Brady Heights. Mr. Sober stated that the proposed amendment should be considered a maintenance issue, because there is a problem now and it needs to be fixed and the TMAPC shouldn't wait until the Zoning Code is overhauled. Mr. Sober explained about zoning overlays and that HP special provisions are to preserve the historic character of the district and depends heavily on the underlying zoning. He further explained that a PUD has special provisions to reallocate the development rights of the underlying or base zoning, and when there is an HP overlay in place, it can undermine the purpose of the HP overlay entirely.

Ms. Cantrell asked Mr. Sober to wrap his comments up, as he has exceeded the five minutes that were given to everyone else.

Mr. Sober stated that he would like to read one passage out of the new Comprehensive Plan that relates specifically to this issue. Mr. Sober read the following: Goal number 14, Land Use Chapter, page 83 and 84, 14.3. Mr. Sober stated that the conclusion is that the proposed amendments are consistent with the Comprehensive Plan and they are consistent with the purpose of a residential district and the purpose of a historic preservation district/ It is not in conflict with

the guidelines of any historic preservation district in existence in Tulsa today. Mr. Sober concluded with the request that this amendment be approved and listed numerous reasons why it should be approved to protect the HP district and perhaps prevent destruction of homes in the HP district.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Sober if the PUD application a process and not the instrument to actually protect HP zoning. Mr. Sober stated that the PUD process in its very nature, which is to reallocate the zoning rights and property rights, actually works to undermine the HP district. Today in Tulsa, all of the HP districts are mostly residentially zoned, but a few have small pieces that are zoned commercial. Immediately outside of the districts there is substantial commercial zoning. It is the act of using a PUD that straddles the border and takes in a portion of the commercial zoning outside of the district and some of the residential inside the district and then allocates the commercial zoning rights or property rights into the residential properties. This works specifically against the idea of protecting the character of the neighborhood. Mr. Sober concluded that the PUD is in absolute opposition to HP code.

**Sarah Kobos**, 3709 East 43<sup>rd</sup> Street, stated that she wanted to speak in favor of this amendment because we often hear that the PUD process simply reallocates the underlying zoning and doesn't change the underlying zoning. Citizens often see residential homes changing into parking lots for commercial development and that feels like a change in zoning. The intent is to attempt to protect this constant shaving away at the HP districts.

**TMAPC COMMENTS:**

Mr. Leighty stated that this is a difficult issue, but he will be supporting the amendment. He hopes that there wasn't any misunderstanding with the hospital community in terms of what the ideas were discussed during the PLANiTULSA approval. Mr. Leighty stated that this appears to be a loophole, and although it hasn't come up since he has been serving, if the borders are protected, then he doesn't feel that the TMAPC does service to the people who voted to have these districts in the first place. We are not denying anyone a chance to develop those properties, but it does have to be consistent and compatible with the historic preservation guidelines. There are five historic districts and there are a number of homes that would be affected by today's decision. The City Council has asked the Planning Commission to come up with something for this and is obligated to do so. This proposal is a reasonable one and it doesn't stop any development.

Mr. Dix stated that he disagrees with Mr. Leighty. He believes that this is specifically for the individual area and not for all of the areas. This ordinance will affect the whole City and there are other areas that need to be redeveloped and they may not be because of this specific sentence in this proposed ordinance. He doesn't see that this is necessary or beneficial. He believes that this is destructive and he will not be supporting it.

Mr. Midget stated that he believes that this ordinance is reactionary and he understands the intent to preserve the integrity of historic districts and neighborhoods. This particular ordinance at this time is reactionary and he doesn't see the emergency in doing this. The PUD process is in place and it has to come before the Planning Commission. If it is a bad development, it can be denied, but if it isn't injurious to the neighborhood it can be approved. He doesn't see why moving now on this is so necessary. The City needs a chance to grow and there are other areas where this particular ordinance may be injurious to their opportunity to grow. This issue came up during the PLANiTULSA process and the Planning Commission agreed to leave everything in place because it felt at that time that there are protections in place to protect the historic districts. He would hope that the Planning Commission would live up to what was said at that time and he also would hope that the Planning Commission would give themselves an opportunity to put in place our small area plans, which he believes would address this issue in a more comprehensive way. Each historic district should be addressed individually rather than with a broad stroke that is being proposed today. There is nothing inconsistent with the purpose of the historic zoning ordinance by leaving the existing PUD as it is. He doesn't see by leaving as it is how it is not safeguarding the cultural, social, political, architectural value of the neighborhood. All of this can be protected through the PUD process today. Mr. Midget stated that he doesn't know what the problem is with the PUD ordinance as it stands now because the Planning Commission controls it. Mr. Midget concluded that the PUD would have to go through the Planning Commission and the City Council and therefore, he can't support this proposal. At the minimum this needs to go back to a work session. The City Council did ask the Planning Commission to look at this and if the Planning Commission doesn't feel that it is needed at this time, then we have fulfilled our obligation. The Planning Commission doesn't have to change it because the City Council requested it. We can give them the best advice we can and this is putting the cart before the horse. The PLANiTULSA process needs to have a chance to work out, in particular, with the small area plans.

Mr. Walker stated that he agrees with Mr. Midget. Mr. Walker indicated that he hasn't heard any compelling reasons to go to this effort. He believes that the protections are already in place and he can't support this proposal.

Ms. Wright requested that Theron Warlick come up to the podium. She stated that she asked Mr. Warlick to come up because he is the most aware of the PLANiTULSA and the aims and goals of the new vision. Mr. Warlick stated that he believes many people know about PLANiTULSA, but he was one of the leads on the project.

**Theron Warlick**, City of Tulsa Planning Department. Ms. Wright stated that what she is hearing from the Commissioners is that there are a couple of issues that seem to be confused in her mind and she would like to get some clarification for

herself. What we are not discussing right now is small area plans, but looking specifically at a loop-hole in the ordinance that reallocates uses for one specific area and that only applies to the historic boundaries and not anywhere else in the City. It doesn't set precedent and doesn't talk about any other place in the City except for the areas where there are historic designations. Ms. Wright asked Mr. Warlick if her statement is correct. Mr. Warlick stated that it is looking at changes to the PUD ordinance and it is not looking at a small area plan. Ms. Wright stated that there are approximately eight words being proposed in the PUD ordinance that will only affect the fringes of the historic boundaries. Ms. Wright stated that she doesn't see any reason why this should cause alarm to anyone and it seems as if it is a maintenance issue or housekeeping issue that would clarify a loop-hole that seems to be evident. Ms. Wright asked Mr. Warlick if he would agree. Mr. Warlick asked Ms. Wright to restate the question. Ms. Wright stated that she sees this as a loop-hole in the ordinance and it is a small correction that needs to be made. She wanted to know if she was correct or wrong in making that assumption. Mr. Warlick stated that he can't say anything about scale, but he can say that to the extent a PUD may deliver a surface parking lot or some other incompatible use within an HP district, that is an issue that should be addressed at some point. He believes that is why this proposal was brought to the Planning Commission. Mr. Warlick stated that within the existing PUD ordinance, the Planning Commission has the ability to deny all or a part of that application if it is incompatible with the HP district today. In the final draft of PLANiTULSA, it was stated that at times a PUD would be used as a small area planning tool and the Planning Commission agreed to that. If this ordinance was passed, he believes the Planning Commission would be saying that there may be other small area planning tools used in the HP district, but not the PUDs. Mr. Warlick explained further that if the Planning Commission adopts the proposed ordinance, they would lose some of their flexibility and would basically be saying that one can't mess with the HP district anymore. This would affect the Planning Commission's ability to use PUDs as a small area planning tool. During the deliberations of the PLANiTULSA process, he believes everyone was poised for conflict and neighborhoods and hospitals sat down and worked through some issues and boundaries. In the end all HP areas were identified as areas of stability and for the most part, with the exception of the YWCA, they are also identified as existing neighborhoods. Ms. Wright stated that as far as using this as a tool and losing flexibility, one is talking about a very small area because this is not city-wide. Ms. Wright stated that there would only be 1,500 homes affected by this ordinance.

Mr. Dix moved to deny the proposed amendment and leave it as it is.

Ms. Cantrell stated that this is a tough issue and the reason it is, is because she sees that in many ways this doesn't actually solve anything since people can still rezone their property and go ahead with development. This doesn't really provide the protection that is sought. Ms. Cantrell stated that the thing she finds very difficult is that she does believe that this is a critical point and she believes

that there are neighborhoods, rightly or wrongly, that feel threatened right now. Yorktown and Swan Lake feels very threatened. The Planning Commission does have the right to deny PUDs, but in the past they have not and since she has sat on this Board we have never rejected a PUD that has come before us. The Planning Commission has tweaked the PUDs, but never denied. Ms. Cantrell stated that if she felt confident that a PUD came in and destroyed four houses and turned them into parking lots would be denied based upon the Comprehensive Plan, then she would say that this is not necessary. Ms. Cantrell further stated that her concern and the concern with many neighborhoods right now is that that won't happen and the protections that were provided in PLANiTULSA and the protections they believe they have from the elected officials are not sufficient. Ms. Cantrell explained that the reason she is going to support this issue is because she believes the Planning Commission needs to send a message to the neighborhoods that the regulations that they placed on themselves voluntarily mean something. She doesn't know how else to do this and some message needs to be sent to the people who live in the HP districts so that they will continue to invest in their homes. There is more need than just commercial development in Tulsa. There are a lot of reasons to move out south and one of them is to live in a gated community with covenants where there are protections. The only thing in Mid-Town Tulsa is historic preservation and if people aren't assured that that means something, then they will not want it and they will not invest in the older homes that we need so badly. Ms. Cantrell stated that she would be voting against the motion.

Mr. Boulden stated that the Planning Commission doesn't have much flexibility under the ordinances and the City Council has directed you to hold a public hearing. The ordinance states that after the public hearing the Planning Commission has 30 days to make a recommendation to them. He understands that Mr. Bumgarner has requested that the Planning Commission defer action until a small area plan is done and completed. He doesn't believe the Planning Commission has that flexibility to defer action that long. One option is to recommend to the City Council that no text amendments be made and obviously it could be studied more or the hearing continued to allow for a work session. Once today's hearing is ended, the Planning Commission has 30 days to make a recommendation. Another option is to make other text amendments or recommend the proposal presented today. He would like the motion to perhaps not deny this amendment and it would be better worded that the Planning Commission recommends no text changes to the Zoning Code.

Mr. McArtor stated he is not sure how he will vote on this issue. He would like to see the Planning Commission study this further. He is not sure why it is necessary to act on this today.

Mr. Edwards asked what the Planning Commission would be looking at in a work session.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **6-3-0** (Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; Cantrell, Leighty, Wright "nays"; none "abstaining"; Carnes, Shivel "absent") to recommend that no changes be made to the Zoning Code text at this time.

**TMAPC Action; 9 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-1-0** (Cantrell, Dix, Leighty, Liotta, McArtor, Midget, Walker, Wright "aye"; Edwards "nays"; none "abstaining"; Carnes, Shivel "absent") to hold a work session on this issue and consider the problems that are obviously incumbent upon the Planning Commission in PUDs infringing upon historic preservation districts.

\* \* \* \* \*

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

**STAFF RECOMMENDATION:**

Ms. Cantrell announced that there is a short technical delay.

Mr. Boulden stated that he has been working with Mr. Cuthbertson on the Form Based Codes and they do not feel that it is ready for presentation to the public. Mr. Boulden further stated that today's public hearing was advertised and he feels that it is important to give the Planning Commission and the public an idea of where we stand on it and what changes have been made since the last presentation.

Mr. Boulden stated that the Form Based Codes is not in shape for an ordinance at this time. Mr. Boulden explained that he needs to review some language and come up with language that will help integrate the Form Based Code into the Zoning Code. He would like the Planning Commission to consider what the procedure should be as far as enacting a Form Based Code. It would be a new Title to the Tulsa Revised Ordinances. The Zoning Code is Title 42 and he would like to propose a Title 42A for the Form Based Code. He suggested that the Planning Commission propose that the Form Based Code be enacted by the City Council, and if they enact it, the next step would be to amend the Zoning Code so that it would integrate the Form Based Code. Mr. Boulden explained that he conceptualized that the Pearl District would have its own zoning district and that would perhaps be the Pearl District Code. It would be on a zoning map and provide in the Zoning Code for a Pearl District. The new zoning district can't be created until there is something in place and Title 42A would have to be

enacted by the Council. Unless there is an emergency clause, it would be 30 days before it could be applicable to anything. A public hearing would be needed to amend the Zoning Code to provide for integration of Title 42A into the Zoning Code in order to operate as a capsuled regulatory mechanism within the Zoning Code. The third step would be to rezone the Pearl District or whatever area is governed by this plan through a public hearing process.

**TMAPC COMMENTS:**

Ms. Cantrell stated that since staff and Legal don't feel that this is ready to adopt, then she would assume that this would need to be continued to a date certain.

**STAFF RECOMMENDATION:**

**Duane Cuthbertson**, INCOG, explained the many elements and issues that have been discussed over the past few months, and within the last two weeks he realized that after all of the discussion and changes, it was time to look at it as a whole. He realized it wasn't ready at this time to be moved forward. As to the standards that are before the Planning Commission today, he doesn't anticipate them changing without some direction from the Planning Commission. It is the language, how it is tied to the existing Zoning Code and how it would be enforced that need to be tightened up at this point. Mr. Cuthbertson recommended that this item be continued to a later date.

Mr. Cuthbertson covered briefly what Form Based Codes are and what the intent is to accomplish. He explained that this is anticipated to be a substitute, a new form of land use regulation that would apply to a small area of the City of Tulsa, specifically the Pearl District. He further explained the history of the Pearl District and the boundaries. Mr. Cuthbertson stated that the Form Based Codes would be applied to new development within the Pearl District. The Form Based Codes also have a chart that sets a tiered level of applicability.

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Cuthbertson stated that there are definitions in the back of the Form Based Code that speak to frontage types and it gives clear correlations to zoning districts in Title 42. Mr. Cuthbertson read the various definitions and the uses they allow. Ms. Cantrell stated that it needs to be better referenced, whether the uses are determined by Title 42 or Title 42A. Mr. Cuthbertson stated that if the building meets the Code, the uses behind the walls are not a consideration to Form Based Codes. Mr. Cuthbertson cited the building form standards for each standard, which are broken into four elements: height, siding, the elements and the use provisions for each frontage.

Mr. Cuthbertson cited the requirements regarding sidewalks, tree plantings, parking, etc. Mr. Cuthbertson cited the differences between the existing Zoning Code and the Form Based Codes.

Mr. McArtor asked if the Form Based Codes would become the new Zoning Code for this specific district and the existing Zoning Code goes away. In response, Mr. Boulden stated that the Form Based Code would be the land use regulation for the subject area in place of the existing Zoning Code. There are minor interactions with the existing Zoning Code, but it would be mainly administrative.

In response to Ms. Cantrell, Mr. Boulden stated that this would wipe out the underlying zoning and it would be hard to apply the existing Zoning Code without a Zoning Code district other than the Pearl District Code. Mr. McArtor stated that he reads it to state that the Form Based Code prevails over other regulations if they appear to be in conflict. Mr. Boulden stated that perhaps that portion needs to be tweaked.

Mr. Dix asked if there are other areas in Tulsa that would want to implement the Form Based Codes. In response, Mr. Cuthbertson answered affirmatively.

Mr. Midget out at 5:50 p.m.

Ms. Wright out at 5:50 p.m.

Ms. Cantrell stated that the Form Based Code is very specific about the lighting (page 19) and she questioned if this would be hampered to adapt when new standards and technology come into play. Mr. Cuthbertson stated that the lighting standards were provided by the consultant and are specific to placement and shielding. He further stated that this was reviewed by the public and some recommendations were provided. The Pearl District Association reviewed the standards and the proposals from the public. Mr. Cuthbertson stated that this is essentially an industry standard in a public space and it is something that is easily enforceable and measurable.

Ms. Cantrell stated that on page 15, 402.b. façade composition, she is not following that and she has read it over and over. Whatever the intent is, she doesn't believe it is coming across very well. Ms. Cantrell commented that this needs to be rewritten so that the Planning Commission can read it and know exactly what it is talking about. In response, Mr. Cuthbertson stated that façade composition is simply how the building is made up. The intent behind the statement in 402.b is to prevent excessive links of monotony.

Ms. Cantrell announced that there are interested parties wishing to speak and given the late hour, she requested they please keep comments brief and know that this item will be coming back for another hearing. Interested parties will have a right to speak again. Ms. Cantrell reiterated that it is getting late and to keep their comments within two to three minutes.



### **INTERESTED PARTIES COMMENTS:**

**Nancy Keithline**, 602 South Utica Avenue, 74104, owner of a dental clinic at 6<sup>th</sup> and Utica, stated that she would like to give an observation about this proposal. She explained that she tried to build her building in line with the ideas of the Form Based Code and it was not possible with the current Zoning Code. This is a good idea and there is a lot of work to do to make this happen. Ms. Keithline stated that when she built her building, she built more parking than required and currently she is already out of parking. She explained that she has had to go out and purchase lots of land and perform a lot-combination in order to build a parking lot for her employees and clients. With the Form Based Code, she would have to set back 30 feet in order to make a parking lot on that street, and it is almost half of the lot. She wouldn't get the advantage of the number of parking spaces needed. There has to be a way to adjust the regulations in order to facilitate the needs of the business community. She loves the idea of a walkable community, but no one lives there yet and to attract people to come to the area, live there, and patronize the businesses, there has to be a place to park on the perimeter. Ms. Keithline proposed that after five o'clock their lots will be empty and other businesses could share the parking after 5:00 p.m.

### **TMAPC COMMENTS:**

Mr. Dix stated that he has experience with retail and he doesn't see the return on investment being there until this build-out happens. Ms. Keithline agreed. Mr. Dix stated that people will build businesses with no parking and there will be no support for the business until all of the living units are filled. Ms. Keithline stated that she understands it has to start somewhere and the Form Based Code is probably a good idea in terms of making it look that way. Mr. Dix stated that he believes it is a good concept, but he doesn't see the return on investment being there for the businesses they want to attract in these storefronts. Ms. Keithline stated that she wouldn't want to take her car and park in the neighborhood four blocks down on 6<sup>th</sup> Street and walk down to go to dinner. Mr. Dix stated that the first renters will get free rent for six months to get them in there and then all of the renters who in there first will go out of business because there won't be any foot traffic.

Mr. Walker out at 6: 30 p.m.

### **INTERESTED PARTIES COMMENTS:**

**Jamie Jamieson**, 756 South Norfolk Avenue, 74120, stated that Mr. Cuthbertson has done an enormous amount of work and so have citizens from the Pearl District. This code is in the right place at the right time and he has been at this for nine years. Mr. Jamieson commented that the process has been open and they have held forums and public meetings for a very long time. There are 550 parking spaces within a five-minute walk of the intersection of 6<sup>th</sup> and Peoria. He understands Ms. Keithline's problem and part of it is to do with the appearance of the public and the civic environment. Mr. Jamieson stated that 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Streets all look pretty crummy. It wouldn't take a lot to make these streets better

for parking and clean up the sidewalks. Lighting is important because it creates the mood and atmosphere after dark. Mr. Jamieson requested that there be deadline to this issue and get it done.

Mr. Boulden stated that he will try his best to get this accomplished quickly, but everyone is working on a shoestring budget.

**Sarah Kobos**, 3709 East 43<sup>rd</sup> Street, stated that this is the most exciting thing she has seen forever. The Form Based Code makes sense to her and is easy to comprehend. This will give people choices.

**TMAPC Action; 6 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **6-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, "aye"; no "nays"; none "abstaining"; "Carnes, Midget, Shivel, Walker, Wright "absent") to **CONTINUE** the Item 24, Form Based Codes for the Pearl District to February 2, 2011.

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**OTHER BUSINESS:**

**Commissioners' Comments**

Ms. Cantrell thanked the Planning Commissioner for staying through this long meeting.

Ms. Cantrell stated that she would like to send the Planning Commission's best wishes to Barbara Huntsinger and let her know that we are thinking of her and are looking forward to seeing her back soon.

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There being no further business, the Chair declared the meeting adjourned at 6:45 p.m.

Date Approved:

1/5/11

Michelle Cantel

Chairman

ATTEST:

Joshua L. Wake

Secretary

