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TMAPC and INCOG Staff

Re: **Pearl District Information Gathering Sessions**

This letter is written on behalf of the citizens of Tulsa, the owners and occupants of the Pearl District, and, in particular, Skinner Bros Company, Inc. (5<sup>th</sup> Place and Quaker) to state the most obvious absolutely ***fatal feature of the entire Form Based Code***, as it is presently drafted and adopted for our municipally owned cemetery and nearby victims.

In its most essential feature, the entire FBC is simply a Macro Development plan as might be required of a developer following a rezoning approval—as a condition to the approval of the resulting Plat. In the latter case, the owner/developer of a tract of land puts forth **his plan for the use of his property** and those who chose to buy/lease/build on that tract. The Plan will reflect **those elements deemed suitable, necessary, attractive, economic, etc. for his particular use.** Of course, it will be vetted and probably modified by the Staff before it is approved as the final program, but it all starts with **what fits the Owner's intended use.**

The fatal defect of the FBC is that it presumes to know and legislate a uniformity of design, appearance, placement, and many, many other facets of ownership, use, construction, etc. to be adhered to by all within the areal extent of the Code's blanket.

That Macro plan ignores the individuality of different owners' needs and desires for their properties, economics, existing uses and future intentions, desiring to force massive areas of "legal non-conforming uses" into a community more appropriate for densely populated cities that enjoy mass transit and, to some extent, a car-less society. Even then, the ridiculous degree of uniformity in size of floor plate, height of construction, specification of construction materials, absence of parking provision, etc., etc. would condemn this FBC even in the most suitable areas for this kind of lifestyle in Boston or New York.

In short, it is not a question of "to what portions of Tulsa should this Code be made applicable?" but rather, "How can we create a plan that is suitable to consider at all?" If the debate is solely "Where do we **impose the Macro plan and ignore the wishes of the property owners** for the use of their property?" we are wasting our time and resources.

The presently proposed plan should be scrapped, or, at the most, made applicable only to those portions of the City of Tulsa lying between 6<sup>th</sup> Street and 8<sup>th</sup> Street, Peoria and the IDL. All other areas should be removed and allowed to develop as their owners see fit.

The alternative is to start over and develop a Code provision for application to a few small areas of town where it fits with the historic uses and existing building stock—and then only make it binding **when/as/and if approved by the owners proposed to be burdened by the new rules in a vote by them after full disclosure of all the benefits and costs.**

Yours very truly,

Holliman, Langholz & Runnels, P.C.

By



Gail R. Runnels