# TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2645

March 06, 2013, 1:30 PM
175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center
Tulsa City Council Chamber

# CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

#### **REPORTS:**

# **Chairman's Report:**

**Worksession Report:** 

# **Director's Report:**

Update on surface parking ordinance for the downtown area

1. Minutes of February 20, 2013, Meeting No. 2644

#### **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. <u>LC-466</u> (Lot Combination) (CD 2) Location: South of the southeast corner of West 71<sup>st</sup> Street South and South 26<sup>th</sup> West Avenue
- 3. <u>LS-20582</u> (Lot-Split) (CD 3) Location: Northwest corner of East Apache Street and North Florence Avenue
- 4. <u>LS-20584</u> (Lot-Split) (County) Location: South of the southeast corner of East 201<sup>st</sup> Street South and South Garnett Road
- 5. <u>LC-467</u> (Lot Combination) (CD 8) Location: South of the southwest corner of East 83<sup>rd</sup> Street South and South Urbana Avenue
- 6. <u>LS-20585</u> (Lot-Split) (CD 9) Location: South of the southwest corner of East 38<sup>th</sup> Street South and South Victor Avenue (Related to LC-468)
- 7. <u>LC-468</u> (Lot Combination) (CD 9) Location: South of the southwest corner of East 38<sup>th</sup> Street South and South Victor Avenue (Related to LS-20585)

41			

- 8. <u>PUD-584-1 Jim Coleman</u>, Location: 26229 West Highway 51, Requesting a **Minor Amendment** to allow a larger area of mini-storage than originally included in the PUD, CS/PUD-584, (County)
- 9. <u>PUD-267-11 Ron Kitchen</u>, Location: Southeast corner of South Sheridan Road at East 101<sup>st</sup> Street South, Requesting a **Minor Amendment** to modify the architectural standards outlined in the original PUD, **RM-1/CS/PUD-267**, (CD-8)

# CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

#### **PUBLIC HEARINGS:**

- 10. <u>LS-20583 CBC Builds, LLC -</u> (Lot-Split), Location: North and east of East 41<sup>st</sup> Street South and South Utica Ave (4015 South Victor Ave) (8319) (CD 9)
- 11. <u>The Vineyard on Memorial</u> Minor Subdivision Plat, Location: North of the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive (8326) (CD 8) (A continuance is requested until March 20, 2013 for further Technical Advisory Committee review.)
- 12. <u>Cornerstone Hardware</u> Minor Subdivision Plat, Location: Southwest corner of East 116<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue (2408) (County)
- 13. <u>South Lewis Plaza Amended</u> Minor Subdivision Plat, Location: South of the southeast corner of East 71<sup>st</sup> Street South and South Lewis Avenue (8308) (CD 2)
- 14. <u>Z-7218 Sisemore, Weise & Associates, Inc./Darin Akerman</u>, Location: South of southeast corner of East 63<sup>rd</sup> Street and South 103<sup>rd</sup> East Avenue, Requesting a rezoning from RS-3 to CO, (CD-7) (Continued from 2/20/13)
- 15. <u>Z-7216 J & J Appliances, LLC</u>, Location: South of the southwest corner of 33<sup>rd</sup> Street North and North Peoria Avenue, Requesting rezoning from **CG TO IH**, (CD-1) (Continued from 2/6/13)
- 16. <u>CZ-423 Eight Sixth Properties, LLC</u>, Location: Northeast corner of East 86<sup>th</sup> Street North and North Sheridan Road, Requesting rezoning from **AG to RE**, (County)

#### **OTHER BUSINESS**

- 17. TMAPC direction on Pearl District Form-Based Code options
- 18. TMAPC consideration of 6<sup>th</sup> Street Infill Plan Amendment Request
- 19. Commissioners' Comments

#### **ADJOURN**

### CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all <u>cell phones</u> and <u>pagers</u> must be turned off during the Planning Commission.

# Visit our website at www.tmapc.org

**TMAPC Mission Statement:** The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

# Huntsinger, Barbara

Subject:

FW: Title 42 proposed zoning code amendments for downtown parking

From: <BillLeighty@BillLeighty.com>
Date: Monday, February 25, 2013 2:27 PM

To: Joshua Walker < jwalker@tulsalandcompany.com>

**Cc:** Susan Miller < <a href="mailto:smiller@incog.org">smiller@incog.org</a>>, Dawn Warrick < <a href="mailto:dwarrick@cityoftulsa.org">dwarrick@cityoftulsa.org</a>>
<a href="mailto:swiller@incog.org">Subject:</a> Title 42 proposed zoning code amendments for downtown parking

Josh Walker, TMAPC Mr. Chairman,

I wanted to clarify my position on the proposed zoning code amendments addressing downtown Tulsa surface parking. Apparently I did not make myself clear when I proposed that staff conduct a training session for the Planning Commission.

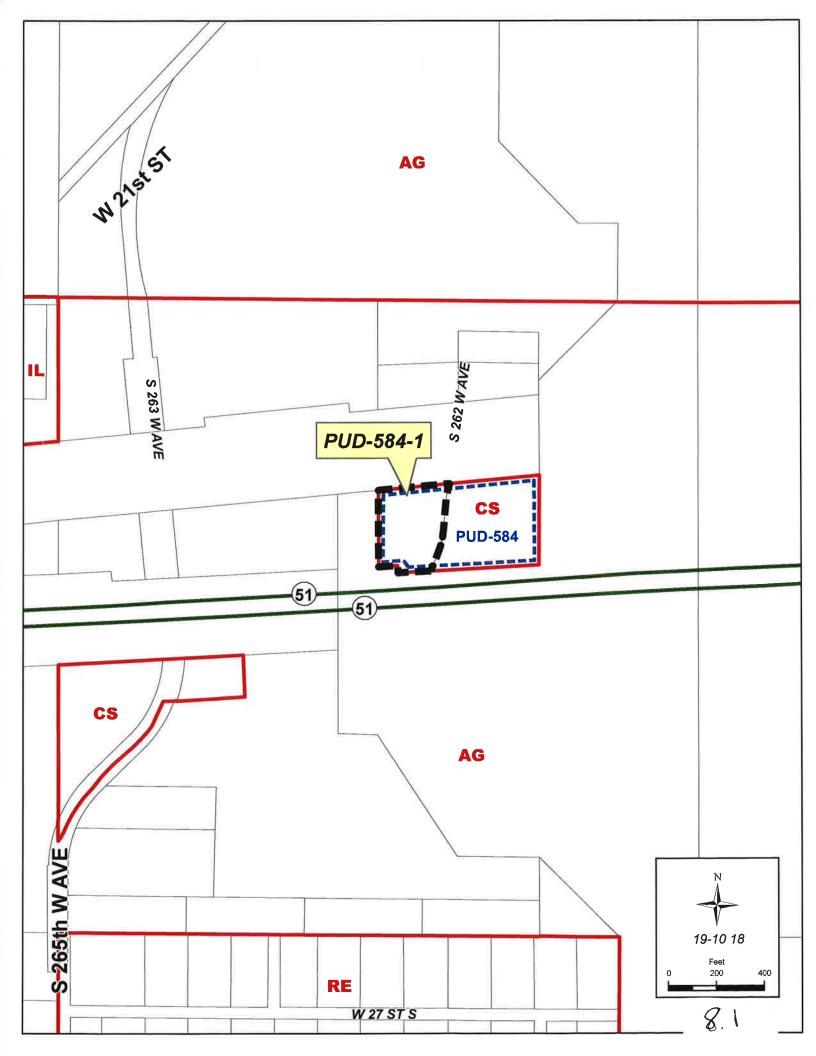
I am definitely interested in developing some long term parking strategies for downtown. However, I am convinced that we must act immediately to curtail the present trend to demolish existing structures for conversion to surface parking. The text amendments proposed by the City of Tulsa Planning & Economic Development Department are a logical first step in addressing this issue in a responsible manner. And, they provide relief through the BOA for those projects that might deserve a 2<sup>nd</sup> look.

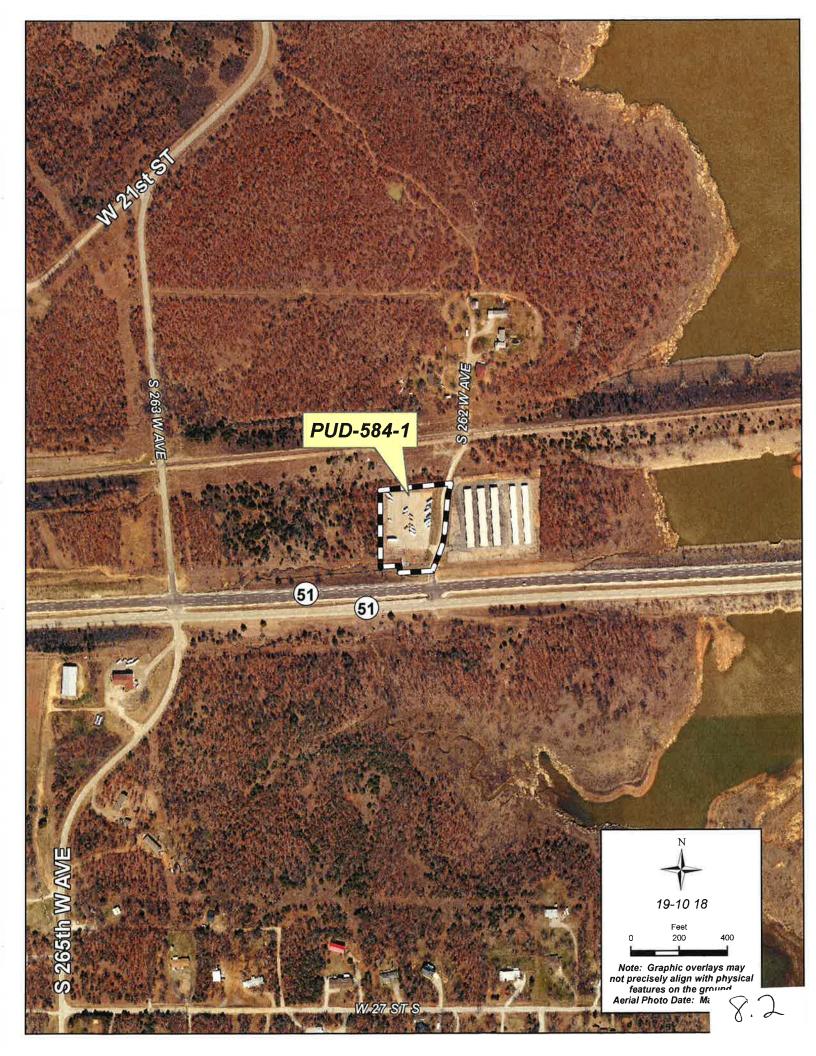
While a training session for the Planning Commission would be helpful, I do not want to impose a requirement on an already overburdened staff to conduct such a session before we consider this matter in a public hearing. I obviously failed to make clear that I would hope for such a training session at some time in the future when resources permit.

I strongly encourage the TMAPC to put the proposed text amendments and supporting ordinances on the agenda at the very earliest possible date. Please circulate my request to the other commissioners.

Respectfully,

**Bill Leighty** 





#### STAFF RECOMMENDATION

<u>PUD-584-1</u>:

Development Area A PUD Minor Amendment for allowing a larger area of mini storage than originally included in the PUD. Property address is 26229 West Highway 51, Sand Springs OK, all of Lot-1, Block-1, "51 West", a plat in Tulsa County, TRS 19-20-18; CZM 32; Atlas N/A; (County)

## **Concept Statement:**

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

#### Minor Amendment Summary:

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

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

#### Staff Recommendation:

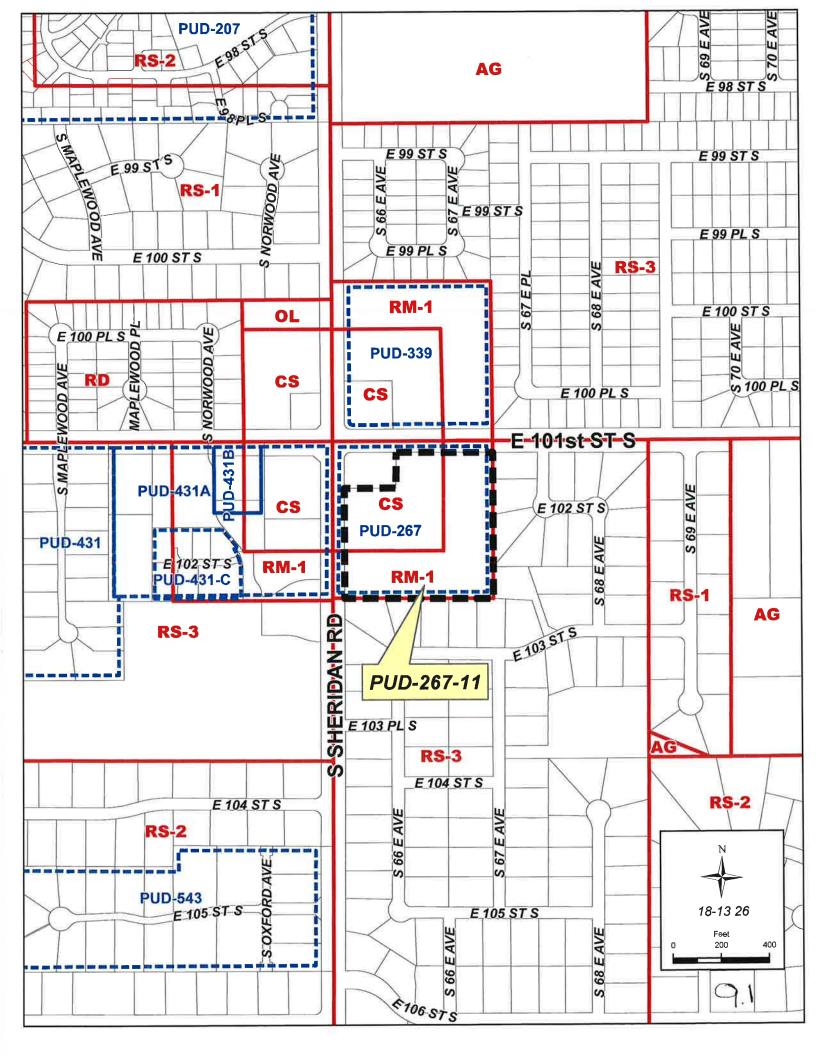
Staff has reviewed the applicants request to expand the mini storage use to development area A and eliminate the green belt requirement as allowed in the Tulsa County Zoning Code and has determined that:

- 1) Within the Tulsa County Zoning Code, PUD Section 1170.7:
  - "Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained within the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development."
- The applicants request is consistent with the concept outlined in the original PUD.
- 3) There is no comprehensive plan for the area however, the proposed minor amendment is compatible with the expected land use pattern of the surrounding the area.

4) The property adjacent to this PUD is Corps of Engineers Land which surrounds Keystone Lake, State Highway 51 right-of-way, and Railroad right-of-way and is not expected to develop into commercial, industrial or residential uses. This minor amendment will not have an adverse impact on the potential development opportunities for adjacent properties.

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

	± ¥				÷
	e e				





#### STAFF RECOMMENDATION

PUD-267-11:

PUD Minor Amendment for the modification of the architectural standards outlined in the original PUD. Southeast corner of South Sheridan Road at East 101<sup>st</sup> Street South, all of Lot-1, Block-1 Village South City of Tulsa, TRS 18-13-23; CZM 57; Atlas 2469; CD 8.

#### Concept Statement:

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

#### Minor Amendment Summary:

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

- 1. The south and east elevations must be compatible with the north and west elevations of the buildings within the shopping center
- 2. The roof of any building within the shopping center shall not exceed 26 feet in height. The perimeter of all roofs shall be sloped at a 45 degree angle from the highest point of the roof to the eave. Eaves shall not exceed 12 feet in height above the adjacent ground level, except at corners where, for a distance of 40 feet from the corner, the building walls may extend to the full height of the building. The sloped portion of the roofs shall be covered with composition shingles weighing not less than 340 pounds per square
- 3. The siding materials on the south and east faces of buildings within the shopping center shall be brick or lapped siding with a horizontal pattern or combinations of brick and siding. Where siding is used material shall be wood or vinyl.

# Modified language in PUD 267 paragraph 3

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

### Staff Recommendation:

Within the City of Tulsa Zoning Code, PUD Section 1107.K.9, a minor amendment may be permitted when ... "Changes in structure heights, building setbacks, yards, open spaces, building

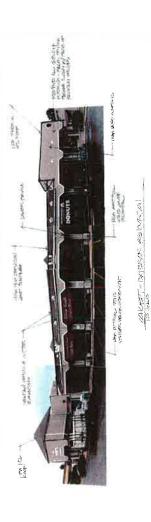
coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered."

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

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







The goals of this design concept ore:

f Replace all exterior siding with a moisture and damage resistant material.

2 Create interest at entrances to the center from major arterials

3 Incrense building signage area,

Fiber coment panels or entificial stone will be utilized at the hose of all wills and solutions up to the describing of the boston of the sucreton extens. EIFS systems will be utilized above that elevation. The new of the suppage facilities will be increase by lowering the flexible line to the one of the columns.

Exterior Renovation of Village South Shopping Center

101st Street S.& Shers Tulsa, Oklahama

DESCRIPTION OF WORK

Village South Shopping Center was constructed in 1977 and has been infinitely an intuinized and respirately chroughout the charman infinitely and the state that the case in the control was a consequent was consequent was consequent and the control of the consequent was consequent and the control of the consequent was consequent and the control of th

Mid America Realty 101st & Sheridan Tulsa, OK

This proposal includes the use of liber cement punch, artificial storm and left Ba, respectantent materials to the the yolding. The proposed project will also address the general design of the covered walkways, controlled into shape roofing, building signate, building lighting as well as past king to tighting and an applial roverlay for the entire parking for



POR CONSTRUCTION

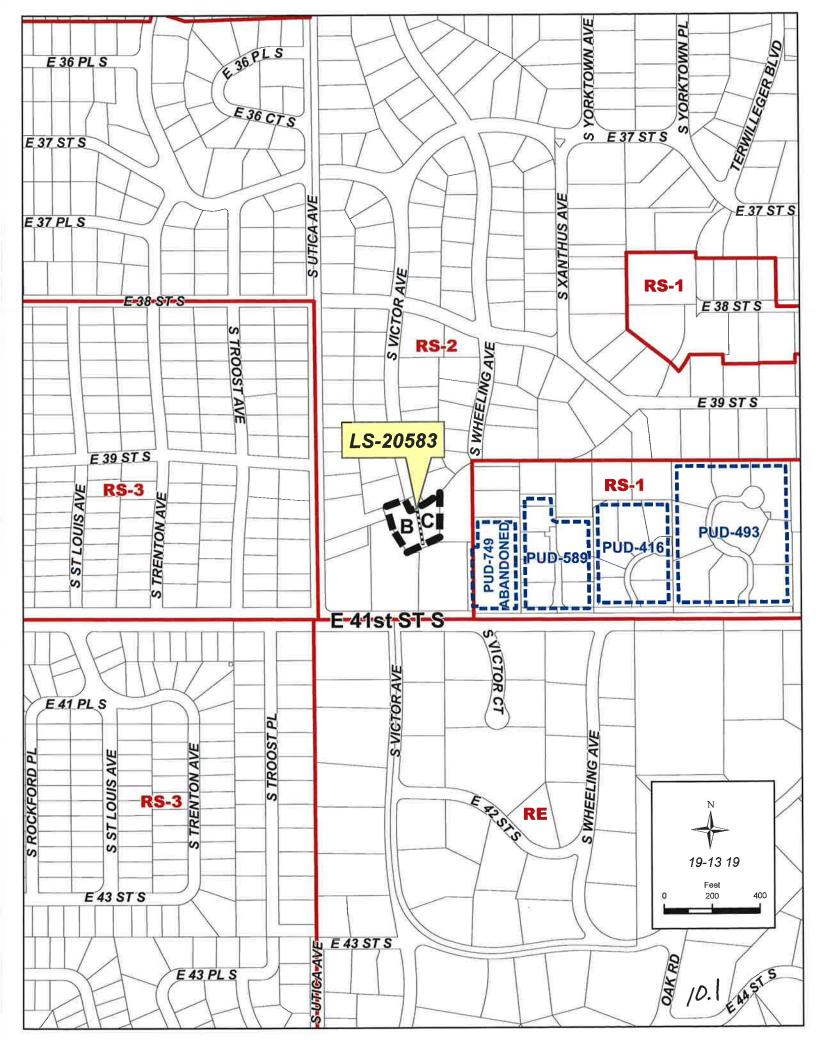
FOR PERSONAL

A KEY PLAN

suarect Concept Elevations DDI

B SCOPE OF WORK

	323	





# WAIVER OF SUBDIVISION REGULATIONS FOR A LOT-SPLIT

March 6, 2013

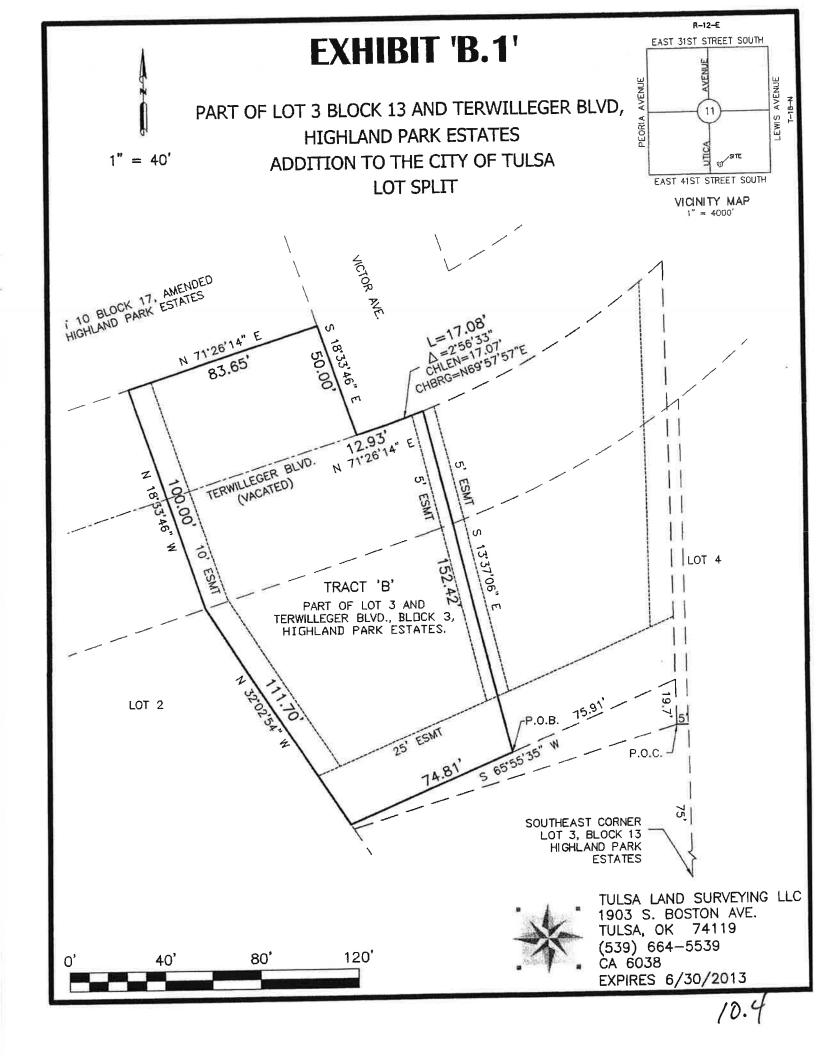
LS-20583 BCB Builds, LLC, (8319) (RS-2) (CD-9) 4015 S. Victor Ave.

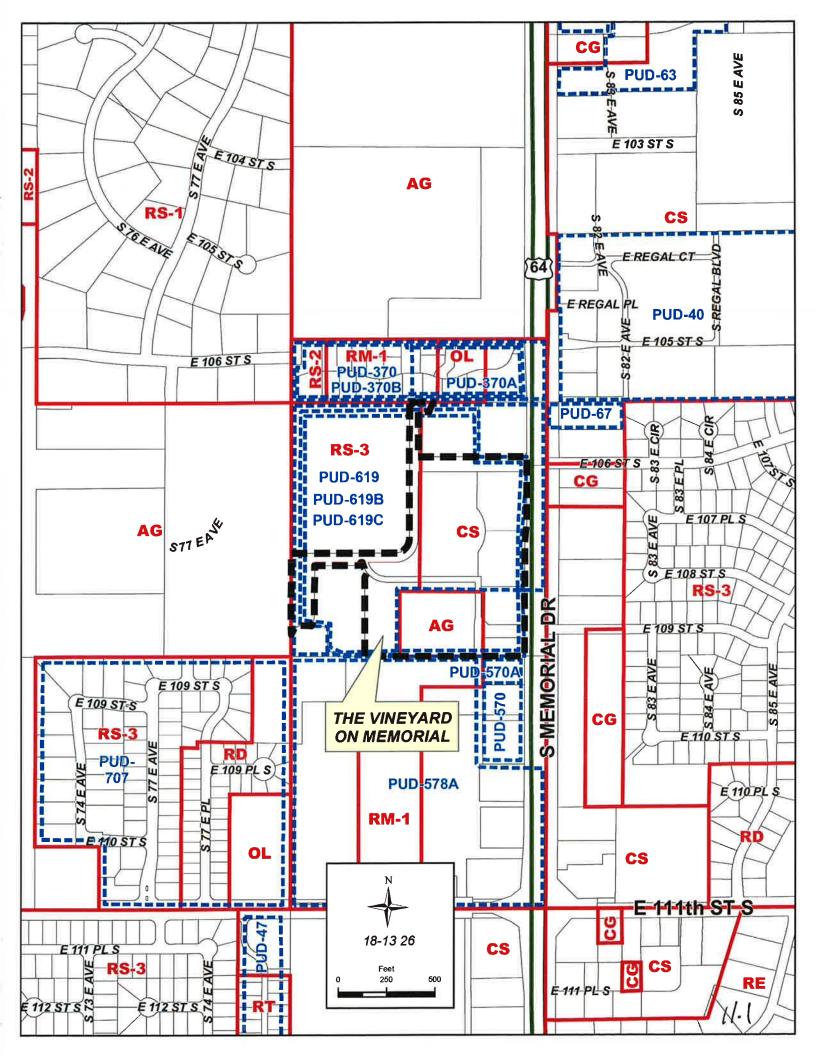
The Lot-split proposal is to split an existing RS-2 (Residential Single-Family) tract into two tracts. Both of the resulting tracts will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code.

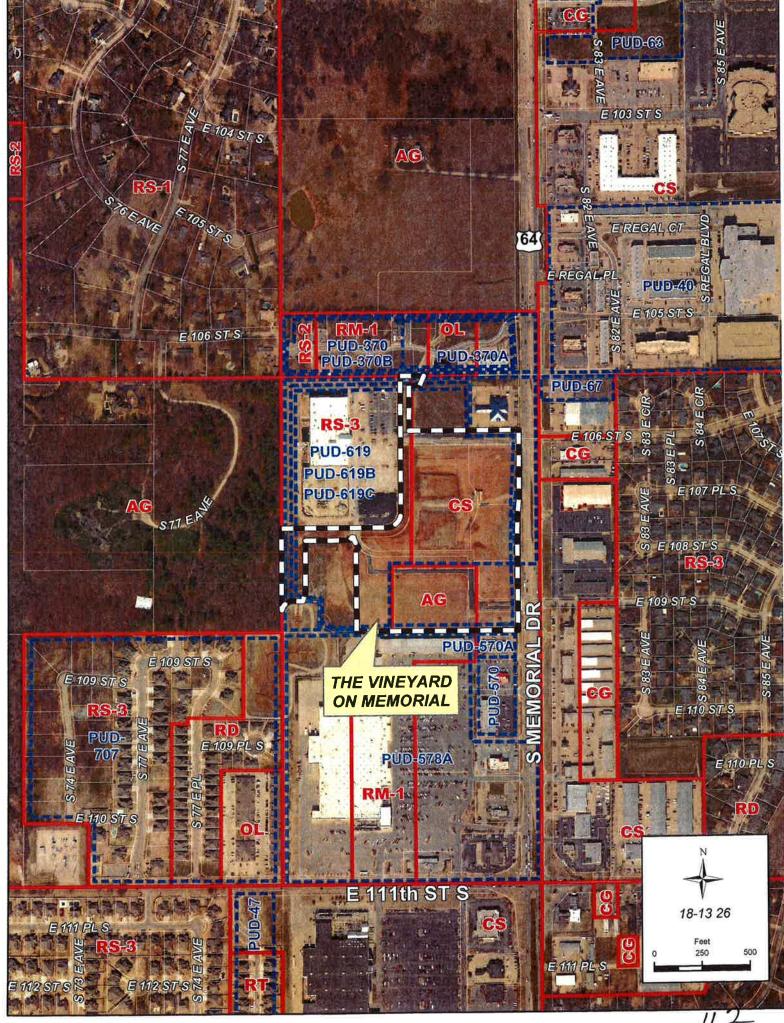
One of the resulting tracts will have more than three side lot lines as required by the *Subdivision Regulations*. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

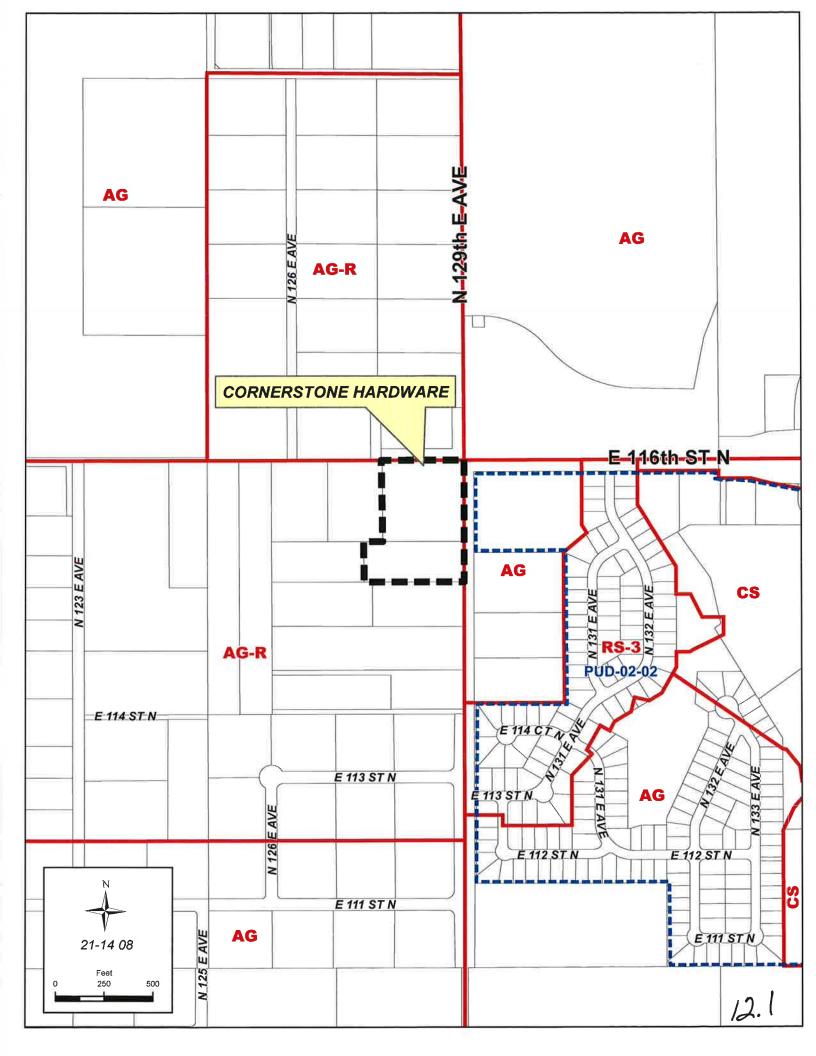
The Technical Advisory Committee reviewed the Lot-Split information and had no comments to date.

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











### MINOR SUBDIVISION PLAT

Cornerstone Hardware - (County) (2408)

Southwest corner of East 116<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue

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

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

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

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

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

# Waivers of Subdivision Regulations:

1. None requested.

# **Special Conditions:**

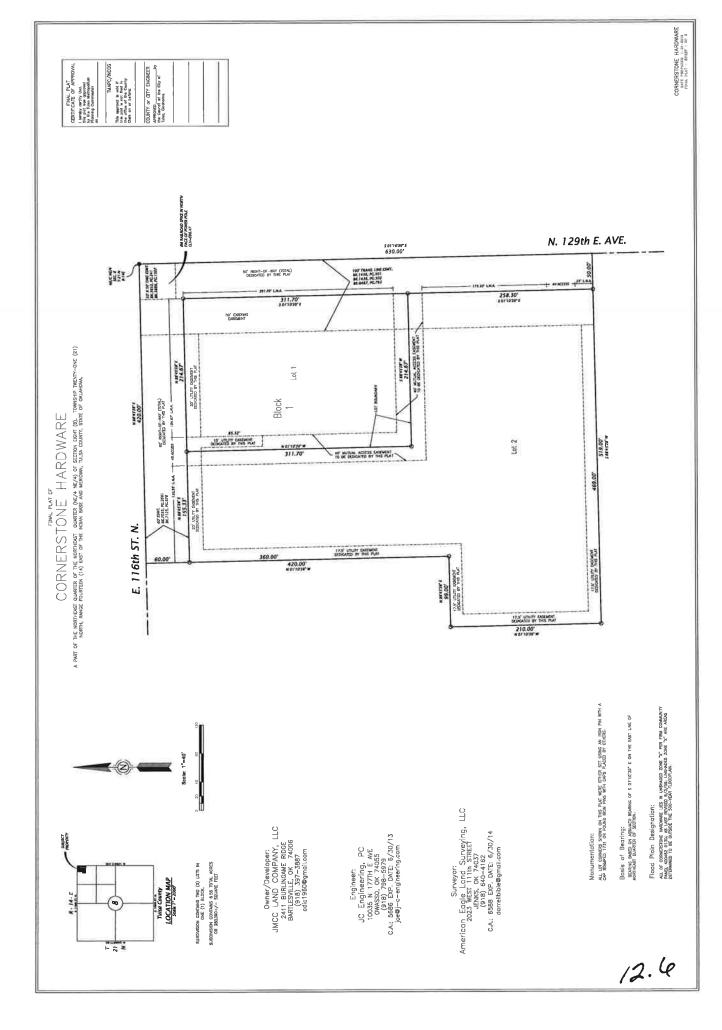
1. The concerns of the County Engineer must be taken care of to his satisfaction.

#### Standard Conditions:

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

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

12.5



# Fernandez, Diane

From:

Henderson, Dwayne [dhenderson@CityOfOwasso.com]

Sent:

Tuesday, February 26, 2013 2:06 PM

To:

Fernandez, Diane

Cc:

Stevens, Roger, Stephenson, Bronce

Subject:

RE: Cornerstone Hardware plat

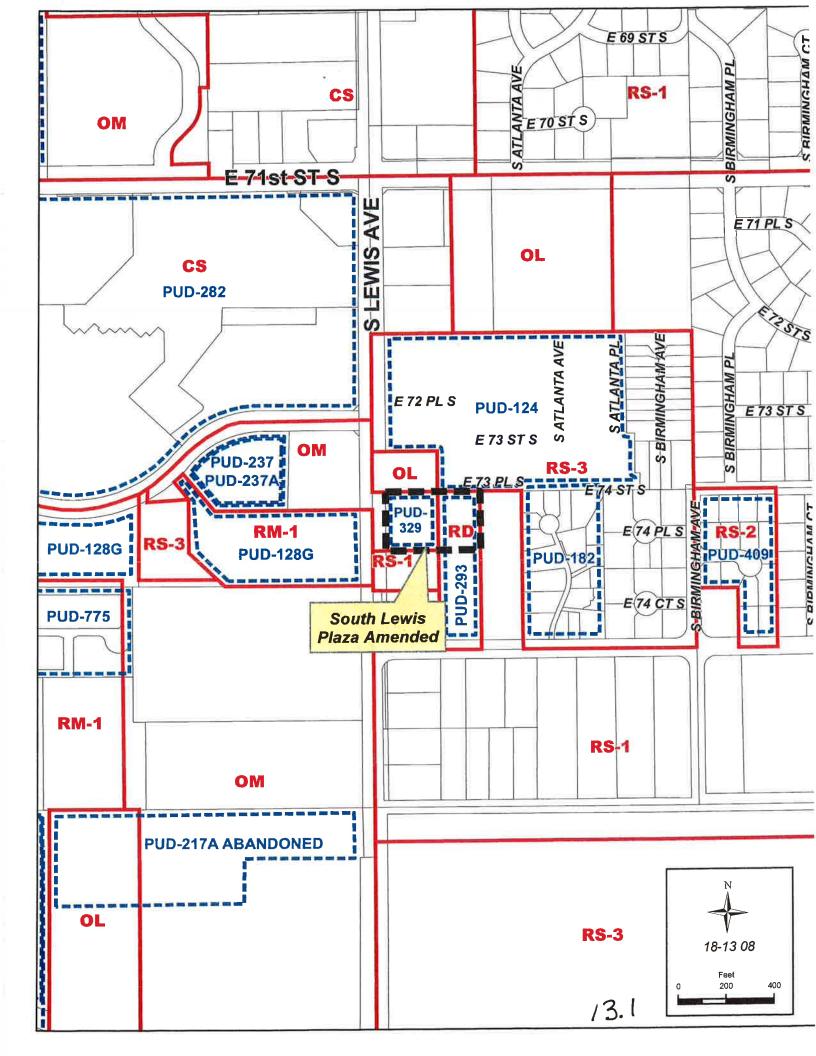
Diane:

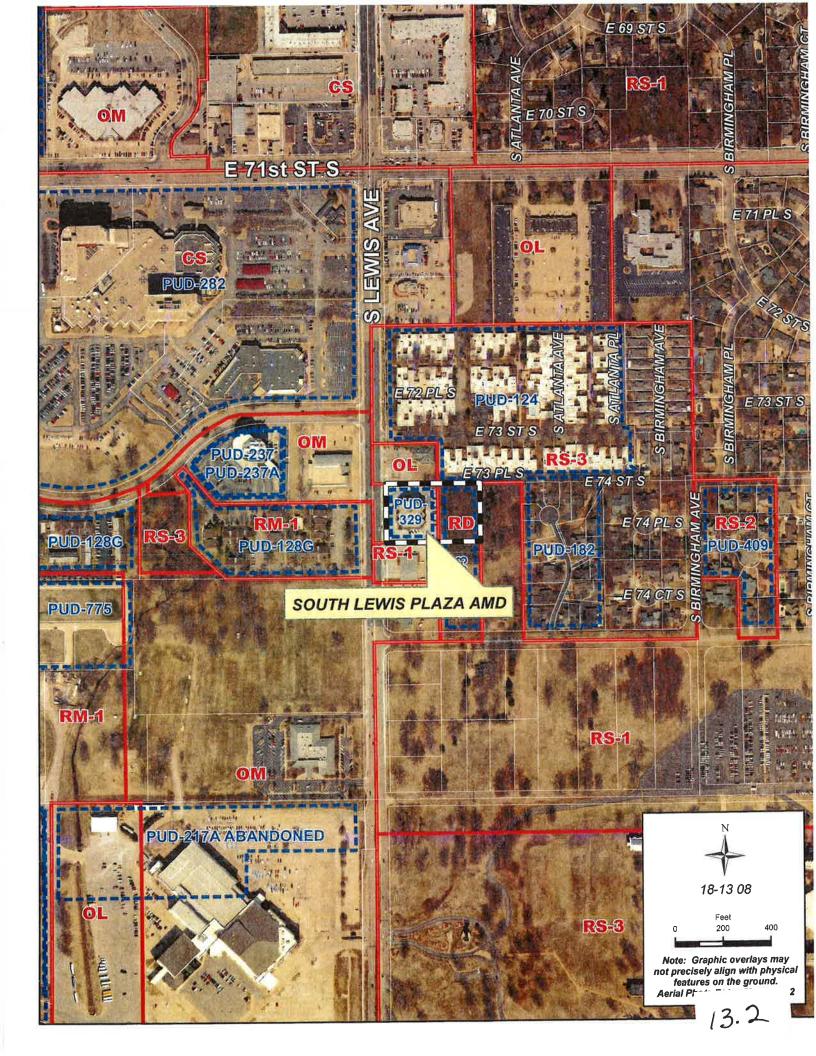
Regarding the development of the Ace Hardware at intersection of 116<sup>th</sup> Street North and 129<sup>th</sup> East Avenue, the City of Owasso and Tulsa County are developing a future project to signalize and widen all four legs at this intersection. The owners of Ace Hardware have dedicated the R/W needed to accommodate the southwest corner of the expansion with their plat per the Tulsa County Engineer's request. A new sidewalk will be included with the construction of the intersection improvements. Based on this information, the Owner of the Ace Hardware should be exempt from constructing a sidewalk since the sidewalk would currently lead to nowhere and our project will require demolition of the sidewalk because of grade differences.

Please let me know if I can help further.

H. DWAYNE HENDERSON, P.E. CITY ENGINEER
CITY OF OWASSO

Public Works Department 301 W. 2nd Ave P.O. Box 180 Owasso, OK 74055 (918) 272-4959 OFFICE (918) 272-4996 FAX dhenderson@cityofowasso.com





### MINOR SUBDIVISION PLAT

# South Lewis Plaza Amended - (8308) (CD 2)

South of the southeast corner of East 71st Street South and South Lewis Avenue

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

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

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

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

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

#### Waivers of Subdivision Regulations:

1. None requested.

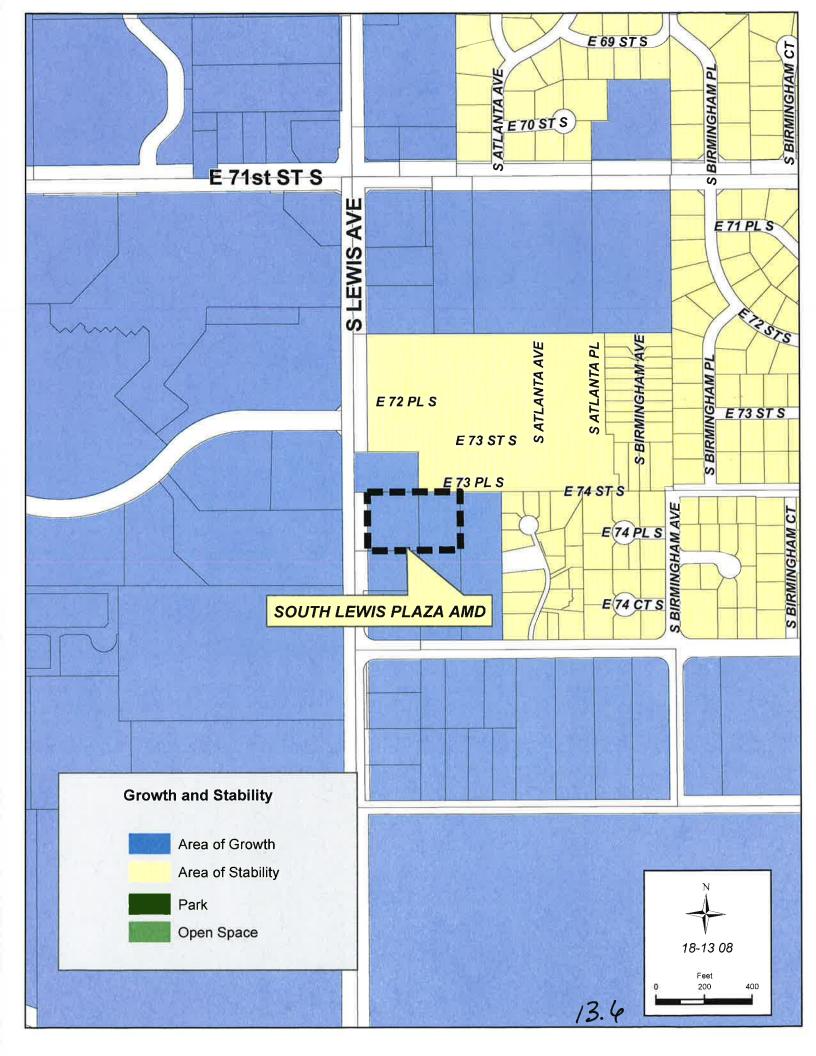
# **Special Conditions:**

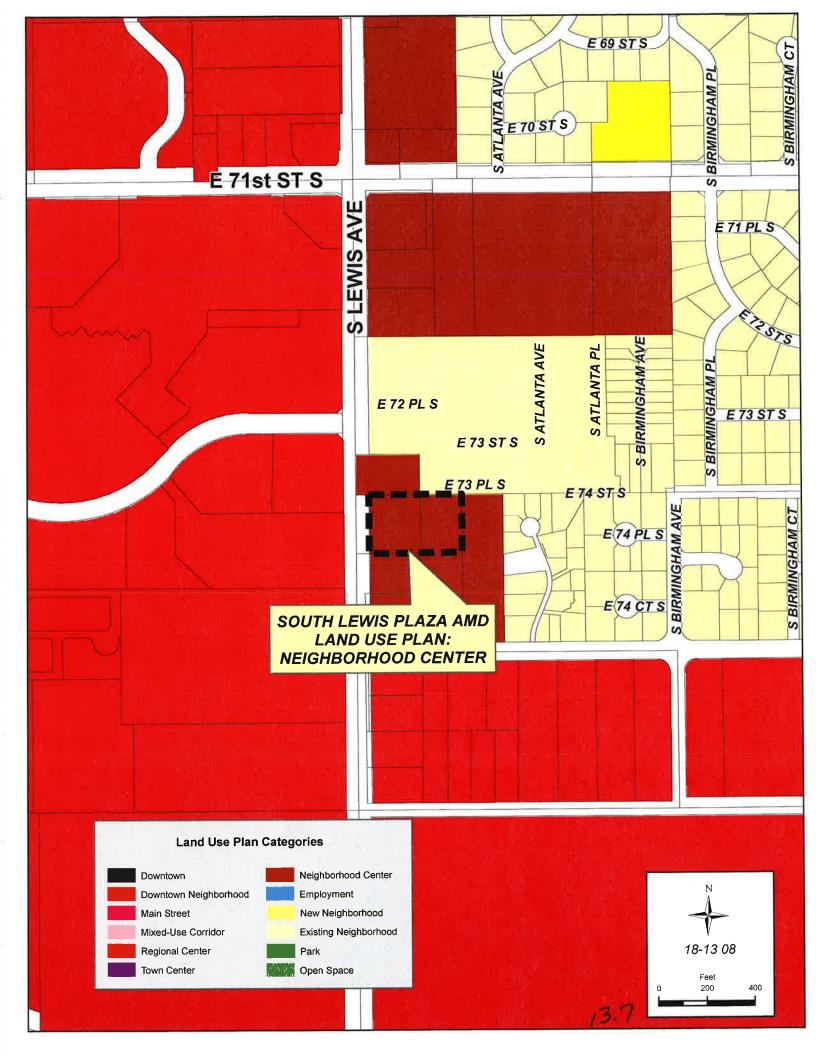
1. The concerns of the Public Works staff and Development Services staff must be taken care of to their satisfaction.

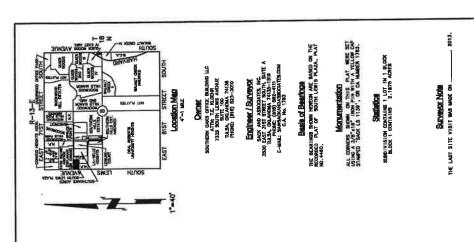
#### **Standard Conditions:**

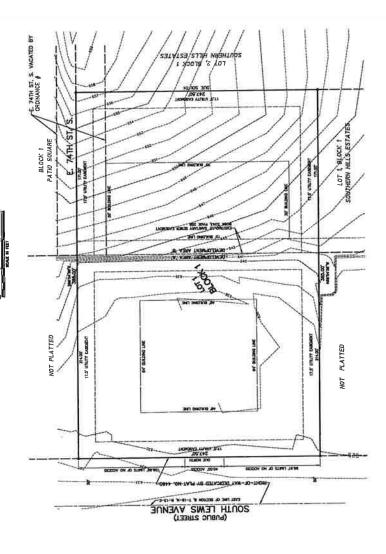
- 1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
- 3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
- 4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
- 5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- 6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- 7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
- 8. Street names shall be approved by the Public Works Department and shown on plat.
- 9. All curve data, including corner radii, shall be shown on final plat as applicable.
- 10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
- 11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
- 12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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











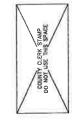
SOUTH LEWIS PLAZA AMENDED

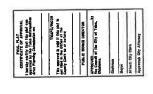
A REBUBDINGION OF

LOT 1 IN BLOCK 1 OF SOUTH LEWIS PLAZA
AND PART OF

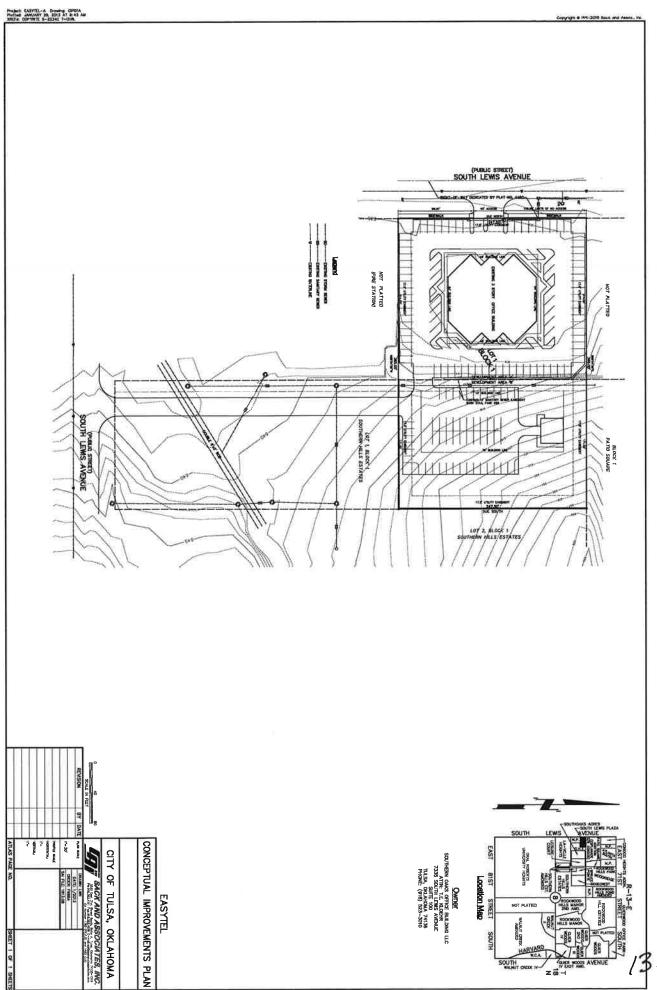
LOT 1 IN BLOCK 1 OF SOUTHERN HILLS ESTATES

NW/4 of the SW/4 of the NW/4 of SECTION 8, T-18-N, R-13-E OTY OF TULBA, TULBA COUNTY, OKLAHOMA
Planned Unit Development No. 329-A

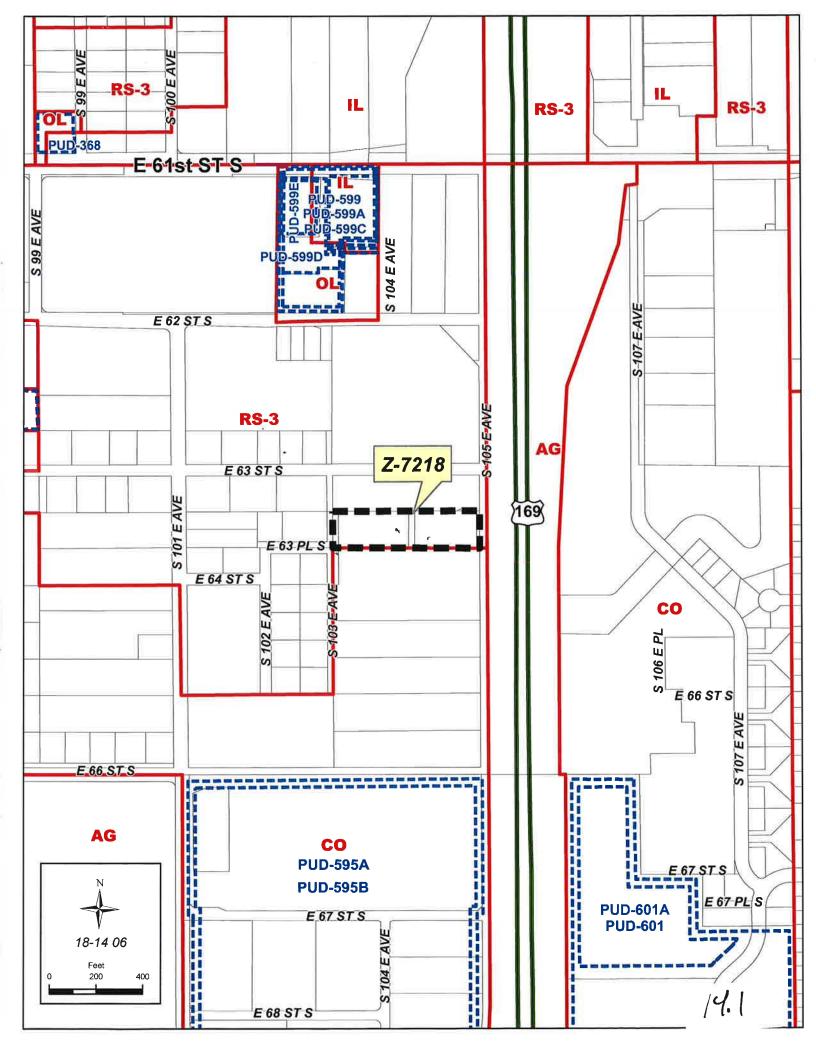




SOUTH LEWS PLAZA AMENDED SHEET 1 OF 2

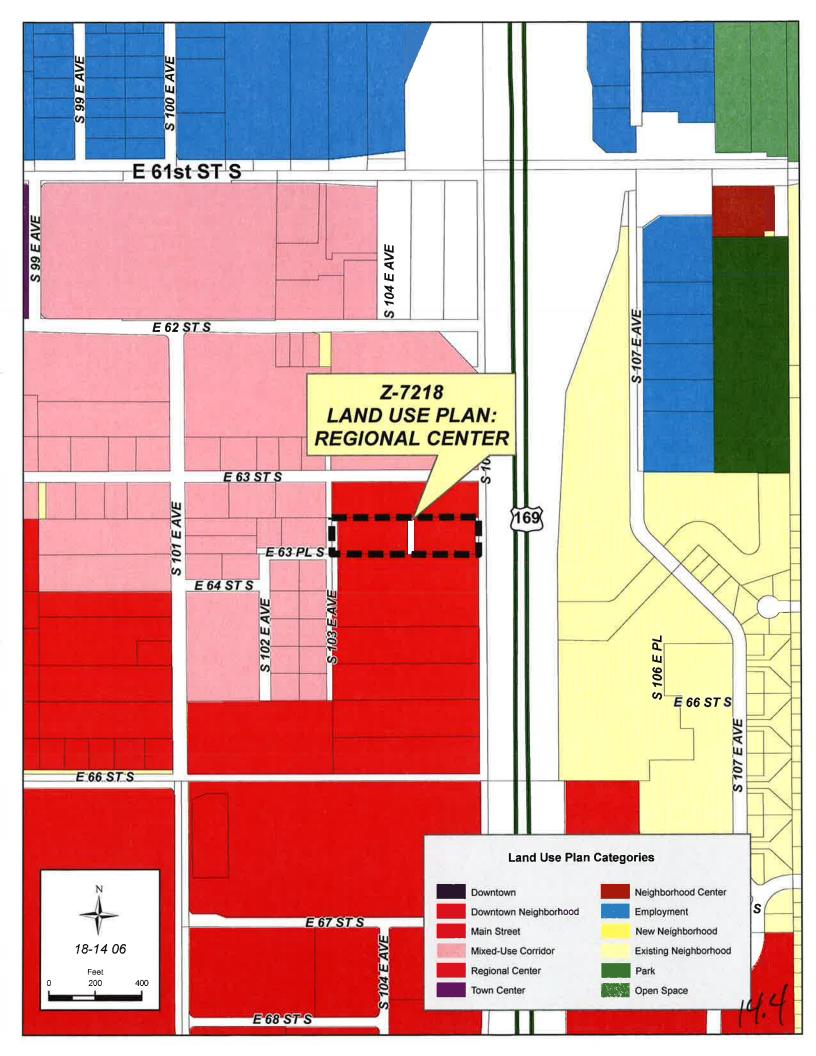


.9









## TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

**APPLICATION: Z-7218** 

TRS 8406 Atlas 873

**CZM** 54 **CD-7** 

**TMAPC Hearing Date:** March 6, 2013 (Continued from February 20, 2013)

Applicant: Sisemore, Weisz & Associates, Inc. Tract Size: 2.2+ acres

Darin Akerman 95,832+ square feet

ADDRESS/GENERAL LOCATION: South of southwest corner of East 63<sup>rd</sup> Street and South

105th East Avenue

**EXISTING ZONING:** RS-3 **EXISTING USE:** Construction contractor

PROPOSED ZONING: CO PROPOSED USE: Mixed use project

ZONING ORDINANCE: Ordinance number 11830 dated June 6, 1970, established zoning for the

subject property.

#### **RELEVANT ZONING HISTORY:**

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

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

<u>BOA-20523 June 26, 2007:</u> The Board of Adjustment approved a Variance of the maximum permitted display surface area for signage in a CO district from 662 sq. ft. to 1,334 sq. ft., to allow an existing outdoor advertising sign, finding the hardship to be due to the settlement of a court case that the existing sign would remain, on property located northeast of the northeast corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> East Avenue and part of the subject property.

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

Z-6673-SP-1/AC-47 April 1999: All concurred in approval of a Corridor Site Plan on 4.56+ acre tract for a 75,000 square foot recreational vehicle storage and self-storage facility located at 6336 South

14.5

105<sup>th</sup> East Avenue and is a part of the subject property; also approving an Alternative Compliance to landscape requirements.

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

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

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

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

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

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

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

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

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

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

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

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

#### AREA DESCRIPTION:

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

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

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

#### TRANSPORTATION VISION:

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

#### **STREETS:**

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

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN: .

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

#### Land Use Plan:

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

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

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

Staff comment: The Tulsa Comprehensive Plan for the area encourages growth however appropriate balance with the existing neighborhood is also important. Connectivity should be encouraged. Future expansion of the corridor development area south of this site will be required to provide a multipurpose trail expansion and vehicular connection to provide connectivity through this area.

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

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

#### **Growth and Stability Map:**

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

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

#### **STAFF RECOMMENDATION:**

Staff finds the following:

- 1) Uses and intensities of the development proposal to be in harmony with the spirit and intent of the Zoning Code.
- 2) Proposed corridor development and zoning is consistent with the vision of the Tulsa Comprehensive Plan.
- 3) Future development will require approval of a Corridor Development Plan prior to any construction.
- 4) Street improvements will be required to provide for the corridor street frontage on new lots in a CO district.
- 5) Additional street right of way for future street improvements along South 103<sup>rd</sup> East Avenue and South 105<sup>th</sup> East Avenue may be required for future development of this site. Adequate right of way shall be dedicated to allow vehicular traffic connection to the west and south through future Corridor development areas. Future vehicular and pedestrian connectivity is an important concept that will help piece together a difficult but existing street pattern in this area.

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

3.06.2013

#### Huntsinger, Barbara

From:

Wilkerson, Dwayne

Sent:

Wednesday, February 13, 2013 1:36 PM

To:

Huntsinger, Barbara

Subject:

FW: Case Numbers: Z-7218/ Z-6673-SP-1/ Z-6484-SP-2/ Z-6277-SP-4/ Z-7218

#### **INCOG**

C. Dwayne Wilkerson
Assistant Director Land Development Services

2 West Second Street Suite 800 Tulsa, OK 74103

918-579-9475 dwilkerson@incog.org

From: Darin Akerman [mailto:dakerman@sw-assoc.com]

Sent: Wednesday, February 13, 2013 12:44 PM

To: Wilkerson, Dwayne

Cc: Bates, Brad; nic.heidinger@gmail.com; alan@alansouter.com; Jerry@recoent.com; DaleF@UnitedGolfLLC.com; Amber

Forrest (AmberF@UnitedGolfLLC.com); tulsaharris@hotmail.com; Greg Weisz

Subject: RE: Case Numbers: Z-7218/ Z-6673-SP-1/ Z-6484-SP-2/ Z-6277-SP-4/ Z-7218

Dwayne: I've e-mailed all of the owners last night and suggested we continue the Corridor Site Plan application, and Rezoning application, to either the 3/6 or 3/20 TMAPC meeting. I haven't received full feedback yet, but the response I've received thus far is for a continuance to the 3/6 TMAPC meeting. Thus, please accept this as our request for a continuance of the CSP and Rezoning applications to the 3/6/13 TMAPC meeting. We will work closely with each of the property owner's to make any necessary modifications to the CSP application based upon the feedback we've received thus far, and will coordinate any modifications to the CSP application with your office. Thanks.

Darin L. Akerman, AICP
Director of Planning
Sisemore, Weisz & Associates, Inc.
Ph. 918.665.3600
Fax 918.663.9606

From: Wilkerson, Dwayne [mailto:DWilkerson@incog.org]

Sent: Wednesday, February 13, 2013 11:42 AM

To: Darin Akerman

**Subject:** RE: Case Numbers: Z-7218/ Z-6673-SP-1/ Z-6484-SP-2/ Z-6277-SP-4/ Z-7218

Darin,

Have your clients decided if we are planning to move forward with this on the 20th or do you think you will be asking to continue for two weeks. FYI, I will be out of the office that day. Brad will be making the presentation.

Let me know as soon as possible. Please send an email or other document if you want to continue. Please be sure to specify the new date if you go that direction.

**Thanks** 

#### Wilkerson, Dwayne

From:

Darin Akerman [dakerman@sw-assoc.com]

Sent:

Tuesday, February 19, 2013 3:57 PM

Cc:

Wilkerson, Dwayne; Bates, Brad 'Nic Heidinger'; DaleF@UnitedGolfLLC.com; 'Amber Forrest'; tulsaharris@hotmail.com; Greg Weisz; 'Jerry Reed'; Alan Souter

Subject:

RF: 160 Park

#### Dwayne / Brad,

As suggested in the below e-mail by Mr. Alan Souter, an attorney whom we are jointly working with in association with the 169 Park project, we are hereby fully withdrawina the Corridor Site Plan application scheduled for hearing at tomorrow's TMAPC meeting (Case # Z-7218-SP-1/Z-6673-SP-2/Z-6484-SP-2/Z-6277-SP-4). Per our last e-mail correspondence with you on 2/13/13, the Corridor Site Plan application and an associated, separate rezoning application (Z-7218) were requested for continuance to the 3/6/13 TMAPC meeting. Please note that processing of the rezoning application (Z-7218) will need to move forward for consideration and potential approval at the 3/6/13 TMAPC meeting, as the owner of the property under the rezoning application (Dale & Amber Forrest) desire to proceed with the rezoning application. Should you have any questions regarding the above, please do not hesitate to contact me.

#### Best regards.

Darin L. Akerman, AICP Director of Planning Sisemore, Weisz & Associates, Inc. Ph. 918.665.3600 Fax 918.663.9606

From: Alan Souter [mailto:alan@alansouter.com]
Sent: Tuesday, February 19, 2013 2:48 PM

To: Darin Akerman; 'Jerry Reed'

Cc: 'Nic Heidinger'; DaleF@UnitedGolfLLC.com; 'Amber Forrest'; tulsaharris@hotmail.com; Greg Weisz

Subject: RE: 169

Darin, as we just discussed, and following the Feb 14<sup>th</sup> meeting in your office, the collective owners want to withdraw their corridor site plan application entirely.

Forrest will need to get with you directly re their application for corridor rezoning on their own property, which is their individual issue and not that of the collective group.

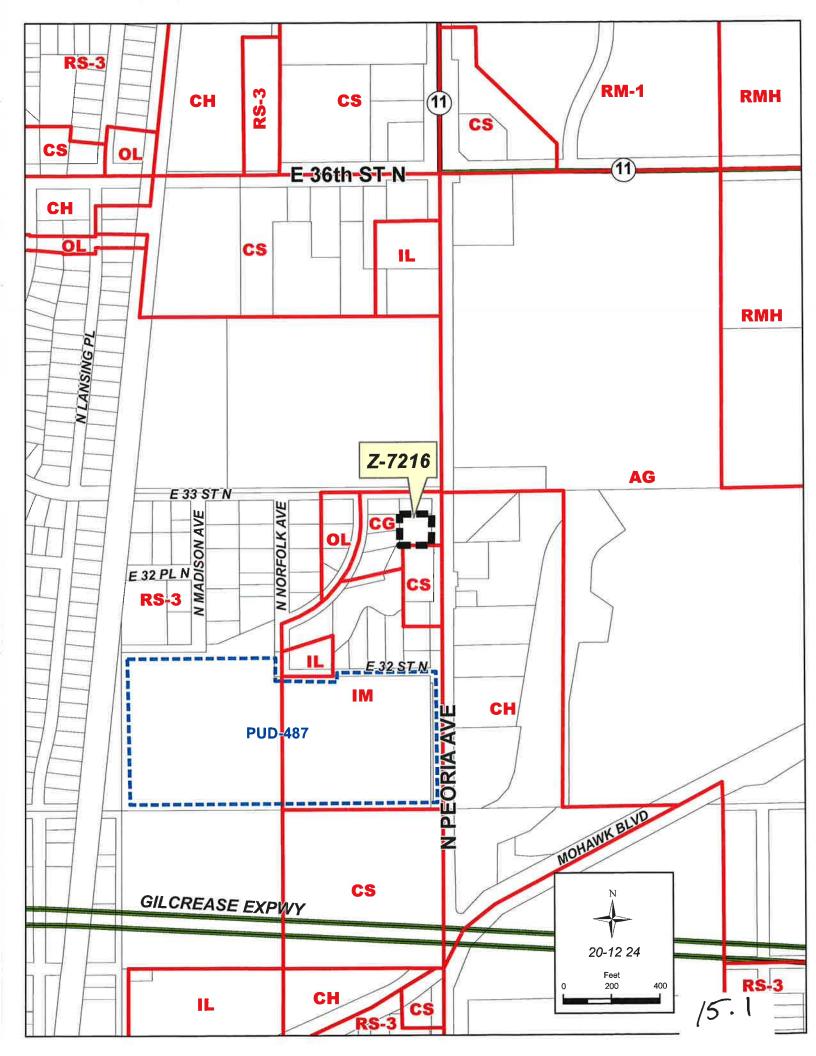
Regards,

8

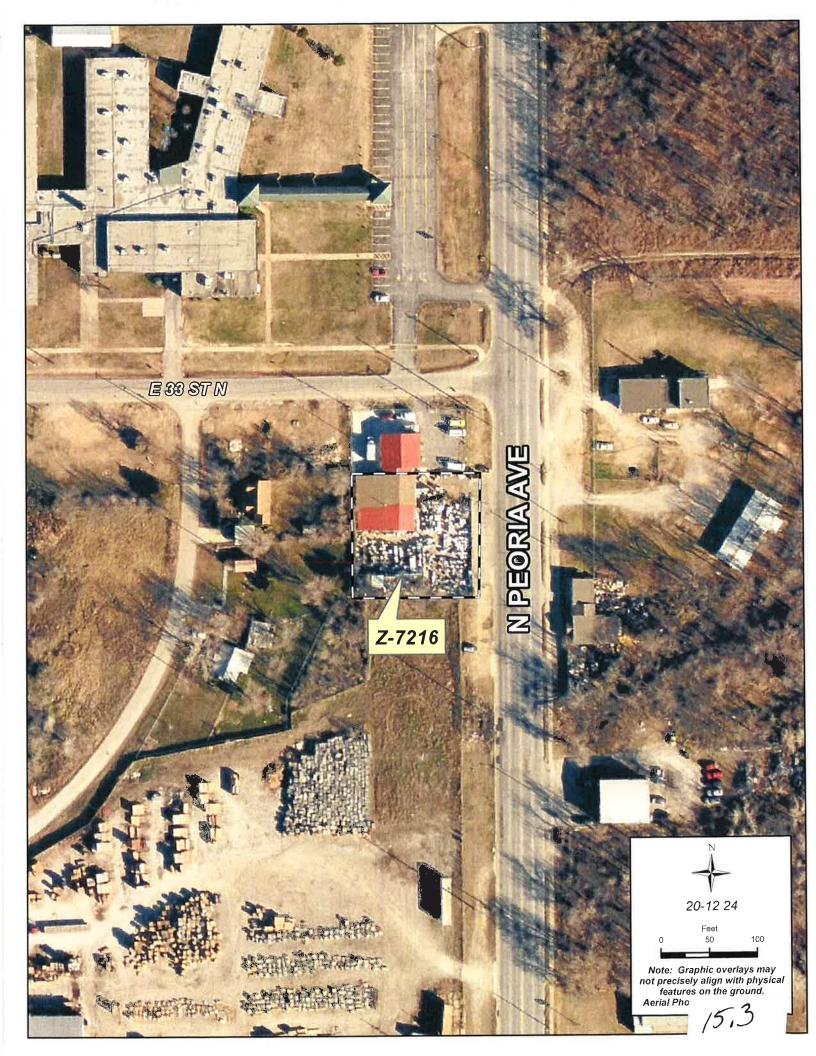
Alan Souter, PLLC Alan Souter, J.D.

248 West 16th Street, Tulsa Oklahoma 74119 Ph. 918.398.4480 / Fax 918.592.4143 alan@alansouter.com www.alansouter.com

THIS MESSAGE AND ANY ATTACHMENTS ARE COVERED BY THE ELECTRONIC COMMUNICATIONS PRIVACY ACT, 18 U.S.C. §§ 2510 et seq. AND CONTAIN INFORMATION THAT IS HIGHLY CONFIDENTIAL, PRIVILEGED AND EXEMPT FROM DISCLOSURE. ANY RECIPIENT OTHER THAN THE INTENDED RECIPIENT IS ADVISED THAT ANY DISSEMINATION, RETENTION, DISTRIBUTION, COPYING OR OTHER USE OF THE MESSAGE WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.







#### TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

**APPLICATION: Z-7216** 

**TRS** 0224

Atlas 431

**CZM** 28

CD-1

TMAPC Hearing Date: March 6, 2013

(Continued from 2/6/13)

Applicant: J&J Appliances, Inc.

Tract Size: 17,225+ square feet

ADDRESS/GENERAL LOCATION:

South of the southwest corner of East 33rd Street and

North Peoria Avenue

**EXISTING ZONING:** 

CG

**EXISTING USE:** 

**Appliance business** 

PROPOSED ZONING:

ΙH

PROPOSED USE: Appliance

business/salvage

ZONING ORDINANCE: Ordinance number 12722 dated February 14, 1973, established zoning for the subject property.

#### **RELEVANT ZONING HISTORY:**

Z-6353/ PUD-487 May 1992: All concurred in approval of a proposed Planned Unit Development on a 18+ acre tract of land for a development that allows Use Unit 28, Junk and Salvage yards, and accessory uses and other uses that are broken down into three development areas, on property located southwest corner of East 32<sup>nd</sup> Street and North Peoria Avenue.

BOA-13529 April 18, 1985: The Board of Adjustment approved a Special Exception to allow the operation of a paint and body shop in a CG district; subject to all painting being done inside the shop; and a Variance to permit the storing and repairing of wrecked vehicles in a commercial district; subject to the number of stored vehicles being nor more than five; and no parts being stripped from wrecked automobiles to make repairs;, on property located at.

#### AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 17,225+ square feet in size and is located south of the southwest corner of East 33rd Street and North Peoria Avenue. The property appears to be used as an appliance business and salvage and is zoned CG.

SURROUNDING AREA: The subject tract is abutted on the east by North Peoria Avenue, an across the street the property is zoned CH; on the north is a small area of CG then a large area of RS-3 north of E. 33<sup>rd</sup> Street North, on the south by a tract that is vacant, zoned CS; and on the west by a single family residential subdivision, which is zoned CG.

UTILITIES: The subject tract is served with City of Tulsa municipal water and sanitary sewer.

#### TRANSPORTATION VISION:

The Comprehensive Plan designates North Peoria as a Multi Modal Secondary Arterial Street.

The Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

This section of Peoria is included in the planned Express Bus Route identified by City of Tulsa planned transit system.

#### **STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Peoria Avenue	Secondary Arterial	100'	4

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Land Use Category:

This site is included in a Regional Center area which is considered a mid-rise mixed-use area for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Staff Comment: The proposed rezoning is not an appropriate use in this land use land use category.

### Growth and Stability Map:

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

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

Staff Comment: It is important for Staff to recognize economic activity that is appropriate to the Tulsa Comprehensive Plan vision. The proposed rezoning is not consistent with the vision presented in this area of growth.

#### **STAFF RECOMMENDATION:**

Staff Comment: The applicant was represented by his attorney (Mr. John Moody) at the 2.20.2013 Planning Commission meeting who requested a continuance to 03.06.2013. Staff has suggested to Mr. Moody that the site needs to be cleaned up and move all salvage and storage operations indoors. Appliance repair (Use Unit 15) and appliance sales (Use Unit 14) are both allowed in the existing CG district as defined in the City of Tulsa Zoning Code. Re-zoning is not required to operate the repair and retail portion of the business on this site.

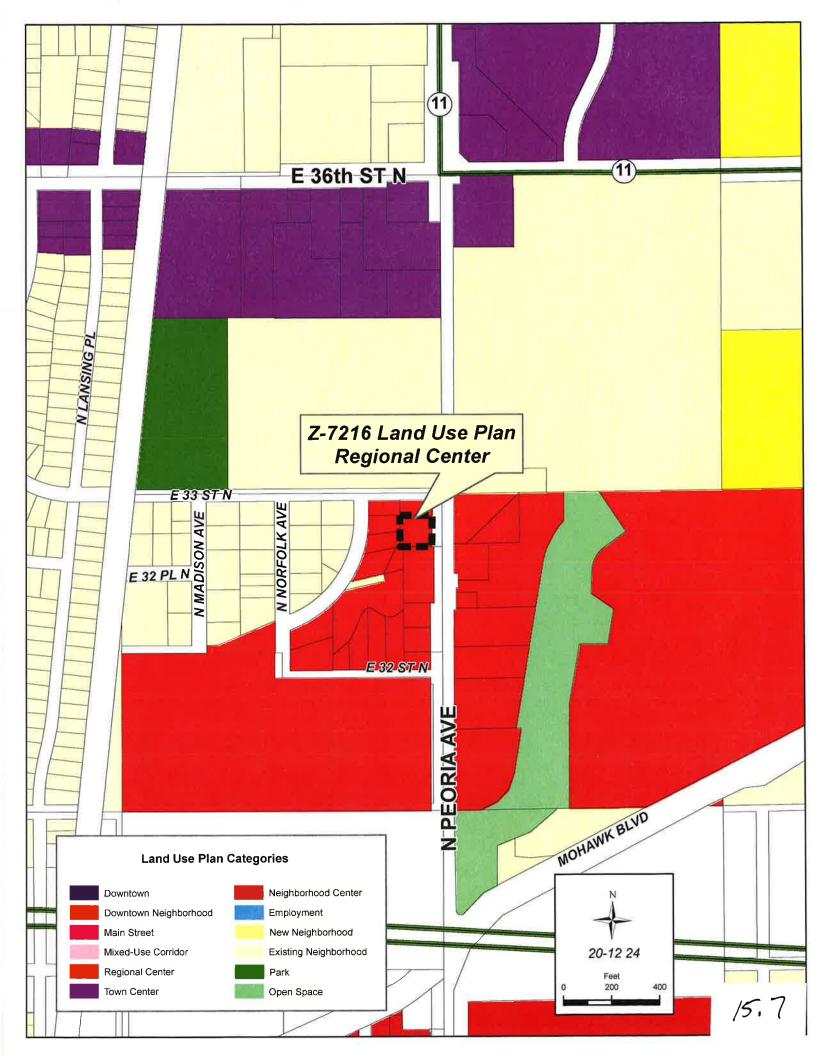
Additionally, staff has recommended that the property be surveyed to determine that the business meets the bulk and area requirements for CG zoning and remove any uses including parking and fencing that appear to be located in the North Peoria Street right-of-way.

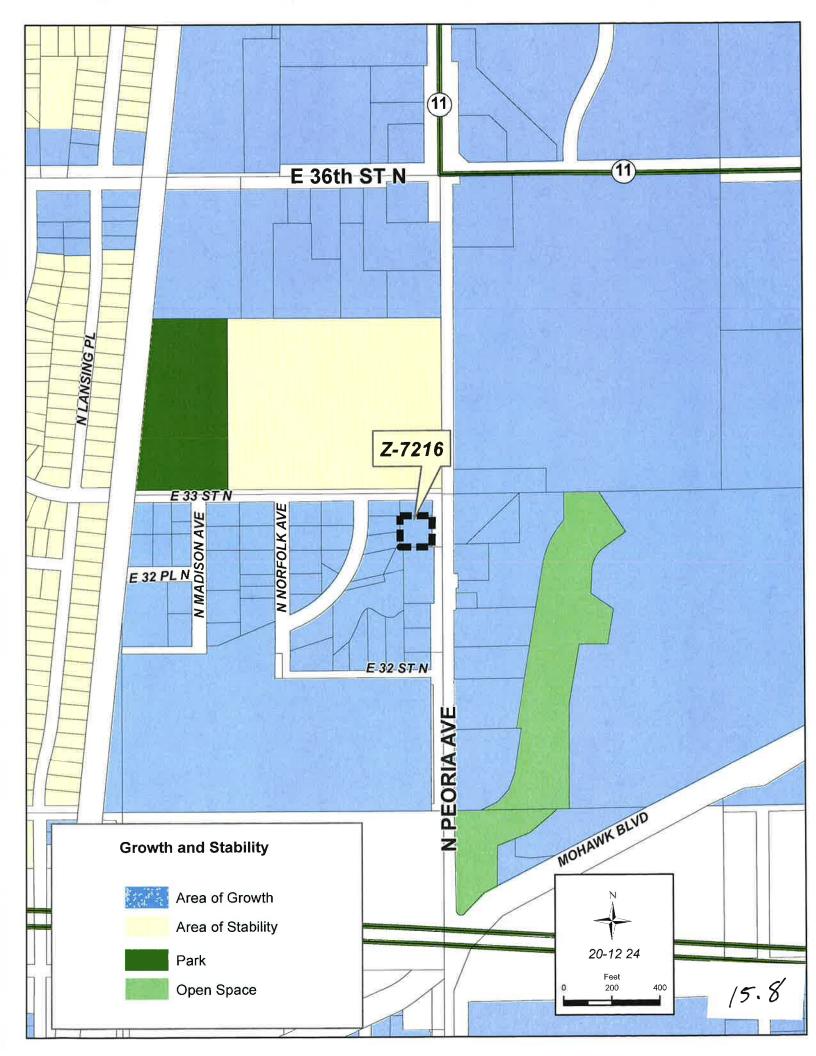
In summary:

- 1) The applicants request for IH zoning is not supported by the existing surrounding land uses.
- 2) The anticipated land use defined in the Tulsa Comprehensive Plan does not support IH zoning or land uses for future development opportunities.
- 3) The request for IH zoning is spot zoning and could potentially allow development of industry that would repress future development of a Regional Center.
- 4) The appliance sales and repair business currently operating can continue as long as the site makes appropriate modifications to conforms to City of Tulsa bulk and area requirements. The site must also meet the other standards of a retail/service operation outlined in the commercial chapter of the City of Tulsa Zoning Code.

Therefore **Staff Recommends Denial** of the applicants request for IH zoning.

3.6.2013





# JOHN W. MOODY ATTORNEY AT LAW

6004 South Marion Avenue Tulsa, Oklahoma 74135 Telephone/Fax 918-728-7528 Email: johnw.moody@gmail.com

January 31, 2013

#### Via Facsimile and Email

Dewayne Wilkerson Tulsa Metropolitan Area Planning Commission Two West Second Street Suite 800 Tulsa, Oklahoma 74103-4236

Re: Request for Continuance of Public Hearing for Z-7216

#### Dear Dewayne:

I have been retained by the applicant for Z-7236 to assist with obtaining proper zoning that would permit the use of the property for his business in manner that would be compatible with the surrounding area and policies of the TMAPC and City. I request that the public hearing before the TMAPC be continued for two weeks in order for me to meet with the Staff and property owners in the area regarding the zoning and use of the property.

Please advise the TMAPC of this request. I will be at the meeting on February 6<sup>th</sup> to request the continuance. Thank you for your assistance.

Sincerely

John W. Moody

Cc: J & J Appliances

## NOTICE OF HEARING BEFORE THE TULSA METROPOLITAN AREA PLANNING COMMISSION CITY OF TULSA, OKLAHOMA

CASE NUMBER: Z-7216

Notice is hereby given that a public hearing will be held before the Tulsa Metropolitan Area Planning Commission (TMAPC), to consider the proposed amendment to the zoning map. All persons interested in this matter may attend this hearing and present their objections to or arguments for the proposed amendment(s).

APPLICANT: J& J Appliances, LLC (918.428.6706/ dar6706@yahoo.com)

**ACTION REQUESTED: Rezoning** 

**LOCATION:** South of the southwest corner of E. 33<sup>rd</sup> St. and N. Peoria Ave.

3249 N PEORIA

PROPERTY LEGAL Lot 5 & 6, Block 6, Wilshire Addn., an addition to the City of Tuisa,

**DESCRIPTION:** Tulsa County, State of Oklahoma, according to the recorded plat thereof

PRESENT ZONING: CG (Commercial General)

PROPOSED ZONING: IH (Industrial Heavy)

FOR: Appliance business & salvage

HEARING DATE: Wednesday, 2/6/2013 1:30 PM

The meeting will be

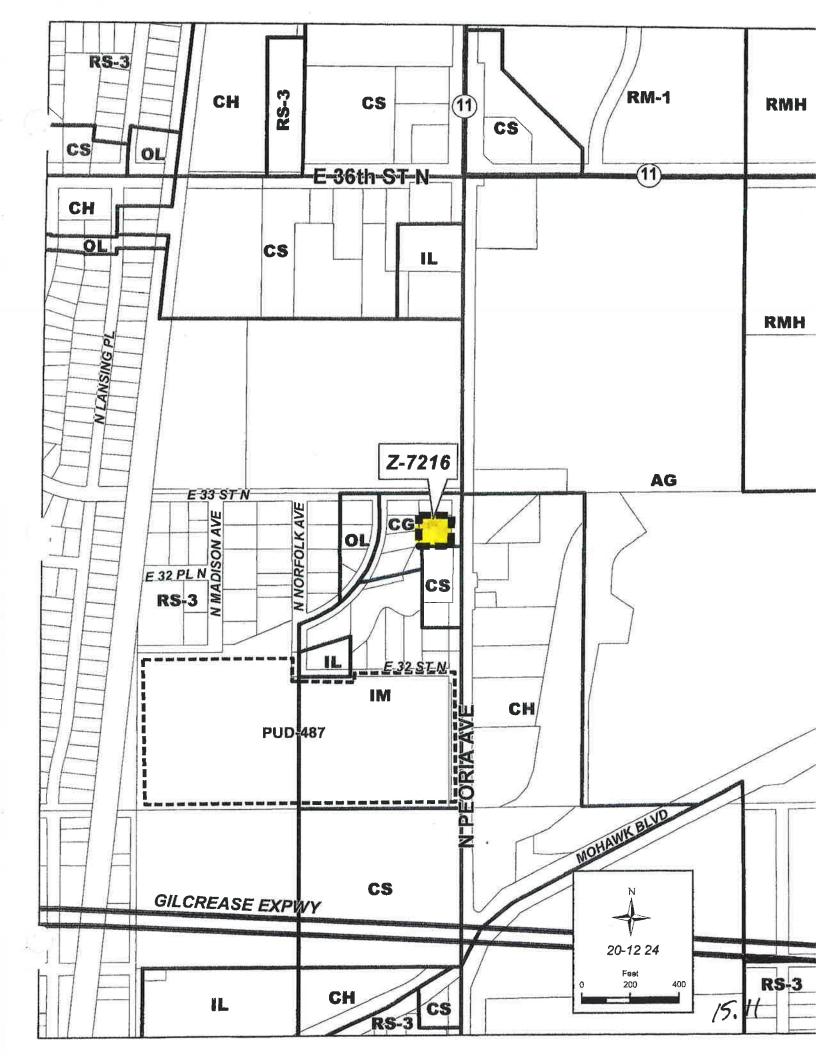
City Council Chambers held at:

2<sup>nd</sup> level. 175 East 2<sup>nd</sup> St. TULSA, OKLAHOMA

For more information call any zoning officer with the Tulsa Metropolitan Area Planning Commission (TMAPC) at (918) 584-7526 or to view the submitted application visit: www.tmapc.org/tmapc/Z-7216.pdf

MINUTES OF THE TULS

REA PLANNING CONSESSION.



#### THESE COMMENTS BY VERNON L. LONG 1-31-13

THE J&J APPLIANCE, LLC HAVE APPLIED FOR A ZONING CHANGE FROM A CG
(COMMERCIAL GENERAL) TO 1H (INDUSTRIAL HEAVY). THEY BUY, SELL, REPAIR,
AND SCRAP USED APPLIANCES. THEY ALSO SELL MATTRESSES.

THE J&J FAMILY OWN PROPERTY AT 33<sup>RD</sup> STREET AND NORTH PEORIA. THEY ALSO OWN THE PROPERTY AT 3241 NORTH PEORIA. THE BUILDINGS ON THIS PROPERTY ARE SIMPLY THROWN TOGETHER AND ARE BOARDED UP AND IN POOR CONDITION. THEY ALSO OWNED 3235 N. PEORIA UNTIL 9-30-09 AND THIS PROPERTY HAS BEEN USED FOR YEARS AS A DUMPING SITE FOR PALLETS AND MATTRESSES.

THE ZONING COVERS THEIR OPERATIONS AT 33<sup>RD</sup> ST. E. AND NORTH PEORIA.

WHEN YOU DRIVE BY THIS PROPERTY, YOU WILL SEE THE FENCING IS DAMAGED AND INCOMPLETE. THE PRIVACY FENCING DOES NOT COVER ALL THEIR OPERATIONS ALONG PEORIA, NONE OF THEIR OPERATION ON THE NORTH FACING THE HAWTHORNE ELEMENTARY SCHOOL, AND NOTHING ON THE WEST SHIELDING THE RESIDENTIAL PROPERTIES, AND NOTHING ON THE SOUTH. AS YOU DRIVE DOWN PEORIA YOU CAN EASILY SEE STAINS OF OIL AND OTHER CHEMICALS ON THE DRIVEWAY AND THE PAVED AREA INSIDE THE FENCED AREA AND IMMEDIATELY IN FRONT OF THEIR WAREHOUSE

THEY HAVE VERY LIMITED PARKING FOR THEIR EMPLOYEES AND OR THEIR

DIRECTLY ACROS

TRUCKS. THEY HAVE UNTIL RECENTLY USED MY PROPERTY AT 3249 N. PEORIA STR. 557, AS A DRIVEWAY AND PARKING AREA WITHOUT PERMISSION. J&J HAS APPROX.

20,000 SQ. FT. WITHIN THEIR FENCED AREA. IT APPEARS THEY HAVE SPACE PROBLEMS WITH MANY APPLIANCES SIMPLY SETTING OUTSIDE AND CARS PARKED OUTSIDE THE FENCE ONLY THREE OR FOUR FEET FROM THE PEORIA CURB. THE PHOTOS MORE CLEARLY EXPLAIN THE NARRATIVE.

THE 3241 N. PEORIA PROPERTY IS AN ENTIRELY DIFFERENT ISSUE AND PROBLEM. THE VERNON L. LONG & MARGARET A. LONG REVOCABLE TRUSTS OWN THE PROPERTIES 3249 - 3251- 3305 NORTH PEORIA AND A 31.2 ACRE TRACT OF LAND THAT LIES IMMEDIATELY NORTH OF LOT 3305 AND RUNS ALONG NORTH PEORIA TO 36<sup>TH</sup> STREET NORTH. THE 3249 PROPERTY, UNFORTUNATELY SHARES THE PROPERTY LINE NORTH OF 3241 N. PEORIA- J&J FAMILY PROPERTY. SOME TWENTY YEARS AGO I BUILT A NEW CHAIN LINK FENCE BETWEEN THE TWO PROPERTIES. THE FENCE HAS SINCE BEEN DESTROYED BY THE VINES, TREES, AND WEEDS THAT HAVE TAKEN OVER THE 3241 N. PEORIA PROPERTY. THE J&J FAMILY HAVE FOR YEARS USED THIS PROPERTY AS A DUMP YARD FOR MATTRESSES, PALLETS, CHAIRS, WINDOWS AND DOOR FRAMES, YARD EQUIPMENT, ETC. THE PICTURES WILL TELL THE STORY.

BOTH 3241 & 3235 POSE SOME HEALTH ISSUES WITH THE SNAKES, RATS, AND MESQUITES.. HOWEVER, A MORE SERIOUS THREAT IS THAT BOTH PROPERTIES PRESENT A REAL FIRE HAZZARD. A CIGARETTE OR A MATCH COULD EASILY START A FIRE THAT WOULD QUICKLY SPREAD TO THE WOODED AREAS

SURROUNDING A NUMBER OF BUSINESSES.

THE BOTTOM LINE IS THAT J&J HAS SHOWN LITTLE TO NO RESPECT FOR THEIR NEIGHBORS OR THE ENVIRONMENT. DOES ADDING THE ABOVE WORD "SALVAGE" QUALIFY THEM FOR AN IH ZONING OR JUST COVER UP THE FACT THAT THEY HAVE BEEN INVOLVED IN SOME SALVAGING ALL ALONG. THEIR PRIMARY BUSINESS CLEARLY APPEARS TO BE BUYING AND SELLING APPLIANCES. THAT OPINION IS BASED ON OUR VIEW AND MY TENANTS VIEW SINCE THE DAY THEY OPENED FOR BUSINESS. BEING DIRECTLY ACROSS THE STREET WE HAVE A CLEAR VIEW OF THEIR OPERATIONS.

I WOULD HOPE THAT THE HOMES ON WILSHIRE THAT LITERALLY BACK UP TO THE J&J WEST BOUNDARY WHICH NOT SURPRISINGLY IS COVERED UP WITH WEEDS AND VINES AND THE FACT THE HAWTHORNE ELEMENTARY SCHOOL IS ONLY A HUNDRED FEET OR SO TO THE NORTH WOULD BE FACTORS IN DISAPPROVING AN IH ZONING. THEIR INDIFFERENCE TO THEIR NEIGHBORS AND THEIR TOTAL DISREGARD FOR THE ENVIRONMENT SHOULD ALSO BE FACTORS TO CONSIDER IN ANY ZONING CHANGE.

# No **Image Available**

Acct Type:

Commercial

Zone:

CH

School Dist: T-1A

Neighborhd: 7136

LEA: Land Area: 7136

105764.00 Sq. Ft.

BltAs:

Bldg Area:

Quality:

Year Built :

Bath:

Stories: 0

HVAC: Roof: Condition:

Ext Wall:

Ken Yazel Tulsa County Assessor

www.assessor.tulsacounty.org 918.596.5100

Date 1/29/2013

Account Number 90319-03-19-33230

Mailing Addr.

IKOME, PETER MOSOKO

PO BOX 887

PADUCAH, KY 42002

Property Addr Subdivision

3235 N PEORIA AV

Legal Description

N472 NW7.68AC GOVLT2 LESSBEGNWC LT2 TH S357. 8 E200 N150E125 N207.8 W325 POB LE SS BEG 472 S NWC LT2 TH E150 N65 W150 S6 5 POB LESS BEG 253N SWC NW SW NW TH N49 .2 E70 S33.79 W10 S 15 W60 POB LESS BEG 471.9S 395.52E NWCGOVLT2T

HNE192.84CRVRT 189.67S357.41W

Deed Date:

2009-09-30

**Deed Price:** 

\$9,000

Multi Parcel Sale: NO

Allocated Val:

Verification:

16 Quit Claim Deeds

Land Value:

\$ 9,000

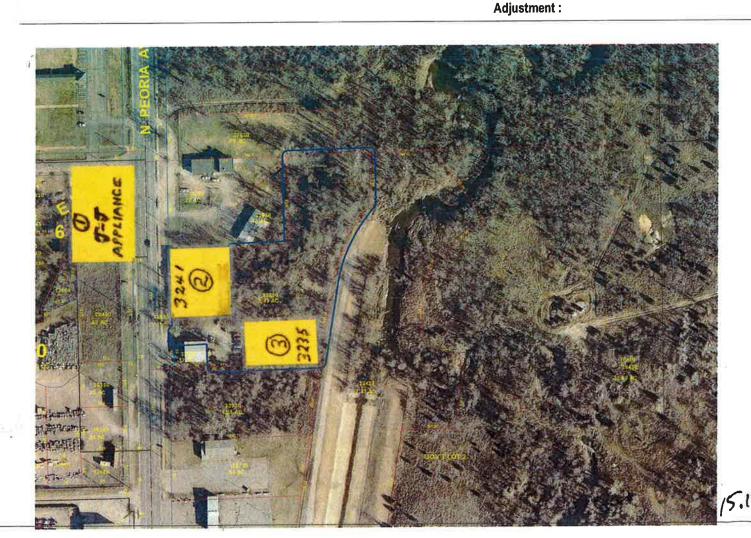
**Total Taxable:** 

\$9,000

**Total Market:** 

\$9,000

Adjustment: Adjustment: Adjustment:



# No **Image Available**

Acct Type:

Commercial

Zone:

CH School Dist: T-1A

Neighborhd: 7136

LEA:

7136

Land Area: 105764.00 Sq. Ft.

BltAs:

Bldg Area:

Quality:

Year Built :

Bath: 0 0

Stories: **HVAC:** Roof:

Condition: Ext Wall:

## Ken Yazel Tulsa County Assessor

www.assessor.tulsacounty.org 918.596.5100

Date 1/29/2013

Account Number 90319-03-19-33230

Mailing Addr.

IKOME, PETER MOSOKO

PÔ BOX 887

PADUCAH, KY 42002

Property Addr.

3235 N PEORIA AV E

Subdivision

Legal Description

N472 NW7.68AC GOVLT2 LESSBEGNWC LT2 TH S357. 8 E200 N150E125 N207.8 W325 POB LE SS BEG 472 S NWC LT2 TH E150 N65 W150 S6 5 POB LESS BEG 253N SWC NW SW NW TH N49 .2 E70 S33.79 W10 S 15 W60 POB LESS BEG 471.9S 395.52E NWCGOVLT2T HNE192.84CRVRT 189.67S357.41W

Deed Date:

2009-09-30

Deed Price:

\$9.000

Multi Parcel Sale: NO

Allocated Val:

Verification:

16 Quit Claim Deeds

Land Value:

\$9,000

Total Taxable:

\$9,000

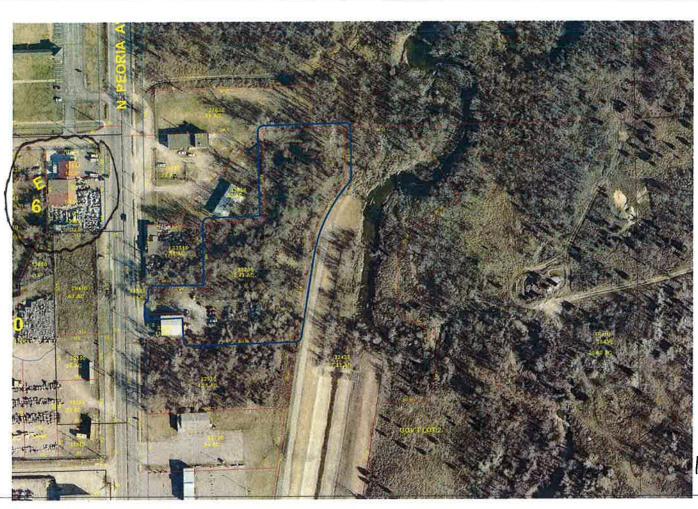
**Total Market:** Adjustment:

\$9,000

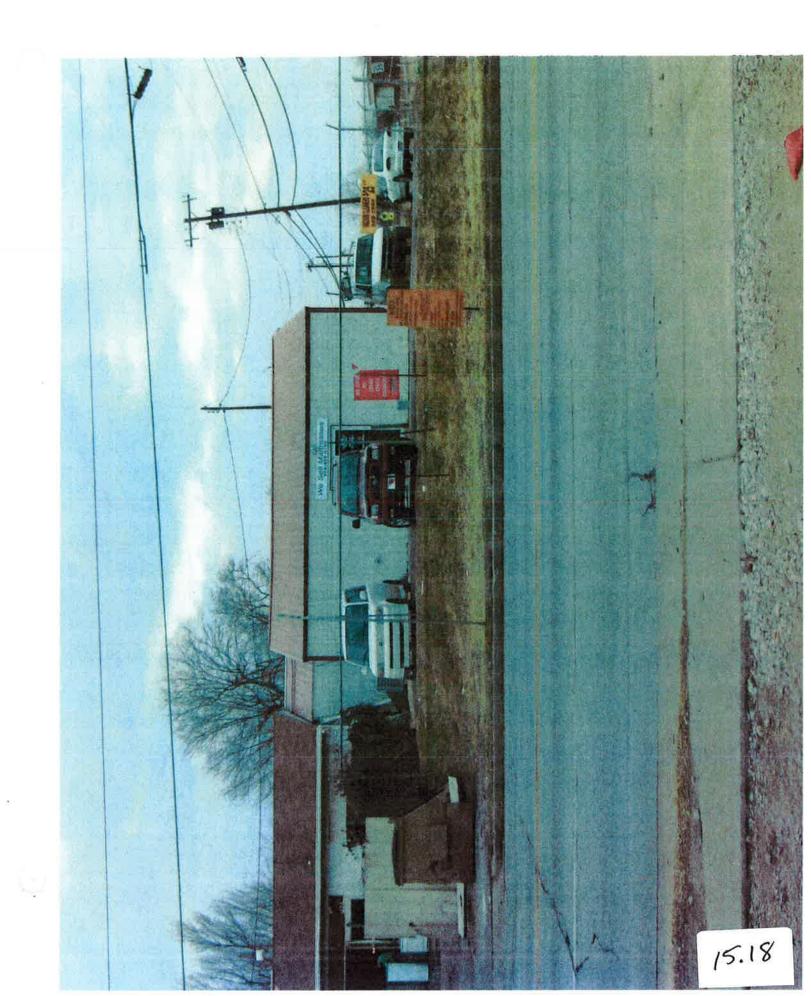
Adjustment:

Adjustment:

Adjustment:









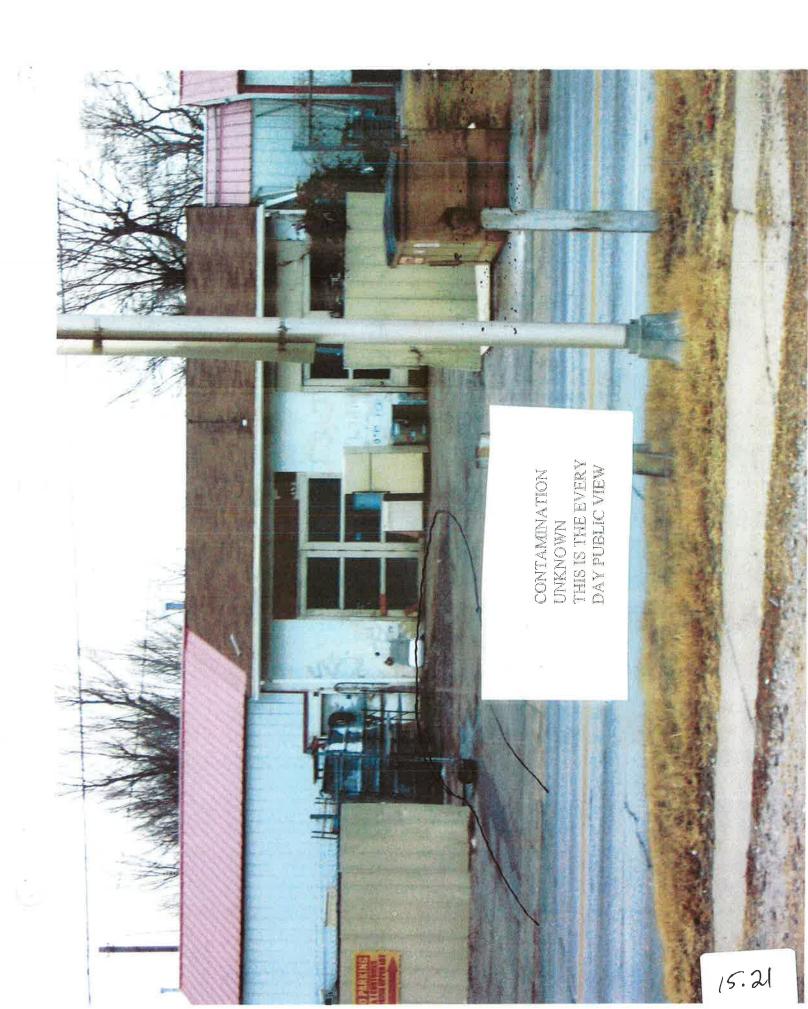
J+JAS THEY DRIVE BY ON N. ABORIA PUBLIC VIEW OF

VINES- BUSHES-7868 POOR CONDITION FENCINGM HAN THE PACLET をアイトの人と THE J&J FENCE WAS MOVED OUT FENCING IN POOR CONDITION 15,20

APPROX 10 FT. TOWARD PEORIA

FROM THE PALLET COMPANY

FENCE ON THE SOUTH

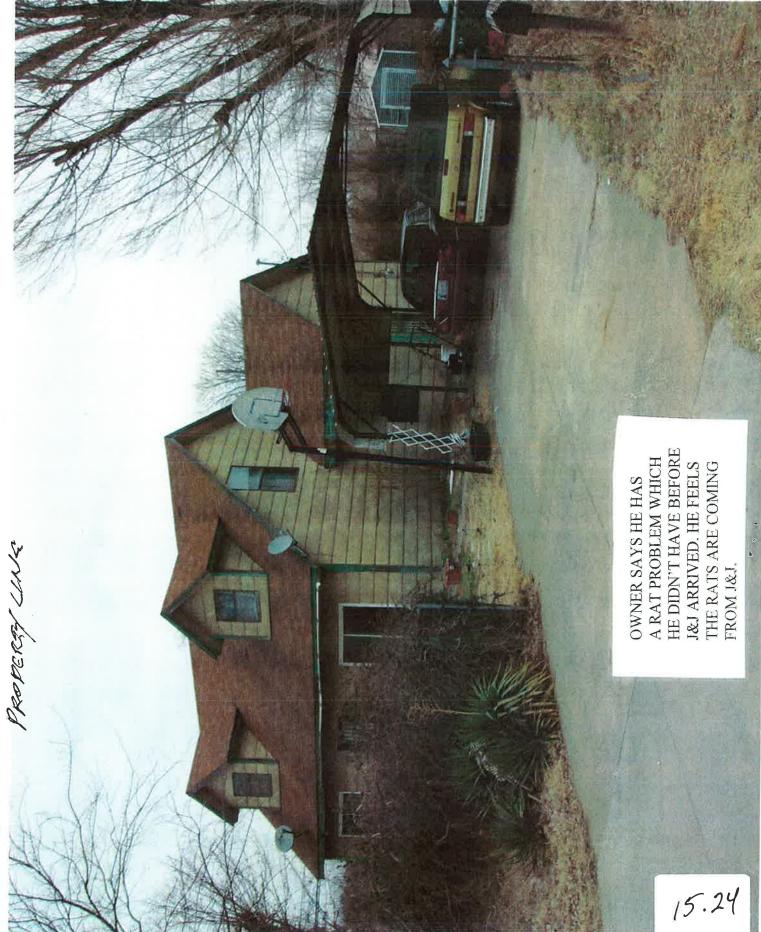


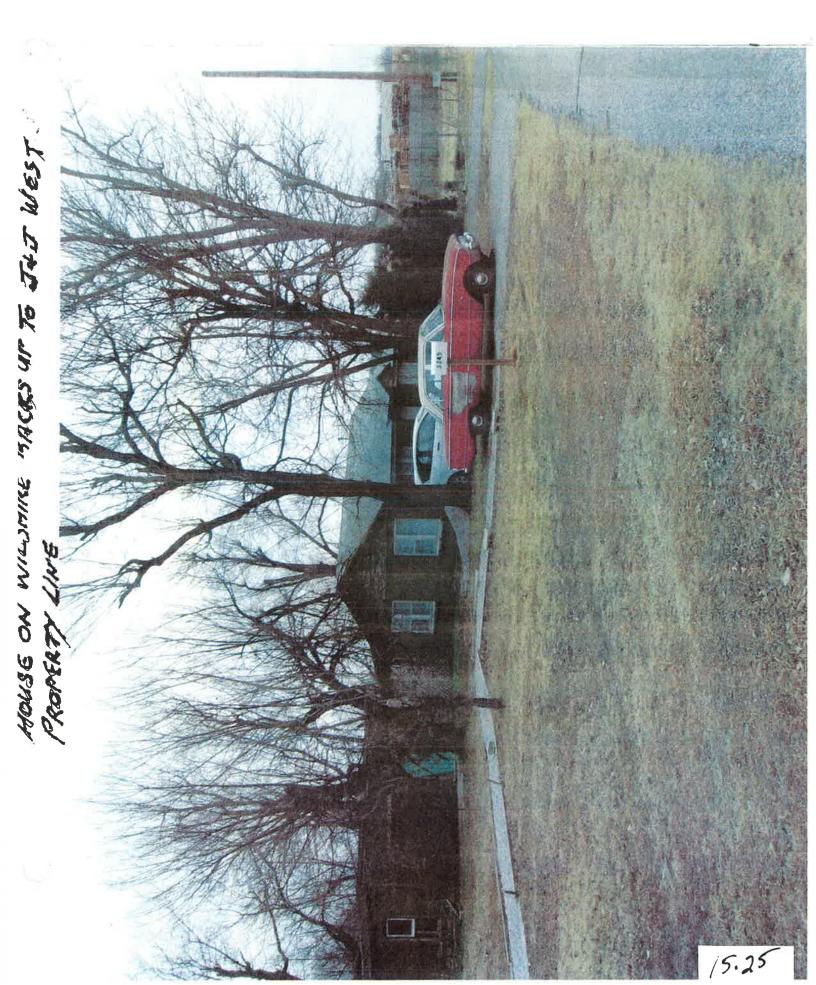
NO PRIVERY FENCE ON NORTH SIDE 15.22

Ψ.



CORNER NOUSE ON WI HIRE BACKS UP TO FIT WOULT





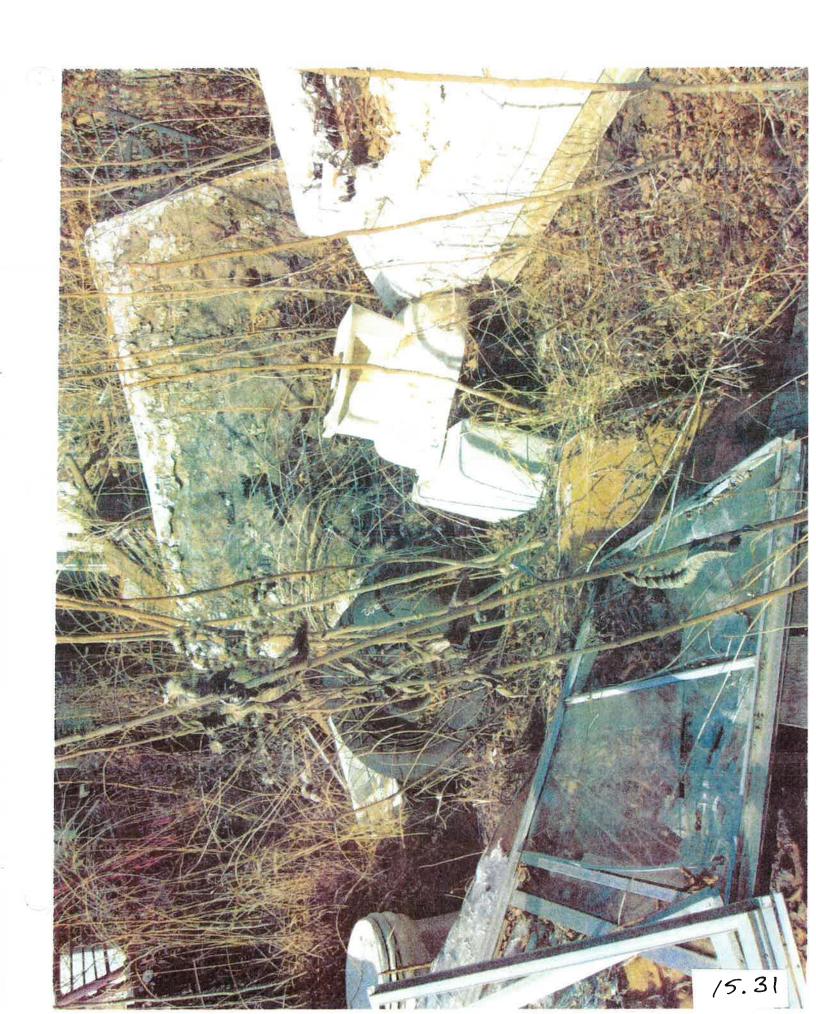




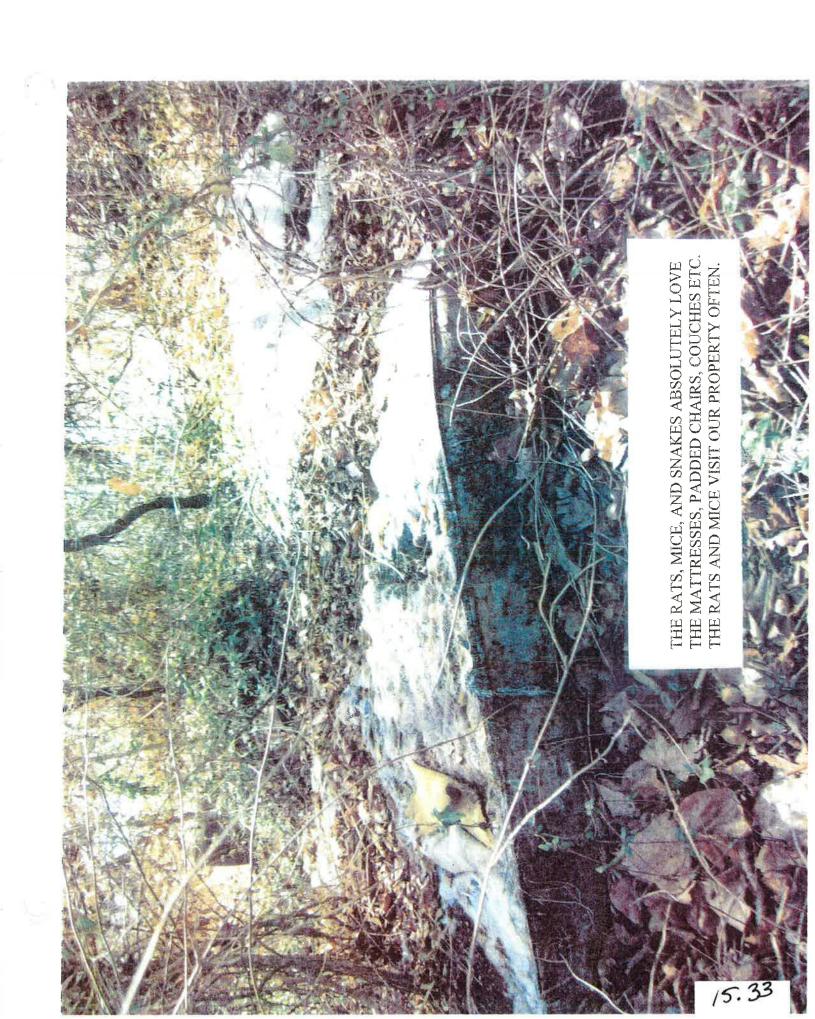










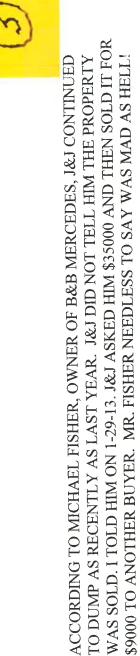


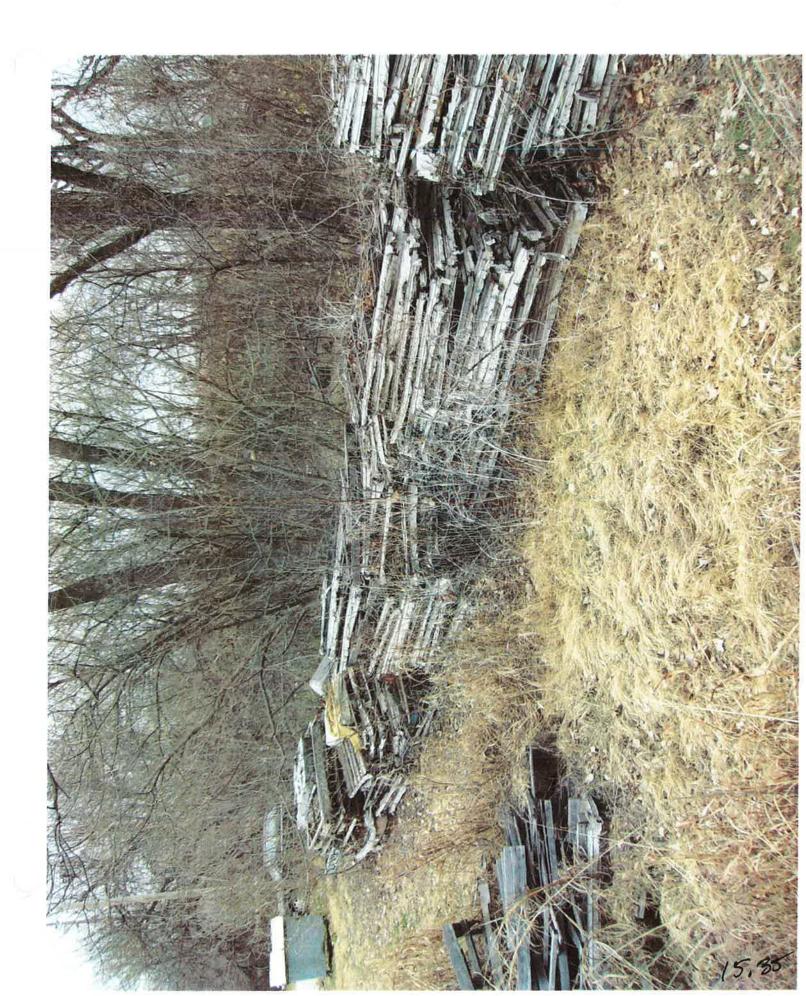
B & B MERCEDES

THE REGROS HOWEVER
SHOW THE OWNER TO BE
PETER MOKOSO IKOME
P.O. BOX 887
PROUCHH, KENTUCKEY 447002
SOLD 9-30-2009



THIS IS THE STREET VIEW OF 3235 N PEORIA



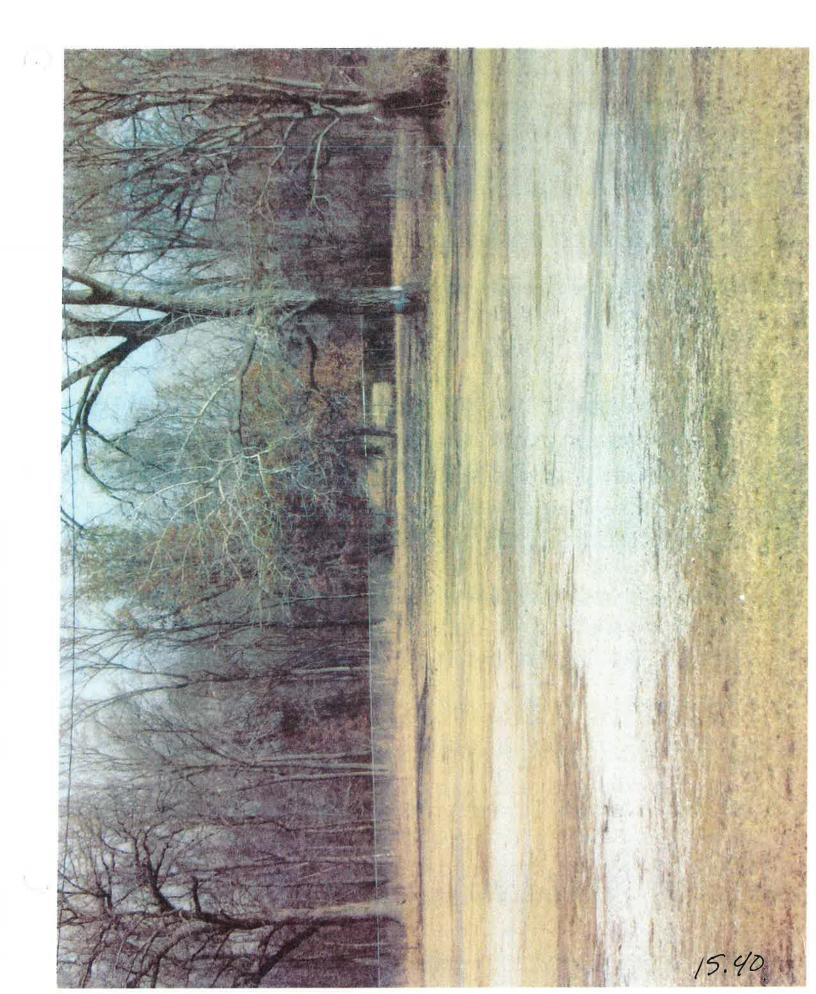








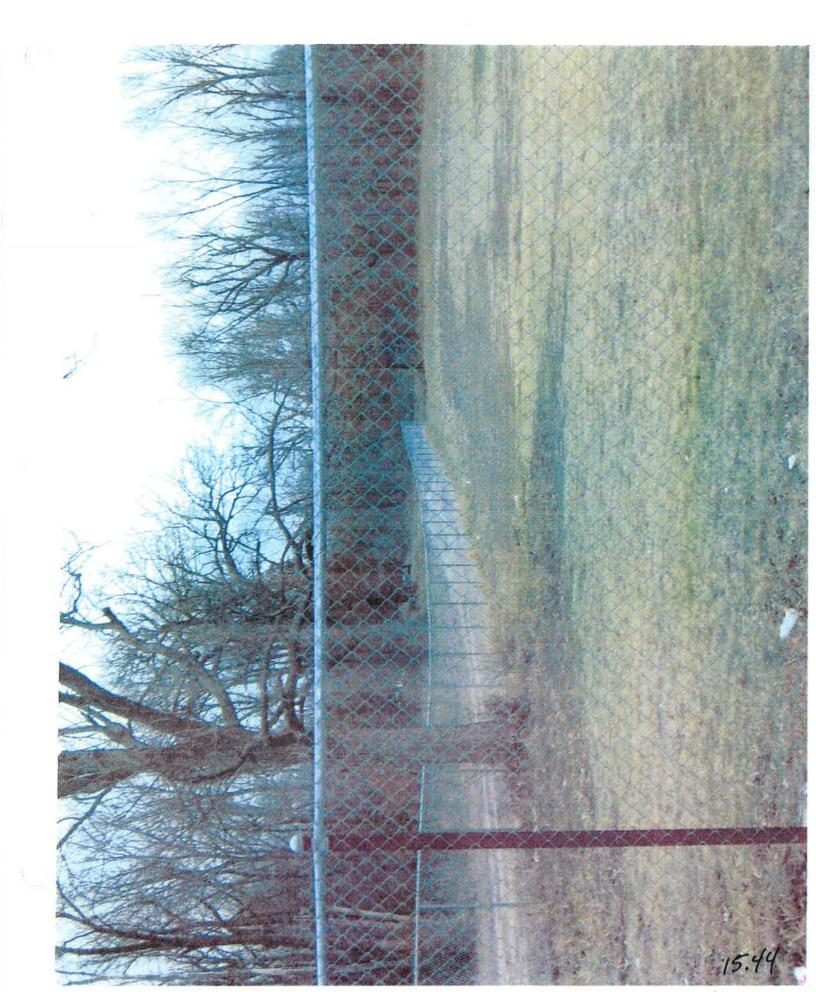






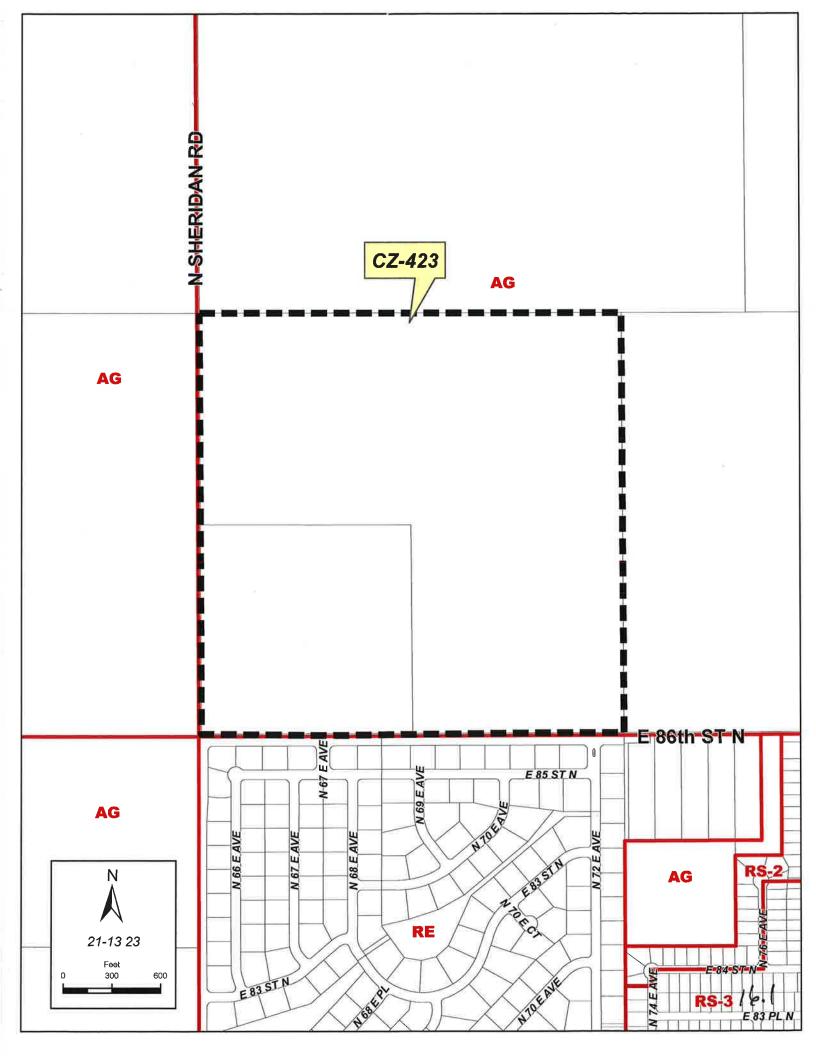


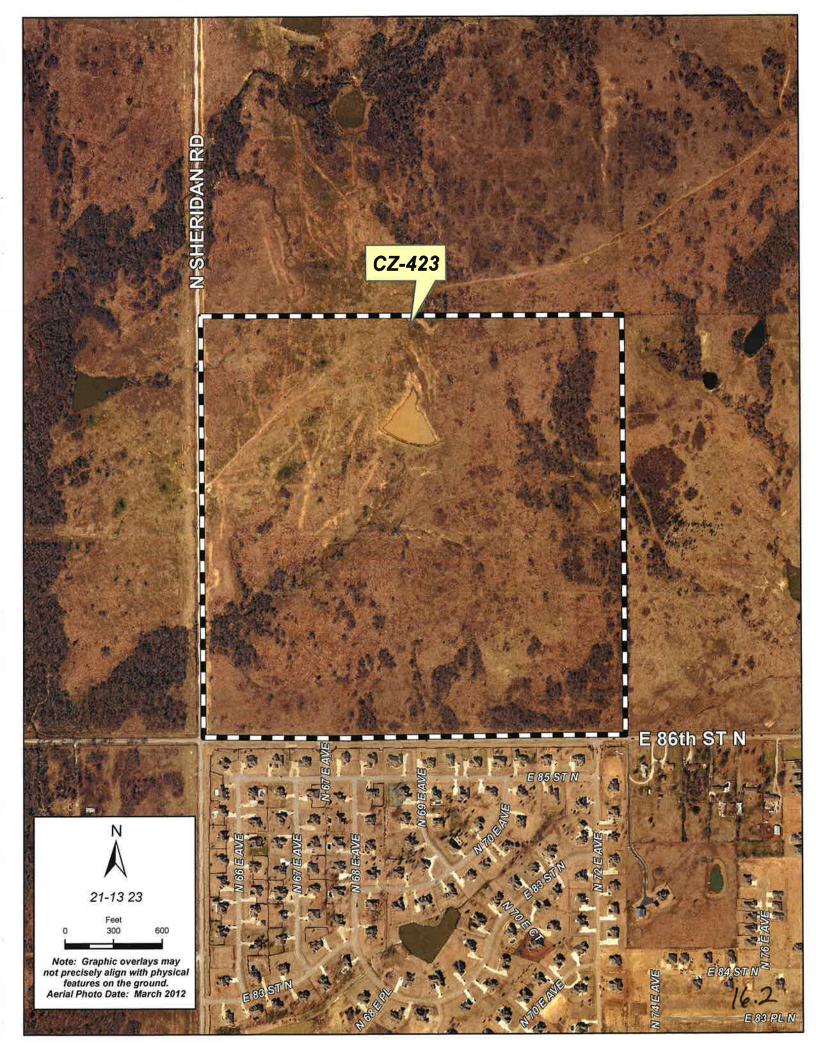






i.				
			¥	
	0.			





### TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

APPLICATION: C7-423

**TRS** 1323

Atlas 0

**CZM** 17

County

TMAPC Hearing Date: March 6, 2013

Applicant: Eight Sixth Properties, LLC/ Brian Green

Tract Size: 160+ acres

ADDRESS/GENERAL LOCATION:

Northeast corner of East 86<sup>th</sup> Street North and North

Sheridan Road

**EXISTING ZONING:** 

AG

**EXISTING USE:** 

Vacant

PROPOSED ZONING: RE

PROPOSED USE: Residential housing

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

#### RELEVANT ZONING HISTORY:

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

#### AREA DESCRIPTION:

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

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

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

#### TRANSPORTATION VISION:

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

## STREETS:

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

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This 160 acre parcel is included in the North Tulsa County Comprehensive Plan 1980-2000. The area is identified as a residential area with a possible commercial-office note on the northeast corner of East 86<sup>th</sup> Street North at North Sheridan Ave. Although the plan is outdated it does recognize the potential for low intensity residential development and medium intensity commercial development.

# **STAFF RECOMMENDATION:**

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

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

03/06/13

# **Pearl District Form-Based Code Options**

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

A. Background: At the February 20, 2012 TMAPC Work Session, INCOG/TMAPC and City of Tulsa Planning staff presented feedback received at recently held public workshops. In addition, five potential options were presented to the TMAPC to consider when providing direction to move forward. The TMAPC asked that five options be presented at their next regular meeting, as well as another option that included an opt-in/opt-out provision.

## **B.** Potential Options

- 1. Adopt Regulating Plan for the proposed expansion area and rezone to Form-Based Code
  - Re-evaluate in one year, taking into account relief requested and any Board of Adjustment or administrative review actions.
  - Based on that information, address parts of the Form-Based Code that has surfaced as problems during the first year.
- 2. Adopt Regulating Plan for the proposed expansion area, rezone to Form-Based Code and amend Form-Based Code (Title 42-B)
  - Address concerns and comments from public workshops.
  - Address site specific modifications through Variances or Special Exceptions noted on the Regulating Plan.
  - Once drafted, Staff presents amended Form-Based Code (Title 42-B) and Regulating Plan to TMAPC.
- 3. Re-examine Form-Based Code (Title 42-B) and Regulating Plan for the proposed expansion area boundaries, prior to rezoning to Form-Based Code
  - Address concerns and comments from public workshops
  - Include modifications to site specific conditions.
  - Once drafted, Staff presents amended Form-Based Code (Title 42-B) and proposed Regulating Plan to TMAPC.
- 4. Re-examine Form-Based Code (Title 42-B) prior to adopting proposed expansion area and rezoning to Form-Based Code
  - Address FBC issues raised at public workshops.
  - Once drafted, Staff presents amended Form-Based Code (Title 42-B) to TMAPC.

- 5. Re-examine Form-Based Code (Title 42-B) and Regulating Plan for the proposed expansion area boundaries prior to allowing for an opt-in/opt-out provision as to properties rezoned to Form-Based Code (FBC).
  - Once drafted, Staff presents amended Form-Based Code (Title 42-B) and proposed Regulating Plan to TMAPC.
  - TMAPC could waive rezone application fees for all applicants who wished to rezone to FBC.
  - Staff could establish quarterly rezoning submittal deadlines/opportunities for bulk rezone applications, so that they are presented as a batch to the TMAPC and City Council. This would method would encourage current property owners through the process. Required advertising cost is distributed among all the participants in the bulk re-zoning or the City/INCOG pay those cost.
  - Rezoning could run concurrent with the Form-Based Code Administrative Review.
  - Progress could be evaluated on a two (2) year basis based upon activity in the area.
  - Depending on progress: could extend the quarterly rezoning for an additional two (2) years, consider expanding the Regulating Plan area, and/or implementing parking and stormwater solutions through the City's Capital Improvements Plan (CIP) process.

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

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

# TULSA REGIONAL CHAMBER

February 27, 2013

Tulsa Metropolitan Area
Planning Commission
c/o INCOG
Williams Tower II
2 West 2<sup>nd</sup> Street, Suite 800
Tulsa, OK 74103

Re: Form Based Code and Regulating Plan for the Pearl District

Honorable Chairman and Commissioners:

I am submitting this letter on behalf of the businesses in the Pearl District, of which many are Chamber members. As Tulsa's premier business organization, the Tulsa Regional Chamber represents over 3,100 businesses throughout the Tulsa region, and works to promote a climate at the local, state, and federal level which is conducive to growth and economic opportunity for area residents and businesses. As an organization, we are committed to seeing Tulsa move forward through the revitalization of our urban core as well as through the continued development of our region as a whole.

The purpose of this letter is to voice our support for re-evaluating and amending the Form Based Code (FBC). Over the past year, at the request of our members, we have been present at numerous public hearings and meetings relating to the proposed Regulating Plan for the Pearl District and the continued implementation of the FBC. At each of these meetings, the businesses of the Pearl District have voiced their concern over the impact of the overly-prescriptive nature of the FBC, the lack of input gathered from the business community when the 6<sup>th</sup> Street Infill Plan and subsequent code were developed, and the implications these regulations will have on current operations and expansion plans. Many of these businesses have been operating in the Pearl District for decades, and they all play an instrumental role and have a vested interest in continuing the revitalization of this area.

Based upon our participation in these meetings and a review of the 6<sup>th</sup> Street Infill Plan, Form Based Code, and the various proposed Regulating Plans for the Pearl District, we encourage the Planning Commission, INCOG staff, and City of Tulsa staff to evaluate and amend the following portions of the FBC.

1. **Building height requirements** – Chapter 4, Section 407.B, Urban general building form standards, Building Height, specifies that property designated by this frontage type shall be at least 2 stories in height.

#### TULSA REGIONAL CHAMBER

While the purpose of this height requirement is to encourage increased density and provide enhanced urban living options, it is our opinion that the minimum height requirement – spread across such a broad area – is detrimental to business growth and development and, in many areas in the Pearl District, is counter to the current urban landscape; in fact, this requirement alone would place countless properties in non-conformance. We believe that the goals of redevelopment and revitalization can be accomplished in the Pearl District without this minimum height requirement, and that opportunities should be explored to incentivize rather than require building up.

2. **Maximum floor plate allowance** – Chapter 4, Section 407.B, Urban general building form standards, Frontage Widths, specifies that no building may exceed 120 feet of continuous building frontage.

As it stands, the FBC would prohibit one of the Pearl District's most valuable resources, the Indian Health Care Resource Center, from expanding as planned. By limiting the maximum floor plate allowance to 15,000 square feet, the FBC would prohibit the Resource Center from creating a cohesive campus that meets the needs of their users. Efforts should be made to find a solution which would allow the Resource Center and similar developments to be built without relying upon significant variances from the code.

3. **Parking –** Chapter 6, Parking Standards, outlines parking regulations which permit developments to provide no parking and prohibit parking lots as principal uses.

As identified in the 6<sup>th</sup> Street Infill Plan, "many retail buildings [in the plan area] are not viable because they lack sufficient parking" (page 48, item 11.4.2.5). However, Chapter 6 of the FBC only perpetuates this problem by allowing properties to develop without the provision of parking and by limiting options for surface parking. While achieving an area where residents and visitors primarily utilize public transportation is a worthy long-term goal, it is undeniable that such behavioral changes will take time, and that, in the meantime, visitors to the Pearl District will undoubtedly be traveling by automobile. As such, we would suggest providing opportunities within the code which will provide viable parking solutions until such time as public transit is more widely utilized or public parking facilities are able to be constructed.

These three areas are by no means an exhaustive list of the issues we see with the current FBC, but represent what we believe to be the largest barriers to business development in the Pearl District. In general, we feel a re-examination of the FBC provides an opportunity to evaluate if there are opportunities to accomplish the goals of the FBC – revitalizing the Pearl District by creating areas which are pedestrian friendly and encourage more urbanized living – through a code which is less prescriptive and far shorter in length.



In addition to speaking to needed amendments to the FBC, we would also request that the Planning Commission consider the proposed amendment to the 6<sup>th</sup> Street Infill Plan. As it stands, the Plan contains a variety of mapping errors which have complicated the implementation of a regulating plan for the area and provide uncertainty to businesses on the edges of the Plan as to how the Plan will be interpreted. At a minimum, these mapping errors must be corrected. On a larger scale, consideration should be given to needed changes to subarea designations in the Plan. In particular, we believe proposals to re-designate industrial properties so they fall within the manufacturing warehousing subarea, and to re-designate the south portion of Utica Avenue as auto-oriented commercial, merit review by the Commission and staff.

We thank you for your time and look forward to participating in continued discussions regarding the Pearl District and the Form Based Code. We strongly believe that the businesses of the Pearl District are committed to maintaining the economic vitality of the area and to developing a plan which will lead to yet another vibrant downtown neighborhood.

Sincerely,

**Chris Benge** 

Senior Vice President of Government Affairs Tulsa Regional Chamber

This Benge

Attachment: Tulsa Regional Chamber Members in the Pearl District

# TULSA REGIONAL CHAMBER

# Tulsa Regional Chamber Members – Pearl District

**Cowen Construction** 

Hesselbein Tire

Hillcrest Federal Credit Union

Hillcrest Healthcare System

Indian Health Care Resource Center

Mac's Electric Supply

Mapleview Associates, Inc.

McNally Printing

Midwest Marble

Nameplates, Inc.

O'Brien Auto Performance

Oklahoma Central Credit Union

Pediatric Dental Group

QuikTrip Corp.

The Center for Individuals with Physical Challenges

#### Huntsinger, Barbara

From:

Back, Carolyn

Sent:

Wednesday, February 27, 2013 6:15 AM

To:

Adam Kupetsky

Cc:

esubmit

Subject:

Re: Form Based Codes

Thank you for your letter of support.

Sent from my iPhone

On Feb 26, 2013, at 9:37 PM, "Adam Kupetsky" <a href="mailto:akupetsky@sbcglobal.net">akupetsky@sbcglobal.net</a>> wrote:

- > I'm writing to express my support for expansion of form-based codes to
- > the new areas discussed early this year. As a resident of a nearby
- > area, I believe that use of form-based codes in the areas discussed
- > will enhance my quality of life and give me additional choices for enjoying my city.
- > Thanks.
- >
- > Adam Kupetsky
- > 226 East 20th Street
- > Tulsa, OK 74119



# Carson - Wilson - Rigney - Forrester - Shoemaker American Legion Post 1 "The Oldest Post in America"

Rick Alfaro Commander

> Tulsa Metropolitan Area Planning Commission Two West 2nd Street, Suite 800

James D. Baker 1st Vice Commander

Tulsa, OK 74103-4236

Pat McCaffrey
2nd Vice Commander

Re: Pearl District Business & Property Owners Association; Pearl District Form Based Code plan

February 27, 2013

Curtis Hughes 3<sup>rd</sup> Vice Commander

Dear Commissioners:

John Ward Adjutant

I am writing as Judge Advocate of American Legion, Carson-Wilson-Rigney-Forrester-Shoemaker, Post 1 ("American Legion Post 1"), located at 1120 East 8th Street here in Tulsa. Many of you will recall that the American Legion was and is in the "pilot area" for the Pearl District rezoning effort.

Laurie Nidiffer Finance Officer

Chartered by Congress in 1919, The American Legion is a nonprofit, community service veterans' organization with nearly three million members worldwide from veterans of any conflict from World War I to the present. Tulsa's Post 1 is the oldest American Legion Post in America and has roughly 1,600 members, including our Tulsa units of the Sons of the American Legion and the American Legion Auxiliary

Bill Leach

Sergeant-at-Arms

From the beginning of the Pearl District zoning discussions, we questioned why our Post property, which has been in place and in use for more than three generations, was being included in the proposed zoning area.

Bill Story Chaplain

As we explained in public information meetings, meetings of your Commission and meetings of the Tulsa City Council, American Legion Post 1 is a unique property with one unique, important and unchanging mission, to serve American was veterans and their families.

**Executive Board** 

Post 1 is a unique property with one unique, important and unchanging mission, to serve American war veterans and their families.

Our property has been built and updated over the decades to facilitate and

Ralph Brown
Gordon Folsom
Vanessa Shackleford
Christian Bauman
Jim Wills
John Irby
Jim Erb
Laurie Nidiffer

support our mission. Our building is a large, one-story structure. Many of our veteran members and their families are slightly or greatly disabled and would not be well served by the type of multiple story facility required by the Pearl District FBC. We have and utilize a very large parking lot to

1120 East Eight Street, Tulsa, Oklahoma 74120
Office: 918-584-4274 or 918-584-4275 FAX: 918-584-4423
Lobby 918-584-8112 Club Room 918-587-3938 tulsapost1@sbcglobal.net www.tulsapost1.com

accommodate our veteran members from throughout the Tulsa area and Legion visitors from across the state of Oklahoma. Our members and guests depend on ample parking and easy building access.

While the current Pearl District FBC requires new structures which are no doubt lovely and "pedestrian friendly", they are neither friendly nor suitable for the mission and use of American Legion Post 1 That is why we early and consistently asked for our property to be excluded from the Pearl District Form Based zoning plan and area.

When it became clear that American Legion Post 1 and its neighbors, The American Lung Association, the original Family & Childrens Services building and the Oak Lawn Cemetery would not be "carved out" of the Pearl District pilot area, we shifted our efforts to seeking a provision in the code that would not require compliance with the new FBC in the event of rebuilding due to a casualty loss. While we are grateful for those changes to the code, we still believe we are incorrectly and inappropriately included in the Pearl District FBC.

We have joined the Pearl District Business & Property Owners Association because we found that our concerns about the FBC and its proposed use throughout a large area of the historic Pearl District were and are shared by scores of other business and property owners in the area sought to be included in the Pearl District zoning plan.

We are convinced that the FBC is far too restrictive and, for American Legion Post 1, is unnecessary, inappropriate and damaging to our decades-long service to veterans and their families. While we understand the Pearl District zoning process has been on-going for more than ten (10) years, we suggest that a major reason for the delay and a major part of the problem is that the code is flawed and in many instances unnecessary

We respectfully ask this Commission to 1) allow American Legion Post 1 and businesses in existing FBC Pilot area option to zone themselves out, 2) deny FBC (42b) expansion, 3) rewrite the FBC as a sustainable code, similar to a Chicago-style code; and 4) amend the Comprehensive Plan.

American Legion Post 1 would very much like to stop expending time and resources in fighting this form based code and concentrate its efforts on serving veterans and their families. We hope the Commission understands and agrees.

If you or your staff, have questions about American Legion Post 1's positions in this matter, please contact the undersigned at (918) 591-5316, (918) 694-9316 or sddodd@dsda.com.

Doug Dodd

Judge Advocate

February 26, 2013

To: Tulsa Metro Area Planning Commission

Two West 2<sup>nd</sup> Street, Suite 800

Tulsa, OK 74103-4236

From: Calvin Vogt

Subject: Pearl District Form Based Code

I have been a long time property owner in this area and am concerned by the changes and restrictions that the expanded Form Based Code would force upon the property owners in this district.

I have owned property on 2<sup>nd</sup> and 3<sup>rd</sup> Street just West of Peoria for over 40 years. I purchased a company called Southern Specialties and the building they occupied on the Southwest corner of Peoria and 2<sup>nd</sup> street in 1970. Over the next 20 years I acquired additional adjoining properties to the West and several on 3<sup>rd</sup> street backing up to the 2<sup>nd</sup> Street property. These lots contained dilapidated houses which I removed. In 2005 I sold the property on 2<sup>nd</sup> Street and the building now houses the Teletul Canal 51 TV station. I continue to own the 4 lots on 3<sup>rd</sup> Street. I am also one of the owners of the Skinner Brothers company and its property on 5<sup>th</sup> Place.

I was not that aware of the extent of the restrictions and limitations that the Formed Based Code would impose on current property owners in that area until I attended the three workshops conducted by TMAPC. I am grateful that we property owners were advised by mail of their planned schedule. In the process I was able to become acquainted with others and learn more of the specifics and details of the Form Based Code. I feel it is much to micro detailed and in complete opposition to many longtime business and property owners in the area that have contributed to continual improvements that would now be hindered by the restrictions imposed.

This area is made up of many small business and property owners. It is only thru these joint work sessions that we could share our concerns and make our voices heard. I would appreciate your listening to us as a group instead of trying to just pacify a few.

Sincerely,

Calvin Vogt
President/Owner Southern Properties LTD

# CEDAR CANYON RANCH, L.L.C. 1630 S. BOSTON AVENUE TULSA, OKLAHOMA 74119

February 15, 2013

Tulsa Metro Area Planning Commission Two West 2<sup>nd</sup> Street, Suite 800 Tulsa, OK 74103-4236 Attn: Josh Walker, Chairman

Re: Pearl Form Base Code/Comprehensive Plan

Dear Mr. Walker:

Cedar Canyon Ranch, L.L.C. is a member of the Pearl District Business & Property Owners Association. Cedar Canyon Ranch joined the Pearl District Business & Property Owners Association after finding difficulty being heard as an individual property owner. Over the last several months, we have organized and capitalized our association, posted our website, studied the Form Base Code and worked intimately with our membership to understand each other's needs and determine what is best for our plan area. However rewarding it is to be a part of the organization, the time and resources spent due to the constant resistant of the planning staff, has distracted me from my primary business and gone on far too long.

In order to allow our organization the opportunity to move our plan area forward and to allow all of its members to have sufficient time to focus on their businesses, please deny FBC (Title 42B) expansion and direct staff to work with the stakeholders to rewrite the FBC (similar to the Chicago style code).

Additionally, support the businesses in the existing FBC Pilot area, with the option to zone their properties out of the FBC Pilot area with individual zoning applications.

Last but not least, please set a date for a public hearing to hear and recommend for approval, our comprehensive plan amendment as submitted.

Sincerely,

Joseph M. Westervelt

Managing Member

Cedar Canyon Ranch, L.L.C.



February 20, 2013

Tulsa Metro Area Planning Commission Two West 2nd Street, Suite 800 Tulsa, OK 74103-4236

#### Commissioners:

Hillcrest Medical Center (HMC) has been serving our community for 95 years. What began as a four-room hospital to care for patients of the 1918 influenza epidemic has grown into one of the region's largest and most respected healthcare organizations.

Nearly 3,000 employees work on the HMC Campus, located at 1120 South Utica. In 2011, we provided inpatient care for over 24,000 patients, welcomed 3,600 newborns, treated nearly 50,000 patients in our emergency room and paid more than \$10M in sales and property taxes.

We are proud to be a part of midtown Tulsa. From relationships with our local neighborhood associations and businesses to the investment of the Utica Midtown North small area plan, we are actively engaged in creating a successful and vibrant community for the residents and businesses that call it home.

Hillcrest joined the Pearl Business Association to unify with other businesses in the area who share our concerns regarding the Pearl District Form Based Code.

Our initial concern was in regards to the form based code being applied to the south side of 11<sup>th</sup> Street, South Utica Avenue and South Peoria Avenue. The Pearl District Form Based Code being applied to these areas could affect our ability to develop the Hillcrest campus while hampering heavy traffic in the area – specifically medical response vehicles traveling from I-244 to both Hillcrest Medical Center and St. John Hospital.

We want to be part of a good plan for the betterment of our community as a while. We ask that you deny expansion of this Form Based Code (42b). We ask that you review and amend the Comprehensive Plan as proposed by our organization. And, we ask you consider writing a more sustainable code that will serve the area well for many years to come.

We hope to see the Pearl District develop into a safe and highly sought after neighborhood recognized for diverse and thriving businesses and attractive housing for all income levels. This will not be possible without businesses owners and investors choosing the Pearl District for their projects. As the code is written today, we believe it will deter developers from choosing the area. If you have any doubt that the code will be viewed as a deterent to development, please consider the 40 successful businesses represented by the Pearl Business Association. We represent national corporations, family-owned businesses, non-profit organizations, health systems, retail establishments and investors who do not support the current Pearl District Form Based Code and believe it will have negative effects on growth in the area.

Sincerely,

Kevin Gross, Chief Executive Officer Hillcrest HealthCare System



RESOURCE CENTER OF TULSA

February 25, 2013

Tulsa Metropolitan Area Planning Commission Two West 2<sup>nd</sup> Street, Suite 800 Tulsa, Oklahoma 74103-4236

#### **Dear Commissioners:**

Indian Health Care Resource Center of Tulsa, Inc., (IHCRC), is a 501(c)(3) nonprofit, comprehensive health care facility, governed by a local volunteer Board of Trustees. IHCRC has been committed to improving the health status of Indian people living in the Tulsa metro area since 1976. Our urban Indian clinic provides medical, dental, optometry, pharmacy, mental health, and substance abuse treatment. Members of any federally recognized tribe and their children under the age of 18 are eligible to receive care. With a staff of more than 135 employees, IHCRC serves over 10,000 patients per month from over 160 federally recognized Indian tribes and nations.

When IHCRC purchased the old Longfellow School property for our original 27,000 SF building at our current location, we were told by many that we were "not welcome in the Pearl District." Fourteen years, over \$12 million invested, and a recent 25,000 SF expansion, there is no denying that IHCRC has been a catalyst for development of and a cornerstone in the Pearl District.

IHCRC joined the Pearl District Business and Property Owners Association (the "Association" (www.pearlbusinessassociation.com) when it became apparent our single voice, and those of our neighbors, was not being heard. We have done as you have asked by becoming organized and educated. We have studied the form-based code in depth, discussed with our architect and firmly believe that this code would be detrimental, not just to us, but to the majority of the business and property owners in the Pearl District. We and others in our organization have spent countless hours and dollars researching, speaking, attending meetings, and making known our concerns. It is time for you to let all of us to get back to business.

In the last five (5) years, in addition to IHCRC, there have been significant investments in this area, by large and small enterprises alike, such as QuikTrip, the Pearl Dental Clinic, Oklahoma Central Credit Union, the Center for Individuals with Physical Disabilities, and El Ranch Grande, that would not be permitted by the FBC.

Additionally, those that share a very extreme view of our neighborhood have even gone so far as to base their opposition to our development and many of the other projects based on The 6<sup>th</sup> Street Infill Plan. Clearly, if the 6<sup>th</sup> Street Plan can be used to oppose developments such as ours, QuikTrip, the Pearl Dental Clinic and the like, the 6<sup>th</sup> Street Plan does not need to be tweaked, as some suggest; it needs to be amended!

We are asking you to:

1. Deny the Form Based Code (42b) expansion

#### **Board of Trustees**

Janice Edmiston, President (Chectaw/ Sac and Fox)

Jim Cameron, Vice President (Cherokee) Bob Bitting, Secretary

(Cherokee)
Herbert P. Haschke, Jr.,

Treasurer Madeline Teague

Mary Ann Vassar (Cherokee)

Jay Anderson, D.D.S. (Choctavi)

Ed Pierce (Citizen Nation Potawatomi) Goldie Phillips

Bobby Jones

David D. Moon, D.O. (Choctaw)

550 South Peoria Avenue Tulsa, OK 74120-3820 918.588,1900 t 918.582,6405 f www.iherc.org

- 2. Rewrite the Form Based Code as a sustainable, more simplistic code, similar to a Chicago-style code
- 3. Allow IHCRC and other businesses in the existing FBC Pilot to zone out of FBC
- 4. Amend the Comprehensive Plan as requested by the members of the Association.

Please let me know if I may provide additional information or if you would like to tour our facility so you may see first-hand what IHCRC has done and is doing for the Pearl District. I can be reached at <a href="mailto:cskeeter@ihcrc.org">cskeeter@ihcrc.org</a> or 918-382-1201.

Best regards,

Carmelita Skeeter
Chief Executive Officer
Citizen Nation Potawatomi

**Board of Trustees** 

Janice Edmiston,

President

Choctaw and Sac and Fox

Jim Cameron
Vice President

Cherokee

Bob Bitting

Secretary

Cherokee

Herb Haschke

Treasurer

Mary Ann Vassar

Cherokee

Joe Neely

At Large Executive Committee

Muscogee (Creek)

Dr. David Moon

Choctaw

Goldie Phillips

Comanche

Ed Pierce

Citizens Nation Potawatomie

Madeline a. Tea

Madeline Teague

Cherokee

#### 02/19/13

Tulsa Metro Area Planning Commission Two West 2nd Street, Suite 800 Tulsa, OK 74103-4236

#### Dear TMAPC members,

I am the owner of Johnson Body Shop located at 1701 East 7th St. My business was started in 1958 by my great uncle, Bud Johnson, a child of the great depression and a young man who looked at Tulsa as a place to start a business, earn a living, and make a better life for his family. His decades of hard work and perseverance made him a true American success story.

With our more than fifty years of operation along the 6th street corridor between Lewis and Utica we have seen the good times, the bad times, and what appears to be the rebirth of the area. Different plans have had our business included in the Pearl District and others have not. However, regardless of our inclusion in the district, the success or failure of the Pearl will likely have a significant impact upon us.

I was contacted approximately 6 months ago by Brooke Hamilton, a local business owner, who invited me to attend a meeting of a newly formed organization the "Pearl District Business & Property Owners Association" (www.pearlbusinessassociation.com). Upon meeting and discussing with my neighbors it seemed apparent that while the existing 6th Street Infill Plan had appealing features to residents, it could potentially put rather strict controls on industrial areas which are the heart of a live here, work here, play here area.

Its my opinion that the core of the issues with the Pearl District lye within the 6th Street Infill Plan. The Pearl District Business & Property Owners Association have proposed some amendments to the plan that will ease the impact on industrial areas, and help transition from the the climate of today to a high density area in the future, where that may apply.

"If you don't have time to do it right, when will you have time to do it again?" That is an expression I have always taken to heart. I think its very applicable to the Pearl District today. Lets fix the plan and help ensure our future.

Regards,

Jason Wall

Johnson Body Shop

Whole

1701 East 7th St

Tulsa OK, 74104

#### Max Tankersley 1312 East 26<sup>th</sup> Street

Tulsa OK 74114

February 12, 2013

Tulsa Metro Area Planning Commission Two West 2nd Street, Suite 800 Tulsa, OK 74103-4236

To whom it may concern:

For many years, I have been an active Real Estate Broker, Appraiser and Investor within the Pearl District. I am a member of the American Legion and VFW, which have a combined membership of approximately 1,600 veterans. Memberships of both organizations were opposed to and requested exclusion from the Form-Based Code (FBC) Pilot Area.

In the fall of 2012, the TMAPC <u>VOTED AGAINST</u> adoption of the FBC; many of us thought the matter had ended. Fortunately, some of the property and business owners anticipated further action by FBC proponents. As a result the Pearl District Business & Property Owners Association (PDB&POA) formed. I became a member of the newly formed association to assure the Pearl District has a more inclusive and less restrictive development strategy.

I am active in the PDB&POA and supportive of most of their concerns. Personally, I prefer abandonment of the proposed FBC. I deem the plan overreaching, not clearly defined and too complex to administer. Use of existing zoning and a friendlier redevelopment policy is more realistic for the Pear District. Adoption of the 6<sup>th</sup> Street Infill Plan" and amending the "Comprehensive Plan," would encourage new construction and further redevelopment.

Redevelopment continues in spite of, and in some cases because of, the proposed FBC. I learned in a recent meeting with an officer of the Central Credit Union, located at 515 South Peoria, the fact they expedited construction of additional drive up banking lanes in fear of adoption of the proposed FBC. The proposed zoning change would have expressly prevented the Credit Union from adding new lanes using the design of their choice.

The more I learn about the proposed FBC the greater my opposition becomes. At the last public meeting, those present reviewed a list of over 40 concerns identified by the PDB&POA and other interested parties. If you think about it, that many concerns alone provide a strong argument for rejecting this flawed and unworkable plan.

I believe damage has occurred to the American Legion and VFW by adoption of the Pilot Area FBC. Damage has also occurred to the Indian Health Care Resource Center (which treats 10,000 patients per month). They have invested 12 million dollars in their facility with plans to double their footprint. Expansion plans are in jeopardy without reversal of the FBC zoning.

For many members of the PDB&POA the opportunity cost to continue opposing the proponents for adoption of the FBC has become a burden. I respectfully ask the TMAPC for a vote to <u>DENY</u> adoption of the Formed Based Code.

Max Tankersley



#### PRINTING + PRODUCT IDENTIFICATION

1.800.858.2651 • 918.584.2651 • Fax 918.582.0086 325 S Quincy, Tulsa OK 74120 • www.nameplatesusa.com

February 27, 2013

Tulsa Metropolitan Area Planning Commission Two West 2<sup>nd</sup> ST., Suite 800 Tulsa, OK 74103-4236

#### To All who is Concerned,

I am the president of Nameplates, Inc. a third generation woman owned company located at 325 South Quincy. My grandmother Marjorie B. Conley started Nameplates Inc. in 1973, our company is celebrating its 40-year anniversary in 2013, for which I am extremely proud. We manufacture industrial nameplates and decals for Aerospace, transportation, oil and gas, and OEM manufacturers. Quincy Square LLC owns the 12 parcels of property/ buildings we occupy in the Pearl. As Nameplates Inc. has continued to grow throughout the years we add a building, then another and then another. The acquisition of the next building/property becomes more and more important as we continue to expand.

My mother and I were informed about 18 months ago that the rules were about to change regarding zoning in our area. She and I were surprised to hear the negative affects this would place upon our multigenerational thriving business. In 2010, we attended a Pearl Association meeting and were told we did not need to be there because this did not affect our business by a member of INCOG staff. It has always been my intention to see our business continue to grow in the pearl for another 40 years. This is why the Pearl Business and Property Owners Association was formed.

This association was formed to "encourage housing of various sizes, styles, and affordability, while creating new business opportunities and preserving established business, industry and trades in the area; and to further protect the investments made by property owners and businesses in our district." It is important that the existing businesses in the area are able to continue to grow as they have done in the past. Which means adding to their buildings when one comes available or building an appropriate structure for the use. It is important for everyone in our area to be a part of a good plan, not just cut of a bad one. The FBC needs to be simplified, it is far too restrictive.

Please take a moment to look at our website www.pearlbusinessassociation.com. Each of our members has issues with the current FBC before you. It is most disturbing that with over 900 jobs represented and over 90 million dollars of tax revenue the members of the association are not being taken seriously. Over the past 18 months, my mother and I have attended a majority of the TMAPC meetings. We have witnessed TMAPC pass various requests with approval or disapproval. In any other instance, such backlash of bad policy would not have been allowed to move forward with this much resistance from the stakeholders in the area.



#### PRINTING + PRODUCT IDENTIFICATION

1,800,858.2651 • 918.584.2651 • Fax 918.582.0086 325 \$ Quincy, Tulsa OK 74120 • www.nameplatesusa.com

Please let us be a part of a good plan and be included in the creation of that plan. Please help us. PLEASE:

- 1. Deny the FBC (42b) expansion.
- 2. Allow business in the existing FBC Pilot area the option of zoning themselves out.
- 3. Amend the Comprehensive plan.
- 4. Rewrite the FBC as a sustainable code.

Sincerely

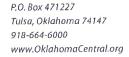
**Brooke Hamilton** 

Nameplates, Inc.

Claudia Hamilton

Nameplates Inc. / Quincy Square LLC

Claudia Hamilton





Tulsa Metro Area Planning Commission Two West 2<sup>nd</sup> Street, Suite 800 Tulsa, OK 74103-4236

To Whom It May Concern,

Oklahoma Central Credit Union joined the Pearl District Business and Property Owner's Association in an effort to continue doing business now and into the future at our current branch located at 515 S. Peoria Ave Tulsa, OK. Our credit union charter was awarded in 1941 to serve consumers in need of a fair loan or deposit rate. Today we strive to do the same at any of our 10 locations across the Metro area. Our branch at 5th & Peoria has served those living and working in and around the neighborhood for over 30 years and continues to be one of the most active branches for the credit union.

Recently, we began expanding our drive-up lanes from two to four and we will be adding a drive-up ATM. The remodel was much needed because of the increased traffic of our membership wanting to do business at the branch. This branch is primarily used by members whom work for companies affiliated with the credit union located nearby, downtown and North of the branch. None of the members working for these companies could do business with Oklahoma Central Credit Union without the ability to drive to the branch and park close by or utilize the Drive-up convenience lanes. Oklahoma Central Credit Union is not in favor of the vast restrictions of Form Based Code. If the need arises to expand the branch or remodel it in the future, the requirements to abide by the new code will cost the credit union and its 33,000 members money and the convenience of doing business at the branch located at 515 S. Peoria Ave.

We are asking you to deny the FBC (42b) expansion and rewrite the FBC as a sustainable code. In addition we ask that you amend the Comprehensive Plan.

Thank you,

Steve McNabb

SVP/ Chief Business Development Officer

Oklahoma Central Credit Union



# Charles R. Keithline, DDS

Feb. 19, 2013

Tulsa Metro Area Planning Commission Two West 2nd Street, Suite 800 Tulsa, OK 74103-4236

Dear Sirs.

Over the last 18 months, I've spent many hours learning about Form Based Zoning, the 6th Street Infill Plan and the Pearl District. My wife, Nancy has attended many, many TMAPC hearings and testified at several on our behalf.

I have spoken with many other business owners in the area who are concerned about the effect of the proposed zoning change on our area and specifically on our businesses. As individuals we feel discounted and have had our concerns minimized. As a result, we formed the Pearl District Business and Property Owners Association in an effort to make our collective voices heard.

I'm writing to urge you to consider the following:

- Amend the Comprehensive Plan
- Please deny FBC (42b) expansion
- Rewrite the FBC as a sustainable code, less prescriptive, perhaps similar to that adopted by the City of Chicago
- Allow businesses in the FBC "pilot area" an option out of the current FBC if they so desire.

This issue has taken up a great deal of time away from our business. I am hopeful a resolution is possible so we can all return to concentrating on growing our businesses, not protecting them.

With respect.

Charles R. Keithline, DDS

Pediatric Dental Group, LLC,

Pearl District Dentistry,

Utica Imaging, LLC,

Keithline Holding, LLC



#### QuikTrip. Corporation



CORPORATE OFFICE
4705 South 129lh East Avenue
Tulsa, Oklahoma 74134-7008
P.O. Box 3475
Tulsa, Oklahoma 74101-3475
918-615-7700

February 27, 2013

Tulsa Metro Area Planning Commission Two West 2<sup>nd</sup> Street, Suite 800 Tulsa, OK 74103-4236

RE: Comments on the Pearl District Form Based Code

Dear TMAPC Members,

QuikTrip store #90 has been a constant in the neighborhood now dubbed the "Pearl District" since late 1981 being situated on the northwest corner of 11<sup>th</sup> and Utica the entire 31+ year period. Our desire to ensure our facilities continually look new and fresh has not only resulted in countless remodels during this time period but also includes two complete scrape and rebuilds. We believe this proves our investment in the neighborhood and sends the very clear message that we want to be here.

QuikTrip is proud to be a member of the Pearl District Business Owners Association and applauds the effort of this group in working with City Staff to bring forth concerns and solutions to the proposed Form Based Code expansion. To this end we urge you to give serious consideration to those recommendations presented by the Association and deny the FBC (42b) expansion, replacing it with a much simpler, sustainable code similar to a Chicago style code.

We appreciate the countless hours spent by City Staff and the Planning Commission in listening to our ideas, tweaking the plan and looking for the best solution for all parties affected. It cannot be said that you have not given great effort to the cause.

Sincerely,

Pam Friggel

Real Estate Manager

# Runamuk Land Company

February 22, 2013

Tulsa Metro Area Planning Commission Two West 2nd Street, Suite 800 Tulsa, OK 74103-4236

#### To Whom It May Concern:

This letter is in regards to the expansion of the FBC in the Pearl District. Our property is located in the Pearl District at 1650 East 8<sup>th</sup> Street, Tulsa Oklahoma and we are excited about establishing a new business in the neighborhood. As all members of the Pearl District Business and Property Owners Association, we are also eager to see this neighborhood transform into a vital business and residential area. Perhaps all of us can agree on the desired future state of a revitalized Pearl District, however, the consequences of the restrictive nature of the present FBC will result in a lack of investment in the neighborhood, continuing its decline.

As a founding member of the Pearl District Business and Property Owners Association, I shared concerns that other members of the business community had about the FBC. Primarily, there was no fact based or data based knowledge of the impact on our businesses and there was a general disregard for our concerns. The pilot project, noted as a measure of success for this effort, was absent of any sampling of the industries in the neighborhood and therefore lacked any educated understanding of the true business an financial impacts on these organizations.

Our vision is a revitalized Pearl District. Our theory is that creating an environment for investment is critical to the sustained success of these efforts. With this in mind, we request that you deny FBC (42b) expansion, that you rewrite the FBC as sustainable code, similar to the Chicago-style code, that you allow businesses in existing FBC Pilot area the option to zone themselves out of the plan and finally, and equally important we ask that you amend the Comprehensive Plan.

Please reference our website at <a href="www.pearlbusinessassociation.com">www.pearlbusinessassociation.com</a> for a better understanding of our community and our vision for the Pearl District.

Warmest Regards,

Lise Inman

Runamuk Land Company

# Holliman, Langholz & Runnels, P.C.

U. S. Mail: P. O. Box 4626 Tulsa, OK 74159-0626

E-Mall: GRunnels@SelectVentures.com

Attorneys
Suite 400 Holarud Building
Ten East Third Street
Tulsa, Oklahoma 74103
February 11, 2013

Phone (918) 584-1471 Fax (918) 585-1146 Cell (918) 630-6800

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 <u>his plan for the use of his property</u> and those who chose to buy/lease/build on that tract. The Plan will reflect <u>those elements deemed suitable, necessary, attractive, economic, etc. for his particular use.</u> 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 <u>what fits the Owner's intended use.</u>

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 <u>impose the Macro plan and ignore the wishes of the property owners</u> 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, Peorla 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,

Hollimen, Langholz & Runnels, P.C.

By Gail R. Runnels



# SHERRELL PAINT & BODY

537 South Peoria

Tulsa, Oklahoma 74120

Phone: 918-582-3763 Fax: 918-582-4428

February 18, 2013

Tulsa Metro Area Planning Commission Two West 2<sup>nd</sup> Street, Suite 800 Tulsa, Ok 74103-4236

I joined this association, because I am very concerned about the area we are located in called, Pearl District.

Our business is a family owned and operated auto body repair shop. My father & mother started this shop in 1959 together they ran and operated this shop in this area.

They stayed in this same area through good times and bad, the good times were in the 60's & early 70's when the corner of 6<sup>th</sup> & Peoria was a busy corner where almost everybody had to drive past our shop to go down town to go shopping. So we were seen and were happy and very busy

The mid to late 70's through the mid 90's we stayed busy but the area was not looking good, There were street walkers that walked up and down Peoria in front of our shop, there were times that we had vehicles stolen, broken into and vandalized.

The shop was also broken into several times. We had thought about moving to another location in the "better part of town" but we made a decision to stay in our present location.

I will have to say when the old school building was torn down and the Indian Health Care Center was built. It was like a God send to this part of town.

When we had our body shop building constructed, it was built according to city code.

We have been a good tax revenue source for the city of Tulsa for over 50 years.

The way the f b c is worded our building is a non-conforming structure. I am not non-conforming now, and I would like the f b c to written as a sustainable code, similar to Chicago style codes are. The F B C is too restrictive, and will harm existing business on this area. The type of business we have is in no way a pedestrian type of business, our customers drive there crashed vehicle to us, or it is towed to us. We actually need more parking than work space in the shop.

www.pearlbusinessassociation.com have been asking that the Comprehensive plan to be

www.pearlbusinessassociation.com have been asking that the Comprehensive plan to be amended for months and months with no response.

In a very hectic business, I now find myself not only fighting for more business, as we all these days, but now am having to worry and fight about the F B C and how it might negatively affect me, when I should be working on more important things. I also deny FBC (42) expansion. The reason I am is because FBC is too restrictive and it should not apply to my type of business.

My opinion is that the FBC pilot area should opt to zone them selves out and leave the rest of us alone. I will go as far as to say don't come up Peoria from the corner of 6<sup>th</sup> to the corner of 4<sup>th</sup>. Those buildings and businesses will never look like the ones on 6<sup>th</sup> going east. FBC is great for them but not for Sherrell paint & body and all business around us including the Indian Health Care, JClay Automotive.

Vic Sherrell

Vic Sherrell-V/P Sherrell Paint & Body



February 19, 2013

Tulsa Metro Area Planning Commission 2 West 2<sup>nd</sup> Street, Sulte 800 Tulsa, OK 74103-4236

Commissioners.

I want to first identify myself as a member of the Board of Adjustment. I am the owner of Southern Sheet Metal Works Inc. We have been in business for 109 years and have been at our current location for over 65 years. We currently own just over 60% of the block located on Peoria between first and Second Street. Our business complies with the current zoning codes and city regulations. We are a metal fabrication shop for commercial duct work, industrial fabrication of metal products. We have a large amount of semi-truck traffic in our alley as well as pick-up truck activity for picking up or dropping off material.

We joined the Pearl District Association to have a united voice to the TMAPC. This zoning change would be potentially devastating to us and many of our neighborhood businesses. This Form Base Code is very restrictive and unfair to the people who would like to keep their business in Tulsa and not be forced to relocate to the suburbs.

At the very least, please take a sincere hard look and evaluate changing the code or let us opt out of the F.B.C. at our discretion due to it is not ingenious to our property values. With this new line drawn some of our business properties would be in the F.B.C. and some of our property would be out, making it very restrictive for our company. Victor Welding Supply sits on the east side of Peoria and has a high activity of trucks to run their business. Just south of Victor sits a car lot that would not comply with the changes as well.

Please consider denying this F.B.C. expansion or allow the Pearl District Members and occupants to opt out for it would be the right thing for the businesses.

Thank you for your kind consideration,

Michael L. Tidwell

**President** 

Southern Sheet Metal Works Inc.



February 15, 2013

To:

Tulsa Metro Area Planning Commission

Two West 2nd Street, Suite 800

Tulsa, OK 74103-4236

From:

Douglas R. Waldman

Subject:

Comments on the Pearl District Form Based Codes

I would strongly recommend to the members of the Planning Commission that the Form Based Code expansion proposal for the Pearl District be denied.

Before I explain the reasons I feel the expansion should be denied, I would first however like to thank the staff at the planning department who have been very helpful explaining the code to me over the last several months. Members of the staff, such as Theron Warlick, have taken quite a bit of time to walk through the code with me, including a long visit to our facility. This has helped me understand the code better, and form an opinion based on the facts of the code, and not just the uncertainty or fear of it.

While I am not against the goals and vision of the code, as the saying goes, "The Devil is in the Details", and it is these specifics and details that cause my concerns. I believe that they will actually hurt and slow down the very development that the vision of the code is meant to create. There are too many limitations that will hurt existing businesses, and prevent many new businesses from relocating into the Pearl. While some of the individual features of the codes would help bring development, as a whole there are too many features that will prevent growth.

There are several features that concern me, but my primary concerns are the two-story requirement and inability to add parking. While a single story with extra height is certainly needed for many manufacturing facilities, there are many desirable non-industrial businesses that would want a high single story, but would be excluded by the code. Examples would be a restaurant that wants a high ceiling industrial look, a playhouse or theater that needs a large stage, a brewery or bakery that needs the height for the large tanks used, etc. I don't think we would want to do anything to prevent these types of business from choosing the Pearl.

The limitation on parking is of grave concern to me as well as many others. One thing I like about the code is that a small store can open without having to build their own parking. This is great for a small place that may only have a few visitors at a time. But anything larger, such as a restaurant that seats 50+ customers cannot simply rely on "what is available" on the street. They would have to be able to

#### DOUGLAS R. WALDMAN

PRESIDENT 6959 East 12th Street Tulsa, Oklahoma 74112

PHONE:

(918) 835-3777

(800) 749-9040

FAX:

(918) 834-1504

WEB:

http://www.superlinen.com

F-MAII .

doun@eunerlinen.com







provide for parking to ensure they can service their customers, without taking all the available parking from everyone else in the area. I also can't imagine people who may want to reside in the area would move there if they never know if they can get a parking spot next to their apartment or townhouse. Yet the code restricts and prevents those who want to provide this parking from doing so, even in a way that could be aesthetically pleasing.

While most of my concerns are for the Pearl as a whole, and are not concerns about my own business, some of them are. Although the most recent version of the proposal excludes many of the existing commercial and industrial areas, it still would impact some of our property. Superior Linen Service is a 3<sup>rd</sup> Generation family owned business which has been located in Tulsa since 1954. We supply textile rental services to over 3000 healthcare and hospitality businesses in a 4 state area. Over 500 of those customers are located within in the City of Tulsa, including many of the major hospitals, multiple healthcare clinics and hundreds of local restaurants. We employ over 120 individuals at our location in the Pearl District, one of several of our locations in the area.

Our facility in the Pearl District, which has been used as an industrial laundry even before we acquired it, is very similar to both a manufacturing facility, and a distribution center. As such, I have a large fleet of commercial vehicles, including tractor trailers and large straight trucks, which much enter and park at our facility multiple times. We need to be in an area that can accommodate this traffic.

The side streets in the area are not all that wide. When cars are parked on each side, there is almost no room to maneuver, especially for large busses and tractor trailers which are quite common in that area. Our company actively encourages our staff to commute by bicycle and many of them do, including myself. Heavy use of on street parking actually makes the bicycle commuting more dangerous for us as there is less room for bicycles and increases the possibility of accidents.

Like the other existing business owners in the Pearl, I have spent a lot of time researching, discussing, and attending meetings about this code. This has taken up quite a lot of time away from my business. I have joined the Pearl District Business Association which has been very helpful to me in providing a strong voice for myself and the other area businesses and combining some of our efforts. I would like to thank the other members of the Pearl District Business Association for their efforts.

In summary, while I respect the desire of the Form Based Codes, I do not agree that they should be expanded. I also think that it is negatively impacting some of the business that are currently under the codes. A much simpler, sustainable code could be generated that would do much more for the city.

Sincerely,

2/15/2013

Douglas R. Waldman

President, Superior Linen Service, Inc.



#### Creating Independence.



2012-2013 Board of Directors

Officers:

Annie Tomecek President

Nate Waters
1st Vice President

Val Fimbres 2<sup>nd</sup> Vice President

Ignacio Fernandez 3<sup>rd</sup> Vice President

Dylan McCants Secretary/Treasurer

Megan A. Meussner Immediate Past President

Members:

Jeff Barnes
Amber Burton
Kristin Dickerson
Bill Doyle
Eric Ellsworth
Dwayne Henderson
Samanthia Marshall
Tom McPherson
Jim Ogez
Bob O'Neal
Kris Robinson
Sam Steffy
Lance Taylor
Beth Terrill

Interns: John Clinton Jana Rodriguez Debbie Ruggles

Lori A. Long, MHR, CFRE Executive Director

February 18, 2013

Tulsa Metro Area Planning Commission Two West Second Street, Ste 800 Tulsa, OK 74103-4236

To Whom It May Concern:

It is my pleasure to represent *The Center for Individuals with Physical Challenges* as a member of the Pearl District Business and Property Owner Association. We recently joined the Association in an effort to be more educated and informed about matters concerning our neighborhood and fellow businesses, including other non-profit entities of which several of our Center Members rely on for services. Since joining the Association, it has become apparent that there is way too much time being spent on the matters at hand, time that SHOULD NOT be spent this way when we all have businesses to run. Rather, we as business and property owners desperately need to get back to OUR business and for me that means getting back to the focus of serving our Center Members, leading my 15 employees and 50+ volunteers and managing a \$1.2 million organization that is changing lives. It is evident that if Form-Based Code were to be simplified, we in fact COULD get back to the business at hand, rather than having to monitor the work of others to ensure we are being looked out for.

The Center for Individuals with Physical Challenges is a non-profit agency in Tulsa that has been in existence for over 55 years. The Center, as we are commonly known, is a community recreation center serving over 1,000 individuals with a variety of mobility, sensory and dexterity challenges. We also serve a large population of individuals that are at a high risk of developing a life-changing physical challenge – those with diabetes, arthritis, hypertension, obesity and heart disease. We offer them affordable opportunities for physical fitness, leisure and recreational interests, adaptive sports, wellness and health education and a social network with a support system.

The Association is simply asking for the following:

- Deny Form-Based Code (42b) expansion
- \* Rewrite the Form-Based Code as a sustainable code, similar to a Chicago-style code
- Allow businesses in existing Form-Based Code Pilot Area the option to zone themselves
- ❖ Amend the Comprehensive Plan

We thank you for the attention to this matter and ask that our website be referred to if needed: www.pearlbusinessassociation.com

If I personally can be of any further assistance, please do not hesitate to contact me at (918) 794-4509 or <u>llong@tulsacenter.org</u>.

Sincerely

Lori A. Long, MHR, CFRE

**Executive Director** 





# SOUTHWEST

United Industries, Inc.

422 S. St. Louis / Tulsa, OK 74120 Phone 918-587-4161 / Fax 918-582-6158 www.swunited.com

February 26, 2013

Tulsa Metro Area Planning Commission 2 West 2nd Street, Suite 800 Tulsa, OK 74103-4236

Dear TMAPC Members,

Southwest United was established in 1953. We own property between Trenton and Rockford Avenues and 4<sup>th</sup> and 5<sup>th</sup> Streets that include over 14 buildings. Southwest is in the aerospace metal processing business and employs over 300 people working multiple shifts at this location. Southwest also owns processing facilities in Oklahoma City, California, two locations in Ontario Canada and one in Mexico.

Southwest is in compliance with the current city zoning regulations as well as in good standing with the surrounding residents. I oppose additional zoning regulation that will make it more difficult and expensive to expand the facility or modify an existing structure. As proposed, the Form Based Code will do exactly that. It will make building expansion and/or modification more expensive and less productive. If the Form Based Code as proposed is adopted, I will be motivated to locate new processes or expansion at one of our other facilities.

Please feel free to contact me if you have any questions or would like to discuss in person.

Very best regards,

Willard A. Emery

President

Cc: Mayor Dewey Bartlett

# TMAPC March 6, 2013 The 6<sup>th</sup> Street Infill Plan Amendment Request

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

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

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

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

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

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

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

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

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

• Request 3 – Amend the Map to remove all properties east of the center line of South Utica Avenue and south of the center line of East 11th Street South from the plan area.

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

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

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

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

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

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

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

**Staff Response:** The Plan does not prohibit street closures or controlled access. Instead, it speaks to the negative effects of past street closures, including increased traffic on open streets. The Form–Based Code (Title 42B) does prohibit closures. That regulation is already in place and

The 6<sup>th</sup> Street Infill Plan Amendment Request

2

amending the Plan will not affect the adopted zoning code. This change would require a code amendment, presented to the TMAPC with a recommendation being forwarded to the legislative body for final action.

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

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

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

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

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

It should be noted that since the adoption of *The 6<sup>th</sup> Street Infill Plan*, there has been new activity in the area, namely: 1) Many new property owners have chosen to invest in the Pearl District based on the vision stated in the Plan; and 2) City of Tulsa is currently pursuing capital investment strategies in the Pearl District to implement the Plan.

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

#### **D.** Potential Options

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