

Non-conformance/Financing: You mentioned that the IHCRG would have difficulty financing further expansion if it is 'legally non-conforming' to a new zoning (i.e. the form-based) Code. **Have any of your members had a problem securing a bank as a result of legal non-conformance?**

In any event the 6th St. Plan, which is the subject of the present discussion, has no effect on conformance to a Code, so this is not really relevant at this stage.

While the form-based code is secondary to the present discussion 'legal non-conformance' has posed no problems with Lenders or insurers for property owners and businesses in the Pearl District Association - at least one of whom has recently secured finance for expansions within a property that has been 'non-conforming' for decades.

Many Pearl District properties have been legally non-conforming since the introduction of zoning in the 1970s, and since 2000 not a single owner has ever mentioned to the PDA this being a problem for them. Further, when insurance and financing was raised as a possible problem a year or so ago alongside other objections to the form-based code, we asked around to see if anyone had had a problem, and they hadn't. We believe the issue was laid to rest at that time.

Yes, this is an issue. In conversations IHCRG has had with their lending institution, it has been determined that financing with cross collateralization of a non-conforming use is indeed a problem. Other business borrowers in our District face similar problems with non-conformity.

The form-based code: You urged us not to use the term 'form-based code' claiming that it is 'dead'. **How so?** The FBC was adopted as Title 42 (b) of the Zoning Code in April, 2011, and it has applied to a portion of the Pearl District ever since. Again, while the FBC is secondary to the present discussion it is necessary and central tool for the realization of the several, integrated and adopted plans that apply to the Pearl District. It is a proven tool nationwide and is not something which Tulsa should fear. Even Owasso has adopted a form-based code.

It is also not something that has crept up on us unawares:

- The FBC was anticipated in the 1999 Infill Task Force Report (in which I understand you served on the Neighborhood Compatibility committee), which gave birth to the 6th St. Task Force, and which called for, among many other good things, 'planning and zoning policies which enhances residential neighborhoods'.¹
- Likewise the 2004 Elm Creek Master Drainage Plan Update references the integration of flood mitigation with the development of neighborhood plans for revitalization.
- The 2006 6th. Street Plan itself makes the case for a form-based code approach.²
- The 2010 Comprehensive Plan makes the case repeatedly for updating Tulsa's zoning and references the specific advantages to be gained for a FBC, and references form-based codes.
- INCOG's 2011 Regional Transit System Plan has important ramifications for compact, transit-oriented development such as that proposed in the 6th St. Plan.

Without the above integrated and carefully-wrought plans, it would be difficult for business owners to determine with any confidence whether to invest in the Pearl District.

Form Based Code is not currently an issues with our 6th Street Infill Plan amendment items.

The CoT Planning Department: You seemed keen that we exclude the City's Planning Department from our conversation. **Why is this?** It seems inappropriate to exclude the professionals whose role is to provide expert guidance to the TMAPC in fulfillment of its duties with regard to the Comprehensive Plan.

We are the applicant in this process. The TMAPC has asked us to have discussions and see what consensus we can reach. They do not want to mediate, nor have they indicated they want the staff to mediate. This is clearly a matter between an applicant and interested parties.

Parking (Your request no. 3) : Would you provide your rationale for the request to retain zoning's stringent parking requirements? We ask this because the PDA is regularly asked to support property owners seeking parking variances in order to be able to conduct their business. We have done so on each occasion and every such request has been granted by the BOA. There have been zero ill effects as a result of any of these variances. Quite the contrary, new, dynamic businesses have been able as a result to open up in the Pearl District. But it is time-consuming for PDA members and it is expensive for applicants. We see a lot of on-street parking places in the neighborhood too. We agree with your group that it is a good idea to plan to provide city-owned parking in the future, as (we hope) occupancy in the Pearl increases; which is why this is included in the 6th St. Plan.

Mass transit services are also scheduled for substantial improvement at Peoria Avenue, which will ease parking demand, particularly among young people and the elderly.

The only real beneficiaries of zoning's parking requirements seem to us to be attorneys paid to represent Variance applicants. It certainly wastes the time of the BOA Board members.

Does your group, like us, not find parking requirements to be an unnecessary intrusion into the operations of property owners?

No. The Plan specifically states that there is not enough commercial parking in the Pearl. Our request is consistent with the Plan and our successful businesses have already experienced parking shortages.

Proposed Map Changes

Moving on to your group's proposed amendments to the Map that provides guidance for development in the Pearl, we have the following questions:

To change from 'commercial' to manufacturing' at 1st. St.: This street is very visible to the 70,000 or so people who drive along I244 every day, which presents a retail and commercial opportunity close to where the people in cars already are. **Why does your group seek to replace it with manufacturing, which requires no such visibility?** We note that your proposals also include the creation of more, so-called auto-oriented areas in places where there are far lower traffic counts **Could you explain this to us?**

The majority of businesses on 1st Street, a one-way frontage road, are IL. Additionally, one of our members recently purchased five lots that will be developed for IL purposes.

To change the designation of 6th St east and south of Rockford from 'mixed use infill' to 'manufacturing': We much appreciated your agreement at the meeting that this area should remain as mixed use infill.

I believe you meant "to change the designation from 'manufacturing' to 'mixed use infill'." I'm glad with clarification of the definitions we were able to accommodate you.

MTTA Area: You propose that the area around MTTA also revert to Manufacturing Warehousing. In developing the adopted Plan we identified this as a prime candidate for transit-oriented, residential development, given its location next to the BA railroad (for which the long-term plan anticipates substantial investment) and its ideal location for access to Peoria bus routes and to the proposed Bus Rapid Transit system on Peoria. At least one significant, current real estate listing close by favors the kind of housing solutions sought by the Plan.

A TOD would boost re-population, sharply increase City sales tax, property taxes and boost re-development of retail and other businesses in the surrounding area.

Could you explain why your group considers low-density manufacturing warehousing to be a better idea in a place for which substantial public investment is planned?

Because significant dollars have already been invested by business owners in this area and we want to encourage additional job growth here. There is a shortage of manufacturing and warehousing in the city limits near the employment base. We have been exporting warehousing and manufacturing jobs to the suburbs for too many years; we need to change that trend.

Residential Revitalization south of the East Pearl detention pond: Your group's amendment proposal for this area is for low-density residential development around and close to the east pond, whereas the current plan calls for much more compact, residential development. There is very little compact, walkable, residential development in Tulsa, and this project presents a prime opportunity to develop an affordable, mixed-income neighborhood around what will be a very distinctive, if not genuinely unique, urban waterway system. As a catalyst for redevelopment and re-population close to the city's core the opportunity here is unmatched. Again, a dense urban neighborhood will produce a much better return on taxpayers' dollars over the years - as well as providing urban housing of the sort preferred by many millennials, baby-boomers and seniors. So our question here is: why would the City want to favor low density around a major public investment (in flood mitigation and in revitalization)?

There is significant area for high density development around the ponds. We recognize the need for some lower density housing within the Plan, to allow for a broader market appeal. We believe we need a mixture of lower and higher density uses. There is enough high density zoning to last for many years.

11th St.: The Plan calls for mixed use infill, but your group's proposal is that this be changed to 'auto-oriented' commercial.

11th Street has far less traffic than 1st St., for which your group states a preference for manufacturing, despite the fact that it has several times the amount of traffic that 11th St. does.

That is not a fair comparison. First Street is a one-way service road, while 11th is a major arterial street. The 11th & Utica intersection alone sees 32,000 cars per day. Additionally, City Council has earmarked \$300,000 to redevelop 11th Street—Route 66, the "Mother Road." Staff report suggests this is not an unreasonable request.

The Utica North small area plan sponsored by Hillcrest recommends mixed-use buildings, a traditional Main Street treatment on 11th St., buildings of up to four stories, stores at street level. It advocates transit-friendly corridors and wide sidewalks. It makes recommendations for design guidelines too. All this indicates that a traditional, Main Street approach is entirely appropriate for this traditional, Route 66 thoroughfare. Further, 11th St is identified in the Comprehensive Plan as a priority for investment in a streetcar route, which would benefit - among others - Hillcrest patients, the businesses around it and the adjacent neighborhoods on all sides.

We note that a number of new businesses are moving into the 1920s, traditional, 'form'-based buildings on 11th St., and we are very encouraged by that. They are doing so in part *because of* the 6th St. Plan as it presently stands.

Would you explain the thinking behind your 'auto-oriented' proposal in the context of the above?

Because the majority of businesses along 11th Street rely on the automobile to bring people to their location. Additionally, Staff has suggested that this might be an option, and for all the reasons stated above.

Your Proposal to change West Pearl Pond/Peoria/6th St to 'Auto-oriented Commercial' : This general area is destined for a stormwater detention pond akin to the East Pearl pond, and similarly compact housing around it, for all the same good reasons that apply to the East Pearl pond. Peoria Ave. lends itself to mixed use infill in what is a transit-oriented corridor adjacent to Downtown. In our view IHCR's apparent desire for a parking-dominated, low density 'campus' should not be preferred over the return on investment to be generated for tax-payers by a compact, healthy, walkable neighborhood in which IHCR could play a constructive, progressive and distinguished part. We would welcome that. Surely parking is a very inferior use of land around an expensive public amenity, offering little return on tax dollars. **Can you explain to us how designating it as 'auto-oriented' suits the context, advances the Comprehensive Plan and provides a sustainable return on public investment associated with the pond, and how it advances the Plan's Vision?**³

It makes no sense to leave these auto-oriented businesses wrongly classified in the Plan. IHCR had nearly 130,000 patient visits this past year. Of those, less than 3% came by bus. Future plans are for a wellness center which will greatly increase the number of patients arriving via the automobile.

Regardless, the west pond's location and size has yet to be defined; it is merely illustrated on the map until funding is determined and plans developed.

The area is already advancing towards mixed-use infill, aided by the traditional, 'form'-based design and placement of the 'plains commercial' buildings in the area, including the VFW, the Phoenix and others on 6th St. - not to mention the Village At Central Park which contains a wide range of homes in a traditional, walkable neighborhood. Importantly, 6th St. into Downtown has very little traffic indeed, so to designate it 'auto-centric' makes little sense, even in its current condition.

Street Closures: your group requested clarification of the 6th St Infill Plan's recommendations to retain the traditional urban grid and to avoid the closure of streets. The TMAPC has recognized the inappropriateness of closing streets, given that established urban design practice is to retain the permeability of neighborhood streets, to avoid culs de sac and superblocks - particularly where a healthy, walkable, urban neighborhood is the desired outcome. Could your group explain to us the reasons why IHCR could not fulfill its development plans within the existing grid system advocated by both the 6th St. Plan and more recently by the Utica North small area plan?

We strongly disagree with your group's position on this. We believe street closures are imperative to attracting larger-scale institutional type users. Streets will also need to be closed around the detention ponds to accommodate odd-sized tracts of ground and larger users.

Affordable Housing: We seem to be on the same page as your group with regard to the need for affordable housing; which is why we are puzzled by the request for low density housing development around the east pond and by your group's proposal to sharply reduce both housing density (which is likely to push prices up) and to reduce the amount of land designated for housing, replacing it with auto-oriented commercial. We know that there is a real demand in Tulsa as elsewhere for affordable urban housing. [Would you explain these apparent contradictions?](#)

There is no contradiction. Revitalization of existing properties is more often less expensive than building new. Additionally, having more housing types (diverse housing) will allow for more rapid housing development in our District.

(ii) **'Mixed-Use Infill':** Your group deleted the word 'high quality' from the definition. We agree that the term is not particularly meaningful without a more specific reference point, but our view is that it does convey to property owners, investors and developers that the Plan is intended to foster a neighborhood of resilient, long-lasting, well-built and well-designed homes conducive to developing a much more urban setting in the future. [Would you clarify your thoughts in proposing the deletion of this term?](#)

Everything is assumed to be high quality. Leaving in this term suggests that other areas would be low quality development

Definitions On the Map you propose:

(i) **'Residential Revitalization':** you propose adding the word 'diverse' to the term 'Residential Revitalization'. In itself we think the addition is fine, unless it is a code word intended to legitimize low-density, suburban-style development. [Would you clarify the desired outcome in this request?](#)

Diverse is clear as to its intended definition. There is room for all types of development in the Pearl.

- (iii) **'Auto-oriented Commercial':** We agree that this is a very unsatisfactory term that is difficult to pin down. Your group has made a valiant effort to do so, though we see some problems in its inclusion of 'high-intensity housing' in what sounds like an unappetizing, noisy and unsafe - for the pedestrian - environment in which the interests of the person in a car are put first and foremost. The problem, we think, is that the words used in the proposed definition connote the aggressively suburban and hostile environment found, for example, at 71st and Memorial. On the other hand, looking at the words as proposed by your group, we can see a form-based code as delivering benefits to the person arriving by car at least as well as the suburban model - and more safely. It would also be much more compatible with the surrounding neighborhoods. We are happy, if you agree, to let the planners determine an appropriate definition.

The definition is clear in our request and what we will be proposing to Staff.

We look forward to hearing your group's thoughts on all the above points. Would you like to meet again to follow up?

The overall context surrounding your questions seems to indicate the progress we hoped for in our meetings is not being achieved. We would be happy to meet with you again at any time between now and November 6th to discuss these items.