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February 1, 2013

VIA HAND DELIVERY

Tulsa Metropolitan Area Planning Commission
c/o Indian Nations Council of Government
Two West Second Street, Suite 800
Tulsa, OK 74103-3116

Attention: Ms. Susan Miller

Re: Application for Amendment to Comprehensive Plan
The 6th Street In-Fill Plan

Dear Ms. Miller:

Enclosed is an updated version of the material I furnished you last week. The purpose of this enclosure is to correct typographical errors in the original submittal and remove errors from the attached maps, which we became aware of after our last membership meeting.

Should you have any questions, please do not hesitate to call.

Yours very truly,

ELLER & DETRICH
A Professional Corporation



R. LOUIS REYNOLDS

RLR:kfm

Enclosures

cc: Ms. Brooke Hamilton (w/Enclosures)

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January 25, 2013

Revised January 31, 2013

Tulsa Metropolitan Area Planning Commission
c/o Indian Nations Council of Governments
Two West Second Street, Suite 800
Tulsa, OK 74103-3116

Attention: Ms. Susan Miller

Re: Application for Amendment to Comprehensive Plan: The 6th Street Infill Plan

Dear Ms. Miller:

The Pearl District Business and Property Owners Association, Inc. (the "Association") respectfully requests that the Tulsa Metropolitan Area Planning Commission ("TMAPC") process and conduct a hearing on a Comprehensive Plan Amendment to the 6th Street Infill Plan (the "Plan") to, among other things, address the following issues:

There are several ambiguities between the text of the Plan and the Plan's land plan map (the "Map") which perhaps makes this task more confusing that it should be.

One of these ambiguities involves the naming of the "Subareas" in which the Plan makes certain findings and recommendations.

For this request, we have assumed the following:

1. The Neighborhood Commercial Corridor Subarea in the Plan is the same as the Mixed Use Infill area on the Map.
2. The Restoration Subarea in the Plan is the same as the Residential Revitalization area on the Map.
3. The Industrial Subarea in the Plan is the same as the Manufacturing Warehousing area on the Map.
4. The Highway Commercial Subarea in the Plan is the same as the Auto-Oriented Commercial area on the Map.

Additionally, the Plan does not include certain areas within a defined Subarea while the Map places such areas within Map named areas. The revised land plan maps we have attached, plans all of the area consistently with our requested amendments so that the text of the Plan will be consistent with either of the revised land plan maps attached hereto.

REQUEST 1 - Amend the Map to provide that all of South Utica Avenue, all of East 11th Street South, South Peoria Avenue north of East 6th Street, and I-244 frontage¹, be planned within the Highway Commercial Subarea (Auto-Oriented Commercial) and removed from the Neighborhood Commercial Corridors Subarea (Mixed Use Infill).

PLAN CHANGE: Substitute Highway Commercial Subarea (Auto-Oriented Commercial) for Neighborhood Commercial Corridor Subarea (Mixed Use infill) as shown on the attached revised land plan maps.²

JUSTIFICATIONS:

- The existing traffic counts are not appropriate for the Neighborhood Commercial Corridors Subarea. There are approximately 15,000 vehicles per day on South Utica Avenue, 17,000 vehicles per day on 11th Street with approximately 32,000 vehicles per day in the 11th & Utica intersection.
- South Utica Avenue is a major street linking I-244 with direct access to Hillcrest Medical Center, the Broken Arrow Expressway, St. John Medical Center, Utica Square, The University of Tulsa and downtown. All are expected to grow over the next decade.
- Recent investments and planned expansions of existing auto related uses including Indian Health Care Resource Center, QuikTrip Corporation, Pediatric Dental, Rancho Grande, and Hillcrest Federal Credit Union (including a drive-through banking facility).
- Hillcrest Medical Center, Indian Health Care Resource Center, and Center for Individuals with Physical Disabilities are major stake holders in the area.
- No physical or ideological of reason to distinguish between land uses on South Utica Avenue, north from East 6th Street South to I-244 and south from East 6th Street South to East 11th Street South (Route 66).
- The City Council has ear marked \$300,000 to redevelop Route 66 (East 11th Street South). The monies are supposed to enhance auto traffic access, generate

¹ The area along the I-244 frontage may also be appropriately included within the Industrial Subarea (Manufacturing Warehouse) as shown on the attached revised land plan maps.

² Same as footnote 1.

tourism in the area, and preserve historic Route 66. It seems counter intuitive to stimulate Route 66 development while recommending zoning on properties with frontage on East 11th Street South (Route 66) that would preclude or hinder Route 66 related commercial uses and businesses.

- Auto-Oriented Uses are consistent with the existing urban fabric.
- Supports downtown businesses.
- Consistent with most of the significant recent building activity much of which was constructed after the adoption of the Plan.

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).

PLAN CHANGE: Change the Plan and the Map so that all industrial zoned properties (IL and IM) are shown within the Industrial Subarea (Manufacturing Warehousing).

JUSTIFICATIONS:

- Many of the existing uses within the Map area designated Redevelopment, especially that portion north of East 6th Street South, are not included within any Subarea in the Plan. Many of these businesses are thriving, expanding industrial and manufacturing uses.
- These industrial and manufacturing businesses make a positive contribution to the tax base, and many provide jobs.
- Many of these businesses have been located in this area for many years.
- Failure to make this change could encourage businesses to relocate from the area.
- The existing development pattern as a result of the rail corridor is an important component of the transportation system that attracts manufacturing and warehousing businesses.
- Encourages industrial operation and expansion opportunities.
- Permits growth without creating more pollution.
- Promotes small business development.
- Protects the expansion opportunities for the valued industrial sector.
- Allows for full utilization of existing infrastructure.

- Increases the economic vitality of this area of the City.
- Supports downtown businesses.
- Promotes industrial growth and reduces dilapidated infrastructure.
- Industrial areas are accessible and responsive to a wide range of uses that tend to evolve over time.

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.

PLAN CHANGE: Boundary of Map adjusted (see attached map).

JUSTIFICATIONS:

- The area east of South Utica Avenue and south of East 11th Street South were not included in the original Plan.
- This change would make the Map consistent with the text of the Plan.
- This change will remove encroachment of the Plan into the Tracy Park area, Kendall-Whittier area, both of which areas are already represented by organized associations as well as the proposed north Utica Small Area 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 within the plan area. Until such time as public parking facilities or enhanced public transportation are provided, any relief from parking requirements should be obtained through processing a Variance request through the Board of Adjustment.

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

11.4.3. Parking.

There should be no reduction in required parking as currently specified in the Tulsa Zoning Code until such time as public parking facilities and enhanced public transportation are available within the planned area. Until such time as public parking facilities or enhanced public transportation are provided, any relief from parking requirements should be obtained through processing a Variance request through the Board of Adjustment.

JUSTIFICATIONS:

- Existing stake holders cannot afford to provide parking for businesses deficient in parking.
- Lack of sufficient parking will restrict truck and heavy traffic on the street grid which the Industrial Subarea users require.
- Consistent with the need for additional parking identified in the Plan.
- Protects well established businesses, industries and trades as well as the residents of the residential area.
- Consistent with recent building activity.
- Insures sufficient parking.
- Recognizes that good design includes sufficient parking.
- The market demands adequate on-site parking for new business development.

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

JUSTIFICATIONS:

- Encourages growth without creating more pollution.
- Decreases dependence on personal vehicles.
- Increases quality of life.
- Promotes small business development.
- Compliments existing resources.
- Increases home ownership.
- Encourages redevelopment of vacant or substandard areas.
- Increases economic vitality of this area of the City.
- Supports area residents.

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.

PLAN CHANGE: Insert language in appropriate location in Section 16.2 of the Plan.

JUSTIFICATIONS:

- Without such street closures many of the existing vibrant developments in the area (such as Central Park Townhomes, Indian Health Care Resource Center, QuikTrip, and expansions to the medical centers in the area) would not have been possible.
- Street closures also provide more alternatives for development/redevelopment thereby increasing the ad valorem and sales tax base for citizens, stakeholders and the City of Tulsa.
- Lack of the ability to close selected streets will result in odd shaped lots of diminished economic value, if and when the detention ponds are constructed as anticipated by the Plan.

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.

JUSTIFICATIONS:

- Discourages the displacement of well established businesses, industries and trades as well as residential uses.
- Increases employment opportunities in the area which should lead to an increase in the variety of retail, residential and employment opportunities within the area.
- Consistent with the existing development fabric.
- Complements and enhances the existing development fabric.

- Recognizes that good design includes sufficient parking.
- Increases the economic vitality of the area of the City.
- Complements existing resources and will increase property values.
- Flexibility is needed to promote the growth and development of this area.

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.

JUSTIFICATIONS:

- Encourages industrial operation and expansion opportunities.
- Grow without creating more pollution.
- Increases the quality of life.
- Decreases dependence on personal vehicles.
- Promotes small business growth.
- Complements existing resources.
- Enhances existing buildings.
- Enhances existing infrastructure.
- There is a lack of residential revitalization (diverse housing types) in the existing plan area.
- There is an overly ambitious amount of Neighborhood Commercial Corridor Subarea (Mixed Use Infill) and Redevelopment Subarea (Mixed-Use Infill) allocated within the Plan. This overly ambitious allocation is detrimental to the vitality and viability of the plan area.
- The creation of such a large amount of non-conformity of residential properties is unwarranted and detrimental to the value of the affected properties and will decrease the residential opportunities for this area.

The list of justifications provided for Requests 1 through 8 above is no means intended to be exhaustive but is shown for illustrative purposes to encourage an open discussion of these issues.

CONCLUSION

The purpose of this proposed Amendment, is, above all else, to give a voice to the people who live, work, invest and play in the neighborhood. The objectives of the proposed Amendment are to fine tune development policy in a way that would support rather than impede the growth and development of this area.

From a review of the 6th Street Infill Plan it is self-evident that a majority of the business owners and property owners were not consulted during its creation. Additionally, we all now know that little if any attempt was made to make them aware of the 6th Street Infill Plan or its adoption. This lack of notice and exclusion is inconsistent with our vision for our businesses and our neighborhood and importantly our investment decisions.

To date, the interest of the members of the Association and their prospectives have been largely ignored and marginalized and no effort is made to honestly or openly work side-by-side with our members.

The members of the Pearl Business and Property Owners Association respectfully request that the TMAPC allow its stakeholders to be included in a good plan, not merely excluded from a bad plan, by amending the 6th Street Infill Plan as requested.

Respectfully submitted,

ATTORNEY FOR APPLICANT:

**PEARL DISTRICT BUSINESSES
AND PROPERTY OWNERS
ASSOCIATION, INC.**

By: 









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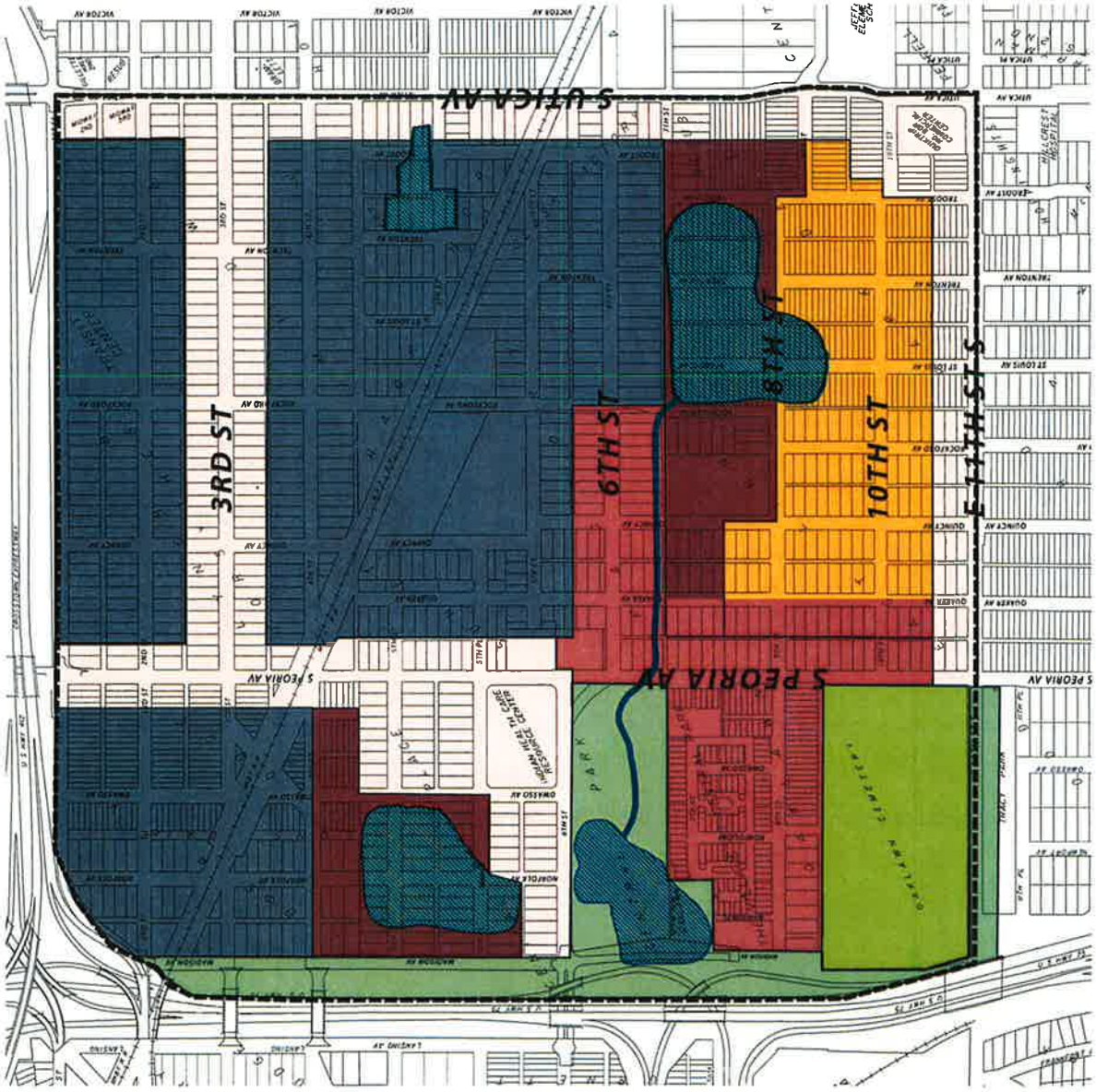
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MANUFACTURING WAREHOUSING I-244 FRONTAGE









Legend:

-  **Redevelopment**
Large-scale residential/mixed-use infill developments
-  **Residential Revitalization**
Restoration of existing housing, introduction of small-scale, compatible infill
-  **Mixed Use Infill**
Residential, Commercial Office, Manufacturing, Warehousing. Reuse of existing structures, smaller-scale, compatible, high-quality infill.
-  **Auto-Oriented Commercial**
-  **Manufacturing Warehousing**
-  **Flood Control**
New urban parks that provide flood control when needed
-  **Park**
non-flood control park areas and trails
-  **Cemetery**



AUTO ORIENTED I-244 FRONTAGE

Legend:

-  **Redevelopment**
Large-scale, residential/mixed-use infill developments
-  **Residential Revitalization**
Repositioning of existing housing, introduction of small-scale, compatible infill
-  **Mixed Use Infill**
Residential, Commercial, Office, Manufacturing, Warehousing. Reuse of existing structures, smaller-scale, compatible, high-quality infill.
-  **Auto-Oriented Commercial**
-  **Manufacturing Warehousing**
-  **Flood Control**
New urban parks that provide flood control when needed
-  **Park**
non-flood control park areas and trails
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