

TULSA METROPOLITAN AREA PLANNING COMMISSION

SPECIAL MEETING

September 28, 2015, 6:00 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Carnes	Willis	Brierre	VanValkenburgh, Legal
Covey		Foster	Warrick, COT
Dix		Huntsinger	Warlick, COT
Fretz		Miller	Bishop, Consultant
Midget		Wilkerson	Gates, COT
Millikin			Edmiston, Legal
Reeds			Gray, COT
Shivel			Aynes, COT
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 24, 2015 at 1:32 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 6:00 p.m.

Mr. Stirling read the following opening statement and rules of conduct for the TMAPC meeting:

In order to conduct the public hearing for the Tulsa zoning code update in an orderly manner, we ask that you abide by the following rules:

- 1) The Commission will first hear from the Staff regarding the proposed zoning code update, including the Staff's recommendation.
- 2) Next, the Commission will hear from members of the public regarding the proposed zoning code update. A time limit of 5 minutes per speaker will be imposed. **THOSE WISHING TO SPEAK MUST USE THE SIGN-IN SHEET OVER TO MY LEFT.** For the record, please state your name and address if you do choose to speak.

- 3) Finally, if necessary, the Commission will cease hearing public comments at approximately 9:00 p.m. and continue the public hearing at a later date.

During the hearing, the Commission may ask questions of the Staff, Mr. Kirk Bishop (the consultant who drafted the Tulsa zoning code update), the legal department or members of the public.

In the room are representatives of the Legal Department and the INCOG Staff. Also present is Mr. Kirk Bishop (the consultant who drafted the zoning code update). We do have a taping system; therefore, please direct all of your comments into the microphone. These proceedings are broadcast live on TGOV Cable Channel 24.

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PUBLIC HEARING

Dawn Warrick, Planning and Development Director for the City of Tulsa, thanked everyone for being present for this important hearing for the final draft and recommendations for a substantially revised and updated zoning code for the City of Tulsa. Ms. Warrick thanked the City staff, INCOG staff, citizen volunteers and hundreds of Tulsans who attended meetings, called the office and sent emails, etc. Ms. Warrick commented that the Zoning Code is not likely to receive a complete overhaul again in our lifetimes and so this is an important project and a lot of work has been done to get to tonight. Ms. Warrick explained that this is the first strategy laid out in the Comprehensive Plan. In order to achieve the objectives of PLANiTULSA we have to better align the City Zoning Code with the vision for the City. The Zoning Code is the primary regulatory tool used to assure even and effective implementation of our Comprehensive Plan.

Ms. Warrick cited the history of the Comprehensive Plan and the timeline of the revised zoning code (2012 through 2015).

Susan Miller, Manager of Land Development Services, INCOG, and Dwayne Wilkerson, Assistant Manager of Land Development Services, INCOG presented the following staff recommendation:

Ms. Miller stated that TMAPC staff reviews all zoning maps and text amendments for conformance with the Comprehensive Plan, which really important in this instance because the primary reason for the code update is implementation of the Comprehensive Plan.

1. Review and make recommendation to the City Council on adoption of the Zoning Code

STAFF RECOMMENDATION:

Item: Public hearing to provide a recommendation to the City Council regarding adoption of a new Zoning Code for the City of Tulsa.

A. Background

The current Zoning Code for the City of Tulsa was adopted in 1970 and has been amended approximately 130 times over the past 35 years. The current Zoning Code does not provide adequate tools to deal with modern development scenarios or implement the vision as expressed in the 2010 Comprehensive Plan update – *PLANiTULSA*.

Kirk Bishop, with Duncan & Associates, Inc. was contracted to work with the City of Tulsa and its citizens to develop a new Zoning Code. After several years of drafts, review and a lengthy process, the final draft of the new Zoning Code is ready to proceed through the public hearing process. As a final step before the Planning Commission public hearing, TMAPC staff reviewed the draft for consistency with the City of Tulsa's Comprehensive Plan. Rather than reviewing chapter by chapter or item by item, staff identified the **eight key concepts** introduced in the Zoning Code. This staff report lists and summarizes those concepts, cites relevant priorities, goals and policies in the Comprehensive Plan and provides an analysis of the relationship and conformance to the Comprehensive Plan. The staff recommendation is provided on page 23 of this report.

B. Key Concepts

1) User-Friendly Document:

The Zoning Code update is primarily structured for electronic viewing and searching, containing many hyperlinks throughout the electronic version of the code. References to other sections will easily connect with those hyperlinks making it much easier for property owners, designers, reviewing authorities, and code enforcement to work with the code. The convenience of the electronic version will also create less demand for paper copies and paper updates which is a more sustainable solution than providing paper copies for all users of the code.

Land owners and property developers, especially those working in areas where infill and redevelopment opportunities are available, have many new development opportunities that are clearly defined in text and with appropriate graphics and diagrams. New options for urbanized redevelopment will eliminate or simplify many of the obstacles that were created with the suburban style development requirements of the 1970 code.

The organizational structure of the new code has been updated to more accurately reflect the typical design process for Planners, Engineers, Architects and Landscape Architects.

The new code provides opportunities for limited administrative approvals for minor applications that previously required Planning Commission or Board of Adjustment approval. The structure of the code removes some of the ambiguity in dimensional standards and with lighting and signage standards. The added detail strengthens the enforcement team position in many code non-compliance complaints.

- Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

Concept statement from Part VI: Managing the Plan

Zoning Code:

Proposed strategies listed in the comprehensive plan include “Step 1-Revise the Zoning Code... Overall, the zoning code should be a user-friendly document that clearly and logically explains how the regulations meet the plan’s goals. A developer should be able to determine easily how to develop a piece of property.....”

Zoning Code Structure and form:

“Zoning codes have evolved since their inception in the early 20th century and separate-use Euclidean zoning has given way to a more balanced approach that recognizes the benefits of mixing some uses in urban environments. Codes have become more usable by incorporating drawings and diagrams to illustrate how the regulations should be applied. The most modern codes have moved off the printed page and onto the Internet. These are less costly to maintain, but more importantly, are easier for the general public to access, and can take advantage of advanced mapping, display and communication capabilities. An easily searchable and understandable zoning code that is accessible on the Internet should be a long term goal of the City’s planning department”.

- Staff analysis:

The Comprehensive Plan does not include specific goals for the implementation of a new zoning code however; many places in the Plan identify the importance of the internet accessibility and referencing easier access to the general public.

Relevant diagrams and process charts are important for clear representation of concepts. The new code uses graphics liberally to express design and process concepts.

The New Zoning Code is structured to meet the general standards for user friendliness identified in the Comprehensive Plan and will be primarily available to all public users electronically. Therefore, the user friendly format of the new code conforms to the concepts expressed in the Comprehensive Plan.

2) Residential Options:

The Zoning Code update introduces a new residential zoning district, RS-5, which will allow for significantly smaller lots than in the current Zoning Code. Two residential building types are introduced, cottage house and multi-unit house, and are allowed in the RS-5 use category as well as in RM districts. Under the current Zoning Code, the creation of smaller residential lots and alternative housing types are typically only realized through the use of a discretionary zoning district, such as a Planned Unit Development (PUD) district. The creation of the new RS-5 zoning district and residential building types allows residents more flexibility through the use of straight zoning districts and removes the need for discretionary zoning to achieve these development types. Patio homes are also introduced as a new residential building type and allow for zero lot line home development. In addition, mixed use options (housing above office and retail) are expanded through the new Mixed-use zoning district.

➤ Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

LAND USE PRIORITY 2 - Put procedures, processes and tools in place to effectively and equitably implement PLANiTULSA.

Land Use Goal 5—Tulsa’s regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities.

Policy 5.1 Review and revise the zoning code to ensure that a diverse range of uses and building types can be produced by the market place.

- Analyze the current zoning code to determine deficiencies and needed amendments. This analysis should include a

recommendation on the extent of amendments needed to implement the plan.

Policy 5.2 *Establish clear and objective standards for land use planning decision and implementation strategies.*

- *Minimize the use of Planned Developments by establishing clear build-by-right zoning standards for preferred uses.*

HOUSING PRIORITY 1 – Promote balanced housing across Tulsa.

Housing Goal 1— *A robust mix of housing types and sizes are developed and provided in all parts of the city.*

Policy 1.1 *Establish land use and zoning designations that permit the creation of single-family homes on small and medium sized lots, attached townhomes, and cottage or courtyard style housing. These housing types should be permitted in new and existing residential neighborhoods where appropriate.*

Policy 1.2 *Establish land use and zoning designations that permit the construction of mixed-use condominiums, apartments, and live-work lofts along corridors, downtown, and in new centers.*

Policy 1.3 *Establish land use and zoning designations that permit higher density mixed-use housing along transit lines and near station areas.*

Policy 1.4 *Work with the development community and other stakeholders to plan, design and build one or more catalytic mixed-use projects based on the PLANiTULSA innovative building model prototypes.*

Policy 1.5 *Encourage adaptive reuse of historic buildings as a key strategy to ensure a diverse housing mix.*

HOUSING PRIORITY 2 – Ensure housing affordability for all residents.

Housing Goal 7 - *Low-income and workforce affordable housing is available in neighborhoods across the city.*

Policy 7.2 *Ensure that land use and zoning regulations allow a mix of housing types, including single family homes, cottage*

homes, townhomes, condominiums and apartments that serve people at a variety of income levels.

HOUSING PRIORITY 3- *Encourage energy-efficient housing across Tulsa.*

Housing Goal 10 — *Housing planning is coordinated with transportation planning to maximize the benefits of transportation investments.*

Policy 10.2 *Work with developers to create transit-oriented projects in prime areas that include key corridors and the downtown.*

➤ Staff analysis:

The new residential category and building types allow for increased diversity of housing types and affordable housing opportunities. The new residential options allow for increased by-right development in straight zoning districts, eliminating the need for a discretionary zoning district. In addition, available tools for mixed-use and density is expanded. Therefore, the new residential options presented in the Zoning Code update are in conformance with the Comprehensive Plan.

3) Mixed-Use Zoning Districts:

The mixed use provisions of the new Zoning Code are a new concept except for the recent addition of chapter 7a in the current Zoning Code which added Mixed-use Institutional (MX-I) in 2014. Chapter 7a was adopted as a result of the Utica Corridor Small Area Plan process and included many of the predictable design concepts that were contemplated in the Comprehensive Plan. Only medical and educational institutions are allowed to use that section of the current code.

The Zoning Code update provides several mixed use designations: Neighborhood Mixed-use, Community Mixed-use and Regional Mixed-use. Each of those Mixed-use districts will also integrate a character and height designation which will allow the creation of finely tuned context sensitive zoning districts. The respective use, character and height designations may be established or amended only through the zoning map amendment procedures.

➤ Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

Concept statement from Part VI Managing the Plan, Land Use Chapter:

“The comprehensive plan is a statement of policy about the desired future form and function of the City. The implementation instrument of the city’s land use policy is the zoning code, which applies rules and regulations to property developments. Modern zoning codes are more than just prescriptive documents. They describe the types of places that should be built with images and diagrams. They convey to the developer or architect how a building should relate to the street, while still allowing creativity in design”.

LAND USE PRIORITY 1- *Make land use decisions that contribute to Tulsa’s fiscal stability and move the city towards the citizen’s vision*

Land Use Goal 3—*New development is consistent with the PLANiTULSA building blocks.*

Policy 3.2 *Encourage a balance of land uses within walking distance of each other.*

- *Integrate and balance land uses, so they complement the surrounding area.*
- *Support the creation of higher density mixed use areas at major centers served by transit.*
- *Transform commercial strips along Multi-modal Corridors into mixed-use boulevards.*
- *Create pedestrian-oriented, mixed-use campus areas that will serve student populations, faculty, and surrounding neighborhoods.*
- *Support ground floor retail along main streets along with upper story housing and offices.*

Policy 3.5 *Place buildings adjacent to the street with generous sidewalks; sidewalk cafes, attractive landscaping and pedestrian areas.*

- *Mass buildings with common parking lots rather than situated individually surrounded by private lots.*

- *Provide ground floor retail, professional service, and/or professional office storefronts on parking lots that front the street.*
- *Enhance parking structure facades when ground floor uses cannot be provided.*
- *Provide building entrances and windows to offer “eyes on the street,” improving security and pedestrian access.*
- *Place parking lots, garage doors, loading zones and mechanical equipment away from streets.*

LAND USE PRIORITY 2 - *Put procedures, processes and tools in place to effectively and equitably implement PLANiTULSA.*

Land Use Goal 5—*Tulsa’s regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities.*

Policy 5.1 *Review and revise the zoning code to ensure that a diverse range of uses and building types can be produced by the market place.*

- *Analyze the current zoning code to determine deficiencies and needed amendments. This analysis should include a recommendation on the extent of amendments needed to implement the plan.*
- *At a minimum, create mixed use districts that allow the PLANiTULSA building prototypes to be developed, by right, and bring parking standards up to current best practices.*
- *Establish off-street parking and design standards to reflect actual parking demand.*
- *Revise set-back standards to allow buildings to be built along the sidewalk, rather than pushed to the rear of the lot with parking in front.*
- *Establish parking minimums based on best practices and allow the marketplace a role in estimating maximum parking needs.*

Policy 5.2 *Establish clear and objective standards for land use planning decision and implementation strategies.*

- *Minimize the use of Planned Developments by establishing clear build-by-right zoning standards for preferred uses.*

LAND USE PRIORITY 4 - *Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live.*

Land Use Goal 12 - *Residents in established neighborhoods have access to multiple modes of transportation.*

Policy 12.2 *Leverage the benefits of urban design to create walking and biking transportation options in neighborhoods.*

- *Develop urban design guidelines for small area and neighborhood planning that encourage walkable mixed-use centers or main streets.*
- *Use Context Sensitive Solutions process to ensure that centers and corridors are designed to support transit riders.*

LAND USE PRIORITY 5 - *Ensure that areas of growth benefit from high quality sustainable development*

Land Use Goal 16— *Tulsa is known for its built and natural beauty.*

Policy 16.1 *Establish Urban Design Standards.*

- *Formulate place-making design standards.*
- *Standards should encourage pedestrian friendly, highly accessible environments that create and enhance lively urban villages and a vibrant downtown.*
- *Standards should include setback, height, bulk and frontage requirements but should not be overly prescriptive.*

TRANSPORTATION PRIORITY 4 – *Provide multiple transportation choices to all Tulsans.*

Transportation Goal 12 - *Tulsans can rely on a variety of transit options to take them to jobs, shopping and entertainment.*

Policy 12.5 *Develop a transit-oriented development program incentives, including: promotion of shared parking; creation of new zone districts and/or overlays that allow for reduced*

parking requirements and support a mix of transit supportive land uses; and development of dedicated funding to “land bank” key land parcels near stations to preserve future development opportunities.

ECONOMIC DEVELOPMENT PRIORITY 4 - Support aggregation of employers downtown, neighborhood and regional centers, and existing industrial areas.

Economic Development Goal 5— New development supports vibrant, sustainable, transit-oriented communities.

Policy 5.1 *Revise City code to encourage infill development, and provide developers with guidelines and design prototypes for attractive, quality, infill development. Examples include adding mixed-use zoning districts, and creating a parking overlay district (in combination with reduced parking requirements).*

➤ Staff analysis:

The Comprehensive Plan includes many specific goals for the implementation of a new zoning code. Some of those goals and policies are outlined above. Beyond the outlined goals included in the Plan many broad concepts are outlined in the general text which identifies the importance of a mixed-use development options. Staff is confident that the Mixed-use district standards identified in the new code will add predictability to the rezoning process for mixed-use development and remove perceived obstacles that are currently only modified through discretionary processes, such as for Planned Unit Developments and Special Exceptions.

The Mixed-use districts will provide for redevelopment opportunities in areas of Tulsa that were developed with suburban development standards implemented in the current (1970) Zoning Code. The Mixed-use districts will also provide new development opportunities in the areas of Tulsa developed prior to the current Zoning Code. The Mixed-use district provisions of the new code will open many new development opportunities and provide predictable outcomes important to developers and surrounding property owners.

The Mixed-use district provides new opportunities for a vibrant and dynamic economy, including new development that attract and retain young people. Mixed-use districts will encourage effective transportation alternatives, provide housing choices, and provide sustainable solutions that encourage a more efficient use our existing

infrastructure. Therefore, the Mixed-use district is in conformance with the Comprehensive Plan.

4) Neighborhood Character (NC) Overlay:

The Neighborhood Character (NC) Overlay provides a tool for areas, commercial or residential, to ensure that uses and development occur in their desired fashion. An overlay is customized through a public process and can be used to maintain an established character of an area or to proactively define the future development character of an area. An overlay can be used to protect unique development, building or land use patterns and help implement small area plans and studies.

- Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

LAND USE PRIORITY 2 - *Put procedures, processes and tools in place to effectively and equitably implement PLANiTULSA.*

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- *Analyze the current zoning code to determine deficiencies and needed amendments. This analysis should include a recommendation on the extent of amendments needed to implement the plan.*
- *At a minimum, create mixed use districts that allow the PLANiTULSA building prototypes to be developed, by right, and bring parking standards up to current best practices.*
- *Establish off-street parking and design standards to reflect actual parking demand.*
- *Create a shared parking district overlay to be used in conjunction with a shared parking analysis to estimate actual parking needs.*
- *Address offsite parking requirements for historic buildings.*

- *Revise set-back standards to allow buildings to be built along the sidewalk, rather than pushed to the rear of the lot with parking in front.*
- *Establish parking minimums based on best practices and allow the marketplace a role in estimating maximum parking needs.*
- *Improve flexibility in permitted uses for re-use of historic buildings.*

Policy 5.2 *Establish clear and objective standards for land use planning decision and implementation strategies.*

- *Minimize the use of Planned Developments by establishing clear build-by-right zoning standards for preferred uses.*

LAND USE PRIORITY 4 - *Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live.*

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- *Use Context Sensitive Solutions process to ensure that centers and corridors are designed to support transit riders.*

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- *Formulate place-making design standards.*

- *Standards should encourage pedestrian friendly, highly accessible environments that create and enhance lively urban villages and a vibrant downtown.*
- *Standards should include setback, height, bulk and frontage requirements but should not be overly prescriptive.*

TRANSPORTATION PRIORITY 3 - *Ensure that transportation investments enhance the land uses they serve.*

Transportation Goal 7 — *Transportation facilities fit their physical setting and preserve scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility.*

Policy 7.1 *Enhance transportation Tulsa’s right-of-ways so they both serve as great public places and promote multi-modal travel.*

- *Enhance current roadways with a combination of light fixtures, signs, and sidewalks to make the city’s roads unique, and to help residents and visitors recognize that they are in Tulsa.*
- *Provide comfortable and attractive pedestrian and bicycle facilities within existing and new developments.*
- *Build upon the connectivity concepts in INCOG’s 2030 Bicycle and Pedestrian Plan by expanding the scope of Public Works’ current ADA Transition plan to address studying and prioritizing the need for connections to off street trails from neighborhoods and regional destinations.*
- *Correlate a mixed use land use development strategy to minimize auto trips and roadway congestion through internal capture of vehicular trips.*
- *Prioritize sidewalk, curb ramp and crosswalk rehabilitation and construction projects according to ranking that takes into account concentrations of persons with disabilities, public facilities, mixed use development and transit stop locations.*

TRANSPORTATION PRIORITY 4 – *Provide multiple transportation choices to all Tulsans.*

Transportation Goal 12 - *Tulsans can rely on a variety of transit options to take them to jobs, shopping and entertainment.*

Policy 12.5 *Develop a transit-oriented development program incentives, including: promotion of shared parking; creation of new zone districts and/or overlays that allow for reduced parking requirements and support a mix of transit supportive land uses; and development of dedicated funding to “land bank” key land parcels near stations to preserve future development opportunities.*

ECONOMIC DEVELOPMENT PRIORITY 1 - *Spur and support entrepreneurial ventures and small businesses.*

Economic Development Goal 1 — *Businesses have easy access to a full range of economic development assistance.*

Policy 1.3 *Streamline the permitting process to improve efficiency of doing business with the City. Businesses looking to relocate, or expand in Tulsa, and entrepreneurs interested in starting a new business must overcome a number of hurdles. The City should examine the wide range of services provided to businesses and entrepreneurs (design review, licenses, etc.) to ensure the process is as efficient and user friendly as possible.*

ECONOMIC DEVELOPMENT PRIORITY 4 - *Support aggregation of employers downtown, neighborhood and regional centers, and existing industrial areas.*

Economic Development Goal 5 — *New development supports vibrant, sustainable, transit-oriented communities.*

Policy 5.1 *Revise City code to encourage infill development, and provide developers with guidelines and design prototypes for attractive, quality, infill development. Examples include adding mixed-use zoning districts, and creating a parking overlay district (in combination with reduced parking requirements).*

HOUSING PRIORITY 1 – *Promote balanced housing across Tulsa.*

Housing Goal 5 — *Tulsa’s existing housing inventory is revitalized, preserved and maintained.*

Policy 5.6 *Create and encourage the use of an infill and revitalization toolkit to help facilitate housing development in*

existing residential neighborhoods where appropriate and desired.

PARKS, TRAILS AND OPEN SPACE PRIORITY 1 - Ensure a clean and healthy Arkansas River.

Parks, Trails and Open Space Goal 1 — *Stormwater is captured and cleaned through landscape design, downspout disconnection, and other environmentally-friendly techniques.*

Policy 1.5 *Identify areas critical for regional groundwater recharge and consider the use of overlay zoning to limit the types of uses and activities, as well as require better treatment of stormwater in these areas.*

Parks, Trails and Open Space Goal 2 — *Non-point pollution is reduced through low impact development principles, creative building practices, and smart site design that can retain and treat stormwater generated on-site.*

Policy 2.2 *Transform redevelopment and infrastructure projects into opportunities to improve watershed conditions through creative building and site design and use of innovative materials and techniques.*

PARKS, TRAILS AND OPEN SPACE PRIORITY 2 - Strengthen connections to the Arkansas River

Parks, Trails and Open Space Goal 3 — *Maintain a strong connection between the city and the Arkansas River.*

Policy 3.1 *Support implementation of the Arkansas River Corridor Master Plan to establish better connections with the riverfront area.*

Policy 3.2 *Expand, maintain, and enhance an interconnected system of parks, trails, and open spaces along the Arkansas River and nearby watersheds.*

Policy 3.3 *Provide ample, safe connections for pedestrians and bicyclists between neighborhoods and the water's edge.*

Policy 3.4 *Using a variety of tools over time, develop a continuous trail along both sides of the Arkansas River that complements the existing and planned riverfront uses and*

recognizes the vital contribution to Tulsa's economy made by industries located along the river.

Policy 3.5 *Integrate the results of INCOG's Arkansas River Corridor Master Plan discussion into a river plan and corresponding greenway ordinances to protect public access, recreational uses and provide a natural buffer between development and the riverfront.*

Parks, Trails and Open Space Goal 4 — Promote the Arkansas River as a centerpiece of life in Tulsa.

Policy 4.1 *Orient new development within riverfront areas towards the river.*

Policy 4.2 *Act to enhance the Arkansas River as Tulsa's centerpiece by shaping the city's urban form, industrial development, environmental health, public spaces, river communities, and neighborhoods towards the river.*

Policy 4.3 *Consider the history and special qualities of the Arkansas River when designing buildings, landscaping, streets, parks, and public art in waterfront districts.*

Policy 4.4 *Create and enhance community gathering places such as parks, residential districts, or retail districts near the Arkansas River.*

Policy 4.6 *Develop a comprehensive plan package that includes plans for riverfront communities, a river greenway plan, design guidelines, and recommendations for natural resource restoration.*

ARKANSAS RIVER CORRIDOR PLAN

Policy and Project Recommendations

Pages 13-14, Community Development Opportunities

- *Over the long term, maximize the effect of appropriate land uses along the river. If the Arkansas River is viewed as a valuable public resource, then the land uses that line the shores have intrinsic value. The existing land uses should be examined on a "highest and best use" basis, given their location. Property rights must be respected, so this recommendation will be accomplished in the long-term, not the short-term.*

- *Because of their obvious importance, the land uses adjacent to the river crossings receive a great amount of emphasis in the Vision Plan. Because of this, the land uses at these intersections must be able to add to the urban vibrancy and commercial potential. That is particularly true of those close to the Tulsa downtown area.*
- *Promoting access to the water's edge is important to the sense of place. People should be able to reach the water's edge whether it be in a continuous fashion such as boardwalks or promenades, or in an overlook fashion such as the overlooks by the Pedestrian Bridge or north of the 21st Street Bridge by the River's Edge Café.*
- *Promenades are a site-specific design solution, and are often a key element in riverside developments. Design Guidelines for the river corridor should address how promenades for retail/entertainment or mixed use developments front onto the river, in terms of spatial relationships to the river and to development, lighting, materials, and other design respects. Key design considerations are the uses that front onto the promenades, the view from and setting of the promenade, and the character or theme created by the improvements. Overlooks should be placed where grand views along the river corridor can be seen.*

Page 20, River Oriented Activities

Examples of specific tasks where interagency cooperation will be required include:

- ❖ *The local governments along the river corridor should adopt Regional River Corridor Design Guidelines in order to raise the quality and value of the entire river corridor, and make the development process more predictable.*

Examples of Projects for the Short Term (1 – 5 years):

- *Creation of Design Guidelines for the entire river corridor*

DOWNTOWN TULSA MASTER PLAN

Volume 1 “The Plan”

Page 27, Urban Design

Additionally, the following urban design guidelines listed for development in downtown Tulsa are included. These design themes have been compiled from various plans and adopted by the community. Other more detailed guidelines may already be in place for select portions of the downtown area, for example the Brady Village area (at the time of

preparation of this plan the Brady Village plan is under-going an update). Guidelines for this and other areas are intended to continue in effect.

Volume 2 Appendices “The Cookbook” including implementation details

Appendix 5 – Top Ten Policy Issues for Downtown Tulsa

- ✓ *We should require enhanced design review for all new construction downtown to insure proper orientation, rhythm, scale and proportion for new projects.*

➤ Staff analysis:

Overlays can implement goals and policies in the Tulsa Comprehensive Plan, Arkansas River Corridor Plan and Downtown Master Plan through:

- Shared district parking overlays to estimate and consolidate actual parking needs for an area and established reduced parking requirements;
- Minimizing the use of Planned Developments by establishing clear build-by-right standards for preferred uses in an area;
- Development of urban design guidelines that implement small area plans;
- Use of context sensitive standards to ensure that areas and corridors at strategic locations support transit riders and transit-oriented development;
- Establishment of urban design standards to foster a sense of place, create pedestrian environments and a vibrant downtown;
- Creation of objective design review standards to provide predictability for businesses;
- Maintain/preserve neighborhood character by defining appropriate standards for infill development;
- Promoting the Arkansas River as a centerpiece of life in Tulsa by limiting uses, orienting uses towards the river, establishing urban design standards and enhancing connections to the river and throughout the corridor; and
- Requiring enhanced design review for new construction downtown to ensure proper orientation, rhythm, scale and proportion.

As outlined above, overlays can be used in various ways to implement Comprehensive Plan goals and policies. The overlay tool should be flexible to use for a variety of desired development scenarios supported by the Plan. The current draft of the Zoning Code update does not allow for the prohibition of residential uses and building types; however in some instances, lower density residential uses may not be appropriate, such as in areas identified for higher densities, like transit-oriented developments.

The River Design Steering Committee, currently working to draft a river design overlay for areas along the Arkansas River, has recommended that low density residential uses, like single family, not be allowed in strategic locations targeted for active uses, such as recreation and retail, along the river. Staff recommends removing the provision to not allow the prohibition of residential uses and building types through an overlay.

Both the Comprehensive Plan and the Downtown Master Plan mention further design guidelines in downtown; however, the current draft does not allow overlays to be used in areas zoned Central Business District (CBD). The importance of a downtown to a region is dependent on attributes that could be achieved through an overlay, such as building form, the pedestrian environment, parking, etc., and that idea is fully supported by the Comprehensive Plan and the Downtown Master Plan. Staff recommends that the overlays be allowed in CBD zoning districts.

Also, because of the wide array of overlay possibilities described by the Comprehensive Plan, the name "Neighborhood Character Overlay" is not appropriately descriptive. Overlays can be used for residential neighborhoods, business corridors, river corridors, etc. Therefore, a more appropriate name would be "Special Area Overlay." Staff recommends that the name be adjusted to more adequately reflect how the overlay can be applied.

With these recommended changes to the draft, the proposed overlay is in conformance with the Comprehensive Plan.

5) Master Planned Development (MPD)/Planned Unit Development (PUD) as a Legacy District:

Master Plan Developments will replace the Planned Unit Development process. In many instances MPD's will also be used in lieu of the Corridor Development Plan process that currently exists. The primary advantage of a Master Plan Development is that there is no underlying zoning district. The MPD will be its own base zoning and identify all of the development standards required for development on that parcel.

New PUDs will be prohibited; however, existing PUDs will remain in place and may be modified through the major amendment process which will be required to proceed through City Council and documented with an ordinance or minor amendment process which generally stops at the Planning Commission.

➤ Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

“The Vision” outlines the Proposed Strategies defines “Step 1-Revise the Zoning Code: Realigning the city’s zoning code with the new comprehensive plan is a critically important step.....the code should be easy to use and allow more diverse building types. Generally, Tulsa’s current zoning code prohibits mixed-use developments by right, except downtown, along corridors and in special discretionary planned development zones. These special zones require approval, and provide no certainty for developers or neighbors. In short, the current system has it backward. Expanding the range of possible building types will be crucial to meeting the city’s economic development and housing goals as defined in the vision.”

LAND USE PRIORITY 5 - *Ensure that areas of growth benefit from high quality sustainable development*

Land Use Goal 16 - *Tulsa is known for its built and natural beauty. Policies to support this goal include:*

Policy 16.1 *Establish Urban Design Standards.*

- *Formulate place-making design standards.*
- *Standards should encourage pedestrian friendly, highly accessible environments that create and enhance lively urban villages and a vibrant downtown.*
- *Standards should include setback, height, bulk and frontage requirements but should not be overly prescriptive.*

LAND USE PRIORITY 6 - *Preserve and enhance environmental assets*

Land Use Goal 17 - *Tulsa’s natural and sensitive areas are protected and conserved.*

Policy 17.1 *Establish sensitive area criteria/establish areas of conservation.*

- *Establish a system of designating specific areas as ecologically sensitive areas worthy of protection.*

Land Use Goal 18: *Development on impacted sites or areas is regulated to protect sensitive areas.*

Policy 18.2 *Preserve undeveloped floodplain areas for storm water conveyance.*

Policy 18.3 Investigate compensation programs or zoning measures to allow transfer of development rights from environmentally constrained areas to unconstrained areas.

➤ **Staff analysis:**

The general idea of providing a predictable solution to mixed use development without discretionary approvals will reduce the amount of discretionary zoning requests. The Master Plan Development (MPD) will still be available when a project requires additional level of detail to integrate a project into a surrounding neighborhood. The MPD will also provide maximum flexibility when preservation of the natural or manmade character is an important consideration beyond what is allowed by all of the other zoning categories.

The Comprehensive Plan supports citywide goals to support protection of sensitive areas. In many land development projects, important sensitive areas are only recognized and addressed during the development plan phase. The MPD will provide detailed standards for development density, implementation of complete design standards, and encourage preservation of natural resources. Amendments to existing PUD's and existing Corridor Development Plans also provide detailed analysis of sites that will help establish details to protect sensitive development areas.

The PUD overlay concept often misrepresents the type of development allowed when looking at a zoning map and the PUD is easily modified. If for no other reason, the MPD as a base zoning will remove the underlying zoning on our maps and require the user to research the actual document for a greater understanding of development opportunities at that location. Based on the above, the introduction of the MPD district and the assignment of PUD as a legacy district is in conformance with the Comprehensive Plan.

6) Parking:

Overall, there is greater flexibility in one's ability to provide required parking in the Zoning Code update. Minimum parking requirements have been reduced across the board, with the most significant reductions in the core of the city. There continues to be no parking requirements in the Central Business District (CBD) or Historic Preservation (HP) Overlay Districts. There are substantial reductions in minimum parking requirements for Commercial High (CH) and proposed Mixed-Use (MX) zoning districts. Parking requirements for vehicles can also be reduced by providing motorcycle, scooter and long term bicycle parking. Other parking credit options are available to be applied toward minimum parking requirements – such as car-share

and bike-share service, close proximity to public parking and on-street parking. Maximum parking ratios are introduced for large retail uses (requiring more than 225 spaces).

➤ Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

LAND USE PRIORITY 1 - Make land use decisions that contribute to Tulsa's fiscal stability and move the city towards the citizen's vision

Land Use Goal 4 - The development environment allows Comprehensive Plan implementation to occur through market development.

Policy 4.1 Promote redevelopment through reductions of parking standards and the expansion of shared parking systems and other parking management tools.

LAND USE PRIORITY 2 - Put procedures, processes and tools in place to effectively and equitably implement PLANiTULSA.

Land Use Goal 5 — Tulsa's regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities.

Policy 5.1 Review and revise the zoning code to ensure that a diverse range of uses and building types can be produced by the market place.

- *Analyze the current zoning code to determine deficiencies and needed amendments. This analysis should include a recommendation on the extent of amendments needed to implement the plan.*
- *At a minimum, create mixed use districts that allow the PLANiTULSA building prototypes to be developed, by right, and bring parking standards up to current best practices.*
- *Establish off-street parking and design standards to reflect actual parking demand.*
- *Address off-site parking requirements for historic buildings.*

- *Establish parking minimums based on best practices and allow the marketplace a role in estimating maximum parking needs.*

LAND USE PRIORITY 4 - *Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live.*

Land Use Goal 14 — *The city's historic resources are protected and programs promote the reuse of this important cultural resource.*

Policy 14.3 *Incorporate amendments that support the preservation of historic resources into the zoning and building code.*

TRANSPORTATION PRIORITY 2 - *Maintain and enhance Tulsa's existing transportation system through strategic investments.*

Transportation Goal 6 — *The amount of taxable land is increased and the burden of providing parking on a parcel by parcel basis is reduced.*

Policy 6.1 *Establish off-street parking standards to reflect actual parking demand.*

- *Evaluate parking requirements for each land development zoning classification to take into account mixed-uses, transit availability (or future services), and other factors that mitigate on-site parking demand.*
- *Create a shared parking district overlay to be used in conjunction with a shared parking analysis to estimate actual parking needs. For redeveloping areas, investigate the availability of parking and seek means to provide new parking through on-street or public parking lots.*

TRANSPORTATION PRIORITY 4 – *Provide multiple transportation choices to all Tulsans.*

Transportation Goal 12 - *Tulsans can rely on a variety of transit options to take them to jobs, shopping and entertainment.*

Policy 12.5 *Develop a transit-oriented development program incentives, including: promotion of shared parking; creation of new zone districts and/or overlays that allow for reduced parking requirements and support a mix of transit supportive land uses;*

and development of dedicated funding to “land bank” key land parcels near stations to preserve future development opportunities.

Transportation Goal 14 — *Tulsans safely and efficiently use bicycles to go to work, shop and recreation areas.*

Policy 14.1 *Develop a Bicycle Master Plan and revise the Trails Master Plan as necessary to focus on connecting neighborhoods with destinations, such as employment, shopping and recreation. The master plan should include priorities to:*

- *Review of private and public development projects to ensure adequate bicycle parking and access. Amend Tulsa’s zoning ordinance to require bicycle parking in new development, based on a review of best practices. The number of bike parking spaces required by the ordinance should be determined based on the total off-street parking spaces required. Specific rules and regulations governing the dimensions and design of bicycle parking should be adopted.*

ECONOMIC DEVELOPMENT PRIORITY 1 - *Spur and support entrepreneurial ventures and small businesses.*

Economic Development Goal 1 — *Businesses have easy access to a full range of economic development assistance.*

Policy 1.5 *Eliminate existing barriers to small business development found in the zoning code. These barriers include high parking requirements in dense urban areas, which limit the utility of the land and prevent reuse of existing storefronts and business space by small entrepreneur with limited time and resources.*

ECONOMIC DEVELOPMENT PRIORITY 4 - *Support aggregation of employers downtown, neighborhood and regional centers, and existing industrial areas.*

Economic Development Goal 5 — *New development supports vibrant, sustainable, transit-oriented communities.*

Policy 5.1 *Revise City code to encourage infill development, and provide developers with guidelines and design prototypes for attractive, quality, infill development. Examples include adding mixed-use zoning districts, and creating a parking*

overlay district (in combination with reduced parking requirements).

PARKS, TRAILS AND OPEN SPACE PRIORITY 1 - Ensure a Clean and Healthy Arkansas River.

Parks, Trails and Open Space Goal 1 — Stormwater is captured and cleaned through landscape design, downspout disconnection, and other environmentally-friendly techniques.

Policy 1.12 Consider shared parking and other parking reduction strategies to more effectively minimize paved areas.

➤ Staff analysis:

There are numerous references to reduced parking standards in the Comprehensive Plan. The Zoning Code update incorporates lower minimum parking standards, as well as other alternatives to meet parking demands. These tools not only allow for more ease in business development, but also increase the potential for preservation and re-use of historic buildings, infill development and a more attractive and functional built environment. Therefore, the changes to parking requirements proposed in the Zoning Code update are in conformance with the Comprehensive Plan.

7) Landscaping/Sustainability:

The landscape, screening and lighting standards have been grouped together. Improved landscape provisions are referenced in many places throughout the Comprehensive Plan. The only specific set of landscape goals and policies are included in the Parks Trails and Open Space Chapter.

Minor changes to the landscape character of public spaces and new development have been included in the code. Larger green space around required trees has been provided. Shrub planting requirements have been added where surface parking is within 25 feet of the street right-of-way and adjacent to residential districts.

Provisions for stormwater quality improvements have been added to the landscape chapter of the new code. The code will allow administratively approved options for low impact development standards when designed and submitted by qualified professionals.

The street yard areas adjacent to public street right-of-way have been significantly reduced in commercial areas to encourage building construction closer to the street. As a result, a slight increase in the number and size of trees will be required in the street yard.

The screening provisions for dumpsters, mechanical equipment and other uses have been clarified.

Parking lot lighting and building lighting is not required; however, when it is provided the Kennebunkport formula standards in the current Zoning Code have been eliminated and replaced with a simpler standard to design and enforce. An option to allow photometric design with specific design results has been included in the new code.

➤ Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

PARKS, TRAILS AND OPEN SPACE PRIORITY 1 - Ensure a Clean and Healthy Arkansas River.

Parks, Trails and Open Space Goal 1 — Stormwater is captured and cleaned through landscape design, downspout disconnection, and other environmentally-friendly techniques.

Policy 1.3 Implement a program to implement green infrastructure improvements, starting with problematic streets that contribute the most runoff volume and pollutants to the stormwater system.

Policy 1.9 Develop landscaping standards to appropriately manage run-off created by impervious services.

Policy 1.11 Promote low impact development strategies and designs as a way to manage stormwater runoff, including techniques such as vegetated swales, biofilters, eco-roofs, green streets, pervious pavement and other methods that mimic natural processes.

Parks, Trails and Open Space Goal 2: Non-point pollution is reduced through low impact development principles, creative building practices, and smart site design that can retain and treat stormwater generated on-site.

Policy 2.4 Promote the use of alternative landscaping that is native or climate tolerant and erosion resistant.

PARKS, TRAILS AND OPEN SPACE PRIORITY 3: Increase Tulsa's Tree Canopy

Parks, Trails and Open Space Goal 6: *A healthy and diverse tree canopy is protected and restored to enhance neighborhood livability, provide habitat for wildlife, and improve air and water quality. Policies to support this goal include:*

Policy 6.1 Develop an Urban Forestry Master Plan to guide overall management and preservation of the tree canopy throughout the city. This plan will include a Street Tree Master Plan to guide planting trees during development and redevelopment and to designate appropriate trees for plantings along major roads and corridors.

Among other things mentioned in the Plan the street tree master plan should include:

- A methodology to implement the Street Tree Master Plan.
- Standards for public streets, planting strip width and design.
- Standards for the level of development or redevelopment that would trigger compliance with the plan.

➤ Staff analysis:

Concept recommendations for improved landscape standards are scattered throughout the Comprehensive Plan. Specifically the Land Use and Transportation Chapters provide multiple references recognizing the importance of street trees and landscaped medians which create attractive routes for pedestrian, bicycles and vehicular modes of transportation. The Comprehensive Plan also recognizes the environmental value of increased landscape standards as a tool to absorb pollutants improving local air quality and reducing the urban heat island effect of urbanization.

The landscape section of the new code provides some small improvements for visual screening and eliminates some code obstructions to allow more sustainable solutions for site development. Those solutions can be administratively approved when provided by creative and qualified design professionals.

Protection and preservation of existing residential areas is a key component of the Comprehensive Plan. The lighting and screening provisions in these concepts offer improved standards that will lighten the visual impact of new development especially near existing residential areas.

The new code does not implement the overall improvements for increased streetscape standards, stormwater water quality improvements or

improvements to the urban tree canopy that is recognized throughout the Comprehensive Plan. Further work to expand landscaping standards is anticipated following adoption of the new code to ensure integration of Comprehensive Plan concepts.

The Landscape, screening and lighting section of the new code are integrated into a user-friendly format and are in conformance with provisions outlined in the Comprehensive Plan.

8) Process/Administration:

The Zoning Code update clarifies and streamlines the zoning process. The document itself has a consolidated and uniform chapter for review and approval procedures as opposed to the current Zoning Code which has procedures scattered throughout the document. There is also a new streamlined administrative adjustment process for several minor items that currently require either Planning Commission or Board of Adjustment approval. The new code includes clearly defined expectations for TMAPC/BOA staff and applicant communications with neighbors and neighborhoods during the public hearing process.

- Relevant Comprehensive Plan priorities, goals & policies:

TULSA COMPREHENSIVE PLAN

LAND USE PRIORITY 1- *Make land use decisions that contribute to Tulsa's fiscal stability and move the city towards the citizen's vision*

Land Use Goal 4 - *The development environment allows Comprehensive Plan implementation to occur through market development.*

Policy 4.4 *Maximize coordination and streamlining of development related activities.*

LAND USE PRIORITY 2 - *Put procedures, processes and tools in place to effectively and equitably implement PLANiTULSA.*

Land Use Goal 5 — *Tulsa's regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities.*

Policy 5.1 *Review and revise the zoning code to ensure that a diverse range of uses and building types can be produced by the market place.*

- *Analyze the current zoning code to determine deficiencies and needed amendments. This analysis should include a*

recommendation on the extent of amendments needed to implement the plan.

Policy 5.2 - *Establish clear and objective standards for land use planning decision and implementation strategies.*

- *Develop clear and objective standards for making land use planning decisions, including the application of the Zoning Code.*
- *Minimize the use of Planned Developments by establishing clear build-by-right zoning standards for preferred uses.*
- *Incorporate an administrative approval process for evaluating proposed land use changes that will enable the Planning Director to authorize appropriate levels of decisions in cases where the impact from development does not warrant legislative action by the Planning Commission or City Council.*

LAND USE PRIORITY 4 - *Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live.*

Land Use Goal 13 - *Existing neighborhoods are stable and infill development revitalizes, preserves and enhances these urban areas.*

Policy 13.2 *Promote communication with neighborhood associations.*

- *Facilitate communication between neighborhood associations, other organized groups and the City to expand public involvement and provide easy access to information for all residents.*
- *Encourage applicants for zoning changes to meet with neighborhood organizations prior to the zoning review process.*

ECONOMIC DEVELOPMENT PRIORITY 1 - *Spur and support entrepreneurial ventures and small businesses.*

Economic Development Goal 1 — *Businesses have easy access to a full range of economic development assistance.*

Policy 1.3 Streamline the permitting process to improve efficiency of doing business with the City. Businesses looking to relocate, or expand in Tulsa, and entrepreneurs interested in starting a new business must overcome a number of hurdles. The City should examine the wide range of services provided to businesses and entrepreneurs (design review, licenses, etc.) to ensure the process is as efficient and user friendly as possible.

➤ Staff analysis:

The Zoning Code update incorporates several changes to existing processes that allow for a faster and more predictable process by applicants. It also clarifies the roles of the Land Use Administrator (INCOG Land Development Services) and the Development Administrator (City of Tulsa Development Services) so that applicants have a clearer understanding of who can assist them with their development project. The clarity and organization of the Zoning Code update also will contribute to clearer administration by the City and INCOG staff, as well as a more understandable process for all users.

Land Use Policy 13.1 is implemented through a “Neighborhood Communications” section added to the Public Hearing Notice section of the new code to provide direction to the application regarding communications with neighborhoods. To further implement that policy, language should be added in that section to reflect the additional notification efforts that are currently practiced by TMAPC and BOA staff, including notifying relevant neighborhood associations, posting notices in city hall or other government buildings and publishing on the appropriate websites.

The modifications to process and administration in the new code meet several of the provisions in the Land Use and Economic Development Chapters of the Comprehensive Plan. With the recommended change, the adjustments pertaining to process and administration in the new code are fully in conformance with the Comprehensive Plan.

C. Staff Recommendation

Staff recommends **approval** of the adoption of the Zoning Code update with the following modifications:

- 1) Section 20.030 NC, Neighborhood Character Overlays
 - a. Change name from ~~Neighborhood Character Overlay~~ to Special Area Overlay throughout the section.

- b. 20.030-B - Delete 3.a ~~“Prohibit residential uses or building types allowed under base zoning.”~~
- c. 20.030-C – Modify as follows: “NC overlays may be approved in areas classified in any residential or nonresidential base zoning district, ~~except the CB district. NC overlays may not be applied in combination with CB zoning.~~”

2) Section 70.010-F, Public Hearing Notice

a. Add:

6. Courtesy Notices of Public Hearings

a. In addition to otherwise required notices of public hearings, the land use administrator will endeavor to provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:

(1) mailing notices to registered neighborhood and resident organizations whose boundaries include or are abutting the subject property;

(2) posting notices in city hall or in other government buildings; or

(3) publishing notice on the city and or planning commission website.

b. Failure to provide any form of courtesy notice that is not required by this zoning code or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3) General formatting:

Correct page numbers in Chapter 55, Parking, and ensure that page numbers and references are correct throughout the document.

TMAPC COMMENTS:

Mr. Covey stated that the Planning Commission received an email from Melissa Gray, Environmental Compliance Coordinator, and she had a lengthy list of issues. Mr. Wilkerson stated that it is interesting that this project happens to be running parallel with a project Ms. Gray is working

on and she is present to discuss these issues. Mr. Wilkerson explained that staff usually deals with the quantity of water where Ms. Gray is working more with the quality of water, as well as the amount discharged. Some of the standards Ms. Gray's department develops will have to be implemented into the Zoning Code to provide the best guidance for developers as going through the development process. Mr. Wilkerson stated that today's process doesn't need to be stopped, but go into it with the understanding that the landscape standards will need to be updated to implement the process that Ms. Gray has expressed. Mr. Covey asked if there is a timeframe for the landscape standards to be updated. Mr. Covey asked if Mr. Bishop will be involved in that update. Mr. Wilkerson stated that it has been staff's intent all along that the standards need to be updated later and the landscape standards will need to be modified in order help set that in motion, which will happen after this contract is done. Ms. Warrick stated that some of these provisions are important to Subdivision Regulations and that is the next step to this project and it is a part of the contract with Mr. Bishop. There may still be remainder items that are not plugged into the Subdivision Regulations and staff will work this low impact development work group and a small committee of landscape architects that have been feeding into this process. Any remainder issues will be packaged and brought as amendments to the Zoning Code. Mr. Covey asked if there was a timeframe for this. Ms. Warrick stated that she will be working on a timeline for Subdivision Regulations tomorrow and it will be into next year before the project is packaged and back around for adoption. Ms. Warrick further stated that it could be nine to twelve months for both Subdivision Regulations and an understanding of the follow-up necessary.

Mr. Midget stated that he believes everyone can agree that downtown really has the most flexible zoning available. Mr. Midget asked how the current zoning restricts the issues that were mentioned in their report. Ms. Miller stated that she is looking at it on the flip side of that, for example if there is a certain area of downtown that what rooftop signs, which currently aren't allowed anywhere else downtown, an overlay could help establish an area of downtown district and look at what is desired there. Currently, one doesn't have to go all the way up to the street or create an environment through the downtown development project. Most people do this, but they don't have to and this would actually makes certain that a development pattern happens in the way that whatever geographic entity may want to come in and apply for that can then determine what this design criteria would be. Mr. Midget stated that he understands Ms. Miller is looking at this from the flipside, but he was trying to get an understanding of what currently exists in the Zoning Code that would preclude property owners from doing just that. Ms. Miller stated that currently rooftop signs are not allowed and that is one of the examples that can't be done today under the current CBD zoning. Ms. Miller further

stated that Mr. Midget is correct, that most things can be done in the CBD district, but they don't have to and that is the difference between an overlay and CBD zoning that is wide-opened. Most likely an overlay for downtown would be more restrictive to accomplish whatever the property owners would want to accomplish.

Mr. Midget stated that staff mentioned that a River Design Steering Committee recommendation and read the staff recommendation. Mr. Midget further stated that staff is making a recommendation to remove the provision "not to allow..." Mr. Midget asked Ms. Miller to explain this recommendation. Ms. Miller stated that in the River Design Committee the desired uses along the river were looked at and the committee determined that, especially river front property, that single-family residential was not the most desirable use along river front in the City of Tulsa. Ms. Miller cited several examples where single-family wouldn't be appropriate and the overlay would be necessary. Mr. Midget asked Ms. Miller if her recommendation is to take the prohibition out. Ms. Miller answered affirmatively. Ms. Miller explained that it would be to allow the prohibition of single-family if it was deemed necessary. Mr. Midget stated that staff recommendation says to not allow the prohibition, but it is to allow the prohibition. Ms. Miller stated that it is confusing and right now the current draft says that one cannot prohibit residential uses and so staff is recommending, based on the Comprehensive Plan, that that provision be deleted from the current draft.

Mr. Walker stated that the Planning Commission received a letter from the DCC today and asked if staff was able to have conversations with them. Ms. Miller answered negatively. Ms. Miller stated that it is a staff recommendation based on the Comprehensive Plan and those discussions are for the Planning Commission and for the Planning Commissions' decision making. Ms. Miller stated that she was handed a letter at the beginning of tonight's meeting.

Mr. Midget asked if the prohibition of residential could be used generally and not just near the river in the overlays. Ms. Miller stated that if it is appropriate they could. Ms. Miller explained that overlays are customized zoning by property owners to figure out what is most appropriate to achieve whatever objective that they want.

Mr. Dix that there was a comment about empty store fronts because they couldn't make their minimum parking requirements. Mr. Dix stated that is a blanket statement and it doesn't make sense to him because if they didn't have parking or couldn't meet their minimum parking requirement could that be the reason that maybe the storefronts are empty because they don't have enough parking. Ms. Miller stated that that is a good question. Ms. Miller explained that she staff's the Board of Adjustment

and she sees at least on every agenda one or two commercial high zoned properties that are along corridors that can't meet their minimum parking requirements, but they may very well meet the parking requirements of their specific business. There may be on-street parking; they may be able to get discounts for bike or scooter parking, shared parking by special exception in the new code, etc. Mr. Dix commented that his concern is that once this is loosened up a business would go in and then close when they have parking issues. Mr. Dix further commented that he understands that would be a business decision on their part.

Mr. Dix stated that he is concerned about the landscaping close to streets and the landscaping required close to the streets and affect of salt, winterization, snow removal, etc. on those plants and the costs of maintaining them. Mr. Wilkerson stated that a different way to think about that is that the screening requirements that are in the new code has a little bit of landscaping between the property line and the parking lot and it would not be in the street right-of-way. For the few times of the year that there is snow removal there will be twelve feet between a curb line and a property line and there is plenty of room.

Mr. Midget asked staff to explain the photometric requirement for lighting. Mr. Wilkerson stated that the Kennebunkport Formula in Tulsa is unenforceable. It was written in a time when reflectors were inside a light element that didn't mean anything. The new code simplifies the lighting requirements and if one goes above 16 feet in height then a photometric standard is provided by every developer in a PUD. The developer is asked to provide a photometric study that identifies how much light will actually touch the ground and how much would encroach on their next door neighbor.

INTERESTED PARTIES COMMENTS:

Mike Craddock, 8301 East 74th Place, 74133, representing the Tulsa Preservation Commission, stated that he has three elements that he has been working with the Planning Staff throughout the whole process. The first element is in Section 20.010C-2: which is the interpretation that the more restrictive overlay shall apply and he is concerned because there is no definition of which one is more restrictive. Mr. Craddock requested a clearer definition and Preservation Commission would like it to state: "...with the exception of the Historic Preservation overlays which shall be governed all HP overlay districts." The second element is Section 70.070E: 30 days is not enough time to act on an application due to dealing with applicant, the public and the planning staff. The 30 days is a short time period in which to work with the property owners and it could become burdensome and almost makes it an automatic denial if we can't get things worked out. This isn't fair to property owners, not fair to the staff or the Preservation Commissioners. He requested a 60 day time

period. Mr. Craddock stated that the TPC would like to request the following language: "...within 60 days of receipt of a complete HP permit application the Preservation Commission must meet to consider the application and act to approve the HP permit, approve the HP permit with modifications and/or conditions or deny the HP permit application based on the standards and review criteria of subsection 70.070F. Approval of the HP permit requires at least a simple majority vote of the Preservation Commission. Failure of the Preservation Commission to take action within 60 days of the receipt of a HP permit application is deemed to constitute denial of the HP permit unless the applicant request or agrees to an extension of the 60-day time period.

Mr. Covey informed Mr. Craddock that his time has run out and the Planning Commission has a letter dated August 14, 2015 that has all of this documented from David Pounds.

Mr. Reeds asked Mr. Craddock to explain his demolition request. Mr. Craddock stated that it was to increase the number of days for delay, require additional information to substantiate the reason for demolition and to actually add economic hardship clause for the applicants, add a maintenance section consisting with the existing nuisance prevention.

Ms. Millikin asked Mr. Craddock to further explain his request for Section 20.010C-2. Mr. Craddock stated that since HP zoning has some specific elements in it, and to clarify for everyone that the HP zoning would be the more restrictive element.

Carla Robinson, 1344 South Gary Avenue, 74104, Renaissance HOA, stated that she is on the HOA board. Ms. Robinson expressed her frustration with demolitions in her neighborhood and that there is no notice of demolition. She further expressed frustration with the noise level of the demolitions and the time the demolitions start in the morning. Ms. Robinson stated that she is concerned about businesses leaking into the neighborhood. Ms. Robinson stated that she likes the idea of a character overlay, but the last time she saw the criteria it would require 100% of the residents to agree, which is impossible to get. She would like to see a more attainable percentage required. Ms. Robinson stated that she would like a way to preserve historic buildings in her neighborhood. Ms. Robinson further stated that her neighborhood would like to keep landmarks and character of their neighborhood. Ms. Robinson asked how character overlays are initiated and how are they defined. Ms. Robinson asked how to have better enforcement of the code and requirements.

Angela Flax, 1234 South Birmingham Avenue, 74104, Renaissance HOA, stated that her main concern for living in a historic neighborhood is to maintain the character and feel of that neighborhood. Ms. Flax further

stated that she is speaking specifically along 11th Street and the corridor of 15th Street. Ms. Flax commented that she doesn't mind if businesses come in, but she would like to see any type of new construction match the character of the existing neighborhood and allow the residents to have greater input into that. Ms. Flax stated that she would like to at least a 48-hour notice posted in the neighborhood for demolitions.

Joe Westervelt, 1630 South Boston Avenue, 74119, thanked the Planning Commission for having an evening meeting. Mr. Westervelt stated that he has some concerns with the height regulations and setbacks and residentially-zoned adjacent properties. Mr. Westervelt commented that originally this setback was only in the MX district, but since has found that it also occurs in the MPD and Corridor zoning. Corridor zoning is probably not the place where one would want to start stair stepping the buildings and the second concern in MPDs is that there is an unintended consequence. When the CAT was sold on replacing the PUD with the MPD it was because the new Master Plan Development would be unfettered and would be a creative tool for the development side of the business. Mr. Westervelt stated that now the MPD has the same setbacks and that unintended consequence should not be allowed to occur because it changes dramatically the negotiation that occurred over the substitution of the MPD for the PUD.

Mr. Westervelt stated that in the overlay section in the last work session he tried to express an interest in having the overlays remain bifurcated in the neighborhood character overlay and also in the plan based overlay. From the planned based overlay the prohibition there were five items stricken during the CAT draft and if they were stricken you wouldn't have to rename anything. This overlay could be used anywhere in the City of Tulsa and could be used on the River. What is important is that before using this overlay, one has to plan the area before zoning as currently contemplated by the overlay that is now being used is regulatory or zoning and is done prior to planning. Nowhere in PLANiTULSA are we encouraged to regulate a zone before we plan.

Mr. Westervelt stated that he has comments in the parking area as well and some comments on the recent HP changes, but if his time is up he would allow the PC to read the material provided and if there are questions have us back down to clarify them if necessary.

Mr. Reed stated that one has their 40-foot height and then begin the setbacks when adjacent to residential or wherever. How is that two stories, because you can get four stories in 40 feet. Mr. Reed explained that Mr. Westervelt mentioned two-stories with 40 feet. Mr. Westervelt stated that 38 feet is the current height that can be built in residential area

at the top of the gable and that is used as a reference for two-story houses. Mr. Reed stated that clarifies it for him.

Mr. Midget stated that in the Corridor and MPD districts that same principle will apply, but initially it was on in the MX district. Mr. Westervelt answered affirmatively. Mr. Westervelt commented that he believes that this is an over reach because those areas are key in heavy business corridors and doesn't make sense to see that applied in that manner.

Thomas L. Baker, 1323 East 19th Street, 74120, representing the Tulsa Downtown Coordinating Council, submitted a letter for DCC (Exhibit A-1), stated that he submitted a letter and he apologizes for the late submittal. He explained that back in February the consultant gave a presentation and the Chairman employed a committee to review this and they reported back in June and the DCC forwarded the motion that is in today's letter. It was the DCC's understanding that there wouldn't be any changes to the downtown zoning without the downtown property owners 500+ endorsement. He has been informed that the draft that came to staff had left downtown as CBD as it is today and that TMAPC staff has reinserted their recommendations and he just became aware of that this morning. The DCC chairman that chaired the committee is out of town and could not be present tonight. Mr. Baker stated that the DCC Chairman asked him to attend tonight's meeting and inform the Planning Commission of the action the DCC took.

Mr. Covey asked Mr. Baker if he could add any flavor as to why the vote came out the way it did. Mr. Baker stated that he was in that meeting, but he was not in the committee meeting where they discussed the detail of why they were going to make that recommendation. Mr. Baker stated that after reading the criteria he suspects that to a property owner it spells a lot of delays and postponement. Nothing came back to the DCC of any suggestions or modifications.

Jonathan Belzley, 1220 South Owasso Avenue, 74120, stated that he lives in Tracy Park, which is an overlay district and he commented that he likes them and lives there. He stated that he is also developer and his primary focus is downtown. Having participated in PLANiTULSA in the early stages of 2008 he is looking forward to the adoption of this plan.

Mr. Covey asked Mr. Belzley if he supports it as is with no other comments. Mr. Belzley stated that he acquainted himself with the plan, but not intimately familiar and he are not concerned with any of the restrictions imposed by the plan.

Mr. Reeds stated that other than looking forward to its adoption, why is he okay with the perceived limits that this begins to put on development. In

response, Mr. Belzley stated that he is not familiar with other's perceptions and he thinks that when cities have a vision and it is clearly stated as in the presentation...? He commented that he was pretty excited when staff gave the presentation because he wasn't aware it was going to be so accessible online, he thinks things are clearly stated for developer and it's easier to comply and he thinks it makes the projects better.

Melissa Gray, 4502 South Galveston Avenue, 74107, representing the City of Tulsa Stormwater Quality Group, cited the background of why Stormwater Quality Group has an interest in zoning regulations in Tulsa. Ms. Gray explained that her group is responsible for keeping in compliance with the stormwater quality discharge limit. The City of Tulsa has a permit issued by DEQ, ultimately by the Environmental Protection Agency, which allows Tulsa to discharge its stormwater into the Arkansas River and into the Verdigris River. If the City doesn't maintain compliance with this permit there could be severe consequences from that. Ms. Gray stated that her group is to promote low-impact development as the best management of practice to stormwater pollution. Ms. Gray indicated that she has worked close with Ms. Warrick and her group regarding the new code. Ms. Gray suggested that there be a follow up to the landscaping chapter because she doesn't want to delay the adoption of the zoning code, but encourages a follow up to the landscaping chapter.

Mr. Walker asked Ms. Gray if Tulsa has ever had a watershed or any discharge or runoff that has become a danger of being noncompliant. Ms. Gray cited the 12 measures that have to be shown every year and submitted to DEQ and to her knowledge there has never been a failure to meet one of those regulations in the stormwater quality permit, but that is because staff is actively promoting low-impact development and monitoring to meet all the specific requirements in the permit.

Kyra McNamara, 1536 South Atlanta Avenue, 74104, a member of Tulsa Young Professionals and that leadership team, stated that she can't speak on behalf of the organization, but she does want to speak on behalf of her fellow young professionals that she has spoken to about this zoning code update and excited to see a lot of these things implemented. Ms. McNamara stated that she is excited about the mixed use and the facilitation or place making of urban density and the decreased parking requirements. There are a number of people she has spoken to that would like to see the requirements decreased beyond what is already stated in the draft. Ms. McNamara indicated her support of the draft zoning code.

Sarah Kobos, 3709 East 43rd Street, 74135, stated that she is excited about the zoning code update. This is a nice first step and if it were up to her it would be taken further, but it does implement some good tools to the

tool box. Ms. Kobos stated that she is glad that we are no longer treating Tulsa as one size fits all. Ms. Kobos expressed her support for the draft zoning code and expressed her disappointment about the form-based code being hidden in the zoning code.

James Adair, 7508 East 77th Street, 74133, stated that today is speaking on behalf of the Electrical Sign Contractors in Tulsa and many interested businesses that have signage and the use of future signage. Ms. Adair stated that he served on the Tulsa Sign Advisory Board for 20+ years and last year it was consolidated. While on that board he had many opportunities to review the sign code. Some of the things that the Sign Advisory Board and the sign industry input on rooftop signs were do not have electronic message centers on rooftops, limit the height to 20 feet, and mandate the engineering. Mr. Adair indicated that he and the sign industry is in agreement for the use and ability to have a digital display or electronic message centers, support the eight second dwell time, and agree to limit the use from 7:00 a.m. to 9:00 p.m. and would like this to be a part of the sign code as proposed here so that way it is automatic and not have to go before the Board of Adjustment. Mr. Adair stated that the only thing he and the industry are not in agreement with is the commercial zoning, IL corridor zoning along the freeways. The draft limits the electronic message centers on premise to have an eight second dwell time as the outdoor industry billboards do. The outdoor billboard industry are twice as large and can be seen from a longer distance and so he understands the eight second dwell time, but this proposal limits on premise message centers to 48 square feet and if one is on a major street or the highway/freeway corridor one won't be able to read it until they are right upon it and will not work well. Mr. Adair agreed that it is not a good idea to allow the signs to flash. Mr. Adair stated that if a sign code is more limiting that it is currently, some of the existing electronic equipment does not have those features and they will become out of use and will signs that are larger than indicated in the draft, would they be grandfathered in.

Mr. Covey asked Mr. Adair if he had any recommendations for the issues that he has described. Mr. Adair stated that he isn't sure there is a problem with signs today, but there were two signs described as distractions for motorist that were mounted on poles for a church and a business.

Mr. Reeds asked Mr. Adair how he felt about the organization of how one can put up a sign. Mr. Adair stated that he doesn't know about how to put up signs, but he does know that Mr. Bishop has done a good job of organizing, and a lot of the things that have been added are better than it was.

Chris Bumgarner, 320 South Boston Avenue, Suite 1130, 74103, stated that he hoped that when this process began there would be a zoning code that was less political than the one before and he isn't sure that happened. Mr. Bumgarner stated that his capacity if a member of the DCC, downtown property owner, and a real estate developer in the City of Tulsa for the last 20 years. First for the DCC, the staff came before the DCC about six months ago to consider having overlays that were only to be included in the zoning code throughout the rest of the city to downtown. DCC took it under advisement and after considering it carefully it was unanimously voted to not have overlays imposed on downtown. Mr. Bumgarner stated that the primary reason for that is because, while it was presented to us as potentially having some flexibility and allow things downtown that can't be done currently, he cannot think of one thing other than perhaps some heavy industrial or other types of zoning that is currently not downtown. Mr. Bumgarner cited the flexibility that CBD district currently has. Mr. Bumgarner stated that the downtown area is one place where one can have a project, get a permit, off they go without jumping through a bunch of hurdles, do not have to seek the approval of the neighbor, and one can get things done. Mr. Bumgarner commented that we are at a time where we are seeing downtown develop and things happening and he strongly recommends that the Planning Commission listen to the people that have already been asked the question and they do not want an overlay in downtown. Mr. Bumgarner stated that in the capacity as a developer it is very hard in Tulsa to get things built and a code that is being introduced with additional steps and additional hurdles is ill advised.

Mr. Walker asked how broad and the composition of the DCC. Mr. Bumgarner stated that there are roughly 20 sitting members on the board and represent 750 property owners in the downtown area.

Mr. Midget stated that often the example being used to promote the downtown overlay is the ability to put signs on rooftops without adding these extra layers of requirements that currently exist in the zoning code. Mr. Bumgarner stated he has heard that same example several times and he is not entirely sure if he understands depth of that one. Mr. Bumgarner further stated that he isn't sure one wouldn't want some extra layers of approval when putting signs where everyone can see and may affect everyone. Mr. Midget stated that the rooftop signs are the only benefit he has been cited to have the overlay downtown. Mr. Bumgarner stated that the signs were ultimately allowed to be placed on the buildings without an overlay. Mr. Bumgarner commented that to him it is purely restrictive and asking property owners to give up some property to provide additional landscaping, etc. Mr. Bumgarner stated that he has no idea where this idea came from to add the overlay back into zoning code for CBD district.

Mr. Reeds asked Mr. Bumgarner why he likes the CBD district as it is right now. Mr. Bumgarner stated that he believes he explained it because he doesn't have to go hat in hand to get something done. Mr. Reeds asked how that affects the built environment. Mr. Bumgarner stated that he is not one that feels the need to have his neighbors being his consultant on his projects. The projects are expensive and take a lot of time and he hires consultants to make and consider decisions and certainly take the context of the project into consideration. Mr. Bumgarner stated that he is not a component of group design.

TMAPC REVIEW:

Mr. Kirk Bishop, Consultant, stated that he will try to offer a rebuttal or clarification for the questions and comments:

1. Landscape Chapter of the Zoning Code: Mr. Bishop stated that he is going to set this one aside.

2. TPC comments: Mr. Bishop stated that there are issues that he is aware of that didn't make it into the draft that they still feel strongly about and he completely respects that. The first issue: Which overlay is considered more restrictive and governs development of the property. In his opinion the more restrictive is better defined in the code, which is the one that imposes the more stringent standards and the higher level of requirements would be the more restrictive provision. TPC suggests is an interesting one and it does provide clarity, but its clarity he is not sure he understands the implications of. The TPC's proposal is to say that a property that is within the HP district that the HP wins. While he can appreciate the clarity of that, but he is not sure he understands the implications and therefore he was unable to recommend it in the draft. As an example, what does it mean, if HP governs does that mean that the other one doesn't govern and none of the provisions in the other overlay would apply. This is an approach that he has not seen in his 30 years of experience and therefore didn't have the benefit of experience to offer a recommendation to move on. The issue of deemed approved is fairly debatable and he hears it often in the code amendment processes. If there is a time limit to determine an application and time is running out it deemed approved or denied and an option to ask the applicant to agree to an extension of the timeframe. Mr. Bishop cited the proposed language for the 30-day timeframe and feels has provisions that would allow a reasonable time for deliberation beyond the 30-day time period. Mr. Bishop stated that he has always heard from property owners and applicants is that they want a definitive end to the process and whether it is deemed approve or denied we get to that point. If it is denied the applicant has the opportunity to appeal that decision. Mr. Bishop stated that the current zoning code imposes the same limitation of 30 days or deemed approved. Demolition request time limit, hardship, etc, are all

legitimate issues and see them all of the time in other communities and historic preservation. This issue never came up during the two years with the Citizens Advisory Team and when it did come up in the process, given the passions that people feel about historic preservation, for and against, he felt it would doom the timing of the zoning code project. This is a legitimate issue, but something to follow up with after the adoption.

3. Maintaining character and receiving notification demolition permit requests: Mr. Bishop stated that he assumes that this was in a district that wasn't zoned HP and the neighbors want to receive notice of all demolition requests. Mr. Bishop stated that from his experience that is highly unusual and pretty difficult to administer. This would be an unusual provision to add to the code and he can sympathize with residents who see change in their neighborhood and feel like that they are helpless to control that change, but the idea of a demolition notice and hold times for all building demolitions would hamstring reasonable development activity.

4. Height transitions: Mr. Bishop stated that it is correct that originally in the draft the provisions were included in the MX district. Mr. Bishop cited the height provisions as the MX district as an example. It is a fairly debatable question whether or not the formula is right for the provisions that are included, but he thinks it does allow for reasonable development on a typical 150-foot lot. Lots of less depth will be hamstrung slightly more than the scenario mentioned. Proposing this new requirement in the CO and MPD district in the future, which has no rear yard setback, has less of an impact because it is basically saying that absence of rear yard setback imposed to the development plan process is that their rear yard is at zero. It conceivable to have a 90-foot tall building allowed with a 25-foot rear yard setback with a fairly good size floor plate on a 150-foot lot because the MX, CO and MPD do not impose much front yard setback if any. Mr. Bishop commented that he felt that these were reasonable provisions in light of the higher density and building intensities allowed in those districts. It is a policy deliberation for the PC and City Council.

5. Overlays: Mr. Bishop stated that it is his understanding that the Home Builders Association prefers the planned based model that was in an earlier draft with the requirement that an adopted plan always precede an overlay, and although, the HBA has recommended elimination of those restrictions on the use of the overlay, which seems to jive well with the staff recommendation. Mr. Bishop stated that as a consultant and he believes as a staff, there has never been an argument against the idea of planning being an essential prerequisite to the imposition of allowing these overlays. It is the semantics of what an adopted plan is, as opposed to a planning process. This will have to be put in the policy arena for the PC and City Council to deliberate. Mr. Bishop stated that he stands behind what is in the draft.

6. Downtown Coordinating Council (DCC): Mr. Bishop stated that the DCC has continued to oppose the idea of allowing the imposition of the overlay on CBD zoned property. That is what is in the draft before the Planning Commission. Mr. Bishop again stated that he stands behind the draft, but there is no fundamental opposition to the idea of allowing it and he has actually encouraged the COT and DCC to consider this as a potential positive for the downtown property owners. The DCC didn't agree and it was omitted from the draft, but there is an alternative recommendation from staff before you.

7. Mr. Bishop stated that the landscaping and stormwater issues are important. He is confident that given the ability for staff to follow up with revisions that will encourage and promote this sort of low-impact practices and that can be even better in the future. Mr. Bishop believes that there has been some progress in the draft.

8. Mr. Bishop stated that Mr. Adair has been a very positive force in helping to navigate through the sign provisions and reorganizing those with his documents he submitted were invaluable. The eight second dwell time is a standard feature and a common feature. It isn't always eight seconds sometimes it is ten seconds or less. There are times the dwell time doesn't apply. The issue for those who advocate for dwell time restrictions and prohibitions on animation and fairly tightly restrictions on size is that the jury is really still out. There is competing literature and research on both sides of the equation with regards to motorists distraction caused by animated and dynamic display type signs. For that reason he felt it was responsible to recommend these restrictions.

Mr. Stirling asked what kind of percentage of the property owners would be required for the overlay. Mr. Bishop stated that there are two ways under the way the draft is presented that an overlay can be initiated: 1) initiated by all of the property owners who would be subject to the overlay, not the entire neighborhood association or defined geographic area, but everybody who wants to be within the boundaries of the district could apply; 2) or they can come before the PC or City Council and state that their neighborhood is in need of or deserving of this level of attention and request that the PC or City Council initiate an overlay planning and zoning process for them. It DOESN'T allow for a neighborhood to get together and say we want this for our neighborhood and we are going to initiate the application whether you want to be involved or not a process is going to start. In this case scenario the neighborhood would have to go before the PC or City Council to initiate that if they can't get property owners to sign on.

Mr. Dix asked Mr. Bishop to clarify who could initiate the overlay. Mr. Bishop stated that anyone could come before the PC or City Council and request that their neighborhood be looked at and considered for an overlay. Mr. Bishop further stated that in this scenario the PC or City Council can listen to this person and then determine whether to have staff look into the need for the overlay or say thank you for your comments and not act on it. In response to Mr. Dix, Mr. Bishop stated that an individual cannot make an application for an overlay for a neighborhood, but an individual can go before the PC or City Council and request that they instruct staff or authorize the process to begin or the PC and City Council can choose to not act on the request. A person that has no interest in the property that they want to regulate has no standing to file an application or initiate the process, but what they have is as a citizen is the opportunity to ask the PC or City Council initiate it by a majority vote. Mr. Bishop explained that this process is in place today with the existing zoning code.

In response to Mr. Shivel, Mr. Bishop stated that one can come before the Planning Commission or the City Council and request that they have an overlay on their neighborhood, the Planning Commission or City Council would listen to their comments and determine whether it is something that should be looked into and initiated. If the PC or CC decides it is something worth reviewing they can instruct staff to work with the neighborhood or instruct the person requesting to come back with a plan or proposal. An individual **CANNOT** file an application to impose zoning on property that they do not own.

Mr. Midget thanked Mr. Bishop for clarifying the overlay initiation process. He commented that the idea of consolidating the two overlays is simple and he understands it. Mr. Midget referred to Section 20.030.2, which talks about the process of the overlay. Mr. Midget asked how can it be protected or prevent circumventing of the planning process through verbiage. Mr. Midget stated that he doesn't understand why we are imposing anything along the corridors that could restrict development. Mr. Midget asked Mr. Bishop if he is stating that there are no restrictions or that there are restrictions by applying it in the MPD and Corridor Districts. Mr. Bishop stated that the requirement for the height transition is triggered only by property that abuts residential zoning. Mr. Bishop explained that the height transition doesn't apply near commercial zoning, but once it abuts residential then it does apply. The Corridor and MPD zoning is zoning that doesn't have any standards attached to it. There is no base line rear yard setback in MPD zoned districts and one can write those standards and get them approved as part of the development plan and the same is true under Corridor Districts. A mandatory development plan can be used to modify otherwise applicable standards of the ordinance, so it is conceivable that during the approval of the development plan the height transitions can be modified. Whatever is approved as part of the

development plan are the regulations that that property owner is going to live with. Mr. Midget stated that that is not an absolute though. Mr. Bishop stated that as crafted he doesn't believe one could read the draft as an absolute that can't be modified to a development plan.

Mr. Carnes asked Mr. Bishop to clarify the demo process issue again. Mr. Bishop stated that if the property doesn't have a City restriction that prevents demolition, there is little he can offer the speaker who was concerned about this issue. In the future, they would have the option of establishing an overlay through some kind of process or other. Mr. Bishop stated that perhaps having HP zoning might have helped. Mr. Bishop stated that he doesn't know the circumstances with the demolition the interested party is speaking about, but there are tools in the new zoning code that theoretically could have been brought to bear and would have ensured of what would replaced it or what got torn was more in keeping with the perceived character of that area. Mr. Bishop explained that for property owners that there is nothing in there itself in this draft that would change the rules of the game unless a new overlay or HP designation would have applied.

Mr. Reeds asked Mr. Bishop to explain the benefits of going from two overlays to one overlay and will it make it more flexible to develop by having one overlay. Mr. Bishop stated that in of itself the decision to consolidate does not make it more or less flexible. The decision to consolidate and remove the adopted plan requisite makes it more flexible. Its chief advantage is its simpler and it acknowledges that before it was distinction without a real difference. Mr. Bishop stated that the two overlays were exactly the same except for the one in non-residential areas that required an adoptive plan and once that provision was eliminated there was no reason to keep them separate. Mr. Bishop further stated that he will leave it up to the Planning Commission to determine if the planning prerequisite is an idea.

Mr. Carnes out at 8:28 p.m.

In response to Mr. Midget's request for a clarification on what a plan is, Mr. Bishop stated that he couldn't answer what a plan was and in the end he decided to emphasis the planning process as opposed to the document or end result.

Mr. Dix stated that what Mr. Bishop has stated tonight is a game changer for him. Mr. Dix further stated that finding out that all of the property owners have to agree and finding out that a person, not living in that area or one or two who do live in the area against the remainder, can make a plan. Mr. Dix asked Mr. Bumgarner if the DCC would still be opposed to an overlay district in the CBD. Mr. Bumgarner stated that he doesn't

believe that is how the overlay has been presented to the DCC. Mr. Dix commented that he needs to see the language on the overlay. Mr. Bishop reiterated the Section with the language for initiation of overlay process.

Mr. Covey asked if there is a way to opt out of an overlay once it is in place. Mr. Bishop stated that a property owner would have to request to be removed from the overlay. Mr. Bishop further stated that he would suggest that anyone trying to purchase property with an overlay that may hinder what they intend to do with said property to get a contingency to get the property rezoned because they would have to go through the same process to remove as one has to go through to impose the overlay on themselves.

Ms. Millikin stated that considering the adaptability of this tool, especially for historic areas of town that could take ten lots and place an overlay to prevent demolition of homes. Mr. Bishop stated that it is a good tool and tonight we have only looked at the restrictions of an overlay. The overlay can also be used to remove restrictions. Mr. Bishop stated that if there is an existing overlay and an abutting property wants to be in the same overlay they can apply for that if they are contiguous to an existing district.

Mr. Midget acknowledged Mr. Bishop, staff and the public in general have a done a tremendous job putting this document together. Mr. Midget stated that we are seeing the fruits of the hard work by example of this meeting tonight. There are some areas that require the Planning Commission to do their due diligence and come back with a final comment and recommendation. Mr. Midget echoed Ms. Warrick's comment that we may not see another update in our lifetime and we need to take our time and have an opportunity to contemplate on some of the issues that have been expressed and some of the concerns to see how they might be tweaked or whatever recommendation staff has made and then before making the final decision. Mr. Midget stated that it would be great to have a document that everyone can agree on for the City Council and we owe that to our City Council. Mr. Midget commented that the PC has an opportunity to continue this discussion before making the final recommendations.

Mr. Dix stated that he would echo Mr. Midget's comments. Mr. Dix explained that his issue with the overlays has always been relating back to the Pearl District when there was an overlay district proposed for the Pearl District basically without the owner's permission, which created many nights at the Planning Commission listening to property owner's stating that they didn't want to be a part of this and wanted out. Mr. Dix stated that he wanted to make sure that 100% of the property owners had to agree or it that the Planning Commission could require that 100% of the property owners want it. Mr. Dix concluded that he believes that is what

he is hearing, but he needs to see the final language on that before making a decision. Mr. Dix stated that he believes that the DCC should see the final language as well and have some input on their comments.

Mr. Reeds stated that we have a legacy in Tulsa and that is what we are talking about. Mr. Reeds cited the history and development of Tulsa. This is not a perfect document, but he believes what is before the PC is better than the current zoning code. This new zoning code will build on that legacy of good thoughts and good planning. Mr. Reeds indicated that he supports what they have done with the new zoning code.

Mr. Stirling asked Mr. Midget what specifically he is asking for staff to look at. Mr. Midget stated that he would like to take a look at the overlay provision because he wants to feel comfortable that that issue has been thoroughly addressed and that it is clear. Mr. Midget stated that he is interested in the parking issues as well. If these things can be cleared up, then the Planning Commission can give the City Council a better product.

Mr. Stirling stated that he believes he understands that staff is in agreement with the language for the overlays as they are written in draft zoning code. Ms. Miller stated that they are agreement with staff's recommendation. Ms. Miller further stated that staff would like to know what things Mr. Midget would want to clarify so that it can be worked on in the overlay language. Mr. Midget stated that his main concern is that is there a safeguard, we need to identify what a plan is and that is critically important that when people look at the overlay district that they understand that they will be a part of a planning process.

In response to Mr. Dix, Ms. VanValkenburgh stated that it sounds to her that it is something that is important to everyone and probably should come out with some revised language that is circulated to everyone and considered at the next meeting. Mr. Dix agreed.

Mr. Dix stated that he still has some issues with the HP area of the new zoning code and it needs to be relooked at.

Mr. Midget stated that he isn't sure he is willing to include the downtown are in the overlay district as staff is recommending.

Mr. Covey stated that the following options for the TMAPC are as follows: 1) Continue the public hearing to any day; 2) end the public hearing part of the meeting and stay in review at a later date. Mr. Midget stated that he doesn't want to be accused of never allowing the public to participate in something that they might not have another opportunity to participate in and he is not opposed to continuing the public hearing at the next meeting, October 7, 2015. If someone didn't have the opportunity to make

this meeting they have the opportunity to make it at the next public hearing and by that time staff and PC should have worked through these issues.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Willis "absent") to **CONTINUE** the public hearing for review and make recommendation to the City Council on adoption of a new zoning code, repealing and replacing the existing zoning code (Title 42 TRO), and repeal of the existing Form-Based Code (Title 42-B TRO) to October 7, 2015.

* * * * *

OTHER BUSINESS

2. Commissioners' Comments: None.

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Willis "absent") to **ADJOURN** TMAPC Special Meeting of September 29, 2015.

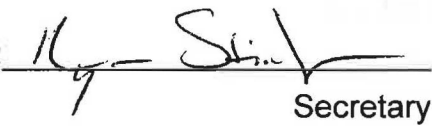
ADJOURN

There being no further business, the Chair declared the meeting adjourned at 8:51 p.m.

Date Approved:

10-21-2015


Chairman

ATTEST: 
Secretary