Board of Adjustment

Staff Report
Special Exception BOA-23699

Hearing Date: May 28, 2024
Prepared by: Sean Wallace
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918-596-7585

Owner and Applicant Information
Applicant: Robert Bell
Property Owner: Eden Village of Tulsa, Inc.

Property Location
1251 S. 61st Ave. W.
Tract Size: ±16.8 acres

Location within the City of Tulsa
(Shown with City Council districts)

Elected Representatives
City Council: District 4, Laura Bellis.
County Commission: District 2, Karen Keith.

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary
Special exception to reduce the required parking for a cottage house development (Sec. 55.050-K).

Zoning
Zoning District: RM-2
Zoning Overlays: N/A

Comprehensive Plan Considerations

Land Use
Land Use Plan: Neighborhood
Small Area Plans: Charles Page
Development Era: Streetcar

Transportation
Major Street & Highway Plan: Gilcrease Expressway - Freeway
planitulsa Street Type: N/A
Transit: N/A
Existing Bike/Ped Facilities: Gilcrease Expy Trail
Planned Bike/Ped Facilities: N/A

Environment
Flood Area: FEMA 500-year floodplain
Tree Canopy Coverage: 0-10%
Parks & Open Space: Terwilliger Park is nearby.
Staff Analysis
The applicant is requesting a Special Exception to reduce the required parking for a cottage house development (Sec. 55.050-K). The required spaces would be 126 (2 for every detached house), and the applicant is requesting it be reduced to 66.

55.050-K Alternative Compliance
The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.1.20 only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Relevant Case History
- None

Comprehensive Plan Considerations
Land Use Plan
The subject property is designated as Neighborhood. Neighborhoods are mostly residential uses, which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access from a lower-order street separated from the arterial, then it would be considered Neighborhood.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-2</td>
<td>Neighborhood</td>
<td>Residential/Terwilliger Park</td>
</tr>
<tr>
<td>East</td>
<td>RM-2</td>
<td>Neighborhood</td>
<td>Gilcrease Expy/Residential</td>
</tr>
<tr>
<td>South</td>
<td>AG</td>
<td>Neighborhood</td>
<td>Arkansas River</td>
</tr>
<tr>
<td>West</td>
<td>RM-2</td>
<td>Neighborhood</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Small Area Plans
The subject property is within the Charles Page Boulevard Plan.

Development Era
The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to
somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**

*Major Street & Highway Plan:* Gilcrease Expressway - Freeway

*Comprehensive Plan Street Designation:* N/A

*Transit:* N/A

*Existing Bike/Ped Facilities:* Gilcrease Expy Multi-Use Trail

*Planned Bike/Ped Facilities:* N/A

*Arterial Traffic per Lane:* N/A

**Environmental Considerations**

*Flood Area:* The subject property is within the FEMA 500-year floodplain.

*Tree Canopy Coverage:* Tree canopy in the area is less than 10%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

*Parks & Open Space:* Terwilliger Park is nearby.

**Sample Motion**

I move to **approve or deny** a Special Exception to reduce the required parking ratio for Cottage House Development in the RM-2 District (Sec. 55.050-K);

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _______________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

**Property Description**

BEG 427.01S NWC SE NW TH E101.97 N146.31 E215.12 S211.59 E498 S825.67 W820 TO SWC SE NW TH N899.08 POB SEC 8 19 12 16.813ACS, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
GENERAL SITE NOTES:

1. All work and materials shall comply with all municipal regulations and codes. Wherever more stringent.

2. All work and materials shall comply with OSHA standards.

3. Contractor shall be responsible for all markings, including but not limited to all utilities, storm sewers, signs, traffic signals & poles, etc. As required. All work shall be in accordance with governing authorities' specifications and shall be approved by such authorities. All costs shall be recorded in base bid.

4. Prefer to future landscape plans for grass, trees, and planted materials.

5. All dimensions and coordinates are from back of curb unless shown otherwise.

6. Floor = 1' of equals otherwise indicated.

7. Disturbance and site clearing done previously by others.

PARKING SUMMARY

Required Parking:
- 25 space per dwelling unit: 63 * 1.25 = 79

Provided Parking:
- Standard: 66
- Accessible: 2
- Van Accessible: 1
- Total Provided Parking: 69
1251 South 61West Avenue  
Tulsa OK 74126  
Special Exception Parking  
Standards for a Chronically Homeless  
Residential Development

Criteria:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings Eden Village:

1. Eden Village was originally submitted as a multi-family development with Tri-plex’s units.
2. The Development was to have 63 homes and a community center.
3. The building permit for the community center was submitted and approved with a design for 76 parking spaces. 13 spaces for the community center and 1 space for each home equals 76 parking spaces.
4. It was the intent of the development to ask for relief of the 76-space requirement before the Occupancy Permit would be requested for the Community Center.
5. Since the approval of the tri-plex design an interpretation change by the city allowed the development to design to its original intent to have individual units utilizing a Cottage Development concept.
6. This Cottage Development change has been submitted with the infrastructure plans and has been reviewed and approved as the current plan for the development. (See Attached Site Plan-66 spaces provided)
7. Under the Cottage Development the parking standards would change to 2 spaces for each dwelling unit and no spaces for the community center because it would be considered accessory to the development. This would bring the total number of spaces per Zoning Code to 126 spaces.
8. Request for waiver of letter of deficiency requirement has been submitted with this request. The deficiency did not exist with the original submittal. The new deficiency is related to the change in parking requirements associated with the style of housing development created. This application will attempt to have recognized the limitations of the type of use versus the development characteristics of the Cottage Style Development as specified in the Zoning Code.

Facts: Eden Village:

1. A very important part of the proposed development is that it is a 501.C3 which funding is from various sources with specifications to provide a specific service in a specific way. The funding sources range from individuals, Churches, Charitable Foundations and even Governmental Entities. The specifics of the development addressed below were also a part of the monies received to create the use. Though changing the use or the specification of the development may not be easily achievable the ownership will stipulate to a condition that if the use proposed changes to a more standard Cottage Development that the development will be subject to a
platting process and be required to meet the development standards as outlined in the Tulsa Zoning Code for the use being requested at that time.

2. The City of Tulsa Zoning Code does not provide specific Use Standards designed for the characteristics of Chronically Homeless Residential Development.

3. The development has a 5000 square foot Community Center that is designed to meet the needs of the residents. It will be used by employees of the development, nursing, counseling and various services.

4. As an accessory use to a residential development the parking requirement is zero, The Zoning Code specifies that a Community Center should have 2.7 spaces per 1000 square feet for a total of 13.5 spaces.

5. The development is planned to have 63 one-bedroom tiny homes. The homes are restricted in the Eden Village literature to one occupant only. No vehicles owned by the residents of Eden Village will be allowed within the housing area beyond the parking lot of the Community Center.

6. It was a critical component of the location of Eden Village to have access to Public Transit because the residents do not have means for alternate transportation.

Summary

Eden Village is not designed to rehabilitate a citizen into our standard community that zoning codes are designed to protect. It is designed to provide a segment of the homeless population with a place that is designed to meet their needs and to provide them with the opportunity to have a place to call home, so they will not have to sleep on the street. Research indicated that various larger cities have been trying to control their citizen base’s vehicle ownership by establishing less parking requirements. Some findings from these studies have been placed at the end of this application, however they were determined not pertinent to the criteria sought other than the reduction of parking for Low Income areas is being established in other Cities. Here we have the reverse of this, in that we have citizens that do not have or want the burdens of vehicle ownership and this situation would justify a reduction of the parking requirements.

1. What the findings indicate is that the needs of these types of communities are established by the circumstances of the residents. Historically, it has been determined that less than 20% of the residents of Eden Village will have vehicle ownership.

2. In determining the parking requirements for Eden Village, it is necessary to evaluate the activities associated with the Community Center. The support services provided at the Community Center are established with times that do not overlap. Recognizing the employees and services, the established 13.5 spaces appear to be appropriate for the use.

3. There is a visitor component to the development related to the community center and the residents. There was not a lot of information available related to the historic numbers of visitors. In recognition of establishing excess spaces for resident parking a 10-space requirement for visitors was deemed appropriate.

4. It has been established that less than 20% of the residents of Eden Village will own Automobiles and the parking standards associated with the residential units should be reduced. The development proposes a .6 parking standard per unit which still provides an additional 25 parking spaces above the expected need.

5. The Special Exception will create a parking standard of 13.5 + 10 + 37.8 for a total parking requirement of 61.3 spaces.

6. It is understood that we could come to basically the same requirement based on the restriction of one individual per dwelling and establish the parking standard as 1 space per unit and continue with the community center as an accessory use. However, this does not provide for realistic evaluation of future like uses.
Attached is the Legal Description of the property and the site plan for the Eden Village development with the proposed parking plan.

It should be noted that the development is willing to evaluate the actual use of the parking spaces over time. This information would be extremely valuable in analyzing future developments and could be subjected to a condition to add additional spaces if necessary.

Research of Parking Studies

Several Larger Cities around the country have done extensive studies related to the need to provide a reduce parking standard for low income or affordable housing. The intent of these studies varies from community to community, but it was clear that the reduction of automobiles in an area was influenced by the reduction of parking spaces. Some of the findings of these studies is provided for information.

a. A very large number of cities have eliminated minimum requirements for a very small portion of their communities. Of the 200 examined codes, approximately 20% have abolished or reduced parking mandates citywide. The remainder have eliminated parking requirements in specific areas such as a central business district, main street, or historic district. In fact, several codes limited parking reforms to two to four blocks within a downtown or commercial district, as seen below. Eliminating minimum parking requirements is progress no matter which way you cut it, but limiting it to such an insignificant area also limits the positive impacts of these policies. Cities with such boundaries should consider expanding them to mirror the pace of their population, density, and development growth.

b. Most cities, towns, and counties establish in their zoning code a minimum number of off-street parking spaces that must be created for each unit in a new residential development, such as 0.5 parking spaces per bedroom. The purpose of parking requirements is to ensure that new residents have a dedicated place for their vehicles, and avoid negative spillover effects on public parking in the surrounding area. However, there are many circumstances where a one-size-fits-all parking requirement may result in an excess supply of parking spaces, including for residents of affordable housing, who tend to have fewer vehicles per household, and in higher-density neighborhoods where many transportation needs can be met by public transit. Parking requirements can make housing more expensive to produce, as fulfilling this requirement can be costly, particularly when land prices are very high or where expensive underground parking or parking structures are needed to accommodate the required number of spaces. By reducing parking requirements for qualifying affordable developments, cities, towns, and counties can help to ensure the amount of parking provided aligns with actual needs, freeing up resources that can be used to lower home prices and rents, as well as space for additional units and/or amenities.

c. Cities, towns, and counties considering reductions in parking requirements for qualifying affordable (Low Income) developments should structure their zoning codes in response to local conditions and community goals. In this section we review a number of the factors that should be addressed in developing and implementing reduced parking requirements for qualifying developments.