

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## SPECIAL MEETING

Wednesday, March 10, 2010, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Shivel	Alberty	Boulden, Legal
Carnes		Bates	Councilor Barnes
Dix		Fernandez	Simmons, COT
Leighty		Huntsinger	Schultz, COT
Liotta		Matthews	Warlick, COT
Marshall		Sansone	Coles, COT
McArtor		Brierre	Carr, COT
Midget		Domin	Neal, COT
Walker		Armer	Fregonese, Cons.
Wright			Tharp, Cons.

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, March 3, 2010 at 11:34 a.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 Cantrell called the meeting to order at 1:30 p.m.

### **COMPREHENSIVE PLAN PUBLIC HEARING**

#### **THE TULSA METROPOLITAN AREA PLANNING COMMISSION WILL CONSIDER, DISCUSS AND/OR TAKE ACTION ON THE FOLLOWING:**

Public hearing to consider adoption of new Comprehensive or Master Plan, or otherwise amend the current Comprehensive or Master Plan, Map and Text relating to that portion of the Tulsa Metropolitan Area within the incorporated limits of the City of Tulsa, Oklahoma. This hearing is a formal continuation of efforts begun under "PLANiTULSA" and is required pursuant to Title 19 Oklahoma Statutes, Section 863.7

Ms. Cantrell read the opening statement and rules of conduct for the Special TMAPC meeting.

Ms. Cantrell indicated that there is a possibility for an additional hearing if everyone is not heard today. She explained the process and that it wouldn't be rushed through.

**Director's Report:**

Mr. Alberty reported that INCOG staff presented comments to the TMAPC and the Fregonese Consultants. He believes that today's meeting should be primarily for the public to make their comments.

**Consultant's Report:**

Mr. Fregonese reported that his staff has been attempting to log all of the comments in and have some brief analysis available. Mr. Fregonese cited the various sources of suggestions for corrections that were given. He further cited that there have been approximately 52 emails with comments and 14 speakers from the last meeting in February 2010.

Mr. Fregonese suggested that the Planning Commission make a list of items that need to be discussed as a group in the first work session so that his staff can organize all of the testimony around those issues to read as a batch.

Mr. Fregonese stated that there are five issues that his team has identified and recommended changes. Mr. Fregonese made several clarifications. Mr. Fregonese suggested that once the public hearings are closed that the Planning Commission return and have a review session on March 31, 2010 to go through what can be approved by consent and then a new draft will be provided by the Fregonese Consultants and the draft will be the subject of future hearings. This would allow a lot of issues to be resolved that have been discussed many times.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Fregonese if he consulted with the Citizen's Planning Team about their views whether to leave the language in that is being proposed to be removed. In response, Mr. Fregonese stated that he didn't, but he did talk with the attorney. The strategic plan hasn't changed and it is a separate document. Because of Tulsa's Code the Comprehensive Plan has to be pure plan because the Planning Commission adopts it. If the strategic plan was included and the Planning Commission adopted it, then would it mean that the City Council couldn't change it? It would seem inappropriate to have any suggestions about staffing. It is not being hidden or put away. It is simply in a separate document. Mr. Leighty stated that he would still be interested in hearing from the Citizen's Planning Team regarding this.

Mr. Leighty stated that in the past few days the Planning Commission has received quite a number of comments from various people. One of the serious issues that have been raised is citizen's approval committees and the possible imposition of restrictions on what someone could do in existing neighborhoods. There are implications that this plan wants to have additional historic

preservation districts or overlays of zoning of some kind. Mr. Leighty asked the following questions:

1. Is there any language in this plan that would create or establish a citizens committee that would review or oversee renovations or new construction in existing neighborhoods?

Mr. Fregonese replied: Answered negatively. He explained that this view may have come from a citizen's advisory committee for small area plans, which would involve neighbors to review a plan that would be dealing with their neighborhood and not individual properties. When one is bringing hundreds and thousands of people together, there needs to be some guidance from citizens.

2. Is there any language in this plan that would create or establish historic districts or designations in existing neighborhoods?

Mr. Fregonese replied: Stated that there is not any language that would create such, but in the housing section, page 12, goal five, there are a number of areas that address this issue. This is language that is taken out of the City of Tulsa's existing preservation plan that will be included in the Comprehensive Plan. This can be changed or modified by the Planning Commission. He further stated that this is a fairly routine thing that the Planning Commission would be encouraging for people who want historic designation. Mr. Fregonese concluded that his answer would be no.

3. Is there any language in this plan that would create conservation districts, areas, or overlays in existing neighborhoods?

Mr. Fregonese replied: Answered negatively.

4. To the best of your knowledge, are the terms "conservation districts" or "overlays" mentioned anywhere in the proposed comprehensive plan?

Mr. Fregonese replied: Answered negatively.

5. Is it true that the comprehensive plan is a policy guide and not a regulatory document and that development and redevelopment in areas of stability are regulated by the zoning code, not by the comprehensive plan?

Mr. Fregonese replied: Answered affirmatively.

6. Does the proposed plan recognize the need for continued infill and redevelopment in existing neighborhoods and areas of stability?

Mr. Fregonese replied: Answered affirmatively.

7. Does the plan in any way discourage infill and redevelopment in existing neighborhoods and areas of stability?

Mr. Fregonese replied: Answered negatively.

8. Is it true that historic preservation areas cannot be created unless approved by a 51% majority of the property owners in those areas?

Mr. Fregonese replied: Answered affirmatively.

9. Is it true that the imposition of any kind of so-called design standards in an existing neighborhood would require a change in the zoning code?

Mr. Fregonese replied: Answered affirmatively.

10. Can you briefly outline the process which would be required to change the zoning code in an existing neighborhood to adopt some kind of design standards, either through the small area planning process or other methods?

Mr. Fregonese replied: It would require a legislative amendment to the Zoning Code that would establish those and it would come to the TMAPC for hearings and recommendations and would have to be adopted by majority vote of the City Council.

Mr. Leighty further asked Mr. Fregonese whether, in order to adopt some kind of neighborhood design standards, it would be possible to do, short of developing a small area plan or if it could be done under our current Comprehensive Plan.

Mr. Fregonese stated that it could be done and it would be done by a legislative amendment to the Zoning Code. One does not need a small area plan to do that. Any legislative amendment to the Zoning Code requires a process of hearings with the TMAPC, City Council and legislative action.

11. Is it likely that new design standards for an existing neighborhood could be adopted without a vote of 51% majority of property owners in the affected areas?

Mr. Fregonese replied: He believes that the Zoning Code could be amended without majority approval, but it would be rare to see that being done against the majority of disapproval.

Ms. Cantrell stated that it is actually a policy of the TPC that there has to be 80% of support before something goes forward for HP zoning.

12. It is my understanding that the Citizens Advisory Committee as envisioned in the plan is for planning purposes only, and not empanelled to review individual building or renovation projects. Can you please elaborate on what this committee would be responsible for and not responsible for?

Mr. Fregonese replied that the committee would exist only during the period of plan development and it would help in the plan development. Like the Citizen's Committee for PLANiTULSA, it would help get people to public meetings and advise the drafting of the plan. They wouldn't have any official authority or vote, but would be there to advise and have a hands-on approach to the development of the plan in the neighborhood.

Mr. Leighty asked if this committee would have the power to tell someone what color to paint their house or anything else involved. In response, Mr. Fregonese stated absolutely not and the committee would cease to exist once the plan is done.

13. Some have suggested that success of the new comp plan relies too heavily on the small area planning process. How do you answer those criticisms and/or what other options are available to effectively implement the plan?

Mr. Fregonese replied that he believes that his staff has made a point in their memo about that. They have clarified that the small area plans are for multiple ownerships and more complex issues. He neglected to say that zone changes, PUDs, and subdivisions are still there. Mr. Fregonese commented that he tried to take a process that has been done in Tulsa and streamline it to make it consistent so that one is not reinventing the wheel every time one uses the small area planning. Long before he came to Tulsa, some thought the small area planning was a good idea and some of the success of the neighborhoods came out of small area plans. He has used them extensively throughout the country as do most planners and planning departments. It allows one to focus the resources in an area.

Mr. Leighty stated that one of the objections is that the small area plan is going to add additional time to our builders and developers to get a project done. On the flip side it is his understanding that there may be a little bit of delay in the beginning as one goes through the planning process, but once the plan is in place, then the Zoning Codes are adopted that will allow builders and developers to do things by right. Mr. Fregonese stated that this is correct. A small area plan is envisioned to change the approach of the city and the city to be proactive in the zoning. The city will

make the things that are supposed to be done easier to do and pave the way for new kinds of development that might not match current zoning. If one is going to change the district zoning, people have to know what is happening. People buy into the zoned changes that allow what is permitted. If a developer believes he can get a rezoning without a small area plan, then great.

Mr. Leighty requested Mr. Fregonese to speak on his own about how he believes is the best way to address and put to rest today that there is nothing in this plan that says there is going to be a design and review committee for any existing neighborhood. Mr. Fregonese stated that there is nothing in the plan that he can command and nor would he ever suggest such a thing.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Fregonese if the Planning Commission is destined for multiple review sessions, it is possible to get a strike-through version of changes. Mr. Fregonese stated that if the Planning Commission would go through the list and indicate what they would like changed, then he would come back with a new draft. He finds the strike-through drafts difficult to read and suggests that it be highlighted with the new language, but he will do a strike-through if needed.

Ms. Cantrell stated that the strike-through would be of the cleanup because everything else is a policy issue that the Planning Commission will make the changes. No other changes have been made at this time. There are certain things that are on the consent agenda, as well as on the policy issues. Mr. Fregonese suggested that the Planning Commission go through their first review session to make a list and submit them, then his staff will bring back a second draft (one clean to read well and one with the changes indicated).

Ms. Wright asked Mr. Fregonese how the City of Tulsa can restructure and reorganize all of the various groups under Title 19 versus Title 11. In response, Mr. Fregonese stated that he believes it is actually a city organizational structure other than changing Title 19. This is an important part of the community development function, but there are other tools that Tulsa has that operate independently and bringing them together under unified management would make it a much more effective organization with existing structures, existing staff and existing budget, making it more effective, which is suggested under the strategic plan. Ms. Wright stated that some of the discussion seems to get held up a little bit by the fact that the departments are not talking to each other citywide about these different plans and if it remains as it is structured now, and because of the statutes they are still doing their own thing at the City no matter what happens or is achieved. Mr. Fregonese stated that he believes that under the similar structure there are cities that are successful in achieving a higher level of development organization. The City of Denver has a very similar structure to Tulsa's and it has achieved a lot. It is a matter of having a plan in which

everyone agrees that this is what they are trying to achieve and having close cooperation among the related functions of the City. Ms. Wright indicated that the strategic document is just now before the Planning Commission and asked if this information is included in this plan. In response, Mr. Fregonese stated that it is in summary, but there is a more-lengthy memo on this internally, which was released to the City, but not the Planning Commission. Ms. Wright reminded Mr. Fregonese that she has requested that information for several months.

Ms. Wright stated that with regard to small area plans, Ms. Matthews has been doing small area planning in Tulsa for well over 30 years and why are people having a hard time grasping what has already been done for over 30 years. In response, Mr. Fregonese stated that he believes that they think they have to do small area plans for any little thing and that gets them upset. To think that there is a citizen's committee to tell you what color you can paint your house will also get people upset. People are getting upset about something that isn't in the plan. The weakness of the small area planning system and the district planning system is that there is too much of reinvention of the wheel every time one is started. If there is a consistent process, consistent tools and a consistent commitment to implementation, those plans will be cheaper, shorter, more effective and more popular. Mr. Fregonese concluded that he heard consistently that the plan had been done and not enough has been changed. He indicated that the small area plans need to be clarified and there will be some language to clarify it. Ms. Wright stated that she understands it takes some time to get everyone on the same page and it takes approximately three years to do the plans. Mr. Fregonese stated that he believes that time could be cut to one year to 18 months by organization.

Mr. Leighty asked Mr. Fregonese if the existing zoning is used to conduct business until the new plan is adopted. Mr. Fregonese answered affirmatively.

Ms. Cantrell asked Mr. Fregonese if possibly some of the issues are semantics and possibly changing it to "areas of stability" or "areas of growth," rather than "areas of change". There are key areas in the city that can not only withstand the growth, but also want to encourage the growth there. Mr. Fregonese stated that possibly "areas of growth" and "areas of stability" would clarify that better.

#### **INTERESTED PARTIES INSUPPORT OF PLANITULSA AS PRESENTED:**

**Corey Williams**, 571 South Alleghany, 74112, **Bob Sober**, Chairman of Citizen Team for PLANITULSA, 2420 East 24<sup>th</sup> Street, 74114, **Pat Treadway**, 1732 South Evanston, 74104; Jonathan Bolzle, 1603 South Newport, 74120; **Katie Plohocky**, 505 South 72<sup>nd</sup> West Avenue, 74127; **Barbara Van Hanken**, 2212 East 38<sup>th</sup> Street, 74105; **Michael D. Bates**, 4727 East 23<sup>rd</sup> Street, 74114; **Peggy Pianalto**, 921 South Urbana, 74112; **Margee Aycok**, 1601 South Lewis, 74104; **Patty Southmayd**, 2251 East 38<sup>th</sup>, 74105.

**INTERESTED PARTIES IN SUPPORT OF PLANITULSA/AMENDED:**

**Paul Kane**, 1214 East 17<sup>th</sup> Place, 74120, representing the Homebuilders Association of Greater Tulsa; **Gwendolyn Caldwell**, Tulsa Metro Chamber, Two West 2<sup>nd</sup> Street, 74103; **Ken Klein**, 3211 East 61<sup>st</sup> Place, 74136; **Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114; **Mike Craddock**, 3153 East 44<sup>th</sup>, 74105.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **CONTINUE** the Public Hearing for PLANiTULSA to March 23, 2010, 6:00 p.m., City Council Chamber, 175 East 2<sup>nd</sup> Street, Tulsa, Oklahoma 74103.

Mr. Carnes out at 4:45 p.m.  
Mr. McArtor out at 4:50 p.m.  
Mr. Fregonese out at 4:54 p.m.  
Ms. Wright out at 4:55 p.m.

The Planning Commission continued to hear from interested parties who wished to speak. Interested parties were encouraged to submit their comments in writing or online at [www.planitulsa.org](http://www.planitulsa.org).

All comments from the public hearings, written and emailed are published on the PLANiTULSA website at [www.planitulsa.org](http://www.planitulsa.org).

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 5:12 p.m.

Date Approved:

6/1/10

Michelle Cantor

Chairman

ATTEST: Joshua G. Walker  
Secretary

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading.

Handwritten signature or name in the center of the page.