

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## SPECIAL MEETING - PLANITULSA

Tuesday, June 15, 2010, 4:00 p.m.

Room 411, City Council Meeting Room

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	Carnes	Alberty	Boulden, Legal
Leighty	Dix	Bates	Bolen/Consult
Liotta	Midget	Fernandez	Tharp/Consult
Marshall	Shivel	Huntsinger	Schultz/COT
McArtor		Matthews	Warlick/COT
Walker		Sansone	
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 8, 2010 at 8:32 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 4:00 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

#### **REPORT:**

Martha Schultz, City of Tulsa Planner, summarized the past meetings held by the TMAPC and indicated that the final draft is before the Planning Commission today for review. Ms. Schultz stated that the log information and final draft for PLANITULSA is online at [www.planitulsa.org](http://www.planitulsa.org).

**TMAPC COMMENTS:**

Ms. Cantrell asked Ms. Schultz if the only changes were the changes to the text that have come from the actual Planning Commission and grammatical corrections. Ms. Schultz stated that the only changes made were actual changes from the Planning Commission and grammatical changes. Ms. Cantrell stated that the reason she asked this question is because there was a letter from the Home Builders Association and it stated that they were in agreement, after a meeting with City Planning, with language changes and she felt that implied that City Planning had agreed somehow to make these changes. Ms. Schultz stated that she knows for certain that that is not the case. She believes that the letter was indicating that the Home Builders Association agreed with some language. The letter didn't come in time to be included in the log. Ms. Schultz further stated that there were numerous inquiries and emails from people and people call them all the time. She tries to tell them where things are in the plan. Numerous people feel that there were a number of things that were not talked about. City staff has never been in a position and has never stated a position or come to any agreement on behalf of the Planning Commission. City staff is happy to research and frame it for the public, but in the end, it is the Planning Commission's decision.

\* \* \* \* \*

Ms. Cantrell reminded everyone that they would need to sign up to speak.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting. Ms. Cantrell requested that everyone be respectful of others and refrain from booing, etc. She reminded the Planning Commission that they are back in the frame of mind that they should be listening to comments and there will be time for arguing and discussing points later.

**INTERESTED PARTIES COMMENTS:**

**Paul Kane**, 1214 East 17<sup>th</sup> Place, 74120, stated that his comments will be consistent with the letter submitted by Home Builders Association of Greater Tulsa dated June 14, 2010. Mr. Kane clarified that he perhaps used the word "agree" incorrectly in his letter to the Planning Commission and he did not anticipate that the Planning Department of the City of Tulsa agreed to anything.

Mr. Kane discussed the various chapters and pages of the final draft and his concerns regarding the wording and/or issues that he believes have been deleted that shouldn't have been. These comments were pointed out in the letter dated June 14, 2010. Mr. Kane expressed concerns that a written policy didn't have the language that was approved in the minutes in the Housing Chapter of the plan. He urged the Planning Commission to go back and review the tapings of the meetings and make sure that the actual motion was made and is accurate

with the changes that have been made in the final draft. There are changes in the log that claim to be in the final draft, but he was unable to find them. Mr. Kane expressed concerns with some of the language and feels that it can be confusing. The words "small area plans" is used many times throughout the document and he is concerned with the language and asked that the Planning Commission revisit this issue. He indicated that he requested many times for the specific language to be looked and it and to his knowledge it was never done. Mr. Kane reiterated that "small area plans" is overused throughout the proposed draft. Small area plans are a good, valuable tool and he would like the City of Tulsa to utilize small area plans, but it shouldn't be the panacea "be all, end all". There are situations where Master Plan Developments, PUDs or Corridors are more appropriate.

**TMAPC COMMENTS:**

Mr. Walker asked Mr. Warlick and Ms. Schultz if they were aware of the language that was omitted that Mr. Kane referred to. Mr. Kane stated that he has not had the opportunity to bring page 11 of the comment logs to staff's attention. Ms. Schultz stated that they did look into one of them and there appears to be some language omitted from the minutes and the tape and staff will be happy to review this again and correct it. Ms. Schultz further stated that staff would be happy to work with Mr. Kane on these issues.

Mr. Leighty asked Mr. Kane to submit everything in writing if it is not included in the letter dated 6/14/10. Mr. Kane stated that he believes everything is in the letter, except for the inconsistency between the log and the actual document. Mr. Kane indicated that he would be happy to submit it in writing.

In response to Mr. McArtor, Mr. Kane stated that there were a multitude of suggested revisions that the "team" offered with extensive discussion, but when it came to the final conclusion, the motion was made and it stated that "...adopt the team's recommendation and some suggested changes to the language", but a lot of changes were recommended by the "team" and were not a part of the motion, one of which is the policy 1.1. Mr. Kane stated that if this is not amended, he would prefer how it was originally written.

Mr. Marshall stated that he and Ms. Cantrell discussed this at the last meeting and would prefer to see small parcels in the draft so an owner can demolish and rebuild as so desired. Mr. Kane stated that would raise his comfort level, but he still has an overriding concern about a city-wide blanket restriction on certain types of housing, except under certain conditions anything outside of the Zoning Code. Mr. Marshall stated that he believes Ms. Cantrell was concerned that one could go into the historic areas and demolish something and have the right to build a home without being looked at. Mr. Kane commented that if the Planning Commission was concerned about what types of homes would be built in certain areas, that would be more suitable for the Zoning Code. Ms. Cantrell stated that she made the motion and the minutes reflect her recollection of the motion that

she made. Ms. Cantrell further stated that she has no problem leaving this issue with the Zoning Code, but the way she read it would be actually amending the Zoning Code itself to allow townhouses and she didn't want to see is a townhouse to be used by right in an RS-3 district. Ms. Cantrell explained that she has no problem with townhouses and they are a great tool for infill development in the proper place. She indicated that she is not tied to the language, but she wanted to make sure that it doesn't send out the signal that a zoned RS-3 or RS-4 neighborhood would allow a townhouse on one lot where there used to be one house. Ms. Cantrell stated that if there is a better way to phrase it she would welcome it. Mr. Kane stated that he is not arguing the intent as much as he believes that it is more suited for the Zoning Code itself, rather than the Comprehensive Plan and secondly the minutes are consistent with the change, but the actual video reply doesn't. Ms. Cantrell stated that she keeps hearing that this will cause a bottle-neck and she asked Mr. Kane if he sees anything at all in the proposed Plan that says development can't happen absent a small area plan. Mr. Kane stated that there is a lot of language that says that it should be done under a small area plan or this will be done under a small area plan, especially in the Land Use Chapter. Mr. Kane reiterated that he doesn't have a problem with small area plans, but he believes some of the language provided by the land planning experts of the National Association of Homebuilders should be considered because they have encountered problems before. One has to understand the meaning of these words and the impact it will have in a practical application. Ms. Cantrell stated that she believes it comes back to people, like the TMAPC and the City Council, who will ultimately make that decision. She finds it hard to believe that an opportunity to create some very productive development in the City of Tulsa would be stopped by anyone until a small area plan was done. Ms. Cantrell stated that at some point one has to trust that the elected officials will make the right decisions. Mr. Kane stated that the City/County are blessed with a Planning Commission that gets that right now, but ten years from now there is no telling who will be serving and it could be a different story. It is important to do words today that others who are not in this room will understand. One wouldn't want to set the stage for excessive regulatory type of structure that could be impediments to Tulsa's growth at a time that it desperately needs to grow.

#### **INTERESTED PARTIES COMMENTS:**

**Kaye Price**, 5815 South 31<sup>st</sup> West Avenue, 74107, stated that residents on the west side will want a small area plan for the completion of Gilcrease Expressway. She likes that idea that the plan pushes small area plans and it is inappropriate to just come in and build without talking to the surrounding neighbors. The people who live in the subject areas of the new development are the genuine stakeholders and not the developers. Ms. Price recommended keeping the small area plans in the proposed Comprehensive Plan. She expressed concerns about the townhouse ordinance being changed. Redfork Main Street, Reed Park and west of 21<sup>st</sup> Street would be the appropriate place for townhouses.

Ms. Price stated that she represents an umbrella group, W.O.R.T.H., to help people having issues in their neighborhood. Ms. Price indicated that since the last TMAPC Special Meeting, she held a neighborhood meeting and 43 people attended. Ms. Price stated that it is a shame that there wasn't a small area plan done for the subject area where one of the largest shopping centers (Tulsa Hills) has been developed. The Tulsa Hills development needs rooftops to support it. She indicated that she has asked her councilor many times to do a small area plan and they ended up doing their own. She explained that she had hoped to have the results collated and ready today, but it will have to come later. The one concern of the people attending the meeting was the corridor zoning on the west side of Highway 75. In her opinion and that of the 43 people attending the meeting, the corridor zoning is inappropriate because of the rural nature on the west side of Highway 75. Ms. Price stated that she has tried to find out whose idea it was to rezone it to corridor and has been unable to find out and she assumes it came from the Planning Commission since they are the only ones that have the power to do it. Everyone at the meeting wanted corridor zoning removed and single-family homes put in the subject area. Ms. Price stated that she would have a map, a petition at the next meeting, which is when she is able and she will have it to the Planning Commission before the proposal goes to the City Council.

**TMAPC COMMENTS:**

Mr. Walker asked Ms. Price what how she felt about the Planning Commission approving a 135,000 SF Sam Club at Highway 75 and that there is a new movie theater proposed at 81<sup>st</sup>. Ms. Price stated that she believes that is great and there are people mad her over the Tulsa Hills development. Mr. Walker asked Ms. Price if she would like to see commercial on the west side of Highway 75. In response, Ms. Price stated that they don't have problems with the bank on the west side and businesses at the intersecting streets. They would like to see a QuikTrip in the subject area. Ms. Price reiterated that they would like to see rooftops in the subject area to support the existing and future businesses. She mentioned that the residents would like to see a grocery store. She commented that most residents drive to Jenks for groceries and are spending tax dollars there instead of Tulsa.

Mr. Leighty requested Ms. Price to put all of her concerns and wishes in writing so that the consultants and staff have the page number, paragraph, etc. to work with. Ms. Price stated that the only thing she sees that can be done right now is to remove the corridor zoning on the west side of Highway 75. Mr. Leighty requested that she put it in writing and references of where she would like to see some changes.

In response to Mr. Marshall, Ms. Price stated that she lives on the west side of Highway 75 and the residents really don't care what they do on the east side of the Highway. Ms. Price stated that although houses can be built in the corridor, she is more concerned about what else can be developed in a corridor zoning

and it also concerns the 43 people who attended the W.O.R.T.H. meeting. Ms. Price requested that there not be too many apartments and not too close together, but she is cool with apartments because they are needed on the west side, but didn't need 400-plus units in one development.

Ms. Wright asked Ms. Price what she was able to find out with regard to the corridor zoning. Ms. Price stated nothing it just appeared out of thin air and was done. A couple of people had been notified in the subject area, but it wasn't something that was known throughout the entire area. When asked how many people knew the City of Tulsa was doing a Comprehensive Plan or knew what it was there were only three hands out of 43 raised. Ms. Price stated [sic] "the community is ignorant and unfortunately a lot of areas in Tulsa are ignorant". Ms. Wright suggested Ms. Price visit with staff at INCOG regarding the corridor zoning. Ms. Price stated that she assumes that it was in a plan that was written a long time ago.

Ms. Cantrell asked Ms. Price if overall she supports the proposed plan. In response, Ms. Price answered affirmatively.

#### **INTERESTED PARTIES COMMENTS:**

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, 74120, stated that he agrees with the Home Builders Association with the Gilcrease Expressway system and that it needs to be done as soon as possible. There needs to be more than one plan and not just one huge plan for the subject area.

Mr. Atkins expressed concerns with the Metro Chamber being in the plan on page 20 in Land Use. He disagrees with the word "must" being in the plan on page 20 in the Land Use Chapter, because the word "must" means "have to". There could be other organizations in the future that the City might want to deal with and to put "Metro Chamber" in the Comprehensive Plan it doesn't give the City a choice. Mr. Atkins stated that another paragraph in Land Use, page 67 again, uses the "Metro Chamber" and he believes that there should be more than the Chamber considered. Mr. Atkins pointed out the various pages where "Metro Chamber" was used in the plan.

Mr. Atkins stated that in the Transportation section on page 5.1, INCOG is mentioned and he believes that there are other people to look at for the City of Tulsa. Mr. Atkins concluded that the words "form, scale, proportion and rhythm" need to be put back in the respective locations that they were removed from. Small area plans will not work without these words in the way people wanted or the way they understood it.

Mr. Atkins thanked Mr. Boone and St. Johns Hospital for working with Swan Lake Homeowners Association regarding the maps.

**TMAPC COMMENTS:**

In response to Ms. Wright, Mr. Atkins stated that "Metro Chamber" should be totally removed from the plan.

In response to Ms. Cantrell, Mr. Atkins stated that the words "economic/environmental organizations" would work better than "Metro Chamber".

Mr. Leighty asked Mr. Atkins if he would be providing something in writing to highlight what he is representing today. In response, Mr. Atkins answered affirmatively.

**INTERESTED PARTIES COMMENTS:**

**Ernesto Mondragon**, 10959 East 4<sup>th</sup> Street, 74128, stated that he is in support of the plan and encouraged the Planning Commission to approve it.

**Bob Sober**, 2420 East 24<sup>th</sup> Street, 74114, thanked the Planning Commission for their work on this project and believes that they have developed a top-notch plan. Small area plans are used a lot throughout the plan, but regardless of the name, it is assigned to a plan in process. What is intended is to have the community involved in the process as much as possible just like it has for the last 30 years. Small area plans were intended to get the stakeholders engaged in making changes to the plans for the community. We do need to define the process and find efficient ways to do it in short order to prevent closing down development, but stakeholders need to be involved as much as possible.

Mr. Sober stated that there is some historic language in the plan and it is important to the City of Tulsa because historic assets are important. Having many types of neighborhoods with different characteristics to being very open and very low density to very compact and very high density is important. Having a historic option is also important and it is a way to attract a diverse group of people to our city. Historic designation used in the document "PLANiTULSA" is not implying HP overlay zoning because HP overlay zoning has a specific set of requirements and it generates guidelines for construction. Inside the plan it does talk about sensitivity in development and that needs to be maintained to protect any characteristics that are important.

Mr. Sober concluded that this plan has been in the making now for three years and it is time to move on. Stop talking and planning and start implementing the plan.

**TMAPC COMMENTS:**

Mr. Marshall stated that he likes sensitivity to development and he tried to do this when he was building. In the Land Use Chapter it states "...the concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character

and quality of life.” Mr. Marshall indicated that the previous statement bothers him because to him that sentence reads that one is looking for historic designation without going through the process. Mr. Sober stated that he understands Mr. Marshall’s concern, but that sentence doesn’t resonate with him as being going down that path. When one is making changes inside a historic preservation district, there is a book that describes the changes specifically and what they need to and how they need to be done. In this instance, there aren’t any specific guidelines given and it encourages creativity to enhance the character of the neighborhood. It is open to interpretation, but the plan is only a guiding document and hopefully it would help to develop regulations that will support what everyone wants to happen in their city. Mr. Marshall stated that the sentence he read does bother him and it is saying that the concept is specifically designed to enhance in new ways and really there is only one way and that is through historic preservation. There are many housing additions that could go through the Preservation Commission, but the question is why they don’t. His view is that they wouldn’t have the votes to go through the Preservation Commission. Mr. Sober stated that many of the neighborhoods in Tulsa do not qualify because they have to be 50 years or older and already have an established character that can be proved, which is done by having one’s neighborhood on the National Register prior to applying HP zoning. There are many neighborhoods that would never qualify for HP zoning and he believes that the sentence in question leaves it open for how to go about building something that enhances the character of the neighborhood.

#### **INTERESTED PARTIES COMMENTS:**

**Jamie Jamieson**, 754 South Norfolk, 74120, stated that he agrees with everything that Mr. Sober stated previously. He commented that it is time to move on to adopting the plan. He encouraged the Planning Commission to refrain from amending the plan and it is an unnecessary concern by the Homebuilders Association. The City, to some degree, has been dysfunctional and it has slowed the small area plans in the past, but he thinks changes will unfold from this plan and lead to a dramatic improvement of the effectiveness of small area plans. He doesn’t see small area plans leading to bottlenecks because if one has the consensus of the stakeholders and everybody is on board for the common vision of the neighborhood, it is a lot easier for a developer or builder to come in with some certainty of knowing what is expected of them. He would hope that once this plan is adopted there would be a beefed-up planning department with more planners and have more than two small area plans per year completed. Small area plans engage all stakeholders and they are mentioned throughout the proposed plan with a good reason, which is to involve everyone concerned.

Mr. Jamieson stated that he doesn’t share the enthusiasm for corridor plans, which sound to him like sprawl. He is concerned about the Gilcrease Expressway leading to more suburban sprawl. PUDs are not much to write home about and they don’t really work as they were originally intended. PUDs



are inefficient and lousy for developers in his view and lousy for neighborhoods and they don't produce attractive places where one wants to be and they don't really produce real places. Mr. Jamieson spoke to the importance of historical buildings and their value.

Mr. Jamieson stated that the Pearl District will be coming to the Planning Commission soon with a Form Based Code. This type of code deals with form, scale, rhythm and proportion.

**TMAPC COMMENTS:**

Mr. Leighty stated that the words "form, scale, rhythm and proportion" didn't get in the vision statement as he had thought and he is working on that. It was the Planning Commission's intent to have those words in the vision statement.

**INTERESTED PARTIES COMMENTS:**

**Tom Perschal**, 1214 South Elgin, Apartment 5, 74103, stated that the plan should be left as it is and adopted.

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**TMAPC Action; 7 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, Midget, Shivel "absent") to **CLOSE** the Comprehensive Plan public hearing.

Ms. Tharp requested clarification of what the Planning Commission wanted at their next meeting and stated that they would frame the issues that have been discussed today and from the emails and letters received.

Ms. Wright out at 5:28 p.m.

Mr. Boulden expressed concerns with the advertisement of the public hearing and closing the public hearing.

Ms. Cantrell stated that the intention was to close the public comments and continue the public hearing.

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Midget Shivel, Wright "absent") to **RECONSIDER** the motion by Mr. Leighty to close the Comprehensive Plan public hearing.

Ms. Wright in at 5:34 p.m.

After a lengthy discussion it was determined that the Planning Commission would continue the public hearing June 24, 2010 at 12:30 p.m. and to close the comments.

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, Midget, Shivel "absent") to **WITHDRAW** the previous motion to close the Comprehensive Plan public hearing.

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, Midget, Shivel "absent") to **CONTINUE** the Comprehensive Plan public hearing to June 24, 2010 at 12:30 p.m. in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall and the Planning Commission's consideration of the Plan and possibly take action.

**STAFF COMMENTS:**

Mr. Alberty stated that he wanted clarification from the consultants of what will be available for the next meeting on Thursday and if they will be presenting a log of today's comments. There will not be a revised draft of the plan. The consultants will be able to make whatever changes are made at next Thursday's meeting in the next final draft at a later date. Once the Planning Commission determines a final text or form of the document, then instruct that a resolution be prepared.

After a lengthy discussion about procedures for transmittal to the City Council, it was determined that Ms. Cantrell will submit the resolution and proposed plan at a formal City Council committee meeting that is televised and there would be no confusion about the date of submittal and the 45-day clock would be begin.

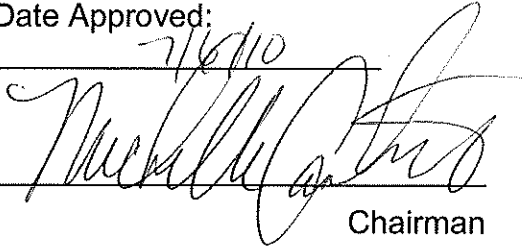
Mr. Alberty stated that a special meeting is not necessary for the adoption of the resolution and it can be scheduled for a regularly scheduled TMAPC meeting.

Ms. Cantrell asked Ms. Tharp to address the small area plans the statement that only two can be done in one year. In response, Ms. Tharp stated that the amount the City staff can do is budgetary; however, property owners and developers can do them. Ms. Tharp indicated that a corridor plan would be a small area plan, but she would draw the line with a PUD application. A lot of work is done prior to a PUD application and that could constitute a small area plan. Ms. Tharp concluded that there is flexibility in the plan to accomplish a small area plan.

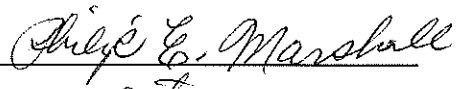
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There being no further business, the Chair declared the meeting adjourned at 5:45 p.m.

Date Approved:

7/6/10  


Chairman

ATTEST:   
acting Secretary

1. The first part of the document is a list of names and addresses.

Mr. J. H. Smith  
123 Main Street  
New York, N. Y.  
Mr. W. D. Jones  
456 Broadway  
New York, N. Y.  
Mr. R. L. Brown  
789 Park Avenue  
New York, N. Y.

2. The second part of the document is a list of names and addresses.