

TULSA METROPOLITAN AREA PLANNING COMMISSION

Special Meeting - PLANitULSA

Wednesday, March 31, 2010, 1:30 p.m.

City Council Chambers

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Shivel	Alberty	Boulden, Legal
Carnes		Bates	Fregonese, Consul.
Dix		Fernandez	Tharp, Consul.
Leighty		Huntsinger	Schultz, COT
Liotta		Matthews	Warlick, COT
Marshall		Sansone	Neal, COT
McArtor			Sober
Midget			Carr
Walker			Channel 2
Wright			Van Hanken
			Southmayd
			Tulsa World
			Enterline

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 26, 2010 at 3:48 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 Cantrell called the meeting to order at 1:33 p.m.

CONSOLIDATED TABLE OF CONSENT ITEMS:

Items requested to be pulled from consent Log:

3, 8, 14, 15, 16, 17, 22, 26, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 50, 51, 53, 54, 54, 56, 59, 60, 61, 62, 63, 64, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 115, 117, 120, 121, 122, 123, 125, 133, 134, 136.

Ms. Cantrell indicated that some of the items being pulled will be discussed at a later date.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **ADOPT** Items 1-143 of the consolidated table of consent items, less the following: 3, 8, 14, 15, 16, 17, 22, 26, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 50, 51, 53, 54, 54, 56, 59, 60, 61, 62, 63, 64, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 115, 117, 120, 121, 122, 123, 125, 133, 134, 136.

Actions on the following Items:

Item 3. – Vision Document: Consultant requested and agreed, will rewrite language regarding adding education into the Vision Document. Cantrell: suggested removing secondary public education; it should include both primary and secondary education. Email the Planning Commission the new language.

Item 8. – Vision Document, Page 13, Vision Map: Discussed during maps at a later date.

Items 14 & 15 – Vision Document, Page 45, first paragraph, line 3, and Land Use Chapter, Page 1 and 74, Policy 2.6.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Items 14 and 15 Vision Document, Page 45, first paragraph, line 3, and Land Use Chapter, Page 1 and 74, Policy 2.6. as recommended by consultant.

Item 16. – Land Use, Page 4, Figure 1, Map issue to be discussed at a later date.

Item 17. – Land Use, Page 3, Sidebar, 4th and 5th lines from bottom:

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewriting Item 17 Vision Document, Page 45, first paragraph, line 3, and Land Use Chapter, Page 1 and 74, Policy 2.6. as recommended by consultant.

Items 22, 26 – Land Use Chapter, Page 11 and Page 13, Figure 7: Map issue to be discussed at a later date.

Item 28 – Land Use Chapter, Page 14, Chart 6:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 28 – Land Use Chapter, Page 14, Chart 6 as recommended by consultant.

Items 29 & 30 – Land Use Chapter, Page 14, Chart 7:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** Items 29 and 30, Land Use Chapter, Page 14, Chart 7, subject to making the legend and chart consistent.

Item 32 – Land Use Chapter, Page 31, second paragraph:

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-1-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker "aye"; Wright "nays"; none "abstaining"; Shivel

"absent") to **APPROVE** rewording Item 32, Land Use Chapter, Page 31, second paragraph as recommended by consultant.

Item 33 – Land Use Chapter, Page 17, paragraph 2, last sentence.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 33 Land Use Chapter, Page 17, paragraph 2, last sentence as recommended by consultant.

Item 34 – Land Use Chapter, Page 18-19, (last and first paragraph):

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 34 Use Chapter, Page 18-19, (last and first paragraph) as recommended by consultant.

Items 36, 41, 63, and 115 – Land Use Chapter, Page 32, Second Column title of column; Land Use Chapter Page 37, First column, second paragraph, third sentence; Land Use Chapter, Page 59, Second column, paragraph title; Transportation, Page 32, last paragraph:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Items 36, 41, 63, and 115 Land Use Chapter, Page 32, Second Column title of column; Land Use Chapter Page 37, First column, second paragraph, third sentence; Land Use Chapter, Page 59, Second column, paragraph title; Transportation, Page 32, last paragraph as recommended by consultant.

Items 37, 38, 39 & 40 – Land Use Chapter, Page 33, paragraph 2, sentence #3: To be discussed at a later date.

Item 50 – Land Use Chapter, Page 48, First column, Table 15:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to refer Item 50 Land Use Chapter, Page 48, First column, Table 15 back to consultant to create a better table and add a map as well.

Item 51 – Land Use Chapter, Page 48, First column, Table 17:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to refer Item 51 Land Use Chapter, Page 48, First column, Table 17 back to consultant.

Items 53, 54 and 55 – Land Use Chapter, Page 52, Paragraph 3, last sentence and Page 52: Language issue to be discussed at a later date.

Items 56 & 59 – Land Use Chapter, Page 53, Stability and Change Map, Page 28: Map issue to be discussed at a later date.

Items 60, 61, and 62 – Land Use Chapter, Page 56, paragraph 3, first sentence: Language issue to be discussed at a later date.

Item 64 – Land Use Chapter, Page 62: Small area plan issue to be discussed at a later date.

Item 76 – Land Use Chapter, Page 74:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel

"absent") to **APPROVE** rewording Item 76 Land Use Chapter, Page 74 as recommended by consultant.

Item 78 – Land Use Chapter, Page 74:

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 78 Land Use Chapter, Page 74 as recommended by consultant.

Item 79 – Land Use Chapter, Page 74, Policy 2.6:

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 79 Land Use Chapter, Page 74, Policy 2.6 as recommended by consultant.

Item 80 – Land Use Chapter, 74:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 80 Land Use Chapter, 74 as recommended by consultant.

Items 81, 82 and 83 – Land Use Chapter, Page 75, Policy 2.9, bullet #4: Language issue to be discussed at a later date.

Items 84, 85, 86 and 87 – Land Use Chapter, Page 76, second column, Item 3.8: Small area plan issue to be discussed at a later date.

Items 89 & 90 – Land Use Chapter, Page 77, Policy 5.1, bullet #9: Language issue to be discussed at a later date.

Item 91 – Land Use Chapter, Page 80, Second column, item 8.3, second bullet:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 91 Land Use Chapter, Page 80, Second column, item 8.3, second bullet as recommended by consultant.

Items 92 & 93 – Land Use Chapter, Page 81, Goal 13: Language issue to be discussed at a later date.

Item 117 – Transportation, Page 41:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** Item 117 Transportation, Page 41 as recommended, subject to adding language "the pedestrian crossing area".

Items 120 & 121 – Housing, Page 11, Policy 1.6: Language issue to be discussed at a later date.

Items 122 & 123 – Housing, Page 13, Policy 9.2:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Items 122 and 123, Housing, Page 13, Policy 9.2 as recommended by consultant.

Item 125 – Parks and Open Space, Page 15, Figure 3: Map issue to be discussed at a later date.

Item 133 – Appendix 1, Small area planning process, page 4, environmental features:

In response to Ms. Cantrell, Mr. Fregonese stated that the recommended language was from INCOG and the suggested action disagrees with INCOG's recommendation. He further stated that it is not a strong disagreement and he can see the Planning Commission's point. Mr. Leighty stated that the Planning Commission doesn't want to exclude anybody, especially right now. Ms. Cantrell stated that these specifics of who is going to do what, in her opinion, will be decided by someone other than the Planning Commission. She is fine with "the city planning staff", if that is what Mr. Leighty would like to do. Mr. Leighty stated that he would like to leave it as "the planning staff". Ms. Wright stated that there is a philosophical difference and she believes this is why it needs to go over to the small area issues and be consistent when this is discussed. Ms. Cantrell suggested that it be moved to the discussion about the consolidation of various departments because she believes that is really the issue here. Mr. Leighty stated that he would agree with that.

Item 134 – Appendix, Land Use, Page 8, Bullet 5:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 134, Appendix, Land Use, Page 8, Bullet 5, change page reference to Page 8 and make consistent.

Item 136 – Appendix 1, Small area planning process, pages 8-9:

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** rewording Item 136, Appendix 1, Small area planning process, pages 8-9 as recommended by consultant.

Ms. Cantrell stated that this concludes the Consent Log.

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Ms. Cantrell announced that she will have to leave at 4:30 p.m.

CONSOLIDATED TABLE OF DISCUSSION ITEMS:

Major Issue #1: Strategic Plan Language in Final Draft of Our Vision for Tulsa:

Item 1:

Ms. Cantrell stated that Mr. Fregonese had made the suggestion that the Planning Commission pull the strategies provisions and the vision document, starting on page 4 and pages 40-45. This is more of an executive summary and isn't necessarily considered part of the Comprehensive Plan. This has evolved to become part of the Comprehensive Plan and the thought was that it really may not be appropriate to have anything specifically directing staffing or telling the Mayor who should be hired. It was suggested that all of that provision from Page 40 to 45 be removed. Ms. Cantrell asked if page 46 should remain if 40 through 45 are removed. In response Mr. Fregonese stated that 46 should remain. Ms. Cantrell stated that the Planning Commission will have to decide whether to delete pages 40 through 45, rewrite them or leave as is. Related to Item 6 on page 5 in the vision document, as well as strategy 6.3 in the Land Use Strategies Chapter.

Ms. Wright stated that she doesn't see any reason to remove this whatsoever. There is nothing descriptive and without this in the Comprehensive Plan it loses teeth and it is the recommendations of how to move forward at this point.

Mr. Leighty stated that he agrees with Ms. Wright. The vision document is not just part of the plan, but is the basis of the plan and it really is the bones of it. It is the ideas and

concepts that the citizens weighed in on and he doesn't think they should be removed. Some of the proposed strategies on page 40 deals with revising the Zoning Code and that has to be done. This is all a part of the vision that the citizens stated that they wanted. On page 45 the last couple of paragraphs does speak to the reorganization and he can say that he has never talked to anyone that doesn't think that Tulsa couldn't benefit from reorganizing their planning resources and economic development efforts. It is splintered and everyone seems to agree with that. The language that was in the original fall version was less prescriptive than today's proposal. The previous language is vague and is not overly prescriptive and yet still manages to recognize the fact that we need to reorganize things. Mr. Carnes addressed Mr. Leighty and Mr. Leighty asked if he could finish his comments. Mr. Carnes stated that he couldn't as long as he keeps lying. Mr. Leighty stated that he believes that all of these things need to be in here as part of the vision document and we need to be less prescriptive in the last couple of pages. Where there are references about some of the things that we are going to talk about in a few minutes in the Land Use Chapter, those things could be a little more tightened down, but don't take it out and diminish what the citizen's have said that they want. They want us to be better organized and better prepared to go forward to implement the plan. Mr. Leighty suggested returning to the language that was in the original version last fall.

Mr. Carnes stated that he resents the fact that Mr. Leighty stated that everybody has said that they want the reorganizing. Mr. Leighty asked Mr. Carnes if he was going to go on the record as saying that he doesn't think we need to reorganize our planning resources. Mr. Carnes stated that he believes the Planning Commission is here to try to go forward with everything and as long as Mr. Leighty has the attitude that everybody is on his side it is very difficult for him to listen to what he has to say. Mr. Leighty stated that he is not saying that everyone is on his side, but Mr. Carnes would be the only one he knows that doesn't think we couldn't benefit by reorganizing things.

Mr. McArtor stated that he doesn't know what form of reorganization should take place. The only consensus the Planning Commission has is that the economic development

and land use planning needs to be better coordinated in Tulsa. He has heard the City, Mr. Fregonese, Mr. Alberty and Mr. Brierre all state this. All agree that there needs to be better coordination, but coordination and reorganization are two completely different things. He doesn't believe that anyone on the Planning Commission is going to come up with a reorganizational plan that could be agreed upon and he doesn't think it is necessary for the Planning Commission to do this. The Planning Commission only needs to take the consensus that has come and says there needs to be more coordination between economic development and land use and leave it at that and let other people at a later time handle whether it should be reorganized and if so how. Mr. McArtor stated that he has been wanting to say this for a long time, and he believes Mr. Westervelt stated this at the last meeting, which he absolutely agrees with him, whatever the Planning Commission does in the future has to be both/and and not either/or, it is not the City or INCOG, it needs to be both. Mr. Alberty and his staff bring decades of experience and on the ground experience with problem solving and insight to planning and the City brings their perspective as well. We have the City and we have INCOG and we need to use all of our resources. This is a controversial issue and he doesn't think the Planning Commission will solve the reorganizational issue here, but could at least say there needs to be more coordination. Mr. McArtor stated that he doesn't like the more provocative language that was proposed later in the process. He agrees with Mr. Leighty that the previous language was vague and less provocative. Mr. McArtor stated that he is simply responding to Mr. Leighty's comment that "we are all in agreement" and he believes that is what Mr. Carnes is stating that the current language goes too far.

Mr. Midget stated that he thought this was being taken out of the Comprehensive Plan and had already been discussed and it would be a separate recommendation. Ms. Cantrell stated that she believes that the consultant's recommendation was that the Planning Commission remove the strategies altogether from the vision document and some of the other Planning Commissioners are suggesting that we leave it in, but perhaps change the language back to a vaguer stance or less prescriptive. She agrees that anybody that feels the current system is working well is really not paying attention,

because it is not working well. She commented that she doesn't know what the solution is, but right now there isn't coordination and there needs to be some way to get that. Ms. Cantrell stated that she would want to make sure that the Planning Commission is not putting in language that directs one way or the other and leave it up to the City Council and the Mayor. The language should go back to what was proposed in the fall. Mr. Leighty read the original language from the fall version. Ms. Wright stated that we are really only talking about one paragraph on page 45 and pages 40, 41, 42, 43 and 44 stays the same. Mr. Leighty stated that he understands that staff has agreed with going back to the earlier version. Mr. Alberty answered affirmatively. Ms. Tharp stated that the summary page on Page 4 or 5 would need to be changed as well. Mr. McArtor asked Mr. Carnes how he feels about the language from the fall version being used. Mr. Carnes stated that he is not disagreeing with what the Planning Commissioners are saying, but it makes him mad to sit here and to think Mr. Leighty came on the Planning Commission anti-our staff. There are many members who have been at many meetings (inaudible due to Mr. Leighty interrupting Mr. Carnes stating that he couldn't be more wrong.) Mr. Carnes stated that the Planning Commission has made mistakes in the past and made votes that were wrong, but have diligently worked at it. Tulsa has had a great staff over the years and then to have someone come in and try to all of sudden condemn them, he doesn't like it. Mr. Leighty stated that he has never done anything like that to this board. Ms. Cantrell stated that she trusts that Mr. Alberty understands that this is absolutely nothing disparaging to the staff, but simply how can it run more efficiently. It is not saying who is cooperating with who etc., and she is not making any of those implications, and she doesn't believe any Planning Commissioner is either. This is really just a way to streamline it and Mr. Carnes comments are well received and she hopes that INCOG staff does not take it that way because she really does appreciate their work and she knows that they work really hard and do an excellent job. Ms. Wright asked if Ms. Cantrell was ready for a motion. Mr. Boulden stated that the language is not vague it is just less specific.

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") on Major Issue #1 to **APPROVE** to retain the final draft language with the restoration of the fall 2009 draft language for the last paragraph on page 45 under step 6.

Major Issue #1, Page 79, Policy 6.3 in the Land Use Section:

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** Major Issue #1, Page 79, Policy 6.3 in the Land Use Section adding the word "consider: before the word consolidation.

Mr. Boulden stated that in the second bullet of 5.6 it states "City Chambers" and he doesn't know what that means when reading it, but he believes it means Chamber of Commerce. To him "City Chambers" means the City Council meeting room. In response, Mr. Fregonese stated that it refers to the City's Chamber of Commerce. Mr. Boulden stated that there are several City Chambers of Commerce and there is a Metropolitan Area Chamber of Commerce that we typically deal with. Mr. Fregonese stated that he meant the Metropolitan Area Chamber of Commerce. Mr. Boulden suggested changing it to chambers of commerce within the City of Tulsa. Ms. Cantrell stated that this issue will be discussed at a later date, but that change can be made.

Major Issue #2: Areas of Stability and Change

Ms. Cantrell stated she would like to start with the areas of stability and change map issue and should it be in the plan. In response, Mr. Leighty answered affirmatively. Ms. Cantrell supported having the map in the plan. Mr. McArtor asked how accurate the map would be. In response, Mr. Fregonese stated that it would be done in a GIS parcel basis and it was created by a number of maps and should be looked at closely since there have been some issues that have come up that are small scale, but should be changed. Mr. Fregonese further stated that he is fairly competent that the bulk of it or at

least 95% of it is accurate. Ms. Cantrell stated that she just wants to be clear that this is just discussing in general the map and if there are specific areas that should be changed, it will be dealt with when being discussed later during the maps. Mr. Fregonese stated that the map was initially data driven, but there were many hours spent by INCOG and the City of Tulsa reviewing and amending it. He wanted to recognize all of the work INCOG and City of Tulsa did. Mr. Alberty stated that the issue before the Planning Commission today is whether or not the Planning Commission keeps the two maps, the area of change and the area of stability. Staff's position would be that both maps should be a part of the plan. There have been some suggestions for change and staff is looking at the maps again, but this will be done at a later time. Planning Commission requested some references on the map to help locate streets. Mr. Fregonese described the uses for the maps and reminded the Planning Commission that there had been suggestions of changing it to areas of growth and areas of stability.

Mr. Leighty moved to retain areas of change and stability maps.

Mr. McArtor asked Mr. Fregonese if there is anything in the plan that compels or mandates development in areas of change. Mr. Fregonese answered negatively. Mr. McArtor asked Mr. Fregonese if there is anything in the plan that inhibits or prohibits development in areas of stability. In response, Mr. Fregonese answered negatively. Mr. McArtor asked Mr. Fregonese how the map would get changed. Mr. Fregonese stated that it would be by a Comprehensive Plan amendment, which will be twice a year.

Ms. Cantrell asked Mr. Leighty if he would consider amending his motion to "areas of growth and areas of stability" versus "areas of change and areas of stability".

TMAPC Action; 10 members present:

On amended **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none

"abstaining"; Shivel "absent") to **APPROVE** to retain areas of change and areas of stability maps and to rename it "areas of growth and areas of stability".

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Land Use Page 75, Policy 2.9:

Item 31 on Consolidated Table of Discussion Items, Tulsa Metro Chamber, Land Use Chapter:

Ms. Cantrell stated that the Chamber would like to delete all of the language and leave it up to City Council to come up with the areas of stability. Ms. Cantrell commented that this doesn't need to be discussed because it isn't legal.

Strike suggestion that the City Council define the areas of stability.

Item 18 on Consolidated Table of Discussion Items, Joe Westervelt, Land Use Chapter, Page 52: Map issue and will be discussed at a later date.

Item 31 on Consolidated Table of Discussion Items, Tulsa Metro Chamber, Land Use Chapter, Page 75, Policy 2.9, Establish criteria for identifying areas of stability: Define areas of stability as:

Ms. Cantrell questioned "high performing commercial and industrial areas" being in the definition. Mr. Fregonese stated that these areas are always subject to change. Ms. Cantrell stated that perhaps this should be pulled out and Mr. Fregonese agreed.

Pull the "High performing commercial and industrial areas" from Page 75, policy 2.9., criteria of stability.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** Land Use Chapter, Page 75, Policy 2.9, subject to the deletion of "high performing commercial and industrial areas" and make grammatical corrections.

Land Use General, Item 8, 20 and 23, on Consolidated Table of Discussion Items, John Bumgarner, Additional Concerns: suggestion of a "fringe" designation; Homebuilders Assoc., show the two distinct categories of areas of stability (establish areas vs. reinvestment areas):

Ms. Cantrell stated that she doesn't believe this is necessary because there is a lot of discussion about this and she doesn't believe it needs to be a designation. This was also called "transition areas". Ms. Cantrell stated that creating a fringe category would be problematic and not necessary. Mr. Leighty indicated his agreement with Ms. Cantrell. Mr. Marshall stated that he believes this is something that should be discussed during the language portion. He doesn't believe a "fringe" identification would help personally. Mr. McArtor asked Mr. Fregonese to speak on this if possible. Mr. Fregonese stated that the edges are variable in most cases or transition zones between intensities and uses. When one is in an area of growth and doing a small area plan, then the transitions will be worked on and made comfortable and appropriate so that by the time the edge will have the most impact is probably in the least stable areas of the stable area. The transition will be made to make the area behind it nice and quiet. He commented the nice thing about stability and growth is that it is simple. Mr. McArtor stated that the Planning Commission doesn't want to exacerbate conflict and the concern is that some of the areas where the fringe is will create conflict. Mr. Fregonese stated the area of growth would be something currently zoned commercial or targeted for redevelopment and the areas of stability would probably be a neighborhood. Identifying those for what they are is not going to exacerbate conflict, but help focus on where the seam is and where the zipper brings it together, which needs to be worked on and buffer the neighborhood and allow for appropriate development. It may not make it any

better, but it doesn't make it any worse, it is simply reflecting what is there and what it is meant to be. Mr. Walker stated that the growth is going to go into that neighborhood and if it is the area of stability will it prohibited. Mr. Fregonese stated that it is not prohibited, but the intention is that it would be small scale infill. There would be a major change in character if it is in a stability area. The average parcel size in an area of stability is about 1/3rd of an acre and occupied by a small structures. Even if one would want to develop in there it would be financially impossible. Mr. Walker gave several scenarios where TU, Hillcrest, etc. would need to take some residential properties in order to expand. Mr. Fregonese stated that these places should be labeled areas of change. Mr. Carnes stated that it would good to indicate on the maps that areas around TU, Hillcrest, etc. are areas of change so that future buyers will be aware. Ms. Cantrell stated that this is something that could be discussed during the mapping portion. Ms. Cantrell further stated that the Planning Commission should be very careful about unilaterally changing the map based on one person's request to do so. Mr. McArtor stated that he is not individually asking for the maps to be changed, but the fringe issue brought this up. Mr. McArtor further stated that Mr. Carnes had a good point regarding the University and Hospital.

No action to accept a designation of "fringe areas".

Ms. Cantrell stated that the Homebuilders recommendation about the extra two categories could be offensive and she is not sure how to go about doing it. Mr. Leighty indicated his agreement with Ms. Cantrell. Mr. Fregonese stated that it would be difficult to do a map for this issue. Mr. Marshall asked if the fringe areas could be considered "reinvestment areas". Mr. Fregonese stated that it could be sometimes they are the areas most impacted and lowered property values due to be located to a commercial area. Along the fringe area it would be better to have a new building and it would be good to get a zone change on the edge areas of stability. One wants to encourage buffering on the edge of stable areas to benefit the whole neighborhood.

No action on Homebuilders Assoc., show the two distinct categories of areas of stability (establish areas vs. reinvestment areas):

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Item 30, Land Use, Page 74, Policy 2.7 – how often should the map be updated:

Ms. Cantrell asked Mr. Fregonese to clarify the twice a year amendment. After discussion the following action was taken:

Mr. Midget out at 3:55 p.m.

TMAPC Action; 9 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** to update the maps at five year intervals with projections toward the future and update housekeeping changes/maintenance annually.

Ms. Cantrell stated that she would like to discuss when to hold the next meeting to discuss maps, language and any remaining issues.

Mr. Midget in at 4:11 p.m.

After discussion the Planning Commission decided to meet on the 4th floor, City Council Committee Meeting Room, 175 East 2nd Street, One Technology Center, April 14, 2010 at 1:30 p.m.

DISCUSSION:

Mr. Fregonese stated that his letter clarified what the consultants believe in terms of small area plans and how to use them. The issues from neighborhoods that came were

Zoning Code issues and drainage issues. Small area plans are really focused on small areas and getting a big bang for the buck. They are not inexpensive and only a few will be done a year. If a private sector does a small area plan it could run \$50,000.00 to \$100,000.00 if they hire someone to do it. This tool was intended to rezone areas of change so that they can develop.

Ms. Cantrell stated that she would like to clarify, she believes that the issue has come down to areas of stability and she wants to make sure that this is about exclusive areas of stability, because she would think that small area plans would be very appropriate in areas with transition land use. Mr. Fregonese agreed and it would overlap into the transition areas. Ms. Cantrell stated that she believes everyone agrees that small area plans should take place in areas of change and areas that have overlapping areas of change and stability. The only real question is should they take place in exclusively areas of stability and Mr. Fregonese's comment is that it is not the focus. Mr. Fregonese stated that there are other tools that are better suited for that. There are areas of stability (neighborhoods) that are going to need attention, planning and solution and he doesn't believe that areas of stability should be excluded and say that there will never be anything done in areas of stability. Small area plans are a high-powered tool and should be used constructively and as a planner he would want to use it in areas of change and not areas of stability.

Ms. Cantrell asked if it would be permissible to prohibit any sort of planning to be done in any area, can one legally prohibit the plan from taking place. Mr. Fregonese stated that he has never heard of that. Mr. Boulden stated that he has never heard of that either. Ms. Cantrell stated that some of the suggestions are that the Planning Commission should incorporate language that prohibits small area plans in areas of stability. Mr. Boulden stated that one could articulate an area or identify it in advance that it is inappropriate to use small area plans in a particular area, but he doesn't know where that would be.

Ms. Wright stated that she believes there is some confusion with the small area plans. She suggested that once there is a small area plan completed, and then it is done and not to make anyone go through all of the hoops. Mr. Fregonese stated that Brookside would be an example of a small area plan if there was a more aggressive implementation program. Ms. Wright stated that a small area plan is not implacable to areas that want to remain stable. Mr. Fregonese stated that when there is a stable neighborhood and someone comes in with an infill project and a bigger house a small area plan isn't needed to fix that. A debate can be held and decide to put some Zoning Code amendments, overlays, etc. Mr. Fregonese concluded that there will be other planning projects other than small area plans, such as Comprehensive Plan updates, Zoning Code, etc. Small area plans are trying to get the district plans and neighborhood plans merged into one consistent format and less expensively and more quickly get to the implementation phase with a commitment to implement. Mr. Fregonese stated that a small area plan shouldn't be started if it isn't going to be implemented.

Mr. Leighty stated that he believes it could be made abundantly clear that small area plans are more appropriate for areas of growth than they are in other areas. He would not be willing to support taking out the language to take it out of the tool box.

Mr. Fregonese stated that he believes what he is hearing is that the Planning Commission agrees that small area plans will be best used in areas of growth and Mr. Leighty is saying that he is uncomfortable with it stating that it would never be used in areas of stability. Mr. Fregonese explained that the ideas would be to do a plan in an area of change or areas of stability and the plan would have very restrictive zoning. The plan has no impact because it would have to be rezoned. Mr. Fregonese further stated that there area protections in place today against rezoning, unless there is a majority of the property owners. Perhaps this is worth mentioning when talking about the small area plans and the higher degree of consensus it would require.

Mr. Leighty challenged Mr. Fregonese to come up with an idea of how to make sure that some kind of a vote, majority of the homeowners or property owners in the area is

required in order to advance the plan on if it is going to change drastically the zoning that is in place. Ms. Cantrell stated that in theory the Planning Commission only wants plans that people support, but ultimately, the Planning Commission is the authority to adopt a plan and can't delegate that duty. Ms. Cantrell further stated that she doesn't have a problem and has written some language to add to the small area plans that say "to be effective we really need to show that there is widespread support and absent of that the Planning Commission shouldn't approve small area plans." She trusts that this is essentially going to happen anyway because it has to go the City Council and they will not risk their election by adopting a plan that the majority of neighbors are against. Mr. Boulden stated that he had a discussion with Mr. Westervelt regarding this issue and he expressed that he wouldn't want the Planning Commission's authority deferred to any type of citizen's group. Mr. Boulden further stated that Mr. Westervelt suggested that it should be a guideline that should be established in the Comprehensive Plan that a certain percentage of owners within an area would be necessary before the Planning Commission would consider a small area plan. That wouldn't defer the Planning Commission's authority to a private entity.

Mr. Marshall stated that he believes that the developers are concerned about the small area plan and how it is used excessively in the plan and relied upon to do just about everything. These plans take a long time to do and if someone comes in from out of town and wants something quick he is not sure it could be done. The local builders and the National Association of Homebuilders feel that the use of small area plan is potentially dangerous because it is an impediment for new construction and if one doesn't get the proper mix of people in the small area plan, then the vocal minority can really take over, which the Planning Commission has already seen. Another concern is that a small area plan could be used to create a conservation district. Mr. Fregonese stated that there are a couple of solutions. The reason the small area plan is used so much is because the plan does focus on a large area of Tulsa that is already developed and zoned and he realizes that in order to implement this plan a lot of the zoning will have to be changed and a lot of other things will have to be changed. In areas that are vacant small area plans are often used to bring in infill development, bring in


infrastructure and make streets to go through. There is a need to be more explicit that PUDs and zoning changes, which are initiated by individuals are all still on the table, but if there are many property owners in a large area then a small area plan will be more affective. Mr. Fregonese stated that his firm is hired to do small area plans and that is his bread and butter and perhaps that is why he likes small area plans; however, they do solve problems for builders. Mr. Marshall stated that most of the small area plans are a combination of commercial and residential and that is mostly what the plan is here in Tulsa so he believes that the builders are concerned that the residential neighborhoods have an opening to go in and shut off infill construction. Mr. Fregonese stated that one could get a neighborhood planning process and Tulsa has had one and there is the HP zoning. One can't prohibit neighborhood planning and to do a full plan there should be plans to address a large amount of concerns from the neighborhood and they have to be addressed. Usually when there is an open process more points of view come forward than just the people who initiated the plan, but it isn't done quickly and it is not easy to get a conservation plan or conservation district adopted.

In response to Mr. Midget, Mr. Fregonese stated that he would suggest that five acres or more that are zoned AG to have a small area plan be deleted because it was a mistake on his part. Mr. Fregonese stated that most property owners with one piece of property will get a rezoning.

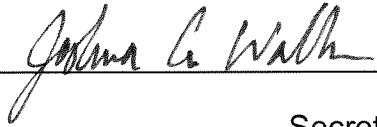
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There being no further business, the Chair declared the meeting adjourned at 4:35 p.m.

Date Approved:
4/21/10



Chairman

ATTEST: 

Secretary

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