

# Land Use Education and Communication Task Force

March 11, 2009 – 4:00 PM

## Minutes

**(NOT YET APPROVED AND ADOPTED BY THE TASK FORCE)**

### **1. Introduction of Task Force members.**

Councilor Christiansen called the meeting to order. Attendees introduced themselves.

Task Force members present:

Bill Christiansen – Chairman  
Nancy Siegel  
Bruce Bolzle  
Bill Leighty  
Julie Hall  
Lauren Brookey  
Paul Kane  
Steve Alter  
Suliman Hawamdeh

There were also several interested parties and staff members present.

### **2. Discussion of Task Force goals, objectives, and timeline (see *draft Mission Statement*).**

Councilor Christiansen introduced the purpose of the task force.

Bill Leighty thanked the Mayor and Councilor, described his discussions subsequent to his recent appointment to the TMAPC (maintains blog at [www.BillLeighty.com](http://www.BillLeighty.com)).

Bruce Bolzle stressed the importance of the task force doing its job well, and expressed appreciation for the focus and relatively narrow scope of the committee's mission.

Julie Hall stressed the importance of explaining complex planning and zoning concepts in simple, easily understandable terms for the general public.

Lauren Brookey asked for clarification about the task force's charge. Is the task force expected to improve processes already in place, or start from scratch to develop new processes? There seemed to be general consensus that the answer is both – improve existing processes and develop new ones where they would be beneficial.

The task force discussed the current state of land use education and communications, and members indicated that they would like a presentation at the next meeting (and a packet of any written material), providing an overview of the processes currently in place.

The task force reviewed the draft mission statement (attachment A), extracted verbatim from the Mayor's memo of March 2, 2009. There was no objection voiced to the draft mission statement.

### **3. Presentation by Development Services Division and discussion regarding proposed site planning/zoning process improvements.**

Councilor Christiansen introduced Jack Page, Manager of the City's Development Services Division, who made a presentation describing recommendations for process improvements.

The Development Services Division tries to do its work according to a motto that expresses the need to balance interests: "How may I assist you in getting your permits, without compromising the ordinances of the City of Tulsa?"

Mr. Page described how the recommendations came about as a result of citizen and Council concerns regarding recent developments, particularly the Sonoma Grande apartments at 81<sup>st</sup> and Mingo. Those concerns include:

- notices
- visual impacts
- setbacks and height
- topography and earth moving
- lighting (including vehicle headlights)

Mr. Page discussed notices associated with rezoning and Planned Unit Developments (PUDs). While they may meet legal requirements, they may not always *communicate* effectively with the public. Can notices also include plain language, in addition to legally required language?

Mr. Page discussed the meaning of "visual separation," as written in the Zoning Code. That phrase means different things to different people.

Should height limitations vary based on elevation?

#### Recommendations

With regard to notifications, Mr. Page recommended that notices of rezoning/PUDs show what is proposed on a map, in both legal and layman's terms.

At hearings, should agencies (Planning Commission and Board of Adjustment) require three-dimensional representations of proposed developments?

There should also be clearer standards and expectations regarding screening. For example, vehicle headlights should not shine into neighbors' yards, and the codes and the agencies implementing them should clearly express whether screening includes landscaping, berms, etc., in addition to fences and walls.

Mr. Page recommended that setbacks should be measured in relationship to existing ground level, and measured from all neighboring properties. Perhaps setbacks should

be measured by reference to a triangle – i.e. height can increase as setbacks increase, and *vice versa*.

With regard to earth change permits, Mr. Page recommended that a zoning clearance permit should be required if cut or fill is greater than or equal to four feet. An exception might be recognized for property less than one acre, where the earth moving is for agricultural or landscaping purposes, or associated with customary accessory uses in an RS (single-family residential) district.

Mr. Page suggested that developers should perhaps be required to plat the entire site after approval of zoning/PUD. Currently, there are vested rights (upon approval of a PUD), but no vested responsibilities. The time differential between zoning approval and platting can be several years.

### Conclusions

The majority of the recommendations described in the presentation can be implemented administratively, with a few exceptions.

A requirement that a plat be filed within a time certain after zoning/PUD approval would require an ordinance change.

New requirements for earth moving permits (where cut or fill is four feet or greater) would also require an ordinance change, which has been approved administratively and is pending drafting by the Legal Department.

### Questions/Discussion

Dr. Hawamdeh made a clarification regarding notices associated with the Sonoma Grande apartments.

Sarah Kobos asked whether there should be a point at which PUD approvals would expire if the site is not platted. Also, what about cases in which there is a series of minor amendments that occur over several years? They may have a significant *cumulative* effect, but none of them, individually, may generate much public scrutiny.

Ms. Kobos asked, “What is a plat?” (and expressed concern that the discussion of platting requirements was an example of professionals casually using terms that the general public does not understand).

Wayne Alberty described the platting process, which follows zoning approval. A plat makes the conditions of a Planned Unit Development an enforceable part of restrictive covenants associated with the property.

Bruce Bolzle noted that the filing of a plat does not currently provide any more public notice of a pending development, and only has to be filed at some point before construction begins.

Ms. Kobos stated that perhaps plats should be accessible online.

Nancy Siegel noted that there is often a disconnect between traditional zoning and development processes, which have evolved over decades, and modern expectations of quick and easy access to information, made possible with relatively recent advances in technology. We need to apply technology to simplify complex concepts. In that regard, there are models from other communities. Our processes will never be perfect, but they can be better. We need to both communicate more effectively and manage expectations.

Lauren Brookey asked to clarify that Sonoma Grande is not the basis for moving forward. It is just one example. The consensus seemed to be that Sonoma Grande is just one example from which to draw lessons – not the whole focus of the task force.

It was stated that those who *interpret* rules and regulations (particularly staff) play a critical role in communicating with the public.

John Shivel asked whether the task force can post all of its work products on existing web sites, for the benefit of interested parties who cannot attend task force meetings.

Julie Hall indicated that communication with regard to the task force's work is critical, and that the task force should conduct an evening meeting or two.

It was noted that the timing of filing a plat, at some point after zoning approval, may be dictated by economic conditions, and that there is a need to balance public expectations with the economic realities of development projects.

Herb Holland noted that there is a significant difference between merely notifying the public and generating public interest and participation.

Paul Tay asked about communication regarding projects currently underway, which will be finished before the task force makes its recommendations.

An observer noted that many of the deficiencies in communication are actually a function of a defective and outdated comprehensive plan, and that more frequent updates of the plan would alleviate a lot of concern.

Councilor Christiansen stated that problems tend to result from “fear of the unknown.” when residents don't understand complex zoning concepts, they tend to take a defensive posture and object to any change to the *status quo*. The conceptual plan submitted at the outset of the PUD process is too vague to alleviate neighbors' concerns. We need more information, expressed in simple terms, at the outset of the process – without being unduly burdensome to developers who are investing in the city.

Paul Kane stated that there is a need to draw a distinction between projects proposed in existing neighborhoods and greenfield development.

Dr. Hawamdeh observed that the problem is essentially one of knowledge management, not simply access to information. Relevant information is buried and fragmented. “The right hand doesn't know what the left hand is doing.” There is a need for someone who sees, and can communicate, the big picture . . . who can take a larger view and coordinate development processes and communications.

With regard to communicating the work of the task fore, Sarah Kobos suggested a task force web site, encouraging people to sign up to receive notices/information, accessing the PLANiTULSA mailing list, issuing press releases, and actively seeking public input at evening meetings.

An observer noted that evening meetings are important, not just for the task force, but for the TMAPC and Board of Adjustment as well.

Bill Leighty indicated that the idea of evening meetings for the TMAPC is being discussed among Planning Commission members.

**4. Discussion regarding comparable cities and possible survey of land use education and communication processes (see *draft list of comparable cities and outline of potential survey questions*).**

Councilor Christiansen described a list of comparable cities, based on population, and indicated that they would be surveyed to determine how they communicate regarding planning and zoning processes.

Nancy Siegel indicated that she is conducting a review of best practices, based on the work of other cities and professional organizations.

(There was a tangential discussion regarding whether there is, in fact, a need to sunset PUD approvals, and regarding the relationship between PUD approvals and site planning. Bruce Bolzle noted that it would be easier to bridge the gap between developers and neighborhoods if we could get past “hot button” issues, such as fears about traffic, which rarely prove to be actual problems)

**5. Task Force schedule and upcoming agenda items (see *March-April calendar*).**

Schedule

Upcoming, scheduled meetings:

4:00 PM on Friday March 27<sup>th</sup>

5:30 PM on Monday April 6<sup>th</sup>

Agenda Item

At the next meeting (3/27), TMAPC staff will make a 15-20 minute presentation regarding the current state of education and communication. What is currently required in terms of notices and communication? Julie Hall will make a presentation of the current state of communications from a neighborhood perspective, using examples from recent cases. Written materials will be distributed before the meeting for task force members to review.

Lauren Brookey asked for a roster of task force members.

Meeting adjourned.

## Attachment A

### **Draft Mission Statement** **(Verbatim from the Mayor's Memo of March 2, 2009)**

***Mission: to review and recommend revamped processes for education and communication regarding city land use processes***

Specific Objectives:

1. Review our education and communication regarding land use processes.
2. Examine how cities with a more collaborative process communicate with citizens regarding land use.
3. Provide recommendations for implementing new procedures here in Tulsa. Make recommendations on how to establish communication and education that:
  - A. Allow citizens to understand land-use planning and regulations through education and/or tools for receiving assistance in interpreting technical information,
  - B. Provide specific methods and language to effectively communicate public participation rules,
  - C. Explore methods for informal collaborative problem solving prior to the formal public hearing process,
  - D. Provide a clear and transparent method for understanding the decision-making process and obtaining information regarding the decision,
  - E. Utilize a database which can allow both neighbors and developers to understand past precedents and the reasons for such decisions,
  - F. Explore a method for evaluating potential changes in processes or land-use ordinances with a goal towards collaborative and consistent decision making, and
  - G. Outline resources needed to implement the recommendation.