

Land Use Education and Communication Task Force

March 27, 2009 – 4:00 PM

Minutes

(NOT YET APPROVED AND ADOPTED BY THE TASK FORCE)

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.

1. Review and approval of minutes of Task Force meeting of March 11, 2009.

Councilor Christiansen called the meeting to order.

The task force reviewed the minutes. There were no comments.

2. Presentation by staff of the Tulsa Metropolitan Area Planning Commission (TMAPC) and discussion regarding the status of land use education and communication.

Councilor Christiansen introduced Wayne Alberty, who made a presentation, which will be posted at www.tmapc.org and www.tulsacouncil.org.

Mr. Alberty's presentation covered:

- Definitions of Land Use
- Land Development Process
- Role of TMAPC
- Role of Board of Adjustment
- Role of City Council
- Education Initiatives
- Communication Initiatives
- Previous Education and Communication Activities
- Key Terms

Mr. Alberty presented flow charts summarizing the zoning process and the subdivision process.

Pat Boulden, City Legal, described state statutes and city ordinances affecting land use communication, such as the Oklahoma Open Meeting Act and notice provisions in the City's Zoning Code.

Mr. Alberty summarized three levels of communication: (1) what state statutes require, (2) what city ordinances require, and (3) TMAPC/BOA policy and practice – above and beyond legal requirements.

In conclusion:

- Education/Communication is a shared responsibility – owners, developers, realtors, homebuyers, staff, Planning Commission, Board of Adjustment, City etc.
- Process is not static, improvements are made all the time
- Some changes can be made easily; some only with adequate funding
- Highlights of recent changes and recommendations for improving the process will be presented at the next meeting

Mr. Alberty's presentation also includes a glossary of land development terms.

Questions:

Ms. Brookey asked whether the processes and the matrix described in the presentation are available online. Mr. Alberty indicated that they are not, but will be soon.

Ms. Brookey asked why developers are encouraged, but not required to meet with affected neighbors. Mr. Alberty indicated that it is not currently required by law, but that some cities do require such meetings. It might be something that the Task Force considers as a recommendation.

There were questions regarding the meaning of the phrase "compatibility of land use." Mr. Alberty indicated that it is a subjective phrase, but that it implies consistency with the Comprehensive Plan, and that such a finding is made based on experience and knowledge of the code and plans.

Ms. Hall asked about public participation in TMAPC work sessions. Mr. Alberty indicated that work sessions are internal sessions for Planning Commissioners, and that, while the public is welcome to attend, it is not an opportunity for public comment.

There was a discussion regarding the budgetary impacts of the now dormant Greater Tulsa Council and Citizen Planning Teams. Mr. Alberty indicated that, in the 1980s, TMAPC employed 4-7 staff facilitators for planning districts, but that funding has been cut. Since 1990, City Council districts have served as the primary organizational units for citizen representation in planning processes.

Dr. Hawamdeh asked whether the City Council has to approve every change in density within a Planned Unit Development (PUD). Mr. Alberty indicated that the Council approves major amendments, as defined in the code, and that the Planning Commission approves minor amendments, as defined in the code.

There was a discussion about the relationship between a PUD overlay and the underlying zoning designations.

Mr. Kane asked whether the volume of PUD applications is a function of outdated codes, and whether the update to the Comprehensive Plan will reduce the number of PUD applications. Mr. Alberty indicated that all of these issues are being discussed in the PlaniTulsa process.

Mr. Kane asked about the timing of the processes described in the zoning process flow chart. How long does rezoning take, from beginning to end? Mr. Alberty indicated that the process can take from 45 days to 120 days, depending on the complexity and contentiousness of the application.

Mr. Kane asked about form-based codes (mentioned during the presentation). Mr. Alberty described the trend of form-based codes, which focus more on the form of structures than the uses to which they are put (as distinguished from use-based, or Euclidian, codes). The City has authorized a form-based code pilot project in the Pearl District (immediately east of the IDL), which will provide an opportunity to test the benefits of such an approach.

Mr. Bolzle stated that it is important to keep in mind that the context for these discussions is the *fundamental* right of property owners to use their property as they see fit, limited only by the police power exercised through zoning.

Ms. Brookey asked which approach better served citizens, planning district representatives or City Council representatives. Mr. Alberty indicated that there was perhaps more direct and consistent education and communication with planning district representatives, but again, funding to maintain that approach is no longer in TMAPC's budget.

Ms. Siegel emphasized that the City's budget outlook for next year is significantly constrained, which limits the City's ability to implement any recommendations that would add significant costs.

Mr. Bolzle indicated that in his experience, in the 1980s, there were regular meetings between the TMAPC/BOA and planning district representatives, and that citizen education initiatives (and citizen interest in such issues) tends to be cyclical. As a core group of citizens becomes educated and informed about planning processes, interest in new education initiatives wanes. But, interest levels rise again every few years.

An observer asked whether the TMAPC can keep exhibits archived and accessible by case number.

An observer asked why notices of zoning applications are only sent to residents within 300 feet of the site to be zoned. Mr. Alberty indicated that 300 feet is the distance described in the ordinance, but emphasized that information on each case is available to everyone online.

An observer noted the importance of involving citizens *before* cases are filed, including during the [Technical Advisory Committee](#) (TAC) process.

An observer asked, if the City can enforce covenants, whom (specifically) can citizens petition to enforce neighborhood covenants? Mr. Alberty indicated that enforcement is an issue for the Neighborhood Inspections division. Mr. Boulden clarified that the City

can only enforce those covenants of which the City is a beneficiary. The City cannot enforce private covenants.

An observer expressed concern about the length of some TMAPC meetings. One meeting lasted ten hours. The item of interest to her was last on the agenda, and was ultimately continued to the next meeting. Mr. Alberty noted that it is rare for a meeting to last ten hours, and that the conduct of meetings is a function of the discretion of the Commission chair.

An observer asked about means to enforce violations of stormwater/drainage conditions.

An observer noted that the Task Force and the City should engage citizens who have become educated on land use processes to serve as volunteer liaisons between agencies and citizens (a similar concept to Master Gardeners).

Councilor Christiansen asked about the yellow signs that serve as on-site notice of rezoning. Is the size and placement mandated by ordinance? Mr. Alberty indicated that the TMAPC recently entered into a new contract for these signs, and that lettering should improve. Staff has input on sign placement, and tries to ensure that they are placed in the most obvious locations (e.g. visible from arterial streets).

Councilor Christiansen stated that Mr. Alberty's presentation was very informative, and asked that it be placed on the TMAPC's web site. The Councilor indicated that the more information, such as in the presentation, that the public receives early in the process, the faster applications can proceed (i.e. on the shorter end of the 45-120 day range discussed earlier). Pre-application meetings would improve the process, including broader notice of informational TAC meetings.

Mr. Kane observed that development projects are almost always evolving works-in-progress at these early stages, and that there is a need to establish a degree of certainty (e.g. economic feasibility) before setting the public's expectations.

Ms. Brookey acknowledged that point, but indicated that the process could benefit from a freer flow of information (if not necessarily direct input) at these earliest stages. TAC meetings are helpful because they are information gathering meetings.

An observer asked how far in advance of an application being filed is a project typically discussed with planning officials. Mr. Alberty indicated that filing is the event that triggers public notices, and that pre-filing discussions are informal and often confidential.

Mr. Bolzle discussed the level of flexibility that developers might have (notwithstanding site constraints and economic constraints) at the time of filing and at the time of a hearing.

Ms. Siegel stated that it is important to get specific ideas in writing, and that the Task Force should keep its broad goals in mind.

Specific ideas and suggestions should be sent to jblair@tulsacouncil.org. They will be compiled and presented to the Task Force.

An observer asked again about the 300 feet distance notification requirement in the code, and asked why this is so limited compared to the practice of notifying adjacent municipalities within three miles. Mr. Alberty indicated that the three mile notification applies to plats, and that the distance for notification of rezoning might be something the Task Force reviews.

3. Presentation by Task Force member Julie Hall and discussion regarding the status of land use education and communication.

This item was continued to the next meeting.

4. Task Force schedule and upcoming agenda items (*next meeting scheduled for 5:30 p.m. on Monday April 6th, in Room 411*).

Mr. Kane asked about the possibility that the Task Force would need an extension of the Mayor's April 15th deadline for preliminary recommendations. Ms. Siegel indicated that, as long as the Task Force is working diligently and progress is being made, the April 15th date could probably be extended.

The next meeting is Monday April 6th at 5:30 PM in Room 411. Item #3 from this agenda (Julie Hall presentation) will be the first item on the agenda.

Meeting adjourned.