

TULSA METROPOLITAN AREA PLANNING COMMISSION

SPECIAL MEETING

Tuesday, February 23, 2010, 4:00 p.m.

City Council Chambers

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Carnes	Alberty	Boulden, Legal
Dix	Shivel	Bates	Steele, Sr. Eng.
Leighty		Fernandez	Neal, COT
Liotta		Huntsinger	Simmons, COT
Marshall		Matthews	Schultz, COT
McArtor		Sansone	Warlick, COT
Midget		Domin	Carr, COT
Walker		Cuthbertson	Coles, COT
Wright		Webber	Hardt, COT
			Fregonese
			Tharp, Consultant
			Andrew Howard
			Kurt Schulte

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 18, 2010 at 11:30 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 4:04 p.m.

Ms. Cantrell read the special procedures for the meeting.

COMPREHENSIVE PLAN PUBLIC HEARING

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

Public hearing to consider adoption of new Comprehensive or Master Plan, or otherwise amend the current Comprehensive or Master Plan, Map and Text relating to that portion of the Tulsa Metropolitan Area within the incorporated limits of the City of Tulsa, Oklahoma. This hearing is a formal continuation of

efforts begun under "PLANitULSA" and is required pursuant to Title 19 Oklahoma Statutes, Section 863.7

Ms. Cantrell stated that Mr. Boulden will give a brief overview about the legal process for adopting the Comprehensive Plan.

Mr. Boulden stated that it is important that everyone understand that the Comprehensive Plan is just a plan and can change over time and the current plan has changed over time. He clarified how the new comprehensive plan ("master plan") proposal must be adopted pursuant to State statutes. The methodology for adoption of Tulsa's comprehensive plan is prescribed in Title 19 Oklahoma Statutes, Section 863.7, which provides as follows:

The commission shall make, adopt, and may publish a master plan of the municipality, and of the unincorporated area of the county, for the purpose of bringing about a coordinated physical development in accordance with the present and future needs of such area. The master plan shall be developed so as to conserve the natural resources of the area, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area and the state. Such master plan may include, among other things, studies and recommendations relative to the location, character, and the extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, airports, forests, wildlife refuges, dams and projects affecting the conservation of natural resources, and studies and recommendations for an annual budget and long-range financial program for public improvements. The commission may also perform in the area any additional urban planning which is needed, including but not limited to surveys, land use studies, urban renewal plans, technical services, and other planning work. **The commission may adopt the master plan in whole or part, and subsequently amend or extend the adopted plan or portions thereof. Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon.** Such hearing may be adjourned from time to time. The adoption of the plan or portions thereof shall be by resolution carried by not less than the majority of the full membership of the commission including the ex officio members thereof. **Before such master plan or part thereof shall have the status of an official plan, it shall be submitted to and shall have the approval of the council insofar as such plan affects the area within the city limits of the municipality** and shall have the approval of the board of county commissioners, insofar as such plan affects the unincorporated area of the county, as the case may be. **The council and/or board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration. Any part so approved shall immediately become in full force and effect as to the area covered by the approved portion of such plan. Should the council or board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said council or board.** After the adoption of the master plan, or part thereof, an attested copy shall be certified by the commission and by the approving authority and shall be certified to the county clerk of such county for safekeeping and as a public

record, and certified to the clerks of such incorporated areas as may be covered or affected by the plan.

1. The Comprehensive Plan is an Official Guideline not a Zoning Law.

To put the approval of the new plan in perspective, it is important to remember that the comprehensive plan is an official guideline regarding the development and growth of the City and County. It "is advisory in nature, and not the equivalent of a zoning law."¹ Nonetheless, the comprehensive plan plays a vital role in zoning decisions of the City. The City's "regulation of land must be made in accordance with the comprehensive plan,"² and decisions made by the Board of Adjustment in the grant of Variances to our Zoning Code must not impair the purposes and intent of the comprehensive plan.³ As such, the adoption of a comprehensive plan provides an official guide or policy statement and its adoption, in the purest sense, is a "political" matter.

2. It is the Planning Commission's Responsibility to Make and Adopt a Comprehensive Plan.

By law, the Tulsa Metropolitan Area Planning Commission is required to "make" and "adopt" a "master plan of the municipality".⁴ (A "master plan", as used in the statutes pertaining to the Tulsa Metropolitan Area Planning Commission is also called a "comprehensive plan," as used in statutes authorizing the City's exercise of its police powers to regulate the uses of land. See 11 O.S.2001, Section 43-103.) In fulfillment of this duty, the Planning Commission adopted our current comprehensive plan beginning in 1974 and completed it in 1978. With this responsibility being completed, our statutes impose no further obligation upon the Commission to adopt a new comprehensive plan. This being the case, if the new comprehensive plan is not approved, the existing plan will remain in full force and effect.

3. It is the City Council's Responsibility to Approve the Plan or Return it to the Planning Commission for Further Consideration.

¹ *Holtzen v. Tulsa County Board of Adjustment*, 2004 OK CIV APP 74, ¶21, 97 P.3d 1150 "As a general proposition, a comprehensive plan is considered a guide and is advisory in nature, and not the equivalent of a zoning law. *Timberlake Christian Fellowship v. King County*, 61 P.3d 332, 336-37 (Wash. App. 2002); see also 83 Am. Jur. 2d Zoning and Planning § 22 (2003). It has been said that '[a] land use plan is meant to be just that - a plan. It is not to be legally binding...' *Taylor v. City of Little Rock*, 583 S.W.2d 72, 73 (Ark. 1979).

² 11 O.S.2001, Section 43-103, "Municipal regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan ..."

³ 11 O.S.2001, Section 44-107(3) and 42 Tul.Rev.Ord., Section 1607.

⁴ 19 O.S.2001, Section 863.7, "The commission shall make, adopt, and may publish a master plan of the municipality..."

As required by Title 19 O.S.2001, Section 863.7, the proposed comprehensive plan will not have an "official status" until it is submitted to and approved by the City Council.⁵ Since the current comprehensive plan has already been approved, it remains the "official" plan, until it is replaced by a new plan adopted by the Tulsa Metropolitan Area Planning Commission and approved by the City Council. This means that the existing plan will continue to guide zoning actions of the Planning Commission, the City Council and the Board of Adjustment, until it is superseded by a new plan.

4. Official Approval of the Comprehensive Plan May Not be Deferred to a Public Vote.

At times, some have suggested that the proposed comprehensive plan should be put to a vote of the people. This, however, is not permitted by statute. Not only does Title 19 O.S.2001, Section 863.7 vest "official" approval of the comprehensive plan solely in the City Council ("insofar as such plan affects the area within the city limits,"⁶), as a practical matter, time limitations prescribed by the statute do not permit a public vote. Section 863.7 requires that "[s]hould the council fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said council..."

5. The City Council has Only Three (3) Options. It May (1) Approve the Proposed Comprehensive Plan in Whole or in Part, (2) Return it to the Planning Commission in "Whole or in Part" or (3) Fail to Perform Either of these Actions in "Whole or in Part", Within Forty-five (45) Days of its Submission by the Planning Commission, After Which it will be Deemed to be Approved.

Section 863.7 specifies the only authorized actions the City Council may take regarding the proposed comprehensive plan submitted to it by the Planning Commission:

"The council and/or board may approve the plan in whole or in part, or return the plan or any portion thereof to the commission for further consideration. Any part so approved shall immediately become in full force and effect as to the area covered by the approved portion of such plan. Should the council or board fail to act upon such plan within forty-five (45) days from the date of its submission by the commission, such plan shall be deemed to be approved by said council or board."

⁵ 19 O.S.2001, Section 863.7, "...Before such master plan or part thereof shall have the status of an official plan, it shall be submitted to and shall have the approval of the council insofar as such plan affects the area within the city limits of the municipality..."

⁶ 19 O.S.2001, Section 863.7, *supra*.

Under the plain reading of this provision, the City Council has three (3) options regarding any comprehensive plan, or portions of a plan, submitted to it. The City Council may approve it, return it, or allow it to go into effect if it fails to approve or act to returned it to the Planning Commission within forty-five (45) days of its submission. Setting the proposed comprehensive plan on an agenda or holding a public hearing on it are not actions contemplated within Section 863.7, which would prevent the proposed comprehensive plan from going into effect after the lapse of forty-five (45) days from the date of its submission.

6. If the City Council Votes to Return the Proposed Plan to the Planning Commission, in Whole or in Part, there is No Time Limit for the Commission to Submit or, if it chooses, Resubmit Another Proposal to the City Council.

The Planning Commission is required to make and adopt a comprehensive plan. If the new comprehensive plan is returned to the Planning Commission by the City Council, in whole or in part, the existing comprehensive plan will remain in full force and effect, to the extent it is not superseded by portions of the plan which are approved. There is no time limit imposed by law for the Planning Commission to adopt any plan. Since the current comprehensive plan is in place, the Commission's statutory duty has been satisfied.

7. If the Proposed Plan or Portion of the Plan is Returned by the City Council to the Planning Commission, the Planning Commission would be Required to Hold at Least One (1) Public Hearing on Public Hearing on any Revised Plan, but No Public Hearing if the Same Plan is Resubmitted to the City Council.

Title 19 O.S.2001, Section 863.7 requires the Planning Commission to hold at least one (1) public hearing before a comprehensive plan is adopted by the Commission.⁷ If the proposed comprehensive plan is returned to the Planning Commission by the City Council, in whole or in part, and that plan is materially revised by the Planning Commission, the Commission would be required to hold at least one (1) public hearing on the revised plan, before it may adopt it and submit it to the City Council for approval. However, if the Planning Commission decides to resubmit the same plan to the City Council, without material alteration, the Commission could, if it chooses, rely upon its previous public hearings and resubmit it to the City Council for its approval.

8. Once the Planning Commission Submits a Different Plan (or Resubmits the Same Plan) the City Council has Another Forty-five (45) Days from the Date of its Submission in which to Act.

⁷ Title 19 O.S.2001, Section 863.7 "...Before the adoption, amendment, or extension of the plan or portions thereof, the commission shall hold at least one public hearing thereon..."

The calendar for the City Council's action on the proposed comprehensive plan begins to run on the date it is submitted by the Planning Commission to the City Council. Once the Planning Commission submits a different plan (or resubmits the same plan) the City Council has another forty-five (45) days "from the date of its submission" to act upon it. There is no prohibition in the statutes to the Planning Commission resubmitting the same proposal. If a plan is returned to the Planning Commission by the City Council, and after further debate and perhaps the provision of additional information from the Planning Commission, the Commission then decides to resubmit the same plan, it may be resubmitted, in anticipation that votes on the City Council could be changed. A new comprehensive plan will not be adopted until both the Planning Commission and the City Council agree upon what it should include.

9. If the City Council Decides to Return the Proposed Comprehensive Plan, in Whole or in Part, to the Planning Commission for Further Consideration, it May Communicate the Reasons it is Being Returned to the Planning Commission by Council Consensus, Resolution or Letter.

The City Council has no authority to require that the Planning Commission make any changes to the proposed plan. The City Council, in its return (either in whole or in part) of the proposed comprehensive plan, may convey its reasons for its rejection via a resolution or City Council Consensus. Another option would be a letter from the Chairman of the City Council, to the Planning Commission written at the direction of the Council. In this way the Council may also suggest amendments or changes to obtain City Council approval. Beyond this, since any new proposal would require that at least one (1) public hearing be held by the Planning Commission before it is submitted to the City Council, members of the City Council could address the Planning Commission at such a public hearing and suggest changes they would like to see in a new proposal.

Ms. Cantrell recognized Susan Neal, City of Tulsa Mayor's Office.

Ms. Neal thanked everyone individually for their involvement in PLANitULSA. She encouraged the Planning Commissioners to do their due-diligence to help get the best plan possible for Tulsa. Ms. Neal introduced Mr. John Fregonese, Consultant.

Mr. Fregonese thanked staff and INCOG staff for their help with the process of PLANitULSA. Mr. Fregonese thanked the citizens of Tulsa for participating in the process as well. Mr. Fregonese presented a PowerPoint program and answered questions from the Planning Commissioners. Mr. Fregonese stated that he would answer to the comments provided by the INCOG staff at the next meeting to be held March 10, 2010.

Mr. Alberty stated that INCOG and TMAPC staff have prepared their comments and appreciate to have worked very closely with the consultant when the draft started coming through in October. Many of the staff comments have already been acknowledged and changed. However, he is not going to go into detail today and have requested from the Chair to wait until March 10, 2010, due to the fact that there are two presenters that are in Washington, D.C. today.

Mr. Alberty explained that staff has prepared an Excel spread sheet that has been forwarded to the Consultants, TMAPC and it is on the PLANitULSA website to viewed by the public.

Mr. Alberty stated that there are several references to actually how the process is to go forward in terms of approval and staff has noted each of those. He believes that the consultant now agrees that the Planning Commission is the body that adopts the Comprehensive Plan and the City Council approves it based upon what is transmitted.

Mr. Alberty stated that one issue that he would like to bring out is that the consultant has listed four parts to the Comprehensive Plan and staff has only seen two. He believes it would be appropriate for TMAPC and staff to see the strategies and implementation, which is part three and part four is the monitoring program.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Alberty if it would be fair to characterize the staff document as a qualified endorsement of the Plan if all of these things were favorably addressed. In response, Mr. Alberty stated that he believes that is true and these are not necessarily qualifications, but suggestions. Staff feels strongly about some issues in their comments and maybe not so strongly about others and plan to let the Planning Commission make that decision. Mr. Alberty concluded that INCOG staff would feel more comfortable if the issues were all favorably addressed.

Ms. Wright asked if there is a timeline on when the staff and TMAPC will see parts three and four. In response, Mr. Alberty stated that he doesn't have a timeline and it is probably question for the consultant.

Ms. Cantrell asked Mr. Boulden if the TMAPC would be approving parts three and four. In response, Mr. Boulden state that he hasn't seen parts three and four and he doesn't believe that those are necessarily something that the Planning Commission would approve. The meat of it is before the Planning Commission right now, but without having seen parts three and four he couldn't really advise on it.

Ms. Cantrell asked Mr. Alberty if his suggestion was just for knowledge or if it was his impression that the TMAPC would be approving it. Mr. Alberty stated

that he doesn't want to get into a debate, but if there are four parts to the Comprehensive Plan, then the Comprehensive Plan must be adopted by the Planning Commission. If they are not parts of the Comprehensive Plan, then he would guess the question would have to be asked whether or not the Planning Commission adopts it or not. If parts three and four are a part of the Comprehensive Plan, then yes, the Planning Commission would have to adopt it.

INTERESTED PARTIES COMMENTS:

Bob Sober, Chair of the Citizen's Team for PLANitULSA, 2420 East 24th Street, 74114, submitted a letter from the Tulsa Preservation Commission (Exhibit A-2) in support of the final draft and stated that this has been a rewarding experience to serve on the PLANitULSA process. Mr. Sober commended the Fregonese Consultants for their performance and thanked them for the opportunity to work with them. Mr. Sober requested that the Planning Commission adopt this plan as presented by Fregonese and Associates and under the community support of PLANitULSA.

TMAPC COMMENTS:

Ms. Wright asked Mr. Sober if he felt that the plan presented today is fair and balanced as to where we need to go. In response, Mr. Sober answered affirmatively.

INTERESTED PARTIES COMMENTS:

Martha Cobb, 3908 South Evanston, 74105, read her statement and submitted it. Ms. Cobb stated that she objects to the draft as written and submitted proposed changes to the housing section of the final draft (Exhibit A-2).

TMAPC COMMENTS:

Mr. Marshall asked Ms. Cobb if she has a hard time selling houses in HP districts. In response, Ms. Cobb answered affirmatively. The two neighborhoods, Swan Lake and Maple Ridge, are difficult to move. She believes the Preservation Office in the City has given out information that isn't the whole picture. These two neighborhoods haven't grown as fast as other neighborhoods that are allowed to do what they to without the restrictions. Mr. Marshall asked if there are a lot of rundown homes in these areas. Ms. Cobb answered affirmatively.

Ms. Wright stated that she serves on the TPC and it is important to not misrepresent what is happening in the subject areas. She further stated that many of the rundown homes are rental homes with absentee landlords. Ms. Cobb stated that she believes that landlords will not fix it up because the restrictions are so costly and it is difficult to get approvals. If it were more user-friendly then the landlords would make the improvements because they could charge more for rent.

Mr. Leighty asked Ms. Cobb if there is anything about the plan that she likes. Ms. Cobb stated that she does like mixed use, but she doesn't like the developers being told where they have to put them. She didn't like anything in the housing section and she doesn't believe that they had real estate attorneys, builders and realtors involved in the writing. Mr. Leighty asked Ms. Cobb if she supports the idea of increased density and the goal of capturing a greater share of the population growth of the region. In response, Ms. Cobb stated that she can't say that she agrees with it by this method. There is definitely room for growth, but what she read in the land use and the housing sections stagnates things and makes it more restrictive than it already is today.

INTERESTED PARTIES COMMENTS:

Jamie Jamieson, 754 South Norfolk, 74120, read and submitted a letter (Exhibit A-3) and stated he is a homebuilder, Tulsa resident, and member of the Citizen Committee. Mr. Jamieson requested that the Planning Commission adopt the Comprehensive Plan as presented. He further requested that it be implemented as soon as possible.

TMAPC COMMENTS:

Ms. Wright asked Ms. Jamieson if there is one thing he would change in the presented document. In response, Mr. Jamieson stated that it would be to deal with zoning considerably more than suggested.

INTERESTED PARTIES COMMENTS:

Christine Booth, 2332 South Evanston Avenue, 74104, stated that she is a former president and current board member of the Pearl District Association, a small business owner and Chair of a new grass roots advocacy association called the Alliance for an Accessible City. Ms. Booth read and submitted a letter from the Pearl District Board (Exhibit A-4). Ms. Booth read and submitted a personal letter as well (Exhibit A-5). Ms. Booth expressed her support for a speedy adoption of PLANitULSA.

TMAPC COMMENTS:

Ms. Wright asked Ms. Booth to submit her letter from the Pearl District and commented that it was a good letter. Ms. Wright asked if that the Pearl District is an area that desires change, infill and they want the developers to come into the subject area to help stimulate the environment. In response, Ms. Booth answered affirmatively.

Mr. Dix asked Ms. Booth who might want to delay the plan as she mentioned in her letter. In response, Ms. Booth stated that she doesn't want to go into specifics, but she does get the impression that there is special interest that would like to see a delay or substantial changes to the plan. Mr. Dix asked Ms. Booth

why they would want to do that. In response, Ms. Booth stated that it is a fear of change.

Mr. McArtor stated that he read Ms. Booth's letter and she requested for a speedy approval. He explained that the Planning Commission is charged with an obligation by State Statutes to consider the plan, read it, process all of the information, listen to the public through public hearings, and then make a recommendation to the City Council. Ms. Booth stated that she understands. Mr. McArtor asked Ms. Booth if she understands that the plan that it adopted will be the plan that the City will be living with for possibly the rest of his lifetime. In response, Ms. Booth answered affirmatively. Ms. Booth stated that she has lived in Tulsa eight different times and she keeps coming back because she adores Tulsa and the people in it. She is committed to staying in Tulsa and owns a small business. Ms. Booth indicated that her adult daughter moved from Tulsa because she doesn't drive and she didn't feel she had any future in a town without public transportation. She would like to see the draw of Tulsa to younger people. Mr. McArtor stated that the Planning Commission wants good change and no one should want a change just for the sake of change; it should be in the right direction. This Planning Commission can't be a rubber stamp and the job is to consider, deliberate, and process the information, which may take longer than some people want. He realizes that people involved in this process from the beginning are done and want to see an approval and move on and that is probably not going to happen that quickly. Something as important as this shouldn't be approved quickly. There needs to be as much consensus as possible and at the end of the day, there should be a transparent process and to know that the people in charge of the responsibility in reviewing this process has had the time to do it. Some will concentrate on speed and some will concentrate on deliberate.

INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, 74107, stated that she represents West Tulsa most of the time and active president of West of River Tenants and Homeowners (W.O.R.T.H.). In the beginning of PLANitULSA she was on the Citizen's Committee and she made it very plain that it might be difficult for her because she doesn't do computers and she doesn't have internet access, but she was assured that she could still be included. This lasted only for about four months and then she was no longer included. She indicated that she supported the Comprehensive Plan update and felt that it was needed.

Ms. Price stated that one of the reasons people love Tulsa so much is because it is Tulsa and not New York, San Francisco and Los Angeles. She doesn't want to see so much change that this is no longer Tulsa and paint it with a broad brush that looks like the east or west coast.

Ms. Price submitted a letter with her concerns and sections of the plan that she feels should be modified (Exhibit A-6). She expressed concerns with the proposals made and the lack of funding available to implement these proposals. She commented that the entire city can't be planned as mixed-use and transit oriented. Ms. Price requested a definition of "sustainable" and what it means in this plan. She would also like a definition of private/public ownership and the city shouldn't be designed for 20% of the population and their desires. Ms. Price encouraged the Planning Commission to look at the whole picture and to listen to the real stakeholders of Tulsa. She commented that 6,000 people do not represent the entire voice of Tulsa.

TMAPC COMMENTS:

Ms. Cantrell stated that when she looks at the land use map there are specific areas designated for mixed use and not the entire city. It appears that most of West Tulsa is designated as either new residential or an existing residential. Ms. Price stated that she did look at the maps, but the direct quote from the plan is "new development will focus on creating a pedestrian friendly mixed use" from page 5 of the plan. She further stated that she heard this statement repeatedly while she was allowed to participate on the Citizen's Committee. She understands that the only source to pay for things is sales tax. She understands density is needed, but the City needs to find another source besides sales tax. The map indicates that in West Tulsa the area for new development is from 71st to 91st and that entire area is still zoned AG except for the corridor along Highway 75. Ms. Cantrell stated that the plan also talks about this type of development being done through small area plans. Ms. Price said that she is still waiting for one in Southwest Tulsa. Tulsa Hills has been developed for four years now and she can't get her Councilor onboard. The subject area is rezoned every time a new need comes in for that area. There needs to be a plan for that area because it has the biggest commercial development that has been in Tulsa in 30 years.

Mr. Leighty asked Ms. Price if she is implying that she has not been allowed to have input on PlaniTulsa. Ms. Price stated that she was just dropped off of the radar because she wasn't in the computer loop/email system. She explained that she doesn't have internet and she doesn't use computers, so she was unable to view the information from the website. She indicated that she periodically called the City Planning Department to see if there was an upcoming meeting. When she did attend meetings it was because there was a public announcement from the City Council meetings. She commented that she was assured it would be an inclusive process and she knows she is not the only person out there who isn't on the internet. Mr. Leighty asked Ms. Price if she was ever told she wasn't allowed to attend or make any comments. In response, Ms. Price answered negatively.

Mr. Leighty asked Ms. Price if she is speaking for any specific groups or organizations when she states that no one in South Tulsa wants this type of plan. In response, Ms. Price stated that she is speaking for her own organization,

W.O.R.T.H. and the group of people that she worked with for the planning of the Redfork Main Street Project. Mr. Leighty encouraged Ms. Price to submit her views on paper. Ms. Price stated that she has it on paper and will submit it (Exhibit A-6). Ms. Price commented that she is not totally against the plan, but she is highlighting the negative because of time restraints. The plan needs some clarifications or possible modifications.

INTERESTED PARTIES COMMENTS:

Tommy Pershall, 1214 South Elgin, #5, 74120, stated that he is an installation artist and has done so in Tulsa for over 25 years. Mr. Pershall stated that he is totally in support of the plan. He commented that this plan is needed and we need to befriend the artist. Mr. Pershall believes that there is a need for a light-rail train to run from Tulsa to Oklahoma City and run on the hour to pull the two metropolitan areas together and then both would grow. Tulsa could be the next Austin, Texas if they could attract the young and jobs that would want to make them want to be here.

Mr. Pershall commented that there was money earmarked for artists and not earmarked to pay for the police or fire departments. Due to this way of thinking, Tulsa lost Jenny Holster, an artist who was going to do a piece for the event center. International artists have been insulted by Tulsa and then decide not to do anything here, which is not a way to attract business. Jenny's word pieces aren't pretty, but it would be great to have her work here. Mr. Pershall concluded by requesting the Planning Commission to pass PLANitULSA and get on with it.

TMAPC COMMENTS:

Ms. Wright asked Mr. Pershall if, in his opinion, Tulsa is friendly to artists. In response, Mr. Pershall stated that as long as the work is done for free and gets out to the public, that indeed it was done for free and nobody pays you, it is not subversive, even though everything is here, you might stand a chance. If you go to Sydney, Australia they give you the environmental prize and \$10,000.00 and invite you back to do it again on the west coast. Everybody shouldn't have an opinion about art, or it shouldn't mean anything. When people from out of town drive down Riverside and only see the badly executed bronze animals, they don't think this is a real urban place.

INTERESTED PARTIES COMMENTS:

Michael Reed, 4601 Starling Court, Tulsa, commended Mr. Fregonese for organizing the thought process for bringing multiple organizations together to work on getting plans passed with a little more frequency than having to do the two-step from one process to the next. He stated that North Tulsa is one of the underserved communities and they believe in this case they will get something to happen that is great for the City of Tulsa. Mr. Reed would like to add something to the plan for the Greenwood and Lansing area. He would like to see an exit ramp off of Highway 75 so that will direct people to the Greenwood area, as well

as finding a stimulus funding source for the rail system that would come into the Evans/Fintube site.

INTERESTED PARTIES COMMENTS:

Jane Malone, 4735 North Detroit Avenue, 74126, stated that the plan has been worked on for years and as a member of the Chamberlain HOA she supports PLANitULSA. She requested the Planning Commission adopt the plan, but recognizes that it is not a perfect plan. This is a step in the right direction and it is a plan for all of Tulsa. She commented that the consultants gave anyone who wanted to be included the opportunity to be included. She stated that the funding and implementation needs to start north. Ms. Malone doesn't believe the process was slanted and everyone was included in the process. The plan should move forward. There is no transportation available in Tulsa and the young people do not want to drive all the time. They want to be mobile and do things. She hopes that with the changes in Tulsa her grandsons will move back to Tulsa.

INTERESTED PARTIES COMMENTS:

Patrick Fox, 3148 Woodward Blvd, 74105, stated that he is an urban planner by trade and now in the private side. He indicated that he was the multi-modal transportation planner for INCOG when this process began. It is one of his regrets that he had to make the choice to move on because he would have loved to have participated in this process. He indicated that he did participate as a citizen in the PLANitULSA process as a citizen.

Mr. Fox cited his experience with other cities and entities and how this process was inclusive as possible and how well the proposed plan is written.

TMAPC COMMENTS:

Mr. Liotta asked Mr. Fox to explain how to serve populations with disabilities through this plan. In response, Mr. Fox stated that he wished he could talk more fluently about the plan, but that would be Andrew Howard's job. The City of Tulsa has largely ignored that segment of the population in a number of ways. Per capita the City of Tulsa spends less per person than any city our size in the country on transit. The City of Tulsa doesn't have the proper sidewalks and disabled people with motorized chairs have to drive on the streets. Steps are being taken to address that specifically by Public Works Department. They are evaluating the City of Tulsa's network, which is the first step in ADA compliance (Brent Stout, City of Tulsa is the contact person). The City of Tulsa is deficient in a number of ways and what he sees is not a plan that says, "okay we are going to do light rail next year", but he sees that the plan is establishing a broader and more holistic transportation network that is accessible to everyone.

Mr. Liotta asked Mr. Fox if he views the proposed dense, compact mixed use as beneficial or detrimental to folks with mobility issues. Mr. Fox stated that it is clearly beneficial because more services would be easily accessible.

Mr. Dix asked Mr. Fox if this is the cart before the horse and the plan is really oriented toward a built-out city with the types of transportation infrastructure that it envisions. This seems to be an all-inclusive plan that tries to do everything at once and should the Planning Commission be trying to adopt and execute a transportation plan before entertaining the idea of the Comprehensive Plan. In response, Mr. Fox stated that INCOG does this type of planning now and there is a capital needs list that is executed in that manner of the plan. The plan sets up the entire potential framework for a plan. It is interesting to note that over the years there has been thought about mass transit in ways like Chicago has that already has the density, but we know now that any transportation option that is executed would be making a decision about the type of development that occurs around that type of transportation option. Communities that have had the foresight to implement the type of zoning that is needed around this type of transportation options have proper development around that location. Existing problems with the transit system need to be resolved first. One can't get off of a light rail and then have no way of getting where one needs to go. It is important to set the framework now.

In response to Ms. Wright, Mr. Fox stated that he doesn't work for INCOG and doesn't speak for them, but when he did work at INCOG they wrote a plan called the "Coordinated Plan" and its purpose was to consolidate or figure out a way to coordinate all of the different options available for people to get to certain destinations.

Mr. Leighty stated that he did chat with Mr. Dix, but there was no ex parte communications. Mr. Leighty stated that the saying "cart before the horse" is that the goals are the cart and the horse is the plan or vision of how to get to the cart.

Mr. McArtor asked Mr. Fox if he had an opinion about the recommendation in the plan to reorganize planning and uniting it with Economic Development in the City. Mr. Fox stated that he worked for both INCOG and the City of Tulsa at different times and he doesn't want to make either mad. He indicated that he doesn't have an opinion about the recommendation for reorganizing. He believes that the new plan is what is really important. He stated for the record that INCOG has done an admirable job of implementing the existing Comprehensive Plan and the Zoning Code as it is today. He admires how the City of Tulsa does their small area planning. When he was working at the City he didn't get the impression that the City wanted to administer the Zoning Code, but he doesn't speak for them. Mr. Fox stated that he doesn't have a horse in this race and he believes that the new Plan needs to take place and it should be revisited every few years.

INTERESTED PARTIES COMMENTS:

Marion Mills, 710 S. Phoenix, 74127, stated that she is a pediatrician in Tulsa and loves Tulsa. She indicated that she supports this plan and hopes it will bring her children back to Tulsa to live. Ms. Mills stated that she attended two meetings for PLANitULSA and supports the transportation proposals. She has many patients who have transportation issues and having grocery stores within walking distance and other services would be supported. She believes that this plan can bring the City of Tulsa back to a city that prevents younger people from moving away.

TMAPC COMMENTS:

In response to Ms. Wright, Ms. Mills stated that her kids state that there is nothing going on in Tulsa, but she believes that there is a lot going on in Tulsa. Ms. Mills cited the many different activities she is involved in and believes that this proposal is heading in the right direction by bringing together the infrastructure of what we say we are and want. Ms. Wright stated something Mr. Fox alluded to and she is going to restate it: "our planning has been done well, but it has been fractured because there are several different groups coming up with great ideas and sometimes it hasn't been cohesive." This whole plan will hopefully make it cohesive.

INTERESTED PARTIES COMMENTS:

Celina Burkhart, 752 North Denver, 74106, stated that she is for the youth staying in Tulsa and believes that this plan will accomplish that. She explained that she has a grown daughter living in Texas for a job opportunity and her other children are still in school.

TMAPC COMMENTS:

Ms. Cantrell stated that she has gone through all of the comments cards. The Planning Commission is not closing the public hearing, but adjourning the meeting for this evening and will return on March 10, 2010 at 1:30 for more input. After the hearing on March 10th the Planning Commission will make a decision on further meetings.

Ms. Cantrell stated that anyone who has spoken this evening will be able to speak again on March 10, 2010. There will be priority to people who have not spoken on March 10th. The Planning Commission doesn't want to go over three hours.

Ms. Cantrell reminded everyone that they would need to fill out another comment card for the March 10th meeting.

There being no further business, the Chair declared the meeting adjourned at 6:45 p.m.

Date Approved: 3-19-10

Michelle Cantelero

Chairman

ATTEST:

Theresa E. Marshall

ACTING Secretary