

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2778

Wednesday, September 19, 2018, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Dix	Chapman	Jordan, COT
Covey	Fretz	Foster	Ling, COT
Doctor		Hoyt	VanValkenburgh, Legal
Fothergill		Miller	Warrick, COT
Krug		Sawyer	
Millikin		Wilkerson	
Reeds			
Ritchey			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, September 18, 2018 at 8:05 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 Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Director's Report:

Ms. Miller reported on City Council and Board of County Commission actions and other special projects.

Mr. Reeds asked Ms. Miller if Planning Commission would be involved with the rezoning of the PAC for a new design.

Ms. Miller stated PAC would not have to rezone because they are zoned CBD and have the right to do most anything.

* * * * *

1. **Minutes:**

Approval of the minutes of September 5, 2018 Meeting No. 2777

On **MOTION** of **SHIVEL**, the TMAPC voted 11-0-0 (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Fretz, “absent”) to **APPROVE** the minutes of the meeting of September 5, 2018 Meeting No. 2777.

Mr. Covey stated there are no Consent Agenda items on this agenda.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

None

* * * * *

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARINGS:

Mr. Covey stated the items 2 and 3 was withdrawn by the applicant.

2. **PUD-847 Tyler Parette** (County) Location: West of the northwest corner of North Peoria Avenue and East 66th Street North requesting a **PUD** to permit a master planned community (related to CZ-473) (Continued from September 5, 2018) **(Withdrawn by applicant)**
3. **CZ-473 Tyler Parette** (County) Location: West of the northwest corner of North Peoria Avenue and East 66th Street North requesting rezoning from AG to CG to permit a master planned community (related to PUD-847) (Continued from September 5, 2018) **(Withdrawn by applicant)**

* * * * *

4. **West Park Phase II** (CD 4) Authorization for Accelerated Release of Building Permit and a Modification of the Subdivision & Development Regulations, Location: Northeast corner of East 6th Street South and South Lewis Avenue (Continued from September 5, 2018)

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. A preliminary plat for the project was approved on May 2, 2018.

The applicant has provided the following statement in support of their request for accelerated building permits:

“The project is funded by low-income housing tax credits from the Oklahoma Housing Finance Agency (OHFA). As a result, OHFA has deadlines for construction start and completion dates. While utility and site work will be well underway before the deadline (March 31), OHFA defines the start of construction as foundations being poured. Therefore, if you start stacking up the time to get the IDP plans approved, plus the approximately 90-120 days to do the IDP work (assuming good weather), then going through the final plat process on top of the building permit review, you can see how we run the risk of not making the deadline. Thus, the request for the accelerated release of the building permits.”

The Technical Advisory Committee met on Thursday, August 16th, 2018 and no objections were raised to the authorization of an accelerated release of a building permit.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Staff has found that all utilities are present on the site and required improvements only include realignment of existing lines.

Staff recommends **approval** of the accelerated release of a building permit and the requested modification with the following condition of the *Subdivision and Development Regulations*:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, no certificate of occupancy may be issued, no public

potable water service may be provided, and no building may be occupied until a final plat for the subject property has been approved and recorded.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Fretz, "absent") to **APPROVE** the Accelerated Release of Building Permit and a Modification of the Subdivision & Development Regulations West Park Phase II per staff recommendation.

* * * * *

5. **CZ-475 Robert Bird** (County) Location: North and west of the northwest corner of U.S. Highway 75 and East 86th Street North requesting rezoning from **RMH to CH**

STAFF RECOMMENDATION:

SECTION I: CZ-475

DEVELOPMENT CONCEPT: The applicant has requested CH zoning in order to permit the marketing and possible future development of commercial uses on the subject lot. No specific uses are planned at this time.

DETAILED STAFF RECOMMENDATION:

Staff recommends denial of CZ-475 to rezone property from RMH to CH however **staff recommends approval for CS zoning.**

DETAILED STAFF RECOMMENDATION:

CH zoning is not consistent with expected development pattern in the area, and

CH zoning is not compatible with the existing development pattern in the area and the uses allowed in CH zoning may be injurious to the surrounding property, and

CH zoning does not provide the use limitations or design standards necessary to satisfy the guidelines defined in the comprehensive plan, and

CS zoning has already been established in the area and is more consistent with the expected development pattern and uses that are contemplated in the comprehensive plan therefore,

Staff recommends denial of CZ-475 to rezone property from RMH to CH. The uses and development standards allowed in CS zoning are more consistent with the highway 75 corridor development area and we recommend approval of CS zoning at this location.

SECTION II: Supporting Documentation

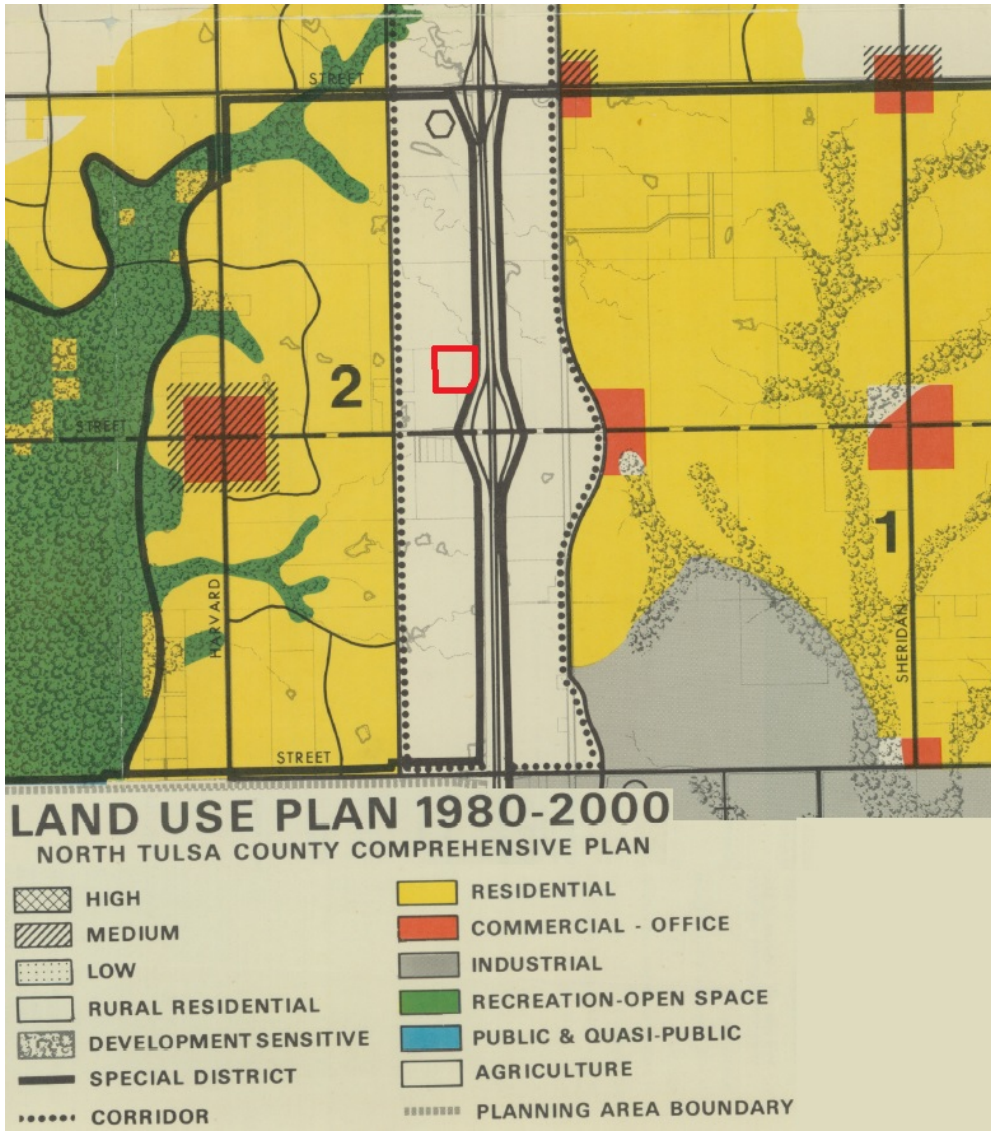
RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The area is called out as a Corridor in the North Tulsa County Comprehensive Plan 1980-2000.

Corridors are defined as specific areas located along expressways and are to contain major employment and region serving functions in concert with a medium to high intensity residential base.

The comprehensive plan illustrates this area with a maximum non-residential development density of approximately 50% which is consistent with the maximum floor area ratio in a CS zoned district. Corridor district zoning could allow a higher density development with a higher utilization of setbacks, buffering uses and other separations and other design considerations beyond CH zoning standards to be compatible with low intensity development.

CH zoning does not provide those guidelines.



Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N/A

Trail System Master Plan Considerations: None

Small Area Plan: N/A

Special District Considerations: N/A

Historic Preservation Overlay: N/A

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Frontage Road	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Vacant/Agricultural
South	CS	N/A	N/A	Commercial
East	AG	N/A	N/A	Hwy 75
West	AG	N/A	N/A	Single-Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

Z-3909 June 1971: All concurred in **approval** of a request for *rezoning* a 47± acre tract of land from AG to RMH on property located north of the northwest corner of East 86th Street North and HWY 75, a portion of the subject property.

Z-3861 January 1971: All concurred in **denial** of a request for *rezoning* a 10± acre tract of land from AG to IM on property located west of the northwest corner of East 86th Street North and HWY 75; a portion of the subject property.

Z-3847 December 1970: All concurred in **denial** of a request for *rezoning* a tract of land from AG to IM on property located north of the northwest corner of East 86th Street North and HWY 75, a portion of the subject property. Applicant appealed then withdrew the application.

Surrounding Property:

CZ-385 March 2007: All concurred in **approval** of a request for *rezoning* an 80+ acre tract of land from AG to RS/OL/CS on property located on the southeast corner of East 86th Street North and North Harvard Avenue.

CZ-306 May 2002: All concurred in **approval** of a request for *rezoning* a 6.6+ acre tract of land from AG to CS on property located on the northeast corner of East 86th Street North and HWY 75.

CZ-214 December 1994: All concurred in **approval** of a request for *rezoning* a 3.7+ acre tract of land from AG to CS on property located on the northwest corner of East 86th Street North and North Yale Avenue. The request was to rezone from AG to CG.

CBOA-1014 April 1991: The Board of Adjustment **approved**, per conditions, a *variance* for the maximum 60' height limitation for a transmitting tower to 360' in a CS zoned district, on property located west of the northwest corner of East 86th Street North and U.S. Highway 75.

CZ-97 December 1983: A request to *rezone* a 5.91+ tract located on the northwest corner of East 86th Street North and U.S. Highway 75 from AG to CS. Staff recommended denial with TMAPC approving the south 330 feet of the tract for CS Zoning; The County Commission **approved** CS on the entire 5.91 acres.

The applicant was not present at meeting.

There were no interested parties wishing to speak.

Mr. Covey asked staff if the applicant was aware of staff's recommendation.

Staff answered, "yes".

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Fretz, "absent") to **DENY** CH but **APPROVE** CZ-475 rezoning from RMH to CS per staff recommendation.

Legal Description of CZ-475:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION 21, TOWNSHIP 21 NORTH, RANGE 13 EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, OKLAHOMA. DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N88°37'29"E ALONG THE SOUTHERN BOUNDARY OF SAID SECTION 21 A DISTANCE OF 2,643.33 FEET; THENCE N01°12'56"W A DISTANCE OF 662.90 FEET; THENCE N88°47'04"E A DISTANCE OF 655.35 FEET TO THE POINT OF BEGINNING; THENCE N01°09'55"W A DISTANCE OF 661.15 FEET; THENCE N88°38'47"E A DISTANCE OF 581.86 FEET; THENCE S10°18'55"W A DISTANCE OF 42.63 FEET; THENCE S01°00'05"W A DISTANCE OF 237.40 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,274.60 FEET, A LONG CHORD HAVING A BEARING OF S07°43'42"W AND LENGTH OF 386.75 FEET, A DISTANCE OF 388.25 FEET; THENCE S88°38'06"W A DISTANCE OF 512.90 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 371,277.71 SQUARE FEET OR 8.5 ACRES MORE OR LESS.

6. **Z-7455 Mark Capron** (CD 4) Location: West of the southwest corner of South Peoria Avenue and East 3rd Street South requesting rezoning from **IM to MX1-P-U**

STAFF RECOMMENDATION:

SECTION I: Z-7455

DEVELOPMENT CONCEPT:

The applicant is proposing a multi-story mixed use building on this site. The current IM zoning does not allow that use and is not consistent with the Comprehensive Plans Downtown Neighborhood land use designation.

DETAILED STAFF RECOMMENDATION:

Z-7455 requesting MX1-P-U is consistent with the Downtown Neighborhood land use designation as outlined in the Tulsa Comprehensive plan and,

MX1-P-U is consistent with the expected development pattern in this neighborhood between Highway 75 and South Peoria and,

MX1-P-U is non-injurious to the surrounding property owners therefore,

Staff recommends **Approval** of Z-7455 to rezone property from IM/ to MX1-P-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Land uses and building forms allowed in this mixed-use zoning are consistent with the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: East 3rd Street and Owasso are both considered a CBD/Industrial Collector with an 80-foot-wide minimum right of way designation. The properties were platted around 1908 with a 60-foot-wide right of way. Many buildings along 3rd Street encroach into that planned right of way and It is unlikely that the 80-foot-wide right of way will ever be acquired at this location. INCOG staff has initiated a request to reconsider the planned right of way designation of this section 3rd Street and S. Owasso.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None. This site is not included in the Bus Rapid Transit mixed use incentive boundary.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is between 3rd street, a railroad and South Owasso. The property plan includes using some of the railroad right of way for parking that may be required.

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 3 rd Street South	CBD/Industrial Collector	80 feet	4
South Owasso	CBD/Industrial Collector	80 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Downtown Neighborhood	Growth	Assembly and Entertainment

East	IM	Downtown Neighborhood	Growth	Vacant
South	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad
West	Railroad ROW (IM)	Downtown Neighborhood	Growth	Railroad

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

BOA-21967 October 13, 2016: The Board of Adjustment **approved** a *special exception* to permit a bakery (Use Unit 25) in the CH District; a *special exception* to permit parking on a lot other than the lot containing the principal use (subject to “as built” with the parking to be on the lot which is immediately adjacent to the west, on property located west of the southwest corner of East 2nd Street South and South Peoria Avenue.

BOA-21942 September 8, 2015: The Board of Adjustment **denied** (failed due to a lack of a majority vote) a request for a *special exception* to permit a soup kitchen and grocery pantry (Use Unit 5) in the IM District, on property located on the southwest corner of East 3rd Street South and South Peoria Avenue.

PUD-817/Z-7277 August 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 0.5± acre tract of land for a micro-brewery and approval of a request for *rezoning* from CH to IL/PUD-817 on property located on the southeast corner of East 4th Street and South Madison Avenue.

BOA-21260 May 10, 2011: The Board of Adjustment **approved** a *variance* of the parking requirement for a mixed-use property in the IM district to permit multiple uses in existing buildings, on property located on the northeast corner of South Madison Avenue and East 3rd Street.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Fretz, “absent”) to **APPROVE** Z-7455 rezoning from IM to MX1-P-U per staff recommendation.

Legal Description of Z-7455:

LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING.

* * * * *

OTHER BUSINESS

7. **ZCA-12, Medical Marijuana**- Discuss proposed amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for medical marijuana uses licensed by the Oklahoma State Department of Health, to establish specific uses, to identify the zoning districts in which such uses are permitted, to establish supplemental use regulations for such uses and to provide related definitions.

Item for discussion: Proposed amendments the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for **medical marijuana** uses licensed by the Oklahoma State Department of Health, to establish specific uses, to identify the zoning districts in which such uses are permitted, to establish supplemental use regulations for such uses and to provide related definitions.

A. Background: On June 26, 2018 Oklahoma voters passed State Question 788 which established law by which medical marijuana use is permitted in Oklahoma. As a follow up to approval of State Question 788, the Oklahoma State Department of Health developed rules to further govern the various aspects of medical marijuana. A working group, comprised of representatives from the Mayor's office, City Council, Tulsa Police Department (TPD), City Legal and INCOG, was established to discuss appropriate zoning regulations for Tulsa regarding medical marijuana. The working group researched regulations from other jurisdictions, including in Oklahoma and in other states. Several members of the working group recently visited a variety of medical marijuana facilities in Phoenix and nearby communities and met with city officials from Phoenix and Mesa.

At the request of the City of Tulsa Administration, the Land Use Administrator has initiated proposed zoning code amendments which focus on:

- Establishing specific uses for Medical Marijuana Grower Operations, Medical Marijuana Processing Facilities and Medical Marijuana Dispensaries;
- Identifying the zoning districts in which such uses are permitted;
- Establishing supplemental use regulations for such uses; and
- Providing related definitions.

The attached draft ordinance reflects the recommendations of the working group based upon their research and discussions. The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are in **Attachment I** shown in ~~strike through~~/underline. The proposed amendments are located Chapters 15, 20, 25, 35, 40 and 95 of the Zoning Code.

B. Staff Recommendation: Discuss in advance of October 3, 2018 public hearing.

TMAPC COMMENTS:

Mr. Shivel asked staff if there was a map that deleted the portions of AG land that growing would be prohibited on because of the 1000 ft from an R property restriction.

Ms. Miller stated that type of map would be hard to create because you would have to know what was going on with every piece of land in the city.

Mr. Reeds stated just as there is a rule two highway signs must be certain distance from each other, the burden is on the applicant to prove the distance between these and this would be the same process as that. Mr. Reeds asked if the definitions would stay the same or change as State rules change. Mr. Reeds stated these regulations are based on Oklahoma Health Department.

Ms. VanValkenburgh stated this could be phrased something like, "as defined by Oklahoma State Health Department rules as hereafter may be amended" or something to that effect.

Ms. Millikin stated she noticed the growing operation and the processing facility both must be inside in an enclosed free-standing building, but the medical marijuana dispensary only needs to be located inside an enclosed building and does not have to be free standing. Ms. Millikin asked staff what the rationale was with this decision.

Ms. Miller stated dispensaries don't have much of an odor problem. Ms. Miller stated that enclosed primarily means no mobile vendors.

Ms. Millikin asked if dispensaries could be in strip malls.

Ms. Miller answered "yes".

Ms. Millikin asked, "what about a greenhouse is that considered an enclosed freestanding building.

Ms. VanValkenburgh stated it would depend on how it is constructed.

Mr. Fothergill asked staff if a property is zoned IM and someone has a residence that is supposed to be 1000 feet from that IM what was the rationale behind this.

Ms. Miller stated so that residential uses are not negatively impacted because they are allowed by certain means in other categories. Ms. Miller stated she understands what Mr. Fothergill is concerned about because that is a non-conforming use in industrial, but it may have been approved through Special Exception or other means. Ms. Miller stated in AG District you would not want a large growing facility near the property line next to a house.

Mr. Fothergill stated he didn't know if he would want 20 cows but if you're in an AG area this would be expected.

Ms. Miller stated this is a new use, so it can be looked at in a fresh way.

Mr. Fothergill stated the Tomato Mans daughter for example, she is growing a product does it adversely affect the person next door to her, probably not.

Ms. Miller stated this is a new use and we have studied and researched, and we know there are impacts from large scale marijuana growing facilities and that is what we are trying to prevent.

Mr. Covey stated besides the obvious, to protect the grower's property, is there any other purpose for the electronic security system surveillance cameras. Mr. Covey asked is it for the City to audit, or the State to audit the facility. Mr. Covey stated it's a general statement to have one camera pointed at the opening door versus having the entire complex surveilled for safety purposes.

Ms. Miller stated the working group that has been meeting over the past few weeks includes several police officers and part of the concern is that these facilities are secure not just for the owners but for bringing crime into certain areas.

Ms. VanValkenburgh stated there is no specific security requirement and the State regulations state there must be security systems but not specific as to what is required at this time.

Mr. Covey stated that was his point that if you wanted to get specific you would require the entire site be surveilled. Mr. Covey said it could record to a backup that is held for 30 days and located off site, maybe something of that nature.

Ms. VanValkenburgh stated there were rules that were considered by the State that were much more specific and it is possible that once the legislature addresses these circumstances they become more specific.

Mr. Reeds asked if there were any provisions for a co-operative discussed during Ms. Millers trip to phoenix.

Ms. Miller stated she didn't believe so.

Mr. Reeds asked if staff could look at that subject.

Ms. Krug asked if both a processing and growing could be in IM District.

Ms. Miller stated "yes".

Mr. Fothergill asked if you take out the area located within 1000 feet of residential, from IM or IH zoned properties is there any property at all remaining.

Ms. Miller stated she doubts there would be IH near residential, there is IM in the Pearl District, for example.

Mr. Fothergill stated if residential is around that would disqualify the IH. Can you get there by Special Exception?

Ms. Miller stated IH is allowed by right if it's not closer than 1000 feet.

Mr. Fothergill asked if it would be allowed by someone who is 960 feet from residential.

Ms. Miller stated there is a 1-mile separation requirement from any medical marijuana facility in Phoenix whether growing, dispensaries or processing. Ms. Miller stated in Phoenix they stated they get a lot of variance requests so there is a process for getting relief if needed.

Mr. Covey asked Ms. Miller what would be allowed in the RDO District.

Ms. Miller stated nothing would be allowed in RDO-1 this is park. RDO-2 is the areas along the River and on Riverside Drive this is retail and allowed above ground floor level in this area. RDO-3 which is typically on the East side of Riverside Drive it is allowed if the underlying zoning allows it.

Mr. Covey stated so in the River Design Overlay there are uses that are specifically prohibited. Mr. Covey asked, so we are now going to allow this use on the River?

Ms. Miller stated this has the same character as the things that are allowed in the RDO areas, such as financial institutions or medical offices.

Mr. Walker asked if Special Events like Farmers Markets or the Fair were discussed?

Ms. Miller stated "no", but if you have a license to sell marijuana you couldn't do it because of the enclosed building requirement.

Ms. Millikin stated she knows a lot of thought and discussion went into how to categorize this but was there discussion of affiliating it with a hospital or what were other categories that were considered.

Ms. Miller stated it was clear to the group working that this should be convenience goods category because you're not getting your prescription here that would be from a medical office, this would be where you buy your product. Ms. Miller stated it is like a pharmacy except you must be 18 and have your medical marijuana license to get in to the facility.

Ms. Millikin asked if drugstores were considered convenience goods.

Ms. Miller stated, "yes".

INTERESTED PARTIES:

Ronald Durbin 1602 South Main Street, Tulsa, OK 74119

Mr. Durbin stated he is a co-author of the Unified Plan being considered by the joint session committee to come up with statutory schemes that will regulate this industry in a way that would be appropriate and necessary that currently doesn't exist. Mr. Durbin stated the reason the Department of Health changed their regulations is because his group filed a law suit against them in Oklahoma County for over stepping their authority. Mr. Durbin stated he currently has 14 licenses in the Tulsa city limits related to medical cannabis businesses, he has represented more than 50 additional applications for licenses that fall inside the city limits of Tulsa. Mr. Durbin stated the businesses are coming they all have licenses, and some have signed leases and ordered 500,000 dollars of extracting equipment to conduct their business on those premises. Mr. Durbin stated those people didn't go into this uneducated, every bit of research that could possibly be done has been done. Mr. Durbin stated he would like to commend the people who worked on this document in some areas it is by far the best starting point that he has seen from any city across the state of Oklahoma. Putting dispensaries in commercial and not restricting them is a brilliant and appropriate move but where the overstep occurs in this instance is with processors. Mr. Durbin stated staff is talking about putting processors in IH and those things are typically reserved for the most noxious of businesses. Industrial High is less than 2% of the city and if you look in these areas there are structures that are 100,000 square feet or more, but a marijuana processor will be maybe 10,000 square feet and that is a massive operation. Mr. Durbin stated most processors seem to fall into IL or IM. Mr. Durbin stated it is no worse than animal fat rendering which is the example the City of Tulsa uses for something that falls in IM. Mr. Durbin stated look at a foundry which utilizes all kinds of hazardous materials and that is IH not IM and those types of materials are not being utilized in this industry. Mr. Durbin stated the zoning proposal related to processors lump all processors into the same category and the word used for doing this was butane but according to Mr. Durbin butane is one of a myriad of ways the THC is extracted. Mr. Durbin stated you could also use CO-2 which is not an explosive material. He stated lumping all processors into one category is an over reach and will restrict where a processor cannot buy land to operate their facility. Mr. Durbin stated when searching a place for these businesses to go this restriction was the most difficult. Mr. Durbin stated when you restrict 1000 feet from residential this will cut out a lot of the IM and IH zoning areas in which to locate. Mr. Durbin stated if the city is going to restrict the processor it should require the processor to have what is already in place and that is a Class 1 room which is a blast proof protected room that properly ventilates the gases out of the area. Mr. Durbin stated there are lots of ways to deal without going this far on the regulations. He stated the definitions are going to change and the definitions as proposed covers CBD as well and that will be a problem as well.

Mr. Reeds asked if Mr. Durbin was going to present this to staff.

Mr. Durbin stated "yes", he was going to speak with staff after this meeting.

Elise Wilson 8669 East 61st Street, Apt. 5 Tulsa, OK 74133

Ms. Wilson stated she didn't have anything to add to Mr. Durbin's presentation.

Mr. Fothergill would to thank the staff and all involved for all the hard work on this issue.

Mr. Reeds stated he agrees with Mr. Fothergill.

8. Commissioners' Comments

Mr. Fothergill would like to remind everyone Councilor Patrick's funeral is tomorrow at 10:00 a.m. at Floral Haven.

ADJOURN

TMAPC Action; 9 members present:


On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Fretz, "absent") to **ADJOURN** TMAPC meeting 2778.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:28 p.m.

Date Approved:

10-03-2018


Chairman

ATTEST: Joshua A. Wahl
Secretary