

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2791

Wednesday, April 3, 2019, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	McArtor	Chapman	Jordan, COT
Doctor	Reeds	Foster	Silman, COT
Fothergill	Walker	Hoyt	VanValkenburgh, Legal
Millikin		Miller	
Ray		Sawyer	
Ritchey		Wilkerson	
Shivel			
Van Cleave			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 28, 2019 at 2:06p.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:

None

Director's Report:

Ms. Miller reported on City Council and Board of County Commission agenda and actions taken and other special projects. Ms. Miller stated another work session will be needed May 1st, 2019.

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1. **Minutes:**

Approval of the minutes of March 6, 2019 Meeting No. 2789

On **MOTION** of **MILLIKIN**, the TMAPC voted 7-0-1 (Covey, Doctor, Fothergill, Millikin, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; Ray, “abstaining”; McArtor, Reeds, Walker, “absent”) to **APPROVE** the minutes of the meeting of March 6, 2019, Meeting No. 2791.

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.

- 2. **Z-7140-SP-1f Edward Pruitt** (CD 2) Location: North and east of the northeast corner of South Union Avenue and West 91st Street South requesting a **CO Minor Amendment** to reduce the side yard setback

STAFF RECOMMENDATION:

SECTION I: Z-7140-SP-1f Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the Corridor Plan development standards to reduce the side yard setback from 5 feet to 4.8 feet to permit an existing structure.

The current Corridor Development standards for this site limit the side yard setback to 5 feet. A new home has been constructed and is existing on the site, which encroaches into the 5 ft setback by 0.2 ft. This proposed amendment would reduce the required setback just enough to permit the existing structure.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b(5) of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. “

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor Development Plan.
- 2) All remaining development standards defined in Z-7140-SP-1 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required side yard setback from 5 feet to 4.8

3. **PUD-648-B-2 Tanner Consulting, LLC** (CD 2) Location: Northeast corner of West 71st Street South and South Olympia Avenue requesting a **PUD Minor Amendment** to revise number of lots, setbacks, floor area, lighting and signage

STAFF RECOMMENDATION:

SECTION I: PUD-648-B-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to permit two lots, distribute floor area, revise setbacks, signage and lighting to permit a dental clinic and fast-food restaurant.

Currently, the development standards limit Development Area E to one lot. This is proposed to be revised to two lots so that the dental clinic and restaurant will be on separate parcels. The Development Standards were established with the one lot configuration in mind, so the applicant is also proposing revisions to other standards to allow both uses in the Development Area.

The proposed revisions to the Development Standards are listed on that attached letter from Tanner Consulting, giving an overview of the proposal and the revised standards.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

- 2) All remaining development standards defined in PUD-648-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise number of lots, setbacks, floor area, lighting and signage.

4. **PUD-648-B-3 Darby Clarke** (CD 2) Location: Northeast corner of West 71st Street South and South Olympia Avenue requesting a **PUD Minor Amendment** to revise wall signage standards

STAFF RECOMMENDATION:

SECTION I: PUD-648-B-3 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to allow wall signs on the east side of buildings and to increase the allowable square footage of wall signs to 1 ½ sf per linear foot of building wall to which attached.

Currently, the development standards restrict wall signage to the North, South and West faces of buildings within Development Area E. The applicant proposes to allow wall signs on the east face. To the east is the proposed dental clinic, which, if PUD-648-B-2 is approved, would lie to the east of the proposed restaurant site. To the east of Development Area E is a Quik Trip facility, so the inclusion of east facing wall signs would have a minimal impact. The applicant also proposes to increase the allowable wall signage area from 1 sf to 1 ½ sf per linear foot of building wall to which attached. Commercially zoned sites within the City of Tulsa are typically limited to 3 sf per linear foot of building wall to which attached, so the applicant's proposal would be ½ of what would be allowed on a commercially zoned property, without overlays.

The proposed revisions to the Development Standards are listed on that attached letter from Tanner Consulting, giving an overview of the proposal and the revised standards.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.*

“Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-648-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise wall signage standards.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Walker, “absent”) to **APPROVE** Items 2 through 4 per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Covey stated the continuances would be addressed first.

9. **Z-7473 Phil Frazier** (CD 6) Location: South of the southeast corner of East 4th Place South and South 129th East Avenue rezoning from **RS-2 to CG (Staff requests a continuance to April 17th, 2019)**

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Walker, “absent”) to **CONTINUE** Z-7473 to April 17, 2019.

5. Public hearing approving new capital improvement projects for the Capital Improvement Plan

STAFF RECOMMENDATION:

Item

Public hearing approving new capital improvement projects for the Capital Improvement Plan, Fiscal Year 2020 – 2024.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

City departments generated the list of new capital improvements in the plan. The City of Tulsa prepares an annual Capital Improvement Plan that is published with the fiscal year budget. The Planning Commission generally reviews any new additions proposed for inclusion in the proposed capital plan before the draft budget and capital plan are published.

Staff Analysis

TMAPC staff reviewed the new proposed Capital Improvement Plan projects for consistency with the City of Tulsa's Comprehensive Plan. In general, the improvements listed are consistent with the Comprehensive Plan.

A new CIP projects summary is attached. Below is a summarized list of those items, including: the name of requesting Department, the project name, the item number(s) that correspond with the attached chart, and staff comments regarding relationship and consistency with the Comprehensive Plan. Recommendations that are Small Area Plan or Master Plan recommendations are identified with an asterisk (*).

- **Gilcrease Museum**

1. Windows

Staff comments: *These proposed projects represent improvements to an existing museum in the City of Tulsa and are consistent with the Plan's focus on enhancing education and improving Tulsan's quality of life.*

- **Information Technology**

2. One Technology Center, Compstat, Police Courts, Convention Center
3. Roofing replacement Telecommunications Department

Staff comments: *These proposed projects are related to rehabilitation and system upkeep and are generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.*

- **Metropolitan Tulsa Transit Authority**

4. 11th Street BRT Completion*
5. Downtown Transit Center*
6. Security Improvements

Staff comments: *These projects involve maintaining and enhancing the existing transportation system through strategic investments and promoting multiple transportation choices for citizens. The 11th Street BRT completion is consistent with Transportation Priority 1 and the Kendall-Whittier Sector Plan. The Downtown Transit Center is consistent with the Arena District Master Plan.*

- *Transportation Policy 1: Provide a wide range of reliable transportation options so every Tulsan can efficiently get where they want to go*

- *Goal 1 – All Tulsans have a variety of transportation options for getting around the city. Policies to support this goal include:*
 - *Policy 1.1: Coordinate closely with MTTA to provide for transit-supportive enhancements in the high frequency bus, bus rapid transit, streetcar, light rail and commuter rail corridors. (p. TR-36)*
 - *Kendall-Whittier Sector Plan – Goal 7: Creating a multi-modal network*
 - *7.10: Work closely with Tulsa Transit to implement BRT service on 11th Street (p. 62)*
 - *Arena District Master Plan: Signature Project Public-Private Investment*
 - *Transit Center block redevelopment and Transit Center integration (p. 94)*

- **Performing Arts Center**

- 7. TPAC Hot Water Steam Repair Upgrade

Staff comments: *The proposed improvements to the Performing Arts Center (PAC) is consistent with the Comprehensive Plan’s understanding of the downtown core as Tulsa’s “...most intense regional center of commerce, housing, culture and entertainment.” (p. LU-31)*

- **Parks**

- 8. Construct 2 dog parks
 - 9. Internal looped park walking/biking trails
 - 10. Upgrade, add, or renovate outdoor park play amenities
 - 11. Baseball/softball sport fields rehabilitation
 - 12. Hill Park improvements
 - 13. Mohawk Park rehabilitation and renovation
 - 14. Golf: Mohawk Park – Low water crossing #17 Pecan Valley
 - 15. Mohawk Park – Excavate Pecan Valley and build berm behind Woodbine to prevent flooding tee boxes
 - 16. Mohawk Park – Low water crossing #17 Pecan Valley
 - 17. Children’s Zoo Phase 1
 - 18. Tropical American Rainforest (TARF) HVAC

Staff comments: *Based on the below and similar policies regarding parks, the proposed projects are in conformance with the Tulsa Comprehensive Plan and multiple small area plans.*

- *Parks, Trails and Open Space – Priority 5: Improve Access and Quality of Parks and Open Space*
 - *Goal 14: Parks and recreational facilities are updated to address changing needs and desires.*
 - *Policy 14.1: Add comfort and convenience features to parks.*
 - *Policy 14.2: Identify parks components that need to be updated or replaced and develop a schedule, budget and methodology to complete improvements.*

- *Policy 14.4: Identify Parks throughout the City for upgrade and develop an action plan to accomplish upgrades. (p. PA-29)*

- **Police**

- 19. Eurocopter
- 20. Jail video data retention
- 21. Police heliport
- 22. SID building

Staff comments: *The projects will provide the City of Tulsa Police Department with updated technology and improved facilities and equipment. Although no specific guidance is provided in the Comprehensive Plan, the projects will contribute to public safety and maintenance of existing City facilities.*

- **Public Works: Facilities**

- 23. Police Courts building modernization

Staff comments: *The proposed Police Courts building project focuses on extensive rehabilitation and upgrades of existing facilities. Although no specific guidance is provided in the Comprehensive Plan, the project will contribute to public safety and maintenance of existing City facilities.*

- **Public Works: Flood Control**

- 24. 43rd and Sheridan Drainage Improvements – Phase 1
- 25. Fontana Shopping Center detention facility
- 26. Hager Creek storm sewer relief line*
- 27. Springdale detention/ wetland facility

Staff comments: *The above projects are generally maintenance/improvements that will contribute to flood control. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure. The Hager Creek storm sewer relief line project is consistent with the West Highlands/Tulsa Hills Small Area Plan:*

- *Goal #6: Improve flood control*
 - *Make necessary road and drainage improvements to prevent closure of area around the 81st Street and Elwood Avenue intersection during rain events. Once completed, re-evaluate Park and Open Space land-use designation for parcels within that flood plain. Assure that any development in those parcels does not exacerbate flooding issues. (p. 86)*

- **Public Works: Sewer**

- 28. 21st and Riverside lift station improvement – Phase 2
- 29. Cherry Creek FEB Concrete/ Structural repair
- 30. Coal Creek 103N parallel interceptor
- 31. Coal Creek rehabilitation
- 32. Force main condition assessment

33. Haikey Creek interceptor rehab
34. Interceptor condition assessment
35. Mingo FEB concrete/ structural repair
36. Northside FEB concrete/ structural repair*
37. Northside interceptor improvements*
38. Northside WWTP 13.2kv (Main) switchgear*
39. SE Basin west leg interceptor rehab
40. Upper Joe Creek – East branch
41. Upper Joe Creek – West branch
42. West Bank lift station improvements

Staff comments: *The above projects are generally sewer maintenance/improvements. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure. The Northside sewer projects are consistent with the East Tulsa Neighborhood Implementation Plans (p. A. 47-48, A. 55-56).*

- **Public Works: Streets**

43. 129th E. Ave. – 36th St. N. to 46th St. N.
44. 36th St. N. and 129th E. Ave. intersection improvements
45. Citywide trails system improvements*

Staff comments: *The above projects are primarily maintenance/improvements of streets and generally consistent with the Comprehensive Plan’s direction on infrastructure. Project #44 includes the construction of sidewalks, which is widely supported throughout the Comprehensive Plan. Project #45 includes trail improvements which is widely supported throughout the comprehensive plan and small area plans through the city.*

- *Transportation Priority 3: Ensure that transportation investments enhance the land uses they serve*
 - *Goal 7 – Transportation facilities fit their physical setting and preserve scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. Policies to support this goal include:*
 - *Policy 7.1: Enhance transportation Tulsa’s rights-of-ways so they both serve as great public places and promote multi-modal travel. (p. TR-38)*
 - *Policy 7.3: Institute a context sensitive solutions approach to transportation infrastructure by recognizing that flexibility in project development and design is necessary to balance safety, mobility, economic development, and environmental issues for new and redesigned urban transportation facilities. (p. TR-39)*
- *Transportation Priority 4: Provide multiple transportation choices to all Tulsans*

- *Goal 13 – Pedestrians have easy access to jobs, shopping and recreation. Policies to support this goal include:*
 - *Policy 13.4: Ensure the continued development of sidewalk improvements with other improvements in major arterial corridors where opportunities to enhance the pedestrian environment exist. (p. TR-41)*
 - *Parks, Trails, and Open Space Priority 2: Strengthen connections to the Arkansas River*
 - *Goal 3 – Maintain and strong connection between the city and the Arkansas River. Policies to support this goal include:*
 - *Policy 3.2: Expand, maintain, and enhance an interconnected system of parks, trails, and open spaces along the Arkansas River and nearby watersheds (p. PA-24)*
- **Public Works: Water**
 - 46. 23rd and Jackson site improvements
 - 47. AB Jewell Filter Gallery Pipe and concrete replacement
 - 48. AB Jewell site improvements
 - 49. HSPS power resilience evaluation
 - 50. Lead service line inventory
 - 51. Raw water flowline Oologah stabilization repair
 - 52. Raw water flowline repairs Oologah

Staff comments: *The above projects are generally water maintenance/improvements. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

- **River Parks Authority**

- 53. Concrete plant site acquisition
- 54. Trail expansion and land acquisition – Cousins Park to Sheridan Road
- 55. Turkey Mountain Urban Wilderness Improvements*

Staff comments: *The proposed projects improve recreation and trail access in Tulsa, which is consistent with the Comprehensive Plan. Project #55 is also consistent with the West Highland/Tulsa Hills Small Area Plan.*

- *Parks, Trails, and Open Space Priority 2: Strengthen connections to the Arkansas River*
 - *Goal 3 – Maintain and strong connection between the city and the Arkansas River.*
 - *Goal 4 – Promote the Arkansas River as a centerpiece of life in Tulsa. (p. PA-24)*
 - *Goal 5 – Improve recreational opportunities along the Arkansas River. (p. PA-25)*
- *West Highlands/Tulsa Hills Small Area Plan – Goal 9: Develop the key industry clusters identified in the 2010 Plan within and near Plan area*
 - *Acknowledge, strengthen and support the vicinity's regional outdoor amenities, namely Turkey Mountain, Page Belcher Golf Course and*

other golf courses. Coordinate with future Turkey Mountain Urban Wilderness Area master plan. (p. 87)

- **Planning**

- 56. Destination Districts
- 57. Unity Heritage Gateways*
- 58. Charles Page Blvd reconfiguration*
- 59. Arena District Master Plan implementation – Civic Center*
- 60. Crosbie Heights underpass improvements*
- 61. WATCO Railroad relocation
- 62. Memorialize Black Wall Street*
- 63. Launch “City Hall on the Go”
- 64. Neighborhood Action Plan development and implementation
- 65. Healthy Places Initiative
- 66. Establish an Innovation District and Prototyping Zone

Staff comments: *The above projects relate to land use and economic development and are consistent with the Comprehensive Plan and small area plans. Although not an adopted plan, projects #62, 63, 64, 65, and 66 are all strategies identified in the Resilient Tulsa Strategy.*

- Land Use Priority 1: Make land use decisions that contribute to Tulsa’s fiscal stability and move the city towards the citizen’s vision
 - *Goal 3 – New development is consistent with the planitulsa building blocks. Policies to support this goal include:*
 - *Policy 3.4: Allocate City funds and fund other funding to enhance pedestrian amenities on streets in priority areas. (p. LU-79)*
 - *Land Use Priority 2: Put procedures, processes and tools in place to effectively and equitably implement planitulsa.*
 - *Goal 5 – Tulsa’s regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities. Policies to support this goal include:*
 - *Policy 5.2: Establish clear and objective standards for land use planning decisions and implementation strategies.*
 - *Policy 5.3: Create a robust and meaningful public involvement process that emphasizes long-term consensus rather than project-by-project evaluation and approval (Small Area Plan process).*
 - *Policy 5.4: Modify the existing small are planning process to support the vision and policies. (p. LU-80-81)*
 - *Goal 7 – Tulsa citizens, stakeholders, and interest groups all have easy access to development information and planitulsa’s vision, policy plan and maps, strategic implementation plan, monitoring program, and small area plans (p. LU-82)*
 - *Goal 8 – Underutilized land in areas of growth is revitalized through targeted infill and reinvestment (p. LU-83)*
 - *Goal 10 – The life expectancy levels in Tulsa North are consistent with the regional averages. (p. LU-84)*

- *Economic Development Priority 1: Spur and support entrepreneurial ventures and small businesses*
 - *Goal 1 – Businesses have easy access to full range of economic development assistance.*
 - *Goal 2 – Entrepreneurs have thriving businesses and contribute to the local economy. (p. ED-17)*
- *Economic Development Priority 4: Support aggregation of the employers downtown, neighborhood and regional centers, and existing industrial areas*
 - *Goal 5 – New development supports vibrant, sustainable, transit-oriented development.*
 - *Goal 6 – Downtown Tulsa is the core of the regional economy. (p. ED-19)*
- *Unity Heritage Neighborhoods Plan*
 - *Goal 4: Capitalize on OSU-Tulsa, Langston University Tulsa, and proximity to Downtown to spur redevelopment of the southern edge of the Unity Heritage area.*
 - *Improve underpasses at Main Street, Martin Luther King Jr. Boulevard, Detroit Avenue, and Greenwood Avenue as priority connections to Downtown Tulsa through enhanced signage, lighting, and urban design. (p. 52)*
 - *Goal 6: Celebrate the area's history and strengthen its character. (p. 55)*
- *Crosbie Heights Small Area Plan*
 - *Goal 2 – Promote development of complete neighborhoods, defined in the Comprehensive Plan (p. LU-18) as “neighborhoods that blend...amenities, connectivity, and housing options together.”*
 - *2.1: Implement planitulsa’s Complete Streets policy for the Charles Page Boulevard multi-modal corridor*
 - *2.2: Provide safe connections via appropriate sidewalk and roadway investments within Crosbie Heights and from Crosbie Heights to adjacent neighborhoods north of Highway 412 and to downtown Tulsa (p. 9)*
 - *Goal 13 – Increase transportation safety for all modes of travel and all types of travelers*
 - *13.2: Construct multi-modal travel improvements along Charles Page Boulevard, including a “road diet” that allows for automobile travel, protected bike lanes in both directions, and sidewalks (p. 12)*
 - *Goal 15 – Use planning and design solutions to enhance public safety*
 - *15.1: Develop a Streetscape Implementation Plan to prioritize public funding to restore/replace or install streetlights, enhance underpasses, and other streetscape features within Crosbie Heights (p. 13)*

- *Arena District Master Plan: Renovate the Cox Business Center and Civic Center Plaza activation (p. 136)*

Staff recommendation

Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2020-2024 are in conformance with the Tulsa Comprehensive Plan.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Walker, “absent”) to recommend **APPROVAL** based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2020-2024 are in conformance with the Tulsa Comprehensive Plan.

7. **Greenhill Industrial Park I** (CD 3) Preliminary Plat, Location: East of the northeast corner of North Garnett Road and East 43rd Street North

STAFF RECOMMENDATION:

Greenhill Industrial Park I - (CD 3)

East of the northeast corner of North Garnett Road and East 43rd Street North

This plat consists of 1 lot, 1 block on 25.028 ± acres.

The Technical Advisory Committee (TAC) met on March 21, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned IM (Industrial-Moderate). Proposed lot conforms to the requirements of the IM district found in the City of Tulsa Zoning Code.
2. **Addressing:** City of Tulsa address must be assigned and affixed to the face of the final plat along with the appropriate address disclaimer.
3. **Transportation & Traffic:** Dimension and label adjacent right-of-way with recording information or indicate “by plat”. Infrastructure Development Plans (IDP) for sidewalks, ADA ramps, and driveways must be approved prior to approval of the final plat.
4. **Sewer:** Existing sanitary sewer service at the site. Ensure appropriate easement language is included with the deed of dedication upon submittal of a final plat. Several easements shown on the conceptual utility plan are not reflected on the face of the plat.
5. **Water:** Relocation of a public water main is included in the Infrastructure Development Plans (IDP) associated with this site. IDP plans for the relocation

must be approved and appropriate easements/ROW must be provided for new lines prior to approval of the final plat.

6. **Engineering Graphics:** Make required revisions to the location map. Provide updated subdivision data control sheet with references to this plat. Remove contours from final plat submittals. Add "State of" before Oklahoma in the plat subtitle.
7. **Stormwater, Drainage, & Floodplain:** Floodplain areas must be clearly delineated on the face of the final plat and fully contained within overland drainage easements. Include appropriate language for reserve areas in the covenants of the plat and provide language for overland drainage easements and compensatory easements.
8. **Airport:** Crane studies will be required by the Federal Aviation Administration prior to construction on the lot.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for Greenhill Industrial Park I per staff recommendation.

* * * * *

8. **MR-6** (CD 9) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a single-family residence, Location: South of the southwest corner of East 43rd Street South and South Birmingham Avenue

STAFF RECOMMENDATION:

MR-6 – 4324 S. Birmingham Avenue - (CD 9)

South of the southwest corner of East 43rd Street South and South Birmingham Avenue

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

The property under application is located within a neighborhood where there are currently no sidewalks. The newly constructed home would be the only property in the immediate area with a sidewalk and the sidewalk would not provide the connectivity that is the intended goal of the Subdivision and Development Regulations.

The nearest sidewalk to this property is located along East 41st Street, a primary arterial. There are 8 existing single-family residences between the subject property and East 41st Street.

The applicant has stated that a sidewalk would be inconsistent with the current aesthetic of the neighborhood and it would not connect to any other sidewalks.

Staff recommends **approval** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Ritchey stated he supports sidewalks to be constructed on any new development.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **6-2-0** (Covey, Doctor, Fothergill, Millikin, Shivel, Van Cleave, "aye"; Ray, Ritchey, "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to **APPROVE** MR-6 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

* * * * *

10. **Z-7476 Lou Reynolds** (CD 5) Location: Northeast corner of South Memorial Drive and East 16th Street South requesting rezoning from **OL to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7476

DEVELOPMENT CONCEPT:

The applicant proposes to remove the existing buildings and redevelop the site. The existing buildings are not suitable for repurposing.

DETAILED STAFF RECOMMENDATION:

Uses allowed in the CS zoning districts as requested in Z-7476 is consistent with the Mixed-Use Corridor Land use designation in the comprehensive plan and.

Uses allowed in the CS district are consistent with the expected development along the Memorial corridor in this area, and

CS zoning is considered non injurious to the surrounding properties therefore,

Staff recommends **Approval** of Z-7476 to rezone property from OL/ to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the expected development pattern along Memorial Drive at this location and is consistent with the land use expectations in the Mixed- Use Corridor land use designation.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

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: Primary Arterial with a commuter corridor designation. The most widespread commercial street type is the strip commercial arterial, These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

Trail System Master Plan Considerations: None that affect this site.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing buildings have been abandoned and are structurally deficient. The site is also in the City of Tulsa Regulatory flood plain.

STREET VIEW: Looking from the 16th At South Memorial Drive



Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 16 th Street South	None	50 feet	2
South Memorial Avenue	Primary Arterial with Commuter Corridor	120 feet	5 (2 lanes each direction with center turn lane)

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	CS	Mixed Use Corridor	Growth	Commercial
East	RM-2	Mixed Use Corridor	Growth	Multi Family

South	CS	Mixed Use Corridor	Growth	Commercial
West	CS	Mixed Use Corridor	Growth	Car sales

SECTION III: Relevant Zoning History

History: Z-7476

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-7783 January 1973: The Board of Adjustment **approved** a *minor variance* for a modification of 25% lot coverage to permit 30% coverage in an OL District on the subject property.

Z-4073 February 1972: All concurred in **approval** of a request for *rezoning* a 1.68± acre tract of land from RS-1 to OL on the subject property.

Surrounding Property:

BOA-21664 December 2013: The Board of Adjustment **approved** a request for a *special exception* to permit a bar on a lot within 150 feet of R zoning; to **accept** the *verification* of the spacing requirement of 300 feet from any public park, school or church or any other 12a use; to **approve** the *variance* of the required parking from 88 spaces to 69 spaces; to **accept** the applicants *verification* of spacing for the proposed expansion of an adult entertainment establishment, on property located at the Southeast corner of South Memorial Drive and East 16th Street South.

BOA-17341 April 1996: The Board of Adjustment **approved** a *special exception* to permit a community group home for up to 10 resident elderly or disabled persons in an RS-1 zoned district, on property located East of the Southeast corner of East 16th Street South and South Memorial Drive.

BOA-16673 May 1994: The Board of Adjustment **approved** a *special exception* to permit Use unit 17 (mini-storage) in a CS zoned district, a **variance** to permit open air display and sales within 300' of an R district and a **variance** of the all-weather surface requirement for this use only, on property located South of the Southwest corner of East 15th Street South and South Memorial Drive.

BOA-16280 March 1993: The Board of Adjustment **approved** a *variance* of the required 60' setback from the centerline of South Memorial Drive to 50' to permit the

replacement of an existing sign, on property located at the Southeast corner of South Memorial Drive and East 16th Street South.

BOA-12355 January 1983: The Board of Adjustment **approved** a *special exception* to allow a post office in a CS district with conditions, on property located at the Southwest corner of East 15th Street South and South Memorial Drive.

BOA-9862 March 1978: The Board of Adjustment **approved** the *exception* to locate an outdoor skate board tract in a CS District and an *exception* to modify the screening requirements on the south property line, on property located South of the Southwest corner of East 15th Street South and South Memorial Drive.

BOA-8761 September 1975: The Board of Adjustment **approved** an *exception* to erect a mini-storage facility with conditions, on property located South of the Southwest corner of East 15th Street South and South Memorial Drive.

BOA-8493 March 1975: The Board of Adjustment **approved** a *special exception* to permit an extension of time in regard to the screening requirements so long as the two properties remain in the same ownership, on property located at the Southeast corner of South Memorial Drive and East 16th Street South.

BOA-8002 August 1973: The Board of Adjustment **approved** an *exception* to use property for automotive and allied activities, on property located at the Southeast corner of East 15th Street South and South Memorial Drive.

BOA-7545 July 1972: The Board of Adjustment **approved** a *variance* to permit erecting 84 units on one lot in an RM-2 District, subject to the plot plan submitted, on property located at the Southeast corner of 16th Street and Memorial Drive.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7476 per staff recommendation.

Legal Description Z-7476:

BLK 1, BROOKCREST SQUARE ADDN RESUB PRT L4 B3 O'CONNOR PARK SUB,
City of Tulsa, Tulsa County, State of Oklahoma

11. **CZ-485 Danielle Pennington** (County) Location: South of the southwest corner of East 106th Street North and North 129th East Avenue requesting rezoning from **RE to CS**

STAFF RECOMMENDATION:

SECTION I: CZ-485

DEVELOPMENT CONCEPT: The applicant proposes to rezone the subject lot from RE to CS to permit a Gymnastics Facility. The proposed use would fall under Use Unit 19. CS zoning is the least intense zoning that would allow this use by right.

DETAILED STAFF RECOMMENDATION:

CZ-485 is non injurious to the existing proximate properties and;

CZ-485 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-485 to rezone the subject lot from RE to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. This site is located adjacent to the City of Owasso, and is within the Transitional Land Use category, which this proposal would be compatible with.

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 129th St S is designated as a Secondary Arterial.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is flat, lightly forested and contains a single family dwelling.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N 129 th E Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer to be provided by ODEQ approved septic system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RE	N/A	N/A	Vacant
South	RE	N/A	N/A	Vacant/Agricultural
East	RE	N/A	N/A	Single-Family
West	RE	N/A	N/A	Single Family

SECTION III: Relevant Zoning History

History: CZ-485

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

Subject Property: No relevant history

Surrounding Property:

CBOA-2017 January 2003: The Board of Adjustment **approved** a *variance* to permit an accessory structure as a principal use with conditions, on property located West of the Northwest corner of East 106th Street North and North 129th East Avenue.

CBOA-1217 December 1993: The Board of Adjustment **approved** a *special exception* to permit church use in an RE zoned district, on property located South of the Southwest corner of East 106th Street North and North 129th East Avenue.

BOA-7845 April 1973: The Board of Adjustment approved a special exception to erect a church and parsonage per plot plan in an RS-1 District, on property located East of the Southeast corner of North 129th East Avenue and East 106th Street North.

TMAPC Comments:

Mr. Covey asked if the staff recommendation included the comments from a letter that Owasso planner Morgan Pemberton sent to TMAPC.

Staff answered “no”, that the staff recommendation went out before receiving the letter from Owasso but staff has spoken with Ms. Pemberton and they are not opposed to this application. Staff believes the proposed development is a good transition between the offices and churches currently in the area.

Mr. Ray asked staff if the recommendation from Ms. Pemberton would be included in the approval process today or would that need to be added to a motion.

Mr. Covey stated the comments from Owasso asked that at the time of the platting process they would ask that 50' of right-of-way and a 17.5' utility easement be dedicated to the City of Owasso.

Staff stated that would be addressed during the platting process and is not a part of the rezoning.

Mr. Covey stated Ms. Pemberton also asked that a row of street trees and/or a row of shrubs be required to be planted along the property's frontage on N 129th E Ave. and that a landscape plan be submitted for review and comment prior to a building permit being issued.

Staff stated in the County there are no landscaping provisions so the only way to add the landscaping is through a Planned Unit Development and staff felt for this particular use that was more than that site needed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-1-0** (Covey, Doctor, Fothergill, Millikin, Ritchey, Shivel, Van Cleave, “aye”; Ray, “nays”; none “abstaining”; McArtor, Reeds, Walker, “absent”) to recommend **APPROVAL** of the CS zoning for CZ-485 per staff recommendation.

Legal Description CZ-485:

BEG 1315 S NEC NE TH W 415.08 S 263 E 415.08 N 263 TO BEG SEC 17-21-14, ,
City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

6. **ZCA-13**, amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for principal and accessory short-term rental uses, to identify zoning districts in which such uses are permitted, and to establish supplemental use regulations for such uses. (Continued from March 6th, 2019)

STAFF RECOMMENDATION:

Item

Consider amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for principal and accessory short-term rental uses, to identify zoning districts in which such uses are permitted, and to establish supplemental use regulations for such uses.

Background

Over the past few years, the City of Tulsa has seen a significant increase in residential properties being rented on a short-term basis. Typically, the residence is marketed through an online platform, such as AirBnB or VRBO (Vacation Rental by Owner), and accommodates guests for periods of time less than 30 days.

The City of Tulsa Zoning Code currently classifies any property being rented for less than 30 days as “Lodging”. Within the “Lodging” use category there are a number of subcategories such as hotels, campgrounds, and bed and breakfasts. The current City interpretation is that all short-term rentals shall be classified as bed and breakfasts. Bed and breakfasts require special exception approval by the City Board of Adjustment (BOA) when they are situated in residentially zoned areas.

Short-term rentals come in a variety of forms that the current zoning code language does not address. The intent of this amendment would be to provide clarification as to how short-term rentals are classified and to apply additional regulations and requirements for property owners who wish to operate within residential areas. In the past couple of years, there have been multiple cases presented to the BOA for this use. Of those cases, 16 were approved, 6 were denied and 5 were withdrawn. Due to the controversial nature of some of these

cases, Councilors Ben Kimbro (District 9) and Blake Ewing (District 4) organized and held Town Hall meetings on October 10, 2017 and October 11, 2017. Following the Town Hall meetings, staff at INCOG and across City departments started researching best practices and discussing technical details of a potential short term rental program for the City of Tulsa.

The Tulsa City Council officially initiated the process to amend the zoning ordinance on August 29, 2018. Since initiation, a working group comprised of representatives from the Tulsa Planning Office, City Legal, and the Mayor's office was formed to discuss and draft a proposal. Additional meetings were held with representatives from Working in Neighborhoods (Inspections), Development Services (Permits), and Finance (Licensing). Councilor Kara Joy McKee (District 4) held a Town Hall meeting on January 12, 2019 at Central Center to solicit feedback and discuss the proposal.

A draft ordinance has been developed through meetings with the working group and refined following input from the public meetings and other stakeholders. The proposal would establish 2 types of short-term rentals:

1. Accessory Use Short-Term Rentals
2. Principal Use Short-Term Rentals

Short-term rentals would be classified as accessory when the principal use of the lot will remain a residence and the occupants of that residence would be renting their own home or part of their home to a single party of guests on a short-term basis. The current proposal would permit accessory use short-term rentals by right without a public hearing.

Short-term rentals would be classified as a principal use if the owner intends to list the property full-time as a short-term rental and has no intention of having actual residents living in the property. Under the current draft, a principal use short-term rental would still be required to obtain approval by the City of Tulsa Board of Adjustment. That process would include notification to neighbors within 300' of the proposal, a sign placed on the property in advance of the meeting, and a publication in the newspaper regarding the proposal.

Both classifications of the use would be required to obtain a license from the City of Tulsa in order to legally operate. The proposed license would be required to be renewed each year and hosts would be required to provide certain information to the City of Tulsa. The licensing process would determine whether the proposed short-term rental will be principal or accessory and will require a local contact for the property who can be contacted in case of violations.

Staff Recommendation

Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachment I

Explanation for Continuance

Staff recommendation was presented at the general meeting of the Tulsa Metropolitan Area Planning Commission on March 21, 2019. At that time, Planning Commissioners requested two changes to proposed zoning code language pertaining to Short-Term Rentals:

1. Staff recommendation only permitted short-term rental units to be rented to one “party of guests” at one time. The amendment increases allowable parties of guests to 4 with a maximum allowance of 8 individuals at any one time. For example, a short-term rental could be rented to 4 separate parties of 2 guests.
2. Staff recommendation required special exception approval for principal use short-term rental units located within residential zoning districts. The amendment would permit principal use short-term rental units by right without the need for a public hearing and neighborhood engagement.

Requested amendments are attached as “Attachment II”

Attachment I

Chapter 5 – Residential Districts

Section 5.020, Table 5-2: R District Use Regulations

USE CATEGORY	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory Specific use	RE	1	2	3	4	5	0	1	2	3			
COMMERCIAL													
Lodging													
Short-term rental	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.375

Chapter 10 – Mixed-use Districts

Table 10 2: MX District Use Regulations

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
Subcategory Specific use				
COMMERCIAL				
Lodging				
Bed & breakfast	S	S <u>P</u>	S <u>P</u>	Section 40.060
Short-term rental	S	P	P	Section 40.375
Hotel/motel	–	P	P	Section 40.170

Chapter 15 – Office, Commercial, and Industrial Districts

Section 15.020, Table 15-2: O, C and I District Use Regulations, page 15-3

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory Specific use												
COMMERCIAL												
Lodging												
Bed & Breakfast	S	S	S	S	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S	S	S	Section 40.060
Short-Term Rental	P	P	P	P	P	P	P	P	S	S	S	Section 40.375

Chapter 25 – Special Districts

Section 25.020, Table 25-1: AG District Use Regulations

USE CATEGORY	AG	Supplemental Use Regulations
Subcategory Specific use		
COMMERCIAL		
Lodging		
Short-term Rental	S	Section 40.375

Chapter 35 – Building Types and Use Categories

35.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

1. Bed and Breakfast

~~A detached house~~ An establishment in which the owner/operator offers overnight accommodations ~~and meal service~~ to guests for compensation. A bed and breakfast may serve meals to guests and concurrently rent rooms to more than one party of guests. Subject to the supplemental use regulations, a bed and breakfast may be rented for on-site events.

2. Hotel/Motel

An establishment, other than a bed and breakfast, short-term rental or rural retreat, in which temporary lodging is offered for compensation. A hotel/motel use may include an accessory bar.

3. Recreational Vehicle Park/ Campground

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

4. Rural Retreat

An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational facilities and dude ranches or working farm learning centers.

5. Short-Term Rental

A dwelling unit, or a portion thereof, in which temporary lodging is offered for compensation to one party of guests. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental. Short-Term Rentals can be principal or accessory uses.

Chapter 40 – Supplemental Use and Building Regulations

40.375 Short-Term Rental

The supplemental use regulations of this section apply to all principal use short-term rentals.

40.375-A When occupied by a party of guests, the short-term rental shall not be separately rented to any other individual or party of guests.

40.375-B A short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.

40.375-C Events are not permitted in conjunction with a short-term rental use. Examples of events include, but are not limited to, weddings, receptions, anniversaries, private parties, and business seminars.

40.375-D A register of short-term rental guests must be maintained and made available to city code enforcement upon request.

40.375-E External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include, but are not limited to, the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

40.375-F No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

45.185 Short-Term Rental - Accessory

45.185-A Description

The rental of all or a portion of a dwelling unit, which is the primary residence of a household, to one party of guests for temporary lodging for a period of less than 30 consecutive days. For purposes of this section, “party of guests” shall mean an individual or group renting or seeking to rent the entirety of the short-term rental.

45.185-B General

The supplemental use regulations of this section apply to all accessory use short-term rentals.

1. When occupied by a party of guests, the short-term rental shall not be separately rented to any other individual or party of guests.
2. An accessory short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.
3. An accessory short-term rental may only be rented to one party of guests at any one time and may not exceed more than eight (8) individuals in the dwelling unit.
4. A register of short-term rental guests must be maintained and made available to city code enforcement upon request.
5. On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.
6. External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
7. No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

Attachment II – Amendments requested by TMAPC

Chapter 5 – Residential Districts

Section 5.020, Table 5-2: R District Use Regulations

USE CATEGORY	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory Specific use	RE	1	2	3	4	5	0	1	2	3			
COMMERCIAL													
Lodging													
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.375

Chapter 10 – Mixed-use Districts

Table 10 2: MX District Use Regulations

USE CATEGORY	MX1	MX2	MX3	Supplemental Regulations
Subcategory Specific use				
COMMERCIAL				
Lodging				
Bed & breakfast	S	S P	S P	Section 40.060
Short-term rental	<u>S</u>	<u>P</u>	<u>P</u>	Section 40.375
Hotel/motel	–	P	P	Section 40.170

Chapter 15 – Office, Commercial, and Industrial Districts

Section 15.020, Table 15-2: O, C and I District Use Regulations, page 15-3

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory Specific use												
COMMERCIAL												
Lodging												
Bed & Breakfast	S	S	S	S	S P	S P	S P	S P	S	S	S	Section 40.060
Short-Term Rental	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	Section 40.375

Chapter 25 – Special Districts

Section 25.020, Table 25-1: AG District Use Regulations

USE CATEGORY	AG	Supplemental Use Regulations
Subcategory Specific use		
COMMERCIAL		
Lodging		
Short-term Rental	<u>P</u>	Section 40.375

Chapter 35 – Building Types and Use Categories

35.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

6. Bed and Breakfast

~~A detached house~~ An establishment in which the owner/operator offers overnight accommodations ~~and meal service~~ to guests for compensation. A bed and breakfast may serve meals to guests subject to the supplemental use regulations; a bed and breakfast may be rented for on-site events.

7. Hotel/Motel

An establishment, other than a bed and breakfast, short-term rental or rural retreat, in which temporary lodging is offered for compensation. A hotel/motel use may include an accessory bar.

8. Recreational Vehicle Park/ Campground

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

9. Rural Retreat

An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational facilities and dude ranches or working farm learning centers.

10. Short-Term Rental

A dwelling unit, or a portion thereof, in which temporary lodging is offered for compensation. A short-term rental is limited to a maximum 4 guest rooms for rent and a maximum occupancy of 8 persons at any one time. Short-Term Rentals can be principal or accessory uses.

Chapter 40 – Supplemental Use and Building Regulations

40.375 Short-Term Rental

The supplemental use regulations of this section apply to all principal use short-term rentals.

40.375-A A short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.

40.375-B Events are not permitted in conjunction with a short-term rental use. Examples of events include, but are not limited to, weddings, receptions, anniversaries, private parties, and business seminars.

40.375-C A register of short-term rental guests must be maintained and made available to city code enforcement upon request.

40.375-D External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include, but are not limited to, the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

40.375-E No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

45.186 Short-Term Rental - Accessory

45.185-A Description

The rental of all or a portion of a dwelling unit, which is the primary residence of a household, for temporary lodging for a period of less than 30 consecutive days.

45.185-B General

The supplemental use regulations of this section apply to all accessory use short-term rentals.

1. An accessory short-term rental is limited to a maximum occupancy of 8 persons—including the dwelling’s residents—at any one time. An accessory short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.
2. A register of short-term rental guests must be maintained and made available to city code enforcement upon request.
3. On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.
4. External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
5. No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

FINAL TMAPC RECOMMENDATION

Chapter 5 – Residential Districts

Section 5.020, Table 5-2: R District Use Regulations

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory Specific use		1	2	3	4	5			0	1	2	3		
COMMERCIAL														
Lodging														
Short-term rental														
	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	Section 40.375

Chapter 10 – Mixed-use Districts

Table 10 2: MX District Use Regulations

USE CATEGORY				Supplemental Regulations
Subcategory Specific use	MX1	MX2	MX3	
Lodging				
Bed & breakfast	S	S <u>P</u>	S <u>P</u>	Section 40.060
Short-term rental	<u>S</u>	<u>P</u>	<u>P</u>	Section 40.375
Hotel/motel	-	P	P	Section 40.170

Chapter 15 – Office, Commercial, and Industrial Districts

Section 15.020, Table 15-2: O, C and I District Use Regulations, page 15-3

USE CATEGORY												Supplemental Regulation
Subcategory Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	
COMMERCIAL												
Lodging												
Bed & Breakfast	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	Section 40.060
Short-Term Rental	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>	Section 40.375

Chapter 25 – Special Districts

Section 25.020, Table 25-1: AG District Use Regulations

USE CATEGORY	Supplemental Use Regulations	
Subcategory Specific use	AG	
COMMERCIAL		
Lodging		
Short-term Rental		
	<u>S</u>	Section 40.375

Chapter 35 – Building Types and Use Categories

35.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

11. Bed and Breakfast

~~A detached house~~ An establishment in which the owner/operator offers overnight accommodations ~~and meal service~~ to guests for compensation. A bed and breakfast may serve meals to guests subject to the supplemental use regulations; a bed and breakfast may be rented for on-site events.

12. Hotel/Motel

An establishment, other than a bed and breakfast, short-term rental or rural retreat, in which temporary lodging is offered for compensation. A hotel/motel use may include an accessory bar.

13. Recreational Vehicle Park/ Campground

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

14. Rural Retreat

An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational facilities and dude ranches or working farm learning centers.

15. Short-Term Rental

A dwelling unit, or a portion thereof, in which temporary lodging is offered for compensation. A short-term rental is limited to a maximum 4 guest rooms for rent and a maximum occupancy of 8 persons at any one time. Short-Term Rentals can be principal or accessory uses.

Chapter 40 – Supplemental Use and Building Regulations

40.375 Short-Term Rental

The supplemental use regulations of this section apply to all principal use short-term rentals.

40.375-A A short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.

40.375-B Events are not permitted in conjunction with a short-term rental use. Examples of events include, but are not limited to, weddings, receptions, anniversaries, private parties, and business seminars.

40.375-C A register of short-term rental guests must be maintained and made available to city code enforcement upon request.

40.375-D External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include, but are not limited to, the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.

40.375-E No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

45.187 Short-Term Rental - Accessory

45.185-A Description

The rental of all or a portion of a dwelling unit, which is the primary residence of a household, for temporary lodging for a period of less than 30 consecutive days.

45.185-B General

The supplemental use regulations of this section apply to all accessory use short-term rentals.

1. An accessory short-term rental is limited to a maximum occupancy of 8 persons—including the dwelling’s residents—at any one time. An accessory short-term rental must comply with all licensing requirements of the City of Tulsa and an approved license number must be included with any material advertising the short-term rental.
2. A register of short-term rental guests must be maintained and made available to city code enforcement upon request.
3. On-site events are not permitted in conjunction with an accessory short-term rental. Examples of on-site events include but are not limited to weddings, receptions, anniversaries, private parties, banquets, and business seminars.
4. External structural alterations or site improvements that change the residential character of the lot upon which an accessory short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
5. No recreational vehicle, bus, or trailer shall be parked on a residential street in conjunction with a short-term rental use. A recreational vehicle, bus or trailer may be parked on the property if not visible from the street.

TMAPC Comments:

Mr. Covey asked staff to give a brief explanation of how Air B&B works.

Staff explained the process.

Mr. Covey asked for clarification if staff’s recommendation is if a homeowner resides in the home they can do this by right; however if it is an investment property there is a public hearing process through the Board of Adjustment.

Staff stated “yes” both options would need a license to operate from the City of Tulsa.

Mr. Covey asked what the cost of the Board of Adjustment (BOA) process would be and how long does the process take.

Staff stated for a Special Exception it is about 600-700 dollars and takes about 45 days from application to hearing.

Mr. Covey stated he understands the process for a license is not in place yet but could staff explain what the license process would be.

Staff stated there would be an associated license presented to City Council with the Zoning Code amendments. That would set up the fee and criteria to obtain the license would be and include the paperwork needed for the license. Staff stated it would also set up a time frame for how long a license is valid and the renewal process. Staff stated the intent is to have a contact on file that is responsible for that short-term rental. Staff stated the fee would be established based on what the administrative costs will be.

Mr. Ritchey stated according to Attachment II the supplemental use regulations for principal and accessory use are identical. Mr. Ritchey asked if there are any significant differences that he is missing.

Staff stated the only difference is how they are being used.

Mr. Ritchey asked if the BOA requirement has been removed for the principal use will the fee structure be different if it's a principal versus accessory use. What is the point of defining them separately.

Staff stated it is a typical zoning definition and how property is used. If it a principal use of a short-term rental it is treated differently than an accessory use.

Mr. Ritchey asked staff for examples of how zoning treats them differently.

Staff stated one is being used in conjunction with a residence and one is not.

Interested Parties:

Alan English 1543 South Gillette, Tulsa, OK 74104

Mr. English stated he lives next door to a recently started B&B. Mr. English stated the previous owners had trouble selling the house and 3 months ago the house was sold to an out of state owner. Mr. English stated this is a commercial use in a residential zoning area and he doesn't understand how that can happen. Mr. English stated he doesn't know why a B&B is allowed since there is adequate hotels in the area. Mr. English asked if this is approved will it fall under the same fire and safety regulations as a motel or hotel. Mr. English stated the owner of the property next to him is out of state and none of the neighbors have any contact information for them and if there is an emergency how do the neighbors contact

the owner. Mr. English stated he is 87 and his wife is 85 and in the next 15 years or so he thinks they will have to sell their house and if he understands it correctly he would need to disclose this to the new owners. Mr. English stated he would like to make sure the house next door is abiding by the regulations and that they would be enforced.

Mr. Covey asked Mr. English if he thought an Air B&B that was an investment property should have to go through the BOA process?

Mr. English stated "yes". It's a commercial operation.

Mr. Covey asked what about an owner who resides on the property?

Mr. English stated that is not part of his concern.

Mr. Ritchey asked if Mr. English has noticed the property being either neglected or well maintained?

Mr. English stated he has not noticed any special concerns.

Jim Niedermeyer 2648 East 57th Place, Tulsa, OK 74105

Mr. Niedermeyer stated he opposes short term rentals in single family residential areas. Mr. Niedermeyer stated he sent an email to City Council and Nathan Foster but would like to highlight a few items. Mr. Niedermeyer stated people who bought their house bought it because it was a single-family residential area. There would not be a stream of unknown people bedding down for various periods of time in the neighborhood. Mr. Niedermeyer stated know one checks these transients background and there are quite a few children in the neighborhood. Mr. Niedermeyer stated this proposal would completely modify the character of existing neighborhoods. Mr. Niedermeyer stated the proposal does not address the public safety and traffic issues associated with parking for all cars, trucks, SUVs and other vehicles that each party of guests brings with it to the single-family residential area. Mr. Niedermeyer stated it does not require off-street parking. It does state that no RV, bus or trailer may be parked on the residential street in conjunction with a short-term rental. However, the proposal would allow such RVs, buses and trailers to be parked in the yards of the short-term rental properties so long as they are not visible from the street. Mr. Niedermeyer stated what if these clients cause a problem who will take care of that problem. If it is Code Enforcement Mr. Niedermeyer stated from his own personal experience that is very lax. Mr. Niedermeyer read from his email: This proposal seeks to ignore the General Purposes set forth in the Tulsa Zoning Code that state that the "Residential Districts are designed to achieve the residential objectives of the Comprehensive Plan." That Comprehensive Plan states, with respect to existing neighborhoods, that it is intended to "preserve and enhance" those existing neighborhoods and to preserve the "character and

quality of life” of such neighborhoods. Mr. Niedermeyer stated this minority group of short-term rental buyers knew the rules of the game when they bought single-family residential houses but they want to change things and they want Planning Commission to change things for them and Mr. Niedermeyer doesn't think that is right. Mr. Niedermeyer stated he thinks the short-term rental proposal ignores the general purposes set forth in the Tulsa Zoning Code that state “the residential districts are designed to achieve the residential objectives in the Comprehensive Plan. “Mr. Niedermeyer stated The Comprehensive Plan states in respect to existing neighborhoods “it is intended to preserve and enhance existing neighborhoods and preserve the character and quality of life of such neighborhoods.”

Mr. Fothergill asked if Mr. Niedermeyer is opposed to owner-occupied short-term rental.

Mr. Niedermeyer stated “yes. It changes the character of the neighborhood.”

Mr. Fothergill asked if Mr. Niedermeyer was opposed to long term rentals in the neighborhood.

Mr. Niedermeyer stated if it was single family residential he would have a hard time opposing.

Sandra Whitt 6039 East 57th Place, Tulsa, OK 74135

Ms. Whitt stated she does not want to have the zoning changed in any way. Ms. Whitt stated her neighborhood has used Vision 2025 money to make the neighborhood safe and worked very hard to keep their property values up. Ms. Whitt stated her neighborhood is adjacent to LaFortune Park and the park has had many improvements. Ms. Whitt stated her neighborhood upholds the City Codes for the houses and yard improvements and they want incoming home owners to know this neighborhood is valued. Ms. Whitt stated the HOA is made up of 200 members and that have worked hard for years to maintain a high quality and safe neighborhood for families or a single home owner. Ms. Whitt stated they have a neighborhood watch and when seeing strange cars or people in the neighborhood they always call police. Ms. Whitt stated the only way to maintain this wonderful neighborhood is not allowing overnight rooms for rent.

Mr. Fothergill asked if Ms. Whitt was for or against owner-occupied short-term rentals.

Ms. Whitt stated she is not opposed to it but is opposed to passive investors that are not on site.

Jerry Heimlick 5540 East 46th Street, Tulsa, OK 74135

Mr. Heimlick stated he is President of the Plaza Hills Condominiums. Mr. Heimlick stated the bylaws of his condos agree with the Unit Ownership Estate

Act of the State of Oklahoma that state all condos are required to be rented for at least a 10-month term and be used by the owner as a single residential dwelling and not used for business or commercial purposes. Mr. Heimlick stated according to these bylaws the proposal violates those bylaws. Mr. Heimlick stated he is against owner occupied and investor short term rentals.

Darla Murphy 1411 South Louisville Ave, Tulsa, OK 74112

Ms. Murphy stated she lives in the Summit Heights subdivision. Ms. Murphy stated she has received a Special Exception for accessory use of the spare bedroom in her house for short term rental. Ms. Murphy stated at the hearing she received both opposition and support of her application. Ms. Murphy stated the residents that opposed her application stated her home was one of the nicest on the street. Ms. Murphy stated guests are not allowed to have keys to her home they use a keypad that uses their phone number as their access code and that code is removed after the guests stay. Ms. Murphy stated she works from home so she is there all the time. Ms. Murphy stated her husband was in the hospital for a few weeks in Oklahoma City and they stayed in short terms rentals. Ms. Murphy stated there is a need for short term rentals, they are less expensive than a hotel and several Air B&B hosts rent their house to the neighbors for out of town families to stay in while visiting. Ms. Murphy stated it is the responsibility of the property owner to maintain the property and sometimes in neighborhoods that is not the case with long term rentals. Ms. Murphy stated of the 300 listings on Air B&B there are only 16 that have the Special Exception to allow this Use. Ms. Murphy stated she feels there should be a difference between the principal use and the accessory use. Ms. Murphy stated she feels the Board of Adjustment process should be kept in place for investment property.

Mr. Covey asked Ms. Murphy if the BOA process was difficult.

Ms. Murphy stated the BOA process was fine but because the lots in her neighborhood were smaller there were more property owners located within the 300 feet notification area so for her the cost was about \$1000.00.

Mr. Richey asked if Ms. Murphy would talk about vetting the guests. Such as what has Air B&B done before the guests get to you and what you are able to do after that.

Ms. Murphy stated she looks at the guest reviews and if there are any problems she doesn't rent to them.

Mr. Fothergill asked if any of the neighbors who spoke in opposition of her application at the Board of Adjustment have spoken to her since the approval.

Ms. Murphy stated "no", but they didn't speak to her before the application approval either, the neighbor's generally keep to themselves.

Mr. Fothergill asked if there have been any problems with guests since she started the short-term rental process.

Ms. Murphy stated “no”.

David Knebel 3618 East 103rd Street, Tulsa, OK 74137

Mr. Knebel stated he lives in Chelsea Pond subdivision which is a gated community on the south side of Tulsa. Mr. Knebel stated he would like to address unintended consequences. Mr. Knebel read what a future newspaper article might say regarding short term rentals. In the example he spoke about communities unprepared for transient population change and some of the issues such as excessive traffic which would prevent first responders from entering the neighborhoods to do their job. Mr. Knebel gave another example of excessive crime in affluent neighborhoods because of easy access to those neighborhoods. Mr. Knebel stated child safety would be at risk because access would be given to people with unknown criminal backgrounds and they would be allowed into the unsuspecting neighborhoods. Mr. Knebel stated as a result there would be more kidnapping, rapes, dramas and other items that would be reported. Mr. Knebel continued with his future article example stating neighborhoods are now full of trash and have become a breeding ground for communicable disease. He stated property values have decreased as affluent neighborhoods turn into slums. Mr. Knebel stated what may have seemed like a good idea has turned into a disaster and citizens no longer look at Tulsa as a place to raise families and call home. Mr. Knebel stated should avoid the chances of this happening in Tulsa and leave the neighborhoods alone. Mr. Knebel stated HOA's should be allowed to put in covenant that they can enforce without outside interference. Mr. Knebel stated the Planning Commission needs to be concerned about unintended consequences of their actions and think about what will be written in the paper 10 years from now. Mr. Knebel stated he is not in favor of any of the things being promoted here.

Virginia Stewart 7121 East 91st Place, Tulsa, OK 74133

Ms. Stewart stated she is the President of the Kingsbury Home Owners Association. Ms. Stewart stated she is a part of District 8 and her remarks come in the form of questions. Ms. Stewart stated what is the point of working hard and researching and then buying a home in a neighborhood with a covenant that can't be honored by the City. Ms. Stewart stated is the purpose of this proposal to override the covenant of HOA's. Ms. Stewart stated what streets in her neighborhood could handle the increase in traffic or the parking that would be required by this proposal. She asked if it is Planning Commission's intent to widen all the streets. Ms. Stewart asked what elements would be introduced into the neighborhood to help emergency vehicles get to the elderly in the neighborhoods. Ms. Stewart stated it appears it took only a month to remove some of the requirements for short term rentals, what guarantees do neighborhoods have to ensure there won't be more amendments to short term rentals in the future. Ms. Stewart stated she is asking for Panning Commission to

leave their covenant in place. Ms. Stewart stated she wont like to ask that District 8 not be apart of the Zoning Districts that allow short term rentals.

Katherine Sebert 1510 South 75th East Avenue, Tulsa, OK 74112

Ms. Sebert stated she is the President of the Moeller Heights Home Owners Association. Ms. Sebert stated she has been the President since 1992 and one of the things over the years she has done is troubleshoot problems in the neighborhood with regular homeowners and rentals. Ms. Sebert stated the City is discouraging graffiti but allowing people to paint the downtown buildings with beautiful murals, the City is discouraging existing business districts but bringing businesses into neighborhoods by allowing bedroom rentals. Ms. Sebert stated this discourages homeowners and in spite of the good intentions there will be some consequences that happen. Ms. Sebert stated some of the problems are trash, cars parked on narrow residential streets and noise. Ms. Sebert stated the property values near short term rentals can be a problem because some of the realtors are looking into disclosing on deeds that the property is within a certain number of feet from a short-term rental. Ms. Sebert stated she has read articles about problems with short term rental properties that are not easily solved. Ms. Sebert stated for decades the City of Tulsa has nurtured neighborhoods and this will bring a commercial business into neighborhoods. Ms. Sebert stated she is against both accessory and principal use.

Shannon Keating 2542 South Pittsburg, Tulsa, OK 74114

Ms. Keating stated she is an investor and she has both long term and short-term rentals. Ms. Keating stated the difference for her is she is in her short-term rentals every day. Ms. Keating stated her goal is to always improve and be a quality member of a neighborhood. Ms. Keating stated she wants property values to go up just like everyone else. Ms. Keating stated there are a variety of people who are traveling that come into her homes and she is very involved in getting to know who are staying in these homes. Ms. Keating stated she is a homeowner and an investor homeowner but she is not the boogieman. Ms. Keating stated she doesn't believe owner occupied or investor property should have to go through the BOA process.

Mr. Covey asked if Ms. Keating went through the BOA process for her properties.

Ms. Keating stated she did not know she had to but would happily start that process.

Judy Smith 2805 East 23rd Street, Tulsa, OK 74114

Ms. Smith stated she bought property for an Air B&B. Ms. Smith stated the Air B&B is a carefully managed process. Ms. Smith stated her property is right across the street from the Barnard School site and is well maintained. Ms. Smith stated she takes a lot of pride in the yard and the area. Ms. Smith stated she doesn't allow parties. Ms. Smith stated she doesn't see any extra problems from

short term rentals in neighborhoods. Ms. Smith stated she is in favor of not having to go before BOA for anything.

Stephanie Koster 5652 South Boston, Tulsa, OK 74105

Ms. Koster stated she has stayed or have hosted over 270 days on Air B&B. Ms. Koster stated she is married to a firefighter and is a ten-year veteran of the Navy and travels for a living. Ms. Koster stated she has not gone before the BOA for her short-term rental. Ms. Koster stated Air B&B is a community of people and when she travels she stays in them because she wants to connect with people. Ms. Koster stated she has not had any problems with their Air B&B. Ms. Koster stated on Air B&B hosts and guests go through background checks and if a host has a problem the police can be called and guests can be asked to leave. Ms. Koster stated she thinks owner occupied should not have to go through BOA process but investors should.

Chip Atkins 1638 East 17th Place, Tulsa, OK 74120

Mr. Atkins stated he is an absentee landlord and a City landlord. Mr. Atkins stated he has both sets of properties and both sets of issues. Mr. Atkins stated he would not support either now because when staff made the statement that there would not be anyone to contact so there is no difference between the two. Mr. Atkins stated these short-term rentals are zoned as a commercial property. They are a business and they need to go before the BOA. Mr. Atkins stated short term rentals pose big risks to homeowners who are leasing their properties. Mr. Atkins stated home insurance normally doesn't cover short term rentals and everyone talks about Air B&B's liability contract that covers short term hosts. That is not true. Mr. Atkins stated what happens when the value of the houses goes down due to transient people in the neighborhood. Mr. Atkins stated there is nothing in the code that addresses renting out apartment buildings to Air B&B. Mr. Atkins stated the rights of homeowners have not been addressed in this proposal or the and he finds that neglectful. Mr. Atkins stated someone stated there was no difference between an Air B&B and a Bed and Breakfast, but the Air B&B does not have to have a Health Department inspection or meet and safety regulations. Mr. Atkins stated why after 30years of investing in his property does he have to worry about being in a neighborhood with transients instead of the neighborhood he enjoys.

Mr. Covey asked Mr. Atkins if he thinks both home occupied and investors should have to go through the BOA process.

Mr. Atkins answered "yes".

Mr. Fothergill asked if Mr. Atkins thought a long-term rental should be licensed as well.

Mr. Atkins stated "yes".

Bobbi Drew 6218 East Newton Street, Tulsa, OK 74115

Ms. Drew stated she is the President of the Maplewood Home Owners Association. Ms. Drew stated in the Maplewood neighborhood there is a high level of crime, there are rundown apartments and drug usage. Ms. Drew stated she doesn't see where transient people coming through neighborhoods is going to help these issues at all. Ms. Drew stated she was told as a safety measure to get to know her neighbors, how can this be done with people coming and going all the time. Ms. Drew stated she doesn't see where her neighborhood would benefit from this proposal but thinks each neighborhood should get to decide if short term rentals will be allowed in that neighborhood. Ms. Drew asked if this could be continued to next meeting so she or anyone else could make an informed decision.

Mr. Covey asked if Ms. Drew was for or against owner occupied going through the BOA process.

Ms. Drew stated she is against short term rentals happening at all in her neighborhood.

Robert Kane 2829 South Columbia, Tulsa, OK 74114

Mr. Kane stated he urges Planning Commission not to support the short-term Rental zoning amendment that is being addressed in the TMAPC meeting today. He is concerned that, while there may be locations where a STR use may be advantageous, granting a blanket "by right" approval with supporting regulation is too broad a brush. Mr. Kane stated given the seriousness of the issue, he strongly urges Planning Commission to start slowly using a case by case approach. Mr. Kane stated a great way to get additional feedback would be to require neighbor approval in the beginning. If neighbors approve with regularity, then the TMAPC and the City of Tulsa will have excellent feedback on the relative success or failure of the STR effort. Mr. Kane stated he is concerned that a blanket STR right may adversely affect some of the older neighborhoods. He stated he lives in the area surrounding the Tulsa Tennis Club. Mr. Kane stated while he understands that the City is always interested in increasing revenue, he thinks it is arguable that in the neighborhoods with large lots, such as Woody Crest, STR's may have a negative effect on the surrounding property values that would be greater than any increase in the tax base from STR (if it is even collectible). Mr. Kane stated he (and perhaps many other homeowners and neighbors) only became aware of this proposed zoning change within the past week and he (and perhaps other homeowners) have received no notice about any previous meetings on this topic, which might explain why the concerns of neighbors were not heard at the 3/20/19 Planning Commission meeting. Mr. Kane stated he understands at the last meeting the Planning Commission asked staff to re-write the rules to eliminate the special exception and public notice process for STR/AIRBNB/VRBO. Mr. Kane stated he urges Planning Commission again, not to support the zoning change discussed today. It is not right to change, retroactively, the residential character of a neighborhood/street

to a commercial character without setting up a regulatory framework in which homeowners and neighbors are required to approve. Mr. Kane Thanked the Commissioners for their consideration of his concerns and for their service to the city.

Lisa Williams 2116 East 18th Street, Tulsa, OK 74104

Ms. Williams stated she owns a short-term rental property. Ms. Williams stated several speakers have mentioned the rights of homeowners. Ms. Williams stated she is a homeowner, she pays taxes. Ms. Williams stated why are we going through this process it seems to her that the people who are doing the accessory use are running a Bed and Breakfast because they are renting a room in their home. Ms. Williams stated that the people using the residence as a principal use have to jump through hoops and announce that these homes are vacant, inviting someone to break into them. Ms. Williams stated the guests are vetted before staying in these short-term rentals and hosts can refuse service if they believe they will cause any trouble. Ms. Williams stated several people have stood up saying they have never had a problem with short term rentals in their neighborhood but say they are opposed to them being in their neighborhood.

Mr. Covey asked Ms. Williams if she thought the investors or the home occupied short term rentals should have to go through the BOA process.

Ms. Williams stated she doesn't think either should but, is in favor of the licensing.

Marian Olson 32 South Florence Avenue, Tulsa, OK 74104

Ms. Olson stated she has gone through the BOA process and it cost her about \$1000. Ms. Olson stated she started her short-term rental in September of 2018. She bought the house next door to her and at the time she bought it was studs and dirt because the owner was out of the country. Ms. Olson stated it had sat there for 20 years and the owner had kept up the roof and that was it. Ms. Olson stated the yard was reported to the City several times. Ms. Olson stated she bought it and fixed it up and put it up for rent. She stated the only people who looked at it could not afford the rent or pass a background check. Ms. Olson stated she looked into Air B&B and decided to give that a try. Ms. Olson stated she is full almost every night until recently when she cut back her scheduling for travel reasons. Ms. Olson stated the B&B's have food as part of the payment for the stay and events are allowed but short-term rentals are defined as just that and that needs a separate ordinance. Ms. Olson stated about three-fourths of the houses on her street are rentals also. Ms. Olson stated she thinks there needs to be a license but doesn't think the BOA process is necessary.

Mr. Covey asked if Ms. Olson was an investor or owner occupied.

Ms. Olson stated she is an investor because she lives next door to her short-term rental.

Michael Jones 5109 South Wheeling Avenue, Tulsa, OK 74105

Mr. Jones stated he doesn't want the BOA process. Mr. Jones stated listening to the other speakers he thinks the fear of the unknown is the issue, but this is not the 50's or the 60's and he doesn't know who nine tenths of his neighbors are despite the fact the he introduced his self when he moved in. Mr. Jones stated he sees his neighbors in the street in passing, they don't come over to visit. Mr. Jones stated the idea of a tight knit community where everyone is in everyone else's business isn't the norm as it once was. Mr. Jones stated a speaker talked about transient's coming into their neighborhood that they have no control over, Mr. Jones stated he doesn't have any control over any of his long-term rentals now. Mr. Jones stated he could rent to a pedophile, sociopath or any one else and they can't be vetted. Mr. Jones stated there is a rating system in place for the Air B&B and VRBO and if a guest or host fall under that standard you are downrated and less likely to get people to stay with you. Mr. Jones stated short term rental owners are more motivated to keep rentals at a higher level than anyone else who has a rental. Mr. Jones stated the long-term leases shift the responsibilities over to the renter but short term keeps those responsibilities with the owner and therefore are taken better care of. Mr. Jones stated he thinks licensing should be in place so the neighbors have someone to contact if something went wrong.

Mr. Covey asked if Mr. Jones was here on behalf of his elderly clients as he said last time or as a short-term rental owner.

Mr. Jones stated "both".

Mr. Covey asked if Mr. Jones had gone through the BOA process.

Mr. Jones stated, "no not yet".

Spencer Gainey 2115 East 36th Street, Tulsa, OK 74105

Mr. Gainey stated he is the Government Affairs Director for GTAR. Mr. Gainey stated he is in favor of the revised proposal that removes the BOA process and creates a standardized process for both designations.

Mr. Covey asked what the realtors associations involvement is in short term rentals.

Mr. Gainey stated GTAR serves all of Tulsa's community. Mr. Gainey stated he is representing property owners.

Mr. Covey asked if it was easier to sell property if there is no BOA process?

Mr. Gainey stated he can't speak to that because GTAR does not have a role in that process. Mr. Gainey stated GTAR would like to see a standardization of the process and move away from the case by case process.

Tracy Streich 7170 South Braden Avenue, Tulsa, OK

Mr. Streich stated he is a home owner, investor, property manager and a real estate broker. Mr. Streich stated rentals are increasing everywhere and home ownership is down, whether it is short term or long-term rentals. Mr. Streich stated he feels like he has more control over his short-term rental than the long-term rentals. Mr. Streich stated on the short-term rentals he visits those once a week and if he has a problem with the guest they are out. But with a long-term rental he is bound by a lease and it is much harder to get them out if they are causing a problem. Mr. Streich stated there is a misconception about who is renting the short-term rentals, it is not vagrants only interested in throwing parties and trashing houses. Mr. Streich stated people renting short term rentals are normal people just like everyone in the hearing whether they are for or against this proposal. Mr. Streich stated he thinks one of the things that make a short-term rental so popular is that it is pet friendly. Mr. Streich stated he agrees with Mr. Gainey's comments about the BOA process. Mr. Streich stated if he applies to the BOA and whoever decides to be vocal that day gets to decide if he gets his exception. Mr. Streich stated there needs to be a standard that eliminates the BOA process. Mr. Streich stated he doesn't think either group, accessory or principal should go before the BOA. Mr. Streich stated his property rights start at his property line and if he wants to rent it out for 2 months, 1 year or 2 days he should be allowed to do that.

Mr. Ritchey asked Mr. Streich how the Planning Commission should draw the line when businesses, short term rentals are clearly a commercial use, operate in a residential setting. Mr. Ritchey stated how do we decide that some residential uses are acceptable. For example, can you open a hair salon that only has 2 clients at a time, so there are never more than 2 cars at a time. Mr. Ritchey stated can we allow a hair salon in any neighborhood with no requirements whatsoever.

Mr. Streich stated he believes short term rentals are a business just as long-term rentals are a business. Mr. Streich stated if someone has to apply for an exception and meet A, B and C rules and pay your fee then you can do it. Mr. Streich stated without talking to everyone in the neighborhood he thinks that is the issue.

G Streeter PO Box 33214, Broken Arrow, OK 74153

Ms. Streeter stated she is a property owner she owns 7 houses and she doesn't live in any of them. Ms. Streeter stated she has listened to a lot of people that are opposed to the short-term rentals and some that are in favor of short-term rentals but are opposed to the BOA process. Ms. Streeter stated she is also opposed to the BOA process and does not have an exception from the BOA. Ms. Streeter stated as a short term property owner she is at the property more frequently and take better care of the property than the average home owner. Ms. Streeter

stated we want to encourage people to come to our City it helps the economy and these are everyday people. Ms. Streeter stated she does agree that there should be a limited number of guests Ms. Streeter stated she is a licensed realtor and when the market crashed a lot of people could not sell their homes and in order to prevent a foreclosure they looked into alternatives. This was an alternative in order to pay the mortgage. Ms. Streeter stated she thinks older homes should be regulated for safety.

Mr. Ritchey asked Ms. Streeter should a home owner be allowed to run a hair salon out of their house if they live there without going through any permitting or licensing.

Ms. Streeter stated she runs her real estate business out of her home and that is not regulated.

Mr. Ritchey asked if you should be allowed to rent a house to someone to run a hair salon out of it.

Ms. Streeter stated if there are shipments of merchandise being delivered she would say "no", but an office should be fine.

Deanna Harris 3681 North New Haven, Tulsa, OK 74115

Ms. Harris stated she lives in Yahola Estates neighborhood and it is very quiet. Ms. Harris stated she has had to fight the City several times for uses they want to put near her neighborhood. Ms. Harris stated she knows all her neighbors, their kids and grandkids. Ms. Harris stated if she could she would like to suggest to the City of Tulsa that her neighborhood secede from the City and eliminate the need to come before any more boards ever. Ms. Harris stated she just learned of this meeting today and she understands a neighbor wants to do short term rental in her neighborhood. Ms. Harris stated it only takes one person to come in and not do the right thing to ruin it for everyone else. Ms. Harris stated she would suggest that home owners who want to do the short-term rentals talk with their neighbors before starting to rent. Ms. Harris stated she understands someone wanting to do short term rental in her neighborhood because they are close to the airport and close to the Zoo. Ms. Harris doesn't think that is what she wants for this area. Ms. Harris stated if someone can use residential property for commercial purposes then what is the point of zoning anything.

Mr. Fothergill stated to Ms. Harris, Yahola Estates is a hidden gem. Mr. Fothergill asked if there were any long-term rentals in Ms. Harris neighborhood.

Ms. Harris stated she did not know.

Mr. Fothergill asked, if there were short term rentals in her neighborhood would she be okay with those if the owner lived in the house.

Ms. Harris stated “no”.

Ann Francis Ellis 1424 South St. Louis Avenue, Unit D, Tulsa, OK 74120

Ms. Ellis stated she is President of the Cherry Street Neighborhood Association and Secretary of the Homeowners Association of her condo building. Ms. Ellis stated she is not here in that capacity. Ms. Ellis stated she loves the Air B&B concept and was very nervous about using one but her and a friend stayed in one in Denver and it was great. Ms. Ellis stated even though she is retired she still goes to conferences every year and now that she pays for the conferences instead of her employer she stays in Air B&B and hostels. Ms. Ellis stated she likes the idea of bringing it to Tulsa. Ms. Ellis stated it's happening all over the world and she doesn't think it can be stopped. Ms. Ellis likes the idea of licensing but is opposed to investment property in general because it brings up the prices of real estate. Ms. Ellis doesn't want the BOA process for owner occupied but does want BOA process for investors.

Brenda Haggard 2604 East 73rd Street, Tulsa, OK 74136

Ms. Haggard stated she lives just north of ORU and thought about renting a bedroom to an ORU student. Ms. Haggard stated a few years ago her neighborhood opposed 2 oxford houses that were opening in her neighborhood and it was clear that they were going to accept them. Ms. Haggard stated she has stayed in short term rental and loved it but would be for speaking with neighbors beforehand. Ms. Haggard stated everyone who owns a house is an investor. Ms. Haggard stated she thinks everyone should go through the BOA process.

Tim Counts 7734 East 81st Place, Tulsa, OK 74133

Mr. Counts stated he is not an attorney but in Chicago the HOA's overrode the Air B&B's. If your HOA does not want short term rental you're not allowed to have short term rental. Mr. Counts stated it was the same with covenants. Mr. Counts stated he has heard people say their property is going to diminish in value. He stated he has spent \$35,000 on his property to put on Air B&B. Mr. Counts stated he knows the neighbors at his Air B&B but doesn't know the neighbors where he lives. Mr. Counts stated if the neighbors have a problem they call him at home. Mr. Counts stated he is always working on the property and neighbors compliment him on his property. Mr. Counts stated according to the Landlord Tenant Act in Oklahoma a lease ties him to the tenant but it doesn't tie the tenant to him so if Mr. Counts has a problem he can't evict the tenant unless he is breaking the law. Mr. Counts stated he understands people being concerned with safety because this is not the 50's and 60's. Mr. Counts stated there is Uber, who would ride in someone's else's car? He stated a few people said they don't want rentals in their neighborhoods but he said that is ownership rights. Mr. Counts stated if you rent property you should have commercial insurance because you are not protected with a home owner policy. Mr. Counts stated the home occupied nor the investor should have to go through the BOA process, but both should get a license.

Andrew Nelson 2516 East 1st Street, Tulsa, OK 74104

Mr. Nelson stated he is an investor and know the neighbors of his rental property better than the neighbors at his residence and he has lived there for 8 years. Mr. Nelson stated he just spent 7000 dollars on his short-term rental and he would not have done that with a long-term rental. He is a super host on Air B&B because of the good ratings his guests have given him. Mr. Nelson stated he has taken property that was run down and made it the best-looking house on the block. Mr. Nelson stated there are great property owners out there who take care of their properties. Mr. Nelson stated to go before the BOA it is more than the \$1000 it's also your time and a difficult process. Mr. Nelson thinks the BOA process should be eliminated for both owner occupied and investors.

Jim Landrum 2613 East 67th Street, Tulsa, OK

Mr. Landrum stated he knows all his neighbors and is here because a house in his neighborhood that is a short-term rental is rented by parents of teenagers as a party house it has an indoor pool. Mr. Landrum called police, because of the noise, and they were slow to respond. Mr. Landrum stated he went through the BOA process and opposed this short-term rental in his neighborhood and their application was denied. Mr. Landrum asked if this proposal goes through will that neighbor be able to reapply to have this short-term rental.

Mr. Covey answered that is a possibility.

Mr. Landrum stated then why are we restricting zoning. Mr. Landrum stated is thinks both owner occupied and investor should go through the BOA process.

Marva Bear 6214 East 78th Place, Tulsa, OK

Ms. Bear stated she has mixed feelings regarding owner occupied rentals, but investor short term rental she is not in favor of because everyone is an investor in my own home and spend a lot of money on the upkeep. Ms. Bear asked if this exception is for Air B&B only.

Mr. Covey stated "no".

Ms. Bear stated so anyone on Craigslist can buy a house and put short term rental ads on Craigslist and rent them out. Ms. Bear stated we are not talking about just Air B&B, they are great, but there are unintended consequences. Ms. Bear stated she has 3 rentals on her street and one of them was leased to a well-known university who subleased it to students per semester. Ms. Bear stated she nicknamed it the sand box because it was nothing but a party place. Ms. Bear stated the home owner was absent and the pool at the house fell in disrepair and tested positive for West Nile. Ms. Bear stated these things happen and home owners pay taxes for our City to protect us from unintended

consequences. Ms. Bear stated home owner's insurance doesn't pay for someone getting hurt on your rental property. Ms. Bear stated the extra traffic is also a concern. Tulsa needs to balance keeping up with the times and making this a family friendly city. Ms. Bear stated she is in favor of owner occupied and investors going to BOA. Ms. Bear stated that is the cost of doing business.

TMAPC COMMENTS:

Mr. Doctor asked staff if neighborhood covenant or bylaws would be superseded or conflict with those private agreements or would remain in force.

Staff answered if there are adopted covenant's or bylaws this proposal would not supersede them in any way. Those restrictions are privately enforced. Staff stated the rules will not be for just one platform, while Air B&B is absolutely the poster child for the short-term rentals what is written has to be applied to every platform that someone opts to use. Staff stated while Air B&B may have very good vetting measures others may not.

Mr. Ritchey asked if staff could speak to the licensing process.

Staff stated the City legal Department and staff will be assisting with writing the ordinance,

Ms. Millikin stated she thought she understood that a home owner had the right to rent a room in their home if they chose to.

Staff stated you can rent a room on a long-term basis in your home called a rooming unit by the Zoning Code. The short-term piece is what changes the classification. Staff stated anything less than 30 days by the Zoning Code goes into the lodging category. Staff stated that is what has prompted a lot of the discussion. What was interpreted by the City enforcement officers was that everything was just Bed and Breakfast because lodging is what category the short term fit within. Staff stated that is what prompted proposal.

Mr. Ritchey stated he is a huge supporter of AIR B&B platform, property rights and a huge supporter of Tulsa and the entrepreneurial spirit Tulsa has. Mr. Ritchey stated he is conflicted because he believes short term rental is a business use in a residential area. Mr. Ritchey stated what can be done to help neighborhoods without trampling on Tulsa's entrepreneurial spirit. Mr. Ritchey stated he likes the idea of a license and thinks everyone should get a license. Mr. Ritchey stated he thinks everyone should have to go through the Board of Adjustment process. Mr. Ritchey stated as a business owner he would be happy if he only needed to pay \$1500 dollars for licensing and permitting to operate a very cash positive business. Mr. Ritchey stated he also has a short-term rental and will be doing the same as others in this room. Mr. Ritchey stated hosts make significantly more money with significantly less risk renting to short term rentals

than long term rentals and if you don't you are doing it wrong. Mr. Ritchey stated if you are a short-term rental owner you are running a business in a residential neighborhood and going through a Board of Adjustment procedure is a small price to pay.

Ms. Millikin stated she agrees with Mr. Ritchey.

Mr. Fothergill stated currently long-term rentals are allowed throughout the City. Mr. Fothergill stated he is an Air B&B user and the one he uses in Branson is better maintained than the properties around them. Mr. Fothergill stated everyone has property rights and if you want to rent long term you can do that right now without any approval process. Mr. Fothergill stated he has lived next door to terrible renters and you can call the landlord and if they are out of state you may not get a response. Mr. Fothergill stated with short term rentals you have the opportunity to get rid of almost instantaneously. Fothergill stated he believes a short-term rental is more advantageous for the neighborhood than long term rentals.

Mr. Covey stated he will be voting against both proposals because of the negative affects on single family neighborhoods, noise, traffic and public safety concern. Mr. Covey stated neighbors should have notice of short-term rentals in their neighborhoods. Mr. Covey stated there may be places for short term rentals but to blanket the entire City is not right. Mr. Covey stated there are regulations in the Zoning Code dealing with home occupations and in summary they say you can operate a consulting business or something of that nature by right without any approval process but you can't have any clients to your home, or customers. You can't have any employees. If you are going to have customers or employees to your house you have to go through a BOA process. Mr. Covey stated if you go through the BOA process and are approved you are limited to no more than 3 clients or customers coming to your house at one time. Mr. Covey stated those regulations are already in effect for any home occupation and short-term rental that could turn 8 people a night should abide by the same rules. Mr. Covey doesn't see how we can allow one and not the other. Mr. Covey stated he has faith in the BOA process and he went through all the cases before the BOA concerning short term rentals and the BOA permitted the short-term rentals on the perimeter of the neighborhood and denied the ones in the middle of the neighborhood. Mr. Covey stated this is a business and there is a cost to doing business. Mr. Covey stated he is an attorney and he has costs he associated with his business. Mr. Covey stated he did the math with what a speaker stated she charged per night for Air B&B and if the cost for BOA is \$1000 a host would make that money back in a month. Mr. Covey stated Air B&B sounds great but its not the only platform and those others may have unintended consequences. Mr. Covey stated he thinks the City of Tulsa needs to charge enough in their application fee to pay for an enforcement officer because a majority of the hosts or investors have not gone through a BOA process and there are over 300 advertisements for rentals and only 16 have gone through the process.

Mr. Doctor stated this is not a new industry in Tulsa and the 300 units were probably just on Air B&B platform and there are other platforms. Mr. Doctor stated just on the Air B&B platform there have been about 40,000 visitors to Tulsa in the last year. Mr. Doctor stated if there were unintended consequences for this use he believes we would see them already. Mr. Doctor stated there have been a few studies released that show short term rentals actually increase property values of the homes adjacent to them because there are higher standards of accountability for users and hosts. Mr. Doctor stated there are a rapidly growing part of a tourist industry in a city that welcomes people. Mr. Doctor stated short term rentals are growing 200% a year because that is the method people are choosing. Mr. Doctor stated having those options are critical to welcome people to our City. Mr. Doctor stated he is not in favor of owner occupied going to BOA. Mr. Doctor stated he thinks its critical to mend the system because it is currently required that all short-term rentals go through the BOA process but the information of getting that out to hosts hasn't been great. Mr. Doctor stated the challenge of the City is knowing who is out there operating a short-term rental and being able to enforce the requirements. Mr. Doctor stated that is the critical part behind the license, it will allow the City to know who is out there and to ensure fairness with the hotel industry. Mr. Doctor stated he would be in favor of investors going before BOA. Mr. Doctor stated a lot was said about commercial businesses functioning within a residential space but the key distinction for Mr. Doctor is what the use of that space is. Mr. Doctor stated guests are coming in and using the short-term rental for a residential purpose. Mr. Doctor stated when you have a non-owner-occupied space you don't know who your neighbor is anymore and you don't have a personal contact and that makes it a little harder to have the sense of neighborhood and thinks that BOA process is needed.

Mr. Ray stated he agrees with a lot of the comments the other Commissioners have made he thinks Mr. Fothergill and Mr. Doctor made good points. Mr. Ray stated we are trying to increase visitors to the community and the short-term rentals are booming and we should do what we can to keep up with that boom and make it as easy as possible for people to do that. Mr. Ray stated he has not heard anything today that convinces him that the BOA process for investors is productive. Mr. Ray stated he thinks there should be some enforcement behind the BOA process. Mr. Ray supports no BOA process for Investors and an increase in the number of guests.

Mr. Fothergill asked if the motions could start with option II and work towards option I with the amended language.

Ms. VanValkenburgh stated there is a motion and a 2nd on table currently. Mr. Doctor would have to withdraw his motion.

Mr. Fothergill stated he would like option II to have a shot.

Mr. Ritchey stated he withdraws his 2nd of the motion.

Mr. Doctor stated he would not withdraw his motion.

Mr. Doctor's motion failed for lack of a second.

Mr. Fothergill made a motion to approve option II as presented by staff.

Mr. Ray 2nd the motion.

The vote failed 3-5

A second motion was made by Mr. Doctor to approve ZCA-13 per staff recommendation with amended language for number of parties in Attachment II to the staff report for ZCA-13.

TMAPC Action; 8 members present:

On **MOTION** of **DOCTOR**, TMAPC voted **6-2-0** (Doctor, Fothergill, Ray, Ritchey, Shivel, Van Cleave, "aye"; Covey, Millikin, "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to recommend **ADOPTION** of ZCA-13 per staff recommendation with the amended language for the number of parties in attachment II to the staff report for ZCA-13.

OTHER BUSINESS

12. Consider initiation of revisions and executive summary of West Highlands/Tulsa Hills Small Area Plan

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to **CONTINUE** item 12 to April 17, 2019.

13. Commissioners' Comments

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ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **FOTHERGILL**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Millikin, Ray, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Walker, "absent") to **ADJOURN** TMAPC meeting 2791.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 5:05 p.m.

Date Approved:

05-01-2019


Chairman

ATTEST:


Secretary