

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2802

Wednesday, September 18, 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	Doctor	Foster	Jordan, COT
Fothergill	Shivel	Good	Silman, COT
Kimbrel		Hoyt	Stephens, Legal
McArtor		Jones	
Ray		Miller	
Reeds		Sawyer	
Ritchey		Wilkerson	
Van Cleave			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 12, 2019 at 1:42 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Covey stated Ms. VanValkenburgh and Ms. Sawyer gave Commissioners an A for not replying all to emails. However, they gave Commissioners a C for waiting to be called upon before speaking and turning on the microphones. Mr. Covey stated this makes transcribing the minutes easier.

Director's Report:

Ms. Miller reported on Board of County Commissioner actions and other special projects. Ms. Miller stated work has started on the on the planitulsa update and staff will present this at various City Council Town Hall meetings and other neighborhood meetings to meet people and talk about the Tulsa Planning Office and the public process that will follow so that the public will be involved when that time comes. Ms. Miller stated she has seen a draft copy of the short-term rental draft license agreement. She believes the intent will be to eliminate any special exception requirement once it gets back to City Council.

Ms. Kimbrel asked how the community could be involved in the Comprehensive Plan update?

Ms. Miller stated right now staff is trying to go out and meet people ahead of time and all of the details have not been determined yet. Ms. Miller stated staff is trying to find efficiencies in where a lot of groups come together and try to get on those agendas versus going to every neighborhood group in the city, which is probably not possible.

* * * * *

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.

- 1. **PUD-739-2 Stephen Hetrick** (CD 2) Location: West of the northwest corner of West 81st Street South and South Elwood Avenue requesting a **PUD Minor Amendment** to reduce required front and side yard setback

STAFF RECOMMENDATION:

SECTION I: PUD-739-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to reduce the required front yard setback from 30ft to 29 ft and side yard setback from 7.5 ft to 6 ft in order to permit the minor encroachment of the existing structure.

Based on the survey provided by the applicant. The existing structure is located only a few inches beyond the required setback lines provided in the PUD development standards along the north and east boundaries. The purpose of this amendment is to bring the structure into conformance with the PUD standards for the subject lot.

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-739 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required front and rear setback as indicated.

2. **Oklahoma Oncology** (CD 7) Change of Access, Location: Southwest corner of East 48th Street South and South Garnett Road

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Shivel, “absent”) to **APPROVE** Items 1 and 2 per staff recommendation.

Mr. Ritchey read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARINGS:

Mr. Covey stated items 3 and 4 were withdrawn by the applicants.

3. **Z-7499 David Henke** (CD 4) Location: East of the northeast corner of East 10th Street South and South Peoria Avenue rezoning from **RS-4 to CH** (withdrawn by applicant)

4. **Z-7489 Kyle Gibson** (CD 4) Location: Northwest corner of East 5th Street South and South Norfolk Avenue rezoning from **IL and RM-2 to CH** (Continued from July 17, 2019 and August 21, 2019 and September 4, 2019) (withdrawn by applicant)

Mr. Covey addressed the continuance of item 6.

6. **Z-7498 Malcolm Rosser** (CD 6) Location: South of the southeast corner of East 11th Street South and East Skelly Drive rezoning from **CS to IL with optional development plan (Continued to October 16, 2019)**

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Shivel, "absent") to **CONTINUE** Item 6 to October 16, 2019.

5. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting rezoning from **CH to IM** (Continued from August 7, 2019 and September 4, 2019) **with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7492

DEVELOPMENT CONCEPT: Horticulture nursery uses are only allowed in AG, IL, IM and IH zoning districts. No options exist in the zoning code to use existing buildings in any of the commercially zoned districts for an indoor Horticulture Nursery. The rezoning request is to allow an indoor growing facility inside an existing building.

The applicant has indicated, in the narrative included with this report, that they will be taking measures to assure the security of the facility as well as those to mitigate any impacts from the growing operation.

SECTION II: Optional Development Plan Standards:

Z-7492 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORIES

- i. PUBLIC, CIVIC, AND INSTITUTIONAL
 - Safety Service

- ii. COMMERCIAL
 - Animal Service (includes all specific uses)
 - Broadcast or Recording Studio
 - Commercial Service (includes all permitted specific uses)
 - Financial Services (includes all specific uses)
 - Funeral or Mortuary Service
 - Office (includes all specific uses)
 - Parking, Non-accessory
 - Restaurant
 - Retail Sales (includes all specific uses)
 - Self-service Storage Facility
 - Studio, Artist, or Instructional Service
 - Trade School
 - Vehicle Sales and Service
 - Commercial vehicle repair/maintenance
 - Commercial vehicle sales/rentals
 - Fueling Station
 - Personal vehicle repair and maintenance
 - Personal vehicle sales and rentals
 - Vehicle parts and supply sales
 - Vehicle body and paint finishing shop

- iii. WHOLESALE, DISTRIBUTION AND STORAGE
 - Warehouse
 - Wholesale Sales and Distribution

- iv. RECYCLING
 - Consumer Material Drop-off Station

- v. AGRICULTURAL
 - Community Garden
 - Farm, Market- or Community-supported
 - Horticulture Nursery

vi. OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

DETAILED STAFF RECOMMENDATION:

Uses that may be allowed in an IM district are not consistent with the expected development in the area and,

IM zoning allows low-impact manufacturing and industry uses that may be considered injurious to the surrounding properties,

All Industrial uses are prohibited, except for those within the Agricultural use category;

IL zoning with an optional development plan would be non-injurious to the surrounding properties and would be more consistent with the expected development in the area.

Staff recommends denial of Z-7492 to rezone property from CH to IM and approval of rezoning from CH to IL with an optional development plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IM zoning may be consistent with the employment land use designation in the comprehensive plan however there is no industrial zoning or industrial use opportunities in the area. IL zoning with and optional development plan would be compatible, as well, while remaining less injurious to the surrounding properties.

Land Use Vision:

Land Use Plan map designation is Employment.

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to

accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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: None

Trail System Master Plan Considerations: none

Small Area Plan: None

Special District Considerations: The south portion of this lot is included in the RT 66 overlay. That overlay does not provide use opportunities and is limited to allowing signage that cannot be implemented in the rest of the city.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is a parking lot and car repair facility.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Hudson	Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Employment	Growth	Single family
East	CH	Employment	Growth	Transitional Housing
South	CH	Employment	Growth	Used Car Lot
West	CH	Employment	Growth	Car lot and auto repair

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-19647 August 2003: The Board of Adjustment **approved** a *special exception* for Use Unit 20 (Commercial Recreation: Intensive) for conducting Motorcycle Safety Foundation approved rider safety courses subject to conditions, located on subject property.

BOA-15586 November 1990: The Board of Adjustment **approved** a *special exception* to permit off-street parking in an RM-2 zoned district, per plan submitted, located on subject property.

Surrounding Property:

BOA-20815 January 2008: The Board of Adjustment **approved** a *special exception* to permit fixture assembly and manufacturing (Use Unit 25) in a

CH District; a *special exception* to permit required parking on a lot other than the one containing the principal use, subject to conditions, on property located West of the Northwest corner of East 11th Street and South Hudson Avenue.

BOA-17761 July 1997: The Board of Adjustment **approved** a *special exception* to permit a lodge in an RM-1 District, per plan submitted, on property located at the Northeast corner of South Joplin Avenue and East 9th Street South.

BOA-6545 January 1970: The Board of Adjustment **approved** an *exception* to permit extending a nonconforming use (manufacturing of fixtures) in a U-3E district, subject to the plot plan, on property located North of the Northwest corner of East 11th Street South and South Hudson Avenue.

BOA-5911 May 1968: The Board of Adjustment **approved** an *exception* to permit a service station canopy to extend 12' 6" over into the major street setback requirements in a U-3E district, subject to the execution of a right-of-way removal agreement, on property located at the Southeast corner of East 11th Street South and South Hudson Avenue.

TMAPC Comments:

Ms. Kimbrel asked if staff could explain what an optional development plan does.

Staff stated they started with the basic requirements of the zoning and decide if an optional development plan is feasible for this application. Staff stated the optional development plan can restrict uses but it can't lessen the restrictions. Staff stated the uses are then looked at to decide which ones would be injurious to the area and eliminate those from being used.

Applicant Comments:

Steve Soukieh 9907 South 93rd East Place, Tulsa, OK 74133

Mr. Soukieh stated he would like to thank the Commission for giving him this opportunity as well as staff for their hard work on this. Mr. Soukieh stated he has owned the subject property for over 20 years and built the existing building in 2005. He stated the intent was to rent it out for more of a commercial use instead of a mechanic shop but that's mostly the type of interest that they have had in that area. Mr. Soukieh stated a few years ago the building was rented to a mechanic shop and he has cars stored on the property. Mr. Soukieh stated there are four units in the building and three are vacant. He stated when medical marijuana was approved, he was approached multiple times by different growers to rent the space and because of the zoning he was not allowed that use so the hope is to be able to use that building for marijuana cultivation and employ more people in the area. Mr. Soukieh stated moving away from all the cars will make it

a nice area. He stated as far as security concerns the law states there has to be camera systems and 24-hour monitoring so that will be installed. Mr. Soukieh stated the property has a chain link fence with a rail all the way around it. He stated there will be carbon filters in the ventilation system for the smell. Mr. Soukieh stated he is hoping to get the zoning change approved.

Mr. Reeds asked if the growth will be inside and outside.

The applicant stated all indoors.

Mr. Reeds asked if there is an apartment building to the east.

The applicant stated he wasn't sure how it is classified but it's more of a homeless shelter ran by the Day Center.

Ms. Kimbrel asked if the applicant had talked to any neighboring residents or other community organizations or businesses in the area.

The applicant stated he had talked briefly with the Salvation Army.

Mr. Covey asked if the applicant owned the property to the south.

Mr. Soukieh stated he owned the property to the south and the east of the subject property.

Mr. Covey asked if the intent was to build a new facility.

Mr. Soukieh stated no, it was to use the existing building.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Shivel, "absent") to recommend **APPROVAL** of rezoning from CH to IL with optional development plan for Z-7492 per staff recommendations.

Legal Description Z-7492:

BLK 67 & S30.43 VAC ST ADJ ON N THEREOF LESS S200 THEREOF BLK 67, GLENHAVEN

* * * * *

7. **CZ-491 Christina Wilson** (County) Location: West of the southwest corner of West 21st Street South and South 49th West Avenue rezoning from **CS to IL**

STAFF RECOMMENDATION:
SECTION I: CZ-491

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property from AG to IL in order for light industrial uses to be utilized on the site.

The site is located within the Berryhill Small Area Plan, which designates this lot as Neighborhood Center and an Area of Growth. Industrial development at this location is not compatible with the goals of the Berryhill Small Area Plan. This area is in the vicinity of the Gilcrease Expressway expansion. One of the goals expressly stated in the plan (Goal 3) is to promote commercial growth along major street corridors and interchanges of the Gilcrease Expressway along W 21st St S between S 61st W Ave and S 49th W Ave, which the subject lot lies within. Additionally, Goal 5 limits industrial areas and uses incompatible with the existing and desired future character of the community. This goal calls out areas within Berryhill where industrial uses would be compatible. The subject lot does not lie within those specified areas.

DETAILED STAFF RECOMMENDATION:

CZ-491 is consistent with the current uses of the surrounding properties, but is not compatible with the Land Use or Goals of the Berryhill Small Area Plan, therefore;

Staff recommends denial of CZ-491 to rezone property from CS to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Neighborhood Center land use designation of the Berryhill Small Area Plan.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

Areas of Stability and Growth designation: 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: W 21st St S is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: Berryhill

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site contains an existing commercial building.*

Environmental Considerations: The site is located within the Tulsa County 500 year Floodplain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 21 st St S	Secondary Arterial	100 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Neighborhood Center	Growth	Industrial
South	CS	Neighborhood Center	Growth	Commercial/Industrial
East	IL	Neighborhood Center	Growth	Commercial/Industrial
West	RS	Neighborhood Center	Growth	Vacant

SECTION III: Relevant Zoning History

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

Subject Property:

CPA-77 January 2019: All concurred in **approval** to *adopt* CPA-77, The Berryhill Land Use Plan, as an amendment to the Tulsa Comprehensive Plan and the Tulsa Metropolitan Area Comprehensive Plan for District 9. The plan area boundary is approximately 4.15 square miles of land area, bounded on the North by the Arkansas River; and on the South along W 51st St. S, excluding some properties within Sapulpa city limits; and bounded on the East along 49th W Ave to include some east abutting properties; and on the West along 65th West Avenue including properties west of 65th W Ave that abut Chandler Park and Sand Springs City limits.

CBOA- 1319 January 1995: The County Board of Adjustment **approved** a *special exception* to permit automobile sales in a CS zoned district subject to a maximum of six cars displayed on the lot; finding that there are mixed zoning classifications in the area and car sales will be compatible with the surrounding uses, on the property located at 4918 West 21st Street South.

Surrounding Property:

CZ-447 January 2017: All concurred in **approval** of a request for *rezoning* a 4 ± acre tract of land from RS to CG on property located west of the southwest corner of West 21st and South 49th West Avenue.

CBOA- 2553 November 2015: The County Board of Adjustment **approved** the applicant's request for a *variance* of the required front setback in the IM District from 50 feet to 20 feet with the hardship being the existing building on the subject property, on property located at 5001 West 21st Street South.

BOA-6888 February 1971: The Board of Adjustment **approved** the applicant's request for *exception* to permit using IM property for a petroleum tank farm.

TMAPC Comments:

Ms. Kimbrel asked what the future Land Use designation for this area was.

Staff stated it is Neighborhood Center so it would be commercial. He stated the current zoning would be compatible but an industrial use would not.

Mr. McArtor asked what the applicant wanted to do on the subject property.

Staff stated he was not sure of the specifics the applicant would have to speak to that but in general industrial light uses.

Applicant Comments:

The applicant stated she is looking to change the zoning for a marijuana grow facility. The property currently is enforced with bars and security cameras, motion detectors, carbon filters, all of the minimal OMMA requirements. The applicant stated there is a lot of industrial already in this area and when she spoke with the City about rezoning, they suggested IL due to what is surrounding the subject property now. The applicant stated she has talked to the neighbors, there's a trash place right next door, there's a house behind that is owned by the owner of this location.

Mr. Covey stated there is IL to the east and IM all around the subject property. He stated the applicant is asking for IL zoning and it abuts IL.

Mr. Ritchey stated Berryhill has a plan and plans have a purpose and need to be protected. But is there ever a plan to get all the owners in an area to opt in to switch their zoning for free to CH or something to spur the commercial growth or are they just depending on these trash piles to one day decide they don't want to post trash at this location anymore.

Staff stated they just look at the plan being proposed and the compatibility of future uses to that plan and if they are not compatible with those uses staff recommends denial of that change.

Mr. Fothergill stated Berryhill is in unincorporated Tulsa County with a strip of incorporated city of Tulsa that runs through the middle of it for the Gilcrease Expressway. He stated the part of 21st Street where the subject property is located is again in unincorporated Tulsa County but less than a mile from the incorporated strip where the Gilcrease will go. Mr. Fothergill stated this plan was put together as a joint project between the City and the County and there are no plans to get all these people on board with a opt in zoning change. Mr. Fothergill stated 21st Street is heavily industrialized and it includes a refinery and several chemical manufacturing companies. He stated the idea was to try to get commercial in that area because everybody wants to be able to shop in your own neighborhood and get those amenities there. Mr. Fothergill stated but it is a plan.

Mr. McArtor asked staff what was the difference in this request and the one just approved?

Staff stated the zoning is different and the optional development plan for the IL zoning helped to make it compatibility with the comprehensive plan. Staff stated the recently adopted Berryhill Land Use Plan was the major factor in the decision to recommend denial to consider what the residents of Berryhill wanted in this area.

Mr. McArtor asked if it would be helpful for this applicant to have an optional development plan.

Staff stated the optional development plan is not available in the County. The County uses PUD's.

Mr. Covey asked would it be better if the applicant did a PUD.

Staff stated that we would definitely have more control, but it would still be an industrial use in a commercial area.

Mr. Fothergill stated the PUD wouldn't change the fact that it's violating the Berryhill Land Use Plan which is staff's objection. He stated in his opinion this will not be a highly commercialized area in the near future but it's certainly industrial. Mr. Fothergill stated he drives the street twice a day, every day and it's an industrial street. He stated there are a few commercial sites further east but everything else on the street is industrial.

Mr. McArtor asked if the idea of making this commercial is a long way away.

Mr. Fothergill stated “yes”, closer towards the Gilcrease Expressway which is toward 57th West Avenue he sees going commercial just like any other interchange to a Turnpike. Mr. Fothergill stated more commercial would be great. He stated they do want to limit industrial and keep it from creeping in. Mr. Fothergill stated the subject property is boxed in around industrial and he doesn’t see it making an impact.

Mr. Reeds stated the one approved previously with IL was next to a house and this application we're looking at is next to an existing IL junkyard. Mr. Reeds stated he will be voting against staff recommendation.

Ms. Kimbrel asked if staff knew how Berryhill engages its community to make future land use decisions.

Staff stated there were several different public meetings and there were a lot of people present and very vocal about what they wanted and didn’t want in their community. This was last year.

Mr. Reeds stated he participated in a couple of those meetings and they were very well attended but the fact is this is a far-flung part of that plan in his opinion. He stated when the Gilcrease is finished development is going to take off, is what we keep hearing but it’s kind of like water in the river so we shall see.

TMAPC Action; 9 members present:

On **MOTION** of **RITCHEY**, TMAPC voted **8-1-0** (Covey, Fothergill, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; Kimbrel, “nays”; none “abstaining”; Doctor, Shivel, “absent”) to recommend **APPROVAL** of IL zoning for CZ-491.

Legal Description CZ-491:

BEG 165 W & 50 S NEC NE S 214 W 55 N 214 E 55 TO BEG SEC 17 19 12, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

8. **PUD-230-A Nathan Cross** (CD 7) Location: Northwest of the northwest corner of East 41st Street South and Highway 169 requesting a **PUD Major Amendment** to add School as an allowable use

STAFF RECOMMENDATION:

SECTION I: PUD-230-A

DEVELOPMENT CONCEPT: The applicant is proposing to add School as an allowable use within Development Area A of the PUD. The underlying zoning for this area is OL. School uses are permitted in OL zones by Special Exception. A

Major Amendment to the PUD is required to add Special Exception uses which are not currently allowed by the PUD but could be allowed by the underlying zoning with a Special Exception.

DETAILED STAFF RECOMMENDATION:

The applicant's proposal is consistent with the Tulsa Comprehensive Plan, and;

The applicant's proposal is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code, and;

The PUD development standards are consistent with the anticipated growth and future uses in this area, and;

The School use shall be limited to Development Area A and;

All remaining Development Standards defined by PUD-230 and subsequent amendments shall remain in effect and;

The development standards identified in this PUD are non-injurious to the existing proximate neighborhood, therefore;

Staff recommends Approval of PUD-230-A to rezone property to PUD-230-A to allow a School as an allowed use.

PUD-230-A DEVELOPMENT STANDARDS:

Allowable uses to remain as currently permitted, with the addition of a School, limited to Development Area A, as an allowable use within the PUD. Landscape and signage will comply with current PUD-230 development standards, as well as the current City of Tulsa Zoning Code, adopted in 2016.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject site is located within the Employment designation and within an Area of Growth.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology.

Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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: S 103rd E Ave is designated as a Residential Collector

Trail System Master Plan Considerations: The Mingo Trail runs on the opposite side of the channel adjacent to the West side of the existing PUD.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site contains existing office buildings and associated parking.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 103 rd E Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Parks and Open Space	Stability	Drainage Channel
South	AG	Parks and Open Space	Stability	Drainage Channel
East	RS-3	N/A	N/A	Hwy 169
West	AG	Parks and Open Space	Stability	Drainage Channel

SECTION III: Relevant Zoning History

History: PUD-230-A

ZONING ORDINANCE: Ordinance number 14746 (PUD) and 14747 (Z-5386), both dated April 29, 1980 established zoning for the subject property.

Subject Property:

BOA-22763 September 2019 Pending: An appeal of administrative decision was filed September 10, 2019 (hearing date of October 22, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave.

BOA-22743 August 2019 Withdrawn: An appeal of administrative decision was filed August 19, 2019 (hearing date of September 24, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave.

BOA-22726 July 2019 Withdrawn: A request for Special Exception to permit a School Use in an OL zoned District was filed July 25, 2019 (hearing date of August 27, 2019) to challenge the requirement of a Major Amendment to permit a school use on the property located at 3810 S 13 Ave and 3840 S 103 Ave. This application was withdrawn August 9, 2019.

PUD-230\Z-5386 April 1980: All concurred in **approval** of a *Planned Unit Development* on a 9.14+ acre tract of land and **approval** of a request for *rezoning* from RM-1 to OL with the condition that the permitted uses be those that are permitted as principal and accessory uses within the OL District and in addition include barber and beauty shops, on the property located northwest of the northwest corner of East 41st Street South and Highway 169, the subject property.

Surrounding Property:

BOA-19469 November 2002: The Board of Adjustment **approved** a *variance* of the provisions of Section 602.B.4 to permit four signs located on or oriented to the South 103rd East Avenue frontage and three signs oriented to the Mingo Valley Expressway frontage, on property located on the east side of South 103rd East Avenue and North of East 41st Street.

BOA-17832 September 1997: The Board of Adjustment **approved** a *special exception* to permit a public school including 2 mobile classroom trailers, on property located 3656 South 103rd East Avenue.

BOA-9300 March 1977: The Board of Adjustment **approved** a *special exception* to allow the construction of an elementary school as presented, per plot plan, in an RS-3 District, on property located north and west of 41st Street and 101st East Ave.

TMAPC Comments:

Mr. McArtor asked the applicant what school this application was for.

The applicant stated Epic Charter School.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Shivel, “absent”) **APPROVAL** of the PUD major amendment for PUD-230-A per staff recommendation.

Legal Description PUD-230-A:

Lot One (1), Block One (1), BISHOP ACRES, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to Recorded Plat No. 3947

* * * * *

- 9. **The Reserve at Forest Trails** (CD 8) Minor Subdivision Plat, Location: North of the northeast corner of East 111th Street South and South Sheridan Road

STAFF RECOMMENDATION:

The Reserve at Forest Trails - (CD 8)

North of the northeast corner of East 111th Street South and South Sheridan Road

This plat consists of 3 lots, 1 block on 5.06 ± acres.

The Technical Advisory Committee (TAC) met on September 5, 2019 and provided the following conditions:

- 1. **Zoning:** Approved as submitted.
- 2. **Addressing:** Approved as submitted.
- 3. **Transportation & Traffic:** Sidewalks required along South Sheridan Road. Add appropriate language to deed of dedication.
- 4. **Sewer/Water:** Add perimeter easement to eastern boundary line.
- 5. **Engineering Graphics:** Update location map with revisions provided by Engineering Services. Provide a date of preparation on the face of the plat.
- 6. **Stormwater, Drainage, & Floodplain:** Approved as submitted.

7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

All conditions of Development Services and the City of Tulsa Legal Department must be met and a final plat release must be provided prior to the endorsement and filing of the plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Shivel, "absent") to **APPROVE** the Minor Subdivision Plat for The Reserve at Forest Trails per staff recommendation.

* * * * *

10. **ZCA-15** Consider amending the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to establish the regulations for a new agricultural-residential (AG-R) zoning district and to establish the regulations for accessory dwelling units (ADU) to be allowed by special exception. (Continued from September 4, 2019)

STAFF RECOMMENDATION:

Item

Consider amendments to the Tulsa Zoning Code, Title 42 Revised Ordinances, regarding the addition of an Agricultural- Residential (AG-R) zoning designation and regulations for Accessory Dwelling Units (ADUs).

Background

In April 2014, the City Council approved the West Highlands/Tulsa Hills Small Area Plan. During this planning process, there was concern voiced by the residents regarding the effects of continual infill development consistent with the RS-3 zoning in the area west of Union Avenue. RS-3 zoning was broadly applied to this area by the City of Tulsa in 1970. During the small area planning process,

a number of residents were of the opinion that a larger lot zoning district would be more appropriate to reflect the current development pattern and desired lifestyle

As development has progressed in the planning area, staff was asked by City Council and Planning Commission to evaluate recommendations in the Small Area Plan that would address issues voiced by the community. Simultaneously, staff evaluated other recommendations that could be implemented through zoning changes. Due to recent development pressure in the area bordered by: West 71st Street South; West 91st Street South; South 33rd West Avenue; and South Union Avenue, staff evaluated the below recommendations contained in the Small Area Plan for possible implementation.

Recommendation 4.6: Revise zoning code to include a “rural residential” district which allows a limited number of livestock and horses as a use by right and has larger minimum lot sizes. This can be done by either amending an existing district or creating a new one.

Recommendation 2.7: Support a change to the zoning code that enables a property owner to construct and rent an accessory dwelling unit (commonly known as “mother-in-law flat”) on their residential-zoned property. Support Board of Adjustment applications asking for such uses in this area.

On April 3, 2019, at a TMAPC work session, staff discussed the options for a new citywide Agricultural-Residential zoning designation and Accessory Dwelling Units zoning changes. A public meeting with community members in the West Highlands/Tulsa Hills planning area was held on April 23, 2019 to solicit feedback and discuss the initial proposal. A second TMAPC work session was held on August 7, 2019 to discuss proposed zoning code amendments.

On September 4, 2019, at the TMAPC public hearing staff proposed amendments as a mechanism to implement the above recommendations throughout the City of Tulsa. The proposal would establish a new citywide “Agricultural-Residential” (AG-R) zoning designation and allow the opportunity for accessory dwelling units (ADUs) on residentially zoned lots through the special exception process.

This item was continued to the September 18, 2019 TMAPC public hearing in order to update the zoning code amendments to allow ADUs by right in any zoning category that allows a duplex by right, based on commissioner discussion. All other regulations are the same, and ADUs are only allowed on a lot with a detached house. There were no changes regarding the proposed AG-R zoning designation regulations.

Staff Recommendation

Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachments I and II

Attachment(s)

Attachment I – Proposed Agricultural-Residential (AG-R) zoning district amendments

Attachment II – Proposed Accessory Dwelling Units (ADUs) amendments

Interested Parties:

Jana Davis PO BOX 702773 Tulsa, OK 74157

Ms. Davis thanks the staff for their hard work on this zoning change. She stated she was specifically from the area of 71st Street to 91st Street South and 33rd West Avenue to Union Avenue. Ms. Davis stated she appreciates the work done to finally implement what was originally in the Small Area Plan. Ms. Davis stated she hopes that there will be some type of a period that residents can voluntarily rezone their property to either AG or AGR without any fees. She stated her area specifically the majority of residents about 85% has 2.5 acre lots, very few half acre lots, and then a few more have a 1.25 acre lots. Ms. Davis stated obviously the 1.25 acre lots wouldn't qualify for the AG zoning. She stated she is hoping it would be acceptable that an area that has 2 or 3 AG lots to one AGR lot so it would be a mixed zoning area. Ms. Davis stated she has reservations to the additional Accessory Dwelling Unit. She doesn't think this is appropriate for this area personally and she doesn't really know where this came from.

Staff stated it was in the plan.

Mr. Fothergill thanks Ms. Davis for her diligence to follow this up it does pay off in the end. So just shout out to having a citizen that comes up here and really cares.

Ms. Davis stated, "thank you". She appreciates it.

Jonathan Belzley 1220 South Owasso Avenue, Tulsa, OK 74120

Mr. Belzley stated he is here in his Tulsa shirt in support of accessory dwelling units. He stated he lives in the Tracy Park neighborhood and there are already a lot of accessory dwelling units. Mr. Belzley stated he has read the attachment and purpose and agree with the spirit of the intent including the statement "provide a means for residents, particularly seniors, single parents and empty nesters to remain in their homes and neighborhoods and obtain extra income security, companionship and assistance". Mr. Belzley stated his only criticism is that it's not aggressive enough. He stated he would have to go get a special exception in his case. Mr. Belzley stated in Fayetteville, Arkansas his understanding is on a single-family lot they allow 2 accessory dwelling units. He stated that is one attached one detached not to exceed 1200 square feet. Mr. Belzley stated he appreciates baby steps but thinks this needs to be more aggressive.

Mr. Fothergill thanks Mr. Belzley for his advocacy.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Shivel, “absent”) to recommend **ADOPTION** of ZCA-15 with amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to establish the regulations for a new agricultural-residential (AG-R) zoning district and to establish the regulations for accessory dwelling units (ADU) to be allowed by special exception per staff recommendation.

OTHER BUSINESS

11. **ZCA-16** Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpster and recyclable material bins/donation bins in advance of a public hearing.

Item

Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpsters and recyclable material bins/donation bins.

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. Included in the Zoning Code were new regulations regarding dumpsters and recyclable material bins that were not in the previous code. A key component of the regulations was a retroactive screening requirement for all dumpsters and recyclable material bins, stating a compliance date of November 1, 2017. A proactive effort to enforce this provision took place earlier in 2019 and several businesses received notice that their dumpsters were not in compliance. These businesses contacted elected officials at City Hall about the issues resulting from these regulations. A few key issues identified were:

- In existing development, there may not be enough space to place the dumpster/screening out of view from streets and abutting properties.
- Recyclable Material Bins will not be visible if required to be screened, which will impact donations.
- Dumpsters in alley rights-of-way should be exempt from screening requirements.

In order to address these and other related issues, the zoning code implementation team convened to address the identified issues. The zoning

code implementation team is comprised of members of Tulsa Planning Office, Development Services Department and City Legal.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in Attachment II.

Staff Recommendation

Discuss proposed amendments to the City of Tulsa Zoning Code regarding dumpster and recyclable material bins/donation bins in advance of public hearing.

Attachment(s)

Attachment I - Summary of Changes for Dumpster & Recyclable Material Bins/Donation Bins zoning code amendments

Attachment II – Proposed amendments to City of Tulsa Zoning Code regarding Dumpster & Recyclable Material Bins/Donation Bins (as of 09.12.2019)

Attachment III -Existing City of Tulsa Zoning Code (as of 09.12.2019)

TMAPC Comments:

Ms. Miller introduced Felicity Good who is an Assistant Planner in the Tulsa Planning Office who did a great job helping her with this proposal.

Ms. Miller stated Ms. Good has done a lot of research and has a lot of background information so she may help with questions Commissioners may have that Ms. Miller can't answer. Ms. Miller stated this is proposed Zoning Code text amendment about dumpsters and recyclable material bins. This item is for discussion and no action will be needed today. Ms. Miller stated the City of Tulsa new Zoning Code was adopted and effective at the beginning of 2016 and in that Zoning Code a few councilors, at the last minute asked for some extra screening requirements for these two things, dumpsters and recyclable material bins. Ms. Miller stated there was a retroactive screening requirement for all of them citywide with a compliance date of November 1, 2017. She stated that date came and went, and then code enforcement officers were asked to proactively go out and enforce this requirement earlier this year and many notices were issued. Ms. Miller stated we started hearing from people and their issues about how it's not feasible to comply in certain situations and a lot of issues rose to our attention. Ms. Miller stated the amendment is initiated by the Land Use Administrator, which is Ms. Miller at the request of the Mayor to address issues that were raised. She stated the Zoning Code implementation team convened to discuss issues and try to address them. Ms. Miller stated the drafts of amendments were also sent to interested parties for review and feedback, such as American Waste, local businesses, the MET, and Code Enforcement. Ms. Miller stated she and

Ms. Good had an interesting conversation with Code Enforcement Officers to get their perspective, since they're the ones out in the field, and refuse and recycling. Ms. Miller stated since this was a retroactive requirement, a lot of times the space constraints for screening and existing development was an issue for the dumpsters. She stated the recyclable material bins the issue is, if you can't see them, you don't know they're there. Obviously, the purpose of those is to collect things for charitable and or for recycling purposes. Ms. Miller stated the big issue for downtown property owners is it makes no sense at all to put a stockade screen fence in an alley downtown. Ms. Miller stated this is an outline of parts of the zoning code that we think we've really changed. Ms. Miller stated dumpsters and recyclable material bins are actually accessory uses to the principal use of an office or a commercial business. She stated currently the Zoning Code has them in one category together and the same rules apply. Ms. Miller stated because they are different situations and circumstances that surround each of those staff separated those out. She stated staff looked at both dumpsters and recyclable material bins and maybe screenings do not make sense in every situation but certainly they shouldn't be located in required landscape area, a street setback or a side setback.

Ms. Miller stated she wanted to be specific about surrounding sites and how they should be maintained free of litter, debris and other materials. She stated she spoke with the Code Enforcement Officer to ask if there's a nuisance ordinance that also deals with the debris. Ms. Miller stated the Officer told her there was a nuisance ordinance to address issues like this. Ms. Miller stated as far as dumpsters, just from a staff perspective, including the Building Permit Department there were conflicting regulations, one said it had to be screened from all right of ways in R zoned property and other said it had to be screened from view of all right-of-way and all abutting property. Ms. Miller stated the proposal also states screening of dumpsters in alley right-of-way is not required and that screening requirements only apply to new construction or occupancy. Ms. Miller stated Development Services staff doesn't currently have a way to check this because the location of dumpsters are not on site plans but this proposal would require the location on a site plan so that when new development happens the Building Permit Office can see that they are screening their dumpsters, where they are located on the lot and that they are meeting all the requirements.

Ms. Miller stated recyclable material bins and donation bins are clarified in the proposal because recyclable material bins range from ones like the MET use for the operations around town, and the charitable organization boxes. Ms. Miller stated language was added that said all the goods must be screened from view within the bins meaning it can't be hanging out of the bin or overflowing and must be clear of debris. Ms. Miller stated the box must be maintained in good condition with no structure damage, holes, no visible rust and graffiti and a contact number

or website of the operator and everyone who is benefiting from the donations must be on the bin.

This will help enforcement as well, because they will know who to contact if they're not meeting the regulations. Ms. Miller stated there was discussion that if a dumpster falls between the building and a screening fence in the rear and it's not seen by any R properties or by the right of way this may be a situation where they need to provide a screen. Ms. Miller stated that was something that could be screened by principal structure or screening fence or wall so they have that option if they're in that situation. Ms. Miller stated an opaque lockable gate is required when dumpsters completely enclosed by a screening fence or a wall and the gate has to be closed at all times except during deposit or collection. She stated they must be located and constructed to allow unobstructed access during collection.

Ms. Miller stated there is a distinction between the accessory use of the things just discussed and a principal use called a consumer material drop off station. The existing language says that a consumer material drop off station needs to be staffed all of the time that things are being collected. She stated there are such facilities that are a principal use that the staff is not present all the time and they leave their bins for collection times outside. Ms. Miller stated someone is still overseeing that operation but maybe it should say, instead of all the time that they're collecting that it just has to be staffed for a minimum of 20 hours per week so there is some staffing on site to help manage those collections. Ms. Miller stated discussions with interested parties and Code Enforcement will continue and the hope is to have this back at a public hearing in October.

Mr. Reeds asked if it was ok to put the dumpsters in the easement since they were movable.

Ms., Miller stated as long as they are not in the front, the street or the side setback.

Ms. Kimbrel asked if anything was known about the characteristics of the businesses that were having compliance concerns, are they small businesses, mom and pop shop versus large scale commercial businesses.

Ms. Miller stated she would say for the most part, they were smaller businesses and a lot of times the ones that couldn't fit the dumpster enclosure on the site. She stated there's a lot of older parts of town and the smaller businesses that just don't have the room to build those screening fences. Ms. Miller stated the ones she heard about through, City Counselors, or through the Mayor's office were pretty much smaller businesses.

Ms. Kimbrel asked how it is documented when a business is in violation or not complying with these regulations. She stated is it documented through the citizen calls or are they cited by Code Enforcement.

Ms. Miller stated there was a proactive enforcement effort earlier this year. But generally, Code Enforcement works on a complaint basis. Someone calls 311 and makes that complaint and that then gets transferred to the Code Enforcement officer who will go out and issue a notice and start that process.

Mr. Fothergill stated as long as the dumpster is not in the setback it would be allowed.

Ms. Miller stated it can't be visible from the right of way and not located in the setback.

Mr. Fothergill asked if existing businesses would be grandfathered in.

Ms. Miller stated "yes" as far as the screening. Ms. Miller stated for the dumpsters, a lot of the requirements are really going to apply to businesses, not just moving forward, but those who are established on or after the effective date of the code which is January 1, 2016. Ms. Miller stated this proposal is backing off of those requirements and not adding to them. She stated we don't want to give people a free pass for the two years that the requirement has been in the Zoning Code.

Mr. Fothergill stated 45.051 says all goods must be screened from view within the bins. He stated the MET uses a chain link bin for their recyclables and often uses an open trailer for steel cans, will those be allowed.

Ms. Miller stated that's a good question and she has been working with Graham, Brannin from the MET on this proposal. She stated she needs to call him and go through that specific thing.

Mr. Fothergill stated as a side note those bins promote what materials the MET takes in because as you drive by you see they do take steel cans and aluminum cans and such.

Mr. Walker stated one of the pictures shown has 2 detached walk in cooler's behind the building, where would these fall in the screening requirement.

Ms. Miller stated they have been there so long they would be subject to any new rules that came out our Zoning Code but there are new rules in the Zoning Code about screening mechanical equipment but she is not sure if it existed in a previous code or not. Ms. Miller stated businesses that have been around for a long time have space constraints and this is backing off of those restrictions.

Interested Parties:

John Rothrock 4006 East 119th Street, Tulsa, Oklahoma 74137

Mr. Rothrock stated he is President of Yale Cleaners and he was one of the businesses that was very vocal about when the proactive enforcement went into place. Mr. Rothrock stated he wants to thank Susan Miller and her team and the Mayor for stopping and listening and saying, Hey, there actually is a problem here. He stated he has read through the ordinance and it covers all of his concerns and the constraints that he has.

Mr. Rothrock stated for clarification it doesn't just affect small businesses it affects small, medium and large businesses alike. He stated there are literally hundreds of these sites across Tulsa probably thousands that can't meet these requirements so this is definitely a needed change for the community. Mr. Rothrock stated from a different perspective that wasn't brought up today he has locations across the Tulsa area and some have trash enclosures. He stated the ones with trash enclosures have a lot more problems than the ones without because the homeless vagrant people take residence in the enclosures because it's a great place to hide. Mr. Rothrock stated this creates a safety issue and even creates a bigger trash problem in his experience. He stated he supports the way that the new rules have been proposed and thinks that the City has done a good job addressing these concerns.

12. Commissioners' Comments

* * * * *

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Shivel, "absent") to **ADJOURN** TMAPC meeting of September 18, 2019, Meeting No. 2802.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:30 p.m.

Date Approved:

10-16-2019


Chairman

ATTEST: 
Secretary