

MINUTES OF THE PLANNING COMMISSION MEETING January 9, 2024

The Planning Commission of the City of Moore, Oklahoma held a meeting on January 9, 2024, in the Council Chambers, Moore City Hall, 301 North Broadway, Moore, Oklahoma.

Agenda Item No. 1, being: ROLL CALL

Chairman Sherrard announced the time and called the Planning Commission Meeting to order. The following members reported present.

Kent Graham	Gary Lunow	Chad Burks	Don Snow
Kenneth Jarema	Brandonn Laib	Ralph Sherrard	

Absent: Jack Joiner

Staff: Lauren Purcell, Assistant Planner, Chad Denson, Assistant Director, Nora Kerbo, Administrative Assistant

Agenda Item No. 2, being: SWEARING IN OF NEW MEMBER -Emily Richey

Vanessa Kemp, City Clerk administered the oath. Roll was called.

Agenda Item No. 3, being: **ROLL CALL**

Kent Graham	Gary Lunow	Chad Burks	Don Snow
Kenneth Jarema	Brandonn Laib	Emily Richey	Ralph Sherrard

Absent: Jack Joiner

Staff: Lauren Purcell, Assistant Planner, Chad Denson, Assistant Director, Nora Kerbo, Administrative Assistant

Agenda Item No. 4, being: PLEDGE OF ALLEGIANCE

Agenda Item No. 5 being: MINUTES

- a) Approval of the Minutes of the November 14, 2023, Planning Commission Meeting.

Chairman Sherrard requested a motion.

Kent Graham motioned to recommend approval of the **Minutes of the November 14, 2023, Planning Commission Meeting**, as written. Chad Burks seconded the motion. Roll was called.

Ayes: Graham, Lunow, Snow, Jarema, Laib, Sherrard

Nays:

Abstained: Burks, Richey

Absent: Joiner

Agenda Item No. 6a being: REPORTS – PLANNING COMMISSION MEMBERS - None

Agenda Item No. 6b, being: REPORTS - PLANNING COMMISSION STAFF

Ms. Purcell, reported the following items were discussed and considered by City Council on the below listed dates:

December 4, 2023

Approved:

Rezoning Application No. RZ1034, from C-5 Automotive and Commercial Recreation District to C-5/PUD Automotive and Commercial Recreation District /Planned Unit Development, by High Flyer Holdings, Inc.

Rezoning Application No. RZ1040, from A-2 Suburban Agricultural District to R-2/PUD Two-Family Dwelling District as a Planned Unit Development. Application by J&R Partners, LLC/David Box.

Rezoning Application No. RZ1041, from A-1 Rural Agricultural District to A-2/PUD Suburban Agricultural District as a Planned Unit Development. Application by Charles and Catherine Smith.

Rezoning Application No. 1039, from I-2 Medium Industrial District to I-2/PUD Medium Industrial District as a Planned Unit Development. Application by Mitchel Davidson.

Agenda Item No. 7a, being: NEW BUSINESS

Discuss and consider **Rezoning Application No. RZ1042**, located in the NW/4 of Section 12, T10N, R3W, being North of NE 19th Street and east of Eastern Avenue, from C-2 Neighborhood Commercial District to C-2/PU Neighborhood Commercial District /with a Permissive Use for Retail Sales and Services; Restricted. Application by Dragon's Den Tattoo/Cassandra Crosby. **Ward 2.**

Lauren Purcell gave the following presentation.

The subject site consists of approximately 1 acre and is located East of N. Eastern Ave and South of NE 21st Street at 2100 N Eastern Ave. The property is currently developed as an in-line shopping center with lease spaces. The applicant is not proposing changes to the underlying uses, but instead is asking for a Permissive

Use for Retail Sales and Services: Restricted, with a proposed use of operating a tattoo parlor in a lease space.

Public Water and Sewer are available to serve the site. Access is from N. Eastern Ave and NE 21st St. No floodplain is located on the property.

The subject site is located in an area which has historically been residential in nature with very few commercial properties located between East Hills Drive and NE 27th Street. The commercial property in question was developed in 2016 as part of the Avondale Addition to provide a buffer between arterial roadways and residential uses. C-2 commercial uses are generally smaller establishments intended to serve the surrounding neighborhoods with limited affect on adjacent homes, such as increased traffic, noise, light, and other non-residential intrusions. However, many of the uses included in the requested 'Retail Sales and Services: Restricted' use unit classification have undesirable characteristics that could directly impact adjacent homes and neighborhoods by increasing traffic and noise, which is why these uses are only allowed with a Permissive Use.

It is important to base land use decisions on the uses allowed in the use unit classification, and not based solely on the specific use being proposed. Other uses that fall within the requested 'Retail Sales and Services: Restricted' use unit classification include the heavier uses of food banks, pawn shops, and blood and/or plasma donation centers that are typically considered as incompatible being adjacent to residential neighborhoods. It is important to understand that if the permissive use is approved for a tattoo parlor, then any use found within the use unit classification would also be allowed.

The Comprehensive Plan calls for this location to be Neighborhood Commercial. Due to their low-traffic characteristics, Tattoo Parlors could be considered to be Neighborhood Commercial in nature, and a Comprehensive Plan Amendment is not required. It should be noted that other uses within the use unit classification of 'Retail Sales and Services: Restricted' are not considered Neighborhood Commercial due to their intrinsic characteristics, such as Pawn Shops, Blood/Plasma Donation Centers, and Food Banks.

Historically tattoo parlors have been seen as unclean operations that encourage loitering, but that perception has changed over the past several years. With inherent characteristics of limited clients at any given time and most often appointment-based, staff believes that a tattoo parlor is more akin to a beauty salon and should be reclassified under a different use unit classification with uses that share more common characteristics.

Staff recommends Planning Commission table this application to the February 13, 2024 meeting to give City Council time to consider an option to move Tattoo Parlors to a different Use Unit Classification more in line with its nature. If approved by council, the decision would render this rezoning application unnecessary.

However, if Planning Commission determines that the Tattoo Parlor use is appropriately classified under the 'Retail Sales and Services: Restricted' or if they determine that a tabling motion is not appropriate, then based on the undesirable characteristics of increased traffic and noise inherent in other uses of the Retail Sales and Services: Restricted use unit classification that could alter the essential character of the adjacent neighborhoods, staff recommends denial of this application.

Chairman Sherrard asked if the members had any questions for Ms. Purcell. Chad Burks asked, how would the proposed change to the Use Unit Classification by City Council affect Tattoo Parlors. Ms. Purcell answered, it would not impact any of the State requirements, however it would take them out of the Permitted Use Upon Review category, allowing tattoo shops to operate under commercial zoning by right; thereby eliminating the step of coming before this board, as well as, the City Council for review.

Chairman Sherrard stated, this application is unique due to the close proximity to the surrounding residential uses. Ms. Purcell, stated this area is primarily residential.

Chairman Sherrard asked if the applicant was present. Cassandra Crosby, 2100 N. Eastern introduced herself as the applicant. Ms. Crosby stated she and her husband Michael, was present to answer questions.

Chairman Sherrard asked if there were any members of the audience who wished to address this item.

The following citizens spoke in opposition to the proposed rezoning citing the following objections:

Art Reiman, 824 NE 20th Place

Angel and Monica Aviles, 2016 Stefanie Lane

William Fortney, 813 NE 21st

Rachel Ngo, 2113 Cox Lane

- Negative Impact on Property Values
- Use is not appropriate for residential
- Tattoo shop potentially will attract less desirable clientele
- Creates safety concerns for the neighborhood
- Change will attract other less desirable businesses such as pawn shops and plasma donation centers

Chairman Sherrard asked if there was anyone else in the audience who wished to address this item. After no response, a motion was requested.

Chad Burks motioned to recommend to table **Rezoning Application No. RZ1042**. Kent Graham seconded the motion. Roll was called.

Ayes: Graham, Lunow, Burks, Snow, Jarema, Laib

Nays: Richey, Sherrard

Abstained:

Absent: Joiner

Agenda Item No. 8 being: CITIZENS - None

Agenda Item No. 9 being: ADJOURNMENT

Chairman Sherrard requested a motion to adjourn at 6:29 p.m.

Motion: Gary Lunow motioned for adjournment. Brandon Laib seconded the motion. Roll was called.

Ayes: Graham, Lunow, Burks, Snow, Jarema, Laib, Richey, Sherrard

Nays:

Abstained:

Absent: Joiner

RECORDED FROM NOTES & TRANSCRIBED BY _____
Nora Kerbo, Administrative Assistant