

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1840
Wednesday, June 12, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Draughon	Ballard	Gardner	Linker, Legal
Horner	Carnes	Russell	Counsel
Midget, Mayor's Designee	Doherty	Stump	
Neely, 2nd Vice Chairman	Harris	Wilmoth	
Parmeale, Chairman			
Wilson, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, June 11, 1991 at 10:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:31 p.m.

Minutes:

There were no minutes to approve since the TMAPC did not meet on May 29, 1991.

REPORTS:

Chairman's Report:

It was reported that the Annual Zoning Institute will be held at the end of October in San Francisco.

Committee Reports:

Mr. Neely advised that the Comprehensive Plan Committee met at 11:30 a.m. to discuss the FY91 Capital Improvement Projects (CIPs) and the City of Tulsa Master Drainage Plan. The Committee, with a unanimous vote, recommended approval of the CIPs as presented.

TMAPC Action; 6 members present:

On MOTION of **NEELY**, the TMAPC voted **6-0-0** (Draughon, Horner, Neely, Parmeale, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, Midget, "absent") to **APPROVE** the Capital Improvement Projects from the City of Tulsa, finding they are in conformance with the Comprehensive Plan.

Mr. Gardner advised that the home occupations amendments to the Zoning Code were considered by the City Council on June 4, 1991.

The Council asked TMAPC to do further study and resubmit the proposal. Mr. Gardner briefly explained the changes he made in the original proposal. Staff recommended that TMAPC approve the following modifications to their original proposal:

(Proposed modifications are shown in small bold caps)

SECTION 302.A

Table 2

Accessory Uses Permitted in the Agriculture District

Uses	District
1. Bulletin Boards	AG
2. Home Occupation*	AG
3. Identification Signs	AG
4. Real Estate Signs	AG
5. RUMMAGE/GARAGE SALES	AG

*Home occupations are subject to the requirements set forth in Section 402.B.6 and 404.B.

Section 302.B.2.

Add: E. ALL TEMPORARY SIGNS USED TO ADVERTISE A RUMMAGE/GARAGE SALE SHALL BE REMOVED AT THE CONCLUSION OF THE SALE BY THE PARTY CONDUCTING THE SALE. ONLY GROUND SIGNS OR BOX SIGNS ARE PERMITTED AND THESE SIGNS SHALL NOT EXCEED FOUR SQUARE FEET OF DISPLAY SURFACE AREA.

SECTION 402.A.

Table 2

Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Accessory Commercial	RM-3
2. Home Occupations	
As permitted by Section 402.B.6.a.	All R Districts
As permitted by Section 402.B.6.b. and 404.B.	All R Districts*
3. Sleeping Rooms	All R Districts**
4. Shelters	All R Districts
5. Signs:	All R Districts
Bulletin Board	
Identification Sign	
Real Estate	
Construction sign	
6. Swimming Pool	All R Districts
7. Management Office and Private Recreation, Laundry and Storage Facilities	RM-0, RM-1, RM-2, RM-3 & RMH
8. Family Day Care Home	All R Districts
9. RUMMAGE/GARAGE SALES	ALL R DISTRICTS

*By Special Exception requiring Board of Adjustment approval.

**By Special Exception requiring Board of Adjustment approval if the number of persons exceeds the provisions of family as elsewhere defined.

Section 402.B.

Add: 7. Rummage/Garage Sales

The sale of used, personal household items customarily found in the home which have accumulated over a period of time is considered an accessory use to a residence in a Residential District, provided:

- a. No more than **FOUR (4)** sales are permitted in any calendar year.
- b. No sale shall run for more than four (4) consecutive days.
- c. All merchandise shall be covered/removed from public view except during the hours of the sale which shall be limited to **7:00 A.M. TO 7:00 P.M.**

Section 402.B.4.

Add: F. ALL TEMPORARY SIGNS USED TO ADVERTISE A RUMMAGE/GARAGE SALE SHALL BE REMOVED AT THE CONCLUSION OF THE SALE BY THE PARTY CONDUCTING THE SALE. ONLY GROUND SIGNS OR BOX SIGNS ARE PERMITTED AND THESE SIGNS SHALL NOT EXCEED FOUR SQUARE FEET OF DISPLAY SURFACE AREA.

Interested Parties:

Terry Wilson, Planning District 5 Chair

Mr. Wilson stated that he would suggest that 4 sales be allowed per year, each sale running for 2 days each. He also suggested using permits to track the number of sales and signs. He presented a copy of the city ordinance that excludes signs on the rights-of-way. If signs are allowed for garage sales the ordinance should be implemented. Otherwise conflicting ordinances will be placed on the books. He suggested limiting advertising to property on which the sale is located.

Mr. Gardner stated that the proposed language does not address signs on public rights-of-way, which as Mr. Wilson has stated, are already prohibited. It just addresses a sign to go on that particular piece of property. Mr. Linker agreed that signs on the public rights-of-way are already illegal and that staff's proposed language would not make them legal. Nothing states that it would be permitted on public right-of-way.

Mr. Wilson stated catering businesses should continue to go before the Board of Adjustment for approval.

TMAPC Action; 6 members present:

On MOTION of **WILSON**, the TMAPC voted **6-0-0** (Draughon, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, Midget, "absent") to **RECOMMEND** to the City Council that they **APPROVE** the Home Occupations amendments to the Zoning Code as recommended by staff.

Ms. Wilson asked that the minutes reflect that it is the opinion of the TMAPC and legal staff that restrictions already exist in the city ordinances to prohibit any signs on the public right-of-way. Although many people place signs on the right-of-way, the signs are not legal. Therefore, there isn't a need to duplicate those restrictions in the zoning code.

There was no report from the **Budget & Work Program Committee**.

Director's Report:

Mr. Gardner advised that several personnel changes have occurred at INCOG during the past few weeks. Transportation Planner Tom Kane

will be leaving to begin work in Des Moines, Iowa. Bob Richards, Land Regulation Administrator, will be assisting the cities of Jenks and Glenpool as their community planner. Joe Breedlove has resigned as Mapping & Graphics Specialist.

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ZONING PUBLIC HEARING

Application No.: CZ-191 Present Zoning: AG
Applicant: Ray Hatfield Proposed Zoning: CG
Location: South of the SE/c of E. 116th St. N. & N. Garnett Rd.
Date of Hearing: June 12, 1991
Presentation to TMAPC: Ray Hatfield, 11409 N. 113 E. Ave. Owasso

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property as Medium Intensity, Commercial/Office.

The requested CG zoning district *may be found* in accordance with the Comprehensive Plan.

Staff Recommendation:

Site Analysis: The subject tract is approximately .6 acres in size and is located approximately 900' south of the southeast corner of East 116th Street North and North Garnett Road. It is nonwooded, gently sloping, contains a flea-market business and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling zoned AG; on the east by both vacant land and accessory buildings zoned AG; on the south by vacant property and commercial center zoned AG; and on the west by various commercial uses zoned CG.

Zoning and BOA Historical Summary: Commercial zoning has been approved in the immediate area of the subject tract.

Conclusion:

Based on the existing zoning patterns, physical development and City of Owasso recommendation, Staff is supportive of commercial zoning, *but not the requested CG intensity.*

Therefore, Staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS zoning in the alternative.

Comments & Discussion:

Mr. Steve Compton was present representing the Owasso Planning Commission. He explained the concerns of the Owasso Planning Commission. By denying the CG and granting the CS zoning the applicant could still have a "flea market" type use if he were granted a special exception. This would allow the Board of Adjustment to provide some protection. If this was in the City of Owasso, it wouldn't be allowed at all under CS zoning.

Applicant's Comments:

Mr. Ray Hatfield inquired why CS zoning was being recommended rather than his requested CG zoning. Chairman Parmele explained that with CS zoning, the Board of Adjustment would have to grant a special exception for his intended use. The Board could impose hours of operation, screening standards, etc. Mr. Hatfield commented that a temporary building had been placed on the premises and that he was not interested in replacing the building.

Interested Parties:

Mr. Wayne Vines

P. O. Box 21, Owasso, 74055

Mr. Vines stated that he owns property across the street from Mr. Hatfield's property. He stated that the area is depressed and he is trying to protect the area from going downhill. He commented that the subject tract is presently an everyday garage sale/flea market. Most of the items are left outside 24 hours a day. He asked that rezoning be denied altogether.

TMAPC Action; 7 members present:

On MOTION of **NEELY**, the TMAPC 7-0-0 (Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, "absent") to **RECOMMEND** to the Board of County Commissioners **DENIAL** of CG zoning and **APPROVAL** of CS zoning for CZ-191 as recommended by staff.

Legal Description:

CS Zoning: The south 165.0' of the north 406.0' of the east 132.0' of the west 164.0' of the SW/4 NW/4 NW/4, Section 8, T-21-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

71 Trenton (PUD 388-A)
NW/c of 71st St. and S. Trenton Ave.

CS, OL, OM

Staff Recommendation:

Mr. Stump advised that all releases have been received and staff recommended approval.

TMAPC Action; 7 members present:

On MOTION of **WOODARD**, the TMAPC voted **7-0-0** (Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, "absent") to **APPROVE** the Final Plat of 71 Trenton and **RELEASE** same as having met all conditions of approval.

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D Landco Addition

NE/c of E. 15th St. and S. Denver Ave.

CS

Staff Recommendation:

Mr. Stump advised that all releases have been received and staff recommends approval.

TMAPC Action; 7 members present:

On MOTION of **MIDGET**, the TMAPC voted **7-0-0** (Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, "absent") to **APPROVE** the Final Plat of D Landco Addition and **RELEASE** same as having met all conditions of approval.

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CONTINUED OTHER BUSINESS:

PUD 179-C-9: Minor Amendment to increase sign height in Development Area "C" (Venture Store) Located west of the southwest corner of South 85th East Avenue and East 71st Street South

Staff Recommendation:

Venture Stores is requesting another minor amendment to the ground sign allowed on 71st Street. They are requesting that the maximum

height of the ground sign be increased to 35', contingent upon the BOA granting a variance of sign height. The maximum permitted height of a ground sign in a PUD is 25'.

Staff sees nothing unique about this sign location which would warrant deviating from the maximum sign height allowed in PUDs. The sign would not be obstructed by other signs in the area at the allowed height of 25'. In addition, no other pole signs in PUD 179 have been allowed to exceed 25' in height. Allowing a 35' high sign in the PUD would, in Staff's opinion, set a poor precedent for development in other PUDs.

Therefore, staff recommends **DENIAL** of Minor Amendment PUD-179-C-9.

Applicant's Comments:

Mr. Roy Johnsen, attorney, was present representing the applicant. He stated that the original sign plan that was approved was presented by the owner of the property before it was purchased by Venture.

Mr. Johnsen mentioned several signs in the area which are over 25' in height as well as some outdoor advertising signs at the northeast corner of 71st and Memorial.

Mr. Stump advised that he could not find anything in the PUD file showing that the Center 71 sign was granted a variance to be 38' in height.

TMAPC Action; 6 members present:

On MOTION of **MIDGET**, the TMAPC voted **6-0-0** (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, Wilson, "absent") to **DENY** the Minor Amendment to PUD 179-C-9 Venture to increase sign height from 25' to 35' as recommended by staff.

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**PUD 179-C Detail Landscape Plan for Development Area C
 (Venture Store) Located at the northwest corner of
 South 85th East Avenue**

The submitted Detail Landscape Plan for the Venture Store is satisfactory on the north, west and east side of the store. But it does not have sufficient landscaping materials to buffer the rear of the building, which includes the loading docks, from the office which faces it across East 73rd Street South.

Therefore, Staff recommends **DENIAL** of the Detail Landscape plan for Development Area "C".

Applicant's Comments:

Mr. Tom Ernest presented a new landscape plan to the TMAPC. He briefly explained the plan. Mr. Ernest stated significantly more landscaping is planned for the rear portions of the building and the loading dock area. The applicant asked that the minutes reflect that the PUD required a minimum of 38,690 SF of landscaped area, this plan has 46,500 SF. Mr. Ernest also advised that the finish material used on the front of the building will be extended to cover the rear of the building as well.

Comments & Discussion:

Mr. Stump advised that the newly proposed berming would take care of staff's concerns regarding the lower portion of the building (which is stem wall) and the increased plant materials should improve the screening of the loading dock area. Therefore, staff would recommend approval of the amended Detail Landscape Plan.

TMAPC Action; 6 members present:

On MOTION of MIDGET, the TMAPC voted 6-0-0 (Draughon, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Harris, Wilson "absent") to APPROVE the Detail Landscape Plan for Development Area C presented at the meeting.

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OTHER BUSINESS:

PUD 417-B: Detail Site Plan for a pedestrian bridge in Areas A, C and L and
 Detail Landscape Plan for the area surrounding the office building in Area L.

Staff Recommendation:

Staff has reviewed the proposed pedestrian skywalk which would link various office buildings and parking garages to the main hospital building, and finds it to be consistent with the PUD conditions.

Therefore, staff recommends APPROVAL of the Detail Site Plan.

A landscape plan for the area surrounding the medical office building in Area L was reviewed by staff and found to be in conformance with PUD conditions.

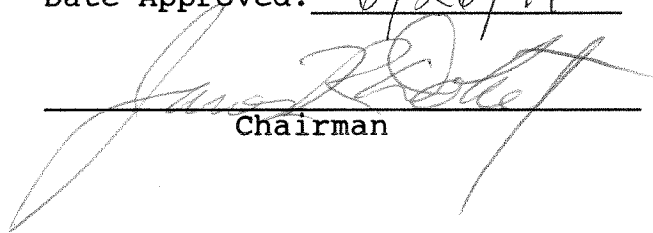
Therefore staff recommends **APPROVAL** of the Detail Landscape Plan for Area L.

TMAPC Action; 6 members present:

On MOTION of **WOODARD**, the TMAPC voted **5-0-1** (Draughon, Horner, Midget, Parmele, Woodard, "aye"; no "nays"; Neely "abstaining"; Ballard, Carnes, Doherty, Harris, Wilson, "absent") to **APPROVE** PUD 417-B Detail Site Plan for pedestrian bridge in areas A, C, & L and to **APPROVE** the Detail Landscape Plan for Area L as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:47 p.m.

Date Approved: 6/26/91



Chairman

ATTEST:

Jack H. Neely
Secretary