

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1910
Wednesday, January 6, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Buerge	Gardner	Linker, Legal
Broussard	Neely	Hester	Counsel
Secretary		Stump	
Carnes		Wilmoth	
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, January 5, 1993 at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

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

Minutes:

Approval of the minutes of December 9, 1992, Meeting No. 1908:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely, Midget "absent") to **APPROVE** the minutes of the meeting of December 9, 1992 Meeting No. 1908.

Approval of the minutes of December 16, 1992, Meeting No. 1909:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-2** (Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; Ballard, Broussard "abstaining"; Buerge, Neely, Midget "absent") to **APPROVE** the minutes of the meeting of December 16, 1992 Meeting No. 1909.

REPORTS:

Committee Reports

Budget and Work Program Committee

Ms. Wilson reported that the Budget and Work Program Committee met today to consider budget and work items for the 1994 budget. The Committee reviewed letters from interested parties, Planning Team Chairs, and City Councilors to consider work items. Ms. Wilson announced that the Budget and Work Program Committee will meet again January 13, at 11:30 to review the City of Tulsa items to be submitted from the Mayor's office. Ms. Wilson announced other Budget and Work Program Committee meetings scheduled for January 20, and 27, for continued review.

SUBDIVISIONS

PRELIMINARY PLAT

Saddlebrook (2383) (PD-26) (CD-8)
East 97th Street & S. Sheridan Road

(RS-3)

Staff Comments

This plat has a sketch plat approval by TAC dated 10/27/92. No changes have been made in the general layout and the plat has now been given a name. The plat fills in the vacant land between Spring Valley and Sheridan Road, but does not actually abut any adjacent subdivisions at this time. Stub streets are provided that will line up with existing stubs to provide additional future access for Spring Valley as well as this subdivision. The future connections are essential, especially at 97th or 98th Streets in Spring Valley. (There are approximately 92 lots with only one point of access in Spring Valley. Future connections will eliminate this situation.)

The Staff presented the plat with the applicant represented by Jack Cox at the TAC meeting.

A copy of the TAC minutes of 10/27/92 was provided with additional Staff comments in the margin.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Saddlebrook, subject to the following conditions:

1. Covenants: Section I: Change references to Woodfield.
Section III: Provide information or description of the use for Reserve A.
Survey Certificate: Check with Legal Dept. on format.
2. Identify the "out" parcel as unplatted, if not included in this subdivision. (It will still be "subject to platting" if developed in the future.)

3. Show all building lines, 35' on Sheridan, easements, and LNA all along Sheridan on preliminary plat.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (Show actual easement for Transok pipeline.) Release letter from Transok required as a condition for final approval and release of plat.
5. Water plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for Water and Sewer facilities in covenants.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. Fee-in-lieu acceptable. Dedication of fee simple title to the City for floodplain is recommended. (Dedication of floodplain deducted from detention fees.)
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works. Include applicable language in covenants.
12. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
13. Fire Department recommends a temporary turn-a-round, 45' radius, at the end of E. 96th Place.
14. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.

15. All (other) Subdivision Regulations shall be met prior to release of final plat.

Mr. Wilmoth pointed out that most of the lots exceed sizes for RS-2 zoning, noting the subject tract is zoned RS-3.

TMAPC Comments

In response to questions from Ms. Wilson, Mr. Wilmoth assured the Planning Commission that the unplatted L-shaped tract to the east of the subtract tract would not be wide enough to develop for housing with a north-south street up the middle. It is, however, big enough for 6 lots if 97th Street is extended in an east/west direction.

Chairman Doherty reminded the Planning Commission that at an earlier meeting regarding this tract, they were informed that the owner of this tract intends to construct a home on it.

Discussion ensued regarding the potential access points being at the best locations possible, keeping in mind the owner's future plans.

Interested Parties

Kevin McCorkle

9801 S. Sheridan 74133

Mr. McCorkle, owner of the L-shaped tract, informed the Planning Commission of long-term plans to construct a house directly in the proposed path of 97th Street. Mr. McCorkle advised that he is not opposed to the project, but does oppose the possibility of a water main through his property, in the path of where he plans to construct his home.

Mr. McCorkle was advised to contact Al Hamlet of the Public Works Department to express his concern over the future water main location.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** the Preliminary Plat of Saddlebrook as recommended by Staff.

* * * * *

Square Eighty-One (PUD-495) (783) (PD-18) (CD-2)
NW/corner E. 81st Street & South Lewis Avenue

(CS,OM)

Staff Comments

The TAC reviewed this development as a "PUD Review" on 11/10/92 and had a number of comments. A copy of the TAC minutes of that review was provided.

The developer has decided to use the third option suggested in the TAC PUD review. This plat covers all of PUD-495. The document amending the CO District provisions of Z-5498-SP has been submitted for review by the City Attorney. Further documentation will extend the CO provisions to the unplatted tract north of THE DIRECTORY. A waiver of plat on that portion of the CO District is recommended, but with the provision that the Major Street Plan right-of-way be provided on Lewis by separate instrument if not already dedicated. Access control document may also be required if recommended by DPW (Traffic). The W. 217.8' of THE DIRECTORY is being conveyed by Lot-split #17643 so it can be included in the SQUARE EIGHTY-ONE plat.

The Staff presented the plat with the applicant represented by Tom McCaleb and Charles Norman at the TAC meeting.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Square Eighty-One, subject to the following conditions:

1. On face of plat show or clarify the following:
 - (a) Provide dimensions to the existing well.
 - (b) Identify adjacent land to west and north as:
"Unplatted -- City of Tulsa, Fred Creek".
 - (c) Make sure the "unplatted" and "The Directory" notations are legible.
 - (d) Dimension jog in building line west of the intersection on 81st Street.
 - (e) Show an * by the 110' and 50' building lines on 81st and Lewis as follows: "*See Section III-5 of Certificate of Dedication."
 - (f) Clarify the 22.5' utility easement along Lewis. Does it continue around the corner and west on 81st Street?

2. Certificate of Dedication:

SECTION II-B: Add:

"The foregoing covenant shall be enforceable by the City of Tulsa, or its successors, and the owners(s) of each lot agrees to be bound hereby."

SECTION III-5(b)(i): Change 100' to 110' and add:

"* except the loading dock portion of the building may be set back 110' or more from 81st Street right-of-way if the truck loading area is screened by a wall."

SECTION III-10: Add:

"Light standards are limited to a maximum height of 35 feet"

3. Review and approval of format of Certificate of Dedication by City Attorney is required.
4. Not a condition of approval of plat, but owner/developer should assure that the owner/operator of the existing well has adequate access for maintenance and service.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements if required. (Fill in the gap between the existing utility easement and the east line of South Lewis with an additional utility easement.)
6. Water plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat.
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat (if required).
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by City of Tulsa.
10. The Department of Public Works advised that the City desires to obtain title and would accept a fee simple dedication of the Fred Creek Channel around this plat. Fees in lieu of detention can be paid based on a platted acreage.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works. (Engineering)

12. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic) and shown on plat as recommended. (Access OK as shown. Further studies pending for "off-site" work.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. A Corporation Commission letter, Certificate of Non-development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released.* (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
 - *(Note: Since this is a commercial plat, no building lines are required by the Subdivision Regulations. The owners and the lease operator may wish to provide a building line acceptable to both parties. However, this is not a condition of approval of this plat.)
15. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Sub. Regs.)
16. All Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to APPROVE the Preliminary Plat of Square Eighty-One as recommended by Staff.

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FINAL APPROVAL AND RELEASE

Oak Leaf II (PUD-316-1)(2483) (PD18)(CD8)
East 93rd Street and South 86th East Avenue

(RS-3, CO)

Staff Comments

Mr. Wilmoth advised that all releases have been received and Staff was recommending approval, subject to approval of format by the City Attorney.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty; Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to APPROVE the Final Plat of Oak Leaf II and RELEASE same as having met all conditions of approval as recommended by Staff.

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WAIVER REQUEST; Section 1107

Shopping Center (PUD-496)(2103) (PD-16)(CD-3)
NW/corner of Pine and Sheridan

(CS, RS-3)

Staff Comments

This PUD was reviewed by TAC on 11/10/92 and a number of comments and/or recommendations made at that time. A copy of the TAC minutes was provided, as well as another copy of the plan previously reviewed. No formal application was made to waive the plat requirement on 11/10/92, so this current submittal is the formal application to be processed. (Some minor changes may be made in the layout as a result of the PUD conditions.)

The applicant was represented by Ted Sack at the TAC meeting.

A small copy of the revised plot plan as approved by TMAPC was provided by Mr. Sack. The revision caused the access points to change, prohibiting any direct access to Pine Place and Oxford.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the waiver of plat on PUD 496, subject to the following conditions:

1. Property is presently platted into residential lots except for the southeast quarter of the block. There is a 10' utility easement running east/west and north/south through the building site. This would need to be vacated.
2. Although both Pine and Sheridan were platted with 50' of right-of-way from center in accordance with the Street Plan, an additional eight feet and a corner angle would be required

to meet the present Street Plan and turn lane requirements for a secondary arterial intersection.

In discussion, Traffic Engineer advised they were more concerned that the corner radius or angle be provided than the additional 8' of turn lane right-of-way. However, TAC and DPW did not recommend waiving this requirement. There would be no strong objection if the corner angle were provided without the extra 8' strip.

3. Access points shall meet the approval of the Department of Public Works (Traffic). Medians may dictate "right-turn-only" access points.

In discussion, traffic engineering advised that they had no particular problems with the access. A possibility, at owners expense, would be removal of the raised median on Sheridan to provide more left turn access.

4. Grading and drainage plans shall be approved by the Department of Public Works, including any on-site detention requirements.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to APPROVE the WAIVER REQUEST including waiver of the additional 8' of right-of-way on Sheridan for Shopping Center as subject to the conditions as recommended by Staff.

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WAIVER REQUEST; Section 213

BOA-16226 HIGHER DIMENSIONS (1383) (PD-18)(CD-8)
8621 South Memorial Drive

(AG)

Staff Comments

This request is a result of a Board of Adjustment action to permit an additional building and use on this church property. (The building did not appear on the original overall plan. It will be used as a supervised maternity home.) The property was recently platted and this use does not affect any of the plat provisions. All controls and conditions are by the Board of Adjustment. Therefore, it is recommended that since the property is already platted, that the plat requirement be waived.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** the **WAIVER REQUEST** for BOA 16226 Higher Dimensions as recommended by Staff.

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LOT SPLIT FOR WAIVER

L-17646 Tivoli Realty (793) (PD-6) (CD-4)

Northwest corner of S. Lewis Avenue and E. 15th Street

CH

Staff Comments

This is an undeveloped tract of approximately 160' x 230' and fronts on S. Lewis Avenue. The tract is to be divided into a north 60' x 230' tract and a south 100' by 230' tract. The purchaser of the southern 100' tract is willing to grant additional right-of-way to meet the required 50' along S. Lewis. The purchaser is also the owner of the lots to the south which are the site of a proposed Walgreen's. The current owner is not willing to dedicate on the remaining 60' tract and is requesting waiver of right-of-way requirements. The lot to the north of the 60' parcel is also owned by this same individual.

CH zoning has no frontage requirements.

Staff advised that the drawing submitted shows the lots to the south and north of the tract for reference only. They are not part of the split. Since 50' of right-of-way has been dedicated on Lewis from 15th north to this tract, and an additional 100' of dedication is being made on this split, it is recommended that the additional right-of-way also be required on the 60' tract. No objection is made to the 50' total instead of 58' which would accommodate a turn lane. (Reference letter to the Board of Adjustment from Traffic Engineer dated 12-7-92.)

The applicant was represented by Ted Sack.

On **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the L-17646 , subject to the following conditions:

1. Provide the additional right-of-way on the north 60' as required by Major Street Plan. (TAC sees no hardship since the tract is vacant and adjacent right-of-way is being provided by Walgreen's.) (Require 50' from centerline.)
2. Relocate existing sanitary sewer and vacate existing easement.

3. Provide new easement for sewer relocation as recommended by the Department of Public Works.

As an alternate, Staff recommended that since dedication was being made on the south 100' by the purchaser, that the remaining 60' of the split be tied to the seller's property to the north. This would allow Walgreen's to meet the street plan requirements and proceed with their project. The owners to the north would have to return to the Planning Commission if they want to divide their tract in the future. The remaining right-of-way dedication would need to be addressed at that time. Mr. Ted Sack was present for the applicant and indicated agreement with this alternate.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** the Lot Split for Waiver of L-17646 as the alternate as recommended by Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17642 (2683) Clancy (PD-26) (CD-8)	10136 S. 72nd E. Ave.	RS-1
L-17643 (783) ORU (PD-18) (CD-9)	7920 S. Lewis Ave.	CO
L-17644 (1783) Wellington Homes (PD-18) (CD-2)	9015 S. Gary Ave.	RS-3
L-17645 (3493) Conoco Inc. (PD-18) (CD-7)	6245 E. 61st St.	CS
L-17648 (2792) 1st Gibraltar Bank (PD-9) (CD-2)	SE/c of 33rd W. Ave. & Southwest Blvd.	IL

Interested Parties

Deborah Thompson 8939 S. College Pl. 74137-3328

Ms. Thompson, President of Cedar Crest Homeowners Association, voiced opposition to Lot Split L-17644. Ms. Thompson obtained signatures from all the homeowners in this neighborhood opposing the lot split. Ms. Thompson conveyed that area residents are concerned over the small sizes of the resultant lots.

Staff Comments

Mr. Wilmoth explained this area was served by septic systems when the subdivision was platted, thereby creating the large lots. The lots being created are over 13,000 SF, but are only 65' wide. Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements for RS-3 zoning.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to RATIFY the above-listed lot splits having received prior approval.

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ZONING PUBLIC HEARING

Chairman Doherty announced this public hearing is to review amendments to the City of Tulsa Zoning Code relating to the regulation of tents and open air activities (sale of merchandise). Chairman Doherty disclosed that the Planning Commission is considering this item at the request of the City Council, who has directed the Planning Commission to hold hearings on this item. Chairman Doherty advised that it is not likely the Planning Commission will take final action today, and he anticipates that more work will be required on the suggested draft.

Staff Comments

Mr. Gardner reviewed the following draft:

TENT & OPEN AIR ACTIVITIES (SALES OF MERCHANDISE)

Amend the use unit §1202 which currently deals with temporary open air activities as principal uses, as follows:

B. Included Uses:

Tent or Open Air Activities such as:

- Carnival
- Christmas tree sales
- Circus
- Construction facilities (off-site)
- Revival meetings

Sales of merchandise*

***Tent or open air sales of merchandise as a principal use are not permitted in the R and O districts.**

C. Use Conditions

1. Tent and open air activities, except construction facilities (off-site), may continue for a period not to exceed 30 days per each application for special exception approved by the Board of Adjustment.
2. Required parking spaces shall not be used for the tent or open air activity.

3. No public sidewalk or street right-of-way shall be used for the tent or open air activity except by license granted by the City Council.

Additionally, amend the 13 and 14 use units, the retail commercial use §§1213 and 1214 as follows:

C. Use Conditions

1. In the CS district all uses shall take place within a completely enclosed building, except sales of merchandise may be temporarily displayed outdoors provided:
 - a. the display area shall abut the building wall of the business but extend no closer to the street than the building setback requirements;
 - b. the display area shall not occupy or use required parking spaces or access aisles; and,
 - c. the display area is not located within 300 feet of an abutting R District.

Mr. Gardner explained this language attempts to make a distinction between principal and accessory use. Mr. Gardner advised that areas zoned CS would not be covered by this proposal, as far as being accessory to the principal use.

In response to a question from Mr. Broussard, Mr. Gardner explained the difference between principal and accessory uses.

Mr. Gardner answered questions from the Planning Commission, noting that AG zoning does not permit a commercial enterprise; however, he added that some farm-type operations have appeared before the Board of Adjustment to receive approval to sell their produce. Mr. Gardner noted that the 30-day restriction placed on these vendors is not sufficient, since these types of produce usually require approximately 90 days of sale. Mr. Gardner answered questions regarding the number of parking spaces required, type of parking surface required for tent sales, and advised that tent sales must follow the current ordinance regarding signs.

The Planning Commission asked whether the City would allow temporary water and electric taps. They were told that it was possible.

Interested Parties

Chester Wilkins, owner, A-1 Tent Rental	6534 W. 25th St	74107
Tommy Dotson, produce vendor, 4th & Sheridan	4343 N. 94th E. Ave.	74115
Mike McLearan, M & M Produce produce vendor, 81st & Sheridan 92nd & Delaware	9220 S. Delaware	74137
Mark Rosenberger, Sooner Produce	6609 E. 54th St.	74145
Jeff Ogilvie, Sooner Produce	3212 E 91st St.	74133
Kathy Kurin, Country Produce	4608 S 26th W Ave.	74107
S.T. Ting, vender	2424 Woodward Blvd.	74114
Frank Morgan, T-Shirt Vendor	P.O. Box 134, Lamar, AR	72846
Michael Smith, consumer	11118 E. 75th Pl.	74133
Jean Coppage, consumer	1715 S. Newport	74120
Craig Bay, vendor	1137 E. 25th St.	74114
Chuck Kays, vendor	Rt. 3, Box 129, Cleveland, OK	74020

The above-listed individuals spoke at the public hearing. Their primary concerns were:

One individual was in the tent rental business and cited instances in Dallas, Texas where tents are allowed to remain erected on a year-round basis. The department that issues tent permits in Dallas is very cooperative. He cited instances in other cities in Texas where tent users are made very welcome and reported on complaints he has received of the regulations individuals must go through in Tulsa to erect a tent.

The Planning Commission was urged to use temperance when regulating tent sales.

The Planning Commission was reminded that tent vendors aid the economy of Tulsa by paying sales tax.

Yearly renewal procedures should be made easier for vendors.

Individuals declared that they must obtain certificates indicating that their tents are fire retardant. They also must have a City/County Health Department permit, State Health Department permit, building permit, trash pick-up, business license, sign permit, plumbing permit, and liability insurance.

Some vendors have paved parking and provided restroom facilities.

Opposition was expressed to the proposed 30-day time limitation being proposed. They would like to see 90-120 day time periods. The 30-day proposal would not allow sufficient time to take advantage of the growing seasons for fruits and vegetables sales and flower planting seasons. Consumers feel the 30-day limit would encourage the quick corner-type sales vendors.

It was asked why the current regulations are being changed. It was suggested that other businesses feel threatened by competition from tent vendors.

Vendors and consumers declared the public enjoys buying fresh produce from the tent vendors.

Consumers asked the Planning Commission to remember that vendors having water hoses dragged in across lots and dust and gravel parking lots are the exceptions rather than the rule.

Consumers asked the Planning Commission to recognize that tent sales allow vacant lots to be utilized by vendors and are producing sales tax income for the City and income for the vendors.

One individual manages a business in a shopping center, and shopping center management allows him to erect a tent in the springtime to enhance his sales. This has helped his business tremendously. This also allows him to employ ten or more full- and part-time employees. This has allowed him to collect approximately \$10,000 worth of sales tax for the City.

Concern was expressed over the amount of setback being proposed.

Consumers advised that they are concerned with obtaining the best quality merchandise for the least amount of money.

Consumers believe the real issue may be competition.

One tent operator presented pictures of his operation to the Planning Commission. This operator feels this regulation has been brought up because some merchants do not like the competition.

Vendors declared that they incur costs such as lot rental, tent rental or purchase, insurance, many city and state licenses, and also Board of Adjustment hearing costs, much like any permanent facility .

**Elizabeth Nutt, Environmental Program Manager
Tulsa City/County Health Department**

4616 E. 15th St.

Ms. Nutt distributed information to the Planning Commission concerning seasonal retail food establishments. Ms. Nutt reviewed the regulations they are required to operate under and the licenses required. She offered the Health Department's assistance in this matter. Ms. Nutt answered questions from the Planning Commission regarding the types of items which can be sold by a seasonal retail food establishment and restrictions they must comply with.

Darla Hall, City Council

200 Civic Center 74103

Councilor Hall voiced support of tent sales in the area and noted that most vendors are responsible business people. Councilor Hall declared that a 30-day selling period was inadequate for produce sales. She also expressed concern over requiring hard-surface parking. Councilor Hall pointed out that most vendors lease the property and do not have the right to hard-surface the parking area. She also expressed concern over the expense of such paving. Councilor Hall believes that gravel parking would suffice. Councilor Hall perceives that tent sale operators are following all

regulations and feels no additional regulations need to be imposed. In response to a question from Ms. Wilson regarding tents in shopping centers that take up required parking, Councilor Hall replied that most parking areas in shopping centers are sufficient to handle the additional traffic. Councilor Hall acknowledged that, in smaller areas, parking may need to be restricted to prevent customers from parking on the shoulder of the street, residential areas, etc.

Fran Pace, District 4 Planning Team Chair 1326 S. Florence Ave.
Ms. Pace asked that the Planning Commission include temporary warehouse space in the study. Ms. Pace explained that, should tent sales be outlawed, semi-trailers could be brought in and merchandise could be sold from the back of them. Ms. Pace pointed out that such sales are not handled in the Zoning Code. Ms. Pace noted that, in her district, in which the commercial zoning is primarily CH, it is quite common to see semi-trailers parked in store parking lots for storage.

Dewey Bartlett, City Councilor District 9
Councilor Bartlett acknowledged that he is probably responsible for initiating this question. Councilor Bartlett noted that the individuals in attendance are good examples of the good citizens of the community who operate their businesses in a fair and responsible manner, conforming to regulations. Councilor Bartlett deems the issue is one of a discussion of the temporary versus permanent nature of a particular facility. Councilor Bartlett advised that if a tent is to be considered as a temporary facility, then a point in time should be designated when they must be removed, a sunset provision. Councilor Bartlett acknowledged that 30 days is not a long enough period of sale for those in the produce business. He does feel a hard surface parking lot is too severe and that gravel would be more appropriate. Councilor Bartlett addressed the parking issue and referred to the Ranch Acres shopping center at 31st Street and South Harvard Avenue where the intrusion of a tent into required parking was a problem that has existed in the past. There was no monitoring of that problem, and he received complaints over this issue.

Mr. Broussard asked why it is such a critical issue to determine whether a tent is temporary or permanent.

Councilor Bartlett replied that if there are no sunset provisions, then a case could be made that tents are being treated as a permanent facility. Therefore, if it is being treated as a permanent facility, why should it not have the same requirements, construction, conduit, water, sewer, etc, that a permanent facility has. If they are considered temporary, then they should be given a temporary status. Councilor Bartlett declared that it is not his intent to limit competition.

Interested Parties

Richard Jones
Phyllis Scott

309 E. 5th St., Skiatook 74070
4720 S. 72nd East Ave. 74145

The above-listed individuals were present, but did not wish to address the Planning Commission.

It was the consensus of the Planning Commission to return this item to Rules and Regulations Committee for further discussion and review of hard-surfaced parking, Board of Adjustment exception process, 30-day time limit, tent removal clause concept provision, and the issue of temporary warehouse sales from semi truck trailers.

Chairman Doherty thanked those in attendance for submitting their comments. TMAPC members and Staff discussed an appropriate date for continuance of the public hearing to allow time for review of the input received, with a motion submitted to continue to February 10, 1993.

Mr. Broussard cautioned the Planning Commissioners that they need to look very closely at the reasons why they are deciding to take action. It seems the consensus of those present that some action needs to be taken. He expressed concern over attempting to zone to regulate competition. Mr. Broussard advised that he does not feel it is necessary to consider the cost that individuals incur because they have permanent structures. If that is considered, then competition is what is being discussed.

Chairman Doherty advised that the committee will consider very carefully the public purpose of any regulation.

Mr. Parmele noted that they would determine if there is a difference between temporary and permanent uses and if they should be regulated differently.

Mr. Parmele asked Staff to give input at the Rules and Regulations Committee for a proposal on trailer sales storage to include in this study.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes, Midget, Neely "absent") to CONTINUE the public hearing of amendments to the City of Tulsa Zoning Code relating to the regulation of tents and open air activities to February 10, 1993.

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OTHER BUSINESS

PUD 347-7 Minor Amendment to reduce setback for garages and change livability space-portions of Fairway Park Amended.

Staff Comments

The applicant is requesting to amend the required setback of garages on streets with less than 50' of right-of-way from 25' to 20' for lots 7-10, 13, 14, 16-18, 20, 25-29, 32-34, 43-48, 56-60, 65-67, 69-74, 85, 89, 96-101, Block 1. Also, he is requesting that the minimum livability space be changed from an average of 4,000 SF per lot to 40% of each. Staff can support the requested change in garage setback because the lots involved are on short cul-de-sacs where sight distances will be sufficient, since the number of vehicles using those streets will be small and their speeds very low. Staff also supports the change in minimum livability space, since the present system is impossible to enforce as individual building permits are issued. The new 40% standard should still provide sufficient livability space. Therefore, Staff recommends **APPROVAL** of PUD 347-7 as requested.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 347-7 Minor Amendment as recommended by Staff.

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PUD 479 Detail Landscape Plan for Development Area "A" (Circuit City) east of the northeast corner of 71st Street South and Memorial Drive.

Staff has reviewed the Detail Landscape Plan for Circuit City in Development Area "A" and finds it to be in conformance with the PUD conditions. Therefore, Staff recommends **APPROVAL**.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 479 Detail Landscape Plan for Development Area "A" as recommended by Staff.

* * * * *

PUD 166-E Detail Site and Sign Plans (Tierra Vista, Inc.) northeast corner of South Sheridan Road and 93rd Street.

Detail Site Plan

Staff has reviewed the site plan for Tierra Vista's garden center and greenhouse and finds it to generally be in conformance with the PUD conditions recommended by TMAPC. PUD 166-E has not been approved by the City Council, so any Detail Plan approval must be conditioned upon the City Council adopting amendment PUD 166-E as recommended by the Planning Commission. Staff, therefore, recommends **APPROVAL** of the Detail Site Plan subject to the following conditions:

1. The screening fence shown is not approved and will be evaluated when the Detail Landscape Plan is submitted.
2. No location is shown for a trash receptacle. If one is to be outside the building, a detailed location and design of the screening for the receptacle shall be provided meeting the PUD conditions.
3. Approval is conditioned upon City Council approving PUD 166-E as recommended by TMAPC.

DETAIL SIGN PLAN

Staff has reviewed the proposed ground sign for Tierra Vista, which will be in the extreme northwest corner of the tract, and find it in conformance with the present and proposed PUD development standard. Therefore, we recommend **APPROVAL**.

The applicant expressed agreement with Staff recommendations.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 166-E Detail Site and Sign Plans as recommended by Staff.

* * * * *

PUD 282 Revised Detail Sign Plan (Bank IV) southwest corner of 71st Street and South Lewis Avenue.

The applicant is proposing to replace a bank ground sign at the corner of 71st Street and Lewis Avenue with a new smaller sign and install a new Transfund sign behind the bank building. Both signs comply with the PUD development standard. Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 282 Revised Detail Sign Plan as recommended by Staff.

* * * * *

PUD 480 Detail Site, Sign, and Landscape Plans for Albertson's - northeast of the northeast corner of South Peoria Avenue and 41st Street

Detail Site Plan

Applicant is proposing a 47,533 SF Albertson's store. After review of the submitted site plan, Staff finds it to be in accordance with the PUD development standards with the understanding that the doors shown on the north side of the building can only be used as an emergency exit. With this clarification, Staff recommends **APPROVAL** of the Detail Site Plan.



Detail Sign Plan

The applicant is proposing three wall signs on the west face of the store and two ground signs, one on 41st Street and one on Peoria Avenue. All the signs comply with the size, height, and location requirements of the PUD. Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan.

Detail Landscape Plan

Staff has reviewed the landscape plan and finds it to be in conformance with the PUD development standards. Therefore, Staff recommends **APPROVAL**.

Applicant's Comments

Mr. Norman, attorney representing the applicant, advised that copies of these plans were submitted for review to Pam Deatherage, District 6 Planning Team Chair, and to each resident of the area who appeared at the public hearings. Mr. Norman informed the Planning Commission that no comments or objections have been received.

Interested Parties

Scott Gardner

P.O. Box 521090, Tulsa 74152

Mr. Gardner, of Tooman Collins & Associates, managing agent for Shannonwood Park, the complex directly north of the project, voiced concern that a shrubbery screening would not be sufficient to screen car headlights and noise intrusion from the complex. Mr. Gardner requested that a solid screening fence, approximately 4' tall, be constructed to eliminate this intrusion.

Mr. Stump advised that the PUD has a requirement for a 3' hedge and the proposed dwarf bufordi holly which is expected to attain a height of 3' within two years and ultimately a height of 4'-5'. Mr. Stump advised that this is a dense holly and should be sufficient to block headlights.

Mr. Parmele reminded Mr. Gardner that the Planning Commission had intense discussion over these items during the public hearing process. Screening was addressed, and the conditions were imposed which the applicant has complied with. Mr. Parmele voiced opposition to imposing additional requirements or conditions at this time.

Mr. Norman pointed out this is in accordance with the specific landscape proposal, and it was detailed as part of the original submittal on the north side. Mr. Norman advised that no one ever wanted a solid fence which someone could hide behind, and does not feel the applicant could respond favorably to the request.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 480 Detail Site Plan, Detail Sign Plan and Landscape Plan.

* * * * *

PUD 236-B-3 Minor Amendment to allow temporary church use in Development Area 3, southwest corner of 78th East Avenue and 76th Street South.

Chairman Doherty announced there is reason to question whether this item should be treated as a minor or major amendment. He declared the Planning Commission should first resolve the question of whether it should be treated as a minor or major amendment.

Mr. Stump advised this request was scheduled as a minor amendment because the applicant did not wish to go through the major amendment process. He reviewed the applicant's request.

Applicant's Comments

Keith Sprik 4619 E. 119th St, Tulsa, OK 74137
Mr. Sprik explained that the church would like to construct a single-family dwelling on the tract to be used as a church activities building for the next 2-3 years, and used approximately twice a week. Mr. Sprik explained that this would allow the church time to build on to the church, and upon completion, the church would use it as a missionary home.

Mr. Sprik answered questions from the Planning Commission explaining why the church is unable, at this time, to expand their existing church. Mr. Sprik anticipates that 30-40 youths will make use of the facility.

Legal Counsel advised that this should be considered a major amendment.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to CONSIDER PUD 236-B-3 as a MAJOR AMENDMENT.

* * * * *

PUD 481 Detail Sign Plan for wall sign (Petsmart) - northwest corner of Mingo Valley Expressway and 71st Street South.

Applicant is requesting an additional wall sign on the west wall of the Petsmart store (rear). Staff has reviewed the request and finds it to be in conformance with the PUD standards. Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 481 Detail Sign Plan Review as recommended by Staff.

* * * * *

PUD 495 Detail Site and Landscape Plan for Wal-Mart store at the northwest corner of 81st Street south and Lewis Avenue.

Detail Site

Staff has reviewed the site plan for the Wal-Mart store and finds it to be in conformance with the PUD standards with the following conditions:

- 1) The screening wall at the south side of the loading dock shall be of the same exterior finish as the rest of the south building walls and shall be of sufficient height and length to screen trucks and trailers using the loading dock.
- 2) The south 150' of the east 205' of the PUD is not included in this site plan approval.
- 3) The ground sign locations shown are not approved.

With the above-listed conditions, Staff recommends **APPROVAL** of the Detail Site Plan.

Detail Landscape Plan

The PUD requires that landscaped areas be provided in a manner which complies with the requirements of the proposed landscape ordinance. The site contains a number of large existing trees and

the applicant is proposing some innovative techniques to preserve some of the largest ones. Also they are proposing to transplant some existing 5" caliper trees to large parking lot islands in the center of the PUD. In addition, the plan proposes to have approximately twice as many trees as is required by the draft landscape ordinance.

After review of the landscape plan, Staff determined that all requirements of the PUD had been met or exceeded, with the exception of the requirement that all parking spaces be within 50' of a landscaped area. This plan has approximately 27% of its parking spaces more than 50' from a landscaped area. This produces large expanses of unbroken parking lot. When there are landscaped areas, however, they are large and contain larger than normal trees.

Staff feels this plan should be considered for **APPROVAL** under the "Alternative Compliance" section of the draft landscape ordinance because of the preservation of large existing trees and the planting of larger than normal trees in the parking islands. If this is approved, Staff would recommend continued monitoring of this development to see if the long-term effect of this type of design is as desirable as a more standard spacing of landscaped parking lot islands. It should be noted that the Landscape Plan Approval should not include the south 150' of the east 205' of the PUD.

Applicant's Comments

Mr. Norman, attorney, advised that this is an innovative way to preserve the major trees on this site. Mr. Norman gave a detailed description of the techniques that will be used to preserve the existing trees. Mr. Norman disclosed that the number of trees this plan calls for far exceeds the minimum required under the new landscape ordinance.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 495 Detail Site Plan and Detail Landscape Plan as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date Approved: 1/19/93

James R. Pollet
Chairman

ATTEST: *[Signature]*
Secretary

