

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1915
Wednesday, February 10, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Broussard Secretary Carnes Dick Doherty, Chairman Horner Midget, Mayor's Designee in at 1:42 p.m. Neely Parmele, 1st Vice Chairman Wilson	Ballard Buerge	Gardner Hester Stump	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 9, 1993 at 10:04 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 1:32 p.m.

Minutes:

Approval of the minutes of January 27, 1993, Meeting No. 1913:
On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget "absent") to **APPROVE** the minutes of the meeting of January 27, 1993, Meeting No. 1913.

REPORTS:

Report of Receipts And Deposits

Mr. Gardner presented the Report of Receipts and Deposits and advised that all items were in order.

TMAPC Action; 8 members present:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended January 1993.

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Chairman's Report

Chairman Doherty announced that TMAPC has an appointment to the Arts Commission. He asked that anyone interested in serving in this capacity inform him so that the appointment can be filled for coordination between the Comprehensive Plan and the Arts Commission.

There being no additions or corrections to the monthly report to the City Council, Chairman Doherty instructed Staff to transmit it.

Budget and Work Program Committee

Ms. Wilson announced that a Budget and Work Program Committee meeting is scheduled for February 17, at 11:30 a.m. in the INCOG large conference room.

Comprehensive Plan Committee

Mr. Neely announced the Comprehensive Plan Committee meeting to review Capital Improvements scheduled for February 17 has been postponed to February 24.

Rules and Regulations Committee

Mr. Parmele reported the Rules and Regulations Committee met today to discuss Amendments relating to the regulation of tents and open air activities and will make a recommendation later in the meeting.

CONTINUED ZONING PUBLIC HEARING:

Chairman Doherty announced that this is a continuance of the public hearing for amendments to the City of Tulsa Zoning Code relating to the regulation of tents and open air activities (sale of merchandise).

Mr. Gardner presented the Staff recommendation, with revisions made by the Rules and Regulations Committee at today's Committee meeting. Mr. Gardner advised that the purpose of this proposal is to address how tents, canopies, and other open air activities (sales of merchandise) might be further regulated under the Zoning Code. Mr. Gardner presented the following:

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:

SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES

A. Description

Uses which in some instances may be suitable for location in any district, but because of their potential adverse influence on adjacent properties require site review and are therefore permitted in all districts, as a special exception requiring Board of Adjustment approval.

- B. Included Uses:** Adult Detention Center
Airport, Heliport
Bus Station
Cemetery
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Governmental Services, NEC
Hydro-electric Generation Plant
Jail
Juvenile Delinquency Center
Mausoleum
Post Office
Prison
Rifle and Skeet Range, Gun Club
Sanitary Land Fill
Sewage Disposal Facility
Water Treatment Plant
Construction facilities (off site)
Uses which utilize tents, canopies or open air activities* such as:

Carnival
Christmas tree sales
Circus
Fruit and vegetable sales
Plant sales
Other sales of merchandise
Tent Revival

*Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

C. Use Conditions

- ~~1. Temporary open air activities, except construction facilities, may continue for a period not to exceed 30 days per each application for special exception approved by the Board of Adjustment.~~
1. Uses which utilize tents, canopies or open air activities may be approved for a maximum of 150 days. The Board of Adjustment may permit alternative off-street parking materials.
 2. Required parking spaces shall not be used for the tent, canopy or open air activity.
 3. Tents canopies and open air activities shall meet the building setback requirements set forth in the applicable zoning districts.
2. 4. Construction Facilities:
- a. The use may continue for a period not to exceed two years in the same location.

- b. Ingress and egress must be from arterial or collector streets, provided that the Board of Adjustment may approve a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas.
- c. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.

Additionally, amend Use Units 12. Eating Establishment Other Than Drive-Ins, Use Unit 12a. Adult Entertainment Establishments, Use Unit 13. Convenience Goods and Services, and Use Unit 14. Shopping Goods and Services as follows:

USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

C. Use Conditions:

- 1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. the outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. the outdoor customer seating area shall not occupy or use required parking spaces or access aisles; and
 - c. the outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein.
 - d. noise from any outdoor entertainment activity shall not be audible from any abutting R district.
- 2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Cafeteria Eating Establishment	1 per 100 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each add'l 15,000 SF of floor area

USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS

C. Use Conditions:

4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. the outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. the outdoor customer seating area shall not occupy or use required parking spaces or access aisles; and
 - c. the outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein.
 - d. noise from any outdoor entertainment activity shall not be audible from any abutting R district.

USE UNIT 13. CONVENIENCE GOODS AND SERVICES

C. Use Conditions:

1. The uses included in Use Unit 13 shall take place within a completely enclosed building, except for the following uses:

accessory outdoor customer seating and accessory outdoor display of merchandise, whether uncovered or covered by a tent or canopy, is permitted provided:

 - a. the outdoor display area or customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. the outdoor display area or customer seating area shall not occupy or use required parking spaces or access aisles; and,
 - c. that such outdoor display area or customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein.
2. d. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.

- 3 2. The uses included in Use Unit 13, when located within a district other than an R District and located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

USE UNIT 14. SHOPPING GOODS AND SERVICES

C. Use Conditions

1. The uses included in Use Unit 14 shall take place within a completely enclosed building, except the accessory outdoor display of merchandise, whether uncovered or covered by a tent or canopy, provided:
 - a. the outdoor display area shall extend no closer to the street than the building setback requirements;
 - b. the outdoor display area shall not occupy or use required parking spaces or access aisles; and,
 - c. that such outdoor display area shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein.

- 1 2. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.

- 2 3. The uses included in Use Unit 14, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Antique and Furniture Stores	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area
All other Uses	1 per 225 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area
Outdoor display or storage of lawn, garden and construction materials only	1 per 600 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area
All other outdoor display or storage of merchandise	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area

Section 1800 Definitions

Amend

Floor Area: The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included. Provided further that floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of Sections 1212, 1212.a. 1213 and 1214 shall mean the smallest rectangular area encompassing the display or customer seating area.

Interested Parties

	AGAINST	
Kathy Kurin	4608 South 26th West Avenue	74107
Chester Wilkins	6534 West 25th Street	74107
Mike McLearn	9220 South Delaware	74137
M&M Produce		
Michael Smith	11118 E. 75th Place	74133
Consumer		
Chuck Kays	Route 3, Box 129, Cleveland, OK	74020
Vendor		
Tom Elias	5149 South Vandalia	74135

The above-listed individuals made the following comments:

Applicants inquired whether they would be required to go through the Board of Adjustment to obtain a permit on a yearly basis.

It was suggested that exceptions should be granted to allow two extensions of 30 days per extension to the 150 day maximum.

It was noted that for produce sales, 150 days minimum is vital to that business.

Support was expressed to allow a maximum of 180 days per calendar year for tent sales.

Allowing more than 150 days for sales aids in promoting business in the area past the time needed for produce sales.

Concern was expressed over the length of time the Board of Adjustment would allow tent sales.

One individual declared that tent vendors do meet zoning requirements and suggested that, if business owners want balanced opportunity, they should rent a tent and meet the same regulations tent vendors must meet.

A consumer cautioned against restricting competition. If competition and free enterprise are restricted there will always be ways to get around any City Ordinances that might be adopted.

A consumer stated that his experiences in buying from produce stands have been from individuals who return on a yearly basis and are not "fly-by-night" vendors. He pointed out that responsible vendors are earning and spending money in the community.

One individual advocated that City Ordinances should be very liberal to encourage and allow individuals to conduct business. If individuals do not comply with regulations, they should be penalized.

One vendor who does business in Tulsa, as well as in other cities, both in the state and out-of-state, advised that Tulsa has the most restrictive regulations he has encountered.

One vendor cited expenses that must be paid which are comparable with real estate, if a building were to be rented.

It was stated that most tent vendors sell produce, and it was noted that there were no representatives from the grocery industry present with complaints.

A tropical plant vendor advised that businesses like him to set up in their lots because it draws attention to merchants.

It was suggested that merchants in existing facilities also erect tents to attract attention.

One individual questioned that vendors selling bedding plants, pumpkins, and Christmas trees are putting anybody out of business.

One individual advised that he has considered tent sales, but because of lot rental, code restrictions, knowledge of sales and product, etc. feels prohibited to do so.

Interested Parties

	FOR	
Jack Moore		3418 East 59th Street 74135
Tom Robinett		6432 South 76th East Avenue 74133
Owner of Burkhart's Office Supply		
Charles Cohlma		1502 South Cincinnati Place 74119
Joseph Schulte		4127 East 49th Street 74105
retailer		
Chris Sutherland		5444 East 115th Street South

The above-listed individuals made the following comments:

One individual who is in the business of selling computer systems and capital goods to business people reported that tent sales have impacted his business by causing a prospect and client to cancel an order of over \$100,000 because of concern over whether they will continue to be in business. These business owners wonder if they can compete with the cost of doing business under regulations placed on them to operate a permanent facility against tent operators doing business on a seasonal basis with lower cost of overhead, limited capital requirement, location flexibility,

dramatically reduced capital investment and much lower personnel cost.

Concern was expressed over the aesthetic impact tents have on the City of Tulsa.

It was expressed that the current level of tent businesses is not objectionable; however, concern was expressed over proliferation of these businesses and setting up an operation that gives that opportunity.

Concern was expressed for business owners who have established businesses, own real estate, lease property for long periods of time and make an investment in business operations. There should be a way to make the field even between them and tent operators. It appears that temporary businesses have some advantages over permanent businesses.

It was noted that a business which lasts 150 days or longer ceases to be a temporary business. Over a recurring period of years the same business being in the same location becomes more of a permanent business than a temporary business. Rather than increasing the 150 day period being proposed, it should be reduced.

Any temporary business in existence for one-half year or longer should be subject to the same restrictions as a permanent establishment.

It was declared that temporary and permanent businesses should be held to the same standards. Some standards mentioned were wiring codes, a light bulb in a shield in tents, etc.

It was noted that many tent vendors comply with regulations and individuals encouraged the Planning Commission to "get some teeth" behind these rules to ensure all the tent vendors comply.

Instances were cited where local businesses have been denied tent placement for peculiar reasons, whereas tent vendors can set up tents in a similar situations. Tents have been set up on City right-of-way, use wiring outside the code, run hoses for over 200', have no bathroom facilities (some vendors have made arrangements with facilities which have rest rooms within 500', but are not always open while the tent is doing business); Health Department regulations do not have consistent regulations for tents and permanent businesses, and concerns over insurance coverage were expressed.

It was suggested that tents be required to be removed upon completion of use.

If controls are not placed on some of the advantages tent vendors have, the economic pendulum could swing, eliminating the desire for permanent business to expand. It is possible that business owners may want to switch to the advantages tent vendors enjoy.

Comments were made that all businesses should follow the same standards; either tighten the tent codes or loosen the permanent businesses code.

One individual cited an example in Dallas, Texas, where the development of a flea market atmosphere was being experienced where almost anything imaginable was being sold out of tents, such as mattresses, clothing, furniture on a particular boulevard. This was ten years ago and has since been cleaned up.

It was declared that individuals will continue to set up temporary structures, sell merchandise and skirt regulations that retailers must work under.

The Planning Commission was encouraged not to extend the 150 day selling period just to eliminate some of the "fly-by-night" vendors.

One individual urged consistency in City departments that issue tent permits. It was suggested that printed material be made available so all parties will be aware of the pertinent codes and ensure that all conform to the same codes.

One business owner cited an instance where his business requested a tent permit for a sale on his lot. He detailed the problems he incurred in placing the tent within 500' of restroom facilities inside his store. He advised that, in driving around the city he sees tents which are not within the distance he was required to conform to, and even some with no toilet facilities.

Other Parties

Ted Wilson

3122 East 66th Place 74136

Owner Ted & Debbie's Flowers

Mr. Wilson advised being unsure whether he was for or against the proposal because it does not address all of the concerns he has. He echoed many of the concerns already addressed regarding unequal treatment by the Code for temporary and permanent businesses and noted that the regulations in effect are not being administered. Mr. Wilson cited the requirements he had to follow to prepare for doing business; i.e. building a retaining wall, ensuring proper drainage, etc. Mr. Wilson cautioned that business owners may be placed in a position where it would behoove them to close their businesses and open a tent business. He cautioned against gearing Tulsa toward tent business. Mr. Wilson also expressed concern over the aesthetic value.

Buddy Carmichael

9136 East 31st Street

Mr. Carmichael asked about conditions regarding existing parking spaces.

Mr. Gardner explained the minimum parking requirements and explained that the tent could not take up required parking spaces.

Ed Rice**Public Works**

Mr. Rice answered questioned from the Planning Commission regarding plumbing code requirements. He explained that port-a-johns are not recognized. The Code requires a restroom be located within 500' of a business; therefore, if additional port-a-johns are needed, they can be put in, but they are not recognized under the plumbing code.

In response to questions from Mr. Parmele, Mr. Rice declared a tent is a temporary building and there must be a flush toilet within 500' for employees' use. Mr. Rice mentioned that a tent is considered a temporary building.

Darla Hall, City Councilor

Councilor Hall commented that she handles the insurance for Kathy Kurin, one of the interested parties, and Ms. Kurin has commented to her that proof of restroom facilities must be provided to the Health Department along with many other restrictions. Councilor Hall acknowledged that a tent city is not desirable in Tulsa, but acknowledged that tents do serve a purpose, and she feels they are necessary for department stores to stay in business.

Ms. Wilson commented that the Rules and Regulations Committee had discussed the need for a review of building codes regarding plumbing and electric, and even review of Health Department requirements. Ms. Wilson noted that these issues are outside of the Planning Commission's purview as far as fairness and rules of operation. She noted that this may be an issue the Planning Commission sends to the City Council for review.

Dewey Bartlett, City Councilor

Councilor Bartlett commented that the intent is not to run anyone out of business, but we are trying to find a happy medium. He expressed support of the 150 day maximum for the definition of the temporary business. He declared exceptions should be dealt with on a case-by-case basis. Councilor Bartlett advised that the City Council would be the appropriate place to evaluate the construction requirements that have been brought to light.

TMAPC Discussion

Mr. Parmele announced that the Rules and Regulations Committee unanimously recommended that the Tent & Open Air Activities Amendment be adopted as amended by the Committee, and made a motion to this effect.

Mr. Parmele noted the Planning Commission must decide if tents are an acceptable business use on commercially-zoned properties or other properties. If the Planning Commission decides they are a rightful use and should be permitted, then reasonable restrictions and controls must be placed upon these uses. Mr. Parmele declared that there must be a distinction between a temporary and permanent businesses and if at some point an operation or business in a tent becomes a permanent business, it should conform to all the building codes and standards of the City of Tulsa.

Mr. Broussard expressed that the 150 days number is arbitrary and he fails to see why the TMAPC as a body governing land use is concerned with specifying a number of days to conduct business. He believes that all the objections he has heard relate to competition and declared the Planning Commission cannot zone competition. Most of the complaints made were from individuals who have businesses which are affected adversely by the continued use of tent sales. Mr. Broussard advised that if there are problems with the building codes, that is outside of the Planning Commission's purview and needs to be studied elsewhere. Mr. Broussard is satisfied that the Planning Commission has recommended significant changes relating to setback and parking, which place tent vendors under the same regulations as vendors using permanent structures. He advised that to establish a time limit for activity to make a distinction between temporary and permanent has no land use value. Mr. Broussard suggested striking the portion of the proposed amendment dealing with time limit and adopting the remainder of it.

Mr. Parmele remarked that 150 days was selected because the Health Department uses 150 days for their permitting process; Building Inspections offers building permits of 150 days; and the Planning Commission's recommendation of 150 days is in line with both of these departments. He declared that the Planning Commission cannot ban the use of tents; this would be against the free market enterprise system. Mr. Parmele declared that tents should be permitted with some type of controls on them.

Mr. Carnes stated that he failed to see how a tent atmosphere versus permanent buildings could be good planning.

Mr. Broussard moved to amend the motion to strike the 150 day requirement. He pointed out that requirements imposed by the Health Department and Building Inspections have nothing to do with land use; these departments have different concerns and priorities.

There was a lengthy discussion over the Planning Commission's right to enforce a 150 day limit for an entity to conduct business, and over the Board of Adjustment's handling tent applications on a case-by-case basis to decide the appropriate time limit for each area.

Mr. Parmele asked Mr. Linker if the time limit is eliminated in the proposed amendment whether the Health Department and Building Permits office time limit restrictions prevail if no time is specified and the Board of Adjustment specifies the allowed time.

Mr. Linker advised that any conditions in other codes are not affected by the Planning Commission's action. It would then be at the discretion of the Board of Adjustment.

Mr. Gardner explained that if the code is silent on the issue of time limit, that puts pressure on the Board of Adjustment to determine every time what the most appropriate time period is for that use.

Chairman Doherty voiced opposition to the amendment because it asks too much of the Board of Adjustment and does not give them sufficient guidelines. He expressed agreement with Staff that a temporary structure and a permanent structure are two different land uses and are entirely within the purview of the Planning Commission. It is the responsibility of the Planning Commission to regulate them both.

Mr. Neely expressed agreement with Chairman Doherty and voiced supporting a maximum time limit of 150 days. He also believes the BOA should have the ability to issue a permit for fewer than 150 days.

TMAPC Action; 9 members present:

On MOTION of BROUSSARD, the TMAPC voted 2-7-0 (Broussard, Parmele "aye"; Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "nay"; no "abstentions"; Ballard, Buerge, "absent") to AMEND the motion to eliminate the time restraint on the use of tents and outdoor sales of 150 days.

MOTION FAILED.

Commissioner Dick suggested adding to the text referring to the 150 day limit the language, "per calendar year".

Mr. Midget stated 150 days is fine for a base and expressed that the BOA should have the flexibility to grant fewer or more than that, depending on land use.

Mr. Carnes declared that he would be opposing the motion because the Rules and Regulations Committee worked many hours on this recommendation.

Mr. Parmele noted that the Rules and Regulations Committee made a recommendation based on Staff input and previous input from an earlier public hearing.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 2-7-0 (Broussard, Midget "aye"; Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "nay"; no "abstentions"; Ballard, Buerge, "absent") to AMEND the motion to provide for an additional 30 day period by exception by the Board of Adjustment.

MOTION FAILED.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 6-3-0 (Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; Broussard, Dick, Midget, "nay"; no "abstentions"; Ballard, Buerge "absent") to APPROVE the Proposed Amendments for Tent and Open Air Activities (Sales of Merchandise).

Ms. Wilson advised of discussion in Rules and Regulations Committee recommending the need for the City Council to review various codes and how they apply to business in Tulsa.

TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, "absent") to REQUEST the City Council review all the codes that affect businesses, whether they are outside activities or inside buildings.

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ZONING PUBLIC HEARING

Application No.: Z-6391 Present Zoning: RMH & AG
Applicant: David Cannon Proposed Zoning: IL
Location: Southwest of the southwest corner of Sheridan Road and 30th Street North

Date of Hearing: February 10, 1993

Chairman Doherty announced that the applicant has requested a continuance to March 3, 1993 to send out a revised notice.

There were no interested parties present.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget "absent") to CONTINUE Z-6391 to March 3, 1993.

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ZONING PUBLIC HEARING

Application No.: Z-6392 Present Zoning: RS-3 &IL
Applicant: Charles Norman Proposed Zoning: OL
Location: Southwest corner of Newton and Garnett
Date of Hearing: February 10, 1993

Chairman Doherty announced the applicant is requesting continuance to February 24, 1993 to provide time for a revised legal notice to be published.

There was an interested party present who voiced support of the continuance.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget "absent") to CONTINUE Z-6392 to February 24, 1993.

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ZONING PUBLIC HEARING

Application No.: Z-6393 Present Zoning: RS-3
Applicant: Alma Jean Peck Proposed Zoning: OL
Location: East of the northeast corner of Louisville Avenue and
31st Street South
Date of Hearing: February 10, 1993

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Linear Development # 2.

According to the Zoning Matrix, the requested OL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.4 acres in size and is located east of the northeast corner of Louisville Avenue and 31st Street South. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings zoned RS-3; on the east by residences converted to offices zoned OL; on the south by an office building zoned OM; and on the west by a bank zoned OL.

Zoning and BOA Historical Summary: The area has been in transition to office uses with OL allowed on the north side of 31st Street.

Conclusion: OL zoning is compatible with existing development and zoning patterns and the Comprehensive Plan.

Therefore, Staff recommends **APPROVAL** of Z-6393 for OL zoning.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget Neely, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Parmele "absent") to recommend **APPROVAL** of Z-6393 for OL zoning.

LEGAL DESCRIPTION

Lot 10, Block 4, Loma Linda Addition to the City of Tulsa, County of Tulsa, State of Oklahoma.

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ZONING PUBLIC HEARING

Application No.: **Z-6394** Present Zoning: **RS-3**
Applicant: **Jerry Snow** Proposed Zoning: **PK**
Location: Southwest of the southwest corner of Lewis Avenue and
51st Street South
Date of Hearing: February 10, 1993

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the Zoning Matrix the requested PK District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.8 acres in size and is located southwest of the southwest corner of Lewis Avenue and 51st Street South. It is partially wooded, gently sloping, vacant, and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by an RV park zoned CS; on the east by a restaurant zoned CS; and on the south and west by apartments zoned RM-1.

Zoning and BOA Historical Summary: The tract is abutted on two sides by commercial uses, and the areas immediately

abutting to the east and south are parking areas for the apartment complex.

Conclusion: Because of the existing uses, Staff can support the requested zoning.

Therefore, Staff recommends **APPROVAL** of Z-6394 for PK zoning and recommends the Comprehensive Plan's designation of this area be changed to Low Intensity -- No Specific Land Use.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to recommend **APPROVAL** of Z-6394 for PK zoning.

LEGAL DESCRIPTION

The West 130' of the East 388' of Lot 2, Block 3, Perry's Subdivision of the North Half, Northeast Quarter of Section 31, Township 19 North, Range 13 East in the City and County of Tulsa, Oklahoma, according to the recorded plat thereof.

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PUD 236-D 7807 E. 76th Street North

Chairman Doherty announced that the applicant is requesting withdrawal of application and refund of fees.

Staff Comments

Mr. Stump reported the applicant filed the major amendment for the subject property; Staff completed work on the application and noted that a refund of \$50 to cover the public hearing fee has been the set procedure.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to recommend **REFUND** of \$50 for the public hearing fee for PUD 236-D.

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SUBDIVISIONS;

FINAL APPROVAL AND RELEASE

St. Francis Hospital Services (383) (PD-18) (CD-7)

Mr. Stump announced that all releases have been received and Staff was recommending approval with the condition that format be approved by the Legal Department.

TMAPC Action; 8 members present:

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget "absent") to APPROVE the Final Plat of St. Francis Hospital Services and RELEASE same as having met all conditions of approval as recommended by Staff with the stipulation that format be approved by the Legal Department.

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OTHER BUSINESS:

PUD 464-2: Minor Amendment to permit a cabana as a principal use on a lot. West of the southwest corner of 86th Street South and Gary Avenue

The applicant who lives on the lot at the corner of 86th Street and Gary Avenue is requesting to place a cabana on the lot immediately to the west. Staff can support the request if a tie agreement is executed, to which the TMAPC is a party, which joins the two lots and the cabana complies with the yard requirements of a principal structure except on the common side lot line.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to APPROVE PUD 462-2 Minor Amendment contingent on the tie agreement as recommended by Staff.

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PUD-298-10: Minor Amendment to permit access to 92nd E. Avenue
-- South of the southwest corner of 88th Court and
South 92nd East Avenue

The applicant is requesting relief from the provision that dwellings not have direct access onto South 92nd East Avenue. The tract in question was recently intended for a day care center which was subsequently not permitted. During the review of the day care center request, the property to the north was subdivided into residential lots without any access to the subject tract. Now the developer would like to use this tract for two single-family dwellings, and the only feasible access remaining is directly onto 92nd E. Avenue. For this reason, Staff recommends **APPROVAL** of PUD 298-10 as requested.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to **APPROVE** PUD 298-10 Minor Amendment as recommended by Staff.

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PUD 190-32: Minor Amendment to permit a greenhouse selling plants on a permanent basis -- Southwest corner of 71st Street South and Sheridan Road

The applicant is requesting to allow a greenhouse in the parking lot of Summit Square Shopping Center, which was earlier approved by TMAPC for one season of Christmas tree sales. The greenhouse would sell plants from March 1 to June 30 each year. The greenhouse meets the PUD building setback requirements, but eliminates 14 parking spaces and produces a need for 4 additional spaces. Staff can not determine from the information provided whether the greenhouse is occupying required off-street parking. Also, its location in the front of the shopping center and the fact that it is a portable greenhouse does not appear to be in keeping with the intent of the shopping center development approved in the original PUD. Therefore, Staff recommends **DENIAL** of PUD 190-32.

Applicant's Comments

The applicant explained that this is the third year for Price Mart to have temporary plant sales from a greenhouse.

There was discussion as to whether this is a true greenhouse as described in the Code or an accessory open air sale.

Chairman Doherty explained that it must also be determined if the greenhouse is occupying required parking.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to CONTINUE PUD 190-32 to February 17, 1993.

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PUD 375-A: Revised Detail Site Plan -- West of the northwest corner of Union Avenue and 61st Street South

The Riverfield Country Day School has submitted a revised site plan to add a portable storage building on the north side of their buildings. It meets all the requirements of the PUD and staff recommends APPROVAL.

TMAPC Action; 9 members present:

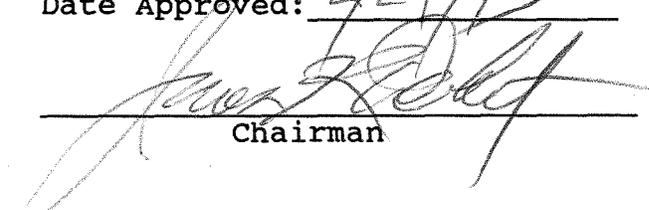
On MOTION of MIDGET, the TMAPC voted 9-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to APPROVE PUD 375-A revised detail site plan.

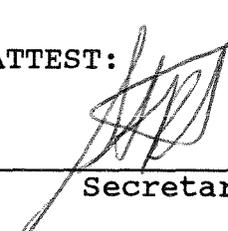
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Briefing on Historic Preservation Zoning (HP) requirements and procedures.

Chairman Doherty struck this item from the agenda. He asked Staff to present a brief presentation preceding next week's public hearing and asked the Planning Commissioners to review the Ordinance.

There being no further business, the Chairman declared the meeting adjourned at 3:22 p.m.

Date Approved: 2/24/93

Chairman

ATTEST: 
Secretary