

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1934
Wednesday, July 7, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Neely	Gardner	Linker, Legal
Broussard	Pace	Hester	Counsel
Carnes, 2nd Vice Chairman		Jones	
Dick		Matthews	
Doherty, Chairman		Stump	
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, July 6, 1993 at 11:39 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 June 16, 1993, Meeting No. 1932:

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Midget, Neely, Pace "absent") to **APPROVE** the minutes of the meeting of June 16, 1993 Meeting No. 1932.

Approval of the minutes of June 23, 1993, Meeting No. 1933:

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Midget, Neely, Pace "absent") to **APPROVE** the minutes of the meeting of June 23, 1993 Meeting No. 1933.

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; members present:

On MOTION of WILSON, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Pace, "absent") to APPROVE the Report of Receipts and Deposits for the month ended June 30, 1993.

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Chairman's Report:

Chairman Doherty informed the Planning Commissioners of their assignments for Planning District liaisons as follows:

<u>TMAPC Member</u>	<u>Planning Districts</u>
Ballard	8, 10
Broussard	2, 11
Carnes	24, 25
Doherty	1, 9
Horner	16, 17
Neely	18
Pace	3, 7
Parmele	5, 26
Wilson	4, 6

Committee Reports:

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee will meet July 28, 11:30 A.M., in the INCOG large conference room to review the 1993 fiscal year end and first quarter of 1994.

Rules and Regulations Committee

Mr. Parmele announced that the Rules and Regulations Committee met today and that recommendations will be made during the public hearings.

Director's Report:

Resolution No. 1933:736 to amend Planning District 2 Plan, a part of the Comprehensive Plan of the Tulsa Development Authority, as regards to the northeast and northwest corners of Pine & Cincinnati.

Chairman Doherty announced that the Tulsa Development Authority (TDA) is requesting a continuance for this item.

Mr. Parmele asked for an explanation of the continuance.

Ms. Matthews explained that the City Council did not approve the change to the TDA plan proposing single-family residential to the northeast and northwest corners of Pine and Cincinnati from commercial and duplex. However, she noted that this request was in accord with the Comprehensive Plan and the Planning Commission approved amending the Plan, noting that more specificity would be added by showing low-intensity residential at those corners. Ms. Matthews advised that the resolution was not signed at that time, since the TDA was to appear before the City Council to determine whether the City Council would approve the change to the TDA plan, which they did not. She reported that the City Council did not deny the request, but instructed that it be continued to the July 22 City Council meeting. Ms. Matthews recommended that this item be continued to July 28.

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"; Neely, Pace, "absent") to CONTINUE Resolution No. 1933:736 to July 28, 1993.

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ZONING TEXT AMENDMENT AND PUBLIC HEARING:

Amendment to the City and County Zoning Codes to require Board of Adjustment approval for Homeless Centers and other Community Service uses, thereby eliminating the need for spacing of such uses, and related matters.

Staff Comments

Mr. Gardner advised that the proposal is to move Emergency and Protective Shelters, Residential Treatment Center, and Transitional Living Centers from Use Unit 5, which permits these uses as a matter of right in any commercial district, to Use Unit 2, which requires a Board of Adjustment Special Exception approval in any district where they might be appropriate in any zoning classification. The proposed amendments are as follows:

ALTERNATIVE B

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
Construction facilities (off site)
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Emergency and Protective Shelter
Governmental Services, NEC
Hydro-electric Generation Plant
Jail
Juvenile Delinquency Center
Mausoleum
Post Office
Prison

Residential Treatment Center
Rifle and Skeet Range, Gun Club
Sanitary Land Fill
Sewage Disposal Facility
Transitional Living Center
Water Treatment Plant
Uses which utilize tents, canopies or open air activities* such as:
Carnival
Christmas tree sales
Circus
Fruit and vegetable sales
Plant sales
Other sale of merchandise
Tent Revival

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

C. Use Conditions

1. Uses which utilize tents, canopies or open air activities may be approved for a maximum of 150 days per calendar year. 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.
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.

D. Off-Street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Airport	1 per each 500 SF of enclosed passenger terminal area.	1 per 2,000 to 40,000 SF of floor area plus 1 per 40,000 to 100,000 SF, plus 1 per each add'l 100,000 SF.
Emergency and Protective Shelter, Juvenile Delinquency Center	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area.
Residential Treatment Center, and Transitional Living Center and other such residential facilities NEC	1 per 1,000 SF of floor area	1 per 10,000 to 100,00 SF plus 1 per each add'l 100,000 SF of floor area
Other uses	As may be required by the Board of Adjustment in granting the special exception use.	

SECTION 1205. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES

A. Description

Community services, cultural, educational, recreational, and religious facilities, and certain residential facilities which are needed in residential areas to serve the residents or need a residential environment, but which may be objectionable to nearby residential uses. These uses are permitted by special exception in some districts, by right in some districts, and prohibited in other districts.

B. Included Uses:

Aquarium
Art Gallery, not operated for profit
Children's Nursery
Church
College
Community Center
Community Group Home
Convent, Monastery and Novitiate
Cultural Facility, NEC
Day Camp

~~Emergency and Protective Shelter~~
Golf Course
Hospital
Library
Marina
Museum
Nursing Home
Planetarium

~~Private Club or Lodge, the chief activity of which is~~
a service not carried on as a business.
Public Park
Public Tennis Court

~~Residential Treatment Center~~
Schools, offering a compulsory education curriculum

~~Transitional Living Center~~
University

C. Use Conditions

1. Churches when located within an AG or R District:

- a. Minimum lot area of 1-acre and minimum lot width of 100 feet.
- b. No parking shall be permitted within a required front yard.

2. Schools:

- a. High Schools shall have their principal vehicular entrance and exit on an arterial street. A minimum lot area of one acre shall apply. Buildings and grounds which have been approved by the Board of Adjustment for Use Unit 5 school use may also be used for a children's nursery, preschool, community center or day camp.

3. College, university, hospital: A minimum site area of one acre shall apply.
- ~~4. Residential treatment center, transitional living center, emergency or protective shelter: To avoid clustering, a residential treatment center, transitional living center, or emergency or protective shelter shall not be located on a lot within 1/4 mile (1,320 feet) from any other lot containing such facilities or detention/correctional facility.~~
4. 5. Nursing Home: The nursing home shall meet applicable licensing requirements of the State of Oklahoma. The maximum floor area ratio is .5.
5. 6. Community Group Home, Convent, Monastery and Novitiate: The maximum floor area ratio is .5.
6. 7. Aquarium, day camp, museum, planetarium and private club or lodge when located within an AG, RE or RS District shall have a minimum lot area of one acre.

D. Off-Street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Aquarium art gallery museum, planetarium, and cultural facility NEC	1 per 800 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
Children's Nursery	1 per 500 SF of floor area	NA
Church	1 per 35 SF of chapel or sanctuary floor area or 1 per 3 seats (20" of pew equals one seat) whichever is greater	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
College, University	1 per 600 SF of classroom floor area plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
Community Center	1 per 500 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area

Community Group Home	1 per 1,000 SF of floor area	None
Convent, Monastery and Novitiate	1 per 1,000 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
Emergency and Protective Shelter	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Golf Course	5 per green plus 1 per 400 SF of clubhouse floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Hospital	1 per bed	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Library	1 per 500 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
Nursing Home	.35 per nursing home bed	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Private Club	1 per 100 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Public Park	1 per 4 stadium seats plus 1 per 500 SF of community center or recreation building plus 1 per 300 SF pool area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Public Tennis Court	2 per court, plus 1 per 400 SF of clubhouse area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Residential Treatment	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l

-----Center, and-----100,000- SF- of- floor- area
 -----Transitional
 -----Living-Center
 -----and-other-such
 -----residential
 -----facilities-NEC

Schools:

Elementary & Junior High	1 per 1,200 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
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Senior High	1 per 800 SF of floor area plus 1 per 4 stadium seats	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
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Interested Parties

Jim Norton
DTU

201 W. 5th St. Ste. 450, 74103

Mr. Norton acknowledged being instrumental in initiating the proposed change. He explained the concept behind the proposal is to provide neighborhoods and communities with the ability to appear before the Board of Adjustment and impose additional restrictions on these types of uses than would normally be required. Mr. Norton advised of the problem at the northwest quadrant of the downtown area where these uses have been clustered in recent months and have created negative impacts on the neighborhood. He advised that DTU proposed this amendment so the Board of Adjustment could review these facilities on a case-by-case basis and impose such restrictions such as screening, building orientation, and whatever else the Board of Adjustment may require. He expressed optimism that this proposal will provide additional protection to the neighborhoods. Mr. Norton suggested that this proposal is more restrictive by requiring Board of Adjustment approval and urged support of the proposal.

Tom Smalley

209 N. Frisco 74103

Mr. Smalley, who resides two houses away from a proposed site of an emergency protective shelter, disclosed that the Board of Adjustment approved this facility in December of 1992, in spite of the fact that approximately 25 area residents voiced opposition to the facility. He encouraged more restrictions on these types of facilities and identifying where they will be located. He questioned whether neighborhoods could be protected from clustering these facilities in neighborhoods such as his. Mr. Smalley questioned eliminated the parking in and around the facilities, and noted that users of these facilities are currently parking in the streets or neighborhoods. He suggested that perhaps the facilities should prepare for campers, buses, etc.

Chairman Doherty discerned that neighborhoods would be protected more by this action, because if there is a need for parking, the

Board of Adjustment would be able, as a condition of approval, to require specific numbers of spaces be allotted, if appropriate.

Mr. Smalley expressed disappointment that the builder of the facility did not contact area residents regarding suggestions for building location. He noted that the building was placed closest to the neighborhood and it appears that there was adequate space to place the structure at a distance farthest away from nearby houses. Mr. Smalley disclosed that the area currently has such a facility, and hoped the 1/4-mile restriction of clustering of these types of facilities would disallow another facility, but noted the BOA waived that restriction.

Bonnie Hutchenson

206 N. Frisco 74103

Ms. Hutchenson declared that if the 1/4-mile limit restricting clustering of these types of facilities is removed, then more of these facilities will be allowed in their neighborhood. She urged that the 1/4-mile clustering restriction remain intact.

There being no further comments, Chairman Doherty declared the public hearing closed.

TMAPC Comments

Mr. Parmele reported that the Rules and Regulations Committee met to address this item and by unanimous vote recommended that this item be adopted.

Ms. Wilson declared that, under this proposal, requiring a site review is beneficial to neighboring properties and will aid in alleviating problems associated with these uses.

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"; Neely, Pace, "absent") to recommend ADOPTION of the proposed changes to the Zoning Code requiring Board of Adjustment approval for Homeless Centers and other Community Service uses as presented.

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COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING:

Amendments to District 1 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan area.

**A RESOLUTION AMENDING
THE DISTRICT ONE PLAN TEXT
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June, 1960, adopt a Comprehensive Plan of the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 22nd day of October, 1980 this Commission, by Resolution No. 1332:524, did adopt the District One Plan Map and Text as part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 7th day of July, 1993, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District One Plan Text, as follows:

PLAN TEXT: Add as indicated on Exhibit A, attached and made a part hereto.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District One Plan Text, as above set out and attached hereto as noted above, be and are hereby adopted as part of the District One Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area.

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this resolution be certified to the City Council of the City of Tulsa, and to the Board of County Commissioners of Tulsa County, Oklahoma, for approval and thereafter, that it be filed of record in the Office of the County Clerk, Tulsa, Oklahoma.

Exhibit A

DISTRICT ONE PLAN AMENDMENTS
Resulting from the NDP Sector Plan Update
July 7, 1993

Plan text amendments:

- Add 3.5.8 Portions of this District may be appropriate for clustering of social services, as noted in 6.5.3 and should be according to the guidelines set forth in 6.5.3 and 6.5.4.
- 3.11.14 Portions of this District may be appropriate for clustering of social services, as noted in 6.5.3 and should be according to the guidelines set forth in 6.5.3 and 6.5.4.
- 6.5.3 In specific areas within the CBD, clustering of some social services and related uses may be appropriate. One such area in which clustering is appropriate and encouraged is the area bounded by Denver Avenue, the western leg of the Inner Dispersal Loop, 6th Street and the northern leg of the Inner Dispersal Loop.
- 6.5.4 At such time as proposals involving Use Unit 2 (Areawide Uses by Special Exception) are reviewed by the Board of Adjustment, the issue of public security and protection should be a major consideration in the Board's determining the appropriateness of the proposed use. Planning for the security and protection of adjacent and nearby properties, as well as that of the property in question, should be an integral part of any request for a Special Exception under the Use Unit 2 category.

Staff Comments

Ms. Matthews reviewed the above-listed amendments to the downtown plan that recognize areas within which the planning team felt that clustering social service agencies, given the parameters of the changes that the Planning Commission just approved in the Zoning Code, might be appropriate; specifically, the northwest quadrant. With site review and conditions the Board of Adjustment will place on the facilities such as security, safety, protection for the neighborhood, these amendments need to be incorporated in the various areas in the District One Plan.

Interested Parties

Tom Smalley

209 N. Frisco 74103

Mr. Smalley advised that he resides in the area being recommended for clustering emergency protective shelters. He disclosed a situation where he was assaulted and battered by an individual who had been parking in his neighborhood when he was asked by Mr. Smalley to move his vehicle, which had been parked in the area for an excessive length of time. Mr. Smalley noted that to label an area as emergency and protective shelters and waiving the 1/4-mile restriction, etc., is detrimental to area residents. He declared that social services are being expanded before area residents are being relocated. Mr. Smalley questioned whether the county could increase their efforts to aid the indigent and commented on the negative impact the current facility has had on his neighborhood.

Mr. Carnes advised that the Comprehensive Plan Committee met and recommended approval of the proposed amendments to the District One Plan.

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"; Neely, Pace, "absent") to recommend ADOPTION of the proposed amendments to the District One Comprehensive Plan as recommended by Staff.

* * * * *

Amendment to the Tulsa County Zoning Code relating to the regulation of "after hours clubs," spacing for adult entertainment establishments and related matters (Use Unit 19).

Staff Comments

Mr. Gardner advised that Staff is proposing to add a new Use Unit to the County Zoning Code, Use Unit 19(a), Selected Entertainment Establishments. He advised that the City of Tulsa recently adopted similar zoning restrictions, and it was the concern of County Commissioner John Selph that these problem land uses might be relocated in the unincorporated portions of Tulsa County without proper restrictions, unless the County Zoning Code were amended accordingly. The proposed amendments are as follows:

SECTION 1219. USE UNIT 19.(a) SELECTED ENTERTAINMENT ESTABLISHMENTS*

1219.1 Description

Businesses which cater primarily to adults 21 years of age and above and which sell and serve intoxicating and/or nonintoxicating beverages (as defined by Oklahoma Statutes) on the premises, all sexually oriented businesses and after hours clubs which provide music and dancing without regard to age.

1219.2 Included Uses

- After-Hours Club
- Bar
- Beer Bar
- Billiard Parlor
- Dance Hall
- Family Billiard Center (add to Use Unit 19)
- Night Club
- Pool Hall
- Private Club
- Sexually Oriented Businesses
- Tavern

1219.3 Use Conditions

1. The uses included in Use Unit 19(a), 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 lot lines in common with the R District.
2. Public entrance door to a bar, beer bar, billiard parlor, night club, private club, pool hall and tavern shall be located at least 50 feet from an R District. This distance shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door. Doors which are limited to emergency exits only and which may be also used for deliveries are not considered public entrances. This provision does not apply to accessory use bars as defined in Chapter 18.
3. Dance halls shall be located a minimum of 300 feet from an R district; provided, however, that dance facilities which are accessory to not for profit, bona fide lodges, posts, fraternal, benevolent or charitable organizations shall be exempt from this setback requirement. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted to the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way).
4. All uses in Use Unit 19(a), including sexually oriented businesses, shall not be open for business between the hours of 2:00 A.M. and 6:00 A.M. This provision does not apply to not for profit bona fide lodges, posts, fraternal, benevolent or charitable organizations.

5. Other use conditions applicable to sexually oriented businesses are found in Section 750 of this Code.

*add use unit 19(a) to Section 710, Table 1, Section 810, Table 1 and Section 910, Table 1.

1219.4 Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
After-Hours Club, Bar, Beer Bar, Billiard Parlor, Dance Hall, Night Club, Private Club, Pool Hall and Tavern	1 per 100 SF of floor area	1 per 5,000 to 10,000 SF plus 1 for each additional 15,000 SF of floor area.

Sexually Oriented Business:

Motel	1 per room plus 1 per manager	1 per 5,000 to 10,000 SF plus 1 for each add'l 15,000 SF of floor area
Theater	1 per 4 seats or 1 per booth plus 1 per manager	1 per 5,000 to 10,000 SF plus 1 for each add'l 15,000 SF of floor area
All other such uses	1 per 225 SF of floor area	1 per 5,000 to 10,000 SF plus 1 for each add'l 15,000 SF of floor area

CHAPTER 18

DEFINITIONS

Accessory Use Bar

A commercial establishment open to the public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises, but which is incidental and subordinate to a principal use restaurant, hotel or motel, and bars which are accessory to not for profit, bona fide lodges, posts, clubs, fraternal, benevolent or charitable organizations which are included in Use Unit 5.

After-Hours Club

A commercial establishment open to the general public after 2:00 A.M. which provides music and a space for dancing.

Bar/Tavern

A commercial establishment open to the general public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

Beer Bar

A commercial establishment open to the general public which sells and serves only nonintoxicating beverages (as defined herein) for consumption on the premises.

Billiard Center, Family

A principal use billiard facility which caters to families and which excludes the sale and consumption of intoxicating or nonintoxicating alcoholic beverages (as defined herein) on the premises.

Billiard Hall/Pool Hall

A principal use billiard facility, open to the general public, and which sells and serves intoxicating and/or nonintoxicating alcoholic beverages (as defined herein) on the premises.

Dance Hall

A commercial establishment open to the general public which provides a dance area of 1,000 SF or more.

Intoxicating Beverages

All beverages containing more than three and two-tenths percent (3.2%) alcohol by weight and all mixed beverage coolers, as defined in Section 506 of Title 37, Oklahoma Statutes, regardless of percent of alcohol content.

Night Club

A commercial establishment open at night to the general public, serving liquor, may have a floor show, and providing music and a space for dancing.

Nonintoxicating Beverages

All beverages containing more than one-half of one percent ($\frac{1}{2}$ of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight.

Principal Use Restaurant

An eating establishment which employs at least one full-time cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar area, occupies at least 75% of the total floor area of the business.

Private Club

A private commercial establishment, not open to the general public, but which is operated for profit and which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

NOTE

Established uses which do not conform to these proposed amendments are nonconforming and may continue without compliance (grandfathered).

Interested Parties

Audra Buthod

2520 W. Easton St. 74127

Ms. Buthod expressed support of the closing of clubs between the hours of 2:00 A.M. and 6:00 A.M. She expressed concern over the safety of teenagers staying out until 2:00 A.M. or later at the after-hours clubs.

T. Michael Smith

3042 S. Boston Pl. 74114

Mr. Smith, who is trying to establish a billiards parlor, expressed concern that billiards parlors continue to be associated with bars, beer bars, and other adult entertainment establishments. He advised that it is this type of association and image that he is working to avoid.

Chairman Doherty advised that billiard parlors are not being addressed at this hearing; however, he noted that there are changes currently under review in the way billiard parlors are treated under the Zoning Code.

Mr. Gardner noted that Mr. Smith would have a family recreation center were it not for the fact that he intends to sell alcoholic beverages. He also pointed out that family billiard centers are proposed to be moved to Use Unit 19, and will not be affected by 19(a), today's proposal.

Tom Smalley

209 N. Frisco 74103

Mr. Smalley questioned why the Planning Commission wants to restrict these types of activities and questioned whether they were wanting to prohibit these types of businesses from opening.

Chairman Doherty explained that this proposal contains essentially the same regulations for the County as have been imposed by the City of Tulsa for after-hours clubs. He advised that the intent is

to protect the community from the impact of late hours operations contributing to noise, traffic, crime, violence, etc., that have caused problems for nearby residents and the Police and County Sheriff in the past. Chairman Doherty advised that currently, there are no existing businesses in the County which would be affected by the proposed regulations. He disclosed that existing businesses in the County would be grandfathered; however, none are operating after 2:00 A.M. that anyone is aware of.

There being no further comments, Chairman Doherty declared the public hearing closed.

TMAPC Review

Mr. Parmele reported that the Rules and Regulations Committee met today, and by unanimous vote, recommends to the Planning Commission that the proposed changes to the Tulsa County Zoning Code be adopted.

Mr. Broussard expressed support of the proposed zoning code changes, but cautioned that the Planning Commission should monitor the results. He advised of the possibility that other establishments, such as family recreation centers, may remain open from 2:00 A.M. to 6:00 A.M., causing similar problems to those experienced with after-hours clubs.

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"; Neely, Pace, "absent") to recommend ADOPTION of the proposed changes to the Tulsa County Zoning Code.

* * * * *

WAIVER REQUEST; Section 213:

Z-4456 Interurban/Berry-Hart's Resub. (2392) (PD-9) (CD-2) (IM, IL)
NE/corner of West 37th Place & S. Tacoma Ave. (US 75 Service Road)

Staff Comments

This application had been reviewed by the TAC on 5/6/93 and recommended for a denial of the waiver of plat. The following background information is provided, from the TAC minutes of 5/6/93.

This is a request to waive plat on portions of the above captioned subdivisions bounded by U.S. 75 on the west, South Tacoma, W. 37th Place on the south, Cherry Creek on the east and northeast, and the T.S.U. railroad on the north/west. It is all platted, but the interior streets have been closed/vacated and some of the easements closed or vacated as indicated on the survey furnished with the

application. Water and sewer lines exist as well as other utilities.

Applicant proposes to re-develop the area into four tracts, all of which will when combined with existing lots and vacated streets have frontage on a dedicated street and meet all the zoning and subdivision regulations for frontage and access. If this were to be redeveloped into a large number of small tracts, Staff would not be in favor of a waiver of plat. However, the four proposed parcels all consist of platted lots, no lot-splits, and all front existing streets. Therefore, the following guidelines may apply to the waiver requested, or to a plat if this waiver is not recommended.

1. Provide an additional 5' of street dedication on W. 37th Place to total 30' from centerline. (This is consistent with an additional 5' acquired in a plat waiver process on the south side of that street. This will result in a total of 60' of right-of-way on W. 37th Street which complies with the minimum for an industrial street.) (Additional right-of-way may be required on Tacoma also.)
2. If required, provide an additional turn-around paving and right-of-way (if needed) at the northerly end of the service road at W. 36th Place. This should meet the minimum requirements of the Fire Department for access and turn movements.
3. All grading and/or drainage plans shall be approved by the Department of Public Works in the permit process. (Stormwater) Payment of fees-in-lieu of on-site detention may be acceptable.
4. Provide any utility extensions and/or easements, if required, including any water and/or sewer extensions.
5. The sale or redevelopment of this area is not limited to exactly the configuration proposed provided that:
 - (a) All conveyances should consist of whole platted lots (or partial lots along the creek or expressway) and not involve any new lot-splits.
 - (b) All conveyances should also consist of lots or combination of lots that provide frontage on a dedicated street.
 - (c) All conveyances should assure that the lot or lots conveyed abut water and/or sewer lines and other utilities as necessary to serve the tract.
6. If a replat is submitted, as many lots as needed would be acceptable as long as they front a dedicated street.
7. This application and recommendation does not include any of the lots on the east side of Cherry Creek.

The applicant was not represented at the TAC meeting.

In discussion, it was noted that the streets in this area are not up to required standards for industrial uses. The TAC, the Department of Public Works in particular, did not feel that this tract should be developed "piece-meal" or a few lots at a time.

A Corps of Engineers Channel Permit is needed. A drainage PFPI Permit will probably be needed. The Department of Public Works recommended the waiver be **DENIED**. Industrial subdivisions need to be platted so a comprehensive drainage plan can be developed for the property. The existing plat has no provision or covenants for drainage, and would not meet the requirements of a new plat.

After discussion of the merits of a waiver versus a replat, the consensus of the TAC and Staff was that the property should be replatted.

On MOTION of COTNER, the Technical Advisory Committee voted unanimously to recommend **DENIAL** of the waiver of plat on Z-4456 for the reasons outlined by the Department of Public Works.

Since the applicant was not present at the TAC meeting on 5/6/93, they requested it not be forwarded to the Planning Commission and that the TAC again review it after they had sufficient time to discuss the conditions with the Department of Public Works and other agencies.

After review with Public Works, applicants have reached an agreement, in writing, (copy attached) which addresses the concerns of the TAC and the Department of Public Works. It should also be noted, the City has just re-surfaced both Tacoma and West 37th Place.

The applicant was represented by Willis Smith and Bill Buffington at the TAC meeting. They expressed agreement, per letter, with the conditions as outlined by D.P.W. and Staff.

After further discussion, TAC was satisfied with the conditions outlined in the agreement and the staff recommendations and On MOTION of COTNER, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the waiver of plat on Z-4456, subject to the seven conditions outlined by Staff and the agreement with applicant dated 6/16/93. (This agreement duplicates some of the conditions outlined by Staff, but are included for the record.

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"; Neely, Pace, "absent") to **APPROVE** the Waiver Request for Z-4456 as subject to the conditions as recommended by Staff.

* * * * *

CHANGE OF ACCESS ON RECORDED PLAT:

9100 Memorial (2383) (PD-18) (CD-8)

South of SW/c E. 93rd St. & South Memorial Drive

This is a request to relocate an existing 40' access point to Lot 2, Block 4, 10' to the south. The relocation is to line up with an existing mutual access easement. Traffic Engineering has approved of the new location and Staff would recommend **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Wilson "aye"; no "nays"; Parmele "abstaining"; Neely, Pace, "absent") to **APPROVE** Change of Access on Recorded Plat subject to the submitted plot plan as recommended by Staff.

* * * * *

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17726 (283) Hisrich (PD-18) (CD-7)	7205 E. 66th St.	RS-3
L-17728 (3403) Hulsey (PD-16) (CD-3)	702 N. Sheridan	CH
L-17729 (2493) Johnsen (PD-18) (CD-5)	4150 S. 87th E. Ave.	IL
L-17731 (1094) Rike (PD-17) (CD-6)	14900 Block E. 13th St.	AG
L-17732 (1783) S Tulsa Prop. (PD-18) (CD-2)	3102 E. 88th St. S.	RS-2
L-17733 (1893) Faudree (PD-6) (CD-9)	3007 S. Rockford	RS-1
L-17734 (113) Burd (PD-15) (County)	9000 Blk E. 116th St. N.	AG
L-17739 (1282) Drake (PD-8) (CD-2)	7515 S. Elwood	AG
L-17740 (2502) TDA (PD-2) (CD-1)	559 E. Reading St.	RM-1
L-17741 (2183) Elkins (PD-26) (CD-8)	3431 E. 96th Place	RS-1

Staff Comments

Mr. Jones advised that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 9 members present:

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

* * * * *

CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: PUD 364-A
Applicant: Roy Johnsen
Location: Northeast corner of Mingo Road and 101st Street South
Date of Hearing: July 7, 1993

Chairman Doherty announced that Staff is requesting a continuance to allow sufficient time to review the new proposal submitted and give notice to other areas.

There were interested parties present and Chairman Doherty instructed Staff to mail the Staff recommendation to the below-listed individuals present at the TMAPC meeting.

Interested Parties

Lynda Hogan	9728 E. 97th St.	74133
Linda Watts	10205 E. 101st St.	74011
Bill Richards, The Rooney Co.	5310 E. 31st St, Ste. 1100	74135
Ken Smith	9916 E. 99th St. So.	74133
Carol Friesen	9725 S. 95th E. Ave.	74133
Nilda Taylor	9722 E. 97th St.	74133

TMAPC Action; 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"; Neely, Pace, "absent") to CONTINUE PUD 364-A to July 28, 1993.

* * * * *

OTHER BUSINESS:

PUD 282 Revised Detail Site Plan for Tract 1, west of the southwest corner of 71st Street South and Lewis Avenue.

The applicant wishes to modify the approved site plan for the Kensington Galleria by adding a drive-in bank facility at the northeast corner of the building. This will also require that an existing parking lot be modified and a new entrance onto 71st Street will be created. Approximately 53 parking spaces will be lost with the construction of the banking facility. The new access to 71st Street would be right turn only and is at a point permitted access by the subdivision plat. Even with the reduction in parking spaces the development exceeds the off-street parking requirement. Staff finds the proposed facility in conformance with the PUD conditions and recommends **APPROVAL** of the Revised Detail Site Plan.

There were no interested parties in attendance.

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"; Neely, Pace, "absent") to APPROVE PUD 282 Revised Detail Site as recommended by Staff.

* * * * *

PUD 357-A Revised Detail Sign Plan - south and east of the southeast corner of 71st Street South and Quincy Avenue.

The applicant is requesting to have an additional wall sign on the east face of the building in the southwest portion of Lot 2 for the Tulsa Regional Medical Group. The additional sign does not exceed the signage permitted by the PUD and is compatible with the existing signs on the building. Staff, therefore, recommends APPROVAL of the Revised Sign Plan as requested.

There were no interested parties in attendance

TMAPC Action; 9 members present:

On MOTION of HORNER, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Neely, Pace, "absent") to APPROVE PUD 357 Detail Sign Plan as recommended by Staff.

* * * * *

PUD 468 Detail Site and Landscape Plans of Lot 3, Sam's Center, North of the northwest corner of 71st Street South and Mingo Road.

DETAIL SITE PLAN

The applicant is proposing a liquor store with 6,175 SF in the first phase and 1,260 SF in a future expansion. Staff finds the site plan conforms to the PUD requirements, and therefore, recommends APPROVAL. Staff would note that with the 7,435 SF of commercial use allocated to this lot there are only 8,473 SF of commercial building floor area remaining for lots 2, 4, part of 5 and 9 in the Sam's Center Addition.

LANDSCAPE PLAN

The proposed plan, which was submitted to Staff at the beginning of this Planning Commission meeting, appears to incorporate the additional trees and berms needed to comply with the PUD conditions. Therefore, Staff recommends **APPROVAL**.

There were no interested parties present.

TMAPC Action; 7 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, "aye"; no "nays"; no "abstentions"; Neely, Pace, Midget, Wilson "absent") to **APPROVE** PUD 468 Detail Site Plan and Landscape Plan as revised and recommended by Staff.

* * * * *

PUD 498 Detail Sign and Landscape Plans for Lot 1, Block 1 - east of the southeast corner of Mingo Road and 71st Street South.

The applicant is requesting approval of sign and landscape plans for a 102,160 SF retail garden and building supply store (Home Depot). In addition to the building there are outside sales and storage areas of 39,757 SF.

SIGN PLAN

Two wall signs are proposed on the north side of the main building, which have a total display surface area of 464 SF. Two ground signs are also proposed, a 40' high sign with 196 SF of area on the 71st Street frontage, a 29.35 SF sign to be placed on the garden center's fence. All the proposed signs comply with the PUD condition; therefore, Staff recommends **APPROVAL**.

LANDSCAPE PLAN

The draft landscape ordinance requires 20 trees in the street yard and 40 trees in the remainder of the site. The applicant is proposing 16 trees in the street yard and 73 trees on the remainder of the site. Since 12 trees are proposed immediately behind the street yard and the end of parking rows, Staff believes this is as good or better than the draft ordinance requirement. Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan with the condition that all deciduous trees shown on the plan have a minimum size of 2 1/2" caliper.

There were no interested parties present.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, "aye"; no "nays"; no "abstentions"; Midget, Neely, Pace, Wilson "absent") to **APPROVE** PUD 498 Detail Sign Plan and Detail Landscape Plan for the Home Depot store on Lot 1, Block 1 as recommended by Staff.

* * * * *

PUD 206-A Landscape Plan for Walgreen's store - southwest corner of 91st Street South and Sheridan Road.

Staff has reviewed the proposed landscape plan and finds it to be in accordance with the PUD conditions and generally in accordance with the proposed landscape ordinance. Therefore, Staff recommends **APPROVAL** of the landscape plan.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Midget, Neely, Pace, "absent") to **APPROVE** PUD 206 Landscape Plan for the Walgreen's store as recommended by Staff.

* * * * *

PUD 405-B-1 Minor Amendment to Sign Standards and Detail Sign Plan - southwest corner of 93rd Street South and Memorial Drive.

The applicant is requesting to increase the permitted signage on the Wolfe Nursery site. Major amendment PUD 405-B which added to the permitted uses, Use unit 14, did not alter the sign restrictions of PUD 405 which were designed for office uses. Staff can support increased signage for Use Unit 14 uses as follows:

Signs for Use Unit 14 uses.

Ground signs: one ground sign is permitted in PUD 40 with a maximum display surface area of 220 SF. height of the sign shall comply with Section 1103B2b(

Wall signs: wall signs shall not exceed 1 SF of display surface area per lineal foot of building wall to which they are attached.

Directional signs are permitted not to exceed 3 SF in display surface area; nor 3' in height if within 25' of a street driving surface.

* * * * *

DETAIL SIGN PLAN

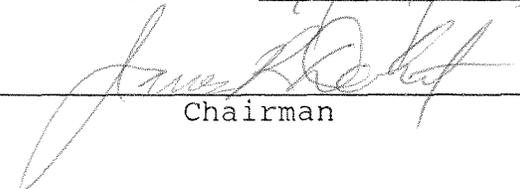
The applicant is proposing one ground sign near the corner of 93rd Street South and Memorial Drive 40' high by 200 SF in size. Also one wall sign of 69 SF on the east side of the building and two directional signs of 3 SF that are 5' high. Staff finds all of the signs in conformance with the PUD conditions if minor amendment 405-B-1 is approved, if the directional signs are shortened to 3' in height, and if they are within 25' of a street roadway. Therefore, Staff recommends **APPROVAL** subject to the above conditions.

TMAPC Action; 8 members present:

On **MOTION** of **WILSON**, the TMAPC voted **7-0-1** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Wilson "aye"; no "nays"; Parmele "abstaining"; Midget, Neely, Pace, "absent") to **APPROVE** PUD 405-B-1 Minor Amendment and Detail Sign Plan as recommended by Staff.

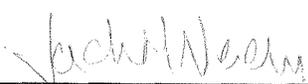
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There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 7/21/93


Chairman

ATTEST:



Secretary