

TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2549

May 27, 2009, 1:30 PM

175 East 2nd Street, 2nd Level, One Technology Center

Tulsa City Council Chambers

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:

Report on the update of the Comprehensive Plan

Director's Report:

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LS-20288** – Daniel Person (1302)/Lot-Split (County)
South of 123rd Street North and west of North 75th Avenue East, 12184
North 75th East Avenue

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

PUBLIC HEARING ZONING CODE AMENDMENTS

2. Consider Amendments to the Zoning Code, City of Tulsa, Oklahoma to reflect changes in spacing requirements among various Use Unit 14 Uses, Chapter 12, Section 1214, Tulsa Zoning Code. (Continued from 4/22/09)

PUBLIC HEARINGS

No Items.

OTHER BUSINESS

3. Commissioners' Comments

ADJOURN

PD = Planning District/CD = Council District

NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringling/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

TMAPC Mission Statement

DRAFT

AMENDMENTS TO CHAPTER 12, SECTION 1214, TULSA ZONING CODE

Page 12-31

C. Use Conditions

...

3. Delete spacing requirements for blood banks, plasma centers and pawn shops. Delete day labor hiring centers from the list. Existing spacing requirements for liquor stores from parks, schools, and other liquor stores, etc. (elsewhere in the Zoning Code) shall remain. Delete second sentence of existing paragraph and all following in that paragraph.

Change Item 3. to read, "Bail bond offices (except when located within a CBD zoned district) must be no closer than 300' from any R-zoned property and must be screened from any abutting R district as set forth in Item C.2, Chapter 12, Section 1214."

RESOLUTION

A RESOLUTION IMPOSING A DUTY UPON THE TULSA METROPOLITAN AREA PLANNING COMMISSION TO ANALYZE AND RECOMMEND TO THE CITY COUNCIL ANY ORDINANCE AMENDMENTS AND REGULATIONS THEY DEEM NECESSARY TO PROTECT THE PUBLIC PEACE, HEALTH, WELFARE, ORDER, MORALS, AND SAFETY, GOVERNING THE MINIMUM SPACING REQUIREMENTS ESTABLISHED BETWEEN PROPERTIES USED FOR THE PURPOSE OF BLOOD BANKS, PLASMA CENTERS, DAY LABOR HIRING CENTERS, LIQUOR STORES, OR PAWN SHOPS AS SET FORTH IN TITLE 42, SECTION 1214 OF THE TULSA REVISED ORDINANCES; REQUESTING THE TULSA METROPOLITAN AREA PLANNING COMMISSION SUBMIT THE STUDY TO THE TULSA CITY COUNCIL WITHIN ONE HUNDRED AND TWENTY (120) DAYS OR MARCH 1, 2009 WHICHEVER DATE IS FIRST OCCURRING; AND DECLARING AN EMERGENCY.

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Deleted: IN THE CITY OF TULSA,

WHEREAS, the City of Tulsa has adopted a Comprehensive Plan and a Zoning Code for all areas within its municipal boundaries to provide for the orderly and productive development of land which provides great opportunity for land owners to develop or use their property without adversely impacting the surrounding area within the City of Tulsa;

WHEREAS, in order to protect the public health, safety, and welfare, the Zoning Code for the City of Tulsa provides for specific minimum spacing requirements between properties containing certain uses;

WHEREAS, the use of a minimum spacing requirement between properties with certain uses is a well established mechanism to protect the public peace, health, welfare, order, morals, and safety when there is a reasonable expectation that having such uses in close proximity would promote or exacerbate activities injurious to the public health and welfare;

WHEREAS, from time to time, it is deemed appropriate to review specific provisions of the City's zoning code to ensure such provisions are still relevant and reflect the will of the City of Tulsa;

WHEREAS, Title 42, section 1214 of the Tulsa Revised Ordinances contains a provision requiring blood banks, plasma centers, day labor hiring

centers, liquor stores, and pawn shops to be spaced a minimum of three hundred (300) feet from each other, with the distance between these uses measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use;

WHEREAS, to determine whether adequate minimum spacing exists, any property owner seeking to use a space for one of the aforementioned uses must provide the Board of Adjustment a list of all property owners within three hundred (300) feet with the payment of appropriate fees and costs. Afterward, the Board of Adjustment will send notice of the intended use to each of the property owners within three hundred (300) feet and hold a hearing to determine any conflicting uses lawfully exist within the minimum spacing requirement;

WHEREAS, the Board of Adjustment process is required even when there is no apparent conflicting use within the three hundred (300) foot spacing requirement;

WHEREAS, the City of Tulsa has utilized the current minimum spacing requirements between blood banks, plasma centers, day labor hiring centers, liquor stores, and pawn shops for over seven (7) years without modification. After such time, it is appropriate to review the minimum spacing requirements to determine if the requirements are protecting the public health, safety, and welfare. It is also appropriate to determine if such requirements should be increased or decreased to provide the most public protection with the least reasonable intrusion on the rights of the private property owner; and,

WHEREAS, the Tulsa Zoning Code, Title 42, Section 1701, requires the Tulsa Metropolitan Area Planning Commission (TMAPC) to hold a public hearing on any proposed text amendment to the Zoning Code, and provide its report and recommendation on the proposed amendment to the City Council. Therefore, it is appropriate for TMAPC to review Title 42, section 1214 of the Tulsa Revised Ordinances, hold a public hearing, and provide the City Council its report and recommendation on what, if any, changes should be incorporated into section 1214.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. The TMAPC shall convene as needed, collect evidence and hear testimony, hold at least one public hearing, deliberate, and issue written recommendations to the City Council and the Mayor of the City of Tulsa, on whether or not the spacing requirements set forth in Title 42, section 1214 (C)(3) should be repealed, modified, or left unchanged. The TMAPC shall transmit its recommendations to the City Council and the Mayor of the City of Tulsa within one hundred and twenty (120) days from the effective date of this resolution or March 1, 2009, whichever occurs first.

Section 2. TMAPC shall review and provide a recommendation on specifically but not limited to whether the minimum spacing requirements have provided the desired effect; if the minimum spacing requirements should be increased to obtain the desired effect; what might be the adverse effect of decreasing or eliminating the minimum spacing requirements a certain spacing intervals; whether the burden of initially determining if conflicting uses are within the minimum required spacing can be placed upon City, and if so, at what cost; and recommended wording for any text amendments to Title 42, section 1214 recommended by TMAPC.

Section 3. The Legal Department of the City of Tulsa shall provide legal advice and counsel to the TMAPC, as needed.

Section 4. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately upon its adoption and approval and publication.

ADOPTED by the Council: _____
Date

Chairman of the Council

ADOPTED as an emergency measure: _____
Date

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.

Kathy Taylor, Mayor

By: _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma:
_____, at _____
Date Time

(Seal)
ATTEST:

Mayor

City Clerk

APPROVED:

City Attorney

DRAFT

SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES

A. Description

Retail establishments engaged in the merchandising of shopping goods and services.

B. Included Uses:

1. Retail Trade Establishments:

- Antique Shop
- Art Gallery, commercial
- Artist Supply Store
- Automobile Parts and Accessories Store
- Bicycle Shop
- Book Store
- Business and Office Machine Sales Establishment
- Camera and Photographic Supply Store
- Clothing and Accessories Store
- Cosmetic Shop
- Department Store
- Dressmaking Shop
- Dry Goods Store
- Fur Storage
- Furriers
- Garden Supply Store
- Hardware Store
- Hobby Shop
- Home Furnishings Establishment selling such items as:
 - Appliances,
 - China, Glassware and Metalware,
 - Draperies, Curtains, Upholstery,
 - Floor Coverings, and
 - Furniture
- Jewelry Store
- Leather Goods and Luggage Store
- Liquor Store
- Medical, Dental and Orthopedic Appliances and Supply Store
- Musical Instrument and Supply Store
- Office Furnishing Establishment
- Office Machine Sales
- Office Supplies Store
- Paint Store
- Pawn Shop
- Pet Shop
- Picture Framing

Section 1214. B. Included Uses

- Radio and TV Sales
- Record, Tape and Compact DISC Sales
- Reducing Salon
- Secondhand Store
- Shoe Repair Shop
- Shoe Store
- Sporting Goods Store
- Stationery Store
- Tailor Shop
- Toy Shop
- Variety Store
- Video Rentals
- Wall Paper Store
- Wig Shop

2. Retail Building Material Establishments, exclusive of fabrication or repair:

- Building Materials
- Electrical Supply
- Plumbing Fixtures

3. Service Establishments:

- Auto Alarms Installation
- Auto Radio and Stereo Systems Installation
- Auto Window Tinting
- Bail Bonds Office
- Blood Bank and Plasma Center
- Caterer
- Copying Service
- Costume Rental Service
- Day Labor Hiring Center
- Gasoline Service Station (one bay car wash)
- Gunsmith
- Household Minor Appliance Repair
- Interior Decorating, with retail sales
- Laundromat Self Service, coin operated
- Locksmith
- Oil and Lubrication Service (three bay maximum)
- Photo Finishing
- Radio and Television Repair
- Tag Agency, Automotive
- Tune-up Service (three bay maximum)
- Veterinarian Clinic, excluding outside animal runs
- Watch and Jewelry Repair

C. Use Conditions

1. The uses included in Use Unit 14 shall take place within a completely enclosed building, except that accessory outdoor display of merchandise is permitted, 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 requirement;
 - b. The outdoor display area or outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - 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; and
 - 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.
2. 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.
3. Blood banks, plasma centers, day labor hiring centers, liquor stores, bail bond offices (except when located within a CBD zoned district), and pawn shops shall be spaced a minimum of 300 feet from each other. After July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use. However, for any such use which has been in operation or has been issued a building permit for such use on or before July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest public entrance door of one applicable use to the nearest public entrance door of any other applicable use.

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
Gasoline Service Station, Oil and Lubrication Service and Tune-up Service	1 per 500 SF of floor area - minimum of 5 spaces	NA
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

Section 1214.

Outdoor display or storage of lawn, garden and construction materials	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

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.
2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES

A. Description

Trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

B. Included Uses:

1. **Trade establishments, including incidental fabricating, processing, installation and repair:**

Air Conditioning and Heating
Bait Shops
Bottled Gas
Carpeting
Decorating
Fence
Flea Market
Fuel Oil
General Merchandising Establishment, NEC