

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1887  
Wednesday, June 10, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, June 9, 1992 at 11:20 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 1:35 p.m.

**Minutes:**

Approval of the minutes of May 27, 1992, Meeting No. 1885:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Ballard, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Midget, Neely, Selph "absent") to **APPROVE** the minutes of the meeting of May 27, 1992 Meeting No. 1885.

**REPORTS:**

Report of Receipts and Deposits

Mr. Gardner presented the Report of Receipts and Deposits and advised that all items were in order and pointed out that receipts are approximately \$1,000.00 less than are usually collected.

**TMAPC Action; 7 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended May 30, 1992.

\* \* \* \* \*

### Chairman's Report

Chairman Doherty expressed appreciation to Ms. Wilson for her work and accomplishments as the TMAPC appointee to the Historic Preservation Commission over the past two years. He then announced the appointment of Steve Broussard to the Historic Preservation Commission to represent TMAPC.

### Committee Reports

#### **Comprehensive Plan Committee**

Chairman Doherty announced the Comprehensive Plan Committee will meet June 17, 1992 in work session.

#### **Budget and Work Program committee**

Ms. Wilson announced the Budget and Work Program Committee will also meet June 17, 1992 in work session. She reported this will be a Zoning Workshop planning session and the committee will be planning for the July 7, 1992 training session to be held at the Helmerich Center, from 7:00 P.M. to 9:00 P.M. She invited all the Planning Commissioners to attend and requested invitations be extended to the Chairmen of the City and County Boards of Adjustment.

Mr. Parmele announced the Zoning Institute meeting this fall, October 21, 22, and 23, is scheduled for Orlando, Florida, and the APA convention will be held in Chicago this spring.

Chairman Doherty asked the Planning Commissioners to be considering which of the two meetings they would like to attend and mentioned the possibility of splitting attendance to attain maximum representation and input.

### Director's Report

Mr. Gardner announced that staff will be making a presentation to the Planning Commission of the Adult Entertainment Study. He advised the Planning Commission, two City Councilors have requested copies of the Study. Mr. Gardner stated he will invite them to the briefing on June 17, 1992.

There was much discussion among the Planning Commission of ensuring that the study not be released publicly before they have an opportunity to review it. It was the consensus of the Planning Commission to not release the Adult Entertainment Study to anyone until the Planning Commissioners have had an opportunity to review it, and to distribute the study to interested parties at the work session.

Mr. Parmele requested that if any funds are remaining in the travel/training account that the Planning Commission consider celebrating TMAPC's 40th year with a party, and invite all the previous Planning Commissioners, former Mayors, and County Commissioners. He requested this be done next spring. The Planning Commission voiced approval of this recommendation.

Chairman Doherty announced the applicant has requested an additional continuance to July 22, 1992.

Applicant's Comments

Mr. Cates informed the Planning Commission his client is requesting a continuance so he may continue negotiations with land owners to obtain access to 115th East Avenue. Mr. Cates reiterated that if his client is unable to obtain access he will drop the application.

Interested Parties

**Jan Gaylord**

**11618 E. 69th St. North, Owasso 74055**

Ms. Gaylord, spokesperson for the area, expressed no opposition to the requested continuance; however, she conveyed the concern of area residents that repeated continuances will be granted. Ms. Gaylord declared that she believes the applicant is making an earnest effort to obtain the access.

Mr. Parmele informed the applicant that he should to be prepared to present his application on July 22, so interested parties will not be inconvenienced by needing to make repeated return trips for the public hearing.

Mr. Cates acknowledged understanding of this request and advised that prior to requesting this continuance his office conducted a telephone survey of interested parties to keep them updated and not inconvenience anyone unnecessarily.

Mr. Parmele expressed appreciation to Mr. Cates for his willingness to work with the interested parties.

---

**James Williams**

**7430 N. 117th E. Ave., Owasso 74055**

Mr. Williams inquired what would become of the business currently established in this location should access to the service road not be accomplished and the application is dropped.

Mr. Cates replied the County Building Inspector has taken the position that the business was not a pre-existing nonconforming use. However, in reviewing the Tulsa County Zoning Code and the language relating to a pre-existing nonconforming use, it appears to him this is a pre-existing nonconforming use entitled to continue provided that it does not expand its operations or change in any respect. Warehousing and wholesaling is the present business which has occurred at this site since 1977. Mr. Cates has advised his client that there can be no expansion of the activity or the facility.

Chairman Doherty explained that the applicant's attorney feels that this is a legal use and the initial determination is made by the County Inspector. Should either party not agree, an appeal process may be made through the County Board of Adjustment (BOA).

Mr. Gardner reported staff would be meeting with City Engineering and expects Mr. Stump may be reporting on collector streets at the work session. Mr. Gardner stated he expects a draft of PUD revisions to also be ready to send in Friday's agenda packets.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: CZ-199 Present Zoning: RE  
Applicant: **Ronald D. Cates** Proposed Zoning: IL  
**Water Products of OK, Inc.**  
Location: South of the southwest corner of 76th Street North &  
117th East Avenue  
Date of Hearing: June 10, 1992  
Presentation to TMAPC: Ronald D. Cates

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property Rural Residential and High Intensity Industrial with a buffer area in between.

According to the Zoning Matrix the requested IL District is not in accordance with the Plan Map for Rural Residential and is in accordance with the Industrially planned area.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 2.8 acres in size and is located south of the southwest corner of 76th Street North and 17th E. Avenue. It is nonwooded, flat, contains a water products industry, and is zoned RE.

**Surrounding Area Analysis:** The tract is abutted on the north by industry and vacant land zoned IL; on the east by single-family dwellings zoned RE; on the south by single-family dwellings and vacant land zoned RE; and on the west by industrial uses zoned IL.

**Zoning and BOA Historical Summary:** The tracts adjacent to the frontage road of the Mingo Valley Expressway have been rezoned to IL.

Conclusion: The IL zoning for the western portion of the tract appears to be appropriate if the owner has access to the frontage road to the west. If access is to be from 117th East Avenue, the use is incompatible with the residential uses on both sides of 117th Avenue. The 40' wide corridor from the tract to 117th East Avenue should not be rezoned IL.

Therefore, staff recommends **APPROVAL** of the SW/4 of the SE/4 of the NW/4 of the NW/4 of 32-21-14 for IL if access to the frontage road is obtained and **DENIAL** of IL on the remainder.

Mr. Williams questioned why a business is even allowed at this location since this property is zoned residential.

Chairman Doherty advised the question is, was it a legal business at the time it was established? If it was, then it is allowed to continue as that business without expansion. He suggested that if Mr. Williams had specific information on dates, he provide that information to the County Building Inspector.

Listed below are the names of interested individuals attending the public hearing.

Carolyn Kirkwood	7223 N. 117th E. Ave., Owasso	74055
Donald McPeninch	12530 E. 7th St., Tulsa	74128
Carolyn Lang	7104 N. 117th E. Ave., Owasso	74055
Jo Brick	11716 E. 69th St. No., Owasso	74055

**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to CONTINUE CZ-199 to July 22, 1992.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: Z-6361 Present Zoning: RS-1  
Applicant: John M. Call Proposed Zoning: CS  
Location: Northwest corner of 193rd E. Avenue and 11th Street South  
Date of Hearing: June 10, 1992  
Presentation to TMAPC: John M. Call

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

According to the Zoning Matrix the requested CS District is found in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 8 acres in size and is located at the northwest corner of 193rd E. Avenue and 11th Street South. It is partially wooded, flat, vacant, and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north by a single-family dwelling and business zoned RS-1; on the east by scattered rural dwellings and outbuildings zoned AG;

on the south by vacant property zoned AG; and on the west by vacant property in Wagner County.

**Zoning and BOA Historical Summary:** No activity

**Conclusion:** The proposed zoning is compatible with the Comprehensive Plan and there are only scattered residential uses in the area.

Therefore, Staff recommends **APPROVAL** of Z-6361 for CS zoning.

Staff Comment's

Mr. Gardner added the Comprehensive Plan shows a full 10 acre node, but looking at the existing physical land use there is a street bordering on the north and on the west, and there may be a need for a buffering between that. The ordinance requiring 75' of light office on both frontages would meet the code in terms of width or depth.

Applicant's Comments

The applicant informed the Planning Commission that he owns a feed store in the area that has been in existence for 35 years and may wish to expand. He explained that 193rd Street has become a busy intersection.

Interested Parties

**Norman Oberman**

**845 S. 193rd, Wagoner County**

Mr. Oberman declared no opposition to the proposed commercial zoning; however, he expressed concern over the type of business being run there, which is a flea market. Mr. Oberman advised the flea market has operated for approximately 2 months and creates excessive traffic in the area.

Chairman Doherty advised that flea markets, which are Use Unit 15, are not permitted by right in a CS district, and the owner would have to appear before the Board of Adjustment to operate such a business.

The applicant disclosed that any business operating at this location at present is temporary. He revealed there are many temporary vendors in the area, i.e. kite sales. The applicant advised that he is not operating a business there now, but an individual does have permission to use this corner.

Ms. Wilson inquired if the applicant anticipated encouraging or leasing out land for these types of temporary operations.

The applicant revealed that he would be developing the property for his commercial business.

Chairman Doherty advised the applicant that he may wish to contact the County Inspector regarding the legality of these temporary operations before he allows them the use of the property.

**TMAPC Action; 7 members present:**

On MOTION of MIDGET, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to recommend APPROVAL of Z-6361 for CS zoning as requested.

**Legal Description**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 3, Indian Hills, an addition in the City and County of Tulsa, Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

PUD 448: Detail Site Plan for Lot 2, Block 1, Square Ninety One -- north of the northeast corner of S. Memorial Drive and East 91st Street.

The applicant is requesting approval of a site plan for a 40' x 60' tent from which produce will be sold and an 8' x 8' building which will sell snow cones. The applicant is proposing this on a permanent basis at the north end of Outlot "B" as shown on the plan, which fronts Memorial Drive. Since the shopping center built significantly more parking than required by the Zoning Code, the applicant, with the permission of the shopping center owner, is proposing to use existing parking spaces immediately abutting the outlot. The use has been determined by the Zoning Officer to be allowed by the PUD conditions and the building meets the setback requirement of the PUD.

Therefore Staff recommends APPROVAL of the Detail Site Plan for Lot 2, Block 1 Square Ninety One in PUD 448.

**TMAPC Comments**

In response to a question from Mr. Midget, Mr. Stump advised the applicant is requesting the tent on a permanent basis until the owner obtains a permanent user of the lot. Mr. Stump revealed that under the interpretation of the Zoning Officer, staff could not see how it did not comply with the PUD development standard.

**Applicant's Comments**

**Vicky Hayes**

**8929 S. Memorial, Tulsa**

Ms. Hayes assured the Planning Commission the tent would look nice. She indicated the tent would have a concrete slab, gravel will be laid, and trees will be planted.

In response to Chairman Doherty's question, Ms. Hayes revealed that Wal-Mart and Hobby Lobby will allow her employees to make use of their restroom facilities. She advised running water, electricity, and telephone services to the site have already been approved.

In response to Mr. Parmele's inquiry, Ms. Hayes responded she expects this to be an almost year-round operation, selling Christmas trees in December, and anticipates closing from approximately January to March.

Mr. Stump pointed out that Christmas tree sales lots are a different type of use than the produce Ms. Hayes anticipates selling and are not allowed in this PUD.

Mr. Carnes reminded the Planning Commission of the landscaping and setbacks of this lot that were discussed when the PUD was originally approved. He feels it was never the intent to have either one of these proposed operations.

Chairman Doherty acknowledged the issue over tents needs to be resolved. He related that the Rules and Regulations Committee has this issue under consideration.

Chairman Doherty suggested considering this application as a temporary use.

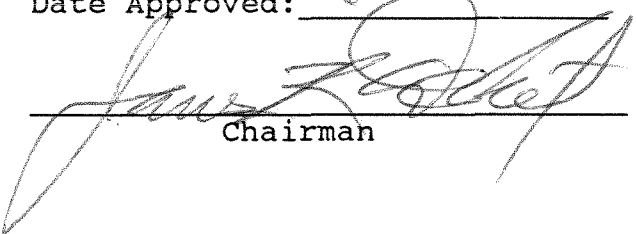
Ms. Hayes stated that she would be satisfied to have this application approved as a temporary use.

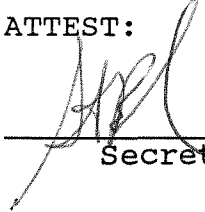
**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to recommend APPROVAL of the Detail Site Plan for Lot 2, Bloc 1, Square Ninety One in PUD 448 for one (1) year to June 10, 1993.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:15 p.m.

Date Approved: 6-24-92  
  
Chairman

ATTEST:  
  
Secretary