

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1716
Wednesday, October 12, 1988, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Gardner	Linker, Legal
Coutant, Secretary	Kempe	Lasker	Counsel
Doherty	Parmelee	Setters	
Draughon	Randle	Stump	
Paddock, 2nd Vice-Chairman			
Selph, County Designee			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 11, 1988 at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 2nd Vice-Chairman Paddock called the meeting to order at 1:31 p.m.

MINUTES:

Approval of the Minutes of September 28, 1988, Meeting #1714:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-1 (Carnes, Coutant, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; Doherty, "abstaining"; Kempe, Harris, Parmelee, Randle, "absent") to **APPROVE** the **Minutes of September 28, 1988, Meeting #1714.**

REPORTS:

Chairman's Report:

Mr. Paddock mentioned the upcoming Zoning Institute conference and reminded the Commissioners to submit their registration information as quickly as possible.

Committee Reports:

Mr. Carnes advised the **Comprehensive Plan Committee** had met this date to review the proposed District 18 Plan amendments and had voted unanimously to recommend approval to the full Commission as presented. He added the Committee had also reviewed the District 16 Plan for possible amendment to the Special District 2 boundaries, and had suggested November 2nd as the public hearing date for this issue.

Zoning and BOA Historical Summary: The southeast corner of East 71st Street and South Yale was denied commercial zoning by the City and permitted commercial uses by the District Court. Commercial zoning at the northeast corner of this intersection was limited to only that area necessary to support the medium intensity uses in PUD 260-A. Recently, the City approved CS zoning at the northwest corner of East 71st Street and South Canton upon submission of a PUD.

Conclusion: Although the requested CS zoning is a "may be found" in accordance with the Comprehensive Plan, all zoning classifications are similarly designated because the subject tract is located in a Special District. Staff would view the modified request as elongating the node along East 71st Street South, a practice that has been done on other intersections in the past. The north zoning boundary would line up with existing CS zoning west of the subject tract, and the amount of commercial zoning at the intersection would not exceed a Type III Node.

Therefore, based on the Comprehensive Plan, existing zoning patterns and accompanying Planned Unit Development #442, Staff recommends **APPROVAL** of CS zoning as modified by the applicant.

Staff Recommendation: **PUD 442**

The subject tract is approximately 2.23 acres in size and located north of the northwest corner of East 71st Street South and South Canton Avenue the tract is currently zoned OM. A CS zoning application (Z-6211) is pending on the south approximate 180 feet of the subject tract. The applicant is proposing two buildings with a total of 26,325 square feet a floor area ratio of .26. Proposed uses per PUD 442 are those uses permitted as a matter of right or special exception in the CS - Shopping Center District. The applicant is proposing a 12% landscaped/open space for the project which is consistent with surrounding development.

Staff is supportive of the PUD with the exception of the proposed range of uses. Special exception uses within the CS zoned district would allow uses that would be incompatible with the existing development, i.e., automobile sales, lumber yard, etc. Any uses within Units 15 and 17 would need to be specified by the applicant before Staff could determine compatibility.

Staff would be supportive of PUD 442 based on amended uses noted above and would find it to be consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site and; consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 442 subject to the amended permitted uses based on the following conditions:

Z-6207 & PUD 442 Moody - Cont'd

- 1) That the applicant's Outline Development Plan and Text be a condition of approval except as modified herein.
- 2) **Development Standards:**

Site Area (Gross):	103,207.5 sf	2.37 acres
(Net):	93,825.0 sf	2.15 acres

Permitted Uses: Those uses permitted as a matter of right in the CS - Commercial Shopping District, excluding bars, taverns, night clubs & dance halls

Maximum Floor Area:
Commercial & Office 26,325 sf

Maximum Floor Area Ratio: .26

Minimum Building Setbacks:

East Boundary (C/L of Canton)	55 feet
South Boundary	55 feet
West Boundary	50 feet
North Boundary	75 feet

Minimum Off-Street Parking: 117 spaces

Minimum Landscaped Open Space: 11,300 sf *

* Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.
- 3) That all trash, mechanical and equipment areas shall be screened from public view.
- 4) Freestanding lights shall not exceed 15 feet in height and shall be directed downward and away from any residential areas.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit and shall include elevations of all building facades.

- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Gardner advised the applicant had reviewed the Staff recommendation and wanted to exclude only those uses under CS for dance halls and sexually-oriented businesses. Mr. Doherty inquired as to Staff's reasons for excluding bars and taverns. Mr. Gardner explained Staff would not exclude a bar or tavern as an accessory use to a restaurant. In response to Mr. Coutant, Mr. Gardner clarified that Staff was not concerned with the ratio of office to commercial space as long as the total floor area did not exceed 26,325 square feet.

The Chairman noted for the record there were no interested parties in attendance on this case.

Applicant's Comments:

Mr. John Moody reviewed the previous zoning application presentation where the amount of CS zoning requested was amended to align with existing commercial patterns. Mr. Moody pointed out that, should the entire tract be used for restaurant/night club type uses as the applicant was wanting to do, the peak traffic generation would be during the evening hours. He added that the applicant would follow through with a Detail Site Plan to show parking, etc. should the TMAPC permit restaurant/nightclub use on the entire tract. Mr. Moody commented that a bar, tavern or night club was permitted by right in a CS zoned district. He added that he was unable to find definitions for these uses in the Zoning Code. Therefore, he relied on Webster's definition of a night club, "a place of entertainment for dining, dancing and entertainment", and all the activities were anticipated for night club use. Even though a definition could not be found for a dance hall, he agreed with Staff to exclude a dance hall. However, Mr. Moody requested up to 2,700 square feet be permitted for a tavern or bar.

In regard to other permitted uses Mr. Moody requested that under Use Unit 15, the applicant be allowed to consider a carpeting establishment, decorating services, drapery services, and repair services for business machines, computers and data processing machines. He also requested consideration of dry cleaning/laundry services, subject to a Detail Site Plan to show parking. Mr. Moody added the applicant would also like consideration of provisions under Use Unit 15 for Federal Express type services, as long as there was no overnight parking of trucks.

Under Use Unit 17, Mr. Moody agreed that all uses be excluded except consideration of automobile sales, subject to Detail Site Plan review by the TMAPC. He added that the applicant did not have a specific intent at this time for auto sales, but might at some time in the future.

Mr. Doherty stated he had a problem with the new car sales idea, and he suggested adding a sentence in the PUD provisions to exclude sexually-oriented business and taverns, bars, night clubs and dance halls not accessory to a restaurant. Mr. Moody reiterated that a tavern, bar or night club was permitted by right in a CS district. In regard to the other uses mentioned, Mr. Moody stated he was not sure he had a problem, but there was the lack of definition to assist in determining just how much constituted "accessory". Discussion followed with Mr. Linker agreeing that, legally, it would be difficult to determine what amount of use constituted "accessory". Mr. Paddock confirmed with the applicant that any dry cleaning/laundry facility would be within the maximum 3,000 square feet.

For the record, Mr. Paddock verified there were no interested parties in attendance on these applications.

TMAPC Review Session:

Ms. Wilson asked Staff's response to Mr. Moody's requested uses under Use Unit 15. Mr. Gardner commented the applicant had discussed most of these with Staff. In regard to the Federal Express type service and dry cleaning/laundry services, Mr. Gardner stated these should be subject to further TMAPC review. Mr. Moody confirmed he had no problem with this recommendation.

Mr. Coutant remarked that it was his feeling the TMAPC should not consider those uses designated for Special Exception, and when the applicant had a specific use in mind, then it could be brought forward for TMAPC review. Mr. Linker commented that he had a problem with changing use without a major amendment to the PUD. Mr. Paddock confirmed the uses permitted by right in a CS district did not include Use Unit 17. Mr. Gardner stated, in response to Mr. Paddock, that Staff's intent was that there always be a restaurant use associated with a tavern, bar, night club, etc., and not have a stand alone facility.

In response to Mr. Paddock regarding the minor/major amendment concern, Mr. Moody commented that the TMAPC could make any of the uses in Use Unit 15 subject to Commission review and approval for location, parking, landscaping, etc.

Mr. Doherty reworded his previous suggestion to exclude sexually-oriented businesses, taverns, bars and dance halls not accessory to a restaurant. Ms. Wilson agreed with Mr. Doherty except for excluding taverns and bars, as the applicant had self-imposed a 2,700 square foot limitation. Mr. Doherty commented he still had a problem with a stand alone bar or tavern of any size; Mr. Paddock agreed. Mr. Doherty moved for approval of Z-6207 and PUD 442 subject to the conditions listed in the Staff recommendations, with the wording under Permitted Uses to read: Those uses permitted as a matter of right in the CS - Commercial Shopping District, excluding sexually-oriented businesses and taverns, bars and dance halls not accessory to a restaurant. Mr. Doherty continued his motion to permit those items requested by the applicant from Use Unit 15, subject to review and approval of the TMAPC.

After discussion on the motion, Mr. Coutant suggested an amendment to the motion to delete the permitted uses listed under Use Unit 15. Ms. Wilson commented that the TMAPC had a policy that a change of use in a PUD was considered a major amendment. The only time it was not considered a major amendment was when the Commission discussed it at the time of the original PUD presentation to consciously determine that any future proposed changes in use would be a minor amendment. Therefore, she did not have a particular problem with what the applicant was proposing.

On MOTION of COUTANT, the TMAPC voted 7-1-0 (Carnes, Coutant, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Kempe, Harris, Parmele, Randle, "absent") to AMEND the main motion as presented by Mr. Doherty, so as to delete the permitted uses requested by the applicant under Use Unit 15.

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Parmele, Randle, "absent") to APPROVE Z-6207 and PUD 442 (Moody) subject to the conditions as recommended by Staff, amending the wording under Permitted Uses to read: Those uses permitted as a matter of right in the CS - Commercial Shopping District, excluding sexually-oriented businesses, and taverns, bars and dance halls not accessory to a restaurant.

Legal Description:

CS Zoning: The north 190.0' of the south 390.0' of Lot 1, Block 2, Burning Hills Addition to the City of Tulsa, County of Tulsa, Oklahoma.

PUD 442: The North 312.76' of the south 512.76' of Lot 1, Block 2, Burning Hills Addition to the City of Tulsa, County of Tulsa, Oklahoma.

* * * * *

Application No.: PUD 179-P Present Zoning: CS, OL & RM-T
Applicant: Cox (Central Prop Mgmt) Proposed Zoning: Unchanged
Location: South of the SE/c of South Memorial Drive & East 73rd Street South
Date of Hearing: October 12, 1988
Presentation to TMAPC by: Mr. Jack Cox, 7935 East 57th Street (664-3337)

Staff Recommendation:

The subject tract is 5.4 acres in size, "L" shaped and has an underlying zoning of CS, OL and RM-T. PUD 179-P is located south of the southeast corner of South Memorial Drive and East 73rd Street South. Two previous developments and subdivision plats were approved for this tract but were never developed. The applicant is proposing to subdivide the tract into five lots and construct four buildings, one lot is reserved for parking.

Staff review of the development text and site plan show the applicant plans to relocate East 74th Street South and proposes various Use Unit 12, 13, 14 and 17 uses. The applicant has received Technical Advisory Committee (TAC) approval for the preliminary plat, but TAC is holding transmittal to the TMAPC until the PUD is approved.

Lot 1, Block 1 proposed use includes permitted uses under Use Units 13, 14, and only vehicle repair and service within Use Unit 17. This use is similar to the use permitted by PUD 179-N located at the southwest corner of East 71st Street South and South 85th East Avenue. Lot 2, Block 1 has a proposed use of additional parking for Lot 1, Block 2. Other uses of the PUD are office and limited commercial as noted below in the development standards.

Staff is supportive of PUD 179-P and would find it to be consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site and; consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 179-P as follows:

1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2) **Development Standards:**

Land Area (Gross):	236,186 sf	5.42 acres
(Net):	205,186 sf	4.71 acres

Permitted Uses:

- Lot 1, Block 1: Use Units 13 and 14, and only vehicle repair and service from Use Unit 17.
- Lot 2, Block 1: In accordance with Chapter 13 of the Zoning Code, Off-Street Parking and Off-Street Loading. *
- Lot 3, Block 1: Use Units 11, 13, and 14, excluding funeral homes.
- Lot 4, Block 1: Use Unit 11, excluding funeral homes.
- Lot 1, Block 2: Use Units 12, 13 and 14, excluding bars, night clubs and dance halls.

Maximum Building Heights: One Story (All Lots)

Minimum Landscaped Open Space: **

Lots 1, 2, 3 & 4, Block 1	10%
Lot 1, Block 2	7%

* Parking on this lot is supplemental parking for Lot 1, Block 2.

** Open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

Ground Sign: One ground sign on South Memorial Drive for each lot that abuts Memorial, with a maximum display surface area of 140 sf each and a maximum height of 25' each, as measured from the curb line of the lot upon which it is located; and one ground sign each for Lots 3 and 4, Block 1 with a maximum display surface area of 32 sf and a maximum height of 8' as measured from the curb line.

Wall Signs: Wall signs shall not exceed a display surface area of one square foot per each lineal square foot of building wall to which it is attached.

No signs shall be flashing and illumination shall be by constant light.

- 5) A 6' high barricade fence shall be erected along the East boundary of Lot 3, Block 1 and Lot 1, Block 2.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Landscape treatment shall include berms and planting treatment consistent with similar development in this immediate area.
- 7) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit.
- 8) A Building Permit shall not be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

In regard to signage (condition #4), Mr. Doherty inquired if this would permit time/temperature signs or electronic message signs. Mr. Gardner stated these were not permitted under the Code but the applicant could go to the BOA for some type of relief. Ms. Wilson confirmed the six foot barricade fence as mentioned in condition #5 was a privacy fence.

Applicant's Comments:

Mr. Jack Cox reviewed the revised plan as to the intended uses, parking, building locations, etc. In response to Mr. Draughon, Mr. Cox reviewed the detention criteria. Mr. Doherty inquired if the applicant would be agreeable to a condition that the overnight storage of vehicles awaiting repair be within a screened area. Mr. Cox stated he had no problem at all with such a condition. In reply to Mr. Doherty, Mr. Cox advised that the applicant did not have a need for electronic message signs.

Interested Parties:

Mr. Charles Sexton (8310 East 73rd) advised his office was located adjacent to Lot 4 of the subject application, and part of the traffic flow to his office complex was on the east side Lot 4. Therefore, Mr. Sexton commented that he had a problem with the placement of the proposed building on this lot. He suggested changing the building location so that the entrance to Lot 4 was from the east, which would tie into the entrance already there for the office buildings to the east of the PUD. Mr. Sexton added that this suggestion would comply with the original PUD plat for this site, and the part of his drive on Lot 4 was set up this way by the original developer. Mr. Gardner asked Mr. Sexton if he was suggesting the applicant "flip-flop" his plan to put the structure on the western edge of Lot 4. Mr. Sexton confirmed this to be correct and added that this would probably save the applicant some land space as it would allow the applicant and the adjacent property owners about 10' to 12' each of the drive, which was currently in place on the property.

Mr. Coutant advised Mr. Sexton that this was a conceptual drawing and the plat would be coming to the TMAPC for final review. In response to Mr. Doherty, Mr. Gardner confirmed that interested parties on record would receive notice of action on this particular PUD.

TMAPC Review Session:

In reply to Mr. Linker, Mr. Gardner clarified Lot 4 was originally a part of El Paseo development but this lot along with the other property was amended and became a part of a subsequent PUD. This presentation was the third PUD on that same property, with Lot 4 amended to become a part of this application. Mr. Gardner added that he did not think any of the restrictions of the previous platting were voided; therefore, the applicant may have to reverse the site location on Lot 4 to meet the access requirements. He suggested an alternative might be to add a condition of approval requiring the applicant to "flip-flop" the building location on the concept plan, and then follow up with specifics on the final plan. In response to Mr. Gardner, Mr. Cox stated he could not commit to an alternative at this time, but he would research the PUD and if there were requirements as to mutual access, he would make them a part of the final plat. Discussion continued on mutual access.

Mr. Carnes moved for approval of PUD 179-P subject to the conditions of the Staff recommendations, with additional wording to condition #4 to restrict any electronic changing message signs. Mr. Coutant submitted an amendment to the motion to add the words "if accessory to an automobile parts and accessory store" to the Permitted Uses for Lot 1, Block 1. The TMAPC voted unanimously to amend the main motion, as suggested by Mr. Coutant.

Z-6211 Levy (Linhan) - Cont'd

Conclusion: Based on the Comprehensive Plan and existing zoning and development patterns for the area, Staff can support the requested CG zoning. A precedent for CO zoning has been established for property north of the subject tract by a rezoning case to the northeast.

Therefore, Staff recommends **DENIAL** of CO and IL zoning and **APPROVAL** of CG zoning.

Applicant's Comments:

Mr. Louis Levy, representing the applicant, advised there was no specific use planned for this property and no contracts were pending. Mr. Levy stated the vacant tract to the west was also owned by the applicant, as was the CH zoned property to the east. He commented he had no objection to CO zoning on the tract with a PUD, and he also agreed with Staff that IL would probably not be appropriate. Mr. Levy remarked that any sort of commercial would be adequate. In reply to Mr. Carnes, Mr. Levy stated agreement to the Staff recommendation for CG zoning on the entire tract.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Parmele, Randle, "absent") to **APPROVE Z-6211 Levy (Linhan) for CG zoning on the entire tract**, as recommended by Staff.

Legal Description:

CG Zoning: Government Lot 1, less the west 200' thereof, of Section 5, T-19-N, R-14-E, Tulsa County, Oklahoma, containing 17.83 acres more or less.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO THE TULSA COUNTY ZONING CODE
PERTAINING TO WILD OR EXOTIC ANIMALS, AND RELATED MATTERS

Comments & Discussion:

Mr. Gardner reviewed the specific areas of the County Zoning Code affected by the proposed amendments. He advised Mr. Coutant had submitted a suggested modification to Section 291, Wild or Exotic Animals, which had been reviewed and accepted by Legal Counsel. Mr. Gardner incorporated these modifications into Staff's recommendation for Section 291 of the County Zoning Code.

In regard to revocation or loss of a Breeder's license, Mr. Gardner clarified for Ms. Wilson that the Code stipulated an operator must maintain a valid license. Therefore, in order to avoid duplicity, a sentence or statement in the Code specifying revocation or loss of such license was not needed.

Interested Parties:

Mr. Bill Rutherford (Rt. 2 Box 69, Broken Arrow), a commercial breeder of wild and exotic animals, advised he has talked with Ron Fields of the Building Inspectors office regarding inspections of these facilities. Commissioner Selph added that he would clarify for the Building Inspectors the intent of the TMAPC's reference to "qualified professionals" as related to inspections. Mr. Rutherford thanked the Commission members and Staff for their cooperation in allowing interested parties to provide input on this issue.

Mr. William Fiore, Curator for the Tulsa Zoo, also thanked the Commission and Staff for developing this amendment, particularly County Commissioner Selph for initiating the Code amendments. Mr. Fiore commented he shared Mr. Rutherford's concern that the success of these amendments was dependent upon inspections being made by qualified professionals.

Mr. Paul Nipps (Rt. 3 Box 310, Sand Springs) expressed thanks and appreciation to the Commission for the work done to get this type of enforcement into the County Code. Mr. Nipps, who had lost a child in an accident involving a bear, stated appreciation to Commissioner Selph as this could not have been accomplished without Commissioner Selph's help.

TMAPC Review Session:

Several of the Commission members, along with Commissioner Selph, remarked they could not have proceeded as quickly without the help and input from Mr. Rutherford, Mr. Fiore, Attorney Jack Brown and Staff. Commissioner Selph also commented on the courage of the Nipps family in coming forward at a state and county level with the need for this type of regulation.

PUBLIC HEARING: Tulsa County Zoning Code - Cont'd

In response to Mr. Draughon regarding a definition for "qualified professional", Ms. Wilson explained that the Rules & Regulations Committee members learned this could vary from case to case, depending on what type of wild or exotic animal was involved. In reply to Mr. Paddock, Staff advised a separate application form for a permit was not included, as Chapter 3-5 listed the information to be provided by the applicant. Mr. Gardner added that the document submitted by Mr. Fiore at the Committee meetings would be given to an applicant as a format to follow.

TMAPC ACTION: 8 members present

On **MOTION** of **SELPH**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Harris, Parmele, Randle, "absent") to **APPROVE** the Amendments to the Tulsa County Zoning Code as relates to Wild or Exotic Animals, as presented by Staff and attached hereto as a part of these minutes.

Mr. Gardner commented that the TMAPC "has blazed a new trail" and, hopefully, other counties will follow their lead.

OTHER BUSINESS:

PUD 267-5 (Tweet): Minor Amendment for Sign

SE/c of East 101st Street and South Sheridan

Comments & Discussion:

Mr. Paddock advised receipt of a letter from Mr. Larry Choate, President of the Village South National Bank, requesting a continuance to the last available meeting in November. Mr. Choate explained in his letter that he was trying to coordinate information with the shopping center owners located in Ohio. Mr. Paddock noted the continuance request was not submitted in a timely manner; however, there were no interested parties in attendance.

Mr. Stump advised that he had spoken with the applicant's representative this morning who indicated that, in order to perhaps consider a trade off to get the moving message sign, he felt he needed the president of the bank and the owners of the shopping center at the hearing. Unfortunately, the owners would not be available until a later date; therefore, the request for continuance to November.

PUD 267-5 Minor Amendment - Cont'd

Mr. Carnes made a motion for continuance, and reminded the Commission members that this application had been turned down previously for the message sign. Mr. Doherty stated he had a problem continuing this application once again considering the time already devoted to the case. Mr. Coutant commented that it might be appropriate to notify the applicant that this would be the last time a continuance would be considered. Upon hearing these comments from the Commission members, Mr. Carnes amended his motion so as to stipulate that this application shall not be permitted any further continuances.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Coutant, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Kempe, Harris, Parmele, Randle, "absent") to **CONTINUE Consideration of PUD 267-5 Minor Amendment for Sign** until Wednesday, **November 30, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center. **NOTE:** The TMAPC stipulated this would be last continuance request considered on this application.

There being no further business, the Chairman declared the meeting adjourned at 3:53 p.m.

Date Approved

Oct 24, 1988

Robert J. Daniels
Chairman

ATTEST:

Sam C. Coutant
Secretary

SECTION 290. CODE OF ETHICS

The Board of County Commissioners, Planning Commission, or Board of Adjustment to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this Code should not be a participant in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual should not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

SECTION 291. WILD OR EXOTIC ANIMALS

The keeping or raising of wild or exotic animals as defined in Chapter 18 of this Code, is permitted only in an Agriculture District (AG) and only as a business with Board of Adjustment approval as a Special Exception. New businesses shall meet the requirements set out in Section 340, Requirements for Special Exception Uses in the Agriculture Districts. Existing businesses must hold a valid Commercial Breeders License issued by the Oklahoma Department of Wildlife or the United States Department of Agriculture permitting the operation of existing business and shall apply for and obtain a Zoning Clearance Permit within 90 days from the effective date of this amendment.

A Zoning Clearance Permit for any such existing business or any such new business shall be issued by the Building Inspector only after an on-site inspection to determine that the facilities conform to the application for a Special Exception as approved by the Board of Adjustment (in the case of a new business), and are appropriate for the keeping and raising of the animals confined, and adequate for the protection of the public health, safety and welfare. Such Zoning Clearance Permit shall permit the operation of the business only for so long as the operator maintains a valid Commercial Breeders License issued by the Oklahoma Department of Wildlife or the United States Department of Agriculture permitting the operation of such new or existing business. The Building Inspector shall solicit the aid of a qualified professional(s) in the field to inspect the facilities before issuing the permit.

The keeping or raising of wild or exotic animals for any reason is prohibited in all other zoning districts, except for a zoo, circus or carnival as authorized by this Code.

Table 1

Use Units Permitted In the Agriculture Districts*

Use Units		Districts	
No.	Name	AG	AG-R
1.	Area-Wide Uses by Right	X	X
2.	Area-Wide Special Exception	E	E
3.	Agriculture	X**	E
4.	Public Protection & Utility Facilities	X	E
5.	Community Services & Similar Uses	E	E
6.	Single-Family Dwelling	X	X
8.	Multifamily Dwelling & Similar Uses	E***	E***
9.	Mobile Home Dwelling	X	E
20.	Commercial Recreation: Intensive	E	
21.	Business Signs and Outdoor Advertising	X	
24.	Mining and Mineral Processing	E	
25.(a)	Oil and Gas Extraction	X****	E

* X = Use by Right

E = Special Exception

** = The keeping or raising of wild or exotic animals shall require a special exception. See Section 291 and 340 of this Code.

*** = Nursing home, community group home, convent, monastery and novitiate are the only uses within Use Unit 8 permitted by special exception.

****= Except when located within a recorded residential subdivision zoned AG, which has been filed of record with the County Clerk prior to July 1, 1985, the drilling of oil and gas shall require a Board of Adjustment Special Exception. See Section 340, Requirements for Special Exception Uses In Agricultural Districts.

SECTION 320. ACCESSORY USES IN AGRICULTURE DISTRICTS

320.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District and Agriculture - Residential District are permitted in such districts; however, the keeping of wild or exotic animals as defined in Chapter 18 of this Code is not a permitted accessory use.

In addition, the uses setforth in Table 2 are permitted as accessory uses.

2. Applicant shall provide plot plan depicting well location, working/reserve pit, storage tanks and distances from nearest residences.
 3. Applicant shall provide a drilling schedule indicating the estimated depth of well, estimated time to drill and type of equipment to be used, type of pumping device and maintenance and rework procedures.
 4. Applicant shall indicate the safety features to be employed and screening fences to be erected.
- D. A nursing home, community group home, convent, monastery and novitiate shall meet the use conditions as set forth in Section 1208.3 of this Code.
- E. Wild or Exotic Animals:
1. The applicant shall provide the following information:
 - a. Types of wild or exotic animals to be kept or raised.
 - b. The size of the property and the type and size of the facilities in which the wild or exotic animals are to be confined.
 - c. The staff and operating standards of the business.
 - d. Evidence of a current, valid Breeder's License from the Oklahoma Department of Wildlife or Dealer's License from the United States Department of Agriculture.
 - e. Other information as requested by the Board of Adjustment.
 2. The Board may approve the special exception after finding that:
 - a. The special exception will be in harmony with the spirit and intent of the Code.
 - b. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.

Table 1

Use Units Permitted in Residential Districts*

Use Units		Districts				
No.	Name	RE	RS	RD	RM	RMH
1.	Area-Wide Uses by Right	X	X	X	X	X
2.	Area-Wide Special Exception Uses	E	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E	E
5.	Community Services & Similar Uses	E	E	E	E	E
6.	Single-Family Dwelling	X	X	X	X	E
7.	Duplex Dwelling		E	X	X	
8.	Multifamily Dwelling & Similar Uses	E**	E**	E**	X****	
9.	Mobile Home Dwelling	E	E	E	E	X
10.	Off-Street Parking				E****	
11.	Offices and Studios				E*****	
24.(a)	Oil and Gas Extraction	E	E			

* X = Use by Right

E = Special Exception

** = Nursing home, community group home, convent, monastery and novitiate are the only uses within Use Unit 8 that are permitted by special exception in the RE, RS and RD Districts.

*** = Multifamily dwellings, other than townhouses, are not permitted in the RM-T District.

**** = Off-street parking for multifamily and townhouse uses is permitted in RM-2 Districts only when accessory to and abutting the residential use which it is intended to serve.

***** = Permitted in RM-1 and RM-2 Districts only.

SECTION 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS

420.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district; however, the keeping or raising of wild or exotic animals as defined in Chapter 18 of this Code shall not be permitted as an accessory use.

In addition, the following uses set forth in Table 2, are permitted as accessory uses.

1202.3 Use Conditions

- A. 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.
- B. Construction Facilities
 - 1. The use may continue for a period not to exceed two years in the same location.
 - 2. Ingress and egress must be from arterial or collector streets, provided that such location would result in less traffic on streets in residential areas.
 - 3. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.

1202.4 Off-Street Parking and Loading Requirements

Uses	Parking Spaces	Loading Berths
Airport	1 per each 500 sq. ft. of enclosed passenger terminal area.	1 per 2,000 to 40,000 sq. ft. of floor area plus 1 per 40,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft.
Juvenile Delinquency Center	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area.
Other Uses as may be required by the Board of Adjustment in granting the Special Exception use.		

SECTION 1203. USE UNIT 3. AGRICULTURE

1203.1 Description

Agricultural uses and services and certain other uses suitable for location in an agricultural environment.

1203.2 Included Uses

Animal and Poultry Raising: Except the keeping or raising of wild or exotic animals, as defined in Chapter 18 of this Code, shall require a special exception. (See Sections 291 and 340 of this Code.)

Chick Hatchery
Farming
Fishery
Guest or Dude Ranch
Horticultural Nursery
Ranching
Riding Stable or Academy

Transitional Living Center: A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, mental illness, alcoholism or drug abuse.

Variance: A relaxation of a restriction of the Code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship.

Veterinarian Clinic: A building used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

Wild or Exotic Animals, as regulated by this Code, are:

Primates: Any non-human primate

Carnivora: Non-domestic flesh-eating mammals

Struthioformes: Only ostriches and cassowaries

Venomous Reptiles: Venomous snakes and lizards

Non-Venomous Reptiles: Those reaching 8 feet or more in length and/or weighing 40 pounds or more at maturity.

Yard: An open unoccupied space on a lot between a building and a lot line.

Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines.

Yard, Required: The minimum permitted distance of open unoccupied space between a building and a lot line.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side: A yard extending along a side lot line between the front yard and the rear yard.

