

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1582  
Wednesday, November 27, 1985, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Kempe	Frank	Linker, Legal
Connery	Harris	Gardner	Counsel
Doherty	Young	Setters	
Draughon			
Paddock, Secretary			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 26, 1985 at 10:26 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice Chairman Wilson called the meeting to order at 1:32 p.m.

**MINUTES:**

**Approval of Minutes of November 13, 1985, Meeting No. 1580:**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to **APPROVE** the **Minutes of November 13, 1985, Meeting No. 1580.**

**Approval of the Amended Verbiage of the Minutes of November 6, 1985, Meeting No. 1579: (page 20)**

In regard to PUD #405/Z-5722-SP Norman (Langenkamp), discussion ensued between the Commission, Staff and Legal as to the proper wording of Item #13 of the conditions. Ms. Wilson asked that the word "substantial" be deleted before the word "departure" to reflect the condition as stated at the 9/25/85 meeting and to insure that TMAPC would hear any and/or all amendments in reference to the site plan. Mr. Gardner advised Staff's concern was that they still be allowed to follow the ordinance procedures in evaluating site plan amendments for approval. The final consensus made was to continue the approval of the amended verbiage until December 4, 1985 to allow time for Commission members to listen to the meeting tapes.

## REPORTS:

### Chairman's Report:

First Vice Chairman Wilson advised the Commission members she had inquired as to the number of Zoning Clearance Permits issued for family day care homes. She was told no permits have been issued but two applications have been presented. Ms. Wilson further stated the Department of Human Services (DHS) is issuing a temporary permit for 90 days observation before a license is issued. Discussion followed with Commission members and Legal as this process of issuing temporary permits was not mentioned at the public hearing on family day care homes.

### Committee Reports:

Mr. VanFossen advised the **Comprehensive Plan Committee** had met this date to discuss Citizen Planning Teams and will be meeting again on December 4, 1985 at 1:00 to continue with discussions on guidelines for these groups.

### Director's Report:

Mr. Gardner commented on a letter addressed to Legal on the Open Records Law issue. Mr. Linker advised he had discussed this with the Legal Staff and they feel telephone numbers and addresses of the TMAPC members would be exempt.

## CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD #407** Present Zoning: OM  
Applicant: **Johnsen (Frates)** Proposed Zoning: Unchanged  
Location: NW/c of 68th & Yale Avenue  
Size of Tract: 22.26 net acres  
Date of Hearing: November 27, 1985 (continued from 10/23/85)  
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall 584-5641

### Comments & Discussion:

First Vice Chairman Wilson read a letter from Mr. Johnsen requesting a continuance to December 11th. There were no interested parties or protestants in attendance. In reply to Mr. Paddock, Mr. Gardner informed he did not feel Commissioner Metcalfe would be obtaining new traffic counts in this area (from those of 6/24/85), and Mr. Johnsen has requested a continuance in order to hire an Engineering firm to do this.

### TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-1** (Carnes, Connery, Doherty, Draughon, Paddock, Woodard, VanFossen, "aye"; no "nays"; Wilson, "abstaining"; (Kempe, Harris, Young, "absent") to **CONTINUE** Consideration of **PUD #407** until Wednesday, **December 11, 1985** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: Z-6089

Present Zoning: RS-3

Applicant: Cypert

Proposed Zoning: CG

Location: SE/c of West 41st Street & 33rd West Avenue

Size of Tract: .7 acres, more or less

Date of Hearing: November 27, 1985

Presentation to TMAPC by: Mr. Jimmy Cypert, 3310 West 40th

446-2468

Relationship to the Comprehensive Plan:

The District 9 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CG District is **not** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .7 acres, more or less, in size and located on the southeast corner of West 41st Street and South 33rd West Avenue. It is partially wooded, flat, vacant and zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by 41st Street and single-family dwellings zoned RS-3; on the east and south by single-family dwellings zoned RS-3; and on the west by South 33rd West Avenue single-family dwellings zoned RS-3.

**Zoning and BOA Historical Summary:** The closest nonresidential zoning case to the subject tract is located approximately 500' south on South 33rd West Avenue. It should be noted this tract is zoned as an OL buffer to commercial zoning. Commercial zoning was denied on the subject tract in 1974.

**Conclusion:** Although there is commercial zoning to the south of the subject tract, it is located at the major intersection node. Presently, there is no commercial encroachment into the subject residential area. Commercial zoning of the subject property is considered spot zoning. The Staff cannot support commercial zoning on the subject tract as it is not in accordance with the Comprehensive Plan and would be encroachment into the single-family area.

Therefore, the Staff recommends DENIAL of CG or CS on the subject tract.

Comments & Discussion:

Ms. Wilson was informed by the applicant a continuance was being requested to allow time to obtain legal counsel. Ms. Wilson then inquired as to the number of interested parties or protestants in

Z-6089 (Cypert) - Cont'd

attendance, and there were approximately twelve protestants on this case. Mr. VanFossen stated it would be inappropriate to continue since the request was untimely and there were several interested parties in attendance.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to **HEAR Z-6089 (Cypert)** this date.

In reply to Mr. Paddock, Mr. Gardner advised the District 9 Plan has had some amendments. Mr. Gardner continued by stating Staff checks the Comprehensive Plan and the Matrix, as well as the physical facts. In this particular case, Staff did not see any basis for changing the Plan and the application is inconsistent with the Comprehensive Plan.

Applicant's Comments:

Mr. Cypert explained he was from the west side of Tulsa and purchased this property 3 - 4 months ago and wishes to get it rezoned to establish a business. To answer Ms. Wilson, Mr. Cypert advised he was wanting to use this site for boat sales and repair. Mr. VanFossen received an affirmative answer when he asked the applicant if he owned the house next door to the subject tract. Mr. VanFossen further inquired if the zoning request was for only one lot. Mr. Gardner established the zoning request was advertised for only Lot 26, Block 1, Brooks Addition.

Mr. VanFossen asked Mr. Cypert at what time he became aware that rezoning would be needed. Mr. Cypert replied the time was after purchase of the property, and he was remodeling the house as he and his wife anticipate moving into the house, even if the zoning request is denied. Ms. Wilson asked Mr. Cypert if he bought the property with the intention to use it as a boat sales/service business, and if he was aware the property was zoned RS-3 at that time. Mr. Cypert remarked his intention was to have a boat sales/service business and he was aware of the need for rezoning. Mr. Cypert clarified the location and depth of his property for Mr. Paddock, which included two lots. Mr. Gardner established the only reference to Lot 25 was in regard to the right-of-way and the only item advertised was Lot 26 less the right-of-way. If both pieces of property were to be rezoned, the legal description should have included Lots 25 and 26 of Brooks Addition.

Z-6089 (Cypert) - Cont'd

Interested Parties:

Ms. Robin LaFave  
Mr. Harry Baker

Address: 4108 South 32nd West Avenue  
4104 South 32nd West Avenue

Ms. LaFave, representing those in attendance protesting this case, submitted a petition with over 150 signatures requesting denial of the rezoning. Ms. LaFave stated concerns of increased traffic, as there are several children and elderly people in the neighborhoods around the subject tract.

Mr. Baker, who has lived in this area for over 40 years, asked that the requested zoning be denied.

Applicant's Rebuttal:

Mr. Cypert stated he was not wanting to disturb the neighborhood in any way and mentioned another business in the area on 33rd. Mr. Cypert also advised he had no intention of putting in a used car lot as believed by some of the neighbors.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the Planning Commission voted 8-0-0 (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to DENY Z-6089 (Cypert) for CG, as recommended by Staff.

\* \* \* \* \*

Application No.: CZ-144  
Applicant: Hacker (Wheeler/Darby)  
Location: SE/c of Highway #51 & Coyote Trail  
Size of Tract: .7 acres, more or less

Present Zoning: AG  
Proposed Zoning: CS

Date of Hearing: November 27, 1985  
Presentation to TMAPC by: Mr. Barry Hacker, 314 Lincoln, Sand Springs

Relationship to the Comprehensive Plan:

The District 23 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract. However, the Sand Springs Comprehensive Plan designates the subject tract as Agriculture - Rural Residential.

**CZ-144 Hacker (Wheeler/Darby) - Cont'd**

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .7 acres, more or less, in size and located on the southeast corner of State Highway #51 and Coyote Trail. It is wooded, rolling, vacant and zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by State Highway #51 zoned AG; on the east by vacant, rolling and wooded land zoned AG; on the south by wooded land and scattered single-family dwelling units zoned AG; and on the west by Coyote Trail and a convenience shopping good store zoned CS.

**Zoning and BOA Historical Summary:** Previous requests to rezone the subject tract to allow for commercial development were withdrawn before the hearing dates.

**Conclusion:** It can be noted that commercial zoning has been established at the southwest corner of this intersection by study map and also that the subject tract would qualify for treatment as a Type II Node under the Development Guidelines. The Staff finds the requested CS zoning to be consistent with current zoning patterns. The frontages of this tract all lie within the nodal definition; therefore, the Staff recommends APPROVAL of CS zoning as requested.

Comments & Discussion:

In reply to Ms. Wilson, Mr. Gardner agreed the Sand Springs Comprehensive Plan was in need of an update. Mr. Paddock commented that, although the Staff sees this application as being consistent with the current zoning patterns, he did not agree as the area shows AG to be the consistent pattern. Mr. Gardner advised the property location is a significant physical fact and CS has already been approved at that intersection. Mr. Gardner also advised that in the County everything is AG until approved for another classification. Mr. Linker confirmed this statement and stated that once commercial is approved for one corner, it is hard to deny commercial for the remaining corners. Mr. Doherty commented this area is highly undeveloped now and is unlikely to be adapted to residential being next to Highway #51. In reply to Mr. Draughon, Mr. Frank clarified the right-of-way area between the subject site and Highway #51. First Vice Chairman Wilson noted there were no protestants or interested parties on this case.

Applicant's Comments:

Mr. Hacker stated his intent was to place a convenience store at this location and agreed with the Staff's recommendation.

**TMAPC ACTION: 8 members present**

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Harris, Young, "absent") to APPROVE CZ-144 Hacker (Wheeler/Darby) for CS, as recommended by Staff.

**OTHER BUSINESS:**

**PUD #221-A-1** Minor Amendment to allow the resubdivision of Lots 8-10 Block 9, Lots 10-16 Block 8, & Lots 1-7 Block 10 Quail Ridge Blocks 1-10.

Minor Amendment to reduce the building setback line from 25' to 19' on Lot 1 Block 2 Quail Ridge Amended

**Staff Recommendation:**

The subject tracts are located south and east of East 43rd Place South and South 131st East Avenue. Said tracts described as Lots 8-10 Block 9, Lots 10-16 Block 8, and Lots 1-7 Block 10 Quail Ridge Amended contain existing duplexes. The developer is requesting the above resubdivision in order to split the duplexes down the common wall in order to provide for separate ownership. The PUD allows 34 units on the subject tract, and that is the number being utilized. Notice of this request has been given to the abutting property owners.

The lot that requires a reduction of the building line setback from 25' to 19' is described as Lot 1, Block 2 Quail Ridge Amended, and this lot is located at the northeast corner of East 44th Street and South 131st East Avenue (see attached map). The PUD required a 25' building line from the west property line; however, when the plot plan was drawn in order to facilitate the replat, a discrepancy was discovered and only 19' of setback is provided. Staff has reviewed this request finding it to be minor in nature therefore, Staff recommends APPROVAL subject to the following conditions:

- 1) That the replat be approved by the TMAPC and City Commission.
- 2) That evidence (in writing) of compliance with the Building Code for one-hour rated common walls be provided by the applicant for each of the subject lots prior to approval of the deeds for said lots.
- 3) Minimum lot area per dwelling unit of 4,500 square feet.
- 4) Minimum land area per dwelling unit of 5,000 square feet.
- 5) Minimum lot frontage of 37.5 feet.
- 6) Minimum livability per dwelling unit of 2,500 square feet.

**PUD #221-A-1 - Cont'd**

Comments & Discussion:

Mr. VanFossen commented that often, when a plat is made, a setback is interpreted as a side yard and this might have taken place on the 19' setback. Mr. Gardner commented on the irregular shape of the lot and noted the BOA normally grants a relief on these cases.

Interested Parties:

Mr. Clayton Morris of Cox Engineering, 7935 East 57th Street, stated he was representing the owners. After reading the Staff recommendation, Mr. Morris stated confusion as to the 37.5' minimum lot frontage. Mr. Frank stated the measurement was per duplex. Mr. Morris commented there appeared to be one lot that might have a problem meeting this condition. After discussion, Mr. Frank suggested amending the Staff recommendation to reflect the wording as "minimum average"; the applicant and Commission agreed.

TMAPC ACTION: 7 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **5-1-1** (Carnes, Doherty, Draughon, Wilson, VanFossen, "aye"; Connery, "nay"; Paddock, "abstaining"; (Kempe, Woodard, Harris, Young, "absent") to **APPROVE** the **Minor Amendment for Setback and Lot Split of Duplexes for PUD #221-A-1**, as recommended by Staff, amending the wording in condition 3, 4, 5 and 6 to read "minimum average".

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PUD #320-2 Minor Amendment to Allow Approval of the Fencing Plan and Approval of the Detail Fence Plan

Comments & Discussion:

First Vice Chairman Wilson advised a request for continuance of this item had been submitted in a timely manner. The requested continuance date is December 11th.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Carnes, Connery, Doherty, Draughon, Paddock, Wilson, VanFossen, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Harris, Young, "absent") to **CONTINUE Consideration of PUD #320-2** Minor Amendment until Wednesday, December 11, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the First Vice Chairman Wilson declared the meeting adjourned at 3:15 p.m.

Date Approved December 18, 1985

Cherry Kempe  
Chairman

ATTEST:

PB Padock

Secretary



PUD #405 & Z-5722-SP (cont'd)

comment, Mr. Linker stated it was his opinion that Section 850.2 was not being complied with if they do not give notice at the time the detail site plan is submitted. Mr. Norman stated he did not object to giving notice to identified interested parties or homeowners associations. Mr. Paddock inquired of Mr. Linker, if this agreement to notify identified interested parties meets the notice requirements which are normally used on minor amendments. Mr. Linker stated "yes" this would be sufficient in a minor amendment situation, but not on major amendments. In reply to Ms. Wilson, Mr. Linker established that it could be within Planning Commission authority to add a condition requiring notice on substantial changes to the approved Site Plan be given to property owners within 300'. However, if the applicant did not depart seriously from what had been previously presented, it may not be necessary. Therefore, Ms. Wilson proposed to the Commission and Legal, a condition #13 stating substantial departure from the approved Site Plan would require TMAPC to decide whether the proposed change should require notification to property owners within 300'. Mr. Norman stated no objection to this suggestion.

Commissioner Harris asked Mr. Norman what provision protected residents downslope against the hazards of run-off. Mr. Norman cited the City standards and ordinances requiring no increase in the rate of run-off after development from what run-off was present before development. Mr. Norman stated that the City has given such emphasis to this situation as to create a Stormwater Management Department.

Mr. VanFossen stated better understanding of the used car area and was satisfied with the explanation given and moved for approval, with the following conditions:

- 1) Area 1A to be used for the consolidated used car agency to be not less than 200' from the 91st property line.
- 2) Area 7 minimum setback from 91st Street shall be 70' from the property line.
- 3) Any minor amendments presented to TMAPC shall require notice to parties previously identified as Interested Parties.
- 4) Building heights shall not exceed 35' (two stories) in Area 7.
- 5) The addition of condition #13, stating substantial departure from the approved Site Plan would require TMAPC to decide whether the proposed change should require notification to property owners within 300'.
- 6) Spacing between each auto display area is to be 40'.

TMAPC ACTION: 7 members present

On MOTION of VANFOSSEN, the Planning Commission voted 6-0-1 (Connery, Harris, Kempe, Paddock, Woodard, VanFossen, "aye"; no "nays"; Wilson, "abstaining"; (Carnes, Draughton, Young, "absent") to APPROVE PUD #405 and Z-5722-SP-1 Norman, subject to the above mentioned conditions.

