

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1776
Wednesday, January 17, 1990, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|--|-----------------------|-----------------------------|--------------------------|
| Carnes, 2nd Vice Chairman | Kempe Randle | Gardner Setters Stump | Linker, Legal Counsel |
| Coutant Doherty, Chairman Draughon, Secretary Paddock Parmele Rice Wilson, 1st Vice Chairman Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 16, 1990 at 11:44 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 1:38 p.m.

MINUTES:

Approval of the Minutes of January 3, 1990, Meeting #1774:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-1** (Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the **Minutes of January 3, 1990, Meeting #1774.**

REPORTS:

Report of Receipts & Deposits for the Month Ended December 31, 1989:

On **MOTION** of **DRAUGHON**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended December 31, 1989.

Chairman's Report:

Mr. Doherty advised Board of Adjustment (BOA) has requested that they be allowed to review lot split requests requiring variances prior to TMAPC review for compliance with the Subdivision Regulations. He

REPORTS: Chairman's - Cont

stated that after discussion with some BOA members and attorney Roy Johnsen, it was determined that, in most cases, this would probably be the best procedure since the BOA has more discretion to grant or deny a variance. Should they decline to grant the requested variance, for whatever reason, then the TMAPC would not see the case.

Hearing no objection, Chairman Doherty directed Staff to, under normal circumstances, route those applications to the BOA first. However, under those rare circumstances where TMAPC's input might be useful or instructive, Staff could present the lot split request to the TMAPC first. Mr. Paddock concurred with this process noting that, under the law, the BOA was responsible for interpreting the Zoning Code.

Director's Report:

Mr. Gardner mentioned that a proposed draft of PUD enabling legislation had been submitted to Representative Russ Roach to meet a deadline for placing this matter on the legislative docket. He stated that Staff and Legal would be meeting to "fine tune" the language of the proposed legislation

SUBDIVISIONS:

EXTENSION OF PRELIMINARY PLAT APPROVAL:

Quail Ridge II (PUD 221-B)(2894) East of the SE/c of E 41st & So 129th E Ave
(1 year extension recommended)

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** a One Year Extension of Preliminary Plat Approval for Quail Ridge, as recommended by Staff.

LOT SPLIT FOR WAIVER:

L-17265 Johnsen (Stachia)(594)

12331 East 11th Street

(CS)

This is a request to split the east 250.4' of Block 3, Pennant Addition, into two tracts. The west tract will be 150.02' x 296' and will be added to the ownership to the west, which consists of the remainder of Block 3. This leaves the east 100.02' as a separate lot. It has a platted access point and the west part of the split will have access through a platted access point. However, the minimum frontage in a CS District is 150', so the applicant has filed a Board of Adjustment request for waiver. That Board application (#15361) also includes other variances related to the boat storage uses.

Staff has no objection to the request to vary the frontage requirement since no new access point will be required for the existing residence on the tract. It should be noted that the house is on a septic system, therefore City-County Health Department and Water and Sewer Department requirements will apply. It is recommended the split be approved, subject to the following:

- a) Board of Adjustment approval of the 100' lot frontage.
- b) No new access points to be granted (unless recommended by Traffic Engineering.)
- c) City-County Health Department approval of existing septic system(s) or extension of the sanitary sewer if required by Water and Sewer Department.
- d) Grading and drainage plan approval by Stormwater Management in the permit process.

The applicant was represented by Roy Johnsen.

The City-County Health Department advised that the percolation tests would require a one acre lot, but the lot being created is only about 1/2 acre. Since it is an existing situation and, upon further discussion regarding a waiver of City-County Health Department requirements, there were no objections to recommending an approval as stated in item (c). The other alternative would be a sewer main extension. The applicant would work with the City-County Health Department and Water and Sewer Department to arrive at a solution.

The TAC voted unanimously to recommend **approval** of L-17265, subject to the conditions outlined by Staff and the Technical Advisory Committee.

At the TMAPC hearing, Staff and Legal Counsel confirmed no tie contract would be needed, with Staff noting that one lot met the requirements and only one owner was involved.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE L-17265 Johnsen (Stachia)**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17268 (883) Oral Roberts University

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the Above Listed Lot Split(s) for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 359: Detail Sign Plan & Allocation of Display Surface Area

Lot 1, Block 1, Mayfair Courts; NE/c of E 77th Court & So Memorial

Staff Recommendation:

The applicant is proposing to place a new ground sign at the same location of an old ground sign which has been removed. The proposed sign is 15'2" tall with a display surface area of 56 square feet. This sign is on Lot 1, Block 1 of Mayfair Court, which has been further subdivided into two lots (Parcels A and B). Using all of the frontage of Lot 1, Block 1 for computation of allowable sign display surface area results in a maximum of 91 square feet. The applicant, who owns both parcels, wished to allocate 56 square feet of sign display surface area to a ground sign for Parcel A, and the remaining 25 square feet for a ground sign in Parcel B.

Staff finds this allocation to be within the PUD restrictions on ground signs and also finds the proposed ground sign to be acceptable. Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan for PUD 359, and for an allocation of 56 square feet to Parcel A and 25 square feet to Parcel B of the subject tract.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Detail Sign Plan & Allocation of Display Surface Area for PUD 359**, as recommended by Staff.

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PUD 190-30: Minor Amendment to Permit a Home Occupation
7404 South Fulton Place (Lot 14, Block 5 Minshall Park III)

Staff Recommendation:

The subject tract is a 13,953 square foot lot (90' x 155.04') with a single-family dwelling typical to the surrounding area. The applicant is requesting a minor amendment to permit a home occupation (property management business) on the subject tract. Notice of the application was given to property owners within a 300' radius of the subject tract.

Although no standards were submitted with the application, Staff contacted the applicant to determine the specifics of the business, as follows:

1. The applicant will meet the five conditions of the home occupation guidelines.
2. No customers or business traffic will come to the house.
3. A small 1" x 6" brass identification sign, not visible from the street, with the applicant's name and "BROKER" is attached to the house.
4. The applicant uses a private mail facility or telephone for all business correspondences.

Therefore, Staff recommends APPROVAL of minor amendment PUD 190-30, subject to the applicant meeting the conditions as outlined below:

1. Same as above.
2. Same as above.
3. Delete
4. Revise to: All mail deliveries related to the business shall be delivered to an address off site.

Applicant's Comments:

Ms. Gloria VanTuyl (7404 South Fulton Place) provided a brief description of her property management operation, clarifying that she does not employ any staff, has all mail delivered off premises, and devotes only two hours per day to the operation. Ms. VanTuyl stressed she does not bring clients to her home but meets them at the rental property, nor does she give out her home address or phone number. She also pointed out that the 1" x 6" brass identification sign was not visible from the street as it was located on the entrance to her library/office. Ms. VanTuyl submitted a copy of a letter mailed to 38 resident in the vicinity of her home informing them of her request. She advised that she also personally visited with her neighbors on this matter. She noted there were approximately six other home occupations in the radius of the 38 homes contacted.

Ms. VanTuyl submitted letters of support from Mr. G.M. Shelest, M/M Leonard Heard and M/M Ron Welsh. These letters indicated that her home office use has not added additional traffic in the neighborhood, and most were unaware that she had been operating this property management business from her home. Two of these letters also mentioned other home occupation uses in the subdivision that were operating "illegally".

Ms. VanTuyl cited discrepancies in the letter sent by the Minshall Park Homeowner's Association in protest to her request, in that not all of the 500 residents in Minshall Park were members of the Association. She also advised that she was never contacted by the Association to obtain clarification of her request or type of operation proposed. She also pointed out that the president of the Association, whose name is listed on the letter, was out of town at the time of the Association's meeting.

Interested Parties:

| | |
|---------------------|----------------------------|
| Mr. Wendell Clark | 5416 South Yale, Suite 600 |
| Ms. Diane McCaulley | 7406 South Fulton |
| Ms. Sue Bayliss | 7621 South Maplewood |
| Ms. Barbara Reavis | 7426 South Fulton Place |
| Mr. John Boyd | 111 West Fifth, Suite 800 |

All of the above listed parties spoke in protest to the home occupation request. They felt this home office use would be a nonresidential intrusion into the residential subdivision, could potentially increase traffic and could possibly set an undesirable precedent.

Applicant's Rebuttal:

Ms. VanTuyl clarified that she currently manages 17 properties, but does not now nor will she be working with numerous janitors, maintenance people or other vendors as insinuated by the protestants. She clarified she uses her maiden name and a private post office box and phone number for conducting her business in order to assure her privacy and the privacy of her neighbors. Ms. VanTuyl reiterated she only works about two hours a day on this operation and did not see the justification of renting office space, especially since she meets clients and/or repairmen at the property sites. In reply to Mr. Paddock, she confirmed that any real estate closings would not be handled at her home but at the mortgage or financial institution involved.

TMAPC Review Session:

During discussion on the conditions as suggested by Staff, Mr. Parmele stated he did not see how condition #2 could be imposed or enforced.

Mr. Coutant remarked that this particular home occupation request was about as inoffensive a use as could be presented. Further, he had no problem at all concluding this would NOT be a precedent. Mr. Coutant added that he felt this was a very low intensity, part-time business activity and was appropriate as described by the applicant. Therefore, he was supportive of the request.

Mr. Paddock agreed with Mr. Coutant and moved for approval with no deletion of conditions.

Commissioner Rice stated he could not support the motion as he agreed with Mr. Parmele that a person cannot run a business and not have vendors come to the home. Further, if the applicant currently had 15+ homes, she will most likely wish to increase her business in the future.

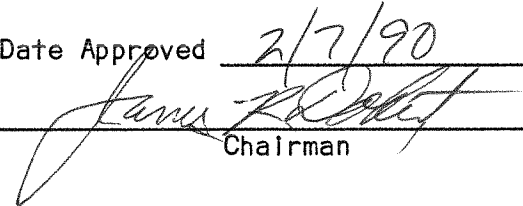
TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **5-4-0** (Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; Carnes, Parmele, Rice, Wilson, "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 190-30 Van Tuyl**, as recommended by Staff, subject to the following conditions:

1. The applicant will meet the five conditions of the home occupation guidelines.
2. No customers or business traffic will come to the house.
3. A small 1" x 6" brass identification sign, not visible from the street, with the applicant's name and "BROKER" is attached to the house.
4. All mail deliveries related to the business shall be delivered to an address off site.

There being no further business, the Chairman declared the meeting adjourned at 3:10 p.m.

Date Approved 2/7/90


Chairman

ATTEST:


Secretary

COMMITTEE(S) WORK SESSION: Room 1116, City Hall

- **Comprehensive Plan Committee** - Review and discussion of the Park Plan and Open Space Plan. Briefing provided by INCOG Staff and representatives from the various city and county park departments.
- **Budget & Work Program Committee** - Second Quarter FY 90 review of the TMAPC budget and work program. (Due to time constraints, this meeting will be rescheduled.)

