

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1983

Wednesday, July 20, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes, 2nd Vice
Chairman
Doherty
Harris
Horner
Midget, Mayor's
Designee
Pace
Parmele
Chairman
Wilson

Members Absent

Broussard
Neely

Staff Present

Gardner
Hester
Stump

Others Present

None

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, July 19, 1994 at 8:21 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:36 p.m.

Minutes:

Approval of the minutes of July 6, 1994, Meeting No. 1981:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Neely "absent") to **APPROVE** the minutes of the meeting of July 6, 1994 Meeting No. 1981.

REPORTS:

Chairman's Report

Chairman Parmele announced that the City Council approved the PUD mini-storage development on East 51st Street with additional modifications, as agreed to by the applicant and adjoining property owner. He informed that they also approved the Saied Music PUD on South Yale, except for the access from 33rd Street; however, two access points on 33rd Street were approved. This PUD is being returned to the Planning Commission to determine the location of access points. Both of these items will be on the July 27 agenda.

Committee Reports:

Rules and Regulations Committee

Mr. Doherty informed that the Rules and Regulations Committee will meet in work session at the conclusion of today's TMAPC meeting.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Saddleridge (2483)

(PD-26)(CD-8)

North side of East 101st Street South at South 90th East Avenue.

Staff Comments

Mr. Stump advised that all releases have been received and Staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Neely "absent") to **APPROVE** the FINAL PLAT of Saddleridge and **RELEASE** same as having met all conditions of approval as recommended by Staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17914 GBK Corporation (2893)

(PD-18)(CD-7)

3837 E. 51st St. S.

CO

L-17920 Liberty Bank & Trust (1583)

(PD-18)(CD-8)

5963 E. 91st St. S.

OL/RS-2

L-17922 John Mulkey (263)

(PD-20)(County)

18550 S. Memorial Dr.

AG

Staff Comments

Mr. Stump announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Neely "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations

ZONING PUBLIC HEARING:

Zoning Text Amendment dealing with how real estate signs are regulated

**Amendments to City and County Zoning Codes
Relating to the Regulation of
Real Estate Signs in Residential Districts**

Alternative 1

Amend Section 402.B.2.4.d. in the City Code and Section 420.2.C.4 in the County Code to read as follows:

A temporary real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 8 square feet in display surface area, nor 8 feet in height, when in an RS, RE or RD district. If in an RT, RM or RMT district, the sign shall not exceed 20 square feet in display surface area, nor 10 feet in height. Illumination, if any, shall be by constant light.

Alternate II

A temporary real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 20 square feet in surface area, nor 8 feet in height, and illumination, if any, shall be by constant light.

Staff recommends Alternative I, because we feel a 20 SF sign on a single-family lot would not be appropriate, but would be acceptable on multifamily sites.

Mr. Doherty informed that the Rules and Regulations Committee reviewed this item at the request of a property management company. The eight square foot limitation was denying the company the use of cube signs which they use for advertising. Mr. Doherty informed that the Rules and Regulations Committee recommended adoption of Alternative I.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Neely "absent") to **AMEND** Section 402.B.2.4.d. in the City Code and Section 420.2.C.4 in the County Code as follows:

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Application No.: **PUD 206-11**

Applicant: Greg Burghart

Location: - Lot 10, Block 5, Sheridan South Addition - 9322 South Oxford Place.

Date of Hearing: July 20, 1994

Presentation to TMAPC: Greg Burghart

Minor Amendment to allow a home occupation (computer programming) to employ 2 temporary employees for a maximum time period of 90 days from date of approval

The applicant requests that he be allowed to employ two (2) temporary employees (non-family members) in his home based (computer programming) business for up to 90 days.

Computer programming is a home occupation allowed by right in residential districts. The site of the occupation is a 66' X 100' single-family lot.

Based on the low intensity characteristics and minimal neighborhood impacts of this specific computer programming use, Staff recommends **APPROVAL** subject to the following conditions:

Nothing in this approval shall alter compliance with items two (2) through ten (10) of Section 402.6.a - requirements for home occupations.

Employees' vehicles as well as any vehicle used primarily in conjunction with the home occupation shall be parked off the street on the lot containing the home occupation, and shall be of a type customarily found in a residential area.

Two (2) temporary employees will be allowed on site during the standard business day from 8:00 a.m. to 5:30 p.m.

Two (2) non-family temporary employees will be allowed on site for a maximum of 45 calendar days from TMAPC approval.

Applicant's Comments

Greg Burghart

9322 South Oxford Place 74133

Mr. Burghart informed that he runs a computer bulletin board service from his home. He explained that two temporary employees are needed to aid in sales for 90 days to get the business started. He revealed that there is no outward appearance indicating that there is a home occupation taking place here and foresees the business moving out of the home as it expands. Mr. Burghart informed that there is a satellite dish for home use, not used in connection with the business. However, he disclosed that there is a 2 ½' satellite dish that is used in conjunction with the business and is not permanently mounted. Mr. Burghart informed that there is sufficient space in the driveway for the employees to park. He noted that the business creates no additional traffic and nothing is sold from the home, with equipment being shipped from the manufacturer. He revealed that occasionally, should a customer refuse a shipment, that shipment is sent to him.

In response to a question from Ms. Wilson, Mr. Burghart informed that he is selling networking services, concentrating on parts location.

Responding to Commissioner Harris' question, Mr. Burghart advised that he surmises that Code Enforcement was notified by area residents of his business when additional phone lines were installed, digging across residents' yards.

Interested Parties

James Munson

Sheridan South HOA President

Jeff Harbour

Teresa Korstjens

Bill Anton

9312 South Oxford Place 74137

9328 South Oxford Place 74137

9316 South Oxford Palace 74137

9405 South Oxford Place 74137

The above-listed individuals made the following comments:

A letter was read which was written to Eric Bolusky, District 18 Chair, expressing opposition of PUD 206-11 on behalf of the homeowners. It cited Article 8 of the Certificate of Dedication, "No noxious or offensive trade or activity shall be carried on in any part of the property, above described, which may be or become an annoyance or nuisance to the neighborhood."

The HOA is not wanting to offer any temporary opportunities because of setting an undesirable precedent in the neighborhood.

Residents were concerned as to the number of phone lines in the residence.

One individual informed of conversation with a UPS driver who revealed that regular deliveries were being made to Mr. Burghart's residence. Concern was expressed for the safety of children in the area with this increase of traffic.

Area residents complained that employees' vehicles are being parked in the street.

Individuals expressed concern that a business in the neighborhood will have an adverse affect on the resale value of their homes.

Some individuals expressed support of Mr. Burghart being allowed to continue his business for a short period until he can relocate his business elsewhere.

Candy Parnell

Zoning Officer, Code Enforcement

Ms. Parnell informed that upon investigating the complaint regarding the subject property, she was told there was only one 'employee. She revealed that upon three drive-by inspections, she noticed that there are two vehicles parked in the driveway which have not been moved. Ms. Parnell informed that this is not a violation of the Zoning Code, but is taking up two extra spaces in the driveway.

Chairman Parmele inquired as to permitting of satellite dishes.

Mr. Gardner informed that the Zoning Code refers to limiting what is attached to the house to 10 SF. However, the number of free-standing and located in the rear yard satellite dishes is limited to one.

Applicant's Rebuttal

Mr. Burghart addressed concerns stated by area residents. He informed that there are no regular deliveries by UPS to his residence at present. He acknowledged that after having deliveries for approximately one week, he decided it was not appropriate. Regarding covenants, he cited the covenants stating, "No noxious or offensive trade or activity shall be carried on in any part of the property above described, which may be or become an annoyance or nuisance: no animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot except for dogs, cats and other household pets may be kept provided they are not kept bred or maintained for any commercial purpose." Mr. Burghart deems that this was written into the HOA Covenants to address livestock in this vicinity, which was previously a rural community, and not regarding a home occupation. Regarding parked vehicles he informed that he owns two pleasure vehicles parked in the driveway which are rarely moved. Mr. Burghart informed that there are 18 phone lines coming into his house at present and there is the capacity to go up to 50.

Mr. Burghart answered questioned from the Planning Commission regarding his business.

Vickie Cleveland, City Councilor

Councilor Cleveland expressed concern over allowing this business to operate within the neighborhood.

There was discussion over the course of action the applicant can pursue should his request be denied. Mr. Gardner informed that should the Planning Commission deny the applicant's request, he could appeal to the City Council and may continue to operate in noncompliance until the City Council hears the appeal.

Mr. Carnes made a motion to deny PUD 206-11 minor amendment. Ms. Ballard seconded the motion.

Mr. Doherty acknowledged that many businesses begin in homes and eventually move out; however, he cannot vote to allow an outside nonrelative employee into a home. The Planning Commission has never voted for this and conceded that it does set a precedent. He stated that if there is some way to legally maintain the lack of precedent for a nonrelative in a home and at the same time give this business enough time to grow and find another location, he believes an appeal to the City Council might be the vehicle to do this. Mr. Doherty supports the motion with the understanding that the applicant can appeal this to the City Council.

Commissioner Harris expressed support of the motion because he could not support a business begun in an illegal area.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Carnes, Doherty, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; Midget "abstaining"; Broussard, Neely "absent") to **DENY** PUD 206-11 MINOR AMENDMENT.

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Application No.: PUD-493-2
Applicant: Jack Arnold
Location: North side of East 41st Street South between Utica and Lewis Avenues.
Date of Hearing: July 20, 1994

Minor Amendment to allow a reduced setback for the proposed gate and guardhouse of the Royal Oaks Addition to the City of Tulsa.

The applicant requests reduction of the PUD requirements for minimum gate and guardhouse setback from the centerline of 41st Street.

It was recommended at the August 11, 1992 TAC meeting that the gate should be located 80' from the centerline or 30' north of the right-of-way line. The TMAPC approved the PUD on August 26, 1992 with the provision that the minimum setback for the gatehouse should be 65' and the minimum setback for the gate should be 80'. The TMAPC made provision for a minor amendment to move the gate closer based on the fact that the applicant indicated the desire to preserve a 48" oak in the entry area.

Staff field check on July 12, 1994 revealed that the oak tree in question had been removed sometime during the construction process.

Therefore, Staff recommends **DENIAL** of the proposed minor amendment to the setback requirements as determined by TMAPC on August 26, 1992.

The applicant was not present.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely "absent") to **DENY** PUD 493-2 MINOR AMENDMENT as recommended by Staff.

Application No.: **PUD-270-1**

Applicant: Claude Neon Federal

Location: South and west of a point approximately 790 feet south of the intersection of East 81st Street South and South Memorial Drive

Date of Hearing: July 20, 1994

Minor Amendment to allow an increase to the maximum size of monument signage allowed along the arterial street frontage of the PUD

The applicant has requested an increase in the maximum size of a monument sign from 8' in height, 16' in length and 32 SF of display area to 16' in height and display area consistent with the *OM* zone.

In October of 1981, Staff recommended approval of *RM-1* zoning and denial of *OL* zoning as the underlying zone of the PUD. At that time, the intensity of use in the surrounding area did not justify designation as an *OL* zone.

Staff field check indicates that monument signage compatible with the requested amendment exists on the west side of Memorial approximately 250' to the north. This signage represents an office area similar in character or less intense than the subject site. (The subject site contains a 4-story structure.) In addition, a similar sign exists on the west side of Memorial approximately 150' north of 81st Street.

Based on the existing conditions, Staff recommends **APPROVAL** subject to the following conditions:

- Subject signage shall be located outside the 10' clear zone which is located beneath the existing electrical transmission lines;
- The existing monument sign shall be removed; and
- The height of the sign shall not exceed 16' and the display area shall not exceed 137 SF of display surface area.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Neely "absent") to **APPROVE** PUD 270-1 **MINOR AMENDMENT** as recommended by Staff.

OTHER BUSINESS:

PUD-364-B: Detail Site Plan - Union Elementary School - east side of Mingo Road at the 9800 Block south

The Union School District is proposing a 71,000 SF elementary school on a ten-acre site. The northwest portion of the school will be one-story and the southeast portion will be two stories. The Plan calls for 105 parking spaces and the zoning code requires only 60. Staff finds the Site Plan conforms to the PUD conditions with the following condition:

A screening fence shall be provided along the north boundary of the site where the parking area is less than 50' from the north boundary.

With this condition, Staff recommends **APPROVAL** of the Detail Site Plan.

Interested Parties

Ken Smith

9916 East 99th Street South 74133

Mr. Smith informed that area residents are in agreement with the plans for Union Elementary School. He informed that residents will be meeting with Stormwater Management to discuss drainage problems, which have not been fully resolved.

Interested Parties

Yvan Beausoleil

9804 East 99th Street South 74133

Bob Taylor

9722 East 97th 74133

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Neely "absent") to **APPROVE** PUD 364-B DETAIL SITE PLAN as recommended by Staff.

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PUD-270: Detail Sign Plan for "MPSI Centre" - south of the southwest corner of East 81st Street South and South Memorial Drive

The applicant is requesting approval for one ground sign along the Memorial Drive frontage of the PUD near its northern access point.

The request is in conformance with the conditions of Minor Amendment PUD-270-1 to the PUD which requested changes to signage standards.


Staff recommends **APPROVAL** subject to the approval of the aforementioned Minor Amendment.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Neely "absent") to **APPROVE** PUD 270 **DETAIL SIGN PLAN**.

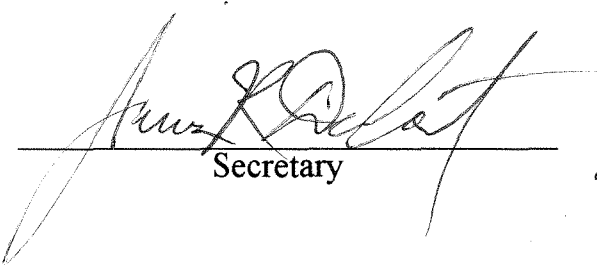
There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 8/3/94



Chairman

ATTEST:



Secretary