

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2058

Wednesday, March 6, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes,  
Chairman  
Dick  
Doherty, 1st Vice  
Chairman  
Edwards  
Gray, Secretary  
Ledford  
Midget, Mayor's  
Designee

**Members Absent**

Boyle  
Horner  
Pace

**Staff Present**

Almy  
Gardner  
Jones  
Stump

**Others Present**

Linker, Legal  
Counsel  
Romig,  
Assistant Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 1, 1996 at 3:07 p.m., in the office of the County Clerk at 3:30 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:35 p.m.

**Minutes:**

Approval of the minutes of February 21, 1996, Meeting No. 2056:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-2** (Ballard, Doherty, Edwards, Gray, Ledford, "aye"; no "nays"; Carnes, Dick "abstaining"; Boyle, Horner, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of February 21, 1996 Meeting No. 2056.

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**REPORTS**

**Rules and Regulations Committee**

Mr. Doherty informed the Commission there are not any items on the City Council agenda. Mr. Doherty stated the Rules and Regulations Committee discussed standards for private streets and gated communities. At the next meeting, the Committee will consider

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Metro Plaza (3194)**

**(PD-18) (CD-5)**

South of the southeast corner of East 51st Street South & South Mingo Road

**TAC Comments:**

Jones presented the plat with Ted Sack in attendance.

Edwards questioned if a 60' restricted water line easement existed along the west portion of the subject tract. He noted that a 36" water line was in place at that location. Sack stated that no easement was found in a title search and that he would work with the Department of Public Works to correct any problem.

Somdecerrf recommended a book/page be shown on the face of the plat for that portion of the mutual access easement which is outside the plat boundaries.

Metro Plaza is a one-lot subdivision plat that has an underlying zoning of IL and is 5.34 acres in size. The TAC and TMAPC approved the final plat of Metro Plaza in November of 1995 that was never filed of record and excluded a .85 acre portion on the north side. The applicant has resubmitted the entire plat that includes additional area. All dedications and easements are the same as the previously-approved plat.

Staff would offer the following comments and/or recommendations:

1. Add enforcement paragraph to Section 1.F of the deed of dedication.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. All other Subdivision Regulations shall be met prior to release of final plat.

On Motion of Miller, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the preliminary plat of Metro Plaza, subject to all conditions listed above.

**TMAPC Action; 7 members present:**

On MOTION of EDWARDS, the TMAPC voted 7-0-0 (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Pace "absent ") to APPROVE the preliminary plat of Metro Plaza, subject to the conditions as recommended by TAC.

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**PLAT WAIVER, SECTION 213:**

**BOA-17260 (Brockman's Subdivision) (2492)**  
1132 East 38th Street South

**(PD-6) (CD-9)**

**TAC Comments:**

Jones presented the request with Kevin Coutant present.

Pierce stated that PSO would need an easement to provide electrical service to the site and he would work with the applicant to obtain it by separate instrument.

Board of Adjustment case #17260 approved a special exception to permit a cellular tower in an RS-3 zoned district. The Board's approval triggered the platting requirement to which the applicant has requested this waiver. As the site plan shows, a 45' x 90' tract will be leased and a new building constructed with the tower.

Based on the size of the tract and existing subdivision plat, Staff can see no benefit to the City in a replat.

Staff recommends APPROVAL of the plat waiver for BOA-17260, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On Motion of McGill, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the plat waiver for BOA-17260, subject to the conditions listed above.

**TMAPC Action; 7 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Pace "absent ") to **APPROVE** the plat waiver for BOA-17260, subject to the conditions as recommended by TAC.

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**FINAL PLAT APPROVAL:**

**The Rockland Center (594)**

**(PD-17) (CD-6)**

Southeast corner of South 123rd East Avenue & I-44 Expressway

**Staff Comments:**

Mr. Jones informed the Commission that Jerry Ledford, Jr. is present and representing this item. This property is zoned Corridor. The original plat was submitted, proposing the property be divided into two lots. The Detailed Corridor Site Plan was submitted and approved for the east half. Upon receipt of the final plat, the proposal had changed to combine these lots into one. TAC approved the combining of these lots subject to the condition of the subdivision plat that this is Corridor and the west half is subject to a Corridor Site Plan approval prior to issuance of a building permit.

Mr. Ledford stated he is in agreement with Staff's recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **DICK**, the TMAPC voted **6-0-2** (Ballard, Carnes, Dick, Doherty, Edwards, Gray "aye"; no "nays"; Ledford, Midget "abstaining"; Boyle, Horner, Pace "absent ") to **APPROVE** the final plat for The Rockland Center subject to the conditions as recommended by Staff.

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**REINSTATEMENT OF FINAL PLAT:**

**Heidinger Addition (784)**

**(PD-18) (CD-8)**

Northwest corner of East 81st Street South & the Mingo Valley Expressway

**Staff Comments:**

Mr. Jones informed the Commission that Ted Sack is present, representing the request for reinstatement of Final Plat Approval for Heidinger Addition. The Planning Commission approval that was granted on December 7, 1994 expired due to the plat not being filed in the office of the Tulsa County Clerk by December 7, 1995. Mr. Jones stated there have been no changes to the Final Plat and the developer is ready to file it of record. However, with the one year expired, a reinstatement is required. Staff recommends approval of the reinstatement of the Final Plat for a one-year period from today's date.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Horner, Pace "absent ") to **APPROVE** the reinstatement of the Final Plat for a one-year time period on Heidinger Addition as recommended by Staff.

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**LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18222 John T. Nickel (A. Hartman) (1893)**  
3015 S. Rockford

**(PD-6) (CD-9)**  
RS-1

**TAC Comments:**

Jones presented the request with Andy Hartman present.

It is proposed to split three tracts of approximately one lineal foot for a combined distance of approximately thirty feet from Lot 9, Block 1, Gladebrook Second Addition and attach them to Lot 10, Block 1, Gladebrook Second Addition as depicted below. Both lots are served by public water and sewer. Staff has determined both lots proposed will meet the bulk and area requirements for the RS-1 district. Due to the configuration of the split, each tract will have more than three side lot lines. Therefore, the lots do not comply with Tulsa Subdivision Regulations requiring that residential lots have no more than three side lot lines. The applicant is requesting waiver of this requirement.

On Motion of French, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the lot-split for waiver of the Subdivision Regulations with no conditions.

**TMAPC Action; 8 members present:**

On MOTION of BALLARD, the TMAPC voted 8-0-0 (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Horner, Pace "absent ") to APPROVE the lot-split for waiver of the Subdivision Regulations with no conditions as recommended by Staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-18220 Heilbronn Development, L.L.C. (S. Schuller) (7913)**  
1200 S. Lewis

**(PD-4) (CD-4)**  
IM / IL / OM

**L-18232 J. & C. Burd / B. Whorton (113)**  
West of the northwest Corner of E. 116th St. N. & N. Mingo

**(PD-15) (CD-County)**  
AG

**L-18244 BOK (C. Brooks) (3294)**  
East of the southeast Corner of E. 51st St. & S. 122nd E. Ave.

**(PD-18) (CD-5)**  
IL

**L-18246 Joey & Stephen Wolfe (1893)**  
2147 Forest Blvd.

**(PD-6) (CD-9)**  
RS-1

**L-18247 NAB Asset Venture, III, L.P. (M. Tolson) (2302)**  
2708 N. Cincinnati

**(PD-1) (CD-2)**  
OL

**L-18248 Gerry Nix (B. Gibson) (3373)**  
3616 E. 171st St. S.

**(PD-20) (CD-County)**  
AG

**L-18249 Kishor & Jyotsna Mehta (G. Brown) (794)**  
South 101st E. Ave. & Highway 44

**(PD-17) (CD-5)**  
CS

**Staff Comments:**

Mr. Jones stated the lot-splits for ratification of prior approval are in order and meet subdivision regulations. Therefore Staff recommends approval.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, Midget "aye"; no "nays"; none "abstaining"; Boyle, Horner, Pace "absent ") to **APPROVE** the Lot-split for Ratification of Prior Approval as recommended by Staff.

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**ZONING PUBLIC HEARING:**

Application No.: **PUD 179-S-3** (Minor Amendment to increase building floor area)  
Applicant: Joe Donelson  
Location: 800' west and south of East 71st Street and South Mingo Road  
Date of Hearing: March 6, 1996  
Presented to TMAPC: Joe Donelson

**Staff Recommendations:**

The applicant is requesting minor amendment approval for "Just for Feet". The request as submitted would increase the maximum allowable floor area on Lot C from 18,000 sf to 19,947 sf. The purpose of the request is to allow a mezzanine to be added to a previously-approved site plan. The approved site plan allows 15,379 sf.

Staff has reviewed the request and finds that the underlying zoning (CS) on the existing lot would allow more floor area than is requested. Staff also notes that the number of parking spaces on the approved site plan is greater than that required for the requested increase.

Based on no change in the footprint or site layout and a proposed intensification of use in keeping with the surrounding area, Staff recommends **APPROVAL** of an increase of allowed floor area on this lot to 20,000 sf.

**TMAPC Action; 7 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford, "aye"; no "nays"; none "abstaining"; Boyle, Horner, Pace "absent ") to **APPROVE** the minor amendment to PUD 179S-3 to increase the allowed floor area on lot C to 20,000 sq. ft.

**LEGAL DESCRIPTION FOR PUD 179S-3**

the East 191.19' of the North 385.33' Lot 2, Howerton Acres, a resub of Lot 1, Block 2, Woodland Springs Addition, and located 800' west and south of the southwest corner of East 71st Street and South Mingo Road, Tulsa, Oklahoma.

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**OTHER BUSINESS:**

**PUD 514 John Stava** Northeast corner of 33rd St. S. & Yale Avenue (PD-6) (CD-7)  
*(Revised Detail Site Plan & Landscape Plan for Development Area A - Saied Music)*

**Staff Recommendations:**

The Saied Music Company is proposing a revised Site Plan that reduces the size of the addition originally proposed and rearranges the parking lot, loading area and screening in Development Area A.

Staff recommends **APPROVAL** of the proposed site plan if the following changes are made.

- 1.) Increase the width of the new curb cut onto Yale to 40'.
- 2.) Provide a vegetative screen and irrigation system along all of the east boundary of the north 180' of the PUD and along the north boundary where it abuts residentially zoned property. The vegetative screen shall be designed to attain a height of at least 6' within 5 years of occupancy.
- 3.) The screening fences shall have masonry columns and otherwise be as shown on the landscape plan.
- 4.) The original approval of a detail site plan for Development Area B is void, since it does not match the new site plan for Area A.

**Applicant's Comments:**

John Stava, 2121 East 51st, Suite 100, Tulsa 74105, informed the Commission that the Homeowners Committee received a copy of the Landscaping Plan and have some comments in reference to the landscaping in the area immediately south of the screening fence, which would abut 33rd Street. The homeowners are requesting redbud and evergreen trees be planted in this area. Mr. Stava submitted this request to Clare Ashby, landscape architect. Ms Ashby responded by letter, stating redbud trees are preferred due to form, spreading canopy, size, being inexpensive and spring blooming. Ms. Ashby stated evergreens were not chosen due to excessive cost and availability. Mr. Stava added that Ms. Ashby would rather not mix the types of trees from a design standpoint. Mr. Stava stated there is an inconsistency with the type of screening used on the landscape and site plans. Mr. Stava



expressed the landscape architect was given an option to screen with vegetation or a wood fence with masonry columns. There is currently a 6-foot fence in this area; therefore, it is the intention of Mr. Stava to use the layout and design of the landscape plan which indicates vegetation as a means of screening. Mr. Stava informed the Commission that Mr. Conwell has requested the smooth side of the 4-foot wooden fence be placed on the side of Saied's property. Mr. Conwell has also requested the 6-foot fence to be installed on the west and north borders of his property be tapered down to 4-foot fence where it is in his front yard.

**Richard Conwell**, 5009 East 33rd Street, lives directly east of the Saied property, and is surrounded by it on the west and north sides. Mr. Conwell disclosed that a 6-foot wood privacy fence will be installed five feet from his property line on the west and north borders behind his house. At a later date, Mr. Conwell's fence will be removed and the five-foot strip of land will be manicured at no charge. After completion of the manicure, Mr. Conwell has agreed to maintain this five-foot strip of land and in turn be allowed to use it. Mr. Conwell stated the neighborhood supports the use of masonry columns as shown on the site plan. The request for evergreen trees is for the purpose of additional screening to eliminate car lights from shining into Mr. Church's home. Mr. Conwell expressed the neighborhoods concern that this area will be used as a meeting location for teenagers, and the fences would provide additional buffering and security.

**TMAPC Comments:**

Mr. Doherty stated that the Commission had received a letter from Mark Church requesting evergreen trees to provide screening during the winter. Mr. Doherty informed the Commission of power lines in the area in question and would not recommend evergreen trees due to their height.

**TMAPC Action; 7 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Pace "absent ") to **APPROVE** the use of landscaping (hedge) for screening in lieu of a six-foot fence along the north boundary of Area B where it abuts residentially-zoned property and the north 180' of the eastern boundary of the PUD.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Edwards, Gray, Ledford "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Pace "absent ") to **APPROVE** the applicant's submission with the following stipulations.

- 1) The hedge planted in lieu of the fence adjacent to the residential area be provided with irrigation in Area B at the responsibility of the southern lot property owner (Area A) until such time as the northern property develops.

- 2) That only two (2) masonry columns at the ends of the screening fence fronting 33rd Street and one (1) column where the fence begins to taper as it gets closer to 33rd Street be required.
- 3) That all other aspects of the applicant's submittal be approved as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: ~~March~~ Mar 20, 1996

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary