

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1944  
Wednesday, September 15, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes, 2nd Vice Chairman	Ballard Broussard	Gardner Hester	Linker, Legal Counsel
Dick Doherty, Chairman Horner	Neely	Jones Stump	
Midget, Mayor's Designee			
Pace			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, September, 13 1993 at 4:05 p.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 1:35 p.m.

**Minutes:**

Approval of the minutes of September 1, 1993, Meeting No. 1942:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; Pace "abstaining"; Ballard, Broussard, Neely "absent") to **APPROVE** the minutes of the meeting of September 1, 1993 Meeting No. 1942.

**REPORTS:**

Tax Incentive/Increment Financing:

Review the proposed Tax Incentive District No. 1, City of Tulsa, Oklahoma, Project Plan as approved by the Local Development Act Review Committee for recommendation to the City Council.

Chairman Doherty, TMAPC's representative on the Review Committee, announced that Jim Norton will brief the Planning Commission on this item. He declared that there is no specific project before them at this time and reference will only be made to the establishment of an incentive district.

Jim Norton explained how the Local Development Incentive Act came about and how it allows for two new economic development techniques to be used in Oklahoma. He advised that one of those developments is tax increment financing, where the City is able to capture revenue as a result of a specific project and pledge it back to undertake public improvements to help make that project work. Mr. Norton advised that the other technique is the creation of tax incentive districts, where a local government may abate local property tax and fees up to a six year period in a specified district within its borders. He gave a detailed description of the local review committee, composition, etc., and highlighted the benefits of the Tax Incentive or Tax Abatement Plan, of which the Planning Commissioners have copies. Mr. Norton explained that the concept under consideration involves abatement of taxes on property for residential purposes within downtown Tulsa. It is a good plan and one which the Planning Commission can recommend that the City Council adopt.

Mr. Norton answered questions from the Planning Commission regarding rehabilitation of existing properties in the downtown area.

There was discussion among the Planning Commissioners over the incentive this provides for redevelopment in the district to stimulate residential construction.

Commissioner Dick commented that the most cumbersome part of the process is having to approach each entity, and he hopes the legislature will consider making it a one-stop application process. He expressed hope that there will be some legislative amendment in this session to make this a less cumbersome process.

Chairman Doherty referred this item to the Comprehensive Plan Committee for September 22, 1993.

#### Committee Reports:

##### Comprehensive Plan Committee

Chairman Doherty announced that the Comprehensive Plan Committee will meet September 22, 1993 in City Hall, Room 201 to review the proposed Tax Incentive District No. 1, City of Tulsa, Oklahoma, Project Plan.

##### Rules and Regulations Committee

Mr. Parmele announced that the Rules and Regulations Committee will meet at the conclusion of the TMAPC.

##### Director's Report:

Mr. Gardner announced the items to be heard by the City Council September 16, 1993. He noted that the landscape ordinance (second reading) is one of the items scheduled to be heard.

Chairman's Report:

Chairman Doherty reported on the City Council Meeting of September 8, 1993 where the landscape ordinance was discussed. He advised that the City Council has instructed the Legal Department to incorporate changes made into the final draft. Chairman Doherty advised that the effective date for the ordinance has been delayed to January 1, 1994.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Square Eighty-One (PUD-495) (783) (PD-18) (CD-2)  
NW/c of E. 81st St. S. & S. Lewis Ave.

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to APPROVE the Final Plat of Square Eighty-One and RELEASE same as having met all conditions of approval.

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LOT-SPLIT FOR WAIVER:

L-17764 Adams (3612) (PD-25) (County)  
7400 North Iroquois AG

It is proposed to split a 2.5-acre tract from this 7.5-acre tract. The tract currently contains 1 dwelling. The Major Street Plan indicates 76th Street North requires 100 feet of right-of-way and North Iroquois to have 60 feet. The County currently has an easement along North Iroquois. The applicant is requesting waiver of right-of-way requirements on the northern 5-acre tract. There is an existing dwelling on the northern tract which sets well back from both streets. The 2.5-acre tract is vacant.

Staff finds no condition of the land or buildings which would preclude the granting of right-of-way.

Jones presented the application with no representative in attendance at the TAC meeting.

Jones noted the letter from County Commissioner Harris.

Hill and Dixon recommended that if the dedication is not obtained, a general utility and roadway easement should be obtained.

Considerable discussion was made as to the need for the right-of-way dedication.

On MOTION of CANAHL, the Technical Advisory Committee voted unanimously to **DENY** the waiver requirement for Lot-split L-17764.

Discussion

Mr. Midget asked for the reasoning of the recommendation from TAC, that if the dedication is not obtained, a general utility and roadway easement should be obtained.

Mr. Jones advised that discussion on the easement was an alternative. TAC deemed that full dedication should still be made, but in the event the Planning Commission overrules their recommendation, then at least an easement should be obtained.

Mr. Carnes referred to Commissioner Harris' letter requesting waiver of the requirement of additional right-of-way since he foresees no need for it at the subject location at any future time.

Mr. Jones advised that Tom Raines, County Engineer, informed that he agreed with TAC's requirement for right-of-way. Mr. Raines acknowledged that there are no immediate plans for improvement.

There was lengthy discussion over whether there would be a need for the dedication. It was the consensus of the Planning Commission that this area does not show promise for development at any time in the future.

The applicant was not in attendance.

**TMAPC Action; 8 members present:**

On MOTION of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Dick, Horner, Midget, Pace, Parmele, Wilson "aye"; Doherty "nay"; no "abstentions"; Ballard, Broussard, Neely "absent") to recommend **APPROVAL** of Lot-Split L-17764, Waiving right-of-way dedication on 76th Street North and Iroquois Avenue and to provide a 30' access easement on the Iroquois alignment, along the west side of the property across the northernmost lot extending to the southernmost lot.

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LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS SECTION 6.4(d):

L-17757 Wilburn (2883) (PD-26) (CD-8)  
4000 Block East 104th Street

RS-1

This is an approximately 3 acre tract. There is an existing house which is in the center of the tract. The applicant ultimately plans to divide the tract into 3 lots. This application is to split off an approximately 1 acre tract of 131' x 355'. This tract will meet the zoning requirements for the RS-1 district.

The current house is serviced by a septic system and a water well. The new lot will also contain a septic system and well. The Health Department has determined many of the existing 1 acre tracts in the area do not have a public water supply. Should the Planning Commission be agreeable to waiving the subdivision requirements requiring a public water supply, Health Department staff have stated they have no problem with acceptance of septic and well installations for this lot-split.

Jones presented the plat with no representative in attendance at the TAC meeting.

Silva and Edwards stated that a public water supply was not readily available.

Silva added that based on the size of the lots and on percolation tests, the Health Department could support the waiver.

On MOTION of SILVA, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** to waive the Subdivision Regulations for Lot-split L-17757.

TMAPC Action; 8 members present:

On MOTION of PARMELE, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to recommend **APPROVE** Lot-split L-17757 **WAIVING** the subdivision regulations as recommended by Staff.

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

- L-17771 Favell (583) (PD-18) (CD-9) RS-1  
6565 Timberlane Drive
- L-17772 Tulsa Distribution Limited Partnership (2693) IL  
(PD-18) (CD-5)  
NE/c of E. 46th St. S. & S. 70th E. Ave.

Mr. Jones announced that the above-listed lot-splits should be withdrawn since they have not yet received City/County Health Department approval.

- L-17768 Arterberry (2092) (PD-9) (County) AG  
3000 Block S. 57th W. Ave.
- L-17769 Frank Robson Revocable Trust (1383) CS-RM-1  
(PD-18) (CD-8)  
NE/c of 91st E. Ave. & S. Memorial Dr.
- L-17770 Jones (1993) (PD-6) (CD-9) RS-2  
4015 S. Victor E. Ave.
- L-17773 Spurgeon (1923) (PD-13) (County) AG-R  
15002 N. Trenton

Staff Comments

Mr. Jones 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 MIDGET, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to RATIFY the above-listed lot-splits having received prior approval meeting all subdivision regulations.

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**PUBLIC HEARING ON ZONING TEXT AMENDMENT**

Consider amending the City of Tulsa and Tulsa County Zoning Codes as they relate to the definition of Adult Bookstore to require a percentage rather than the current language "significant portion of the stock and trade".

Staff Comments

Mr. Gardner disclosed that the request for amending the definition of "Adult Bookstore" was received from David Pauling, City Attorney, due to problems encountered in enforcing the present definition. Mr. Gardner read the following:

**Adult Bookstore** as used herein shall mean an establishment wherein 10% or more of its display area consists of books, films, videos, magazines, periodicals, games, novelties or other materials which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas (hereinafter referred to as "sexually oriented materials").

**Display Area** as used herein shall be measured as follows:

For bookshelves, magazine racks and similar display devices, display area shall be calculated by multiplying the length times the width of such devices. If sexually oriented materials are mixed with non-sexually oriented materials in or on such devices, the entire device shall be considered as consisting of sexually oriented materials.

For table tops, counters, display cases and similar display devices, display area shall be calculated by multiplying the length times the width of each surface on which merchandise is displayed. If sexually oriented materials are mixed with non-sexually oriented materials on such surfaces, the entire surface shall be considered as consisting of sexually oriented materials.

For walls, display area shall be the area of the wall enclosed by the smallest imaginary rectangle which contains each item.

The display area of merchandise hanging or suspended from the ceiling shall be calculated by multiplying the item's length or width, whichever is longer, times the item's height.

Mr. Gardner answered questions from the Planning Commission regarding allowable adult materials.

In response to comments from Ms. Pace, Mr. Jackere advised that pornographic or obscene materials would not be permitted.

Interested Parties

**Scott Troy**

**1408 S. Denver**

Mr. Troy, attorney representing clients who own adult bookstores, informed that he received a copy of the proposed language and has nothing to add. He advised of regulations which control hard-core adult materials. Mr. Troy declared that there are no hard-core materials in any of the bookstores which he represents.

There being no others in attendance wanting to address the Planning Commission, Chairman Doherty declared the public hearing closed.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to recommend **APPROVAL** Amending the proposed definition of Adult Bookstore as stated herein.

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**PUD-281-10:** Minor Amendment - west side of Mingo Road north and south of 65th Street South, Lots 1 and 2, Block 1 and Lots 1 and 2, Block 2 of Blocks 1, 2 and 3 of Gleneagles.

The applicant is requesting a reduction in various building setback and spacing requirements for two existing apartment complexes. An as-built survey of the complexes determined that a number of the decorative balconies on the buildings were too close to property lines, and that some of the parking areas will be too close to buildings. A list of these encroachments is detailed on the following pages. The current PUD setback requirements are as follows:

**Minimum Building Setback**

From 65th Street Right-of-Way	25'
From North and South Dev. Area Boundaries	20'
Between Buildings	15'
Between Parking Areas and Buildings	12'

Staff is of the opinion that the variations in setbacks do not significantly affect the development and recommends their **APPROVAL**, but only for the existing buildings and parking areas.

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**REVISED DETAIL SITE PLAN**

The Site Plan for Phases II and III of Development Area B complies with the PUD conditions if Minor Amendment PUD-281-10 is approved. Therefore, Staff recommends **APPROVAL** of Development Area B.

Development Area A has insufficient parking in Phase II. Phase III has sufficient off-street parking. If Phases II and III are considered as one lot, they still have fewer parking spaces than required. Therefore, Staff recommends **APPROVAL** of the Revised Site Plan for Development Area A, Phases II and III conditioned upon the Board of Adjustment granting a variance to the off-street parking requirement and **APPROVAL** of PUD-281-10.

Staff Comments

Mr. Stump announced that Staff is not prepared to make a recommendation on the amendment to Deed of Dedication since revisions were only received the day prior to this meeting, Staff has not been able to review them.

Mr. Stump answered questions from the Planning Commission as to how the inspection process might have allowed so many encroachments to go unnoticed.

Applicant's Comments

**Ted Sack**

Mr. Sack addressed the encroachments of decorative balconies and explained that they are of a minor nature. Regarding parking, Mr. Sack disclosed that if existing spaces were restriped at 8.5', which will be allowable in January, the north side would then have sufficient space.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to APPROVE PUD 281-10 Minor Amendment and Revised Detail Site Plan as per Staff recommendation making Waiver of the parking spaces contingent on Board of Adjustment granting a variance to the off-street parking requirement for Development Area A.

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**PUD 468** Revised Detail Landscape Plan - Applebee's Restaurant-  
Development Area 6 - west of the southwest corner of 71st  
Street South and Mingo Road.

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Mr. Stump advised that Staff was notified by Applebee's landscape architect, upon checking landscaping to determine if it was per the landscape plan, that not as many shrubs were planted as per the plan, although the beds are filled. Mr. Stump noted that trees were specified to be 2" in caliper and they actually range 1¼" to 1½".

Applicant's Comments

**John Ward**

Mr. Ward advised that he is attempting to obtain his occupancy permit. Mr. Ward also advised that he felt that he was not well-informed that the trees were required to be over 2½" in diameter. He distributed photographs of the plantings and noted that there were 24 trees planted, more than required.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to APPROVE PUD 468 Revised Detail Landscape Plan as submitted.

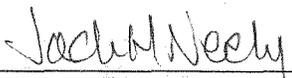
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There being no further business, the Chairman declared the meeting adjourned at 2:35 p.m.

Date Approved: 10-6-93

  
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Vice-Chairman

ATTEST:

  
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Secretary