

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 831
Tuesday, November 27, 2001, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Dunham, Vice Chair
Cooper
White, Chair
Perkins
Turnbo

Beach
Butler

Boulden, Legal
Parnell,
Neighborhood
Inspections

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Wednesday, November 21, 2001, at 8:30 a.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair, White called the meeting to order at 1:00 p.m.

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MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** the Minutes of November 13, 2001 (No. 830).

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** the amended Minutes of July 10, 2001 (No. 822).

UNFINISHED BUSINESS

Case No. 19214

Action Requested:

Variance to allow outdoor storage or display of merchandise within 300' of an adjoining R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17, located 2607 E. Pine St.

Presentation:

Melissa Gibson, 2607 E. Pine, stated that similar successful auto businesses do not display the cars indoors. She discovered through research that where the autos are displayed indoors they experience increased vandalism, and increased

overhead. She pointed out that a nearby tire shop displays merchandise outside, and a fast food chicken restaurant has approximately 15 cars in the parking lot at any given time.

Comments and Questions:

Ms. Perkins asked if the other businesses she used in comparison have residential homes within 300' of a residentially zoned area. Ms. Gibson replied that a large percent of the ones near her business have residential homes directly behind them as her business.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** a **Variance** to allow outdoor storage or display of merchandise within 300' of an adjoining R district, the restrictions previously placed on this property: maximum of four cars displayed; no lighting other than the existing security light; days and hours of operation 8:00 a.m. to 5:00 p.m. Monday through Friday; no outside speakers; no inoperable vehicles stored on the premises; and no mechanical work on the premises, finding that other similar businesses have been granted variances for the same relief and would be a hardship on this property not to give the same consideration, on the following described property:

Lot 728, Block 56, Tulsa Heights and Lot 11, Block 1, Waverly Place, except tract 20' square in NE/c thereof; all in City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19232

Action Requested:

Special Exception of the required 110% setback from an O zoned district from 110' to 7'6" on the north and 35'0" on the east for a monopole cell tower 100' in height, located NE/c E. 21st St. & S. Columbia.

Presentation:

Dan Sullivan, stated the abutting property owner had previously asked for a Continuance for Case No. 19232. He added that a letter was mailed to INCOG. Mr. Beach verified the letter was received.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **CONTINUE** Case No. 19232 to the meeting on December 11, 2001.

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Case No. 19240**Action Requested:**

Special Exception to permit cellular telephone antennas and supporting structure to be affixed to an existing electrical utility monopole 75' in height extending the height of the supporting structure to 83' with antennas extending 3' above the supporting structure. SECTION 1204.3.g. & h. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES – Use Unit 4; a Special Exception to delete the requirement of security fencing of the cellular telephone tower. SECTION 1204.3.g. & h. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; and a Special Exception to modify the setback of the cellular telephone tower from residentially zoned lots from 91.5' to 42'. SECTION 1204.3.g. & h. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, located NE/c E. 36th St. & S. Lewis Ave.

Presentation:

Dennis Box, 522 Colcord Dr., Oklahoma City, Oklahoma, stated that they have returned to the Board with the same application as approved for Case No. 18949 of January 2001, because the court determined that the notice was not mailed properly. The application is identical to the previous one. He stated that the structural engineer, Chad Tuttle was present, and an RF engineer, Richard Brown, and Pat Towery were present.

Comments and Questions:

Mr. White asked if this was approved before by the Board and District Court did not hear the case then why has it come back to the Board. Mr. Boulden replied that the appellants challenged the notice that was given by the Board of Adjustment that not all of the residents within 300' of the property were given notice. Based on that, the court determined the Board's decision was invalid. Mr. Boulden advised that since the previous case was determined void then this Board may act on a new application.

Mr. Box continued with the presentation. He stated that the existing pole is 75' in height, and with the antenna it will be a little less than 85'. The closest residential structures are the condominiums on Lewis Avenue about 250' away, to the north property line is 240', to the east is 290'. The adjacent uses are: an electric sub-station, a Southwestern Bell facility, a fire station, and residential use. The topography is rolling hills with numerous trees for a buffer. The existing pole is found to be adequate for the addition of their antennas. They will have three antennas similar to the AT&T approved site. There are no other antennas planned for this pole. He pointed out one of the photographs (Exhibit A-8) of the utility cabinets they use, indicating they are smaller than usually found on an existing building. A proposed 12' access drive with curb cut off of E. 36th St. is indicated on the site plan. The likely development is an electrical sub-station. The site plan also shows plans for further landscaping and maintenance of some existing trees. They asked for a special exception to modify the setback from 91.5' to 42'.

Comments and Questions:

Mr. White asked how the look of the proposed pole would compare to the existing one on the adjacent pole. Mr. Box replied it would look the same.

Richard Brown, 10830 E. 45th St., Ste. 400, stated he is an RF engineer with Sprint PCS. He submitted a packet (Exhibit A-3) to the Board. He reviewed the need for the antennas by showing the RF coverage maps provided in the packet.

Mr. Cooper arrived at 1:30 p.m.

Mr. Brown explained the reasons that the nearby church property and the fire station would not be acceptable sites.

Chad Tuttle, 601 S. Boulder, Ste 703, stated he is a professional engineer, specializing in the design and analysis of telecommunication structures. They have done a structural analysis of the pole and foundation (Exhibits A-2, 4 and 5) and have determined that the pole and foundation will safely hold the proposed load. Mr. Cooper asked how they could get service into this area when it is likely that several providers will need antennas in this location. Mr. Tuttle suggested the placement of one large tower and everyone collocate on it.

Comments and Questions:

Mr. Boulden asked if collocation was a possibility on this pole. Mr. Tuttle responded that it would not be feasible. Mr. Tuttle also noted there seemed to be a question about the height and he clarified that the pole is 83' from the ground to the platform.

Interested Parties:

Bonnie Henke, 3449 S. Atlanta Pl., submitted a letter of opposition (Exhibit A-6) from the resident next door to the property, and a petition of other residents in opposition (Exhibit A-7). She stated that the Board was in no way obligated to approve the application, which would require more clutter to be located at an increasingly unattractive site. She stated that the property was minimally maintained and progressively deteriorating. She indicated that modifications of safety measures such as fencing, setbacks and screening would be inconsistent with the spirit and intent of the code, and not in the public interest. She was concerned that additional supporting wires to the AT&T pole since January 2001.

Harrison Townes, 3717 S. Birmingham, stated he is the President of the Greater Oakview Estates Homeowners' Association. He stated this is a commercial enterprise, and has no place in a residential neighborhood.

Les Hill, 3538 S. Zunis Ct., stated he lives one block west of the subject property. He asked the Board to use the maximum consideration possible for the residents of the area in this decision.

Frank Henke, 3449 S. Atlanta Pl., expressed concern that they have still not met the notice requirements necessary to provide jurisdiction for this Board. He stated that the setbacks are not from the tower exclusively but also from accessory buildings and guy wires. He believes the setback measurements that are provided are incorrect. He submitted a document from the Ameritex website (Exhibit A-9) regarding cell range.

Comments and Questions:

Ms. Turnbo questioned Mr. Henke regarding his point that not all residents in the 300' radius received notice. Mr. Henke did not have anything to prove his point. Mr. Beach informed the Board that staff received a list from an abstractor through the applicant on this case, and compared them with our list before mailing. Mr. Beach believed it to be a valid list. Mr. White questioned Mr. Beach regarding correct setbacks. Mr. Beach clarified that there are two setback requirements. One has to do with locating the tower 110% of its height away from abutting residential zoning. The other has to do with the location of accessory buildings and guys meeting the minimum setbacks of the zoning district.

Interested Parties:

Herb Beattie, 3474 S. Zunis Avenue, stated he lives less than 300 yards west of the site. He made the point that commercial does not belong in the middle of residential zoning.

Comments and Questions:

Ms. Turnbo responded that the Supreme Court ruled that cell towers are to be treated the same as utilities. Mr. Beattie complained that on 36th St., a designated bicycle path, the use of cell phones by auto drivers makes it unsafe. He pointed out that in some cities cell phone use while driving has been made unlawful.

Applicant's Rebuttal:

Mr. Box reminded the Board that this applicant is using an existing facility to avoid cluttering the area any more and still meet legal requirements to provide adequate coverage.

Comments and Questions:

Mr. Beach noted that the site plan indicates that the accessory building is setback less than the required amount from 36th St. More relief may be needed. He asked Mr. Box whether he wanted to give additional notice for setbacks or would they change the location to meet the requirements. Mr. Box responded that there is no accessory building. The equipment is placed in cabinets. **Pat Towery**, 1341 W. Mockingbird, Ste. 600, Dallas, Texas, responded, stating she is the Senior Property Specialist for Sprint PCS. She stated that they use outdoor equipment. The cabinets are about 36" in width, and the door has a four-foot swing. The equipment is six feet tall. The cabinets are on a raised platform, with no roof. Lighting will be used in the event of equipment failure and repair. She stated that the structural analysis including the factors for future plans by PSO, concluded

there would be no need for more guy wires. Mr. White determined, with agreement of the Board members, from the code definition that the cabinets would not be considered a building

Comments and Questions:

Mr. White questioned Mr. Boulden about additional guy wires that PSO might add to the pole. Mr. Boulden believed that to be negligible, and the Board need not consider it, as long as the applicant has met the requirements. Ms. Perkins was in favor of using the existing pole. Mr. White commented that the pole has existed for a long time and did not see the need for a fence. Mr. Dunham commented that he also rides his bike in this area, and did not feel the antennas on an existing pole would be any more of a problem. Mr. Cooper mentioned the Supreme Court ruling to consider these facilities like utilities. He does not like the way the cellular industry or the rules regarding the physical facilities has developed and impacted the community, but he was in favor of this application.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a **Special Exception** to permit cellular telephone antennae and supporting structure to be affixed to an existing electrical utility monopole 75' in height extending the height of the supporting structure to 83' with antennae extending 3' above the supporting structure; a **Special Exception** to delete the requirement of security fencing of the cellular telephone tower; and a **Special Exception** to modify the setback of the cellular telephone tower from residentially zoned lots from 91.5' to 42', per plan, finding that all of the factors to consider were presented by the applicant, and finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the property described as follows:

Lot 7 and the S 93' of Lot 8, all in Block 4, Oak View Estates Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. Tower Site Description: A part of the right-of-way of E. 36th St. S., more particularly described as commencing at the SW/c of Lot 7, Block 4, Oak View Estates, thence E along the common boundary of said Lot 7 and the right-of-way of E. 36th St. S. a distance of 95.31' to the POB, thence S a distance of 11.50', thence E a distance of 11.00', thence N a distance of 11.50', thence W a distance of 11.00' to the POB. Equipment Site Description: A proposed 20.00' x 20.00' lease site lying in and being part of Lot 7, Block 4, Oak View Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at a ¾" iron bolt found for the SW/c of said Lot 7, Block 4; thence N 88°53'16" E along the S line of said Lot 7, Block 4, a distance of 127.10' to a point on said S line; thence N 01°06'44" W a distance of 29.75' to a 3/8" iron rod w/cap set for corner, said point also being the POB; thence N 45°03'42" W a distance of 20.00' to a 3/8" iron rod w/cap set for corner; thence N 44°56'18" E, a distance of 20.00' to a 3/8" iron rod w/cap set for

corner; thence S 45°03'42" E, a distance of 20' to a 3/8" iron rod w/cap set for corner; thence S 44°56'18" W, a distance of 20.00' to the POB. 12' Access Easement Description: An easement for ingress or egress crossing a part of Lot 7, Block 4, Oak View Estates, on Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being 6.00' on either side of the following described centerline. Commencing at a 3/4" iron bolt found for the SW/c of said Lot 7, Block 4; thence N 88°53'16" E along the S line of said Lot 7, Block 4, a distance of 150.19' to a point on said S line, said point also being the POB; thence N 00°00'00" E, a distance of 20.00', thence N 45°23'12" W, a distance of 23.31' to an ending point on the SEly line of the above described equipment site. 8' Utility Easement Description: An easement for utility purposes crossing a part of Lot 7, Block 4, Oak View Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, being 4.00' on either side of the following described centerline. Commencing at a 3/4" iron bolt found for the SW/c of said Lot 7, Block 4; thence N 88°53'16" E along the S line of said Lot 7, Block 4, a distance of 100.81' to a point on said S line, said point also being the POB; thence N 00°00'00" E, a distance of 20.00'; thence N 47°05'51" E, a distance of 25.44' to an ending point on the SWly line of the above described equipment site.

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Case No. 19243

Action Requested:

Special Exception to permit an auto detail shop in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 1902 E. Pine St.

Presentation:

Nathan Beckman, 1902 E. Pine, stated that he brought the property into compliance with the zoning code.

Comments and Questions:

Mr. Dunham read the staff comments and reminded Mr. Beckman that he would need to complete the screening fence for the residential property. He verified with the applicant that all detailing work would be done inside, and that no inoperable vehicles would be parking on the property. Mr. Boulden mentioned that inoperable vehicles would include wrecked, unlicensed or otherwise inoperable vehicles.

Interested Parties:

Candy Parnell, 111 S. Greenwood, stated she is an Inspector for Neighborhood Inspections for the City of Tulsa. She stated that they are not in opposition to this application, but an interested party. She commented that the applicant is operating an auto repair and paint facility or was operating it when she visited the facility. She wants to be sure that the applicant understands the difference in the auto repair/paint and the detailing business. She commended the applicant for removing inoperable vehicles and cleaning up the property. Ms. Parnell

encouraged the Board to request that he park automobiles on all-weather surfaces. Mr. White asked Mr. Beckman if he understood the conditions that Ms. Parnell pointed out.

Applicant's Rebuttal:

Mr. Beckman replied that he understood the conditions and was willing to comply.

Board Action:

On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to APPROVE a Special Exception to permit an auto detail shop in a CS district, with conditions that operations be limited to auto detail work only; all work to be done indoor; no painting, body work or repair work; no wrecked, unlicensed, or otherwise inoperable vehicles to be parked or stored on the property; no outside storage of parts or other merchandise, and vehicles be parked on an all-weather surface, on the following described property:

N/2 W/2 Lot 13, less W 20' thereof, Springdale Acre Lot Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19244

Action Requested:

Special Exception to allow Use Unit 26, Storage of Abandoned or Inoperative Vehicles, reclaimed from highways/streets for 60 days or less (excluding salvage vehicles). SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 26, located 3225 Southwest Blvd.

Presentation:

Ed Crockett, 6380-A E. 31st, stated he is the attorney for Allied Towing and Recovery Services. The applicant has offered a letter of intent to lease the subject property.

Mr. White out at 2:34 p.m.

The property is zoned IL, and is surrounded by the oil refinery, trucking facilities, and a Southerland Lumber yard. Allied hauls abandoned, wrecked or otherwise inoperable autos for Oklahoma Highway Patrol, dealers, and other businesses. They decided to look for a better location and zoning to allow for the additional operations: offices, support for dispatching, as a matter of right Use Unit 17 automotive and allied activities, minor repairs, Use Unit 23 warehousing, wholesaling, which includes but is not limited to automobile and truck storage offsite, and Use Unit 25 light industrial not elsewhere classified. The property has asphalt parking, fenced areas on both sides, and a 24,000' building in the asphalt area.

Mr. White returned at 2:36 p.m.

Allied proposes to store some vehicles in some of the buildings and some outside. Mr. Crockett stated that the average storage time for towed vehicles is five to six days. The maximum time of storage would be sixty days. If vehicles are not picked up within 45 days they are sold, and are removed from the site. Letters of support and photographs (Exhibits C-1 and C-2) were submitted to the Board.

Interested Parties:

Wesley Harmon, 2420 Southwest Boulevard, stated he is the President of Community Bank and Trust at this address. He submitted a letter (Exhibit C-4) of opposition from Sinclair Refinery, which he read. He stated that the bank has worked with corporate and civic neighbors to improve the properties along Southwest Boulevard. He reminded the Board that this is a historic part of Tulsa. Route 66 is used in a lot of promotions. He stated that though this is not a salvage yard it comes very close to the same.

Roy Heim, 6303 S. 30th W. Ave., stated he is opposed to the application. He commented that this area is the entrance to southwest Tulsa. He reminded the Board that Storey Wrecking Service has to comply with the same laws. He added that the type of operations could be seen from N. Elwood. He informed the Board that he is the Secretary of the Southwest Tulsa Chamber of Commerce. He submitted a letter from the Chamber asking for a two-week continuance (Exhibit C-3). He stated that they support projects with their own money to improve this area. They have contracted with the University of Oklahoma Architectural Studies Program at Langston and OSU Tulsa for a redesign of the Route 66 corridor in southwest Tulsa. He believes that this application would put an end to the efforts to improve the area. He asked that the Board at least delay a decision to give other chamber board and members opportunity to hear and respond.

Comments and Questions:

Mr. Boulden asked Mr. Heim if there are any plans to have this area rezoned. Mr. Heim replied they have given the university a lot of freedom as to concepts. They plan to ask INCOG to review District Plan 9 for a special corridor for Route 66. Mr. Boulden asked Mr. Heim if there are any conditions they could offer to make this application more acceptable should it be granted. He did not think there were any that would make a difference.

Interested Parties:

Randy Miller, stated she is the City Councilor for this district and a member of the Southwest Tulsa Chamber of Commerce. She stated she was in agreement with Mr. Harmon and Mr. Heim. She commended those who have worked to improve this corridor. She was concerned about this type of business being established at this location because she has seen similar businesses that did not comply with the

code. She informed the Board that if the Southern Lumber Company yard is not sold, the plan is to build an office development.

Comments and Questions:

Mr. Beach asked Councilor Miller about any conditions that would make this use fit into their plans for the area. She responded that a screening fence and a strict limitation of storage time for inoperable vehicles. She did not know if these conditions would be enough to lessen the damage it would cause to the appearance of the area. Ms. Turnbo asked if Urban Development was vitally involved in the efforts to improve southwest Tulsa. She replied that they attend all of the meetings, and they hope to make this the fourth infill project.

Applicant's Rebuttal:

Mr. Crockett stated he owns property in the area and encourages the improvements also. He stated this is not a salvage yard in any way. He added there would not be dismantled vehicles there, and no inoperable vehicles for more than 60 days. He reminded the Board that the refinery is zoned for heavy industrial and around the property is moderate industrial. He stated that in such a fast moving society this type of business is necessary. He indicated that Allied would be a responsible company that could meet the need and accommodate the efforts to improve the area.

Ms. Turnbo commended the businesses and people who are making obvious improvements along Southwest Boulevard. She was in agreement with the interested parties that it is important to take pride in our city and recognize that Route 66 is historic. She was impressed with a similar effort in the Kendall-Whittier area, and after seeing the results she stated she would not be favor of this application. Ms. Perkins was concerned there would not be enough control over the condition and number of automobiles stored there, or the time limitation. Mr. Beach commented that they would be in violation if they did not stay in compliance with the code. Mr. White stated that in theory that is true but in practice it is impossible to enforce. He added that he thought the use was too disruptive and intense for this location. Mr. Dunham concurred with the other Board members, though it is a special exception for this zoning. He recognized that this business is a necessity but it would probably not be welcomed anywhere. Mr. Cooper commented that there aren't many uses that would want to back up to a refinery.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye", Cooper "nay", no "abstentions", no "absences") to **DENY** a ***Special Exception*** to allow Use Unit 26, Storage of Abandoned or Inoperative Vehicles, reclaimed from highways/streets for 60 days or less (excluding salvage vehicles), finding this is a fragile area, and that private enterprise and other entities are working to design a plan that would upgrade this portion of Route 66, on the following described property:

A tract of land located in the NW/4 NW/2 of Section 23, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, lying SEly of the Ely right-of-way of the present Tulsa and Sapulpa paved highway, more particularly described as follows, to-wit: Commencing at the SE/c of said NW/4 NW/2 of said section; thence W along the S line of said NW/2 NW/2 of said section a distance of 195.80' to a point of curve; thence around a curve to the left, having a radius of 197.71' a distance of 227.75' to an intersection with the Ely right-of-way of said Tulsa and Sapulpa highway, said point being 183.21' N and 313.75' W of said SE/c of said NW/4 NW/4 of said section; thence in a NEly direction along said Ely right-of-way, a distance of 481.13' to a point; thence at an angle of 65°53'22" to the right a distance of 116.00' to a point on the E line of said NW/4 NW/4 of said section; thence S along said E line of said NW/4 NW/4 of said section a distance of 620.62' to the SE/c of said tract and the POB, less a tract of land described as follows, to-wit; Beg. at the NW/c of the above described tract for the point and place of beginning; thence E and parallel with the S line of the NW/4 NW/4 of said section, a distance of 116.00' to the NE/c of said tract; thence S along the E line of the NW/4 of said section a distance of 20.00' to a point; thence NW in a straight line to the POB.

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Case No. 19245

Action Requested:

Special Exception of the required all-weather material surface for parking to allow parking on grass surface. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 26, located 123 N. Fulton.

Presentation:

Jerry Moreky, 5951 S. Birmingham, submitted a packet of information (Exhibit D-1) to the Board. She stated that she was representing the applicant, David Hamm. Ms. Moreky stated their request for a special exception to allow parking of impounded vehicles on a grass and gravel surface. She pointed out a letter from a zoning officer at INCOG, and a list of similar businesses with the same parking conditions. Ms. Moreky informed the Board that she toured eight different wrecker services and impound lots in the City of Tulsa, including the one with the exclusive contract with the City of Tulsa, and they have the same parking surface as the subject property. She also reviewed the photographs in her packet for the Board. She has been involved in testing the run-off water in the area. The run-off from Dave's Wrecker Service was found to be well within the acceptable level for any pollutants. The public cannot see the impound lot because it is at the end of a private drive.

Comments and Questions:

Mr. Beach informed Ms. Moreky that she needed a Variance for Use Unit 26, not a Special Exception. He stated that the application is under-advertised. She replied

that someone at INCOG instructed her to ask for a Special Exception. She stated that a wrecker service has existed on this property since 1945.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye", no "nays", Cooper "abstained", no "absences") to **CONTINUE** Case No. 19245 to the meeting on December 11, 2001.

Beg. NW/c SE SE SW, thence E 150.00' S 385.00' W 150.00' N 385.00', Section 34, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19246

Action Requested:

Special Exception to allow used car rental and sales (Use Unit 17) in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and SECTION 1608.A.1. SPECIAL EXCEPTION, General – Use Unit 17, located 6539 E. 31st St.

Presentation:

Malcom Rosser, 321 S. Boston, stated he was representing Apple Auto Cash Express, a tenant on the subject property.

Mr. White out at 3:17.

He explained that customers come to the office with the car they want to lease from the company. He informed the Board that no cars are displayed on the lot, and no mechanical work or inspection.

Mr. White returned at 3:19.

Rex Gray, 3639 Merinel, Houston, Texas, stated he works for Apple Auto Cash Express. He stated that the typical transaction is the owner of a vehicle brings a it to the office where they purchase and then lease back to the customer with the option to buy it back.

Comments and Questions:

Ms. Perkins asked what happens if they have to repossess the vehicle. Mr. Gray replied that the vehicle was taken to an auction, and never brought to this property. Mr. Boulden mentioned that if this is a Use Unit 17 and it is abutting an RM district, there is a requirement for a screening fence to the east. Mr. Gray responded there is a screening fence on the east and the north.

Interested Parties:

Sam Peled, 1707 S. Trenton, expressed concern for increase of traffic onto 31st St. He suggested a condition if the application is approved that there be no test driving of vehicles. He stated that the storm drainage is not well managed in this area. He added that he would not want to see any car detailing, or other water usage on the property. He pointed out that the screening fence does not extend the full length of the property on the east side. He suggested this type of business would be more appropriate on 11th St.

Dean Jackson, 3109 S. 67th E. Ave., complained that there is already too much traffic in the area. He mentioned multiple auto accidents at the corners of 66th and 67th, including one fatality. He added that it is very hard to make a left turn. He submitted about 40 signatures from residents of the neighborhood in objection (Exhibit E-1). He mentioned the new sidewalks have encouraged more foot traffic in the neighborhood.

Linda Jackson, 3109 S. 67th E. Ave., stated she lives directly across the street from the subject property. She expressed concern that vehicles would be parked there for sale or lease. She was concerned that a screening fence would not adequately screen their view of the lot. Ms. Turnbo reassured Ms. Jackson that there would not be vehicles displayed on the lot.

Applicant's Rebuttal:

Mr. Gray stated the conditions suggested for no detailing, and no test-driving are fine. Mr. Dunham asked how many employees work at a time and the days and hours of operation. Mr. Gray replied two employees work at a time, and the days and hours of operation would be Monday through Friday 9:00 a.m. to 6:00 p.m., and Saturdays 10:00 a.m. to 2:00 p.m.

Comments and Questions:

Mr. Beach mentioned there is a small portion of the property zoned OL. The action and any conditions for a Use Unit 17 would need to be confined to the CS portion of the property.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a **Special Exception** to allow used car rental and sales (Use Unit 17) in a CS district, with conditions that no more than four employees be on the job at one time, the days and hours of operation are Monday through Friday 9:00 a.m. to 6:00 p.m., Saturday 10:00 a.m. to 2:00 p.m., no cars stored on the premises, no auto detailing or cleaning, and no test-driving, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:


* * * * *

Lots 4 - 9, Block 2, Lorraine Heights, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

There being no further business, the meeting was adjourned at 3:52 p.m.

Date approved: January 22, 2002



Chair