

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1586
Wednesday, January 8, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Young	Brierre	Linker, Legal
Connery		Frank	Counsel
Doherty		Gardner	
Draughon		Setters	
Kempe, Chairman			
Paddock, Secretary			
Selph			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 8, 1986 at 12:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of December 11, 1985, Meeting No. 1584:

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-2** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; Selph, VanFossen, "abstaining"; (Young, "absent") to **APPROVE** the **Minutes of December 11, 1985, Meeting No. 1584.**

Approval of Minutes of December 18, 1985, Meeting No. 1585:

On **MOTION** of **WOODARD**, the Planning Commission voted **7-0-3** (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; Doherty, Selph, VanFossen, "abstaining"; (Young, "absent") to **APPROVE** the **Minutes of December 18, 1985, Meeting No. 1585.**

REPORTS:

Chairman's Report: Chairman Kempe reviewed with the Commission members the memorandum regarding the Citizen Planning Team District assignments.

Committee Reports: Mr. Paddock reminded the Commission that the **Rules and Regulations Committee** would be meeting Wednesday, January 15, 1986 at noon in Room #1130 of City Hall.

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RESOLUTION NO. 1581:613

**A RESOLUTION AMENDING
THE MAJOR STREET & HIGHWAY PLAN,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 29th day of June 1960, adopt a "Comprehensive Plan, Tulsa Metropolitan Area", which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed, in whole or in part, an Official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of February, 1968, this Commission, by Resolution No. 696:289 did adopt the Major Street and Highway Plan Map as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, this Commission did call a Public Hearing on the 16th day of October 1985 for the purpose of considering amendments to the Major Street and Highway Plan and Public Notice of such meeting was duly given as required by law; and

WHEREAS, A Public Hearing was held on the 20th day of November 1985 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863, to modify its previously adopted Major Street and Highway Plan Text and Map, as follows:

1. Delete the expressway classification for the Mingo Valley Expressway from East 91st Street South and west to South Memorial Drive;

Resolution #1581:613 - Cont'd

2. Delete the expressway classification for the Creek Expressway from South Memorial Drive west to the Arkansas River and then continuing south and west through Jenks to the Tulsa/Creek County Line north of West 121st Street (S.H. 117);
3. Delete the primary arterial classification for South Yale Avenue from East 91st Street to East 96th Street;
4. Delete the secondary arterial classification for South Harvard Avenue from East 91st Street to East 96th Street;
5. Delete the secondary arterial classification for East 91st Street from Riverside Parkway east to the Mingo Valley Expressway;
6. Designate the secondary arterial classification for South Yale Avenue from East 91st Street to East 96th Street;
7. Designate the residential collector classification for South Harvard Avenue from East 91st Street to East 96th Street;
8. Designate the parkway classification for East 91st Street from Riverside Parkway east to the Mingo Valley Expressway;
9. Designate the secondary arterial classification for North 49th West Avenue from Edison Street to 86th Street North;
10. Designate the primary arterial classification for 86th Street North from Cincinnati to the Osage Expressway north of Delaware Creek; and
11. Designate the secondary arterial classification for 101st East Avenue from 21st Street South to 31st Street South.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that the amendment to the Major Street and Highway Plan, as above set out, be and is hereby adopted as part of the Major Street and Highway Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, and filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the City of Tulsa, Oklahoma, and to the Board of County Commissioners of Tulsa County, Oklahoma, for approval and thereafter, that it be filed as public record in the Office of the County Clerk, Tulsa, Oklahoma.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **10-0-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent")) to **APPROVE Resolution #1581:613** amending the Major Street & Highway Plan, a part of the Comprehensive Plan for the Tulsa metropolitan area.

SUBDIVISIONS:

CHANGE OF ACCESS:

Eastland Acres (1694) SW/c East 21st & South 145th East Avenue (CS)

In connection with the completion of Eastland Mall, the number of driveways on 21st is being reduced from three points as platted to two points. Three platted access points on 145th are being relocated to accommodate the new construction. The Traffic Engineer and Staff recommend APPROVAL of this request.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **10-0-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **APPROVE** the Access Change for Eastland Acres, as recommended by Staff.

WAIVER OF PLAT:

BOA 13858 Elmhurst Addition (894) 1423 South Garnett Road (RS-2)

This is a request to waive plat on the south 100' of Lot 6, Block 8 of the above named plat. The Board of Adjustment (BOA) approved a day care center to utilize the existing home on the plot. No new buildings are planned. Research indicates that a lot split was approved (#825, 1/6/54) and right-of-way has been dedicated on Garnett to meet the Street Plan requirements. Staff has no objection to the request and recommends approval, subject to the following condition:

- a) If any grading and/or paving is done (such as parking or driveways), plans therefore shall be approved by Stormwater Management in the permit process.

On **MOTION** of **CARNES**, the Planning Commission voted **10-0-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **APPROVE** the Waiver of Plat for BOA 13858 Elmhurst Addition, as recommended by Staff.

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BOA 13812 Romoland (994) 1430 South 131st East Avenue (RS-2)

This is a request to waive plat on Lot 3, Block 12 of the above named plat. The Board approved its use as a church, subject to the plot plan submitted. Staff had no objection to the waiver since the property is already platted. However, since the plat is an old one (filed in 1929),

standard utility easements may be necessary and the "5 foot easement" parallel to the street right-of-way may need to be dedicated as a part of the street right-of-way. The old plat is not clear whether the "easement" is for road, utility or both. A Deed of Dedication would clarify this matter. Storm water plans and/or drainage or onsite detention will be required by Stormwater Management. The Health Department provided an approval letter at the Technical Advisory Committee meeting for the septic system.

The Engineering Department advised that a requirement was being made to fully improve 131st East Avenue south to connect the existing pavement in the development to the south. This would require paving and drainage plan approval, including PFPI. If applicant requests waiver of this requirement, he should contact the Engineering/Street Department for further details.

Applicant was represented by Gary Victor and Morgan Shen at the TAC meeting of 12/12/85. Mr. Victor explained that this was a very small church, with a very limited congregation from the local Chinese community. To fully improve an already existing street to curb and gutter paving not only in front of their lot but an additional lot to the south, would be prohibitive in expense and just not make the church project economically feasible. A waiver of this requirement will probably be requested from the City. There was no objection to an additional 5' of dedication as recommended by the Staff, or the perimeter utility easement requested by the utilities.

The TAC voted to recommend APPROVAL of the Waiver of Plat on BOA 13812, subject to the following conditions:

1. Paving and drainage plan approval by Stormwater Management.
2. Dedicate the existing 5' "easement" parallel to 131st East Avenue as additional right-of-way.
3. Provide perimeter utility easement (11 feet).

On **MOTION** of **CARNES**, the Planning Commission voted **10-0-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **APPROVE** the **Waiver of Plat for BOA 13812 Romoland**, as recommended by Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16575 (1984)	Tandem/Reppe	L-16583 (783)	Pate/Anderson
L-16581 (783)	Timbercrest Homes	L-16585 (293)	Kelly
L-16582 (783)	Timbercrest Homes	L-16586 (3413)	Ind. Tulsa

Mr. Wilmoth advised these requests were all in order and Staff was recommending APPROVAL.

On **MOTION** of **WILSON**, the Planning Commission voted **10-0-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to **APPROVE** the **Lot Splits for Ratification of Prior Approval**, listed above, as recommended by Staff.

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LOT SPLITS FOR WAIVER:

L-16578 Woolman (1893) West of NW/c East 27th Street & South Yorktown Avenue

At the 12/12/85 TAC meeting, Mr. Henry Daubert of Mansur-Daubert-Strella, Inc., represented the case and requested to split a large, unusually shaped lot into 4 lots which are more in line with the immediate neighborhood. In order to permit the above mentioned split, a variance will be required by the City Board of Adjustment because the two northern lots have no frontage on a dedicated street. (Access is to be provided by a private access easement). The Staff has checked the most recent land use maps and finds that the newly created lots are typical for the immediate area. Staff recommended approval of this request subject to the approval of the City Board of Adjustment.

In discussion, the TAC indicated that they would rather have a plat filed instead of a lot split application. This would be mainly to show all easements, building lines, setbacks, etc. on one document instead of by separate instrument. However, it was pointed out that this is not "subject to a plat" by any zoning or Board of Adjustment action and qualified for a lot split since only four lots are being created from one ownership.

The Water and Sewer Department requested that additional easement and/or building setbacks be provided so that homes could not be built right up to the edge of the easements along the private access easement. Stormwater Management advised that a "Class A Development Permit" onsite detention, and PFPI would be required. (Crow Creek watershed)

The TAC voted to recommend APPROVAL of L-16578, subject to the following conditions:

1. Board of Adjustment approval.
2. Show additional setback and/or easements as requested by Water and Sewer Department and utilities.
3. Drainage plan approval of Stormwater Management in the permit process.
4. Water line extension required.
5. Sewer line extension required.

Comments & Discussion:

Mr. Draughon inquired as to how the onsite detention would be accomplished on the site. Mr. Wilmoth advised this application would have to go through Stormwater Management and the detention would be worked out through the permit process. In reply to Mr. Paddock and Mr. Draughon, Mr. Wilmoth clarified that the northern portion of Lot C is not included in this waiver request.

Mr. Bill Grim, representing the applicant, advised this matter is presently being processed by Stormwater Management, and as yet they have not determined the detention requirements. There were not protestants present.

On **MOTION** of **CARNES**, the Planning Commission voted **9-1-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; Connery, "nay"; no "abstentions"; (Young, "absent")) to **APPROVE** the **Lot Split Waiver for L-16578 Woolman**, subject to conditions as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **CZ-142** Present Zoning: RS
Applicant: **Harrington (OK Fireworks)** Proposed Zoning: IL
Location: North Side of 55th Place East of 45th West Avenue
Size of Tract: .8 acres (total)

Date of Hearing: January 8, 1986 (originally heard 10/23/85)
Continuance Requested

Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Staff Recommendation:

This case was initially heard by the TMAPC on October 23, 1985 at which time the TMAPC recommended DENIAL by a vote of 6-0-0. The application was presented to the Board of County Commissioners on November 12, 1985.

CZ-142, Johnsen (OK Fireworks) - Cont'd

The Board of County Commissioners referred the application back to the TMAPC to allow an amended legal description to be filed. The intent of the amended application is to provide for a more orderly transition from RS to IL by including a larger area in the area of request which did not isolate an RS zoned lot between areas zoned IL.

Staff recommendation is unchanged from that included in the October 23rd TMAPC minutes. A revised zoning case report and area map have been submitted to the file.

Applicant's Comments:

Mr. Roy Johnsen, representing the applicant, reviewed the presentation made in October. Mr. Johnsen advised the County took jurisdiction of property in Tulsa County, but outside the Tulsa City limits. Because of this jurisdiction change, requirements to be met are different than those at the time of the previous inspection.

Mr. Johnsen stated the request for continuance was because of the applicant's efforts to provide proper screening and efforts to make the lots dust free as dictated by the County. Because of a temperature and weather problems, Mr. Johnsen stated a two week continuance would not allow enough time. In reply to Ms. Kempe, Mr. Johnsen stated two months would be more realistic. Ms. Wilson inquired as to the storage of fireworks, which was a major concern at the October hearing. Mr. Johnsen replied a letter was submitted from the County addressing this issue. Commissioner Selph remarked to Ms. Wilson that his office was in receipt of an inquiry on this matter and, based on questions from the hearing, the County Building Inspector was directed to look into this situation. Commissioner Selph further commented, from his discussions with the County Inspector, oil and chip would meet the "dust free" requirement, and he confirmed that the cold temperature is certainly a factor to consider.

Interested Parties:

Mary Lou Watson
H.C. McCamey

Address: 4408 West 55th Place
4143 West 54th Street

Ms. Watson stated she would like to have the case heard this date as she would like to get the matter settled due to the quantity of trailers and the danger of fireworks. In response to a question from Ms. Wilson, Ms. Watson informed that some of the trailers have been moved to the street, but some are still positioned on the lots. Mr. McCamey objected to fireworks, as this is a small residential area.

TMAPC ACTION: 10 members present

On MOTION of SELPH, the Planning Commission voted 10-0-0 (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to CONTINUE Consideration of CZ-142, Johnsen (OK Fireworks) until Wednesday, March 12, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

Z-4948-SP-1 High Chaparral Addition

8441 South Union Avenue

Staff Recommendation - Amended Declaration of Covenants

Mr. Wilmoth stated that, rather than replat, it was recommended the applicant file this Declaration of Covenants in compliance with Corridor District Site Plan Z-4948-SP-1.

On MOTION of DRAUGHON, the Planning Commission voted 10-0-0 (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Young, "absent") to APPROVE the Amended Declaration of Covenants, High Chaparral Addition, in compliance with Corridor District Site Plan Z-4948-SP-1, as recommended by Staff.

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PUD #339-1

NE/c 101st Street South & South Sheridan

Staff Recommendation - Minor Amendment to Permit Leasing to other than Elderly

The Galleria apartment complex includes 256 multi-family units which, if leased conventionally and not restricted to the elderly, would be required to provide 429 parking spaces. Discussions in the minutes at the time the PUD was approved indicated that the project would be restricted to the elderly and a lesser number of parking spaces would be adequate. "As built" surveys done by the applicant indicate that 404 parking places are in place on the site. The financing for this project requires that a minimum of 20% of the units be leased to the elderly (51 units). However, the applicant is proposing to further restrict this to a minimum of 64 units for the elderly, or 25%. The Staff is conditionally supportive of this change; however has required notice be

given to all abutting property owners. The applicant has submitted statistical data which supports a lesser parking requirement for the elderly. Therefore, review of this request indicates that it is minor in nature and Staff recommends APPROVAL of the minor amendment to allow only 25%, or 64 units, of the Galleria to be restricted to elderly housing, finding that the present number of parking spaces (404) is adequate, and subject to the following conditions:

1. Approval of amended Deeds of Dedication confirming the conditions of approval of this minor amendment.
2. An elderly person is herein proposed to be defined as a person 55 years of age or over.
3. That no greater than 192 dwelling units are to be allowed to be leased to persons under the age of 55 years, thus yielding a remaining number of 64 units to be restrictively leased to elderly persons.
4. That the owner (Barnett Range Corporation or any of its successors or assigns) will provide to the City, within fifteen days of request, a current list of names and ages of all tenants.
5. That, in the event of a failure of the owner to maintain the approved minimum elderly project profile, the parking requirements will revert to conventional requirements as defined by the prevailing Zoning Ordinance.

Comments & Discussion:

Mr. Paddock inquired as the source for defining an elderly person. Mr. Frank stated that Staff needed a number to use and 55 seemed to be appropriate as this was the age at which people could take early retirement. Mr. VanFossen commented he felt the age of 62 would be a more appropriate. Ms. Wilson stated that The Galleria was set up under the PUD to be totally for the elderly. Mr. Frank remarked that they are now wanting to mix elderly and nonelderly. Ms. Wilson further inquired as to the intention of condition #4 in directing this to the City. Mr. Frank replied this was initiated as a tool for enforcement. Mr. Connery commented he felt this to be a major amendment and not a minor one, therefore, he could not support the request.

Applicant's Comments:

Mr. Larry Kester, 4960 South Memorial, Architects Collective, spoke on behalf of the owners, Barnett-Range Corporation. Mr. Kester stated Barnett-Range held out to lease to other than elderly at the original PUD presentation, which is why they wish to exercise the option of a minor amendment now.

Mr. Frank confirmed, from the minutes of the approved PUD, that the permitted uses were approved for elderly multi-family, with a notation that the "uses can be changed to standard multi-family residential by minor amendment, only if parking and livability space requirements of the Code can be met". Mr. Gardner commented that, according to the map, the area is zoned for apartments and commercial, and they have more than enough parking spaces if the complex is to be for elderly only, but are a little short if used for regular apartments. Mr. Gardner continued by saying the reason for the condition was to make sure the parking requirement would be met.

Mr. Kester advised of meeting with the homeowners in the area regarding this project and their concerns about the fence. Mr. Kester stated that Barnett-Range would provide the labor if the homeowners would provide the material to raise the height of the fence.

Mr. Paddock asked Mr. Kester if lowering the age requirement might raise the potential market. Mr. Kester advised that Barnett-Range conducted market studies which indicated the market was not there for the age level originally approved; therefore, Barnett-Range would like the flexibility to lower the age level requirement. Mr. Draughon inquired as to what age level was found to be needed in order to make this an economically feasible project. Mr. Kester stated Barnett-Range is targeting their market toward a corporate, young (Yuppie) group; from moderate to average income. In response to Ms. Wilson, Mr. Kester advised it is an adult only project; no children allowed and no leasing to two singles.

Interested Parties:

Mr. Mike Wallace	Address: 9935 South 67th East Avenue
Mr. Herb Mueller	6618 East 99th Place
Mr. A.H. Williford	6630 East 99th Place

Mr. Mike Wallace, whose home backs up to the Galleria project, commented he finds it unacceptable to present this request as a minor amendment. Mr. Wallace stated several objections to the project, such as the lack of privacy due to the three story height, the fence problems, the closeness of the project to surrounding homeowners' property, the noise and litter from tenants, lack of landscape buffer, etc. Mr. Wallace advised he had been told by Russell Barnett that this project would lease to the elderly only, and informed the Commission of other stipulations not being met by Barnett-Range. Mr. Wallace expressed much concern over the fence situation and stated the developer should install a fence (not share the homeowners' fences) and suggested a 8' to 10' minimum height. He stated he felt the project should be what it was intended to be -- for the elderly only, and asked the Commission to be insure proper screening, should this request be approved.

In response to Mr. VanFossen, Mr. Gardner explained the requirements of RM-1 and PUD, stating that under apartment zoning, three story is permitted and the normal setback would be 50', as opposed to 80' under the PUD. Mr. VanFossen asked Mr. Wallace if he understood this. Mr. Wallace commented that, had the homeowners not been made promises by Barnett-Range, they would have vehemently opposed RM-1. To answer Mr. VanFossen, Mr. Wallace stated 40 and up would be an appropriate age level. Mr. Paddock inquired if the homeowner's received notice for the Detail Site Plan and Detail Landscape Plan presentations. Mr. Wallace replied he could only recall receiving notice of the hearing on this project. Ms. Wilson asked Mr. Wallace how he became aware of the change from elderly only to mixed residents. Mr. Wallace stated he became aware of this, not only by observation, but by confirmation at the meeting between Barnett-Range and the homeowners, and he has observed intense marketing efforts by Barnett-Range. He was also told by the property manager that Barnett-Range was seeking "young professionals".

Questions were raised from the Commission regarding the fence requirements, and Mr. Gardner advised the PUD conditions would have to be reviewed. Mr. Wallace advised the homeowners had constructed their individual fences and Barnett-Range was using these fences, which were in place at the time of construction of the project.

Mr. Kurt Mueller supported comments by Mr. Wallace that the homeowners had faith in Barnett-Range in meeting the conditions as stated for the original intent of this project. Mr. Mueller stated there was a 12' structure which appeared to be for shuffleboard shelter built on the buffer, and this was not discussed at meetings with the homeowners. Mr. Gardner stated if this was on the approved plans, it is permissible.

At this point, Mr. Gardner commented there appeared to be more questions being raised than Staff and Commission were prepared to answer, and Staff was not aware Barnett-Range did not build their own fence. Mr. Gardner advised the protestants that 8' is the maximum height for a fence and 10', as being requested by the homeowners, may require a variance procedure. Mr. Gardner suggested the Commission gather questions from the interested parties and continue this to allow Staff time to get some answers.

Mr. A. Hearne Williford agreed with comments made by the other protestants and stated he felt the homeowners should not have to bear additional expense for fencing. Mr. Williford inquired if Barnett-Range would continue to be allowed to lease to other than the elderly, during any continuance time period. Mr. Linker stated it would depend on the original covenants, and those would need to be reviewed.

Additional Comments & Discussion:

Chairman Kempe asked Mr. Kester if he had any objections to a continuance. Mr. Kester stated a continuance would be appropriate, and he asked for two weeks to be able to meet with the homeowners and review suggested changes. Commissioner Selph made a motion for a continuance to January 22nd. Ms. Wilson asked Staff to review the PUD file during this interim. Mr. VanFossen stated he did not see a reason to continue and made a suggestion to raise the fence height to 8'. Mr. Draughon asked, without this minor amendment, if Barnett-Range was breaking their own agreement to keep to just elderly. Mr. Gardner advised the question of elderly on this minor amendment is tied to off-street parking requirements. Chairman Kempe asked Legal to comment if they are now in violation as they have leased to other than elderly. Mr. Linker, again, advised he would have to review the covenants before answering, and suggested a continuance.

On **MOTION** of **SELPH**, the Planning Commission voted **9-1-0** (Carnes, Connery, Doherty, Draughon, Kempe, Paddock, Selph, Wilson, Woodard, "aye"; VanFossen, "nay"; no "abstentions"; (Young, "absent") to **CONTINUE Consideration of PUD #339-1 Minor Amendment to Permit Leasing to Other than Elderly** until Wednesday, January 22, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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PUD #287-1

North of the NW/c of 71st Street & South Utica Avenue

Staff Recommendation - Minor Amendment

The subject tract is located on a cul-de-sac approximately 563' north of 71st Street. It is abutted to the north by vacant property and the Joe Creek Channel and to the east by a private recreation facility and retirement center. South of the subject tract is an office condominium project and to the west the Joe Creek Channel.

The applicant is proposing a 7,000 square foot office building on Lot 4, which allows a maximum of 10,100 square feet under the PUD, and supply the required 20 parking spaces (1 space per 350 square feet of building) on the abutting Lots 3 and 5. The applicant is also requesting to amend the required 18 foot setback from the north property line to four feet.

After review of the applicant's submitted plot plan, the Staff finds the request to be minor in nature and in substantial compliance with the original PUD. The applicant has also submitted an Access and Parking Easement to allow the parking on Lots 3 and 5 to be tied to Lot 4, regardless of the owner. The easement states that the City of Tulsa is a

Public Hearing: Special Housing Needs

servant/housekeeper and supervisor. Discussions followed as to wording used in defining domestic servant, housekeeper, etc. in relation to a group home.

Ms. Sunshine Watson

7015 East 67th Street, Tulsa

Ms. Watson, concerned about covenants, stated they were legally binding and this was an issue which the Commission would have to face in regard to the Zoning Code. Ms. Watson advised she works under the jurisdiction of the Juvenile Courts. Ms. Watson stated that DHS had 200 people eligible for group homes from Hissom, and that she believed the rate of recidivism was over 50% for residents placed in group homes.

Commissioner Selph questioned this figure and Dr. Cooper was called to comment on this statement. Dr. Cooper stated that those placed in a group home are done so on a trial basis, and no greater than 10% are returned to the institution. Dr. Cooper again reviewed the operating costs per day involved in a group home versus an institution.

Ms. Mary Lew

7345 East 58th Place, Tulsa

Ms. Lew advised she has a mildly retarded daughter who still remains in the home and is competitively employed. Ms. Lew advocated group homes and is not convinced that "taking care" of a retarded person is what that person wants as they must be made to feel an active part of the community. Ms. Lew supported Governor Nigh's efforts on this matter and urged the Planning Commission to support the recommendations and concepts being presented.

Ms. Wilson asked Ms. Lew how a neighborhood could be a good role model to a group home in an area where the neighborhood is strongly opposed to them. Ms. Lew remarked that time and education has a way of taking care of this. Commissioner Selph further commented, in response to Ms. Wilson's statements, that evidence clearly shows these people are no more likely to be involved in a criminal action than anyone else in a neighborhood, and education and public awareness will solve this problem. Ms. Wilson stated she had a problem with a lack of definitive definitions, as did some of the other Commissioners.

Mr. Donald E. Crowl

6005 East 56th Street, Tulsa

Mr. Crowl, President of Homelife Association of the Handicapped, stated he is the father of a mentally retarded son and has worked with several organizations dealing with the mentally retarded. Mr. Crowl urged the Commission to accept all of the findings of the Special Housing Needs Committee, not just the group homes recommendations. Mr. Crowl remarked that the courts have shown time and time again, that private contractual arrangements cannot abridge individual civil and constitutional rights, which includes the retarded.

Public Hearing: Special Housing Needs

Ms. Dorcas Johnson

1020 Hickory Hill Road, Sapulpa

Ms. Johnson advised she is Chairman of the Board of the SHARE, and sponsor of two group homes in Sapulpa, and was here in support of group homes. Ms. Johnson told of the community support in Sapulpa for the two homes in that area; one home for men and one for women. The residents of these homes are responsible for their own cleaning, cooking, laundry, lawn, etc. and there is a lady in the home with them to assist. The two homes have not been a controversy with the neighbors around them. In reply to questions from the Commission, Ms. Johnson advised the supervisors in these homes are screened and the organizations try to get people who have previously had this type of experience. The homes are licensed by the State of Oklahoma. Ms. Johnson discussed the workshops for these people and how the workshops have continued to grow with community support.

Ms. Cathey Wilson

7451 South 73rd East Avenue, Tulsa

Ms. Wilson wondered why Tulsa is facing this group home issue as she thought the tax dollars took care of the matter. Ms. Wilson stated her opinion was that a group home was a care facility and stated she felt foster homes should not be allowed by right. Ms. Wilson had several suggestions for the Commission, which included nontransferrable zoning permits, placing a cap on the number of homes in the Tulsa area, and spacing requirements.

Mr. Oneal Netherland

5807 East 62nd Place, Tulsa

Mr. Netherland stated support of the concept of group homes, as well as the statements and efforts made by Commissioner Selph and Dr. Cooper.

Ms. Nina Honeyman

1217 East College, Broken Arrow

Ms. Honeyman advised she is Executive Director of the Gatesway Foundation in Broken Arrow, and has a brother who is mentally retarded. Ms. Honeyman agreed that seven or eight residents are needed for a home to break even. Ms. Honeyman also advised that 57% of the people in a group home are employed in a competitive mode, not a workshop. She also agreed that with time, the neighborhoods have adjusted to these homes, which are in single-family areas. In reply to a question from the Commission, Ms. Honeyman stated the residents are screened by a team of professionals to be placed in a group home, before leaving an institution.

Ms. Norma Turnbo

1822 South Cheyenne, Tulsa

Ms. Turnbo, District #7 Chairman, advised there were four facilities of a rehabilitative nature in the District. As such, Ms. Turnbo expressed concerns over property values, and mentioned the problem with parking on the neighborhood streets. She also stressed the need for definition of the various "homes", and asked that 2,500' spacing between all special housing facilities be considered.

Public Hearing: Special Housing Needs

Ms. Joan Hastings

500 South Denver, #121, Tulsa

Ms. Hastings advised she has been involved with several projects dealing with the mentally retarded or handicapped and is in support of the efforts being made for group homes in the Tulsa community. Ms. Hastings was curious as to why some try to predict how a person, whether mentally retarded or not, is going to act. Ms. Hastings stressed that the people these group homes will benefit are those residents who are employable and who would be taxpayers. She supported the statements as to spacing but feels we do not have a proper concept of what mentally retarded is. In response to Mr. VanFossen, Ms. Hastings offered a definition of the people who would be in a group home as a person who still has the ability to function, is educable and employable.

Mr. Richard DeSirey

217 West Los Angeles, Broken Arrow

Mr. DeSirey advised he was Executive Director of the Tulsa Community Youth Home which houses emotionally disturbed teens, as a transitional living center. He stated the need for community based homes to allow these people the chance to develop a sense of belonging and feeling a part of a home. Mr. DeSirey advised, in response to the Commission, his facility houses eight tenants at a time for a six to nine month period, with a clinical staff present.

Mr. Vince Sposato

2220 South St. Louis, Tulsa

Mr. Sposato commented on Oklahoma and other states which favor group homes. Mr. Sposato remarked this is not a zoning issue, but a human rights issue, and stated his support for this cause.

Ms. Mary Ann Becker

2415 South Urbana, Tulsa

Ms. Becker stated she was appearing on behalf of children who are disabled and those who are mentally retarded and supported this issue.

Mr. Mike Freeman

1701 South Carson, Tulsa

Mr. Freeman stated concerns about the zoning issue and possible zoning changes, as well as the defining of mentally retarded. Mr. Freeman suggested the Commission not adopt the recommendation as proposed but allow more time for citizen input and gathering of information. He also recommended defining a group home as to type of handicap, and the extension of 1,000' spacing to 2,500'.

Mr. Doherty remarked to Mr. Freeman that several Commissioners had these same concerns and the TMAPC welcomes citizen input. Mr. Paddock referred to an article by Daniel Lauber addressing spacing and density requirements. Commissioner Selph advised the Special Housing Needs Committee never intended to equally distribute group homes across the City, but did agree with Mr. Freeman's suggestion of reviewing the spacing requirement.

Public Hearing: Special Housing Needs

Ms. Sharon Moody

8115 Greendale Road, Tulsa

Ms. Moody stated she is the parent of a mentally retarded child and has done extensive work with organizations assisting the mentally retarded, as well as working on the board for a group home. She further advised that the Department of Human Services does not provide a facility, therefore, there is a considerable investment made for these homes and they would not place a facility in an undesirable location as they are protecting their investment. Ms. Moody agreed that to be economically feasible, seven or eight residents are needed, as any below that number will not be cost effective. In reply to Mr. Paddock as to defining mildly, moderately or severely retarded, Ms. Moody stated the determination is very well defined by the State for eligibility of placement in a group home.

Ms. Barbara Crawford

26 South Mayfield, Sapulpa

As a neighbor of a group home for two years, Ms. Crawford advised she had never experienced a problem with the facility. Ms. Crawford stated the residents of this home have conducted themselves as any other neighbor might do.

Oklahoma State Representative Don Anderson

2383 West Tecumseh, Tulsa

Mr. Anderson urged the TMAPC to hear the cry as heard in the State legislature for what is right. Mr. Anderson advised there were several smaller communities in Oklahoma making changes for group homes and stressed the need in the Tulsa area for these homes. Mr. Anderson commented on his work with House Bill 824 dealing with the developmentally disabled and the group home issue.

Chairman Kempe read a letter from **Ms. Joann Maguire** requesting favorable consideration of group homes in single and multi-family areas.

Additional Comments & Discussion:

Mr. Carnes thanked the Staff, Committee and those who appeared to speak, but felt there was still a problem with wording. Ms. Wilson asked if the Special Housing Needs Committee considered adult foster homes and adult day care homes in their study. Mr. Brierre stated the Committee's recommendations addresses a variety of housing types, but a specific recommendation has not been made on adult day care. Mr. Paddock felt there were some loose ends such as definitions, spacing and density requirements, etc. that needed consideration before making a recommendation. Mr. Carnes stated a continuation to another date might be in order.

Mr. VanFossen made a motion that the TMAPC commend the report submitted by the Special Housing Needs Committee, but continue the public hearing until March 5, 1986 and ask the INCOG Staff and the Legal Department to consider further the details related to the subject of special housing,

Public Hearing: Special Housing Needs

under the direction of the Rules and Regulation Committee and the Comprehensive Plan Committee of the TMAPC. Mr. Brierre agreed that the definitions and recommendations needed further consideration as the Committee's report was not meant to be final. Mr. Brierre stated a continuance was in order and felt Staff could address this sooner than March 5th. Discussions followed as to an appropriate continuance date. After reviewing upcoming business, Mr. Gardner suggested February 5, 1986 as the continuance date. Mr. VanFossen amended his motion to continue the public hearing to February 5th. Mr. Doherty and Ms. Wilson both questioned if this was unrealistic and felt a later date would be better.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-3-0** (Carnes, Connery, Draughon, Paddock, Selph, VanFossen, Woodard, "aye"; Doherty, Kempe, Wilson, "nays"; no "abstentions"; (Young, "absent") to **CONTINUE Consideration of the Public Hearing addressing Special Housing Needs** until Wednesday, February 5, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 7:45 p.m.

Date Approved Jan. 22, 1986

Therilyn A. Wilson
Int Vice - Chairman

ATTEST:

R. B. Paddock
Secretary

FINAL DRAFT OF INCOG SPECIAL HOUSING RECOMMENDATIONS

1. Foster Homes: Redefine foster homes in a manner consistent with Department of Human Services' policy. The Zoning Code defines foster homes as three or more persons who are not members of the family, but under their supervision. DHS presently allows a maximum of 5 children in a foster home, including any natural children living in the home, if any children in the foster home are age two or younger. If no children are under two years, the maximum number of children in a foster home is 6, including any natural children living in the home.

Reclassify foster homes to Use Unit 6 - Single-Family Dwelling.

2. Life Care Retirement Centers: Define life care retirement centers of continuing care retirement communities. Centers traditionally include 3 major components: a residential complex (apartments and/or cottages), an activity or community center, and a health center. Such centers are recommended to be classified as Use Unit 8 - Multi-Family Dwellings. Off-street parking requirements are recommended at .75 spaces per dwelling unit and 1 space per every 2 nursing home beds.

3. Long-Term Residence - Independent Living

- a. Group Homes - Independent Living: Define term to include indefinite or long-term residence for individuals who have obtained maximum benefit from rehabilitation assistance and who are able to function independently when some minimal structure is provided. Services include staff or house parent support to assure maintenance of household activities and to promote as home-like an environment as possible. Such facilities should accommodate from 6 to 12 residents. The term group homes is undefined currently in the Zoning Code. These types of facilities in recent years have been considered Care Facilities and classified as Use Unit 5. Such facilities are recommended to be classified as Use Unit 8 - Multi-Family Dwelling. Issuance of a zoning clearance permit is recommended to insure that such facilities meet applicable state licensing standards and meet a 1,000 foot spacing requirement (separation between group homes). For a listing of Oklahoma standards for Group Homes for Mentally Retarded Adults see Appendix E.

- b. Family Group Homes - Independent Living: Define term as above but limit such facilities to 5 or less residents plus 2 or less house parents. Such facilities are recommended to be classified as Use Unit 6 - Single-Family Dwelling. Issuance of a zoning clearance permit is also recommended to insure that such facilities meet applicable state licensing standards and meet a 1,000 foot spacing requirement (separation between family group homes). It is also recommended that no signs be permitted that are visible from outside the property. In addition, it is recommended that no exterior alterations of the structure should be allowed that would detract from the residential character of the structure, and that fire escapes, if required by state standards, be located in the rear yard if architecturally feasible or in the side yard and screened to the extent practicable.

4. Nursing Homes: Reclassify nursing homes as Use Unit 8 - Multi-Family Dwelling from Use Unit 5 - Community Services, Cultural and Recreational Facilities. In addition, the Zoning Code should require that such facilities meet licensing requirements of the State of Oklahoma.
5. Rooming and Boarding Houses: Define terms explicitly in the Zoning Code. No changes are recommended in the classification of such facilities as Use Unit 8 - Multi-Family Dwellings. Such facilities should be required to meet licensing requirements of the State of Oklahoma when necessary.
6. Convents, Monasteries, and Novitiates: Reclassify convents, monasteries, and novitiates from Use Unit 5 - Community Services, Cultural and Recreational Facilities to Use Unit 8 - Multi-Family Dwellings.
7. Community Services, Cultural and Recreational Facilities: Limit locations of community-based residential facilities included in Use Unit 5 - Community Services, Cultural and Recreational Facilities to non-industrial zoning districts. Use Unit 5 might also be divided into two use units (i.e., [a] Community Services, Educational, Cultural, Religious, and Recreational Facilities, and [b] Community Services-Residential Facilities).
8. Transitional Living Centers: Define the terms Transitional Residence - Treatment Intensive, Transitional Residence - Supervised Living, and Transitional Residence - Semi-Independent Living. The only similar use currently defined in the Zoning Code is halfway houses which are limited to the care or rehabilitation for alcoholism or drug abuse. The term transitional living center is intended to be more expansive than substance abuse programs and include such facilities as the Tulsa Psychiatric Center's Zarrow House.
9. Shelters - Emergency and Protective: Define the terms emergency and protective shelters. It is recommended that such facilities be classified as Use Unit 5b, Community Services-Residential Facilities, as recommended in No. 7 above.
10. Detention Centers, Jails, Community Correctional Facilities and Prisons: Define the term Community Correctional Facilities and classify as a Use Unit 2. This term should include pre-release centers, juvenile delinquency centers, adult detention centers, jails, and prisons.

SUMMARY
RESIDENTIAL USE UNITS - ZONING DISTRICTS
CITY OF TULSA ZONING CODE

ZONING DISTRICTS

USE UNIT AND ALLOWED USES	ZONING DISTRICTS																									
	AG	RS-1	RS-2	RS-3	RD	RMH	RM-T	RM-O	RM-1	RM-2	RM-3	P	OL	OM	OMH	OH	CS	CG	CH	CBD	CO	IR	IL	IM	IH	FD
2 - Area-Wide Special Exception Uses Convict Pre-Release Ctr. Juvenile Delinquency Ctr.	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
5 - Com. Servcs., Cultural & Recreational Facilities Care Home, Sanitarium Convent Foster Home Halfway House Monastery, Novitiate	E	E	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X	X	E	E	E
6 - Single-Family Dwelling Sin.-Fam. detached	X	X	X	X	X	E	X	X	X	X	X	E	E	E	E	E	E	E	E	E	X					
7 - Duplex Dwelling Duplex Dwelling				E	X			X	X	X	X	E	E	E	E	E	E	E	E	E	X					
8 - Multi-Family Dwelling Apartments Fraternity/Sorority House Rooming/Boarding House Townhouse							X	X	X	X	X	E	E	E	X	E	E	X	X	X						
9 - Mobile Home Dwelling Mobile Home	E	E	E	E	E	X	E	E	E	E	E										X					

X - Use by Right

E - Use by Exception

*F.A.R.: Floor Area Ratio. The higher the percentage, the more intense is the use of land.

SU
RESIDENTIAL USE UNITS - ZONING DISTRICTS
SPECIAL HOUSING COMMITTEE CONCEPT

ZONING DISTRICTS

USE UNIT AND ALLOWED USES	AG	RS-1	RS-2	RS-3	RD	RMH	RM-T	RM-0	RM-1	RM-2	RM-3	P	OL	OM	OMH	OH	CS	CG	CH	CBD	CO	IR	IL	IM	IH	FD
2 - Area-Wide Special Exception Uses																										
Commu. Correct. Facilities	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Juvenile Delinquency Ctr.	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
5a- Com. Servcs., Educational, Cultural, Religious & Recreational Services	E	E	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X		E	E	E
5b- Com. Servcs.-Res. Facilities																										
Residential Treat. Ctrs.	E	E	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X		E	E	
Transitional Liv. Ctrs.	E	E	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X		E	E	
Emergency Shelters	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X		E	E	
6.- Single-Family Dwelling																										
Single-Family Detached	X	X	X	X	X	E	X	X	X	X	X		E	E	E	E	E	E	E	E	E	X				
Foster Home	X	X	X	X	X	E	X	X	X	X	X		E	E	E	E	E	E	E	E	E	X				
Family Group Home	X	X	X	X	X	E	X	X	X	X	X		E	E	E	E	E	E	E	E	E	X				
7 - Duplex Dwelling																										
Duplex Dwelling				E	X			X	X	X	X		E	E	E	E	E	E	E	E	E	X				
8 - Multi-Family Dwelling																										
Apartments								X	X	X	X		E	E	E	X	E	E	X	X	X	X				
Fraternity/Sorority House								X	X	X	X		E	E	E	X	E	E	X	X	X	X				
Rooming/Boarding House								X	X	X	X		E	E	E	X	E	E	X	X	X	X				
Townhouse							X	X	X	X	X		E	E	E	X	E	E	X	X	X	X				
Nursing Home	E	E	E	E	E	E	E	X	X	X	X		E	X	X	X	X	X	X	X	X	X				
Life Care Retire. Ctr.	E	E	E	E	E	E	E	X	X	X	X		E	E	E	X	E	E	X	X	X	X				
Group Home - Independent Living	E	E	E	E	E	E	E	X	X	X	X		E	X	X	X	X	X	X	X	X	X				
Convent	E	E	E	E	E	E	E	X	X	X	X		E	X	X	X	X	X	X	X	X	X				
Monastery	E	E	E	E	E	E	E	X	X	X	X		E	X	X	X	X	X	X	X	X	X				
Novitiate	E	E	E	E	E	E	E	X	X	X	X		E	X	X	X	X	X	X	X	X	X				
9 - Mobile Home Dwelling																										
Mobile Home	E	E	E	E	E	X	E	E	E	E	E											X				

X - Use by Right E - Use by Exception

