

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1594  
Wednesday, **March 5, 1986**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	VanFossen	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Young	Gardner	Counsel
Draughon		Setters	
Kempe		Brierre	
Paddock, Secretary		Wilmoth	
Parmeale, Chairman		Pendergrass	
Selph			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 4, 1986 at 12:05 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

**Approval of Minutes of February 19, 1986, Meeting #1592:**

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmeale, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Minutes of February 19, 1986, Meeting #1592**.

**REPORTS:**

**Chairman's Report:**

Chairman Parmeale advised he had received a request from Mr. Jackie Bubenik of the River Parks Authority to appoint a replacement for Ms. Cathy Keating, who has resigned. The replacement would serve the remainder of Ms. Keating's term and begin a full three year term in April 1986. Chairman Parmeale stated that, as this item is not on the agenda, it would require a motion and vote to place it on the agenda.

REPORTS - Cont'd

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-1** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, VanFossen, Young, "absent") to **APPROVE** the placement of an agenda item regarding a TMAPC appointment to the River Parks Authority.

Chairman Parmele then named John S. "Jack" Zink as the TMAPC appointment to the River Parks Authority to serve the remainder of the term left vacant by Cathy Keating, and serve a full three year term, beginning April 1986. This appointment is subject to the approval of the Board of City Commissioners and the Board of County Commissioners.

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-1** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Appointment of John S. "Jack" Zink to the River Parks Authority.**

Director's Report:

Mr. Gardner requested a public hearing date of April 2, 1986 to hear the following item, which is merely a housekeeping item:

AMENDMENT TO TITLE 42, CITY OF TULSA ZONING CODE AND COUNTY OF TULSA ZONING CODE, AS RELATED TO OFFICE USE BEING PERMITTED BY SPECIAL EXCEPTION IN RESIDENTIAL MULTI-FAMILY DISTRICTS, EXCEPT RM-0 AND RM-T DISTRICTS.

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE April 2, 1986 as the Public Hearing Date on the above item.**

**SUBDIVISIONS:**

**PRELIMINARY PLAT APPROVAL:**

**Woodland Valley (PUD 397)(183)** 61st & South 91st East Avenue (RM-1, RD, RS-3)

**Dufresne Ministries (1582)** West of SW/c West 86th & South Union Avenue (AG)

**Riverbridge Center (683)** NE/c 71st & South Peoria (CS)

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **CONTINUE Consideration of the Preliminary Plat Approval for Woodland Valley, Dufresne Ministries and Riverbridge Center** until Wednesday, **March 19, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

**Riverbridge Walmart (PUD 261A)** E of NE/c 71st & South Peoria (OL, OM, CS)

This is the second phase in an overall plan, which included a minor amendment to the PUD to permit the Walmart Store instead of several smaller commercial buildings.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT of Riverbridge Walmart, subject to the following conditions:

1. Covenants: Change and/or correct as follows:
  - a) Section 11, 1st paragraph, beginning line 3, " ... as the same existed on 9/28/83, which PUD 261A was approved by TMAPC 9/28/83 and the Board of City Commissioners on 11/8/83, and subsequently amended by TMAPC on 2/5/86."
  - b) Section 11, 2.1.1, 2.1.2, and 2.4; change date to 2/5/86
  - c) Section 11, 2.4.1; change "monument" to "Pole or Pylon"
  - d) Section 11, 2.5 & 2.6; these two paragraphs could be revised as they do not clearly indicate the intent when compared with the PUD minutes. (Check?)
2. All conditions of PUD #261A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied or related to property line and/or lot line.

**Riverbridge Walmart - Cont'd**

4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. Drainage plans shall be approved by Stormwater Management, including storm drainage, detention design and Watershed Development Permit application, which is subject to criteria approved by City Commission. (Class A Permit - 100 year storm sewer to Arkansas River.)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. A topo map shall be submitted for review by Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
8. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by Traffic Engineer. Show width as 40 feet.
9. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
10. All Subdivision Regulations shall be met prior to release of final plat.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-2** (Carnes, Doherty, Draughton, Paddock, Selph, Woodard, "aye"; no "nays"; Parmele, Wilson, "abstaining"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Preliminary Plat for Riverbridge Walmart**, subject to conditions as recommended by Staff.

\* \* \* \* \*

**W.R. Miller Industrial Tracts** SE/c West 21st & South 49th West Ave. (IL, IM)

This area had been reviewed by the TAC as a lot split (#16467) on 8/29/85, but since the tract was "subject to a plat", no approval was made on the lot split. This plat now covers a portion of the area rezoned under Z-3842 and is submitted to satisfy Section 260 of the code. Also, the Board of Adjustment approved the 159' and 190' frontages in an IM District, so this plat will not have to go to the Board of Adjustment.

When previous lot split application was reviewed, County Engineering recommended that the right-of-way be cleared (fences removed or replaced) back to the new property line, 50' from centerline on 49th West Avenue and 60' from centerline on West 21st. This should be applicable to this plat unless modified by County Engineering.

**W.R. Miller Industrial Tracts - Cont'd**

The TAC voted to recommend **approval** of the PRELIMINARY PLAT of W. R. Miller Industrial Tracts, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property line and/or lot lines. (Pipeline easements.)
2. Drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable), subject to criteria approved by County Commission.
3. A topo map shall be submitted for review by Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
4. Limits of Access or (LNA), as applicable, shall be shown on the plat as approved by County Engineer. (Check widths)
5. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
6. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
7. The method of sewage disposal and plans, therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval. (OK -- approved)
8. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
9. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
10. All Subdivision Regulations shall be met prior to release of final plat.
11. Show book and page of dedication on 21st Street and extend plat boundary to centerline of 49th West Avenue.

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Preliminary Plat for W.R. Miller Industrial Tracts**, subject to conditions as recommended by Staff.

FINAL PLAT APPROVAL & RELEASE:

The Village at Woodland Hills, Blk 2 West side South Memorial @ 68th Place

On **MOTION** of **WILSON**, the Planning Commission voted **7-1-0** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Draughton, "nay"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Final Plat and Release for The Village at Woodland Hills, Block 2**, as recommended by Staff.

WAIVER REQUEST:

CZ-139 Wealaka (2874) East of NE/c 171st & US Hwy 64 (CG)

This is a request to waive plat on portions of Lots 2, 3, 4 and 5, Block 31 of the above named plat. Background: Wealaka was a plat of a town in the Creek Nation, Indian Territory. Plat was filed 8/30/06, and after Statehood was assigned a Tulsa County plat number, 197. The town never developed but the plat is still a valid plat, most of the area within its 75 acres being undeveloped farm land west of Leonard. The streets and alleys on the plat have never been opened, and the area has the appearance of "unplatted" land. The current request is part of a larger zoning application that covered this tract and more land to the east. It was thought that it covered the propane bulk station to the west, but it was NOT included in any zoning advertising or notices. It is not part of this request. The small part requested for waiver at this time is approximately .87 acre. The existing metal storage building will be utilized by the Telephone Company as well as possibly a new small switching station, etc. Staff has no objection to a partial waiver of plat on this zoning application, with the understanding that the remainder will still be "subject to a plat" and no building permit can be issued until it is platted under Section 260 of the Zoning Code. The following shall apply:

- a) This is only a partial waiver. Remainder under CZ-139 is still subject to platting.
- b) Health Department approval will be required for septic system.
- c) Access should be limited to the existing location of 171st Street, or other location if approved by County Engineer. A "Nonaccess" document may be required to prohibit access to US Highway 64.
- d) Grading and drainage plan approval by County Engineer in permit process.

Since these are partial lots, lot split may be required for conveyance of title. If so, these same conditions will apply equally to the lot split and plat waiver.

**CZ-139 Wealaka - Cont'd**

Also, Staff suggests (but not a condition for any approval) that the underlying plat of Wealaka be vacated since it never developed and the streets and alleys were never opened for the public.

The TAC voted to recommend **approval** of the request on CZ-139 noting that Section 260 of the Zoning Code can be met by complying with the conditions (a) through (d) as recommended by Staff.

Comments & Discussion:

Mr. Wilmoth advised an additional condition was needed, which requires five feet additional right-of-way on 171st Street. Mr. Doherty inquired as to what would determine the necessity of a "nonaccess document". Mr. Wilmoth stated this would require the approval of the State Highway Department, as well as the County Engineer. In regard to the underlying plat being vacated, Mr. Paddock asked if this would require some judicial proceedings. Mr. Wilmoth stated that he was not sure how involved this would be, as he did not know how many errors there were.

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughton, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Waiver Request for CZ-139 Wealaka**, subject to the following conditions:

- a) This is only a partial waiver. Remainder under CZ-139 is still subject to platting.
- b) Health Department approval will be required for septic system.
- c) Access should be limited to the existing location of 171st Street, or other location if approved by County Engineer. A "Nonaccess" document may be required to prohibit access to US Highway 64.
- d) Grading and drainage plan approval by County Engineer in permit process.
- e) Five feet additional right-of-way on 171st Street.

LOT SPLITS FOR WAIVER:

**L-16603 Sellers/McGuire** N of the NE/c of 24th Place & Troost Avenue (RS-2)

The applicant requests to split the south 3' from a lot and add it to the abutting tract to the south increasing it to 53' x 130'. In order to permit this split, a variance will be required from the City Board of Adjustment because the bulk and area requirements are not being met. Even though the lot sizes are being increased, they still are below the minimum standards for the RS-2 district. The Staff notes that there are several lots in the area comparable to the subject tract. Based on these facts, the Staff recommended approval of this request subject to approval from the City Board of Adjustment for a variance of the bulk and area requirements in the RS-2 district.

**L-16603 Sellers/McGuire - Cont'd**

Mr. Sellers advised that this is only a request for approval to clear title. The structures have been on the lot for 20 years or more, and no changes are planned. TAC noted, but not a condition of approval, that there is some encroachment on existing easements and that additional easements would usually be required. There is no room for more easement, so this is only for the record and not a requirement.

The TAC voted to recommend **approval** of L-16603, subject to approval of variance of bulk and area requirements by Board of Adjustment.

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Waiver of Lot Split for L-16603 Sellers/McGuire**, subject to approval of variance of bulk and area requirements by Board of Adjustment.

\* \* \* \* \*

**L-16605 Krisman(2994)**

SE/c of 41st Street & Columbia Avenue

(RS-1)

Mr. Gary Krisman is requesting to split a 150' x 250' tract into two lots. The northern lot is 110' x 150' with a 5' handle that runs south along the east property line so that this lot will have access to a sewer line. This lot also contains a large residence and a detached garage. The southern lot is vacant and measures 90' x 145'. This lot split will require a variance from the City Board of Adjustment because the southern lot is below the minimum width allowed in the RS-1 District. The Staff recommends approval of this request subject to the following requirements:

- a) Approval from the Board of Adjustment for a variance of the bulk and area requirements.
- b) Approval from the City Water and Sewer Department for access to service.
- c) A total right-of-way dedication on 41st Street to 50' (33' shown on plat of survey).

Water and Sewer Department was satisfied with the split, provided a general utility easement is granted along south property line.

The TAC voted to recommend **approval** of L-16605, subject to the following conditions as recommended by Staff, including:

- a) Board of Adjustment approval.
- b) 11' utility easement along south property line.
- c) Meet right-of-way requirements on East 41st Street.



L-16605 Krisman - Cont'd

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, VanFossen, Young, "absent") to **APPROVE** the **Waiver of Lot Split for L-16605 Krisman**, subject to conditions as recommended by Staff.

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L-16609 Underwood (2490) NW/c of West 41st Street & 177th West Avenue (AG)

This is a request to split a 10 acre tract into four lots, three 1-1/2 acre lots and one 5-1/2 acre lot. A variance will be required from the County Board of Adjustment because the bulk and area requirements are below those allowed in the AG District. Staff notes that there are several lots in the area below the two acre minimum and comparable to the subject tracts. The Staff recommends approval of this request subject to the following conditions:

- 1) Approval from the County Board of Adjustment for a variance of the bulk and area requirements in the AG District.
- 2) Approval from the City-County Health Department for percolation test in order to allow septic systems on each tract.
- 3) Approval from the Sand Springs Water Department for access to water.
- 4) Additional right-of-way easement to Tulsa County to total 30 feet from center line on 177th West Avenue, and a total of 50 feet of right-of-way from centerline on 41st Street.

Staff further noted that Tract "D" does not require a waiver or Board of Adjustment approval, but is shown for information relative to the split.

The TAC voted to recommend **approval** of L-16609, subject to the four conditions outlined by Staff.

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Kempe, "abstaining"; VanFossen, Young, "absent") to **APPROVE** the **Waiver of Lot Split for L-16609 Underwood**, subject to conditions as recommended by Staff.

LOT SPLITS: Special Request

L-16453 Mann (2093)

West of the NW/c 38th and South Delaware Avenue

Staff advised the applicant received "prior approval", but no deeds were released. The applicant is now requesting that the TMAPC approval granted 6/5/85 be rescinded so the application can be withdrawn. Mr. Wilmoth further explained the neighbors appealed the split to the District Court, and rather than pursue the Court case, the applicant has decided to drop the split. Staff had no objection to this request and suggested this be granted, subject to the District Court case being withdrawn. Mr. Linker stated agreement to the procedure.

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; VanFossen, Young, "absent") to **RESCIND** the **TMAPC Approval (on 6/5/85) for a Lot Split for L-16453 Mann**, subject to the District Court case being withdrawn.

OTHER BUSINESS:

PUD 398 & 398-2:

SE/c East 48th Place and South Fulton Avenue

Staff Recommendation: Detail Landscape Plan, Detail Sign Plan  
and Minor Amendment

The subject tract has a net area of .8 acres and has been developed for dental offices. The Detail Site Plan was approved by the TMAPC on August 14, 1985 and included information about landscaping and signage; however, that information was not specifically reviewed and approved.

**Detail Landscape Plan:** The Detail Landscape Plan for PUD 398 includes various types of trees and shrubs which will be planted along the property boundaries, in the front yard, and in a courtyard area adjacent to the building. The Plan includes a "Landscape Legend" which indicates the sizes of these materials. Staff recommends APPROVAL of the Plan as submitted. Landscaped area proposed is in excess of 15%.

**Detail Sign Plan:** The Detail Sign Plan indicates that one ground monument sign is proposed along Fulton Avenue which will be 8' wide x 5' tall overall. The sign is supported by brick veneer pillars and has a brick planter across the bottom. The sign face is made of rough cedar beams. Staff recommends APPROVAL of the Detail Sign Plan as submitted.

**Minor Amendment (PUD 398-2):** The applicant has complied with all other conditions of the PUD, except is ready to occupy the building and has not installed the required landscaping. Staff would recommend that condition #7 of the PUD requiring installation of the landscaping materials prior to granting an Occupancy Permit be amended to allow the applicant 30 days from March 5, 1986 to accomplish this condition.

Comments & Discussion:

Mr. Frank advised that a 30 day extension would be required to meet the landscaping and screening fence requirement. In regard to the 30 day extension, Ms. Wilson asked Staff to follow up on this. In reply to Mr. Draughon, Mr. Frank advised Protective Inspections is the enforcement agency on this type of item.

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; VanFossen, Young, "absent") to **APPROVE** the **Detail Landscape Plan and Detail Sign Plan to PUD 398, and the Minor Amendment to PUD 398-2**, including a 30 day extension on landscaping and screening fence installations, as recommended by Staff.

**PUBLIC HEARING:**

TO CONSIDER AMENDMENTS TO TITLE 42, CITY OF TULSA ZONING CODE AND COUNTY OF TULSA ZONING CODE, AS RELATES TO REGULATION OF **SPECIAL HOUSING** AS USES PERMITTED BY RIGHT AND SPECIAL EXCEPTION IN RESIDENTIAL, OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.

Comments & Discussion:

Mr. Rich Brierre reviewed the purpose of the public hearing process and the actions at the previous hearings on this item, as well as the Special Housing Needs Committee activity during the past year. Mr. Brierre presented a complete review of the summary use units as allowed by the current Zoning Code and reviewed the proposed changes as relates to amending the Code, explaining and clarifying the proposed definitions and requirements.

**PUBLIC HEARING: Special Housing Needs**

In reply to Mr. Draughon, Mr. Brierre stated the Code does not presently define "group homes" or "family group homes", and the cases that have been presented have been treated in an inconsistent manner. Ms. Wilson inquired as to the type of license issued by the Oklahoma State Health Department. Mr. Brierre advised the Health Department licenses room and board and care facilities and the Department of Human Services contracts with operator for group homes. Mr. Brierre further explained for Ms. Wilson that, under the proposed recommendation, a family group home would have to meet the requirements of both the Department of Human Services and the State Health Department, whether financed by the State or through private sources. Commissioner Selph asked if the Department of Human Services has indicated any interest in establishing licensing standards for group homes. Mr. Brierre advised this has been discussed at the State level, but presently there are only contracting standards.

Mr. Linker reviewed, from a legal standpoint, what is allowed under the present Zoning Code, and the recent Oklahoma Supreme Court ruling, i.e. Park Plaza. Mr. Linker commented that the recommendations proposed, even in single-family areas, appear to be consistent with what the Oklahoma Supreme Court has established, and with the United States Supreme Court standards. Mr. Linker clarified, for Ms. Wilson, what is meant by "institutional-type" care and services. In answer to Mr. Woodard, Mr. Brierre explained the term "housekeeper" as intended in the definitions of the proposed recommendations.

Interested Parties:

**Ms. Debbie Karns**

PO Box 900026, Tulsa

Ms. Debbie Karns of Homelife Association for the Handicapped, stated she was speaking for those in attendance who were in support of this issue and the recommendations being presented allowing group homes and family group homes in single-family and multi-family areas. There was approximately 20 people who stood in support.

**Mr. Josh Price**

4760 South Irvington, Tulsa

Mr. Price, representing the Robert L. Stevenson area, stated opposition to group homes being allowed by right. Mr. Price also inquired as to the omission of day care homes on the summary of use units, and what is meant "by right". Mr. Brierre explained this issue had previously been decided by the City Commission, that day care homes were not special housing facilities and this did not require any additional Code changes; therefore, they were not on the summary of use units. Mr. Brierre also explained the differences of "by right" and "by exception". Mr. Linker added that zoning does not override restrictive covenants, therefore, covenants are not affected by zoning changes.

**PUBLIC HEARING: Special Housing Needs**

**Ms. Earnie Ann Bowlin**

6409 East 46th, Tulsa

Ms. Bowlin advised she was a real estate agent, and voiced concerns over the effects of a group home or family group home on the property values of the surrounding neighborhood. In response to Ms. Bowlin, Mr. Linker reviewed the intent of restrictive covenants and options available to homeowners in regard to covenants.

**Ms. Susan Paulson**

5550 South Birmingham, Tulsa

Ms. Paulson, who has a daughter in Hissom, stated support for group homes and support for INCOG's recommendations.

**Mr. Gene Bowlin**

6409 East 46th, Tulsa

Mr. Bowlin stated concern over potential traffic/parking problems with a group home and also felt property values would be affected.

**Ms. Maxine LaGrone**

4762 South Hudson Place, Tulsa

Ms. LaGrone stated she felt group homes should not be allowed by right in single-family areas.

**Ms. Norma Turnbo**

1822 South Cheyenne, Tulsa

Ms. Turnbo, District 7 Chairman, stated the people she has spoken with people in this district and explained the recommendations and spacing requirements and they indicated approval.

**Mr. Matt Baird**

5525 South 67th East Avenue, Tulsa

Mr. Baird commented on a situation in his neighborhood where a petition against this issue was being circulated without full knowledge of the recommendations. Mr. Baird stated he felt there were other neighborhoods that may have been misinformed, and, being aware of the recommendations, stated his support of group homes.

**Mr. Coy Montgomery**

3164 East 33rd, Tulsa

Stated strong opposition to allowing group homes and family group homes in single-family residential districts.

**Ms. Sunshine Watson**

7015 East 67th Street, Tulsa

Ms. Watson suggested a postponement of this issue until the definition of "family" could be amended, and until after all appeals of the Oklahoma Supreme Court ruling had been decided. Ms. Watson was also against group homes in single-family areas.

**Mr. Vince Sposato**

2220 South St. Louis, Tulsa

Mr. Sposato commented he has worked with the physically limited for several years in Omaha and Tulsa. Mr. Sposato stated he feels these people are being discriminated against and spoke in favor of allowing group homes.

**PUBLIC HEARING: Special Housing Needs**

**Ms. Margaret Mach**

3184 South 133rd East Avenue, Tulsa

Ms. Mach advised she has a son in a group home in Vinita. She advised the people in this home are responsible for its upkeep and the home is cleaner than most. Ms. Mach also advised that most of the people in a group home do not drive, so there should not be a problem with parking or traffic.

**Additional Comments & Discussion:**

As all of the Interested Parties had spoken, Mr. Paddock suggested a vote to close the public hearing portion of the meeting and proceed with TMAPC review, after a brief recess.

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; VanFossen, Young, "absent") to **APPROVE** the closing of the public hearing portion of this meeting and proceed with TMAPC review.

Mr. Doherty made a motion to approve the proposed Zoning Code amendments, with the exception of those items relating to "family group homes". Ms. Wilson stated a preference to changing the name "group homes" to "community group homes", in an effort to be more descriptive. Mr. Doherty stated agreement and amended his motion to include this suggestion.

Mr. Draughon questioned changing the term "mildly retarded", as used in the earlier discussions, to the term "mentally retarded", and stated being uncomfortable with this. Chairman Parmele stated there was difficulty in trying to describe mildly, moderately or severely retarded. Mr. Linker stated the reason for not attempting to detail the degree of retardation was due to the position taken by the Legal Department, that the limitation should be as to the basis of the kind of service(s) performed in the home, rather than the classification of the person going into the home. The courts tend to lean away from discriminating against certain classes of people. Commissioner Selph added that it was the feeling of Staff, as well as other professionals, that it was more advisable to look at a functional definition, rather than try to classify the residents. In reply to Mr. Draughon, Commissioner Selph stated that, in looking at the functional definition, it is restrictive and should eliminate the **profoundly** retarded.

In regard to the community group homes and the permitting process, Ms. Wilson suggested amending this section to read, "no building shall be occupied until a Zoning Clearance Permit is obtained from the Building Inspector, if established after the effective date of this amendment". Mr. Gardner advised the Zoning Code chapter on enforcement already reads this way, but the language could be amended to emphasize the fact that the Occupancy Permit must be obtained **prior** to moving in. Mr. Paddock suggested making the same language change for both group homes and family group homes. Mr. Brierre stated this could be done. Ms. Wilson

**PUBLIC HEARING: Special Housing Needs**

questioned Legal as to revocation of a license by the State, and a nontransferability clause, as Staff has previously advised that, if the State revokes a license, the City automatically has the right to revoke a Zoning Clearance Permit. Ms. Wilson stated this should be specifically spelled out, if not already covered in the Zoning Code. Mr. Linker commented that the requirement is there that they must be licensed, so if they should ever lose their license (from the State), we would have the basis to deny continued use as a group home. He also stated that no harm could be done by clarifying this. Ms. Kempe asked if this could be made a part of the Zoning Clearance Permit condition. Mr. Doherty amended his motion to include this recommendation.

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; VanFossen, Young, "absent") to **APPROVE** the proposed Zoning Code Amendments for Special Housing Facilities (which includes the definitions, the Use Unit Zoning District Tables, and the Use Conditions and Parking Requirements) with the exception of those items relating to "family group homes", with the following amendments:

- a) The term "group home" will now be referred to as "community group home;
- b) No building may be occupied until a Zoning Clearance Permit is obtained. This permit will be revoked automatically upon revocation of the State license.

In regard to the issue of family group homes, Mr. Doherty made a motion to approve the proposed Zoning Code amendments, subject to the following conditions:

- a) The term "family group home" be changed to "neighborhood group home";
- b) That the language in 1206.3, item 2, regarding the permit process, be amended to read the same as just adopted for "community group home" in item (b) above.

Discussion of Motion:

Ms. Kempe stated she would be opposed to this motion, as she is uncomfortable allowing these homes "by right" in single-family neighborhoods. Mr. Draughon commented he agreed with Ms. Kempe and feels the neighborhoods should be notified when a group home is planned, and going through the BOA would give this notification.

Mr. Doherty stated that this is a situation where there are conflicting rights, and if the issue were pre-release centers, community treatment centers, etc., he would certainly agree that a neighborhood has the right for notification; however, the track record and the nature of group homes is not disruptive in a neighborhood. Mr. Doherty continued by stating that, because of the limitation on size, the nature of people involved,

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and the best interest of everyone concerned, he made the motion and would be supporting it. Mr. Paddock remarked that, with appropriate limitations and definitions written in the Code, he feels that, in balancing the interests of people, we (TMAPC) should enable individuals under proper supervision, but not subject to institutional-type care, to live in a family group setting in a family type environment, in a single-family neighborhood. Therefore, he would be voting in favor of the motion.

Commissioner Selph commented that, we have heard today the problems and confusion with the existing Code, and the proposed amendments would help eliminate that confusion. He further stated that freedom of choice in living arrangements and geographic locations should be fostered to the extent practical, and he does not believe that the proposed amendments are allowing group housing for individuals who are threats to society or themselves. Based on the significant need for group homes and the humanity offered by this type of housing, Commissioner Selph stated he supported this motion.

Mr. Carnes stated having mixed emotions on this subject, but commented we should not allow our greatest fear to be fear itself. Mr. Carnes added, the changes to the language over the past several months should help eliminate some of the fear, and he would be voting in favor of the motion.

Ms. Wilson stated, in a personal reflection, concerns as to how the State has conducted themselves in regard to State legislation, and feels this issue has been hurried through. Ms. Wilson remarked she feels TMAPC has been a part of something that needs to be addressed at the State level, and disagrees with the strategy that has been used as, in some respects, we are creating "mini-institutions". Ms. Wilson also stated the need for a population cap on the number of group homes.

Chairman Parmele commented his first reaction was to be against group homes in single-family neighborhoods, but through education by the material presented and comments heard at the public hearings, his attitude has changed, as a place needs to be provided for these type of people and the recommended conditions provide an appropriate place to do so. Chairman Parmele stated favor of the motion as proposed. Mr. Woodard also stated favor of the motion.

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-3-0** (Carnes, Doherty, Paddock, Parmele, Selph, Woodard, "aye"; Draughon, Kempe, Wilson, "nay"; no "abstentions"; VanFossen, Young, "absent") to **APPROVE** the proposed Zoning Code Amendments for Special Housing Facilities (which includes the definitions, the Use Unit Zoning District Tables, and the Use Conditions and Parking Requirements) relating to "family group homes", amended as follows:



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- a) The term "family group home" will now be referred to as "neighborhood group home";
- b) No building may be occupied until a Zoning Clearance Permit is obtained. This permit will be revoked automatically upon revocation of the State license.

Before adjournment, Mr. Doherty complimented the Staff, those in attendance who spoke and his fellow Commissioners for the time and effort extended on this matter. Commissioner Selph, in addressing the audience, stated he was the only elected official participating in these discussions, and all the others on the TMAPC volunteer their time to these issues, and he, for one, appreciated this.

Mr. Paddock made a motion to direct Staff, working with Legal, to prepare the proposed Zoning Code amendments and Ordinance form, including the revisions agreed to today. Mr. Gardner advised Staff would put it in code form based on the actions taken this date and bring it back to the TMAPC for approval, transmit it to the City, who will direct the Legal Department to actually prepare an ordinance for publication. Mr. Paddock amended his motion, based on the clarification offered by Mr. Gardner.

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; VanFossen, Young, "absent") to **DIRECT** the INCOG Staff to prepare the Zoning Code Amendments relating to Special Housing, as revised this date, in code form for further review by the TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 5:26 p.m.

Date Approved 3-19-86  
  
Chairman

ATTEST:

  
Secretary

