

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2169

Wednesday, August 5, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Boyle | Gray | Beach | Myers, Legal |
| Carnes | Selph | Huntsinger | Counsel |
| Harmon | | Matthews | Romig, Legal |
| Horner | | Stump | Counsel |
| Jackson | | | |
| Ledford | | | |
| Midget | | | |
| Pace | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, August 4, 1998 at 11:28 a.m., posted in the Office of the City Clerk at 11:19 a.m., as well as in the office of the County Clerk at 11:13 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of July 8, 1998, Meeting No. 2166:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson Ledford, Pace, Westervelt "aye"; no "nays"; Boyle "abstaining"; Gray, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of July 8, 1998 Meeting No. 2166.

Approval of the minutes of July 15, 1998, Meeting No. 2167:

On **MOTION** of **HARMON** the TMAPC voted **6-0-2** (Boyle, Carnes, Harmon, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford, Pace "abstaining", Gray, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of July 15, 1998 Meeting No. 2167.

REPORTS:

Chairman's Report:

Mr. Boyle stated he received a letter from Mr. Reynolds, Engineering Services Division. He reported that Mr. Reynolds requested the Planning Commission to adopt an updated City of Tulsa Flood and Stormwater Management Plan. In response, Mr. Stump explained that the City of Tulsa's consultant is completing preparation of a draft and would like the Planning Commission to hold a public hearing on the updated Master Drainage Plan. Mr. Stump stated that staff recommends that the Planning Commission request staff to advertise for a public hearing on August 26, 1998.

Mr. Boyle directed staff to advertise for a public hearing on August 26, 1998 to consider and take action on the City of Tulsa Flood and Stormwater Management Plan.

Mr. Stump indicated that Mr. Reynolds will present their proposed draft before the Comprehensive Plan Committee on August 19, 1998, which is the regular meeting date for work sessions.

Mr. Westervelt recommended that the information be sent to the members of the committee who will be interested in this issue.

Mr. Boyle stated that for a housekeeping matter, there will be a special study report on the Special Residential Facilities Task Force. He explained that he will let Mr. Westervelt present the report first, then staff will be asked to give their comments and then call the interested parties. Mr. Boyle stated that after all parties have presented their views and concerns, then the Planning Commission will be in review session.

Committee Reports:

Rules and Regulations Committee:

Mr. Westervelt reported that there was meeting held July 22 and the topic was Special Residential Facilities Task Force. He commented that there was discussion and the report will be presented today.

Director's Report:

Mr. Stump reported that the Infill Task Force's subcommittees have been meeting. He explained that there have been two subcommittees of the five meet for the first time. He stated he expects that the other subcommittees will be meeting shortly. Mr. Stump stated that the subcommittees will be developing recommendations for the full Infill Task Force.

Mr. Stump stated there is one zoning item on the City Council agenda.

Mr. Boyle indicated that Mr. Horner will be representing the Planning Commission at the City Council meeting.

Dwain Midget in at 1:35 p.m.

SPECIAL STUDY REPORT

Recommendation of Special Residential Facilities Task Force – Receive for possible action.

Presentation:

Mr. Westervelt stated that he would like to recognize all of the members of the Special Residential Facilities Task Force who are present. (Members were recognized.) Mr. Westervelt stated that without the help of staff and Mr. Romig, Legal Department, the Task Force would not have been able to do this study.

Mr. Westervelt stated that the Task Force was a group of appointees who came from very diverse backgrounds. He explained that the appointees consisted of neighborhood representatives, advocates, Downtown Unlimited, providers, funding groups, commercial realtors, and residential realtors. He commented that the Task Force had a good cross-section of the community.

Mr. Westervelt stated that from January 22nd and June 25th the Task Force was able to write a consensus report. However, in the body of the report there is reference to some, on which, topics that the Task Force was not able to reach a consensus, were handled by a vote, he indicated that the Task Force report included some topics that were outside of the scope of the Task Force that were worthy of mention.

Mr. Westervelt commented that he reviewed the mission statement and recommendations before the meeting. He stated that in general, he is pleased with the report. He explained that the Task Force attempted to write a balanced report. He stated that the Task Force had to balance requirements spelled out by the legal department, neighborhood's concerns, provider's needs and business interests, etc. He indicated, although sometimes the Task Force was not able to confirm the actual concerns that the neighborhoods had. He commented that the fears were real and genuine to those individuals and therefore, relevant.

Mr. Westervelt stated that the Task Force recommended that there be licensing, which would allow the Board of Adjustment (BOA) to know the actual locations of the facilities when considering any special exceptions. There is a more stringent criteria to use in determining exactly what the type of clients of the each facilities would be. The spacing was recommended to be increased from a quarter-mile to a half-mile; in addition, it was suggested that when the BOA grants a special exception, to look closely at sensitive uses such as parks, schools, child care, etc. that are nearby and consider setbacks where appropriate. The Task Force agreed that the notice process needed some refinement. He indicated that the Task Force suggested that any special exception, which comes before the BOA, should require a posting of a sign similar to a zoning sign

placed on the subject property. Mr. Westervelt stated that the suggestions may seem stringent, but it is balanced by having some uses allowed by right, which gives the providers a place to locate the facilities and stay within guidelines that federal government has implemented.

Mr. Westervelt stated that looking at the entire report, although it is not by consensus on every item, it is truly a consensus report and reminded the TMAPC that if any changes are suggested, all of the items are interrelated and could be substantially affect another area when changed.

TMAPC Comments:

Mr. Boyle expressed his appreciation to Mr. Westervelt and to the members of the Task Force. He commented that he has worked on task forces and knows how difficult and time-consuming it can be. He stated he knows how important it is to the orderly consideration of issues that areas complex as special residential facilities. He concluded that he thanked the Task Force on behalf of the Planning Commission and the City of Tulsa for their hard work and dedication. The task force members' spirit of community service and volunteerism has to be congratulated.

Mr. Boyle stated he received a letter from Ms. Norma Turnbo, which gave special commendation to Mr. Westervelt, Mr. Stump, Mr. Romig, and Ms. Matthews on their participation on the Special Residential Facilities Task Force. Mr. Boyle commented that he joins Ms. Turnbo in thanking the staff and Mr. Romig.

Staff Recommendation:

Ms. Matthews stated that generally staff is comfortable with the report. She explained that the staff feels that it is balanced. Staff generally supports the report; however, staff does have two concerns. Ms. Matthews stated that one of the concerns is the inclusion of IM and IH zoning allowing the special residential facilities to be located by right. Staff does not feel comfortable including those two zoning categories because of the intensity of the activity that is allowed. Staff does not feel that this would be compatible with the types of special residential facilities that were addressed in the report. Ms. Matthews concluded that, with exception to the IM and IH be included, staff is supportive and ready to proceed with implementation.

Mr. Boyle asked the staff what their position on the two commercial categories, CS, and CG. In response, Ms. Matthews that staff feels that if one commercial category is eliminated, then the other commercial category should be eliminated as well. She explained that staff cannot differentiate between CS and CG zoning in terms of impact.

Mr. Boyle asked if the staff is in favor of leaving CS and CG in uses by right or in favor of taking both of the zonings out of use by right. Ms. Matthews indicated that staff is in favor of taking the two zonings out of the use by right.

Mr. Stump stated that the special residential facilities could be allowed in the CS zoning, but staff's concern is the unique nature of retailing, which is that typically in commercial districts. He explained that the commercial district is attracting retail customers who are mobile and could go to one retail shop or another very easily. If these types of uses produce a perceived incompatibility with the customers through threat or fear of the clients in the residential facility, staff is afraid that in the commercial areas, many of the retail customers may choose to go somewhere else and frequent retail shops that do not have the special residential facilities nearby. He stated that could happen without any real basis for their decision other than perceived danger that really may not be present. He commented that the impact on the adjacent retailers is that they lose a significant amount of their business.

Mr. Westervelt stated that the other concerns was in the older part of the city there is some narrow CS districts, which are close or adjacent to residential areas. He explained that the city is trying to encourage continued redevelopment, but find complications potentially difficult to enforce. He stated the Task Force discussed the potential setbacks that would go along with the uses by right but found these setbacks to be overly complex and difficult to enforce as a practical matter.

Mr. Boyle asked staff what the difference is between CS and CG districts. In response, Mr. Stump stated that CS development is suburban-type commercial with a minimum of 150' of frontage for each lot. The CG development is an older-style commercial development with lots that are 50' wide minimum. He stated that the CS is used more extensively in the newer parts of town for shopping center types of uses. He commented that CG was intended to be originally the 15th, 21st, 11th, and Admiral type of development. It turned out when the city adopted the ordinance in 1970, much of these areas were zoned CH instead of CG. Mr. Stump stated that the CG district was intended to accommodate was the narrow-lot, older-style commercial development. He explained that the CG district allows automotive and allied services by right, where as the CS district does not.

Mr. Boyle stated that the distinction between the CS and CG doesn't give the staff a reason to treat the two zoning categories differently for the special residential facilities. In response, Mr. Stump stated that there are larger tracts of CS more removed from residential than CG. CS is the most common commercial category and therefore there are more locations where CS abuts to single-family residential uses.

Mr. Boyle asked if staff is recommending that all three-office categories be included as uses by right. Mr. Stump answered affirmatively.

Ms. Pace stated that neither the Multi-Family Residential or Corridor is listed in the report. In response, Mr. Stump stated that staff agrees with the committee's recommendation that the Multi-Family Residential would require a special exception and Corridor Site Plan review in the Corridor district.

Interested Parties:

Nancy Apgar, 3914 South Norfolk, Tulsa, Oklahoma 74105, stated she was a member of the Special Residential Facilities Task Force. Ms. Apgar commented that she appreciated being appointed to the Task Force and feels that the Task Force did a good job. She stated that Mr. Westervelt, Ms. Matthews, and Mr. Romig were very helpful to the Task Force.

Ms. Apgar stated that she would like to protest the transitional living centers and the residential treatment centers being allowed in CS by right. She explained that currently these centers are allowed by approval of Board of Adjustment. There are residential areas abutting the CS district. The clients in the transitional living centers and residential treatment centers have a history of juvenile delinquency, behavioral disorders, alcoholism and drug abuse. Ms. Apgar asked the Planning Commission if their home was adjacent to a CS area and had young children, would they want these uses next to their home.

Ms. Apgar commented that she is not protesting without knowledge. She explained that she has had first-hand experience with drug abuse and alcoholism. She stated she would not want her family member, who used drugs, living next to her or in her residential area.

Ms. Apgar stated that residents deserve a safe place to live and a place where they could have a good quality of life. She requested the Planning Commission to carefully consider the CS district allowing transitional living centers and residential treatment centers by right. She reiterated that she would like to see these two uses by special exception and go before the Board of Adjustment for approval.

TMAPC Comments:

Mr. Westervelt stated that Ms. Apgar actually voted differently from her opposition today. He explained that the vote was taken very late in the day and as Ms. Apgar was leaving, she voted to include the CS uses and CH uses and has subsequently changed her mind.

Ms. Apgar stated that Mr. Westervelt's comments are correct. She explained that she had left the meeting for approximately 15 minutes. In response, Mr. Westervelt stated that Ms. Apgar sent a letter to the Task Force explaining the mistake.

Interested Parties: (continued)

Mr. Jim Norton, President of Downtown Tulsa Unlimited and member of the Task force, commented that Mr. Westervelt did a good job and he agrees with 95% of the information in the report. However, he does have some difficulty with some of the other details.

Mr. Norton indicated that he submitted a letter for the record dated June 23, 1998. He stated he had a couple of questions about some items that have come up since then.

Mr. Norton informed the Planning Commission that he has a planning background and he has been involved in a number of special residential facilities cases where he has been in support and opposition. He stated for the record that there are a number of excellent providers in the City of Tulsa, and the current way the ordinance is structured, with every provider having to go before the Board of Adjustment, has worked well. The providers operate quality facilities and give the BOA assurances are traditionally approved. He indicated that the DTU has supported several similar facilities.

Mr. Norton stated that there are other providers who do not provide quality facilities. He explained that if the providers are not required to go before the BOA, then these providers tend to slip in.

Mr. Norton stated that DTU is comfortable with the way the current ordinance is written. He indicated that the only contingent item is the spacing requirement. The recommendation was to allow transitional living centers and residential treatment centers in CS and CG areas if the spacing requirements were met. He stated that there are no other contingency items. He explained that his fear is that through this process it would be weakened to a far greater extent than the Task Force intended. He reiterated that if the recommendations are not adopted in total, then he would have some difficulty with the ordinance moving forward.

Mr. Norton stated he would like to make sure he understands the staff's recommendation. The staff is recommending that CS and CG be excluded from the use by right list, because of the unique nature of retail and the fact that people have the option of shopping in store A versus store B. If one of these facilities were next to a store, it might dissuade the customers from shopping at store A. He asked staff if this is correct an interpretation. In response, Mr. Stump stated that it is one of the two reasons. Mr. Stump stated that the other reason was the frequent proximity of CO and CG to residential uses most particularly in older areas of town.

Mr. Norton stated that due the fact that special residential uses may be allowed in an office district, the same could happen to a doctor, accountant, dentist, etc. In response, Mr. Westervelt stated that staff is not necessarily talking about an office building, but a piece of ground that has underlying OM, OMH or OH, which could be a stand-alone property. The Task Force was concerned about all of the subjects discussed.

Mr. Westervelt reminded Mr. Norton that he, personally, was also in favor of taking out CS and CG as uses by right for the facilities. In response, Mr. Norton stated he is against CS and CG as uses by right. Mr. Norton further stated that if these uses are not good for retail, the Task Force needs to think very carefully allowing the facilities as a use by right in other districts.

Mr. Westervelt stated that the recommendation is a result of the Rules and Regulations meeting that Mr. Norton attended along with other interested parties. These topics were some of the questions and concerns. The reasoning behind having a staff recommendation on a Task Force study is that staff was also involved in the effort.

Mr. Norton stated that DTU would prefer that all items be considered by a case-by-case basis as is done currently. He commented that the procedure works very well. He did not feel that the Board of Adjustment is overwhelmed by the applications.

TMAPC Comments:

In response to Ms. Pace, Mr. Westervelt stated that the CH district is not on the list for uses by right was previously removed from the list. He explained that the Task Force unanimously agreed to not have any other uses but the ones before the Planning Commission today. He stated that the Task Force agreed that CH zoning is far too narrow and impacts the older areas of town.

Interested Parties:

Ms. Turnbo, 1421 South Guthrie, Tulsa, Oklahoma, 74119, stated she represented District 2 on the Task Force, and she is also a member of the Board of Adjustment. She commented that she voted to include CS and CG districts as uses by right. She explained that after thinking of this issue, she does not agree that two districts should be included as use-by-right. She commented that the two districts should be a special exception as the CH district is a special exception.

Ms. Turnbo stated that the issues that should be left in the report are the one-half mile distance between facilities and the yellow advertising signs on the property to inform the neighbors in the area. She commented that any request that is done by right must have a license, which will create a record of the facility. When there is a request for the facility there must be a map for review in order to enforce the spacing.

TMAPC Comments:

Ms. Pace stated that she attended a mobile workshop with Ms. Turnbo and found out that the facilities have a grading system. She asked Ms. Turnbo if the Planning Commission should require that the grading system be included in the any of the applications made. In response, Ms. Turnbo agreed that the grading system should be included in the applications. Ms. Turnbo stated that personally, she would never vote for a facility that does not inform the BOA of their grading level.

Ms. Pace asked Ms. Turnbo if the grading system should be included in the report. Mr. Westervelt stated that the grading system is under Item No. 5 in the report, which is a new criterion for the BOA to use in making their decisions.

Mr. Carnes stated that residential care facility that was in the newspaper recently, which was found to be a nursing home with the caregiver performing nursing care that she was not trained to do. He requested that when the report is sent to the City Council that there be some language regarding monitoring the facilities. He recommended a neighborhood watch committee.

Mr. Boyle stated that the licensing recommendation would be an easy and convenient way to monitor how the facilities are operating. Mr. Boyle asked if the licensing the

Task Force recommended will be a one-time licensing or annual renewal. In response, Mr. Romig recommended a two- or three-year license with renewal upon a new application. He stated that currently there is a committee within the City of Tulsa, which goes through and periodically reviews different facilities that have traditionally given the City some problems.

Mr. Boyle asked if the facility was required to be licensed, the committee would be reviewing the actual usage of the licensed facility to ensure that it is within the level they have applied for. In response, Mr. Romig stated that the committee could review the actual use. Mr. Romig indicated that one of the things the City is doing is to look at facilities that the City has received complaints about on a monthly basis.

Mr. Boyle asked if the review committee is completely complaint-driven or self-actuated. In response, Mr. Romig stated that the review is self-actuated. Mr. Romig stated that the City receives complaints not only from citizens and neighbors, but also from Code Enforcement, the Fire Marshall, and Police.

Mr. Boyle asked Mr. Carnes if this would be an appropriate way to handle the policing of the special residential facilities. In response, Mr. Carnes stated he discussed this issue earlier with Mr. Romig. Mr. Carnes indicated that Mr. Romig stated that the way to handle the policing of the facilities would be through a licensing process.

Mr. Westervelt stated that under "Issues Outside of the Scope of the Task Force", one is to encourage neighborhoods to organize and register with the Mayor's Office to increase communication. He commented that if the minutes are checked, it will indicate that there was exactly the same conversation; for example: "Our neighborhood is not as well organized", "this issue slipped by the neighbors", etc. He commented that the Task Force discussed enforcement problems with this type of use, as well as many other types all over the city. He stated that there is a mechanism, but it is complaint-driven, which requires neighborhoods to let officials know when there are problems. He indicated that this mechanism is in place and he is concerned with creating something that is somewhat redundant. He commented that it is up to the committee to add or delete from this report before its recommendation.

Mr. Westervelt stated he will go to the City Council to present the report on the special facilities including any changes made today.

Ms. Matthews stated with regard to Mr. Carnes suggestion oversight group, that she is concerned that the Planning Commission and Task Force may be spending more time than is needed for something that was an aberration. She explained that she has been investigating the case regarding the residential care facility that was mentioned earlier with the State Department of Health. She indicated that the individual who was operating the facility came in 1989 and received a state license for four beds and at that time she signed an affidavit verifying that her zoning was in place and it was appropriate. She stated that the caregiver met the definition of family, but the next year

she requested the approval to extend to ten beds. The State Health Department did not recheck the zoning and she received a license but was operating afoul of the zoning as early as 1990.

Ms. Matthews stated she has had discussions with the Deputy Health Department Commissioner to come up with a way that would head off any future zoning problems. She suggested that when someone comes into file for a nursing home or group home, the State Health Department will e-mail INCOG and staff will verify the zoning. This would prevent the State Health Department from having to take the applicant's word. She indicated that Mr. VanMeter, Deputy Health Department Commissioner, has since changed his policy on verifying the second time when the applicant comes into expand. She commented that this may prevent any further problems.

Mr. Boyle stated he endorses the concept that staff has created and this is an excellent report. The only decision that is needed to be made is on Item #2, which zoning category should uses be allowed as a matter of right. He stated that staff is suggesting that the uses be allowed by right should be allowed in the three office categories, which are OM, OHM, OH and IL, but not in the other categories that are currently listed. He commented that the reasons are quite sound and this is a proposal that he would support.

Ms. Pace stated she has a few concerns and could not vote for Item #2. She explained that the older part of the city is rimmed with these higher classifications, whereas the newer parts are mostly rimmed with CO, which does go to the Board of Adjustment. She commented that she does not see any case that does not merit a trip to before the Board of Adjustment.

Mr. Westervelt stated that the City's ordinance may be looked at in its entirety and determined to be discriminatory. If the ordinance were examined and the courts see that the spacing has been increased, criteria added to the BOA and licensing added to the criteria; and in addition to all of this, everything has to go before the BOA. He indicated that it is the Legal Department's concern that in its entirety, based on the current voting record of the BOA and the pressure that the BOA feels at the time of consideration for these facilities, that the community could be subjected to litigation from the federal government. This would be considered a civil rights violation and the BOA members will have potentially personal liability associated with a civil rights violation. The main reason for having some uses by right was the fact that the Task Force has further restricted these facilities' locations, deemed the most sensitive issues to be the residential uses, and increased the distances between those two zoning districts. Based on how the rest of this report reads, the Legal Department is very concerned about the potential of litigation and there was a strong statement from counsel that there is a need for uses that are allowed by right. There is a need for these facilities to be located somewhere because they are needed.

Mr. Boyle stated that after a lengthy discussion at the Rules and Regulations Committee meeting, a gentlemen stood up to state that once the discussion is over about what is legal and what is not it will still be necessary to have some uses by right for these facilities because it is right. Mr. Boyle stated that the Planning Commission couldn't lose sight of that fact.

Mr. Romig stated that the report includes a recommendation to take these facilities out of single-family residential and they will no longer be allowed there by special exception. He explained that this would be a use variance and will not be allowed at all. The spacing requirements and the other requirements are to make it difficult for some of these facilities to be allowed in. One of the most controversial aspects heard is treatment for drug and alcohol addiction. He reminded that a recovering drug or alcohol abusive person is considered a protected class by the Fair Housing Act Amendment and the Americans with Disabilities Act, which both do apply to zoning. In the totality the report is proposing to be more restrictive on these types of facilities and it appears to be antagonistic if the Task Force does not adopt some uses by right. If the uses by right are not adopted, then it will be only a matter of time where a challenge would be successful in court.

Mr. Westervelt pointed out to the Planning Commission that Item No. 7 recommends that the Legal Department continually monitor and recommend amendments to the zoning code definitions based on case law and statutory change. He explained that this recommendation is necessary and should be kept in the report.

Mr. Romig stated that there are three bills before Congress currently that may affect some of the recommendations in the report. He explained that some of the bills will create further restrictions and monitoring the case law and statutory changes will be necessary. He stated that the Task Force may have to change some of their recommendations.

Mr. Carnes stated that it would be appropriate that Mr. Westervelt make the motion regarding this report because of the time he has spent working on the Task Force.

Mr. Harmon asked staff if there was employment for the people who are in a transitional living center or treatment center in the IM or IH districts, is there anything wrong with a facility being located in these areas. In response, Mr. Stump stated that the general philosophy of the zoning ordinance restricts these types of centers because the uses in the IM and IH districts do have significant environmental impacts and are considered incompatible with residential.

Mr. Stump explained that if there is a special situation, then the facility could go before the BOA and request a special exception. He explained that the BOA would have to find it to be compatible.

Mr. Romig stated that the BOA recently allowed a similar type use in an IM-zoned area.

Mr. Horner stated that he supports the report and agrees that Mr. Westervelt should make the motion.

Mr. Westervelt stated that unless someone objects to him making the motion he would be willing to make the motion.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Selph "absent") to **ADOPT** the Special Residential Facilities Report as amended and transmit to the City Council for their consideration.

FURTHER DISCUSSION:

Mr. Stump stated that these are generalized recommendations and once the City Council endorses the recommendations, then the Planning Commission will hold public hearings on the actual ordinance amendments.

Mr. Westervelt and Mr. Carnes out at 2:29.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-18562 – Bryan McCracken (1793)** (PD-6) (CD-9)
2617 East 26th Place
- L-18680 – W. D. Roberts (1824)** (PD-14) (County)
15627 North 104th East Avenue
- L-18682 – Cheryl Emery (3692)** (PD-18) (CD-2)
5519 South Newport
- L-18683 Eugene Patterson (1823)** (PD-13) (County)
16502 North Lewis
- L-18685 – Mary Junk (1293)** (PD-5) (CD-5)
1228 South 83rd East Avenue
- L-18688 – Murrel Wilmoth (2774)** (PD-20) (County)
South side of US-64 and East of 145th East Avenue
- L-18692 John Williams (3124)** (PD-14) (County)
12609 North 97th East Avenue
- L-18693 – Stephen Miller (393)** (PD-5) (CD-4)
5516 East 5th Place

AUG 25 1998

TMAPC REQUEST FOR CITY COUNCIL ACTION

For Council Agenda: For referral to Committee on September 8, 1998 for Council action on September 10, 1998.

For Information Contact: Dane Matthews

Address: TMAPC 201 W. Fifth, Suite 600

Telephone: 584-7526

Subject: A Report of the Special Residential Facilities Task Force

Council District(s) _____

SUMMARY

On August 5, 1998, the TMAPC voted 9-0-0 to adopt the Report of the Special Residential Facilities Task Force.

REQUEST FOR ACTION:

Receive for possible action on the Report of the Special Residential Facilities Task Force.

For City Council Office Use:

Date Received: 8-25-98

First Agenda Date: 9-10-98

Hearing: NA

Approved: OCT 01 1998

Second Agenda Date: 9-24

Ordinance/Resolution: NA

UD Cmte. 9-8-98 & 9-22

Fin Cmte 9-15-98

98-600

*to INCOG & Legal from
10-1-98 Council meeting.*

g.a.

100-11111

100-11111

**REPORT OF THE SPECIAL RESIDENTIAL FACILITIES
TASK FORCE**

JOSEPH M. WESTERVELT, TASK FORCE CHAIR

**PREPARED FOR THE TULSA METROPOLITAN AREA PLANNING
COMMISSION**

Gary Boyle, Chair

TULSA, OKLAHOMA

**APPROVED BY THE TMAPC SPECIAL RESIDENTIAL TASK FORCE:
JUNE 25, 1998**

**APPROVED BY THE TULSA METROPOLITAN AREA PLANNING
COMMISSION: AUGUST 5, 1998**

SPECIAL RESIDENTIAL FACILITIES TASK FORCE MEMBERSHIP

Chair: Joseph Westervelt, TMAPC

- Herb Suggs, State Office of Juvenile Affairs
- John Hudgens, State Department of Mental Health and Substance Abuse Services
- Michael Brose, Mental Health Association in Tulsa
- Sharon Terry, Youth Services of Tulsa
- Bill Major, Tulsa Senior Services
- June Ross, 12 & 12, Inc.
- Hope Williams, Domestic Violence Intervention Services
- Janice Nicklas, Community Service Council
- Laura Dempsey-Polan, Ph.D., Community Service Council
- Greg Province, State Department of Corrections
- Nena Newman, State Department of Human Services
- Bruce Bolzle, City of Tulsa Board of Adjustment
- Sam Rader, Coldwell Banker, Rader Group
- Dick Sudduth, First Commercial Real Estate Services Corp.
- Vicki Peters, Bank of Oklahoma
- James G. Norton, Downtown Tulsa Unlimited
- Algerita Brooks, Council District 1
- Norma Turnbo, Council District 2
- Joanna Cooper, Council District 4
- John Roy, Council District 5
- Harold Pittenger, Council District 6
- Judie Cherblanc, Council District 7
- Nancy Apgar, Council District 9
- Tom Trimble, Tulsa County Commission

Staff Support

- Dane Matthews, INCOG/TMAPC
- Jay Stump, INCOG/TMAPC
- Richard Brierre, INCOG/TMAPC
- Michael Romig, City Legal Department
- Deputy Chief Charlie Jackson, Tulsa Police Department
- Patrick Treadway, Urban Development Department

The Mission of the Task Force

In December, 1997 the TMAPC appointed the task force and formally charged the membership "[t]o review existing regulations regarding the various types of special residential facilities in light of the needs for those facilities, trends in provision of treatment and recent legislation; to make recommendations for possible changes to those regulations; and to make recommendations for any other procedural or policy changes, such as in licensing and/or registration, that the task force deems appropriate".

SPECIAL RESIDENTIAL FACILITIES
RECOMMENDATIONS
July 13, 1998
TMAPC Recommendations: August 5, 1998

Recommendations

1. Amend zoning code to not allow the following facilities within single-family residential-zoned areas.

- Adult detention center
- Convict pre-release center
- Correctional community treatment center
- Emergency and protective shelter
- Homeless center
- Jail
- Juvenile delinquency center
- Prison
- Residential treatment center
- Transitional living center

2. Amend the zoning code to allow the following as uses by right:

- Transitional Living Center
- Residential Treatment Center

in the zoning categories listed below, providing that spacing requirements are met.

- OM
- OMH
- OH
- ~~CS*~~
- ~~CG*~~
- IL
- ~~IM*~~
- ~~HH*~~

*Recommended for deletion by TMAPC at August 5 hearing.

3. Amend spacing requirement from one-quarter mile to one-half mile between the facilities indicated below. In addition, at its discretion, the

Board of Adjustment should consider setback distances from the following facilities to sensitive uses such as single-family residential zones, child daycare centers, schools and parks. The BOA, however, should recognize that clustering may be appropriate in certain cases.

- Adult detention center
- Convict pre-release center
- Correctional community treatment center
- Emergency and protective shelter
- Homeless center
- Jail
- Juvenile delinquency center
- Prison
- Residential treatment center
- Transitional living center

4. Recommend the City consider licensing of all such facilities listed in item 3, except for emergency and protective shelters. Such licensed facilities will be indicated on a map to be maintained by the BOA staff.

5. Establish guidelines for BOA with regard to applications for special residential facilities, including the following.

- size of facility
- number of staff/staff-to-client ratio
- characteristics (levels) of treatment
- location of site in regard to needed services
- infrastructure at location
- compliance with State licensure or certification
- proximity to other similar uses
- setback from sensitive uses (single-family residential zones, schools, parks, child daycare centers)

6. Special Exception uses before the BOA should require posting of a sign on the property involved to improve notice to the neighborhoods. These would include any special residential facilities as designated in the zoning code.

7. Recommend that Legal Department continually monitor and recommend amendments to the zoning code definitions based on case law and statutory changes.

8. Strongly suggest that facilities administrators or representatives meet with neighborhood (if site is to be in or near a single-family neighborhood) before or immediately after filing for BOA. If feasible, administrators may wish to hold an open house for the neighborhood prior to or following the opening of a facility.

9. Two educational programs are strongly recommended to be undertaken by real estate professionals. One program is to educate commercial real estate professionals as to providers' needs for locations and the other should be to educate residential real estate professionals to make them aware of the real material impacts on neighborhoods of the facilities located within or near them, and the implications of discrimination. These programs should be ongoing.

10. A general educational workshop for neighborhood associations and other groups should be developed to make them aware of the providers' and clients' needs. Entities that potentially could be involved in development include Community Service Council, various providers, advocacy groups and the Mayor's Office for Neighborhoods.

Special Note

Recommendations #1 and #3 through #10 are transmitted to the Tulsa Metropolitan Area Planning Commission from the Special Residential Facilities Task Force with full task force consensus. However, on two issues involving recommendation #2, task force members had particularly strong opinions that were resolved by vote.

The first issue was that of allowing some uses by right in specific zoning categories, as opposed to all remaining in Use Unit 2. That was resolved in a 10-4 vote to allow two uses (Transitional Living Centers and Residential Treatment Centers) by right in some categories.

The second, and perhaps most contentious, issue was the categories in which the uses would be allowed by right. The task force members were unanimous in all but two zoning classifications. By separate 9-3 votes, the majority favored allowing the two uses by right in the CS and the IL districts.

Concern was also expressed by staff and at least one task force member at allowing these uses by right in the IM and IH categories.

Issues Outside the Scope of the Task Force

The following two issues were discussed by the task force in conjunction with this study. However, the group determined that although both recommendations had merit, neither was within the purview of the task force to require.

- Encourage the Mayor's Office to continue efforts to get neighborhoods to organize and register to increase communication.
- Providers need to encourage their legislators to allocate adequate funding for their programs to allow them to consider a greater range of available sites.

**SELECTED SPECIAL RESIDENTIAL FACILITIES
BY COUNCIL DISTRICT
MAY 11, 1998**

Council District 1

1. Domestic Violence Intervention Service (EPS)
2. Salvation Army Adult Rehabilitation Center (TLC)
601 North Main St.
3. Frances Willard Home for Girls (RTC)
1600 North Gilcrease Museum Road
4. Madonna House (TLC)
749 North Denver Ave.
5. Metropolitan Tulsa Substance Abuse Services (RTC)
3637 North Lewis Ave.
6. St. Joseph's Residence (TLC)
739 North Denver Ave.
7. NEWAY Apartments (TLC)
900 North Osage Dr.

Council District 2

8. Homelife (CGH)
8228 South Elwood Ave.
9. The Haven (TLC)
1647 South Elwood Ave.
10. Walker Hall Transitional Living Center (TLC)
1729 South Baltimore

Council District 3

11. Lakeside Home (TLC)
3333 East Mohawk Blvd.

12. Tulsa Job Corps Center (TLC)
1133 North Lewis Ave.

Council District 4

13. Gatesway Group Home (CGH)
2436 East 6th St.
14. Gatesway Group Home (CGH)
2440 East 6th St.
15. Independent Living Center (TLC)
17 South Xanthus
16. Maximum Potential Group Home (CGH)
1604 South Quincy
17. Laura Dester Center (EPS)
18. Avalon Pre-Release Center (DCF)
Denver/Archer
19. John 3:16 Mission (EPS)
506 North Cheyenne
20. Salvation Army Emergency Lodge (EPS)
312 West Brady St.
21. Tulsa County Social Services Emergency Shelter (EPS)
2401 Charles Page Blvd.
22. Youth Services of Tulsa County Shelter (EPS)
720 South Rockford
23. Christopher Youth Center (RTC)
2741 East 7th St.
24. Sobriety, Inc. (Hobbs House) (RTC)
101 1/2 South Detroit
25. 12 & 12 Transition House (DCF)
1214 South Baltimore

26. First Wings of Freedom (DCF)
12 East 12th St.
27. Zarrow Center for Independent Living (TLC)
1220 South Trenton
28. Tulsa Community Corrections Center (DCF)
112 East 11th St.
29. Tulsa City-County Jail (DCF)
500 South Denver Ave.
30. Adult Detention Center (DCF)
2300 Charles Page Blvd.
31. Juvenile Bureau Detention Center (DCF)
315 South Gilcrease Museum Rd.
32. Jesus Inn (TLC)
518 South Xanthus
33. Hillcrest Medical Center (PSYH)
1120 South Utica Ave.
34. St. John Medical Center (PSYH)
1923 South Utica Ave.
35. Tulsa Regional Medical Center (PSYH)
744 West 9th St.
36. Parkside Psychiatric Center (PSYH)
1620 East 12th St.
37. Ribbons of Blue (EPS)
1202 West Archer
38. Brady House (TLC)
315 West Brady
39. Sojourners Inn (TLC)
1108 West Archer
40. St. Dominic (EPS)
2651 East 21st St.

41. St. Elizabeth's Lodge (TLC)
601 South Elgin
42. Safe Haven (EPS)
515 South Denver
43. TMM Day Center for the Homeless (EPS)
415 West Archer
44. Therapeutic Interpretations, Inc. (RTC)
1819 East 15th St.
45. Christopher Youth Center (RTC)
2715 East 15th St.

Council District 5

46. HOW Foundation (TLC)
5649 South Garnett Road

Council District 6

47. Brookhaven Recovery Center (PSYH)
201 South Garnett Road

Council District 7

48. Homelife (CGH)
7605 East 69th St.
49. Shadow Mountain Institute (RTC)
6262 South Sheridan Road
50. 12 & 12 (TLC and RTC)
6333 East Skelly Drive
51. Children's Medical Center (PSYH)
5300 East Skelly Drive
52. Saville Apartments (TLC)
6241 East 62nd Street

- 53. Laureate Psychiatric Hospital (PSYH)
6655 South Yale Avenue
- 54. St. Francis Hospital (PSYH)
6161 South Yale
- 55. Christopher Youth Home (RTC)
4012 East 35th Street

Council District 8

None

Council District 9

None

Other

- 56. Day Spring Villa
Sand Springs
- 57. Tulsa Boys Home
Unincorporated
- 58. Gateway Foundation
Broken Arrow
- 59. Gateway Group Homes
Broken Arrow
- 60. Baptist Children's Home
Owasso
- 61. The Springs Group Home
Sand Springs
- 62. First Wings of Freedom
Unincorporated

KEY

EPS – Emergency and Protective Services

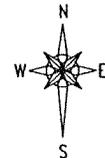
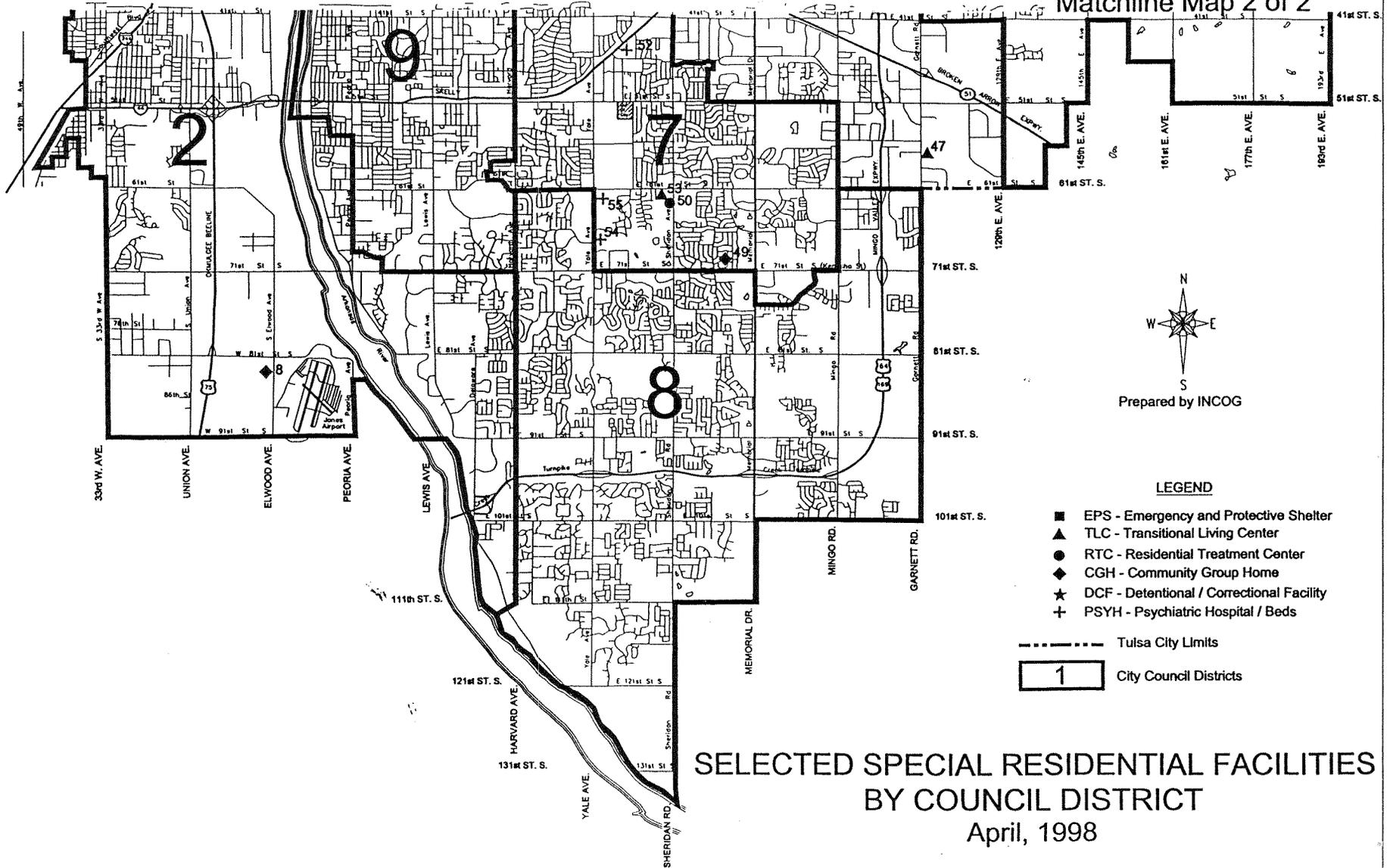
TLC – Transitional Living Center

RTC – Residential Treatment Center

CGH – Community Group Home

DCF – Detentional/Correctional Facility

PSYH – Psychiatric Hospital/Beds



Prepared by INCOG

LEGEND

- EPS - Emergency and Protective Shelter
- ▲ TLC - Transitional Living Center
- RTC - Residential Treatment Center
- ◆ CGH - Community Group Home
- ★ DCF - Detentional / Correctional Facility
- + PSYH - Psychiatric Hospital / Beds
- Tulsa City Limits
- 1 City Council Districts

**SELECTED SPECIAL RESIDENTIAL FACILITIES
BY COUNCIL DISTRICT**
April, 1998

**REPORT OF THE SPECIAL RESIDENTIAL FACILITIES
TASK FORCE**

JOSEPH M. WESTERVELT, TASK FORCE CHAIR

**PREPARED FOR THE TULSA METROPOLITAN AREA PLANNING
COMMISSION**

Gary Boyle, Chair

TULSA, OKLAHOMA

**APPROVED BY THE TMAPC SPECIAL RESIDENTIAL TASK FORCE:
JUNE 25, 1998**

**APPROVED BY THE TULSA METROPOLITAN AREA PLANNING
COMMISSION: AUGUST 5, 1998**

SPECIAL RESIDENTIAL FACILITIES TASK FORCE MEMBERSHIP

Chair: Joseph Westervelt, TMAPC

- Herb Suggs, State Office of Juvenile Affairs
- John Hudgens, State Department of Mental Health and Substance Abuse Services
- Michael Brose, Mental Health Association in Tulsa
- Sharon Terry, Youth Services of Tulsa
- Bill Major, Tulsa Senior Services
- June Ross, 12 & 12, Inc.
- Hope Williams, Domestic Violence Intervention Services
- Janice Nicklas, Community Service Council
- Laura Dempsey-Polan, Ph.D., Community Service Council
- Greg Province, State Department of Corrections
- Nena Newman, State Department of Human Services
- Bruce Bolzle, City of Tulsa Board of Adjustment
- Sam Rader, Coldwell Banker, Rader Group
- Dick Sudduth, First Commercial Real Estate Services Corp.
- Vicki Peters, Bank of Oklahoma
- James G. Norton, Downtown Tulsa Unlimited
- Algerita Brooks, Council District 1
- Norma Turnbo, Council District 2
- Joanna Cooper, Council District 4
- John Roy, Council District 5
- Harold Pittenger, Council District 6
- Judie Cherblanc, Council District 7
- Nancy Apgar, Council District 9
- Tom Trimble, Tulsa County Commission

Staff Support

- Dane Matthews, INCOG/TMAPC
- Jay Stump, INCOG/TMAPC
- Richard Brierre, INCOG/TMAPC
- Michael Romig, City Legal Department
- Deputy Chief Charlie Jackson, Tulsa Police Department
- Patrick Treadway, Urban Development Department

The Mission of the Task Force

In December, 1997 the TMAPC appointed the task force and formally charged the membership "[t]o review existing regulations regarding the various types of special residential facilities in light of the needs for those facilities, trends in provision of treatment and recent legislation; to make recommendations for possible changes to those regulations; and to make recommendations for any other procedural or policy changes, such as in licensing and/or registration, that the task force deems appropriate".

SPECIAL RESIDENTIAL FACILITIES
RECOMMENDATIONS
July 13, 1998
TMAPC Recommendations: August 5, 1998

Recommendations

1. Amend zoning code to not allow the following facilities within single-family residential-zoned areas.

- Adult detention center
- Convict pre-release center
- Correctional community treatment center
- Emergency and protective shelter
- Homeless center
- Jail
- Juvenile delinquency center
- Prison
- Residential treatment center
- Transitional living center

2. Amend the zoning code to allow the following as uses by right:

- Transitional Living Center
- Residential Treatment Center

in the zoning categories listed below, providing that spacing requirements are met.

- OM
- OMH
- OH
- ~~CS*~~
- ~~CG*~~
- IL
- ~~IM*~~
- ~~IH*~~

*Recommended for deletion by TMAPC at August 5 hearing.

3. Amend spacing requirement from one-quarter mile to one-half mile between the facilities indicated below. In addition, at its discretion, the

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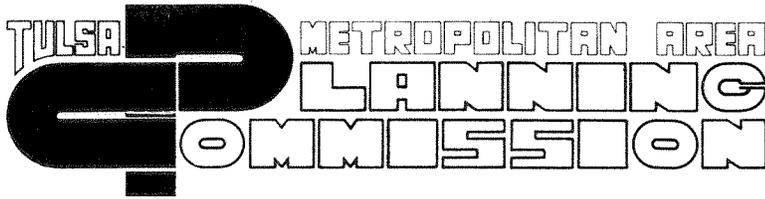
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201 Executive Center
Suite 600
201 West 5th Street
Tulsa, Oklahoma 74103-4212
918/584-7526-Fax 918/583-1024

June 26, 1998

Mr. Gary Boyle, Chairman
Tulsa Metropolitan Area Planning Commission
201 West Fifth Street, Suite 600
Tulsa, OK 74103

Dear Mr. Boyle:

The members of the Special Residential Facilities Task Force hereby transmit to the Tulsa Metropolitan Area Planning Commission the final report and results of its deliberations. For the past five months, this group has met, reviewed existing regulations and conditions, identified problems and potential solutions and formulated the recommendations contained herein.

We, the task force members whose signatures appear below, are pleased to present these recommendations to the Planning Commission.

Sincerely,

Joseph M. Westervelt, Chair
Special Residential Facilities Task Force

Herb Suggs
Office of Juvenile Affairs

John Hudgens
Dept. of Mental Health and
Substance Abuse Services

Michael Brose
Mental Health Association in Tulsa

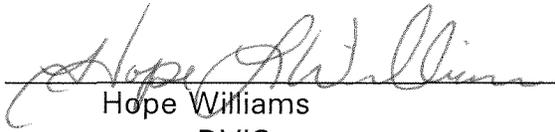
Sharon Terry
Youth Services of Tulsa



Bill Major
Tulsa Senior Services, Inc.



June Ross
12 & 12, Inc.



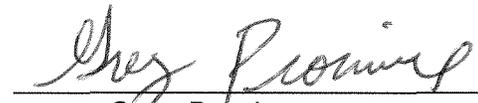
Hope Williams
DVIS



Janice Nicklas
Community Service Council



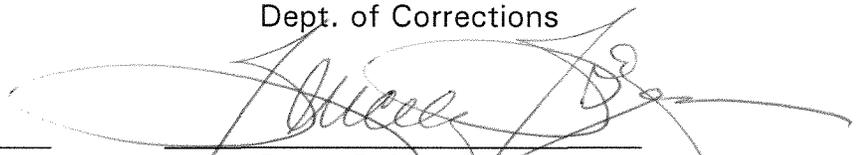
Laura Dempsey-Polan, Ph.D.
Community Service Council



Greg Province
Dept. of Corrections



Nena Newman
Dept. of Human Services



Bruce Bolzle
City Board of Adjustment



Sam Rader
Coldwell Banker, Rader Group



Richard Sudduth
First Commercial Real Estate



Vicki Peters
Bank of Oklahoma



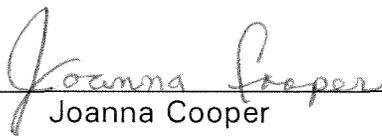
James G. Norton
Downtown Tulsa Unlimited



Algerita Brooks
Council District 1



Norma Turnbo
Council District 2



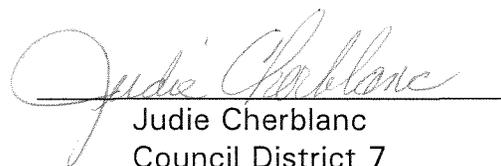
Joanna Cooper
Council District 4



John Roy
Council District 5



Harold Pittenger
Council District 6



Judie Cherblanc
Council District 7

Nancy H. Apgar

Nancy Apgar
Council District 9



Tom Trimble
Tulsa County

L-18695 – City of Tulsa (1984)
9750 East 91st Street

(PD-18) (CD-8)

L-18696 – Bill Butts (2993)
2948 East 44th Place

(PD-6) (CD-7)

Staff Recommendation:

Mr. Beach stated that everything is in order on these lot-splits and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** the TMAPC voted **7-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Carnes, Gray, Selph, Westervelt “absent”) to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

FINAL PLAT:

Storage Center 1 (2983)

(PD-26) (CD-2)

East of the southeast corner East 101st Street and South Delaware Avenue

Staff Recommendation:

Mr. Beach stated that everything is in order and staff recommends approval, subject to final legal review.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Carnes Gray, Selph, Westervelt “absent”) to **APPROVE** the Final Plat for Storage Center 1, subject to final legal review as recommended by staff.

Mr. Ledford announced that he will be abstaining from Honey Creek, Blocks 10-12.

Honey Creek Blocks 10 – 12 (PUD-523) (1394) (PD-18) (CD-8)
Southeast of the southeast corner East 81st Street and South Memorial Drive

Staff Recommendation:

Mr. Beach stated that everything is in order and staff recommends approval, subject to final legal review.

Interested Parties:

Sterling Sutton stated that he agrees with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** the TMAPC voted **6-0-1** (Boyle, Harmon, Horner Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Carnes, Gray, Selph, Westervelt "absent") to **APPROVE** the Final Plat for Honey Creek, subject to final legal review as recommended by staff.

* * * * *

The Village (PUD-378) (2883) (PD-26) (CD-8)
West of the southwest corner of East 101st Street and South Memorial Drive

Staff Recommendation:

Mr. Beach stated that everything is in order and staff recommends approval, subject to final legal review.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** the TMAPC voted **7-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Carnes, Gray, Westervelt, Selph "absent") to **APPROVE** the Final Plat for The Village, subject to final legal review as recommended by staff.

* * * * *

Mr. Westervelt in at 2:35 p.m.

PLAT WAIVER:

PUD-558 (1192)

1215/1219 South Frisco

(PD-7) (CD-2)

Staff Recommendation:

Approval of the PUD to permit multi family dwellings on the property triggered the platting requirement. A minor amendment to the PUD was approved July 22, 1998 to permit a single-family dwelling on the property. The building permit for the single-family dwelling cannot be issued until the platting requirement is met. The property is already platted; the proposed development will not have an effect that could be remedied by requiring the plat. Staff has administratively waived the TAC review and **recommends approval of the plat waiver.**

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | |
|--|--------------------------|--------------------------|
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a P.U.D.? | ✓ | <input type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | ✓ |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | N/A |

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes. Gray, Selph "absent") to **APPROVE** the Plat Waiver for PUD-558 as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 2, Block 1, 4100 Garnett Center (3094) (PD-17) (CD-5)
 Southwest corner East 41st Street and South Garnett Road.

Staff Recommendation:

Mr. Beach stated that traffic engineering has approved the access change and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes. Gray, Selph "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 2, Block 1, 4100 Garnett Center as staff recommended.

* * * * *

Continued Zoning Public Hearings/Special Requests:

Z-6310-SP/PUD-467 – Ricky Jones

(PD-18) (CD-7)

East of northeast corner East 51st Street and South Harvard
(Corridor Site Plan and Detail Site Plan)

Staff Recommendation:

The applicant is requesting Corridor and PUD Detail Site Plan approval to locate a restaurant in Development Area 7. No site or corridor site plans have been previously approved within this development area. This is the last parcel to be developed in the PUD-Corridor District.

Staff review of the current request finds the site plan conforms to area and bulk, height, setback, parking, screening, circulation, access and corridor mutual access and total landscaped area PUD standards as amended in 1994 for Development Area 7 and Corridor District requirements of the Zoning Code. The Site Plan also conforms to landscaping and signage size and setback requirements of the PUD and the Zoning Code.

Staff, therefore, recommends **APPROVAL** of the PUD 467/Z-6310-SP-5 Detail Site Plan as submitted.

NOTE: Corridor Site Plan approval does not constitute Detail Sign Plan approval.

Applicant was present and indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. Midget asked staff if they have received any calls regarding this application. In response, Mr. Stump answered negatively.

Ms. Pace reminded the Planning Commission that this is the strip of land where the signs are not to face the neighborhood. She asked staff to be aware of the condition when reviewing the site plan. In response, Mr. Stump stated that the sign location is approximately in the middle of the subject tract and there is not a street. Mr. Stump commented that the proposal indicated a monument sign and staff would prefer a monument sign.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Selph "absent") to recommend **APPROVAL** of the Corridor Site Plan and Detail Site Plan for Z-6310-SP/PUD-467 as recommended by staff.

Legal Description for Z-6310-SP/PUD-467:

Commencing at the Southwest corner of Lot 3, Block 1, Dickens Commons, thence N 00°07'17" W along the North right-of-way of East 51st Street South for a distance of 306.62' to the Point of Beginning: thence continuing West along the North right-of-way of East 51st Street South for a distance of 242.41'; thence due North for a distance of 223.20' to a point on the Southerly right-of-way of Interstate 44; thence N 80°33'00" E for a distance of 245.74'; thence due South for a distance of 263.55' to the Point of Beginning, said area containing 1.35 acres more or less.

* * * * *

Zoning Public Hearings:

PUD-196-1 – Richard Craig

(PD-18) (CD-8)

Southwest corner East 71st Street and South Memorial

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow one pylon sign for each street frontage of the Crossing Oaks Shopping Center to identify tenants. The approved PUD development standards allow three ground signs along 71st Street and three ground signs along Memorial. One of the three signs was designated as a shopping center identification sign with the other two as "shopping area" signage. Directory signage (internal) was limited to ten feet in height and was to be computed as part of the aggregate square footage based on street frontage according to code.

Total display area allowed along East 71st Street is 727 SF and 864 SF along Memorial Drive. Currently there is one ground sign on 71st with 360 SF of display area consisting of a combination shopping center identification and one tenant shopping sign (Target). There is also a 32 SF portable (seasonal) ground sign for a gift shop which is currently permitted for four-day use in May, September, October and November, 1998. Total current signage along East 71st is 392 SF.

The same two signs occur along the Memorial frontage. In addition, a 60 SF ground sign for a restaurant brings the existing signage display area along Memorial to 452 SF. No internal directory signage has been approved for the PUD.

The current request seeks to improve the street identification of individual tenants with two 25-foot pylon ground signs of with approximately 300 SF display area each at both 71st Street and Memorial Drive.

Staff has reviewed the request and finds the PUD standards and the Zoning Code would allow the additional sign along 71st Street. The Memorial frontage, however, has two permanent signs and one portable sign. An additional sign of 300 SF would conform to the frontage requirements but would exceed the number of signs allowed in the PUD for approximately 12 days per year. Staff, however, is of the opinion that the portable signage is temporary in nature and should not be considered with the permanent signage allowed in the PUD.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-196-1 subject to the following conditions:

1. Each pylon tenant identification sign on 71st Street and Memorial Drive shall be limited to 25 feet in height and 300 square feet of display area.
2. Pylon signs shall be setback a minimum of 30 feet from the north and east property boundaries and be at least 100 feet from any existing permanent or portable ground signs per Section 1103 of the Zoning Code.
3. Pylon signs shall not block line of site visibility at entry drives as determined during Detail Sign Plan review.

Note: Minor Amendment approval does not constitute Detail Sign Plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Selph "absent") to recommend **APPROVAL** the Minor Amendment for PUD-196-1, subject to conditions as recommended by staff.

PUD-360-A-3 – Adrian Smith

(PD-18) (CD-8)

West of northwest corner East 91st Street and South Memorial
(Staff requested a continuance)

Staff Presentation:

Mr. Stump stated that the applicant had to request additional relief. He explained that there will have to be a new notice mailed for the additional relief.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes. Gray, Selph "absent") to **CONTINUE** PUD-360-A-3 to August 12, 1998 in order to request further relief and renote, as recommended by staff.

Other Business:

PUD-569 – Glenn Gregory (PD-18) (CD-8)
Southeast corner East 81st Street and South Mingo Valley Expressway
(Detail Site Plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 296-unit apartment development on 15.88 gross acres in Development Area B.

Staff has reviewed the site plan and finds that it conforms to the approved development standards including bulk and area, livability space, setback, parking, circulation, access, total landscaped area and building height for Development Area B.

During the original approval staff expressed concerns regarding three-story buildings abutting the collector streets. Staff notes that all buildings proposed in the site plan are two story.

Another concern raised during the original approval related to site drainage and the absence of on-site detention for the north 40% of the over-all PUD. The applicant has indicated that final drainage plans have been submitted to Public Works and will utilize the underground stormwater drainage system.

A final condition of the original approval was that the PUD was subject to conditions recommended by the Technical Advisory Committee during the platting process. Staff notes that the applicant is in the process of the revision of the preliminary plat.

Staff therefore, recommends **APPROVAL** of the Detail Site Plan for Development Area B subject to the following conditions:

1. Certification to the zoning officer that all required drainage structures and detention area areas serving Development Area B have been installed in accordance with the approved plans for the entire PUD prior to issuance of an occupancy permit.
2. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process with final plat approval by TMAPC.

*A draft final plat is currently being prepared for submission to TMAPC as Lot 1, Block 1, Stonehaven at Meadowbrook

Note: Detail Site Plan approval does not constitute Detail Landscape or Sign Plan approval.

There were no interested parties wishing to speak.

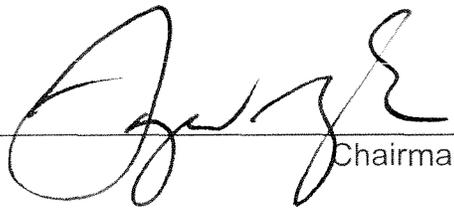
Applicant indicated his agreement with the staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes. Gray, Selph "absent") to **APPROVE** the Detail Site Plan for PUD-569, subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date approved: 8-19-98


Chairman

ATTEST: 
Secretary