

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 189
Tuesday, February 6, 1996, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty Looney, Chairman Tyndall Walker	Eller	Beach Moore Gardner	Glenn, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk on Monday, February 5, 1996, at 10:14 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Walker called the meeting to order at 1:40 p.m.

MINUTES:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **APPROVE** the **Minutes** of January 18, 1996 (No. 188).

UNFINISHED BUSINESS

Case No. 1398

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to permit a lot split - **SECTION 207. STREET FRONTAGE REQUIRED** - Use Units 6 and 9, located northwest of northwest corner 129th West Avenue and Keystone Expressway.

Presentation:

The applicant, **Ronald Wood**, 742 Willow, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Mr. Glenn advised that, after a conversation with Mr. Wood, it is his opinion that the applicant is no longer in need of the relief requested and suggested that the Board strike this item from the agenda.

Case No. 1398 (continued)

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-0 (Alberty, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, Looney, "absent") to **STRIKE** Case No. 1398; finding that the applicant is no longer in need of the variance request.

Case No. 1399

Action Requested:

Special Exception to permit a church and school (K through 12) in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5, located 8050 North Yale Avenue.

Presentation:

The applicant, **Curtis Linton**, 1821 East 66th Street North, submitted a plot plan (Exhibit A-1) and requested permission to construct a church and school on the subject property.

Comments and Questions:

In reply to Mr. Walker, the applicant stated that the first phase of construction will be the pre-school/day care, which will serve the industrial park. He informed that the day care is currently operating at another location, with approximately 117 students in attendance.

In response to Mr. Alberty, Mr. Linton stated that the proposed facility has been moved as far to the north of the site as possible,

Interested Parties:

Jim Doherty, 616 South Boston, advised that he is representing Industries for Tulsa, Inc., which owns property to the south, and pointed out that the Comprehensive Plan designation for this area is high intensity industrial. He noted that the applicant has modified the site plan to alleviate most of the concerns of the Whirlpool Corporation and surrounding property owners. Mr. Doherty requested that the approval of the subject property for church/school use not hamper the future industrial development of surrounding tracts. He noted that the sign designated on the site plan could be relocated to the north on Whirlpool Drive if the south site is sold. Mr. Doherty stated that Industries for Tulsa, Inc. is supportive of the application.

David Smith, Whirlpool Corporation, 7301 Whirlpool Drive, stated that residential use of properties adjacent to Whirlpool facilities has caused traffic and noise problems at other locations. He suggested that only church and day care use be permitted on the subject property. Mr. Smith requested that surrounding uses be industrial in nature, due to the heavy volume of truck traffic generated by the Whirlpool operation, and that residential development be prohibited.

Case No. 1399 (continued)

Ronnie Hill, 4702 East 76th Street North, inquired as to the type of sewage disposal proposed for the church, and Mr. Doherty advised that the City sewer will be available to the subject tract.

Applicant's Rebuttal:

Mr. Linton advised that the school is an integral part of the church ministry. He noted that the day care operation is larger than the school, and questioned Mr. Smith's request that only church and day care be permitted, with no school use.

Additional Comments:

Mr. Alberty inquired as to the total school enrollment, and Mr. Linton replied that the school has 117 students at this time, with a maximum of 250 anticipated. He noted that the church has an attendance of approximately 2000.

Mr. Alberty pointed out that the site plan is conceptual and advised Mr. Linton that a detail site plan would be required if the application is approved.

It was the consensus of the Board that the area should remain predominately industrial, as stated in the Comprehensive Plan.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **APPROVE** a **Special Exception** to permit a church, pre-school and school (K through 12) in an AG zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5; subject to a maximum of 150 students in K through 12; subject to sanitation system being reviewed and approved by the appropriate departments; subject to the applicant returning with a detail site plan prior to the request for a building permit; subject to the sign depicted on the site plan being permitted on the north portion of the property (Whirlpool Drive) if the southern portion of the tract is sold.

Mr. Gardner advised that the Board might determine if future expansion of the school could be considered by returning to the Board without filing a new application, with only interested parties being notified.

Mr. Linton requested that the school be permitted to accommodate a maximum of 250 students instead of 150. He pointed out that limiting the number of students to 150 permits very limited growth. The applicant requested that the motion be amended to permit a maximum of 250 students.

Case No. 1399 (continued)

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Looney, Walker, Tyndall, "aye"; no "nays"; no "abstentions"; Eller, "absent") to **AMEND** the previous motion to permit a maximum of 250 students K through 12th; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

E/2 of the SE/4, Section 28, T-21-N, R-13-E, IBM, less and except Highway 75 on the west and less road to State of Oklahoma on the south and less and except one acre square in the extreme SE/c of the NE/4, SE/4 thereof, Tulsa County, Oklahoma.

Case No. 1400

Action Requested:

Special Exception to permit a residential treatment facility in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located NE/c 41st West Avenue and West 41st Street South.

Presentation:

The applicant, **Robert Johnson**, 1244 East 24th Street, was represented by **Jeff Nix**, 2121 South Columbia, who explained that the State of Oklahoma will own the proposed facility, however, it will be operated by a nonprofit entity which currently operates other treatment facilities. Mr. Nix noted that the seven-acre tract is heavily wooded, with a park on one side and a steep embankment to the rear. He pointed out that the developer was attracted to the property because of its remoteness and the fact that it would provide a quiet atmosphere for the residents of the treatment center. Mr. Nix informed that the center will house 30 women with children and will be limited to that use. He remarked that the proposed facility will be separated from the park by a fence and the children of the patients will be supervised when visiting the park. Mr. Nix stated that water detention will be installed to compensate for any water run-off created by the construction.

Robert Johnson, architect for the project, submitted a site plan and photographs (Exhibit B-1) and stated that the property in question is near a bus stop and a hospital, which are requirements for the location of this type of facility. He pointed out that water retention needs will be calculated by a licensed civil engineer, and retention ponds will be constructed as required. Mr. Johnson informed that the facility will have 30 rooms for patients, with two beds in each room. He pointed out that an inside and outside play area will be provided for the children.

Case No. 1400 (continued)

Dennis Luellen, Department of Mental Health and Substance Abuse Services, stated that research has found that women needing treatment will not seek that help because they are concerned that their children will be removed from their care. He informed that the proposed facility is designed to permit mothers and children to remain together during treatment. Mr. Luellen stated that a minimum of 21 hours of therapeutic units (individual counseling, group counseling, etc.) is required each week for mothers, with a lesser amount required for children. He informed that the facility will have 24-hour-a-day staffing. An explanation of the use (Exhibit B-2) was submitted, and it was noted that criminal justice related referrals are not uncommon.

In reply to Mr. Looney, Mr. Luellen stated that some people agree to have treatment on their own, or sometimes a judge may give them a choice of having treatment or going to jail. He noted that there are no guards on site and the residents can leave if they choose to do so.

Mr. Looney inquired as to the current location of the treatment center, and Mr. Luellen replied that they are currently operating at 12 East 12th Street, however, this has always been a temporary site for the use.

Lora Gilreath, Executive Director, First Wings of Freedom, informed that the treatment center began operation in 1994 in a four-story building that is not conducive to this type of treatment. She informed that 65% of the occupants are children from the ages of 6 weeks to 6 or 7 years, with few school age children. Ms. Gilreath stated that the program is designed to keep these families together.

Mr. Looney asked if any of the occupants of the facility have had incidents of misconduct outside the center, and Ms. Gilreath stated that there have been no such incidents. She noted that the patients are supervised at all times.

Janice Ponds, Clinical Director, First Wings of Freedom, stated that the basic focus of the organization is the preservation of the family. She informed that treatment is designed to teach mothers to deal with problems and make good choices in order to become productive citizens.

In response to Mr. Looney, Ms. Ponds stated that family members are invited to come during therapy sessions and explore alternative ways of communicating. She noted that there have been no instances of violent behavior from residents or visitors. Ms. Ponds informed that visitors are not permitted during the first 30 days of residency, which is known as Phase 1. She stated that visitors are permitted on the premises during Phase 2 and the residents are granted passes to leave the center during Phase 3.

Mr. Looney asked Ms. Ponds if the center will be filled to capacity, and she answered in the affirmative. She noted that there is a waiting list to get treatment.

Case No. 1400 (continued)

In reply to Mr. Walker, Ms. Ponds stated that she cannot provide the recidivism rate, but patients are referred to other agencies that can provide support after they leave the treatment facility. She stated that counselors sometimes visit the patients in their home after their graduation from the program.

Protestants:

Darla Hall informed that she is City Counselor for District 2 and stated that the client base for the center comes from the criminal authority (Department of Corrections). She noted that these patients can come and go as they please, since there are no guards to prevent them from leaving. She voiced a concern with these women visiting the abutting park, which is a playground for many children in the area. Ms. Hall stated that the treatment center is not compatible with the surrounding residential neighborhood. A letter of opposition (Exhibit B-4) from Senator Lewis Long was submitted.

Barbara Markwardt, Route 9, Box 990, informed that the road is steep and narrow and water run-off is a problem during rainy seasons. She pointed out that an access point on 41st Street would create a traffic hazard for area residents. Ms. Markwardt noted that there are many lagoons in the area because much of the soil cannot pass a percolation test.

Steve Rhodes, 4124 South 39th West Avenue, stated that the facility is not compatible with the older residential area.

Bill Hoover stated that his children and grandchildren visit the nearby park and voiced a concern with the women from the treatment center spending time in the park. A petition of opposition (Exhibit B-3) was submitted.

Emily Baker, 4122 South 38th West Avenue, informed that she is employed at the nearby school and children of the patients will be continually going in and out of school, because their mothers will only be at the treatment center for a short time. Ms. Baker pointed out that there are no sidewalks or school bus service for the children.

Kathy Spears, 4317 South 26th West Avenue, stated that the treatment facility seems to be a minimum security prison with no security. She pointed out that one treatment center is already in operation in the area, and the road at this location is not wide enough to accommodate additional traffic.

Doug Oglesby, 4134 South 43rd West Avenue, voiced a concern that this facility will bring an increase in crime. He requested that security be provided if the application is approved. Mr. Oglesby pointed out that the use could begin as a residential treatment facility for women and later be changed to a half-way house for men.

Case No. 1400 (continued)

William Copening, 4120 South 47th West Avenue, stated that the use appears to be a low cost housing project.

Kay Robinson, 4001 West 41st Street, stated that her father lives near the proposed site and flooding in the area is a constant problem during rainy seasons.

Liz Bliss, 3805 West 42nd Street, noted that the area has poor police protection and when the County Sheriff's office is called there is no response. She pointed out that the road is not wide enough to easily accommodate emergency equipment. Ms. Bliss stated that there are many residential dwellings in the area and asked the Board to deny the request.

Cherly Lindsey, 4115 South 40th West Avenue, stated that she is opposed to the residents of the treatment center being on the streets in her neighborhood.

Chuck Tanner, 3906 West 41st Street, informed that he lives across the street and is concerned with the safety of his grandsons. He stated that he is a retired security officer and is concerned with the lack of security proposed for this type of treatment facility. Mr. Tanner noted that the building could be abandoned in the future, as has been the case with some other state facilities.

Paul Berryhill, 4121 South 39th West Avenue, stated that the use is not compatible with the residential neighborhood. He noted that water run-off is an existing problem in the area.

Applicant's Rebuttal:

Mr. Nix stated that the physical problems concerning this project can be worked out. He pointed out that the protestants that spoke today are requesting that the Board deny this application in order to keep substandard individuals out of the neighborhood. He noted that Ms. Hall alleged that the majority of the residents would be referred to the treatment center by the prison system; however, only 23% are referred in this manner. Mr. Nix noted that all zoning related issues can be solved.

Chris McCoy advised that she is the program director for First Wings of Freedom and pointed out that the doors of the facility will be locked and monitored, with alarm systems in place. She stated that the patients are not permitted to come and go as they please and all visitors are approved. Ms. McCoy noted that the environment is totally therapeutic, and the goal is to blend these individuals into society. She pointed out that the treatment center takes care of all patient needs and transportation is provided. Ms. McCoy noted that patients attend various churches in the area.

Mr. Albery stated that, due to a conflict of interest, he will abstain from voting on Case No. 1400.

Case No. 1400 (continued)

Mr. Walker stated that there have been other state operated uses in the area and he is not supportive of the application.

Mr. Tyndall advised that he cannot support the construction of a facility of this size in an area that has developed single-family residential. He added that drainage and sewage disposal problems are existing at this location.

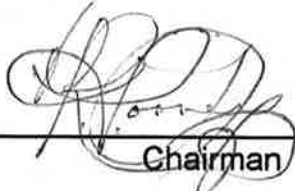
Board Action:

On **MOTION** of **ALBERTY**, the Board voted 3-0-1 (Looney, Walker, Tyndall, "aye"; no "nays"; Alberty, "abstaining"; Eller, "absent") to **DENY** a **Special Exception** to permit a residential treatment facility in an RS zoned district - **SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; finding the use to be incompatible with the residential neighborhood; and finding that drainage and sewage disposal problems are existing; on the following described property:

W/2, W/2, SW/4, SE/4, less beginning 30' west and 50' north of the SE/c thereof; thence west 75', north 150', east 75', south 150' to the POB and less beginning at the SW/c thereof; thence north 360', east 150', south 360', west 150', to the POB and less south 24.75', east 180' and west 25', north 960' for roads, Section 21, T-19-N, R-12-E, IBM, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:58 p.m.

Date Approved 3-19-96


Chairman