Capitol-Medical Center Improvement and Zoning Commission

September 25, 2009 8:15 a.m.

Will Roger 102/04

Minutes

Members Present Members Absent Others Present

John Richard, Chairman J.R. Caton See Attached List

John Johnson Russell Claus

Anita Hood

Reginald Johnson

Ginger McGovern

Paul Manzelli

Joshua Greenhaw

Tiana Douglas

Chairman Richard called the meeting to order and after Roll Call asked if there were any correction or addition to the Minutes. Mr. J. Johnson made a motion to approve the Minutes. Ms. McGovern seconded. A vote was called and the motion carried unanimously.

Chairman Richard said there was a group of interested people attending the meeting to discuss Item 4 on the agenda, and if there were no objection the Commission would change the order of the agenda and discuss Item 4 at this time. Being no objections the Chairman proceeded to Item 4.

Ms. Martin stated that the applicant for the Item was not present at this time. Chairman Richard said he would give the applicants a few minutes before the Commission proceeded with this discussion and then proceed to Item 7.

Item 7: Request from the Citizen’s Advisory Committee to the Commission to request the City of Oklahoma City to install stop signs at the intersection of East Drive and McMechan Parkway/Laird Avenue and the southwest corner of Culbertson Drive and Phillips Avenue.

Chairman Richard asked who was representing this request. Ms. Martin said Jerry Cable the Medical Community Neighborhood Association President, Anita Hood and Michael Guard representatives of the Citizen’s Advisory Committee. Mr. Cable said McMechan Park was just south of the intersection which was located in part of the neighborhood association area. He said the situation was a 4 way intersection that divided at McMechan Park. Mr. Cable said it was a high traffic area and there were many complaints about that drivers speeding and running stop signs. He said about a year ago he approached the City and was told he would need property owners within 300 feet to sign a petition to install signs. He said since that time the laws have changed and that was no longer a requirement and they were asking the Commission to assist them in getting signs installed at this intersection to cut down traffic and stop parking at the corner. Mr. Wester said the existing no parking signs were being disregarded and the parked cars impacted visibility and the speeding added to a bad situation. He said he has witnessed cars going up to 65 miles per hour.

Chairman Richard asked who were the parkers. Mr. Cable said they were either employees from somewhere in the Health Center or students, they were not residents and they park there on a regular basis. Mr. Cable said the other concern was the intersection of East Drive, Phillips and Culbertson. He said

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there were stop signs on 3 of the corners, but no stop sign at the southwest corner of Culbertson and Phillips. Mr. Cable said the problem with the intersection was although there was no stop sign drivers at the other corners assume that person would stop. He said with the amount of traffic on this street, about 300 cars per day the problem was there were no stop signs on Culbertson/East Drive between Lindsay Avenue and Kelley Avenue. Chairman Richard asked if the request was to make both intersection 4-way stops. Mr. Cable said yes. Ms. McGovern made a motion to approve the request. Mr. J. Johnson seconded. A vote was called and the motion carried unanimously.

The Chairman asked if the representative of Item 4 had arrived. Ms. Martin said no. The Chairman asked if there was a written request for this Item. Ms. Martin said yes. Chairman Richard said then the Commission would proceed with Item 4.

Item 4: Request by Wayne and Viola Dallas for authorization to use 1000 Dean Place for the Oklahoma Access to Recovery Program under Title 120, Subsection 120:10-3-8 Health Center Commercial District (b)()(S).

Chairman Richard asked if there was a report from the Citizen’s Advisory Committee. Ms. Hood said the Committee recommended the Commission vote unanimously to deny this request to put in a halfway house. She said she preferred if the residents of the area who had strong opposition to the use of the dwelling should speak. Chairman Richard asked if there was anyone attending to speak in favor of the proposal. Being none, the Chairman asked for a showing of hands of those attending to speak against the proposal. Chairman Richard asked Mr. Cable to make his presentation to the Commission.

Mr. Cable said one of the many reasons they did not want another treatment facility in their neighborhood was because there were currently 7 with roughly over 80 to 100 treatment individuals within their neighborhood association boundaries. He said he has worked with Culbertson Neighborhood Association for about 2 years and when he started delivering newsletters on East Drive there were only 2 treatment facilities. He said in the last year and a half he has found out there were now 5 buildings being used in this manner in one block. Mr. Cable said he discovered there were others in the neighborhood. Chairman Richard asked if the facilities were approved for this use by the Commission. Ms. Hood said no. Chairman Richard said he thought they should all be brought before the Commission because the residents of the neighborhood obviously don’t want them permitted.

Mr. Cable said he was told by 3 residential owners of the four-plexes of their concerns about the number of people hanging out in the front yards and walking the streets. He said they stated they are not able to rent to students or families because of this situation. Mr. Cable said in addition, this was a very high crime and drug area which included the 900 block of East Drive. Chairman Richard asked what evidence was there of drug dealing. Mr. Wester said they were very open about drug dealing. Chairman Richard asked about contact with the police department. Mr. Cable said he worked with them on a regular basis for the last 2 years but unfortunately the residents were elderly and afraid.

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Ms. Martin said there was an article in the newspaper and the Oklahoma City Police Department has identified this as an area infiltrated by gang members dealing in drug. She said the police make regular sweeps in the area and some people have been arrested. Mr. Cable said in researching the internet he found a link to the Serenity Outreach Recovery Community in the 800 Block of East Drive. He said the neighborhood association in that area spent $10,000 on lighting and neighborhood signage to drawn in people from the medical community.

Mr. Manzelli asked what was nature of the authorization of the request was it zoning. Ms. Martin said it was the use. Mr. J. Johnson asked if the Department of Mental Health was renting the properties from homeowners or were they buying them. Ms. Martin said the program for this particular request the Department and the operator enter into what was called a Memorandum of Understanding. She said the operators were being asked to house clients in residential properties that could be owned or leased by the operator. Mr. J. Johnson asked if the Commission’s issue would be with the property owner. Ms. Martin said in this case the property owner has entered into a lease with the applicant and given them permission to use the property. Chairman Richard asked if the lease was to a private citizen’s contracting with the Department. Ms. Martin said the lease was with a legal non profit or faith based organization which is referred to in the Memorandum of Understanding. Mr. J. Johnson said but it was the responsibility of the property owner to request a variance or zoning. Ms. Martin said yes. Chairman Richard asked if the property owner presented this case to the Citizen’s group. Ms. Martin said no it was the representatives of the organization leasing the building.

Ms. Martin said the dwellings in this block where the request was being made were all single family dwelling and as far as she knew with the exception of this one, were in used as dwelling units. She said most were owner occupied. Mr. Cable said most of the residents on the north side were seniors and long term residents.

Chairman Richard asked again if there was anyone attending to represent this request. With no one responding he said in the interest of fairness, he said he was sure this was requested in this neighborhood due to its proximity to the Department of Mental Health, and asked if everyone agreed that may be the motivation. Ms. Francisco said she was not certain that would be the motivation but she believed the neighborhood was targeted. She said there were drug houses in the neighborhood, people walking the blocks and some dilapidated homes and rental properties, but everyone attending this meeting owned and maintained their property. Ms. Francisco said she felt the neighborhood was an easy target and they felt there would not be a show of people to object. Mr. Francisco said a few years ago he was coming home from school and he was jumped by strangers that were not residents in the area. He said he didn’t know the quality of people that would be living in the houses and he didn’t feel comfortable with the situation.

Mr. Linley said he lived in the 700 Block on NE 19th Street and the house on the corner was a nuisance. He said he said he was a disable veteran and he

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could sympathize with the program, but he was a property owner and he took care of his property. He said he’s seen drug dealers and ladies walking down the street propositioning people.

Mr. Wester said there were 2 drug houses in the same block as his house and there was constant drug traffic. Mr. McBride said the problem with the halfway houses was pedestrian traffic in the neighborhood causing problems with such things a panhandling and people out on the lawn or porch. He said it was becoming a very tense situation and there was fear for your safety.

Ms. Hood said at the Committee meeting the applicants told the citizens their counseling offices were located in Edmond and the members thought they should do their business in Edmond. Mr. Hurte said he and his wife live at 1011 Dean Place and his issue was that no one ever asked the neighborhood if they could come in and do something in the neighborhood, they just do it. He said he thought it was really unfair that people come in and fix up the homes and they have this ulterior motive of allowing this to happen instead of finding renters. Mr. Greenhaw made a motion to deny the request. Ms. Douglas seconded. A vote was called and the motion carried unanimously.

Mr. Greenhaw made a motion to investigate the other properties that apparently did not request permission to establish these uses. Ms. Hood seconded. A vote was called and the motion carried unanimously.

Mr. Greenhaw made a motion to write a letter to the Mayor of Oklahoma City informing him that the citizen’s in the area were concerned with the crime and request assistance from the Oklahoma City Police Department. Mr. J. Johnson seconded. Ms. Douglas said she thought the wording should not be to more thoroughly investigate but to investigate what can be done to remedy the situation. She said she thought a strategy to remedy the situation in conjunction with whatever other enforcement agencies they needed. Chairman Richard said then should the letter say we request the City of Oklahoma City to work with the Commission to come up with a strategy to police this neighborhood effectively. Ms. Douglas said the Commission really didn’t have any enforcement powers, so she thought it was to work with whatever other enforcement agencies could be of benefit. Mr. Cable said there was a small Weed and Seed Program going on in the Springlake Division and he thought that would be the place to start. Ms. Douglas said she would like to leave that to the City she didn’t think the Commission was in a position to dictate how they go about it, just to ask them to go about it. Chairman Richard said he would like to leave the Commission in the mix so what he would like to do was some coordinating and come back to the next meeting with a draft of that request. Ms. Douglas said no just send it. Chairman Richard said he would do that if the Commission would allow him some flexibility with the way it was worded. A vote was called and the motion carried unanimously.

Item 2: Miscellaneous Alleged Zoning violation of Title 120, Subsection 120:10-3-5, Historic Preservation District (HP) at 715 NE 20th Street, Oklahoma City, Oklahoma.

Chairman Richard asked Ms. Schwartz to proceed. Ms. Schwartz said she would like to begin the hearing to open the official record that would be

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established if it goes to court. She said she would like to swear in Ms. Martin. Ms. Martin was sworn and gave her testimony for the record. Ms. Douglas made a motion to find for violation and the Commission issue its Finding of Fact and Order to bring the property into compliance with 30 days and ask the Attorney General to enforce the Order in Oklahoma City Municipal Court. Ms. McGovern seconded. A vote was called and the motion carried unanimously.

Item 5: Discussion of possible action to adopt the following Commission rules, the Comprehensive Plan and Plan Update for the Capitol-Medical Center Improvement and Zoning District and submit for approval as permanent rules and exhibits: Capitol-Medical Center Improvement and Zoning Commission Administrative Rules, Chapter 10, Subchapter 1, 120:10-1-9; Subchapter 3, 120:10-3-1 through 10-3-7 and 120:10-3-9 through 10-3-11; Subchapter 5, 120:10-5-1 through 10-5-12; Subchapter 9, 120:10-9-1; Subchapter 10, 120:10-11-1 through 120:10-11-3, 120:10-11-5 through 120:10-11-11; Subchapter 13, 120:10-13-1 through 120:10-13-12. Comprehensive Plan: Exhibit F, Comprehensive Plan Update: Exhibit G.

Ms. Schwartz said the rules the Commission approved on an Emergency basis now have to be submitted as part of the Code and be made permanent. She said that meant during the Legislative Session that starts in February they would go to the Legislature and Governor. Ms. Schwartz said if the Commission wanted to make any changes to the rules they need to be made before the hearing. Chairman Richard asked if the law was changed to the Legislature must act on rules each year. Ms. Schwartz said no it did not pass. Mr. Johnson made a motion to adopt the rules as permanent. Ms. Hood seconded. A vote was called and the motion carried unanimously.

Item 8: Report on Status of CJ-2006-3558: Musgrove Mills L.L.C., v. Capitol-Medical Center Improvement and Zoning Commission.

Ms. Schwartz informed the Commission that at the district court hearing, Judge Dixon ruled that the Commission’s rules were invalid because they were not promulgated according to the APA. The Commission discussed the implications of the ruling and Ms. Schwartz noted that emergency rules have been in place since June and would govern any new applications made to the Commission.

Reports from the Commissioners or Director

Ms. Martin said she wanted to inform the Commission about other issue along East Drive. She said as they could see in the photographs almost all of the dumpsters were in the front yard. Ms. Douglas said the City could handle that issue. Ms. Martin said she reported it to the inspector. Ms. Martin said the other issue was that all the apartment buildings had parking in the rear yard yet most of the tenants were all parking on the street. Chairman Richard asked if these were students or workers from the Health Center. Ms. Martin said she believed at this location they were tenants. She said parking was a real problem in this area. Chairman Richard said that he has become very

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sensitive to parking and said the reality and he didn’t think it was out of the realm of possibility might make a case someday to reach in these neighborhoods using the laws of eminent domain to create for themselves some more parking spots. He thought that the Commission should be concerned and aware that may happen. Ms. Douglas said that issue has come and gone it does rear its head occasionally the University used to have that problem and the properties they owned were placed back into single family residential. She said that issue comes and goes. Ms. Hood said the neighborhood was very concerned and she appreciated the Commission thinking about this and the neighborhood in general.

Item 6: Confirmation of Citizen’s Advisory Committee Membership Terms.

Ms. Douglas made a motion to recommend confirmation by the Chairman. Mr. Johnson seconded. A vote was called and the motion carried unanimously.

Ms. McGovern said the resident brought up the quest about the wind turbine on the Governor’s Mansion grounds and asked what was the status on that proposal. The Chairman said it was approved by the Commission and the Citizen’s Advisory Committee. Ms. Martin said Ms. Newsome lived on the corner of NE 21st and Phillips. Ms. McGovern asked if it was recorded that she was opposed to the proposal. Ms. Martin said yes.

Being no further business the meeting was Adjourned.

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John Richard, Chairman

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The Minutes of the September 25, 2009 meeting have been reviewed and are presented for your approval.

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Denise Martin, Administrative Officer

NOTICE HAS BEEN FILED WITH SECRETARY OF STATE IN ACCORDANCE WITH THE 1977 OPEN MEETING LAW. (Title 25, Sections 301-314 of the Oklahoma Statutes.)