Item

ZCA-23 Consider proposed amendments to the City of Tulsa Zoning Code in the following sections:
Chapter 5 Residential Districts: Section 5.030: Lot and Building Regulations: A Table Notes, Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C, and I District Use Regulations,
Chapter 30 Legacy Districts: Section 30.010-1.2c, Amendments to Approved Plans, Chapter 35 Building Types and Use Categories: Sec. 35.040-D Day Cares, Chapter 40 Supplemental Use and Building Regulations: Section 40.120: Day Cares, Chapter 45 Accessory Uses and Structures: Sec. 45.070-C and 45.070-D: Family Child Care Homes, Chapter 70 Review and Approval Procedures: Sec. 70.040-I: Amendments to Approved Plans

Background

Recently, the need to look more closely at regulations regarding Day Care uses has come to the attention of the Tulsa Planning Office and several City Councilors. The City of Tulsa Zoning Code currently has 3 classifications for Day Care uses:

1. Family Child Care Homes:
   a. Accessory to an allowed household living use;
   b. Limited to no more than 7 children;
   c. Requires operator to reside in the home;
   d. Must be properly licensed by the State of Oklahoma.

2. (Principal use) Day Cares
   a. Principal use care of children or adults that requires a special exception in residentially zoned districts;
   b. Not required to be used for household living (operator is not required to reside in the home);
   c. Limit on the number of children being cared for is decided by state’s formula;
   d. Requires a minimum of 12,000 square feet of lot size, 100-foot of lot width, and 25-foot setback form abutting R properties.

3. Day Camps
   a. Serves only schools age children;
   b. Only operates during regular school vacations for no more than 12 hours a day;
   c. Requires a minimum lot area one acre in AG, AG-R, RE, and RS zoning districts.

The larger lot requirements for principal use day cares create barriers to opening new day care facilities in repurposed single-family homes in that a variance from the Board of Adjustment (requiring a hardship) is required to vary the lot size requirement.

A proposed solution to this barrier would be an amendment to the Zoning Code to remove the larger lot requirements for principal use day cares while maintaining the requirement for a special exception to locate a principal use day care in a residential zone. (The larger lot size for other special exception uses in residential districts would not be affected.)

The City Council initiated the amendments on November 30, 2022, related to addressing the need for Day Care regulation reform. A community meeting was held at Rudisill Library in North Tulsa on February 9, 2023 and a virtual meeting was held to discuss this topic on March 23rd, 2023.
During the two public hearings and through communications received from day care operators there is overwhelming support for removing the Special Exception requirement for Principal Use Day Cares in R districts. The current draft removes lot and area requirement for day care uses to make it easier to get approved; however, the current draft does maintain a Special Exception requirement in residential zoning districts if no one lives on site. Day care uses that are not used a residence are encouraged to locate to a property with the appropriate zoning by right (Office, Commercial, Mixed-use etc.). In the event they would like to locate inside a Residential district the threshold for granting a Special Exception would be the following: the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to a lack of affordable childcare, the city also experiences a lack of affordable housing. The majority of these requests are approved at the Board of Adjustment; however, maintaining the need for a Special Exception balance those interests in so much as it preserves existing housing stock for residential purposes and allows a simplified path for day care operator to receive a Special Exception when appropriate without additional lot requirements.

Planning staff presented the proposal to Planning Commission at a March 22, 2023 TMAPC Work Session.

Staff recommendation:
Approval of proposed amendments to the City of Tulsa Zoning Code as shown in the attachment.

Attachments:
- Proposed Zoning Code amendments (ZCA-23).
- Correspondence received from the public.
Amends Sec. 5.030, Table Note [4] to remove 25-foot setback for Day cares from other lots in R Districts.

Section 5.030 Lot and Building Regulations
5.030-A Table of Regulations

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[4] Non-residential uses requiring special exception approval in R zoning districts, excluding Day Cares, require minimum 25-foot building setback from R-zoned lots that are vacant or occupied by residential uses. Day Cares are not subject to the required 25-foot building setback.

Amends Table 15-2 to allow Day Cares by right in OL Districts.

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<th>USE CATEGORY</th>
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<th>OH</th>
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Amends Sec. 30.010-1.2 to allow the addition of a Day care as an allowed Minor amendment to a PUD.

30.010-I Amendments to Approved Plans

1. **Major Amendments**
   Any change or amendment that represents a significant departure from an approved PUD development plan requires review and approval of a PUD zoning district map amendment and development plan, including all requirements for fees, notices and hearings.

2. **Minor Amendments**
   a. The planning commission is authorized to approve minor changes and amendments to an approved PUD development plan as long as a substantial compliance is maintained with the approved PUD development plan.
   b. In instances where the city council has expressly imposed a PUD condition more restrictive than originally recommended by the planning commission, any minor amendment of that specific condition must be approved by the city council.
   c. The following may be processed as minor amendments:
      -
      -
      -
      (16) Addition of Day Cares as an allowed use.
Amends Sec. 35.040-D to allow Day cares the same lot and building regulations of a Detached house and re-defines Family Child Care Home to have up to 12 children.

35.040-D Day Cares
Uses providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples of day care uses include adult day care centers, as defined in the Oklahoma Adult Day Care Act; child care facilities, family child care homes and large family child care homes, as defined in the Oklahoma Child Care Facilities Licensing Act and OAC 340:110-3-81; provided that uses providing care and supervision for children or adults for 24 hours per day or longer are classified as group living uses. Day camps are also classified as day care uses. Day cares are subject to the same lot and building regulations that apply to detached houses, except as modified by supplemental regulations of Section 40.120. Family Child Care Homes provide care and supervision for 12 or fewer children for less than 24 hours per day and are accessory uses regulated by Section 45.070.

1. Family Child Care Home
A day care use that is accessory to a household living use and that provides care and supervision for 7 or fewer children for less than 24 hours per day. See Section 45.070.

2. Day Camps
As defined in the Oklahoma Child Care Facilities Licensing Act, programs that serve only school-age children and operate during regular school vacations for no more than 12 hours per day.

Amends Sec. 40.120 to remove the additional lot area requirement for a Day camp and add additionally supplemental regulations for day cares.

Section 40.120 Day Cares
Day camps require a minimum lot area of one acre in AG, AG-R, RE or RS zoning districts. When a Day care use is located inside an R or AG-R Zoning District outdoor child play equipment may not be located or stored in the street yard. See also the (accessory use) family child care home regulations of Section 45.070.
Amends Sec. 45.070 to allow an additional employees at the site of a Family child care Home and allows Family Child Care Home to have up to 12 children

Section 45.070 Family Child Care Homes

45.070-A Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

45.070-B Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.

45.070-C Family child care homes may provide supervision for no more than 12 children.

45.070-D No person may be employed other than a member of the household residing on the premises a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma.

45.070-ED Signs advertising a family child care home are prohibited.

45.070-FE No exterior building alterations or site modifications may be made that would change the residential character of the premises.

45.070-GF A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets. State-licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.
Amends 70.040-I to allow the addition of a Day care as an allowed Minor amendment to a Development Plan.

70.040-I Amendments to Approved Development Plans

1. Minor Amendments

a. The planning commission is authorized to approve amendments to approved development plans as minor amendments if the planning commission determines that substantial compliance is maintained with the approved development plan. The following is a non-exhaustive list of changes that may be considered as minor amendments:

(1) Addition of Day Cares as an allowed use.
I really appreciate the thoughtful proposal. I want to share some quick things to think about. I am planning another email to you too so just know another is coming.

DHS rules on family child care homes are in this document. Page 45 shows the below on the number of caregivers. We feel strongly there needs to be the allowance of up to 3 non-resident caregivers. The owner is sometimes ideally doing paperwork, going to professional development, talking with parents or outside supports on disabilities or mental health or going to the grocery store for food.

(f) Required number of caregivers. Large family child care homes are exempt from the requirements regarding the number of caregivers, per OAC 340:110-3-84(b) and (c). The number of caregivers required in a large family child care home is described in this subsection.

1. One caregiver. One caregiver may care for up to:
   - (A) five children of any age;
   - (B) six children, with no more than three children younger than 2 years of age;
   - (C) seven children, with no more than two children younger than 2 years of age;
   - (D) seven children, when the children are 2 years of age and older;
   - (E) eight children, when the children are 3 years of age and older;
   - (F) 10 children, when the children are 4 years of age and older; or
   - (G) 12 children, when the children are 5 years of age and older.

2. Two caregivers. Two caregivers may care for up to:
   - (A) eight children younger than 2 years of age; or
   - (B) 12 children, with no more than six children younger than 2 years of age.

3. Three caregivers. Three caregivers may care for up to 12 children of mixed ages, with no more than eight children younger than 2 years of age. When only children younger than 2 years of age are in care, three caregivers may care for up to 12 children.

DHS rules on family child care homes regarding outdoor fencing are on page 14 and 47 of this document and shown below. To me, the F1 screening requirement should only apply to the outdoor play space of the family child care home. You would then be using the child safety rules from DHS but maybe limiting noise and distraction with opaque fences and taller fences.

12. Outdoor play safety. There is an outdoor play area on the premises with at least 75 square feet per child.
   - (A) This area must be hazard free, away from traffic, water, and other dangers.
   - (B) A fence beginning at ground level and in good repair is required. Licensing may grant an exception when children’s safety can be ensured.

1. Outdoor play space. The requirements regarding outdoor play space, per OAC 340:110-3-86(a)(12), are met. The outdoor play space is enclosed by a building or a fence beginning at ground level, at least four feet high, and in good repair. Fencing exceptions are not granted by Licensing.

| Cindy Decker |
| Executive Director |
November 1, 2022

Mayor G.T. Bynum
City of Tulsa
City Hall
175 E. 2nd Street
Tulsa, OK 74103

RE: BOA Case No.: 23435
Hearing Date: September 27, 2022
Disposition: Continued to December 13, 2022

Dear Mayor Bynum:

My name is Crystal G. Pearson. I am a citizen of Tulsa who has resided in the Highland Hills Amended district for nearly 40 years. As a third generation, Black native Oklahoman, I applaud your efforts to unite all Tulsans for the betterment of our city. I also support most of the goals outlined in your upcoming 2023 Budget proposal.

On September 27, 2022, I was involved in the City of Tulsa’s Board of Adjustment Case No. 23435. My testimony, along with two (2) other neighbors was in opposition to the applicant Josh Miller, agent and representative for property owner Bonita K. Thompson and business owner, Thalisa Fuselier. A copy of the application is enclosed for your convenience.

After nearly 1 ½ hours of presentations and testimonies from both sides, and the solo deliberation conducted primarily by the Board Chairman Austin Bond, the Board failed to exercise their judicial authority to approve or deny the application request, but rather continued the matter until December 13, 2022.1 With the exception of Board Member Steve Brown and Principal Planner Dwayne Wilkerson, who suggested that a brief continuance be granted for the purpose of reviewing the submitted documentation, the Chairman of the Board Austin Bond dominated the discussion and convinced the Board

1 The Chairman of the Board did not ask if any party to the action had an objection to a continuance.
members to continue the Hearing for an unjustified and shocking reason. In my opinion, Chairman Bond wrongfully declared that the Hearing should be continued to give the applicant(s) the opportunity to seek changing or modifying the Zoning status of the RS-3 District and/or changing the existing zoning ordinance for Family Child Care Homes to accommodate the applicants' financial dilemma. A dilatory and detrimental decision that only exasperates a very stressful and contentious situation that I will later explain.

Based on the evidence, testimonies presented and the Board’s deliberation, I strongly feel, as a Black woman, Chairman Bond’s decision to continue the action and his misapplication of the Board’s authority and function was improper, bias and thereby discriminatory. The applicant(s) could not and did not fulfill the hardship criteria and was clueless, for that matter, about what a hardship is as it relates to a variance and special exception request.

Furthermore, it is my belief that the Chairman of the Board’s decision to continue the action was based on motive of passion or interest characterized as white sympathy and is contrary to the rules of Oklahoma Citationized Statutes, Title 5, Chapter 1, Section 3, Duties of Attorneys. It is my perception that Chairman Bond’s personal motive influenced the other Board members to make a collective decision to prolong the action. The applicant’s hardship was self-created, and she repeatedly testified that the hardship would be a “decrease in revenues” and that she “expected a return on the $40,000 investment.”

Moreover, Chairman Bond’s decision was subjective and prejudicial towards the opposing parties (Black women), in that, his decision was largely based upon unverified and unsubstantiated claims presented by the applicant. The City of Tulsa is not a “daycare desert” and it is presumptuous to conclude that “All” operators of Family Child Care Homes are breaking the law. In BOA Case Report No. 22200, in the required Space Verification application, the Department of Human services identified over 30 Family Child Care Homes in the Oklahoma Child Care Locator and within close proximity to the applicant’s daycare.

Similarly, the veracity (or lack thereof) of several of the applicants’ or witnesses’ testimonies had an erroneous impact on the decision made by the Board. Most of the witnesses’ statements provided no probative value as to the merits of the application and, for the most part, were irrelevant testimony.2

In addition, the Chairman of the Board, Austin Bond, in my opinion, showed favoritism towards the White applicants when he agreed to the Special Exception Permit request (despite the applicant’s disqualification for the required Variance), and suggested that a

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2 The applicants' witnesses' testimonies were primarily for the purpose of praising the applicant Lisa Fuselier and discrediting the opposition witness Crystal Pearson.
continuance be granted. Neither applicant nor their agent, Josh Miller requested a continuance, but rather was offered a continuance by the Board’s Chairman. Said conduct was incompatible and inconsistent with the Oklahoma Bar Association, Standards of Professionalism; Section 1, Lawyers Responsibilities to the Public.

I continue my brief discussion with background information which preceded the Hearing and I respectfully request that you consider the following.

During the past several years, the quality of our neighborhoods and living conditions have increasingly declined. Absentee ownership and a barrage of unlawful activities have attacked the morale of our neighbors and decimated our communities. A prime example is the pending BOA case regarding the illegal usage and non-compliance status of a non-residential, principally ran daycare known as “Mrs. Lisa Childcare” (formerly operated as “Sterling Childcare”).

On or around November 2010, the original daycare operator and property owner, Bonita K. Thompson (dba “Sterling Childcare”) was sued for negligence in the case of Shayla Meyers v. Bonita K. Thompson (dba Sterling Childcare), wherein Ryleigh Meyers suffered a fractured femur while under Ms. Thompson’s supervision and care. An injury which is very painful and generally requires surgery.

Subsequent to that action, on February 23, 2011, the Oklahoma Department of Human Services, Child Care Services division revoked the license of applicant Bonita Thompson, which prohibited her from operating a Large Family Child Care Home. Said revocation was based on licensing requirement violations outlined in the Notice of Revocation dated January 13, 2011.

Immediately following her license revocation and the closing of applicant Thompson’s daycare (“Sterling Childcare”), applicant Thalisa Fuselier resumed the principal use daycare operations within 2 weeks at 2742 N. Boulder Avenue, Tulsa, OK 74106. Upon doing so, several irregular and flagrant business practices became apparent which included, but were not limited to, the following:

1. Constant foot and car traffic with the delivering or picking up children, including traffic from non-daycare business transactions (i.e. buying or exchanging of goods and services unrelated to daycare business).

2. Full-time, hair care and braiding services (MONDAY thru SUNDAY) performed at the daycare location during business hours and through late evening. Applicant Lisa Fuselier (and her employees) performed hair care services on weekends on a regular basis. (SATURDAY and SUNDAY) (See Photos taken during evening hours).
In addition, applicant Fuselier established inappropriate and non-business relations with certain neighbors and adjacent property owners in the community. Most dangerous was Fuselier’s close ties and ally friendship with next door neighbor Donald Gene Lesley, a habitual drug addict and notorious drug dealer in the neighborhood. Mr. Lesley lived directly across the street from the daycare at 2745 N. Boulder Avenue and was referenced in applicant Fuselier’s testimony at the Board of Adjustment hearing held on September 27, 2022. Donald Gene Lesley was applicant Thalisa Fuselier’s support witness at the Board of Adjustment, Space Verification hearing held on February 28, 2017.

On or around November 2016, a complaint was filed with the Mayor’s Action Hotline and reported the above-described, unlawful activities witnessed at the principal use daycare located at 2742 N. Boulder Avenue, Tulsa, OK 74106. Said complaint prompted the 2017 Working in Neighborhoods investigation which determined that the applicant Thalisa Fuselier was doing business without a Certificate of Occupancy Permit and had not obtained the required Space Verification Zoning clearance before the commencement of her daycare business. It should be noted that the City of Tulsa requires a Certificate of Occupancy Permit (COO) and a Space Verification zoning clearance prior to opening the business.

Pursuant to filing the initial complaint with the mayor’s office in 2016, it was my understanding, and I was led to believe that all reported allegations were going to be investigated and corrected if found to be present. (i.e., excessive customer and vehicle traffic; several employees present and working at the day care; hair care services performed during the day and night, including the principal usage instead of an accessory use to the dwelling.)

However, in March 2017, following the Space Verification approval granted by the Board of Adjustment (Case No. 22200), applicant Fuselier’s daycare activities became more intense, and the customer traffic dominated and overwhelmed the neighborhood. Despite the obvious and clear instructions printed on the COO Permit which indicated that her daycare was only allowed a maximum of seven (7) children and that her supervision was authorized as an accessory to the dwelling, Applicant Fuselier knowingly and willfully ignored the City’s requirements for operating a Family Child Care Home for the purposes of supervising and caring for children. More disturbing, applicant Fuselier and her daughter, Toya bragged about their “permanent” status and displayed illegal signage which indicated they were “commercially zoned.”

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1 Applicant Fuselier testified “...the traffic was unbearable. 1st of the month traffic was everywhere” referring to Mr. Lesley’s drug solicitation activities. Donald Gene Lesley died on May 3, 2022.
2 At or around the same time, applicant and property owner Bonita K. Thompson was notified by phone and advised of the day care activities held on her property at 2742 N. Boulder Avenue, Tulsa, Ok.
3 In the Working in Neighborhoods’, Investigative Summary, Zoning and Sign Official Michael Rider indicated that Ms. Fuselier “was knowingly and willfully violating the zoning code.”
On or around June 2021, applicant Fuselier made several exterior building alterations to the property which included privacy fencing (front and back); front porch deck; extended front sidewalk; and a concrete filled, commercial playground covered with artificial turf located in the back yard. Applicant Fuselier did not obtain the required City building permits prior to making these exterior site changes and, therefore, were not constructed in compliance with the applicable building codes.

On or around September 24, 2021 (four years after the initial Hotline complaint), a formal written complaint was filed with the City of Tulsa’s Working in Neighborhoods division regarding the continued unlawful activities witnessed at the daycare located at 2742 N. Boulder Avenue, Tulsa, OK. In addition to that complaint, two (2) other neighbors filed a written complaint with WIN specifically reporting (among other things) the hair care services regularly performed at the daycare location.

After a 1 year complaint(s) driven investigation conducted by the City of Tulsa, Working in Neighborhoods division, an Investigative Summary was issued which identified several violations of Zoning Code Section 45.070 [A-F], Family Child Care Homes, including violation of Zoning Code Section 5.020 C, operating as a Principal Use Day Care in a RS-3 zoning district without the required Special Exception Permit approval and displaying Signage without required sign permit, in violation of Section 60.020-A.

Furthermore, applicant Thalisa Fuselier operated an illegal hair care business (applying braids and extensions) on a regular basis for over ten (10) years at the day care location 2742 N. Boulder Avenue, Tulsa, OK. Hair braiding and extensions are a common and lucrative trade practice in Black communities, and I submit that applicant Fuselier received monetary compensation for services rendered.

It should also be noted that during the Working in Neighborhoods’ investigation, applicant Fuselier was egregiously dishonest about her (and her employees) principal use status and blatantly denied that she regularly performed hair care services at the location of 2742 N. Boulder Avenue, Tulsa, OK. Applicant Fuselier and property owner Bonita Thompson deliberately avoided the investigator and refused to meet with him (after agreeing to do so) to discuss other compliance options for the day care operations.

In response to the WIN investigation (and to avoid complying with the City of Tulsa’s Zoning Code Ordinance Section 45.070 [A-F]), Josh Miller, agent and representative for property owner and former daycare owner, Bonita K. Thompson filed the above-referenced City of Tulsa, Board of Adjustment application (Case No. 23435) requesting a Special Exception to permit a daycare use in the RS-3 District and the required Variance

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6 On October 3, 2022, (immediately following the Sept. 27th BOA Hearing) applicant Fuselier installed a black chain-linked fence and 10FT length roll gate in front of the day care in violation of the ordinance regarding site modifications and changes the residential consistency of the neighborhood.
to reduce the square-foot lot size, lot width and set back requirements for non-residential (commercial) Special Exception use for a residentially zoned lot.

From the outset and based upon ratified statutes regarding land use variances and special exception requests, the applicant is not eligible for a Special Exception Permit and could not fulfill the strict criteria requirement for a Variance to be approved and granted. Based on research, and as listed in the instructions provided in BOA Application No. 23435, the Board cannot approve or grant a variance unless "the hardship results from conditions that are unique or peculiar to the property", the hardship "cannot be self-created or self-imposed by the property owner," and the variance will not cause "substantial detriment to the public good or contradict the purpose, spirit and intent of the zoning ordinance and code."

Further evidence was provided in the BOA Case Report No. 23435 prepared by Austin Chapman, Planner for the Tulsa Planning Office, Board of Adjustment INCOG Division. In the Case Report, Mr. Chapman verified that the applicant was not eligible or qualified for a Special Exception Permit and the required Variance by noting the following:

"Facts staff finds favorable for variance request:

• None.

Facts Staff find unfavorable for the variance request:

• The property was developed as a single-family home, the applicant provided no hardship that is related to the physical surroundings, shape or topographic condition of the subject property. The city zoning ordinance cannot be considered a hardship.

• The subject property is not unique.

• The proposed/existing daycare is not considered a family childcare home not accessory to a residential-use."

In recognizing other neighboring States’ municipal statutes and case rulings regarding land use variances and special exception requests, the general rule of law dictates that the property owner is not eligible and cannot be granted a variance or special exception use if he or she has already violated the law (i.e. zoning ordinance). In this instance, prior to filing the BOA Application, the applicants Bonita Thompson and Thalisa Fuselier willfully and knowingly violated multiple sections of the Family Child Care Home zoning ordinance, including the applicant’s misrepresentations regarding her principal use status indicated on the City’s Permit Application.
In Board Of Adjustment Case No. 23435, the applicants’ hardship had nothing to do with the peculiarity or limitations of the property but was self-imposed due to financial obligations and required “revenue” goals. In the 20-minute presentation gave by Cyndy Becker, Executive Director of Educare, the applicant made four (4) references to a financial and/or economic hardship:

- “.... Not economically feasible to go down to 7 kids...”
- “.... every fewer kid you serve you decrease revenue by 1 to 1....”
- “.... revenue decreases but expenses don’t decrease; not economically possible.”
- “.... In 2019 Tulsa Educare made investment into the property of $40,000; you expect to get a return; we assumed we would have the return of 12 kids on the property.”

In her testimony, applicant Cyndy Becker minimized the injurious nature of the illegal daycare practices and grievously reduced the long-term, harmful impact to “some signage” and “parking”. More disturbing, applicant Becker woefully mischaracterized the micro-size, crowded 2-bedroom house as a “Large Family Childcare Home”, and by no means is suitable to occupy twelve (12) plus children and four (4) adult staff.7

With similar mindsets, the Chairman of the Board Austin Bond applied the same reckless disregard for the purpose and intent of the zoning code and ordinance. The purpose and intent of the zoning code was to provide substantial or equal justice for all citizens (which includes Black residents) and protect the public’s safety and well-being. A zoning code that was analyzed and constructed by qualified government officials and ratified through an important electoral process.

During the Hearing, Chairman Bond showed no interest whatsoever in the injurious and detrimental aspects of the case. As the leader of the quasi-judicial proceeding, Chairman Bond failed to direct or instruct the witnesses to speak to or offer testimony for one of the required elements for a special exception approval: “2.) The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.” When I attempted to read the attached Injurious Statement during my testimony, despite begging the Chairman for extra time, Chairman Bond interrupted my testimony and prompted me to leave the podium. It should also be noted that in viewing previously recorded Board of Adjustment Hearings wherein Chairman Bond resided, White female witnesses or applicants were not rushed, or their testimonies abruptly stopped because of time

7 The general practice of the daycare is to service 15-20 children on a typical day. On July 10, 2022, twenty-one (21) children were delivered to the daycare by 8:50 AM in the morning. In the Working in Neighborhoods', Investigative Summary, Zoning and Sign Official Michael Rider observed “at least 15 children and 3 adult employees present" during his on-site visit to the daycare.
limitations. More importantly, Chairman and Attorney Austin Bond generally denied or expressed unfavorable opinions in cases involving Black applicants or witnesses.

Chairman Bond’s subjective consideration and directive to approve the applicant’s special exception request contingent upon the modification or change of the City’s zoning code or Family Childcare ordinance was over-reaching the Board’s scope of authority and, therefore, disregarded the rules and objectives of the quasi-judicial process. The purpose of the Hearing is to approve or deny the application based upon the evidence and testimonies presented. The Board’s decision to continue the action was deleterious to the corrective process and adversely affected certain members of the community (i.e. Black neighbors and citizens). Said conduct is in violation of the Oklahoma Bar Association, Standards of Professionalism, Lawyers’ Responsibility to the Public, Section 1.10.

I should also add that Attorney Audrey Blank was derelict in her duties as the Board of Adjustment’s Attorney in that she failed to offer any legal advice or guidance in the matter and remained mute throughout the entire proceeding.

The applicant Thalisa Fuselier is an unscrupulous and dishonest business owner who is not suitable, disqualified and should not be granted a special exception use privilege under any circumstances. Applicant Fuselier has blatantly ignored and violated the City’s guidelines and requirements, and she has shown no consideration or regard for the privacy and rights of others. In that same reasoning, it absolutely makes no legal sense and is not in the interest of the public to approve a Special Exception request for an applicant whose childcare license has been revoked. Applicant Bonita Thompson continues to reap benefits and receive revenue from her daycare operations under the guise and proxy of Applicant Thalisa Fuselier and is further evidence of their propensity to circumvent the law.

As testified at the September 27th BOA Hearing, the applicant’s Special Exception and Variance request was filed in bad faith with the intent of undermining and subverting the objective, fact-finding determination of the City of Tulsa’s Working in Neighborhoods Investigation of the principal use day care known as “Mrs. Lisa’s Childcare”. Prior to filing the application, the applicants made no attempt to speak with the affected parties or neighbors in the interest of advising the public about their intent and addressing the issues with minimal exposure and harm as possible.8

I am also strongly of the opinion that applicant Josh Miller filed the BOA application as a bogus ploy intended to discourage and intimidate the opponents (Black women and citizens) with a formal quasi-judicial proceeding and as a stall tactic to bide time for the

8 In this context, the applicants referred to are Josh Miller, Program Officer, George Kaiser Family Foundation, Cyndy Becker, Executive Director Educare, Bonita K. Thompson, property owner and Thalisa Fuselier, business owner.
applicant, Thalisa Fuselier who continues to principally operate an unlawful and non-compliant day care business.

For over ten years, the applicants Bonita Thompson and Thalisa Fuselier have economically exploited and socially divided our community. The applicants’ unlawful commercial business has a negative impact on the neighborhood and does not reflect the spirit or intent of the residential zoning code. The applicants (Josh Miller, Cyndy Becker, Bonita K. Thompson, Thalisa Fuselier) and their employees, including the families they serve DO NOT live in our neighborhood. More importantly, their commercial and profit driven interest only disrupts the peace and harmony of our residential environment.

In the same context, Applicant Thalisa Fuselier has used and continues to employ unethical and illegal business practices of harassment and retaliation which alienates non-supporting residents of the community. Applicant Fuselier and her offspring staff have destroyed my relations and comradery with resident neighbors. Fuselier and her associates make false accusations and denigrate my upstanding status in the community. A common practice of the unprincipled owner is to solicit the help of rogue and criminal associates to intimidate and frighten neighbors about reporting illegal activities at the daycare or in the neighborhood. At least two (2) of these associates gave false, misleading testimonies at the Board of Adjustment hearing held on September 27, 2022.

On September 24, 2021, I filed a complaint with the City of Tulsa’s Working in Neighborhoods requesting their assistance to investigate and correct an intrusive and harmful presence within our community. After patiently waiting for the completion of a 1-year City investigation and participating in a demeaning and stressful judicial proceeding, I’ve received no relief or consideration for the legitimate concerns expressed in my complaints. In fact, the Board’s bias and prejudicial ruling only validated and encouraged the unlawful conduct of the applicants and compounded my anxiety. Furthermore, the Board’s improper decision conveyed the wrong message and sent a dangerous signal to other violators and predators within the Black community. A message which says it’s OK to violate the law and cause harm and indignity to others.

In addition, several City departments and public offices have financially benefited from the commercial and hostile take-over of the Highland Hills District which includes the City of Tulsa Code Compliance, Zoning and Permit Divisions; Tulsa Engineering and Planning Associates (TEP); City of Tulsa Board of Adjustment INCOG Division and the Tulsa Planning Office.
I conclude my discussion with important reminders which reiterate the issue of safety and suitability of the principal use daycare home. I also take very serious issue with exceeding and violating the City's occupancy allowance (7 children) for revenue driven purposes.

In her 20 minute Educare presentation, Applicant Cyndy Becker misled the Board members when she stated that when you reduce the number of children "...revenue decreases but expenses don't decrease; not economically possible." However, the truth of the matter is that the applicants Thalisa Fuselier and Bonita Thompson possess multiple dwellings and lead pretentious, glutinous lifestyles which are fueled by greed and blind ambition. More troubling is the mischaracterization of the micro-size, 2-bedroom house as a Large Family Childcare Home. The 1950 built, single-family resident was not designed or intended to be used as a large-scale commercial daycare facility. I remind you of the serious accident which took place while illegally operating as the "Sterling Childcare" large family home. Or the fire hazard danger resulting from flammable materials contained in the crowded, over-filled rooms depicted in the daycare photographs. Likewise, I encounter the risk of hitting parked vehicles or children, on a daily basis, when entering and exiting my driveway due to the failed setback requirements for the daycare parking. Applicant Thalisa Fuselier continues to advertise her daycare with visual decorations and caricature fixtures which promotes her business and signals the attention of future customers.

On September 27, 2022, I attended a Board of Adjustment hearing with the expectation of participating in a fair and objective judicial proceeding regarding an unlawful, commercial business operating within our community. At the conclusion and pursuant to the Board's ruling, I felt painfully insignificant (as did the other opposing neighbors) and ten (10) years of anguish and suffering was discarded within 1 hour.

Chairman Bond’s profound statement, "I think the benefits far outweigh anything we have heard here today," grievously disregards the blatant misconduct and unethical behavior of Black business owners, Thalisa Fuselier and property owner Bonita K. Thompson. Our children and communities need business owners with moral character and professional integrity. We also need principled business operators who will place safety and public welfare over their pursuit of money and large "revenues". The purpose and intent of the zoning ordinance is to protect the public's safety and well-being, and to provide equitable justice for all its members and communities.

The Board's postponement decision does not reflect or uphold the spirit and intent of the zoning code but was issued for the specific purpose of continuing the repayment of a "40,000 investment".9

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9 The Board's decision to postpone the Hearing was primarily directed and encouraged by the Board Chairman Austin Bond.
As a result of these actions, I strongly feel that my rights as a citizen and as a human being have been grossly violated and denied. I also believe that the Board's improper and bias decision to continue the matter discriminated and adversely affected a specific group of people in the community, Black homeowners and Black women. As a law abiding, tax paying Black citizen my civil rights were violated and denied during the unjust, prejudicial, and applicant-driven quasi-judicial proceeding. As a born citizen of the United States, I have the inalienable right to fair, just and equal consideration in matters regarding my human existence and personal possessions (i.e. my property).

Applicant Bonita Thompson and Thalisa Fuselier, through their unlawful business practices have denied me the right to privacy and the quiet enjoyment use of my home. The constant, daily presence of people coming and going, accompanied by a barrage of sounds and noises are harmful detriments generated by a profit-driven commercial environment. (See Exhibit 8: Injurious Statement). The long-term presence of the unlawful daycare and its’ proximity have taken its toll on my psychological and physical health.

Pursuant to this correspondence and considering the above-information, I respectfully request your assistance to remediate and resolve this persistent matter. In the same spirit, and based upon the evidence and facts revealed, the City of Tulsa should uphold and enforce the current Family Childcare Home Zoning Ordinance and the legitimate, fact-finding determination of the Working in Neighborhoods’ Investigation and qualified directive.

The Board of Adjustment Application No. 23435 filed by the applicant was a misuse of the adjudication process and debased the purpose and integrity of the quasi-judicial forum.

The principally run daycare known as “Mrs. Lisa's Childcare” has outgrown and exceeded our residential need. The only just and equitable decision is to relocate and operate the daycare business in a commercially suited environment, based on the exponential growth of the business and its projected revenue goals.
Mayor Bynum thank you in advance for your attention and anticipated assistance in this regard. I sincerely appreciate your invaluable time spent and I respect your role as the Mayor of the City of Tulsa.

Respectfully submitted,

Crystal G. Pearson
Owner/Occupant
2741 N. Boulder Avenue
Tulsa, OK 74106
(918) 625-7374

Enclosures: Binder: Exhibits 1-18
Photographs
cc: Alliance For Justice  
11 Dupont Circle NW  
Suite 500  
Washington, DC 20036

National Women’s Law Center  
11 Dupont Circle NW  
Suite 800  
Washington, DC 20036

Derrick Johnson  
President and CEO  
National Association for the Advancement  
Of Colored People  
4805 Mt. Hope Drive  
Baltimore, MD 21215

Chief Wendell Williams  
Tulsa Police Department  
600 Civic Center  
Suite 303  
Tulsa, OK 74103

Lawyers Committee For Civil  
Rights Under the Law  
1500 K Street NW  
Suite 900  
Washington, DC 20005

Amber Hikes  
Chief Equity & Inclusion Officer

Yasmin Cader  
Deputy Legal Director  
ACLU  
125 Broad Street 18th Floor  
New York, NY 10004

NAACP Legal Defense  
40 Rector Street,  
5th Floor  
New York, NY 10006

Immediate Family Members  
and Associates
Below are some of the items that I hope will be addressed:

- Change **the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the **DHS-licensed family child care homes where the owner does not live in the home**, consider the likelihood that a special exception would be approved.

- Limit the **F1 screening requirement** which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000- $10,000 which is an unnecessary cost for areas providers do not need for their business.

- Consider allowing **family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement**. Some of these exist and we don’t want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don’t want providers staying out of compliance knowing they do not meet this requirement.

- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.

- DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the licensed family child care homes **where the owner does not live in the home, consider the likelihood that a special exception would be approved.**

- **Limit the F1 screening requirement**, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes **currently operating within 300 feet of one another to be exempt from the 300 feet rule**. A provider shouldn’t be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.

- Without these modifications, existing providers **may have to close or change their operation by serving fewer children**. This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- **DHS already has a 99 page licensing manual that governs child care facilities. These additional Zoning Code regulations create unnecessary red tape.**

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help!

Please consider these requests!
Sincerely,
Debbie Brown
Child Care Provider
Hi Austin, I also wanted to let that we have about 64 daycare homes in Tulsa where the owner of the daycare does not live in. We have several pending applications so this number may increase as we are processing the applications.

From: Chapman, Austin <AChapman@incog.org>
Sent: Tuesday, March 28, 2023 10:48 AM
To: Gabriella Evans <Gabriella.Evans@okdhs.org>
Subject: [EXTERNAL] RE: Community meeting-principal use daycare amendments

Hi Ms. Evans,

Attached is the power point. Cindy Decker, with Educare, reached out to me after the and provided me with more information regarding the number of family childcare homes inside the City of Tulsa. I have updated the power point to reflect the number after she refined the search function of the states website. There is a greater number of Family Child Care homes licensed inside the City of Tulsa than I first noted in the PowerPoint. Thank you and I anticipate reaching out to you before we finalize the regulations with our City Council.

Best,

Austin Chapman, AICP
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit.

[(918) 596-9456]

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From: Gabriella Evans <Gabriella.Evans@okdhs.org>
Sent: Friday, March 24, 2023 8:48 AM
To: Chapman, Austin <AChapman@incog.org>
Subject: Community meeting-principal use daycare amendments

Hi Mr. Chapman,

My name is Gabriella Evans. I am employed with DHS as a Regional Program Manager in Child Care Services. I oversee the NE region of the state including Tulsa county.

I was on the zoom meeting last night. Could you email me a copy of the powerpoint?

I would also like to say that we have several daycare homes in Tulsa who only use it for daycare purposes so it's my understanding that they don't meet zoning requirements at this time.

A few other things that were mentioned last night was having a fence that is at least 6ft tall in the backyard. DHS regs require them to have at least a 4ft fence, which is minimum standards so I am not sure how many currently don't meet the 6ft zoning regs. I would also agree with others who made comments in the meeting about having more than 1 staff employed. If the program is licensed for 12 children then they would need to have at least 2 staff and maybe more depending on the ages of the children and the needs of the children.
If you have questions about the DHS regulations then I would be happy to answer or clarify anything. I will also share the zoning info with licensing staff so that they can make their current programs and new programs aware.

Gabriella Evans, Regional Program Manager Region IV
Cell: (918) 605-0396
Gabriella.Evans@okdhs.org
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Although I operate a center, I am relentlessly advocating for my fellow network of family child care homes. As a network, one indirect, trickle effect – such as a zoning ordinance - could potentially affect us all across the state.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- **Limit the F1 screening requirement**, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet rule. A provider shouldn’t be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.

- Without these modifications, existing providers may have to close or change their operation by serving fewer children. This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- DHS already has a 99 page licensing manual that governs child care facilities. These additional Zoning Code regulations create unnecessary red tape.

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help!

Please consider these requests!

Sincerely,

Melodi Humphrey
Dear Tulsa City Counselors and Incog staff,

The Tulsa zoning code as it is will cause me to lose revenue, lose 2 quality staff members, and be forced to decrease the number of children and staff that I am able to assist.

Below are some of the items that I hope will be addressed:

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.
- For the DHS-licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.
- Limit the F1 screening requirement which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000-$10,000 which is an unnecessary cost for areas providers do not need for their business.
- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement. Some of these exist and we don’t want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don’t want providers staying out of compliance knowing they do not meet this requirement.
- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.
- DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.

Jacqueline R. Evans
Childcare Specialist
evans3@cox.net

918-809-7648 (You may call me at any time).
Hello, to whom it may concern, as a parent who has her child at a family child care home here in Tulsa,

Below are some of the items that I hope will be addressed in the upcoming zoning modifications.

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.

- For the DHS-licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

- Limit the F1 screening requirement which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000 - $10,000 which is an unnecessary cost for areas providers do not need for their business.

- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement. Some of these exist and we don’t want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don’t want providers staying out of compliance knowing they do not meet this requirement.

- Without these modifications to the City Zoning Code, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.

- DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code create unnecessary red tape.

As business owners of family child care homes, we are responsible for protecting and educating our children of Tulsa. We are essential in addressing the child care desert concern.
our city faces. Given that child care programs promote Kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code.
Hello all,

Below are some of the items that I'd like considered in the zoning modifications:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the **DHS-licensed family child care homes where the owner does not live in the home**, consider the likelihood that a special exception would be approved.

- **Limit the F1 screening requirement** which ultimately demands a private fence for front and backyards. DHS family child care home licensing requirements already require fences for backyards or outdoor play spaces. To add an additional fence would cost around $7,000- $10,000 which is an unnecessary cost for areas providers do not need for their business.

- Consider allowing **family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet requirement**. Some of these exist and we don't want one provider rushing to complete their permit application first and in return disallowing the other one to operate, and we don't want providers staying out of compliance knowing they do not meet this requirement.

- **Without these modifications to the City Zoning Code**, existing providers may have to close or change the way they do business by serving fewer children. This will not only affect their livelihood, but will create an even larger hardship for families in Tulsa struggling to find child care.

- **DHS has a 99-page document regarding child care regulations. The additional regulations by the City Zoning Code** create unnecessary red tape.

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Sincerely,

Lena Riser
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

- For the licensed family child care homes where the owner does not live in the home, consider the likelihood that a special exception would be approved.

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- Without these modifications, existing providers may have to close or change their operation by serving fewer children. This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

- DHS already has a 99 page licensing manual that governs child care facilities. **These additional Zoning Code regulations create unnecessary red tape.**

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help! Please consider these requests!

Sincerely,

lorine martinez
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

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Sincerely,

Patsy Matthews
Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- **Change the limit on the number of non-resident caregivers** from one to three or remove this requirement in totality.

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Please consider these requests!

Sincerely,
Provider Name

Shirangela (Angie) Scott
From: Shannon Ward
to: dist1@tulsacouncil.org; Councillor Jeannie Cue; dist3@tulsacouncil.org; (DIST4) McKee, Kara Joy;
dist5@tulsacouncil.org; dist6@tulsacouncil.org; dist7@tulsacouncil.org; dist8@tulsacouncil.org; Councillor Jayme Fowler; Chapman, Austin; Miller, Susan
Subject: City of Tulsa zoning code changes
Date: Wednesday, April 19, 2023 4:44:06 PM

Dear City Counselors,

My name is Shannon Ward. I hope that we will change the rule that says that I can only serve 7 children in my family child care home. I also hope that we change the rule that says that childcare owners are required to live in the home that their childcare is in. Even though I live in the home that my childcare is in, I think that allowing the others to remain open will give parents a wider range of childcare homes to choose from.
We need your help!

1) Copy & paste the below email

2) Send 1 email & copy all councilors -

dist1@tulsacouncil.org; dist2@tulsacouncil.org; dist3@tulsacouncil.org; dist4@tulsacouncil.org; dist5@tulsacouncil.org; dist6@tulsacouncil.org; dist7@tulsacouncil.org; dist8@tulsacouncil.org; dist9@tulsacouncil.org; AChapman@incog.org; smiller@incog.org

Dear City Councilor,

Thank you for considering our proposed Zoning Code modifications that affect our businesses as child care providers in the city of Tulsa.

Below are a few Zoning items that should be examined, reviewed, and amended:

- Change the limit on the number of non-resident caregivers from one to three or remove this requirement in totality.

- For the licensed family child care homeswhere the owner does not live in the home, consider the likelihood that a special exception would be approved.

- Limit the F1 screening requirement, which ultimately demands a private fence for front and backyards. Licensing regulations already include fences for backyards or outdoor play spaces. To install an additional fence would cost around $7,000-$10,000, an unnecessary and costly expense for providers.

- Consider allowing family child care homes currently operating within 300 feet of one another to be exempt from the 300 feet rule. A provider shouldn't be forced/rushed to submitting a business permit application, disallowing a neighboring program from operating nor should a provider be noncompliant by not meeting this requirement.
• Without these modifications, existing providers **may have to close or change their operation by serving fewer children.** This will not only affect their livelihood, but will pose a much larger hardship for families struggling to find child care in Tulsa.

• DHS already has a 99 page licensing manual that governs child care facilities. **These additional Zoning Code regulations create unnecessary red tape.**

As business owners of child care programs, we are responsible for protecting and educating our children in Tulsa. We are essential forces in addressing the child care desert our city faces. Given that child care programs promote kindergarten readiness and offer employment and educational support to parents and caregivers, we need to make it easier to operate family child care homes in compliance with the City Zoning Code. And we need your help! Please consider these requests!

Sincerely,

Provider Name