

Southfield vetoes units for retarded

By Jackie Klein
staff writer

The operator of Southfield's first apartment complex proposed for mentally retarded adults has threatened to sue the city for alleged discrimination and violation of civil rights in turning down the project.

Southfield's City Council Monday voted 3-5 against a construction site plan for the proposed two-story, seven-unit facility in an office district on the southwest corner of 12 Mile and Pi-ces.

A tie vote constitutes a denial.

The Community Living Center (CLC) home, to be operated by executive director Mary Wagner, was planned to house 14 residents in two-bedroom units, and two resident managers.

DETROIT ATTORNEY Jon Garrett, representing CLC, said after Monday's meeting he will immediately file suit against the city in federal court or Oakland County Circuit Court because of a May deadline for financing the project.

"We're charging discrimination, violation of civil rights and violation of Southfield ordinances and the state law," Garrett said.

"The state legislature has been forced to pass laws protecting the retarded in group homes because local officials constantly deny the rights of the retarded to live among others in the community."

"Many retarded individuals are capable of living independently and don't

belong in institutions. Why should they be cheated because of the capriciousness of government?"

The site plan for the apartment building meets Southfield ordinance requirements and the use is permitted in a low-rise office zone, according to City Attorney William Beach.

The 712-square-foot units — including living rooms, dining areas, kitchens and bathrooms — are smaller than the minimum 1,000-square-foot units required for regular apartment buildings, Beach said.

But these regulations don't apply in an office district and there is no requirement in the ordinance for a community room, according to Beach.

These conclusions are in response to questions and objections raised by some City Council members last month when action on the site plan was delayed.

BERAS said Monday that the complex complies with city, state and federal regulations. City Council lacks expertise on foster care facilities, he said, and professionals in the mental health field are better equipped to determine what's best for the retarded.

"The ordinance allows this use and this is a site plan request and nothing more," Beras said. "The State Zoning Enabling Act requires us to approve site plans which comply with city ordinances, state law and federal regulations."

Wagner described the proposed complex as a "training facility" — a step

between group home living and independent, unsupervised apartment living of the retarded.

"We don't need a community room. Living rooms in the building are large enough for meetings with residents and staff. Residents will come to the facility from small group homes and they'll benefit from training to live in their own apartments."

"About 18 residents among the retarded who lived in our 10 small group homes have left and are living two to seven in different communities. The Southfield facility will prepare retarded adults for homesome apartment living. A community room is unrealistic."

RESIDENTS will be kept busy with outside activities, Wagner said. They are high functioning, don't require 24-hour-a-day supervision and are capable of shopping, planning meals, cooking, banking and other duties in addition to holding jobs.

"The training concept is to determine if these residents can handle being on their own. If they can't, they'll return to group homes. But the in-between step of the training facility takes away the failure aspect."

A community room in the facility is important for socializing or as a place for residents in small apartment rooms to go in order to relieve tensions, Goldstein said.

In response to Goldstein's contention that a family support system is good for the retarded, Wagner said some former group home residents have out-

grown the need for support, can earn their own living and function well in their own apartments.

Goldbaum said she's concerned about the social interaction of residents and the lack of a common meeting space in the proposed facility.

"The retarded of every denomination, race, color and creed in our CLC homes are taken by our vans to churches, schools and other places to engage in activities," Wagner said.

"The retarded are happiest socializing with their peers. They seldom have a free evening. A community room isn't in our plan or in our budget. We don't need one in a facility in which our residents will live on a temporary basis."

CRISTIANO said he's concerned about what will happen to the site if the project is abandoned or sold.

The project could be converted into an office building or a nursing home, according to City Planner Donald Gross. Wagner, however, said CLC has a 30-year mortgage on the building and the retarded need the facility.

"We've been engaged in a psychological, sociological study and that's not our prerogative," said Jaffe Oake. "Our job is to decide if the zoning fits the building site. What happens to the people inside should be left to professionals."

But Goldbaum persisted in saying that foster care facilities have specific responsibilities.

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