

**North Little Rock Planning Commission
Regular Meeting
October 12, 2010**

Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:45 PM in the Council Chambers, City Hall.

Members Present:

Alexander
Armstrong
Belasco
Chambers
Dietz
Foster
Parker
White
Clifton, Chairman

Members Absent:

None

Staff Present:

Robert Voyles, Director
Shawn Spencer, Assistant Director
Samantha Evans, Secretary

Others Present:

Paula Jones, Asst. City Attorney
Debbi Ross, Alderwoman

Approval of Minutes:

Motion was made and seconded to approve the September meeting minutes as submitted. The minutes were approved with (9) affirmative votes.

Administrative:

None

Subdivision Administrative:

- A. **SPR-2214-10 Davis Addition, Lot 16R, Block 3 (Site Plan Review of compressed natural gas fuel station located at the southwest corner of Olive and 15th Streets)**

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention "in lieu of" fee
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. Driveway radii returns built to City Engineer's specifications.
 - d. All driveways are to be concrete in the ROW.
 - e. Secure curb cut from City Engineer.
 - f. Modify storm drain inlet at NW corner to provide radius return at driveway.
 - g. Provide 13 foot dedication of ROW on 15th Street and 25 foot radius at property line corner.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before a building permit issued.
 - c. Provide one trash can per pump.
 - d. No fence is to be within a front building line.
 - e. Lighting on canopy to be recessed and building lighting to be shielded.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Protect existing tree's root system during construction with a construction fence placed at a 30' radius.
 - d. Provide street trees 40' on center.
 - e. Provide buffer between dissimilar uses or zoning. Provide 8' block wall on south side.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. No electronic changeable copy sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Fire hydrants to be within 400 feet of all areas of building.
 - c. Provide a fire hydrant near NW corner of lot.
- 7. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.
 - b. Submit plans for water facilities and/or fire protection system to CAW for review.
 - c. Approval of plans by AR Dept of Health Engineering Division is required.
 - d. Contact CAW for requirements on backflow protection on meter services.
 - e. Contact CAW for requirements on size and location of the meter.
- 8. Meet the requirements of NLR Wastewater, including:**
 - a. Service is available to site.
 - b. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (9) affirmative votes.

B. SPR-2217-10 Iron Mountain Addition, Lot 6, Block 30 (Site Plan Review of church parking lot located at the northeast corner of 13th and Pine Streets)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention "in lieu of" fee of \$500/acre.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. All driveways are to be concrete in the ROW.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards. Meet with City Engineer for proper design standards.
 - b. Provide concrete tire stops to keep vehicles from parking on landscape strip.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide 8 street trees that are irrigated.
 - c. Provide a landscape continuous screen along 13th and Pine Streets that are irrigated.
 - d. Provide 6 foot front yard landscape strip between property line and parking lot.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. No pole sign permitted. No electronic changeable copy sign permitted.
- 6. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.
 - b. Contact CAW for requirements on backflow protection on meter services.
 - c. Contact CAW for requirements on size and location of the meter.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (9) affirmative votes.

C. Rep-2218-10 Choctaw Addition, Lot 1RR, Block 28 (Replat and Site Plan Review of a church located at northeast corner of Cherry and Second Streets)

Update drawings and meet with staff on October 4th or 5th. Correct alley and easement issues on site plan.

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention "in lieu of" fee of \$500/acre.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. Driveway radii returns built to City Engineer's specifications.
 - d. All driveways are to be concrete in the ROW.
 - e. Secure curb cut from AHTD.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.

- b. Final plat and/or Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed or a building permit issued.
- c. Dumpster screening to match building.
- d. Allow waiver of 38 on-site parking spots with review and upgrade of off-site lots.
- e. Revise setback on plat along Hwy 70 to 40 feet. Remove rear setback on site plan.
- f. Improvements to all parking areas must be finished before CO issued for church building.
- g. Remove on site sidewalk on the parking lot north of 2nd Street (lot not wide enough).
- h. Sidewalk at corner of Cherry and Washington to be located in the ROW.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Crepe Myrtle are not accepted as street or parking lot shade trees.
 - d. Provide street trees 40' on center along:
 - i. Hwy 70, Cherry Street, 2nd Street (main lot)
 - ii. Cherry Street (lot at NE corner Cherry and Washington)
 - e. Provide parking lot shade trees (1 per 6 spots) on all parking lots. Parking lot shade trees may also serve as buffer trees.
 - f. Provide a continuous screen for any parking spots that face a street or abutting property. If a buffer fence is required a continuous screen will not be needed. Provide screen in parking areas that are within the front building lines.
 - g. Provide 6 foot front yard landscape strip between property line and parking lot.
 - h. Provide buffer between dissimilar uses or zoning along:
 - a. the east property lines of the parking area and the east property line of the church area.
 - b. the east property lines of the parking lots located between 2nd and Washington.
 - c. the side property lines of the parking lot north of 2nd Street
 - i. Buffer fences are to stop at the established front building lines of the lot.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. Provide sign location on site plan.
 - c. No pole sign permitted. No electronic changeable copy sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Fire hydrants to be within 400 feet of all areas of building.
- 7. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.
 - b. Submit plans for water facilities and/or fire protection system to CAW for review.
 - c. Approval of plans by AR Dept of Health Engineering Division is required.
 - d. Contact CAW for requirements on backflow protection on meter services.
 - e. Contact CAW for requirements on size and location of the meter.
- 8. Meet the requirements of NLR Wastewater, including:**
 - a. Sewer service is available.
 - b. Sewer easement for sewer main to be shown on plat.
 - c. Locate sewer main on drawings.
 - c. A complete set of drawings for development must be submitted to NL

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (9) affirmative votes.

Public Hearing – Old Business:

1. **Special Use #695.** To allow a mobile home park with 19 slips in a C-3 zone. The request is 4401 East Broadway.

The applicant, Mrs. Dortha Rhoades, was present. Mrs. Rhoades explained her application before the Commissioners. Mrs. Rhoades stated that she has received the conditions that were placed on her request; however, she asked the Commissioners to allow the mobile home park to operate in its current state with 19 slips. Mrs. Rhoades explained that while the trailer court currently has only 16 slips in operation, she does have plans to fill the vacant 3 spaces and add a fence to enclose the three spaces. Mrs. Rhoades claimed the trailer park has been her main source of income for 31 years.

Mr. Voyles stated staff went out to look at the site. Staff counted 12 mobile homes and 4 camper trailers. Mr. Voyles stated camper trailers should not be connected to utilities and operate as a permanent residence. Staff has recommended approving the trailer park, but to limit the total number to 18 slips and remove the Recreational Vehicles.

Mr. Foster asked staff if the Commissioners were to approve the application with eighteen slips, would it be against the City's current zoning ordinance.

Mr. Voyles stated the current Land Use Plan and zoning does not support the use. The trailer park is currently a nonconforming use and that is why Mrs. Rhoades is asking for a special use. By approving the application, the Commissioners would set a precedent for future rezoning.

Mr. Foster agreed with staff to limit the trailer park to eighteen slips.

Mr. White asked staff if there is any reason to put a fence around the trailer park.

Mr. Voyles stated this particular use as a trailer park has been at the site for 50 years.

Mr. White asked Mrs. Rhoades to give a time frame as to when she will have the Recreational Vehicles removed.

Mrs. Rhoades stated she could not give a time frame as to when the Recreational Vehicles could be removed. She would have to speak to the owners.

Mr. Chambers asked staff if there was a single meter for each pad or one Electric Power Meter for the entire park.

Mr. Voyles stated that each pad has its own meter.

Mr. Chambers asked to amend condition #5 to include loss of all single meters if the applicant or owner fails to comply with the conditions placed on her application.

Mr. White added to include a time table for shutting off electric power to the mobile homes if the applicant was noncompliant. Mr. White stated he feels the residents should be given a 90 day notice before power is turned off.

Chairman Clifton asked if there was anybody in the audience who wanted to speak on this item before the Commissioners made an amendment to the conditions.

Ms. Lisa Spigner read a letter against the application on behalf of her mother, LaReva Mayo.

Copy of the letter is listed below:

Good afternoon-

My name is Lisa Spigner. I am a resident of North Little Rock and I'm here at your meeting today to help speak for my mother, LaReva Mayo, who is a homeowner living at 512 Dewayne Avenue here in North Little Rock. She and her husband built the house there in 1950, and have owned and maintained it for 60 years now. It sits in the middle of a block that is still predominantly owner-occupied. The houses on the streets adjacent to the mobile home park are fairly well-maintained, and the majority of them are owned by elderly people who have lived there for many years. It is a decent, quiet block of houses on the edge of an area that has experienced substantial disinvestment, including vacant and abandoned houses, vacant lots from burnouts and demolitions and houses where the police are frequently called. This lies to the east of my mother's home.

To the west is the Plantation Mobile Home Park, which is the issue that brings us here today. I understand that the owner has applied for a Special Use Permit to allow an increased number of trailers to be placed there, in addition to RV's. This is a cause of great concern to my mother and other elderly residents there.

The mobile home park has been there for many, many years, dating back at least back to the late 60's or early 70's, and I have to say it was a well-maintained and managed park for a long time. The grass was cut, the trailers there kept clean and maintained and families with children lived and played there.

For a number of years now, very little, if anything, has been done to keep it up. Trailers are in terrible shape, trash and debris is allowed to pile up behind trailers. It appears as though a very transient population of tenants live there. I drive by there regularly on my way to my mother's house, most recently this morning, and saw graffiti painted on an above ground pool squeezed into a little space between a trailer and a tumbled down fence. The exterior door to the water heater closet was sagging and hanging off one trailer. Broken limbs and leaves lay on the tops of the trailers. They are dirty, sagging, deteriorating, and are really an eyesore to the neighborhood. It really looks as though nothing has been done to maintain the place in years. I know that like my mother, the owner of the Park is elderly and perhaps it has become too much for her to handle. Ms. Rhoades is a very nice lady and we think a lot of her, but the condition of the Park is just not good at all and it is contributing to a decline in value to the owner-occupied homes nearby. A person who has the credit and wherewithal to buy a home is not going to want to invest in a home where that is what you see when you walk to the end of your sidewalk and look down the one block street. About a year ago the resident living on the corner of Clara Street, immediately adjacent to the Park, passed away and the home is for sale. Anyone looking at that house to purchase is going to have to look at this park daily basis. We are afraid that no one will want to buy it to live in, and it will eventually become a rent house, and contribute further to the decline of the neighborhood.

I believe that Ms. Rhoades lives in the City of Sherwood. She does not live in the neighborhood impacted by this Park, and in its current condition I doubt whether she would want it located next to her house. I checked with the Pulaski County Tax Collector's office, and the annual taxes on the entire park are only \$64 a year for what is essentially a business. The tenants are not paying real estate taxes on the trailers that they occupy. The Park is certainly not contributing substantially to the City from a financial standpoint.

My mother and others are worried that if more trailers are moved in it will just be more of the same, particularly if RV's and trailers that can come and go at will are allowed in. The Park should not be expanded, and Code Enforcement should require that it be cleaned up and better maintained.

We are respectfully requesting that you decline Special Permit Request #695.

Thank you for your consideration.

Sincerely,

Lisa Spigner and
LaReva H. Mayo

Mr. Chambers stated that the Planning Commission is in the business to help people get along. He has also driven through the park and was appalled. It needs to be thoroughly cleaned and the applicant needs to build a 6’ fence on the east side of the property.

Mr. Chambers asked staff how the Commissioners would mitigate building structure requirements.

Mr. Voyles stated that staff recommends that all new residential units must bear the HUD manufactured home certification.

Mr. Chambers asked Mr. Voyles if someone’s home is not HUD certified would they have to move.

Mr. Voyles stated yes, they would have to move if their trailer was not HUD certified.

Mr. Chambers asked Mrs. Rhoades if she owned the homes or do her tenants own trailers.

Mrs. Rhoades stated she owns four of the trailers; however, none of them are rented at this time. All other trailers belong to others, who rent them out.

Mr. Voyles stated not necessarily. Mrs. Rhoades is considered the responsible party and she is responsible for anything that happens at or on the property.

Mr. White stated that he would like for Mr. Chambers to make the amendment to add a fence to the east side of the property, but to specify that the fence should be a 6 ft. solid wood fence.

Mr. White asked to table the application until the Commissioners receive a report on from Code Enforcement and the Fire Department.

Mr. Foster asked for staff to provide the applicant with information about HUD requirements.

Mr. Spencer stated that he received one letter of support for the application.

There were no additional comments from Commissioners or the audience.

Chairman Clifton asked for a roll call vote to amend the application to include adding a 6’ wood privacy fence on the eastside of property from Clara Street to Dewayne Avenue and removal of all Electric Power Meters should the applicant fail to comply with the listed conditions.

Alexander	Yes	Foster	yes
Armstrong	Yes	Parker	Yes

Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

The amendment to add a fence passed with (9) affirmative votes.

Mr. White asked to postpone the application for 30 days to receive a report from Code Enforcement.

Conditions:

1. Allow the reuse of previously used slips, limiting the total number to 18 slips.
2. Any additional units added to the site, must bear the HUD manufactured home certification label.
3. Recreational vehicles, camper trailers or tents shall not be utilized as residential structures or stored at an empty slip. Recreational Vehicles are to be used as private owner temporary vehicles and should not count as continuation of a unit for a residence. Remove the two RV's from the site before any new units will be allowed.
4. Provide a 6' wood privacy fence on the east side of the property. Fence is to extend along the east property line from Dewayne Ave to the 90 degree turn in Clara Street.
5. Trash, brush, tree limbs to be removed from site and a general clean required.
6. Applicant must meet all applicable Federal, State, County and City requirements,
7. Business license to be issued after Planning Staff confirmation of requirements,
8. Applicant/owner understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power meters. Removal of power meters will involve a 90 day process and a public hearing at City Council.

Chairman Clifton asked for a roll call vote to postpone the application for 30 days.

Alexander	Yes	Foster	yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

Special Use #695 was postponed until November 14, 2010 with (9) affirmative votes.

2. **Special Use # 696.** To allow an emergency foster care home in a C-1 zone. The request is located at 221 West 18th Street. *Third time on agenda.*

The applicant, Mrs. Cynthia Robinson was present. She stated that she received the conditions and has complied with contacting her neighbors. She stated various business owners and residential homeowners signed the petition to support the application; not one opposed allowing the foster care home at the proposed location. Mrs. Robinson stated she agrees with all of the conditions, but condition 5: to allow children ages 5-12, limited to a maximum of 6 children.

Mrs. Robinson stated that while she plans to have children ages 5-12, she asked the

Commissioners to allow a maximum of 10 children. She stated according to the Department of Human Services (DHS) guidelines and standards, she is able to have one child per 50 square feet of floor space. While she is able to have up to 20 children, she is only asking to allow ten children.

Mr. Foster asked if DHS requirements for one child per 50 square feet included clear space or is the bed and desk included within the square footage.

Mrs. Robinson stated the bed and desk is included within the square footage.

Mr. Walker Caradine, Mrs. Robinson's Architect, spoke on her behalf. Mr. Caradine stated Ms. Robinson plans to follow DHS standards; however, in order for the project to be economically feasible, she must be allowed to have a maximum of 10 children.

Mr. Foster stated that while Mrs. Robinson is able to have well over 10 children at the two-story home, he is glad she wants to restrict the number of children lesser than DHS guidelines.

Mr. Foster went on to state he does not know why the Commission restricted the total number of children allowed to 6, when 10 would be more than appropriate to allow.

Mr. White stated that he recommended limiting a maximum of 6 children, due to the ratio of children per adult staff members. Mr. White stated the applicant explained that she would have only 2 staff members. Mr. White stated that as a parent, he did not feel comfortable with 2 staff members for 10 children. Mr. White noted the possible state the children would be in after leaving dire situations and to have only two staff members to deal with children in this state is not a likely scenario.

Mr. White asked Mrs. Robinson where would the two staff members sleep or stay while at the home.

Mrs. Robinson stated there will be an office for staff members sleep or perform reports. Staff will not sleep in any of the five rooms.

Mr. Foster pointed out, while looking at the standard booklet Mrs. Robinson provided; the standards only require one staff member for every 12 sleeping children.

Ms. Shirley Preston, a residential licensing specialist with DHS, spoke before the Commissioners to answer questions.

Mr. Chambers asked Ms. Preston how DHS established the requirement of 50 square feet per child; what is it based upon.

Ms. Preston stated the 50 square feet is just a general guideline. Ms. Preston stated that DHS requirements are the minimal and agencies are free to add their own standards or policies depending on the level of care they provide and the standard of care.

Mr. Chambers asked Mrs. Robinson how many square feet are the Robinsons going to provide per bedroom per child.

Mrs. Robinson stated it was more than 50 square feet. Mr. Caradine stated he did not know the exact figure at this time, but the Robinsons have more than enough to meet DHS requirements for a maximum of 10 children.

Chairman Clifton asked Ms. Preston how many emergency foster care facilities were within Pulaski County and if the facilities were maxed out.

Ms. Preston stated there are 4 facilities in Pulaski County that provide emergency foster care. Ms. Preston stated at times the facilities are maxed out, but generally the facilities have vacant slots.

Chairman Clifton asked Ms. Preston, in DHS inspections of these facilities, are they comparable to this proposed project.

Ms. Preston stated it is on both sides of the spectrum. There are facilities that are larger; much more well established they have more than 10 children, while there are other facilities, much smaller that have only 4 children.

Mr. Foster stated he does not feel qualified to challenge DHS regulations to determine a lesser number of children, when there are already federal guidelines in place to determine the number of children allowed for this space.

Mr. White asked Mrs. Robinson how many children she will have per bedroom. Mr. White also asked if she planned to keep siblings with one another.

Mrs. Robinson stated she plans to have no more than 2 to 3 children per room. Mrs. Robinson stated her intention is to keep family units together and plans to allow siblings to stay together while at her facility.

Mr. White stated that he agreed with Mr. Foster and did not have a problem with allowing for 10 children.

Mr. Chambers asked Ms. Preston if she deals with operation issues from emergency foster care homes. Mr. Chambers asked about how many police calls are received from these homes.

Ms. Preston stated it depends on the type of facility, the location, and the nature of the child. She stated many emergency foster care homes take older children and at those facilities there are frequent calls. These issues range from assault on staff, assault on child, and damage to property.

Mr. Chambers asked are there every any instances that parents are able to track down their children at the emergency foster care homes. Mr. Chambers stated at the September meeting he was told parents are not given the location of their children and visits are arranged away from the site.

Ms. Preston stated when children are in state's custody it is rare occurrences for parents to be able to track their children's location. Ms. Preston stated some facilities only take children

from the state; while others accept private placements from parents. Parents that place their children within our emergency foster care home facilities are able to know the location of their child and meet with that child at the facility.

Mr. Chambers asked how thorough are DHS background checks on the operator(s) of such facilities.

Ms. Preston stated DHS requires state police checks on every operator, employee, and volunteer that has direct contact with all children placed at the emergency foster care home. She stated DHS also requires a child maltreatment check that is a central registry in Arkansas and FAI check and a Central Registry check from the previous state in which the applicant resided.

Mr. Foster asked Mr. Caradine for an estimate size of the smallest bedroom at the proposed site.

Mr. Caradine stated he would not want to guess the estimate, but can verify the facility has adequate space for this program.

Mr. Armstrong thanked Mrs. Robinson for making the effort to meet the Commissioners requirements, meeting with her neighbors, and wanting to do the work of opening an emergency foster care home.

Ms. Preston stated when her department makes a recommendation to approve a license to its board they take into consideration staffing, safety, background checks, and square footage. At times, what the licensing staff recommends and what the applicant request do not always match up.

Alderswoman Debbi Ross stated neighbors were not pleased with having 10 children, but could agree to allow the emergency care foster home with a maximum of 6 children. If the Commissioners were to approve the application to allow for 10 children, she does not think the neighbors would be happy with the decision.

Mr. Chambers asked Mrs. Robinson if she hosted a meeting at Laman Library to answer residents' questions and concerns.

Mrs. Robinson stated she mailed letters addressed to property owners within 200 feet of the property and not one resident attended the meeting.

Ms. Cindy Waller, a Contracts Manager with the Division of Children and Family Services, spoke before the Commission. She stated the Division of Children and Family Services are glad to have the Robinsons want to help out foster children within the state of Arkansas. She stated Arkansas currently has 15 emergency foster care homes, in which 6 homes are located in Pulaski County. She stated the emergency foster care home must have a tax identification number and be a business, not an individual in order to be considered for funding from DHS to operate an emergency foster care home. Also, the business must have financial solvency for at least 6 months before awarded funding. DHS writes 4 year contracts and must do competitive procurement.

Chairman Clifton asked Ms. Waller the timeline for emergency foster care.

Ms. Waller stated that DHS will not award funding for an emergency foster care until July 1, 2013.

Mr. Spencer asked Ms. Waller if Mrs. Robinson would be able to operate temporarily until that time.

Ms. Waller stated that Mrs. Robinson could not operate temporarily as an emergency foster care home nor receive funding until 2013.

Ms. Preston stated that DHS will provide Mrs. Robinson with technical assistance and provide her with an updated manual, since the manual she presented to the Commissioners is out of date.

Ms. Alexander thanked the representatives with DHS for answering questions.

A motion was made and seconded to amend condition 5 to allow a maximum of 10 children at the emergency foster care home. The motion to approve passed with (9) affirmative votes.

Mr. White asked Ms. Preston and Mr. Voyles if the Commissioners could vote on the application, although Mrs. Robinson is unable to attain a contract for the emergency foster care home until 2013.

Mr. Voyles stated the Commissioners' vote today would be valid. The Planning Commission is stating whether the use is allowed or not. Getting approval from DHS will restrict it for sure.

Mr. Robinson spoke for the application. He stated that he and his wife were unaware that they would not be able to obtain a contract for the emergency foster care home until 2013. Mr. Robinson stated they were just following the regulations and guidelines listed in order to obtain a license. They did not know they would have to wait three years to obtain a contract to keep children through the Division of Children and Families.

Mr. Robinson also stated he and his wife have cared for more than 89 children over a ten year period. Mr. Robinson stated they are very aware of DHS minimum standard booklet and he would like for the Commissioners to approve the application in order to continue to receive their license from DHS.

Ms. Waller if the Robinsons wanted to do regular foster care they could start taking in kids tomorrow, but because an emergency foster care home is considered a group home, the Robinsons would have to obtain a contract from the Division of Children and Families in order to keep children.

Chairman Clifton asked Mrs. Robinson if she owned the property or will she rent the property.

Mrs. Robinson stated she is proposing to rent to own.

Mr. White asked staff if the Special Use went with the owner or the applicant.

Mr. Spencer stated the Special Use is granted to the applicant.

There were no additional comments from Commissioners or the audience.

Conditions:

1. Applicant must meet all applicable Federal, State, County and City requirements,
2. Business license to be issued after Planning Staff confirmation of requirements,
3. Applicant/owner understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.
4. Hours of operation – 24hrs a day.
5. Children ages 5-12, limited to a maximum of 10 children.
6. 90 day maximum stay with a 1 time 30 day extension.
7. Facility to be staffed 24 hours a day.
8. Meet Fire Marshals requirements.
9. Allow existing fencing.
10. Play area to be enclosed by wood fence, with emergency gate.

Chairman Clifton asked for a roll call vote on the application.

Alexander	No	Foster	Yes
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

Special Use #696 was approved with (8) affirmative votes.

Public Hearing – New Business:

None

Public Comments/Adjournment:

A motion was made to adjourn and it was seconded. The motion passed with (9) affirmative votes and the meeting was adjourned at 6:15 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles, Director