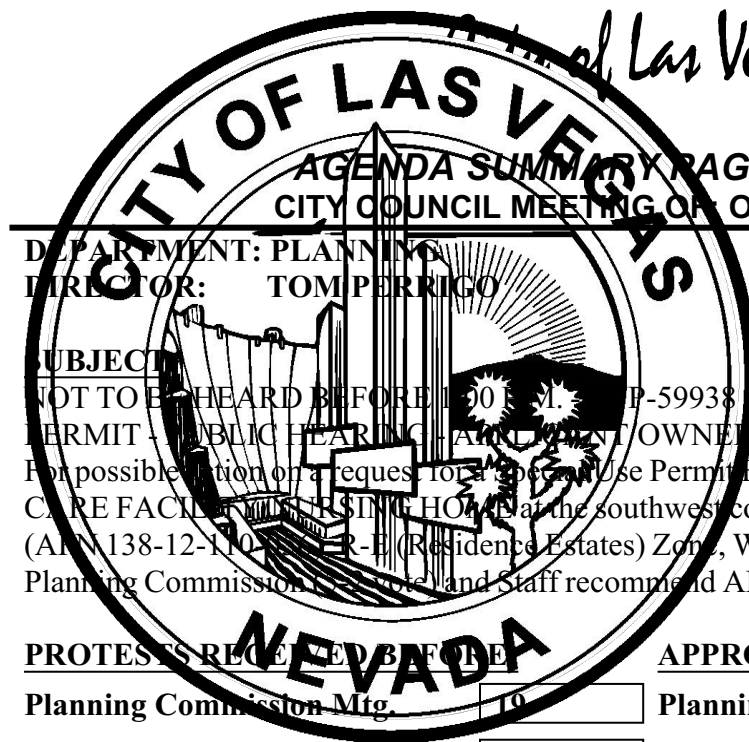




City of Las Vegas

Agenda Item No.: 102.

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF OCTOBER 21, 2015

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: NOT TO BE HEARD BEFORE 1:00 P.M. SUP-59938 ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: WESTCARE FOUNDATION, INC. - For possible action on a request for a Special Use Permit FOR AN 87-BED CONVALESCENT CARE FACILITY WITH RESIDENT HOMES at the southwest corner of Duncan Drive and Bradley Road (APN 138-12-110) - ZONE: R-E (Residence Estates) Zone, Ward 5 (Barlow) [PRJ-59888]. The Planning Commission has reviewed and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (5-2 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - SUP-59938 and SDR-59939 [PRJ-59888]
2. Conditions and Staff Report - SUP-59938 and SDR-59939 [PRJ-59888]
3. Supporting Documentation - SUP-59938 and SDR-59939 [PRJ-59888]
4. Photo(s) - SUP-59938 and SDR-59939 [PRJ-59888]
5. Justification Letter - SUP-59938 and SDR-59939 [PRJ-59888]
6. Protest/Support Postcards - SUP-59938 and SDR-59939 [PRJ-59888]
7. Submitted after Final Agenda - Concern and Protest Letters for SUP-59938, Protest Packet with Attached Protest Postcards from 9/16/2015 and 7 Exhibits Including Community Survey with Approximately 151 Protests and Protest Petition with Approximately 231 Signatures for SUP-59938 and SDR-59939
8. Submitted at Meeting - Support Letter from Lisa Mayo-DeRiso by Attorney John Moran, Letter from Sheriff Joseph Lombardo Referred to and Attached at Request of Mayor, Protest Letter by Lex Anderson, Crime Pictures with Scripting and Copy of Highlighted Letter from Joseph Lombardo by Johnny Rodriguez and NARA Points Document, Copy of NRS 278.0177 and Picture of NARA sign and Protest Letter from Mary Greene by Attorney Louis Csoka for SUP-59938 and SDR-59939
9. Combined Verbatim Transcript for Items 102-103
10. Backup Documentation Submitted at the August 11, 2015 Planning Commission Meeting
11. District Court Decision and Order dated May 25, 2016 for Items 102-103

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

Motion made by RICKI Y. BARLOW to Approve subject to conditions and adding the following conditions as read for the record:

1. The total number of convalescent beds within the facility shall be limited to 87.
2. The maximum length of stay by any one person shall be limited to 18 months.
3. No child over the age of 9 shall be allowed to reside on premise. The operator shall maintain a list of children residing on site.
4. Visitors shall only be allowed during the hours of 8:00 a.m. to 9:00 p.m.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
BOB COFFIN, RICKI Y. BARLOW, CAROLYN G. GOODMAN, STEVEN D. ROSS,
STAVROS S. ANTHONY, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-LOIS P. KARKANIAN)

NOTE: Per the attached Decision and Order, District Court Judge Eric Johnson ruled on May 25, 2016 that the "City Council's approval on October 21, 2015 of WestCare Foundation, Inc.'s applications for Special Use Permit and Site Development Plan Review on the corner of Duncan Drive and Bradley Road is void. The City may re-hear WestCare's applications for a site development plan review and special use permit and proceed with a new hearing." The items then came before the Las Vegas City Council for consideration at the September 21, 2016 Council meeting under items 84 and 85.

Minutes:

Combined Verbatim Transcript for Items 102-103 is made a part of the Final Minutes.

APPEARANCES:

CAROLYN G. GOODMAN, Mayor
ATTORNEY JOHN MORAN, Jr. Appeared on behalf of the Applicant
UNIDENTIFIED SPEAKER IN THE AUDIENCE
STEVEN D. ROSS, Councilman
RICHARD STEINBERG
UNIDENTIFIED SPEAKER IN THE AUDIENCE
ARNOLD STALK, 840 South Rancho Drive, Las Vegas, Nevada
BRYAN SCOTT, Assistant City Attorney
BOB COFFIN, Councilman
TOM PERRIGO, Director of Planning
LOUIS CSOKA, Barnett Csoka Law Firm
LEX ANDERSON, NARA Historian
UNIDENTIFIED MALE SPEAKER
DR. LINDA YOUNG, Chairman, Clark County School District
JOHN STANTON, NARA Resident
JOHNNY RODRIGUEZ, Citizen

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

MARK EDGEL, Citizen
NED MILLS, Citizen
STAVROS ANTHONY, Councilman
HEATHER INGALL, Women and Childrens Campus
BOB BEERS, Councilman
UNIDENTIFIED SPEAKER IN THE AUDIENCE
UNIDENTIFIED SPEAKER IN THE AUDIENCE
RICKI BARLOW, Councilman
CHUCK BENNION, Citizen
UNIDENTIFIED SPEAKER
PETER LOWENSTEIN, Planning
UNIDENTIFIED SPEAKER
UNIDENTIFIED SPEAKER

MAYOR GOODMAN declared the Public Hearing open for Items 102-103.

ATTORNEY JOHN MORAN JR. appeared representing the applicant, and was accompanied by RICHARD STEINBERG, President and CEO of the WestCare Foundation, and ARNOLD STALK. ATTORNEY MORAN stated that he is not representing the applicant as a paid attorney, but because it is the right thing to do. WestCare's motto is "Uplifting the Human Spirit", and they deal with people struggling with some life issues. He drew the Council's attention to the audience and pointed out some of the women and children who live at a WestCare facility.

In response to MAYOR GOODMAN'S inquiries, ATTORNEY MORAN indicated that the facility is for women and children only, and 21 drug free babies were born there last year. The maximum stay is 18 months and 70 percent of the children who live there are infants. MR. STEINBERG reported that the current location is for women and children with a small wing for runaway emergency services that will take kids up to 18 years old. The new development will be for women and children only.

MR. STEINBERG stated that WestCare is a non-profit organization and their main offices are located in Las Vegas. The women and children's location has been here for 12 years and WestCare has facilities in 17 states and programs in Guam and the Caribbean. They have eight facilities in Nevada and 144 facilities nationwide and internationally, having nearly 12,000 people in their care every day.

ATTORNEY MORAN stated that PRESIDENT BUSH awarded MR. STALK the Daily Point of Light Award. MR. STALK has 42 years of common campus special needs expertise and is the founder of Veteran's Village. MR. STALK approached ATTORNEY MORAN and MR. STEINBERG with the idea of building transitional housing for aftercare that would help to enhance the ability for recovery. They held a neighborhood meeting, offered tours of their current facility and received feedback from the neighbors. From that feedback, MR. STALK put together a plan and application for the project. They appeared before the Planning Commission,

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

who approved of the project. ATTORNEY MORAN referred to an aerial photo of the site and showed the surrounding businesses which included automotive repairs, a vacant site, multi-family residences, a warehousing complex and El Jen, an existing convalescent facility. He also pointed out the location of the nearby single-family homes and stated that they have a six- to eight-foot wall on their side. MAYOR GOODMAN asked if WestCare owns the adjacent property, and MR. STEINBERG replied that they purchased the entire 10 acres when they moved to the site 12 years ago.

MR. STALK stated that the moms and babies in the audience are very representative of what WestCare is, and transitional housing will allow the women and children to become strong and move into permanent housing. WestCare's philosophy is to empower everyone and engage in the healing process, growth and change that will benefit themselves and the community. The existing campus is approximately 30,000 square feet, no casework will be done on the new site where the village housing will be located. He displayed a rendering of the village and described the layout, amenities and security for the development noting that there is one vehicular/pedestrian ingress/egress, one emergency crash gate, six gardens and there will be a meandering sidewalk along Bradley Road and Duncan Drive. MR. STALK said that they came up with this design after receiving input from numerous community neighbors, business people and going door-to-door to every house that touches the project. In response to MAYOR GOODMAN'S inquiry, ATTORNEY MORAN stated that there will be a six-foot wall surrounding the property with the exception of the crash gate. There will be security cameras on the inside of the walls and the building is situated so it will not bother the surrounding areas.

MR. STALK discussed the property management and security protocol plan which involves WestCare staff, WestCare Resident Council, management and security training protocols and on-site camera surveillance. The cameras will be placed internally in all courtyards, building exits, adjacent property areas, basketball courts and the solar field; they are motion activated and will send alarms and real time pictures to staff's cell phones. A full-time Director of Safety and Security has been added to the overall staffing plan, and the ingress/egress on Duncan Drive will only be accessible by key card.

MR. STALK discussed the curfew and visitor hours and indicated that they are establishing a neighborhood watch. The average stay in the transitional housing will be 18 months and individualized case plans will be developed. An array of services will be provided for the women, children and their families through the project partners and a variety of community agencies. A resident council will be developed for this project and will include seven board members, a president and a presiding council. There will be a designated smoking area on the campus, but smoking will not be allowed inside the facility or off campus. He named many churches and organizations that come to the campus regularly and assist with a variety of issues. WestCare was the recipient of the Nevada Women's Philanthropy Grant which enabled them to replace the roof, windows and doors, and they are in the process of replacing the flooring in the facility.

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

ATTORNEY MORAN pointed out that none of the windows are above the six-foot block wall that encircles the campus. He appreciated the neighbors who participated and provided feedback, and displayed an exhibit that showed those who they received support letters from. He read a support letter from LISA MAYO-DeRISO, which was submitted as backup. He also read excerpts from a letter by SHERIFF JOSEPH LOMBARDO.

MAYOR GOODMAN encouraged the ladies from the facilities to stay the course and appreciated them coming to this meeting. ATTORNEY MORAN wished to name the ladies in attendance and have the Council members ask them questions if they had any; ASSISTANT CITY ATTORNEY SCOTT reminded the Council that this item is a land use issue and testimony needs to be regarding the land use, the SUP (Special Use Permit) and the site plan.

COUNCILMAN COFFIN thought that the stories were compelling and needed to be heard. MAYOR GOODMAN expressed that the stories are important and City just joined the worldwide effort to be designated a Compassionate City, but she wished to stay on task.

COUNCILMAN ROSS asked ATTORNEY MORAN if he submitted the letter from SHERIFF LOMBARDO, and ATTORNEY MORAN replied that he submitted the letter that was introduced at the Planning Commission meeting and was probably in a packet that was previously submitted. ASSISTANT CITY ATTORNEY SCOTT stated that an eight page letter was received from Barnett Csoka as well as a packet of documents that was submitted to the City Clerk.

TOM PERRIGO, Director of Planning, reported that the site is intended to be integrated with the applicant's development on the adjacent property to the west which contains the social service provider use. Although related, the intention is for the overall site to remain as two separate parcels to maintain separation between the social service and convalescent care use. The use qualifies as a convalescent care facility by virtue of providing transitional living quarters and amenities that can accommodate more persons than a community residence as defined by Title 19. Adequate screening, setbacks, and single-story height contributes to the proposal being compatible with the surrounding community. The proposed single-story buildings are appropriate adjacent to the existing low density residential and single-story office buildings. The site adequately balances the residential buildings with open space and amenities, and the development is compatible with the uses on surrounding parcels; therefore, staff recommended approval with conditions. MR. PERRIGO confirmed for MAYOR GOODMAN that the Planning Commission voted 5-2 in favor of the project, and the conditions are standard for the SUP and the site plan.

MAYOR GOODMAN referred to the eight page letter and enclosures from Barnett Csoka and listed who it was sent to. She stated that there was a public hearing at a previous meeting and invited those who had something new to add to get together and have a spokesman speak instead of everyone individually.

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

ATTORNEY LEWIS CSOKA, Barnett Csoka, pointed out that there are approximately 50 homeowners in the audience who are vehemently opposed to this application, and there were a few people who would like to speak on behalf of the homeowners.

LEX ANDERSON, NARA (Northwest Area Residents Association) historian, read a protest letter which was submitted for the record. The letter indicated that NARA understood WestCare's program and the need for drug and alcohol rehabilitation facilities and pointed out neighborhood concerns including density of users, smoking by campus residents, the number of emergency responses to the WestCare facility and the buffer zone.

DR. LINDA YOUNG, JOHN STANTON, JOHNNY RODRIGUEZ and MARK EDGEL appeared and expressed that the neighborhood has supported WestCare and expressed concerns regarding the density, security, length of stay, additional foot traffic, campus residents having sex in cars while off-site, finding drug paraphernalia on the street, negatively affecting the community, preserving the neighborhood spirit and they feel the proposal violates the NARA mission statement and the City of Las Vegas vision and mission statement. MR. RODRIGUEZ also submitted a crime map of the areas to the east and west of Rancho. MR. EDGEL toured the WestCare facility and thought they were doing good work. He pointed out that the campus residents are not participating in the long-term effects in the neighborhood.

COUNCILMAN COFFIN read an excerpt from a letter he received from MR. RODRIGUEZ regarding WestCare paying off the government to get what they want, and stated that making general statements like that is not part of the democratic process. COUNCILMAN COFFIN pointed out that this item deals with the disease of addiction.

ASSISTANT CITY ATTORNEY SCOTT suggested having the public make their comments and the Council make comments later after to provide a clear record.

NED MILLS, a performing artist who lives in this neighborhood, supports people who are having trouble with drug and alcohol abuse. He toured similar at-risk facilities in the center part of town, some of which were gated and had guards. He found trash, people sleeping on the sidewalks and graffiti. He referred to the letter from SHERIFF LOMBARDO regarding this issue being decided by the residents. MR. MILLS stated that the neighborhood residents support people who have problems, but expressed concern about supervision, security, accountability and he requested that this facility be located in a more appropriate area.

ATTORNEY CSOKA submitted additional protest letters for the record from people who did not speak. He stated that when an applicant makes a misrepresentation in their application, there is an automatic basis for denial; he pointed out a staff comment in the application materials which indicated that several neighborhood meetings had been conducted and attendees generally supported the project. ATTORNEY CSOKA thought that was a false statement due to the number of people who came to this meeting in opposition. He referred to SHERIFF LOMBARDO'S letter, mentioning that it has been used to show approval; however, he referred to the parts that describe the high number of calls to the neighborhood and likely increase in calls

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

if expansion occurs. ATTORNEY CSOKA referenced Title 19 standards and said that the characteristics of the neighborhood, zoning and planning principles and input from the interested parties have to be considered when granting a SUP. He reviewed comments from prior applications regarding projects not being compatible with the existing zoning and planning requirements for the area. The City of Las Vegas Northwest Sector Plan states that when immediately adjacent to desert rural residential development, densities should be identical; this parcel only has a 333-foot buffer and the densities are not identical to what is next door. ATTORNEY CSOKA stated that a convalescent facility is different from a community residence or halfway house; the City's definition of a community residence specifically excludes convalescent care facilities. When considering Title 19 standards, a halfway house on an industrial scale is incompatible with low density housing residential estates in a rural preservation area.

In response to MAYOR GOODMAN'S inquiry, MR. PERRIGO explained that convalescent care is specifically carved out of community residence because community residence is limited to no more than 10 people, while convalescent care is intended for more than that. Staff evaluated this carefully and believed this is an appropriate fit because residents are in need of counseling.

ASSISTANT CITY ATTORNEY SCOTT reiterated that the purpose of this item is to determine whether or not the use and the site development plan are harmonious and compatible with the surrounding area.

COUNCILMAN ANTHONY will attend several meetings and observed that the residents are proud of their community and they are concerned about crime, drug usage, trash, drug paraphernalia, vagrants, destroying their community and way of life and endangering the community. He asked what happens if the clients at the facility misbehave, and ATTORNEY MORAN replied that WestCare does random drug testing and has a policy that if someone tests dirty they have to leave the facility.

ATTORNEY MORAN referred to earlier comments and he believed that if one of WestCare's residents was in the neighborhood causing a problem, the neighbors would call the police. If someone leaves the facility without checking out they are kicked out. Smoking is allowed in designated areas, but is not allowed outside of the WestCare property. This facility does not increase crime; he referred to the letter by SHERIFF LOMBARDO which indicated that in an 18-month period, 68 percent of the calls were related to missing persons and he quoted the following: "As with any with increase in residential development, expansion of this property will likely increase calls for service in the area." The letter also states that after excluding the missing persons calls, less than three percent, or 25 calls in 18-months, are Type 1 calls. ATTORNEY MORAN stated that WestCare does not have a disproportionate crime rate and he has not seen any sign of WestCare residents committing crimes in the neighborhood.

COUNCILMAN ANTHONY asked how the campus residents come and go from the facility, and ATTORNEY MORAN explained that they will have state of the art cameras that will be on the perimeter walls and on the interior of the campus; they will be carefully placed so as to not

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

intrude on the space of the neighbors and the lighting will not be invasive of surrounding properties. The only access to the facility is through card key access on the front gate. HEATHER ENGLE, Director of the Women and Children's Campus at WestCare, reminded ATTORNEY MORAN that no one can get in or out of the facility without going through a check-in/check-out process.

MAYOR GOODMAN inquired about the length of stay, and ATTORNEY MORAN explained that a resident may stay 18 months in the facility that is being proposed, but most stays will be shorter as the women will get on their feet before that. He clarified for MAYOR GOODMAN that for the current and proposed facilities, the stays will not be more than 18 months.

In response to COUNCILMAN ANTHONY'S inquiry, MS. ENGLE replied that some of the clients have been referred to treatment but it is all voluntary. COUNCILMAN ANTHONY understood this to be a place where people want to receive treatment and not an apartment complex where people come and go.

COUNCILMAN BEERS understood that the beds for this proposed project are for those who have graduated from the program, and getting kicked out of the facility for infractions relate to the current treatment facility. ATTORNEY MORAN responded affirmatively.

MAYOR GOODMAN asked if random drug testing will be the rules would continue once the women entered the convalescent portion, and ATTORNEY MORAN replied that they would. He also confirmed that if anyone was found doing inappropriate things in the neighborhood and it was reported to Metro and validated they would be kicked out of the program. He met with people at the neighborhood meetings and gave them contact numbers to call should they see anything inappropriate going on that may be attributed to the WestCare facility.

COUNCILMAN BEERS understood the concerns and would not want to have a drop-in methadone clinic, but that is not what this facility is.

COUNCILMAN COFFIN stated that addiction is considered to be a disease and people have to understand that there has to be a place to cure them. These women need a break and he would support the item.

ATTORNEY CSOKA stated that there are successes and failures at treatment facilities and this neighborhood will be saddled with the failures because the successes will move out of the facility. The congregating areas on the property are fairly small so people will go outside of the walls to congregate. ATTORNEY CSOKA reported that in 2014 there were more than 100 calls to Metro including assault and battery, fights, sexual assault, child molestation, wanted person, destruction of property, narcotics and disturbances; he did not think this facility is suitable for this location.

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

ATTORNEY MORAN reiterated that "uplifting the human spirit" is what runs through this organization and he was disappointed with the neighbors' comments. He has spoken with many neighbors and they think WestCare is a wonderful facility, but they do not want it in their back yard. ATTORNEY MORAN hoped that the Council would do the right thing and stated that they are in compliance with the law, the Constitution, the State law, the building code, the City of Las Vegas zoning codes and staff and the Planning Commission recommended approval.

COUNCILMAN BARLOW realized that the women and children need assistance and pointed out that he has to listen to the residents in the area as well. He talked about the opposition he received from people as well as those who support WestCare but felt the location could be better than what is being proposed. He said that there is a term for that and it is "NIMBY", Not In My Back Yard.

COUNCILMAN BARLOW inquired about the number of beds/units for the project, and MR. STEINBERG clarified that the proposal is for 87 units with 87 adult beds, a baby in a crib or a small child does not get counted in the bed count. MR. MORAN said that the project has been noticed for 87 beds and MR. STEINBERG stated that the licensure is for 87 beds as well. MR. STEINBERG indicated that the average number of support it would be two, but some would have only one person. There are incidences in the field of the program where a mom is reunited with her children and she is allowed to have one or two additional children placed with her; there are 12 two-bedroom units at the facility that could accommodate that situation.

COUNCILMAN BARLOW asked what there could be approximately 174 people at this facility including the babies. He also pointed out that some of the mothers could have older teenage children, and MR. STEINBERG explained that this proposal is not set up for that age and the majority of the children would be five years-old and younger. He noted some miscommunication that occurred due to the emergency runaway services that is in a wing of the current facility, but those kids would not be part of the new project. ATTORNEY MORAN recalled a statistic that 90 percent of the children at the proposed facility would be infants and non school-aged children.

COUNCILMAN BARLOW said that there had to be a clear balance of how to approach the encroachment of communities, and ATTORNEY MORAN stated that they wanted more quality of life in an open air environment for the women and children so they purposely did not stack a lot of density in this project.

COUNCILMAN BARLOW asked for clarification regarding the maximum length of stay, and MR. STEINBERG explained that the length of stay for someone staying in the current treatment facility is re-evaluated every 30 days based on their needs. The expansion project does not allow for stays longer than 18 months. ATTORNEY MORAN added that most clients would be on their feet and leave prior to that.

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

MR. STEINBERG confirmed for COUNCILMAN BARLOW that the women are randomly tested but anyone five years-old and under would not be tested. If there were any issues and concerns related to the children, CPS (Child Protective Services) would be contacted.

COUNCILMAN BARLOW asked about the parking ratio, and ATTORNEY MORAN replied that they are in compliance with the parking ratio but they are not looking to have a lot of vehicular traffic on the site. MR. STALK pointed out the guest/staff parking spaces on the map.

COUNCILMAN BARLOW referred to the aerial map and asked if there was conversation regarding El Jero's impact on the neighborhood when that application was approved. MR. PERRIGO thought that was in the 1990s and did not recall conversation when that facility came in. He explained that their site was approximately seven or eight acres and they have 18 beds per acre; Westcare's acreage is 4.69 and they have approximately 18 beds per acre as well.

COUNCILMAN BARLOW thought it was refreshing to see the neighbors come out on a unified front regarding what they do and do not want, and could understand their position. He also understood why staff recommended approval regarding compatible uses.

COUNCILMAN BARLOW asked what conditions MR. ANDERSON would like to have placed on the project, and MR. ANDERSON stated that they submitted a list of considerations to be placed on the five-acre parcel that could accommodate a functional buffer such as a clone of the Rancho Gowan Business Park. COUNCILMAN BENNION clarified that MR. ANDERSON was proposing a buffer similar to that of the Rancho Gowan Business Park on Bradley Road and Duncan Drive. MR. ANDERSON recalled an idea of turning the parcel into a solar field as a buffer. COUNCILMAN BARLOW clarified the question and asked what additional conditions they would like to see placed on this proposed project if it was to move forward. MR. ANDERSON stated that there was nothing that would be a functional buffer if the 87 units were put in and suggested building a 10-foot tall block wall. MR. BENNION stated that there is strong opposition to this project; he suggested an entry from Rancho Drive instead of from Bradley Road and he thought there needed to be additional open green space within the project.

ATTORNEY CSOKA referred to the 87 units/87 beds issue and showed the floor plans for one- and two-bedroom units which indicate that more people will be living there. He also thought that the visiting boyfriends would add to the congestion of the area.

COUNCILMAN BARLOW recommended approving the items with additional conditions including no children residing at the facility shall be over the age of five, restricting stays to no longer than 18 months, the buffer on Bradley Road shall be a decorative eight-foot decorative block wall contiguous with the buffer in place on the adjacent parcels to the south including landscape buffers behind the sidewalk, the security cameras shall be submitted to and approved by staff as they relate to the surveillance systems, there shall be a security gate off of Duncan Drive at the main entrance for vehicular traffic and visitors shall only be allowed from 8:00 a.m. to 8:00 p.m.

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

MR. PERRIGO read the additional conditions for SUP-59938 and SUP-59938.

COUNCILMAN BEERS thought the age limit made sense but expressed concern regarding Code Enforcement enforcing the age limit on the children; he asked if the maximum children's age could be changed to eight. COUNCILMAN ANTHONY agreed and thought that the age when a juvenile knows right from wrong is nine years old. MAYOR GOODMAN asked if there is an age children are treated differently by law enforcement and COUNCILMAN ANTHONY replied that it is age nine. COUNCILMAN BEERS confirmed for MAYOR GOODMAN that he agreed with age nine.

MR. PERRIGO suggested that the operator maintain a list of children residing onsite and the ages thereof.

MAYOR GOODMAN referred to the 87 beds and thought that did not take into consideration a youth bed or crib; she liked the daylight visitor hours, the 18-month stay as a general rule and limiting the age of the children to nine years old.

In response to COUNCILMAN BEERS' request, COUNCILMAN BARLOW clarified that visitor hours would be limited from 8:00 a.m. to 8:00 p.m.

COUNCILMAN ROSS commented that he was less concerned about the age of the children as he was about a woman trying to get her life back on track and not being able to participate in a successful program that transforms her back into society.

COUNCILMAN COFFIN mentioned the possibility of a woman in the facility having more than one child and being different ages; he thought there may be an industry best practice regarding the age issue. He thought the 18-month length of stay was appropriate and agreed with the decorative walls, landscaping, security gates and lights. He asked what the best practice is regarding visitors and MAYOR GOODMAN stated that the specifics regarding how the program is run is not for the Council to decide and pointed out that this item is regarding an SUP and conditions.

COUNCILMAN BARLOW agreed to change his motion regarding the age of children who can reside in the facility from age five to age nine. Additionally, he clarified that the security gate shall remain open from 8:00 a.m. to 8:00 p.m. and will be closed after that.

MAYOR GOODMAN asked for clarification regarding the conditions and MR. PERRIGO read them for SUP-59938 as follows: 1) The total number of convalescent beds within the facility shall be limited to 87. 2) The maximum length of stay by any one person shall be limited to 18 months. 3) No child over the age of nine shall be allowed to reside on premise. 4) Visitors shall only be allowed between the hours of 8:00 a.m. and 8:00 p.m.

He also read the additional conditions for SDR-59939 as follows: 1) A revised site plan shall be submitted to the Department of Planning prior to the submittal of building permits reflecting the

CITY COUNCIL MEETING OF: OCTOBER 21, 2015

updated unit type counts and associated bed counts conforming to conditions of approval for SUP-59938. 2) The perimeter wall shall be eight feet in height and shall be constructed to match the existing wall found on the adjacent commercial property to the south. The perimeter wall shall be installed along both Bradley Road and Duncan Drive. 3) A security gate shall be required on Duncan Drive and allowed to be open between the hours of 8:00 a.m. and 8:00 p.m. and closed during all other hours. 4) Landscaping shall be installed behind the sidewalk in conformance with the submitted landscape plan, date stamped 6/7/16/15. 5) The applicant shall submit a security plan to the Department of Planning for review and approval administratively.

ATTORNEY MORAN indicated that they did not want to leave the security gate open for that long. COUNCILMAN EARLOW explained that they had the option of keeping the gate open between the hours of 8:00 a.m. and 8:00 p.m. but it had to be closed at 8:00 p.m. ATTORNEY MORAN confirmed for MAYOR GOODMAN that they agreed with the added conditions.

ATTORNEY MORAN appreciated the Council's time and stated that they are always available to take calls from the neighborhood residents should concerns arise or they do not understand something. KEVIN MORRIS is the contact person at the facility and if unable to reach him, ATTORNEY MORAN could be reached at his law office. He is available to talk to them at any time. MAYOR GOODMAN suggested that he instruct his staff to be very responsive, listen and follow-up should they receive any calls.

MAYOR GOODMAN declared the Public Hearing closed for Items 102-103.

