

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JULY 11, 2019**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in Work Session at 6:40 p.m. and Regular Session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive, Bedford, Texas on the 11th day of July, 2019 with the following members present:

Chairman: Todd Carlson

Vice Chairperson:

Members: Ralph Blackman
 Keith Quigley
 Michael Davis
 Tom Stroope
 Bryan Henderson
 Dixie Cawthorne
 Linda Moye (present for Work Session only)

Constituting a quorum.

Staff present included:

Emilio Sanchez	Planning Manager
Kristtina Starnes	Planning & Zoning Coordinator
Bill Syblon	Economic Development Director

(The following items were considered in accordance with the official agenda posted by July 3, 2019)

CALL TO ORDER

Chairman Carlson called the Work Session to order at 6:40 p.m.

WORK SESSION

The Commission and Staff reviewed and discussed items on the regular agenda.

Chairman Carlson adjourned the Work Session at 6:59 p.m.

REGULAR SESSION

The Planning and Zoning Commission convened in the Council Chamber at 7:00 p.m. and the Regular Session began.

CALL TO ORDER

Chairman Carlson called the meeting to order at 7:03 p.m.

INVOCATION

Commissioner Stroope gave the invocation.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OFFICER ELECTIONS

1. Consider and act upon appointment of a Vice Chairperson to the Planning and Zoning Commission.

Motion: Commissioner Stroope made a motion to appoint Michael Davis to Vice Chairperson.

Commissioner Cawthorne seconded the motion and the vote was as follows:

Ayes:	Commissioners Blackman, Quigley, Stroope, Henderson, Cawthorne, and Chairman Carlson
Nays:	None
Abstention:	None

Motion approved 7-0-0. Chairman Carlson declared the appointment of Michael Davis to Vice Chairperson.

APPROVAL OF MINUTES

2. Consider approval of the following Planning and Zoning Commission meeting minutes: June 13, 2019 regular meeting.

Motion: Commissioner Henderson made a motion to approve the meeting minutes of the June 13, 2019 regular meeting with the corrections as stated.

Commissioner Davis seconded the motion and the vote was as follows:

Ayes:	Commissioners Blackman, Quigley, Stroope, Henderson, and Cawthorne, and Vice Chairman Davis
Nays:	None
Abstention:	Chairman Carlson

Motion approved 6-0-1. Chairman Carlson declared the June 13, 2019 meeting minutes approved.

PUBLIC HEARINGS

3. Zoning Case PZ-SP-2019-50021, public hearing and consider a request for a site plan approval for Lot 14, Block 4, Loma Verde Addition located at 2105 El Campo Street, Bedford, Texas, allowing Lynette Baptiste to operate a community home specific to Section 3.2.C.1.n, of the City of Bedford Zoning Ordinance. The property is zoned Planned Unit Development (PUD). The subject property is generally located south of El Campo Street and west of Loma Verde Drive. (PZ-SP-2019-50021)

Emilio Sanchez, Planning Manager, reviewed case PZ-SP-2019-50021.

This case is a Site Plan approval only, this is not a land use case. This use is a protected use by the State and Federal statute. It limits the City to deny this particular use in a residential district unless the site plan does not meet the requirements within the ordinance. There are seven requirements in the ordinance.

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There are several letters both in support of and in opposition of this case, most address the particular land use itself. This case is only for site plan approval since the use is a protected use. The site plan requirement is to maintain the character of a residential neighborhood. If significant changes are being made to the home to make it look like something other than a single-family home, it would be in violation of the site plan approval process.

Commissioner Quigley asked since this is a site plan approval, they are not actually rezoning the property. Is there a different sign that can be posted that says site plan?

Emilio Sanchez said the sign posted actually says site plan approval. The letter that was sent out also states that it is a site plan approval.

Commissioner Quigley said that several of the letters received regarding this case said that they don't want this property rezoned, and that is not what we are doing.

Emilio Sanchez said that is correct.

Chairman Carlson said a map in the packet states that there are several community homes throughout the City, and that number was about six.

Emilio Sanchez said yes, it was about six. They cannot be located within half a mile from another community home, and this home is not located within half a mile from any of the others.

Commissioner Stroope said with the site plan approval, the City is basically keeping the home consistent with the other homes in the neighborhood.

Emilio Sanchez said that is correct. The ordinance provides guidelines that basically tells you that structures illustrating relationship to adjacent structures, proposed parking provisions, elevations, and possible screening treatment meet the criteria. The applicant has provided photographs of the appraisal of when she purchased the property demonstrating that is what the home looked like when she purchased it in 2018. She is not proposing any changes. The site plan submitted is the survey of the property from when she purchased the property. She is not proposing any changes nor has she made any changes since she's purchased the property.

Not more than six persons with disabilities and two supervisors may reside in the community home at the same time. She is limiting the number to no more than three persons. Once she goes up to four there are other State requirements she has to meet, licensing requirements that fall outside of the current certification she has with the State.

A community home may not be established within one-half mile of an existing community home. The ordinance states that it cannot be within one-half mile of an existing group home. This does not fall within those distances.

The residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on the public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home. The applicant only allows individuals who are high functioning to reside in the home, but they do not drive. They do provide a vehicle for them, but they do not drive themselves, so they won't have more vehicles than the house can have.

The exterior structure must retain compatibility with the surrounding residential dwellings. The applicant is not proposing any changes to the residence.

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A community home must register, on a form promulgated by the City, prior to the issuance of a building permit. Thereafter, a community home must register annually, on a form promulgated by the City, no later than December 31st of each year. The applicant did not register with the City. This came to the attention to the City through an emergency call for the Fire Department. At that point Code Compliance sent her a notice of violation letter stating that she didn't have approval for a site plan. We've worked through the process and she is coming before the commission to try and get that approval. She has stated that as soon as she gets the approval she will apply with the City.

Those are the requirements for the ordinance.

Commissioner Blackman asked how long has the applicant been operating in the home.

Emilio Sanchez said about a year and a half.

Lynette Baptiste, petitioner, 3117 Oakdale Drive, Hurst, Texas.

Ms. Baptiste said she provides services to people with a disability and contracts through the Department of Aging and Disability to provide these services. She provides housing for them, and for most of her clients she provides a three-bedroom home where there is one client per bedroom. She has staff that goes in and takes care of them. Most of them are very capable; they can work and do other things, but for some reason they are considered mentally disabled. That's why they are able to be on the program on their own. D.A.D.S. says that they have the right to live in a community like normal people do, so she tries to provide that. They don't bother anybody, they go about their lives just like everybody else.

Ms. Baptiste said she had no idea that she had to have a C.O. for any home. When she found out that it was a requirement, she immediately began to take care of it.

Chairman Carlson asked if she operates other homes.

Ms. Baptiste said yes, she has two other homes in Hurst.

Chairman Carlson asked how long has she been operating those.

Ms. Baptiste said she's been operating them for almost 10 years.

Mr. Henderson asked about the sign that was taken down.

Ms. Baptiste said one of the staff took it down and she had no knowledge of it. When Emilio called and told her, she immediately called the staff and told them to put it back up because it wasn't supposed to be taken down. They said they thought it was a mistake and put in the wrong place. She explained to them what was going on and to leave the sign alone. It has not been moved since then.

Chairman Carlson asked what kind of disability the residents have.

Ms. Baptiste said they have mental disabilities. They aren't violent and she hasn't had any problems with them. They are high functioning, they work and go about their daily lives like everyone else.

Vice Chairman Davis said that on the Health and Human Services document provided, it says that the home received a score of 100% as a result of the residential review. So, the State approves the number of people she has in this facility.

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Ms. Baptiste said they approve the way you conduct the houses.

Commissioner Blackman asked if the review is done yearly.

Ms. Baptiste said yes.

Commissioner Blackman asked if they call for that or automatically show up.

Ms. Baptiste said they automatically come, they call it a pop-up. They just pop-up and go to the houses.

Commissioner Cawthorne asked if that is something Ms. Baptiste has maintained the whole time.

Ms. Baptiste said yes.

Commissioner Cawthorne said just not through the City, but through the agency.

Ms. Baptiste said that is correct.

Chairman Carlson opened the public hearing at 7:19 p.m.

Wayne Graham, 411 East Ash Lane, Euless, Texas.

Mr. Graham read his opposition email to the Commission:

*"My name is **Wayne Graham**.*

Opening =

I am currently owner of two non-encumbered, single home residences, residing within 200 feet of the specific indicated address.

My thirty-four-year-old, single daughter, is a ten-year resident, in one of those homes, and a seventy-six-year-old, widowed female, family friend, resides in the other one next door. She has now lived there and been a Bedford resident since the neighborhood house was built in 1978. She singly raised her child in that home.

I appreciate that the City of Bedford, especially you on the Planning & Zoning Commission, has provided me notice in regard to this possible zoning change. Your awareness has helped me to evaluate, and is enabling me to voice my opinions, concerns, and comments, regards to this proposed neighbor zoning modification. I do thank you all.

My Findings =

1 - The original, hand written 'Change of Zoning Classification Application' shows that the application was for a proposed "Group home." That has been changed at some time ,with type face, to indicate a "Community Home". Nothing in the City of Bedford, Planning & Zoning Commission Staff Report, dated June 13, 2019, gives indication and/or recorded notes on why such an application change was made.

2 - That same Commission Staff Report lists 'Description and Discussion' regarding this 'Request' following ...language from section 3.2.C.1n Community Home' and by definition "includes an assisted living facility".

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3 - "Conditions subject to This Use", as written in total within the 3.2.C.1n, specifically Paragraph V, partly states that "A Community Home may not be established within one-half mile of an existing Community Home". A simple internet search provided these facilities within that limitation.

Parc Place, 1301 Airport Freeway, Bedford, Tx 76021

Brookdale Eden Estates, 1997 Forest Ridge Drive, Bedford, Tx 76039

Heartland Health Care Center, 2001 Forest Ridge Drive, Bedford, Tx 76039

Elmcroft of Bedford, 3800 Central Drive, Bedford, Tx 76021

4 - Additional language from section 3.2.C.1n Community Home, "which is operated by:", specifically Section IV, stipulates "An entity certified by the State of Texas Department of Human Services as provider". Although, on page 2 of the Commission Staff Report indicates that the "applicants are under contract with the Texas Department of Aging and Disability Services (DADS), search from the Texas Health & Human Services (HHS) does not readily indicate such a provider.

5 - If a provider contract exists, it was not made part of the application. Copy of Contract would eliminate this question.

6 - If a provider contract exists, "(HHS) Subchapter B, Provider Contracts, §46.11, Contracting Requirements, part (2)' stipulates that "the provider must have a separate contract for each facility that provides...services". Copy of Contract would also eliminate this question.

7 - 'Provider Contracts, §46.13, Housing Options' of the same (HHS) Subchapter, in Paragraph '(4) Personal Care 3' stipulates that provider "must meet the following qualifications:"

"(A) The facility must be licensed for **FOUR** to 16 beds in a residential care **non-apartment** setting." The applicants as recorded on the Staff Report indicate they are contracted "for no more than three individuals". Again, copy of the actual contract would clarify this discrepancy.

"(B) The facility must provide **60% or more** of its ... Clients with a single occupancy bedroom." With only three bedrooms, the applicant cannot achieve this requirement by use of this property and the applicant should be denied on this failure alone.

"(D) **Sixty percent** or more of the total clients served each month **must require one-on-one staff assistance.**"

1) By definition and with this proposed residential property rezoning, neither a "Community" nor a "Group" Home can satisfy this requirement without a specific City of Bedford, Zoning Ordinance, rule changes regarding number of required "supervisors and/or "residential staff".

2) Besides, the applicant, as recorded in the Staff Report, indicate "they will only accept applicants ... that are high functioning and are capable of living on their own with minimal supervision".

Applicant's Website stipulates that "we are here to provide high-quality non-medical services".

3) This situation, and these statements are in direct opposition, and is completely bi-polar of what the (HHS) intends, and so stipulates by direction in Paragraph(D) listed above.

My Concerns =

1 - Your City of Bedford, Planning & Zoning Commission Staff Report, dated June 13, 2019 records that "The applicants have been operating at this location (2105 El Campo street) for approximately one year, providing ... for three individuals and has **ONLY RECENTLY COME TO THE ATTENTION OF THE CITY WHEN THE FIRE DEPARTMENT ANSWERED A CALL FOR MEDICAL ASSISTANCE.** This should be of major concern. Without the proper applications, licensing, and adequate notifications, these "clients" have, under the applicant's direct responsibility, been placed and have remained for over a year's period of time, at undue risk. I cannot imagine why the applicant has done so when her stated intention is for the health care and well-being of disabled individuals.

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2 - A simple internet search reveals that the individual applicant (Lynette Baptiste) established her wholly-owned company (Sylvan Meadows HCS, LLC) in January 2014 and has operated her business as such for over five years with a 'Principal Address' at 746 E. Pipeline Road, Hurst, TX 76053. The applicant purchased a residential homestead property, according Tarrant County Appraisal District (TAD) records, at 3117 Oakdale Drive, Hurst, Tx 76054 in September 2016. The applicant in November 2017 purchased this 2105 El Campo Street property, with direct intent as stated, and immediately setup use the property as such. In February 2018 the applicant purchased an additional property at 217 Arthur Drive, Hurst 76053 (according to TAD records). I can only imagine that this residential property is also being used as such. It is extremely difficult for me to accept that the applicant, having been in the reported business of which she is requesting the re-zoning for, did not know, understand, or followed, the licensing requirements of her profession prior to the actual purchase of said property. It concerns me greatly that it took a medical emergency, regarding a client in her care before this legal action became important, or was actually brought to light.

3 - I have additional concerns that the Bedford requirements associated with a 'Community Home' even considers the use of "a residential" property for such consideration.

4 - The fact that there are no "minimum square foot" considerations enable this applicant to apply this 1388 square foot structure for a 173 square foot per occupant area use. At least the Bedford "Group Home" defines and restricts such usage to a minimum of 200 square feet. Even the HHS, Subchapter B, §46.13 Housing Options, (1) (A) Size stipulates "Assisted living apartments must have a minimum of 220 Square feet, **not including the bathroom.**"

5 - Whereas the "Group Home" requires "trained ... resident staff" In a "shared", live together family-like environment ... (thereby) providing care", the "Community Home" has no such stipulation, and only requires "supervisors" whom need not possess any type of medical training, are not required to reside on-site, nor are they required, at any time, to provide any type, of actual care.

6 - Bedford "Group Home" by classification "**SHALL NOT** include an alcoholism or drug treatment center, work release facilities of convicts or ex-convicts, or other housing facilities serving as alternatives for incarceration." The "Community Home" ordinance doesn't state nor implies any of these restrictions. Thereby the applicant could convert the property to such use without quorum, even though it may not be here initial intent.

7\10 - I have other concerns regarding both the "Community" and "Group" Home ordinances that I now find to be questionable as they relate to zoning within a residential area, but I will not address those at this time, since they do not directly involve the application under consideration.

My Conclusions =

1 - I truly believe that somewhere there is a property that satisfies the applicants desire to expand her business of "Non-Medical Home Care" as she openly states on her website. However, I also believe that she has completely failed to "submit sufficient information that describes and justifies the proposal" as set out on the 'Change of Zoning Classification Application'.

2 - Furthermore, I believe that allowing this proposal zoning change negates the interest of the neighboring property owners for which I am party and firmly feel that such a change would influence the property values and impact my financial investments.

3 - Approval of this zoning could endanger the neighborhood residences by further reckless acts of the applicant in regards to her business venture.

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4 - And, just by simple definition, I would consider it extremely detrimental for a zoning change that would allow for a "Community Home" in our "residential" area which could subject our children to alcoholics, drug dealer/users, convicts/ex-convicts, and/or other non-socially un-accepted individuals. We have purchased our homes in Bedford so as to provide our families a safe living environment.

Coming to these conclusions, I therefore openly protest such application."

Ronald Mason, 2105 Loma Verde, Bedford, Texas.

Mr. Mason has lived in his home for 35 years. His main concern is that Ms. Baptiste has been operating this home for a year. She has multiple homes as Wayne stated. She must be aware of City ordinances. Every City has different ordinances, but she is aware that there are ordinances, and she is still operating it. The sign disappeared, she said she put it back up. Mr. Mason has pictures of how she put it back up. She put the sign in the front lawn laying down and parked the van in front of it so nobody could see it. It remained like that for a number of days until he came to the City and complained about it. That's when the van disappeared. She is bending the rules on the sign, on being there without having the requirements from the City to have it, and this is all very suspicious. She will be bending the rules left and right possibly.

Mr. Mason has relatives that live in Richland Hills. They had one community home come in, and the next thing they knew they had four. Three of those have been shut down. They were finding hypodermic needles in the street, and that led to problems. That's why three were shut down, they still have one left. He said he doesn't want this in his neighborhood. She's bent the rules twice now, and she's going to keep on doing it.

Marshall Perlstein, 2011 Serano Street, Bedford, Texas.

Mr. Perlstein said he also has a letter from Kenneth Ramage who lives next door to the property. Mr. Perlstein is caddy corner to the property. He bought his house in 1997 and have lived there ever since. When he bought his home, he asked several people where is the best place to live. They said Bedford, north of the freeway. So, he bought his house and he loves it. The neighborhood, even though it was built in 1979 – 1980, has really upkept itself. Everybody has kept up with their home. The home in question looks like part of the neighborhood and he doesn't have any complaints about that. He wonders what it does to property values. He's seen Bedford property values go up, and he plans on staying. He's from Dallas, and if someone gave him a home there, he would sell it. This is where he wants to be. They have kept up with the neighborhood, and when the van drives by they wave at him and he waves back. Just from a homeowner's point of view, he wonders what these circumstances do to neighborhood property values. That's his question. He asked the commissioners what would happen if one came within 200 feet of their home. He asked what would their response be, would it affect their property values, would they welcome it as a for-profit business. If that's a for-profit business, what happens if a seamstress wants to open up a sewing room in one of the bedrooms and sell clothes? So, what is the definition for this business? Is it for-profit? If it's a community home, she's a nice lady, is she doing it for profit or because she's a good human being? It's got to generate some money for somewhere or somebody. To him it's a for-profit business. This is a residential neighborhood. He's not up on the laws, but he didn't know they can a business can be zoned in a residential neighborhood without certain stipulations. He is a concerned property owner that wants to protect his investment and the quality of the neighborhood. He knows there is a Section 8 home on Loma Verde, and it creates some problems, check with the police department. His main interest is that he wants to keep his neighborhood up. He wants all of the surrounding neighbors to keep up with their home, and that's what they're doing. But he doesn't think any of the commissioners would like the idea of their home being devalued. And if it does, will your taxes still be higher instead of going down a little bit lower? They have to look at certain angles like that. He lives on social security and he is able to maintain his house. His house and everything is paid for. His dad always said you

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can live within the system but don't overload spending habits. He wants to protect his investment, that's why he is here, as everyone would like to do the same.

Jerry Rumrill, 2009 Serrano Street, Bedford, Texas.

Mr. Rumrill said he would like to voice his opposition to this proposal. He's been in his home for 18 years and he doesn't want to repeat what Mr. Perlstein has said. He just wants to go on the record that he opposes this proposal.

Anthony McDonald, 2121 San Fernando, Bedford, Texas.

Mr. McDonald said he is the original owner of his home and has lived there for 40 years, and he opposes this.

Margie Mountcastle, 2120 San Fernando, Bedford, Texas.

Ms. Mountcastle has lived in her home for 30 years. She asked how Ms. Baptiste's staff is qualified. Do they have to have medical training or first aid training or training specifically to the mental capability of the residents? What are the regulations or parameters to keep this moving to a different environment that allows for other types of residents to be in the home? Like convicts or dangerous people. If she wants to limit her residents to three people, will that be enforced? Ms. Mountcastle opposes this use and wants to keep the neighborhood safe and wants to have her grandchildren over to her house.

Mr. Rumrill said that out of the H.E.B. area, he always thought that Bedford was the king of the hill of the three. Higher property values, they don't park their cars in the front yard like they do in Euless. And he has been to Hurst. He asked would there not be suitable residences where Ms. Baptiste lives in Hurst, with lower priced properties compared to Bedford which has the highest property values of the three cities. He asked why do they have to be in Bedford and not closer to where she lives and easier to manage. His neighborhood, for being an older neighborhood, has prices that are well over \$200,000. When he bought his home, it was \$69,500. What he's getting at is this is a business operating on cost, operating on lower cost than the price of the building, are there not residences in Hurst where the lady lives to keep it closer to home.

Mr. Graham said the application was initially handwritten for a group home and asked why it was changed to a community home. Was it because the requirement in Bedford that it has to be under a contract with the State where a group home doesn't have to be? He was given copies of Texas Department of Health and Human Services and they are addressed specifically to Lynette Baptiste, not to her corporation or company. He is wondering why it's to the individual and not the company. It indicates that back in 2018 the inspection at the El Campo location with the other memorandum for the certification doesn't have any addresses on it. HHS says it has to have specific contracts for each address. The biggest thing it gets down to is the number of people. She's asked for a waiver through HHS but it doesn't say for what because it's only a one-page memo.

Commissioner Stroope said this is a site plan approval. All of this information doesn't have anything to do with what we are talking about.

Chairman Carlson said that he wants to hear all of Mr. Graham's questions for the record. But the Commission will reiterate that this is just a site plan approval. This is a recommendation and whatever the vote may be, it still has to go to Council.

Mr. Graham said that he is 68 years old, and he just lost his dad who was 94. His dad brought him up to follow the rules. What is written, what exists, if you don't like it, then change it is the way he brought him up. The City's own rules stipulate what a group home can be and what a community home can be. He has no problem with group homes, and he is glad that there are women like Ms.

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Baptiste who desire to take care of the less advantaged individuals of the world, because there are not enough people out there. At the same time, he's trying to ensure that what he bought in to, following the rules in the neighborhood that he bought in to. He's not hoping to create a condition that if for any reason this poor lady decides to get out of the business, and some jack of all trade decides to pick it up, and all of a sudden like he stipulated they have drug dealers and ex-convicts because the prisons or jails can't hold them so we just move them into a house down the street because it's okay according to the City's rules. He's trying to be a good citizen and wants to understand.

Emilio Sanchez said he will answer some of the questions asked. He said that the applicant did not post the sign, City staff posted the sign. After staff was notified that the sign was removed, they waited until the 15-day notice to re-notice again and Emilio went to the house and posted the sign. The sign was actually in the flower bed close to the house. He moved it in front of the mailbox closer to the driveway where he knew that the individuals would not park the van in front of the mailbox so they could still get their mail and knew that the sign would still be visible. The ordinance treats rehabilitation for drug addiction and alcoholism differently than they do a community home. They are required to have a specific use permit and only allowed in industrial districts and heavy commercial districts; they are not allowed in residential districts. The ordinance does speak to those particular uses that were brought up in the comments. Also, the community home is a protected use. It has worked its way through the court system, there were decisions that were made that limit the ability of the City to limit these as a land use itself. The uses are allowed, it only allows the City to require a site plan approval, and then those limited ideas of what was read off earlier of what the Commission can look at for the approval of the site plan. The applicant provided the late correspondence to Staff on Tuesday of this week and those were her certification letters. Those were ran by the City Attorney and he said that is sufficient to allow Ms. Baptiste to move forward to the Planning & Zoning Commission. If we were at the point where she couldn't provide that, we would ask for a continuance until she could provide that information. The City Attorney has reviewed this and it does meet all of the qualifications for being a community home. There are differences between a community home and a group home. A group home does require a specific use permit in a residential district. A community home is a protected use more than a group home.

Chairman Carlson asked Emilio if he could clarify more because there's confusion in the ordinance. The examples that were given are on a much larger scale than this, and the use of a group home and community home got a little fuzzy.

Emilio Sanchez said he doesn't know the specifics in regards to the State or Federal laws that were passed, but there is a distinction between the two. The ordinance reflects those laws, so what's written in the ordinance should be the definition between the two.

Commissioner Henderson asked Emilio if he could explain the difference between a community home and assisted living.

Emilio Sanchez said an assisted living complex would have nursing staff available on-site that would help the individuals take care of themselves 24 hours a day, seven days a week in a more institutional feel in the building. A single-family residential home would not have the same feel.

Commissioner Henderson asked if all of the places within the five-mile radius are assisted-living facilities.

Emilio Sanchez said yes.

Commissioner Quigley asked why the application was changed from group home to community home.

Emilio Sanchez said the notice she received from Code Compliance, it stated group home. So, when she filled out the site plan application, staff assumed it was a group home. After numerous meetings

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with her, we asked how does the State license her and what is her certification with the State. It was determined that she didn't fit a group home, she fit a community home. Emilio said that he made that change on the application after he found out that she meets the community home requirement and not a group home. He apologizes for not stating that in the staff report and for any confusion that caused the community members. He made that correction to ensure that it is a community home and not a group home.

Commissioner Quigley said that the applicant has operated two homes in Hurst and asked if Hurst has the same requirements as Bedford.

Emilio Sanchez said he hasn't done the research and will let the applicant speak to that.

Commissioner Quigley stated that both of the letters use the term contract, and in one case vendor numbers, both of which are 1009147. So, is that her registered number with the State of Texas?

Emilio Sanchez said he will let the applicant answer that question.

Ms. Baptiste said she understands everybody's concerns. However, she purchased that property and it's an investment for her as well, so she's not going to do anything that will bring the neighborhood down. If she does do anything it will be something that will bring the property value up. She understands that part of what everybody has talked about, but it won't change the value because she has a community home. She has staff there. She has an office. It's not like she's doing her business on this property, these people live on this property. It is their home. She doesn't go there like it's her office. Her office is located at 746 East Pipeline. That is where she does her business for the company. That home is specifically a home for them, that is their home. There is no business ran out of that home. She goes there to check on them. There is staff that is always there with them. They are capable of feeding themselves, dressing themselves, the staff is mainly there to help them. That's why the home is called supervised living, because they supervise their living. It states that in the contract. There is another service that she does, she sends people in to help the elderly. She plans to keep the property up because it is her home, she purchased it. She isn't going to let the value go down on it because it's an investment of her as well.

Commissioner Quigley asked within the last year and a half has she had numerous emergency calls to the residence?

Ms. Baptiste said no. That was the first time that they every had an emergency call to that home. The only reason why is because one of the residents couldn't breathe that night. The staff called 911 because they thought he needed to be taken to the emergency room. They have never had 911 calls to that residence.

Commissioner Henderson said she has staff on duty and asked if they are there 24/7.

Ms. Baptiste said yes, the residents aren't there during the day. They are home at night and the staff is there with them. On the weekends the staff is there 24/7. They are never left at home alone. They are high functioning and do well, but they are on the program and it's a requirement that they are supervised.

Mr. Graham said that Ms. Baptiste said that 911 has only been called once, but they were there again on Monday. He is concerned is because she is not aware of that. They were transporting a young lady with dark hair out of the facility on a stretcher, led her into a red ambulance and off she went.

Ms. Baptiste said there was a staff member who fell sick in the home. So, they called 911 to take her to the emergency room. The clients weren't even home. The staff was there. That was the only other time.

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Chairman Carlson closed the public hearing at 8:01 p.m.

Chairman Carlson said that what is before them is a site plan approval. All the Commission votes on is the site plan. Even though it falls under the zoning ordinance, the zoning isn't being changed. It's simply a site plan, the map of the property.

Emilio Sanchez said the way that the site plan works is that it is a layout of the home and all accessory buildings on the property, such as any gazebos, storage sheds, and then the main house and where it's situated within the property lines. The applicant has turned in a site plan that is a copy of the survey. She is not proposing any other buildings other than what is already on the lot that she purchased. Also, in the City of Bedford, there are uses that allow for home occupations. So a business can be ran out of a home in certain instances. There are things that are not allowed in residential districts, but there are some things like a home office. You wouldn't be allowed to run a barber shop or beauty salon out of your home. So, there are specific things that are allowed in the ordinance that addresses each one of those.

Chairman Carlson said we are talking about a state-protected use.

Emilio Sanchez said that is correct. We aren't talking about the land use of a community home. That has already worked its way through the courts and is limited to what the City can approve or disapprove to the site plan only, not the land use itself.

Vice Chairman Davis said in regards to what someone said about her selling the home to another person, jack of all trades, what happens then?

Emilio Sanchez said the way it is now is that Lynette Baptiste can operate a community home there. The new community home would have to come in and specifically ask for another site plan approval. So they wouldn't be able to operate without coming in for this same public hearing and ask for an approval on their site plan.

Commissioner Quigley said if residents, citizens, tax payers, or homeowners didn't like the current Bedford Code requirements for a community home, or they were unhappy about this operating in their neighborhood for the past year and a half without any incidents other than the two times it was mentioned during public hearing, would they be recommended that they talk to City Council about changing those code requirements?

Emilio Sanchez said unfortunately not in this instance because the court has decided that these are protected uses just like freedom of speech is a protected use. It's a right allowed under the law where the City cannot stipulate yes or no in this particular residential zoning district. Basically, the courts have come down to say that you can have this use in a residential district. The only thing the City can look at is how this building will look in regards to a single-family residential neighborhood. Is it going to change the character of the neighborhood in some way? Is it going to look more commercial than residential?

Commissioner Quigley said is this similar to why they never disapprove any religious organizations that wants to take over a commercial property, because they are also protected?

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Emilio Sanchez said they are a protected use, but not to use the word “never.” It would open up the City to possible litigation.

Commissioner Quigley said if someone is unhappy with whatever the Commission’s decision may be, they can attend a City Council meeting and express their opinions.

Emilio Sanchez said they can express their opinion, but Council will be just as limited as the Commission is to only look at the site plan and how it interacts with the rest of the neighborhood, not the land use itself. The land use would have to go to possible federal law changes and then a lawsuit to change that precedent.

Chairman Carlson said to keep in mind that HHS has an inspection regime that if they’re not up to requirements there, the State would stop them.

Emilio Sanchez said the applicant has two years of certification to that organization, where they’ve made inspections on the property and has shown that it does meet the requirements for the State.

Commissioner Blackman asked what the Commission has been charged with is approving the site plan. If this woman has brought this plat or survey to them and there happen to be another structure on the property that is the same size as the house, it would behoove of them to say no to the site plan, because it would exceed the square footage of a residential property.

Emilio Sanchez said it would be a point that they can deny it, and the reason being is that the adjacency of the residence on the other property line. It’s massing of a structure that may be occupied by individuals who would be living in the community home, and that would infringe on residential neighbors on either side.

Chairman Carlson said to reiterate, there are no changes proposed on the site plan.

Emilio Sanchez said that is correct. That is what Ms. Baptiste has indicated to Staff.

Vice Chairman Davis said if they approve the site plan and she makes changes, what happens?

Emilio Sanchez said she would have to come back to the Commission and ask for an amendment to the site plan.

Commissioner Henderson asked if something were to happen with the certification approval from the State, how would the City find out about that.

Emilio Sanchez said she is required to not only register with the City, but register with the City every year. Part of that form the City has is to provide that certification at the time of registering with the City. The fire marshal keeps a running list of all registered group homes and community homes in the City, and they do an annual inspection as well. Just like a business in a commercial district. They just want to make sure everyone is safe. It’s life safety that they look for when they do the inspections.

Chairman Carlson said HHS or whichever agency is in charge has their certification that she has to bring to the City and gets a permit.

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Emilio Sanchez said she is required to do that by December 31st of each year.

Commissioner Stroope said he asks everyone to recall his prayer that we wish we were granted wisdom to making Bedford develop to all of our citizens. That's not always an easy job and there are a lot of people who are unhappy about this. But this is a protected minority and we don't want to make anybody unhappy, but approving this and if City Council approves this, we would be avoiding a lawsuit. It would be frivolous and expensive and he won't be able to support anything other than approving it.

Commissioner Cawthorne said there were a few people in the audience who came forward and said to Mr. Graham that he said his daughter and friend live next door to them, and they have kept up with the home. The other neighbor adjacent to the home said that they have kept the property up and have had no problem. So she is of the same voice. If they had destroyed the property or have done things that were loud and obnoxious and ruined their sleep, or made inappropriate comments, she would understand and oppose this. But that's what either of them have stated. And the Commission is here to approve a site plan.

Motion: Commissioner Quigley made a motion to approve zoning case PZ-SP-2019-50021.

Commissioner Stroope seconded the motion and the vote was as follows:

Ayes: Commissioners Blackman, Quigley, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended approval of zoning case PZ-SP-2019-50021.

ADJOURNMENT

Motion: Commissioner Stroope made a motion to adjourn.

Commissioner Quigley seconded the motion and the vote was as follows:

Ayes: Commissioners Blackman, Quigley, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Commissioner Stroope adjourned the Planning and Zoning Commission meeting at 8:13 p.m.

Todd Carlson
Planning and Zoning Commission

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APPROVED

ATTEST:

**Kristtina Starnes
Planning & Zoning Assistant**