

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Joseph Rexwinkle, Planner II

CC: Cynthia Boecker, Assistant City Manager
Diane Stoddard, Assistant City Manager
Scott McCullough, Planning and Development Services Director
Lawrence-Douglas County Metropolitan Planning Commission

Date: July 30, 2008

RE: Homeless Facilities & Services text amendments

On April 29, 2008 the Lawrence City Commission initiated amending the Development Code (Chapter 20, City Code) to permit homeless shelters in industrial zoning districts by special use permit and directed staff to develop standards for such uses.

Staff research determined that many zoning codes that acknowledge homeless facilities and services do so more comprehensively than the Development Code. A comprehensive approach typically includes distinction between varying homeless services and facilities. For example, the Development Code currently identifies only one homeless service use (Homeless or Transient Shelter) whereas most zoning codes address several such uses. Staff also determined that many other zoning codes prescribe similar use standards, design standards and requirements for management plans.

Subsequent to analysis of this research, staff prepared and presented draft language (first draft) to the Community Commission on Homelessness (CCH) at their public meeting held on June 10, 2008 to determine if the proposed amendment aligned with the commission's vision on homelessness. Based upon input received at this meeting, staff revised the first draft and presented a second draft to the CCH at their meeting on July 8, 2008. Following this meeting, a third draft was prepared and presented to the Planning Commission on July 21, 2008. The attached draft presented to the City Commission is a fourth draft representing the direction given by the Planning Commission. The Planning Commission directed staff as follows:

- 1) To distinguish Homeless Day Center uses based upon the number of guests served**
The Planning Commission was presented with draft language that defined only one type of Homeless Day Center. At the suggestion of a member of the public, staff recommended that the Planning Commission distinguish Homeless Day Center uses based upon the number of guests served in the same manner that Homeless Shelters are distinguished. The attached draft language proposes two types of Homeless Day Center uses (Type A and Type B).

2) Adopt staffing standards proposed by the CCH

The Planning Commission received draft language regarding staffing standards for Homeless Day Centers and Homeless Shelters. This draft language contained a staff recommendation and an alternative recommendation supported by the CCH.

Staff's recommendation for staffing was as follows:

A minimum of 2 staff persons or a ratio [1 per 15 guests for Homeless Day Centers or in the case of Homeless Shelters 1 per 30 guests], whichever is greater, with at least one staff person being a professional employed by the operator.

The alternative recommendation was as follows:

Shall be staffed in compliance with the staffing requirements of the approved management plan.

The alternative language proposes that the management plan, reviewed with each special use permit, set adequate staffing levels given the number of guests served and the nature of the facility and population served.

The Planning Commission recommended approval of the alternative language. The attached draft reflects this recommendation.

3) Clarify the purpose of Type A Homeless Day Centers and Type A Homeless Shelters

The Planning Commission directed staff to further distinguish Type A uses from Type B uses by tying its primary purpose to that of serving families with children. Though such uses may serve unrelated individuals, they may only serve up to 4 unrelated individuals. The attached draft reflects this clarification.

4) Clarify a required design standard

The draft language prescribes design standards that emphasize visibility and design features which contribute to the livability and safety of guests as well as compatibility with neighboring land uses. The Planning Commission recommended that the following design standard be revised as follows:

Effort through design to minimize loitering in the vicinity through careful site design, building design, or by providing site features or amenities on the property which attract guests ~~to the property~~ to a specific location on the property.

The attached draft reflects this clarification.

5) Type A Homeless Shelters as accessory uses

Type A Homeless Shelters are proposed to be permitted as accessory uses to "charitable, nonprofit, public or religious institutions". Some questions were posed regarding the meaning of accessory use (i.e. what qualifies as an accessory use) and the meaning of charitable, nonprofit, public or religious institutions. A Planning Commissioner inquired if a multi-dwelling structure such as a tri-plex or four-plex may be constructed to house a Type A Homeless Shelter as an accessory use. In an RM District, this would be permitted, but not in an RS

District because tri-plexes and four-plexes are Multi-Dwelling Structures – a principal use that is not permitted in RS Districts.

Accessory use is defined as follows:

A use permitted as accessory to a principal use, subject to compliance with all other applicable local, state or federal regulations, including the regulations of this Development Code.

The draft language has been modified to specify that Type A Homeless Shelters may be permitted as an accessory use only when they are accessory to a permitted principal public and civic use listed in the use tables of Section 20-402 and 20-403 of the Development Code. Permitted principal public and civic uses are a use category that includes such use groups as community facilities, medical facilities, recreational facilities and religious assembly. The only principal uses permitted by right from these groups in residential zoning districts are Adult Day Care Homes (in RM Districts only), Cemeteries, Funeral & Internment (in RSO and RMO only), Minor Utilities, Limited Extended Care Facilities, Passive Recreation, Nature Preserve/Undeveloped, Private Recreation, Campus or Community Religious Institution (in RM Districts only) and Neighborhood Religious Institutions. Additional uses from these use groups are permitted by special use permit only and as such, the special use permit would require an amendment (with a public hearing) to permit a homeless facility or service as an accessory use.

Staff believes this language modification specifies to which principal uses homeless facilities and services may be accessory.

6) Social Service Agencies

Based upon the definition of Social Service Agency in the attached draft language, the Planning Commission directed staff to map the locations of existing social service agencies in order to determine if the districts in which they are permitted as per the draft Article 4: Use Table is consistent with the actual zoning so as to prevent the unintended consequence of making existing agencies nonconforming as a result of this amendment. Staff has not identified the location of social service agencies throughout the community. Some of these agencies may be located on properties whose zoning is not proposed to permit such agencies, resulting in the potential that the amendment may create nonconforming uses. Staff will continue to research this to determine if nonconformities are created and, if so, how they may be addressed.

7) Clarify where Homeless Workplace uses are permitted

Homeless Workplace has been defined as a place of work for the guests of a Homeless Day Center or Type B Homeless Shelter. With the modification recommended by the Planning Commission to distinguish two types of Homeless Day Centers (Type A and Type B), the definition for Homeless Workplace has been revised to reflect this distinction. Homeless Workplaces are now proposed to be permitted only as accessory to Type B Homeless Shelters (as they were previously) and accessory to Type B Homeless Day Centers.

Public Comment

The Planning Commission heard public comment regarding the process for public notification with regard to these amendments. Some of the comments received were critical of the fact that the proposed amendment is more comprehensive than the initiated amendment. The principal difference between the initiated amendment and the proposed amendment is that the proposed amendment identifies new uses that were not contemplated at initiation. Other comments criticized the amount of time available to the public to review the amended language prior to Planning Commission consideration of the language. Notice of these amendments has followed all of the statutory requirements for such.

Staff Response

The Development Code authorizes the City Commission, Planning Commission and Historic Resources Commission to initiate amendments to the Development Code. The Development Code authorizes the Planning Commission to recommend approval of the proposed amendments as initiated or with modifications. The City Commission is authorized to approve amendments with modifications as well.

Initiated amendments often become more comprehensive by the time staff develops proposed language. Staff relies on the ability to expand upon the initiated amendment when research of best practices and analysis of the issue deem it necessary. In this case, staff presented the Planning Commission with proposed modifications to the initiated amendment to support the efforts of the CCH to comprehensively address the city's homeless population and the Planning Commission accepted the proposed modifications.

To date, there have been three opportunities for public comment during public meetings. The draft language presented to the Planning Commission was made available on the front page of www.lawrenceplanning.org on the same day the Planning Commission packet was released, five days before it was considered by the Planning Commission.