

Eastside Neighborhood Coalition

Barker, Brook Creek, Delaware Street Commons, East Lawrence, Woods on 19th St.

Mayor Michael Dever
Lawrence City Hall
Lawrence, KS 66044

August 6, 2008

re: Homeless Shelter text amendment deferral request

Dear Mayor Dever:

With the City budget and the sales tax issues mostly behind you, we would like to draw your immediate attention to what we in the eastside neighborhoods consider to be a serious lack of due process in amending our Development Code. We are urging you to defer the Homeless Shelter text amendment for one month, instruct City staff to re-draft its provisions in consultation with our neighborhoods, and re-advertise it legally to be reviewed with proper hearings.

On April 29, at the request of the Lawrence Community Shelter, the City Commission initiated a one paragraph text amendment to permit homeless shelters in all industrial zones. And at the urging of our eastside neighborhoods, the City Commission initiated that use to be permitted only by a Special Use Permit. All parties agreed that this approach would satisfy everyone's needs. Government at its best.

Subsequently, a group called Family Promise approached City staff to devise a way to codify this faith-based homeless program and permit their sheltering homeless families in churches. Currently, their nationally-modeled methods could function within our code only under the "day care use group", too restrictive for their goals.

In response to Family Promise, City staff took it upon themselves to create no fewer than four new homeless service uses in the Code, and append these to your text amendment, some uses of which are permitted *by right* in all residential and commercial zoning districts. The single-paragraph text amendment that the City Commission initiated became eight pages, a mere "expansion" by staff explanation.

Notwithstanding the possible value of Family Promise and a desire to permit it by code, the few Lawrence neighborhoods that know of this (most still do not) find the staff process in violation of our Development Code. Text amendments can be initiated only by the City or County Commissions, the Planning Commission, and the Historic Resources Commission. Now, wordcraft edits by staff can be a totally appropriate job activity. It can also be beneficial for staff to *suggest* creative ways to improve our Code, but an eight page text amendment creating *substantive changes* to the Code is not within their purview.

For staff to handle this process legally, they would need to present a totally new text amendment for the Commission to receive, and if desired, the Commission could initiate it within the legal submittal time frame before conducting a public hearing. Instead, staff piggy-backed their creation on what you had initiated on April 29, explained to the Planning Commission that it's complexity prevented them from separating the two, and that they had to act on all of it or none of it.

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It may seem odd to you that our neighborhoods are bringing this up so late. Unfortunately this is the case, because for the three month period drafting a Homeless Shelter text amendment, City staff choose to solicit input from three public entities and a “private citizen”, but not any neighborhood or the Lawrence Association of Neighborhoods. We learned of this only when published five days before the Planning Commission hearing.

Staff's rationale to neither inform nor include neighborhoods or LAN in the process is that there were two public meetings between staff and the Community Commission on Homelessness that we could have attended. By this, is staff implying that it is the onus of the public to continually monitor all public agencies and advisory boards just in case something may be discussed of concern to us? Is this reasonable? Is this fair? Are neighborhoods not stakeholders equal to homeless agencies and worthy of notification? Is this any substitute for due process? Government at its worst.

Essentially at issue is this:

- 1) City staff engaged in procedural behavior unauthorized by City Code.
- 2) Staff also maintains that even if they themselves could not initiate the extensive changes, the “non-agenda item” discussion by Comm. Amyx and staff at the May 20 2008 City Commission meeting constituted initiation by Comm. Amyx; he didn't, he is not the entire Commission anyway, and that discussion had no public notice.
- 3) The Planning Commission hearing had not legally published the contents, scope, and purpose of the text amendment as initiated by the City Commission. The staff-initiated wording being forwarded to you will require re-advertising and the holding of a new public hearing, after proper notice. Staff has again expanded it to thirty four pages since the Planning Commission meeting.
- 4) Because of insufficient public notice of the staff-initiated text amendment, no neighborhoods nor LAN have had adequate time to review the contents of the eight-page version, much less the thirty four-page version, and assess its impacts.
- 5) The well considered and simple text amendment requested by LCS and initiated by you is in legal limbo. It should be placed on the Planning Commission agenda at the earliest opportunity for the proper hearing.

Therefore, we request that you to defer the staff-initiated Homeless Shelter text amendment for one month, and instruct City staff to re-draft its provisions in consultation with our neighborhoods, and re-advertised it legally to be reviewed with proper notice and a hearing at the Planning Commission.

Respectfully,

Eastside Neighborhood Coalition

signatories listed on next page

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Barker Neighborhood

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Brook Creek Neighborhood

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