

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

Austin Turney
1501 Pennsylvania St.

William Winkler
1625 Delaware St.

Brook Creek Neighborhood

Craig Comstock, President
1315 Haskell Ave.

Michael Almon, Land Use Chair
1311 Prairie Ave.

Delaware Street Commons

Judy Harrington (as an individual)
1228 Delaware St.

East Lawrence Neighborhood

Phil Collison, President
933 Pennsylvania St.

The Woods on 19th Street

Martha Chapin, President
1825 Delaware St.

Lawrence Association of Neighborhoods

Gwen Klingenberg, President
4900 Colonial Way

Bobbie Walthall

From: Black, Alan [ablack@ku.edu]
Sent: Monday, August 11, 2008 9:13 AM
To: Bobbie Walthall
Subject: Item 4 on agenda for August 12

August 11, 2008

Mayor Michael Dever
And City Commissioners
City of Lawrence

Dear Mayor Dever and Commissioners,

I am writing in regard to the proposed amendment to the Development Code to permit homeless shelters in certain zoning districts. I agree with the request from the Eastside Neighborhood Coalition for the Commission to defer action on the amendment for one month. I would like this proposal to be discussed by the Land Use Committee at its next meeting on August 23.

I urge you to grant the request for postponement of this item on the agenda for August 12. I shall be grateful for your consideration.

Alan Black, Chair
Land Use Committee
League of Women Voters

Alan Black
Urban Planning Program
University of Kansas
1465 Jayhawk Blvd.
Lawrence, KS 66045-7614
Phone: (785) 864-3208
Fax: (785) 864-5301
E-mail: ablack@ku.edu

Jerry Wells
ATTORNEY-AT-LAW
P. O. Box 641
Lawrence, Kansas 66044
785-856-3925

RECEIVED

August 8, 2008

AUG 08 2008

CITY MANAGERS OFFICE
LAWRENCE, KS

Michael Dever, Mayor
P. O. Box 708
Lawrence, KS 66044

Robert Chestnut, Vice-Mayor
P. O. Box 708
Lawrence, KS 66044

Mike Amyx, Commissioner
P. O. Box 708
Lawrence, KS 66044

Sue Hack, Commissioner
P. O. Box 708
Lawrence, KS 66044

Boog Highberger, Commissioner
P. O. Box 708
Lawrence, Kansas

David Corliss, City Manager
P. O. Box 708
Lawrence, KS 66044

Mayor Dever, City Commissioners and Mr. Corliss:

Please be advised that this office represents Mr. Joe Reitz and Family Promise of Lawrence. Family Promise is a non-profit organization located in the Lawrence Community with the purpose of establishing a homeless program to serve the homeless in Lawrence, particularly focusing on homeless single mothers with children. Family Promise seeks to establish a center at 1501 Rhode Island in the city of Lawrence. An agreement has been entered into between Family Promise and the owner of the house at 1501 Rhode Island, and the owner has encouraged Family Promise in its goal to use the

home as a daytime facility for homeless mothers with children. The home offers a family-like atmosphere for these needy families. Mr. Reitz has conducted meetings with the neighborhood to explain the Family Promise program and to assure these neighbors that there is no danger or adverse impact on the neighborhood by the presence of Family Promise.

A number of points should be emphasized for the consideration of the members of the Commission as they contemplate the homeless facilities and services text amendments, now scheduled for the regular meeting of the Commission on August 12, 2008. Family Promise wants to assure the Commission that the guests of Family Promise at the Rhode Island location will be daytime residents only, and they will be transported to that home by a van after spending the night at Church facilities located in the Lawrence Community. Some fifteen Churches have volunteered to house the Family Promise guests overnight and they will rotate that accommodation from one Church facility to the next on a regular basis. Secondly, each guest of the program will undergo a rigorous screening process before they are admitted to the Family Promise program. The program will have a zero tolerance policy for drugs, alcohol or criminal behavior.

It should also be noted that Family Promise of Lawrence is affiliated with the larger National Family Promise program with an excellent reputation for success.

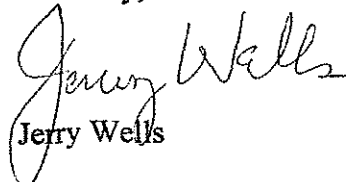
Family Promise would fall under the Type A Homeless Shelter Category now being considered by the Commission, and meets all the requirements of that category.

The service that Family Promise provides to the homeless in Lawrence fills a desperate need for this City, and, offers a serious and professional ethic to this need.

At the Planning Commission meeting that contemplated the text amendments regarding Type A and Type B homeless shelters, there was long discussion about bifurcating the two types in terms of approval of the text changes. Several speakers liked Type A, but not Type B, and vice versa. Several Commissioners wanted to approve Type A, but not Type B, and vice versa. Family Promise urges that the text changes be approved as to both Type A and Type B, simply because both types are desperately needed in this community and several professional non-profit organizations, including Family Promise, would like to begin their work as soon as possible.

Family Promise respectfully urges the Commission to approve the text changes as submitted and approved by the Planning Commission without delay.

Sincerely,



Jerry Wells

JW:rw

MEMORANDUM

TO: City of Lawrence
FROM: Chris Burger, Treasurer Downtown Lawrence Inc.
SUBJECT: Text Amendments to Zoning Ordinance to Allow Homeless Shelters in Industrial Zone
DATE: August 6, 2008

Subject to the following critical reservations, Downtown Lawrence, Inc. and its members support amending the zoning ordinances so that there is no prohibition against homeless shelters in industrial areas. However, it is critical that all such shelters and services be subject to permits, and that DLI and every other Lawrence citizen have the opportunity to voice objection or reservation regarding such permits. DLI is concerned that the current ambitious revisions (which are a necessary advancement) create loopholes giving *the right* to provide homeless services where they have been previously prohibited. In particular:

1. We first ask for clarification that there is no change with regard to how homeless shelters and services are treated in commercial areas.

2. A “homeless shelter type A” can become a permitted use. Permitted uses are permitted by right, subject to compliance with all other applicable regulations (20-401(a)). An accessory use is permitted if it is accessory to a principal use (subject to compliance with the other applicable regulations) and thereby can be permitted by right. 20-401(c). A homeless shelter type A is an accessory use to any “non-profit” or “charitable” institution in every type of zoning with the exception of OS. 20-1717(3). Accordingly, under the re-written ordinance, any non-profit or charitable institution will have the automatic right for a homeless shelter type A in commercial, residential, and other zoning categories. While this is a highly laudable form of shelter, the ordinance creates a *right* to it and thereby takes away the voice of the public for opposition or involvement. We would be interested to know how a homeless shelter type A fits in with the current structure regarding rental registration, transitional homes, and homes for those with special needs.

3. *All services* provided by a “social service agency” are permitted uses. A social service agency has been designated as a permitted use in all commercial and industrial settings (and a few others). It is defined as a service operated by a civil, non-profit, or charitable organization (for some reason, this definition excludes religious institutions) providing services to advance the welfare of citizens in need which typically include supporting office uses such as employment counseling, life skills training, counseling, and food banks. It specifically excludes shelters, group homes, or commercial uses. However, as a permitted use and thereby one permitted by right, any non-profit or charitable organization can create a center in which the

ambiguous concepts of “counseling” and “training” take place. The creation of this as a permitted right to all non-profit or charitable organizations again takes away the voice of the public.

4. The permitted use of a “social service agency” is the same as the application-prone “homeless day center,” thereby making the permitting distinctions meaningless. There appears to be little to no difference between a social service agency and a homeless day center. The social service agency is a service operated by a non-profit or charitable organization to advance the welfare of citizens and typically includes supporting office uses. 20-1717(6). A homeless day center is a building or structure operated and staffed by a non-profit or charitable institution providing basic services such as food services, social services, social service agency branch offices, counseling, life skill training, employment training and assistance, and educational assistance. 20-1717(2). The definition for these facilities (and the subsection is entitled “Community Facilities”) overlap enough so that it would be impossible to exclude a social service agency from providing services of a homeless day center. This overlap of function creates a permitted right not only for the social service agency, but also the homeless day center.

To reiterate, Downtown Lawrence, Inc. has no objection to providing these services so long as each neighborhood and community has the ability to be involved in the process and have the opportunity to affect the location and practices of such facilities. However, as currently written, facilities that provide overnight shelter to a maximum of four families not exceeding 15 persons total, day centers providing employment counseling, life skills training, counseling, and food services, and unlimited social service agencies providing the same services are all unlimited and permitted by right. This removes the voice of the public and we would request clarification and alteration so as to preserve those rights.

The simple suggestion to correct these issues is to remove the categories of “accessory” and “permitted” uses from these facilities and make them all subject to special use applications. The second alternative would be to alter the definitions so as to redefine a homeless shelter type A to require overnight shelter within the confines of a structure having a minimum square footage of no less than 15,000 contiguous square feet (a random number so as to help assure the location within non-residential facilities), and a redefinition of social service agency so that it be limited to only a service operated by an arm of the government providing services, and exclude the public, civil, non-profit, or charitable organizations. You would imagine, however, that these redefinitions could ultimately create more problems, and in particular think about the services provided in north Lawrence by the Ballard Center.



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Mayor Dever, and David Corliss,

The Lawrence Association of Neighborhoods requests a deferment of the Homeless Facilities text amendment. We feel that this document will affect every neighborhood in Lawrence and should have the proper amount of time to educate and give the community time to understand the implications and processes that are being added to our development code.

There is great concern that the community did not have due process in deliberating the effects of this text amendment and LAN has not had time to work through the issues that have arisen from the short read through that some neighbors have been able to do. We were aware of the initiated portion of the text amendment that the Community Shelter asked for in regards to IG zoning uses, but there is a substantial addition to this document that we were unaware of and would like the time needed to understand, educate, and perhaps suggest possible changes. We feel that a process similar to the IG changes in which Loring Henderson came and address the reasons for their request several months ago should also have followed with the newer changes. We were unaware of Type A and Type B day and shelter options nor aware of a need for those options.

LAN would like to offer you and the staff our assistance in helping to reach neighborhood members and making sure that everyone is aware of this document and has had time to ask questions and understand the different kinds of homeless facilities, where they maybe located, and how the neighborhood may address any issues that might arise.

Please give us one month to work through the process needed, as the city usually does, for issues that affect this community.

The undersigned LAN representatives attended the meeting and voted unanimously to support this letter. Several members from other neighborhoods attended and ask for deferment also.

Gwendolyn Klingenberg
Lawrence Association of Neighborhoods – President
West Lawrence

Tom Harper
Centennial Neighborhood Association

Dan Dannenberg
Sunset Hills Neighborhood Association

Candy Davis
Oread Neighborhood

David Longhurst
Downtown Lawrence

Steve Braswell
Pinckney Neighborhood

Phil Collison
East Lawrence Neighborhood

Michael Almon
Brook Creek

PRICE T. BANKS

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FAX 785/841-2296

July 15, 2008

Lawrence-Douglas County Planning Commission
PO Box 708
Lawrence, Kansas 66044

via hand delivery

Re: Homeless Shelter Text Amendment

Dear Commissioners:

I represent the Lawrence Community Shelter.

We sincerely appreciate the opportunity to work with City Staff during the past six months in their efforts to draft a text amendment that will help solve problems related to relocating the Shelter.

We believe that the version before the Planning Commission will provide some viable alternatives to meet our goals. We remain concerned that the ordinance contains some provisions that are unnecessary or may encumber our operations.

It is unusual, and in Lawrence unprecedented, for a zoning regulation to mandate employment levels. The ordinance contains no minimum staffing levels for day care centers, schools, or mental health clinics, and there should not be such provisions for shelters.


We urge the Planning Commission to adopt the text amendment with the following changes to Article 5:

Article 5, Homeless Families and Services:

Adopt the "Alternative" language for 4 (i) b, 6 (i) c, and 7 (vii)

We look forward to meeting with the Commission and discussing our recommendations further at your meeting on July 21, 2008.

Sincerely,



Price T. Banks

cc: client

FAMILY PROMISE OF LAWRENCE

P. O. Box 266

Lawrence, KS 66044

July 18, 2008

Lawrence Planning Commission
City Hall, 6 East 6th St.
Lawrence, KS 66044-0708

We respectfully request two changes to the proposed amendments to Chapter 20 of Lawrence City Code regarding homeless facilities. Specifically, under section 20-542, we suggest that the code recognize two types of homeless day centers. The distinctions between the two types of shelters would be based on number of persons served and family status.

A Homeless Day Center, Type A, would serve a maximum of 14 persons and serve only families with children. A Homeless Day Center, Type B, would be any homeless day center not meeting the definition of a Type A Homeless Day Center.

Such a distinction would be consistent with the proposed distinctions between Type A and Type B Homeless Shelters. The Community Commission on Homelessness has clearly recognized the distinction between homeless families with children and other homeless persons and that their status and needs are different.

An example of a Homeless Day Center, Type A, would be the model being employed by Family Promise, which plans to open in Lawrence in November. Family Promise is open only to homeless families with children. Nationwide, 80 percent of Family Promise guests are single mothers and their children; the remainder are two-parent families and the occasional single father with children. To provide a safe environment for the children, Family Promise uses a thorough and stringent screening program, including drug testing, and will not accept as clients those who abuse alcohol or other substances or who have a history of violence against persons. Finally, the size of the program is limited to no more than four families or 14 people. This number has been proven to be a manageable number for overnight sheltering provided by faith congregations and staffed by trained volunteers. It also provides a case load for the director that enables that director to work with each family every day to solve their problems and get them into permanent housing. The validity of this model is reflected in their success rate: The average family stays in the program 60 days; 70 percent graduate into permanent housing, another 10 percent into temporary housing.

We further request that the proposed Residential District Use Table 20-402 be amended to allow for the distinctions between Type A and Type B Day Centers, and that a Type A Shelter be permitted across all categories provided that it obtains a Special Use Permit.

First, a neighborhood is the ideal place for families with children to spend their days – quiet, safe, and surrounded by other families. Homeless children are simply children, and do not need to be stigmatized by forcing them to spend their time in an industrial environment. Because of the screening process for admission and the limits on numbers, the Day Center poses little impact on the surrounding area. In the Family Promise model, guests are accountable to the full-time professional director for their behavior and can be immediately removed from the program for violating its rules. Further, traffic impact will be minimal: a fifteen passenger van transports the families to and from the Day Center once each day. The only other vehicles will be that of the director and one volunteer. The Center will open at 7AM and close at 5PM. There will be no nighttime activities.

The Family Promise model opening in Lawrence enjoys broad support from the community. It has been endorsed by the chairs of the Community Commission on Homelessness, the Interfaith Initiative on

Homelessness, and the two social workers from ECKAN and Bert Nash who work primarily with homeless families with children, Jeanette Collier and Valerie Miller-Coleman. So far fifteen faith congregations have signed on to support the program by providing shelter, food, and volunteers. Funds to operate the program have been obtained from private sources. We will not ask for nor expect financial support from the City of Lawrence. Finally, an owner has offered the use of her house for our Day Center. We have been contacting neighbors to assess their reaction to having the Center in their neighborhood. We have not encountered any opposition. One of the neighbors is planning a community meeting at her home to explain the program and answer questions. We will invite the neighborhood in which we locate to place a person on our board to represent their interests.

Sincerely,

Joe Reitz
Chairman

August 4, 2008

Mayor Michael Dever
City Commissioners
City of Lawrence
6 E. 6th Street
Lawrence, Kansas

Dear Mayor Dever and City Commissioners,

Many times during my tenure with the Community Homeless Commission I have stood before a group of church members or service club members and quoted numbers from the last official homeless survey. By now you know those numbers by heart: 373 homeless adults and children in our community; 79 homeless families with children. Again and again I've repeated New York Elementary School principal Nancy DeGarmo's sad statistic: Last school year there were homeless children on the roll of every school in town.

Those concerns haven't disappeared, but since that count was published the Homeless Commission presented to the City Commission a housing vision that outlined an effective response. With that vision the Homeless Commission stressed in all public forums the necessity of private sector involvement in meeting these needs.

While much work remains, new and good progress is underway. The Lawrence Community Shelter is working hard to identify a new site and expand their funding and programming to better serve emergency shelter needs. Family Promise of Lawrence, an affiliate of a successful national organization, has formed a team of at least ten churches and is planning to begin housing homeless families with children November 1. Family Promise will house no more than 14 individuals in churches and use a full-time director and a day center to provide intensive care in helping families move off the streets and into stable housing.

Thank you, Mayor and Commissioners, for your support of excellent and patient work by City Planning Staff led by Joe Rexwinkle in their work on Homeless Facilities and Services text amendments. Their careful analysis of other cities' codes and numerous meetings with local service providers, has led to a plan our Homeless Commission approves, one that will help us go forward in meeting our community's housing needs.

Thank you for your hard work on behalf of Lawrence.
Sincerely,

Katherine Dinsdale
Chair, City of Lawrence
Community Commission on Homelessness