

do this, talk about text amendments and go back to a place where a former City Commission did not want to go as far as moving more and more things up to this level.

Commissioner Highberger asked if Commissioner Amyx was suggesting having site plan review come to the City Commission.

Commissioner Amyx said this was about usage of the property. They were probably right in that it would take a change in the way the development code was written now and how they would do business in the future on this site. He said if there was not support to add additional language, proper notification needed to be given to people in the surrounding area that a change in the use was coming in the site or any other site.

McCullough said they felt like the code required that type of notification. They were building a good track record with that kind of process. The code had the appeal process that was good for the neighbors and owner. A member of the governing body could bring an appeal on behalf of someone else. They thought there were many ways to get this in front of the governing body if there were issues. Placing the condition on it may mean that the owner or future owner would have to go through an extraordinary process even if no one had an issue with the change of the property. He said the district was formed appropriately to be infill and restrictions on it for uses found to be inappropriate for this area.

Moved by Amyx, seconded by Highberger, to approve a request to rezone a tract of land, Z-05-10-08, approximately .483 acres from RMG (Multi-Dwelling Residential-Greek Housing) to MU (Mixed Use), located at 1420 Crescent Road, subject to any proposed change in use to be reviewed and approved by the governing body, and adopt on first reading, Ordinance No. 8331, rezoning approximately .483 acres (Z-05-10-08) from RMG (Multi-Dwelling Residential-Greek Housing) to MU (Mixed Use), located at 1420 Crescent Road. Motion carried 3-1 (Vice Mayor Chestnut voted no). (17)

Consider the approval of Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities.

Joe Rexwinkle, Planner, presented the staff report. He said this item was initiated by the City Commission on April 29th for Homeless Facilities and Services. This came before the City Commission on August 12th but was remanded back to the Community Commission on Homelessness and the Planning Commission for additional public comment and fine tuning of the language and there had been considerable changes to the language from that draft.

He said he would talk briefly about the issue of homelessness in Lawrence. The findings came from the Commission on Homelessness Report. He believed it was a snapshot of numbers. There were 273 homeless people of which 79 were families and 111 were children and about 32 were chronically homeless individuals. The main finding from the CCH was that there were no immediate short term housing solutions for families with children. This was one of the reasons why this item was brought to include the shelter and base center which were modeled around shelters for homeless families with children. The CCH said there was a need for one emergency shelter serving 75 individuals. It was the largest shelter, which would be like Lawrence Community Shelter which would be a Type B shelter under the regulations. There were also 100 new temporary housing units, which partially could be accomplished with these amendments and partially a separate program. There were also 35 new transitional housing units. Supporting services recognized the critical aspects of each shelter option.

He showed what the development code currently had regarding homeless shelters and homeless use type of facilities. There was one type of shelter, which was called Homeless or Transient Shelter and defined as providing temporary housing for one or more individuals who were homeless. There was no distinction between a large shelter open to the general homeless population or smaller shelter for families with children. What they found in their research that a number of the communities that address homelessness, distinguish between either the size or type of homeless population served. There were a couple other related uses, a community meal program which was the food service program that were

independent or often related to in some way because they serve the homeless population and general population. Another use was other office uses which was a general office use category and was included because when family problem first approached City staff, they had no use category to classify the day operation since it was technically not a shelter. This was the closest defined use for that.

He said they probably knew the history quite well. The City Commission initiated this in April and was first considered by the Planning Commission on July 21st after being considered twice by the Community Commission on Homelessness in both June and July. The City Commission remanded this on August 12th. They took considerable public comment which was provided to the City Commission following the August 12th meeting and forwarded that comment to the Community Commission on Homelessness. In their meeting on September 9th for about five hours they talked about the public comment received and how best to incorporate that comment and balance that comment with the CCH's goals and visions and the homelessness problem in Lawrence. After that meeting, staff drafted language based upon that discussion at that meeting. They have recommended that language in whole to the City Commission with three specific modifications.

He said he would go over the types of uses. Type A homeless shelters were the small homeless shelters and the only program they knew right now that wanted to use this use was the Family Promise program. These shelters were permitted in any zoning district as an accessory use to religious institutions only. They require registration renewed annually and neighborhood notification as part of that registration application. It was required to have a neighborhood meeting and notification and to have occurred prior to Planning Director approval of the application. It also required a management plan. There were criteria that had to be addressed in that plan. There could be additional criteria as part of that plan depending upon particular property the church was located on, the church itself, the operator or the neighborhood. A lot of that staff assumed a lot of the extraordinary match up

plan would be determined at the neighborhood meeting. There was also an agreement to comply with the standards in the code and the management plan standards. The Planning Commission recommendation on this use was to approve the language with a few modifications which included making the management plan appealable to the City Commission. Any administrative determination the development code authorizes the process of administrative determination being appealable to the Board of Zoning Appeals. On this particular administrative determination, to approve this management plan as part of the registration, the Planning Commission thought it was best for that appeal to go directly to the City Commission.

He said the second modification recommended was to limit the operation of the shelter for 15 nights per calendar quarter so that it could not operate 365 days a year to limit impact on the surrounding property owners and neighborhood.

He said the third modification was to regulate the definition of family, which regulated this use and type of day center use so that only families with children may be served. This would be a unique definition of family rather than what else they had in the code.

He said the Type A Homeless Centers would be permitted in the RO and RSO zoning districts, which were a mix of residential and office uses and in non residential zoning districts. They would be permitted by special use permit in the RM32 district. One of the things that staff did coming out of Planning Commission was to clarify when day centers could be in operation and changed the terminology from daylight to day time to correspond with business hours more. The Planning Commission recommendation on this was to revise the definition of family. The other two specific modifications only related to the Type A Shelter. This use was permitted by right in the RSO and RMO and non residential districts and required a management plan. Since it was permitted by right like the Type A Shelter was, one thing for the City Commission to consider was a management plan be appealable to the City Commission like it was with the Type A Shelters. He thought it was something

the Planning Commission overlooked when they had their motion and when they had their discussion it was in and around the Type A Shelter being accessory to churches. Procedurally, since this was administratively approved in every district but RM32, it may be something the City Commission would want to consider.

He said the Type B Shelters were the larger ones and permitted by special use permit in every zoning district in which they were permitted, which was only the RMO and RSO zoning districts as well as the non residential zoning districts. They were not permitted in any other zoning districts in any other way. They omitted the term overnight from the definition from previous drafts so that Type B shelters could operate and provide services for 24 hours. The hierarchy would be the Type B shelter would be the most intense for all homeless facilities and would include those in the day center aspect of it and in the same structure with the same special use permit. This was offered at day centers and could permit the day time shelter as well. The Planning Commission did not recommend any distance buffer from single family uses based upon the fact that some cities do require a distance buffer but most of those cities were larger cities with larger land area and tended to have larger swaths of area in towns that were zoned commercial and Lawrence was a smaller community and that was not prevalent here. When they mapped out distance buffers, it left very little land in the City where a shelter could go in. He said it was the same thing with the distance buffer from other homeless facilities. Obviously there was a need for homeless facilities to be located in some proximity to one another and there was also a concern about over concentration of these uses in certain neighborhoods, so it would be a balancing act but the Planning Commission's recommendation was no distance buffer. Their recommendation on this was the language that came out of the Community Commission on Homelessness which was to recommend the approval with no modifications as to the type of shelters. It was basically the same with the Type B centers that were permitted in the same

districts as the shelters by special use permit. They changed daylight to daytime just like they did with Type A Homeless Centers and the recommendation of no distance buffer.

He said since the Planning Commission meeting some questions have been raised, both internally from staff and the public from the fact that the development code did not say they had to meet other codes. None of the development code language said that for specific uses. The way they always applied it to other uses that any other city code applied when you submit a request for registration, site plan or development plan and other reviewing departments review it and make sure it applied to the codes they administer. To clarify, other city codes such as the fire code or building code would apply to these uses just like they did with other uses.

He said to summarize the Planning Commission's recommendation, it was to approve the draft language as proposed by staff on the CCH meeting with three specific modifications to permit Type A Homeless Shelters to operate a maximum of 15 nights per quarter, to require management plans governing Type A Shelters to be appealable directly to the City Commission and to revise the definition of families that relate to Type A Homeless Shelters and stay centers so that only families with children may be served. They were asking whether or not a management plan for a Type A Day Center should be appealable to the City Commission since those were also approved administratively by the Planning Director. The draft language would change the definition of family and inadvertently omitted the sentence which limited how many total people could stay in a day shelter. He said what that would mean is a maximum of 15 people would be permitted in a Type A shelter day center.

Commissioner Amyx asked if this meant that only a maximum of 15 persons per night could stay at the particular shelter.

Rexwinkle said that was correct.

Mayor Dever asked if they were pulling out the omission.

Rexwinkle said yes but certainly the City Commission could determine if they wanted that number to be higher or no maximum. That was not the Planning Commission's recommendation that came out of that meeting. It was not a specific discussion they could recall to where they said they wanted to make sure it was limited to 15 people. Their discussion was focused on whether or not this was revolved around families. There was not a discussion on the number of people when they made their motion.

Mayor Dever asked where the 15 number came from.

Rexwinkle said it was the draw line in the sand. When they started working on this, it was the same time that Family Promise had approached staff and thought their maximum was 14 so they set a number along there. Other cities have 20, 25 and some have 10. It was for really small family oriented shelters.

Mayor Dever requested, due to the large number of people wanting to comment on this item, that everyone try and limit their comments to 5 minutes each.

Price Banks, counsel on behalf of Lawrence Community Shelter, said they liked this and thought it had been a long haul and a lot of work put into this, as far as a Type B Shelter was concerned, which was what concerned them. He thanked the City Commission and staff and urged them to approve it as written and applied to the Type B Shelter.

Mayor Dever called for public comment.

Jerry Wells, counsel for Family Promise, said apparently they agreed to be the sole applicant under the Type A application process. He said there were a number of staff and board members present from Family Promise. They lived with all of the restrictions and requirements that have been reviewed up and down the process. They had great concern with Article 5, Section 20-544, Paragraph 5, Subsection iii. It was the management plan appeals. They were concerned that the particular provision was too open ended. Literally if they read those words in that particular provision in that paragraph, they could pass the permit and registration process. They could set up a facility and be up and operating and

six months later someone could appeal their management plan to this body. They thought there needed to be some reasonable restriction for them to operate with some comfort that they would be able to serve the community. They were a non profit and were going to provide a service they thought was desperately needed. They needed some comfort they could operate their facility without a cloud hanging over their heads. They would ask that there be some restriction on time for appeals. It should not be an open ended time period. The other concern they had was that there was no limit upon the City Commission to file the appeal. For example, if they were located on a location east of Massachusetts, and someone on the west side of town who was not impacted from the neighborhood standpoint wanted to file an appeal on their management plan that they were not directly affected by. They thought that was way too open ended and unreasonable. How they approach that limitation was a concern. They may in fact want to be able to define the language in that particular paragraph of what an aggrieved person was and may be someone who was directly impacted from a block radius or neighborhood level. They thought it was unreasonable that they would have to come to the City Commission and did not think they would need more appeals than what they had discussed in prior presentations. He said if they could limit that to a reasonable time period, they could limit those people who will be able to file an appeal from most folks who were going to be directly impacted by the location of their facilities. They thought that was fair and could live with that. He did not think it was fair and reasonable that this organization should have to hope months down the road from the east side or west side of the community say they did not like the management plan even though it was specific and the requirements to meet it were specific and were adequate provisions in the text amendment for input from the neighborhoods. It was not like they had an opportunity prior to the process and registration permit and management plan being approved by the Planning Director. They thought it was a deep concern for their success of their program they limit those to a reasonable area of concern and give some time limitation

to the appeals of the body. They may choose not to have the appeals process and they could go along with that, but if they chose to have an appeals process, it ought to be limited.

Judy Herington, member of the East Lawrence Neighborhood Association, said her observation of this whole issue and the process was that the text amendment started out tied to the main shelter, the Lawrence Community Shelter, and then when Family Promise introduced itself, then most of the staff hours seemed to shift to Type A Shelters which were brand new. It left the matter of requirements for siting the main shelter without so much public discussion as the Type A. At this point, relocating the main shelter, Type B, would require a special use permit in any zoning category in which it was allowed, principally industrial. In East Lawrence, there were a lot of zoning oddities. If the zoning throughout the city were up to date with respect to current use, then they would not likely find such strange zoning packets tucked into residential neighborhoods. The main shelter could be located between two single family homes or across the street or alley from any number of homes. To date, the City was not requiring a buffer between Type B shelters and either residential, multi family or planned residential development. She thought finding an industrial property in a residential neighborhood was not the answer the City would be looking for in getting a shelter re-sited. At a previous meeting, shelter spokespeople said that if required to be 250 feet from private homes it would force them out of the city limits. She said there must be some real estate that would create natural barriers or distances from private homes. She hoped the City Commission would look for those opportunities and in the end the Lawrence Shelter would have more support than protest in getting itself relocated.

She said the point about strange pockets of zoning pertaining to, there was a request made and the Planning Office had a new map that she was introduced to. She asked staff to define it.

Rexwinkle said the yellow represented RS based zoning districts whereas the RO zoning districts were the pale orange color. Every other color besides the blue color was a planned development and some of those planned developments included single family residential but were not base zoning districts. Planned developments were not listed in the use table so they were not inserting uses or taking uses out of the planned development because it would take a rezoning instead of a text amendment. He put that on here because if they were going to talk about any buffer from single family residential uses, they had to consider that there were some uses in that planned development. The blue shadings were the zoning districts and the RO and RSO were non residential zoning districts that would permit that type of shelter by special use permit. On top of that, there were a layer of property lines and should be a requirement that instead of a distance buffer, they could not have a shelter immediately adjacent to an RSO zoning property.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said that the most important thing was that Family Promise was not the typical homeless shelter or program. This document being considered was created for Family Promise, but for everyone which included the typical homeless shelter programs. This document needed to provide direction not only for Family Promise but for all organizations that wished to provide for the homeless in Lawrence. Also they were talking about their day center, their single family area, and everyone was happy. She showed a picture of the brand new day center. They could get online and check just about every Family Promise there was because there were a lot. What they would find was that every one had a single day center in a commercial zone and then they moved from church to church. There have been two towns that she had been able to find that have located in a single family zone. Las Vegas was one. However, it was because they moved into the neighborhood without letting everyone know and the City Commission found out. The City Commission supported them, got on a board, and found a place in a non single family home because they did not want that there. Also they were

located there because the neighborhood was deteriorating. At this present time, they were not looking at putting day centers in single family neighborhoods but they ought to look at IMOs and ISOs. The problem with that was the City, especially east of Iowa Street, was built like a big jigsaw puzzle. They could find RSOs and RMOs at two or three houses worth and completely surrounded by a neighborhood, such as Pinckney, Barker, East Lawrence and other neighborhoods. When the Planning Commission worked hard to try and make sure the day centers were not put in single family homes, they did not take the step to make sure they actually were not in single family neighborhoods. They were asking that it be an SUP. It would take care of Mr. Wells' concerns about reviews and who could say whether or not it was going to be allowed. There were promises being made by Family Promise that were not part of this document and needed to be so that other organizations that use this document could be held to the highest standards as Family Promise promises. She said they were running background checks and those kinds of items were not in this document and should be. Mr. Wells stated at the Planning Commission that they should disregard the statements of the members who talked to the Planning Commission because none of them were from west of Massachusetts and there was not going to be a day center west of Massachusetts at this point in time. The neighborhoods who had spoken traditionally had been neighborhoods who have housed homeless facilities in Lawrence and had first hand knowledge about situations that come from that. Those neighborhoods came before the Planning Commission on a text amendment for homeless facilities. Even though Family Promise was not presently working with those neighborhoods, the neighborhoods were the experts to help design documents on the issues and should be listened to and heeded. She talked to many of her neighbors and they did not have a problem with trying to help the homeless, especially the families, but wanted to know who was living next door. LAN had many meetings and she had continued correspondence with the neighborhoods that understood the issues and were requesting the SUP process for all types of facilities, which

included the churches. She had a document that dealt with the religious organization and institutionalized person act. There had been a hearing and judgment that stated that a city's conditional use permit requirement offered to a homeless shelter in a church district did not violate the First Amendment or the religious land use institutional or personal use act.

Katherine Dinsdale, Community Commission on Homelessness, said she wanted to review where they were and how they got here. A task force was formed in 2003, a task force plan came out in 2005 and a year and a half ago the Community Commission on Homelessness came up with a vision that provided ideas to meet the homeless problem in Lawrence. This City Commission approved that plan unanimously. In it, was a call for private sector involvement, it was made clear to them that there was not going to be a lot more City money coming towards them, so they needed private sector involvement, solve the problems of the community shelter, have one emergency shelter, solve the problems of transitional housing, housing for families, needs of permanent support shelter, there were all kinds of needs, and they were charged with coming up with some kind of idea. The Commission on Homelessness had worked very hard over the year and a half. They have sought a lot of public input and as they began seeking public input on how the community could meet the needs, the Planning Department began looking at code since at least back in April. The draft they had before them now was the 7th edition. She had been very impressed with City staff and knew they have looked at more than 30 cities. They have looked in a very neutral manner of how shelters were operated and situated, how zoning codes were written in communities all over the country. The document before them now was a result of that work. The timing of the first revisions were written specifically for the shelter and Family Promise came about that time because of the plea by the Commission and others who went around and asked for help. This was the plan that was put forth. She was the Vice President of the board for Family Promise. She was excited they had this opportunity. They had the opportunity tonight to get off of dead center and had been on

dead center for a long time. No zoning language perfectly governed any operation and would not perfectly govern the Community Shelter or Family Promise operation. It was not what zoning code did. They had a good start and had reasonable regulations that provided for safety and order for shelters that would be open under this plan. The City had the opportunity to say yes to a large project sector effort that would cost them nothing. They had hundreds of volunteers ready for Family Promise and had a lot of effort going forward with the community shelter to solve problems their community was anxious to solve. She looked forward to seeing this approved tonight and hoped they could take advantage of all the good will and expertise that had gone into the zoning plan, planning for Family Promise, and the Community Shelter.

Orlena Carr, Lawrence, said all the neighborhoods wanted was notification of change before it occurred and when it occurred. As what happened in the Barker neighborhood, per their e-mail September 18th, the Planning Commission members 7 points were addressed with five supporting exhibits on how the neighbors were not notified of what was going on. The policy as it stood was bad for neighborhoods. Special use permits needed to be required and would give the neighborhoods a voice in the changes that would be made. In a pure process, process was also ready for the neighborhoods to be heard. Granted other people in the neighborhood had a say in changes and changes that worked for the neighborhood, which with a special use permit, would be a chance for everyone to have a say before it occurred.

Scott Montgomery, Lawrence, yielded his 5 minutes to Klingenberg.

Klingenberg said they appreciated what staff had done and the Planning Commission in their concerns and specifically appreciated Joe Rexwinkle's work. The organizations were going to be part of their neighborhoods and would become a part by an SUP that would tell them they were going to come in and see how things go, but if there were problems they would not have to deal with it. They were not saying no, but were saying work with them.

She thanked Ryan Henderson for his patience. They understood the distance requirements were not going to work for a community shelter in this town. They asked for the map that showed adjacent or abutting. There were a lot of places where a community shelter could go that way. They hoped they could make the changes to a simple SUP across the board in their codes so that everything was consistent and gave the neighborhoods a chance to get to know who was coming and be part of their neighborhood before instead of waiting until after.

Julie Mitchell, Brook Creek Neighborhood Association, said her Association requested SUP permits for all homeless facilities. She said Type B shelters should not be located near single family residences. Allowing Type A facilities in residential neighborhoods without special use permits opened the door for organizations not as well run as Family Promise. Allowing Type B shelters without a special use permit would allow shelters to locate in small pockets of industrial zoned areas next to residential housing without any public comment. The 13th and Oregon property was an excellent example of an industrial zoned property right next to residential housing. She was excited about Family Promise and liked the code as it was written. She said in her neighborhood and personal life she saw a couple living in a van in a neighbor's backyard Saturday doing the dishes in the bathroom of Brooke Creek Park. Another neighbor of hers lived in his car before him and his son moved into a house down the street from her. She believed that Family Promise could make a huge difference in their community, but she was concerned about the possibility of the Type B shelter moving in near her house.

Wells said he was misquoted by Klingenberg. He said that was not what was said in front of the Planning Commission during the public hearing. What he said and what was accurate was that they had no facilities east of Massachusetts, which was why when the Barker neighborhood all protested against what they were trying to do, he made that point with the City Commission.

Jonathan Groene, Lawrence, said he had one specific point toward the staff recommendation, which had to do with the people staying over night. Family Promise had 14 people maximum and two volunteers that had to be there. Churches regularly have people staying the night. He suggested the language say client or guest so it was not confusing in that regard. He was comfortable with the amount of public notification required. He said the congregation's property abutted his backyard and felt comfortable with the accommodations. As a neighbor, he was comfortable with the language and not adding SUPs.

Hilda Enoch, Lawrence, said the special use permit for the churches that have been in the community would foul up the hope of getting these shelters started before it gets cold. She thought it would be a shame to postpone this again from and keep it from starting.

Christine Winters, First Christian Church, Family Promise Coordinator, said they had 31 people signed up willing to help get this program started. They had 21 people who had already been through training, which Family Promise required and to directly work with the guests they were having. They had people ready and waiting to help neighbors of a number of people in this room or the children that their children go to school with. There were 111 children who were not going to have a home to sleep in tonight and wanted to begin and start small to work with these children and help them get back on their feet and help the families get back on their feet because no one else was around to help them or have a plan to get started. She believed that in the way this was set up, there was already a registration process and meet with the neighbors or anyone who wanted to. They would be more than happy if someone had a complaint to sit down and talk to those people. There were 12 churches that were willing to do exactly the same as she was doing and assist in one way or another. She requested they pass this item tonight.

Commissioner Amyx asked about the notification about the Type A shelters. He said one of the points about appealable to the City Commission and in listening to Mr. Wells'

comment about any person aggrieved and the action of the Planning Director approve the management plan by registering and permitted a Type A homeless shelter may be appealed by any person aggrieved to the Lawrence City Commission. Since they were notifying people within 200 feet, would there be something that they could write in to say that anyone in the area who had to be notified within the 200 foot list be aggrieved and eligible to file an appeal.

Rexwinkle said since this was pointed out to them and the public concerns about that standard language, they've thought about it a little bit. He did not think it would be inappropriate to say that only the people notified within the 200 foot notification area would be eligible to be at that standing. It was the right to appeal so they did not have that issue and that someone not in the neighborhood was appealing it on some arbitrary grounds. He said changing that process would be simple for staff and the reason they left it open ended and broad was because it was something the Planning Commission recommended and they said they wanted the management plan to be appealable to the City Commission. They were leaving it up to the City Commission for it to be more specific if they want it to be more specific about who could appeal that. If it was a site plan, the director had to do that within 9 days of a decision.

Mayor Dever asked if they could explain why the SUP was utilized in one and not the other.

Rexwinkle said the larger shelters tended to offer more services for longer hours and longer periods of time. They saw that as a greater impact to the surrounding neighborhood than a small shelter that was accessory to a church. The very first draft of this language from staff recommended that the Type A shelters only be accessory to churches. It got changed back. The original recommendation had always been to permit the uses as accessory to churches and churches did commonly have a level of activity that was higher than surrounding residential uses. They saw people coming and going occasionally and do

house people overnight for various things like that. They felt comfortable not recommending a special use permit for Type A because of their relatively less impact on the neighborhood than Type B.

Mayor Dever asked about the day center.

Rexwinkle said their original recommendation was no special use permit. However, when they worked through all the drafts and it was added for some residential zoning districts, they said it was like an office use and functioning that way. The only difference between the day center and any other social service office was the population being served as otherwise homeless. They saw that as an office use and would be something very uncharacteristic in a residential area.

Sauny Scott, Lawrence, said it was her understanding at the last City Commission that they added to religious other charitable organizations. She felt that was what the CCH recommended and the City Commission agreed, but then it was changed back. She said she wanted to point out that the use of the word churches instead of religion implied something. She thought it should be changed back.

Mayor Dever said he remembered that conversation occurred at the CCH meeting. He did not think any of them specifically addressed that. He did not recall them ever discussing the items at the City Commission. He knew it came up at the CCH meeting, but did not think they ever discussed that.

Rexwinkle said the CCH did stress and made a motion that they wanted the Type A shelter to be accessory to more than just religious institutions. One of the first drafts that staff had written was for public and civic uses, which was a use category in the development code and that Type A shelters needed to be accessory to those uses, which included more than just religious institutions. He said staff's recommendation changed to the Planning Commission to go back to churches based upon additional comments that were received.

Mayor Dever asked if they allowed the Planning Commission to delineate that.

Rexwinkle said some of the comments received were from the Planning Commission prior to the meeting.

Vice Mayor Chestnut said he wanted to thank everyone's work and that staff had done a great job. They found that they did not have a lot of language on how to handle these different situations. They have to take a step back towards a broader vision of the community and what they were trying to do in the community. He supported the CCH because they worked at this for the better part of five years to make a better vision of what they were trying to do here. He appreciated the comments about what other communities do and thought it was great of Planning staff to do that, but also thought that it was a vision statement that was pretty lofty about how they serve the people in need in their community. He wanted to support both text amendments as written and as usual he was not going to make anyone happy. He was not sure if he was comfortable with who might object to anything in particular. They govern themselves as an at large community. They were all elected at large and valued the citizen input from across the community, and sometimes it was difficult. He would rather be in a situation where he was non exclusive about taking comment about objections from particular things and maybe not knowing the particular citizen circumstances and whether or not they're an adjacent neighbor. Citizens had standing across the board and knew that opened it up to a lot more hassle, but as someone commented in the last subject they heard, they pride themselves in that dialogue. He said the management plan, much like the SUPs, they were created as a guideline and accountability and was not sure they place a lot of restrictions in that they were going to put a management plan in place and not question it for a year. There were possibilities that circumstances change and people were not holding their end of the bargain up, which was true with the SUP. He knew Loring Henderson got a number of e-mails from him when they approved the three year SUP when they got some milestones and follow that up every six months. He appreciated the efforts of everyone that wanted to serve the public. Another

thing they wanted to keep in mind with relative to a management plan versus a SUP, it was a little bit of a different situation and was talking about zoning, code and the spirit of volunteerism in the community. He did not feel much compassion for developers in process, but he did for people who were trying to give a lot back to the community to serve those who had less. One thing that was important to realize was that they were in a position that at the federal, state and local level that funding was going to be less and less to support people with need. That was going to be the case and it was fact. The more they could energize the community and the more opportunities they gave the community to serve the people of need in the community, the better off they were and in particular with Family Promise, that had become the subject. One of the vision statements talked about overcoming the costs and conditions that lead to and foster homelessness, and their focus was how to capture families with children and keep them from falling into places where they go onto public assistance and get into very difficult circumstances. He was comfortable with the management plan and it provided some guidelines. The other reason in the SUP was that it was not quite in the scale of a homeless shelter. He said relative to the other portion of this, he was one of the people who supported the three year SUP for the Lawrence Community Shelter and thought it was the right decision to allow them the ability to look for and procure a site that was better suited than what they had now on Kentucky. They could all agree that was a difficult and challenging site to work with. He was hesitant to place a lot of restrictions on trying to figure out an amicable place for them to reside. He thought there was a lot of process and did not know where that location was going to be, but seemed to him they needed to maximize the opportunity for places to look at and thought they would do their job as a good neighbor to make sure they inform them and bring them into the process. It was going to be some place and probably some place that had adjacent location in a residential area. That might be a 200 yard buffer or 50, but did not know and had to look at as many opportunities as they could to provide a facility to serve that group appropriately, because

right now they were not. He appreciated the neighborhood input and they have to be careful in this. The other thing about the zoning pieces, they were only talking about one big shelter and were not going to have five of them. The zoning was appropriate, but in another respect it was finding the right situation that really was going to provide the right level of service and could not say right now what zoning that would end up in. The more at this point the place where they could look around and find the right thing that was going to fit the neighborhood and community at large was appropriate.

Commissioner Highberger said from looking at this document, it was clear that a lot of hard work, thought and discussion went into it. He thanked everyone who participated in the process. He came into this with the preconceived notion that an SUP ought to be required for every homeless shelter use. After reviewing the definitions of different types of day centers and shelters, Type A and Type B, he was convinced that the current document treated them differently in appropriate ways. He did not think the intensity of the Type A day center use or the Type A shelter use was significant enough to require a special use permit. In reading the minutes, he was going to be living half a block away from a Type A or night shelter. It probably would not be the case everywhere, but he did not expect a notice if they were there because of the level of activity at that facility already and other things happening in the neighborhood. He understood the concerns of neighbors about separation distances for Type B shelters, but he shared Commissioner Chestnut's concern about putting excessive restrictions on the sites that were available. He thought those concerns could be addressed through the SUP process and as long as he was on the City Commission he would do everything he could to minimize the impact of a shelter on the facilities. He was split on the question of the process and was more inclined to go with Commissioner Chestnut's suggestion at this point. He liked the suggestion of clarifying the guest restriction so it applied to 15 guests. He appreciated the work everyone had done on this and hoped it

would be a step forward in helping them as a community and take care of the needs of people who were less fortunate than some of them.

Commissioner Amyx said he had the opportunity to look at Type A and Type B homeless shelters, day centers and thought he had it all down now. It seemed to him that the initiation they were asked to do during the summertime when Mr. Banks came to them talking about the Type B shelter that Henderson ran for the community and to be able to look at in an industrial district, he thought the initiation was followed at that request because they stated they would only consider that under a special use permit. He thought the Planning Commission along with staff took heed in their words and came back as such. During that process, and he knew it had been going on, they had Family Promise come along and appreciated all the work that had been placed in that organization. They had the day center, which people would go and have all kinds of help in trying to place themselves and their children back in housing. They all wanted to be in their own home and did not care about the circumstances that happened, it was unfortunate and he was lucky he had never been in that situation. He thought it was great they had organizations in the community that were willing to stand up and help. This document had done enough to be able to make him feel comfortable with the recommendations that came from the Planning Commission that through the management plan rather than the SUP route he thought they had controls necessary to make the Type A shelters compatible uses in areas. He felt good about that. He said the Vice Mayor brought up an important point with the management appeals process that there were individuals in the community by right that could appeal the management plan and should have that opportunity. One of the concerns he knew that Jerry Wells had was that the management plan was because they were going to issue a registration permit once the management plan was approved. He did not think the opportunity to appeal would go on forever. He said he was comfortable adding a time limit that someone could file that during the first 30 days or some timeframe. The notification

process as in the item they had earlier, his concern was if they were going to have a change of views, he thought it was pretty extensive. They were going to do everything from neighborhood associations to property owners within 200 feet. He felt like that had taken care of that. He said a lot of the direction he had been part of over the last several years have been taken into consideration and placed into this. The only thing he would change right up front had to do with the appeal of the management plan in a reasonable time frame someone would have to appeal back to the City Commission. He said the zoning categories as laid out in the plan, he thought staff and the Planning Commission have done a pretty good job. He knew that in the RSO and RMO districts, there were currently office type settings that existed that had services for all kinds of individuals so they could see if they required a special use permit for this, they had to require it for anyone who had any kind of organization that were running through that. The accessory use to a religious institution was reasonable and the fact that 75 days out of a quarter they were not going to have the clients or guests staying at the location, so he thought that was reasonable. He said since the only thing he had to look at was Family Promise at this time and did not know if there were other organizations that would come along and follow the same type of thing that Family Promise did, he supposed they would follow the same kind of plan that Family Promise did. He felt comfortable with what had been proposed and the specific uses permitted. They could make it work.

Mayor Dever said this had undergone a lot of change and thought everyone had done a great job. He thought they were implementing the wishes of this Commission in an excellent fashion and moving forward and finding places for people in need in the community to have a sense of value and worth. He was excited about implementing this. He did not think there was any perfect plan and things have gone well. He thought they had done a good job listening and reading what people wanted in coming up with a plan. It was not perfect and was sure there were going to be issues in the future, but in general he agreed with what

everyone else had said. He said they needed to add the language that had been discussed and consider moving forward with an adoption.

Commissioner Highberger said there was one issue that Rexwinkle raised about making language consistent and recommended that they do that.

Rexwinkle said related to that, if they talked about changing the management appeal process, he would recommend that language stating that those required to be notified, if they were talking about changing on who could appeal, maybe say that the only people allowed to appeal were those that received notification because the notification procedures for the Type A day center and Type A shelter were different because the Type A day center would be notified via the site plan process which as they discussed earlier were only the adjacent properties and neighborhood associations as opposed to properties within 200 feet. Instead of specifying every property owner within 200 feet, he wanted to make that clear that was to be consistent and that was what it would need to say.

Mayor Dever said they all agreed that they did not want to limit who could appeal, but may want to limit the time they could appeal so they could move forward.

Commissioner Amyx asked McCullough that the management plan shall be combining upon the issuance of the registration permit by the Planning Director and if there was something he had not seen that addressed the revocation of a permit.

McCullough said they viewed the management plan as an enforcement tool so that similar to documents required for a site plan agreement they used as an enforcement tool so they had that record. If they did get a call about misbehavior at a site for example, they could bring up that management plan and see if they were in compliance with that management plan and see if there were resources in code enforcement to work with compliance or revocation and make it an enforcement issue.

Moved by Chestnut, seconded by Highberger, to approve Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. Motion carried unanimously. **(18)**

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 10/21/08
- Consider a motion to recess into executive session for approximately 30 minutes to meet with attorneys for the City on matters which are deemed privileged under the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time.
 - Consider approval of sale agreement for City property to North Mass Redevelopment (received by City Commission on October 7, 2008).
 - Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, revised [Joint City Ordinance No. 8283/County Resolution No. _____](#), for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (Deferred from the 9/23/08 CC meeting)
 - Receive City Auditor's report on Pavement Condition Measures. [Report](#)
- 10/28/08
- Employee Service Awards.
- TBD
- Consider the following items related to Lawrence SmartCode:
 - a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)
 - ACTION:** Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.
 - b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartC+ode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08) [Draft PC Resolution No. 2008-02](#)