

**ITEM NO. 7      AMENDMENTS TO DEVELOPMENT CODE (SDM)**

**TA-04-03-08:** Consider amendments to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities.

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item. He went over the packet information including the definitions of Temporary Shelter, Social Service Agency, Community Meal Program, and Religious Institutions.

Commissioner Harris asked if a management plan would still be required.

Mr. McCullough replied a management plan will only be required for larger (Special Use Permit) shelters, not for a limited 'accessory shelter.'

Commissioner Blaser asked what happened to the day center.

Mr. McCullough said the day center was incorporated in the definition of the Social Service Agency.

Commissioner Blaser asked if one could still be permitted in a private neighborhood without a Special Use Permit.

Mr. McCullough said Social Service Agencies are permitted in RSO and RMO zoning districts. Social Service Agencies are not permitted, by right or Special Use Permit, in any other zoning district.

Commissioner Finkeldei asked if Penn House/Ballard Community Services (located at Pennsylvania & 10<sup>th</sup> Street) would be considered a Social Service Agency.

Mr. McCullough said this would not create any non-conformities that the new zoning code adopted in 2006 didn't create. The amendment would not make anything more non-conforming.

Ms. Sheila Stogsdill said Penn House was permitted originally through a former version of a Special Use Permit and the Development Code does provide some language about the process for former Special Use Permits so there would be a process for them to go about complying with the Code in the future.

Commissioner Harris asked if neighbors would be notified if a church has a temporary shelter as an accessory use.

Mr. McCullough said no.

**PUBLIC HEARING**

Mr. Bob Dinsdale, Family Promise board member, thanked staff for their work on the issue. He said they support the language and it does allow them to serve families that are facing homelessness. He said they did notify neighbors and the total attendance from neighbors was 19 people. He said there has only been one complaint and it was from a guest who was working late and got locked out of the church.

Ms. K.T. Walsh, said she appreciated the issue being treated as a land use issue. She asked what Penn House would do if there was a fire and they wanted to replace the building.

Ms. Stogsdill said she could not answer that off the top of her head but it could be looked at. Penn House could potentially go through rezoning to rebuild. She said there are ways to go through a process but it may not be an automatic process.

Mr. Joe Reitz, Family Promise, thanked staff for their hard work. He said that Family Promise has not had to go to Topeka and Kansas City to bus in families, they are in Lawrence and Family Promise is at full capacity. He stated that most guests are single mothers with young children.

## **COMMISSION DISCUSSION**

Commissioner Moore asked if this went to the Community Commission on Homelessness.

Mr. McCullough said last year it was heard by the Community Commission on Homelessness several times but this time it went to City Commission and the public was invited.

Commissioner Moore inquired about the threshold.

Mr. McCullough said that staff looked at the group home use, which is a 10 person use, and it was discussed a little bit through City Commission discussions and 15 was the number that kept coming up that everyone was comfortable with. When staff talked to the fire department their occupancy definition was different so staff bumped it up to 20 so that there would be enough volunteers in the structure to support the clients. The statute says group homes of 10 or less can withstand a few more people so 15 was the number that seemed appropriate.

Commissioner Blaser inquired about safety issues being handled by different groups.

Mr. McCullough said safety issues will be processed through appropriate other boards that look at fire/building code issues. Meeting fire code for this type of use was pretty onerous on this volunteer program so staff still need to work separately through some of those issues.

Commissioner Finkeldei said that the definition of Social Service Agencies excludes a lot of issues. He wondered about services such as advancing the welfare of citizens like counseling, life skills, training, food banks, etc. He said the Ballard Center provides Social Services accessory to their child care center. He gave the example of a mortuary that might offer counseling services. He asked if the word 'primarily' could be added.

Mr. McCullough said this provides a pretty good list of typical uses as what qualifies as a social service agency.

Commissioner Dominguez inquired about fire code upgrades for social service agencies.

Mr. McCullough said the direction from City Commission was to look at religious institutions for the fire and building code, not a social service agency. He stated any social service agency that is not going to be a temporary shelter accessory to a religious institution will have to meet the fire and building code.

Commissioner Finkeldei asked if Family Promise could have a day home in any residential neighborhood.

Mr. McCullough said only in RSO and RMO districts they could. He stated there are a lot of RS districts that are adjacent to other districts so there may be a social service agency adjacent to residential property.

Commissioner Hird commended staff for treating it as a land issue and would support this approach.

## **ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Moore, 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 based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Approved 7-1, with Commissioner Dominguez voting in opposition.