ITEM #:	**21**
DATE:	**11-26-24**
DEPT:	**P&H**

COUNCIL ACTION FORM

SUBJECT: **ZONING TEXT AMENDMENT FOR SOCIAL SERVICE PROVIDER USE WITHIN THE SINGLE-FAMILY CONSERVATION OVERLAY DISTRICT**

BACKGROUND:

City Council held a public hearing on October 8th to consider an application for a zoning text amendment add Social Service Providers as Special Use Permit allowed use with the Single-Family Conservation Overlay (O-SFC). The original report with its description of the request, background information and original comments is at this link. **At the conclusion of the Public Hearing, City Council directed staff to evaluate four alternatives for a text amendment and to hold a public meeting to gather additional public input about the proposal.**

At a public meeting held at the Library on Tuesday, November 19th, the staff described the following four alternatives along with the option to deny the proposed amendment.

1. Allow the Social Service Provider Use with approval of a Special Use Permit (SUP) within O-SFC zoning overlay.

2. Allow the Social Service Provider Use with approval of a Special Use Permit (SUP) with the Overlay, but only for properties abutting commercial zoning (7th Street (Clark to Duff) and 600 block Clark).

3. Amend the land use designation and rezone to Neighborhood Commercial (NC) for 702 Clark and current YSS Shelter at 703 Burnett which would allow for Social Service Provider to exist with no change to the Overlay (Mayor's Proposal).

4. Other alternatives to define the proposed use as its own/new facility type base upon daytime activities/services provided, operational criteria, siting criteria, separation distance, special use permit process, etc.

5. Deny the request to add Social Service Providers as an allowable use in the Overlay area.

A summary of the alternatives and relevant maps used for the presentation are included as an attachment.

The public meeting had approximately 75 people attendance with approximately 15 to 20 people providing comments or asking questions about the proposals. Attached are the notes taken by the Staff at the meeting, along with 11 written comment cards that were received.

Common themes heard at the meeting included concerns about:

- The neighborhood is reaching a tipping point and making this change to allow more non-single-family units within the Overlay will add to the instability.

- The City Council created the Overlay to protect the neighborhood from the growing number of single-family, owner occupied, reasonably priced homes to being converted to rental units. This proposed change would be counter to this past action to protect the neighborhood.

- There are plenty of other zoned areas throughout the city as well as in close proximity to Downtown services that currently will allow Social Service Providers. Therefore, there is no need to make this change. (Map of allowed zones is attached)

- There is an increased sense that the neighborhood is no longer safe and a fear that adding Social Service Providers, with their transient clientele, as an allowable use will only exacerbate this fear.

- There is a belief that the crime rate has increased in the neighborhood and an inquired whether there are any police statistics to substantiate this belief. (Staff has include a report of calls for service as an attachment)

- There is a belief that the neighborhood already is the site of a disproportionate number of Social Service Providers (They claim 8 are already in, or near the neighborhood, while the Staff has been stating that there are 4 by relying only on the City Code definition).

- There is a concern that two of the YSS youth shelters in the neighborhood which are grandfathered, will either be allowed to continue even if they eventually serve a different clientele or sold to become another social service provider. The result will be an even greater impact to their neighborhood.

- A question was raised about what research exists regarding compatibility and applicable separation standards of social services from residential uses.

- Question were raised about 1) how would there be any limits in the future if this change is approved and 2) how can there be certainty about zoning and additional potential changes.

At the end of the meeting, by a show of hands, staff asked what support existed for each alternative with the following results:

- 32 people voted to deny the request,
- 10 supported Alternative 2 with a limited area of zoning adjacent to existing commercial with additional limitations,
- 10 supported Alternative 3 for a two-lot rezoning to NC,
- 4 supported Alternative 4 to add more specific standards and criteria, and
- 1 supported Alternative 1, the original proposal for a Special Use Permits within the whole of the Overlay.

Some participants chose not to vote.

ALTERNATIVES:

1. Approve on first reading an ordinance to Allow Social Service Providers with approval of a Special Use Permit withing the Single-Family Conservation Overlay.

2. Direct staff to modify the draft ordinance and return on December 10th with an ordinance that allows Social Service Providers with approval of a Special Use Permit within the Single-Family Conservation Overlay with modified language to restrict the area to properties abutting commercial zoning along the

600 Block of Clark Avenue and the 100, 200, 300, and 400 Blocks of 7th Street with a limitation of establishing only one additional site as a social service provider.

3. Deny the proposed text amendment and direct staff to initiate a future land use map amendment and concurrent rezoning to Neighborhood Commercial (NC) for 702 Clark Avenue and 703 Burnett Avenue with an accompanying zoning text amendment to NC to change social services providers to a Special Use Permit. (Mayor's Alternative)

Note: this process will require new hearings with the Planning and Zoning Commission and City Council for the comprehensive plan amendment, rezoning, and text amendment and would begin in January 2025.

4. Deny the proposed text amendment and direct staff to create a new social service provider definitions and standards (limits on use, separation, modifications of buildings, etc.) as a new zoning text amendment.

This process also will require new hearings for a new text amendment and would begin in January 2025.

5. Deny the proposed zoning text amendment and take no further action.

CITY MANAGER'S RECOMMENDED ACTION:

Staff agrees with many of the comments and concerns articulated by neighborhood residents regarding the history behind the Overlay and stability of the area. Since there many are other zoning districts in the general area and throughout the city that could accommodate the use already, it is not evident to staff that it is necessary to amend the zoning to allow this use. (See Map)

However, if the City Council believes a change in use is warranted to allow a Social Service Provider use in the Overlay area, Staff believes it needs to have safeguards beyond the original proposal of a generic Special Use Permit option for the whole Overlay, which is Alternative 1.

Should Council choose to pursue Alternative 2, staff added language to limit it to the current blocks abutting commercial and an overall limit of one newly established Social Service Provider. This ordinance language would return to Council on December 10th.

Alternative 3 (Mayor's Alternative) would only apply to two properties for adding this use, but it also brings other NC uses into consideration which may or may not be impactful to the balance of the neighborhood and would need to amend Social Service Provider to a Special Use Permit for all NC properties. This option is a full restart of the process with new hearings.

If City Council decides to proceed with a text amendment, the recommendation of the City Manager is to have Council direct staff to prepare modified language for Alternative 2 and return on December 10th for City Council review of the proposed amendment and approval on first reading.

ATTACHMENT(S):

Single Family Overlay Boundary and Social Service Provider Locations
Map of Zoning Districts Where Social Service Providers Are Permitted.pdf

Public meeting summary.pdf
Summary of Calls for service Old Town Area
Public Meeting Presentation and Notes