



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL

### PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

**To:** David Andrews, Town Manager  
Mayor & Board of Aldermen

**From:** Tina Moon, Planning Administrator  
Patricia McGuire, Planning Director

**Date:** March 18, 2016

**Subject:** Potential Text Amendments Relating to Social Service Providers with Dining

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### SUMMARY

In May of 2015, the IFC submitted an application for a text amendment to the Land Use Ordinance (LUO) to allow for a new use tentatively called a “community kitchen.” Staff brought the request before the Board of Aldermen in June of that year and was directed to prepare a draft ordinance that would add the new use to the LUO and create a process by which the IFC could apply. The following memo outlines the proposed process, details relating to required performance standards and opportunities for public input on applications for this new use by the IFC or other social services providers.

### BACKGROUND

Representatives from the Inter-Faith Council for Social Services, Inc. (IFC) approached the Town several years ago about their long-term interest in moving the community kitchen (previously co-located with the IFC’s shelter) from the Rosemary Street location in Chapel Hill to their existing pantry facility in Carrboro. Discussions included an analysis of existing regulations and the staff determination that a text amendment to the Land Use Ordinance would be required to allow such a use. The IFC renewed conversations with Town staff in late winter of 2014, and on May 27, 2015 formally submitted a request for a text amendment to establish a new use tentatively called a “community kitchen” in the B-1(G) zoning district.

On June 16<sup>th</sup>, staff brought the request before the Board of Aldermen and received direction to prepare a draft ordinance while seeking additional information from the IFC regarding the proposed use and its potential effect on surrounding properties. Staff presented a draft ordinance to the Board

on October 13<sup>th</sup> and a revised ordinance on November 17<sup>th</sup>. The advisory boards considered the revised ordinance at the February 4, 2016 joint review meeting and again at their individual meetings later in February and in early March.

If adopted, the draft ordinance would amend the LUO in several areas. A new definition would be added to the list of definitions in Article II and the Table of Permissible Uses in Article X, and performance standards would be added as supplementary regulations to Article XI. Modifications to other LUO sections may also be necessary to ensure compatibility with existing and proposed uses in the downtown and elsewhere in the Town's jurisdiction.

Subsequent to receiving the request for the text amendment, staff researched examples of ordinance language from other jurisdictions for guidance relating to permitting requirements and potential performance standards. The search was challenging in two important regards. First, there is not a "catch-all" land use term for social service uses that provide free meals to the public; different jurisdictions categorize the use differently. Second, programs that feed the hungry are often incorporated as part of other uses such as shelters or group homes or as accessory uses for churches. In addition, several of the examples were from more urban settings and are therefore addressing issues which may not necessarily be applicable to Carrboro. With that in mind, the key performance standards that are linked to these types of land uses (mainly shelters and/or combined shelter/soup kitchen) include:

- Distance separation between facilities
- Limitations on the size of facilities
- Good neighbor/management plans
- Security measures
- Loitering control measures
- Litter control
- Communication plan/point of contact for the facility to communicate with the local community on a regular basis
- Licensing
- Access to transit
- Additional lighting
- Additional fencing or buffers between use and neighboring properties
- Design standards relating to size and scale to be in character with the surrounding neighborhood

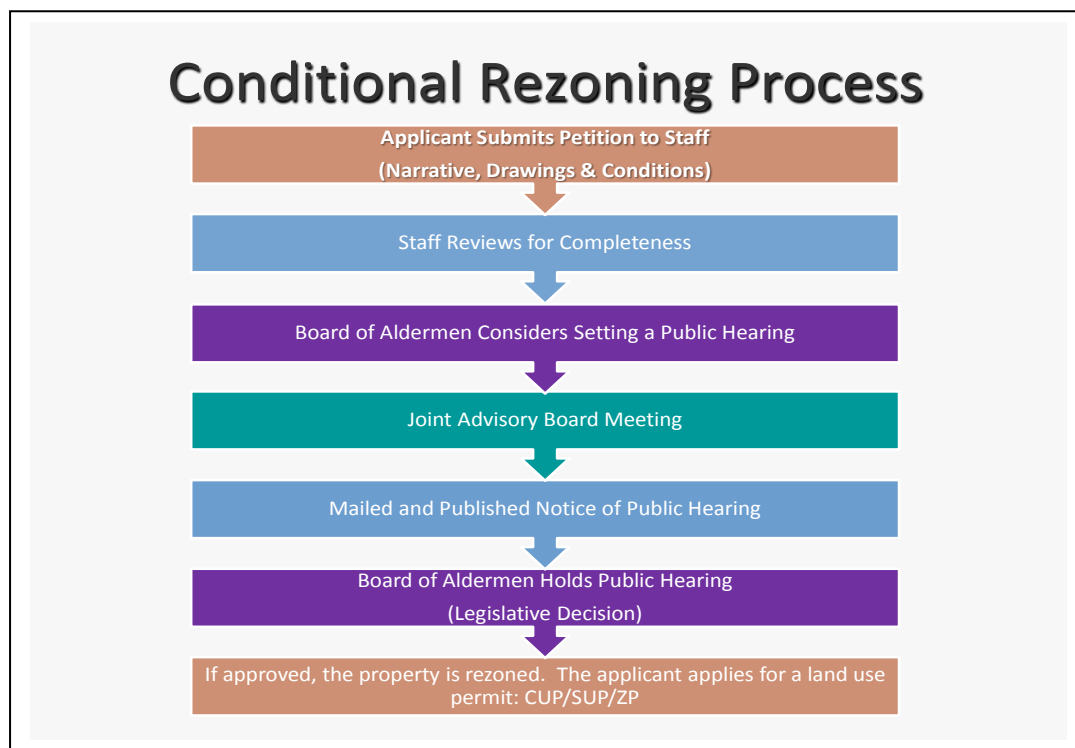
### DRAFT ORDINANCE

The draft ordinance under consideration (dated October 14, 2015) creates a process by which the IFC or another social service provider could submit an application to develop a "facility that provides social services including dining." Staff renamed the proposed use to distinguish it from other facilities such as the Cookery in Durham or the Value-Added Processing Center in Orange County, which are sometimes referred to as community kitchens. The process, outlined below, draws on elements from other jurisdictions but is refined to reflect local needs and to fit within the framework of Carrboro's regulations. Information is also included on some wraparound service options, particularly transportation options for diners, such as bus service which is available Monday through Saturday.

As currently proposed, “facilities that provide social services including dining,” encompasses a number of land uses such as, general administration, educational programs, counseling services, food pantry facilities and dining services wherein free meals are provided on-site for a substantial number of individuals. While there are other social service facilities which include a kitchen and/or dining component, the proposed new use is distinct from these land uses in that the dining service is a free, walk-in program designed to accommodate a substantial number of people at one time on site.

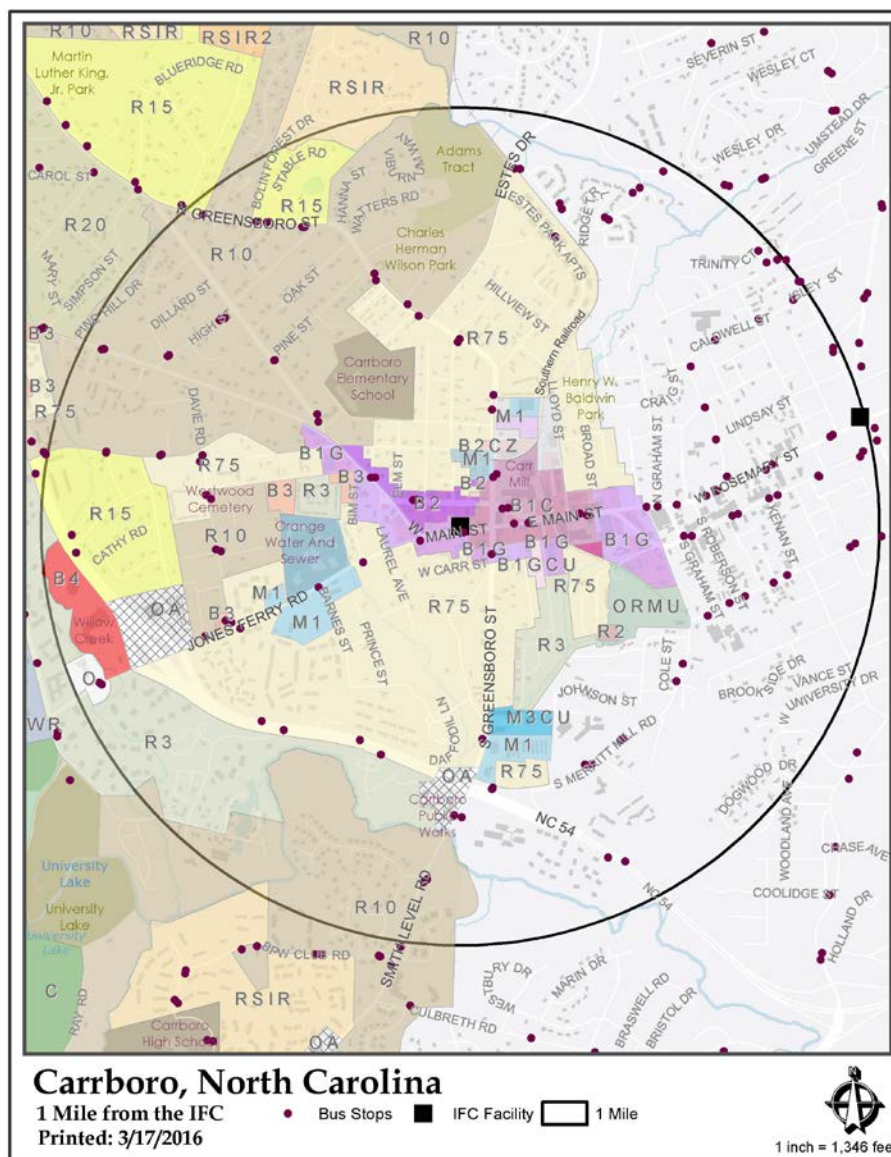
The development of a facility would require a zoning permit in conjunction with a conditional rezoning of the property and compliance with supplementary regulations. The submittal materials would include a petition for change of zoning and accompanying narrative, an illustrative site plan and proposed conditions. Information in the petition addresses four questions. How do the potential uses in the new district classification relate to the existing character of the area? In what way is the property proposed for rezoning particularly suited for the potential uses of the new district? How will the proposed rezoning affect the value of nearby buildings? In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

The conditional zoning process is legislative, providing the Board with discretion in the decision and the ability to potentially participate in informal discussions about the project. There are opportunities built into the process for public input, and the Board may consider citizen input during the public hearing without regard to expert testimony—a requirement for the quasi-judicial process used to consider conditional use permits. The typical process is shown in the flowchart below. Additional opportunities for public input, such as a neighborhood information meeting could be added to the process at the Board’s request.



The conditional zoning mechanism allows staff to work with an applicant to develop appropriate conditions, which subject to mutual approval, would be attached to the rezoning and be binding to the project. Each request for a social service provider with dining facility would be specific to the particulars of the parcels involved, thereby allowing for conditions that are directly linked to the individual application. Performance standards in the draft ordinance are intentionally general in nature because of the opportunity to attach specific requirements in the form of conditions during the rezoning process. Changes to the approved conditions would require a new public hearing.

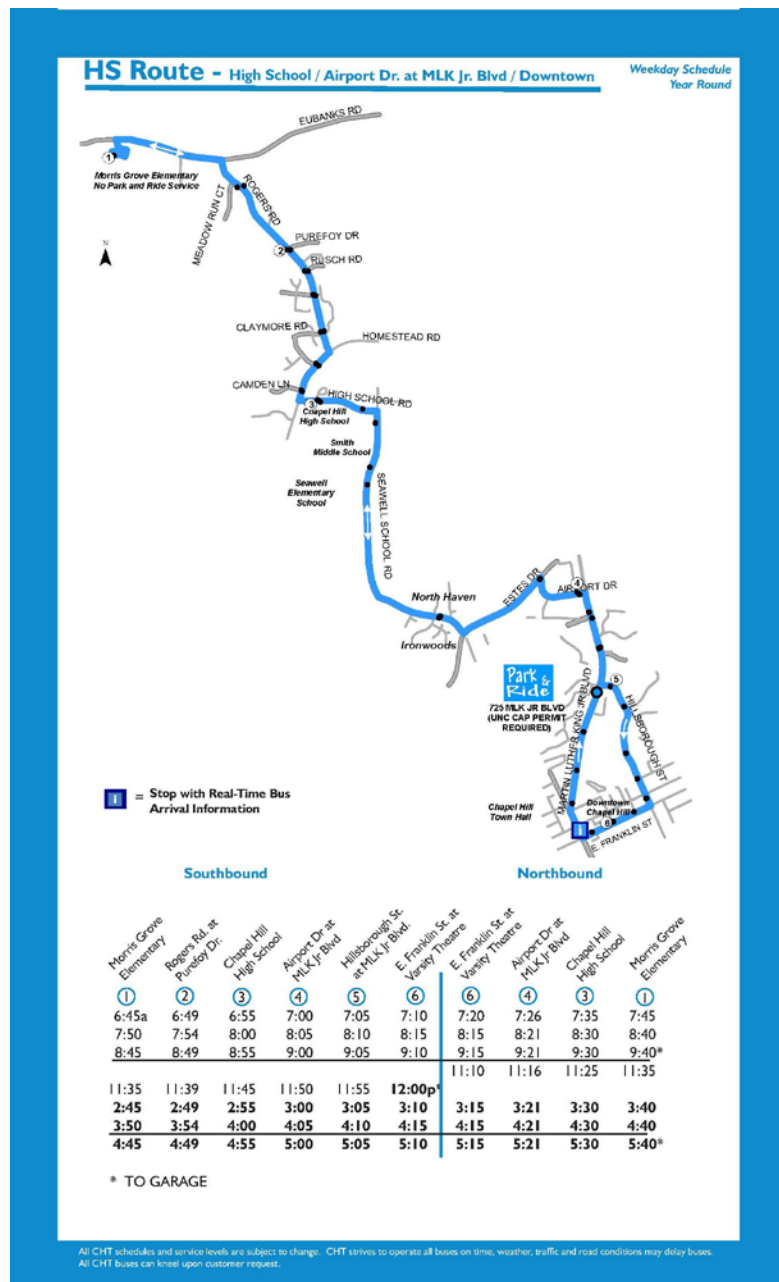
If approved, the IFC could proceed with the submittal of a petition for rezoning to seek the new use through the conditional rezoning process. The process would include advisory board review and a formal public hearing, and would likely include at least one additional meeting for public input and information.



The IFC's text amendment requested the new use for the General Business (B-1(G)) zoning district, only, which is the district within which the existing IFC food pantry is located. After reviewing other ordinances and noticing a common one-mile separation requirement, staff identified two additional zoning districts, R-20 and RR as possible locations for a social service provider with dining and added these districts to the draft amendment. Since performance standards included in the draft ordinance require proximity to a transit stop, locations in the northern part of the Town's planning jurisdictions are unlikely to be eligible unless sufficient development occurs to warrant additional transit service.

Some of the advisory boards spoke to the suitability of additional zoning districts in their review of the draft text amendment. The Planning Board recommended adding additional districts to the text amendment; the Economic Sustainability Commission recommended that the residential districts be removed. The M-1 district, a light manufacturing zoning district has also been identified as a possible location for this type of land use but was not included in the draft ordinance. Should the Board wish to consider allowing this use in additional zoning districts, staff would bring back a revised draft ordinance and re-advertise the public hearing. The same conditional zoning process would apply to these new districts as described in the current ordinance.

Churches and other religious organizations are already allowed in residential zoning districts and may provide free meals or other charity programs as an accessory use. In accordance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), however the Town may apply traditional zoning regulations addressing traffic, hours of use, parking, intensity of use, building setbacks etc, just as it would to any other land uses.



Questions about the proposed use have been raised during Board consideration of the draft ordinance. Questions directly related to the IFC were forwarded and responses are attached. Staff has looked into some of the other issues relating to social services needs in the Town's jurisdiction and expects to look deeper at these issues (incidence of 911 calls, public toilets, for example) in relation to a specific application for a rezoning.

Consideration of the draft ordinance is in no way an endorsement of a future application from the IFC. Should the Board of Aldermen adopt the draft ordinance, the IFC would be able to apply for the use by submitting a petition for a change in zoning. The Board could deny the request to set a public hearing, in effect, stopping the project. If the Board set a public hearing for the request, the application would follow a standard public hearing process with opportunities for public input on use, the design of the project and the negotiation of specific conditions which would be binding to the rezoning. Conditions must be mutually acceptable by the Town and the applicant.

## Questions and Answers about the IFC's Community Kitchen & Community House Programs

1. What does research show about the benefits and detractors to coupled short term shelter and dining service programs?

*While the IFC has in the past operated with a combined shelter and kitchen, we believe an even better model is to provide housing in one location and food services in a separate location. We do not anticipate any application which would couple the two activities.*

2. Are there people who are/were staying at the shelter on Rosemary St. that are not able to stay at the Community House? If so, where are they going?

*All of those staying at Rosemary St. shelter are now at Community House. One person moved into permanent housing instead of moving to the new location.*

3. Have they completely stopped using the Rosemary St. site as a shelter or are there still beds being used by people?

*Yes, no one is staying at the Rosemary St. site.*

4. Is the Community House full?

*Approximately 45 of the 52 spaces are full.*

5. How is the Community House program different from the activities that took place at the Rosemary St. location?

*In many ways the programs are similar. We are providing housing and support to individual men who are experiencing homelessness. It is different in several important respects. Most importantly, we have developed a three stage program to move residents from initial entry to a graduation into permanent housing. The three stage program is only possible with the new facility that provides the space and resources needed to address all of the issues which might keep someone from getting back on his feet.*

6. How does the emergency shelter intake work? Where does the intake occur? What constitutes an emergency, and therefore, allows you to offer the emergency beds?

*Currently, intake and initial screening is done at the Community Kitchen at 100 W. Rosemary. We will make sure someone is eligible for emergency shelter and transport the individual to 1315 MLK. An emergency is defined by either an overnight temperature below 40 degrees or weather which would be considered unsafe, such as a hurricane.*

7. How have other communities that have created a community kitchen in downtown dealt with the use? In particular, what types of conditions have they put on their permits?

*Conditions are typically linked to the type of performance standards described in the attached memo. The use of conditional zoning as the mechanism to consider a social service provider with dining, provides the Town with broader discretion to tailor conditions specific to the subject property.*