



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Minutes Board of Aldermen

Tuesday, March 22, 2016

7:30 PM

Carrboro Elementary School

Present: Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Sammy Slade, Alderman Bethany Chaney, and Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell

Also Present: David Andrews, Town Manager, Catherine Dorando, Town Clerk, Nick Herman, Town Attorney

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO APPROVE THE MINUTES OF MARCH 1, 2016, AS AMENDED. VOTE: AFFIRMATIVE ALL

REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS THAT WOULD PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new site specific, flexible zoning district.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen confirms the public hearing date for April 26, 2016, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Provide for a Site Specific, Flexible Zoning District,"

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date: Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Northern Transition Area Advisory Committee.

**PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS
ESTABLISHING A NEW USE CLASSIFICATION WITH ASSOCIATED
REQUIREMENTS FOR FACILITIES PROVIDING SOCIAL SERVICES WITH DINING**

The purpose of this item was for the Board of Aldermen to consider amendments to the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts.

Trish McGuire the Town's Planning Director made the staff presentation.

Alderman Chaney asked if the concern that Orange County expressed is moot due to the transit requirement of the text amendment. Trish McGuire, stated that staff has spoken with the Orange County staff regarding the concern and that it is not entirely open or closed. The question has been discussed but a resolution has not occurred.

Alderman Slade asked if the requirement for management and security system is required in restaurants, bars, or any other use. Trish stated that the proposed language is unique to this use. There are two other places in the LUO that speak to the addition of rules of behavior regarding firearms, drugs, and are required as part of the use.

Alderman Haven-O'Donnell asked if the possible locations were located on active transit stops. Trish McGuire stated that staff mapped the current transit stops and stated that other sites could be considered if additional routes or stops are added. Alderman Haven-O'Donnell stated clarified that all stops currently shown are in use.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO OPEN THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

Leann Nease Brown, the attorney representing the Inter-Faith Council for Social Service (IFC), requested that the Board make a decision about the text amendment that will allow the use in a conditional zone. She stated that conditional zoning is a flexible tool that allows the Board to have a meaningful conversation with citizens about an application.

Mayor Lavelle went over the guidelines and expectations of the public hearing.

Alderman Gist asked for speakers to let them know if they are from Carrboro. She also stated that she has heard that businesses have been threatened with boycotts due to their position related to the text amendment. She asked for those in attendance to visit Carrboro businesses tomorrow regardless of their opinion on this idea. She stated that businesses are afraid to speak because they may have a fear of being boycotted.

Emily Gordon, a resident of Carrboro, stated that homeless residents that need to eat also need a place to sleep. She stated that she is not ready to approve the text amendment or be ready to vote. She stated that she would like to volunteer to help the IFC.

Daniel Meltzer, a resident of Carrboro, and nurse in the UNC Chapel Hill Emergency Room, stated that he has received food assistance before and that Carrboro can use the wealth of the city as the wealth for the community. He stated that the IFC knows what they need and where they need it.

Lucy Lewis, a resident of Carrboro and member of the Women's International League for Peace and Freedom stated that the Board voted unanimously to support the approval of the text amendment. She asked the Board to approve the text amendment.

Jay Miller, owner of property less than 100 feet from the proposed site, stated that he is a huge fan of the IFC. He also stated that he is a huge fan of the Carrboro business community. He stated that there is a perception that this is a zero sum game but that it does not have to be that way because they can all come together on this issue. He stated that he is in favor of the text amendment. He suggested that the Board consider using the Dispute Settlement Center to mediate this issue.

Merit McMannis, a Carrboro resident and business owner, stated that the community should help its less fortunate members. He stated that the First Food Program is needed and that there is a group willing to provide. He stated that this is a first step to help underprivileged residents of the community. He stated that he was homeless in his youth and that only a tiny fraction of those abuse the system. He asked the Board to adopt the text amendment.

Barbara Foushee, a resident of Carrboro and a member of the NAACP and a member of the Human Services Advisory Commission in Carrboro spoke in favor of the proposed text amendment. She stated that the problems that folks are concerned about are already occurring in the area and that the bars that supply alcohol add to the behavior. She stated that Carrboro does not want to be known as being discriminatory by placing the kitchen in a location where it is inaccessible.

Braxton Foushee, a resident of Carrboro, stated that the Carrboro way is to serve the less fortunate. He stated that the venue should be in a location accessible to all and he would not like to see it in an area that is not consistently serviced by public transportation. He asked the Board to provide the utmost consideration to the ordinance.

Tim West, a Carrboro resident, stated that he has been a longtime supporter of the IFC and that it is a great organization in the community. He stated that he also loves Carrboro. He stated that there is a communal commitment to compassion and that shows in the Town's policies and procedures. He stated that allowing a social service agency to serve meals downtown is consistent with the Carrboro community values. He stated that the IFC is responsible and well organized and will provide the service by working in context with the broader community. He also stated that this will now affect him very much due to where he resides and his lifestyle. However, he is open to hearing ideas from the business community. He expressed support for the proposed text amendment and a mediated process before a decision is made.

Richard Jaimeyfield, a resident of Carrboro and business owner, stated that he is speaking on a precedent set in 2007. He stated that he had previously purchased Center Street Preservation, LLC and worked closely with the Town regarding the conditional use process. After a series of meetings and years of process, they were granted the ability to turn 102 Center Street into a business use from a residential use. He asked the Board to grant the IFC the same ability that he was granted in 2007 and to approve the text amendment to allow the process to continue forward.

Susan Steinberg, a resident of Carrboro and associate Pastor for Children's Ministries at the United Church of Chapel Hill, spoke in favor of the text amendment. She stated that in Carrboro healthy lifestyles are supported but for a segment of the population, they are unable to attain the same standards of health. She stated that many people do not know where their next meal will come from and that Food First is designed to provide nutritious meals to the underserved population. She stated that the IFC has a proven track record of their work and an unwavering commitment to the poorest of Carrboro's citizens.

Grace Holton, a property owner on the 100 block of West Main Street, stated that she appreciates the work of the IFC and will continue to support their mission. She stated that the need to find a new home is a once in a lifetime opportunity and that Chapel Hill and the Town of Carrboro should be involved in a joint discussion. She stated that she is not in favor of the proposed text amendment at this time. She asked for clarification on if the properties that are adjacent or contiguous would be affected. She stated that she was not provided a mailed notice for the rezoning.

Meg Holton, a property owner, stated that she is supportive of the IFC's work but that the current proposed solution is not the best solution for the site. She stated that she was not notified via mail of the rezoning of the property and is less than 100 feet away. She stated that there is a need for a comprehensive impact study. She stated that the plans shown on the IFC's website need more work to be consistent with the Carrboro Vision2020 document.

Rich Bell, a Carrboro resident, stated he was speaking for both himself and his wife. He stated that he wants the hungry to be served and asked for the Board to approve the text amendment. He stated that other concerns regarding the increase of hungry citizens can be heard once during the conditional zoning process after an application has been submitted.

Rodney Coleman, pastor of the First Baptist Church in Chapel Hill, stated that the faith community has a primary need to help those in need and to be advocates for those whose voices have been silenced. He stated that there is a lesson that Jesus taught compassion and to help those that are needy. He asked for the Town to feed them and to feed them now. He asked the Board to approve the text amendment.

Robert Seymour stated that Carrboro has always put food first. He stated that food services has come along way and that last year 15,000 bags of groceries were given away at the Food Pantry. He stated that he hopes that Carrboro will be able to find a way to grant the IFC's request so they can move forward. He asked that the Town allow them to have the pantry and the kitchen. He stated this will allow the IFC to be good stewards of the resources. He stated that hospitality is a gift of the Holy Spirit.

Sandra Nash, a resident of Carrboro and volunteer at the IFC, stated that they serve not only homeless but the aging, the young, and the needy. She asked the Board to support the text amendment.

Tom Munk, a resident of Carrboro, stated that he is not afraid of attracting homeless people to his community but is afraid of attracting heartless people.

Eric Hansen, a resident of Carrboro, spoke in support of the proposed text amendment. He stated that the community has an obligation to provide a place to feed the hungry.

Vicky Kim, a resident of Carrboro, stated that recently she made a better effort to become aware of community services. She stated that she has spent time at the IFC and the food shelter and that she supports the text amendment. She stated that she is in favor of additional mediation but that those discussions do not need to hinder the approval of this text amendment.

Doris Bynum stated that she has hosted folks that need housing. She stated that the recipients of the food services are very respectful and there is no reason to be afraid of the homeless because they are human beings. She stated that she didn't sign up to speak but assumes that she was signed up by someone that receives the services of IFC. She asked the Board to support the text amendment.

Stephen Elkins-Williams, retired Rector at Chapel of the Cross, stated that he has worked closely with the IFC. He stated that they provide a critical support to those that live in constant hunger in Orange County. He spoke in support of the text amendment.

Amy-Jae Crawford, a resident of the Chapel Hill Carrboro area, spoke in favor of the text amendment. She stated that she has a business that neighbors the IFC and that they have never had negative effects, only positive.

Justin Jacobs, a Carrboro resident and a board member of the Weaver Community Housing Association, voiced support of the IFC locating a Food First kitchen in downtown Carrboro. Speaking for himself, not as a Weaver Community Housing Association member, he expressed disgust with the business community standing in the way of progress and asked for folks to boycott businesses that are against the amendment.

Ruffin Slater, General Manager of Weaver Street Market, stated that he would like to end hunger in Carrboro in 5-years. He stated that it is an achievable goal and that Weaver Street is working to end hunger. He stated that the Town should consider the full range of facilities and locations that are needed to solve the larger problem of the hungry. He asked the non-profits and the business community to work together.

Mariah Barksdale, a public relations manager at UNC Chapel Hill, stated that they have created a political publication called the "Constituents" and they have written a comprehensive article around the issue that includes thoughts from the business community.

Minister Robert Campbell, president of the Chapel Hill Carrboro NAACP, talked about the goals of Carrboro Day. He stated that the event would address the needs of all the citizens of Carrboro and make attendees feel like family. He spoke about the invisible population that needs access to food – veterans. He stated that those are some of the same people that now go to the Food Pantry and the Community Kitchen. He stated that living wages should be discussed and provided. He stated that all local governments could come together to help solve the issue. He stated that the IFC is a jewel to provide the services.

Ellie Kinnaird, a property owner in Carrboro, spoke in support of the text amendment. She stated that there are questions that need to be answered. That poverty in Orange County is alarmingly high. She stated that shelter has not kept up with feeding people. She stated that there is no longer a homeless shelter. She asked where those that eat at the kitchen are going to go. She stated that Carrboro businesses have concerns. She asked about weekends and when the bus lines work on a reduced schedule. She stated that housing as well as food for all should be considered.

Natalie Ammarell, a resident of Chapel Hill, spoke in the capacity of past president of the IFC, she asked the Board for timely approval of the text amendment. She stated that then they can move forward with confronting the fears and concerns that can be expressed in future conversations that will be required.

Rev. Nathan Hollister, a Carrboro resident, and business owner, stated that the areas are already zoned to sell food but that an amendment is needed to give it away. He asked the Board to approve the text amendment.

Ben Kadens, a resident of Carrboro, stated that the local residents could organize to help the businesses on the weekends with their concerns regarding a possible increase in nuisance behaviors.

Kyle Reeves, a resident of Carrboro, stated that the language requiring a security system and security plan makes assumptions about the behaviors of social service providers. He stated that this unfairly categorizes users of the service. He asked the Board to consider if it applies to all future uses of social service providers that serve food. He asked if the security features would be required for a senior center that serves food. He asked the Board to remove the entire language of Section 15-176.7(d)

Tamara Sanders, the manager of Clean Machine Bike Shop read a letter that was submitted by Michael Reinke regarding her experience as a neighbor to IFC. She stated that the experience has been a mostly positive one. The negative behaviors that occurred prior to building a retaining wall were attributed to a mixture of Carrboro's homeless and other residents of the area rather than customers of the IFC. She expressed support for continued work of the IFC and the text amendment.

Michael Reinke, the Executive Director of IFC, stated that he is grateful for the comments that he has heard. He asked the Board to pass the text amendment. He stated that last Friday the Chamber of Commerce hosted a meeting with the business community and that he provided information related to the location and the people that they are serving. He provided this information to the Board of Aldermen.

Keith Taylor, the president of the Board of Directors for IFC, expressed support for the text amendment. He thanked everyone that provided comments. He stated that he is not in favor of any businesses being boycotted.

Matthew Ford, a resident of Chatham County, stated that he works as an architect and has worked with many folks across town. He asked the Board to approve the text amendment.

Michelle Rivest, a resident of Carrboro, stated that the community should listen to the voices of the business community before making a decision. She stated that those businesses are why Carrboro has the downtown that it has. She asked that the amendment be broad enough to help end homelessness and hunger.

Shawn Hassan working with the architects with the IFC project expressed support for the text amendment.

Aaron Nelson, the executive director of the Chapel Hill-Carrboro Chamber of Commerce, spoke in favor of Ruffin Slater's comments and stated that these problems can't be solved by continuing to move the location. He suggested an anti-soliciting regulation that could be implemented to offset the negative behaviors. He stated that he is disappointed that the businesses didn't feel safe to show up and speak.

Jay Reeves, owner of Vinyl Perk, stated that he feels lucky and privileged to have a business in a great location. He stated that he supports the text amendment. He stated that he is not opposed to the text amendment.

Matt Neal, a resident and owner of Neal's Deli, stated that he supports the IFC and the people that work there. He stated that a lot of the people in the business community that signed the letter that expressed concern in the fall, stated that a lot of those people would have edited the letter to a different result. He stated that 60 different people signed the letter and that he thinks most of them are not retiring or going on vacation anytime soon. They work hard for what they get and they support the IFC. He stated that the people support the IFC even when they have concerns. He stated that he has concerns about the how and the when. He said that it doesn't mean that he is trying to kick poor people out of town. He stated that for those that want to boycott the businesses,

that he would be happy to have a conversation with them. He said that the letter was not supposed to kick the IFC out of town. He said that there needs to be further exploration of where the social service provider should be located. He stated that he wants to challenge the IFC to perfect the plan.

Kim Calandra, Owner of Carrboro Community Acupuncture asked the Board to remove the language about the security systems and pass the text amendment. She stated that the business community does not all think the same way.

Jane Hathaway stated that she serves the homeless and that almost 500 families have been served. She stated that she has also worked in the men's shelter for over 12 years. She stated that during that entire time that not once did she ever feel threatened or fear. She stated that fear comes from lack of knowledge and lack of knowing the people. She stated that a lot of the fears are due to the unknown but not from things that have happened. She stated that the proposed location serves the working poor. She asked for the Board to support this amendment.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

Alderman Slade stated that he wished that more of the business community had been there to see that the concern expressed by some business community members that people who frequent the IFC community kitchen would scare customers away is unfounded as many of their customers have spoken at this public hearing in favorably of the IFC community kitchen and of having it in Carrboro. He agreed with the sentiment expressed by some that objection to the community kitchen is driven by a fear of the unknown and he added that we need to counter this fear with compassion for the 'other' and that that compassion should be extended to those who are fearful also. He stated that he would pull the security camera language from the amendment. He asked for more thought on where we are coming from when we create more regulations for entities that will be giving food away then we do for those that charge for it. He stated that it is not a coincidence that latinos and blacks are disproportionately represented in who receives help from the community kitchen, that this is because of systemic and institutional racism that we are still living and trying to heal from. He stated that we are talking about entities seeking to provide a service that should be provided by government, and that the least we can do is get out of their way. He stated that while there are needs throughout the county Carrboro is the place where there is the highest concentration of people needing the community kitchen service and that because we know this we do not have to wait for a comprehensive plan first as some have called for, that this can be a way to drag things out and perhaps making it not happen. He welcomed the IFC community kitchen and thanked them for choosing Carrboro. He expressed being ready to vote tonight.

Alderman Gist stated that she does not think the Board should vote since it is late and this has been a controversial public hearing. She stated that this will allow the Board time to hear from the business community.

Alderman Chaney stated that she thinks the Board has heard from diverse segments of the population since the fall of 2015. She stated that they have not heard from recipients of the services at the IFC and that those are the people who are really afraid to speak. She stated that the community has demonstrated leadership and created conversations that have not required the Town to pay for facilitation. She stated that the Land Use Ordinance has been used to zone people in and out of cities, to racially stigmatize, to exclude and expel people from the community. She stated that it is simply an oversight that the Land Use Ordinance doesn't include the community kitchen use given that attorneys have said it should. She stated that she doesn't want systemic exclusion to be reflected in the Land Use Ordinance and that it should be changed. She stated that she was ready to vote.

Alderman Johnson stated that she does not support boycotting businesses and that she wished the business community had attended with more presence. She stated that she does not want to continue the divisiveness that this has created and asked the community to move forward in a more collaborative way. She stated that she was in support of moving this forward.

Alderman Haven-O'Donnell stated that she appreciates the community conversations that have been had. She stated that she heard the voices of the mediated process and thinks that is an excellent step forward. She also expressed support for Ruffin's plan. She expressed concern for the language in the ordinance in terms of how people are viewed and stands with extracting the language about the security cameras. She stated that there is a deep need for wraparound services and that the IFC and other nonprofits have a conversation about working together to provide services. She stated this is the moment to provide comprehensive services to the community. She stated that the question is the "how" and that she cannot support panhandling and loitering ordinances because they further marginalize people. She stated that there are local models available and encouraged the Board to press for a deep conversation that will create the right types of programs; knowing that they will take time.

Alderman Seils stated that he has received a lot of information from a lot of people in the community. He stated that he is comfortable with where the Board is tonight because of the substantive comments provided to the Board. He expressed support of Ruffin Slater's plan. He stated that the approval of the text amendment will allow the Town to be part of feeding the hungry in Carrboro. He stated that the approval of the text amendment would only allow an organization to submit an application to possibly provide food services in Carrboro.

Mayor Lavelle stated that the remarks have been very thoughtful and eloquent. She stated that she sees strong support for amending the land use ordinance.

Alderman Gist stated that this is one of the most difficult decisions that the Board has dealt with. She stated that she will vote for the amendment and trusting that there will be a very comprehensive and in depth conversation. She also stated that she trusts that the IFC will continue looking at other properties. She stated that she hopes the Town will hold facilitated meetings in the future so folks don't feel steamrolled.

Alderman Haven-O'Donnell stated that she will continue to ask the tough questions. She stated that she has heard the conversation shift and that there is an understanding that living wage and shelter need to be added to the conversation. She requested that the language be extracted and that the Board need to have a deep conversation regarding what will be requested for ordinances regarding behaviors.

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE
TO APPROVE THE RESOLUTION BELOW:**

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE
CARRBORO LAND USE ORDINANCE**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020*, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions as described below:

1.0 Programming, Services, and Amenities

1.3 Human Services

Carrboro citizens are vocal in their concern for each other. Our citizens also desire the security of knowing how their town works, thereby facilitating our delivery of human services.

1.32 The town should continue to support human service needs that are above and beyond those met by the County.

1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This 22nd day of March, 2016.

The motion carried by the following vote:

Aye: Alderman Seils, Alderman Slade, Alderman Chaney, Mayor Lavelle, Alderman Johnson and Alderman Gist, Alderman Haven-O'Donnell

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE ORDINANCE BELOW, REMOVING SECTION 15-176.7 (d) IN ITS ENTIRETY:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL
SERVICES INCLUDING DINING
Ordinance No. 10/2015-16

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use Ordinance is amended by adding a new subsection (112), as shown below, and renumbering the subsequent subsections accordingly.

(112) SOCIAL SERVICES PROVIDER WITH DINING: a facility that provides to the public, at little or no charge, various social services, which may include educational programs, counseling services, food pantry facilities, and other supportive services, and which includes dining, wherein free meals are provided on-site on a regular basis to substantial numbers of individuals. This use is distinguished from other social service providers, categorized elsewhere within category 3.000, which may also include a kitchen facility but that are primarily oriented to serving members of the organization, with only incidental service provided to the public.

Section 2. Section 15-146 (Table of Permissible Uses) is amended by adding a new use classification 3.260 "Social Service Provider with Dining" and by adding the letter "Z" opposite this use classification under the B-1(g), R-20 and RR zoning district columns to indicate that this use is permissible in these districts with a zoning permit (subject to the provisions of Subsection 15-147(o)).

Section 3. Section 15-147 (Use of the Designations Z,S,C in the Table of Permissible Uses) is amended by adding a new subsection (o) to read as follows:

(o) Notwithstanding the foregoing, the designation "Z" opposite use classification 3.260 is subject to the qualification that use classification 3.260 may only be allowed with a zoning permit in conjunction with the conditional rezoning of a property and demonstration of compliance with all applicable Land Use Ordinance provisions, including supplementary use regulations in section 15-176.7.

Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.7 to read as follows:

Section 15-176.7 Social Service Provider with Dining.

(a) An application for a zoning permit to allow a Social Service Provider with Dining use shall include documentation of all appropriate licensing for the type of services provided at the particular site, and any required training for staff and volunteers.

(b) A Social Service Provider with Dining must be located within a half block of a public transit service stop.

(c) All facilities shall be designed to provide an on-site, sheltered location with sufficient queuing space for patrons to enter and exit the facility in an orderly manner and without disrupting traffic within public rights of way.

~~(d) The facility shall have an appropriate management/security system.
Examples of potential elements of a security plan may include but not be limited to the following:~~

~~(1) The location and number of security cameras and/or security personnel during operating hours and non-operating hours.~~

~~(2) A single sign no larger than 1 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator after hours.~~

Section 5. Section 15-291 (Number of Parking Spaces Required) shall be amended as follows:

The Table in Section 15-291, Part I, shall be amended to add use 3.260 with the following corresponding requirements: 1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats the portion of the building used for dining, and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programing needs, this requirement may apply to the kitchen and dining spaces).

The Table of Bicycle Parking Standards shall also be amended to add use 3.260 with the corresponding requirement of 1 space for every 5 seats in the portion of the building used for dining.

Section 6. Subsection (a) of Section 15-48.1, Concept Plan Review Procedures Prior to Submitting Applications, is hereby amended to read as follows:

(a) Prior to submitting an application for a special or conditional use permit, or for conditional zoning to allow use classification 3.260 Social Service Provider/Community Kitchen, the applicant shall comply with the requirements of this section.

Section 7. Subsection (d) of Section 15-141.4 Conditional Zoning Districts is hereby amended so that it reads as follows:

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. A rezoning petition submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height shall include information that demonstrates that, if the project is completed as proposed, it

(1) Will not substantially injure the value of adjoining or abutting property;
and

(2) Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings.

(3) Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

(d1) The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district. Conditions and site-specific standards imposed in a conditional district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

(d2) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d1) above.

Section 8. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 9. This ordinance shall become effective upon adoption.

This 22nd day of March, 2016.

The motion carried by the following vote:

Aye: Alderman Seils, Alderman Slade, Alderman Chaney, Mayor Lavelle, Alderman Johnson and Alderman Gist, Alderman Haven-O'Donnell

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN JOHNSON TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL