Legislation Details (With Text)

File #:	16-094	**Name:**	
Type:	Agendas	**Status:**	Agenda Ready
File created:	3/14/2016	**In control:**	Board of Aldermen
On agenda:	3/22/2016	**Final action:**	
Title:	Public Hearing on Land Use Ordinance Text Amendments Establishing a New Use Classification with Associated Requirements for Facilities Providing Social Services with Dining PURPOSE: The purpose of this item is 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. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.		
Indexes:			
Code sections:			
Attachments:	1. Attachment A-1 - Consistency Resolution for Ordinance Approval, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - IFC_Request for Text Amendment, 4. Attachment C - Draft LUO amendment for Community Kitchen 11-06-15 (MB+)-#, 5. Attachment D - Staff Memo, 6. Attachment E - OC & Advisory Board Recommendations		

Date	Ver.	Action By	Action	Result

TITLE:
Public Hearing on Land Use Ordinance Text Amendments Establishing a New Use Classification with Associated Requirements for Facilities Providing Social Services with Dining

PURPOSE: The purpose of this item is 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. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Marty Roupe - 919-918-7333, Nick Herman - 919-929-3905

INFORMATION: On May 27th, the Inter-Faith Council for Social Service, Inc. (IFC) submitted a request for a text amendment to the Land Use Ordinance (LUO) to establish a new "community kitchen" use classification (Attachment B). As part of establishing a new use, the LUO would need to be amended to add community kitchens to the list of definitions, to add the use to the Table of Permissible Uses and to establish performance standards. Modifications to other LUO sections may also be necessary to ensure compatibility with existing and proposed uses in the downtown. A draft ordinance was developed after meeting with the IFC and input from the Board at the June 16, 2015 and October 13, 2015 work sessions (Attachment C), and a public hearing set after further discussion on November 17th.

If approved, the ordinance (dated October 14, 2015) would allow the new use classification, "facilities that provide social services including dining," with a zoning permit in conjunction with a conditional rezoning of the subject property, and compliance with supplementary regulations. 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 binding to the project. Changes to approved conditions would require a new public hearing.

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 seems distinct from these land uses in three specific areas:

1) The dining service is a walk-in program designed to accommodate a substantial number of people.
2) There are no membership requirements, nor program participation requirements, and diners do not typically participate in meal preparation.
3) The kitchen facility is not subject to the same inspection requirements of a commercial kitchen designed to prepare for meals for sale to members or to program service recipients (e.g. Meals on Wheels).

The Club Nova program, by comparison, is a membership program. New members are accepted through a referral process involving recommendation by a health clinician. Members participate in a series of programs, one of which is meal preparation. The clubhouse environment includes a kitchen for on-site meal preparation and dining areas where members eat together after purchasing meal tickets. Invited guests may participate in meals on occasion. Club Nova also provides transportation for its members. Similarly The Horizons (SAIOP) Program may include meals to participants in the program but not to the general public.

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 draft ordinance was referred to Orange County and was presented at Joint Review on February 4, 2016. In addition to the standard four advisory boards, the Economic Sustainability Commission and the Human Services Commission also participated in the February joint advisory board meeting to lend their expertise to the subject matter. Comments are provided (Attachment E).

FISCAL & STAFF IMPACT: Impacts include staff time associated with preparation of a draft ordinance and agenda materials for advisory board and Board of Aldermen review and the costs of advertising the public hearing.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance (Attachment C).