Charlotte City Council
Housing and Neighborhood Development Committee
Summary Minutes
November 3, 2010

COMMITTEE AGENDA TOPICS

I. Single Room Occupancy

COMMITTEE INFORMATION

Council Members Present: Patsy Kinsey, Patrick D. Cannon, Warren Cooksey and Michael Barnes

Council Members Absent: James Mitchell

Staff Resource: Jim Schumacher, City Manager's Office
Debra Campbell, Planning
Josh Weaver, Planning

Meeting Duration: 12:05 PM – 1:35 PM

ATTACHMENTS

1. Agenda Packet – November 3, 2010

DISCUSSION HIGHLIGHTS

Kinsey: Opened the meeting at 12:05 p.m. Asked Debra Campbell to introduce the topic of Single Room Occupancy (SRO) Housing

Campbell: The SRO item was referred to the Housing and Neighborhood Development Committee (H&ND) this past summer, but we have been working on this topic since the winter of 2009.

We are here to provide the committee a status report of the work we have completed through a Citizen Advisory Group (CAG) and obtain feedback on the recommendations put forward from this group.

Debra then began a PowerPoint presentation outlining the process and recommendations.

Key points from the presentation:

- There was a robust discussion from the CAG which was comprised of 20+ people representing different perspectives of the issue
- Staff researched 10-15 other communities to help them create their key findings (slide 9)

Kinsey: Is there a cap to how long a person can stay in an SRO?

Campbell: No. In many cases this becomes permanent housing

Campbell pointed out to the committee that they had a chart at their table which outlined the current requirements of the SRO ordinance, the proposed changes and the rationale for the changes.

Kinsey: What is the definition of special needs?

Campbell: We didn't define special needs, but rather defined the kinds of supportive services that can be offered.

Kinsey: Provided but not required?

Campbell: Correct.

Barnes: I have not yet seen a recommendation on notifying Council when an SRO is being located. What was the recommendation of the CAG on this?

Campbell: The CAG did not recommend a public notice requirement

Barnes: I am concerned that we are establishing a global zone of less desirable land use activities (provided area around Grier Heights as an example). In practice we are designating only this type of development in one area. When you have the potential to have any kind of activity (felons, etc.) you cripple the neighborhood. I am disappointed that the notice piece is not included in the recommendations.

Campbell: As far as location, SRO's are a type of affordable housing which may trigger the Housing Locational Policy if government subsidy is required. In these cases the Housing Locational Policy will kick-in and restrict certain areas. In addition we are also recommending that we disallow SRO's in I-1 zoning districts.

Barnes: That makes sense, but I am concerned that people will try and find the cheapest piece of land in stable neighborhoods which could then perpetuate the problem in a different area.

Campbell: This ordinance will not solve the issue of clustering affordable housing. We have made a conscious effort to not include anything here that would be in conflict with the Housing Locational Policy. We have been working on a parallel process to ensure we have a good checks and balances system between the SRO ordinance and the Housing Locational Policy.

Kinsey: Why would we not require supportive services for these developments?

Campbell: The one example of an SRO in Charlotte (McCreesh Place) is extremely well-managed. We anticipate there will be supportive services included in SRO's. We tried to tailor this ordinance to be specific to Charlotte and will serve to enhance the management of SROs.

Barnes: Is the three-building allowance a massing issue? (slide 13)

Campbell: It is more a land use and site plan issue to allow for flexibility in configurations.

Barnes: What zoning district is McCreesh Place located?

Campbell: I-1

Kinsey: Why disallow SRO's in I-1 zoning districts beginning in 2012? Why not 2011? I don't want to see any of these projects fall through the cracks during this timeline. (slide 15)

Campbell: We wanted to make sure that Moore Place and the McCreesh addition has all of the necessary building permits before we made this change.

Cannon: I agree with Councilmember Kinsey – I would like to see this happen in 2011 or at the very least the first couple of months of 2012.

Cooksey: Why are multi-family zoning districts not included on the list? (slide 15)

Campbell: The parking, open space, density and buffer requirements are cumbersome and make SRO's cost prohibitive in multi-family zoning districts.

Barnes: Recently a church went through a rezoning to I-1 to add some sort of short term housing for what I think was domestic violence victims. Would this now be not allowed?

Campbell: If it were an SRO it would not be permitted, but if it was considered a shelter it would be permitted.

Barnes: The Zoning Board of Appeals (ZBA) will allow variances for this type of activity (shelters). There is a proliferation of these types of facilities under various labels: ZBA variances, extended-stay hotels, churches, etc.

Campbell: That is an economic and social issue, not a regulatory one. The Housing Locational Policy will most likely kick-in for these projects as most require a subsidy.

Barnes: I would like the ordinance to address underutilized multi-family structures in the community.

Campbell: The argument is that if we had more SRO's in the community there would be less of a need for extended-stay hotels and the SROs would be better managed.

Barnes: I would say that the extended-stay hotels would then just reach down to another segment of the population.

Kinsey: How do we enforce this ordinance?

Campbell: Anyone not in compliance would be in violation of the zoning code

Barnes: Are the proposed changes reflective of what is happening at Moore Place (size, occupants, etc.)

Campbell: Yes.

Cooksey: Help me understand the one access point into the building. Does that in anyway violate a housing or fire code?

Campbell: No. There are multiple ways out of the building, but only one way in, which assists in managing the property.

Campbell: In regards to notice being provided (slide 22); we are not recommending a notice requirement consistent with the Housing Locational Policy. The Housing Locational Policy only requires notice to Council if there is a waiver.

Barnes: Under the list of supportive services (slide 13), you could have a family living near a facility housing sex offenders. I think out of fairness, they should know. People should be able to speak about whether or not they want this type of facility in their community.

Cannon: Councilmember Barnes, would you be amenable if we considered notice on certain types of supportive services?

Barnes: It would be highly unlikely that an SRO would be constructed to just provide job skills training or child care. I think supportive services should be a requirement for these facilities, not an option.

Campbell: The justification for no notice is that SRO's are another form of affordable housing, just like group homes, etc. From a regulatory perspective, why would we single out SRO's for notice?

Kinsey: I want notice for any kind of affordable housing that requires City subsidy.

Campbell: How is this different from the Housing Locational Policy?

Cooksey: Maybe we should look at all by-right uses. I am wary about providing notice to citizens for a use permitted by-right when they cannot have any effect on the end result.

Barnes: SRO's are different from group homes because you could potentially have a higher concentration of people with issues. I don't think SRO's should be a by-right use.

Campbell: We have one SRO in the community and there have been no issues with it. That has been our experience. We do not have any negative experiences for SRO's.

Cooksey: The only choice we have is for them to be by-right or to ban them.

Barnes: Would it be illegal to require a rezoning for SRO's?

Young: There used to be a special use permit process– we got rid of that requirement when we developed prescribed conditions for these types of special uses. However, the SRO text amendment was developed in late 1990s and special use permits were deleted from the zoning ordinance in the early 1990s when it was updated. The concern is a special use permit is a quasi-judicial process with no exparte communication. It isn't a legislative process like a rezoning.

Barnes: Could we add a special use permit back into the process? I would like to do that.

Campbell: Instead of requiring a special use permit on SRO's, we are looking at consistency of treatment through regulatory changes.

Cooksey: Adding a special use requirement would require legislative action.

Barnes: Can we refer to the Housing Locational Policy in the ordinance?

Campbell: We will change the language to: If receiving public assistance, you <u>will</u> have to comply with the Housing Locational Policy. Please remember that the Housing Locational Policy is a policy and the zoning ordinance is law. For this reason we are trying to keep the two separate.

Kinsey: It has been very helpful to go through this presentation as you have laid it out. I believe today's discussion will result in a better text amendment.

Kinsey: We will need to reschedule our December meeting as many of us will be at the National League of Cities.

Campbell: We will reconvene the CAG and try to make your next scheduled meeting.

Kinsey: Adjourned the meeting at 1:35 p.m.

City Council
Housing and Neighborhood Development Committee

Wednesday, November 3, 2010
12:00 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: Patsy Kinsey, Chair
James Mitchell, Vice-Chair
Michael Barnes
Patrick D. Cannon
Warren Cooksey

Staff Resource: Jim Schumacher, Assistant City Manager

AGENDA

I. Single Room Occupancy Zoning Text Amendment

Future Agenda Topics:

- Assisted Multi-Family Housing at Transit Stations Policy (December)
- FY2012 Focus Area Plan Discussion (January)
- Council Referral: Impacts of Tree Ordinance on Affordable Housing (TBD)

Distribution:

Mayor/Council
Curt Walton, *City Manager*
City Leadership Team
Corporate Communications
Debra Campbell – *Planning Department*
Anna Schleunes- *City Attorney's Office*
Mujeeb Shah-Khan- *City Attorney's Office*
Saskia Thompson- *Manager's Office*
Housing Trust Fund Advisory Board
Neighborhood Leaders

Budget Office
Ruffin Hall
Phyllis Heath
Lisa Schumacher
Ann White
Charlotte Housing Authority
Charles Woodyard
Charlotte-Mecklenburg Housing Partnership
Pat Garrett
Charlotte-Mecklenburg Police Department
Chief Rodney Monroe
Deputy Chief Ken Miller

Community Relations
Willie Ratchford
Ledger Morrissette
Neighborhood & Business Services
Patrick Mumford
Walter Abernethy
Steve Allen
Jamie Banks
Tom Flynn
Pamela Lopez
Tom Warshauer
Richard Woodcock

Single Room Occupancy Residences Standards Review
Housing and Neighborhood Development Committee Meeting
November 3, 2010

Committee Action:
No action is required at this time. The purpose of this presentation is to provide the Committee with an update regarding proposed amendments to the current single room occupancy (SRO) regulations in the City of Charlotte Zoning Ordinance.

Policy:
The current zoning requirements for single room occupancy residences are being revised.

Explanation:
At the July 20, 2009 City Council Zoning Meeting, Council referred the issue of "special needs housing" (i.e. SROs, shelters, group homes, boarding houses, short-term care facilities) being allowed in the light industrial, I-1 zoning district to Council's former Economic Development & Planning Committee for review and discussion.

The following issues were raised:

- Are too many uses being permitted in the I-1 zoning district?
- Should nearby property owners be notified when "special needs housing" is proposed?
- Why is "special needs housing" allowed in I-1 districts?

In February 2010, staff requested more direction from the Transportation and Planning Committee. The Committee narrowed the topic from "special needs housing" to "single room occupancy residences." The Committee also directed staff to move forward with a process that involved forming a citizen advisory group to consider:

- Providing notification and/or increased awareness of proposed projects.
- Proximity of other SROs and similar uses in an area.
- Coordination of any zoning ordinance changes with proposed Housing Locational Policy amendments to minimize conflicts.
- Identification of appropriate zoning classifications for SROs.

At the April 7, 2010, meeting, Planning staff provided an update to the Housing and Neighborhood Development Committee.

Beginning in May staff began working closely with a Citizen Advisory Group to evaluate the current SRO regulations and make recommendations where necessary.

On June 19, 2010, at the request of Councilman Howard, Council agreed to move possible changes to the SRO regulations from the Transportation and Planning Committee to the Housing and Neighborhood Development Committee.

Staff will provide an update to Housing and Neighborhood Development Committee with draft recommendations for the SRO regulations.