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The Spatial Externalities and Locational Conflict Framework:

Another Tool for Planners?

A paper
submitted in partial fulfillment
of the requirement for the degree of

MASTER OF URBAN PLANNING

by

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June 8, 1979

Preface

Numerous sources were consulted in the course of research for this study. While a review of the literature is not entirely appropriate here, a brief summary is necessary. Few articles and monographs are available on the location of controversial public facilities, instead a broad understanding of traditional location theory (industrial, commercial and residential) was drawn upon. However, to review the various literature on traditional location theory would not provide the reader with a complete understanding of how controversial public facilities are located anyway. This is due to the numerous other variables that must be considered outside the sphere of location theory. The orientation of the literature used in this study relied on an understanding of the political process in decision-making, an understanding of the community perceptions and attitudes, and the 'publicness' of the facilities -- the need for equity as well as efficiency in the locational outcome.

Little work has been completed on developing a location theory for controversial public facilities. Only recently have a few scholars begun to seriously consider the possibility of a location theory for controversial public facilities. Therefore, the purpose of this paper is to examine a proposed framework developed by Michael Dear in 1977 to aid decision-makers and planners in locating controversial facilities. The question is, will such a framework apply to the planning process?

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Introduction

The location of a controversial public facility is often associated with a wide range of community opposition. Much of this conflict is usually caused by community groups and individuals who have little concern with the function of the facility, or the goods and services which are provided as its output. These external effects cannot be ignored by decision-makers or planners. Usually the impacted community group has to be compensated for the negative effects of the facility's location. If this compensation is not accomplished the blocking of the preferred location will most likely be the result.

The incidence of external effects and the concurring locational conflict poses considerable problems for the decision-makers and planners. Because of the public nature of the decision-making process, the occurrence of external costs and benefits has to be incorporated into the planning process. But this was not always possible until recently when such scholars as Tietz (1968) proposed the possibility of a theory on the location of public facilities; followed by Margolis's (1972) attempt to define the demand of urban public services; and most recently Dear's (1975 and 1977) work which identified and developed a framework for analysis of spatial externalities and locational conflict.

The purpose of this paper is to test Dear's framework for analysis in the location of a controversial public facility. The central question is how much information does this framework provide to the planner, decision-makers and the public? The secondary question is how practicable is this framework for actual controversial public facilities location problems?

The type of controversial facility chosen is a halfway house for pre-release prisoners. The data used in this analysis has been collected from a recent planning issue in Lansing, Michigan. This issue centered around the request of a special use permit to convert the Spartan Motel, located at 501 E. Kalamazoo Street (see map 1), into a halfway house for pre-released prisoners. After several weeks of heated debate the special use permit was denied by Lansing's Planning Commission because of the high number of people to be housed in the facility and the high concentration of such facilities within Lansing.

The rest of this study will focus on a summary of Dear's (1977) framework; followed by the case study of the halfway house location using Dear's framework; with the conclusion focusing on how well the two questions asked at the beginning were answered.

Study Area



— Boundaries of study area

North ↑

Spatial Externalities and Locational Conflict Framework

The following is a summary of Michael Dear's framework for understanding location decisions in the public sector. This method of analysis was chosen because it allows the decision-makers and planners a process for focusing upon the impact of externalities and locational conflicts.

Externalities (external effects, spillovers) are normally regarded as the unpriced effects of a certain activity upon groups or individuals who are not directly involved in that activity. Therefore, it becomes a simple task to incorporate a spatial dimension into the notion of external effects. A prime example of spatial externality occurs in education, when a student attends and is educated at a university at the expense of the taxpayers and then migrates to another area, thus transferring the benefits of the education to another group of taxpayers.

Externalities, according to Dear, may be regarded as having a spatially limited 'field' of effects. The extent and configuration of the externality field will be influenced by several variables, including the size and type of the externality source, and the nature and density of the surrounding properties. This latter factor is particularly important, since the advantages or disadvantages associated with a facility's location does not always total up equally among all properties. In fact, there tends to be a systematic decline in the external effect the farther away from the source.

This discriminatory capacity of the community depends upon the perception of, or attitudes of, property owner and/or renters toward the facility in question. Therefore, these external effects refer to

any facility impacts which are not directly related to the consumption of the goods or services which is provided from that facility. It should also be understood that both users (consumers) and non-users (non-consumers) of the facility may benefit or suffer from these external effects.

With this in mind, Dear categorized external effects as either 'user-associated' or 'neighborhood-associated.' This distinction is important in the understanding of many locational conflict situations.

The case of 'user-associated' externalities has two specific classes: personal and exogenous. A 'personal-user' externality is the consumption of certain goods and services which may cause a reaction in the user, either positive or negative. The occurrence of a 'user-associated' external effect can have a major impact on the user attitude and utilization. An example of a negative 'personal-user' externality would be living in public housing and the inescapable stigma attached to that living situation. While the positive side of this example would be the user enjoying the company of other residences who live in the public housing project.

The case for 'exogenous-user' externalities is related to the traditional concept of agglomeration economics only here the benefit to the client is emphasis. Thus, when a user is affected by externalities, the source of external effects lies outside the individual. "So a user will benefit if all internal scale economics have been captured in the facility's operation. Or else urbanization and localization economics may enable the user to take advantage of situations of choice, or multiple-purpose visits." (Dear, 1977, p. 156)

The other category, 'neighborhood-associated' externalities, are

those cases where a facility's external effects have an impact upon the utility of a non-user. "Non-user perceptions of these externalities determine the extent and intensity of neighborhood antagonism toward a particular facility or service." (Dear, 1977, p. 156)

Some examples of 'neighborhood-associated' externalities would be noise, pollution, spillover effects from halfway houses, etc.

One of the problems with these external effects is defining the impact area for any external effect. To define an area that is too small would lead to underestimating the facility's impact, while too large of an area would reduce the facility's impact. The core of the problem of externality-field analysis is the fact that concern is placed with net impact of that field.

Dear has defined locational conflict as overt public debate over some actual or proposed land use or property development. The emphasis in locational conflict is upon decisions -- the process by which they are made, and the impact they have. For the problem of conflict over public facility location, Dear recognized two fundamental dimensions. "These relate to the facility itself (its form) and the nature of the host community (its context)." (Dear, 1977, p. 158) Therefore, the problem becomes one of achieving goodness of fit between form and context.

Form (the facility impact variable) is determined by three specific dimensions: scale, type and degree of noxiousness according to Dear. All three are closely inter-related.

The scale of a facility is an obvious concern in conflict analysis, hence, the larger the facility impact, the greater the likelihood that opposition will be generated towards the facility. When discussing the

type of facility a distinction may be made between public facilities. There are three categories, all have different operating characteristics and each will generate a different range of external effects. The first category is the service-type facilities where the user travels to the facility in order to use the good. The dispatch-type facilities is the second category. In this case, the goods and services are taken to the user for consumption. The final category is network-type of facilities such as electricity, sewage, etc.

The final dimension of form is the degree of noxiousness. "This dimension provides a behavioral explanation of community perceptions and attitudes toward facility externality fields." (Dear, 1977, p. 159) In understanding community opposition, it is necessary to recognize which component of the facility itself generates the noxiousness reaction.

"The response to a particular facility is determined by three community impact variables, which together define the context for the form in question. These three variables are socio-economic status, strategy, and motivation." (Dear, 1977, p. 159)

Socio-economic status determines the propensity of any neighborhood group to become involved in a locational conflict situation. But at the same time, the socio-economic status of any neighborhood will provide guidance on the likely potential impact of a new facility. Thus, those neighborhoods which are occupied by either high or middle income residents will have a greater propensity to become involved in a locational conflict than low income residents. This is attributed to the fact that the high or middle income residents have a better understanding of how the political system works and what strategies are

opened to them.

The effect of various strategies which are available to impacted groups is of great concern. Usually neighborhood groups have three important options (strategies) available: exit, voice, and violence. Exit of a group is the ceasing of consumption of one goal in favor of another, such as moving to a community with a better school system. Voice is the strategy of remaining in the area and working for improvements in the quality of goods via the political process. While the third strategy, violence, includes any illegal action or threat of illegal action such as riots, protest, strike, etc.

The final community impact variable is motivation. "Clearly the precise reason for individual or group involvement in any locational conflict will be complex. The greater the dissatisfaction with the distributive consequences, the greater will be the propensity to participate in conflict." (Dear, 1977, pp. 160-161) Thus, "locational conflict can be viewed as the result of the absence of 'fit' between the facility and community impact variables. The attitude of the host community toward a facility will clearly depend upon the attributes of that facility, as summarized in the scale, type, and noxiousness dimensions. The community response will, however, be simultaneously conditioned by its internal characteristics, ... which together define its propensity to participate in the conflict." (Dear, 1977, p. 161)

Case Study of Pre-released Prisoners Halfway House in Lansing, Michigan

The group called New Way In, Incorporated, sought to establish a halfway house for seventy pre-released convicts in the forty-five unit Spartan Motel. New Way In contracts with the Michigan Department of Corrections to house and counsel inmates serving the end of their terms for non-violent crimes. The Spartan Motel (see map 2) would have allowed New Way In the opportunity to consolidate the operations of four halfway houses currently operating in Lansing.

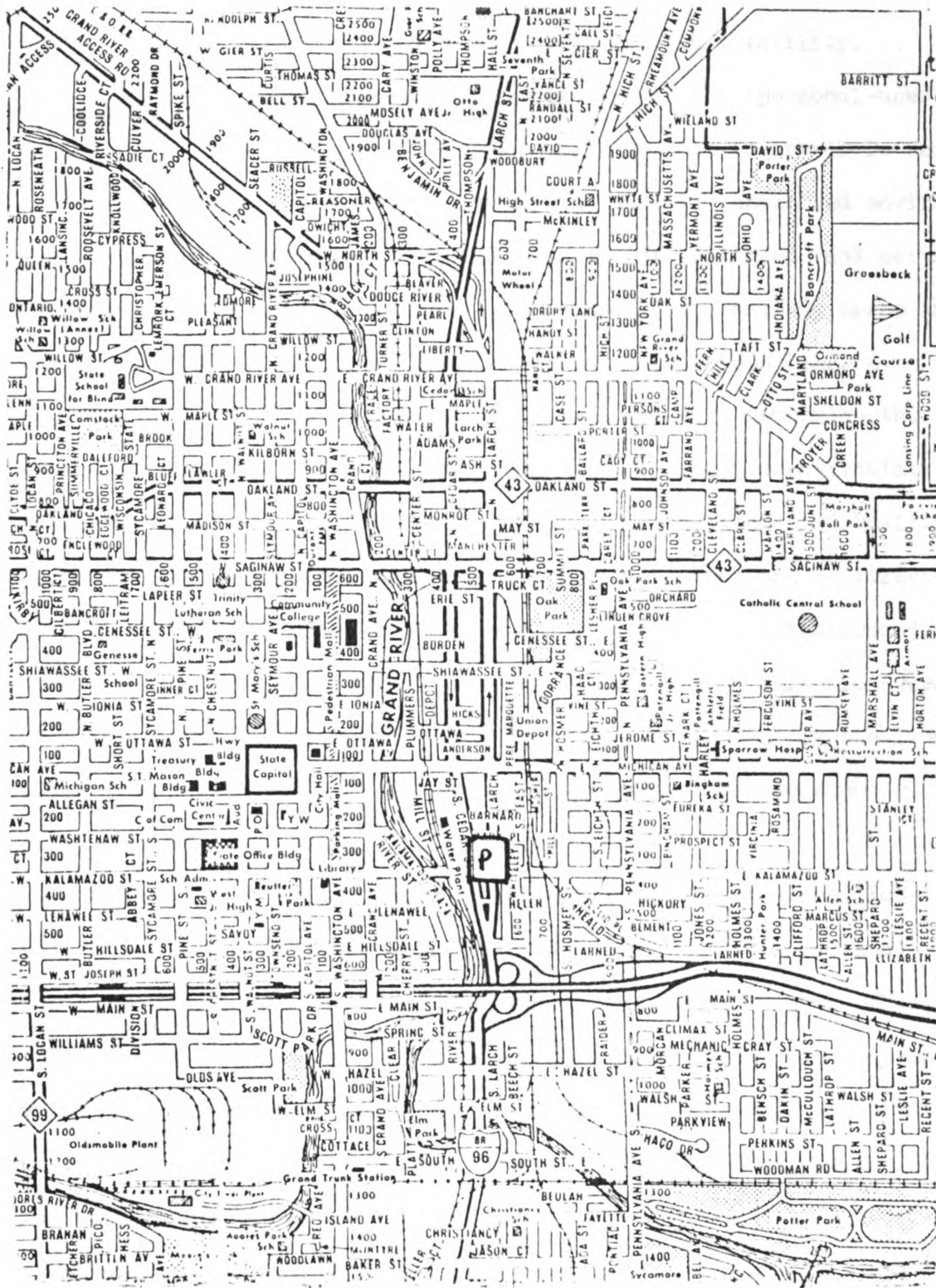
By moving into the Spartan Motel the situation would have improved the living conditions for most inmates. Not only would operation cost be reduced substantially, but semi-private rooms with bathing facilities would have been available; improved food service; community rooms and programs based on groups of twenty people at a time would be some of the benefits received by the inmates.

The proposed site was bounded on three sides by major streets and on the fourth by a mixture of commercial, single family and multi-family residences. With the site oriented towards the arterials, the proposed halfway house was not expected to adversely affect the adjacent use. The nearest similar existing facilities was located more than 1,500 feet from the proposed halfway house and was not expected to cause excessive concentration of similar facilities in the neighborhood. (For more details, see Appendix 1 and 2)

With this background information in mind, the testing of Dear's framework may begin. The first step is the analysis of externality fields as a source of locational conflict. The field has been defined as approximately a ten block radius from the motel. At this point it is worthwhile to recall that external effects used in this context

Proposed Site Location

Map 2



P Proposed Site Area

North ↑

refersto any facility impact which is not directly related to consumption of the good or service which is output from that facility.

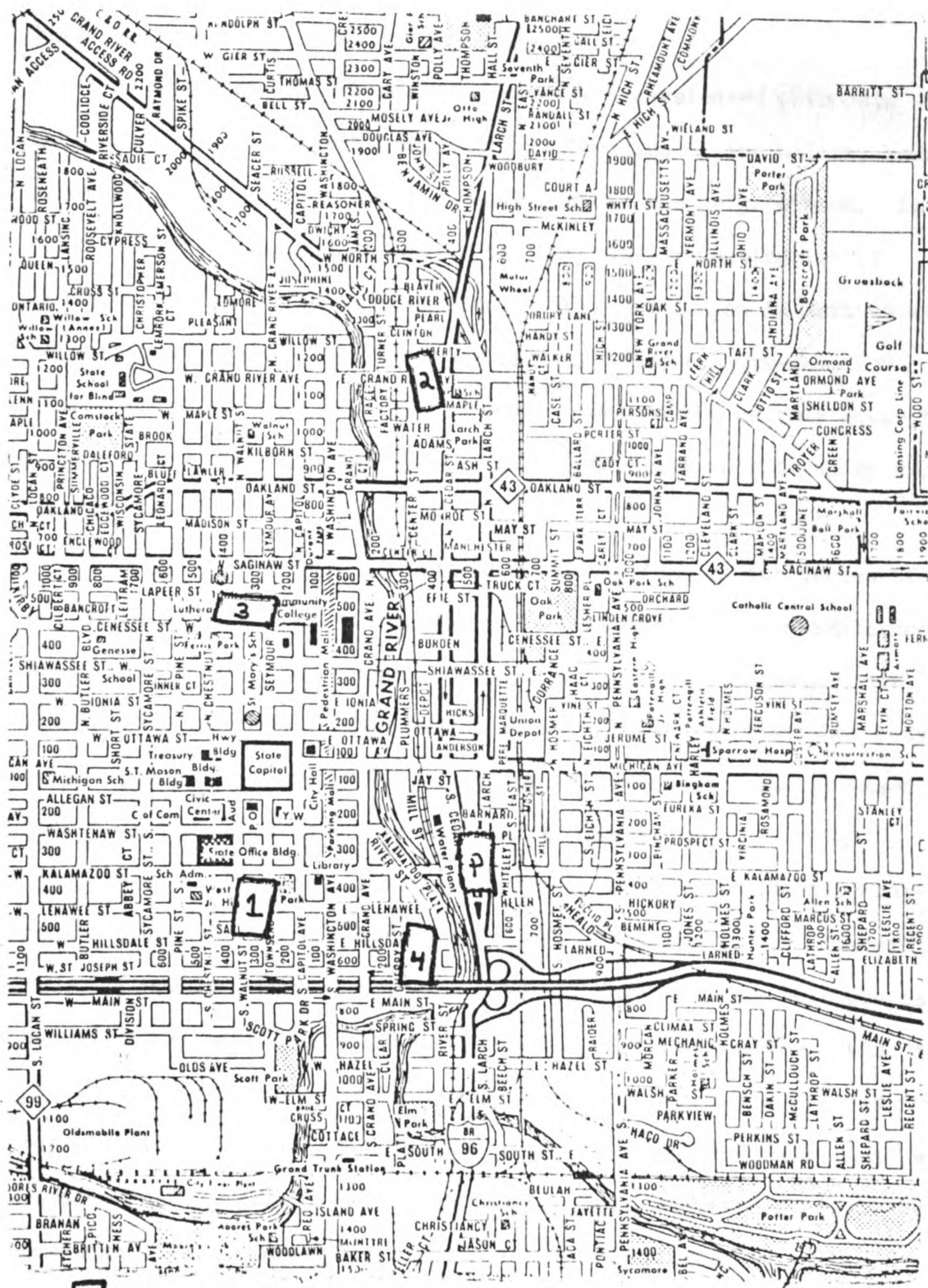
Therefore, the first externality examined is the 'personal-user' externality. This is a positive externality because the pre-released prisoners are eased back into the community under a controlled environment. The 'exogenous-user' externalities are 1) all needs and services for the pre-released prisoner can be provided at the halfway house and 2) the location gives access to transportation and downtown Lansing.

The 'neighborhood-associated' externalities will determine the extent and intensity of neighborhood antagonism toward a particular facility or service. The first 'neighborhood-associated' externality was the feeling among area residents and merchants that the establishment of the halfway house would create a danger in the neighborhood. The second externality was that too many facilities of this kind were already located in the neighborhood (see map 3); and finally the last major externality was that the proposal for seventy pre-released prisoners was just too big for a neighborhood.

The next step is to look at the means for locational conflict-public debate. As discussed earlier, this debate can take several forms, such as public hearings, referendum, or demonstration. Thus, the emphasis in locational conflict is upon decisions -- the process by which they are made and the impact they have. In Lansing, the locational conflict takes the form of public hearings which residents of the city may voice their opinions. It is here where the form and context are examined more closely to determine the facility and community impact variables.

When examining the form of the halfway house, three specific

Locations Of Existing Halfway Houses



- P Proposed site
- 1 Y.M.C.A., 301 W Lenawee
- 2 Buck and Mary's, 403 E Grand River
- 3 House of Commons, 517 N Walnut
- 4 312 West Hillsdale

North ↑

dimensions are considered: scale, type and degree of noxiousness.

Needless to say, all three are closely related.

The scale of the operation ~~was~~ seventy pre-released prisoners who ~~were~~ to be housed in a converted motel. The size of the halfway house alone gives the halfway house a black mark in the neighborhood. In considering the type of controversial facility, a combination of service-depot type facility is noted. This conclusion is arrived at because the proposed facility ~~was~~ a halfway house for pre-released prisoners, therefore, the clients ~~were~~^{to be} brought to the halfway house for a short time period to receive the goods and services offered by the halfway house.

The third component of the halfway house form is its degree of noxiousness or how the halfway house is perceived in the neighborhood. As noted earlier, the neighborhood perception of the halfway house was that of dangerous. This can be attributed to the fact that many people possess a stereotyped perception of exconvicts usually based on what they have seen in the movies and on television.

The last step in this framework is the context of the neighborhood. This area is considered middle class residential and commercial. Thus, it can be expected that the strategy used to block this proposed halfway house ~~was~~ through the voice strategies. This participation of middle class residences clearly reflects the distribution of power in the political system. By using the voice strategy the residences ~~have~~ used the public hearings to let their political leaders know their true feelings. This strategy is clearly of major significance in the political process.

The last part of the contexts of the neighborhood is the motivation

or why the residents become involved. Clearly the answer to this is fear. Because the proposed halfway house for pre-released prisoners, the residents fear that trouble would have arrived when the pre-released prisoners arrived.

After examining all the facts it is clear that opposition would have arisen to the proposal. Any attempt by the city of Lansing to compensate the residents would have been defeated. It was not a matter of compensation that would have relieved the problems perceived by the residents. but total abandonment of the proposal.

Conclusion

Back at the beginning of this study it was stated that the purpose was to test Dear's framework in order to see how well two questions could be answered. The first question was "how much information does this framework provide to the planner, decision-maker and the public?" The answer to the question is an average amount of information is given, but the way in which this information is obtained is important. This framework allows the researcher to probe, question and research various facts. But there must be reservations in this technique. First, it is very time consuming and often there isn't enough time to do this properly. Secondly, and most importantly, bias may enter into the picture. The author agrees that in most work there is personal bias, but most of the analysis is based on the researcher's personal decisions. Finally, unbalanced political pressure is not accounted for in this model, but can such pressure of this type ever be quantified?

The final question: "How practical is this framework for actual controversial facilities location problems?"; can be answered as not very practical. Because many of the controversial public facilities and goods cannot be provided through the normal market mechanism, it becomes difficult to determine a fair set of market prices for compensating the impacted residents. In fact, the question of what is a fair and just compensation is not even addressed in Dear's framework. This could be attributed to the fact that the welfare function of a controversial facility cannot be quantified.

Summing up the use of Dear's framework as a tool in planning, it would not be practical at this time. Though Dear's framework addresses

some very important questions, the one area that must be solved is the welfare function. How does one measure or place a price on the welfare function? How does one provide for equity and efficiency at the same time? There are still numerous avenues that need further exploration before this framework can be effectively used in the field of planning.

Appendix 1

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Home for inmates opposed

By CAROL MORELLO
Staff Writer

Don McDaniels, Jim Houghton and George Bridson have collectively poured 48 years of life's blood into their businesses at the foot of the Kalamazoo Bridge.

They stayed when others pulled up stakes for suburban and outskirts quarters, and believe their trust will be justified by booming business when construction is completed on the bridge linking the east side of the Grand River to the revitalized downtown Lansing area.

BUT ALL three feel threatened by another man's dream of housing soon-to-be-released prison inmates in a time-worn but sturdy motel in their midst.

"We don't need 'em," says McDaniels, owner of Import Auto, 500 E. Kalamazoo. "We don't want 'em down here. No, we don't need 'em. Nobody's going to want 'em."

Most residents and other businessmen apparently agree though few dispute the need for the half-way houses operated in Lansing by New Way In.

HEADED BY a Catholic priest, the non-profit organization has since 1973 eased the transition into society for almost 600 inmates. All were screened out of overcrowded prisons in the last months of their sentences for convictions on non-aggressive crimes, like break-ins, larcenies, bad checks and shoplifting.

While they ease into jobs and society outside the walls of Jackson Prison and Huron Valley for women, 25 men are now housed in a New Way In house on Hillsdale Street and 11 women at the downtown YMCA.

"That sort of thing sounds good in someone else's neighborhood, but not your own back yard," admits Ed Carpenter, owner of Liskey's Professional Wheel Service, 124 S. Larch.

SO WHEN New Way In proposed purchasing the adjacent Spartan Motel at 501 E. Kalamazoo to accommodate 70 inmates — double the present capacity — residents started bombarding their councilman with pleas to oppose the required special use permit.

Councilman Robert Hull says he will probably follow the expressed desire

"There are those who don't think it should even be in an urban location, but a rural one or just away, until they can prove they won't rape and murder," he said of some of the calls about the inmates' proposed relocation.

"I'M NOT sure it's a legitimate concern. New Way In has made it clear they're (the inmates) the type who are non-violent.

"But most just say a halfway house is one thing, but up to 70 congregated in one place is a little large for a halfway house to function."

Seeking the allay the fears, New Way In last week met with residents and businessmen to explain the program, including the 24-hour security and hourly bedchecks at night.

THEY EVEN pulled in neighbors of the current locations who said they have experienced few or no problems.

But the could-be neighbors remain skeptical, questioning the supervision of 70 inmates in rooms leading directly outside, and the effect on the local crime rate.

"With all this money being poured into downtown to get it upgraded, this is not the direction to take," said McDaniels. "Individual homes with eight or nine is fine. But not bringing a mini-prison in an area that can ill afford to have the image."

BRIDSON, OWNER of Curtis Cut Rate Drugs, 600 E. Kalamazoo, worries that customers will be afraid to frequent his store. Two of his female employees have threatened to quit if New Way In takes over the motel.

His fears are shared by Houghton, owner of Lansing Transmission, 220 S. Larch.

"It scares everybody," he said. "I hate to think about a woman who brings her car in and if it takes two hours to fix, now leaves it and walks downtown to shop. Either she won't leave the shop, or she won't come in."

"IT'S NOT that they're necessarily going to bother anyone, but it's the fear.

"We know the area is on the borderline. We don't need one more thorn."

The apprehensions of the businessmen are apparently shared by most residents.

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DARRELL PERVORSE, a retired man who lives at 812 Heald Place, worries about the effect on area school children.

"These kids admire criminals," he said. "It's not we're afraid they'll hurt the children, because most of those little devils can take care of themselves, but it's the teaching."

Larry Curtis, of 1104 E. Kalamazoo, said most residents object to the number who would be housed in the motel at capacity.

"RIGHT OR wrong, founded or unfounded, there will be a fear of people in the area to go down and do business," he said. "Right or wrong, the fear's there, and it's bound to have an effect."

"The city's put a lot of money in the riverfront. Granted, it would be a nice place for these men to lounge around, but the older residents and those with families won't use it. Maybe it's wrong, but you can't help how you feel and think."

In response, New Way In chief Raymond Kacirk says the inmates must be lodged near downtown, as they are already, to be in close proximity to jobs, family and public transportation.

MICHAEL A. Jones, men's re-entry house administrator, and Rolene Berg, administrator of the women's program, argue that the image of a mini-prison is inaccurate.

"I think a lot of them have Jimmy Cagney pegged, complete with a tin can to rattle the bars," said Ms. Berg of some neighborhood critics. "But the program is designed to keep them busy."

Jones noted that the inmates must check out and meet curfews when going for job interviews, family visits and work. Claimed destinations are double checked, and rule breakers are booted back to prison.

"IT'S NOT going to be a big fence with guys standing around dressed in blues throwing rocks at cars," he said. "They'll be leading normal lives."

Jones called the inmates "the cream of the crop" from prison who have earned reduced security. But he concedes the program is not foolproof, and understands the fears of those who would work and live near the motel.

"I don't know any way to argue with the gut reaction of fear," said Ms. Berg. "I don't know any way to counter the illogic with logic."

"BUT WE'VE got past the off the blinders and say, 'That's reality, and let's do something to help.'"

"I'd like people to see they're human beings you can treat with dignity, and to see that when they're treated with respect and dignity, that's what they give back."

New Way In's request for a special use permit is slated for an Oct. 23 public hearing.

KACIRK SAID that if the council votes approval, New Way In could close the \$350,000 deal by mid-November with an expected \$70,000 advance from the state, paying the way for a housewarming by Christmas.

Halfway house plan scheduled before council

By BUD LANG
Staff Writer

Supporters and opponents of a proposed halfway house for pre-release convicts will have a chance to voice their feelings on the subject tonight at a meeting of the Lansing City Council.

A public hearing on a proposed special use permit for the building, at 501 E. Kalamazoo St., will be held before the city council.

THE GROUP seeking to establish the facility, which could house up to 70 inmates in the 45-room former Spartan Motel, is New Way In, a local non-profit organization currently operating two halfway houses in Lansing.

The proposal is to consolidate the operations of those houses, and accommodate about 24 inmates currently on a waiting list for admittance to the program.

New Way In has proposed to buy the former motel for use as the halfway

house.

BUT NEW Way In proposals have been met with stiff opposition from residents and merchants in the immediate area of the building.

And that community objection could thwart plans for the facility.

Tuesday night, the city planning board voted unanimously to deny the special use permit. The action followed a public hearing during which the residents and merchants in the area voiced their objections to the program.

ACCORDING TO Raymond Kacirk, director of New Way In, the plan to use the motel was developed because it would cut operating costs and allow for more efficient operation.

If pushed to a vote of the city council, six members would have to support the plan before that group could override the planning board denial. And those six votes, most observers

feel, just simply do not exist within the evenly split council.

The discussion, and action, also could be cut short by Kacirk.

FOLLOWING A public meeting Thursday, Kacirk suggested he might just withdraw his request for the permit, rather than continue fighting.

New Way In contracts with the Michigan Department of Corrections to house and counsel inmates serving the ends of their terms for nonviolent crimes.

In other business, the council will consider a resolution that would remove a requirement that family day care centers have special use permits.

UNDER CURRENT city zoning codes, all day care centers in Lansing need a special use permit, and must pay a \$134 fee for that permit.

But city officials estimate there may be more than 150 such facilities,

both with and without permits, in the city. And since such facilities must be licensed and regulated by the state, officials feel removal of the requirement would ease the burden on both the city and day care center managers and owners.

The council also will consider setting a public hearing for Nov. 6 for granting a commercial facilities exemption certificate for 313 and 319 S. Washington Ave., sites of the former Lansing Dry Goods and Home Dairy establishments.

THE LAW firm of Foster, Swift, Collins and Coey, currently is developing two buildings at that location for commercial and professional office use.

Approval of the certificate would make the buildings exempt from property taxes for 12 years, under the Commercial Rehabilitation Act.

The hearing on Nov. 6 will begin at 7 p.m.

By EUD LANG
Staff Writer

A halfway house proposed for downtown Lansing will remain in limbo at least until Thursday when a Lansing City Council committee will review a request for a special use permit.

At a public hearing before council Monday night, speakers both for and against the issuance of a special use permit for the property, at 501 E. Kalamazoo St., argued the question of a halfway house at the former Spartan Motel.

THE PROPOSAL to occupy the 45-room motel was sponsored by New Way In, a local nonprofit organization currently operating two halfway houses in Lansing.

The consolidation of those two houses, and accommodating an additional 24 inmates currently on a Michigan Department of Corrections waiting list, was an integral part of the program to provide shelter and counseling for about 70 inmates.

Supporters of the program have said the inmates are currently parolees or prisoners nearing the end of their terms, and that their crimes have been nonviolent.

BUT THE proposal has been met

with stiff opposition from both residents and merchants of the area surrounding the former motel.

Raymond Kacirk, a Catholic priest who directs the program, called the New Way In "a foot in the door."

"Having attended a number of meetings, we believe the voice of the people has been expressed," Kacirk told the council. "But this is an opportunity for proving something."

ONE OF those meetings attended by Kacirk, on Oct. 17, was held by the Lansing planning board to consider the issuance of a special use permit for the property. At that time, the planning board voted unanimously against issuing such a permit.

Following that meeting, Kacirk suggested that he might withdraw his request for the permit.

But at the Monday meeting of the city council, Kacirk offered a compromise.

INSTEAD OF the proposed 70 inmates to be housed in the facility, Kacirk asked that he be allowed to try to make the program work with only 35 inmates.

"It would be a temporary use," Kacirk argued. "We could lease the place, not buy it."

A major part of the controversy is feeling among area residents and merchants that establishment of the facility would create a danger in the neighborhood.

LAWRENCE CURTIS, 1104 1/2 Kalamazoo St., told the council he believes the New Way In proposal presents nothing but additional problems for an already trouble-plagued downtown Lansing.

"I think you should tell them sorry, but no sale," Curtis told the council. "I think that the businessmen should be deeply concerned down there."

CURTIS WAS not alone in his criticism of the plan. Maurice Green, 107 Lilac Ave., said he didn't understand "why something like this has to be put in the downtown area."

"I think it would be a very, very serious mistake to put this thing in the district," Green added.

But residents speaking at the meeting were not the only persons to express concern about the plan. Councilman Robert J. Hull, in whose First Ward the facility would be located, called the area "a good neighborhood."

"LEST ANY of you think my constituents are a bunch of grinchies, and

they are not, I think people should understand the problems there," Hull said.

Citing problems in prostitution, drug trafficking, and burglaries in that area, Hull told the council he would not support the request for the permit.

"I'm not going to support this zoning, and I'm not going to recommend this," Hull said. "And I would urge you to help the people in this neighborhood."

COUNCILMAN RICHARD Baker, a supporter of the concept of inmate halfway houses, said he also feels there are "legitimate concerns" about placing the facility in that neighborhood. As part of that problem, Baker charged the Lansing Police Department with a lack of protection for people in that area.

"Part of the problem is this," Baker said. "We are not doing a good job in that area now. Those people are concerned about crime, and rightfully so."

Councilwoman Lucile Belen said she felt "fear" was the biggest stumbling block to the plan.

But Kacirk insisted the program, in the scope proposed, would work.

"It is just too bad that special use permits have to be something black

and white," Kacirk said. "In this way, we have more control than if we had individual probation. We would like to prove that it can be done, that we can live in this neighborhood in peace."

The request for the special use permit was referred to the committee on physical development.

IN OTHER business, the council approved Nov. 6 as a public hearing date for granting a commercial facilities exemption certificate to the law firm of Foster, Swift, Collins and Coe.

The property for that certificate, the former Home Dairy and Lansing Dry Goods buildings, currently are being remodeled by the law firm.

Approval of the certificate would mean that the firm would be exempt from property taxes for the developments, at 313 and 319 S. Washington Ave., for 12 years.

THE COUNCIL also agreed to amend city zoning codes to exempt family day care homes from a requirement for special use permits.

Under current city zoning codes, all day care centers and day care homes require a special use permit, and must pay a \$150 fee for that permit.

Halfway house plan 'dead'

(55)

27 OCT. 1978

B-2

By **BUD LANG**
Staff Writer

A proposal to use a vacant motel at 501 E. Kalamazoo St. as an inmate halfway house is all but dead.

The official ax should fall Monday night, when the Lansing City Council considers a request to issue a special use permit for the property. The request was filed by New Way In, a non-profit organization specializing in counseling for convicts serving the last of their sentences.

THURSDAY AFTERNOON, the physical development committee of the council voted unanimously to place the request on the agenda for council action Monday night. But the committee also recommended that the permit be denied.

The physical development committee is chaired by Councilman Richard J. Baker. Councilman Terry J. McKane and Councilwoman Lucile Belen also serve on that committee.

The action Thursday is only the latest nail to be driven into the coffin of a plan that originally would have housed 70 inmates in the 45-room former motel.

ON OCT. 17, the city planning board met to consider the permit request

and unanimously turned thumbs down on the plan.

And at a public hearing on the project, held Monday before the city council, the council was besieged by both residents and merchants of the area. All spoke against the plan.

Raymond Kacirk, a Catholic priest who directs New Way In, offered a compromise plan. Kacirk offered to house only 35 inmates in the motel to see how the program worked and what, if any, effect there would be on the neighborhood.

BUT AT the committee meeting Thursday, even that offer was rejected.

"I think even 35 is too many for that place," Miss Belen told Kacirk. "I move that we deny SUP-16-78."

SUP 16-78 is the legal title of New Way In's request for the special use permit.

COUNCILMAN ROBERT J. Hull, in whose 1st Ward the permit has become an issue, also attended the meeting. Not a member of the committee, Hull did not vote on the permit. But he did manage to make his feelings known.

"I guess I would have to say that there is a very clear consensus against it in that neighborhood," Hull said. "Based on that, I'm going to have to vote to support my constituency."

Kacirk said after the meeting that while he was disappointed with the setback, he felt both residents and merchants in the area have "real fears" about the program in the scope.

"**WHETHER THOSE** fears are justified, I don't know," Kacirk added. "But these guys are nothing like the stereotypes you see in violent movie and on television."

Kacirk said he hasn't given up on the concept of a large facility that would allow the consolidation of two houses currently being operated by New Way In. Additional plans for the Spartan Motel property (501 E. Kalamazoo St.) had called for bringing more inmates into the program.

According to Kacirk, New Way In will have to study finances before looking to other property.

"**I THINK** the city of Lansing has a wonderful start in trying to protect itself," Kacirk said. "But we're really not set back any farther than we were when we first proposed the facility."

Kacirk said the average inmate stays in the program for two or three months before being released.

New Way In contracts with the Department of Corrections to help alleviate overcrowding in prisons.

Council considers request

Halfway house plan expected to be killed

(55)
30 Oct. 1978
B-1

By **BUD LANG**
Staff Writer

Plans to use the Spartan Motel, 501 E. Kalamazoo St., for an inmate halfway house are expected to come to an end when the Lansing City Council meets tonight.

After suffering two major setbacks, the proposal filed by New Way In to use the 45-room facility to house 70 inmates is expected to be denied.

AT AN Oct. 17 meeting of the city planning board, it was recommended that a special use permit for the facility be denied.

The request for that permit fell into even deeper trouble at a city council meeting Oct. 23, when a group of area residents and merchants told the council they did not favor placing the facility in the motel.

Then on Thursday, the physical development committee of the city council recommended that the request for the permit be denied at tonight's meeting.

AT THAT meeting, even Councilman Richard J. Baker, a staunch supporter of corrections halfway houses, agreed that the permit should be denied.

New Way In contracts with the Michigan Department of Corrections to house and counsel inmates convicted of nonviolent crimes. Those inmates are nearing the completion of their prescribed sentences.

At this time, New Way In operates two halfway houses on Hillsdale Street. Approval of the permit would mean New Way In could consolidate operations, and increase the number of inmates currently served by the program.

RAYMOND KACIRK, a Catholic priest who directs the program, has said he still hopes to establish a large facility somewhere in the Lansing area, despite the setbacks suffered with the Spartan Motel plan.

In other business, the council will receive a communication from Lansing Mayor Gerald W. Graves to the effect that CETA positions in the city will be continued with funding provided by the city until federal monies are received.

Although Congress has approved a continuing resolution for the federally funded jobs program, there is expected to be a delay in receiving the money to help support the CETA positions.

FUNDS WILL be transferred from different city accounts to support the program.

No halfway house at Spartan Motel

(SS)
31 Oct. 1978
A-1

By BUD LANG
Staff Writer

A plan to use a downtown motel as a halfway house for inmates has whimpered to an end.

The Lansing City Council voted unanimously Monday night to deny a special use permit to New Way In, a nonprofit organization that provides counseling for inmates on the last legs of sentences for nonviolent crimes.

NEW WAY In, directed by Raymond Kacirk, a Roman Catholic priest, had requested the permit to use the Spartan Motel, 501 E. Kalamazoo St., as a halfway house for about 70 inmates.

But Kacirk's plan was met with opposition almost from the start. That opposition came from both residents and merchants in the area of the downtown motel.

But in voting the permit down, Councilman Richard J. Baker, a supporter of the concept of halfway houses that supplement Department of Correction's programs, said he felt it was "unfortunate" that a proposal the size of the New Way In program had to come before the council.

"THIS COUNCIL has long supported recommending denial of the permit.

New Way In currently operates two inmate halfway houses on Hillsdale Street in Lansing. The move for the motel would have allowed that organization to consolidate both facilities and increase the number of inmates being served.

New Way In contracts with the Department of Corrections to provide the counseling services, and supervised living conditions, for the inmates.

BUT DESPITE their support for the halfway house concept, most councilmembers felt the scope of the proposed operation was too large.

"I think the right decision was made," Hull said after the permit was refused.

Hull said he could support another halfway house in his ward if it were more compatible with the neighborhood, adding that he felt the proposed 70 members "exceeds the reasonable limit."

MISS BELEN also said that while she supports the concept, she felt Kacirk's plan too large.

"I think the city has indicated that it is interested in doing something for

ported halfway houses," Baker said. "And I feel that the mood generated by this rezoning and this special use permit reflects poorly upon the city of Lansing."

That "mood" was expressed at several meetings before the permit request finally was turned down.

At an Oct. 17 meeting of the city planning board, both residents and merchants of the area spoke against the facility. The planning board unanimously recommended against the special use permit.

AND AT an Oct. 23 meeting of the city council, that request was met with even more opposition. Again, the opposition came from area residents and merchants.

But the death knell was sounded at Thursday's meeting of the physical development committee of the city council.

At that meeting, liberal Councilman Robert J. Hull spoke out against the placement of the facility in his 1st Ward. In addition, Baker also recommended that the permit be denied.

THE REQUEST for the special use permit was voted out of the committee, with Baker, council Vice President Terry J. McKane, and Councilwoman Lucile E. Belen, all

just do not feel, with the neighbors feeling the way they do, that it is a good idea."

According to McKane, the large number of inmates to be housed in the facility may have frightened some area people.

"I THINK the size, and the neighborhood, just weren't conducive to the program," McKane said. "It is a large area, each room has its own door. There really are no controls over access or leaving the property."

Kacirk has said he will continue to try to develop a large inmate counseling facility, either in Lansing or the immediate area.

In other business, the council:

-APPROVED A rezoning petition from the Walter Heller Co. regarding a preliminary plat at Edgewood Commons.

-Received and placed on file a letter from Mayor Gerald W. Graves informing them of the security fencing being installed at the old Diamond Reo plant.

-Received a letter from Graves informing them that funds had been transferred to continue CETA posi-

Appendix 2

SUP-16-78
501 East Kalamazoo Street
September 5, 1978

GENERAL INFORMATION:

Applicant: New Way In, Incorporated
Represented by Fr. Raymond Kacirk
221 West Washtenaw Street
Lansing, MI 48933

Status of Applicant: Optionee

Requested Action: Special Use Permit

Purpose: Residential Rehabilitation Center to house a maximum
of 70 ex-offenders.

Existing Zoning: "H" Light Industrial District

Proposed Zoning: Same with Special Use Permit

Location: 501 East Kalamazoo Street

Shape: Irregular

Existing Land Use: Spartan Motel

Surrounding Land Use: North--Residential and commercial
South--Commercial
East--Commercial and residential
West--Board of Water and Light

Surrounding Zoning: North--"H" Light Industrial
South--"H" Light Industrial and "D" Apartment
East--"H" Light Industrial
West--"H" Light Industrial

Master Plan Designation: Industrial

Applicable Regulations: Section 36-39; Establishes use restrictions for the
"H" Light Industrial District.

Section 36-42(12); Allows halfway houses in districts
from which they are excluded by special permit.

Section 36-53; Establishes height and area restric-
tions for the "H" Light Industrial and "I" Heavy
Industrial Districts and prohibits the conversion or
erection of any building in the "H" District for
dwelling purposes.

Developer's Proposal:

"There are probably some 49 to 50 offenders on inmate status at any time in the community. They reside presently at 312 West Hillside, 310 West Hillside, the Y.M.C.A., Buck and Mary's and the House of Commons.

301 W. Lenawee

517 N. WALNUT

403 E. Grand River

In developing a re-entry treatment center at the Spartan Motel, we will be able to unify in a single setting. Our women have private or semi-private rooms at the Y.M.C.A. but no food service or community rooms for themselves and their visitors. The programs on Hillside have little privacy for sleeping and personal needs and a number of "outsiders" coming into the house for food service.

The Spartan Motel will improve the situation; semi-private rooms for all with baths, improved food service, community rooms and programming based on groups of 20 maximum. We project the numbers to be sufficient to warrant this move and should be constant for the foreseeable future." (Program information is attached.)

Safety Inspection;

On August 11, 1978, a team consisting of Building Department, Planning Department and Fire Prevention Bureau officials inspected the premises for use as a residential rehabilitation center to house a maximum of 70 adult ex-offenders. The results of this inspection are attached.

ANALYSIS:

Neighborhood Impact

The site is bounded on three sides by major streets and on the fourth by a mixture of commercial and single through six family residences. With the site oriented toward the arterials and away from the residential uses to the north, the proposed use is not expected to adversely affect the adjacent uses. The rehabilitation center, with strict controls on the residents and staff on site, is expected to eliminate the negative impacts of 24 hour vehicular and pedestrian traffic and activity generated by the existing motel. In addition, landscaping and other site work proposed should improve the general appearance of the site.

Concentration

The facility is located more than 1500 feet from the nearest similar existing facility and separated from the areas of high concentration (River Island) by the Grand River and Cedar Street. The facility is not expected to cause excessive concentration of facilities in the neighborhood.

Facility Size

Since the mid to late 60's and certainly in the 70's, there has been a national movement toward community based facilities for persons not yet ready to live on their own, but not needing or actually being hampered by institutional treatment. Throughout the country community based "facilities vary in size from as few as two or three, in the case of foster homes, to rare instances of as many as 80 in large mansions. Most authorities feel, however, that 20 is an ideal population so that an informed, close interaction among residents is possible within a home-like setting." 1 This raises two questions about the proposed residential care facility;

- 1) Can the facility effectively carry out its objectives with a proposed maximum capacity of 70 persons?
- 2) With this size facility, will it become a regional center, rather than a facility designed to meet the needs of Lansing residents returning from incarceration?

REGULAR MEETING
LANSING PLANNING BOARD
Tenth Floor, City Hall
October 17, 1978

Mr. Gaus convened the meeting at 7:35 p.m. with eight members present;

Barnhart, Cornwell, Gaus, Horne, Morales, Nelson, Remick, Wieland

Staff in Attendance: Fountain, Coscarelli, Spackman, Foulds (4)

Agenda: Cornwell moved and Remick supported approval,

APPROVED

There are no public hearings scheduled for this evening.

Members of the Audience Desiring to Address the Board:

~~Regarding SUP-20-78, 1204 East Main Street, Day Care Center, DOUGLAS BARKER of 1218 East Main Street submitted petitions opposing this day care center request. These petitions contained 10 signatures of area residents.~~

Regarding SUP-16-78, 501 East Kalamazoo Street--Rehabilitation Center, GEORGE BRITSON, the owner of Curtis Drug Store, presented petitions containing 65 signatures in opposition to this request. He further stated; I don't think this is wise because the city is spending millions of dollars for the river walk and this convict home is to be within 100 feet, so you're building a river walk for convicts to inhabit. The downtown district has lost businesses and this will send more away. Also, building the civic sports arena less than three blocks away will not be congruous. Other people have called me that have worked all their lives and have three or four houses, which are finally paid off and used for their income. When this is established I don't think any of the houses will be able to be sold or rented or anything, it will be a gradual deterioration of the whole neighborhood. I purchased this drug store four or five years ago and just can't afford to get another mortgage to relocate the store. Import Auto has invested approximately \$250,000. He took a gas station and has a thriving business and it is unfair for someone to come along and say we don't care what you think, you're out of business.

JACK LESER, member of the Cherry Hill Association, 319 East Hillsdale. I have a sixteen unit apartment building that I live in and have since it was built. We have two granddaughters who live there and I don't think it's wise to put this mini-prison over there. We worked about four years to get our park rejuvenated with a shelter, tennis courts and shuffleboard and I think if we allow this, it is going to be a place for wines.

Mr. Cornwell asked if he is now affected by residents of the "Y" and Hillsdale homes. Mr. Leser said no, but with 70 we will probably run into problems. Mr. Cornwell asked would he still object if the number were reduced and Mr. Leser

responded that after a young girl is hurt is too late to find out. I do not want them pushed all into one neighborhood, we have some now and this will make it a regular ghetto.

SOPHIA KOUTOUZOS, 310 East Hillsdale, related an experience of having a girl from the "Y" Halfway House staying at her house for a time, who only ended up back in prison again for armed robbery. Further, she stated this instilled fear in her because the girl seemed to hate the whole world and she may have been killed in her own home. These people are allowed to be free in the neighborhoods. They are not minor offenders, they are criminals and we have enough around us now.

MORRIS GREEN, owner of property in the vicinity of Beech and Kalamazoo Street. The conjecture of the New Way In officials was that all of these criminals are non-violent. After this is put there, maybe other types of criminals will be put in. I think it's a great risk in this vicinity. Also, this is definitely going to affect customer relations in many businesses.

JIM HOUGHTON, owner of Lansing Transmission, spoke for himself and DON MCDANIEL, owner of Import Auto. We have a lot of automobiles around; anywhere from 20 to 50. Liskey's will have the same or more and we have a problem of theft at times. We have people who drop cars off in the morning, particularly women, that work close enough to drop their car off and walk downtown. I feel that if this is in the area, you gentlemen would not care to have your wife leave the car and walk down Larch or Kalamazoo. We have a concern of fear. We have enough problems and I think the general feeling of doing business in the area is the same and I don't think it's different with the residents.

ROBERT K. WILSON, I own three homes and two pieces of property directly across from this project. I live in Shaftsbury, 12570 South Shaftsbury Road, Perry. I lived in Lansing 37 years and just moved out. I acquired a piece of property so that I could have more frontage, in case something developed commercially. We picked up a building permit for one of the others we are going to renovate, which I will not do if this goes through. We rent primarily to ADC families with small children and this will lower the community. My son was Chief Prosecuting Attorney up until the last election and his complaint was; when I put them away, I meet them the next day in the grocery store. The ones that are sent down to Jackson are the worst and they don't have room for them. So, when they tell me they are picking the cream of the crop to bring back, I'm not impressed. We taxpayers may be the blame for this because we should have built two or three prisons the way the population has increased.

NICK J. KOUTOUZOS, 310 East Hillsdale, the community has to defend itself. You never put those kind of houses in the downtown. The city is spending money to improve downtown, and with this group downtown, in the business district, close to the city bus and the Capitol. I think it is not right and there are other places in the city to do this.

ED CARPENTER, owner of Liskey's at 124 South Larch Street. I am opposed and my main personal reason is that I have been in the neighborhood since 1960 and watched the community and businesses going in and old houses torn down and I think this might stop that progress. We have Michigan Avenue with the Rescue Mission and a block away to put this kind of thing in, would be a big mistake. I doubt that people would use the river walk; or send their daughters, sons or other people down that walk knowing that just on the other side of the river there could be problems.

The Chairman asked how many people in the audience are present because of this case; thirteen people indicated interest.

No recess was taken by the Board.

see next page for decision

BUSINESS SESSION:

Approval of Minutes

Dr. Remick moved for the approval of the October 3, 1978 minutes as printed and Mr. Cornwell supported, APPROVED

Committee Reports:

ZONING AND ORDINANCE COMMITTEE: Dr. Remick

P-2-78, Dunbar Acres--Final Plat

The Committee recommends that the final plat of Dunbar Acres Subdivision be approved subject to the three provisions stated in the staff report. The Committee found that the subdivision plat was in accord with the Lansing Subdivision Ordinance and the Michigan State Plat Act.

Dr. Remick moved for approval and Mr. Cornwell seconded,

APPROVED

Z-48-78, 212 Fenton Street

A-1 to D-1

The Committee recommends that the petition to rezone property at 212 Fenton Street from "A" One Family Residential District to "D-1" Professional Office District be denied.

The Committee found that the site is located in a predominantly single family residential neighborhood and that approval of this request would constitute spot zoning. Development of this site for office use would adversely affect the residential area from the standpoint of introducing additional traffic and activity.

Dr. Remick moved for denial and Mr. Cornwell supported,

DENIED

SUP-16-78, 501 East Kalamazoo Street Rehabilitation Center

The Committee recommends that the special use permit by New Way In, Incorporated to house a maximum of 70 ex-offenders on the property located at 501 East Kalamazoo Street, commonly known as the Spartan Motel be denied.

The Committee believes that the number of persons to be housed in any one facility should be limited to a lesser number and that the facilities should be spread throughout the Tri-County area, as opposed to high concentration within the city of Lansing.

The Committee believes that further studies should be conducted to look into the possibility of additional locations with the thought of decentralizing throughout the Tri-County area. The primary reason for wanting to locate the entire program at one location was oriented toward closer management and financial considerations, but the high concentration at one location is an overriding factor.

Mr. Nelson moved for denial and Mr. Barnhart seconded,

DENIED

SUP-20-78, 1204 East Main Street--Day Care Center

The Committee recommends that the request for a special use permit to operate a child care center from the property at 1204 East Main Street be denied.

The Committee found that the site is located within a residential area and felt that the additional traffic and activity generated by this proposed use would adversely affect living conditions in the vicinity. The Committee believes that operating the center in the late evening hours would subject the residential area to late hour traffic and noise that is not normally found; and also that off street parking and open space would be minimal. Additional parking would have to be provided off of the alley to the rear, which is quite narrow and does not allow for the free flow of two way traffic.

Dr. Remick moved for the denial, Mrs. Horne seconded,

DENIED

SUP-21-78, Riverfront Park Towers--Fill in Flood Plain

The Committee recommends that the request for approval of a special use permit to allow cut and fill within the 100 year flood plain of the Grand River be approved.

The recommendation should be subject to final clearance of the Michigan Department of Natural Resources and the requirements of the City Engineer. The Committee found that the proposed use of the property is in conformance with the zoning district and is also in conformance with the overall development plan of the area.

Dr. Remick moved for approval and Mr. Cornwell seconded,

APPROVED

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