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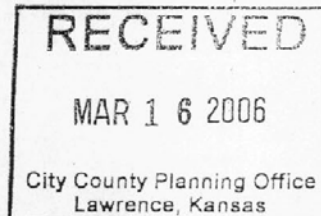
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OF COUNSEL

March 16, 2006

Ms. Sheila Stogsdill  
Assistant Planning Director  
Lawrence-Douglas County Metropolitan Planning Commission  
6 East 6<sup>th</sup> Street  
P.O. Box 708  
Lawrence, Kansas 66006-0708



Richard L. Zinn Email:  
rzinn@barberemerson.com

Re: Lawrence Salvation Army Haskell Street Community Center Project – Burroughs  
Creek Corridor Plan – Land Development Code

Dear Sheila:

Thank you for the extremely helpful meeting on Friday, March 3, 2006. On behalf of The Salvation Army Advisory Board and staff, I very much appreciate your thoughtful analysis of the issues and your including David Corliss and Michelle Leininger in the meeting. As a result of your analysis and our discussion, The Lawrence Salvation Army wishes to modify the request and observations made in my February 23, 2006, letter, as follows:

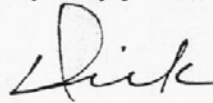
1. We request that no downzoning of the Salvation Army location should be initiated by the City pursuant to the Burroughs Creek Corridor Plan. The zoning would be left in its current M-1A and M-2 status, subject, however, to possible RMO rezoning following the completion of the Salvation Army's Booth Center and Resource Center.
2. The Salvation Army will withdraw its current site plan, and request that the approval of the site plan granted on May 25, 2004, similarly be withdrawn. In other words, the existing site plan will not be considered to be an approved site plan.
3. On or before March 28, 2006, the Salvation Army will submit a new site plan which generally will follow the existing site plan, except that certain conditions on the existing site plan that were designated as conditions for approval have been fulfilled and will no longer need to be included on a new site plan.

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4. A new site plan will be filed prior to the Effective Date of the new Development Code, which we anticipate will be July 1, 2007. It will be a complete application for site plan approval, and will have been submitted and either approved or pending approval on July 1, 2007. The site plan will constitute a "use or Development Activity" under section 20-110 of the new Code. Such Development Activity (site plan), will, at the election of the Salvation Army, (the "applicant"), be reviewed and development will occur under the terms of the Development Code in effect immediately before the Effective Date. Consequently, at such time as a building permit is sought, all aspects of the Development Activity will be pursuant to the existing Code and no further action will be required by the Salvation Army except as might otherwise be required under the current Development Code for building permit approval and site plan compliance. We request a recognition, preferably in minutes of the City Commission, that our new site plan application will be considered as a "use or Development Activity" as defined in section 20-1701 of the new development code.

I believe that these steps reflect your recommendations as to how The Salvation Army should proceed in solving the dilemma created by the coincidental collision of the new Development Code and the Burroughs Creek Corridor Plan occurring at a time that The Salvation Army is on the threshold of meeting its funding goals but is not yet at a level that enables us to request a building permit. Your recognizing this dilemma and assisting us in helping to solve it are appreciated not only by The Salvation Army and its thousand of donors and volunteers, but also by the neediest members of our community for whom we are providing a voice in making the Booth Center and Resource Center realities.

Very truly yours,



Richard L. Zinn

cc:

Mr. David Corliss  
Mr. Wesley Dahlberg,  
Corps Administrator  
Mr. Glen Sheridan,  
Advisory Board Chairperson

Conditional Uses for the Salvation Army facilities located at Haskell Ave. & Lynn St.  
Notes legally attached to the Site Plan SP-03-27-06  
by the Lawrence City Commission on (date)

The Lawrence City Commission approves Site Plan No. SP-03-27-06 pursuant to all legally binding conditions and provisions included herein, and attaches to and makes this a part of said site plan:

Section I: Purpose

In lieu of the standard Uses Permitted Upon Review process, and in an attempt to resolve disagreements between the parties, the issues addressed in this contractual agreement have been negotiated by the City of Lawrence, the Salvation Army, and neighborhoods and property owners surrounding the proposed Salvation Army site.

Considering that site plans functionally clarify on-site physical arrangements, while zoning districts with permitted uses functionally harmonize site activities with adjacent land uses, it is recognized that this contractual agreement, as attached to Site Plan SP-03-27-06, and the conditions contained herein constitute an unorthodox approach to land use regulations. Such an approach might not even withstand a legal challenge in a court of law.

The officially adopted zoning and use permit regulations within Chapter XX of the Code of the City of Lawrence have been crafted to provide the legal elements to assure compatibility of permitted land uses on adjacent properties, including: defined terminology, uniform procedures, consistent use groups, clear deadlines and expiration dates, enforceable penalties, an equitable appeal process, and revocation authority by the City Commission. In addition, such zoning regulations have a history of case law with applicable precedents, which may or may not apply to a conditional site plan such as this.

Section II: General Provisions

Therefore, because this document and the land use conditions herein, as attached to only a site plan, fall under few or no such code provisions as listed above, this document shall endeavor to construct their legal equivalent, and lacking that, to append the zoning and use permit provisions herein, so as to bring this document under the legal authority of all applicable zoning and use permit requirements of Chapter XX of the Code of the City of Lawrence, specifically Sec. 20-808, 20-1608, and 20-1613.

If officials or the public encounter any ambiguity in enforcing this document, the code provisions as intended for Use Permit Upon Review shall apply as interpretive and functional guidelines, specifically Sec. 20-1608 and 20-1613.

Because Sec. 20-1428 through Sec. 20-1435.3 for site plans include time constraints of an entirely different nature than those in Sec. 20-1608 through Sec. 20-1613 for UPR's, the following time frame considerations shall apply to this site plan No. SP-03-27-06.

1. This site plan shall be valid for a period of one year as under Sec. 20-1435.
2. This site plan shall be granted no extensions for any reason beyond the one year deadline for acquiring a building permit.
3. If a new site plan is again submitted thereafter, all the legal code requirements within the newly adopted Lawrence Land Development Code shall apply in full force.
4. If City staff or the City Commission establish findings of fact that one or more of the agreed to conditions contained herein have been violated by the applicant, the City Commission has the authority to conduct public hearings under the purview of Sec. 20-1613, and amend, suspend or revoke any and all conditional uses as agreed to herein.
5. All conditional uses as agreed to herein shall be legally binding in perpetuity, unless legal procedures are brought to bear to amend, suspend or revoke such conditional uses.



### Section III: Particular Use Activities Permitted

1. These facilities shall house only The Salvation Army's administrative and program offices, activity and program space, recreational areas, and community worship center. The Salvation Army shall also operate only a 24 hour a day, 365 day a year homeless rehabilitative residential program. The program is to provide strong case management, educational opportunities, employment readiness, health services, mental health services, recovery groups, relational activities, recreational programs, residential services, housing, and meals for the program participants. Some of these services may be provided by other participating agencies.
2. The Salvation Army shall not now nor ever enter into a contract with the Kansas Department of Corrections, or any judicial or law enforcement agency, to provide housing or any services for prisoners or parolees at this site.
3. The Salvation Army shall not operate a community meal program at this site, but may operate a community meal program at a downtown Lawrence location to provide meals for anyone that chooses to participate.
4. Persons refused services due to intoxication shall be transported to the Lawrence Community Shelter OR the Lawrence Police Department by means of \_\_\_\_\_.
5. The Salvation Army shall make every effort to not allow its property to become the hang-out of any group or individual, and shall make every effort to not allow any illegal activities to take place on or around its property or facilities.
6. The Salvation Army shall not operate a temporary homeless or transient shelter at this site, nor provide any services for such potential clients on a drop-in basis including, but not limited to: meals, showers, laundry, courtesy phone, and mail drop.
7. Persons seeking to enter The Salvation Army's residential program that are found to have severe mental illnesses or problems beyond the scope of the case management services provided by the program, will be referred to other agencies that specifically provide the needed services. Within two hours of assessment, the Salvation Army shall transport such persons to the receiving agency, or shall arrange for said persons to be transported to the receiving agency.
8. The Salvation Army shall make every effort to deny sex offenders entry into any program activities including the homeless rehabilitative residential program located at this site. All program participants will be screened through the K.B.I. Offender Registry. In the event that such persons are denied entry, they shall be transported to the Lawrence Community Shelter OR the Lawrence Police Department by means of \_\_\_\_\_.
9. In the event of a community emergency or disaster, The Salvation Army reserves the right to feed, house, and provide emergency services from this site to relief personnel, persons who are temporarily displaced due to disaster, and any other persons found in need under these circumstances. Temporary meal service for any non-resident individual shall be for no more than 24 hours, after which they shall be referred to community meal programs elsewhere in town. Temporary shelter shall be provided only within the Booth Center or the Family Resource Center, not on the grounds or parking lots.

Section IV: Definitions (functional and time-frame)

1. Community disaster: \_\_\_\_\_
2. Community emergency: \_\_\_\_\_
3. Community meal program: \_\_\_\_\_
4. Emergency services: \_\_\_\_\_
5. Employment readiness: \_\_\_\_\_
6. Food Pantry: \_\_\_\_\_
7. Health services: \_\_\_\_\_
8. Homeless rehabilitative residential program: \_\_\_\_\_
9. Housing: \_\_\_\_\_
10. Mental health services: \_\_\_\_\_
11. Recovery groups: \_\_\_\_\_
12. Relational activities: \_\_\_\_\_
13. Residential services: \_\_\_\_\_
14. Severe mental illness: \_\_\_\_\_
15. Sex offenders: \_\_\_\_\_
16. Temporarily displaced persons: \_\_\_\_\_
17. Temporary homeless or transient shelter: \_\_\_\_\_
18. (others)