

ORDINANCE NO. 8449

SPECIAL USE PERMIT NO. SUP-01-02-07

AN ORDINANCE PERTAINING TO ZONING: AMENDING SPECIAL USE PERMIT NO. SUP-01-02-07 FOR CERTAIN PROPERTY LOCATED AT 214 WEST 10TH STREET AND 944 KENTUCKY STREET, LAWRENCE KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section One: Section Three of Ordinance No. 8100 is hereby amended to read as follows:

Section Three: The special use permit granted in Sections 1 and 2 of Ordinance 8100, in addition to the full compliance with any general provisions contained in the Land Development Code of the City of Lawrence, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for the revocation of the special use permit in addition to those specified in Section 20-1306, to wit:

1. ~~Within 45 days of SUP approval by the City Commission, LCS shall submit a signed Good Neighbor Agreement with signatures of the LCS staff and at least 15 neighbors. (report has been signed and submitted to planning staff).~~
2. If the shelter remains in its current location within three years (2010), the following items shall be submitted to the Planning Office prior to the three-year expiration date:
 - a. An application for SUP renewal.
 - b. Information supporting a new shelter location, including the viability of the new location, i.e. a funding plan.
3. Submittal of an annual report to the Planning Office within the first calendar quarter of each year for the next three years. The report shall include a log of police calls (with type of call noted), a log of guests who obtain jobs and housing, numbers of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood and to address concerns of neighbors.
4. The addition of staff member(s) to meet guest, neighborhood, and public safety needs (refer to attached LCS report for specific staff recommendations). At a minimum, one half-time paid security guard, i.e. outside monitor, shall be hired. This new staff person shall be required to work a minimum of 20 hours per week. The maximum occupancy level shall not be exceeded with the addition of new staff members.
5. A signed Site Plan Performance Agreement shall be submitted to the Planning Office.
6. The site plan shall be revised to show the following changes:
 - a. Inclusion of a note which states that, if the shelter remains in its current location by renewal time in three years, the items in conditions #2a, #2b, and #3 shall be submitted (the specific items shall be detailed on the site plan).
 - b. Revision of the UPR expiration date to reflect the new SUP expiration date and replacement of "UPR" with "SUP".
 - c. Revision of the zoning data to note that the site's new zoning designation is RMO (Multi-Dwelling Residential-Office) District.
 - d. Revision of the staffing section to list the numbers of current day and nighttime staff, including both full and part-time staff. If staffing additions are approved as part of this SUP, these staff members shall be included as part of this new staff count.
 - e. Inclusion of the following note: "On February 15, 2007, the Historic Resources Commission approved the LCS Special Use Permit (DR-01-06-07), subject to conditions."
 - f. Removal of the 18' by 21' by 10'4" metal canopy and picket fence, unless the City Commission grants an appeal of the Historic Resources Commission's determination for this structure to be removed.

- g. Notation stating that the Good Neighbor Agreement and LCS policies shall be referred to for additional provisions governing the use and maintenance of the LCS property and neighborly behavior of the guests.
7. The occupancy for overnight participants shall be limited to 57 individuals, including staff. Except that beginning October 1, 2009 through April 1, 2010, the occupancy for overnight participants shall be limited to 82 individuals, including staff. No increase in occupancy from the existing 31 overnight participants shall be allowed until improvements to the structure necessary for the increased occupancy meet the city's buildings and fire codes and a certificate of occupancy is issued. The site plan shall be revised to reflect the overnight participant and staff occupancy limits.

Section Two: Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section Three: Section Three of Ordinance 8100 is hereby repealed it being the intent of this ordinance to supercede the repealed provisions. It is not the intention of this ordinance to repeal or amend any other portion of existing ordinance 8100, and all remaining provisions shall remain in full force and effect.

Section Four: This ordinance shall take affect and be in force from _____, 2009 and after its passage and publication as provided by law.

Passed by the governing body this _____ day of _____, 2009

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Date

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of

Legal Services.