

**ITEM NO. 11 SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 214 W 10<sup>TH</sup> ST/944 KENTUCKY ST (SLD)**

**SUP-10-10-09:** Consider extending the time period for a Special Use Permit for Lawrence Community Shelter, located at 214 W 10<sup>th</sup> St/944 Kentucky St. Submitted by Lawrence Community Shelter, for James Dunn, property owner of record.

**STAFF PRESENTATION**

Ms. Sheila Stogsdill presented the item.

Commissioner Harris asked when the current permit expires.

Ms. Stogsdill said April 2010.

Commissioner Rasmussen inquired about staff report condition 1.

Ms. Stogsdill said the intention is that the City Commission would not grant the extension if they have not also granted approval for progress on a new location.

Commissioner Rasmussen asked if condition 1 would mean this Special Use Permit request would only be effective if the city approves a Special Use Permit for a new location.

Ms. Stogsdill said that was correct.

Commissioner Rasmussen inquired about staff recommendation 5e.

Ms. Stogsdill said those are the Historic Resources Commission conditions that have been pulled forward. The intent would be that if you were somewhere between here and two years from now and it was apparent the shelter was not ready to move to a permanent location and would need to extend at the current location, Historic Resources Commission is saying the temporary canopy should not continue to be the structure that is used. A more compatible permanent structure should be constructed for that extended period of time. She said staff incorporated Historic Resources Commission recommendations into the Special Use Permit and technically Planning Commission does not have the authority to modify Historic Resources Commission specific recommendations because those are their conditions and they are the decision making body

Commissioner Rasmussen inquired about what happens at the end of the 2 year extension when the carport and fence will be removed and a new structure constructed. He wondered if the Special Use Permit would be extended past that date.

Commissioner Finkeldei said Planning Commission cannot change the Historic Resources Commission conditions, correct.

Ms. Stogsdill said Planning Commission could give direction of how they would like them to be changed and if the situation was 18 months from now and a new structure would have to go through Historic Resources Commission then Planning Commission would have the opportunity to wordsmith how to recommend the conditions be executed.

Commissioner Blaser inquired about how the semi-annual report to City Commission was arrived at.

Ms. Stogsdill said that was recommended because for many years the city has been getting an annual report, however since it is a 2 year period of time it seems like the City Commission would be interested in having periodic updates as to the progress. The frequency of reports was based on how long it takes to be on an

agenda and how long it takes Lawrence Community Shelter to prepare a report. She thought 6 months was a reasonable time in terms of fundraising and construction activities.

Commissioner Blaser said quarterly reports would be better.

Ms. Stogsdill said staff was open to modifying the frequency of reports.

### **APPLICANT PRESENTATION**

Mr. Loring Henderson, Director of Lawrence Community Shelter, gave information and statistics of current location. He also reference the new proposed location at 3701 Franklin Park Circle.

Mr. Don Huggins, president of Lawrence Community Shelter, said the owners of the new location came forward and offered the opportunity and he feels the new location is a better facility. He stated the building already exists so that will cut down on building costs. The new structure would allow for space for the jobs program onsite. Both the area and building location allow more liberty in establishing an outside recreation area.

### **PUBLIC HEARING**

Ms. Marci Francisco, 1101 Ohio, said the Oread Neighborhood Association board has no objections to the extension of the SUP.

Mr. Hubbard Collingsworth inquired about the timing.

Mr. McCullough said Planning Commission will hear the request for the proposed location on March 22<sup>nd</sup> so it can go to City Commission and the plan is to get it heard before the current Special Use Permit expires.

Mr. Collingsworth recommended updates from Lawrence Community Shelter every quarter.

Mr. Brad Cook, social worker at Lawrence Community Shelter, said he supported the two year Special Use Permit renewal.

### **COMMISSION DISCUSSION**

Commissioner Finkeldei asked what happens if Planning Commission doesn't act on the new location in March.

Mr. McCullough said if this recommendation is approved it would go to City Commission and they can still act on extending the Special Use Permit for a lesser time frame while working on the location. He said there are options.

Commissioner Finkeldei asked if some of the changes made in the management plan for the new facility could be implemented at the current location, or just the new location.

Mr. Henderson said it will be both because some of the changes are site specific. Most of it will be transferable to the new site.

### **ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Carter, to approve the extension of the Lawrence Community Shelter Special Use Permit and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. Extension of Special Use Permit request is granted subject to City Commission approval of a Special Use Permit for a new LCS Shelter location.
2. SUP approval granted for period of approximately two years to expire at the earlier of either completion of permanent facility or June 30, 2012.

3. Submittal of a semi-annual report to the City Commission regarding the status of fundraising and construction progress for permanent facility.
4. Submittal of an annual report to the Planning Office within the first calendar quarter of each year. The report shall include a listing of law enforcement & emergency response calls, 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.
5. Revision of the site plan to update notes to state:
  - a. Identification of expiration dates, HRC, PC and CC action dates, as necessary.
  - b. Maximum overnight occupancy (with staff) shall continue to be limited to 57 persons, except for the period between Oct. 1 – April 1 of each year when the maximum occupancy (with staff) may be increased to 82 persons.
  - c. LCS commits to assist in regular litter pickup for nearby properties.
  - d. The noncompliant fence and carport will be removed when the SUP expires or when the Shelter moves to a new location. (Condition of DR-10-118-09)
  - e. If the Shelter does not move at the end of this two year extension, the non-compliant carport and fence will be removed and a new structure allowing for outside shelter is to be provided. (Condition of DR-10-118-09)
  - f. The applicant will submit drawings of a compliant structure(s) to the Historic Resources Commission prior to their installation for approval. (Condition of DR-10-118-09)
6. Execution of a new Site Plan Performance Agreement.
7. Publication of an ordinance per Section 20-1306(j).

Commissioner Blaser felt there should be more frequent reporting on fundraising and construction.

Mr. Huggins said the fundraising progress may not show up in monthly reports.

Commissioner Moore said he would support quarterly reports.

Commissioner Finkeldei said he would support quarterly reports. He also suggested condition 1 have the language 'granted subject to' replaced with 'contingent upon.' And on condition 5e he suggested the following language in bold be added:

'If the Shelter does not move at the end of this two year extension, the non-compliant carport and fence will be removed and **if an additional extension is granted** a new structure allowing for outside shelter is to be provided.'

Motioned by Commissioner Harris, seconded by Commissioner Carter, to amend the motion to include the following bolded and struck-thru changes to the conditions:

1. Extension of Special Use Permit request is ~~granted subject to~~ **contingent upon** City Commission approval of a Special Use Permit for a new LCS Shelter location.
2. SUP approval granted for period of approximately two years to expire at the earlier of either completion of permanent facility or June 30, 2012.
3. Submittal of a ~~semi-annual~~ **quarterly** report to the City Commission regarding the status of fundraising and construction progress for permanent facility.
4. Submittal of an annual report to the Planning Office within the first calendar quarter of each year. The report shall include a listing of law enforcement & emergency response calls, 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.
5. Revision of the site plan to update notes to state:
  - a. Identification of expiration dates, HRC, PC and CC action dates, as necessary.

- b. Maximum overnight occupancy (with staff) shall continue to be limited to 57 persons, except for the period between Oct. 1 – April 1 of each year when the maximum occupancy (with staff) may be increased to 82 persons.
  - c. LCS commits to assist in regular litter pickup for nearby properties.
  - d. The noncompliant fence and carport will be removed when the SUP expires or when the Shelter moves to a new location. (Condition of DR-10-118-09)
  - e. If the Shelter does not move at the end of this two year extension, the non-compliant carport and fence will be removed and **if an additional extension is granted** a new structure allowing for outside shelter is to be provided. (Condition of DR-10-118-09)
  - f. The applicant will submit drawings of a compliant structure(s) to the Historic Resources Commission prior to their installation for approval. (Condition of DR-10-118-09)
- 6. Execution of a new Site Plan Performance Agreement.
  - 7. Publication of an ordinance per Section 20-1306(j).

Unanimously approved 8-0. Student Commissioner Shelton voted in favor.