

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
01/27/10

**ITEM NO. 11:**            **EXTENSION OF SPECIAL USE PERMIT FOR THE LAWRENCE  
COMMUNITY SHELTER, 944 KENTUCKY STREET (SLD/SMS)**

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

**STAFF RECOMMENDATION:** Planning Staff recommends approval of the extension of the LCS 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).

**Applicant's Reason for Request:** *"To extend the current SUP for a period of time, estimated at two years, to coincide with the relocation of the Lawrence Community Shelter to its permanent site at 2176 W 23<sup>d</sup> Street, Lawrence."*

### **KEY POINTS**

- According to the LCS website, the mission of the shelter is to "...provide safe shelter and comprehensive support services and programs that provide a path to a positive future for people experiencing homelessness and people who are at risk of homelessness".
- All conditions of approval from the facility's existing SUP (Special Use Permit) have been met.
- According to the 2008 Annual Report, the shelter served more than 50 guests per day during the daytime and 31 guests overnight (with typically 14-15 persons turned away nightly). 632 separate individuals were served in 2008 and 309 intakes were completed for new guests.
- In the summer of 2009, LCS requested permission to expand the number of guests permitted to stay overnight due to the increased demand following the closure of the Salvation Army overnight shelter. The City Commission approved the expansion to accommodate a total of 77 overnight guests (82 persons including staff) from October 1, 2009 – April 1, 2010.
- The subject property is within the environs of several landmark properties and the Downtown Historic District. On November 19, 2009, the Historic Resources Commission approved the requested two-year extension of the Special Use Permit (DR-10-118-09) subject to conditions.

### **GOLDEN FACTORS TO CONSIDER**

#### CHARACTER OF THE AREA

- The area is characterized by a mix of community and residential uses.

#### CONFORMANCE WITH *HORIZON 2020*

- The proposed use conforms with several recommendations and policies of *Horizon 2020*.

### **HISTORY**

- UPR-10-11-99: Community Drop-In Shelter. This UPR was approved by the City Commission on December 7, 1999, subject to several conditions, including a two-year review of the application by the City Commission. The UPR was revisited in 2001 to expand the hours of operation to 9:00 p.m. The approval expired in September 2006.
- UPR-01-01-03: Lawrence Open Shelter. This UPR was approved by the City Commission on April 8, 2003, subject to several conditions, including a one-year expiration date upon the issuance of an occupancy permit. In November 2004, the City Commission approved the expansion of the shelter to accommodate 28 guests and 2 staff members, in addition to a one-year extension of UPR-01-01-03. The approval expired in December 2005.
- In January 2005, the Lawrence Open Shelter and the Community Drop-In Center merged to form the Lawrence Community Shelter, Inc. (LCS).
- UPR-09-06-05: A request to extend the Use Permitted upon Review for the Lawrence Community Shelter. [The City Commission approved the UPR for one year on March 7, 2006, subject to conditions.]
- On January 16, 2007, the City Commission voted to extend UPR-09-06-05 to April 17, 2007 to allow for Planning Commission consideration of the new LCS Special Use Permit extension request in March 2007 with City Commission consideration of the Planning Commission's recommendation on April 17, 2007.

- On February 15, 2007, the Historic Resources Commission approved the LCS Special Use Permit (DR-01-06-07), subject to conditions.
- On April 17, 2007, the City Commission approved SUP-01-02-07 for the continued operation at existing location for three years (through April 17, 2010).
- On August 4, 2009, the City Commission amended the SUP-01-02-07 to allow overnight capacity of 57 (including staff) with all other conditions of the SUP remaining. The Commission also permitted the reconfiguration of basement space and installation of a fire sprinkler system to accommodate additional overnight guests with a permitted maximum of 82 persons (including staff) for the period October 1, 2009 – April 1, 2010.
- On November 19, 2009, the Historic Resources Commission approved the requested two-year extension of the Special Use Permit (DR-10-118-09) subject to conditions.
- ~~On January 25, 2010, the Planning Commission will consider a request for a Special Use Permit [SUP-9-9-09] for the location of a permanent shelter at 2176 W 23<sup>rd</sup> Street. [Request withdrawn on 1-20-2010]~~
- *New SUP application submitted for 3701 Franklin Park Circle submitted 1-20-2010. SUP will be considered by Planning Commission in March 2010.*
- City Commission approvals of the SUP for the proposed permanent location and this SUP extension are required.

### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Paul Horvath, Morning Star Management LLC – 1-14-10 letter

### **GENERAL INFORMATION**

Current Zoning and Land Use: RMO (Multi-Dwelling Residential-Office) District; Lawrence Community Shelter.

Surrounding Zoning and Land Use: RMO (Multi-Dwelling Residential-Office) District to the north, south, and west; existing residences and/or office uses to the north and west, and church to the south.

CD (Downtown Commercial) District to the east; public parking lot.

### **Site Summary**

Lot Size: .27 acres (11,761 square feet)  
Building Area: 6515 gross square feet  
Parking Provided: 10 spaces, including 1 accessible space

### **Review and Decision-Making Criteria (Section 20-1306(i) of the Land Development Code)**

#### **1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**

Applicant's Response: *"Yes. The use, however, is subject to approval of a Special Use Permit."*

Homeless shelters are permitted in the RMO (Multi-Family Residential-Office) District with a Special Use Permit. The subject request is for renewal of a Special Use Permit for the Lawrence Community Shelter (LCS). The applicant is requesting an approximately two-year extension for the subject Special Use Permit (SUP) while fundraising and construction of a permanent facility is completed.

**Staff Finding** – The proposed use is consistent with applicable provisions of the Land Development Code.

**2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS**

Applicant's Response: *"Since the application is for a renewal/extension, the continued use will probably not cause any diminution in value of neighboring properties other than what it may have already caused."*

Land uses surrounding the subject property include residential, office, and institutional uses, as well as public parking. The subject site is located within a mixed-use area on the fringe of Lawrence's downtown, close to bus routes and other public services. No changes are proposed to the site.

**Staff Finding** – LCS is compatible with neighboring multi-family and institutional uses in many regards, i.e. traffic generation, building scale and site design. However, the shelter's hours of operation and other external impacts differ from neighboring uses. The shelter operations have evolved into a 24/7 schedule with multiple services offered during the day. The night shelter is open from 8 p.m. to 8 a.m. each night of the week. Once admitted, overnight clients are expected to stay the night, with the exception of health or work requirements.

According to the latest Annual Report, the total number of individuals served increased from 576 to 632 from 2007 to 2008. While it is likely that the number of cases has increased with the increase in capacity at the shelter, it is also important to note that shelter staff has become more vigilant in making calls and in informing the neighborhood to make calls regarding LCS guests. Calls for police and medical services declined from 145 to 105 and 60 to 45 respectively between 2007 and 2008.

Activity in and around the shelter increased during the latter half of 2009, due to the closure of the Salvation Army overnight shelter. Annual statistics are not yet available for this past year.

During the August 4, 2009 City Commission hearing, there was acknowledgement that this location is not ideal as a permanent shelter serving this many individuals. There was also recognition that this location may need to be used beyond April 2010 while a permanent facility was constructed. If the proposed location for a permanent shelter is approved by the City Commission, the limited extension of this SUP is appropriate.

**3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

Applicant's Response: *"Since this application is for an extension of the current SUP, the continued use will not cause any further, if there ever was any, diminution in value of neighboring properties. During the recent years of the shelter in this location, a developer renovated and sold expensive condominiums in an historic building across the street diagonal from the shelter."*

**Staff Finding** – With continued vigilance of LCS staff in keeping the grounds free of debris and with the addition of a full-time outside security guard, the continued use of the shelter should not cause substantial diminution in value of property in the neighborhood. The Good Neighbor Agreement includes specific provisions for a well-maintained property. These provisions include ensuring that bicycles are parked in a bicycle rack, animals are not tied to trees or porches, litter is removed, non-functioning vehicles are removed, and guests utilize the rear patio as much as possible. An existing "no loitering" policy within 150 feet of the subject property is an additional policy aimed at maintaining order at the shelter.

Parks & Recreation staff provide maintenance/trash pick-up in all of the downtown parking lots. Due to increased use and overflow activities in the parking lot across the alley from the shelter, City staff has indicated more time is required in this area. LCS has renewed its commitment to assist with regular litter cleanup for nearby properties. Provision of a note on the face of the site plan regarding this commitment is listed as a recommended condition of approval.

**4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT**

**Staff Finding** – As the site's building has been in existence since 1962 and the drop-in shelter has existed in the subject building since 1999, fire/medical, police, transportation, and public utility services are established to provide service to the subject site.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

**Staff Finding** – The site plan will function as the enforcement document to ensure that use and maintenance of the property and are consistent with the conditions of SUP approval. Additionally, the Good Neighbor Agreement includes provisions for maintaining civilized behavior on LCS property, ensuring that bicycles are properly parked, removing litter from the property, and prohibiting extended parking of non-functioning vehicles.

**6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT**

Applicant's Response: *"No."*

**Staff Finding** – No new development is proposed with the subject application. Thus, the natural environment will not be impacted with renewal of this SUP.

**7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PEMRIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE**

**Staff Finding** – As noted above, during the City Commission hearing in August 2009, the Commission recognized that the shelter has outgrown this location but cannot easily relocate until a permanent facility is available. LCS is pursuing relocation and renovation of an existing building with a design tailored to its operational needs. If the City Commission approves the proposed SUP for the permanent facility, it would be appropriate to approve this extension request to run concurrent with the fundraising and construction phases for the permanent location. LCS has estimated that fundraising and construction will take approximately two years.

**STAFF REVIEW**

The applicant is requesting a two year extension of the Special Use Permit for the Lawrence Community Shelter. Staff is supportive of such an extension if the City Commission has approved the proposed SUP for a permanent facility. Since the most recent proposal to relocate to E 23<sup>rd</sup> Street has been withdrawn, Planning Commission consideration of a permanent location will not occur this month. A recommendation on this extension request can be made and held so that it is considered by the City Commission when the new Franklin Park Circle location is before them.

The Commission previously requested milestones be established to monitor progress towards the permanent facility site. Staff recommends that LCS provide semi-annual reports to the City Commission regarding fundraising status and project progress during the next two years.

The extension recommendation is subject to the relevant previous conditions of approval imposed on the shelter operation at this location. The shelter should also continue to submit an annual report which includes 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.

**Previous SUP Conditions – Ordinance No. 8100**

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. (*Condition has been met.*)
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. (*Part-time outside monitor has been hired.*)
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. *(City Commission granted appeal, so the carport and fence may remain until the SUP expires or the use is moved to a new location. If an alternative is secured and approved by HRC in the future, the site plan will need to be revised.)*
  - 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.  
*(Plan was updated as conditioned in 6a - 6g.)*

#### **Historic Resources Commission Action**

The subject property is within the environs of several landmark properties and the Downtown Historic District. This extension request was conditionally approved by the HRC on November 19, 2009. The recommended conditions have been included in those identified in this report.