

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

PC Staff Report  
03/22/10

**ITEM NO. 4      SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 3701 FRANKLIN PARK CIRCLE (SLD)**

**SUP-1-3-10:** Consider a Special Use Permit for the establishment of a Temporary Shelter for the Lawrence Community Shelter, approximately 4.15 acres, located at 3701 Franklin Park Cir. Submitted by Lawrence Community Shelter, for Franklin Business Center LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-01-03-10, a Special Use Permit for a Temporary Shelter (Lawrence Community Shelter) to be located at 3701 Franklin Park Circle, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. An ordinance per Section 20-1306(j) shall be published by staff.
2. Provision of a revised site plan to include the following notes and changes:
  - a. State that missing or diseased landscape shall be replaced as a condition of occupancy of the site.
  - b. Provision of a revised site plan to include a note that states maximum sleeping capacity shall not exceed 125 individuals.
3. Submittal of an annual report to the City Commission within the first calendar quarter of each year. The report shall include the number of guests who obtain jobs and housing, the number of guests who utilize the day and nighttime services, and an update on the on-going commitment to communicate with the surrounding neighborhood to address concerns of neighbors, and a statement of compliance with these conditions, the approved site plan, and the approved management plan.
4. A signed Site Plan Performance Agreement shall be submitted to the Planning Office.

**Applicant's Reason for Request:** *The application is being submitted to allow for relocation of a "Temporary Shelter" facility to be constructed so that the existing facility can be vacated.*

**KEY POINTS**

- The purpose of a temporary shelter is a response to the Communities adopted vision policy related to homelessness. A shelter is intended to provide first response to homeless people in an effort to move them into other housing options.
- The shelter's current special use permit was granted in April 2007 with the intention to seek relocation of the shelter from the vicinity of downtown within a specified time period. The time period has been extended to April 2011.
- A special use permit is required for a Temporary Shelter in the PID [Franklin PID] zoning district.
- Application represents a campus approach to providing a full range of services to users of facility.

**FACTORS TO CONSIDER**

- Procedural requirements of Section 20-1306; Special Use Permits.
- Southeast Area Plan.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Publication of a Special Use Permit ordinance per Section 20-1306(j).

### **PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Approved by staff.
- *Downstream Sanitary Sewer Analysis* – Approved by staff.
- *Drainage Study* – Not required for project.
- *Retail Market Study* – Not applicable to request.
- *Commercial Design Standards* – Not applicable to request.
- *Alternative compliance* – Not applicable to request.

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

- Several communications provided and attached to report.

### **Additional communications and Attachments**

1. Management plan
2. Site plan
3. Response to issues
  - Pedestrian study
  - Temporary Shelter standards checklist
4. Vision Statement
5. Southeast Area Land Use Map

### **GENERAL INFORMATION**

Current Zoning and Land Use:	PID-[Franklin Park PID]; existing warehouse/manufacturing building, and parking lot and undeveloped portion of lot.
Surrounding Zoning and Land Use:	GPI (General Public and Institutional Use) District to the west; existing county jail.  PID-[Mt. Blue] to the north; developing industrial uses including storage facilities.  PID-[LRM Industries] to the northeast; existing concrete and asphalt plants.  PID-[Franklin Park PID] to the east and south; existing vehicle service use to the east and undeveloped land to the south.

### **Summary of Special Use**

This proposed request is for a "Temporary Shelter" that includes:

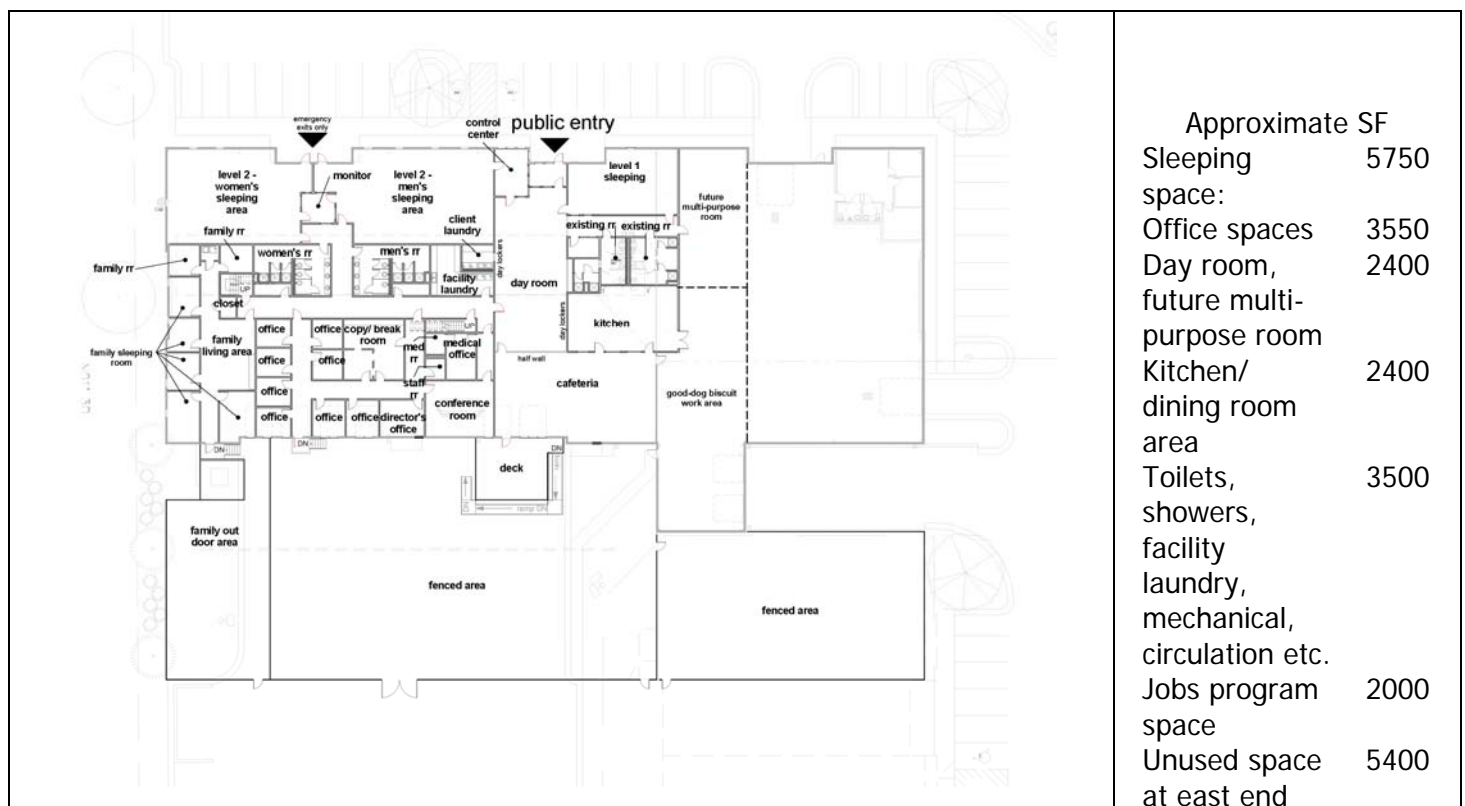
- space for sleeping 125 guests;
- food service kitchen and dining room areas,
- office for professional staff and counseling programs, and
- space for a job training program.

The property is currently developed with a 25,755 SF building. The approved Final Development Plan for the property also included a future 17,375 SF building that is not part of this application. The pad site for the future building will remain as open space for the site and included as part of the fenced recreational yard area.

Various issues have been identified during the planning process including access to public transportation, pedestrian travel paths, impact on public parks in the area and compliance with area plans. Some of these issues are addressed in separate attachments to this staff report.

SITE SUMMARY			
	Existing	Proposed	Change
Property Area (sq ft): <i>Per subdivision plat</i>	180,630	180,630	-
Building Area (sq ft):	25,755	43,130* (17,375 phase 2 bldg)	17,375
Total Impervious Area (sq ft):	100,105	117,430 (with phase 2 bldg not part of this request)	17,325
Total Pervious Area (sq ft):	97,891	63,199 SF	34,692
* Total building area includes future building. There is no intent to use the future 17,375 SF as an expansion of the Temporary Shelter use.			

There are three basic components to the site with regard to use; the sleeping area, the daytime office and program/services areas, and the job programs area. All of these uses are located within the existing building. A portion of the east building is not scheduled for a specific use. This will allow LCS to either rent out the space to another tenant for a use allowed in the PID or use as storage until space is needed for the jobs program or a related activity associated with the Temporary Shelter. Uses permitted in the PID district will not require additional approval through the Special Use Permit process.



## Site Plan Review:

### Access and Parking

Access to the site is provided via two driveway intersections with Franklin Park Circle. The site was designed to separate vehicular parking and movement from truck traffic entering the site. The south driveway is designed to be shared with the undeveloped lot to the south. Future improvements of the site that include a separate 17,325 SF building would continue this separated parking arrangement. No changes to the parking lot access or circulation are proposed with this Special Use Permit. The rear area formerly used as a truck loading area, will be modified to provide an enclosed rear yard area for users of the facility. The yard area will be enclosed by a fence and will include separate areas for family use. This design feature of separating vehicular traffic from truck traffic is common throughout the developed part of this industrial area.

Off Street Parking for a "Temporary Shelter" use requires parking at one space per 1.5 employees. In addition to the shelter there are a number of offices being provided for professional staff providing support services to users of the facility. A total of 9 offices, including space for minimum health care screening, and a separate space for the jobs training program are provided as part of the proposed facility.

The existing parking lot was originally developed to support the warehouse/manufacturing use contemplated for the property (including the built and undeveloped pad site). Staff has received anecdotal comments regarding the growth in family homelessness. It is presumed that a family will strive to retain a personal vehicle while homeless thus additional off-street parking should be provided to accommodate this need. The site exceeds the minimum requirements for the proposed use.

Uses	Required Parking
Temporary Shelter	1 space per 1.5 employees 16 employees 11 spaces
Social Service Agency	1 per 300 SF 1,160 SF estimated 4 spaces
Total Parking Required	15 spaces
Total Parking Provided	56 spaces

### Transit Access:

A significant concern for the proposed use is ready access to and from the shelter site to various community facilities and social service agencies throughout Lawrence. This concern is exacerbated due to the fact that there is no current bus route service to this site. At the present time the City is actively considering numerous changes to existing routes. These changes or new routes will be implemented in August 2010. The next change in service is not scheduled until August 2011, at the earliest. This is due to the fact that the development of transit routes requires considerable evaluation, preparation and community involvement. The most basic of the information that is needed to start the process is the geographic location of the temporary shelter site and a firm understanding of the Level of Service that will be needed to accommodate the shelter users. Once a route is developed, the

At this time multiple options are available to provide transit services to the proposed location. Routes may be revised or a new single route could be devised to tie into the current system. Other options for consideration are demand response or subscription service. This provides a nearly door to door service from the point of pick up to the destination. These options would also be subject to City Commission approval. Approval of the shelter in this location provides leverage to extend the service to the surrounding area capturing the jail as well as the shelter users.

All changes to transit service must be approved by the City Commission. The lag time between approval and the fundraising efforts of LCS for the move from the current location to this location would be sufficient to allow additional transit services to be provided to the area by 2011.

During the review of the location previously proposed, a study of the pedestrian travel paths was requested. A similar study was prepared and is provided as a separate attachment to this staff report. In general the site plan shows a new sidewalk connecting the site to the public right-of-way along the north side of E. 25<sup>th</sup> Street. This connection is intended to enhance pedestrian connection to other modes of transportation.

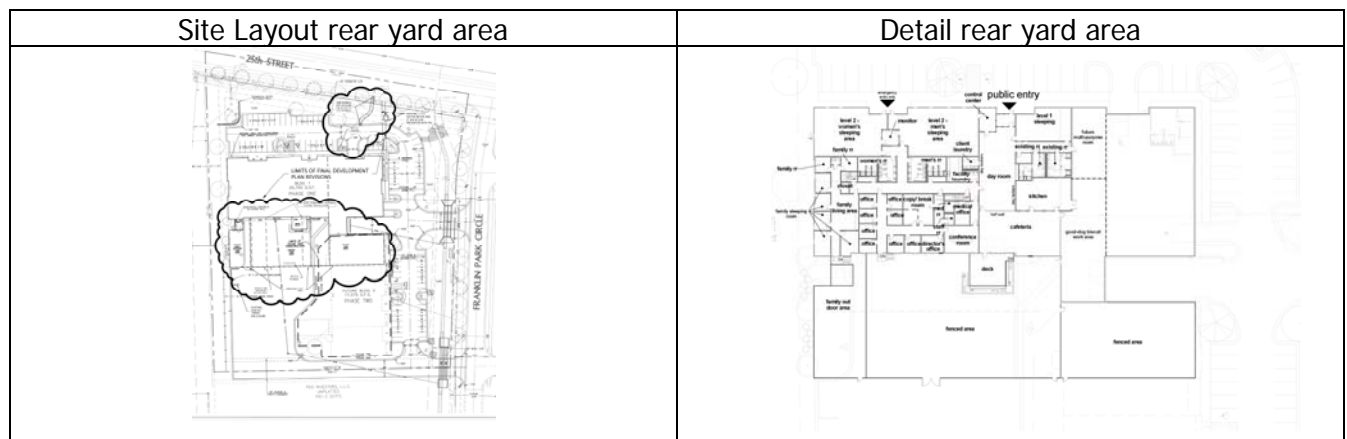
E. 25<sup>th</sup> Street is a designated collector street. Public sidewalks are provided along both sides of the street. Franklin Park Circle is a local street. It was constructed with sidewalk provided only on the east side. As the street is constructed to the south sidewalks would be required on both sides of the street. Future improvements to the 3701 Franklin Park Circle property would require that sidewalk be provided on the west side of the street. Additional sidewalk along the west side of Franklin Park Circle is not required with this approval.

(See Pedestrian Travel Study)

### Landscape and Screening

The property is developed as part of the Franklin Park PID. The development required a peripheral boundary of 30' which was applicable to the north and west property lines of this property. The approved development plan included both interior parking lot landscaping, a minimum amount of required open space as well as street trees. The proposed use will not alter the exterior arrangement of the site other than the addition of a fence for outdoor guest use in the rear of the building. Staff has observed that some of the landscape material shown on the approved final development plan does not exist on site. At a minimum, the site will need to be brought into compliance with the existing landscape requirements for the PID.

A requirement of the Development Code is the provision that all uses and activities conducted outdoors shall be shown on the site plan. The proposed plan shows a fenced area in the rear of the building for outdoor recreation use. A family area is designated on the west end of the building. These areas are accessible from the building and include exit gates to the remaining portion of the lot if needed for emergency egress from the space. The site plan notes that the fence will be 6' in height and will provide a 90% screening of the outdoor area. This will provide privacy for the users in a controlled area and address any loitering concerns for the property. The main building entrance is designed for public entry but is not a designated outdoor waiting or recreation area of the site.



### Review and Decision-Making Criteria (20-1306(i))

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

*Applicant Response: Yes.*

The proposed use is allowed in the PID zoning district subject to approval of a special use permit. The site design complies with the minimum design standards of the Development Code. A copy of the Temporary Shelter Standards Checklist is provided to demonstrate that the proposed use complies with the design standards for a temporary shelter.

Specific provision include a minimum number of bathroom facilities per individual, monitoring exterior activity of the site, minimum staffing approved as part of a management plan and regular presentations to the City Commission regarding compliance with the conditions of approval. A key tool of the standards is a management plan specific to the use and site. The management plan is provided as an attachment and is discussed later in this report.

**Staff Finding** – The proposed Special Use Permit, as conditioned, complies with the applicable provisions of the 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 Response: Yes.*

The proposed use is intended as a temporary shelter. As such, users will be housed overnight at the facility. Daytime activities are also associated with the use providing support services to users of the facility. This use is a 24/7 operation. The immediately surrounding businesses generally follow work day hours. The jail, located to the west is also a 24/7 use. Overnight hours would not include traffic to and from the site except as an emergency situation or for those traveling to and from job sites.

Traffic associated with the proposed use is typified by a high population of pedestrian users. The existing commercial businesses are vehicle/truck oriented uses. Adequate separation of vehicular, pedestrian and truck traffic is accommodated on the abutting street right-of-way and through the site design of the developed surrounding area.

The development code requires specific attention to design and monitoring of the facility that address outdoor activities. Loitering is the most identified external impact associated with the proposed use. Appropriate design and site management of the site will mitigate noise and external impacts associated with the use. The site plan designates specific areas for outdoor enjoyment and prohibits loitering in the front yard area. LCS will utilize video monitors to provide the required observation of the building exterior.

The proposed site will alter the existing warehouse/manufacturing building to provide the residential/office and job use activities within the site. Approval of the request would extend the existing public services nature of uses in this location. The immediately surrounding area is planned for industrial use. The appearance and function of the proposed use is consistent with this activity.

**Staff Finding** – The site is or will be designed to mitigate and monitor external impacts as required by the development code.

**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 Response: No. [Statement from previous application: The applicant does not believe that the Temporary Shelter will diminish the value of property in the neighborhood. The facility has been located in an allowable zoning district with separation from residential neighborhoods, close to transit routes, and with adequate site space to address Development Code guidelines.]*

The proposed project includes reuse of existing building and parking lot improvements. The property is located within an existing industrial area. Residential uses are planned for the area west of Franklin Road. The neighborhood is separated from the industrial area by the jail located on the east side of Franklin Road. This can be seen in the land use map of the Southeast Area Plan. The subdivision is known as Fairfield Farms. Other residential uses (multi-family and single-family uses) are identified in the area plan to the south of the proposed temporary shelter.

While a study is not required to process the special use permit request, no evidence has been presented that the shelter, at its current location, has diminished the value of surrounding properties.

**Staff Finding** - Substantial diminution of value is not anticipated from the development.

**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**

Public safety and utility facilities are available to the proposed location.

A criticism presented to staff regarding the proposed development is the transference of public safety/nuisance concerns from one location to another. If approved, site restrictions will be implemented to address concerns of loitering currently found at the existing location. It is recognized that guests of the shelter will likely walk or use transit to other areas of the community from the shelter. Many services will be provided within the facility including meals. This will reduce the demand to leave the site frequently for appointments and meals.

LCS has proposed to continue its Good Neighbor Agreement at this location, which is intended to provide a formal mechanism to hear and address concerns that may arise from these farther reaching impacts of the use.

Elements that lead staff to believe that externalities will be reduced at the proposed site compared with the current location include:

- A substantially larger property and building.
- Larger and separated outdoor recreation areas.
- The building will accommodate additional services and programs for guests of the facility.

The applicant has requested a transit stop. City Staff and the Public Transit Advisory Committee are aware of the request and will be able to respond accordingly once a specific destination and level of service are determined for the Community Shelter.

Concern was also expressed about camping at Mary's Lake, a public City Park located 1.5 to 2 miles to the southwest of the proposed site. Parks staff has indicated that this park is heavily used by the public and for recreation programs. The Conservation Officer patrols the trails and lake area daily. Undesirable activities would be noticed and reported keeping the park clear of camping type activities.

**Staff Finding** –The site is adequately designed to assure public health, safety and welfare is maintained for the existing surrounding properties.

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

**Staff Finding** – If approved, the management plan will be tied to the Special Use Permit. Changes to the management plan may require a new public hearing depending in its scope. This is a requirement of the Development Code per section 20-544 (4).



The management plan states that building and grounds maintenance will be provided by staff, guests and a network of plumbers, carpenters, HVAC and other specialists who have worked for the shelter in the past. These individuals would be required to be licensed with the City to provide any assistance subject to building permit review. Any work done for the site subject to building permit requirements would be required to follow the City's standards for completing necessary maintenance or work.

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

*Applicant Response: No.*

**Staff Finding** – Approval of the request will not result in adverse impacts on the natural environment. The property is located within an industrial corridor area. Undeveloped lots in the area are anticipated to address stormwater detention requirements as applicable. The Southeast Area Plan identifies areas of open space in the vicinity of the proposed use that would incorporate the protection of natural elements where possible as well as provide necessary space for utility needs. The site is developed with designated space for a future detached building on the site. No impacts are anticipated on the natural environment.

**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 PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.**

**Staff Finding** – City Commission review of an annual report to insure compliance with the site plan and the approved management plan is recommended. The Development Code requires a presentation to the City Commission once per every 5 years to review compliance of the use with the Development Code (20-544). More frequent review would allow the project to be reconsidered and appropriate revisions made to the site plan and management plan as needed. Concerns arising from the annual review may provide a basis to hold a public hearing to address deficiencies, non-compliance, or program changes as needed.

**8. OTHER CONSIDERATIONS**

The location of the proposed shelter should be considered within the context of the work of the Community Commission on Homelessness and recent text amendments where appropriate zoning districts were discussed for this type of use. A letter submitted on behalf of the CCH is attached, along with the adopted Vision Statement that speaks to the community's methods for addressing homelessness. A single, appropriately sized emergency shelter is one part of the Vision that serves the community's homeless population. The Vision includes Emergency Temporary Housing, Transitional Housing, Permanent Supportive Housing, and Permanent Housing.

The main purpose of a temporary shelter is to assist people during times of homelessness. A shelter is the vehicle to provide a first response to the homeless of the community. Service is provided to individuals and families; the newly homeless and chronically homeless. Emergency Temporary Housing is that step in the Vision program that allows the homeless to become stabilized and establish personal order to their lives so that they may move onto more permanent forms of housing. A Temporary Shelter, as proposed, will include necessary physical space to provide supportive programs, counseling, services and referral to those programs, in addition to regular daily meals that make moving to permanent housing possible.

The following comparison is provided to demonstrate the scope of changes between the current facility and the proposed facility in size and proximity to services and neighborhoods. Both maps are drawn at the same proportionate scale.

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1 inch = 500 feet

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Old West Lawrence

East Lawrence

University of Kansas

U-KU

South Park

North Park

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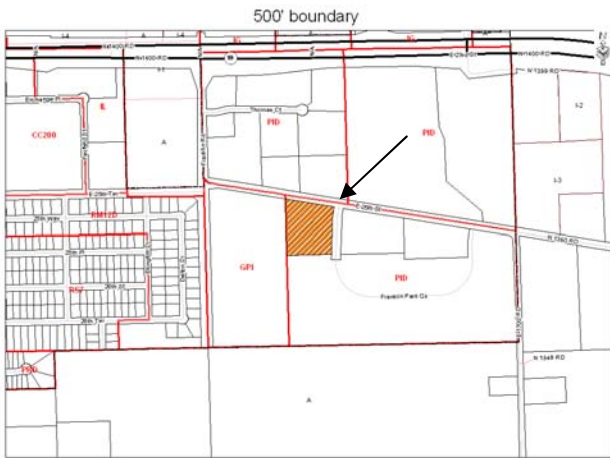
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- .270 acres (total)
- 11,769 SF
- RMO
- .93 miles from LMH
- 1.5 miles from SRS
- Oread Neighborhood

Use is located close to downtown and is surrounded by existing residential uses.

### Comparison of existing and proposed locations



#### Proposed 3701 Franklin Park Circle Scale 1:500

- 4.152 acres (total)
- 25,755 SF
- PD-[Franklin Park PID]
- 5.7 miles from LMH
- 2.4 miles from SRS
- Southeast Industrial Area

Use is distant from downtown and is separated from immediate proximity of planned residential uses.

### Conclusion

The request meets the intent of the recently adopted use standards in the Development Code related to reducing negative externalities. Infrastructure is available to the property and police, fire, medical services are available near the site. This request proposes to satisfy a mandate from the City Commission to relocate the shelter from the city's primary business district. Staff recommends that the Planning Commission recommend approval of this SUP request.