

ITEM NO. 4 SPECIAL USE PERMIT FOR A TEMPORARY SHELTER FOR LAWRENCE COMMUNITY SHELTER; 3701 FRANKLIN PARK CIR (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 PRESENTATION

Commissioner Hird recused himself for the evening.

Ms. Sandra Day presented the item. She stated that the management plan had been updated in the online packet but that it was essentially the same plan.

Commissioner Finkeldei asked if an official position has been taken by the advisory committee regarding the bus route.

Ms. Day said not by the advisory committee.

Commissioner Dominguez asked what year the Community Commission on Homelessness came up with the chart she showed on the overhead during her presentation.

Ms. Day said in 2005 City Commission established Community Commission on Homelessness and adopted the Housing Vision in June of 2007.

Commissioner Dominguez asked if any of the same City Commissioners who were on the commission in 2007 are still serving on the commission.

Mr. McCullough said that current Commissioners Amyx, Chestnut, and Dever were all on the commission in 2007.

APPLICANT PRESENTATION

Mr. Loring Henderson, Lawrence Community Shelter, went over how the new shelter would be different than the current location. He stated the new location would not be a drop-in center with people coming and going the way the current location is. He stated that the current 10th & Kentucky shelter provides a variety of services with limited space and these would be enhanced at the new location. He said the new location would provide all of its own food service for three meals a day, only for people checked in to the center. He went over the management plan and said they would like to make the following change on the first page of the management plan under number **2. Description of all services provided** by removing the last part of the sentence:

- breakfast, lunch, and dinner meals for guests staying in the shelter ~~and lunch for people experiencing homelessness but not staying at the shelter~~

He said the transportation plan for the new site includes a proposed new bus stop near the shelter and a van that the shelter has. He said increased use in the new space by collaborating agencies would reduce traffic in and out of the shelter. He said about 5,400 square feet would be devoted to the jobs program which would allow the potential for guests to work onsite.

Commissioner Carter asked how many passengers the shelter van can hold.

Mr. Henderson said nine.

Commissioner Carter inquired about the hours of operation for the van.

Mr. Henderson said the van will be used as needed.

Commissioner Finkeldei inquired about bus stop discussions.

Mr. Henderson said there was one meeting about a proposed new bus stop and that it was a positive discussion.

Commissioner Finkeldei asked what percentage of guests are considered drop-in.

Mr. Henderson said perhaps anywhere from 10-20% who are not in the program. He said it depends on what is defined as being in the program because some guests try and fail.

Commissioner Carter asked if he thought that was due to lack of programs.

Mr. Henderson said they would not necessarily have new programs at the new location, but rather enhance existing programs. He said they did not currently have enough health type programs but that there would be a clinic at the new location.

Commissioner Dominguez asked if any changes have been made for what constitutes as a Douglas county resident.

Mr. Henderson said no.

Commissioner Rasmussen asked what makes this proposed location his number one choice for the shelter.

Mr. Henderson said because the building is already there and affordable, it has ample space and good outdoor space that will allow for a garden. He stated it is not near houses. There will always be opposition no matter the location. He said it has good space for the jobs program which is key to getting people out of homelessness. He stated they did not know the property was for sale until the seller came forward.

Commissioner Rasmussen asked what the negatives of the new site were in his opinion.

Mr. Henderson said some people would say the distance is a negative but he did not necessarily see that as a negative. He said he did not have any major drawbacks for the new location and said it is the first location he has allowed himself to become excited about.

Mr. Doug Brown, McGrew Real Estate, said they considered over 70 properties and toured over 20 properties. He said they wanted the Text Amendment for industrial zoning because they knew they needed to be away from schools, residential districts, and downtown. He stated the seller of 3701 Franklin Park Circle contacted the shelter and thought the building would work for their needs. He said this location kind of fell in the shelters lap and it makes a lot more sense for a lot more reasons.

Mr. Don Huggins, Lawrence Community Shelter Board of Directors President, said there were a lot of reasons the board likes the Franklin site. The location is pretty remote from businesses and residential areas. The building exists which will cut construction time and speed up occupancy. There will be space for the jobs program and space is one of the factors that effects the shelters success. The recreational area is tucked out of site. From a capital campaign perspective, there is a willing seller and the building is affordable. He said they have looked at properties that were not affordable. He said the overall cost at the Franklin site to turn it into a shelter is going to cost less than what was proposed at the previous site of Don's Steakhouse. He said with the site, future facility, and more focused management plan will collectively increase the success of moving people out of homelessness.

PUBLIC HEARING

Mr. John Matthews, E 25th Terrace, expressed concern about the economic downfall of housing and businesses in the area. He felt the changes with acreage were too aggressive. He said the shelter would be close to a

residential area and farther from services that guests of the shelter may use. He stated for the 2010 City budget at least \$84,000 would be spent on the shelter. He felt the City could not afford something of this magnitude. He said the current sidewalks are not adequate. He expressed concern about loitering and felt Mary's Lake would need additional patrol. He said the new site of 25,000 square feet would be more than twice what they have now and he felt that the shelter would not be satisfied with that in the future and would want more space.

Mr. Peter Zacharias, downtown business owner, said the current facility on Kentucky Street is dramatically overcrowded and it's impossible for them to provide adequate supervision for the people they are trying to take care of. He said the current shelter also has problems with its proximity to businesses, schools, and churches and felt the proposed new site on Franklin was the best so far. He urged the Commission to approve the Special Use Permit.

Commissioner Dominguez asked if panhandling has been detrimental to downtown businesses.

Mr. Zacharias answered yes.

Commissioner Dominguez asked how he thought it would affect the new location.

Mr. Zacharias said he did not know. He felt the begging issue was a separate issue and should not be brought into this discussion.

Ms. Lindsey McCaig, Prairie Park Neighborhood Association President, said over 90% of the neighborhood is opposed to the shelter being at this proposed location. She felt they should take a step back and look at why there is opposition to the proposed location and address those issues instead of relocating it to another place. She said the major concern from property owners is increased foot traffic and loitering.

Ms. McCaig said there are reports that say that 55% of the shelter's guests are substance abusers. The proposed new site is fairly close to grade school and near a wooded area. She said when looking at the shelter track record it is difficult for the neighborhood to accept that things will just be better. She said she pulled numbers from an annual report and last year the shelter served 619 separate individuals with almost 200 of those not being Douglas County residents and only half of them entered into programs. She addressed Commissioner Finkeldei's earlier question about what percentage of people take advantage of their programs. She said it is 50% and that she has great concern why only half are taking advantage of the programs.

Ms. McCaig said the neighborhood does not want an unlimited Special Use Permit because it would put the burden on the neighborhood to be watch dogs and make sure the shelter is complying. She said the shelter has already proven they are not a desirable neighbor, demonstrated by the fact they are being pushed out of downtown. She would like to see significant changes and implementation of the management plan before they expand. She would also like to see improvement and standards of success at the current location before they move. She said she toured the current shelter on Jan 25th and was told that the shelter withdrew their application at Don's Steakhouse but they did not mention anything about the proposed Franklin location. She felt like this was sprung on the neighbors. She expressed opposition to the Special Use Permit and asked that it be denied.

Commissioner Dominguez asked why she thought wherever the shelter goes they would not be wanted.

Ms. McCaig said she has offered several suggestions such as jobs programs and volunteer work, such as doing work for Parks and Recreation. She felt that they should be making a difference in the community instead of draining the community. She also felt the shelter should be a good neighbor. She said when she visited the site it bothered her to see people sitting in the day room playing dominos and people on the porch smoking. She said guests are allowed to stay there for 90 days without doing a single thing.

Mr. John Rockhold, property owner in Prairie Park, felt the Franklin site was not right. He felt it defied logic to be on that side of town and away from other community networks. He was concerned about changes to the Farmland area and other businesses in the area. He was opposed to Special Use Permit and wondered about the old Tanger Outlet as being a possible location.

Mr. Hubbard Collinworth, was concerned about the tax base and wondered if they would be able to generate enough taxes to replace what comes off. He expressed concern about the management plan where it says a limit of guest of 125 but then mentions the excess guests will be temporary housed in the facility. He wondered about the actions and consequences list saying that bans will be reviewed once a month and can be shortened and/or revoked. He questioned how they could have a meeting with the guest when the guest is not allowed on the property.

Ms. Beth Johnson, Chamber of Commerce, reviewed the memo that the Chamber of Commerce sent and was included in the Planning Commission packet. She expressed the need for industrial land and that a homeless shelter in the area would decrease the number of people that the Chamber could attract to that area.

Commissioner Carter asked if the Chamber had an issue with the previous Don's Steakhouse location.

Ms. Johnson said no.

Commissioner Carter asked why the Franklin site was an issue.

Ms. Johnson said it is an existing building that is already zoned industrial so the Chamber did not want to take that building off marketability.

Commissioner Dominguez asked if potential industrial applicants already envision a fence around the property.

Ms. Johnson said the main concern would be additional walking traffic which would be a major deterrent. She said there is also an additional public perception of a homeless shelter as opposed to a residential area. Homeless shelters typically have more loitering than residential areas.

Commissioner Dominguez asked if potential businesses looking at a site in Lawrence do a security review of the area.

Ms. Johnson said yes.

Commissioner Singleton said that the city has told the shelter that they cannot be near downtown, schools, and residential areas, so industrial is what's left. She said there is currently a lot of pedestrian traffic in and out of the jail and it would be better to get a bus stop out there to decrease that. She said there was concern expressed by neighbors regarding the foot traffic but there is already pedestrian traffic out there for the jail and there isn't additional crime because of it. Some inmates are approved for work programs and leave during the day for work and return at night.

Ms. Johnson said she did not remember discussing industrial being an approved location for a shelter. She said there is a lot of heavy truck traffic in industrial areas and she was concerned about any residential use being in an industrial area.

Mr. Brit Kring, Lawrence Community Shelter board, said they looked at many properties trying to find a site that would have the least amount of impact on the community. He discussed the concerns brought up by several people regarding the shelter serving guests who are not Douglas County residents. He stated wouldn't the community want Douglas County residents to be helped if they were somewhere else and needed assistance. He said one of the biggest concerns he's heard is loitering and the current facility has no way to separate the guests and the people walking by. He said the new shelter would not have the capability of loitering. He said a new facility is needed and he felt this was the best site for it.

Mr. Jerry Taylor, owner of Hillcrest Wrecker at 3700 Franklin Park Cir, said the proposed shelter would lower the value of his property and devalue his business. He said he plans to sell the business someday and worries about the value and potential buyers being afraid of the shelter being nearby. He said Mr. Henderson has not been to visit him at all. He felt that housing 125 people in an industrial district is a bad plan. He said the building may fit the shelters needs but the land use does not. He asked them to deny the Special Use Permit.

Commissioner Rasmussen asked if anyone has come out to visit Mr. Taylor regarding the shelter.

Mr. Taylor said no.

Commissioner Singleton asked if he attended any of the community meetings.

Mr. Taylor said yes but that Mr. Henderson told him he would come see him and never did. He expressed concern for the security and safety of his employees. He said there is already foot traffic from the jail and he has had problems with people breaking into vehicles on his property.

Ms. Deanna Taylor, read a quote from Mr. Loring Henderson from an article in the Lawrence Journal World from Feb 23rd *'Everything with the new site is going well enough, it is going surprisingly well, neighbors have had questions certainly, but since there aren't any real immediate neighbors the questions have been a little softer.'* She said that she and her husband, who own Hillcrest Wrecker, are an immediate neighbor and have not been contacted. She said the article goes on to quote a property owner who has both a home and an office near the shelter and he has experienced significant amounts of trespassing, theft, and harassment, which he believes is a result of the shelter. She said the downtown area doesn't want the problems so why should it be placed in her front yard. She said everything west of the proposed site is residential and expressed concern for the safety of the surrounding area. She said Hillcrest Wrecker is a 24 hour business and was worried about employee safety. She wondered who would pay for the damage to the property and loss of property value. She asked for the Special Use Permit to be denied.

Mr. & Ms. Bill and Bernice Vervynck, live in the area, said they would not feel safe with a homeless shelter being in their area. They wondered what would happen to guests who were turned away and how they would get back to town. They said they are lots of unsecure outbuildings in our area and they were concerned about those buildings being occupied by guests of the shelter. They said there is a future planned residential area near the shelter and wondered what developer would be able to develop that area. They inquired about the Special Use Permit not being reviewable.

Mr. McCullough said the recommendation from staff does not include an expiration date. If the Special Use Permit is approved an annual report would be required as part of that process. He stated any non-compliance with the Special Use Permit conditions, including the management plan, are grounds for review and revocation of the Special Use Permit. He said it can be revoked with cause.

Commissioner Moore said they are compliant driven.

Mr. Vervynck said they live on the county side of the shelter and that this is a city problem being dumped on the county doorstep.

Mr. Bobby Jones, operates Professional Moving & Storage at 3620 Thomas Court, north of the proposed shelter property, said he located his business there because of the businesses that would eventually move out there. He said he has no problems with the jail. He felt the transient population might devalue his business and property and that customer trust could be lost as far as storage usage of his business. His concerns were no transportation and adequate city services to and from the site, no sidewalks on K-10 and high car speeds. He felt a shelter in that area would really be a disadvantage to the population it is trying to serve.

Commissioner Dominguez asked how many people he employs.

Mr. Jones said currently 10 people.

Commissioner Dominguez asked if any of his employees ride the bus.

Mr. Jones said two of his employees occasionally ride the bus.

Commissioner Rasmussen asked Mr. Henderson to comment about concerns expressed about the potential for guests to be turned away. He inquired about what the process would be.

Mr. Henderson said the management plan states they would not turn anyone away without a destination and the shelter would provide transportation to a destination.

Commissioner Dominguez asked if he would drop them off at the bridge if they wanted.

Mr. Henderson said yes, it's not a great destination but that it is a destination. He stated that they could be dropped off with a family member, friend, church, or anywhere else the guest makes arrangements to stay.

Commissioner Dominguez asked if he could assure that turned away guests won't just pass out and sleep outside the shelter.

Mr. Henderson said yes.

Commissioner Dominguez asked what would happen if someone passes out in a field near the shelter.

Mr. Henderson said he would have to know about it but that he would go get them if he is informed of the situation. He said he would pick someone up not only for the safety of the neighborhood, but for the safety of the individual.

Commissioner Dominguez asked if a driver would always be available to go pick someone up who, for example, passes out at the fairgrounds.

Mr. Henderson said yes.

Ms. Anne Bracker, serves on the board of directors for Lawrence Community Shelter and lives in the Prairie Park neighborhood. She urged them to act on the Special Use Permit tonight. She urged them to act with land use in mind since they are a land use committee.

Mr. Terry Jacobsen, CEO of Printing Solutions and owns land near Hillcrest Wrecker and was going to build a business there. He said he has employed guests from the shelter over the past year. He said he hasn't heard anyone talk about the level of crime at the current location. He said the jail is not a police station and not equipped with police officers who can run out and deal with issues. He felt the problem was just being moved to another location. The neighbors who live in the area will have to deal with whatever comes with the shelter. He felt the management plan needs to be more specific and address specific issues and how they will be handled.

Commissioner Moore said there were extensive public hearing discussions when the Don's Steakhouse location was discussed and that Don Huggins went over police reports and statistics so he suggested Mr. Jacobsen talk to Mr. Huggins.

Mr. Brad Cook, social worker at Lawrence Community Shelter and co-Chair of the Coalition for Homeless Concerns. He spoke in favor of the Special Use Permit and said the new facility will offer more space. A common criticism is that the same people are always there and that is not the case. He said many homeless experience physical disabilities, mental illness, and substance abuse issues and others should not judge for the

perceived lack of their expeditious change. He said as far as safety of female employees, there have been several female students helping at the shelter and have had no problems with the homeless individuals bothering or harassing them. He disagreed with the notion of guests being only Douglas County residents and said individuals are not bound by manmade lines. He spoke in favor of the shelter.

Mr. Steve Glass, managing member of Franklin Business Park, spoke in opposition of the Special Use Permit. He recapped his letter that was included in the Planning Commission packet. His primary concern was a residential use being introduced to an area zoned and planned for industrial use. He said one of the issues he has with the rear gathering area is that three of the surrounding lots for sale look right into that area. He said he was involved in the creation of the Southeast Area Plan. The plan separates industrial uses from residential on purpose. He felt that if the Special Use Permit is approved the value of surrounding land will diminish.

Mr. Bill Newsome, representing the development Fairfield 180 acres around proposed site, said when the area is built out it will have over 700 housing units. He said this is the wrong application in the wrong location. He said job growth is important and jobs can't be created in a vacuum and the surrounding land uses are critical to creating jobs. He said pretty soon this area is not going to be at the edge of the city and they need to look at what will be there in the future. He felt it would diminish value around the location.

Mr. Roger Johnson, represents land to the north, expressed opposition to the Special Use Permit. He said that acreage surrounding the proposed site will be difficult to sell. He said nobody ever contacted him.

Mr. Todd Thompson, represents members of PDO Investors Limited Liability Company who own property adjacent to the site. He said this project is being rushed and crammed through and needs to be slowed down for more review. He did not think it was good planning to put a residential use in the middle of an industrial park. The least amount of impact is an operational issue, not a locational issue. He said the Code allows a shelter to be granted in the appropriate residential or commercial neighborhood. He felt that East Hills Business Park was a better site than this one because it is farther from residential, park, lake, school, buffer of K-10, on an existing bus route, and there are lots for sale there. He wondered what about the shelter makes it inappropriate for downtown, the location or the operation. He said the only evidence is that there will be a reduction of value in property.

Commissioner Dominguez inquired about how many social services there are in the city.

Mr. Thompson said there are only a few located near the proposed location so it would be moving the wrong direction from services. He suggested relocating the shelter to the VFW hall.

Mr. Price Banks, professional planner and attorney, said he was familiar with more shelters in industrial and commercial than residential. He said this process first came to Planning Commission three years ago and has not been rushed. He said there were a number of public hearings regarding the Text Amendment to enable homeless shelters in industrial districts and tremendous evidence put before Planning Commission, City Commission, and Community Commission on Homelessness. This is a process that has been ongoing for a long time and there have been many sites looked at. This site works because of the size and will allow the shelter to do their job better. He urged Planning Commission to approve and not defer the request.

Ms. Katherine Dinsdale, Chair of Community Commission on Homelessness, said every community that cares about its citizens has to have an emergency shelter. The Text Amendment was written so that more sites could be looked at. She said an industrial site was not the first choice but that it was from being turned away from other sites. She said the property there already is near the jail so property value wouldn't be that different with a homeless shelter there. She said the Community Commission on Homelessness strongly advises approval.

Mr. John Tacha, board member of Lawrence Community Shelter, said homelessness is a fact of life in Lawrence and that it is a shelter for the people of Lawrence and they deserve a chance. They are people down on their luck. He said he would rather pass this issue and then make a commitment to be part of making it

something worthwhile. He said a work program is needed and could help make businesses grow. He said it takes a community to make a village and that there is no place in Lawrence where it wouldn't be near people who are opposed.

Ms. Jane Pennington, Director of Downtown Lawrence, said she was in favor of new location. She said there will never be a perfect place for a homeless shelter. She said the fact that the shelter has any success in their current location is an amazing thing and wanted to give them the opportunity to expand and succeed. She commented on the earlier discussion about 50% of people not taking advantage of services being used. She said when the drop in center is taken away it will greatly reduce that number. She said that loitering downtown is on public property and they can't really be asked to leave but if they loiter on residential or business property it would be private property and something could be done about that. She asked the Commission to act and not defer.

APPLICANT CLOSING COMMENTS

Mr. Loring Henderson thanked everyone for their comments. He said regarding the comments about him not talking to people individually, he is not a perfect person and just hasn't gotten to them yet but that he would talk to them before the City Commission meeting. He said they had a public meeting and sent over 900 notice letters to invite people to the meeting.

Commissioner Finkeldei inquired about the statistics of 50% of people taking advantage of the shelter programs.

Mr. Henderson said the 600 number was people who passed through during the year. He said those are people using all kinds of services, for example just coming in to use the phone.

Commissioner Finkeldei asked about intakes into the case management program.

Mr. Henderson said intakes into the case management program is about 50%. Some people might stay the night and not be taken into the case management program. Guests can stay up to 90 nights during the evaluation period, which is the time period in which the shelter reviews the individual.

Commissioner Finkeldei said the Special Use Permit states that 125 people can sleep at the shelter per night, he wondered if that is the number of beds.

Mr. Henderson said 125 people is what was used based on the total capacity of the shelter and Salvation Army had together on very cold nights. He said that is the worst case scenario. He said they are finding that the family problem is so much more serious so they may increase the family number and decrease the individual number. He said if they go over that number they will ask downtown churches to help house people.

Commissioner Moore asked if he has looked into some sort of automated population system besides just a sign in sheet.

Mr. Henderson said several agencies use the Homeless Management Information System that HUDD mandated across the country. He said the sign in sheet information is put into the database after the intake. He said that is paid for by a grant from the state.

Commissioner Carter inquired about the letter regarding the Don's Steakhouse location that Mr. Newsome mentioned.

Mr. Henderson said he did not know about it.

Mr. McCullough said there was a letter submitted after the 10:00am communication deadline that referenced Don's Steakhouse still being available for purchase.

Commissioner Dominguez inquired about police reports.

Ms. Day said she met with Ms. Kim Murphree with the Police Department and discussed what other use downtown has the same number of calls, which she said is bars. She said all those calls are not necessarily directly related to the shelter, for example it could be a traffic report near that location. Staff talked with police staff about trying to come to the Planning Commission Mid-Month meeting to do a study meeting but that hasn't been coordinated yet.

Commissioner Finkeldei asked staff to comment on housing residents in an industrial area.

Mr. McCullough said it has been a lengthy discussion and year long process for the Text Amendment debating whether this use should or could go in industrial districts. When we've gone through the public discussion about where should this type of land use exist in this community, least desirable locations are downtown and residential, and then it filters down to commercial and industrial as the most desired locations and then the discussion turns to which industrial locations. Staff does not view this as a purely residential use, it is an institutional use. There is an Alzheimer's facility in an industrial park west of Wakarusa. It could be argued that it's not the same type of industry but they can exist if properly mitigated. Staff's position of support is derived because it's adjacent of the jail which is community facility, it's on the periphery of this business park, and it's not surrounded by dirty industry.

Commissioner Finkeldei inquired about the Southeast Area Plan.

Mr. McCullough said sector plans don't highlight every use in the zoning use tables or whether or not they will be compatible. They are generally 30,000 foot analysis and then it goes through this type of public process to look at specific uses. Staff does see this as a potential expansion of the community facility use that is the jail today. The jail has room to expand as well and do any number of things on their property.

Commissioner Singleton said in reference to the industrial use, she has seen a lot of cities moving toward putting homeless shelters in industrial areas. She inquired about an overlap map that was shown at the last Planning Commission Mid-Month meeting that showed most industrial areas in Lawrence abutting residential areas.

Mr. McCullough said the majority of industrial is flanked by residential of some sort.

Commissioner Singleton discussed police calls. She said a lot of those calls are not necessarily crimes that have taken place at that location. She gave the example of a victim of domestic violence fleeing an emergency situation with her children and the first place she goes that she's safe to report a crime is the shelter, which could be included in the number of reported calls.

Mr. Don Huggins said there were 422 confirmed calls for 2009. That means the location the officer reported was in or around the shelter.

Commissioner Finkeldei asked staff about a previous location being conditioned with approval of a bus route.

Ms. Day said she did not recall whether staff or Planning Commission added that condition. The Planning Commission can certainly add it as a condition. She said the discussions with Mr. Robert Nugent, Public Transit Administrator, were very positive and it is actively on their radar to be able to provide service to that location. Staff did not feel it was a needed condition because a bus route is something outside of the shelters control, it is a City Commission thing.

Commissioner Finkeldei inquired about Special Use Permit time limit.

Ms. Day said there was very specific and direct discussion at the City Commission level with the current site about the city's ability to revoke or to initiate actions to revoke a Special Use Permit. It is very clear that

authority does exist in the Code regardless of there being a time limit or not. The annual reporting pieces engage staff in looking at things and a part of that includes complaints as well that will be looked into by Development Services.

Mr. McCullough said the current shelter was never approved with the intention of being a permanent shelter. If the new site is approved the city has the mechanisms in place to enforce the code.

Commissioner Moore asked if there has been thought to having Development Services have some sort of interaction with the shelter.

Mr. McCullough said the Community Commission on Homelessness is currently involved in terms of trying to mediate with neighbors next to shelter.

Commissioner Dominguez asked how many Special Use Permits have been revoked in the last year.

Mr. McCullough said none have been revoked but there was a revocation hearing for the current location of shelter.

Mr. McCullough said staff is not trying to sugar coat this use in any way, this is a use that will have neighborhood impacts. In staffs opinion it has greater neighborhood impacts at its current location because it doesn't have the space to function appropriately. This is a land use application that's applicant driven and the Planning Commission purpose is to react to the application. Policy wise a lot of these things have been discussed through the Community Commission on Homelessness, City Commission, and Planning Commission with Text Amendments.

Commissioner Moore said this is tough issue but that he is not too concerned about the transit issue because the city will probably make that commitment. He said he liked the increased size for job training. It is a land use issue for Planning Commission and it's allowed in the proposed zoning. He said he thought there were more people present for the previous location at Don's Steakhouse. He said that wherever it is proposed there will be a room full of people. He stated it seems like the community wants to fix the problem but not in their backyard.

Commissioner Carter said the Planning Commissions job is to act on this application and land use. He did not feel there was a site that would work better that they knew of. Wherever the shelter is located it will eventually be built around unless it is put so far out that it wouldn't serve a purpose. He said if the current facility was adequate he would be hard pressed to move the facility at all. He said if he lived adjacent to the property he would be living adjacent to Hillcrest Wrecker and the jail. He stated he has family that lives adjacent to the property and he has family that has business adjacent to the property. Concerns about loitering will be addressed with the size of the site being adequate. He felt the success of the capital campaign is very important. This site gives the shelter the chance to be successful. The drop in center not being at the new location and room for collaborating programs, it's going to be a different shelter with different results. He felt it was critical that the bus route be a condition of approval. He said he would support the Special Use Permit.

Commissioner Finkeldei agreed the bus route needs to be a condition. He stated a shelter is needed. He said he lived in Prairie Park for 8 years and was .82 miles from the proposed location and then he moved to Sunset Drive which is .87 miles from the current shelter location. He said both of his children went to preschool across the street from the shelter at First Christian Church and then to St. Johns which is .4 miles from the current shelter location. He said he never feared for his children and does not have any safety concerns but could understand why neighbors would. He thought with a bigger site that issues could be controlled better. He said the issue he was struggling with a bit is if this was in East Hills Business Park would he support it there. He said having a homeless shelter in a prime industrial space did cause him some concern. He was hesitant about the unlimited Special Use Permit and whether or not there should be some concern of putting a condition on

that. He said last time he supported the deferral of this plan because he wanted to see changes in the management plan and he has seen those changes.

Commissioner Rasmussen said in his gut he had concern about the location within reference to the rest of the community because it is way out on the edge of town which he felt was no different than putting it in the country. He has concerns about access and proximity to services used by guests that stay there. He said they needed to know there would be bus service to and from the location. He did not think it was reasonable to say that one or two vans will service the facility. He said a good point was made about what if this was located in East Hills Business Park. He said he was unhappy to hear that the immediate neighbors were not contacted personally. The community needs a place for a homeless shelter. He said he was not sure what criteria and evidence was used to determine that this is the best location for the homeless shelter. He said he was inclined to support the Special Use Permit with the condition of bus service. He felt the management plan should have more forceful language for offsite behavior and felt that the language could be strengthened. He does not want to see people standing out on 23rd or K-10 with a sign asking for money.

Commissioner Carter said his thoughts about not setting a time limit on the Special Use Permit is because that issue is more about financing.

Commissioner Rasmussen said the time limit is not necessary because City Commission is an elected body and will be responsive to complaints and have the authority and power to revoke the Special Use Permit at any time because there are already conditions to require annual reporting to City Commission.

Commissioner Singleton commented regarding the safety of female employees that was brought up earlier. She said she lived at 10th & New Hampshire and felt much safer there then walking through campus at night. She said she was not concerned about that particular issue. She said she has been in the Prairie Park neighborhood and has friends who live in the neighborhood. She said when looking at maps of industrial abutting up to residential use it was not planned appropriately a time ago. In looking at current usage there is a lot of high density residency next to industrial in this community already and the shelter would actually be a buffer between that. She does not see homeless people as being criminals, she sees them as the women she talks to every day in her job who have to decide to be homeless or stay with the men who beat them. She said she worked with people who were indigent and who lived in the shelter. She said that when someone asks what they will see in the backyard of the shelter they are going to see people building a community garden, which is not a bad thing. She spoke about the topic of what the residents are doing during the day that was brought up in public discussion. They are running errands, taking kids school, they are trying to get to the social services office and trying to get their lives together. They are not the same people just sitting around playing bingo. She said the idea that this plan was rushed is false because it has been in discussion for years but people may not have known about it if it didn't touch their property. She felt the capital plan will determine the success of the shelter and is important so a time limit is not needed for the Special Use Permit. She thought the Lawrence Community Shelter has made every type of effort possible regarding the transportation and the rest is left up to the city. In reference to Mr. Henderson not having talked to all the people across the street, she said she could only imagine what his day is like and probably spends it going from crisis to crisis. She said she understood why maybe he did not have the opportunity to speak with every person but she said she would like to see that happen over the next few months. She supported Mr. Cook's earlier comments about how the community treats the poorest people is a reflection of who the community is. She thought this was a good plan and would benefit the community in a variety of ways.

Commissioner Dominguez said he felt the opposite of Commissioner Singleton. He said he sees this as rewarding failure and that is what he considers the program at this point. He felt the shelter should prove their success and then be allowed to expand. He said he did not buy the fact that all the shelters failures are due to lack of space. He said the area was planned for industrial and now a homeless shelter will go there which is not fair to the people who live around the area. He felt in this economy they should be trying to bring jobs to the city and he did not feel this sends that message. He said he lives downtown and has to walk his children back from St. John's every day because the homeless badger them and causes fear in his children. He said they cannot play in South Park after dark because of the homeless that hang out there, sleeping and urinating.

He said property owners invest in the community and then their livelihood is devastated by a shelter for people who are not even from Lawrence. He was opposed to the Special Use Permit. He felt the shelter needed to taper down their clients and then expand and show what they can do. He said there was more to it than giving them space.

Commissioner Chaney felt the proposed location had more cons than pros. He expressed concern about the bus route not being there and pedestrians having to cross a major street. He said that was a concern at the previously proposed Don's Steakhouse location and it was already on the other side of the street. He was concerned about pedestrian connectivity and said there were no sidewalks connecting it to the majority of town. He was unsure if this was the best industrial area for this type of Special Use Permit and also did not think it was appropriate for this gateway to the community. He said even though there was not a residential area there now, there soon would be. He did not like the idea of an unlimited Special Use Permit. He discussed a few pros to the site, such as it currently being separated from residential areas, an existing facility that needs a tenant, and the jail and shelter benefiting from a transit route there. He felt the shelter has failed at their current location and have not shown improvement. He said a bigger facility might cause more problems. He indicated he would vote against the Special Use Permit because he did not feel it was the best location for it.

Commissioner Carter said if the bus stop is conditioned it may motivate the city to get it done.

Commissioner Moore agreed with Commissioner Carter.

ACTION TAKEN

Motioned by Commissioner Singleton to approve a Special Use Permit, SUP-01-03-10, 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, contingent upon a bus stop being within a reasonable distance prior to occupancy, 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.

Mr. McCullough suggested language of the applicant working with the city because the applicant can't themselves put the bus route there.

Commissioner Carter said it is not an appropriate site without a bus route.

Commissioner Moore agreed.

Commissioner Finkeldei asked if the condition says it is contingent upon the bus route being approved and City Commission approves the Special Use Permit, can they remove the condition.

Mr. McCullough said yes or they could return it to Planning Commission for additional discussion.

Commissioner Singleton asked if they could approve the Special Use Permit and then also have a resolution or motion where Planning Commission says they strongly think City Commission needs to put a bus site out there.

Mr. McCullough said it could be included in the motion without making it a condition.

Commissioner Moore said he was fine with that and did not want to bog down the applicant with process.

Commissioner Rasmussen said he would not vote for it without a strong condition that bus service is required out there. Just saying the applicant needs to work with the city is not strong enough and he would not support that. He would also not support it if it is a separate item. He said having a bus route is important and should be a condition.

Commissioner Carter agreed.

Mr. McCullough suggested wording such as 'prior to occupancy of the structure as a temporary shelter a bus route shall be operational within appropriate distance to the shelter.' He said it is a process within itself on where the stops would be, where the routes would be, how they would circulate, and it's hard to condition specifics at this time.

Commissioner Rasmussen said he didn't think there needed to be a stop right at the front door but the nearest stop shouldn't be at 23rd and Harper. He thought it should be within the industrial park.

Mr. McCullough said it could be determined by City Commission.

Commissioner Singleton said the only reason a bus stop would be out there would be for the jail and shelter so it would serve no function unless it is right by the jail and shelter.

Commissioner Rasmussen said it might enhance development to the west if there is a known bus route that loops through and comes out on 23rd and goes through the residential community.

Seconded by Commissioner Carter.

Motion carried 5-2, with Commissioners Chaney and Dominguez voting in opposition. Commissioner Hird abstained.