

ITEM NO. 8 SPECIAL USE PERMIT FOR THE DARE CENTER; 944 KENTUCKY ST (MKM)

SUP-18-00564: Consider a Special Use Permit for a *Temporary Shelter* for The DARE Center, located at 944 Kentucky St. Submitted by the Coalition for Homeless Concerns Inc on behalf of James Dunn, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Loring Henderson, The DARE (Drop In And Rest) Center, said the facility would be open 2:30pm-6:30pm and serve the homeless population downtown. He said LINK closes at 2:30pm. He said many of the people downtown were not staying at the homeless shelter. He said there would be no programs or case managers but they would be a referral center. He said Ruth Stromberg, Freedom House, would provide some faith based activities at the center. He said his number would be available for the neighborhood to call him at any time regarding concerns.

Ruth Stromberg, Freedom House, expressed her passion for helping the homeless population.

PUBLIC COMMENT

Phil Hemphill, 937 Kentucky St, expressed concern about security for the neighborhood. He said the shelter would not take responsibility for their clients once they left the site. He said the homeless urinate, defecate, damage property, and trespass in the neighborhood. He said The Lawrence Community Shelter was supposed to be a one stop for all services. He said the community recreation center and library provide space for homeless to congregate. He asked Planning Commission to deny the Special Use Permit.

Guy Neighbors supported the Special Use Permit.

Lois Schneider, 1015 Kentucky St, said she had no issues from the nearby LINK. She said she understood the need for a drop in center but it needed to be strict. She asked that it only be granted for one year. She felt it needed to be monitored properly. She said she had to build a privacy fence to keep people from cutting through her property. She said she was willing to accept the drop in center if it was run correctly. She expected the City to make sure it was well taken care of and funded properly.

Jenny Robinson said the drop in center would be assisting those not served by the Lawrence Community Shelter. She spoke in favor of the Special Use Permit.

Mike Blumenthal, 1001 Kentucky St, expressed opposition to the Special Use Permit. He said he was concerned for his teenage daughter having to walk past the location. He did not feel it made common sense to have 20-50 homeless people congregating in his front yard. He said there was no plan for how the homeless would leave the site. He felt the applicant was good but the location was in the wrong place. He asked Planning Commission to deny the Special Use Permit, but if approved only permitted for one year. He said the neighbors would protest the Special Use Permit.

Paul DeGeorge, business owner of Wonder Fair at 841 Massachusetts St, voiced his support for the project. He said he was satisfied by the business plan put forward. He said the homeless were members of the community and had the right to exist and be present in public spaces.

Phil Dwyer, business owner of D & D Tire at 1000 Vermont St, asked Planning Commission to deny the Special Use Permit.

APPLICANT CLOSING COMMENTS

Henderson said it was a common sense proposal because Lawrence is a community and downtown is a place where homeless people go. He took exception to the comment about homeless people bothering or being a danger to teenage girls.

Stromberg felt they had a responsibility to break the cycle of poverty and this was the opportunity to do so.

COMMISSION DISCUSSION

Commissioner Carttar asked the applicant about rules for behavior. He wondered what the consequences would be for clients who fail to follow the rules.

Henderson said initially something would be said to the client and then if the behavior continued they would be told they could not come back for a period of time, depending on the severity of the issue.

Commissioner Willey said social services was an allowed use in the zoning district. She said it specifically has clientele of people who have no nighttime home. She asked if that was a legal form of discrimination in the Code.

McCullough said approximately 10 years ago staff did a lot of work in the Code regarding homeless issues. He said temporary shelter was defined in a very specific way in the Code and social service agency was also defined in a very specific way. He said this fit the definition of temporary shelter which required a Special Use Permit. He said as defined it did not have to be overnight. He said the issue of serving a population that did not have a regular nighttime residence was within that definition.

Larkin said typically those types of laws apply toward group homes within residential areas. He said that was typically where case law was from.

McCullough said they could be accessory to some religious institutions up to a certain threshold. He said they were not permitted by right in any zoning district. He said it was built to support the model of Family Promise at the time.

Commissioner Carpenter asked the applicant about training for volunteers.

Henderson said he was in the process of writing a training manual. He said the volunteers would receive regular training in such things as suicide prevention, violence, and opioid addiction.

Commissioner Carpenter asked how many volunteers would be part of the center.

Henderson said approximately 28 people a week.

Commissioner Carpenter asked what would be considered loitering on the premises.

Henderson said clients could hang out on the back side of the building and not seen from 10th & Kentucky Streets. He said loitering would be considered hanging out on the Kentucky side visible to the neighbors. He said there would be some coming and going on the 10th Street side from people coming from LINK. He said clients hanging out on the front porch or smoking on the front porch would not be wanted.

Commissioner Carpenter said the last City bus leaves about an hour after the DARE center would close.

Henderson said clients currently hang out some place now. He said it was the best he could do. He said if there was a severe blizzard he would see where clients were going and try to get them there.

Commissioner Butler said she was pleased to see this and felt it was needed in the community. She said she struggled with the issue of neighbors having the "not in our backyard mentality." She agreed that the suggestion of individuals/teenage girls not being able to walk through the area without harm coming to them was not appropriate. She supported the Special Use Permit. She said part of the responsibility of law enforcement was to make sure people were safe and not doing illegal things they should not be doing in public spaces. She felt the facility would benefit the community.

Sands asked staff about the burden to the applicant for only a one year permit.

Miller said the application process would take about 3 months and cost \$725.

Sands said he was in favor. He said four hours a day was a reasonable amount of time. He said he was concerned about only having two volunteers there at one time. He said this was a common sense approach to providing a limited amount of services to a part of the community that struggles to find services elsewhere. He said it was part of a bigger picture of serving the community.

Commissioner Sinclair asked staff to explain the process of enforcing a Special Use Permit if granted 3 years and things went south.

McCullough said the management plan and conditions lay out the plan for the Special Use Permit. He said if the center was operating outside of the hours of operation, for example, staff would investigate and seek compliance, and/or bring the Special Use Permit to the Commission requesting revocation of the use, if necessary. He said another option for compliance was for the applicant to seek revising the conditions. He said immediate issues of life/safety would involve police and fire.

Commissioner Sinclair asked if there was a congregation area in the back when the previous drop-in shelter was there.

Henderson said there was. He said there was a large carport awning but it was removed when the Lawrence Community Shelter moved. He said the back had always been used as a congregation area.

Commissioner Willey asked the applicant he was the operator of the previous drop in center from 2001-2003.

Henderson said no, Tammy Clark was the Director of the Community Drop In Center which occupied half of the building. He said the Lawrence Open Shelter moved into the other half of the building. He said the two organizations merged and he became the Director of the Lawrence Community Shelter.

Commissioner Willey wondered if there was something to tell the neighbors about it being a better situation than the previous drop in center.

Henderson said the previous drop in center was a different entity than the Lawrence Community Shelter. He said neither organization had a management plan when they first started. He said the management plan came after the two organizations combined.

Commissioner Willey said this use filled a gap and need in the community. She said the four hour gap after LINK closes fit well with this. She said this was the first time she had seen a protest petition in the works prior to City Commission.

McCullough said there was a 14 day protest petition period and that staff would determine if it was valid. He said if valid there needed to be 4 out of 5 super majority vote by City Commission.

Commissioner Willey said one year may not be enough time to gather data if things are working. She said maybe two years duration would be better.

Commissioner Paden said she was not opposed to the Special Use Permit but parents do worry about children. She said dismissing people's concerns was not the way to go when there was a population with trauma and trouble they were trying to work through. She said it was important for neighbors to feel safe in their neighborhood. She said she would like to see a shorter time limit on the Special Use Permit. She said the community needed to provide resources for vulnerable populations.

Commissioner Willey said part of the management plan could include monitoring outside the building, at the street level, too.

Commissioner Paden said she would like to see programs that give people purpose.

Commissioner Carpenter said in working with members of the homeless population sometimes behaviors can appear threatening. He said they were members of the community. He said the proposal was filling a gap and he liked the idea of a drop in shelter. He said there would be issues and that was why it was a Special Use Permit. He said usually Special Use Permits had a timeframe of five years so he was comfortable with three years to see how it works. He said he would hope the neighbors would get to know the staff and volunteers and be involved. He said the drop in shelter worked at the site before.

Commissioner Struckhoff said in looking at the original Special Use Permit he did not see an occupancy limit. He said the occupancy limit was a strong restriction and he liked it. He felt the limited hours was appropriate. He said he was comfortable with the three year limit but would support a shorter duration.

ACTION TAKEN

Motioned by Commissioner Paden, seconded by Commissioner Carpenter, to approve the Special Use Permit, SUP-18-00564, for the DARE drop-in center, and forwarding the item to the City Commission with a recommendation of approval subject to the conditions in the staff report.

Commissioner Paden asked about the management plan where it said there would be no computers on site.

Henderson said the library had computers. He said he met with library staff and they were comfortable with that.

Commissioner Sands said he would vote in favor although he liked the idea of reducing the time limit of the Special Use Permit.

Motion amended by Commissioner Paden, seconded by Commissioner Sands, to approve the Special Use Permit, SUP-18-00564, for the DARE drop-in center, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions (deleted text is ~~struck through~~ and new text is shown in **bold**):

1. Provision of an executed site plan performance agreement prior to the release of the approved plans for building permit.
2. The drop-in center, a *Temporary Shelter* use, is subject to the provisions laid out in the Operation and Management Plan and attachments except as enhanced or modified by the following:
 - a. The maximum occupancy of the shelter is limited to no more than twenty (20) homeless guests and a total of thirty (30) total individuals including volunteers, counselors, interns, etc.
 - b. A minimum of two staff/volunteers shall be present on the site during operational hours.
 - c. Hours of operation are limited to 2:30 PM to 6:30 PM seven days per week.
 - d. No loitering or outdoor use is permitted on the property outside of the operating hours.
3. ~~The active property maintenance code violation on the property must be resolved prior to the release of the approved plans for building permit.~~
4. The special use permit shall expire **two** ~~three~~ years from the date of publication of the approving ordinance in the newspaper.
5. The Center will provide an annual report to the City Commission by March 1 each year which shall include the following information about the prior year's activity at the shelter:
 - a. The number of volunteers trained
 - b. The number of guests served
 - c. The date and outcome of the annual public meeting.

Commissioner Carttar said he would have supported the three years because the conditions were adequate. He said he would support the two year limit.

Commissioner Sinclair said City Commission was the final decision maker. He said he would vote against the motion because he did not think further time limits needed to be made.

Approved 5-4, with Commissioners Butler, Carpenter, Sinclair, and Weaver voting against the motion. Commissioners Carttar, Paden, Sands, Struckhoff, and Willey voted in favor of the motion.

Commissioners Butler, Carpenter, and Sinclair said they were not against the Special Use Permit, just the reduced time limit.