

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
01/23/2019

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

SUP-18-00564: Consider a Special Use Permit for the Drop In and Respite (DARE) Center, a *Temporary Shelter* use, proposed for a portion of the structure (870 square feet) located at 944 Kentucky Street. Submitted by Coalition for Homeless Concerns, Inc., for James Dunn, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special use permit for the DARE drop-in center, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

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 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.

Reason for Request: *"Facility to be used for day time respite center for homeless individuals and families."*

KEY POINTS

- The proposed use fits the definition of a *Temporary Shelter* provided in Section 20-1717 of the Land Development Code in that it provides day shelter to one or more persons who lack a fixed, regular, and adequate nighttime residence. A *Temporary Shelter* is permitted in the RMO District as a principal use when approved with a special use permit.

- Section 20-544 of the Land Development Code provides standards specific to a *Temporary Shelter*. This application will be evaluated with these standards in the body of this report and a set of conditions applied, as necessary, to insure compliance with these standards.

ASSOCIATED CASES

There are no active cases associated with this application; however, the following applications were approved in the past for a drop-in center and an overnight temporary shelter which operated at this location prior to being relocated in 2013.

- UPR-10-11-99, Use Permitted upon Review approved for a drop-in center, Community Drop-In Center.
- UPR-01-01-03, Use Permitted upon Review for overnight shelter, Lawrence Open Shelter.
- In 2005 the UPR for the drop-in center expired and the uses merged into the Lawrence Community Shelter.
- SUP-01-02-07, a special use permit application which was approved following the expiration of the UPR-101-01-03 for the Lawrence Community Shelter.
- SUP-10-10-09, SUP-12-10-10, SUP-12-7-11 were special use permits that were approved following the expiration of the previous SUP. Each SUP was approved for a one-year period in anticipation of the shelter's relocation. The Lawrence Community Shelter, Inc. moved to its new location at 3701 Franklin Park Circle in early 2013.

OTHER ACTION REQUIRED

- City Commission approval of the special use permit through adoption and publication of a special use permit ordinance.
- Building permits obtained from the Development Services Division prior to any changes to the structure or the commencement of the use.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – The request for exemption to provide traffic impact study submitted by Loring Henderson on November 19, 2018 was approved.
- *Downstream Sanitary Sewer Analysis* – The downstream sanitary sewer fixture count analysis and cover letter dated November 16, 2018 provided by Dean Grob Engineering has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Drainage Study* – A drainage study is not required for this project because there will be no change in impervious surface.

ATTACHMENTS

Attachment A: Site plan

Attachment B: Management and operation plan

Attachment C: Supplemental information and preliminary budget

Attachment D: Public Communications

PUBLIC COMMENT

- A member of the public provided comments on this project to a City Commissioner who forwarded the email to Planning staff. Staff contacted the author and they asked that their concerns be noted but that they remain anonymous. The following concerns were raised in the email:
 - the former homeless shelter had a disproportionate number of police calls, and
 - a downtown facility for the homeless will impact the people who want to enjoy a shopping experience.
- The trustees of the Julie Collingwood Blumenthal Revocable Trust provided a letter in which they expressed concern that the location of the DARE center in the area may increase crime rates. A 2005 memo from the Lawrence Police Department which evaluated the increase in calls to the police department from 2001 through November 2005 for this property was included with this letter. The concerns raised in this letter and the information provided in the police department's memo is discussed in Section 2 of this report (page 8-11).
- A protest petition was submitted to the City Clerk's Office; however, the petitioner was notified that to be eligible for review as a valid protest petition, it should be withdrawn and resubmitted following the Planning Commission hearing. If a valid protest petition is submitted, a super majority vote of the City Commission (4 out of 5) will be required to approve the application. Staff has attached the petition as regular communication for the Planning Commission's review.

GENERAL INFORMATION

Current Zoning and Land Use: RMO-UC (Multi-Dwelling Residential-Office District with Oread Historic District Urban Conservation Overlay); building which formerly housed the Lawrence Community Shelter, *Temporary Shelter*, now vacant with portions used for the property owner's personal storage.

Surrounding Zoning and Land Use:

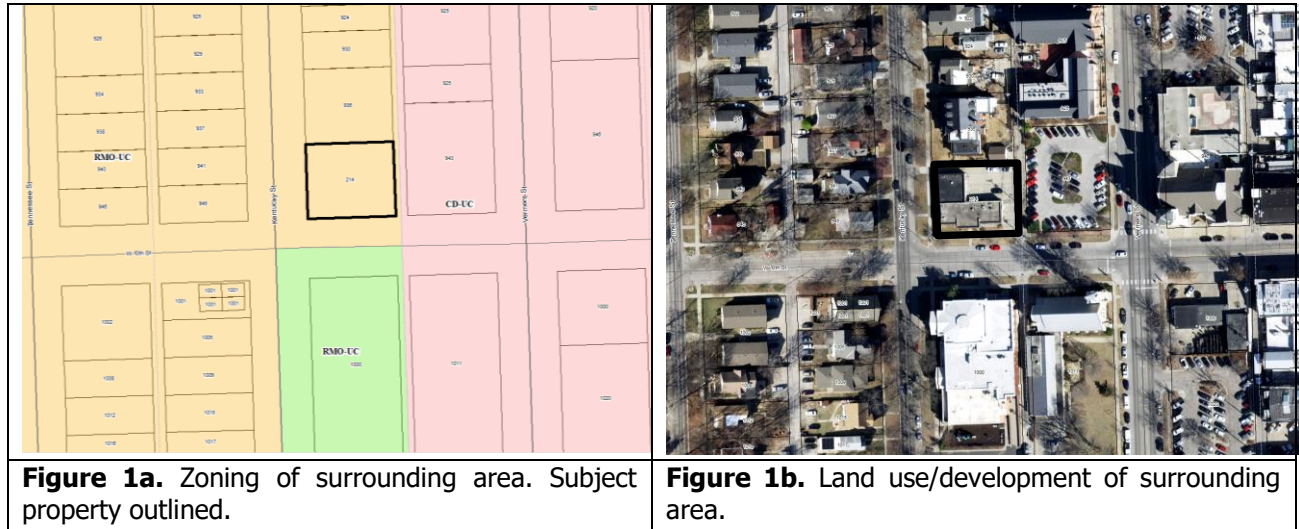
To the north:
RMO-UC (Multi-Dwelling Residential-Office with Oread Historic Urban Conservation Overlay) District; *Detached Dwelling*, the subject property owner's residence.

To the east:
CD-UC (Downtown Commercial with Downtown Historic District Urban Conservation Overlay) District; *Accessory Parking*.

To the west:
RMO-UC (Multi-Dwelling Residential-Office with Oread Historic Urban Conservation Overlay) District; *Multi-Dwelling Structures* with scattered *Detached Dwellings*.

To the south:
RMO-UC (Multi-Dwelling Residential-Office with Oread Medium Density Overlay) District; *Campus or Community Religious Institution*
(Figure 1)

The area contains a mix of uses, with institutional, office and commercial uses primarily to the east of Kentucky Street and multi-dwelling residential uses to the west.



SUMMARY OF SPECIAL USE

This special use permit application proposes the conversion of an 870 square foot suite in the building at 944 Kentucky Street into a drop-in center for homeless persons or families during the afternoons. The facility will allow the guests protection from extreme weather and provide them a place to rest. The narrative provided with the application, included as Attachment A, provides the mission of the center, *"...to offer a daily refuge with basic services to provide physical and emotional comfort for people who are homeless or at risk of homelessness."*

The facility will operate as a part-time program operating from 2:30 PM to 6:30 PM each day, every day of the year, dependent on volunteer staffing. The applicant noted they expect a maximum occupancy of 20 clients; however, the Development Services preliminary review of the floorplan indicates that the maximum possible design occupancy of the space would be 39 occupants. As explained in the code review portion of this report, staff recommends limiting the number of homeless guests to twenty (20) and the total number of occupants, including the twenty homeless guests, staff members, volunteers, interns, and others to no more than thirty (30).

Services provided will include coffee, showers, laundry facilities, sofas, chairs, TV and a telephone. While the facility will not provide case management or other social services, they will provide referrals and guidance to resources within the community that serve homeless and low-income individuals and families. Programs/services which are planned for the facility include:

- A volunteer Christian ministry which includes a short worship service each week plus opportunities for Bible study and spiritual support;
- Referrals for services to other area resources and agencies;
- Arts activities led by local artists;
- Other activities/workshops as offered by volunteers;
- Coffee and donated snacks;
- Restrooms and showers;
- Television;
- Telephone; and
- Washer and Dryer.

The applicant provided a supplementary letter, included with this report as Attachment C, which provides additional information on the operation and purpose of the facility. The letter notes that the drop-in center is not intended to duplicate or replace other services in the area. Other facilities in the area currently serve meals, provide social services and case managers, and make computers available. The drop-in center intends to provide an additional service for homeless people in the area. They do not anticipate drawing homeless people to the downtown area but expect to serve the homeless people that are in the area.

The supplementary letter also notes that funding for the center will come primarily from churches, individuals, and fundraising events. They do not plan on requesting government financial support. They intend to keep expenses and financial needs at a minimum by staffing with volunteers and donated materials and services. Their budget, which the applicant indicated was a 'highly preliminary draft budget' projects slightly over \$12,000 for the 2019 operating year.

DISCUSSION – HISTORICAL AND CURRENT CONTEXT

Several different types of organizations – public/civic (library, Bert Nash), faith-based (LINK food kitchen), private (Lawrence Community Shelter), etc. all work to serve the needs of the homeless population in Lawrence. Support systems related to community health, police and medical response, case management, etc. are also involved.

This request must be analyzed within the historical and present day issues related to serving the homeless. The following is a summary of this history:

The subject property was originally approved for use as a drop-in center in 2000 and a later UPR added the overnight shelter to the use in 2003. These shelters merged in 2005. The City Commission minutes indicate that the need for overnight and day use at the shelter increased, due in large part to the fact that the Salvation Army ceased operation of their overnight shelter. The operator requested an expansion of the occupancy limit several times. As the occupancy of the shelter was growing beyond its capacity, the impacts to the surrounding area were increasing, and the operator began looking for a new, larger location. The City Commission approved special use permits for the shelter with expiration dates, allowing some expansions of occupancy. In 2007, a three-year approval time frame was granted and later special use permits were granted for one year time frames as the operator worked to find a suitable location.

During this timeframe, the City Commission approved a text amendment establishing standards for a temporary shelter and added temporary shelters to the list of uses permitted in industrial districts. This increased the areas that could be considered for a shelter and the current location at 3701 Franklin Park Circle was selected and approved.

The Franklin Park Circle location was seen as suitable for the overnight shelter as it had adequate space for the expected occupancy and was not located in close proximity to residential uses. The overnight shelter, when located on the subject property, was operating beyond capacity which affected the guests at the shelter, nearby neighbors, downtown businesses, and visitors to downtown. The staff report for the new shelter noted that, "*It can be concluded from those discussions that **large** temporary shelters should be located outside of the CD (Downtown commercial) Zoning District and outside of the majority of single-family and multi-family residential zoning districts.*" (emphasis added)

A small drop-in center, such as the one being proposed, should not substantially impact the nearby area as it intends to fill gaps in service to the homeless population currently in the area; however, if

the shelter were to expand, it may create a level of impact similar to that which occurred with the previous overnight shelter. Any request to expand the occupancy or hours of operation of the drop-in center should be evaluated with an eye toward the impacts and occupancy levels of the previous shelter.

While funding is not a part of the special use permit review or land use criteria, it is important to note how this facility will be funded. Organizations serving the homeless often receive funding from federal, state, and local governments (tax dollars) as well as private donations. The City funds several organizations with the mission to serve the homeless and city staff have recently begun discussions with the Lawrence Community Shelter to assist in creating a more financially sustainable path for the Lawrence Community Shelter. This is important because the Lawrence Community Shelter has been designed to be the primary shelter serving the community's homeless population.

The DARE Center plans to generate income from churches, private donations, and events at a time when the Lawrence Community Shelter is advising the city that private donations are waning and are proving more difficult to count on to keep the shelter financially sustainable. The applicant represents in the application that, "It is not planned that the Center will ask for government financial support." While this reflects an intent to not seek funding from the same sources that other services providers receive funding from, it is not a complete commitment for the future. Experience shows that social service organizations serving the needs of those experiencing homelessness often require financial assistance from government programs in order to do so. There may be concern for multiple organizations competing for the same fundraising and potential dollars at a time when the city is working to create a sustainable path for the Lawrence Community Shelter.

If the DARE Center's methods of fundraising and scope (hours of operation, services provided) remain as represented with this application, then this request could complement the existing services downtown serving the homeless. If the scope increases (longer operation hours, more programs) and/or funding models change, then there is potential for a greater impact to the downtown area and to efforts aimed at maintaining sustainable services already in existence.

Experience indicates that successful centers rely not only on fundraising, but on maintaining consistent leadership and a well-trained staff. This proposal includes primarily volunteer staff who will be trained to navigate the complexities of serving those in need of, at times, significant social services. There is a concern for high turnover of volunteers when consistency is warranted. A short time period on the special use permit will allow the center to demonstrate that staffing is adequate for the center.

CODE REVIEW

26.456 Section 20-1306(a), of the Land Development Code provides the following information on the review procedures for a Special Use:

"The process entails a public review and evaluation of the use's operating characteristic and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at large."

Review and Decision-Making Criteria (20-1306(i), Development Code)

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

Applicant's Response:

"Yes."

The site plan submitted with a special use permit application is required to meet the site plan requirements in Section 20-1305(f) of the Land Development Code. Site plans are grouped into 'minor', 'standard', and 'major' classifications based on the degree of development being proposed which determines the degree of compliance with City Codes that is required. While the code does not provide this distinction for special use permits, it is reasonable to extend these classifications to determine the degree of compliance that is required for various projects. This project involves the conversion of a vacant suite to a use similar to that which occupied the site previously; therefore, this project fits the criteria for a Minor Development Project and would be processed with a minor site plan. (Section 20-1305(b), Development Code). With a 'minor' site plan only the items being revised are required to be compliant with the Land Development Code.

The following is a review of the property for compliance with the requirements for the RMO Zoning District in the Land Development Code. The Urban Conservation Overlay District would apply only if physical changes were being proposed to the property or structure.

SITE SUMMARY			
	All dimensions are provided in square feet, except where noted.		
	Existing	Proposed	Change
Land Use:	<i>Vacant/former Temporary Shelter (overnight stays)</i>	<i>Temporary Shelter (daytime hours, drop-in center)</i>	---
Land Area:	11,700	11,700	---
Building Area:	4,145	4,145	---
Impervious Area:	9,665 (82%)	9,665 (82%)	----
Pervious Area	2,035	2,035	----

RMO District Density and Dimensional Standards		
STANDARD	REQUIRED	PROVIDED
Lot Area	5,000 square feet	11,700 square feet
Lot Width	50 feet	100 feet on Kentucky Street; 117 feet on W. 10 th Street
Maximum Impervious Lot Coverage	75%	82%*
Front Setback	25 feet	The building is located approximately 10 feet from Kentucky Street property line and 15 feet from the 10 th Street line. Either setback could be considered the front or exterior side setback. **
Exterior Side Setback	25/10 feet	
Rear Setback	20 feet	The building is approximately 14 feet from the north property line and approximately 18 feet from the east. **
Interior Side Setback	5 feet	

- * The amount of impervious surface coverage exceeds the maximum permitted amount of 75%. The code did not limit the amount of impervious surface coverage when the property was developed. This standard was added with the adoption of the 2006 Land Development Code. If a major development project were proposed, compliance with this standard would be required, either through approval of a variance or the reduction of the amount of impervious surface on the site. These steps are not required with a site plan for a change in use.
- ** The building is not compliant with the required setbacks for the RMO District, with the exception with the interior side setback. The Douglas County Appraiser’s records indicate that the building was built in 1962. Based on the previous approvals granted the property, the structure has been determined to be a ‘nonconforming structure’. A nonconforming structure is one which was constructed in accordance with the dimensional requirements at the time but no longer comply with the requirements due to a change in regulations. The structure is permitted to remain but enlargements are restricted so that they do not increase the nonconformity. No change to the structure is being proposed with this request.

The site and existing development is compliant with the density and dimensional standards of the RMO District, with the following exceptions:

- 1) The structure is nonconforming per Section 20-1503 of the Land Development Code.
- 2) The amount of impervious surface coverage exceeds that permitted in the RMO District. This would need to be brought into compliance with the code through site revisions or a variance from the Board of Zoning Appeals if a major development project were proposed.

PARKING

Per the Off-Street Parking Schedule C (Section 20-904 of the Land Development Code), a *Temporary Shelter* use requires 1.5 parking spaces per employees. The use narrative provided with the application indicated there would always be 2 employees/volunteers on site; therefore, 3 parking spaces are required. The code also requires 1 bicycle parking space per 5 clients. While staff is recommending a limit of 20 guests, it is likely they will have a higher percentage of bicycle users than other uses. Staff recommends increasing the bicycle parking to 8 spaces to accommodate the anticipated usage.

PARKING TABLE (for proposed use)			
Use	Parking Requirement	Parking Required	Parking Provided
870 square foot Drop-in Center/ <i>Temporary Shelter</i>	1.5 spaces per employee	2 volunteers requires 3 parking spaces	3 spaces
6,565 square foot Vacant/Storage	Office Use: 1 per 300 gross square foot of building area	22 parking spaces*	
Total		25 parking spaces	10 spaces*
ADA Accessible	1 van accessible space for parking lots with up to 20 spaces	1 van accessible space	1 van accessible space
Bicycle	1 per 5 clients	4 required 8 spaces recommended	8

- * Per Code, when a use is vacant or unknown the parking requirements are calculated based on the most intense use permitted in the district. Portions of the building may continue to be used for storage, but for the purpose of these calculations the entire building was assumed to be developed with office uses. The amount of parking provided would not allow development of the remainder of the structure with office uses unless a variance from the parking requirement was obtained from the Board of Zoning Appeals. The future use of the remainder of the building may be constrained by the lack of parking; however, the amount of parking provided is suitable for the proposed use. The suite proposed for the center contains 870 square feet and requires 3 parking spaces.

LANDSCAPING

No changes are being proposed to the site landscaping. The most recently approved special use permit plan for this project, SUP-12-07-11, shows two street trees along Kentucky Street and two street trees along W. 10th Street. These trees are shown on the subject plan.

PARKING LOT AND ACCESS DRIVES

The parking area was developed with the former use and is not being altered with this project.

SIDEWALKS

Sidewalks along the adjacent streets were installed with previous projects; therefore, no new sidewalks are required with this development.

Staff Finding – As noted in the report, the structure is a nonconforming structure due to encroachments into the required setbacks. A nonconforming structure may remain in use but any future expansions or enlargements of the structure may not increase the degree of nonconformity. This proposed use complies with the applicable provisions of the Development Code and is an allowed use in the RMO District subject to a Special Use Permit.

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: "Yes."

The subject property is located within the RMO (Multi-Dwelling Residential-Office) District. This district is intended to serve as a transition between higher-intensity commercial areas and residential neighborhoods. The subject property is located on Kentucky Street which is the western border of the downtown commercial area. The various zoning districts in the area are shown in Figure 2. The proposed use would meet the intent of providing a transition between higher intensity commercial and lower intensity multi-dwelling residences.

Uses in the immediate area include the following:

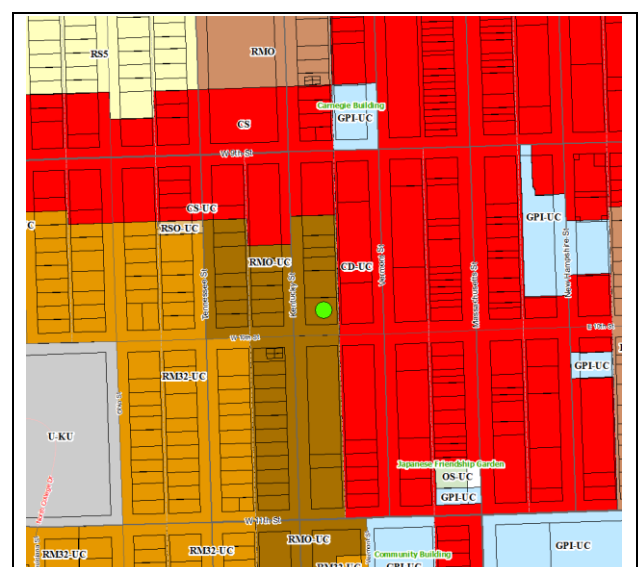


Figure 2. Zoning map of area. Subject property marked with green dot.

- East side of Kentucky Street: a church, parking lots, and multi-dwelling residences;
- West side of Kentucky Street: multi-dwelling, with scattered single-dwelling, residences.

The following uses are permitted in the RMO District without approval of a special use permit:

<i>Assisted Living,</i>	<i>Extended Care Facility,</i>	<i>Offices,</i>
<i>Adult Day Care Home,</i>	<i>Health Care Clinic/Office,</i>	<i>Personal Improvement</i>
<i>Social Service Agency,</i>	<i>Religious Institutions,</i>	<i>Personal Convenience</i>

The operational characteristics of this facility are similar to many of these permitted uses. A special use permit is required for the proposed use due to the fact that the clientele do not have a *"fixed, regular, and adequate nighttime residence."* The lack of a nighttime residence should have no impact on the functioning of this facility as it provides only day-time services; however, potential negative impacts from a temporary drop-in center could result from noise associated with groups waiting for the center to open or leaving the shelter at closing time or from loitering as the guests have no fixed residence. An outdoor smoking area is designated in the paved area behind the building, to the northeast of the facility and measures to mitigate or reduce the potential impacts of the drop-in center are listed in the operation and management plan which was provided with the application, Attachment B with this report.

The use specific standards for a *Temporary Shelter* require that a management plan be developed to avoid negative impacts that could occur to the nearby land uses by the nature of the use. The management and operations plan, included with this staff report as Attachment B, notes that:

- The center will have rules of conduct for guests. The guests are required to sign this upon first arrival and it serves as their contract for the use of the center. They also have an orientation for first-time guests to go over the services the facility provides and the rules of conduct.
- The center intends to have open communications with the neighbors which will include an annual public meeting. The application notes that the director will meet with the neighbors, at their request, and volunteer opportunities will be made available for anyone in the neighborhood who is interested.
- The center will call the police as required for incidents that require their intervention and will work closely with the Lawrence Police Department and the Douglas County Sheriff's Office.
- To reduce potential impacts on nearby properties, loitering on the center property or other nearby properties is a violation of the center's policy and guests will be denied shelter services for a period of time for such actions. Neighbors are asked to call the center directly when a possible violation is in progress so that staff can determine if the person is a guest at the center and take prompt action.
- Volunteer staff will be trained by the American Red Cross chapter for CPR and by Bert Nash Community Mental Health Center of First Aid for Mental Health. The center will use the safety plan developed by case managers with the Kansas University School of Social Welfare for the guidance of interns, volunteers, and staff dealing with an incident. (included as an attachment with the operation and management plan).

In addition, the operation and management plan includes the center's Statement of Rights and Responsibilities which notes that *'Casual gathering and resting on the ground is not allowed on the*

Kentucky Street side of the building. The Statement of Rights and Responsibilities provides the following regarding off-site behavior:

1. The shelter does not support guests who panhandle.
2. DARE guests are guests also of the surrounding neighborhoods and businesses. It is important to remember that there are City ordinances against aggressive panhandling and trespassing and that loitering is poor behavior.
3. Be respectful of Drop-In neighbors and their property on your way to and from the elsewhere, and while you are around the Drop-In.
4. Do not drink, smoke, hang out on, or walk across private property without permission.
5. Walking on or across private property is trespassing and is unacceptable.

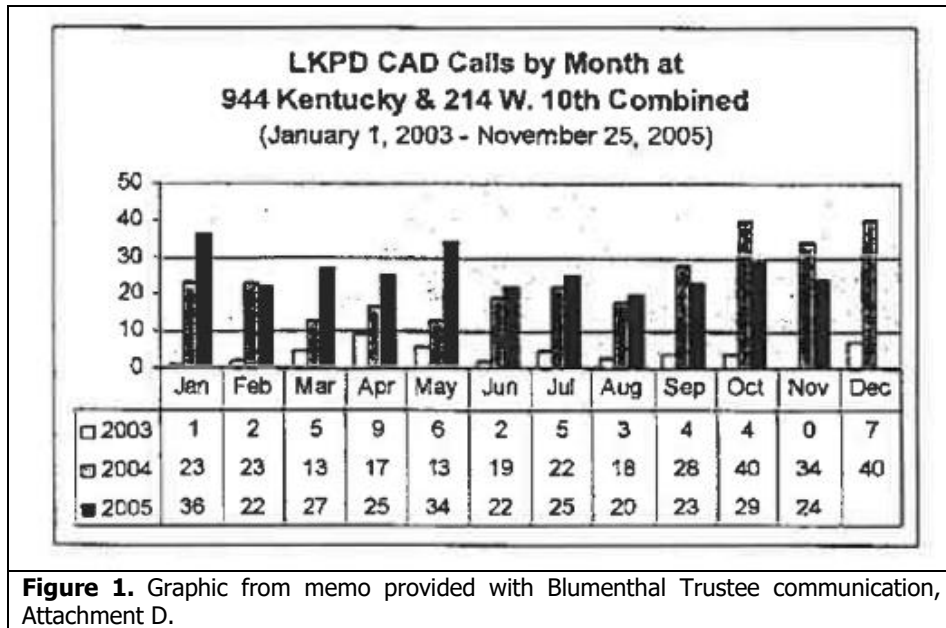
The center would not have authority over a guest's off-site behavior but could refuse access to clients who they've received valid complaints against.

The operation and management plan should mitigate negative impacts that would be caused by the clientele's housing situation. A time limit on the approval, with a provision for an extension, would allow the impacts associated with special use to be evaluated after the use has been established.

No changes are being proposed to the building or site. The proposed use should generate very little vehicle traffic with most traffic being pedestrian or bicycle. The proximity of the facility to the downtown area and the continuous network of sidewalks in the area would adequately accommodate the proposed pedestrian and bicycle traffic.

The use does not have external impacts such as odor or dust. No new exterior lighting is proposed with this project; however, any additional lighting would require submittal of a photometric plan to the Planning Office for approval prior to installation.

Concerns about the potential of the drop-in center to increase the crime rate in the area were expressed in the Blumenthal Trustees letter, Attachment D. The letter included a memo from the Lawrence Police Department listing the number of calls taken for the property from 2001 to November 25, 2005. The subject property is a corner lot and therefore could have two addresses. The memo notes that calls for each address, 944 Kentucky and 214 W. 10th Street; however, these addresses are both for the subject property. The memo noted that only a drop-in center operated at the property from 2000 through 2003 and the police department received the following: 46 calls in 2001, 45 calls in 2002, and 48 calls in 2003; for an average of 46.3 calls per year. With the opening of the overnight shelter in 2004 the number of calls increased to 290 calls in 2004 and 287 calls in 2005. The overnight shelter resulted in an increase of approximately 242 police calls per year. At the time, the City Commission and the operator agreed that the Kentucky Street location was not the optimal location for an overnight shelter and steps were taken to move the overnight shelter to a new location which had adequate space to accommodate the number of guests. The drop-in center resulted in an average of 46 calls a year or approximately 4 calls a month. The memo provided the graphic in Figure 3 and noted: "*the following chart combines the monthly CAD (Computer Aided Dispatch) calls at both addresses, contrasting the relatively low number of calls to 214 W. 10th and 944 Kentucky per month in 2003 and the higher numbers of 2004 and 2005.*" The police department considered the number of calls to the drop-in center to be 'relatively low'. This information illustrates the inadequacy and unsuitability of the subject property for the overnight shelter; however, it reflects a much lower impact to surrounding properties for a drop-in center.



Staff Finding – The proposed drop-in center will be located in an area with a mix of office, institutional, commercial, and multi-dwelling land uses. The center will have daytime hours, similar to other uses in the area, and most of the activity will be indoors. There is potential for negative impacts to adjacent and surrounding land uses due to improper guest behavior; however, with the limitations on occupancy and hours of operation, provisions in the operation and management plan regarding guest behavior, the use should be compatible with other uses in the area.

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:

"No."

The staff report for the special use permit application for the relocated homeless shelter noted that no evidence had been presented that the shelter, when at 944 Kentucky Street, had diminished the value of surrounding properties.

Staff Finding –There is no evidence to support a finding that the proposed use would cause a diminution of other property values in the area.

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 – This project is re-using a portion of an existing building near the downtown area. The public safety, transportation and utility facilities in the area are adequate to continue service to the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The management plan notes that daily maintenance of the building and grounds will be completed by volunteer staff and by individual guests. Per the application, building maintenance and repairs

will be carried out by the plumbers, carpenters, and other specialists who have worked for the property owner or local social service agencies. The limited budget associated with the center may prevent timely emergency repairs as they present themselves. Adequate assurance of continuing maintenance may be questionable in this application, though it is ultimately the property owner that is responsible for the maintenance of the building and property.

There is currently a zoning violation related to exterior storage on the site. This violation will need to be resolved prior to the final approval of the Special Use Permit.

Staff Finding – It is questionable whether adequate assurances of continuing maintenance have been provided. The nature of this use and funding for repairs leaves a question of how adequately the property can be maintained for the use intended. The site plan will function as the enforcement document to assure that the maintenance and use of the property is consistent with the approval. The property owner is ultimately responsible for the maintenance of the property.

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

Applicant's Response:

"No."

Staff Finding – The proposed use is similar in nature to a *Social Service Agency* use and should have no adverse impact 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

Time limits are typically established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area. As this is a drop-in center that operates only in the day-time hours and is subject to the provisions of the operation and management plan and other staff recommended conditions, it is expected to be compatible with the surrounding land uses. If the center expands its hours or services it would be necessary to amend the special use permit through the public hearing process to insure the expansion does not negatively impact the surrounding land uses. As noted in the discussion of the historical context of this use and site, over-crowding of the former facility created negative impacts to the guests of the facility and surrounding property owners.

Staff Finding – Given the controversial nature of the use and the potential for negative impacts, staff finds that it is appropriate to place a time limit on the proposed use and recommends setting a three-year limit on the special use permit approval.

CONCLUSION

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.