



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 17, 2023

Re: Voluntary Action Center Opportunity Campus – Conditional Use Permit (Case # 20-2023)

Executive Summary

Approval of this item will grant a conditional use permit (CUP) to allow for the construction and operation of an approximate 26,300 square foot 365 day/24-hour temporary shelter with associated wrap-around support services on a portion of Lot 1 of E.C. More's Subdivision, Plat 1A, a 5.51-acre parcel, located at northeast corner of Bowling Street and Business Loop 70. The shelter is proposed to be operated by the Voluntary Action Center and the site would also be improved with an approximate 23,600 square feet office building and associated parking lot. The additional office building and parking lot are permitted uses within the M-C (Mixed-use Corridor) zoning district and are not required to obtain CUP approval for their construction.

Discussion

Crockett Engineering Consultants (agent), on behalf of Bowling Street, LLC (owner) and the Voluntary Action Center (contract purchaser), seeks approval of a conditional use permit (CUP) to allow for the establishment of an approximate 26,300 square foot 365 day/24-hour temporary shelter that would be operated by the Voluntary Action Center (VAC). The proposed shelter is to occupy a portion of Lot 1 of the E.C. More's Subdivision, Plat 1A, a 5.51-acre parcel, approved by Council in October 2022. The subject parcel is zoned M-C (Mixed-use Corridor) and is located at the northeast corner of Bowling Street and Business Loop 70.

A temporary shelter is permitted in the M-C district subject to findings that such use meets the six (6) conditional use permit (CUP) criteria of Section 29-6.4(m) and compliance with the use-specific standards enumerated in Section 29-3.3(i) of the UDC. The attached site plan for this request illustrates that the 5.51-acre parcel is to be improved with not only the shelter, but also an approximate 23,600 square foot office building. The office building is to be divided between VAC (13,600 sq. ft.) and two (2) 5,000 sq. ft. rentable "white-boxed" suites. The users of the suites are being finalized; however, the applicant states one may be used by a medical clinic providing services to shelter clients.

This dual use of the site is permitted provided the M-C district dimensional and other regulatory standards have been met. Review of the site plan shows compliance with the M-C district standards. If the Conditional Use Permit request is approved, construction of a shelter upon the site would need to occur in substantial compliance with the submitted site plan.

While the attached site plan includes the office building it should be noted that its features (i.e. use, size, and location) are not part of the requested CUP. As such, the analysis shown



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within the attached Planning Commission staff report and discussed below focuses on the temporary shelter's compliance with the general CUP review criteria and the use-specific criteria. The full analysis of this request's compliance with these provisions are shown within the attached December 22, 2022 Planning and Zoning Commission staff report. In addition to staff's review of the criteria, the applicant has provided correspondence (attached) illustrating its belief that the CUP criteria have been met as well as all use-specific standards.

With respect to the 365 day/24-hour shelter, it is proposed to accommodate a maximum of 120 persons (a.k.a. clients) in general and specialized sleeping spaces. Clients are to be single men and women experiencing homelessness. The maximum duration of stay would be 90 days. The shelter would also include wrap-around support services that would include a commercial kitchen capable of serving 100-200 evening meals daily, a computer lab, pet kennels and exam space, storage spaces, meeting rooms, laundry processing, restrooms and showers, and other support functions/storage spaces. A full description of the services to be offer is provided within the attached application letter which is a required component of the CUP request.

It should be noted that the applicant has added "self-restrictions" relating to the rear setback of the subject site and the height of structures on the site. The M-C district requires a 20-foot setback when adjoining R-1 property; however, the applicant is proposing a 30-foot setback where this condition exists. Additionally, the M-C district permits building height up to 45-feet; however, the applicant is restricting building height on the site to 35-feet. These added restrictions were offered to reduce conflicts with the R-1 zoning and improvements to the north of the subject site.

The Planning and Zoning Commission considered this request at its December 22, 2022 meeting. Staff provided its report noting that the proposed facility was found to meet all applicable CUP criteria as well as use-specific standards (see attached staff report). It also acknowledged receipt of correspondence from those opposed as well as supportive of the request. The applicant's agent as well as representatives from VAC provided an overview of the request and its intended service objectives. Commissioners requested clarification on specific operational characteristics of the facility and voiced concerns relating to the potential fulfillment of the applicant's objectives without greater financial support.

Several members of the public spoke in support and in objection to the request. Of those in support of the request included speakers from agencies that provide services to the homeless community and worked with VAC. These speakers reiterated the need for a facility similar to that being proposed. One speaker offered testimony indicating the importance of a 24-hour shelter from her personal experience being in close proximity to Wilkes Boulevard Church.

Of the speakers not supportive, one indicated skepticism regarding the concentration of the homeless in a single location and did not believe the proposed shelter could attained its



overall objective of improving opportunities for the homeless. A second speaker representing the adjoining property owner to the north, expressed an opinion that the request failed to meet the Conditional Use Permit criteria and as such should be denied. This speaker submitted an extensive brief (attached) outlining the deficiencies they believed existed with the application. Specifically, concerns were expressed with not following procedural standards for approval of the site's October 2022 replat, public as well as adjoining property owner safety, adverse property impacts (monetary and physical), and potential conflict of interest issues arising from the property's owner being a seated Council member.

Following public testimony and after limited additional discussion, the Commission recommended unanimous approval **(9-0)** of the CUP subject to the following 1) site construction of a temporary shelter be in substantial compliance with PW Architects site plan dated 12/14/2022, 2) removal of the 30 parking spaces required for the 120 bed temporary shelter shown along the north property boundary of the site plan, and 3) the operational characteristics and services of the temporary shelter to be operated 365 days and 24/7 a year are to be consistent with those outlined in the correspondence submitted by Crockett Engineering Consultants dated 12/13/2022.

The Planning and Zoning Commission staff report, locator maps, site plan, applicant correspondence, public correspondence (supportive and un-supportive), and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years.

Long-Term Impact: Potential impacts may include operational subsidies, increased public safety (police/fire/EMS) service expenditures, solid waste collection and other public infrastructure maintenance. Some increased costs may be off-set by service fees and/or property taxes.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Inclusive Community, Secondary Impact: Safe Neighborhoods, Tertiary Impact: Organizational Excellence

[Comprehensive Plan Impacts:](#)

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable



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Legislative History

Date	Action
10/3/22	Approved final plat of E.C Mores Subdivision, Plat 1 (Ord. 025151)

Suggested Council Action

Approve the requested CUP for a temporary shelter on Lot 1 of E.C. Mores Subdivision, Plat 1A subject to the following conditions 1) site construction of a temporary shelter be in substantial compliance with PW Architects site plan dated 12/14/2022, 2) removal of the 30 parking spaces required for the 120 bed temporary shelter shown along the north property boundary of the site plan, and 3) the operational characteristics and services of the temporary shelter to be operated 365 days and 24/7 a year are to be consistent with those outlined in the correspondence submitted by Crockett Engineering Consultants dated 12/13/2022 as recommended by the Planning and Zoning Commission.