

## DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 6

STAFF: RYAN TEFERTILLER  
ANDREW PHELPS

FILE NO:  
CPC CU 17-00150 – QUASI-JUDICIAL

**PROJECT:** SALVATION ARMY EMERGENCY COLD WEATHER SHELTER

**APPLICANT:** SALVATION ARMY

**OWNER:** SALVATION ARMY



### **PROJECT SUMMARY:**

1. Project Description: This proposal is to allow the Salvation Army to utilize an existing building for an “emergency cold weather shelter” providing temporary housing for local unsheltered populations on nights when the temperature drops below 38 degrees Fahrenheit. The proposed application would allow for the organization to provide 150 shelter beds for “human service shelter” use from January 3, 2018 through April 30, 2018. The 1.42-acre property is zoned FBZ-T2B (Form-Based Zone – Transition Sector 2B) and is addressed as 505 S. Weber St. and is generally located southeast of E. Cimarron St. and S. Weber St. **(FIGURE 1)**
2. Applicant’s Project Statement: **(FIGURE 2)**
3. Planning & Development Team’s Recommendation: **Approval of the application**

### **BACKGROUND:**

1. Site Address: 505 S. Weber St.
2. Existing Zoning/Land Use: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / The site is developed with an existing building and private parking lot.
3. Surrounding Zoning/Land Use:
  - North: FBZ-T2B / Office, commercial, and service uses
  - South: FBZ-T2B / Office, commercial, and light industrial uses
  - East: FBZ-T2B / Office, commercial, and service uses
  - West: FBZ-T2B / Office, commercial, and service uses
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / Activity Center
7. Subdivision: Salvation Army Subdivision (1982)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is flat and is developed with an existing building and private parking lot.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

Roughly 3 weeks prior to the submittal of this application, the City mailed notification postcards to 276 owners of property that falls within 1,000 feet of the subject property. Those postcards included information about a public meeting that was scheduled for the evening of December 5, 2017. Roughly 40 community members attended that meeting to learn more about the Salvation Army’s proposal to operate a cold-weather shelter this winter. Comments about the project at that time included citizens expressing opposition and frustration that the shelter may open on S. Weber despite attempts to relocate services to other locations, concern of impacts on nearby businesses and residences, as well as support for Salvation Army’s efforts to provide beds to those who are facing dangerous conditions without housing this winter.

Two hundred and sixty-three surrounding property owners were notified of the proposal shortly after the application was submitted. The mailing list for this notice included those that received the late November mailing, those that attending the December 5<sup>th</sup> meeting, as well as all owners of properties within the Lowell neighborhood. This second notification provided basic information regarding the application, instructions of how to submit comments to Staff, and information regarding the Downtown Review Board public hearing. Staff has received numerous written comments both in support and opposed to the project **(FIGURE 3)**.

## **ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES**

The Salvation Army has owned the subject property for over 30 years and has used the property for a variety of their services in the past. The 1.42 acre site includes two primary buildings. The northern building, which is not within the scope of this project, was built in 1977, is two-stories tall, and includes roughly 17,180 square feet. The southern building, where the cold weather shelter is proposed to operate, was built in 1983, is also two stories tall, and includes roughly 40,440 square feet. In the past the site has been used for a variety of Salvation Army related uses including general office/administrative services, client support services, shelter operations, retail sales of second hand goods, and warehousing of merchandise and supplies. In October of 2014 the Downtown Review Board granted the Salvation Army a Conditional Use to allow the operation of a human service shelter from November 1, 2014 to April 15, 2015 with the option for a one year extension after a public hearing at the DRB no later than August 2015 (**FIGURE 4**). The DRB granted the one year extension in late 2015 after multiple public hearings and considerable stakeholder input (**FIGURE 5**).

When the Downtown Colorado Springs Form-Based Code (FBC) was adopted in the summer of 2009 there were only a few uses that required the Downtown Review Board's approval of a conditional use permit (e.g. auto repair, bars, detention facilities, sexually-oriented businesses, and others). However, shortly after the FBC's adoption there was considerable discussion among downtown stakeholders about the prospect of a new homeless campground or shelter downtown. The FBC, as adopted, did not specifically address human service facilities. Therefore, Staff moved quickly to amend the City's human service establishment regulations to apply to the downtown form-based zone. This code amendment, approved in April of 2010 via ordinance 10-42, requires approval of a conditional use permit for human service shelters in the form-based zone. The Downtown Review Board has the authority to review and approve all conditional use permit applications within the current boundaries of the form-based zone.

Although a human service shelter operating on a daily basis requires a conditional use permit, City Staff, working together with social service providers, have allowed "emergency" shelters to operate on a limited basis without a conditional use permit. This policy allows churches, civic organizations, and existing human service facilities to add shelter beds during emergency situations that have a direct threat to public health, safety, and welfare. Examples of qualifying emergencies include: extreme cold, wildfire, flood, and other natural or human disasters. In the past, Staff has communicated that due to the lack of available shelter beds and the frequency of life-threatening temperatures during the winter season, the subject property could operate on an emergency only basis (temperatures below 38 degrees Fahrenheit) without the approval of the proposed conditional use permit and still be in compliance with local codes and policies. However, upon further investigation of this option in late 2017 the City and the applicant chose to proceed with a Conditional Use application to allow for ample public process and a community-based decision making process. It should be noted that even with approval of a Conditional Use permit the applicant intends to operate as an emergency shelter open only on nights with life-threatening temperatures.

The proposed project aims to add an additional 150 shelter beds to the community's inventory. When this project was submitted and reviewed in fall of 2014 the annual Point in Time survey conducted by the United Way, showed a recent decrease in services have resulted in fewer beds available compared to past years. More specifically, the study found that on January 26, 2014 there were 269 unsheltered residents with no additional beds available (**FIGURE 6**). While the one-year approval of the Salvation Army shelter in 2014 helped address this issue,

the 2015 Point in Time survey still found significant needs; specifically, that 243 people were identified as unsheltered and that a very limited number of beds were available (**FIGURE 7**). While the 2017 opening of the permanent shelter at the Springs Rescue Mission helped add shelter beds to the local inventory, the increase in local homeless population has outpaced the supply of beds. The 2017 Unity Way Point-in-Time survey found that the “HUD count” population of those needing shelter rose from 1,073 in 2015 to 1,415 in 2017 (**FIGURE 8**). Furthermore, a number of providers discontinued temporary shelter beds once the Springs Rescue Mission permanent shelter beds came online resulting in a minimal gain of 7 beds to the overall supply of beds. The City continues to work to obtain resources and partnerships to help address this issue. Some long-term solutions are in the planning stage, but the proposed Salvation Army shelter is critical to address short-term needs this winter.

Similar to previous years, the current proposal is to utilize the Salvation Army’s former thrift store portion of the vacant building at the south end of their property to provide an additional 150 shelter beds to help meet the demand for winter shelter resources. However, there are a number of key differences between the proposed operation this winter compared to previous years:

- Late start – due to a number of factors, the proposed start date to being operating the shelter is January 3, 2018. This is far later than previous years when the shelter began operating in October or November.
- Cold Weather Only – as stated previously, this year’s application specifically limits the operation of the shelter to only those days that evening temperatures will drop below 38 degrees Fahrenheit.
- Operating Hours – the proposed hours of operation are from 6:00PM to 9:00AM. This is a later start and later closing time than past years which may help alleviate conflicts with rush hour traffic in the mornings.
- Neighborhood Clean-up – Shelter staff are committed to keeping the surrounding neighborhood clean; on days that the shelter is not open due to unseasonably warm temperatures, staff and volunteers will conduct neighborhood clean-up efforts.
- Queuing – The fencing around the perimeter of the rear (eastern) parking area will be upgraded with fabric which will screen the public’s view of the area; shelter users will queue in this rear parking area and will have access to the building via a doorway on the building’s north-facing façade.
- Bathroom Facilities – Porta-Potties will be provided in the rear parking lot for use during queuing periods.
- Others – multiple other operational and communication improvements are envisioned; the Shelter Management Agreement (**FIGURE 9**)

In addition to temporary housing, the Salvation Army will provide a dinner meal and a continental-style breakfast. Other services include referrals to other local providers and the opportunity for case management and access to regular sheltering programs. Like previous years, the Salvation Army will offer kenneling of pets as feasible which allows the pet owners to utilize the shelter when they were previously turned-away from many shelter resources.

The Form-Based Code Section 2.5.4.7. empowers City Code Section 7.3.105.F.2.a. which requires 1,000 feet of separation between human service facilities to avoid clustering these types of uses in one area. In this case there is one human service facility currently present within the 1,000 foot buffer – the Crawford House owned and operated by the Colorado Veteran’s Resource Coalition on the southeastern corner of S. Weber St. and Pueblo Ave. Although this facility is small, housing only 16 residents (all of whom are military veterans), and

operates under a significantly different operation model (residents enroll in the program and reside at the facility for months at a time), the property is only 273 feet from the subject property. This issue was discussed in the fall of 2014 and a variance was granted allowing the shelter to operate in previous seasons; no new variance was deemed necessary for this application.

The Downtown Review Board must find that the project substantially complies with the following conditional use criteria:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

Planning Staff finds that the proposed shelter meets criterion B., intent of the zoning code, by providing much needed resources to at-risk populations. The denial of the proposed shelter could jeopardize the health, safety, and general welfare for the City's unsheltered populations. Likewise, Planning Staff finds that the proposed shelter meets criterion C., conformance with the City's Comprehensive Plan. The Comprehensive Plan supports the provision of services in the locations where they are known to be needed. And while efforts must be made to ensure compatibility and harmoniousness, it is widely recognized that while Downtown Colorado Springs has many resources for homeless populations (e.g. counseling, soup kitchen, etc.) there is a shortage of shelter beds.

While criteria B. and C. are relatively easy to evaluate, criterion A, impact to the surrounding neighborhood, is more complicated. Many of the property owners and residents that have provided comment on the prior years' shelter as well as the proposed re-opening have expressed concern of existing problems with homelessness in the southeastern quadrant of Downtown. The underutilized alleyways, empty warehouses, vacant properties, and creek corridors provide attractive sleeping and loitering locations for some unsheltered residents. Unfortunately, this has led to littering, loitering, and potentially even increased crime in the area. Many property owners and residents in the adjacent neighborhood believe that an increase in the number and density of service recipients in one area could lead to an increase in these impacts.

At previous meetings regarding the proposed shelter property owners in the area identified a number of activities at and around the site that affected their quality of life. Specific concerns included:

- Users of the shelter were allowed to queue at the shelter entrance on S. Weber far in advance of the shelter's opening. Additionally, many users lingered at the shelter long after the shelter closed in the morning.
- The amount of trash at the property and in the area significantly increased during operation of the shelter. Much of the trash was likely a result of the loitering and queueing before and after shelter operation. A single trash can was added at the shelter to help mitigate this issue, but many felt that action was inadequate.

- A lack of adequate security and on-site management resulted in inappropriate behaviors in the surrounding area. This included users obstructing vehicle travel on S. Weber St. and E. Platte Ave., fighting, and other undesirable activities.
- A lack of bathrooms at the property, and specifically facilities for those waiting to enter the shelter, resulted in unsheltered people relieving themselves on public or private properties in the immediate area.
- Instances of theft, aggressive panhandling, and other threatening behavior at nearby properties, businesses and residences.

The Salvation Army, together with the City, has worked to find solutions to address these issues, and as described earlier in this report, changes are being included in this proposal to mitigate many of these issues. Specifically, queuing will be moved from the west side of the building along Weber St. to the east side of the building behind a fence/screen; trash cans and porta-potties will be added to reduce trash and human waste issues; and security cameras have already been installed at the property to increase security.

So while debate is likely and only time and monitoring will reveal the true outcome, Staff finds that criterion A is met and that the proposed emergency winter shelter will not substantially injure the value and qualities of the surrounding neighborhood.

**Staff finds that the project substantially complies with the required Conditional Use criteria.**

#### **STAFF RECOMMENDATION:**

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**Approve** the proposed conditional use based on the findings that the conditional use criteria found in section 7.5.704 of the City Code are substantially met.