

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

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MEMORANDUM

DATE: December 3, 2015

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of November 2, 2015

The following actions were taken by the Planning Commission on November 2, 2015. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Committee Clerk

Lisa Kusz - 612.673.3710

Commissioners present

Matthew Brown, President | John Slack, Vice President

Lisa Bender | Meg Forney | Ben Gisselman | Ryan Kronzer | Nick Magrino | Sam Rockwell

Commissioners absent

Alissa Luepke Pier, Secretary

Rebecca Gagnon

I. Zoning Code Text Amendment, All Wards.

Staff report by [Shanna Sether](#)

A. Text amendment to Chapters 520, 536, 541, 546, 547, 548, 549 and 551 related to the Zoning Code: Introductory Provisions, Specific Development Standards, Off-Street Parking and Loading, Residence Districts, Office-Residence Districts, Commercial Districts, Downtown Districts and Overlay Districts.

Action: The City Planning Commission recommended that the City Council **approve** the text amendment to allow emergency and overnight shelters as a principal use in certain districts. The City Planning Commission further recommended that the City Council **return** Chapter 550: Industrial Districts.

Aye: Bender, Kronzer, Magrino, Rockwell and Slack

Absent: Forney, Gagnon, Gisselman and Luepke-Pier

Staff Sether presented the staff report.

Commissioner Kronzer: Both the emergency shelters and overnight shelters would be conditional use permits, do we know what the conditions of approval would be yet for those CUPs?

Staff Sether: What we have right now are proposed specific development standards for each use and they're almost identical. The only difference between the two is addressing that maximum occupancy. Emergency shelters in the proposed text, we actually put it right into the use table. If you're zoned R1-R2B, it's an emergency shelter serving six persons or less. What would we be looking for is spacing, of course. Occupancy would only be for overnight shelters. If you're looking for compatibility with new additions or proposed new construction with the surrounding area, the appropriate transition area which would be handled through site plan review, site plan review is not triggered and they can only have a conditional use permit because perhaps they're occupying an existing building. We have that additional provision to make sure the use is compatible with adjacent properties. The shelter does provide an enclosed waiting area or be serviced by appointment unless the shelter is open 24 hours a day. Many existing operators take their management plan to the neighborhood associations and really work through a lot of details to make sure that everybody is on the same page. At one of our community meetings, one of the representatives from the Jordan Area Community Council talked about how important that was for everyone in the community that was involved in the meeting that day. They also followed up with a site visit. There's the additional provision for checking for litter on and off the property within 100 feet. That would be primarily what we're looking for. Additional conditions could be around traffic congestion, size of the enclosed waiting area.

Commissioner Kronzer: You mentioned a management plan, but is there any licensing or additional inspections?

Staff Sether: The zoning code cannot cover all bases so Council Member Gordon introduced a text amendment that through our colleagues in the Department of Health, require a lodging or board and lodge license for facilities. They're still working through the specific parameters of the licensing component but it's set to approve on the same schedule if this zoning code amendment goes forward.

Commissioner Kronzer: I understand how a facility attached to a religious institution would tend to operate and get funding, but how would a nonprofit or someone now associated with a religious institution get one of these up and running from a funding perspective?

Staff Sether: What we found, and we have some operators here, many of them are actually not affiliated with the religious institution directly. They actually are a separate entity and operate the business that they know how. Though they're tied by location and maybe through philanthropic goals of that religious institution, many of them are no longer the same entity.

Commissioner Kronzer: With everything, there's money for capital and operation/maintenance. In most lines of work, capital money is easy to get and maintenance/operations is more difficult so I'd like to understand that. I'd like to know how they can be maintained properly.

Staff Sether: Our best effort to ensure that the compatibility with building additions and existing construction are through these specific development standards so that would be applicable.

Commissioner Kronzer: Other supportive housing proposals that we have seen recently use the Americans with Disabilities act to waive the spacing requirement, is that something we might see with these uses?

Staff Sether: It is possible, however, not necessarily likely. Many of the uses where we've seen individuals seek reasonable accommodation through the Federal Fair Housing amendments act is because they have a defined demographic that meets the definition of disability per the act. In this case, many of the operators do not necessarily provide services to a specific demographic or the demographic may change over time. Homeless veterans may qualify for reasonable accommodation; we have not had that request made of us before. Notwithstanding the amendment, I believe someone could apply for reasonable accommodation now if that was the case.

Commissioner Kronzer: Can you go through spacing?

Staff Sether: In this example, we have red for emergency shelters, yellow for overnight shelters. Anywhere you see yellow, red would also be allowed. This would be the 1000 foot spacing, this is ¼ mile and this is ½ mile. The effective difference between the 1000 foot and ¼ mile spacing is 350 feet or so. Staff identified the 1000 foot dimension because that's what we currently require for the downtown shelter overlay as one of the conditions for a new shelter. We started with 1000 feet and thought it doesn't change the map significantly by requiring that additional spacing requirement and it's essentially to allow more of these uses and because there were not that many opportunities for the overnight shelter anyway, we thought the lesser spacing was appropriate.

President Brown opened the public hearing.

Steve Horsfield (2100 Pillsbury): I'm the Executive Director of Simpson Housing Services. We operate a shelter at 2740 1st Ave S. What you see on the outside of our building is a problem with our landlord. There are some financial struggles within the Methodist Church from which we lease that space. About financing, a lot of that is raised through private contributions through the public. As a non-profit we are owned by the public and held to certain accountability in all sorts of ways through our board and the way we raise funds. In this particular case, this is not easy money to raise. I am here to speak in support of the proposed text amendment. Shelters are a critical resource in the continuum of services that lead Minneapolis residents back to housing stability. The south Minneapolis shelter that we operate has been a safe place for 66 members of our community and has been operating for more than 30 years. It also gives hundreds of volunteers an opportunity to engage around this issue each year. We are deeply appreciative of the work that's been done on this proposal in that it creates new capacity for purposed designed shelters in commercial zoning districts and it creates opportunities for smaller residential based facilities in mixed-use areas and for the elimination of the requirement that shelters are only allowed as an accessory use for places of worship. As I am here representing an agency that is only one of a handful of established shelter providers in Minneapolis, I can tell you that our primary interest is not in opening more shelters. We would only pursue the development of new programs where there's community support and where we think we can do so in a better way in terms of more dignity for our guests and improved permanent housing outcomes. Wherever possible, we are allocating all of our resources in permanent solutions to homelessness. We've got 66 people in a shelter each night, we've got 400 households scattered around the metro of people who were formerly homeless that we're supporting. That's where our focus is. There are two established shelters represented here this evening, as these programs serve 50-70 people each and are R2B, they would not be permitted as a primary use if they were to come in to apply for a new application now and that's something to consider. Thank you for your important work on this issue.

Randall Cohn (2223 Harriet Ave): I've worked in homeless services as a shelter advocate, average worker, case manager and program supervisor. I speak to you today with equal urgency from both of those roles as a resident who wants to protect the vitality and diversity of that neighborhood and also as an advocate concerned for the well-being of the poorest and most vulnerable members of our community. As a resident of the Whittier neighborhood, I moved to that neighborhood when I got to Minneapolis in part because I appreciate its authentic diversity. I quickly became proud of my community for the historic commitment of the churches and neighborhood providing practical direct services to help mitigate the impacts of the homelessness crisis and of those churches and service organizations that grew out of that work for sticking it out and finding ways to stay open even as the churches that hosted the shelters and the congregations that attended them faced deterioration. I am proud of the shelters in my neighborhood. They symbolize to me what it looks like to put the progressive values and care for others in practice. They stand for recognition that the people who seek shelter are not intruders into our community or a threat to it but rather are some of the most vulnerable members of our community. I support this amendment because it will affirm that historic commitment in my neighborhood and make it more likely that more neighborhoods in Minneapolis whose residents share Whittier's values will be able to provide similar services. As a homeless service worker and advocate, I add the following, the work that shelters do is hard. Shelters that provide emergency services have to hustle to stay open, they never have enough resources, they must be flexible and responsive and even as they literally work to help members of our community survive the winter they must also constantly fight to justify their existence to people who see them as threats to property value and development projects. The current zoning rules make it that much harder, tying up one hand of advocacy organizations and forcing them to perform a charade of association with religious organizations in some cases, some of which largely continue to exist as religious organizations only in order to allow the shelters to continue to exist. What this amendment would allow is for the organizations that are already taking on the burden of providing lifesaving emergency support to our city's most vulnerable populations to do so in good faith with both hands in facilities that are safe, efficient and appropriate for their purpose and they're better able to allow the people who benefit from those services to do so with dignity. I'd like to share some of the concerns I've heard articulated by organizations purporting to represent the interests of my neighborhood, specifically that it will contribute to an increased density of low income housing in particular neighborhoods, an argument that is offered with a straight face in the name of addressing the systemic housing inequity in our city. I ask in light of all of this for simple candor in your deliberations. This amendment will remove an arbitrary, antiquated and very possibly illegal barrier to those doing essential humanitarian work in our cities, but we continue the very important and difficult work of addressing structural inequity in housing in other areas there continues to be a crisis on the streets every day and that crisis needs to be managed. This amendment is not about how we will solve the bigger problems, it's about how we manage the crisis. Please don't make saving lives every day any harder than it has to be.

Gail Dorfman (4200 Forest Rd): I'm the Executive Director of St. Stephen's Human Services. We operate two shelters. Our main shelter in the rectory of St. Stephen's church which shelters 45 men every night of the year and our emergency winter shelter that just opened last night at the River of Life Church on the north side. I'd like to thank staff for all the work done on this with shelter providers and the community and to the Planning Commission for your consideration. In Heading Home Hennepin, our city had a 10 year plan to end homelessness, we state that the best way to end homelessness is to prevent it in the first place, but when someone does become homeless that systems will be in place to get people off the streets and out of shelters as quickly as possible and into safe and stable housing. Shelters are not housing, but is often a critical stop on the way to housing. Last night in Hennepin County, similar numbers to what Shanna reported. Just last night there were 298 families with 850 children in shelters. There were 695 single adult men, 162 single adult women, 68 teens. The last unsheltered count in July found just under about 200 people outside.

The Salvation Army on Curry Ave is now limiting their overflow space meaning that somewhere between an additional 30-70 men and women could find themselves with nowhere to go at 10pm each night when Salvation Army reaches capacity. We need safe, dignified shelter spaces where people can get out of the cold and move quickly toward housing. This text amendment moves in the right direction towards meeting this need. It does not mean that there will be homeless shelters all over town, that's the last thing any of us want or need. The text amendment and the accompanying licensing provision guard against that, but it does provide the flexibility to develop a different kind of shelter than ones allowed today only accessory to religious institutions in the basement of a church as ours is with no ADA access. It allows for smaller shelters serving specific populations like GLBT youth who have almost nowhere to go now. Single adult women, seniors, people with disabilities...it allows for a shelter as a principal use in a commercial district on a transit corridor improving access to jobs, housing and services. Ending homelessness means fewer people will become homeless and when they do we'll have the emergency shelters and overnight shelters in place to be sure that homelessness will be rare, brief and non-reoccurring. I urge you to support this text amendment. It is a thoughtful measured way to provide the shelter space needed to end homelessness. Thank you.

Phil Duran (Out Front MN): The need for shelter, both short term and ongoing, affects many people in the Minneapolis community including many LGBT folks, particularly young people. Recently the Wilder Foundation estimated that in Minnesota, some 12% of homeless youth identify as LGBT. The Williams Institute, which is associated with UCLA, estimates that in some parts of the country that number could be as high as 40%. Many LGBT youth and adults are on the streets and in need of shelter services because they've been rejected by families or communities for reasons which ultimately derive from religious viewpoints. Current Minneapolis policy requires that overnight shelter services be accessory to places of worship, you can imagine the tension that creates for those who need service but who are afraid to seek it at such facilities. We've worked with people who have been mistreated or turned away from such facilities. It's important to recognize that in many instances that fear is unfounded. In recent years there have been tremendous changes in the viewpoints in the people of faith regarding LGBT folks. We know that so many staff and volunteers are deeply committed to treating every person who shows up with dignity and respect, but we do know the problem continues. We support this proposal and hope you will as well. It ends that automatic link between overnight shelter services and congregations. Thank you.

Ryan Stopera: I'm a social worker. I've been working with the homeless for about ten years. This just makes sense. It's practical, it's pragmatic, it's time. Homelessness is a complex issue. The great thing about this whole process is to have the most vulnerable citizens in Minneapolis at the table and be heard and then to see something move through and be passed, it's good. More shelters doesn't solve homelessness, they want more options to effectively and efficiently move forward in self-sufficiency. I think this amendment will get us there. Thanks for your time.

Cam Gordon: I am the co-author of this amendment. I'm working on a parallel ordinance that will involve the city's Health Department in providing some oversight. So far the things that we really articulated to work on is maintain the physical building in good condition, keeping it clean, complying with fire regulations, providing laundry service and providing appropriate restroom and shower facilities. The shelter system that we've had in the city since I've been on the council about 10 years really hasn't been working. It's been strange and difficult to look at. I believe what we have here is a carefully well thought out reasonable solution. Thank you.

President Brown closed the public hearing.

Commissioner Bender: In the peer city research, almost every other city allows shelters in high density
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residential areas, could you talk more about that? Our proposal does not. One question is, does this peer city research table reflect what we are calling overnight shelters? Could you talk more about why we decided not to include high density residential in our proposal?

Staff Sether: Staff found a variation of peer cities that define two different definitions. The closest example to what our amendment is suggesting is the City of Saint Paul that has the smaller facilities as emergency shelters and larger facilities as overnight shelters. We treated it pretty similarly to Saint Paul. There are other cities where they're all treated the same way and high density residential was a consideration. We initially started to look at overnight shelters, the larger facilities being more akin to supportive housing and we do allow supportive housing in our high density residential districts. It's not to say that wouldn't be a possibility, this was just such a large change from the existing regulations, which are so stringent. We talked about perhaps a more incremental approach and that's what you see before you today. It's not to say there's not flexibility for change, the zoning code is a living document. We are more than happy to come back to the Planning Commission and City Council for a report when deemed necessary to determine whether or not this was an effective amendment. As far as talking about shelters, we talked about it as staff, at community meetings, in steering committee meetings, we said we want to see the opportunity for shelters citywide. This does that. Does it do it to a point that's going to make sense for some of our larger operators? Maybe not.

Commissioner Bender: That's a helpful clarification. I just wanted to note that we discussed C1 as well and that has not been included, I think for the reasons that you outlined, so what we landed on is a relatively restrictive expansion to C2, C4, downtown and the Industrial Living Overlay District. Thank you.

Commissioner Kronzer: I will move staff recommendation (Slack seconded).

Commissioner Bender: I'd like to say thank you to everyone who has participated in this. We spent a long time on this issue. It's really important and really sensitive. Staff has really gone above and beyond. Shanna, I thank you so much for everything you did. Mr. Stopera was a little modest. He organized the meeting we held speaking with folks who are experiencing homelessness, which was so informative as we tried to understand how these uses really serve. We think of this sometimes as a land use issue and really bringing that to life and how it's impacting people in their day to day to lives as they work to get back into housing. I thought the two public meetings we held were very enlightening. Homelessness is a problem in our community. It's one that is growing in a lot of populations and this is up stepping up to provide the beds we need for people in need. We've strived to create policy recommendation that distributes shelters as much as we can and as much as practical. We landed on what I think is relatively modest expansion of cost effective shelters to run. I think the folks operating shelters would've liked to see us go farther than we did in this proposal, but since it's such a large change, Council Member Gordon and I felt the most comfortable with this as a first step. Thanks again to everyone who has been involved.

Commissioner Kronzer: I think this is a great strategy and I think it's very important that we realize this is a citywide issue, this isn't things focused in a neighborhood south of downtown or near north, this is a citywide effort. There's an overnight shelter that could be way south down at the end of Nicollet Ave, which is wonderful. I think it's important that we look at policies that are citywide because they affect all sorts of people. Homelessness does not discriminate against anyone. I'd like to see a little more spacing to a quarter mile. I'm very supportive of this amendment.

President Brown: When looking at the peer city research, I was struck by how restrictive we currently are and maybe how outdated our regulations currently are for meeting a very important need. I'd like to thank our authors and everyone who put time into this.

Excerpt from the City
Planning Commission Minutes
Not Approved by the Commission

Aye: Bender, Kronzer, Magrino, Rockwell and Slack
Absent: Forney, Gagnon, Gisselman and Luepke-Pier