



## Request for City Council Committee Action from the Department of Community Planning & Economic Development - Planning Division

**Date:** December 2, 2010

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Referral to:** Zoning & Planning Committee

**Subject:** Interim use permit for an overnight shelter accessory to a religious institution place of assembly located at 810 7<sup>th</sup> St. S.

### **Recommendation:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Council adopt the above findings and approve the application for an interim use permit for an overnight shelter accessory to a religious institution place of assembly located at 810 7<sup>th</sup> St. S., subject to the following conditions:

1. The interim use shall expire no later than May 15, 2011.
2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

**Ward:** 7

Prepared by: Jason Wittenberg, Planning Manager, 612-673-2297 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Jason Wittenberg, Planning Manager, 612-673-2297
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### **Community Impact**

- Neighborhood Notification: Elliot Park Neighborhood, Inc. was notified of the application
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: January 15, 2011

### **Background/Supporting Information**

On November 16, 2010, First Covenant Church and submitted an application for an interim use permit to allow an overnight shelter accessory to the existing church located at 810 7<sup>th</sup> St. St. The zoning code authorizes the City Council to grant an interim use permit for a period of up to five years. The proposed use must be allowed as a conditional use in the district in question. The applicant's intent is to operate the shelter through April of 2011. See the attached staff report, recommendation, and supporting information.

**Department of Community Planning and Economic Development – Planning Division**  
**Interim Use Permit**  
**BZZ-5037**

**Date:** December 2, 2010

**Applicant:** First Covenant Church

**Addresses of Property:** 810 7<sup>th</sup> St. S.

**Project Name:** First Covenant Church Overnight Shelter

**Contact Person and Phone:** Carina Ruhlandt, 612-767-3118

**Planning Staff and Phone:** Jason Wittenberg, 612-673-2297

**Date Application Deemed Complete:** November 16, 2010

**End of 60-Day Decision Period:** January 15, 2011

**Ward:** 7      **Neighborhood Organization:** Elliot Park

**Existing Zoning:**      OR3 Institutional Office Residence District  
                                 DP Downtown Parking Overlay District

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application

**Proposed Use:** Overnight shelter accessory to a religious institution place of assembly

**Applicable zoning code provisions:** Chapter 537, Section 537.110, Allowed accessory uses and structures. Chapter 525, Article VIII, Interim Uses.

**Background:**

First Covenant Church, in cooperation with the Salvation Army, has filed an interim use permit to allow an overnight shelter located at 810 7<sup>th</sup> St. S. The proposed shelter, which would be operated by the Salvation Army Harbor Light Center, would serve up to 50 single adults who are homeless. Interim uses may be granted for a period of up to five years, provided the use must be allowed as a conditional use in the district in question. Overnight shelters are allowed as a conditional use accessory to religious institution places of assembly. The site in question operates as a church. The applicant's intent is to operate the temporary shelter through April 30, 2011. (The property is not located in the DS Downtown Shelter Overlay District, a geographic area in the City where shelters may operate as the principal use of a property.)

As of writing this staff report, staff has not received correspondence from the neighborhood organization regarding the interim use permit application.

**Findings as required by the Minneapolis Zoning Code:**

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Operating an overnight shelter accessory to the existing church should not be detrimental to or endanger the public health, safety, comfort or general welfare. A minimum of two trained shelter advocates will be located on the site when the facility is open. Staffing levels will also be supplemented with volunteers. The provider will contact police or applicable agency if a guest is removed from the facility if they are considered dangerous to themselves or others. The applicant is working with Regulatory Services staff to confirm that the proposed maximum number of guests is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Staff does not anticipate that the shelter would be injurious to the use and enjoyment of nearby properties. Nearby land uses include a bar/restaurant, Hennepin County Medical Center, and the Hubert H. Humphrey Metrodome. The nearest residential use, a supportive housing facility, is located one block to the east, at 906 7<sup>th</sup> St. S.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Adequate utilities, access roads, drainage, necessary facilities or other measures are provided.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Given the nature of the use, is expected that few guests would arrive at the site by car. For staff who may drive to the site, the site includes a large accessory parking lot.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The proposed interim use is consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

Policy 3.4: “Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless youth, singles and families.” Section 3.4.5 of the comprehensive plan indicates that the City should, “Implement and promote additional strategies to reduce homelessness, such as those identified in Heading Home Hennepin.” While the Heading Home Hennepin plan suggests that, over time, shelters should be replaced by other forms of permanent housing, it recognizes that shelters are a critical component of serving those in urgent need.

**Interim Use Conditions**

- 1. The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.**

Overnight shelters are permitted in the OR3 District accessory to religious institution places of assembly.

- 2. Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.**

The use will conform to the zoning ordinance. The existing parking lot is nonconforming in the Downtown Parking Overlay District as well as to the parking and loading landscaping and screening standards.

- 3. The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.**

The applicant’s intent is to operate the shelter until April 30, 2011.

- 4. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.**

The applicant is aware of this standard

- 5. Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.**

The applicant is aware that, when shelters are established as an accessory use, they are subject to the following standards from section 537.110 of the zoning code:

- (1) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.*

The floor plan submitted by the applicant shows a check-in and waiting area within the building, near the entrance along S. 7<sup>th</sup> St.

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- (2) *The number of guests shall not exceed the housing code occupancy requirements.*

The applicant is in the process of confirming conformance with applicable code requirements with the Regulatory Services Department and understands that these issues must be addressed prior to opening the shelter.

- (3) *The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.*

A summary of a management plan and a floor plan have been submitted and are attached for reference.

- (4) *The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.*

The applicant understands that this is a requirement and will comply with the requirement.

**RECOMMENDATION:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Interim Use Permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Council adopt the above findings and **approve** the application for an interim use permit for an overnight shelter accessory to a religious institution place of assembly located at 810 7<sup>th</sup> St. S., subject to the following conditions:

1. The interim use shall expire no later than May 15, 2011.
2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

**Attachments:**

- 1) Map
- 2) Statement of use
- 3) Site plan, floor plans, and photos of the site