



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

Date: September 15, 2011

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 1110 22nd Ave N / 2200 Fremont Ave N.

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 1110 22nd Ave N / 2200 Fremont Ave N, subject to the following conditions:

1. The interim use shall expire no later than December 10, 2015.
2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

Ward: 5

Prepared by: Aly Pennucci, City Planner, 612-673-5342 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Aly Pennucci, City Planner, 612-673-5342

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: Jordan & Hawthorne Neighborhoods were 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: October 24, 2011

Background/Supporting Information

On August 26, 2011, River of Life Lutheran Church submitted an application for an interim use permit to allow an overnight shelter accessory to the existing church located at 1110 22nd Ave N / 2200 Fremont Ave N. 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 2015. See the attached staff report, recommendation, and supporting information.

Department of Community Planning and Economic Development – Planning Division
Interim Use Permit
BZZ-5263

Date: September 15, 2011

Applicant: River of Life Lutheran Church

Addresses of Property: 1110 22nd Ave N / 2200 Fremont Ave N

Project Name: River of Life Lutheran Church Overnight Shelter

Contact Person and Phone: Allysen Hoberg, 612-870-2263

Planning Staff and Phone: Aly Pennucci, 612-673-5341

Date Application Deemed Complete: August 26, 2011

End of 60-Day Decision Period: October 24, 2011

Ward: 5 **Neighborhood Organization:** Jordan

Existing Zoning: R2B Two Family Residence District

Zoning Plate Number: 8

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:

River of Life Lutheran Church, in cooperation with St. Stephens Human Services, has filed an interim use permit to allow an overnight shelter located at 1110 22nd Ave N / 2200 Fremont Ave N. The proposed shelter, which will be operated by St. Stephens Human Services, will serve up to 40 single adults who are homeless. Overnight shelters are allowed as a conditional use accessory to religious institution places of assembly. Interim uses may be granted for a period of up to five years, provided the use is allowed as a conditional use in the district in question. The site in question operates as a church. An interim use permit was approved for this property in December 2010 that expired on May 15, 2011. There is still a need to provide this service in the community so the applicants are requesting that an interim use permit for an additional four (4) years. The applicant has requested approval through April 30th, 2015.

Staff has received a letter of support from the Jordan Area Community Council.

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 and experienced shelter staff 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 proposed maximum number of guests is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes. During operations from December 2010 through May 2011 we did not receive any complaints and there are no reported police incidents on record for this property.

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. The land uses surrounding this property are all residential uses, however, the operators have a strong management plan that includes providing an indoor waiting area to avoid disrupting surrounding properties. As mentioned above, there were no complaints or police incidents during the shelter operations from December 2010 through May 2011. There is an evening meal served Monday through Friday by Loaves and Fishes where guests will wait until the shelter opens. This meal service has been operating at this facility for several years. On the weekends, guests that arrive prior to the shelter opening time will wait in the River of Life Assembly Hall or in the waiting area outside of the hall. The entrances to the shelter area and the assembly hall are located on the south side of the building facing the street and are not immediately adjacent to the properties that abut the subject site to the North. St. Stephens Human Services has operated another emergency shelter since 1981 at the Church of St. Stephen (2211 Clinton Ave). This location is also surrounded by residential land uses.

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, it is expected that few guests would arrive at the site by car. For staff who may drive to the site, there is a large parking lot serving the Church across the street at 2201 Fremont Ave N.

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 R2B 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 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, 2015. Because an interim use permit was granted on December 10, 2011, the interim use permit cannot be approved beyond December 10, 2015. At that point, a decision would have to be made whether to apply for a conditional use permit to permanently establish the shelter. Staff has provided this information to the applicant.

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 the assembly hall identified as the waiting area within the building, near the entrance along 22nd Ave N.

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

The proposed maximum number of guests is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

- (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 1110 22nd Ave N / 2200 Fremont Ave N., subject to the following conditions:

1. The interim use shall expire no later than December 10, 2015.
2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

Attachments:

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