



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 810 7th 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 7th St. S., 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: 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

Financial Impact

- No financial impact

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: October 22, 2011

Background/Supporting Information

On August 23, 2011, The Salvation Army and First Covenant Church submitted an application for an interim use permit to allow an overnight shelter accessory to the existing church located at 810 7th 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. See the attached staff report, recommendation, and supporting information.

On December 10, 2010, the City Council authorized the shelter through an interim use permit that expired on May 15, 2011. The shelter, which operates seasonally, closed before the required deadline. The applicant seeks approval for an extension of the interim use permit for the full five years authorized by ordinance. In this case, that would result in a deadline of December 10, 2015, which is five years from the first City Council action authorizing the interim use.

Department of Community Planning and Economic Development – Planning Division
Interim Use Permit
BZZ-5297

Date: September 15, 2011

Applicant: First Covenant Church

Addresses of Property: 810 7th St. S.

Project Name: First Covenant Church Overnight Shelter

Contact Person and Phone: Carina Aleckson, 612-767-3118

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

Date Application Deemed Complete: August 23, 2011

End of 60-Day Decision Period: October 22, 2011

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

Existing Zoning: B4N Downtown Neighborhood 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 continue to allow an overnight shelter located at 810 7th St. S. On December 10, 2010, the City Council granted an interim use permit to allow the shelter to operate until May 15, 2011. The shelter operates seasonally and ceased operation prior to May 15th. While the applicant's original intent was to operate the shelter through April of 2011, it was understood that the applicant could return to extend the interim use permit as needed.

The shelter, which would be operated by the Salvation Army Harbor Light Center between November 1st and April 30th, 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.

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 has previously worked 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 7th 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 any staff driving 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 B4N Downtown Neighborhood 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 is requesting approval for the full five-year period authorized by ordinance. Staff is recommending approval to extend the interim use permit for five years from initial approval of the interim use permit, to December 10, 2015. If approved, the applicant would be required to apply for a conditional use permit to continue to operate the shelter beyond that date and would be subject to regulations associated with permanently establishing the use, such as landscaping and screening standards.

- 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.*

Department of Community Planning and Economic Development – Planning Division
BZZ-5297

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

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

The applicant previously received approval from the Regulatory Services Department to operate the shelter. The applicant has indicated that an alarm system has been installed in the shelter area, as required by Regulatory Services.

- (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 7th St. S., 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) Map
- 2) Statement of use
- 3) Site plan, floor plans, and photos of the site