

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Variance  
BZZ 3895

**Date:** January 14, 2008

**Applicant:** RS Eden

**Address of Property:** 3210 Lyndale Avenue North

**Project Name:** Dillon Apartments

**Contact Person and Phone:** Chris Wegscheid, (651) 225-8623

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** December 21, 2007

**End of 60-Day Decision Period:** February 19, 2008

**Ward:** 3      **Neighborhood Organization:** McKinley Community, adjacent to Hawthorn Area  
Community Council

**Existing Zoning:** R5 Multiple Family District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 8

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

**Proposed Use:** Supportive Housing Facility serving up to twenty persons.

**Concurrent Review:**

- **Conditional use permit** to allow for a new supportive housing facility serving up to twenty persons in an existing building.
- **Variance** to reduce the lot area requirement for a supportive housing facility from 750 square feet per rooming unit to 727.35 square feet (3%) to allow for twenty persons.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits, Chapter 525, Article IX, Variances and Chapter 546 Residence Districts.

**Background:** The building at 3210 Lyndale Avenue North is currently a multiple family structure with twenty dwelling units. RS Eden will be purchasing this property, along with the neighboring 12-unit

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residential structure at 3218 Lyndale Avenue North and the vacant parcel 616 Lowry Avenue North. The applicant was originally proposing supportive housing in both structures; however, due to minimum spacing requirements in the zoning ordinance, the applicant has instead only proposed supportive housing in the structure at 3210 Lyndale Avenue North.

The applicant is also proposing to remodel the existing building to allow for an office that will provide on-site services and a meeting room for residents, along with twenty apartments for supportive housing to serve low income, homeless single adults, who have a current mental health diagnosis and/or have recently completed a chemical dependency treatment program. Please see the program description and management plan submitted by the applicant and attached to this report for a more detailed explanation of the development.

Due to the required land use application for a conditional use permit, the site plan is also subject to design and maintenance standards as provided in Chapter 530 Site Plan Review and Chapter 541 Off-Street Parking and Loading and Preliminary Development Review by Public Works, Police and Fire.

Supportive housing requires a conditional use permit in the R5 Multiple Family District. If the conditional use permit is approved, the use is subject to specific development standards. The proposed facility appears to meet all of the specific development standards. The applicant has provided a management plan and a program description that are attached to this report. The conditional use permit is based on the program description and management plan. A change in the program would require that the applicant obtain a modification to the conditional use permit from the City Planning Commission. Significant or recurrent deviations from the program description and management plan may be grounds for a revocation of the conditional use permit or may require the applicant to obtain a modification to the conditional use permit before the City Planning Commission.

The R5 District requires a minimum lot area of 750 square feet per rooming unit for supportive housing. The lot size of the site is 14,547 square feet. The applicant is also requesting a variance to reduce the minimum lot area requirement of 750 square feet per rooming unit to 727.35 square feet, a three percent reduction, in order to allow for the existing 20 units.

The site is in the McKinley neighborhood and is bordered by the Hawthorne neighborhood to the south. As of writing this staff report, staff has not received any correspondence from either of the neighborhood organizations. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:** to allow for a supportive housing facility for up to twenty persons in an existing building.

**Findings as required by the Minneapolis Zoning Code for the conditional use permit:**

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The applicant is proposing to convert an existing 20-unit residential structure to a supportive housing facility serving up to 20 persons. The applicant has said that supportive services are necessary for this facility in order for the residents to maintain sobriety and transition into the community successfully. Residents will be required to participate in activities that focus on accountability to self and the community. Counselors and other staff will be on-site to help residents with training and finding permanent housing and employment. Conversion of the existing multiple family residential building to supportive housing will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances, as well as Public Works Department standards.

**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.**

The surrounding area is fully developed. The conversion of 20 dwelling units to a supportive housing facility that will serve 20 persons will be provided within an existing building and should not impede on the normal or orderly development of surrounding property in the area. With proper program management, landscaping and site improvements and site security the proposed use should not have negative impacts on surrounding properties. In addition, the City is aware of no other congregate living facilities within a quarter mile of the site, so there is not an undue concentration of such housing in the immediate vicinity.

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

The site is served by existing infrastructure. Vehicle access would be from the alley at the rear of the property. The Public Works Department will review the project for appropriate drainage and stormwater management in or over the public right of way.

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

The structure was built in 1969 as a 20 unit apartment building and converted to 21 dwelling units in 1982. There are currently 20 units in the existing structure. Off-street parking was deemed to be sufficient at the time the building was constructed. The conversion of dwelling units to a supportive housing facility reduces the parking requirement from 20 spaces to 7. There is an existing asphalt parking area with 14 off-street spaces to the rear of the site that serves as the parking area. Through design and maintenance of the site, there will be one handicapped space and 10 standard spaces. In addition, other transportation options exist near the site including several bus lines along Lowry Avenue North.

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

The property is adjacent to the Lyndale and Lowry Avenue North commercial node and near Lowry Avenue North, a designated Community Corridor. The property was also identified as predominately residential in the Lowry Avenue Corridor Plan (2002).

According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

**4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

**Applicable Implementation Steps**

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

**4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.**

**Applicable Implementation Steps**

Promote medium density residential development around Neighborhood Commercial Nodes (see also Community Corridors policy in this chapter).

**4.11 Minneapolis will improve the range of housing options for those with few or constrained choices.**

**Applicable Implementation Steps**

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges

**4.10 Minneapolis will reasonable accommodate the housing needs of all of its citizens.**

**Applicable Implementation Steps**

Promote increased development of housing for very low-income households earning 30% or less of metropolitan median income.

The Planning Division believes that the proposed use is in conformance with the above policies of the comprehensive plan. The applicant is proposing to convert an existing 20-unit residential structure to a supportive housing facility serving up to 20 persons. The applicants anticipate rental subsidies, which will allow for residents to pay no more than 30% of their annual income towards rent. The applicant has said that supportive services are necessary for this facility in

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order for the residents to maintain sobriety and transition into the community successfully. Residents will be required to participate in activities that focus on accountability to self and the community. Counselors and other staff will be on-site to help residents with training and finding permanent housing and employment.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.**

In addition to the conditional use permit, a minimum lot area variance is required and the proposed use is subject to the following Specific Development Standards, addressed in Chapter 536:

- (1) Supportive housing shall be located at least one-fourth (1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
  - a. Community correctional facility.
  - b. Community residential facility.
  - c. Inebriate housing.
  - d. Motel.
  - e. Overnight shelter.
- (2) The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- (3) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

The building and intended use complies with all of the development standards. As an important note, on-site services shall be for residents of this facility only. The applicant originally proposed to have supportive housing facilities in this structure and the neighboring structure at 3218 Lyndale Avenue North, but has withdrawn that request. The applicant has indicated that the facility will be in a secured building and that landscaping and screening will be installed around the building to control access and improvements will be consistent with the neighborhood.

**VARIANCE** – to reduce the minimum lot area requirement from 750 square feet per rooming unit to 727.35 square feet to allow for a new supportive housing facility in an existing building.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to reduce the required lot area from 750 square feet to 727.35 square feet (3%) to allow for the conversion of a multiple family dwelling to a supportive housing facility for up to twenty persons in the R5 District. The current use of a twenty unit residential building is presently nonconforming to lot area. The lot area requirement for multiple family dwellings is one dwelling unit per 900 square feet of lot area. If a twenty-unit multiple family residential structure were to be constructed on this parcel today, a 19% variance would be required. Strict adherence to the regulations would not allow for the proposed supportive housing facility, although the density is moving towards conformity.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The conditions upon which the variance is requested are unique to the parcel of land and were not created by the applicant. The property located at 616 Lowry Avenue North is considered to be a part of the same zoning lot, however, the zoning classification of this parcel is C1 Neighborhood Commercial District and therefore, the lot area in this more restrictive district is not allowed to be included as part of the minimum lot area for the supportive housing use. In addition, the property, as it currently exists, is nonconforming to lot area by 19 percent. The applicants intend to remodel the interior to allow for offices, however, the number of units will remain the same. Staff does not believe the split zoning of the zoning lot or the existing lot sizes of the property are circumstances created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes that granting the lot area variance will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed supportive housing facility fits the character of the surrounding area.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The structure was built in 1969 as a 20 unit apartment building and converted to 21 dwelling units in 1982. There are currently 20 units in the existing structure. Off-street parking was deemed to be sufficient at the time the building was constructed. The conversion of dwelling units to a supportive housing facility reduces the parking requirement from 20 spaces to 7. There is an existing asphalt parking area with 14 off-street spaces to the rear of the site that serves as

the parking area. Through design and maintenance of the site, there will be one handicapped space and 10 standard spaces. Further, there are several bus lines along Lowry Avenue North. Granting the lot area variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed supportive housing facility be detrimental to the public welfare or endanger the public safety since the applicant is providing on-site parking spaces.

## **RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for a new supportive housing facility serving up to twenty persons in an existing building located 3210 Lyndale Avenue North in the R5 Multiple Family District, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site, landscaping, and elevation plans.
2. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
3. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the lot area requirement for a supportive housing facility from 750 square feet per rooming unit to 727.35 square feet (3%) to allow for twenty persons in an existing building located 3210 Lyndale Avenue North in the R5 Multiple Family District.

### **Attachments:**

1. Statement of use and findings
2. Quarter-mile spacing information from the applicant
3. November 27, 2007, letter to McKinley Community and Council Member Hofstede
4. Zoning map
5. Quarter-mile spacing map
6. Site plan and floor plans
7. Photos of the site and surrounding areas