

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-3505

Date: May 7, 2007

Applicant: Friends of Hope Academy and Minnesota Teen Challenge

Address of Property: 2300 Chicago Avenue

Project Name: Hope Commons

Contact Person and Phone: Tom Peterson with Station Nineteen Architects, Inc., (612) 623-1800

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: April 11, 2007

End of 60-Day Decision Period: June 10, 2007

End of 120-Day Decision Period: Not applicable for this application

Ward: 6 **Neighborhood Organization:** Phillips West

Existing Zoning: OR3, Institutional Office Residence District and NP North Phillips Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Supportive housing facility located within a larger mixed-use building

Concurrent Review:

Conditional use permit: for a supportive housing facility.

Variance: to increase the number of persons served in the supportive housing facility from the maximum 32 to 80.

Variance: to reduce the required number of off-street parking spaces for the supportive housing facility from 18 to zero.

Variance: to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(6) “to reduce the applicable off-street parking,

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stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is less”, Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use” and Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...” and Chapter 530, Site Plan Review

Background: The property located at 2300 Chicago Avenue is owned by Friends of Hope Academy, LLC. The owner, in conjunction with MN Teen Challenge, is proposing to renovate the building and convert it into a mixed-use building including a K-8 school, a supportive housing facility and office space. The building that is located on the site was originally constructed in 1948 and was home to the Mt. Sinai hospital until its closure in 1990. Since 1990 the first and second floor of the building has been used as a public and private school. Currently, the only tenant in the six-story complex is a private K-8 school called Hope Academy.

The applicants are proposing to renovate floors 2 through 6 by converting floors 2 and 4-6 into office space and floor 3 into a supportive housing facility that will be operated by MN Teen Challenge. The first floor of the building will remain Hope Academy. Located on the north end of the building is a gymnasium that is used by the community. Also on the north end of the site is a Minneapolis Park and Recreation building for the adjacent Peavey Park. No changes to either of these uses are proposed.

In the OR3 zoning district, a supportive housing facility is a conditional use. Therefore the applicant has applied for a conditional use permit. Also in accordance with the zoning code, supportive housing facilities are limited to serving not more than 32 persons. Because the proposal is for 80 persons, the applicant is seeking a variance to increase the number of persons served. The applicant is also seeking two parking variances; one for the supportive housing facility and the other for the remainder of the building. This use also requires site plan review.

One of the requirements for a conditional use permit is that the use comply with all applicable requirements of the Zoning Code. Supportive housing facilities must comply with specific development standards. One of these standards requires that supportive housing facilities be located at least a quarter mile from all other existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters.

The applicant has identified eight facilities located within a quarter-mile of the development site that fall into one of the categories mentioned above. Pursuit Hometel, a supportive housing facility, is located at 1900, 1904, 1918 Park Avenue and 626 East 19th Street. Breakaway, a supportive housing facility, is located at 1911 Park Avenue. American Indian Services, a community residential facility, is located at 2200 Park Avenue. Our Savior’s Housing, an overnight shelter, is located at 2219 Chicago Avenue. Collaborative Village, a supportive housing facility, is located at 2020 Elliot Avenue. The Lorraine, a supportive housing facility, is located at 2310 Portland Avenue. Alternative Homes of Minneapolis, a supportive housing facility, is located at 2446, 2448 Portland and 512 East 25th Street. And, Phoenix Program, a supportive housing facility, is located at 2421 Portland Avenue.

Because of the site’s proximity to the above referenced facilities, the applicant is seeking a reasonable accommodation under the Federal Fair Housing Act of 1988 in order to locate the facility at this

location. For your reference, the definitions of the above mentioned uses are provided below:

Definitions

Community correctional facility. A facility where one or more persons placed by the court, court services department, parole authority, or other correctional agency having dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin County, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

Community residential facility. A facility where one or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

Inebriate housing. A facility that provides housing twenty-four (24) hours per day to persons who are chemically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

Motel. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed twenty-four (24) hours to persons without permanent housing.

Supportive housing. A facility that provides housing for twenty-four (24) hours per day and programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. It does not include:

- (1) Elderly housing with congregate dining.
- (2) Inebriate housing.
- (3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- (4) Any other county, state or federal community correctional facility.
- (5) Fraternities, sororities or other student housing.

- (6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- (7) The use of one dwelling unit on one zoning lot which meets the occupancy requirements of the zoning district in which it is located.

REASONABLE ACCOMMODATION

As described in the memorandum from the City Attorney's Office dated September 14, 2001, that is attached to this report, the evaluation process for determining whether the federal law requires an accommodation in how the City's zoning regulations are applied or enforced can be broken down into three areas of inquiry. First is a determination whether the request is being made on behalf of a person or persons who are considered "handicapped" under the provisions of the Act. The second issue is whether the requested accommodation is necessary to afford such persons equal opportunity to use and enjoy a dwelling. Finally, it must be determined whether the requested accommodation is reasonable.

The Planning Commission should make findings regarding each of these factors in determining whether the requested accommodation should be granted or denied.

Handicap

With respect to a person, "handicap," as defined by federal statute, means: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a regard of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. The courts have found that impairment under the Act includes alcoholism, past abuse of drugs, chronic mental illness, mental retardation and HIV/AIDS.

The applicant has indicated that the residents of the supportive housing facility would be 80 adult men and women (40 of each) who are disabled due to chronic alcoholism or past abuse of drugs. All of the residents of the facility will be graduates of the Teen Challenge one-year residential chemical dependency treatment program. Because re-entry into mainstream society can be difficult many graduates of this program need a safe place to stay after graduation to help them maintain sobriety and transition into the community. The Planning Division has received no information contradicting a conclusion that the people being served in the proposed facility qualify, under the Act, as being handicapped.

Is the Accommodation Necessary to Afford Such Person Equal Opportunity to Use and Enjoy a Dwelling?

The use of the building in question as a multiple-family dwelling unit would not be subject to a spacing requirement under the zoning code, except for the fact that support services will be provided on site. Thus, a threshold question in this analysis is whether "supportive" housing (as opposed to simply "housing") is necessary to ameliorate the effects of the residents' disabilities. It should also be noted that offices (supportive services) would not be subject to a spacing requirement under the zoning code.

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 relapse prevention, self acceptance and spirituality. Counselors and other staff will be on-site to help residents with finding training and permanent housing, legal assistance and employment.

Another question for the Commission to consider is whether the provision of supportive housing in the location requested is necessary to provide the intended residents with an equal opportunity to use and enjoy a dwelling. The applicant has indicated that this location was picked for several reasons. First, this location is in close proximity to other MN Teen Challenge facilities which will allow for better management and supervision of the facility. For example, hot meals for the residents of the facility will be prepared at 1619 Portland and transported to the site on a daily basis. Second, the site is well served by public transportation. The applicant has indicated that due to a history of drug and alcohol abuse many of the residents are not able to obtain a drivers license and therefore it is important to be located near public transportation. Third, the fact that the building was a former hospital provides a floor plan that can easily be converted to a supportive housing facility. The third floor of the building was originally designed with 45 double occupancy rooms and eight single occupancy rooms. Converting this space into 40 double occupancy rooms and two single occupancy rooms for the staff will require minor modifications. Lastly, the property owner has offered to pay for the cost of the renovation. MN Teen Challenge has indicated that because of development costs they would not be a position to build such a facility elsewhere.

Reasonableness

Refusal to make a reasonable accommodation is discrimination under the federal law. Case law has established the following test for when an accommodation is unreasonable: an accommodation is not reasonable if it would 1) impose an undue financial hardship or administrative burden on a local government or 2) if it would create a fundamental alteration in a local government's land use and zoning scheme or otherwise undermine the basic purpose which the requirement seeks to achieve.

The Planning Division has not identified any financial or administrative burdens that would incur to the City as a result of granting a waiver of the spacing requirement, so that factor will not be considered further in this report.

Purpose of the Spacing Requirements for Supportive Housing facilities

The basic purpose for having a spacing requirement in the zoning code is to prevent the undue concentration of specific types of uses. Up until 1995, supportive housing was not even a term that was recognized in the Minneapolis Zoning Code. In 1995, the term "supportive housing" was added to the list of definitions in the code in order to allow the People's Lodge on Franklin Avenue to proceed with a housing program for American Indians who were considered chronically chemically dependent and considered handicapped under the Federal Fair Housing laws. At their inception, supportive housing facilities were not subject to any spacing requirements.

In 1996, the term "supportive housing" was redefined to include a variety of program types such as board and lodging facilities, emergency housing, shelters for battered persons and some types of

transitional housing programs. Many, but not all, of the uses that became supportive housing under the new definition were subject to an existing half-mile spacing requirement. In the 1996 amendment, supportive housing facilities were required to be spaced at least a quarter mile from all other existing supportive housing facilities as well as from community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. Supportive housing facilities became subject to a quarter-mile spacing requirement in order to become more consistent with the spacing requirement for state licensed facilities. Please note that state licensed community correctional facilities are required to be spaced a quarter-mile from other community correctional facilities. State licensed community residential facilities are required to be spaced a quarter-mile from other community residential facilities. Motels are not subject to a spacing requirement nor are overnight shelters. And inebriate housing facilities are required to be spaced at least a quarter mile from all other existing inebriate housing facilities as well as community correctional facilities, community residential facilities, supportive housing facilities, motels and overnight shelters.

Impact on Land Use and Zoning Scheme

The property is zoned OR3 which allows for offices, institutional uses such as museums, hospitals and college campuses and residential uses including supportive housing facilities. In the OR3 District, residential uses require a minimum of 300 square feet per dwelling unit. The site in question is 147,577 square feet in size. A site of this size would allow up to 491 dwelling units. There is a wide mix of uses located throughout the area including residential uses of varying densities, commercial businesses, supportive service uses, cultural destinations and churches.

The applicant has indicated that converting the third floor of the former Mt. Sinai hospital complex into a supportive housing facility would be compatible with the surrounding mix of uses and zoning scheme. They believe that the nature of the supportive services provided in the facility would be compatible with other services in the neighborhood. Further, they believe that the impact of one additional supportive housing facility is mitigated by the size of the Mt. Sinai complex itself.

CONDITIONAL USE PERMIT - for a supportive housing facility

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above 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 Planning Division does not believe that a supportive housing facility will be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant is proposing to convert the third floor of the former Mt. Sinai hospital complex into an 80-bed supportive housing facility. The applicant has indicated that the residents of the supportive housing facility would be 80 adult men and women (40 of each). All of the residents of the facility will be graduates of the Teen Challenge one-

year residential chemical dependency treatment program. Because re-entry into mainstream society can be difficult many graduates of this program need a safe place to stay after graduation to help them maintain sobriety and transition into the community. Supportive housing facilities, such as the one proposed, help individuals gain the skills they need to live productive lives.

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.

While the Planning Division has some concern about concentrating supportive housing facilities in one particular area of the city, the Planning Division believes that the applicant has demonstrated that the proposed supportive housing facility would not be injurious to the use and enjoyment of other property in the vicinity. Located on the same block as the proposed use is the Phillips Eye Institute and the Minneapolis Park and Recreation building for Peavey Park. The supportive housing facility will occupy the third floor of the former Mt. Sinai hospital complex that has been primarily vacant since 1990. Reusing vacant floors of the building will increase activity on the property which will then produce more activity in the neighborhood and more eyes on the surrounding area.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for a supportive housing facility is one parking space per four beds. However, in the OR3 zoning district, residential uses are required to provide only 90 percent of the number of spaces required by the zoning code. With 82 beds the parking requirement is 21 spaces. The applicant is providing a bicycle rack near the entrance to the supportive housing facility which further reduces the parking requirement by one space (per Section 541.220). After subtracting one space in lieu of a bicycle rack the parking requirement is 20 spaces. Therefore, the parking requirement is 18 parking spaces. The applicant has applied for a variance to reduce the required number of off-street parking spaces for the supportive housing facility to zero.

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

The property is located along Chicago Avenue which is a designated Community Corridor. The site is also located one block south of East Franklin Avenue which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will take steps to eliminate discrimination against protected classes and promote a wider understanding of the value of diversity in our community (Policy 1.8).

- 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 (Policy 4.2).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods (Implementation Step for Policy 4.11).
- 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 (Implementation Step for Policy 4.11).

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 the third floor of the former Mt. Sinai hospital complex into an 80-bed supportive housing facility. 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 relapse prevention, self acceptance and spirituality. Counselors and other staff will be on-site to help residents with finding training and permanent housing, legal assistance and employment.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If the Planning Commission finds that reasonable accommodation is warranted for this specific use in this location and with the approval of the conditional use permit, the variances and the site plan review application the project will be in conformance with the zoning code.

VARIANCE - to increase the number of persons served in the supportive housing facility from the maximum 32 to 80

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Increase in the number of persons served: The applicant is seeking a variance to increase the number of persons served in the supportive housing facility from the maximum 32 to 80. The applicant has noted that because the building was a former hospital that it provides a floor plan that can easily be converted to a supportive housing facility. The third floor of the building was originally designed with 45 double occupancy rooms and eight single occupancy rooms. Converting this space into 40 double occupancy rooms and two single occupancy rooms for the staff will require minor modifications.

The density requirement for a supportive housing facility in the OR3 zoning district is 300 square feet per rooming unit. The site in question is 147,577 square feet in size. A site of this size would allow up

to 491 rooming units. The Planning Division believes that because of the number of units the applicant could provide on this site that a hardship is demonstrated.

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.

Increase in the number of persons served: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. The parcel of land is unique in that based on the zoning district and the allowable density, the applicant could potentially have up to 491 rooming units on this site. This parcel of land is also unique in that the building on it is a former hospital that can easily be converted to a supportive housing facility.

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.

Increase in the number of persons served: The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance. When the site was used as a hospital this floor of the building accommodated up to 98 persons. Given this, the Planning Division believes that MN Teen Challenge will be able to provide housing for 80 individuals without being injurious to the use or enjoyment of other property in the vicinity.

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.

Increase in the number of persons served: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required number of off-street parking spaces for the supportive housing facility from 18 to zero

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Parking variance for the supportive housing facility: The applicant is seeking a variance to reduce the required number of off-street parking spaces for the supportive housing facility from 18 to zero. The applicant has indicated that due to a history of drug and alcohol abuse many of the residents are not able to obtain a drivers license or afford auto insurance and therefore most of the residents of the facility will not have cars available to them. One reason why the applicant chose this location for this particular use

is because the site is located along a bus route which is the mode of transportation most of the residents will utilize to get around. In addition, MN Teen Challenge will transport residents to other facilities via the MN teen Challenge van.

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.

Parking variance for the supportive housing facility: The zoning code authorizes a variance to reduce the applicable off-street parking requirement up to 100 percent provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use. The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Based on past applications similar in use to this the Planning Division believes that a very low number of the residents will in fact have automobiles that will need to be parked on site. For those residents and staff that do have automobiles, there is a parking ramp located across East 24th Street that is available for use on a pay-per-day basis.

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.

Parking variance for the supportive housing facility: The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance. The zoning code authorizes a variance up to 100 percent where the applicant can demonstrate that parking will not be an issue for the particular use. As stated above, the Planning Division believes that most of the residents will not have automobiles and for those residents and staff that do have automobiles, there is a parking ramp located across East 24th Street that is available for use on a pay-per-day basis.

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.

Parking variance for the supportive housing facility: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

Parking variance for the mixed-use building: The applicant is seeking a variance to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193. The parking requirement for the building, excluding the supportive housing facility, is as follows: Hope Academy requires 31 spaces, the park building requires four spaces and the office space on floors 2 and 4-6 requires 206 spaces. There are 11 parking spaces located in the parking area on the northeast corner of the site, 21 parking spaces located in the southeast corner of the site and a total of 174 leased parking spaces in the parking ramp located across East 24th Street from the site. The applicant has indicated that although they are 48 parking spaces short of their total requirement that the site is well serviced by transit and that additional parking spaces are available in the parking ramp located across East 24th Street for use on a pay-per-day basis.

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.

Parking variance for the mixed-use building: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Being located so close to mass transit and a parking ramp that is available for use on a pay-per-day basis is unusual for sites located outside of Downtown Minneapolis.

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.

Parking variance for the mixed-use building: The Planning Division believes that the granting of the variance would be in keeping with the spirit and intent of the ordinance. The Planning Division believes that between the parking provided by the applicant, the fact that the site is located near mass transit and that there is a parking ramp located across East 24th Street that is available for use on a pay-per-day basis that there will not be a shortage of parking in the 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.

Parking variance for the mixed-use building: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See

Section A Below for Evaluation.)

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

- **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DIVISION RESPONSE:

- The majority of the existing building will not be altered as part of this development project. Only a small two-story addition with a link that will connect the entry to the upper levels of the building is being added. The addition is located on the south side of the building. The addition does not reinforce the street wall as it is setback approximately 52 feet from the property line along East 24th Street and approximately 142 feet from the property line along Chicago Avenue. Although setback more than 8 feet the addition does facilitate pedestrian access as there would be walkways leading from both East 24th Street and Chicago Avenue to the entryway. Also, the addition maximizes natural surveillance as the entryway addition, including the link, will primarily be made out of glass.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The existing building is setback approximately 80 feet from the property line along East 24th Street and approximately 74 feet from the property line along Chicago Avenue. The addition will be approximately 28 feet in depth by approximately 33 feet in width and located approximately 52 feet from the property line along East 24th Street and approximately 142 feet from the property line along Chicago Avenue.
- The area in between the addition and the property line along east 24th Street will be used for bicycle

parking, automobile parking, a walkway and landscaping. The parking areas will be screened by the landscaping. The area in between the addition and the property line along Chicago Avenue will be used for automobile parking, a walkway and landscaping. The parking areas will be screened by the landscaping.

- There are several entrances leading into the building. The principal entrance for Hope Academy is located along Chicago Avenue. The principal entrance for the supportive housing facility and the office portion of the building is located along East 24th Street. The shared entryway for the supportive housing facility and the offices will be key-carded for the individual uses. Both uses will use the entrance and the link that runs along the roof of the existing building. Once you get to the north end of the link the office tenants will use their key card to enter the second floor of the building and the supportive housing staff and residents will use their key cards to access a separate elevator and stair tower that leads to the third floor of the building.
- There are two separate on-site parking areas on the property. One is located on the northeast corner of the site between the building and the property line along Chicago Avenue. This parking area is currently enclosed by a 12-foot high fence and is visible from the public sidewalk. As part of this development project the fence will be removed and landscaping will be added between the edge of the parking area and the sidewalk to help screen the parking lot. The second parking area is located on the southeast corner of the site between the building and the property line along East 24th Street. This parking area will be enlarged and screened as part of this development project.
- The primary exterior materials of the existing building include brick, cement based siding and glass. The exterior materials of the addition include metal panels, cement based siding and glass. All sides of the addition are similar to one another. The Planning Division believes that the addition will blend in with the existing building.
- There are no areas of the addition that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the East 24th Street and Chicago Avenue sides of the addition are required to be windows. The analysis of the project's compliance with these requirements follows:
 - East 24th Street: the percentage of windows on the first floor is 33 percent and the percentage of windows on the second floor is 40 percent.
 - Chicago Avenue: the percentage of windows on the first floor is 48 percent and the percentage of windows on the second floor is 38 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views.
- The windows in the addition are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the addition will be flat; similar to the roofline of the existing building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**

- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

PLANNING DIVISION RESPONSE:

- All of the principal entrances leading into the building are directly connected to the public sidewalk via a walkway.
- No transit shelters are proposed as part of this development. The existing Metro Transit shelter on the southeast corner of the site will remain intact.
- The parking area located on the northeast corner of the site is accessed from Chicago Avenue. Currently there is one way into and out of the parking lot but as part of this development project the parking area will be reconfigured into a one-way parking situation. The number of curb cuts will not increase to accommodate the one-way movement as existing curb cuts will be utilized. The second parking area is located on the southeast corner of the site and will retain its existing access point from East 24th Street.
- There are no public alleys adjacent to the site.
- The maximum impervious surface requirement in the OR3 zoning district is 85 percent. According to the applicant's submittal 80 percent of the site is impervious.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**

- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DIVISION RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 147,577 square feet. The footprint of the building is 78,132 square feet. When you subtract the footprint from the lot size the resulting number is 69,445 square feet. Twenty percent of this number is 13,889 square feet. According to the applicant's landscaping plan there is 21,825 square feet of landscaping on the site or approximately 31 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 28 and 139 respectfully. The applicant is proposing to have 31 canopy trees and 139 located shrubs on the site. Of the 39 trees, 13 of them are existing trees that will remain.
- A seven-foot wide landscaped yard is required between the two parking areas and the adjacent streets. The parking area on the southeast corner of the site has an 8-foot landscaped yard along East 24th Street and a 28-foot landscaped yard along Chicago Avenue. The parking area on the northeast corner of the site has an 8-foot landscaped yard along Chicago Avenue.
- Both of the on-site parking areas will have a canopy tree located every 25 feet along the perimeter of the lot. In addition, every parking space within the two parking areas is located within 50 feet of an on-site deciduous tree.
- Both of the on-site parking areas will be enclosed with a 3-foot high ornamental metal fence.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

PLANNING DIVISION RESPONSE:

- As part of this development project the roof drains will be disconnected from the sanitary sewers as required by the City of Minneapolis. The applicant has indicated that stormwater runoff from the parking areas will be directed to catch basins in the parking lots and routed to the storm sewers.
- This building addition will not block views of important elements in the city.
- This building addition will not cast minimal shadows on surrounding properties.
- This building addition should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there are windows where people can see in and out along all levels of the building and there are lights located near all of the pedestrian entrances and throughout the parking lot.
- This site is neither historically designated nor located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** Schools, grades K-12, public parks and offices are permitted uses in the OR3 zoning district. Supportive housing facilities are conditional uses in the OR3 zoning district.

- **Off-Street Parking and Loading:** The parking requirement for a supportive housing facility is one parking space per four beds. However, in the OR3 zoning district, residential uses are required to provide only 90 percent of the number of spaces required by the zoning code. With 82 beds the parking requirement is 21 spaces. The applicant is providing a bicycle rack near the entrance to the supportive housing facility which further reduces the parking requirement by one space (per Section 541.220). After providing a bicycle rack in lieu of one automobile space the parking requirement is 20 spaces. Therefore, the parking requirement is 18 parking spaces. The applicant has applied for a variance to reduce the required number of off-street parking spaces for the supportive housing facility to zero.

The parking requirement for a school, grades K-12, is one parking space per classroom and other rooms used by students and faculty. Within the school there are 26 such rooms so the parking requirement is 26 for this use. The applicant is providing a bicycle rack near the entrance to the school which further reduces the parking requirement by one space (per Section 541.220). After providing a bicycle rack in lieu of one automobile space the parking requirement is 25 spaces. A part of but separate from the school is the affiliated child care center. The parking requirement for a child care center is one space per every two employees plus two drop off spaces. The child care center has eight employees. The parking requirement for the child care center is 6 spaces.

The parking requirement for a public park is based on the use of the facility. The portion of the park that is on this site is the office component. The parking requirement for this is one space per 300 square feet in excess of 4,000. Since the parking building is smaller than 4,000 square feet a minimum of 4 spaces is required for this use.

And the parking requirement for offices is one space per 300 square feet in excess of 4,000. The office space totals 66,050 square feet so the parking requirement 207 spaces. The applicant is providing a bicycle rack near the entrance to the offices which further reduces the parking requirement by one space (per Section 541.220). After providing a bicycle rack in lieu of one automobile space the parking requirement is 206 spaces.

In total, the parking requirement for the building, excluding the supportive housing facility, is 241 spaces. The applicant is seeking a variance to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193.

- **Maximum Floor Area:** The maximum FAR in the OR3 district is 3.5. The lot in question is 147,577 square feet in area. The applicant proposes a total of 234,455 square feet of gross floor area, including the proposed 2,900 square-foot addition, for an overall FAR of 1.59.
- **Building Height:** Building height in the OR3 district is limited to 6 stories or 84 feet, whichever is less. The existing building is 6 stories. The building addition is 3 stories.
- **Minimum Lot Area:** In the OR3 district the minimum lot area for a supportive housing facility is 300 square feet per rooming unit, the minimum lot area for a school is 20,000 square feet and the minimum lot area for an office is 4,000 square feet. Child care centers and parks do not have a minimum lot area requirement. The lot in question is 147,577 square feet in area.

- **Dwelling Units per Acre:** The site is 3.388 acres in size. There are 12.397 rooming units per acre proposed on the site.
- **Yard Requirements:** This development is located in the OR3 district. The front yard setback along Chicago Avenue is 15 feet, the corner side yard setback along both vacated East 22nd Street and East 24th Street is 15 feet and the rear yard setback is 15 feet. In addition, the enlarged parking area on the southeast corner of the site is subject to an 8-foot corner side yard setback. All setbacks are being met on site.
- **Specific Development Standards:** Supportive housing facilities, schools and child care centers are subject to specific development standards:

Supportive housing

- 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:
 - Community correctional facility.
 - Community residential facility.
 - Inebriate housing.
 - Motel.
 - Overnight shelter.
- The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- 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.
- 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.
- The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

School, grades K--12

- The use shall include a regular course of study accredited by the State of Minnesota.
- 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.
- An appropriate transition area between the facility and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Child care center

- In the residence and OR1 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.
 - The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading children, as specified in Chapter 541, Off-Street Parking and Loading. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
 - Play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.
 - 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.
 - 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.
- **Hours of Operation:** Except for residential uses the hours of operation in the OR3 district are Sunday through Thursday, 7 am to 10 pm and Friday and Saturday, 7 am to 11 pm.
 - **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. The existing signs for the school will remain. No specific sign plans for the proposed uses in the building have been proposed.
 - **Refuse storage:** The trash room is located in the basement of the building and is accessed off of Chicago Avenue.
 - **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The property is located along Chicago Avenue which is a designated Community Corridor. The site is also located one block south of East Franklin Avenue which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).

- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 4.12).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The applicant is proposing to construct an addition on the south side of the existing building that will be constructed primarily out of glass. The two on-site parking areas will be reconfigured and will be screened from the public sidewalk with landscaping and a decorative fence.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DIVISION RESPONSE:

Alternative compliance is requested by the applicant to meet the following standards:

- Building placement within eight feet of the lot line adjacent to a street:
The building addition is being constructed more than eight feet from both East 24th Street and Chicago Avenue. The existing building is setback approximately 80 feet from the property line along East 24th Street and approximately 74 feet from the property line along Chicago Avenue. Given the placement of the existing building the Planning Division is recommending that alternative compliance be granted to allow a setback greater than 8 feet.
- Parking between the building and the property lines:
There are two separate on-site parking areas on the property. Both of them are existing and both of them will be reconfigured as part of this development project. One of the parking areas is located on the northeast corner of the site between the building and the property line along Chicago Avenue. This parking area is currently enclosed by a 12-foot high fence and is visible from the public sidewalk. As part of this development project the fence will be removed and landscaping will be added between the edge of the parking area and the sidewalk to help screen the parking lot. The

second parking area is located on the southeast corner of the site between the building and the property line along East 24th Street. This parking area will be enlarged and screened as part of this development project. The Planning Division is recommending that alternative compliance be granted to allow the parking areas to remain in their current locations given that they will be landscaped and screened from the public sidewalk as part of this development project.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

If the City Planning Commission finds that reasonable accommodation is warranted for this specific use in this location then the Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a supportive housing facility located at 2300 Chicago Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the number of persons served in the supportive housing facility from the maximum 32 to 80 located at 2300 Chicago Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required number of off-street parking spaces for the supportive housing facility from 18 to zero located at 2300 Chicago Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193 located at 2300 Chicago Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 2300 Chicago Avenue South subject to the following conditions:

1. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.
2. All site improvements shall be completed by May 7, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project.
2. September 14, 2001, memo from former City Attorney Carol Lansing regarding the requirement of the Federal Fair Housing Amendments Act
3. March 23, 2007, letter from Blake Graham regarding the waiver of spacing requirements for a supportive housing facility
4. Conditional use permit and variance findings, including copies of the parking lease
5. Preliminary development review report from March 7, 2007
6. March 23, 2007, letter to Council Member Lilligren
7. March 23, 2007, letters to the Phillips West Neighborhood, the Midtown Phillips Neighborhood and the Venture Village Neighborhood
8. Comments from surrounding property owners
9. Zoning Map
10. Site plan, landscaping plan, floor plans and elevations
11. Photographs of the site and surrounding area