

Department of Community Planning and Economic Development – Planning Division
Zoning Code Text Amendment

Date: November 30, 2009

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: July 17, 2009

Ward: All

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Intent of the Ordinance: The intent of this zoning code text amendment is to clearly distinguish senior housing from supportive housing.

Appropriate Section(s) of the Zoning Code: Chapter 520: Introductory Provisions (Chapter 536 related to Zoning Code: Specific Development Standards is being returned to the author).

Background: As the age of the population increases municipalities need the appropriate tools in order to provide adequate housing for its senior residents. The City has received recent proposals to build residences for senior persons. Based on the current definitions in the Minneapolis Zoning Code these proposals would be classified as supportive housing facilities because they offer services that the residents can take advantage of such as computer labs, home health care services, wellness and prevention services and transportation services. Staff believes that the regulations for supportive housing, including minimum spacing requirements, were not intended to apply to housing that includes basic services for seniors. This amendment would clarify that supportive housing does not include senior housing with services designed specifically to serve the needs of an aging population.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The primary reason for this text amendment is to clearly distinguish senior housing from supportive housing. By classifying senior housing as supportive housing, the potential locations and density to establish senior housing is greatly reduced because of regulations specific to supportive housing uses. Supportive housing is defined as a facility that provides housing for 24 hours per day and programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. The definition of supportive housing specifically says that it does not include elderly housing with congregate dining. If a senior housing use provides services to improve residents living and does not provide congregate dining, the use cannot be classified as a multiple family dwelling under the current code. Supportive housing facilities are also required to be located at least a quarter-mile from other supportive housing facilities, community correctional facilities, community

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residential facilities, inebriate housing, motels and overnight shelters. This development standard cannot be varied except to allow for the relocation of an existing supportive housing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing. Multi-family dwellings that do not provide services to improve living are not subject to these regulations, therefore they can be established where the zoning districts allow them. The spacing requirement for supportive housing results in far fewer locations available for developing or establishing a supportive housing use, which is an unintentional consequence for senior housing. In a supportive housing facility the number of residents cannot exceed 32 persons. However, a variance can be applied for to increase this number.

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.

Some examples of senior housing projects that have been approved in the City of Minneapolis include the Catholic ElderCare development at 929 Second Street Northeast and the Peter Nasseff Maronite Home on Second Street Northeast between Sixth and Seventh avenues northeast. The services/amenities provided in the Catholic ElderCare development include a lounge, a library, a community room, a wellness center and a craft room and the services/amenities provided in the Peter Nasseff Maronite Home include a community room and a library. These types of services/amenities are typical of many multiple-family housing developments that have been built throughout the City of Minneapolis whether they are marketed towards a senior population or not. It is clear that the senior housing proposals that have been proposed are not supportive housing facilities since the residents are independent and because the services offered are more of a luxury than a necessity. In addition, the intent of the spacing requirement for supportive housing facilities was never intended to be used to space senior housing residences from one another. This amendment is designed to solve the problems associated with classifying senior housing residences as supportive housing. Under the proposed amendment, housing for seniors, including housing that provides “services designed specifically to serve the needs associated

with the aging of the residents,” would simply be regulated as multiple family residences rather than supportive housing.

The Planning Division believes that the proposed text amendment will serve the public purpose by allowing senior housing developments that have services designed specifically to serve the needs of an aging population to be constructed anywhere within the City of Minneapolis similar to a multiple-family housing development.

Staff does not anticipate any problems with adopting this text amendment.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The Planning Division believes that the amendment is timely. Recent proposals have been submitted to the City of Minneapolis requesting to build residences for senior persons. Based on the current definitions in the Minneapolis Zoning Code these proposals would be classified as supportive housing facilities which would be subject to a spacing requirement and the number of residents who could live in the development would be capped. Since the spacing requirement was never intended for senior housing developments, it is important to distinguish between the two uses.

Practices vary widely from one community to another. For example, staff reviewed both the Richfield, MN and Bloomington, MN zoning codes and found that there is no standard that is used to define or regulate senior housing. Planning Staff believes that this is an opportunity for the City of Minneapolis to prepare itself for an increased number of senior housing developments given the fact that the population is aging.

The consequences of denying the amendment would be that senior housing projects that provide services would be reviewed as supportive housing facilities and would need to conform to the associated regulations.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following Housing policies of *The Minneapolis Plan for Sustainable Growth* apply:

- **Grow by increasing the supply of housing (Housing Policy 3.1).**

Applicable Implementation Steps

3.1.1 Support the development of new medium and high-density housing in appropriate locations throughout the city.

- **Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).**

Applicable Implementation Steps

3.6.1 Support the development of housing suitable for people and household in all life stages that can be adapted to accommodate changing housing needs over time.

3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.

3.6.3 Maintain a healthy supply of multifamily ownership and rental housing, and promote the development of alternative forms of homeownership such as cooperative housing and co-housing.

3.6.5 Promote accessible housing designs to support persons with disabilities and the senior.

The policies and implementation steps related to housing say to build a variety of housing types for people in all life stages. The proposed amendment will help implement the recently adopted policies.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending Chapter 520. Staff further recommends that Chapter 536 **be returned** to the author.