

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-4349

Date: April 20, 2009

Applicant: Simpson Housing Services Inc.

Address of Property: 2740 1st Ave S

Project Name: Simpson Housing Services Inc.

Contact Person and Phone: Wendy Wiegmann, (612) 455-0847

Planning Staff and Phone: Jessica Thesing, (612) 673-5887

Date Application Deemed Complete: March 25, 2009

End of 60-Day Decision Period: May 23, 2009

Ward: 6 Neighborhood Organization: Whittier; Whittier Alliance

Existing Zoning: R2B Two Family District

Zoning Plate Number: 25

Lot area: 22,636 square feet

Proposed Use: Overnight shelter accessory to Simpson Church

Application: Wendy Wiegmann on behalf of Simpson Housing Services Inc. is applying to amend their existing conditional use permit (C-1483) for an overnight shelter for 40 persons to allow for an additional 30 persons within the existing place of assembly at 2740 1st Ave S.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits; Chapter 536.20: Specific Development Standards

Background: The property located at 2740 1st Ave South has been operated as a place of assembly since 1886. The property is currently operated by Simpson Church who also owns the land to the north of the building (2734 1st Ave S) and is using it as an unpaved parking area.

In 1982, the Minneapolis City Council issued two Special Council Permits to Simpson Church; one was for family housing serving up to 10 persons and the other was for a temporary emergency shelter with no stated number of persons served. Then in 1992, Simpson Shelter applied for a Conditional Use Permit (C-1483) to amend the Special Council Permit numbers #58391 and #58395 to allow for an

overnight shelter in the existing church building serving a maximum of forty (40) persons. This Conditional Use Permit (C-1483) was approved in December of 1992.

Simpson Housing Services also operates a women's shelter for 20 women at the property located at 1900 11th Ave S under an expired Interim Use Permit (BZZ 751); the primary use of that building is a place of assembly operated by Augustana Lutheran Church. There are other related applications associated with the 11th Ave S project as well including an incomplete Conditional Use Permit application (BZCU 1000121), an Interim Use Permit (BZCU 1000282) that was approved March 2, 2001 to expire April 15th, 2002, and then finally, an Interim Use Permit (BZZ 751) that was approved August 23, 2002 to expire April 1st, 2003. Augustana Lutheran Church also operates a number of accessory uses at the 1900 11th Ave S location including a mission. A Conditional Use Permit cannot be applied for at this location to continue to operate the accessory overnight women's shelter because the City of Minneapolis Zoning Code prohibits overnight shelters at locations that are also operating missions. For this reason, the women's shelter has been working with the City of Minneapolis Zoning Administrator and has been advised to relocate.

Simpson Housing Services Inc. indicates that they have been working with the City of Minneapolis Plan Review Department in order to identify the occupancy requirements for the building at 2740 1st Ave S. As previously mentioned, this building is an existing place of assembly that has valid City approvals for the existing overnight shelter serving up to forty (40) persons. Simpson Housing Services Inc. would now like to relocate the women's shelter from the 1900 11th Ave S location and amend the existing Conditional Use Permit (C-1483) at the 2740 1st Ave S (subject property) location to allow for an additional thirty (30) overnight occupants not to exceed a total of seventy (70) people in any one given night.

The applicant indicates that the shelter will maintain the same level of services to all occupants including safe overnight occupancy, a savings program, medical care, hot evening meals, breakfast and a bag lunch, personal toiletries, storage, laundry, showers, and staff. The current hours of operation are from 6:00 p.m. to 7:00 a.m. seven (7) days a week. The men are allotted twenty-eight day stays through a weekly lottery held on Monday evenings and the women are allotted beds on a first come first serve basis each evening. Advocacy services outside of shelter hours are provided between 3:00 and 5:00 for guests.

It's important to note that building code requirements will need to be met in order to gain official approvals for the additional occupancy if this Conditional Use Permit amendment application is granted. In addition, unpaved parking areas are not permitted and therefore with the approval of this application, the parking area will be required to be brought up to standards set forth in Chapter 541 and 530 of the Minneapolis Zoning Code.

Notification and Correspondence: The applicant notified Council Member Robert Lilligren and the Whittier Alliance Neighborhood Association via emails dated March 9th, 2009. The applicant also included with the application previous notification and neighborhood correspondence. This includes letters of support for the project as well as an official letter dated May 22nd, 2009, an agenda, and minutes from the Whittier Alliance Community Issues Committee meeting that was held on April 17, 2008 of which the applicant attended. Although the Whittier Alliance Board of Directors moved to

write a letter of support for the project, that motion failed. Also noteworthy is that the existing CUP (C-1483) was given a letter of support by the Whittier Alliance Neighborhood Organization in 1992. Staff also received a report from the 5th precinct police station with information on the number of police calls to the subject property from 4/06/2008 to 4/07/2009; the total count was 18. It is unknown however if all of the calls are related to the use, more information if received will be forwarded to the commission prior to the public hearing.

CONDITIONAL USE PERMIT - To amend existing conditional use permit (C-1483) for an overnight shelter for 40 persons to allow for an additional thirty (30) persons within the existing place of assembly at 2740 1st Ave S.

Required Findings for the Conditional Use Permit to allow for overnight shelter accessory to a place of assembly:

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

The existing place of assembly at the subject location has been in operation since 1886 and has been also operating an overnight shelter since approximately 1982. Although the use is intensifying, it is not believed that the additional occupancy will be increasingly detrimental to the general public welfare as long as the applicant follows the submitted management plan and abides by the specific development standards as set forth in chapter 536 of the Minneapolis Zoning Code.

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.

There are no proposed changes to the structure unless of course alterations are required by the building code; therefore, there should not be any significant impact on the surrounding property. In addition, the building is currently operated as a place of assembly and an overnight shelter and all activities take place within the building.

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

The use is existing and therefore, adequate utilities, access roads, drainage, and other facilities are provided. The building will be used in the same manner that it has been used since 1982. Any additional changes to the facilities if required by the building code or others however will be required prior to the change in occupancy.

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

The residents of the shelter will not drive by car, so there should be no traffic impacts from the shelter. There are also approximately 11 parking spaces available for the approximate 3-5 employees per night that may arrive by car located to the north of the building. This unpaved parking lot is considered to be part of the same zoning lot and will be required to be brought up to the current standards set forth in the Minneapolis Zoning Code as described in finding #6.

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

The applicant indicates that the conditional use is consistent with the “Heading Home Hennepin” plan which is a 10 year plan developed by business, civic, and faith leaders within the community designed to end homelessness by the year 2016. The applicant also quotes the following from the plan:

“...Objective HM-1b”

Contribute capital resources to address supportive housing and shelter needs consistent with strategies of Continuum of Care and Heading Home Hennepin.

To support Continuum of Care and Heading Home Hennepin goals, the City will provide its HOME, CDBG and ESG capital funds to support the development and preservation of housing for those who suffer homelessness or are threatened with homelessness.

These activities will include providing capital funds to develop new or renovate existing emergency and transitional housing shelters. The City will also fund the development and rehabilitation of supportive housing options across the entire continuum of care. Heading Home Hennepin will provide leadership to City and County efforts in addressing homelessness issues with innovative new collaborations that will seek greater results and efficient use of public resources. Strategies for addressing the service needs of the homeless are found in the current Hennepin County Continuum of Care for the Homeless. The Continuum sets forth the relative priority of the various needs facing the homeless...”

<http://www.ci.minneapolis.mn.us/grants/2008ConsolidatedPlan.pdf> p. 66

Staff believes that the proposed use is in conformance with the policies of *The Minneapolis Plan and the Minneapolis Plan for Sustainable Growth*.

***The Minneapolis Plan* has the following applicable policies:**

***The Minneapolis Plan, Chapter 1.2* states:** “Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.” One of the implementation plans for this section of the plan is to “encourage not-for-profit and places of worship to increase resident access to and use of facilities and meeting places.” Simpson Church plans to continue servicing the community through its many programs including utilizing their facility for an overnight shelter.

***The Minneapolis Plan, Chapter 1.4* states:** “Minneapolis will encourage activities that rely on coordinated programming and facilities use with community partners in the volunteer, nonprofit and private sectors.” Two of the implementation plans for this section of the plan include to “Engage volunteers in the provision of programming and maintenance of facilities required for expanded services”, and to “Support and encourage local institutions’ participation in neighborhood volunteer programs.” While the primary function of the building will remain as a neighborhood place of assembly, Simpson Church will continue to share their facilities with the Simpson Housing Services Inc., a nonprofit organization that relies on volunteers in many cases to staff their initiatives.

The soon to be adopted *Minneapolis Plan for Sustainable Growth* has the following applicable policies:

The Minneapolis Plan for Sustainable Growth, Chapter 3 states: “The City of Minneapolis partners with Hennepin County and other municipalities to end the cycle of homelessness using a common road map, the report **Heading Home Hennepin: The Ten-Year Plan to End Homelessness in Minneapolis and Hennepin County**. Policy 3.4 states: Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless youth, singles and families. Implementation step 3.4.5 states: “Implement and promote additional strategies to reduce homelessness, such as those identified in the **Heading Home Hennepin plan**”.

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

Simpson Church occupies the property located at 2740 1st Ave S with the building and 2734 1st Ave S with an unpaved parking lot. Because the parking lot is unpaved, it will be required to be brought into compliance with the City of Minneapolis Zoning Code Parking Area Design and Maintenance standards set forth in Article VII. This will include landscaping and screening as well as surfacing the parking area with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds; acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards.

The applicant must also comply with the following standards found in section 537.110 of the Minneapolis Zoning Code:

Overnight shelter. Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

- (1) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.
- (2) The number of guests shall not exceed the housing code occupancy requirements.
- (3) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The applicant is proposing compliance with the above stated standards.

According to the applicant, guests of the women’s shelter are accepted only by appointment. They are required to call in at 5:00 p.m. each evening to be placed on a waiting list and then are allowed into the building at 6:00 p.m.. With the exception of Monday evening, the men’s shelter guests must be on the list in order to enter into the building and on Monday evenings, guests are allowed to come into the lobby area one hour prior to the lottery.

The applicant is working with the City of Minneapolis Plan Review department to ensure compliance with the housing maintenance code requirements.

The applicant has submitted a management plan and floor plans for the use. The management plan includes information on the target population, hours of operation, eligibility and income requirements, shelter program entry requirements, services offered, and additional guest resources including housing placement services. According to the floor plans that have been submitted, the shelter will occupy the basement of the building. The women's shelter and men's shelter are proposed to have separate entrances, restrooms, and sleeping areas and the only notable changes to the building are a proposed new women's restroom and the relocation of a food pantry.

The applicant indicates that they regularly inspect the property for litter and plans to continue this practice.

RECOMMENDATION:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend existing conditional use permit (C-1483) for an overnight shelter for 40 persons to allow for an additional 30 persons within the existing place of assembly at 2740 1st Ave S subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve of the final site and landscaping plans.
2. 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.
3. The unpaved parking lot located directly to the north of the church shall be brought into compliance with surfacing and landscaping and screening standards as required by Chapter 541 the Minneapolis Zoning Code.
4. The applicant shall comply with the specific standards relating to overnight shelters as set forth in Chapter 525 of the Minneapolis Zoning Code. This includes meeting the housing occupancy code requirements and building code requirements.
5. A mission shall be prohibited.

Attachments:

1. Statement of use and Findings
2. Letter from Simpson United Methodist Church to City Staff dated March 10, 2009 authorizing the application
3. Copy of an e-mail sent March 9, 2009, to CM Lilligren
4. Copy of an e-mail sent March 9, 2009, to the Whittier Alliance Neighborhood Organization
5. Public Correspondence from past year including letter from Whittier Alliance Neighborhood Organization dated May 22, 2008 and minutes from meeting where applicant attended
6. Email and report from 5th precinct police station
7. Site Plan and Floor Plans
8. Zoning map
9. Photos of the Property