

**Department of Community Planning and Economic Development – Planning
Division**

Expansion of a Non-Conforming Use
(BZZ-2097)

Date: December 13, 2004

Applicant: Richard Scherber, Executive Director of Minnesota Teen Challenge, 1619
Portland Avenue South, Minneapolis, MN 55404-1598

Address of Property: 3231 1st Avenue South & 3201 1st Avenue South

Project Name: Minnesota Teen Challenge

Contact Person and Phone: Richard Scherber, Executive Director of Minnesota Teen
Challenge, 1619 Portland Avenue South, Minneapolis, MN 55404-1598, 612-373-3366

Planning Staff and Phone: Becca Farrar, 612-673-3594

Date Application Deemed Complete: November 5, 2004

End of 60-Day Decision Period: January 3, 2005

End of 120-Day Decision Period: Not applicable

Ward: 8 – Robert Lilligren **Neighborhood Organization:** Lyndale Neighborhood
Association

Existing Zoning: R5 (Multiple family District)

Proposed Zoning: Not applicable

Zoning Plate Number: 25

Lot Area: 109,268 square feet or 2.5 acres

Legal Description: Not applicable for this application

Proposed Use: Expansion of a non-conforming use for a supportive housing facility.

Concurrent Review:

- Expansion of a non-conforming use for a supportive housing facility in the R5 (Multiple-family) district. The applicant proposes to construct an addition by enclosing an internal courtyard within a single-story building for classroom/meeting room space.

Applicable zoning code provisions: Section 531.50 Expansion or alteration of nonconforming uses and structures.

Background: In August of 2004, the applicant applied for an expansion of a non-conforming use for supportive housing and a variance of the specific development standards to increase the maximum number of persons served. The applications were approved by the Planning Commission on August 23, 2004. The initial applications dealt with the vacant Stevens Square Nursing Home located at 3231 1st Avenue. The building was connected to another building located at 3201 1st Avenue which was occupied by Minnesota Teen Challenge. The applicant wanted to expand operations into the adjacent facility and increase the maximum number of persons served to 146 residents from 57 residents. Minnesota Teen Challenge had used the 3201 1st Avenue facility for the past 10 years.

Staff has determined that the facility is a non-conforming use as there is a spacing requirement of at least one-fourth (1/4) mile from all existing supportive housing, community correctional facilities, community residential facilities, inebriate housing, motels and overnight shelters. Minnesota Teen Challenge is located less than ¼ mile from the Harriet Tubman Center which is also a supportive housing facility. In order to continue to expand the facility as proposed the applicant must apply for an expansion of a non-conforming use.

The applicant proposes to add classroom space without adding any additional construction beyond the outside perimeter of the building by enclosing one of the three existing courtyards. The applicant believes that the proposed courtyard enclosure will be almost invisible from the street level as 1st Avenue has many mature trees and is setback over 200 feet. On the Steven's Avenue side, the applicant believes that the proposed addition will be completely invisible because the street borders the east side of the building and the existing roof is 15 feet higher than the street level. The applicant believes that the only evidence of the new addition will be an asphalt roof which will match into the existing roof as no exterior walls will be visible.

No counseling, classes or programming has been or is being done on the 3201 1st Avenue South or 3231 1st Avenue South site. There is a parking lot located along 1st Avenue South which contains 45 parking spaces. The applicant proposes to continue using this area for parking. The parking is adequate for the facility. It is likely that the majority of residents will utilize public transportation and other modes such as bikes.

The applicant is subject to the specific development standards for supportive housing. These standards include:

(1) Supportive housing shall be located at least one-fourth (1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:

- a. Community correctional facility.
- b. Community residential facility.

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

Planning Staff has received a memo from the Lyndale Neighborhood Development Corporation (LNDC) stating that on November 9, 2004 the LNDC Board of Directors, approved the applicant's request. The request was also approved at the November 22, 2004 Lyndale General Membership meeting. The letter has been attached for reference.

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and makes the following findings:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

- (1) A rezoning of the property would be inappropriate.**

Supportive housing is allowed in various zoning districts with a conditional use permit. The applicant currently possesses a conditional use permit for a supportive housing facility at both the 3201 1st Avenue South and the 3231 1st Avenue South site. A rezoning would seem inappropriate as the application for an expansion of a non-conforming use would be required regardless of the underlying zoning designation. Additionally, the current zoning appears to be appropriate for the area.

(2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The expansion of the non-conforming use would be located within the confines of an existing building as the applicant proposes to enclose one of the existing internal courtyards. The applicant does not intend to alter the exterior of the building. The expansion within an existing building would be compatible with adjacent properties and the neighborhood.

(3) The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The expansion of supportive housing within the existing facility should not result in a significant increase of adverse off site impacts such as traffic, noise, dust, odors or parking congestion. The residents are not permitted to have vehicles at the residence while enrolled in the program. The existing parking 45 parking spaces are adequate for the proposed facility. There should be no additional increase in traffic or parking on the site.

(4) The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

The specific development standards have been established to prevent the undue concentration of these types of facilities. However, the Planning Commission previously approved an expansion of a non-conforming use to allow a total of 146 residents. The applicant is requesting that another expansion be permitted to allow classroom/meeting space for the residents which have already been allowed. The expansion or courtyard enclosure should really have a minimal impact on the appearance and the stability of the neighborhood.

(5) In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

Residential uses are allowed in the R5 district. The applicant has already been approved for the maximum number of dwelling units on the subject property as allowed by the regulations of the district in which the property is located. The lot size of the site is approximately 109,268 square feet. Based on the square footage, or density requirements alone under the existing R5 zoning the site would be permitted to have 146 units. The applicant was approved for 146 total units which is the maximum number allowed based on the regulations of the R5 district. The applicant is not proposing any additional residential units. The proposal is to enclose a courtyard for classroom space.

- (6) The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not located in the Floodway District.

- (7) The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

The *Minneapolis Plan* identifies these parcels as being located within one block of Nicollet Avenue which is a Community Corridor. In the Chapter 4, Marketplaces: Neighborhoods the plan states that “Minneapolis will reasonably accommodate the housing needs of all of its citizens”. It also states that “Minneapolis will improve the availability of housing options for its residents.” One of the implementation steps indicates “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. Further, the implementation steps indicate that “special housing shall be available as needed and appropriately dispersed throughout the city.” The proposal is both in conformance and against the applicable policies of the Comprehensive Plan. Staff’s position is that the continued expansion would be appropriate for this site as the building would not be added on to outside the confines or parameters of the existing building; merely an internal courtyard would be enclosed. Staff would not support a new addition to the building or any additional residents on the site.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the expansion of a non-conforming use:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the expansion of a non-conforming use for supportive housing for the properties located at 3231 1st Avenue South & 3201 1st Avenue South subject to the following conditions:

1. The use is subject to the specific development standards for supportive housing found in Section 536 of the Zoning Ordinance.
2. The facility shall not have more than 146 residents.
3. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos