

Department of Community Planning and Economic Development
Variance
BZZ 6019

Date: June 6, 2013

Applicant: Minnesota Adult & Teen Challenge

Address of Property: 101 32nd Street East

Contact Person and Phone: Eric Vagle, (612) 822-8878

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

Date Application Deemed Complete: April 12, 2013

End of 60-Day Decision Period: June 11, 2013

End of 120-Day Decision Period: August 10, 2013 (*Staff sent an extension letter May 9, 2013*)

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: R5 Multiple Family District

Zoning Plate Number: 25

Proposed Use: A community residential facility allowing on-site outpatient chemical dependency treatment services to clients who have not completed a residential treatment program.

Variance: of the specific development standards for a community residential facility which permits on-site services for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...”

Background: The Zoning Board of Adjustment continued this application from the May 23, 2013, meeting to allow for the applicant to meet with the general membership of the Lyndale Neighborhood Associations on Tuesday, May 28, 2013. Staff has received correspondence from the neighborhood association and it is attached to the staff report.

The subject property is bounded by 1st Avenue South, 32nd Street East and Stevens Avenue and is approximately 2.9 acres. The property is owned and operated by Minnesota Adult & Teen Challenge, a nonprofit, charitable organization that operates chemical dependency and recovery programs in Minneapolis, Brainerd and Duluth. The Zoning Administrator has determined that the use of the property is a community residential facility. A community residential facility is a facility where one (1) 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). There are five development

standards for a community residential facility in section 536.20 Specific Development Standards in the zoning code:

Community residential facility.

- (1) The use shall be located at least one-fourth ($\frac{1}{4}$) mile from all existing community residential facilities.
- (2) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (3) 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.
- (4) 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.
- (5) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

MnTC has 146 beds and provides both short-term and long-term chemical dependency treatment and recovery programs. Residents reside on a 24-hour basis under the care and supervision of the chemical dependency program and programs range from 21-days to 1 year. There are daily classes on pharmacology/physiology, self-acceptance, family dynamics, interpersonal relationships and relapse prevention. Residents regularly meet with counselors to review treatment progress and discuss underlying issues that lead to substance abuse. Prior to discharge, residents participate in developing a plan to effectively transition back into society. Outpatient services are available to clients who have completed residential treatment, which is consistent with the development standards found in section 536.20 Specific Development Standards, of the zoning code.

The applicant is proposing to add outpatient chemical dependency treatment services to a limited number of clients who have not completed the residential treatment program. The proposed outpatient program would consist of weekday evening, between 6:00 p.m. to 9:30 p.m., and Saturdays from 8:00 a.m. to 1:00 p.m. Group sessions would include 8-12 participants with a maximum of 15 clients per day. Outpatient programming would be conducted in existing classroom areas that are separated from the residential area of the facility. The specific development standards for a community residential facility allows for on-site services for residents of the facility only, except where part of a regimen of scheduled post-residential treatment. Therefore, the applicant is seeking a variance of the specific development standards to allow for a community residential facility providing on-site, outpatient chemical dependency treatment services to clients who have not completed a residential treatment program.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: of the specific development standards for a community residential facility which permits on-site services for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Staff finds that practical difficulties exist in complying with the ordinance due to circumstances unique to the property, which include the size of the parcel, the layout of the property and the continued congregate living uses on the property. The applicant is seeking a variance of the specific development standards for a community residential facility which permits on-site services for residents of the facility only, except where part of a regimen of scheduled post-residential treatment. The subject property is approximately 2.9 acres in size and MnTC operates a community residential facility with 146 beds, within 2 existing buildings, providing both short-term and long-term chemical dependency treatment and recovery programs. Residents reside on a 24-hour basis under the care and supervision of the chemical dependency program and programs range from 21-days to 1 year. Outpatient services are available to clients who have completed residential treatment, which is consistent with the development standards found in section 536.20 Specific Development Standards, of the zoning code. The property was originally constructed for the Home for Aged Women in 1885. It appears as though the property also served as an orphanage between 1934 and 1955, according to permit records. Later the property was remodeled and renamed to Stevens Square nursing home complex in 1957. MnTC occupied the building located at 3201 1st Avenue South in 1993 and operated a community residential facility. The nursing home closed in 2004 and the city approved the expanded use of a community residential facility with 146-beds. Staff finds that these unique circumstances have not been created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant is proposing to add outpatient chemical dependency treatment services to a limited number of clients who have not completed the residential treatment program. The proposed outpatient program would consist of weekday evening, between 6:00 p.m. to 9:30 p.m., and Saturdays from 8:00 a.m. to 1:00 p.m. Group sessions would include 8-12 participants with a maximum of 15 clients per day. Outpatient programming would be conducted in existing classroom areas that are separated from the residential area of the facility. Participants in the outpatient program would have a variety of transportation options available, including MnTC sponsored transportation, off-street parking for both vehicles and bicycles and MetroTransit has stops for the #18 and #21 buses within two blocks of the subject property. The intent of the ordinance limiting on-site services is to minimize their impact and to support the residential character. Staff finds that the applicant is proposing to utilize the property in a reasonable manner, consistent with the spirit and intent of the ordinance and comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Granting of the proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of property in the vicinity. Outpatient services are currently available to clients who have completed residential treatment, which is consistent with the development standards found in section 536.20 Specific Development Standards, of the zoning

code. The applicant is proposing to add outpatient chemical dependency treatment services to a limited number of clients who have not completed the residential treatment program. The proposed outpatient program would consist of weekday evening, between 6:00 p.m. to 9:30 p.m., and Saturdays from 8:00 a.m. to 1:00 p.m. Group sessions would include 8-12 participants with a maximum of 15 clients per day. There are no proposed changes to the property and outpatient programming would be conducted in existing classroom areas that are separated from the residential area of the facility. Staff finds that the proposed variance will not be detrimental to the health, safety or welfare of the general public or those utilizing the property or nearby properties with compliance with the life/safety ordinances and existing license requirements established by the Minnesota Department of Human Services.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance of the specific development standards to allow for a community residential facility providing on-site, outpatient chemical dependency treatment services to clients who have not completed a residential treatment program located at 101 32nd Street East in the R5 Multiple Family District, subject to the following condition of approval:

1. On-site services shall be allowed for residents of the facility, those participating in a scheduled post-residential treatment program and up to fifteen (15) outpatient clients per day who have not completed a residential treatment program.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Tuthill and Lyndale Neighborhood Association
3. Correspondence
4. Zoning map
5. Site Plan
6. Floor plans
7. Photos