

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-6177

Date: August 26, 2013

Applicant: River of Life Lutheran Church in cooperation with St. Stephens Human Services

Addresses of Property: 1110 22nd Avenue North/2200 Fremont Avenue North

Project Name: River of Life Lutheran Church Overnight Shelter

Contact Person and Phone: Allysén Hoberg with St. Stephen's Human Services, 612-408-1577

CPED Staff and Phone: Hilary Dvorak, 612-673-2639

Date Application Deemed Complete: July 30, 2013

End of 60-Day Decision Period: September 28, 2013

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

Ward: 5 **Neighborhood Organization:** Jordan Area Community Council

Existing Zoning: R2B, Two Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Legal Description: Not applicable for this application

Proposed Use: Overnight shelter accessory to a religious institution place of assembly

Concurrent Review:

Conditional Use Permit: for an overnight shelter

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 537, Accessory Uses & Structures.

Background: River of Life Lutheran Church, in cooperation with St. Stephens Human Services, has filed an application for a conditional use permit to allow an overnight shelter located at 1110 22nd Avenue North/2200 Fremont Avenue North. The proposed shelter, which will be operated by St. Stephens Human Services, will serve up to 45 single adults who are homeless. St. Stephens is proposing to operate the shelter as an overflow shelter from November 1st to April 30th to address overcrowding at other shelters in the City during the colder season.

Overnight shelters are allowed as a conditional use accessory to a religious institution, place of assembly. The site in question operates as a church. An interim use permit to allow an overnight shelter was first approved for this property in December of 2010 that expired on May 15, 2011. A second interim use permit to allow an overnight shelter was approved in October of 2011 that expired on April 30, 2012. A third interim use permit to allow an overnight shelter was approved in October of 2012 that expired on April 30, 2013. The winter shelter has been operated by the applicant for the past three years. There is still a need to provide this service in the community; therefore, the applicant is requesting approval of a conditional use permit to allow this winter shelter to operate on a permanent basis.

Homelessness is a problem that affects every sector of our community. In 2006, the city of Minneapolis and Hennepin County passed a plan to end homelessness in our community by the year 2016. This 10 Year Plan to End Homelessness, also known as Heading Home Hennepin, was developed by business and civic leaders, advocates, community members and individuals who have experienced homelessness. It was created to help address the growing problem of homelessness, and change the paradigm from managing it to ending it. Despite the many efforts focused on the goal of ending homelessness, Minneapolis has, like many communities, seen an increase in the homeless population and as a result, the existing shelters are experiencing overcrowding, particularly during the colder season. As such, there continues to be a need to provide winter time overflow shelters. St. Stephen's will operate the shelter as a winter overflow site from November 1st through April 30th.

At the public hearing for the interim use permit last year several issues were raised by neighboring residents regarding shelter operations and in some cases, the Church's operations in general. The issues included the following: safety concerns related to people loitering in the alley and approaching residents in a way that made them feel threatened; overflowing trash receptacles and frequency of trash removal; and lighting and monitoring of the alley. To address these concerns the church increased their trash pick-up to two times per week when the shelter is in operation and security cameras were installed in the alley that can be viewed from within the shelter office and from the shelter manager and site supervisor's phones.

CONDITIONAL USE PERMIT: for an overnight shelter

Findings as required by the Minneapolis Zoning Code: The Department of Community Planning and Economic Development staff has analyzed the application and from the findings below 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.

Operating an overnight shelter accessory to the existing church should not be detrimental to or endanger the public health, safety, comfort or general welfare. During winter months, homeless shelters fill to capacity, which leaves many people to sleep outdoors in the snow and freezing elements. Providing an overnight shelter provides a service to address the health, safety and well-being of the City's homeless population.

At the subject site, a minimum of two trained and experienced shelter staff will be located on the site when the facility is open. Staffing levels will also be supplemented with volunteers. The provider will contact police or the applicable agency if a guest is removed from the facility if they are considered dangerous to themselves or others. The proposed maximum number of guests (45 people) is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

St. Stephen's hires off-duty Minneapolis police officers to provide security services when the shelter opens and during the separate meal service provided by the church. The applicants have the off-duty police coverage for 2.5 hours per night at staggered times so their presence is not predictable. In response to concerns raised by residents, St. Stephens developed a more detailed management plan that includes working with Minneapolis police officers to provide periodic checks of the alley and to alter the location where they park their vehicles when providing security for the shelter.

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.

Staff does not anticipate that the shelter would be injurious to the use and enjoyment of nearby properties. The land uses surrounding this property are all residential uses; however, the operators have a strong management plan that has details regarding communication, security-client management, building and grounds. St. Stephens Human Services has operated another year round emergency shelter since 1981 at the Church of St. Stephen (2211 Clinton Avenue). This location is also surrounded by residential land uses.

The entrances to the shelter area and the assembly hall are located on the south side of the building facing 22nd Avenue and are not immediately adjacent to the properties that abut the subject site to the North. There is a separate evening meal served at the church Monday through Friday by Loaves and Fishes. This meal service has been operating at this facility for several years and is a separate operation from the shelter. However, many of the shelter guests are also guests at this meal service. The shelter opens at 6:00 pm Monday through Friday and at 3 pm on the weekends. The shelter is required to provide a secure waiting area no less than one hour prior to opening. St. Stephens's staff and volunteers begin arriving at approximately 3:00 pm to prepare the shelter space. Shelter guests that arrive early are allowed to come inside and wait in the lobby area or in the waiting area adjacent to the meal service area. On the weekends, guests that arrive prior to the shelter opening time will wait in the River of Life Assembly Hall or in the waiting area outside of the shelter space.

Guests are admitted starting at 6:00 pm and generally the shelter is full by 8:00 pm. Guests are admitted on a first-come, first-served basis. The shelter does not participate in a lottery system for placement of guests. Typically shelter staff will not admit anyone after 10:00 pm unless they are dropped off by the police or because they have arranged, in advance, a later arrival due to a work schedule. This typically amounts to one or two shelter guests arriving after 10:00 pm. Shelter guests cannot come and go once they come in. Guests are allowed to go outside and smoke until 8pm; after 8pm staff will take guests out in a group each hour for a smoke break. CPED staff recommends placing a condition of approval that only allows smoking to occur at the front of the church along 22nd Avenue North.

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

Adequate utilities, access roads, drainage, necessary facilities or other measures are provided.

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

Given the nature of the use, it is expected that few guests would arrive at the site by car. For staff that may drive to the site, there is a parking lot with approximately 32 parking spaces serving the Church across the street at 2201 Fremont Avenue North.

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

The proposed conditional use is consistent with the following policies of *The Minneapolis Plan for Sustainable Growth*.

Housing Policy 3.4: Preserve and increase the supply of safe, stable and affordable supportive housing opportunities for homeless youth, singles and families.

3.4.5 Implement and promote additional strategies to reduce homelessness, such as those identified in Heading Home Hennepin.

Staff comment: While the Heading Home Hennepin plan suggests that, over time, shelters should be replaced by other forms of permanent housing, it recognizes that shelters are a critical component of serving those in urgent need.

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

With the approval of the conditional use permit, this development will meet the applicable regulations of the zoning district in which it is located. The applicant is aware that, when shelters are established as an accessory use, they are subject to the following standards from section 537.110 of the zoning code:

(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.*

The shelter opens at 6:00 pm Monday through Friday and at 3 pm on the weekends. Shelter guests that arrive early are allowed to come inside and wait in the lobby area or in the waiting area adjacent to the meal service area. On the weekends, guests that arrive prior to the shelter opening time will wait in the River of Life Assembly Hall or in the waiting area outside of the shelter space.

(2) *The number of guests shall not exceed the housing code occupancy requirements.*

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The proposed maximum number of guests (45 people) is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

(3) *The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.*

A copy of the management plan and a floor plan has been submitted and are attached for reference. The management plan outlines shelter operations, admission and discharge criteria, a neighborhood communication plan, a security and client management plan and a buildings and grounds plan. Staff is recommending a condition of approval that requires the plan to be updated yearly and that a copy of it is provided to adjacent property owners and City staff.

(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 understands that this is a requirement and will comply with the requirement. In response to concerns raised by residents of a neighboring property last year regarding overflowing dumpsters, the church increased their trash pick-up to two times per week when the shelter is in operation.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development for a conditional use permit for an overnight shelter:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit application to allow an overnight shelter accessory to a religious institution place of assembly located at 1110 22nd Avenue North/2200 Fremont Avenue North, subject to the following conditions:

1. 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.
2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.
3. The required management plan shall be updated yearly and copies shall be provided to adjacent property owners and to The Department of Community Planning and Economic Development. At minimum, the management plan shall include the following
 - a. A security plan that includes the hours of operation, the hours guests can arrive, details on shelter security and police monitoring, and a security plan that addresses lighting, cameras and littering in the alley.

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- b. A communication plan that includes details on who to call with concerns, documentation of issues that arise, and monthly meetings to discuss shelter operations.
 - c. A building and grounds plan that includes frequency for trash and recycling pick-up and lighting in the alley.
4. The shelter shall not use or participate in the lottery system for placing guests at this shelter.
 5. The shelter shall operate yearly from November 1st through May 15th.
 6. Trash shall be picked up at least two times per week when the shelter is in operation.
 7. When going outdoors for air or smoking breaks, shelter staff and guests shall remain to the front of the church along 22nd Avenue North and shall not assemble in the alley or to the side of the church.
 8. No personal belongings shall be stored outside of the building. Guests shall be provided space to store any personal belongings within the shelter space.

Attachments:

- 1) Narrative from applicant
- 2) Operational Overview from applicant
- 3) Management plan submitted by the applicant
- 4) Conditional use permit findings from the applicant
- 5) Correspondence to Council Member and neighborhood organizations
- 6) Correspondence from residents and others
- 7) Zoning Map
- 8) Site plan and floor plans
- 9) Photos of the site