

Department of Community Planning and Economic Development—Planning Division
Change of a Legal Nonconforming Use
BZZ-2439

Hearing Date: 8/15/05

Date Application Deemed Complete: 5/26/05

End of 60-Day Decision Period: Extended by letter dated 6/28/05 to 9/23/05, and by extension letter from the applicant (dated 7/12/05) to 10/23/05

Applicant: Grace Manor, Adelle Petsolt, 1507 Lowry Ave. NE, Mpls., MN 55418

Address of Property: 1507 Lowry Ave. NE (and 2502 and 2506 Johnson St. NE)

Contact Person and Phone: Rich Scherber, 1619 Portland Ave. S., Mpls., MN 55404; 612-373-3366, fax: 612-333-4111; email: rich.scherber@mmtc.org

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Assoc. and Windom Park Neighborhood Assoc.

Existing Zoning:

- Primary District: R2B, Two-Family District
- Overlay District: None

Zoning Plate Number: 10

Proposed Use: Application by Adelle Petsolt of Grace Manor to convert an existing nursing home located at 1507 Lowry Ave. NE (and 2502 and 2506 Johnson St. NE) into supportive housing in cooperation with Minnesota Teen Challenge. The program will be for adult women (including women with children) who are enrolled in Minnesota Teen Challenge programs that include education and training, mentoring, career counseling, and support. There will be no external changes to the building or an increase in the current number of beds (53 beds).

Prior Approvals: None

Concurrent Review: Change of a nonconforming use permit

Applicable zoning code provisions: Chapter 531

Attention: If you want help translating this information, call - **Hmong** - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** - Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500

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BACKGROUND

Since its beginnings in 1906, Grace Manor has served as a nursing home with 53 beds used primarily for seniors. Grace Manor is licensed by the State as a board and care facility. Over the last ten years with the growth of alternative senior housing, the resident population has also included people with mental handicaps and those who have completed a drug rehabilitation program, however, the majority of the beds have continued to be used for the nursing home function.

In the early 1970s, Grace Manor purchased the four of the homes on the west side of Johnson St. north of Lowry. The two that are included in this project, 2502 and 2506 Johnson, house 11 of the 53 total beds in Grace Manor. Grace Manor rents out the other two homes to private residents.

Adelle Petsolt, President of Grace Manor, is applying to convert the existing nursing home (including the two houses on Johnson) into supportive housing in cooperation with Minnesota Teen Challenge. The program will be for adult women (including women with children) who are enrolled in Minnesota Teen Challenge programs that include education and training, mentoring, career counseling, and support. There will be no external changes to the building or an increase in the current number of beds. Grace Manor will secure new housing for the current residents.

The appropriate Zoning Code use category for the new Teen Challenge program is supportive housing. The following lists the Zoning Code's requirements:

Supportive housing.

- (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.

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The following summarizes how the current and proposed uses are nonconforming:

- Nursing homes and supportive housing are first allowed in the R4 District. This was also true for the 1963 Zoning Code. As such, the Zoning Administrator has concluded that Grace Manor is a legal nonconforming use that has “grandfather” rights as a nursing home. If this application is approved, these “grandfather” rights will change from a use right for a nursing home to a use right for supportive housing.
- There is another nursing home within 1/4 mile of Grace Manor. Bethany Covenant Village at Hayes St. and 23 Ave. NE is an 82-bed, State-licensed, nursing home. The spacing requirement for supportive housing does not include nursing homes.
- Since it was built in 1906, Grace Manor has exceeded the 32-bed limit in the current Zoning Code for supportive housing. The Zoning Administrator has determined that Grace Manor has “grandfather” rights to 53 beds.
- Grace manor is in compliance with the other provisions regarding supportive housing.
- Table 543-1 restricts signs for nursing homes to two wall identification signs not exceeding 32 sq. ft., and one freestanding ground sign not exceeding 32 sq. ft. This totals to 96 sq. ft. of signage. According to the applicant, there will be one sign that will replace the existing sign in the same location. The existing sign (13 X 8 = 104 sq. ft.) is twice the size of the replacement sign (13 X 4 = 52 sq. ft.) and is nonconforming to the 32-sq.-ft. limit in the Zoning Code. Grace Manor retains “grandfather” rights to the existing amount of signage.

Neighborhood and citizen responses: The applicant informed the two neighborhood groups and at their request, delayed the public hearing on the project in order to allow for additional neighborhood group input. Staff have received no response from the neighborhood groups to date. Attachment 6 includes letters from neighbors and letters of support.

CHANGE OF A LEGAL NONCONFORMING USE

Findings As Required By the Minneapolis Zoning Code:

The Community Planning and Economic Development—Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve a proposed change in use if the use meets the following standards as specified in section 531.80 of the Zoning Code:

- (1) The proposed use is compatible with adjacent property and the neighborhood.**

Low density residential uses (primarily single-family residences) surround the site and Windom Park is located to the southeast. Grace Manor has been an established use in the neighborhood since 1906 serving as a nursing home and, over the last decade, people with mental handicaps and those who have completed a drug rehabilitation program. The change to supportive housing to accommodate the Minnesota Teen Challenge program will result in a change of residents to adult women (including women with children) and programs that include education and training,

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mentoring, career counseling, and support. There will be no external changes to the building or an increase in the current number of beds. This change will be compatible with the surrounding residential uses and the use of the park.

- (2) **The proposed use is less intense than the existing, nonconforming use.**
- (a) **Hours of operation:** The current and future uses will be 24/7 operations.
 - (b) **Signage:** The new signage will be half the size of the current signage and it will reduce the nonconformity of the current sign. It will still be 63% larger than the maximum allowed by the Zoning Code, but Grace Manor retains “grandfather” rights to the existing amount of signage.
 - (c) **Traffic generation and safety:** It is reasonable to assume that traffic levels may increase somewhat compared to recent conditions. Nursing home clients typically don’t drive, but they do get visitors. More of the Teen Challenge residents are likely to drive. Since the number of employees is not expected to change substantially, neither will employee trips. Nonetheless, neither the existing nor future expected levels of traffic associated with Grace Manor will have a substantive effect on the street capacities or levels of congestion in the area. The change from a nursing home with part of its population being people with mental handicaps and people who have completed a drug rehabilitation program to the new program for adult women (including women with children) who are enrolled in Minnesota Teen Challenge programs will not have a substantive effect upon matters of safety.
 - (d) **Off-street parking and loading:** The change in program will not have any substantive effect on parking and loading. There is parking for 25 vehicles currently. This will not change. The parking requirement in the Zoning Code will decrease from 18 stalls to 14 stalls with the change in use.
 - (e) **Nature of business operations:** N/A
 - (f) **Number of employees:** The number of employees is not expected to change substantially.
 - (g) **Building Bulk:** There will no change to the building bulk.
 - (h) **Aesthetic impacts on surrounding property:** Other than the decreased size of the sign, no substantive changes are planned for the buildings and the grounds.
 - (i) **Noise, odor, heat, glare and vibration:** N/A
 - (j) **Other:** The applicant submitted the following statement:

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Concerning a positive influence that Teen Challenge may bring, presently the residents are not involved in any activity with the Neighborhood Associations whatsoever. Teen Challenge plans to continue its reputation of being an active member of Neighborhood by volunteer with the local neighborhood groups. The Neighborhood groups surrounding Grace Manor have welcomed Teen Challenge in this move because of our history with the City. Another positive factor is the strong support from the faith community concerning Teen Challenge moving into Grace Manor. Because Teen Challenge is an interdenominational non-profit program we work closely with hundreds of churches in the Twin Cities area. Many area churches in the Northeast Minneapolis community have contacted us expressing their support and desire to become involved with the program. Lastly, Teen Challenge has strong Neighborhood support in all of its existing programs throughout the city. The endorsement letters all reflect that Teen Challenge is a good neighbor that has brought a positive influence into their neighborhoods.

RECOMMENDATIONS

Recommendation of the Department of Community Planning & Economic Development – Planning Division for the Change of Nonconforming Use Permit for Grace Manor located at 1507 Lowry Ave. NE. (and 2502 and 2506 Johnson St. NE):

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission **approve** the Change of Nonconforming Use Permit for Grace Manor located at 1507 Lowry Ave. NE (and 2502 and 2506 Johnson St. NE).

Attachments:

1. Zoning and lot lines in the vicinity
2. Aerial photo
3. Project drawings
4. Information from the applicant
5. Photos of the site and surrounding buildings
6. Letters