

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, three Variances and Site Plan Review  
BZZ-2492

**Date:** August 29, 2005

**Applicant:** Metro Hope Ministries

**Address of Property:** 1620 Oak Park Avenue North

**Project Name:** Healing House

**Contact Person and Phone:** Dan Ward, (612) 721-9415

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** July 22, 2005

**End of 60-Day Decision Period:** September 20, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 5      **Neighborhood Organization:** Northside Residents Redevelopment Council

**Existing Zoning:** R6, Multiple-family District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 12

**Legal Description:** Not applicable

**Proposed Use:** Supportive housing facility serving 45 persons

**Concurrent Review:**

**Conditional use permit:** for a supportive housing facility

**Variance:** to increase the number of residents in the building from 32 to 45

**Variance:** to reduce the number of required parking spaces from 11 to 9

**Variance:** to reduce the front yard setback along Knox Avenue North from the required 32 feet to 6 feet for a parking lot

**Site plan review**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...”, Section 525.520(6) “to reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or

one (1) space, whichever is more”, Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations;” and Chapter 530, Site Plan Review.

Metro Hope Ministries is proposing to establish a supportive housing facility in north Minneapolis that will provide an array of services to women and women with children who are chemically dependent, leaving prostitution, transitioning out of incarceration or in chronic material need. The applicant has indicated that the last three groups will contain significant numbers of women with substance abuse histories. In total, the residents will stay in the facility anywhere between 12 and 18 months. The applicant will work with the residents to find permanent housing upon completion of the program. Metro Hope Ministries currently operates a supportive housing facility in Minneapolis. The facility, named New Hope Center, is located at 2739 Cedar Avenue South and serves up to 63 men who are chemically dependent.

The proposed development is located in the Near North Neighborhood. The site is located on the northeast corner of Knox Avenue North and Oak Park Avenue North. A former nursing home occupies the site. The applicant is proposing to convert the building to a 45-bed supportive housing facility. Twenty of the beds will be for adult women and the remaining 25 beds will be for children. Located on the same block as the development are a mixture of single-family dwellings and multiple-family dwellings. Located within a block of the site is a community residential facility for homeless youth ages 15 to 20, a community center and a church.

In the R6 zoning district, supportive housing facilities are a conditional use. Therefore the applicant is seeking a conditional use permit for the 45-bed facility. The applicant is also seeking a variance to increase the number of people served in the facility, a variance to reduce the on-site parking requirement and a variance to reduce the front yard setback along Knox Avenue North to allow for a parking lot to be reconfigured. This use also requires site plan review.

One of the requirements for a conditional use permit is that the use comply with all applicable requirements of the Zoning Code. Supportive housing facilities must comply with specific development standards. One of the standards for a supportive housing facility requires that the facility be located at least a quarter mile from all other existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters.

According to information provided by the applicant there is one facility located within a quarter-mile of the proposed use that falls into one of the categories mentioned above. Project Foundation, which is a community residential facility for homeless youth ages 15 to 20, is located across the street at 1708 Oak Park Avenue North.

Because of the site’s proximity to the above referenced facilities, the applicant is seeking reasonable accommodation under the Federal Fair Housing Act of 1988 in order to locate the facility at this location. For your reference, the definitions of the above mentioned uses are provided below:

**Definitions**

Department of Community Planning and Economic Development – Planning Division  
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*Community correctional facility.* A facility where one or more persons placed by the court, court services department, parole authority, or other correctional agency having dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin County, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

*Community residential facility.* A facility where one 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). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

*Inebriate housing.* A facility that provides housing twenty-four (24) hours per day to persons who are chemically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

*Motel.* An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

*Overnight shelter.* An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed sixteen (16) hours within a twenty-four (24) hour period to persons without permanent housing.

*Supportive housing.* A facility that provides housing for twenty-four (24) hours per day and programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. It does not include:

- (1) Elderly housing with congregate dining.
- (2) Inebriate housing.
- (3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- (4) Any other county, state or federal community correctional facility.
- (5) Fraternities, sororities or other student housing.
- (6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- (7) The use of one dwelling unit on one zoning lot which meets the occupancy requirements of the zoning district in which it is located.

## **REASONABLE ACCOMMODATION**

As described in the attached memorandum from the City Attorney's Office dated September 14, 2001, the evaluation process for determining whether the federal law requires an accommodation in how the City's zoning regulations are applied or enforced can be broken down into three areas of inquiry. First is a determination whether the request is being made on behalf of a person or persons who are considered "handicapped" under the provisions of the Act. The second issue is whether the requested accommodation is necessary to afford such persons equal opportunity to use and enjoy a dwelling. Finally, it must be determined whether the requested accommodation is reasonable.

The Planning Commission should make findings regarding each of these factors in determining whether the requested accommodation should be granted or denied.

### Handicap

With respect to a person, "handicap," as defined by federal statute, means: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a regard of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. The courts have found that impairment under the Act includes alcoholism, past abuse of drugs, chronic mental illness, mental retardation and HIV/AIDS.

The applicant has indicated that the residents of the supportive housing facility would be women and women with children who are chemically dependent. The Planning Division has received no information contradicting a conclusion that the people being served in the proposed facility qualify, under the Act, as being handicapped.

### Is the Accommodation Necessary to Afford Such Person Equal Opportunity to Use and Enjoy a Dwelling?

The use of the building in question as a multiple-family dwelling would not be subject to a spacing requirement under the zoning code, except for the fact that support services will be provided on site. Thus, a threshold question in this analysis is whether "supportive" housing (as opposed to simply "housing") is necessary to ameliorate the effects of the residents' disabilities. It should be noted that offices (supportive services) are not an allowed use in the R6 zoning district. Where offices are allowed they are not subject to a spacing requirement.

The applicant has said that supportive services are necessary for this facility in order for the residents to achieve a higher quality of life, improve their functioning and live successfully in the community.

Another question for the Commission to consider is whether the provision of supportive housing in the location requested is necessary to provide the intended residents with an equal opportunity to use and enjoy a dwelling. The applicant has indicated that this location was picked for two reasons. First, an individual offered to donate a building to accommodate this use for Metro Hope Ministries. With the assistance of Welsh Companies a facility search began. After examining over three dozen properties it was decided that the subject site was the best choice given the previous use of the building. Given that

the building had been a nursing home that served up to 90 residents minimal changes to the building will be necessary to accommodate the new population. Second, the location is such that it is located near mass transit routes, health care facilities, employment services, churches, community learning programs, schools, after-school programs and youth services.

The applicant has indicated that potential residents of the supportive housing facility will be referred to the program by a variety of sources such as pastors, prison ministries and other agencies. Before residents are selected for the program they will undergo a 30-day screening and assessment period before being formally admitted into the program. During the 30-day screening and assessment period the potential residents will not have their children with them. The applicant will be working with the residents to find temporary care for the children. During the 30-day screening and assessment period immediate crisis will be addressed, the readiness of the residents for the program will be assessed and the residents will be prepared for the program.

### Reasonableness

Refusal to make a reasonable accommodation is discrimination under the federal law. Case law has established the following test for when an accommodation is unreasonable: an accommodation is not reasonable if it would 1) impose an undue financial hardship or administrative burden on a local government or 2) if it would create a fundamental alteration in a local government's land use and zoning scheme or otherwise undermine the basic purpose which the requirement seeks to achieve.

The Planning Division has not identified any financial or administrative burdens that would incur to the City as a result of granting a waiver of the spacing requirement, so that factor will not be considered further in this report.

### Purpose of the Spacing Requirements for Supportive Housing facilities and Community Residential Facilities

The basic purpose for having a spacing requirement in the zoning code is to prevent the undue concentration of specific types of uses. Up until 1995, supportive housing was not even a term that was recognized in the Minneapolis Zoning Code. In 1995, the term "supportive housing" was added to the list of definitions in the code in order to allow the People's Lodge on Franklin Avenue to proceed with a housing program for American Indians who were considered chronically chemically dependent and considered handicapped under the Federal Fair Housing laws. At their inception, supportive housing facilities were not subject to any spacing requirements.

In 1996, the term "supportive housing" was redefined to include a variety of program types such as board and lodging facilities, emergency housing, shelters for battered persons and some types of transitional housing programs. Many, but not all, of the uses that became supportive housing under the new definition were subject to an existing half-mile spacing requirement. In the 1996 amendment, supportive housing facilities were required to be spaced at least a quarter mile from all other existing supportive housing facilities as well as from community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. Supportive housing facilities became subject to a quarter-mile spacing requirement in order to become more consistent with the spacing requirement for state licensed facilities. Please note that state licensed community correctional

facilities are required to be spaced a quarter-mile from other community correctional facilities. State licensed community residential facilities are required to be spaced a quarter-mile from other community residential facilities. Motels are not subject to a spacing requirement nor are overnight shelters. And inebriate housing facilities are required to be spaced at least a quarter mile from all other existing inebriate housing facilities as well as community correctional facilities, community residential facilities, supportive housing facilities, motels and overnight shelters.

#### Impact on Land Use and Zoning Scheme

Located on the same block as the development are a mixture of single-family dwellings and multiple-family dwellings. Located within a block of the site is a community residential facility for homeless youth ages 15 to 20, a community center and a church. The applicant is proposing to convert the building to a 45-bed supportive housing facility for women and women with children who are chemically dependent. The applicant has said that there will not be a negative impact on the surrounding area. The Planning Division believes that a building of this density would be compatible with the surrounding area. The Planning Division also believes that supportive service uses would be compatible with the surrounding area.

#### CONDITIONAL USE PERMIT - for a supportive housing facility

#### **Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above 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.**

The applicant is proposing to convert a former nursing home to a 45-bed supportive housing facility for women and women with children who are chemically dependent. The on-site services that will be located in the building include addiction recovery, spiritual counseling and support, trauma and/or emotional counseling, basic education tutoring through GED, life skills training, employment training and family counseling. These services are designed to prepare residents to achieve a higher quality of life, improve their functioning and live successfully in the community.

For several reasons, the Planning Divisions believes that the proposed supportive housing facility will not be detrimental to or endanger the public health, safety, comfort or general welfare. As indicated by the applicant, Metro Hope Ministries is proposing to convert a former nursing home to a 45-bed supportive housing facility. The Planning Division believes that because the supportive housing facility is staffed 24 hours a day that it will be well managed and maintained. It should be noted that Metro Hope Ministries has been providing services to people who are chemically dependent for over 40 years in south Minneapolis.

**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.**

The Planning Division does not believe that the proposed supportive housing facility would be injurious to the use and enjoyment of other property in the vicinity. Located on the same block as the proposed development are a mixture of single-family dwellings and multiple-family dwellings. Located within a block of the site is a community residential facility for homeless youth ages 15 to 20, a community center and a church. The supportive housing facility will be staffed 24 hours a day seven days a week.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for a supportive housing facility is 1 parking space per four beds. This specific facility will have up to 45 beds. Therefore, the parking requirement is 11 spaces. The on-site parking lot can accommodate up to 9 vehicles. The applicant has applied for a variance to reduce the parking requirement.

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

The site is designated as group quarters in the comprehensive plan. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will take steps to eliminate discrimination against protected classes and promote a wider understanding of the value of diversity in our community (Policy 1.8).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Minneapolis will reasonably accommodate the housing needs of all of its citizens (Policy 4.12).

The applicant is proposing to convert a former nursing home to a 45-bed supportive housing facility for women and women with children who are chemically dependent. The on-site services that will be located in the building include addiction recovery, spiritual counseling and support, trauma and/or emotional counseling, basic education tutoring through GED, life skills training, employment training and family counseling. These services are designed to prepare residents to achieve a higher quality of life, improve their functioning and live successfully in the community.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

If the Planning Commission finds that reasonable accommodation is warranted for this specific use in

this location and with the approval of the conditional use permit, three variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

**VARIANCE** - to increase the number of residents in the building from 32 to 45

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Number of residents:** The applicant is seeking a variance to increase the number of residents in the building from 32 to 45. The applicant has noted that the former nursing home served 90 residents. The applicant also indicated that after working with the architect and looking at ways in which the building could be reconfigured, that it would be possible to create 20 rooming units.

The density requirement for a supportive housing facility in the R6 zoning district is 400 square feet per unit. The lot area of this site is 29,481 square feet. By taking the lot area and dividing it by the density requirement, it would be possible to have a supportive housing facility with 73 units on this site. The Planning Division believes that because of the number of units the applicant could provide on this site and the fact that the former nursing home used to serve 90 people, that the zoning code would cause undue hardship.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Number of residents:** The parcel of land is unique in that based on the zoning district and the allowable density, the applicant could potentially have up to 73 units on this site. This parcel of land is also unique in that the building is existing which limits the types of uses that could reuse this type of building.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Number of residents:** The granting of the variance will not significantly affect the essential character of the area. The proposed development would be occupied by half the number of people as when the nursing home was open.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Number of residents:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the number of required parking spaces from 11 to 9

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking requirement:** The applicant is seeking a variance to reduce the number of required parking spaces from 11 to 9. The applicant has indicated that nine parking spaces will be more than sufficient to accommodate the number of staff working in the building at one time. In addition, although there are 45 beds in the facility, 23 of them are for children who are not of driving age. The applicant has also indicated that residents are not allowed to have vehicles until the end of their stay.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Parking requirement:** The fact that the parking requirement would be 5 spaces if the parking was calculated on the number of adult beds in the facility is a unique circumstance of this parcel of land.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Parking requirement:** The granting of the variance will not significantly affect the essential character of the area given the true nature of the use. In addition, the applicant will be installing landscaping along the perimeter of the parking lot which will screen it from the adjacent residential properties.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Parking requirement:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed parking reduction be detrimental to welfare or public safety.

**VARIANCE** - to reduce the front yard setback along Knox Avenue North from the required 32 feet to 6 feet for a parking lot

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback along Knox Avenue North from the required 32 feet to 6 feet for a parking lot. The applicant has indicated that the parking area is existing. Portions of the parking lot are being removed and the remainder of the parking lot is being resurfaced. The applicant has indicated that landscaping will be installed around the perimeter of the parking lot which will screen it from the adjacent residential properties.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The fact that the parking lot is existing is a unique circumstance of this parcel of land.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** The granting of the variance will not significantly affect the essential character of the area as the parking lot is existing. The applicant has indicated that landscaping will be installed around the perimeter of the parking lot which will screen it from the adjacent residential properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**SITE PLAN REVIEW**

**Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FACADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a

public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
  - b. Windows shall be distributed in a more or less even manner.
  - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
  - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
  - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
  - Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
  - The form and pitch of roof lines shall be similar to surrounding buildings.
  - Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**PLANNING DEPARTMENT RESPONSE:**

- The building is existing. No exterior modifications to the building are being proposed.

**ACCESS AND CIRCULATION:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

**PLANNING DEPARTMENT RESPONSE:**

- The principal entrance is connected to the public sidewalk along Oak Park Avenue North.
- There are no transit shelters on or adjacent to the site.
- All of the parking for the development is located towards the back of the building. Please note that the subject site is a reverse corner lot. Therefore, the parking lot is located in the front yards of those residential properties to the north. The applicant has indicated that landscaping will be installed around the perimeter of the parking lot which will screen it from the adjacent residential properties.
- Fifty percent of the site is pervious. The impervious surface and landscaping requirements for this site are being met.

**LANDSCAPING AND SCREENING:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 29,481 square feet. The footprint of the buildings is 6,936 square feet. When you subtract the footprint from the lot size the resulting number is 22,545 square feet. Twenty percent of this number is 4,509 square feet. The applicant has a total of 14,750 square feet of landscaping, or 65 percent of the site.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 9 and 45 respectfully. There are several existing trees and shrubs on the site. The applicant is proposing to install landscaping around the perimeter of the parking lot in order to screen it from the adjacent residential properties. In total, there will be 5 canopy trees, 1 evergreen tree and 40 shrubs on the site. The Planning Division is recommending that additional trees and shrubs be planted on the site in order to meet the minimum requirement of the zoning code.
- Please note that the site plan shows the proposed shrubs in the right-of-way along Knox Avenue North. Public Works has indicated that the landscaping needs to be planted on the applicant's property.
- There is an existing 6-foot high chain link fence located around the outdoor recreation and garden area. The applicant is not proposing any changes to the fence at this time. Please note that there is vegetation growing on the fence that screens this area from the public sidewalk.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**PLANNING DEPARTMENT RESPONSE:**

- No changes are proposed that would alter the drainage patterns on the site.
- There are lights located on the building. The applicant is proposing to add additional lights to both areas. The Planning Division is recommending that a lighting plan showing foot-candles be submitted for compliance with Chapter 535.
- The building is existing and would not block views of important elements within the city.
- This building is existing and would cast no new shadows on surrounding properties.
- This development should not contribute to groundlevel winds.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines proper signage should be installed on the site indicating that the parking area is a one-way.
- This site is neither historic nor located in a historic district.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:**

- **Use:** The proposed use is conditional in the R6 District.
- **Off-Street Parking and Loading:** The zoning code requires 1 parking space per four beds in the R6 District. This specific facility will have up to 45 beds. Therefore, the parking requirement is 11 spaces. The on-site parking lot can accommodate up to 9 vehicles. The applicant has applied for a variance to reduce the parking requirement.
- **Maximum Floor Area:** The maximum FAR in the R6 District is 3.0. The lot in question is 29,481 square feet in area. The applicant proposes 27,774 square feet of gross floor area, an FAR of .94.
- **Building Height:** Building height in the R6 District is limited to 6 stories or 84 feet, whichever is less. The building is a 3-story (30 feet) building.
- **Minimum Lot Area:** The R6 District requires not less than 400 square feet of lot area per dwelling unit. With 20 proposed rooming units on a lot of 29,481 square feet, the applicant proposes approximately 1,474 square feet of lot area per rooming unit.
- **Yard Requirements:** The R6 District requires a 15-foot front yard setback unless the adjacent residential structures have a greater setback. The interior side and rear yard setbacks are 5+2x and the corner side yard setback is 8+2x, where x equals the number of stories above the first floor. The building is existing. However, because the parking area is being reconfigured and resurfaced a front yard variance along Knox Avenue North is being triggered. The required setback is 32 feet. The applicant has applied for a variance to reduce this requirement.
- **Specific Development Standards:** The specific development standards for a supportive housing facility are:

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- 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:
  - Community correctional facility.
  - Community residential facility.
  - Inebriate housing.
  - Motel.
  - Overnight shelter.
- The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- 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.
- 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.
- The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- **Hours of Operation:** Residential uses are not subject to hours of operation.
- **Signs:** The applicant is proposing to remove the walls signs that are currently on the building. The only remaining signage will be located on the front door.
- **Refuse storage:** The refuse storage container is located on the north side of the building. The dumpster is currently not enclosed. The Planning Division is recommending the dumpster be enclosed.

**MINNEAPOLIS PLAN:**

The site is designated as group quarters in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Police 9.12).
- Require the landscaping of parking lots (Implementation Step for Policy 9.12).

Once the proposed landscaping has been planted around the perimeter of the parking lot the Planning Division believes that the site will be in conformance with the policies of the comprehensive plan.

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

**PLANNING DEPARTMENT RESPONSE:**

- Alternative compliance is not warranted for this development.

**RECOMMENDATIONS**

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

If the City Planning Commission finds that reasonable accommodation is warranted for this specific use in this location then the Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a supportive housing facility located at 1620 Oak Park Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the number of residents in the building from 32 to 45 for the property located at 1620 Oak Park Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the number of required parking spaces from 11 to 9 for the property located at 1620 Oak Park Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Knox Avenue North from the required 32 feet to 6 feet for a parking lot for the property located at 1620 Oak Park Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a multiple-family development for the property located at 1620 Oak Park Avenue North subject to the following conditions:

1. Additional trees and shrubs shall be planted on the site in order to meet the minimum requirement of the zoning code (9 trees and 45 shrubs).
2. The applicant shall submit a lighting plan so staff can verify that the lighting levels comply with the requirements of Chapter 535.
3. The trash dumpster shall be enclosed as required by section 535.80 of the zoning code.
4. Approval of the final site, trash enclosure and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by August 29, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Program plan summary
2. Healing House preliminary project plan
3. Consideration on the basis of reasonable accommodation
4. Conditional use permit and variance findings
5. PDR comments
6. June 27, 2005, letter to Council Member Johnson Lee
7. June 27, 2005, letter to NRRC
8. August 16, 2005, letter from NRRC supporting the project
9. Zoning Map
10. Site plan and floor plans
11. Photographs of the site and surrounding area