

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-5654

**Date:** September 19, 2012

**Applicant:** St. Stephens Human Services, on behalf of River of Life Lutheran Church

**Addresses of Property:** 1110 22nd Avenue N / 2200 Fremont Avenue N

**Project Name:** River of Life Lutheran Church Overnight Shelter

**Contact Person and Phone:** Allysen Hoberg, 612-870-2263

**Planning Staff and Phone:** Aly Pennucci, 612-673-5342

**Date Application Deemed Complete:** July 18, 2012

**End of 60-Day Decision Period:** September 16, 2012

**End of 120-Day Decision Period:** On September 5, 2012, staff sent a letter to the applicant extending the decision period to no later than November 15, 2012

**Ward:** 5      **Neighborhood Organization:** Jordan

**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, Chapter 537, Section 537.110, Allowed accessory uses and 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 N / 2200 Fremont Avenue N. The proposed shelter, which will be operated by St. Stephens Human Services, will serve up to 45 single adults who are homeless. St. Stephens has and will continue to operate the shelter as an overflow shelter from November 1<sup>st</sup> to April 30<sup>th</sup> 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 approved for this property in December 2010 that expired on May 15, 2011. A second interim use permit to allow an overnight shelter was approved in October 2011 that expired on April 30, 2012. The winter shelter has been operated by the applicant for the past two years. There is still a need to provide this service in the community; therefore, the applicants are requesting approval of a conditional use permit to allow this winter shelter to operate on a permanent basis as there continues to be a need for these services.

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 experience overcrowding, particularly during the colder seasons. 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 1<sup>st</sup> through April 30<sup>th</sup>.

The application was heard at the August 13, 2012, City Planning Commission public hearing. At this time the City Planning Commission continued the applications two cycles until the September 19, 2012, meeting to provide time to develop additional conditions addressing concerns raised at the first meeting. Due to this delay, the Department of Community Planning and Economic Development – Planning Division staff sent a letter to the applicant on September 5<sup>th</sup> extending the 60-day review period for an additional 60 days, to no later than November 15, 2012. Staff encourages the Commission to act on this application as soon as possible to allow, if the application is approved, a shelter opening on November 1, 2012.

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; hours that police/security are on-site; overflowing trash receptacles and frequency of trash removal; litter; and lighting and monitoring the alley. Staff received a letter of support from the Jordan Area Community Council. Staff also received letters of support from neighboring residents and from Minneapolis Police Sergeant Hatle that are included in the appendix. Staff received two letters in opposition to the application that included a petition submitted by one of the neighbors that was presented at the public hearing on August 13, 2012 and is included in the appendix. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT: (to allow an overnight shelter accessory to religious institution places of assembly)**

**Findings as required by the Minneapolis Zoning Code:** The Community Planning and Economic Development Planning Division 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 of a neighboring property last year, 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. Staff contacted the police sergeant who coordinates the security with St. Stephen's; he reported that there was little police activity related to the shelter during operations over the 2011-2012 winter; correspondence with staff and a letter from the Sergeant are provided in the appendix.

At the August 13, 2012, City Planning Commission public hearing several issues were raised by neighboring residents and the commission 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; litter; and lighting and monitoring the alley.

Staff is recommending additional conditions of approval to address these concerns, including: additional lighting and cameras in the alley, additional trash pick-ups and a trash enclosure and specifying that smoking and other breaks should take place only at the front of the church. Staff recommends that the applicants work with the City's Crime Prevention Specialist assigned to this area to evaluate the alley and develop a security plan that includes camera surveillance and a lighting plan in the alley to the rear of the church.

**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. As mentioned above, there was little police activity during the shelter operations from December 2011 through May 2012. There is a separate evening meal served Monday through Friday by Loaves and Fishes where guests will wait until the hour before the shelter opens. This meal service has been operating at this facility for several years and is a separate operation from the shelter. Many of the shelter guests are also guests at this meal service. 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 22<sup>nd</sup> Avenue and are not immediately adjacent to the properties that abut the subject site to the North.

The shelter officially opens at 6:00 pm and the shelter is required to provide a secure waiting area no less than one hour prior to opening (5:00 pm). 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. Planning Division staff recommends placing a condition of approval that only allows smoking to occur at the front of the church along 22<sup>nd</sup> Avenue North.

As mentioned in finding number one, in response to concerns raised by residents of a neighboring property last year, the applicants worked with community members, the neighborhood and city representatives to develop a more detailed management and communication plan. During shelter operations from December 2011 through May 2012 shelter staff held monthly meetings where neighbors could come to discuss concerns they had regarding the shelter and distributed flyers in the neighborhood with contact information to call with concerns. In addition, shelter staff provided documentation of any incidents or calls related to the shelter. Correspondence and documentation provided to staff is included in the appendix.

Staff is recommending that additional conditions be placed on the approval to address concerns raised at the August 13, 2012, City Planning Commission meeting. Such conditions include additional lighting in the alley and camera surveillance and a condition that when shelter staff and guests are outside for breaks, that they occur only at the front of the church, along 22<sup>nd</sup> 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 N.

**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 applicants have identified the assembly hall where the separate meal service is provided as the waiting area within the building; in addition, there is a space outside of the gymnasium near the entrance along 22<sup>nd</sup> Avenue N where shelter guests can wait on the weekends. The River of Life Church provides a free community meal (mission) Monday through Friday at 5:30 pm. Guests are allowed to wait inside during cold weather months starting at 4:30; the shelter opens at 6:00 pm. On weekends the shelter opens at 3:00 pm and guests can wait in the waiting area adjacent to the assembly hall at least one hour prior to the opening.

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

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, shelter staff coordinated with the Church's waste hauler to add additional garbage and recycling pickups as needed to address this. Staff is recommending that trash pickups occur a minimum of two times per week.

### **RECOMMENDATION:**

#### **Recommendation of the Department of Community Planning and Economic Development - Planning Division for conditional use permit for a dynamic sign:**

The Department of Community Planning and Economic Development - Planning Division 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 N / 2200 Fremont Avenue N., 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 - Planning Division. 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.
  - 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.

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- 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 winter shelter shall operate yearly from November 1st through May 15th.
6. The applicant shall add additional trash and recycling pick-ups (a minimum of two times per week) during shelter operations.
7. The applicant shall work with the City's Crime Prevention Specialist assigned to the 4<sup>th</sup> Precinct to develop a specific security plan for the subject site. This shall include, at minimum, adding additional lighting and surveillance cameras in the alley monitored by shelter staff or an equivalent proposal. All lighting shall be required to comply with section 535.590 of the Zoning Code.
8. All waste receptacles shall be fully enclosed and screened unless determined to be a safety concern by the City's Crime Prevention Specialist. A detail of the trash enclosure shall be submitted that complies with Section 535.80 of the Zoning Code.
9. When going outdoors for air or smoking breaks, shelter staff and guests shall remain to the front of the church along 22<sup>nd</sup> Avenue North and shall not assemble in the alley or to the side of the church.
10. 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) Statement and findings from applicant
- 2) Management plan submitted by the applicant
- 3) Correspondence to neighborhood organization and Council Member
- 4) Correspondence between shelter staff and neighbor
- 5) Zoning Map
- 6) Site plan, floor plans, and photos of the site
- 7) Correspondence from neighbors, Police Sergeant Hatle and the neighborhood organization