

INTERIM USE PERMIT STAFF REPORT

FILE NAME: Ramsey County Overnight Shelter

FILE # 19-036-949

TYPE OF APPLICATION: Interim Use Permit

HEARING DATE: May 15, 2019

LOCATION: 160 E. Kellogg Blvd., SW corner at Jackson Street

PIN AND LEGAL DESCRIPTION: 062822110029; see file for legal description

PLANNING DISTRICT: 17

PRESENT ZONING: B4

STATE STATUTE REFERENCE: Minn. State Statute § 462.3597

STAFF REPORT DATE: May 3, 2019

BY: Bill Dermody

DATE RECEIVED: May 3, 2019

DEADLINE FOR ACTION: July 2, 2019

- A. **PURPOSE:** Interim use permit for an overnight shelter from May 1 through December 31, 2019
- B. **PARCEL SIZE:** 58,806 sq. ft.
- C. **EXISTING LAND USE:** Ramsey County offices; space to be used for an overnight shelter is currently being used as such, and was previously vacant
- D. **SURROUNDING LAND USE:**
North: Parking structure (B4)
East: Custom House – housing, hotel (B4)
South: Railroad, Shepard Road (B4)
West: Culture Park (B4)
- E. **STATE STATUTE CITATION:** Minnesota State Statute § 462.3597 provides for interim uses and includes required findings for establishing an interim use.
- F. **HISTORY/DISCUSSION:** A pair of interim use permits were approved to allow the same overnight shelter use over the cold weather months of 2017-18 and 2018-19. The most recent approval, RES PH 17-340, expired April 30, 2019, and it also directed the Department of Planning and Economic Development to pursue amending the zoning code to permit overnight shelters in the B4 zoning district as a conditional use.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, a recommendation has not been received from the District 17 Capitol River Council.
- H. **FINDINGS:**
1. Ramsey County has experienced an unprecedented increase in the number of unsheltered individuals and families as rents increase and rental vacancy rates fall throughout the county. Until Higher Ground Phase II opens in late 2019, the problem is especially acute.
 2. Ramsey County has applied to the City Council for an interim use permit for an emergency overnight shelter in Suite 2000 of 160 E. Kellogg Boulevard. Entry to the facility is from Jackson Street.
 3. The period of time for which the permit is desired is May 1 through December 31, 2019. It will be open from 10:00 p.m. to 9:00 a.m. and will be staffed by Catholic Charities. Ramsey County owns, and will continue to own, the facility.
 4. Minnesota State Statute §462.3597, Interim Uses, defines interim uses, gives authority to governing bodies to allow them, and specifies the required findings for establishing an interim use. It defines an interim use as “a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it,” and it allows for conditions to be set on interim uses. The governing body may grant permission for an interim use of property if:
 - a) *The use conforms to the zoning regulations.* This requirement can be met. The B4 central business district does not permit *overnight shelters*, defined as a building “where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day

basis.” The B4 zoning district does permit the related use of *emergency housing*, defined as a building “where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for no longer than thirty (30) days.” Both *overnight shelter* and *emergency housing* are permitted as a conditional use in the B5 central business-service district as long as it is at least 600 feet from any other such facility, which this site is (more than 600 feet from Higher Ground). Overnight shelter is similarly appropriate in the B4 district.

- b) *The date or event that will terminate the use can be identified with certainty.* This requirement is met. Ramsey County states that the use will terminate on or before December 31, 2019
- c) *Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.* This requirement is met. The property is currently owned, and will continue to be owned, by Ramsey County.
- d) *The user agrees to any conditions that the governing body deems appropriate for permission of the use.* This requirement is met. Ramsey County is willing to agree to any conditions the City Council deems appropriate for permission of the use.

6. The applicant requests waiver of the application fee.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of an interim use permit for an overnight shelter at 160 E. Kellogg Boulevard, Suite 2000, subject to the following conditions:

- 1. The permit shall be in effect from May 1, 2019 through December 31, 2019.
- 2. The hours of operation shall be 10:00 p.m. to 9:00 a.m.
- 3. Residents will be referred only by law enforcement, first responders, outreach workers or staff at Higher Ground or the Union Gospel Mission if it is after 10:00 p.m. and there are no other housing options for the night.
- 4. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.