

MINUTES OF THE ZONING COMMITTEE
Thursday, May 10, 2012 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Merrigan, Nelson, Wencil, and Wickiser
ABSENT: Perrus (excused), Reveal (excused), Spaulding (excused)
STAFF: Samantha Langer, Patricia James, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Volunteers of America - Minnesota - 12-048-442 - Conditional use permit for a Department of Corrections-licensed community residential facility with modification to permit up to 74 adult residents, 1394 Jackson St, between Arlington and Hyacinth

Patricia James presented the staff report for Luis Pereira. Ms. James stated there was a recommendation of approval with conditions for the conditional use permit. Ms. James also stated District 6 recommended denial, and there were 18 letters in support, and 6 letters in opposition. Ms. James noted that Jackson Village, which was referenced in letters from the neighborhood residents, is not a community residential facility; it is permanent housing for people transitioning out of homelessness.

Paula Hart, President and CEO of Volunteers of America, 7625 Metro Blvd., Edina, provided a brief overview of the organization. The organization has been in Minnesota since 1896, and each year they serve 26,000 Minnesotans. They have 800 employees and thousands of volunteers whose mission is to help people gain self reliance, dignity, and hope. She introduced staff members and stated they would like to work with the neighbors and address any concerns.

James Bettendorf, 7625 Metro Blvd., Edina, stated that they understand that this type of service brings apprehension to the communities they are new to; however, they have operated this type of facility in Minneapolis for over 40 years, have been at the Roseville location since 1986, and have strong community support in both locations. Recently they have won an award from the Lake Street Business Council for the residents' efforts in beautifying the neighborhood. They have a history of being safe and accountable in their operations. They have held a Federal contract for many years, and they know the community will embrace their presence once they are able to see how they operate.

John Jungwirth, 1111 Abell Street, Saint Paul, spoke in opposition. He stated he believes there is an over concentration of programs in the area where Volunteers of America (VOA) proposes to locate. Mr. Jungwirth stated he understood Jackson Village to be a community residential facility, which has 24 units, and the average length of stay is slightly over two years. He also mentioned Transition Homes and McDonough Homes are located in the area. While they may not be residence programs, residents do require and receive counseling and other social services. The proposed total of 74 residents at the VOA facility creates a geographical pocket of service and concentration of need into one small area. He has 28 years of experience in the mental health field, and believes that concentrating clients into smaller geographical areas often creates a negative image of the area. This negative image often results in residents and business owners avoiding that area, which tends to further isolate residents. Grouping such

large number of people who are all struggling to put their lives together may prove detrimental to their collective rehabilitation.

Linda Jungwirth, 1111 Abell Street, Saint Paul, spoke in opposition. Ms. Jungwirth stated that as a resident of the District 6 neighborhood, and someone who has worked on many of the District 6 plans over the past 20 years, she can lend first hand knowledge as to the intent of the context of those plans. Community members and City staff have spent months crafting the plans, adopted by the City, to have the Arlington Jackson site be high density, clean industrial use, that will provide living wage jobs and expand the City's tax base. The east portion of the Arlington Jackson site has been cleaned and redeveloped in that manner, and the intent was to do the same to the west portion. Mixed use between residential and industrial was never envisioned to be part of the redevelopment. A facility like VOA on industrial property is not the highest and best use. Ms. Jungwirth referenced two news articles regarding the resurgence in manufacturing, and why industrial zoned land is so important in order to grow the city of Saint Paul. The City cannot afford to squander industrial property pushing citizens and jobs to the suburbs.

Karen Hauge, 3570 Rice Street, Vadnais Heights, explained she is the owner of Advance Shoring Company, which is located next door to the proposed VOA facility. Ms. Hauge stated they aren't against the VOA facility; they are against a conditional use permit that puts residential right next door to their industrial business. The business produces a lot of noise and they are worried that they will receive complaints that they are disturbing residential neighbors.

Lorrie Louder, Director of Business and Intergovernmental Affairs, Saint Paul Port Authority, 345 St. Peter Street, Saint Paul, stated that the Port Authority's mission is business growth, job creation, and tax base enhancement. Ms. Louder provided background on the Port Authority, and the creation in 1993 of an Industrial and Economic Development District for the area bounded by Arlington on the north, 35E on the east, Maryland on the south, and Jackson on the west. The Port Authority has redeveloped the eastern portion of this industrial district. The investment by the private sector businesses is over 12 million dollars, they have created 510 jobs, and the annual taxes are \$685,000.00. Ms. Louder stated her main concerns are the loss of industrial land for job creation and the Port Authority losing the ability to redevelop additional properties in this boundary from willing sellers. Industrial land is very important to the economy and people of Saint Paul, and is necessary to have a thriving City.

Kristen Libby, attorney representing District 6, 855 Rice Street, Saint Paul, testified there are inconsistencies between the staff report, the application, and the research that she has done. Volunteers of America presented the application to the District 6 Land Use Tax Force on March 27, 2012, and concerns raised at that time were the impact of what a 74 bed facility would have on surrounding businesses and residences; reducing the tax base, and the over concentration of similar uses in the area. Ms. Libby provided specific reasons why she believes that four of the five general standards; 3a, 3c, 3d, and 3e have not been met. She also explained reasons why the applicant has not met the standards for modifying the number of residents. This property is primed to become a valuable destination for industrial manufacturing, and we cannot take this opportunity away from the City of Saint Paul.

Kerry Antrim, District 6 Planning Council, 171 Front Street, Saint Paul, presented information from American Fact Finder about the number of persons living in institutional settings and group quarters in census tract 305. This alone should be grounds for denial of this application. Ms. Antrim also stated that they met with Jackson Village staff, and they likened themselves to a transitional use facility. Ms. Antrim stated that this use is clearly in conflict with policies in both the Comprehensive Plan and District 6 Plan. Additional concerns include what type of federal prisoner will be housed at this site, Federal Marshall jurisdiction over this facility, and the lack of reporting or accountability on health issues at the facility. Ms. Antrim disagrees that there will be a hardship to Volunteers of America; they are a multi-million dollar non-profit that has a purchase agreement for a site that clearly is not a good use for this property, and any hardship they have brought on themselves. This application does not meet the following findings; 1b, 1c, 1d, 3a, 3d, 3e, and should be denied.

Tom Johnson, representative of Volunteers of America, 425 Sixth Street, Minneapolis, responded to testimony. Mr. Johnson stated without the type of program offered by VOA the chances of success for men and women transitioning from correctional facilities back into to society are very challenging. These programs are a huge public safety service. It is understandable that people don't want these programs in their neighborhoods, but until they have had the opportunity to experience the facility in their neighborhood, they will not know how well VOA runs their facilities. The fears of detrimental affects will subside. There are numerous letters of support from other communities and law enforcement agencies that confirm VOA has been a good and stable neighbor. Mr. Johnson explained that basically the entire facility that is currently in Roseville will be relocated to the facility at 1394 Jackson Street. They have every reason to believe that the same level of success will be attained at the Jackson Street facility as at the Roseville location. This is a permitted use in an I1 industrial zone, and the only reason a conditional use permit is required is because the Department of Human Services will not be overseeing the use; instead it will be the Department of Corrections. Mr. Johnson stated that according to the city staff report there is no issue of over concentration. He also provided information on their other facilities, demonstrating that it will not be detrimental to the economic well being or development of the area. This project will bring 20 full time employees, a number of other service contracts, generating about 2 million dollars of economic activity. The history of their other VOA facilities demonstrates that they have not been a public safety issue for the area. In regards to the hardship issue, the residents of Volunteers of America would be affected because there would be fewer services available to residents, if the number of residents were reduced from 74 to 16.

The public hearing was closed.

Upon inquiry from the Commissioners regarding the information from American Fact Finder, Ms. James explained that planning districts are not the same as census tracts. Planning districts include multiple census tracts; although the boundaries do not line up exactly. She also stated that people living in group quarters are not necessarily people living in community residential facilities. Ms. James stated that Jackson Village does not meet the City's definition in the zoning code of transitional housing. The current percentage of the population living in these facilities is 0.22%, and the threshold is 1%.

Commissioner Paula Merrigan moved lay over of the conditional use permit to May 24, 2012, in order to review whether the percentage of licensed community residences was calculated correctly; if there are inconsistencies with the Comprehensive Plan; and for more information on the history of 1394 Jackson and its past uses. Commissioner Barbara Wencil seconded the motion.

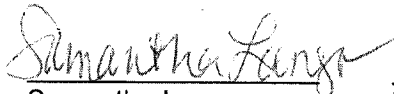
The motion passed by a vote of 3-1-0.


Adopted Yeas - 3 Nays - 1 (Wickiser) Abstained - 0

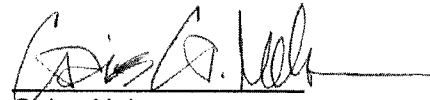
Drafted by:

Submitted by:

Approved by:


Samantha Langer
Recording Secretary


Luis Pereira
Zoning Section


Gaius Nelson
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, May 24, 2012 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Merrigan, Nelson, Perrus, Reveal, Spaulding, and Wencil
ABSENT: Wickiser (excused)
STAFF: Patricia James, Samantha Langer, Allan Torstenson, and Daphne Lundstrom

The meeting was chaired by Commissioner Nelson.

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Chair Nelson stated the public hearing was closed on May 10, 2012.

Patricia James presented a memo that addressed the information requested by the Zoning Committee at the May 10, 2012 meeting, generally including three areas: the history of the site at 1394 Jackson; the regulation of community residential facilities in the zoning code; and the relationship between comprehensive plans and zoning.

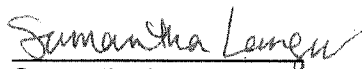
Upon inquiry from the Commissioners, Ms. James confirmed that the new information supplied in the memo has not changed the original staff recommendation of approval with conditions. She stated that the property meets the separation requirement from other types of community residential facilities and that the total number of District 6 residents housed in community residential facilities would be about .23% of the total population, which is under the limit of 1%.

Commissioner Julie Perrus moved approval with conditions of the conditional use permit. Commissioner Elizabeth Reveal seconded the motion.

The motion passed by a vote of 6-0-0.

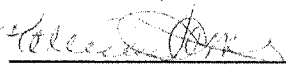
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



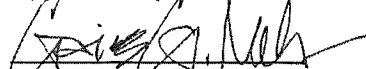
Samantha Langer
Recording Secretary

Submitted by:



Patricia James
Zoning Section

Approved by:



Gaius Nelson
Chair