

MINUTES OF THE ZONING COMMITTEE
Thursday, April 16, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Reveal, Wencil, and Wickiser
EXCUSED: Edgerton and Padilla
STAFF: Bill Dermody, Samantha Langer, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Freedom Works, Inc. - 15-021-950 - Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area, 869 5th St E, NW corner at Mendota

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 4 requested a layover, and there were no letters in support, and 5 letters in opposition.

Upon questions from the Commissioners, Mr. Dermody said the use intends to have one staff member living on site. They will have up to four staff members on site at any given time. He is not aware of any separation requirement between transitional housing and schools in either state law or city codes. In regards to the rationale of the code requiring 27,000 square feet of lot area, Mr. Dermody explained that this requirement has been in effect for quite some time. He assumes that it has to do with making sure there is a reasonable amount of outdoor recreation space for the residents in the group home. The open space is provided by the existing courtyard at the facility, and the special design of the site. Mr. Dermody explained that the application in 2007 was initially for 46 residents for a community residential facility. It eventually was scaled back, and the final decision was based on 42 residents. There were three findings that were found not to be met, one of them was with regard to parking, and two of them were with regard to neighborhood impact because of the number of residents.

Bob Johnston, Board Chair of Freedom Works Inc., 9348 Quinn Road, Bloomington, MN said they have chosen this facility because it fits how they currently house residents. They also have a facility in north Minneapolis. Other developers have looked at this property, but it is very hard to make this property work as a market rate property. The lack of parking is an issue and demolition is very expensive. It happens to fit their model very well. They have been very transparent with the Dayton Bluff's neighborhood group. He welcomes any questions.

Upon inquiry from the Commissioners, Mr. Johnston stated that very few of the residents do not complete the program they offer. The men sign a covenant when they come in agreeing to the program requirements and to the spiritual and behavior requirements. If those aren't met within a very short time period they are asked to leave the program. Those that stay complete the program, and often times stay longer than the duration of the program, which is typically nine months. He said he doesn't know what percentage of people leave before they complete the program. The men who will be living at the property are referred to Freedom Works, Inc. generally from the Department of Corrections. Everyone comes to the facility by referral. The men who will be referred are typically men who were guilty of property offences. They do not, under any circumstances, accept anyone who has had any kind of sexual or arson offenses in

their background. Men with these offenses have never been part of their program and will not be in the future. The people who refer the men to their facility know these rules, and if it was not disclosed at the time they entered the facility, they would find out through their own vetting process.

Commissioner Merrigan stated she needed to leave the meeting.

Sage Holben, member of Dayton's Bluff Community Council, 705 4th Street E, Saint Paul, explained that in Dayton's Bluff there are already eleven identified sober houses, transitional homes, halfway homes, and other service businesses, as well as a proposed drug and alcohol rehab building at 977 E 5th Street. They are also trying to identify other service businesses, but most of them have four or fewer residents, therefore they don't need to be listed with the City. They do realize that Freedom Works, Inc. is not a sober house or rehab center, and seems to have a sound foundation, but another facility like this does have an impact on the neighborhood. She stated that Sacred Heart Church, and Twin Cities Academy, located next to the property, are going through some changes. They may be vacant in a few years and they are concerned that future tenants would not be interested in the properties if Freedom Works, Inc. is located next door. They held a public information meeting with the neighborhood, but it was very short notice, and the community was not well represented at the meeting. She is requesting a layover of the decision to allow the community more time to meet and discuss the application with the applicant. For something that affects the neighborhood so drastically, they believe the community and council deserve to have more time to have a deeper look at the proposal.

Gail Schiff, 1421 Payne Avenue, Saint Paul, said she also asks that any decision be postponed allowing more time for a little bit more research to be done. She would like to know more about the parking easement and if it will transfer with the sale of the property. She also mentioned that parking on Fifth Street is at a premium because there are two school zones, duplexes, a church and mosque in the area. She is very concerned that there is not enough parking to support the area. She is also confused with how Freedom Works, Inc. identifies itself, and would like to learn more about them.

Keith Kaehler, stated that he owns the rental property right next door to the proposed facility, at 619 Mendota. He has owned the property for ten years and he makes sure to screen all of his tenants. He is concerned about having a place like this right next door to his rental property. He is concerned that the residents of the facility will be walking the streets and could possibly cause harm in the neighborhood. He explained that he is worried about his tenant's safety and his property values. He has learned about his tenant's concerns regarding this facility, and that they may vacate if this is approved. There is a big improvement in the neighborhood and he is worried about the neighborhood with what is proposed to go in there.

Dan Eggers, 763 Weide, Saint Paul, stated that he owns nine properties in the area. He has talked with his tenants and they are very concerned about this situation. They said if they feel in fear of anything they will move. He is very concerned with losing his tenants and land values. He is a responsible landlord, and lives right in between all of his tenants. Dayton's Bluff has given him an appreciation reward. He is also concerned about the school adjacent to the facility. He stated there is also a lack of off-street parking.

Frank Sanchez, 898 E Fifth Street, spoke in opposition. He opposes this mainly because of the number of GRH's in the area. He is also concerned for the residents of the facility. These individuals will be coming out of prison and will be in an area where there is a lot of drug traffic. He is concerned that they will be set up for failure. The neighborhood looks after each other for the most part, but they will not know anything about these individuals or what they have done. This is not a good location for this facility and police records will show that there is a high crime rate in the area.

Mr. Johnston responded to the testimony. He appreciates the concern of the neighborhood. With respect to the first comment, regarding the future of the Sacred Heart Church and the Twin Cities Academy, he can only say what affect they have had in the neighborhood at their facility in north Minneapolis. Without question they have made that neighborhood a better neighborhood. They have many testimonials from neighbors. They are in the heart of the drug culture in Minneapolis and to this date they have not had a single police call based on any occupant of their facility in ten years. He can't say there will be a positive or negative impact on Twin Cities Academy or Sacred Heart Church moving, he can only substantiate their experience for the last ten years in Minneapolis. With respect to the parking easement, the parking agreement shows that it can only be terminated if the zoning is changed. It states that the easement granted in the agreement runs with the land. Freedom Works, Inc. would not be interested in the property if they didn't think that the easement for the additional parking was available. There isn't a need for additional parking, the men will most likely not have automobiles. They acquire cars after they leave the program. With respect to Freedom Works identification, they are a faith based non-profit organization. When submitting an application for a conditional use permit (CUP) they were only allowed one of two choices, and the only choice that somewhat fit their organization was a transitional housing facility. Everyone's concerns regarding the effect on the neighborhood are more than reasonable. He can only recommend that they come to their facility in north Minneapolis and talk to their neighbors and see what they have done in the neighborhood. They have block parties and invite all of the neighbors. They have trash pickup days and serve coffee and donuts at bus stops to get to know their neighbors. The facility is also near a school at the north Minneapolis location. They have done a wonderful job in the area and they have many positive references. In regards to the drug traffic in the area, he can't say anything other than their facility in north Minneapolis has not had any incidences in which any of the men have succumbed to that environment.

Upon questions from the Commissioners, Mr. Johnston confirmed that it would be 24 residents and single room occupancy. He said Freedom Works, Inc. would most likely not be interested in the facility if they were only limited to 14 rooms. To spend the money to purchase the facility and make necessary modifications he doubts it would be a good cost decision to only have 14 residents. This facility would be an expansion of the program, and they will be keeping their facility in north Minneapolis. Mr. Johnston explained that there is a rather significant courtyard for the residents to use in the middle of the property. He explained that the men at the facility are required to work, and when they aren't working, they have programs they need to attend. There will not be much free time for the men. They generally run about 80% occupancy at any given time. The number of residents would need to be close to 24 in order to make the long term investment worth their while.

No one spoke in support. The public hearing was closed.

Commissioner Reveal said that in regards to Finding #5, she is not persuaded by the argument that there is exceptional undue hardship for the applicant. The argument only explains that there would be no adverse effects if the property were to operate with 24 rooms, it does not really explain a hardship to the applicant.

Mr. Dermody explained that it is always a subjective judgment with undue hardship. He also noted that there are 24 rooms on the site ready for occupancy. If they are forced not to use rooms, it would be an inefficient use of space, and they would still need to heat and maintain them.

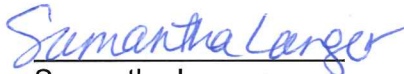
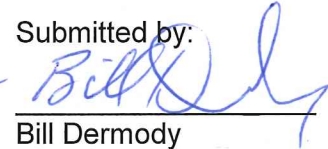
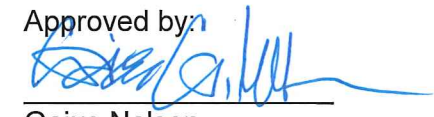
Commissioner Wencil stated her concerns with the amount of transitional housing facilities or similar facilities in the neighborhood. She thinks it does talk to the character and livability of the area. The Committee needs more information regarding the facilities in the neighborhood to determine if it is something they need to take into consideration.

Commissioner Elizabeth Reveal moved to lay over of the conditional use permit to April 30, 2015, for the following reasons; she would like to understand better what the alternative uses were, other than transitional facility, for the applicant to make application, to allow the applicant, District Council, and neighborhood more time to meet and discuss this application, and to determine if Finding #5 satisfies the requirement for the modification. Barbara Wencil seconded the motion.

Commissioner Wickiser stated he has enough to make a decision this evening.

The motion passed by a vote of 4-1-0.

Adopted Yeas - 4 Nays - 1 (Wickiser) Abstained - 0

Drafted by:	Submitted by:	Approved by:
		
Samantha Langer Recording Secretary	Bill Dermody Zoning Section	Gaius Nelson Chair