

MINUTES OF THE ZONING COMMITTEE
Thursday, July 2, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

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

The meeting was chaired by Commissioner Nelson.

**People Incorporated - 15-036-555 - Rezone from R4 One Family Residential to RT2
Townhouse Residential, 1784 Lacrosse Ave, SE corner at White Bear Avenue**

**People Incorporated - 15-036-227- Conditional use permit for a licensed human service
community residential facility for 16 residents, 1784 Lacrosse Ave, SE corner at White
Bear Avenue**

Mr. Dermody explained the case was previously laid over at the June 11, 2015, Zoning Committee meeting, at the applicant's request. The Committee also had additional questions at the previous meeting and he gave a brief presentation on the updated staff reports. He stated the recommendation remains approval of both the rezoning and conditional use permit. Planning District 2 recommends denial.

Commissioner Padilla commented on the expanded explanation regarding the spot zoning issue that was raised at the last meeting. It's about the uses allowed, not the district title. It is helpful to see the uses allowed within a zoning district and how it fits with the surrounding use classifications.

Jill Wiedemann-West, CEO of People Inc., 2060 Centre Pointe Blvd., Mendota Heights, explained they are a company over 40 years old that serves existing needs of the community for individuals living with mental illness. The program, Diane Ahrens Residence, serves individuals in crisis that do not need hospitalization, but are in need of assistance. They operate two other facilities in the Metro area. They are currently operating at a building in the Midway area that no longer serves their needs and would like to relocate to this location. The building at 1784 LaCrosse fits their needs perfectly and they will need to do very little modifications to the current building. There is accessibility to mass transportation and an enclosed courtyard for their clients. The clients are male and female adults that are experiencing some type of situational crisis. Clients will go through an assessment process and are sent to the facility based on referrals from hospitals and Ramsey County Connection. The clients are there by choice it is not a locked facility. They can be at the facility for up to five days and once they have finished they will be placed in some kind of continuing care consistent with their needs. The program is rarely full, but can hold up to 16 residents. They will have five full time staff during the day and 2.5 staff onsite overnight. Individuals that come to the program are not allowed to bring vehicles. They have a set of policies and procedures that clients need to adhere to while at the facility. They will be discharged if they do not follow the rules set in place. They will continue to be a good neighbor just as they have been in their current location. They are serving a great purpose for the community as well as continuing the mission that was set forth by the Sisters of Perpetual Adoration in 1962 at this facility.

At questions from the Commissioners, Ms. Wiedemann-West stated they have not had contact with the District Council or neighbors since the previous meeting on June 11. They have made themselves open to community meetings, but have not been invited. She stated they have three crisis facilities in the Metro area, but only one in Ramsey County. They are interested in moving their program to this building because the current one in the Midway area is outdated and will be hard to retrofit. This facility is a perfect fit.

Sister Sue Ernster, Treasurer for the Franciscan Sisters of Perpetual Adoration, spoke in support. She explained the Franciscan Sisters of Perpetual Adoration are the current owners of the property, and as Ms. Wiedemann-West stated, this is furthering their mission they started which is about healing and caring for those most in need. They would not sell their property if they did not feel it was going to a good organization to fulfill their mission. They believe it will not endanger anyone in the neighborhood. She explained that parking has always been an issue even when they owned the property. This proposed use should not present any further problems than what has been their experience.

Sue McCall, 1365 Prosperity Drive, representing District 2 Community Council, spoke in opposition. This is a spot zoning. In this situation they are not adding density. The change in zoning is not compatible with the rest of the neighborhood. There isn't any RT zoning anywhere on White Bear Avenue. City Code 65.132 addresses the reuse of large structures and calls for the petition process of near neighbors. Their reason for requesting to change to the RT2 district is a convenience allowing the applicant to avoid the petitioning process. Ms. McCall stated that findings number two and three are not met in the staff report. There is no rational reason to change the rezoning. She asked that the Committee adopt the alternative findings of fact submitted by Chuck Repke at the June 11 Zoning Committee meeting. They ask the Committee to deny the rezoning as well as the conditional use permit.

Upon inquiry from the Commissioners regarding spot zoning and the revised staff report, Ms. McCall stated there is no need to rezone the property because typically this use would be fine given the petition process.

Gary Unger, President of District 2, 1847 E Idaho, Saint Paul, spoke in opposition. The rezoning is spot zoning pure and simple, and he urges that the Committee deny the conditional use permit because it has no conditions that would protect the neighbors. This building was built as a convent and the neighborhood has lived with it for many years. With the new proposed use the neighbors are scared. The neighbors need to be part of the partnership, not be opponents. The City has a policy, Chapter 65.132, for what to do with structures over 9,000 square feet that need to be converted. This policy has a petition requirement that protects the community. Rezoning of this property would clearly fit under Chapter 65.132. The neighbors should be part of this discussion and the approval process for the reuse of this convent. They should be able to help determine what the conditions might be for any permit in the future. There is no good reason for these neighbors not to be part of this discussion and why spot zoning would occur instead. He also stated that the impact of spot rezoning is permanent and stays with the property forever. This includes all uses allowed in the R2 zoning district. The property is not owned by the applicant requesting the rezoning, and if the sale doesn't go through, this zoning stays with the property. Mr. Unger stated if this parcel were to go through the 65.132 process,

reasonable conditions for the use could be established and would be agreed upon between the business and the neighbors.

Tammie Neuenfeldt, 1763 Ames Place, Saint Paul, spoke in opposition. She is part of the OS business that is located across the street. She said currently their business looks like a house and someone lives there. They maintain the integrity of the neighborhood and keep the property looking like a residence even though it is an office. Recently there has been a change in traffic in the area, and adding new zoning to this building, they can see potential problems with parking and traffic. She presented photos of traffic and parking issues in the neighborhood. They have lost street parking when the cul-de-sac was added to Ames Place. There are also two schools in the immediate area making this a very busy neighborhood. Ms. Neuenfeldt stated she was under the impression, from attending community meetings, that residents of the proposed facility were able to have cars. This was the first time she heard that it is not allowed. The facility also requires staff and visits by health care professionals that will add to the traffic in the area. She stated that they pulled police records on their current facility located in the Midway area and saw that there was at least two per week going to the area. She isn't sure of the exact reasons police were called.

Charlie Keffer, 580 Terrace Avenue, Roseville, MN, Board Chair at Cesar Chavez Charter School, spoke in opposition. The school currently serves over 400 students in Pre-K through 6th grade. They have initiated an expansion and remodeling project that will allow them to add seventh and eighth grades increasing their enrollment to over 500 students. Mr. Keffer stated he knows People Inc. does good work, however, as a representative of the school, he has concerns about the proposed use. They are concerned about security and safety for their students as well as the impact of the increased traffic and parking issues in the area.

Upon questions from the Commissioners regarding traffic issues, Mr. Keffer stated most of their students arrive by bus, and with their future expansion they will most likely be adding a couple more busses to service the students.

Ms. Wiedemann-West responded to testimony. She stated the concerns raised are very reasonable. She said they made every attempt to have neighborhood meetings and they went door to door in the neighborhood. They would like to create a partnership with the neighborhood. People Inc. has more than sixty programs in forty different locations, and a large part of their success has been because they have become part of the communities where they are located. It has always been their intention to be part of the neighborhood and discuss concerns. She explained they are treating individuals that are part of the community. Their clients come from all over Saint Paul primarily. Regarding the police records showing two calls per week, that information was specific to the area, not the address of their location in Midway. Occasionally a client does not do well and they have them transported to a higher level of care. The building will not change the look or feel of the neighborhood. They will not be changing the façade of the building at all. She stated this is not a petition of convenience. They have made every effort to assure the neighborhood that they want to be a partner and they are open to finding out what will make them feel better about this facility. She stated they have three parking spaces located in the back and they don't anticipate needing more than that. Most of their staff will use public transportation. The contracted professionals that will be visiting the facility will be limited. Their clients are not allowed to bring cars for clinical reasons.

Upon questions from the Commissioners, Ms. Wiedemann-West stated most of the clients will be transported to the facility by services provided by Ramsey County. They do not recommend their clients have visitors unless it is related to their care. Occasionally a family or friend may show up, but it is not the normal practice. They are comfortable with the number of parking spaces they submitted with their application and that it will meet their needs.

The public hearing was closed.

Commissioner Wencil stated she is not persuaded that this isn't spot zoning and she has concerns about the safety and welfare of the neighborhood. She noted a letter in the packet regarding a complaint that was submitted by a resident at 1745 Ames Place. It states that due to HIPAA, their agency cannot inform Diane Ahrens crisis residence of lower level sex offenses which may be in a client's history.

There was further discussion based on the public safety concern, welfare of the neighborhood, and spot zoning. Commissioners stated they would like clear evidence that there isn't a specific safety issue at any of their current facilities. They requested that staff research this matter a little further before the City Council public hearing for the rezoning. It was also noted that there are specific State Statutes related to sex offense issues and policies that need to be followed.

Commissioner Julie Padilla moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0

Commissioner Julie Padilla moved approval of the conditional use permit with conditions. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0

Drafted by: Submitted by: Approved by:

Samantha Langer
Recording Secretary

Bill Dermody
Zoning Section

Gaius Nelson
Chair