

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, December 8, 2011 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Fernandez, Kramer, Nelson, Perrus, Spaulding, and Wencil

ABSENT: Commers, Wickiser

STAFF: Luis Pereira, Samantha Langer, Patricia James, and Peter Warner

The meeting was chaired by Commissioner Kramer.

**Kingdom Pathways - 11-298-461 - Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services, 426 Oxford St N, northeast corner at Fuller, and 1038 Aurora Ave, southeast corner at Oxford.**

Luis Pereira presented the history of this property. He explained the applicant received the staff report and was unhappy with the staff recommendation of denial. Mr. Pereira outlined different options for the applicant; he could withdraw this application and submit a new re-establishment of nonconforming use application, he could withdraw and submit an application for a variance of the separation requirement, or the applicant could chose to lay over this application to allow time to enable him to modify it, and waive his rights to MN Statute 15.99. Mr. Pereira recommended he withdraw this application and resubmit a new application. Luis Pereira also stated District 8 recommended approval, and there was 1 letter in support, and 0 letters in opposition.

Upon inquiry from the Commissioners, Mr. Pereira confirmed that the applicant doesn't have a Consolidated Chemical Dependency Treatment Fund (CCDTF) program contract.

The applicant, Jim Michaud, Executive Director of Kingdom Pathways, 11825 Bittersweet Street N.W., explained they have operated as legal nonconforming sober housing since August 2007. He explained the history of both of the properties. Mr. Michaud handed out a memo stating he would like to lay over the case. He also submitted a petition with some additional signatures and a letter from the District Council that was included in the Zoning Committee packet.

Mr. Michaud stated that the petition submitted is not necessarily signed owners of the properties within one hundred feet, as stated on the top of the petition. He stated that every resident within 350 feet has signed the petition.

Upon request from the Commissioners, Mr. Pereira briefly went over the history of the nonconforming use. He explained the differences between the previous nonconforming sober houses and the proposed community residential housing. He confirmed that the applicant would like lay over the case, to modify the current application, to have six residents at each facility, but the nonconforming element to remain would be the separation requirement, given that the properties are located across the alley from one another.

At the inquiry of Peter Warner, Assistant City Attorney, Mr. Pereira stated that he presented three options for Mr. Michaud, and recommended that he withdraw the current application and

submit a new one. Mr. Pereira also stated he explained the importance of the MN Statute 15.99. It was Mr. Michaud's choice to ask for a lay over and waive his rights to MN Statute 15.99.

Mr. Michaud explained he brought many members of the community to speak in support. He explained they have limited the number of people living at the properties until they have staff available 24 hours/day.

At inquiry of Peter Warner, Mr. Michaud stated he did not consult anyone regarding waiving the MN Statute 15.99. Mr. Michaud stated he was not fully aware of the ramifications of waiving MN Statute 15.99. There was further discussion regarding if he might prefer an extension rather than a waiver of the MN Statute 15.99. Mr. Warner stated his concern that the applicant isn't fully aware of his rights, and suggested that he get advice on the legal ramifications of waiving this right.

Commissioner Julie Perrus moved lay over to December 8, 2011, of the re-establishment of nonconforming use permit. Commissioner Bob Spaulding seconded the motion.

Commissioner Perrus stated she appreciates the individuals who are present to give testimony, but the testimony may not be in relation to the proposal currently before the committee. She would like to see a modified application with a new staff analysis.

Commissioner Wencil stated the possible modification to the current application is substantial enough to lay over the meeting to the December 8, 2011 meeting to provide a new staff report.

Commissioner Spaulding stated that the individuals who are present can always submit written testimony if they are not able to return to the December 8, 2011 meeting.

The public hearing remains open.

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

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:

Submitted by:

Approved by:

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Samantha Langer  
Recording Secretary

\_\_\_\_\_  
Luis Pereira  
Zoning Section

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Richard Kramer  
Chair