

May 18, 2015

Re: Freedom Works file #15-021-950

Department of planning and Economic Development
Zoning Section
1400 City Hall annex
25 Fourth Street West
Saint Paul, 55102

Re: Appealing of Planning Commission Action on File #15-021-950

Dear Sir/Madam:

Pursuant to Zoning Code Section sec. 61.702, "an appeal may be taken to the city council by any person, firm or corporation or by any office, department, board or bureau affected by a decision of the board of zoning appeals or planning commission. Such appeal shall be taken within ten (10) days after the date of the decision appealed from and shall specify the grounds for the appeal."

Appellants Dayton Bluff Neighbors et al, appeal the above referenced action of the Saint Paul Planning Commission.

As background, Freedom Works did not meet with Dayton Bluff Council before requesting this conditional use permit. After notice was given and a newspaper had released a news article then a community meeting was held. In this streamlined non transparent process there were errors made and this use does not conform to the conditions required for a conditional use permit to be granted.

The Planning Commission erred in its approval of the conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area in the following conditions stated below.

Freedom works conditional use permit fails on all 5 conditions and if they fail on only one of these conditions the request should be denied.

1. The extent, location and intensity of the use **IS NOT** in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

RM1 Multiple Family All RT2 uses Multiple-family dwelling (≤ 3 stories) Rooming and boarding house* RM2 Multiple Family All RM1 uses Multiple-family dwelling (≤ 5 stories) Nursing home* Accessory retail service and office uses* Elderly housing support services

There should be some concern Freedom Works application is not adequately defined. It seems the approach is throw paint on wall to see what will stick and we will call it that to get through zoning. ¹ As explained below this does not meet requirements of a transitional housing facility

¹ Please see letter from Bill Dermody, City Planner to zoning committee dated April 29, 2015.

and isn't really transitional housing as Freedom Works states. It is also not licensed correctional Community Residential Facility. So what is the use.

§65.159. Transitional housing facility.

One (1) main building, or portion thereof, on one (1) zoning lot where **persons who may or may not have access to traditional or permanent housing but are capable of living independently** within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.

It's been presented this is a transitional housing, however it does not fit the requirements of this category. The residents do not reside on a 24 hour per day basis for at least 30 days and participate in appropriate program activities designated to facilitate independent living. Nothing states they must stay 24 hours for 30 days. Also under this category there is not enough parking spaces as discussed later nor is the lot area large enough it is almost 10,000 sq. ft. short (9,315 sq. ft.). Are we trying to fit a square in a round hole.

Land use chapter of Comprehensive plan designates the site-Established Neighborhoods. Established Neighborhoods are characterized almost entirely by single-family houses and duplexes, as well as scattered small scale multi-family housing. Commercial areas at the intersections of arterial or collector streets provide goods and services for residents of the immediate neighborhood. There is medium density housing along Residential Corridors that run through Established Neighborhoods. A 24 resident transitional housing does not fit the plan for established neighborhood.

The housing chapter states under Preservation of Existing, Stable Neighborhoods "2.1. Maintain the vitality and high quality of life in existing stable neighborhoods by engaging in a variety of actions." Another concern is the affect this housing choice has on the value of homes. The value of homes will be diminished further. Dayton Bluff was hit hard during the recession and home prices in this area may have steadily increased, however, will this land choice promote this progression upward.

2. The use **will NOT** provide adequate ingress and egress to minimize traffic congestion in the public streets.

Where do the 24 residents park. It mentioned "approximately 25'-wide by 98'-long paved area was added along building west side, this paved area has room for 4 legally sized parking spaces in parallel arrangement if vehicles are permitted to back into the alley or a turnaround is provided or could be stripped two parking places." Backing up into the alley **will impede traffic** and the flow of the street traffic. Waiting for cars to leave before another is able to park will impede traffic and create congestion. This is not a functional or possible location for parking. A turnaround is also mentioned as an option, however, this will require further concession of the zoning department. Has freedom Works indicated they would pay for this or who will provide this turnaround.

One element not discussed is what about visitors. Does Freedom Works not permit any visitors and if they do where will they park. Is there designated days of visiting that will create traffic

congestion. How about the volunteers that run the program they presumable will drive cars, where will they park. A building this size and with this many residents has parking codes because there is a reason for them to prevent traffic congestion and allow ingress and egress. Especially in the winter and with St. Paul enforcement of parking on the street for snow plowing this excess use will affect neighbors.

Backing into an alley as the only way to provide still inadequate parking will create traffic congestion.

Finally residents at some point in the program can get vehicles. If even $\frac{1}{2}$ of the residents advance in the program and have vehicles that will require another 12 more spaces $24 / 2 = 12$. The goal of transitional housing I would image is to advance in the program so they can have their own vehicle.

The easement from Sacred Heart was abandoned and will not transfer with the property. Even with the easement there still is inadequate parking.

This facility does not meet the zoning code lot size by almost 10,000 sq. ft. this is a substantial amount. There are valid and justified reasons to require lot size restriction especially when having this many residents, 24 not including staff.

3. The use **Will be** detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

Currently there is a school and active church located right next to property as well as many licensed and home daycare facilities. The Twin City Academy (TCA) brought concerns to the zoning board relating to a 250 students school being located next to the facility.² TCA's objections indicates other schools will have these reservations. Also future parents of the students at the school will have reservations. No adequate answer has been provided on how allowing this nonconforming use will Not be detrimental and effect existing character of neighborhood and development. However, there is evidence it will disrupt the character of the neighborhood now by affecting current makeup of the area and future health, safety and general welfare of the area. Logic indicates it will be difficult to rent this space as a school. Allowing this nonconforming use may create more vacant properties in St. Paul not based on conjure but by logic. If this cannot be rented as a school what other group could use this building and another use would not be promoting the goals of St. Paul to provide adequate education.

How many group homes are in Dayton's Bluff and adding another facility will add 24 transitional housing residents in this residential area.³ Concentration of transitional housing residents already in the area is a valid concern for the city of St. Paul and the neighbors. The rules require transitional housing away from each other at least 1,320. A lot with this size should only hold 14 residents if you allow the conditional use permit you are allowing 10 more

² Please see Twin cities Academy letter attached. Attachment B

³ See attachment C.

residents, this is the equivalent of another transitional housing facility being placed at this location. Also as other letters have brought up this does not account for halfway houses or group homes that house under 4 people. There are a few of those facility on the same block and within blocks of the unit.

Allowing this use will create a hyper-concentration of transitional housing raising the level of the population in the defined neighborhood. There will be an erosion of the neighborhood's well-established diversity.

The addition of Freedom Works increases the population needing protection from crime and threatening conditions and increases the likelihood of incidents requiring police intervention. Increased resources from those living and working within the defined neighborhood, in particular to assist a project that has been poorly organized and developed by a group lacking experience and expertise in providing for this population.

During the meeting with residents a community member who runs halfway houses asked how Freedom Works could maintain safety and the answer was they could not.⁴

4. The use **Will** impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Neighbors are concerned. There may be two vacant building next to it, a church and a school. The layout of the school only functions as a school. This would impede the normal and orderly development and improvement of the area. The school located close to the property now brought an objection. This indicates future schools will also have objections. This type of use has not been permitted in this residential area before evidence by denial of conditional use request for Victory through Faith, file #06-292-216 being denied.

A property of this size housing 24 residents on this property is likely to impede normal and orderly development and improvement of surrounding property. Investment will be stagnated in this area. This use will, in fact, disrupt the way the adjacent businesses and residents conduct their daily activity.

Similar to denial in Zone file 06-292216 there will be a significant increase in intensity of use and will result in a large number of coming and going from this property, including staff which will not be staying on property but leaving as well as residents arriving and leaving as they go to work, school, and other activities, which can impact the character of development in the immediate neighborhood.

In addition, the residents of the facility will be changing every 6-12 months, this based on the goals of transitional housing, it's a transition to permanent housing, there will be necessary turn over quickly and the residents are unlikely to develop ties to the surrounding community.

5. The use **Will not** in all other respects, conform to the applicable regulations of the district in which it is located.

This condition is not met.

No parking variance was requested as should have been because with the use requested there is not sufficient parking. Freedom works may be drastically underestimating the parking spaces that will be required Freedom Works stated most of the residents will not have vehicles however, they are able to obtain a vehicle after some time . If even 1/3 of the residents get vehicles with staff vehicles there will be major parking problem. Visitor parking or parking for counselors or volunteers have not been addressed.

This will affect use and enjoyment of neighbors to find parking especially in the winter.

Further the lot size is not in conformity and should only house 14 residents not 24.

Finally, this is not in conformity with general goals of comprehensive plan to promote development, housing stock rehabilitation providing education.

It is clear this application does not meet the general conditions for a conditional use permit under the zoning ordinance when it cannot meet all five general conditions. This use does not meet the required conditions.

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.

Conditions may be modified by the Planning Commission when strict application of such conditions would unreasonably limit or prevent the otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. Under the zoning lot requirements a large number of the rooms could still be used. The inside courtyard will be insufficient and where will the residents congregate.

Further this area has changed from when this building was fist designed and housed 24 nuns so long ago more concentration of transitional housing and halfway houses in this area and multi-family houses have all added to the amount of people living in close proximity.

Strict application of the lot area requirement would not be unreasonable. There is not an exceptional undue hardship to the owner as listed above they could still use a substantial amount of the rooms.

The modification will impair the intent and purpose of the condition, which is to ensure there is adequate open space areas onsite for the use of the residents. The modification would also be inconsistent with health, morals, and general welfare of the community and be inconsistent with reasonable enjoyment of adjacent property due to the increased number of residents that would predominately be located on property. The residents stay on the property 24 hrs. a day besides leaving for work.

This request for denial provides reasonable factual basis to determine that the proposed use would injure the surrounding neighborhood or otherwise harm the public health, safety, and welfare. Freedom works does not provide a factual bases, but speculates and does not provide evidence to support how adding 24 residents will not injure surrounding neighborhood or otherwise harm the public health and safety and welfare. Freedom works does not justify its request of the modification of lot size which should only house 14 residents. And Freedom works does not request a variance for parking, and again provides speculation on how many spaces will be needed, but does not address the full need of parking for the use they are requesting.

Freedom Works must meet all five general conditions in order to be granted a conditional use permit. In addition, Freedom Works must meet certain specific standards. Specific Standards § 65.159. One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.

Residents are not required reside on a 24-hour-per-day basis for at least (30) days. It is also unclear if activities are designed to facilitate independent living.

Specific Standards § 65.159. Transitional housing facility. Lists specific standards required for Transitional housing. Although the applicant fails to meet the criteria required in the general standards, it is worth noting that it also cannot meet several of the requirements in the:

1. Specific Standard (a) In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care.

As discussed above the standards to grant a conditional use permit are not met, thus the request should be denied and this use should not be permitted in a residential, traditional neighborhood.

2. Specific Standard (b) In RL—RT2 residential districts, the facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter.

It's still unclear if this is met. City staff gives no indication how it arrived at this determination, but measurements property line to property do not meet required minimum distance. There are facilities that at times may hold more than four residents within the 1,320 feet.⁵

There are properties within 1320 feet where dispute should remain if they house more than 4 residents.⁶

3. Specific Standard (c) Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

Once you count facilities that operate just under 4 residents, there is well over the 1 percent threshold. Further there are properties located within close proximity in which the operations are unclear, but do provide supportive services within the definitions in the zoning code. These facilities further count towards the population of transitional/sober living/halfway houses in close proximity to the proposed project.

4. Specific Standard (f) In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.

As discussed above this lot requirement is not met. There are valid reasons and concern for having lot requirement that are enforced, including the safety and well-being of the residents living in the facility, whose well-being impacts the surrounding neighborhood. The use requested should not be permitted on this lot size.

Based on above information, the conditional use permit for a transitional housing facility for up to 24 residents with modifications of required lot area should have been denied.

Thank you for your attention,

⁵ See attachment C.

⁶ See attachment C.

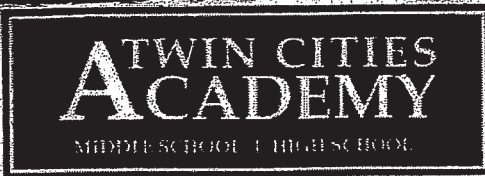
Attachment A

Appellant Dayton Bluff Neighbors et al¹

Heidi burgstaler	734 Fourth Street, St. Paul
Karin DuPaul the Neighborhood)	668 Greenbrier Street (I believe it is a great program. But not so good for
Stephen Mowry	P.O. Box 6513, St. Paul
Lee Moua	616 Mendota Street, St. Paul
Dan Eggers	719 Mendota Street, St. Paul
Daniel Burgstaler	734 Fourth Street, St. Paul
Marie Eggers	719 Mendota Street, St. Paul
Van Hunnik	
Amy Parker Shanafelt	952 4th Street East, St. Paul
Paul Shanafelt	952 4th Street East, St. Paul
Debbie Kaehler	619 Mendota Street, St. Paul
Jay Jodan	731 Fourth Street, St. Paul
John Secbitschka	729 Third Street, St. Paul
Kirk Larson in a sober house)	600 Mendota Street (he is the manager of Greenhouse Recovery and lives
John Jordan	731 Fourth Street, St. Paul
Gail Schiff	1421 Payne Ave., St. Paul
Tim Ashton	834 Fifth Street, St. Paul

¹ Other neighbors may still join

Attachment B



835 East Fifth Street
St. Paul, MN 55106

April 23, 2015

RE: Freedom Works

Planning Commission Members,

Thank you for the opportunity to contribute to the discussion related to the Special Condition Use Permit Application of Freedom Works, for a building located at 869 5th Street East. This building is the former convent for Sacred Heart parish.

We are the board chairs and principal of Twin Cities Academy Middle School and Twin Cities Academy High School, which is housed at 835 5th Street East, in the former Sacred Heart Elementary School building. TCA and TCAHS have been tenants of the Sacred Heart parish for six years. Our building is approximately 30 feet away from the structure at 869 5th Street East, where Freedom Works hopes to offer a 24-bed facility as a part of their program.

Last week, two members of our board had the opportunity to attend a quickly-organized meeting hosted by the Dayton's Bluff Community Council to learn a bit more about Freedom Works as an organization. We wholeheartedly support the mission of helping the recently incarcerated, who meet their qualifications, to ease their way back into society and develop new daily rituals, and make a new life for themselves.

As a board, we have, of course, also been listening to the voices of many in our school community and in our surrounding neighborhood who are quite concerned about the organization. Of course, parents are concerned primarily about the safety of their children at TCA/TCAHS. We educate students from grades 6-12, which is when they are at their most vulnerable stages of development with regard to sound decision-making. Many parents are concerned that adding a post-prison element to this already challenged neighborhood in such close proximity would not serve our student population.

Concerns about the timeline of this Conditional Use Permit application have also been raised, as it's seemed to be on the fast-track for approval from both the Dayton's Bluff Community Council and the City of Saint Paul.

TCA and TCAHS are considering a move in the near future. In reality, this change may not affect our student population for long. However, as good community members we know the uphill challenge that Sacred Heart parish would face in trying to rent this building in the future, if Freedom Works is allowed to expand their operations. It is in this sense of community that we must register our disapproval to this application.

Thank you for your time and commitment to this process.

Respectfully,

Betsy Luetth
Principal

Christine Rider
TCA Board Chair

Gary Jader
TCAHS Board Chair

Attachment C

List of Home sober houses¹

600 Mendota St. - Greenhouse sober apartments for men (kitty-corner from the old convent)
727 Margaret – Home (safe place) for unwed Mothers and their baby's owner is Daniel Thibault
738 Beech – Greenhouse sober houses for men
840 East 4th Street - Greenhouse sober house for men
842 East 4th Street – Greenhouse sober house for women 2
684 Greenbrier Street - Greenhouse sober house for men
833 Fremont St. - Greenhouse sober house for men
894 East 5th Street - Greenhouse sober house for men
971 Wakefield - Michaelene Spence – sober house for women
1043 Wakefield – Stepping Stones Supportive Services I believe it is a sober house
On Forest between 3rd and Fremont there is or was a house I believe management by MN corrections.
That had men out of prison living there. It was a place I heard about from probation officers but they never would give the address.

6 state licensed homes

Casa De Esperanza Euclid – women and children
People Inc. East 8th Street - recovering drug and alcohol homeless
Greenhouse 680 Greenbrier - Steve Mowry 90 Day program for men and sober house in the back
180 Degree's at 7th and Johnson Parkway - for youth diversion, girls sexually exploited
People Inc. Hancock and 4th – home for people with emotional problems
Regions Hospital Etna –treatment center

¹¹ There may be more facilities than this being operated. This may not be a comprehensive or updated list.