

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Volunteers of America - Minnesota **FILE #** 12-048-442
 2. **APPLICANT:** Volunteers of America - Minnesota **HEARING DATE:** May 10, 2012
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1394 Jackson St, between Arlington and Hyacinth
 5. **PIN & LEGAL DESCRIPTION:** 192922420025, J W Bass Garden Lots Ex The S 65 Ft And Ex The E 300 Ft; Lot 9
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** § 65.154; §61.501; § 61.502
 8. **STAFF REPORT DATE:** April 25, 2012 **BY:** Luis Pereira
 9. **DATE RECEIVED:** April 19, 2012 **60-DAY DEADLINE FOR ACTION:** June 18, 2012
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- A. **PURPOSE:** Conditional use permit for a Department of Corrections-licensed community residential facility for the VOA Residential Re-entry Center program, with modification of number of residents to permit up to 74 adult residents.
- B. **PARCEL SIZE:** 62,726 sq. ft. (1.44 acres)
- C. **EXISTING LAND USE:** Former nursing home/apartment building
- D. **SURROUNDING LAND USE:**
 - North: Shoring and scaffolding equipment and services (I1)
 - East: Vacant land owned by Saint Paul Regional Water Services (I1)
 - South: Commercial structure (I1)
 - West: Commercial warehouse (I1)
- E. **ZONING CODE CITATION:** § 65.154 lists the standards and conditions for community residential facility licensed by the Department of Corrections; § 61.501 lists general conditions that must be met by all conditional uses; § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** City building permit records indicate that a special use permit for a 20-car parking lot to support a "nursing board and care home" was approved for this property in 1967 (zoned for heavy industry). In 1969, a 34-car parking lot was approved by the City to be used in conjunction with a new, 33-unit independent living apartment building for adults with mental disabilities, also on this site. The building permit record indicates that the "treatment home" is in the front of the site with proposed apartments to the rear.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The North End-South Como District 6 Council had not provided a written recommendation on this at the time of the staff report.
- H. **FINDINGS:**
 1. Volunteers of America (VOA), is a faith-based, nonprofit health and human services provider that provides support to adults in need of residential re-entry services at residential facilities. The organization currently operates a licensed residential re-entry facility at 1771 Kent Street in Roseville, but must re-locate due to the expiration of a lease. They seek to re-locate the Roseville Center program to the property at 1394 Jackson Street. The building is 26,470 finished square feet; there are 70 parking stalls on site, as well as a storage shed to the rear of the property. Adult residents include men and women from the federal prison system; the majority of the residents are predominantly non-violent offenders, with approximately 80% having been convicted in the past of a drug-related crime or white collar fraud. No sex offenders are proposed to be housed at this property. VOA also indicates that it has a State of Minnesota contract to house residents awaiting pre-trial services; unlike the federal resident population, the pre-trial residents will not be leaving the facility on a daily basis for employment.
 2. § 65.154 lists the standards and conditions for a community residential facility licensed by the

Department of Corrections:

- (a) *Preliminary licensing review by the state department of corrections.* This condition is met. The Roseville Center, the program that is proposed to move to this site, is currently licensed by the State of Minnesota; the applicant has submitted a letter from the State showing 100% compliance with its licensure requirements. This center has the same number of residents and program scope as proposed at the facility at 1394 Jackson Street.
 - (b) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.* This condition is met. There are no such facilities within 1,320 feet of the 1394 Jackson Street property.
 - (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 with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.* This condition is met. The current percentage of the population living in these facilities is 0.22%, with capacity for an additional 197 residents, based on the 2010 Census. The addition of 74 residents at this property would bring the balance of residents that could be added in these types of congregate residential facilities to 123 (and if the transitional housing facility proposed elsewhere in District 6 is approved, the new remaining balance would be brought to 111).
 - (d) *The facility serves no more than sixteen (16) facility residents, except in B4—B5 business districts where it shall serve no more than thirty-two (32) facility residents.* The applicant has applied for a modification of this condition to allow up to 74 residents on site.
 - (e) *It shall occupy the entire structure.* This condition is met.
 - (f) *Except in B4—B5 business districts, the facility 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.* This condition is met. The lot area of 62,726 square feet permits up to 59 rooms (57,726 square feet divided by 1,000 square feet allows 57 rooms in addition to the base two rooms). The proposed use would have 38 resident rooms (36 double occupancy and 2 single occupancy rooms).
3. § 61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The recently-adopted North End-South Como District 6 Plan has a policy that recommends the western portion of the Jackson-Arlington area to be redeveloped as a "business center with light industrial and office-service uses" (LU3.1). The plan does not address reuse of existing structures, such as is the case with the current application. Since the plan is silent on the proposed congregate residential use in the existing structure at 1394 Jackson Street, the proposed use is not inconsistent with this plan. Further, the proposal is consistent with goal three, objective three of the North End-South Como District 6 Plan, which encourages property owners to improve and maintain their houses and businesses. The proposed community residential facility is also consistent with the I1 Light Industrial zoning of the site, and the zoning is consistent with the North End-South Como District 6 Plan.
- The Generalized Future Land Use Map in the Land Use Chapter of the Comprehensive

Plan designates this area as "Industrial," which is defined as "*primarily* manufacturing and/or the processing of products; could include light or heavy industrial uses, large warehouse facilities, and/or utilities" (emphasis added). While this use is not industrial, it is an institutional-residential use permitted in the I1 Light Industrial District that contains an employment component, including 20 full time staff.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met, as the property is currently accessible from Jackson Street via a driveway at the northwest corner of the lot. In addition, there is over 100 feet of frontage between this driveway's access and the access of each of the neighboring properties access driveways. The applicant states that an estimated 50 vehicles will enter and leave the proposed facility over a 24-hour period. The proposed use requires 28 parking spaces (1.5 spaces for every 4 adult facility residents). The seventy surface parking spaces currently on the site will remain.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The site is self-contained, surrounded by industrial uses, and has a history of large institutional residential uses. The property was constructed as a nursing board and care home in 1967, and housed up to 108 women at one point. More recently, the property has had a range of commercial uses, including an office in the early 2000s, the establishment of a restaurant in 2003, an herbs shop, and an adult day care center in 2010. The proposed institutional residential use will not be detrimental to the immediate neighborhood. The applicant's experience at existing facilities in Roseville and along Lake Street in Minneapolis show a successful track record and positive feedback from neighbors. The building was originally constructed for a very similar use, and the proposed level of staffing and services onsite will ensure public safety and the general welfare of the immediate neighborhood.

Residents of this proposed facility may choose to take the bus to access employment opportunities. While this portion of Jackson Street does not have transit service, Arlington Avenue, just north of this property, does. To provide for public safety and general welfare, the addition of a sidewalk along the frontage of this property and the two neighboring properties to the north (622 feet of sidewalk) is needed to make this connection. This investment is consistent with established City practice of *Complete Streets*, to provide a sidewalk on at least one side of any arterial street where they do not currently exist.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is self-contained, would have little impact on the surrounding industrial uses, and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the I1 Light Industrial district.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met provided the Planning Commission approves the requested modification.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent 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 special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

This finding is met for modification of the standard pertaining to maximum number of residents

to permit up to 74 adult residents. Limiting use of the existing structure - built as a large nursing board and care facility - to less than 74 residents would unreasonably limit use of the structure and result in undue hardship. While VOA is proposing a \$750,000 renovation to the building, the existing structure will essentially remain as it is with no major remodeling – as an institutional residential facility that includes many bedrooms, common bathrooms and other living spaces, and offices. Bedrooms will remain with the current layout, with a small number being altered slightly to accommodate two residents; the total proposed bedroom count is 38. In addition, the bathrooms will be renovated. While previous congregate residential uses were different in terms of the populations served, they are similar in terms of the scale of the occupancy of this building. These included an adult day care in the recent past, and a nursing board and care facility that historically housed up to 108 residents.

Second, limiting use of the existing structure to less than 74 residents would prohibit VOA from utilizing the property consistent with their existing State of Minnesota license. The federal contract associated with this facility legally requires a large, on-site staff to provide 24/7 coverage and services for residents. The client reimbursement funds that VOA would receive for a small number of residents would not cover the costs of the required staffing, representing an undue hardship to the applicant.

Third, if developed to its full capacity, the large size of this parcel would allow up to 59 bedrooms for the proposed use, well over the 38 bedrooms proposed the applicant.

Fourth, the intent of the special condition is to disperse at-risk residents throughout a community, reducing potential impact at a particular location and avoiding an “institutional” environment, thereby positively impacting the safety and welfare of the residents themselves. The modification will also provide for the high level of 24/7 on-site staffing for the residents. The proposed use is largely self-contained, and would have little impact on the surrounding industrial uses. The modification will not impair the intent and purpose of the special condition, and there is no evidence that the modification would be inconsistent with the health, morals, and general welfare of the community or reasonable enjoyment of adjacent property.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a Department of Corrections-licensed community residential facility at 1394 Jackson Street for the VOA Residential Re-entry Center program, with modification of the standard pertaining to number of residents to permit up to 74 adult residents, subject to the following additional conditions:
1. The facility is limited to no more than 74 adult facility residents for the VOA Residential Re-entry Center program and the pretrial services program.
 2. The Federal Department of Corrections approves the transfer of the Roseville Center facility license to this property at 1394 Jackson Street.
 3. The applicant submits to the City of Saint Paul Department of Safety and Inspections the revised Certificate to Operate from the Minnesota Department of Corrections to the City of Saint Paul for the two year period that ends January 31, 2014.
 4. A sidewalk shall be constructed by the applicant along the Jackson Street frontage of this property and along the Jackson Street frontage of the two neighboring properties to the north to connect to the existing dead-end sidewalk on Jackson near Arlington Avenue.
 5. A certificate of occupancy is received for the use and any necessary licenses are received as required from the City of Saint Paul Department of Safety and Inspections.
 6. The applicant shall submit a copy of the federal contract for this property.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 12-048442

Fee: _____

Tentative Hearing Date:

DD=6 5-10-12

*192922420025

APPLICANT

Name Volunteers of America - Minnesota
 Address 7625 Metro Boulevard
 City Minneapolis St. MN Zip 55439 Daytime Phone 952.945.4000
 Name of Owner (if different) Vinai Office Park Corp
 Contact Person (if different) Jim Bettendorf Phone 952.945.4007

PROPERTY LOCATION

Address / Location 1394 Jackson Street, St. Paul, MN 55117
 Legal Description J.W. Bass' Garden Lots Subj to SewerEsmt and Ex 60 ft the
N 199 ft of Lot 9 Current Zoning I-1
 (attach additional sheet if necessary)

TYPE OF PERMIT:

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 61, Section 61.500, Paragraph _____ of the Zoning Code.

65.154

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See Attached Application

RECEIVED

APR 19 2012

Per _____

Required site plan is attached

Applicant's Signature

James E. Bettendorf
V.P. Strategy & Ops

Date

4/19/12

City Agent

add
4-19-2012



Volunteers of America – Minnesota

Conditional Use Permit and Modification Application

**1394 Jackson Street
St. Paul, Minnesota**

I. Background: Volunteers of America – Minnesota (“VOA-MN”) is a faith based, non-profit health and human services provider dedicated to helping people gain self-reliance, dignity and hope. VOA-MN provides services in three primary areas: (1) Children, Youth & Family Services, (2) Senior Services & Services for Persons with Special Needs, and (3) Services for Adults in Community Re-Entry. These three main service areas reflect multiple programs and services provided throughout the state, each guided by the values of collaboration, compassion, excellence, integrity and respect.

VOA-MN currently operates a residential re-entry center at 1771 Kent Street in the City of Roseville (“Roseville Center”). The Roseville Center is licensed by the State of Minnesota and operates under a contract with the federal government to provide housing and supportive services for the transition of men and women from the federal correctional system back into society as productive citizens. VOA proposes to move the Roseville Center program to a new location just two miles away at 1394 Jackson Street in the City of St. Paul (“Jackson Street Center”).

The Roseville Center’s license from the Minnesota Department of Corrections authorizes the Center to have up to seventy-four (74) co-ed residents. The license requires compliance with applicable state regulations; namely, Minnesota Rules 2920.0100 to 2920.7900. The regulations govern operational matters ranging from the non-transferability of the license *to* the qualifications and training of staff *to* resident admission and discipline *to* the maintenance of the facility and the provision of medical services. There are *no* special conditions attached to the license. The Roseville Center has operated in full compliance with the state licensure requirements over the duration of the license. A copy of the license is included as Attachment 1 along with a January 31, 2012 letter from the Department of Corrections showing 100% compliance with the licensure requirements.

The federal contract sets out the required program components for the Roseville Center. It requires the Center to provide, for example: (i) 24 hour staff coverage, seven days a week, sufficient for the safe and secure supervision of all residents and the community; (ii) on-site staff able to develop a re-entry plan for each resident; (iii) a broad range of employment assistance for each resident; (iv) assistance with identifying and meeting each resident's educational and vocational training needs, mental health treatment needs, etc.; (v) staffing to assist each meet her/his financial obligations; (vi) staffing to assist each resident locate suitable housing; (vii) staffing for a transitional skills program, including transitional drug treatment, when needed. Additional contractual requirements govern the design, condition and maintenance of the facility, both interior and exterior; the security and accountability of each resident; the disciplining of residents for non-compliance with facility rules; and the provision of medical services. The Roseville Center has operated in full compliance with the operational requirements imposed by the federal government over the duration of the contract.

In order to comply with the service requirements under the federal contract, the Roseville Center employs 20 full-time employees. To cover the substantial cost involved, the Roseville Center receives a per diem payment from the federal government for each resident at the Roseville Center. Sufficient revenue is generated through this funding formula when up to 74 residents can be housed and provide supportive services at the Center as allowed under the state DOC license. VOA-MN proposes to operate the Jackson Street Center with the same number of residents so that the same level of staff and services can continue to be provided as per federal requirements.

While the historical use of the Jackson Street property has been difficult to ascertain, it is clear that the property was used as a boarding care home for mentally retarded adults beginning in 1967. A 33 unit apartment building was added to the existing structure at the time it was converted to an institutional residential facility. The exact number of residents at the facility is unknown, but it is estimated that it may have served up to 100 residents. See Attachment 2 which is a 1967 building permit for a Nursing Home (Board and Care) structure. Following its use as an institutional residential facility, the property was vacant for a number of years prior to serving several mixed uses including office space, restaurant, and a bar/night club. Currently the night club is closed, the restaurant has sporadic special use as (catering, etc.), and the office space is underutilized.

The Jackson Street property is zoned I-1. Re-entry centers of the type proposed are allowed uses in the I-1 zoning classification subject to a conditional use permit (CUP"). Our request meets the requirements for a CUP within the I-1 zoning classification as addressed below.

II. Conditional Use Permit, General Standards: (Section 61.501)

General Standard (a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

As recognized in the Comprehensive Plan, many non-industrial uses exist within the City's industrial districts. Among the non-industrial *permitted* uses within the I-1 zoning classification are foster homes, battered women shelters, transitional housing facilities, community residential facilities licensed by the Minnesota Department of Human Services, group day care and mixed residential-commercial uses. Certain other non-industrial uses are *allowed* uses in the I-1 zoning classification *subject to a CUP*. These uses include community residential facilities licensed by either the Minnesota Department of Health or the Department of Corrections, correctional facilities and overnight shelters. As stated in section 2.20 of the Land Use section: "Practically, industrial districts have been designed to accommodate businesses and facilities that might not be welcome in other areas of the city."

With the above as background, the following explains the compatibility of the proposed Jackson Street Center with the relevant goals and strategies in the City Comprehensive Plan, the District Six Comprehensive Plan and the Jackson Arlington Small Area Plan.

1. City Comprehensive Plan; Land Use Goals

Strategy 1: Targeted Growth in Unique Neighborhoods: This strategy promotes developing greater land use density within the City, including higher density residential uses particularly along transit corridors. The proposed Jackson Street Center will provide more intensive housing along a mixed-use transit corridor. As such, it supports the Comprehensive Plan's call for residential development of 30-150 units along such corridors.

Strategy 2: Provide Land for Jobs: This strategy recognizes that the City is fully developed and that new employment opportunities need to be created through re-development of outmoded and non-productive sites. The Jackson Street property is currently an outmoded site which has been largely unproductive over the last 15 years. If the proposed Center is developed, the site will provide employment for 20 full-time staff. All employees will be paid liveable wages, some earning in excess of \$65,000 per year, the total current payroll is in excess of \$850,000. Additionally, VOA will make a significant investment, likely in excess of \$750,000, in upgrading the property prior to relocating the Roseville Center program to the Jackson Street site. Such an investment is consistent with the Comprehensive Plan recommendation to identify "opportunity sites for future development consistent with the St. Paul Comprehensive Plan." Arlington/Jackson is one of the sixteen sites listed as examples.

Strategy 3: Promote Aesthetics and Development Standards: This strategy seeks to ensure that, as the City evolves, it will be the attractive and vital place to live and work, particularly at the pedestrian scale. VOA-MN proposed to make significant upgrades to the Jackson Street property. Both the building exterior, including landscaping, and the building interior will undergo substantial renovation. Preliminary construction cost estimates are in excess of \$750,000. VOA-MN is prepared to go beyond City regulations governing the renovation work through, for example, voluntary environmental efficiency upgrades to the building.

2. *District 6 Comprehensive Plan*

Background: A District 6 Comprehensive Plan is currently in the process of formal adoption (or has recently been approved). Presuming the Plan will be approved, the following comments analyze the compatibility of the proposed Jackson Street Center with the most relevant goals of the proposed District 6 Comprehensive Plan.

Goal 1: Maintain a Safe Environment: The maintenance of a safe environment – both for Center residents and the community – is at the top of the priority list for both of VOA-MN’s residential re-entry centers. Letters of support from law enforcement in Roseville and Minneapolis accompany this application. The Roseville Chief of Police and the Community Crime Specialist in the Third Minneapolis Precinct, where the Minneapolis Center is located, both speak to the attention given by the Centers to the safety of the residents and the surrounding communities. Further evidence that the two centers do not present a public safety issue can be seen in the supportive letters from individual neighbors, from neighborhood associations and from business associations. Finally, and as discussed previously in connection with the City Comprehensive Plan, VOA-MN intends to make a significant investment in the renovation and maintenance of a blighted property, including the addition of environmentally-sound elements. All the referenced letters of support can be found in Attachment 3.

Goal 2: Strengthen Community Identity and Image: Evidence of VOA-MN’s commitment to strengthening community identity and image is perhaps best established by the recent recognition given to the Minneapolis Center. In March 2012, the Lake Street Council presented the Minneapolis Center with its Community Investment and Leadership Award. The award was given in recognition of the Minneapolis Center’s efforts “to create a better image of the neighborhoods.” A copy of a press release regarding the Award is attached as Attachment 4. VOA-MN would bring the same commitment to community-building to the Jackson Street Center. See also the various letters of support from community residents and associations found in Attachment 3.

Goal 3: Maintain and Enhance the Built Environment: Perhaps the most relevant portion of this goal is Objective 3: *Encourage property owners to improve and maintain their houses and businesses.* The responses to Goals 1 and 2 above are fully applicable and establish how the re-location of the Roseville Center to Jackson Street will enhance and maintain the built environment along an important mixed-use corridor.

Goal 6: Strengthen and Revitalize Commercial and Industrial Areas: Objective 3 of this goal encourages the completion of the final phases of redevelopment as per the Jackson/Arlington Small Area Plan, “as this would allow the extension of the Greenway and the Trout Brook...” The Jackson Street property does not conflict with the Greenway, which is already in place and borders the adjacent property owner to the rear. Similarly, no conflict exists between the extension of Trout Brook and the proposed use for the Jackson Street property. Both are compatible. Finally, the exact status of the Jackson/Arlington Small Area Plan is unclear as the 2004 Addendum to the City’s Comprehensive Plan called for its revision and re-certification by the City Planning Commission.

Goal 7: Ensure Community-Wide Access to Information and Services: As part of their routine operation, both the Roseville and Minneapolis Centers partnered with the local community to establish a Community Relations Board made up of representatives from local and federal law enforcement, city and/or county government, business and civic organizations, nearby neighborhood and business associations, and other interested citizens. The role of the Community Relations Board is to bring a high level of openness and cooperation to the operation of the residential re-entry centers and to ensure public health, welfare, and safety. A new Community Relations Board will be established for the Jackson Street Center. Its role and membership will be similar to the existing Board for the Roseville Center. A letter discussing the Board is included from Diane Hilden, a member of the Community Relations Board for the Roseville Center, as part of Attachment 3.

3. Arlington/Jackson Small Area Plan

Given the recommended updating of the Arlington/Jackson Small Area Plan, no further analysis will be offered of the compatibility of the proposed Jackson Street Center to the existing Small Area Plan other than the comments in response to Goal 6 above. VOA-MN would be happy to do so, however, if City staff believed that such an analysis would be beneficial. VOA-MN would also expand on any other Plan analysis offered in this application if requested to do so.

* * *

General Standard (b): The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

The property is currently accessible from Jackson Street via a 20 foot wide driveway. Adjacent properties are accessible via comparable driveways. On-site parking is currently available for 70 vehicles. See the Site Plan Data Sheet included as Attachment 5. The available parking is nearly fully utilized by the employees and patrons of the existing uses within the building. An estimated 50 vehicles will enter and leave the Jackson Street parking lot over a twenty-four period when it is operating as a re-entry facility, far less than past or current level of daily in-and-out traffic. Approximately 25 parking spaces will be required to support the re-entry Center, far less than the capacity of the parking lot. These projections are based on current traffic patterns and parking needs at the Roseville Center. In sum, adequate ingress, egress and parking currently exist and support traffic numbers that exceed the needs of the proposed use.

* * *

General Standard (c): The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

VOA-MN has successfully operated at its Kent Street location for the past twenty five (25) years; the Minneapolis facility has successfully operated at its East Lake Street location in Roseville for forty (40) years. The Minneapolis Center is located in the Longfellow community in South Minneapolis, which includes a broad mix of residential (single-family and multi-family,

including Trinity Apartments, a senior apartment building which is adjacent the Center), commercial and industrial uses. The Roseville Center is also located in a mixed use area, with a concentration and intensity of uses less than that for the Minneapolis facility. As shown in Attachment 6, both the Minneapolis and Roseville Centers have a greater variety and number of residential, commercial and industrial uses within 500 and 100 feet than does the Jackson Street property.

The letters from Community Relations Board members in Roseville and Minneapolis, as well as letters from the Longfellow Community Council and the Longfellow Business Association address the compatibility of the existing facilities with their mixed used neighbors. Similarly, local law enforcement officials in both Roseville and Minneapolis endorse the VOA Centers in their communities as being a positive addition to the neighborhoods and laud VOA's commitment to public safety. See, Attachment 3.

Volunteers of America, through its commitment as a Christian ministry of service, strives to provide social services based on our Christian values and principals. We highly encourage a moral lifestyle that is congruent with the moral values of the existing neighborhood.

In sum, VOA-MN and its residential reentry centers are known for being quiet, unobtrusive neighbors whose presence does not adversely affect public safety, public health, local property values or degrade any other aspect of the community.

* * *

General Standard (d): The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

In its 40-year history of operating institutional reentry centers in Minnesota, VOA-MN has promoted the development and improvement of neighboring properties. VOA-MN does this through its organizational growth, by supporting outside organizations as they seek to strengthen the community and through the maintenance of its properties and active participation of its staff in community development efforts.

The fact that VOA-MN's institutional re-entry centers do not impede development is clearly demonstrated by the extensive new construction and renovation that has occurred within 1000 feet of the Minneapolis Center. Over the time the Minneapolis Center has been at its Lake Street location, the following are examples of the new development that has occurred: US Bank Branch building; Target store; Rainbow store; Cub store; Public Library building; Trinity senior and multi-family housing; U.S. Post Office; a new Minneapolis Precinct Station; and a multitude of other industrial commercial and residential developments.

With regard to the proposed Jackson-Street Center, VOA-MN estimates its community impact will be less than most, if not all, other current uses in the area in terms of traffic impact, parking needs, noise, use of city services, etc. The number of residents served by our program will be consistent with, or less than, the other residential care uses allowed within an I-1 zoning district, and that previously occupied the Jackson Street property. The Center residents typically do not

have regular visitors and are unlikely to have personal transportation needs that would require high levels of parking. The vehicle traffic generated from our use is expected to be minimal and would consist primarily of our staff during shift changes (estimated to be less than 50 vehicles/day based on traffic patterns at the existing Roseville and Minneapolis facilities).

The proposed Center would be a minimal user of city services since our on-site staff provides supervision, monitoring and security of residents and typically works with federal agencies if law enforcement consultation or services are needed. The need for emergency medical services is highly uncommon for our program and is estimated to be less than required for health care uses such as nursing and convalescent homes, clinics and the other special uses geared toward an older population.

In sum, the proposed use will not affect the future use and development of the I-1 zoning district in which it would be located. VOA-MN believed the improvements that will make to the physical property will enhance future uses. Historically, that has been the case: Substantial neighborhood improvement has occurred following the placement of the two similar VOA-MN programs.

* * *

General Standard (e): The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The proposed use conforms to all aspects of the regulations of the I-1 district. As noted in the Comprehensive Plan, the industrial zone is intended to be “both strategic and flexible to how land in Industrial Districts is used, and many non-industrial uses are permitted.”

* * *

The following analyzes the application of the specific CUP standards for a community residential facility, licensed correctional (Section 61.502):

Specific Standard (a): Preliminary licensing review by the state department of corrections.

The Roseville Center is currently licensed by the State of Minnesota. The size, scope and staffing of the program after relocation to the Jackson Street property will be the same as the currently licensed operation. The license for the Roseville Center will be transferred to the Jackson Street Center concurrent with the re-location of the program from the Roseville Center.

* * *

Specific Standard (b): The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in

B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility.

City staff has determined that the Jackson Street property meets this criterion.

* * *

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 with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.

City staff has determined that the Jackson Street property meets this criterion.

* * *

Specific Standard (d): The facility serves no more than sixteen (16) facility residents, except in B4—B5 business districts where it shall serve no more than thirty-two (32) facility residents.

We are requesting a modification to this specific standard in order to allow for the proposed Jackson Street program to operate in an identical manner as the program currently licensed and operated in Roseville. The Roseville Center is currently under contract with the federal contract to serve 74 clients. The compatibility of the proposed Jackson Street Center with the criteria for a CUP modification is discussed below, after this Specific Standard section.

* * *

Specific Standard (e): It shall occupy the entire structure.

The residential re-entry program will occupy the entire structure.

* * *

Specific Standard (f): Except in B4—B5 business districts, the facility 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.

The proposed use of the facility will meet this criterion. The lot area of 61,760 square feet would permit up to 59 resident rooms within this facility. The proposed interior of the facility calls for 36 double occupancy rooms and 2 single occupancy rooms for a total of 38 resident rooms. See the site data in Attachment 5.

* * *

The following addresses VOA-MN's request for a modification of the CUP provision which would limit the number of residents in the proposed Jackson Street Center to no more than sixteen (16). The analysis is pursuant to Section 61.502, Modification of Special Conditions:

Modification Standard 1: Strict application of the resident number limitation will unreasonably limit or prevent lawful use of the property.

Strict application of the 16-resident limitation renders the property unusable for the lawful purpose proposed by VOA-MN. As explained previously, the federal contractual requirements necessitate a relatively large on-site staff to provide around-the-clock coverage and to provide a wide-range of resident assistance. Meeting this staffing requirement *only* becomes economically feasible if there are sufficient residents in the facility to generate adequate revenue under the contract with the federal government. The Roseville Center is currently licensed for 74 residents and that number is sufficient to render the program economically feasible. From experience, we also know that the level of experienced and trained staff at the Roseville Center ensures a well-run, safe and secure program. Operating at the same staffing level, and with the same staff, will likewise ensure that the proposed Jackson Street Center is well-run, safe and secure.

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Modification Standard 2: Strict application of the resident number limitation will result in exceptional undue hardship to the owner of the property.

VOA-MN has a signed purchase agreement for the Jackson Street property. Strict application of the 16-resident limitation will mean that VOA-MN would need to operate its residential re-entry program at a huge financial loss. It cannot afford to do so. Additionally, Specific Standard (e) requires that the program occupy the entire structure. More than 16 residents is required to efficiently occupy the building.

* * *

Modification Standard 3: Modification of the resident number limitation will not impair the intent and purpose of the resident number limitation.

The 16-resident limitation is intended to ensure that the intensity of use associated with a re-entry program is compatible with a residential neighborhood, where residential re-entry programs are also allowed subject to a CUP. However, in the case of the Jackson Street property, the proposed use is in an industrial district and the intensity of use will be less than the historic uses of the property. In the current situation, then, the intent and purpose of the limitation are not impaired. Additionally, to the extent that the intent and purpose of the limitation may be based on the belief that a smaller scale re-entry program would be safer and more secure, it has been VOA-MN's experience that safety and security have more to do with the number of well-trained and experienced staff, who are available and on-duty twenty-four hours a day, than it has to do with the number of residents.

* * *

Modification standard 4: Modifications of the resident number limitation is consistent with the health, morals and general welfare of the community and the reasonable enjoyment of the adjacent property.

The proposed Jackson Street Center will operate with the same number of residents--served by the same staff--as is currently in place at the Roseville Center. There is *every* reason to believe that the Jackson Street Center will operate as successfully, from a community perspective, as the Roseville Center once the move from Roseville to Jackson Street occurs.