

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Freedom Works, Inc. **FILE #** 15-021-950
 2. **APPLICANT:** Freedom Works, Inc. **HEARING DATE:** April 16, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 869 5th St E, NW corner at Mendota
 5. **PIN & LEGAL DESCRIPTION:** 332922220193, Grube's Subd of Block 97 Lyman Dayton's Addition Lots 15,16,17 & Ex W 9 Ft; Lot 18 Blk 97
 6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §65.159; §61.501, §61.502, §63.207, §63.204
 8. **STAFF REPORT DATE:** April 9, 2015 **BY:** Bill Dermody
 9. **DATE RECEIVED:** March 30, 2015 **60-DAY DEADLINE FOR ACTION:** May 29, 2015
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- A. **PURPOSE:** Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area
- B. **PARCEL SIZE:** 131 ft. (5th St.) x 125 ft. (Mendota St.) = 16,375 sq. ft.
- C. **EXISTING LAND USE:** Vacant congregate residential building
- D. **SURROUNDING LAND USE:**
Church and school to the west (RT1) and mixed-density residential uses to the north, east, and south (RT1, RM2)
- E. **ZONING CODE CITATION:** §65.159 lists standards and conditions for transitional housing facilities; §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; §63.207 provides parking requirements by use; §63.204 establishes parking requirements when a building's use changes to a new use that requires more off-street parking.
- F. **HISTORY/DISCUSSION:** The subject building was originally constructed in 1963 as a convent with 23 or 24 sleeping rooms. There was no parking requirement at time of construction. A paved area was added west of the building by 1991; while it was not constructed as a parking lot in accordance with Zoning Code standards, it has alley access and vehicles could be parked on it. In 1991, a conditional use permit (CUP) application for a community residential facility was withdrawn because the RT1 zoning did not permit the use (ZF #91-194). In 1992, a petition to rezone the property to RM2 for the same kind of use was withdrawn (ZF #92-046). In 1994, the property was rezoned from RT1 to RM2 (ZF #94-108). In 2002, a CUP was approved for a rooming house with 20 rooms for a volunteer program run by Catholic Charities (ZF #02-232-748), including modification of the required lot area, and conditional on provision of a shared parking agreement to meet the Zoning Code parking requirements. In 2003, a shared parking agreement between Catholic Charities and Sacred Heart Church was provided for 12 spaces in the northeastern part of Sacred Heart's property (Lot 10 of Blk 97, Grube's Subdivision). In 2007, an application for a community residential facility for 42 residents was denied by the Planning Commission.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Council has not provided any input regarding the application.
- H. **FINDINGS:**
 1. The application requests conditional use permit approval for a transitional housing facility for up to 24 residents, with modification of the required lot area. The program is for post-prison outreach to men, with a minimum stay of six (6) months, and an average stay of 12-24 months.
 2. The site is legally nonconforming with regard to provision of 7 of the 9 required parking spaces. The 23- or 24-unit convent use was constructed without parking provision and would today require 8 parking spaces. The site's most recent use, a 20-unit rooming house approved in 2002, would today require 7 spaces – this represents the current legal nonconforming parking status of the site. The use requested by this application would require 9 parking spaces. Per §63.204, the proposed use must provide off-street parking for any required spaces in excess of what the legally established prior use would require, which in this case is 2 spaces (9 spaces for subject use - 7

spaces for rooming house use = 2 spaces). An approximately 25'-wide by 98'-long paved area was added along the building's west side after initial building construction and prior to 1991; this paved area has room for 4 legally sized parking spaces in a parallel arrangement if vehicles are permitted to back into the alley or a turnaround is provided, or it could be striped for 2 parking spaces that back directly into the alley. The parking agreement referenced in the application is not required for the proposed use if at least 2 off-street parking spaces are provided.

3. §61.501 lists the standards for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:
 - (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. This condition is met provided the application is approved.*
 - (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. This condition is met. The nearest applicable residential facility is located over 1,700 feet from the 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, 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. This condition is met. The proposed facility would increase the applicable residential population's share of the total population in District 4 from 0.71% to 0.86%.*
 - (d) *In RL—RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care. This condition does not apply because the property is zoned RM2.*
 - (e) *In RL—RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure. This condition is met. The proposed facility will occupy the entire structure.*
 - (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. This condition is not met. With 24 resident rooms, a total lot area of 27,000 square feet is required. The lot area of the parcel (including ½ the alley) is 17,685 sq. ft., for a shortfall of 9,315 sq. ft. The application requests modification of this condition.*
4. §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 proposed transitional housing use is consistent with the Comprehensive Plan's Housing Chapter, which supports a broad range of housing types in city neighborhoods (Strategy H1.1). The Land Use Chapter (Figure LU-B) designates the site as part of an Established Neighborhood, in which the existing character should be maintained (Strategy LU1.5).*
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The proposed use will maintain existing vehicular access to off-street parking via the alley. Traffic demand is anticipated to be minimal compared to a regular multi-family use of similar intensity. According to the applicant, most residents will*

not have a car and will rely on public transit, and there will be up to four (4) staff on site at any given time, one (1) of whom will reside there.

- (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 proposed use is similar in anticipated traffic and noise impact to the site's previous uses. Additionally, there is substantial nearby on-street parking for building residents, staff, and visitors. No building expansion is proposed. The use will not be detrimental to the existing character of development in the area or endanger the public health, safety and general welfare.
- (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 surrounding area is developed and the proposed use will have no effect on improvement of surrounding property.
- (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. The use conforms to all RM2 regulations. The parking requirement for 2 space (9 spaces required – 7-space legally nonconforming deficit) is met by the existing paved area west of the building that provides room for 2-4 parking spaces.

5. 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. Based on lot area, only 14 rooms could be used on this site. Previous uses for 20-24 residents were housed on this site with no obvious adverse effects. The building design incorporates a large interior courtyard that provides visual relief and open space for use by the residents, which addresses the intent and purpose of the minimum lot area condition. Strict application of the lot area requirement would unreasonably limit otherwise lawful use of this property and the existing structure and would result in exceptional undue hardship to the owner.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area subject to the following additional condition:
 - 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

Attachments

- 1. Application and supporting materials
- 2. 2007 Planning Commission resolution
- 3. 2002 Planning Commission resolution
- 4. Maps



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: RM-2 use only
File #: 15-021950
Fee: 800.00
Permit Hearing Date:
Text: 4-16-15

PD = 4

332922220193

APPLICANT

Name Freedom Works, Inc., a post-prison outreach & Mns. non-profit organization

Address 3559 Penn Ave North

City Minneapolis St. MN Zip 55411 Daytime Phone 612-670-6442

Name of Owner (if different) Catholic Charities

Contact Person (if different) Bob Johnston Phone 952-854-7425

PROPERTY LOCATION

Address / Location 869 5th Street East, St. Paul, MN.

Legal Description Lots 15, 16, 17 1/2, Ex. W. 9 ft., Lot 18, Bk 97

Grades Sub of B97 Lyman Deyto Current Zoning RM-2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 159, Paragraph _____ of the Zoning Code.

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

ck 5664
800⁰⁰

Required site plan is attached

Applicant's Signature Robert M. Johnston Date 3/25/15 City Agent add 3/25/15

**Application for Conditional Use Permit
869 5th Street East
St. Paul, MN. 55106**

Address/Legal Description

- The property is located at 869 5th Street East, St. Paul, MN. 55106
- The legal description: Lots 15, 16, 17 & Ex. W. 9 ft; Lot 18, Blk. 97, Grobes Sub of B97 Lyman Dayto

Proposed Use

The property will be used as a housing component of FreedomWorks, Inc. a post-prison outreach and a Minnesota non-profit organization. Men must commit to stay a minimum of six months; the average stay of most of the participants is 12 – 24 months.

FreedomWorks Post Prison Outreach

Vision Statement

To free men from the curse of crime and guide them to a satisfying life walking with God.

Mission Statement

A Christian community providing housing and meaningful employment, trusting God to transform prisoners' lives through Bible study, personal accountability, service and fellowship.

FreedomWorks is a Christ-centered program focused on creating a safe, sober and encouraging environment for men who wish to stay out of prison. The ministry is a decade old and currently operates a similar smaller facility at 3559 Penn Avenue North in Minneapolis. The program is approximately nine months in duration (with an optional additional three months as an aftercare component), consisting of three phases of three months each. Each succeeding phase after the first 90-day period allows the men more and more personal autonomy as they exhibit more personal accountability and responsibility for their progress. The objective is to have the men leave the program as responsible citizens ready, willing and able to contribute to society.

The men are guided into new, healthy relationships, taught a new lifestyle through example, and are matched with mentors from all walks of the local community who come along-side of them in their journey to personal, social, work and spiritual success. The program focuses on the specific challenges that many men face as they leave prison and begin to reconstruct their lives: career development (the program requires each participant to gain full-time employment), computer training, Bible study, community service and personal relationships. The men attend weekly Bible studies and 12-step recovery groups; serve others through community service; collaborate with partnering churches and other ministries; and attend the church of their choice on the weekends. The ministry builds a strong foundation utilizing proven strategies that give the men an advantage over other standard half-way house or temporary housing placements. The recidivism rate for those who complete the program is less than 4%.

Transitional Housing Facility Definition
Section 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.

Applicable Standards and Conditions

1. 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.
A conditional use permit is required since the FreedomWorks program will serve more than four (4) adult men. The ministry serves only adult men; no women or minor children are involved.
2. 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.
This standard and condition does not apply because 869 5th Street East is located in a RM2 zoning district.
3. 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.
At this time, assuming the proposed number of facility residents, it appears that this standard and condition can be met.
4. In RL-RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS-B3 business and IR-12 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.
This standard and condition does not apply since 896 5th Street East is located in a RM2 zoning district.
5. In RL-RT2 residential districts, the facility shall not be located in a two-family or multi-family dwelling unless it occupies the entire structure.
This standard and condition does not apply since 896 5th Street East is located in a RM2 zoning district.

6. 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.

The current lot size of 869 5th Street East is approximately 0,37 acre or approximately 16,117 square feet. The above requirement stipulates that with 24 rooms/occupants, the required lot size must be 5,000 square feet + 22 x 1000 square feet (24 - 2 x 1,000 square feet for each room in excess of 2) = 27,000 total square feet. Therefore, FreedomWorks requests a modification to this requirement.

The dignified apartments are well equipped and include all the amenities the men need to become self-sufficient. The ministry has been a good neighbor to its North Minneapolis neighbors, reaching out through summer block barbecues, trash pick-up days and intermittent times of coffee and doughnuts at the local bus stop. FreedomWorks will be a willing participant in the Eastside clean-up effort.

FreedomWorks does not position itself or operate as a detox center, homeless shelter, transitional housing, DOC half-way house, chemical dependency program or state/county-affiliated housing. Rather, it is a long-term Christian discipleship and aftercare program. It serves a diverse population with a broad and varied cultural and racial make-up. The program does not accept men who have a sexual or arson offense in their background.

Many of the men are referred to the ministry from case managers, chaplains, counselors or other collaborative organizations. Over the last ten years, FreedomWorks has not had a single resident-caused incident in which Minneapolis police were called.

Conditional Use General Requirements (Sec. 61.501)

1. The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable sub-area plans which were approved by the City Council.
The property is currently zoned RM2, medium density, low-rise, multiple-family residential district. To the best of applicant's knowledge, the use complies with the above stipulation.
2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
Virtually all the men housed in the facility have no automobile. It is only as the men progress in the program that they may be able to purchase a vehicle. However, most rely on public transportation to get to work and service areas. Employee staffing will cause no unusual traffic or ingress or egress issues.
3. 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.
Neighbors in the surrounding properties should notice nothing unusual other than the property is now occupied. These men operate no differently than citizens occupying market rate properties. Many arise in the early morning to get to a job by 8:00; others work a night shift and come home in the early morning and sleep during a good part of the day. Some of the men work during the day and attend college classes during the evening. Many of the ministry's programs take place in the evening hours. Typical neighborhood concerns such as excess traffic, noise, disruption or other matters should not be a concern. The incoming men are carefully screened using

numerous risk factors (the majority of men accepted are property offenders), and the ministry makes every effort to ensure that those entering the program stay in the program and finish the program.

4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
Nothing about FreedomWorks use of the property or its programs should adversely affect the above.
5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The applicant is applying for a Conditional Use Permit under the guidelines set forth by the City.

Necessary Modifications:

Occupant Density

- The property currently contains twenty-four (24) single rooms, each with a sink and closet. FreedomWorks proposes to have a minimum occupancy level of one man per room.

Lot Area Requirements

- In residential districts, facilities serving more than 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.
- The current lot size is 0.37 acres, or approximately 16,117 square feet. The above requirement suggests that with 24 rooms/occupants, the required lot size must be 5,000 square feet + 22 x 1,000 (24 – 2 x 1,000 square feet for each room in excess of two) = approximately 27,000 square feet.

Parking

- The property does not meet the current parking requirements for such a facility. However, (i) virtually all of the occupants have no vehicle and (ii) the property has an easement agreement with the Church of the Sacred Heart of St. Paul (see attached) that provides additional spaces. The property's spaces along with the easement spaces, collectively, should be more than adequate to service the needs of the occupant and employee parking requirements.

Site Plan and Floor Plans

- Property brochure, site plan and floor plans attached.

Filing Fee

Supporting Information
Conditional Use Permit Application
869 5th Street East, St. Paul
March 25, 2015
4 | Page

- Filing fee of \$800 is attached

Respectfully submitted,

FreedomWorks, Inc.

BASEMENT PLAN NOTES

1. NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES PRIOR TO BEGINNING THE WORK.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. REMOVE ALL MATERIALS FROM EXIT PATHWAYS TO MAINTAIN A CLEAR AND UNOBSTRUCTED EXIT PATH.
4. EXIT SIGNS, WHERE EXIT SIGNS ARE SHOWN, PROVIDE PHOTOGRAPHIC SIGNAGE OR ILLUMINATED SIGNAGE. PHOTOGRAPHIC SIGNAGE OR ILLUMINATED SIGNAGE SHALL BE MORE THAN 2 FEET ABOVE THE FLOOR LEVEL AND EXIT-ACCESS DOORS. THE SIGN SHALL BE ON THE DOOR OR THE SIGN MOUNTED TO THE SIDE OF THE DOOR FRAME.



**WCL
ASSOCIATES, INC.**

**ARCHITECTS
INTERIORS**



1433 UTICA AVENUE SOUTH
MINNEAPOLIS, MN 55418
PHONE: 612.554.5544
FAX: 612.541.8888

**SACRED
HEART**
888 6TH STREET
ST. PAUL, MN



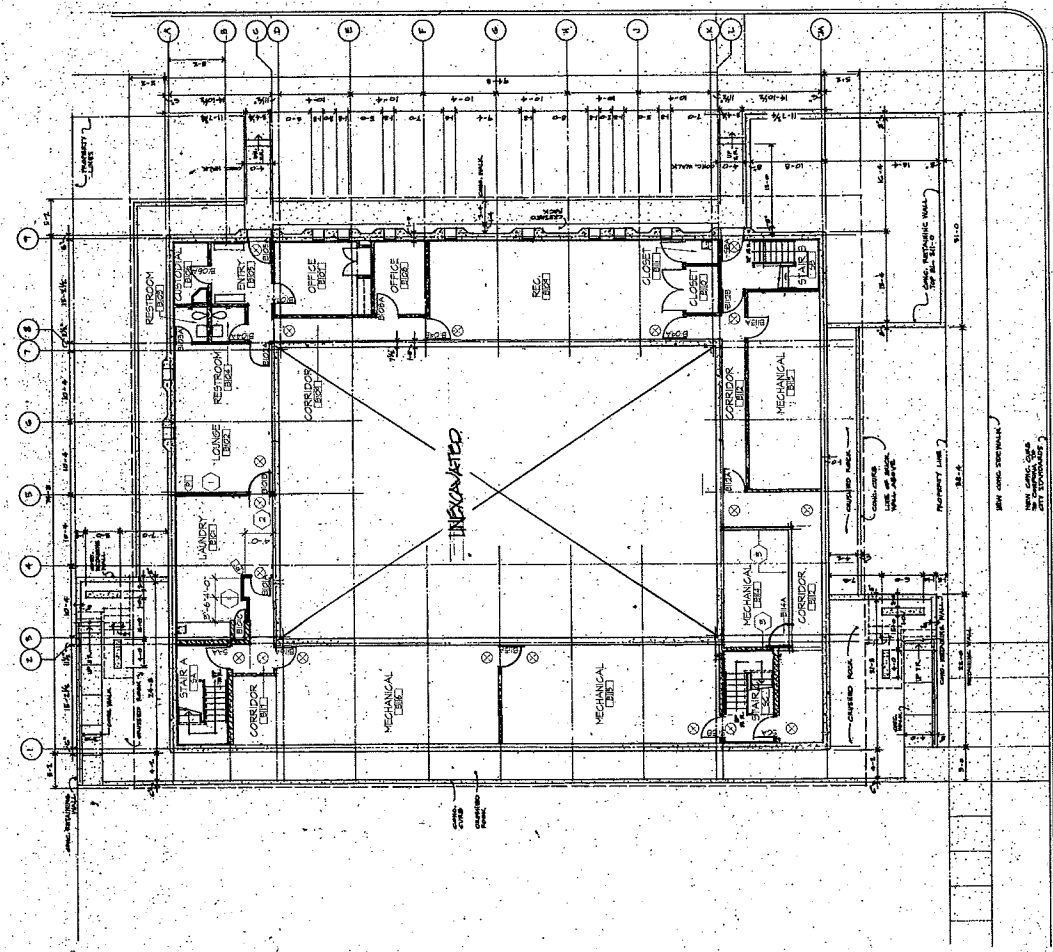
DEVELOPED BY:
**CATHOLIC
CHARITIES**
1200 SECOND AVENUE
MINNEAPOLIS, MN 55403

PROJECT NO. 15-001
DATE 04/20/2015
DRAWN BY JAC
CHECKED BY JAC

SIGNATURE	DATE
W. DAVID CLARK	04/20/15
PROJECT NO.	DATE
04/20/15	04/20/15
DRAWN BY	CHECKED BY
JAC	JAC

BASEMENT FLOOR PLAN

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BASEMENT PLAN KEYNOTES

1. REMOVE EXISTING CABINETS RELOCATE AS SHOWN BY OTHER.
2. REMOVE EXISTING WALLS IN EXISTING WALLS WITH 1/2\"/>

1. BASEMENT FLOOR PLAN
15-001





WCL
ASSOCIATES, INC.

ARCHITECTS
INTERIORS



1433 UTICA AVENUE SOUTH
MINNEAPOLIS, MN 55418
PHONE: 612.338.8888
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**SACRED
HEART**
868 5TH STREET
ST. PAUL, MN



DEVELOPED BY:
**CATHOLIC
CHARITIES**
1200 SECOND AVENUE
MINNEAPOLIS, MN 55403

DESIGNED BY:
WCL ASSOCIATES, INC.
1433 UTICA AVENUE SOUTH
MINNEAPOLIS, MN 55418
PHONE: 612.338.8888
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DATE: 11/14/13
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT NO: 13-0002
SHEET NO: 13-0002-01

1ST FLOOR PLAN

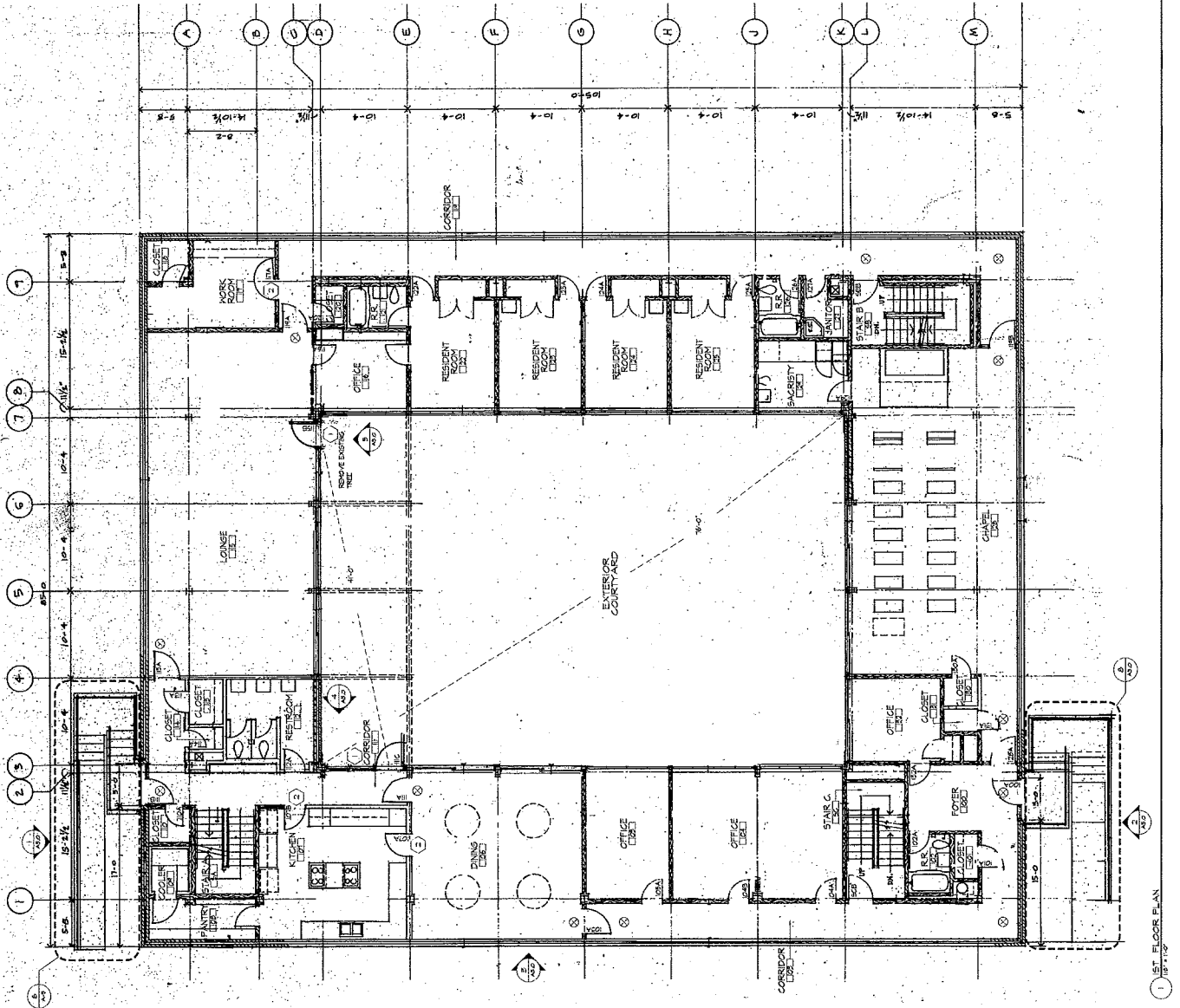
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FIRST FLOOR PLAN NOTES

1. NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES PRIOR TO BEGINNING THE WORK.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. REMOVE ALL MATERIALS FROM EXIT PATHWAYS TO MAINTAIN A CLEAR AND UNRESTRICTED EXIT PATH.
4. EXIT SIGNS, WHERE EXIT SIGNS ARE SHOWN, PROVIDE INTERVALLY OR INTERNALLY ILLUMINATED SIGNAGE. PHOTOGRAPHIC OR SELF-ILLUMINATING THE BOTTOM OF SIGN SHALL BE AT LEAST 4" ABOVE THE FLOOR LEVEL AND MORE THAN 2" ABOVE THE SIGN. THE SIGN SHALL BE ON THE EXISTING ACCESS DOORS. THE SIGN SHALL BE ON THE DOOR OR THE SIGN SHALL BE ON THE DOOR FRAME.

FIRST FLOOR PLAN KEYNOTES

1. SLIP-RESISTANT FLOOR FINISH TO BE USED IN ALL EXISTING POCKET DOOR OPENINGS SEE 13-A-01 & 13-A-02.
2. INSTALL NON-SPORE INTO EXISTING OPENING FOR POCKET DOOR PATCH AND MATCH ADJACENT INTERIORS.



1 1ST FLOOR PLAN



SECOND FLOOR PLAN NOTES

1. NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES PRIOR TO BEGINNING THE WORK.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. MAINTAIN A CLEAR AND UNOBSTRUCTED EXIT PATH.
3. REMOVE ALL MATERIALS FROM EXIT PATHWAYS TO MAINTAIN A CLEAR AND UNOBSTRUCTED EXIT PATH.
4. EXIT SIGNS, WHERE EXIT SIGNS ARE SHOWN, PROVIDE INTERNALLY OR EXTERNALLY ILLUMINATED, PHOTO LUMINESCENT OR REFLECTIVE FINISH. THE SIGN OR SIGNAGE SHALL BE 6 INCHES HIGH AND 18 INCHES WIDE. MORE THAN 2 INCHES ABOVE THE FLOOR LEVEL, AND EXIT-ACCESS DOORS, THE SIGN SHALL BE ON THE DOOR FRAME AND NOT IN THE DOOR FRAME. THE SIGN SHALL BE 4 INCHES OF THE SIGN, NOT IN 4 INCHES OF THE DOOR FRAME.



WCL
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**SACRED
HEART**

888 5TH STREET
ST. PAUL, MN



DEVELOPED BY:
**CATHOLIC
CHARITIES**
1200 SECOND AVENUE
SOUTH
MINNEAPOLIS, MN 55403

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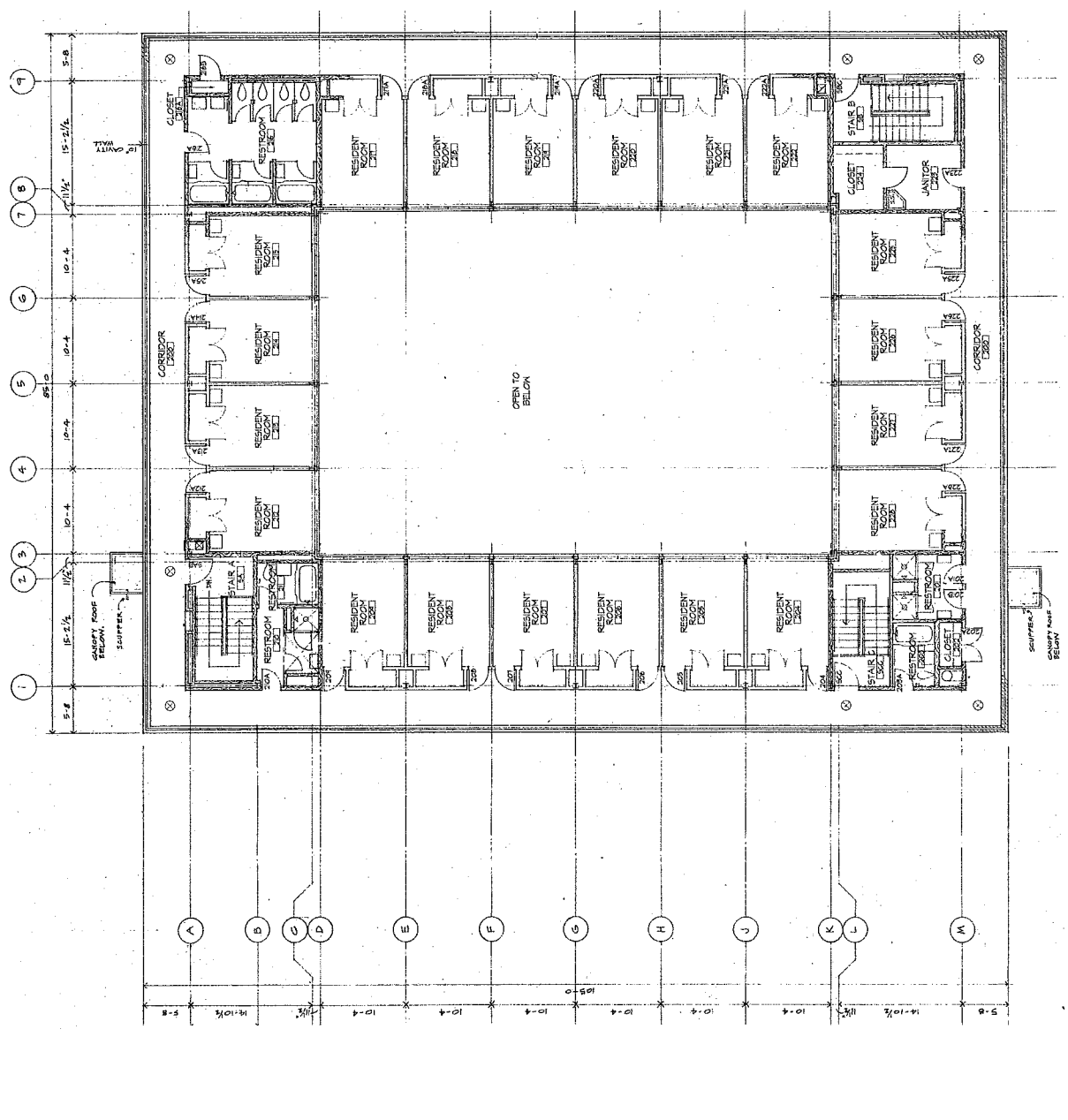
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1 2ND FLOOR PLAN
1/11/17

A3.0

PROJECT: 171117
DATE: 03/20/17
OWNER: CATHOLIC CHARITIES
DESIGNER: WCL ASSOCIATES, INC.
CHECKED: [Signature]

2ND FLOOR PLAN

COPY

Document No. 3576789
STATE OF MINNESOTA)SS
County of Ramsey
OFFICE OF THE COUNTY RECORDER
This is the recorded
information of the document
recorded in this office at
St. Paul on the 16 day
of JAN. A.D. 2003
at 11:00 o'clock AM
County Recorder

NOTED BY AUDITOR
Van 16 2003

NOTED BY COUNTY RECORDER
Yoon Neo

PARKING EASEMENT AGREEMENT

THIS PARKING EASEMENT AGREEMENT ("Agreement") is made and entered into as of this 15 day of January, 2003, by and between the Church of the Sacred Heart in St. Paul, a Minnesota nonprofit corporation ("Sacred Heart") and Catholic Charities of the Archdiocese of Saint Paul and Minneapolis, a Minnesota nonprofit corporation ("Catholic Charities") (hereinafter referred to collectively as the "Parties").

I. RECITALS

1. Sacred Heart owns certain real property located in Ramsey County, Minnesota legally described on the attached Exhibit A ("Sacred Heart Property").
2. Catholic Charities has purchased certain real property located in Ramsey County, Minnesota legally described on the attached Exhibit B ("Catholic Charities Property") from Sacred Heart.
3. In connection with its purchase of the Catholic Charities Property, Catholic Charities obtained a Conditional Use Permit ("Permit") to use the Catholic Charities Property as a rooming house. The Catholic Charities Property does not have adequate parking spaces as required by the St. Paul Zoning Code. As a condition for obtaining the Permit, Sacred Heart and Catholic Charities must enter into a shared parking agreement, pursuant to which occupants of the Catholic Charities Property have the right to use up to 12 parking spaces on the Sacred Heart Property.
4. To satisfy the requirements of the Permit, Sacred Heart is willing to grant Catholic Charities a non-exclusive easement for parking purposes over and across that portion of Sacred Heart Property depicted on the attached Exhibit C ("Easement Property") according to the terms and conditions herein.
5. It is necessary to set forth the rights and obligations of the Parties with respect to use and maintenance of the Easement Property.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, receipt of which is hereby acknowledged, the Parties hereby agree as follows:

II. AGREEMENT

1. **Recitals.** The recitals set forth in Article I are hereby incorporated into and made a part of this Agreement.
2. **Grants of Easement.** Subject to the terms and conditions of this Agreement, Sacred Heart grants Catholic Charities a non-exclusive easement for the benefit of and as an appurtenance to the Catholic Charities Property over and across that portion of the Sacred Heart Property which is included in the description of the Easement Property. This easement is for pedestrian and vehicular ingress and egress, for parking purposes, and to provide access between the parking spaces and the public streets. The easement includes the right to the use of 12 unassigned vehicle parking spaces for the occupants of the Catholic Charities Property, their agents, employees, invitees and visitors.
3. **Maintenance of the Easement Property.** Sacred Heart shall be responsible for maintaining the Easement Property at its sole cost and expense. The term "maintenance" as used herein includes, but is not limited to, snow removal, repair and replacement of the Easement Property.
4. **Termination of Easement.** In the event the zoning of the Catholic Charities Property changes so that there is no longer a need for additional parking, as described herein, then Catholic Charities or its successors or assigns will execute a quit claim deed conveying its interest in the Easement Property to Sacred Heart or its successors or assigns.
5. **Insurance.** Sacred Heart and Catholic Charities shall each obtain and maintain liability insurance insuring themselves against any claims or causes of action for bodily injury or property damage which occur on the Easement Property.
6. **Indemnifications.** Catholic Charities hereby releases, indemnifies and holds harmless Sacred Heart from and against any claims for personal injury or property damage resulting from Catholic Charities and/or its tenants' use of the Easement Property. Sacred Heart hereby releases, indemnifies and holds harmless Catholic Charities from and against any claims for personal injury or property damage resulting from Sacred Heart and/or its employees, agents or invitees use and maintenance of the Easement Property.
7. **Benefits and Burdens Run with Land.** The easement granted in this Agreement runs with the land and inures to the benefit of and is binding upon the Parties hereto and their respective successors or assigns. The covenants and restrictions contained in this Agreement may be enforced only by the Parties and their successors and assigns.
8. **Default.** If either Party defaults hereunder, the non-defaulting party shall have all rights available at law including injunctive relief and damages. If one of the Parties is found to have breached this Agreement, the non-defaulting party shall

be entitled to reimbursement of all costs and expenses incurred, including reasonable attorneys' fees.

9. **Merger.** It is the intent of the Parties that the easement granted in this Agreement will not merge into the fee ownership of any of the parcels which are the subject of this Agreement.
10. **Amendment and Termination.** Except as set forth in Section 2.4 of this Agreement, this Agreement will be amended or terminated only by an agreement signed by Sacred Heart and Catholic Charities or their respective successors or assigns, with appropriate consents from any mortgagee that would be adversely affected by such amendment or termination.
11. **Governing Law.** This Agreement has been entered into in the State of Minnesota, and the laws of the State of Minnesota shall govern the validity, enforcement and interpretation hereof, and the rights and obligations of the owners hereto, their successors, representatives and heirs.
12. **Captions.** Titles or captions of sections or paragraphs in this Agreement are inserted only as a matter of convenience and for reference, and in no way define, extend or describe the scope of this Agreement or the intent or meaning of any provision hereof.

[Remainder of this page intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the year and day first above written.

**CATHOLIC CHARITIES OF THE
ARCHDIOCESE OF SAINT PAUL AND
MINNEAPOLIS**

By: *Larry J. Snyder*
Its: EXECUTIVE DIRECTOR

STATE OF MINNESOTA)
) ss.
) HENNEPIN
COUNTY OF ~~RAMSEY~~)

This instrument was acknowledged before me on this 15th day of January, 2003 by Larry J. Snyder as Executive Director of Catholic Charities of the Archdiocese of Saint Paul and Minneapolis, a Minnesota nonprofit corporation, on behalf of the corporation.

Viola A. Cioffi
Signature of notarial officer

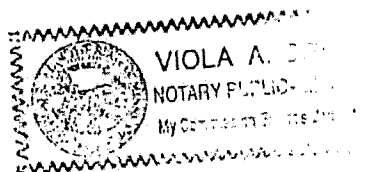


EXHIBIT A
TO PARKING EASEMENT AGREEMENT

Description of Sacred Heart Property

Lot 10, H.W. Grube's Subdivision of Block 97, Lyman and Dayton's Addition to St. Paul,
Ramsey County, Minnesota.

EXHIBIT B
TO PARKING EASEMENT AGREEMENT

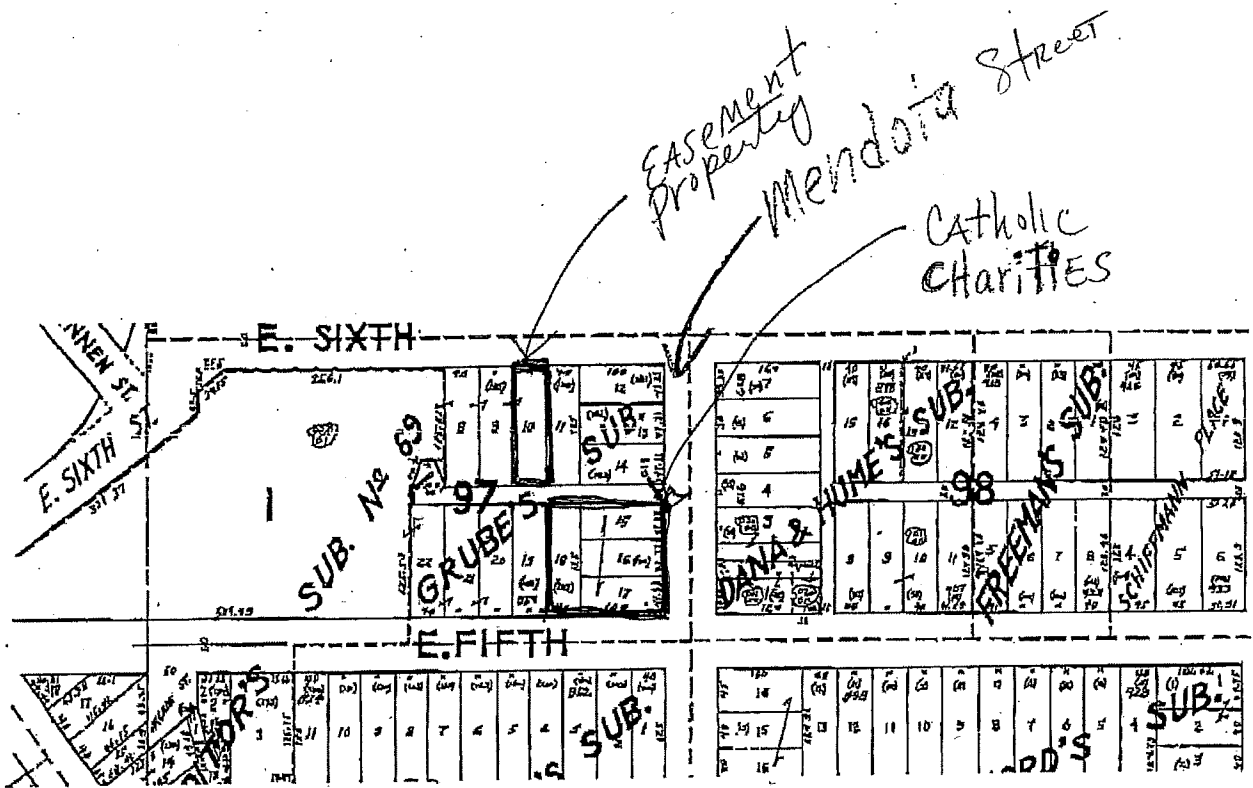
Description of Catholic Charities Property

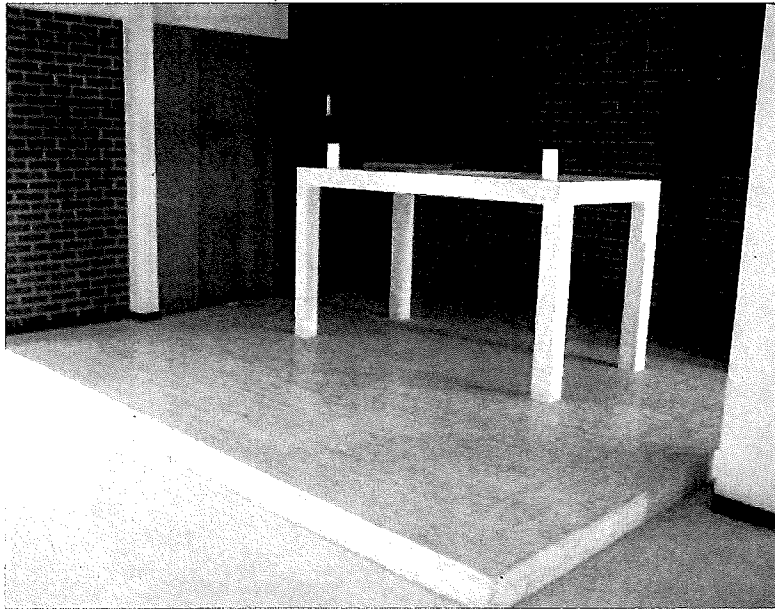
Lots 15, 16, 17 and 18, H.W. Grube's Subdivision of Block 97, Lyman Dayton's Addition to St. Paul, Ramsey County, Minnesota EXCEPTING THEREFROM the West 9.0 feet of Lot 18, H.W. Grube's Subdivision of Block 97, Lyman Dayton's Addition to St. Paul.

EXHIBIT C
TO PARKING EASEMENT AGREEMENT
EASEMENT PROPERTY

Lot 10, H.W. Grube's Subdivision of Block 97, Lyman and Dayton's Addition to St. Paul,
Ramsey County, Minnesota.

Exhibit
A, B & C







Margaret St

Margaret St

6th St E

6th St

5th St E

5th St

4th St E

4th St

Arcadia

Mendota St

Mendota St

FORMER CONVENT

869 5TH STREET EAST
ST. PAUL, MN 55106

FOR SALE

17,718 SF BUILDING



HOUSING, EDUCATIONAL OR WORSHIP OPPORTUNITY

PROPERTY FEATURES

- 17,718 sq. ft. available immediately
- Private interior courtyard
- Dormitory style - 24 resident rooms with sink
- 7 offices
- Large community laundry room
- Neighborhood - Dayton's Bluff, Twin Cities Academy and Metro State University



For more information, please contact:

JEREMY STRIFFLER
Associate
(612) 305 2108
jeremy.striffler@cushwakenm.com

PAUL DONOVAN
Executive Director
(612) 305 2113
paul.donovan@cushwakenm.com



CUSHMAN & WAKEFIELD.

NORTHMARQ

801 Nicollet Mall, Suite 325
Minneapolis, MN 55402 | cushwakenm.com

FORMER CONVENT

For Sale

17,718 SF
BUILDING

BUILDING FEATURES

BUILDING SIZE	17,718 square feet
PID	332922220193
PARCEL SIZE	0.37 acre
ZONING	RM2
YEAR BUILT	1963
FLOORS	2+ (finished walkout basement)
PARKING	12 spaces Additional 11 spaces with easement
TAXES	Currently tax exempt
SALE PRICE	\$550,000
COMMENTS	<ul style="list-style-type: none">• Good condition and well maintained• Kitchen and dining hall• Private and community restrooms• Great for education, non-profits or affordable housing



COMMON ROOM



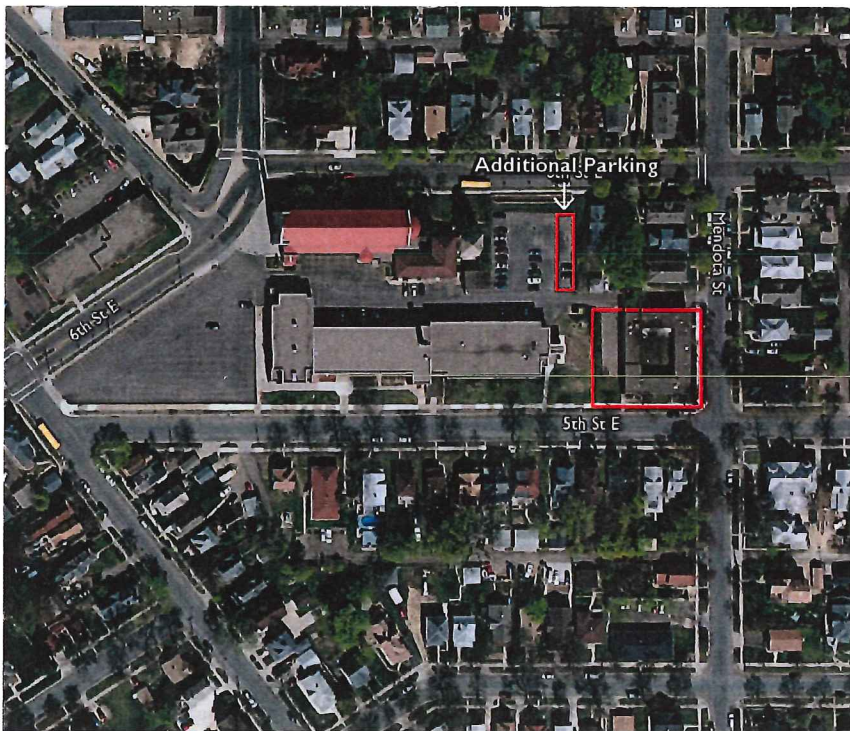
DINING AREA



KITCHEN



COURTYARD



For more information, please contact:

JEREMY STRIFFLER
Associate
(612) 305 2108
jeremy.striffler@cushwakenm.com

PAUL DONOVAN
Executive Director
(612) 305 2113
paul.donovan@cushwakenm.com

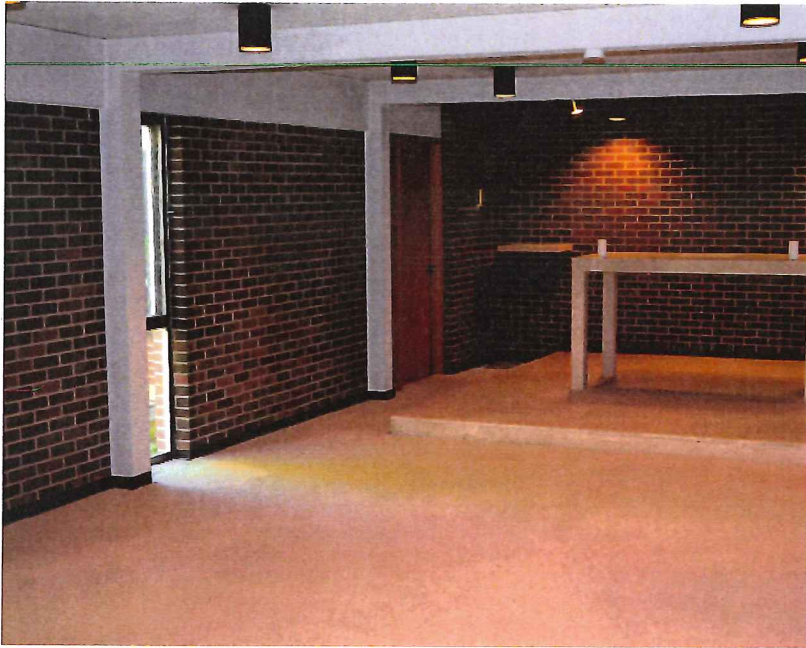


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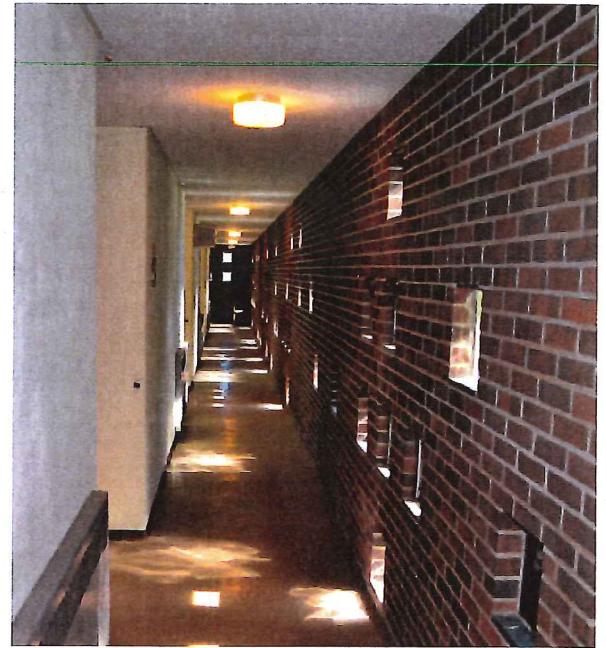
FORMER CONVENT

For Sale

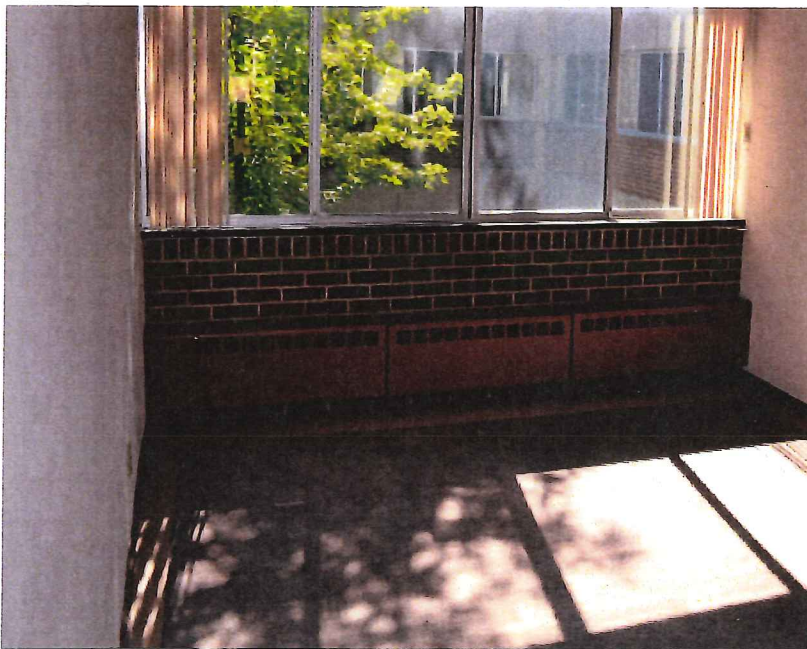
17,718 SF
BUILDING



CHAPEL



HALLWAY



2ND FLOOR BEDROOM



SINK IN BEDROOM

For more information, please contact:

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Associate
(612) 305 2108
jeremy.striffler@cushwakenm.com

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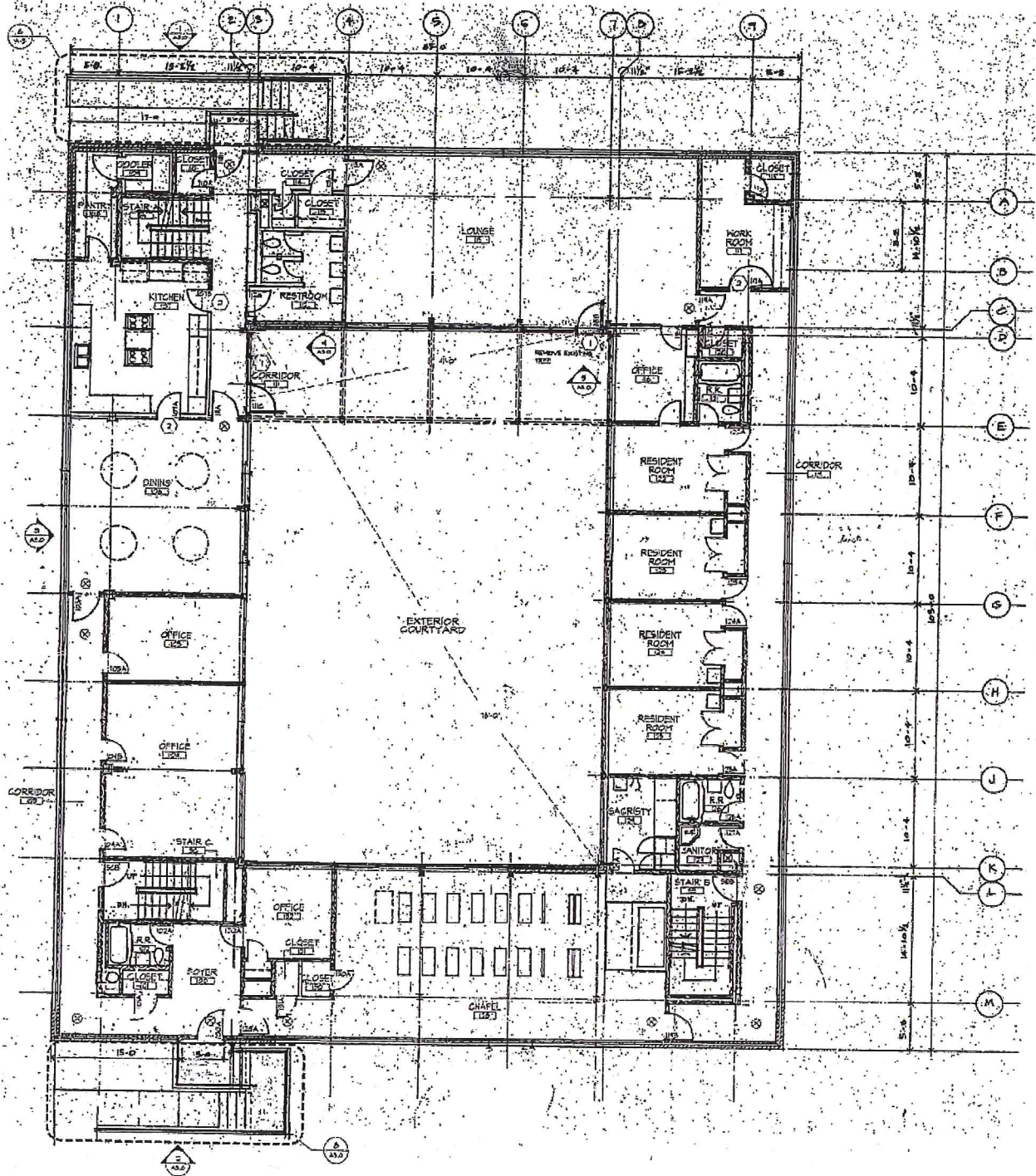
NORTHMARQ

801 Nicollet Mall, Suite 325
Minneapolis, MN 55402 | cushwakenm.com

FORMER CONVENT

For Sale

17,718 SF
BUILDING



FIRST FLOOR PLAN

For more information, please contact:

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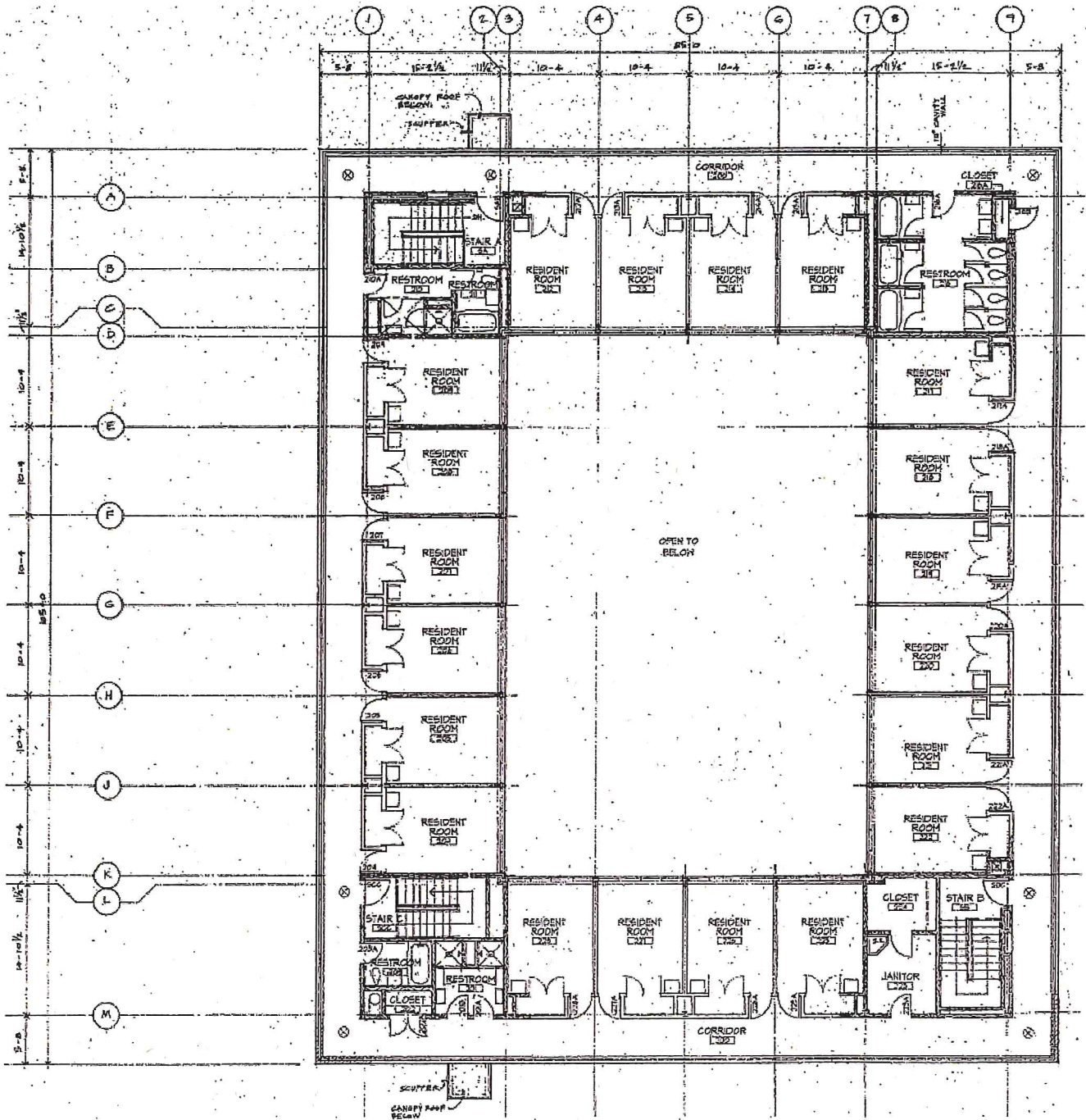
NORTHMARQ

801 Nicollet Mall, Suite 325
Minneapolis, MN 55402 | cushwakenm.com

FORMER CONVENT

For Sale

17,718 SF
BUILDING



SECOND FLOOR PLAN

For more information, please contact:

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jeremy.striffler@cushwakenm.com

PAUL DONOVAN
Executive Director
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paul.donovan@cushwakenm.com

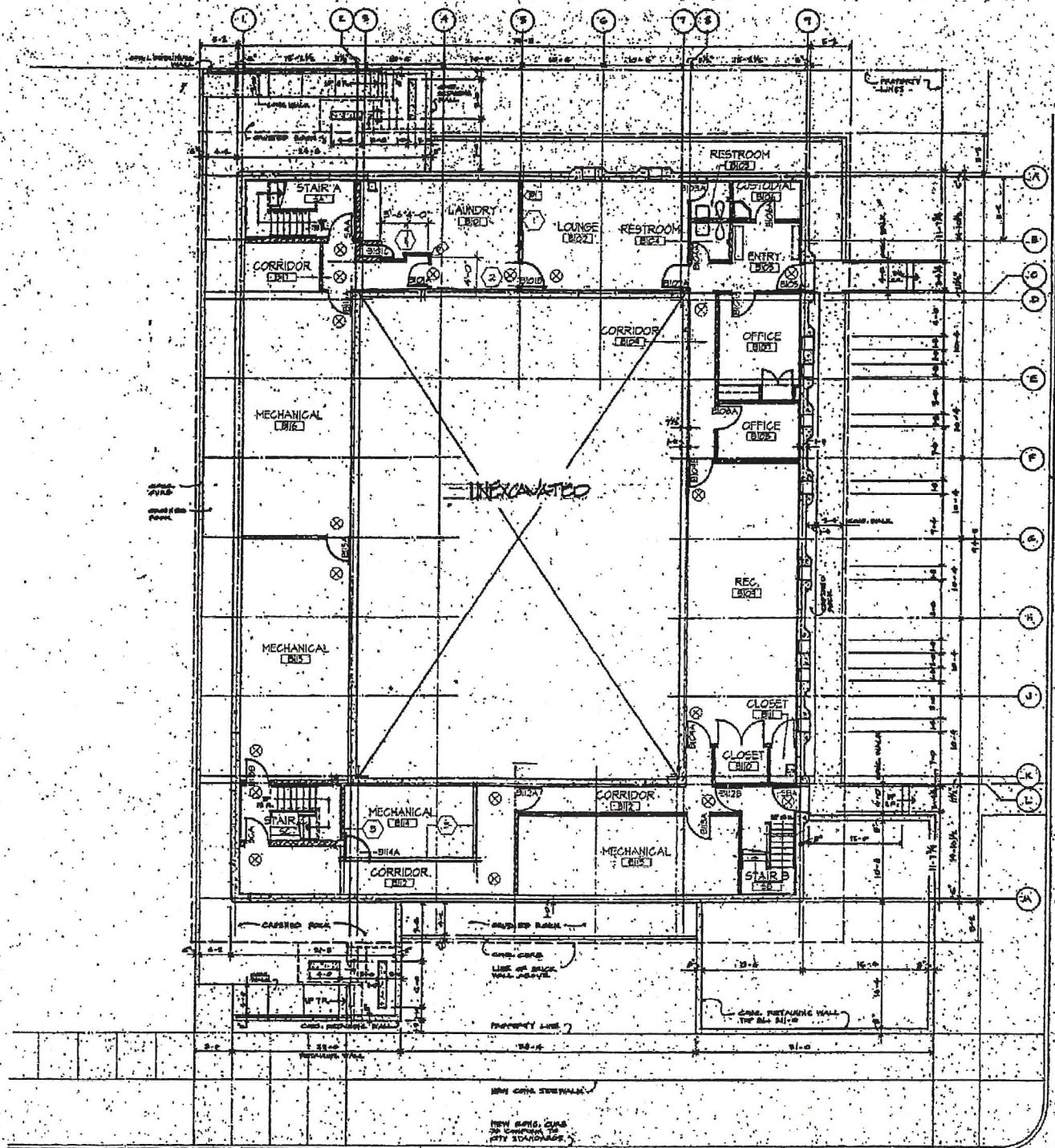


801 Nicollet Mall, Suite 325
Minneapolis, MN 55402 | cushwakenm.com

FORMER CONVENT

For Sale

17,718 SF
BUILDING



BASEMENT PLAN

For more information, please contact:

JEREMY STRIFFLER
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(612) 305 2108
jeremy.striffler@cushwakenm.com

PAUL DONOVAN
Executive Director
(612) 305 2113
paul.donovan@cushwakenm.com



NORTHMARQ

801 Nicollet Mall, Suite 325
Minneapolis, MN 55402 | cushwakenm.com

Dermody, Bill (CI-StPaul)

From: Bob Johnston <bjohnston@paramountre.com>
Sent: Tuesday, April 07, 2015 6:13 PM
To: Dermody, Bill (CI-StPaul)
Subject: RE: Freedom Works CUP for 869 5th St E

Bill:

Thank you for re-sending the prior e-mail. Please find my response below:

1. We feel that it will take approximately 12-18 months to step up the total occupancy of the building to 24. Therefore, our staffing will vary. There will always be someone at the facility 24 hours/day, seven days/week. However, most of the staffing involved will not occupy a room at the facility, but will rather office there just as you, as a planner, travel to your office. Right now, we have an Executive Director, who lives in Blaine, a program manager, who lives in Minneapolis, and a resident manager, who will reside at the facility. Based on our programmatic needs, that number may increase. We rely a great deal on outside volunteers who have no need to remain there.
2. The parking easement agreement, as best as I can discern, will go with the sale of the property.
3. There will be no attempt on FreedomWorks' part to request a parking variance. Most of the men living at the facility will not have automobiles. The parking is more than adequate for staff. Based on our telephone conversation this morning, you offered that the code dictates 1.5 stalls/4 occupants. Based on that number, the parking would be more than adequate.

Please call me with any other questions. Thank you.

Bob Johnston LEED AP®
Paramount Real Estate Corp | TCN Worldwide
3601 Minnesota Drive | Ste. 925
Bloomington, MN. 55435

D: 952.854.7425
C: 612.202.6788
bjohnston@paramountre.com
www.paramountre.com

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TCN Worldwide, a consortium of independent commercial real estate firms, provides complete integrated real estate solutions locally and internationally. TCN Worldwide ranks as one of the largest service providers in the industry and has a well-earned reputation for independent thinking and cooperative problem solving in more than 200 markets worldwide.

From: Dermody, Bill (CI-StPaul) [<mailto:bill.dermody@ci.stpaul.mn.us>]
Sent: Tuesday, April 07, 2015 12:12 PM
To: bjohnston@paramountre.com
Subject: FW: Freedom Works CUP for 869 5th St E

Bob,
Sorry it didn't go through the first time... here's the 2nd try...

From: Dermody, Bill (CI-StPaul)
Sent: Tuesday, April 07, 2015 10:03 AM
To: 'bjohnston@paramountre.com'
Subject: Freedom Works CUP for 869 5th St E

Bob,

I also left you a voice mail, but have since found your email, so hopefully this works. I have 3 questions for you regarding your CUP application:

1. What is the anticipated staffing for this site? (total and max at any given time)
2. What is the status of the parking easement agreement with Sacred Heart? Will it transfer from Catholic Charities to Freedom Works?
3. Is there an intent to request a variance from the parking requirements? The application refers to low parking demand of residents, but there's no explicit variance request that I can see. If this is requested, I'll need to get you an additional application, which can be processed concurrently with the CUP.

I look forward to your response. Thanks in advance for your help.



Bill Dermody
City Planner
Planning & Economic Development
25 W. 4th St., 14th Floor; Saint Paul, MN 55102
651-266-6617 bill.dermody@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

city of saint paul
planning commission resolution
file number 07-06
date February 9, 2007

WHEREAS, Victory Through Faith, File # 06-292-216, has applied for a Conditional Use Permit for a community residential facility (Department of Human Services licensed-chemical dependency) for 42 residents under the provisions of ' 65.153 of the Saint Paul Legislative Code, on property located at 869 5th St E, Parcel Identification Number (PIN) 332922220193, legally described as GRUBE'S SUBDIVISION OF BLK. 97, LYMN DAYTON'S ADDITION TO ST. PAUL LOTS 15,16,17 & EX W 9 FT; LOT 18 BLK 97; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 18, 2007, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of '64.300 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant wishes to change the use of the existing roominghouse to a "Rule 31" chemical dependency program licensed by the state Department of Human Services. The program will function as a halfway house serving men who have completed chemical dependency treatment. Each resident will stay a maximum of 75 days, and will be helped to find permanent housing and employment. The applicant has identified 21 sleeping rooms/guest rooms and wishes to house two men in each room, for a total of 42 residents. Twenty-four-hour staffing is required by the state license; the applicant proposes 15 total staff with a maximum of 8 per shift.
2. The conditional use permit approved in 2002 specified 20 guest rooms with only one person occupying each room. The planning commission approval included a modification of the lot area requirement based on 20 guest rooms, and included three additional conditions:
 1. The applicant shall submit to the Office of LIEP a shared parking agreement that meets the minimum number of parking spaces required by the zoning code.
 2. The applicant shall comply with all building code and occupancy requirements required by the Office of LIEP.
 3. This permit shall only be valid for a non-profit social service provider to operate a roominghouse to house persons paid a wage or as volunteers for the purpose of administering programs of the provider.

These conditions appear to have been met.

§ 61.503(a) requires a new conditional use permit when the use of the property changes from one conditional use to another conditional use. In addition, the third additional condition of the 2002 permit appears to invalidate the rooming house permit since the purpose of the facility will change under the current application.

moved by Morton
seconded by _____
in favor Unanimous
against _____

3. § 65.153 lists the following standards and conditions for a licensed human service community residential facility:
- (a) *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 other applicable residential facilities within 1320 feet of this property.*
 - (b) *In RL--RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, TN1--TN3 traditional neighborhood, OS--B3 business and IR--I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents. This property is zoned RM2, so none of these restrictions applies.*
 - (c) *In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents. This condition is met provided the planning commission approves this application.*
 - (d) *In B4--B5 business districts, the facility shall be located in a multiple-family structure. This condition does not apply.*
 - (e) *Except in B4--B5 business 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. This condition is not met. With 23 guest rooms, a total lot area of 26,000 sq. ft. is required. The lot area of the parcel (including ½ the alley) is 17,685 sq. ft., for a shortfall of 8,315 sq. ft. The applicant has requested a modification of this condition.*
4. '61.501 lists five standards that all conditional uses must satisfy:
- (1) *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 proposed community residential facility is consistent with Land Use Plan and Housing Plan policies supporting a broad range of housing types in city neighborhoods (Land Use Policy 5.1; Housing Policy 4.1)*
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met insofar as the applicant has stated that very few of the residents have cars. A staff of 15, spread in shifts throughout the day should not create traffic congestion. Access to the site is from an alley that also provides access to the church and school rear parking lot. The additional traffic created by this use should not be noticeable to neighboring residences.*
 - (3) *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 not met. The building was originally constructed as a convent for about 24 nuns who were associated with the adjacent church and school. This use would have had very little impact on the character of development in the area, and would not have endangered the public health, safety, or general welfare. The next use was a residential facility for 20 volunteers talking part in Catholic Charities' programs. There is no indication regarding the length of stay of these residents, but their purpose was to volunteer in the community and they would therefore have been a benefit to the surrounding area.
The proposed use will double the number of residents in the structure compared to the previous uses. This is a significant increase in intensity of use and will result in a large number of people*

coming and going from this property, including staff 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 75 days, or 2.5 months. Thus, based on the requirements of the program, the residents will necessarily turn over quickly and are unlikely to develop ties to the surrounding community.

- (4) *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 not met. The applicant states that they currently operate a similar facility in Minneapolis for 24 residents on property one third the size of this property. A facility of this size with 42 adults is likely to impede normal and orderly development and improvement of the surrounding property.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is not met. The parking requirement for community residential facilities is 1 space per 2 facility residents. The applicant has revised his application and is requesting a facility for 42 residents. Therefore, 21 off-street parking spaces are required. Aerial photos of the site show a small parking lot along the west side of the building with 6 spaces. There appears to be room along the rear of the building for 3 parallel compact spaces off the alley, for a total of 9 spaces provided on site. A parking easement was agreed upon between Catholic Charities and Sacred Heart Church for the previous roominghouse use. Sec. 63.206(g) authorizes the planning commission to approve a shared off-street parking facility permit upon the request of owners or managers of a group of buildings in a contiguous area. No such shared off-street parking agreement has been submitted for this use. Therefore, this application is incomplete and the parking requirement is not met.

5. The planning commission may approve modifications of special conditions when specific criteria of 161.502 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.* These criteria are not met. Based on lot area, only 14 rooms could be used on this site. Previous uses for 20-24 residents were housed on this site with no obvious adverse effects. The building design incorporates a large interior courtyard that provides visual relief and open space for use by the residents. Strict application of the lot area requirement would therefore unreasonably limit otherwise lawful use of this property and the existing structure and would result in exceptional undue hardship to the owner. Because the proposed use will nearly double the number of residents over previous uses, 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 the health, morals, and general welfare of the community and be inconsistent with reasonable enjoyment of adjacent property due to the increased number of residents.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on findings 4 (3), 4(4), 4(5) and 5, that the application of Victory Through Faith for a Conditional Use Permit for a community residential facility (Department of Human Services licensed-chemical dependency) for 42 residents at 869 5th St E is hereby denied.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Church of Sacred Heart, File # 02-232-748, has applied for a Conditional Use Permit under the provisions of §60.443(2), §64.300(d&f) of the Saint Paul Legislative Code, for a rooming house with modification of the lot area requirement on property located at 869 East 5th Street, (PIN: 33-29-22-22-0188), legally described as LOTS 15, 16 & 17 BLOCK 97 OF GRUBE'S SUBDIVISION. LYMANS ADDITION TO SAINT PAUL; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 26, 2002, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §64.300 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Catholic Charities, a non-profit social service provider is proposing to purchase 869 East 5th Street from the Church of the Sacred Heart. Catholic Charities intends to use the property as a roominghouse for participants in their Servant Corps program. Servant Corps participants are pre-screened by Catholic Charities to determine their commitment to the program goal of "enhancing human dignity by promoting personal freedom and fostering hope through service based in faith". Participants are typically persons who have graduated from or are enrolled in a four year college. The participants are volunteers and get free room and board but are not paid a salary or wage. The maximum occupancy of the roominghouse will be 20 persons.
2. Section 60.443(2) of the code lists conditions for roominghouses with seventeen (17) or more residents. Those conditions applicable to the proposed use are as follows:
 - a) *Minimum lot area of five thousand (5,000) sq. ft. be provided for the first two (2) guest rooms and one thousand sq. ft. for each additional guest room.*
This condition is met. The required lot size for 20 guest rooms is 23,000 sq. ft. and the size of the lot is only 16,244 sq. ft., 6,756 sq. ft. less than the requirement.

moved by _____
seconded by _____
in favor _____
against _____

A modification to special conditions under section 64.300(f)(1) of the code is requested (see Finding # 4 below).

- b) *One (1) off-street parking space for every two (2) facility residents.*
This condition can be met. The property currently has 7 off-street parking spaces. Since the proposed use will have 20 occupants, 10 off-street parking spaces are required. Staff has advised the applicant that a shared parking agreement with a neighboring property owner can satisfy this condition. The applicant has stated that they will obtain a shared parking agreement with the Church of the Sacred Heart to obtain access to additional parking spaces to meet this condition.
- c) *Permission for special condition use applies only as long as the number of residents is not increased and its licensing, purpose or location do not change and other conditions of the permit are met.*
This condition can be met. The applicant will be required under conditions of the permit to maintain the proposed use as stated in finding # 1 of this staff report, and this permit will only be valid for a non-profit social service provider to operate a roominghouse to house persons paid a wage or as volunteers for the purpose of administering programs of the provider.

3. Section 64.300(d) of the code lists general standards for conditional use permits as follows:

- 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. Objective 5.8, page 33 of the Land Use Plan encourages collaborations between institutions and businesses for community improvement. Catholic Charities is a non-profit corporate entity with a mission to improve quality of life in the community.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
This condition is met. The proposed use has adequate ingress and egress to public streets and will not have a substantial impact on traffic congestion.
- 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 proposed use will not likely be detrimental to the character of the neighborhood since its purpose is to provide housing for persons who will be working as volunteers to improve the quality of life for neighborhood residents.
- 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 surrounding neighborhood is developed and there is no evidence that the proposed use will impede improvements to properties.
- 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. The proposed use conforms to all applicable district regulations.

4. As noted in finding # 2a above, the applicant needs a modification of the lot size requirement for a roominghouse in an RM-2 zoning district. The required lot size for 20 guest rooms would be 23,000 sq. ft. and the size of the lot is only 16,244 sq. ft., 6,756 sq. ft. less than the requirement. *Section 64.300(f)(i) of the code states that the planning commission, after public hearing may modify any or all special conditions when strict application would unreasonably limit or prevent otherwise lawful use of a piece of property....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.*

The proposed use as described in finding # 1 would not impair the intent and purpose of the lot size requirement for roominghouses in an RM-2 zoning district. The strict application of the lot size requirement would inhibit the applicant from providing a greater level of volunteer service whose purpose is to benefit this neighborhood and would unreasonably limit otherwise lawful use of this existing building, which was built for group housing.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Church of Sacred Heart for a Conditional Use Permit to operate a roominghouse with 20 guest rooms, with modification of the lot size requirement and the following conditions at 869 East 5th Street, is hereby approved with the following conditions:

1. The applicant shall submit to the Office of L.I.E.P. a shared parking agreement that meets the minimum number of parking spaces required by the zoning code.
2. The applicant shall comply with all building code and occupancy requirements required by the Office of L.I.E.P.
3. This permit shall only be valid for a non-profit social service provider to operate a roominghouse to house persons paid a wage or as volunteers for the purpose of administering programs of the provider.

**CITY OF SAINT PAUL, MINNESOTA
CONDITIONAL USE PERMIT**

ZONING FILE NO: 02-232-748

APPLICANT: Church of Sacred Heart

PURPOSE: Conditional Use Permit under the provisions of §60.443(2), §64.300(d&f) of the Saint Paul Legislative Code, for a rooming house with modification of the lot area requirement.

LOCATION: 869 East 5th Street

LEGAL DESCRIPTION: PIN: 33-29-22-22-0188, legally described as LOTS 15, 16 & 17 BLOCK 97 OF GRUBE'S SUBDIVISION. LYMANS ADDITION TO SAINT PAUL

ZONING COMMITTEE ACTION: Approval with conditions.

PLANNING COMMISSION ACTION: Approval with conditions.

CONDITIONS OF THIS PERMIT:

1. The applicant shall submit to the Office of L.I.E.P. a shared parking agreement that meets the minimum number of parking spaces required by the zoning code.
2. The applicant shall comply with all building code and occupancy requirements required by the Office of L.I.E.P.
3. This permit shall only be valid for a non-profit social service provider to operate a roominghouse to house persons paid a wage or as volunteers for the purpose of administering programs of the provider.

APPROVED BY: Gladys Morton, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on December 6, 2002, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire one year from the date of approval if the use herein permitted is not established.

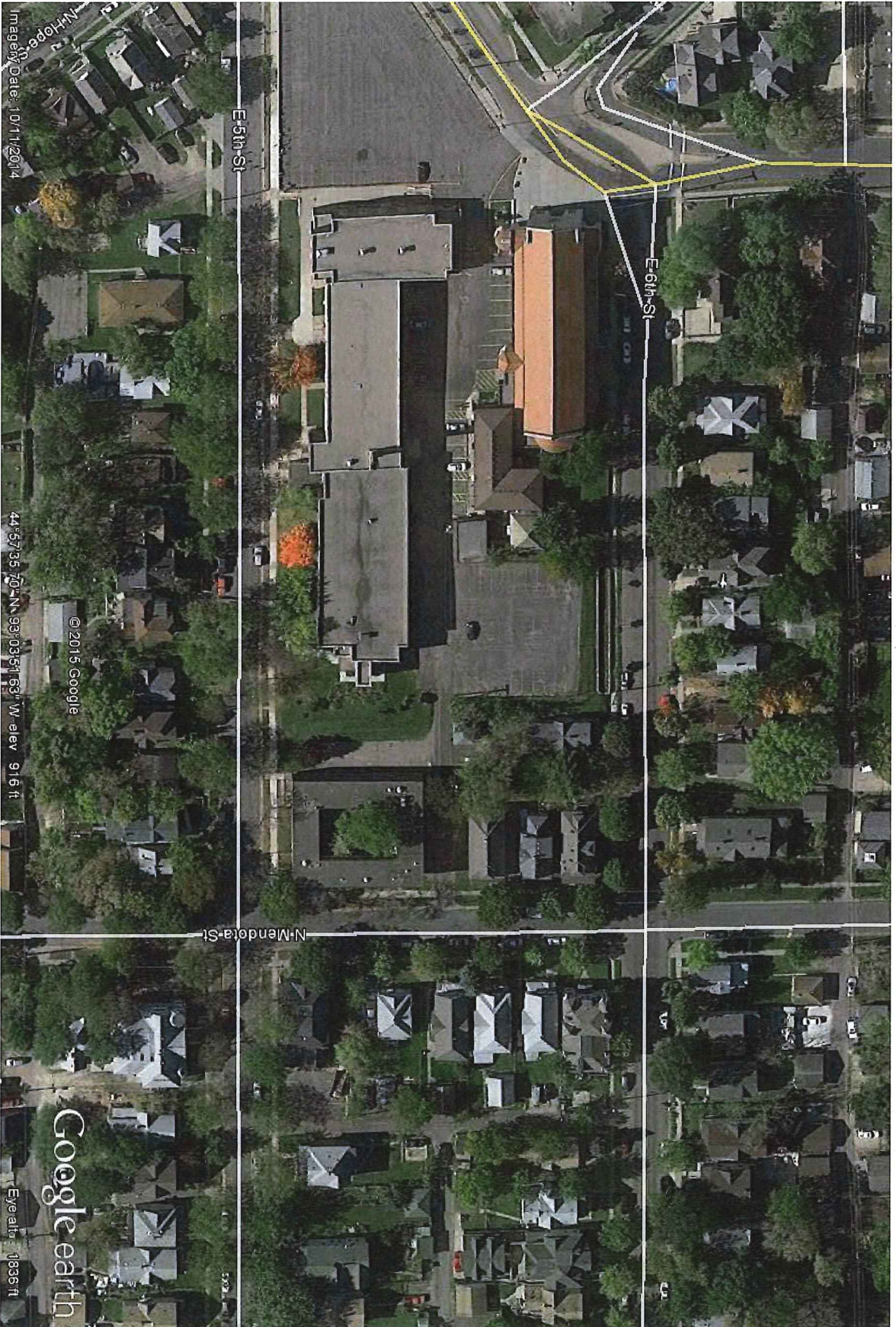
The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 15 calendar days of the mailing date noted below.**

Violation of the conditions of this permit may result in its revocation.

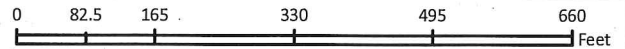
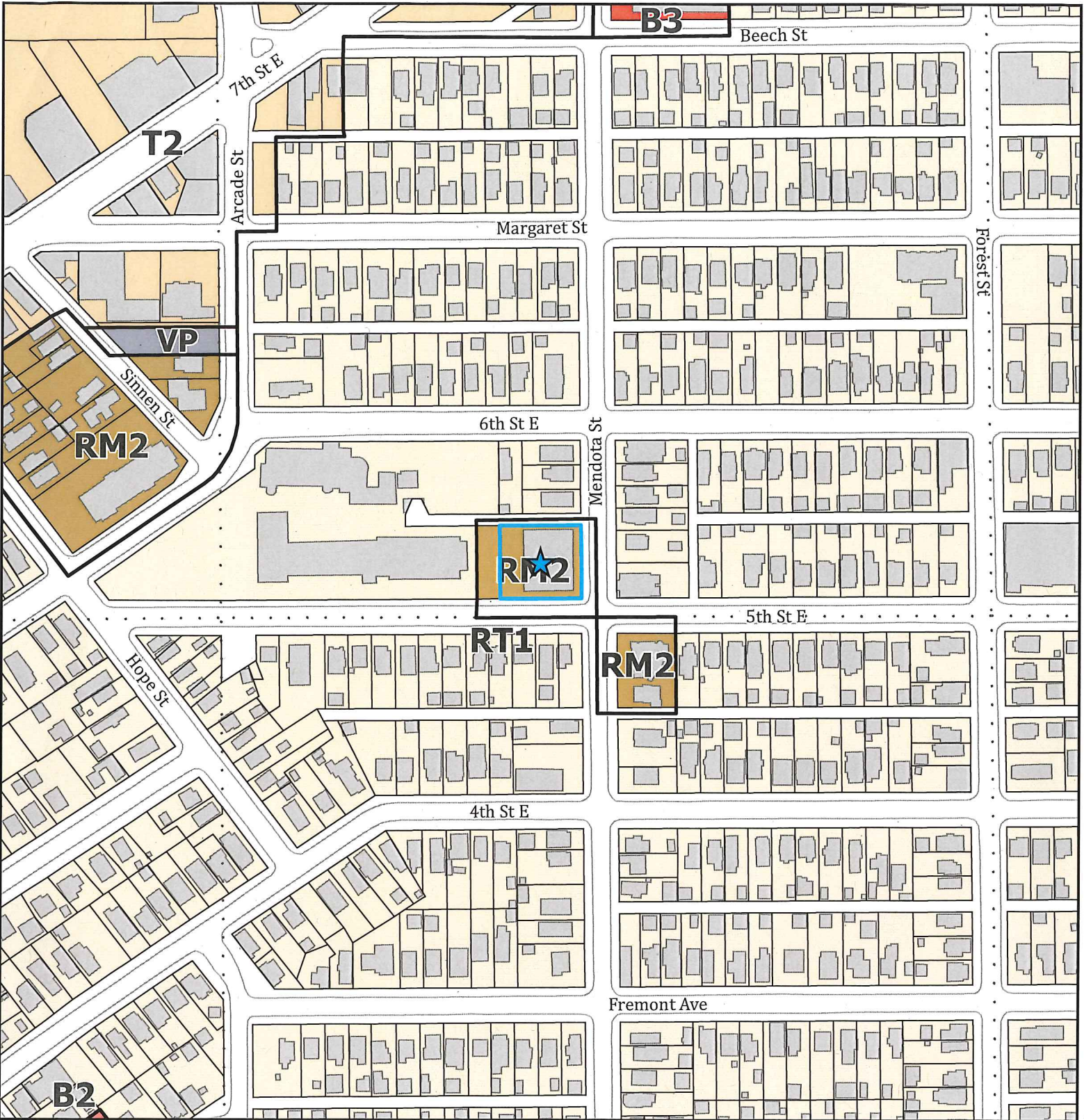
Carol A. Martineau
Secretary to the Saint Paul
Zoning Committee

Copies to: Applicant Church of Sacred Heart
 File No. 02-232-748
 Zoning Administrator Wendy Lane
 License Inspector Christine Rozek
 District Council 4

Mailed: 12/13/02



2014 aerial photo



FILE NAME: Freedom Works Inc.








APPLICATION TYPE: Conditional Use Permit

FILE #: 15-021950 DATE: 3/30/2015

PLANNING DISTRICT: 4

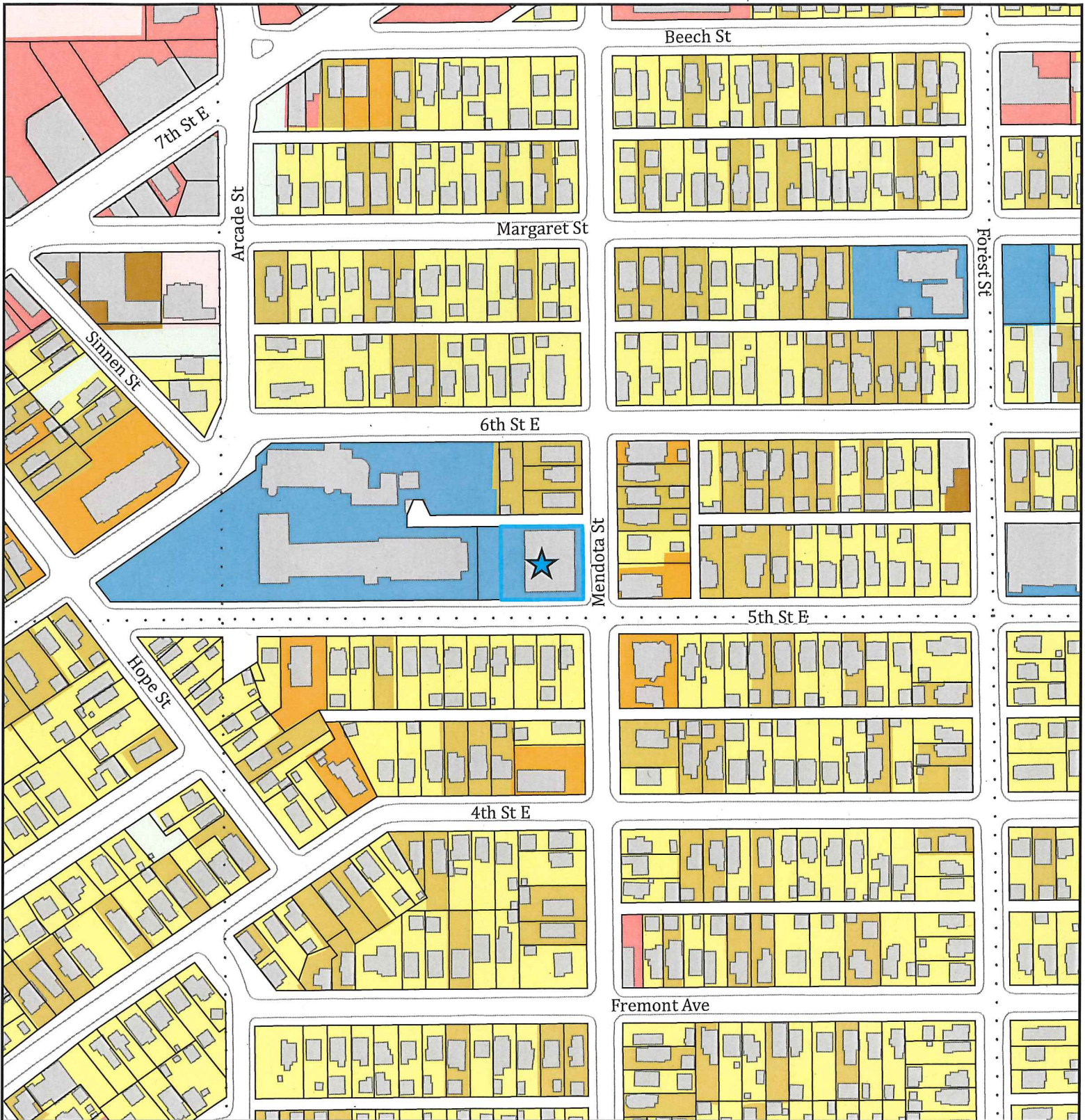
ZONING PANEL: 11

Zoning

-  RT1 Two-Family
-  RM2 Multiple-Family
-  T2 Traditional Neighborhood
-  B2 Community Business
-  B3 General Business
-  VP Vehicular Parking
-  Subject Parcels

• • Section Lines





FILE NAME: Freedom Works Inc.

APPLICATION TYPE: Conditional Use Permit

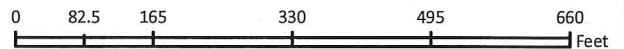
FILE #: 15-021950 DATE: 3/30/2015

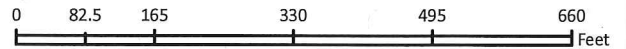
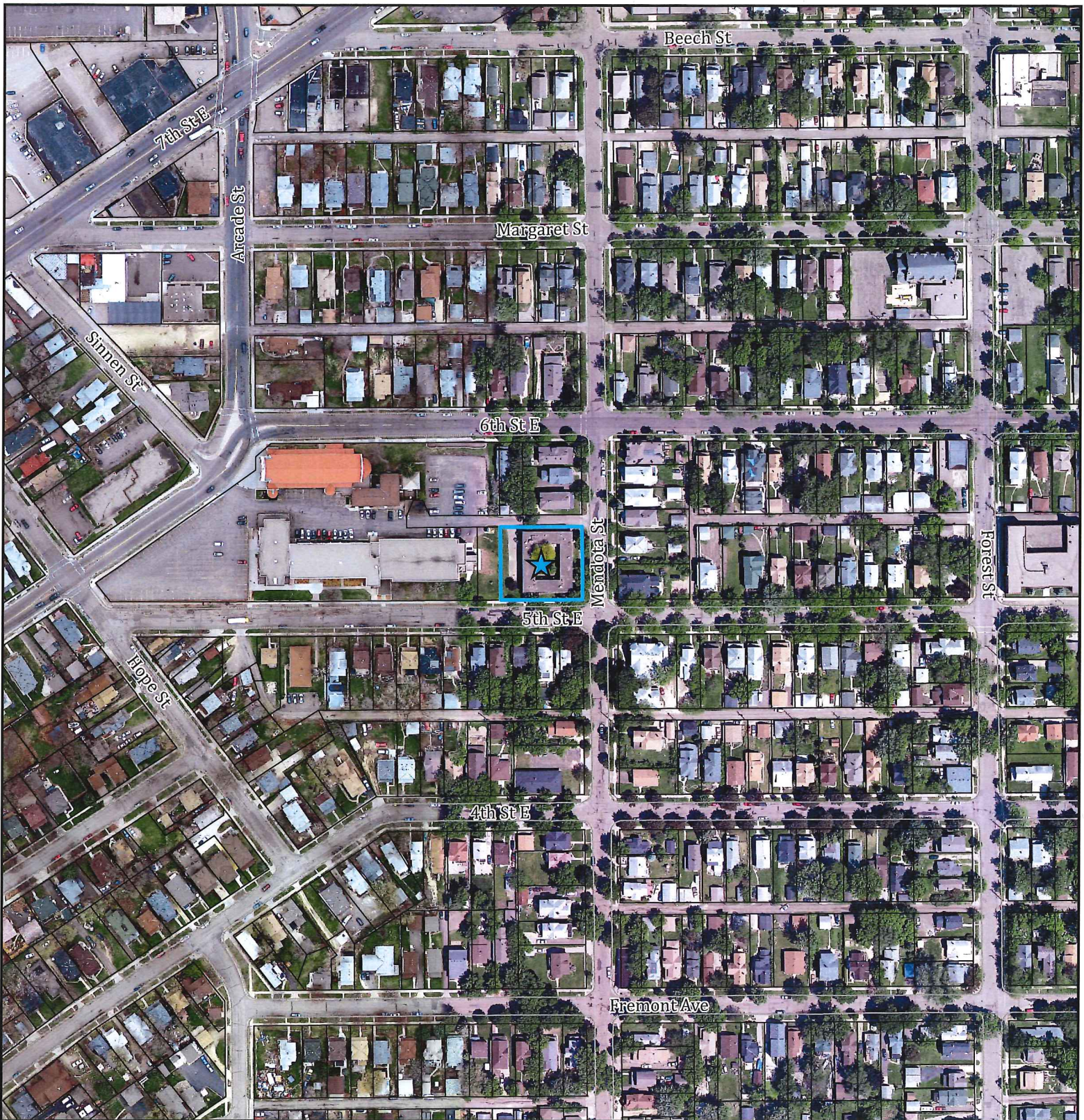
PLANNING DISTRICT: 4

ZONING PANEL: 11

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Undeveloped
- Subject Parcels
- Section Lines






FILE NAME: Freedom Works Inc.

Aerial

APPLICATION TYPE: Conditional Use Permit

 Subject Parcels

FILE #: 15-021950 DATE: 3/30/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11

