

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Pastor Irene Stockett **FILE #** 12-091-208
  2. **APPLICANT:** Pastor Irene Stockett **HEARING DATE:** August 30, 2012
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1093 Edgerton St, between Jessamine and Magnolia
  5. **PIN & LEGAL DESCRIPTION:** 292922210145, Lanbergs Re arrangement Of B13 Lot 3
  6. **PLANNING DISTRICT:** 5 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** § 65.159 ; § 61.501; § 61.502
  8. **STAFF REPORT DATE:** August 15, 2012 **BY:** Kate Reilly
  9. **DATE RECEIVED:** August 7, 2012 **60-DAY DEADLINE FOR ACTION:** October 6, 2012
- 

- A. **PURPOSE:** Conditional Use Permit for transitional housing for up to 6 residents, including the owner, with modification to exceed the planning district density standard by two (2) residents
- B. **PARCEL SIZE:** 37 ft x 131 ft (including half the alley) lot totaling 4,847 sq. ft. or .11 acres
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**

The property is surrounded on all sides by one- and two-family residential structures. On the west side of the street, where the property is, it is zoned R4. On the east side of the street, opposite where the property is, it is zoned RT1.
- 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.
- F. **HISTORY/DISCUSSION:** This property has been a Category 2 vacant building since March of 2010. It last received a Certificate of Occupancy as a duplex in 2007. The applicant has a contract for deed to purchase the property from the current owner. The applicant applied for a Conditional Use Permit for this property in July (Z.F. 12-083-282) but that application was withdrawn.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 5 Council recommended denial of the application.
- H. **FINDINGS:**
  1. The applicant, Pastor Irene Stockett, wishes to establish this property as a transitional housing facility. The facility will house up to five single women that have completed programs at Minnesota Teen Challenge or are referred by South Metro Human Services as well as Pastor Stockett as the owner. The applicant will have a Group Residential Housing agreement with Ramsey County, which will help support the program. A resource center, life coaching, and meals will be provided for the residents. Residents will live in the property until they can find housing of their own.
  2. §65.159 lists six standards that transitional housing facilities must satisfy. Standards a), b), c), d), and e) apply in this case.
    - a) *In residential, traditional neighborhood and OS-B2 business districts, a conditional use permit is required for facilities serving more than four (4) adults facility residents and minor children in their care.* This condition is met. The applicant has applied for a conditional use permit for five (5) residents and states that she will also live on site.
    - 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. There are no other transitional housing facilities, licensed community residential facilities, emergency housing facilities,

shelters for battered persons or overnight shelters within 1,320 feet of 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) residents.* This condition is not met. According to records from the Department of Safety and Inspections and the Department of Planning and Economic Development there are six community residential facilities in District 5 with a total of 304 residents in those facilities. The 2010 population of District 5 is 30,700, one percent of which is 307, which is the capacity of the district for community residential facilities. This leaves a balance of three residents allowed in the district. The applicant is requesting five residents and one staff, or two more than the maximum. She has requested a modification of this requirement.
- d) *In RL-RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care.* This condition is met. The facility will serve five residents and be managed by the owner, who will also live in the facility.
- e) *In RL-RT2 residential districts, the facility shall not be located in a two-family or multiple-family dwelling unless it occupies the entire structure.* This condition is met. The home is a duplex and the entire structure will be used for transitional housing.

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 property falls within the Established Neighborhood designation on the Generalized Future Land Use Map, which is characterized as predominantly residential areas with single family and duplex homes, as well as some smaller scale multifamily housing.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The property is located in the middle of the block on Edgerton between Magnolia and Jessamine, with alley access to the rear of the property. There is a two-car garage with a parking pad for a total of three spaces behind the house.
- 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, as the property will house up to six residents, and it is surrounded by residential uses similar in terms of scale. In addition, the building was last used as a duplex and as such could have up to eight residents on site.
- 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 proposed will put this formerly vacant home into use again.
- 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 applicant has agreed to comply with the Code Compliance Letter from the Department of Safety and Inspections.

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. Strict application of this condition would unreasonably limit or prevent otherwise lawful use of this property. A community residential facility with only three residents is not likely to be sustainable financially, and limiting the applicant to three residents would be unreasonable. In addition, the bulk of the beds in community residential facilities in District 5 are at the Union Gospel Mission. This location has a capacity of 260 beds in its facility, representing 85-percent of the beds available in District 5. This use is located in the far southwest of the district and is not proximate to the proposed use at 1093 Edgerton. The Union Gospel Mission facility is also located in an industrial zoning district and not in a residential zoning district. Having these beds in a corner of the district in an industrial zone does not over-concentrate the residential portion of the district, which is the intent of the condition that only one percent of residents in the district live in these types of facilities. This modification will not impair the intent and purpose of this condition.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for transitional housing for five facility residents and a resident owner/manager, with modification to exceed the planning district density standard by two (2) residents at 1093 Edgerton Street subject to the conditions that all deficiencies listed in the April 26, 2012 Code Compliance Report issued by the Department of Safety and Inspections are corrected; that a certificate of occupancy be issued for the property; and that the owner/manager of the facility continues to live on the premises.