

city of saint paul  
planning commission resolution

file number 15-27

date May 8, 2015

WHEREAS, Freedom Works, Inc., File # 15-021-950, has applied for a conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area under the provisions of §65.159, §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 869 5th St E, Parcel Identification Number (PIN) 33.29.22.22.0193, legally described as Grube's Subd of Block 97 Lyman Dayton's Addition Lots 15,16,17 & Ex W 9 Ft Lot 18 Blk 97; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 16, 2015, 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 §61.303 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 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 today would 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:

moved by Nelson

seconded by \_\_\_\_\_

in favor Unanimous

against \_\_\_\_\_

- (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 residential rooms could be used on this site while the building contains 24 existing residential rooms. Not allowing full use of the building would be an exceptional hardship for the owner. 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. Also, there is no easy mechanism to increase the lot area due to surrounding development. Strict application of the lot area standard would unreasonably limit an otherwise lawful use of the existing building that would result in exceptional undue hardship to the owner.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Freedom Works, Inc. for a conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area at 869 5th St E is hereby approved 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.