Item 25

People Inc – 1784 LaCrosse - Proposal to spot zone to RT 2

1784 LaCrosse was built as a convent. The land has always been zoned single family residential. Churches and schools are allowed to be built in single family zoning. The City has a policy for what to do with buildings like this that may need to be reused in some other manor.

It's called Chapter 65.132, "conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools."

It has a requirement that protects the community and it reads: "Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request."

People Inc originally applied in April for a special conditional use permit under Section 65.132 with an additional request that they be given a variance to not have to go through the petitioning process of 65.132.

After that paperwork was filed and a tentative hearing date scheduled we met with People Inc and held a community meeting to begin the discussions to see what the neighbors would want in order to have a successful petition. We were informed at that meeting by People Inc that the application was changed to a rezoning to RT2 at the advice of City Staff.

There is no RT2 zoning anywhere on White Bear Avenue in the City of Saint Paul. So, why was RT2 selected by the applicant?

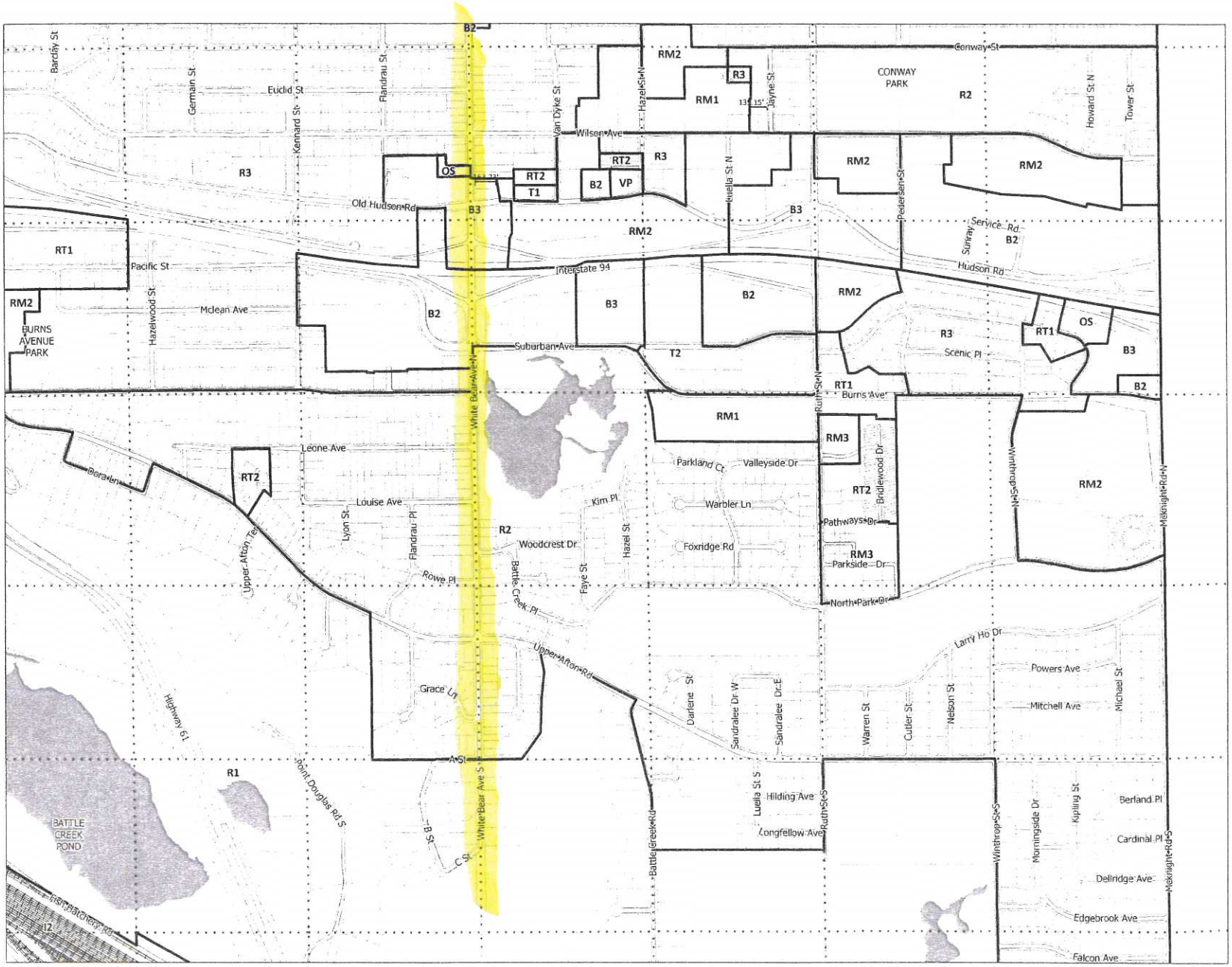
RT2 zoning is the only zoning that could be selected where the applicant can put a sixteen bed residential facility without at some point having to get the consent of the neighbors.

The applicant could either leave the zoning the same or change to RT1 and then petition under 65.132 to have the building used as a community residential facility.

The sixteen bed community residential facility is a permitted use under the OS zoning district across the street or the B2 zoning district ½ block away. Extending those zoning districts would not be spot zoning but the applicant would need to do a petition of their neighbors in order to change from residential zoning to commercial zoning.

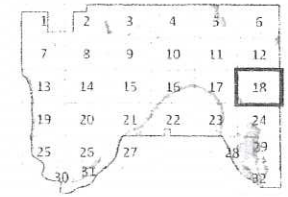
Saint Paul has an extremely liberal policy as to where community residential facilities can locate. Every property in Saint Paul zoned RT2 or above would allow a 16 bed residential facility as a permitted use. There are no "reasonable accommodations" needs to compel this rezoning since there are two properties within a stone's throw from this building that are for sale, and could be used for this use without a change in zoning.

It is clear that the spot zoning toRT2 is being done to avoid the petitioning process that every other zoning district would require. There is no RT2 zoning districts on White Bear Avenue, the council should not allow this spot zoning when the applicant has other vehicles under the code to achieve their goals.



SAINT PAUL ZONING DISTRICTS

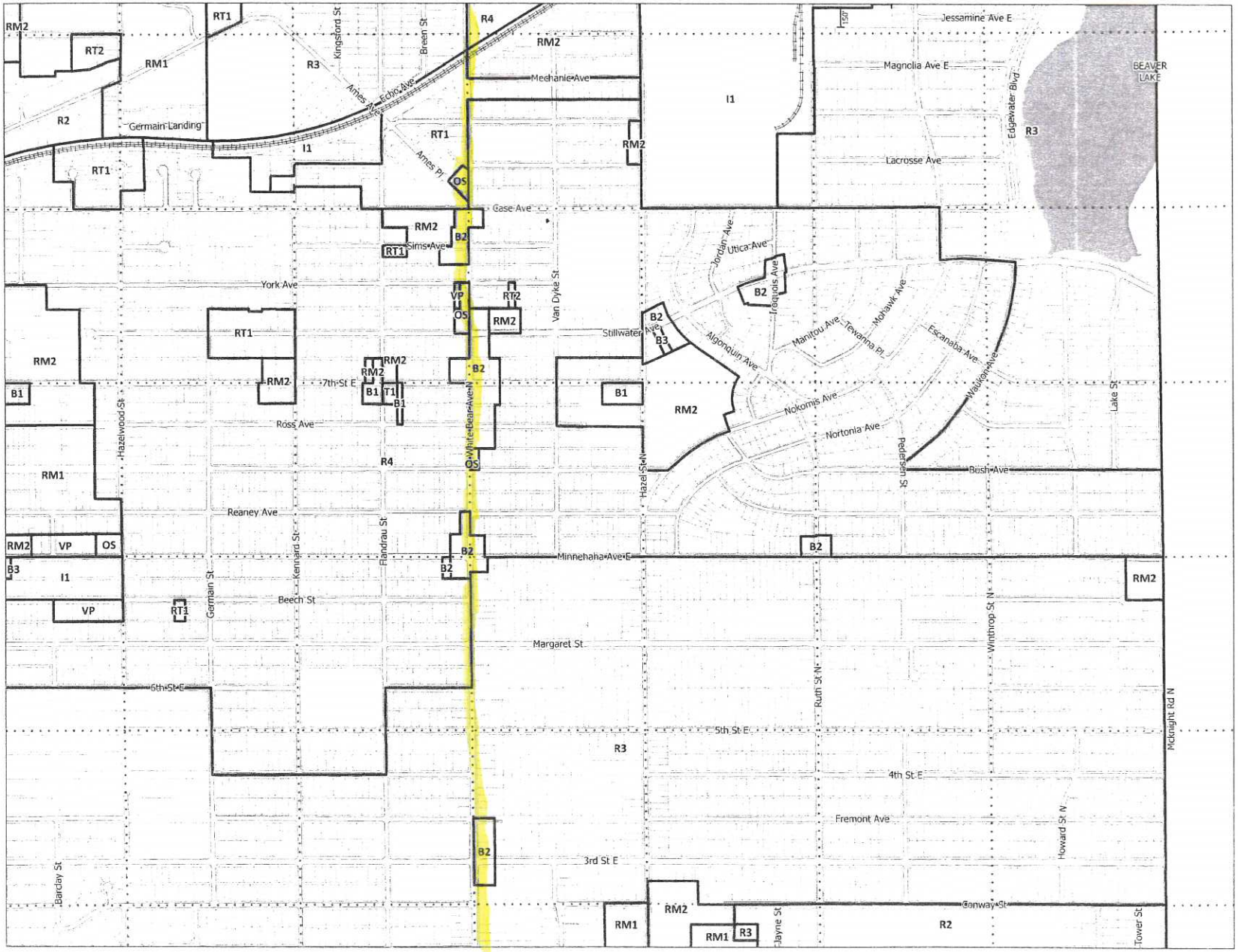
- Section Line
- Water
- RL One-Family Large Lot
- R1 One-Family
- R2 One-Family
- R3 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- RM3 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- T3M T3 with Master Plan
- T4 Traditional Neighborhood
- OS Office-Service
- B1 Local Business
- BC Community Business (converted)
- B2 Community Business
- B3 General Business
- B4 Central Business
- B5 Central Business Service
- IT Transitional Industrial
- I1 Light Industrial
- I2 General Industrial
- I3 Heavy Industrial
- VP Vehicular Parking
- PD Planned Development
- CA Capitol Area Jurisdiction



1" = 1/8 mile (660 feet)

PANEL 18

ZONING LAST UPDATED APRIL 9, 2015



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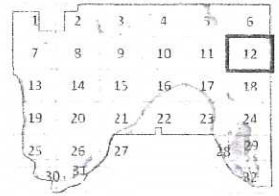
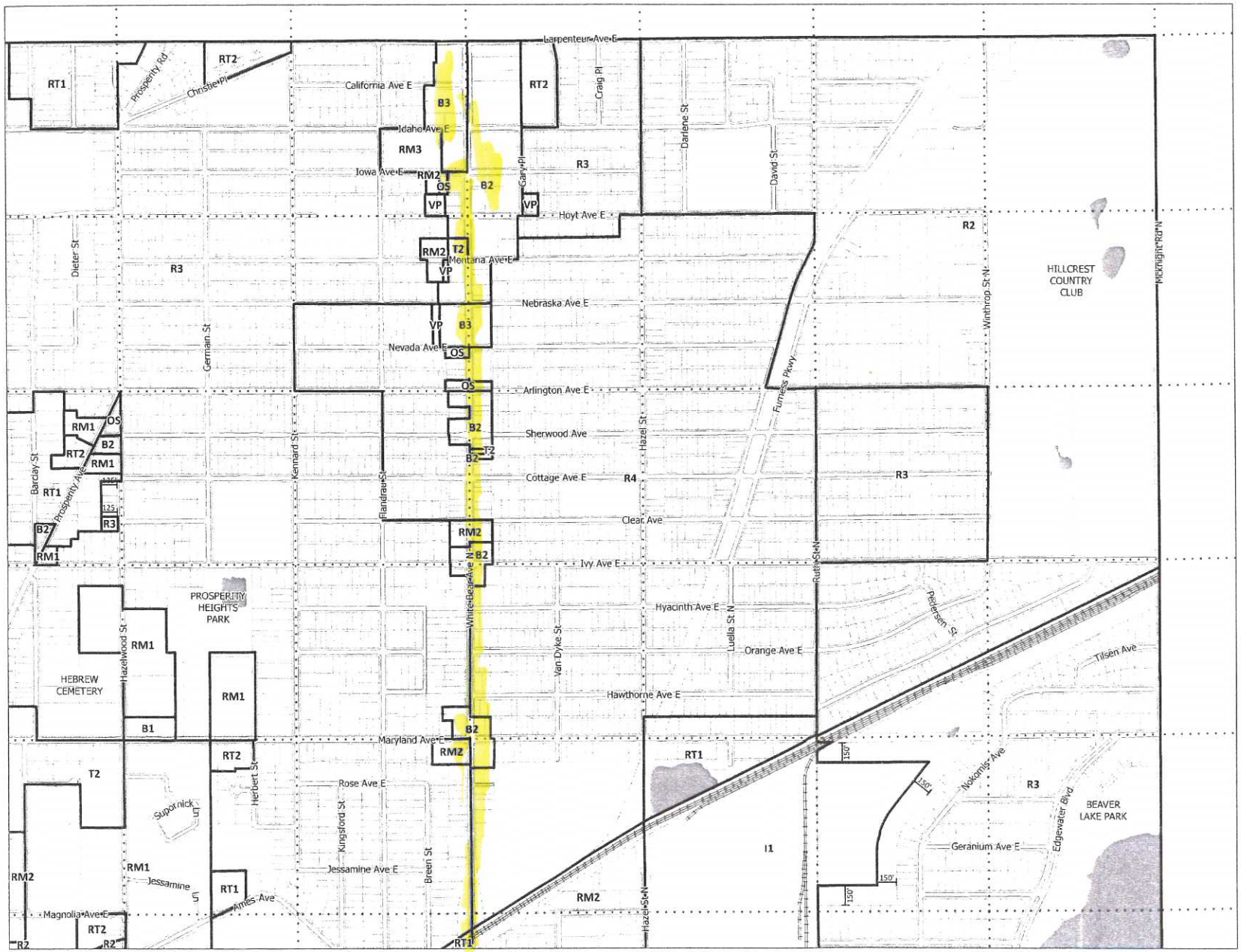


0 330 660 1,320 Feet

1" = 1/8 mile (660 feet)

PANEL 12

ZONING LAST UPDATED APRIL 9, 2015



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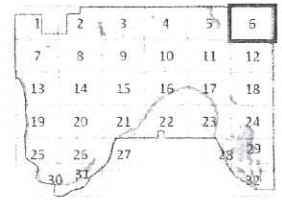
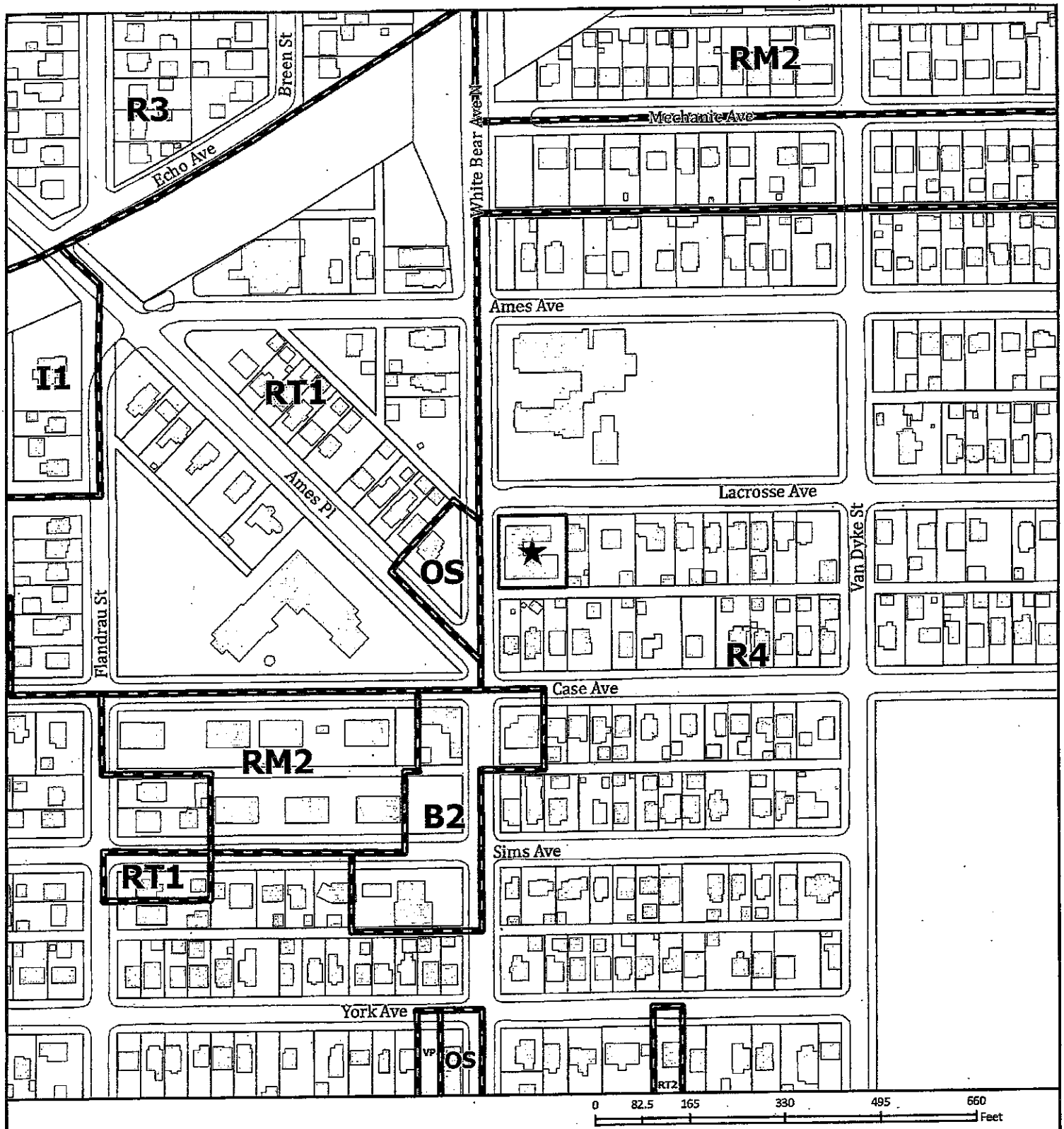


0 330 660 1,320 Feet

1" = 1/8 mile (660 feet)

PANEL 6

ZONING LAST UPDATED APRIL 9, 2015



APPLICANT: People Incorporated

APPLICATION TYPE: _____

FILE #: To Be Assigned DATE: 4/23/2015

PLANNING DISTRICT: _____

ZONING PANEL: _____

ENS

R3 One-Family
R4 One-Family
RT1 Two-Family
RT2 Townhouse
RM2 Multiple-Family
OS Office-Service
B2 Community Business
I1 Light Industrial
VP Vehicular Parking

N
W E
S

Saint Paul Department of Planning and Economic Development, Ramsey County

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

Tent. hearing 5-14-15
PD=2

[redacted]

262922230132

APPLICANT

Name PEOPLE INCORPORTED FOR THE DIANE AHRENS CRISIS RESIDNECE
Address 2060 CENTRE POINTE BLVD
City ST. PAUL **St.** MN **Zip** 55120 **Daytime Phone** 651-239-8102
Name of Owner (if different)
Contact Person (if different) JOESPH CONLIN - MANAGER **Phone** 651-239-8102

PROPERTY LOCATION

Address / Location 1784 LACROSSE AVE., ST. PAUL, MN 55119
Legal Description LOT 13 BLOCK 3 HAZEL PARK DIVISION 2 ID 262922230132
Current Zoning R4
(attach additional sheet if necessary)

TYPE OF PERMIT: **Application is hereby made for a Conditional Use Permit under provisions of Chapter** 65 **, Section** 15~~8~~ 137 **/ Paragraph** ~~a~~ **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.

Please see attached Petition for Modification

CK 155920

✓ **Required site plan is attached**

Applicant's Signature [signature] **Date** 4/21/2015 **City Agent** pdd 4/22/15

FIRM GROUND
architects & engineers

"Your well built project begins with and endures on Firm Ground"

April 14, 2015

Attn: Bill Dermody
City Planner, Dept. of Planning and Economic Development
City of St. Paul

Re: C.U.P. application **Petition for Modification** for reuse of an existing facility
1784 Lacrosse Ave. for the Diane Ahrens Crisis Residence
A community residential facility, licensed with the MN Dept. of Human Services
St. Paul, MN 55119
Ward 6, District 2

The planning commission, after public hearing, may modify any or all special conditions when specific criteria of §61.502 are met. §61.502 states: " 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".

The applicant has requested modification of the special condition in §65.132(e): "Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request". The circumstances of this application meet the criteria in §61.502, to modify the special condition in §65.132(e) for a petition. Under the circumstances of this application, eliminating the petition as requested by the applicant is reasonable. Strict application of the petition requirement unreasonably limits and prevents an otherwise lawful use of the structure.

An underlying purpose of §65.132 is to facilitate reuse of permitted nonresidential structures such as churches and schools in residential zoning districts, recognizing that there can be difficulty in finding occupants for reuse of such buildings. The use proposed by the applicant meets all of the conditions required for the conditional use permit except the special condition in §65.132(e) for a petition. Compliance with the petition requirement would result in undue hardship for the owner of this structure. In order to meet the petition's "2/3's" requirement, the applicant must obtain signatures from the owners of seven of the eleven properties located within a 100-foot radius of the subject property. Whether to rezone or reuse this large building given its current R4 zoning classification, the building can only be used for residential uses or other institutional uses. (continued)

Firm Ground Architects & Engineers Inc.
275 Market Street, Suite C-27
Minneapolis, Minnesota 55405

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info@firmgroundae.com
www.firmgroundae.com | *Follow us on*houzz

Modification of the petition requirement under the facts in this application will not impair the intent and purpose of the petition requirement. The proposed use of the building is very similar in character to the previous use. The underlying purpose of the petition requirement is to provide notice to adjacent property owners of a proposed reuse. Given the proposed new use is not substantially different from the previous reuse, strict adherence to the petition requirement in this case will not undermine the enjoyment of adjacent properties as they appear to have coexisted with full knowledge of the nonresidential property since the construction in 1962.

David Hanks
Firm Ground Architects & Engineers, Inc
612-618-8086

Alternate Findings....

1. The rezoning is not consistent with the way that the land in the area has developed. The blocks between Case and Ames East of White Bear are zoned exclusively single family. There is no RT2 zoning adjacent to this property nor does the property abut any higher use zoning districts. Though White Bear Avenue has developed with many zoning districts, there is no RT2 Zoning on the entire 3 ½ miles of White Bear Avenue in the City of Saint Paul.

2. The proposed rezoning is not consistent with the Comprehensive Plan. The Comprehensive Plan has been amended in this area to include the White Bear Avenue Plan Summary. The White Bear Area Plan was completed in 2001 after extensive review and input from the community. The area between Case and Ames had intense review and was an area with significant changes recommend to the Public Works Department. There were many parcels on White Bear Avenue rezoned at that time. There were no efforts during this extensive discussion and review of the area zoning to rezone this parcel.

3. The proposed rezoning is not accompanied by any plan to change the physical characteristics of the property to allow it to meet any potential goals of the Comprehensive Plan to increase density. The applicants proposed use of the structure is for a use first permitted in a single family zoning district (Chapter 65.132, "conversion or reuse of residential structures of over nine thousand (9,000) square feet gross floor area and permitted nonresidential structures such as churches and schools."). The proposal to rezone is not to maximize any land use; it is only to avoid the petitioning process for the proposed use of the land in the more restrictive zoning district.

4. The proposed rezoning is a "spot zoning" and spot zonings are illegal in Minnesota. Localized rezoning in Saint Paul is designed to expand commercial hubs or to create buffers from more intense uses to more passive uses. Minnesota Courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establishes a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."

a. The proposed change is to a "small plot of land... within a larger zoned property."

b. The proposed change is inconsistent with the surrounding uses, if the goal of the applicant was to allow more density on the property a rezoning to RT1 would be consistent with a land use across White Bear Avenue. That zoning has not been selected because the proposed use of the facility would still need to comply with the petitioning process.

c. By definition this is a spot zoning, being used to create a use of the land that could be achieved in the current zoning district.

Alternative Conclusion:

Based on findings 1 through 4 the proposed rezoning is denied.