



## Legislation Text

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**File #:** RES 11-1406, **Version:** 2

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Requesting that the Planning Commission conduct a zoning study on student housing in the area surrounding the University of St. Thomas, and put into effect a moratorium on new student housing in the described area.

WHEREAS, as provided under Minn. Stat. § 462.357, Subd. 1, the City's residential-use zoning classifications are established upon legislative determinations that zoning use classifications promote "public health, welfare, safety, morals and general welfare," are well planned, are expected to be somewhat permanent, and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Saint Paul notes that the Land Use Chapter of the City's Comprehensive Plan calls for maintaining the stability of the City's established residential neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, the Council further notes that the Land Use Chapter states that stabilizing the City's established neighborhoods is achieved through the use of existing as well as new zoning standards which are intended to maintain the prevailing character of these neighborhoods variously described in the Comprehensive Plan as "residential areas of predominately single-family housing" or as being "characterized almost entirely by single-family homes and duplexes" (Land Use Strategy 1: Target Growth in Unique Neighborhoods) and;

WHEREAS, the City's zoning ordinance, duly adopted pursuant to the City's delegated police powers, contains various land-use district classifications including several classifications for residential-use districts; and

WHEREAS, within the zoning ordinance's various residential use classifications, it states that the intent of one-family residential zoning districts is "to provide for an environment of predominantly low-density, one family dwellings" while the intent of the two-family district is "to provide for an environment of predominantly low density one- and two-family dwellings" and, with respect to two-family dwellings more specifically, "[t]he district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from one-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization;" and

WHEREAS, within the City's limits, there exists nine colleges, universities, and seminaries including the University of St. Thomas ("UST") which describes itself as Minnesota's largest non-public institution of higher learning having, as of Fall, 2009, 5,943 undergraduates enrolled on its Saint Paul Campus; and

WHEREAS, as Minnesota's largest non-public institution of higher learning, UST presently provides on-campus housing for 44% of its undergraduate students: accordingly, the remaining 56% - approximately 3,325 students - reside off-campus. It is further estimated that 50% - approximately 1684 students - reside in "off-campus" housing in that general area surrounding the UST campus bounded by St. Clair Avenue on the south, and Fairview Avenue on the east. The Mississippi River is the western border south of Marshall Avenue, and Cretin Avenue is the western border north of Marshall Avenue. Interstate Highway 94 is the northern border east of Cretin Avenue, and Marshall is the northern border west of Cretin Avenue; and

WHEREAS, the Council notes that the City's residential zoning classification for areas immediately surrounding the UST campus are primarily R2-R4 one-family and RT1-RT2 two-family districts as well as some scattered RM2 multi-family districts which abut arterial or collector streets, as depicted on the zoning ordinance maps which are attached and incorporated into this resolution, and the Council finds that the

predominately low density residential zoning classifications surrounding the UST campus generally fit the description of "established neighborhoods" as set forth in the Land Use Chapter of the Comprehensive Plan; and

WHEREAS, the Council is informed from time to time that one- and two-family homes in the established neighborhoods surrounding the UST campus are acquired either by real estate investors or, in some cases, by the parents of UST students, for the purpose of providing housing for students; and

WHEREAS, the use of neighborhood homes to provide housing for college students notwithstanding, the Council finds that because college students are logically "transient," homes occupied by college students, including those homes purchased by the parents of UST students for the purpose of housing their children while attending UST, are rarely "owner" occupied so that college students are essentially short-term rental property tenants; and

WHEREAS, because college students tend generally to occupy homes for periods shorter than typical for occupants of owner-occupied homes, the Council understands that student-tenants are highly likely to have a different lifestyle and outlook towards property stewardship and living within the community than would more "permanent" neighborhood residents who largely, it is assumed, reside in owner-occupied homes; and

WHEREAS, "permanent" residents from neighborhoods surrounding UST have expressed concern about problems associated with high concentrations of student occupied housing in established neighborhoods and, in particular, that concentrations of student occupied housing within an established neighborhood will, by the transient nature of student housing occupancies, operations, and use, disrupt the intent and purpose of the zoning code's one- and two-family zoning classifications for these established neighborhoods by overcrowding, excessive vehicular traffic, demand for available parking, noise, and other nuisance conditions, in contrast to other low density one- and two-family zoning districts which are not impacted by concentrations of student occupied rental housing; and

WHEREAS, whether neighborhood concerns associated with concentrations of student housing in the established neighborhoods surrounding UST are actual or perceived, the Council nevertheless finds that these concerns as expressed call into question whether the City's present official controls adequately protect the public health, welfare, and safety in these neighborhoods as well as whether the City's official controls are consistent with and will facilitate the goals of the City's Comprehensive Plan; and

WHEREAS, the Council therefore desires to take various steps to protect the health, welfare, and safety of the citizens within the area described above by implementing an interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, and directing the planning commission to undertake a study of the impact of student housing in the said area, and to establish during the period the interim ordinance is in effect certain regulations whose purpose is to preserve the status quo of housing in the study area by generally prohibiting the conversion of one-family homes into two-family homes, prohibiting the conversion of owner-occupied homes into student housing, and limiting the legal occupancy within the study area of any residential dwelling unit with an R1-RM2 zoning classification; now, therefore,

BE IT RESOLVED, that the Council of the City of Saint Paul hereby directs the planning commission to undertake and prepare a formal zoning study and report regarding options to regulate student housing in R1-RM2 residential zoning districts in that area of the City described as follows: beginning at a point at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way, then generally east southeast along the Interstate 94 right-of-way to its point of intersection with the centerline of Fairview Avenue; then generally southerly along the centerline of Fairview Avenue to its point of intersection with the centerline of St. Clair Avenue; then westerly along St. Clair Avenue to its point of intersection with the centerline of Mississippi River Boulevard; then following the centerline of Mississippi River Boulevard, generally northward along the Boulevard to its point of intersection with the centerline of Marshall Avenue; then east along the centerline of

Marshall Avenue to the centerline of Cretin Avenue; then north along the centerline of Cretin Avenue to the point of beginning at the intersection of the centerline of Cretin Avenue and the Interstate 94 right-of-way; as depicted on the map attached hereto and incorporated herein as exhibit "1," and to report the same to the Council before the expiration of the interim ordinance under the time provided in Minn. Stat. § 462.355, Subd. 4 or until such earlier time as the Council has taken action on the recommendations contained in the study; and,

BE IT FURTHER RESOLVED, pending the Council's receipt of the planning commission's formal study and report regarding options to regulate student housing in the one- and two-family residential zoning districts described above and pursuant to Minn. Stat. § 462.355, Subd. 4, no city department shall take any action which would approve or otherwise facilitate any of the following, including the issuance of building permits or certificates of occupancy, until the Council acts upon the said report:

1. the conversion of any one-family home into a two- or three-family home, or conversion of a two-family home into a three-family home.
2. conversion of any one-family, two-family or three family home presently owner occupied, into a home exclusively occupied by students, except in the case of an existing two- or three-family home where the owner (s) named in the records of the Ramsey County Department of Property Taxation actually resides in one of the dwelling units.

AND, BE IT FURTHER RESOLVED, during the effective dates of this interim ordinance and only within the limits of the interim ordinance study area, the legal occupancy of a residential dwelling unit in any R1-RM2 zoning district shall be limited to one (1) or two (2) persons or parents, along with their direct lineal descendants and adopted or legally cared for children, together with not more than one (1) person not so related; and

BE IT FURTHER RESOLVED, that this Resolution and the Interim Ordinance shall not apply to properties that were pending sale on ~~July 15~~ August 5, 2011 with a fully executed purchase agreement on that date, and the sale of property closes between the buyer and seller on that purchase agreement as provided in the purchase agreement; and

BE IT FURTHER RESOLVED, that during the study, the planning commission is hereby requested to direct planning department staff to consult with staff from the department of safety and inspections, in the interest of protecting the public's health, welfare and safety, for the purpose of developing a separate ordinance which would require licensing student rental housing and a separate ordinance providing for the periodic inspection and occupancy certification of rental student housing; and,

BE IT FINALLY RESOLVED, as provided in Minn. Stat. § 462.355, Subd. (4), that the Council of the City of Saint Paul will, in conformance with City Charter § 6.05, subsequently enact a separate interim ordinance consistent with the intent of this resolution and, for the purpose of complying with the time limit imposed on interim ordinances under Minn. Stat. § 462.355, Subd. (4), the effective date of the said interim ordinance shall be the effective date of this resolution and, finally, upon the effective date of the said interim ordinance, the regulatory effect of this resolution shall terminate with no additional action on the part of this Council.