



Legislation Details (With Text)

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Title: Memorializing City Council action granting the appeal of the District 5 Planning Council to a decision of the Planning Commission to approve a Conditional Use Permit with Conditions to operate a Transitional Housing Facility at 1093 Edgerton Street.

Sponsors: Amy Brendmoen

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Date	Ver.	Action By	Action	Result
11/14/2012	1	Mayor's Office	Signed	
11/7/2012	1	City Council	Adopted	Pass

Memorializing City Council action granting the appeal of the District 5 Planning Council to a decision of the Planning Commission to approve a Conditional Use Permit with Conditions to operate a Transitional Housing Facility at 1093 Edgerton Street.

WHEREAS, on or about August 7, 2012, Irene Stockett, in PED Zoning File No. 12-091-208, duly applied to the Planning Commission ("Commission") for Conditional Use Permit ("CUP") under Saint Paul Legislative Code § 61.501 to operate a transitional housing facility with up to 6 residents regulated under Leg. Code § 65.159, including a request to modify the planning district density standard for such facilities under Leg. Code § 65.159(c), for property commonly known as 1093 Edgerton Street [PIN No. 292922210145] and legally described as Lanbergs Rearrangement Of B13 Lot 3; and

WHEREAS, on August 30, 2012, pursuant to Leg. Code § 61.303 the Commission's Zoning Committee duly conducted a public hearing on the said application where all persons interested were afforded an opportunity to be heard and, after closing the public hearing and based upon the staff report and recommendation and all the testimony offered, the Zoning Committee moved to recommend to the Commission that the CUP and the request to modify the planning district density standard be approved, subject to certain specified conditions; and

WHEREAS, on September 7, 2012, the Commission took up the Zoning Committee's recommendation and, following discussion of the matter, duly moved to approve the said CUP application to allow no more than "five (5) facility residents and a resident owner or manager with modification to exceed the planning district density standard by two (2) residents" subject to other conditions including one "that the owner or manager of the facility continues to live on the premises," as set forth in the findings of Planning Commission Resolution No. 12-61 dated September 7, 2012, as follows:

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. Leg. Code § 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.A

(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. Leg. Code § 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.

WHEREAS, on or about September 17, 2012 and pursuant to Leg. Code § 61.702(a), the Payne Phalen District Five Planning Council ("Dist. 5"), in PED Zoning File No. 12-106-811, duly filed an appeal from the Commission's decision of September 7, 2010 and requested a public hearing before the City Council for the purpose of considering the said action taken by the Commission; and

WHEREAS, on October 17, 2012, the City Council, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, duly conducted a public hearing on the appeal by Dist. 5 where all interested parties were given an opportunity to be heard; and

WHEREAS, the Council, having heard the statements made and having considered the application, the reports of staff, the records, minutes and the Commission's resolution; does hereby

RESOLVE, that the Council hereby reverses the decision of the Commission in this matter. The Council finds that the Commission erred in its Finding No. 4, the modification of Leg. Code § 65.159(c)'s limit on the population of congregate living facilities within each of the City's planning districts. Leg. Code § 65.159(c) limits such populations at no more than 1% of any planning district's population. The purpose of this limit, the Commission stated, is to not over-concentrate a planning district's population with residents from the uses described under that section. In this case the Commission, pursuant to Leg. Code § 61.502, modified the condition on the basis that the vast majority of beds in the planning district are concentrated in a single facility, that this single facility is located within an industrial zoned district, and that this facility is not near the applicant's proposed facility. However, Leg. Code § 65.159(c)'s intent and purpose is premised exclusively on capping the population of residents in the uses described under the section based on the overall population of the planning district. The Commission therefore erred when it modified the population cap for this planning district for the reasons noted as the modification impaired Leg. Code § 65.159(c)'s stated purpose of capping resident populations. Accordingly, the Commission's modification was inconsistent with both the health and general welfare of all residents of the planning district and the reasonable enjoyment of property within the district.

The Council further finds that denying the Applicant's request to modify Leg. Code § 65.159(c) does not unreasonably limit or prevent the lawful use of the subject property so that an exceptional undue hardship is created for the property owner. The subject property is a lawful two-family dwelling in an R4 zoning district. The property does not require a CUP or a modification of Leg. Code § 65.159(c)'s conditions in order to be used as a two-family dwelling; and

BE IT FURTHER RESOLVED, that the appeal of Payne Phalen District Five Planning Council be and is hereby granted for the reasons stated herein; and

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution upon its approval and adoption to Irene Stockett, the Payne Phalen District Five Planning Council, the Zoning Administrator, and the Planning Commission.