ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** People Incorporated **FILE #:** 15-036-555
2. **APPLICANT**: Franciscan Sisters of Perpetual Adoration **HEARING DATE:** June 11, 2015
3. **TYPE OF APPLICATION:** Rezoning
4. **LOCATION:** 1784 LaCrosse Ave, SE corner at White Bear Avenue
5. **PIN & LEGAL DESCRIPTION:** 262922230132; Hazel Park Division 2, Blk 3, Lots 13-15
6. **PLANNING DISTRICT:** 2 **EXISTING ZONING:** R4
7. **ZONING CODE REFERENCE:** §61.801(b)
8. **STAFF REPORT DATE:** June 3, 2015, revised June 25, 2015 **BY:** Bill Dermody
9. **DATE RECEIVED:** May 18, 2015 **60-DAY DEADLINE FOR ACTION:** July 17, 2015

A. **PURPOSE:** Rezone from R4 One Family Residential to RT2 Townhouse Residential

B. **PARCEL SIZE:** 125 feet (White Bear) x 116 feet (LaCrosse), totaling 14,532 square feet

C. **EXISTING LAND USE:** ~~Residential~~ convent

D. **SURROUNDING LAND USE:**

North: School (R4)

West: ~~Office~~ Beauty salon (OS), residential and school (RT1)

South & East: Residential (R4)

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The property has been zoned R4 since 1975. The building was constructed for a convent use in 1962. An application for a conditional use permit to allow a licensed human service community residential facility has also been filed.

G. **DISTRICT COUNCIL RECOMMENDATION:** ~~As of this writing, District 2 has not provided a recommendation regarding the application.~~ District 2 is opposed to the proposed rezoning. They have provided an alternate set of findings from their viewpoint, which is among the attachments.

H. **FINDINGS:**

1. The application requests rezoning of a 14,532 square foot property at the southeast corner of LaCrosse Avenue and White Bear Avenue from R4 to RT2.
2. The proposed zoning is consistent with the way this area has developed. Land along White Bear Avenue contains a mix of uses including a variety of residential intensities. The proposed RT2 zoning is consistent with the land use pattern along White Bear Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan's Land Use Chapter, which designates the site as part of a Mixed Use Corridor in Figure LU-B, Generalized 2030 Land Uses. The Land Use Chapter supports a mix of uses on Mixed Use Corridors, including commercial, institutional, and residential uses, which are to occur at densities that support transit. The proposed rezoning increases the permitted residential density to up to 22 dwelling units per acre, which is more consistent with the Mixed Use Corridor designation in the Comprehensive Plan.

4. The proposed zoning is compatible with the surrounding uses and zoning, including mixed uses along White Bear Avenue and single-family residential to the east and southeast.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* The proposed rezoning is not "spot zoning" and is ~~compatible~~ consistent with the surrounding uses and zoning. Surrounding uses along White Bear Avenue include a beauty salon and two schools that are zoned OS, RT1, and R4. Additionally, there is a node of commercial uses with B2 zoning located ½ block south along White Bear Avenue. The OS Office-Service zoning of abutting property across White Bear Avenue permits uses such as multi-family residential, medical clinics, banks, and licensed human service community residential facilities with up to 16 residents – a wider range of uses than permitted in the proposed RT2 Townhouse Residential district. B2 zoning also permits a wide range of community commercial uses and group home uses such as licensed human service community residential facilities with up to 16 residents. RT1 and R4 districts permit a narrower range of uses. The proposed RT2 zoning is in the middle.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 One Family Residential to RT2 Townhouse Residential.

PETITION TO AMEND THE ZONING CODE
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: _____
Fee: _____
Tentative Hearing Date:
_____

APPLICANT

Property Owner Franciscan Sisters of Perpetual Adoration
Address 912 Market St.
City La Crosse St. ~~MN~~ WI Zip 54601 Daytime Phone 608-791-5284
Name of Owner (if different) _____
Contact Person (if different) JOSEPH 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)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statues, Franciscan Sisters of Perpetual Adoration, by Susan Ernster, FSPA, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a R4 zoning district to a RT2 zoning district, for the purpose of:

The applicant has requested rezoning the of existing zoned R4 district, existing structure. The purposed rezoned RT2 district community residential facility with a C.U.P. for a MN Dept. Human Services licensed CRF purposing to serve sixteen (16) facility residents for the Diane Ahrens Crisis Residence. The residence provides short-term residential mental health crisis stabilization services adult men and women with a diagnosed mental illness. The existing two story and basement building, built in 1962, as a convent of the Blessed Sacrament Parish, is to facilitate permitted nonresidential structures that will have very similar in character to the previous use.

(attach additional sheets if necessary).

Attachments as required: ☑ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

this 18th **day**

of May, **20** 15

Karen K. Meyer
Notary Public

My Commission expires: September 25, 2016

Karen K. Meyer Notary Public State of Wisconsin

By: Susan Ernster, FSPA
Fee owner of property

Title: Treasurer / CFO

District 2 Recommendation

Alternate Findings....

1. – (stays the same)

2. 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.

3. 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.

4. 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. 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.

5. 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.

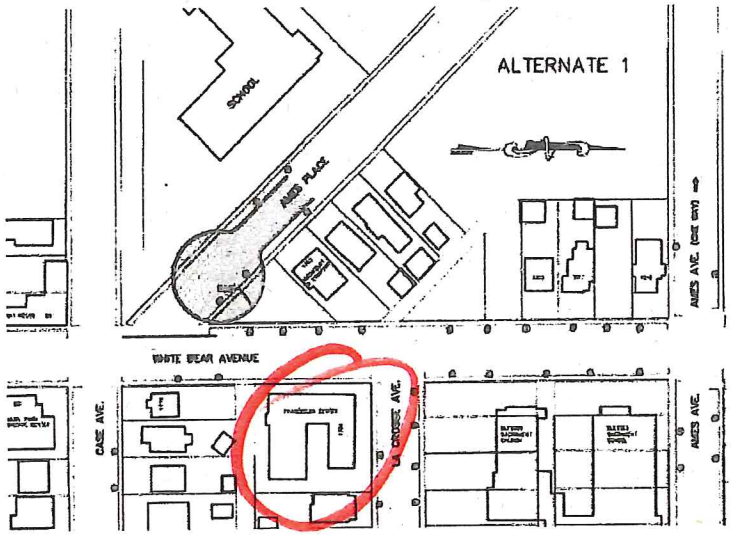
c. By definition this is a spot zoning, being used to create a use of the land that could be achieved in the current zoning district.

Alternative Conclusion:

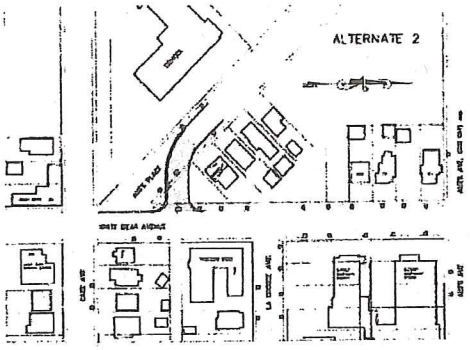
Based on findings 2 through 5 the proposed rezoning is denied.

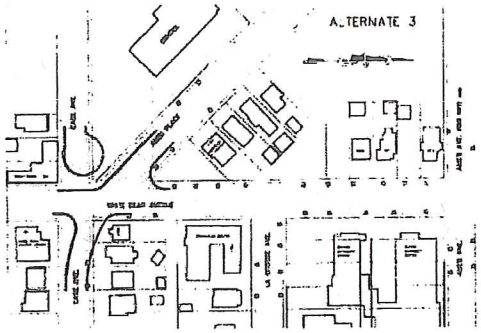
FIGURE 1: AMES PLACE ALTERNATIVES

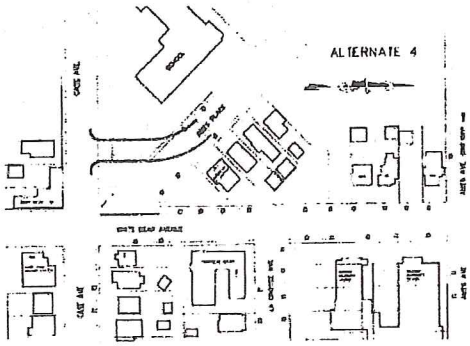
Recommended Alternative:

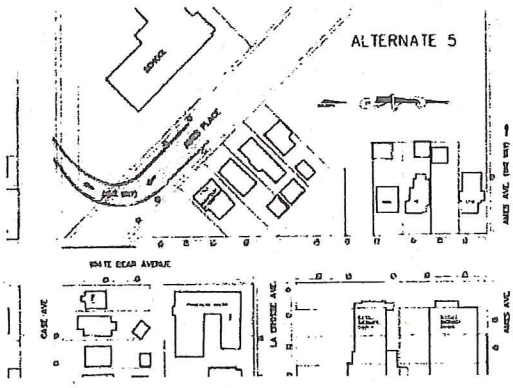


Other Alternatives Considered:









Request for Continuance

Date June 10, 2015

Gaius Nelson, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota. 55102

Re: Zoning Files # 15-036-555 & 15-036-227

Dear Mr. Nelson:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on June 11, 2015.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for June 19, 2015, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to July 2, 2015, I understand that the Planning Commission would then be scheduled to make their decision on July 10, 2015.

I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 21 days to August 4, 2015, to accommodate the continuance I am requesting.

Sincerely,

Signature of Applicant or Applicant's duly appointed representative

Joseph W Conlin
Printed name of Applicant or Applicant's duly appointed representative

rev. 12/11/13

Dubruiel, Paul (CI-StPaul)

From: dan@nalcbranch28.com
Sent: Wednesday, June 03, 2015 1:51 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: re-zoning

Paul my name is Dan Garhofer and i live at 1759 Ames place and my garage faces Lacrosse and White Bear Avenue my family opposes this rezoning. i have four kids that regularly uses the sidewalk and street. I feel this business will add to safety of kids that use the schools in the neighborhood.
I am not saying this is a bad business but when it gets re-zoned the floodgates are open for problems, forever. so please do not allow for the re-zoning of the Lacrosse Parcel.

Dan Garhofer
651-387-0050

Letter from Neighbor at 1763 Ames Pl (salon)
(Tammie - "addi's2244@gmail.com")

Spot Zoning Law & Legal Definition

Spot zoning is a provision in a general zoning plan which benefits a single parcel of land by creating an allowed use for that parcel that is not allowed for the surrounding properties in the area. Because of implications of favoritism, spot zoning is not favored practice. A less controversial zoning practice is granting a zoning variance to an existing commercial business, allowing a non-conforming use for the time being, or a grandfathered right to continue a use existing when the zoning plan was adopted and which will terminate if the building is torn down.

Whether the exception applied to a single property is reasonable and supported by the facts, often turns on public interest, the effect the spot zoning has on the current uses of neighboring properties, and any ramifications created by the zoning.

Who is my advocate -- to help my neighhood to help guide or direct us in the ins and outs of zoning

<u>On June 11th at 3:30pm</u> the Zoning and Planning City of St Paul (3rd floor, City Hall) will make their decision to our city council.

Regarding Women's Wellness Center1784 LaCrosse Ave –across from Cesar Chavez School on White Bear Ave.

People Inc. is requesting to <u>re-Zone and asking for a conditional use permit and parking variance.</u> People Inc. proposes a **Mental Health Crisis center for 16 adults,**

- 16 adult men and women crises mental health clients
- Clients revolving every 1-10 days.
- Each client is allowed a vehicle and will use them if they own them.
- Each client allowed visitor's usually after 3:00pm
- Each client has social worker coming each day
- Clients can come and go freely as they want,
- 530 different adults up to 1,000 revolving residents.
- Many have criminal back grounds
- Staff has and will drive car we do live in Minnesota and have weather and winters

    - This is a danger to our Children (background check cannot be done properly in a crisis situation it takes 1-7 days)
    - confirmed that some do have criminal backgrounds
    - This is a solid neighborhood with children and families many who have lived here 30+ years
    - 11 Schools within 10 block area
    - 2 City Playgrounds within 2 blocks
    - A Church one house down on Case and White Bear already monopolizes on street parking all weekend long

- This area already has parking problems {10-60 extra vehicles is unacceptable}
- City took out 5 parking spots just this year from Ames Place cul-du-sak
- Additional 20 from around the school taken at same time since first of year
- The program this big with 16 mentally ill clients is only as good as the staff and can change to a divesting degree

Please speak out let the Zoning board and City Council person know how you feel about this before the decision is made. Email for Zoning-

Paul.dubruiel@ci.stpaul.mn.us

I personally went though years to have my house re-zoned and yet this property is flying though the system without any input from the school staff, parents, teachers, and community. Which after the fact they will be upset to know there may have been something they could have done maybe.

Our street Ames Place was shut off this year/ we had no notice - no meetings or input till the trucks where outside ripping up my road.

Now none of my customers or teacher , parents , and visitors garbage truck buses , ambulance can make the turn on the cul-da-sac due to the fact it was not made large enough.

A (substandard turnaround)

And all of us have to now drive 3 blocks around the area to get back out White Bear Ave. This Street never had any accidents it was just unusual. The Case and White Bear intersection is and always was a accident intersection.(It makes no sense I was on the area plan and we questioned it at the time but was told not to worry there would be meetings and input if it ever came up. I called immediately and was told nothing I could do its going in no stopping it. They took out 5 parking spots plus additional 20 around the school itself.

Conditional Use Permit

E when building use change to a new use that require more off-street parking

Findings

#2. nonconforming with regard to provision of 5-6 parking spaces required for the proposed use.

*(why only 5-6 spaces when we know there will be ---maintenance help, clients, staff, social workers medical staff, and visitors.)
*Counting ally for 3 spaces unacceptable use.

*The garage space would be unacceptable use due to deliveries. For such a large facility food and commodities being delivered.

#3-b Rt1 (allows 6 or fewer to be serve
RT2 change facility shall serve 16 or fewer facility residents

*(Does that mean all facility and residents for the 1-10 days plus social worker and medical staff.

list of 5 standards all conditional uses must satisfy

4-b The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. Zoning committee report states -the proposed use will maintain existing vehicular access to off-street parking via the ally ---traffic generation is similar to the previous use.

*This was a used by Sisters with virtually no vehicles and for many years very few living there
* You are proposing quit a big change in use and traffic around this area.

4-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. Zoning committee report states- this condition is met as the proposed use is similar in anticipated traffic and noise impact to the sites previous uses. Additionally most residents are expected to not have vehicles and public transit is available on white bear ave. Also a small expanpansion on building. Overall the use will not be detrimental to the existing character of development in the area or endangered the public health, safety and general welfare

*Nothing similar in anticipated traffic and noise compared to previous use
*Per Police Records there current location 103 calls in one Year
* Residents are able to bring vehicles and they will
* Bus on White Bear Ave is 80 which runs once a hour only.
*Small area expansion should not happen without proper parking
*10 schools 2 playgrounds and numerous daycares
Cesar Chavez School
Nokomis Montessori Magnet school
East Heights Elementary
L'Etoile Du Nord French Immersion
Achieve Language Academy
St Pascal School
Parkway Montessori Middle School
East St Paul Lutheran School
Little School of Montessori
Cornerstone Montessori School
Montessori Center of Minnesota
*There program only as good as the staff

4-d the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district
Zoning Committee Report states: condition is met surrounding area is developed and the proposed use will have no effect on improvement of the surrounding property

*Cesar Chavez School just purchased property across the street for development and this is a hugh effect on their improvement to their property.

This building should be taken down there is no adequate parking anywhere around and they have been tax exempt.

All Disabilities and Mental health have down sized housing residents in such large facilities.

let's improve our area not tear it apart..

Saint Paul Public Schools
A World of Opportunities

Hazel Park Preparatory Academy
Independent School District 625

1140 White Bear Avenue
Saint Paul, MN 55106-3098

Telephone: (651) 293-8970 • Fax: (651) 293-8976 • www.spps.org

June 6, 2016

To whom it may concern,

It has come to our attention that a halfway house is planning to move into this community. The proposed location of this building is in the vicinity of three elementary schools and a playground located just across the street from it. Children walk to and from school each day past the proposed location of the group home. We are not opposed to the purpose of this building, but we are opposed to the location among the presence of very young children.

We, as educators, at Hazel Park Preparatory Academy believe that a location for the group home would be best placed away from the presence of so many children, possibly over 2000 students.

Your acknowledgement of our concerns for students, families and the community would be greatly appreciated.

Sincerely,

Dr. Delores Henderson, Principal

Hazel Park Preparatory Academy Educators

From: Shelly [mailto:jenshelly92@aol.com]
Sent: Wednesday, June 10, 2015 10:27 AM
To: Dubruiel, Paul (CI-StPaul)
Subject: People, Inc

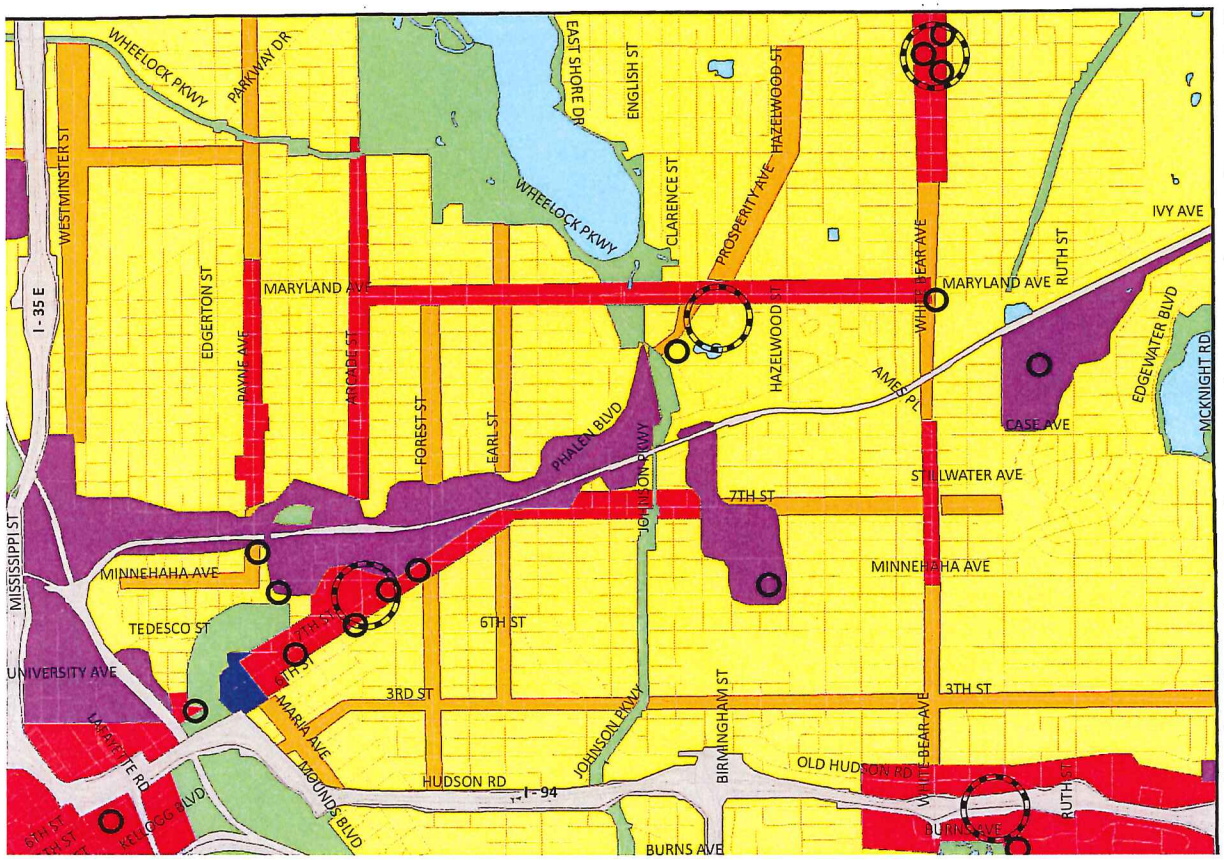
Dear Paul,

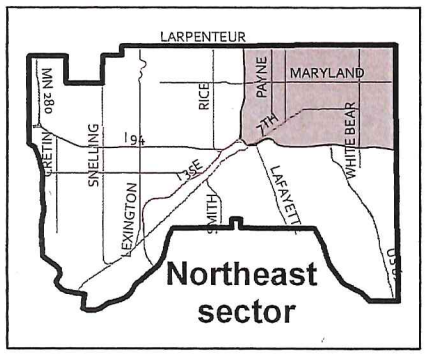
I am writing you in regards to the Mental Health Crisis center being proposed for at 1784 LaCrosse Ave in St. Paul. I ask that you not approve that proposal. It is my understanding that some of the clients to this center could very well have a criminal record. With two elementary schools within a block, this would put our children at risk. There are also 2 city playgrounds within two blocks. Since the crisis center residents came come and go freely, this puts our children even more at risk.

This is a well established family neighborhood. The danger that this center puts our children in is not acceptable. Please vote this proposal down.

Thank you for your consideration of this matter.

Shelly Olmstead
Sent from my iPad





Established Neighborhoods
Residential Corridor
Mixed Use Corridor
Downtown
Industrial
Transportation
Airport & Airport property
Major Institutional
Major Parks & Open Space
Water
Neighborhood Centers
Opportunity sites

N

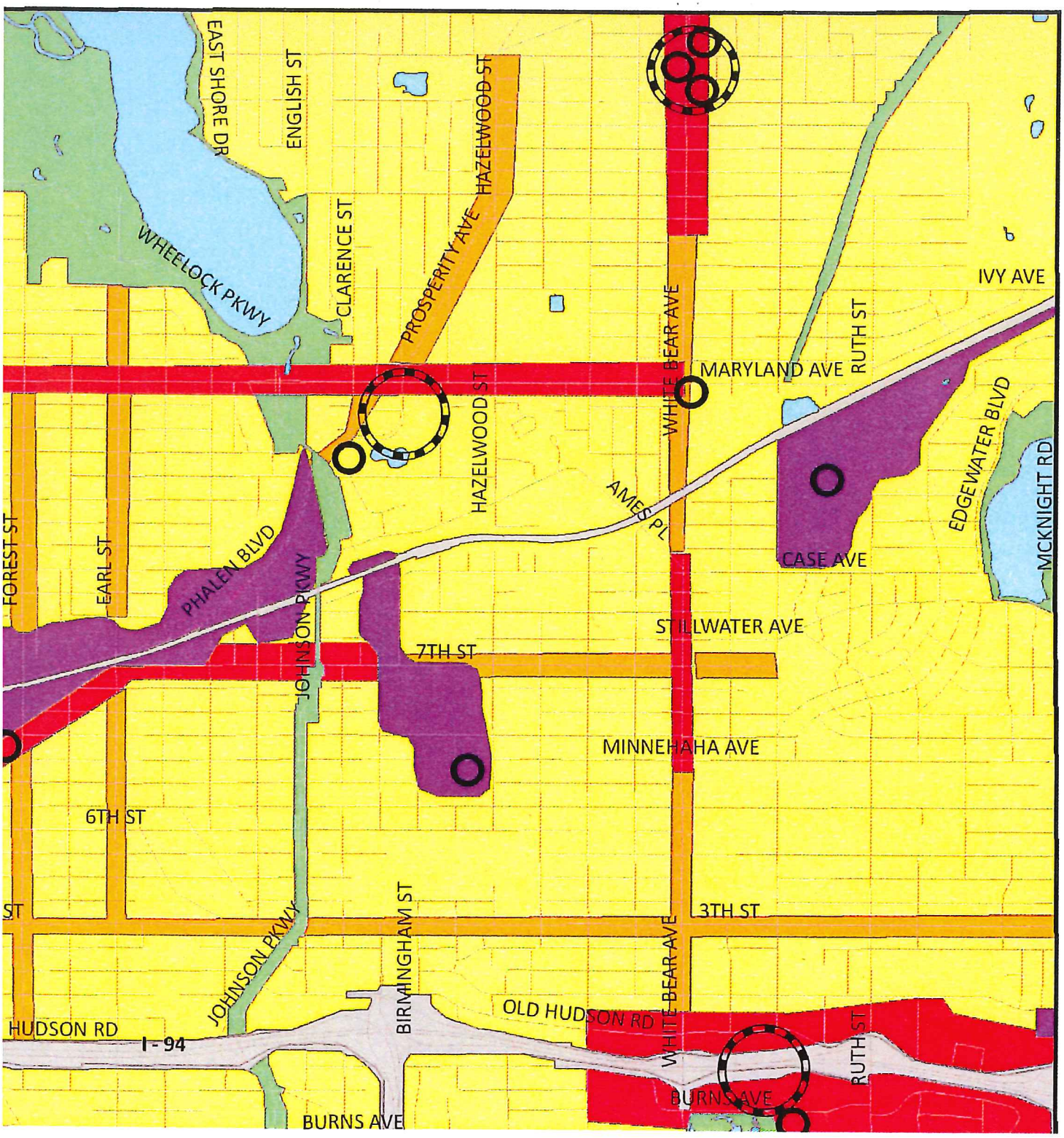
0 1,250 2,500 5,000 7,500 10,000 Feet

LAND USE DESCRIPTIONS

- **Established Neighborhoods** (3-20 units/acre)
  Predominately residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods. Also includes scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets.
- **Residential Corridors** (4-30 units/acre)
  Segments of street corridors that run through Established Neighborhoods; predominately characterized by medium density residential uses. Some portions of residential corridors could support additional housing.
- **Mixed Use Corridors** (30-150 units/acre)
  Primary thoroughfares through the city that are served by public transit (or could be in the future). Includes areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space. Uses may be within a building or in buildings that are in close proximity.
- **Neighborhood Centers** (30-150 units/acre)
  Compact mixed use areas that historically developed adjacent to major intersections. They are served by transit and include two, or more, of the following uses: residential, commercial retail and office, small scale industry, institutional, and open space. Uses may be within a building or in buildings within close proximity.
- **Downtown** (35-200 units/acre)
  The core of the city, encompassing Planning District 17 and lying solely on the east bank of the Mississippi River. It includes a broad mix of uses, including government facilities, and both residential and commercial office uses at the highest densities in the city.
- **Industrial**
  Primarily manufacturing and/or the processing of products; could include light or heavy industrial land uses, large warehouse facilities, and/or utilities.
- **Transportation**
  Major highways and railroad corridors.
- **Airport & Airport property**
  Includes the Saint Paul Airport at Holman Field.
- **Major Parks & Open Space**
  Includes major parks and recreation areas, parkways, and regional parks.
- **Major Institutional**
  Includes all colleges and universities and significant public and nonprofit uses.
- **Water**
  Permanently flooded open water, rivers, and streams, including wetlands.
- **Opportunity sites**
  Areas identified in Policy 1.53 of the Land Use Plan and in small area plans for mixed use development or employment centers.

SEE ADDITIONAL NOTES FOR THIS MAP ON FIG. LU-B.

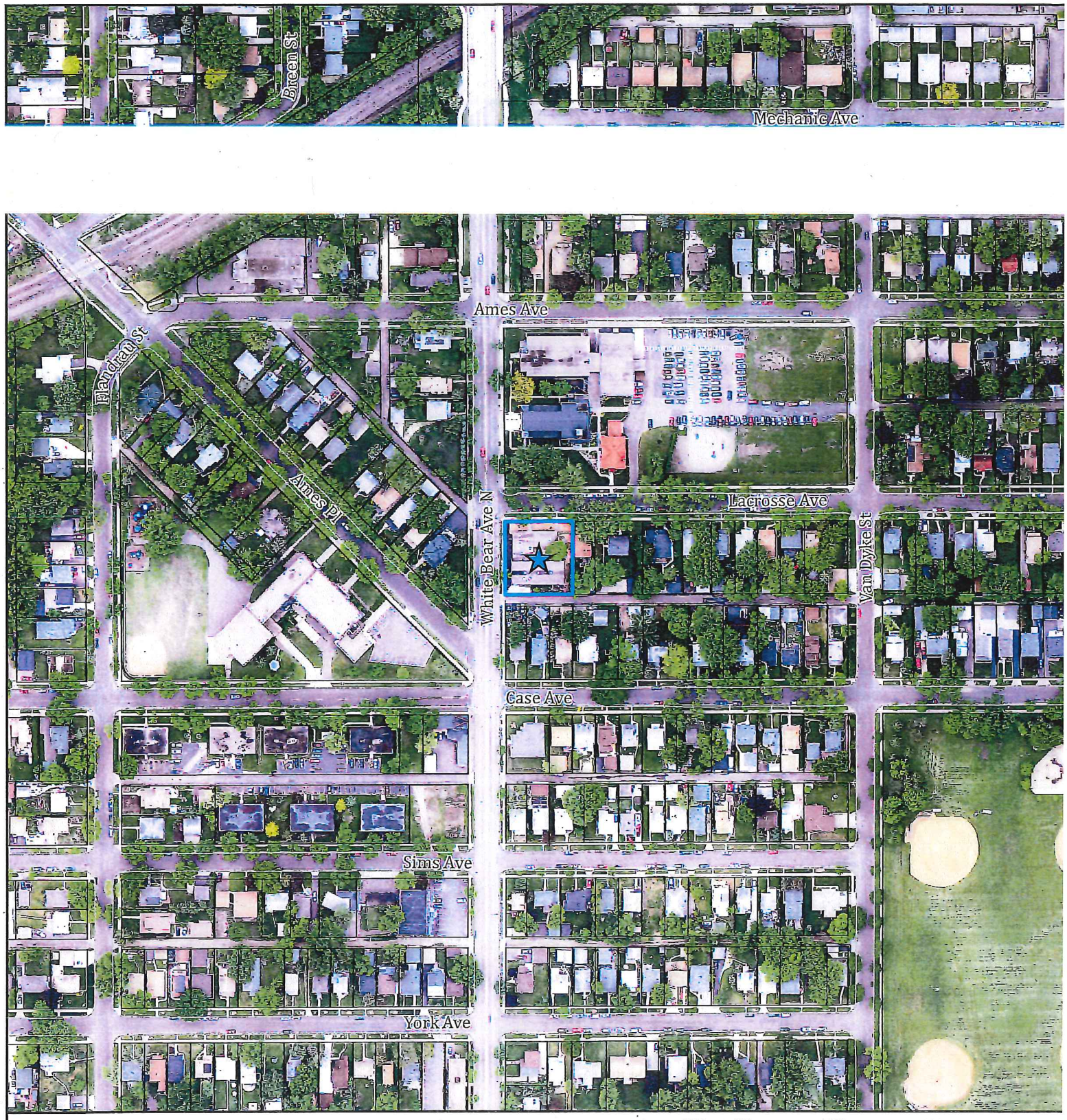
FIGURE LU-H. GENERALIZED 2030 LAND USES, NORTHEAST SECTOR



LAND US

- **Establi**
  Predom
  houses
  multifam
  scattere
  at the ju
- **Reside**
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  portions
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- **Water**
  Permane
- **Opportu**
  Areas ide
  for mixed

SEE ADD



FILE NAME: People Inc

APPLICATION TYPE: Rezone

FILE #: 15-036555 DATE: 5/18/2015

PLANNING DISTRICT: 2

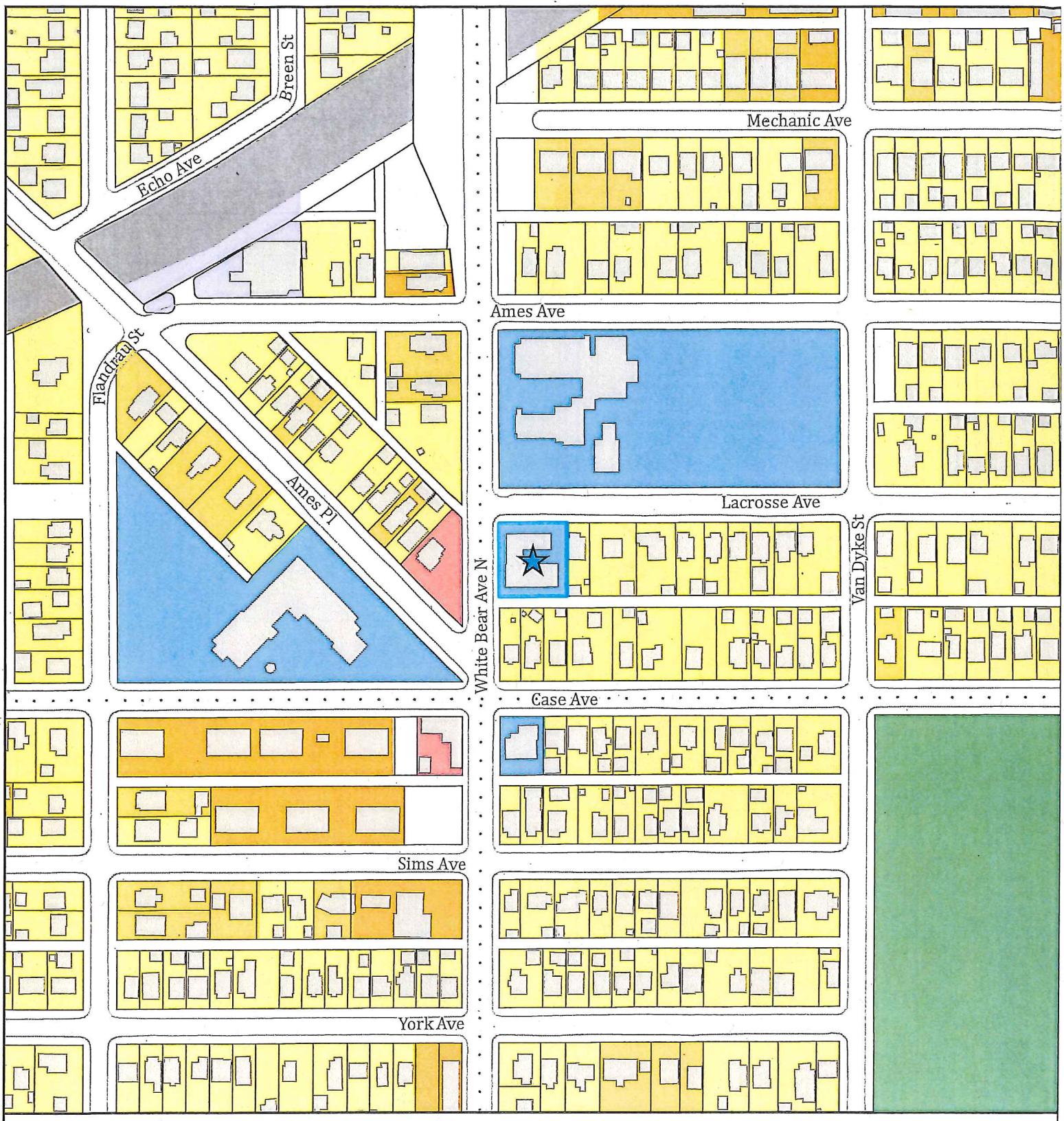
ZONING PANEL: 12

Aerial

Subject Parcels

N
W E
S

Saint Paul Department of Planning and Economic Development and Ramsey County



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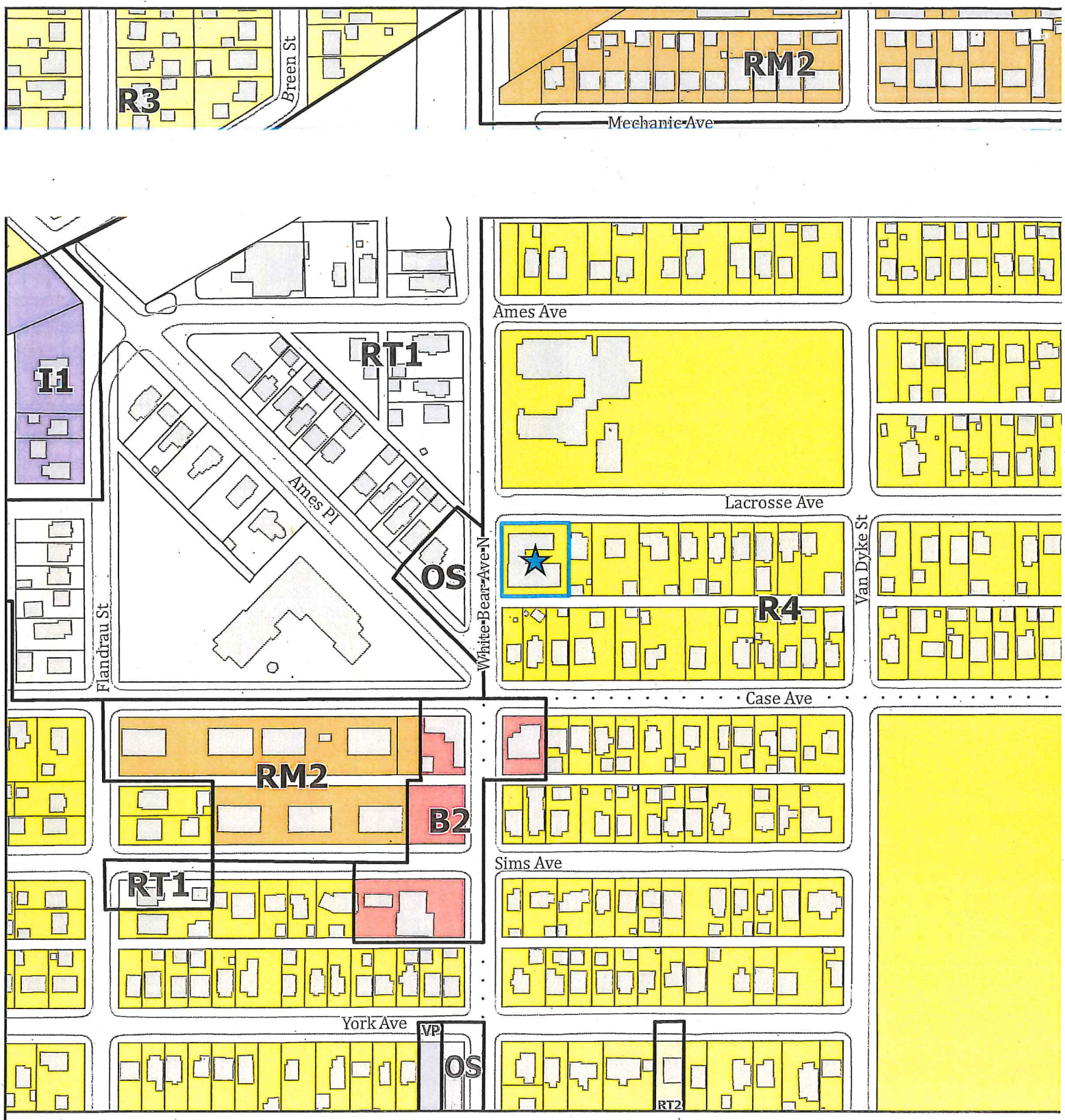
ZONING PANEL: 12

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



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PLANNING DISTRICT: 2

ZONING PANEL: 12

Zoning

- 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
- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County