

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, June 11, 2015 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Merrigan, Nelson, Padilla, Reveal, Wencl, and Wickiser  
ABSENT: Makarios (excused)  
STAFF: Jamie Radel, Samantha Langer, Allan Torstenson, and Peter Warner

**New Plan Learning - 15-033-859 - Rezone from VP Vehicular Parking, I1 Light Industrial and I2 General Industrial to T1 Traditional Neighborhood, 169 Jenks Ave, east of Agate between Lawson and Case**

The meeting was chaired by Commissioner Nelson. He noted that this case was laid over at the May 28, 2015, Zoning Committee meeting to allow staff time to gather additional information regarding the site.

The public hearing was closed at the previous meeting.

Jamie Radel presented additional information in the modified staff report that was requested by the Committee; including bus parking and bus loading, setbacks, and how this use affected access to the park. The recommendation of approval remains the same. She noted that they Committee also received a site plan, existing conditions site plan, and bus radius study to show how they can turn out of the southern parking lot. She explained the access to the park. There is an easement to the east of Jenks that connects Jenks to Trillium Nature Preserve. That easement is there in perpetuity. The rezoning will have no impact on whether or not there will be access into Trillium. She discussed the issue related to setbacks. The I and T zoning districts would both have a 6 foot setback requirement. It doesn't impact the new building especially related to the park and other buildings. In regards to the bus parking and loading, she explained that the previous CUP is only for the properties that are currently zoned I2. The whole site did not need a CUP, and they could have used a portion of the site for a school without obtaining a one. There was no condition at that point in time on the CUP related to bus loading. They were reusing the existing building and parking lots and no conditions were placed on that approval. The CUP stated that the school needed to develop consistency with the plan submitted to the City. The City requested that they take a look at bus loading issues and see if the southern parking lot could potentially serve as a bus staging area to take the buses off of Agate Street. Based on their analysis a bus could get in and out of that facility, and there was potential to stack busses on Jenks Street. This issue is really a site plan issue rather than a rezoning issue. They had previous discussions with Public Works to find an appropriate staging area for the busses. The improvements included that boarding and off boarding should occur along Agate Street, north and south of Jenks. They also wanted curb cuts removed, and curbs and bus pads added. None of this has been done at this point.

Chair Nelson stated that one of the questions the Committee had was with regard to the setback requirements for an I zoned property, and that it had to be a certain distance from residential areas. It appeared that the setback requirements would remain the same for both a T and I zoned property, and they were questioning if a rezoning was needed.

Ms. Radel explained that they were rezoning because a T district is actually more consistent

with the Comprehensive Plan than the I districts that are currently there. It provides for a transition from residential uses to the north and west of the property down to the southern more intense industrial uses.

Commissioner Elizabeth Reveal moved approval of the rezoning. Commissioner Barbara Wencil seconded the motion.

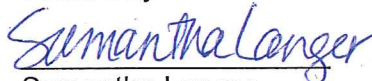
Commissioner Wencil stated she went to look at the site, and it reinforced the fact that the school is in an appropriate place, and the kind of change that they are requesting is not out of keeping with what the area is currently. She doesn't believe the change will have too much impact the sanctuary.

Commissioner Edgerton stated he also went to look at the site, and in seeing the size and nature of the site, it does make sense to switch it to Traditional Neighborhood. He wouldn't mind it remaining Industrial, but the rezoning in this case does make sense.

The motion passed by a vote of 7-0-0.

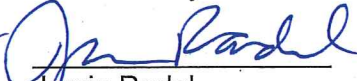
Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



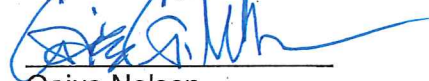
Samantha Langer  
Recording Secretary

Submitted by:



Jamie Radel  
Zoning Section

Approved by:



Gaius Nelson  
Chair

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**PRESENT:** Edgerton, Merrigan, Nelson, Padilla, Reveal, Wencil, and Wickiser  
**ABSENT:** Makarios (excused)  
**STAFF:** Jake Reilly, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**Julin Moua - 15-037-595 - Reestablishment of a nonconforming use as a duplex, 723 Edmund Ave, between St. Albans and Grotto**

Jake Reilly presented the staff report with a recommendation of approval with conditions for the reestablishment of nonconforming use permit. He noted that he neglected to put the first finding in the staff report stating; the applicant, Julin Moua, has applied for a reestablishment of a nonconforming use as a duplex for the property at 723 Edmund Avenue. The application is required because the building has been vacant for more than one year. He stated District 7 made no recommendation, and there were no letters in support or opposition.

Upon questions from the Commissioners, Mr. Reilly stated that finding 1a pertaining to lot size requirements did not include the alley in the calculation of lot size.

The applicant, Julin Moua, 867 Burr Street, Saint Paul, was available for questions.

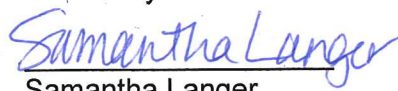
No one spoke in support or opposition. The public hearing was closed.

Commissioner Barbara Wencil moved approval with conditions of the reestablishment of nonconforming use permit. Commissioner Elizabeth Reveal seconded the motion.

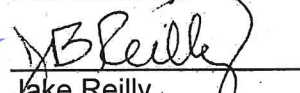
The motion passed by a vote of 7-0-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0


Drafted by:

  
Samantha Langer  
Recording Secretary

Submitted by:

  
Jake Reilly  
Zoning Section

Approved by:

  
Gaius Nelson  
Chair

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PRESENT: Edgerton, Merrigan, Nelson, Padilla, Reveal, Wencil, and Wickiser  
ABSENT: Makarios (excused)  
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**People Incorporated - 15-036-555 - Rezone from R4 One Family Residential to RT2  
Townhouse Residential, 1784 Lacrosse Ave, SE corner at White Bear Avenue**

**People Incorporated - 15-036-227 - Conditional use permit for a licensed human service  
community residential facility for 16 residents, 1784 Lacrosse Ave, SE corner at White  
Bear Avenue**

Bill Dermody explained that there is a request by the applicant to lay over the cases until July 2, 2015, to allow more neighborhood interaction.

He presented the staff report with a recommendation of approval for the rezoning and conditional use permit. District 2 recommends denial of the rezoning, and there were no letters in support, and 7 letters in opposition.

Upon inquiry from the Commissioners, Mr. Dermody explained that the document submitted titled, Spot Zoning Law & Legal Definition, was received by email from the property owner of the OS zoned property located at the corner of York Avenue and White Bear Avenue N. Mr. Dermody stated that this use cannot have more than seven residents in the R4 zoning district, and in order to have 16 residents they needed to undertake some sort of process. Their choices included submitting an application for a reuse of large structure CUP or to rezone to R2T and then submit for a CUP for community residential facility. He confirmed that it is possible to have this use without rezoning the property.

The applicant, Jill Wiedemann-West, CEO of People Inc., 2060 Centre Pointe Blvd., Mendota Heights, explained they would like to purchase the building and use it for a 16 bed mental health crisis facility. It is a short term facility that serves individuals in acute mental health crisis. The average length of stay is about 3 to 5 days. These will not be individuals that are in need of hospitalization, but are in need of immediate support. They currently operate the Diane Ahrens Crisis Facility in Midway. Diane Ahrens was instrumental in getting the facility started and they have been operating for around twenty years. The building no longer serves their needs, it is old and in need of a lot of repairs, and they need a more contemporary site to serve their clients. This building is a perfect fit for their program because there is access to a number of things their clients need. It is a facility that meets their needs as a community provider. The facility needs a limited amount of rebuild to make it accessible to their clients. There is also a courtyard that will allow their clients to have green space and fresh air without being on the front steps or on the public sidewalks. Ms. Wiedemann-West said they have worked very hard trying to enroll the community to participate in their desire to do this, and they find that it works best when the community is a part of the plan. They have had two community meetings and she has gone

door to door asking residents, even though it is not a requirement, to sign a petition supporting their application. There was one person that signed the petition, a number of people said they didn't know enough about it to make a decision, and a number of people were not home. They have had conversations with a number of neighbors and she does understand their concerns. They have postponed the case today, at the request of the district council, in order to have another meeting with the community. She stated Mr. Repke said this was a good step in trying to come to some sort of agreement about whatever conditions or concerns the neighbors have that could move this forward in a mutually acceptable way. She said he also indicated that they did have some support on the board. They have a lot of experience and run very clean facilities in three different counties. They also work very closely with hospitals, Ramsey County mental health, and Saint Paul Police.

Tom Wasmoien, Firm Ground Architects & Engineers, Inc., 275 Market Street, Minneapolis, spoke in support. He said they have been working with People Inc. for a number of years on several projects, and they create very supportive environments for people at their facilities. People, Inc. has done an incredible job helping people with mental health issues and they are blessed to be part of their mission. This facility is a healing environment that fits the program completely. Architecturally there is a limited amount of work that will need to be done. They will be updating bathrooms and rearranging some of the first floor spaces to create the ADA required units. The exterior will remain the same.

Chuck Repke, District 2 Community Council, 1365 Prosperity, Saint Paul, spoke in opposition. Mr. Repke stated there must have been some miscommunication with Jill because he remembers asking her to withdraw this application and instead go through the petitioning process. He did not request for this to be laid over to July 2, 2015. He stated he cannot deal with both of the items at the same time, and the board has voted to oppose the rezoning. Mr. Repke submitted alternate findings to the staff report (see attached). He also noted the applicant has not yet made an investment in this property. The owners of the property have listed it for sale for \$790,000. He does not anticipate a hardship if this applicant is not successful in the rezoning. It is a piece of property that someone still believes has a significant value, and it could have other potential uses such as a school or conference rooms.

Cindy Neuenfeldt, 1763 Ames Place, Saint Paul, spoke in opposition. She questioned the parking provision of only 5 spaces for 16 residents, plus staff, social workers, and visitors. She stated that the nuns did not have cars and did not make noise, and that the proposed use represents a major change. She stated that the proposed program is only as good as its staff.

Lee Anne Garhofer, 1759 Ames Place, Saint Paul, spoke in opposition. She stated she is a teacher at Hazel Park Preparatory Academy and submitted a letter from the Principal of the school (see attached). Ms. Garhofer stated she is also a resident who lives close to the proposed facility and she thinks the proposal of this application seemed kind of underhanded. The schools were not notified and someone from People Inc. came to her house and spoke to her children. She said no one has ever come to talk to her about the application. She is not opposed to a mental health facility, but as a parent and school employee, she feels this isn't the appropriate location for this type of facility.

The public hearing remains open.

Commissioner Elizabeth Reveal moved to lay over the rezoning to July 2, 2015. Commissioner Paula Merrigan seconded the motion.

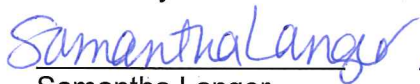
Commissioner Edgerton raised questions for staff to look into before the next meeting. He noted that a lot of the comments seem to deal with finding 4c of the conditions use permit staff report; the use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. He suggested staff research how People's Inc. current facility is operating including; if there are parking and traffic issues, the number of residents, zoning of that property, and if there have been issues to public health and safety.

Commissioner Padilla stated Commissioner Edgerton raises some good points on figuring out parking and how the land has been used at their current facility. She wants to be careful about how they address public health, safety, and welfare. She stated there are distance requirements when there is a particular use that needs to be separated from other uses, but that is not a requirement in this case. There are protections in state law for uses like this, but we don't analyze the health, safety, and welfare concern based on the particular people that will be residing at the property. It is a land use issue not an occupancy issue.

The motion passed by a vote of 7-0-0.

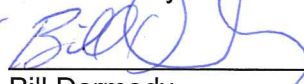
Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



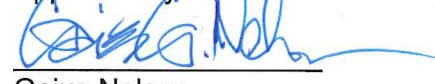
Samantha Langer  
Recording Secretary

Submitted by:



Bill Dermody  
Zoning Section

Approved by:



Gaius Nelson  
Chair

#### 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.

## 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 neighborhood to help guide or direct us in the ins and outs of zoning**

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

Regarding Women's Wellness Center 1784 LaCrosse Ave --across from Cesar Chavez School on White Bear Ave.

People Inc. is requesting to re-Zone and asking for a conditional use permit and parking variance. 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-sac
- ❖ 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](mailto:Paul.dubruiel@ci.stpaul.mn.us)

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**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 expansion 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 huge 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..

Submitted by:

Cindy Neuenfeldt  
1763 Ames Place



**Saint Paul**  
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*Independent School District 625*

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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