

MINUTES OF THE ZONING COMMITTEE
Thursday, November 5, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Padilla, Reveal, Wencil, and Wickiser
EXCUSED: Edgerton
STAFF: Lucy Thompson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Archdiocese of Saint Paul and Minneapolis - 15-168-310 - Rezone from RM2 Multiple Family to T1 Traditional Neighborhood, 328 Kellogg Blvd W, between College Avenue and Mulberry Street

Lucy Thompson presented the staff report with a recommendation of approval for the rezoning. She stated District 17 recommends approval, and there were no letters in support or opposition.

Paul Donovan, Cushman and Wakefield/NorthMarq, 801 Nicollet Mall, Suite 325, Minneapolis, said that on behalf of the Archdiocese, they are excited to have a purchase agreement with the Minnesota Historical Society and look forward to transitioning the building into their use. It should be very complementary to the neighborhood and the community.

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

Commissioner Barbara Wencil moved approval of the rezoning. Commissioner Paula Merrigan seconded the motion.

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

Adopted Yeas - 7 Nays - 0 Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Lucy Thompson
Zoning Section

Approved by:


Gaius Nelson
Chair

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The meeting was chaired by Commissioner Nelson.

Michaelene Spence - 15-170-503 - Conditional use permit for a transitional housing facility serving 6 residents and their minor children with modification in minimum distance from another congregate living facility, 975 Wakefield Ave, between Forest and Cypress

Bill Dermody presented the staff report with a recommendation of denial for the conditional use permit. He stated there was a letter submitted by District 4 that recommended approval of the modification in the distance requirement and to allow for the provision of supportive services on site. On granting a variance for increasing residency the committee gives neither support nor denial. They also submitted an excerpt from the minutes of the Land Use Committee.

Upon questions from the Commissioners, Mr. Dermody stated that minor children would not affect the regulations. It could be up to 4 adults with their minor children and now they are requesting 6 adults with their minor children. He doesn't know if children are currently in the house.

The applicant, Michaelene Spence, 15028 Farnham Avenue N, stated she is the owner of 975 Wakefield Avenue. Currently she serves four unrelated adults and their minor children at this location. She has served pregnant women, women with infants, and typically women with children who are about four years old or less. She has owned this property since 2012. She has a history of working in the field of women in chemical dependency treatment. One of the things she has noticed in the field is that there are not enough safe sober places for women to reside after they complete treatment. There are not enough beds for women with their children in Ramsey County. Currently there are 185 beds for men and 120 beds for women. Only two of those beds allows for women to be with their children besides the four beds she has at her house. She feels that adding two beds to the current property is not going to create much of a difference in the community. The structure of the house will not change, and the house will essentially operate as it has been since 2012. Ms. Spence stated she has letters and emails of support from Ramsey County chemical health providers, a petition signed by almost every neighbor in support of the increase, and a letter of support from Health Partners Mother and Baby program. In addition, she also has a letter of support from the Dayton's Bluff Community Council that unanimously voted to allow an increase up to five residents and to allow the modification of the distance requirement. She understands one of the concerns is the over concentration of this type of facility in the neighborhood. She is unaware of what the other facility is in the neighborhood, but she doesn't believe adding two residents will over concentrate the area.

Upon questions from the Commissioners, Ms. Spence stated she would prefer to have six adults at the house. The waiting list for the house is very long. She stated it is a five bedroom home. She said staff does not live on site. She is the only staff person and the women have access to her 24-7, and she on site at least once per week for community meetings.

Jennifer Schroeder, 975 Wakefield, Saint Paul, stated she currently resides at the property. She wants people to be aware of what kind of impact this has on someone's life. They do have a five bedroom home and said that she could think of much worse situations than sharing a room with someone order to be with your children. She is currently attending college and has a 4.0 grade point average. She has been able to really make something of her life and without this kind of a place that wouldn't be possible. Ms. Schroeder said they all help each other in the home and the children are flourishing. She thinks that six adults in the house would work out well.

Sasany Fennie Jones, 602 Dillon Avenue N, Montrose, MN, spoke in support. Ms. Jones stated she wanted to speak not only professionally, but personally, of her own experience. She has worked in the field for nine years. She works in an agency that serves chemically dependent women and their children. These types of environments are needed for continued sobriety. She has seen first-hand the negative impacts of women who leave treatment centers with their children and are not able to go into a sober environment. It is easy to fall back into their old routines. Adding two beds doesn't seem like a lot, but to the person who is seeking sobriety the need is great. She is personally in recovery and has been for the last eleven years. When she started her recovery she went into sober housing and today she is a productive member of society because of these types of facilities.

Casy Blum, 7316 W 22nd Street, St. Louis Park, MN, spoke in support. Ms. Blum stated she has been working in the chemical health and mental health field for seven years as a case manager. One of her responsibilities is placing women and their families into housing once they have completed inpatient services at their facility. Michaelene's place is one of the few places remaining in the metro area for families. A lot of the transitional housing family programs that were around have closed in recent years. Permanent supportive housing is very difficult to obtain. She is left with either sending her clients back to negative environments where there is a big possibility to relapse or to homeless shelters. These are the types of choices their clients face. When people are coming from such a structured environment and learn how to be healthy again then need a stable place to continue their recovery.

Sage Holben, Chair of the Land Use Committee, Dayton's Bluff Community Council, 705 4th Street E. St. Paul, spoke in opposition. Ms. Holben referred to a letter she submitted including an excerpt of the minutes of the Land Use Committee (see attached).

Ms. Spence responded to testimony. She was surprised that Ms. Holben is making the claim that things other than what she has presented happened at the Dayton's Bluff Community meeting. She has the letter from the Dayton's Bluff Community Council and has spoken at length with the Executive Director, Deanna Abbot-Foster. They clearly voted unanimously for the modification and to increase from 4 to 5 residents. She doesn't understand why that is being presented otherwise. She is not sure what Ms. Holben is thinking is the difference between sober housing and transitional housing. Essentially they are providing a chemical free living

environment for women with their children. In order to get a funding mechanism that she receives the facility has to be called transitional home. That is one of the City's requirements. She feels surprised that a Community Council member could vote on these things and then change the Council's position.

At questions from the Commissioners, Mr. Dermody stated four or fewer unrelated adults are allowed in a single family home. There could potentially be an entire block full of these facilities as long as the numbers were four or fewer in the residence. In regards to the question of services provided on site, there is no requirement for a conditional use permit. Other services in a single family residence could include babysitting or home health care aid and those services have not been handled differently in the zoning code.

Mr. Dermody said it is his understanding that there was a communication error between the Executive Director and Land Use Committee of the District 4 Community Council regarding the number of residents they recommended approval of to live at the home.

The public hearing was closed.

Commissioner Barbara Wencil moved denial of the conditional use permit. Commissioner David Wickiser seconded the motion.

Commissioner Wencil said that this is a hard decision because she feels that there really is a need for this type of housing. She is also aware of the problems that come up when you have too many of these facilities located so close together. This is something we have worked hard at to make sure there is space between these homes. There are other similar facilities in the neighborhood and that creates a problem.

Commissioner Padilla would be willing to allow five residents at the home because there are five bedrooms and there is a significant need. She is also torn because of the distance requirement and the difficulty of meeting the undue hardship in the zoning code. She also noted that they shouldn't speculate what other homes are being used for in the neighborhood.

Commissioner Merrigan said that it is semantics. There is already a sober house operating at the location. It is already close to other facilities. Only the number of residents triggers it to come before the Committee. They are not eliminating any issue of concentration. The need is prevalent. One of the reasons the distance requirement exists is to protect the neighborhood, but the District Council said they will support up to five adult residents. She would be in support of that as well.

Commissioner Reveal stated that the neighborhood seems to be okay with the facility and it has been operating successfully since 2012. There is a great need for this type of housing. She has a big problem with the issue of whether or not the exception is a hardship. She doesn't think that going from 4 to 6 residents prevents this from being an economically viable normal use.

Commissioner Padilla stated that if the Committee wanted to try an alternative to allow five residents it could be argued that there is a hardship for not being able to utilize the property to its fullest occupancy since there are five bedrooms.

Commissioner Wickiser stated if they are going to go in the direction of approval of five adults he would want to clearly identify conditions they should include with the approval.

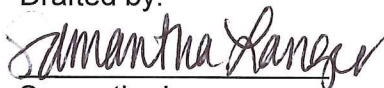
The motion to deny failed by a vote of 2-5-0.

Commissioner Paula Merrigan moved approval for five residents with conditions of the conditional use permit. Commissioner Julie Padilla seconded the motion.

After further discussion based on conditions to include with approval, the motion passed by a vote of 7-0-0, subject to the following conditions; final approvals by the Zoning Administrator for this use shall be in substantial compliance with the application materials, no expansion of the building is allowed and any expansion would require a new conditional use permit, and the facility shall be limited to no more than 5 adult residents and their children.

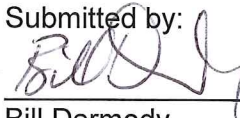
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



Gaius Nelson
Chair

Dayton's Bluff Community Council Land Use Committee met on Monday, September 14 to hear the matter presented by Michaelene Spence. Ms. Spence operates a transitional living residence at 975 Wakefield Avenue located in the RT1 residential zoning district. The existing structure is being used as a single family dwelling with four unrelated adult with young children. Such a dwelling is permitted in the RT1 zoning district. Ms Spence has requested a CUP to increase number of unrelated adults from four (for which it is now zoned) to six.

A transitional housing facility is defined in Zoning Code Section 65.159 as:

One (1) main building, or portion thereof, on one (1) zoning lot where persons who may or may not have access to traditional or permanent housing but are capable of living independently within a reasonable period of time, generally about eighteen (18) months, reside on a 24-hour-per-day basis for at least thirty (30) days and participate in appropriate program activities designed to facilitate independent living.

A transitional housing facility serving more than four (4) adult facility residents and minor children in their care requires a conditional use permit.

1) At a previous Land Use meeting, Ms. Spence was agreeable to a suggestion of increasing to only one resident for a year to be sure the increase didn't negatively affect the dynamics of women and children living in one household, and the effect on the neighborhood. Ms Spence, on September 16, requested a vote on an increase from four to six. A vote was taken and was a tie. Reason given by Sage Holben for voting no to the two-resident increase was that though Zoning and DSI look at physical space in designating number of people in a rental/transitional residence, consideration must also be made when people - adults and their young children, already of a more vulnerable population - are living as several families in a shared home environment and working through sobriety programs (such is the basis of Ms. Spence's facility). In addition to sobriety are job searches, life prioritizing, relationships, finances, etc. While physical space may be mathematically drawn, space for emotional growth and comfort of adults and young children must also be considered. Therefore, on granting a variance for increasing residency from four persons to six persons, DB Land Use gives neither support nor denial.

2) In the case of a similar facility within a specified distance, police reports to said facilities, including two halfway house addresses apparently not on the City's radar, and there appear to be no problems noted with these facilities. **A vote of support was made in supporting a variance on this matter.**

Reference: (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.

At this time, this standard and condition is NOT met. There is another congregate living facility within 1,320 feet of 975 Wakefield Avenue. You have the option to request a modification of this distance requirement with your request for a conditional use permit.

3) Ms. Spence requested a third vote in the matter of approving full on-site support services (art therapy, counseling, etc.) to be offered in the near future at the 975 Wakefield address. Support was given with one abstaining vote, wanting to wait until service was specified with certified providers and if facility must be recategorized from Transitional to Sober. At this time, though Ms. Spence refers to 975 Wakefield as a Sober House, City Zoning lists it as Transitional housing.

NOTE: Land Use Committee members recognize that services such as half-way, transitional, and sober houses are much needed in today's society - especially needed are residences in which families can remain as intact as possible as they rebuild their lives and receive essential services. We recognize, also, that it is our obligation to act with due diligence in our decision-making for the *entirety* of the Dayton's Bluff district. In such descisions as residential space, seeing four or five women and their children successfully reach their goals carries more weight than filling a residence to capacity of physical space.

Respectfully Submitted,

Sage Holben,
Chair, Dayton's Bluff Community Council Land Use

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The meeting was chaired by Commissioner Nelson.

Michaelene Spence - 15-171-359 - Conditional use permit for a transitional housing facility for 5 adults, 453 White Bear Ave N, NW corner at Euclid

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 1 recommended approval, and there was 1 letter in support, and 1 letter in opposition.

The applicant, Michaelene Spence, 453 White Bear Avenue, stated this home is for single women only without children. They are currently operating with four adult residents and would like to increase it to five adult residents.

Upon questions regarding the letter of opposition received, Ms. Spence stated there is a privacy fence in the backyard and she will make it a requirement that the women smoke in the back yard instead of the front yard. She will also contact the neighbors to see if there are any concerns that need to be addressed. Ms. Spence said that the residents are allowed to have visitors, but they cannot stay overnight. The residents are also allowed two overnight stays per week off-site. Ms. Spence said there are three bedrooms at this location and they all meet the space requirements that are required in the zoning code.

Natalie Smrt, 453 White Bear Avenue, spoke in support. She said that adding one more person would not be an issue. There is plenty of space upstairs for another person to live. Ms. Smrt explained the positive impact the home has had on her personally. If she wasn't able to go into a sober transitional housing she doesn't know where she would be today. She has been able to go back to her career as a full time hair stylist, and she is back in society as a functioning person. The support of the women she lives with is very important. She has been able to learn accountability for her sobriety.


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

Commissioner Barbara WencI moved approval with conditions of the conditional use permit.
Commissioner Elizabeth Reveal seconded the motion.

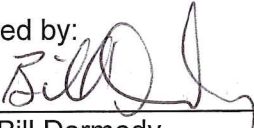
The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

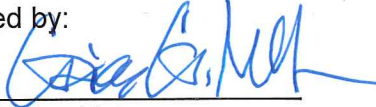
Drafted by:


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Gaius Nelson
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