

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Voice of East African Women **FILE #:** 14-303-103
  2. **APPLICANT:** Voice of East African Women **HEARING DATE:** July 17, 2014
  3. **TYPE OF APPLICATION:** CUP
  4. **LOCATION:** 1041 Selby Ave, NW corner at Oxford
  5. **PIN & LEGAL DESCRIPTION:** 022823220082, Rogers Addition To St Paul Ex Ave Lot 28 Blk 3
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** B2
  7. **ZONING CODE REFERENCE:** § 65.158 , §§ 61.501; 61.601; 61.202(b)
  8. **STAFF REPORT DATE:** July 9, 2014 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** June 26, 2014 **60 DAY DEADLINE FOR ACTION:** August 25, 2014
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- A. **PURPOSE:** Conditional use permit for shelter for battered persons
- B. **PARCEL SIZE:** 6549 sq. ft. (~60 ft. Selby by 108 ft. Oxford)
- C. **EXISTING LAND USE:** Institutional
- D. **SURROUNDING LAND USE:**
  - North: Single-family residential (RT1)
  - East: Commercial and school (B2, RT1)
  - South: Commercial and single-family residential (B2, RM2)
  - West: Commercial and multi-family residential (B2, RM2)
- E. **ZONING CODE CITATION:** §65. 158; §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The existing use is a licensed chemical dependency treatment center owned by African American Family Services and administered by the Institute on Black Chemical Dependency. There are no zoning permits on file for this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not made a recommendation at the time of this staff report.
- H. **FINDINGS:**
  1. The site is located at 1041 Selby Avenue at the northwest corner of Selby and Oxford. The applicant, Voices of East African Women, is proposing to change the use to a shelter for battered persons, offering short term stays (less than 30 days) for battered women and children. The floor plans show 10 sleeping rooms and the applicant states that the shelter will accommodate no more than 10 adult facility residents with minor children.
  2. §65.158 defines *shelter for battered persons* as "one main building, or portion thereof, on one zoning lot where adults and children who have suffered assault or battery live on a 24-hour-per-day basis for a period of time generally not to exceed 30 days" and refers to six standards and conditions for a shelter for battered persons serving more than four adult facility residents and minor children in their care must satisfy:
    - (a) *In residential, traditional neighborhood and OS-B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care. This condition will be met upon approval of this application.*
    - (b) *In residential districts, the facility shall be a minimum distance of 1,320 feet from any other shelter for battered persons with more than 4 adult facility residents, licensed community residential facility, emergency housing facility, overnight shelter, or transitional housing facility with more than 4 residents. This condition is met.*
    - (c) *Except in B4-B5 business districts, the facility shall not be located in a planning district in which 1 percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than 4 adult facility*

residents, overnight shelters, and/or transitional housing facilities with more than 4 adult facility residents. This condition is met. District 8 currently has .84% population in these facilities. The maximum 16 adult facility residents allowed would increase that number to .93%.

- (d) *In RL—RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve 16 or fewer adult facility residents and minor children in their care.* This condition is met. The floor plan that the applicant has provided shows 10 sleeping rooms. The applicant states that the use will accommodate no more than 10 adult facility residents and minor children.
  - (e) *The facility shall not be located in a two-family or multi-family dwelling unless it occupies the entire structure.* This condition is met. The existing building is a commercial building, with an existing primary institutional use as a chemical dependency treatment center.
  - (f) *In residential districts, facilities serving 17 or more facility residents shall have a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of 2 guest rooms.* This condition does not apply. The property is zoned B2 business district.
3. §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 Comprehensive Plan designates Selby Avenue as a Mixed Use Corridor, as shown in the Generalized Land Use Map (Figure LU-B). The proposed use is consistent with Comprehensive Plan Land Use Policy 1.25 to “support a mix of uses on Mixed Use Corridors.” The proposed use is consistent with Comprehensive Plan Housing Policy 1.1 to “increase housing choices across the city to support economically diverse neighborhoods” and 3.4 to “assist in the preservation and production of homeless and supportive housing.”
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed use is not expected to generate any more traffic than the existing use and there are no proposed changes to ingress and egress. The parking requirement is met.
  - (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. The use will fit into an existing structure. The building has been used to provide community services for a number of years.
  - (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 use is similar to the existing use and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district because it is similar to the existing use. There are other institutional and commercial uses in the area.
  - (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.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends **approval** of the conditional use permit for shelter for battered persons and denial of the variance for parking requirement subject to the following additional conditions:
- 1. The applicant shall satisfy licensing requirements administered by the State of Minnesota.
  - 2. A maximum of 10 adult facility residents shall be permitted



Department of Planning and Economic Development  
 Zoning Section *cup*  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

PD = 8

Fee 14-303103  
 Tentative Hearing Date  
7-17-14

# 022823220082

APPLICANT

Name VOICE OF EAST AFRICAN WOMEN  
 Address 2 E FRANKLIN AVE  
 City MINNEAPOLIS St. MN Zip 55404 Daytime Phone 612-735-6376  
 Name of Owner (if different) AMERICAN AFRICAN FAMILY SERVICES  
 Contact Person (if different) Michael Johnson Phone 612-735-6376

PROPERTY LOCATION

Address / Location 1041 SELBY AVE ST PAUL, MN  
 Legal Description BL AVE LOT 28 BLK 3  
 Current Zoning B-2  
 (attach additional sheet if necessary)

TYPE OF PERMIT:

Application is hereby made for a Conditional Use Permit under provisions of Chapter 5, Section 65, Paragraph ~~157~~<sup>158</sup> of the Zoning Code.

**SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.**

The applicant is purchasing the property at 1041 Selby Ave, St Paul for the purpose of establishing an **emergency shelter** for families and children that are subject to abuse and maltreatment behavior. The shelter will provided short term living arrangements for these individuals up to a period no longer than 30 days. During that period the organization will work with the families to assist in locating transitional housing and social related services that will provide a support for a successful transition to their new life.

The specific use of the building for this purpose is approved as a Conditional Use as an Emergency Shelter under the current zoning of B-2. Therefore, we are requesting a **change of use from an office building** to an emergency shelter zoning recognition.

See Attached information.

Required site plan is attached

*CK5309  
800<sup>00</sup>*

Applicant's Signature

*Michael Johnson*

Date

6/25/2014

City Agent

*add  
6-25-14*

To whom it may concern;

The Voice of East African Women is a 501 (c)(3) organization that is purchasing a facility owned by the American African Family Services, a community services organization. The intention of the Voice of East African Women's organization is change the usage of the building from community services to an emergency shelter facility for families and children that are in abusive relationships. Such change requires a Conditional use permit under the zoning ordinances. The following outlines the applicable standards and conditions that are being met by the Voice of East African Women's organization

#### Sec. 65.158 – State Standards

Standards or conditions for shelters battered persons serving more than four facility residents and minor children in their care.

A. A conditional use permit is required under Sec 65.158. The existing use of B-2 can be modified through a CUP to change the use of the current property to an emergency shelter use.

B. The facility located at 1041 Selby Ave meets the requirement of a minimum distance of one thousand three hundred twenty feet (1,320) from any other shelter for battered persons with more than (4) four adult facility residents, licensed community residential facility, emergency housing facility, overnight shelter or transitional housing facility with four or more adult facility residents.

C. The facility location has been reviewed by the St Paul Zoning office for compliance of the (1) percent limit of population in the planning district that limits the number of adults living in a licensed community residential facility, emergency housing facilities, shelters for battered persons with four or more residents, overnight shelters, and/or transitional housing facilities with four or more adult facility residents to no more than one percent of the districts population. The St Paul Zoning Department's survey determined that the new facility's adult population of 16 added to the current previous defined adult population that currently exist, the combined total is less than the one percent limit of the district.

D. The facility will serve sixteen (16) or fewer adult facility short term residents with minor children in accordance with the zoning district guidelines.

#### Sec. 61.501 Conditional Use Permit, General Standards

a. The facility located at 1041 Selby Ave in St Paul is proposed to be adapted from a B-2 office building to an emergency shelter use for the purpose of providing a short term living arrangements for families and children confronted by an abusive relationship. The comprehensive plan calls for a community that has an environment that provides for the safety and well being of its population. Providing for the opportunity to obtain better living conditions through community services that have the purpose of creating a strong cohesive neighborhood through the assisting of resolving abusive relationships and potential criminal behavior.

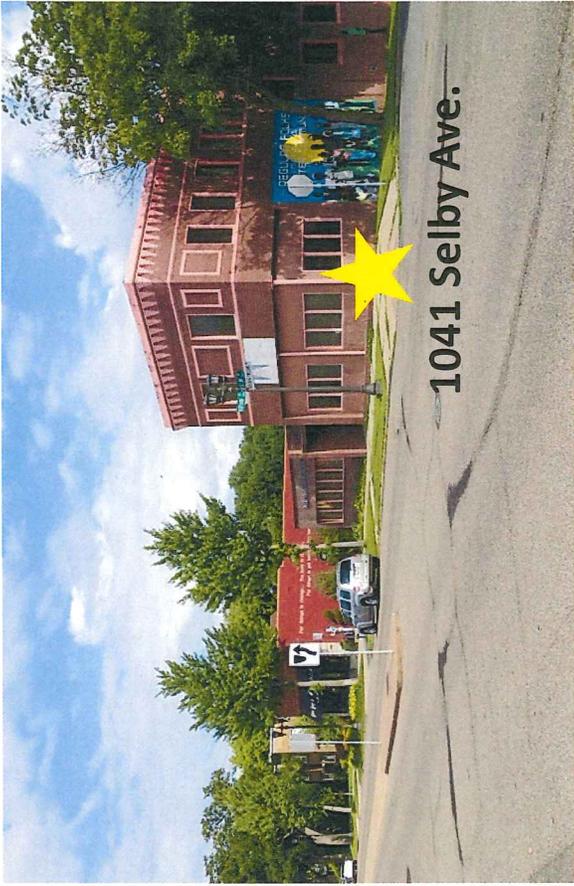
Voice of East African Women  
Conditional use permit application  
(Continued)

b. The facility can provide space for up to 16 families in their care. The parking requirement is 1.5 spaces per every four adults under Sec- 63.207 Parking Requirement by use. At 16 adult residence the facility will provide 6 parking spaces that are designated in its current parking lot space on site. The entrance and exit of this space is on Oxford Ave, which will have a minimal impact on the traffic patterns of Oxford or Selby Ave during the day or night. The families that do use this facility normally arrive by city bus, shuttle van from a referral center or dropped off by relatives or supportive friends.

c. The facility's use is designed to be family oriented. It is designed to protect and provide a health environment for the adults and children its serve. It provides a safe haven as an emergency shelter for those families that do have issues and safety concerns. The facility itself will add to the services provided to the neighborhood and community as a whole, of support to the general welfare of the community.

d. The facility design will have no exterior structural changes other than painting the exterior walls and trim. The interior will also stay the same with limited renovations that would include a new fire suppression and safety system. The current rooms provide adequate space for up to 10 families with minor children, administration offices, play room, kitchen area and conference room. The facility will not impede on any surrounding neighbor hood development projects or surrounding property uses. The building's current usage was a community center service providing services the surrounding community. The building's new usage is a great expansion of the that service in providing services to the area's diversified community by providing an emergency shelter and expanded advocacy programs to service the needs of this community.

e. The facilities use as an emergency shelter is recognized as a conforming use in its zoning district of B-2 that allows for an emergency shelter use by a conditional use permit.



1041 Selby Ave.

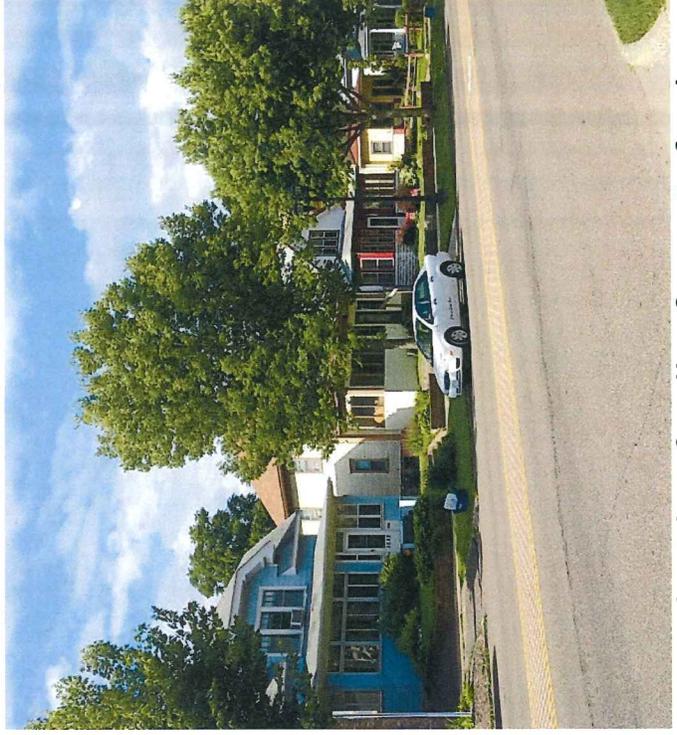
Northwest corner of Selby at Oxford



Northeast corner of Selby at Oxford



Southwest corner of Selby at Oxford



South side of Selby from Oxford



Rear of 1041 Selby, parking lot



Looking north down Oxford



Looking south down Oxford from Selby

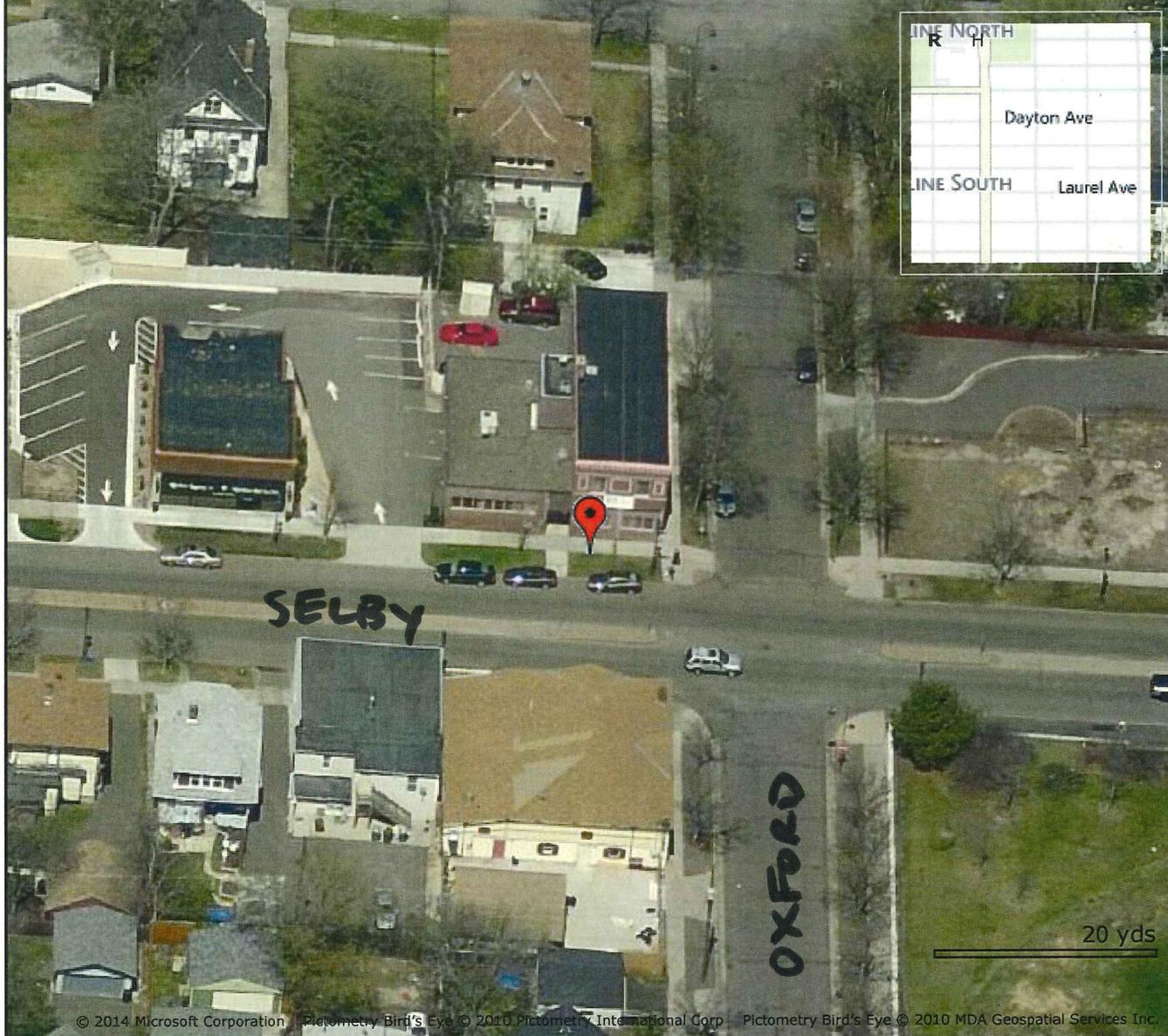




# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard  Show Reference Map



**1041 SELBY AVE.**

Dayton Ave

RT1

B2

VP

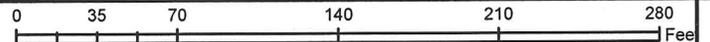
Oxford St N

Selby Ave

RM2

RT1

Hague Ave



APPLICANT Voice of East African Women

APPLICATION TYPE CUP w/ mod

FILE # 14-303103 DATE 6/27/2014

PLANING DISTRICT 8

ZONING MAP # 14

- Commercial & Office
- Industrial & Utility
- Institutional
- Vacant/Undeveloped
- Residential One Family
- Residential Two Family
- Residential Three Family
- Multifamily

