

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

**WHEREAS**, Archdiocese of Saint Paul/Minneapolis, File # 15-168-310, has applied for a rezoning from RM2 Multiple Family to T1 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 328 Kellogg Boulevard West, Parcel Identification Number (PIN) 06.28.22.22.0090, legally described as Irvine's Enlargement Of Rice and Irvine's Addition to the Town of St. Paul Taylors Place Also Known As Block 59 Dayton And Irvine's Add To St Paul & In Sd Irvine's Enlargement Lots 18,19 & 20 BIK 59; and

**WHEREAS**, the Zoning Committee of the Planning Commission, on November 5, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

**WHEREAS**, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Archdiocese of St. Paul and Minneapolis is requesting a rezoning of 328 Kellogg Boulevard from RM2 to T1 in order to allow office use to continue on the site once the Archdiocese sells the property. The Minnesota History Center has expressed interest in buying the building and using it for administrative offices. T1 zoning is the most restrictive zoning district that allows office use, while being sensitive to the surrounding multi-family residential uses.
2. The proposed zoning is consistent with the way this area has developed. One of the stated intents of the T1 traditional neighborhood district is to serve as a transitional use of land along major thoroughfares, between commercial or industrial districts and residential districts or other less intensive uses. The area surrounding 328 Kellogg Boulevard has been a mixed-use, predominantly institutional neighborhood for decades. Kellogg Boulevard is a major thoroughfare connecting the site to I-94 and downtown, and the current (and desired future) use of the subject parcel is an appropriate transition between downtown, adjacent multi-family uses and the residential neighborhoods west of Summit Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use chapter of the Saint Paul Comprehensive Plan identifies this area as a major institutional employment district. Rezoning to T1 to allow continued use of offices for the Minnesota History Center is consistent with the Comprehensive Plan.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

4. The proposed zoning is compatible with surrounding uses and zoning. The parcel is surrounded by multi-family residential uses zoned RM2 and RT2, and is adjacent to a mixed-use parcel zoned T2. Kellogg Boulevard, John Ireland Drive and 35E border the site, with the Minnesota History Center directly across Kellogg Boulevard. Saint Paul College and the Cathedral are also neighbors.
5. The petition for rezoning was found to be sufficient on October 14, 2015: 25 parcels eligible; 17 parcels required; 20 parcels signed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Saint Paul Planning Commission recommends to the City Council that the application of Archdiocese of Saint Paul/Minneapolis for a rezoning from RM2 Multiple Family to T1 Traditional Neighborhood for property at 328 Kellogg Boulevard West be approved.

# PETITION TO AMEND THE ZONING CODE

328 KELLOGG BOULEVARD WEST



NOVEMBER 5, 2015

The Archdiocese of St. Paul & Minneapolis is in the process of selling 328 Kellogg Blvd West (the Hayden Center), 244 Dayton Avenue, 250 Dayton Avenue and the 226-230 Summit Avenue (the Chancery).

- Paul Donovan and Jeremy Striffler of Cushman & Wakefield/NorthMarq were hired to assist in this process and started marketing the properties in April of this year.
- Tours of the properties were offered to all interested parties and held from May 15th to August 15th.
- All interested parties were asked to submit offers in August and the top offers are currently being evaluated to assure a high level of certainty in closing.

The Minnesota Historical Society has made an offer to purchase the Hayden Center. Their plan is to move their administrative offices out of the Minnesota History Center into the Hayden Center so that they can make more room for their permanent collection and exhibits.

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, the Archdiocese has proposed a rezoning of the Hayden Center property from a RM 2 zoning district to a T1 zoning district.

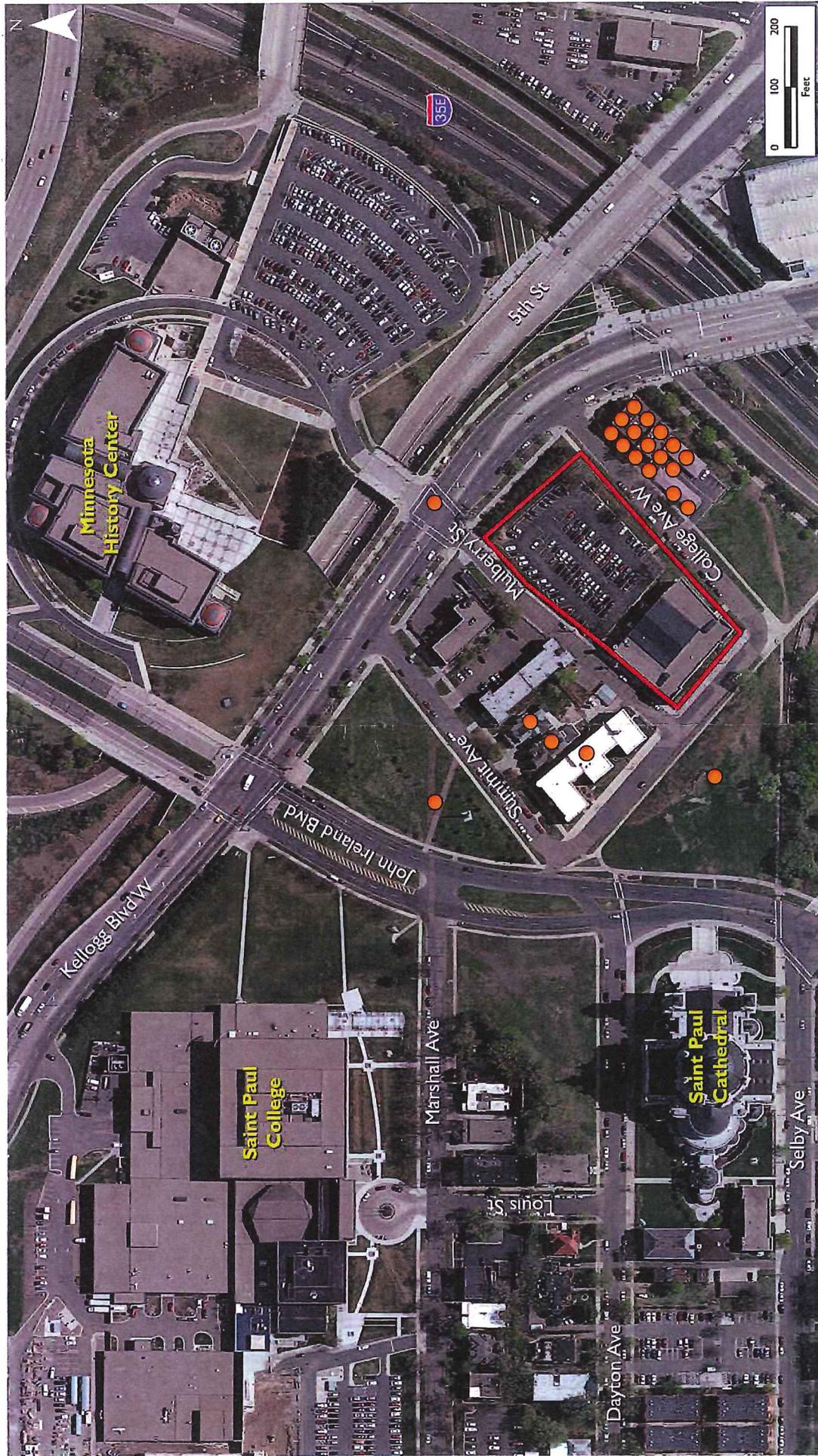
- The Hayden Center is currently zoned RM2 (medium density low-rise multiple family residential district). Since 1979, the building has housed the administrative offices of the Archdiocese of St. Paul and Minneapolis. The current office use is considered an accessory to the Cathedral and therefore is permitted in this residential district. Once this property is sold it will no longer be eligible for that status. Its existing zoning of RM2 will no longer be appropriate because the office use could exist in that zoning only with a conditional use permit for reuse of a large structure. Because this property was used as a school in the past and could be used for such in the future, it is not eligible for a conditional use permit.
- To keep the office use conforming, a rezoning to T1 (traditional neighborhood district) is being requested. T1 is the most restrictive zoning available that allows office use. Further, no exterior changes to the building are being proposed.
- A zoning classification of T1 is compatible with the land use and zoning of the general area. This property is in an area bounded by multiple family residential that is zoned RM2 and RT2, open space, and Highways 35E and 94. The Hayden Center is on the edge of the Capitol area and is also in an institutional land use area that transitions to neighborhoods west of Summit Avenue. Continued office use in this area is appropriate. The restrictive nature of the T1 classification is appropriate for this property because there are multifamily residential uses nearby.

- Office use at the Hayden Center is compatible with the comprehensive plan. The long history of the Cathedral School in this location and its construction by Paul Steenberg Construction Company (which also built Northrop Auditorium on the University of Minnesota campus) lends historic significance to this property. It sits between the Cathedral of St. Paul and downtown. Reusing the building as it exists supports the historic character of this area.
- The existing surface parking lot at the Hayden Center has 129 spaces. Under T1 zoning, parking is required at 1 space per 400 square feet of office space for new uses. This would require 158 spots at the Hayden Center. The building has been determined to be legally nonconforming for the number of parking spaces it has. The change from offices for the church to general office use does not impact this status. The Hayden Center will remain legally nonconforming with regard to parking.
- As part of the petition to amend the zoning code, the City of St. Paul requires signatures from 2/3rds of all property owners located within 100 feet of the property. There are 25 individual properties within 100 feet and so a minimum of 17 out of 25 signatures were required. We secured 22 out of the 25 needed signatures.

We have provided a copy of the zoning application and an update on the sale of the Archdiocese properties to Mayor Coleman, Councilman Thane and Councilman Thao.

We provided a presentation on the rezoning request to the Development Review committee of District 17 (CapitolRiver Council) on October 13, 2015. District 17 supports the rezoning request by action of its Board of Directors on October 21, 2015.

We have worked closely with Donna Drummond, Director of Planning, and Lucy Thompson, Principal City Planner, from the City of St. Paul Department of Planning and Economic Development and they have been supportive of our efforts.



# St Paul - 328 Kellogg Blvd W

● - Signed Petition to Amend the Zoning Code (Total=22)



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file number  
date

WHEREAS, Michaelene Spence, File # 15-170-503, has applied for a 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 under the provisions of §65.159 of the Saint Paul Legislative Code, on property located at 975 Wakefield Avenue, Parcel Identification Number (PIN) 33.29.22.31.0186, legally described as Wakefield Place Lot 25; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 5, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests conditional use permit approval for a transitional housing facility that increases the number of adult residents from 4 to 6 at 975 Wakefield Avenue, which requires modification of the condition requiring separation of 1,320 feet from certain other congregate living facilities as addressed in Findings 2b and 4. The Department of Safety and Inspections has reviewed the proposed facility's characteristics and determined it to be transitional housing as defined in the Zoning Code.
2. §65.159 lists the standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:
  - (a) *In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult residents and minor children in their care. This condition would be met if this application is approved.*
  - (b) *In RL—RT2 residential districts, the facility shall be a minimum distance of 1,320 feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter. This condition is not met. A shelter for battered persons is located less than 800 feet away. The application requests modification of this condition.*
  - (c) *Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing*

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

*facilities with more than four (4) adult facility residents.* This condition is met. If the application is approved, the planning district would have 0.75% of its population in such facilities.

(d) *In RL—RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS—B3 business and IT—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.* This condition is met. The facility would serve 6 adult facility residents and is zoned RT1.

(e) *In RL—RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.* This condition is met. The facility is located in a single-family home – not a two-family or multifamily dwelling.

(f) *In residential districts, facilities serving seventeen (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 two (2) guest rooms.* This condition is met. The facility serves less than 17 residents.

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 proposed transitional housing use is consistent with the Comprehensive Plan's Housing Chapter, which supports a broad range of housing types in city neighborhoods (Strategy H1.1). The Land Use Chapter (Figure LU-B) designates the site as part of an Established Neighborhood, in which the existing character should be maintained (Strategy LU1.5).

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site has a two-car garage accessed via the alley and can use on-street parking on Wakefield Avenue. The traffic impact of the 6-resident facility is anticipated to be similar to residential uses allowed in the zoning district.

(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 proposed use is similar in anticipated traffic and noise impact to the site's previous use. Additionally, there is substantial nearby on-street parking available. No building expansion is proposed. The use will not be detrimental to the existing character of development in the area or endanger the public health, safety and general welfare.

(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 surrounding area is developed and the proposed use will have no effect on improvement of surrounding property.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use requires two (2) off-street parking spaces, which are provided in a rear yard detached garage accessed via the alley. All other applicable regulations are met, as well.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided,*

*that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. Provided that the maximum number of adult residents is limited to five (5) rather than the six (6) requested by the application, strict application of the 1,320 foot minimum separation from certain other congregate living facilities would unreasonably limit lawful use of the property and would result in exceptional undue hardship by preventing the owner from using the five (5) existing bedrooms for five (5) adult residents. Modification of the condition to allow the facility to locate less than 800 feet from a shelter for battered persons does not impair the intent and purpose of the condition by contributing to overconcentration and an institution-like environment because of the very modest impact of an increase of one (1) adult resident above the current occupancy.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Michaelene Spence for a 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 at 975 Wakefield Avenue is hereby approved subject to the following conditions:

1. Final approvals by the Zoning Administrator for this use shall be in substantial compliance with the application materials.
2. No expansion of the building is allowed. Any requested expansion would require consideration through a new conditional use permit application and review.
3. The facility shall be limited to no more than five (5) adult residents and their children.



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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file number  
date

WHEREAS, Michaelene Spence, File # 15-171-359, has applied for a conditional use permit for a transitional housing facility for 5 adults under the provisions of §65.159 of the Saint Paul Legislative Code, on property located at 453 White Bear Avenue N, Parcel Identification Number (PIN) 34.29.22.41.0005, legally described as Godes And Licha Addition Lot 5 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 5, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests conditional use permit approval for a transitional housing facility that increases the number of adult residents from 4 to 5 at 453 White Bear Ave N. The Department of Safety and Inspections has reviewed the proposed facility's characteristics and determined it to be transitional housing as defined in the Zoning Code.
2. §65.159 lists the standards and conditions for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:
  - (a) *In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult residents and minor children in their care. This condition would be met if this application is approved.*
  - (b) *In RL—RT2 residential districts, the facility shall be a minimum distance of 1,320 feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter. This condition is met. The closest such facility is over 4,000 feet to the west.*
  - (c) *Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents. This condition is met. If the application is approved, the planning district would have 0.37% of its population in such facilities.*
  - (d) *In RL—RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS—B3 business and IT—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care. This condition is met. The facility would serve 5*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

adult facility residents and is zoned R3.

(e) *In RL—RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.* This condition is met. The facility is located in a single-family home – not a two-family or multifamily dwelling.

(f) *In residential districts, facilities serving seventeen (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 two (2) guest rooms.* This condition is met. The facility serves less than 17 residents.

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 proposed transitional housing use is consistent with the Comprehensive Plan's Housing Chapter, which supports a broad range of housing types in city neighborhoods (Strategy H1.1). The Land Use Chapter (Figure LU-B) designates the site as part of an Established Neighborhood, in which the existing character should be maintained (Strategy LU1.5).

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site has a two-car garage accessed via the alley and can use on-street parking on Euclid Street. The traffic impact of the 5-resident facility is anticipated to be similar to residential uses allowed in the zoning district.

(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 proposed use is similar in anticipated traffic and noise impact to the site's previous use. Additionally, there is substantial nearby on-street parking available. No building expansion is proposed. The use will not be detrimental to the existing character of development in the area or endanger the public health, safety and general welfare.

(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 surrounding area is developed and the proposed use will have no effect on improvement of surrounding property.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use requires two (2) off-street parking spaces, which are provided through a 2-car garage accessed via the alley. There is also a one-car parking pad with access from Euclid Street. All other applicable regulations are met, as well.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Michaelene Spence for a conditional use permit for a transitional housing facility for 5 adults at 453 White Bear Avenue N is hereby approved subject to the following additional conditions:

1. Final approvals by the Zoning Administrator for this use shall be in substantial compliance with the application materials.
2. No expansion of the building is allowed. Any requested expansion would require consideration through a new conditional use permit application and review.

ZF# 15-171-359  
456 White Bear

**Langer, Samantha (CI-StPaul)**

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**From:** Teri Pleau <tjpleau@hotmail.com>  
**Sent:** Tuesday, November 03, 2015 6:32 PM  
**To:** Dermody, Bill (CI-StPaul)  
**Subject:** 15-171-359 453 White Bear Ave N

I am against granting a conditional use permit for a transitional housing facility for 5 adults at 453 White Bear Ave. N. Currently there are 4+ people living there as transitional housing. Many cars and people come & go all hours of the day, it is a nuisance. My house is across Euclid St. I am normally in the rooms next to the street. There is so much noise coming from people talking and car doors banging especially at night it wakes me up. The tenants also smoke on the front steps usually in their pajamas. With so many tenants smoking at one time the smoke smell permeates the area.

I feel our neighborhood will deteriorate with the start of commercial type housing. This is a family neighborhood with minimal rental property.

Please do not grant this conditional use.

Patricia Pleau  
447 White Bear Ave N  
St. Paul, MN 55106-6008  
342922410022

