

city of saint paul
planning commission resolution
file number
date

WHEREAS, Allan Kyariga, File # 21-275-968, has applied for a conditional use permit for a supportive housing facility for up to 17 residents, with modification of the required distance from other congregate living facilities (1320 ft. required, 950 ft. proposed), under the provisions of § 65.162, § 61.501, and § 61.502 of the Saint Paul Legislative Code, on property located at 402 Front Avenue, Parcel Identification Number (PIN) 25-29-23-31-0123, legally described as Robert A. Smith's Rearrangement, Lots 1-3, Block 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 15, 2021, 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 applicant is proposing to construct a two-story supportive housing facility for up to 17 residents on Font Avenue between Arundel Street and Western Avenue N. The site plan demonstrates that there are six (6) of guest rooms provided, living and dining areas, bathrooms, laundry facilities, as well as a garage. The site is currently vacant.
2. Supportive housing facilities require a conditional use permit in residential districts if the facility serves more than seven (7) residents and must meet the following special standards and conditions for supportive housing listed in Zoning Code § 65.162:
 - (a) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.* This condition is not met. The proposed facility is located within 950 feet of the next congregate living facility with more than six (6) adult residents. Requested modification of this condition is addressed in finding 3 below.
 - (b) *In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents.* This condition is met. The supportive housing facility is located in an RM2 district and is serving 17 residents.

moved by _____
seconded by _____
in favor _____
against _____

(c) *In residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving seven (7) or more facility residents. This condition can be met. The application is for a conditional use permit for supportive housing in the RM2 district.*

(d) *In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of six (6) guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses. This condition is met. The proposed facility has a lot area of over 15,000 square feet exceeding the minimum lot area of 5,000 square feet and has six (6) guest rooms. Given that there are six (6) guest rooms already proposed there is no need for an additional 1,000 square feet.*

3. Zoning Code § 61.502 provides that *the Planning Commission, after public hearing, may modify special conditions when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property and would result in exceptional undue hardship to the owner of such property; provided that such modification will not impair the intent and purpose of such special condition and is consistent with the health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

Analysis by the DSI determined that there is another congregate housing facility serving more than six (6) adults within the required minimum distance of one thousand three hundred twenty (1,320) feet, requiring a modification of condition by the Planning Commission. The application is requesting a modification of 370 feet to provide a supportive housing facility on a vacant lot. Supportive housing is conditionally permitted in the RM2 zoning district and modification of the distant requirement will not impair the health, morals, and general welfare of the surrounding community. Providing supportive housing for vulnerable populations supports health and wellbeing. Additionally, the site design is compatible with surrounding multi-family residential and commercial uses. The site and will add to the diversity of housing in the North End, which aligns with the vision of the North End District 6 Plan.

4. Zoning Code § 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 2040 Comprehensive Plan identifies the site as Urban Neighborhood in the Land Use Plan chapter. Urban Neighborhoods are primarily residential with a variety of housing types, schools, neighborhood parks, religious institutions, and cemeteries with scattered neighborhood serving commercial. Supportive housing is supported by several policies in the Comprehensive Plan, most notably:*

- Policy H-18. Foster the preservation and production of deeply affordable rental housing (housing affordable to those at 30% or less of AMI), supportive housing and housing for people experiencing homelessness
- Policy H-15. Accommodate a wide variety of culturally-appropriate housing types throughout the city to support residents at all stages of life and levels of ability.
- Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.

Additionally, the proposed use is consistent with the District 6 North End Neighborhood Plan which envisions diverse housing types through the district.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site provides adequate off-street parking directly off Front Avenue and can provide additional parking spaces in the rear of the building. Additionally, the site is located along Metro Transit, Route 3 and is less than a half a mile from the Dale Street and Front Avenue stop.
- (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 site is surrounded by a variety of residential and commercial uses and it is located along a transit line. Additionally, the proposed supportive housing will contribute to the public health, safety, and general welfare of the community by providing safe housing for those in need.
- (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 supportive housing use is consistent with the 2040 Comprehensive Plan and the District 6 North End Neighborhood Plan. The proposed use — supportive housing — complements the surrounding residential and commercial uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to modification of the required minimum distance from any other congregate living facility with more than six adult residents from 1320 feet to 950 feet.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Allan Kyariga for a conditional use permit for a supportive housing facility for up to 17 residents, with modification of the required distance from other congregate living facilities (1320 ft. required, 950 ft. proposed), at 402 Front Avenue is hereby approved subject to the following additional condition.

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.