

city of saint paul
planning commission resolution
file number
date

WHEREAS, Catholic Charities of Saint Paul & Minneapolis, File # 17-211-599, has applied for a conditional use permit to increase the number of overnight shelter beds and mats from 278 to 320 under the provisions of § 61.501 of the Saint Paul Legislative Code, on property located at 435 Dorothy Day Place, Parcel Identification Number (PIN) 06.28.22.22.0101, legally described as CIC No 815 Dorothy Day Condo Unit 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 2017, 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. Catholic Charities of St. Paul and Minneapolis has applied for a CUP to expand their existing overnight shelter at 435 Dorothy Day Place from 278 to 320 beds and mats. There is space available within the building for an additional 42 temporary shelter spaces. The applicant would like to be able to use the full capacity of the building to shelter homeless individuals and is requesting a new CUP to allow up to 320 overnight shelter beds and mats.
2. § 65.157 lists one standard specific to the overnight shelter use: *The facility shall be six hundred (600) feet from any other of the following congregate living facilities with more than four (4) adult residents: overnight shelter, supportive housing facility, licenses correctional community residential facility, emergency housing facility, or shelter for battered persons.* This condition is met as nearby congregate living facilities are more than 600 feet from this facility, including the Ramsey County Juvenile Detention Center (1,070 feet) and Naomi Family Shelter (1,792 feet). The residential program at St. Joseph's Hospital is exempt as it is part of the hospital.
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 as it is consistent with the City's Comprehensive Plan and the Downtown Development Strategy. Policy 3.4 of the Housing Chapter of the

moved by _____

seconded by _____

in favor _____

against _____

Comprehensive plan states: "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. This facility does not have parking lots or curb cuts, and does not generate significant automobile traffic to the site. The addition of shelter overnight spaces within this facility will not change how the site functions in relationship to traffic generation or increase congestion on public streets.
- (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. This CUP is for the addition of additional overnight shelter spaces to an existing facility. The addition of these spaces will improve the public health and safety of Saint Paul's homeless population by providing additional indoor sleeping facilities.
- (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. This CUP is for the addition overnight shelter spaces within an existing facility and will not cause any changes to how the building relates to surrounding properties.
- (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. This CUP is for the addition of overnight shelter spaces to an existing facility, which was granted a CUP in August 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Catholic Charities of Saint Paul & Minneapolis for a conditional use permit to increase the number of overnight shelter beds and mats from 278 to 320 at 435 Dorothy Day Place is hereby approved.

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WHEREAS, Northern Star Council BSA, File # 17-210-652, has applied for rezoning from OS office-service to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 393 Marshall Avenue, Parcel Identification Number (PIN) 36.29.23.34.0011, legally described as Lot 1 except the easterly 5 feet thereof, all of lots 2-7, lot 8 except the westerly 30 feet thereof, lot 23 except the westerly 30 feet thereof, and all of lots 25-29, Block 22, Mackubin and Marshall's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 2017, 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:

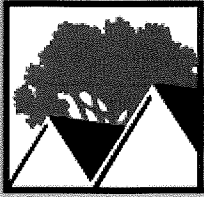
1. The application states that the purpose of rezoning is to facilitate residential redevelopment on the site. A conceptual site plan submitted with the application shows a courtyard apartment building with structured/underground parking. The developer has indicated that the concept is for between 150-175 dwelling units, with a mix of studios, alcoves, 1BR, 2BR and potentially 3BR units.
2. The proposed zoning is consistent with the way this area has developed. T2 district dimensional standards would make it possible for the proposed multifamily development to be designed to be consistent with the scale and density of the historic surrounding development pattern. The majority of surrounding multifamily residential buildings that are currently zoned RM2 were built before RM2 zoning and exceed the current RM2 35% maximum lot coverage dimensional standard in that district. The proposed development is also consistent with the other multifamily developments in the immediate area in regards to the proposed density (units/acre). 370 Marshall, for example, was constructed in 2003 at a density of 100 units per acre. The proposed development at 393 Marshall will be constructed at a density of 100 – 116 units per acre.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is at the intersection of two collector streets, is within a half mile from the central corridor, is less than a quarter mile from the high frequency bus line on Selby, and is adjacent to a dedicated bike lane on western avenue. Strategy 1.1 of the housing chapter calls for increasing housing choices across the city to support economically diverse neighborhoods. Strategy 1.2 of the housing chapter calls for meeting the market demand for transit oriented housing. Strategy 1.3 of the housing chapter calls for revitalizing the city by developing land efficient housing.

moved by _____
seconded by _____
in favor _____
against _____

4. The proposed zoning is compatible with surrounding multifamily, institutional, and commercial uses in the immediate area. The proposed T2 zoning is consistent with this established land-use pattern in terms of the uses that are permitted in the T2 zoning district.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed rezoning from OS to T2 does not constitute spot zoning. The uses permitted in the proposed T2 zoning district are consistent with the uses permitted in RM2 zoning district adjacent to the subject parcel and the T2 and B2 zoning districts within a block of the subject parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Northern Star Council BSA for rezoning from OS office-service to T2 traditional neighborhood for property at 393 Marshall Avenue be approved.

ZF # 17-210-652



SUMMIT-UNIVERSITY
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November 20, 2017

Anthony Johnson
City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102

Dear Mr. Johnson,

The Summit-University Planning Council has formally voted in opposition of rezoning the property at 393 Marshall from OS to T2.

This was recommended by our Neighborhood Development Committee, who hosted a meeting on November 14 where representatives from the Exeter group shared the details of the application with the committee members. The recommendation was reinforced at a later SUPC meeting.

Since this meeting, six community members have called or emailed to voice their opposition to the rezoning. One of the resounding concerns that we have heard (and that SUPC shares with our neighbors) is that there needs to be a larger discussion about how rezoning to T2 will impact the area, and that the community absolutely has to be part of that conversation.

Furthermore, a rezoning application without site plans requires the community to put a lot of faith in developers who have not taken the time to build a relationship so far. We would be happy to facilitate community forums, or smaller meetings as needed.

Please contact me if you have any further questions or concerns,

Thank you,

Jens Werner
Executive Director
Summit-University Planning Council
Saint Paul, MN 55104
651-228-1855

ZF # 17-210-652

From: [Johnson, Tony \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Cc: [Torstenson, Allan \(CI-StPaul\)](#)
Subject: FW: SUPC Letter 393 Marshall
Date: Tuesday, November 21, 2017 12:25:19 PM

From: Jens Werner [mailto:jens@summit-university.org]
Sent: Tuesday, November 21, 2017 12:09 PM
To: Johnson, Tony (CI-StPaul)
Subject: Re: SUPC Letter 393 Marshall

A neighbor sent this letter for me to provide to you:

I am writing to voice our concern and disappointment regarding the lack of communication with the neighborhood regarding the above referenced hearing. We just learned of this hearing scheduled for tomorrow from another neighbor (who got the notice from another neighbor) this evening. Unacceptable!

My husband and I oppose the rezoning of the property from OS office to T2 traditional neighborhood.

Please be transparent regarding such activities and meetings.

Thank you.

Barbara and Chuck Gudknecht
[487 Marshall Ave](#)
[651-298-1012](#)

On Tue, Nov 21, 2017 at 11:44 AM Jens Werner <jens@summit-university.org> wrote:

Hello Tony,

SUPC's letter regarding 393 Marshall is attached to this email.

Please confirm that you have received it.

Thank you,

Jens

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Jens Werner
Executive Director
Summit University Planning Council
[651-228-1855](tel:651-228-1855)
www.summit-university.org

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Jens Werner

Executive Director

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