

city of saint paul
planning commission resolution
file number
date

WHEREAS, 545 Snelling LLC, File # 20-046-445, has applied for a conditional use permit for a building addition to expand an existing supportive housing facility with modification of condition to increase the number of facility residents from 79 to 98 residents, under the provisions of § 65.162, § 61.501, and § 61.502 of the Saint Paul Legislative Code, on property located at 545-555 Snelling Avenue N, Parcel Identification Number (PIN) 33.292.31.40.032 & 0033, legally described as Stierle, MConville & Seeger’s Midway Addition, Block 1, S 6.05 ft. of W 37.42 ft. of E 10.5 ft. of lot 2, & all of Lots 3-7; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 30, 2020, held a public hearing on said application pursuant to 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. A conditional use permit for a 76-room boarding house was approved for 545 N. Snelling in 1986. Under the current zoning code, the existing and proposed use of the Kimball Court building at 545 N. Snelling is supportive housing. Zoning Code § 61.504 requires a new CUP when the floor area of a conditional use increase by more than 50%, when a conditional use expands onto an abutting lot, when the number of residents in a congregate living facility increases, or when the number of rooming units in a rooming or boarding house increases. The application proposes an addition to Kimball Court that would expand the facility onto the abutting lot at 555 N. Snelling Avenue and increase the floor area by approximately 60.9%. It proposes to increase the number of facility residents from 79 to 98, and the number of rooming units would also increase.
2. The applicant currently has a purchase agreement for the property at 555 N. Snelling Avenue. The purchase agreement is subject to veto by any parties to an ongoing lawsuit regarding 555 N. Snelling Avenue. A condition of approval of the CUP for expansion of the existing supportive housing facility to the property a 555 N. Snelling Avenue should be final acquisition by the applicant of fee title of the subject property.
3. Zoning Code § 65.162 lists conditions for Supportive Housing Facilities:
 - (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 four (4) adult residents, except in B5-B5 business districts where it shall be at least six hundred*

moved by _____

seconded by _____

in favor _____

against _____

(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 met. While Hovander House, a supportive housing facility for nine residents, at 1491 Sherburne is about 980 feet away, this is a legal nonconformity and the proposed Kimball Court addition would not increase the nonconformity.

- (b) In RL-RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents. This condition is not met. The application proposes to increase number of residents in the Kimball Court facility, in a T2 traditional neighborhood district, from 76 to 98 facility residents. However, the Planning Commission can modify this condition, subject to meeting the standard for modification described in § 61.502 of the Zoning Code.
- (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 does not apply. The facility is in a T2 traditional neighborhood 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. In the T2 district at this location, where no parking is required and no surface parking is proposed, the maximum floor area ratio (FAR) is 3.0. The proposed expanded building has an FAR of 2.78, which conforms with this requirement.
4. Zoning Code § 61.502 states: “The planning commission, after public hearing, may modify any or all special conditions, when 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.”

On April 13, 2016, the Saint Paul City Council voted to adopt Ordinance 16-5, which, among other changes, add supportive housing to the Saint Paul zoning Code as a defined land use. The ordinance specifically incorporated by reference the Comprehensive Planning Committee’s February 23, 2016 memorandum to the Planning Commission regarding the Planning Commission’s Congregate Living Zoning Study as “articulating the Council’s reasons and rationale” for enacting the zoning code amendments codified by Ordinance 16-5. Page 17 of that memorandum states:

“There are two purposes for regulating the number of residents for Supportive Housing Facilities through establishment of maximum numbers of residents and requirement for a conditional use permit: (1) to encourage facilities that are less institutional in nature due to their size; and (2) to fit with the zoning district’s general character.”

Taken together, the facts of the situation suggest that strict application of the zoning code would create an undue hardship for the applicant. The facility already exceeds the standard of not more than 16 total residents in a traditional neighborhood district (65.162 (b)), and the proposed expansion would further exceed that standard. However, the language of Sec. 65.162(d) suggests that greater facility size was contemplated for facilities in all T districts.

Moreover, the Sec. 65.162(b) does not limit the total number of residents to 16 in any of the RM districts. The T2 district in which the proposed expanded facility is located is actual intended to accommodate more intense uses than the RM2 district, where, by right, a supportive housing facility is not limited to 16 residents (in the case of an RM2 district, it is not clear precisely how many residents would be allowed, as number of residents does not directly equate to number of units, the metric for density in the RM2 district). In regard to the intent of supportive housing as described in the congregate living zoning study, the size of the proposed facility is consistent with the typical multifamily residential development in more highly urbanized neighborhoods along major transit corridors. Finally, the proposed expanded facility is consistent with 65.162(d), which regulates density for supportive housing in the T2 district through allowed maximum FAR, and is consistent with Comprehensive Plan policy, which calls for provision of affordable housing in all neighborhoods and for accommodation of increased density along mixed-use corridors in proximity to transit facilities.

The modification of condition will allow for provision of acutely needed affordable housing, which is consistent with the health, morals and general welfare of the community. While the modification will allow additional residents at the expanded facility, the proposed facility is consistent with dimensional and design standards of the T2 district and is on balance consistent with the reasonable enjoyment of adjacent properties.

5. § 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. Policies H1.1 and H1.3 of the Saint Paul 2030 Comprehensive Plan state that the City should (H1.1) *Increase housing choice across the city to support economically diverse neighborhoods* and (H1.3) *Revitalize the city by developing land-efficient housing.* Policy H1.3 specifically addresses the need to prioritize development of housing within ¼ mile of University Avenue. Policy H 3.1 of the Hamline Midway Community Plan (HMCP) calls for the City to “*prioritize redevelopment on... Snelling Avenue for high density 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 does not include additional off-street parking. While some additional demand for on-street parking may occur, the proximity to high-frequency transit and the general lack of financial resources of likely residents suggest that additional demand for motor vehicle parking induced by the proposed use will be minimal.
- (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 will expand the existing supportive housing facility from 76 total residents to 98 total residents, consistent with the existing character of development in the immediate area. The proposed expansion will replace a single story building at 555 N. Snelling Ave with a 4-story addition to the existing 4-story building to the immediate south at 545 N. Snelling Avenue. The number of proposed additional residents is roughly equivalent to the proposed expansion of the building size, and the proposed building addition is generally consistent with the built character of the surrounding area, which is characterized by a mix of building heights and generally relatively large building footprints relative to lot size.
- (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. A

supportive housing facility has existed at 545 N. Snelling Avenue since 1986. The proposed use will be a roughly 25% expansion, based on the number of residents, of this existing use, and reduces the overall density of the use as measured by total floor area relative to lot size.

(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 use, in all other aspects, conforms to the applicable regulations of the district in which it is located.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of 545 Snelling LLC for a conditional use permit for a building addition to expand an existing supportive housing facility with modification of condition to increase the number of facility residents from 79 to 98 residents at 545-555 Snelling Avenue N is hereby approved, subject to the following conditions:

1. Final acquisition by the applicant of fee title of the property at 555 N Snelling Avenue.
2. 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.