

On Motion of

Seconded by

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 16-

**RESOLUTION IMPOSING CONDITIONS ON THE
RENTAL DWELLING LICENSES
FOR 1924 BIDWELL ST., 1990 STRYKER AVE AND 76 CRUSADER
WEST ST. PAUL**

WHEREAS, NET Ministries Inc., (the “Owner”), located at 110 W. Crusader, West St. Paul, (“NET Ministries Campus”) is the owner of three single-family residential properties, one of which is located at 1924 Bidwell St. (“Bidwell Property”), one of which is located at 76 Crusader (“Crusader Property”) and one of which is located at 1990 Stryker Ave. (“Stryker Property”), West St. Paul (collectively, the “Properties”), all of which are located in the R1A zoning district; and

WHEREAS, West St. Paul City Code Section §153.050 (D) allows as Church as a permitted use in the R1A zoning district and specifically provides for on-site residential housing as follows:

Churches, including those related structures located on the same site which are an integral part of the church property, such as convents or homes for persons related to a religious function on the same site with the following conditions:

- (1) No church building shall be located within 50 feet of any lot line of an abutting lot in an R District; and
- (2) No more than ten persons shall reside on the site;

and

WHEREAS, because the Crusader Property is located on the NET Ministries Campus, Owner has used the Crusader Property as on-site residential housing related to a religious function and has allowed up to ten people to reside within the residence, pursuant to City Code Section 153.050 (D); and

WHEREAS, the Owner acquired the Stryker Property in 2006 and the City deemed it to be contiguous to the NET Ministries Campus, due to its close proximity, which is located directly across a public street from the NET Ministries Campus; and

WHEREAS, as a result of being contiguous to the NET Ministries Campus, the City allowed Owner to use the Stryker Property as on-site residential housing related to a religious function and allowed up to ten people to reside within the residence, pursuant to City Code Section 153.050 (D); and

WHEREAS, the Owner acquired the Bidwell Property in 2014 and has indicated that it relied on representations made by City Staff prior to the purchase, as well as relied on the definition of “Dwelling Unit” which previously stated as follows:

DWELLING UNIT. A building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family or a congregate residence for ten or less persons;

and

WHEREAS, Owner immediately began to use the single-family residence as a “congregate residence” for 10 person or less; and

WHEREAS, the City Council later passed an ordinance that limited the number of unrelated occupants allowed in a Dwelling Unit as follows:

FAMILY.

- (1) An individual or two or more persons legally related by blood, marriage, foster care or adoption in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings, but not aunts, uncles or cousins; or
- (2) A group of not more than three persons not related by blood or marriage living together in a dwelling unit,

which is codified at City Code Section 150.036; and

WHEREAS, City informed Owner that it was not in compliance with the City Code Section because it had more than 3 unrelated persons in the Bidwell Property in violation of City Code Section 150.036, a violation that Owner has continuously disputed; and

WHEREAS, the Owner identified the discrepancy between City Code Section 153.004 “Dwelling Unit” definition, upon which they relied for the occupancy requirements of the Bidwell Property and City Code Section 150.036 “Family” definition; and

WHEREAS, the City Council passed an ordinance amendment on February 22, 2016, that eliminated the “congregate residence” language from City Code Section 153.004 “Dwelling Unit” definition; and

WHEREAS, City Staff has met with the Owner on numerous occasions to attempt to find a reasonable resolution to the occupancy issue at the Bidwell Property; and

WHEREAS, there is a property immediately to the south and adjacent to the Stryker Property, located at 2010 Stryker Ave. (“Option Property”) that could also be used as on-site residential housing for Owner; and

WHEREAS, the Owner has obtained an option to the purchase of 2010 Stryker Ave. when the owner is prepared to sell it; and

WHEREAS, on October 23, 2015, the City received completed rental dwelling applications for the Properties; and

WHEREAS, on April 25, 2016, the City Council considered the Rental Dwelling Applications for the Properties, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, Owner is a well-respected and valued national organization within the City and neither the NET Ministries Campus nor its associated properties have been the subject of complaints regarding the use of its properties; and

WHEREAS, City staff and Owner have had discussions about how to accommodate the longer term business and housing needs of Owner on its campus and on its properties; and

WHEREAS, following the testimony, the City Council supports the approval of the rental licenses at the Properties, but due to the higher number of occupants residing at the Properties, desires to add reasonable conditions to the approval of the licenses.

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the rental dwelling license applications of NET Ministries for the properties located at 76 Crusader and 1990 Stryker Ave. and makes the following findings and the subsequent conditions:

A. Finding 1: The above-stated clauses were relied upon when making the Council's decision and are incorporated herein.

Finding 2: The Crusader Property and the Stryker Property may each have up to 10 occupants as on-site residential housing related to a religious function, as provided in City Code Section 153.050 (D) as long as the conditions below are followed.

B. The Council adds the following conditions:

(1) The Owner must apply for the renewal of the annual Rental Licenses in a timely manner,

(2) The Owner must maintain the Properties up to the following Maintenance Standards:

- (1) Building Code
- (2) Housing Code
- (3) Animal Ordinance
- (4) Fire Prevention Code
- (5) Repeat Nuisance Service Calls
- (6) Parked or Stored Motor Vehicles

(7) Public Nuisance Ordinance

- (3) The Owner must maintain the Properties so that there are no compliance letters for noxious matter, long grass and weeds, keeping sidewalks clear of snow and ice, or dumping or leaving of garbage/rubbish or junk.
- (4) There must not be any Repeat Nuisance Service Call Fees.
- (5) The Owner must complete phase one to three of the Crime Free Rental-Housing Training before the next rental license renewal.
- (6) The Owner must work with the City in resolving any issues or concerns that arise that are disruptive to the peace and harmony of the neighborhood.
- (7) No more than four vehicles may be parked outside on the Properties at any given time per City Ordinance.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council approves the rental dwelling license application of NET Ministries for the property located at 1924 Bidwell St. with the following conditions:

- A. The Owner will exercise the option to purchase the property at 2010 Stryker when offered by the owner in accordance with the terms of the option agreement.
- B. Upon closing with the owner of 2010 Stryker, the Owner will:
 - (1) Apply for, and if Owner meets all requirements in the City Code for approval of a rental license, the City will grant a rental dwelling license for the property under the same terms and conditions as the 1990 Stryker Property.
 - (2) Within a reasonable time, not longer than six (6) months, sell the Bidwell Property or reduce the number of occupants at that location to comply with the City Code; and
 - (3) Petition the City to vacate that portion of Stryker Ave fronting 1990 Stryker and 2010 Stryker in order to directly connect both properties to the NET Ministries Campus at 110 W. Crusader. The City and Owner agree that prior to vacation, the access to both Stryker properties will be improved to City standards at City's cost.
- C. Until such a time as Owner acquires title to the 2010 Stryker property and has obtained a rental license for 2010 Stryker, Owner will be allowed up to 10 occupants at the Bidwell property as long as the occupants are related to a religious function at NET Ministries and as long as the Owner complies with all the conditions of its license.
- D. The Owner must apply for the renewal of the annual Rental License in a timely manner.

E. The Owner must maintain the property up to the following Maintenance Standards:

- (1) Building Code
- (2) Housing Code
- (3) Animal Ordinance
- (4) Fire Prevention Code
- (5) Repeat Nuisance Service Calls
- (6) Parked or Stored Motor Vehicles
- (7) Public Nuisance Ordinance

F. The Owner must maintain the property so that there are no compliance letters for noxious matter, long grass and weeds, keeping sidewalks clear of snow and ice, or dumping or leaving of garbage/rubbish or junk.

G. There must not be any Repeat Nuisance Service Call Fees.

H. The Owner must work with the City in resolving any issues or concerns that arise that are disruptive to the peace and harmony of the neighborhood.

I. No more than four vehicles may be parked outside on the property at any given time per City Ordinance.

Adopted by the City Council of the City of West St. Paul this 25th day of April, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk