



## Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

Christopher B. Coleman,  
Mayor

### Agenda

October 03, 2014  
8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

**I. Approval of minutes of September 5, 2014.**

**II. Chair's Announcements**

**III. Planning Director's Announcements**

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

**OLD BUSINESS**

#14-321-546 Pawn America – Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions. 1891 Suburban Avenue. (*Bill Dermody, 651/266-6617*)

**NEW BUSINESS**

#14-325-680 HRA – Rezone from R4 One-family residential to T2 Traditional Neighborhood. 619-627 Wells Street between Edgerton and Payne Avenue. (*Bill Dermody, 651/266-6617*)

#14-324-966 John Lenzi – Rezone from B2 Community Business to T2 Traditional Neighborhood. 662 Payne Avenue South of intersection at Beaumont Street. (*Bill Dermody, 651/266-6617*)

#14-326-683 Scott Kramer – Conditional use permit for a bed & breakfast residence with 4 guest rooms. 241 George Street West between Charlton and Waseca Street. (*Sarah Zorn, 651/266-6570*)

**V. Comprehensive Planning Committee**

Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and T District Uses and Standards – Release for public review and set a public hearing for November 14, 2014. (*Jamie Radel, 651/266-6614*)

**VI. Ford Site: Rezoning, preliminary master plan, and other project work for 2014-2015** – Informational presentation by Merritt Clapp-Smith, PED. (*Merritt Clapp-Smith, 651/266-6547*)

Pat Connolly  
Daniel Edgerton  
Gene Gelgelu  
Anne DeJoy  
William Lindeke  
Kyle Makarios  
Melanie McMahon  
Gaius Nelson  
Rebecca Noecker  
Christopher Ochs  
Trevor Oliver  
Julie Padilla  
Betsy Reveal  
Emily Shively  
Terri Thao  
Wendy Underwood  
Jun-Li Wang  
David Wickiser

Planning Director  
Donna Drummond

**VII. Neighborhood Planning Committee**

**VIII. Transportation Committee**

**IX. Communications Committee**

**X. Task Force/Liaison Reports**

**XI. Old Business**

**XII. New Business**

**XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF SEPTEMBER 29-OCTOBER 3, 2014**

**Mon (29)** \_\_\_\_\_

**Tues (30)** \_\_\_\_\_

**3:30- Comprehensive Planning Committee**  
**5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)**

**HAS BEEN CANCELLED**

**Weds (1)** \_\_\_\_\_

**Thurs (2)** \_\_\_\_\_

**Fri (3)** \_\_\_\_\_

**8:30- Planning Commission Meeting**  
**11:00 a.m. (Donna Drummond, 651/266-6556)**

**Room 40 City Hall**  
**Conference Center**  
**15 Kellogg Blvd.**

**Zoning..... SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

**OLD BUSINESS**

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***Comprehensive Planning***

***Committee.....*** Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and T District Uses and Standard – Release for public review and set a public hearing for November 14, 2014. (*Jamie Radel, 651/266-6614*)

***Informational Presentation....*** Ford Site: Rezoning, preliminary master plan, and other project work for 2014-2015  
– Informational Presentation by Merritt Clapp-Smith, PED.  
(*Merritt Clapp-Smith, 651/266-6547*)



**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes September 5, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, September 5, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Merrigan, Noecker, Padilla, Shively, Thao, Wencil; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Oliver, Ward, and Wickiser.

**Commissioners Absent:** Mmes. \*Reveal, \*Underwood, \*Wang, and Mr. Connolly.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Lucy Thompson, Bill Dermody, Hilary Holmes, Jake Reilly, Laura Eckert, and Britney Wyatt, Department of Planning and Economic Development staff.

**I. Approval of minutes August 22, 2014.**

**MOTION:** *Commissioner Thao moved approval of the minutes of August 22, 2014. Commissioner Shively seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencil had no announcements.

**III. Planning Director's Announcements**

Donna Drummond announced that the Steering Committee met and talked about organizing a fall retreat for the Planning Commission, similar to the one that was done in the spring on parking. It would be a two-hour session following a regular Planning Commission meeting and the topic would be the future of urban industrial development. A date has not been set but it will probably be this fall.

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Two items to come before the Site Plan Review Committee on Tuesday, September 9, 2014:

- Beacon Bluff Business Center (Lot 1, Block 1), new 58,000 square foot office warehouse building at 1065 Phalen Boulevard.

- Westgate parking lot expansion, add 90 parking spaces to existing parking lot at 1055 Westgate Drive.

## **OLD BUSINESS**

#14-308-882 More 4 A Buck – Change of nonconforming use permit for auto repair and outdoor auto sales. 1176 Dale Street North between Maryland and Geranium.  
(Jake Reilly, 651/266-6618)

Commissioner Thao inquired if the reason for denying this permit application is that the applicant has not conformed with the conditions in the previously approved conditional use permit.

Commissioner Nelson responded that the staff report indicates that finding C suggests that the use must not be detrimental to the existing character of development in the immediate neighborhood, and in this case, that condition is not met.

Commissioner Oliver asked for clarification on this issue. He stated that this area of Dale is zoned in such a way that the existing auto uses are currently nonconforming, but looking at what it was in 1999 when the decision approving a special condition use permit was made, was it nonconforming then or was this a conditional use permit granted since the use become nonconforming?

Jake Reilly, PED staff, said that the business initially was in B3, when the special conditional use permit for outdoor auto sales with conditions was approved in 1999. At that time the auto repair use was legally nonconforming and the outdoor auto sales use was permitted with a CUP in B3 zoning districts. When the T2 designation was established in 2006, both uses became nonconforming which is why the application is for a change in nonconforming use permit.

Commissioner Gelgelu said that the staff report recommends approval of the change of nonconforming use permit.

Chair Wencl replied that the staff recommendation was for approval but the Zoning Committee was against the staff's recommendation.

Commissioner Nelson said that the actual denial is found in the resolution in the packet that has the votes on the cover and the resolution for denial is the action that was taken by the Zoning Committee.

**MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to deny the change of legal nonconforming use. The motion carried 16-1 (Edgerton) on a voice vote.*

## **NEW BUSINESS**

#14-319-416 Premier Storage – Nonconforming use permit (reestablishment and change) for an indoor rental storage facility. 543 James Avenue NW intersection at Duke. (Bill Dermody, 651/266-6617)

Commissioner Wickiser said that this would be their first T3 approved warehouse, a noncontributing building within the context of the historic district at the Schmidt Brewery. It's hard for him to imagine that they could not have a better use economically as a result of this. His biggest issue with this particular case is that everything in the Comprehensive Plan calls out that the Schmidt Brewery redevelopment should happen in a T3 way. This site was rezoned for a specific reason and reverting back to warehouse use seems like we're dialing back in the context of the transportation and TOD and talking about density issues and sustaining a trolley line. It just doesn't make sense to revert back to a use that they specifically called out T3 in a 40-acre zoning study.

Commissioner Noecker asked for more clarity on this because it doesn't seem that the conditions being met are consistent with the Comprehensive Plan. It seems to her that with T3 we're trying to get higher density uses on the river. And nothing has happened on this site for a while, but it sometimes takes a while for a new vision of a neighborhood to take effect and if they rush into something like this, then we have a long time where we have a storage facility there that prevents other uses. So when the nonconforming use expires, this is their opportunity to reevaluate consistency with the zoning.

Commissioner Padilla said that they did discuss this for some time at Zoning Committee and did not have a unanimous vote. And they did discuss the idea of this being viewed in isolation or in context, and based on her perspective they don't view sites in isolation generally. They view ideas behind the Comprehensive Plan as a whole and as a grouping so when they look at a specific parcel they're generally looking at the context. So it's difficult to have it both ways. Also, the City allows for nonconforming use permits to be reestablished and for changes in use to occur and that doesn't happen in every city. So even though the Comprehensive Plan calls out for future land use ideas, goals and objectives, if there is ability for an applicant to come in legally with an application and meet the conditions of that request, then that's what they have to take into consideration.

Commissioner Lindeke asked about finding 4(a): the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. So how does the city staff or Zoning Committee come to answering that question, especially when the neighborhood has been underused for many years but is changing rapidly right now and how would you even evaluate a question like that? He doesn't know what the building looks like right now, for example.

Commissioner Padilla said that Commissioner Reveal was a part of the back and forth debate, so she will address both of their concerns since Commissioner Reveal is not present. Commissioner Reveal's position at the Zoning Committee was that they should be looking at this as a possibility to utilize the entire site and potentially demolish this building and do something else. Commissioner Padilla's perspective is when you're talking about the code language that says you can't reutilize the building or the building and the land then you have to look at actually what's on the site. And this building with the way it is structured, and the way that it appears it currently cannot be reutilized for another economically reasonable purpose. When talking about an application that's coming before you, you have to look at that application rather than the context of what may or may not come in two, three or four years. You have to address what the applicant is looking at and that's the existing building not what potentially could be there.

Commissioner Lindeke said that it is a difficult question, because when he reads this language he does look at the next couple of years and he imagines what might happen, and he doesn't think this has easy answers.

Commissioner Padilla said the unfortunate reality is that while there are many ways to look at a long term vision for multiple areas of the city, you still have to deal with the applications that come before you and whether they meet the code requirements. So we are always pushed into that balancing act of what our visions are and what the legal realities are of the applications that come before us.

Commissioner Oliver said what it comes down to is do we mean what we say when we rezone properties to T3 or do we not. This seems especially true with this application coming in as a combination reestablishment and change. We have this provision in our code and it can preserve some valuable assets, it can lead to the reuse of some buildings, but we are making exception to the zoning that we previously discussed and approved. It seems that it has to have a really good reason to do that. What it comes down to for him is not so much weighing this whole proposal over the hope of something in the future, but do we mean what we say when we rezone a property, and he'd like the answer to be yes, unless there is a knock-your-socks-off reason not to, so that's why he is voting against the Committee recommendation.

Commissioner Noecker said that just because we have a process for reestablishing a nonconforming use doesn't mean that we are required to and doesn't obligate them to. And this is a situation where we are able take a look at the zoning that we established previously and say is this really what we want to see moving forward. She agrees with Commissioner Padilla that they need to have reasons for current applications to be denied, but in this case so much of this is subjective and she thinks there are lots of areas in the Comp Plan where they want highest and best use, especially more density and the fact that Schmidt Brewery is right behind it, there would be a much better use for this area than what's being proposed, so she will be voting against this.

Commissioner Ward reminded the Commission that, although there is a lot of passion on this topic, it comes down to a vote of the full board.

Commissioner Nelson said that they did have discussions that this is still a T3 zone, we're not rezoning the property. The nonconforming use being proposed is less disruptive than the former use. The former use had train cars coming and loading and unloading, so their new basis in terms of any ongoing nonconforming use on this site would be for an interior storage space. There was testimony that many of the people in the housing next door in the Artist Lofts are looking forward to being able to have some storage space, because typically new housing projects don't have lots of storage available for residents, so it is serving a community neighborhood need with regard to the storage spaces itself. There was further discussion that once economics and viability of highest and best use catch up to this site chances are that this could be something that looks much different than the warehouse. It's an old, tilt-up concrete warehouse that you'd see along railroad tracks which it is along a currently active railroad track, so the use of this warehouse building for another use other than what's been proposed here would be rather problematic in terms of trying to use it for another building that would need to do substantial modifications to provide windows and access to the site, et cetera.

Commissioner Ochs does not believe that this is the best use, this is T3 zoned and they are trying to strive for density and a warehouse facility is not necessarily going to fit that "picture". There

are ways to do storage he has seen in other places where there is higher density and can work a little more easily with the neighborhood or fit into a neighborhood. It may be multi-story with indoor loading and receiving, freight elevators so there's potential to create more of a density appropriate type of facility rather than a single story warehouse that occupies a lot of space adjacent to a neighborhood. It's our role to take into account the river, the neighborhood, future development, the desire for density, and the desire for traditional neighborhood. He will be voting against this as well.

Commissioner Padilla said that she would fully support a Zoning Code amendment if Commissioner Ochs wants to have a knock-your-socks-off provision in the nonconforming use reestablishment portion of the code because she struggles with allowing for nonconforming use reestablishment generally and she thinks it's a code issue rather than what's here. Also, while she agrees that this is a more discretionary type of application, her point in the discussion was that when they have a staff recommendation for approval if they are going to deny an application they can't just say no, in that circumstance they do have to create other conditions or define their context of denial in a way that is defensible.

Commissioner Oliver said that wanting to stick with the existing zoning is valid rational not an arbitrary reason for doing this. The question is whether to allow, especially when talking about reestablishment of something that has gone away and doesn't exist, whether to bring that back contrary to what they want it zoned for or to stick with the zoning they put in and have the uses in that zone take hold, he doesn't think that's arbitrary.

Commissioner Padilla said that she agrees with him and that is why she would not be opposed to dealing with the idea of a reestablishment of a nonconforming use, but the fact that they have that in the code by itself means that in cases they have said that just because they have rezoned a property doesn't mean they aren't going to allow other business or entities to come in. And the code conflicts with that, but she is not saying that if they could come up with language around that that would be defensible then that's something she would encourage Commissioner Oliver to try. But just saying that they want to stick with that same zoning if they do that if they want to set that precedent, then they really are saying that they are not approving any more reestablishment of nonconforming uses.

Commissioner Wickiser said that, with respect to specific reasons, for finding 4(a), nobody would have ever thought that there would be a 300-unit, \$150 million housing development next door. In addition, the finding regarding the Comprehensive Plan, it specifically calls out the Schmidt complex for redevelopment, and there's no mention of any warehouse use. They just hung the last door and had their open house in July. Development is going to be happening immediately. Pushing this through is not letting everything sink in. That's the whole process: rezoning in 2008, you get a massive development there, they hung the last door in July, now in September we're going to revert back, essentially, to the previous zoning?

Commissioner Makarios is struggling with the staff finding 4 (d) that the proposed use is consistent with the Comprehensive Plan. The Comprehensive Plan calls for it to be Neighborhood Center and a Mixed Use Corridor. He struggles with the idea of opening up warehouse facilities on the site and whether or not in fact that does meet the Comprehensive Plan.

Commissioner Lindeke said that he will be voting "no" due to finding 4(a) not being met.

Commissioner Edgerton said that there were a couple of things that he was uncertain about but 4 (a) dealing with economics was not one of them. His view is he has difficulty in general making a judgment either way on that, because for them to say yes it is economical or no it's not, he feels as though "who are they?" to make that determination. The market makes that determination and they don't know the market – it's hard for them to know that there is someone waiting around the corner and snatch that up and turn it into something great, and they would love for that to happen but they can't know that. Also, regarding the discussion about what's the best use, we'd like to have a better use that's going to be driven by market forces. We've heard that there is no view from West 7<sup>th</sup>. Certain types of uses are going to be challenged because there's not a frontage on West 7<sup>th</sup>. It has nice views of the river, but it can't be seen from the roadway which makes it a more difficult property for someone to make economically viable for some uses. And the consistency with the Comp Plan he struggled with, because they heard the staff view point and there were other viewpoints. His vote at the Zoning Committee was that the Comp Plan is more of a broad brush – it's bigger picture, it wasn't intended to be surgical pinpoint that every single thing fits this, but rather in this area this is what we are looking for, and having said that it allows for different types of things. The Comp Plan is not intended to be entirely prescriptive – it is big picture. So he sided with staff that they don't have to look at it in isolation but they can look at it as a whole and within that it could fit.

Commissioner Noecker said that she agrees that the Comp Plan is in general a big picture view. She thinks about as a television screen picture and every time they make an exception it's like taking one of those pixels and making them dark, and yes, doing that a couple of times it's going to give the overall picture of the plan, but the more it's done, the more of the picture changes from what they originally wanted to see. She continues to not understand the line in finding 4 (d) "viewed as part of the larger Schmidt Brewing campus project, it contributes to the feasibility of the rest of the site to allow it to meet the aims of a Neighborhood Center or Mixed Use Corridor." She doesn't understand what that language is saying and she doesn't see how putting this use on the site helps the rest of the site be a Mixed Use Corridor.

Commissioner Padilla said what that language means and looking at the letters received for the neighborhood the direct neighbors that signed the letter in support of this application it cleans up that warehouse use, it repairs it and makes it structurally viable again. In a broader context it allows more development around that and maybe in part the rest of that site. There is still a retail area that would be available for additional purchase or development that currently hasn't been viable to date, there's potential for more density above or around, so in that context it's the idea that this cleans up this site it makes the area then more palpable for future development and it uses an existing building on that site so it then retains the integrity of the overall look of the entire facility.

Commissioner Edgerton said that right now it is vacant, so the development would improve the property. At the same time, his take is doing something like this doesn't preclude future development if it's really economically viable – someone can come in and redevelop again to some other use that maybe they would aspire to. Allowing this to go from a vacant site to an improved site will make it such that it won't take that next step. He'd rather see a useful productive building there rather than a vacant building.

Commissioner Ochs said that they should not set a target low and just because there's going to be somebody there to prop up the building and make it look nicer isn't a good reason to ignore what the general broad guidelines of the Comprehensive Plan are aiming for. He's sure that Premier

Storage is going to do a fine job should they be able to move forward. However, he doesn't think it is the highest and best use for the property or for the neighborhood as a whole.

*Commissioner Thao moved to call the question. The motion to call the question passed 16-1 (Oliver) on a voice vote.*

**MAIN MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to approve the reestablishment and change of legal nonconforming use subject to additional conditions. The motion carried 9-8 (Lindeke, Makarios, McMahon, Noecker, Ochs, Oliver, Wencl, Wickiser) on a voice vote.*

**#14-319-307 River Road II Investments** – Conditional use permit for a 69-unit assisted living/memory care facility, with density, front yard setback, and lot coverage variances. 1903 Norfolk Avenue, Area bounded by Graham, Prior Avenue S., Norfolk and Sue Street. (Michelle Beaulieu, 651/266-6620)

**MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

**#14-316-218 Cash-N-Pawn** – Expansion of a nonconforming use for a pawn shop. 490 University Avenue West, SE corner of University Avenue and Mackubin. (Hilary Holmes, 651/266-6612)

*Commissioner Nelson announced that this case has been laid over to the next Zoning Committee meeting on Thursday, September 11, 2014.*

**#14-316-432 344 Summit Boutique Hotel** – Conditional use permit for reuse of large structure for boutique hotel. 344 Summit Avenue between Western and Virginia. (Hilary Holmes, 651/266-6612)

Commissioner Nelson said that the request is for a conditional use permit for the reuse of a large structure for a boutique hotel with modifications of 65.132(d) for the parking requirement. A conditional use permit has a number of findings that need to be met. There are five standards for the conversion and reuse of large residential structures in excess of 9,000 square feet. The resolution is based upon the Zoning Committee's vote recommending approval. There were some revisions to the original staff report which were presented to the Committee and explained in the accompanying memo from Zoning staff which was also provided to the Committee.

Commissioner Padilla said that the Zoning Committee ended up adopting the suggested conditions that were part of the staff memo which was attached to the revised staff report. All of these items are included in the Commission packet. The memo presented conditions for the Zoning Committee to consider if the Committee wanted to consider approval rather than the staff recommendation of denial. The conditions attached to the approval by the Committee are in the resolution.

Commissioner Nelson said the recommendation of the Zoning Committee is that the conditional use permit for the reuse of this building as a 10 unit boutique hotel is recommended for approval based upon the findings that are in the resolution. It is a very large vacant building that has not

been available for another use and no one has come forward to use it as a conforming use in the district. Commissioner Nelson read all of the findings and with the concurrence of the remainder of the Zoning Committee members he moved approval with the additional conditions that were put on the staff memo and those conditions are reflected in the draft resolution.

Donna Drummond, Planning Director, clarified that there was a revised staff report that was prepared that had more analysis and nuanced findings regarding all the conditional use permit standards that must be met. The staff recommendation was still for denial. Staff prepared a memo for the Zoning Committee's consideration if the Committee wanted to consider approval; this memo included suggested conditions for the Committee to consider if they chose. The resolution reflects the Zoning Committee's recommendation for approval and the conditions are in the resolution.

Commissioner Oliver said the previous use was a college, and college buildings are allowable conditional uses in all of the residential districts, but it seems to be treated like a nonconforming use. He asked what the status of the previous college use was, as it was first used for college use in the 1950's.

Chair Wencil said that this was originally built as a single family home.

Commissioner Oliver replied that it still was being used for a use that in the code is a conforming use, so why is it being considered a nonconforming use?

Donna Drummond, Planning Director, said that it was a use permitted subject to special conditions as the College of Visual Arts so it did have a conditional use permit when they went through the process of establishing permits and campus boundaries for all the schools back in the 1980's.

Commissioner Merrigan asked for clarification of one of the conditions which states there will be no food or beverage service to be offered to the general public. She said one of the concerns of the neighborhood is about liquor sales and whether this means that there can't be liquor privately on the premises nor could it be served to people who stay at the hotel and not the general public.

Jake Reilly, PED staff, said that the condition is designed to prevent sales of food and liquor to the general public, but that language is not generally understood to preclude use of food or alcohol on the site. The goal of the condition is to prevent a truly commercial use as a bar, restaurant, or reception venue. The licensing issue regarding a liquor license or food license is operated through DSI and the applicant would have to go through a separate process to get one of those should they desire. This condition essentially prevents the applicant from being able to operate a bar or restaurant with food and beverage service to non-hotel guests. Mr. Reilly noted that the commission has the ability to amend the condition should the members feel it is unclear, or does not meet their needs or their intent.



Commissioner Noecker asked whether room service to people staying at the hotel would be prevented.

Mr. Reilly said the intent is to allow the hotel guests to eat or drink whatever they care to eat or drink, however that ends up being provided to them. A delivery from outside; the applicant providing some kind of breakfast service through one of their other operations; or a private beverage service not requiring a liquor license was intended to be permitted. The intent of the condition is to prevent people who are not staying at the facility and are instead walking up, from purchasing some sort of food or beverage product.

Commissioner Oliver said that this is a backdoor nonconforming use process and they managed to hold themselves to conditional use permit standards and does not think it's a good idea. What it comes down to are the differences between the two staff reports about whether this is compatible or fits in with the neighborhood. It says in R2 and RT2 that these districts are not intended to have commercial use, so they should mean what they say and is more inclined to agree with staff recommendation and vote no.

Commissioner Nelson said that he thinks that there are some parallels between Premier Storage and this case, mainly with regard to whether this use is what they want to have in this particular neighborhood, contrary to the underlying zoning. Is this something that should be approved within this neighborhood? The main difference between the two is that Premier Storage was a substantially similar nonconforming use to what had been there in the past but probably better in terms of how it would impact the neighborhood. This case is different because what was in use prior, which could be argued was higher in density, was actually a building which is a permitted use in a residential zone with special conditions. Schools, churches, and those types of uses that are allowed within residential neighborhoods are designed to serve the neighborhoods. They have a public service and serve a public good and that is why they have this special status within a residential neighborhood. This case is actually a change to something commercial within the neighborhood. If this is seen as an intensification of a commercial use within a RT zone it seems it should not be used just because it's a big building and because it used to be a different, more intensive, public use. If residential areas have commercial uses they should have residential serving commercial uses, a hotel is not a residential commercial use as nobody in the neighborhood is going to be utilizing this hotel as part of their daily services within the neighborhood. The question is we want in the future here versus what's in front of us.

Commissioner Noecker said the difference between an apartment building and a boutique hotel commercial or residential is a fine line. The movement of people in and out of an apartment building doesn't seem all that different from a hotel, especially one that's built in this residential area, making great use of an historic property and looking no different on the street from a home. It's not commercial use invading this residential area.

Commissioner Oliver said a hotel is not a permitted conditional use in that district; it's not a permitted use at all in any of the residential districts. What the conditional use permit is for is the reuse of a large dwelling that could be for anything - a hotel, car dealership, etc. There is nothing given to the Commission about the appropriateness of a hotel from the zoning code. It is exactly the opposite while reading the zoning code, as a hotel is a prohibited use in all residential districts. It comes down to a gut feeling about whether this is appropriate with the existing zoning. To be clear about what the conditional use permit actually is, it is not for a hotel, the code

allowance is for the reuse of a big building if you think this use a good idea and it fits the neighborhood good and if you don't then no.

Commissioner Padilla said that this isn't the Graves or Hyatt or someplace where there are conference rooms with people coming in off the street to a restaurant, dining facility or events. It will function more like a residential building with shorter term stays. This applicant came before the Commission with a conditional use permit for reuse of a large structure. The balancing act is that the Zoning Committee added conditions intending to appease some of the neighborhood concerns and address what the Commission expects from this property which is to limit it to that residential use and limit the commercial activity that would happen on this site and provide the opportunity for what is the boutique hotel.

Commissioner Dejoy related it to bed and breakfasts. In historic districts throughout the United States large residential properties are used for bed and breakfasts as part of the revitalization of the neighborhood. It is small scale and respectful of the neighborhood. This city is constantly evolving, zoning changes are happening, new plans are being adopted that also create nonconforming or conforming conditional uses so they are always going to have these proposals before them because of the change in environment of the city.

*Commissioner Merrigan moved to call the question. The motion to call the question passed 16-1 (Oliver) on a voice vote.*

**MOTION:** *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 14-3 (Makarios, Nelson, Oliver) on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, September 11, 2014.

## **V. Neighborhood Planning Committee**

Shepard Davern Plan and District 15 Plan Amendment - Release draft for public review and schedule a public hearing for October 17, 2014. (Michelle Beaulieu, 651/266-6620)

Donna Drummond, Planning Director, gave the report. She said that there are the plan documents and a zoning study which accompanies the plan recommendations. In the packet are some amendments to the District 15 Area Plan Summary which was originally adopted in 2007 and there was a Shepard Davern Area Plan in 1999 and what has been completed is a plan update for that area which is proposed to be adopted with the District 15 Plan amendments as part of the city's Comprehensive Plan. Ms. Drummond showed on the overhead a map of the study area, and she talked about the main things emphasized in the plan. She talked about the current zoning of the area and the proposed zoning for the area. Also, the Neighborhood Committee is recommending a few options for zoning of particular parcels to go out for public hearing and discussion to get additional public input so that the Planning Commission can make a recommendation.

**MOTION:** *Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on October 17, 2014. The motion carried unanimously on a voice vote.*

Shepard Davern Zoning Study - Release draft for public review and schedule a public hearing for October 17, 2014. (*Merritt Clapp-Smith, 651/266-6547*)

***MOTION: Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on October 17, 2014. The motion carried unanimously on a voice vote.***

## **VI. Transportation Committee**

Gateway Transit Corridor Locally Preferred Alternative – Recommend draft resolution to the Mayor and City Council. (*Bill Dermody, 651/266-6617*)

Bill Dermody, PED staff, said that this is a significant moment in the timeline for the Gateway Corridor Transitway going east from downtown Saint Paul towards Wisconsin. The locally preferred alternative for consideration today is not the final decision made by the City of Saint Paul – it's a preliminary indication and an important step in the federal process. It's where the consultants working on this project under the direction of Washington County Regional Rail Authority will be directing their efforts for further study. The mode that is proposed is BRT (Bus Rapid Transit), with the most recent discussion about the specific alignment for BRT heading east from downtown Saint Paul. Earlier on, the Saint Paul portion of the line was considered for 7<sup>th</sup> and White Bear, but that alignment dropped out of the process due to property impacts. Now, you see the Saint Paul alignment as A-B-C. The recent alignment debate has been in the Lake Elmo/Woodbury portion in the line. What came out of the evaluation is the proposed alignment of A-B-C-D2-E2 where the line stays mostly north of I94 and drops south just in the last mile or two before Manning Avenue finally terminating at Manning Avenue in Woodbury. Mr. Dermody described some of the main findings and presented a map of the proposed LPA.

Commissioner Thao asked where the B section is exactly.

Mr. Dermody said that generally follows I94 through Saint Paul on the north side of I94. There are some details to be determined whether that runs adjacent to the freeway, on the freeway, or more on Hudson Road.

Commissioner Thao said that she knows BRT is to get people from the suburbs in, but what about the people on the East Side. A few meetings ago Ryan O'Connor was here from Ramsey County and talked about people east of downtown having some of the longest commutes in the Twin Cities.

Mr. Dermody said the question of how to service the neighborhood rather than bypassing the neighborhood has been an issue for years on this particular corridor and that is why the 7<sup>th</sup> and White Bear alignment that goes farther north and into the neighborhood was so closely considered. Ultimately it was decided that the property impacts were too great and the neighborhood would have to be served another way. The ways that Saint Paul residents and businesses are served by this line are by the number of stops in Saint Paul, and by future bus route changes by Metro Transit to connect to the line, much as they realigned routes to connect to the Green Line.

Commissioner Ochs asked why LRT was removed from this option and how feasible is it to convert from BRT to LRT sometime in the future because he firmly believes that the development and population density is going to focus more on the East Side than anywhere else in the metro region.

Mr. Dermody said that LRT was a cost concern – the amount of additional ridership was minimal compared to the cost difference and it would be unlikely to be funded at the federal level.

Lyssa Leitner, Washington County Regional Rail Authority, said it could feasibly be converted, but not easily. One of the bonuses of Bus Rapid Transit is that it can be constructed fairly quickly and easily because it's not moving utilities underneath the dedicated guideway for the buses and they're not constructing the overhead wires. They would have to do additional environmental analysis for those pieces and they would basically be shutting the system down for probably about two-years to be able to construct Light Rail Transit. And the reason why the Los Angeles Orange line is being considered for conversion right now is because the ridership is extremely high and has almost tripled from what they originally had anticipated.

Commissioner Thao said that the City is also still proceeding on the overall streetcar feasibility study correct?

Mr. Dermody said that the City Council has approved an initial a system of seven lines in the city and identified East 7<sup>th</sup> and West 7<sup>th</sup> as the most feasible starter line. The study has paused at this point while Ramsey County and the Regional Rail Authority lead two studies that incorporate the E. 7<sup>th</sup> and W. 7<sup>th</sup> lines, which are the Riverview Corridor Study and the Rush Line Study going northeast. Those studies are looking at streetcar among a whole range of choices and options so they felt it was appropriate to pause at this point and let those studies go forward before proceeding with the next steps for the streetcar study.

Commissioner Makarios referring back to Commissioner Thao's earlier question, when you said property impacts were too great does that mean we'd have to tear up too many houses and businesses?

Mr. Dermody replied yes, that's right.

Commissioner Shively said to Commissioner Thao's earlier point about how the East Side would be served, on the resolution it talks about providing all day bi-directional service that is an important thing to have in there. Also they are recognizing that there may be some significant employment centers developed on the east end of the line and this would provide an opportunity for Saint Paul residents to get out to those jobs. So it's not intended just to bring commuters from the east, but also to provide the bi-directional service.

**MOTION:** *Commissioner Lindeke moved on behalf of the Transportation Committee to approve the draft resolution to the Mayor and City Council. The motion carried unanimously on a voice vote.*

**VII. Saint Paul Downtown Alliance - Informational Presentation by Joe Spartz, President, Saint Paul Building Owners & Managers Association.**

*Donna Drummond, Planning Director, announced that Mr. Spartz had to leave for another commitment so his presentation was deferred to another date in the future.*

**VIII. Comprehensive Planning Committee**

Commissioner Merrigan announced that at their last meeting they looked at the staff comments on the Met. Council's draft Housing Policy Plan from the Thrive MSP 2040 process and they will continue this at the next meeting.

Donna Drummond, Planning Director, said that the committee will be considering one or two zoning studies to recommend for release, which are minor text amendments to the T & B Districts and the other one related to fish and fowl processing if they are ready.

**IX. Communications Committee**

Commissioner Thao had no report.

**X. Task Force/Liaison Reports**

Chair Wencil reported that the Gateway Station Area Planning Task Force will have a meeting on Tuesday, September 9, 2014 at the Conway Recreation Center at 5:00 p.m.

**XI. Old Business**

None.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 10:40 a.m.

Recorded by: Laura Eckert and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

Daniel Ward II  
Secretary of the Planning Commission



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE

**Tuesday, September 30, 2014  
2nd Floor Conference Room  
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Frattallone Hardware 215 Eva Street Expand existing parking lot
9:30	Surly Brewing 1051 Westgate Drive New parking lot
10:15	Island Station 380 Randolph Avenue Preliminary meeting about development plans for Island Station

### **Applicants should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

**FOR THE FULL ZONING COMMITTEE AGENDA SECTION**

**of this packet go to the link below:**

**<http://stpaul.gov/index.aspx?NID=3436>**

**Thank you**

**Sonja Butler**

**Planning Commission Secretary/Office Assistant IV**

**1400 City Hall Annex**

**25 Fourth Street West**

**Saint Paul, MN 55102**

**651-266-6573**



**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: September 26, 2014  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of September 25, 2014, Zoning Committee Hearing

**OLD BUSINESS**

		<u>Staff</u>	<u>Recommendation Committee</u>
1.	<b>Pawn America Minnesota ( 14-321-546 )</b> Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions	Approval with conditions	No recommendation ( 5 - 1 ) (Wencl)
	<b>Address:</b> 1891 Suburban Ave		
	<b>District Comment:</b> District 1 made no recommendation		
	<b>Support:</b> 0 people spoke, 1 letter		
	<b>Opposition:</b> 1 person spoke , 2 letters		
	<b>Hearing:</b> closed		
	<b>Motion:</b> No recommendation		

**NEW BUSINESS**

		<u>Staff</u>	<u>Recommendation Committee</u>
2.	<b>HRA (619 - 627 Wells) ( 14-325-680 )</b> Rezzone from R4 One-family residential to T2 Traditional Neighborhood	Approval	Approval ( 6 - 0 )
	<b>Address:</b> 627 Wells St between Edgerton and Payne Avenue		
	<b>District Comment:</b> District 5 recommended approval		
	<b>Support:</b> 0 people spoke, 1 letter		
	<b>Opposition:</b> 0 people spoke , 0 letters		
	<b>Hearing:</b> closed		
	<b>Motion:</b> Approval		



		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
3.	<b>John Lenzi ( 14-324-966 )</b> Rezone from B2 Community Business to T2 Traditional Neighborhood	Approval	Approval ( 6 - 0 )

**Address:** 662 Payne Avenue  
S of intersection at Beaumont Street

**District Comment:** District 5 recommended approval

**Support:** 0 people spoke, 1 letter

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
4.	<b>Scott Kramer ( 14-326-683 )</b> Conditional use permit for a bed & breakfast residence with 4 guest rooms	Approval with conditions	Approval with conditions ( 6 - 0 )

**Address:** 241 George St W  
between Charlton and Waseca Street

**District Comment:** District 3 had not responded

**Support:** 0 people spoke, 0 letters

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval with conditions

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Pawn America Minnesota LLC, file # 14-321-546, has applied for a conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions under the provisions of §65.511, §65.531, §61.501, §61.502, and §66.421 of the Saint Paul Legislative Code, on property located at 1891 Suburban Avenue, Parcel Identification Number (PIN) 352922330009, legally described as Registered Land Survey 276 Subj To Rds; Tract C; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 11, 2014, 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 a conditional use permit approval for an alternative financial establishment and a pawn shop within the existing building at 1891 Suburban Avenue. The application also requests modification of special conditions as detailed below. The pawn shop is currently open for business at the subject site under the 2012 conditional use permit. The result of the subject application, if approved, is that the pawn shop and an alternative financial establishment could co-locate within the subject building. The pawn shop, which is limited by its 2012 CUP to hours of 10am to 7pm Monday through Saturday and noon to 6pm on Sunday, is requested to remain open an additional hour (to 8pm) Monday through Saturday.
2. The subject building contains two businesses with separate customer entrances: Pawn America (southern entrance) and PA Exchange (northern entrance). The alternative financial establishment is proposed to be located in the Pawn America portion of the building. The alternative financial establishment transactions would occur at several of the teller windows currently used for pawn transactions in front of the store. The PA Exchange business is a second-hand goods store that does not offer loans or other financial services.
3. §65.511 defines alternative financial establishment and provides standards and conditions that must be satisfied to permit the use, as follows:
  - a. *The alternative financial establishment shall be located at least 150 feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling,*

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

*measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line.* This finding is met. Property located across Suburban Avenue with the residential zoning designation of R2 is located 150.16 feet to the southwest, according to the measurement used in the 2011 pawn shop CUP. Said property is owned by Ramsey County Parks & Recreation Department and is technically a "lot in a residential district" since a "lot" is a "parcel of land... utilized for the principal use and uses accessory thereto", in this case the use being a park. The nearest such lot with residential uses upon it is located approximately 440 feet to the southeast.

- b. *No alternative financial establishment shall be located within 2,640 feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding can be met. The nearest alternative financial establishment, Payday America, is located approximately 2,070 feet to the west at 1696 Suburban Avenue. Payday America is a separate but affiliated company of Pawn America. The application proposes moving Payday America out of the 1696 Suburban Ave. location and into the subject location. Provided that another alternative financial establishment does not move into 1696 Suburban Ave., the 2,640 foot separation requirement would be satisfied.
  - c. *No alternative financial establishment shall be located within 1,320 feet of any pawn shop, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.
4. §65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:
- a. *The business shall be conducted within a completely enclosed building.* This finding is met. The business is proposed to be conducted within a completely enclosed building.
  - b. *The building in which the business is located shall be at least 150 feet from the closest point of any residentially zoned property; provided, however, that this condition may be modified pursuant to Sec. 61.500 subject to the following conditions:*
    - i. *There is no existing pawn shop within 5,280 feet of the proposed location, measured from the nearest building wall of the existing pawn shop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.*
    - ii. *Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.*
    - iii. *The location of a pawn shop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.*
    - iv. *The proposed use meets all other requirements for conditional use permits provided in Sec. 61.500.*

This finding is met. The building is located 150.16 feet from the nearest residentially

zoned property according to the measurement used in the 2011 CUP.

- c. *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.
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. The Comprehensive Plan in Figure LU-B designates the site as part of both a Neighborhood Center and a Mixed Use Corridor, which call for a variety of commercial uses such as proposed. The District 1 Plan contains no provisions specific to this application. The Sun-Ray Suburban Small Area Plan encourages businesses that appeal to the demographics of the residents and a mix of locally owned and national retailers.
  - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress is provided by the existing driveway to Suburban Avenue.
  - 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. In approving Zoning Code amendments associated with the Currency Exchange Zoning Study in 2010, the Planning Commission and City Council added the separation requirement between pawn shops and alternative financial establishments based in part on the concept that both businesses have a similar effect on the public health, safety, morals, and general welfare, potentially creating a negative impression regarding the economic vitality of a commercial district and the surrounding community when such businesses are clustered in an area or along an arterial street. However, in this instance, with a single customer entrance for both pawn shop and alternative financial establishments, there is no change to the impression presented to passersby on Suburban Ave., and therefore no detrimental impact on the neighborhood or endangerment of the public health, safety, morals, or general welfare. Recommended limits on hours of operation, outdoor sales or displays, firearms sales, and adult materials sales, as well as requirements for trash removal, further ensure that the proposed use will not be detrimental to the area. A recommended restriction on signage facing Suburban Avenue ensures that any negative impression of economic vitality in this area is limited.
  - 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 proposed use does not expand the building or alter the site layout, and will not impede surrounding development. Recommended signage restrictions would help ensure that the use does not impede normal and orderly development of the adjacent vacant land.
  - 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. Except for separation requirements addressed herein, the requested use conforms to B3 regulations.

6. 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. The strict application of the requirement to separate the pawn shop and alternative financial establishments rather than housing them in a single building is unreasonably limiting in this case where they would effectively function as a single business. As noted in Finding 5(c), the intent of the separation requirement between pawn shops and alternative financial establishments is preserved, and there is no additional negative impact on the health, morals, and general welfare of the community. The proposal is consistent with reasonable enjoyment of adjacent property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Pawn America Minnesota LLC for a conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions at 1891 Suburban Avenue is hereby approved subject to the following conditions:

1. Substantial compliance with the plans and exhibits submitted as part of this application.
2. The pawn shop and alternative financial establishment uses must be located in the same portion of the building and served by a single customer entrance. Neither use may be located in the portion of the building dedicated to PA Exchange without separate conditional use permit application and approval.
3. The alternative financial establishment use is not permitted at the subject site until the existing alternative financial establishment use at 1696 Suburban Ave. is closed. The subject site's CUP for an alternative financial establishment shall be forfeited if the 1696 Suburban Ave. site does not lose its legal nonconforming status for alternative financial establishments within 366 days.
4. The hours of the pawn shop shall be no greater than 10am through 8pm Monday through Saturday and noon through 6pm on Sunday.
5. No outdoor sales or outdoor displays of merchandise are approved for retail uses on this site.
6. Firearms and adult materials shall not be bought, sold, or pawned at the pawn shop.
7. The applicant shall participate in and oversee the Come Clean trash removal program for the parcel in its entirety.
8. Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outline in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses not located within the subject building, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. No signage may be placed on the south side of the building facing Suburban Avenue.



GET MORE. EVERY DAY.

September 22, 2014

City of St. Paul  
Zoning Committee Members  
Planning Commission  
St. Paul, MN

Dear Members of the Committee,

Thank you for your time and attention to our request to relocate our PayDay America operation at 1696 Suburban Avenue into our Pawn America store just two blocks away at 1891 Suburban Avenue. As you know, having these two customer services available under one roof is the way we operate in almost every other city.

Attached is a letter that addresses all of the concerns you raised at your hearing on this important matter. We are happy to address them further if necessary, but as you will note, we are willing to work with you to ensure this is a win for all involved including the City, area residents, our customers and related landlords.

It is an honor to do business in St. Paul and we take great pride in helping serve those that seek our services. We are proud too of our efforts supporting the local community including the Boys and Girls Clubs and National Night Out events, just to name a few.

We appreciate your attention to our request and for working with us to eliminate this hardship to our business. Again, thank you for working to ensure this matter is properly handled.

As always, please feel free to contact me if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Armstrong".

Chuck Armstrong  
Chief Legislative Office

September 19, 2014

City of Saint Paul  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 Fourth Street West  
Saint Paul, MN 55102  
Attention: Bill Dermody

Re: Pawn America Minnesota, L.L.C./Payday America, Inc.  
Supplement to Application for Conditional Use Permit  
1855 Suburban Avenue, Saint Paul

Dear Mr. Dermody:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company ("Pawn America"), and its affiliate Payday America, Inc., a Minnesota corporation ("Payday") (collectively, the "Applicants"), to supplement their conditional use permit application (File #14-321-546) (the "Application"), that was considered by the Zoning Committee of the Planning Commission on September 11, 2014.

During that meeting, the Zoning Committee tabled a decision on the Application pending additional information on the following three items: (1) condition # 8 in the staff recommendation regarding restrictions on signage, (2) condition #3 in the staff recommendation, regarding loss of legal nonconforming status, and (3) additional support for the "undue hardship" standard set forth in Section 61.502 of the Saint Paul Zoning Code.

1. The Applicants are willing to forego any right to include signage for Payday America on any freestanding signage at the site. First, condition #8 in the staff recommendation provides the following restriction on signage:

"Signage on-site must not vary from the strict provisions of the zoning code, and should strictly conform to the restrictions outlined in the SunRay-Suburban Avenue Plan. Free-standing signage which includes the name of the pawn shop must also include signage for at least two additional businesses not located within the subject building, and the names of each business on such signs must occupy substantially similar square footages, and utilize substantially similar materials and lighting methods. [There shall be no free-standing signage for "Payday

America” on the site.] No signage may be placed on the south side of the building facing Suburban Avenue.”

The Applicants propose adding the bold and underlined language above to condition #8 in order to further demonstrate that removing the distance restrictions contained in Sections 65.511 and 65.531 of the Code, which in turn would allow Pawn America and Payday America to co-locate their businesses at the Property, is appropriate given the ancillary and subservient nature of the Payday America use to the Pawn America use.

**2. Strict application of the special conditions would unreasonably limit or prevent otherwise lawful use of the subject site and would result in exceptional undue hardship.**

The Zoning Committee asked for additional support for the “undue hardship” standard set forth in Section 61.502 of the Saint Paul Zoning Code. There are three primary factors to support the “undue hardship” standard: (a) public safety, (b) redevelopment of the area surrounding subject site and the former site, and (c) eliminating a clearly separate alternative financial establishment in the neighborhood and co-locating them so that they essentially function as one business.

First, as to public safety, the existing Payday America store located at 1696 Suburban Avenue and the area immediately it, have been subjected to at least three robberies within the last year. The existing store is isolated, the area is poorly lighted, and the store has less technologically advanced security systems than the subject site. By contrast, the subject site would be collocated with other retailers, is well lighted, and has the latest security cameras/systems. It also has more employees (safety in numbers) and a safe room for cash and other valuables (the existing location does not). Given the size and location, it is impossible for the existing site to be as safe as the subject site—regardless of the enormous expense to try and upgrade the parking lot with new lights, security cameras and perhaps even a security guard during certain hours. Continuing to subject Payday America’s employees, its customers to potential harm—when this can easily be eliminated by allowing these affiliated businesses to co-locate—is an unnecessary undue hardship. By removing the distance restrictions contained in Sections 65.511 and 65.531 of the Code, which in turn would allow Pawn America and Payday America to co-locate their businesses at the Property, the City would be eliminating a public safety “hardship” for the Applicants, their employees, their customers, and the surrounding community.

Second, by vacating 1696 Suburban Avenue and terminating Payday America’s leasehold interest, it will eliminate the hardship facing the property owner by facilitating the redevelopment of the existing site, which is already mostly vacant, without having to address Payday America’s needs as a tenant. Additionally, by moving to 1891 Suburban Avenue, Payday America will create synergies with the surrounding businesses at the subject site, drive more customers to this area, and help facilitate the redevelopment of the rest of the subject site that is hoped for by the Applicants, the City, the neighborhood community and the surrounding businesses. Stymieing the redevelopment at 1696 Suburban Avenue and not helping facilitate the redevelopment at 1891 Suburban Avenue is an unnecessary undue hardship on all interested parties.



Lastly, by removing the distance restrictions contained in Sections 65.511 and 65.531 and allowing Pawn America and Payday America to co-locate their businesses at the Property, the City would be eliminating a clearly separate alternative financial establishment in the neighborhood and co-locating them so that they essentially function as one business. The City (and the neighborhood) have clearly expressed an interest in reducing the number of alternative financial establishments. In fact, as a condition to the existing Conditional Use Permit, Pawn America was required to purchase and close another alternative financial institution—"Piggy Bank"—which Pawn America did at a significant cost. Removing the distancing restrictions contained in Sections 65.511 and 65.531 and allowing Pawn America and Payday America to co-locate their businesses at the Property is the next logical step in that process—and eliminates the hardship on the neighborhood of having multiple alternative financial institutions, instead of two affiliated business that function as one. The attached exhibits illustrate this point.

**3. The Applicants are committed to closing the existing alternative financial establishment use at 1696 Suburban Avenue and eliminating the legal nonconforming status at that location; provided that Payday America not be prohibited from opening at 1891 Suburban Avenue until one (1) year has lapsed from Payday America closing at 1696 Suburban Avenue.** Second, condition #3 in the staff recommendation provides that:

"The alternative financial establishment use is not permitted at the subject site until the existing alternative financial establishment use at 1696 Suburban Ave. is closed and loses its legal nonconforming status at that location."

The Applicants request the following revision:

"The alternative financial establishment use is not permitted at the subject site until the existing alternative financial establishment use at 1696 Suburban Ave. is closed. **[If another alternative financial establishment opens at 1696 Suburban Avenue within one year so that 1696 Suburban Avenue fails to lose its legal nonconforming status, then the alternative financial establishment use at the subject site shall be forfeited and close.]**"

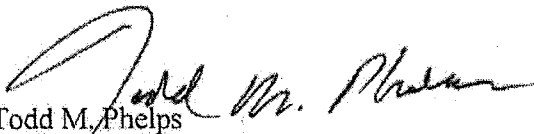
This would allow Payday America to open up at the subject site while at the same time giving the City the assurance that the legal nonconforming status of 1696 Suburban Avenue will terminate.

City of Saint Paul  
September 19, 2014  
Page 4

Thank you in advance for your time and consideration of the Application. If you have any questions or concerns, please feel free to contact me at (612) 335-1871 or Chuck Armstrong at (952) 646-3780.

Very truly yours,

STINSON LEONARD STREET LLP



Todd M. Phelps

cc: Council President, Ward 7, Kathy Lantry (w/enc)  
Ms. Betsy Leach, Executive Director  
District 1 Community Council (w/enc)  
Mr. Chuck Armstrong (w/enc)

EXHIBIT A—PLANNED PAYDAY AMERICA SERVICE COUNTERS (1891 SUBURBAN AVENUE) NEXT TO EXISTING PAWN AMERICA SERVICE COUNTERS



# EXHIBIT B—FLOOR PLAN (1885 SUBURBAN AVENUE)

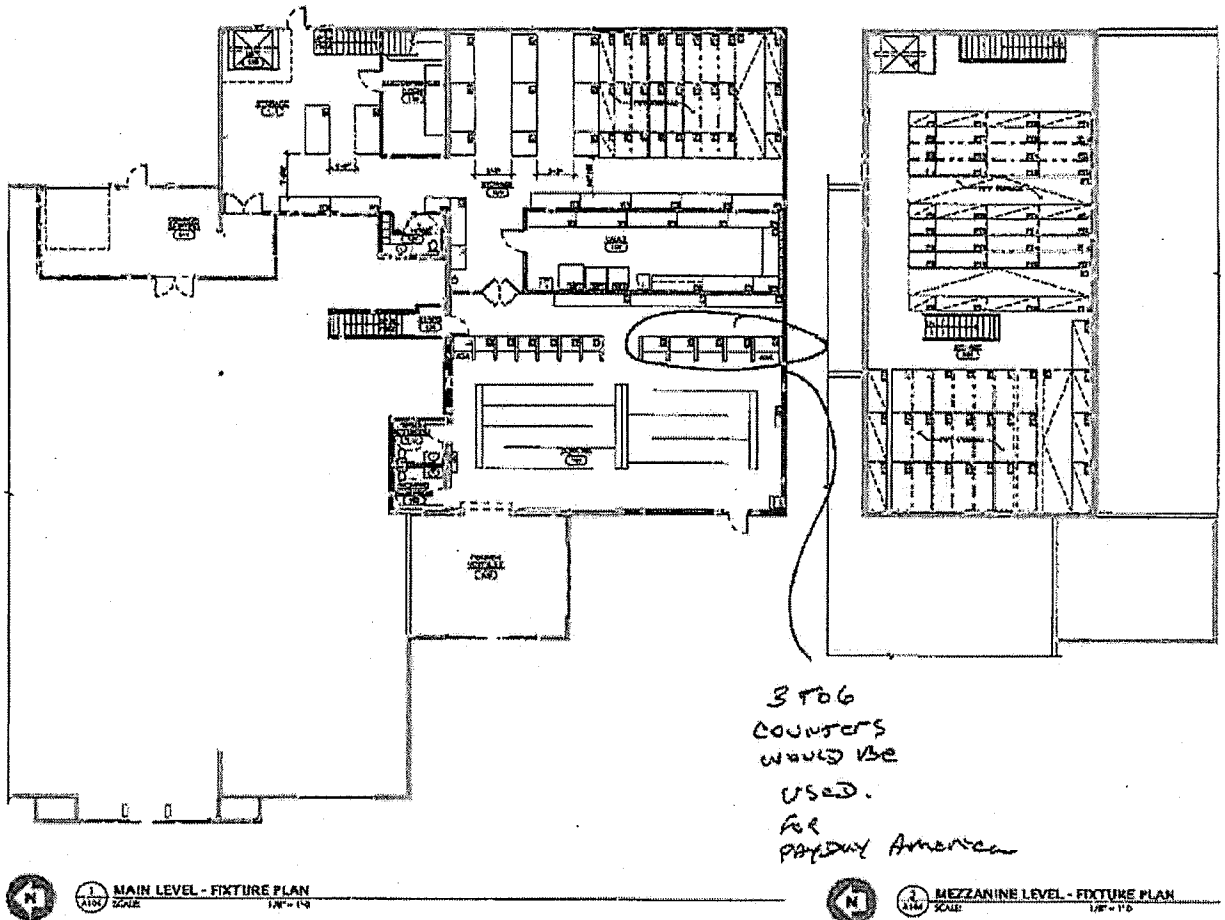


EXHIBIT C—CURRENT PAYDAY AMERICA LOCATION  
(1696 SUBURBAN AVENUE)



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

WHEREAS, Housing & Redevelopment Authority (HRA), file # 14-325-680, has applied for a rezoning from R4 One-family Residential to T2 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 619-627 Wells St, Parcel Identification Number (PIN) 292922420187, legally described as Lots 26-28 of Block 35, Chas Weide's Subdivision of Arlington Hills Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 25, 2014, 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 rezoning from R4 to T2 in order to allow a parking lot that will be an accessory use to nearby businesses along Payne Avenue.
2. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Payne Avenue are zoned B2 and T2, and have varying lot depths. Rezoning to T2 is consistent with the established land use pattern.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along Payne Avenue as a Mixed Use Corridor. The proposed rezoning supports the more intense commercial and residential uses, envisioned for the Mixed Use Corridor, and in the near-term promote an active streetscape along Payne Avenue by placing parking behind the buildings facing Payne Avenue.
4. The proposed T2 zoning allows a range of neighborhood-scale residential and commercial uses that are compatible with the surrounding residential and commercial uses.
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 T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding residential and commercial zoning designations and uses.
6. The petition for rezoning was found to be sufficient on August 28, 2014: 21 parcels eligible; 14 parcels required; 15 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Housing & Redevelopment Authority (HRA) for a rezoning from R4 One-family Residential to T2 Traditional Neighborhood for property at 627 Wells Street be approved.

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

# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

September 11<sup>th</sup>, 2014

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

**RE: Zoning File 140325-680 Rezone from R4 One Family Residence to T2 Traditional Neighborhood  
619-627 Wells Street between Edgerton and Payne Avenue.**

Dear Bill Dermody:

This letter is to serve as notice of the District Five Planning Council's position or recommendation on the above matter that is on the September 25<sup>th</sup>, 2014 Agenda of the St. Paul Zoning Committee.

The Payne Phalen District Five Planning Council's Community Planning & Economic Development (CPED) Committee met on Tuesday, September 9, 2014 at the Arlington Hills Community Center. The above zoning matter was on the agenda. The owner of the parcels is the St. Paul Housing and Redevelopment Authority (HRA). Presenting to CPED were Anne DeJoy of the East Side Neighborhood Development Company (ESNDC) which is investing CDBG funding into the project and which has completed a Parking Study of the Payne Avenue commercial corridor and Mr. Mike Wagner, who is the proposed private developer of the parcels and a part business owner of a commercial business on Payne Avenue.

Members of the District Five CPED Committee previously participated in and have discussed the results of the Parking Study which supports development of parking resources on Payne Avenue. District Five CPED and Board have affirmed a need for designated business parking to improve the business climate, to relieve parking congestion on surrounding residential streets, and allow for business expansion and the development of local jobs.


**The CPED Committee voted unanimously to recommend approval of the proposed plans and rezoning to T2 for these parcels 619-627 Wells.**

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This CPED action will appear on the District Five Board of Director's Consent Agenda at its September 30, 2014 meeting.

Please do not hesitate to contact me if you have questions regarding this District Five Planning Council advisory input to the Zoning Committee.

Sincerely,

  
Leslie McMurray  
Executive Director

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

TEL # (651) 774-5234  FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG

WWW.PAYNEPHALEN.ORG

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

WHEREAS, John D. Lenzi, file # 14-324-966, has applied for a rezoning from B2 Community Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 662 Payne Avenue, Parcel Identification Number (PIN) 322922120123; Irvines 2nd Addition Subj To St The Fol: That Part Of Lot 8 Described As Beg On Swly Line Of & 38 Ft Sely Of Nwly Line Th To Point On Line 27.75 Ft Nely Of & 61 Ft Sely Of Nwly Line Th To Pt On Nely Line & 66.61 Ft Sely Of Nwly Line Th Nwly To Nwly Line Th Swly To Swly Line Th Sely To Beg And Ex The Sely 34.6 Ft Of The Swly 5.5 Ft; Lot 7 And The Swly 4.55 Ft Of Lot 6 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 25, 2014, 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 rezoning from B2 to T2 in order to permit conversion to a residential dwelling.
2. The proposed zoning is consistent with the way this area has developed and the mixed land use pattern along this portion of Payne Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of an Established Neighborhood.
4. The proposed zoning is compatible with the surrounding commercial, office, church, and residential uses.
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 T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of John D. Lenzi for a rezoning from B2 Community Business to T2 Traditional Neighborhood for property at 662 Payne Avenue be approved.

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



city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Scott Kramer, file # 14-326-683, has applied for a conditional use permit for a bed & breakfast residence with 4 guest rooms under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 241 George St W, Parcel Identification Number (PIN) 072822130175, legally described as Dorhardt Rearrangement The W 15 Ft of S 35 Ft of Lot 2 & The S 41.53 Ft of Lot 3 & All of Lot 6 & W 15 Ft of Lot 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 25, 2014, 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 home was constructed in 1886 and designed by notable architect Augustus Gauger. It was originally constructed as a single family home, but was divided into several apartments in the 1940's or 1950's. The property owner prior to the applicant made several necessary repairs and removed the majority of walls, doorways and kitchens that made up the apartments. The applicant is interested in preserving and continuing to restore the home while being able to share this resource via use as a bed and breakfast.
2. §65.641 defines 'bed and breakfast residence' and lists the standards and conditions for a bed and breakfast located in a residential district.
  - (a) *In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast located in a two-family dwelling.* The applicant has made the required conditional use permit application.
  - (b) *The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building.* The property was originally constructed as a one-family dwelling, therefore this condition is met.
  - (c) *The guest rooms shall be contained within the principal structure.* This condition is met. All guest rooms will be located within the principal structure.
  - (d) *There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling.* This condition is met. The applicant has stated that there will be no more than one employee who does not reside on the premises.

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

- (e) *Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.* This condition is met as the applicant has agreed to abide by this condition.
  - (f) *No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.* This condition is met. The applicant has stated that there is no need for additional exterior entrances to the structure to serve residents or guests.
  - (g) *The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the table noted in §65.641.* This condition is met. The table referenced indicates that a one-family dwelling with four guest rooms must have a minimum lot area of 8,000 square feet. The lot area is over 14,000 square feet, which is more than sufficient.
  - (h) *One-family dwellings may contain no more than four (4) guest rooms. Two-family dwelling may contain no more than three (3) guest rooms.* This condition is met. The property was built as a one-family dwelling and the applicant has proposed four (4) guest rooms.
  - (i) *No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence.* This condition is met. City records indicate no existing bed and breakfast with 2 to 4 guest rooms within 1,000 feet.
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 Housing Chapter of the Saint Paul Comprehensive Plan lists the need to preserve and promote established neighborhoods. Additionally, the Historic Preservation Chapter generally supports the preservation of historic structures and character. The West Side Community Plan generally supports the preservation and rehabilitation of housing, particularly those with historic designation potential and elements that are indicative of historic resources.
  - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The point of ingress/egress is located on George Street and the proposed use will not generate a significant amount of traffic nor contribute significantly to congestion the 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. The proposed bed and breakfast use is compatible with the surrounding single and two family residences and will not alter the character of the immediate neighborhood.
  - 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 proposed bed and breakfast use is a permitted use in the RT1 district and is compatible with surrounding uses.

- 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 will conform to the applicable regulations in the RT1 zoning district. The parking requirement for the bed and breakfast residence is three spaces (1 space for each dwelling unit and 0.5 for each guest room). The applicant has stated that there is room for two vehicles side-by-side in the driveway, and the length of the driveway allows for a third vehicle to park behind either vehicle and leave sufficient maneuvering room.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Scott Kramer for a conditional use permit for a bed & breakfast residence with 4 guest rooms at 241 George Street W is hereby approved subject to the following additional conditions:

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.
2. The permit holder must abide by any and all County or State licensing requirements applicable to bed and breakfasts.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6700  
Facsimile: 651-266-6549*

**To:** Planning Commission  
**From:** Comprehensive Planning Committee  
**Date:** September 26, 2014  
**Subject:** Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and B, I, and T District Uses and Standards

On July 25, 2014, the Planning Commission authorized a zoning study on minor text amendments to a driveway setback requirement, land use standards, and B, I, and T district uses and standards. The following report analyzes and discusses each of the zoning sections identified below and makes recommendations on changes to the code. Based on these recommendations, suggested edits to the zoning text are provided.

<b>Proposed Amendments</b>	<b>Code Citation</b>
<i>Driveway Setback</i>	
Change driveway setback requirement for land adjacent to RL-RT2 districts	§ 63.310(c)
<i>Land Use Standards</i>	
Modify open space requirements for nursing homes in T districts	§ 65.182(c)
Modify building size standards triggering conditional use permits for commercial, retail sales and services, and limited production, processing, and storage uses in T districts	§ 65.400 § 65.500 § 65.700
<i>Zoning District Uses and Standards</i>	
Permit rental storage facility as a use in B4 - B5 districts	§ 66.421
Permit reception hall as a use in T2 district	§ 66.321
Permit theater/assembly halls with standards in the T2 – T4 districts*	§ 66.321
Allow for commercial surface parking in T2 district	§ 66.321
Increase maximum setback in T1 district for nonresidential or mixed uses	§ 66.331
Allow for T1, T2, and IT with a master plan	§ 66.344 § 66.544
* <i>Additional amendment since initiation of study</i>	

## 1. Driveway Setback Amendment

### Change Driveway Setback Requirement for Uses Adjacent to RL-RT2 Districts

§63.310(c) requires that entrances and exits from a parking facility<sup>1</sup> in zoning districts other than RL-RT2 must be located 25 feet from any adjoining<sup>2</sup> property in the RL-RT2 districts. This means, for example that a driveway to a four-car garage in an RM or T district would have to be 25 feet from property with a four-plex in an RT2 district. The reverse is not the case; a driveway for a four-plex in an RT2 district does not have a setback requirement from property with a single-family house in an RM or T district. Reviewing City zoning records, there have been at least eight requests for a variance to this regulation, which ranged from a zero- to seven-foot setback, and all eight were granted without any additional requirements.

The requirement, as currently written, does not make sense, wastes space, and creates problems for best placement of buildings closer to the street with parking in the rear. A driveway is not much different than an alley, which does not have a setback requirement. Six feet is enough to accommodate visual screening and landscaping.

The recommendation is to change the requirement to six feet from RL-RT2 districts for commercial or industrial uses in commercial or industrial districts. §§63.313-63.314 requires visual screening and landscaping of the parking facility in the setback area so no further screening requirements are needed as a result of the proposed amendment.

## 2. Land Use Standard Amendments

### Green Space for Nursing Home and Assisted Living Facilities in T Districts

Under §65.182(c), nursing homes and assisted living facilities, by reference, in traditional neighborhood districts must provide 150 square feet of green space per resident, which can include outdoor seating areas, gardens, and/or recreation facilities to meet the outdoor space needs of the residents. A public park within 300 feet of the site may be used to meet this requirement. The Planning Commission recently granted a variance to this requirement based on evidence from nursing home and assisted living providers that it is excessive and misses the mark regarding the type of outdoor space residents need.

Because of limited independent mobility and high incidents of wheel chair use by residents of these facilities, yard areas without hardscaping do not fully serve residents' needs. Public parks and plazas may not meet the needs of residents of these facilities, especially when up to 300 feet away.

If the City continues to feel that regulation of outdoor space of nursing home and assisted living facilities is necessary in T districts, the recommendation is to reduce the amount of space needed per resident to 50 square feet, but require that it be wheelchair accessible space, which could be in common or private areas, such as porches, patios, sitting areas, lawns and gardens adjacent to hardscaping, rooftop gardens, terraces, balconies, and pathways.

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<sup>1</sup> Off-street parking facility is defined in the code as: "All areas, spaces and structures designed, used, required or intended to be used for the parking of more than three (3) motor vehicles. This definition is intended to include adequate driveways, accessways, parking bays, garages, of a combination thereof, but does not include public roads, streets, highways and alleys.

<sup>2</sup> Adjoin is defined in the code as: "having a common boundary or relationship at a common property line."

### Traditional Neighborhood Establishment Size CUP

Since the most recent revisions to the T districts took effect in 2011, there have been three applications seeking conditional use permits for uses over 15,000 sq. ft. (Mississippi Market grocery store, a Goodwill store with a second floor office space, and a service business with a showroom use). All were nonissues and were approved by the Planning Commission. This requirement was also recently problematic for a business producing small medical products to expand within an existing building in T4.

Neighborhood grocery stores and drug stores, which commonly may be 15,000 – 20,000 sq. ft., are encouraged in these districts and should be permitted by right. It is unnecessary to regulate use of space within an existing building based on the size of an individual business in the building. T-district standards for floor area, building dimensions, setbacks, and design all work to ensure size and design compatibility, and reduce the need to require a CUP for that purpose.

The following is a table that identifies the section of the code with the CUP requirement in traditional neighborhood districts, identifies the affected districts, describes the regulation, and then provides a recommendation.

<i>Section</i>	<i>Affected Districts</i>	<i>Size Restriction/ CUP Trigger</i>	<i>Recommendation</i>
65.510 General retail	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 20,000 sq. ft.
65.532 Photocopying	T1-T4	T1 – Limited to establishments under 2,500 sq. ft. T2-T4 – CUP for establishments greater than 15,000 sq. ft.	Eliminate as a specific use and replace as an element of service business. Photocopying shops have evolved into a basic office support service in connection with a retail storefront.
65.534 Service business with showroom or workshop	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.
65.614 Restaurants	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Eliminate CUP requirement from T4.
65.774 Brewery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.775 Distillery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.780 Ltd. production & processing	T2-T3	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.
65.789. Winery, craft	T2-T4, B2	CUP required for establishments greater than 15,000 sq. ft.	Maintain as is
65.782 Printing and publishing	T2-T4	CUP required for establishments greater than 15,000 sq. ft.	Change the CUP trigger to new buildings and building expansions with a footprint greater than 15,000 sq. ft. Eliminate from T4.

### **3. Zoning District Amendments**

#### Commercial Surface Parking in T2 Traditional Neighborhood District

The issue of commercial surface parking in a T2 traditional neighborhood district arose during the review of The Vintage project at the intersection of Selby and Snelling Avenues. The code currently permits commercial underground/and or structured parking in T3 and T4 traditional neighborhood districts with a conditional use permit, but does not permit it in T2. T2 zoning is often applied to parcels within or adjacent to Mixed-Use Corridors and to a more limited extent in Residential Corridors, as designated in the City's Comprehensive Plan.

Existing developments and new projects alike often find it difficult to accommodate the parking demand generated by their use, which is often one of the primary concerns voiced by project neighbors. Under §63.304(b), a nonresidential use in T2 would be able to accommodate parking as a principle use on a separate lot within 300 feet of the principal use as long as the lot is zoned vehicular parking, T2, or a something less restrictive than T2. The parking could also be located in a more restrictive district as long as the use it is supporting is also permitted in that district. The number of parking spaces a developer is allowed to construct for a principal use is constrained by §63.207(c) Off-street parking maximums. This restriction can be modified by seeking a conditional use permit and undertaking a transportation demand management study or by providing additional spaces in structured parking. Unless existing and proposed uses partnered together to create a larger parking facility to accommodate multiple uses, it would be difficult to provide a parking lot for a commercial district in a T2 zoning district.

To allow for needed parking within mixed-use areas that include T2 zoning and taking into consideration that structured parking is not financially feasible in these smaller commercial nodes, the recommendation is to permit commercial surface parking in the T2 district through a conditional use permit. The area within 0.25 miles of the Green Line would be excluded from this as surface parking is generally discouraged in this area to maximize transit-oriented development potential. The committee thinks ownership and management of commercial parking by a nonprofit organization would not work very well, so recommends not requiring it. A private owner would set rates based on demand. Requiring a CUP would ensure conformance with the Comprehensive Plan, character of the area, and orderly development and improvement of surrounding property.

#### Increase Maximum Setback in T1 for Nonresidential or Mixed uses

The front yard setback for nonresidential and mixed use buildings in the T1 traditional neighborhood district is 0 to 15 feet. T1 districts are often in areas with less intensity of development than other traditional neighborhood districts and located in close proximity to single-family homes. Footnote i, which explains the front yard setback further explains that "the minimum front yard setback shall not exceed the maximum front yard setback requirement." The minimum setback is calculated based on the average setback of the existing structures where at least 50% of the front footage of the block is built up with principal structures. In order to increase flexibility of the design of these buildings zoned T1 and allow new buildings to fit in character of the area, the recommendation is to increase the front yard setback to a maximum of 25 feet.

### Reception Hall as Use in T2 Traditional Neighborhood District

Reception hall was added as a use in T3-T4 districts as part of the Central Corridor Zoning Study in 2011. Councilmember Stark has requested that allowing reception halls in the T2 district also be considered.

The reception hall use is permitted in T3 and T4 traditional neighborhood districts with the approval of a conditional use permit and is a permitted use in the B2 community business district through the B5 central business-service district, as well as the IT - I2 industrial districts. The areas that are typically zoned B2 or T2 are similar, and the commercial uses allowable in each of those districts is fairly similar with some instances of B2 being more restrictive as well as instances where T2 is more restrictive. Currently there are two licensed rental halls<sup>3</sup> within the B2 zoning district and two within the T3 and T4 districts. In total, there has been only one noise complaint made against one of the licensed rental halls recorded in the City's property information database. Rental halls have not had significant negative impact on neighboring residential properties.

Based on the similarity between the T2 and B2 districts and the limited conflicts between residential uses and licensed rental halls in the B2, T3, and T4 districts, the recommendation is to permit reception halls within the T2 district with a conditional use permit, as in the T3 and T4 districts, in order to ensure that it meets the standards set through that process. Should concerns be raised by nearby property owners or residents, the conditional use process allows for site-specific conditions to be required for a particular reception hall. In addition, there should be a closer connection between the reception hall use in zoning and rental hall license. Instead of the use just being called out as reception hall in the use tables, it should be listed as reception hall/rental hall in the use tables.

After reviewing uses within the commercial recreation, entertainment, and lodging section, the definition for dance hall seems unnecessary as this use is not specifically called out in the land use tables. Dance hall is called out as a use within the indoor recreation use definition. The recommendation is to eliminate § 65.642 from the code.

### Permit Theater/Assembly Hall Use in T2 -T4 with Standards

Theaters and assembly halls are allowed as a conditional use in T2 -T4 districts. The recommendation is to allow theaters under 500 seats as a permitted use with development standards in these districts; larger theaters would require a conditional use permit. The need for this revision was prompted by a Cultural STAR application in the Raymond Station Area to establish a small theater for live plays, a type of business that is promoted for the Creative Enterprise Zone.

Existing development standards for theaters and assembly halls in T districts limit new theaters to 1000 seats in no more than three separate theater/auditorium areas, consistent with theaters that currently exist in neighborhoods, such as the Highland (550 seats) and Grandview (580 seats) theaters that are both in a T2 district. Larger theaters and assembly halls may be appropriate, with a CUP, in T4. The CUP process is unnecessary for smaller theaters and creates a level of uncertainty that could be onerous for a new business trying to establish or reestablish a theater, such as the Victoria Theater (T2).

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<sup>3</sup> In order to operate a reception hall, a rental hall license must be issued by the Department of Safety and Inspections. A rental hall is defined under §405.01(b) as: "any building, room, premises, facility, or portion thereof, which is available for use by any person or persons upon the payment of a fee." Banquet rooms in restaurants, for example, are not considered rental halls.



#### Rental Storage in B4 Central Business District and B5 Central Business-Service District

This proposed amendment is being triggered by the conversion of the downtown Post Office into the Custom House, which will contain approximately 200 apartments, 150 hotel rooms, retail/commercial space, and parking. The parcel is zoned B4. The total square footage of the 1934/1939 main building and 1961 addition is approximately 750,000 square feet. Due to the sheer size of the building, the developers anticipate phasing in new uses over the next few years, consistent with market demand. They would like the option of using a portion of the six-story 1961 addition on the south side of the parcel as a storage facility for both tenants and non-tenants. Storage is a permitted use in the B5 district, but is not permitted in B4. A rental storage facility is not permitted in either B4 or B5. Rental storage facilities are an appropriate complimentary use, especially given the continued growth in downtown housing, and that allowing a rental storage facility in the B4 and B5 districts is reasonable with the following recommended conditions and standards:

- Must be within a mixed-use building;
- Shall not comprise more than 15% of the gross floor area of the building; and
- Shall not be located within the first floor of the building.

#### Allow for T1, T2, and IT with Master Plan

Currently, the Zoning Code allows only the T3 and T4 districts to carry the designation “M,” indicating that there is a master plan guiding their future use and development. The proposed text amendment is being triggered by proposed rezonings in the West Side Flats Master Plan and Development Guidelines study area, where zoning districts other than T3 and T4 are included in the area covered by the Master Plan. While this is unique to the West Side Flats at this time, it is conceivable that future master plans could cover areas zoned other than T3 and T4. The intent is to allow for any T district or contiguous IT district covered by a master plan meeting the requirements of Sec. 66.344 to be guided by that master plan and to carry the moniker of “M” after the zone designation.

#### **Recommendation**

The Comprehensive Planning Committee recommends that the Planning Commission release these proposed Zoning Code text amendments for public comment and set a public hearing for November 14, 2014.

## Proposed Zoning Text Amendments

### Sec. 63.310. Entrances and exits.

Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged. When driveways no longer lead to legal off-street parking, the driveway and curb cut shall be removed and landscaping and curbing shall be restored.

- (a) Entrances and exits to and from a parking facility on residentially zoned land shall not be across land in a more restrictive residential zoning district.
- (b) Entrances and exits to and from a parking facility in a commercial or industrial zoning district shall not be across land in a residential district.
- (c) Entrances and exits to and from all parking facilities for commercial or industrial uses located in commercial, industrial, or traditional neighborhood districts land zoned other than RL—RT2 shall be at least six (6) ~~twenty-five (25)~~ feet from any adjoining property in RL—RT2 zoning districts.

...

### Sec. 65.182. Nursing home.

A building or structure where aged or infirm persons reside on a twenty-four-hour basis in order to receive nursing care and related services.

*Standards and conditions:*

- (a) The yard requirements for multiple-family use in the district apply.
- (b) In traditional neighborhood ~~development~~-districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
- (c) In traditional neighborhood ~~development~~-districts, the site shall contain a minimum of fifty one hundred (50+100) square feet of wheelchair-accessible green outdoor and garden space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. ~~Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.~~

*[Outdoor space for nursing home and assisted living facilities in T districts.]*

### Sec. 65.510. General retail.

...

*Standards and conditions:*

In traditional neighborhood districts, a conditional use permit is required for new construction covering establishments of more than twenty ~~fifteen~~ thousand ~~(20~~15,000) square feet of land in floor area to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11)

### Sec. 65.532. Photocopying Reserved.

*Standards and conditions:*

~~In the T1 traditional neighborhood district, the total floor area shall not exceed two thousand five hundred (2,500) square feet. In T2-T4 traditional neighborhood districts, a conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet.~~

~~(Ord. No. 11-27, § 1, 4-20-11)~~

**Sec. 65.533. Service business.**

Service businesses include provision of services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Barber and beauty shops;
- (b) Dry-cleaning pick-up station;
- (c) Interior decorating/upholstery;
- (d) Locksmith;
- (e) Mailing and packaging services;
- (f) Photocopying
- (~~fg~~) Radio and television service and repair;
- (~~gh~~) Shoe repair;
- (~~hi~~) Tailor shop; and
- (~~ij~~) Watch repair, other small goods repair.

**Sec. 65.534. Service business with showroom or workshop.**

Service businesses with showroom or workshop include such things as an office of a contractor (electrical, heating, air conditioning, mechanical, painter, plumber, etc.) along with a showroom and/or workshop.

*Standards and conditions in traditional neighborhood districts:*

- (a) In T2-T3 traditional neighborhood districts, a conditional use permit is required for new construction covering establishments of more than fifteen thousand (15,000) square feet of land ~~in floor area~~.
- (b) The showroom or sales area shall be located at the front of the building and designed in a manner consistent with traditional storefront buildings. All storage and workshop activities shall be done within a completely enclosed building.

(Ord. No. 11-27, § 1, 4-20-11)

**Sec. 65.614. Restaurant.**

...

*Standards and conditions:*

In T2-T3 traditional neighborhood districts, a conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet in floor area to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11; Ord. No. 12-26, § 1, 5-23-12)

*[T4 is used for high-density mixed-use locations where larger restaurants would be compatible and a CUP is not necessary.]*

**Sec. 65.642. Reserved Dance hall.**

~~Any room, place or space open to the general public in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made (see section 65.644, indoor recreation.)~~

*[Dance hall is included in the definition of "indoor recreation" and does not need a separate definition.]*



**Sec. 65.647. Theater, assembly hall.**

*Development standards and conditions in traditional neighborhood districts:*

- (a) A conditional use permit is required for a facility with a total seating capacity of more than five hundred (500).
- (b) In T2-T3 traditional neighborhood districts, total seating capacity shall not exceed one thousand (1000), and the facility shall not be divided into more than three (3) separate theater/auditorium areas.

**Sec. 65.731. Parking facility, commercial.**

An off-street parking facility, not accessory to any principal use, for which a fee is charged for the privilege of parking.

*Standards and conditions in traditional neighborhood and IT industrial districts:*

- (a) ~~In T3M districts, the facility shall be in a mixed use area identified in the master plan for the district.~~
- (~~a~~b) At least fifty (50) percent of the length of any parking structure facade adjacent to a public street shall consist of retail, office, civic, institutional, residential, or other similar non-parking uses at street level.
- (~~b~~e) Except in the T2 district, all parking spaces shall be underground or within a parking structure. Thirty (30) percent of the floor area of the commercial parking facility may be counted toward meeting the minimum floor area ratio.
- (c) In the T2 district, commercial surface parking facilities shall not be located within one-quarter (1/4) mile of University Avenue.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-22, § 5, 8-21-13)

*[Addition of surface parking lot within the T2 district. The requirement of the T3M, with which everything must conform, is covered by the master plans themselves. It is redundant, and may create confusion to state master plan requirements here.]*

**Sec. 65.780. Limited production and processing.**

...

*Standards and conditions:*

- (a) In T2-T3 traditional neighborhood districts, a conditional use permit is required for new construction covering ~~establishments of more than fifteen thousand (15,000) square feet~~ of land ~~in floor area~~ to ensure size and design compatibility with the particular location.
- (b) All such uses are intended to be compatible with adjacent commercial and service uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-57, § 2, 12-4-13)

**Sec. 65.782. Printing and publishing.**

*Standards and conditions:*

In T2-T3 traditional neighborhood districts and B2 business districts, a conditional use permit is required for new construction covering ~~establishments of more than fifteen thousand (15,000) square feet~~ of land ~~in floor area~~ to ensure size and design compatibility with the particular location.

(Ord. No. 11-27, § 1, 4-20-11; Ord 13-57, § 2, 12-4-13)

**Sec. 65.785 Storage facility, rental**

**Standards and conditions in B4 – B5 business districts:**

The facility shall be located within a mixed-use building, shall not exceed 15% of the gross floor area of the building, and shall not be located on the first floor except for access.

**Sec. 65.78~~65~~. Warehousing and storage.**

**Sec. 65.78~~86~~. Winery, craft.**

**Sec. 66.221. Principal uses.**

Table 66.221, principal uses in residential districts, lists all permitted and conditional uses in the RL—RM3 residential districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition (d) Development Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling	P	P	P	P	P	P		(d)
Two-family dwelling			P	P	P	P		(d)
Three-and four-family dwelling				P	P	P	P	(d)
Townhouse				P	P	P	P	✓(d), (s)
Multiple-family dwelling					P	P	P	(d)
Carriage house dwelling	C	C	C	C	C	C	C	✓(d), (s)
Cluster development	C	C	C	C	C	C		✓(d), (s)
Housing for the elderly					P	P	P	(d)
Reuse of large structures	C	C	C	C	C	C	C	✓(d), (s)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	✓(d), (s)
<i>Congregate Living</i>								(d)
Foster home, freestanding foster care home	P	P	P	P	P	P	P	(d)
Community residential facility, licensed human service	P	P	P	P/C	P/C	P/C	P/C	✓(d), (s)
Community residential facility, licensed correctional					C	C	C	✓(d), (s)
Community residential facility, health department licensed					C	C	C	✓(d), (s)
Emergency housing facility					C	C	C	✓(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Sober house	P	P	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Transitional housing facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Roominghouse, boarding house					C	C	C	✓(d), (s)
Nursing home, boarding care home, assisted living						C	P	✓(d), (s)
Hospice	P	P	P	P	P	P/C	P	✓(d), (s)



Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition (d) Development Standards (s)
Dormitory	P	P	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Fraternity, sorority	P	P	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
<b>Civic and Institutional Uses</b>								
<i>Educational Facilities</i>								
Day care	P	P	P	P	P	P	P	✓(d), (s)
School, grades K—12	P	P	P	P	P	P	P	✓(d), (s)
College, university, seminary, etc.	C	C	C	C	C	C	C	✓(d), (s)
<i>Social, Cultural, and Recreational Facilities</i>								
Cemetery, mausoleum	C	C	C	C	C	C		✓(s)
Golf course	C	C	C	C	C	C		✓(s)
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	C	C	C	C	C	C	C	✓(d), (s)
<i>Religious Institutions</i>								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	✓(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	✓(s)
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Municipal building or use	P	P	P	P	P	P	P	✓(d), (s)
Utility or public service building	C	C	C	C	C	C	C	✓(d), (s)
Yard waste site, municipal	C	C	C	C	C	C	C	✓(d), (s)
<b>Commercial Uses</b>								
<i>Retail Sales and Services</i>								
Farmers Market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
<i>Commercial Lodging</i>								
Bed and breakfast residence	P	P	P/C	P/C	P/C	P/C		✓(d), (s)
<i>Parking Facilities</i>								
Shared commercial parking in institutional lots	C	C	C	C	C	C	C	✓(d), (s)
<i>Transportation</i>								
Railroad right-of-way	C	C	C	C	C	C	C	✓(s)
<i>Limited Production</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	
Accessory retail service and office						C	C	✓
Support services in housing for the elderly						P	P	✓

P – Permitted use      C – Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

(C.F. No. 08-640, § 3, 7-9-08; Ord. No. 11-27, § 1, 4-20-11; Ord 13-51, § 4, 11-13-13)

[Addition of this table to the zoning text amendments is to add definition and standard notes in the right column.]

**Sec. 66.321. Principal uses.**

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1-T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
<b>Residential Uses</b>					
<i>Dwellings</i>					
One-family dwelling	P	P	P		<del>/(d), (s)</del>
Two-family dwelling	P	P	P		<del>(d)</del>
Townhouse	P	P	P	P	<del>(d)</del>
Multiple-family dwelling	P	P	P	P	<del>(d)</del>
Carriage house dwelling	C	C	P		<del>/(d)</del>
Housing for the elderly	P	P	P	P	<del>(d)</del>
<i>Mixed Commercial-Residential Uses</i>					
Home occupation	P	P	P	P	<del>/(d), (s)</del>
Live-work unit	P	P	P	P	<del>/(d), (s)</del>
Mixed residential and commercial use	P	P	P	P	
<i>Congregate Living</i>					
Foster home, freestanding foster care home	P	P	P	P	<del>(s)</del>
Community residential facility, licensed human service	P	P	P	P	<del>/(d), (s)</del>
Community residential facility, licensed correctional	C	C	C	C	<del>/(d), (s)</del>
Community residential facility, health department licensed	C	C	C	C	<del>/(d), (s)</del>
Emergency housing facility	C	C	C	C	<del>/(d), (s)</del>
Shelter for battered persons	P/C	P/C	P/C	P/C	<del>/(d), (s)</del>
Transitional housing facility	P/C	P/C	P/C	P/C	<del>/(d), (s)</del>
Sober house	P/C	P/C	P/C	P/C	<del>/(d), (s)</del>
Roominghouse, boardinghouse	C	P	C	C	<del>/(d), (s)</del>
Nursing home, boarding care home, assisted living	P	P	P	P	<del>/(d), (s)</del>
Hospice	P	P	P	P	<del>/(d), (s)</del>
Dormitory	P/C	P	P	P	<del>/(d), (s)</del>
Fraternity, sorority	P/C	P	P	P	<del>/(d), (s)</del>



Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
<b>Civic and Institutional Uses</b>					
<i>Educational Facilities</i>					
Day care	P	P	P	P	✓(d), (s)
School, grades K—12	P	P	P	P	✓(s)
College, university, seminary, etc.	P	P	P	P	✓(d), (s)
Trade school, arts school, dance school, etc.	P	P	P	P	
<i>Social, Cultural, and Recreational Facilities</i>					
Club, fraternal organization, lodge hall		P	P	P	d
Museum	P/C	P	P	P	✓(s)
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Recreation, noncommercial	P	P	P	P	(d)
<i>Religious Institutions</i>					
Church, chapel, synagogue, place of worship	P	P	P	P	
Rectory, parsonage	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	
<b>Public Services and Utilities</b>					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	✓(d), (s)
Municipal building or use	P	P	P	P	✓(s)
Utility or public service building	C	C	C	C	✓(d), (s)
<b>Commercial Uses</b>					
<i>Offices</i>					
Administrative office	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	(d)
Insurance office, real estate office, sales office	P	P	P	P	
Professional office	P	P	P	P	(d)
<i>Medical Facilities</i>					
Clinic, medical or dental	P	P	P	P	(d)
Hospital		C	C	C	✓(d)
Medical laboratory	P	P	P	P	
Veterinary clinic		P	P	P	✓(d), (s)
<i>Retail Sales and Services</i>					
General retail		P/C	P/C	P/C	✓(d), (s)
Bank, credit union	P	P	P	P	
Business sales and services		P	P		(d)
Drive-through sales and services, primary and accessory		C			✓(s)
Dry cleaning, commercial laundry		P	P	P	✓(s)
Farmers market	P/C	P/C	P/C	P/C	✓(d), (s)



Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
Food and related goods sales		P/C	P/C	P/C	✓(d), (s)
Food shelf	P	P	P	P	(d)
Garden center, outdoor		P	P	P	✓(d), (s)
Laundromat, self-service		P	P	P	
Liquor store		P/C	P/C	P/C	✓(s)
Massage center	P	P	P	P	(d)
Mortuary, funeral home		P	P	P	
<del>Photocopying</del>	P	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	✓
Post office	P	P	P	P	
Service business	P	P	P	P	(d)
Service business with showroom or workshop		P/C	P/C	P/C	✓(d), (s)
Small appliance repair		P	P	P	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	✓(d), (s)
<i>Food and Beverages</i>					
Bar		P/C	P/C	P/C	✓(d), (s)
Brew on premises store		P	P	P	✓(d), (s)
Catering		P	P	P	
Coffee shop, tea house	P/C	P/C	P/C	P/C	✓(d), (s)
Restaurant		P/C	P/C	P/C	✓(d), (s)
Restaurant, carry out, deli		P/C	P/C	P/C	✓(d), (s)
Restaurant, fast food		P/C	P/C	P/C	✓(d), (s)
Restaurant, outdoor		P	P	P	✓(s)
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bed and breakfast residence	P	P	P	P	✓(d)
Hotel, inn		P	P	P	
Health/sports club		P	P	P	(d)
Indoor recreation		C	C	C	✓(d), (s)
Reception hall/ <u>rental hall</u>		<u>C</u>	C	C	
Theater, assembly hall		<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	✓(s)
<i>Automobile Services</i>					
Auto body shop				C	✓(d), (s)
Auto convenience market		C	C		✓(d), (s)
Auto service station		C	C		✓(d), (s)
<i>Parking Facilities</i>					
Parking facility, commercial		<u>C</u>	C	C	✓(d), (s)
<i>Transportation</i>					
Bus or railroad passenger station			C	C	

Use	T1	T2	T3	T4	Definition (d) Development Standards (s)
Railroad right-of-way	C	C	C	C	✓(s)
<i>Limited Production and Processing</i>					
Agriculture	P/C	P/C	P/C	P/C	✓(d), (s)
Brewery, craft		P/C	P/C	P/C	✓(d), (s)
Distillery, craft		P/C	P/C	P/C	✓(d), (s)
Limited production and processing		P/C	P/C	P/C	✓(d), (s)
Mail order house		P	P	P	
Printing and publishing		P/C	P/C	P/C	✓(s)
Winery, craft		P/C	P/C	P/C	✓(d), (s)
<b>Accessory Uses</b>					
Accessory use	P	P	P	P	

P – Permitted use      C – Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.



**Sec. 66.331. Density and dimensional standards table.**

Table 66.331, traditional neighborhood district dimensional standards, sets forth density and dimensional standards that are specific to traditional neighborhood districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability. Where an existing building does not conform to the following requirements, the building may be expanded without fully meeting the requirements as long as the expansion does not increase the nonconformity.

Table 66.331. Traditional Neighborhood District Dimensional Standards

Building Type by Zoning District	Density	Lot Size Minimum (per unit)		Building Height (Ffeet)		Yard Setbacks (Ffeet)		
	Min. - Max. (a)	Area (sq. ft.) (a)	Width (feet)	Min.	Max.	Front Min.-Max.	Side Min.	Rear Min.
<b>T1</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 – 25 (i)	(k)	15
Multifamily	10 - 25 units/acre (b)	1700 (b)	n/a	none	35 (e)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 1.0 FAR	n/a	n/a	none	35 (e)	0 - <del>15</del> 25	(k)	(k)
<b>T2</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 – 25 (i)	(k)	15
Multifamily	FAR as for mixed use	n/a	n/a	none	35 (e), (f)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 2.0 FAR with surface parking and 0.3 - 3.0 FAR with structured parking (c)	n/a	n/a	none	35 (e), (f)	0 – 10 (j)	(k)	(k)
<b>T3</b>								
1-family dwelling	8 - 12 units/acre (b)	3500 (b)	30	25	35 (e)	15 – 25 (i)	(k)	15
2-family/townhouse	10 - 20 units/acre (b)	2000 (b)	20	25	35 (e)	10 – 25 (i)	(k)	15
Multifamily	0.5 - 3.0 FAR (d)	n/a	n/a	25	45 (e),(g),(l)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 - 3.0 FAR (d)	n/a	n/a	25	55 (e),(g),(l)	0 – 10 (j)	(k)	(k)
<b>T4</b>								
Multifamily	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	10 – 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	0 – 10 (j)	(k)	(k)

Min. - Minimum

Max. - Maximum

FAR - Floor Area Ratio

n/a - not applicable

**Sec. 66.344. Traditional neighborhood T3-T4 district planning requirements.**

...

- (b) *Master plan.* For a contiguous area any T3 or T4 district of at least fifteen (15) acres or more in area in traditional neighborhood districts, a master plan may be provided for review and recommendation by the planning commission and approval by city council resolution. The master plan may be already in existence, or it may be prepared by city staff or by the applicant or developer. A T3 or T4 traditional neighborhood area for which a master plan has been adopted by the city council shall be designated as a T1M, T2M, T3M, and/or T4M district. The master plan may include the following information.

## Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS—B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
<b>Residential Uses</b>								
<i>Dwellings</i>								
One-family dwelling			P					(d)
Two-family dwelling			P					(d)
Townhouse			P					(d)
Multiple-family dwelling	P		P			P	P	(d)
Carriage house dwelling			C					✗(d), (s)
Housing for the elderly	P		P			P	P	(d)
<i>Mixed Commercial-Residential Uses</i>								
Home occupation	P	P	P	P	P	P	P	✗(d), (s)
Live-work unit			P					✗(d), (s)
Mixed residential and commercial use	P	P	P	P	P	P	P	✗(d), (s)
<i>Congregate Living</i>								
Foster home, freestanding foster care home	P	P	P	P	P	P	P	✗(d), (s)
Community residential facility, licensed human service	P	P	P	P	P	P	P	✗(d), (s)
Community residential facility, licensed correctional			C	C	C	C	C	✗(d), (s)
Community residential facility, health department licensed			C	C	C	C	C	✗(d), (s)
Emergency housing facility			C	C	C	C	C	✗(d), (s)
Overnight shelter							C	✗(d), (s)
Shelter for battered persons	P/C	P/C	P/C	P/C	P	P	P	✗(d), (s)
Transitional housing facility	P/C	P/C	P/C	P/C	P	P	P	✗(d), (s)
Sober house	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✗(d), (s)
Roominghouse, boardinghouse			C			P	P	✗(d), (s)
Nursing home, boarding care home, assisted living			C			P	P	✗(d), (s)
Hospice	C	C	P/C	C	P	P	P	✗(d), (s)
Dormitory			P/C			P	P	✗(d), (s)
Fraternity, sorority			P/C					✗(d), (s)
<b>Civic and Institutional Uses</b>								
<i>Educational Facilities</i>								
Day care	P	P	P	P	P	P	P	(d), (s)
School, grades K-12	P	P	P	P	P	P	P	(s)
College, university, seminary, etc.	P	P	P	P	P	P	P	✗(d), (s)
Trade school, arts school, dance school, etc.	P	P	P	P	P	P	P	
<i>Social, Cultural, and Recreational Facilities</i>								



Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Club, fraternal organization, lodge hall				P	P	P	P	(d)
Museum						P	P	
Public library	P	P	P	P	P	P	P	
Public and private park, playground	P	P	P	P	P	P	P	
Recreation, noncommercial	P	P	P	P	P	P	P	(d)
<i>Religious Institutions</i>								
Church, chapel, synagogue, place of worship	P	P	P	P	P	P	P	
Rectory, parsonage	P	P	P	P	P	P	P	(s)
Convent, monastery, religious retreat	P	P	P	P	P	P	P	(s)
<b>Public Services and Utilities</b>								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	✓(s)
Municipal building or use	P	P	P	P	P	P	P	✓(s)
Public utility heating or cooling plant							P	
Utility or public service building	C	P	P	P	P	P	P	✓(d), (s)
<b>Commercial Uses</b>								
<i>Offices</i>								
Administrative office	P	P	P	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	P	P	P	(d)
Insurance office, real estate office, sales office	P	P	P	P	P	P	P	
Professional office	P	P	P	P	P	P	P	(d)
<i>Medical Facilities</i>								
Clinic, medical or dental	P	P	P	P	P	P	P	(d)
Hospital					P	P	P	(d)
Medical laboratory	P	P	P	P	P	P	P	
Veterinary clinic				P	P	P	P	✓(d), (s)
<i>Retail Sales and Services</i>								
General retail		P	P	P	P	P	P	(d)
Alternative financial establishment					C	P	P	✓(d), (s)
Bank, credit union	P	P	P	P	P	P	P	
Business sales and services					P	P	P	(d)
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	✓(s)
Dry cleaning, commercial laundry		P	P	P	P	P	P	✓(s)
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Food and related goods sales		P	P	P	P	P	P	(d)
Food shelf	P	P	P	P	P	P	P	(d)
Garden center, outdoor			C	C	P			✓(d), (s)
Greenhouse					C			✓(d), (s)

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Laundromat, self-service		P	P	P	P	P	P	
Liquor store		P	P	P	P	P	P	
Massage center	P	P	P	P	P	P	P	
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial					C			✓(s)
Outdoor uses, commercial sales of consumer fireworks					C			✓(d), (s)
Package delivery service					P	P	P	(d)
Pawn shop					C	P	P	✓(d), (s)
Photocopying	P	P	P	P	P	P	P	
Post office		P	P	P	P	P	P	
Service business	P	P	P	P	P	P	P	(d)
Service business with showroom or workshop			P	P	P	P	P	(d)
Small appliance repair				P	P	P	P	
Small engine repair, automotive bench work					P	P	P	
Tattoo shop			P	P	P	P	P	
Tobacco products shop			P/C	P	P	P	P	✓(d), (s)
<i>Food and Beverages</i>								
Bar				P/C	P	P	P	✓(d), (s)
Brew on premises store				P	P	P	P	✓(d), (s)
Catering				P	P	P	P	
Coffee kiosk				P	P	P	P	✓(d), (s)
Coffee shop, tea house		P/C		P	P	P	P	✓(d), (s)
Restaurant				P	P	P	P	(d)
Restaurant, carry-out, deli		P		P	P	P	P	(d)
Restaurant, fast-food				P/C	P/C	P	P	✓(d), (s)
Restaurant, outdoor				P	P	P	P	✓(s)
<i>Commercial Recreation, Entertainment and Lodging</i>								
Bed and breakfast residence		P	P	P	P			✓(d), (s)
Bingo hall, auction hall				C	P	P	P	
Health/sports club				P	P	P	P	(d)
Hotel, inn, motel					P	P	P	
Indoor recreation				C	P	P	P	✓(d), (s)
Reception hall/ <u>rental hall</u>				P	P	P	P	
Steam room/bathhouse facility			P	P	P	P	P	(d)
Theater, assembly hall, concert hall				P	P	P	P	
<i>Adult Entertainment</i>								
Adult use					C	C	C	✓(d), (s)
<i>Automobile Services</i>								



Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Development Standards (s)
Auto convenience market				C	C		P	✓(d), (s)
Auto service station				C	C		P	✓(d), (s)
Auto specialty store				C	C		P	✓(d), (s)
Auto repair station					C		P	✓(d), (s)
Auto sales, indoor					P	P	P	
Auto sales and rental, outdoor					C			✓(d), (s)
Car wash					C			✓(s)
<i>Parking Facilities</i>								
Parking facility, commercial						P	P	✓(d)
<i>Transportation</i>								
Bus or railroad passenger station					P	P	P	
Helistop					C	C	C	✓(d), (s)
Railroad right-of-way	C	C	C	C	C	P	P	✓(s)
<i>Limited Production, Processing and Storage</i>								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓(d), (s)
Brewery, craft				P/C	P/C	P/C	P/C	✓(d), (s)
Distillery, craft				P/C	P	P	P	✓(d), (s)
Finishing shop					P		P	✓(d), (s)
Limited production and processing					P		P	✓(d), (s)
Mail order house			P	P	P	P	P	
Plastic products							P	(d)
Printing and publishing				P/C	P	P	P	(s)
Recycling collection center					P			✓(d), (s)
Recycling drop-off station			P	P	P	P	P	✓(d), (s)
<u>Storage facility, rental</u>						P	P	(s)
Toiletries and cosmetic manufacturing							P	
Warehousing and storage							P	✓(s)
Wholesale establishment					P	P	P	✓(d), (s)
Winery, craft				P/C	P/C	P/C	P/C	✓(d), (s)
<b>Accessory Uses</b>								
Accessory use	P	P	P	P	P	P	P	

P – Permitted use      C – Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

(d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.

(s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

**Sec. 66.521. Principal uses.**

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT—I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
...					
<i>Retail Sales and Services</i>					
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s)
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s)
Dry cleaning, commercial laundry	P	P	P		
Farmers market	P/C	P/C	P/C		(d), (s)
Food and related goods sales	P	P	P		(d)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s)
Greenhouse	P	P	P		(d), (s)
Gun shop, shooting gallery		C	P	P	(d), (s)
Laundromat, self-service	P	P	P		
Liquor store	P	P	P		
Massage center	P	P	P		(d)
Mortuary, funeral home		P	C		
Outdoor uses, commercial		C	P		(s)
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s)
Package delivery service	P	P	P		(d)
Pawn shop		C	P		(d), (s)
<del>Photocopying</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Post office	P	P	P		
Service business	P	P	P		(d)
Service business with showroom or workshop	P	P	P		(d)
Small appliance repair	P	P	P		
Small engine repair, automotive bench work	P	P	P		
Tattoo shop	P	P	P		
Tobacco products shop	P	P	P		(d), (s)
...					
<i>Commercial Recreation, Entertainment and Lodging</i>					
Bingo hall, auction hall	P	P	C		
Health/sports club	P	P	P		(d)



Use	IT	I1	I2	I3	Definition (d) Standards (s)
Hotel, inn, motel	P	P	P		
Indoor recreation	P	P	P		(d), (s)
Outdoor sports/entertainment		C	P	P	
Reception hall/ <u>rental hall</u>	P	P	C		
Steam room/bathhouse facility	P	P	P		(d)
Theater, assembly hall, concert hall	P	P	C		
...					

**P – Permitted use      C – Conditional use requiring a conditional use permit**

Notes to table 66.421, principal uses in industrial districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

**Sec. 66.544. IT transitional industrial district master plan.**

For an IT transitional industrial district contiguous to a T1M-T4M district, a master plan may be adopted under the provisions of section 66.344(b) and may be amended under the provisions of section 66.344(c). An IT transitional industrial area for which a master plan has been adopted by the city council shall be designated as an ITM district.