

MINUTES OF THE ZONING COMMITTEE
Thursday, May 14, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Nelson, Reveal, Wencil, and Wickiser
ABSENT: *Merrigan, *Padilla, and *Makarios (*excused)
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Twin Cities Concrete Products - 15-030-369 - Rezoning from I1 Industrial & VP Vehicular parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family, 1520 Minnehaha Ave E, between Hazelwood and Birmingham

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He stated District 1 recommended approval and submitted a letter of support, and there were no letters in opposition.

Craig Kepler, Law firm of Lindquist and Vennum, 4200 IDS Center, Minneapolis, MN, counsel for the applicant, explained the current zoning would allow for a school use. The zoning they are applying for also allows for a school use, it just allows for a little more flexibility in the site plan. The zoning change sought isn't to change the nature of the allowed use it's merely to allow the applicant to build a better school.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Barbara Wencil moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion.

Commissioner Edgerton stated his concerns about converting industrial land to another zoning classification. Saint Paul is already limited on industrial land. He referred to a presentation by the Saint Paul Port Authority, stating the importance of preserving industrial land because of jobs and tax revenue. He opposes converting the industrial land without a good reason. The current use is an industrial use, and the fact that a school is allowed within an industrial use strengthens his decision to have it remain as industrial land. Switching it to a nonindustrial use makes it difficult to change it back. If the land remains as industrial it will allow future industrial use and he would prefer to see that.

Upon questions from the Commissioners, Mr. Dermody said the use would be allowed in the I1 and R4 zoning classifications, and it is not allowed in VP. He stated that the property is in use right now for truck storage and washing for the Cemstone Company. It is no longer being used as a quarry.

Commissioner Wickiser stated there is a necessity to rezone to the proposed zoning classification in order to have a greater height for the gymnasium. There will be activity that will be tax generating that will be as substantial as what is going on right now at the site. This use will improve the site, and provide a better building that will better serve the kids.

Commissioner Reveal said she is sympathetic to Commissioner Edgerton's statement regarding jobs, but she looks at the demand and noted there are no cases where they have turned down an industrial use because their wasn't property available. If she knew there was a queue of industrial opportunities that the City was not able to satisfy she would view this differently. She asked if staff knew of any industrial interest in this site.

Mr. Dermody stated the property has been for sale for quite some time. Sometimes potential buyers meet with City staff, and over the past couple of years, none of the potential buyers that have met with City staff have been interested in an industrial use at this site.

Mr. Torstenson added it is not a classic industrial site with good transportation access to rail and arterial roads. It is a remnant of a use that goes back to before this area was developed. It was zoned industrial when there was a quarry at the site, but with that use gone there isn't really a demand for industrial uses in this particular case. He also noted that the applicant is requesting to rezone to T1, which is not residential only – it will allow for offices and other job producing uses in the future.

Commissioner Edgerton explained he will vote no because he is not entirely convinced it should be rezoned. He thinks the arguments are reasonable, but he would like it to go to the Planning Commission without a unanimous vote to allow for more discussion.


The motion passed by a vote of 4-1-0.

Adopted Yeas - 4 Nays - 1 (Edgerton) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

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STAFF: Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

James Hoyer / Hoyerboy Automotive - 15-024-667 - Conditional use permit for an auto repair facility, 550 Como Ave, SW corner at Burgess Street

Josh Williams presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 6 recommended approval, and there was 1 letter in support, and 0 letters in opposition.

Commissioner Wencil commented on the large number of conditions added to the permit, and questioned if there are this many, it may not be in the best interest of the city to approve. She also asked if there is a specific reason to add condition twelve; operator shall comply with all federal, state, and local laws, it seems to be pro forma. In addition, she has concerns that the findings state that they state they can be met, rather than are met.

Mr. Williams stated he deferred to DSI on condition twelve. In regards to the number of conditions, he stated that DSI generally has a lot of concerns about these uses because they tend to generate a lot of complaints. There are a lot of conditions because they want to be specific in what is actually allowed at the site when investigating these complaints and deciding on what constitutes a violation. As practice, staff ties conditions to findings, so really the finding needs to be written that it can be met to support adding the condition. In this case, the conditions are not indicative of a potential problem, they are included so that if there is a problem the city has the clear authority to deal with the problem.

Commissioner Nelson stated that four of the twelve conditions will be met once the site plan is approved. They will not be considered as conditions for enforcement by DSI. He also noted that condition six states no parking in the alley, but there is not an alley at this property.

At questions from the Commissioners regarding DSI's concerns, Mr. Williams stated that DSI has a lot of apprehensions about both auto sales and auto repair uses. The issues tend to be too many cars on the site for both uses. Auto repair generates concerns about partially assembled cars and air born pollution. In this case, there will be two different operators at the site, and in DSI's opinion, the likelihood of their being a problem can increase because the two businesses aren't necessarily coordinating. Mr. Williams explained that in this case the concern is largely addressed because Mr. Hoyer will be purchasing the property, and Fleetwood Motors is leasing the space. Mr. Hoyer can terminate the lease if they are not complying with the conditions. Mr. Hoyer will ultimately be responsible and can make changes if the entire site is not in compliance with the conditions.

Commissioner Edgerton questioned how the previous CUP for auto sales will work with the CUP for auto repair. Mr. Williams explained that the previous CUP will still be valid. There are no inconsistencies between the two CUPs. The site plan will be another matter because the auto sales did not require a formal site plan approval because there were no physical changes to the site other than striping. A new site plan is required now because they will be adding pavement.

The site plan dictates how the entire site will be laid out and part of this approval is that a site plan is submitted and approved. The site plan will need to address both the uses at the site. Off-street parking will increase by five spaces including one ADA space.

Upon questions from City Attorney Peter Warner, Mr. Torstenson explained that the application before the Committee is for auto repair only. If the application is approved there will be two separate CUPs that would apply to this site, one for each business.

Peter Warner suggested that, if approved, it be specified that the designated parking spaces and location on the site plan are tied to a particular CUP. The site plan should show the location of the parking spaces as well as how many spaces are allowed for both auto sales and auto repair. The spaces that overlap in the two CUPs be specified that they may be used by both uses so that in the future if there are enforcement issues there is no disagreement about what is allowed and where.

The applicant, James Hoye, 1228 Galtier St, Saint Paul, addressed some of the parking concerns between the two businesses. He stated he will be purchasing the property and that may alleviate some of the concerns about the two separate businesses. If Fleetwood Motors doesn't follow conditions that were placed on their CUP for auto sales he will not renew their lease, and he will take over the used car sales license. The auto repair business he is proposing will only have two car bays for repairing and he would like to be able to use the third garage for storage of a vehicle if necessary. He will not be doing body repair to vehicles.

Upon questions from the Commissioners, Mr. Hoye explained where his previous business was located. He said he is in agreement with all of the conditions placed on the staff report.

Mr. Williams stated that the previous CUP for auto sales only allowed for eight cars to be parked at the site.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with conditions of the conditional use permit; subject to the removal of condition 10 and 12, and that the word alley is removed from condition 6. Commissioner Dan Edgerton seconded the motion.

There was discussion that staff should modify the conditions placed on the permit to eliminate redundancy, and to clarify the relationship of the two CUPs in either the findings or history section of the staff report before the Planning Commission meeting.

The motion passed by a vote of 4-0-0.

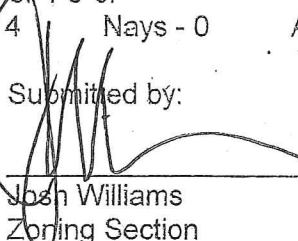
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

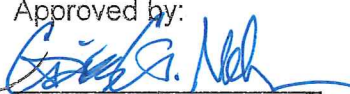


Samantha Langer
Recording Secretary

Submitted by:


Josh Williams
Zoning Section

Approved by:


Gaius Nelson
Chair

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STAFF: Hilary Holmes, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Gowshoua Vang - 15-027-778 - Reestablishment of nonconforming use as a duplex, 733 Blair Ave, between Grotto and St. Albans

Hilary Holmes presented the staff report with a recommendation of approval with a condition for the reestablishment of nonconforming use permit. She stated District 7 made no recommendation, and there were no letters in support or opposition. Ms. Holmes explained that the applicant was not able to attend the meeting today.

At questions from the Commissioners, Ms. Holmes explained that the previous reestablishment of nonconforming use as a duplex application had a recommendation of denial from the District Council. The denial was based on their inability to meet with the applicant to learn more about the application. She said that the District Council should have received a regular notice regarding this application, but she has not received a recommendation from them at this point.

Chair Nelson explained that in the past the Committee has often postponed cases to wait for the applicant to be able to be present. This case is a slightly different situation because the applicant had already appeared for exactly the same application at a prior time.

Commissioner Reveal said she is concerned that the District Council has not responded. She would like a response before a decision is made since they recommended denial of the previous application.


No one spoke in support or opposition. The public hearing remains open.

Commissioner Elizabeth Reveal moved to lay over the reestablishment of nonconforming use permit to May 28, 2015, to allow the applicant an opportunity to be present and time to get a response from the District Council. Commissioner Barbara Wencil seconded the motion.


The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Hilary Holmes
Zoning Section

Approved by:


Gaius Nelson
Chair