



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: July 20, 2015
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of July 16, 2015, Zoning Committee Hearing

NEW BUSINESS

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	Wesenberg Management Group LLC (15-133-643) Rezone approximately 28 feet between 2238 Doswell and 2275-2283 Como from B2 Community Business to T2 Traditional Neighborhood	Approval	Approval (4 - 0)
	Address: 2275 Como Ave & 2238 Doswell Ave between Doswell and Gove Place		
	District Comment: District 12 recommended approval		
	Support: 0 people spoke, 1 letter		
	Opposition: 0 people spoke, 0 letters		
	Hearing: closed		
	Motion: Approval		
2.	St. Anthony Housing (15-133-740) Conditional use permit for a maximum height of 43 feet	Approval with a condition	Approval with a condition (4 - 0)
	Address: 2301 Como Ave SE corner of Doswell and Como		
	District Comment: District 12 recommended approval		
	Support: 0 people spoke, 1 letter		
	Opposition: 0 people spoke, 4 letters		
	Hearing: closed		
	Motion: Approval with a condition		

3. **Northern Iron of St. Paul LLC (15-133-357)**
 Rezone from VP Vehicular Parking to IT Transitional Industrial

Address: 877 Wells St
 between Mendota and Forest

District Comment: District 5 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: closed

Motion: Approval

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Approval	Approval (4 - 0)

4. **Meridian Behavioral Health (15-130-256)**
 Conditional use permit to increase the number of residents to 64 in the existing licensed human service community residential facility

Address: 135 Colorado St E
 Terminus of Colorado and Clinton

District Comment: District 3 recommended approval

Support: 0 people spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: closed

Motion: Approval

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Approval	Approval (5 - 0)

5. **Best Pawn (15-134-166)**
 Conditional use permit for commercial outdoor sales for food trucks and used vehicles.

Address: 525 7th St E
 between Kittson and Hwy 52 ramp

District Comment: District 4 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: closed

Motion: Approval with conditions

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Approval with conditions	Approval with conditions (3 - 0)

		<u>Recommendation</u>
<u>Staff</u>		<u>Committee</u>
6.	<p>Taco Bell/Border Foods (15-134-559) Conditional use permit with modification for drive-thru sales, to increase the maximum number of off-street parking spaces, and variances of minimum floor area ratio (0.5 required, 0.11 proposed), window and door openings of front facade length (50% required, 47% proposed), and interior parking lot landscaping (15% required, 12% proposed).</p> <p>Address: 565 Snelling Ave N SW corner at Edmund</p> <p>District Comment: District 11 recommended denial</p> <p>Support: 0 people spoke, 1 letter</p> <p>Opposition: 4 people spoke, 5 letters</p> <p>Hearing: closed</p> <p>Motion: Lay over to July 30, 2015</p>	<p>Denial</p> <p>Laid Over (5 - 0)</p>
		<u>Recommendation</u>
<u>Staff</u>		<u>Committee</u>
7.	<p>BleuAnt LLC (rezone) (15-134-693) Rezone from BC Community Business Converted District to RM2 Multiple Family</p> <p>Address: 1174 Grand Ave</p> <p>District Comment: District 16 recommended denial</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 0 people spoke, 3 letters</p> <p>Hearing: closed</p> <p>Motion: Approval</p>	<p>Approval</p> <p>Approval (5 - 0)</p>
		<u>Recommendation</u>
<u>Staff</u>		<u>Committee</u>
8.	<p>BleuAnt (variance) (15-134-770) Variance of side-, rear-, and front-yard setbacks and lot coverage requirements</p> <p>Address: 1174 Grand Ave between Dunlap and Ayd Mill Road</p> <p>District Comment: District 16 recommended denial</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 4 people spoke, 3 letters</p> <p>Hearing: closed</p> <p>Motion: Denial</p>	<p>Approval with conditions</p> <p>Denial (3 - 2)</p> <p>(Edgerton and Wickiser)</p>

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Wesenberg Management Group LLC, File # 15-133-643, has applied for a rezoning of 28 feet from B2 Community Business to T2 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located between 2238 Doswell and 2275-2283 Como, Parcel Identification Numbers (PIN) 202923420073 and 202923420074, legally described as Subj To Como Ave And Esmt The Sely 5o Ft Of Lot 13 And Nwly 1o Ft Of Lot 14 Blk 32; and Subj To Como Ave And With Esmt The Fol Part Of Lots 16 17 And 18 Wly Of Gove PI And Ex Nwly 1o Ft Lot 14 And All Of Lot 15 Blk 32; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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 applicant is requesting a rezoning to prepare the site for a new four-story, 25-unit mixed use project. The project would be built on 2301 Como (not part of this rezoning) and 2238 Doswell. The applicant has requested an adjustment of common boundary (Z.F. 15-133559) to expand the 2238 Doswell property to the southeast and acquire a strip of the service station parcel at 2275-2283 Como, which is owned by Park 24, LLC. This rezoning would correct the resulting multiple zoning on the adjusted 2238 Doswell lot.
2. The proposed zoning is consistent with the way this area has developed. Development on the north and south sides of Como Avenue in this area is largely commercial. The zoning on this and the opposing block faces are T2, with the exception of the service station property. This rezoning would result in a relatively minor increase in T2 on a block in which the Como frontage is dominated by that zoning district. The proposed zoning is consistent with the intent of the T2 zoning district to "foster and support compact, pedestrian-oriented commercial and residential development..."
3. The proposed zoning is consistent with the Comprehensive Plan. The site of the proposed development is identified as a Mixed Use Corridor and Neighborhood Center in the Land Use Chapter for the Comprehensive Plan. The zoning is consistent with the following policies of the Land Use Chapter of the Comprehensive Plan:

moved by _____
seconded by _____
in favor _____
against _____

- 1.2 *Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor, and Downtown.*
- 1.24 *Support a mix of uses on Mixed-Use Corridors.*
- 1.25 *Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.*
- 1.28 *Promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.*

And the following policies from the Commercial Vitality and Housing sections of the St. Anthony Park Como 2030 Small Area Plan:

- CV1. *Maintain and enhance the commercial character of Como Avenue.*
 - 1.1 *Support proposals in the commercial core for mixed-use development with first floor commercial and upper floor housing.*
- H1. *Promote mixed-use development, especially in the commercial core.*
 - 1.1 *Support proposals in the commercial core for mixed-use development that includes new housing units*

- 4. The proposed zoning is compatible with surrounding uses, including a mix of commercial and residential uses. This is consistent with the intent of the T2 district, which "...encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods."

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Wesenberg Management Group LLC for a rezoning of 28 feet between 2238 Doswell and 2275-2283 Como from B2 Community Business to T2 Traditional Neighborhood be approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Park 24 LLC, File # 15-133-740, has applied for a conditional use permit for a maximum height of 43 feet under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 2301 Como Ave, Parcel Identification Numbers (PIN) 202923420072, 202923420073, 202923420074, legally described as St Anthony Park North Ex Swly 7 Ft For Ave And Ex Sely 5o Ft Measured At Ra To Sely L Lot 13 Blk 32, and Subj To Como Ave And Esmt The Sely 5o Ft Of Lot 13 And Nwly 1o Ft Of Lot 14 Blk 32, and Subj To Como Ave And With Esmt The Fol Part Of Lots 16 17 And 18 Wly Of Gove Pl And Ex Nwly 1o Ft Lot 14 And All Of Lot 15 Blk 32; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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 proposed mixed use development will have 25 residential apartment units and two commercial spaces (1,400 square feet) and will be 43 feet tall. Due to topography, the building will be three stories tall on Doswell Ave. and four stories tall on Como Ave. The retail space will be located on the first floor along Como Ave. Off-street parking will be located inside the building. A conditional use permit is required to allow for the height of the building, above the 35 feet allowed by right in the T2 district. The property is currently in the process of an adjustment of common boundary (Z.F. 15-133559) with the adjacent property (2275-2283 Como Avenue) to widen the parcel by 28 feet to the southeast. The land area within this additional 28 feet is being rezoned from B2 to T2 (Z.F. 15-133643).
2. §66.331(f) provides for "a maximum height of forty-five (45) feet with a conditional permit." The average height above average grade will be 43 feet. This height is appropriate at the is location because this location has been identified for more intensive development in both the Comprehensive Plan and St. Anthony Park Como 2030 Small Area Plan (specific policies are listed below in Finding 3.a). Due to topography, the height of the building along Doswell Ave. will be less than 35 feet tall minimizing any impact of height. Additionally, along Como Ave., the top floor will step back from the street further mitigating any impact from the height.

moved by _____
seconded by _____
in favor _____
against _____

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 site of the proposed development is identified as a Mixed Use Corridor and Neighborhood Center in the Land Use Chapter for the Comprehensive Plan. The following Land Use Chapter policies support mixed-use development, such as the proposed project in Mixed-Use Corridors and Neighborhood Centers:

- 1.2 Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor, and Downtown.
- 1.14 Plan for growth in Neighborhood Centers.
- 1.15 Promote Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences.
- 1.19 Promote conditions that support those who live and work in Neighborhood Centers, including frequent transit service, vibrant business districts, a range of housing choices, and community amenities.
- 1.23 Guide development along Mixed-Use Corridors.
- 1.24 Support a mix of uses on Mixed-Use Corridors.
- 1.25 Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residential development.

The proposed development is supported by the following objectives and strategies from the St. Anthony Park Como 2030 Small Area Plan:

- CC1. Promote interesting and engaging architecture.
- 1.1 Ensure that design, materials, placement, and orientation of new development relate to scale and character of surroundings. Buildings should be sensitive to their relationship to adjacent properties, and sides facing a street should be architecturally treated as principal facades.
 - 1.2 Entrances, retail frontages, and windows should face streets and public spaces to help make them safe, comfortable, and interesting to pedestrians.
- CV1. Maintain and enhance the commercial character of Como Avenue.
- 1.1 Support proposals in the commercial core for mixed-use development with first floor commercial and upper floor housing.
- H1. Promote mixed-use development, especially in the commercial core.
- 1.1 Support proposals in the commercial core for mixed-use development that includes new housing units.
 - 1.2 Consider mixed-use development proposals that exceed three stories if they use design, location, and topography to limit the visual impacts of height and if they meet important core goals listed in the Como 2030 Plan.
- T1. Make the pedestrian environment along Como Avenue attractive and safe for people of all ages.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed development will have one vehicle curb cut on Doswell Ave. which will provide adequate ingress/egress to minimize traffic congestion. The project will also eliminate an existing curb cut on Como Ave. thus

reducing auto conflicts with pedestrians along Como Ave.

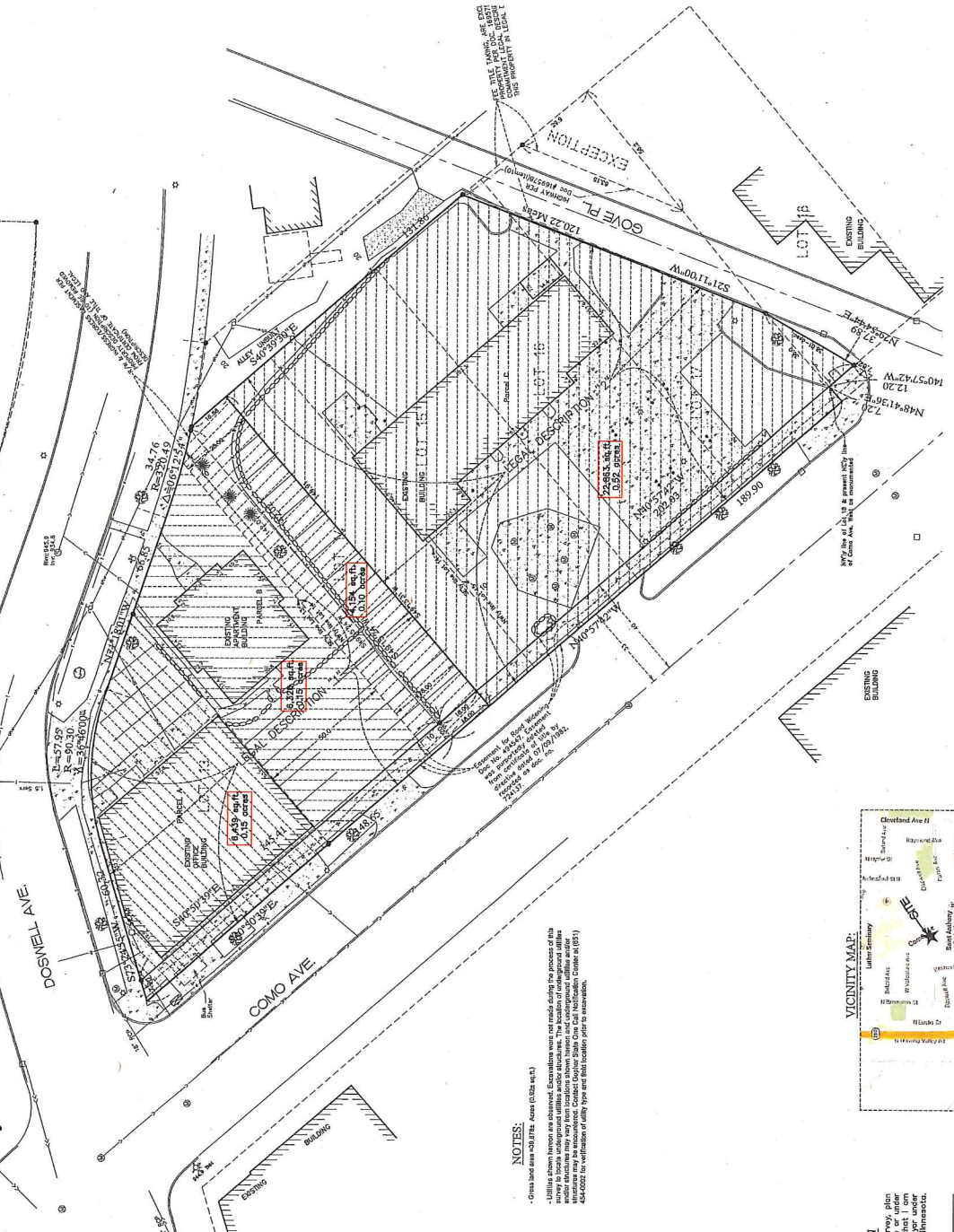
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed mixed-use building is consistent with the long-range plans and zoning for the area and its uses are complementary with the immediate area and will not endanger the public health, safety and general welfare.*
- (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 uses proposed for the mixed-use building are allowed in the district and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*
- (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 proposed development conforms to all other regulations in the T2 zoning district.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Park 24 LLC for a conditional use permit for a maximum height of 43 feet at 2301 Como Ave is hereby approved subject to the following condition:

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.

AREA EXHIBIT FOR CITY 07/09/2015

PROPERTY ADDRESS: #2301 - Como Ave
St. Paul, MN



- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES IRON MONUMENT
 - ⊕ DENOTES STREET LIGHT
 - ⊞ DENOTES TELEPHONE BOX
 - ⊚ DENOTES MISCELLANEOUS MANHOLE
 - ⊙ DENOTES SANITARY SEWER MANHOLE
 - ⊗ DENOTES STORM SEWER MANHOLE
 - ⊘ DENOTES CATCH BASIN
 - ⊙ DENOTES FIRE HYDRANT
 - ⊚ DENOTES EXISTING CENTER
 - ⊙ DENOTES OVERHEAD WIRE
 - ⊙ DENOTES UNDERGROUND ELECTRIC
 - ⊙ DENOTES UNDERGROUND TELEPHONE
 - ⊙ DENOTES UNDERGROUND GAS
 - ⊙ DENOTES UNDERGROUND WATER
 - ⊙ DENOTES SANITARY SEWER
 - ⊙ DENOTES STORM SEWER
 - ⊙ DENOTES EXISTING FENCE
 - ⊙ DENOTES EXISTING ELEVATION
 - ⊙ DENOTES BRUNNINGS

LEGAL DESCRIPTION: (Per Title Commitment No. 0104412981)
 Parcel A (Corner Property: Certificate of Title No. 279146)
 The northwesterly 50 feet (measured at right angles to the Southeastern boundary 50 feet there) (measured at right angles to the Southeastern boundary 50 feet there), except lot Southeastern 50 feet there, all in Ramsey County, Minnesota.

Parcel B (Corner Certificate No. 279147)
 The northwesterly 50 feet (measured at right angles to the Southeastern boundary 50 feet there) (measured at right angles to the Southeastern boundary 50 feet there), except lot Southeastern 50 feet there, all in Ramsey County, Minnesota.

Parcel C (Corner Certificate No. 279148)
 The northwesterly 50 feet (measured at right angles to the Southeastern boundary 50 feet there) (measured at right angles to the Southeastern boundary 50 feet there), except lot Southeastern 50 feet there, all in Ramsey County, Minnesota.

Parcel D (Corner Certificate No. 279149)
 The northwesterly 50 feet (measured at right angles to the Southeastern boundary 50 feet there) (measured at right angles to the Southeastern boundary 50 feet there), except lot Southeastern 50 feet there, all in Ramsey County, Minnesota.

Parcel E (Corner Certificate No. 279150)
 The northwesterly 50 feet (measured at right angles to the Southeastern boundary 50 feet there) (measured at right angles to the Southeastern boundary 50 feet there), except lot Southeastern 50 feet there, all in Ramsey County, Minnesota.

GENERAL NOTES:

- BEARING SYSTEM IS BASED ON NAD83 (1989 ADJUSTED) REAL-TIME GPS MEASUREMENTS UTILIZING HANCOY VMS NETWORK
- SURVEY PROPERTY ADDRESS IS 2301 Como Ave, St. Paul, MN
- FIELD WORK COMPLETED 06/02/15

BENCHMARK

ADJACENT: Top-Nail (Iron) located at the SW Corner of Como Ave and Como Ave West has an assumed elevation of: 944.47

CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

ERIC R. MCGARRETT
 Date: 06/11/2015, Reg. No. 44125

ACRE LAND SURVEYING, INC.
 8000
 763-498-8997 acresurveying@gmail.com

JOB #1575

NOTES:

- Areas in red are 2015 files. Areas in blue are 2014 files.
- Utilities shown hereon are as shown. Excavations were not made during the process of this survey. The location of utilities shown hereon is based on records and field observations. Utility and other structures may vary from locations shown hereon and underground utilities and other structures may vary from locations shown hereon. The location of utilities and other structures may vary from locations shown hereon. The location of utilities and other structures may vary from locations shown hereon. The location of utilities and other structures may vary from locations shown hereon.



NO.	DATE	DESCRIPTION
1	07/09/2015	DATE 04/17/15
2		
3		
4		

ZF#15-133-740
St. Anthony

From: joy_a@juno.com [mailto:joy_a@juno.com]

Sent: Wednesday, July 15, 2015 1:55 PM

To: Richardson, Mike (CI-StPaul)

Subject: RE: Building meeting for Como/Doswell Development

Thank you for clarifying locations on the phone for me about the building at Como and Doswell. I went over and talked to Ned Wesenberg who gladly showed my drawings of the plans. There are some design features to help mitigate the visual impact of the size of the building. I still have some concerns (but not as much as before I saw the plans) about the height along Doswell and the east side (back) of the proposed building and blending in with the residential character and favor the least possibly height on those sides of the new structure. The Como Ave and side along the gas station are already commercial and the height would not have as great an impact. My understanding is that the meeting will focus only on the zoning changes and height variance for the 18 foot strip in question and that the rest of the site is already a done deal.

ZF# 15-133-740
St. Anthony Housing
Oppose

This is in regard to file # 15-133-740 for a conditional use permit for the properties located at 2301 Como and 2238 Doswell. I will not be able to attend the commission meeting, but I do have comments regarding the case.

I live across the street from the proposed apartment building, at 2237 Doswell, and am concerned about the height of building as designed. It will significantly change the character of the street if it is built and will have a detrimental impact on sunlight reaching neighboring structures. I believe that the building design could and should be modified to stay within the basic zoning restriction of 35 vertical feet for the property.

I quote from the Zoning Commission's own webpage (italics are mine):

- 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:
and:

"...provided that such modification will not impair the intent and purpose of such condition and is consistent with health, morals and general welfare of the community and *is consistent with reasonable enjoyment of adjacent property.*"

This case raises legitimate questions as to whether zoning codes are serious and backed by regulatory teeth, or are simply suggestions that well-connected developers can ignore if they have sufficient clout at city hall.

Thank you.

Stephen Young

2237 Doswell Avenue

RECEIVED
JUN 15 2015
BY: Mail SV

ZF# 15-133-740
St. Anthony
oppose

From: Adam Harding [mailto:adamcharding@gmail.com]
Sent: Wednesday, July 15, 2015 12:50 PM
To: Richardson, Mike (CI-StPaul)
Subject: Proposed Variance Como Ave. Doswell Ave.

Hi Mike,

I am a property owner on Doswell Ave. right across the street from the proposed construction and requested variance at Como Ave and Doswell Ave. I understand the variance is to extend building height from the existing zoning approved height of 35' to a higher 43' - I am opposed to this variance for multiple reasons including but not limited to (1) density and lack of adequate parking for proposed use and amount of units/retail units, (2) inconsistent and obtrusive building height for character of the neighborhood, (3) significant sun/shade impact for the property owners/residents on Doswell 2200-2400 at this building height (4) significant traffic/congestion issues particularly for residents of Doswell Ave.

Further detail with renderings, plans, design, finishes, and plans for the proposed buildings would be helpful for concerned citizens and area residents to view- is there a website where these items can be accessed?

Thank You,
Adam
651-208-3804

2301 Como CUP
15-133740

Richardson, Mike (CI-StPaul)

St. Anthony

From: Josh Taulbee <joshtaulbee@gmail.com>
Sent: Wednesday, July 15, 2015 9:30 AM
To: Richardson, Mike (CI-StPaul)
Subject: Fwd: Apartment Building Variance on Doswell Ave.

----- Forwarded message -----

From: Josh Taulbee <joshtaulbee@gmail.com>
Date: Wed, Jul 15, 2015 at 9:25 AM
Subject: Apartment Building Variance on Doswell Ave.
To: ormike.richardson@ci.stpaul.mn.us

My name is Josh Taulbee and I reside in 2229 Doswell Ave. in Saint Anthony Park in Saint Paul. I am about 150 feet away from the proposed apartment building construction. It is my understanding that the builders are requesting a variance to allow for the new construction to be 43' tall. I am expressing my deep opposition to this proposal for a variance. I moved here almost two years ago and it was the character of this neighborhood that attracted me and my family. I feel a building this large on the corner of Doswell and Como would be an impediment to this character and a great imposition to my neighbors. Please do what you can do to retain the integrity of our beautiful pocket neighborhood right in the heart of the city.

Thank you,

Josh Taulbee

2301 Como CVA
15-133740

St Anthony

Richardson, Mike (CI-StPaul)

From: R C LA DOUX <ladoux1@msn.com>
Sent: Wednesday, July 15, 2015 9:52 AM
To: Richardson, Mike (CI-StPaul)
Cc: joshtaulbee@gmail.com; joy_a@juno.com
Subject: Building meeting for Como/Doswell Development

Mike:

I called and left a message.

I am concerned about the proposed building on Como and Doswell.

The proposed building is a half block from my home. It will directly affect my home and neighborhood.

I and many of my neighbors were not clearly informed of the proposed project.

I understand there is a meeting tomorrow 7-16 about a proposed variance for this project. Today is the first I have heard about it.

Please let me know the time and place of this meeting.

Thank you.

Rita LaDoux

651 263 6306 (Cell)

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Northern Iron of St. Paul LLC, File # 15-133-357, has applied for a rezoning from VP Vehicular Parking to IT Transitional Industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 877 Wells Street, Parcel Identification Number (PIN) 282922320078 through 282922320083 plus part of 282922320084, legally described as Lots 21-27 Chas Weides Rearrangement of Block 6 of Nelson's Addition; and WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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 VP to IT at 877 Wells Street, a 25,732 square foot parcel between Mendota Street and Forest Street.
2. The proposed zoning is consistent with the way this area has developed. The IT zoning is an effective transition from an adjacent active industrial site to the south and a commercial site to the west, to the residential uses north and east.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the property primarily as Industrial, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The District 5 Payne-Phalen Plan and the Phalen Corridor Middle Section Plan contain no provisions specific to the request.
4. The proposed IT zoning is compatible with the surrounding uses, serving as an effective transition between the adjacent industrial and commercial uses to the residential uses. IT zoning permits a limited range of industrial uses intended to be compatible with nearby residential districts.
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 IT zoning does not constitute "spot zoning". IT provides a transitional zoning between the adjacent I2 and R4 districts in that it allows some uses permitted in the adjacent I2 zoning to the south, such as a rental storage facility, indoor auto sales, or a wholesale establishment, but not other, more intense I2 uses such as a recycling

moved by _____
seconded by _____
in favor _____
against _____

collection center, general industrial, or a solid waste transfer station. The T2 zoning to the west also allows nonresidential uses, such as grocery stores, service businesses with workshops, and limited production and processing (up to 15,000 square feet without a conditional use permit). R4 allows a narrower range of uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Northern Iron of St. Paul LLC for a rezoning from VP Vehicular Parking to IT Transitional Industrial for property at 877 Wells Street be approved.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Meridian Behavioral Health, File # 15-130-256, has applied for a conditional use permit to increase the number of residents to 64 in the existing licensed human service community residential facility under the provisions of §65.153, §61.501 of the Saint Paul Legislative Code, on property located at 135 Colorado Street E, Parcel Identification Number (PIN) 052822340028, legally described as West St Paul Blks 1 Thru 99 Vac Sts Accruing & Subj To Esmts The Fol; That Part Of Blk 18 Sely Of A Line 22 Ft Sely Of VI Of Cnw Ry Main Track & In Blk 20 The E 80 Ft Of Lots 1 & 2, The E 80 Ft Of N 15 Ft Of Lot 3 & All Of Lots 6 Thru Lot 10 Blk 20; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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 applicant, Meridian Behavioral Health, operates a residential chemical dependency treatment facility serving women at this site, with a capacity of 50 residents. The facility has recently been running at a greater than 90 percent occupancy rate. In order to address the metropolitan area's shortage of space for women's treatment programs, the applicant is seeking a modification of the existing conditional use permit to increase the number of residents to 64. This increase would be accomplished by reconfiguring the interior layout and adding 14 beds. There will be no expansion of the building, nor any changes to the exterior of the building. The additional residents will increase staffing needs by two staff members per shift. There are overnight shifts, but staff members are not residents and will not have sleeping rooms.
2. § 65.153 of the zoning code lists five standards and conditions for community residential facilities:
 - (a) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4—B5 business districts where it shall be at least six hundred (600) feet from any other such facility. This condition is met. The facility is at least 1,320 feet from any of the aforementioned facilities located within the borders of Saint Paul.*
 - (b) *In RL—RT1 residential districts, the facility shall serve six (6) or fewer facility residents. In RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve sixteen (16) or fewer facility residents. This condition does not apply. The property is located in an RM1 zoning district.*

moved by _____
seconded by _____
in favor _____
against _____

- (c) *In residential districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.*

This condition is met. The facility's initial CUP was approved in 1976. Pending approval of this application, the CUP would allow the facility to serve up to 64 residents.

- (d) *In B4—B5 business districts, the facility shall be located in a multiple-family structure.*

This condition does not apply. The property is located in an RM1 zoning district.

- (e) *Except in B4—B5 business districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.*

This condition is met. With 64 residents, the facility would require a 67,000 square-foot lot. The property exceeds this requirement with a parcel area of 106,542 square 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 Comprehensive Plan calls for the preservation and production of supportive housing, such as proposed in this application.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. The property has two driveways connecting the parking and drop-off areas to public streets. Public transit is also accessible on Robert Street, two blocks from the property.

- (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 property has existed as a community residential facility since the 1970s and has operated without reported or apparent negative effects on the neighborhood. The use of the property will remain the same. The proposed change will not be detrimental to the immediate neighborhood or endanger the public health, safety, or general welfare.

- (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 use is not changing. The addition of 14 residents and two staff will not impede normal development and improvement of surrounding properties for uses permitted in the RT1, RM1, or I1 zoning districts.

- (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 is allowed in the RM1 zoning district as a licensed human service community residential facility. The RM1 district does not limit the number of residents in facilities of this type.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Meridian Behavioral Health for a conditional use permit to increase the number of residents to 64 in the existing licensed human service community residential facility at 135 Colorado Street E is hereby approved.

Z# 15-130-256
Meridian



West Side Community Organization
1 W Water St, Suite 260
St. Paul, MN 55107
Tel: 651-293-1708
Fax: 651-293-0115

July 15, 2015

To whom it may concern:

West Side Community Organization voted unanimously at our July 13 Board of Directors meeting to support the conditional use permit request to increase the number of residents to 64 in the existing licensed human service community residential facility at 135 Colorado St E.

If there are any questions regarding this recommendation, please contact WSCO staff.

Thank you,

Mason Wells

WSCO Community Organizer
651-293-1708
mason@wsco.org

city of saint paul
planning commission resolution
file number
date

WHEREAS, CSLK Properties LLC, File # 15-134-166, has applied for a conditional use permit for commercial outdoor sales for food trucks and used vehicles under the provisions of §65.525 and §65.706 of the Saint Paul Legislative Code, on property located at 525 7th Street E, Parcel Identification Number (PIN) 322922310066, legally described as Kittsons Addition To St Paul Subj To Hwy; All Of Lots 1 Thru Lot 6 Blk 21; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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 applicant, CSLK Properties LLC, applied for a conditional use permit to allow for the operation of outdoor sales of food on the site, following a letter from the DSI zoning staff indicating that the Zoning Administrator determined that a conditional use permit for outdoor sales of food was required in order to continue outdoor food sales at the property.
2. The applicant has an existing conditional use permit for outdoor auto sales. If this permit is approved, it will supersede and incorporate the existing permit for outdoor auto sales granted in Z.F. #10-308-035.
3. §65.706 lists five standards that outdoor auto sales and rental uses must meet:
 - (a) *The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This condition is met. The parking lot is paved with black top, graded, and drains appropriately. It has 37 striped parking spaces, two of which are handicap spots.
 - (b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This condition is met. Vehicular access is about 90 feet from the intersection of Kittson and East 7th Street.
 - (c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This condition is met. The applicant has stated that no repair or refinishing will be done on this site.
 - (d) *The minimum lot area shall be fifteen thousand (15,000) square feet.*

moved by
seconded by
in favor
against

A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. This condition is met. The applicant has submitted a site plan indicating a lot area approximately 43,848 square feet and an adequate parking plan meeting minimum requirements for all uses on the property.

(e) In the case of pawnbrokers, the businesses shall be separated from residentially zoned property by a distance of one hundred fifty (150) feet measured from property line to property line. This condition is met. The closest residentially zoned property is more than 700 feet away.

4. §65.525 Commercial Outdoor activity states that the use
 - a. *...must not conflict with off-street parking, off-street loading and pedestrian flow.* This condition is met. The site has 37 parking spaces. The building is 6,000 square feet in area, which requires a minimum of 15 parking spaces (Zoning Code §63.207. - Parking requirements by use.) Proposed outdoor sales of food in the parking lot use 16 parking spaces at the edges of the property. The applicant proposes six spaces for outdoor auto sales. There is space behind the building for loading and sidewalks surrounding the site that would allow pedestrians access to the food trucks.
 - b. *The planning commission must determine that the use is harmonious with adjacent uses.* This condition is met upon commission approval. Surrounding the intersection at Kittson and E. 7th Street are office and commercial uses, including auto-oriented uses across the street. Outdoor food sales and used vehicle sales are harmonious with these uses.
 - c. *A site plan including a floor plan and separate maps that show surrounding uses of property around the site which satisfies the application requirement.* This condition is met.
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. Figure LU-B of the comprehensive plan identifies this area as a mixed-use corridor, and outdoor sales help support a mix of uses as stated in strategy LU1.24. The District 4 Plan Vision from 2009 also supports this, stating "A revitalized business district, focused on East 7th Street...that provides a full range of good and services." In the same document, strategy C4 "promotes the shared use of existing surface parking lots." While this generally refers to the share of parking by multiple businesses, given the parking available on the site in excess of the minimum requirements, this is a reasonable use of the remaining spaces.
 - b. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed outdoor sales areas do not block entrance or exit from the site with the use of a vehicle. As explained in Finding 2a above, there are more than enough parking spots to respond to the needs of the proposed outdoor sales, the existing outdoor used auto sales, and pawn shop customers.
 - 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 addition of outdoor sales to the commercial site and

commercial surroundings does not change the existing character, nor does it endanger public health, safety or general welfare.

- 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. Outdoor food sales are a permitted use in the district and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of CSLK Properties LLC for a conditional use permit for commercial outdoor sales for food trucks and used vehicles at 525 7th Street E is hereby approved subject to the following conditions.

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted as part of this application.
2. Outdoor sales of food is limited to three mobile food purveyors, each of which must provide to the Zoning Administrator for approval, separate garbage and waste plans that include:
 - a. An oil disposal plan, to safely dispose of waste and keep stormwater drains free of oil;
 - b. Consumer waste receptacle sizes and locations;
 - c. A regular schedule to empty the receptacles into the dumpster to avoid loose litter.
3. Used vehicle sales will be limited to six spaces on the site.
4. No outside repair of vehicles will take place on the site.
5. There is to be no outside storage of vehicles. Vehicles pawned for sale must be removed within 72 hours.
6. The existing conditional use permit for outdoor auto sales (Z.F. #10-308-035) is terminated pursuant to §61.505 of the Saint Paul Zoning Code.