

MINUTES OF THE ZONING COMMITTEE
Thursday, July 2, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Merrigan, Nelson, Padilla, Reveal, and Wencil
EXCUSED: Makarios and Wickiser
STAFF: Bill Dermody, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

**People Incorporated - 15-036-555 - Rezone from R4 One Family Residential to RT2
Townhouse Residential, 1784 Lacrosse Ave, SE corner at White Bear Avenue**

**People Incorporated - 15-036-227- Conditional use permit for a licensed human service
community residential facility for 16 residents, 1784 Lacrosse Ave, SE corner at White
Bear Avenue**

Mr. Dermody explained the case was previously laid over at the June 11, 2015, Zoning Committee meeting, at the applicant's request. The Committee also had additional questions at the previous meeting and he gave a brief presentation on the updated staff reports. He stated the recommendation remains approval of both the rezoning and conditional use permit. Planning District 2 recommends denial.

Commissioner Padilla commented on the expanded explanation regarding the spot zoning issue that was raised at the last meeting. It's about the uses allowed, not the district title. It is helpful to see the uses allowed within a zoning district and how it fits with the surrounding use classifications.

Jill Wiedemann-West, CEO of People Inc., 2060 Centre Pointe Blvd., Mendota Heights, explained they are a company over 40 years old that serves existing needs of the community for individuals living with mental illness. The program, Diane Ahrens Residence, serves individuals in crisis that do not need hospitalization, but are in need of assistance. They operate two other facilities in the Metro area. They are currently operating at a building in the Midway area that no longer serves their needs and would like to relocate to this location. The building at 1784 LaCrosse fits their needs perfectly and they will need to do very little modifications to the current building. There is accessibility to mass transportation and an enclosed courtyard for their clients. The clients are male and female adults that are experiencing some type of situational crisis. Clients will go through an assessment process and are sent to the facility based on referrals from hospitals and Ramsey County Connection. The clients are there by choice it is not a locked facility. They can be at the facility for up to five days and once they have finished they will be placed in some kind of continuing care consistent with their needs. The program is rarely full, but can hold up to 16 residents. They will have five full time staff during the day and 2.5 staff onsite overnight. Individuals that come to the program are not allowed to bring vehicles. They have a set of policies and procedures that clients need to adhere to while at the facility. They will be discharged if they do not follow the rules set in place. They will continue to be a good neighbor just as they have been in their current location. They are serving a great purpose for the community as well as continuing the mission that was set forth by the Sisters of Perpetual Adoration in 1962 at this facility.

At questions from the Commissioners, Ms. Wiedemann-West stated they have not had contact with the District Council or neighbors since the previous meeting on June 11. They have made themselves open to community meetings, but have not been invited. She stated they have three crisis facilities in the Metro area, but only one in Ramsey County. They are interested in moving their program to this building because the current one in the Midway area is outdated and will be hard to retrofit. This facility is a perfect fit.

Sister Sue Ernster, Treasurer for the Franciscan Sisters of Perpetual Adoration, spoke in support. She explained the Franciscan Sisters of Perpetual Adoration are the current owners of the property, and as Ms. Wiedemann-West stated, this is furthering their mission they started which is about healing and caring for those most in need. They would not sell their property if they did not feel it was going to a good organization to fulfill their mission. They believe it will not endanger anyone in the neighborhood. She explained that parking has always been an issue even when they owned the property. This proposed use should not present any further problems than what has been their experience.

Sue McCall, 1365 Prosperity Drive, representing District 2 Community Council, spoke in opposition. This is a spot zoning. In this situation they are not adding density. The change in zoning is not compatible with the rest of the neighborhood. There isn't any RT zoning anywhere on White Bear Avenue. City Code 65.132 addresses the reuse of large structures and calls for the petition process of near neighbors. Their reason for requesting to change to the RT2 district is a convenience allowing the applicant to avoid the petitioning process. Ms. McCall stated that findings number two and three are not met in the staff report. There is no rational reason to change the rezoning. She asked that the Committee adopt the alternative findings of fact submitted by Chuck Repke at the June 11 Zoning Committee meeting. They ask the Committee to deny the rezoning as well as the conditional use permit.

Upon inquiry from the Commissioners regarding spot zoning and the revised staff report, Ms. McCall stated there is no need to rezone the property because typically this use would be fine given the petition process.

Gary Unger, President of District 2, 1847 E Idaho, Saint Paul, spoke in opposition. The rezoning is spot zoning pure and simple, and he urges that the Committee deny the conditional use permit because it has no conditions that would protect the neighbors. This building was built as a convent and the neighborhood has lived with it for many years. With the new proposed use the neighbors are scared. The neighbors need to be part of the partnership, not be opponents. The City has a policy, Chapter 65.132, for what to do with structures over 9,000 square feet that need to be converted. This policy has a petition requirement that protects the community. Rezoning of this property would clearly fit under Chapter 65.132. The neighbors should be part of this discussion and the approval process for the reuse of this convent. They should be able to help determine what the conditions might be for any permit in the future. There is no good reason for these neighbors not to be part of this discussion and why spot zoning would occur instead. He also stated that the impact of spot rezoning is permanent and stays with the property forever. This includes all uses allowed in the R2 zoning district. The property is not owned by the applicant requesting the rezoning, and if the sale doesn't go through, this zoning stays with the property. Mr. Unger stated if this parcel were to go through the 65.132 process,

reasonable conditions for the use could be established and would be agreed upon between the business and the neighbors.

Tammie Neuenfeldt, 1763 Ames Place, Saint Paul, spoke in opposition. She is part of the OS business that is located across the street. She said currently their business looks like a house and someone lives there. They maintain the integrity of the neighborhood and keep the property looking like a residence even though it is an office. Recently there has been a change in traffic in the area, and adding new zoning to this building, they can see potential problems with parking and traffic. She presented photos of traffic and parking issues in the neighborhood. They have lost street parking when the cul-de-sac was added to Ames Place. There are also two schools in the immediate area making this a very busy neighborhood. Ms. Neuenfeldt stated she was under the impression, from attending community meetings, that residents of the proposed facility were able to have cars. This was the first time she heard that it is not allowed. The facility also requires staff and visits by health care professionals that will add to the traffic in the area. She stated that they pulled police records on their current facility located in the Midway area and saw that there was at least two per week going to the area. She isn't sure of the exact reasons police were called.

Charlie Keffer, 580 Terrace Avenue, Roseville, MN, Board Chair at Cesar Chavez Charter School, spoke in opposition. The school currently serves over 400 students in Pre-K through 6th grade. They have initiated an expansion and remodeling project that will allow them to add seventh and eighth grades increasing their enrollment to over 500 students. Mr. Keffer stated he knows People Inc. does good work, however, as a representative of the school, he has concerns about the proposed use. They are concerned about security and safety for their students as well as the impact of the increased traffic and parking issues in the area.

Upon questions from the Commissioners regarding traffic issues, Mr. Keffer stated most of their students arrive by bus, and with their future expansion they will most likely be adding a couple more busses to service the students.

Ms. Wiedemann-West responded to testimony. She stated the concerns raised are very reasonable. She said they made every attempt to have neighborhood meetings and they went door to door in the neighborhood. They would like to create a partnership with the neighborhood. People Inc. has more than sixty programs in forty different locations, and a large part of their success has been because they have become part of the communities where they are located. It has always been their intention to be part of the neighborhood and discuss concerns. She explained they are treating individuals that are part of the community. Their clients come from all over Saint Paul primarily. Regarding the police records showing two calls per week, that information was specific to the area, not the address of their location in Midway. Occasionally a client does not do well and they have them transported to a higher level of care. The building will not change the look or feel of the neighborhood. They will not be changing the façade of the building at all. She stated this is not a petition of convenience. They have made every effort to assure the neighborhood that they want to be a partner and they are open to finding out what will make them feel better about this facility. She stated they have three parking spaces located in the back and they don't anticipate needing more than that. Most of their staff will use public transportation. The contracted professionals that will be visiting the facility will be limited. Their clients are not allowed to bring cars for clinical reasons.

Upon questions from the Commissioners, Ms. Wiedemann-West stated most of the clients will be transported to the facility by services provided by Ramsey County. They do not recommend their clients have visitors unless it is related to their care. Occasionally a family or friend may show up, but it is not the normal practice. They are comfortable with the number of parking spaces they submitted with their application and that it will meet their needs.

The public hearing was closed.

Commissioner Wencil stated she is not persuaded that this isn't spot zoning and she has concerns about the safety and welfare of the neighborhood. She noted a letter in the packet regarding a complaint that was submitted by a resident at 1745 Ames Place. It states that due to HIPAA, their agency cannot inform Diane Ahrens crisis residence of lower level sex offenses which may be in a client's history.

There was further discussion based on the public safety concern, welfare of the neighborhood, and spot zoning. Commissioners stated they would like clear evidence that there isn't a specific safety issue at any of their current facilities. They requested that staff research this matter a little further before the City Council public hearing for the rezoning. It was also noted that there are specific State Statutes related to sex offense issues and policies that need to be followed.

Commissioner Julie Padilla moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0


Commissioner Julie Padilla moved approval of the conditional use permit with conditions. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

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St. Luke Lutheran Church - 15-124-232 - Conditional use permit for a farmers market with up to fifteen (15) vendors, 1807 Field Ave, NE corner at Edgcumbe

Michelle Beaulieu presented an updated staff report with a recommendation of approval with conditions for the conditional use permit. She noted they are interested in having 15 vendors on site and a site plan has been submitted. She stated District 15 recommended approval, and there were 2 letters in support, and no letters in opposition.

Upon inquiry from Commissioner Wenc, Ms. Beaulieu confirmed the market has been operating on Saturday mornings. She stated there was no connection between this market and Saint Paul Farmers Market Growers Association.

The applicant, Wendy Bjorklund, 1199 Colette Place, explained that the market has been operating for two weeks and their vendors sold out of everything they brought to the soft opening. She stated they have a petition with signatures in favor of the market, 4 ½ pages long, from people in the neighborhood. She stated that the location is great for a farmers market and they are an EBT market. They believe this is part of their mission as a church to reach out and serve their community and neighborhood in a better way.

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

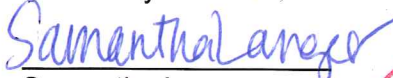
Commissioner Elizabeth Reveal moved approval with conditions of the conditional use permit. Commissioner Barbara Wenc seconded the motion.

Commissioner Merrigan noted that a trash removal plan should be included with site plan review.

The motion passed by a vote of 6-0-0.

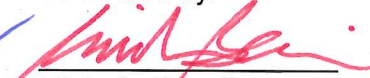
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Michelle Beaulieu
Zoning Section

Approved by:



Gaius Nelson
Chair

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STAFF: Jamie Radel, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

K2 Cars - 15-127-857 - Conditional use permit, with modification of lot area requirement, for outdoor auto sales, 370 Maryland Ave W, SE corner at Western Avenue

Jamie Radel presented the staff report with a recommendation of denial for the conditional use permit. She stated District 6 recommended denial, and there were 22 letters in support, and 9 letters in opposition.

Kirby Weyandt, 1050 W. Iowa Avenue, Saint Paul, offered a rebuttal to the staff report that states they did not meet Findings 2d, 3e, 3a, and 4. Findings 2d and 3e essentially are the same and deal with the minimum of 15,000 square feet for this use. They do not meet the current standard of 15,000 sq. ft. at 14,731 sq. ft., however, they do meet the spirit of this condition. They have met with DSI on numerous occasions and after seven revisions of their site plan they feel their site plan is up to code except for meeting the 15,000 sq. ft. minimum. In order to meet the spirit of the conditions they have eliminated a few parking spaces to make sure that all other dimensions are up to code including; sufficient employee and handicap parking, a sufficient buffer zone between neighbors and their parking lot, and ample space for driving lanes. They have added greenspace and additional landscaping too. The area they are short by is under 300 square feet, and that amounts to the parking spaces they are eliminating. In regards to Finding 3a he referred to page five of the Saint Paul Comprehensive Plan stating that the City needs to increase its tax base to pay for and maintain its infrastructure. Funding from outside sources has declined significantly while the cost of maintaining services continues to rise. He also asks that they take into consideration that the Plan also states that for Saint Paul to have a strong economy and to thrive it must have businesses with living wage jobs. The strategy focuses on providing land for employment centers that capitalize on Saint Paul's historic strengths and emerging labor markets. The automotive industry has always been a historic strength of Saint Paul. He said that District 6 has every right to discourage new auto related industries in the area and have done a good job. Many people have become discouraged when trying to open an auto business at this location, but they have persevered. The District 6 Plan states that they discourage new auto related businesses it does not say that they are not allowed. In fact, just a few months ago, Fleetwood Motors was approved without hesitation and with a much larger variance than they are requesting. It would be unfair, unjust and discriminatory to disallow them to add to Saint Paul's flourishing automotive industry. In response to zoning code reference to 61.502 that states 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 undue hardship to the owner; the owner of the property wrote a letter to the City of Saint Paul explaining the hardship that this has caused them. The City's response was that the existing building on the site is small and the County's assessor estimated market value of the building is \$34,600. It appears that they may create little

impediment for reuse of this site, however, this figure does not take into consideration the cost of demolition, disposal and rebuilding. It becomes clear why the property has been vacant for so long and why so many businesses look elsewhere to purchase. After many failed attempts to open a business, combined with the necessary cost to rectify the property, it shows that it is not a highly sought after commodity. They agree to the alternative staff recommendation of approval with the conditions and are more than willing to accommodate to those requests. Their diligence can be measured through their ongoing reciprocating work with DSI to get their site plan to be the best it can be for them as well as the City of Saint Paul.

Upon questions from the Commissioners, Keith Kamp, 1020 Arundel, Saint Paul, stated there are 21 sale spots. The other four parking spots are for employees and customers. They began with 33 parking sales spots and have reduced the number in order to meet other zoning requirements. They have also added a lot of greenspace. Employees will consist of him and Kirby at the beginning until the business can support them. He stated that their community needs reasonably priced cars and referred to percentages regarding car owners and income and the type of clientele they are targeting.

At questions regarding green space, Mr. Weyandt explained the fencing that will be added around the property. They worked with Tom Beach in DSI regarding the green space and fence for the property. Mr. Kamp said that there will be a six foot privacy fence on both sides facing residential property. The front street sides will be a four foot fence that will be see-through and very open. Mr. Weyandt said they will only have cars that are operational; they will not even have a garage on the property to work on cars. Mr. Weyandt explained their reasoning for opening the same type of business right next door to an operating car sales lot. It is because of the Nash Equilibrium Theory; it allows consumers a choice, and they can go between the two businesses, to figure out which product is best for them to purchase.

Marcus Weyandt, 1050 W Iowa, Saint Paul spoke in support. He explained he is Kirby's father and their family has had someone in business in the North End for the past 97 years. Yesterday that came to an end when they sold their share of Ace Auto Parts, and now they are hoping that Kirby and Keith can keep the tradition alive. Any time there is a vacant building and someone is willing to open a business and pay taxes to him it seems like a no-brainer to approve the application.

Dareld Meggett, 1037 Arundel Street, Saint Paul spoke in support. He also submitted a letter. He stated that District 6 has made their decision based on the Small Area Plan to discourage auto related businesses, but they have approved a site at 550 Como, Fleetwood Motors, without any hesitation. It would be unfair to these applicants not to allow them to move forward with their business and he doesn't think the District Plan should be followed in this instance.

Paul Kamp, 1059 Western, Saint Paul, spoke in support. He also submitted a letter. Mr. Kamp stated their family has operated Kamp's Food Market for the past 107 years. They are extremely familiar with the proposed property because they live about four blocks away. It is an eyesore and in disarray. It would be a huge advantage to the neighborhood to clean it up and put it back on the tax base. He explained that both families have been long time Saint Paul residents and will be in the area for a long time. The families of both young men fully support them and the modification of 269 square feet is very minimal.

Kerry Antrim, District 6, 171 Front Avenue, Saint Paul, spoke in opposition. A letter was also submitted (see attached) by District 6. She stated Findings 3a through 3d and Finding 4 have not been met. She stated that because District 6 has supported the expansion of auto related business in the past, does not automatically ensure that the use at this location should be supported. For instance the Fleetwood Motors case had different circumstances. The use on that site was industrial and it was consistent with the area. The use did not go beyond the original footprint of that site. The auto business at 370 Maryland will be a new use. She noted two other cases of expansions to allow secondary uses and stated that they did not go over the original footprint of the original site.

Paul Raymond, 1291 Farrington Street, Saint Paul, spoke in opposition. He is concerned with the number of auto related businesses in the North End neighborhood. The number of auto related businesses is a detriment to the expansion of new business in the area. He noted that the applicant referred to the Nash Equilibrium, and stated the theory is beneficial to the business, but not the neighborhood. Ideally the same types of businesses should be spread out to serve people in the neighborhood or the city of Saint Paul. He said that a lot of his neighbors also want to see other businesses to come in to the area, and an expansion of auto related business is a detriment to this cause.

Dean Reasoner, 1061 Cumberland Street, Saint Paul spoke in opposition. He also submitted a letter. He said the District 6 area plan clearly states that they should discourage auto related uses. They already have too many auto related businesses in their neighborhood. The area plan is thoughtful and inclusive and represents the best interests of the neighborhood and city. Although it hasn't always been perfectly followed they cannot allow past practices to nullify any future adherence to the plan. He is a member of the District 6 council and he doesn't believe they were being arbitrary in recommending against this CUP. They were reflecting the increased awareness and involvement of surrounding community members in making their neighborhood a better place. The neighborhood believes it is possible that this location will attract other opportunities that will provide a wider area of commerce in the neighborhood. Mr. Reasoner also mentioned he went door to door and he didn't meet a single person who was in favor of this use except for a family friend.

Mr. Kamp stated he submitted a petition to Jamie with 258 names in favor. There have been over 20 letters of support submitted. They have met with the neighbors closest to the property and discussed their plans for the property. This is zoned B3, they are not changing the zoning, they are only requesting a 269 foot modification. It will strictly be a sales lot and they will keep it well maintained.

Mr. Weyandt said that although a lot of people may be against car related businesses in the area, he stated 52% of the people in the neighborhood make less than \$35,000, and there is a need for affordable cars in the area. They want to work within the neighborhood and help people in their community.

The public hearing was closed.

Commissioner Paula Merrigan moved to deny the conditional use permit with modification. The motion failed for lack of a second.

Commissioner Reveal moved to forward the case to the Planning Commission without a recommendation. She explained she is struggling with the decision. It is incumbent upon them to respect the Comprehensive Plan and Small Area Plan. She also agrees with the testimony stating that the Small Area Plan discourages the use, but doesn't prohibit this use. She believes this case merits the discussion of the full Planning Commission. Commissioner Julie Padilla seconded the motion.

Commissioner Padilla stated she is also struggling with this decision. It is a minor modification that is being requested. She really appreciates the effort to clean up the property. She also respects the fact that this is a case where the Comprehensive Plan, in multiple instances, discourages this use. Based on the level of commentary and the Comprehensive Plan she believes it is a good idea to have a full discussion at the Planning Commission meeting.

Commissioner Merrigan stated being the Chair of the Comprehensive Planning Committee she must represent the Comprehensive Plan and will vote to deny the application.

Commissioner Edgerton stated he would support approval of the conditional use permit with modification. It is a very small modification they are requesting. He also noted the use is not prohibited and could be beneficial to the area.

After further discussion regarding the Comprehensive Plan and auto related uses, Commissioner Edgerton made a substitute the motion for approval. Commissioner Reveal denied concurrence.

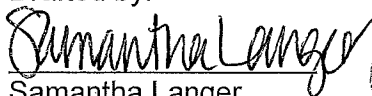
After discussion, the motion to forward the case to the Planning Commission without a recommendation failed by a vote of 3-3-0.

Commissioner Dan Edgerton moved approval with conditions of the conditional use permit with modification of lot area with the recommended conditions listed in the staff report as well as limiting the number of cars for sale to 21. Commissioner Barb Wencil seconded the motion.


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

Adopted Yeas - 4 Nays - 1 (Merrigan) Abstained - 1 (Reveal)

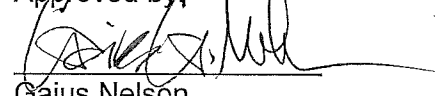
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Jamie Radel
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Tammie Neuenfeldt, 1763 Ames Place, Saint Paul, spoke in opposition. She is part of the OS business that is located across the street. She said currently their business looks like a house and someone lives there. They maintain the integrity of the neighborhood and keep the property looking like a residence even though it is an office. Recently there has been a change in traffic in the area, and adding new zoning to this building, they can see potential problems with parking and traffic. She presented photos of traffic and parking issues in the neighborhood. They have lost street parking when the cul-de-sac was added to Ames Place. There are also two schools in the immediate area making this a very busy neighborhood. Ms. Neuenfeldt stated she was under the impression, from attending community meetings, that residents of the proposed facility were able to have cars. This was the first time she heard that it is not allowed. The facility also requires staff and visits by health care professionals that will add to the traffic in the area. She stated that they pulled police records on their current facility located in the Midway area and saw that there was at least two per week going to the area. She isn't sure of the exact reasons police were called.

Charlie Keffer, 580 Terrace Avenue, Roseville, MN, Board Chair at Cesar Chavez Charter School, spoke in opposition. The school currently serves over 400 students in Pre-K through 6th grade. They have initiated an expansion and remodeling project that will allow them to add seventh and eighth grades increasing their enrollment to over 500 students. Mr. Keffer stated he knows People Inc. does good work, however, as a representative of the school, he has concerns about the proposed use. They are concerned about security and safety for their students as well as the impact of the increased traffic and parking issues in the area.

Upon questions from the Commissioners regarding traffic issues, Mr. Keffer stated most of their students arrive by bus, and with their future expansion they will most likely be adding a couple more busses to service the students.

Ms. Wiedemann-West responded to testimony. She stated the concerns raised are very reasonable. She said they made every attempt to have neighborhood meetings and they went door to door in the neighborhood. They would like to create a partnership with the neighborhood. People Inc. has more than sixty programs in forty different locations, and a large part of their success has been because they have become part of the communities where they are located. It has always been their intention to be part of the neighborhood and discuss concerns. She explained they are treating individuals that are part of the community. Their clients come from all over Saint Paul primarily. Regarding the police records showing two calls per week, that information was specific to the area, not the address of their location in Midway. Occasionally a client does not do well and they have them transported to a higher level of care. The building will not change the look or feel of the neighborhood. They will not be changing the façade of the building at all. She stated this is not a petition of convenience. They have made every effort to assure the neighborhood that they want to be a partner and they are open to finding out what will make them feel better about this facility. She stated they have three parking spaces located in the back and they don't anticipate needing more than that. Most of their staff will use public transportation. The contracted professionals that will be visiting the facility will be limited. Their clients are not allowed to bring cars for clinical reasons.

Upon questions from the Commissioners, Ms. Wiedemann-West stated most of the clients will be transported to the facility by services provided by Ramsey County. They do not recommend their clients have visitors unless it is related to their care. Occasionally a family or friend may show up, but it is not the normal practice. They are comfortable with the number of parking spaces they submitted with their application and that it will meet their needs.

The public hearing was closed.

Commissioner Wencil stated she is not persuaded that this isn't spot zoning and she has concerns about the safety and welfare of the neighborhood. She noted a letter in the packet regarding a complaint that was submitted by a resident at 1745 Ames Place. It states that due to HIPAA, their agency cannot inform Diane Ahrens crisis residence of lower level sex offenses which may be in a client's history.

There was further discussion based on the public safety concern, welfare of the neighborhood, and spot zoning. Commissioners stated they would like clear evidence that there isn't a specific safety issue at any of their current facilities. They requested that staff research this matter a little further before the City Council public hearing for the rezoning. It was also noted that there are specific State Statutes related to sex offense issues and policies that need to be followed.

Commissioner Julie Padilla moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0

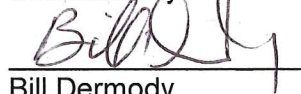
Commissioner Julie Padilla moved approval of the conditional use permit with conditions. Commissioner Elizabeth Reveal seconded the motion. The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Wencil) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, July 2, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Merrigan, Nelson, Padilla, Reveal, and Wenc
EXCUSED: Makarios and Wickiser
STAFF: Michelle Beaulieu, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

St. Luke Lutheran Church - 15-124-232 - Conditional use permit for a farmers market with up to fifteen (15) vendors, 1807 Field Ave, NE corner at Edgcumbe

Michelle Beaulieu presented an updated staff report with a recommendation of approval with conditions for the conditional use permit. She noted they are interested in having 15 vendors on site and a site plan has been submitted. She stated District 15 recommended approval, and there were 2 letters in support, and no letters in opposition.

Upon inquiry from Commissioner Wenc, Ms. Beaulieu confirmed the market has been operating on Saturday mornings. She stated there was no connection between this market and Saint Paul Farmers Market Growers Association.

The applicant, Wendy Bjorklund, 1199 Colette Place, explained that the market has been operating for two weeks and their vendors sold out of everything they brought to the soft opening. She stated they have a petition with signatures in favor of the market, 4 ½ pages long, from people in the neighborhood. She stated that the location is great for a farmers market and they are an EBT market. They believe this is part of their mission as a church to reach out and serve their community and neighborhood in a better way.

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

Commissioner Elizabeth Reveal moved approval with conditions of the conditional use permit. Commissioner Barbara Wenc seconded the motion.

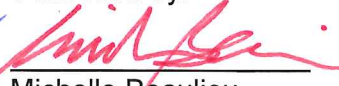
Commissioner Merrigan noted that a trash removal plan should be included with site plan review.


The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Michelle Beaulieu
Zoning Section

Approved by:

Gaius Nelson
Chair

MINUTES OF THE ZONING COMMITTEE

Thursday, July 2, 2015 - 3:30 p.m.

City Council Chambers, 3rd Floor

City Hall and Court House

15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Merrigan, Nelson, Padilla, Reveal, and Wencil

EXCUSED: Makarios and Wickiser

STAFF: Jamie Radel, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

K2 Cars - 15-127-857 - Conditional use permit, with modification of lot area requirement, for outdoor auto sales, 370 Maryland Ave W, SE corner at Western Avenue

Jamie Radel presented the staff report with a recommendation of denial for the conditional use permit. She stated District 6 recommended denial, and there were 22 letters in support, and 9 letters in opposition.

Kirby Weyandt, 1050 W. Iowa Avenue, Saint Paul, offered a rebuttal to the staff report that states they did not meet Findings 2d, 3e, 3a, and 4. Findings 2d and 3e essentially are the same and deal with the minimum of 15,000 square feet for this use. They do not meet the current standard of 15,000 sq. ft. at 14,731 sq. ft., however, they do meet the spirit of this condition. They have met with DSI on numerous occasions and after seven revisions of their site plan they feel their site plan is up to code except for meeting the 15,000 sq. ft. minimum. In order to meet the spirit of the conditions they have eliminated a few parking spaces to make sure that all other dimensions are up to code including; sufficient employee and handicap parking, a sufficient buffer zone between neighbors and their parking lot, and ample space for driving lanes. They have added greenspace and additional landscaping too. The area they are short by is under 300 square feet, and that amounts to the parking spaces they are eliminating. In regards to Finding 3a he referred to page five of the Saint Paul Comprehensive Plan stating that the City needs to increase its tax base to pay for and maintain its infrastructure. Funding from outside sources has declined significantly while the cost of maintaining services continues to rise. He also asks that they take into consideration that the Plan also states that for Saint Paul to have a strong economy and to thrive it must have businesses with living wage jobs. The strategy focuses on providing land for employment centers that capitalize on Saint Paul's historic strengths and emerging labor markets. The automotive industry has always been a historic strength of Saint Paul. He said that District 6 has every right to discourage new auto related industries in the area and have done a good job. Many people have become discouraged when trying to open an auto business at this location, but they have persevered. The District 6 Plan states that they discourage new auto related businesses it does not say that they are not allowed. In fact, just a few months ago, Fleetwood Motors was approved without hesitation and with a much larger variance than they are requesting. It would be unfair, unjust and discriminatory to disallow them to add to Saint Paul's flourishing automotive industry. In response to zoning code reference to 61.502 that states 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 undue hardship to the owner; the owner of the property wrote a letter to the City of Saint Paul explaining the hardship that this has caused them. The City's response was that the existing building on the site is small and the County's assessor estimated market value of the building is \$34,600. It appears that they may create little

impediment for reuse of this site, however, this figure does not take into consideration the cost of demolition, disposal and rebuilding. It becomes clear why the property has been vacant for so long and why so many businesses look elsewhere to purchase. After many failed attempts to open a business, combined with the necessary cost to rectify the property, it shows that it is not a highly sought after commodity. They agree to the alternative staff recommendation of approval with the conditions and are more than willing to accommodate to those requests. Their diligence can be measured through their ongoing reciprocating work with DSI to get their site plan to be the best it can be for them as well as the City of Saint Paul.

Upon questions from the Commissioners, Keith Kamp, 1020 Arundel, Saint Paul, stated there are 21 sale spots. The other four parking spots are for employees and customers. They began with 33 parking sales spots and have reduced the number in order to meet other zoning requirements. They have also added a lot of greenspace. Employees will consist of him and Kirby at the beginning until the business can support them. He stated that their community needs reasonably priced cars and referred to percentages regarding car owners and income and the type of clientele they are targeting.

At questions regarding green space, Mr. Weyandt explained the fencing that will be added around the property. They worked with Tom Beach in DSI regarding the green space and fence for the property. Mr. Kamp said that there will be a six foot privacy fence on both sides facing residential property. The front street sides will be a four foot fence that will be see-through and very open. Mr. Weyandt said they will only have cars that are operational; they will not even have a garage on the property to work on cars. Mr. Weyandt explained their reasoning for opening the same type of business right next door to an operating car sales lot. It is because of the Nash Equilibrium Theory; it allows consumers a choice, and they can go between the two businesses, to figure out which product is best for them to purchase.

Marcus Weyandt, 1050 W Iowa, Saint Paul spoke in support. He explained he is Kirby's father and their family has had someone in business in the North End for the past 97 years. Yesterday that came to an end when they sold their share of Ace Auto Parts, and now they are hoping that Kirby and Keith can keep the tradition alive. Any time there is a vacant building and someone is willing to open a business and pay taxes to him it seems like a no-brainer to approve the application.

Dareld Meggett, 1037 Arundel Street, Saint Paul spoke in support. He also submitted a letter. He stated that District 6 has made their decision based on the Small Area Plan to discourage auto related businesses, but they have approved a site at 550 Como, Fleetwood Motors, without any hesitation. It would be unfair to these applicants not to allow them to move forward with their business and he doesn't think the District Plan should be followed in this instance.

Paul Kamp, 1059 Western, Saint Paul, spoke in support. He also submitted a letter. Mr. Kamp stated their family has operated Kamp's Food Market for the past 107 years. They are extremely familiar with the proposed property because they live about four blocks away. It is an eyesore and in disarray. It would be a huge advantage to the neighborhood to clean it up and put it back on the tax base. He explained that both families have been long time Saint Paul residents and will be in the area for a long time. The families of both young men fully support them and the modification of 269 square feet is very minimal.

Kerry Antrim, District 6, 171 Front Avenue, Saint Paul, spoke in opposition. A letter was also submitted (see attached) by District 6. She stated Findings 3a through 3d and Finding 4 have not been met. She stated that because District 6 has supported the expansion of auto related business in the past, does not automatically ensure that the use at this location should be supported. For instance the Fleetwood Motors case had different circumstances. The use on that site was industrial and it was consistent with the area. The use did not go beyond the original footprint of that site. The auto business at 370 Maryland will be a new use. She noted two other cases of expansions to allow secondary uses and stated that they did not go over the original footprint of the original site.

Paul Raymond, 1291 Farrington Street, Saint Paul, spoke in opposition. He is concerned with the number of auto related businesses in the North End neighborhood. The number of auto related businesses is a detriment to the expansion of new business in the area. He noted that the applicant referred to the Nash Equilibrium, and stated the theory is beneficial to the business, but not the neighborhood. Ideally the same types of businesses should be spread out to serve people in the neighborhood or the city of Saint Paul. He said that a lot of his neighbors also want to see other businesses to come in to the area, and an expansion of auto related business is a detriment to this cause.

Dean Reasoner, 1061 Cumberland Street, Saint Paul spoke in opposition. He also submitted a letter. He said the District 6 area plan clearly states that they should discourage auto related uses. They already have too many auto related businesses in their neighborhood. The area plan is thoughtful and inclusive and represents the best interests of the neighborhood and city. Although it hasn't always been perfectly followed they cannot allow past practices to nullify any future adherence to the plan. He is a member of the District 6 council and he doesn't believe they were being arbitrary in recommending against this CUP. They were reflecting the increased awareness and involvement of surrounding community members in making their neighborhood a better place. The neighborhood believes it is possible that this location will attract other opportunities that will provide a wider area of commerce in the neighborhood. Mr. Reasoner also mentioned he went door to door and he didn't meet a single person who was in favor of this use except for a family friend.

Mr. Kamp stated he submitted a petition to Jamie with 258 names in favor. There have been over 20 letters of support submitted. They have met with the neighbors closest to the property and discussed their plans for the property. This is zoned B3, they are not changing the zoning, they are only requesting a 269 foot modification. It will strictly be a sales lot and they will keep it well maintained.

Mr. Weyandt said that although a lot of people may be against car related businesses in the area, he stated 52% of the people in the neighborhood make less than \$35,000, and there is a need for affordable cars in the area. They want to work within the neighborhood and help people in their community.

The public hearing was closed.

Commissioner Paula Merrigan moved to deny the conditional use permit with modification. The motion failed for lack of a second.

Commissioner Reveal moved to forward the case to the Planning Commission without a recommendation. She explained she is struggling with the decision. It is incumbent upon them to respect the Comprehensive Plan and Small Area Plan. She also agrees with the testimony stating that the Small Area Plan discourages the use, but doesn't prohibit this use. She believes this case merits the discussion of the full Planning Commission. Commissioner Julie Padilla seconded the motion.

Commissioner Padilla stated she is also struggling with this decision. It is a minor modification that is being requested. She really appreciates the effort to clean up the property. She also respects the fact that this is a case where the Comprehensive Plan, in multiple instances, discourages this use. Based on the level of commentary and the Comprehensive Plan she believes it is a good idea to have a full discussion at the Planning Commission meeting.

Commissioner Merrigan stated being the Chair of the Comprehensive Planning Committee she must represent the Comprehensive Plan and will vote to deny the application.

Commissioner Edgerton stated he would support approval of the conditional use permit with modification. It is a very small modification they are requesting. He also noted the use is not prohibited and could be beneficial to the area.

After further discussion regarding the Comprehensive Plan and auto related uses, Commissioner Edgerton made a substitute the motion for approval. Commissioner Reveal denied concurrence.

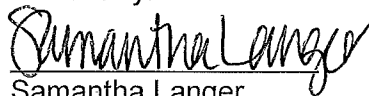
After discussion, the motion to forward the case to the Planning Commission without a recommendation failed by a vote of 3-3-0.

Commissioner Dan Edgerton moved approval with conditions of the conditional use permit with modification of lot area with the recommended conditions listed in the staff report as well as limiting the number of cars for sale to 21. Commissioner Barb Wencil seconded the motion.


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

Adopted Yeas - 4 Nays - 1 (Merrigan) Abstained - 1 (Reveal)

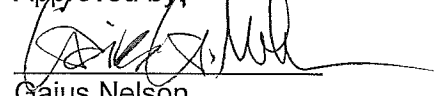
Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Jamie Radel
Zoning Section

Approved by:


Gaius Nelson
Chair

MINUTES OF THE ZONING COMMITTEE

Thursday, July 2, 2015 - 3:30 p.m.

City Council Chambers, 3rd Floor

City Hall and Court House

15 West Kellogg Boulevard

PRESENT: Edgerton, Nelson, Padilla, Reveal, and Wenc
EXCUSED: Makarios, Merrigan, and Wickiser
STAFF: Bill Dermody, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

Manuela Delores Corona - 10-602-216 – Set a public hearing to consider modification or revocation of a conditional use permit for an auto specialty store due to noncompliance with conditions of the permit, 847 White Bear Ave N, NW Corner at Seventh Street

Tony Johnson, DSI Zoning/Licensing Inspector, distributed updated pictures of 847 White Bear Avenue North. Mr. Johnson provided a brief contextual overview of the site and a summary of the actions DSI has taken thus far. He said that on June 29, at the request of the licensee, he conducted a site inspection. The striping of the lot was corrected and complete, the tires were moved into the building, and no work was occurring outside of the building. There were minor litter issues, however, the pile of trash was gone during the inspection. The licensee informed him that they increased their trash pickup service to once a week. They also intend to get a dumpster to store the tires. Mr. Johnson noted that the owner was out of the country when they were conducting their inspections, but since he has been back he has worked diligently to bring this property back into compliance, and has resolved the major issues with the site. He stated he is confident they can keep this property in compliance with the current conditions of the CUP going forward.

Upon questions from the Commissioners, Mr. Johnson stated the inspection was due to a routine follow-up and not complaints from residents.

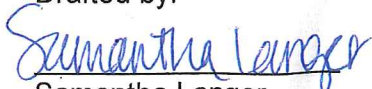
Commissioner Padilla stated setting a public hearing could be beneficial to discuss if they want to modify the permit. It is an opportunity to determine whether some remedial actions or conditions need to be placed on the CUP in order to keep the site in compliance.

After discussion based on enforcement issues or possible modifications to the conditional use permit, Commissioner Reveal moved to have DSI report back to the Zoning Committee in 60 days regarding compliance with permit conditions. Commissioner Wenc seconded the motion.

The motion passed by a vote of 5-0-0.

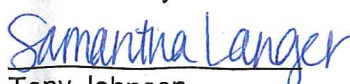
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Tony Johnson
FOR DSI Zoning/ Licensing Inspector

Approved by:



Gaius Nelson
Chair