MINUTES OF THE ZONING COMMITTEE
Tuesday, December 23, 2014 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Nelson, Reveal, and Wencl
ABSENT: Merrigan (excused), Padilla (excused), Wickiser
STAFF: Josh Williams, Samantha Langer, Bill Dermody

The meeting was chaired by Commissioner Nelson.

Fleetwood Motors - 14-345-787 - Rezone from IT Transitional Industrial to B3 General Business, 550 Como Ave, SW corner at Burgess Street

Josh Williams presented the staff report with a recommendation of approval for the rezoning. He stated District 6 recommended approval, and there was 1 letter in support, and no letters in opposition.

Upon inquiry from the Commissioners, Mr. Williams explained the North End-South Como District 6 Plan in 2012. The plan intended to create more definite transitions between industrial areas and residential and commercial areas. That was the reason the subject property was previously rezoned from I1 to IT. This specific property was zoned IT most likely because of the business that was being operated at the site. Staff feels that the proposed zoning to B3 would allow the applicant to continue to operate his business as an allowed use. Mr. Williams confirmed that the property across Como Avenue is zoned I1.

Fleetwood Motors - 14-344-764 - Conditional use permit for outdoor used automobile sales, 550 Como Ave, SW corner at Burgess Street

Josh Williams presented the revised staff report with a recommendation of approval with conditions for the conditional use permit and modification for the curb cut to remain in place. He stated District 6 recommended approval, and there was 1 letter in support, and no letters in opposition.

Albert Garcia, 12680 Tussick Court, Eden Prairie, MN, representative of the applicant, stated his client asks that the Committee adopt the amended staff report as it relates to the curb cut. Moving the curb cut would create an undue hardship on this small business. The applicant is a life-long citizen of Saint Paul and is looking to start a small business in the front part of this parcel of land. He will be leasing the property. Tearing down the tree and the grading that would have to take place to move the curb cut would be too great an expense to the applicant. It would also destroy most of the work that has been done by the owner of the property. It has a very attractive front at the property and they would like to keep as much as possible. The applicant does not intend to have a big car lot. He is looking to have a small humble car business for his family. The applicant maintains a very small portion of the property and the cost of moving the curb cut far outweighs the benefit to the overall purpose.

Upon questions from the Commissioners, Mr. Garcia stated the applicant would agree to have only eight used vehicles at the property. Mr. Garcia stated that a rough estimate of moving the curb cut and removing landscaping would be around $30,000.00.

Kerry Antrim, District 6, 171 Front Avenue, Saint Paul, spoke in support. She stated that it is the neighborhoods opinion that moving the curb cut is unnecessary and they believe it would cause the applicant great hardship. She said it was a little difficult to see an application for an auto related use and a rezoning, but after meeting with the applicant at the neighborhood meetings, they felt this was the best use for that parcel. They thought the owner was very up front and willing to make this work. He has a large lot that isn't being used and they feel there was no reason not to allow car sales at the property. Ms. Antrim also stated that to make a small business go to the expense to change landscaping and curb cuts because it is too close to an intersection is not necessary. There are many other very busy businesses located on Rice Street that have very close curb cuts and entrances to controlled intersections. Rice Street is a very high traffic area and this property is located in a quiet area. It is completely unnecessary to have the curb cut relocated and there is no issue of public safety. Ms. Antrim also noted they would like a better definition of what is allowable for refinishing vehicles listed in condition three in the revised staff report.

The owner of the property, Frank O'Gorman, 2216 Folwell Avenue, Falcon Heights, MN, said he hopes this deal will work out for him and the applicant. Changing the curb cut would change the whole dynamics of the property if it is moved to the suggested area. Currently there are two access doors towards the rear of the building that he uses for his business. Moving the driveway to go right along the building would make it very difficult for him to use his access doors.

Mr. Garcia added that they would be happy to help with drafting new language for condition three pertaining to refinishing vehicles. He stated his client is not interested in doing any auto work. It will be a mid to high grade used car dealership.

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

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

The motion passed by a vote of 5-0-0.
Adopted Yeas - 5 Nays - 0 Abstained - 0

Commissioner Barbara Wencl moved approval of the conditional use permit and modification in the amended staff report with three conditions, subject to defining condition three, in regards to vehicle refinishing. Commissioner Elizabeth Reveal seconded the motion.

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

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:	Submitted by:	Approved by:
Samantha Langer		
Samantha Langer	Josh Williams	Gaius Nelson
Recording Secretary	Zoning Section	Chair