



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: June 21, 2013
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of June 20, 2013 Zoning Committee Hearing

NEW BUSINESS

**Staff Recommendation
Committee**

1. Daniel Stoltz (13-187-934)

Denial Denial
 (6 - 0)

Establishment of nonconforming use as a 4- plex

Address: 870 Albert St N
 SE corner at Taylor

District Comment: District 11 had no comment

Support: 1 person spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Denial

city of saint paul
planning commission resolution
file number
date

WHEREAS, Garnet Management Group, Inc., File # 13-187-934, has applied for establishment of nonconforming use as a 4-plex under the provisions of §62.109(a) of the Saint Paul Legislative Code, on property located at 870 Albert St N, Parcel Identification Number (PIN) 272923310018, legally described as College Placeeast Division Ex S 60 Ft; The W 53.75 Ft Of Lot 2 Blk 12; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 20, 2013, 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 structure at 870 Albert N. was constructed in 1981 as a duplex/double bungalow. In 1983, a city inspector investigated a complaint regarding work at the property without permits. A report filed by the inspector indicates that the property owner (the current applicant's father) stated that he was adding an additional dwelling unit to the building, and was informed that the property was not zoned for more than two units and that rezoning would be necessary in order to add additional units. Subsequently, a permit was issued for basement finish work, again with the structure identified as a duplex. A second permit for basement finish work was issued in 1986. In 2000, ownership of the property passed from Eugene Stoltz to an estate/trust for the same. For purposes of this transaction, the sale price was recorded as \$140,000.

In 2004, the Department of Safety and Inspections received a zoning compliance inquiry regarding the property and verified that the building had been a duplex in an RT1 zone continuously since its initial construction in 1981. Also in 2004, the applicant purchased the property from the estate/trust for \$330,000. A 2005 appraisal characterized the building as a four-plex, and appraised the value of the property at \$360,000. That appraisal also incorrectly identified the property as being zoned RT2, where four-plexes are first allowed. Ramsey County property records listed the structure as duplex until 2012, when the structure was reclassified as a four-unit multifamily structure.

2. The lot at 870 Albert N. is approximately 6,200 total square feet. RT1 districts require 3,000 square feet of lot area per unit. The RT2 district, where four-plexes are first allowed, requires 2,500 square feet of lot area per unit, or a total of 10,000 square feet for a four-plex. The property is also non-conforming in regard to parking and side yard setbacks.
3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
 - (1) The use occurs entirely within an existing structure. The additional dwelling units are interior uses, except for required accessory parking.

moved by _____
seconded by _____
in favor _____
against _____

- (2) The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application. The applicant has provided evidence of rent paid for a total of four units, in the form of accounting ledgers, including names of tenants, tenant contact information, unit numbers, and amounts paid. City of Saint Paul records show the building was built as and still is a duplex. Ramsey County property records listed the structure as duplex until 2012, when the structure was reclassified as a four-unit multifamily structure.
- (3) The off-street parking is adequate to serve the use. Based on the number and size of the four dwelling units, a total of 6 off-street spaces would be required under the standards of Sec. 63.207. The Planning Commission Duplex/Triplex Conversion Guidelines call for a minimum of three spaces for triplexes. The property has an existing, paved lot which provides enough space for three vehicles. The applicant has supplied a proposed site plan that shows five spaces in the lot, but the proposed configuration would not allow sufficient room for maneuvering and would not meet the minimum layout dimensions specified in Sec. 63.305. The property is located on a corner, and on-street parking on both streets.
- (4) Hardship would result if the use were discontinued. According to a representative of the applicant, current tenants of the two illegally-added basement units have resided at the property for a 5 and 7 years and would potentially be dislocated. The Pro Forma information sheet completed by the applicant per Planning Commission Duplex-Triplex Conversion Guidelines suggests that conversion of the building to a duplex would result in a negative income stream for the property owner.
- (5) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses. This finding is not met. The area surrounding the property is all zoned RT1. However, just one block to the south of the subject property, within the same contiguous, large RT1 district, is a single-parcel RM1 district. A small, isolated RM3 district is also nearby. This suggests that an isolated, one-parcel RT2 district, which is relatively more similar in intensity and use to RT1 than an RM1 or RM3 district, would not be incongruous with the surrounding zoning and therefore would not constitute spot zoning.
- (6) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The structure gives no outward appearance of being out of character with the neighborhood, and there is no record of any complaints regarding overcrowding, noise, parking, or other issues that might be associated with greater than permitted residential density.
- (7) The use is consistent with the comprehensive plan. This finding is not met. Policy H 3.1 of the Comprehensive Plan states that the City should Support the preservation of... private affordable housing. However, Policy H 2.1 states that the must Maintain the vitality and high quality of life in existing stable neighborhoods. In order to do this, the policy continues, the City must Continue to enforce City codes.
- (8) A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on May 21, 2013: 8 parcels eligible; 6 parcels required; 6 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Garnet Management Group, Inc. for establishment of nonconforming use as a 4-plex at 870 Albert St N is hereby denied.

Dubruiel, Paul (CI-StPaul)

From: Tilley, Corinne (CI-StPaul)
Sent: Thursday, May 23, 2013 9:59 AM
To: Dubruiel, Paul (CI-StPaul)
Subject: RE: 870 Albert Street North

Permit
History

didn't you ask me about this one yesterday?

Results of paper research:

1981 - building permit for double bungalow

1983 - building permit to finish the basement

1986 - building permit (side by side duplex) to finish the basement with 2 bedrooms and a family room on the 870 Albert side

2004 - zoning worksheet on a history check - duplex since 1981

2010 - building permit to reroof

No further records.



Corinne A. Tilley
DSI Inspector - Zoning and Site Plan Review
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651-266-9085
corinne.tilley@ci.stpaul.mn.us

The Most Livable
City in America

From: Dubruiel, Paul (CI-StPaul)
Sent: Thursday, May 23, 2013 8:37 AM
To: Tilley, Corinne (CI-StPaul)
Subject: 870 Albert ?

5-23-13

Co-DSI Employee of the Year,

Any information in the address file (Stacks area) with this property ? Any building permits for interior work to convert from a duplex to a 4-plex ?

It seems to always been a duplex atleast from the 70's from the Landuse maps and now they want to legit a 4-plex.

Any time looking appreciated.

ZONING WORKSHEET

ADDRESS: 870 Albert St. N.

PI#: 27-29-23-31-0018

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: 1981 PERMIT: _____ TYPE OF STRUCTURE: _____

PERMITS COUNTY ASSESSOR'S RECORDS LICENSE RECORDS CITY DIRECTORY

1981-Double Dwelling

LEGAL DESCRIPTION: _____

LOT SIZE: 53.75x 175 (No Alley) 9,275

CROSS STREETS: Hewitt + Taylor

ZONE	USE (C/NC)	UNITS PERMITTED	REQUIRED LOT SIZE	LOT SIZE (C/NC)
X	C		-	C
1922				
1960				
1964				
1975				
RT-1	C	ROOMS: UNITS:		C

ZONING STATUS FOR _____ COMMERCIAL USE: _____ PLANNING: _____
 _____ RESIDENTIAL USE: _____ ZONING FILE _____
 LEGAL - CONFORMING _____ NO RECORD _____
 _____ LEGAL - CONFORMING USE WITH NON-CONFORMING LOT SIZE (for residential)
 _____ LEGAL - NON-CONFORMING USE
 _____ ILLEGAL

JMH
2-9-04

GENERAL BUILDING PERMIT

CITY OF SAINT PAUL

DEPARTMENT
 DIVISION OF HOUSING AND BUILDING
 CODE ENFORCEMENT
 445 CITY HALL
 ST. PAUL, MN 55102

#9531

Permit No. _____

X Rooms - Finish lower level

PLAN NO. _____

DATE 3-14-86 OWNER *Eugene Stally*

OWNERS ADDRESS 29630 Glader Blvd

OLD
 NEW TYPE CONST. V-N TYPE OF OCCUPANCY R-3 (S.F.D.)
 BUILD GRADING AND EXC. STUCCO OR PLASTER DRYWALL FENCE
 ADDITION ALTER REPAIR MOVE WRECK

NUMBER	STREET	SIDE	CROSS STREETS
<i>X</i> 870	<i>Mo Albert St</i>		<i>Taylor</i>

WARD	LOT	BLOCK	ADDITION OR TRACT

LOT	WIDTH	DEPTH	SIDE LOT CLEARANCE	BUILDING LINE	
				FRONT	REAR

STRUC-TURE	WIDTH	LENGTH	HEIGHT	STORIES

ESTIMATED VALUE	BASEMENT	TOTAL FLOOR AREA
<u>\$3,000.00</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO	SQ. FT.

DETAILS & REMARKS (12 x 16) FAMILY ROOM + (13 x 10) + (13 x 10) 2 BDRMS -

BDRMS TO HAVE EGRESS WINDOWS -
SMOKE DETECTOR TO BE HARDWIRED -
SIDE BY SIDE DUPLEX UNIT 870
COVERED UNDER THIS PERMIT -

ARCHITECT _____
 CONTRACTOR *Self* ADDRESS & ZIP _____

TEL. NO. 257-1234

MASONRY	PERMIT FEE <u>54.00</u>	STATE VALUATION <u>\$3,000.00</u>
---------	-------------------------	-----------------------------------

PLAN CHECK	STATE SURCHARGE <u>1.50</u>	TOTAL FEE <u>\$55.50</u>
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20/14/860000104:DEPT	
2811 BUILDING	\$54.00
STATE SURCHARGE	\$1.50
SUBTOTAL	\$55.50
CHECK TO	\$55.50
TAXES	0.00

APPLICANT CERTIFIES THAT ALL INFORMATION IS CORRECT AND THAT ALL PERTINENT STATE REGULATIONS AND CITY ORDINANCES WILL BE COMPLIED WITH IN PERFORMING THE WORK FOR WHICH THIS PERMIT IS ISSUED.

Eugene Stally
 AUTHORIZED SIGNATURE

St. Code _____
 ADDRESS OF JOB 870 N. ALBERT

CASHIER USE ONLY
 WHEN VALIDATED THIS IS YOUR PERMIT

GENERAL BUILDING PERMIT CITY OF SAINT PAUL

DEPARTMENT

DIVISION OF HOUSING AND BUILDING
CODE ENFORCEMENT
445 CITY HALL
ST. PAUL, MN 55102

PERMIT NO. 120302
PLAN NO. 10-116

Dbl. Bungalow ST. CODE 42560

DATE 6-29-81 OWNER E. J. Hughes Contr.

OWNERS ADDRESS 1/2 Battle Cr Rd

OLD
 NEW TYPE CONST Frame TYPE OF OCCUPANCY Res R-3

BUILD GRADING STUCCO OR AND EXC. PLASTER DRYWALL FENCE

ADDITION ALTER REPAIR MOVE WRECK

NUMBER 1380 STREET 870-872 SIDE N. Albert CROSS STREETS to Allstate Rowland

WARD 4 LOT 2 BLOCK 12 ADDITION OR TRACT W. 53.75' of Lot 2 - except 50.60' Heavy Bk 12 Coll. Place Div.

LOT	WIDTH		DEPTH		SIDE LOT CLEARANCE		BUILDING LINE	
	FRONT	REAR	FRONT	REAR	FRONT	REAR	FRONT	REAR
	53.75	114.82	9	11	25	37		

STRUC TURE	WIDTH		LENGTH		HEIGHT		STORIES	
		32'	52'	17'	1			

ESTIMATED VALUE	BASEMENT	TOTAL FLOOR AREA
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	3328
		INCLUDE BASEMENT

DETAILS & REMARKS
Dbl. Bungalow
RT1 ZONING
A2607

ARCHITECT _____ TEL. NO. _____

CONTRACTOR E. J. Hughes Contr. 735-5598

MASONRY W. J. Nelson Contr. ADDRESS & ZIP 454-4385

PERMIT FEE	334.00	STATE VALUATION	\$66,859.50
PLAN CHECK	83.50	CASHIERS USE ONLY	
15% CITY SURCHARGE		AUG. 05 '81 09:14	
STATE SURCHARGE	33.43	BLDG 2811	334.00
TOTAL FEE	\$450.93	FLCK 4074	83.50
		SURB 6399	33.43
		TOTAL	450.93
		CHECK	450.93
		F-5455	0000 000

APPLICANT CERTIFIES THAT ALL INFORMATION IS CORRECT AND THAT ALL PERTINENT STATE REGULATIONS AND CITY ORDINANCES WILL BE COMPLIED WITH IN PERFORMING THE WORK FOR WHICH THIS PERMIT IS ISSUED.

E. J. Hughes ADDRESS OF JOB _____
AUTHORIZED SIGNATURE

INSPECTION REPORT

Inspector

Morris Keppeler

7-29-83

Foundation

Frame

Lath and/or Wallboard

Final

Notes:

7-29-83 -

*Note, was working with out permit
on stop base of an ~~apartment~~
complaint
was making unit in basement
shown of them the zoning of
lot from no. had to be
re-zoned, in dup lot -*

OK. Date 7-29-83

Morris Keppeler



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

May 22, 2012

DANIEL STOLTZ
C/O GARNET MGMT GROUP
305 GREELEY STREET S., SUITE 200
STILLWATER MN 55082

FIRE INSPECTION CORRECTION NOTICE

RE: 870 ALBERT ST N
Ref. #108061
Residential Class: C

Dear Property Representative:

Your building was inspected on May 21, 2012 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date.

A re-inspection will be made on June 22, 2012 at 12:30 PM.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. 870 UPPER - DECK - EXTERIOR DOOR - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Scrape and paint.
2. 872 LOWER - BATHROOM - SPLC 34.14 (3), MPC 4715.200.T - Provide and maintain a window or approved ventilation system in all bathrooms.-Repair or replace the bathroom ventilation fan.
3. 872 LOWER - THROUGHOUT - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
4. 872 UPPER - DECK - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the

An Equal Opportunity Employer

- elements.-Repair or replace deteriorated wood boards. Assure there are no loose boards. Scrape and paint.
5. 872 UPPER - SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock.
 6. 872 UPPER - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.-Repair the door screen.
 7. EXTERIOR - FRONT ENTRY DOOR - MSFC 506.1 - Install a keybox per attached K-1 handout.
 8. EXTERIOR - THROUGHOUT - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Replace any deteriorated wood boards. Scrape and paint where needed.
 9. INTERIOR - THROUGHOUT - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.
 10. LAUNDRY ROOM - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
 11. LAUNDRY ROOM - UMC 1346.703 - Provide 30 inches clearance around all mechanical equipment.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: Sebastian.Migdal@ci.stpaul.mn.us or call me at 651-266-8985 between 8:00 a.m. - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sebastian Migdal
Fire Inspector

Reference Number 108061



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

April 15, 2013

DANIEL STOLTZ
C/O GARNET MGMT GROUP
305 GREELEY STREET S., SUITE 200
STILLWATER MN 55082

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
870 ALBERT ST N

Ref. # 108061

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on June 25, 2012. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately. A reinspection will be made on May 15, 2013 at 9:30 AM.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. THROUGHOUT - SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or provide a code analysis and contact the Building Official at 651-266-9090 to comply with requirements for approved occupancy. Duplex converted into a four unit dwelling. Building changed from an R-3 to a R-2.
-Please notify the fire inspector at (651) 266-8985 once this has been completed, prior to the reinspection.
2. THROUGHOUT - SPLC 62.101 - Use of this property does may not conform to the zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Duplex converted into a four unit dwelling.
-Please notify the fire inspector at (651) 266-8985 once this has been completed, prior to the reinspection.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at Sebastian.Migdal@ci.stpaul.mn.us or call me at 651-266-8985 between 8:00 a.m - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Sebastian Migdal
Fire Inspector
Ref. # 108061



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6712
Facsimile: 651-228-3341*

To: Comprehensive Planning Committee
From: Scott Tempel
Date: June 10, 2013
Subject: Fish and Fowl Zoning Study

Background

In response to increased interest in local food, the City of Saint Paul recently initiated the Urban Agriculture Zoning Study. This study has addressed agriculture, farmer's markets, and community gardens in the community. However, during this discussion it has come to light that the City of Saint Paul Zoning Code does not adequately address the issue of the slaughter and processing of locally grown small animals such as fish and fowl. Several factors have led to the need to initiate a zoning study to more specifically address slaughter and processing of small animals for food, including:

- In 2009, the City Council passed a resolution requesting "necessary changes to City policy (including possible zoning, licensing, /permitting, HRA/easement polices)" in order to "facilitate a network of resources to support the production, distribution and consumption of healthy and locally grown food."
- The Urban Agriculture Zoning Study recommends zoning text amendments that would permit the growing of fish as an agricultural use but does not address the slaughter or processing of those fish.
- The Saint Paul-Ramsey County Food and Nutrition Commission released the 2012 Report: Food System Recommendations which calls for policy and zoning changes to support urban agriculture. www.co.ramsey.mn.us/ph/pc/food_and_nutrition_commission.htm
- Urban Organics, Inc. is seeking to locate an urban fish and vegetable farm within the City of Saint Paul to provide fresh, locally raised and grown products to the local community. This farm would utilize the process of aquaponics, the combination of aquaculture (raising fish in tanks) and hydroponics (growing plants with water). Where and how the fish are harvested needs to be addressed.

- Garden Fresh Farms submitted a STAR Grant application to create a sustainable hydroponic/aquaponic operation in a warehouse in the Midway area. Where and how the fish are harvested needs to be addressed.
- HmongTown Marketplace has proposed to create a chicken processing facility at 249 Como Ave. to provide fresh chicken to marketplace clients. There is no clear zoning category for such a use and DSI declined to issue a Statement of Clarification to address this administratively. A Determination of Similar Use would raise many questions about the definitions and thresholds involved in animal slaughter and processing that could more thoroughly be addressed through a zoning study.

For these reasons, it is important to review the zoning code to ensure the slaughter and processing of fish and fowl are adequately represented and regulated, and that they are differentiated from other types of animals with clear thresholds and rationale.

Scope and Timeline

Staff proposes to draft a report and zoning text amendments addressing the following topics for Comprehensive Planning Committee review in about two months:

- Animal slaughter
- Aquaculture
- Animal processing
- Backyard slaughter

Staff Recommendation

Staff recommends that the Comprehensive Planning Committee forward the attached resolution initiating the zoning study to the Planning Commission for adoption.

city of saint paul
planning commission resolution
file number
date

Fish and Fowl Zoning Study Initiation

WHEREAS, the Saint Paul City Council called for a study of “necessary changes to City policy (including possible zoning, licensing/permitting, HRA/easement polices)” in order to “facilitate a network of resources to support the production, distribution and consumption of healthy and locally grown food” (Resolution 09-879); and

WHEREAS, the Urban Agriculture Zoning Study recommends zoning text amendments that would permit the growing of fish as an agricultural use but does not address the slaughter or processing of those fish; and

WHEREAS, the zoning code has no provisions for small animal processing; and

WHEREAS, recent zoning cases have indentified a need for clear definitions and provisions for the slaughter and processing of small food animals;

NOW, THEREFORE, BE IT RESOLVED, under provisions of Section 61.801(b) of the Legislative Code, that the Planning Commission initiates a zoning study to consider amendments to the zoning code pertaining to small animal processing.

moved by _____
seconded by _____
in favor _____
against _____



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: June 17, 2013
To: Comprehensive Planning Committee
From: Kate Reilly, City Planner (266-6618 or kate.reilly@ci.stpaul.mn.us)
Subject: **ABRA Options at 1190 University Avenue**

At the June 11, 2013, Comprehensive Planning Committee meeting, commissioners requested additional information about rezoning the site at 1190 University Avenue to B3 and other potential alternatives to address ABRA's situation rather than allowing auto body shops in T4 as a conditional use. Below please find 4 possible scenarios for the ABBRA site:

1. ABRA can continue to operate in T4 under the conditions of the interim use permit (IUP) approved by the City Council 12/19/2012, which states that the IUP shall expire when the property is redeveloped with a new use, or when ownership of the use is transferred, or when the zoning code is amended to make auto body shop a conditional use at this location. Although the IUP permits ABRA in the short term, the terms of the IUP clearly prohibits any redevelopment of the site for mixed use which would include ABRA.
2. ABRA, after having existed as a nonconforming use under the IUP for 10 years (Midway Chevrolet closed and moved to a suburban location in May 2007), will be eligible to apply for a nonconforming use permit in 2017 pursuant to Leg. Code 62.109(a). This includes a petition requirement. A nonconforming use permit could provide for redevelopment of the site for mixed use including ABRA.
3. If the Zoning Code is amended to make auto body shops a conditional use in B3, the Planning Commission has the option to rezone 1190 University Avenue to B3. Minnesota courts have ruled that the term "spot zoning" applies to a zoning change of a small plot of land that both creates an island of nonconforming use within a larger zoned district *and* is inconsistent with surrounding uses. Given that B3 zoning of 1190 University would not be inconsistent with surrounding uses, the City Attorney's Office is of the opinion that rezoning the parcel to B3 would not be spot zoning. However, B3 allows for less redevelopment potential than T4.
4. Likewise, if the Zoning Code is amended to make auto body shop a conditional use in B3, ABRA could initiate rezoning the parcel to B3 and then apply for a conditional use permit. Neither the rezoning nor the conditional use permit application would involve a petition requirement.



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: June 18, 2013
To: Planning Commission
From: Comprehensive Planning Committee
Subject: ***DRAFT Auto Body Text Amendments Public Hearing Testimony and Recommendations***

Public Hearing.

A zoning study pertaining to auto body shops was initiated by the City Council on December 19, 2012. On May 31, 2013, the Planning Commission held a public hearing on draft Zoning Code amendments to add "auto body shop" as a conditional use in the T4 traditional neighborhood and B3 general business districts, to narrow the definition of "auto body shop" and to add standards and conditions that would apply to auto body shops.

Three people spoke at the public hearing and written comments were received from four district councils.

Public Hearing Testimony and Recommendations.

- 1. Amendments to Table 66.321, Principal Uses in Traditional Neighborhood Districts, and Table 66.421, Principal Uses in Business Districts to add "auto body shop" as a conditional use in the T4 and B3 districts.**

1.1 Background and draft amendments

General auto repair, including engine rebuilding and rebuilding or reconditioning of motor vehicles, and auto body shops are commonly permitted in general commercial districts, including in Minneapolis. They are needed services that are useful to have conveniently available. "Auto repair station" is permitted in the B3 general business district in St. Paul, but St. Paul currently permits auto body shops in the B3 general business district only as an accessory use to an auto dealership. As auto dealerships have moved to suburban locations, this service has become more limited in St. Paul. Neither auto sales nor auto body shop is currently permitted in traditional neighborhood districts.

ABRA Auto Body at 1190 University Avenue is an example of an auto body shop that operated as an accessory use to an auto dealership, Midway Chevrolet / Hyundai / Suzuki. Since Midway Chevrolet / Hyundai / Suzuki closed in May, 2007, ABRA has operated at this site under an interim use permit approved by the City Council. The interim use permit was set to expire in December 2012. The City Council approved a modification to the interim use permit on December 19, 2012, setting the interim use permit to expire "when the property is redeveloped with a new use, or ownership of the use is transferred or the zoning code is amended to make auto body shop a conditional use at this location, which ever may occur

first.” The property at 1190 University Avenue was rezoned from B3 general business to T4 traditional neighborhood district in 2011 as part of the Central Corridor / Traditional Neighborhood Zoning Study. The zoning code amendments are proposed to better accommodate “auto body shops,” which may operate in mixed-use commercial areas successfully and without problems or causing a nuisance.

Draft amendments to Table 66.321, Principal Uses in Traditional Neighborhood Districts and Table 66.421 Principal Uses in Business Districts, considered at the May 31, 2013, Planning Commission public hearing included adding “Auto body shop” as a conditional use in the T4 traditional neighborhood and B3 general business districts.

1.2 Testimony.

The District 2 Community Council, represented by Chuck Repke, stated that there is no benefit to designating auto body shop as a conditional use in the T4 traditional neighborhood and B3 general business districts. He stated that a large part of the problem with auto body shops is the public perception that breathing pain fumes from an auto body shop may be bad for one’s health. He stated that this is an issue that was raised in the 1980s when the city decided to restrict auto body uses to industrial areas and that the issue remains. He stated that no residential or commercial uses care to locate adjacent to auto body repair shops and this eliminates protections that were codified years ago.

A letter from the District 1 Community Council states that auto body shops should not be expanded into the T4 and B3 zones. Their reservations stem from the impact that such uses can have on adjacent properties. The letter states that B3 zoning is used for small parcels in close proximity to residential areas and to place these uses close to housing poses and unacceptable risk for visual, noise, and air pollution. In addition, the letter goes on to state that expanding to T4 districts seems to defeat the purpose of the traditional neighborhood zoning. The Community Council disagrees with the assertion that auto body work is similar to other permitted auto-oriented uses and it is not at all compatible with pedestrian-oriented urban villages.

A letter from District 5 Planning Council Executive Director Leslie McMurray, states that the proposed changes do not enhance the T4 or commercial business districts, and that the uses are detrimental to the orderly development of the neighborhood and commercial corridors.

A letter from Jeff Martens, Land Use task Force Chairman for District 6 Planning Council states that allowing a business that was rightfully confined to industrial areas for decades to move next door to a residence or a commercial building does not benefit the neighborhoods, and that allowing an auto body shop in a T4 traditional neighborhood or B3 commercial district does a disservice to the neighbors and offers no clear-cut compelling advantage or value to the neighborhoods. The letter states that District 6 has a high percentage of auto-related industry and pockets of industrially-zoned land throughout the neighborhood. It states that the updated District 6 neighborhood plan addresses the impact of industry adjacent to residential properties as well as restricting auto-related uses and states that auto body shops should continue to be restricted to industrially-zoned property.

Peter Latuff, owner of Latuff Brothers Auto Body at 880 University Avenue, said that auto body shops use the same tools and are no noisier than other types of auto service shops

permitted in commercial areas, that noise levels are very low, and all painting is done in closed booths and regulated by OSHA and the EPA.

Ron Fiscus, with Landscape Partners representing ABRA Auto Body and Glass at 1190 University Avenue, said most communities deal with insurance-type collision repair centers as conditional commercial uses in business districts rather than as industrial uses. Insurance companies want collision centers in high profile business areas to make sure their clients are going to a clean, easy to find location and are well-treated after an accident. ABRA is frequently involved with neighborhood redevelopment and provided examples of where ABRA fits in well as part of mixed-use projects. Both ABRA and the owner of 1190 University Avenue are interested in developing the University Avenue frontage of the property for higher density mixed use consistent with the T4 zoning.

1.3 Analysis.

Subject to appropriate standards and conditions, auto body shops can be compatible as a conditional use in the B3 general business district. Auto body shops are commonly permitted in general business districts, including in Minneapolis, and are currently permitted in the B3 district as an accessory use to an auto dealership. Existing auto body shops such as ABRA, Bonfe, and Latuff Brothers operate in St. Paul business districts without problems. The conditional use permit public hearing and review process provides for the imposition of additional conditions and limitations relating to site-specific conditions such as surrounding uses, hours of operation, building and door orientation, access, the storage of vehicles awaiting repair, and the location of vents.

Auto body shops are even more compatible with the B5 central business service district, which is intended to “provide necessary services,” even including service establishments that “involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, and are thus incompatible with . . . [other] business districts.

Auto body shops are not so typical of or compatible with the “high-density, transit-supportive, pedestrian-friendly mixed-use development” envisioned for the T4 traditional neighborhood zoning district in LRT station areas.

1.4 Recommendation.

Add Auto body shop as a conditional use in the B3 general business and B5 central business-service districts.

2. **Amendments to Sec. 65.701. Auto body shop.**

2.1 Background and draft amendments

The draft amendments considered at the May 31, 2013, Planning Commission public hearing include amendments to § 65.701, *Auto body shop*, that clarify the definition of auto body shop. General auto repair, engine rebuilding, and rebuilding or reconditioning of motor vehicles, which is the definition of “auto repair station,” is taken out of the definition of “auto body shop” to avoid confusion. They are different uses with some differences in the districts and standards under which they are allowed. Where both uses are allowed in the zoning

district, a business can include both uses, and the standards and conditions for both uses would apply.

The draft amendments also add standards and conditions intended to ensure that auto body shops would be compatible with nearby residential uses and with other commercial uses. Some of the draft standards and conditions are similar to those for auto body shops in Minneapolis, where auto body shops are permitted in general commercial districts.

2.2 Testimony.

Peter Latuff of Latuff Brothers at 880 University Avenue inquired about the condition that doors be closed. He stated that especially for smaller businesses this could be problematic based on heating/cooling systems in the building. He stated that auto body shops aren't as noisy as they were in earlier years due to changes in technology. Latuff also raised the concern that the fence would be an easy target for graffiti and tagging.

Ron Fiscus of Planscape Partners in Minneapolis, representing ABRA Auto Body, informed the commission of the history of the site on University Avenue. He stated that auto body shops are able to function in mixed-use developments and are seen in T4 and B3-type areas, such as American Boulevard in Bloomington, MN and the Buckhead neighborhood of Atlanta, GA. He said that allowing auto body shops as a conditional use in these districts affords the commission the ability for greater control because additional conditions can always be added.

Chuck Repke stated that the City of Saint Paul has restricted auto body shops to the industrial areas of the city for about 30 years, changes that were made due to community complaints about noise, smell, unsightliness and hazardous fluids and broken glass. He stated that all of those problems continue to be true today. Mr. Repke addressed each standard individually. He stated that condition (a) fails to protect residential uses in traditional neighborhood or commercial zones or non-industrial uses that would adjoin the use. Condition (b) indicates that auto body work is ugly work and its presence will have a detrimental effect on the neighborhood. He stated that the fence requirement will not improve the city's streetscape because it will be a cyclone fence with ugly vinyl slats. There is no proposed standard or condition to regulate the location of the required enclosed wall or fence and no design standards for the fence, both of which are problematic. Condition (c) demonstrates that the city is concerned about noise and paint fumes, but the condition is unenforceable because DSI will not be able to monitor all auto body shops to ensure their bay doors are closed. Condition (d) suggests that there is a considerable amount of refuse associated with the use that will have a detrimental effect on the neighboring property. He stated that condition (e) would allow auto body shops in 150 ft x 200 ft lots, about the size of a gas station, or slightly larger, and that this restriction is not significant.

In written testimony, District 1 supported the efforts to modify language in the ordinance to help clarify the use, but does not support the expansion of auto body shops as a conditional use in to T4 and B3 zoning on the grounds that it poses too great a risk to certain neighborhoods, and will have a negative impact on the future development potential for those areas.

In written testimony, District 5 states that the proposed conditions acknowledge the expected adverse impacts these businesses can have on the enjoyment and use of surrounding properties

(buffers, opaque fencing, no exterior visibility of the product, and enclosure) and appear to be hard to enforce on a regular basis.

District 6 has concerns that the conditions are not restrictive, as stated in their letter. Regarding condition (a) Jeff Martens suggests that substantial distance is the only alternative to ensure the adjacent neighbors' ability to enjoy their property and not be concerned about fumes, noise, and other issues caused by this type of use. For condition (b) Martens states that this condition makes it apparent that the use is detrimental to the existing character of the neighborhood. Certain fencing would cause additional unsightliness and do nothing to assuage concerns. In addition, Martens states that there should be standards for the fencing. The District 6 letter also identifies as an issue that the conditions are not much different for auto body shops than for other auto uses and do not accurately reflect the issues auto body shops can cause. District 6 also opposes the final condition because they find it to be not restrictive and vague.

2.3 **Analysis.**

Insurance collision repair auto body shops such as Latuff Brothers, and ABRA operate in mixed-use commercial areas, including their existing shops along University Avenue, without problems. They provide a needed neighborhood service, provide neighborhood jobs and generate few vehicle trips.

Subject to appropriate standards and conditions, auto body shops can be compatible in close proximity to residential and other commercial uses. State and federal standards for venting, including from paint booths, now tightly control emissions through mandatory installation of exhaust filters that successfully remove odors. City and state noise standards also apply, and proposed new condition (b) requiring all repair work to be done within an enclosed building goes beyond these to control noise.

Rather than the current reference to the auto service station standard, for a 10-foot buffer, screen planting and obscuring wall or fence, in § 65.703(b) that currently only applies to auto body shops in the IR light industrial restricted district, the 10 foot buffer area and screen planting standard is written out in (a) to apply to auto body shops in all districts. Auto service station standard language in § 65.703(e) pertaining to pump islands is not necessary for auto body shops. Standards (a) and (b) could specify that a cyclone fence with vinyl slats does not meet the requirement for an obscuring fence.

The proposed additional standards and conditions would require that all repair work and storage of parts is within an enclosed building, mitigate potential impacts so that the use would be appropriate as a conditional use B3 general business, B5 central business-service and IR light industrial restricted districts. These standards do not appear to be problematic for insurance collision repair body shops such as Latuff Brothers and ABRA. Body shops for which these standards would be a problem can locate in I1 and I2 districts where these standards would not apply.

The dimensional standards and design standards in the B3 general business, B5 central business-service, and IR light industrial restricted districts that apply to all uses generally would apply to this use as well, also helping to ensure the compatibility of the use with these districts.

2.4 Recommendation.

Add language to specify that a cyclone fence with vinyl slats does not meet the requirements in standards (a) and (b) for an obscuring fence. Remove reference to “traditional neighborhood” in the “additional standards and conditions” section, and delete standards (c) and (e) of the public hearing draft amendments.

Committee Recommendation

In response to City Council initiation of the zoning study pertaining to auto body shops and Leg. Code § 61.801 requirements for periodic review of the zoning code, to address current technology and market conditions, and based on the public hearing testimony and analysis summarized above, the Comprehensive Planning Committee recommends that the Planning Commission forward this report and the following draft zoning code amendments pertaining to Auto body shop to the City Council with a recommendation for approval.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Sec. 65.701. Auto body shop.

A shop that provides in the business of making substantial motor vehicle body repairs, to the shell or body of any automobile, and of major or substantial painting or undercoating services, including of the shell or body, and where the following service may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision repair services; such as body, frame or fender straightening and repair; overall painting and undercoating.

Standards and conditions:

- (a) A ten (10) foot buffer area with screen planting and an obscuring wall or fence (not including cyclone fence with vinyl slats), shall be required along any property line adjoining a residential zoning district. In the IR light industrial restricted district this use shall be limited to parcels within one quarter (1/4) mile of University Avenue, subject to standards and conditions (b) and (e) in section 65.703, auto serviced station, and there shall be no outside storage.

Additional standards and conditions in business and IR light industrial restricted districts:

- (b) All repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen. There shall be no exterior storage of parts or merchandise.
- (c) All trash shall be stored within an enclosed obscuring wall or fence, shall not exceed the height of the wall or fence, and shall be removed from the lot by licensed waste disposers at least once per week.

Table 66.421, Principal Uses in Business Districts.

Designate auto body shop as a conditional use in the B3 general business and B5 central business-service districts.