



Saint Paul Planning Commission

City Hall Conference Center Room 40

15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Steering Committee Meeting – 8:00 a.m., Room 41

Agenda

Saint Paul
Planning Commission

November 1, 2013
8:30 – 11:00 a.m.

Chair
Barbara A. Wencil
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

- I. Approval of minutes of October 18, 2013.**
- II. Chair’s Announcements**
- III. Planning Director’s Announcements**
- IV. Zoning Committee**

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

NEW BUSINESS

#13-239-519 Feline Rescue Inc. – Change of nonconforming use from elevator service with workshop to office/meeting & storage with a cat intake room and sick cat isolation rooms. 600 Fairview Avenue N, NE corner at Thomas.
(Bill Dermody, 651/266-6617)

#13-235-708 David and Robin Brown – Reestablishment of nonconforming use as a duplex. 1685 Lincoln Avenue, NE corner at Cambridge.
(Scott Tempel, 651/266-6621)

13-236-068 O’Reilly Automotive Stores Inc. – Rezone from VP Vehicular Parking to B2 Community Business District. 1653 – 1659 Huron Street, between Larpenteur and Idaho Avenue West. *(Jamie Radel, 651/266-6614)*

#13-239-537 AT & T (Skyline Building) – Conditional use permit to install 9 cell antennas. 633 Robert Street South, between King and Baker.
(Jake Reilly, 651/266-6618)

#13-240-134 Brett Ripley – Reestablishment of nonconforming use as a 4 plex. 1685 Taylor Avenue, between Aldine and charlotte. *(Jamie Radel, 651/266-6614)*

- V. Community Plan Roadmap** – Informational presentation by Andrew Tran, Center for Urban and Regional Affairs, University of Minnesota.

- VI. Comprehensive Planning Committee**

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

- VII. Neighborhood Planning Committee**
- VIII. Transportation Committee**
- IX. Communications Committee**
- X. Task Force/Liaison Reports**
- XI. Old Business**
- XII. New Business**
- XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF OCTOBER 28-NOVEMBER 1, 2013

Mon (28)

Tues (29)

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

T1-T2/Transit Street – Zoning Amendment Initiation and Draft for Public Review
(Hilary Holmes, 651/266-6612)

Weds (30)

Thurs (31)

Fri (1)

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

NEW BUSINESS

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1685 Taylor Avenue, between Aldine and charlotte. (*Jamie Radel, 651/266-6614*)

Informational Presentation.... **Community Plan Roadmap** – Informational presentation by Andrew Tran, Center for Urban and Regional Affairs, University of Minnesota.

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes October 18, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 18, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Porter, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Makarios, Nelson, Ochs, Oliver, and Ward.

Commissioners Absent: Ms. *Noecker, and Messrs. *Connolly, *Lindeke, *Schertler, Spaulding, and *Wickiser.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Merritt Clapp-Smith, Jake Reilly, Josh Williams, Bill Dermody, Hilary Holmes, Jamie Radel, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes October 4, 2013.

MOTION: *Commissioner Reveal moved approval of the minutes of October 4, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that the Steering Committee met this morning and discussed the survey that the commissioners filled out. They decided to move ahead with planning for some kind of a retreat. More information will go out as the Steering Committee works on the program.

III. Planning Director's Announcements

Donna Drummond announced that PED director Cecile Bedor had sent a report out to staff, the Mayor and Council with an update on leasing for the Penfield project. Leasing of units is proceeding ahead of projections for this stage of the project. The project will also open its first units at the end of November, a month ahead of schedule.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

One item to come before the Site Plan Review Committee on Tuesday, October 22, 2013:

- Harriet Island, new parking lot and parks maintenance buildings at 85 West Water Street.

OLD BUSINESS

#13-228-100 Hassibullah Frooq – Reestablishment of nonconforming use as a reception hall and dance hall. 560 Como Avenue between Dale and Burgess. (Jake Reilly, 651/266-6618)

The Zoning Committee recommended approval of the reestablishment of nonconforming use as a reception hall with two conditions: 1) A solid six-foot high screening fence that completely closes off and separates the parking lot and building from the alley shall be constructed and maintained along the entire length of the alley adjoining the property; and 2) The reception and dance hall shall not operate between the hours of 12:00 midnight and 6:00 a.m.

In response to a question from Commissioner Thao about the condition for a midnight closing time, Commissioner Nelson said the midnight closing is consistent with the Legislative Code requirement that no public dance shall be held between midnight and 6:00 a.m. This will allow them to start operating, and there might be an expansion of those hours allowable depending upon what licensing allows.

Commissioner Reveal pointed out that there was some ambiguity on this, that the licensure for a dance hall has a time limitation and the licensure for a reception hall has no such limitation. The distinction between a dance hall and a reception hall appears to be that the reception hall is for a private party, something to be worked out through licensing.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the reestablishment of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#13-227-795 Unidale Mall Farmers Market – Conditional use permit for outdoor farmers market. 544 University Avenue West, SE corner at Kent. (Hilary Holmes, 651/266-6612)

Commissioner Edgerton asked if the last condition addresses the issue that had been in the news.

Commissioner Nelson said yes, condition #5 is to ensure that vendors sell only the products of their farm, garden, greenhouse, apiary, or forest directly to the public.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

NEW BUSINESS

#13-234-831 Concordia University Campus Boundary – Conditional use permit to expand campus boundary. 1280 Marshall Avenue SW corner at Syndicate. (Josh Williams, 651/266-6659)

Commissioner Reveal noted that Concordia University said that they had excess dorm space on campus, so they have ample room to make up for the 11 units converted to academic use at 1280 Marshall.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, October 24, 2013.

V. Neighborhood Planning Committee

Alcohol Production Zoning Study - Approve resolution recommending zoning amendments to Mayor and City Council. (*Bill Dermody, 651/266-6617*)

MOTION: *Commissioner Oliver moved to approve the resolution recommending that the zoning amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

VI. Ford Framework Zoning Study – Informational presentation of study findings and recommendations by Bob Kost, SEH, Inc. (*Merritt Clapp-Smith, 651/266-6547*)

Bob Kost, SEH, Inc. gave an informational presentation on the Ford Framework Zoning Study. Find the presentation and report documents on the Ford zoning web page "Planning for Redevelopment" . Look under **Planning Activities to Date for Ford Zoning Framework Study**.

Merritt Clapp-Smith said that the Ford Framework Zoning Study has been going on for the past year and a half, with Bob Kost as the consultant team lead. Distributed to the commissioners was a two page executive summary and a copy of the full report was passed around to look through.

Commissioner Reveal said that everything being talked about is equally applicable to West Side Flats. She would like to see more coordination between these two, specifically related to alternative zoning to implement sustainability.

Donna Drummond, Planning Director, said that an important difference between the two areas is that with Ford there will be a blank slate that they are starting with for all infrastructure and redevelopment and West Side Flats is more of an infill redevelopment area.

Commissioner Reveal said she doesn't know, but she thinks they are discovering that they have much more of a blank slate than what they thought they had. In terms of conceptualizing a transect for that, it would be a very helpful framework given the fact that there's more existing and likely long term development already there. But there is so much potential for redevelopment for higher and better uses that she does not think that they are unrelated and there is as much opportunity for an alternative approach for West Side Flats as there is at Ford.

Commissioner Thao asked what precedent alternative zoning might create. If it's good for Ford, and she appreciated Commissioner Reveal's example, then from a policy perspective what would it mean for other sites in the city?

Merritt Clapp-Smith, PED staff has talked about broader applicability, but recognize that the Ford site provides unique opportunities to go further with sustainability since the infrastructure system will be designed from scratch and can use all the best technologies, maybe for the same cost as traditional systems.

Commissioner Ochs commented that the current zoning tools help decide how land should be used in existing conditions. For an opportunity like Ford, new zoning tools may be a challenge to staff, but important to potential buyers and developers as an easier tool to navigate with on land use decisions. So whether or not we set a precedent, it is important that developers understand the comprehensive goals of the city with the comp plan, and that the city provides a zoning tool that's easy for potential buyers to use. Also, how much consideration has been given to looking at how other neighborhoods are built and how circulation in and around the Ford site can best be planned?

Bob Kost, SEH, Inc. said that the Ford transect model, which was built upon the analysis of the five scenarios, had a range of interconnectivity. The issue with the site is the perimeter -- access to and from it is limited, so regardless of how robust and interconnected its inner workings are, you still have to get out to Ford Parkway, River Road or east. Getting connectivity to the south will be difficult, so transportation limitations are a given on the project. Addressing street design in zoning for the site will be very important, given the constraints and needs for connectivity -- transportation is always a key element of design based codes. The city's current subdivision code, where the street standards are, is not very robust; it's pretty basic. The city's upcoming Street Design Manual may provide a good tool to guide street designs for the Ford site. Regardless, street design will be important and should be integrated into the zoning work, including attention to travel demand management techniques and sustainable transportation systems.

Commissioner Edgerton asked what are the recommendations of the study, how is the city going to use those, and what is the process moving forward to define zoning for Ford?

Ms. Drummond said that the next step is to figure out if there should be some kind of interim zoning put in place for the site. Right now the site is zoned I1, and clearly that is not an appropriate district for the mix of uses that everyone is envisioning could happen on the site. Figuring out what that interim zoning should be is a first step, and then when a master developer is selected, working with that entity on a more detailed master plan and additional zoning changes to facilitate that.

Ms. Clapp-Smith said that interim zoning seems to be a good next step. The trick will be deciding what to address in that zoning. When the site moves forward, it will develop in

phases, through shifts in the market. Therefore, the zoning and master plan must have some flexibility in the details of how the site builds out.

Commissioner Ward said if we are trying to start with a clean slate and want to use all the tools in the tool box, then we should commit to that now and bring in all the best practices to achieve a sustainable design that will make it one of the best communities in the City of Saint Paul. We shouldn't be ambiguous about what we want a developer to do. We've got existing zoning, but do we scrap that and go with fully alternative zoning or do we do a patch work of this code with some changes; a patch work of current zoning with additions and deletions may be difficult for a developer to work with. If we use alternative zoning, then we start new, but can be more defined about what we want in those areas. Perhaps instead of interim zoning, we wait to get more data about site environmental conditions (which determine land value) and then pursue final zoning for the site.

Ms. Clapp-Smith said that they have heard clearly from Ford Land that reducing reuse/zoning ambiguity before the site goes to market will facilitate its sale, because buyers need to know its potential value; they need to understand the redevelopment parameters. Currently, the City has identified five redevelopment scenarios and there is a lot of variation between them. However, they share some common principles, which were identified in the zoning study, and those common elements could be defined in interim zoning. We don't want the site filled with big box stores and huge parking lots, but right now the site zoning doesn't prevent that. We can work with the common design principles we have identified for the site, and our sustainability goals, and set parameters on the redevelopment through interim zoning.

Commissioner Ward said that we should look at examples of LEED-Platinum projects around the country and learn how the city and the developers approached them. They were given a specific goal to reach, rather than a pick and choose what you want to do. We need to set the bar high so that we get a better product in the end and a better choice of developers who have experience with these types of projects. We don't want to be too obtrusive and difficult, but we need to be specific about what we want, because we want the best.

Ms. Drummond said that the Mayor has been very clear that he would like to set a very high bar for redevelopment of this site. We are talking about defining the principles that any development of this site must follow to provide the high bar that this development should meet. The flexibility talked about is in terms of exact uses. We can't predict exactly what the market is going to support on the site in terms of mixed uses, so we want some flexibility for that, recognizing that the site will be developed over a series of years with changing markets.

Commissioner Porter said these are the technical aspects of the development but where is the community piece in this?

Ms. Clapp-Smith replied that they had a lot of community dialogue when they created the five scenarios which this study analyzed. If the City moves to look into interim zoning for the site, then we need to include the Ford Task Force and the community in that process so that people can understand the choices to be made, how they impact the development, what things we can set standards on, and what things are beyond our zoning control. If interim zoning is adopted, the community, stakeholders and elected officials should understand what it is and how it works.

Commissioner Ochs doesn't know if this has been presented to ULI, but it would be interesting to get their feedback, particularly from the realtors and developers. That would be one place to touch the market place and see what kind of interest is out there for how it could be developed residentially, commercially etc.

Ms. Clapp-Smith mentioned that the interim zoning can define overarching design standards for the site and create different districts, but perhaps adopt them as "floating zones" to be selected from and applied to the site during the master plan process. As an example, the City could say that IT zoning, or something like it, is an appropriate district for parts of the site that will have jobs, but not physically identify where that zoning goes on the site until we understand the environmental conditions of the site and where it would be most appropriate to place it. This would enable the City to clarify standards for redevelopment, but maintain some flexibility on placement of the zones. The City attorney is researching floating zones a bit to understand if they might be a good tool.

Commissioner Edgerton asked how market demand, job creation, and such things factor into the evaluation of these scenarios.

Ms. Clapp-Smith said when they did the scenario development work in 2007, the Port Authority hired Colliers to assist with a market study. Colliers provided information to the task force and stakeholders about the market for the site at that time – they said there was potential for all types of residential, some retail and some office/industrial. The 2007 study also included a developers' forum to get input on the site potential.

Bob Kost added that their case study work looked at a few other projects with similarities to Ford. The East Billings urban renewal district is a large track of current light industrial mixed with old residential and auto oriented commercial. The City's IT district provides somewhat similar use flexibility, but with a focus on the jobs use. Alternative zoning districts can easily be designed to accommodate a range of uses and sizes that are responsive to market place changes, while defining a theme of being more heavily residential, retail or industrial.

Ms. Clapp-Smith said that they will be looking at updating the market information when the master planning phase begins in a couple of years, so that it's informed by realistic market expectations.

Commissioner Reveal asked how the City is going to determine whether the City does the master plan or a new owner does it.

Ms. Clapp-Smith replied that at this point they are anticipating that the City and a master developer will do a master plan together, but that depends on the two entities having a good working partnership.

Ms. Drummond noted that the City did interim zoning for Central Corridor to begin to guide development in a new direction, but then replaced it with more detailed final zoning after a complete study. The Ford site is potentially more complex as a new redevelopment site and final zoning and a master plan will take time to complete. It would be good to have something in place between now and then.

Commissioner Reveal asked how did they decide on interim zoning for Central Corridor - did PED propose a zoning framework to council or was there a zoning study in response to council?

Ms. Drummond said that was recommended by staff as they were finishing the station area plans, knowing that there was more work to be done on zoning, but development was happening in the meantime that needed the guidance of amended zoning to be consistent with the adopted Central Corridor Development Strategy. The interim zoning for Central Corridor was reviewed at a public hearing of the Planning Commission and then adopted by City Council.

II. Comprehensive Planning Committee

Commissioner Merrigan reported that at their last meeting they finished up their discussions on the West Midway Industrial Plan for now. Staff will take it back and work more on it to break out the portions that are to be adopted as part of the Comprehensive Plan, action plan and so forth. This is a fairly large assignment so will take some time before it's back at committee. The Committee will be meeting on another item at its meeting next week.

VIII. Transportation Committee

Commissioner Wang announced that at their last meeting they continued to discuss the transportation elements of the Midway Industrial Strategy. At the next meeting on Monday, October 21, 2013 they will be meeting at the NE corner of University Avenue West and Raymond Avenue to take a walking tour of the new infill sidewalks at 4:00 p.m.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Reveal announced that the West Side Flats Community Task Force will have their

next meeting on November 6, 2013.

XI. Old Business

None.

XII. New Business

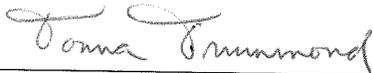
None.

XIII. Adjournment

Meeting adjourned at 9:54 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, October 22, 2013
2nd Floor Conference Room
375 Jackson Street

<u>Time</u>	<u>Project Name and Location</u>
9:00	Northern Metals End of Life Vehicle Facility 521 Barge Channel Road

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.



CITY OF SAINT PAUL
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SITE PLAN REVIEW COMMITTEE

Tuesday, October 29, 2013
2nd Floor Conference Room
375 Jackson Street

<u>Time</u>	<u>Project Name and Location</u>
9:00	Northern Metals End of Life Vehicle Facility 521 Barge Channel Road

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*revised 10/17/13

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, October 24, 2013 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF OCTOBER 10, 2013, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW –

- List of current applications
- Request from Capitol River Council for public hearing on site plan review for Metropolitan Council's OMF storage building, 340 Broadway Street (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 13-239-519 Feline Rescue Inc**
Change of nonconforming use from elevator service with workshop to office/meeting & storage with a cat intake room and sick cat isolation rooms.
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- 5 13-240-134 Brett Ripley**
Reestablishment of nonconforming use as a 4 plex
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R4
Jamie Radel 651-266-6614

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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SITE PLAN REVIEW COMMITTEE

**Tuesday, October 22, 2013
2nd Floor Conference Room
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Harriet Island 85 West Water Street New parking lot and parks maintenance buildings

Applicants should plan to attend this meeting.

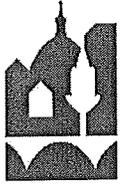
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If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.



District 17

CapitolRiver Council

CapitolRiver Council – District 17
101 East 5th Street, Suite 240, Saint Paul, MN 55101
Phone: (651) 221-0488
Web: capitolrivercouncil.org
Email: melissa@capitolrivercouncil.org

October 15, 2013

Saint Paul Planning Commission
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Dear Members of the Saint Paul Planning Commission,

On Tuesday, September 24th, members of the CapitolRiver Council attended a site plan review for the Metropolitan Council's OMF storage building (SPR#13-229156) proposed for 340 Broadway Street. The purpose of the building is to store seasonal equipment like snowplow blades and snow blowers.

During this meeting, Metropolitan Council staff claimed to be unfamiliar with pertinent elements of both the Greater Lowertown Master Plan and the Great River Passage Master Plan, both of which describe a vision for the area. The prefabricated storage building that is being proposed is not at all consistent with that vision. CapitolRiver Council is concerned that, in addition to being an eyesore, this building will impede the kind of development that our master plans aim for in a part of downtown that is experiencing (and will continue to experience) significant growth and change as new projects come online. The future of Lowertown is an exciting one and also one of high potential for economic development in this urban neighborhood.

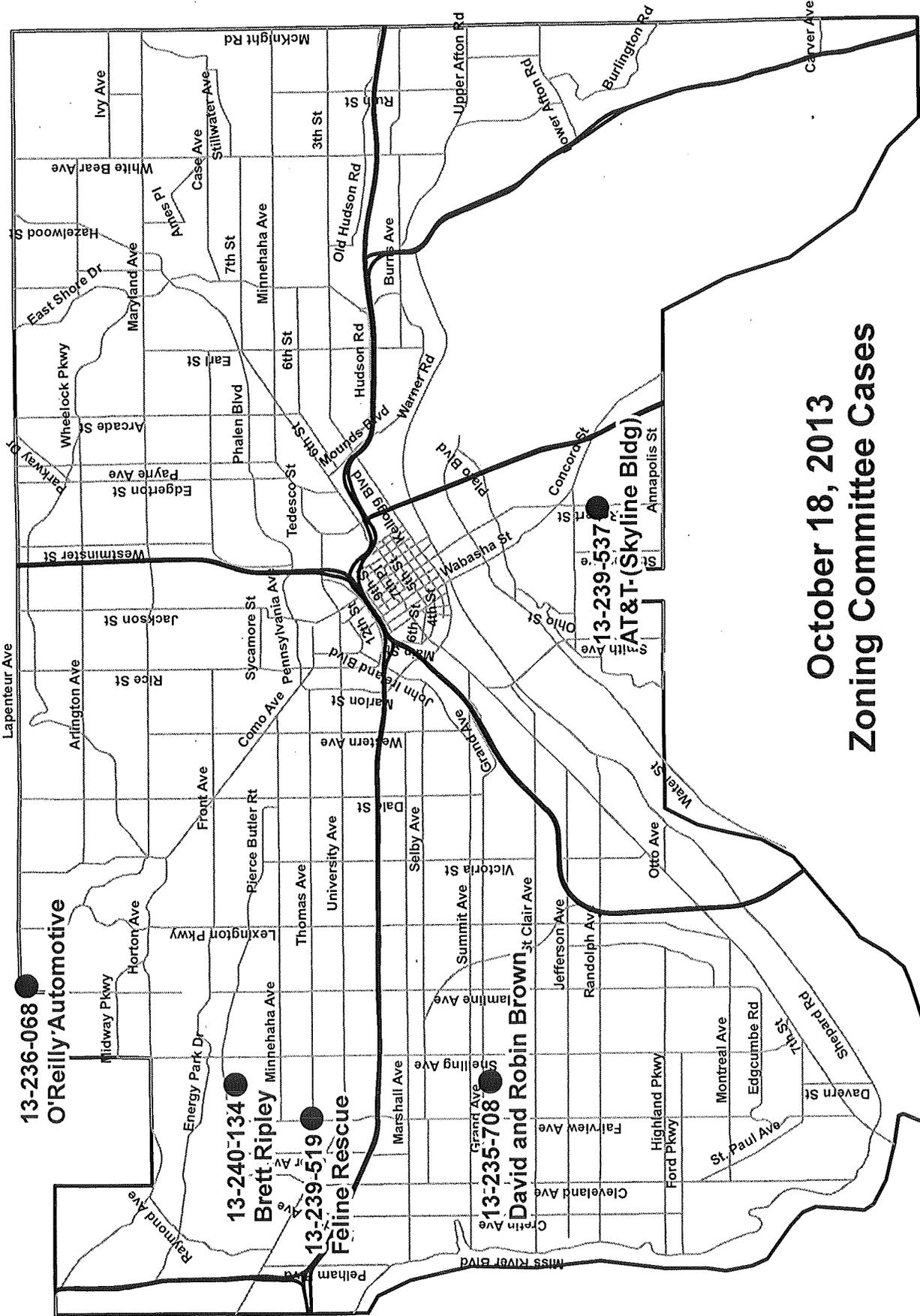
We are writing the Planning Commission to request a public hearing for this project, so that the issue may be given the time and consideration that it warrants. There are all manner of investments that make sense in the context of our master plans, and the city's vision for Lowertown. This is not one of them.

Thank you in advance for your consideration.

Sincerely,

Melissa Martinez-Sones
Director

cc: Councilmember Dave Thune



**October 18, 2013
Zoning Committee Cases**

**13-236-068
O'Reilly Automotive**

**13-240-134
Brett Ripley**

**13-239-519
Feline Rescue**

**13-235-708
David and Robin Brown**

**13-239-537
AT&T-(Skyline Bldg)**

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Feline Rescue **FILE #** 13-239-519
 2. **APPLICANT:** Feline Rescue Inc **HEARING DATE:** October 24, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 600 Fairview Ave N, NE corner at Thomas
 5. **PIN & LEGAL DESCRIPTION:** 332923120213, Maywood and Addition to the C Lot 11 Blk 1
 6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** October 14, 2013 **BY:** Bill Dermody
 9. **DATE RECEIVED:** October 3, 2013 **60-DAY DEADLINE FOR ACTION:** December 2, 2013
-

- A. **PURPOSE:** Change of nonconforming use from elevator service with workshop to office/meeting and storage with a cat intake room and sick cat isolation rooms.
- B. **PARCEL SIZE:** 117 ft. (Thomas) x 43 ft. (Fairview), totaling 5,040 sq. ft.
- C. **EXISTING LAND USE:** Elevator services with workshop
- D. **SURROUNDING LAND USE:**

Residential uses (RM2 and R4) to the north and east, industrial uses (T3 and T4) to the south and southeast, and primarily industrial uses (I1) to the west, excepting the associated Feline Rescue building immediately southwest (I1).
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** In 1933, a glass cutting company, which was acknowledged to be nonconforming under the "C Residential District" (multifamily) zoning, received approval to replace a storage shed that was lost in a fire. The site was rezoned RM2 in 1975 as part of a citywide rezoning. The previous occupant, an elevator services company with a workshop, last renewed their Certificate of Occupancy in 2011 (expires in 2014).
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, the District 11 Council has not provided a recommendation.

H. FINDINGS:

1. The application requests approval to change the nonconforming use from elevator service with workshop to office/meeting and storage with a cat intake room and sick cat isolation rooms. The subject site is not proposed to be open to the public except for a potential spay/neuter program that would use a garage space two days per month. No expansion of the building is proposed.
2. The previous business most closely resembles the Zoning Code use of a service business with workshop, which is first permitted in the T2 Traditional Neighborhood zoning district. The proposed use resembles either a veterinary clinic, which is first permitted in T2, or administrative office with accessory storage, which is first permitted in T1.
3. The applicant operates a shelter/adoption center across the street at 593 N. Fairview Avenue. The 593 facility will continue to be where adoptions are processed and where cats are held after their intake and isolation periods, which generally takes two to four weeks. 593 will continue to be the main facility accessed by the public. 593's public hours are currently 10 a.m. to noon and 6 p.m. to 8 p.m. Monday through Friday, and 10 a.m. to 2 p.m. Saturday and Sunday.
4. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming*

use is first allowed, if the commission makes the following findings:

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. According to the application, the previous elevator service and workshop business was open 7 a.m. to 6 p.m. Monday through Friday, with occasional weekend hours. The business had 45 employees and 35 service trucks, though other than Tuesday morning when the full crew came to the building generally only 14 employees were present. The proposed use is open later into the evening, but has fewer employees (8 to 12 volunteers anticipated at this site at a time) and is open for fewer hours. The cats will be kept indoors. The previous workshop use, which could have potentially generated noise issues via any on-site elevator equipment repairs, has been eliminated.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding can be met. The potential spray/neuter program proposed for the subject site could generate significant additional traffic, with 30 to 40 cats treated per program day (two program days per month). A recommended condition would prohibit the spay/neuter program on the site. The other functions of the proposed use will generate less traffic due to a reduction of approximately 33 employees and elimination of 35 service trucks. Besides the spay/neuter program, there is no proposed public use of the building.
- c. *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 subject site has had non-residential uses since at least 1933. The surrounding area is mostly industrial uses.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the site as part of a Mixed Use Corridor, which calls for a range of uses including commercial office uses such as proposed. The Fairview Station Area Plan designates the site as part of a Sensitive Neighborhood Infill area, which has no provisions relating to existing non-residential development.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the change of nonconforming use from elevator service with workshop to office/meeting and storage with a cat intake room and sick cat isolation rooms subject to the following additional condition:
 1. The spay/neuter program shall not be conducted on the subject property.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 13-239519
 Fee: 700.00
 Tentative Hearing Date: 10-24-13

PD = 11

332923120213

APPLICANT

Name Feline Rescue, Inc.
 Address 593 Faiview Ave. N.
 City Saint Paul St. MN Zip 55104 Daytime Phone _____
 Name of Owner (if different) Eagle Elevator Corp.
 Contact Person (if different) Randi Helgeson Phone 952-934-1343

PROPERTY LOCATION

Address/Location 600-602 Fairview Ave. N.
 Legal Description Lot 11 Block 1 Maywood Addition
 PIN 33-29-23-12-0213 Current Zoning RM2
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: Change from one nonconforming use to another (para. c)
 Re-establishment of a nonconforming use vacant for more than one year (para. e)
 Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Elevator maintenance/repair business

Proposed Use Offices for Feline Rescue as well as intake and sick cat care

Attach additional sheets if necessary

See attached

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature Randi Helgeson Date 10/3/2013 City Agent [Signature]

10-24-13

BACKGROUND

Feline Rescue, Inc. is a nonprofit corporation whose mission is to provide safe shelter, veterinary care, and socialization for stray, abandoned, or abused cats until good permanent homes can be found for them. To accomplish this mission, Feline Rescue operates three main programs:

1. The Shelter/Adoption Center at 593 N. Fairview. This building, owned by Feline Rescue since December 2005, houses about 65 to 70 cats in a number of rooms. This building is open to the public during posted hours, and visitors can come in and get to know the cats prior to adoption as well as just come for a visit. The building also has a smaller, restricted access "intake" room where cats coming into the shelter are tested for various conditions and diseases and held until they are ready for adoption and are transferred to one of the public rooms. (This generally takes two to four weeks.) Cats who have minor illnesses, are recovering from veterinary procedures, or otherwise need to be separated from the general cat population for a time are kept in another restricted access "med" room. However, even with these precautions it can be difficult to keep minor illnesses (chiefly upper respiratory infections) from spreading to other areas of the shelter. (Cats with serious medical needs or needing to be spayed or neutered are taken to veterinary clinics for treatment.) The building also includes a small office.
2. The Foster system cares for between 100 and 200 kittens and special needs cats in the homes of volunteers, where the cats are socialized and made available for adoption. These cats can be either placed in the shelter as space becomes available or adopted directly from the foster system. Foster volunteers have no place to meet with one another except in individual homes.
3. The Outreach program consists of volunteers who help the public arrange for low-cost spay and neuter services for household pets and feral colonies and also help with other medical and behavioral issues as needed. To accomplish these activities, Outreach works with various veterinary partners including MNSNAP, a nonprofit that provides low cost spays and neuters using a mobile veterinary van that travels around the state. The van comes to Feline Rescue two days each month, using the garage/storage area and parking lot at the 593 building. MNSNAP can spay or neuter between 30 and 40 cats a day. The surgeries are done in the van, and the cats that are waiting for their surgeries or are recovering from them are kept in the garage until their owners pick them up. The garage is adequate but space is quite limited, since this area is largely used to store supplies for the three programs (see attached photos).

PROPOSAL

Feline Rescue would like to purchase the building at 600 N. Fairview, which is across the street from our existing building. The building would be for the private use of Feline Rescue. No adoptions would occur at this location, and it would not be open to the general public. The building has two floors and two garage areas, one of which is heated, while the other has a loading dock area.

Feline Rescue, Inc. Change of Nonconforming Use Application

The upper floor of the building would be used as a conference room for Board meetings and an expanded office. In addition, the intake room and sick room would be relocated from the existing shelter to rooms on this floor. A separate room would also be established to isolate cats that have contagious conditions. We believe we can better prevent the spread of illnesses from incoming and sick cats to the rest of the shelter through this more complete separation.

The lower floor would provide meeting and storage space for the Foster program volunteers, as well as a separate area for the Outreach program (supplies are now kept in volunteers' homes). The building would also be used for other kinds of storage, such as supplies for fundraising events. The garage with loading dock would be used for sorting and storing donated supplies.

We are also exploring the use of the heated garage for the MNSNAP operation; although this may not work logistically. The current plan would have the van park outside the building on Thomas a couple of days each month, and the garage would be used as the staging area. The garage, or another separated space at the rear of the building also would be used to hold feral cats that have been trapped to be spayed or neutered for a few days before the operation and a few days afterward for a period of recovery. They would then be released back into their colony. While some members of the public would access the rear garage to make use of this service, MNSNAP spay/neuter operations are done by advance appointment only, so the public use would be quite limited.

APPLICATION FINDINGS

The building has been reviewed by an architect, and staff in the Department of Safety and Inspections (DSI) has concluded that it is code compliant as long as the building is not open to the public. Zoning staff in DSI have classified the previous use as "office," first permitted in the T1 district. They have also classified Feline Rescue's proposed use as "veterinary clinic," first permitted in the T2 district. They have advised Feline Rescue that they did not have sufficient information to find that the elevator repair business was a service business with workshop (contractor's shop), which is a T2 use. After further discussion with the owner of the previous use, we believe there is sufficient information to support the service business with workshop designation (see attached photos). We also believe that the veterinary clinic use in the zoning code has some significant differences from the uses proposed by Feline Rescue. We believe that the Feline Rescue proposal meets the required findings for a change of nonconforming use as described below.

Section 62.109 (c) of the zoning code states that the planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:

- (1) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.** Based on information provided by the owner of the elevator business, it seemed to be have many of the characteristics of a service business with workshop or a business sales and services use (both first permitted in the T2 district)

Feline Rescue, Inc. Change of Nonconforming Use Application

rather than being a strictly office use. The hours of the business were 7 a.m. to 6 p.m. Monday through Friday, with some Saturday or Sunday hours as well. The business had a total of 45 employees and 35 service trucks. On average, 14 staff came to the building each day: three office staff; four sales/project managers; and five to seven employees who generally worked at job sites but stopped by daily to pick up parts, fluids, and supplies; to work with tooling; or to meet with the project managers. On Tuesdays (time day), all employees would come between 6am and noon (45 people). Therefore, we believe that the previous use was a service business with workshop and would be first permitted in the T2 district.

The uses proposed by Feline Rescue also fit within the lists of T1 and T2 uses. Much of the building will be used for meeting space, office, and storage, with some of it used for cat care. Current estimates are that up to 12 cats would be in the intake area and generally 10 or fewer cats in the sick room. The isolation room population would vary, and it will even be empty at times. At this point, Feline Rescue does not intend to increase the number of cats available for adoption at the shelter, which limits the number of new cats that can be taken in.

We expect that four to six volunteer staff will come to this facility each day to care for the cats, with a similar number coming to use the offices and storage areas. Larger meetings of the Board, foster system, and outreach will occur approximately once per month each. If the MNSNAP program can be moved to this site, it will take place twice each month, from about 9 a.m. to 6 p.m. This has generally occurred on Sundays, but can be scheduled on other days.

The meeting and storage uses are similar to those of the previous business and are consistent with T1 uses. The intake and sick cat, and isolation rooms are somewhat similar to a veterinary clinic, but with some key differences. Veterinary clinics handle a wider variety of animals, illnesses, and procedures. Clients bring their animals to the clinic, resulting in greater traffic throughout the day. This location will not be open to the general public and will only house cats that are already associated with Feline Rescue. In that respect the cat care uses could be considered similar to a medical laboratory, a permitted T1 use. However, the uses proposed by Feline Rescue fall within what is permitted in the T2 zoning district, similar to the previous use which, we believe, most closely matches a T2 use, making the proposed use equally appropriate or more appropriate to the neighborhood than the previous elevator repair business.

- (2) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.** Based on information from the owner, the elevator business generated traffic for approximately 14 staff, except for Tuesdays when all 45 staff people came. The existing building has very limited off-street parking. There appears to be only 1 space provided in the enclosed garage without stacking. The loading dock and driveway would need to be kept available for supply pick up and delivery. The business owner estimates that they needed 7 – 8 parking spaces on a typical day, so it seems likely that the

business made use of on-street parking, a situation that appears to be legally nonconforming. Feline Rescue anticipates generating a similar amount of traffic on a daily basis, without the extra traffic on Tuesdays, but it will be spread out more evenly throughout the day rather than the pattern of employees coming in the morning and leaving in the afternoon. In addition, Feline Rescue has access to the parking lot in front of our 593 Fairview building, which can accommodate about 12 cars. This will improve the parking situation at 600 N. Fairview.

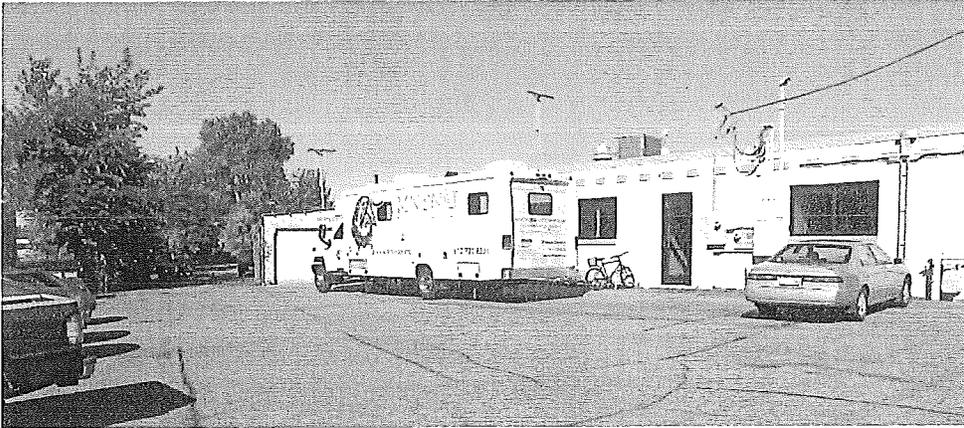
(3) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

Because this building will not be open to the public and will be used only by Feline Rescue staff, the proposed use will not be detrimental to the existing character of development in the neighborhood. In fact, Feline Rescue hopes to underplay our use of the building as much as possible so that the general public is unaware of our occupancy. While the MNSNAP spay/neuter service will involve some limited public access, these pet owners need to make appointments in advance, which, we hope, will limit public awareness. Feline Rescue will meet all necessary building code requirements and will work with DSI Animal Control staff to ensure that the cat care use does not endanger the public health, safety, or general welfare.

(4) The use is consistent with the comprehensive plan. According to the Generalized Land Use Map (Figure LU-L), the property at 600 N. Fairview is located where three major proposed land use plan categories converge: industrial uses to the west, mixed use corridor to the south, and established neighborhood to the north and east. The land use description for "Established Neighborhood" recognizes that they can include "scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets." The Transportation plan classifies Fairview as a Minor B Arterial and Thomas as a Collector, making this a suitable location for the proposed institutional/service use. The proposed use is compatible with the comprehensive plan and the mixed use character of the area.

Feline Rescue, Inc. Change of Nonconforming Use Application

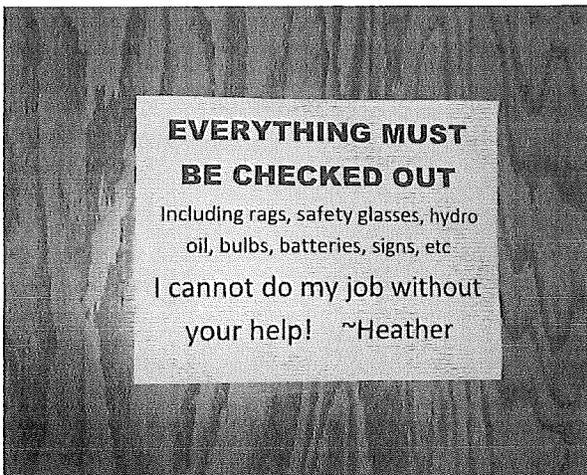
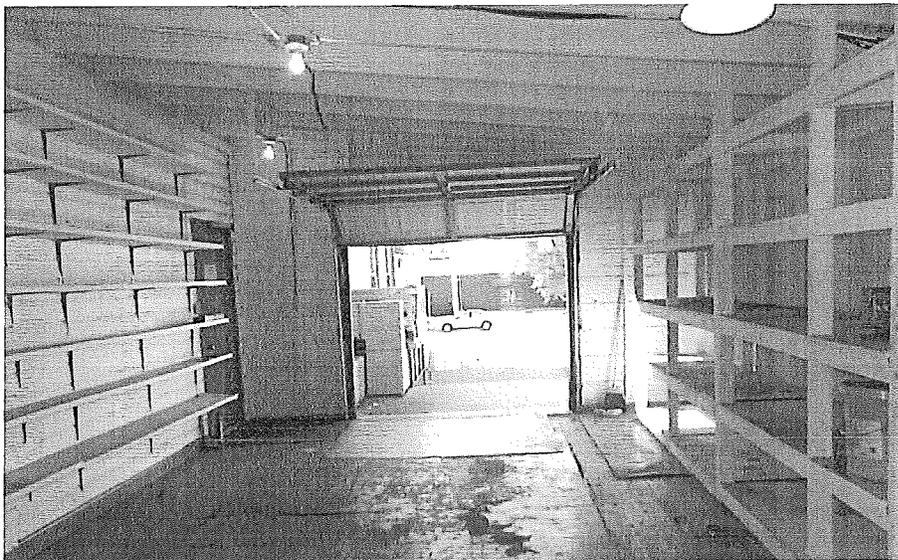
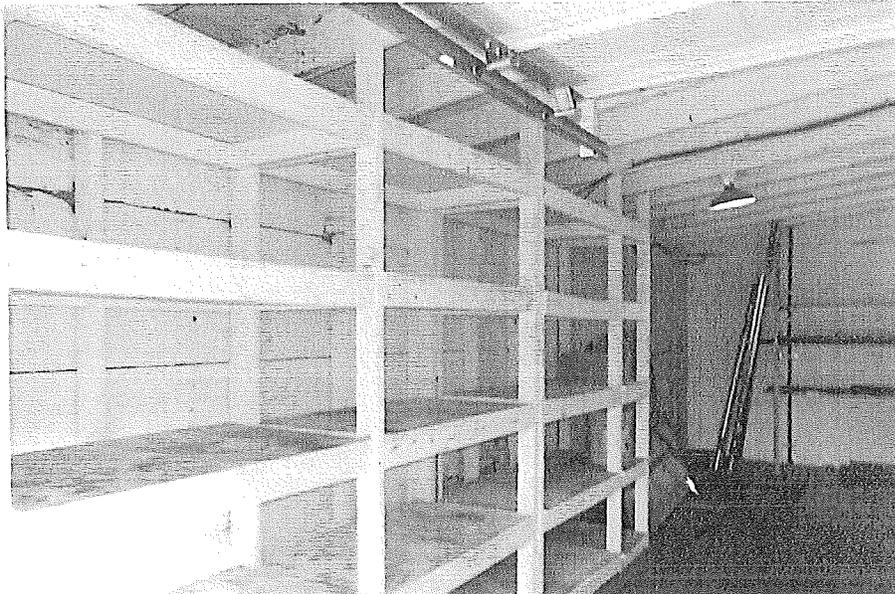
MNSNAP Activity at Feline Rescue's 593 Fairview building. All surgery takes place in the van.



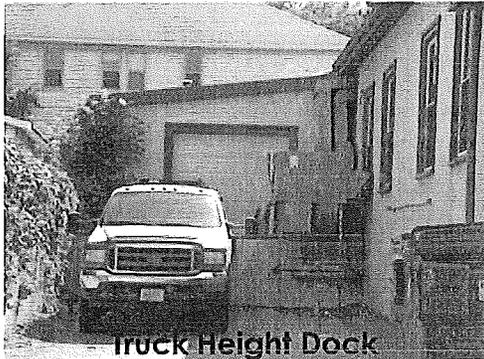
Setup in storage area

Feline Rescue, Inc. Change of Nonconforming Use Application

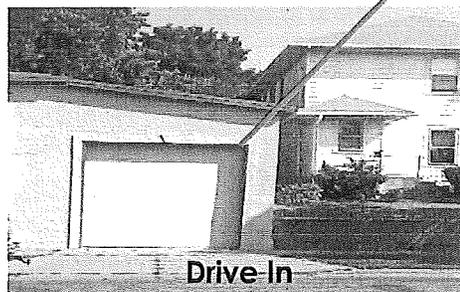
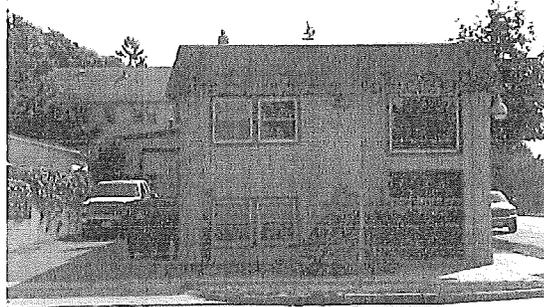
600 N. Fairview loading area photos



FORE SALE - 600 Fairview Avenue North - St. Paul



Truck Height Dock



Drive-In

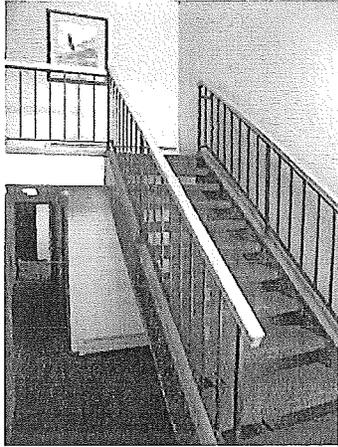
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CONTACT INFO



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Email: jamueller@jbrealtyco.com

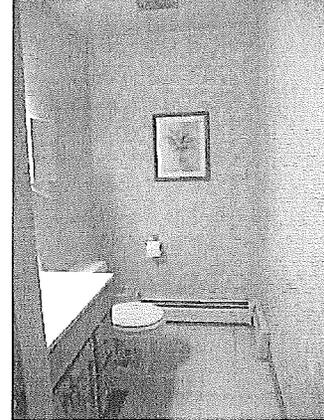
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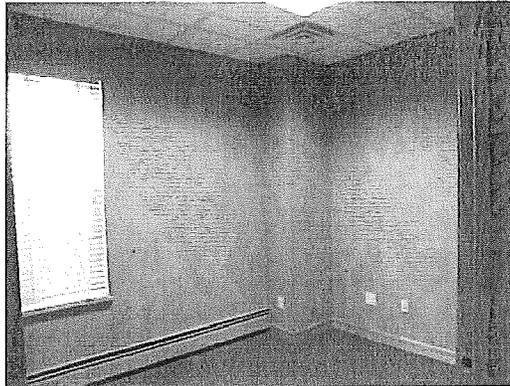
Split Entrance



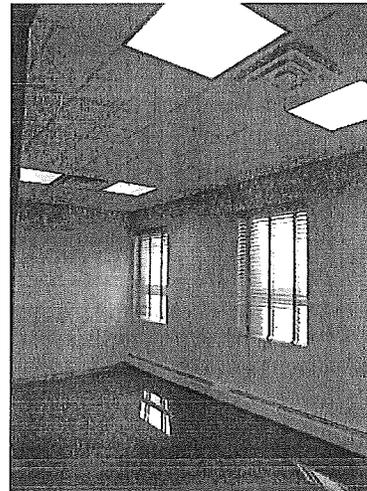
Kitchenette area



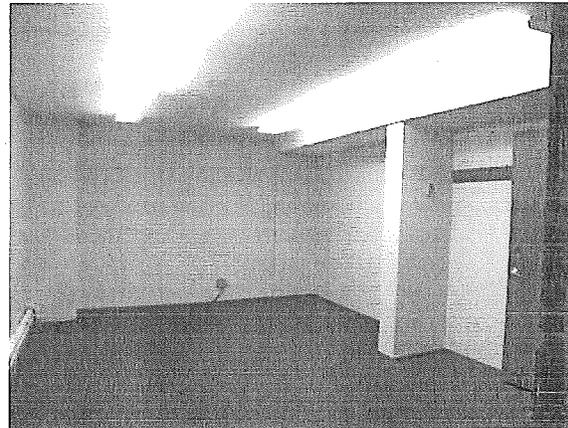
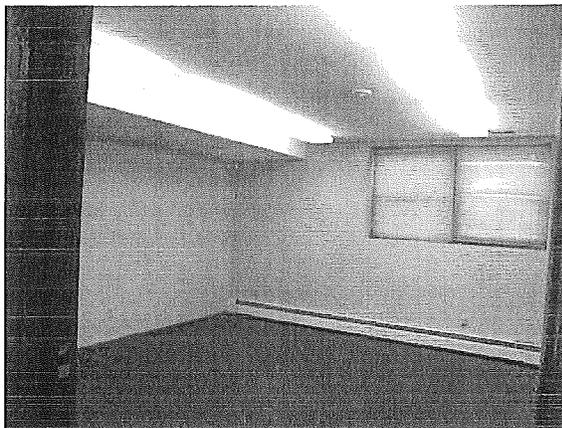
Bathroom



Sample upper level offices/conference rooms



Sample lower level office/conference rooms



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612

610

602

600

1815

1807

1805

THOMAS AVE

FAIRVIEW AVE N

City of Saint Paul Public Works Technical Services

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CITY

GeoMOOSE POWERED

GISmo Oblique Photography

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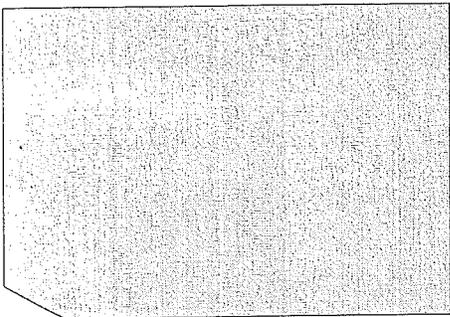
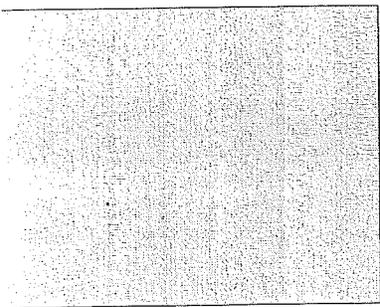
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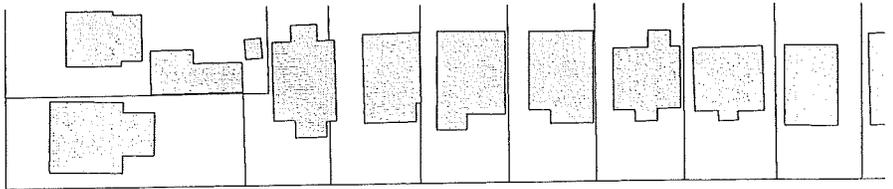
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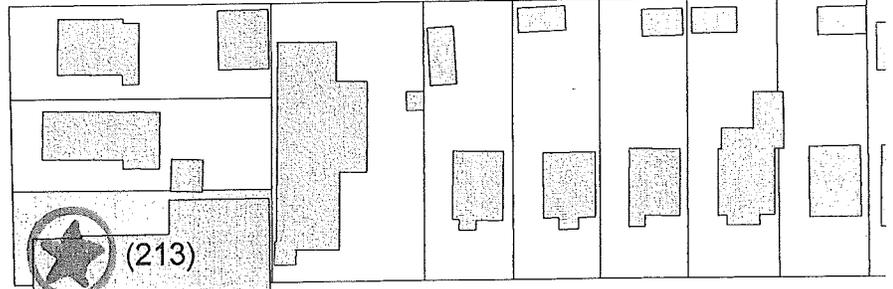
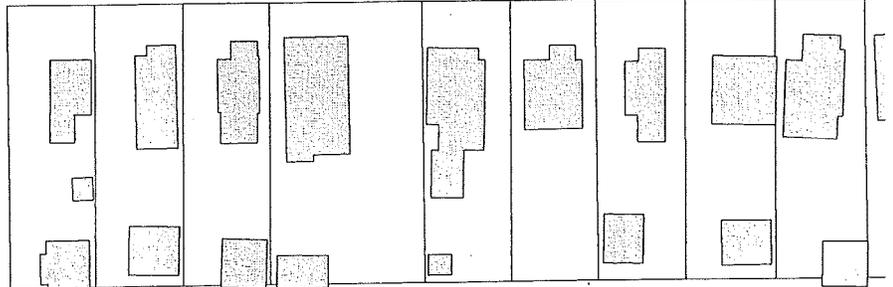
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FAIRVIEW



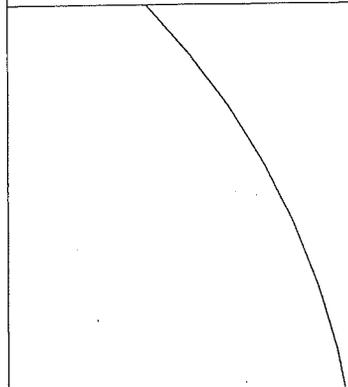
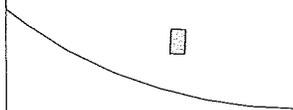
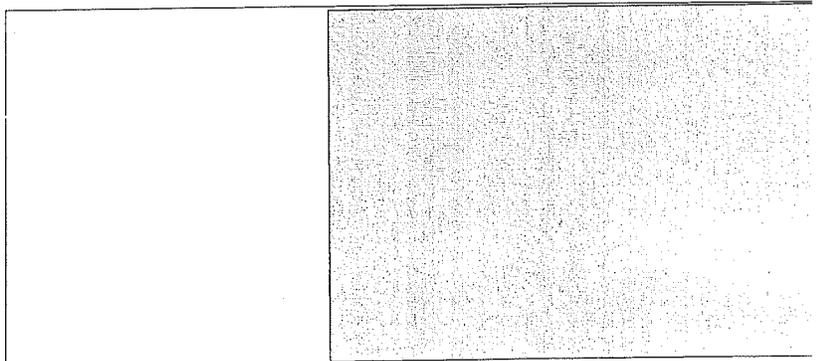
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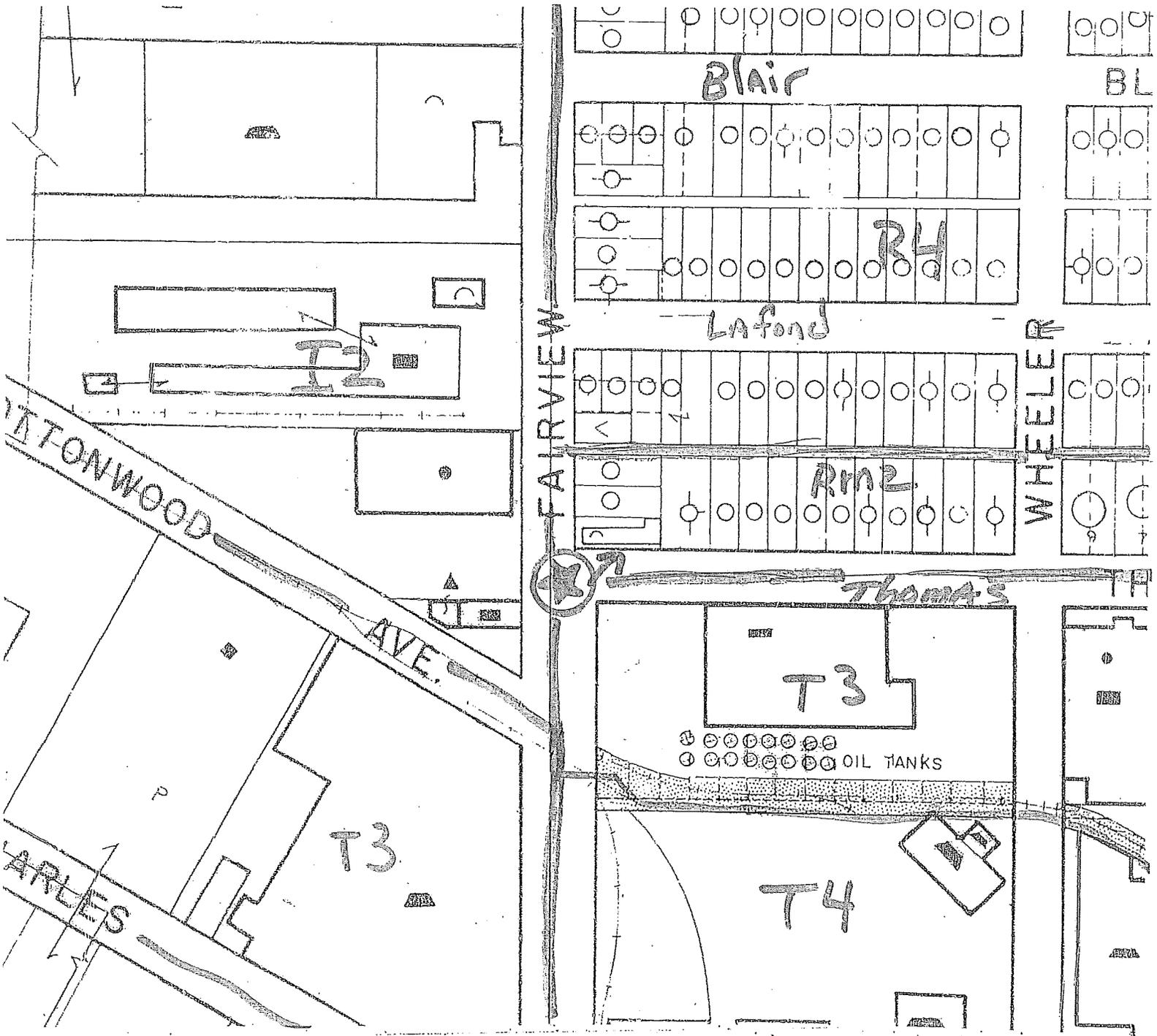


(213)

THOMAS

COTTONWOOD





APPLICANT Feline Rescue
 PURPOSE Cha. of non-conforming UAs
 FILE # 13-234519 DATE 10-7-13
 PLNG. DIST 11 Land Use Map # 10
 Zoning Map # 7

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant



SCALE 1" = 400'

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** David and Robin Brown **FILE #** 13-235-708
 2. **APPLICANT:** David and Robin Brown **HEARING DATE:** October 24, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 1685 Lincoln Ave, NE corner at Cambridge
 5. **PIN & LEGAL DESCRIPTION:** 042823410033; Haags Subdivision Lot 1
 6. **PLANNING DISTRICT:** 14
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** R3
 8. **STAFF REPORT DATE:** October 15, 2013 **BY:** Scott Tempel
 9. **DATE RECEIVED:** September 24, 2013 **60-DAY DEADLINE FOR ACTION:** November 23, 2013
-

- A. **PURPOSE:** Reestablishment of nonconforming use as a duplex
- B. **PARCEL SIZE:** 7463 sq. ft.
- C. **EXISTING LAND USE:** R-Single Family Dwelling
- D. **SURROUNDING LAND USE:**
 - North: Mixed Use Retail and Commercial (B2)
 - East: One- and Two- Family Residential (R3)
 - South: One Family Residential (R3)
 - West: One Family and Multi Family Residential (R3, RM2)
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **HISTORY/DISCUSSION:** An up/down duplex was constructed on this property in 1930. The builder constructed an identical residence next door to the east, which has historically been and currently is recognized as a legal nonconforming duplex. In the 1940s and 1950s, the entire building at 1685 Lincoln was occupied by the owner as a one-family dwelling. During the 1970s the property was owned by Macalester College and operated as its alumni house. The 1975 City of Saint Paul Land Use map shows the property as a duplex. The owner of the property in the 1980s rehabbed the property as a duplex, but pulled no permits. The property was used as a duplex in the late 1980s and 1990s. Mr. Brown bought the property in 2012 with the intent of using it as a duplex rental. Mr. Brown has spent a significant amount of money rehabilitating the property to its original historic beauty and charm, however all permits were issued as a single family residence. In order for the property to be used as a legal duplex, a reestablishment of nonconforming use permit must be issued by the Planning Commission.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council has sent a letter recommending approval of the application. The applicant attended the August 28th, 2013, District 14 Housing and Land Use Committee meeting to explain the project. At the meeting, the applicant provided two letters of support from neighboring property owners and a letter of support from Macalester College.
- H. **FINDINGS:**
 1. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:

- A. *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This finding is met. The lot size is approximately 7,463 square feet and the lot frontage is approximately 50 feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. According to measurements provided by the applicant, each unit is approximately 1,700 square feet. The combined gross living area is 3,400 square feet.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. Each unit has a one car garage.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing all remodeling work will take place inside the structure.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.
2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. According to city records the building was constructed as a two unit structure and information provided by the applicant shows that it is currently configured as a duplex. Due to the configuration of the structure, conversion to a conforming single family use would be unreasonable. The continued use as a duplex is a reasonable use of this property.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the previous use as a duplex.
 - (3) *The proposed 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 proposed use as a duplex will not be detrimental to the safety, welfare or existing character of development in the immediate neighborhood. This proposal reestablishes the historic nature of a duplex that has been part of the character of the surrounding neighborhood for over 80 years.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. The project meets two goals of the Macalester-Groveland Community Plan: (7) Maintain and

preserve the district's current housing stock, and (11) Monitor housing conditions and address deferred maintenance of the district's aging housing stock through providing incentives for home improvement activities. The Community Plan also contains a goal to (8) Maintain the single family character of the district, however both the District Council and supportive neighbors consider the rehabbed duplex a positive improvement to the neighborhood that fits with its historic character.

- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on September 25, 2013: 13 parcels eligible; 9 parcels required; 12 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a duplex at 1685 Lincoln subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a two-unit building.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 13-235708
 Fee: 700.00
 Tentative Hearing Date:
10-24-13

PD-14

042823410033

APPLICANT

Name David and Robin Brown
 Address 4065 Viking Blvd
 City Anoka St. Wys Zip 55305 Daytime Phone 763-647-0474
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1685 Lincoln Ave, St. Paul, MN 55105
 Legal Description Parcel ID 042823410033
Hagg's Subdivision lot 1 Current Zoning Single Family
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

The permit is for: Change from one nonconforming use to another (para. c)
 Re-establishment of a nonconforming use vacant for more than one year (para. e)
 Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Presently: Single family, Previously: Duplex
 Proposed Use Duplex
 Attach additional sheets if necessary

CK 1192

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature David Brown Date 8/14/13 City Agent pdh
 9-24-13

1685 Lincoln Ave.

August 8th, 2013

Macalester-Groveland Council, St. Paul City Counsel and Zoning Commission,

We wish to thank you for considering our request to modify the status of our home at 1685 Lincoln Ave. We have a number of circumstances which we believe are important to consider when weighing the decision regarding zoning or reestablishment of a non conforming use.

Our home was built in the early 1920s as a duplex. It has a matching duplex next door (built by the same owner) and there are several homes in the immediate area that rent to those seeking to live in the Macalester area. The home is situated one block off Grand Ave. The home backs up to Ace Hardware, located on Grand Ave. Across the street and 50 feet toward Grand is an apartment complex that has 4 units.

Our neighbor to the immediate east is Marjorie Wherley at 1677 Lincoln. She is the owner of the matching duplex. Her home is in a similar situation and uses the "Nonconforming Use Permit". Within 100 feet of the home is at least one other domestic non conforming use residence.

We bought the home in 2012 anticipating that we could use it as a duplex. It has two identical floors with 3 bedrooms and 3 baths on each floor. Our economic issue is that we bought it as an investment and we desire to be landlords. To use it as a duplex is the only way we know that would be financially viable. If not a duplex, renting a 3400 square foot home with six beds and six baths is not realistic. Our mortgage and fees on the home bring the expense to a little over \$3000 dollars a month. It's difficult enough to find a quality tenant that can afford half that amount. To find a family that would afford the expense let alone want two matching levels is extremely unlikely and would result in significant monthly financial loss.

We bought the home over a year ago as an atypical investment. We knew it needed considerable personal and financial investment to bring it back. We

invested a large amount of time, doing as much of the work ourselves as we could. For what we couldn't do, we hired licensed trades people. As we went through the months of work we asked a lot of questions regarding how to bring it back to its original intent as a duplex. It's taken us time to find the right people in the city and start the process.

We believe we are good for the neighborhood. We bought the home in the spring of 2012. The home was falling in disrepair. We have and continue to bring it back to its original beauty and style. The top 3 feet of the chimney was falling off the house. We hired local St. Paul contractors to rebuild it. The upstairs shower was nonfunctional. The previous owner disconnected and removed the plumbing when the shower pan needed repairing. We hired a group of professionals to rebuild both up and downstairs showers. With regards to the garage, the roof was falling in. The previous owner had randomly supported it with extra two by fours. We rebuilt it from the ground up. We repainted and repaired the outside of the house and we take pride in the gardens. We also updated the entire major electrical in the house. We have worked with the city to make sure all improvements are inspected and satisfactory.

We have met and enjoy interacting with those in the neighborhood, all of whom have expressed praise for taking care of the home, many neighbors have used the same contractors they saw being used at our home to repair their own home. Our painters went on to paint the neighbors house. A neighbor who works for Macalester used our chimney masons to repair his chimney.

The previous owner would not let the city inspect the home. Within days of buying the home we were contacted by city water and were requested to switch out the meters. We were informed the previous owners refused to let the city inside. The furnace and water heater were improperly installed and never inspected. We resolved those and many other issues. We are proud to be part of this city and aim to be good examples.

In the year that we have owned the home we have:

Painted the exterior of the house and repaired damaged window trim

Rebuilt the upper level of the chimney

Updated and replaced the entire electrical fuse boxes and meters

Rebuilt the garage

Rebuilt the upstairs kitchen

Installed new furnace and water heater

Rebuilt the upstairs and downstairs showers

Landscaped the outside

Each of the upgrades was done cooperatively with city inspectors. It has been a very hectic year and we have done our best to exceed expectations and requirements.

My wife is a nurse, I am a doctor. We have 5 children between the ages of 6 and 15. Life is busy! We own a similar home blocks away. While we are novices as duplex owners, we already have a very good reputation with the neighbors. We have a very positive relationship with the neighborhood and are proud to be part of it. My children and I were able to attend the neighborhood 4th of July celebration. The kids saw what it means to be part of a healthy community and were very impressed. I like to be visibly involved at our home, doing yard work; don't mind helping the neighbors shovel their sidewalk or carry fertilizer for one gal who shouldn't be working that hard. I consider it a privilege to be personally involved with the neighborhood. Our hope is to eventually retire and live on the second floor of the Lincoln home. In the mean time we are finding quality tenants for the home and neighborhoods.

At this and our other home our tenants over the last few years have included an economics professor at Macalister, a lawyer and his wife who is an elementary teacher, an eye surgeon and her sister who is a lawyer. We have had researchers and PhDs all of which have added a good nature to the area. At our other home we have an incoming professor for St Thomas and her husband who is a computer

wiz. We have posted the home on the network "High Winds" which Macalester uses for their staff and professors.

I believe we add value to the city and neighborhood. We raise expectations for maintaining property and investing in a home. We share with our neighbors their concerns and actively strive to be part of the culture. We provide living space for people or families that add quality to the surroundings. We pay our taxes and are not against paying higher taxes for a duplex status. The previous owner avoided paying taxes and fees and owed the state as well as schools and other institutions a lot of money. We are prompt at paying for things and like to invest in this quality area.

When we bought the home we assumed because it was at one time a duplex that it could be returned to duplex status. We didn't really know how to go about doing that but have asked many people a lot of questions. Eventually it has led us to the right people at the city.

We appreciate your taking time to consider this matter and would be happy to discuss it further.

David W. Brown

Robin and the rest of the Brown family

8/27/13 MGCC Housing Land Use Committee Meeting
 Mac-Groveland Resident Concerns

1685 Lincoln Nonconforming Use Permit Application

Name	Address	Opinion	Reason
John Driggs	1678 Lincoln Ave.	In Support	Owner is extremely responsible, has made positive improvements to area.
Marjorie Wherley	1677 Lincoln Ave	In Support	I am the owner-occupant of the duplex next door to this property and I support the application. 1685 was built as a duplex in the 1920s, before St. Paul even had a zoning code. Later when the entire area was zoned R1, properties like mine and 1685 were "grandfathered in" as permitted nonconforming R2 uses. The previous owners lived there and operated the property as a duplex until their four children became teenagers and took over the rental unit for about ten years. When they sold the property to the present owner, I am sure they did not disclose the nonconforming zoning issue or the fact that it could only be used as a duplex as long as it was continuously operated as a duplex (and thus would now need a new permit). I never learned this about my own duplex-home until quite a few years after I bought it (fortunately, I didn't have 4 teenagers, so the rental use has been continuous!). At any rate, while I prefer owner-occupied duplexes, I also like the fact that this area has duplexes sprinkled (lightly) throughout, thus offering rental opportunities without creating a highly dense, rental-only neighborhood. It has been a good mix; I wish more neighborhoods had been planned so well. The present owner has upgraded the property substantially and has been (from the beginning, before he

ZONING WORKSHEET

ADDRESS: 1685 Lincoln
 PIN: 0428 23 41 0033

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: 6.24.1930 PERMIT: _____ TYPE OF STRUCTURE: 2 story duplex

PERMITS COUNTY ASSESSOR'S RECORDS LICENSE RECORDS CITY DIRECTORY

1949 - owner occupies entire bldg
 1955 - same
 1969 - owned by college, use as the alumni house
 + office, kitchen sink on 2nd floor has been removed
 1985 - New owner rehabbed back to duplex (no permits pulled)
 1991 duplex
 1992 - per assessor, 2nd floor open to kitchen (walk thru bedroom)
 consider as a family room with wet bar,

LEGAL DESCRIPTION: Haags Subd. Lot 1

LOT SIZE: 50 x 149.25 = 7462.5 + alley = 7862.5

CROSS STREETS: Cambridge + Macalester

ZONE	USE (C/NC)	UNITS PERMITTED	REQUIRED LOT SIZE	LOT SIZE (C/NC)
X	C			C
1922				
1960			50.7500	C
1964	A Res			
1975	R3	ROOMS: UNITS:	50 600	C

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

**SUMMARY INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES**

Housing unit breakdown:	Existing	Proposed
Number of units	2	2
Number of bedrooms in each unit		
Unit 1	3	3
Unit 2	3	3
Unit 3		
Size of each unit in square feet		
Unit 1	1735	1735
Unit 2	1735	1735
Unit 3		
Debt:		
Initial principal amount	\$ 300,000	
Initial interest rate	3.5%	
Term of mortgage/debt financing	15 year	
Time remaining on note	14 year	
Balance on existing debt	\$ 280,000	
Rehabilitation		
Type of improvements:		
New Garage		
New Kitchen		
Up dated Electrical		
New Furnace / water heater		
re built upper & lower bath		
re built fire places		
paint outside		
replaced 10 missing doors		
re plumbed basement		

PRO FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES
Continuation of Extra Units

②

①

Required Information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
<u>Income</u>		
Total monthly rent income for all units	\$ 18,500 ⁰⁰	\$ 36,500 ⁰⁰
Monthly income from structure other than rent	0	0
Existing vacancy (if any)	0	0
Effective gross income (EGI) / month ¹	\$ 18,500 ⁰⁰	\$ 36,500 ⁰⁰
Effective Gross Income / year	\$ 222,000	\$ 438,000
<u>Operating Expenses (Annual)²</u>	\$ 82,190 ⁰⁰	\$ 82,190 ⁰⁰
Maintenance	\$ 13,460 ⁰⁰	13,460 ⁰⁰
Insurance	\$ 1,963 ⁰⁰	\$ 1,963 ⁰⁰
Utilities (only include amount paid by landlord)	\$ 1,700 ⁰⁰	1,700 ⁰⁰
Other (Identify)		
Taxes	\$ 3,210 ⁰⁰	\$ 3,210 ⁰⁰
<u>Net Operating Income (Annual)³</u>	\$ 139,810	\$ 355,810
Monthly debt / mortgage payment	\$ 28,430 ⁰⁰	\$ 28,430 ⁰⁰
Annual debt payment	\$ 341,160	\$ 341,160
<u>Rehab projects</u>		
Total cost of Improvements	\$ 75,000	Same
Monthly rehab debt payment	\$ 6,000	Same
Annual rehab debt payment	\$ 48,000	Same
<u>Cash Flow: profit, (loss)⁴</u>	\$ -20,135	\$ 14,650 ⁰⁰

- NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)
 2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others
 3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)
 4. Cash Flow = (Net Operating Income) - (Annual debt payment)

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 9-24-13

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 13

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 9

PARCELS REQUIRED: _____

PARCELS SIGNED: 12

PARCELS SIGNED: _____

CHECKED BY: Paul Dubruel

DATE: 9-25-13

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of David & Robin Brown
(name of applicant)

to establish a Duplex
(proposed use)

located at 1685 Lincoln Ave.
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1 601 Cambridge St #2	Jacquelyn Chiagnino	Jacquelyn Chiagnino	8-5-13
2 1687 Lincoln Ave	Maria Kruger / David	Maria Kruger	8/5/13
3 83 Cambridge St	Samuel / Nicki Walling	Samuel Walling	8/5/13
4 1682 Lincoln Ave	Agnes / Robert Golligowski	Agnes Golligowski	8/9/13
5 1678 Lincoln Ave	John / Bonnie Driggs	John Driggs	8/8/13
6 1672 Lincoln Ave	John Myers / Annelle Murphy	Annelle Murphy	8/4/13
7 1667 Lincoln Ave	Mary Sullivan	Mary Margaret Sullivan	8/5/13
8 1673 Lincoln Ave	Thomas Clavengers / Rena	Rena Clavengers	8/5/13
9 1672 Lincoln Ave	Majorie Wherlein	Majorie Wherlein	8/4/13
10 1685 Lincoln Ave	Robin / David Brown	David Brown	8/3/13
11 1676 Grand Ave	Nancy Swolik	Nancy Swolik	8-22-13
12 1674 Grand Ave	Kline Holding LLC	J Kline	8-8-13
13 1672 Grand Ave	Coper Properties	Becky Jochel	8.9.13

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

See email from 9/08
Bill Perron regarding Betty's
Signature.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, David W. Brown, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

David W. Brown

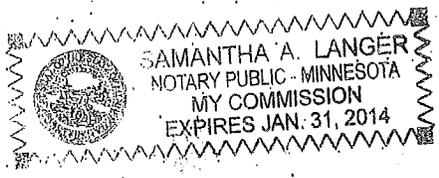
NAME

4065 Viking Blvd
ADDRESS Andover MN 55303

763-647-0474
TELEPHONE NUMBER

Subscribed and sworn to before me this
24 day of September, 2013

Samantha Langer
NOTARY PUBLIC



MACALESTER COLLEGE



THE HIGH WINDS FUND
1600 GRAND AVENUE
SAINT PAUL, MINNESOTA
55105-1899

TEL: 651-696-6552
FAX: 651-696-6250
E-MAIL: highwinds@macalester.edu
www.macalester.edu/highwinds/

September 9, 2013

Macalester Groveland Community Council
320 South Griggs Street
Saint Paul, MN 55105

Dear Board of Directors,

On September 9, 2013, David Brown asked us for this letter of support to re-establish non-conforming use at 1685 Lincoln Avenue. Our support is based on need and desire for increased housing density. First, the staff and faculty at Macalester College have a need for a variety of housing styles and sizes in the neighborhood. Macalester staff currently lives at 1685 Lincoln. Second, the use of the property as a duplex is consistent with Macalester's vision to support and encourage increased density near the business nodes around the College. Macalester College supports the use of 1685 Lincoln Avenue as a duplex, which was its originally intended use.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Welna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Welna
Director



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

Phone: 651-695-4000
Fax: 651-695-4004
E-mail: mgcc@macgrove.org

September 13, 2013

Re: 1685 Lincoln Nonconforming Use Permit

Dear Scott:

The Housing & Land Use Committee of the Macalester-Groveland Community Council met in response to the Nonconforming Use Permit application for 1685 Lincoln Avenue on Wednesday, August 28th. The Committee passed the following motion, which was approved by the Board of Directors on September 12th:

The Macalester-Groveland Community Council recommends approval of the Nonconforming Use Permit application at 1685 Lincoln Avenue.

Neighbors submitted their support to the Community Council prior to the meeting. No opposition to the application was submitted to the Community Council before or at the meeting.

Thank you for your consideration of this recommendation. Please contact me with any questions at 651-695-4000.

Sincerely,

Afton Martens
Executive Director

cc: David Brown

Tempel, Scott (CI-StPaul)

From: Marge Wherley <Marge_Wherley@abtassoc.com>
Sent: Thursday, October 17, 2013 8:45 AM
To: Tempel, Scott (CI-StPaul)
Subject: File #13-235-708/David and Robin Brown

I am writing to support the reestablishment of nonconforming use as a duplex for 1685 Lincoln Avenue.

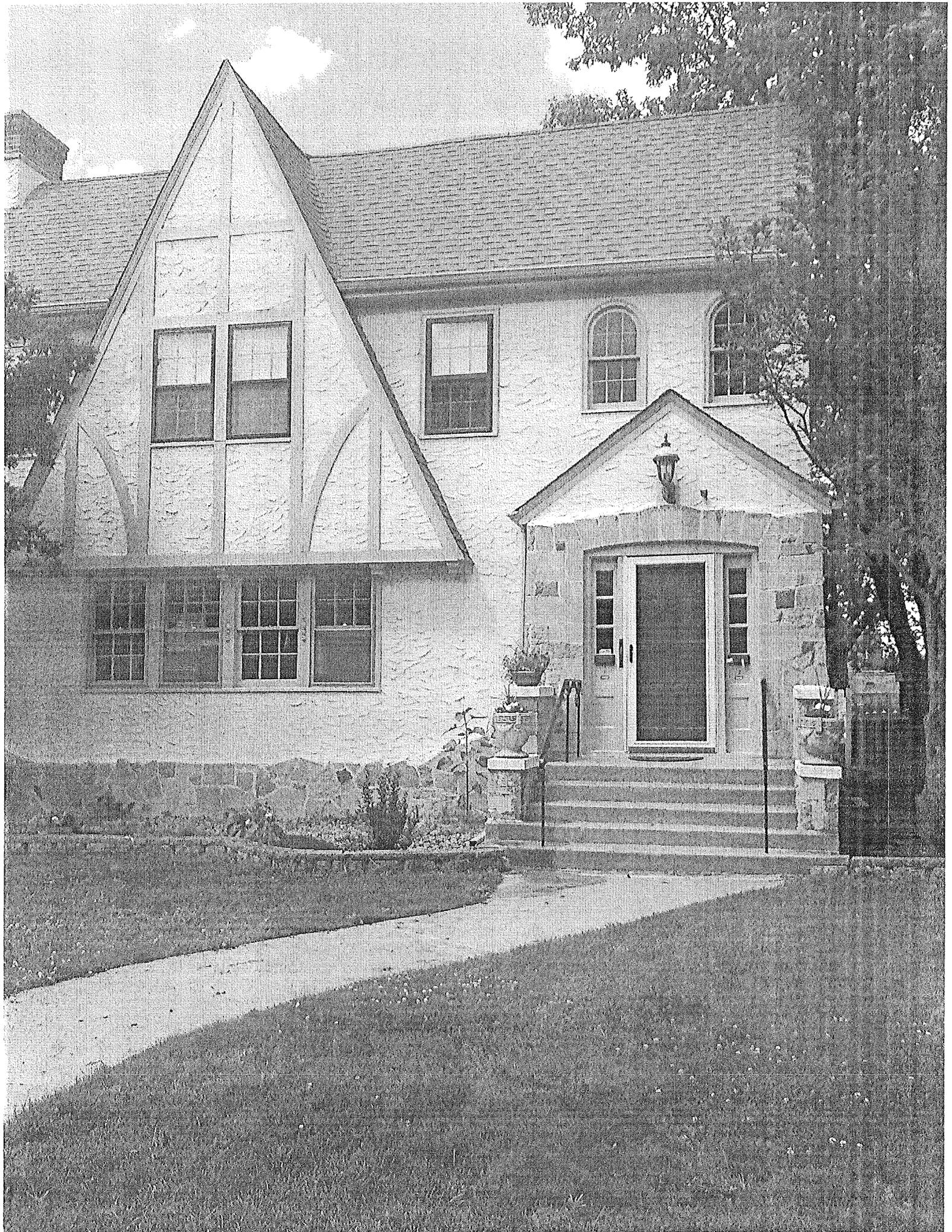
This building was built as a duplex before St. Paul even had a zoning code. The previous owner used the building as a single family residence only during the years when their 4 children were teenagers and needed more space. I own the duplex next door to the property, 1677 Lincoln. (Which, BTW, was never owner-occupied during the first 60+ years after it was constructed -- until I bought it in 1992. I have lived here and rented the other apartment for over twenty years.)

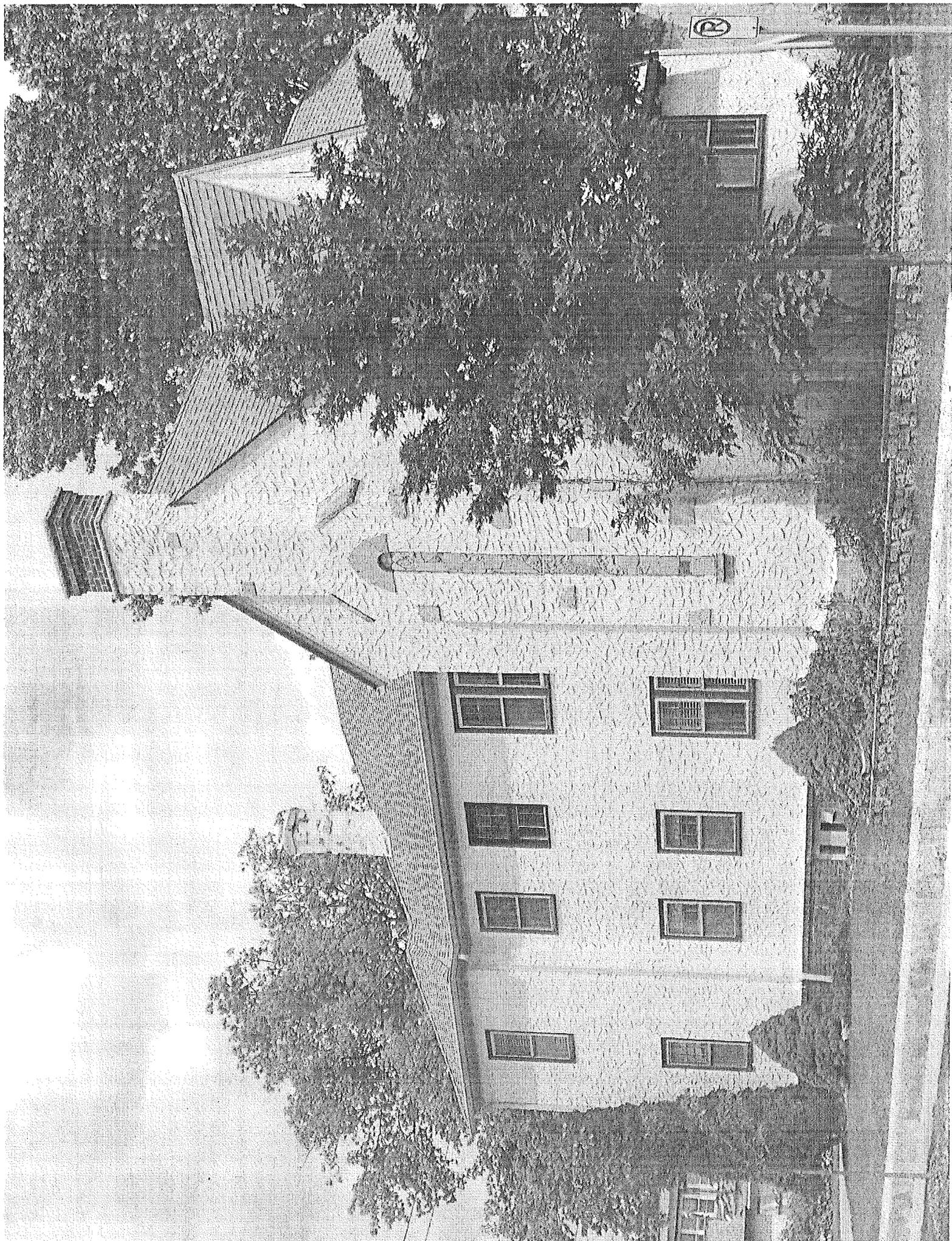
I really have appreciated the mix of duplex and single family residences in St. Paul. It's an opportunity for good rental housing in a really great neighborhood, with very low impact on "quiet enjoyment. All in all, since moving here from Minneapolis, I have found St. Paul's zoning department to be very creative, flexible and rational.

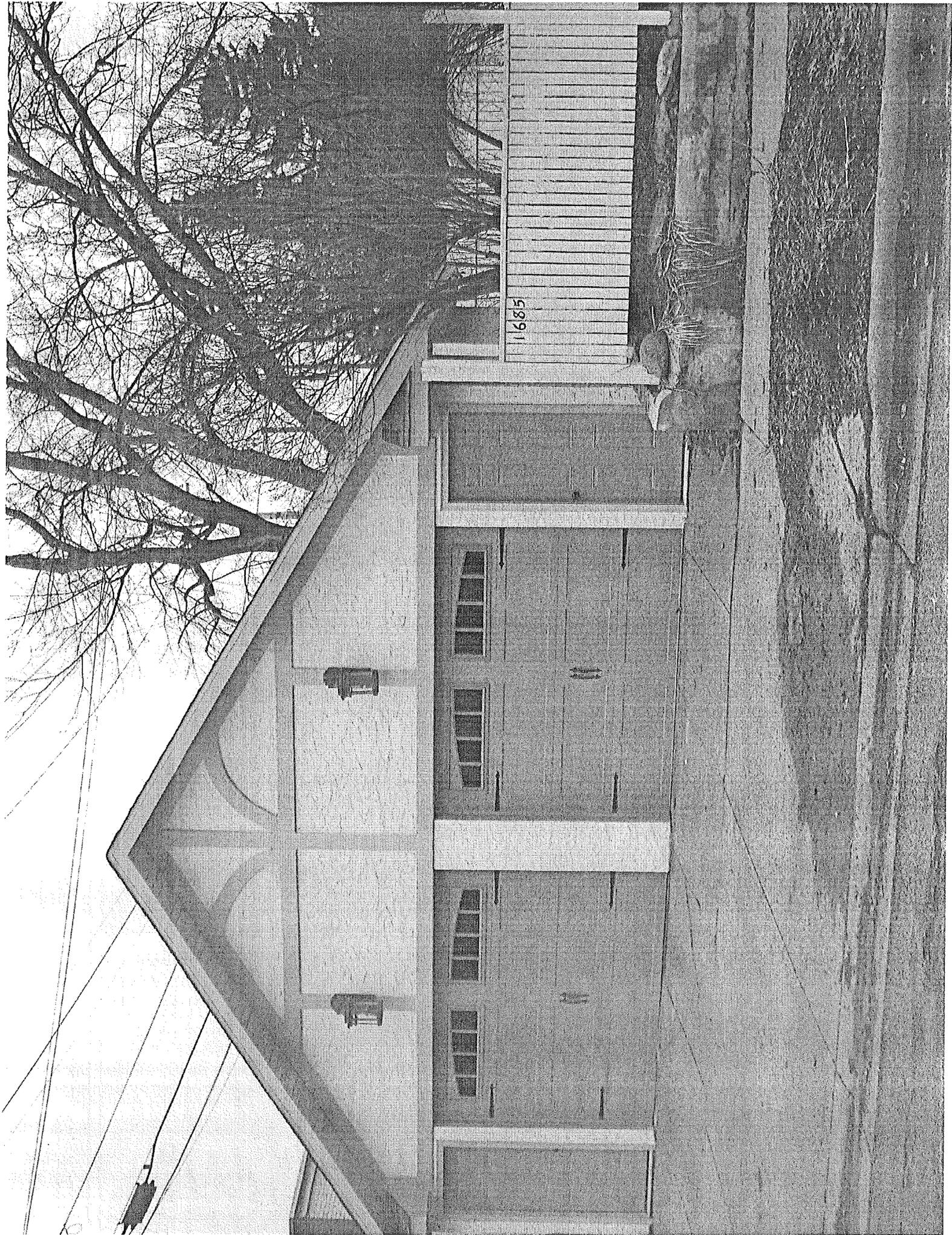
Mr. and Mrs. Brown have operated 1685 Lincoln as a duplex since their purchase last year (they had no idea about the nonconforming use—I'm completely certain the previous owners did not disclose this zoning issue). The Browns have invested substantially in upgrading the building and garage, have carefully screened tenants, and they monitor both the building and their tenants (including neighbor satisfaction) regularly. I believe they received 100% property owners' signatures on the petition to re-establish use as a duplex, which demonstrates that they are capable and concerned. I hope you will support this application.

Marge Wherley, Associate
Abt Associates, Inc.
301.347.5868 | 1677 Lincoln Avenue | St. Paul, Minnesota 55105

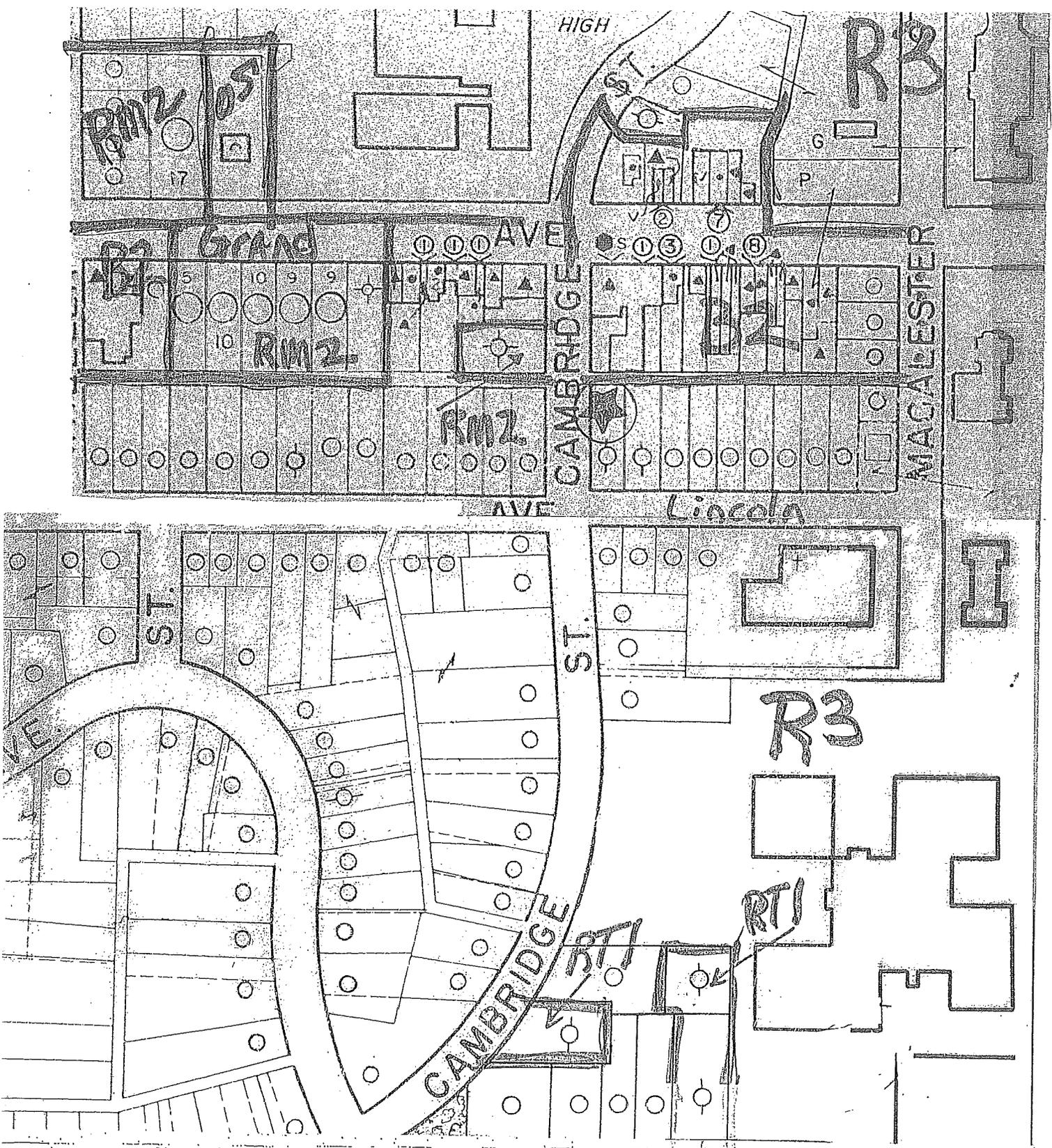
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1685



CANT David and Robin Brown
 USE RE-EST N.CUP
13-235708 DATE 9-25-13
 DIST 14 Land Use Map # 18+26
 Zoning Map # 14+13

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant

