

MINUTES OF THE ZONING COMMITTEE
Thursday, November 6, 2014 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

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

The meeting was chaired by Commissioner Nelson.

Forrest Heating Inc. - 14-324-859 - Establishment of nonconforming use as a heating service business, 995 Burns Avenue, North side at Clermont

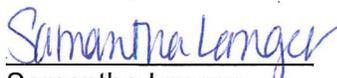
Bill Dermody explained the applicant is currently working with the Department of Safety and Inspection (DSI) on converting the business so that it meets the definition of a home occupation. The paperwork has not been finalized and it should be taken care of shortly. He recommends the Committee lay over the item to November 25, 2014.

Commissioner Julie Padilla moved to lay over the establishment of nonconforming use permit to November 25, 2014, Zoning Committee meeting. Commissioner Elizabeth Reveal seconded the motion.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

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STAFF: Bill Dermody, Leila Tripp, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Face to Face Health and Counseling Service - 14-337-613 - Rezone from RT1 Two Family Residential to T2 Traditional Neighborhood, 798 Rose Ave E, between Arcade and Wiede

Leila Tripp presented the staff report with a recommendation of approval for the rezoning. She stated that District 5 had no objections to the rezoning, and submitted a letter in support, and there were no letters in opposition.

Upon inquiry from the Commissioners, Ms. Tripp explained that the entire parcel is owned by the applicant.

Mr. Torstenson added that the parcel is split zoned. The purpose of rezoning a portion will allow an accessory use to be permitted. An accessory use is not allowed for a commercial use in a residential zone.

Willie Suttle, Facility Manager at Face to Face Health and Counseling Service, 1165 Arcade Street, Saint Paul, explained they would like to build a garage at the property for storing landscaping items. They do not have another space for storage, and purchased the property at 798 Rose last year, and would like to convert it to T2 zoning.

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

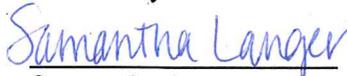
Commissioner Padilla requested additional language be added to the findings to reflect that this is one parcel under County records.

Commissioner Julie Padilla moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion.

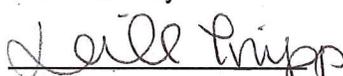
The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Leila Tripp
Zoning Section

Approved by:


Gaius Nelson
Chair

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The meeting was chaired by Commissioner Nelson.

Big Steer Meats - 14-339-543 - Rezone from R4 One-Family Residential to B2 Community Business and White Bear Avenue Overlay District, 1762 Minnehaha Ave E, between White Bear Avenue and Flandrau

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He also stated District 1 discussed the proposal and has "no objection", and there was 1 letter in support, and no letters in opposition.

Upon inquiry from the Commissioners, Mr. Dermody stated that the two lots will need to be combined because a structure cannot expand across property lines according to the building code.

The applicant, Charles Cory, 326 White Eagle Trail, Saint Paul, explained that he purchased 1762 Minnehaha Avenue E in order to expand his business.

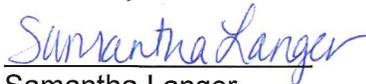
No one spoke in support or opposition. The public hearing was closed.

Commissioner Barbara Wenc moved approval of the rezoning. Commissioner Paula Merrigan seconded the motion.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



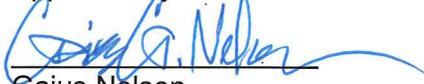
Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



Gaius Nelson
Chair

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STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Joe Urbanski - 14-339-430 - Rezone from B2 Community Business to T2 Traditional Neighborhood, 1396 White Bear Ave N, between Sherwood and Cottage E

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He stated District 2 recommended approval and submitted a letter in support, and there were no letters in opposition.

The applicant, Andre Duke, 4230 Georgia Ave N, Crystal, MN, stated he purchased the property from Joe Urbanski. He stated he doesn't have anything to add to the staff report.

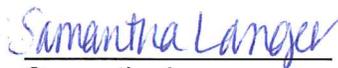
No one spoke in support or opposition. The public hearing was closed.

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

The motion passed by a vote of 7-0-0.

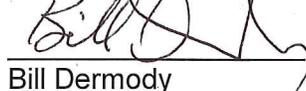
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



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PRESENT: Edgerton, Makarios, Merrigan, Nelson, Padilla, Reveal, and Wencil
EXCUSED: Wickiser
STAFF: Jake Reilly, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Bring Your Part Auto - 14-339-857 - Reestablishment of nonconforming use for auto repair, 847 Hudson Road, NE corner at intersection with Plum and Bates

Jake Reilly presented the revised staff report with a recommendation of approval with conditions for the reestablishment of nonconforming use permit. He stated District 4 made no recommendation, and there was 1 letter in support, and 1 letter in opposition.

Upon inquiry of the Commissioners pertaining to conditions three and four of the staff report, Mr. Reilly explained that they were requested by the Department of Safety and Inspections (DSI). A complaint was filed with DSI on October 30, 2014, that states somebody was operating as an auto repair business at the location without a license or permit. The facility itself does not appear to have any construction work being done. Mr. Reilly confirmed that there is an expired code compliance report. A code compliance report is a requirement for the purchase and rehab of any Category 2 Building.

The applicant, Jerry Castillo, 1155 Cherry Hill Lane, Columbia Heights, MN, stated that he doesn't think the complaint filed with DSI was accurate. They were in the building moving garbage out, and removed 22 truckloads of garbage. They were not doing auto repair. Mr. Castillo mentioned the design plan submitted with his application. A curb cut on Hudson Road will be removed and he will be installing a fence around the property. He will not make many changes to the building because it is a beautiful historic structure. It will operate as a family business with his brother and son.

Upon inquiry from the Commissioners, Mr. Castillo stated he agrees with the all four of the conditions on the staff report.

Aron Thomas, 742 Plum Street, Saint Paul spoke in opposition. Mr. Thomas stated that he has spoken to neighbors who have concerns, including the neighbor who filed the complaint with DSI. His concern is that this use is not consistent with the vision of the District or the immediate neighborhood. He is not entirely convinced the applicant will be able to operate effectively at this location. The zoning code calls for a repair station to have a minimum lot area that is significantly larger than what is actually available on this lot. It also requires a landscaped buffer with a screen and this location does not have ample opportunity to have any effective landscaping screening. He also believes the business has been operating during the last month without sufficient licenses or permits.

Jerry Castillo replied to testimony. He stated that he went door to door, within 100' of the property, and everyone he spoke to approved and welcomed him to the neighborhood. There

were homeless people living in the building and the whole property was in bad shape. He has improved the property and it is very clean now. He is investing thousands of dollars into the property to improve it and make it a resource for the community. He agrees there are some areas where there will be difficulties with landscaping, but they intend to beautify the property and make it beneficial to the neighborhood.

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

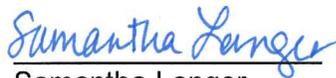
Commissioner Barbara Wenc moved approval with conditions of the reestablishment of nonconforming use permit. Commissioner Elizabeth Reveal seconded the motion.

Upon questions from the Commissioners, Mr. Reilly stated that because this is a reestablishment of a nonconforming use it does not need to fit the minimum required space listed in Section 65.705. Mr. Reilly also confirmed that Heritage Preservation Staff or the Commission will review any construction that will change the appearance of the exterior of the building, including a fence around the property.

The motion passed by a vote of 7-0-0.

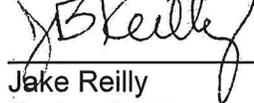
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



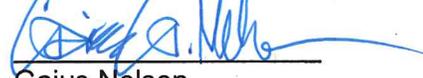
Samantha Langer
Recording Secretary

Submitted by:



Jake Reilly
Zoning Section

Approved by:



Gaius Nelson
Chair

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EXCUSED: Wickiser
STAFF: Hilary Holmes, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Sunlight Senior Living - 14-339-687 - Conditional use permit to add 23 assisted living units (for a total of 48), and to add 10 memory care units (for a total of 19). Variances of maximum lot coverage and minimum rear yard setback, 400 Western Ave N, between Fuller and St. Anthony Avenue

Hilary Holmes presented the staff report with a recommendation of approval with conditions for the conditional use permit & variances. She stated District 8 made no recommendation, and there were no letters in support or in opposition.

Ms. Holmes explained that the property was rezoned to RM2 in 2009 and a conditional use permit and modifications of the rear and side setbacks were approved at that time. The assisted living facility reused the existing building, which required the modification of setbacks in the residential zoning district. The application to expand the conditional use is to construct a new building and requires variances for the side and rear setbacks.

The applicant, Cy Thao, 338 Aurora Avenue, Saint Paul, explained the room discrepancy from the April 10, 2009, resolution. He stated that they had a conditional use permit for 36 units though they only built 35 operational use rooms and with the expansion they will lose one more room from the 35 units. Mr. Thao said this expansion will bring twenty full time jobs to the area, that most of their residents of the facility are from the immediate area and it is greatly needed.

Mr. Torstenson questioned the total lot area listed on the application for the variance and stated it should be 52.8%, rather than 50.2% that is stated in the current staff report.

Steve Knutson, Architect, 616 17 Avenue, South Saint Paul, said in regards to the lot coverage question, the 50.2% lot area takes into account one half of the alley to the north and that is the reason for the reduction. In regards to how stormwater will be handled, he said that a portion of the parking lot will be removed and allowed to be a stormwater collection area.

Chuck Plow, Civil Engineer, 2352 Amen Drive, Blaine, MN, elaborated on the stormwater collection area at the site.

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

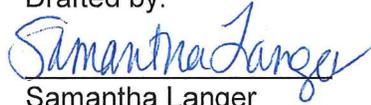
Commissioner Barbara WencI moved approval with conditions of the conditional use permit & variances. Commissioner Elizabeth Reveal seconded the motion.

Mr. Torstenson recommended that for clarity the staff report be amended to state 53% lot coverage instead of 50.2%.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Hilary Holmes
Zoning Section

Approved by:


Gaius Nelson
Chair