

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, December 11, 2014 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

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

The meeting was chaired by Commissioner Nelson.

**Victoria Park - Phase 2 - 14-349-037 - Conditional use permit for a 73 foot building height, 764 - 802 Otto Avenue, 827 - 1101 Shepard Road, SW corner of Otto and Shepard Road**

Lucy Thompson presented the staff report with a recommendation of approval with one condition. She stated District 9 recommended denial, and there were no letters in support, and 1 letter (in addition to the Federation position) in opposition.

Upon inquiry from the Commissioners, Ms. Thompson confirmed that the *Victoria Park Master Plan* was adopted in 2005, and amended in 2007 and 2011. Ms. Thompson explained that the Saint Paul Housing and Redevelopment Authority signed a development agreement with Brighton Development Corporation on March 17, 2004 (the date referred to in the notes to the T3 dimensional standards table). Brighton's master development program/site plan eventually became the *Victoria Park Master Plan*.

Link Wilson, Kaas Wilson Architects, 1301 American Blvd. E., Bloomington, MN explained that when they started the design process they were thinking of the overall Comprehensive Plan and Otto Avenue. They consulted with the Saint Paul Design Center and had two neighborhood meetings while working on this project. One of the concerns from the neighborhood was building height. He explained the layout of the project and noted that the highest points are fairly far away from the closest single-family homes. The increased heights at certain points of the building are important to the architecture of the site; they are signifying an entrance and creating a corner at Otto and Shepard. They face some challenges with this site. Chase Real Estate is purchasing a seven-acre site with an agreement to keep the footprint at just 2.3 acres. The rest of the site will be open space. It has forced them to have a dense compact component to the site. The neighborhood would like to see a story removed; this would be a significant burden for the development. He also explained that density brings quality. They are able to use higher-quality interior and exterior materials, and include better amenities.

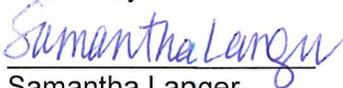
At questions from the Commissioners, Mr. Wilson explained that the tallest point on the site is about 73 feet, and generally the average height is about 62 feet all the way around. The materials they will be using include warehouse brick, stone, two different panel components, and glass.

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

Commissioner Barbara Wencil moved approval with one condition of the conditional use permit. Commissioner Paula Merrigan seconded the motion. The motion passed by a vote of 5-0-0.

Adopted                      Yeas - 5                      Nays - 0                      Abstained - 0

Drafted by:

  
Samantha Langer

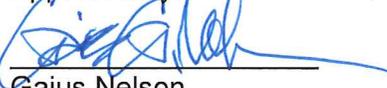
Recording Secretary

Submitted by:

  
Lucy Thompson

Zoning Section

Approved by:

  
Gaius Nelson

Chair

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**15 West Kellogg Boulevard**

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

The meeting was chaired by Commissioner Nelson.

**Wamoua Lee - 14-348-318 - Change of nonconforming use for a two-family dwelling not owner occupied, 599 Wells St, between Edgerton and Payne**

Bill Dermody presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated District 5 recommended approval, and there was 1 letter in support, and no letters in opposition.

Commissioner Edgerton questioned the rationale for the condition that one of the units remains owner occupied on the 2005 establishment of nonconforming use permit. Mr. Dermody referred to the minutes of the 2005 meeting (see attached).<sup>k</sup>

Commissioner Wencel asked what brought this application before the Committee. Mr. Dermody explained that the applicant received a letter from the City, and couldn't remember who it was from. He said that most likely it was the Department of Safety and Inspection (DSI) who has been going back through all conditional use permit conditions to make sure they are being followed. Mr. Dermody stated the property has gone through different owners since the 2005 permit was approved. It was sold in 2006 and 2009.

The applicant, Sheng Lee, 778 Viking Drive, Maplewood, MN explained they bought the property as a duplex and they do not know what was going on with the previous owner. They do not know if the previous owner was living at the site. They received a letter that they need to remove the previous home owners name from the property. They would like to use the property as a duplex. They have brought everything up to code compliance.

Upon questions from the Commissioners, Ms. Lee stated they bought the property in 2009 and they have never lived on site. They have rented each unit out to separate people.

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

Commissioner Barbara Wencel moved approval of the change of nonconforming use permit. Commissioner David Wickiser seconded the motion. The motion passed by a vote of 5-0-0.

Adopted                      Yeas - 5              Nays - 0              Abstained - 0

Drafted by:

  
Samantha Langer

Recording Secretary

Submitted by:

  
Bill Dermody

Zoning Section

Approved by:

  
Gaius Nelson

Chair

\* attachment

MINUTES OF THE ZONING COMMITTEE  
Thursday, October 11, 2005 - 3:30 p.m.  
City Council Chambers, 3rd Floor  
City Hall and Court House  
15 West Kellogg Boulevard

PRESENT: Anfang, Donnelly-Cohen, Faricy, Gordon, Johnson, Kramer, Mejia, and Morton

STAFF: Christina Danico, Jeffery Fischbach, Patricia James, Wendy Lane, Larry Soderholm, Emily Ulmer, and Peter Warner

EXCUSED: Alton

The meeting was chaired by Commissioner Morton.

**Shao Xiong- 05-160-844 - Establishment of legal nonconforming use status as a duplex.  
599 Wells Street, between Payne and Edgerton.**

Emily Ulmer presented the staff report with a recommendation of denial for the Establishment of the Non-conforming Use Permit. Ms. Ulmer also stated that District 5 made no recommendation, there were no letters in support or opposition.

Shao Xiong, the applicant, stated that the property was originally advertised as a duplex by the seller, and that he is now trying to legalize its status as duplex.

Trevor Oliver, attorney for the applicant, noted that there were duplexes on either side of the property. He stated that Mr. Xiong's pro forma honestly reflects ownership and living costs that are defrayed by renting one floor of the duplex. He also recognized that the conversion costs may be inflated. Mr. Oliver stated that the District Council recommended denial of the permit, and noted that further information regarding the application could be provided if needed.

In response to Commissioner Donnelly-Cohen's question, Mr. Xiong responded that he may sell the property in the next couple of years. The applicant also stated that he did not currently have a tenant, and discussed the submitted floor plans.

Commissioner Kramer informed the Committee that the property was rezoned with the intention of keeping single-family homes intact and that the community task force discouraged non-owner-occupied duplexes during that rezoning. Commissioner Kramer proposed that the permit be approved on the condition that one of the units would remain owner-occupied. Commissioner Anfang clarified that the non-conformity would continue if Mr. Xiong were to sell the property.

The public hearing was closed. Commissioner Kramer moved approval with conditions for the Establishment of the Non-conforming Use Permit. Commissioner Donnelly-Cohen seconded the motion.

The motion passed by a vote of 7-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:

  
Christina Danico  
Recording Secretary

Submitted by:

  
Emily Ulmer  
Zoning Section

Approved by:

  
Gladys Morton  
Chair