

MINUTES OF THE ZONING COMMITTEE
Thursday, January 14, 2021 - 3:30 p.m.

PRESENT: Baker, Edgerton, Grill, Lindeke, Rangel Morales, and Syed
EXCUSED: DeJoy and Hood
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

1346 Arcade St. LLC - 20-096-344 - Change and expansion of nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling. Variances for parking (24 spaces required for customers, employees, residents and vehicles on the lot for repair, 8 spaces proposed), distance between vehicular access and the Arcade-Clear intersection (60 ft. required, 13 ft. proposed), and landscaping (4 ft. wide landscaping and screening wall or fence along public sidewalk required, no setback or landscaping proposed)., 1344 - 1346 Arcade St, SE corner of Clear Avenue and Arcade Street

Bill Dermody presented the staff report with a recommendation of approval with conditions for the change and expansion of nonconforming use to add auto repair and outdoor sales to existing body shop and dwelling and denial to the variances. He said District 5 recommended approval with conditions, and there were 2 letters in support, and 0 letters in opposition.

In response to Commissioner Grill, Mr. Dermody said that the conditions remain basically the same as the previous staff report that was before the Committee in April 2020. The main change between what the Planning Commission approved last time, and the current staff report is that the number of parking spaces is omitted from the current staff report in condition five.

In response to Commissioner Baker, Mr. Dermody said that he has had discussions with the applicant regarding the findings and conditions in the staff report. The applicant felt he was not able to make the pitch he wanted to make at the April meeting and wanted another opportunity to state his case before the Committee.

In response to Commissioner Edgerton, Mr. Dermody said that the spray booth is referred to in several findings and it has an impact on the curb cuts. If the curb cuts are closed, you need a way to get in and out on the Clear Avenue side which is either a new curb cut farther east or off of the alley. If that is the curb cut that is used, you need to have a functional width driveway and removing the spray booth allows for a proper width drive through that space. The use inside the spray booth is not a problem, per se – it is the amount of activity on the site that is the problem causing the higher parking demand.

In response to Commissioner Hood, Mr. Dermody said the previous owner of the business constructed the spray booth addition in 1985 illegally and was it was caught in 1985. It was also denied an appeal at the City Council. In 1992, when they applied for something different it was

noticed again by staff and the Planning Commission as being illegal and needing to be removed. He doesn't recall if there were any citations, but since 1992 there has not been any Planning Commission action.

The applicant, Charles Belcher, 1069 Argyle Street, Saint Paul, said that he is the property owner and the reason he is reapplying is he was not able to prepare himself for a response adequately from the previous staff report in the April meeting that took place online. He now knows how it works and has had a chance to respond in writing to the current staff report and has submitted that in his application. He hopes that the Committee has had a chance to review it and become a little bit more familiar with the layout of the property. If the variances were granted with some conditions in the future, we would be able to utilize the new licenses and believes that it would be a better image and curb appeal for the property and for the neighborhood. Having attractive vehicles in our parking lot would be better than all auto body. If we are not able to modify the conditions, we would not be able to add the new licenses allowing us to evolve into a more suitable future business. The conclusion is that he is asking for the Committee to approve the new site plan dated 12/22/20 and to amend some of the conditions in the staff report. The current site plan on file with the City of Saint Paul's Licensing and Zoning Department has already been approved over a year ago with the current license. It addressed the landscaping variance as it is an existing nonconforming business.

In response to Commissioner Baker, Mr. Belcher said he hasn't had many conversations with staff regarding the condition to remove the spray booth. He has told staff that it is not used for a paint booth and hasn't been for over 30 years. It is a regular bay and is important to their business because it is separated from the rest of the bays where they do body work. Currently it is being used to clean the cars and getting them ready to go back to the customer. By eliminating the bay and using the curb cut that is in front of it as an entrance as the staff report recommends, they would also lose four parking spaces to the west side of the bay. They are already fighting for as many parking spaces as they can get on the property. He doesn't understand why the spray booth should be removed and also lose four parking spots. He said if they were to put the entrance to the Clear Avenue side, recommended in the staff report, the larger vehicles that visit their site would not be able to maneuver out. He likes how their layout is currently set up because it works well for larger vehicles and they do not want tow trucks dropping vehicles off in the street. They only have one entrance to their property that is within sixty feet variance that he is requesting.

In response to Commissioner Edgerton, Mr. Belcher said he is looking for approval of the variances and change and expansion of nonconforming use as well as the removal of conditions 2 and 3 because they do not want to lose the spray booth addition. He also wanted condition 4 removed because if they added landscaping they would lose four parking spaces. He said he agrees with no auto body or auto repair to occur in the garage in condition one, but would like to be able to detail cars.

Commissioner Hood stated that he needed to leave the meeting.

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

In response to Commissioner Baker, Mr. Dermody said that regarding condition 1, and the applicant's request to allowing car detailing work in the garage addition behind the house, it is a less intensive use and might be approvable. In regard to conditions two through four, if the spray booth addition and curb cuts are kept, they would need significantly different findings. He said if the Committee is inclined to move in that direction, he would request that the Committee lay the item over to allow for time for him to prepare revised findings.

YaYa Diatta, Department of Safety and Inspections, questioned the applicant stating that the site plan had been approved and how that is possible with variances pending.

Mr. Dermody stated the applicant would be the best person to ask, but he said there has been no official site plan application. There may have been something associated with their pending Certificate of Occupancy.

Commissioner Grill stated her concerns about conditions 2 and 3. Removing the spray booth would be costly and a major change to the building that the applicant purchased. She is hesitant to support the staff recommendation as it is now. She said that Commissioner Hood also had reservations before he needed to leave the meeting.

Commissioner Baker said he also had concerns with conditions 2 and 3 and was wondering if there could be any flexibility regarding these conditions.

Mr. Dermody stated that the deadline for action is currently January 31, 2021 and we can extend it for 60 days. If the Committee were to lay this over for two weeks to January 28 it would be possible under the law.

In response to Commissioner Edgerton, Mr. Dermody said that if you were dedicated to keeping the curb cut, the spray booth would be a little less of an issue, but still an issue because of the overall intensity of the site. He would also be hesitant to allow the spray booth without more research and legal consultation. He is concerned about the precedent of allowing something illegal simply because it has been there for a long time. He would like more time to review the implications of any changes.

Commissioner Syed said he also has concerns regarding conditions 2 and 3.

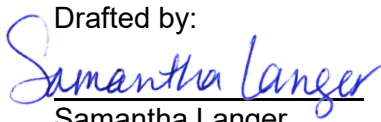
In response to Commissioner Rangel Morales, Mr. Dermody said that it's not the entire case he is thinking of in regard to setting precedent, it's the idea that an illegal addition is okay because they have gotten away with it for a period of time.

City Attorney, Peter Warner said that Mr. Dermody raises an important point. If it is the desire of the Committee to look at alternative findings staff will need to review and find out what the implications might be on the new language for conditions 2 and 3.

Commissioner Grill moved lay over to January 28, 2021 to allow staff time to review findings and do research on precedent to allow the spray booth. Commissioner Edgerton seconded the motion.

The motion passed by a roll call vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Bill Dermody (Feb 2, 2021 08:41 CST)
Bill Dermody
City Planner

Approved by:

Cedrick Baker (Feb 2, 2021 16:40 CST)
Cedrick Baker
Chair









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Final Audit Report

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