

MINUTES OF THE ZONING COMMITTEE
Thursday, March 25, 2021 - 3:30 p.m.

PRESENT: Baker, DeJoy, Grill, Hood, Reilly, Syed, and Taghioff
EXCUSED: Rangel Morales
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.

1001 Reaney Rezoning - 21-240-240 - Rezone from RT1 two-family residential to RM1 low-density multiple-family residential, 1001 Reaney Avenue, NE corner at Cypress Street

Bill Dermody presented the staff report with a recommendation of denial for the rezoning. He said District 4 made no recommendation, and there were no letters in support or opposition.

Commissioner Taghioff said staff is bound by their recommendation based on the 2009 Triplex Guidelines, but the Committee is not. He also looked through the the guidelines set in 2009, and when they were set the RM zoning code had a Footnote 66.231(c) that contained identical language to this guideline that said you need a minimum of 9,000 square feet lot size for a triplex. He asked if his understanding was correct. Mr. Dermody confirmed it was.

Commissioner Taghioff said the RM zoning study is what did away with with that restriction. It states you no longer need a 9,000 sq. ft. lot in order to build a triplex. While looking at those two things and given that everything else is met and it seems that the 2009 Triplex Conversion Guidelines were written to reflect the zoning code as it existed at then time and not as it exists now, the Committee is not bound to those guidelines.

In response to Commissioner Baker, Mr. Dermody said this triplex was originally discovered through a complaint in 2006. When the current owner was about to purchase the property in 2017 there was a truth in housing inspection that noted it could only be a duplex under the existing zoning.

Commissioner Grill said we have seen a few applications where they have been held up by the 2009 Triplex Guidelines and questioned when they will be discussing either an update to the guidelines or removing them from consideration.

Mr. Dermody said he isn't sure if that issue will be in an upcoming zoning study, but he will have more information on the status at the Planning Commission meeting.

Commissioner Hood questioned the process. He said they were found in 2007 to have an illegal triplex and they were ordered to convert to a duplex. The previous property owner seemed to ignore that until they sold the property in 2017. What is the enforcement mechanism for these issues at properties? Why were they allowed to continue to operate as a triplex?

Mr. Dermody said that without an actual record he can only guess as to what happened. He would say generally that the Department of Safety and Inspections (DSI) has had difficulty over the years keeping up with these types of issues. Over the last decade they have moved away from a reliance on complaints and tried to be more proactive which should lead to fewer of these falling through the cracks for such a long period of time.

The applicant was not present.

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

In response to the Commissioners, Mr. Warner said that it is reasonable to make a motion to approve the application and suggested that they articulate why the 9,000 square foot guideline in the 2009 Triplex Guidelines is unnecessary in this instance.

Commissioner Grill provided some suggestions on why the application could be approved. She said that the goals for the Comprehensive Plan are improved access to affordable housing and transitioning properties and adding additional units supports policy H31.

Mr. Torstenson said that Commissioner Taghioff made a valid point about the conversion guidelines. The guideline about the 9,000 square feet related to standards in the zoning code at that time and those standards have changed. There could be something added to Finding 2A about the change in the code that was related to that.

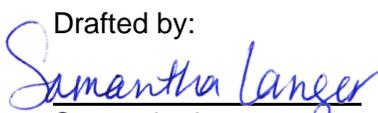
In response to Commissioner Taghioff, Mr. Torstenson said that the guidelines from 2009 do not have to be followed by the Committee or Commission. The findings regarding Comprehensive Plan conformance are already there and you are not bound by the guidelines in this instance.

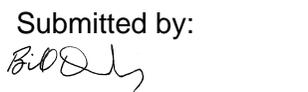
After further discussion regarding the 2009 Triplex Guidelines, Mr. Dermody provided suggested language to add regarding Finding 2a. He said that although this guideline is not met the additional units allowed by the rezoning will not negatively impact the surrounding area and will further housing goals in the Comprehensive Plan including policy H31.

Commissioner Grill moved approval of the rezoning based on language Mr. Dermody provided that the units on the property will not negatively impact the neighborhood and the property is in harmony with Policy H31 in the Comprehensive Plan. Commissioner Hood 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
City Planner

Approved by:

Cedrick Baker
Chair

21-240-240 1001 Reaney rezone minutes-BD

Final Audit Report

2021-04-09

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