

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, October 7, 2021 - 3:30 p.m.**

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

The meeting was chaired by Commissioner Reilly. 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.

**1179 E 7th St. CUP - 21-302-448 - Conditional use permit to convert the entire first floor of a commercial building to residential use. 1179 7th Street E, NE corner at Duluth Street**

Bill Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He said District 4 made no recommendation, and there were 0 letters in support, and 1 letter in opposition.

The applicant, Rashad Kennedy, was not present. Chuck Hanna, whose office is across the street, said he saw him at the property and offered to go get him for the meeting.

After a delay, Rashad Kennedy, That Property Place, 2136 Ford Pkwy, Saint Paul, MN, joined the meeting and was available for questions.

In response to Mr. Warner, Mr. Dermody stated an additional condition for the staff report, that revised plans that conform to this approval shall be submitted to the Department of Safety and Inspections for review and approval.

In response to Mr. Kennedy, Mr. Dermody said that the condition in the staff report states that the historic storefront windows facing both streets, the entrance at the SW corner, the vertical piers on the front façade, and the cornice over the store front should be retained.

Mr. Kennedy said that there has been vandalism recently and all the windows have been broken. The door at the corner was framed up and there is not a door there anymore. They will be able to retain all the windows except for that one.

In response to Mr. Warner staff displayed a photo and Mr. Hanna stated that the window Mr. Kennedy had an exception to is the one that used to be an angled door in the corner in the original photo from 1941.

Mr. Dermody said the condition in the staff report is to retain two windows facing 7<sup>th</sup> Street, one window facing Duluth Street and a door on the corner. He said that he included that condition because the Zoning Code states where existing these elements should be retained. He said that there isn't a lot of history with this part of the code being applied and this exact situation has never happened. It will be an interesting judgement call for the Zoning Committee and Planning Commission to interpret. Traditional Neighborhood zoning is meant to encourage a mix of uses and pedestrian friendly design and that is why this part of the code was put in there about retaining original storefront design for the pedestrian atmosphere and friendliness. This is a building that has been vacant for a long time and many things have happened at this site. What exactly will be retained is an important and not a 100% clear decision for the Committee to make.

Mr. Kennedy said that when he purchased the building there was a window at the corner, not a door. The window was broken, and he has closed that corner up and would prefer not to have a door or a window at that corner.

In response to Commissioner Grill, Mr. Dermody said the site was rezoned in 2013 and has been vacant since that time. He believes the change with the corner, where the door was changed to a window, happened sometime before it became vacant in 2008. At that time, it did not have T2 zoning and therefore retaining the traditional storefront was not a requirement.

Commissioner Reilly asked if there have been conversations between Zoning staff and Heritage Preservation staff on possible alternatives that might be available to the applicant regarding the elements of traditional storefront design.

Mr. Dermody said the property is not in a locally designated heritage preservation district so there are no standards that apply to it. There has not been a conversation about how the windows and entrance should be designed if they were included in the design. We can connect Mr. Kennedy with Heritage Preservation staff for advice, if desired. What is required by the condition in the staff report is not specific, the condition only states there should be an entrance at the corner and historic storefront window openings facing both public streets. The intent is that they are more than slit windows and the picture from August 2021 shows windows that would suffice for the condition in the staff report.

In response to Commissioner Reilly, Mr. Dermody displayed the elevation drawing from the staff report packet. He said the west left side elevation contains a window in the place that the condition states it is needed. The front elevation would need to have three portions changed. A door would need to be added at the corner and storefront-style windows would need to go in place of what is shown as piano windows. It would require laying out the interior unit differently. The great room on the east would have to swap to near the corner and the bedrooms at the west would have to swap to the east side of the building in order to abide by the condition.

In response to Commissioner Reilly, Mr. Dermody confirmed that Finding 4 states why modifications are not warranted. There is a reasonable way to meet these conditions and strictly apply the code.

In response to Commissioner Reilly, Mr. Kennedy said he understands what staff is asking for, but it is going to make things extremely difficult moving forward.

No one spoke in support or opposition.

Commissioner Grill said she is struggling with putting undue hardship on the applicant in this scenario. There are competing interests because this building has been vacant for so long and the trying to adhere to the Heritage Preservation aspect.

Commission Taghioff said it seems as if the intent is to preserve the historical aspect of the street placing a window instead of a door would be sufficient. If we forced a door the applicant would need to change the internal layout, but he would defer to Heritage Preservation staff.

In response to the Commissioners, Mr. Dermody said there have been historic surveys of the area that state there is historic potential for this site, but there is no official historic designation in place. There is no heritage preservation requirement as to what the windows and door should look like.

Commissioner Syed said he is struggling with this decision and he would be in favor of a layover to allow Mr. Dermody and Mr. Kennedy time to discuss the issue of the corner of the building.

Commissioner Hood said he would love to see this building return to its glory of its original self and have it activate the street front, but he fears if we don't allow the applicant to configure the building and repurpose it to an active use, this could fall through and be vacant for many more years or torn down. It's great we have an adaptive reuse and he would like to see a compromise where we try to activate the street as much as possible while also allowing flexibility for the applicant to configure it to work with his proposed use. He would be in favor of a layover.

Mr. Dermody provided some guidance if the Committee was inclined to require something else for the traditional storefront being retained on the basis it would be a hardship to the applicant to retain all of it. Findings 2, 3a, and 4 would need to be amended.

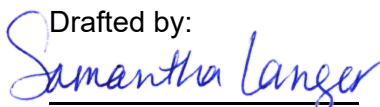
Mr. Warner stated that the applicant seemed willing to retain the storefront windows and it was only retaining the storefront door that was an issue. If the application is laid over staff could prepare a revised report and possibly eliminate the door as a reasonable compromise to preserve the building and increase the housing options that the applicant is proposing.

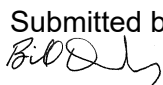
Commissioner Hood stated in chat he needed to leave the meeting.

After further discussion, Commissioner Syed moved lay over of the conditional use permit to October 21, 2021, to allow staff time to research how many elements of the traditional storefront can be retained while not creating undue hardship for the applicant. Commissioner Grill 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  
City Planner

Approved by:  
  
Jacob Reilly (Oct 26, 2021 13:53 CDT)  
Jake Reilly  
Chair









# 21-302-448 1179 E 7th St minutes-BD

Final Audit Report

2021-10-26

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