

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, October 21, 2021 - 3:30 p.m.**

PRESENT: DeJoy, Grill, Hood, Rangel Morales, Reilly, Syed, and Taghioff  
STAFF: Bill Dermody, Samantha Langer, 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 St E, NE corner at Duluth Street**

Bill Dermody said on October 7, the Zoning Committee laid over the conditional use permit application for 1179 7<sup>th</sup> Street East. The request is to convert the entire first floor to residential use and any time you go over 50% residential from commercial it requires a CUP. It also has the unique condition of retaining the traditional storefront design whenever possible. There is a question on whether that requirement should be modified and to see if there is a substantial hardship present or not. He presented a staff memo, dated October 15, 2021, with additional information on the discussion he had with the applicant. Page two of the memo detailed what the applicant said would be major hardships. The memo also included a scenario for a different recommendation if the Committee desired. Mr. Dermody stated that his staff recommendation from October 7, remains the same and he recommends approval with a condition that the elements of the traditional storefront must be retained. He suggested the Zoning Committee hear from the applicant and said that technically the public hearing was not closed at the last meeting.

Quintus Pillai, Owner of Pillai Builders, 1769 Lexington Avenue N, Roseville, MN, said that there is a problem with placement of larger windows facing Seventh Street. He said if they had to order larger windows they would not be delivered until up to four months from now and they won't be able to move forward with the project. They began work on the project and only learned of this process recently. They have a contract with the City to complete this process in a set amount of time. The project has begun and building products have already been ordered. The windows have been walled up. The reason they can't put long windows along 7<sup>th</sup> Street is because there is a bedroom and bathroom located there. He said the entrance to everything is now along the parking lot which is how modern apartment buildings are set up. If they were aware of this process six months ago when they started this project, they would have gladly done some things differently.

Rashad Kennedy, 531 1<sup>st</sup> Ave S, Saint Paul, MN, was available for questions.

In response to Commissioner DeJoy, Mr. Pillai said he was not aware of this building having to go through historic review. Mr. Pillai said they had an agreement with the City on what they were going to do with this property. They had also been in contact with building officials. Once they got their architectural in for permitting a month or two later, they had been informed that they had to go through this process. They would have followed this process sooner if they had been made aware.

Mr. Dermody said this project had been in for building permit review for some time before they were notified that the conditional use permit (CUP) was necessary. He believes they were

notified in the later part of August and they applied shortly after that. Ideally, as soon as the project came in, they would have been notified about this zoning requirement to get a CUP. To his knowledge there was no incorrect information given, more of an omission of telling the applicant that they needed to apply for it.

Commissioner Taghioff asked what the difference is in having a full height window facing East 7<sup>th</sup> Street where the bedroom is located if you can tolerate a full height window in a bedroom off of the side street which is visible from 7<sup>th</sup> Street.

Mr. Pillai said it is not facing 7<sup>th</sup> Street and it is off to the side. He said they put the two small windows facing 7<sup>th</sup> Street in the front because they wanted it to be symmetrical and have the building design look good. One of the small windows is for a bathroom and they cannot put a large window in a bathroom. The other small window is a bedroom.

In response to Commissioner Taghioff, Mr. Pillai said they have not talked to their architect regarding costs to reconfigure the layout inside to move the bedroom to another location. He said he knows it will take at least four months to wait for new windows.

Mr. Dermody said that the openings one, two, and three shown on page 2 of the staff memo are at issue. Opening one and three are definitely problematic for the applicant to change, but he said that when he met with Mr. Kennedy, he thought they may have a window that could have been relocated from the parking lot side of the building to opening number two.

Mr. Kennedy said that after their discussion he found that the window he had onsite would not fit in opening number two and they would need to order a new window for that location if they needed to put in a longer window.

In response to Commissioner Taghioff, Mr. Pillai said if they were to move forward with the current plan, they have outlined they would be able to complete the project by the end of December.

In response to Chair Reilly, Mr. Pillai said they have almost finished the interior build out of the building.

Chair Reilly asked for a motion to formally close the public hearing. Commissioner Dejoy moved approval. Commissioner Grill seconded. The public hearing was closed after a voice vote.

Mr. Dermody outlined the recommendations the Committee could consider. First, was the original staff recommendation from October 7. Second, they could consider the option laid out in the staff memo dated October 15, 2021. That included requiring a larger window in opening two (from page 2 of the memo) and not in openings one and three. Lastly, if the Committee decided to not require larger windows in openings one, two or three some of the language would need to be revised in the staff memo. This last option the applicant would be in favor of today.

At the request of Commissioner Dejoy, Chair Reilly provided a summary on this application from our October 7, 2021, Zoning Committee meeting, and the reasoning behind the item being laid over.

In response to Commissioner Grill's concerns regarding building permits not being applied for at the City, Mr. Dermody said the work that has been done at the property is without formal building permits. According to the applicant, there was some kind of verbal approval about boarding up windows to avoid graffiti and damage to the property. There is not formal building permit approval. There have been reviews and the building permits are said to be close to approvable pending this conditional use permit. Technically any work that has gone on at the property has been at risk.

Chair Reilly asked if this building was purchased through a vacant building program and if there were abatement things that needed to be taken care of before the applicant could purchase the building.

Mr. Dermody said he does not know if there were specific strings attached to this purchase. It is a Vacant Building 3 which is the most serious type of vacant building. It has been vacant for over a decade and that would require a process to purchase and to work towards activating it.

Peter Warner said that if the Committee were inclined to consider the modified recommendation in the staff memo, his suggestion would be to make a motion of intent to adopt it with instructions to staff to provide clarifying language to be presented at the full Planning Commission meeting.

Commissioner Grill made a motion of intent to adopt the revised staff recommendation from the memo dated October 15, 2021. Commissioner Taghioff seconded the motion.

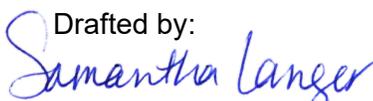
In response to Commissioner Taghioff, Mr. Dermody said it was before August when building permits were applied for, but he does not have a precise date. A significant amount of work was done at the property between August and the present.

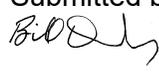
Commissioner DeJoy proposed a friendly amendment to include a condition that states all necessary building and site permits must be obtained.

Commissioner Grill and Commissioner Taghioff accepted the proposal.

The motion passed by a vote of 6-1-0.

Adopted                      Yeas - 6              Nays - 1 (Reilly)              Abstained - 0

Drafted by:  
  
Samantha Langer  
Recording Secretary

Submitted by:  
  
Bill Dermody  
City Planner

Approved by:  
  
Jacob Reilly (Nov 9, 2021 10:52 CST)  
Jake Reilly  
Chair

# 21-302-448 1179 E 7th CUP minutes (10-21) BD

Final Audit Report

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