city of saint paul planning commission resolution file number date

WHEREAS, Autumn Song LLC, File # 17-082-824, has applied for reestablishment of a nonconforming 4-plex under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 208 Bates Avenue, Parcel Identification Number (PIN) 33.29.22.32.0144, legally described as Auditors Subdivision No 20, Lot 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 12, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

- 1. The application requests reestablishment of a nonconforming use to permit a 4-plex residence with two two-bedroom units and two one-bedroom units at 208 Bates Avenue, which has been vacant since at least 2002 and previously contained a 4-plex residence.
- 2. The proposed use received conditional approval for associated exterior work within the Dayton's Bluff Historic District from the Heritage Preservation Commission on August 10, 2017.
- 3. Section 62.109(e) states: When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:
 - (a) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The building has been established as a 4-plex and would require significant additional investment to convert it to a duplex use permitted in the district, while also reducing the number of units available for rent.
 - (b) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. The proposed 4-plex is equally appropriate to the district as the previous 4-plex. The parking requirement of the proposed use is less than the previous use due to a reduction in the number of bedrooms.
 - (c) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This

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Planning Commission Resolution Zoning File #17-082-824 Page 2 of 2

- finding is met. The proposed use is consistent with the neighborhood's existing character and will improve the neighborhood by allowing occupancy of this long-vacant building.
- (d) The proposed use is consistent with the comprehensive plan. This finding is met. The reuse of a historic building is supported by the Historic Preservation Chapter of the Comprehensive Plan, the District 4 Plan Summary, and the Gold Line Station Area Plans. Provision of a 4-plex residence in proximity to existing transit and a few blocks from a planned Gold Line Bus Rapid Transit station is supported by the Housing Chapter of the Comprehensive Plan, which in Strategy H-1.1 calls for an increase in housing choices across the city, and in Strategy H-1.2 for meeting demand for transit-oriented housing.
- (e) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on September 25, 2017: 12 parcels eligible;8 parcels required; 9 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Autumn Song LLC for reestablishment of a nonconforming 4-plex at 208 Bates Avenue is hereby approved.

city of saint paul planning commission resolution file number date

WHEREAS, Twin City Concrete Products Co., File # 17-083-216, has applied to rezone from VP vehicular parking to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 1477-1485 Minnehaha Avenue East., Parcel Identification Numbers (PINs) 27.29.22.34.0117, 27.29.22.34.0118, & 27.29.22.34.0119, legally described as Lots 1-3, Block 13, Denslows Rearrangement Etc.; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 12, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

- 1. The application requests rezoning from VP Vehicular Parking District to T2 Traditional Neighborhood District at 1477-1485 Minnehaha Ave. E.
- 2. The proposed zoning is consistent with the way this area has developed. The area contains commercial and multi-family uses along Minnehaha Avenue with residential uses to the north. The T2 district is intended to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. The proposed zoning continues the existing pattern of uses.
- 3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan's Land Use Chapter designates the site as Industrial and an Opportunity Site in Figure LU-B and as an Employment District in Figure LU-F. The Industrial designation is described as primarily manufacturing and/or processing of products, potentially including light or heavy industrial land uses, large warehouse facilities, and/or utilities. The Opportunity Site designation call for redevelopment to mixed uses (such as those permitted in the T2 zoning district) and/or an employment center (Strategies LU-1.54 & LU-2.7). The proposed zoning essentially extends the redevelopment of this area that was started by the school to the south away from industrial and associated uses to a mix of uses under the guidance of the Opportunity Site designation.
- 4. The proposed zoning is compatible with the surrounding mix of uses, providing a transition from the more intense commercial and multi-family uses along Minnehaha Avenue to the lower-density residential to the north.
- 5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." The proposed zoning does not constitute "spot zoning." Rather, it permits uses consistent with surrounding uses.

Planning Commission Resolution 17-083-216 Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Twin City Concrete Products Co. to rezone from VP vehicular parking to T2 traditional neighborhood for property at 1477-1485 Minnehaha Avenue East be approved.

moved by	
seconded by	
in favor	
against	

DISTRICT 2 COMMUNITY COUNCIL

1365 Prosperity Ave Saint Paul, MN 55106-2108 Phone: (651) 774-2220 Fax: (651) 774-2135

October 10, 2017

Dept of P.E.D. Zoning 1400 City Hall Annex 25 W Fourth St. St Paul, MN 55102

RE: Petition to Amend the Zoning Code for 1477-1485 Minnehaha Ave E

Dear Zoning Committee:

Upon review of the application to amend the zoning code for 1477-1485 Minnehaha Ave from its current zoning of Vehicular Parking to a T2 Traditional Neighborhood zoning district, the district council supports the change.

Please let me know if you have any questions or concerns.

Sincerely,

Lisa Theis

Program Director

Cc:

city of saint paul planning commission resolution file number date

WHEREAS, Kevin Greenlee, File # 17-079-581, has applied for a conditional use permit for a bed and breakfast residence with 4 guest room under the provisions of § 65.641 and § 61.501 of the Saint Paul Legislative Code, for property located at 483 Ashland Avenue, Parcel Identification Number (PIN) 01.28.23.24.0031, legally described as Woodland Park Addition to St Paul, West 10 feet of lot 8 & all of Lot 9, Block 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 12, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

- 1. The applicant is seeking a conditional use permit to establish a new bed and breakfast residence with 4 guestrooms in a one-family dwelling. According to Ramsey County tax records there is a total of 5,628 sq. ft. of finished floor area within the subject property. The principle structure has six bedrooms, four bathrooms, and two kitchens. The second floor has five bedrooms that the applicant is proposing to use as four bed and breakfast guest rooms; there is a connection between two of the bedrooms, so they will be marketed and offered as one guest room. The third floor, where the sixth bedroom is located, is proposed to be used as living space for the applicant.
- 2. The sink and cabinets for the small second kitchen on the third floor are shown on the original 1894 blueprints for the house, which has always been a one-family dwelling. The only access to the third floor is through living space on the first and second floors; it is all a single dwelling unit. There are four truth in sale of housing reports for the subject property in city records which all identify the principle structure as a one-family dwelling, and occupancy of the house is regulated accordingly.
- 3. Zoning Code § 65.641 defines "bed and breakfast residence" as "a dwelling unit, located within a one- or two-family dwelling, in which guest rooms are rented on a nightly basis for periods of less than a week and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only," and lists the following standards and conditions that must be met for a bed breakfast residence in residential districts:
 - (a) In residential districts, a conditional use permit is required for bed and breakfast residences with two (2) or more guest rooms, and for any bed and breakfast residence

moved by	
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in favor	
against	

- located in a two-family dwelling. In RL-R4 residential districts, a bed and breakfast residence may contain no more than one (1) guest room. This condition is met provided the condition use permit is approved.
- (b) The bed and breakfast residence may be established in a one-family detached dwelling or a two-family dwelling, located within a single main building. This condition is met. The proposed bed and breakfast residence will be located within a one-family dwelling.
- (c) The guest rooms shall be contained within the principal structure. This condition is met. All of the guest rooms will be contained within the principle structure.
- (d) There shall be no more than one (1) person employed by the bed and breakfast residence who is not a resident of the dwelling. This condition is met. No more than one person not living at the residence will be employed by the bed and breakfast.
- (e) Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests. This condition is met. The dining facilities will not be open to the public.
- (f) No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms. This condition is met. No additional entrances have been proposed as a part of this application.
- (g) The zoning lot shall meet the minimum lot size for the one-family dwelling or two-family dwelling in the district in which it is located, and shall have a minimum size according to the following combination of dwelling units and guest rooms:

Dwelling Units	Guest Rooms	Minimum Lot Size
1	2	6,000
1	3	7,000
1	4	8,000
2	1	6,000
2	2	7,000
2	3	8,000

<u>This condition is met.</u> With half of the area of the alley for density purposes, the total lot area is 9020.4 sq. ft.

- (h) One-family dwellings may contain no more than four (4) guest rooms. Two-family dwellings may contain no more than three (3) guest rooms. This condition is met. The proposed bed and breakfast residence is within a single family home with two kitchens. The lot area of the subject parcel exceeds the 8,000 sq. ft. minimum lot size required to establish a bed and breakfast residence with four guest rooms.
- (i) No bed and breakfast residence containing two (2) through four (4) guest rooms shall be located closer than one thousand (1,000) feet to an existing bed and breakfast residence containing two (2) through four (4) guest rooms, measured in a straight line from the zoning lot of an existing bed and breakfast residence. This condition is met. The nearest bed and breakfast residence is approximately 1,400 ft. away from the subject property.
- 4. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) The extent, location and intensity of the use will be in substantial compliance with the

Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The subject property is in an area defined by the comprehensive plan as an established neighborhood. The proposed use is compatible with this comprehensive plan designation and the surrounding RM2, multifamily residential zoning. Strategy 5 of the historic preservation chapter of the comprehensive plan calls for using historic preservation to further economic development and sustainability. The district 8 plan calls for fostering cultural tourism.

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. As a part of this application, the applicant has submitted a site plan to create two additional surface parking spaces that will be accessed from the alley in order to meet the minimum parking requirements for the bed and breakfast residence and the carriage house. The carriage house is currently unoccupied, but the applicant has expressed interest in possibly renting it out in the future as a separate dwelling unit. There are two existing parking spaces in the garage that are accessed from Ashland Avenue. The proposed bed and breakfast residence will have a minimal impact on traffic congestion in the public streets.
- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed bed and breakfast residence is compatible with the surrounding land uses and will not be detrimental to the existing character of the surrounding area. Exterior changes are subject to review and approval by the heritage preservation commission. In addition to a conditional use permit, a bed and breakfast residence requires licensing approval from the Department of Health.
- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The proposed bed and breakfast residence will have minimal impact on surrounding properties. The intensity of the proposed use is consistent with the existing residential development in the immediate area.
- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. A bed and breakfast residence with 4 guestrooms is a conditional use in an RM2 zoning district. The proposed use and site plan with two additional parking spaces conform to lot area, parking, and all other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Kevin Greenlee for a conditional use permit for a bed and breakfast residence with 4 guest rooms at 483 Ashland Avenue is hereby approved with the following condition.

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

Comments about 483 Ashland conversion to a Bed and Breakfast. (4 Rooms)

 Adding Four B & B Rooms is too much for this property. This is a beautiful single family home with a carriage house with rental. The proposal includes: 4 B & B Rooms; Plus, the owners would occupy the single-family home; And there is Carriage House with Rental Unit.

The garage and addition of two parking spaces are not enough for such intense use. Home owner parking and rental parking needs to be considered. When fully occupied this would allow twelve people and their cars, plus staff on the property.

None or 2 B & B rooms would be a better fit.

- 2. The construction of the additional parking "covers" the limited green space on the property. It removes two beautiful mature magnolia trees that bloom in the spring and mature serviceberry trees. Both provided greenery and privacy. "Bricked over" yards are not good for the urban environment. We need more green, not more lot coverage.
- 3. The proposed "brick-over" the backyard design is missing privacy landscaping; a privacy fence; & lighting considerations to manage car lights and fit with the historic district; water runoff & drainage needs to be planned and this is already a challenge with the amount of hardscape.
- 4. Other. How is the owner-occupied requirement established? Earlier information around the neighborhood indicated the B&B owner was going live elsewhere, and there would be an on- site manager. This request is made by someone who intends to buy the property-not the current owner. Hopefully this review is specific only to this individual, and this proposal, and the permit not transferrable.

No neighborhood meeting has been held for neighborhood comment.

185-510-61 # 42

Johnson, Tony (CI-StPaul)

From: Sent: ë

Mary Fredrickson <mary.l.fredrickson@gmail.com>

Tuesday, October 10, 2017 10:36 AM

Johnson, Tony (CI-StPaul)

483 Ashland Ave permit for B&B

Follow up Follow Up Flag: Subject:

Hi Tony,

Flag Status:

This is a block with many families including small children. We already have a large memory care facility on this block and I feel that the addition of I am a resident of this block (at 463 Ashland Ave). I received a notice that a B&B was being proposed at 483 and wanted to convey my concerns. another commercial business would have the following negative implications:

l. increased traffic and parking issues

2. increased strangers coming and going

3. diminished neighborhood feel

I, and many of my neighbors on this block, strongly oppose the proposal for this Bed and Breakfast at 483 Ashland.

Thank you for your time and attention to our concerns. Please keep me informed of any updates on this proposal.

Mary Fredrickson, MD

Johnson, Tony (CI-StPaul)

Casey Woelk <caseywoelk@gmail.com> Fuesday, October 10, 2017 5:55 PM From: Sent:

Johnson, Tony (CI-StPaul)

Mary

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Re: 483 Ashland Ave permit for B&B

Follow up Flagged Follow Up Flag: Flag Status: Subject:

problematic parking and traffic being further aggravated, and the fact that adding an additional commercial business to our residential street takes away from our neighborhood feel. We prefer to let the property be given proper time to find a suitable homeowner to love and care for the home as it was intended. An My husband Josh and I are residents of this block, just a few doors down at 467 Ashland. We are a young family with three small children and share the same concerns as many other families in this neighborhood. These concerns are as follows; the constant flow of unknown people coming and going, the already invested long term resident will add to community and relationships in our neighborhood in contrast to a business whose residents are transient. Thank you for hearing our concerns and considering them before approving this business opening in our neighborhood We will not be available to make the meeting this Thursday so I wanted to make sure that our opposition was noted. Casey and Josh Woelk Sincerely,

> On Oct 10, 2017, at 10:36 AM, Mary Fredrickson < mary.l.fredrickson@gmail.com > wrote:

> Hi Tony,

> I am a resident of this block (at 463 Ashland Ave). I received a notice that a B&B was being proposed at 483 and wanted to convey my concerns. This is a block with many families including small children. We already have a large memory care facility on this block and I feel that the addition of another commercial business would have the following negative implications:

> 1. increased traffic and parking issues 2. increased strangers coming

> and going 3. diminished neighborhood feel

> I, and many of my neighbors on this block, strongly oppose the proposal for this Bed and Breakfast at 483 Ashland.

> Thank you for your time and attention to our concerns. Please keep me informed of any updates on this proposal.

From: Johnson, Tony (CI-StPaul)

To: Englund, Cherie (CI-StPaul)

Subject: FW: File#17-079-581 Conditional use permit application for 483 Ashland Avenue to BB

Date: Thursday, October 12, 2017 11:43:17 AM

From: Joseph Wethington [mailto:wethone@comcast.net]

Sent: Thursday, October 12, 2017 11:42 AM

To: Johnson, Tony (CI-StPaul)

Subject: File#17-079-581 Conditional use permit application for 483 Ashland Avenue to BB

Mr. Johnson-

My wife Susan Wethington, along my two daughters reside @ 457 Ashland Avenue. We are unable to attend today's zoning committee meeting today so I am passing along our concerns and comments below:

Parking Concerns- As the committee is aware, there is a parking shortage in the neighborhood. Specifically, this block of Ashland between Arundel & Mackubin contains a 4 story 57 unit apartment building with no off street parking. 4 doors to the west on Ashland & Mackubin, there is another 2 story multiple unit apartment with no off street parking. The proposed site reconfiguration of this single family home to have 5 off street parking spaces is flawed. It takes into account the carriage house would be used as parking and that existing driveway rear exit pad will be used for parking. The drive is narrow and single vehicle width which no guest will want their vehicle "trapped" behind another guest so they will park on Ashland. The proposal to remove the alley fence and add (improvement?) of two spaces will eliminate several mature trees that add greenery and aesthetics to the site and alley as well as provide sound mitigation and privacy. The proposed five off street spaces does not account for the homeowners, their visitors and the possible return of future renter's and their vehicles of the carriage house. The site parking plan does not account for snow removal and storage. This proposal for 4 short term rental units is too dense of use for this single family home on this block.

Security Concerns- Removing the alley fence and providing walk in access to the home's grounds is increasing the risk of crime to not only 483, but the neighboring properties as well. All properties along the alley currently have garages or 6' privacy fencing to deter site access from the alley. We have had a number of incidents of attempted break-in's and burglaries from the alley.

Permit Question- If approved can the conditional use permit be altered or changed? If approved does it terminate with the sale of the property?

The homes on Ashland have been painstakingly restored to single family homes with the recent sale of 491 Ashland to a single family along with several other new families on the block in the past two years. 483 was built as a single family dwelling and has been a single family home in all of the 20+ years we have owned our home.

Thank you,

Joe Wethington