

MINUTES OF THE ZONING COMMITTEE
Thursday, October 12, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Edgerton, Lindeke, and Ochs
EXCUSED: DeJoy, Fredson, Ochs, and Reveal
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

206-208 Bates 4-plex - 17-082-824 - reestablishment of a nonconforming 4-plex, 208 Bates Avenue, between Plum and Wilson.

Bill Dermody presented the staff report with a recommendation for approval of the reestablishment of nonconforming use permit. He noted the site is also known as 208-210 Bates Ave., and will refer to this property as 208 Bates Ave. He stated District 4 made no recommendation, and there were no letters in support or opposition.

Commissioner Ochs asked about parking requirement. Mr. Dermody said the zoning code requires a minimum of five parking spaces for a new 4-plex with two 2-bedroom units and two 1-bedroom units. He noted that previously this 4-plex would have had a requirement of six parking spaces based on having more bedrooms, but the number of bedrooms is being reduced. No off-street parking spaces are provided and because the new use requires less parking than the previous use, no parking spaces need to be provided.

Commissioner Edgerton asked if there is ability to have parking on the site. Mr. Dermody deferred the question to the applicant. Chair Edgerton asked if a condition can be added for parking, even though they meet the parking requirement. Mr. Dermody said that the condition for parking would have to be tied to a finding.

The applicant, Aaron Rubenstein, Historic Saint Paul, 75 5th St. W., said this is one of six HRA owned properties in the Dayton's Bluff neighborhood that were proposed for demolition a couple of years ago, but the community pushed to save these buildings. He said the budget for this building is just over one million dollars for four units, and the project would not be feasible with just two units. He added that parking in the rear yard would require a lot of earth work and retaining walls, and is not economically feasible.

Commissioner Ochs said this is a major undertaking and significant improvement not only for the building, but also for the street.

Eric Foster, 701 3rd St. E., spoke in favor and said he lives nearby and will be the developer and owner of this property. He said he is excited to take this vacant building, which has been an eye sore, and turn it into something nice for the neighborhood.

No one spoke in opposition and the public hearing was closed.

Commissioner Baker moved approval of the reestablishment of nonconforming use permit. Commissioner Ochs seconded the motion.

The motion passed by a vote of 4-0-0.

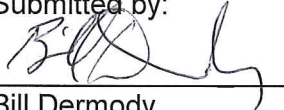
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



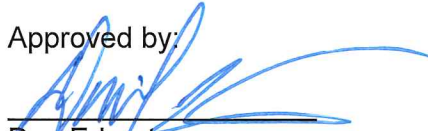
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

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1477-1485 Minnehaha Ave. E. - 17-083-216 - Rezone from VP vehicular parking to T2 traditional neighborhood, 1485 Minnehaha Ave E, NW corner at Barclay.

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He noted District 2 recommended approval, and there were no other letters in support or opposition.

In response to a question by Commissioner Lindeke, Mr. Dermody said he believed the school site was zoned T1 rather than T2 because it was the option least likely to be opposed and covered everything that the buyer needed, including the building configuration. Chair Edgerton said the Zoning Committee and Planning Commission felt that given the situation and the potential for future industrial uses versus use as a school, rezoning to T1 for the school was reasonable.

In response to a question by Commissioner Baker, Mr. Dermody said court rulings say that spot zoning establishes a use classification inconsistent with the surrounding uses that creates an island of nonconforming use in a larger zoned property. He said that T2 here would not create an island of nonconforming use when looking at the uses of surrounding property and would not be spot zoning.

Chair Edgerton asked if District 2 Community Council sent a letter of support. Mr. Dermody said yes.

In response to a question by Chair Edgerton, Mr. Dermody said that parking will be addressed through a future site plan review.

The applicant, Justin Fincher, with J.B. Vang, at 1335 Pierce Butler Road, spoke as the owner's representative. He said the property has not been purchased, but is under the due diligence period pending this rezoning. He said they are proposing a one story memory care facility for this property. They are reviewing space planning and will finalize that with the site plan review.

No one spoke in favor or opposition and the public hearing was closed.

In response to a question by Commissioner Baker, Mr. Warner said he shares the same analysis as staff on finding 5.

Commissioner Lindeke moved approval of the rezoning. Commissioner Ochs seconded the motion.

The motion passed by a vote of 4-0-0.

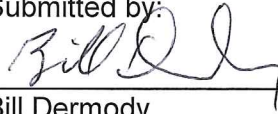
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The meeting was chaired by Commissioner Edgerton.

Kevin Greenlee - 17-079-581 - conditional use permit for a bed and breakfast residence with 4 guest rooms at 483 Ashland Ave., between Mackubin and Arundel.

Tony Johnson presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 8 made no recommendation, and there were no letters in support, and five letters in opposition.

In response to a questions by Chair Edgerton about green space on the lot, Mr. Johnson said the proposed surface parking meets code requirements regarding maximum paving, and in order to provide parking off of the alley a portion of the fence along the rear property line will need to be removed. The applicant has proposed to keep the fence on the side property lines to minimize the impact to the adjacent properties.

The applicant, Kevin Greenlee, 1781 Bohland Ave., said a nearby bed and breakfast recently closed when the owners retired, leaving a gap that he would like to fill to provide a place to stay for people visiting memory care residents across the street, students, or other family and friends in St. Paul. He said he has worked in the hospitality industry for 20 years and that he and his wife will be living in the home. He added that they have a purchase agreement that is contingent upon the approval of the conditional use permit.

Commissioner Lindeke asked Mr. Greenlee if he was aware of the proposed changes to short-term rentals and how he feels about them. Mr. Greenlee the difference between a short-term rental unit and a bed and breakfast is that he is living on the property and inviting people into his home and providing a meal. He said he is fine with short-term rentals and both are positive, but they are different.

No one spoke in favor or opposition and the public hearing was closed.

In response to a question by Commissioner Baker, Mr. Johnson said there is another bed and breakfast 1,400 feet to the east of this location and the code requires a 1,000 foot separation. Chair Edgerton noted that this is addressed in finding 3(i).

Commissioner Lindeke moved approval of the conditional use permit with a condition. Commissioner Ochs seconded the motion.

Commissioner Baker noted concern in the community about the need for more parking.

Chair Edgerton said that this use would meet the parking requirements.

Mr. Warner said a condition for guests to use off-street parking spaces in the back could be added to the conditional use permit.

Commissioner Baker made a moved an amendment to add a condition requiring guests to use the off-street parking spaces in the rear of the property. Mr. Lindeke seconded the motion.

Commissioner Ochs said given the small scale of this operation he does not feel that this is a necessary amendment. He said that one or two cars parked on the street would not impose a burden on the neighborhood.

Commissioner Lindeke said that enforcement of this amendment would be difficult, because it would be hard to identify guest's cars.

Commissioner Baker withdraw his motion to add the amendment.

The motion to approve the conditional use permit with a condition passed by a vote of 4-0-0.

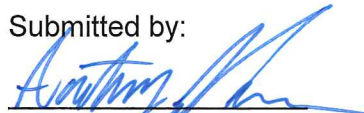
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Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Tony Johnson
City Planner

Approved by:



Dan Edgerton
Chair