

MINUTES OF THE ZONING COMMITTEE
Tuesday, November 24, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Nelson, Padilla, Wencil, and Wickiser
EXCUSED: Merrigan and Reveal
STAFF: Bill Dermody, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

**Patrick Nseumen - 15-173-084 - Rezone from RT1 Two-Family Residential to T2
Traditional Neighborhood, 805 Hudson Road, NE corner at Wilson**

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

Upon questions from Commissioners, Mr. Dermody confirmed that the area is predominately zoned RT1 Two Family Residential. Most of the other parcels listed as commercial on the land use map have most likely lost their legal nonconforming use because they have either been vacant or are now being used as residential. Mr. Dermody stated it appears that the subject parcel could be a buildable lot for something that conforms to RT1; however, variances may be required for building size. He said the lot has been in its current configuration since at least 1939.

Commissioner Wickiser stated that this site is very difficult for redevelopment. It has been vacant for a long time. If someone is interested in doing something with this site he would like to figure out a way to make it happen if possible. He questioned if taking out the drive through would make it conform to a less intense T1 zone with the café and commissary use.

Mr. Dermody stated the commissary use would not conform to a T1 use. The closest T1 parcel is about four blocks away from this location so there may still be a spot zoning issue. He stated that in a T2 district the front yard setback is zero for a commercial use.

Mr. Torstenson added that the height requirement is 35 feet and side and rear setbacks are based on whether there are openings in the walls.

At questions from the Commissioners regarding parking, Mr. Dermody stated it seems likely that a variance from the parking requirements would be necessary. He has not seen any specific references to grandfathered parking. It's not clear if there was any parking available on the lot during the time the dog grooming business was operating.

In response to Commissioners, Mr. Dermody stated that a drive through is only allowed whether it's a principal use or an accessory use in T2 zoning districts and certain B districts and requires a conditional use permit. If the rezoning is approved all T2 uses would be allowed at this site. The applicant intends to use the commissary for a food truck operation so that part would not generate any parking on its own as far as customers coming to the site.

Commissioner Padilla reiterated that if rezoned, all uses allowed in a T2 district could be allowed, subject to other limitations like a conditional use permit or variance.

The applicant was not present.

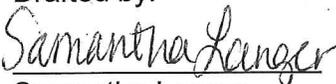
Robert Wicker, 702 Wilson Avenue, Saint Paul, spoke in opposition. He is also in charge of property at 217-219 Bates Avenue. He stated currently there is not enough parking in the area. Allowing this property to be rezoned will lower the property values in the neighborhood. He has invested in his property to raise the value, but if this restaurant goes in it will harm the area. Restaurant and catering businesses do not last very long and there is not enough parking in the area to accommodate the business. Right now they are spending over \$2,000 per year to remove leaves, mow, and for snow removal. This is all residential property and it should remain residential.

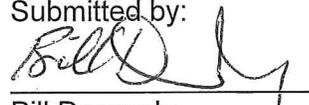
No one spoke in support. The public hearing was closed.

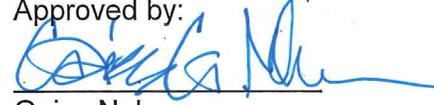
Commissioner Barbara Wencil moved denial of the rezoning. Commissioner Julie Padilla seconded the motion.

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

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Bill Dermody
Zoning Section

Approved by:

Gaius Nelson
Chair

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EXCUSED: Merrigan and Reveal
STAFF: Jamie Radel, Laura Haynssen, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

Omar's Auto - 15-173-542 - Conditional use permit for an auto specialty store with modification of required landscaped buffer area width along residentially zoned property (10 ft. required; proposed 9 ft. along N property line and 7.5 ft. along E property line), 619 St Anthony Ave, NE corner at Dale Street

Laura Haynssen presented the staff report with a recommendation of approval with conditions for the conditional use permit. She noted a handout with revised conditions. She stated District 8 made no recommendation, and there were no letters in support or opposition.

Upon questions from the Commissioners regarding parking requirements, Ms. Haynssen showed a parking plan indicating eleven parking spaces. She said that the customer parking noted on the plan was a holdover from the applicant's initial site plan which did not indicate the closure of the curb cuts and driveways.

Mr. Torstenson said the parking requirements for an auto specialty store is one space per 400 sq. ft. of gross floor area plus one space per auto service stall. They will meet the requirements with 11 parking spaces.

Omar Omar, 619 Saint Anthony, Saint Paul, stated he is planning on putting in a tire shop. He currently owns one in South Minneapolis so he knows very well how the business operates. He wants to give back to the community and bring in more employees. He stated he is comfortable with the conditions in the staff report.

Ken Isaccson, Twin Cities Housing, 400 Selby Avenue, Saint Paul, spoke in support. He stated that they own the apartment building adjacent to this site. The building is currently vacant and has a lot of transient, unwelcome activity so they are anxious and hopeful to see the building used and occupied. It will be an asset to the neighborhood. He explained they plan to rezone their site from RM2 to T2 to accommodate a number of different things. They will be adjusting the parking on their site if approved and they will be adding a buffer in between the two properties. They are very supportive of an active engaged owner at this property.

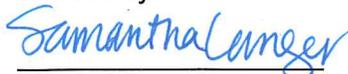
No one spoke in opposition. The public hearing was closed.

Commissioner Julie Padilla moved approval with conditions of the conditional use permit. Commissioner Barbara Wencil seconded the motion.

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

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Jamie Radel
Zoning Section

Approved by:



Gaius Nelson
Chair

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STAFF: Samantha Langer, Allan Torstenson, and Wendy Lane

The meeting was chaired by Commissioner Nelson.

Zoning Fee Study - Review and recommendation for updating zoning fees to cover the cost of the service for which the fee is imposed.

Allan Torstenson presented the staff report with recommendations for applying the site plan review fee in Zoning Code § 61.302 to site plan review required under both § 61.401 and § 61.402; initiation of a zoning study to consider adjustments of fees prescribed in § 61.302, *Applications forms and fees*, to reflect an increase in costs due to inflation since fees were last set; and initiation and adoption of draft amendments to § 61.302 *Application forms and fees* in the staff report.

Wendy Lane handed out a November 13, 2015, memo to the City Council from Ricardo Cervantes, Director of the Department and Safety and Inspections (DSI), regarding their proposed 3% increase in all DSI fees (including zoning fees paid to DSI) as part of their 2016 budget.

Upon questions from the Commissioners, Mr. Torstenson explained the proposal to apply the site plan review fee in Zoning Code § 61.302 to site plan review required under both § 61.401 and § 61.402, and to combine the separate fees for site plan review and design review for 1- and 2-family dwellings (which now overlap) under site plan review.

Commissioner Padilla asked if there is a size trigger for requiring site plan review for additions.

Ms. Lane said that the ordinance doesn't specify a threshold, but they use a reasonableness standard. For something simple like enclosing an entryway, for example, if it meets zoning requirements they can simply sign off on the building permit. They usually do that right at the counter. They don't need additional code language to be able to do that.

Ms. Lane noted that an addition to building design standards that went into effect on September 2 applies window and door opening standards to residential building additions of more than 120 sq. feet. This can involve calculating window and wall area for the whole house, and takes a lot of additional time. Before building design standards were added to the Zoning Code, zoning staff never reviewed new one or two family construction or additions. They haven't reviewed additions until recently, and they are finding that they take a lot longer than expected. Plan review used to check for zoning compliance and they don't do that any longer. She added that the 3% fee changes in DSI were proposed as part of the budget for next year. The budget office and Mayor's office have recommended that DSI will get 1.5 new FTE's devoted to zoning. It will go to City Council for adoption in a couple of weeks. One of the half time FTE's will be doing design reviews only. The budget change will allow them to hire one new half time FTE. The other FTE will be doing site plan reviews. The fee changes will allow them to get the additional staff.

Commissioner Nelson stated part of the issue is that site plans are very rough and without detail. There should be a requirement for applicants to submit adequate documents for review.

Ms. Lane stated that they are not accepting incomplete site plans or simple sketches. DSI will not be preparing anything for the applicant. The applicant is responsible for supplying adequate documentation.

Mr. Torstenson stated that state statutes require one public hearing for amendments to the Zoning Code. For almost all amendments our practice has been to hold a public hearing at both the Planning Commission and at City Council. For amendments to zoning fees our practice has been to just have a City Council public hearing because it is more of a budget issue rather than a planning policy issue. Based on the Zoning Committee recommendation he will draft a resolution for the Planning Commission to adopt at the next meeting and the public hearing would be at City Council.

Upon questions from Commissioner Wencil, Mr. Torstenson said the Zoning Code states that zoning amendments can be initiated by the Planning Commission or by the City Council. On October 26 the DSI Deputy Director sent a draft ordinance amending Zoning Code fees to the City Attorney's office and Wendy Lane without understanding it needed to go to the Planning Commission for initiation and review. The last time a detailed zoning fee study was conducted was 2010. In that study, DSI and PED zoning staff prepared detailed cost estimates for processing zoning applications. Staff recommend initiation and adoption of the fee amendments proposed by DSI, and also recommend initiation of a zoning fee study for a more complete look at zoning fees.

Upon additional questions from Commissioners, Ms. Lane said that City Attorney Peter Warner has advised that a public review process is needed when fees are raised. It cannot just be an automatic yearly increase.

Mr. Torstenson explained that the tables included with the staff report show cost estimates for processing the various types of zoning applications, comparison of zoning fees with other cities, and inflation data that applies to Saint Paul through 2014.

Commissioner Julie Padilla moved approval of the recommendation to initiate and adopt amendments to zoning fees proposed by the Department of Safety and Inspections, and to initiate a zoning study to consider more complete adjustments of fees prescribed in Zoning Code § 61.302, *Application forms and fees*, to reflect an increase in costs due to inflation since the fees were last set, with public hearings at City Council and no public hearing to be conducted by the Planning Commission.

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

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Allan Torstenson
Principal Planner for Zoning

Approved by:



Gaius Nelson
Chair