

MINUTES OF THE ZONING COMMITTEE
Thursday, December 22, 2016 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Nelson, Reveal, Wencel, Wickiser, and McMahon
EXCUSED: Merrigan
STAFF: Bill Dermody, and Cherie Englund

The meeting was chaired by Commissioner Nelson.

Hlee and May Xiong - 16-103-701 and 16-103-741 - Rezone from R2 one family residential to RM2 multiple family residential and a conditional use permit for a 40 unit assisted living and memory care facility, 1475 Ames Ave, NE corner, Barclay and Ames.

Bill Dermody presented the staff report with a recommendation of approval for the rezoning and conditional use permit. He also stated District 2 recommended approval with conditions, and there were no letters in support, and 13 letters in opposition.

In response to questions from Commissioner Reveal, Mr. Dermody said that the senior home located to the north is legally conforming and there are no distance requirements for elderly care facilities.

In response to questions from Commissioner Edgerton, Mr. Dermody said that a traffic study has not been prepared because a forty unit building for elderly people would have little traffic impact and street width would be explored in a site plan review, which has not yet been applied for.

Mr. Dermody replied to Commissioner Makarios that he does not know the history of why Ames Avenue is a dead end. He also said that the applicant was not required to get a petition from neighbors for this application because the current zoning is residential and will remain residential.

Chair Nelson asked if there are requirements for roadway improvements in the public right of way. Mr. Dermody said that the site plan review would address this question.

Cy Thao, 338 Aurora Ave. represented the applicants. He said the facility to the north is an independent living facility and operates as an apartment. This facility will be assisted living, offering PCA's and a nurse on staff to help care for residents. He also said the owner of the property and manager are not the same. They will add 20 jobs and are not seeking public subsidies to build this facility. He said he expects about 2 to 7 employee cars in the parking lot for each shift. He also expects food delivery to be once per week, one ambulance per month, daily medication delivery and only 1 to 2 visitors per day. The residents generally do not have cars.

Mr. Thao responded to Commissioner Reveal that they have planned for employee parking on the site and will not use on-street parking. Commissioner Reveal noted that this matter would be addressed in a site plan review.

Commissioner Wencel asked if the site plan is correct showing 36 parking spaces. Mr. Thao said that is correct and he is following the code for allowable parking spaces.

Commissioner Wencel asked what the division will be for residents in assisted living and those in memory care. Mr. Thao said there will be about 10 memory care units that will be accessed by two alarmed doors to keep those residents safe from wandering away.

In response to Commissioner Reveal and Chair Nelson, Mr. Thao said that in phase 1 there will be 20 units, a kitchen and offices; and phase 2 will add 20 more units for a total of 40 single occupancy units.

Chuck Repke, 1321 White Bear Ave., District 2 Community Council spoke in favor, and presented two neighbors' letters in opposition. He said that notifications to the neighbors did not get out in time, which could result in opposition because they did not have a chance to be heard at the District 2 Community Council meeting. He noted that this is part of the Phalen Village Plan, and presented a copy of the 1996 plan. Referring to the 1996 plan, he noted what would have been a wooded area and a school, keeping this area rustic. However, with additional development and increased housing density, the original plans changed. He added that the density and traffic issues will be much less with this proposal.

Mr. Repke said that Ames Avenue is closed due to the desire of the residents and District 2 Community Council supported this to reduce traffic in the area. He also said he did not know why the sidewalks were not complete, but believes this is also due to the residents wanting to keep their neighborhood quiet.

Mr. Repke responded to Commissioner Reveal that the District 2 Community Council supports the rezoning with the conditional use permit; however the rezoning without the conditional use permit is terrifying. They are not in favor of the density that an apartment building would bring.

Commissioner Wencel asked if Ames Avenue will continue to be a dead end. Mr. Repke said it would.

Commissioner Wencel asked Mr. Dermody if we can add a condition to keep Ames Avenue as a dead end. Mr. Dermody said that he believes we can't put conditions on a conditional use permit that apply to locations off-site.

No one spoke in favor.

Pacha Yang, 1464 Ames Avenue, spoke in opposition. She said that she received the public hearing notice in the mail on Monday and could not attend the District 2 Community Council meeting on Wednesday, because of the short notice. She said that she and her mother-in-law walked Ames Ave. from the dead end to Prosperity Ave., spoke with many of the neighbors, and learned that they also received the public hearing notice too late to attend the District 2 Community Council meeting to oppose this project. She said they want single-family homes to be built on this lot, not a 40-unit building. She said that the road is narrow and with the lack of sidewalks children walk on the road and will be in danger of the extra traffic this building will bring in, including large trucks, buses, and others. She added that emergency units would not

be able to use the curb because of mailboxes at the curb. Last, she said that there is a safety issue with a blind curb and hill at Etna and Barclay.

Michael Corcoran, 1478 Ames Avenue, spoke in opposition. He said that he has lived directly across the street from this site since 2000. He said he built here after being aware that the Phalen corridor was coming through and liked the dead end street and the quietness. He said Ames Ave. is a dead end because it was a dangerous route from Johnson Pkwy. to White Bear Ave. for students walking to and from Ames School.

Mr. Corcoran said that everyone who has tried to build something on this site has said it requires pilings, making this site unbuildable. He said they are counting on the plans for the Phalen Corridor and the 40-acre study. He recalled plans for a 4-phase wetland project, but does not know the outcome of that. He said that when he purchased his property in about 1997, he was told it was a storm water retention pond.

Mr. Corcoran said he has seen problems with police, fire, and ambulance travel down Ames Ave. to come to the dead end and try to figure out how to turn around. It is a difficult street for any large vehicles, including snowplows because the street was narrowed to accommodate water, sewer, and curbing. If two cars are parked on the side of the road, cars traveling down this road must pull over to let other cars pass. He added if this goes through there will be just too much traffic.

Joe Anderson, 1515 Ames Avenue, spoke in opposition. He said getting in and out of this street is a nightmare. If two cars are parked on either side of the street, you have to pull over in order to get through. He said the Ames Ave. was dead-ended because it was dangerous jump for street racers. He also said that a child was struck by a car in the 1950s.

Mr. Anderson said that there is a lot of wildlife in this area, which will change.

Mr. Anderson said that the building that is in the rear on Magnolia has access to Magnolia Ave. For as many apartments there are on Magnolia, it is not as busy as it looks, because cars usually go straight up to Maryland Ave. Ames Ave. at Hmong Village is very dangerous and drivers need to be very aggressive. Traffic is minimal now and if this is approved this will add to the existing traffic problems.

Margaret Mudek, 1515 Ames Avenue, spoke in opposition. Ms. Mudek said she wrote a letter of opposition started a petition for neighbors who are opposed to this project. She said she was born at this residence in 1953 and has been told over the years that Ames Ave. was a territorial road, where prisoners were walked from downtown St. Paul to Stillwater Prison in chain gangs.

Ms. Mudek said that 40 years ago there was a single house on this property which was torn down. At that time a developer bought the property, but learned he could not build on it because it was a lakebed at one time. She said older generations told stories of tying their boats up where the front of her property is and this property has a lot of wetland that is consistent with a lakebed.

Ms. Mudek said that Mechanic does not go through from Barclay Ave., and it is like a cattle trail. Barclay Ave. is a dead end because of the marshy land that lowers into a gully.

Ms. Mudek said there is a tremendous amount of wildlife on this property, including deer and turkeys. She said this property is more conducive to being a park area and added that the people who purchased it 40 years ago donated the property to the city or state because it was unbuildable.

She said that Ames Lake was reconstituted, which is one of the few places in St. Paul that was transformed back into a lake because it was a lake.

Mr. Dermody noted that Ms. Mudek handed out a petition of opposition signed by 12 property owners, including herself and one other person who spoke and 10 other people who did not appear at this meeting.

Mr. Dermody responded to Commissioner Makarios that the property is owned by the applicant and not the City of Saint Paul.

Commissioner Edgerton asked Mr. Dermody about the wetlands and if this will be included in the site plan review. He also asked if parking is allowed on both sides of the street on Ames Ave. Mr. Dermody said he did not know if parking was allowed on both sides of the street.

Angelique Corcoran, 1478 Ames Avenue, spoke in opposition. She said that this is the lowest spot in the neighborhood and because of this, extra sewers were installed. She said that when she purchased their property they paid for assessments for the addition of the street. She said she is concerned about future assessments due to the needs of this facility.

Ms. Corcoran said that due to the low site, in the winter the fumes of trucks and cars hang in this area. She added that heavy rain floods this area and in the winter ice accumulates here.

In response to Commissioner Edgerton's question, Ms. Corcoran said that school buses cannot turn around on Ames Ave. Children walk to Etna to catch the bus, which is 2 to 3 blocks west.

Chair Nelson asked if it would be acceptable if access were available from the north at Magnolia. Ms. Corcoran said that it would be fine if access were only from Magnolia Ave., and not Barclay Ave., as Barclay would have to be developed.

Cy Thao thanked the neighbors for their concerns and said he would work with them to find reasonable solutions. He added that his concern if they would access from the north at Magnolia that their address would still be Ames and may confuse people, leading to them parking on Ames Ave. and walking to the facility. He said that this facility would help reduce the issue of large vehicles that cannot turn around on Ames Ave., because they would have sufficient area in the parking lot to turn around.

Commissioner Reveal asked for Mr. Thao to put on the record again the number of vehicle trips that would be expected with this facility. Mr. Thao said these numbers are produced from the operation of a 30-bed facility. He said he expects to have 7 to 8 staff cars per shift and 2 cars

on the night shift, delivery, and food trucks once per week, ambulance once per month, medication delivery once per day and 1 to 2 visitors per day. He added that the residents normally do not have their own cars.

In response to Chair Nelson, Mr. Thao said that oxygen delivery would vary and the types of oxygen tanks vary. He added that garbage pick-up would be once per week.

Commissioner Reveal asked Mr. Thao if he is expecting Metro Mobility or any other public transportation to this facility. Mr. Thao said that they do have a team of doctors and nurses that come to serve the residents once per month. If the resident needs surgery or hospitalization that is non-emergency they are transported by Metro Mobility or a minivan that he owns.

Mr. Thao responded to Chair Nelson that the building is one story. He said that the building will be in keeping with the character of the neighborhood.

Commissioner Wencil asked Mr. Dermody if this property is a wetland. Mr. Dermody said he did not know if this property is officially a delineated wetland, but it would be revealed in the site plan review. She asked if this property is wetland, would it make a difference in the findings. Mr. Dermody said it should not affect any of the staff findings, except perhaps it may affect the conformance with the comprehensive plan if we had a strategy related to water quality or wetlands, and that would take further analysis.

Commissioner Edgerton said if there were wetlands it would fall under the jurisdiction of the local governmental unit in charge of the wetland conservation act and it would be state law that would govern it. The requirement would be to avoid, minimize, and/or replace if they were to fill or impact the wetland. Work can be done around wetland, but there would need to be mitigation and replacement.

Commission Makarios asked Mr. Dermody under what circumstance a property owner would be required to improve Barclay Ave. in a situation like this. Mr. Dermody said that in the site plan review there would be an evaluation of the surrounding infrastructure and a road upgrade may be required in order to service the project.

Commissioner Makarios asked if the Commission can request a site plan review. Mr. Dermody said that the zoning code designates that site plan reviews go to the Planning Commission, unless delegated to the zoning administrator, which they generally are. However, the Planning Commission or Zoning Committee may request that the zoning administrator send any site plan review to them instead of reviewing it administratively.

Commissioner Reveal asked if we have had the site plan review before the zoning and conditional use permit action. Chair Nelson said we have had clearer definitions of projects in the past. Mr. Dermody said that there is not an application for a site plan review from the applicant and we have a 60-day deadline to process the applications, which is January 31, 2017, unless the applicant agrees to extend this.

Chair Nelson said that there are potential conditions that could be placed on the conditional use permit, but we cannot appropriately develop them with the amount of information we currently

have. The Commissioners agreed they need information related to wetland issues and access issues, specifically emergency and fire access as well as the potential development of Barclay Ave.

The public hearing was closed.


Commissioner Makarios moved to lay the matter over to a future date, dependent on the time needed for staff to acquire the requested information. Commissioner Reveal seconded the motion. The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

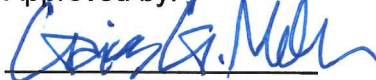
Drafted by:


Cherie Englund
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

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PRESENT: Edgerton, Makarios, Nelson, Reveal, Wencil, Wickiser, and McMahon
EXCUSED: Merrigan
STAFF: Jerome Benner, Bill Dermody, Cherie Englund, and Wendy Lane

The meeting was chaired by Commissioner Nelson.

Dearing Mansion Bed & Breakfast – Set a public hearing to consider revocation or modification of a conditional use permit (Zoning file #14-326-683) for a bed & breakfast residence with 4 guest rooms due to noncompliance with conditions for this use at 241 W. George St., between Charlton and Waseca.

Jerome Benner made a presentation pursuant to Section 61.108 which states the Zoning Administrator shall notify the Planning Commission when a development covered by a site plan, permit, determination of similar use or other zoning approval is not in compliance with the conditions imposed upon such approval. On October 3, 2014 Scott Kramer, the property owner of the Dearing Mansion, was granted a conditional use permit to operate a bed and breakfast with four guest rooms. Neighbors complained when they noticed that the Dearing Mansion was also being used for wedding receptions and special events, which is not permitted in the RT1 zoning district.

DSI staff sent an enforcement notice to Mr. Kramer on March 16, 2016, requesting Mr. Kramer to rent no more than 4 guest rooms and limit any use of the property for the purpose of events open to the public. Mr. Kramer followed up by email on March 29, 2016, apologizing for the inconvenience to his neighbors and said he would remove any advertisements on his website for the Dearing Mansion stating that he has 6 guest rooms for rent, along with the whole house. Mr. Kramer also had a post on Airbnb which is a common house-sharing website that was removed. However, in October 2016, DSI received another complaint that Mr. Kramer was hosting parties at the Dearing Mansion.

In a brief search of the web for 241 W. George St., Mr. Benner found several websites such as VRBO for this residence advertising corporate retreats, intimate celebrations, and beautiful backdrops for events, as well as 6 guest rooms and rental of the whole house. Based on the supporting evidence and complaints Mr. Benner is recommending to the Planning Commission to revisit Mr. Kramer's conditional use permit.

Mr. Benner noted that DSI and PED are doing a study on short-term rentals, such as Airbnb. He added while this may not have an impact on Mr. Kramer's conditional use permit; it is important to note that the City is taking another look at this type of use.

Commissioner Edgerton asked Mr. Benner to clarify that the conditional use permit only allows 4 guest rooms and does not allow corporate retreats or wedding events. Mr. Benner said that is correct.

Commissioner Wencil asked Mr. Benner if he has had any communication with Mr. Kramer. If so, what is Mr. Kramer's understanding of the conditional use permit? Mr. Benner said he has spoken with Mr. Kramer and he believes it is his right to rent guest rooms for his bed and breakfast and to rent his entire house through the VRBO website, because he believes it is a separate entity from his bed and breakfast.

Chair Nelson said that current requirements with regard to the short-term rental would not allow anyone in the city to have a short-term rental. Mr. Benner said that is correct.

Commissioner Reveal asked if it would be allowable to rent her house to a group for a week. Wendy Lane, Zoning Administrator at the Department of Safety and Inspections said that would not be allowable. She added there are no provisions in our current code for VRBO or Airbnb types of short-term rentals. She said the short-term rental study is looking at what future problems may be.

Commissioner McMahon said she was at the Neighborhood Committee Planning meeting and understood that short-term rentals are similar in that they are currently not allowed as a legal use and that they are being enforced on a complaint basis.

Commissioner Reveal said that she would like clarification about events and parties.

Commissioner Wickiser asked if every VRBO in the City of St. Paul should have a conditional use permit. Mr. Benner said no, but would be a better question to ask of Mr. Warner whom was not in attendance.

Commissioner Wickiser asked how it was determined that the number of guestrooms for a bed and breakfast be limited to 4. Chair Nelson said that number is determined by the ordinance for the required maximum guest rooms for a bed and breakfast in the City of St. Paul.

Ms. Lane noted that Mr. Benner said the Planning Commission has the option to impose additional conditions, modify existing conditions, or delete conditions depending upon what your findings are at the public hearing.

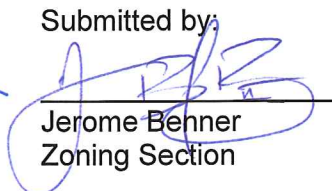
Commissioner Makarios moved to recommend setting a public hearing for February 16, 2017, to revisit the conditional use permit. Commissioner Wencil seconded the motion. The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

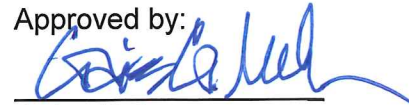
Drafted by:


Cherie Englund
Recording Secretary

Submitted by:


Jerome Benner
Zoning Section

Approved by:


Gaius Nelson
Chair

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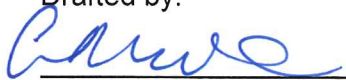
Zoning Fee Study – Review and recommendation for updating zoning fees.

Wendy Lane, Zoning Administrator at the Department of Safety and Inspections, said the City Council will hold a public hearing on the fee changes, and only one public hearing is needed. DSI and PED would like to do a Zoning Fee Study in early 2017 to compare to the 2010 Zoning Fee Study; each of the processes will be evaluated to make sure the fees reflect the actual costs. At this time, we are looking at increasing the zoning fees at percentages requested by the City Budget Office. All of the fees collected by DSI were increased by 3% last year and the directive is to increase them by 2% this year. The zoning fees that are submitted to PED were not increased last year and the City Budget Office suggested that those fees be increased by 5%. The rest of the fees collected by DSI were considered at a public hearing before the City Council last night and there was no opposition. The zoning fee increases need to have a recommendation from the Planning Commission before the City Council considers them, but a second public hearing is not required.

Commissioner Reveal made a motion to approve the recommended increases to the zoning fees. Commissioner Wencil seconded the motion. The motion passed by a vote of 7-0-0.

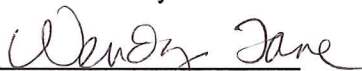
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Wendy Lane
Zoning Section

Approved by:



Gaius Nelson
Chair