

MINUTES OF THE ZONING COMMITTEE
Thursday, December 6, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Fredson, Ochs, and Rangel-Morales
EXCUSED: Lindeke and Reveal
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

SRPB Strategic Housing - 18-117-397 - Conditional use permit (CUP) for building height: 37 ft. allowed by right with setbacks; 47 ft. proposed with CUP and setbacks at 848 Payne Ave, NE corner Payne and Whittall

Bill Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He stated District 5 recommended approval by letter, and there were no other letters in support or opposition.

Katie Anthony, Schafer Richardson, 900 N 3rd Street, Minneapolis, explained that the project is a mixed use building that would include 5,600sf of commercial space and 99 units of affordable housing. The project would also include outdoor amenities, green sustainable features and ample bike parking.

Upon questions from Commissioners, Ms. Anthony stated that currently they do not have any tenants for the commercial spaces. They have been working with the East Side Neighborhood Development Company (ESNDC) to find future tenants and they are flexible with the uses of the space. She explained that they have been in contact with neighbors and business owners in the area and have received a positive response. They will continue to keep communication lines open.

At questions from the Commissioners, Mr. Dermody stated that the proposed building is 47 feet high from average ground elevation to the roof deck, and that height measurement has been confirmed through site plan review.

Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN was present to reinforce the letter of support they submitted. They are in favor of bringing new retail and affordable housing to an area where it is really needed.

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

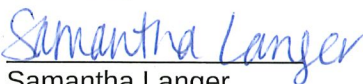
Commissioner DeJoy stated she needed to recuse herself because she works for ESNDC.

Commissioner Kris Fredson moved approval with a condition of the conditional use permit. Commissioner Christopher Ochs seconded the motion.

The motion passed by a vote of 5-0-1.

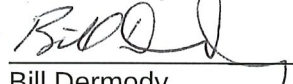
Adopted Yeas - 5 Nays - 0 Abstained - 1 (DeJoy)

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, December 6, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Fredson, Ochs, and Rangel-Morales
EXCUSED: Lindeke, and Reveal
STAFF: Anton Jerve, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Peggy Dahl - 18-124-347 - Rezone from RM1 low-density multi-family residential to RM2 medium-density multi-family residential, 1375 Cleveland Ave N, between Carter and Doswell

Anton Jerve presented the staff report and made no recommendation for the rezoning. He stated District 12 made no recommendation, and there were no letters in support or opposition.

There was discussion on the absence of a recommendation by staff and Chair Edgerton stated the Committee has typically relied on staff for the basis of judgment of spot zoning.

At questions from the Commissioners, Mr. Warner explained it would up to the Zoning Commission to determine what has changed since the site was zoned to make the rezoning appropriate.

In response to Commissioner Baker, Mr. Jerve stated if the 2040 Comprehensive Plan had already been adopted he would have leaned towards a recommendation of approval for rezoning to RM2 medium density multi-family residential.

The applicant, Peggy Dahl, 1375 Cleveland Avenue N, Saint Paul MN, stated she has lived at this address for 17 years. She would like to redevelop the property because of the changes in the neighborhood. There is an increase of student living including fraternity and sorority housing. She would prefer to rezone to RM2 so that the carriage house on the edge of the property can remain in place and serve as a buffer to the single family homes located across the alley.

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

After discussion by the Committee, it was decided that rezoning to RM2 was rationally based due to recent density increases along Cleveland and it is consistent with the area. The applicant isn't asking to substantially increase density.

Mr. Jerve stated he would add a statement to the resolution in terms of recognizing how housing along Cleveland Avenue has intensified.

Commissioner Kris Fredson moved approval of the rezoning. Commissioner Anne DeJoy seconded the motion.

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

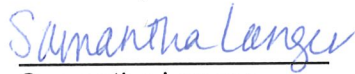
Adopted

Yeas - 6

Nays - 0

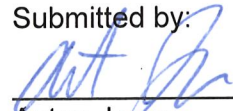
Abstained - 0

Drafted by:



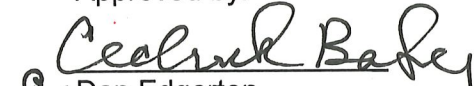
Samantha Langer
Recording Secretary

Submitted by:



Anton Jerve
City Planner

Approved by:



for Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, December 6, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Ochs, and Rangel-Morales
EXCUSED: Fredson, Lindeke, and Reveal
STAFF: Tony Johnson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Thomas Huynh - 18-122-789 - Reestablishment of nonconforming use as a duplex, 822 Van Buren Avenue, Between Avon and Victoria

Tony Johnson presented the staff report with a recommendation of approval with a condition for the reestablishment of nonconforming use permit. He stated District 7 made no recommendation, and there were no letters in support or opposition.

The applicant, Thomas Huynh, 3007 Valento Lane, Saint Paul MN, explained that the layout of the structure is set up to be a duplex. He confirmed that he will make corrections to everything that is listed on the code compliance report from the Department of Safety and Inspections.

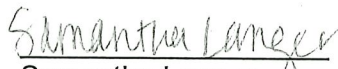
No one spoke in support or opposition. The public hearing was closed.

Commissioner Cedrick Baker moved approval with a condition of the reestablishment of nonconforming use permit. Commissioner Anne DeJoy seconded the motion.

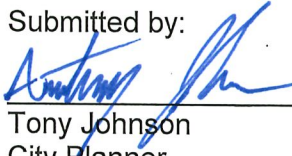
The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Tony Johnson
City Planner

Approved by:


Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, December 6, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Ochs, and Rangel-Morales
EXCUSED: Fredson, Lindeke, and Reveal
STAFF: Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

James Kilau - 18-120-737 - Reestablishment of a nonconforming use as a paint studio for preparation of commercial signs, 749 Tatum St, SW corner at Chelton Avenue

Josh Williams presented the staff report with a recommendation of approval with conditions for the reestablishment of nonconforming use permit. He stated District 11 made no recommendation, and there was 1 letter in support, and 1 letter in opposition.

Upon inquiry from the Commissioners, Mr. Williams explained that the parking demand generated by the commercial use is limited to one person who is occupying a large space. Mr. Williams stated that the complaint of the odor of paint triggered the inspection by the Department of Safety and Inspection and resulted in the need for a reestablishment of nonconforming use for a paint studio. He explained that the applicant and his tenant have come up with a workable plan to eliminate the impact of odors or fumes for the neighbors. He recommends conditions for approval that ventilation fans will not be used to direct odors toward neighboring properties, and no odor impacts to adjacent properties, as evidenced by credible complaints, shall be allowed.

Commissioners voiced their concerns about what would constitute a credible complaint.

In response to questions from the Commissioners, Mr. Williams described the difference between a change of nonconforming use and the reestablishment of a nonconforming use. He explained that the previous grocery store use generated more traffic than the proposed use as a paint studio. The paint studio will have far less impact on the neighborhood if the paint odor can be controlled, that the City can revoke the permit if odors are not controlled.

The applicant, James Kilau, 2225 Acorn Road, Saint Paul, MN stated he is the owner and he is currently renting the space to the sign shop. He hadn't been aware of the exhaust fan that was being used. Once he was made aware of the complaints he investigated the cause of the strong odors and found it was the larger 4' x 8' signs that were being painted. The tenant now sends those offsite to be painted and the exhaust fan has been removed. The odor is no longer present. He said if the tenant doesn't comply with these conditions he will be asked to leave. Mr. Kilau stated he has rented the space to the business for storage for the last 26 years. He wants to make sure he is a good neighbor and that is a priority.

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

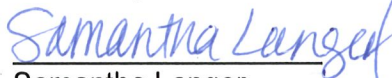
There was further discussion on what constitutes a credible complaint and the Committee requested that better language be drafted that would be more direct about the odor impacts and complaints by neighbors for condition two.

Commissioner Anne DeJoy moved approval with conditions of the reestablishment of nonconforming use permit. Commissioner Cedrick Baker seconded the motion.

The motion passed by a vote of 5-0-0.

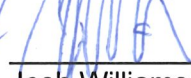
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Josh Williams
City Planner

Approved by:



 Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, December 6, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Ochs, and Rangel-Morales

EXCUSED: Fredson, Lindeke, and Reveal

STAFF: Tony Johnson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

James and Sarah Jarman - 18-124-254 - Rezone from RM2 multi-family residential to BC community business (converted) at 541 Selby Ave, between Kent and Mackubin

Scott Griesbach and Tom Ellis - 18-124-337 - Parking variance (6 spaces required; 2 spaces plus bike parking proposed) at 541 Selby Ave, between Kent and Mackubin

Tony Johnson presented the staff reports with a recommendation of approval for the rezoning and recommendation of approval with a condition for the parking variance. He stated District 8 had not responded, and there were 2 letters in support, and no letters in opposition.

Tom Ellis, 1699 Lincoln Avenue, Saint Paul, MN stated that he and Scott Griesbach are in the process of purchasing 541 Selby Avenue and using it for counseling offices and a home furnishing and design boutique. The two businesses do not create high density traffic. Crocus Hill Counseling will be home to alternating therapists who see clients at varying times during week days. Most of the employees live within biking distance, and the two property owners will commute to work together. The home design business will be open weekday afternoons/evenings and weekends. The businesses have minimal overlapping hours, resulting in parking demands not being simultaneous. Mr. Ellis said they have met with neighbors and they have been very supportive.

Scott Griesbach, 1699 Lincoln Avenue, Saint Paul, MN, explained that they received great response while they were collecting signatures for the petition to rezone. They were able to get 26 signatures out of 31 eligible parcels. The signatures they didn't received were from neighbors that they could not contact. No one they spoke with was in opposition to the proposal. The addition of these businesses is perfect for this area.

Upon questions from the Commissioners, Mr. Ellis stated that there are two parking spaces in the garage onsite. The addition of a bike rack provides up to a 10% reduction of parking requirements. It should substitute for one parking space. The property is in a historic district so they will need follow guidelines on where it can be located.

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

Commissioner Christopher Ochs moved approval of the rezoning. Commissioner Anne DeJoy seconded the motion.

The motion passed by a vote of 5-0-0.

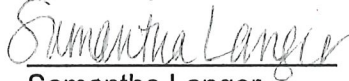
Adopted Yeas - 5 Nays - 0 Abstained - 0

Commissioner Cedrick Baker moved approval with a condition of the parking variance.
Commissioner Christopher Ochs seconded the motion.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



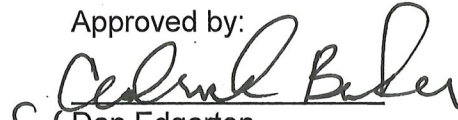
Samantha Langer
Recording Secretary

Submitted by:



Tony Johnson
City Planner

Approved by:



 Dan Edgerton
Chair