

city of saint paul
planning commission resolution
file number
date

WHEREAS, Randy Heiligman and William Bigley, File # 17-001-300, have applied for a modification of a condition of the existing conditional use permit to allow a maximum height of 15 feet for exterior storage under the provisions of § 65.843; § 65.846; § 61.501; § 61.502 of the Saint Paul Legislative Code, on property located at 2576 Doswell Ave, Parcel Identification Number (PIN) 202923330001, legally described as St Anthony Park West Part Of Sw 1/4 Of Sw 1/4 Of Sec 20 T 29 R 23 Lying Nely Of Np Ry R/w And W Of Minn Tfr R/w And S Of The Fol And The Fol S 1/2 Of Vac Doswell And Vac Emerald Ave Accruing And Lots 2 Thru Lot 12 Blk 10; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 16, 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 applicants, William Bigley and Randy Heiligmann, operate motor vehicle salvage operation at 2576 Doswell Avenue and are requesting a modification to a condition of their current CUP to allow more flexibility with their operations. The original CUP (attached) was approved by the Planning Commission in 2003 (Zoning File # 02-245-419).
2. Zoning Code § 65.843 defines "motor vehicle salvage operation" and refers to standards and conditions in § 65.846. § 65.846 lists three standards that outdoor recycling processing centers must satisfy:
 - (a) Outdoor processing, salvaging and storage of the materials and motor vehicles shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary. The area used for the outdoor processing, salvaging and storage shall be behind an obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high providing for reasonable operation of the business. This condition is met as established in ZF# 02-245-419.
 - (b) There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning. This condition is met as established in ZF# 02-245-419.

moved by _____
seconded by _____
in favor _____
against _____

- (c) There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district may be stacked one (1) foot higher than the obscuring structure, wall or fence for every additional five (5) feet the material is set back from the nearest residential zoning district, up to a maximum of sixty (60) feet. This condition can be met. A condition of this permit will require outdoor stacking of material to be no higher than twelve (12) feet above grade.
3. Zoning Code § 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 as established in ZF# 02-245-419. The Comprehensive Plan has been updated since the original CUP. The use continues to be in substantial compliance, particularly with the Land Use Chapter Strategy 2: Land for Jobs.
 - (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met as established in ZF# 02-245-419.
 - (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 as established in ZF# 02-245-419.
 - (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 as established in ZF# 02-245-419.
 - (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 as established in ZF# 02-245-419.
4. The planning commission may approve modifications of special conditions when specific criteria of Zoning Code § 61.502 are met: strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. This finding is met. The conditions of this use under § 65.846 allow for material stacking at this location to be up to the maximum height of 60 feet given the existing separation from a residential zoning district, approximately 725 feet. There is no documentation regarding why the stacking was limited to eight feet by the original CUP in either the previous staff report or Zoning Committee meeting minutes (attached). § 65.846 requires a fence (or other buffer) to be at least eight (8) feet tall, but the condition of the current CUP could be interpreted as requiring an obscuring fence to be exactly eight feet tall. Given the context of the site, linking the height of the fence and the material stacking to the minimum required fence height has been unduly restrictive and has resulted in limiting the operations on the site which are otherwise consistent with the current zoning and future land use policies.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Randy Heiligman and William Bigley for a modification of a condition of the existing conditional use permit to allow a maximum height of 15 feet for exterior storage at 2576 Doswell Ave is hereby approved, subject to the following additional conditions:

1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
3. Any exterior storage shall not exceed twelve (12) feet and shall be screened by an obscuring fence of at least eight (8) feet tall.
4. The storage of tires shall be contained in an indoor facility.
5. A landscaped buffer will be constructed as required by Zoning Code § 61.104 and § 63.114.
6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.
8. An updated site plan reflecting current operations shall be submitted to the Zoning Administrator within sixty (60) days of this Conditional Use Permit approval. The site plan must be approved by the Zoning Administrator. Site conditions must come into compliance with the approved site plan within sixty (60) days of its approval.

+

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Metro Metals Corp. **FILE #** 17-001-300
 2. **APPLICANT:** Randy Heiligman and William Bigley **HEARING DATE:** February 16, 2017
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 2576 Doswell Ave, terminus of Doswell Avenue at City of Minneapolis border
 5. **PIN & LEGAL DESCRIPTION:** 20.29.23.33.0001; St Anthony Park West Part Of Sw 1/4 Of Sw 1/4 Of Sec 20 T 29 R 23 Lying Nely Of Np Ry R/w And W Of Minn Tfr R/w And S Of The Fol And The Fol S 1/2 Of Vac Doswell And Vac Emerald Ave Accruing And Lots 2 Thru Lot 12 Blk 10
 6. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** I2
 7. **ZONING CODE REFERENCE:** § 65.843; § 65.846; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** February 8, 2017 **BY:** Anton Jerve
 9. **DATE RECEIVED:** January 5, 2017 **60-DAY DEADLINE FOR ACTION:** March 20, 2017
-

- A. **PURPOSE:** Modification of a condition of the existing conditional use permit (CUP) for a motor vehicle salvage operation (ZF # 02-245-419) to allow a maximum height of 15 feet for exterior storage.
- B. **PARCEL SIZE:** 196,020 sq. ft.
- C. **EXISTING LAND USE:** Motor vehicle salvage operation
- D. **SURROUNDING LAND USE:**
 - North: Industrial (I2)
 - East: Industrial (I1)
 - South: Industrial (I2)
 - West: Industrial (Minneapolis I2)
- E. **ZONING CODE CITATION:** § 65.843 defines "*motor vehicle salvage operation*" and refers to standards and conditions in § 65.846. § 65.846 lists general conditions for outdoor recycling processing centers. § 61.501 lists general conditions that must be met by all conditional uses. § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The Planning Commission approved a Special Council Use Permit for a parking lot to serve a new industrial plant for Vallaume Steel Company in 1968 (ZF# 6493). The current use was established in 2003 with a conditional use permit (ZF# 02-245-419). Since the approval of the original site plan, operations on the site have been modified to allow for a fire lane around outdoor storage areas and the location of crushed car bundles has shifted, but the site plan has not been officially updated. DSI has ordered the applicant to apply for a modification of condition 3 of their current CUP pertaining to the height of exterior storage, or to reduce material stacking height on their property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 12 Council has not commented at the time of this report.
- H. **FINDINGS:**
 1. The applicants, William Bigley and Randy Heiligmann, operate motor vehicle salvage operation at 2576 Doswell Avenue and are requesting a modification to a condition of their current CUP to allow more flexibility with their operations. The original CUP (attached) was approved by the Planning Commission in 2003 (Zoning File # 02-245-419).
 2. Zoning Code § 65.843 defines "*motor vehicle salvage operation*" and refers to standards and conditions in § 65.846. § 65.846 lists three standards that outdoor recycling processing centers must satisfy:

- (a) *Outdoor processing, salvaging and storage of the materials and motor vehicles shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary. The area used for the outdoor processing, salvaging and storage shall be behind an obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high providing for reasonable operation of the business. This condition is met as established in ZF# 02-245-419.*
- (b) *There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning. This condition is met as established in ZF# 02-245-419.*
- (c) *There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district may be stacked one (1) foot higher than the obscuring structure, wall or fence for every additional five (5) feet the material is set back from the nearest residential zoning district, up to a maximum of sixty (60) feet. This condition can be met. A condition of this permit will require outdoor stacking of material to be no higher than twelve (12) feet above grade.*

3. Zoning Code § 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 as established in ZF# 02-245-419. The Comprehensive Plan has been updated since the original CUP. The use continues to be in substantial compliance, particularly with the Land Use Chapter Strategy 2: Land for Jobs.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met as established in ZF# 02-245-419.*
- (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 as established in ZF# 02-245-419.*
- (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 as established in ZF# 02-245-419.*
- (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 as established in ZF# 02-245-419.*

4. The planning commission may approve modifications of special conditions when specific criteria of Zoning Code § 61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The conditions of this use under § 65.846 allow for material stacking at this location to be up to the maximum height of 60 feet given the existing separation from a residential zoning district, approximately 725 feet. There is no documentation regarding why the stacking was limited to eight feet by the original CUP in either the previous staff report or Zoning Committee meeting minutes (attached). § 65.846 requires a fence (or other buffer) to be at least eight (8) feet tall, but the condition of the current CUP could be interpreted as requiring an obscuring fence to be *exactly* eight feet tall. Given the context of the site, linking the height of the fence and the material stacking to the minimum required fence height has been unduly restrictive and has resulted in limiting the operations on the site which are otherwise consistent with the current zoning and future land use policies.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the requested modification of a condition of the existing conditional use permit for a motor vehicle

salvage operation (ZF # 02-245-419) to allow a maximum height of fifteen (15) feet for exterior storage, subject to the following additional conditions:

1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
3. Any exterior storage shall not exceed twelve (12) feet and shall be screened by an obscuring fence of at least eight (8) feet tall.
4. The storage of tires shall be contained in an indoor facility.
5. A landscaped buffer will be constructed as required by Zoning Code § 61.104 and § 63.114.
6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.
8. An updated site plan reflecting current operations shall be submitted to the Zoning Administrator within sixty (60) days of this Conditional Use Permit approval. The site plan must be approved by the Zoning Administrator. Site conditions must come into compliance with the approved site plan within sixty (60) days of its approval.

ZF # 17-001-300

Englund, Cherie (CI-StPaul)

From: Jerve, Anton (CI-StPaul)
Sent: Tuesday, February 14, 2017 5:18 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Attn Zoning Committee RE: File 17-001-0300

Follow Up Flag: Follow up
Flag Status: Flagged

From: Andrew Reynolds [<mailto:areynolds@arcainc.com>]
Sent: Tuesday, February 14, 2017 9:51 AM
To: Jerve, Anton (CI-StPaul)
Subject: Attn Zoning Committee RE: File 17-001-0300

In regards to Metro Metals Corporation
2576 Doswell Ave
St Paul MN 55108

I would like to voice my concerns regarding the above file number 17-001-0300

We are a retail establishment located at 2475 Doswell Ave, over the last few years we have had a growing number of issues with Metro Metals and their clients

There is a constant stream of tow trucks flying up and down the frontage at well above the speed limit, this is a major safety concern for my customers and employees

Tow drivers are always "dumping" cars along the frontage in front of our building, and in some cases in our parking spaces. It takes multiple calls from us to the city to finally get them removed

Junk haulers are clipping Freon lines from dehumidifiers/refrigerators and venting Freon into the atmosphere, this is unsafe and illegal. We witness this daily.

The road itself is in poor condition due to the amount of traffic created by Metro Metals, and it is littered with items falling from their trucks. (Screws, nails, metal pieces etc)

We take pride in our location and community, we fear this permit would expand on the already unethical and illegal dumping of items on or nearby the scrap yard

Sincerely,
AJ Reynolds
National Service Manager
ApplianceSmart Inc.
2475 Doswell Ave.
St. Paul, MN 55108
Direct 952.930.1819
Main 952.930.9000
Mobile 651.335.8126

ApplianceSmart[®]

If you didn't buy from ApplianceSmart, you paid too much!



**Please consider the environment before printing this e-mail*

This email and any files attached are confidential and intended exclusively for the individuals and entities to which it is addressed. This communication, including any attachments, may contain information that is proprietary, privileged, confidential, including information that is protected under the HIPAA privacy rules, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of this message. This message is protected by applicable legal privileges and is confidential.

ZF # 17-001-300

Englund, Cherie (CI-StPaul)

From: Jerve, Anton (CI-StPaul)
Sent: Tuesday, February 14, 2017 5:18 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: File# 17-01-300

Follow Up Flag: Follow up
Flag Status: Flagged

From: Mark Silverberg [<mailto:mark.silverberg@qualitymetalsinc.com>]
Sent: Tuesday, February 14, 2017 12:19 PM
To: Jerve, Anton (CI-StPaul)
Subject: File# 17-01-300

RE: Zoning Committee, File# 17-01-300 – Metro Metals

Quality Metals, Inc., is neighbor to the property in question, in fact across the street.

We are opposed to the proposed modification of the existing conditional use permit.

Thank you,

Mark Silverberg, VP
Quality Metals, Inc.
2575 Doswell Ave.
St. Paul, MN 55108

ZF # 17-001-300

Englund, Cherie (CI-StPaul)

From: Jerve, Anton (CI-StPaul)
Sent: Thursday, February 16, 2017 1:36 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: court

From: Gerke, Kathy [<mailto:Kathy.Gerke@compass-usa.com>]
Sent: Thursday, February 16, 2017 1:34 PM
To: Jerve, Anton (CI-StPaul)
Subject: court

I am from Canteen at 2492 Doswell Ave. We are next to Metro Metals. They have left cars in our lot and on the street across from us.

I feel if they get bigger we will have more and more problems that seem to be out of control already.

More traffic and debris in the street that has caused flat tires on our personal vehicle's and our work trucks.

They do not seem to try to work with all of us around here to fix all the parking , stealing and cleaning problems.

I have personally been in touch with the city on no parking signs we had paid to have put up and continuing problem with abandoned vehicles.

I vote NO on the expansion.

Thank You

Kathy Gerke
Canteen Office Coffee
2492 Doswell Ave.
St. Paul MN. 55108
Ph. 651 488-0515
Fax 651-48808014
Kathy.Gerke@compass-usa.com

This email is subject to certain disclaimers, which may be reviewed via the following link.
<http://www.compass-usa.com/disclaimer>

ZF #17-001-300

Englund, Cherie (CI-StPaul)

From: Jerve, Anton (CI-StPaul)
Sent: Thursday, February 16, 2017 1:55 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Metro Metals Corp

From: Dwayne Benson [<mailto:dwayne@uniontraining.org>]
Sent: Thursday, February 16, 2017 1:53 PM
To: Jerve, Anton (CI-StPaul)
Subject: Metro Metals Corp

Hello... My name is Dwayne Benson and I'm an instructor with the Carpenter's Union. I work at 1295 N Hunting Valley Rd. which sits off of a cul-de-sac sort of adjacent to Metro Metals. I would be real cautious about increasing the capacity of their yard. The cul-de-sac is already a wasteland of discarded and unrecyclable auto parts and other garbage. The scrappers have no regard for littering ordinances or the environment. They literally fill the ditches with trash. A quick drive down here by you would confirm that. In fact, I challenge you to do just that. We've had our students and staff alike lose tires to the scrap metal that gets left on the city street. Another problem we have is because of our location's relative seclusion, the scrappers like to use our property to bust up their scrap and leave the undesirable waste lay for us to clean up. If you call the St. Paul Fire Department they'll tell you of the call we made to them about a year ago of the 75 foot tall rubber fire I drove up to at about 4:30 a.m. There was thick black smoke pouring across highway 280 that I could see from 4 miles away as I was driving in. This fire was on our property and it was started by a group of men that were burning the coverings off of copper wire in order to increase the recycling value. No sir...we don't need this activity to increase. The recycling company needs to be held accountable for their current operation before giving them the opportunity to increase their capacity.

*Respectfully,
Dwayne Benson*

Sent from my Verizon Wireless 4G LTE DROID

city of saint paul
planning commission resolution
file number
date

WHEREAS, Verizon Wireless, File # 17-006-697, has applied for a conditional use permit for a replacement 33' 6" high light pole with cellular telephone antennas under the provisions of §65.310 and §61.501 of the Saint Paul Legislative Code, on property located at 1745 Grand Ave, Parcel Identification Number (PIN) 042823420021, legally described as the South 129 feet of Lots 1-3, Block 3 of Elmer & Morrison's Rearrangement of Part of Macalester Park; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 16, 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 conditional use permit approval to allow installation of a replacement 33'-6" high light pole with cellular telephone antennas and associated equipment, including remote radio units (RRUs), power converters, and a breaker box. The new pole will replace a shorter existing light pole. The antennas are of a small cell canister design.
2. The proposed light pole replaces an existing light pole in the parking lot adjacent to Wheeler Street of an auto service station (gas station) at 1745 Grand Ave. that is zoned B2.
3. §65.310 lists nine standards and conditions that apply to cellular telephone antennas, including the following that apply to the subject application:
 - a. *In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a building less than 45 feet high or on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least 60 feet high. Conditional use permit review for such antennas will take into account not only the request made by the application, but also any future eligible facility modifications allowed under 47 CFR §1.4.0001, such as antennas of a more obtrusive design or placement than the subject application. A conditional use permit is not required for any eligible facility modification allowed under 47 CFR §1.4.0001. This condition is met by the subject application and analysis included in the other findings. 47 CFR §1.4001 essentially*

moved by _____

seconded by _____

in favor _____

against _____

allows any structure that supports cellular telephone antennas to be modified (regardless of zoning regulations) to accommodate additional future antennas and associated equipment so long as it does not constitute a "substantial change" in the structure's physical dimensions, and that it complies with conditions of the original antennas' siting approval. The regulation defines a "substantial change" as (applied to this case) a height increase of 20 feet plus the height of one additional antenna array, or a protrusion from the tower of more than 20 feet.

- c. *For antennas proposed to be located on a building less than 45 feet high in residential, traditional neighborhood, and business districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole or an existing structure at least 45 feet high within ½ mile radius of the proposed antennas due to one or more of the following reasons:*
- 1. The planned equipment would exceed the structural capacity of the existing pole or structure.*
 - 2. The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*
 - 3. The planned equipment cannot be accommodated at a height necessary to function reasonably.*
 - 4. The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

This condition is met. An application supplement states that the antennas need to be as close to the street as possible and that placement on structures taller than 45 feet would not allow the small cell technology to function reasonably.

- d. *In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*
- 1. The freestanding pole shall not exceed 75 feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a 75-foot pole impractical. Freestanding poles may exceed the above height limit by 25 feet if the pole is designed to carry two (2) antennas. This condition is met. The requested 33'-6" pole plus future additions allowed by 47 CFR §1.4.0001 would equal 53'-6" plus antenna height.*
 - 2. Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus 38 feet from the nearest residential building. This condition can be met. The minimum front and side yard setbacks in the B2 district are 0'. The nearest residential building is approximately 100' to the east, as compared to a height of 53'-6" plus antenna height for the proposal plus future additions allowed by 47 CFR §1.4.0001. A recommended condition would limit antennas (including future additions) to a small cell canister design such as proposed, which are currently designed as 27" in height, in order to ensure that this condition is met.*
 - 3. The antennas shall be designed where possible to blend into the surrounding environment through concealment elements such as the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. This condition can be met so long as*

future additions are required to have a small cell canister design such as proposed by the subject application.

4. *In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In the business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.* This condition is met. The subject site's zoning lot is contiguous with property on the southwest and southeast corners of Grand Ave. and Wheeler St. that are zoned BC and B2, which combined with the subject site's zoning lot are approximately 2.7 acres in area.
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. There are no plan policies specific to this application.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use produces very minimal traffic in the form of an occasional service truck that can be accommodated by existing ingress and egress.
 - (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 can be met if the design of the antennas (including any future additions) is small cell canister such as proposed.
 - (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 pole will not impede the development and improvement of surrounding property.
 - (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. The proposal will conform to all other B2 regulations, as will be confirmed through building permit review and any site plan review.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Verizon Wireless for a conditional use permit for a replacement 33' 6" high light pole with cellular telephone antennas at 1745 Grand Ave is hereby approved subject to the following conditions:

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.
2. Antennas shall be of a small cell canister design similar to that presented in the application materials.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Verizon Wireless, File # 17-006-742, has applied for a conditional use permit for a new 31' high light pole with cellular telephone antennas under the provisions of §65.310 and §61.501 of the Saint Paul Legislative Code, on property located at 425 7th St W, Parcel Identification Number (PIN) 012823410141, legally described as Samuel Leeches Addition Subj To Esmts & Vac St Accruing The Fol; Lot 5 Of C L Lains Re & In Sd Samuel Leeches Addition; Ex N 90 Ft Of Lot 8 & Ex N 90 Ft Of W 3 Ft Of Lot 9; Lots 8 9 & 10 Blk 4 & Part Nw Of W 7th St Of Lots 6 & Lot 7 Blk 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 16, 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 conditional use permit approval to allow installation of a new 31' high light pole with cellular telephone antennas and associated equipment, including remote radio units (RRUs). The antennas are of a small cell canister design.
2. The proposed light pole would be placed in the parking lot of a restaurant at 425 7th Street West that is zoned B2.
3. §65.310 lists nine standards and conditions that apply to cellular telephone antennas, including the following that apply to the subject application:
 - a. *In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a building less than 45 feet high or on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least 60 feet high. Conditional use permit review for such antennas will take into account not only the request made by the application, but also any future eligible facility modifications allowed under 47 CFR §1.4.0001, such as antennas of a more obtrusive design or placement than the subject application. A conditional use permit is not required for any eligible facility modification allowed under 47 CFR §1.4.0001. This condition is met by the subject application and analysis included in the other findings. 47 CFR §1.4001 essentially allows any structure that supports cellular telephone antennas to be modified*

moved by _____

seconded by _____

in favor _____

against _____

(regardless of zoning regulations) to accommodate additional future antennas and associated equipment so long as it does not constitute a "substantial change" in the structure's physical dimensions, and that it complies with conditions of the original antennas' siting approval. The regulation defines a "substantial change" as (applied to this case) a height increase of 20 feet plus the height of one additional antenna array, or a protrusion from the tower of more than 20 feet.

- c. *For antennas proposed to be located on a building less than 45 feet high in residential, traditional neighborhood, and business districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole or an existing structure at least 45 feet high within ½ mile radius of the proposed antennas due to one or more of the following reasons:*
- i. *The planned equipment would exceed the structural capacity of the existing pole or structure.*
 - ii. *The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*
 - iii. *The planned equipment cannot be accommodated at a height necessary to function reasonably.*
 - iv. *The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

This condition is met. An application supplement states that the antennas need to be as close to the street as possible and that placement on structures taller than 45 feet would not allow the small cell technology to function reasonably.

- d. *In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*
1. *The freestanding pole shall not exceed 75 feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a 75-foot pole impractical. Freestanding poles may exceed the above height limit by 25 feet if the pole is designed to carry two (2) antennas. This condition is met. The requested 31' high pole plus future additions allowed by 47 CFR §1.4.0001 would equal 51' plus antenna height.*
 2. *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus 38 feet from the nearest residential building. This condition can be met. The minimum front and side yard setbacks in the B2 district are 0'. The nearest residential building is approximately 118' to the north, as compared to a height of 51' plus antenna height for the proposal plus future additions allowed by 47 CFR §1.4.0001.*
 3. *The antennas shall be designed where possible to blend into the surrounding environment through concealment elements such as the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. This condition can be met so long as future additions are required to have a small cell canister design such as proposed by the subject application.*
 4. *In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In the business districts,*

the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. This condition is met. The subject site's zoning lot is contiguous with property to the southwest that is also zoned B2 and constitutes well over one (1) acre in area.

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. There are no plan policies specific to this application.*
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The use produces very minimal traffic in the form of an occasional service truck that can be accommodated by existing ingress and egress.*
 - (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 can be met if the design of the antennas (including any future additions) is small cell canister such as proposed.*
 - (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 pole will not impede the development and improvement of surrounding property.*
 - (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. The proposal will conform to all other B2 regulations, as will be confirmed through building permit review and any site plan review.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Verizon Wireless for a conditional use permit for a new 31' high light pole with cellular telephone antennas at 425 7th St W is hereby approved subject to the following conditions:

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.
2. Antennas shall be of a small cell canister design similar to that presented in the application.

ZF# 17-000-688

Englund, Cherie (CI-StPaul)

From: Dadlez, Kady (CI-StPaul)
Sent: Friday, February 10, 2017 1:25 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Dearing Mansion at 241 George St. W.

See below.



Kady Dadlez

Senior City Planner

Planning and Economic Development

25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6619

F: 651-266-6549

kady.dadlez@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: Santiago Fernandez-Gimenez [<mailto:ferna010@umn.edu>]
Sent: Friday, February 10, 2017 12:48 PM
To: Dadlez, Kady (CI-StPaul)
Subject: Dearing Mansion at 241 George St. W.

Greetings Kady,

I am writing in support of continued permission for the Dearing Mansion to serve as a B&B. This building was practically an abandoned eyesore fifteen years ago, and Scott has invested heavily to return it to glory. It is a boon to the neighborhood. This is exactly the behavior the city should be encouraging.

I live directly across George Street in 240 W George. Scott has been nothing but amenable and communicative as a neighbor, and we have seldom even noticed whether the house has guests or not. He has always informed us before the few larger occupancies, we have never felt bothered, put upon, or inconvenienced in any way. There is significantly more noise and traffic from the church down the block than from the Dearing. Anyone who is complaining may actually be mistaking noise from the church, where there are regular practices and performances of amplified music, as well as crowds.

We are not bothered by either of these entities in the neighborhood, and we fully support both continuing to provide vibrancy and vigor to our neighborhood.

Thanks,
Santiago

--

Santiago Fernández-Giménez

Destiny One Registration System | Academic Support Resources | asr.umn.edu

University of Minnesota | umn.edu

ferna010@umn.edu

625-6423

StrengthsQuest assessment classifies my strengths as:
Arranger • Ideation • Strategic • Achiever • Woo

ZF #17000-688

Dadlez, Kady (CI-StPaul)

From: Dale Eberly II <tackle77@gmail.com>
Sent: Sunday, February 12, 2017 9:54 AM
To: Dadlez, Kady (CI-StPaul)
Subject: Scott Kramer/Dearing Mansion CUP

Ms. Dadlez-

My name is Dale Eberly. My wife and I are the residents and owners of 244 W George St. This puts us quite literally across the street from Mr. Kramer. Yesterday we received notice of a public hearing regarding Mr. Kramer's Conditional Use Permit to operate a bed and breakfast. In conjunction with that notice we also received an email from Mr. Kramer informing us of the and as well noting that he had been cited for compliance issues by DSI.

I was wondering if you would be willing to help me track down both the DSI citation(s) as well as the zoning regulations pertinent to both the conditional use of a private home as a B&B as well as rental of private homes, specifically for the zoning of his lot. Any info you can provide regarding previous complaints to the police and/or code enforcement would also be of use.

I would like to be open here that I am requesting this information as a "concerned citizen". As I understand it, this should all be public information, especially as it pertains the hearing.

While I have no ties beyond my geographic proximity to Mr. Kramer, I feel strongly he has done well at trying to manage this business and be sensitive to the neighborhood. I would also welcome an opportunity to discuss this with you in the phone a bit as well. My mobile number is 612-618-3049. Please call at your convenience. If nothing else, I'll try to reach out to you on Tuesday.

Thank you for your time and assistance.

-Dale Eberly

ZF # 17-000-688

Englund, Cherie (CI-StPaul)

From: Dadlez, Kady (CI-StPaul)
Sent: Tuesday, February 14, 2017 8:06 AM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Dearing Mansion Bed and Breakfast—letter of support

Cheri-
Here is a letter of support for my zoning case. Please provide copies to the zoning committee on Thursday.
Thanks!
-Kady



Kady Dadlez
Senior City Planner
Planning and Economic Development
25 West Fourth Street
Saint Paul, MN 55102
P: 651-266-6619
F: 651-266-6549
kady.dadlez@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: Shelly Campbell [<mailto:Shelly@shellycampbellstudios.com>]
Sent: Monday, February 13, 2017 5:07 PM
To: Dadlez, Kady (CI-StPaul)
Subject: Dearing Mansion Bed and Breakfast—letter of support

Hello Kady Dadlez-

Please pass this letter onto the Zoning Committee:

This is a letter in support of Scott Kramer's request for a modification to the conditional use permit for the Dearing Mansion property, located at 241 George St West, St Paul, 55107. Scott is hoping to have the permit expanded to the use of six bedrooms in the house. Currently, the conditional use permit only allows him the use of four bedrooms.

I've known Scott as a neighbor for many years, and I have to say that his small short-term housing business on George has brought community pride to the West Side. The Dearing Mansion makes all of us feel as though we here on the West Side count—just as much as any mansion on Summit Hill. We may not have the resources of the Summit folks, but with people like Scott amongst us, we've certainly got the talent to run small quality businesses that attract people from all over the world. Over the years, Scott has done a great job of renovating and maintaining the mansion himself—no small feat for such a large home.

Please consider granting Scott Kramer an expansion of his permit. The city of St Paul and the folks on the West Side with thank you for it.

Sincerely,
Shelly Campbell

Shelly Campbell
www.shellycampbellstudios.com
651-769-4280

ZF # 17-000-688

Englund, Cherie (CI-StPaul)

From: Dadlez, Kady (CI-StPaul)
Sent: Tuesday, February 14, 2017 1:27 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Zoning committee meeting Thursday re 241 George St W.

Another email of support



Kady Dadlez

Senior City Planner

Planning and Economic Development

25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6619

F: 651-266-6549

kady.dadlez@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: Michele Stillinger [<mailto:toadhollow@gmail.com>]
Sent: Tuesday, February 14, 2017 10:28 AM
To: Dadlez, Kady (CI-StPaul)
Subject: Zoning committee meeting Thursday re 241 George St W.

Dear Kady and Zoning Committee,

I am writing in support of Scott Kramer's conditional use permit for 241 George Street West.

I have live across the street for 8 years and have NEVER had any problems or issues regarding the property at any time. There has never been any noise issues, traffic, or other problems when guests are renting at the property.

Scott has been an exemplary neighbor and is very professional about his business. He always keeps us well informed if there are any whole house rentals or events and asks us to inform him immediately if there are any problems. There never has been. Scott's property is a historical treasure and he would not allow the type of clientele that would potentially damage the property or have disruptive parties.

It is my opinion that any problems experienced by neighbors on Robie Street are being misconstrued by the complainant and that these events are simply the same type of occasional outdoor gatherings that can occur at any residence when people are enjoying a beautiful summer day and having a small event or barbecue.

I fully support the continuation of Scott's permit and the modification to allow him to rent 6 bedrooms to simplify his compliance.

Sincerely,

Michele Stillinger
234 George Street West

ZF # 17-000-688

Englund, Cherie (CI-StPaul)

From: Dadlez, Kady (CI-StPaul)
Sent: Wednesday, February 15, 2017 8:40 AM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Public Hearing to Consider Revocation or Modification of the Bed and Breakfast Conditional Use Permit for 241 George St W

Cheri-
Another email in support.



Kady Dadlez
Senior City Planner
Planning and Economic Development
25 West Fourth Street
Saint Paul, MN 55102
P: 651-266-6619
F: 651-266-6549
kady.dadlez@ci.stpaul.mn.us



The Most Livable City in America
Making Saint Paul the Most Livable City in America

From: DAN NANCY ZIGMUND [mailto:dnzigmund@msn.com]
Sent: Tuesday, February 14, 2017 9:18 PM
To: Dadlez, Kady (CI-StPaul)
Subject: Public Hearing to Consider Revocation or Modification of the Bed and Breakfast Conditional Use Permit for 241 George St W

Dear Kady:

Nancy and I just learned that our George Street neighbor, Scott Kramer and his B&B, will be the subject of a Planning Committee vote this Thursday re: the conditional use permit for 241 George, a.k.a., the Dearing Mansion.

We have been residents on St. Paul's West Side for nearly 20 years and have owned our property at 205/207 George since December 2014 (that is, the first house after the church east of 241 George).

This letter is in support of Scott and the operation of his B & B. In our view, Scott has done a remarkable job restoring a West Side landmark and operating a B & B from there is terrific way of sharing this terrific old, St. Paul home with others.

Scott indicated to us that the hearing is a result of a Robie St. neighbor's complaint about an outdoor party. This came as a surprise to us as in our experience, the B&B aspect of 241 George has been wholly invisible and never a problem (also, in our experience one party doesn't generally constitute a public nuisance...).

In closing, we regret that our work schedule does not permit our attendance at the Public Hearing this Thursday.

Could you please read this email into the record? Our bottom line is that restored home and B & B is a St. Paul success story and the B & B should definitely be allowed to carry on as such.

Thank you for your consideration.

Sincerely,

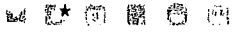
Dan & Nancy Zigmund

Sent from Mail for Windows 10

ZF# 17-000-688

Q All Harry, search your mailbox

Home harrybrady



Compose

To: kady.dadlez@ci.stpaul

CC/BCC

Inbox (1)

Drafts (134)

Sent

Archive

Spam

Trash (193)

Smart Views

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Folders

Deleted Messages

Drafts

none

Notes

Sent Messages

TRAVEL

untitled

WEDDING

Recent

"The Zoning Committee"

2/9/17

This is in reference to Scott Kramer's hearing on Thursday February 16, 2017.

Scott has been a friend, better yet I consider him one of my best neighbors since he has moved to the West Side. He has the largest house on the West Side and has up graded it to be one of the finest inside and outside. I have been to a few parties at his residence and consider them well done. In my opinion, none would ever require a complaint from any one. I have no problem with Scott as my neighbor and running an Abnb or whole house rental property. I live across the street from Scott and have never encountered any problems with him or his rental clients.

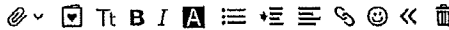
The city should reward Scott for all his love and labor he has put into the residence that needed an uplift an improved our neighborhood. His reward from "The Zoning Committee" should grant Scott Kramer the permit for continuing his endeavors.

I (Harry Brady) will be out of town and unable to attend the hearing on February 16, 2017.

Please respond that you received my comments. Thanking you in advance.

Harry Brady
214 W. George St.
St. Paul, MN 55107

Send



Saved at 8:48 PM

Englund, Cherie (CI-StPaul)

From: Dadlez, Kady (CI-StPaul)
Sent: Thursday, February 16, 2017 8:54 AM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Letter from Harry Brady
Attachments: Brady letter .pdf

Another letter of support.



Kady Dadlez

Senior City Planner

Planning and Economic Development

25 West Fourth Street

Saint Paul, MN 55102

P: 651-266-6619

F: 651-266-6549

kady.dadlez@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: Scott Kramer [<mailto:skramer241@gmail.com>]
Sent: Thursday, February 16, 2017 8:46 AM
To: Dadlez, Kady (CI-StPaul)
Subject: Letter from Harry Brady

Good Morning Kady,

Attached is a letter from my neighbor, Harry Brady, who lives at 214 George St. on the corner of George St. and Waseca,

He married a woman (now deceased) that grew up in the house that they inherited from her parents. They lived in the house for probably 30 years. He now lives there alone. His home is one of the 5 largest and most outstanding homes on the West Side.

Thank you,
Scott

2/13/2017

James Katz

235 west Robie Street, St. Paul, Mn. 55107

Zoning Committee

St Paul Planning Commission, 25 West Fourth Street, St Paul, Mn. 55102

Dear Commissioners:

My

name is James Katz along with my wife Mary Kaye we've lived at this address for thirty years. Our home is one block north of the Dearing Mansion B+B. Initially I had no objections to the granting of the conditional permit to the home at 241 W. George Street, but after three years of noise and ruckus from that location I have changed my mind. This letter is therefore a request that the b+b permit for that location be revoked.

My major objection to the b+b is that it is very noisy. This noise is most often generated by guests partying on the large deck at the rear of the b+b. With up to four rooms to rent, there is often a few people enjoying themselves on any night. These guests are what I call the "legal" customers of the b+b.

Another group of customers I call the "illegal" customers. I am sure you are aware that the owner of the Dearing Mansion promotes it as an event location or a party destination where any type of reunion, reception or retreat is welcome. Over the years the owner has hosted quite a few large wedding receptions, both in and out of doors, that have drawn hundreds of people. All of these people eating, drinking and dancing to loud wedding bands or Dj's creates an atmosphere akin to an oktoberfest celebration.

On two of these wedding occasions I called the police and complained about the noise. Both times they offered no help. They just told me to contact the Zoning Commission.

When the owner of the b+b was granted his permit, along with it came the responsibility to obey the zoning laws of the city of St. Paul. The man who owns that b+b is a very successful building renovator, landlord and business manager. It would be naive for one to think that he could be unaware of the zoning regulations that apply to his "hotel" business.

The owner of the Dearing Mansion has purposely ignored the zoning codes of St. Paul. He does not care about our neighborhood or about the people who live, work and want to relax there. It is for these reasons that I truly hope that you will revoke the permit for the Dearing Mansion B+B.

Thank You.

James Katz