

MINUTES OF THE ZONING COMMITTEE
Thursday, February 28, 2019 - 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.

Hazel Assisted Living - 19-009-992 - Conditional use permit to increase adult care home residents from 24 to 28, 1105 Hazel St N, north of Magnolia Avenue

Bill Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He said District 2 viewed this application as a clerical adjustment to the application submitted in September 2018, and they recommended approval of the previous application. There was 1 letter in support, and no letters in opposition.

The applicant, Justin Fincher, JD Vang, 1335 Pierce Butler Route, Saint Paul, MN, stated this is only a clerical issue to state that there will be a total of 28 units and nothing about the project has changed. The original conditional use permit was proposing 24 units to be built on the property. There are four existing units on the property that would remain in place.

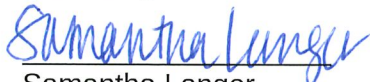
No one spoke in support or opposition. The public hearing was closed.

Commissioner Cedrick Baker moved approval with a condition of the conditional use permit. 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:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Charles Belcher / Pristine Motors - 19-010-159 - Nonconforming use permit to expand outdoor auto sales (14 "for sale" cars & 8 customer / employee parking spaces currently; 24 "for sale" cars & 5 customer / employee spaces proposed); and variances for maneuvering lane width (20' required; 18' proposed), curb cut location, and maximum % of compact parking spaces (50% allowed; 100% of customer/employee spaces proposed)., 1265 Arcade St, NW corner at Orange Avenue

Bill Dermody presented a revised staff report dated February 28, 2019, with a recommendation of approval with conditions for the expansion of a nonconforming use permit to expand outdoor sales and variance for maneuvering lane width, and a recommendation of denial of the variances for curb cut location and maximum % of compact parking spaces. He also noted a revised site plan dated February 26, 2019, the applicant submitted. He stated District 5 made no recommendation, and there were no letters in support, and 1 letter in opposition.

In response to Commissioner Edgerton, Mr. Dermody stated the zoning code requires that no more than half of the public parking spaces be compact spaces. In the initial application all five parking spaces for customer and employee parking were shown as compact. In the February 26, 2019, site plan they have four customer/employee spaces and two of them are compact and two are full size spaces.

In response to Commissioners, Mr. Dermody stated that the city doesn't have a definition for minor auto repair. He confirmed that the parking spaces in displays 1-11 on the February 26, 2019, site plan are 8 x 16 feet. The Department of Safety and Inspections (DSI) would decide which spaces were actually compact or full-size parking spaces. Mr. Dermody stated the zoning code requires 20-foot drive aisle width if it is a two-way drive.

In response to Commissioner Edgerton, Mr. Dermody said that the proposal currently shows that they would maintain existing conditions regarding the curb cut, but in conversations with the applicant, he has stated he is open to moving the curb cut. Mr. Dermody stated that DSI would review where the trash receptacles would be placed during the site plan approval process.

The applicant, Charles Belcher, 1265 Arcade Street, said he approves the site plan dated February 26, 2019. Mr. Belcher explained that there were three variances they needed to apply for with the first site plan they submitted. After further review, they have decided to rearrange parking so that there are two customer/employee parking spaces that are full size and two customer/employee parking spaces that are compact. With the updated site plan the 50% variance is no longer applicable. Mr. Belcher said he is okay with moving the curb cut to the west to have it line up with the drive aisle. He doesn't feel the variance regarding the

maneuvering lane width is of great concern because the display cars will not be moving. Mr. Belcher provided the site plan on file from 2006 and stated there are a lot of errors and he is not happy with the layout. Mr. Belcher stated he is a new owner and the previous owner did not follow the rules. He has concerns about the drive aisle being one-way. It would be safer to have two-way drive aisle and DSI is okay with that too.

Upon inquiry from Commissioners, Mr. Belcher said this will be strictly an auto sales operation. They will not be doing any type of auto repair. He stated that he is a new owner who is dedicated to keeping the property clean and updated. They will not have a dumpster at the property. He will have trash bins located at the back of the property to be brought up to the street on trash pickup days.

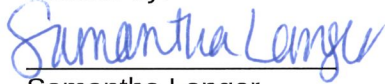
No one spoke in support or opposition. The public hearing was closed.

After discussion, Commissioner Luis Rangel Morales moved approval with conditions of the revised staff report, dated February 28, 2019, for the expansion of a nonconforming use permit to expand outdoor sales and variance for maneuvering lane width, and a recommendation of denial of the variances for curb cut location and maximum % of compact parking spaces. Commissioner Anne DeJoy seconded the motion.

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

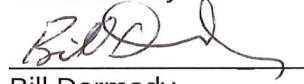
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair