

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

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Ochs
EXCUSED: Reveal
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

2103 Wabash - 18-023-089 - Rezone from I2 General Industrial to IT Transitional Industrial at 2103 Wabash Ave., NE corner at Montgomery Street.

Bill Dermody presented the staff report with a recommendation for denial of the rezoning. He stated that District 12 recommended approval, there were 2 letters in support, and no letters in opposition.

Mr. Dermody said that without the variance that was denied, rezoning would allow mixed residential and commercial uses, but residential use would be limited to 50% of the first floor. He said in the combined application including the variance, the applicant was seeking to use 90% of the first floor for residential use. He noted that the rezoning is not specifically about a project, although there is a project in mind, but is a rezoning from an entire class of I2 uses to IT uses, which generally means less intense industrial uses and a greater allowance of residential uses.

In response to a question by Commissioner Lindeke, Mr. Dermody said this is an isolated application for a rezoning and not a systematic look at the area.

Chair Edgerton said that the testimony from the Midway Chamber of Commerce and the district council on this case got us to thinking about looking again at zoning of the larger area.

Commissioner DeJoy asked how rezoning from I2 to IT here would not be spot zoning.

Mr. Dermody noted that in the staff report, staff found that the proposed rezoning would constitute spot zoning.

Commissioner Eckman asked about vulnerable land use edges, and if this is where an industrial area is next to a residential neighborhood.

Mr. Dermody showed a map from the West Midway Industrial Area Plan showing vulnerable land use edges where a residential area is industrial area is immediately adjacent to an industrial area.

Commissioner Lindeke said rezoning on this small scale could create conflicts, but from the testimony he learned that it could be good to rethink zoning of the larger area. He asked if there would be a zoning study.

Mr. Dermody said there will be more conversation at Planning Commission before we consider a zoning study for the area.

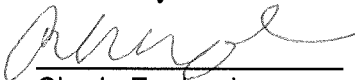
Commissioner Ochs said he agrees that zoning should be looked at on a larger scale.

Commissioner Ochs moved denial of the rezoning. Commissioner Eckman seconded the motion.

The motion passed by a vote of 7-0-0.

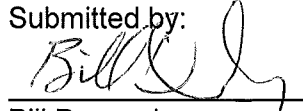
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:




Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

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

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Ochs
EXCUSED: Reveal
STAFF: Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

B Three LLC - 18-032-865 - Conditional use permit for construction of a metal roof structure covering rail car loading area within the flood fringe at 2145 Childs Road.

Allan Torstenson presented the staff report with a recommendation for approval of the conditional use permit with conditions. He stated District 1 made no recommendation, and there were no letters in support or opposition.

The applicant, Jose Chavez, Greystone Construction, 500 S. Marshall Rd., Shakopee said the structure will be used to shelter employees while unloading cargo from the train and there will be no utilities.

In response to a question by Chair Edgerton, Mr. Chavez said the concrete base will be buried about 7' below ground.

Commission Lindeke asked what B Three LLC does. Mr. Chavez said he is unsure, but the owner of this company also owns Cemstone.

No one spoke in favor or in opposition and the public hearing was closed.

Commissioner DeJoy moved approval of the conditional use permit with conditions. Commissioner Ochs seconded the motion.

The motion passed by a vote of 7-0-0.

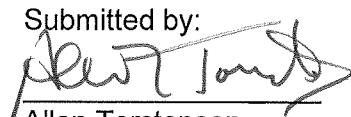
Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



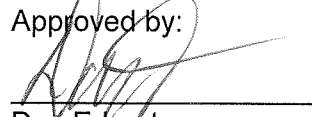
Cherie Englund
Recording Secretary

Submitted by:



Allan Torstenson
City Planner

Approved by:



Dan Edgerton
Chair

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

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Ochs
EXCUSED: Reveal
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Stone Saloon Properties - 18-030-349 - Historic Use Variance to permit an outdoor seating area accessory to a restaurant/tap room at 445 Smith Ave. N., between McBoal and Goodrich.

Bill Dermody presented the staff report with a recommendation of approval for the historic use variance with a condition. He stated District 9 recommended approval, and there were 2 letters in support, and 4 letters in opposition.

Commissioner Baker asked about the potential increase in parking. Mr. Dermody said DSI has determined that this is an accessory to the indoor use and no additional parking would be required. He noted that the parking section of the staff report is informational, and they are not required to make a finding that this meets all portions of the zoning code as part of the approval.

Commissioner Eckman asked if the building is currently Americans with Disabilities Act (ADA) accessible. Mr. Dermody said he will refer that question to the applicant.

In response to a question by Chair Edgerton, Mr. Dermody said the applicant can confirm the hours of operation for the patio.

Chair Edgerton asked if this site will require storm water management. Mr. Dermody said this would be looked at through site plan review, but generally parcels of this size do not require storm water management.

In response to a question by Commissioner Ochs, Mr. Dermody said that this is not a rezoning and the only required signature is that of the property owner. We send public hearing notice to the surrounding area within 350', and any signatures in support are considered public testimony and are not a requirement.

The applicant, Tom Schroeder, 194 McBoal St., said he lives 250' to the east of the saloon. He said outdoor seating is important to Waldmann Brewery because they are incorporated as a public benefit corporation and their mission is to educate the public in 19th century architecture, cuisine, culture, and beer. He noted that the building was originally constructed as a German lager beer saloon. He added that outdoor seating is critical to the viability of taproom operations and noted that Bad Weather Brewing, 16' to the north, has an outdoor patio, as does every taproom in the Twin Cities. He said the closing of the Smith Avenue Bridge has been impactful to his business. He said he not only wanted to restore the building to its original physical condition, but to allow the public to experience it, and since October 2017 they have had over 20,000 customers immerse themselves in the history of the site. Mr. Schroeder said that when

Smith Avenue is open there is a roar of loud traffic, similar to West Seventh Street, and for that reason they built in noise mitigation to buffer the sound through the use of shrubs and a fence on the east side of the patio. He added that they have support from four of the five immediately contiguous neighbors to the north, east, and south of the building. One neighbor has concerns about the noise the outdoor patio will produce, including car door noise. He said the noise related concerns may be minor compared to the decibels from the traffic once the Smith Avenue Bridge reopens.

Mr. Schroeder noted that he shared the licensing petition that he was required to attain by DSI. He was told that he needed the signatures of at least 60% of the surrounding residents within 350' and he received signatures from 76% of the residents. He added that the patio is consistent with the community and the historic use of the building.

Commissioner DeJoy asked if the outdoor seating was part of the proposal when he was collecting signatures for the licensing petition. Mr. Schroeder said it was exclusively for the outdoor seating.

Commissioner DeJoy asked if there is any relationship between the president of the Fort Road Federation, who provided a letter of support and the architectural firm. Mr. Schroeder said yes, they are married.

In response to Commissioner Eckman's previous question, Mr. Schroeder said the building is currently ADA accessible and the proposed ramp would be to provide egress from the outdoor seating area and is a requirement for site plan review.

In response to a previous question by Chair Edgerton, Mr. Schroeder said they are proposing to close the outdoor seating area at 9:30 p.m. daily.

Becky Yust, 256 Goodrich Ave., President of the Fort Road Federation, said she is married to the architect, John Yust. She said the board of directors voted unanimously in favor of this proposal. She said it is important to the community to have thriving businesses, even if the business creates stressors, such as noise. The early closure of 9:30 p.m. will be compatible. She added that use will be limited due to our climate.

David Christofferson, 267 Goodhue St., said he is in favor of this business because it is an amazing addition to our City. He said he hopes we support the establishment of the outdoor patio and the cultural features that were brought here by German immigrants.

Richard Haus, 444 Smith Ave. N., said he supports the program and loves the idea, but would prefer the patio to close at 9:00 p.m., rather than 9:30 p.m., because of the noise issue in the summer when windows are open. He said he is also concerned with the odor of an outdoor grill. He added that two-thirds of the area is permit parking, including the west side of Smith Ave, north of the alley and the entire east side of Smith Ave., north and south of the alley. He said this was designated permit parking when parking became intolerable because of United Hospital. He said that with the proposed hedge and fence, he is unsure about how the property owner will keep homeless people out of there. He said he would also like the lights to be turned off at night.

In response to a question by Chair Edgerton, Mr. Haus said he would like the outdoor patio lights shut down at closing.

In response to questions by Commissioner DeJoy, Mr. Haus said there were previous parking issues which necessitated permit parking, and that he is anticipating that the outdoor patio will generate noise.

Mr. Schroeder said he cares about his neighbors and that he takes the concerns of Mr. Haus very seriously. He said he appreciates Mr. Haus for his support of the business and will continue to address his concerns. He said parking is a good problem to have in a neighborhood recovering from failure status. They will continue to educate their customers on where they can park.

He said there is no proposal for additional lighting in the outdoor seating area and for safety reasons they will be evaluating lighting needs. He added that the lighting at the entrance in the front of the building was required by DSI in the initial permitting process and one of the strongest lights was removed with approval from DSI to mitigate any issues for Mr. Haus.

Commissioner Lindeke said he appreciates the indoor lighting because it is soothing and very interesting to think what life would have been like 140 years ago. In response to questions by Commissioner Lindeke, Mr. Schroeder said that they would like to have paraffin burning table lamps on the patio, similar to what they use indoors. The lighting is very dim indoors and they would like to carry that theme to the patio. He said they do not have any intention to have outdoor live music, but do have non-amplified indoor live music. He added that they would follow the permitting process set by DSI for any special events.

In response to a question by Commissioner Eckman, Mr. Schroeder said he is not concerned that the homeless will use his patio for camping, because there are many services available in the area.

Commissioner DeJoy asked what current occupancy is and how much parking they have.

Mr. Schroeder said he has occupancy for 60 customers. There are 4 rooms that each hold up to 15 people. He said they are required to have 6 parking spaces, plus 1 ADA parking space. He said they leased the adjacent parking lot for the 6 parking spaces and then worked with DSI to have the strip of Smith Ave. from the alley to the corner of Goodrich taken out of residential restricted parking and converted to 2 hour commercial parking. He said they have added a total of 13 parking spaces that didn't exist before. He added that they also offer bike parking. He said there is also a great deal of cooperation among the local business owners to use each other's parking spaces.

The public hearing was closed.

Commissioner Lindeke moved approval of the historic use variance with a condition.
Commissioner Fredson seconded the motion.

Commissioner DeJoy asked if the public record continues to be open! Mr. Dermody said that the public hearing is closed for the Zoning Committee and there was a public hearing at the Heritage Preservation Commission, but there will be another public hearing at City Council and any public testimony after today will be provided to the City Council.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:



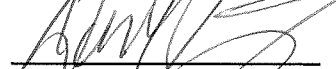
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair