

MINUTES OF THE ZONING COMMITTEE
Thursday, March 16, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Gelgelu, McMahon, and Reveal
EXCUSED: DeJoy, Lindeke, and Makarios
STAFF: Kady Dadlez, Cherie Englund, Allan Torstenson, and Therese Skarda

The meeting was chaired by Commissioner McMahon.

Dearing Mansion Bed & Breakfast - 17-000-688 - Revocation or modification of a conditional use permit (Zoning File #14-326-683) for a bed & breakfast residence with 4 guest rooms due to noncompliance with conditions for this use , 241 George St. W., between Charlton and Waseca.

Kady Dadlez presented the revised staff report with a recommendation for modification of the conditional use permit to allow six guestrooms and modification of the condition in § 65.641 (e), which would allow guests to have visitors but prohibit commercial and social events. Ms. Dadlez noted the changes to findings 10, 11, and 12 and that the public hearing was held and closed on February 16, 2017. She added that after discussion the case was laid over to clarify the rights of the owner and registered guests, as to whether events should be allowed and if so, of what size and possible noise mitigation if outdoor events were allowed.

In response to questions by Commissioner Reveal, Ms. Dadlez said that she could not speak for the property owner as to whether the conditions were acceptable, but that the revised staff report was submitted to the property owner and that she had spoken to him by phone.

In response to Commissioner Gelgelu, Ms. Dadlez said that staff recommends that a reasonable number of guests per guestroom is two, presuming a guestroom has one bed that can accommodate two people.

In response to Commissioner Reveal, Ms. Dadlez said that children would be in addition to adult guests. Commissioner Reveal asked if the recommendation limiting the number of people to two per guestroom is applicable to all bed and breakfasts. Ms. Dadlez replied no.

The property owner, Scott Kramer, 241 George St. W., noted that he sent a letter saying that he understands that larger outdoor gatherings will no longer be allowed and this does not create a hardship, but would like the ability to allow guests to have indoor events of up to 40 people. He added that he is pleased that the recommendation is to increase the number of guest rooms from four to six.

Commission Edgerton asked about condition #4 and what constitutes a party. He said that the bed and breakfast should not be allowable to charge guests more if they have a gathering at the house.

Ms. Dadlez said the intent is to prevent large gatherings for commercial or social events.

Mr. Torstenson said renting the house for an event rather than renting a room to overnight guests is considered a commercial use and not permitted in a residential zoning district. Putting a number limit on occupancy for short-term rentals has been discussed with staff at the Department of Safety and Inspections, but commercial use is the key. He said that renting a home as lodging for a bed and breakfast is a narrow, specific commercial use that is allowed in a residential zoning district, and the Zoning Administrator can reasonably determine if something goes beyond that. Whether it is rented for a social event rather than just for lodging is one good criterion.

Commissioner Reveal said she is comfortable with the distinction between commercial use, rather than putting a limit on the number of people allowed for a gathering. She also likes the language in condition #4 about referral back to the Planning Commission for revocation, if there is a violation of the condition.

Commissioner Edgerton asked Mr. Kramer if he understood the condition, and that it does not allow for additional charges over the base room rental charge, to which Mr. Kramer said he understood.

Commissioner Reveal moved to modify the conditional use permit to increase the number of guest rooms from four (4) to six (6) and to prohibit use of the bed and breakfast residence for any commercial or social events, with the four conditions as stated in the staff report. Commissioner Gelgelu seconded the motion.

The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:




Cherie Englund
Recording Secretary

Submitted by:



Kady Dadlez
Zoning Section

Approved by:



Kyle Makarios
Chair

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EXCUSED: DeJoy, Lindeke, and Makarios
ABSTAINED: Gelgelu
STAFF: Tony Johnson, Cherie Englund, Allan Torstenson, and Therese Skarda

The meeting was chaired by Commissioner Nelson.

Rift Valley Transportation - 17-014-925 - Determination of similar use for office, parking, and light maintenance for a passenger van transportation company at 1033 Thomas Ave., NE corner at Oxford.

Tony Johnson presented the staff report with a recommendation for approval with conditions. He noted that District 7 recommended approval, and there was 1 letter in support, and no letters in opposition.

In response to Commissioner Edgerton, Mr. Johnson said that because maintenance is limited to accessory light maintenance for the business vehicles only and not open to the public, a conditional use permit is not required.

The applicant did not speak.

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

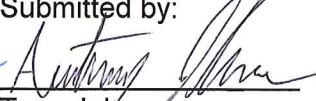
Commissioner Reveal moved approval of the determination of similar use with conditions. Commissioner Edgerton seconded the motion.


The motion passed by a vote of 3-0-1.

Adopted Yeas - 3 Nays - 0 Abstained - 1 (Gelgelu)

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Tony Johnson
Zoning Section

Approved by:

Kyle Makarios
Chair