

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, March 2, 2017 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Gelgelu, Lindeke, Makarios, McMahon, and Reveal  
EXCUSED: DeJoy  
STAFF: Mike Richardson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

**JSK Limited Partnership / Grand Heritage - 17-011-166 - rezone from RM2 multiple family, T1 traditional neighborhood and OS office service to T2 traditional neighborhood, and At Home Apartments - 17-010-842 - conditional use permit to permit a 43 ft. high mixed-use building, 33, 39, and 45 Syndicate St. S., NW corner of Syndicate and Grand.**

Mike Richardson presented the staff report with a recommendation of approval for the rezoning and conditional use permit. He noted that District 14 recommended approval, and there were no letters in support and two letters in opposition. He said he received the elevation for the north side of the building as requested in the staff recommendation for condition #2 for the conditional use permit.

Mr. Torstenson responded to a question from Chair Makarios that this application includes a rezoning from RM2 and all rezoning from residential to commercial or industrial requires a consent petition with signatures of the owners of two thirds of the parcels of land within 100 feet. In this case a petition was submitted and deemed sufficient. He added that we notified neighboring property owners within 350 feet of the hearing.

Mr. Richardson responded to Commissioner Reveal that ingress and egress are on Syndicate and the alley. He also said they plan on providing 47 parking stalls which slightly exceeds the parking requirements.

Commission Lindeke asked if we are trying to move to T zoning along transit, commercial or mixed-use corridors in general and if so, what the history of this on Grand Ave. is. Mr. Richardson said the desire is to increase T zoning in transit corridors. Mr. Torstenson said that Grand Ave. has a long history of mixed use and mixed use zoning. He said from 1922 to 1975 Grand Ave. was zoned C commercial which allowed all residential uses and general neighborhood commercial uses. In 1975 the City adopted a new zoning code that had more separation of residential and commercial uses. Grand Ave. zoning was complex because of concerns as to what property should be commercial or residential. He said the zoning on the east end of Grand Ave. is spotty, mainly B2, B3, RM2, which was before we had T zones to allow more of a mix. There is now some T2 on the west end of Grand Ave.

Commissioner Reveal said that she would like to see the parking requirements noted in the staff report.

Commissioner Edgerton asked for a finding on the consent petition to also be included in the staff report.

The applicant, Leanna Stefaniak, 2412 Springside Dr. E., Maplewood, with At Home Apartments said they have 24 one-bedroom units and 2 two-bedroom units. For a one-bedroom unit there is one parking spot per unit and for a two-bedroom unit there are one and half parking spaces per unit required. She added that their plan is to have 47 parking stalls to alleviate parking needs in the neighborhood.

In response to questions by Commissioner Reveal about parking and pedestrian safety, Ms. Stefaniak said they do not intend to use the parking lot at Mount Zion Temple, because they will be completely self-contained. She also said they have met with the Department of Safety and Inspections in November and had discussions about pedestrian safety.

Pete Keely, 705 Raymond Ave. S., from Collage Architects, said they would like to create bump-outs on the corners to shorten the pedestrian route across Grand Ave. and Syndicate St. He said that the building has a maximum 10 foot set back to increase the pedestrian sidewalk on Grand Ave. He added that the commercial entry is on the south side facing Grand Ave. and the residential entry is on Syndicate St. to alleviate pedestrian congestion.

Commissioner Lindeke asked why they would like 47 parking spaces, rather than just the maximum number. He added that he is excited about the plans for the bump outs, noting that pedestrian safety improved at Snelling and Selby by Whole Foods. Ms. Stefaniak said that because the property will be mixed use they require additional parking beyond the needs of the residential units. She noted that they will not have reserved parking, and will use a parking flow model because parking needs are different for residential verses commercial and a small retail component.

Commissioner McMahon said she would encourage them to continue the conversation about pedestrian safety with DSI, because bump outs at Grand Ave would be a fantastic addition for pedestrians to cross safely.

Commissioner Edgerton requested clarification on the parking lot entrance and exit. Mr. Keely said there are two levels of parking that do not connect. He said access to the lower parking lot is on Syndicate and access to the upper parking lot is in the alley.

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

Commissioner Reveal moved approval of the rezoning. Commissioner McMahon seconded the motion.

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


Commissioner Reveal moved approval of the conditional use permit with one condition. Commissioner Edgerton seconded the motion.

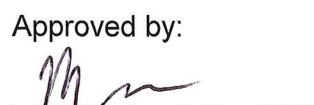
Commissioner Lindeke asked if pedestrian bump outs could be added as a condition to the staff recommendation. Mr. Torstenson referred to section 61.107 of the zoning code, and noted that the conditional use permit is for additional height. Mr. Warner added that the permit application is for height, and a site plan review should be the place to address pedestrian safety concerns and discuss the addition of bump outs. Chair Makarios asked staff to include bump outs as part of the discussion in site plan review. Mr. Richardson said he is confident that this issue will be included in the site plan review.

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

Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:  
  
Cherie England  
Recording Secretary

Submitted by:  
  
Mike Richardson  
Zoning Section

Approved by:  
  
Kyle Makarios  
Chair

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The meeting was chaired by Commissioner Makarios.

**Porchua Xiong - 17-009-938 - rezone from B3 general business to T2 traditional neighborhood, 1024 Ross Ave., between E. 7th and Earl**

Allan Torstenson presented the staff report with a recommendation of approval for the rezoning. He noted a previous rezoning application in 2009 for which he distributed the Zoning Committee meeting minutes and Planning Commission resolution. He said the current rezoning application is consistent with the 2010 Land Use Plan and the 2012 Near East Side Roadmap. He noted that District 4 made no recommendation, and there were no letters in support or opposition.

The applicant, Porchua Xiong, 1371 Ames Ave., did not have anything to add to the staff report.

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

Commissioner Reveal moved approval of the rezoning. Commissioner Gelgelu seconded the motion.

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

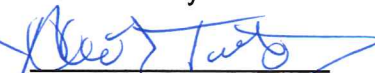
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Allan Torstenson  
Zoning Section

Approved by:



Kyle Makarios  
Chair

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EXCUSED: DeJoy  
STAFF: Tony Johnson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

**Budd Sieger et al - 17-005-500 - rezone from RT1 two-family residential to RT2 townhouse residential, 816-818 Ashland Ave., between Avon and Victoria.**

Tony Johnson presented the staff report with a recommendation of approval for the rezoning. He noted that District 8 made no recommendation, and there was one letter in opposition.

Chair Makarios asked about the triplex conversion guidelines.

Mr. Johnson said the proposed RT2 zoning would allow four units, not just three, so he didn't think the triplex conversion guidelines were applicable in this case. The proposed triplex could comply with all of the underlying RT2 zoning standards. There is more than enough lot area per unit and all of the setback and parking requirements would be met.

In response to a question by Commissioner McMahon, Mr. Johnson said that he spoke with the Executive Director at the Summit University Planning Council and she did not think the board would have a recommendation on this case.

Mr. Torstenson read language from the triplex conversion guidelines for applications to rezone single parcels to RT2 or higher to provide for conversion to a triplex. All of the guidelines appear to be met, but he was unsure about the size of the gross living area requirement of 9000 sq. feet and no unit being smaller than 500 sq. feet. He said the case could be laid over to allow staff to reference the guidelines in the staff report.

Commissioner Reveal said that she does not believe this needs to be laid over.

The applicant, Budd Sieger, 3526 Sunbury Dr., Woodbury, said they purchased this property in 2016, are trying to make this a better property for the neighborhood, and the reason for this application is to make it easier to manage the property by having two smaller units rather than one large five-bedroom unit. Michael Umphress, 3525 Sunbury Dr., Woodbury, said the opposition letter addressed issues prior to their purchase of the property.

In response to a question by Chair Makarios, Mr. Sieger said the total square feet of all three units is about 2,900 sq. ft. and the upper unit is larger than 500 sq. ft.

No one spoke in favor.

Maryann Swayze, 27 Benhill Rd., spoke in opposition. Ms. Swayze said she sold the property next door to her daughter in 2001 on a contract for deed and that her daughter could not be at the meeting. She said that this neighborhood has risen to the tax base that it is because of homesteaded, owner occupied, property. This is one of only two properties in a square block that is a non-homestead, investment property. She said parking is atrocious with parking on only one side of Ashland, and that that in the past the tenant in the lower unit had been steady and the upper unit had been a frat party with four to five people living there. She said she realizes that this was not the

responsibility of the current owner. The RT2 property across the street is side-by-side homesteaded condominiums. She said that the new owner cut down a tree and because of the double lot size, another concern is future expansion into a quadraplex or addition and losing the buffer to her daughter's house. She said if she could be guaranteed that the new property owner isn't just turning a profit and would rent to stable families, she would be in favor of this application.

In response, Mr. Umphress said as a homeowner he shares these same concerns. He said there intent it to create stability in the neighborhood. He added that the tree was removed to maintain the quality of the house due to squirrels accessing the property and in the spring the intent is to plant more trees.

Mr. Sieger said that he has been a landlord in the City of St. Paul for 30 years and has never had any problems. He gets the proper inspections and lives nearby. He added that they continue to make improvements to the house and property.

Mr. Umphress responded to Chair Makarios that there is are two off-street parking spots on one side of the two-car garage, and they propose to add three more parking spots on the other side of the garage.

The public hearing was closed.

Commissioner McMahon moved approval of the rezoning. Commissioner Reveal seconded the motion.

In response to questions by the Commissioners, Mr. Johnson said that under the RT2 zoning designation, the maximum number of units that would be permitted on a lot this size is four. He also said the maximum footprint of the principal structure is 35% of the total lot area. He added that the structure is currently set back about 20' from the side property lines and the required side yard setback in the RT2 zoning district is 9 feet.

The Commissioners responded to Chair Makarios that they are satisfied that all triplex conversion guidelines have been met.

In response to a question by Commissioner Edgerton, Mr. Warner said the nature of zoning applications are legislative, and the Municipal Land Planning Act reserves the decision-making exclusively in the City Council. He advised the Commissioners that their role is advisory in making an approval or denial recommendation to the City Council for the rezoning.

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

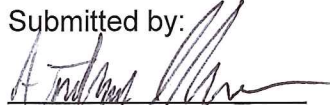
Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:



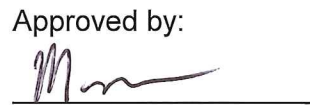
Cherie Englund  
Recording Secretary

Submitted by:



Tony Johnson  
Zoning Section

Approved by:



Kyle Makarios  
Chair