

MINUTES OF THE ZONING COMMITTEE
Thursday, March 28, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Grill, Lindeke, Rangel Morales, and Reveal
EXCUSED: Baker and Ochs
STAFF: Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Flint Hills Storage Building - 19-015-902 - Conditional use permit for storage building below the regulatory flood protection elevation, 2209 Childs Road

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

In response to Commissioner Reveal, Mr. Williams stated that condition one certifies that the portions of the building below the floodplain meet the flood proofing standards. In this case, it is a wet flood proofing standard, with utilities elevated about the Regulatory Flood Protection Elevation.

Jeremy Birkeland, Plant Manager, 2209 Childs Road, St. Paul, MN, said that the building will be used as a dry storage shed to store equipment and parts that are used throughout the season. They would be using the wet flood proofing method and would have automatic louvers that would allow water to flow into and out of the building. They have a flood contingency plan that they will update as well. Currently they have a berm that is built with the facilities to the north and south that protects them to 21 feet. They also have an interior berm that is built to 25 feet. The building would be inside of that berm that would be built in the event of a flood in the future.

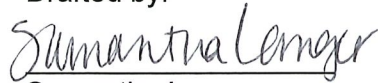
No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with conditions 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:


Josh Williams
City Planner

Approved by:


Dan Edgerton
Chair

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EXCUSED: Baker
STAFF: Michael Wade, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Paula Schad Lilly - 19-017-008 - Rezone from R2 one-family residential to RT1 two-family residential, 321 Irvine Avenue

Michael Wade presented the staff report with a recommendation of approval for the rezoning. He stated District 8 made no recommendation, and there were no letters in support, and 1 letter in opposition.

Commissioner Edgerton said that it was previously down-zoned from RT2 to R2 because of steep roadways and slopes, the lack of on-street parking, and traffic. He also noted that the natural tree cover was not retained as mentioned in the 2003 Irvine Avenue Development Plan. He questions the rationale of up-zoning to RT1 from R2.

In response to Commissioner Edgerton, Mr. Wade stated that the Irvine Avenue Development Plan also laid out suggestions for controlling traffic and parking in this area. There are parking requirements for development and recommendations for traffic mitigation. The general consistency of down-zoning from the original RT2 to a possible RT1 would still follow the spirit of the plan.

In response to Commissioner Ochs, Mr. Wade stated the Department of Safety and Inspections (DSI) has not evaluated the rezoning, but they have been in contact with the applicant regarding building a single family home.

In response to Commissioner Reveal, Mr. Wade confirmed the applicant would need to go through site plan review. He stated that the small parcel located behind the property didn't get included in the original plan will not be corrected in the rezoning. Mr. Wade stated he doesn't believe it needs to be for this application.

Mr. Torstenson added that as a result of the rezoning that was part of the Irvine Avenue Development Plan lots were purposely split zoned to keep higher density development from happening along Irvine if lots were split. When the lot was split there was no requirement to change that small parcel. In the plan it suggested that it would automatically change, but in the resolution it didn't automatically change. He stated it would not need to be corrected for a possible property sale.

In response to Commissioners regarding parking, Mr. Wade confirmed that the zoning code requires a minimum of two spaces per unit plus one guest parking area of off-street parking per unit for each dwelling unit on Irvine Avenue. He stated that they have proposed six off-street

parking spaces, but the plan shows only four. They will need to work that out during the site plan review process.

In response to Commissioner Rangel Morales, Mr. Wade stated that the photographs included with the email entered into public comment were taken in 2016 and 2017.

In response to Commissioner Reveal, Mr. Wade stated that the slope has not been stabilized at this point.

Gary Findell, 1742 Hartford Avenue, Saint Paul, MN, stated that there will be a total of six off street parking spaces. Mr. Findell provided a model of the twin home. One of the things that drove them to change the design from a single family home to a twin home was that the original plans that were approved were for a 3,400 square foot home that would have taken up a significant portion of the site and would have created a fair amount of disruption. Along with the owner and architect they came up with a building footprint that would be more easily done on this site, and allow for two housing units that would be in the 600,000 to \$700,000.00 range, rather than over a million. New construction single family homes, in that price range, are lacking in Saint Paul. He showed photographs of what the site looked like in December 2018. He stated the site has not been formally geotechnically stabilized. They have had geotechnical reports done in 2005 and 2016. The latest report done by Braun Intertech stated that the site is relatively stable, but any construction would need to be carefully engineered to guarantee that the slope would remain stable during and after construction. He said these reports were not shared with the neighbors. He said that the person who divided the property in 2005 or 2006 had to have a geotechnical report completed as a part of the subdivision. The owners in 2016 also had a slope analysis completed. He said there are no visible water issues on the site. He explained that to design the house into two separate pieces, both of which have small foundation pieces, will minimize disturbance. It will allow water to flow down between the two structures to the storm system and water will flow down the side to a trench system. Construction staging would be next to impossible and they are planning to build the house modularly. All the geotechnical engineering site work costs for the site will much more easily spread over the cost of two houses rather than one, and they feel there is a significant need for single family homes in this area for within this price range.

Upon questions from the Commissioners, Mr. Findell stated the applicants do not intend to use one of the homes for themselves.

Jackie Rogalski, 314 Irvine Avenue, Saint Paul, MN, spoke in support. Ms. Rogalski stated the applicant has been very communicative with her and she appreciates it. It is disappointing to learn they will not be living at the property. They did do a lot of research and put a lot of money in the property to try and sell it. She said there are a lot of streams underneath the property, but she is okay with the rezoning because they still need to go through the geotechnical review and have all of the engineering pieces done. She said she doesn't think this will make traffic worse. The places down below create more traffic. She is hoping that they will reforest the property in the same way that was on the original plan.

Upon inquiry from Commissioners, Ms. Rogalski stated she personally has not had any water problems. She mentioned that the house on the east side had to build a retaining wall because

the hill gave way, and other neighbors have had issues when they have done work at their residences. Moving the earth has affected the springs, but the applicant will need to go through a process and abide by the city rules for building.

Robert Cattnach, 322 Summit Avenue, Saint Paul, MN spoke in opposition. He stated they have spent a lot of equity on renovating their historic home and would hope that Saint Paul Planning would preserve it. He is not comfortable saying he opposes this application, but he does have serious concerns. He said that there are mandatory standards that need to be followed, but those were not followed in the past. He said there should have been geotechnical work done before they started excavation and construction and none was done. He would like assurance that it won't happen again. He said some parts of the application are troubling and is concerned that corners will get cut during the construction process. There should be some conditions to make sure what happened before doesn't happen again. He has talked to a geotechnical engineer about this site, and they said there is no way anyone can say with confidence that this site can be developed. There are springs in this site and when you open up this hillside the springs come up. Given the issues in the past, he would feel better if there was sufficient geotechnical work done beforehand to confirm that it can be developed.

Mr. Findell responded to testimony. He stated that the last thing he wants to do is to build something that is not structurally sound. He is legally obligated by the state of Minnesota to provide a warranty of ten years for any structural issues. He has been a Landscape Architect for over forty years and he has worked on comparable sites. He said that some of the site plan and permitting by the City has not been done in the past, but he believes that has been improved. They also have two geotechnical, one structural, and a civil engineer that will be working on the project to make sure that what they are doing is going to comfort the neighbors. In regards to the walls that have come down, he has a hard time seeing what they could have done on this site that would have caused the walls to collapse.

The public hearing was closed.

Commissioner Reveal stated that the issues on building permits and engineering are not relevant to the rezoning application. They are important to the process, but they are items that need to be properly taken care of during the site plan approval process.

Commissioner Elizabeth Reveal moved approval of the rezoning. Commissioner Grill seconded the motion.

Commissioner Lindeke said that he believes six parking spaces seem to be a lot, and he would recommend that the applicant review to see if that makes sense at this location during site plan review.

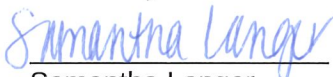
In response to Commissioner Edgerton, Mr. Wade referenced the Irvine Development Plan and Zoning Code regarding what is required by the City during site plan review.

Commissioner Edgerton stated he is concerned that it was down-zoned to R2 from RT2 for various reasons stated in the staff report, and those reasons do not seem to have changed. He isn't comfortable with up-zoning the property knowing that the reasons still exist.


The motion passed by a vote of 6-1-0.

Adopted Yeas - 6 Nays - 1 (Edgerton) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Michael Wade
City Planner

Approved by:


Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Dayton Avenue Church Historic Use Variance - 19-016-207 - Historic use variance for a rental hall for weddings and receptions with shared parking with other uses on site, 217 Mackubin Street, NW corner at Dayton Avenue

Tony Johnson presented the staff report with a recommendation of approval with a condition for the historic use variance. He stated District 8 made no recommendation, and there were no letters in support, and 10 letters in opposition.

In response to Commissioner Edgerton, Mr. Johnson said that this would not be an allowed use without a historic use variance (HUV). The purpose of a HUV is to allow uses that otherwise wouldn't be allowed in historic designated structures.

In response to Commissioner Grill, Mr. Johnson said that the maximum occupancy if this were to remain a church would be 450 people. The proposed use as a banquet hall would only allow 350 people.

Matt Ditzler, 1601 Hennepin Avenue, Minneapolis, MN, said he is speaking on the applicant's behalf. Mr. Ditzler explained that the Dayton Avenue Church has been there for over 100 years, and the congregation contacted him to list the property for sale because they can no longer maintain the building. Mr. Thabet put an offer in on the property that has been accepted. The future use of this property was important to the sellers. The uses Mr. Thabet is proposing are uses that have existed in the past. It is a building where they took care of children, hosted weddings and countless other gatherings. The owners were hoping that it would ideally be another faith group that would occupy it, but due to some unique features of the property it is not viable. It is a beautiful historic building, but it needs a large amount of money put into the outside of it. It is a building with no air conditioning, only two bathrooms, and no commercial kitchen. He said that it is a tough sale for another congregation. Having someone like Mr. Thabet, who wants to purchase and repurpose the space, while continuing some of the uses the congregation had in the past, is very desirable. Mr. Thabet has personally spoken to a lot of the neighbors about what will be occurring on the property and about parking. Due to the non-overlapping proposed uses of the property, it looks like they have the minimum parking requirement met. They will also be adding a parking space or two to the parking lot. They believe it will be a great repurposing of this space.

The applicant, Mohammad Thabet, 12425 53rd Street, Stillwater, MN, stated that they will have events on Friday, Saturday and Sunday. Sunday events would be earlier, from 4:00 p.m. to 8:00 p.m. Friday and Saturday would be from 7:00 p.m. to 11:00 p.m. It would be weekends only.

Darlinda Coe, Clerk of Session of Dayton Avenue Presbyterian Church, 498 Dayton Avenue, Saint Paul, MN, provided some history of the Dayton Avenue Presbyterian Church. They have had a lot of activities in the church in addition to Sunday worship including weddings and funerals. There has always been a community involvement aspect to Dayton Avenue Presbyterian Church that has encompassed a clinic, an adoption agency, as well as homes for narcotics and alcoholics anonymous meetings. It has been a difficult decision to have to close the church and shut down the congregation, but due to the shrinking size, there is an inability to be able to keep up with the structure. They are delighted that Mr. Thabet has stepped forward with this idea to repurpose the building. It is a beautiful structure and a great piece of the neighborhood. It is wonderful to think that it can be restored and go on with economic viability and still provide services to the neighborhood.

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

Commissioner Elizabeth Reveal moved approval with a condition of the historic use variance. Commissioner Anne DeJoy seconded the motion.

Commissioner Lindeke said that he supports this application and this is a suitable use for the church going forward given how difficult it has been in Saint Paul to reuse churches.

Commissioner Reveal suggested at some point an analysis of religious property reuse and options and guidelines should be done.

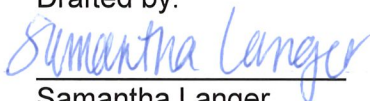
Commissioner DeJoy added it is always a challenge to find an adaptive reuse for these historic buildings. Parking is always an issue and she was impressed that they came into this with a shared parking agreement already in place.

Commissioner Edgerton stated he also would like to see an analysis on the reuse of historic properties.

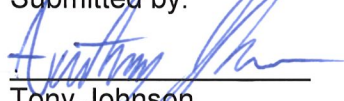
The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

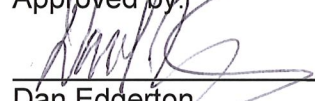
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Tony Johnson
City Planner

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