

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

PRESENT: DeJoy, Edgerton, Gelgelu, Lindeke, McMahon, and Reveal  
EXCUSED Makarios  
STAFF: Bill Dermody, Cherie Englund, and Peter Warner

The meeting was chaired by Commissioner McMahon.

**Verizon Wireless - 17-017-620 - Conditional use permit for small cell canister antennas on 3 light poles (total heights: 41', 22', and 43' 9") and rooftop panel cell antennas on Kagin Commons, 1605 Grand Ave, Macalester College Campus**

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 14 made no recommendation, and there were no letters in support, or opposition.

Commissioner Reveal asked if the antennas will serve Macalester College and the surrounding neighborhood and if there was a permit process within Macalester College for the antennas. Mr. Dermody said that Macalester College will have to sign off on the building permit applications.

The applicant, Jess Davison, 8086 Jocelyn Ave. S., Cottage Grove, is the representative for Verizon Wireless. In response to Commissioner Reveal she said the antennas are small cell canisters, broadcasting 500' to 1,000', and will primarily serve the campus.

Mr. Dermody said condition #3 in the staff recommendations will affect one of the six sets of antennas, requiring some design change. He added that five of the six sets of antennas are already 10' from the building edge, with one set at 7' to 8' from the building edge.

Lance LaRue, 199 Conner St., West St. Paul, spoke in support. He said wireless access is important to him and his family and that it is important for tourism and emergency response. He said he frequently visits the Grand Avenue area, Commissioner Reveal noted that there have been other applications along Grand Avenue for these antennas as well.

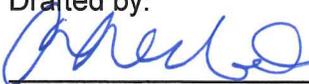
Commissioner Edgerton asked what his interest is in this case, and Mr. LaRue said he has worked in the telecom industry, he frequently visits this area, is not employee of Verizon, and is not a student.

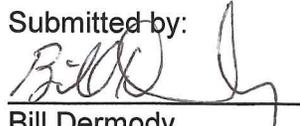
No one spoke in opposition and the public hearing was closed.

Commissioner Reveal moved approval with conditions of the conditional use permit. Commissioner Edgerton 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:  
  
Bill Dermody  
Zoning Section

Approved by:  
  
Kyle Makarios  
Chair

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EXCUSED Makarios  
STAFF: Bill Dermody, Cherie Englund, and Peter Warner

The meeting was chaired by Commissioner McMahon.

**Verizon Wireless - 17-017-675 - Conditional use permit for a small cell canister antenna on a light pole (33' total height), 1679 Grand Ave., NE corner at Cambridge.**

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 14 made no recommendation, and there were no letters in support, or opposition.

The applicant did not speak. No one spoke in favor or opposition and the public hearing was closed.

Commissioner Reveal moved approval with conditions of the conditional use permit.  
Commissioner Gelgelu seconded the motion.

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

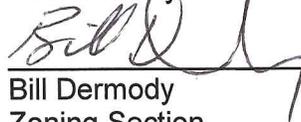
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Bill Dermody  
Zoning Section

Approved by:



Kyle Makarios  
Chair

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PRESENT: DeJoy, Edgerton, Gelgelu, Lindeke, McMahon, and Reveal  
EXCUSED Makarios  
STAFF: Bill Dermody, Cherie Englund, and Peter Warner

The meeting was chaired by Commissioner McMahon.

**Verizon Wireless - 17-019-449 - Conditional use permit for panel cell antennas on a light pole (26' 8" total height) and rooftop panel cell antennas on Buetow Music Center, 300 Hamline Ave. N., Concordia College Campus.**

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 13 made no recommendation, and there were no letters in support, or opposition.

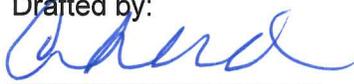
The applicant did not speak. No one spoke in favor or opposition and the public hearing was closed.

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

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

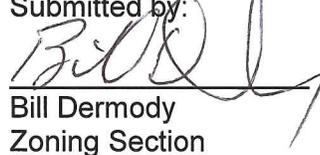
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Bill Dermody  
Zoning Section

Approved by:



Kyle Makarios  
Chair

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PRESENT: DeJoy, Edgerton, Gelgelu, Lindeke, McMahon, and Reveal  
EXCUSED Makarios  
STAFF: Bill Dermody, Cherie Englund, and Peter Warner

The meeting was chaired by Commissioner McMahon.

**Verizon Wireless - 17-019-520 - Conditional use permit for panel cell antennas on a light pole (32' 3" total height), 235 Hamline Ave. N., Concordia College Campus.**

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 13 made no recommendation, and there were no letters in support, or opposition.

Commissioner Lindeke referred to the photo simulations showing one with a light pole and the other without. Mr. Dermody noted that the light pole with cellular antennas would be a new installation.

The applicant, Jess Davison, 8086 Jocelyn Ave. S., Cottage Grove, is the representative for Verizon Wireless. She noted that there are two different designs for the antennas. The canister allows for a 360 degree broadcast view and the panel antennas are directional.

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

Commissioner Reveal moved approval with conditions of the conditional use permit.  
Commissioner Edgerton 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:



Bill Dermody  
Zoning Section

Approved by:



Kyle Makarios  
Chair

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, April 13, 2017 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: DeJoy, Edgerton, Gelgelu, Lindeke, McMahon, and Reveal  
EXCUSED Makarios  
STAFF: Josh Williams, Cherie Englund, and Peter Warner

The meeting was chaired by Commissioner McMahon.

**Wingspan Life Resources - 17-019-179 - Establishment of legal nonconforming use status to use the house as an office for two employees who do not live in the house (along with use of the house as a residence for two people), 1239 Sherburne Ave., between Syndicate and Griggs.**

Josh Williams presented the staff report with a recommendation of approval with conditions for the establishment of legal nonconforming use status. He stated District 11 made no recommendation, and there was 1 letter each in support and opposition.

Commissioner Reveal asked if there are examples of other cases that have temporary legal nonconforming status. Mr. Williams said he was unsure

Commissioner Reveal asked if this provision applies to a new or renewal of a nonconforming use. Mr. Williams said this is for a new legal nonconforming use status.

Mr. Williams said in response to Commissioner Gelgelu that the number of employees is limited to minimize the impact to adjoining properties. He said in an R4 zoned, single family residential property it would not be uncommon to have four vehicles parked on site. He added that the conditions in the staff report would allow one car for each of the two residents and one car for each of the two employees and 3 commercial vehicles. He noted that in the event of activities, participants would utilize on street parking.

Commissioner Lindeke asked what the parking minimums are in the Green Line area and if residents, employees, and patrons might use this as transportation. Mr. Williams said there is removal of parking requirements within ¼ mile of the Green Line and it may be an option for some people.

In response to Commissioner Reveal, Mr. Williams said there had not been any formal complaints to the Department of Safety and Inspections for traffic enforcement. He added that the applicant is willing to meet the conditions, even though some may be hard to enforce.

Commissioner Reveal asked if there is an advantage or disadvantage by having a time limit on the legal nonconforming use status. She noted that the nonconforming use status would apply to the property and not the owner. Mr. Williams said he met with the executive director of the Hamline Midway Coalition. He said because the nonconforming use permit would apply to the property, there is potential for another owner with a similar use to move in, but is unlikely.

In response to Commission Gelgelu, Mr. Williams said that the conditions would not change if the employees did not drive.

In response to Commissioner McMahon, Mr. Williams said the garage is not functional and the parking pad in the rear yard could accommodate up to five vehicles.

In response to earlier question by Commissioner Lindeke, Mr. Dermody said that there is not a parking reduction that applies to this property because they are zoned R4. He added that within ¼ mile of University Avenue, if you are in a T district there is an elimination of the parking requirement.

The applicant, Therese Davis, 578 Winslow Ave., executive director and Maureen Merrill, 401 Blake Rd., Edina, program director. Ms. Davis said that they have 2 full time office staff, but work off site regularly with the people they serve. She added that 2 people live at the house for oversight and safety of the property.

Ms. Davis said that this site was a group home, and in the 1990s the neighborhood was getting rough and their people were vulnerable, so they moved the group home and this site became office space. She said during a fire inspection by the Department of Safety and Inspections a few years ago, they were told that because no one lives at the house they would have to apply for a legal nonconforming use permit.

Ms. Davis said she brought the application and petition signed by the neighbors into DSI and did not hear from the City until the last fire inspection. She said that at that time they had 7-9 people working in this office and determined the space would no longer be used by the majority of those employees.

She said they own 26 group homes and provide in home education, on site activities that provide socialization and life skills to those residents, along with people who live on their own and those that may be on a waiting list for access to a group home.

Ms. Davis said they are a non-profit business and moving to a new location would create a hardship for them.

She said that they have never received a complaint regarding parking, but is willing to work with neighbors that may be unhappy with the parking situation. She added that they have three vans and parking permits for on the street. She added, if needed the three vehicles can be moved to the parking spaces at the rear of the property, leaving room for the tenants vehicles. She said the tenants may be able to get permits to park on street. She said she recently became aware that one of the tenants has an inoperable car that she will have removed.

Ms. Davis said they try to be good neighbors and will accept any conditions stated in the staff report.

Ms. Merrill said that because it is a house they can teach things such as, cooking, gardening, personal hygiene, pet care. She said this house has been a meeting spot for friends providing

positive social interactions. She added that they will do whatever is needed to fit into the neighborhood.

Commissioner Edgerton asked how many off street parking spots and how many on street parking permits are available. Ms. Davis said they have space for five vehicles in the rear of the property and with the possibility of a sixth car parked behind the unused garage. She said they have three vans with on street parking permits.

In response to Commissioner Edgerton, Ms. Davis said there are three vans and two resident vehicles parked overnight and employees that drive would park their vehicle during the day, but frequently use the vans. Commissioner Edgerton noted that there is potential for the three vans and two resident vehicles to be parked in the rear of the property and Ms. Davis said yes.

In response to Commissioner DeJoy, Ms. Davis said she received a copy of the staff recommendations, will comply with them. She added that there are other parking options they can look into in order to make this work.

Commissioner Reveal asked if they can maintain the commercial vehicles at a central office and Ms. Davis said they could, but it would be inconvenient.

In response to Commissioner Reveal, Ms. Davis said they are not requesting an end date for the nonconforming use permit, because they do not want to move.

No one spoke in favor.

Lloyd Bratlin, 1221 Sherburne Ave., spoke in opposition. He said he lives on the corner of Sherburne and Griggs and he is not against the project, because they do wonderful work. He said because of the 2 hour parking limit on Sherburne Ave., people tend to park along Griggs Ave. He added that there are 7 to 10 cars parked on this road at any given time. He said that another concern is for the bike path from Sherburne to Charles, because the bicyclists do not have room to let a car pass, there is jockeying between vehicles and bicyclists.

Mr. Bratlin responded to Commissioner Reveal Sherburne Ave. requires a parking permit, but Griggs does not.

The applicant, Therese Davis responded to Commissioner Lindeke that they have three residential parking permits.

Commissioner Lindeke asked staff about changes to the residential parking permit program. Mr. Dermody said he was unsure of when the results would be available from the one-year parking permit study that was presented by Elizabeth Stiffler at Transportation Committee late last year. He added that it could be at least six months before receiving the results of this study.

Ms. Davis said she was very sorry to trouble Mr. Bratlin and that he was welcome to contact her.

Commissioner McMahon said that one option would be to lay this over, giving the applicant an opportunity to work with staff to assess the current parking situation and come up with a site plan for parking to attach as a condition.

Mr. Williams said that he thought the applicant would be accepting to extend the deadline if need be.

Commissioner DeJoy asked if there is any reason why we cannot move approval now by agreeing to follow the conditions as stated in the staff report.

Mr. Warner said we should be looking down the road in terms of enforcement. He said that given the testimony, it would be useful to have a car census for a nonresidential use in a residential district. He said it would be beneficial to develop a site plan to minimize the impact on the neighborhood.

Commissioner Lindeke noted that Sherburne Ave. parking restrictions already in place.

Commissioner Reveal said that a site plan review will determine whether the parking spaces in the rear of the property, plus the 3 permitted parking spaces on the street will meet the daily need for this project. She added that if people park on the non-restricted streets, it could pose a problem for the neighbors, and it would be best if the program could find a solution to control parking, as a condition on a nonconforming use permit will not.

Commissioner Reveal said she will oppose the time limit for the non-conforming use permit, because if they should move another person could put a conforming use there or a similar nonconforming use even though chances of that are slim.

Mr. Williams said in regard to Commissioner Reveals comment that in the staff report he included finding 3 and condition 6 as an option, to which there is not a lot of interest. He said he would revise the staff report and a site plan.

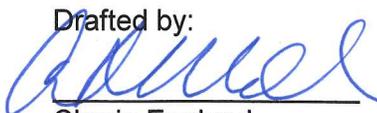
The public hearing was closed.

Commissioner Reveal moved to lay over establishment of legal nonconforming use status. Commissioner Edgerton seconded the motion.

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

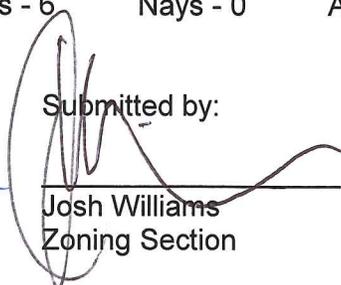
Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:



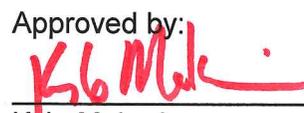
Cherie Englund  
Recording Secretary

Submitted by:



Josh Williams  
Zoning Section

Approved by:



Kyle Makarios  
Chair