

MINUTES OF THE ZONING COMMITTEE
Thursday, May 11, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Lindeke, Makarios, and Reveal
EXCUSED: McMahon
STAFF: Jake Reilly, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

Viet Tran - 17-031-406 - Conditional use permit for auto repair garage with existing auto body shop, 584 Stryker Ave., between Stevens and King.

Jake Reilly presented the staff report with a recommendation of approval for the conditional use permit with conditions. He stated District 3 made no recommendation, and there were no letters in support, and 1 letter in opposition.

Mr. Reilly responded to Chair Makarios that the 7:00 p.m. closing time is typical for auto repair and body shops and the city noise ordinance is 10:00 p.m.

Commissioner Reveal asked how many auto body uses there are within this area. Mr. Reilly said there is one other in the targeted B3 area and more as you go further out.

Chair Makarios said that auto body and auto repair are separate uses and this is a legal nonconforming auto body that needs an auto repair conditional use permit. Mr. Reilly said that is correct.

Commissioner Edgerton said given the number of auto related uses asked if the comprehensive or district plan addresses auto related uses for this area. Mr. Reilly said there is not and it has not been specifically discussed.

Commissioner Lindeke said that there is planning for the Stryker area for rezoning, but it is not complete.

The applicant, through an interpreter, stated he had nothing to add to the staff report.

Jerry McElroy, 1985 Berkeley Ave., said Mr. Tran is very conscientious about the necessary requirements for disposal of chemicals and keeps a clean shop. He said he has been here for about 20 years and went to school to be a certified mechanic.

James Carrier, 461 Jayne St., said he is a long-time customer of Mr. Tran. He said his shop has a small town feel and shows his customers that they are important and works hard to resolve issues at a good value. He added that this business will be an asset to the community and the neighborhood.

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

Mr. Reilly responded to Commissioner DeJoy that there will be no outside storage or overnight parking.

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

The motion passed by a vote of 5-0-0.

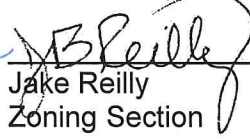
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Cherie England
Recording Secretary

Submitted by:



Jake Reilly
Zoning Section

Approved by:



Kyle Makarios
Chair

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EXCUSED: McMahon
STAFF: Josh Williams, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

ResCare Minnesota Inc. - 17-031-496 - Conditional use permit for a supportive housing facility with 16 residents at 700 Transfer Road, NE of intersection at Charles.

Josh Williams presented the staff report with a recommendation of approval for the conditional use permit. He stated District 11 made no recommendation, and there were no letters in support, or opposition.

Commissioner Reveal asked if the nearest congregate living facility is within the I2 district. Mr. Williams said possibly, but would have to refer to a zoning map.

Mr. Williams said a concern was raised by a neighbor that said this use may be okay, but that they have had negative experiences associated with the chronic inebriate housing. Mr. Williams said this application serves to help people to a better place, where the chronic inebriate housing serves a different purpose. He said their question is could the applicant do something other than what is proposed under the terms of the conditional use permit. Mr. Williams said yes, in terms of the population.

Mr. Williams said supportive housing falls under the general definition of congregate living. He said it excludes licensed correctional community facilities, foster care, dormitory, emergency housing, fraternity or sorority, rooming house, shelter for battered persons, or a sober house. He added that the applicant is proposing to work with people with mental health and chemical dependency issues, giving the applicant latitude.

Chair Makarios asked if chronic inebriate housing would be allowed under this conditional use permit. Mr. Williams said yes as it is also categorized as a supportive housing facility.

Mr. Williams responded to Commissioner Edgerton that this application falls within the creative enterprise zone and noted that this is not an official designation within our zoning code and is supported by the City from a policy standpoint.

Commissioner Lindeke asked about the status of the Amtrak land. Mr. Williams said the Amtrak station relocated to Union Depot and currently the property is not in use for that purpose. He said that there may have been a contingency set up with the relocation to Union Depot if determined problematic. He said he thought the Port Authority was involved in negotiating the transfer. He added that the property is zoned I2.

Commissioner DeJoy asked if there is a demand for industrial businesses in this area. Mr. Williams said noted the West-Midway Industrial Study and one of the major issues was logistics in warehousing. He said because of this area's central location the demand is high, but was unsure of the vacancy rates. He noted that the building is currently being used as office space.

Commissioner Reveal asked if the property was purchased by the applicant. Mr. Williams said the applicant will purchase the property if the conditional use permit is approved. The property is currently owned by a company that leases the building as office space and is available for sale.

Chair Makarios asked how many jobs this new business would create. Mr. Williams said he would let the applicant respond to this, but it would be well staffed.

The applicant, Thomas Alf, 4440 Beard Ave. N., Robbinsdale, Executive Director, said they will require about 20 staff members, with three working overnight. He said that they are not a non-profit business and will be paying taxes. He said that he believed the taxes may be at a higher rate because it is a medical facility. He said they have five residential treatment centers and one in St. Paul on Rice Street. He added that they have not had any problems reported by neighbors or surrounding businesses of these facilities in the past 40 years. In response to a question by Commissioner Reveal, Mr. Alf said the populations in the five residential treatment centers are similar.

The applicant, Chris Jacobson, 800 LaSalle Ave., 1900 LaSalle Plaza, Minneapolis, Health Care Real Estate Advisor for CBRE said he works with inpatient and behavioral health. He said the 16-bed inpatient facility is designed to replace 60 bed regional treatment centers. He said the intent is to give patients a better chance of success after hospitalization by teaching skills necessary to live in a community. He added that the facility will be staffed 24 hours a day, 7 days a week. Mr. Jacobson said the facility has rules that if not followed, the patient would be ejected from the program. There are motivators to help patients stay in the program and be successful.

He said patients are more likely to be affected by people outside of their environment, so they plan to spend over \$800,000.00 in improvements for this building, with a private patio area and landscaping. He said that they have done environmental testing including borings and vapor testing. He added that this facility is necessary for the state's population.

In response to a question by Commissioner Reveal, Mr. Jacobson said this property has been on and off the market for about four years.

No one spoke in favor.

Mark Rancone, 682 Goodrich Ave., President of Roseville Properties, said he is not in opposition of this mission, but has concerns about the staff recommendations. He said this building has been here for about 30 years as a two-story office building. He said this area is a mix of office and warehouse space, the comprehensive plan goal is to keep the industrial flavor of the neighborhood, this use does not meet finding 3a of the staff report, and he does not feel it is appropriate for this area. He noted the model train museum and Butter Cream Desserts that bring in families, and problems with break-ins and illegal dumping in the area. He said ResCare may be OK, asked what would happen if a wet house or higher risk group came in, and said he would like to see restrictions to prevent that.

The applicant, Chad Lemmons, 677 Apache Lane, Mendota Heights, representative for ResCare said this is a creative use for this property to serve the patients who are vulnerable adults. He said appropriate staff will be on site to provide adequate support for their patients to help them re-enter society independently. He added that these patients are focused on trying to recover from addictions.

Chris Jacobson said the program is called Intensive Residential Treatment Services and the state controls how this program operates. He said they will never treat a level 3 sex offender, they are not a wet house, and if someone breaks the rules they are ejected from the program.

The public hearing was closed.

Commissioner DeJoy said the building is currently in an I2 zoning district, but it hasn't been used as industrial since 1980. Mr. Williams said that was his understanding.

Commissioner Edgerton said he does not support this application because it doesn't meet finding 3a; it is inconsistent with the comprehensive plan goal for retaining industrial land for jobs and industrial uses. He added that this is a vibrant area with few vacancies and doesn't seem suitable for a residential facility. The vacant train station site could open this property up to more possibilities, including combining this small property with a larger property for larger industrial development, and smaller buildings can also support industrial use.

Chair Makarios asked Mr. Williams if this is a residential use in an industrial zone or a commercial health care facility in an industrial zone and noted that they are not rezoning this property. Mr. Williams said that the zoning code lists congregate living as a residential use. He added that this conditional use permit is different because people are being provided a range of services.

Chair Makarios asked if this facility could be in a residential zoned district. Mr. Williams said they could only serve up to 6 residents in RL-RT1 zoning districts, but it would be allowable in RT2 and RM districts.

Commissioner Reveal asked Commissioner Edgerton if he is recommending denial based on not meeting finding 3a. Commissioner Edgerton said that is correct.

Commissioner Reveal said she would feel better if there had been a buyer interested in this property with a more appropriate use consistent zoning and the creative enterprise zone, but that isn't the case. She added that if this application is approved and it goes into operation it doesn't preclude future development for a higher and better use.

Chair Makarios noted that the applicant stated they will be remodeling the interior of the building, but are not rebuilding.

Commissioner Lindeke said he is in agreement with Commissioner Edgerton's argument that finding 3a is not met, and recalled the West Midway Industrial Study conversation with the Planning Commission and the Port Authority a few years ago that this is a high demand area for industrial uses.

Commissioner Reveal asked if Amtrak retained the right to this property as a potential use for a train site. Mr. Williams said that was correct because Amtrak had concerns prior to relocating to Union Depot, but he is unsure of the length of this provision.

Commissioner Edgerton moved denial of the conditional use permit based on finding 3(a) that the proposed use is not in substantial compliance with the Comprehensive Plan goal to preserve industrial land for industrial uses and jobs. Commissioner Lindeke seconded the motion.

Chair Makarios said he will vote against this motion because the conditional use permit is for an allowed use that is a reasonable use of this property and does not preclude future industrial use.

Commissioner Reveal said that's where she is too, that she understands both sides, and that she hopes there will be a more active future development consistent with the industrial zoning and creative enterprise zone.

Commissioner Lindeke voted yea based on finding 3a. Commissioner Reveal and Chair Makarios voted nay. Commissioner Edgerton voted yea based on his previous statement. Commissioner DeJoy voted nay.

The motion failed by a vote of 2-3-0

Adopted Yeas - 2 Nays - 3 (DeJoy, Makarios, and Reveal) Abstained - 0

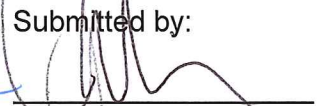
Commissioner Reveal moved approval of the conditional use permit. Commissioner DeJoy seconded the motion.

The motion passed by a vote of 3-2-0.

Adopted Yeas - 3 Nays - 2 (Edgerton, Lindeke) Abstained - 0

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Josh Williams
Zoning Section

Approved by:

Kyle Makarios
Chair

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Harriet Island Paddle Share Station - 17-032-384 - Conditional use permit for location of an accessory recreational structure not elevated on fill in the Flood Fringe, at Harriet Island Regional Park.

Hidden Falls Paddle Share Station - 17-032-223 - Conditional use permit for location of an accessory recreational structure in the Floodway, at Hidden Falls Regional Park.

Josh Williams presented the staff reports with a recommendation of approval for the conditional use permits with a condition. He stated District 3 made no recommendation, and there were no letters in support or opposition.

In response to a question by Chair Makarios, Mr. Williams said he is presenting both applications at once because even though the standards are slightly different, there are no significant differences. He said the floodway has more restrictions for building permanent structures.

Commissioner Edgerton asked if the FEMA rules give the City a flexibility to look at intent, and if we can get confirmation from the flood plain manager at the DNR that a no-rise certificate is not required.

Mr. Williams said he had conversations about this with Cecile Strauss at the DNR and with Wes Saunders-Pearce, the City Water Resources Coordinator, and they are all comfortable with this because there is a plan in place to remove the structures in times of flooding.

Commissioner Edgerton said that he would like to have written confirmation from the DNR that a no-rise certificate is not needed.

The applicant, Angie Tillges, 690 James St., Saint Paul Parks and Recreation, said that the two regional park locations are managed by City park staff. They have been thinking through this proposal very carefully with the National Parks Service. The paddle stations are equipped with a hitch so a vehicle can pull them to a designated nearby location above the flood fringe in times of flooding. She said this program is the first of its kind in the nation, and was successfully, piloted in Minneapolis briefly last summer. She said the program won a federal award for innovation across all national parks. She said from the Great River Passage perspective, it is a great way to give people access to the Mississippi River and the Highland District Council responded favorably to the program.

In response to a question from Commissioner Reveal, Ms. Tillges said the paddle share program is similar to the bike-sharing program and people do not need to return the kayak to the place where it was rented from. It is an alternative transportation loop. She said that there are 6.3 miles of water trail from Hidden Falls to Kelly's Landing at Harriet Island. After returning the kayak to either paddle share station location, the idea is that people can take a nice ride bike, light rail, or bus back to the start location.

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

Commissioner Reveal moved approval of the conditional use permit with a condition for the Harriet Island Paddle Share Station. Commissioner Edgerton seconded the motion.

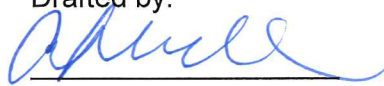
The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

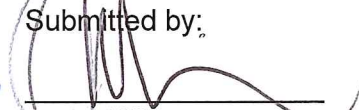
Commissioner Reveal moved approval of the conditional use permit with a condition for the Hidden Falls Paddle Share Station. Commissioner DeJoy seconded the motion.

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:


Josh Williams
Zoning Section

Approved by:


Kyle Makarios
Chair