

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, May 24, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Reveal  
EXCUSED: Ochs  
STAFF: Kady Dadlez, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Wedum Albion LLC Senior Housing - 18-059-091 - rezone from R4 one family residential to T3 traditional neighborhood and 18-057-154 - conditional use permit for a building height up to 65' and variance not to have a primary building entrance from 7th Street at 900 Albion Ave., area bounded by Lexington, 7th, and Albion.**

Kady Dadlez presented the staff report with a recommendation of approval for the rezoning and approval of the conditional use permit and variance with conditions. She stated District 15 and District 9 recommended approval, and there was 1 letter in support, and no letters in opposition.

Commissioner Reveal asked where the primary entrance will be before Lexington is realigned. Ms. Dadlez said the projects will be done concurrently and there will be one entrance on Old Lexington Parkway and a bump-in on the new Lexington Parkway with an ADA ramp into the building.

In response to a question by Commissioner Reveal, Ms. Dadlez said there is off-street parking, with 37 spaces on the surface lot and 70 spaces underground.

Chair Edgerton said he is concerned about the drop-off bay being in front of the right turn lane, causing confusion. Ms. Dadlez said that Public Works staff will review this for safety.

In response to a question by Commissioner Reveal, Ms. Dadlez said that emergency vehicles will access off of Old Lexington Parkway, and Public Works and Fire will review the plans during site plan review to make sure there is adequate space for maneuvering.

The applicant, Steve Kuhns, Essential Decisions, 2345 Rice St., Roseville, said they represent Wedum Albion/Wedum Foundation as development consultants. He said the Wedum Foundation is a non-profit 501(c)(3) corporation. They currently own 5 senior living properties in Minnesota, 1 in Texas and 2 student housing properties in Minnesota. They are proposing about 165 units: 100 independent market rate senior housing units; 40 assisted living units; and 24 memory care units. He said they are proposing to start construction this fall, with an estimation of 16 months for completion of the project, and the realignment of Lexington will begin at the same time.

In response to questions by Commissioner Reveal, Mr. Kuhns said all of their properties are market rate and the intent of this proposal is to have senior housing.

Commissioner Eckman asked if there are any intentions to incorporate affordable housing units. Mr. Kuhn said no, they could not meet the financial covenants that the bank requires.

Kevin Gallatin, 1822 Highland Parkway, Highland District Council said they have worked with Mr. Black and Mr. Kuhns for several months and learned about the proposal after the former Riverview School building had been demolished. He said this is a rare opportunity to realign Lexington Parkway and improve the intersection of Lexington, West 7<sup>th</sup> and Montreal, which District 15 has been interested in doing for a long time. The developer reconfigured their building to help achieve those goals. He said there is a need for senior housing and the density is suitable for transit-oriented development. The district council voted in favor of the rezoning, conditional use permit and variance. They had 4 committee meetings at the district council with the developers and hosted a community meeting with the Fort Road Federation at Summit Brewery. He said the main questions were about Albion Street and the traffic light, and few questions, comments, or concerns about the building, use, height, or other questions about the site plan. He said that District 15 Community Council supports the rezoning, conditional use permit and variance.

Commissioner Eckman asked how many people attended the event at Summit Brewery. Mr. Gallatin said about 80 people, which is twice the attendance of a regular meeting.

Kathryn Hirsch, 909 Lexington Parkway South, spoke in opposition and said she was unable to attend the District 15 Community Council meeting. She said she does not oppose the development of this site, but is concerned about the height of the building being taller than any other building in the area. She said the application and staff report conclusions relied upon the Riverview Corridor moving forward and that is not set in stone. She said she does not oppose the Riverview Corridor, if it happens, but is concerned about the final outcome after studies are done for economic and environmental impact, Minnesota 5 and bridge issues. She said the Riverview Corridor may not be in for 4-5 more years.

In response to a question by Commissioner Reveal, Ms. Hirsch said they will be the last house before the cul-de-sac, near the utility building off of Montreal.

The public hearing was closed.

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

In response to questions by Commissioner Lindeke, Ms. Dadlez said that Lexington Parkway carries about 8,000 vehicles daily, and 30,000 on West 7<sup>th</sup> Street.

Commissioner Baker said that because he is affiliated with the Saint Paul Public Schools he will abstain from the vote.

Commissioner Reveal said this is an ideal location for this type of needed development.

Commissioner Lindeke said this will be a big improvement for traffic and safety, adding that there will be a significant decrease in the number of vehicles on Lexington Parkway that go past the homes that will be across the street from the new development.

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

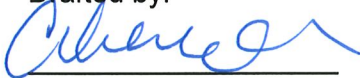
Adopted                      Yeas - 6              Nays - 0              Abstained - 1 (Baker)

Commissioner Eckman moved approval of the conditional use permit and variance with conditions. Commissioner Reveal seconded the motion.

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

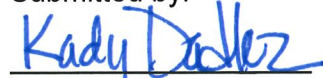
Adopted                      Yeas - 6              Nays - 0              Abstained - 1 (Baker)

Drafted by:



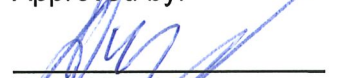
Cherie Englund  
Recording Secretary

Submitted by:



Kady Dadlez  
City Planner

Approved by:



Dan Edgerton  
Chair

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PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Reveal  
EXCUSED: Ochs  
STAFF: Anton Jerve, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Urban Growler Farmers Market - 18-059-455 - conditional use permit for a farmers market with up to 20 vendors at 2325 Endicott St., NW corner at Hersey.**

Anton Jerve presented the staff report with a recommendation of approval for the conditional use permit with conditions. He stated District 12 recommended approval, and there was 1 letter in support, and no letters in opposition.

In response to a question by Commissioner Reveal, Mr. Jerve said that the Urban Growler's outdoor tables and chairs may be available to the patrons of the farmers market.

In response to a question by Commissioner Baker, Mr. Jerve said that if the applicant would like to change the hours or days of operation as listed in condition 3, they would have to come back to the Zoning Committee to ask for a change in the conditional use permit.

In response to a question by Commissioner Eckman, Mr. Jerve said the farmers market plans to operate from May through September, but there was no official time frame set in terms of permit conditions.

Commissioner Lindeke said the area has many industrial uses surrounding this site and asked if those businesses operate on Sundays. Mr. Jerve said he believes some do.

The applicant, Anja Kroll, 2325 Endicott Street, said some of the surrounding businesses operate on Sundays, but the majority of the surrounding businesses operate Monday through Friday, including the businesses that share parking with Urban Growler. She said they were invited as a panelist by the St. Anthony Park Community Council to speak about year round food access and they are working on the possibility of accepting EBT payments at the farmers market.

Commissioner DeJoy asked about pedestrian traffic in the area on Sundays. Ms. Kroll said the majority of pedestrian traffic is for the breweries, and there is no sidewalk after a certain point on Hersey Street.

In response to a question by Chair Edgerton, Ms. Kroll said trash will be picked up and disposed of in their dumpster. They will be providing extra trash cans around the farmers market. She said that Urban Growler does commercial composting of all organics. Chair Edgerton said the committee could consider adding a condition for trash disposal as done previously in other conditional use permits for farmers markets.

Commissioner DeJoy said Ramsey County has a BizRecycling program where you can apply for grant money to make changes in organics pick up and other things.

Commissioner Reveal said that in a previous case for a farmers market a representative for the Minnesota Farmers Association said they have an agreement with the vendors to clean up anything left at the end of the market.

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

Commissioner Eckman moved approval of the conditional use permit with the first three conditions. Commissioner Baker seconded the motion.

Commissioner Lindeke said pedestrian safety in this area is something the city has been paying attention to for a while. Three years ago there was a study by the Transportation Committee about sidewalks in the West Midway area. He said he would like the city and property owners in the area to be aware that there may be safety issues between traffic and pedestrians who have visited the breweries.

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

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Anton Jerve  
City Planner

Approved by:



Dan Edgerton  
Chair

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PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Reveal  
EXCUSED: Ochs  
STAFF: Josh Williams, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Brett Ripley - 18-050-373 - reestablishment of a nonconforming use as a 4-family dwelling at 1685 Taylor Ave., between Aldine and Charlotte.**

Josh Williams presented the staff report with a recommendation for approval of a permit for reestablishment of nonconforming use of the house as a 2-family dwelling, and denial of the application for reestablishment of nonconforming use of the house as a 4-family dwelling. He said District 11 recommended approval, there were 6 letters in support, and no letters in opposition.

Mr. Williams explained that the property has never been zoned to allow more than two dwelling units. It never could have had legal nonconforming status for more than two units, and legal nonconforming use can be reestablished only for what was legal before. In response to a question by Commissioner Reveal, he said there was a gap in the use and legal nonconforming status is lost if it is discontinued for more than one year.

Mr. Torstenson noted the citation in staff report finding 6 of Zoning Code § 62.102, which lays out the criteria for a use to be legally nonconforming.

In response to a question by Chair Edgerton, Mr. Williams said that the applicant is requesting a permit for reestablishment of nonconforming use of the house as a 4-family dwelling. He went over staff report findings 7 and 8, and said there is no evidence that use of the house for 3 or 4 units could ever have been a legal nonconforming use under the requirements of the Zoning Code. However, when Mr. Ripley purchased the house in 2012 a DSI inspector told him it was eligible for a certificate of occupancy as a 3-family dwelling. It got a certificate of occupancy for 4 units in 1982, and was used as a 4-plex for 20 years. Prior to Mr. Ripley's purchase of the house it was completely vacant for more than one year when it was in probate after the death of the owner.

In response to a question by Commissioner Baker, Mr. Williams and Chair Edgerton discussed the Planning Commission denial of previous applications by Mr. Ripley for reestablishment of nonconforming use of the house as a 4-family dwelling in 2013 and 2014.

In response to a question by Commissioner Reveal about accessory dwelling units, Mr. Torstenson said that an accessory dwelling unit is allowed for a single-family home.

In response to a question by Commissioner Eckman, Mr. Williams said the property is zoned R4 one-family residential, which just allows a 1-family dwelling. A 4-family dwelling is not permitted in the R4 district.

Chair Edgerton recalled a previous nonconforming use permit application that was denied because the applicant could not prove the nonconforming use had been in continuous existence for at least ten years prior to the application, which was not discretionary.

Mr. Williams said the requirements for establishment of legal nonconforming status in Zoning Code § 62.109(a) include at least ten years of continuous existence prior to the date of the application. That's different than the application in this case, which is for reestablishment of legal nonconforming use under the requirements in § 62.109(e). A key factor in this application is that it has to have been a legal nonconforming use at some time. The Department of Safety and Inspections issued a certificate of occupancy from 1982 to 2006 for a 4-family dwelling, and then it was used as a 3-family dwelling, but the property was never zoned to allow for more than two dwelling units and there were no permits for conversion to more than two dwelling units.

The applicant, Brett Ripley, 1679 Hubbard Ave., said he owns a 4-plex and thought it was zoned as a nonconforming 3-plex. He said that prior to his purchase of the house, the former owner used two of the units as a single unit and that is when the house was designated as a 3-plex. He said they applied for a nonconforming use permit after purchasing the house and were surprised they couldn't get it back to 4 units despite getting neighborhood signatures and paying the fee. The permit was denied because of the requirement that the house can't reasonably or economically be used for a conforming purpose. Since then, they have contemplated remodeling from 4 units to 3, but it would be costly because of the way that the house is currently laid out. Reducing the house to 2 or 3 units would take quality affordable housing off of the market, his renters would lose their homes, and income from the units is important to him. During a previous fire inspection, the units were determined to be safe and up to code. He said they are baffled by the difficulty of this process for what seems to be a simple request.

In response to a question by Commissioner Lindeke about why he didn't file an appeal to City Council after the 2014 denial by the Planning Commission, Mr. Ripley said he was discouraged and didn't see a favorable outcome at that time.

Commissioner DeJoy asked if he had clear evidence that the house was ever a legal nonconforming 4-family dwelling. Mr. Ripley said he found the certificate of occupancy from the early 80s. Mr. Williams noted staff report finding 1 regarding what records show about the history of use and occupancy of the house.

Chair Edgerton noted that in 1975 there were 4 phone numbers, one listed to each resident, suggesting that there were 4 dwelling units. Commissioner DeJoy said that was a city directory listing, not an official document.

Brian Alton, 951 Grand Ave., representing the applicant, said the staff report from the first application lists the same 5 required findings. It said findings 2 through 5 were met and finding 1 was not met, which was the basis for denial. He said they have evidence that the house cannot be used reasonably or economically as a 3-family dwelling. He noted a determination made in the Danmark LLC application in February 2018 that a large 3-story structure could not be reasonably or economically used for a conforming purpose. He noted a similar issue today in the Geneet Kidane application, that the house cannot be reasonably and economically converted to a single-family dwelling because of the layout of the house as an up-down duplex and its long history as a 2-unit structure.

In response to a question by Commissioner Baker, Mr. Alton noted finding 1 in the February 7, 2014 Planning Commission resolution states that the required finding that the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose was not met, and that it could be used as a 3-family dwelling.

Commissioner Reveal said that she would like to see language in the truth in sale form to state the legal allowable use and zoning for the property.

Mr. Alton said that the city has determined several times that the house is a legal triplex: in 2012 by Zoning Administrator Wendy Lane; in 2014 by the Planning Commission; and in 2017 by the Legislative Hearing Officer and Fire Inspector, A.J. Neis. Mr. Alton said that before Mr. Ripley purchased the property, he was told by the Department of Safety and Inspections that the house was a triplex. He said that from 1922 to 1975 a duplex was permitted in a "B" residence zoning district, in 1955 there was evidence the house was converted to flats, and in 1959 there was a building permit application for an exterior staircase for duplex. Zoning Code § 62.106(m) allows a legal nonconforming 2-family residential use to be expanded. It was expanded to a 4-family dwelling and was a legal nonconforming 4-family dwelling from 1975 to 2006. It may have lost that legal nonconforming 4-family status when it was vacated after the death of the previous owner, but the code provides for reestablishment of a legal nonconforming use.

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

In response to a question by Chair Edgerton about discretion in this decision, Mr. Torstenson said the decision needs to be made based on the requirements in Zoning Code § 62.109(e).

Mr. Williams said a key question is what constitutes clear and convincing evidence that it was ever a legal nonconforming 4-family dwelling.

Commissioner DeJoy asked how the Department of Safety and Inspections could issue a certificate of occupancy if it isn't a legal nonconforming use. Mr. Williams said the inspector may have focused on fire safety rather than zoning compliance.

Commissioner Eckman said that more affordable housing is needed near Hamline University, and she thinks the cost to convert the house to fewer units would be a financial hardship.

Commissioner Lindeke said there are a lot of planning reasons to make 4-plexes legal throughout the city, he finds the city directory from 1975 to be clear and convincing evidence that this was a 4-family dwelling at that time, and he will vote against the staff recommendation.

Chair Edgerton noted the findings required in order to permit reestablishment of more units, which would need to be different than two of the findings in the staff report.

Mr. Warner said the committee would need to make findings that are factually based that would support the decision. He noted staff report finding 8(1) that the house was legally converted to a duplex, but there were no building permits and it was not legally converted to a 3- or 4-family dwelling.

Commissioner Fredson said staff recommends approval of reestablishment of a legal nonconforming 2-family dwelling and denial of the application for a 4-family dwelling, and asked why not allow a 3-family dwelling.



Mr. Williams said that when the property went vacant it lost its legal nonconforming status, and the R4 one-family residential zoning district only allows a 1-family dwelling. A standard for reestablishing a legal nonconforming use is that it must have been legal at some time in the first place. In this case, there is no evidence that the house was ever legal as more than a duplex.

Commissioner Fredson asked to what extent to factor in the certificate of occupancy for a three-family dwelling issued by the Department of Safety and Inspections. Chair Edgerton said that at one time it had a certificate of occupancy for four units.

Commissioner DeJoy said that a certificate of occupancy can be for other reasons, such as safety. Mr. Warner noted that the zoning code says a certificate of occupancy presumes zoning compliance, but a fire inspector doesn't have authority to rezone property. He said the commission must be cognizant of the purpose and intent of the zoning code, and that this is a single-family zoning district. If that's the wrong district, it can be rezoned.

Commissioner DeJoy moved approval of the reestablishment of legal nonconforming use as a 2-family dwelling and denial of the reestablishment of legal nonconforming use as a 4-family dwelling. Commissioner Reveal seconded the motion.

Commissioner Baker asked if the Zoning Administrator agreed at any time that it was more than a 2-family dwelling and how factor that in, because the Zoning Administrator must uphold the zoning code.

Mr. Williams said that information and notes in certificate of occupancy files and letters to the property owner, there was discussion and evidence that the house was constructed as a one-family dwelling and remodeled to function as a 4-family dwelling. The units are in the basement, first and second floors, and the attic. The previous owner used the first and second floor units as a single unit, and there was a DSI order to make that one unit by removing one of the kitchens and any locking doors between them. The Zoning Administrator said it would also be fine to eliminate the basement unit as an alternative to combining the first and second floor units, allowing 3 dwelling units.

Commissioner Reveal asked if the Zoning Administrator put this in writing. Commissioner Baker said that if it is in writing, he could agree with a 3-family dwelling.

Chair Edgerton said that he would reopen the public hearing for Mr. Alton to clarify where this information is located.

Mr. Alton said his testimony referenced a Zoning Administrator determination that this is a three-family dwelling, and the basis for this is found on page 4 of the stamp activity detail included with the staff report in the zoning packet. The comment is on August 20, 2012, by A.J. Neis that he contacted the Zoning Administrator and she was okay with the basement unit as the one to be removed, and that he advised the owner that it is okay to remove the basement unit and allow occupancy of floors 1, 2, and 3. Mr. Alton noted that on page 2 of the same report, on July 26, 2011, "zoning has determined that since use is nonconforming, property cannot be reverted to 4 units again as the new PM requested. They further confirmed that conversion was not proper under permit for conversion from 4 units to 3 and that there was no approval for second kitchen to remain."

Mr. Williams said that on page 2 of the stamp report, it suggests they were viewing this as a legal 3-family dwelling, and this is where staff drew that finding from.

Chair Edgerton closed the public hearing.

Commissioner Reveal proposed a friendly amendment to amend findings 8(1) and 8(2) to state that based on findings of the previous Zoning Administrator and other building officials the findings are met for a 2- or 3-family dwelling but not as a 4-family dwelling, and to approve reestablishment of legal nonconforming use of the house as a 2- or 3-family dwelling but not as a 4-family dwelling. Commissioner DeJoy did not accept the amendment.

Commissioner Reveal said they could approve the staff recommendation and make another motion to approve a 3-family dwelling.

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

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Commissioner Reveal made another motion to approve a permit for reestablishment of nonconforming use of the house as a 3-family dwelling based on her previously stated rationale. Commissioner Fredson seconded the motion.

Mr. Williams suggested a minor change to finding 6 and remove the entire last sentence, which Commissioner Reveal accepted.

Mr. Warner noted finding 5 language about eligibility to be a 3-family dwelling subject to "compliance with the previous order." He doesn't know what the previous order was, but he is concerned about the life and safety of the occupants.

Commissioner Reveal said they can add a condition that it will comply with all safety requirements.

Mr. Williams said the prior order involved separation of the first and second floor units and several minor deficiencies. A condition could be a new Certificate of Occupancy inspection.

Commissioner Lindeke said that an appeal to the City Council could result in a different outcome.

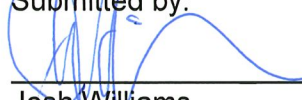
The motion passed by a vote of 7-0-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

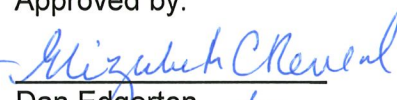
Drafted by:

  
\_\_\_\_\_  
Cherie Englund  
Recording Secretary

Submitted by:

  
\_\_\_\_\_  
Josh Williams  
City Planner

Approved by:

  
\_\_\_\_\_  
Dan Edgerton  
Chair

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EXCUSED: Ochs  
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Michaelene Colestock (903 Beech) - 18-059-805 - conditional use permit and variance for a supportive housing facility to serve 7 adult facility residents and their dependents at 903 Beech St., between Mendota and Forest.**

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 4 made no recommendation, and there were no letters in support, and 1 letter in opposition.

Commissioner Eckman asked how the zoning code defines facility residents. Mr. Dermody said for supportive housing it says 6 facility residents and in verifying with the Zoning Administrator that includes children. He said that the zoning code used to state "adult resident" for the transitional housing definition, and we also have a battered women's shelter that states "adult facility residents and their children." In retrospect this may have been an oversight to omit the word "adult" in an attempt to consolidate three definitions into one in 2016.

Commissioner Eckman asked if there was consideration in how we define a facility resident. Mr. Dermody said it is anyone who is a resident in a facility because in the existing code and former code under other definitions we specifically say "adult facility resident" and for supportive housing we say "facility residents".

The applicant Michaelene Colestock, 903 Beech St., said she is the owner of Spence Specialties LLC and they provide sober housing for women with dependent children or women working toward reunification with children who have been taken out of their custody because of their chemical use. She said she has 17 years of experience working in the treatment capacity and in 2009 realized there was a need for housing for women with children. She said keeping moms and children together increases the likelihood of sobriety. She said they have 2 houses on the east side with conditional use permits for the same use. She said she rents the home at 903 Beech Street and requested reasonable accommodations from the Department of Safety and Inspections to house up to 10 residents in a congregate living facility if they are chemically dependent. In March or April, she was notified by the Department of Safety and Inspections after a fire inspection that she could not have children in sober housing and had 15 days to vacate the home, even though she was in compliance of the 10 occupants and children. She said that this is a two bathroom home and would like up to 7 women and their minor children, for flexibility with mothers who are working toward reunification and do not require a full bedroom. The other bedrooms would be reserved for mothers with custody of their children. Child protective services will not start the reunification process if a mother is not in a facility in which reunification can happen. She said that she has 2 bedrooms, living room, dining room, kitchen, entryway, bathroom, and exit to the backyard. The Department of Health has issued a lodging license for occupancy up to 7 adult residents and their children. She said it is required to have 60 sq. ft. of room in each bedroom per person or occupant and this house has more than the

required amount of square footage in the bedrooms. Most of the bedrooms would be able to accommodate 2 adult women, and under reasonable accommodations she said she could have up to 10 adult women in this house if she wanted to eliminate the children, but that is not her intent. She said the upper floor has 4 bedrooms and a bathroom. She said the total square footage of this house is about 2,000 sq. ft.

Commissioner Reveal asked if women working toward reunification live in the house. Ms. Colestock said yes. The clients are 18 years of age or older, they have completed a residential chemical dependency treatment program, are in out-patient treatment, volunteering, enrolled in school, or working up to 20 hours per week, while working toward reunification with their children.

Commissioner DeJoy asked if a mother has custody of her children where one is a boy and another is a girl, do they all stay in one room and is there a limit to the number of children. Ms. Colestock said yes, they stay in one room and require 60 sq. ft. per person, but a baby does not qualify as an occupant until it is one year old and she does not take children over the age of 11.

Commissioner Reveal asked if there are any rooms to accommodate 3 occupants. Ms. Colestock said not in this home.

Commissioner Baker asked how long the unification process takes. Ms. Colestock said that it depends on the age of the children and child protective services is required to have a final determination of custody for children under the age of 1 within 1 year. Usually women stay in her homes for 6 months, but it can be longer depending upon what they are working toward.

Commissioner Reveal asked if 6 residents would be acceptable. Ms. Colestock said that was fine, but gives her less flexibility with women in the reunification process.

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

Commissioner Reveal asked if 7 residents could be allowed.

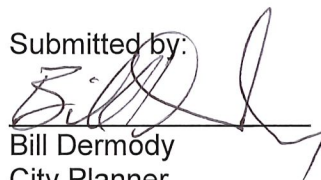
Mr. Dermody said the code allows for 6 residents, and the variance is to exceed 6 residents by allowing 6 adult facility residents along with the dependent children in their care. He explained why 6 residents is the standard for supportive housing in one- and two-family residential districts, that 6 residents have been determined to be similar to a single-family.


Commissioner Reveal moved approval of the conditional use permit with a condition. Commissioner Fredson seconded the motion.

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

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:  
  
Cherie Englund  
Recording Secretary

Submitted by:  
  
Bill Dermody  
City Planner

Approved by:  
  
Dan Edgerton  
Chair

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STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Michaelene Colestock (884 Hyacinth E) - 18-059-899 - conditional use permit and variance for supportive housing facility to serve 6 adult facility residents and their dependents at 884 Hyacinth Ave. E., SE corner at Mendota.**

Bill Dermody presented the staff report with a recommendation of denial for the conditional use permit and variance. He stated District 5 recommended approval, and there were no letters in support and 3 letters in opposition.

The applicant, Michaelene Colestock, said that the reason for the recommendation for denial is because of the size of the house. She said County records list it as a 3 bedroom, 1 bathroom home, which she learned last week at the District 5 Community Council meeting. She said the house has 4 bedrooms and 1½ bathroom, and she immediately contacted the Department of Safety and Inspections to see how to update this information. She also contacted the fire inspector to find out if they had record of a 4 bedroom home and they did not. She said she is leasing this home and does not know if permits were pulled for any work. She said they are looking for mothers in the home who are working toward reunification with their children. In response to a question by Chair Edgerton, Ms. Colestock said the bedrooms on the first level would be for mothers with custody of their children, and the 2 bedrooms upstairs would be shared rooms, but could be used for mothers with custody of their children.

Commissioner DeJoy said this is a small house and it seems that it could be overcrowded.

Ms. Colestock said that she can move people from home to home to accommodate women and their children and the reunification process. She said there may be more adults in this facility, with children visiting. She said she received support from the Payne Phalen Community Council and that there was also some opposition. She listened to what they said and laid down ground rules at this house in order to be good neighbors. She said the alternative is that she stops renting the house and lets the owner continue to rent to unsavory people. In response to a question by Commissioner DeJoy, Ms. Colestock said there is a 1-car garage and a pad for parking behind the house, but most women take the bus.

No one spoke in favor.

Marc Beltz, 890 Hyacinth Ave., spoke in opposition and said he is concerned with the number of people. He said one bedroom used to be a den and a bathroom was added in the basement. He said he is also concerned about the variance staying with the property. He said since the new residents moved in in February they have not had any issues.

Karen Landkamer, 887 Hyacinth Ave., spoke in opposition and said she had also written a letter. She said they went to the District 5 Community Council meeting, met Michaelene, received better information, and that she gives her a lot of credit for what she does. She said she is concerned that the house may be too small for 6 women and their dependents.



Ray Landkamer, 887 Hyacinth Ave., spoke in opposition and said he is concerned by the number of people that will be moving into the house, because it is too small.

Michaelene Colestock thanked the neighbors and said will address all of their concerns immediately. She said she hopes to change their minds as they get to know each other. She said that if the conditional use permit is approved that it should not stay with the home and should be invalid once she ends the lease.

Commissioner Reveal said the conditional use permit stays with the property for that use, allowing another provider to use the permit to provide the same service. Mr. Dermody added that under Zoning Code § 61.550, when a use requiring a conditional use permit is discontinued or ceases to exist for more than one year the permit expires. In response to a question by Commissioner DeJoy, Mr. Dermody said the use is approved for this property and another supportive housing use which could abide by the same conditions could use the conditional use permit.

The public hearing was closed.

Commissioner Eckman said she appreciated the testimony and understands the size of the house and the use is special for women, their health, and the reunification with their families. She said her neighbors are a family of 11 with one bathroom and three bedrooms, and they make it work. She said space needed comes from our own individual point of reference, and she would like to approve the application.

Mr. Dermody suggested changing finding 3(c) to state that the applicant has established that there are practical difficulties in complying with the provision.

Mr. Warner suggested changing finding 3(d) to state that although the 4-bedroom, 1.5-bathroom house on the lot is not a uniquely large facility nor unique in any other way, the area dimensions of the house in all respects complies with the requirements of the zoning code as do the area dimensions of the zoning lot on which the house is located.

Mr. Dermody said finding 4(e) could be reworded to refer to the variance.

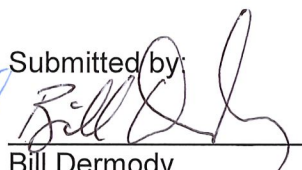
Commissioner Eckman moved approval of the conditional use permit and variance based on revised findings suggested by staff. Commissioner Baker seconded the motion.

In response to a question by Commissioner Baker, Commissioner Reveal said we should state that there was evidence that the house has 4 bedrooms and 1½ bathrooms, contrary to current county records.

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

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

Drafted by:  
  
Cherie England  
Recording Secretary

Submitted by:  
  
Bill Dermody  
City Planner

Approved by:  
  
Dan Edgerton  
Chair

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, May 24, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Reveal  
EXCUSED: Ochs  
STAFF: Jamie Radel, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Khue Thi Dang Auto Repair - 18-058-139 - conditional use permit for an auto repair shop with modification of conditions for minimum lot area (15,000 sq. ft. required, 7,160 sq. ft. available) and landscaped buffer next to residential property (10 ft. required, 7 ft. proposed) at 71 Annapolis St. W., NW corner at Stryker.**

Jamie Radel presented the staff report with a recommendation of approval for the conditional use permit with conditions. She stated District 3 made no recommendation, and there were no letters in support or opposition.

In response to a question by Commissioner Reveal, Ms. Radel said the applicant is asking for a modification of the conditions for minimum lot area as noted in finding 2(a), in which 15,000 sq. ft. is required, with the lot of 7,841 sq. ft., the difference is 7,160 sq. ft.

The applicant, Khue Dang, 2038 Cottage Grove Dr., Woodbury, said she applied for a conditional use permit for a family-owned car repair shop.

Commissioner DeJoy asked how many cars will be parked on the site. Ms. Dang said maybe 1 or 2.

Jim Callahan, 1549 Livingston Ave., West St. Paul, spoke on behalf of Ms. Dang. He said he is a commercial broker and has worked with Ms. Dang. He said a relative of Ms. Dang will run the auto repair shop. He added that the building was previously used as an auto repair shop.

In response to a question by Commissioner Baker, Mr. Callahan said that Ms. Dang is going to purchase the property and a relative will run the business.

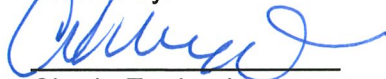
No one spoke in favor or opposition and the public hearing was closed.

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

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

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:

Jamie Radel  
City Planner

Approved by:



Dan Edgerton  
Chair

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, May 24, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, and Reveal  
EXCUSED: Ochs  
STAFF: Tony Johnson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Geneet Kidane Duplex - 18-057-614 - reestablishment of nonconforming duplex with a variance of the consent petition requirement (owners of 13 parcels required, 6 signed) at 758 Charles Ave., between Avon and Grotto.**

Tony Johnson presented the staff report with a recommendation of approval for the reestablishment of nonconforming use permit with a condition. He stated District 7 made no recommendation, and there were no letters in support, and 1 letter in opposition.

The applicant Geneet Kidane, 758 Charles Ave., had nothing to add to the staff report.

Commissioner Eckman asked why she wanted to purchase this house knowing it was listed as a category 2 vacant building and required extensive renovations. Ms. Kidane said she purchased this house at auction, knowing it was a duplex, but did not know what a category 2 vacant building meant. She learned after the purchase that the house required a lot of work, adding to the cost. She said she tried to back out of the sale, but it was too late. She said she had family support in renovating the house and wanted a duplex so her sister could live upstairs, and she would live on the main level with her children.

Caty Royce, 4033 Elliott Ave., Minneapolis, Co-Director of the Frogtown Neighborhood Association said she has been working with Ms. Kidane for about 2 years. She said Ms. Kidane was actively lobbied by the Ramsey County Department of Tax Forfeited Property to buy this property after learning she had received a \$7,000.00 tax return. She said they did not explain what a category 2 vacant building was or that she would have to apply for a reestablishment of nonconforming use permit for the duplex. She said after the sale Ms. Kidane learned what had happened and worked hard to bring the property up to code, with the help of her family. She said they helped with petitions, and it has been difficult to find out of town landlords. She said they support Ms. Kidane and appreciate owner occupied properties in this area and density that supports the Frogtown Small Area Plan.

Zeda Kidane, 1120 Eldridge Ave., Roseville, spoke in support and said she is Ms. Kidane's sister. She said her sister thought she was purchasing a duplex at auction. She said that English is not her sister's first language and did not understand. She said she was not available at that time to help her sister with this decision. She said the house has separate units, and has 6 bedrooms, 2 bathrooms, and separate kitchens on two floors. She said she learned after the sale that this was a nonconforming duplex and it was too late to back out. She said her sister was denied in using the house as a duplex and needs the income to support her children. She said they had a hard time finding property owners to get the needed signatures.



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

Commissioner Baker moved approval of the reestablishment of nonconforming use permit with a condition. Commissioner Eckman seconded the motion.

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

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



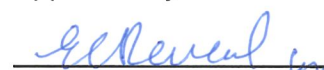
Cherie Englund  
Recording Secretary

Submitted by:



Tony Johnson  
City Planner

Approved by:



Dan Edgerton  
Chair