

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, Cookie Drawer Company LLC, File # 16-042-322, has applied for a Conditional use permit to allow a portion of a new multifamily building to be 58' - 5 1/8" in height. under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 2323 Charles Ave, Parcel Identification Number (PIN) 292923430050, legally described as Hewitts Out Lots Ely 50 Ft Of Lot 20; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 16, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is proposing a four story 80-unit residential project at 2323 Charles Avenue. The building height limit in T3 districts allows for 45' by right and up to 90' with a conditional use permit (CUP). The building roof will be 45' 2 7/8" above average grade, except for the south elevator/stair structure which is 63' 1 1/2" above average grade, the north stair structure which is 63' 1/2" above average grade, and a sun shade/ pergola which is 58' 5 1/8" above average grade. Under Sec. 66.331(e) "height of structures may exceed the maximum if set back from side and rear setback lines a distance equal to additional height." Because the building is set back more than 2 7/8" from side and rear property lines, this height is allowed without a CUP. The north stair structure and the south elevator/stair structure are also allowed without a CUP under Sec. 63.102, which excludes several architectural items, including "mechanical service stacks; tanks, ventilation equipment, chimneys, church spires, flag poles, public monuments, and similar equipment" from building height calculations. The Zoning Administrator determined the sun shade/pergola did not qualify as "similar equipment" under Sec. 63.102 and requires a CUP. The shade/pergola structure will be located on the west side of the building on the southern portion of the roof. It will rise 10' 10" above the rooftop patio and cover 350 square feet.
2. §61.501 lists five standards that all conditional uses must satisfy:
  - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The use is in substantial

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

compliance with the *Comprehensive Plan*, including the *Raymond Station Area Plan*, in particular the following policy:

*Promote a medium density urban neighborhood.*

*a) Building types should consist of mid- to high-rise residential buildings with height generally in the range 3-4 story mid rise podiums with heights of 8-10 stories permitted at corners in slender, 'point-tower' building configurations on 3-4 story bases.*

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The use has one point of ingress/egress on Charles Ave. The proximity to the Green Line transit station facilitates car-free living. The use will have only 55 parking spaces for 80 units. It is anticipated to have a minimal effect on congestion.*
- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The neighborhood is mixed-use with compatible existing residential uses to the northwest and south of the site. Multifamily residential uses are allowed in T3 districts. Nothing about the site would endanger the public health, safety and general welfare of the immediate neighborhood.*
- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use is consistent with the character of future development for the area as identified in the Raymond Station Area Plan. Surrounding properties will have no impediment to develop to the standards and uses of the T3 zoning district.*
- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use meets all other T3 zoning regulations.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Cookie Drawer Company LLC for a Conditional use permit to allow a sun shade/pergola structure on top of a new multifamily building to be 59' in height. at 2323 Charles Ave is hereby approved, subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

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WHEREAS, Hmong Village LLC and the City of St. Paul - Office of Financial Services Real Estate, File # 16-041-863, have applied for a rezoning from R2 one-family residential to IT transitional industrial to expand parking lot into Johnson Parkway right-of-way under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on a portion of property located at 1001 Johnson Pkwy, Parcel Identification Number (PIN) 272922230082, and a portion of the adjacent Johnson Pkwy right-of-way; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 16, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests rezoning of 61,971 square feet of land from R2 to IT to allow a parking use. This includes 37,825 square feet located within the Johnson Parkway right-of-way.
2. The proposed IT zoning is consistent with the way this area has developed, including the adjacent Hmong Village retail center zoned IT.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Plan chapter of the Comprehensive Plan, in Figures LU-B and LU-H Generalized 2030 Land Uses, designates Johnson Parkway right-of-way as Major Parks & Open Space and the adjacent property to the west at this location as Industrial. Since the Johnson Parkway right-of-way proposed to be rezoned will remain park space rather than being vacated, and the IT district would not preclude reconversion to landscaped park and open space, the rezoning is consistent with the Comprehensive Plan designations. Also, an encroachment permit will be necessary to ensure provisions consistent with Saint Paul Parks & Recreation's standards for the parkway.
4. The proposed zoning is compatible with the surrounding uses, including the adjacent Hmong Village retail center zoned IT.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." The proposed rezoning is not "spot zoning". Rather, it extends and is consistent with the adjacent IT zoning.
6. The petition for rezoning was found to be sufficient on May 26, 2016: 6 parcels eligible; 4

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

parcels required; 5 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Hmong Village LLC and the City of St. Paul - Office of Financial Services Real Estate for a rezoning from R2 one-family residential to IT transitional industrial to expand a parking lot into Johnson Parkway right-of-way for property at 1001 Johnson Pkwy be approved.

ZC 16-041-863

WIN Processing LLC  
1209 Glenwood Ave. North  
Minneapolis, MN 55405

June 8th, 2016

City of St. Paul  
Planning & Economic Development  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102

I, Song Vang; Chief Manager for WIN Processing LLC, an investment business that own many realstate properties in East St. Paul. I support the rezone one family residential to IT Transitional Industrial to expand parking space for Hmong Village. That location alone has bring more business to East St. Paul then any other business, in camparing with Phalen Blvd coredoor - Cub Food location, Payne and Maryland/Arcade Avenues.

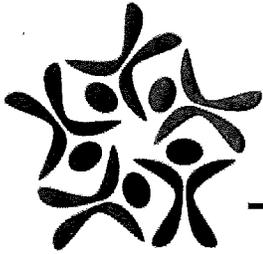
I am asking for your consider rezoning the location for provide better service for the community in East St. Paul.

Sincerely,

A handwritten signature in black ink, appearing to be 'Song Vang', with a long horizontal stroke extending to the right.

Song Vang  
cc. Hmong Village staff and representative

ZC 16-041-863



dayton's bluff  
COMMUNITY COUNCIL

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804 Margaret St. Saint Paul, MN 55106 . Phone 651-772-2075  
Visit our website at [www.daytonsbluff.org](http://www.daytonsbluff.org)

November 21, 2014

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West 4<sup>th</sup> Street  
St. Paul, MN 55102

RE: Hmong Village Zoning Change for Parking Expansion

Dear Commission Members,

Hmong Village and NENDC came to the District 4 Board meeting on November 17, 2014 and recieved approval from the board for the expansion of the parking lot. The traffic concerns in the neighborhood would be ameliorated by an increase in parking spaces. Community and board members agreed it would reduce the number of cars parking in the neighborhood and add value to an important business asset on the East Side.

In response to a request for support of rezoning to IT, the Board voted unanimously to support the zoning necessary for the project to proceed.

Sincerely,

A handwritten signature in black ink that reads "Deanna Abbott-Foster". The signature is written in a cursive, flowing style.

Deanna Abbott-Foster  
Executive Director