

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, June 2, 2016 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Makarios, Merrigan, Nelson, Reveal, and Wenc  
EXCUSED: Wickiser  
STAFF: Bill Dermody, Cherie Englund

The meeting was chaired by Commissioner Nelson.

**Zafar Khamdamov - 16-034-211 - Rezone lot 7, block 3, Sauer's Addition from B2 community business to T2 traditional neighborhood, 113 Annapolis St. E., Between Robert and Oakdale**

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He also stated District 3 made no recommendation, and there were no letters in support, and no letters in opposition.

Commissioner Wenc said other properties around this parcel are zoned R4 and asked why the applicant wouldn't request rezoning to R4. Mr. Dermody said we are acting on the application, which is a request for a rezoning to T2. Commission Wenc also asked why this is not considered spot zoning. Mr. Dermody defined spot zoning as a zoning change which establishes a use classification inconsistent with the surrounding land uses and creates an island of nonconforming use within the larger zoned district. Neighbors to the east and west of this property are zoned single family. There is a senior living complex across the street in West St. Paul, and a variety of mixed commercial and residential uses along Robert St.

Mr. Dermody responded to Commissioner Edgerton that a T2 zoning allows for uses beyond those allowed in an R4 zoned property. In the commercial part of the property, the types of uses that would be allowed in a T2 zoning are similar to the types of uses in a B2 zoning, and the single family use is similar to what is allowable in R4 zoning.

Commissioner Reveal asked if the applicant requested T2 zoning, as opposed to R4 zoning in order to preserve the opportunity to have a commercial enterprise in the building. Mr. Dermody said he was not involved in those conversations, but this was his understanding. Commissioner Reveal then asked if there are any other B2 zoned properties within a couple of blocks of this property and Mr. Dermody said there are quite a few.

Commissioner Merrigan stated that it feels as if the goal of this application is not to make this a commercial space, but rather to make it a residential space. Mr. Dermody responded that the current B2 zoning does not allow for residential use, whereas T2 zoning would and this is the primary purpose for this application, along with commercial abilities for a future storefront.

In a question by Chair Nelson regarding the setbacks and site coverage differences between B2 and T2 zoning, Mr. Dermody said T2 traditional neighborhood has higher design standards than B2.

The applicant, Zafar Khamdamov, 12102 78<sup>th</sup> St. N.E., Otsego, MN said his request to change the zoning to T2 is that he has purchased this property because it is currently half residential and half commercial. The commercial part of this building consistently goes to the residential part. With the current B2 zoning he said he understands that he will not be able to use the commercial part of the building for residential use. T2 zoning will allow him to use the entire building for business purposes within the guidelines. His future intention is to reside at the property and use the front of the building as an office to accept clients, without having them enter the building through his residence. He said that in his research T2 was a more versatile zoning for a home-based business. Commissioner Reveal clarified that this is creating a live-work situation, to which Mr. Khamdamov agreed. Commissioner Wencil asked what type of business he conducts. Mr. Khamdamov said he is a wedding photographer and would like to have a sign on the front of the building and a separate access into a studio for clients. He would also like to restructure the mechanical part of the house, so he could have a heat and cooling source for both environments.

The public hearing was closed.

Commissioner Wencil moved to approve the rezoning from B2 to T2. Commissioner Reveal seconded the motion.

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

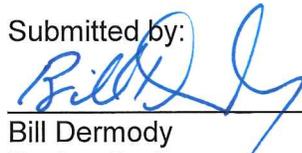
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:



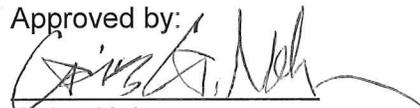
Cherie Englund  
Recording Secretary

Submitted by:



Bill Dermody  
Zoning Section

Approved by:



Gaius Nelson  
Chair

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EXCUSED: Wickiser

STAFF: Jamie Radel, Cherie Englund

The meeting was chaired by Commissioner Nelson.

**Mylan Sleets - 16-036-037 - Change of nonconforming use from construction business equipment storage, maintenance, and workshop to auto detailing business at 743 Snelling Ave. N., Between Minnehaha and Englewood**

Jamie Radel presented the staff report with a recommendation of approval for a change of nonconforming use permit, with conditions. She stated District 11 made no recommendation, and there were no letters in support, and no letters in opposition.

Commissioner Reveal asked if the prior use of this property as a construction business equipment storage, maintenance and workshop was legally conforming as zoned T2. Ms. Radel said it was probably nonconforming. It has been a series of auto related uses over time, but was grandfathered in with the rezoning from B2 to T2. She also said the new use will be replacing one nonconforming use with another nonconforming use as the auto specialty use and this type of use has been zoned out of all T districts. Ms. Radel added that there is a gas station across the street and an oil changing business.

Commissioner Wencil asked if "auto detailing" is the proper term for this business rather than auto reconditioning. Ms. Radel explained that the hand washing of cars is considered car detailing.

Commissioner Merrigan pointed out language in the last sentence in 2a. Small scale limiting to 6 cars per day, stating that the zoning administration would not want "small scale" to be an exception. In reference to this language, Commissioner Edgerton asked why the limit to the number of cars to be detailed per day as six. Ms. Radel said this is the number the applicant requested and in a nonconforming use case we do not want unlimited expansion of this use.

Chair Nelson pointed out that there was not zoning map in the packet. Ms. Radel said that this was part of a 40-acre study for a full rezoning from B2 to T2 of the entire strip along Snelling Avenue. The map had printed incorrectly and she will provide a correct map to the Commissioners.

The applicant Mylan Sleets, 1164 Minnehaha Ave., said his passion is automotive restoration. He said his automotive detailing business is not a regular tunnel car wash. This is about reconditioning leather, stain removal, and paint correction using high quality buffers to remove the imperfections from the finish. He said his business is certified by the International Detailers Association (IDA) to perform high quality work. They spend about four to five hours to clean each car. Mr. Sleets explained to Commissioner Reveal that his business would not involve body work, as he contracts with a body shop in Blaine. He also said that just south of 743 Snelling Ave. N., there is an automotive shop, Valvoline and Jiffy Lube in which his business would cater to this industry. The only similar business to his is the Downtowner Car wash on E. 7<sup>th</sup> St., but they are a tunnel car wash and also offer detailing services. He also stated to Commissioner Reveal that there were no environmental requirements for the chemicals he

uses, adding that most of the chemicals are very environmentally friendly and biodegradable. He said they do not use any flammable chemicals and the equipment they use will be items such as: a hot water extractor, electric power washer, soaps, and degreasers.

Commissioner Makarios asked how many interior parking stalls he will have. Mr. Sleets said this shop is 5,000 sq. ft. with three bays lined up after the decontamination process. After this the car may go into one of the five interior bays. Commissioner Makarios expressed his concern in limiting the number of detailed cars to be six per day. Mr. Sleets says he feels the shop size could accommodate a maximum of eight cars per day to be detailed, but does not have the staff to do this now. Mr. Sleets explained to Commissioner Reveil that once a car has been detailed it will remain parked inside in one of the bays, until the customer comes to claim their car. Commissioner Wencl explained that if Mr. Sleets should want to expand his business to detailing more than six cars per day that he would have to go through this process again, and asked him about the likelihood of an expansion taking place. She added if Mr. Sleets would like to increase this number from six to eight in the future, can the application be amended easily. Ms. Radel asked Mr. Sleets if he would consider increasing the number of cars to be detailed per day to eight, for future expansion. Mr. Sleets agreed and requested to increase the number in condition J. (2) to eight cars per day, rather than six. Commissioner Wencl expressed concern with the logistics of parking the extra cars inside after being detailed. Chair Nelson did say there is a potential for turnover of cars during the course of the day. Commissioner Wencl asked how long it takes to detail each car to determine whether six or eight cars per day would be allowable. Mr. Sleets said the dirtiest car would take anywhere from four to eight hours, depending on the package the customer chooses. Commissioner Makarios stated the change of the condition J. (2) from six to eight cars is a smart move. Mr. Sleets said the outside parking lot is for use by employees or customers that would like to leave their cars for detailing, and finished cars would remain parked inside, keeping it clean, until the customer picks it up. Ms. Radel explained to Commissioner Makarios that cannot meet the minimum requirement for parking outside the building, so by having customer cars parked inside the building was a way to increase the parking area in order to meet this requirement. She added if interior space is to be used as parking, the parking requirement can be met. Ms. Radel explained to Chair Nelson that there is a parking shortfall on this parcel of land, but there would not be a parking shortfall for the existing use within the building. There is no nonconforming parking issue at this point. Commissioner Merrigan said we are pushing the limits here and asked if Mr. Warner had reviewed or commented on the staff report. Ms. Radel confirmed that he did receive the staff report, but he had not commented on it, and Allan Torstenson had also reviewed the staff report.

Gary Carlson, 1600 Englewood Ave. #100, St. Paul, spoke in favor. He said he is the building owner and his family has owned this building for over 50 years. During this time it has continuously housed some sort of automotive business, and is the perfect building for automotive related uses, as it has a large door in the front and back, which allows you to drive through the building. He said they have great parking in the back, where other businesses on this block do not. This area has a lot of other automotive uses, including several gas stations, oil change places and repair shops. The driveway is owned half by him and half by the neighboring building owner, in which they have been friends with for over 50 years. This arrangement has worked really well and he does not want to ask the neighbors for a formal easement agreement. He said his driveway goes north to south, and the six foot section of driveway they own is on the far west end of the property. They own all of the property on the west end and could make a full

width driveway, which would be half of the current driveway and half of the property that is being used for landscaping. Mr. Carlson asked to have condition J (4) removed from the staff report. Commissioner Makarios asked Ms. Radel why we needed this condition requesting the formal easement. Ms. Radel said this is an island onto itself with no true access to this parking lot without some sort of agreement taking place. This is a gentlemen's agreement with the neighbor, and does not protect Mr. Sleets. It provides no assurances that there will be access to the parking lot over time. Wendy Lane with the Department of Safety and Inspections (DSI) agreed that there needed to be a formal agreement and this issue will come up in the site plan review process. Mr. Carlson said that some of the businesses that have rented this space in the past have been much more intense. The business next door is a hardware store that has about 100 customers per day using the driveway. Mr. Carlson finished by saying, this is really not an island onto itself. Commissioner Merrigan told Mr. Carlson know that the reason this is being looked at is because even though the family has owned this property for a long time, if your family sell the property, the next property owner could not be guaranteed the same generosity that your family has received from the neighboring property owner. Mr. Carlson said that if they did ever sell the property, they would put a new driveway in, so he would not have to deal with an easement.

Chair Nelson asked if there was anything to prevent going through the building as a legal access to those parking spaces. Ms. Radel said that is why we need this to go through a site plan review. This is a state highway and it is not don't know what the State of Minnesota's position is going to be on using this as a right in, right out. She noted there is a curb cut for the driveway.

Ms. Radel noted to Commissioner Reveal that this application will go through a site plan review as listed in condition J (1), and the parking issues can also get resolved at that time. Commissioner Reveal asked if it is typical to impose a requirement for easements in the site plan review process, since the conditional use permit goes with the land and not the owner. Ms. Radel agreed that it is.

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

Commissioner Wencil moved to approve the change of nonconforming use permit, with the following conditions: 1. Undertake the City's site plan review process to ensure that any automobiles exiting onto Snelling Avenue is permitted by the Minnesota Department of Transportation; 2. Limit detailing of cars to eight per day; and 3. Park customer cars to be detailed inside the building and reserve outdoor lot parking for employees and customers. Commissioner Edgerton seconded the motion.

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

Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:



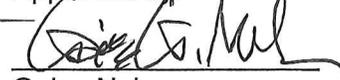
Cherie Englund  
Recording Secretary

Submitted by:



Jamie Radel  
Zoning Section

Approved by:



Gaius Nelson  
Chair

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**T.V. Eklund LLC - 16-037-270 - Rezone from VP vehicular parking to I1 light industrial at 476 Minnehaha Ave. W., SE corner at Mackubin**

Tony Johnson presented the staff report with a recommendation for approval. He said there were no letters in support or opposition, and no recommendation from District 7.

Mr. Johnson responded to questions by Commissioners Merrigan and Wencil that a typical parking space is 9' by 18', the number of cars that would be allowed on the lot impound lot would be determined as part of site plan review by the zoning administrator, and that we cannot place conditions a rezoning. Chair Nelson asked if buffering would be addressed in the site plan review. Mr. Johnson said that they will be required to provide at least a 6' high visual screen.

The applicant, Clarence Kempke, 653 Burr St. said they are renting the 79' portion of the lot on the far west edge of the property that is currently zoned VP vehicular parking. TV Eklund, owner of CNS Services, is their landlord. He asked to push this to the property line. He said they will install screening that is 85% opaque so you cannot see into the property. Blake Burling, 913 Crown Ct., Mendota Heights, added that the screen is a fiber material with 85% opacity, which will be attached to the inside of a 6' high fence, using zip ties. Mr. Burling responded to a previous question presented by Commissioner Wencil regarding the number of cars. He pointed out that in the site plan they counted 42 to be the maximum number of cars, leaving room for tow trucks. Mr. Kempke added that it also leaves room for staff and customer cars.

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

Mr. Johnson clarified that site plan review including notification of the property owners within 350' is required as a condition of outdoor storage within 300 feet of a residential district. Based on that, the application for variance of the 300 foot separation requirement was withdrawn. Mr. Dermody added that Minnesota state law does not allow conditional rezoning.

Commissioner Wencil moved to approve the rezoning from VP to I1. Commissioner Reveal seconded the motion.

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

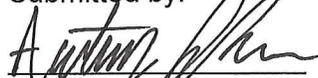
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Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Tony Johnson  
Zoning Section

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Chair