

MINUTES OF THE ZONING COMMITTEE
Thursday, June 22, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Fredson, Lindeke, Makarios, Ochs, and Reveal
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

Spyhouse Coffee - 17-045-888 - Conditional use permit for a coffee shop at 420 Snelling Ave. S., NE corner at Palace.

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit. He noted District 14 made no recommendation, and there was 1 letter in support, no letters in opposition, and 1 letter with questions.

Alyssa Lundberg, 163 15th Ave. NW, New Brighton, representative and director of retail operations for Spyhouse Coffee, showed photos of their other storefronts and a letter they shared with neighbors explaining the business. They will have 25-40 interior seats and employ seven people at this location. They are looking at adding some outdoor seating and plan to add bike parking.

Commissioner Lindeke asked where the bike parking will be located and how many spaces will be available.

Ms. Lundberg said they have had conversations with the City about adding two to four bike parking spaces, and are looking into options.

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

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

Commissioner Reveal asked if outdoor seating is permitted. Mr. Dermody said he had not looked into that question and advised the applicant to apply for the proper permits before outdoor seating goes in.

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:


Kyle Makarios
Chair

Dan Edgerton

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Dominic Mackenroth - 17-046-419 - Reestablishment of nonconforming use as a triplex at 1945 Ivy Ave. E., NW corner at Furness Parkway.

Bill Dermody presented the staff report with a recommendation of approval for the reestablishment of nonconforming use permit with one condition. He noted that District 2 made no recommendation, and there were no letters in support or opposition.

Chair Makarios asked if a compact parking space counts as a full parking space for the City's parking requirements.

Mr. Dermody said there is a provision in the code that allows up to 50% of required spaces to be designated for compact cars. Compact spaces have a minimum width of 8 feet rather than 9 feet. A width of 26 feet would be needed to provide two 9 ft. wide parking spaces and one 8 ft. wide parking space. The paved parking area in this case is just 25 feet wide.

In response to a question by Commissioner DeJoy, Mr. Dermody said the designated parking spots are currently deteriorated asphalt, which may be an issue that comes up in a code compliance inspection that is a recommended condition.

Chair Makarios noted that the guidelines in finding 2 have to be met for staff to recommend approval to the Zoning Committee, but they are not strict requirements for the Planning Commission.

The applicant, Dominic Mackenroth, 10698 Grey Cloud Island Dr. S., Saint Paul Park, said he took possession of the building in December of 2009 or January 2010. He said that the asphalt parking area needs to be overlaid with new asphalt.

Chuck Repke, 1321 White Bear Ave., Executive Director of District 2 Community Council, said they are in favor of this application and have two concerns. The first one is that the 25 feet of parking that they have be maintained. The second one is that they get a Certificate of Occupancy within six months.

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

In response to a question by Commissioner DeJoy, Chair Makarios reopened the public hearing.

Commissioner DeJoy asked Mr. Mackenroth what about the timeline for construction and getting a Certificate of Occupancy.

Mr. Mackenroth said the building is approximately 80% complete and said the six-month timeframe for getting a Certificate of Occupancy is reasonable.

Commissioner Reveal moved approval of the reestablishment of nonconforming use permit with the one condition recommended in the staff report. Commissioner Edgerton seconded the motion.

In response to a question by Commissioner Reveal, Mr. Dermody said the last Certificate of Occupancy was issued in October 2003. He added that getting a Certificate of Occupancy requires the compliance with building and fire code standards in the recommended condition.

Mr. Dermody noted that Mr. Repke's request for a six-month time limit to obtain a Certificate of Occupancy differs from the Zoning Code time period of one year.

Commissioner Reveal asked if that is a reasonable request. Mr. Warner said it is.

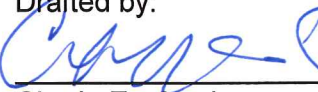
Commissioner Reveal said she would amend her original motion to include a six-month timeline for compliance with building and fire code standards and obtaining a Certificate of Occupancy.

Chair Makarios noted without objection from the Zoning Committee that Condition 1 is amended to achieve compliance within six months.

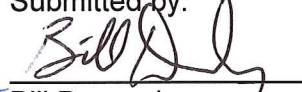
The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

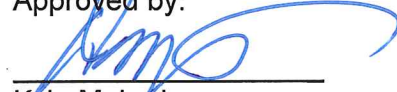
Drafted by:


Cherie Englund
Recording Secretary

Submitted by:


Bill Dermody
City Planner

Approved by:


Kyle Makarios
Chair

for

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The meeting was chaired by Commissioner Makarios.

Gerald Frisch - 17-047-049 - Reestablishment of nonconforming use to allow a duplex, and variances for height (30' permitted, 32' proposed) and side yard setback (9' required, 7.5' proposed), 915 Central Ave. W., Between Milton and Victoria.

Tony Johnson presented the staff report with a recommendation of approval with conditions for the reestablishment of nonconforming use permit. He noted that District 8 made no recommendation, and there were no letters in support or opposition.

In response to a question by Commissioner Lindeke referring to finding 1.C, Mr. Johnson said that three parking spaces must be provided for this expansion of a nonconforming structure under the requirements in Zoning Code § 62.106(m).

Chair Makarios asked if the work previously performed was done without a permit. Mr. Johnson said yes.

Chair Makarios asked why the adjoining property petition had the same addresses on multiple pages and how sufficiency was determined.

Mr. Johnson said that Paul Dubruiel reviews the signatures and found the petition sufficient. Mr. Torstenson added that Mr. Dubruiel meticulously verifies that the signatures and record owners listed on the petition match county records for ownership, and documents why a signature is not counted. In this case, when the petition was first submitted not all of the signatures and record owners listed on the petition matched county records, and a petition sheet with updated/corrected parcel ownership information was submitted later.

Commissioner Reveal asked if two people signing for a parcel is counted as two signatures. Mr. Torstenson said the parcel is what is counted, with signatures for 2/3 of the parcels required.

The applicant, Gerald Frisch, 2350 West 7th Street, said the house was destroyed by water due to an unpaid heat bill after the previous owner passed away in January 2015. He applied for a building permit once the title had cleared in November 2016, and by that time the legal nonconforming status as a duplex had been lost because the house had been vacant for more than a year. He was restoring the home to a good livable condition, but was stopped when the work that was required by building code enforcement ended. He changed the back roof pitch for stairway clearance, which affects the measurement of building height and needs a variance.

Commissioner Reveal clarified that the reason building permits were not originally obtained is that work began pursuant to a code enforcement action and asked if they did not require a building permit. Mr. Frisch said that was correct. He was told to secure the house and fix things damaged by the water. The only work that has been done beyond that pertains to the back roof pitch.

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

Commissioner Reveal moved approval of the reestablishment of nonconforming use permit with conditions. Commissioner DeJoy seconded the motion.

Commissioner Reveal asked staff why the applicant was not told that he needed a building permit when he was notified of code compliance violations.

Mr. Johnson said that Mr. Frisch does have a building permit pending through the Department of Safety and Inspections, but he needs Planning Commission approval of a nonconforming use permit for a duplex and the requested variances before the building permit can be finalized. There was a preliminary inspection because this was a vacant building. Much of the work that has been done may have been cosmetic and would potentially not require a building permit. The structural alteration to the rear of the house requires a building permit, which was not obtained prior to construction.

In response to a question by Commissioner Reveal, Mr. Johnson said that this is a category 2, registered vacant building.

Commissioner DeJoy said there is a difference between remodel and repair regarding permit requirements, but due to the structural work a building permit would certainly be required.

Mr. Johnson said he informed the plan review staff and the vacant building inspector at the Department of Safety and Inspections about work he saw at the house, and they will be going back to inspect it. He said it appears that the roof trusses are not building code compliant and will need to be changed.

In response to a question by Chair Makarios, Mr. Johnson explained how changes the applicant made to the rear walls and roof pitch affects the measurement of building height. On this style of roof the maximum height is measured to the average height between the eaves and ridge of the roof. It appears that the ridge height did not change, and the changes are not noticeable from the front of the house.

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

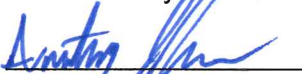
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Cherie Englund
Recording Secretary

Submitted by:



Tony Johnson
City Planner

Approved by:



Kyle Makarios
Chair Daniel J Edgerton