

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

PRESENT: Edgerton, Makarios, Reveal, and Wencil
EXCUSED: Nelson, and Merrigan
ABSENT: Wickiser
STAFF: Kady Dadlez, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Wencil.

128 Cafe - 16-045-577 - Change of nonconforming use to allow intoxicating liquor on the menu (in addition to beer and wine allowed under the current nonconforming use permit) served only to accompany meals at 128 Cleveland Avenue North, northeast corner at Laurel Avenue.

Kady Dadlez presented the staff report with a recommendation of approval with conditions for the change of nonconforming use permit. She added that District 13 recommended approval, and there were no letters in support or opposition.

Commissioner Reveal requested clarification regarding the 300-foot separation required between a school, church, or synagogue and an intoxicating liquor establishment. Mr. Warner responded that a school, church, or synagogue within 300 feet can consent to the intoxicating liquor establishment in a petition and formally waive the separation requirement. Mr. Torstenson added that this is referring to St. Paul legislative code 409.06(n), which is in the licensing code, not the zoning code.

Commissioner Wencil asked why the former restaurant name is used under condition 2 in the staff recommendations. Ms. Dadlez said the former name is relevant because it was the name on the original permit. She also added that at the time the original permit was granted it was a very controversial request to allow wine to be sold, and that there had been a history of a bar on this property that had many complaints.

The applicant, John Thompson, 5133 Dupont Avenue South, Minneapolis, said he purchased the restaurant three years ago and has invested a lot of money and is interested in upgrading the property to fit within the neighborhood. He said recently the City of St. Paul changed its regulations to allow any neighborhood restaurant to apply for a liquor permit. He said this change spurred him to evaluate his business and consider whether this would be a beneficial change. He added that buying a cocktail is the number one request of his patrons. He said he feels that they would be at a disadvantage if they were unable to serve liquor, and other neighborhood restaurants were doing so. In a typical month 75 percent of his business is food and 25 percent is beer and wine. He feels this will not change. He said he has the full support of the University of St. Thomas. He also added that in the staff report it mentions meals and more restaurants are re-categorizing their menus to show small plates, starters and appetizers. He said the term meals feels constraining and would like to change that requirement to food.

Maxwell Thompson, 3334 Blaisdell Avenue, Minneapolis, has been the chef at the restaurant for the past three years. He said they would like to strengthen their commitment to the

neighborhood and community and that they donate much of their time to local organizations. He added that he does not want the restaurant to become a college hangout bar where problems can arise. He stated they have not had any problems at their restaurant and the clientele is mostly St. Thomas University staff and neighbors. He added that if this request is granted, it will help them remain competitive and sustainable in the restaurant world. Last, his goal is to be a part of the Merriam Park neighborhood and a good community member.

Mr. Maxwell Thompson responded to Commissioner Wencil's question by stating that the seating capacity is 64 or 65. Commissioner Wencil also asked what they do if a patron only wants a drink, but no food. Mr. Maxwell Thompson said they would prefer to not have the condition (intoxicating liquor on the menu served only to accompany meals), as stated in the staff report, but this issue is something they can continue to work on. Mr. John Thompson said in the competitive restaurant world, this condition can be a disadvantage. Ms. Dadlez confirmed one of the criteria under the definition of a restaurant in the legislative code as: "a restaurant can only sell intoxicating liquors to patrons who are seated at an eating surface unless the patron is being served is on a bona fide waiting list for available seating." Commissioner Wencil also asked if the hours of operation will continue to be 7:00am to 10:00pm. Mr. John Thompson said he would like the restaurant to be open until 11:00pm on the weekends. Mr. Maxwell Thompson added that they serve food until 10:00pm.

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

Commissioner Reveal moved to approve the change of nonconforming use permit, with conditions as stated in the staff report. Commissioner Edgerton seconded the motion.

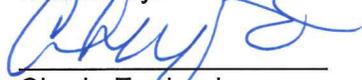
In response to Commissioner Reveal, Ms. Dadlez said that the original nonconforming use permit specified the hours of operation. Commissioner Makarios stated he would be willing to amend the conditions to allow the restaurant to be open until 11:00pm on the weekends. Commissioner Reveal said there had been no public notice of changing the hours in the nonconforming use permit, and noted that the nonconforming use permit applies to the property and not the applicant.

Mr. Warner said the application did not include changing the hours, so that's not on the table. Commissioner Makarios said they could apply for a change of nonconforming use permit to change the hours. He asked if the word meals under the conditions in the staff report should be replaced by the word food. Mr. Warner said that he would advise not to change this word to food as the word meals tends to be commonly understood.

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:



Kady Dadlez
Zoning Section

Approved by:



Gaius Nelson
Chair

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PRESENT: Edgerton, Makarios, Reveal, and Wencil
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ABSENT: Wickiser
STAFF: Josh Williams, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Wencil.

Head House Parks Facility - 16-047-372 - Change of nonconforming use from a trail/interpretive center to a parks facility with broader use (including a mobile kitchen and use for events along with trail/interpretive center), 258 Mill St, south of the intersection of Mill St. and Walnut St.

Josh Williams presented the staff report with a recommendation of approval with conditions for the change of nonconforming use permit. He added that District 9 made no recommendation, and there were no letters in support or opposition.

Commissioner Reveal asked if a sentence in finding 5 should be: "To ensure the continued consistency of the proposed use with FEMA floodplain regulations and City code, prohibition of any permanent modifications to the property which do *not* meet FP-4 standards and the filing of a modified flood emergency response plan with the Department of Safety and Inspections should be a condition of approval," to which Mr. Williams agreed it should.

Commissioner Edgerton asked what type of current or future events the park would have, and if these events would fall within the proposed guidelines of findings 6. b. Mr. Williams deferred part of this question to the applicant, and said Parks will be looking for a vendor to help operate the facility within the terms of staff recommendations. He also referred to the City House Project Overview as it outlines events typical of a park, such as weddings, yoga, music, etc. He added that Parks will need to manage these events, so that there are no negative impacts on the neighborhood. Mr. Williams also suggested adding a 5th condition for the amendment of the memorandum of understanding (MOU) between the City of Saint Paul Housing and Redevelopment Authority (HRA) and the Department of Parks and Recreation, as needed, to allow for use of the property as proposed.

Kate Frye, the Harriet Island Events Coordinator for the Department of Parks and Recreation, said there has been a strong interest from the community and administration to bring programming to the facility. Types of programming may be seasonal food vendors, yoga, movies, or music in the parks, which would be typical in many parks. Commissioner Reveal asked if the City House Project overview was drafted by the city or private vendor. Ms. Frye said that it was one of two proposals that were written by private vendors. Commissioner Reveal asked if the type of private events listed on page 2 of the project overview are allowed in other park facilities. Ms. Frye said that she meets with neighbors regularly, and their concerns will be addressed in the contract with the vendor. She added that they will have annual contract compliance meetings, as well as meetings with the neighbors to review programming.

Commissioner Reveal asked if Parks allows private use of park facilities. Ms. Frye said that is common as long as the use is consistent with the guidelines they have in place.

Commissioner Edgerton asked how parking and traffic are being addressed, and if this would be an issue for large events. Ms. Frye said they use street parking, nearby underground parking set aside for City House, and 45 parking spots contracted with Impark or Transpark. A parking plan is required for events over 150 people, and they can shuttle people or valet cars, as well as utilize lot rentals.

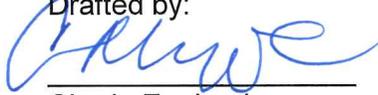
No one spoke in favor or opposition and the public hearing was closed.

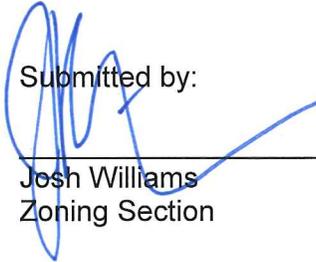
Commissioner Makarios moved to approve the change of nonconforming use permit, with five conditions as discussed and stated in the staff report. Commissioner Edgerton seconded the motion.

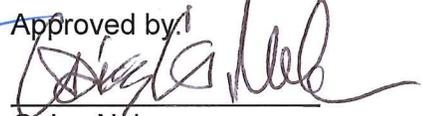
Commissioner Reveal asked if Mr. Williams had any discussions with District Council 9, to which Mr. Williams said he did not.

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:

Gaius Nelson
Chair

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The meeting was chaired by Commissioner Wencil.

Rebuilding Together - 16-047-663 - Reestablishment of nonconforming use for a duplex, 417 Clarence St, SW corner at Wilson

Bill Dermody presented the staff report with a recommendation of approval for the reestablishment of nonconforming use permit. He added that District 4 made no recommendation, and there were no letters in support or opposition.

Commissioner Wencil pointed out that the wording on the application for the present and past use as "duplex removed within the past two years" is not accurate because it was a single family residence which was removed, to which Mr. Dermody agreed.

Nathaniel Saltz, 4554 Johnny Cake Ridge Rd., Eagan said he is the Interim Executive Director with Minnesota Assistance Council for Veterans and is representing the applicant. The Minnesota Assistance Council for Veterans is the organization that will be operating the duplex. He said they have been a statewide non-profit since 1990, serving veterans that are homeless or in crisis, and at risk of homelessness, and this property will be used as housing for veterans with dependent children. They are working with Rebuilding Together, who will be moving the duplex. Once the duplex has been moved and rehabilitated, Minnesota Assistance Council for Veterans will take over the building. He noted that the duplex is currently vacant.

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

Commissioner Makarios moved to approve the reestablishment of the nonconforming use permit for a duplex. Commissioner Edgerton seconded the motion.

Mr. Dermody clarified that 417 Clarence is a vacant lot that previously had a single family home on it. The duplex which is currently located about 1 block to the west is proposed to be moved to this location. The application is about the property at 417 Clarence regardless of where the duplex comes from.

Commissioner Reveal then asked if we are making a change in the nonconforming use to satisfy the current owner or the potential new owner, and asked if a duplex is allowed in the location.

Mr. Dermody stated that the duplex will be sold to Rebuilding Together and then transferred to Minnesota Assistance Council for Veterans. He said the zoning recently changed to RM3, which does not allow single family homes and duplexes.

Commissioner Reveal asked if the original building was legally nonconforming or conforming in that location, and if this is establishment or reestablishment of a nonconforming use. Mr. Dermody said the previous house would have been legally nonconforming after the rezoning occurred in October. Mr. Torstenson read finding H. 2. (2) of the staff report for clarification.

Commissioner Edgerton if this this was for transitional housing and asked if there were any requirements based on this? Mr. Dermody said that there are transitional housing regulations in our code that apply when the number of occupants exceeds the definition of a family in the code, which is not the case here.

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

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



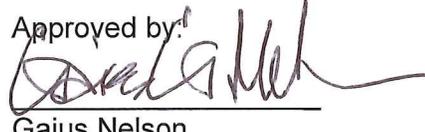
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



Gaius Nelson
Chair

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The meeting was chaired by Commissioner Wencil.

**Pat Nseumen - 16-047-523 - Reestablishment of nonconforming use for a coffee shop,
805 Hudson Road, SE corner at Wilson**

Bill Dermody presented the staff report with a recommendation of approval with a condition for the reestablishment of nonconforming use permit. He added that District 4 made no recommendation, and there were no letters in support or opposition.

The applicant, Pat Nseumen, 8288 Red Rock Rd.; Eden Prairie, said that he has walked through the neighborhood to ensure the neighbors are aware of his intentions and to gain signatures in support. He said the intended use should be of no greater impact than what it was previously used for. He added that the building was vacant for a while and he is committed to make all improvements to the building and property to a standard which will fit with the neighborhood as an asset that the neighbors can be proud of.

No one spoke in favor.

Robert Wicker, 702 Wilson Ave., spoke in opposition. He said he controls the property at 217-219 Bates, which is on the corner of Wilson and Bates. He added that he has put \$50,000.00 into his properties in the last year, and has two more permits to be filed. He said Mr. Nseumen's property is an old gas station on the corner of Maria and Wilson, there are seven 40' wide lots on each side of Wilson, between Bates and Maria. Property owners are allowed on street parking for two cars, and on any day of the week there are 18 cars parked on the south side of the street and 24 cars parked on the north side of the street. He said that the city allows up to 4 cars to be parked in a driveway if the driveway is concrete or bituminous, but some properties have six cars parked in their driveways. He said that Mr. Nseumen would not be able to park any cars at this corner because in the City of St. Paul you cannot park a car within 20' from the corner. He added if Mr. Nseumen has two cars for himself and a helper in their parking lot, there is no room for customers to park on Wilson or Maria. He said customers may be able to park on Hudson Rd. He said he does not have any objection against Mr. Nseumen in trying to make a living, but he has to have assigned parking spots for automobiles. He said that Mr. Nseumen should have at least 6 parking places.

Commissioner Wencil asked about what the parking requirements are for the proposed use.

Mr. Dermody replied that this is a small building of 544 sq. ft. The code requirement for a coffee shop of this size is one parking space on site.

Mr. Nseumen said the property is very small and would not accommodate much traffic at any given time. Other than the building, the remaining portion of the lot is paved allowing for 6-8 parked cars, depending on how it is configured.

The public hearing was closed.

Commissioner Makarios moved to approve the reestablishment of nonconforming use permit, with a condition as stated in the staff report. Commissioner Reveal seconded the motion.

Commissioner Reveal said that the lot is not currently striped and asked if there should be a recommendation that the lot be striped within a certain period of time?

Mr. Dermody said that he has not analyzed how many parking spaces could legally fit on the site, and that the applicant should work with the Department of Safety and Inspections on parking lot striping to meet city standards.

Commissioner Reveal said public safety is a legitimate concern, and traffic congestion and speed in the area is not the applicant's fault. She is comfortable leaving it to Mr. Dermody to work with the applicant and DSI to get the parking properly striped. She noted that additional discussion with DSI would be appropriate.

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

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



Cherie England
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



Gaius Nelson
Chair

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The meeting was chaired by Commissioner Wencil.

Saint Paul Public Safety Training Facility - 16-047-815 - Conditional use permit to increase the surface parking maximum from 170 spaces to 204 parking spaces for a public safety training facility., 600 Lafayette Road, between Otsego Street and the railroad

Bill Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He added that District 5 made no recommendation, and there were no letters in support or opposition.

Commissioner Reveal asked if all of the property is owned by the Port Authority of St. Paul. Mr. Dermody deferred the question to the applicant.

Kathryn Sarnecki, with the Port Authority of St. Paul, said they have been hired as the project manager on behalf of the St. Paul Police Department to build the new police safety training facility. She said that the site for the training facility is owned by the Port Authority of St. Paul. They are working with the Office of Financial Services, and the Real Estate Department to acquire the overflow parking area, part of which is owned by the Housing and Redevelopment Authority, part is a vacated street, and the last portion was tax forfeited property that has been acquired by the city.

Commander Julie Maidment with the St. Paul Police Department, 367 Grove St., said there is a huge need for this facility, in which they will do all training for their 615 sworn officers. She added that training for all sworn employees is done on an annual basis, and three times per year they train the entire department, which takes about 8 weeks to complete. She said they run their own in-house academy for training of 30 to 50 people, which runs for 18 weeks on an annual basis. She also stated that they will have an indoor range at this facility, and are anticipating moving 50 percent of their activities from their outdoor range to this indoor range. She said one of the biggest factors is the potential for continued growth in their Professional Development Institute (PDI), in which the St. Paul Police Department hosts and instructs revenue generating courses throughout the city. She said their largest dilemmas are the lack of classroom space at their current locations. She said she has gone to many community meetings in this neighborhood and one of the concerns of the neighbors is the impact of on-street parking. She said the police department has been sensitive to their issues, and have taken a look at this to make sure they have enough on-site parking to accommodate the participants using this facility. PDI is the largest factor for the need of this facility as they are a leader in the state for training law enforcement officers, and this training is highly sought after.

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

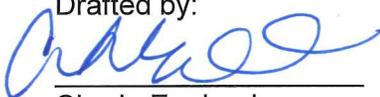
Commissioner Reveal moved to approve the conditional use permit with a condition.
Commissioner Makarios seconded the motion.

Commissioner Edgerton asked if there is adequate storm water management to address their requirements due to the amount of impervious coverage on this site. Mr. Dermody stated that this has been conditionally approved through site plan review. He added that he has not been personally involved in those discussions, but assumes this issue has been addressed.

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

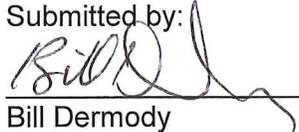
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



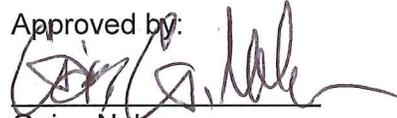
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
Zoning Section

Approved by:



Gaius Nelson
Chair