

MINUTES OF THE ZONING COMMITTEE
Thursday, August 11, 2016 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Nelson, Wencil, and McMahon
ABSENT: Wickiser
EXCUSED: Makarios, Merrigan, and Reveal
STAFF: Courtney Overby, Cherie Englund, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

Donald and Alice Olson - 16-059-563 - rezone from OS office-service to T1 traditional neighborhood, 1445 White Bear Ave. N., NW corner at Arlington Avenue.

Courtney Overby presented the staff report with a recommendation of approval for the rezoning. District 2 recommended approval, and there were no letters in support or opposition.

Commissioner Edgerton asked that if this gets approved for T1 zoning, with R4 and B2 zones surrounding, are we certain that this would not be considered spot zoning. He noted that a T1 zone is largely consistent with R4 and B2 zones.

Mr. Torstenson responded that the finding about spot zoning says it establishes a use classification inconsistent with the surrounding uses and the staff report notes that the rezone to T1 is consistent with the surrounding uses.

Commissioner Wencil said that we are using the T1 zoning rather than R4 to establish a wider range of uses. Mr. Torstenson agreed that this is correct.

The applicant, Don Olson, 9950 Revere Lane, Maple Grove said that the staff report is consistent with what he would like to accomplish.

Chuck Repke, District 2 Community Council, 1321 White Bear Avenue, spoke in support. Mr. Repke said they do not feel that this is spot zoning. He added that T1 is the appropriate zoning for the space to allow the use as a house and office.

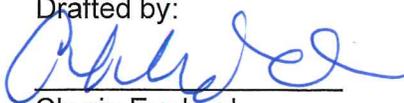
No one spoke in opposition and the public hearing was closed.

Commissioner Wencil moved approval of the rezoning. Commissioner McMahon seconded the motion.

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

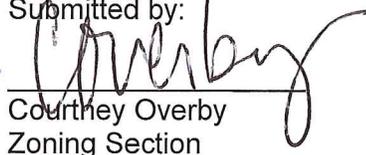
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



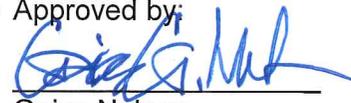
Cherie Englund
Recording Secretary

Submitted by:



Courtney Overby
Zoning Section

Approved by:



Gaius Nelson
Chair

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STAFF: Tony Johnson, Cherie Englund, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

E-Z Masonry Inc. - 16-060-038 - establishment of legal nonconforming use status for outdoor storage for a contractor's shop, 500 Prior Ave. N., SE corner at Oakley.

Tony Johnson presented the staff report with a recommendation of approval for the establishment of a legal nonconforming use permit with conditions. He noted that District 13 recommended approval, and there were no letters in support or opposition.

Commissioner Wencil asked if any of the areas had approval for outdoor storage in 2015 when Mr. Johnson inspected the property while working for the Department of Safety and Inspections. Mr. Johnson said they did not.

Chair Nelson asked who owned the VP parcel, referring to the zoning map. Mr. Johnson said it is owned by Habitat for Humanity.

Upon questions from the Commissioners, Mr. Johnson noted that there are 2 parcels and 2 outdoor storage areas. One storage area will be located behind 500 Prior Ave. N. and along 496 Prior Ave. N. He also noted that the VP portion and adjoining residential portions are not a part of the establishment of nonconforming use application, but had been rented by the applicant from the property owners in the past.

Commissioner Edgerton noted that conditions 2 and 4 in the staff recommendation seem redundant and asked if the screening wall will have to be at the full height of the stacked material, to which Mr. Johnson said yes.

Mr. Johnson also noted that condition 3 addresses the issue of the applicant expanding onto adjacent VP and RM2 zoned parcels.

Commissioner McMahon asked if there is a height limit to the obscuring fence or wall in condition 2. Mr. Johnson referred to section 63.114 in the zoning code for visual screens. He noted that wherever a visual screen is required by this code, it shall be of sufficient height and density to visually separate the screen activity from adjacent property. The height of the visual screen will be determined in site plan review.

Chuck Repke, 154 W. Winifred, consultant to the applicant, Kevin Ramirez, 1535 Grand Ave., said the spaces that they are looking at for outdoor storage are the addresses of 496, 498, 500 and 502 Prior Ave. Storage will be adjacent to 496 Prior Ave. and behind 500 Prior Ave. and the building at 500 Prior Ave. has been fenced in for more than 10 years. He added that they will go to site plan for final approval to determine the height of the fence, types of screening and location of additional fencing needed to block the view of the storage areas. He noted that they met with District Council 13 and they are in support.

Upon questions to Mr. Repke by the Commissioners, Commissioner Wencil noted that the addresses are not listed in the staff recommendation and she would like to have the addresses listed as 496 to 502 Prior Ave. Chair Nelson noted that the masonry welding shop would be considered part of 496 Prior Ave, to which Mr. Repke agreed.

Commissioner Edgerton asked Mr. Repke if the existing fence is obscuring. Mr. Repke said it is currently not obscuring.

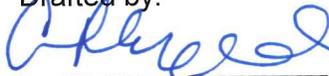
No one spoke in favor or in opposition and the public hearing was closed.

Commissioner Wencil moved to approve the establishment of legal nonconforming use with conditions as discussed and stated in the staff report. Commissioner Edgerton seconded the motion.

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

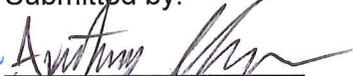
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Tony Johnson
Zoning Section

Approved by:



Gaius Nelson
Chair

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Phalenview Real Estate LLC - 16-060-576 - rezone from RT1 two-family residential to RM2 multiple family residential, 419 Whitall St., between Clark and Arkwright

Courtney Overby presented the staff report with a recommendation of approval for the rezoning. She noted that District 5 recommended approval, and there was 1 letter in support, and no letters in opposition.

Chair Nelson asked what the setback requirements are for an RM2 zone. Mr. Torstenson noted that the setback requirement in the front is 25 feet, side is 9 feet and rear is 25 feet.

Commissioner Edgerton noted that the property was rezoned from RM2 to RT1 in 1975, and asked why we would rezone from RT1 back to RM2. Mr. Torstenson noted by looking at the land use map there are other multifamily parcels along Whitall and Old Cayuga on the south edge and to the east. He added that this whole area was RM2 and in this neighborhood and Frogtown there was a push to reduce density to encourage more ownership and less rental by rezoning it to RT1. He said that the RM2 zone would be an appropriate use to allow for high density along the edges.

The applicant, Gerald Frisch, Principal of Phalenview, 2350 West 7th St., said he acquired this property several years ago and waited for the development around the site to be finished in order to determine the appropriate zone for this site. He added that the area has changed with the intersection of Cayuga and 35E and the development of the medical facility. He said the rezone to RM2 would be appropriate to build the type of housing that may satisfy the employees of the medical facility, as well as other businesses in the area while being compatible with the neighborhood. He added that the problem for single family residential is that there is no water or sewer in front of the site along Whitall and the utilities would have to be brought in from Clark St. on the north end of the site. He said that he is in discussion with adjoining neighbors regarding purchasing their homes to expand the site.

Commissioner Wencel asked Mr. Frisch if he acquires the additional property from the neighbors would he consider construction of a larger building. Mr. Frisch said that if he acquires the additional property his plan is to build a 3 story building with 17 units, but said he is flexible depending upon the acquisition of the other homes.

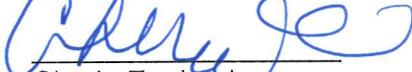
No one spoke in favor or opposition and the public hearing was closed.

Commissioner Wencil moved approval of the rezoning. Commissioner McMahon seconded the motion.

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

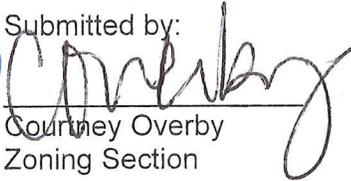
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Courtney Overby
Zoning Section

Approved by:



Gaius Nelson
Chair