

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, August 29, 2019 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Grill, Rangel Morales, and Reveal  
EXCUSED: Baker, DeJoy, Edgerton, Lindeke, and Ochs  
STAFF: Kady Dadlez, Bill Dermody, Samantha Langer, and Peter Warner

The meeting was chaired by Commissioner Reveal.

**Rice Street Flats - 19-073-652 - Conditional use permit for a building height of 45 feet, setback variance for balconies (7' proposed/10' required west side; 5'6" proposed/6' required north side), and variance to allow no primary building entrance from Sycamore Street, 782-804 Rice Street and 129 Sycamore Street, east side of Rice Street, between Sycamore Street West and Lyton Place West**

Kady Dadlez presented the staff report with a recommendation of approval with conditions for the conditional use permit and variances. She stated that the North End Neighborhood Organization, District 6, submitted a letter in support and there were no other letters in support or opposition.

Brent Holdman, BKV Group, 222 North 2<sup>nd</sup> Street, Minneapolis, MN, explained that the balconies will be encroaching a couple of feet into setback.

In response to Commissioner Rangel Morales, Michael Buelow, 1645 Palace Avenue, Saint Paul, MN, said that the entire building is affordable at 50% of area median income. He said that 50% of the units are three-bedroom units and the remaining will include one and two-bedroom units. The projects they have done in the past include an emphasis on multiple bedroom units to encourage family occupancy. They have the support of the neighborhood and they think the balconies are an important amenity for tenants.

In response to Commissioner Reveal, Mr. Buelow said that the balconies will be distributed among each type of unit.

Commissioner Grill referred to the letter received by the North End Neighborhood Organization (NENO) and their concern with the design of the building not taking into consideration the Rice Street Design Guidelines. She asked if they plan to meet with NENO regarding the aesthetics of the development.

Mr. Holdman said that they initially began with a quasi-historic look to the building and NENO requested bright colors. He said that the guidelines mention that those aesthetics are for renovation and don't apply to new development. They had addressed that in the first meeting with NENO, but they can always follow up with them.

Mr. Buelow added that he doesn't think it is an issue with NENO. He has met with them at least four times and they are very familiar with the project.

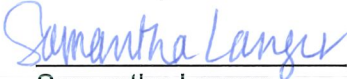
No one spoke in support or opposition. The public hearing was closed.

Commissioner Kristine Grill moved approval with conditions of the conditional use permit and variances. Commissioner Luis Rangel Morales seconded the motion.


The motion passed by a vote of 3-0-0.

Adopted                      Yeas - 3              Nays - 0              Abstained - 0

Drafted by:

  
Samantha Langer  
Recording Secretary

Submitted by:

  
Kady Dadlez  
City Planner

Approved by:

  
Dan Edgerton  
Chair

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PRESENT: Grill, Rangel Morales, and Reveal  
EXCUSED: Baker, DeJoy, Edgerton, Lindeke, and Ochs  
STAFF: Bill Dermody, Samantha Langer, Tim Scanlon-Johnson, and Peter Warner

The meeting was chaired by Commissioner Reveal.

**1382 Payne Ave Deli - 19-071-756 - Change of nonconforming use from coffee shop to deli with seating for 12 people, 1382 Payne Ave, NE corner at Payne Avenue and Cottage Avenue**

Tim Scanlon-Johnson presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated District 5 made no recommendation, and there were no letters in support or opposition.

In response to Commissioner Reveal, Mr. Dermody said that the zoning code requires the same parking for the old and new use. The old use had a parking deficit of 2 to 4 spaces and the new use has the same deficit. The parking requirement has been grandfathered in under the legal nonconforming use.

In response to Commissioner Rangel Morales, Mr. Scanlon-Johnson said that the 12-person limit is due to section 62.109(c) that allows a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed.

Mr. Dermody added that when a deli has seating for more than 12 customers it would be considered a restaurant in our zoning code.

Maria Dejesus Barvoza Cruz, 1382 Payne Avenue, Saint Paul, MN, was present for questions.

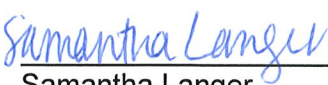
Yer Chang, 290 Hazelwood Street, Saint Paul, MN, said she will be leasing the property from Maria. She is helping Maria go through the process because she has limited English and proficiency in the application process. She will be operating the deli with seating up to twelve people. They do not have the capacity to be able to supply and support a restaurant. The residents in the neighborhood were really interested in seeing a food entity at this location.


No one spoke in support or opposition. The public hearing was closed.

Commissioner Kristine Grill moved approval of the change of nonconforming use perm it.  
Commissioner Luis Rangel Morales seconded the motion.

The motion passed by a vote of 3-0-0.

Adopted                      Yeas - 3                      Nays - 0                      Abstained - 0

Drafted by:  
  
Samantha Langer  
Recording Secretary

Submitted by:  
  
Tim Scanlon-Johnson  
Intern

Approved by:  
  
Dan Edgerton  
Chair