

city of saint paul
planning commission resolution
file number
date

WHEREAS, Vue King Management LLC, File # 18-093-449, has applied for a conditional use permit for an adult care home for 24 residents, under the provisions of § 65.151 and § 61.501 of the Saint Paul Legislative Code, on property located at 1105 Hazel Street N, Parcel Identification Number (PIN) 26.29.22.22.0045, legally described as Hazel Park Plat B, vac. alley accruing, & Lots 1-8, Block 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 30, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a Conditional Use Permit for a 24-resident adult care home at 1105 Hazel Street North. The site contains an existing single-family residence that will remain on-site. An additional building is proposed to accommodate the use.
2. § 66.221 lists Adult Care Home as a conditional use in RM2 zoning districts.
3. § 65.151 lists two standards that apply to adult care homes in the RM2 zoning district:
 - (a) *In residential and T1 traditional neighborhood districts, the facility shall have a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of four (4) guest rooms. This condition is met. With 24 proposed guest rooms, the facility requires a minimum lot area of 25,000 square feet. The single-family home requires 5,000 square feet. The combined minimum area needed is 30,000 square feet. The lot is 42,612 sq. ft.*
 - (e) *In residential and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving seven (7) or more facility residents. This condition will be met if the subject application is approved.*
4. § 61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The Comprehensive Plan in Figure LU-B designates the site as an Established Neighborhood, which is a predominantly residential area with a range of housing types. Housing Policy 2.18*

moved by _____

seconded by _____

in favor _____

against _____

in the Plan calls to support the expansion of housing choices for seniors.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Adequate ingress and egress are provided.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The 24-resident adult care home appears to be generally consistent with the diverse character of the neighborhood.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use will not impact the development and improvement of surrounding property.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Vue King Management LLC for a conditional use permit for an adult care home for 24 residents at 1105 Hazel Street N is hereby approved, subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as a part of this application.

ZF# 18-093-449
Hazel Assisted
living

DeGrado, Alena (CI-StPaul)

From: chuckrepke@aol.com
Sent: Thursday, August 30, 2018 9:00 AM
To: DeGrado, Alena (CI-StPaul); Smith, Amanda (CI-StPaul)
Cc: d2lisa@outlook.com; jjfincher@jbvang.com
Subject: 1105 Hazel St N

Follow Up Flag: Follow up
Flag Status: Flagged

The District 2 Community Council land use committee voted last night to SUPPORT the CUP for 24 Adult Care Home beds at 1105 Hazel.

We will be unable to attend the meeting today. Please relay that information to the Zoning Committee.

Thanks

Chuck Repke

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WHEREAS, BCLLC / Maria Cruz, File # 18-094-924, has applied for a change of nonconforming use from coffee shop to beauty salon under the provisions of § 62.109(c) of the Saint Paul Legislative Code, on property located at 1382 Payne Avenue, Parcel Identification Number (PIN) 20.29.22.42.0136, legally described as Lot 8, Block 1, Denny Hill Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 30, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a change in nonconforming use to allow a beauty salon on the first floor of 1382 Payne Avenue, where previously there had been a coffee shop that closed in late 2017.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. A small-scale beauty salon has similar parking and noise impacts to the coffee shop use.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic generated by the beauty salon is anticipated to be similar to the coffee shop, with the same Zoning Code parking requirement.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The small-scale beauty salon will not be detrimental to the immediate area.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. This portion of Payne Avenue is designated by the Comprehensive Plan in Figure LU-B as a Residential Corridor, which prioritizes residential uses but does not preclude smaller commercial uses, especially along major streets. Comprehensive Plan Strategy LU-1.48 encourages mixed use projects that are compatible with their surroundings.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of BCLLC/Maria Cruz for a change of nonconforming use from coffee shop to beauty salon, at 1382 Payne Avenue, is hereby approved.

moved by _____
seconded by _____
in favor _____
against _____

ZF# 18-094-924
BCLLC / Maria Cruz



Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

August 29, 2018

Zoning Committee
Saint Paul Planning Commission
25 W 4th Street, 1400 CHA
St. Paul, MN 55102

VIA EMAIL

RE: Nonconforming Use Permit 1382 Payne Ave.
file # 18-094924

Dear Zoning Committee Members:

The Board of Directors for the Payne-Phalen Community Council met in regular session on Tuesday, August 28, 2018 at the Arlington Hills Community Center. On the agenda was the Permit Application to change from one nonconforming use to another at 1382 Payne Avenue. Maria Cruz and Juan Rodriguez were present. The proposal for the beauty salon was explained.

The Board voted to support the permit application.

On behalf of the Board of Directors,

A handwritten signature in black ink, appearing to read "Athena V. Hollins". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Athena Hollins, President

cc. Juan Garibay Rodriguez

VIA EMAIL

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WHEREAS, Mark Nedoroski, File # 18-093-236, has applied for a reestablishment of nonconforming use as a 10 unit dwelling under the provisions of § 62.109(e) of the Saint Paul Legislative Code, on property located at 1619 Hubbard Avenue, Parcel Identification Number (PIN) 28.29.23.44.0014, legally described as COLLEGE PLACE WEST DIVISION, S 20 FT OF LOT 7, AND EX N 124 FT LOT 8, AND E 2 FT OF LOT 13, AND ALL OF LOT 14, BLK 1; and WHEREAS, the Zoning Committee of the Planning Commission, on August 30, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant has proposed adding two additional units to the existing property. One unit already exists in the basement level of the structure, but needs to have kitchen appliances and an egress window installed to create a habitable unit. The other unit would be created in currently unoccupied space in the basement level of the structure, also with the addition of an egress window. The addition of the units would not enlarge the structure or result in significant, externally visible alterations to the structure.
2. A review of historic permit data and Sanborn Fire Insurance maps found that the structure at 1619 Hubbard was originally constructed in 1892 as a single-family dwelling on a standard lot for the College West subdivision where the property is located, and that the property remained in that use until at least 1925. A previous review of assessor's records by zoning staff found that the structure appears to have been converted to use as a 10-family dwelling around 1940. A comparison of the structure's footprint as shown on the Sanborn map to its current footprint reveals that the structure was significantly enlarged at some point. Permit records show a number of construction-related permits were issued between 1937 and 1941, suggesting that the enlargement of the structure occurred around the time it was converted to a 10-unit dwelling.
3. In 1922, the *Plan of Saint Paul* was adopted, designating the area in which the property is located a 'B' Residence district. The 'B' Residence district allowed single family homes and duplexes and put in place dimensional standards for lots and buildings. Sometime between 1922 and 1971, the subject property was enlarged by combination with portions of two adjoining parcels to the north, and was rezoned to the 'C' Residence district. The 'C' Residence was primarily a residential district for multifamily dwellings, but also allowed some commercial uses. It is not clear whether the zoning change and the parcel enlargement coincided.

moved by _____

seconded by _____

in favor _____

against _____

4. § 62.102 states that a use will be considered legally nonconforming if it can be demonstrated by clear and convincing evidence that a structure has been used for a particular nonconforming use continuously since December 13, 1956. Taken together, assessor's data and a Certificate of Occupancy worksheet or report show that the subject property was used as a 10-unit dwelling from approximately 1940 until 1981, meaning that the property was a legal nonconforming use as a 10-unit dwelling as of 1981.
5. City records show that the property was converted to a legal nonconforming 8-unit dwelling in the early 1980s, and at a later date to a legal non-conforming 6-unit dwelling. A letter from the Department of Safety and Inspections dated March 31, 1999 stated that the Zoning Administrator had determined the property to be a legal nonconforming use as an 8-unit dwelling, which is the current status of the property.
6. § 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The property has legal nonconforming status as, and is currently constructed as, an 8-unit dwelling. It cannot reasonably or economically be used for a conforming purpose as a two-family dwelling in the RT1 two-family residential zoning district.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous legal nonconforming use is the same as the proposed nonconforming use, and it is similarly appropriate to the district as the current legal nonconforming use.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The property was previously used as a 10-unit dwelling for approximately 40 years, and is part of the existing character of the immediate neighborhood. The proposed use, although of greater intensity than the current use, would not result in endangerment of the public health, safety, or general welfare.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Policies 1.1 and 1.2 of the Housing Chapter of the Comprehensive Plan state, respectively, that the City should *increase housing choices across the city to support economically diverse neighborhoods and meet market demand for transit-oriented housing.* The proposed use would result in 2 new units of multifamily rental housing in an area that is predominantly single-family homes and duplexes. It would also provide two new units near a high-capacity transit facility.
 - (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on August 9, 2018: 14 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mark Nedoroski for a reestablishment of nonconforming use as a 10 unit dwelling at 1619 Hubbard Avenue is hereby approved.

ZF# 18-093-236
M. Nedoroski

From: TJK Ruth and Joe [mailto:joe.kunkel@tjkproperties.com]
Sent: Thursday, August 30, 2018 2:41 PM
To: Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>
Subject: 1619 Hubbard hearing

Hi Josh:

It was my intention to attend the meeting today but I have been held up on other business.

We are in favor of this proposal. Mr. Nedoroski has been operating a good building here and other buildings elsewhere for years and has an established record as a responsible landlord who will provide housing that is needed in the coming years. We very much prefer to see proven competent landlords add back in a few housing units as this proposal suggests. Restoring or adding quality additional units in a functioning building is a wise use of resources to achieve the goal of adding economical housing choice in the area and this landlord has the demonstrated ability to make a positive contribution to the housing goals in the region.

If you have any questions for us please don't hesitate to contact either of us.

Thanks,

Joe and Ruth

651 260-0121 and 651 481-9735

Mark Nedoroski
ZF# 18-093-236

Langer, Samantha (CI-StPaul)

From: Williams, Josh (CI-StPaul)
Sent: Monday, August 27, 2018 4:45 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: 1619 Hubbard

From Hamline Midway re my case this Thursday.

From: Michael Jon Olson [<mailto:michaeljon@hamlinemidway.org>]
Sent: Monday, August 27, 2018 12:44 PM
To: Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>
Cc: Well Maintained Apartments <info@wellmaintainedapts.com>; Fred Kueppers <fkueppers@kuepperslaw.com>
Subject: 1619 Hubbard

Josh,

Hamline Midway Coalition supports Mark Nedoroski's application for a nonconforming use permit for 1619 Hubbard. Please let me know if you have any questions.

Cheers,

Michael Jon Olson
Executive Director
Hamline Midway Coalition
651-494-7682

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WHEREAS, Dorothy Gherity, File # 18-093-677, has applied to rezone from R4 one-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 418 Sherburne Ave, Parcel Identification Number (PIN) 36.29.23.24.0226, legally described as Smith's Subdivision of Stinson's Division, Lots 20 & 21, Block 16; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 30, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is proposing to rezone the subject parcel from R4 one-family residential district to T2 traditional neighborhood district in order to facilitate the development of a 6-unit multifamily residential condo structure.
2. *The proposed zoning is consistent with the way this area has developed.* This finding is met. The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. The immediate area has developed with a mix of single- family dwellings, two- family dwellings, multifamily dwellings, and commercial uses south of the subject parcel. The land uses in the immediate area are permitted uses in the T2 zoning district, and therefore the proposed zoning is consistent with the way the area has developed.
3. *The proposed zoning is consistent with the Comprehensive Plan.* This finding is met. The subject parcels are designated by Comprehensive Plan Figure LU-B as part of a Mixed-Use Corridor. Policy LU-1.24 of the Comprehensive Plan calls for supporting a mix of uses on Mixed-Use Corridors. Policy H-1.3 of the comprehensive plan calls for revitalizing the city by developing land-efficient housing. Policy L5 of the District 7 Neighborhood Plan calls for intensifying development along major transportation corridors in order to bring in more jobs and housing units. The Western Station Area Plan calls for maintaining existing character on this block.

moved by _____
seconded by _____
in favor _____
against _____

4. *The proposed zoning is compatible with the surrounding uses.* This finding is met. The surrounding single family dwellings, two family dwellings, and commercial uses are permitted in the T2 zoning district and the proposed zoning is compatible with these uses.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed T2 zoning does not constitute spot zoning. The proposed T2 zoning is an expansion of the existing T2 zoning district along University Avenue, and does not create a use classification inconsistent with the surrounding uses.
6. The petition for rezoning was found to be sufficient on 8/8/2018: 21 parcels eligible; 14 parcels required; 17 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Dorothy Gherity for rezoning from R4 one-family residential to T2 traditional neighborhood for property at 418 Sherburne Avenue be approved.