

MINUTES OF THE ZONING COMMITTEE
Thursday, August 30, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Rangel-Morales, and Reveal
EXCUSED: DeJoy, Edgerton, Lindeke, and Ochs
STAFF: Alena DeGrado, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker.

Hazel Assisted Living - 18-093-449 - Conditional use permit for an adult care home for 24 residents, 1105 Hazel Street N, north of Magnolia

Alena DeGrado presented the staff report with a recommendation of approval with a condition for the conditional use permit. She stated District 2 recommended approval, and there was 1 letter in support, and no letters in opposition.

Upon inquiry from the Commissioners, Ms. DeGrado stated that site plan has not been approved for this project at this point. She stated that the existing single family home located on the property will remain on the site.

Justin Fincher, JB Vang Partners, 1550 Fulham Street, Saint Paul, stated they are acting as the development manager to the owner of the property, Vue King Management LLC. He said that the single family home on the site has an approved operating license to manage a four person assisted living unit.

Upon questions from the Commissioners, Mr. Fincher said the assisted living use in the single family home would remain on the property and be managed by the same staff. Hazel Assisted Living would be in a new building. The previous owner had a conditional use permit (CUP) approved for 40 residents, but found a better opportunity, and let the CUP expire.

Patrick Showalter, 1117 Hazel Street, Saint Paul, spoke in opposition. He has concerns with people parking on the street at the facility. The street is narrow in this area and if Metro Mobility and staff parks in the street it is impossible for him to get in and out from his property. They have asked for assistance in moving vehicles and have been yelled at in the past. He would like to know where Metro Mobility will be parking, if there will be parking on Hazel Street, and if the parking lot that they are providing for the business large enough.

At questions from the Commissioners, Mr. Showalter said that the parking issues are because of the smaller existing facility. They have parking in the back, but because of the angle of the driveway and the fact that it is dirt staff parks in the street, especially during the winter.

Commissioner Reveal stated that the parking conditions will be examined during site plan review.

The applicant, Mr. Fincher responded to testimony. He said they will take the parking concerns into consideration moving forward. He explained that Hazel Street does narrow down the closer you get to their property. During site plan review they hope to have a conversation about how to

address this issue, but it is beyond their control. In terms of parking, they will have 14 parking stalls on site. There will be an average of two to three employees on site for both buildings. Depending on the day there could be a couple more. They will also have visitors and they will make sure that everyone utilizes the parking lot. They hope this will address the concerns of the neighborhood. He also noted that there is currently a 12 foot grade change from the parking lot to Hazel Street. It is class 5 gravel at the moment, but after the project is complete it will be paved and properly graded.

In response to Commissioner Reveal, Mr. Fincher stated that the parking is adequate for the existing building and the proposed 24 units. The residents are allowed to have cars, but the majority of the clientele do not drive.

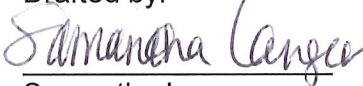
No one spoke in favor of the application. The public hearing was closed.

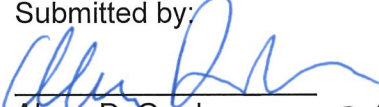
Commissioner Elizabeth Reveal moved approval with a condition of the conditional use permit. Commissioner Kris Fredson seconded the motion.

Commissioner Reveal stated for the record that site plan review will address parking.

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

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Alena DeGrado
City Planner

Approved by:

Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, August 30, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Rangel-Morales, and Reveal
EXCUSED: DeJoy, Edgerton, Lindeke, and Ochs
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker.

BCLLC / Maria Cruz - 18-094-924 - Change of nonconforming use from coffee shop to beauty salon, 1382 Payne Avenue, NE corner at Cottage Ave

Bill Dermody presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated District 5 recommended approval, and there was 1 letter in support, and no letters in opposition.

Yolanda Cotterall, 5900 Lyndale Avenue S., Minneapolis, stated she was there to speak in support of the business owner and the project. The owner has been very strongly involved in the community. Her desire is to expand her visibility for services and is planning to open this salon as a barber shop. She believes it fits well in the neighborhood and she hopes they will approve the project.

Upon inquiry from the Commissioner Reveal, Ms. Cotterall stated the applicant is planning to retain the other site farther south on Payne Avenue and this will be an expansion. The owner has been in business for about 13 years and she has been working with her as a technical assistance advisor through one of the local nonprofits.

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

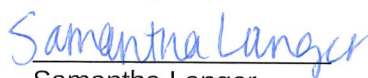
Commissioner Elizabeth Reveal moved approval of the change of nonconforming use permit. Commissioner Kris Fredson seconded the motion.

In response to Commissioner Rangel Morales, Mr. Dermody explained that the existing parking provision on the site is two off-street parking spaces and the requirement is unchanged from the previous use, so they will retain the same legal nonconforming parking status and they will not be required to provide more parking spaces.

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

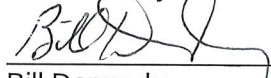
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



for Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, August 30, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Rangel-Morales, and Reveal
EXCUSED: DeJoy, Edgerton, Lindeke, and Ochs
STAFF: Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker.

Mark Nedoroski - 18-093-236 - Reestablishment of nonconforming use as a 10-unit dwelling, 1619 Hubbard Avenue, between Snelling and Fry

Josh Williams presented the staff report with a recommendation of denial for the reestablishment of nonconforming use permit. He stated District 11 recommended approval, and there were 2 letters in support, and no letters in opposition.

Upon inquiry from Commissioner Baker, Mr. Williams said that from a land use perspective it is reasonable to allow ten units instead of eight units, particularly if you have sufficient parking and are not expanding the structure. The question is how you interpret the first finding in Section 62.109(e), and he interprets it as not being met because the property currently has a legal nonconforming use status and is currently constructed as an 8-unit dwelling. This is a reasonable and economical use for a structure originally constructed as a one family home.

Allan Torstenson provided background information on the purpose of the zoning code and the code allowing legal nonconforming uses to continue. The intent of the code is to bring uses into conformance with the zoning code over a period of time. It also needs to allow for reasonable use of property that's nonconforming because it would be unreasonable to require that something that becomes nonconforming be converted to a conforming use right away. There are provisions in the code to allow reasonable use of an existing legal nonconforming structure. In this case, the building was converted to eight units in the 1980's and 6 units in the 1990's. Now they are proposing to add additional dwelling space in an unfinished part of the basement and add egress windows and structurally alter the building to add additional living space. They are not asking to reuse existing dwelling units.

In response to Commissioners, Mr. Williams provided some history of the different number of dwelling units in the building. According to records, it looks like the property was used as a 10-unit dwelling from approximately 1940 to 1981. The records also show that there were multiple internal configurations of the rooms at the properties. It is not clear if the basement was used as dwelling units in the past.

The applicant's representative, Fred Kueppers, 101 E 5th Street, Saint Paul, said Mark Nedoroski has owned and personally managed this building since 2000. They will urge that this Committee recommend approval to the Planning Commission for the restoration of the two units back to 10 units where it was for more than 40 years. It was 10 units up until 1984 and the owner at that time reconfigured the inside to eight units. Mr. Kueppers explained that there is a unit in the basement that was decommissioned (kitchen appliances were removed) because it didn't have an egress window in the bedroom. It is physically there and there is a full bathroom.

There is a lot more room in the basement and can easily accommodate an additional unit of 540 square feet in size. This proposal has the written consent of ten of the fourteen owners within 100 feet of the property. He explained reasons for the four people not signing the consent; one person declined because he thought there would be too much traffic, one person was not approached because they live in San Francisco, one is the school district and the consent would take 6 months to go through the legal department, and they did not ask the fourth person. He noted the support letter from Hamline Midway Coalition and an additional letter of support that was submitted by a neighbor. Mr. Kueppers said that this site is eminently suited to having ten units. The structure is 15,000 square feet. The most stringent requirement that he is aware of in the zoning code for multifamily housing is 1500 square feet per unit so it meets the land area requirements. Parking will not be an issue; the property has paved parking in the back to accommodate 15 cars plus a garage to accommodate five cars. The existing eight units include four on the first floor, three units on the second floor, and one unit occupies the third floor. There is also the decommissioned apartment in the basement, and they are requesting to take another quarter of the basement to add one more unit. The other half of the basement will be used for utilities and laundry. Mr. Kueppers referred to finding one under Section 62.109(e) not being met in the staff report. He said the finding was difficult to interpret, but he believes the finding can be met because the structure cannot reasonably or economically be used for a conforming purpose. The best and most reasonable purpose is for at least ten modest, affordable and small apartments to be available in a neighborhood where the demand is high. There has never been a vacancy this this building.

The applicant, Mark Nedoroski, 808 Goodrich Avenue, Saint Paul, stated he owns Well Maintained Apartments, which is a small family business. They own twenty-four buildings and 300 units in Saint Paul. He has owned 1619 Hubbard since 2000. He said that there seems to be some confusion and he would like to answer all the Committee's questions because he thinks they are getting the wrong impression of the building. When he bought the building in 2000 it was completely renovated. The previous owner had a unit in the basement that he used as an office and when he bought the building it only had a Certificate of Occupancy for eight units so he was never allowed to use that unit. They have not tried to rent out that space. He would like to build another unit in the basement because they are only utilizing 75% of the structure. The units would rent for \$850 so someone who makes \$14 per hour could afford to live in Hamline Midway. The new buildings being built along Snelling charge \$2000 and no one can afford it and that is why his buildings are always filled. Saint Paul has an affordable housing crisis and while he may not be able to change it he can make a little dent by adding two nice units. He said the last inspection by the Department of Safety and Inspection (DSI) shows that the building has an A rating. All of his properties check out with an A rating and he has the documentation available. He is a hands-on operator with no police calls. He said that adding the two units makes a lot of sense to meet the demand.

Mr. Kueppers added that this is affordable housing and with increasing taxes and operating costs the property cannot be maintained as affordable housing unless he is able to spread the cost over more units. The reinstatement of the two units will help to make possible the continuation of modest rents. There are no police calls to the property and it has an A classification. They hope the Committee will recommend approval of the request to go back to 10 units.

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

Upon questions from Commissioner Rangel Morales, Mr. Williams confirmed that the property is not conforming at the current 8 units. If something were built new at this site today, only 2 units would be allowed.

Commissioner Rangel Morales moved approval of the reestablishment of nonconforming use permit with the condition that finding one should be revised to state the finding is met, because the property has a legal nonconforming use 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. Commissioner Kris Fredson seconded the motion.

Commissioner Reveal stated she is a strong supporter of affordable housing and increasing density in ways that do not affect the structure or the character of the building.

Commissioner Baker stated he agrees with Commissioner Reveal's statements. He also stated by increasing the number of units parking will not be an issue and he feels the application addresses a lot of the concerns that are usually present when adding density.

Commissioner Reveal added that this assumes that the applicant will comply with all other City regulations including what is necessary for the Certificate of Occupancy.

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

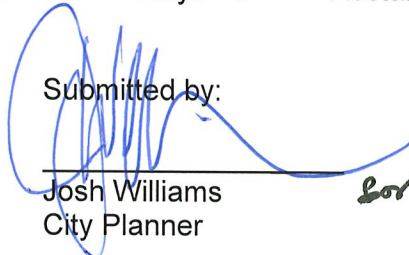
Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



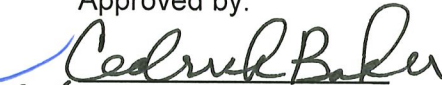
Samantha Langer
Recording Secretary

Submitted by:



Josh Williams
City Planner

Approved by:



 Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, August 30, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Rangel-Morales, and Reveal
EXCUSED: DeJoy, Edgerton, Lindeke, and Ochs
STAFF: Tony Johnson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Dorothy Gherity - 18-093-677 - Rezone from R4 one-family residential to T2 traditional neighborhood, 418 Sherburne Avenue, between Arundel and Western

Tony Johnson presented the staff report with a recommendation of approval for the rezoning. He stated District 7 had not responded, and there were no letters in support or opposition.

The applicant, Dorothy Gherity, 418 Sherburne, Saint Paul, stated she would like to rezone so she can sell the property.

Andrew Hodinsky, Edina Realty, 284 Old Highway 8, New Brighton, MN was available for questions.

Dominick Carcheti, 3757 Foss Road, Minneapolis, stated he is the contractor and he has an offer to buy the property. He would like to build a multi-unit building at the site that will be owner occupied. It will not be rental units, everything will be sold. He believes it will help the neighborhood. He will be adding six garages so there will be off-street parking.

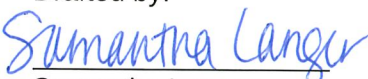
No one spoke in opposition. The public hearing was closed.

Commissioner Kris Fredson moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion.

In response to Commissioners, Mr. Johnson stated that the project will go through site plan review. He stated that if the parcel is rezoned to T2 the density would be regulated by FARs. At this site he could get a 3.0 FAR. With a 10,500 square foot lot, 31,500 square feet of development that would be possible at this site. This site is within the Western Station Area so the station area plan will also guide the scale development.

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

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Tony Johnson
City Planner

Approved by:

Dan Edgerton
Chair