

MINUTES OF THE ZONING COMMITTEE
Thursday, September 14, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, Fredson, Lindeke, Ochs, and Reveal
EXCUSED: DeJoy, Edgerton, and Makarios
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Reveal.

Listening House - 17-060-690 - Appeal of a zoning administrator similar use determination for Listening House to provide services at First Lutheran Church at 464 Maria Ave., NE corner at 8th Street.

Bill Dermody presented the staff report with a recommendation of layover to September 28, 2017, to allow time for more work on potential conditions by the appellant, neighbors, and Listening House. Nancy Homans has worked with them to facilitate some possible solutions. She shared potential conditions with Listening House and Listening House responded to the neighbors on September 13, 2017.

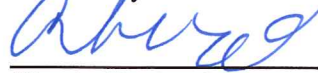
Commissioner Fredson moved to lay this over to September 28. Commissioner Lindeke seconded the motion.

Commissioner Baker asked what staff is doing to assist in this process. Mr. Dermody said Ms. Homans is leading this process.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



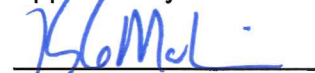
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Kyle Makarios
Chair

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Syed Mahmood - 17-073-754 - Change of nonconforming use from bar to tobacco shop at 937 3rd St. E., NW corner at Forest

Bill Dermody presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated District 4 made no recommendation, and there were no letters in support, and 2 letters in opposition.

A motion was made by Commissioner Fredson to move this item to the end of the agenda. Commissioner Lindeke seconded the motion.

The motion passed by a vote of 5-0-0.

The applicant, Syed Mahmood, 17315 50th Ave. N., Plymouth, said his tobacco shop will be open from 9:00 a.m. to 9:00 p.m. He added that they have 8 to 10 parking spaces in their lot.

In response to a question by Commissioner Lindeke, Mr. Mahmood said that his specialty tobacco shop will offer cigars, high-end tobacco products, and gift items.

No one spoke in favor.

Thomas Gergen, 351 Kellogg Blvd. E., spoke in opposition. He said that he owns a seven-unit apartment building on the opposite corner from this property, along with a nearby duplex. He said this is the only commercial building in this residential neighborhood. He owned a duplex on Nugent near a tobacco shop on West 7th and it was difficult to find qualified applicants for his rental due to this type of shop. He said that a lot of tobacco shops offer cigars and other tobacco products, but also offer items that can be construed as marijuana paraphernalia. He said that this area has many families with children. It has gotten much better, with really great people and he said this use is outside of what is best for this neighborhood.

The public hearing was closed.

Commissioner Lindeke moved approval of the change of nonconforming use permit. Commissioner Fredson seconded the motion.

In response to a question by Chair Reveal, Mr. Dermody said he did not know the specific smoking accessories they plan to offer. He added that they need to acquire a tobacco sales license for this type of business and they will have to meet all conditions to operate under that license.

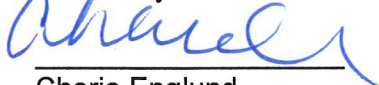
Chair Reveal asked if there is a special classification for a head shop. Mr. Warner said it is not in the zoning code, but we have definition for a tobacco shop with standards and conditions.

Commissioner Baker asked if business increases on the weekend, similar to a liquor store and if they will have enough parking spaces. Mr. Dermody said he does not know about peak time characteristics of this type of business, but they do meet the parking requirements.

The motion passed by a vote of 5-0-0.

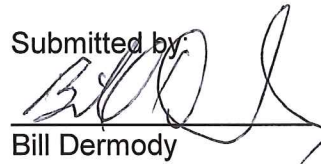
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Kyle Makarios
Chair

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Zamzam - 17-071-969 and 17-072-067 - Rezone from B1 local business to B2 community business and conditional use permit for an auto convenience market at 1543-1571 Maryland Ave. E., between Hazelwood and Herbert.

Bill Dermody presented the staff report with a recommendation of approval for the rezoning and approval of the conditional use permit with conditions. He stated District 2 made no recommendation, and there were no letters in support or in opposition.

In response to Chair Reveal, Mr. Dermody said that the preliminary site plan approval could happen before the Planning Commission meeting and the final site plan approval will be later.

In response to a question by Commissioner Lindeke, Mr. Dermody said that finding 4(a) in the staff report has to do with issues such as curb cuts, environmental design, crime prevention, and aesthetics in landscape design.

Commissioner Ochs asked what the conditional use permit is for. Mr. Dermody said it is essentially for the gas pumps, which are what makes this an "auto convenience market" rather than just retail.

The applicant, George Barr, 11670 61st Ave. N., Plymouth, said he is with Barr-Nelson Construction LLC and said Mr. Abdullah represents Zamzam. Mr. Abdullah said his address is 11475 Portland Ave., Burnsville. Mr. Barr said he started working with this owner in 2010, but financing was not good at the time. He said he hopes the site plan will be ready by the next Planning Commission meeting, adding that it is a distinct structure and good project. They met with the District 2 Community Council and received a unanimous approval. Law enforcement has requested a satellite facility in this building. They are working with Anca Sima in the Public Works Department and Ross Able at Oliver Engineering on the site plan for water filtration issues.

Mr. Abdullah said that this is the third time that they have pursued this project. He said the first time they attempted this project it was stopped by Cub Foods, and the second attempt was during the financial recession. He said the benefit in these delays is that they talked more with the community to come up with a comprehensive effort to have a site that will enhance the cultural and visual impact of the entire area. He said there is currently a lot of new construction in this area and they wish to tie this neighborhood together.

In response to a question by Commissioner Baker, Mr. Abdullah said they reached out to a variety of cultural groups to find out what people would like and they are in discussion with Sr. Cmdr. Axel Henry of the St. Paul Police Department to have a police substation at this location.

Chuck Repke, 1365 Prosperity Ave., District 2 Community Council, spoke in support. He said there has been a lot of development on Maryland Ave. and this property is in rough shape. He added that this is a significant investment and in order to make this happen they will be okay

with the pumps. He said there are other successful gas stations in this area. Mr. Repke said they have two concerns: lighting in relation to the apartment building to the north, and they would like a condition added to the conditional use permit stating that gas pumps will be turned off when no employees are present.

In response to a question by Commissioner Ochs, Mr. Repke said in managing storm water runoff, there is some landscaping, however this is not the largest B2 area and if the applicant can manage the storm water runoff through rock, they are fine with this.

Commissioner Baker thanked Mr. Repke for his work on the East Side. Mr. Repke said these types of resources are great for this neighborhood.

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

Commissioner Fredson moved approval of the rezoning. Commissioner Baker seconded the motion.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

In response to a question by Commissioner Fredson, Mr. Dermody said the applicant is okay with all four staff recommended conditions and the fifth condition suggested by Mr. Repke.

Commissioner Baker moved approval of the conditional use permit with conditions. Commissioner Fredson seconded the motion.

In response to a question by Commissioner Ochs, Mr. Dermody suggested language for the fifth condition as "gas pumps shall be turned off when a human attendant is not present".

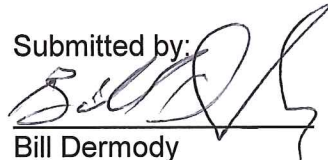
In response to a question by Chair Reveal, Mr. Warner said we can impose this condition and it is reasonable. He suggested the language of the condition be, "gas pumps will be operable only if the gas station is open and an employee is present". Chair Reveal suggested that final language be worked out by the time of the Planning Commission meeting.

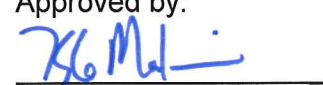
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