

MINUTES OF THE ZONING COMMITTEE

**Tuesday, July 1, 2014 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard**

PRESENT: Edgerton, Makarios, Nelson, Padilla, Reveal, and Wencil
ABSENT: Merrigan (excused), Wickiser
STAFF: Jamie Radel, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Saint Paul Domestic Abuse Intervention Project - 14-293-465 - Conditional use permit for reuse of a non-residential structure for an office, with modification of consent petition condition, 390 - 394 Dayton Ave, between Western and Arundel

Jamie Radel presented the staff report with a recommendation of approval with a condition for the conditional use permit. She stated District 8 recommended approval, and there were 18 letters in support, and 3 letters in opposition.

At questions from the Commissioners, Ms. Radel stated the petition requirement is considered a special condition in Sec. 65.132, reuse of large structures. She explained that the special circumstance, with regard to the elimination of the petition requirement, is the configuration of property ownership. The applicant must receive fourteen property owner signatures out of the twenty properties located within a 100-foot radius of the subject property. Two of the properties were undergoing ownership changes during the time signatures were sought. Another nine of the properties are owned by two individuals who refuse to sign the reuse petition.

Commissioner Edgerton questioned what "reasonably used" constitutes in finding H (a) where it states; the structure cannot be reasonably used for a conforming use. The building had renovations that eliminated the building's interior spaces for residential purposes. As it is today, it would need a complete renovation of the structure to revert it back to residential units. Mr. Warner explained that in this context you could judge reasonableness by who the applicant is, and in a zoning context dealing with property, you can factor in economics.

Commissioner Padilla stated that there is an existing conditional use permit (CUP) from 1995, and the building has been vacant since June 30, 2013. This application was submitted on June 3, 2014, which was before the year lapse in a CUP. In her opinion the CUP has not expired and the existing CUP can be modified for a new applicant. In terms of the reasonableness, the economic conditions only apply to the applicant before the Committee, and not to someone who could possibly afford to convert the building into residential apartments.

Upon inquiry from the Commissioners, Ms. Radel stated the four conditions on the previous CUP. They were focused on the use being a college campus; 1) amend boundaries if there was expansion; 2) to report number of employees for calculating parking; and 3) if student population grew by 10% they would need to address parking; 4) 12 parking space lot at 394 Dayton be paved according to a site plan.

Commissioner Reveal stated that because the prior CUP was for a college campus, they did not require the petition signatures.

Brian Alton, 951 Grand Avenue, Saint Paul, the applicant's attorney, addressed the petition's 2/3's requirement. He explained that fourteen signatures of surrounding property owners out of twenty would need to be obtained by the applicant. Two of the owner's in the area control more than 1/3 of the properties, and they are not willing to sign the petition. Shelly Cline, Executive Director for Saint Paul Domestic Abuse Intervention Project, did receive four signatures from property owners. They were not able to get two other signatures because the properties were going through ownership changes.

Shelly Cline, Executive Director of Saint Paul Domestic Abuse Intervention Project, 1509 Marshall Avenue, Saint Paul, provided a brief history of the program. They have been in existence since 1984 and work to provide battered women and their children safety within their own homes. They use the criminal justice system and community resources to ensure that safety. Their programs and services go directly to the victims in order to be successful. They do not accept anyone at their offices. Each year through their agency over 5,200 victims of domestic violence receive support and assistance. The building at 394 Dayton is perfect for their offices. The hours would be 8:00 a.m. to 4:30 p.m., Monday – Friday. There are educational support groups on Tuesday and Thursday nights, with up to ten participants and one staff member. She stated they are not a shelter and do not house women and children. The bulk of their 24 hour services take place at the courthouse and hospitals. They also visit homes with the Saint Paul Police Department.

Upon questions from the Commissioners, Ms. Cline stated the building they are currently in has fallen into disrepair, and that is why they are seeking a new location. She stated at any given time there are 6 to 10 employees at the office. They employ 10 full time and 2 part time people. Employees cover weeknights and weekends from their homes.

William Martinez, Assistant Chief, Saint Paul Police Department, 367 Grove Street, spoke in support. Since 1984 the Saint Paul Police Department (SPPD) has worked in partnership with the Saint Paul Intervention Project. Each year there is an estimated 8,000 domestic calls to the SPPD. When the officers respond to domestic calls they immediately contact the Saint Paul Intervention Project who provide critical and ongoing services to victims and their families. In his 28 years at the SPPD he has seen how critical they are to the community. They conduct home visits and provide services to the victims. Their offices would provide no safety concerns to surrounding neighbors. They have never had an incident at their offices located on Marshall Avenue. Their work makes the City safer and has helped reduce domestic homicides by 65%.

Steven Kluz, 370 Marshall Avenue, Saint Paul, spoke in support. He explained he was an attorney who has done pro bono work for the organization in the past. He was impressed and stated they are highly professional, ethical, and very effective. They are a great asset to the City. He is impressed with the support that they have from their current neighbors, and welcomes the chance to support a great organization.

Brian Pergamont, 381 Dayton Avenue, Saint Paul, spoke in opposition. He stated he has three main areas of concern; he questions the square feet gross floor area, parking in the area, and does not believe that exceptional or undue hardship has been proven. See attached letter.

Brain Alton responded to testimony. He stated that the applicant submitted the application on June 3, 2014, and had plans to be before the Committee before the end of June. The case was continued because staff had questions pertaining to the measurement of the building for purposes of determining parking. Mr. Alton submitted a statement and revised calculations of the building (see attached) that shows a final Gross Floor Area of 4,552 square feet. Mr. Alton stated that the parking requirements would be met subject to the applicant providing four bicycle parking spaces. With respect to the reasonableness for the reuse of the building, the applicant is not a real estate developer, but would like to use the building for office space. The structure is currently not usable for residences. There are no bathrooms, kitchens, or individual units. The use for anything other than an office is impractical.

Upon inquiry from the Commissioners, Ms. Radel explained that the studio lofts on the scaled drawing in the packet referred floor plans that were prepared for the College of Visual Arts.


The public hearing was closed.

Commissioner Julie Padilla moved approval with a condition of the conditional use permit. Commissioner Barbara Wencil seconded the motion.

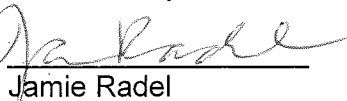
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Jamie Radel
Zoning Section

Approved by:


Gaius Nelson
Chair

