

**MINUTES OF THE ZONING COMMITTEE**

**Thursday, May 28, 2015 - 3:30 p.m.**

**City Council Chambers, 3rd Floor**

**City Hall and Court House**

**15 West Kellogg Boulevard**

**PRESENT:** Edgerton, Makarios, Merrigan, Nelson, Reveal, Wencil, and Wickiser

**ABSENT:** Padilla (excused)

**STAFF:** Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**New Plan Learning - 15-033-859 - Rezone from VP Vehicular Parking, I1 Light Industrial and I2 General Industrial to T1 Traditional Neighborhood, 169 Jenks Ave, east of Agate between Lawson and Case**

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He stated District 6 recommends approval, and there were no letters in support or opposition.

Upon questions from the Commissioners, Mr. Dermody stated that there is currently no industrial use happening at the site. He stated that the new gymnasium will be located on a portion of the parking lot north of Jenks Avenue. Mr. Dermody explained that a school use is not allowed in a VP district. They are requesting to rezone to T1 from I1 and I2 because there would not be set back issues present in the T1 zoning. A school would be allowed in the both the I1 and I2 zoning districts, but it is his understanding that there would be site plan problems, and he deferred to the architect for more information.

Ken Rivera, Architect, 775 Fairmount Avenue, Saint Paul, responded to the question asking if the work could be achieved by only rezoning the VP area. He said that currently they are planning to add gymnasium, and if they don't rezone to T1 they will be limited in their options for expansion in the future. Expansion would be difficult in the I1 and I2 zoning.

At questions from the Commissioners regarding a reduction in parking spaces, Mr. Rivera stated they will need to look at the quantity of parking stalls required for the gym and the school and count the available stalls in the south parking lot. He said he will not be the architect for the next phase, including the gym. There will be a different architect and they will need to follow through with the parking requirements. Mr. Rivera stated that the gymnasium would be allowed in both the I1 and I2 districts. The VP zoning district would need to be rezoned to a T1 because there would be set back issues in the I1 or I2 zoning districts. He explained that the proposed location of the gym is currently within the I1 zoning district which requires that half of the height of the building should be the distance of the setback. If the available space remains zoned I1, they would be unable to have the gym in the proposed site.

There was discussion based on what is allowed in I1 and I2 districts, Mr. Dermody noted Footnote C to industrial setback requirements states that when the frontage is across the street from a residential district you must follow the residential districts minimum setback and the RT1 minimum front yard setback is 25 feet. If they rezone to T1 they would not need to follow this requirement.

Chair Nelson stated he sees a setback that conforms to the I1 zoning district across from the RT district. The proposed school addition is 48 feet setback from Agate and that is the front yard that is across from the RT district. There is a 25 foot requirement so it would meet the requirement to remain in an I1 district. He questioned if there is an issue with parking in the front yard.

Mr. Dermody explained that T1 typically does not allow parking lots to be in the front yard, but dealing with an existing situation requires a judgment call made by DSI, and he doesn't want to assume what their judgement would be.

Kerry Antrim, District 6, 171 Front Avenue, Saint Paul, explained that they had a limited amount of time to discuss this application and the architect was not available at their neighborhood meeting. A lot of questions came up at the meeting regarding the different zoning district options of this location. Their meeting ran very long, and they decided to err on the side of trying to get some rezoning done, and would like to defer to the Zoning Committee to figure out what would be the best option for the area. She stated they are generally in favor of the project, but they have a lot of questions on the zoning, in particular, the zoning of the parking lot. They are very concerned with routes of the buses that go to and from the school. Currently they are parking on the street. It is a very congested area. The applicant also stated they could be expanding the school, and they would like to know how much more this one site can fit, and how the zoning would affect that. If they add a high school and students drive into school that will also impact the parking. The biggest issue is the limited parking in the area for both schools and residential.

Upon questions from the Commissioners, Ms. Antrim explained that the previous CUP in 2014 stated a route that the buses were to follow to go to and from the site. That is not being followed and they are parking on the street. She stated she wants to find a resolution for them to be able to build the gym. Their concern is if they are going to be adding more and more to this site they want to make sure that the Zoning Committee take special notice of the site plans.

Commissioner Edgerton said that there was a specific parking and bus route specified on the previous CUP and he wondered if the proposed new building would disrupt that route.

Chair Nelson stated there might be some concern from the Commissioners that a condition that was put in place is not being met and that might bear on the decision of this case.

Commissioner Reveal also stated concern that if the rezoning allows the project to go forward it will obviate the conditions placed on the previous CUP.

Mr. Dermody stated that staff does not currently have a copy of the previous CUP for the Commissioners to review.

Murat Oguz, 169 Jenks Avenue, Saint Paul said he wished that he could provide all the specifications the Committee was looking for, but he got on board with the school in late September, and he does not know what happened at the construction phase. He stated that for the bus parking they are currently using part of their VP zoned area plus Agate Street. He wasn't aware of the bus turn around issue until the Tuesday meeting with the District Council.

He let the management company know that the concern was raised and they stated they would look into it and fix the bus turn around issue.

At questions from the Commissioners, Mr. Oguz stated that they will be losing parking when they build the gym and they will need to come up with another solution for their busing and parking issues. He stated the gym project was given to another architect. Mr. Rivera is the architect for the second phase of the construction which has already been going on at the ground level of the building. He stated it is a two level building and they are doing interior renovation which is the expansion of elementary into middle school. They want to offer a proper gym to the kids. Currently they are using a larger indoor room that is not in the best interest of the students. Initially, they tried to build it to the east of the building, but due to the railroad easements they were not successful. The only other option where it could be constructed, and still be attached to the building, would be in the VP zoned area.

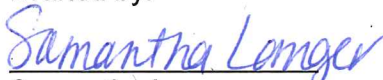
No one spoke in support or opposition. The public hearing was closed.

Commissioner Paula Merrigan moved to lay over the rezoning to June 11, 2015, to allow time for staff to get the Committee the appropriate information regarding what is allowed in industrial zoning districts and the conditions placed on the previous CUP. Commissioner Elizabeth Revele seconded the motion.


The motion passed by a vote of 7-0-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0


Drafted by:

  
Samantha Langer  
Recording Secretary

Submitted by:

  
Bill Dermody  
Zoning Section

Approved by:

  
Gaius Nelson  
Chair