

MINUTES OF THE ZONING COMMITTEE
Tuesday, November 24, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Nelson, Padilla, Wencil, and Wickiser
EXCUSED: Merrigan and Reveal
STAFF: Bill Dermody, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Nelson.

**Patrick Nseumen - 15-173-084 - Rezone from RT1 Two-Family Residential to T2
Traditional Neighborhood, 805 Hudson Road, NE corner at Wilson**

Bill Dermody presented the staff report with a recommendation of denial for the rezoning. He stated District 4 made no recommendation, and there were no letters in support or opposition.

Upon questions from Commissioners, Mr. Dermody confirmed that the area is predominately zoned RT1 Two Family Residential. Most of the other parcels listed as commercial on the land use map have most likely lost their legal nonconforming use because they have either been vacant or are now being used as residential. Mr. Dermody stated it appears that the subject parcel could be a buildable lot for something that conforms to RT1; however, variances may be required for building size. He said the lot has been in its current configuration since at least 1939.

Commissioner Wickiser stated that this site is very difficult for redevelopment. It has been vacant for a long time. If someone is interested in doing something with this site he would like to figure out a way to make it happen if possible. He questioned if taking out the drive through would make it conform to a less intense T1 zone with the café and commissary use.

Mr. Dermody stated the commissary use would not conform to a T1 use. The closest T1 parcel is about four blocks away from this location so there may still be a spot zoning issue. He stated that in a T2 district the front yard setback is zero for a commercial use.

Mr. Torstenson added that the height requirement is 35 feet and side and rear setbacks are based on whether there are openings in the walls.

At questions from the Commissioners regarding parking, Mr. Dermody stated it seems likely that a variance from the parking requirements would be necessary. He has not seen any specific references to grandfathered parking. It's not clear if there was any parking available on the lot during the time the dog grooming business was operating.

In response to Commissioners, Mr. Dermody stated that a drive through is only allowed whether it's a principal use or an accessory use in T2 zoning districts and certain B districts and requires a conditional use permit. If the rezoning is approved all T2 uses would be allowed at this site. The applicant intends to use the commissary for a food truck operation so that part would not generate any parking on its own as far as customers coming to the site.

Commissioner Padilla reiterated that if rezoned, all uses allowed in a T2 district could be allowed, subject to other limitations like a conditional use permit or variance.

The applicant was not present.

Robert Wicker, 702 Wilson Avenue, Saint Paul, spoke in opposition. He is also in charge of property at 217-219 Bates Avenue. He stated currently there is not enough parking in the area. Allowing this property to be rezoned will lower the property values in the neighborhood. He has invested in his property to raise the value, but if this restaurant goes in it will harm the area. Restaurant and catering businesses do not last very long and there is not enough parking in the area to accommodate the business. Right now they are spending over \$2,000 per year to remove leaves, mow, and for snow removal. This is all residential property and it should remain residential.

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

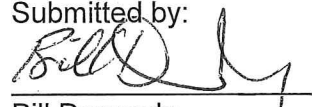
Commissioner Barbara Wencil moved denial of the rezoning. Commissioner Julie Padilla seconded the motion.

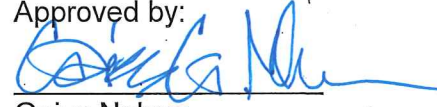
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Bill Dermody
Zoning Section

Approved by:

Gaius Nelson
Chair