



APPLICATION FOR APPEAL

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 16-07208
Fee: 453.00
Tentative Hearing Date:
12-7-16

PD=16
02282333 0132

APPELLANT

Name Cheryl Baldwin Carrie Au-Yeung Vienna Crosby Chris Doyle
Address 1043 Linwood Ave 1071 Linwood 1077 Linwood 1064 Linwood
City St. Paul st. MN zip 55105 Daytime Phone 651-224-4518

PROPERTY LOCATION

Zoning File Name St. Paul Tennis Club
Address / Location 1055 Osceola Avenue St. Paul, MN 55105

TYPE OF APPEAL: Application is hereby made for an appeal to the:

Planning Commission, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

City Council, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: October 28, 20 16 File Number: #16-064-562

GROUND'S FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

Please See Attached

OK
9244

Attach additional sheets if necessary

Appellant's Signature Cheryl Baldwin Date 11-7-16 City Agent pd 11-7-16

November 7, 2016

ATTN: Saint Paul City Council
15 Kellogg Blvd. West, 310 City Hall
Saint Paul, MN 55102

RE: Appeal of the Resolution for a Conditional Use Permit to Be Granted to the St. Paul Tennis Club by the St. Paul Planning Commission, File #16-064-562

Cheryl Baldwin, Carrie Au-Yeung, Vienna Crosby and Chris Doyle (“Neighbors”), as named Appellants, bring this appeal due to clear errors of fact, finding and procedure behind the approval by the St. Paul Planning Commission (“SPPC”) of a Resolution to approve the Conditional Use Permit (“CUP”) it granted to the St. Paul Tennis Club (“SPTC”) on October 28, 2016 (Appendix A). We request that our appeal be granted and that the Conditional Use Permit be denied, and that the SPTC be required to file for a Nonconforming Use Permit for Expansion and Relocation (“NUPER”). We are also awaiting release of the report from the State Historic Preservation Office (“SHPO”), and will take appropriate action depending on the findings, which may include exercising our right to an appeal.

EXECUTIVE SUMMARY

The SPTC is a private members-only club which is located in a neighborhood comprised largely of single-family residences which date primarily from the 1910s to the 1930s. It currently has 437 adult members, who are allowed to bring unlimited guests, and at least 100 children. It has a waiting list of over five years based upon their current rates of member turnover.

Up until now, the SPTC and Neighbors have coexisted in relative peace during months (April-October) during which the club operates, largely because the Neighbors have tolerated the occasional noise which travels beyond the club’s fences, and the increased traffic and parking issues that they have experienced.

However, there is great concern due to the SPTC’s proposed expansion (Appendix B—SPPC Packet with Final SPTC Site Plan), which consists of demolishing the existing buildings and pool, and then adding two new buildings, one of which will have a rooftop deck which was not part of the previous use, plus an expanded pool elevated to street grade, which will now be regulation-sized with 25-foot standard racing lanes and a deeper diving well. This expanded use will most certainly result in greater levels of noise, loss of privacy, increased traffic and parking burdens, and potential issues with drainage.

The Neighbors’ fears have been exacerbated by the complete lack of outreach by the SPTC regarding their plans and the attendant potential impacts, which has continued until the time of this appeal. This lack of information has been compounded at the City level by SPTC’s frequent changes to its application and site plan from its initial application in late July to October 13.

- Most of the Neighbors who are not SPTC members first heard of the SPTC’s plans through the City notice of a Zoning Committee meeting and public hearing scheduled for October 20 (Appendix L). Most received their notice postcards on October 13 or 14, after postcards were purportedly mailed October 10. The notice referred to both a CUP and a variance; the latter was

1 of 75

subsequently removed on October 13 prior to the Zoning Committee meeting, which occurred as scheduled.

- Under normal circumstances, the Summit Hill Association District 16 Planning Council (SHA) would have reviewed and made recommendations on the matter after holding its own public meeting upon first hearing about the site plan in an email from City staff on July 28. However, due to the repeated changes of substance around what the SPTC was requesting, and the changes in due dates which pushed back the Zoning Committee public hearing, it postponed deliberation until the SPTC request was finalized.
 - SHA was notified by email late in the afternoon on October 10 about the Zoning Committee meeting on October 20, which included both the CUP and variance request.
 - On October 11 SHA asked City staff for the updated site plan, which it received that day.
 - But then, on October 12, SHA was sent yet another update by City staff with more changes regarding the location of the buildings.
 - Then, on October 13, SHA received a revised Zoning Committee agenda that noted that the application was being modified yet again by the removal of the variance request.

In the midst of this, SHA acted quickly to schedule a Zoning and Land Use Committee meeting for October 18, once it was notified on October 13 of the final status of the Zoning Committee action, and sent out postcards (Appendix L) to neighbors within 350 feet of the SPTC, but most were not received by Neighbors until October 17 or 18, leaving little or no time for those interested to plan to attend the meeting or even comment.

Another issue concerns the permit request that was filed. Per the Zoning Committee Staff Report published 10/14/2016 (Appendix C), *“According to building permit records, the Saint Paul Tennis Club built its first club house in 1914. In 1922, the subject property was zoned ‘A’ residence. In the early 1960s, the tennis club was issued permits to replace the original club house and added a swimming pool to the site. In 1975, the subject property was rezoned to R-4 one-family residence. A CUP application was submitted by the club on July 27, 2016. On September 22 the applicant extended the 60-day deadline for action under Minnesota Statute 15.99 (September 25) to October 9 to provide additional time for Stat [sic] Historic Preservation Office (SHPO) to determine if the building was contributing to the historic district. (The property is located in as state-designated historic district.) Because the club was unwilling to withdraw the CUP or further extend the 60-day deadline for action, on September 27 City staff sent a letter extending the 60-day deadline an additional 60 days to December 8, 2016, as permitted under MN Stat. 15.99.”*

The Staff Report goes on to state in three places that this is a legal nonconforming use. Given that no permit for the club existed prior to the aforementioned application, it is clear that a Nonconforming Use Permit for Expansion and Relocation should have been required—which would have then required a more extensive examination of the plans and covered the majority of the concerns of the Neighbors, many of whom would have also needed to affirmatively support the plans prior to the NUPER being able to be issued. (Appendix D, which outlines the respective standards and requirements for a CUP vs. a NUPER)

Furthermore, the SPPC Resolution was contingent upon a determination by SHPO regarding the SPTC’s contributing status and potential need for an EAW. The Neighbors will be examining the findings carefully when they are released due to concerns about what we feel was erroneous or misleading information supplied by the SPTC in its application to SHPO.

The basis for this appeal is outlined below in the sections on Errors of Fact, Finding and Procedure. The Neighbors are asking for the City to require the SPTC to file for a NUPER and, if required by SHPO after their findings are released, complete an EAW. We feel that if this is done, the concerns we have will be adequately addressed and that there will be a mechanism for not only input by the Neighbors, but for enforcement by the City should the SPTC not meet the conditions set forth in the NUPER as the project is implemented.

ERRORS IN FINDING

The Planning Commission and City staff relied upon, promulgated or failed to be given the following pertinent information:

- 1. The SPTC filed for a Conditional Use Permit (CUP) when it should, in fact, have filed for a Nonconforming Use Permit for Expansion and Relocation (NUPER). This has had major implications for the review that was conducted by City staff which has resulted in several key negative impacts to the Neighbors of the proposed changes not being identified or addressed.**

The St. Paul Tennis Club is a legal nonconforming use, as noted the Staff Report (Appendix C) prepared for the Zoning Commission dated 10/14/2016. Specifically:

- a. On page 1, item F, under "Parking" it states: *"This use currently has no off-street parking spaces. Due to this, it currently has legal nonconforming status for one parking space based on the size of the use."*
- b. In page 2, item 4(b) it states that the requirement that a noncommercial recreation facility have at least one property line that abuts a major thoroughfare and provides access to same has been met: *"This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted 'clubs' at this location. The use was expanded to include the swimming pool and the current clubhouse in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional [sic] in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, is [sic] has legal nonconforming status."*

According to the St. Paul Zoning code, **Sec. 62.102 Legal Nonconforming Uses and Structures:** *A use or structure will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that prior to October 25, 1975, the use or structure was established, converted, or expanded and occupied pursuant to building permits issued by the city; if the use or structure was allowed in its location at the time it was established; or if it can be demonstrated by clear and convincing evidence that the particular use or structure has been in existence continuously since December 13, 1956. The burden of proof shall be on the property owner. For the purposes of this chapter, "use" means the principal purpose for which land or a building is being occupied. A legal nonconforming structure is one that lawfully existed when created but does not now comply with the area, width, height, yard, percent of lot coverage, or other regulations concerning bulk or location on the lot, off-street parking and loading requirements, or other regulations of the district in which it is located. The planning commission may approve permits granting legal nonconforming status to uses or structures that do not meet these standards as set forth in section 62.109(a) and (b).*

Thus, the City was in error in accepting a CUP application when, in fact, a NUPER application should have been required.

Under the St. Paul Zoning Code, **Sec. 62.106 Nonconforming Uses of Structures, or Structures and Land in Combination** (Appendix E) it states under section (f): *“A nonconforming use shall not be moved to a new location on the zoning lot or expanded in any way, including increased cubic content, unless the planning commission approves a permit for the expansion or relocation as set forth in section 62.109(d).”* In this case, the locations of the buildings are changing, along with their expansion, which would increase the cubic content, thereby triggering the need for the NUPER.

Under the St. Paul Zoning Code, **Sec. 62.109 Nonconforming Use Permits** (Appendix E) it states: *“The planning commission may approve, modify and approve, or deny nonconforming use permits. To ensure the public welfare is served, the commission may attach conditions to the permits including, but not limited to, conditions concerning appearance, signs, off-street parking or loading, lighting, hours of operation, or performance characteristics, such as noise, vibration, glare, dust, or smoke.”*

Then, per the zoning code **Sec. 62.109(d) Expansion or Relocation of Nonconforming Use**: *“The planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings,”* and goes on to state eight separate findings, three of which are particularly relevant to this case:

- (3) The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;*
- (6) After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;*
- (8) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.*

The application for a permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

The failure of the City to require the appropriate NUPER application has resulted in concerns not being identified and addressed by the City that the Neighbors have identified around sound levels and loss of privacy, especially as related to the proposed rooftop deck, increases over already unsustainable levels of traffic and parking demand, and potential drainage issues to surrounding properties and the alley.

- 2. Regardless of the permit required, the City has not addressed issues in its Site Plan Review which are required under the St. Paul Zoning Code Sec. 61.402 Site Plan Review by the Planning Commission (Appendix F). This omission has further resulted in the aforementioned Neighbor concerns around noise, loss of privacy, parking, traffic and drainage not being examined or addressed.**

Several elements which Section 61.402 (c) states must be considered in the site plan and found to be consistent with include:

(3) *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

(4) *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

(7) *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

(8) *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

(9) *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The Site Plan Review dated August 31, 2016 (Appendix G) neglects to mention or address several issues which the Neighbors have identified, included but not limited to:

- Potential issues with drainage to the adjacent lot to the west and alley due to adding up to 2.5 feet to the grade in order to make the pool ADA-compliant
- Unacceptable levels of noise due to the proposed roof deck (which is not an existing use) accommodating 49 people, which will sit well above the 8 and 12 foot fence levels around the property. Based upon SPTC's elevation plans, a building height of 12 feet above the existing grade, and the average male adult height of 5'10", voices will project from almost 18 feet.
- Loss of privacy due to the proposed roof deck, which will allow those on the deck to look over the SPTC's fences directly into Neighbors' yards and houses
- Increased traffic and demand for parking which are already an issue, but are expected to increase due to increased usage of the facility due to the added amenities this proposal provides members—and the potential for increasing the membership size due to the expansion of capacity and a significant waiting list for membership

All of these factors will most certainly have a significant negative impact to the existing character in the immediate neighborhood and their health, safety and general welfare.

3. Even if a CUP application is appropriate, this proposal, contrary to the Staff Report (Appendix C), does not meet all five standards which conditional uses must satisfy.

The Staff report finding #5 lists the five standards that all conditional uses must satisfy, yet three of the conclusions are not substantiated. The report states:

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.

(c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties

and as it is not expanding is not expected to do such in the future.

In fact, the Neighbors allege the following:

- Item (b)—The fact that the SPTC does not have a parking lot or driveway actually adds to traffic congestion and represents a major parking burden for the neighborhood, which has been considering permit parking for that reason. The impact of the club's 437 adult members, and additional guests, creates traffic out of proportion to that which would be generated by a typical residential-only neighborhood, with parking demand that dwarfs available capacity and creates a significant burden for residents for several blocks surrounding the club.
- Item (c)—The proposal reflects a significant expansion of the existing use, not just a continuation. As noted under #2 above, the negative impacts of increased noise, decreased privacy, increased traffic and parking burden, and potential drainage issues will result in a clear endangerment to the public health, safety and general welfare of neighbors in the surrounding blocks—even those who live well beyond those immediately contiguous to the club.
- Item (d)—The club in its application directly states that it intends to do work on the tennis courts in the near future. Furthermore, the negative impact of the proposed expansion will undoubtedly impact the appeal and thus, property values of the residences in the surrounding area.

ERRORS IN FACT

The Planning Commission and City staff relied upon, promulgated or failed to be given the following pertinent information:

1. **Expansion vs. Continued Use. There has been a misrepresentation of the proposed change in size for both the buildings and the pool which reflects an expansion of use, not just a continuation.**

The SPTC has misrepresented the size of this expansion and the City has also not acknowledged this in either the aforementioned Site Plan Review or Zoning Commission Staff reports. The letter by the applicant to the Department of Planning and Economic Development dated 7/26/2016 (Appendix B) states, in part: "The new buildings and pool are essentially the same size as the existing structures and provide the same amenities of the club."

This is not true. First, the pool has been touted to club members as being 40% larger than the current pool in order to be a full regulation-sized pool with an added lane and a deeper diving area. Second, based upon plans from the SPTC's architect from an earlier site plan submission, the square footage will increase from 1325 SF in the current two buildings to 1489 SF in the proposed plan (a 12.4% increase) for the first floor, and to 2209 SF (a 66.6% increase) when the rooftop deck is included. The latter is significant because the rooftop deck is not a replacement, but a completely new addition that will be open and in use during the full time that the SPTC, itself, is open, so is a considerable addition to its usable space.

Furthermore, while the applicant told the Summit Hill Association District 16 Planning Council's Zoning and Land Use Committee on 10/18/2016 that the club did not intend to increase its membership from current levels, they also noted that there was a 5+ year waiting list for

membership based upon current levels of membership turnover. It is difficult to believe that the club would not increase membership levels to take advantage of its added capacity, not to mention to bring in more revenue to defray the costs of this expansion.

2. Zoning Code Status. This property is not a noncommercial use, as characterized by the Zoning Administrator.

The Staff Report (Appendix C) lists this as a “noncommercial recreational use.” In fact, it is a private, members-only organization deemed “Commercial/Industrial” for tax purposes (Appendix H). Members, who are vetted prior to being granted membership, receive services for the fees they pay for membership. Furthermore, the SPTC has alleged that the club has a nonprofit status. Eduardo Barrera stated such in his testimony before the Zoning Committee at its October 20 meeting. This is not true.

The Neighbors’ understanding makes a noncommercial recreational use designation inappropriate for this parcel.

3. Sound Levels. The Zoning Committee was shown a diagram of how sound would travel from the rooftop deck by the SPTC architect at the October 20 meeting. This was a clear misrepresentation.

The diagram, which was not included in any official communications, including the SPPC packet, was shown at the SHA Zoning and Land Use Committee meeting on October 18 and to the Zoning Committee on October 20. It was not the result of formal sound engineering studies, which Eduardo Barrera stated in the SHA meeting would be “too expensive” to commission, but just conjecture by the architect. It was a clear misrepresentation of how sound from a rooftop deck would travel, as it indicated sound moving in just one direction: to the south. However, on a rooftop deck as proposed, sound will go out 360 degrees and flow throughout the neighborhood, over fences and around garages, trees and between houses.

The current sound generated from the tennis courts and pool at their current elevation levels travels throughout the neighborhood. As an example, neighbors living across both the alley and street, and on either side of the club, can clearly hear conversations from players on the courts. The same is true of the swimming pool, especially at the many swim meets held throughout the summer. It’s reasonable to assume that elevated conversations—especially if the deck is at full capacity of 49 people—will travel further, per Item #2 in “Errors in Findings” above.

ERRORS IN PROCEDURE

The following issues have raised concerns regarding errors by the Zoning Committee and the SPPC in procedures that call into question the validity and basis of the votes on October 20 and October 28, respectively.

- 1. No Quorum.** The Zoning Committee meeting on October 20 where this matter was discussed did not achieve a quorum, according to Roberts Rules of Order and the Planning Commission By-Laws and Rules of Procedure, Article IV Meetings, Section 4: QUORUM (Appendix I), which states: *“The powers of the commission shall be vested in the commissioners thereof in office at any one time; a majority of whom shall constitute a quorum for all purposes, but a lesser*

number may adjourn a meeting from time to time until a quorum is obtained. When a quorum is present, action may be taken by the commission upon a vote of a majority of the commissioners present except as otherwise provided for in these bylaws."

The SHA's representative at the meeting, as corroborated by Neighbors attending, plus a recording of the meeting and the Zoning Committee Results Agenda (Appendix J), reported that the meeting started with only four of the eight Zoning Committee members present, which does not constitute a quorum that would allow business to be conducted, or votes or action taken, based upon the SPPC's Bylaws and Rules of Procedure, nor Roberts Rules of Order.

By the time this case was heard, there were only three members present. Furthermore, one of the committee members left during the discussion, leaving only two present to conduct business for several minutes before returning for a motion and vote. Not only did the lack of a quorum render the committee ineligible to conduct business or vote, but it subverted the intent behind public hearings, and did a disservice to those present for the public hearing in not allowing their voices and concerns to be heard by a meaningful number of commissioners.

2. Incorrect Direction Given to Zoning Committee by the City Attorney.

The October 20 meeting was attended by a representative of the SHA, who reiterated the recommendations of the SHA Zoning and Land Use Committee as reflected in their letter (Appendix K) sent after the public meeting which was held on October 18. It was also attended by concerned Neighbors who testified regarding their concerns regarding the SPTC's proposal. As part of the Zoning Commission's discussion, Commissioner Edgerton asked if their action could be held over for two more weeks in order for the SPTC and the Neighbors who had concerns about the rooftop deck to work things out. The City Attorney stated that the Zoning Committee couldn't hold over the decision for two more weeks because there was not sufficient time.

However, per the Staff Report as mentioned earlier stated: *"Because the club was unwilling to withdraw the CUP or further extend the 60-day deadline for action, on September 27 City staff sent a letter extending the 60-day deadline an additional 60 days to December 8, 2016, as permitted under MN Stat. 15.99."* Thus, the advice given by the City Attorney was incorrect as there was, in fact, sufficient time for the matter to be held over and potentially have allowed the recommended meeting to occur.

3. Insufficient and Incorrect Notice to Neighbors.

The notice to Neighbors from the St. Paul Planning Commission Zoning Committee (Appendix L) stated the purpose for the meeting was "Conditional use permit for replacement of existing clubhouse and pool facilities, and variance of required front yard setback for pergola."

The card was supposed to have been mailed on October 10, 2016 to meet the required 10-day notice, but was not received by neighbors until at least October 13, 2016, providing only seven days notice for the hearing scheduled for October 20. Furthermore, the information on the postcard was incorrect as no variance was being sought by the SPTC. This caused confusion for residents receiving the notice. As noted in the Executive Summary of this appeal, the case to be heard was not even finalized until October 13. Furthermore, the Staff Report was not

completed until October 14—and Neighbors were not made aware of its existence until the SHA Zoning and Land Use meeting on October 18.

As noted in the chronology cited in the Executive Summary of this appeal, the SHA Zoning and Land Use Public Hearing notice (Appendix L) was received by residents on either October 17 or 18. Since the hearing was scheduled for October 18, Neighbors had little or no notice to attend, and most could not attend due to previous commitments. Moreover, there was little or no time to make arrangements to attend the hearing or formulate written responses. At the meeting, SHA Zoning and Land Use committee members noted that they had only become aware of the Staff Report that day. It was not sent to them automatically and they found out about it only by accident and had to request it.

For most Neighbors of the SPTC, this was their first indication that the club was planning a construction project since the club had chosen not to notify all immediate neighbors of the building project. Both notices were untimely and did not provide adequate time for neighbors to respond.

A small number of Neighbors did know about the Tennis Club construction prior to the notices of public hearing. They tried reaching out to City staff to gather information. Often that information was incomplete or contradictory. For example, the site plan has changed a number of times. And, facts keep changing, such as the existence of a pergola or the need for a parking variance.

CONCLUSION

Because of the errors in findings, fact and procedure as laid out above, we request that you find in favor of us, the Appellant, and deny the Conditional Use Permit granted by the Planning Commission in this case. We further request that the SPTC be required to file for a Nonconforming Use Permit for Expansion and Relocation (NUPER) and that the appropriate City review for that permit to be completed.

Sincerely,

Cheryl Baldwin
(1043 Linwood Avenue)
Carrie Au-Yeung
(1071 Linwood Avenue)

Vienna Crosby
(1077 Linwood Avenue)
Chris Doyle
(1064 Linwood Avenue)

**Appendix A—Final Resolution, St. Paul
Planning Commission, #016-064-562**

city of saint paul
planning commission resolution

file number: 16-53

date: October 28, 2016

WHEREAS, St. Paul Tennis Club, File # 16-064-562, has applied for a conditional use permit for replacement of the existing clubhouse and pool facilities under the provisions of § 61.501 and §65.235 of the Saint Paul Legislative Code, on property located at 1055 Osceola Avenue, Parcel Identification Number (PIN) 02.28.23.33.0132, legally described as Bryants Park Addition No 4, Lots 7 and 8, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Saint Paul Tennis Club would like to replace its current club house, swimming pool, and swimming-pool related facilities. The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces. The new building will also include a rooftop deck. The replacement of the building triggers the need for a CUP for this use. § 61.503 identifies changes that require a new CUP. Item (d) states "the building containing a conditional use is torn down and a new building is constructed..."
2. The club intends to maintain the same hours of operation after the renovation. The swimming pool is open between Memorial Day and Labor Day from 8:00 a.m. to 9:00 p.m., and the tennis courts are opened from Monday – Saturday from 7:00 a.m. to sunset and Sunday from 8:00 a.m. to sunset during temperate weather.
3. The subject property is located in a State Historic district. Under Minnesota Administrative Rules 4410.4300 Subp. 31, any whole or partial demolition of contributing buildings in state or federal historic districts need to go through a state environmental review process prior to the city granting a demolition permit. The club is working with the State Historic Preservation Office (SHPO) to determine if the clubhouse is a contributing structure to the historic district; SHPO has not yet made its determination.
4. § 65.235 lists three standards that a noncommercial recreation facility must satisfy:
 - (a) *The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.* This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted "clubs" at this location. The use was expanded to include the swimming pool and the current

moved by Edgerton

seconded by _____

in favor Unanimous

against _____

club house in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, it has legal nonconforming status.

- (b) *All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.* This condition is met. The site plan shows that non-hardscaped areas will have grass planted and that the hedge row between the fence and sidewalk on the south side of the property will be maintained and new trees planted. The applicant has agreed to maintain the landscaping in a healthy condition. No parking will be located in the minimum setbacks.
- (c) *Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.* This condition is met. The submitted site plan shows a six-foot fence in spaces between the buildings with a controlled gate. The remainder of the fence around the pool is comprised of 8-foot fences that separate the pool area from the tennis courts and follow the perimeter of the site.

5. § 61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The club is located in an area guided as "established neighborhood."
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties and as it is not expanding is not expected to do such in the future.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Paul Tennis Club for a conditional use permit for replacement of existing clubhouse and pool facilities at 1055 Osceola Avenue is hereby approved subject to the following conditions.

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application;
2. No construction permits may be issued until the State Historic Preservation Office determines that an environmental review is not required or until an environmental review is completed under Minnesota Statute 116D if an environmental review is required; and
3. Landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.

**Appendix B—St. Paul Planning Commission
Packet from October 28, with Final St. Paul
Tennis Club Site Plan**



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only	
File #	16-064562
Fee	
Tentative Hearing Date	8-25-16

PD=16

#022823330132

APPLICANT

Name St. Paul Tennis Club
 Address 1055 Osceola Ave.
 City St. Paul st. MN zip 55105 Daytime Phone 651.238.7659
 Name of Owner (if different) Eduardo Barrera
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address / Location 1055 Osceola Ave.
 Legal Description Lots 2,3,4,5,6,7, and 8 Bryant's Park Addition No. 4, St. Paul
 _____ Current Zoning _____
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
 Chapter 61, Section 503, Paragraph d of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see attached letter describing the project scope and intent; and the attached documents delineating the extent of the work.

ck 6942

Required site plan is attached

Applicant's Signature *[Signature]* Date 7/27/16 City Agent *[Signature]*
7-28-16

July 26, 2016

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102-1634

RE: St. Paul Tennis Club Pool and Clubhouse Replacement
1055 Osceola Avenue
CUP Application

Attached is the submittal for a Conditional Use Permit for the St. Paul Tennis Club Pool and Clubhouse Replacement project. The extent of the project consists of demolition of the existing clubhouse and pool and the surrounding concrete surfaces. The project is intended to correct numerous deficiencies for the club including:

1. The pool is in poor condition, the underground plumbing is leaking and the mechanical systems are outdated.
2. The depth of the pool and other features do not meet current Minnesota Health Department requirements.
3. The club house is not ADA accessible and is outdated and non-functional
4. The pool deck and the surrounding areas are cracked, un-level and create some safety concerns.

The proposed project is limited to the 2 lots at the west end of the club property. No work is planned for the tennis courts at this time. (Although a future project to replace the irrigation system for the clay courts with a more environmentally efficient system may be undertaken soon.) The work includes two new structures to replace the existing club house and a new pool and associated site improvements. One structure contains the restrooms, shower areas and the pool equipment. The other contains an office and a commons room for club gatherings. There is a second floor observation deck above the commons building for watching tennis. The new pool will meet current design standards, with more efficient disinfectant systems and have greater usability for the club. The new buildings and pool are essentially the same size as the existing structures and provide the same amenities of the club. This project is not intended to expand the club.

The site does not include any parking areas and does not have any exterior lighting as the club does not operate after dark. There will be minimal security lighting mounted by entrances to the buildings etc. As the St. Paul Tennis Club is a seasonal club typically operating from mid April to November, the building will not be heated and only the office will have air conditioning.


61.501. Conditional Use Permit – General Standards

- a. The proposed replacement of the pool and clubhouse continues the current use of the site and does not increase or modify the current permitted use.
- b. The proposed replacement will not alter the existing vehicle access or traffic in the area.
- c. The proposed replacement will be in the current location and behind the existing fencing and hedge. The visual presence to the neighborhood will be very similar to the current condition.
- d. The St. Paul Tennis Club has been a fixture in the neighborhood for an extremely long time. The club is sensitively screened to blend into the neighborhood.
- e. The proposed replacement complies with all the zoning ordinance requirements including setbacks, heights etc.

We hope we have completed the application accurately and completely. Please contact our office if there is any missing information. A check for \$1,000 is included with the application.

Sincerely,

292DesignGroup

A handwritten signature in black ink, appearing to read "m. wentzell", with a long horizontal flourish extending to the right.

Mark Wentzell, AIA

I hereby certify that the drawings on this sheet were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Minnesota.

MINNESOTA

Mark Westzell

Date: 09.01.2016 Reg. No: 15125

SUBMITTALS

09/01/2016 WITH 20% REVIEW

09/01/2016 100% SET

Revisions

NO.	DESCRIPTION	DATE

ST. PAUL TENNIS CLUB NEW POOL & CLUB HOUSE PROPOSED SITE PLAN

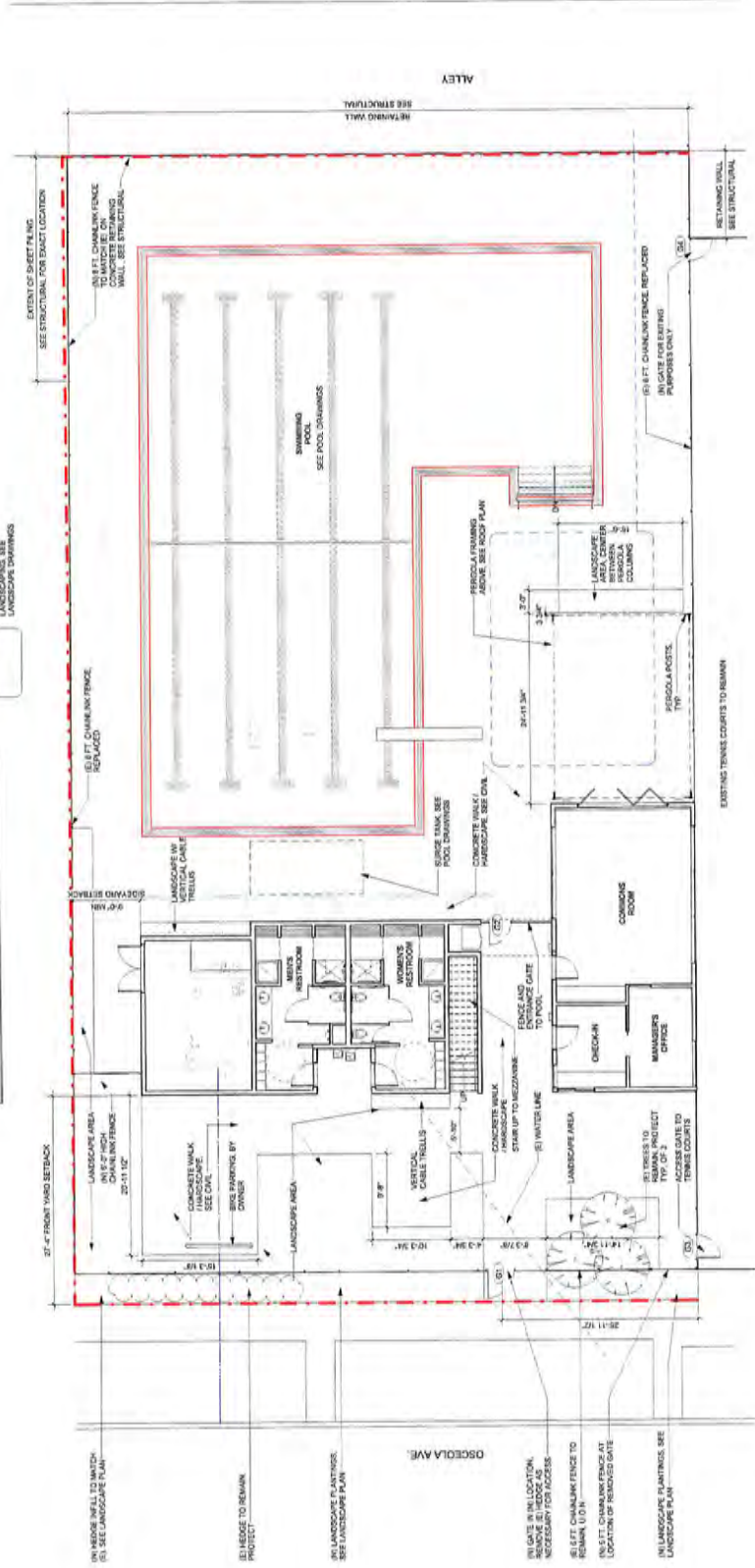
Project Number: 15058.00
Date: 09.01.2016
Drawn by: MJC
Checked by: MVJ

A101

Scale: As Indicated

GENERAL NOTES - SITE PLAN

- A. DO NOT SCALE DRAWINGS
- B. SEE STRUCTURAL FOR REMAINING WALLS
- C. SEE CIVIL FOR GRADING AND CONCRETE WORK/SLOPES



1. PROPOSED SITE PLAN
1/8" = 1'-0"



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-266-6549*

September 21, 2016

Eduardo Barrera
St. Paul Tennis Club
1055 Osceola Avenue
Saint Paul MN 55105-3235

RE: Zoning File #16-064562 Conditional Use Permit Application for 1055 Osceola Avenue (St. Paul Tennis Club)

Dear Mr. Barrera:

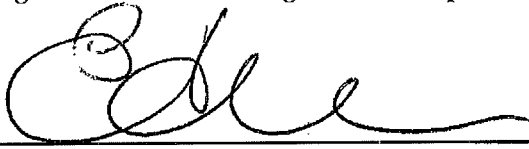
Our review of your site development has revealed that the property is located in a State Historic District. Minnesota law requires that an EAW (environmental assessment worksheet) be completed before the City may issue any permits for the destruction, in whole or part, and the moving of certain historic properties. This requirement applies to your property since it is located in as State Historic District. The City will need to request a determination from the State Historic Preservation Office (SHPO). Contact Amy Spong (or 651-266-6714) for instructions on how to initiate a request.

If your property has been determined by SHPO to be "contributing," there are two options to consider. Option one is to complete an EAW. The EAW process will include an evaluation of the property by a qualified historic preservation professional and recommendations of what, if any, form of mitigation may be needed if the property is ultimately demolished. To complete the EAW process, the City must determine that all potential environmental effects of your proposed project are understood and that adequate mitigation for any effects has been identified. Once the EAW process has been completed, the City may issue permits for the work. Please be advised that the EAW process, including the evaluation of your property, will likely take two months or more. For more details on the EAW process, or for assistance in initiating an EAW, please contact Josh Williams (or 651-266-6659) for assistance in initiating this process.

Option two is to challenge the "contributing" determination made by SHPO. If SHPO determines upon further review that your property is "noncontributing" the EAW requirement does not apply. If SHPO's still determines your property to be "contributing" upon further review, you

may appeal SHPO's determination to the Keeper of the National Register, a federal entity. Please contact Amy Spang (or 651-266-6714) for assistance in initiating this process.

Zoning Decision with respect to your application for site plan approval MN Statute 15.99, gives the City 60 days to approve or deny this application from the date of submission (July 27, 2016). Based on the above, and the length of time that may be necessary if an EAW is required, we ask that you agree to extend the time of decision for the conditional use permit until it is determined whether an EAW is required; or, if required the EAW process is completed. **If you agree to extend the 60-day requirement of MN Statute 15.99 by 14 days to October 9, 2016, please sign and date on the signature line provided below and returned to me.**



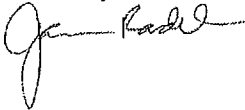
Eduardo Barrera (or other authorized signatory for the tennis club)

9/22/16

Date

If you have any questions, please do not hesitate to contact me at 651-266-6614.

Sincerely,



Jamie Radel
Senior Planner



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

September 27, 2016

Eduardo Barrera
St. Paul Tennis Club
1055 Osceola Ave
St Paul MN 55105

RE: Zoning File # 16-064-562, St. Paul Tennis Club

Dear Mr. Barrera:

On July 27, 2016, you applied to rezone property at 1055 Osceola Ave. Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made, but allows the City to extend this period for an additional 60 days (total of 120 days). On September 22, 2016, you provided a two-week extension to original 60 days, which will expire on October 9, 2016. The City is extending the deadline for decision by an additional 60 days to December 8, 2016.

Your conditional use permit is scheduled to be heard before the Zoning Committee of the Planning Commission on October 20, 2016. As indicated by email yesterday, the hearing of this case does not signal that the state-required environmental review process is concluded. These are separate processes on separate timelines.

Please contact me at 651-266-6614 or jamie.radel@ci.stpaul.mn.us if you have questions.

Sincerely,

Jamie Radel
Senior City Planner

cc: File # 16-064-562
Zoning Administrator
District 16 Community Council

1055 Osceola Avenue



Saint Paul Tennis Club



Saint Paul Tennis Club

1055 Osceola Avenue



North of subject property



South of the subject property

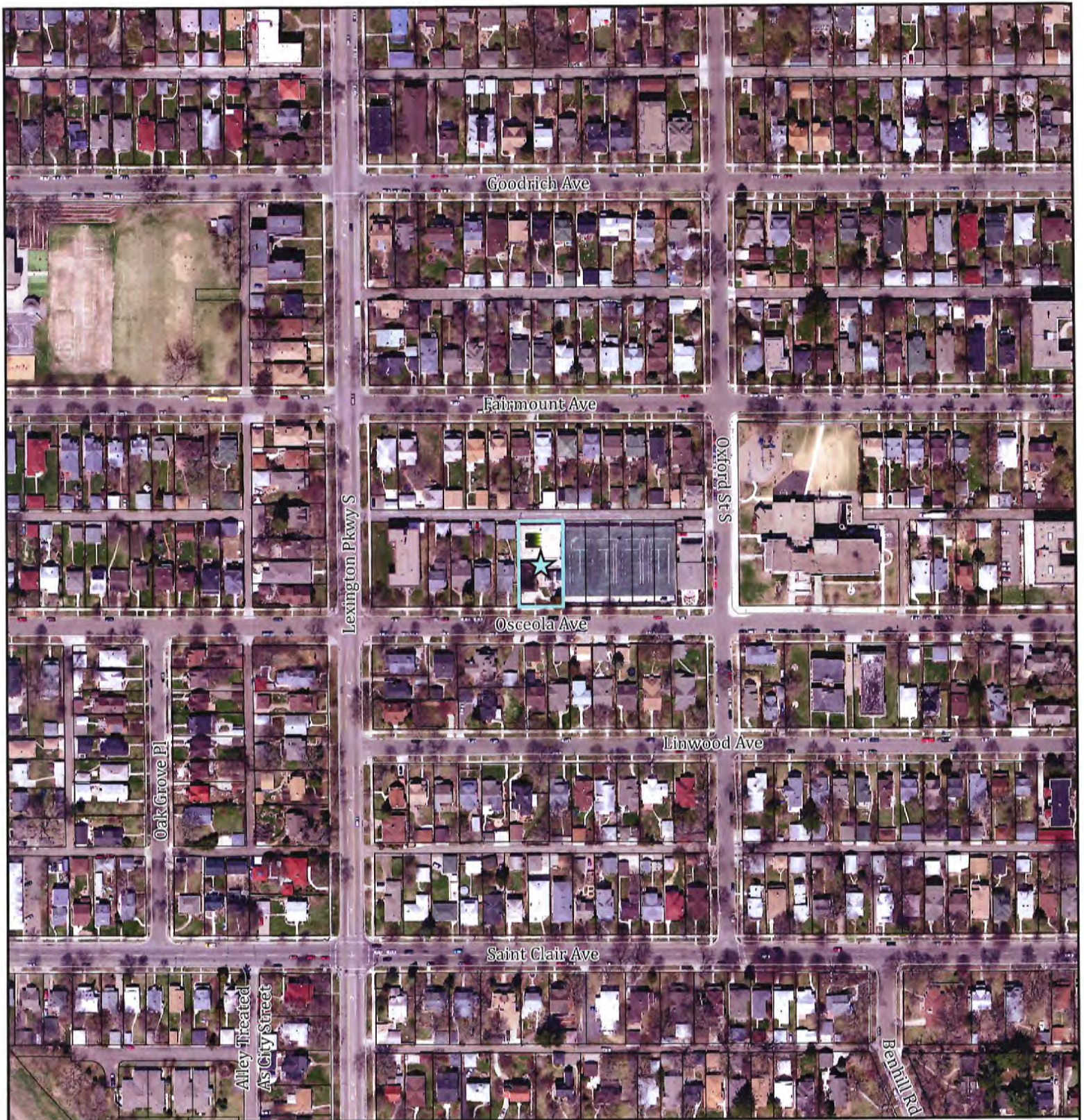
1055 Osceola Avenue



East of subject property




West of subject property



FILE NAME: St. Paul Tennis Club

Aerial

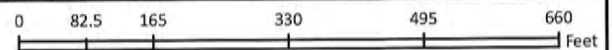
APPLICATION TYPE: CUP

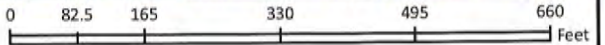
 Subject Parcels

FILE #: 16-064562 DATE: 8/2/2016

PLANNING DISTRICT: 16

ZONING PANEL: 20





FILE NAME: St. Paul Tennis Club

APPLICATION TYPE: CUP

FILE #: 16-064562 DATE: 8/2/2016

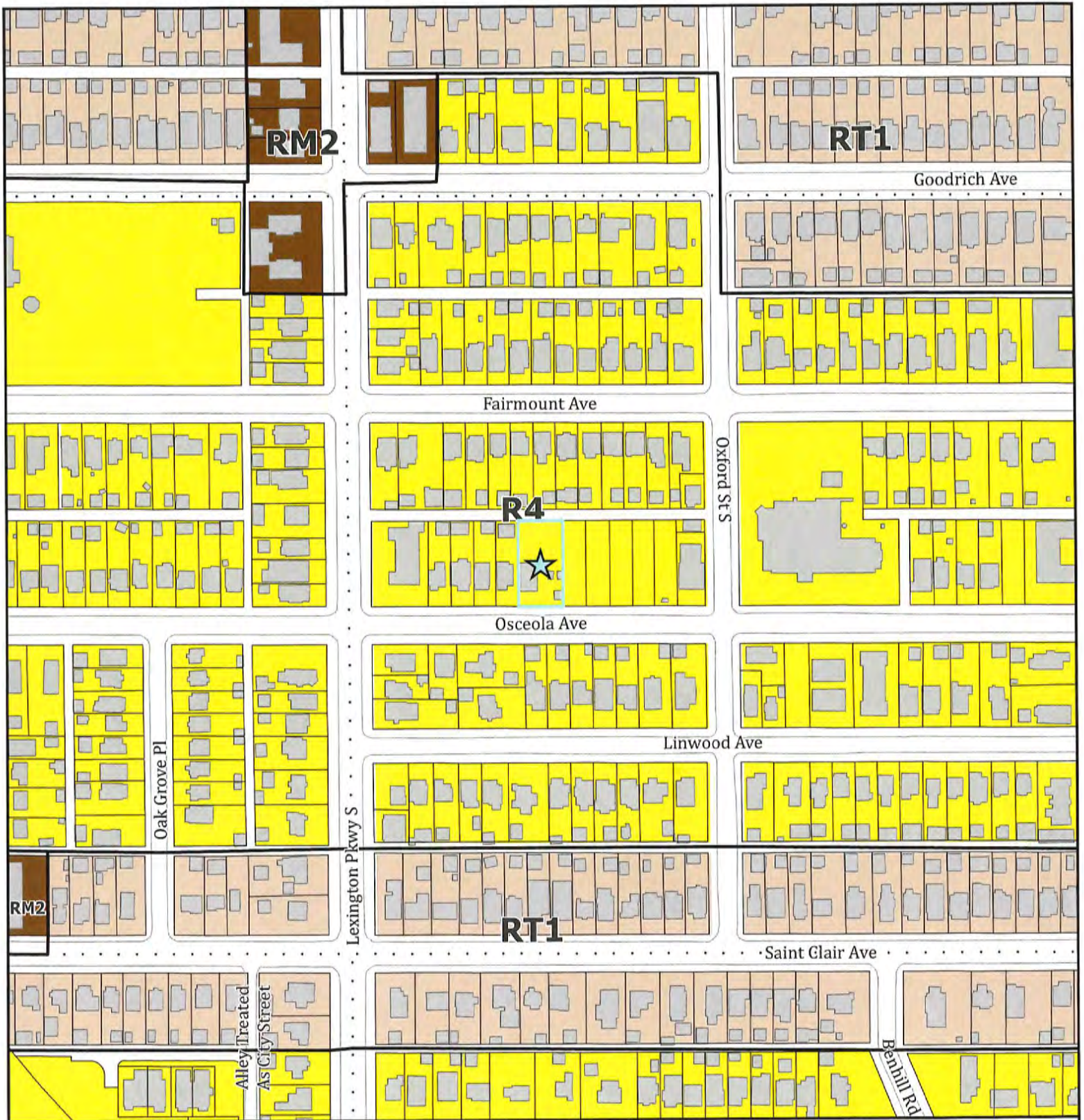
PLANNING DISTRICT: 16

ZONING PANEL: 20

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Railway
- Subject Parcels
- Section Lines

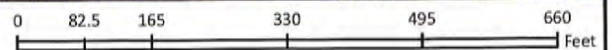




FILE NAME: St. Paul Tennis Club
 APPLICATION TYPE: CUP
 FILE #: 16-064562 DATE: 8/2/2016
 PLANNING DISTRICT: 16
 ZONING PANEL: 20

Zoning

- Subject Parcels
- Section Lines
- R4 One-Family
- RT1 Two-Family
- RM2 Multiple-Family



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** St. Paul Tennis Club **FILE #** 16-064-562
 2. **APPLICANT:** St. Paul Tennis Club **HEARING DATE:** October 20, 2016
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1055 Osceola Ave, between Oxford and Lexington Pkwy.
 5. **PIN & LEGAL DESCRIPTION:** 022823330132, Bryants Park Addition No 4 Lots 7 And Lot 8 Blk 1
 6. **PLANNING DISTRICT:** 16 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §65.235; §61.501
 8. **STAFF REPORT DATE:** October 14, 2016 **BY:** Jamie Radel
 9. **DATE RECEIVED:** July 27, 2016 **120-DAY DEADLINE FOR ACTION:** December 8, 2016
-
-

- A. **PURPOSE:** Conditional use permit for replacement of existing clubhouse and pool facilities.
- B. **PARCEL SIZE:** 12,196 sq. ft. (0.28 acres)
- C. **EXISTING LAND USE:** C-Health/Sports Club
- D. **SURROUNDING LAND USE:**
North: Single-family detached
East: Single-family attached and Linwood School
South: Single-family attached and detached
West: Primarily single-family detached with a multifamily at the end of the block E.
- E. **ZONING CODE CITATION:** §65.235 lists conditions that must be met by noncommercial recreation uses; §61.501 lists general conditions that must be met by all conditional uses.
- F. **PARKING:** This use currently has no off-street parking spaces. Due to this, it currently has legal nonconforming status for one parking space based on the size of the use.
- G. **HISTORY/DISCUSSION:** According to building permit records, the Saint Paul Tennis Club built its first club house in 1914. In 1922, the subject property was zoned "A" residence. In the early 1960s, the tennis club was issued permits to replace the original club house and added a swimming pool to the site. In 1975, the subject property was rezoned to R-4 one-family residence.
A CUP application was submitted by the club on July 27, 2016. On September 22 the applicant extended the 60-day deadline for action under Minnesota Statute 15.99 (September 25) to October 9 to provide additional time for Stat Historic Preservation Office (SHPO) to determine if the building was contributing to the historic district. (The property is located in as state-designated historic district.) Because the club was unwilling to withdraw the CUP or further extend the 60-day deadline for action, on September 27 City staff sent a letter extending the 60-day deadline an additional 60 days to December 8, 2016, as permitted under MN Stat. 15.99.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 16 Council has not provided a letter at the writing of this report.
- I. **FINDINGS:**
 1. The Saint Paul Tennis Club would like to replace its current club house, swimming pool, and swimming-pool related facilities. The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces. The new building will also include a rooftop deck. The replacement of the building triggers the need for a CUP for this use. Section 61.503 identifies changes that require a new CUP. Item d states "the building containing a conditional use is torn down and a new building is constructed..."
 2. The club intends to maintain the same hours of operation after the renovation. The swimming pool is open between Memorial Day and Labor Day from 8:00 a.m. to 9:00 p.m., and the tennis

courts are opened from Monday – Saturday from 7:00 a.m. to sunset and Sunday from 8:00 a.m. to sunset during temperate weather.

3. The subject property is located in a State Historic district. Under Minnesota Administrative Rules 4410.4300 Subp. 31, any whole or partial demolition of contributing buildings in state or federal historic districts need to go through a state environmental review process prior to the city granting a demolition permit. The club is working with the SHPO to determine if the clubhouse is a contributing structure to the historic district; SHPO has not made its determination at the writing of this report.
4. §65.235 lists three standards that a noncommercial recreation facility must satisfy:
 - (a) *The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.* This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted “clubs” at this location. The use was expanded to include the swimming pool and the current club house in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, it has legal nonconforming status.
 - (b) *All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.* This condition can be met subject to the condition that the existing fence structure in the front yard, which does not meet the four-foot height limit for fences in a required front yard and is visually closed, be replaced to meet the height requirement and is visually open. The site plan shows that non-hardscaped areas will have grass planted and that the hedge row between the fence and sidewalk on the south side of the property will be maintained and new trees planted. The applicant has agreed to maintain the landscaping in a healthy condition. No parking will be located in the minimum setbacks.
 - (c) *Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.* This condition is met. The submitted site plan shows a six-foot fence in spaces between the buildings with a controlled gate. The remainder of the fence around the pool is comprised of 8-foot fences that separate the pool area from the tennis courts and follow the perimeter of the site.
5. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The club is located in an area guided as “established neighborhood.”
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties and as it is not expanding is not expected to do such in the future.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to the front yard fence being replaced with a visually open fence that meets the height limit for fences in required front yards. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for replacement of existing clubhouse and pool facilities with the following conditions:
1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application;
 2. No construction permits may be issued until the State Historic Preservation Office determines that an environmental review is not required or until an environmental review is completed under Minnesota Statute 16D if an environmental review is required; and
 3. Replacement of the front yard fence with a visually open fence that conforms to the height limit for fences in required front yards, and that landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.

**Appendix C--Staff Report Zoning Committee,
October 14, 2016**

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** St. Paul Tennis Club **FILE #** 16-064-562
 2. **APPLICANT:** St. Paul Tennis Club **HEARING DATE:** October 20, 2016
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1055 Osceola Ave, between Oxford and Lexington Pkwy.
 5. **PIN & LEGAL DESCRIPTION:** 022823330132, Bryants Park Addition No 4 Lots 7 And Lot 8 Blk 1
 6. **PLANNING DISTRICT:** 16 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §65.235; §61.501
 8. **STAFF REPORT DATE:** October 14, 2016 **BY:** Jamie Radel
 9. **DATE RECEIVED:** July 27, 2016 **120-DAY DEADLINE FOR ACTION:** December 8, 2016
-
-

- A. **PURPOSE:** Conditional use permit for replacement of existing clubhouse and pool facilities.
- B. **PARCEL SIZE:** 12,196 sq. ft. (0.28 acres)
- C. **EXISTING LAND USE:** C-Health/Sports Club
- D. **SURROUNDING LAND USE:**
 - North: Single-family detached
 - East: Single-family attached and Linwood School
 - South: Single-family attached and detached
 - West: Primarily single-family detached with a multifamily at the end of the block E.
- E. **ZONING CODE CITATION:** §65.235 lists conditions that must be met by noncommercial recreation uses; §61.501 lists general conditions that must be met by all conditional uses.
- F. **PARKING:** This use currently has no off-street parking spaces. Due to this, it currently has legal nonconforming status for one parking space based on the size of the use.
- G. **HISTORY/DISCUSSION:** According to building permit records, the Saint Paul Tennis Club built its first club house in 1914. In 1922, the subject property was zoned "A" residence. In the early 1960s, the tennis club was issued permits to replace the original club house and added a swimming pool to the site. In 1975, the subject property was rezoned to R-4 one-family residence.

A CUP application was submitted by the club on July 27, 2016. On September 22 the applicant extended the 60-day deadline for action under Minnesota Statute 15.99 (September 25) to October 9 to provide additional time for Stat Historic Preservation Office (SHPO) to determine if the building was contributing to the historic district. (The property is located in as state-designated historic district.) Because the club was unwilling to withdraw the CUP or further extend the 60-day deadline for action, on September 27 City staff sent a letter extending the 60-day deadline an additional 60 days to December 8, 2016, as permitted under MN Stat. 15.99.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 16 Council has not provided a letter at the writing of this report.
- I. **FINDINGS:**
 1. The Saint Paul Tennis Club would like to replace its current club house, swimming pool, and swimming-pool related facilities. The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces. The new building will also include a rooftop deck. The replacement of the building triggers the need for a CUP for this use. Section 61.503 identifies changes that require a new CUP. Item d states "the building containing a conditional use is torn down and a new building is constructed..."
 2. The club intends to maintain the same hours of operation after the renovation. The swimming pool is open between Memorial Day and Labor Day from 8:00 a.m. to 9:00 p.m., and the tennis

courts are opened from Monday – Saturday from 7:00 a.m. to sunset and Sunday from 8:00 a.m. to sunset during temperate weather.

3. The subject property is located in a State Historic district. Under Minnesota Administrative Rules 4410.4300 Subp. 31, any whole or partial demolition of contributing buildings in state or federal historic districts need to go through a state environmental review process prior to the city granting a demolition permit. The club is working with the SHPO to determine if the clubhouse is a contributing structure to the historic district; SHPO has not made its determination at the writing of this report.
4. §65.235 lists three standards that a noncommercial recreation facility must satisfy:
 - (a) *The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.* This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted “clubs” at this location. The use was expanded to include the swimming pool and the current club house in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, it has legal nonconforming status.
 - (b) *All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.* This condition can be met subject to the condition that the existing fence structure in the front yard, which does not meet the four-foot height limit for fences in a required front yard and is visually closed, be replaced to meet the height requirement and is visually open. The site plan shows that non-hardscaped areas will have grass planted and that the hedge row between the fence and sidewalk on the south side of the property will be maintained and new trees planted. The applicant has agreed to maintain the landscaping in a healthy condition. No parking will be located in the minimum setbacks.
 - (c) *Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.* This condition is met. The submitted site plan shows a six-foot fence in spaces between the buildings with a controlled gate. The remainder of the fence around the pool is comprised of 8-foot fences that separate the pool area from the tennis courts and follow the perimeter of the site.
5. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The club is located in an area guided as “established neighborhood.”
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties and as it is not expanding is not expected to do such in the future.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to the front yard fence being replaced with a visually open fence that meets the height limit for fences in required front yards. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for replacement of existing clubhouse and pool facilities with the following conditions:
1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application;
 2. No construction permits may be issued until the State Historic Preservation Office determines that an environmental review is not required or until an environmental review is completed under Minnesota Statute 16D if an environmental review is required; and
 3. Replacement of the front yard fence with a visually open fence that conforms to the height limit for fences in required front yards, and that landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.

**Appendix D--Standards for Conditional Use
Permits vs. Nonconditional Use Permits for
Expansion and Relocation**

St. Paul Zoning Code Requirements and Standards for Conditional Use Permits vs. Nonconforming Use Permits for Expansion and Relocation

Nonconforming Use Permit for Expansion and Relocation Sec. 62.109(d)	Conditional Use Permit for Noncommercial Recreation Facility Sec. 61.501 and 65.235
In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units.	The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.
For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.	The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.	The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.	The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.	The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.	The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.
The use is consistent with the comprehensive plan.	All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.
A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.	Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
The application for a permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.	
Site Plan Review and Approval Standards, All Non-1 or 2 Family Residential Buildings Sec. 61.402(c)	
<ol style="list-style-type: none"> (1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city. (2) Applicable ordinances of the city. (3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas. (4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses. (5) The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected. (6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures. (7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, 	

including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

(8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.

(9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

(10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

(11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

Appendix E—St. Paul Zoning Code, Sec. 62.109
Nonconforming Use Permits

Chapter 62. - Zoning Code—Nonconforming Lots, Uses and Structures

Sec. 62.101. - Intent.

There exist within the districts established by this code and subsequent amendments lots, structures, and uses of land and structures that were lawful before this code was passed or amended that would be prohibited, regulated or restricted under the terms of this code or future amendments. It is the intent of this code to permit legal nonconforming lots, structures or uses to continue until they are removed and not replaced in accordance with Minnesota Statutes, section 462.357, subdivision 1e.

The code recognizes that in some circumstances allowing nonconforming uses to be changed to similar or less intense nonconforming uses, or allowing nonconforming uses to be reestablished in vacant buildings may benefit the city and surrounding neighborhood. Some buildings have a long useful life and allowing their continued occupancy for nonconforming uses can be more desirable than requiring them to be vacant if they cannot be converted to conforming uses. Consequently, the code allows conversion of nonconforming uses to similar nonconforming uses and allows the planning commission to reestablish nonconforming uses in vacant buildings if regulated so as to be compatible with the surrounding neighborhood.

The code provides, under limited circumstances, for expansions or relocations of nonconforming uses when compatible with the surrounding neighborhood.

(Ord 12-71, § 2, 12-12-12)

Sec. 62.102. - Legal nonconforming uses and structures.

A use or structure will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that prior to October 25, 1975, the use or structure was established, converted, or expanded and occupied pursuant to building permits issued by the city; if the use or structure was allowed in its location at the time it was established; or if it can be demonstrated by clear and convincing evidence that the particular use or structure has been in existence continuously since December 13, 1956. The burden of proof shall be on the property owner. For the purposes of this chapter, "use" means the principal purpose for which land or a building is being occupied. A legal nonconforming structure is one that lawfully existed when created but does not now comply with the area, width, height, yard, percent of lot coverage, or other regulations concerning bulk or location on the lot, off-street parking and loading requirements, or other regulations of the district in which it is located. The planning commission may approve permits granting legal nonconforming status to uses or structures that do not meet these standards as set forth in section 62.109(a) and (b).

(Ord 12-71, § 2, 12-12-12)

Sec. 62.103. - Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of zoning appeals.

If three (3) or more lots or combinations of lots and portions of lots with continuous street frontage in single ownership are of record on the effective date of this code or amendments thereto, and if all or part of the lots do not meet the requirements for lot width and area as established by this code, the lands involved shall be considered to be an undivided parcel for the purpose of this code, and no portion of said

parcel shall be used or occupied which does not meet lot width and area requirements established by this code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this code.

Sec. 62.104. - Nonconforming uses of land.

Nonconforming uses of land are subject to the following provisions:

- (a) A legal nonconforming use of land may continue unless it is discontinued for a period of more than one (1) year.
- (b) A legal nonconforming use shall not be expanded to a greater height or to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless the planning commission approves a permit for the expansion as set forth in section 62.109(d).
- (c) A nonconforming use shall not be moved in whole or in part to any other portion of the lot unless the planning commission approves a permit for the relocation as set forth in section 62.109(d).
- (d) If a legal nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located.
- (e) Any land on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulation for the district in which such land is located and the nonconforming use may not thereafter be resumed.
- (f) An existing off-street parking space for one- and two-family dwellings in a required front or side yard shall be considered a legal nonconforming use provided the parking space was established pursuant to a curb cut permit issued by the department of public works prior to October 25, 1975, and the parking space has existed continuously since the permit was issued or it can be demonstrated by clear and convincing evidence that the parking space has been in existence and used continuously since October 25, 1975. The burden of proof shall be on the property owner.
- (g) Any replacement of equipment shall not result in an increase in noise, vibration, glare, dust, or smoke.

(Ord 12-71, § 2, 12-12-12)

Sec. 62.105. - Nonconforming structures with conforming uses.

Nonconforming structures with conforming uses are subject to the following provisions:

- (a) A legal nonconforming structure may continue, including through repair, replacement, restoration, maintenance, and improvement, unless the nonconformity is discontinued for a period of more than one (1) year.
- (b) A nonconforming structure may be physically expanded or altered so long as such expansion or alteration does not increase its nonconformity and the use in the expanded or altered area of the structure meets any zoning separation requirement. A structure with a nonconforming setback shall not be expanded horizontally or vertically within the setback area, with the exception that an addition to a one- or two-family dwelling may be built along an existing nonconforming side setback line providing:
 - (1) The addition is on the back of the building or fills in a jog on the side of the building, does not alter the front facade, and does not create a building height greater than twenty-two (22) feet; and
 - (2) The footprint of the addition does not exceed two hundred fifty (250) square feet; and

- (3) The roof pitch on the front third of the building is not altered.
- (c) When a nonconforming structure is removed or destroyed by any means, including by fire or other peril, to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of the removal or damage, and no building permit for repair or replacement of the structure has been applied for within one hundred-eighty (180) days of the removal or damage, it shall not be reconstructed except in conformity with the provisions of this code.
- (d) When a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord 12-71, § 2, 12-12-12; Ord 15-33, § 1, 7-22-15)

Sec. 62.106. - Nonconforming uses of structures, or structures and land in combination.

Nonconforming uses of structures, or structures and land in combination, are subject to the following regulations:

- (a) Legal nonconforming use of structures, or structures and land in combination, may continue, including through repair, replacement, restoration, maintenance, and improvement of structures, unless the nonconformity is discontinued for a period of more than one (1) year.
- (b) A legal nonconforming use may be changed to a use permitted in the district in which it is located or to a new nonconforming use if the new nonconforming use is listed on the same line of the use tables in Chapter 66 as the most recent nonconforming use. A legal nonconforming use may be changed to a use permitted in the district in which the most recent nonconforming use is first allowed, or a principal use permitted in a district that is more restrictive than the district in which the most recent nonconforming use is first allowed, provided the planning commission approves a permit for the change as set forth in section 62.109(c).
- (c) The number of legal nonconforming uses on a zoning lot shall not be increased unless the planning commission approves a change of nonconforming use permit as set forth in section 62.109(c).
- (d) When a nonconforming use changes to a use permitted in the district in which the property is located, a nonconforming use may not thereafter be resumed. When a nonconforming use changes to a use first permitted in a more restrictive district, nonconforming uses first permitted in less restrictive districts shall not thereafter be resumed.
- (e) A legal nonconforming residential use may be extended throughout any parts of a residential structure provided that no additional units are added, but it shall not be expanded to occupy any land or a larger area of land outside the structure, unless the planning commission approves a permit for the expansion as set forth in section 62.109(d).
- (f) A nonconforming use shall not be moved to a new location on the zoning lot or expanded in any way, including increased cubic content, unless the planning commission approves a permit for the expansion or relocation as set forth in section 62.109(d).
- (g) Any replacement of equipment shall not result in an increase in noise, vibration, glare, dust, or smoke.
- (h) When a legal nonconforming use is discontinued or ceases to exist for a continuous period of more than one (1) year, the building, or building and land in combination, shall thereafter be used in conformance with the regulations of the district in which it is located, unless the planning commission approves a permit to reestablish the nonconforming use as set forth in section 62.109(e). A residential building vacant for more than one (1) year may be re-established at the number of units for which it was originally constructed provided that it has not been physically converted to a fewer number of units. If the building has been converted to fewer units, the use

may be re-established up to the reduced number of units. The zoning administrator shall determine the number of units at the time of original construction by any of the following methods: an onsite inspection, building permit records, county assessor records, or similar public records. If the original number of units cannot be clearly established by the zoning administrator, the process for reestablishment of a nonconforming use in section 62.109(e) shall be followed.

- (i) When a structure containing a nonconforming use is removed or destroyed by any means, including by fire or other peril, to the extent of more than fifty (50) percent of its estimated market value as indicated in the records of the county assessor at the time of the destruction, and no building permit for repair or replacement of the structure has been applied for within one hundred eighty (180) days of the time of the removal or damage, it shall not be reconstructed except in conformity with the provisions of this code.
- (j) Accessory off-street parking spaces or garages may be constructed on the site of a nonconforming use, so long as they comply with the requirements of articles 63.200, 63.300, 63.500 and 65.900 and the setbacks required in the district where the use is first permitted.
- (k) Any nonconforming residential use with four (4) or fewer dwelling units, may construct an accessory building other than a garage provided the building complies with the requirements for accessory buildings and uses in articles 63.500 and 65.900. For all other nonconforming uses, an accessory building shall be considered an expansion of the nonconforming use and may be constructed provided it complies with articles 63.500 and 65.900 and the planning commission approves a permit for the expansion as provided in subsection 62.109(d).
- (l) In any RM3, T4, OS, B1, B2, B3, I1, or VP district, nonconforming residential uses may be expanded, or reconstructed provided that in the B1, B2, B3, I1, and VP districts no additional dwelling units are added on the lot. Any business operated out of a residence must meet all home occupation standards. Expansion or reconstruction of nonconforming residential uses in these districts shall meet the T2 height and minimum yard setback requirements for the use and the requirements for off-street parking in article 63.200.
- (m) In RL—R4 districts, existing legal nonconforming two-family residential uses may be expanded. The expansion must meet the yard setbacks and the percentage of lot coverage requirements of the zoning district in which located or the RT1 district, whichever is greater; the height limit of the district in which located; and the requirements for off-street parking in article 63.200.
- (n) In any residential district, existing commercial greenhouses may be expanded, or altered. The greenhouses must meet the height, yard setbacks, and percentage of lot coverage of section 66.230, residential district density and dimensional standards, for the district in which they are located and the requirements for off-street parking, article 63.200.
- (o) Existing auto body shops located in zones other than industrial zones shall be considered, for purposes of changes in nonconforming uses, as B3 uses. Auto body shops that are legally nonconforming in T2-T4 and B3 zoning districts may expand even though they are not permitted uses in these zoning districts. Auto service stations in T2, T3 and B2 zoning districts which remove their gas tanks and pumps will be regarded as legal nonconforming auto repair stations. Auto repair stations and auto specialty stores that are legally nonconforming in T2-T4 zoning districts may expand even though they are not permitted uses in these zoning districts.
- (p) Existing gun shops that are legally nonconforming, and are not pawn shops, shall be considered, for purposes of changes in nonconforming uses, as permitted uses and may expand even though gun shops are not permitted uses in the district, provided that the amount of floor area devoted to the display and sale of firearms is not increased and that any new public entrance is not located within one thousand (1,000) radial feet of any "protected use," as defined in section 65.520(a) of this Code.
- (q) Existing municipal yard waste sites that are legally nonconforming in the IT transitional industrial district may expand as a conditional use under the provision of sections 61.501—61.504 and

section 65.331 even though new municipal yard waste sites are not permitted in the IT transitional industrial district.

(C.F. No. 06-120, § 1, 2-22-06; Ord. No. 11-27, § 1, 4-20-11; Ord 12-71, § 2, 12-12-12; Ord 13-22, § 2, 8-21-13)

Sec. 62.107. - Strengthening unsafe structures.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

(Ord. No. C-248-03, § 1, 11-18-03)

Sec. 62.108. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, and premises and nonconforming structures with conforming uses provided there is no change in the nature or character of such nonconforming use or structure.

Sec. 62.109. - Nonconforming use permits.

The planning commission may approve, modify and approve, or deny nonconforming use permits. To ensure the public welfare is served, the commission may attach conditions to the permits including, but not limited to, conditions concerning appearance, signs, off-street parking or loading, lighting, hours of operation, or performance characteristics, such as noise, vibration, glare, dust, or smoke.

The planning commission, in approving nonconforming use permits, may allow a nonconforming use for a specified period of time and then require its removal by attaching an expiration date to the permit if the commission makes the following findings: (1) termination of the nonconforming use or the continued vacancy of the building in which the nonconforming use was located would cause significant hardship; (2) permitting the nonconforming use for a period of time will facilitate the transition to a conforming use; and (3) permitting the nonconforming use for a period of time is consistent with the public health, safety, comfort, morals, and welfare. The period of time for which the permit is valid shall be determined in each case by the commission and shall be based on the extent of the hardship.

The planning commission shall hear and decide nonconforming use permits in accordance with the procedures and requirements of chapter 61, administration and enforcement. The planning commission may consider the following nonconforming use permits:

- (a) *Establishment of legal nonconforming status.* The planning commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:
- (1) The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application;
 - (2) The off-street parking is adequate to serve the use;
 - (3) Hardship would result if the use were discontinued;
 - (4) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;
 - (5) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;

- (6) The use is consistent with the comprehensive plan; and
- (7) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.

The application for the permit shall include the petition, evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

(b) *Nonconforming commercial and industrial parking use.* The planning commission may grant legal nonconforming status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and IR-I1 industrial districts if the commission makes the following findings:

- (1) The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application;
- (2) The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application;
- (3) The parking lot is to serve abutting commercially or industrially zoned property;
- (4) The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (5) The parking lot is consistent with the comprehensive plan; and
- (6) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the parking lot.

The application for the permit shall include the petition, evidence of a ten-year period of existence, a site plan meeting the requirements of section 61.401, and other information as required to substantiate the permit.

(c) *Change of nonconforming use.* The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:

- (1) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;
- (2) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;
- (3) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and
- (4) The use is consistent with the comprehensive plan.

The planning commission's findings may be a general rule or findings in a specific case.

(d) *Expansion or relocation of nonconforming use.* The planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:

- (1) In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units;
- (2) For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;
- (3) The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;
- (4) Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses;
- (5) Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use;
- (6) After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;
- (7) The use is consistent with the comprehensive plan; and
- (8) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.

The application for a permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

- (e) *Reestablishment of nonconforming use.* When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:

- (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;
- (2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use;
- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (4) The proposed use is consistent with the comprehensive plan; and
- (5) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

(Ord 12-71, § 2, 12-12-12; Ord 15-32, § 3, 7-22-15)

Sec. 62.110. - Nonconforming adult bookstores.

Adult business are subject to all of the provisions of this chapter with the following addition; when any nonconforming adult business or any building or portion of a building containing a nonconforming adult use is destroyed to an extent greater than fifty (50) percent of its market value, the adult business shall not be reestablished.

(C.F. No. 05-400, § 2, 5-25-05)

**Appendix F—St. Paul Zoning Code Sec. 61.402
Site Plan Review by the Planning Commission**

ARTICLE IV. - 61.400. SITE PLAN REVIEW

Sec. 61.401. - Site plan review generally.

A site plan shall be submitted to and approved by the zoning administrator before building permits are issued for new buildings or building expansions. Building permit applications for new buildings or building expansions shall be accompanied by a site plan and building elevations drawn to scale and showing the following:

- (1) The actual shape, location and dimensions of the zoning lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot.
- (3) The existing and intended use of the zoning lot and of all such structures upon it, including, for residential uses, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the zoning lot or adjoining lots as may be determined by the zoning administrator as essential for determining whether the provisions of this code are being observed.

(C.F. No. 09-1286, § 2, 12-23-09)

Sec. 61.402. - Site plan review by the planning commission.

(a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except one- and two-family dwellings, and including the following:

- (1) Any development of one- and two-family residences which together exceed two (2) acres (87,120 square feet) in area.
- (2) In the TP tree preservation district, any development of one- and two-family residences over one (1) acre (43,560 square feet) in area.
- (3) All residentially related uses in one-family districts, such as, but not limited to, churches, schools and public facilities.
- (4) Any development in a T district.
- (5) Any industrial use in an IR, I1, I2, or I3 district abutting a residential district.
- (6) Outdoor storage in industrial districts.
- (7) Any use which abuts to a major thoroughfare.
- (8) Any development on a slope of twelve (12) percent or greater.
- (9) Any development in the river corridor critical area or in the floodplain district except one- and two-family dwellings which do not affect slopes of twelve (12) percent or greater.
- (10) All off-street parking facilities except as noted in section 63.202.
- (11) Any other use or development for which site plan review is required by any provision of this code.
- (12) Earth-sheltered structures.
- (13) Detached, freestanding facilities constructed on parking facilities, including, but not limited to, kiosks, fotomats, banks and similar uses.

(14) Any filling, excavation or tree removal that disturbs an area greater than ten thousand (10,000) square feet except the construction, installation or maintenance of public roads and public and private utilities.

(15) Cellular telephone antennas that require a new equipment building.

(b) *Site plan application:*

(1) Applications for site plan approval shall be made to the planning commission in such form as the commission may prescribe in its rules.

(2) Said rules may provide for a delegation of authority to the zoning administrator of the city of all powers and duties granted to the planning commission under this section, and such rules will be filed with the office of the city clerk.

(3) Application for site plan approval shall include plans with sufficient detail to demonstrate compliance with the provisions of this code, including floor plans necessary to determine compliance with parking and safety standards and elevation plans to determine compliance with design standards.

(4) For parking facilities, the city traffic engineer or zoning administrator may require submission of a traffic impact analysis as part of the site plan application. Such an analysis shall include, but not be limited to, the following elements: trip generation, directional distribution, traffic assignment and capacity analysis.

(5) Alley access; notice. Where a site plan application review has been delegated to the zoning administrator and notification to adjacent property owners is required in section 63.310(f), a notice shall be sent at least ten (10) days prior to a site plan review meeting by city staff to the applicant and owners of record of property located within three hundred fifty (350) feet of the proposed alley access. Notice shall be delivered either personally or by mail at the address of the owner contained in the records of the county department of property taxation.

(6) Pre-application consultation. A pre-application consultation shall be held for residential, commercial, or industrial development on sites greater than ten (10) acres in area, abutting existing public parkland, without a park within a one-half (½) mile radius of the site, or within adopted station area plans to discuss parkland dedication requirements and options. Development on land that has been platted within two (2) years or for which parkland has been dedicated as part of platting shall be exempt from this requirement.

(c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

(1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.

(2) Applicable ordinances of the city.

(3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

(4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

(5) The arrangement of buildings, uses and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be unreasonably affected.

(6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

(7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

- (8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
 - (9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
 - (10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
 - (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."
- (d) *Compliance and time requirements.* The planning commission may make such requirements with respect to the above matters as to ensure compliance with them. When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. The zoning administrator may grant extensions. The property must be brought into compliance with the approved site plan within one year of the date of approval or as otherwise specified by the zoning administrator.
- (e) *Security agreement.* The zoning administrator may require the applicant to file a security agreement in the form of an irrevocable letter of credit, a performance bond, or cash escrow equal to the estimated cost, as determined by the zoning administrator, to install required landscaping, paving, screening, erosion and sediment control or items required by special condition. Such security agreement shall be filed with the zoning administrator within one (1) year from the date the applicant was notified of the intent to approve the site plan unless the zoning administrator, upon written request of the applicant, grants an extension not to exceed one (1) year.

Upon completion of the work items covered by the security agreement, the owner shall apply to the zoning administrator for final inspection. If the zoning administrator finds that all installations meet the requirements of approved plans and specifications, the security agreement shall be released. However, a security agreement for landscaping shall be effective and held for one (1) year after completion of the work in order to ensure that such landscaping survives.

If improvements covered by the security agreement are not completed within the established time limit, the city may proceed to require performance by the surety, or complete such installation by contract or force account and seek reimbursement of its costs from the security agreement. If seasonal weather conditions or phasing of construction present practical difficulties in the installation or completion of landscaping, paving, screening or any required item, written extension of the time limit for completion, not to exceed six (6) months, may be granted by the zoning administrator.

- (f) *Certificate of occupancy.* Certificate of occupancy shall not be issued until all items required for site plan approval are completed or an agreement has been made under paragraph (e) above. When a site plan is required by this code, a certificate of occupancy shall be renewed only if the use is in conformance with that site plan and all conditions of this code.

(C.F. No. 09-1286, § 2, 12-23-09; C.F. No. 10-349, § 2, 4-28-10; Ord 15-32, § 2, 7-22-15; Ord 15-27, § 1, 8-26-15)

ARTICLE V. - 61.500. CONDITIONAL USE PERMITS

Sec. 61.501. - Conditional use permit, general standards.

Before the planning commission may grant approval of a conditional use, the commission shall find that:

- (a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Sec. 61.502. - Modify special conditions.

The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

Sec. 61.503. - Conditional use permit, change requiring new permit.

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

- (a) A conditional use changes from one (1) conditional use to another conditional use.
- (b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.
- (c) For a conditional use permit triggered by floor area, the floor area expands to be larger than the floor area that triggers the requirement for a conditional use permit for the first time; or if already larger than the floor area that triggers the requirement for a conditional use permit, the floor area expands by ten (10) percent or more.
- (d) The building containing a conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.
- (e) The principal use of a conditional use expands onto an abutting lot, such as a used car lot or a fast food restaurant building addition expanding onto an abutting lot.
- (f) The number of residents in a congregate living facility increases.
- (g) A college, university or seminary adds a school building or an off-street parking facility for its exclusive use outside of its approved campus boundary.

(C.F. No. 10-349, § 2, 4-28-10; Ord 15-32, § 2, 7-22-15; Ord 16-5, § 1, 4-13-16)

Sec. 61.504. - Change to conditional use, no new permit required.

A change to a conditional use does not require a new permit but does require approval of a site plan when one (1) of the following conditions occurs:

- (a) The floor area of a conditional use expands by less than fifty (50) percent. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor

area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.

- (b) An accessory use of a conditional use expands onto an abutting lot, such as a bowling alley's off-street parking lot expanding onto an abutting lot.
- (c) Off-street parking spaces are added in a parking lot, garage or ramp on the site of a conditional use.
- (d) An accessory structure is added to the site, such as a building to store salvaged motor vehicle parts being constructed on the site of a motor vehicle salvage operation.
- (e) A college, university or seminary adds a school building or an off-street parking facility within its approved campus boundary.

Sec. 61.505. - Conditional use permits, automatic expiration.

Unless expressly provided by the planning commission, when a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of one (1) year, or when a conditional use changes to a permitted use not requiring a conditional use permit, the conditional use permit shall automatically expire. Except for conditional use permits for a college, university, seminary, or similar institution of higher learning if the lot area of a conditional use is subsequently reduced in size, unless the reduction results from acquisition by governmental agencies for public improvements or uses, the conditional use permit shall automatically expire. If a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of one (1) year, the conditional use permit shall automatically expire. When an approved conditional use is not established in accordance with section 61.105, or is established and subsequently changed to a conditional use requiring a new permit under section 61.503, the conditional use permit shall automatically expire.

(C.F. No. 07-348, § 1, 5-9-07; Ord 15-32, § 2, 7-22-15)

ARTICLE VI. - 61.600. VARIANCES

Sec. 61.601. - Variances.

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The variance is in harmony with the general purposes and intent of the zoning code.
- (b) The variance is consistent with the comprehensive plan.
- (c) The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- (e) The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
- (f) The variance will not alter the essential character of the surrounding area.
- (g) The application for a historic use variance under title IX, city planning, at section 73.03.1 of this Code, as authorized by Minn. Stats. § 471.193, subd. 3(6), shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in finding (c) above.

(C.F. No. 10-349, § 2, 4-28-10; Ord 15-26, § 4, 6-3-15; Ord 15-32, § 2, 7-22-15)

ARTICLE VII. - 61.700. APPEALS

Sec. 61.701. - Administrative appeals.

- (a) The board of zoning appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator in carrying out or enforcing any provision of this code.
- (b) The grant or denial of approval by the planning or zoning administrator of site plans, permits, similar use determinations or other matters that the planning commission has, by rule, delegated to the planning or zoning administrator is subject to appeal to the planning commission.
- (c) An appeal may be taken by any person, firm or corporation, or by any office, department, board or bureau affected by a decision of the planning or zoning administrator within ten (10) days after the date of the decision. The appeal shall specify the grounds of the appeal. The planning or zoning administrator shall forthwith transmit to the board or commission all of the papers constituting the record upon which the action appealed from was taken. An administrative appeal shall stay all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the zoning administrator certifies to the board or commission, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

(C.F. No. 04-537, § 1, 6-9-04; C.F. No. 10-349, § 2, 4-28-10)

Sec. 61.702. - Appeals to city council.

- (a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission. An appeal may be taken to the city council by any person, firm or corporation or by any office, department, board or bureau affected by a decision of the board of zoning appeals or planning commission. Such appeal shall be taken within ten (10) days after the date of the decision appealed from and shall specify the grounds for the appeal. Appeals of decisions by the board of zoning appeals shall be filed with the zoning administrator; appeals of decisions by the planning commission shall be filed with the planning administrator, except that appeals of decisions by the planning commission on site plan review shall be filed with the zoning administrator.
- (b) The city council shall conduct a hearing on the appeal, shall give due notice of the hearing to all interested parties as required under section 61.303, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(C.F. No. 04-537, § 1, 6-9-04; C.F. No. 07-149, § 34, 3-28-07; C.F. No. 10-349, § 2, 4-28-10)

Sec. 61.703. - Permits suspended upon appeal.

Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease pending a final decision on the appeal.

Sec. 61.704. - Orders.

In exercising the above powers, the city council, planning commission, or board of zoning appeals may reverse or affirm, wholly or partly, or may modify the orders, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To that end, the board of zoning appeals shall have all the powers of the zoning administrator, and the city council shall have all the powers of either the board of zoning appeals or the planning commission. All final decisions, orders, requirements or determinations by the board of zoning appeals, planning commission, and/or city council shall be in the form of a written resolution. The city council shall serve a copy of the resolution upon the appellant and/or the owner of the affected property, zoning administrator, planning commission and board of zoning appeals by mail or personal service. The board of zoning appeals or planning commission shall serve a copy of the resolution upon the appellant and/or owner of the affected property, the zoning administrator and the planning administrator. Decisions of the city council on all matters within its jurisdiction shall be final subject only to judicial review by a court of competent jurisdiction.

(C.F. No. 10-349, § 2, 4-28-10)

ARTICLE IX. - 61.900. ENFORCEMENT

Sec. 61.901. - Violations.

Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor. In addition, the owner or lessee of any building, structure or premises or part thereof, where any condition in violation of this code shall exist or be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be guilty of a misdemeanor.

Sec. 61.902. - Public nuisance.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of adoption of this code and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Sec. 61.903. - Fines, imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this code shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Sec. 61.904. - Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Sec. 61.905. - Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Appendix G—St. Paul Department of Planning
and Economic Development Site Plan Review
August 31, 2016, St. Paul Tennis Club**

City of Saint Paul – Department of Safety and Inspections
Site Plan Review Report

Date of Report: August 31, 2016

SPR File # 16-063142

Address Location: 1055 Osceola Avenue

Project: Saint Paul Tennis Club Facilities Improvements



Eduardo Barrera
St. Paul Tennis Club
1055 Osceola Avenue
Saint Paul MN 55105-3235

Mr. Barrera:

Our review of your site development has revealed that the property is located in a State Historic District. Minnesota law requires that an EAW (environmental assessment worksheet) be completed before the City may issue any permits for the destruction, in whole or part, and the moving of certain historic properties. This requirement applies to your property since it is located in as State Historic District. The City will need to request a determination from the State Historic Preservation Office (SHPO). Contact Amy Spong (or 651-266-6714) for instructions on how to initiate a request. This is a link to further information about this process, [Historic Properties EAW Requirement](#)

If your property has been determined by SHPO to be "contributing", there are two options to consider. Option one is to complete an EAW. The EAW process will include an evaluation of the property by a qualified historic preservation professional and recommendations of what, if any, form of mitigation may be needed if the property is ultimately demolished. To complete the EAW process, the City must determine that all potential environmental effects of your proposed project are understood and that adequate mitigation for any effects has been identified. Once the EAW process has been completed, the City may issue permits for the work. Please be advised that the EAW process, including the evaluation of your property, will likely take two months or more. For more details on the EAW process, or for assistance in initiating an EAW, please contact Josh Williams (or 651-266-6659) for assistance in initiating this process.

Option two is to challenge the "contributing" determination made by SHPO. If SHPO determines upon further review that your property is "noncontributing" the EAW requirement does not apply. If SHPO's still determines your property to be "contributing" upon further review, you may appeal SHPO's determination to the Keeper of the National Register, a federal entity. Please contact Amy Spong (or 651-266-6714) for assistance in initiating this process.

Zoning Decision with respect to your application for site plan approval

MN Statute 15.99, gives the City 60 days to approve or deny this application from the date of submission (July 27, 2016). Base on the above, and the length of time that may be necessary if an EAW is required, we ask that you agree to extend the time of decision for the site plan until it is determined whether an EAW is required; or, if required the EAW process is completed. **If you agree to extend the time for review of your site plan, please sign and date on the signature line provided below and returned this page to me by Monday, September 12th, 2016. The extension of time would be as needed to complete the EAW process (if required) and obtain all other zoning approvals. If you do not agree to this extension, the City will have no choice but to deny approval of the site plan.**

Eduardo Barrera (or other authorized signatory for the tennis club)

Date

On August 16, 2016, you met with City staff to discuss the site plan for your project. The comments from that meeting are summarized below.

1. Revised Plans

You will need to revise the site plan based on the comments in this email and then send me six (6) paper copies (11x17) and a pdf version of the revised plans.

2. Zoning

Reviewer: Larry Zangs

Comments:

- a) As you are aware, the tennis club is permitted in residential zoning district, under certain conditions, requiring planning commission approval of a conditional use permit (CUP). Given the historical issues with this property, explained on preceding page, the city is not able to entertain any zoning or permit request at this time. Understand that you have withdrawn your recent request for a Conditional Use Permit required to re-build your club facilities. At the appropriate time, you will need to re-apply for the Conditional Use Permit. You had applied for a zoning conditional use permit (CUP) but because of the discovery that an EAW "may" be necessary, have withdrawn the CUP application and will re-submit it when a decision on the EAW known. Contact Jamie Radel/651-266-6614 or by e-mail at jamie.radel@ci.stpaul.mn.us with questions concerning the CUP process.
- b) Before the use may be established, (4) four additional off-street parking spaces must be provided (*Based on 1600 sq. ft. GFA at 1 off-street space per every 400 sq. ft. GFA*). This additional parking can be provided by:
 - I. Provide additional parking through a shared parking agreement with a neighboring business. City staff will need to review and approve any shared parking agreement.
 - II. Request of variance of the parking requirement.
- c) It is our understanding that building nearest west property line will be located to meet the zoning requirement for side setback of 9 feet on that side. The 9 foot side setback for proposed building, adjacent to the tennis courts, will be accommodated through lot combination. Revised plans will need to show the locations for the buildings and we will need proof of filing with Ramsey County Property Records that you have submitted the paperwork to combine the Tennis Club parcels.
- d) Please provide final design of elevation views of all sides of the building with a summary for the percentage of window and door openings, a schedule material for exterior facade, details on screening approach for roof top units, demonstrating compliance with the following building design standards:
 - Above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings.
 - Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.
 - The visual impact of rooftop equipment shall be reduced through such means as location, screening, or integration into the roof design. Screening shall be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
 - A primary entrance of principal structures shall be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street.
 - Above grade window and door openings shall comprise at least fifteen (15) percent of the total area of exterior walls facing a public street or sidewalk. In addition, for new principal residential buildings, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. For residential buildings, windows shall be clear or translucent. For nonresidential buildings, windows may be clear, translucent, or opaque.

- Building materials and architectural treatments used on sides of buildings facing an abutting public street should be similar to those used on principal facades.
- *The* visual impact of rooftop equipment shall be reduced through such means as location, screening, or integration into the roof design. Screening shall be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- For property with local heritage preservation site or district designation, compliance with applicable historic guidelines shall be sufficient to meet the requirements of this section.

3. Heritage Preservation

Reviewer: Amy Spong/651-266-6714 amy.spong@ci.stpaul.mn.us

Comments:

See explanation on page 1 of this summary.

4. Parkland Dedication

Proposed use does not require payment of a Parkland Dedication fee.

5. Lighting

Need to submit a lighting plan for review.

6. Landscaping for the Site and Exterior Parking Lot

The zoning code requires landscaping, visual screening of the parking lot from adjacent residential and decorative fencing on the perimeter. The standards can be found in 63.313 and 63.214 of the Zoning Code.

7. Public Works Mapping & Records

Reviewer: Terri Vasquez/651-266-6128 terri.vasquez@ci.stpaul.mn.us

Comments:

This property is made up of six separate parcels. The address of 1055 is attached to one of them. The address of 1055 cannot be used for the new clubhouse and pool unless all of the lots are combined through Ramsey County. Even then, I would suggest that 1055 be used for the tennis courts, and the new clubhouse and pool use a more appropriate address such as 1065 or 1069.

Either way, I see from the street view photos that there is no address clearly posted at this location. I have attached a copy of Chapter 71 of the Legislative code that pertains to Addressing, which states that "the number must be easily and clearly seen and read...from the street". If they have any questions about addressing, please have them call me at my direct number (651) 266-6128.

8. Traffic

Reviewer: David Kuebler/651-266-6217 david.kuebler@ci.stpaul.mn.us

COMMENTS

- a) Be advised that a Temporary Pedestrian Access Route (TPAR) and/or a Temporary Traffic Control (TTC) plan may be required as part of the Right-of-Way permitting process.
- b) Per Minnesota State Statute 326 the final plans submitted are to be signed by the appropriate licensed Professional, i.e. PE, LA, RLS, etc., responsible for plan development.
- c) Please provide a survey plan sheet of the site that, at a minimum, shows the property boundaries, City rights-of-way, and existing utilities.
- d) Please provide details, inclusive of a section view, of the concrete retaining wall being proposed adjacent to the alley. Note that the section view needs to include the alley right-of-way (ROW) line.
- e) Please remove the storm water point discharge being shown discharging into the alley.
- f) Please change the INSPECTION CONTACT information, Note 3, to the following:

INSPECTION CONTACT: The developer shall contact the Right of Way inspector Brent Gillen, (651) 485-0419 (one week prior to beginning work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. Note: If a one week notice is not provided to the City, any resulting delays shall be the sole responsibility of the Contractor.

As part of the ROW permitting process, two weeks before any work begins that impacts the ROW in any way the developer shall provide to the ROW Inspector the name and contact information of the Construction Project Manager or Construction Project Superintendent. If this information is not provided there may be a delay in obtaining permits for the work in the ROW. Said delays will be the sole responsibility of the developer.

Please include the following notes in the plans:

FAILURE TO SECURE PERMITS: Failure to secure Obstruction Permits or Excavation Permits will result in a double-permit fee and other fees required under City of St. Paul Legislative Codes.

ENCROACHMENTS Per Chapter 134 of the Legislative Code, no person shall construct and maintain any projection or encroachment within the public right-of-way.

Construction of the development that necessitates temporary use of the Right-of-Way (ROW) for construction purposes shall be limited to equipment, personnel, devices and appurtenances that are removable following construction. Encroachment permits will not be granted for devices such as tie backs, rock bolts, H-piles, lagging, timbers, sheet piling, etc. that the owner is seeking to abandon in the ROW.

Footings are allowed to encroach into City ROW no more than twelve (12) inches at depths below eight (8) feet per State Building Code Section 3202. Said encroachments will require an encroachment permit from the City.

Encroachments installed in the ROW without authorization will be removed at no expense to the City/County/State.

9. Sidewalks

Reviewer: Al Czaia/651-266-6108

al.czaia@ci.stpaul.mn.us

Comments:

- a) Contractor is responsible for damage to the mainline sidewalk, curb, drive access and boulevard landscaping cause during the construction. Contractor advised to document pre-existing condition of the right of way prior to commencement of the construction.

Revise plans to add the following notes to the plan CONSTRUCTION IN RIGHT OF WAY: All work on curbs, driveways, and sidewalks within the public right of way must be done to City Standards and Specifications by a licensed and bonded contractor under a permit from Public Works Sidewalk Section (651-266-6120). Sidewalk grades must be carried across driveways.

RIGHT OF WAY RESTORATION: Restoration of asphalt and concrete pavements are performed by the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these restorations. The contractor shall contact Public Works Street Maintenance to set up a work order prior to beginning any removals in the street at 651-266-9700. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office.

10. Sewers

Reviewer: Anca Sima of Sewer Engineering (651-266-6237) said anca.sima@ci.stpaul.mn.us

Comments:

- a) The plan for storm water rate control meets city requirements in conjunction with the subsurface infiltration basin design approach. Understand that this design approach is dependent upon further soil analysis as to whether the infiltration rate can work as anticipated. If this on site storm water treatment approach is determined not feasible, then an updated HydroCAD analysis must be provided verifying that storm water rate control is still met for this development.
- b) The storm water point discharge to the alley is not allowed. Discharge to the alley must be redesigned to sheet flow to alley.
- c) Existing sanitary service to the property is more than 50 years old, this existing sanitary pipe should be replaced up to the main.

Revise plans to add the following notes to the plan

SEWER CONNECTION PERMIT: License house drain contractor to obtain (Sewer Connection Permit) to construct new sanitary and storm connection in street from main to the property. Call St Paul PW permit desk (651-266-6234) for information on obtaining this permit.

11. Water Resource/Erosion Control

Reviewer: Wes Saunders-Pearce/651-266-9112

wes.saunders-pearce@ci.stpaul.mn.us

Comments:

- a) Erosion control plan must include a note for street sweeping responsibility.
- b) Provide on the erosion control plan the location and details, so that contractor know where erosion control BMP's are to be deployed.

Revise plans to add the following notes to the plan

Adjacent streets and alleys must be swept to keep them free of sediment. Contractor must monitor conditions and sweep as needed or within 24 hours of notice by the City."

12. Water Utility

Reviewer: Steve Nystrom/ 651-266-6276

steven.nystrom@ci.stpaul.mn.us

Comments:

SPRWS requires no revisions to the plans dated 7/27/16 for St. Paul Tennis Club.

13. Fire

Reviewer: Angie Wiese/651-266-8953 angie.wiese@ci.stpaul.mn.us

Comments:

- a) Gates/doors from the pool area need to swing out and have panic hardware. Architect to provide a design approach for exiting from the pool area, meeting MN Building Code requirements, with construction documents submitted for building permit review.

14. Signs

Reviewer: Yaya Diatta/651-266-9080 yaya.diatta@ci.stpaul.mn.us

Any identification Business signs will require a separate review and Sign Permit from the Department of Safety and Inspections. Site plan approval does not constitute approval of business signs anticipated with this development. Contact Yaya Diatta of DSI Zoning if you have any questions about signs.

15. City Forestry

Reviewer: Zach Jorgensen/651-632-2437 zach.jorgensen@ci.stpaul.mn.us

Revise plans to add the following notes to the plan

- a) Contractor shall contact city forester, prior to demolition or other land disturbance associated with site construction, to verify tree protection is installed.
- b) The removal, pruning, and/or planting of trees on the public boulevard require a permit from the City Forester (651-632-5129).

16. Parks

Reviewer: David Ronzani/651-266-6410 david.ronzani@ci.stpaul.mn.us

Comments:

No comments

17. District Council

The site is located in the Summit Hill Community Council. Staff sent them a copy of the site plan for comments but we have not heard back from them yet. Staff reserves the right to make additional comments and conditions once we have heard from them.

18. Building Code Requirements

Reviewer: James Williamette/651-266-9077 james.williamette@ci.stpaul.mn.us

This proposal will require a building permit to proceed. The building permit is issued only after plans have been approved by city staff. Architectural, mechanical plans are required to be submitted under the general building permit Application. In addition to the building permit, separate permits are required for any plumbing, electrical, mechanical work and elevator installation and any sprinkler modifications. These permits must be obtained and the work performed by city license contractors in each of the respective trades.

Two sets of complete construction documents (including floor plans and any structural or mechanical ventilation plans) must be submitted with the building permit application to our plan review group in DSI.

- The construction documents must include architectural and any structural plans signed and stamped by design professionals, registered in the State of Minnesota, in each of the respective disciplines. Architect shall provide code analysis.

- Mechanical ventilation plans will need to be prepared a mechanical engineer, registered with the State of Minnesota. In some cases, plans may be prepared by a "Master in the Trade". The ventilation contractor should contact Gary Reinsberg (651-266-9064) or by e-mail at Gary.reinsberg@ci.stpaul.mn.us our senior mechanical inspector, if they have questions about whether engineered drawings are necessary.
- The plumbing and electrical contractors for this project should contact our office if they have questions about whether plans need to be submitted with their permit request. The senior plumbing inspector is Rick Jacobs at 651-266-9051 Rick.jacobs@ci.stpaul.mn.us and the senior electrical inspector is Dan Moynihan at 651-266-9036 Dan.monihan@ci.stpaul.mn.us

Note:

- The building permit will not be issued until all signoffs are received. Check with plan review (651-266-9007) if energy calculations must be submitted with construction plans. Include energy calculation in construction document with building permit application.
- Construction plans must include engineering for the retaining wall.
- Provide sanitary fixture count for restrooms per building code requirements with construction set

19. SAC, or Service Availability Charge

Propose project will need a SAC determination before a building permit can be issued. You must submit a copy of the plans to the Metropolitan Council Environmental Services (MCES) for a SAC determination. If MCES determines that a SAC fee is owed, the City will collect that payment under the building permit fee.

Toni Janzig - SAC Questions and Determination Review Submittal Information
651-602-1421 toni.janzig@metc.state.mn.us

Report Prepared By:
Lawrence R. Zangs
Site Plan Review Coordinator
Dept. of Safety and Inspection
375 Jackson St - Suite 220
Saint Paul MN. 55101-1806
Direct: 651-266-9082
E-Mail: larry.zangs@ci.stpaul.mn.us

Cc: File, Site Plan Review Staff, Mark Wentzel, Amy Spong

**Appendix H—Ramsey County Tax Record, 1055
Osceola Avenue**



Assessor's Office

90 Plato Blvd. West, Saint Paul, MN 55107
651-266-2131 • www.ramseycounty.us/property

141888***51***4.902**12/18*
ST PAUL TENNIS CLUB
PO BOX 16084
SAINT PAUL MN 55116-0084

Valuation Notice **2017**
2016 Values for Taxes Payable in

Property tax notices are delivered on the following schedule:

Valuation and Classification Notice			
Step	Class: Comm/Ind		
1	Estimated Market Value: \$156,800		<i>See Details Below.</i>
	Homestead Exclusion: \$0		
	Taxable Market Value: \$156,800		
Step	Proposed Taxes Notice		
2	2017 proposed tax: <i>Coming November 2016</i>		
Step	Property Tax Statement		
3	1st half taxes:		
	2nd half taxes: <i>Coming March 2017</i>		

Property ID: 022823330132

Description: LOTS 7 AND LOT 8 BLK 1

Property Address:

1055 OSCEOLA AVE
ST PAUL

The time to appeal or question your CLASSIFICATION or VALUATION is NOW!

It will be too late when proposed taxes are sent.

See details on meetings and appeal options below.

Your Property's Classification(s) and Values

The assessor has determined your property's classification(s) to be:

<input type="checkbox"/> If this box is checked your classification has changed from last year's assessment.	Taxes Payable in 2016	Taxes Payable in 2017
	(2015 Assessment)	(2016 Assessment)
	Comm/Ind	Comm/Ind

The assessor has estimated your property's market value to be:

Estimated Market Value:	\$149,300	\$156,800
--------------------------------	------------------	------------------

Several factors can reduce the amount that is subject to tax:

Green Acres Value Deferral:	0	0	New improvements included in 2016 Estimated Market Value: \$ 0
Plat Deferment:	0	0	
This Old House Exclusion:	0	0	
Disabled Veterans Exclusion:	0	0	
Mold Damage Exclusion:	0	0	
Homestead Market Value Exclusion:	0	0	
Taxable Market Value:	\$149,300	\$156,800	

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meeting. If the property information is not correct, or if you disagree with the values, or you have other questions about this notice, **please contact your assessor first at 651-266-2131 to discuss any questions or concerns.** Often your issues can be resolved at this level. If your questions or concerns are not resolved, more formal appeal options are available. Please read the back of this notice for important information about the appeal options.

The following appeal options are available:

Open Book – Preliminary Market Value Review Meetings
Property Records and Revenue
90 Plato Blvd. West
Saint Paul MN 55107
April 5th, 2016 10:00 a.m. to 7:00 p.m.
April 6th, 2016 8:30 a.m. to 4:00 p.m.

County Board of Appeal & Equalization – BY APPOINTMENT ONLY
Property Records and Revenue
90 Plato Blvd. West
Saint Paul MN 55107
June 15th and adjourns on or before June 28th, 2016
9:00 a.m. to 5:00 p.m. or 9:00 a.m. to 7:00 p.m. by appointment
Appeal forms must be postmarked by May 6, 2016



Property and Assessment Information is available at:
Department of Property Records and Revenue
90 Plato Blvd. West, Saint Paul, MN 55107

Business Hours 8:00 a.m. to 4:30 p.m.
or visit our website at: www.ramseycounty.us/property

Assessor's Revaluation Requirement

By Minnesota law, the Ramsey County Assessor's Office must perform an on-site review of your property every five years. County appraisers will visit approximately 32,000 parcels again in 2016. We do not mail a separate notice prior to these inspections.

If you have questions or concerns about this inspection, please call 651-266-2131 M-F 8:00 a.m. – 4:30 p.m. or visit www.ramseycounty.us/property

Please read the back of this notice for important appeal information

Appendix I—St. Paul Planning Commission By-Laws and Rules of Procedure

**BYLAWS AND RULES OF PROCEDURE
THE PLANNING COMMISSION
OF THE CITY OF SAINT PAUL**

(Amended April 23, 2010)

ARTICLE I

THE PLANNING COMMISSION

Section 1. NAME. The name of this commission shall be the Planning Commission of the City Saint Paul.

Section 2. POWERS AND DUTIES. The function of this commission shall be to carry out the provisions of Section 107.02 of the Saint Paul Administrative Code which reads in part as follows:

"Powers and duties. The commission shall serve as an advisory body to the mayor and city council on municipal planning matters as required by the municipal Planning and Development Act, Minnesota Statutes 462.351 and the Metropolitan Land Planning Act, Minnesota Statutes 473.858. It shall review and comment upon comprehensive plan recommendations, studies and amendments submitted by the office of the mayor through the planning coordinator and shall recommend to the mayor initiation of such planning studies as it deems necessary for the proper preparation of comprehensive plan or any portion thereof."

Section 3. OFFICE OF THE COMMISSION: PLACE OF MEETING. The office of the commission shall be at such place in Saint Paul, Minnesota, as the commission may from time to time designate by resolution. Regular and special meetings of the commission shall be open to the public and shall be held at the office of the commission; provided, however, that upon five days written notice to the commissioners of the place of such meeting, any regular or special meeting may be held at such other place as the notice shall designate.

ARTICLE II

OFFICERS

Section 1. OFFICERS. The officers of the commission shall be a chair, a first vice-chair, second vice-chair, a secretary and such others as from time to time are provided by official action of the commission.

Section 2. ELECTION. All officers shall be elected at each annual meeting of the commission for a term of one year and until their successors are elected.

Section 3. NOMINATIONS. A nominating committee shall be established at the second meeting in December prior to the annual meeting in January for the purpose of

nominating candidates for chair, first vice-chair, second vice-chair, and secretary for the following year. The nominating committee shall consist of three members appointed by the chair. Other nominations for office shall also be permitted by individual members of the planning commission at the annual meeting.

Section 4. VACANCY. Should an office become vacant, the commission shall elect a successor for the unexpired term of said office.

ARTICLE III

DUTIES OF OFFICERS

Section 1. CHAIR. The chair shall have the duties and powers usually attendant upon the office of the chair and such other duties and powers as may be provided from time to time by the commission. The chair shall preside at all meetings of the commission if he/she is present. At each meeting, the chair shall make such reports to the commission as he/she may deem necessary or as may be required of the chair, and perform such other duties as are incident to the chair's office or are required of the chair by the commission. The chair, with assistance from the planning director, shall be responsible for submitting the commission's annual report to the mayor and city council.

Section 2. FIRST VICE-CHAIR. The first vice-chair shall perform the duties of the chair in his/her absence or incapacity and/or because of death or resignation of the chair until a new chair is elected.

Section 3. SECOND VICE-CHAIR. The second vice-chair shall perform the duties of the first vice-chair in his/her absence or incapacity and/or because of death or resignation of the first vice-chair until a new first vice-chair is elected.

Section 4. SECRETARY. The secretary shall perform the duties of the office of secretary of the commission and shall preside at all meetings of the commission in the absence of the chair, first vice-chair and second vice-chair. The secretary shall be responsible for recommending approval of the commission meeting minutes by the full commission and shall sign the official minutes.

ARTICLE IV

MEETINGS

- Section 1. ANNUAL MEETINGS. The annual meeting of the commission shall be a special meeting of the commission, held on the second meeting in January; provided, however, that the date of the annual meeting may be postponed for a period not to exceed 30 days upon the vote of a majority of the commissioners in office at any time taken at any regular or special meeting of the commission. The major items to be considered and action to be taken at the annual meeting are election of officers and presentation of annual reports by the chair and the planning director summarizing the activities of the planning division and planning commission during the preceding year, and activities planned for the coming year. The annual report shall be submitted to the mayor and city council by March 15 each year.
- Section 2. REGULAR MEETINGS. All business of the commission shall be conducted at regular meetings except as provided in Article IV, Section 3. Regular meetings shall be held every other Friday unless adjustments are needed because of holidays, in which event alternate meeting dates may be set by the commission. The meeting shall be held at the office of the commission unless a different location of said meeting is specified in the notice as provided in Section 3 of Article I. The chair of the planning commission, together with the planning director, shall determine the agenda for planning commission meetings. If the chair and the planning director determine there is not sufficient business to warrant a regular meeting, the chair may cancel the meeting provided there is a five-day notice.
- Section 3. SPECIAL MEETINGS. The commission at any regular meeting may provide for a special meeting to deal with a specific item of business that requires action before the next regular meeting of the commission. In the event of an emergency, a special meeting of the commission may be called by the chair or by any three commissioners by request to the planning director who shall mail, email, personally deliver, or telephone all members notice of time and place of such meeting at least three days before the meeting. The notice shall state the time, place and purpose of the meeting, and no business shall be considered unless specified in the notice. (Upon unanimous consent of all members present at such meeting, any of the provisions of this section may be waived.)
- Section 4. QUORUM. The powers of the commission shall be vested in the commissioners thereof in office at any one time; a majority of whom shall constitute a quorum for all purposes, but a lesser number may adjourn a meeting from time to time until a quorum is obtained. When a quorum is present, action may be taken by the commission upon a vote of a majority of the commissioners present except as otherwise provided for in these bylaws.
- Section 5. ABSENCE FROM MEETINGS. Each member shall be responsible for notifying the planning division secretary if he or she must be absent from a regularly scheduled meeting, indicating the reason for the necessary absence. The division secretary shall then submit this information to the chair at the beginning

of each meeting. The chair may excuse members from meetings due to personal or work-related conflicts. In the event a member is absent from three regular meetings during the course of a year, unless excused by the chair of the commission, the chair shall recommend that the mayor request the resignation of such member from the commission. In the event that a member has six or more excused absences in a year, the chair shall consult with the member to determine his or her ability to serve fully on the commission.

Section 6. MANNER OF VOTING. The voting on all questions coming before the commission may be a voice vote called for by the chair. The vote shall be entered upon the minutes of each meeting. The chair and all members of the commission present shall be entitled to vote. A roll call on any question before the commission may be taken upon the demand of one or more members of the commission. A commissioner need not vote on all questions, but may abstain from voting.

ARTICLE V

COMMITTEES

Section 1. COMMITTEE PARTICIPATION. All commissioners shall serve on at least one standing committee or the zoning committee. All committees shall have regularly scheduled meeting times. Each committee member shall be responsible for notifying the planning division secretary if he or she must be absent from a regularly scheduled committee meeting indicating the division secretary shall notify the committee chair of absences prior to the beginning of each meeting. The chair may excuse members from meetings for personal or work-related conflicts. In the event a member is absent from three regular committee meetings, unless excused by the chair of the committee, the committee chair shall request that the planning commission chair request that the member resign from the committee and shall reassign him/her to another committee.

Section 2. STEERING COMMITTEE. A steering committee shall be comprised of the officers of the planning commission, the immediate past chair if still on the commission, and the chairs of all standing committees. It shall meet periodically to review the activities of the planning commission and its committees and to consider future direction of the planning commission. The steering committee, at the direction of the chair, may also assume responsibility for major projects or programs affecting the broad scope of the commission. If an officer is also chair of a committee, he/she may appoint a member of his/her committee to serve on the steering committee.

Section 3. STANDING COMMITTEES. The commission may establish standing committees which shall concentrate its study in given areas and shall be kept informed by the planning staff of studies and other matters relating to this area. Standing committees shall be appointed from time to time. The chair of the commission shall appoint the members of the committee including the chair. Each standing committee shall have two regularly scheduled meeting times per month, but may meet more or less frequently depending upon their work load. As

directed by City Council Resolution #10-159, the chair may appoint non-commission members to serve on a transportation committee. Non-commission members may participate and vote at meetings of the transportation committee, but may not participate in discussion or voting on matters before the full planning commission. The chair may participate as an ex-officio member of any standing committee.

Section 4. SPECIAL COMMITTEES. Committees with a specific assignment may from time to time be established by the chair upon the suggestion of the commission, mayor, or city council. The chair shall appoint such committees and the chair. In accordance with Chapter 107 of the Administrative Code, special committees may include non-commission members. Such committees will report to a designated standing committee of the commission and shall be dissolved when their specific assignment is completed.

ARTICLE VI

RULES OF PROCEDURE

Section 1. RULES OF PROCEDURE. The commission shall establish rules of procedure as necessary.

Section 1.a. PUBLIC HEARINGS. It is the policy of the commission to schedule only two public hearings at any regular commission meeting unless special circumstances require additional hearings.

Section 2. CONFLICT OF INTEREST. The provisions of chapter 100 of the Saint Paul Administrative Code shall apply to all final and advisory matters; provided, however, that notwithstanding the exemption in section 100.02 (b), restrictions on voting or participation in discussion shall apply to commissioners in both final and advisory actions. Where commission action is advisory, declaration of conflict of interest may be made verbally at a commission and/or committee meeting before deliberation on the issue for which the conflict arises; submission of the declaration in writing is not required.

In the case of funding recommendation actions and related proposal review, the federal provisions covering appointed officials of recipient communities for community development block grant funds will apply. In this case, no commissioner may participate in the decision process who is in a position to "obtain a personal or financial interest or benefit from a CDBG [or other] assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter." (Code of Federal Regulations, 24 Part 570.611 (b))

Section 3. AMENDMENT. The rules may be amended at any regular meeting of the commission provided that the proposed amendment shall have been mailed to the commission members at least 5 days before action is taken.

Section 4. TEMPORARY SUSPENSION OF RULES. In special circumstances the commission may by a 2/3 vote of the members present at any meeting suspend the rules of procedures.

ARTICLE VII

PARLIAMENTARY AUTHORITY

Section 1. ROBERTS-RULES-OF-ORDER. The rules in the current edition of ROBERTS RULES OF ORDER - Newly Revised shall govern the commission in all cases to which they are not inconsistent with these bylaws and any special rules of procedure the commission may adopt.

Section 2. PARLIAMENTARIAN. The chair shall serve as parliamentarian with advice and assistance provided by legal counsel.

ARTICLE VIII

AMENDMENT

These bylaws may be amended at any regular meeting of the commission provided that the proposed amendment shall have been mailed to the commission members at least 5 days before action is taken thereon.

Adopted April 26, 1974
Amended May 9, 1975
Amended December 12, 1975
Amended May 22, 1981
Amended October 10, 1986
Amended January 22, 1988
Amended December 3, 1993
Amended August 11, 1995
Amended December 31, 2001
Amended April 23, 2010

Appendix J—Zoning Committee Results Agenda



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: October 21, 2016
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of October 20, 2016, Zoning Committee Hearing

NEW BUSINESS

		<u>Staff</u>	<u>Recommendation Committee</u>
1.	<p>Schurmeier Lofts LLC (16-085-721) Rezone from I1 industrial to B5 central business-service district</p> <p>Address: 328 – 330 9th St E SW corner at Pine</p> <p>District Comment: District 4 had not responded</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 0 people spoke, 0 letters</p> <p>Hearing: closed</p> <p>Motion: Approval</p>	Approval	Approval (4 - 0)
		<u>Staff</u>	<u>Recommendation Committee</u>
2.	<p>Residence Inn - Grand Avenue (16-085-666) Conditional use permit for building height of 45 ft., providing for a 55 ft. height for portions of the building set back more than 10 ft. from setback lines.</p> <p>Address: 200 Grand Ave between Smith and Leech</p> <p>District Comment: District 9 made no recommendation</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 0 people spoke, 0 letters</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p>	Approval with conditions	Approval with conditions (4 - 0)

		<u>Staff</u>	<u>Recommendation Committee</u>
3.	<p>St. Paul Tennis Club (16-064-562) Conditional use permit for replacement of existing clubhouse and pool facilities.</p> <p>Address: 1055 Osceola Ave between Oxford and Lexington Pkwy.</p> <p>District Comment: District 16 recommended approval with conditions</p> <p>Support: 1 person spoke, 1 letter</p> <p>Opposition: 2 people spoke, 1 letter</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p>	Approval with conditions	Approval with conditions (3 - 0)
		<u>Staff</u>	<u>Recommendation Committee</u>
4.	<p>Jim Seabold (16-085-577) Appeal of a Planning Administrator denial of a proposed lot split.</p> <p>Address: 661 Orange Ave W between Maywood and St. Albans</p> <p>District Comment: District 10 had not responded</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 2 people spoke, 7 letters</p> <p>Hearing: closed</p> <p>Motion: Denial</p>	Denial	Denial (3 - 0)

**Appendix K—Summit Hill Association District
16 Planning council Zoning and Land Use
Committee Recommendation**

Summit Hill Association

District 16 Planning Council

860 Saint Clair Avenue

Saint Paul, Minnesota 55105

Telephone 651-222-1222

www.summithillassociation.org

info@summithillassociation.org

October 19, 2016

Jamie Radel, Senior Planner
Department of Planning & Economic Development
25 W. 4th Street #1300
Saint Paul, MN 55102

Dear Ms. Radel,

RE: 1055 Osceola (St. Paul Tennis Club) Conditional Use Permit Request

I am writing in regards to the Conditional Use Permit request from the St. Paul Tennis Club and their request to remove and reconstruct their swimming pool, remove and reconstruct the locker room building and the check-in building with a roof-top deck and remove and reconstruct retaining walls and fences in conjunction with the construction.

The item was heard in front of our Zoning and Land Use Committee on 10.18.2016 with several representatives for the applicant in attendance as well as some neighbors from the area. We have also received several correspondence both in favor of the project, and in opposition to the project as currently proposed. It was widely noted that the St Paul Tennis Club is a long standing member of the community, and that the continuation of operation of the club and maintenance and upgrading of their facility is appropriate. A point of concern came with the addition of the roof top deck, which was seen as a change in how the club has been experienced from those outside of the club's grounds.

After discussion with the applicants, neighbors as well as deliberation by the committee members the Summit Hill Association Zoning and Land Use Committee recommends approval of the conditional use permit with the recommended conditions put forth by staff in their review with the following changes.

- That there be a condition that the Saint Paul Tennis Club provide a policy that can be presented to and approved by 60% of the neighbors within 300 feet on policies the St. Paul Tennis Club will put in place to address the use of the rooftop deck.
- That the cities recommended condition in regards to fencing be changed to allow for fencing of 8' in height to be allowed and maintained around the proposed portion of the property.
- That the Saint Paul Tennis Club continue to engage in good faith efforts with adjoining properties to resolve issues with the fencing that is to be located along those shared property lines.

Please let me know if you have any further questions or need anything else from me. I can be reached at 651-222-1222 or info@summithillassociation.org.

Thank you for your assistance.

Sincerely,

Philip Wahlberg

Zoning and Land Use Chair, SHA

Enc. (1) Public Comment Records – 1055 Osceola Conditional Use Permit
CC: Council Member Rebecca Noecker, Applicant, ZLU Committee

**Appendix L—Notices Received by Neighbors of
1055 Osceola—St. Paul Planning Commission
Zoning Committee and Summit Hill
Association**



**ST PAUL PLANNING COMMISSION
ZONING COMMITTEE
Public Hearing Notice**

CITY OF SAINT PAUL
Dept. of Planning and
Economic Development
Phone: (651) 266-6589
Fax: (651) 266-6549

File # **16-064-562**
 Purpose: **Conditional use permit for replacement of existing clubhouse and pool facilities, and variance of required front yard setback for a pergola.**
 Property Address: **1055 Osceola Ave, between Oxford and Lexington Pkwy.**
 File Name: **St. Paul Tennis Club**
 Hearing Date: **Thursday, October 20, 2016, at 3:30 p.m.**

You may send written comments to the Zoning Committee at the address listed on the reverse side of this card. Please call 651-266-6614, or e-mail jamie.radel@ci.stpaul.mn.us, or call your District Council representative at 651-222-1222, if you have any questions.

Location of Hearing:
 City Council Chambers
 Room 300, Third Floor
 City Hall / Court House
 15 West Kellogg Blvd.

Mailed: October 10, 2016

SHA Zoning and Land Use Public Hearing,
 Tuesday, Oct. 18th 2016, at 7 p.m.

meeting at 860 St. Clark Ave.

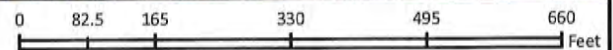
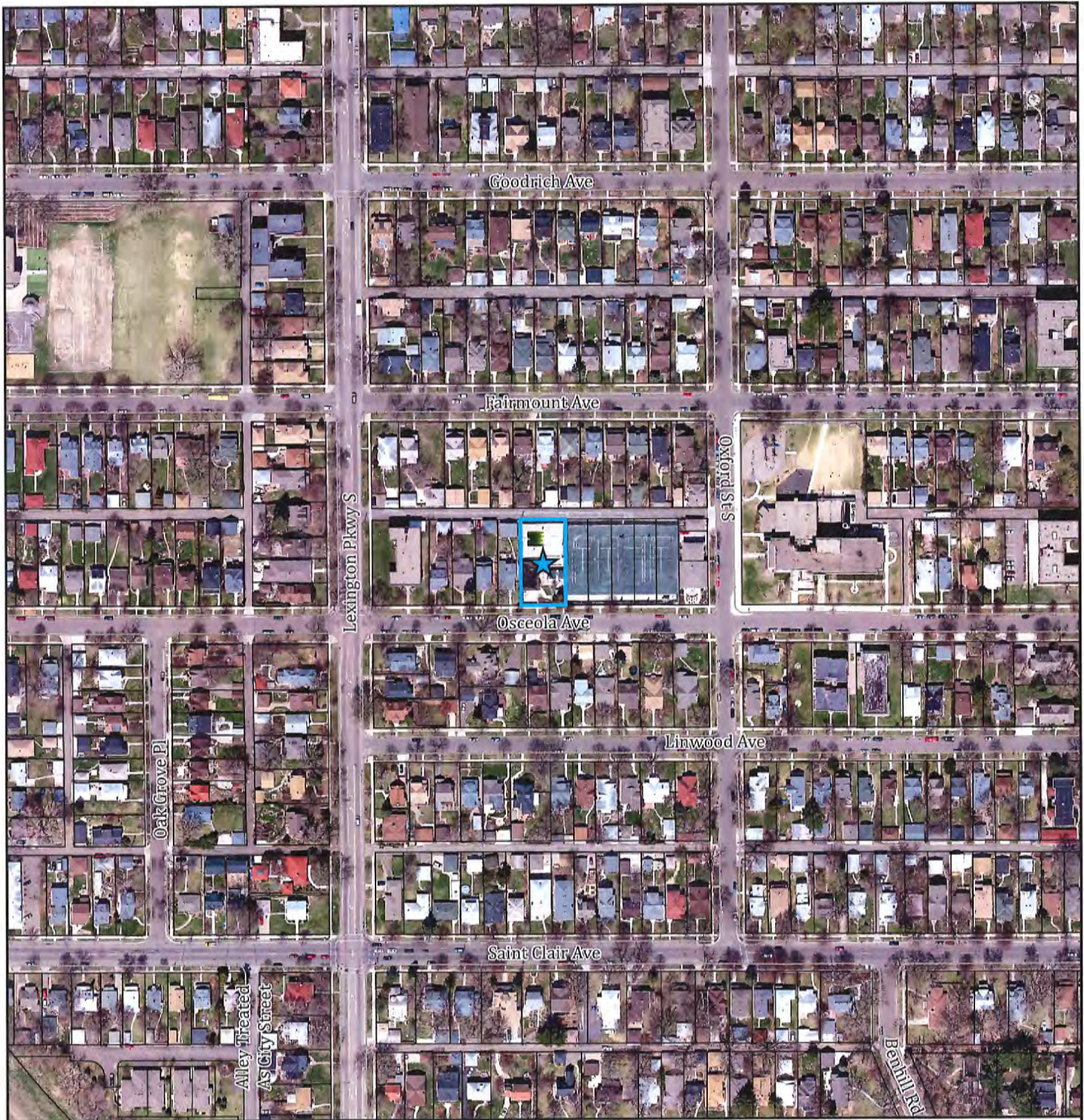
RE: St. Paul Tennis Club

Conditional use permit for replacement of existing clubhouse and pool facilities, 1055 Osceola Ave., between Oxford and Lexington Pkwy.


The Summit Hill Association (SHA) provides notice of this hearing so that you have the opportunity to attend or comment on these matters. The SHA Zoning and Land Use Committee will review and make neighborhood recommendations to the City regarding the matter. You are invited to attend the hearing or submit written comments. Comments must be received prior to the meeting and sent to SHA at the above address or by email to info@summithillassociation.org or call

651-222-1222.

*see you there -
 Theresa*



FILE NAME: Cheryl Baldwin et al 1055 Osceola Appeal **Aerial**

 Subject Parcels

APPLICATION TYPE: Appeal

FILE #: 16-097208 DATE: 11/8/2016

PLANNING DISTRICT: 16

ZONING PANEL: 20





FILE NAME: Cheryl Baldwin et al 1055 Osceola Appeal

APPLICATION TYPE: Appeal

FILE #: 16-097208 DATE: 11/8/2016

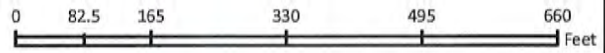
PLANNING DISTRICT: 16

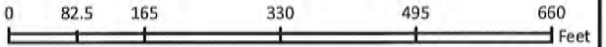
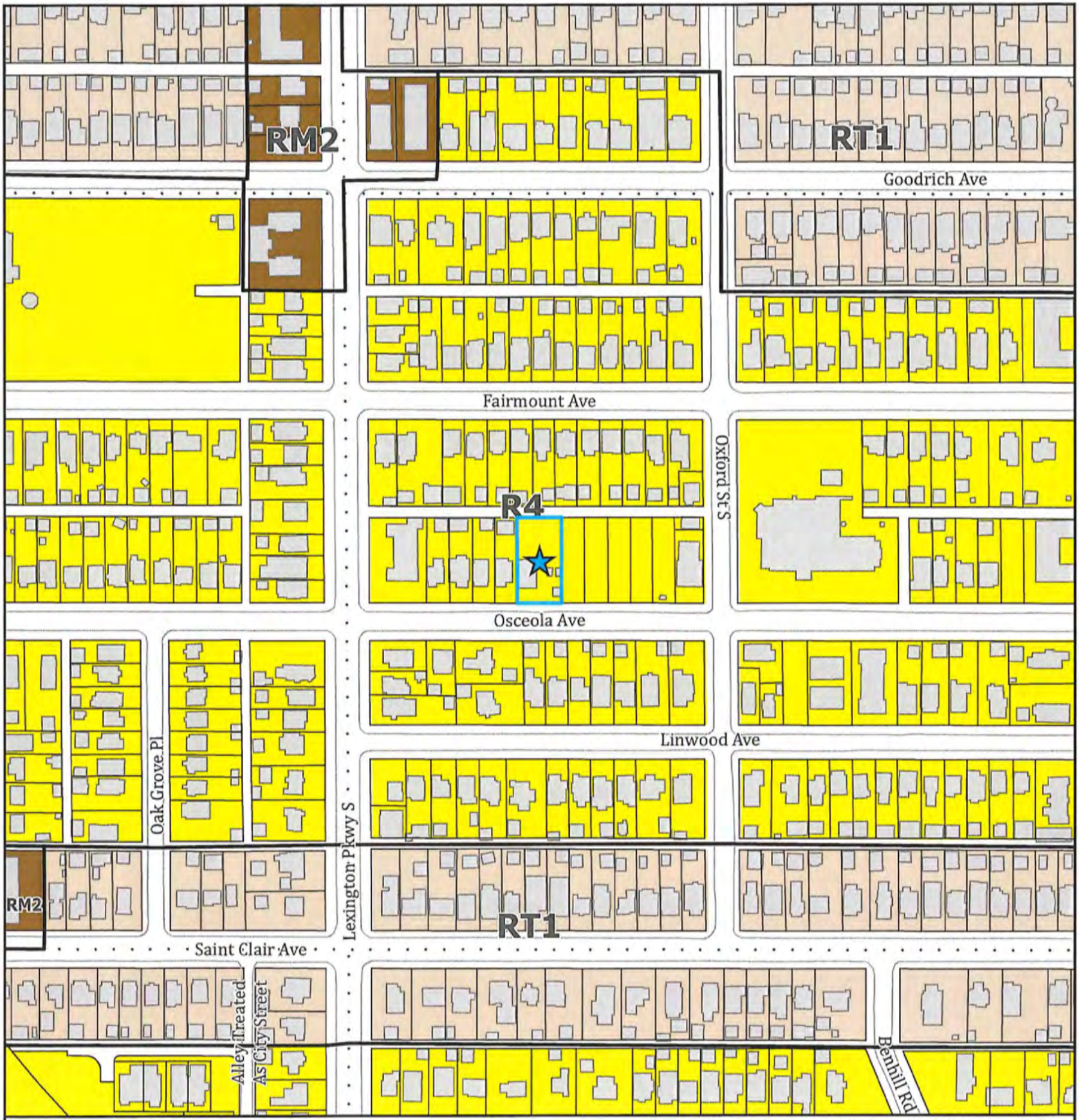
ZONING PANEL: 20

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Institutional
- Railway

- Subject Parcels
- Section Lines





FILE NAME: Cheryl Baldwin et al 1055 Osceola Appeal

Zoning

APPLICATION TYPE: Appeal

Subject Parcels

FILE #: 16-097208 DATE: 11/8/2016

Section Lines

PLANNING DISTRICT: 16

R4 One-Family

RT1 Two-Family

RM2 Multiple-Family

ZONING PANEL: 20

