

MINUTES OF THE ZONING COMMITTEE
Thursday, March 28, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Grill, Lindeke, Ochs, Rangel Morales, and Reveal
EXCUSED: Baker
STAFF: Michael Wade, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Paula Schad Lilly - 19-017-008 - Rezone from R2 one-family residential to RT1 two-family residential, 321 Irvine Avenue

Michael Wade presented the staff report with a recommendation of approval for the rezoning. He stated District 8 made no recommendation, and there were no letters in support, and 1 letter in opposition.

Commissioner Edgerton said that it was previously down-zoned from RT2 to R2 because of steep roadways and slopes, the lack of on-street parking, and traffic. He also noted that the natural tree cover was not retained as mentioned in the 2003 Irvine Avenue Development Plan. He questions the rationale of up-zoning to RT1 from R2.

In response to Commissioner Edgerton, Mr. Wade stated that the Irvine Avenue Development Plan also laid out suggestions for controlling traffic and parking in this area. There are parking requirements for development and recommendations for traffic mitigation. The general consistency of down-zoning from the original RT2 to a possible RT1 would still follow the spirit of the plan.

In response to Commissioner Ochs, Mr. Wade stated the Department of Safety and Inspections (DSI) has not evaluated the rezoning, but they have been in contact with the applicant regarding building a single family home.

In response to Commissioner Reveal, Mr. Wade confirmed the applicant would need to go through site plan review. He stated that the small parcel located behind the property didn't get included in the original plan will not be corrected in the rezoning. Mr. Wade stated he doesn't believe it needs to be for this application.

Mr. Torstenson added that as a result of the rezoning that was part of the Irvine Avenue Development Plan lots were purposely split zoned to keep higher density development from happening along Irvine if lots were split. When the lot was split there was no requirement to change that small parcel. In the plan it suggested that it would automatically change, but in the resolution it didn't automatically change. He stated it would not need to be corrected for a possible property sale.

In response to Commissioners regarding parking, Mr. Wade confirmed that the zoning code requires a minimum of two spaces per unit plus one guest parking area of off-street parking per unit for each dwelling unit on Irvine Avenue. He stated that they have proposed six off-street

parking spaces, but the plan shows only four. They will need to work that out during the site plan review process.

In response to Commissioner Rangel Morales, Mr. Wade stated that the photographs included with the email entered into public comment were taken in 2016 and 2017.

In response to Commissioner Reveal, Mr. Wade stated that the slope has not been stabilized at this point.

Gary Findell, 1742 Hartford Avenue, Saint Paul, MN, stated that there will be a total of six off street parking spaces. Mr. Findell provided a model of the twin home. One of the things that drove them to change the design from a single family home to a twin home was that the original plans that were approved were for a 3,400 square foot home that would have taken up a significant portion of the site and would have created a fair amount of disruption. Along with the owner and architect they came up with a building footprint that would be more easily done on this site, and allow for two housing units that would be in the 600,000 to \$700,000.00 range, rather than over a million. New construction single family homes, in that price range, are lacking in Saint Paul. He showed photographs of what the site looked like in December 2018. He stated the site has not been formally geotechnically stabilized. They have had geotechnical reports done in 2005 and 2016. The latest report done by Braun Intertech stated that the site is relatively stable, but any construction would need to be carefully engineered to guarantee that the slope would remain stable during and after construction. He said these reports were not shared with the neighbors. He said that the person who divided the property in 2005 or 2006 had to have a geotechnical report completed as a part of the subdivision. The owners in 2016 also had a slope analysis completed. He said there are no visible water issues on the site. He explained that to design the house into two separate pieces, both of which have small foundation pieces, will minimize disturbance. It will allow water to flow down between the two structures to the storm system and water will flow down the side to a trench system. Construction staging would be next to impossible and they are planning to build the house modularly. All the geotechnical engineering site work costs for the site will much more easily spread over the cost of two houses rather than one, and they feel there is a significant need for single family homes in this area for within this price range.

Upon questions from the Commissioners, Mr. Findell stated the applicants do not intend to use one of the homes for themselves.

Jackie Rogalski, 314 Irvine Avenue, Saint Paul, MN, spoke in support. Ms. Rogalski stated the applicant has been very communicative with her and she appreciates it. It is disappointing to learn they will not be living at the property. They did do a lot of research and put a lot of money in the property to try and sell it. She said there are a lot of streams underneath the property, but she is okay with the rezoning because they still need to go through the geotechnical review and have all of the engineering pieces done. She said she doesn't think this will make traffic worse. The places down below create more traffic. She is hoping that they will reforest the property in the same way that was on the original plan.

Upon inquiry from Commissioners, Ms. Rogalski stated she personally has not had any water problems. She mentioned that the house on the east side had to build a retaining wall because

the hill gave way, and other neighbors have had issues when they have done work at their residences. Moving the earth has affected the springs, but the applicant will need to go through a process and abide by the city rules for building.

Robert Cattanaach, 322 Summit Avenue, Saint Paul, MN spoke in opposition. He stated they have spent a lot of equity on renovating their historic home and would hope that Saint Paul Planning would preserve it. He is not comfortable saying he opposes this application, but he does have serious concerns. He said that there are mandatory standards that need to be followed, but those were not followed in the past. He said there should have been geotechnical work done before they started excavation and construction and none was done. He would like assurance that it won't happen again. He said some parts of the application are troubling and is concerned that corners will get cut during the construction process. There should be some conditions to make sure what happened before doesn't happen again. He has talked to a geotechnical engineer about this site, and they said there is no way anyone can say with confidence that this site can be developed. There are springs in this site and when you open up this hillside the springs come up. Given the issues in the past, he would feel better if there was sufficient geotechnical work done beforehand to confirm that it can be developed.

Mr. Findell responded to testimony. He stated that the last thing he wants to do is to build something that is not structurally sound. He is legally obligated by the state of Minnesota to provide a warranty of ten years for any structural issues. He has been a Landscape Architect for over forty years and he has worked on comparable sites. He said that some of the site plan and permitting by the City has not been done in the past, but he believes that has been improved. They also have two geotechnical, one structural, and a civil engineer that will be working on the project to make sure that what they are doing is going to comfort the neighbors. In regards to the walls that have come down, he has a hard time seeing what they could have done on this site that would have caused the walls to collapse.

The public hearing was closed.

Commissioner Reveal stated that the issues on building permits and engineering are not relevant to the rezoning application. They are important to the process, but they are items that need to be properly taken care of during the site plan approval process.

Commissioner Elizabeth Reveal moved approval of the rezoning. Commissioner Grill seconded the motion.

Commissioner Lindeke said that he believes six parking spaces seem to be a lot, and he would recommend that the applicant review to see if that makes sense at this location during site plan review.

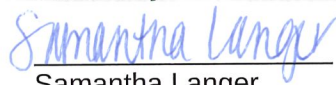
In response to Commissioner Edgerton, Mr. Wade referenced the Irvine Development Plan and Zoning Code regarding what is required by the City during site plan review.

Commissioner Edgerton stated he is concerned that it was down-zoned to R2 from RT2 for various reasons stated in the staff report, and those reasons do not seem to have changed. He isn't comfortable with up-zoning the property knowing that the reasons still exist.

The motion passed by a vote of 6-1-0.

Adopted Yeas - 6 Nays - 1 (Edgerton) Abstained - 0

Drafted by:



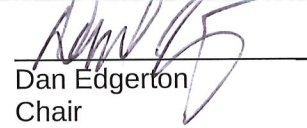
Samantha Langer
Recording Secretary

Submitted by:



Michael Wade
City Planner

Approved by:



Dan Edgerton
Chair