

MINUTES OF THE ZONING COMMITTEE
Thursday, January 19, 2017 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Nelson, Reveal, and McMahon
EXCUSED: Wickiser, and Makarios
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Hlee and May Xiong - 16-103-701 and 16-103-741- Rezone from R2 one family residential to RM2 multiple family residential and a conditional use permit for a 40-unit assisted living and memory care facility, 1475 Ames Ave., NE corner, Barclay and Ames.

Bill Dermody noted a new letter from the District 2 Community Council. Commissioner Reveal moved to reopen the public hearing to accept the letter and any additional testimony on that. Commissioner McMahon seconded the motion.

Chuck Repke, District 2 Community Council, 1321 White Bear Ave., said District Council had rescinded its support for the proposed rezoning. He stated they had not personally notified neighbors and the Zoning Committee public hearing notice was received by neighbors after the District 2 meeting. Mr. Repke referred to their letter and concerns from neighbors.

In response to Commissioner Reveal, Mr. Repke said he believes the developer would consider a land swap from the Ames Ave. location to a vacant lot on Magnolia because it would be a better site.

Txerlee Moua, 515 20th St. NE, Rochester, MN said that he is one of the owners and although it is unfortunate that we have come to this conclusion he believes the land swap is a good idea and needs to consult with the other owners of this property.

Angelique Corcoran, 1478 Ames Ave., said she is against the rezoning but in favor of the assisted living and memory care facility if there is a land swap because the Magnolia location is already zoned RM2 and has better access.

Mike Corcoran, 1478 Ames Ave., said he supports the new District 2 Community Council letter. He said that because of the low setting of the Ames Ave. property, it may cause a health risk for residents with exhaust fumes settling into the area. He added that if the facility is built on Magnolia the residents would have views of the Ames Lake area, better street access, and public transportation.

Joe Anderson, 1515 Ames Ave., said he is in favor of the land swap.

Margaret Mudek, 1515 Ames Ave., said she is in favor of the land swap because the property at Magnolia is already zoned RM2 and is on higher ground.

The public hearing was closed.

Mr. Dermody presented additional information regarding wetlands and traffic that the committee had requested. He said a site plan review would require determining if this site is a wetland. He said that with access at Ames Ave., there would need to be a turn-around for emergency vehicles. He said that with the small amount of anticipated traffic, typically only a traffic memo would be required and not a full traffic study.

Chair Nelson asked if the information in the staff report has changed. Mr. Dermody said that the findings and recommendations for approval remained the same under both applications.

Chair Nelson asked if the turn-around would be a dedicated easement. Mr. Dermody said that he did not know what the requirements would be for this, other than to be a part of the site design.

Commissioner McMahon asked if ingress and egress would be within the site itself. Mr. Dermody said that this would typically be within the site itself, and there also needs to be adequate emergency vehicle access. Chair Nelson noted that the dead end past this site is about 3 properties in length, not far to back up.

Commissioner Reveal said the land swap is a fabulous idea, but there is nothing we can do to require this. She noted that staff has said all conditions have been met, and she is not convinced that traffic is much of an issue.

Commissioner Edgerton asked if denial for the rezoning based on traffic issues would be reasonable.

Peter Warner said the focus should be on the rezoning application. The present zoning for the parcel is R2, as for adjacent property along Ames. The District 2 Community Council noted that development of the site is uncertain because we don't know if it is a wetland or not. Rezoning is legislative, not quasi-judicial. Consider whether the area has so changed that it warrants rezoning to a multi-family district. If the committee recommends denial of the rezoning, then the recommendation on the conditional use permit should also be for denial because it depends on the rezoning.

Commissioner Reveal moved to recommend denial of the rezoning because of uncertainty regarding the site and development. Commissioner Edgerton seconded the motion.

Commissioner McMahon noted concerns about ingress and egress due to the narrow dead end street.

Commissioner Reveal made a motion to convey to the HRA that we would be supportive of them looking at the potential land swap in this area because we think the project has merit and may be a more appropriate site for all parties concerned. Commissioner McMahon seconded the motion.

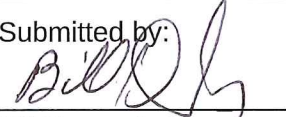
Commissioner Reveal moved denial of the conditional use permit based on the recommendation against the rezoning. Commissioner McMahon seconded the motion.

The motions passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Bill Dermody
Zoning Section

Approved by:

~~Gaius Nelson~~
Chair 