# AGENDA ZONING COMMITTEE OF THE SAINT PAUL PLANNING COMMISSION Thursday, April 25, 2013 3:30 P.M. City Council Chambers, Room #300 Third Floor City Hall - Saint Paul, Minnesota

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

#### APPROVAL OF MARCH 28, 2013, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

#### **NEW BUSINESS**

1 13-170-946 Icy Cup Farmers Market

Conditional use permit for outdoor sales 63 George St W, NE corner at Stryker

B3

Kate Reilly 651-266-6618

2 13-170-780 Bilal Alsadi

Conditional use permit for an auto convenience market 1188 - 1200 Rice St, between Maryland and Rose

B<sub>2</sub>

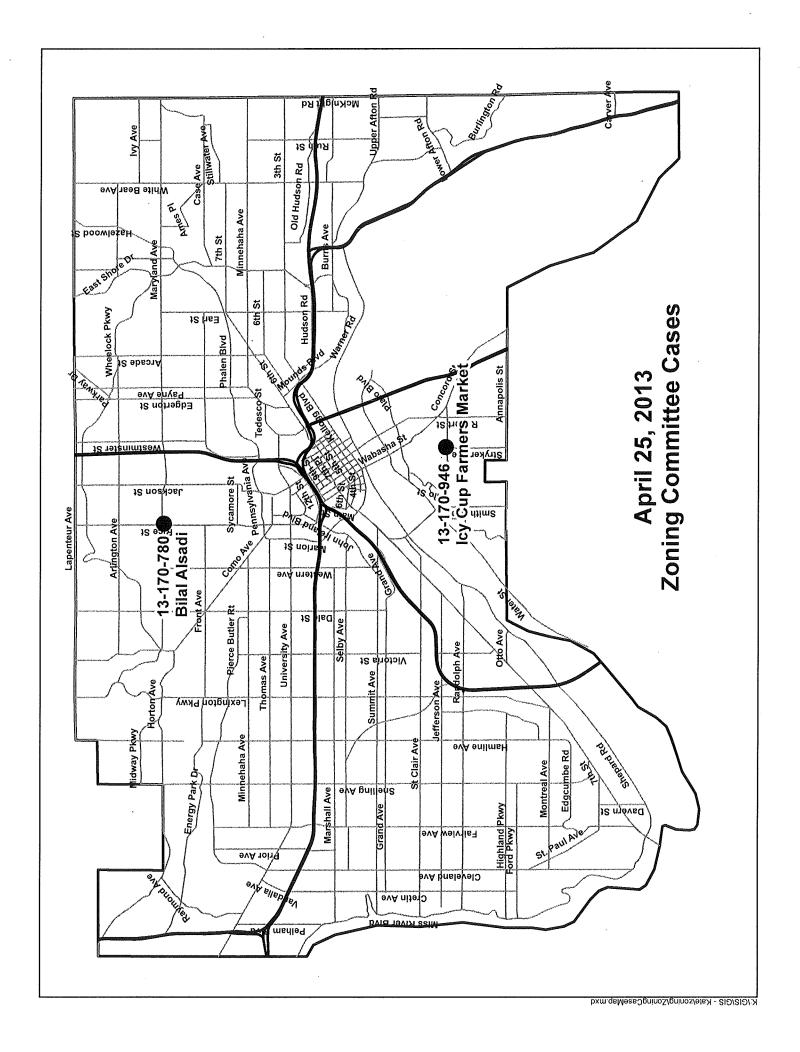
Kate Reilly 651-266-6618

#### **ADJOURNMENT**

Information on agenda items being considered by the Zoning Committee can be found online at <a href="https://www.stpaul.gov/ped">www.stpaul.gov/ped</a>, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



#### **ZONING COMMITTEE STAFF REPORT**

1. FILE NAME: Icy Cup Farmers Market

FILE # 13-170-946

2. APPLICANT: Pompeyo Sanchez

HEARING DATE: April 25, 2013

3. TYPE OF APPLICATION: Conditional Use Permit

4. LOCATION: 63 George St W, NE corner at Stryker

5. PIN & LEGAL DESCRIPTION: 072822140031, West St Paul Blks 1 Thru 99 S 30 Ft Of W 90 Ft Lot 4 & W 90 Ft Of Lot 5 Blk 84

6 PLANNING DISTRICT: 3

PRESENT ZONING: B3

7 **ZONING CODE REFERENCE:** § 65.525; § 61.501; § 61.502

8. STAFF REPORT DATE: April 19, 2013

BY: Kate Reilly

9. DATE RECEIVED: April 4, 2013

60-DAY DEADLINE FOR ACTION: June 3, 2013

A. PURPOSE: Conditional use permit for outdoor sales

B. PARCEL SIZE: 80 ft (Stryker) x 90 ft, totaling 7,200 sq. ft.

C. **EXISTING LAND USE:** C-Restaurant-Fast Food (Zoned B3 – general business)

D. SURROUNDING LAND USE:

North: Residential (Zoned RT1 – Two-family)

East: Residential (Zoned RT1)

South: Commercial (Zoned B3)

West: Residential (Zoned RT1)

- E. **ZONING CODE CITATION:** §65.525 lists standards and conditions for outdoor commercial suses not otherwise allowed in the district; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** This property received a permit as a Dairy Queen in 1962 (Z.F. #208427). In 2013 the establishment re-opened as lcy Cup.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 3 Council had not responded at the time this staff report was written.

#### H. FINDINGS:

- 1. The applicant is seeking a conditional use permit for outdoor uses, commercial at 63 W. George Street to allow a farmers market. According to the application, the market will operate every Saturday from 9 a.m. to noon from June to September. Vendors will be allowed to set up beginning at 8 a.m. and will have until 1 p.m. to tear down the market. The market will primarily sell fruits and vegetables. Some specialty vendors may sell meat, honey, and baked goods and will follow all Saint Paul licensing and health codes.
- 2. §65.525 lists standards and conditions for outdoor commercial uses not otherwise allowed in the district. It states: the use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.
  - This finding is met. The use will not conflict with off-street parking, off-street loading and the system of pedestrian flow. Vendors will load and unload prior to the market's opening and will park in on-street spaces. The system of pedestrian flow will not be disturbed because the sidewalks will not be used for the market and internal flow of pedestrians will be maintained. In addition, the building requires four off-street spaces. The property currently has nine off-street spaces. Four will be used for the market, leaving five spaces for the use of patrons of Icy Cup.
- 3, §61.501 lists five standards that all conditional uses must satisfy:
  - (1) 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 West Side Community Plan in Urban Agriculture objective #1 seeks to "promote locally grown food to address food security issues on the West Side." This farmers market would provide locally grown food to the neighborhood.
- The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Vehicular access to and from the site will be from the Stryker Avenue side of the property. There are five parking spaces for the patrons of the market and the Icy Cup establishment. This is one greater than required by code. This will provide adequate ingress and egress and will minimize traffic congestion in the public streets.
- (3) 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 existing character of development in this area is general business uses (zoned B3) and one- and two-family homes (zoned RT1). A farmers market will not be detrimental to the existing character or endanger the public health, safety and general welfare; rather it will add value to the neighborhood by providing access to healthy food.
- (4) 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. The use is a temporary one and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (5) 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 use is a conditional use in the B3 district.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for outdoor sales subject to the following additional condition:
  - 1. Final plans approved by City staff for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

	http://www.stpaur.gov/DocumentCe
Departm Zoning S 1400 City 25 West	Fourth Street ul, MN 55102-1634
APPLICANT	Name DW PE VO SUIC, Lec  Address 63 George St.  City St. Zip 55 (07 Daytime Phone 6/2  Name of Owner (if different)  Contact Person (if different) MASON WELLS Phone 51-7
PROPERTY LOCATION	Address / Location 63 (2006) St. W  Legal Description  Current Zoning 83  (attach additional sheet if necessary)
TYPE OF PERMIT	Chapter, Section 65, Paragraph 525_ of the Zoning Code.
If you are request	FORMATION: Explain how the use will meet all of the applicable standards and cond ting modification of any special conditions or standards for a conditional use, explai is needed and how it meets the requirements for modification of special conditions i

litions. n why Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See attached narrative

Required site plan is attached

Applicant's Signature\_

4/3/2013 11:06 AN

The owner of Icy Cup at 63 George St W, a B3 commercial property, is seeking a Conditional Use Permit for "outdoor sales" to allow a Farmer's Market as outlined in Sec. 65.525. of the City of St. Paul Zoning Code. Weather permitting the market will operate every Saturday from 9:00 a.m. to Noon from June to September. Vendors will be allowed to set up beginning at 8:00 a.m. and will be given until 1:00 p.m. to pack away their materials. The market will include 5 to 10 vendors and have a mix of neighborhood gardeners and small scale farmers. The market will primarily sell fruits and vegetables. Some specialty vendors will sell a range of meat, honey, and baked goods and will follow all St. Paul licensing and health codes. A bucket of warm water with a spigot and soap will be available on site.

The market will meet all the standards and conditions for outdoor commercial uses not otherwise allowed in the district. As the site plan notes, vendors will use the rear two-way driveway to load and unload their materials in the hour before and after the opening and closing of the market and then park their vehicles in on street spaces. Pedestrian flow will not be impeded as vendors will be facing the sidewalk but will be set back to allow customers to browse without obstructing the public way. The market is harmonious with adjacent uses, which include B3 commercial and RT1 residential. This market will be a value added to the neighborhood. It will increase access to healthy foods, stimulate local economic growth, and provide a needed community space. It accomplishes objectives for promoting local food access and farmer's markets as outlined in the 10 year West Side Community Plan, which was recently adopted by the City Council as an addendum to the City of St. Paul Comprehensive Plan.

As a small community project the application fee is an obstacle for the market. For that reason we are asking the Zoning Committee to consider refunding the application fee.

Thank you.

George Street

#### Reilly, Kate (CI-StPaul)

From:

Baumgardner, Briana <bri> briana.baumgardner@CO.RAMSEY.MN.US>

Sent:

Thursday, April 18, 2013 9:50 AM

To:

Reilly, Kate (CI-StPaul)

Subject:

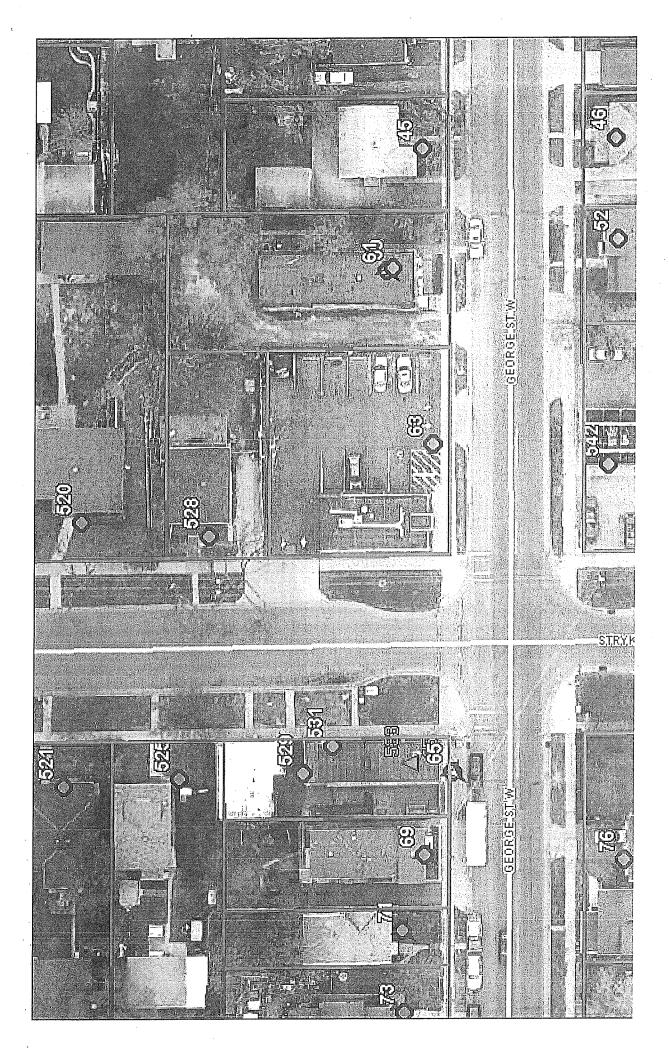
File 13-170-946

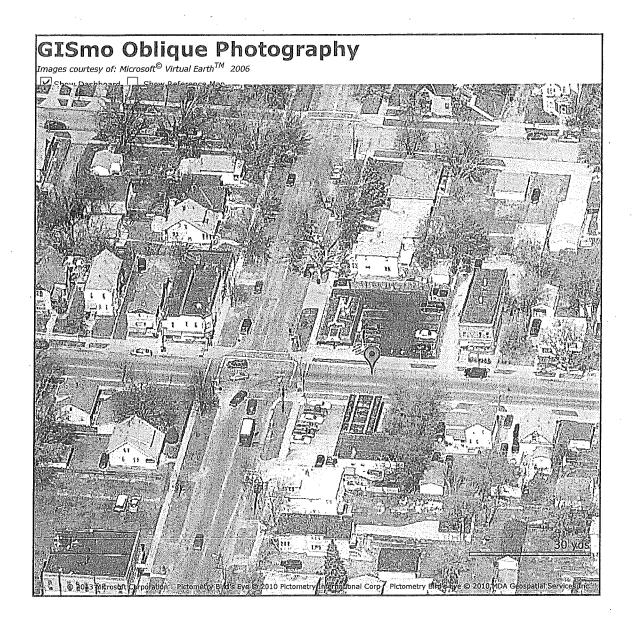
Hello Ms. Reilly:

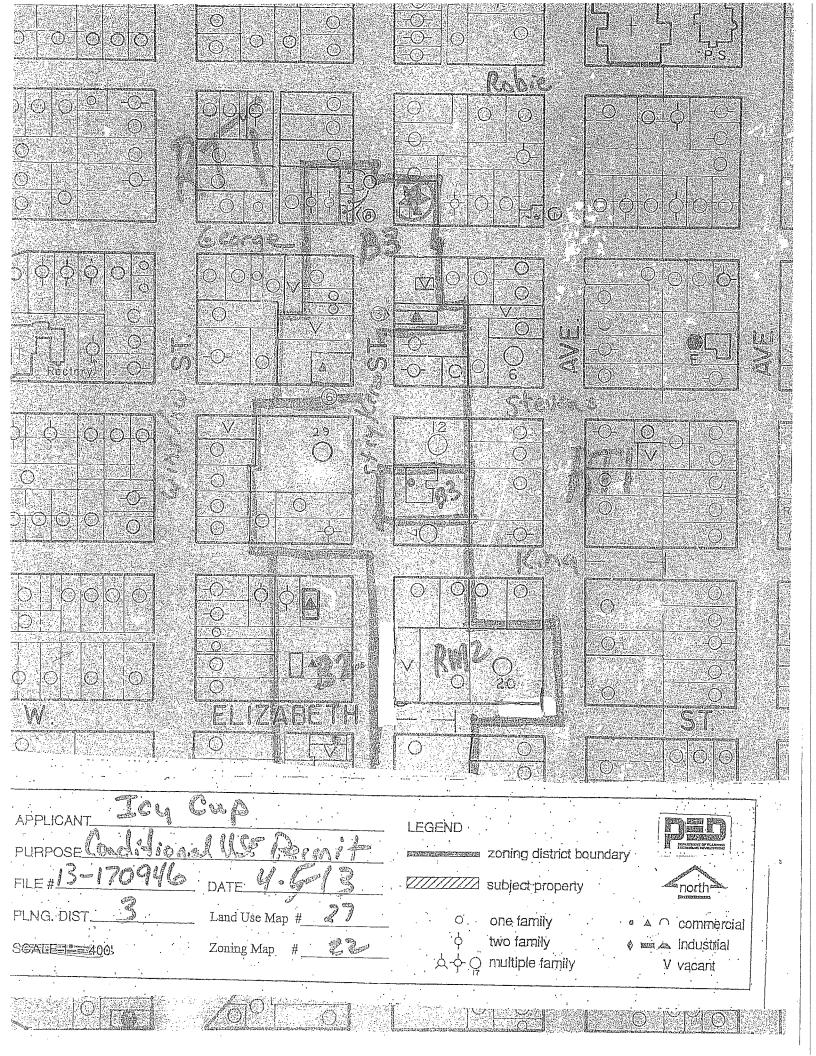
I received a notice in the mail about a public hearing regarding the conditional use permit for outdoor sales/farmers market at the Icy Cup on George St. My husband & I live behind the Icy Cup and we both believe that this is a great idea and will be beneficial to the neighborhood. We hope it is approved.

Thank you for your time.

Briana Baumgardner
Assistant Ramsey County Attorney
50 West Kellogg Boulevard, Suite 315
Saint Paul, Minnesota 55102
651-266-3231 (Office)
651-266-3010 (Fax)
briana.baumgardner@co.ramsey.mn.us







#### ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Bilal Alsadi

FILE # 13-170-780

2. APPLICANT: Bilal Alsadi

HEARING DATE: April 25, 2013

- 3. TYPE OF APPLICATION: Conditional Use Permit
- 4. LOCATION: 1188 1200 Rice St, between Maryland and Rose

5. PIN & LEGAL DESCRIPTION: 302922220172 and 302922220009, Stinsons Rice Streetaddition Subj To Esmt Lots 10- 14, Block 2.

6 PLANNING DISTRICT: 6

PRESENT ZONING: B2

7 **ZONING CODE REFERENCE:** § 61.503 § 65.702; § 61.501; § 61.502

8. STAFF REPORT DATE: April 19, 2013

BY: Kate Reilly

9. DATE RECEIVED: April 4, 2013

60-DAY DEADLINE FOR ACTION: June 3, 2013

- A. PURPOSE: Conditional use permit for an auto convenience market at 1188-1200 Rice Street
- B. **PARCEL SIZE:** Irregular parcel 155 ft (Rice) x 127 ft x 171 ft x 111 ft (Maryland) x 22 ft totaling 21,515 sq. ft.
- C. EXISTING LAND USE: A-Auto Convenience Market
- D. SURROUNDING LAND USE:

North: Commercial building (B2 Community Business)

East: Single family homes (R4 Single-family residential)

South: Commercial (B3 General Business)

West: Single family homes (B2)

- E. **ZONING CODE CITATION:** §61. 503 lists conditions that may occur requiring a new conditional use permit when a change to the property occurs; §65.702 lists conditions that auto convenience markets must meet; §61.501 lists general conditions that must be met by all conditional uses;
- F. **HISTORY/DISCUSSION:** A permit for a filling station was first approved in this location in 1940 (Z.F. #999). The permit was granted again in 1967 when the existing filling station was rebuilt (Z.F. #6245). A conditional use permit for an auto convenience market was approved by the Planning Commission on May 10, 2012 (Z.F. 12-045-151). A site plan (SPR #11-250-428) was filed in July, 2011, and denied by staff on July 11, 2012. A new site plan (SPR #12-090-127) was filed in August, 2012, and approved by staff on August 24, 2012. A neighbor (Raymond and Susan Cantu) filed an appeal (Z. F. #12-101937) which was denied by the Planning Commission on October 5, 2012, in resolution #12-65. That decision was appealed to the City Council, which denied the appeal on November 7, 2012, implementing the site plan approved on August 24, 2012. These plans were never completed. A current site plan application is SPR # 13-169-828, review of which took place on April 16, 2013.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council will meet on this matter on April 23, 2013.

#### H. FINDINGS:

- 1. The applicant, Bilal Alsadi, is requesting a new conditional use permit for an auto convenience market for the property at 1188-1200 Rice Street. A conditional use permit for an auto convenience market was previously granted by the Planning Commission in May, 2012 for the location at 1200 Rice Street.
- 2. §61. 503 (e) states that a new conditional use permit is required when the principal use of a conditional use expands onto an abutting lot. The applicant is now proposing to expand the use onto the property at 1188 Rice Street.
- 3. § 65.702 lists the following standards that an auto convenience market must satisfy:
  - 1) The use is subject to standards (a), (b), (d), (e), and (g) in § 65.703, auto service station. Standards (e) and (g) apply only in traditional Neighborhood and IR industrial districts. The

subject property is in the B2 Community Business District, and therefore standards (e) and (g) do not apply.

- a. The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications.... This condition is met. The newly constructed auto convenience market will be constructed in accordance with current city specifications.
- b. A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This condition is met. The residential property to the east does not adjoin the property. It is separated from the property by a 20 foot wide alley. In addition, the residentially zoned area will be buffered by a 6' 6" landscaped area and a fence.
- d. Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping. This condition is met. Outdoor accessory sales of goods or equipment will not take place in a required setback, parking or maneuvering space at this location.
- (2) The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area. This condition is met. The lot size is 21,515 square feet.
- 3. § 61.501 lists the following 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. This is a neighborhood-serving commercial business that meets Saint Paul Comprehensive Plan Land Use Strategy 1.7, "Permit neighborhood serving commercial businesses compatible with the character of established neighborhoods." A similar use has been on this site since at least 1940.
  - b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. There is adequate ingress and egress which has been reviewed by Public Works as part of site plan review, that will 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. This condition is met. A previously established business in an area zoned B2 community business will be allowed to continue to operate.
  - 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. The use will continue a previously established business. This use will not prevent the development and improvement of the other businesses in the area, nor will it impact the development and improvement of the residential uses in the districts surrounding it.
  - 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 use conforms to all applicable regulations of the B2 district.
  - 1. I. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of a conditional use permit for an auto convenience market at 1188-1200 Rice Street.



#### CONDITIONAL LISE DERMIT 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 off	fice use only
File #	
Fee:	1 (1975) 1 (1975) 2 (1975) 1 (1975)
Tentative F	Hearing Date:
	140 B
CONTRACTOR	

(051) 20	
APPLICANT	Name Blad Asad; Address 1200 Rice St. City St. MM Zip 5517 Daytime Phone 612 750441  Name of Owner (if different) Phone
PROPERTY LOCATION	Address / Location 1200 - 1188 RICE ST (G.E. CORNER Rece & Marglace Legal Description LOTS 10, 11, 12, 13 & 14, 18 LKZ, 8 17 NOONS  RICKE STREET ADDITION TO CETY of St. Navy, M. Burrent Zoning B-Z (attach additional sheet if necessary)
TYPE OF PERMI	T: Application is hereby made for a Conditional Use Permit under provisions of
	Chapter, Section, Paragraph of the Zoning Code.
If you are request the modification Section 61.502 o	FORMATION: Explain how the use will meet all of the applicable standards and conditions.  Iting modification of any special conditions or standards for a conditional use, explain why is needed and how it meets the requirements for modification of special conditions in f the Zoning Code. Attach additional sheets if necessary.  ACHEL,
	RECEIVED
•	APR 0 9 2013
	APR U. X. Zuio
	Por
	original
☐ Required site	plan is attached
Applicant's Signa	Date 3/27/13 City Agent

Property location: 1200 – 1188 Rice Street, Lots 10,11,12, 13 & 14, Blk. 2, Stinson's Rice Street Addition to City of St. Paul, MN.

<u>St. Paul, Minnesota, Code of Ordinances</u> >> <u>PART II - LEGISLATIVE CODE</u> >> <u>TITLE VIII - ZONING CODE</u> >> <u>Chapter 61. - Zoning Code—Administration and Enforcement</u> >> <u>ARTICLE V. - 61.500</u>. CONDITIONAL USE PERMITS >>

(Replys to individual topics by John Kosmas, Architect, K K Design.)

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.

#### (Previously approved, no substantial changes have taken place.)

(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

#### (The use provides adequate ingress and egress.)

(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.

# (The use will not be detrimental to the existing character of adjacent areas.)

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

# (The use will not impede development of area.)

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

# (The use will conform to regulations.)

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.

#### (Conditional Use remains the same as existing.)

(b) The floor area of a condition 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.

# (The expansion is less than 50%, existing is 1,952 sq.ft. increaseing to 2,724 sq.ft. a 40% increase.)

(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.

#### (The floor area expansion is 40% greater than existing.)

- (d) The building containing a new conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.
- \*(The existing building containing the <u>existing</u> conditional use will be removed and new building constructed to contain the <u>existing</u> conditional use.)
- (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.
- \*(The principal use of the conditional use is expanding into an abutting lot.)
- (f) The number of residents in a community residential facility increases, or the number of rooming units in a rooming or boarding house increases.

# (Not applicable.)

(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.

# (Not applicable.)

(C.F. No. 10-349, § 2, 4-28-10)

# 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.

(The existing Auto Convience Market is currently 1,942 sq. ft. the new structure will include an Auto Conv. Market at 2,724 sq. ft. and increase of 40 %, less than

the allowable of 50%. Therefore, a new CUP should not be required.) (The balance of the new structure is not be involved with the Auto Conv. Market.)

(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.

(The existing use will be expanding into the abutting lot for construction of new building and additional parking.)

(c)Off-street parking spaces are added in a parking lot, garage or ramp on the site of a conditional use.

(Off-street parking will be added with expansion into the adjacent lot.)

(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.

# (Not applicable.)

(e) A college, university or seminary adds a school building or an off-street parking facility within its approved campus boundary.

#### (Not applicable.)

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 three hundred sixty-five (365) days, or when a conditional use changes to a permitted use not requiring a conditional use permit, the conditional use permit shall automatically expire. If the lot area of a conditional use is subsequently reduced in size, 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 three hundred sixty-five (365) days, 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.

(Use will not be discontinued for 365 days. It will be discontinued for the period of construction, less than 6 months (180 days).)

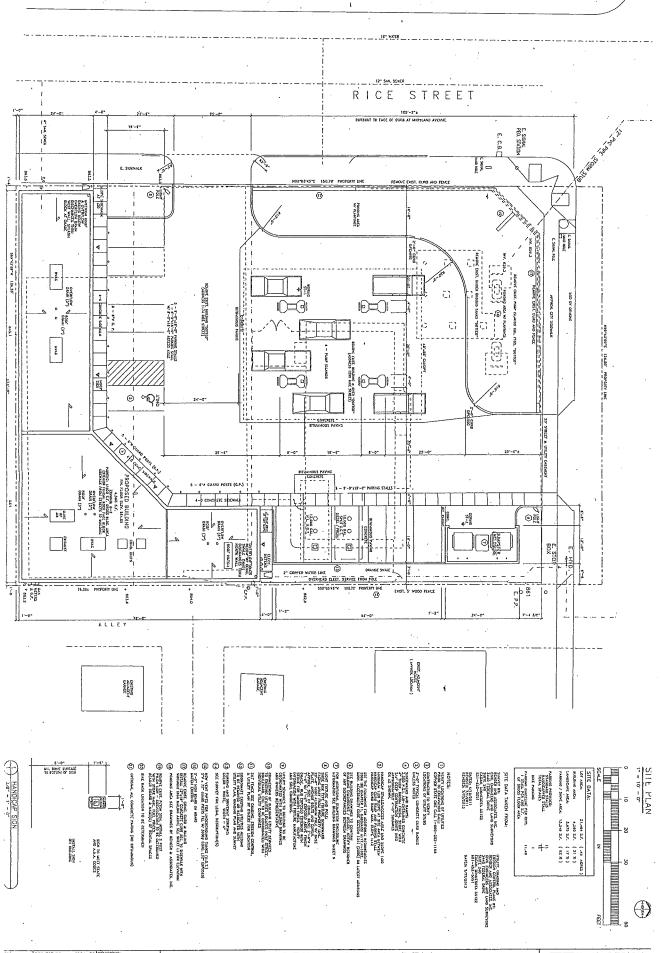
(C.F. No. 07-348, § 1, 5-9-07)

(Based on the items noted under 61.503, (d-?) and (e) a new Conditional Use Permit is requested. Application, fee and related drawings attached.)

John Kosmas, Arch.

Date

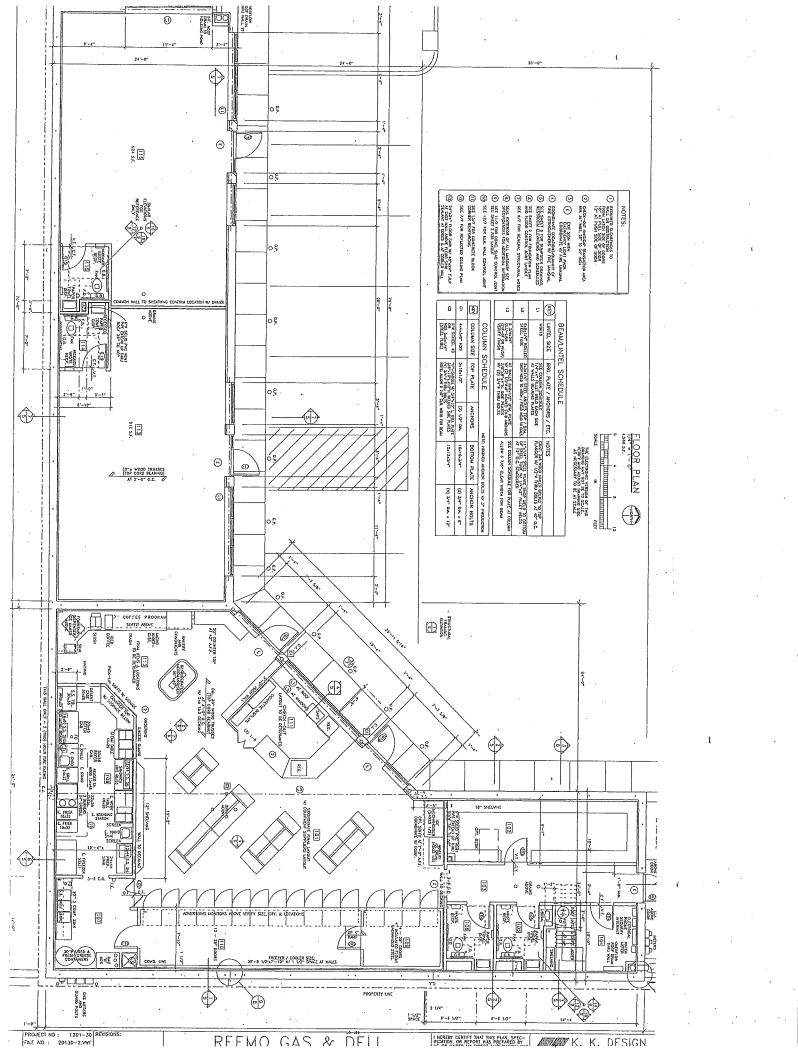
K K Design

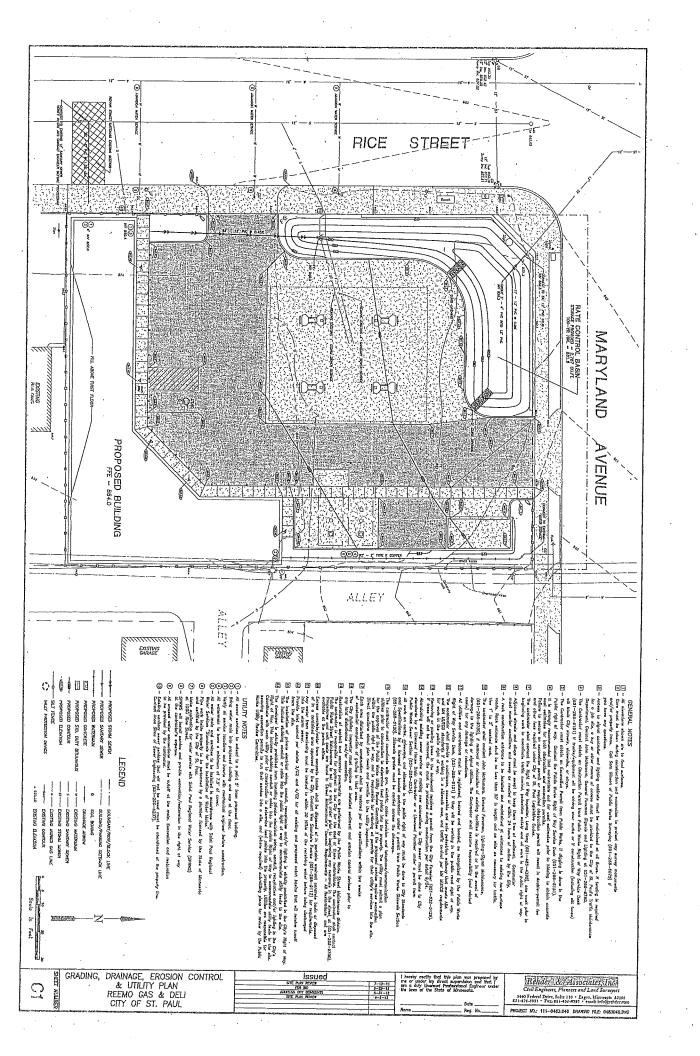


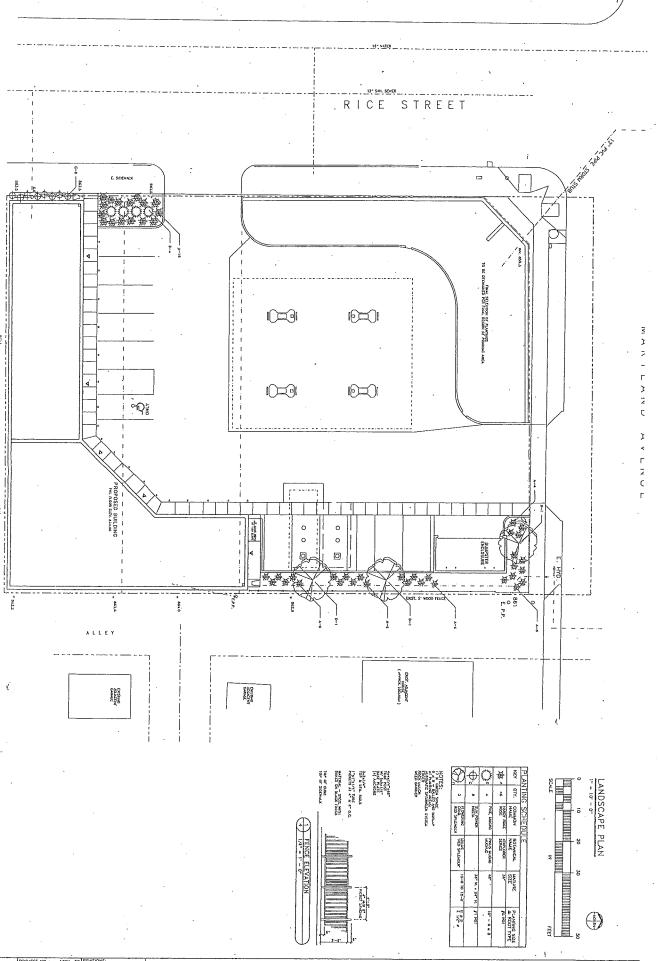
REEMO GAS & DELI

K. K. DESIGN

ARCHITECTURE-PLANING-CONSTI6112 EXCELSIOR BOULEVARD
952-922-3226







REEMO GAS & DELI



