

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, September 12, 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 AUGUST 29, 2013, ZONING COMMITTEE MINUTES

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

NEW BUSINESS

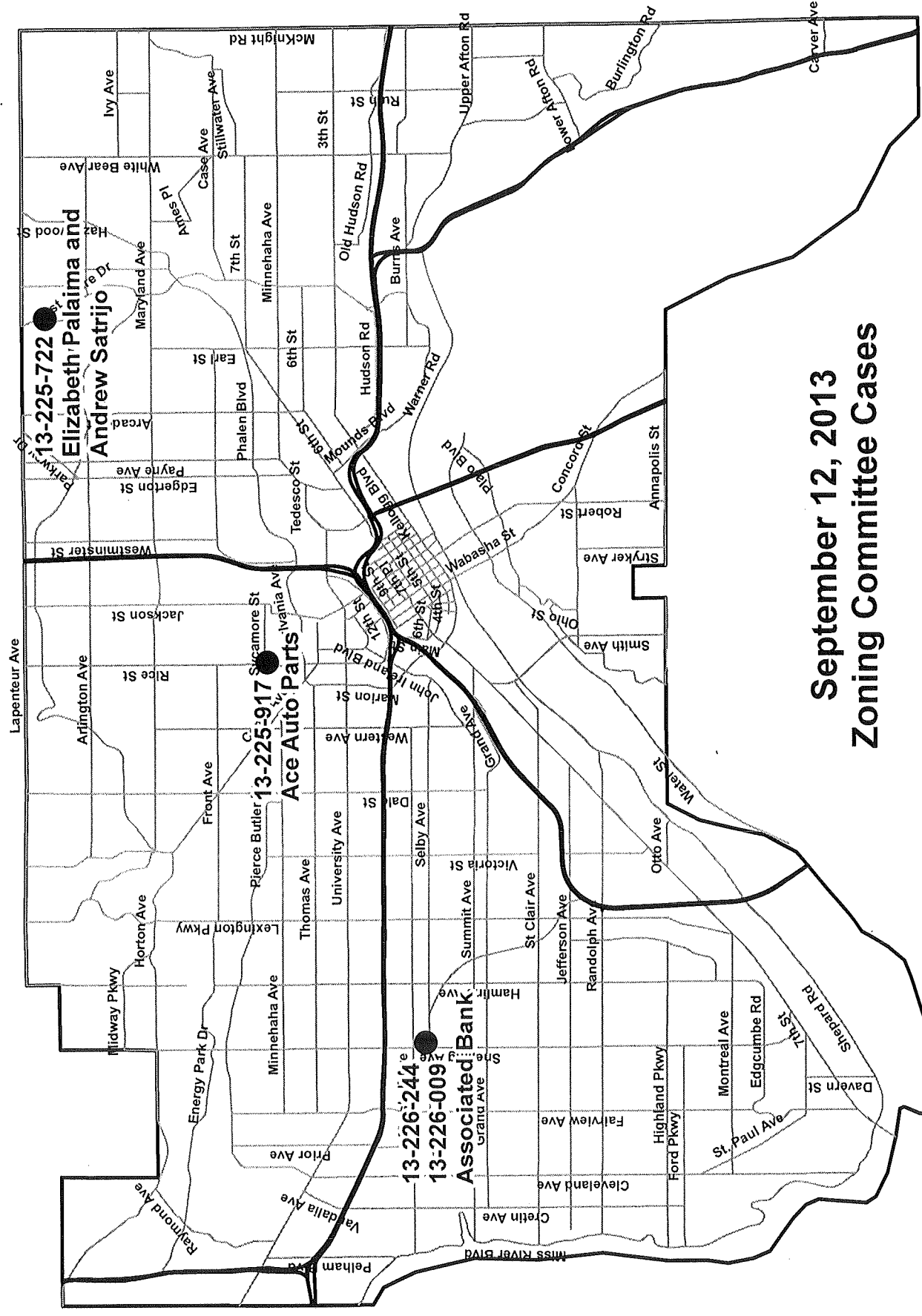
- 1 13-226-244 Associated Bank (Snelling / Selby)**
Rezone from B2 Community Business, B3 General Business, RM2 Multiple-Family Residential, VP Vehicular Parking, and I1 Light Industrial to T2 and T3 Traditional Neighborhood
176 Snelling Ave, area bounded by Marshall, Snelling, Selby, and Saratoga
RM2
Josh Williams 651-266-6659
- 2 13-226-009 Associated Bank drive-through sales**
Conditional use permit for drive-through sales and services with modification of number of permitted lanes.
202 Snelling Ave N, NE corner of Dayton Avenue
B3
Josh Williams 651-266-6659
- 3 13-225-722 Elizabeth Palaima and Andrew Satrijo**
Establishment of nonconforming use permit for use as a duplex
1598 East Shore Drive, between Idaho and Brighten Place
R3
Bill Dermody 651-266-6617
- 4 13-225-917 Ace Auto Parts**
Conditional use permit for outside auto sales with modification of 15,000 sq. ft. lot area requirement
780 Rice St, SE corner at Sycamore
B3
Jake Reilly 651-266-6618

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, 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.



September 12, 2013
Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Associated Bank
 2. **APPLICANT:** Associated Bank et al **HEARING DATE:** September 12, 2013
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 176 N. Snelling et al; area bounded by Marshall, Snelling, Selby, and Saratoga
 5. **PIN & LEGAL DESCRIPTION:** Rezoning to T2 traditional neighborhood: 032823220015; 032823220014; 032823220013; 032823220012; 032823220011; 032823220010; 032823220009; 032823220016; 032823220017; 032823220018; 032823220019; 032823220020; 032823220021; 032823220022; 032823220023; 03282322007; 03282322006; 03282322005; 03282322004 (see file for legal descriptions). Rezoning to T3 traditional neighborhood: 032823220102; 032823220103; 032823220104; 032823220105; 032823220106; 032823220107; 032823220098; 032823220099; 032823220100; 032823220101 (see file for legal descriptions).
 6. **PLANNING DISTRICT:** 13 **EXISTING ZONING:** RM2, B2, B3, VP, and I1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 3rd, 2013 **BY:** Josh Williams
 9. **DATE RECEIVED:** August 13, 2013 **60-DAY DEADLINE FOR ACTION:** October 12, 2013
-

- A. **PURPOSE:** Rezone from B2 Community Business, B3 General Business, RM2 Multiple-Family Residential, VP Vehicular Parking, and I1 Light Industrial to T2 and T3 Traditional Neighborhood.
- B. **PARCEL SIZE:** approx. 225,085 sq. ft.
- C. **EXISTING LAND USE:** Mix of commercial, residential, accessory parking, and industrial.
- D. **SURROUNDING LAND USE:**
 - North: Electrical substation (B3) / railroad right-of-way (RM2)
 - East: Residential (RM2) / office (OS)
 - South: Residential (RM2) / retail/commercial (B2)
 - West: Multi-family residential (RM2) / Retail/commercial (B2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** For purposes of this discussion, the properties north of Dayton and east of Snelling will be collectively referred to as the "north block", and those on the block bounded by Selby, Snelling, Dayton, and Saratoga as the "south block". Based on review of aerial photography, the north block appeared to be in primarily residential use as recently as 1985, with the exception of a now vacant gas station at the southeast corner of Snelling and Marshall. Properties at 1563, 1559, and 1555 Dayton (north block) rezoned from RM2 to P1 (now VP) in 1986. In the following few years, additional properties on Dayton east of Snelling were converted to commercial and accessory uses. Also in 1986, properties at 1536 and 1540 Dayton (south block) were rezoned from RM2 to B2. The remainder of the B2 zoned property on the south block bounded by Selby, Snelling, Dayton and Saratoga was given that designation sometime prior to 1986. A 1935 insurance map shows commercial uses along the Snelling frontage and mid-block on the south block. Zoning records show incremental conversion of the south block from residential to commercial uses beginning around 1950. On the south block, the applicant requests rezoning of all B2 parcels as well as an additional 6 RM2 parcels to T3 traditional neighborhood. On the north block, the applicant is requesting rezoning of parcels zoned B3, RM2, VP, and I1 to T3 traditional neighborhood.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 13 made a recommendation for approval of this application.
- H. **FINDINGS:**

1. The applicant is requesting rezoning of two adjacent sets of parcels to accommodate planned redevelopment. The block bounded by Selby, Snelling, Dayton, and Saratoga ("south block") consists of B2 zoned parcels occupied by the bank branch and associated parking, and five RM2 zoned parcels immediately to the east that are currently occupied by single family homes. The applicant is requesting to rezone all of the described south block parcels to T3 traditional neighborhood in order to accommodate a planned mixed-use development.

The parcels north of Dayton and east of Snelling ("north block") are, from west to east: six B3 zoned parcels along Snelling Avenue (one occupied by a small lender, the remainder vacant), a single RM2 zoned parcel on which sits an unoccupied single family residential structure, six VP zoned parcels (five in use as accessory parking for the bank branch on the south block, one the site of a single family residential structure), three additional RM2 zoned parcels occupied by two single family residential structures and a portion of one industrial structure, and two irregularly shaped I1 zoned parcels occupied by the remainder of the industrial structure. The applicant is requesting to rezone all of the described north block parcels to T2 traditional neighborhood in order to accommodate a bank branch and regional headquarters building. A shared community lot serving businesses located within the Selby and Snelling commercial node may also be constructed on the north block.

2. The proposed zoning is consistent with the way this area has developed. The area requested for rezoning includes both areas that have long been in commercial use as well as areas that were until relatively recently in residential uses. The south block has been in commercial use along the Snelling frontage and at mid-block since as early as 1925. The latter half of the 20th century saw conversion of additional portions of the block from residential to commercial uses. Zoning records are incomplete, but review of aerial photography suggests that the north block was mostly or completely in relatively low density residential use as recently as 1985. Around that time, conversion of the block to commercial uses began, resulting in the present mix of commercial and residential uses. The current zoning of the properties in question reflects this varied history.

The proposed T2 and T3 zoning would codify the existing mixed use character of the area. Snelling Avenue is an important multi-modal transportation corridor. It carries large amounts of automotive traffic, and the Metropolitan Council is seeking to implement Arterial Bus Rapid Transit along the corridor. The Minnesota Department of Transportation also recently completed a plan which identified improvements to better accommodate and improve safety for pedestrians and bicyclists within the Snelling right-of-way.

Concurrent with the rezoning request, the applicant is currently seeking zoning approvals for the construction of a new bank branch and regional office at the northeast corner of Snelling and Dayton on the north block and for a higher density mixed use developments on the portions of the south block proposed for rezoning. These projects are representative of the types of development allowed under the respective proposed zoning designations (T2 on the north block, T3 on the south block). In turn, the zoning designations are consistent with the existing mixed-use character of the area and the location along an important multi-modal transportation corridor. Specifically, the proposed T2 zoning of the north block will allow slightly lower density uses, as well as the possibility of drive-through facilities for sales or service, uses appropriate for a site along a major thoroughfare which carries large amounts of automotive traffic and is proximal to an interstate highway. At the same time, it requires a transit-oriented design, and allows for increased density as the modal split shifts toward transit users, pedestrians, and bicyclists. The proposed T3 zoning of the south block allows higher-density mixed-use development, and takes advantage of the location along a major transit line, including a planned Arterial BRT stop on the Snelling face of the south block.

3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter of the Saint Paul Comprehensive Plan identifies the area as part of a Mixed-Use Corridor. Policy LU 1.21 of the Comprehensive Plan calls for "accommodating growth" and "providing housing

at densities that support transit" within mixed-use corridors. The proposed zoning will allow higher density residential development along the Snelling mixed-use corridor and will also accommodate new commercial space. The Snelling Hamline Neighborhood Plan encourages transit-oriented development and new construction that complements existing structures; design standards that are part of the proposed traditional neighborhood zoning will provide a basis for meeting these objectives.

4. The proposed zoning is compatible with the mixed-use character of the surrounding area. Adjacent to the south block, the other three corners of the intersection of Snelling and Selby, as well as the corresponding block faces along those streets, are characterized by commercial uses. To the northwest, southwest, and southeast, there areas transition to residential areas zoned RT1 (two-family residential). The eastern-most portion of the south block and the area immediately across Saratoga from the south block are characterized primarily by lower-density residential, but are zoned RM2 multifamily residential. The dimensional and density standards for RM2 are very similar to those for T2; this similarity, combined with the design standards for traditional neighborhood zones make for an appropriate transition from the proposed T3 zone to the remaining residential-zoned areas to immediately to the east of the south block. The proposed mixed-use project on the south block will result in the removal of most of the existing low density residential structures from the block.

The north block will be adjacent to B3 zoning to the west across Snelling, RM2 zoned railroad right-of-way directly to the north, and RM2 zoned residential areas along Saratoga to the southeast. The proposed T2 zoning is compatible with these surrounding zoning districts.

5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes; typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* The proposed zoning are for relatively large contiguous areas and would establish a use classification consistent with the surrounding properties. The proposed zoning would not constitute spot zoning.
6. The petition for rezoning was found to be sufficient on August 26th, 2013: 50 parcels eligible; 34 parcels required; 34 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning from B2 Community Business, B3 General Business, RM2 Multiple-Family Residential, VP Vehicular Parking, and I1 Light Industrial to T2 and T3 Traditional Neighborhood.



PETITION TO AMEND THE ZONING CODE
 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 #: 13-226244

Fee: 2700.00

Tentative Hearing Date:

9-12-13

26-13

APPLICANT

Property Owner Associated Bank/Liberty State Bank

Address 10708 West Janesville Road, MS # 7614

City Hales Corner St. WI Zip 53130 Daytime Phone 414-525-3269

Name of Owner (if different) _____

Contact Person (if different) David Knight Phone 414-525-3269

PROPERTY LOCATION

Address/Location Multiple - See Attached Owners Reports

Legal Description Multiple - See Attached Owners Reports

Current Zoning Multiple (see Map)

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Associated Bank/Liberty State Bank, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a multiple (over 24 properties) zoning district to a zoning
 district, for the purpose of:

a TN2 or TN3 zoning, depending on the attached
 project plans.

RECEIVED

AUG 26 2013

(attach additional sheets if necessary)

Per _____

Attachments as required: ☒ Site Plan ☒ Consent Petition ☒ Affidavit

Subscribed and sworn to before me

this 20 day

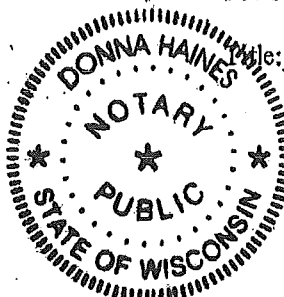
of Aug, 2013

Donna Haines
 Notary Public

EXP 10.20.2013

By: DAVID KNIGHT
 Fee owner of property

File: VP-REAL ESTATE SERVICES





PETITION TO AMEND THE ZONING CODE
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 #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner Dennis & Kathryn Getten

Address 202 Snelling Avenue North

City St Paul St. MN Zip 55104 Daytime Phone _____

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 202 Snelling Avenue North

Legal Description See attached Owners Report

Current Zoning _____

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Dennis & Kathryn Getten, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a _____ zoning district to a zoning
district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

this 7th day

of August, 2017

Lindsey R Acker

Notary Public



Lindsey R Acker

Notary Public - Minnesota

My Commission Expires 01/31/18

By: Kathryn Getten
Fee owner of property

Title: _____



PETITION TO AMEND THE ZONING CODE
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 268-6589

Zoning Office Use Only

File #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner Rachel L. Brown

Address 1529 Selby Avenue

City St Paul St. MN Zip 55104 Daytime Phone _____

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

**PROPERTY
LOCATION**

Address/Location 1529 Selby Avenue

Legal Description See attached Owners Report

Current Zoning _____
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 482.367(6) of Minnesota Statutes,
Rachel L. Brown, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a _____ zoning district to a zoning
district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

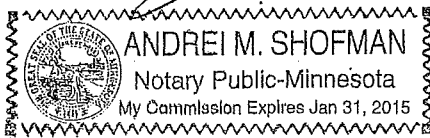
this 12th day

of August, 20 13

Andrei M. Shofman
Notary Public

By: [Signature]
Fee owner of property

Title: _____





PETITION TO AMEND THE ZONING CODE
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 #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner Pamela V Drake
Address 1535 Selby Avenue
City St Paul St MN Zip 55104 Daytime Phone _____
Name of Owner (if different) _____
Contact Person (if different) _____ Phone _____

**PROPERTY
LOCATION**

Address/Location 1535 Selby Avenue
Legal Description See attached Owners Report
Current Zoning _____
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.367(5) of Minnesota Statutes,
Pamela V Drake, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a _____ zoning district to a zoning
district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

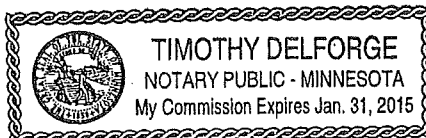
this 9th day

of August, 2013

[Signature]
Notary Public

By: Pamela V Drake
Fee owner of property

Title: _____





PETITION TO AMEND THE ZONING CODE
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 #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner Chad & Kristin Ellsworth
Address 1532 Dayton Avenue
City St Paul St. MN Zip 55104 Daytime Phone _____
Name of Owner (if different) _____
Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1532 Dayton Avenue
Legal Description See attached Owners Report
Current Zoning _____
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 81.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Chad & Kristin Ellsworth, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a _____ zoning district to a zoning
district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

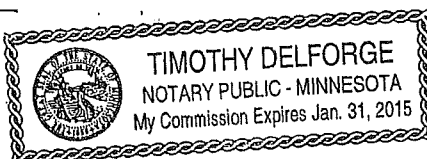
this 12th day

of August, 2013

Notary Public

By: [Signature]
Fee owner of property

Title: _____





PETITION TO AMEND THE ZONING CODE
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 #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner Joseph & Alexandra Mayo-Cullen

Address 1526 Dayton Avenue

City St. Paul St. MN Zip 55104 Daytime Phone _____

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1526 Dayton Avenue

Legal Description See attached Owners Report

Current Zoning _____

(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

Joseph & Alexandra Mayo-Cullen, owner of land proposed for rezoning, hereby petitions you to

rezone the above described property from a _____ zoning district to a zoning

district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

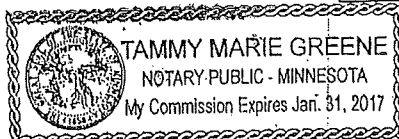
this 10 day

of August, 2013

Notary Public

By: Alexandra Mayo-Cullen
Fee owner of property

Title: Owners





UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104

p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

September 5, 2013

Josh Williams
Dept. of Planning & Economic Development
25 W 4th Street Suite 1300
St. Paul, MN 55102

RE: Ryan Companies US, Inc. application for zoning change

Dear Josh Williams:

On September 4, 2013 the Union Park District Council (UPDC) Board of Directors voted to support the Ryan Companies application for Rezoning and Conditional Use Permit applications for the Ryan development at Selby & Snelling and Selby & Dayton.

For the past year Ryan Companies has been attending UPDC Land Use Committee to inform the public on the process and plan for redevelopment. UPDC is aware of resident concerns and hopes to continue working with Ryan Companies to address questions and concerns as the project moves forward.

Supporting Ryan Companies application will ease the process in moving forward and working with the community.

Sincerely,

Bernadette Chlebeck
UPDC Executive Director

100-94

IGLEHART

7-18-13

ASBURY

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LAUREL

LAUREL

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 8-26-13

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: 8-26-13

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 50

PARCELS REQUIRED: _____

PARCELS REQUIRED: 34

PARCELS SIGNED: _____

PARCELS SIGNED: 34

CHECKED BY: Paul Dubruiel DATE: 8-26-13

ZONING FILE _____

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Associated Bank/Liberty Bank, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

DAVID KNIGHT
NAME

10708 W. JAMESVILLE RD, HALES CORNERS,
ADDRESS WI 53130

414.525.3269
TELEPHONE NUMBER

Subscribed and sworn to before me this
20 day of Aug, 2013

RECEIVED

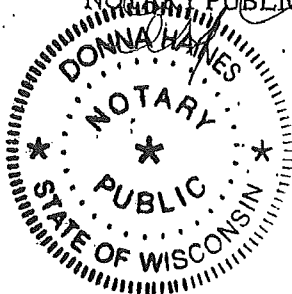
AUG 26 2013

Per _____

Donna Hanes
NOTARY PUBLIC

10202013

10-01





AFFIDAVIT OF ASSOCIATED BANC-CORP

STATE OF WISCONSIN)
 ss.
COUNTY OF BROWN)

I, Dwayne W. Daubner, being duly sworn on oath, depose and state as follows:

1. That I am the Director of Corporate Governance of Associated Banc-Corp, a Wisconsin corporation and a federally regulated bank holding company and that I have the power and authority under applicable law, and the Bylaws of Associated, to execute this Affidavit on behalf of Associated Banc-Corp.
2. That on October 16, 2003, First Federal Capital Corp, La Crosse, Wisconsin, acquired Liberty Bancshares, Inc., St. Paul, Minnesota, and its wholly owned subsidiary, Liberty State Bank. That on said date, Liberty State Bank merged with and into First Federal Capital Bank, all as evidenced by the approval of the Office of Thrift Supervision dated August 28, 2003, and confirmed November 13, 2003, copies of which are attached hereto.
3. That on October 29, 2004, First Federal Capital Corp, the parent corporation for First Federal Capital Bank, La Crosse, Wisconsin, merged with and into Associated Banc-Corp, as approved by the Federal Reserve Bank of Chicago, a copy of which is attached hereto.
4. That as of the close of business on February 18, 2005, Associated Banc-Corp effected a corporate reorganization wherein its wholly owned subsidiary, First Federal Capital Bank, was merged with and into Associated Bank, National Association, as evidenced by the order of the Office of the Comptroller of the Currency, a copy of which is attached hereto.
5. That pursuant to certain transactions set forth above, Associated Bank, National Association, as of this date, is a national banking association which assumes all obligations of, and holds and has full authority to exercise all powers, rights, duties, and privileges previously held by Liberty State Bank and/or First Federal Capital Bank, their predecessors and/or successors.

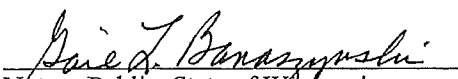
ASSOCIATED BANC-CORP

(SEAL)

By: 

Dwayne W. Daubner

Subscribed and sworn to before me
This 4th day of June, 2013


Notary Public, State of Wisconsin
My commission expires:

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT
PETITION FOR A REZONING

RECEIVED

AUG 26 2013

Per _____

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

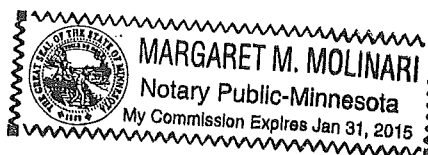
Tony Barranco, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 18 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

Tony B
NAME
50 S. 10th St Suite 300
Minneapolis MN 55403
ADDRESS
612-492-4339 (o)
612-702-7340 (c)
TELEPHONE NUMBER

Subscribed and sworn to before me this

23 day of August, 2013

Margaret M. Molinari
NOTARY PUBLIC



CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Dennis & Kathryn Getten, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Kathryn M. Getten
Dennis P. Getten
NAME

202 N. SNELLING AVE.
ADDRESS ST. PAUL, 55104

651-645-5881
TELEPHONE NUMBER

Subscribed and sworn to before me this
70 day of August, 2013.

Lindsey R Acker
NOTARY PUBLIC

10-01



Lindsey R Acker
Notary Public - Minnesota
My Commission Expires 01/31/18

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

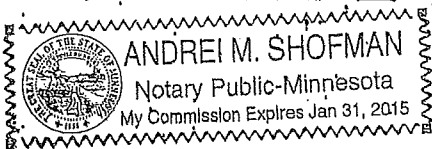
The petitioner, Rachel L Brown, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Rachel Brown RLB
NAME

1529 Selby Ave
ADDRESS St Paul, MN 55104

651-659-9109
TELEPHONE NUMBER

Subscribed and sworn to before me this
12th day of AUGUST, 2013.



NOTARY PUBLIC

10-01

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Pamela V Drake, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signatures are the true and correct signatures of each and all of the parties so described.

Pamela V. Drake

Pamela V. Drake

NAME

1535 Selby Avenue, St. Paul, MN 55104

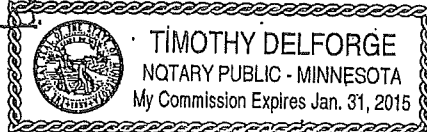
ADDRESS

651-644-4269

TELEPHONE NUMBER

Subscribed and sworn to before me this

9 day of August, 2015



[Signature]
NOTARY PUBLIC

10-01

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Chad & Kristin Ellsworth, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Chad & Kristin Ellsworth

NAME

1532 Dayton Ave, St. Paul, MN 55124

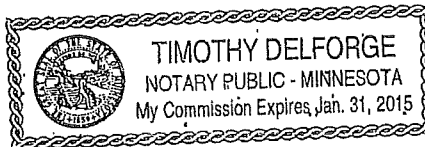
ADDRESS

651-233-3533

TELEPHONE NUMBER

Subscribed and sworn to before me this
12 day of August, 2013.

[Signature]



NOTARY PUBLIC

10-01

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Joseph & Alexandra Mayo-Cullen, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signatures are the true and correct signatures of each and all of the parties so described.

Joseph Mayo-Cullen

1526 Dayton Ave

612-267-2840

Alexandra Mayo-Cullen

NAME

1526 Dayton Ave

ADDRESS

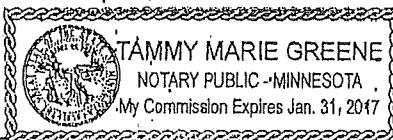
651-291-7564

TELEPHONE NUMBER

Subscribed and sworn to before me this

10th day of AUGUST, 2013

Tammy Marie Greene
NOTARY PUBLIC



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Associated Bank/Liberty State Bank
(name of petitioner)
to rezone the property located at Multiple Addresses (See Owners Reports)
from a multiple zoning district to a TN2/TN3 zoning district and
2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a TN2/TN3 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Associated Bank/Liberty State Bank to a TN2/TN3 zoning district.
(name of petitioner)

RECEIVED

AUG 26 2013

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative. Per _____

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
03-28-23-22-0022	Liberty State Bank		8/20/2013
03-28-23-22-0021	Liberty State Bank		8/20/2013
03-28-23-22-0020	Liberty State Bank		8/20/2013
03-28-23-22-0019	Liberty State Bank		8/20/2013
03-28-23-22-0018	Liberty State Bank		8/20/2013
03-28-23-22-0017	Liberty State Bank		8/20/2013
03-28-23-22-0016	Liberty State Bank		8/20/2013
03-28-23-22-0010	Liberty State Bank		8/20/2013
03-28-23-22-0011	Liberty State Bank		8/20/2013
03-28-23-22-0012	Liberty State Bank		8/20/2013
03-28-23-22-0013	Liberty State Bank		8/20/2013
03-28-23-22-0014	Liberty State Bank		8/20/2013

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Associated Bank/Liberty State Bank,
(name of petitioner)
to rezone the property located at Multiple Addresses (See Owners, Reports),
from multiple zoning district to a TN2/TN3 zoning district and
2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a TN2/TN3 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Associated Bank/Liberty State Bank to a TN2/TN3 zoning district.
(name of petitioner)

RECEIVED

AUG 26 2013

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
03-28-23-22-0102	Liberty State Bank		8/20/2013
03-28-23-22-0103	Lbb Ltd. Ptnshp.		8/20/2013
03-28-23-22-0104	Liberty State Bank		8/20/2013
03-28-23-22-0105	Liberty State Bank		8/20/2013
03-28-23-22-0100	Liberty State Bank		8/20/2013
03-28-23-22-0101	Liberty State Bank		8/20/2013
03-28-23-22-0009	Liberty State Bank		8/20/2013
03-28-23-22-0007	Liberty State Bank		8/20/2013
03-28-23-22-0006	Liberty State Bank		8/20/2013
03-28-23-22-0064	Liberty State Bank		8/20/2013
03-28-23-22-0065	Liberty State Bank		8/20/2013
03-28-23-22-0023	Liberty State Bank		8/20/2013

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Tony Barranco of Ryan Companies US, Inc.
(name of petitioner)

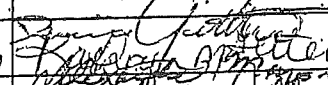
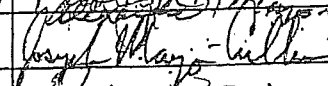
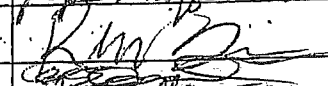
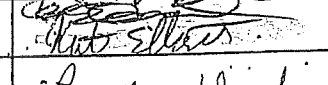
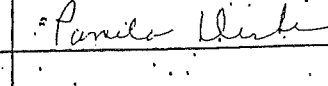
to rezone the property located at 176 Snelling Ave N (and additional parcels),
from a Various zoning district to a TN3 zoning district and

2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a TN3 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Tony Barranco Ryan Companies US, Inc. to a TN3 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
03-28-23-22-0015	Dennis Gatten		8-13-13
03-28-23-22-0098	Joseph Cullen		8/12/13
03-28-23-22-0107	Rachel Brown		8/12/13
03-28-23-22-0099	Carol Ellsworth		8/12/13
03-28-23-22-0106	Pamela Drake		8/12/13

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

RECEIVED

AUG 26 2013.

Per

1. A copy of the petition of Tony Barranco of Ryan Companies US, Inc.
(name of petitioner)

2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

Tony Burrance of Ryan Companies LLC is a TAV3 zoning district.
(name of petitioner)

[illegible]

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

1. A copy of the petition of Tony Barranco of Ryan Company V.S. Inc.
(name of petitioner)

2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

Tony Barranco of Ryan Companies LLC to a TAV3 zoning district.
(name of petitioner)

[illegible]

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

1. A copy of the petition of Tony Barranco & Ryan Companies
(name of petitioner)

2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

Tony Barranco of Ryan Companies to a TN-3 zoning district.
(name of petitioner)

[illegible]

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

1. A copy of the petition of Tony Barranco & Ryan Companies
(name of petitioner)

2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

Tony Barranco of Ryan Companies to a TN3 zoning district.
(name of petitioner)

[illegible]

9/08

IGLEHART

SNELLING

DAYTON

SARATOGA

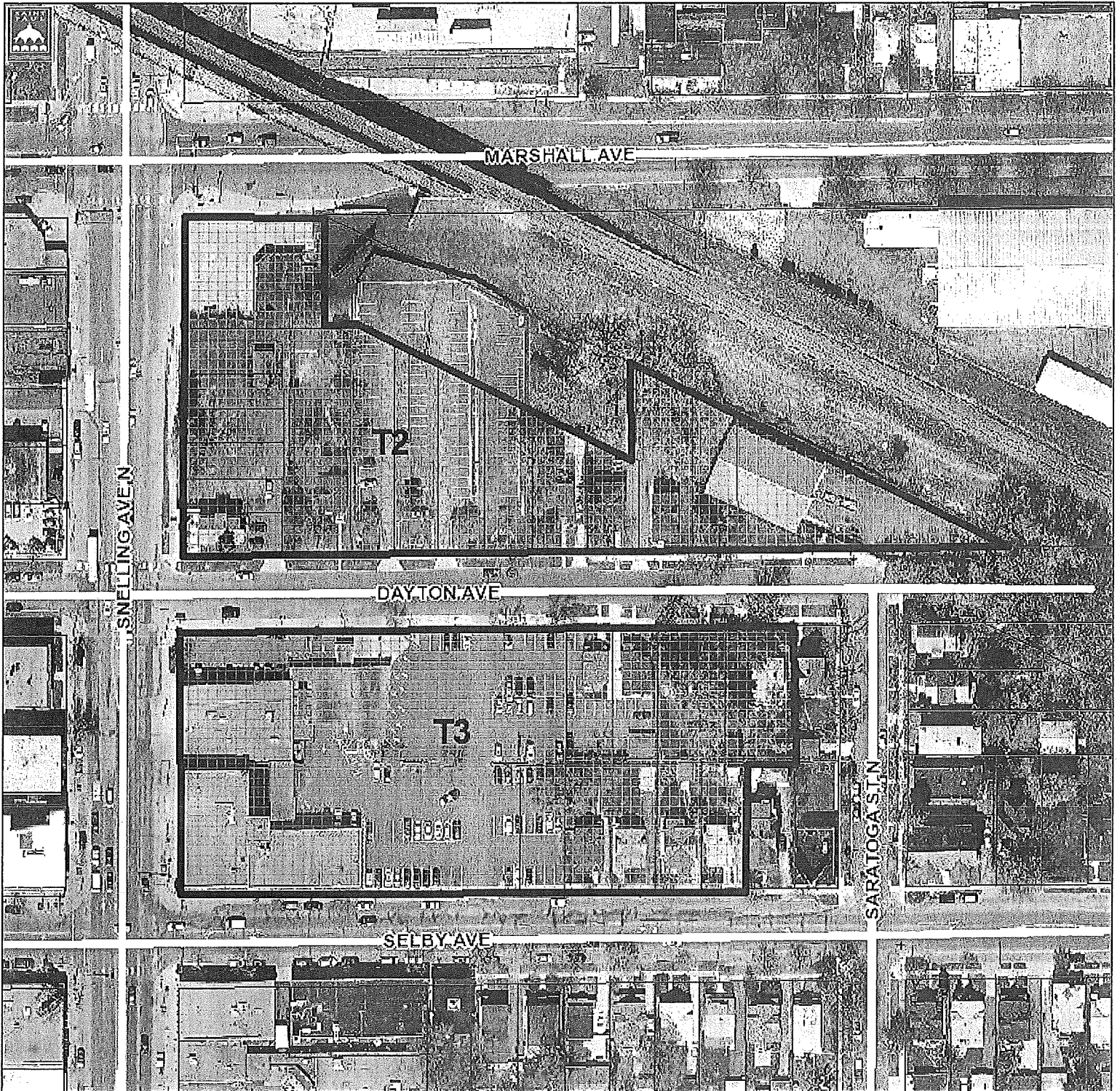
SELBY

SELBY

HAGUE

GUE

Associated Bank Rezoning

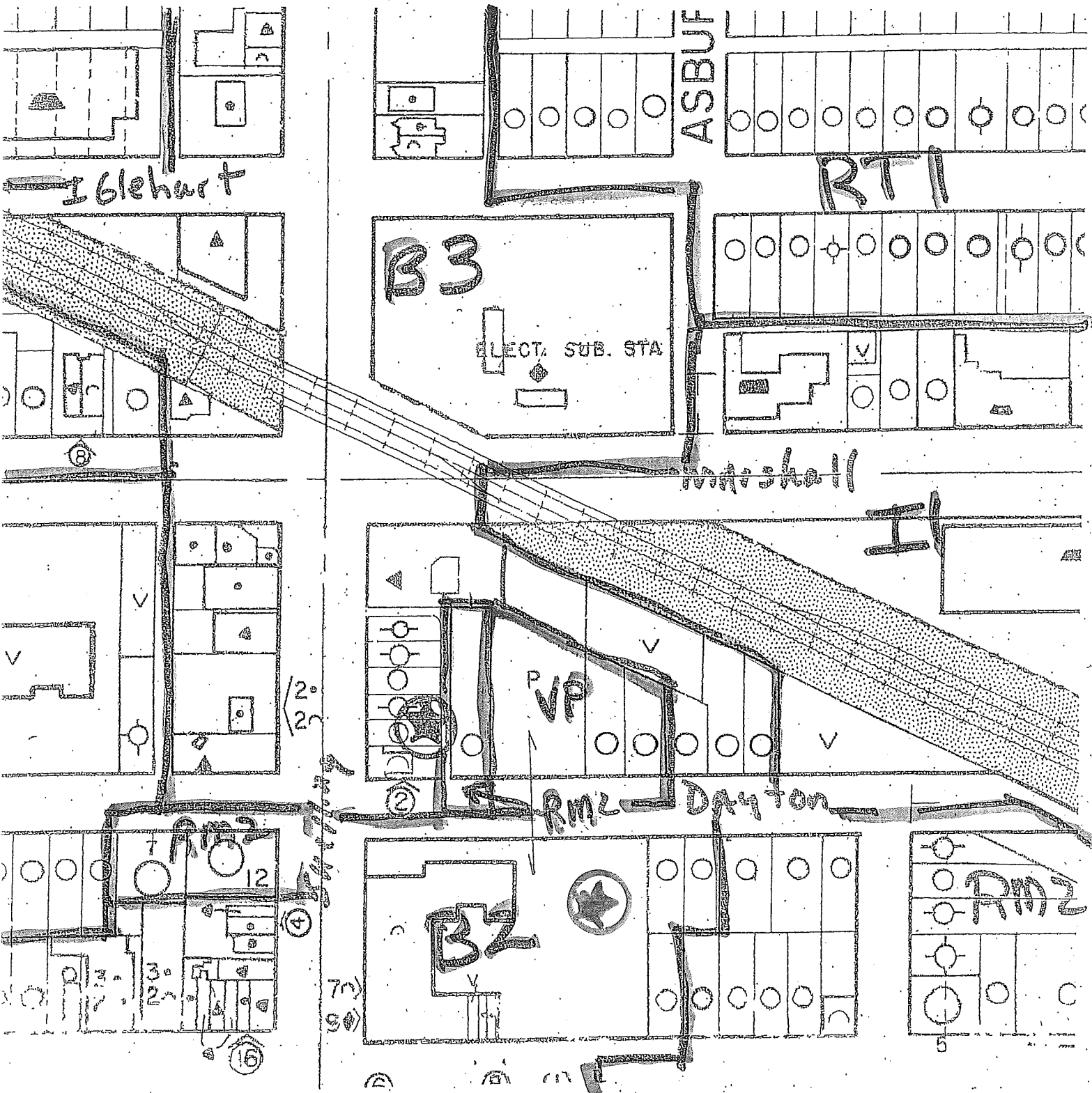


□ Parcel Boundary



September 5, 2012 4:09 PM

City of Saint Paul



APPLICANT Associated BANK
 PURPOSE REZONE
 FILE # 13-226244 DATE 8-26-13
 PLNG. DIST 13 Land Use Map # 18
 Zoning Map # 14

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

PED
 north

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Associated Bank **FILE #** 13-226-009
 2. **APPLICANT:** Ryan Companies **HEARING DATE:** September 12, 2013
 3. **TYPE OF APPLICATION:** Conditional Use Permit w/modification
 4. **LOCATION:** 202 Snelling Ave N, NE corner of Dayton Avenue
 5. **PIN & LEGAL DESCRIPTION:** 032823220015; 032823220014; 032823220013; 032823220012; 032823220011; 032823220016; 032823220017; 032823220018; 032823220019; 032823220020; 032823220021 (see file for legal/tax descriptions)
 6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 65.513; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** September 3, 2013 **BY:** Josh Williams
 9. **DATE RECEIVED:** August 20, 2013 **60-DAY DEADLINE FOR ACTION:** October 19, 2013
-

- A. **PURPOSE:** Conditional use permit for drive-through sales and services with modification of number of permitted lanes and required stacking.
- B. **PARCEL SIZE:** approx. 50,600 sq. ft.
- C. **EXISTING LAND USE:** Commercial/vacant
- D. **SURROUNDING LAND USE:**
 - North: Vacant commercial (B3) / railroad right-of-way (RM2)
 - East: Single family residential (RM2) / industrial (I1)
 - South: Bank branch office (B2)
 - West: Auto sales / medical office (B3)
- E. **ZONING CODE CITATION:** §65.513 lists standards and conditions for drive through sales and services in the T2 traditional neighborhood 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:** Properties immediately east of the project site at 1563, 1559, and 1555 Dayton (north side) and 1536 and 1540 Dayton (south side) were rezoned from RM2 to P1 (now VP) and B2, respectively, in 1986. The single-family house at 1565 Dayton has been vacant since 2008. The structure at 202 Snelling has a current commercial Certificate of Occupancy, and was also certified for residential use until 2006.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council made a recommendation for approval of this application.
- H. **FINDINGS:**
 1. Associated Bank owns or has site control of all the property for which the conditional use permit is being sought, and is seeking to construct a new branch bank and regional office on the site. Ryan Companies, on behalf of Associated Bank, has also applied for the rezoning of all parcels to T2 traditional neighborhood.
 2. §65.513 lists standards and conditions for drive-through sales and services in the T2 traditional neighborhood district:
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition can be met, subject to approval of the rezoning request of the applicant. The drive-through lanes and service windows will be located to the rear of the building. Provided the rezoning application is approved, there will be no residentially zoned properties or properties occupied by residential uses within 60 feet of the drive-through lanes or service windows.

- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition can be met, subject to approval of the rezoning request of the applicant. The proposed point of egress is located approximately 150 feet east of the intersection of Dayton and Snelling and approximately 200 feet from the nearest residentially zoned property.
 - (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. The applicant is aware of and agrees to meet the condition. The nearest property in residential use will be located across Dayton Avenue.
 - (d) *A six-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 can be met, subject to approval of the rezoning request of the applicant. If the rezoning application is approved, there will be no property line adjoining an existing residence or residentially zoned property.
 - (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* The applicant is seeking a modification of this condition. Lot dimensions and possible configurations limit the space available for stacking to three (3) spaces per lane. The applicant also intends to seek modification of condition §65.513 (f), which limits the number of drive-through lanes to three (3), in order to include a fourth lane. If both conditions are modified as allowed, the total number of stacking spaces available would be the same (twelve (12)) as it would be if both conditions were met.
 - (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* The applicant is seeking modification of this condition. The proposed site plan has four (4) drive-through lanes.
 - (g) *The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms.* This condition is met.
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 Saint Paul Comprehensive Plan identifies Snelling Avenue as a Mixed-Use Corridor, with a mixture of residential and commercial uses. The proposed use is consistent with Strategy LU 1.24 to "support a mix of uses on Mixed-Use Corridors."
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Public Works Traffic Operations has reviewed the site plan. There is adequate ingress and egress with two entrances/exits to the property.
 - (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. If the proposed rezoning is approved, the use will put an established business in an area zoned T2. This use is consistent with the mixed use character of the area and the predominant commercial character of Snelling Avenue.
 - (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. This use will not prevent the development and improvement of other businesses in the area. As the property

immediately adjacent to the bank will be zoned T2 (if approved), the bank at Dayton and Snelling will not prevent the adjacent properties from T2 uses.

- (5) *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 approval of the requested modifications, the use will in all other respects conform to all applicable regulations of the T2 district.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *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.* This finding is met. The applicant is seeking modifications of §65.513 (e) and (f) in order to allow four (4) drive-through lanes (maximum of three (3) allowed) and three (3) stacking spaces per lane (minimum of four (4) required). Due to lot size, configuration, and location, T2 site design standards, and the need to provide accessible parking spaces in proximity to the building, the possible locations and configurations for drive-through lanes on the site, and the total space available for those lanes, are limited. Based on operations at the current branch building just to the south, the applicant anticipates a need for four (4) drive-through lanes. The site will accommodate three stacking spaces for each lane, yielding a total of twelve (12) spaces, the same number that would be required based on the maximum number of allowed lanes and minimum number of stacking spaces per lane required by §65.513. The proposed modifications are in response to unusual hardship created by site conditions, and will not impair the intent of the special condition to limit drive-through capacity and the associated traffic generation and site design impacts. The drive-through lanes are located adjacent to the structure and generally away from lot lines. The proposed modification will not interfere with reasonable enjoyment of adjacent properties and is consistent with the health, morals, and general welfare of the community.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for drive-through sales and services with modification of number of permitted lanes and required stacking spaces, subject to the following additional condition(s):

1. Approval by the City Council of the rezoning as requested by the applicant in zoning file #13-226-244
2. Site plan approval
3. Final plans approved by the Zoning Administrator for this use shall be in substantial conformance with the plan submitted and approved as part of this application.



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
13-226009
300.00
Permit Fee
9-12-13

PD=13

032823 220015 E+1

APPLICANT

Name Tony Barranco
Address Ryan Companies, 50 South 10th Street, Suite 300
City Minneapolis St. MN Zip 55403 Daytime Phone 612-492-4339
Name of Owner (if different) Associated Bank/Liberty State Bank
Contact Person (if different) David Knight Phone 414-525-3269

PROPERTY LOCATION

Address / Location NE Corner of Snelling & Dayton Avenues
Legal Description Multiple
Current Zoning B2. TN2 Proposed
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 61, Section 501, Paragraph 65 of the Zoning Code.
513

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.

See attached Explanation & Site Plan

☒ Required site plan is attached

Applicant's Signature Tony Barranco Date 8/20/13 City Agent pd
8-20-13

Conditional Use Permit Application – Snelling & Dayton Avenues

Explanation & Meeting of General Standards

The property is being proposed as the location of a new branch bank to be owned and operated by Associated Bank. The property is currently owned by the bank, and the property and adjacent parcels are currently proposed to be rezoned from B2 to TN2 or TN3, as part of the approval process for a mixed-use project being proposed on the east side of Snelling Avenue between Selby and Marshall.

The bank is seeking a conditional use permit that would allow for four rather than three drive-through lanes in the redeveloped branch. (The proposed TN2 Zoning allows for three lanes.) The existing bank has eight lanes, and the proposed bank will need at least four to meet business requirements for the project. In addition, the bank is seeking approval of a drive-through design that will allow three rather than four cars to stack in each lane. (The proposed TN2 zoning requires stacking for four.) This request is driven by the physical dimensions of the property. In order for the drive-through lanes to stack four cars, the lanes would have to be located alongside and parallel to Snelling Avenue. Project design to date has sited the bank building in that location to achieve the aesthetic objective of having buildings rather than parking or drive areas fronting Snelling. The project can continue to meet this objective if the drive-through lanes are allowed to stack three rather than four cars at a time. In addition, the drive-through lanes have been designed to run north to eliminate any potential headlight impact to nearby residential properties (see that attached Site Plan for detail).

We believe the slight modifications to the conditions described above can be granted in full compliance with the general standards stated in Section 61.501 of the current City Zoning Code. In specific, we believe that allowing the redeveloped bank to have four rather than three drive-through lanes, and allowing each lane to stack three rather than four cars, will:

Condition (a): "be in substantial compliance with the St. Paul Comprehensive Plan and any applicable subarea plans which were approved the City Council;

Condition (b): "provide adequate ingress and egress to minimize traffic congestion in the public streets;

Condition (c): "not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare;

Condition (d): "not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and

Condition (e): "in all other respects, conform to the applicable regulations of the district in which it is located."

Finally, at a recent meeting with the Union Park District Council (UPDC), a discussion took place regarding the modifications requested above. We expect a letter of support from the UPDC for these modifications shortly.

Comment from Justin Stuebs, Project Manager, Rinka Chung Architecture, Lead Architect for the proposed Redevelopment of the Associated Bank Branch at the NE corner of Snelling and Dayton Avenues in St. Paul, MN

In regards to the Conditional Use Permit Application for the redeveloped bank, I have outlined the municipal code section requirements for the drive through lanes, and the proposed modification in red.

Section 65.513. Drive through sales and services primary and accessory

Standards and Conditions, section (e) states: Stacking spaces shall be provided for each drive through lane. Banks, Credit Unions, and Fast Food restaurants shall provide a minimum of (4) stacking spaces per drive through lane. Stacking spaces for all other uses shall be determined by the zoning administrator. **PROPOSED CONDITIONAL USE:** The redeveloped bank would accommodate three (3) stacking spaces per drive through lane.

Standards and Conditions, section (f) states: There shall be no more than (1) drive through lane and no more than (2) drive through service windows, with the exception of bank, which may have no more than three (3) drive through lanes. **PROPOSED CONDITIONAL USE:** The redeveloped bank would be allowed four (4) drive through lanes.

Justin Stuebs
Project Manager

RINKA CHUNG ARCHITECTURE INC

756 north milwaukee street suite 250
milwaukee wisconsin 53202
414 431 8101 phone
jstuebs@rinkachung.com
www.rinkachung.com



UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104

p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

September 5, 2013

Josh Williams
Dept. of Planning & Economic Development
25 W 4th Street Suite 1300
St. Paul, MN 55102

RE: Ryan Companies US, Inc. application for zoning change

Dear Josh Williams:

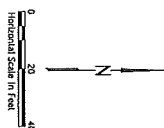
On September 4, 2013 the Union Park District Council (UPDC) Board of Directors voted to support the Ryan Companies application for Rezoning and Conditional Use Permit applications for the Ryan development at Selby & Snelling and Selby & Dayton.

For the past year Ryan Companies has been attending UPDC Land Use Committee to inform the public on the process and plan for redevelopment. UPDC is aware of resident concerns and hopes to continue working with Ryan Companies to address questions and concerns as the project moves forward.

Supporting Ryan Companies application will ease the process in moving forward and working with the community.

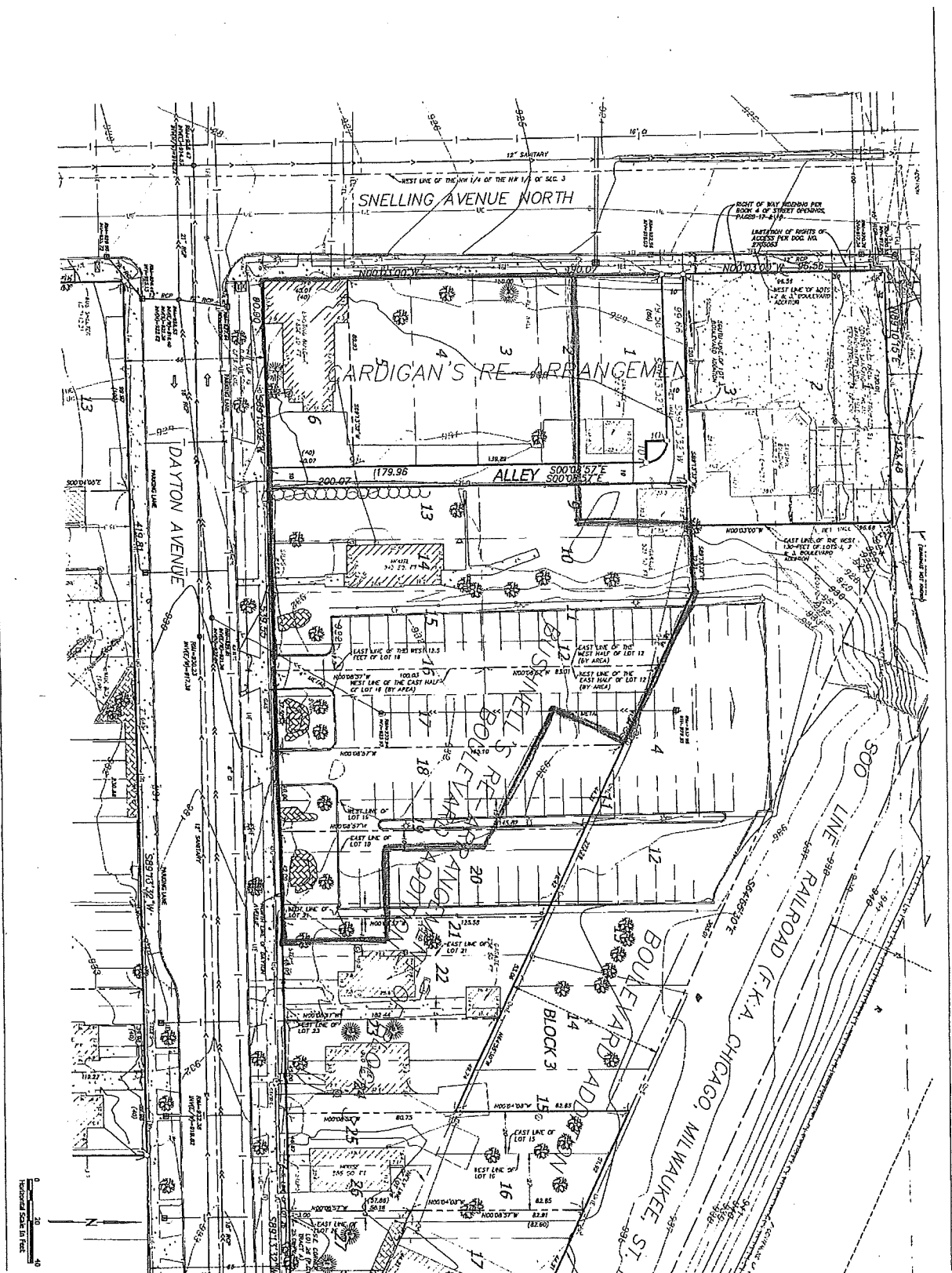
Sincerely,

Bernadette Chlebeck
UPDC Executive Director



Copyright
RINKA|CHUNG ARCHITECTURE INC
754 North Vancouver Street, Suite 250
Vancouver, BC V6C 3S2
Telephone: 414.437.1701

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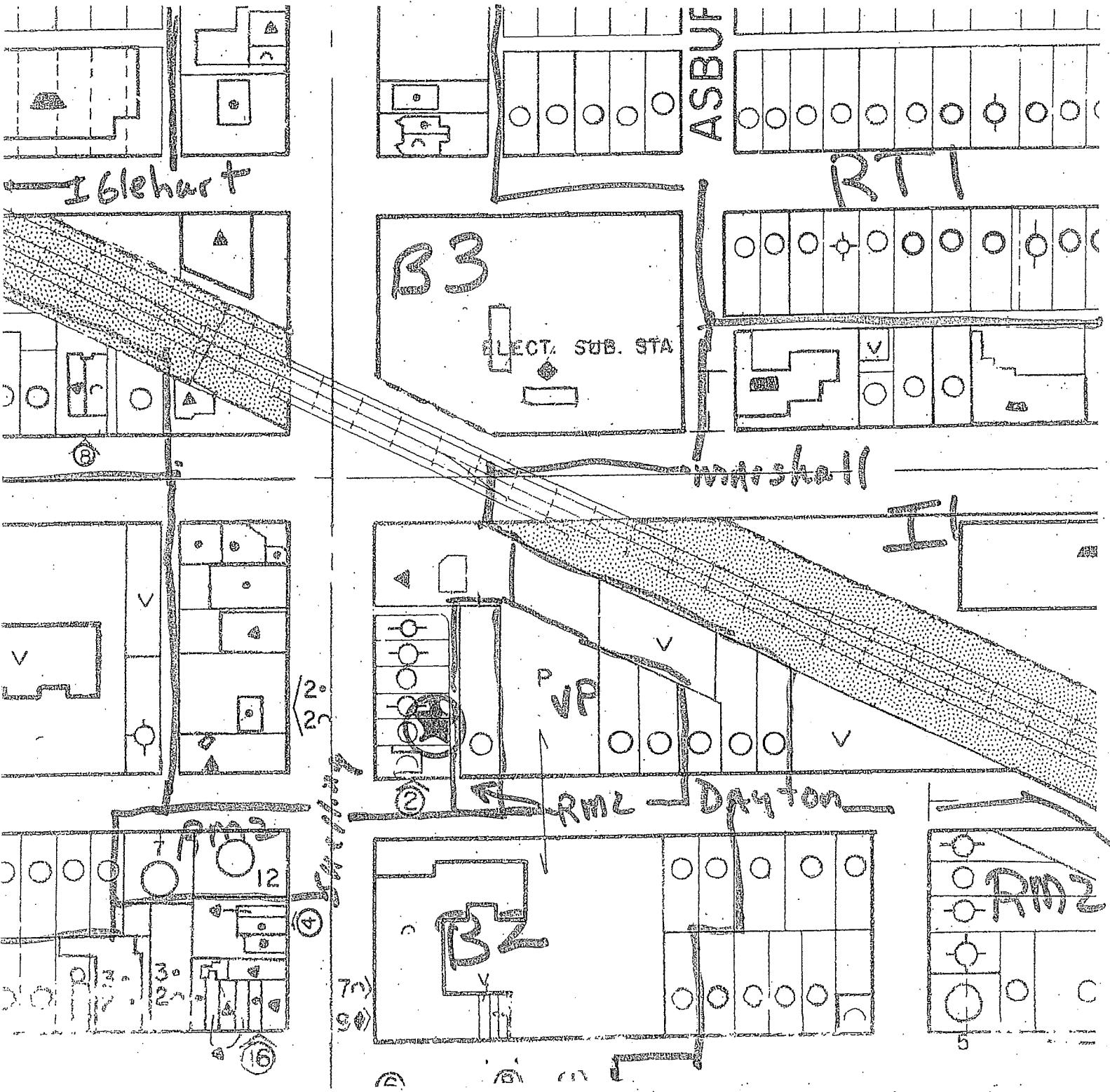
AB Cost Center: B0082
AB Branch: B0082
PCA Project No: B0082
Sheet Title
**EXISTING
CONDITIONS
PLAM**

ASSOCIATED BANK

DAYTON & SNELLING
ST. PAUL, MN
Issue Date AUGUST 27, 2013



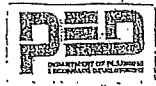
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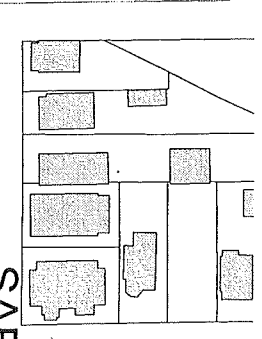
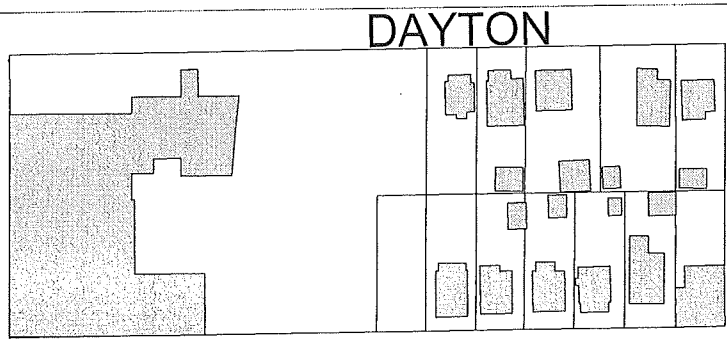
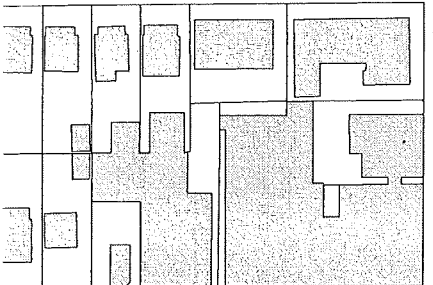
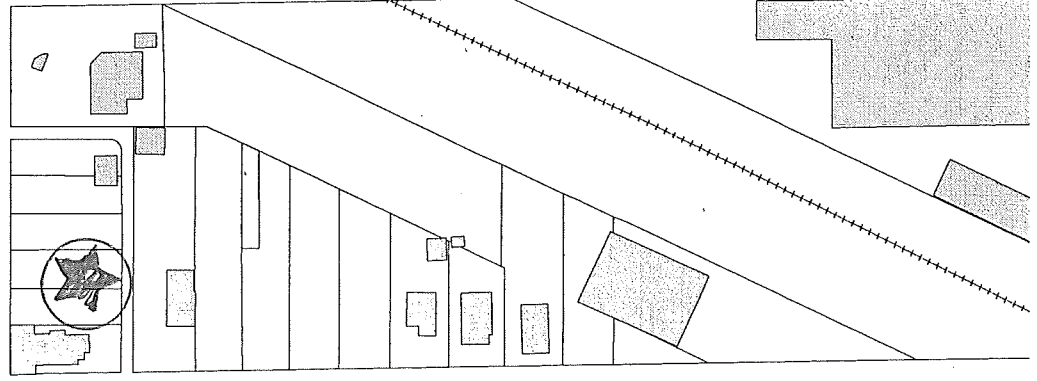
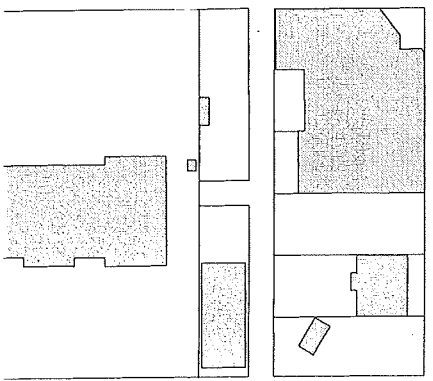
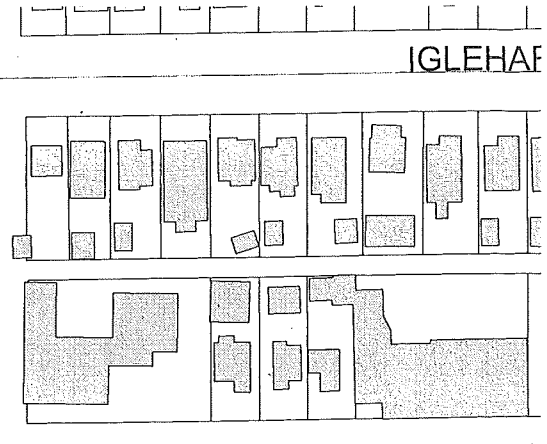
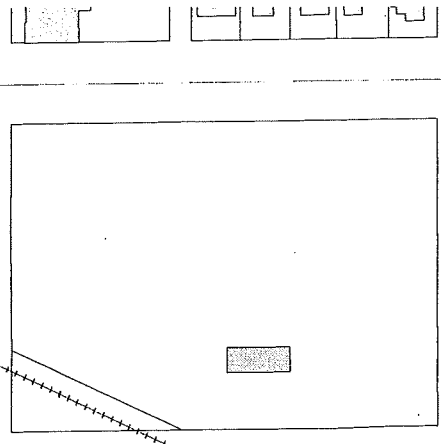
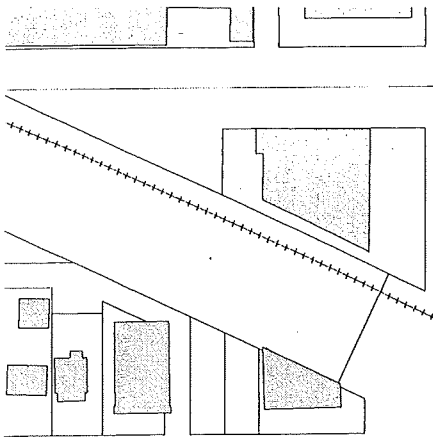


APPLICANT Ryan Co. (Tony Burrance)
 PURPOSE CU P w/mod
 FILE # 13-226009 DATE 8-26-13
 PLNG. DIST 13 Land Use Map # 18
 Zoning Map # 14

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant



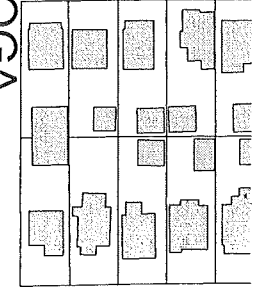
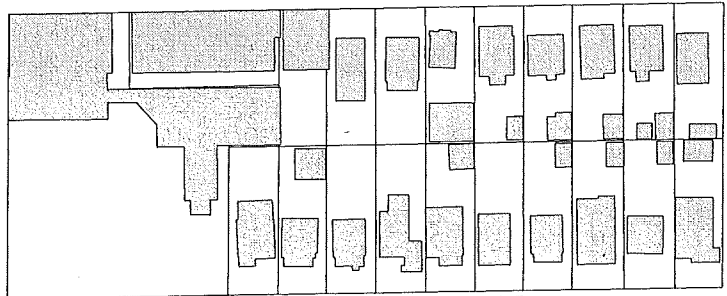
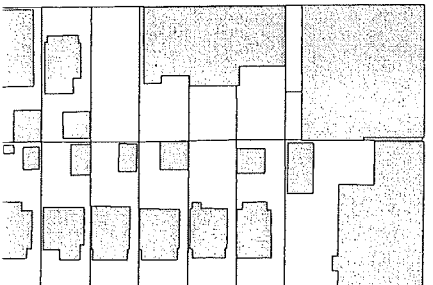


SELBY

SELBY

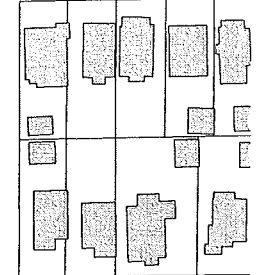
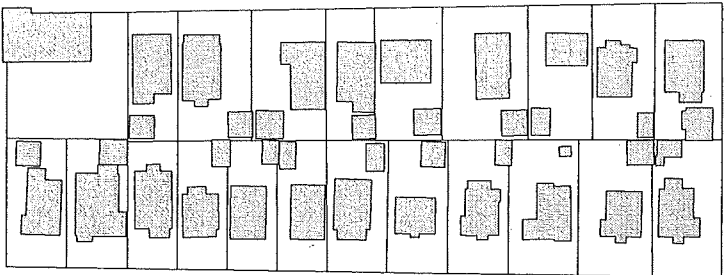
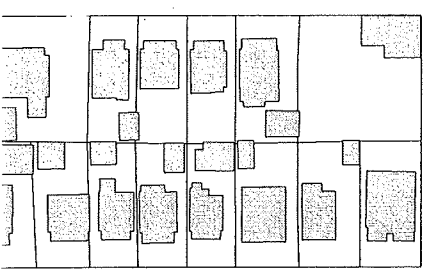
SARATOGA

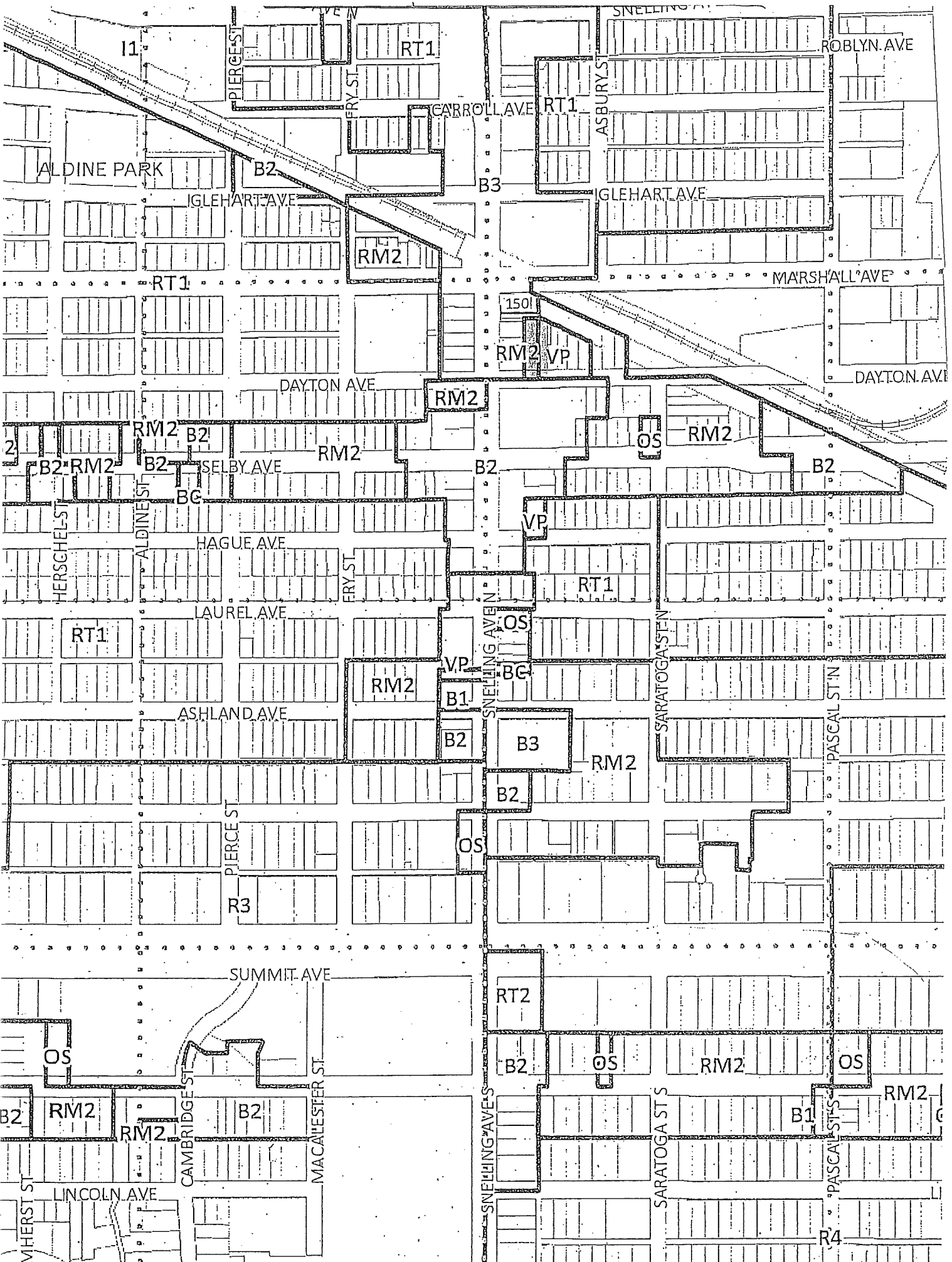
SNELLING



HAGUE

HAGUE





ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Elizabeth Palaima and Andrew Satrijo **FILE #** 13-225-722
2. **APPLICANT:** Elizabeth Palaima and Andrew Satrijo **HEARING DATE:** September 12, 2013
3. **TYPE OF APPLICATION:** NUP - Establishment
4. **LOCATION:** 1598 East Shore Drive, between Idaho and Brighton Place
5. **PIN & LEGAL DESCRIPTION:** 212922110091, Overbrook No Part Of Vac Alley Adj And Fol Vac N 10 Ft Of Brighton Pl Adj And Ex N 60 Ft Measured At RA The Fol Lots 8 9 And Lot 10 Blk 14
6. **PLANNING DISTRICT:** 5 **PRESENT ZONING:** R3
7. **ZONING CODE REFERENCE:** Sec. 62.109(a)
8. **STAFF REPORT DATE:** September 3, 2013 **BY:** Bill Dermody
9. **DATE RECEIVED:** August 19, 2013 **60-DAY DEADLINE FOR ACTION:** October 18, 2013
-

- A. **PURPOSE:** Establishment of nonconforming use permit for use as a duplex
B. **PARCEL SIZE:** 134' (Brighton) x 88' (E Shore), totaling 11,761 sq. ft.
C. **EXISTING LAND USE:** R-Single Family
D. **SURROUNDING LAND USE:** Single-family residential to the north, east, and south (R3); Phalen Regional Park to the west across East Shore Drive
E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
F. **HISTORY/DISCUSSION:** There is no zoning history for the property. It has been zoned R3 one-family residential since 1975, at which time the district allowed single-family detached homes, but not duplexes – the same as current R3 regulations. Prior to 1975 it was zoned "A" Residence District, which permitted a duplex on a lot with an area of at least 7,500 square feet.
G. **DISTRICT COUNCIL RECOMMENDATION:** The District 5 Council has not provided a recommendation as of this writing.

H. FINDINGS:

1. The application requests establishment of legal nonconforming status as a duplex. The requested second unit is in the basement portion of the house.
2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
 - (1) *The use occurs entirely within an existing structure.* This finding is met.
 - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. The applicant has provided letters from two neighbors confirming that the house has been used as a duplex for at least 10 years. However, it is noted that one of the neighbors (Weber) bought their house less than 10 years ago on October 20, 2003. The other neighbor (Steele) bought their house in 1996.
 - (3) *The off-street parking is adequate to serve the use.* This finding is met. The site contains a 3-car garage that meets the Zoning Code requirement.
 - (4) *Hardship would result if the use were discontinued.* This finding is met. According to a pro forma submitted with the application, the property owners would lose \$850 in monthly rental income if the duplex use were discontinued. The full pro forma is attached. There might also be cost associated with re-integrating the structure as a single-family residence, though no details have been provided.
 - (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. The property is surrounded on all sides by R3 zoning, which does not permit duplexes.
 - (6) *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.* This finding can be met. The site provides sufficient parking for the use. A recommended condition requires that

building permits be obtained for any construction that was previously completed without proper permits.

- (7) *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan in Housing Strategy 1.1 calls for increasing housing choices. Though Land Use Strategy 1.5 calls for maintaining the character of established residential neighborhoods, the proposed use does not introduce a non-residential use that could change the residential character. The District 5 Plan does not contain any provisions relevant to conversion of single-family residences to duplexes.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on August 20, 2013: 9 parcels eligible; 6 parcels required; 9 parcels signed.

3. In 2009, the Planning Commission and Board of Zoning Appeals approved the Duplex and Triplex Conversion Guidelines for Zoning Cases. The guidelines state that for applications for establishment of legal nonconforming use, staff will recommend denial unless five findings are met. The findings and the applicant's ability to meet them are as follows:

- (1) *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This finding is met. The lot is 11,761 square feet with a lot width of 88 feet.
- (2) *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This finding is met. The total gross living area is proposed to remain at 4,368 square feet. The smaller unit is proposed to be 1,296 square feet.
- (3) *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This finding is met. Three off-street, non-stacked parking spaces are currently provided in a 3-vehicle garage, which will remain.
- (4) *All remodeling work for the duplex is on the inside of the structure unless plans for exterior changes are approved by the Board of Zoning Appeals or the Planning Commission.* This finding is met. All remodeling work is on the inside of the structure.
- (5) *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This finding can be met if the recommended condition is met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the establishment of nonconforming use permit for use as a duplex subject to the following condition:

1. Within one year of Planning Commission approval of this application, building permits shall be obtained and final inspections shall be completed in order to bring the entire structure into building and fire code compliance.

Attachments

1. Application
2. Petition
3. Maps & aerial photographs
4. Ramsey County and MLS printouts
5. Pro forma
6. Floor plans
7. Neighbor letters
8. Photographs

Elizabeth Palaima and Andrew Satrijo
1598 E Shore Dr., St. Paul, MN 55106

Application for Nonconforming Use Permit for a Duplex at 1598 East Shore Dr, St. Paul, MN

We submit the following proof that the property's physical plant and history of use meet the criteria for the establishment of legal nonconforming status as outlined in Section 62.109(a).

- 1) *The use occurs entirely within an existing structure.* The property has been historically used as a nonconforming duplex with one unit above the ground (first and second floors) and one unit in the basement. There will not be any changes to the exterior of the building.
- 2) *The use of similar intensity has been in existence continuously for a period of at least 10 years.* Since before 2002, the property was used by the previous homeowner as an owner-occupied duplex, with a rental apartment in the basement. The home was sold to us in March 2009 with an advertised "mother-in-law suite" and an advertised "second unit: existing in-law w/ kitchen and bath" in the MLS listing (attached). There was an existing renter living in the basement unit up until the time of sale. From 2009 through 2013 (throughout our ownership), the house was continued to be used as an owner-occupied duplex. We have attached two letters from next-door neighbors (Steele and Weber), affirming that the existing duplex has been in continuous existence for at least 10 years.
- 3) *The off-street parking is adequate to serve the use.* According to The Planning Commission's Duplex and Triplex Conversion Guidelines, "Three off-street (non-stacked) parking spaces are preferred; two spaces are the required minimum." This property already has a three-car garage, so there is no need for improvement.
- 4) *Hardship would result if the use were discontinued.* If the use were to be discontinued, we would lose monthly revenue of \$850 plus a share of the utilities. (Additionally there would be a financial burden of reintegrating the existing duplex into a conforming single family space.) We purchased the house with the understanding that the basement could be legally rented (see attached MLS listing); therefore, we have been depending on this rent to help pay the monthly mortgage (\$2246.89). As first time homeowners, there would be financial hardship to lose this share of the mortgage payment.
- 5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land uses.* The property is located in a neighborhood that is zoned as R3 single family homes; therefore, rezoning would result in "spot" zoning. The property located 2 houses away (1608 E Shore Dr.) is also currently zoned as R-Duplex Legal Non-Conforming.
- 6) *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.* Maintaining the existing duplex for residential use will not alter the character of the surrounding neighborhood, which is also residential use. There is no endangerment to the public health, safety, or general welfare.
- 7) *The use is consistent with the comprehensive plan.* Strategy 1.1 (p. H-7) of the *Housing* section of *The Saint Paul Comprehensive Plan* is "Increase housing choices across the city to support economically diverse neighborhoods. Neighborhoods should seek to capture a realistic share of the growing housing market, providing more choices. These choices should include a mix of rental and ownership units, a range of housing types, and diversity of income levels." Furthermore, according to the *Land Use Plan* of *The Saint Paul Comprehensive Plan*, Objective 5.3.3 (p. 29) states, "The Planning Commission will propose for consideration a Zoning Code amendment allowing accessory ("mother-in-law") apartments in owner-occupied, large single family houses."

- 8) A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use. We obtained support from all 8 out of 8 (100%) property owners within 100 ft of the property.



Aerial map of 1598 E Shore Dr and surrounding properties.

Planning Commission's Duplex Conversion Guidelines require:

- A) *Lot size of at least 5000 square feet with a lot width or front footage of 40 ft.* According to the Ramsey County Property Lookup Information (see attached), the lot size is 0.27 acres = 11761 square feet, which is well above the minimum. The lot frontage on East Shore Dr is 90 ft. The lot frontage on Brighton Pl is 134 ft.
- B) *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* According to the Ramsey County Property Lookup Information (see attached), the gross living area is currently listed at 3072 finished sq. ft. (foundation size = 1680 sq ft). The basement living area is about 1128 sq. ft (see attached basement layout).
- C) *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* There is currently a large detached three car garage (936 sq ft).
- D) *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance.* There will be no exterior remodeling.
- E) *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* We will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

Tax & Property Look Up Information - Structure Description

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[Value History](#)

[Structure Description](#)

[Sale Information](#)

[Special Assessments](#)

[Property Tax Payment Information](#)

[Property Tax Payment History](#)

[2013 Value Notice](#)

[2013 Property Tax Statement](#)

[2013 Payment Stubs](#)

[2013 Proposed Tax Notice](#)

[2012 Value Notice](#)

[2012 Property Tax Statement](#)

[2011 Value Notice](#)

[2011 Property Tax Statement](#)

[2010 Value Notice](#)

[2010 Property Tax Statement](#)

[Minnesota State Form M1PR](#)

Property Identification Number (PIN) 21.29.22.11.0091
Property Address 1598 East Shore Dr
Municipality St. Paul
Watershed Metro Watershed
School District Number 625

Residential Property:

Year Built 1900
of Stories 1.00
Style Bungalow
Exterior Wall Aluminum/vinyl
Total Rooms 11
Total Family Rooms 1
Total Bedrooms 4
Full Baths 2
Half Baths 1
Attic Type

Finished SQ Feet 3072
Foundation Size 1680
Basement Area Finished 600
Finished Rec Area

Garage Type Detached
Area (sq.ft.) 936

Parcel Size .2700 Acres
Parcel Width 90.0000 Feet
Parcel Depth 134.0000 Feet

Land Use Code 510
Land Use Description R - Single Family Dwelling, Platted Lot



This report prepared for you by Jeremy Flicek

Start Email Favorites Possibilities Discarded Help

Welcome Andrew Satrijo

These listings were manually emailed to you on Thursday, January 22, 2009 1:20 PM.

Result 1 of 4.

Previous · Next · [1] 2 3 4 · Bottom · Back to Customer Single Line (includes all customer reports) display

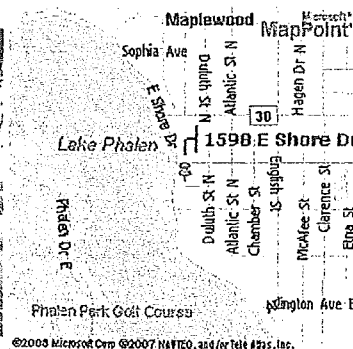
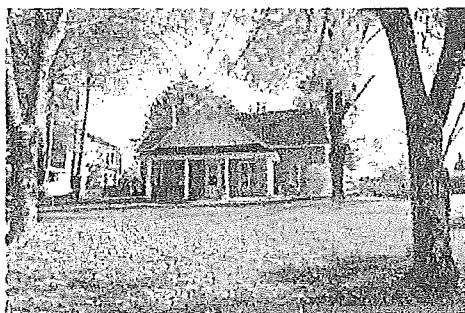
Customer Full Display, Single Family Residential, MLS #: 3616385

1598 E Shore Drive, St Paul, MN 55106-1121

Status: Active List Price: \$329,990

Original List Price: \$349,990

Image 1 of 10 Slideshow · Open All



Total Bed/Bath: 5/3 Garage: 3 Year Built: 1900

©2008 Microsoft Corp. ©2007 NAVTEQ, and/or Tele Atlas, Inc.

Map Page: 108 Map Coord: D2

Directions:

White Bear Ave to Larperner east to E Shore Drive, South to home.

(Click icon for Virtual Earth Map)

MLS Area: 714 - SP-Phalen
Style: (SF) Two Stories
Const Status: Previously Owned
Foundation Size: 1,680
AbvGrdFinSqFt: 2,992
BelGrdFinSqFt: 1,524
Total Fin SqFt: 4,516
Acres: 0.270
Lot Size: 90 X 134

TAX INFORMATION

Property ID: 212922110091
Tax Year: 2008
Tax Amt: \$4,849
Assess Bal: \$
Tax w/assess: \$5,162
Assess Pend: Unknown
Homestead: Yes

General Property Information

Legal Description: lengthy see tax report
County: Ramsey
Postal City: Saint Paul
School District: 625 - St. Paul, 651-632-3701
Complex/Dev/Sub: Common Wall: No
Restrictions/Covts:
Lot Description:
Association Fee: \$ Assoc Fee Frequency:
Assoc Fee Includes:
Road Frontage: City
Zoning: Residential-Single
Lake/Waterfront: Lake View
Pasture Acres: .00
Tillable Acres: .00
Wooded Acres: .00

Accessibility: None
Lake/WF Name: Lake Phalen

Remarks

Public Remarks: Renovated Lake Phalen charmer with panoramic water views, large corner lot, lower level mother in-law suite, 3 br's on one level, open living/dining, huge lakeside decks, 3 stalls & more. New roof, new deck. Compare per FSF prices - this is a great value!

Structure Information

Room	Level	Dimen	Other Rooms	Level	Dimen
Living Rm	Main	15 x 32	Second Kitchen	Lower	21x12
Dining Rm	Main	13 x 18	Family Room	Lower	19x14
Family Rm	Main	13 x 18	Fifth (5th) Bedroom	Lower	12x12
Kitchen	Main	15 x 13	Loft	Upper	
Bedroom 1	Upper	14 x 25	Utility Room	Lower	13x12
Bedroom 2	Upper	12 x 17			
Bedroom 3	Upper	12 x 20			
Bedroom 4	Lower	14x12			

Bathrooms

Total: 3 3/4: 0 1/4: 0
Full: 2 1/2: 1

Heat: Baseboard, Hot Water
Fuel: Natural Gas
Air Cond: Wall
Water: City Water - Connected
Sewer: City Sewer - Connected
Garage: 3
Oth Prkg: 0
Pool:

Bath Description: Full Basement, Main Floor 1/2 Bath, Upper Level Bath
 Dining Room Desc: Breakfast Area, Eat In Kitchen, Kitchen/Dining Room, Separate/Formal Dining Room
 Family Room Char: Main Level
 Fireplaces: 2 Fireplace Characteristics: Family Room, Living Room, Wood Burning
 Appliances: Dishwasher, Disposal, Dryer, Microwave, Other, Range, Refrigerator, Washer
 Basement: Daylight/Lookout Windows, Egress Windows, Finished (Livable), Full, Sump Pump, Walkout
 Exterior: Brick/Stone, Metal/Vinyl
 Fencing: Chain Link
 Roof: Age 8 Years or Less, Asphalt Shingles
 Amenities-Unit: Deck, Hardwood Floors, Natural Woodwork, Other, Porch, Security System, Sunroom, Tiled Floors
 Parking Char: Detached Garage, Driveway - Concrete, Garage Door Opener, Heated Garage, Insulated Garage
 Shared Rooms: Other
 Special Search: 3 BR on One Level
 Second Unit: Existing In-Law w/Bath, Existing In-Law w/Kitchen
 Owner is an Agent?: No

[Previous](#) • [Next](#) • [\[1\]](#) [2](#) [3](#) [4](#) • [Top](#) • [Back to Customer Single Line \(includes all customer reports\) display](#)

Print Map Add to Favorites Add to Possibilities Discard

Display: Customer Full at 1 per page.

NorthstarMLS
Regional MLS of Minnesota, Inc.

Jeremy Flicek
 612-868-7202
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**PRO-FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES
Continuation of Extra Units**

Required Information	With Continuation of Extra Units in Structure (2)	With Conversion of Structure to Legal Number of Units (1)
Income		
Total monthly rent income for all units	850	0
Monthly income from structure other than rent	n/a	n/a
Existing vacancy (If any)	n/a	n/a
Effective gross income (EGI) / month ¹	\$ 850	\$ 0
Effective Gross Income / year	\$ 10,200	\$ 0
Operating Expenses (Annual) ²	\$ 8526	\$ 8326
Maintenance	2189	2189
Insurance	2271	2271
Utilities (only include amount paid by landlord)	4066	3866
Other (Identify)		
Taxes	4834	4834
Net Operating Income (Annual) ³	\$ 1674	\$ -8326
Monthly debt / mortgage payment	2269	2269
Annual debt payment	\$ 27,228	\$ 27,228
Rehab projects		
Total cost of improvements		10,000
Monthly rehab debt payment		833
Annual rehab debt payment	\$	\$ 10,000
Cash Flow: profit, (loss) ⁴	\$ (25,554)	\$ (45,554)

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

4. Cash Flow = (Net Operating Income) - (Annual debt payments)

**SUMMARY INFORMATION SHEET
FOR DUPLEX AND TRIPLEX COVERSION CASES**

Housing unit breakdown:	Existing	Proposed
Number of units	1	2
Number of bedrooms in each unit		
Unit 1	4	3
Unit 2	n/a	1
Unit 3	n/a	n/a
Size of each unit in square feet		
Unit 1	4368	3072
Unit 2	n/a	1296
Unit 3	n/a	n/a
Debt:		
Initial principal amount	232,781	
Initial interest rate	3.25%	
Term of mortgage/debt financing	15 yr	
Time remaining on note	14 yr	
Balance on existing debt	210,025. ⁵²	
Rehabilitation		
Type of improvements:		no change

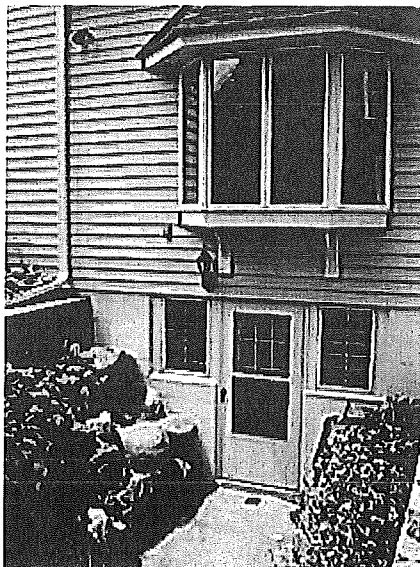
Photos of 1598 E Shore Dr.



Front of House.



Side of House and Three-Car Garage.



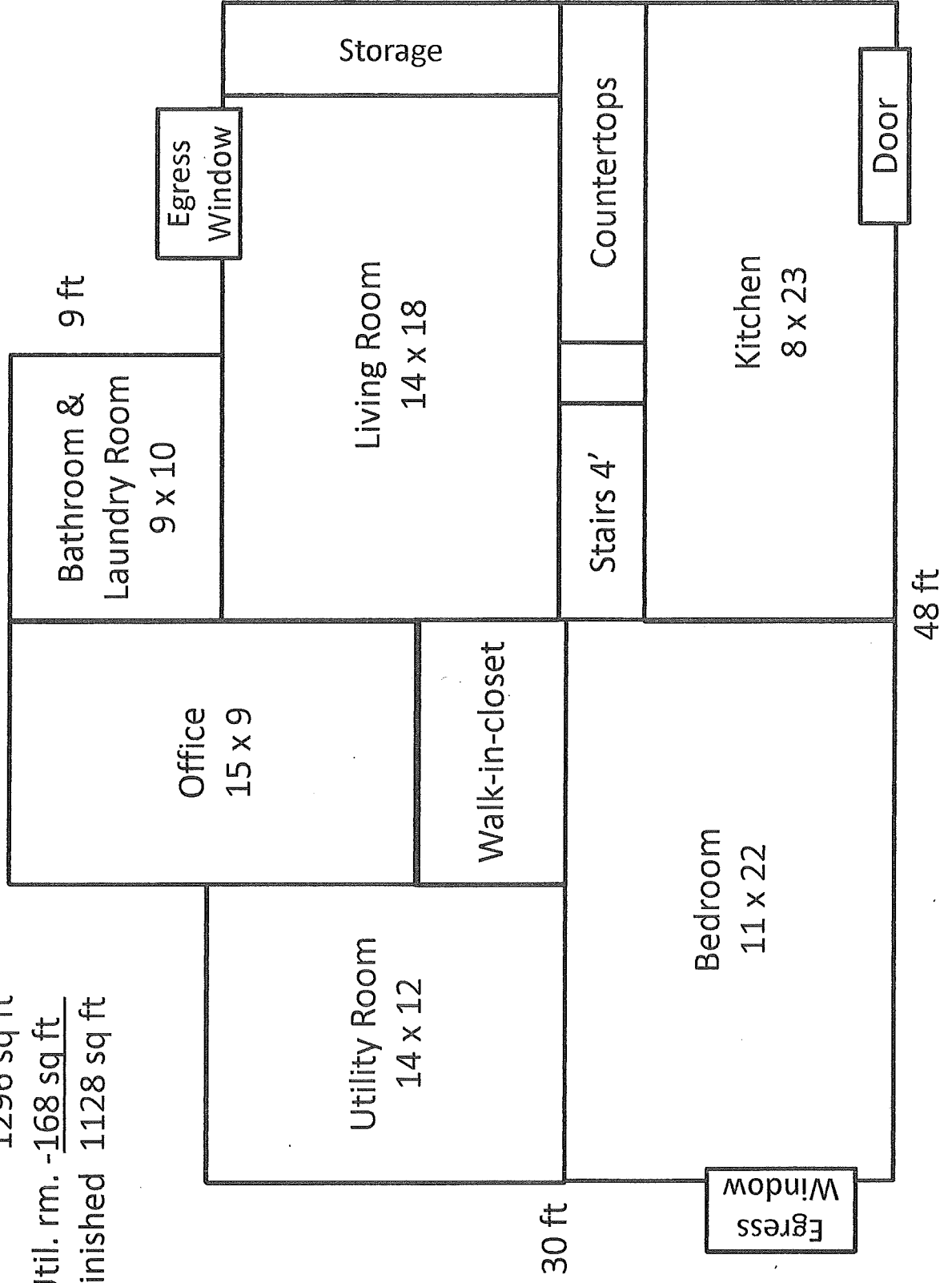
Basement Walk-Out Entrance



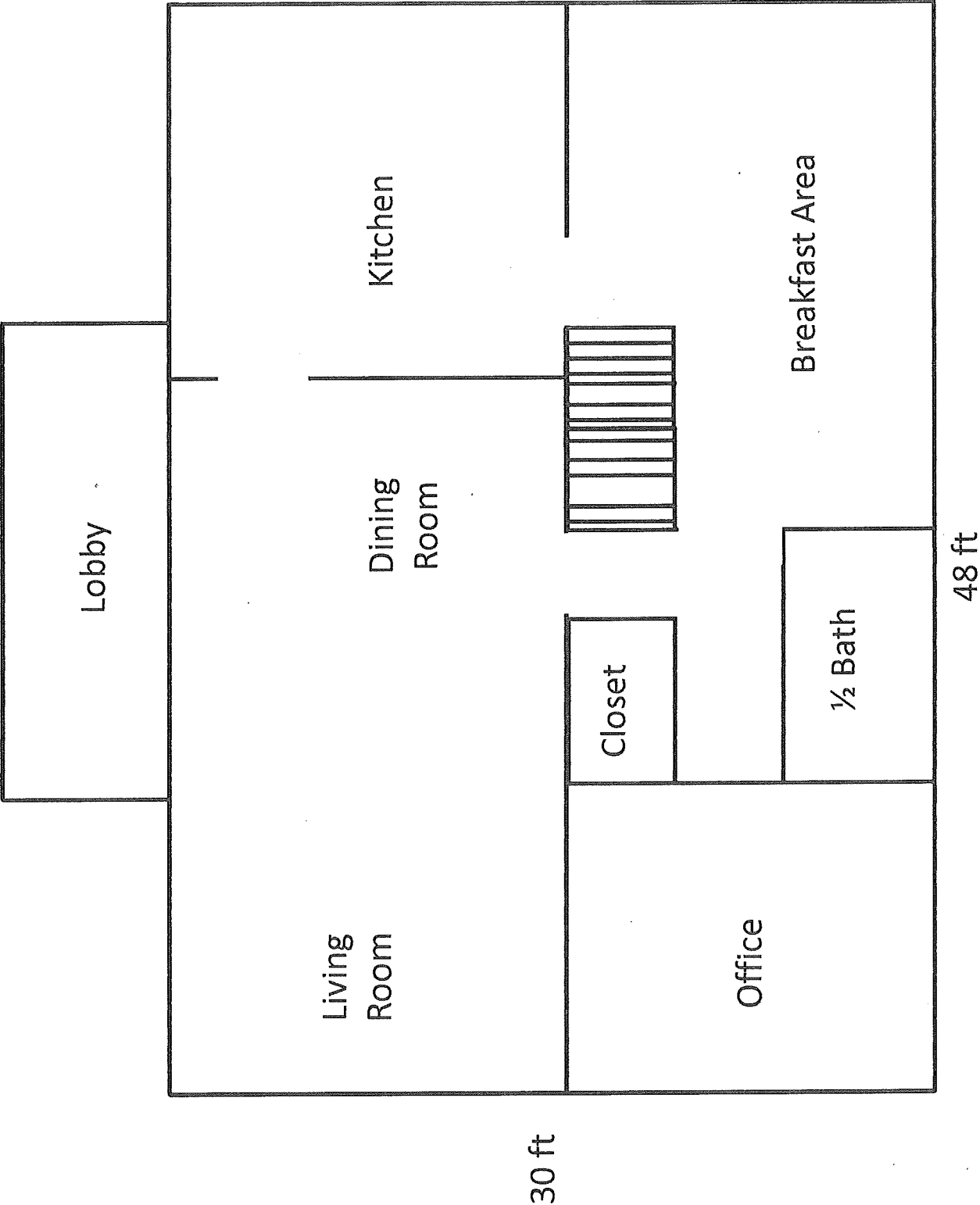
Basement Kitchen

$25 \times 45 = 1125 \text{ sq ft}$
 $9 \times 19 = \underline{171 \text{ sq ft}}$
 1296 sq ft
 Util. rm. - $\underline{168 \text{ sq ft}}$
 Finished 1128 sq ft

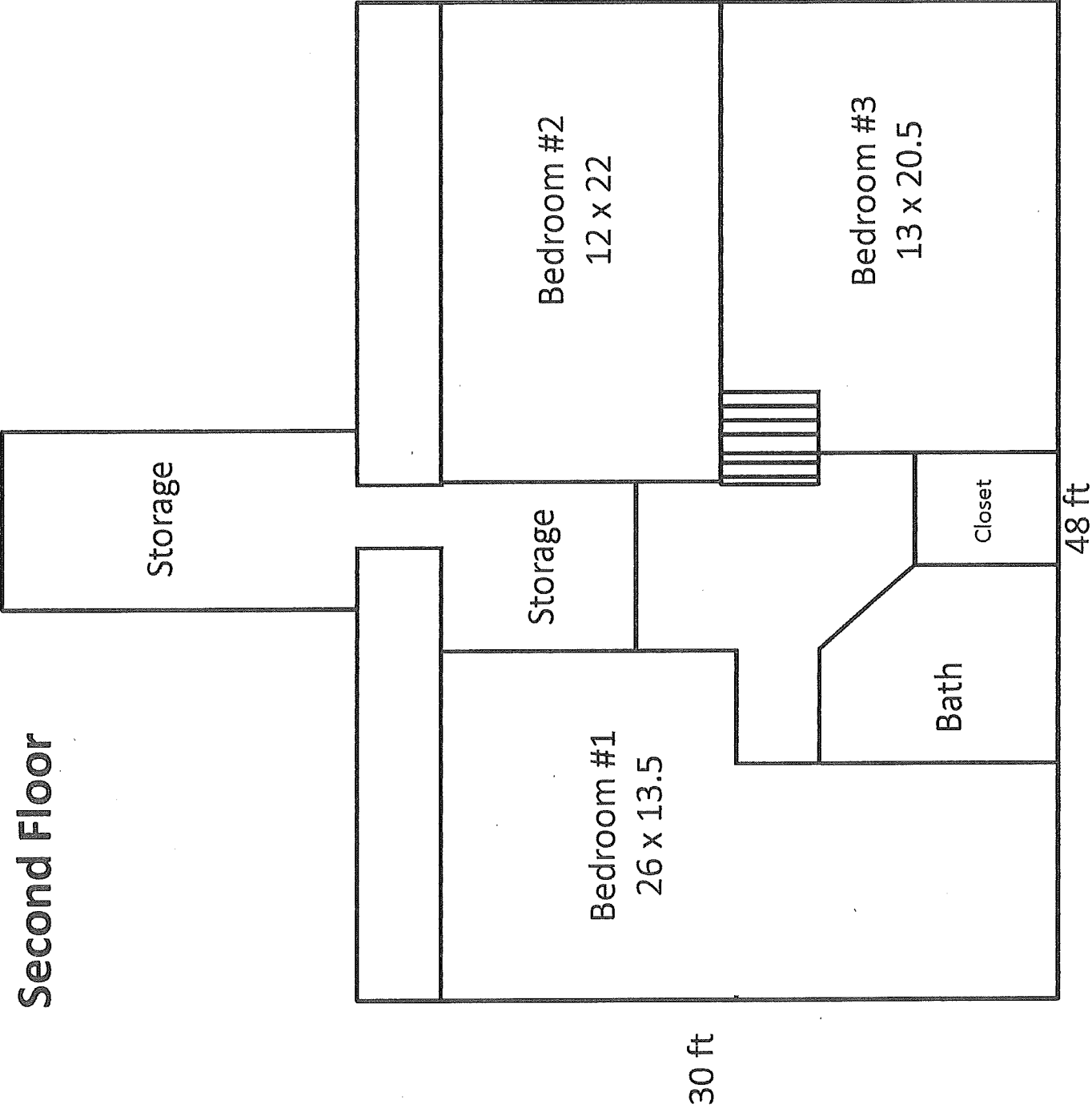
Basement Unit



First Floor



Second Floor



CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Elizabeth Palaima _____, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

Elizabeth Palaima

NAME

1598 E Shore Dr., St. Paul, MN 55106

ADDRESS

617-818-6924

TELEPHONE NUMBER

Subscribed and sworn to before me this

1st day of August, 2013

Donna M. Pinotti

NOTARY PUBLIC



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

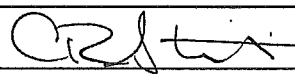
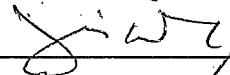
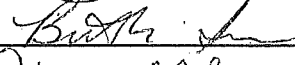
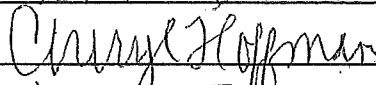

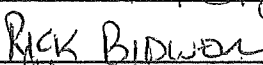
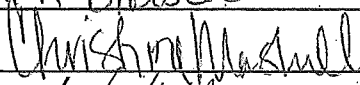
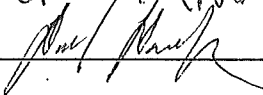
A copy of the application of Elizabeth Palaima & Andrew Satrijo,
(name of applicant)

to establish a basement apartment/duplex,
(proposed use)

located at 1598 E Shore Dr.,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1580 E. SHORE DR. ST. PAUL 55106	CHRISTOPHER R. STEELE		7/13/13
1189 BRIGHTON PL ST PAUL 55106	JAMIE WEBER		7/25/13
1190 Brighton Place ST. PAUL, MN	Brett Savage		7/25/13
1400 EAST SHORE DR. ST. PAUL, MN	CHERYL HOFFMAN		7/28/13
1170 Idaho Ave E.	Jodi Felipe		7-28-13
1610 EAST SHORE DR	Rick Bidwan		7/28/13
1198 Brighton Place	Christine Marshall		7/28/13
1197 BRIGHTON PL	DANIEL DANCZYK		7-30-13

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

To whom it may concern:

We, Chris & Lynne Steele, hereby support the application of Elizabeth Palaima and Andrew Satrijo for a Nonconforming Use Permit for a duplex at 1598 E Shore Drive, St. Paul. We have lived next door in our home, 1580 East Shore Drive, for 15+ years and have a pretty complete understanding of the neighborhood.

Continuous Use of 1598 East Shore Drive as a Duplex

We knew the former homeowner, Bob Yezek, very well, and we can attest that the property has been continuously (or very nearly continuously) occupied as a multifamily duplex in all the years that we have lived here. Bob had rented the basement unit since well before 2002, and Elizabeth and Andrew continued renting the apartment since purchasing the property from Bob Yezek in 2007.

Compatible Use

We have been in the house several times, and we can attest that it is a good fit for use as a duplex. The house, including the basement unit, is very large. Such a large house would be a waste of energy and resources if it were not fully used as a duplex. Furthermore, the basement already has its own kitchen, bathroom, and walk-out entry. It also has two egress windows.

Tenants

The tenants that have lived in the basement unit have always been very respectful, quiet, pleasant and welcome neighbors. They have included students and also working professionals. Some even help take care of the property, such as landscaping, raking leaves, etc. The homeowners, tenants, neighborhood, and the city all benefit from having shared use of this property.

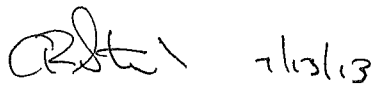
Parking

Parking and congestion have *never* been a problem on our shared street since the property has a three-car garage and there is also plenty of on-street parking.

As next door neighbors, we have no concerns about the property being allowed a non-conforming use permit for a duplex. We enthusiastically support Elizabeth and Andrew's application.

Please feel free to contact us if you have further questions.

Sincerely,

Handwritten signature of Chris Steele in black ink, appearing as 'CSteele' followed by a date '7/13/13'.

Chris Steele
1580 E Shore Drive
St. Paul, MN 55106
612-805-2687

Handwritten signature of Lynne Steele in black ink, appearing as 'Lynne Steele'.

Lynne Steele
651-329-6563

Jamie & Jaime Weber

1189 Brighton Place

Saint Paul, MN 55106

Tel: 651.216.1631 Email: Weber.JaimeL@gmail.com

**Dept. of Planning and Economic Development
Zoning Section**

1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

July 24, 2013

RE: 1598 East Shore Drive Nonconforming Use Permit Application

Dear Madam or Sir:

We have been residents of St. Paul for 10 years all of which have been at our current address of 1189 Brighton Place. We are located directly behind Elizabeth Palaima and Andrew Satrijo at 1598 East Shore Drive. Prior to Elizabeth and Andrew purchasing their home (in 2009) we knew the former owner, Bob Yezek.

Bob had rented his basement apartment for as long as we had been neighbors (2003-2009). Previous tenants (of Bob's and Elizabeth and Andrew's) have been courteous and neighborly. Sufficient off-street parking has always existed as the home has a 3 car garage with a large driveway that provides ample space. Because the neighborhood as a whole consists of single family homes as well as multi-family duplexes, triplexes and apartment buildings the on-going rental did not appear to be out of the ordinary or detrimental to the immediate community which surrounds it.

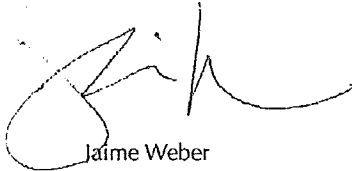
As next door neighbors we fully support Elizabeth and Andrew's application for nonconforming use because that is what we have been accustomed to living next door to for the last 10 years without issue.

Please contact us if you have any questions.

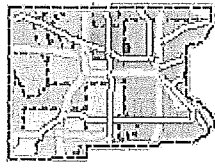
Sincerely,











Jamie Weber



Jaime Weber



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

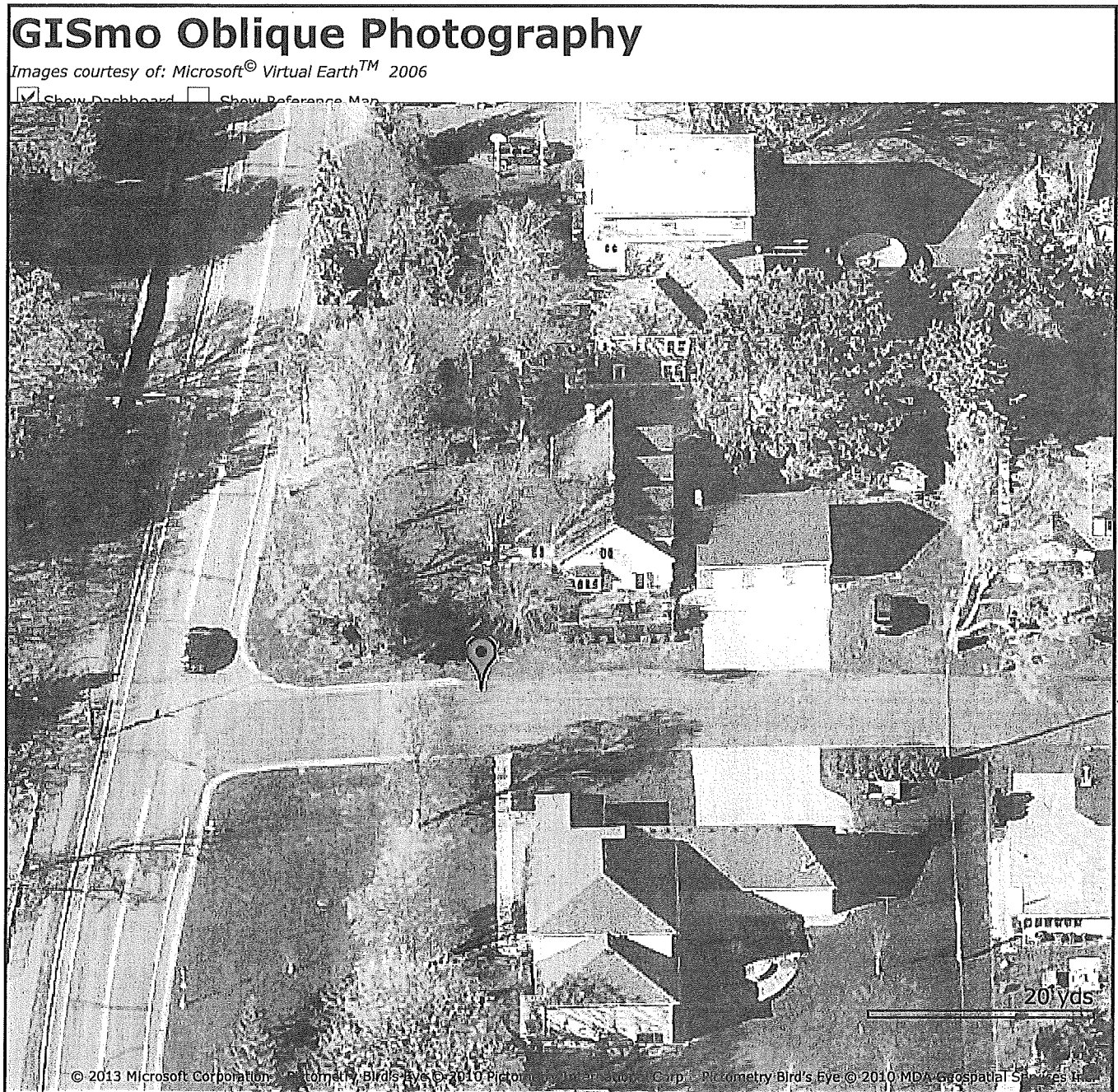
Notes

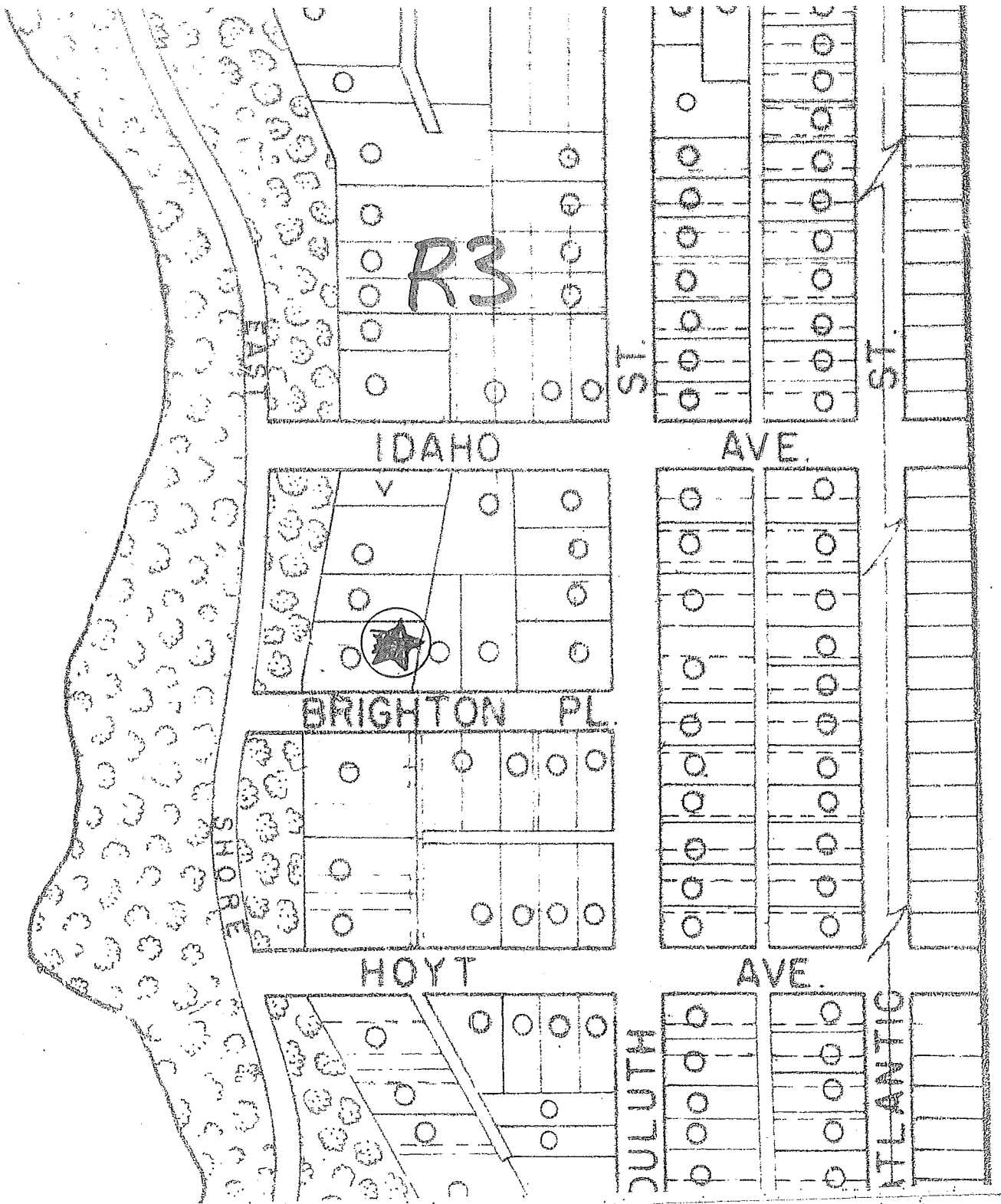
Enter Map Description



286.6 0 143.28 286.6 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION





APPLICANT Elizabeth Palaima
Andrew Satrijo
 PURPOSE Establishment NCUP
 FILE # 13-225722 DATE 8-23-13
 PLNG. DIST 5 Land Use Map # 6
 SCALE 1" = 400' Zoning Map # 5

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

V vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Ace Auto Parts **FILE #** 13-225-917
 2. **APPLICANT:** Ace Auto Parts **HEARING DATE:** September 12, 2013
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 780 Rice St and 770 Rice St. (partial), SE corner at Sycamore
 5. **PIN & LEGAL DESCRIPTION:** 302922330130 and 302922330241 (partial), Greens Addition To The City of Lots 2 Thru 5 Blk 1 and 18 thru 21 Blk 1.
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 65.706; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** September 4, 2013 **BY:** Jake Reilly
 9. **DATE RECEIVED:** August 20, 2013 **60-DAY DEADLINE FOR ACTION:** October 19, 2013
-
- A. **PURPOSE:** Conditional use permit for outside auto sales with modification of 15,000 sq. ft. lot area requirement
- B. **PARCEL SIZE:** 100 ft. (Rice St.) x 100 ft. (Sycamore) plus 25 ft. for driveway = 12,500 sq. ft
- C. **EXISTING LAND USE:** Vacant Dairy Queen restaurant; driveway access for Ace Auto Parts
- D. **SURROUNDING LAND USE:**
North: Vacant (T2), with residential uses to the northeast (RT1)
East: Industrial/manufacturing uses (I1)
South: Industrial uses, auto parts and salvage – Ace Auto Parts (I1)
West: Industrial uses; warehousing; auto repair (I2)
- E. **ZONING CODE CITATION:** §65.706 lists standards and conditions for auto sales and rental, outdoor; §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:** In 1953 a permit was approved for "Drive-in Refreshment" at this location (File # 2761). There is no other zoning history for the 780 Rice property (Dairy Queen site). The property is owned by the applicant, DMB, LLC, who also owns the motor vehicle salvage business to the south.

In 2005 a site plan and nonconforming use permit were approved for the motor vehicle salvage business, Ace Auto Parts (Z.F. #s 05-138612 and 05-141662). These approvals allowed reconstruction and enlargement of the retail portion of the business after the previous building was damaged by fire. The reconstruction also included expansion of the business onto the adjacent parcel to its north. This parcel, formerly owned by Twin Cities Roofing, wraps around the southern and eastern sides of the Dairy Queen parcel. This parcel has split zoning: the portion of the parcel south of the Dairy Queen site is zoned I1, while the portion to the east is zoned B3. This B3 portion is used for access to the motor vehicle salvage business and is legally nonconforming. In 2010 DMB LLC applied for a rezoning of the subject property (Z.F. # 10-013-379) which was denied.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval.

H. FINDINGS:

1. The applicant is seeking a conditional use permit for outside auto sales with a modification of the 15,000 square foot lot area requirement for the former Dairy Queen site adjacent to Ace Auto Parts.

2. §65.706 lists five standards that outdoor auto sales and rental uses must meet:

- (a) *The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This condition is met. The outdoor sales area is paved with asphalt; storm water drains to both Rice and Sycamore.
- (b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This condition is met. The property has two vehicular access points; the nearest intersection to either access point is at least 60 feet.
- (c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This condition is met. The applicant is not proposing to conduct repair or refinishing work on the site.
- (d) *The minimum lot area shall be fifteen thousand (15,000) square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking.* The applicant has requested a modification of this requirement. The total lot area is 12,500 square feet, if additional lot area is added for the driveway to the east. A site plan showing parking for two (2) employee parking spaces and a minimum of three (3) regular and two (2) handicapped access customer parking spaces as well as outdoor sales area layout sufficient to accommodate twenty-two (22) vehicles has been informally reviewed by Department of Safety and Inspections staff, and was submitted with the conditional use permit application.
- (e) *In the case of pawnbrokers, the businesses shall be separated from residentially zoned property by a distance of one hundred fifty (150) feet measured from property line to property line.* This condition is not applicable; the proposed use is not a pawnbroker.

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 Comprehensive Plan seeks to "provide land for jobs," and this use is likely to produce additional jobs for the neighborhood.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The property has two vehicular access points; the nearest intersection to either access point is approximately 60 feet
- (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 the neighborhood is a mix of commercial and industrial uses. This use is adjacent to another auto oriented use and will not endanger the public health, safety or general welfare of the neighborhood.
- (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 in keeping with the mix of commercial and industrial uses at this intersection and will not impede the normal and orderly development and improvement of the surrounding property.

(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.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *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.* This finding is met. The intent of the lot area minimum is to prevent over crowding of the lot and to allow for adequate egress and ingress. In this case, based on projected vehicle sales volumes, the lot area and number of parking spaces is adequate for the outdoor auto sales use.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for outside auto sales with modification of 15,000 sq. ft. lot area requirement subject to the following additional condition:

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.



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 # 13-225917

Fee: 800.00

Tentative Hearing Date:

9-12-13

70=6

302922330130

APPLICANT

Name Ace Auto Parts
Address 754 Rice St
City St. Paul St. MN Zip 55117 Daytime Phone 651-206-4982
Name of Owner (if different) Barb Weyandt (Marcus Weyandt)
Contact Person (if different) Marcus Weyandt Phone 651-206-4982

PROPERTY LOCATION

Address / Location 780 Rice Street
Legal Description Greens addition to the city of St. Paul, lots 2 through lot 5, block 1
Current Zoning B3
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 706 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.

Requesting modification of conditional use to a lot size of 10,000 sf from the required 15,000 sf. A 10,000 sf lot is adequate for the vehicle sales volume we anticipate.

☒ Required site plan is attached

Applicant's Signature

Date

City Agent

8/20/13
pdd
8-20-13

Ace Auto Parts, 754 Rice Street, is looking to reconfigure our current used car sales to the former Dairy Queen at 780 Rice Street. We purchased this property with several goals in mind; most important being that along with the growth of our auto recycling business, we know that the division of recycling and car sales will allow us to better serve the needs of our customers in a safer more suitable space with improved site management.

Ace Auto Parts is a long-time and long-term good "resident" of the City. We remain committed to the continued growth and success of St. Paul and specifically the North End.

Regarding Conditional use permit general standards:

- a. **The extent, location and intensity of the use is in compliance with the St. Paul Comprehensive plan and any applicable subarea plans which were approved by the city council.**

This request conforms to St Paul Comprehensive Plan as it is a redevelopment of an existing vacant building; it provides additional living wage jobs and also provides local low-cost goods (used cars) which supports neighborhood economics.

- b. **There is adequate existing ingress and egress to Rice Street and to Sycamore Avenue.**

We are requesting two modifications:

1. From the required 15,000 square feet lot to a 10,000 square feet lot. We anticipate a smaller lot to be quite adequate for our sales volume.
2. From the required curb cut of 60 feet to 54 feet for the existing Rice Street curb cut from the Sycamore intersection. There is an additional existing ingress/egress on Sycamore Avenue which exceeds the required curb cut distance by 12 feet.

- 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 site improvements will add value to the Rice Street corridor and its businesses and neighbors.

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

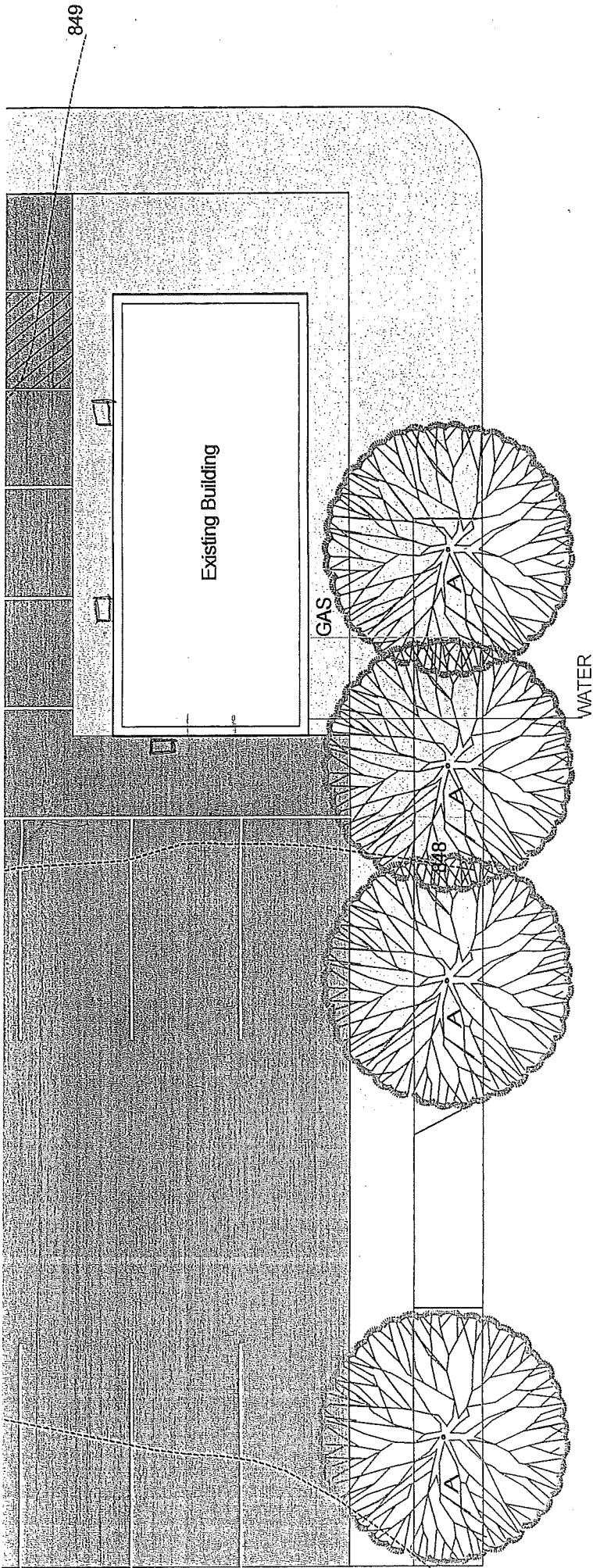
This use falls within Ace Auto Parts existing licensure, experience and business activity.

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

The lot will be used for show and sales only. Any vehicle preparation or repairs will be completed elsewhere prior to showing.

Hours of operation will be Monday through Friday 8am – 5pm, Saturdays 8am – 1pm.

Closed on Sundays.



Sycamore Street

☐ wall pack lighting

PLANT LIST

A Swamp White Oak

THESE DESIGNS ARE COVERED BY AND SUBJECT TO PROTECTION UNDER THE 1990 U.S. ARCHITECTURAL WORKS PROTECTION ACT. THE CLIENT AGREES THAT THIS PLAN SHALL REMAIN THE PROPERTY OF HAUER BY DESIGN. ANY REPRODUCTION OR OTHER USE OF THIS PLAN, INCLUDING THEFT OF INTELLECTUAL PROPERTY (I.E. IDEAS), WITHOUT THE WRITTEN CONSENT OF HAUER BY DESIGN IS STRICTLY PROHIBITED. HAUER BY DESIGN SHALL BE DESIGN TO ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, COSTS, LOSSES, AND ATTORNEY'S FEES.

CUSTOMER SIGNATURE:

SIGNER SIGNATURE:

HAUER
by

DESIGNED FOR: ACE AUTO LOT
ADDRESS: Rice Street

St. Paul

DATE: May 2013

DESIGNED: [signature] PLAN NO.



Rice
Street

851

850

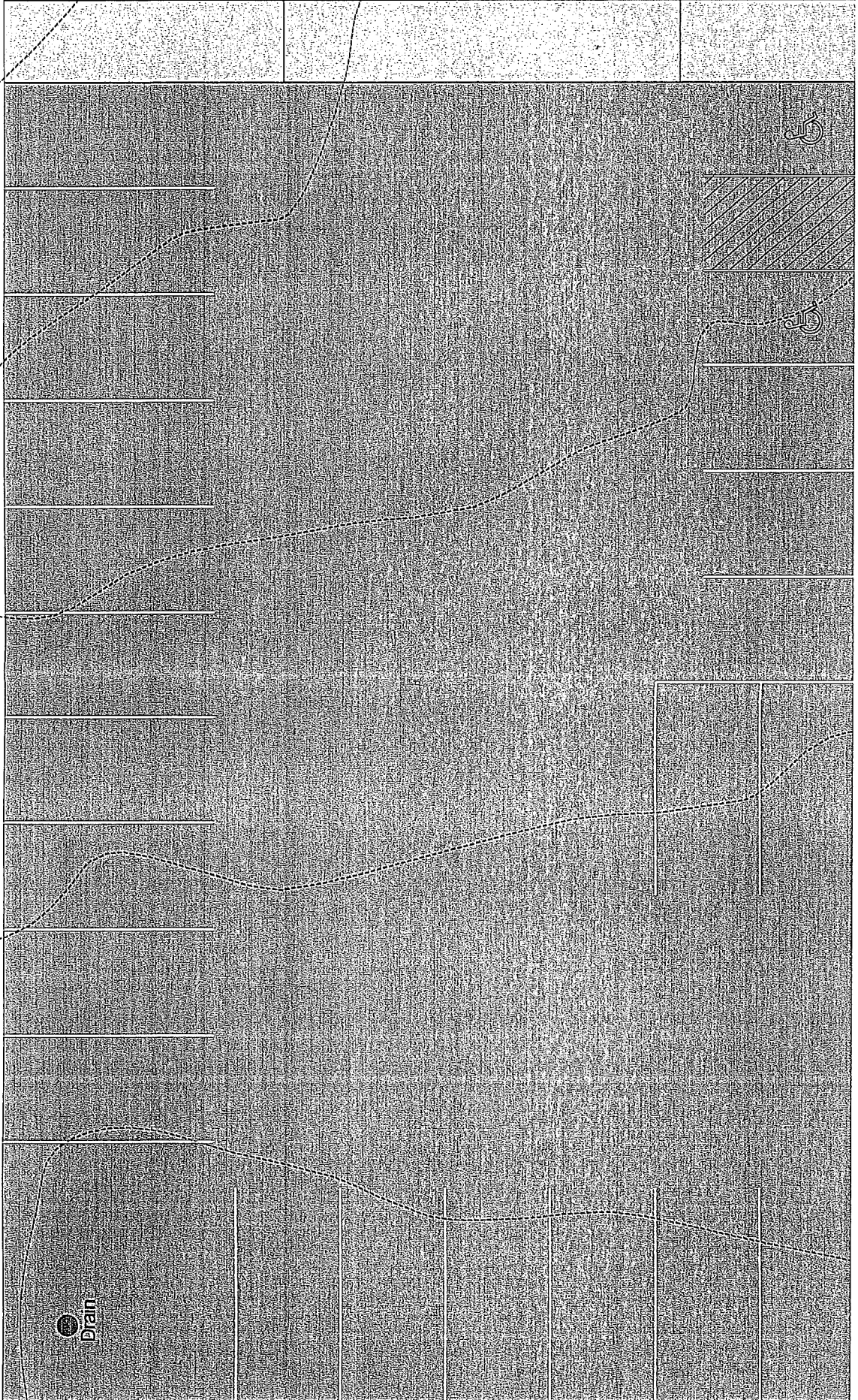
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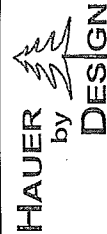
850

851

Drain



MEMBER SIGNATURE: _____

Landscape
Contractors

DESIGNED FOR:

ACE AUTO LOT

ADDRESS: Rice Street

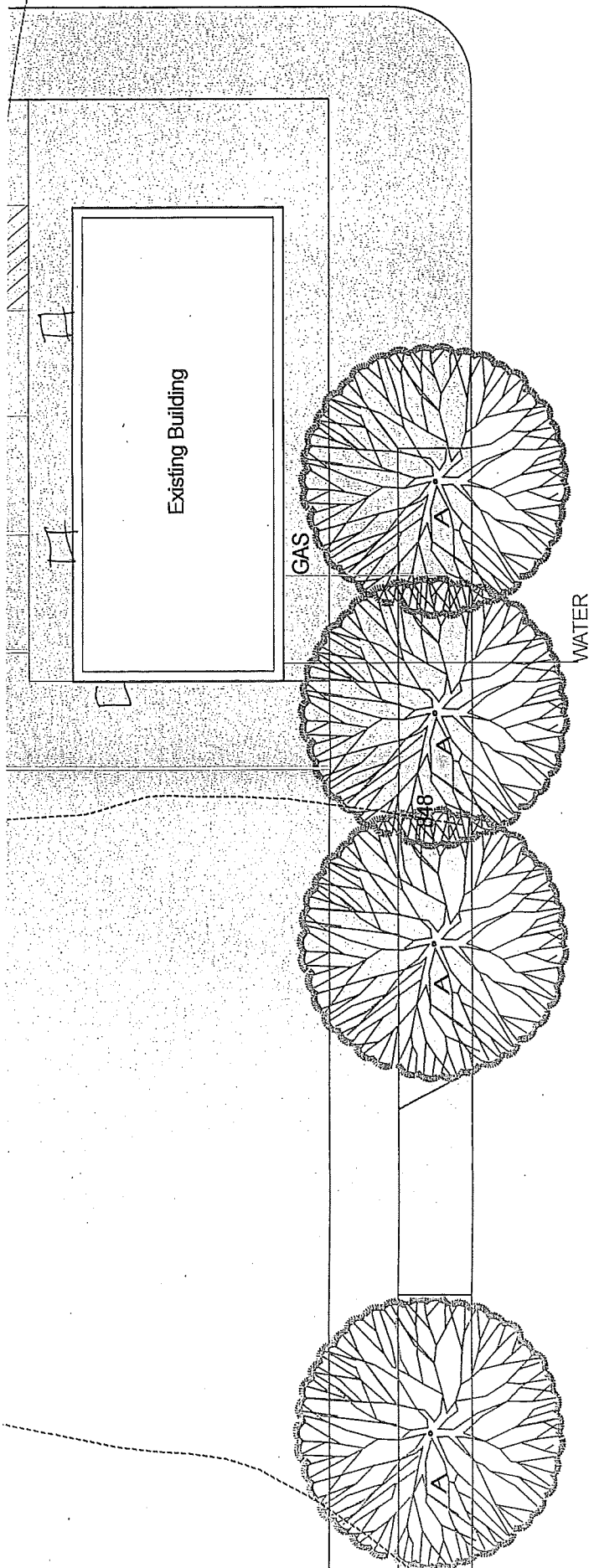
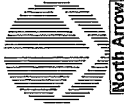
DESIGNED BY: Jeffrey Hunter	PLAN NO.
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DESIGNERS
PHONE: 651-489-3694

St. Paul

DATE: May 2013

CLIENTS
PHONE- 651-



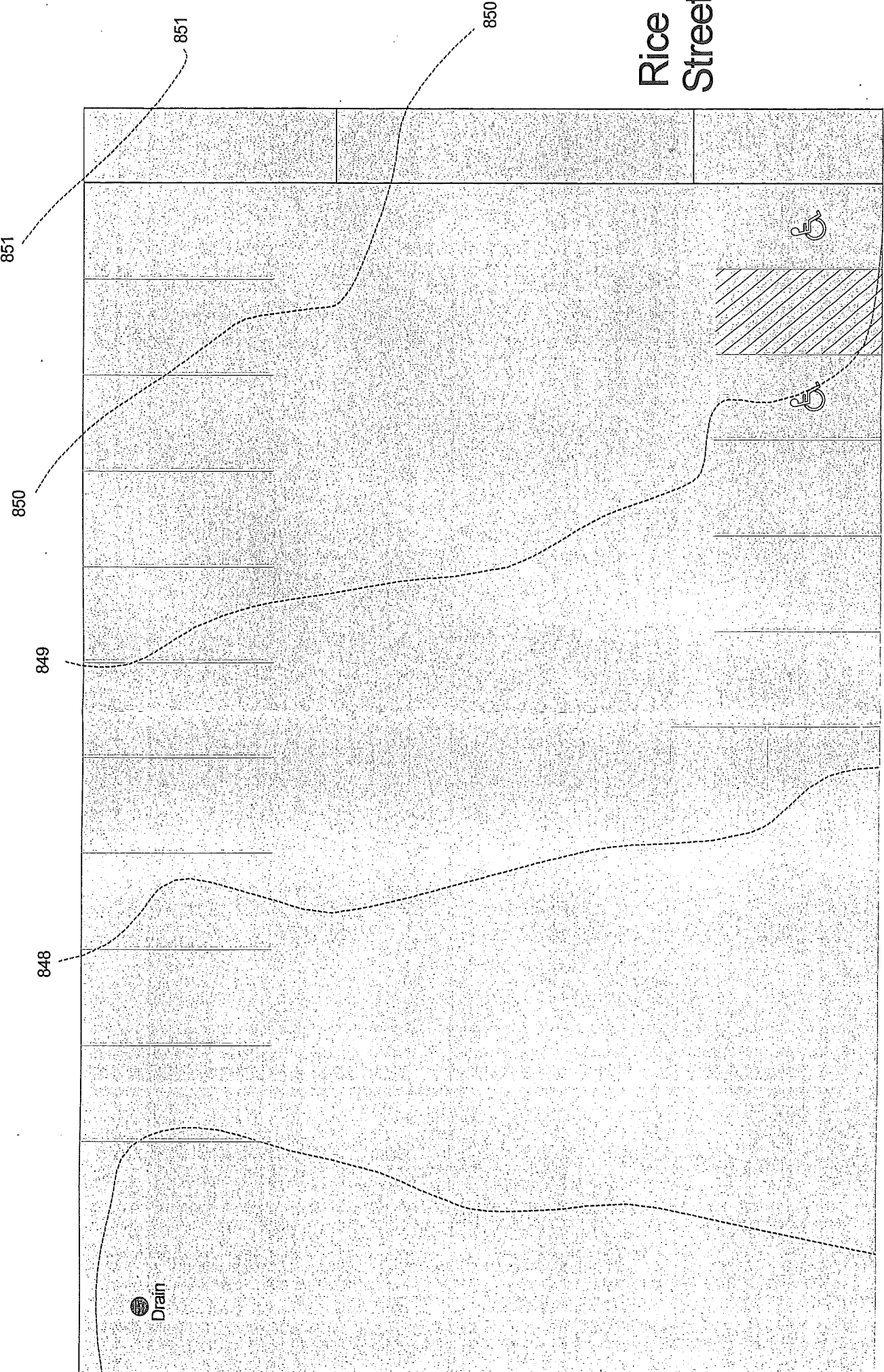
Sycamore Street

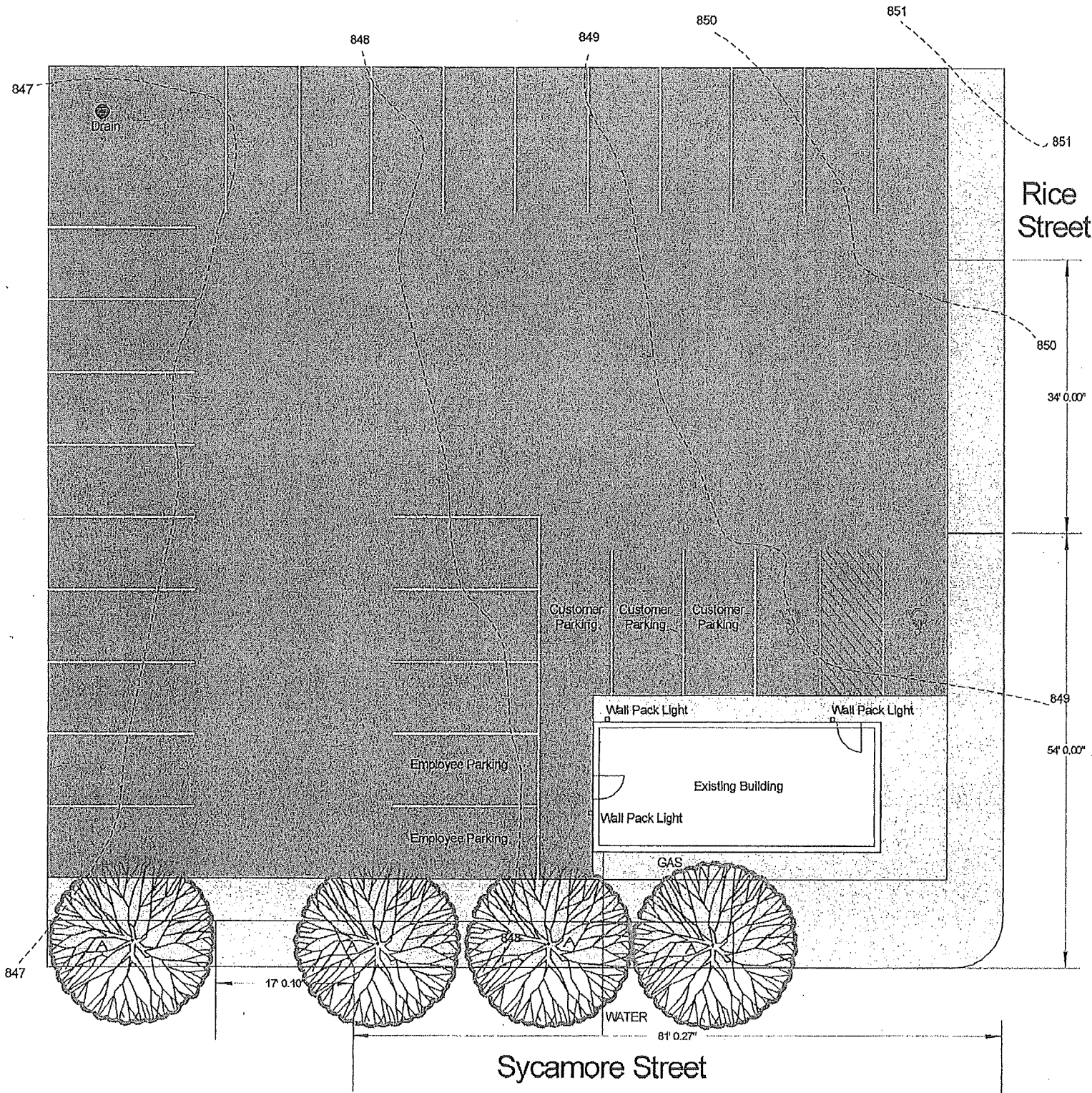
will pack lighting

PLANT LIST

A Swamp White Oak

Rice
Street





PLANT LIST

A Swamp White Oak

THESE DESIGNS ARE COVERED BY AND SUBJECT TO PROTECTION UNDER THE 1980 U.S. ARCHITECTURAL WORKS PROTECTION ACT. THE CLIENT AGREES THAT THIS PLAN SHALL REMAIN THE PROPERTY OF HAUER BY DESIGN. ANY REPRODUCTION OR OTHER USE OF THIS PLAN, INCLUDING THEFT OF INTELLECTUAL PROPERTY (I.E. IDEAS), WITHOUT HAUER BY DESIGN'S EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. UNAUTHORIZED USE SHALL ENTITLE HAUER BY DESIGN TO ALL DAMAGES CAUSED BY SUCH USER INCLUDING PREPARATION CHARGES, LOST PROFITS, DAMAGE TO REPUTATION, AND ATTORNEY'S FEES.

CUSTOMER SIGNATURE: _____

DESIGNER SIGNATURE: _____

HAUER
by
DESIGN

Landscape
Consultants

DESIGNED FOR: **ACE AUTO LOT**

ADDRESS: **780 Rice Street**

DESIGNED BY: **Jeffrey Hauer**

DESIGNERS PHONE: **651-489-3694**

PLAN NO.

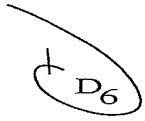
SCALE: **1/8" = 1.0'**

St. Paul

DATE: **May 2013**

CLIENTS PHONE: **651-**





District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

August 28, 2013

Zoning Committee of the Planning Commission
15 West Kellogg BLVD
Saint Paul, MN 55102

District 6 Planning Council met with Barb and Marcus Weyandt, owners of Ace Auto Parts, 754 Rice Street on August 27, 2013 regarding their application for a Conditional Use Permit and modification of the 15,000 lot area.

The permit and modification are necessary for the owners to utilize the "old Dairy Queen" building and sell used cars on the site. After numerous attempts the Weyandt's have not been able to rent the building nor is there any indication that the dairy queen building will be transformed into an attractive viable business that will serve the North End if the application is not granted.

Ace Auto Parts have been a North End institution for years; their current building is one of the most attractive sites on Rice Street and is the entrance to the North End. District 6 Planning Council wholeheartedly supports the Conditional Use Permit and lot size modification and encourages the Zoning Committee reach the same conclusion.

Thank-you for your consideration of our recommendation and if there are any questions please have the planner contact the office.

Regards,

Jeff Martens

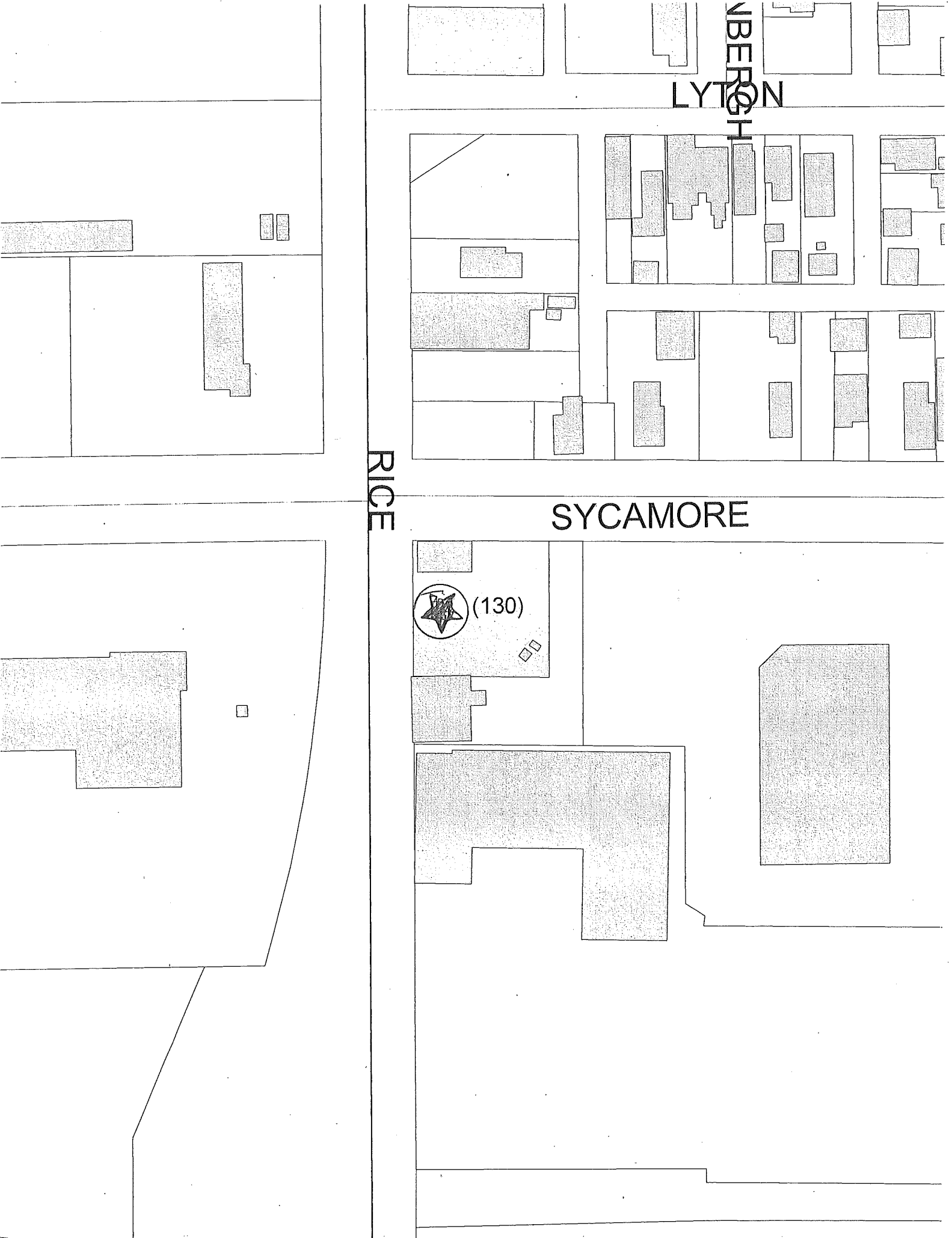
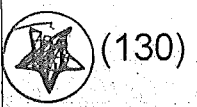
Jeff Martens
Land Use Task Force Chairman

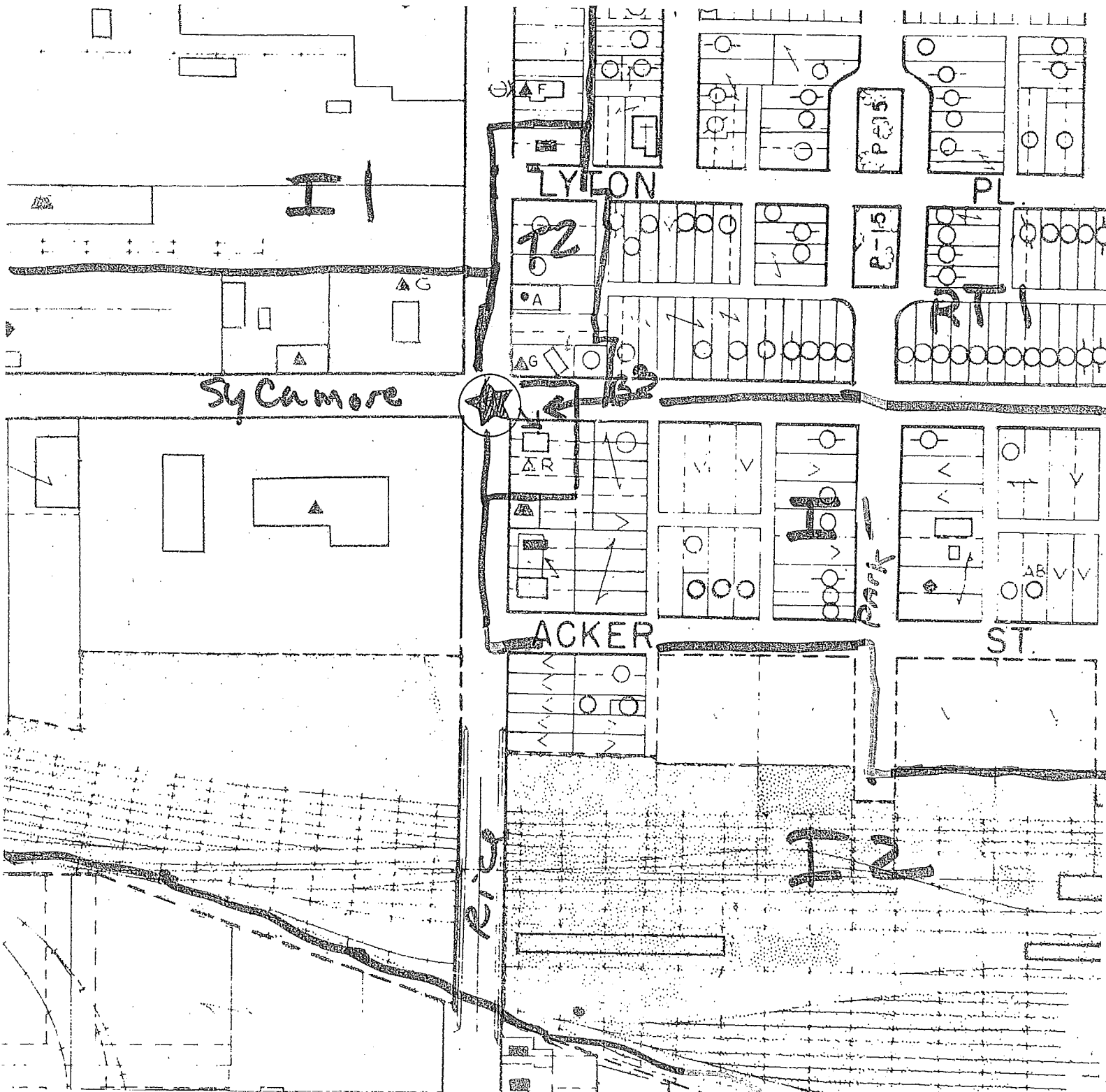
Cc: Ward 1
Barb and Marcus Wyandt

LYTTON
BERG

RICE

SYCAMORE





APPLICANT Ace Auto Parts
 PURPOSE Cond. Final Use Permit / mod
 FILE # 13-225917 DATE 8-26-13
 PLNG. DIST. 6 Land Use Map # 12
 Zoning Map # 10

SCALE 1" = 400'
 LEGEND
 — zoning district boundary
 ▨ subject property
 ○ one family
 ○ two family
 ○ multiple family
 ▲ commercial
 ♦ industrial
 V vacant
 north

ARUM