

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF MAY 4-8, 2015

Mon (4) _____

Tues (5) _____

3:30- Comprehensive Planning Committee 13th Floor – CHA
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547) 25 Fourth Street West

CIB and Neighborhood STAR Applications: Comprehensive Plan Conformance – Review for compliance. (Michelle Beaulieu, 651/266-6620)

DNR Mississippi River Critical Area Rulemaking – Continued discussion of comments on proposed rules. (Josh Williams, 651/266-6659)

5:00- Gateway Station Area Planning Task Force Sun Ray Library
6:30 p.m. (Bill Dermody, 651/266-6617) 2105 Wilson Avenue
Saint Paul, MN 55119

Weds (6) _____

Thurs (7) _____

Fri (8) _____

8:30- Planning Commission Meeting Room 40 City Hall
11:00 a.m. (Donna Drummond, 651/266-6556) Conference Center
15 Kellogg Blvd.

PUBLIC HEARING: Residential Standards Zoning Code Amendments – Item from the Neighborhood Planning Committee. (Mike Richardson, 651/266-6621)

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

OLD BUSINESS

#15-021-950 Freedom Works, Inc. – Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area. 869 5th Street East, NW corner at Mendota. (Bill Dermody, 651/266-6617)

NEW BUSINESS

#15-020-454 Cory & Pamela Biladeau – Conditional use permit for a bed and breakfast residence with 3 guest rooms in a two-family dwelling. 96 Virginia Street between Laurel Avenue and Maiden Lane. *(Leila Tripp, 651/266-6708)*

#15-023-966 TNT Fireworks – Conditional use permit for outdoor commercial sale of consumer fireworks. 2481 7th Street West between Davern and Alton Streets. *(Michelle Beaulieu, 651/266-6620)*

#15-022-097 Wilebski’s Blues Saloon Parking Lot – Revocation or modification of a nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216-269) due to noncompliance with the conditions of the permit. 92 California Avenue West, SE corner at Camelot Street. *(Bill Dermody, 651/266-6617)*

**Comprehensive Planning
Committee.....**

CIB Proposals – Approve resolution and forward to the (CIB) Capital Improvement Budget Committee. *(Michelle Beaulieu, 651/266-6620)*

Neighborhood STAR Proposals – Approve resolution and forward to the Neighborhood STAR Board. *(Michelle Beaulieu, 651/266-6620)*

**The Planning Commission
minutes from the
meeting on Friday,
April 24, 2015 are not
ready for your review.
However they will be
emailed & mailed out on
Monday, May 4, 2015.**

Thank you,

Sonja Butler





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, May 12, 2015
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:00	Site improvements for Martin Luther King play area 271 Mackubin
9:30	West Side Flats (Phase 3) 41 Livingston Two new apartment buildings with a total of 266 apartment units

Applicants should attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and email you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go to the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

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

DATE: May 1, 2015
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of April 30, 2015 Zoning Committee Hearing

OLD BUSINESS

1 **Freedom Works, Inc. (15-021-950)**
Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area

Address: 869 5th St E
NW corner at Mendota

District Comment: District 4 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 5 people spoke , 5 letters

Hearing: closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u>	<u>Committee</u>
Approval with conditions	Approval with conditions	Approval with conditions (6 - 0)

NEW BUSINESS

2 **Cory & Pamela Biladeau (15-020-454)**
Conditional use permit for a bed and breakfast residence with 3 guest rooms in a two-family dwelling, and variance of the requirement for paving of off-street parking and driveways

Address: 96 Virginia St
between Laurel Avenue and Maiden Lane

District Comment: District 8 made no recommendation

Support: 0 people spoke, 1 letter

Opposition: 0 people spoke , 4 letters

Hearing: closed

Motion: Approval with conditions for the conditional use permit, denial of variance

<u>Staff</u>	<u>Recommendation</u>	<u>Committee</u>
Approval with conditions	Approval with conditions for CUP, variance denied	Approval with conditions for CUP, variance denied (6 - 0)

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
3	<p>TNT Fireworks (15-023-966) Conditional use permit for outdoor commercial sale of consumer fireworks</p> <p>Address: 2481 7th St W between Davern and Alton Streets</p> <p>District Comment: District 15 made no recommendation</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 0 people spoke , 0 letters</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p>	<p>Approval with conditions</p>	<p>Approval with conditions (6 - 0)</p>

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
4	<p>Wilebski's Blues Saloon Parking Lot (15-022-097) Revocation or modification of a nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216-269) due to noncompliance with the conditions of the permit.</p> <p>Address: 92 California Ave W SE corner at Camelot Street</p> <p>District Comment: District 6 recommended modification of existing nonconforming use permit to allow the applicant until September 1, 2015 to meet conditions</p> <p>Support: 1 person spoke, 2 letters</p> <p>Opposition: 1 person spoke , 0 letters</p> <p>Hearing: closed</p> <p>Motion: Modification of existing nonconforming use permit to allow the applicant until May 31, 2015 to pave and stripe the parking lot</p>	<p>Recommended Revocation</p>	<p>Recommended Modification (5 - 1) (Wencl)</p>

city of saint paul
planning commission resolution
file number
date

WHEREAS, Freedom Works, Inc., File # 15-021-950, has applied for a conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area under the provisions of §65.159, §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 869 5th St E, Parcel Identification Number (PIN) 33.29.22.22.0193, legally described as Grube's Subd of Block 97 Lyman Dayton's Addition Lots 15,16,17 & Ex W 9 Ft Lot 18 Blk 97; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 16, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. The application requests conditional use permit approval for a transitional housing facility for up to 24 residents, with modification of the required lot area. The program is for post-prison outreach to men, with a minimum stay of six (6) months, and an average stay of 12-24 months.
2. The site is legally nonconforming with regard to provision of 7 of the 9 required parking spaces. The 23- or 24-unit convent use was constructed without parking provision and today would require 8 parking spaces. The site's most recent use, a 20-unit rooming house approved in 2002, would today require 7 spaces – this represents the current legal nonconforming parking status of the site. The use requested by this application would require 9 parking spaces. Per §63.204, the proposed use must provide off-street parking for any required spaces in excess of what the legally established prior use would require, which in this case is 2 spaces (9 spaces for subject use - 7 spaces for rooming house use = 2 spaces). An approximately 25'-wide by 98'-long paved area was added along the building's west side after initial building construction and prior to 1991; this paved area has room for 4 legally sized parking spaces in a parallel arrangement if vehicles are permitted to back into the alley or a turnaround is provided, or it could be striped for 2 parking spaces that back directly into the alley. The parking agreement referenced in the application is not required for the proposed use if at least 2 off-street parking spaces are provided.
3. §61.501 lists the standards for transitional housing facilities serving more than four (4) adult facility residents and minor children in their care:

moved by _____

seconded by _____

in favor _____

against _____

- (a) *In residential, traditional neighborhood and OS—B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care. This condition is met provided the application is approved.*
 - (b) *In RL—RT2 residential districts, the facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter. This condition is met. The nearest applicable residential facility is located over 1,700 feet from the property.*
 - (c) *Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four (4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents. This condition is met. The proposed facility would increase the applicable residential population's share of the total population in District 4 from 0.71% to 0.86%.*
 - (d) *In RL—RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, traditional neighborhood, OS—B3 business and IR—I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care. This condition does not apply because the property is zoned RM2.*
 - (e) *In RL—RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure. This condition is met. The proposed facility will occupy the entire structure.*
 - (f) *In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms. This condition is not met. With 24 resident rooms, a total lot area of 27,000 square feet is required. The lot area of the parcel (including ½ the alley) is 17,685 sq. ft., for a shortfall of 9,315 sq. ft. The application requests modification of this condition.*
4. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The proposed transitional housing use is consistent with the Comprehensive Plan's Housing Chapter, which supports a broad range of housing types in city neighborhoods (Strategy H1.1). The Land Use Chapter (Figure LU-B) designates the site as part of an Established Neighborhood, in which the existing character should be maintained (Strategy LU1.5).*
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The proposed use will maintain existing vehicular access to off-street parking via the alley. Traffic demand is anticipated to be minimal compared to a regular multi-family use of similar intensity. According to the applicant, most residents will not have a car and will rely on public transit, and there will be up to four (4) staff on site at any given time, one (1) of whom will reside there.*
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed use is similar in anticipated traffic and noise*

impact to the site's previous uses. Additionally, there is substantial nearby on-street parking for building residents, staff, and visitors. No building expansion is proposed. The use will not be detrimental to the existing character of development in the area or endanger the public health, safety and general welfare.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The surrounding area is developed and the proposed use will have no effect on improvement of surrounding property.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to all RM2 regulations. The parking requirement for 2 space (9 spaces required – 7-space legally nonconforming deficit) is met by the existing paved area west of the building that provides room for 2-4 parking spaces.

5. 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. Based on lot area, only 14 residential rooms could be used on this site while the building contains 24 existing residential rooms. Not allowing full use of the building would be an exceptional hardship for the owner. The building design incorporates a large interior courtyard that provides visual relief and open space for use by the residents, which addresses the intent and purpose of the minimum lot area condition. Also, there is no easy mechanism to increase the lot area due to surrounding development. Strict application of the lot area standard would unreasonably limit an otherwise lawful use of the existing building that would result in exceptional undue hardship to the owner.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Freedom Works, Inc. for a conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area at 869 5th St E is hereby approved 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.

ZF #15-020-454 Cory and Pamela Biladeau

Conditional use permit for a bed and breakfast residence with 3 guest rooms in a two-family dwelling, and variance of the requirement for paving of off-street parking and driveways at 96 Virginia Street, between Laura Avenue and Maiden Lane

The resolution will not be available until next week. Once it is complete it will be e-mailed, and copies will be available at the Planning Commission meeting on Friday, May 8.

ZF # 15-020-454
Biladeau

From: Tim Grady [<mailto:tgrady@adoptfilms.com>]
Sent: Monday, April 27, 2015 11:24 AM
To: Tripp, Leila (CI-StPaul)
Cc: sara@summit-u.com
Subject: Re: Parking issues at 96 Virginia Street. File 15-020-454

Dear Zoning Committee,

File 15-020-454

I'm writing in reference to the parking issues related to a planned B&B at 96 Virginia street.

We live at 333 Maiden Lane, and we are pretty much the only house facing the on-going traffic of Maiden Lane. We moved to Maiden Lane two years ago from our previous home at 9 Crocus Place.

We're very happy in our historic livery stable, but we're concerned about the increased traffic on Maiden Lane and turning every view from our home into a parking lot. I have enclosed photos from views from our home.

We do not oppose the Bed and Breakfast plan, providing one can control the parking...I'm told by Pam Biladeau that they might rent up to four rooms, and they currently have a rental tenant who parks in the rear of their home. They have stated that they park their own cars in the garage, thus leaving one car currently exposed car from the street. I understand that the city will allow .5 vehicles per room, or in this case, 4 rental rooms, equals 2 cars. We don't have a problem with this plan, providing the Biladeau's keep their cars in the garage. And we strongly feel that keeping their car in the garage should be part of the Zoning approval. Of course, they can also park vehicles on the street.

That said, as you can see from the enclosed photos from Don Moe's house at 110 Virginia street, and the 96 Virginia parking lot and our garden view to Farrington Ave. We are virtually surrounded by excessive parking, which does nothing to beautify the neighborhood. Also, in the photo from our garden, we have a disturbing view of two old cars from from the corner house on Summit Avenue. These cars are rusting before our eyes and apparently have not been moved in years. This is an eye sore for the entire neighborhood, creating an atmosphere of dilapidation in what is otherwise a beautiful, historic neighborhood. Neighbors tell us that they have complained to the city and requested that these vehicles be removed.

As the neighbor of 96 Virginia, we are asking that the owners park their cars in the garage, or on the street, and that no more than two cars are parked in their driveway, at any given time. The owners have said that there may be more cars at times, and I said the we could not agree to this. We do not want to police this situation. We want to see a strict understanding of the parking policies by the owners.

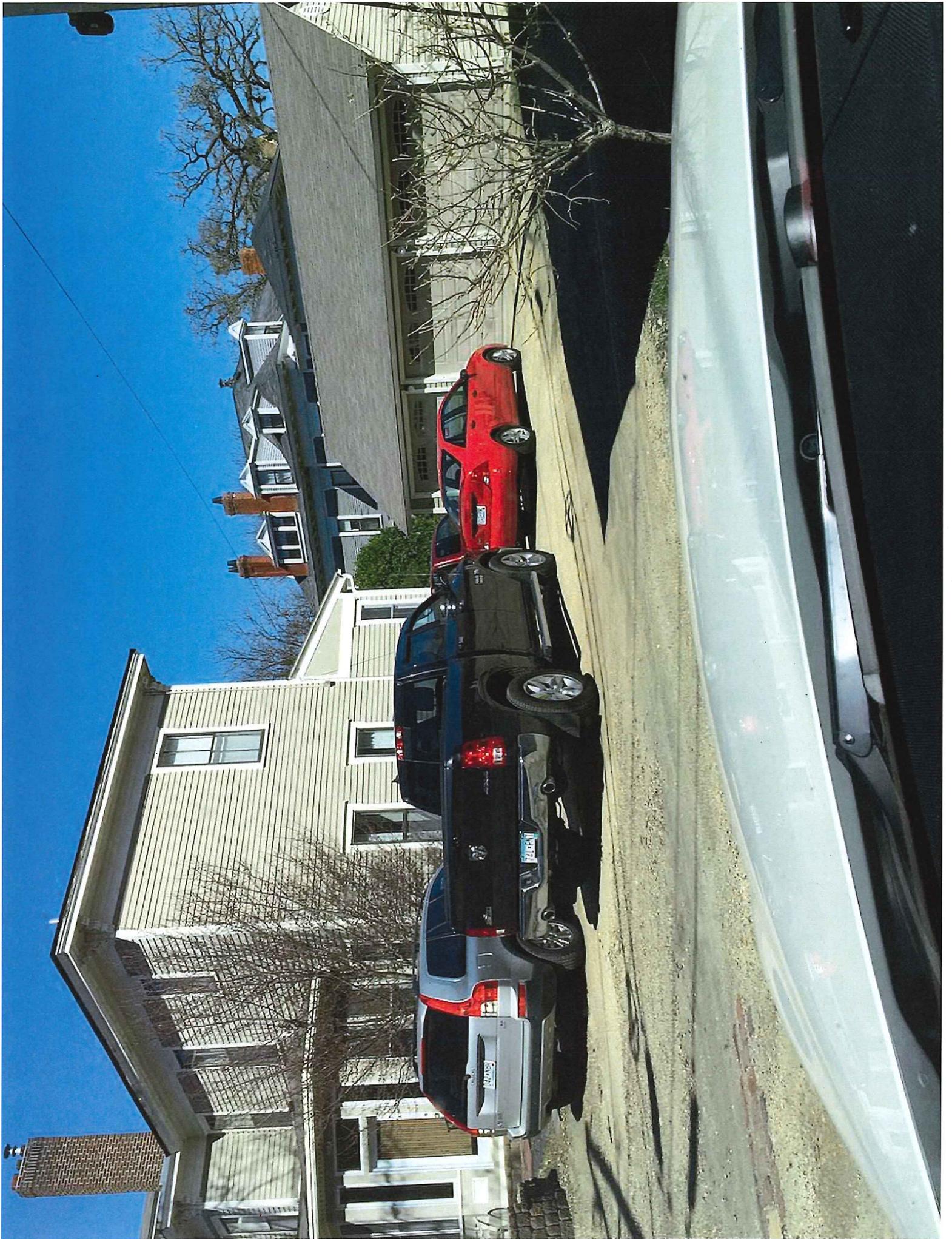
Furthermore, we are also concerned that they do not have a paved parking pad, and contrary to what has been said, the current gravel and dirt pad creates dust on the side of our home. We feel that if they want to open a B&B that they should do it right, and without variances.

Unfortunately, we are traveling the next two weeks and will not be able to attend the hearing. I hope that you can make our concerns known to the board...We are available via email and please don't hesitate to reach out to us via email.

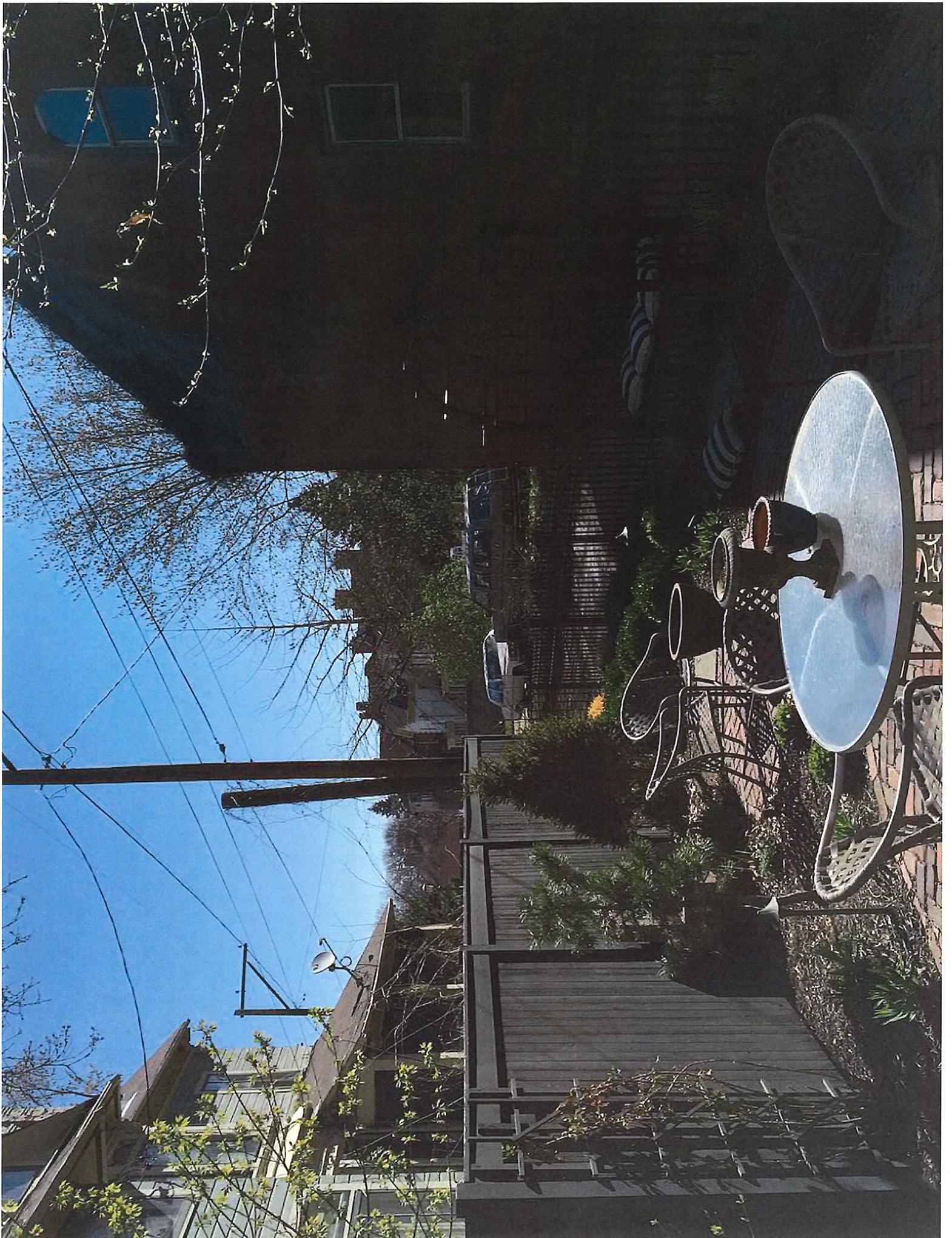
Many thanks,

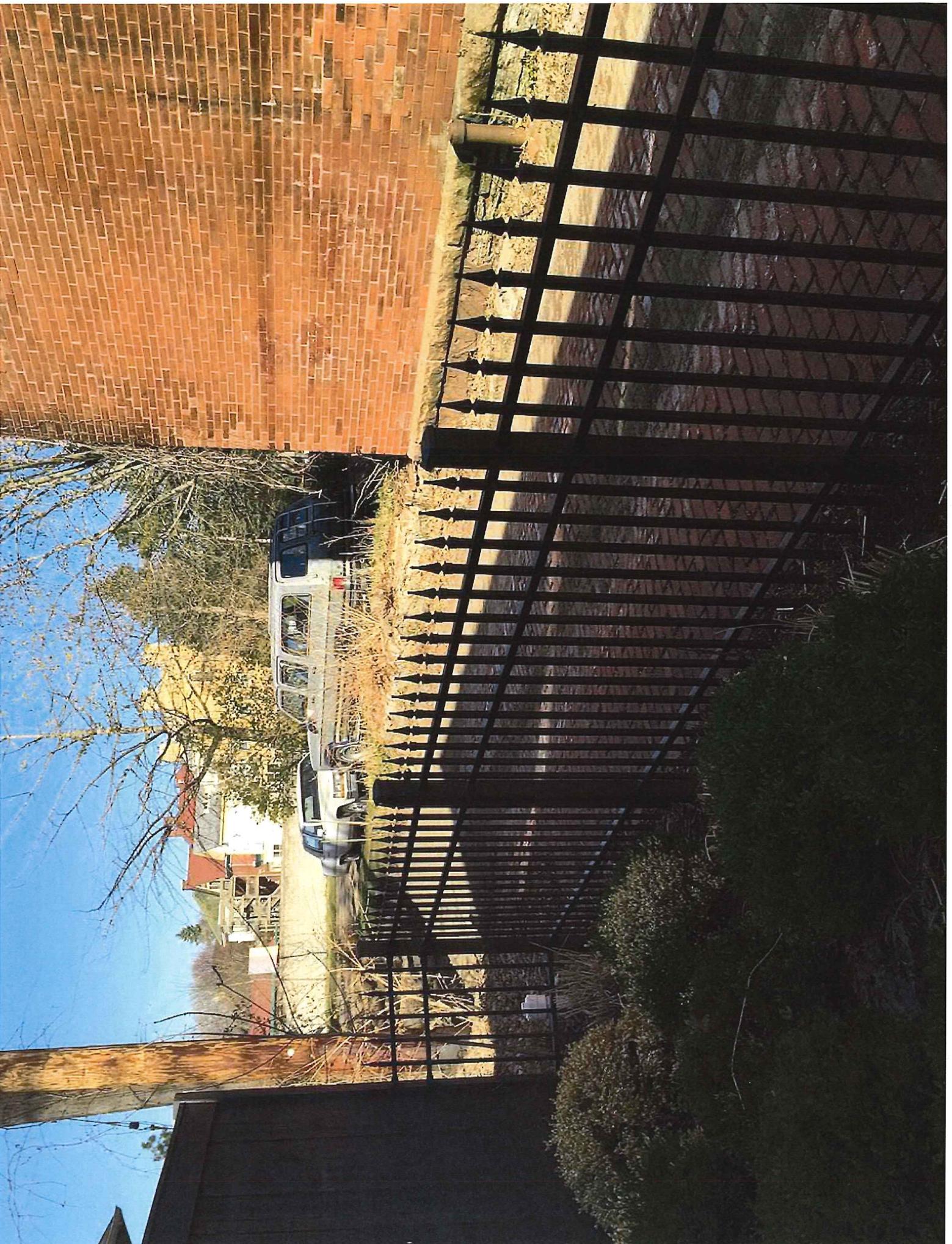
Tim Grady
Catherine Allan











**MARK VOERDING
113 FARRINGTON STREET
SAINT PAUL, MN 55102**

April 30, 2015

Chair and Members of the Zoning Committee,

I write in opposition to the proposed conditional use permit for a bed and breakfast facility for the property located at 96 Virginia Street. While I am not opposed to bed and breakfast uses, the variance to the requirement for a paved parking surface is not appropriate. In reviewing the staff report and submitted documentation there are a number of incorrect statements regarding the existing lot upon which the recommendation has been based.

First, the staff states under finding 5 (a) that "The property was purchased with a pre-existing hard-packed gravel driveway and the applicant has stated that there have not been issues with dust or tracking of mud onto the street or sewer system." Obviously staff relied on the applicant's statement and did not look at the site thoroughly.

The current class 5 surface does, in fact generate quite a lot of dust. Our property is located about 25 feet from the applicants' and whenever there is a strong wind from that direction dust clouds blow into our yard and can make our back porch and patio unusable. Additional traffic by B & B users will only add to that problem.

This space is not a driveway but a parking surface and will continue to be used as such. Chapter 34 of the Legislative Code states that *All parking spaces shall be paved with asphalt, concrete or other suitable durable and dustless surfacing, as determined by the enforcement officer.* Not may, not at some time in the future, but shall be paved.

As it currently exists, the parking space violates Chapter 34. This owner and the previous owner should have been ordered to bring it into compliance but due to the lack of enforcement by the city it has been and continues to be in violation.

And the reason dirt and mud don't enter the street or sewer system is because most of the water runoff flows north onto neighboring properties rather than to Maiden Lane. During every heavy rainfall and spring thaw water and silt flow onto our property and that of Mr. Moe's. At times our yard has been completely flooded with 6" or more of dirty rainwater in part as direct result of the surface and grading of the lot behind 96 Virginia Street. While he has taken efforts to contain water his property, Mr. Moe experiences the same flooding issues, again in part due to the lot at 96 Virginia Street.

In Finding 5(f) staff states" that the property exists as it was when the applicant purchased it in November 2014 and the variance would preserve the driveway as it currently exists." This statement is not relevant to support the requested variance because the space has been is now and would continue to be in violation of the Legislative Code.

Secondly, in 5(b) staff acknowledges that the surface must be paved but recommends a "reasonable" 5-year delay in bringing it into compliance. There are no definitions for a "reasonable" length of time but in for code compliance in Saint Paul it means within the construction season or as soon as possible once a site is properly prepared. Under no circumstances should it be 5 years and neighboring properties should not have to continue to suffer for that long. On top of that there is no enforcement or follow-up by the city to assure that required conditions are met.

Third, the applicant has stated the cost of paving as the sole reason for the variance. State statute and case law make it clear that economics or the cost of compliance with the code are not considerations for variances.

Next, the power and responsibility for variances to Chapter 34 falls to the Board of Zoning Appeals, not the Planning Commission. Therefore, I believe the requested variance is not properly before this body.

Given the current problems with this site I ask that you deny the variance as part of the CUP. If the applicant chooses, there is a process to seek a variance to the Building and Housing Code which the applicant can use.

Finally, every property owner in this area has made and continues to make improvements at significant cost. This comes with living in a preservation district. Every other property on this block has a paved parking surface as do owners of every other residential property in the area. There should be no exceptions, especially because an owner simply believes it costs too much. As to pervious surfaces, that matter can be resolved with pervious blacktop, pavers or other techniques. The Capitol Region Watershed District can assist in helping the owner achieve that goal.

Respectfully,

A handwritten signature in cursive script that reads "Mark Voerding". The signature is written in dark ink and is positioned below the typed name.

Mark Voerding

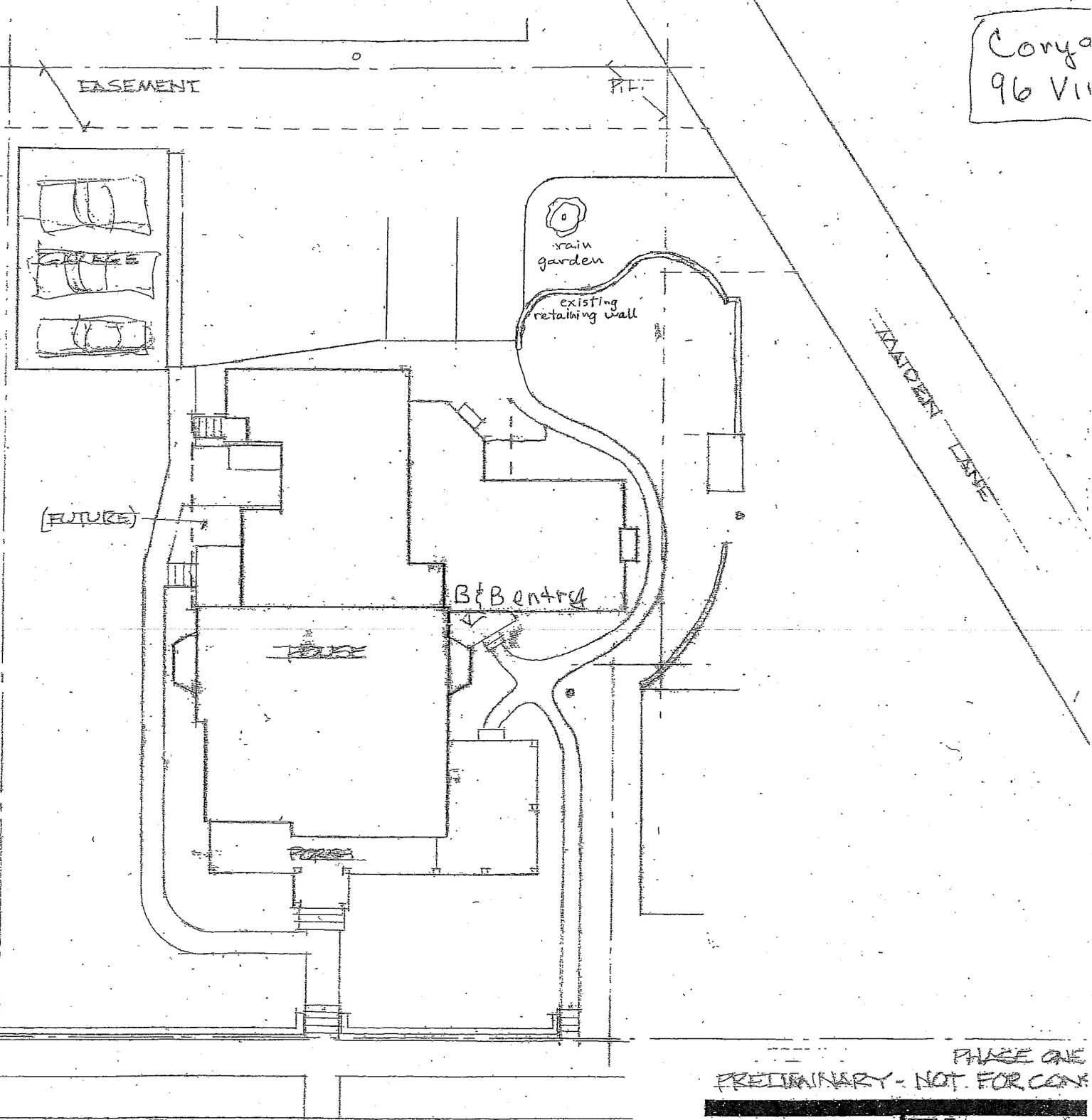
• **Sec. 34.08. - Exterior property areas.**

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to drain water away from occupied structures and minimize the accumulation of water on such premises.
- (3) *Ground cover.* Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by suitable paving or by other means as shall be approved by the enforcement officer. In residential zoning districts, impervious surfaces, excluding the principal building, accessory structures, patios and swimming pools shall not exceed one thousand five hundred (1,500) square feet unless site or terrain conditions make this impractical. For the purposes of this section, an impervious surface includes driveways, sidewalks and surface parking areas.
- (4) *Insect and rodent infestations.* It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.
- (5) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.
- (6) *Stored materials.* It shall be unlawful to accumulate and store building material, lumber, boxes, cartons, portable storage containers, inter modal cargo containers or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.
- (7) *Parked or stored vehicles.* All parking spaces shall be paved with asphalt, concrete or other suitable durable and dustless surfacing, as determined by the enforcement officer. The total amount of surface parking for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1,000) square feet, whichever is less. In all residential districts, off street parking shall not be located within any front yard or non-interior side yard. Before any existing spaces may be paved, site plan approval must be obtained as specified in the Saint Paul Zoning Code and the lot must be developed in conformance with such approval.
- (8) *Refrigerators and accessible containers.* It shall be unlawful to permit a refrigerator or other container, sufficiently large to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.
- (9) *Exterior lighting.* Exterior lighting at garages and surface parking areas of buildings containing three (3) or more dwelling units shall be illuminated an average of one (1) footcandle at the pavement. Exterior lighting shall be in conformance with city ordinances and codes.
- (10) *Exterior sidewalks, walkways and stairs.* All sidewalks, walkways and exterior stairs shall be maintained in a safe, sound condition, free of defects and hazards.

Condi-
B

Corya
96 VII



PHASE ONE
PRELIMINARY - NOT FOR CONSTRUCTION

VIRGINIA AVENUE



TITLE	SITE PLAN
PROJECT	96 VIRGINIA

○ SITE PLAN 1" = 20'-0"

city of saint paul
planning commission resolution
file number
date

WHEREAS, TNT Fireworks, File # 15-023-966, has applied for a conditional use permit for outdoor commercial sale of consumer fireworks under the provisions of § 65.526 of the Saint Paul Legislative Code, on property located at 2481 7th St W, Parcel Identification Number (PIN) 21.28.23.11.0016, legally described as Snelling Out Lots Subj To St, The Fol; Part Of Lots 16, 17 & 22 Lying S Of The Ely Ext Of The N Line Of Willmot Ave Ex The Sw Part Of Lot 22 Meas 237 Ft Of The N & S Lines & 65.82 Ft On Davern St & 64.42 Ft On The E Line Of Sd W 237 Ft, Also Part Of Lot 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 30, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. The applicant proposes to occupy approximately 12-14 parking spaces in the parking lot of Sibley Plaza for the purpose of selling consumer fireworks. The affected area includes a 20' by 40' sales tent and an overnight storage container.
2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 general zoning district subject to the standards and conditions of Section 65.526. Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul Zoning Code permits certain other outdoor sales in the B2 community business district. The standards and conditions listed in Zoning Code Sec. 65.526 for outdoor commercial sale of consumer fireworks are as follows:
 - (a) *The standards and conditions of Section 65.525 shall apply. Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.* This condition is met. The site plan shows a sales tent and a storage container located far from the commercial building entrances in a way that will not impede reasonable use of the parking lot or pedestrian flow.

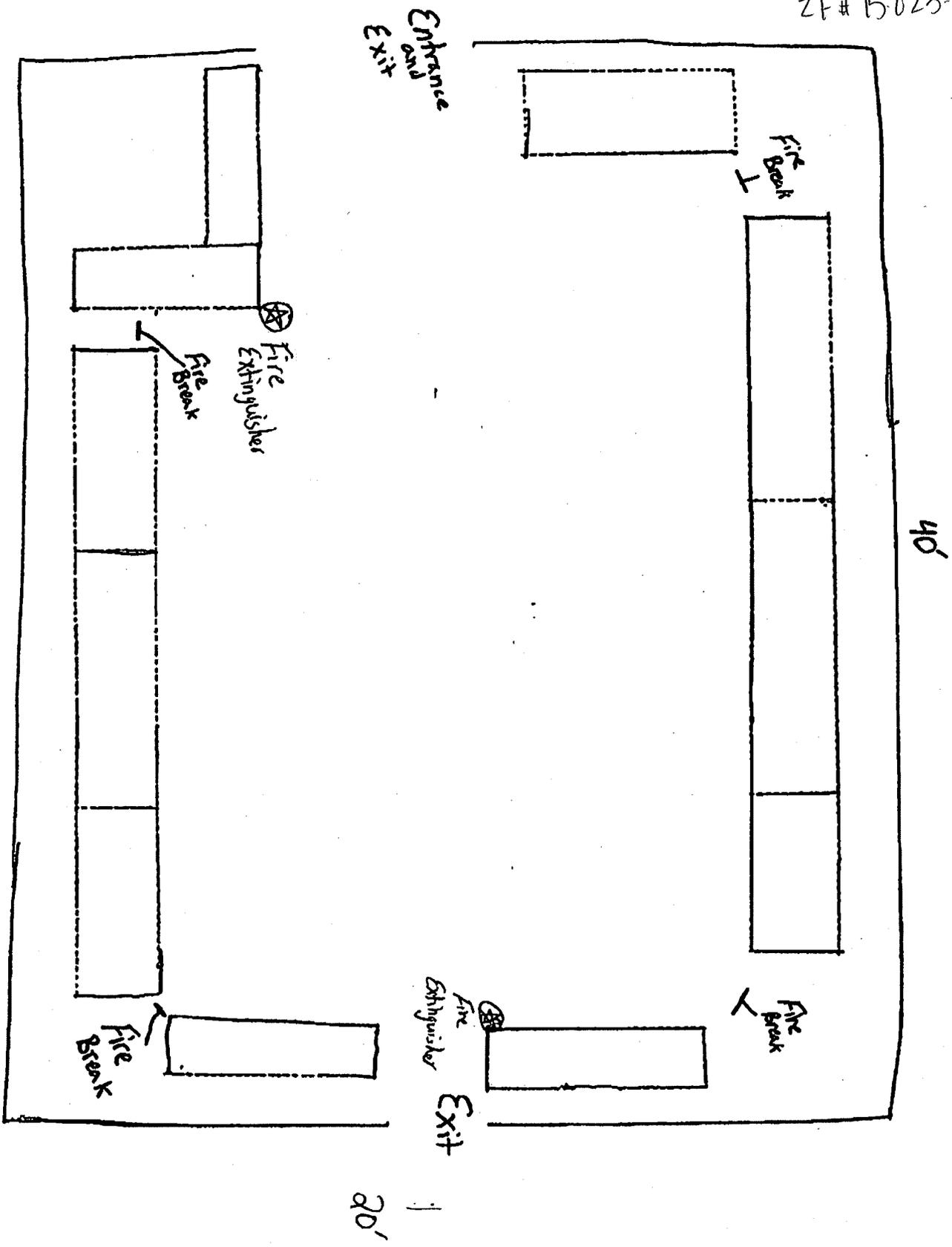
moved by _____
seconded by _____
in favor _____
against _____

- (b) *The use shall obtain all necessary permits from the City. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season. This condition will be met and is a condition of approval. A permit issued by the Fire Marshal is required.*
 - (c) *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure. This condition will be met and is a condition of approval. The site plan shows a sales tent located more than 20 feet from any other structure.*
 - (d) *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses). This condition is met. The closest residential use is Sibley Manor across West 7th Street, which is more than 100 feet from the proposed sales structure.*
 - (e) *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter. This condition will be met and is a condition of approval. The site plan shows the sales tent set back at least 50 feet from the public sidewalk.*
 - (f) *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser. This condition is met. There is no motor vehicle fuel dispenser within fifty feet of the proposed sale structure.*
 - (g) *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site. This condition will met and is a condition of approval. A metal overnight storage container will provided just east of the sales tent.*
3. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. There are no provisions in the Comprehensive Plan, District 15 Plan or Shepard Davern Area Plan that pertain to the proposed use.*
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met with existing shopping center ingress and egress.*
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. Subject to the standards and conditions for fireworks sales required in the Zoning Code and that are conditions of approval, the use will not be detrimental to the surrounding character or present a danger.*
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use is temporary and is located in the parking lot, so it will have no effect on the development and improvement of surrounding property.*
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use is temporary and therefore is not required to meet building and site design standards.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TNT Fireworks for a conditional use permit for outdoor commercial sale of consumer fireworks at 2481 W. 7th Street is hereby approved subject to the following additional conditions:

- (1) A Fire Permit must be obtained from the Division of Fire Inspection in the Department of Safety and Inspections, and posted as required.
- (2) Sales of fireworks are permitted only from June 25 to July 5, 2015, annually.
- (3) All materials must be kept only in the sales tent, which must be at least twenty (20) feet from any other structure, or in the overnight storage container. No materials may be stored in adjacent areas, such as drive aisles. When the sales tent is unoccupied and not open for business, merchandise shall be secured in the overnight storage container or removed from the site.
- (4) The sales tent and overnight storage container shall be located as shown on the submitted site plan and set back at least fifty (50) feet from the public sidewalk that runs along the southeastern edge of the property.
- (5) A no-smoking area of fifty (50) feet surrounding the perimeter of the sales structure shall be maintained and physically marked as directed by the Fire Marshal.

TNT
ZF# 15023-966



Entrance
and
Exit

Fire
Break

Fire
Extinguisher

Fire
Break

40'

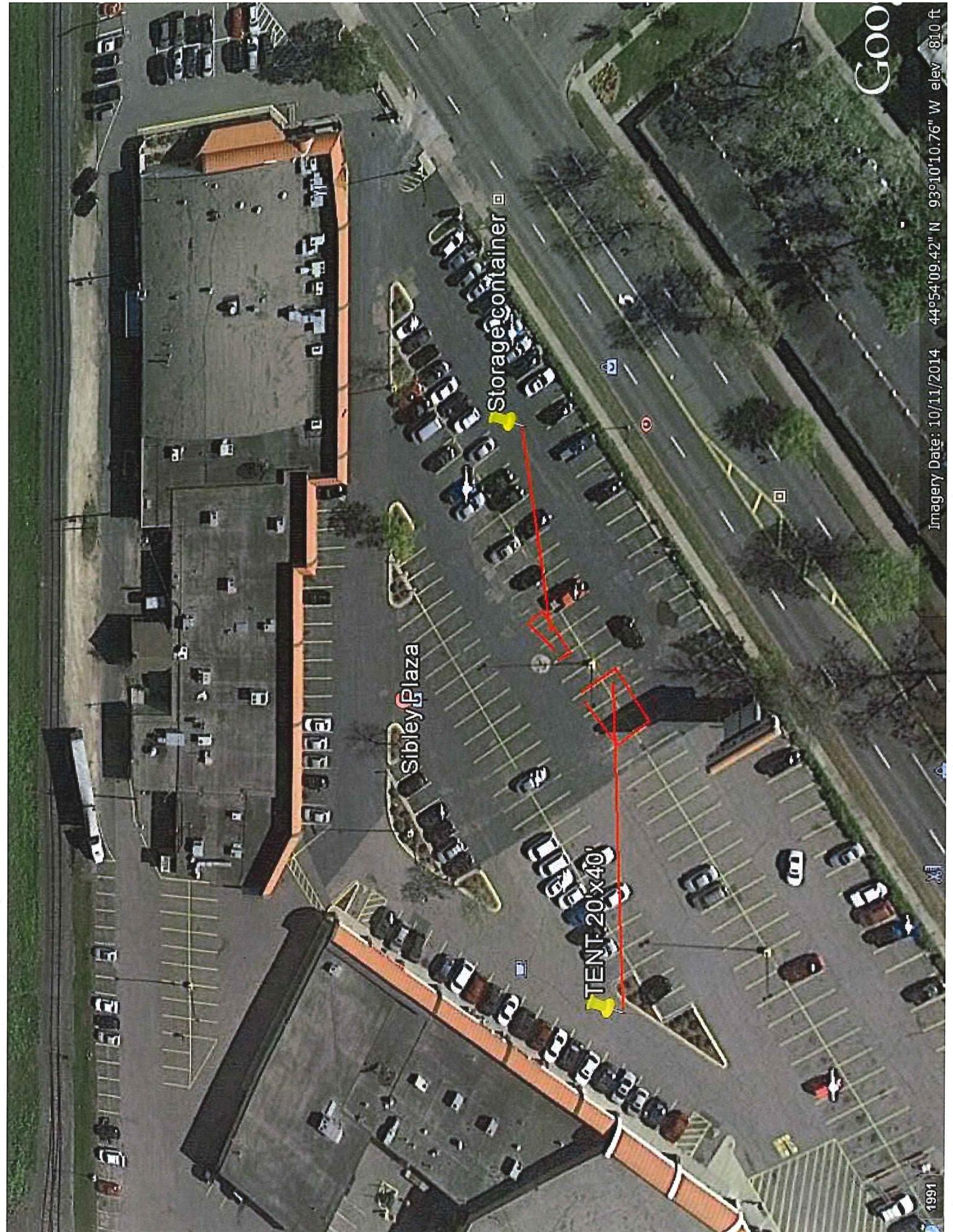
Fire
Break

Fire
Extinguisher

Exit

Fire
Break

20'



Sibley Plaza

Storage container

TENT-20'x40'

GOO

Imagery Date: 10/11/2014 44°54'09.42" N 93°10'10.76" W elev 810 ft

1994

city of saint paul
planning commission resolution
file number
date

WHEREAS, in File # 15-022-097, the Planning Commission has considered revocation or modification of a nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216269) due to noncompliance with the conditions of the permit under the provisions of §61.108 of the Saint Paul Legislative Code, on property located at 92 California Ave W, Parcel Identification Number (PIN) 192922220010, legally described as Merrills Division of Rice St Blk 4 Lots 8 and 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 30, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said permit noncompliance in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. On December 28, 2012, under the provisions of Zoning Code §62.109(b) for establishment of legal nonconforming use status for a parking lot, the Planning Commission approved a permit for establishment of legal nonconforming use for a parking lot at 92 California Ave. W., serving the abutting commercial use, subject to two conditions: (1) The parking lot shall be paved and striped in order to improve its appearance; and (2) The applicant shall submit a professional site plan to DSI for review.
2. §62.105 establishes a two-year period of decision after which a permit approved by the Planning Commission becomes invalid "unless... the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval", language that is referenced in the nonconforming use permit for the parking lot at 92 California Ave, W. issued on December 28, 2012.
3. A site plan for required parking lot improvements was approved on January 31, 2014, with a condition that work covered by the site plan must be completed no later than December 28, 2014.
4. The Zoning Administrator mailed a violation notice, dated January 26, 2015, to the permit applicant and property owner, Richard Defoe, regarding noncompliance with Condition No. 1 of the nonconforming use permit approved by the Planning Commission on December 28, 2012, because the parking lot has not been paved and striped as required. The violation notice referred to the two-year period of decision for

moved by _____

seconded by _____

in favor _____

against _____

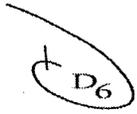
the nonconforming use permit, gave the applicant until February 13, 2015, to respond to the notice with plans to comply with the permit, and said that failure to comply would result in further legal action including permit revocation proceedings. No response was received by February 13, 2015.

5. On March 11, 2015, under the requirements of Zoning Code §62.105, *Conditions violated, permit revocation*, the Zoning Administrator notified the Planning Commission of noncompliance with the conditions of the nonconforming use permit for the parking lot at 92 California Ave. W.
6. Zoning Code §62.108, *Conditions violated, permit revocation*, states that the Planning Commission may, "upon determination that the conditions imposed by [permit] approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued"; or "in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission... to be unnecessary, unreasonable or impossible of compliance." Paving and striping of parking lots, and keeping them in a good state of repair are reasonable and necessary requirements that apply to off-street parking facilities throughout the city to promote and protect the public health, safety, aesthetics, and general welfare of the community. There are no characteristics of the subject site that make this requirement unreasonable or impossible in this case. However, it is reasonable and promoting of the public health, safety, aesthetics, and general welfare to allow the property owner several more weeks to complete the paving and striping required by the 2012 nonconforming use permit (Zoning File #12-216269).

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the conditions of the nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216269) at 92 California Ave W are hereby modified as follows:

1. The parking lot shall be paved and striped in order to improve its appearance by May 31, 2015. If said paving and striping is not executed by May 31, 2015, as determined by the Zoning Administrator, then the nonconforming use permit for a parking lot is revoked effective June 1, 2015.
2. The applicant shall submit a professional site plan to DSI for review.

ZF# 15-022-097
Wilebski's



District 6 Planning Council

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

April 29, 2015

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

RE: Richard Defoe-Wilebskis Blues Saloon Parking Lot-92 California-Revocation/Modification of a Non-conforming Use Permit issued in 2012 due to noncompliance with the conditions of the permit

District 6 Planning Council's Land Use Task Force met on April 28, 2015 to discuss the above item. The applicant and his attorney Kirsten Libby were present. Ms. Libby spoke to the Task Force regarding the timeline and history of the permit, and requested the Task Force recommend Mr. Defoe be allowed to modify the existing Conditional Use permit.

Ms. Libby cited the applicant attempted to meet the conditions throughout the life of the permit but was unable to comply within the time frame due to weather, scheduling the work and funding. Because the parcel has been used for commercial parking for over a decade and the parcel is surrounded by similar uses, the Land Use Task Force decided to recommend a modification of the Conditional Use permit to allow the applicant until September 1, 2015 to meet the conditions set forth in the Conditional Use permit regardless of any funding source.

If the applicant is unable to complete the work and satisfy the conditions, have it inspected and signed off by appropriate City departments by September 1, 2015, District 6 Planning Council recommends the Conditional Use permit be revoked on September 2, 2015 with no additional hearings. At the April 28, 2015 meeting, the applicant agreed to the recommendation and assured the Task Force and community that the modification would be adhered to.

District 6 Planning Council makes every attempt to be consistent in its recommendations regarding applicants follow and complete conditions set forth by the Planning Commission and have in the past recommended revocation. In this instance the Task Force and community recognized that Mr. Defoe had ample time to satisfy the conditions, the North End ultimately decided to allow Mr. Defoe four months to complete the work because of the location and type of parcel and the fact that while the parking lot needs attention it is not causing hardship to surrounding properties and does not have any code compliance issues, it is a parking lot.

Thank-you for your consideration and we hope that by September 1, 2015 this matter will be resolved to everyone's satisfaction.

Regards,

Jeff Martens

Jeff Martens
Land Use Chair
Board of Director's Vice Chair

Cc: Ward 5
Kirsten Libby

ZF# 15-022-097
Wilebski's

MEMO

TO: Land Use Task Force, District 6
Zoning Committee of the St. Paul Planning Commission

FROM: Amy E. Huerta, o/b/o North End Development Team

RE: Wilbeskis' Parking Lot Permit Revocation/Extension

DATE: April 28, 2015

To Whom It May Concern:

As the Chair and on behalf of the North End Development Committee, please accept this letter as support that Rich Defoe, the owner of Wilebski's, located at 1638 Rice Street, St. Paul, MN, has been approved for funding to aid in the repaving of the parking lot.

The funding will either be available from current funding or from funding we expect to receive this summer. We write this letter in support of granting him an extension for his permit.

Sincerely,

Amy E. Huerta