

## 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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[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

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Welcome Andrew Satrijo

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

Result 1 of 4.

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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](#)



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Map Page: 108 Map Coord: D2

Directions:

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

[Click icon for Virtual Earth Map](#)

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

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 Accessibility: None  
 Lake/Waterfront: Lake View Lake/WF Name: Lake Phalen  
 Pasture Acres: .00  
 Tillable Acres: .00  
 Wooded Acres: .00

**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	Heat:	Baseboard, Hot Water
Living Rm	Main	15 x 32	2nd Kitchen	Lower	21x12	Fuel:	Natural Gas
Dining Rm	Main	13 x 18	Family Room	Lower	19x14	Air Cond:	Wall
Family Rm	Main	13 x 18	Fifth (5th) Bedroom	Lower	12x12	Water:	City Water - Connected
Kitchen	Main	15 x 13	Loft	Upper		Sewer:	City Sewer - Connected
Bedroom 1	Upper	14 x 25	Utility Room	Lower	13x12	Garage:	3
Bedroom 2	Upper	12 x 17				Oth Prkg:	0
Bedroom 3	Upper	12 x 20	<b>Bathrooms</b>			Pool:	
Bedroom 4	Lower	14x12	Total: 3 3/4: 0 1/4: 0				
			Full: 2 1/2: 1				

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

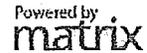
Previous · Next · [1] 2 3 4 · Top · Back to Customer Single Line (includes all customer reports) display

Print Map Add to Favorites Add to Possibilities Discard

Display: Customer Full at 1 per page.



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 <b>(2)</b>	With Conversion of Structure to Legal Number of Units <b>(1)</b>
<b>Income</b>		
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 <sup>1</sup>	\$ 850	\$ 0
<b>Effective Gross Income / year</b>	\$ 10,200	\$ 0
<b>Operating Expenses (Annual) <sup>2</sup></b>		
	\$ 8526	\$ 8326
Maintenance	2189	2189
Insurance	2271	2271
Utilities (only include amount paid by landlord)	4066	3866
Other (Identify)		
Taxes	4834	4834
<b>Net Operating Income (Annual) <sup>3</sup></b>	\$ 1674	\$ -8326
Monthly debt / mortgage payment	2269	2269
<b>Annual debt payment</b>	\$ 27,228	\$ 27,228
<b>Rehab projects</b>		
Total cost of improvements		10,000
Monthly rehab debt payment		833
<b>Annual rehab debt payment</b>	\$	\$ 10,000
<b>Cash Flow: profit, (loss) <sup>4</sup></b>	\$ (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)

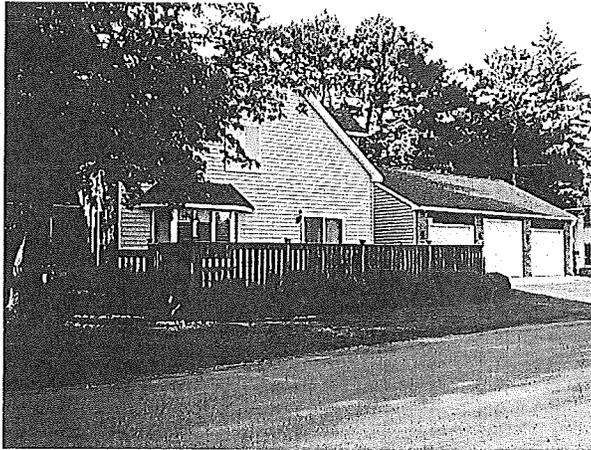
**SUMMARY INFORMATION SHEET  
FOR DUPLEX AND TRIPLEX COVERSON CASES**

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
<b>Debt:</b>		
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. <sup>52</sup>	
<b>Rehabilitation</b>		
Type of improvements:		no change

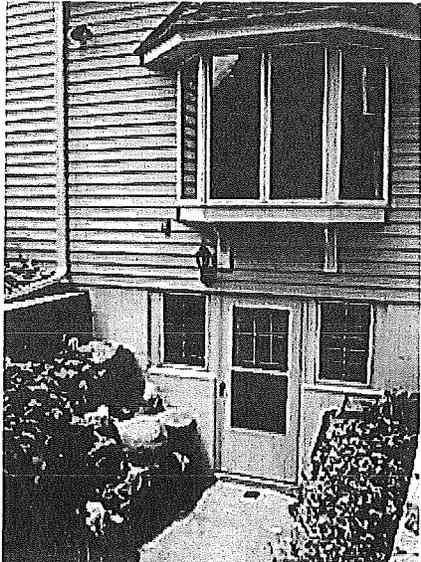
**Photos of 1598 E Shore Dr.**



Front of House.



Side of House and Three-Car Garage.



Basement Walk-Out Entrance



Basement Kitchen

$$25 \times 45 = 1125 \text{ sq ft}$$

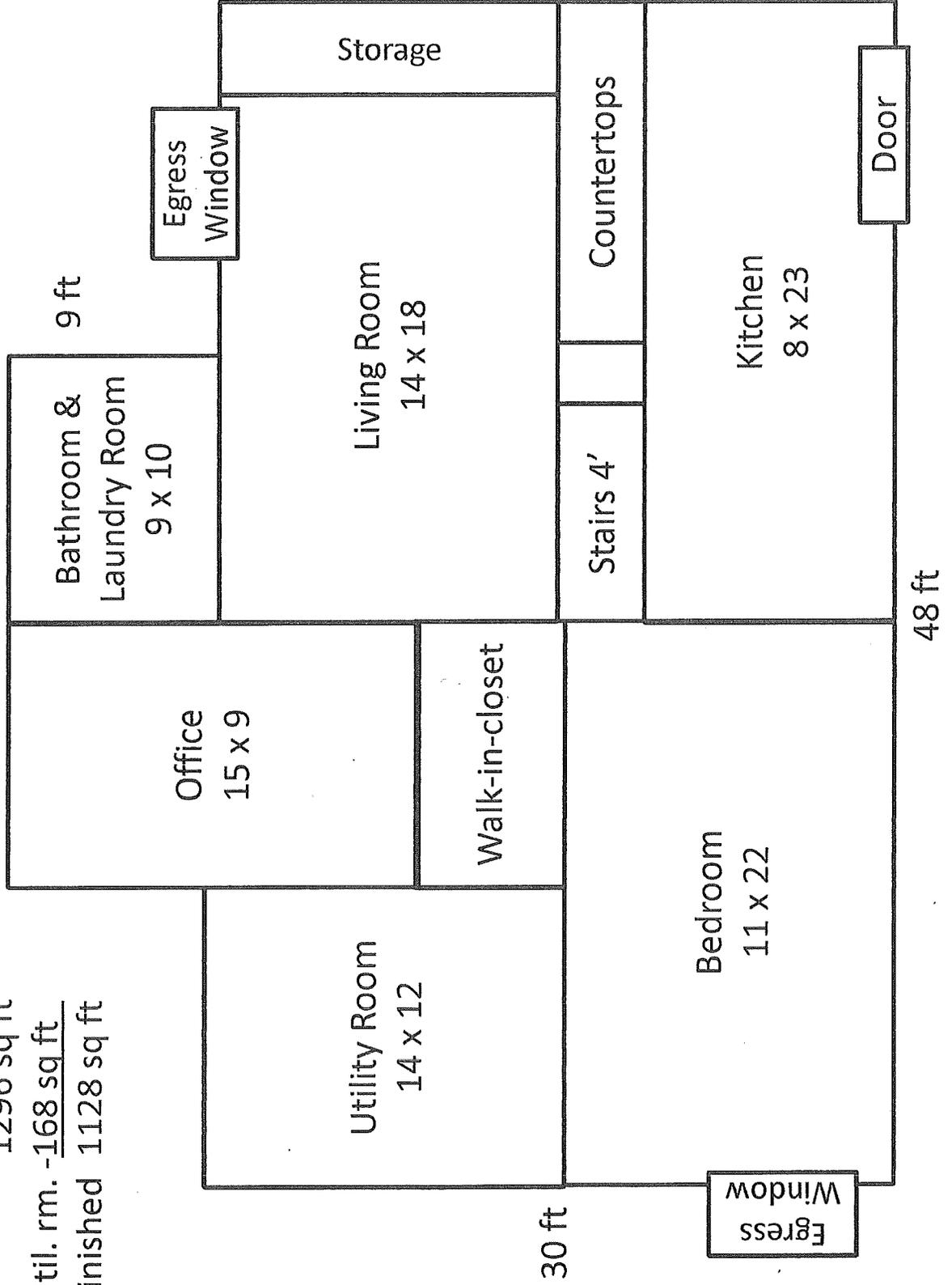
$$9 \times 19 = \underline{171 \text{ sq ft}}$$

$$1296 \text{ sq ft}$$

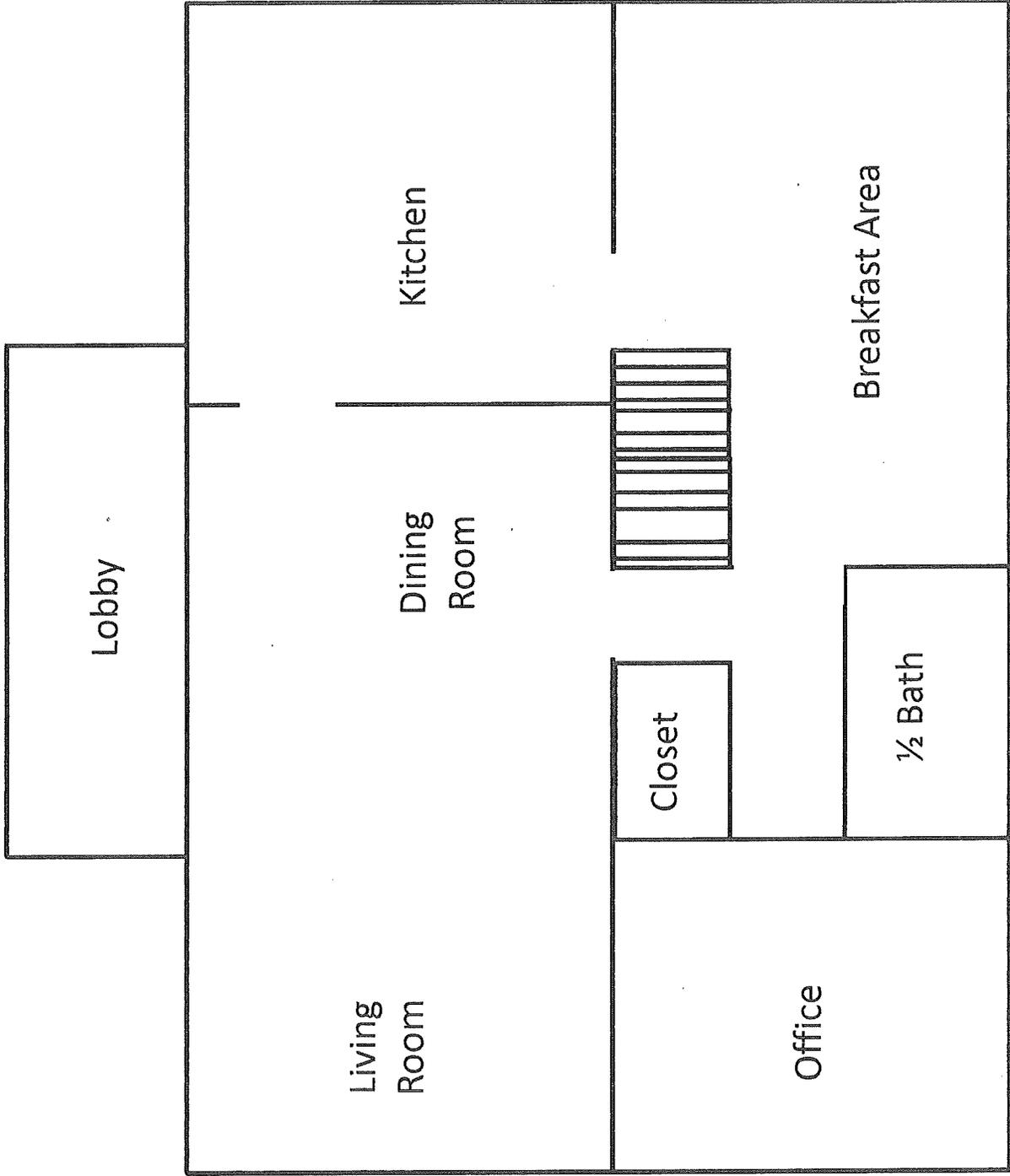
$$\text{Util. rm. } - \underline{168 \text{ sq ft}}$$

$$\text{Finished } 1128 \text{ sq ft}$$

## Basement Unit



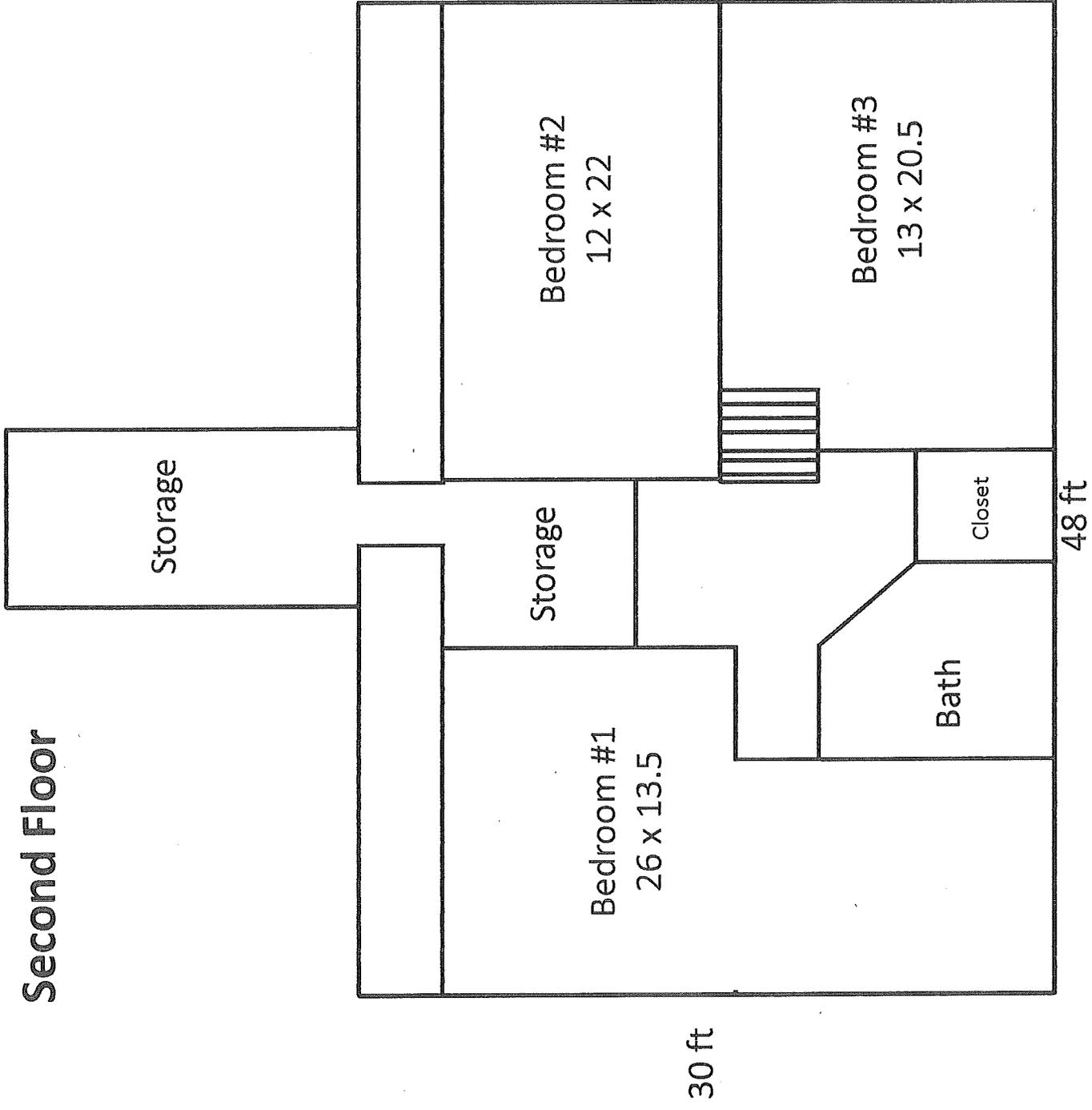
# First Floor



30 ft

48 ft

# 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

1<sup>st</sup> 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:

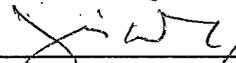
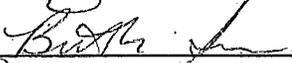
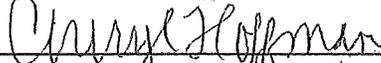
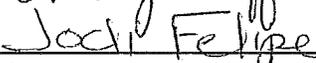
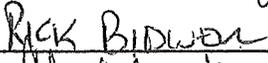
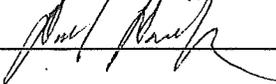
A copy of the application of Elizabeth Palaima & Andrew Satrijo  
(name of applicant)

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		7/23/13
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,



7/13/13

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



Lynne Steele  
651-329-6563

*Jamie & Jaime Weber*

*1189 Brighton Place*

*Saint Paul, MN 55106*

*Tel: 651.216.1631 Email: Weber.JaineL@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.

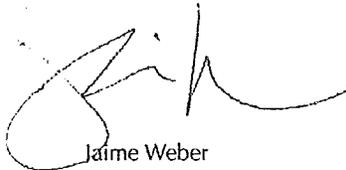
As next door neighbors we fully support Elizabeth and Andrew's application for nonconforming use because that is what we have been accustomed to living next door to for the last 10 years without issue.

Please contact us if you have any questions.

Sincerely,



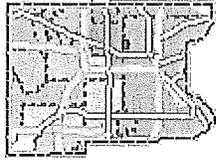
Jamie Weber



Jaime Weber



Legend



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

Notes

Enter Map Description

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

286.6 0 143.28 286.6 Feet

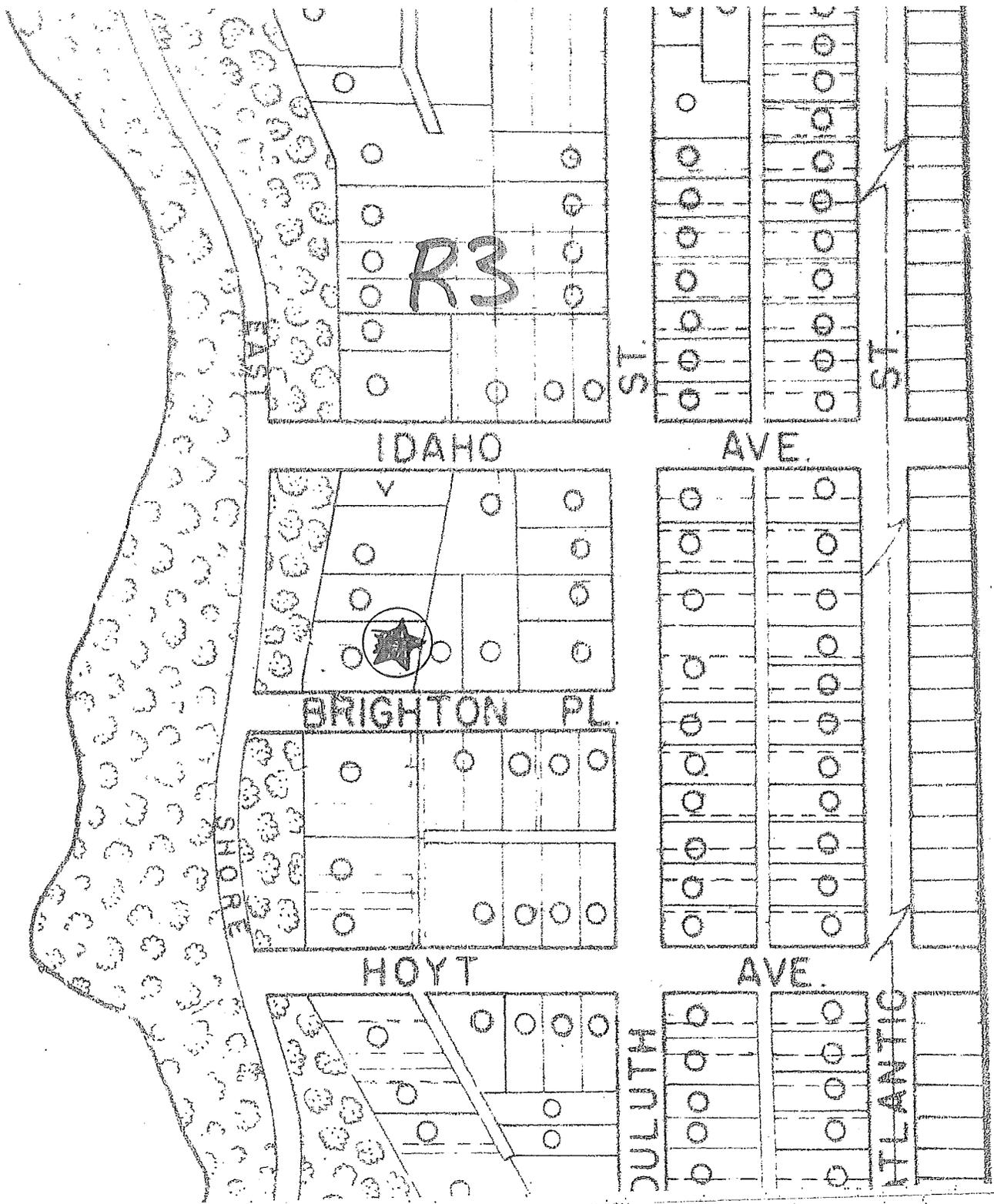
# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard  Show Reference Map

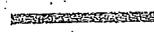


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APPLICANT Elizabeth Palaima  
Andrew Satrijo  
 PURPOSE Establishment NCCP  
 FILE # 13-225722 DATE 8-23-13  
 PLNG. DIST. 5 Land Use Map # 6  
 Zoning Map # 5  
 SCALE 1" = 400'

LEGEND

-  zoning district boundary
-  subject property
-  one family
-  two family
-  multiple family
-  commercial
-  industrial
-  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	<u>Ace Auto Parts</u>		
Address	<u>754 Rice St.</u>		
City	<u>St. Paul</u>	St. <u>MN</u>	Zip <u>55117</u>
Name of Owner (if different)	<u>Barb Weyandt</u>		Daytime Phone <u>651-206-4987</u>
Contact Person (if different)	<u>Marcus Weyandt</u>		Phone <u>651-206-4982</u>

**PROPERTY LOCATION**

Address / Location	<u>780 Rice Street</u>		
Legal Description	<u>Greens addition to the city of St. Paul, lots 2 through 105, block 1</u>		
(attach additional sheet if necessary)	Current Zoning	<u>B3</u>	

**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 [Signature] Date 8/20/13 City Agent 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.**

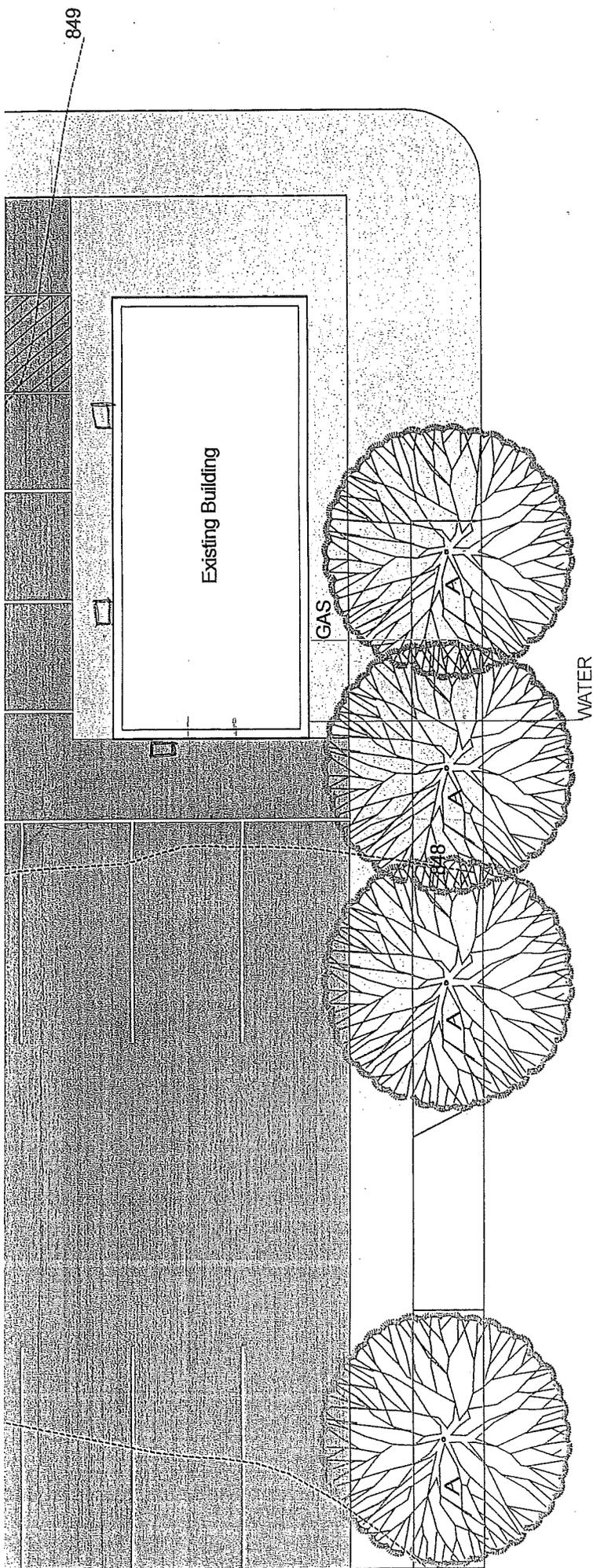
This use falls within Ace Auto Parts existing licensure, experience and business activity.

- 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

ALL USES ARE COVERED BY AND SUBJECT TO PROTECTION UNDER THE 1990 U.S. ARCHITECTURAL WORKS PROTECTION ACT. 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'S EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. HAUER SHALL ENTITLED HAUER BY DESIGN TO ALL DAMAGES CAUSED BY SUCH REPRODUCTION, AND ATTORNEY'S FEES, COSTS, DAMAGE TO REPUTATION, AND ATTORNEY'S FEES.

\_\_\_\_\_  
 CUSTOMER SIGNATURE:  
 \_\_\_\_\_  
 SIGNER SIGNATURE:



DESIGNED FOR: ACE AUTO LOT  
 ADDRESS: Rice Street  
 DESIGNED BY: HAUER BY DESIGN | PLAN NO. \_\_\_\_\_

**HAUER**  
 by 

St. Paul  
 DATE: May 2013

Rice Street

851

850

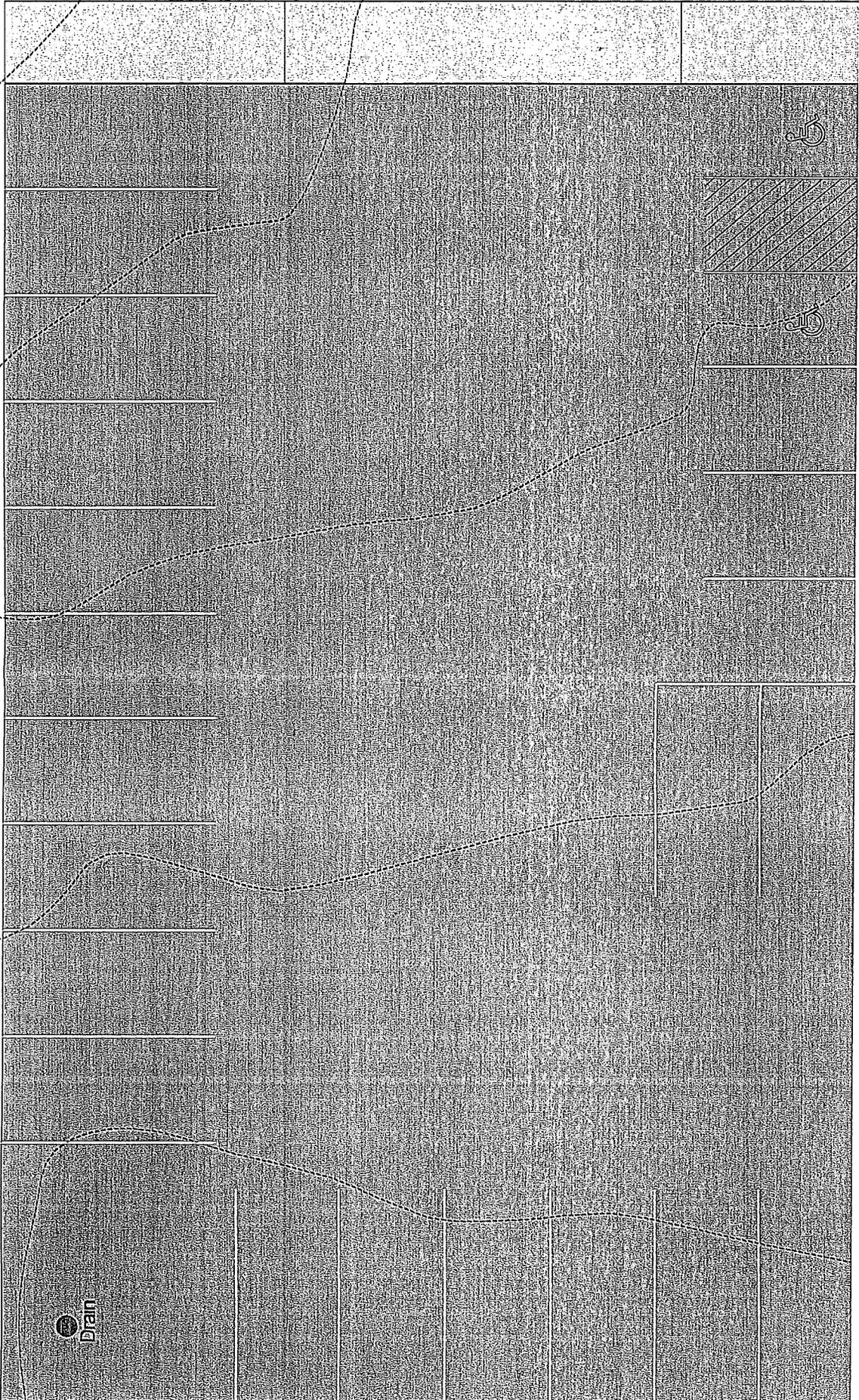
849

848

Drain

851

850



849

Existing Building

GAS

WATER

Sycamore Street

will pack lighting

PLANT LIST

A Swamp White Oak

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 THE DESIGNER. ANY REPRODUCTION OR OTHER USE OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE WRITTEN CONSENT OF THE DESIGNER IS STRICTLY PROHIBITED. THE DESIGNER'S EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. THE DESIGNER SHALL ENTITLED HAUER BY DESIGN TO ALL DAMAGES, LOSSES, AND ATTORNEY'S FEES, INCLUDING REPUTATION, AND ATTORNEY'S FEES.

DESIGNER SIGNATURE:

DESIGNER SIGNATURE:

HAUER by DESIGN

Architectural  
Consultants

DESIGNED FOR: ACE AUTO LOT

ADDRESS: Rice Street

DESIGNED BY: Jeffrey Hauer

DESIGNERS PHONE: 651-489-3694

St. Paul

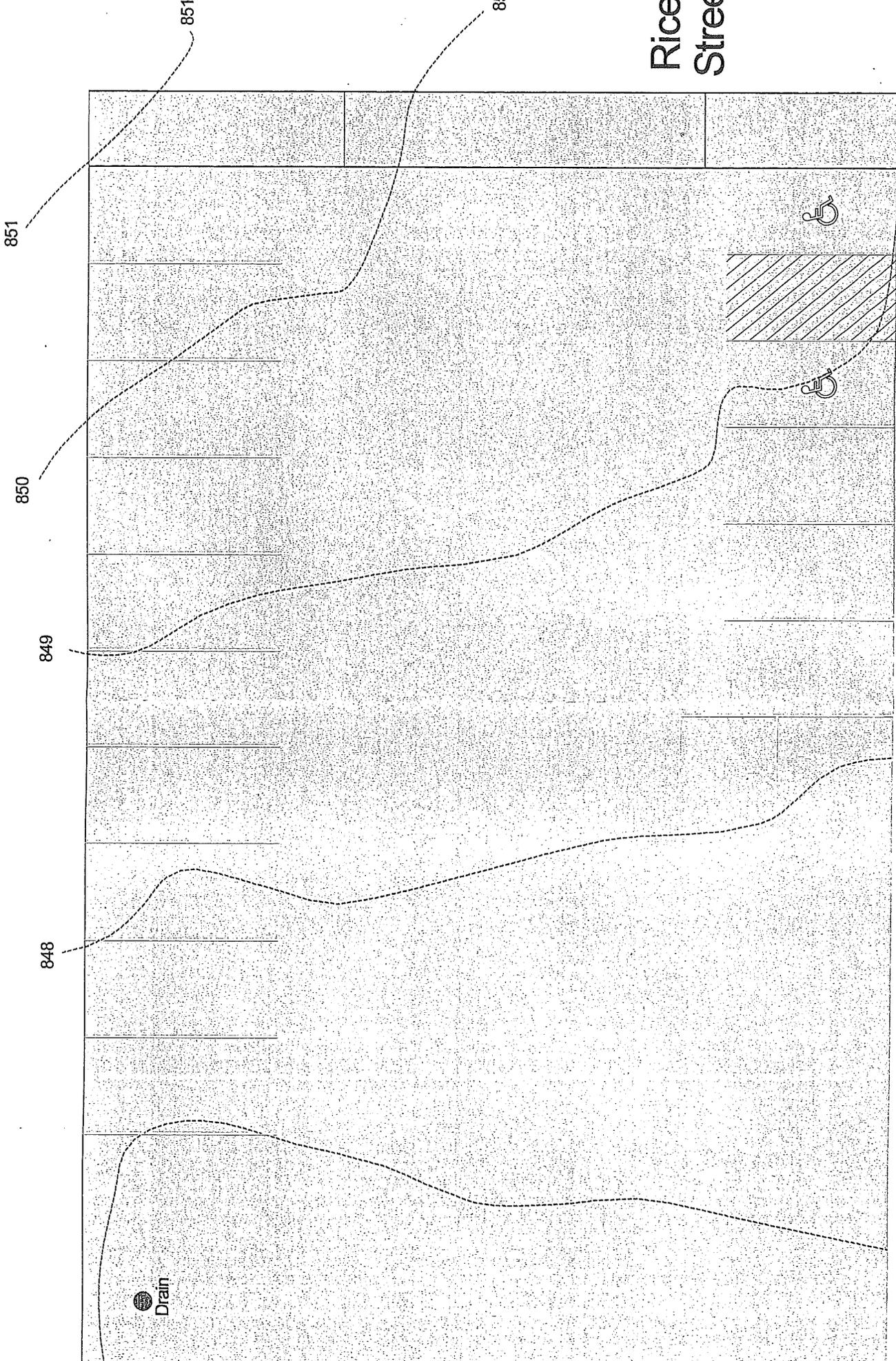
DATE: May 2013

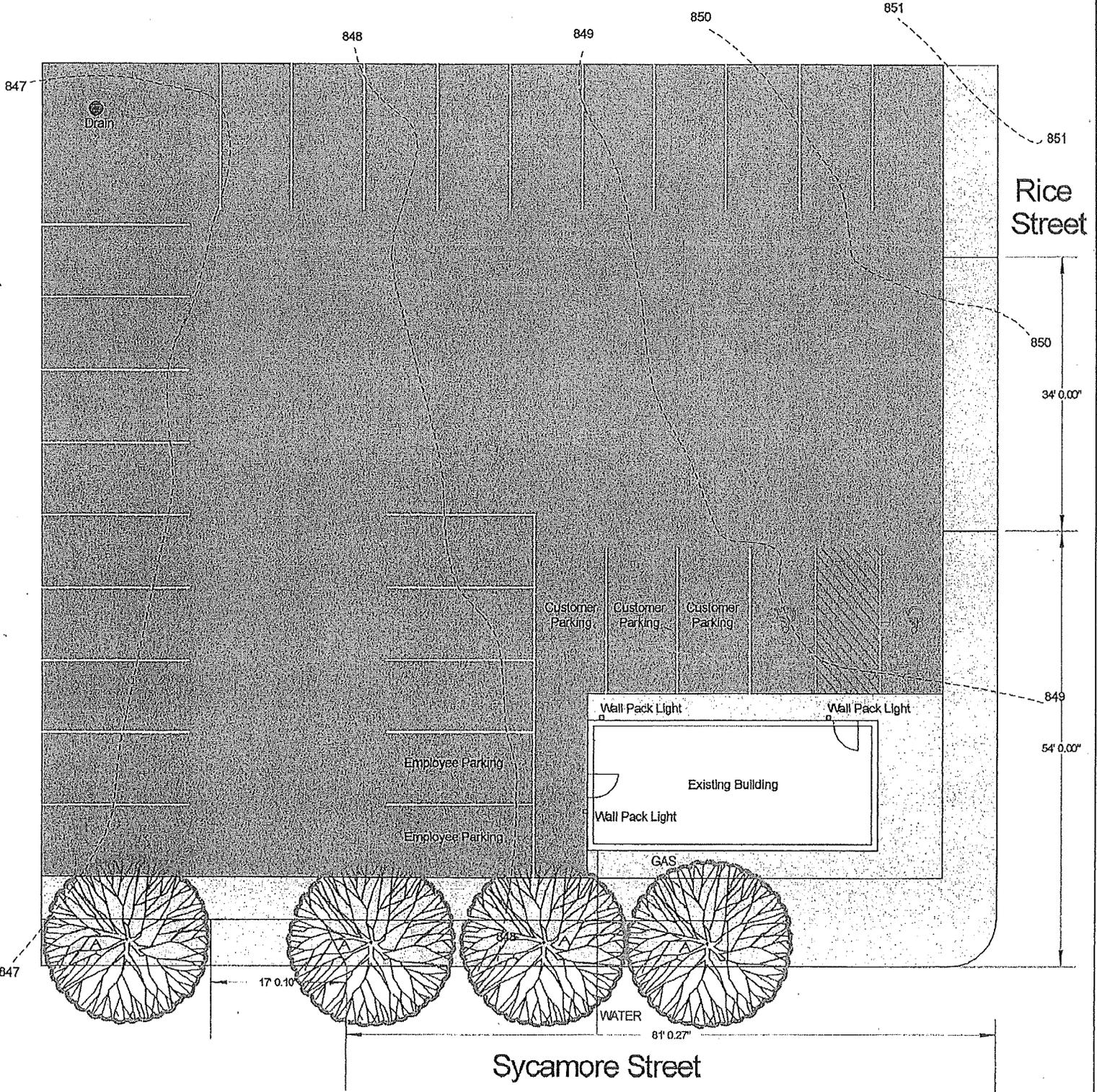
CLIENTS PHONE: 651-

SCALE: 1/8" = 1.0'



# Rice Street





**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 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 ATTORNEYS FEES.

CUSTOMER SIGNATURE: \_\_\_\_\_  
 DESIGNER SIGNATURE: \_\_\_\_\_



DESIGNED FOR: **ACE AUTO LOT**  
 ADDRESS: **780 Rice Street**, St. Paul  
 BY: **Jeffrey Hauer** PLAN NO. \_\_\_\_\_  
 DESIGNER'S PHONE: **651-489-3694** SCALE: **1/8" = 1.0'**

DATE: **May 2013**  
 CLIENT'S PHONE: **651-**





District 6 Planning Council

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

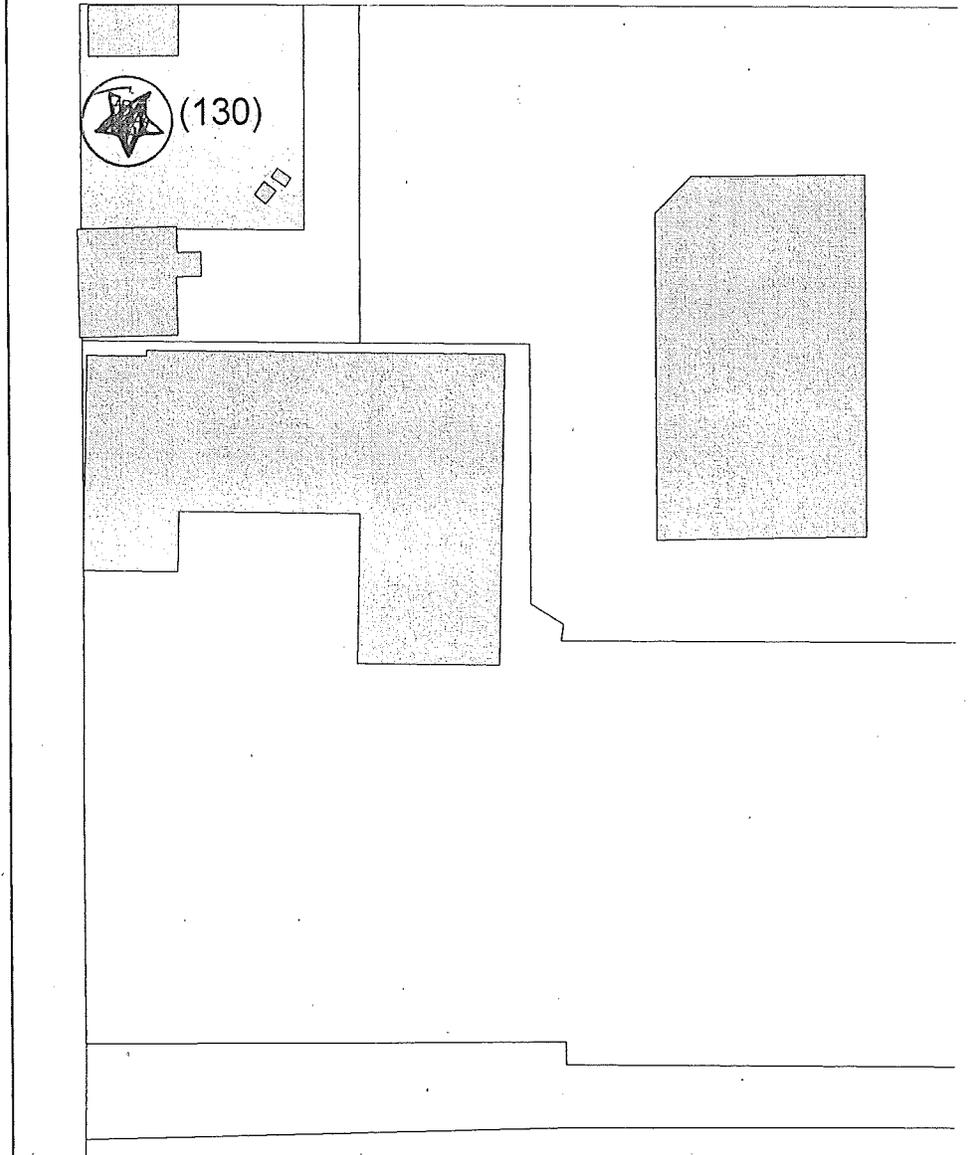
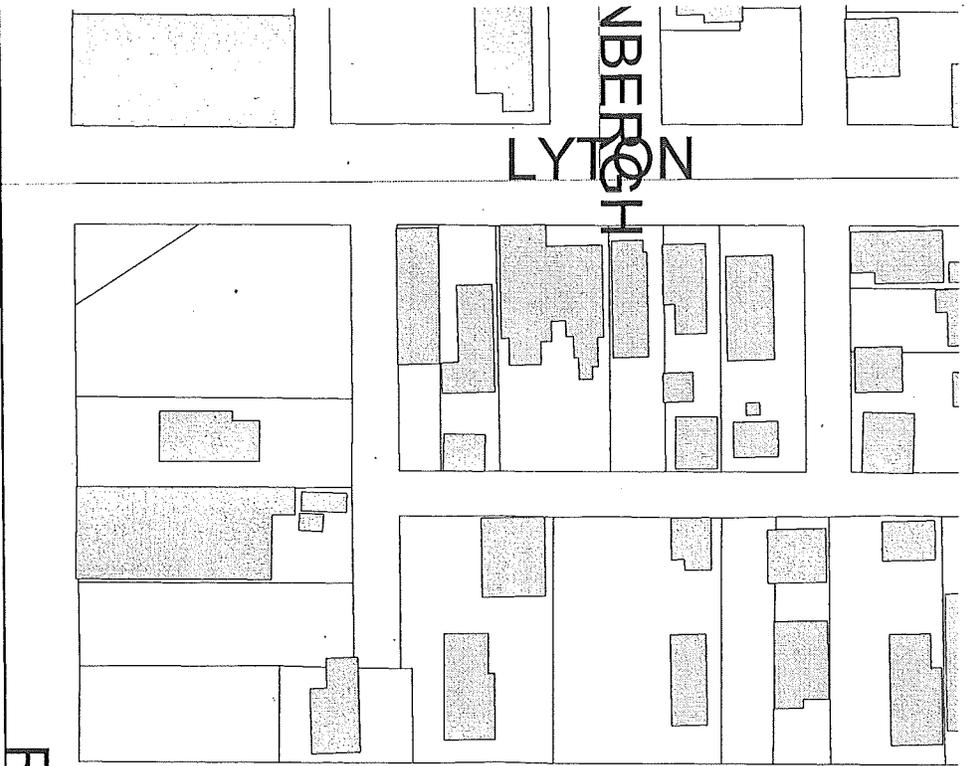
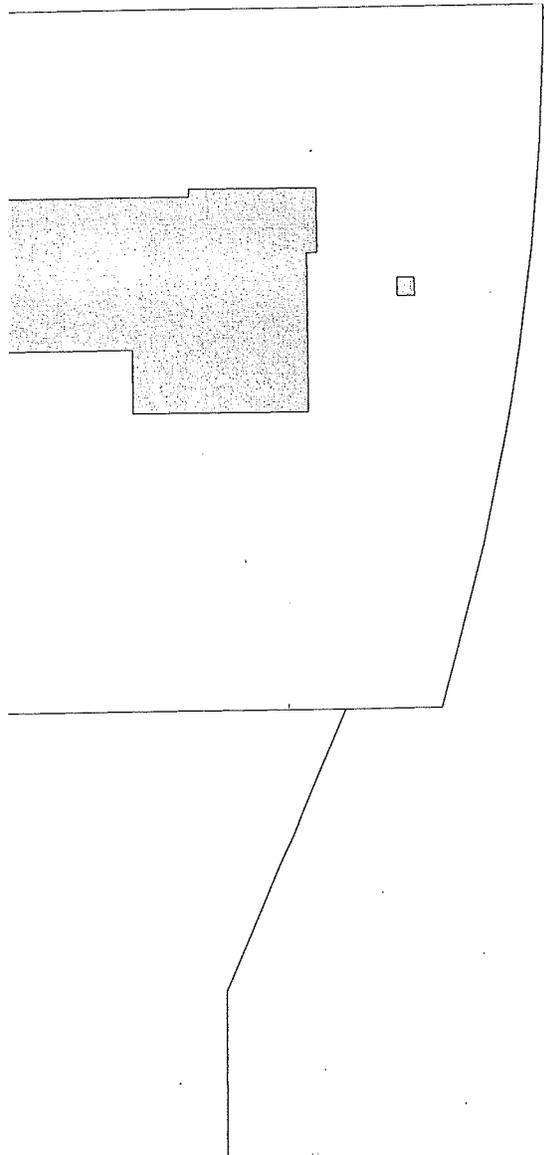
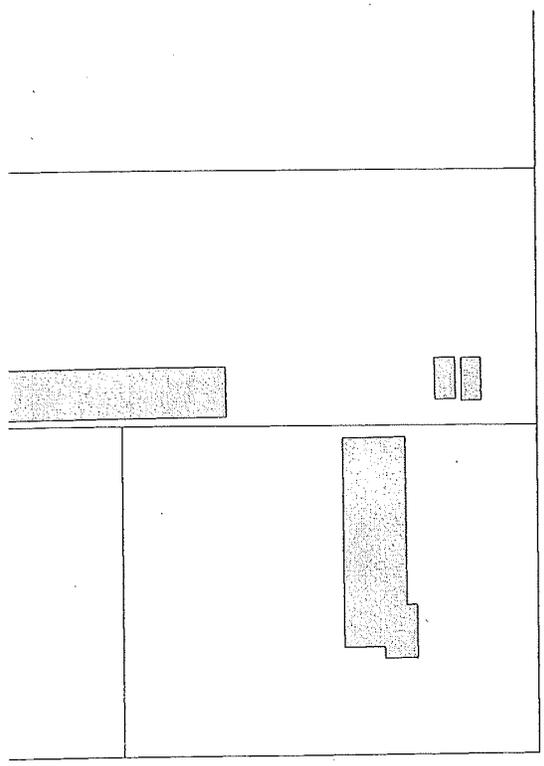
LYTTON

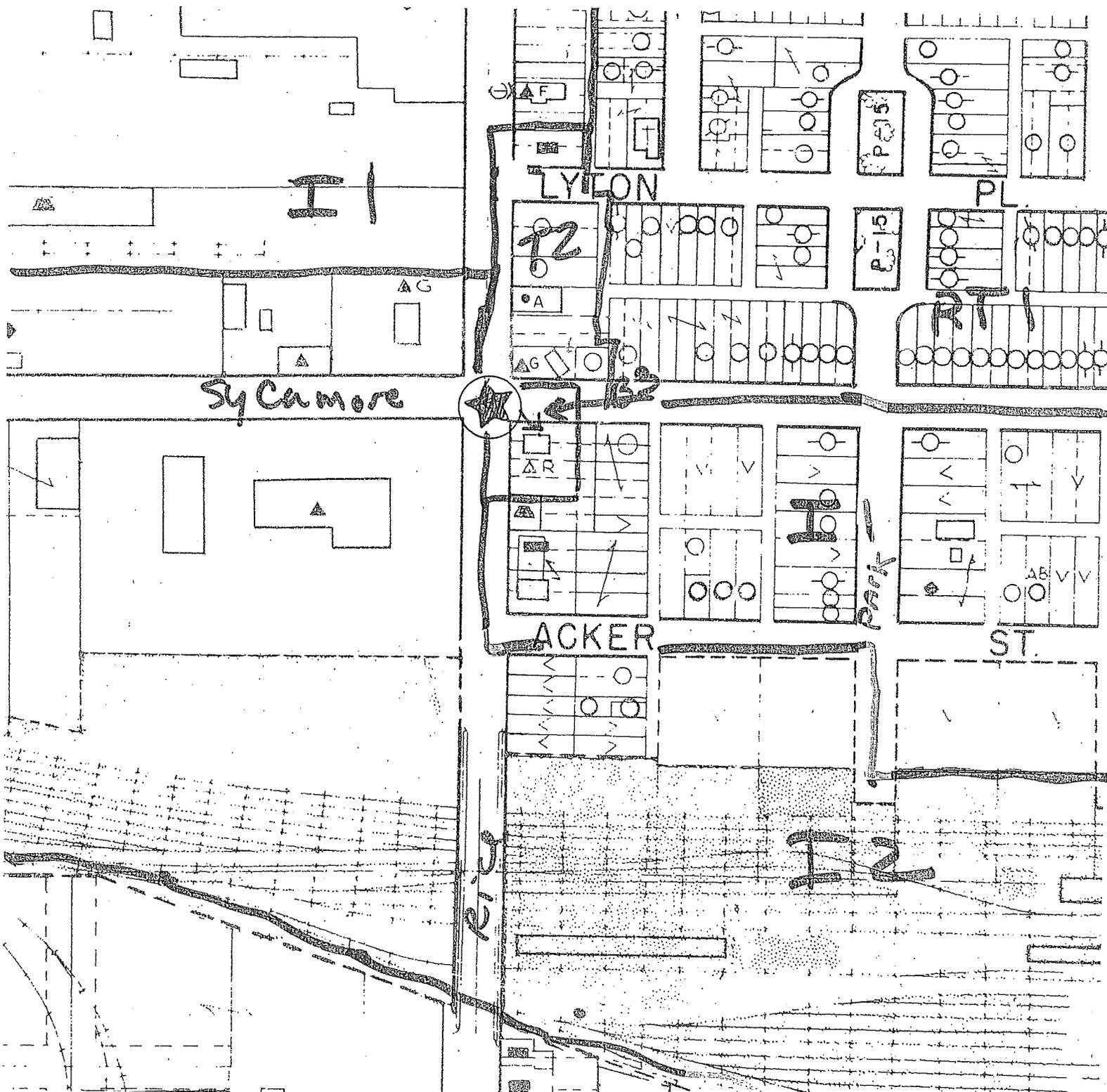
LYTTON

RICE

SYCAMORE

(130)





APPLICANT Ace Auto Parts

PURPOSE Cond. Found Use Permit / mod

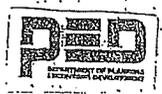
FILE # 13-225917 DATE 8-26-13

PLNG. DIST 6 Land Use Map # 12

SCALE 1" = 400' Zoning Map # 10

LEGEND

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



AKUM



**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: September 13, 2013  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of September 12, 2013 Zoning Committee Hearing

**NEW BUSINESS**

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	<b>Associated Bank (Snelling / Selby) ( 13-226-244 )</b> 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	Approval	Approval ( 7 - 0 )
	<b>Address:</b> 176 N Snelling Ave, et al area bounded by Marshall, Snelling, Selby, and Saratoga		
	<b>District Comment:</b> District 13 recommended approval		
	<b>Support:</b> 1 person spoke with concerns about traffic, 2 letters, and 1 letter in support of the development with concerns about traffic		
	<b>Opposition:</b> 0 people spoke, 1 letter		
	<b>Hearing:</b> Hearing is closed		
	<b>Motion:</b> Approval		
		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
2.	<b>Associated Bank drive-through sales ( 13-226-009 )</b> Conditional use permit for drive-through sales and services with modification of number of permitted lanes and required stacking	Approval with conditions	Approval with conditions ( 7 - 0 )
	<b>Address:</b> 202 Snelling Ave N NE corner of Dayton Avenue		
	<b>District Comment:</b> District 13 recommended approval		
	<b>Support:</b> 0 people spoke, 2 letters and 1 letter in support of the development with concerns about traffic		
	<b>Opposition:</b> 0 people spoke, 1 letter		
	<b>Hearing:</b> Hearing is closed		
	<b>Motion:</b> Approval with conditions		

		<u>Recommendation</u>
		<u>Staff</u> <u>Committee</u>
3.	<p><b>Elizabeth Palaima and Andrew Satrijo ( 13-225-722 )</b>  Establishment of nonconforming use permit for use as a duplex</p> <p><b>Address:</b>                      1598 East Shore Drive  between Idaho and Brighten Place</p> <p><b>District Comment:</b>        District 5 recommended approval with a  condition</p> <p><b>Support:</b>                      0 people spoke, 5 letters</p> <p><b>Opposition:</b>                2 people spoke, 0 letters</p> <p><b>Hearing:</b>                      Hearing is closed</p> <p><b>Motion:</b>                      Approval with a condition</p>	<p>Approval with a      Approval with  condition                      a condition  ( 4 - 1 )  (Wickiser)</p>

		<u>Recommendation</u>
		<u>Staff</u> <u>Committee</u>
4.	<p><b>Ace Auto Parts ( 13-225-917 )</b>  Conditional use permit for outside auto sales with modification of  15,000 sq. ft. lot area requirement</p> <p><b>Address:</b>                      780 Rice St, SE corner at Sycamore</p> <p><b>District Comment:</b>        District 6 recommended approval</p> <p><b>Support:</b>                      0 people spoke, 1 letter</p> <p><b>Opposition:</b>                0 people spoke, 0 letters</p> <p><b>Hearing:</b>                      Hearing is closed</p> <p><b>Motion:</b>                      Approval with a condition</p>	<p>Approval with a      Approval with  condition                      a conditon  ( 5 - 0 )</p>

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, Associated Bank et al, file # 13-226-244, have applied to 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 under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 176 N. Snelling et al, area bounded by Marshall, Snelling, Selby, and Saratoga, Parcel Identification Numbers (PINs) 032823220015; 032823220014; 032823220013; 032823220012; 032823220011; 032823220010; 032823220009; 032823220016; 032823220017; 032823220018; 032823220019; 032823220020; 032823220021; 032823220022; 032823220023; 03282322007; 03282322006; 03282322005; 03282322004 (rezoning to T2 traditional neighborhood, see file for legal descriptions) and 032823220102; 032823220103; 032823220104; 032823220105; 032823220106; 032823220107; 032823220098; 032823220099; 032823220100; 032823220101 (rezoning to T3 traditional neighborhood, see file for legal descriptions); and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2013, 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 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.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

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 20<sup>th</sup> 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, these 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 26, 2013: 50 parcels eligible; 34 parcels required; 34 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Associated Bank et al to 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 for property at 176 N. Snelling et al be approved.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Ryan Companies, on behalf of Associate Bank, file # 13-226-009, has applied for a conditional use permit for drive-through sales and services with modification of number of permitted lanes and required stacking spaces under the provisions of §§ 61.501, 61.502, and 65.513 of the Saint Paul Legislative Code, on property located at 202 N. Snelling Ave, NE corner at Dayton Ave, Parcel Identification Numbers (PINs) 032823220015; 032823220014; 032823220013; 032823220012; 032823220011; 032823220016; 032823220017; 032823220018; 032823220019; 032823220020; 032823220021 (see file for legal descriptions); and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2013, 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. 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.*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ryan Companies for a conditional use permit for drive-through sales and services with modification of number of permitted lanes and required stacking spaces at 202 N. Snelling Ave is hereby approved, subject to the following additional conditions:

1. Approval by the City Council of the rezoning as requested by the applicant in zoning file #13-226-244;
2. Site plan approval; and
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.

ZF# 13-226-244 §  
13-226-009

MACALESTER COLLEGE



THE HIGH WINDS FUND  
1600 GRAND AVENUE  
SAINT PAUL, MINNESOTA  
55105-1899

TEL: 651-696-6552  
FAX: 651-696-6250  
E-MAIL: [highwinds@macalester.edu](mailto:highwinds@macalester.edu)  
[www.macalester.edu/highwinds/](http://www.macalester.edu/highwinds/)

September 10, 2013

Mr. Tony Barranco  
Vice President of Development, Ryan Companies  
50 South Tenth Street, Suite 300  
Minneapolis, Minnesota 55403

Mr. Chris Culp  
President, The Excelsior Group  
11455 Viking Drive, Suite 350  
Eden Prairie, Minnesota 55344

Dear Mr. Barranco and Mr. Culp,

Thank you for taking the time to meet with the High Winds Fund to review the details of, and answer our questions for, the proposed Vintage on Selby project. On behalf of the High Winds Fund, I am pleased to offer my support of the mixed-use development project.

The mission of the High Winds Fund is to maintain and improve the beauty, serenity, and security of the area surrounding the campus of Macalester College. After meeting with the development team of the Vintage and evaluating the proposed development project, I believe that the Vintage will strongly contribute to our mission. I am particularly supportive of the project's goals to add new vibrancy to the Snelling and Selby intersection while celebrating the history and unique character of the community. With next year's opening of the Green Line light rail and the 2015 addition of Bus Rapid Transit on Snelling, the location you have selected for a high quality, high density development is ideal. We work hard to get our staff and faculty to live near the College and this project will give our neighborhood one more great option to help us achieve that goal.

Again, please accept my support of the Vintage on Selby and let us know if we can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Welna". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Tom Welna  
Director

**Langer, Samantha (CI-StPaul)**

ZF# 13-226-2448

13-226-009

**From:** Sue O'Brien <the4bears@gmail.com>  
**Sent:** Wednesday, September 11, 2013 8:44 PM  
**To:** Langer, Samantha (CI-StPaul)  
**Subject:** Rezoning at Snelling and Selby

Samantha,

I'm hoping that my voice can be heard through you. I have lived just east of Hamline on Selby Ave. for 13 years. I am unable to attend the Zoning Committee meeting ( as well as many others) because I am busy with family and work.

I travel through the Snelling/Selby intersection only when another option is unavailable. Even when the Hamline bridge is open, traffic gets so backed up that it takes 3 times longer to get anywhere than if I go several blocks out of the way.

Adding a right turn lane from Selby onto N. Snelling would help, but not enough. This proposal would add more traffic to an area that is already too congested.

The only way I can see that this might work, would be to somehow connect Ayd Mill Rd. directly to 94.

I want to be involved. My feeling is that to do that I need to be liberal, unemployed, and single. How else can one make a 3:30 meeting?

Thank you for listening,

Sue O'Brien  
1326 Selby Avenue  
651-353-5310

13-226-244 &  
13-226-009

Allison Pitts  
1503 Hague Avenue  
Saint Paul MN 55104

St Paul Planning Commission  
Zoning Committee  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634

RE: Associated Bank (Snelling/Selby), File # 13-226-244 & 13-226-009

Dear Zoning Committee and District Council 13 Representative;

I am a resident of District 13 in Saint Paul, and live two blocks from the properties under consideration for rezoning to T2 and T3 Traditional Neighborhood. I have been involved with my district's land use council, and was part of the Hamline Station Area Planning Committee for the Central Corridor Light Rail line. Through that work I have become familiar with the Traditional Neighborhood zoning and its intent to encourage new development in proximity to major transit streets and corridors or nodes.

I am excited about the proposed development at Snelling/Selby and the positives it presents to our neighborhood. I am concerned about the use of Traditional Neighborhood zoning in an area that has significant traffic congestion and hostile pedestrian crossings. The I-35/I-94 interstate traffic passing through, specifically turning through, this intersection makes it very dangerous for pedestrians. In the past twelve months, I was almost hit by a vehicle three times while obeying the crosswalk signals at Snelling/Selby. These events were all while walking to or from my bus.

If Traditional Neighborhood zoning is to be approved in this area, please address the pedestrian safety issues and general transit needs that exist and will be exasperated by this development. Traffic calming measures such as additional cross walks, additional stop lights or signs, no right turn on red signs, removal of the left turn arrow, or even police presence and enforcement of traffic violations could assist. However, I request you allocate the needed transit and traffic resources to develop this corner correctly now, so this area development can be a success.

Best regards,  
Allison Pitts

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Elizabeth Palaima and Andrew Satrijo, File # 13-225-722, has applied for an establishment of nonconforming use permit for use as a duplex under the provisions of §62.109(a) of the Saint Paul Legislative Code, on property located at 1598 East Shore Drive, Parcel Identification Number (PIN) 212922110091, legally described as 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; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2013, 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 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.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

- (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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Elizabeth Palaima and Andrew Satrijo for an establishment of nonconforming use permit for use as a duplex at 1598 East Shore Drive is hereby approved 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.

# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

September 12, 2013

To: Zoning Committee, City of Saint Paul  
Bill Dermody, City PED  
Elizabeth Palaima and Andrew Satrijo  
Ward Six Council Office, City of Saint Paul

From: Payne Phalen District Five Planning Council, Community Planning & Economic  
Development Committee (CPED) (Leslie McMurray, Executive Director) 

Re: **District Five approval of establishment of nonconforming use of a duplex at 1598 E  
Shore Drive, St. Paul, MN**

The Payne Phalen District Five Planning Council's Community Planning and Economic Development Committee (CPED) met on Tuesday, September 10, 2013 and reviewed the application for the establishment of a legal nonconforming use of a duplex at 1598 E Shore Drive, St. Paul, MN. After reviewing the history of the property, the strong support from neighbors affirming this request, and local impacts – the District Five CPED Committee has recommended City approval of this application. The District Council conditioned this recommendation of approval with a request that one unit of the duplex must remain owner-occupied.

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

TEL # (651) 774-5234  FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG

WWW.PAYNEPHALEN.ORG

ZF# 13-225-722

From:

Rick & Jeanne Bidwell  
1608 East Shore Dr.  
St Paul, MN 55106

Hm: 774-4639  
rickbidy@comcast.net

Re: 1598 East Shore Dr. duplex zoning request  
File: 13-225-722

Hello St Paul Zoning Committee Members,

We live 2 houses north of 1598 East Shore Dr. & have no concerns what so ever about the requested change to a nonconforming duplex.

We have lived at 1608 for 24 + years. We knew the previous owner, Bob. He maintained a duplex there all that time. In those 24 years we do not remember even a single problem.

Please call us if you have any questions or if we can help Andrew & Elizabeth make this happen, in any way.

Sincerely,

Rick & Jeanne Bidwell

ZF # B-225-722

**Langer, Samantha (CI-StPaul)**

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**From:** Cheryl Hoffman <cherylhoffman72@gmail.com>  
**Sent:** Wednesday, September 04, 2013 8:46 PM  
**To:** Dermody, Bill (CI-StPaul)  
**Cc:** Andrew Satrijo  
**Subject:** 1598 East Shore Drive: Duplex Use Permit

Hello,

I reside at 1600 East Shore Drive--right next door to Liz and Andrew. I am writing to support their application for a nonconforming use permit.

They are wonderful neighbors and are going through the proper channels to legalize what has already been functioning as a duplex long before they moved in.

Should you have additional questions, please feel free to email me or contact my cell at 651-338-0558.

Sincerely,

Cheryl Hoffman

2F# 13-225-722

**Langer, Samantha (CI-StPaul)**

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**From:** Lynda and Stephen Bany <lsbany@comcast.net>  
**Sent:** Friday, September 06, 2013 9:07 AM  
**To:** Dermody, Bill (CI-StPaul)  
**Subject:** Establishment of nonconforming use permit for use as a duplex

Bill:

In response to File# 13-225-722, I see no problem with having a duplex at 1598 East Shore Drive. It is a very quiet area and an additional family would not be an issue  
I live at the end of the block on 1590 Duluth St.

Stephen Bany  
651-771-7940

**Langer, Samantha (CI-StPaul)**

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**From:** Chris Steele <chrisonseagull@gmail.com>  
**Sent:** Tuesday, September 10, 2013 4:26 AM  
**To:** Dermody, Bill (CI-StPaul)  
**Cc:** Andrew Satrijo; Andrew Satrijo  
**Subject:** 1598 East Shore Drive

The purpose of this note is to repeat what I put in a letter weeks ago: I fully and unequivocally support Elizabeth Palaima & Andrew Satrijo's effort to obtain a permit to use their home as a duplex.

Chris Steele  
1580 East Shore Drive  
St. Paul, MN 55106  
[chrisonseagull@gmail.com](mailto:chrisonseagull@gmail.com)  
612-805-2687 (mobile)  
218-388-9485 (cabin landline)

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Ace Auto Parts, File # 13-225-917, has applied for a conditional use permit for outside auto sales with modification of the 15,000 sq. ft. lot area requirement under the provisions of § 65.706; § 61.501 and § 61.502 of the Saint Paul Legislative Code, on property located at 780 Rice St, Parcel Identification Number (PIN) 302922330130 and 302922330241 (partial), legally described as Greens Addition To The City of Lots 2 Thru 5 Blk 1 and 18 thru 21 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2013, 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 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*

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

*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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ace Auto Parts for a conditional use permit for outside auto sales with modification of the 15,000 sq. ft. lot area requirement at 780 Rice St is hereby approved subject to the following 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.