

city of saint paul
planning commission resolution
file number
date

WHEREAS, Paster Properties, File # 19-097-759, has applied for a conditional use permit for coffee shop drive-thru sales. under the provisions of § 65.513 and § 65.501 of the Saint Paul Legislative Code, on property located at 2525 7th St W, Parcel Identification Number (PIN) 212823140001, legally described as SECTION 21 TOWN 28 RANGE 23 EX WIDENED 7TH ST BEG AT INTERSECTION OF ORIGINAL NWLY L OF 7TH ST WITH E L OF DAVERN ST TH N 150 FT TH NELY PAR WITH 7TH ST 185 FT TH S 150 FT TH SWLY 185 FT TO BEG BEING IN E 1/2 OF NE 1/4 OF SEC 21 TN 28 RN 23; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 2019, 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 site is currently an existing auto convenience market and has a history of this use. Located at the northeast corner of the West 7th Street and Davern Street intersection, the site is currently accessed by four driveways directly on West 7th Street and Davern Street. The applicant intends to demolish the existing structures on the site and construct a free-standing coffee shop with a proposed drive-through. The four existing driveways are proposed to be removed and the site will be accessed through the Sibley Plaza parking lot. The coffee shop building is proposed to be constructed at the corner of West 7th Street and Davern Street with a patio and bicycle parking that connects to the existing sidewalks on both streets. Landscaping is planned around the patio and between the building and sidewalk.

The proposed parking lot and drive-through are located at the east side of the building. The parking lot includes fifteen parking spaces. The drive-through lane provides fourteen stacking spaces and additional stacking is provided within the Sibley Plaza parking lot. Pedestrian pathways and crosswalks are proposed throughout the parking lot to allow for pedestrians to safely cross the parking lot and drive-through lane to access the building. A landscaped buffer with ornamental fencing is planned to separate the proposed drive-through lane from the sidewalk along West 7th Street.

- 2. Zoning Code § 65.513 permits drive-through sales and services subject to the following conditions:
 - (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*

moved by _____
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in favor _____
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or property occupied with a one-, two-, or multiple-family dwelling. This condition is met. The proposed drive-through lane and service window are located on the side of the proposed coffee shop building.

- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two (2) streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. Points of vehicular ingress and egress to the site are proposed to be within the existing Sibley Plaza and are more than 60 feet from an abutting 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. Speaker box sounds will not be plainly audible from the abutting residential property located across West 7th Street and Davern Street.
- (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 is met. The site does not have any property line adjoining an existing residence or residentially zoned property. The applicant proposes a 10-foot landscape buffer with ornamental fencing to separate the drive-through lane from the sidewalk along West 7th Street.
- (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.* This condition is met. The proposed drive-through lane provides fourteen stacking spaces. While it is not anticipated that the drive-through queue will exceed the provided stacking spaces, additional queued vehicles would queue in the Sibley Plaza parking lot before impacting the adjacent roadway, Davern Street, which is located approximately 150 feet to the west.

3. § 61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use is in substantial compliance with the 2030 Saint Paul Comprehensive Plan, the Highland Park District Plan, and the Shepard Davern Area Plan.

The 2030 Comprehensive Plan identifies the portions of West 7th Street and Davern Street along the site as Mixed-Use Corridors, which are defined as arterial or collector streets with high volumes of vehicular traffic and frequent peak hour transit service. Policy LU1.28 states “Promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.”

The Highland Park District 15 Plan has policies that support pedestrian-friendly design features, such as policy LU1.2: “Work with developers, property owners, neighbors and neighborhood businesses to promote pedestrian-friendly design features such as parking behind buildings, transparent windows at street levels, building frontage on sidewalks, and minimizing conflict points between vehicles and pedestrians.”

The Shepard Davern Area Plan has policies that support neighborhood serving businesses, such as policy LU1: "Attract more neighborhood servicing businesses to the area, to better serve the needs of residents in the area."

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The existing site is accessed by four driveways directly to West 7th Street and Davern Street. These driveways are proposed to be removed, which will reduce the number of conflict points within the West 7th Street and Davern Street intersection, improving pedestrian and traffic safety.

The proposed site will be accessed through the existing Sibley Plaza parking lot and will have no direct access to either West 7th Street or Davern Street. The Sibley Plaza parking lot is accessed by a driveway on Davern Street and Sheridan Avenue north of the proposed site, a signalized driveway on West 7th Street and West Maynard Drive, and a driveway on West 7th Street and East Maynard Drive northeast of the proposed site.

A Traffic Impact Analysis report was prepared for the proposed use. The trip-generating potential of the site was calculated. At the driveways to Sibley Plaza, the site is expected to generate 196 trips during the AM peak hour (100 entering, 96 exiting) and 95 trips during the PM peak hour (48 entering, 47 exiting). 158 of the 196 total trips during the AM peak hour and 76 of the 95 total trips during the PM peak hour are "pass-by trips", or trips that would have been on the street network regardless of if the coffee shop use existed or not. The site is anticipated to generate 38 new trips during the AM peak hour (21 entering, 17 exiting) and 19 new trips during the PM peak hour (10 entering, 9 exiting). These are new trips within the overall transportation network due to the use.

Based the vehicle queuing analysis, the southbound approach at the intersection of West 7th Street and Davern Street is expected to have the most site trips added to it. The vehicle queues are anticipated to be longer in the PM peak hour than the AM peak hour and are not anticipated to exceed the storage length of the shared through-right turn lane and the left turn lane by more than one vehicle (25 feet).

A capacity analysis was performed to quantify the delay and level of service at the study intersections during the weekday AM and PM peak hours. In all the scenarios studied, the study intersections near the proposed site are expected to operate at an acceptable level of service. Based on the capacity analysis, it was determined that no off-site mitigation is necessary to provide acceptable level of service at the study intersections with the addition of the traffic from the proposed use.

The proposed drive-through lane provides 14 on-site stacking spaces without affecting the Sibley Plaza parking lot. The Traffic Impact Analysis report includes a reference to a technical memorandum dated May 17, 2018 that summarized observations at a site in Saint Paul (Snelling Ave & Marshall Ave Starbucks) that is similar to the proposed site. Observations indicated the drive-through had a maximum queue of 12 vehicles and an average queue of 7 vehicles during the Friday AM peak hour. The drive-through queue at the proposed site is not anticipated to exceed the 14 stacking spaces provided. If the stacking capacity becomes insufficient, the additional queued vehicles would queue in the Sibley Plaza parking lot and would not affect Davern Street, which is located approximately 150 feet to the west. The Sibley Plaza parking lot has the capacity for 23 queued vehicles in addition to the 14 stacking spaces provided on-site. The average wait time for an order is approximately 50 seconds. Based on that, with the maximum

number of queued vehicles on the site, the wait time in the drive-through line would be half an hour. It is reasonable to expect that few customers would be willing to wait anywhere close to that long for a cup of coffee on their commute, and therefore that the queue would never be close to that long. There are 15 parking spaces on the proposed site and additional spaces in the Sibley Plaza parking lot. It is reasonable to conclude that many customers would park their vehicle and walk into the building if there was a long queue in the drive-through lane. Starbucks has a lower sales projection for the proposed location than the Snelling Ave & Marshall Ave Starbucks, and the proposed site and Sibley Plaza parking lot provide almost three times the capacity for queued vehicles.

Staff from Transportation Planning & Safety in the Public Works Department reviewed the site plan and the Traffic Impact Analysis report and is in general agreement with the results as presented in the report. Staff agrees that the level of service of the intersections during a build condition does not require mitigation, and if issues arise relative to a greatly reduced level of service, it is likely due to factors other than the drive-through. Staff also notes that it is reasonable that 14 stacking spaces in addition another 8 to 9 stalls in the Sibley Plaza parking lot would be sufficient for the drive-through. If it turns out that the public right of way is affected by extensive queuing, Public Works reserves the right to require changes on-site such that the queue demand is met on-site to the east of the drive-through entrance.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use is a neighborhood-serving use that is in keeping with the commercial character of Sibley Plaza and adjacent businesses. It will not endanger the public health, safety, and general welfare. The proposed site will promote a pedestrian-friendly environment by removing the existing driveways onto West 7th Street and Davern Street, and providing sidewalk connections, bicycle racks, and a patio at the intersection of West 7th Street and Davern Street.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use will not impede the development of the surrounding property. The proposed site and Sibley Plaza are owned by the same entity and an access agreement will be established prior to the coffee shop opening.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use conforms to all applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Paster Properties for a conditional use permit for coffee shop drive-thru sales at 2525 7th St. W is hereby approved, subject to the following additional conditions:

1. Final plans approved by the Zoning Administer for this use shall be in substantial compliance with the plans submitted and approved as part of this application.
2. The site shall be managed to prohibit vehicular queuing for the drive-through backing up into any public right of way.
3. Twelve months after operation of the drive-through begins, City Planning and Public Works Transportation staff shall report to the Zoning Committee on traffic operations at the site and recommend measures for mitigation of issues if necessary.

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WHEREAS, Ramsey County, File # 19-102-522, has applied for a conditional use permit for an overnight shelter under the provisions of § 65.157 of the Saint Paul Legislative Code, on property located at 160 Kellogg Blvd E, Parcel Identification Number (PIN) 06.28.22.11.0029, legally described as AUDITOR'S SUBDIVISION NO. 35 VAC STS & ALLEYS ACCRUING; PART, LYING S OF LINE BEG ON SWLY LINE OF LOT 7 & 54.57 FT N OF NW COR OF LOT 8 TH DEF TO RIGHT 79DEG 19 MIN 241.6FT TO PT 105FT N OF NE COR OF LOT 8, OF LOTS 1 THRU 7 ALSO PART LYING NWLY OF A LINE; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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. Ramsey County has experienced an unprecedented increase in the number of unsheltered individuals and families in recent years as rents increase and rental vacancy rates have fallen.
2. Ramsey County has applied for a conditional use permit for an overnight shelter in Suite 2000 of 160 E. Kellogg Boulevard. Entry to the facility is from Jackson Street. It is intended to operate year-round from approximately 10 p.m. to 9 a.m. with occupants referred only through law enforcement and other partner agencies (not walk-in).
3. §65.157 establishes a condition that any overnight shelter must satisfy:
 - (a) *The facility shall be a minimum distance of 600 feet from any other of the following congregate living facilities with more than four (4) adult residents: overnight shelter, supportive housing facility, licensed correctional community residential facility, emergency housing facility, or shelter for battered persons.* This condition is met. There are no other such facilities within 600 feet of this site.
4. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan, in Housing Chapter Strategy 3.4, calls for providing shelter to the homeless.

moved by _____

seconded by _____

in favor _____

against _____

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Little vehicular traffic will be generated by the use, and there is adequate provision for drop-off.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. Residential uses, including overnight shelters, are part of downtown's existing character.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use of an existing building space for an overnight shelter that is occupied by referral only (not walk in) will not impede the normal and orderly development and improvement of surrounding property.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. No variances or modifications are requested.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ramsey County for a conditional use permit for an overnight shelter at 160 Kellogg Blvd E is hereby approved.

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.

19-102-522
Ramsey County

Langer, Samantha (CI-StPaul)

From: Terry Schneider <Terry.Schneider@radiashealth.org>
Sent: Tuesday, December 10, 2019 10:49 AM
To: Dermody, Bill (CI-StPaul)
Subject: conditional use permit

Think Before You Click: This email originated **outside** our organization.

I'm in favor of the overnight shelter. The city does not have enough shelter beds for the need and every year some of homeless people die or experience severe frostbite.

Terry Schneider, MA/LP
Chief Executive Officer (CEO)
Director of Clinical Services
166 4th Street East, Suite 200 St. Paul, MN 55101
D 651-256-1211 | M 651-291-1979 | F 651-291-7378

Caution: This e-mail and attached documents, if any, may contain information that is protected by state or federal law. E-mail containing private or protected information should not be sent over a public (nonsecure) Internet unless it is encrypted pursuant to HIPAA standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

ZF# 19-102-522
Ramsey County
Safe Space

Samantha and Bill, I apologize for not sending this to you earlier.

The CapitolRiver Council supports the Ramsey County Conditional Use Permit request for the Safe Space.

Jon Fure
CapitolRiver Council
651-221-0488

180 East 5th Street, Suite 260
Saint Paul, MN 55101

www.capitolrivercouncil.org

city of saint paul
planning commission resolution
file number
date

WHEREAS, Brad Graves, File # 19-101-117, has applied to rezone from RT2 townhouse residential to RM2 multiple family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1035 & 1039-1041 Arkwright Street, Parcel Identification Number (PIN) 29.29.22.23.0078, legally described as HOYTS OUTLOTS&SUB L14-19 & 22-24 SUBJ TO ESMT AND EX W 30 FT AND EX E 10 FT OF W 40 FT OF S 30 FT THE N 87 8/10 FT OF S 219 58/100 FT OF E 330 FT OF LOT 15; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 rezoning from RT2 townhouse residential to RM2 multiple family residential at 1035-1041 Arkwright Street. The RM2 district is intended to provide for more extensive areas of multiple-family residential development and to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.
2. The proposed zoning is consistent with the way this area has developed and the surrounding uses. There is a range of residential density and a mix of uses along Arkwright Street that is consistent with rezoning this site to RM2.
3. The proposed zoning is consistent with the Comprehensive Plan. The 2030 Comprehensive Plan in Figure LU-B designates the site as part of an Established Neighborhood, which encourages small multi-family developments consistent with the character of the neighborhood and located at intersections on a transit route (Strategy LU 1.8). The subject site is part of an activity node and multi-family concentration focused on Arkwright Street (which features a bus route) and its intersections.
4. 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 rezoning does not constitute "spot zoning" but rather is consistent with the surrounding multi-family and mix of uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Brad Graves for rezoning from RT2 townhouse residential to RM2 multiple family residential for property at 1035 & 1039-1041 Arkwright Street be approved.

moved by _____
seconded by _____
in favor _____
against _____

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WHEREAS, Angie Byboth-Malmin, File # 19-100-305, has applied for a change of nonconforming use from acupuncture clinic to permanent makeup shop under the provisions of § 62.109(c) of the Saint Paul Legislative Code, on property located at 236 Cretin Avenue S, Parcel Identification Number (PIN) 05.28.23.44.0180, legally described as RIVERWOOD PARK LOT 8; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 would like to open a permanent makeup business in part of a two-story multi-use building at 236 Cretin Avenue S in Saint Paul. The applicant signed a lease with the property owner on September 23, 2019 for a space in the multi-use building at 236 Cretin Avenue S. The lease commenced on October 1, 2019. The space was formerly occupied by an acupuncture clinic. Other uses on the first floor of the building are retail and an insurance office. Apartments are located on the second floor.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. Because this use is somewhat unique in that it combines aspects of a service business and tattoo shop, the zoning administrator was consulted and determined that this was classified as a service business based on the nature and intensity of the activity. The proposed service business use and the former clinic use are allowed by right in the same Traditional Neighborhood and Business zoning districts.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met.

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seconded by _____
in favor _____
against _____

The traffic generated by the proposed use would be similar to the former. The proposed business would operate by appointment only. The hours of the business would be 10:00 AM until 8:00 PM Monday through Thursday, 10:00 AM until 6:00 PM on Friday and Saturday, and closed on Sunday. Per the applicant there would be three procedure rooms and a maximum of three workers. Based on the staff report for the former use, there were a maximum of four individuals on the site at any given time. The rate of customer arrival and departure for the proposed use would be similar to the former use.

- c. *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 is met. With the exception of updated exterior signage and possible paint, the physical character of this part of the building would remain unchanged. In terms of public health, the applicant is required to meet state health standards for body art and adhere to applicable Occupational Safety and Health Administration (OSHA) regulations.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The current 2030 Comprehensive Plan identifies the parcel as part of a Residential Corridor, which is a "street corridor that runs through Established Neighborhoods, which include "scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets." Saint Clair Avenue is classified as a collector street, and Cretin Avenue is classified as an arterial. In the draft 2040 Comprehensive Plan, the intersection is two blocks from the center of the Saint Clair & Cleveland Neighborhood Node, which "provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences." The future land use designation in Map LU-2 is Urban Neighborhood, which states that in addition to small-scale residential uses, "[l]imited neighborhood-serving commercial may also be present."

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Angie Byboth-Malmin for a change of nonconforming use from acupuncture clinic to permanent makeup shop at 236 Cretin Avenue S is hereby approved.

19-100-305
236 Cretin

Langer, Samantha (CI-StPaul)

From: Catherine Day <cr4day@gmail.com>
Sent: Thursday, December 12, 2019 4:29 AM
To: Richardson, Mike (CI-StPaul)
Cc: Torstenson, Allan (CI-StPaul); Warner, Peter (CI-StPaul); Langer, Samantha (CI-StPaul)
Subject: Re: Questions re 19-100-305 236 Cretin

Think Before You Click: This email originated **outside** our organization.

I did not hear back if my neighbors want their names/addresses shared. I hope their comments can be included. My address is 2168 Sargent Ave, St Paul, MN 55105. I am happy for my comments to be shared.

Catherine Reid Day
Founder
Storyslices™
651-354-5901
Catherine@storyslices.com
<https://storyslices.com/>
2242 University Avenue Studio 204 St. Paul MN 55114
Working at the Intersection of Story and Purpose
Claim Your Story

On Wed, Dec 11, 2019 at 8:57 AM Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us> wrote:

Hi Catherine,

I am happy to share the broader concerns about street parking with the Committee tomorrow, but the applicant would have no control over regulating street parking if such a condition was put on a Change in Nonconforming Use Permit (which I'm not sure they could do). Also, the findings for the Committee focus on whether the new nonconforming use is similar to the previous or not and that's what their decision will be based on. I see that the Public Works avenue has been pursued before, and that's the right one to pursue again, and/or encourage neighbors to report violations per HunWen's suggestion.

Finally, I can include comments to the Committee as part of the public record if they're sent to me by individuals and include their address. So, while I can generalize the concern, I won't be able to include what you copied from your neighbors. Please clarify what comments you'd like to include as well, if any.

I've copied a couple of people here at the City who will be at the meeting tomorrow to give them a heads up on the issue.

Regards,



Mike Richardson
Senior City Planner

Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

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From: Catherine Day <cr4day@gmail.com>
Sent: Wednesday, December 11, 2019 8:18 AM
To: Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us>
Subject: Re: Questions re 19-100-305 236 Cretin

Think Before You Click: This email originated **outside** our organization.

Mike,

I asked two friends on St. Clair for their comments. Here they are. I don't know what to do next on this. And am very short on time....

Hello,

I'm not sure how I feel about it, I'm curious how much business it will generate and how it will impact parking. When the doctors office was there, I didn't notice too much of an impact on our street. But sounds like you did? While I believe there are signs that say the parking limit is short, it's not enforced and a lot of people take advantage of that (assuming the signs are still there, I've not noticed them in a while). Most of the cars parked on St. Clair are residents who park there instead of their garages or students who live in the apartments. During business hours, It often happens that I want to pull up out front and park temporarily but there are no spots in front of our house which can be frustrating but not overly. I've just talked in a circle.... I don't believe I am opposed to the makeup shop, but there probably needs to be some clarity on parking. I don't really want more parking in front of our house either.

Appreciate you forwarding this, although I don't see an attachment if there was one. I did see the postcard in our mail, had a lot of concerns about the request for the change as well, especially as it relates to parking. Which is frankly frustrating at best on St. Clair, and worse as you go west towards Cretin.

The hourly parking restrictions on St. Clair are almost completely ignored by everyone, including Parking Enforcement who haven't enforced it in years and have told me they're simply to understaffed to do so. You may remember that the signage for the M-F restrictions date back to when the 134 express ran on Cretin, instead of Cleveland as it has done now for a number of years. I've only recently, after nearly 2 years of regular phone calling, have been able to get anyone to monitor the overnight parking on Sunday's and ticket violators, so that the City can clean/clear the streets.

I had contacted the City about 4-5 years ago to inquire about removing the M-F limited parking signage; we'd have to reverse the same process that was apparently used to request the parking restrictions. 75% of neighbors must sign a petition requesting removal. I decided to drop pursuit of it, since the parking problems have only worsened in our nearly 20 years on the block, as you indicated in your email. The rental next door to us has 3 parking spots, and 6 young UST women, all of whom have their own vehicle.

Would like to continue to be part of this conversation.

Catherine Reid Day
Founder
Storyslices™
651-354-5901
Catherine@storyslices.com

<https://storyslices.com/>
2242 University Avenue Studio 204 St. Paul MN 55114
Working at the Intersection of Story and Purpose

Claim Your Story

On Tue, Dec 10, 2019 at 9:51 AM Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us> wrote:

Hi Catherine,

I received the following from Public Works based on your question:

“Attached is the policy for limited time parking zones, which would address the question about changing time restrictions on Saint Clair. It is a petition process, and residents of Sargent would not have a vote if the parking restrictions are only for Saint Clair.

Re: St Thomas students parking – ordinance prohibits parking in any one location for more than 48 hours. Those vehicles can be reported.”

I hope this helps. Please let me know if you have any additional questions. The contact in Public Works is HunWen Westman (HunWen.Westman@ci.stpaul.mn.us).

Best,



Mike Richardson
Senior City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

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Making Saint Paul the Most Livable City in America

From: Richardson, Mike (CI-StPaul)
Sent: Monday, December 09, 2019 12:38 PM
To: Catherine Day <cr4day@gmail.com>
Subject: RE: Questions re 19-100-305 236 Cretin

Hi Catherine,

I've reached out to PW for direction and will follow up with you when I hear back.

Thanks (and please forgive the "they're – their" mistake in my earlier email – I'm especially embarrassed because I usually give people a hard time about that one...),



Mike Richardson
Senior City Planner

Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

The Most Livable
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Making Saint Paul the Most Livable City in America

From: Catherine Day <cr4day@gmail.com>
Sent: Sunday, December 08, 2019 8:00 AM
To: Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us>
Subject: Re: Questions re 19-100-305 236 Cretin

Think Before You Click: This email originated outside our organization.

Thanks, Mike,

I would be interested in learning what Public Works would say.

Catherine Reid Day
Founder
Storyslices™
651-354-5901
Catherine@storyslices.com

<https://storyslices.com/>
2242 University Avenue Studio 204 St. Paul MN 55114
Working at the Intersection of Story and Purpose

Claim Your Story

On Thu, Dec 5, 2019 at 4:33 PM Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us> wrote:

Hello Catherine,

Thanks for the email, I hope you are well.

This is a generalization, but findings required for this particular permit (Change in Nonconforming Use) are set up to determine whether the impact is the same or less than whatever nonconforming use was there before (specifics are [here](#), see paragraph (c)). If so, the use can change.

That said, it is possible to put conditions on these permits and the Zoning Committee would be interested in your firsthand knowledge of the parking situation. I don't think a condition could be put on the applicant that would result in changes to street parking rules since she has no control over the right-of-way, and is a tenant rather than the owner. However, the Committee may have suggestions for how to address the issue. Also, I can follow up with Public Works to see what they're process is for changing street parking rules if you'd like.

Please let me know if you have any additional questions and if you'd like me to follow up with Public Works.

Regards,



Mike Richardson
Senior City Planner

Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: Catherine Day <cr4day@gmail.com>
Sent: Thursday, December 05, 2019 7:16 AM
To: Richardson, Mike (CI-StPaul) <mike.richardson@ci.stpaul.mn.us>
Subject: Questions re 19-100-305 236 Cretin

Think Before You Click: This email originated outside our organization.

Hi Mike,

I hope you are fine. I live on Sargent Ave near Cretin and St. Clair and received the notice about the permanent makeup shop.

My questions are related to parking expectations for the shop. Those using the clinic in the past used Sargent for parking. Their visits were short stays, except for staff who parked on our street all day. We are the first street south of St. Thomas with no parking restrictions so we often have cars left on our block by students who may not return for their cars sometimes for several days. It is a nuisance. St. Clair has short hours for parking and more restrictions so people don't park there when using the shop on the corner. They use Sargent.

Will the parking lot behind the shop have parking spaces for clients? Or will those be assigned to the apartments above as they seem to be now.

My experience with salons (based on ones located in D-12) is the clients do not use transit or come from the immediate area. They use cars and come from other parts of the city/suburbs.

Could there be a change in parking times on St. Clair that come with a change in the use of the property?

This information can inform any comments I may file.

Thanks for your assistance,

Catherine

Catherine Reid Day
Founder
Storyslices™
651-354-5901
Catherine@storyslices.com

<https://storyslices.com/>
2242 University Avenue Studio 204 St. Paul MN 55114
Working at the Intersection of Story and Purpose

Claim Your Story

city of saint paul
planning commission resolution
file number
date

WHEREAS, Outfront Media, LLC, File # 19-103-405, has applied for a nonconforming use permit and variance to change the angle of the east facing billboard face under the provisions of § 61.601, § 62.109(c), § 64.301(a), § 64.302 of the Saint Paul Legislative Code, on property located at 2516 Wabash Ave, Parcel Identification Number (PIN) 32.29.23.22.0005, legally described as WINSTON'S ADDITION, ST. PAUL, PART NLY AND NWLY OF WABASH FRONTAGE RD OF FOL SUBJ TO ESMTS WABASH AVE AS VAC IN B 58 PLANS 38 ADJ AND LOT A ALSO EX N 40 FT MEASURED FROM S L OF HOLLINSHEADS ADD AND EX W 450 FT THE FOL PART OF NW 1/4 OF SEC 32 T 29 R 23 N; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 is for changing the angle of the east-facing billboard face in to convert it to a dynamic display avoid being in the visual field of any residence.
2. Zoning Code §62.109(d) states: *The planning commission may permit the relocation of a legal nonconforming use if the commission makes the following findings:*
 - (1) *In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units; This finding does not apply. It is not in a residential district.*
 - (2) *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district; This finding does not apply. It is not an expansion of a nonconforming use.*
 - (3) *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood; This finding is met. The proposed use will be a dynamic display billboard replacing the current static billboard. The new billboard will be angled to have fewer potential visual impacts to residences in the neighborhood.*
 - (4) *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses; This finding is met. There is no off-street parking required.*

moved by _____
seconded by _____
in favor _____
against _____

- (5) *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use; This finding is met. There is no zoning category that allows billboards as a land use.*
 - (6) *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare; This finding is met. The use is similar in character to the exiting use. The new billboard will be angled to have fewer potential visual impacts to residences in the neighborhood. Zoning Code §64.302 includes standards for dynamic display to minimize driver distraction.*
 - (7) *The use is consistent with the comprehensive plan. This finding is generally met. The Comprehensive Plan is neutral regarding billboards. Advertising billboards were prohibited in the City of Saint Paul in 2005, per Zoning Code §64.420. This ordinance codified the citywide billboard ban that the many "special sign districts" were close to establishing collectively. The intent of Zoning Code §64.302 is to allow for conversion of a limited number of exiting billboards in exchange for removing a greater number of billboards across the city:

Dynamic display technologies can greatly expand the advertising capacity and graphic flexibility of billboards. However, §64.420 prohibits any new advertising signs in the city in order to protect and improve views, aesthetics, community pride and investment, and the visibility of local businesses. One purpose of this chapter is to reduce the number of billboards in the city. The provisions of the present section seek to offer benefits both to the public and to billboard owners. This section allows increased advertising through the addition of dynamic display technologies on existing billboards along certain freeways in exchange for voluntary reductions in the number of billboards in the city.
In this way, this billboard conversion is consistent with the City's long-term goals and policies.*
 - (8) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation. This finding is met. The approved petition is attached to the application.*
3. Except in a B4 or B5 zoning district, a legally nonconforming, illuminated billboard may be converted to a billboard with a dynamic display if the following conditions are met:
- (1) *The billboard is located within three hundred thirty (330) feet of I-94 or I-35E north of I-94 and is designed to be read from the highway. This finding is met. The billboard is approximately 105 feet from I-94.*
 - (2) *The billboard is at least one (1) mile measured along the freeway from any other billboard with a dynamic display designed to be read by drivers heading in the same direction on the highway. This finding is met. There are no other dynamic display billboards within one mile directed at westbound drivers on I-94.*
 - (3) *Only one (1) sign face on a billboard structure is converted. This finding is met. Only the east-facing billboard face is proposed to be converted.*
 - (4) *The billboard is not in the visual field of any residence, regardless of municipal boundaries, that is in a residential or TN traditional neighborhood zoning district and has windows which are facing and from which the dynamic display is directly visible. "Visual field" means the cone-shaped area in front of a billboard, drawn on a map, that extends perpendicular from the center of the sign face for one thousand (1,000) feet*

with a vertex angle of seventy-five (75) degrees and also includes peripheral triangles on both sides of the cone, which are delineated by extending the line of the sign face two hundred (200) feet in each direction from its center, and from these two (2) points connecting to the two (2) outer points of the cone. This finding can be met if the nonconforming use permit and variance are approved allowing the angle of the billboard to be adjusted.

- (5) *The owner of the billboard shall apply for and receive a sign permit for the conversion from the city. This finding can be met. This is condition 2 of this permit.*
- (6) *As part of the permit application, the applicant shall agree in writing to remove permanently other existing billboards in the city; for each square foot of dynamic display space being created, six (6) square feet of illuminated billboard faces, or eight (8) square feet of non-illuminated faces shall be removed. Billboards that the applicant owns or controls in residential zoning districts or any other locations designated for billboard removal by resolution of the city council must be taken down before billboards taken down in other areas of the city will be counted toward this removal requirement. Billboards may be counted toward the removal if they have been or will be removed between one (1) year prior to the application and two (2) months following the issuance of the permit. The removals must include the complete removal of the billboard structures including the foundations of any freestanding billboards.*

Prior to approval of the sign permit, the applicant must agree in writing that the city may remove the billboards if the applicant has not done so before the new electronic message sign is put into operation, and the applicant must submit a cash deposit or letter of credit acceptable to the city to pay the city's cost for that removal. The applicant must also agree in writing that the removal of the billboards is done voluntarily and the applicant has no right, under any law, to compensation from any governmental unit for the removed signs.

When a billboard is permanently removed (including the sign or display surface and all elements of the sign structure) for purposes of dynamic display conversion under this section or when a billboard is permanently removed for any other reason, and the owner of the removed billboard surrenders in writing any state and local permits previously issued for the removed billboard, no new sign and/or sign structure permit will be issued for the real property on which the removed billboard was located. This finding can be met. The applicant has agreed in writing to remove the required billboards and will comply with these provisions as part the sign permitting process.

- (7) *If the removed signs are ones for which a state permit is required, the applicant and owners must surrender such permits to the state. The billboard with a dynamic display may not be put into operation until proof is provided to the city that such state permits have been surrendered. This finding can be met. The applicant has agreed in writing to remove the required billboards and will comply with these provisions as part the sign permitting process.*

4. The application requests a variance to adjust the angle of the east-facing billboard. §61.601 of the Zoning Code states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code. The variance is in harmony with the intent and provisions in the zoning code to allow conversion of a billboard face to dynamic display subject to several conditions, including not being in the visual field of a residence, as defined. The variance is to allow the sign to be shifted slightly (rotating approximately five degrees to the north, per site plan) to*

avoid being in the visual field of a residence.

- (b) *The variance is consistent with the Comprehensive Plan.* This finding is generally met for the reasons stated in Finding 2(7).
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The variance has been requested to make the use comply with the standards for billboards with dynamic display, as stated in Finding 3. This is a reasonable use of the property for the reasons stated in Finding 2(7).
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Dynamic display billboards have a requirement that they are not in the "visual field" of any residence. This is not a requirement for static billboards. Changing the angle on the sign will allow the new sign to comply with the additional code requirement (see Finding 3(4)).
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* The billboard use is not allowed in the zoning district, but can remain as a nonconforming use. The change in angle will not permit any uses other than the existing nonconforming use.
- (f) *The variance will not alter the essential character of the surrounding area.* Because it is an existing use, and the change in angle will likely be imperceptible to most people, the variance is not anticipated to have any effect on the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Outfront Media, LLC for a nonconforming use permit and variance to change the angle of the east facing billboard face at 2516 Wabash Avenue is hereby approved subject to the following conditions:

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.
2. The applicant shall obtain a sign permit for the conversion from the City of Saint Paul.

St. Anthony Park Community Council/District 12
2395 University Avenue West, Suite 300E
Saint Paul, MN 55114



To: Paul Dubruiel, Planning Tech for Zoning
Planning & Economic Development
1400 CHA 25 W. 4th Street
Saint Paul, MN 55102

RE: ZF# 19-103405

December 9, 2019

Dear Mr. Dubruiel,

The St Anthony Park Community Council strenuously opposes the conversion of a static billboard at 2516 Wabash to a dynamic display billboard. Conversion of the existing static billboard to dynamic display is an expansion of the existing nonconforming use. Section 62.109(d)(6) of the Saint Paul Sign Code requires a finding that the expansion "will not result in an increase in ... glare ...; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare". These findings cannot be made here.

Section 64.302 of the Saint Paul Sign Code recognizes the correlation between driver distraction from dynamic display billboards and traffic accidents. Road safety at this confusing interchange is already compromised in the best of times by the confusing highway design and traffic patterns, with curves in the main lanes of traffic and traffic from MN-280 merging into the left hand lane of west bound I-94. Installing a dynamic display billboard with bright lights, rotating images and flashy content directly in the driver's face as he or she rounds the bend on I-94 in the midst of this challenging interchange is a disaster waiting to happen. We also note that MNDOT is currently studying redesign of this intersection which could potentially increase the danger from driver distraction even more, or necessitate removal of the sign at significant expense to taxpayers.

Not only would the dynamic display billboard create public safety issues, it flies in the face of the changed characteristics of the immediate neighborhood. The location is in the Creative Enterprise Zone which is undergoing major redevelopment and reuse as a vibrant business and residential community. The area in the immediate vicinity of the proposed dynamic display billboard is zoned as traditional neighborhood, and the nature of the area is rapidly changing from industrial use to mixed use, with organizations such as the United Theological Seminary and the Playwright's Center moving into the area. Two hundred new housing units were completed this year, over four hundred are under construction and another five hundred or more are currently being planned. People routinely decide where to invest and reside based on what the community looks like. Placement of a dynamic display billboard in this locale would alter the essential character of the community and go against the image that the city and community have worked hard to create.

We also oppose the variance to the cone of visibility of the sign that would allow the change of angle on the non-conforming sign face. Again, this would negatively impact the positive development that has been occurring throughout the area. Changing the angle appears to be intended to keep the cone of visibility from impacting the single family homes south of I-94. Instead the cone of visibility would include an older apartment building that provides naturally occurring affordable housing. This is another instance of those without the means to live in a wealthier location being made to accept potential negative environmental impacts. This is unfair and should not be allowed.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Murray".

Kathryn Murray, Executive Director
kathryn@sapcc.org | 651-649-5992
www.sapcc.org

city of saint paul
planning commission resolution
file number
date

WHEREAS, Bonfe Properties LLP, File # 19-103-464, has applied to rezone from T2 to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N, Parcel Identification Numbers (PINs) 012823410021; 012823410012; 012823410011, legally described as EWING & CHUTES SUB OF L6-7B1&L EX ST LOTS 2 3 AND LOT 4 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 is to rezone 337 W 7th/366-372 Smith from T2 to T3 to allow for a mixed-use development with 153 residential units and 2,500 square feet of retail fronting West 7th Street.
2. The proposed zoning is consistent with the way this area has developed. The area is a mix of commercial and residential uses, which has evolved over time, but has consistently remained many uses and scales close together. Higher density uses have generally been concentrated along West 7th Street and Smith Avenue (north of West 7th Street).
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3 zoning is consistent with the 2030 Comprehensive Plan for the reasons listed in the rezoning application. The proposed rezoning is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*
 1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*

moved by _____
seconded by _____
in favor _____
against _____

2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
3. *Cluster neighborhood amenities to create a vibrant critical mass.*
4. *Improve access to jobs by prioritizing development with high job density.*
 - *Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.*
 - *Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.*
4. The proposed zoning is compatible with surrounding uses. The use abuts a new hotel of a similar scale (100 rooms and 5 stories). There are other small-scaled commercial uses on Leech Street and West 7th Street that would be compatible. The site's proximity to transit, and downtown and hospital jobs make it an appropriate location for multifamily housing.
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 rezoning would not be spot zoning because it would only increase the density of uses already allowed in T2 and at a density similar to other properties in close proximity:
 - RM2 zoning directly across West 7th Street allows for 50 ft. height;
 - B5 zoning, 220 ft. north of the site along Smith allows for unlimited height; and
 - Irvine Park Towers, which is 600 ft. west of the site along West 7th Street, is a 15-story tall primarily residential, mixed-use building.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Bonfe Properties LLP to rezone from T2 to T3 traditional neighborhood for property at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N, be approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Northland Real Estate Group LLC, File # 19-103-475, has applied for a conditional use permit for a maximum building height of 75 feet, variance to increase the maximum floor area ratio (FAR) from 3.0 to 3.44, and a variance to reduce the required number of loading spaces for proposed retail use from 1 to 0 under the provisions of § 61.601, § 63.401, § 66.331 of the Saint Paul Legislative Code, on property located at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N, Parcel Identification Number (PIN) 01.28.23.41.0021; 01.28.23.41.0012; 01.28.23.41.0011 legally described as EWING & CHUTES SUB OF L6-7B1&L EX ST LOTS 2 3 AND LOT 4 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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. Zoning Code §66.331(g) provides that a building height up to 90 feet may be permitted with a conditional use permit. The application is to allow a 75ft. tall (6-story), mixed-use development with 153 residential units and 2,500 square feet of retail fronting West 7th Street.
2. Zoning Code §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed development is consistent with the 2030 Comprehensive Plan for the reasons listed in the application. The proposed development is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*

moved by _____
seconded by _____
in favor _____
against _____

1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*
2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
3. *Cluster neighborhood amenities to create a vibrant critical mass.*
4. *Improve access to jobs by prioritizing development with high job density.*
- *Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.*
- *Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.*

The use is also supported by the following policies from the District 9 Area Plan:

- *12. Promote those stretches of West 7th between key nodes as the appropriate location for higher-density residential use, in order to add diversity to the housing stock while preserving the traditional neighborhood fabric and supporting existing and future transit investment.*
 - *16. Support “nodes” of retail businesses at the intersections of West 7th and Kellogg, Smith, St. Clair, Jefferson, Randolph, and Montreal/Lexington, rather than a continuous strip of retail throughout the length of West 7th.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Traffic egress/ingress is located off Smith Avenue, which has lower traffic than West 7th Street and has signalized intersections at either end of the block, which regulate traffic flow.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. There are similarly-scaled uses in close proximity to the site including:*
- *The use abuts a new hotel of a similar scale (100 rooms and 5 stories);*
 - *RM2 zoning directly across West 7th Street allows for 50 ft. height;*
 - *B5 zoning, 220 ft. north of the site along Smith allows for unlimited height; and*
 - *Irvine Park Towers, which is 600 ft. west of the site along West 7th Street is a 15-story tall primarily residential, mixed-use building.*
- Additionally, there are other small-scaled commercial uses on Leech Street and West 7th Street that would be compatible. The use will not endanger public health, safety or general welfare.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use is consistent with the general scale of development of the area, which has evolved over time but has consistently remained many uses and scales close together. Higher density uses have generally been concentrated along West 7th Street and Smith Avenue (north of West 7th Street). The site’s proximity to transit, and downtown and hospital jobs make it an appropriate location for multifamily housing.*

- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition may be met subject to approval of variances for FAR and loading space.
3. Zoning Code §66.331 limits the floor area ratio (FAR) in T3 zones to 3.0. The application requests a variance to allow a FAR of 3.44. Zoning Code §63.401 requires one 500 sf. loading space for 1,401-20,000 sf. of commercial space. The application requests a variance to reduce the loading space requirement from 1 to 0. §61.601 of the Zoning Code states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the code upon a finding that:
- (a) *The variances are in harmony with the general purposes and intent of the zoning code.* This finding is met. The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development and development on sites large enough to support a mix of uses including residential, commercial, civic and open space uses in close proximity to one another. A variance from the maximum FAR to allow greater density in this area is in harmony with the purpose and intent of the zoning code. A variance from the loading space requirement will allow for more space to be dedicated to pedestrian-scaled retail and fewer curb-cuts that would disrupt the pedestrian environment.
- (b) *The variances are consistent with the comprehensive plan.* This finding is met. As noted in finding 3.a. the proposed mixed-use building is consistent with the 2030 Comprehensive Plan, which calls for increased density along Mixed-Use Corridors, and with the 2040 Comprehensive Plan, which calls for increasing density in Mixed Use areas, Neighborhood Nodes and along transit corridors. Related specifically to the loading space and in addition to the policies identified in the application, the variance is supported by following policies from the 2040 Compressive Plan:
- *Policy LU-14. Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes.*
 - *Policy LU-15. Ensure that stand-alone parking uses are limited, and that structured parking is mixed-use and/or convertible to other uses.*
- (c) *The applicant has established that there are practical difficulties in complying with the provisions, that the property owner proposes to use the property in a reasonable manner not permitted by the provisions. Economic considerations alone do not constitute practical difficulties.* This finding is met. The Comprehensive Plan and the District 9 Plan support higher-density mixed-use at this location. Providing a mixed-use building at the scale envisioned in the Comprehensive Plan requires more floor area than would be needed for a single-use building. The long, narrow shape of the parcel also provides fewer options for building configuration and site design. Providing a 500sf. loading space equal to 20% of a 2,500sf. commercial space on what is an already tight design would be impractical and could create other undesired consequences such as additional curb-cuts that may conflict with pedestrians, or higher commercial rents that may limit access to local businesses. It is reasonable that 2,500sf. commercial space could be serviced by smaller vehicles within the structured parking or by larger delivery vehicles from West 7th Street.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Generally, a project on a property that is zoned T3, where increased height and density are encouraged by the Comprehensive Plan, can apply for a CUP to allow for additional height but there is no corresponding

provision in the Zoning Code to account for the corresponding likelihood of a FAR increase. Because the commercial area is close to the smallest required to provide a loading space, it is disproportionately affected by the requirement. Furthermore, Zoning Code §66.342 allows on-street parking to meet parking requirements in T3 districts to support the district's pedestrian-oriented intent. However, this provision does not include loading spaces, which can be equally vital in reducing the need for space dedicated to off-street parking and deliveries. Additionally, District 9 has expressed a desire to have a local business in the commercial space. Dedicating more area to the commercial use will increase cost and likely increase rents reducing the pool of potential local tenants.

- (e) *The variances will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The proposed mixed-use building and future uses are allowed in the T3 zoning district.
- (f) *The variances will not alter the essential character of the surrounding area.* This finding is met. The proposed mixed-use building is consistent with the development in the surrounding area and the type of development the 2030 Comprehensive Plan and 2040 Comprehensive Plan supports.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Northland Real Estate for a conditional use permit for a maximum building height of 75 feet, variance to increase the maximum floor area ratio (FAR) from 3.0 to 3.44, and a variance to reduce the required number of loading spaces for proposed retail use from 1 to 0 at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N is hereby approved subject to the following conditions:

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.
2. Rezoning of the lot from T2 to T3 is approved by the Saint Paul City Council.
3. The alley vacation is approved by the Saint Paul City Council.

19-103-464
19-103-475
Smith rezoning + CUP

From: Naomi Austin [<mailto:austinegnauer@gmail.com>]
Sent: Wednesday, December 11, 2019 10:57 PM
To: Jerve, Anton (CI-StPaul) <anton.jerve@ci.stpaul.mn.us>
Cc: Noecker, Rebecca (CI-StPaul) <Rebecca.Noecker@ci.stpaul.mn.us>
Subject: Rezoning and Variance for 337 7th Street West and 366-372 Smith

Dear Mr. Jerve,

This letter pertains to file # 19-103-464 and 19-103-475. My name is Naomi Austin and I live at 90 Garfield Street in the Little Bohemia neighborhood in Saint Paul. My neighborhood is adjacent to the propose project at 337 West 7th.

I am very skeptical of throwing a high density, market rate housing project on the edge of a residential neighborhood. I feel the proposed variances and rezoning will benefit the developer and the city of Saint Paul with its higher tax base but will not be a benefit to the people and neighborhoods directly affected by it.

Please reject the proposed changes. The T2 zoning is an important protection to the neighborhood. It "allows a variety of uses and housing types but pays careful attention to the amount and placement of parking and transitions to adjacent traditional neighborhoods."

There are enough pressures on Little Bohemia. We cannot afford to lose the little protection T2 provides, it is there for a reason. Saint Paul has proven itself unable to deal with the current traffic and parking issues plaguing the neighborhoods off West Seventh. The proposed changes in zoning and variances will only make the problems worse.

Thank you for your time, Naomi Austin, 90 Garfield Street, 651-224-4995