

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** BP Gas and Convenience **FILE #:** 18-033-299
  2. **APPLICANT:** Midway University & Hamline Properties LLC **HEARING DATE:** March 29, 2018
  3. **TYPE OF APPLICATION:** CUP
  4. **LOCATION:** 1347 University Ave W, NW corner at Hamline
  5. **PIN & LEGAL DESCRIPTION:** 342923240234, Syndicate No 5 Addition Subj To Rd; E 24 Ft Of Lot 26 And All Of Lots 27 Thru Lot 30 Blk 30
  6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** T2
  7. **ZONING CODE REFERENCE:** § 65.702; § 65.703; § 61.501; § 61.601; § 61.202(b)
  8. **STAFF REPORT DATE:** April 5, 2018 **BY:** Josh Williams
  9. **DATE RECEIVED:** March 1, 2018 **60 DAY DEADLINE FOR ACTION:** April 30, 2018
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- A. **PURPOSE:** Conditional use permit for replacement of a convenience store and car wash (auto convenience market), with modification of maximum setback requirements so that pump islands may be between the building and Hamline; and variance of minimum floor area ratio (0.5 required, 0.16 proposed).
- B. **PARCEL SIZE:** 22,333 sq. ft. (approx. 0.51 acres)
- C. **EXISTING LAND USE:** Gas station and convenience store
- D. **SURROUNDING LAND USE:**
  - North: Residential (R4)
  - East: Mixed-use (T2)
  - South: Commercial (T4)
  - West: Commercial (T2)
- E. **ZONING CODE CITATION:** § 65.702 lists requirements for auto convenience markets; § 65.703 lists requirements for auto service stations; § 61.501 lists general requirements for all conditional uses; § 61.202(b) authorizes the planning commission to grant variances when related to permits; § 61.601 lists the findings for granting a variance; § 63.343(b) lists traditional neighborhood district design standards.
- F. **PARKING:** The applicant is proposing four off-street parking spaces, include one ADA space. Zoning Code § 63.207 provides that the parking requirement shall be reduced by one hundred percent in traditional neighborhood zones within one-quarter mile of University Avenue. If this provision did not apply, the proposed use would require six off-street parking spaces.
- G. **HISTORY/DISCUSSION:** The property has been in use as a gas station since at least 1969. A conditional use permit and site plan were approved for the site in 1992.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 11 had not made a recommendation as of the writing of this staff report.
- I. **FINDINGS:**
  1. The proposed project underwent administrative site plan review on March 27, 2018. The preliminary site plan review identified the "front" of the site as the Hamline Avenue side. Zoning Code § 60.203, *Front lot line*, states that for corner lots the lot line separating the lot from either street may be the front lot line, which affects required setbacks, parking locations, etc.
  2. The proposed project does not include relocation of or structural changes to the existing underground tanks, gasoline pumps, pump islands, or associated drive lanes and canopy. The pumps and associated site elements are located to the east of the existing building, along

Hamline Avenue, and roughly centered north-south on the site. Filling access to the tanks is located immediately north of the pump area.

3. §65.702 lists standards and conditions for auto convenience markets:
  - (a) *The use is subject to standards and conditions (a), (b), (d), (e), and (g) in § 65.703, auto service station.* These standards and conditions are discussed in Finding 3.
  - (b) *The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.* This finding is met. The zoning lot on which the proposed use is twenty-two thousand three-hundred and thirty-three (22,333) square feet.
  
4. §65.702 lists standards and conditions for auto service stations. Standards and conditions (a), (b), (d), (e), and (g) also apply to auto convenience markets:
  - (a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk.* This condition can be met. Administrative site plan review includes a review of internal circulation and site components. A condition of preliminary site plan approval is closing of an existing driveway near the southeast corner of the site. If approved, final site plan approval and compliance with all provisions of such regarding site design should be a condition of approval of the conditional use permit.
  - (b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition does not apply. The site does not adjoin any residential or residentially-zoned properties.
  - (d) *Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping.* This condition can be met. If approved, compliance with this standard should be a condition of approval for the conditional use permit.
  - (e) *The principal building shall comply with the dimensional standards and design guidelines applicable to traditional neighborhood districts, except that the maximum setback requirement may be modified by the planning commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.* This condition can be met. The existing pump location requires that the building be set-back from Hamline Avenue, and, with closure of the driveway at the southeast corner of the site, a drive lane is needed between the building and University Avenue for adequate on-site circulation. A site configuration that is more consistent with dimensional standards and design guidelines, particularly with regard to building setback and pedestrian accommodations, would require relocation of pumps and associated site elements. Given this constraint, the site and building plan as currently proposed are reasonable with regard to door location, setbacks, and maneuvering lanes, provided the applicant provides a well-marked pedestrian connection between the public sidewalk on University Avenue and the main entrance to the building. If approved, provision of a well-marked pedestrian connection between University Avenue and the main entrance to the building and compliance with other applicable design standards, including those enumerated in § 63.343(b) (10), (13), and (14) regarding building height, door and window openings, and materials and detailing, should be a condition of approval of the

conditional use permit, as evidenced by final site plan approval.

- (g) *There shall be no exterior storage. Space for accessory outdoor sales of goods or equipment shall be limited to two hundred (200) square feet.* This condition can be met. The applicant does not propose outdoor storage. If approved, compliance with this standard should be a condition of approval for the conditional use permit.

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 NOT met. The Comprehensive Plan identifies University Avenue as a Mixed-Use Corridor. Mixed-Use Corridors are intended to accommodate a broad mix of uses, generally at higher densities but with variation in density across a corridor. However, the Hamline Station Area Plan (2011) calls for increasing density specifically in the Hamline Station Area, and for use change and improvements to the public realm and public realm interface over time that result in a vibrant and pedestrian-friendly district. The Hamline Station Area Plan also recognizes that achieving the vision and goals of the Plan will require transition over time (from page 47):

*Meeting the full development potential of the Central Corridor as conceptually illustrated in [the] Station Area Plan, will occur over a long period of time. Recognizing the market may not be uniformly ready...policy documents should allow for market transformation and uptake over time. For example, a near-term development proposal that does not meet density expectations...yet meets other long-term objectives such as supporting economic development opportunities [and] increasing retail options... should be accommodated.*

The extent and intensity of the use are consistent with the Comprehensive Plan in regard to the overall intent for a Mixed-Use Corridor, which contemplates a wide-variety of uses and densities. In regard to the Hamline Station Area Plan, while not meeting density or urban design goals of the Plan, the proposed use does represent a moderate improvement in terms of the retail offerings in the Station Area, and does represent financial investment in the area. However, it is NOT, on balance, consistent with even the incremental change allowed for by the Hamline Station Area Plan toward fulfilling its long-term vision, much less the long-term vision itself.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. Saint Paul and Ramsey County Public Works are requiring the closing of the ingress/egress point to University Avenue immediately west of Hamline Avenue. If approved, the implementation of this closure and affirmation of adequate ingress and egress for customers and service vehicles, as evidenced by final site plan approval by Saint Paul Public Works, should be a condition of approval of the conditional use permit.
- (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 development is substantially similar to the existing condition at the site.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This finding is met. The proposed development is substantially similar in respect to impacts on adjacent properties as the existing use.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in*

*which it is located.* This condition is NOT met. The required minimum floor area ratio (FAR) is 0.5, and an FAR of 0.16 is proposed. The applicant has requested a variance to allow the smaller FAR.

5. § 61.601 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.* This finding is NOT met. The proposed use is allowed in the T2 district, provided it meets the applicable standards for site design. The FAR of the buildings as proposed is 0.16 (inclusive of car wash). This is an improvement relative to the FAR of the existing building on the site, which has an FAR of 0.07 (inclusive of car wash). However, the failure to even come close to meeting the minimum FAR is not consistent with the intent of the T2 district (§63.313) to “*foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage.*”

(b) *The variance is consistent with the comprehensive plan.* This finding is NOT met. The Comprehensive Plan identifies University Avenue as a Mixed-Use Corridor. Mixed-Use Corridors are intended to accommodate a broad mix of uses, generally at higher densities but with variation in density across a corridor. The Hamline Station Area Plan (2011) calls for increasing density in the Hamline Station Area, and for use change and improvements to the public realm and public realm interface over time that result in a vibrant and pedestrian- and friendly district. The Hamline Station Area Plan also recognizes that achieving the vision and goals of the Plan will require transition over time (from page 47):

*Meeting the full development potential of the Central Corridor as conceptually illustrated in [the] Station Area Plan, will occur over a long period of time. Recognizing the market may not be uniformly ready...policy documents should allow for market transformation and uptake over time. For example, a near-term development proposal that does not meet density expectations...yet meets other long-term objectives such as supporting economic development opportunities [and] increasing retail options... should be accommodated.*

The extent and intensity of the use are consistent with the Comprehensive Plan in regard to the overall intent for a Mixed-Use Corridor, which contemplates a wide-variety of uses and densities. With regard to the Hamline Station Area Plan, the proposed use does represent a moderate improvement in terms of the retail offerings in the Station Area, and does represent financial investment in the area. However, a variance in FAR of the magnitude proposed would result in the development falling well short of density and urban design goals of the Hamline Station Area Plan, and therefore would be inconsistent with even the incremental change allowed for by the Hamline Station Area Plan toward fulfilling its long-term vision, much less the long-term vision itself.

(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 NOT met. While site constraints make expansion of the building footprint beyond what is proposed challenging, they do not prevent the construction of a building which has a greater FAR through inclusion of a mezzanine or second story which provides additional space for customer seating, offices, or storage, all of which are compatible with the proposed use.

(d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is NOT met. The site is constrained due to small size, which means a relatively large percentage of the site must be dedicated to need maneuvering

space and circulation lanes. This constraint is somewhat amplified by the required closing of the ingress/egress point at the southeast corner of the site. However, these constraints do not affect the ability of the landowner to achieve greater FAR through greater building height, or by removing the accessory carwash.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Auto convenience markets are a conditional use in the T2 district where the property is located
  - (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The requested variance in FAR would result in a site substantially similar to the present condition, with a slightly larger building.
- J. **STAFF RECOMMENDATION:** Based on findings 4(a), 4(e), and 5, staff recommends DENIAL of a conditional use permit for replacement of a convenience store and car wash, with modification of maximum setback requirements so that pump islands may be between the building and Hamline, and DENIAL of a variance of minimum floor area ratio (0.5 required) to allow a floor area ratio of 0.16.



**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 #: 18-033299  
 Fee: \_\_\_\_\_  
 Tentative Hearing Date: 3-29-18

PD=11

# 342923 24 0234

**APPLICANT**

Name RUSS ROSA Email ROSARCHGRP@MSN.COM  
 Address 1084 STERLING STREET N  
 City ST. PAUL State MN Zip 55119 Daytime Phone 651-739-7988  
 Name of Owner (if different) KHAL ALOUL  
 Contact Person (if different) RUSS ROSA Phone 651-739-7988

**PROPERTY LOCATION**

Address/Location 1347 UNIVERSITY AVE W, ST. PAUL, MN 55104  
 Legal Description SEE ATTACHED  
 Current Zoning T2 TRADITIONAL NEIGHBORHOOD DISTRICT  
 (attach additional sheet if necessary)

**TYPE OF PERMIT:**

Application is hereby made for a Conditional Use Permit under provisions of  
 Chapter 61, Section 503, Paragraph \_\_\_\_\_, 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.

Project Description:  
RE-BUILD OF EXISTING C-STORE AND CAR WASH

Required Site Plan is attached

Applicant's Signature [Signature] Date 2/23/2018 City Agent [Signature] 2/26/18

## Request for Continuance

Date 3-12-18

Dan Edgerton, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # N-035299

Dear Mr. Edgerton:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on March 29, 2018.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for April 06, 2018, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to April 12, 2018, I understand that the Planning Commission would then be scheduled to make their decision on April 20, 2018.

I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 14 days to May 11, 2018, to accommodate the continuance I am requesting.

Sincerely,

Russ Rosa

Signature of Applicant or  
Applicant's duly appointed  
representative.

Russ Rosa

Printed name of applicant or  
applicant's duly appointed  
representative

Updated: 10/13/2017





Rosa  
Architectural  
Group  
Inc.

1094 Sterling Street  
St. Paul, Minnesota 55116  
Tel: 651-739-7988  
Fax: 651-739-3765

BP  
GAS & CONVENIENCE  
STORE REMODEL

1347 UNIVERSITY AVE. W  
ST. PAUL, MN 55104

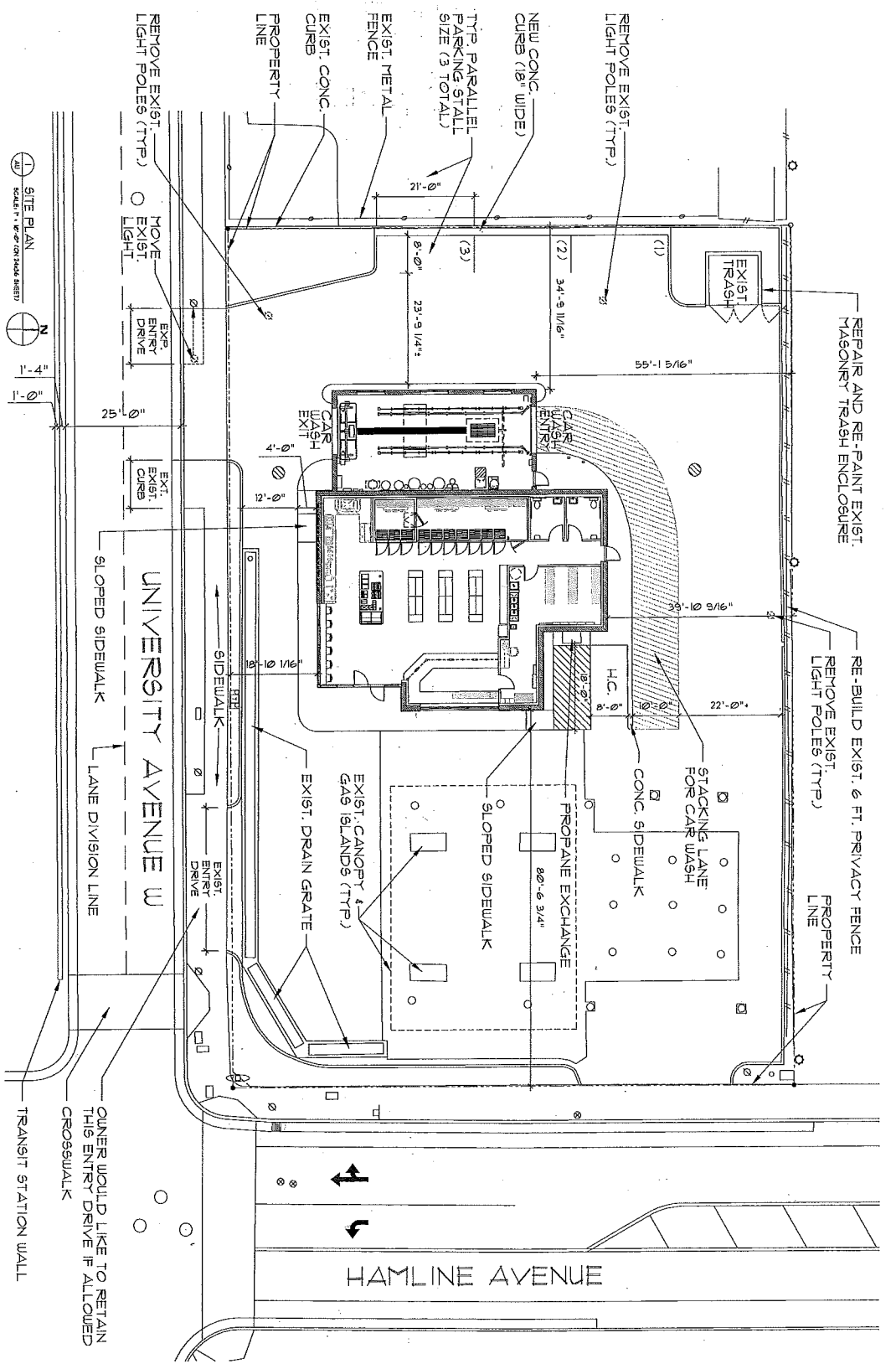
CONTRACTOR'S NOTE: THIS PLAN IS A REPRESENTATION OF THE DESIGN AND INTENT OF THE ARCHITECT. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE AND SEAL OF THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PAUL AND THE STATE OF MINNESOTA.

DATE: FEB. 22, 2018  
PROJECT NUMBER: 21008  
DRAWN BY: JI  
CHECKED BY: RR  
REVISIONS:

SITE PLAN

**A1.1**

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BLDG FOOTPRINT = 3588.7 S.F.  
C-STORE AREA = 2613.4 S.F.  
CAR WASH AREA = 976.3 S.F.



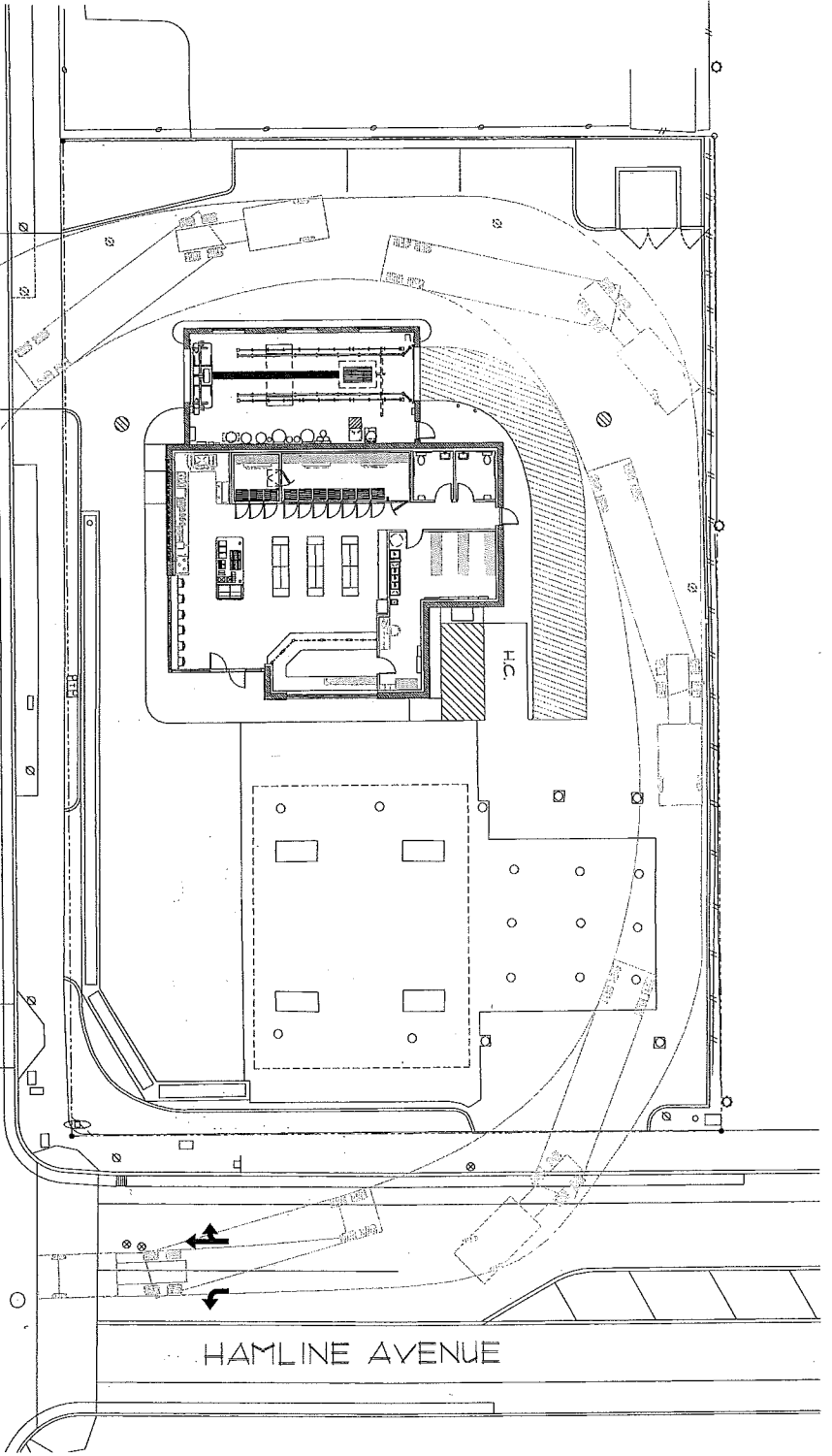
SITE PLAN  
SCALE: 1" = 4'-0" (ON THIS SHEET)

Rosa  
Architectural  
Group  
Inc.

1084 Sterling Street  
St. Paul, Minnesota 55119  
Tel: 651-735-7988  
Fax: 651-735-3165

BP  
GAS & CONVENIENCE  
STORE REMODEL

1347 UNIVERSITY AVE. W  
ST. PAUL, MN 55104



1 TRUCK MOVEMENT SITE PLAN  
SCALE: 1/8" = 1'-0" (ON THIS SHEET)

NOTE:  
THE PETROLEUM VENDOR (CROIX OIL CO.) UTILIZES WAYNE TRANSPORT FOR FUEL DELIVERY. THE STANDARD PETROLEUM TANKER TRAILER IS 42 FT. IN LENGTH. DEPENDING ON THE TRACTOR VEHICLE USED FOR DELIVERY, THE ADDITIONAL LENGTH OF THE TOTAL VEHICLE CAN BE AN ADDITIONAL 12.5 - 20 FT. THE TOTAL TYPICAL LENGTH CAN VARY FROM 54.5 - 62 FT. IN TOTAL LENGTH. THE DELIVERY VEHICLE INDICATED ON THE TRUCK MOVEMENT SITE PLAN DRAWING IS SHOWN AT 65 FT. IN TOTAL LENGTH WHICH INDICATES TYPICAL TRAILERS WITHIN THE 54.5-62 FT. LENGTH CAN NEGOTIATE THE SITE SAFELY.

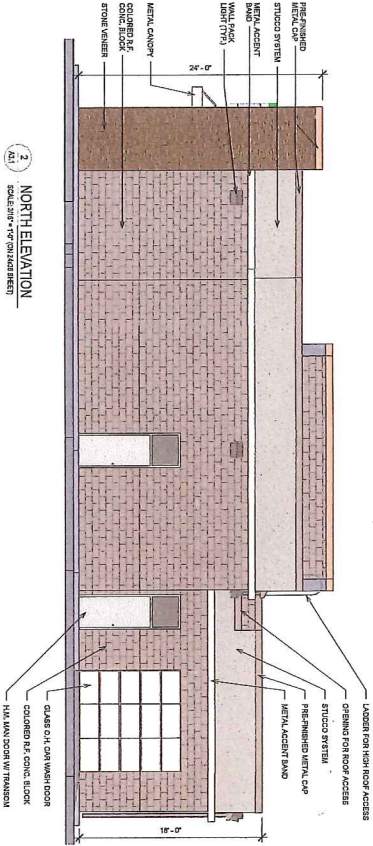
NOTICE: OWNER HAS THE PLAN, SPECIFICATIONS, CONTRACT AND SCHEDULE IN FULL AND AGREES TO BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER. THE ARCHITECT HAS REVIEWED THE PLAN AND SPECIFICATIONS AND UNDER THE CARE OF THE OWNER'S REPRESENTATIVE.

DATE: FEB. 23 2018  
DRAWN BY: JL  
CHECKED BY: RR  
REVISIONS:

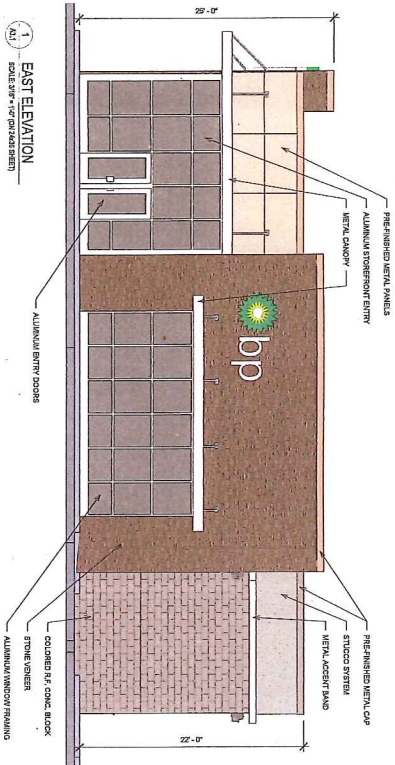
TRUCK MOVEMENT  
SITE PLAN  
**A1.2**



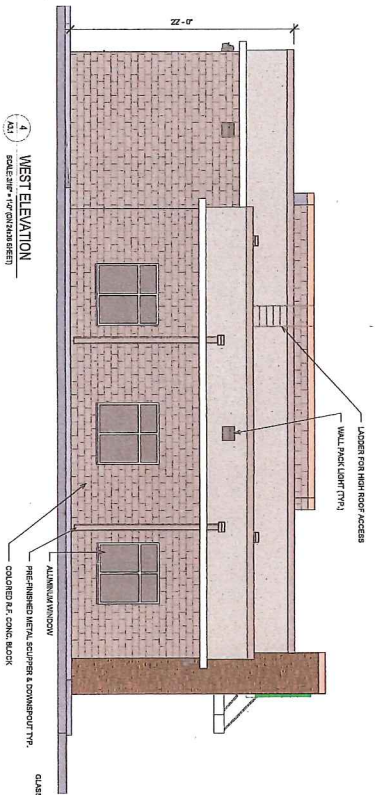
1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0" (AS SHOWN)



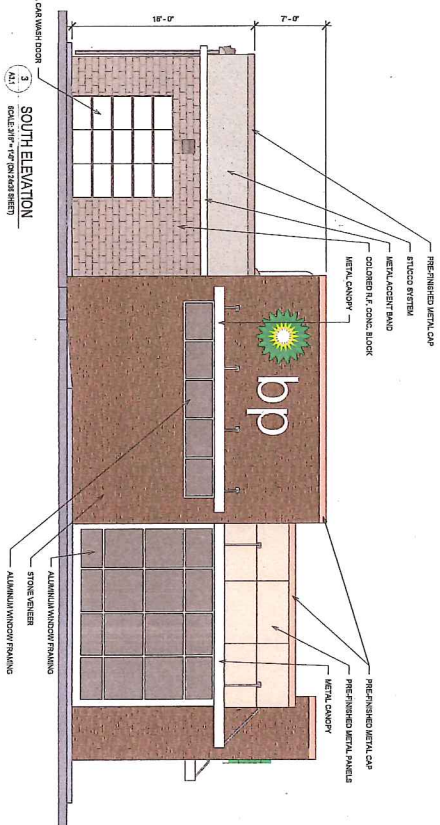
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1 WEST ELEVATION  
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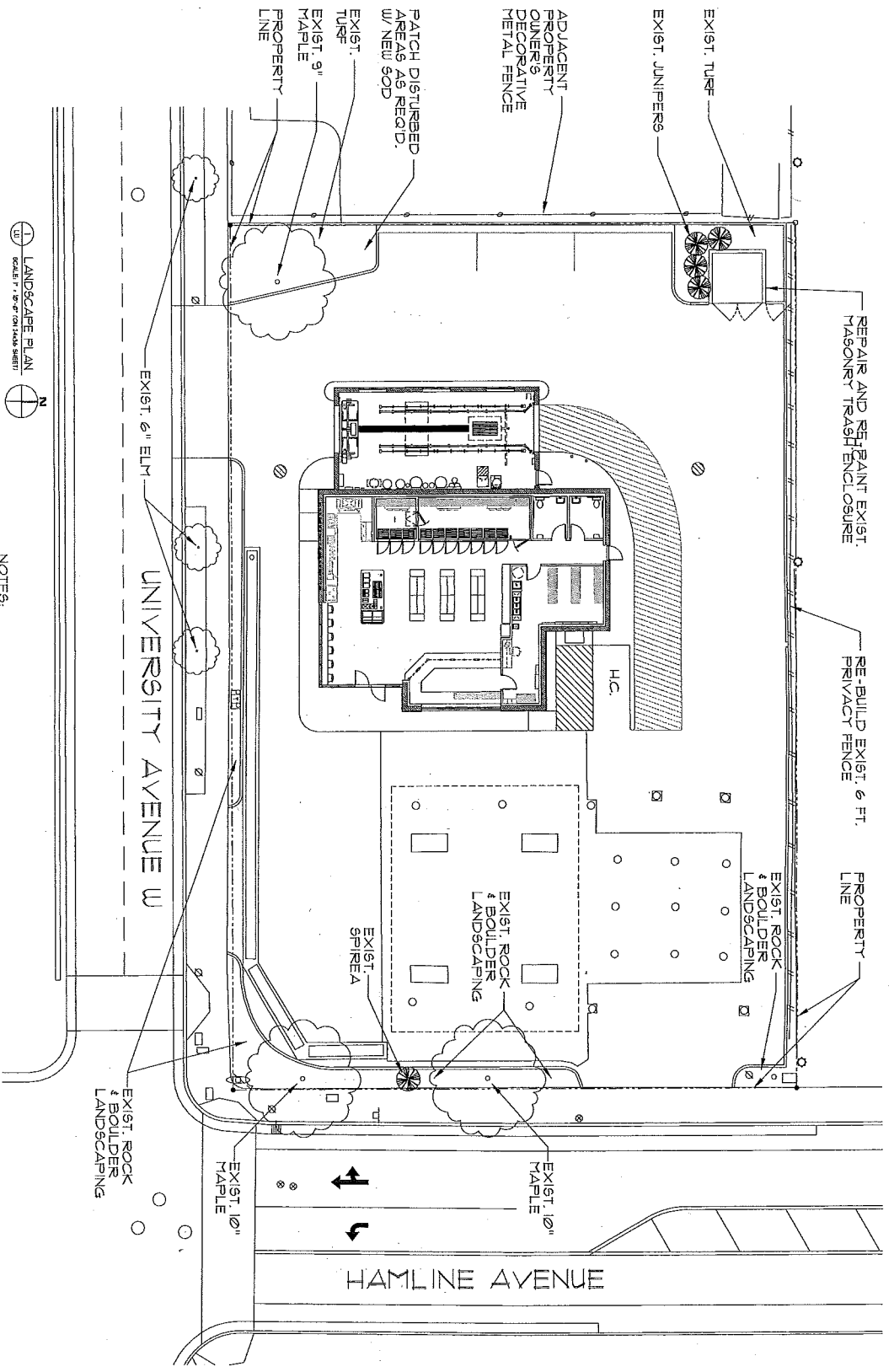
3 SOUTH ELEVATION  
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PRELIMINARY  
CONSTRUCTION

PROJECT NUMBER: 71008  
DATE: 11-22-2018  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]

A3.1



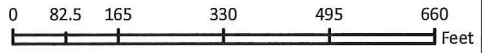
- NOTES:**
1. ALL NOTED TREES AND SHRUBBERY ITEMS ARE EXISTING.
  2. NOTED LANDSCAPE ROCK & BOULDERS ARE EXISTING.
  3. NOTED TURF IS EXISTING. TURF WILL BE PATCHED WITH NEW SOD AT DISTURBED AREAS AS REQUIRED.

LANDSCAPE PLAN  
 SCALE: 1" = 10'-0" (ON THIS SHEET)

DATE:	2/22/2018
PROJECT NUMBER:	21009
DATE:	FEB. 22, 2018
DRAWN BY:	JL
CHECKED BY:	RR
REVISIONS:	

**LANDSCAPE PLAN**





FILE NAME: BP Gas and Convenience Store

APPLICATION TYPE: CUP

FILE #: 18-033299      DATE: 3/1/2018

PLANNING DISTRICT: 11

ZONING PANEL: 11

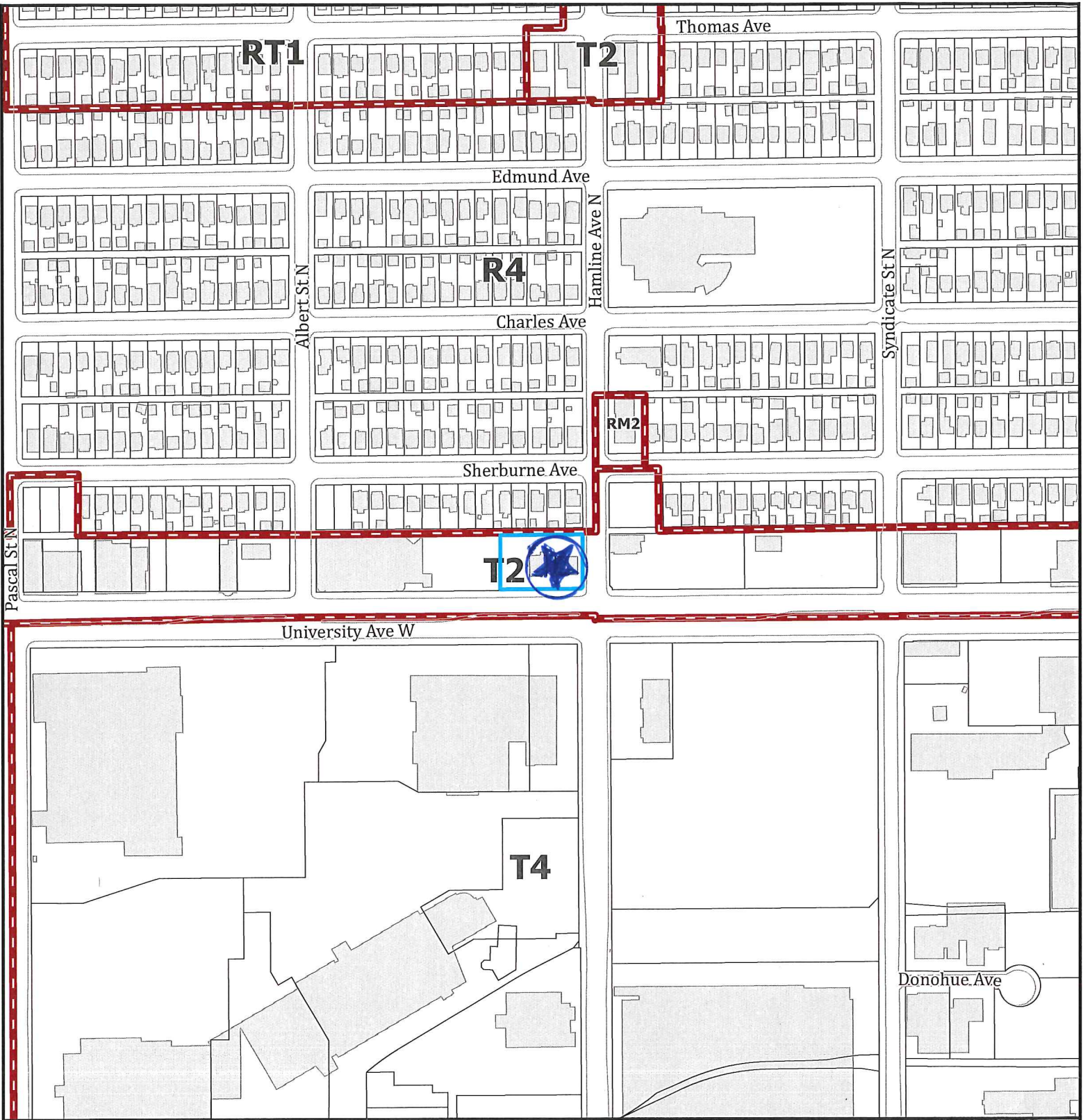
**Zoning**

Subject Parcels

· · · Section Lines







APPLICANT: Khal Aloul

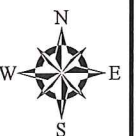
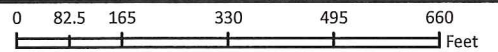
**ENS**

APPLICATION TYPE: \_\_\_\_\_

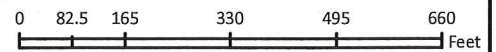
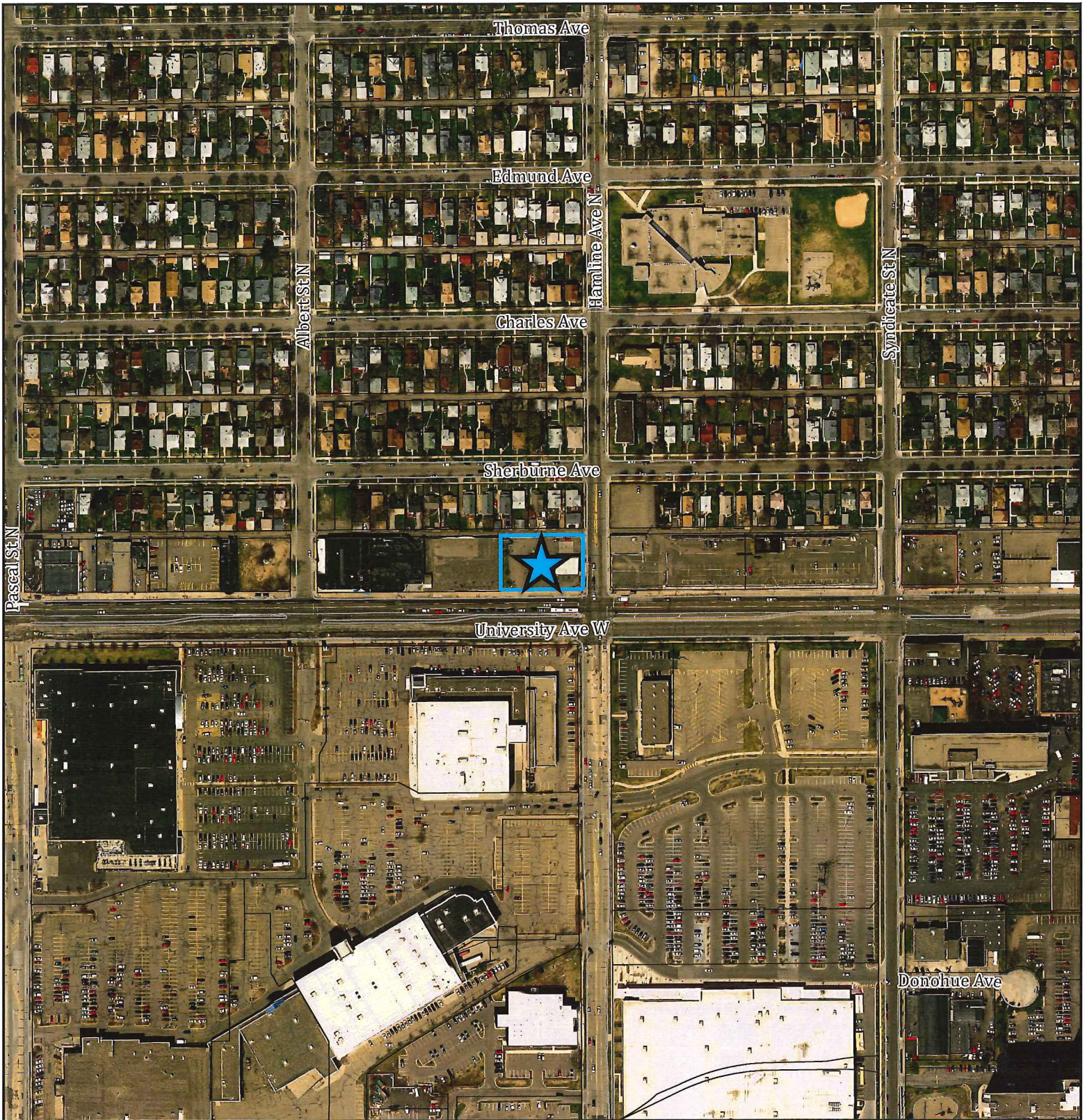
FILE #: To Be Assigned      DATE: 2/28/2018

PLANNING DISTRICT: \_\_\_\_\_

ZONING PANEL: \_\_\_\_\_







FILE NAME: BP Gas and Convenience Store

**Aerial**

APPLICATION TYPE: CUP

 Subject Parcels

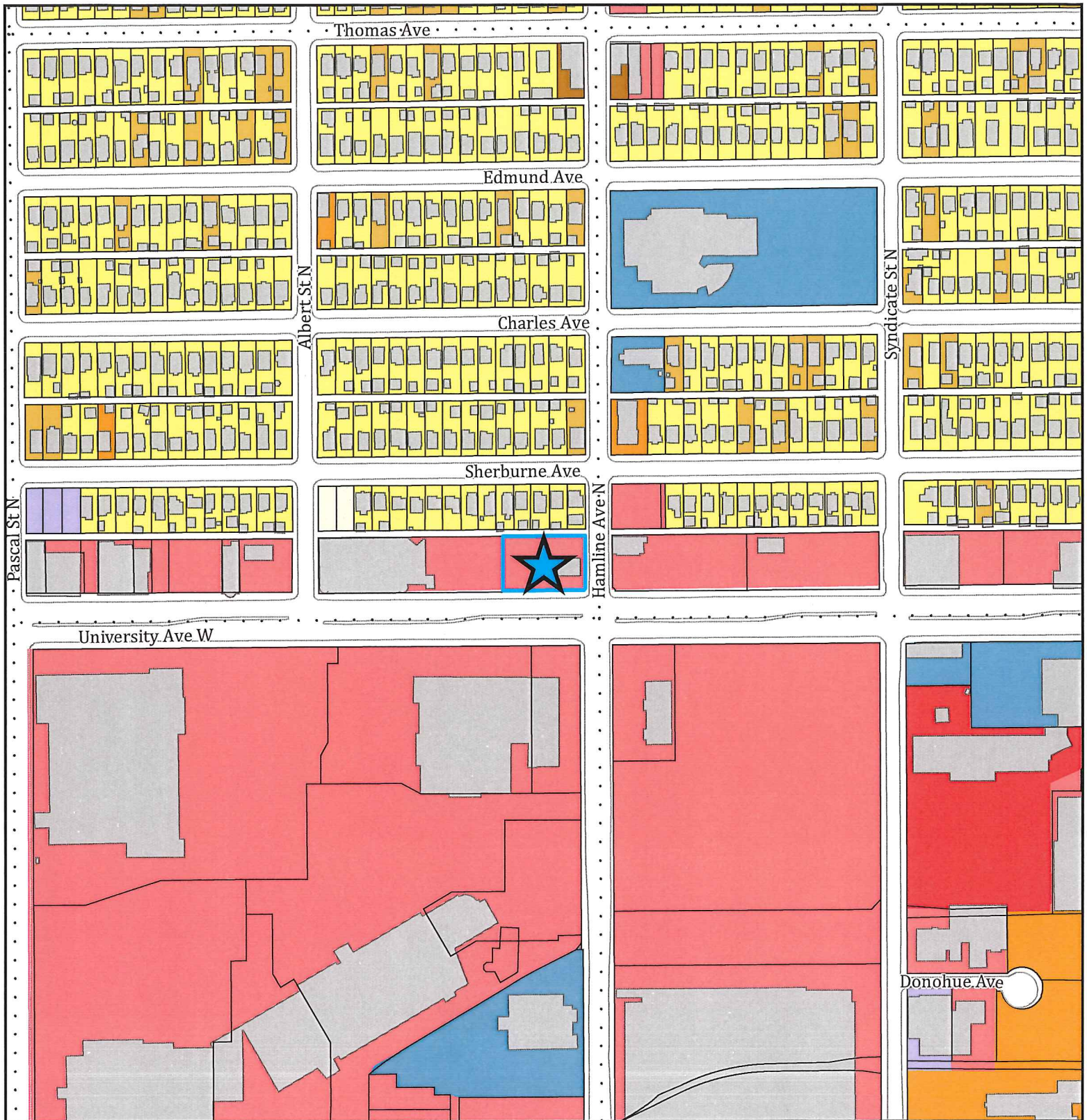
FILE #: 18-033299 DATE: 3/1/2018

PLANNING DISTRICT: 11

ZONING PANEL: 11







FILE NAME: BP Gas and Convenience Store

APPLICATION TYPE: CUP

FILE #: 18-033299      DATE: 3/1/2018

PLANNING DISTRICT: 11

ZONING PANEL: 11

**Land Use**

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Undeveloped
- Subject Parcels
- Section Lines

