ZONING COMMITTEE STAFF REPORT

FILE NAME: Paster Properties

FILE # 18-037-056

APPLICANT: Paster Properties

HEARING DATE: March 29, 2018

TYPE OF APPLICATION: Conditional Use Permit

LOCATION: 1150 Prosperity Ave, 1365 - 1371 Phalen Blvd., NE corner at Clarence

PIN & LEGAL DESCRIPTION: 272922220044, Phalen Village Lot 1 Blk 1

PLANNING DISTRICT: 2

ZONING CODE REFERENCE: §65.510, §65.513, §65.516, §65.525, §61.501

STAFF REPORT DATE: March 21, 2018

BY: Bill Dermody

PRESENT ZONING: T2

60-DAY DEADLINE FOR ACTION: May 12, 2018

A. **PURPOSE:** Conditional use permit for a 23,000 sq. ft. grocery store, outdoor commercial uses and drive-through sales.

B. PARCEL SIZE: 2.15 acresC. EXISTING LAND USE: Vacant

DATE RECEIVED: March 13, 2018

D. SURROUNDING LAND USE:

Retail/commercial to the north and west (T2), multi-family residential and office to the northeast (T2), bank to the east (T2), pond/open space to the southeast (RM2), and multi-family residential to the south and southwest (RM2).

- E. **ZONING CODE CITATION:** §65.516 defines "food and related goods sales" and refers to §65.510 for required conditions; §65.510 requires a conditional use permit for new construction of general retail uses covering more than 20,000 sq. ft. of land to ensure size and design compatibility with the particular location; §65.513 lists conditions that must be met by drive-through sales uses, including two (2) conditions specific to the T2 zoning district; §65.525 lists conditions required of outdoor commercial uses that are not in the public right-of-way; §61.501 lists general conditions that must be met by all conditional uses.
- F. **PARKING**: Zoning Code §63.207 requires a minimum of one (1) parking space per 400 sq. ft. gross floor area for restaurant uses and general retail uses up to 30,000 sq. ft.
- G. **HISTORY/DISCUSSION:** The site was rezoned from B2 community business district to T2 traditional neighborhood district in about 2004 as part of a larger zoning study centered on the Phalen Corridor. Other than a temporary marketing trailer for nearby apartments about 10 years ago, the site has been vacant since 2005.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 2 Council has not provided a recommendation.

I. FINDINGS:

- The application requests conditional use permit approval to allow a grocery store exceeding 20,000 sq. ft., outdoor commercial uses, and a drive-through restaurant as part of a proposed new development at the northeast corner of Phalen Boulevard and Clarence Street.
- 2. §65.510 requires that the proposed 23,100 sq. ft. grocery store use be found to have compatible size and design at this particular location. This condition is met. The size allows for a grocery store anchor to make the site viable and is oriented to set up an innovative community plaza feature along Rose Avenue on the site's north side.
- 3. §65.513 lists five standards that all drive-through sales uses must satisfy, plus an additional two standards that apply in the T2 zoning district:
 - (a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least 60 feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. The intent of this condition is met. A landscaped area with benches holds the site's southwest corner at Clarence/Phalen, and (in addition to a 100-ft. setback) visually separates the restaurant's drive-through from Clarence Street. The drive-

- through is not located between the restaurant building and the closer street, Phalen Boulevard.
- (b) Points of vehicular ingress and egress shall be located at least 60 feet from the intersection of two streets and at least 60 feet from abutting residentially zoned property. This condition is met. Ingress and egress are greater than 60 feet from intersections and 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 can be met. The nearest residential property is about 300 ft. to the northeast.
- (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. There is no adjoining residential property.
- (e) Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. This condition is met. Four stacking spaces are provided.
- (f) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. This condition is met. There is one drive-through lane.
- (g) The number of curb cuts shall be minimized. This condition is met. The proposed parking lot serves multiple uses and has only two curb cuts.
- 4. §65.525 lists conditions required of outdoor commercial uses that are not in the public right-of-way:
 - (a) The use shall not conflict with required off-street parking, off-street loading and the system of pedestrian flow, and shall not obstruct building ingress and egress. This finding is met. The outdoor commercial uses are located away from the main front door business access and parking lot, and do not conflict with loading docks or sidewalks.
 - (b) For commercial outdoor uses that occupy more than 10 percent of the zoning lot or 1,000 square feet, whichever is less, the following apply:
 - 1. Except in the I2 industrial district, a conditional use permit is required. This finding is met if this application is approved.
 - 2. Approval of a site plan showing the location and layout of outdoor commercial uses on the site. This finding can be met by approving this application subject to substantial compliance with the submitted site plan and application materials. The application materials include a site plan showing Rose Avenue and an adjacent community plaza. The application narrative identifies Rose Avenue and the community plaza as locations for outdoor sales.
 - 3. Provide the zoning administrator with written contact information for the person responsible for coordinating the outdoor sales and activities and update the zoning administrator in writing within 30 days should any contact information change. This finding can be met.
 - (c) The area shall be kept free of litter. Donated items or materials shall not be left outside of donation drop-off boxes. This finding can be met.
- 5. §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 Figure LU-B identifies the site as part of a Neighborhood Center, which calls for accommodating growth, density, compact form, and a mix of uses such as proposed. Strategy LU-1.17 calls for promoting a place, amenity, or activity that serves as a community focus and emphasizes the special identity of

- individual Neighborhood Center a strategy furthered by the provision of the community plaza.
- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Adequate ingress and egress are provided.
- (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 outdoor sales/community plaza area will benefit the surrounding area by providing a gathering space and activity-generating focal point. The 23,100 sq. ft. grocery store and restaurant drive-through will not be detriments to the existing character of development nor endanger public health or safety.
- (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 uses are located on a vacant lot and use existing streets, and will not impede the 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 have been requested, and the applicant has had several exploratory meetings to ensure that district regulations can be met.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a 23,000 sq. ft. grocery store, outdoor commercial uses and drive-through sales subject to the following additional condition(s):
 - 1. Final plan's approved by the Zoning Administrator for this use shall be in substantial compliance with the plan and narrative submitted and approved as part of this application.
 - 2. 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.
 - 3. For the outdoor sales use, the zoning administrator shall be provided with written contact information for a responsible person, as specified in §65.525(b)(3).
 - 4. For the outdoor sales use, the area shall be kept free of litter.



Applicant's Signature_

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

	Name_ Paster Properties c/o John Kohler
	Address 5320 West 23rd Street, Suite 205
APPLICANT	City St. Louis Park St. MN zip 55416 Daytime Phone (651) 265-7868
	Name of Owner (if different) City of Saint Paul HRA
	Contact Person (if different) Dave Gontarek Phone (651) 266-6674
PROPERTY LOCATION	Address / Location NE Corner of Clarence Street and Phalen Boulevard Parcel 1: Lots 1 and 2, Block 1, Phalen Village, according to the recorded plat thereof, Ramsey County Legal Description/Innesota, except: That part of Lot 2, Block 1, Phalen Village, according to the recorded plat thereof, Ramsey County, Minnesota, lying Easterly of a line perpendicular to the North line of said Lot 2, which passes through a point 260.00 feet West of the Northeast corner of said Lot 2. Current ZoningT2- Traditional Neighborhood (attach additional sheet if necessary)
TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of	
TIPE OF PERMIT	510,
	Chapter 65, Section 525, 321, 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.	
See Attached Memorandum regarding the proposed use exceeding 20,000 square feet.	
See Attached Memorandum regarding the proposed outdoor commercial use.	
See Attached Memorandum regarding the proposed drive-thru.	
☑ Required site plan is attached	
Applicant's Signature Date 3/6/18 City Agent	



MEMORANDUM

To:

Tia Anderson & Paul Dubruiel

City of St. Paul

From:

Brandon Elegert, P.E.

Kimley-Horn and Associates, Inc.

Date:

March 8, 2018

Subject:

Conditional Use Permit

Enclosed is a memorandum describing the various Conditional Use Permits (CUPs) being submitted as part of the Phalen Village project. The CUPs anticipated are; retail greater than 20,000 square feet, drive-thru, and outdoor use.

We have been working with the Planning department and DSI on the project. This process has included 3-4 team meetings to review the proposed project and incorporate comments from City Staff prior to submitting for Site Plan Review.

The initial direction for the project came from Metropolitan Council and their desire to have Rose Avenue (between Clarence and an existing north-south private drive) be the central feature of the development. The project is ultimately anticipated to be completed in two phases. Phase 1 of the project, which is currently in Site Plan Review, is the proposed retail development south of Rose Avenue. Phase 2 is anticipated to be a multi-family residential development.

The central feature of Rose Avenue is proposed to provide an active pedestrian area with an adjoining plaza in the retail portion of the development. Rose Avenue and the community plaza can be utilized as gathering space for the community for multiple functions per year. The area can provide space for community food trucks, farmers markets, theatrical productions, etc. as organized by the community and neighborhood council.

We appreciate the opportunity to submit the aforementioned CUPs for the Phalen Village Project. If you have any questions, please do not hesitate to contact me.

Thank you,

Brandon Elegert, P.E. - Project Manager



CONDITIONAL USE PERMIT – RETAIL BUILDING GREATER THAN 20,000 SF

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.

Although the proposed use is a permitted use under the T2 (Traditional Neighborhood) District, per section 65.510, any retail space greater than 20,000 square feet is considered a conditional use. The applicant is requesting a conditional use permit for a proposed grocery store with an approximate floor area of $\pm 22,700$ square feet. The proposed Site Plan meets the intent of Section 66.313 and all conditions of Section 66.343b for the proposed use, service standard conditions, and additional conditions in the T2 traditional neighborhood district.

In addition to meeting all conditions listed under a specific use, there are general conditions that must be met for all Conditional Use Permits as follows:

- 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.
 - The use is in substantial compliance with the Comprehensive Plan which includes neighborhood serving commercial uses. The applicant has received support from the Neighborhood for the proposed project.
- The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
 - Sufficient site access can be achieved with the proposed site plan. Furthermore, the site currently has three points of ingress/egress. The proposed site plan would shift the existing Clarence Street access further to the north to provide additional separation from Phalen Boulevard.

In addition to vehicular traffic, access will be provided to two proposed entrances to the grocery store via accessible sidewalks directly connected to the public right-of-way. Sidewalks and bike racks are proposed throughout the Site to promote alternative modes of transportation. There are also several bus routes near the Site to serve the proposed development.



- The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
 - The proposed use will revitalize the vacant parcel. The proposed use is not anticipated to endanger the public health, safety, or general welfare of the neighborhood. The use is consistent with the existing retail adjacent to the Site.
 - Sidewalk access to the Site from the pubic right-of-way will be provided to the two proposed entrance locations. Sidewalks and bike racks are provided throughout the Site to promote safe, alternative modes of transportation. In locations where pedestrian traffic is proposed to cross vehicular traffic, striped crosswalks, or varying material crosswalks are proposed to be provided.
- The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - The proposed use will not impede the development of the surrounding property. The proposed development will meet the Comprehensive Plan goal of providing retail that serves the existing neighborhood.
- The use shall, in all other respects, conform to the applicable regulations of the district in which
 it is located.
 - The use conforms to all other applicable development regulations.



CONDITIONAL USE PERMIT - OUTDOOR USE

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.

Although the proposed use is a permitted use under the T2 zoning (Traditional Neighborhood) District, per section 65.525, any outdoor retail sales requires a conditional use permit. The applicant is requesting a conditional use permit for the proposed public plaza. The proposed Site Plan meets the standards of Section 65.525 for outdoor commercial uses and service standard conditions and additional conditions in the T2 traditional neighborhood district.

In addition to meeting all conditions listed under a specific use, there are general conditions that must be met for all Conditional Use Permits as follows:

- 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.
 - The use is in substantial compliance with the Comprehensive Plan which includes neighborhood serving commercial uses. The applicant has received support from the Neighborhood for the proposed project.
- The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
 - Accessible access to the community plaza will be provided from Rose Avenue as well as sidewalks throughout the Site. The proposed reconstructed Rose Avenue will provide traffic calming elements to minimize traffic congestion. The traffic calming elements consist of; a roadway cross section of 24' as opposed to the existing cross section of $\pm 37'$, and a raised "table top" design to modify grade of the roadway to alert drivers of a unique condition.
- The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
 - The proposed use will revitalize the vacant parcel and the reconstructed Rose Avenue and community plaza will activate the streetscape and provide for a public gathering space for the neighborhood. The proposed use is not anticipated to endanger the public health, safety, or general welfare of the neighborhood.
- The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - The proposed use will not impede the development of the surrounding property. The proposed development will enhance the existing area by providing a destination for the



neighborhood to gather. The proposed uses within the Site meet the goals of the Comprehensive Plan by providing retail to serve the neighborhood.

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

The use conforms to all other applicable development regulations.

CONDITIONAL USE PERMIT - DRIVE-THRU

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.

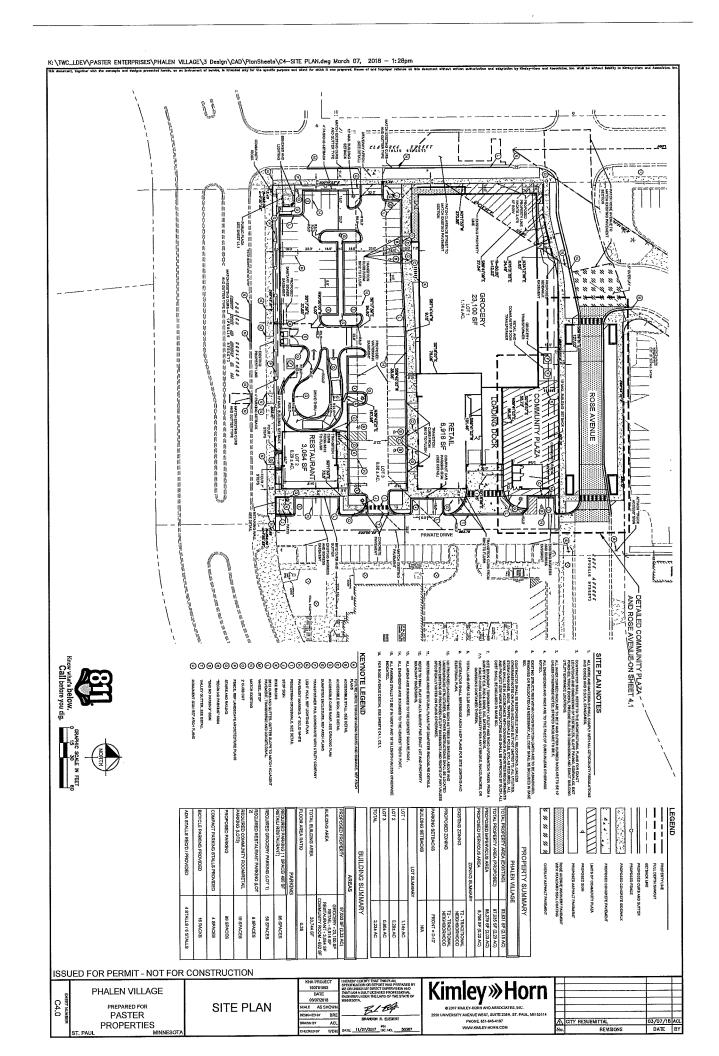
Although the proposed use is a permitted use under the T2 (Traditional Neighborhood) District, per section 66.321, any retail space that includes drive-thru sales and service is a conditional use. The applicant is requesting a conditional use permit for a drive-thru associated with the development of a ±3,084 square foot commercial retail/food service building. The proposed Site Plan meets all 7 conditions of Section 65.513 (a-g) for a drive-through sales and service standard conditions and additional conditions in the T2 traditional neighborhood district.

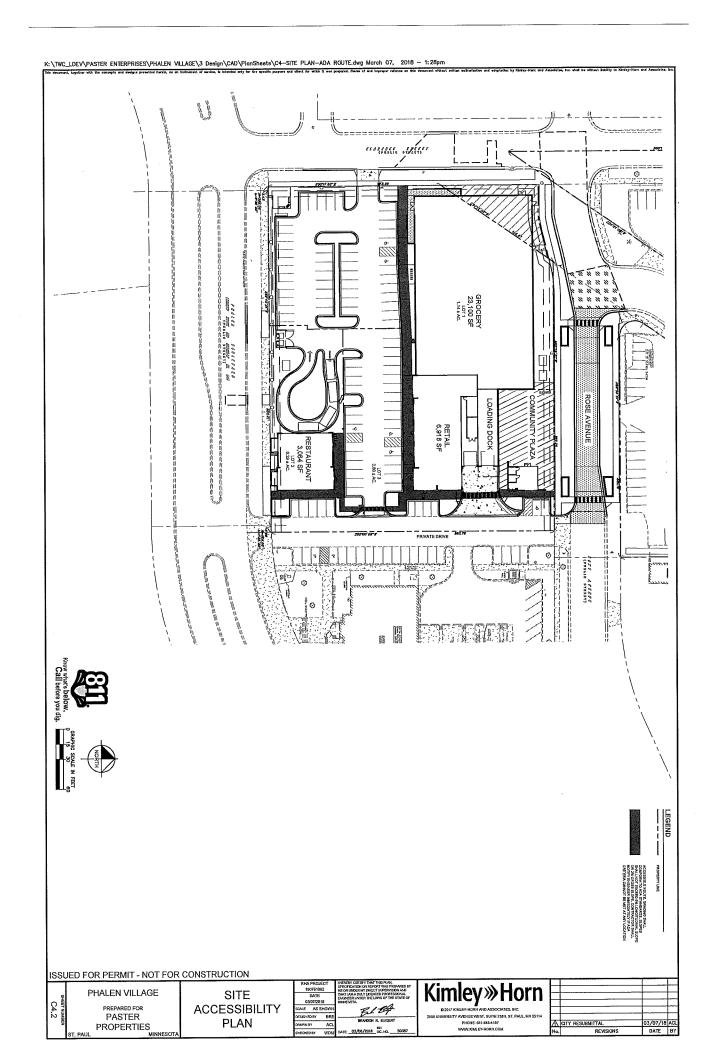
In addition to meeting all conditions listed under a specific use, there are general conditions that must be met for all Conditional Use Permits as follows:

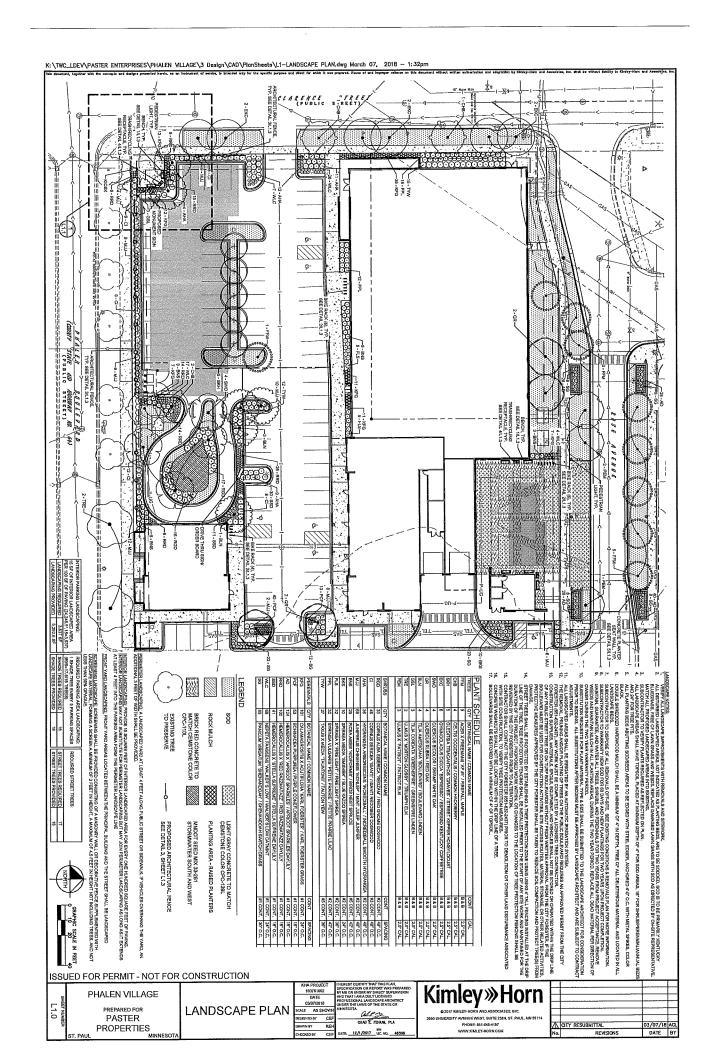
- The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.
 - The use is in substantial compliance with the Comprehensive Plan which includes neighborhood serving commercial uses. The applicant has received support from the Neighborhood for the proposed project.
- The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.
 - Sufficient site access can be achieved with the proposed site plan. Furthermore, the site currently has three points of ingress/egress to evenly distribute traffic. The proposed site plan would shift the existing Clarence Street access further to the north to provide additional separation from Phalen Boulevard. The proposed site plan has provided internal stacking for the proposed drive-thru.

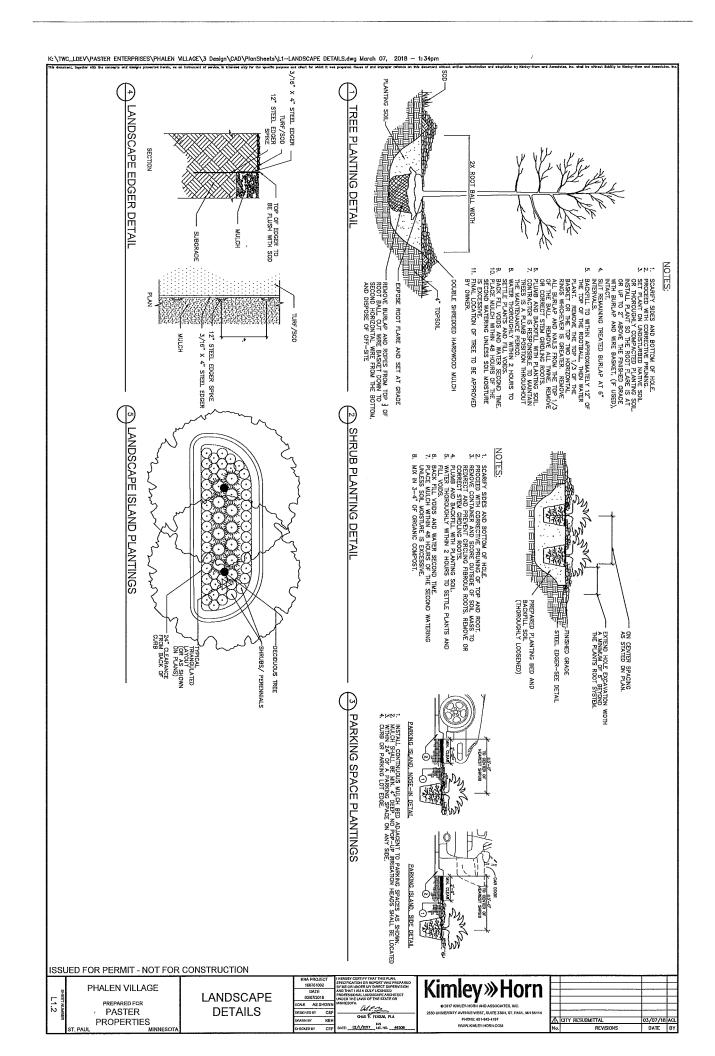


- The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
 - The proposed use will revitalize the vacant parcel. The proposed use is not anticipated to endanger the public health, safety, or general welfare of the neighborhood. The use is consistent with the existing retail adjacent to the Site.
 - The drive-thru will be screened from the public right-of-way with landscaping and an ornamental fence. Pedestrian routes are proposed to be provided to the Site and do not conflict with any movements through the proposed drive-thru.
- The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - The proposed use will not impede the development of the surrounding property. The proposed development will meet the Comprehensive Plan goal of providing retail that serves the existing neighborhood.
- The use shall, in all other respects, conform to the applicable regulations of the district in which
 it is located.
 - The use conforms to all other applicable development regulations.









L1.3

PREPARED FOR

PROPERTIES

DETAILS

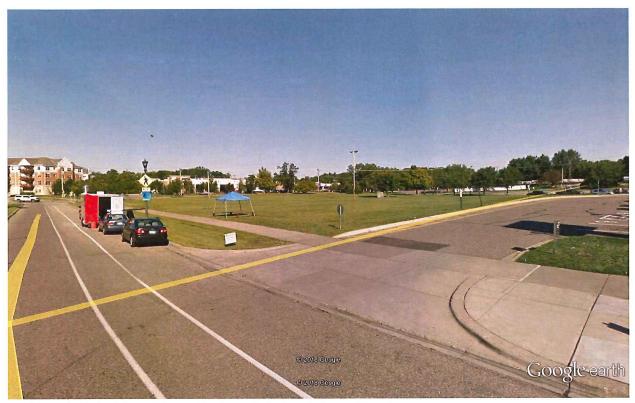
Street View Images



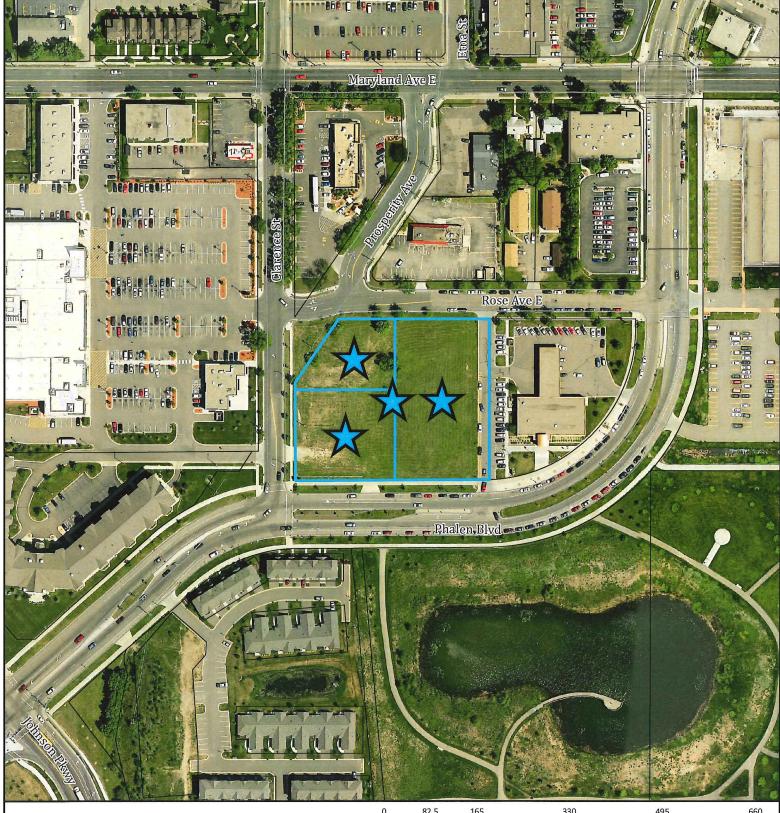
Looking southeast from Rose/Clarence intersection



Looking northeast from Clarence/Phalen intersection



Looking northwest from Phalen Boulevard at the site's southeast corner



FILE NAME: Paster Properties

APPLICATION TYPE: CUP

FILE #: 18-037056 DATE: 3-13-18

PLANNING DISTRICT: 2

ZONING PANEL: 5

Saint Paul Department of Planning and Economic Development and Ramsey County

0 82.5 165 330 495 660 Aerial

Subject Parcels



