

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Abdalla Tobasi **FILE #** 18-055-123
 2. **APPLICANT:** Tobasi Stop **HEARING DATE:** May 10, 2018
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 801 Selby Ave and 809 Selby, between Fisk and Avon
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.12.0089, Nininger Donnelly's addition Lot 14 Block 5
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** §65.702; §61.501; 61.502
 8. **STAFF REPORT DATE:** May 3, 2018 **BY:** Tony Johnson
 9. **DATE RECEIVED:** April 23, 2018 **60-DAY DEADLINE FOR ACTION:**
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- A. **PURPOSE:** Conditional use permit for replacement of an auto convenience market.
- B. **PARCEL SIZE:** (809 Selby) 160 feet of frontage on Selby x 119.16 feet of frontage on Fisk = 19,065.6 sq ft. (801 Selby) 40 feet of frontage on Selby x 119.16 = 4766.4. **The sum of the two parcels is 23,832**
- C. **EXISTING LAND USE:** Auto-Convenience Market (809 Selby) and Office (801 Selby Ave)
- D. **SURROUNDING LAND USE:**
North: Multifamily Residential (RT2), Two-Family Residential (RT2), Single Family Residential (RT2)
East: Two-Family Residential (RM2)
South: Single Family Residential (RM2), Multifamily Residential (RM2)
West: Multifamily Residential (RM2)
- E. **ZONING CODE CITATION:** §65.702 lists the standards and conditions for an auto-convenience market; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 16 spaces. 16 off street parking spaces and four bike parking spaces will be provided.
- G. **HISTORY/DISCUSSION:** In 1922 the subject parcels, along with all of Selby Avenue were zoned "C" commercial. In 1975 when the modern zoning code was adopted the subject parcels were rezoned to B2. According to the certificate of occupancy 801 Selby has been a commercial use since at least 1981.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from The District 8 Planning Council at this time.
- I. **FINDINGS:**
 1. The applicant, Abdulla Tobasi, is applying for a conditional use permit in order to demolish the existing auto convenience market (809 Selby) and the adjacent office (801 Selby), and construct a new one story multi-use commercial building with an auto convenience market, a tobacco product shop, and another commercial tenant. The proposed structure will be 6,646 square feet. The larger building will allow the applicant to add new products such as fresh produce, coffee, and lunch sandwiches. The existing gas tanks will remain where they are and the rest of the site will remain largely unchanged. The new tobacco product shop will only be accessible to patrons that are over 21. A tobacco product shop is a permitted use in a B2, Community business district.
 2. §61.702 lists standards the proposed auto convenience market must satisfy:
 - (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 is met.* The applicant is not proposing to make changes to the existing driveways, curbs, sidewalks, or pump islands. According to the applicant, the two curb cuts near the intersection of Selby and

Fisk are necessary in order for trucks to be able to maneuver in the parking lot while refilling the gas tanks and making deliveries.

- (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 is not met.* The applicant is requesting a modification of this standard under the provisions of §61.502.
 - (c) *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 is met.* No outdoor accessory sales are proposed at this time.
 - (d) *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 is met.* No outdoor accessory sales are proposed at this time.
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 subject parcels are located within a mixed use corridor. LU – 1.24 calls for supporting a mix of uses on mixed use corridors, including small scale commercial uses. Policy 22 of the district 8 neighborhood plan calls for continuing efforts to foster minority business start-ups, retentions, and expansions from within the community. Policy 10 of the district 8 neighborhood plan states the following: *In Summit-University, priority will be given to commercial development on the vacant lots and buildings at Selby and Victoria as well as vacant commercial buildings on Selby Avenue west of Dale Street. Conversion of residential properties on Selby to commercial use is generally discouraged, recognizing Summit-University's opposition to these conversions.* Although the structure located at 801 Selby is residential in nature, it has been zoned for a commercial use since 1922. According to the certificate of occupancy 801 Selby has been used a commercial office since at least 1981. Therefore, this would not constitute a conversion of a “residential property” to a commercial use. Furthermore, the property is zoned B2 community business does not permit standalone residential uses.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met.* The site has curb cuts off of both Selby and Fisk ensuring that provide adequate ingress and egress to and from the site. The applicant is requesting a modification of the 10 foot buffer landscape buffer requirement in part to improve vehicular and pedestrian flow within the site. Setting the building further back on the lot will increase the vehicular flow within the site by increasing the width of the maneuvering lanes around the gas pumps. The increased setback also enables increasing the width of the pedestrian walkway in front of the building. According to the applicant, the increased width of the pedestrian walkway is necessary to accommodate accommodate handicapped patrons of his business.
 - (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 can be met provided the site is kept free of debris and litter, a decorative fence and landscaping are installed adjacent to the right-of-way along Selby and Fisk, the setbacks adjacent to the residentially zoned properties are landscaped, and any temporary signage installed on the site receives permit approval from the Department of Safety and Inspections.
 - (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 redevelopment of adjacent residential uses. The proposed structure will be set back six feet from adjacent residential uses and accessory structures.

(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 provided the planning commission grants a modification of the requirement that *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.*

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The applicant is proposing to keep the existing gas tanks in their current location, which creates a fixed site constraint. The intent of locating the proposed structure as shown on the conceptual site plan is to ensure that there is adequate vehicular flow within the site if there are vehicles parked at the gas pumps and that there is a pedestrian walkway in front of the building that is wide enough to accommodate handicapped patrons. Complying with the requirement that there is a ten foot buffer from residentially zoned property would necessitate either developing a smaller building, or decreasing the width of the vehicular maneuvering lane and the pedestrian walkway resulting in reduced vehicular and pedestrian flow within the site. The applicant is proposing a site layout with a 5 to 6 foot landscaped buffer from the adjacent residential zoning districts abutting the northern and eastern property lines of the subject parcel. The northern property line of the subject parcel adjoins the rear yards and the backs of garages of the adjacent residentially zoned parcels and the eastern property line of the subject parcel adjoins the side yard of the adjacent residential parcel. The proposed 5 to 6 foot landscaped buffer from the adjacent residentially zoned property is in keeping with the intent of the provision and shouldn't significantly limit the "reasonable enjoyment" of these adjacent properties.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for replacement of an auto convenience market subject to the following additional 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. A decorative fence, landscaping, or combination thereof shall be installed along Selby Avenue and Fisk Street frontages on the portions of the frontage without a curb cut.
3. The site shall kept free of debris and litter.
4. Any temporary signage installed on the site shall receive permit approval from the Department of Safety and Inspections.



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 #: 18-053123
 Fee: _____
 Tentative Hearing Date: 5-10-18

PD = 8

02 28 23 120089
 02 28 23 120089

APPLICANT

Name Abdalla Tobasi Email atobasi@aol.com
 Address 809 Selby Ave
 City Saint Paul State MN Zip 55104 Daytime Phone 612 865-3185
 Name of Owner (if different) Abdalla Tobasi
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 801 Selby Ave, 809 Selby Ave
 Legal Description block 5 lot 14 01587 NININGER & Donnelly's ADDITION lot 14 BLK 5
 Current Zoning _____
 (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 (d), 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

809 Selby legal description
 block 5 lot 10 01587 NININGER
 & Donnelly's ADDITION lots 10
 Thru lot 13 BLK 5

CK 20276
 840⁰⁰

Required Site Plan is attached

Applicant's Signature _____ Date 4/19/18 City Agent pdd

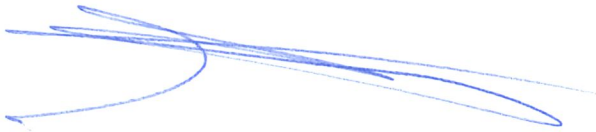
Business Narrative

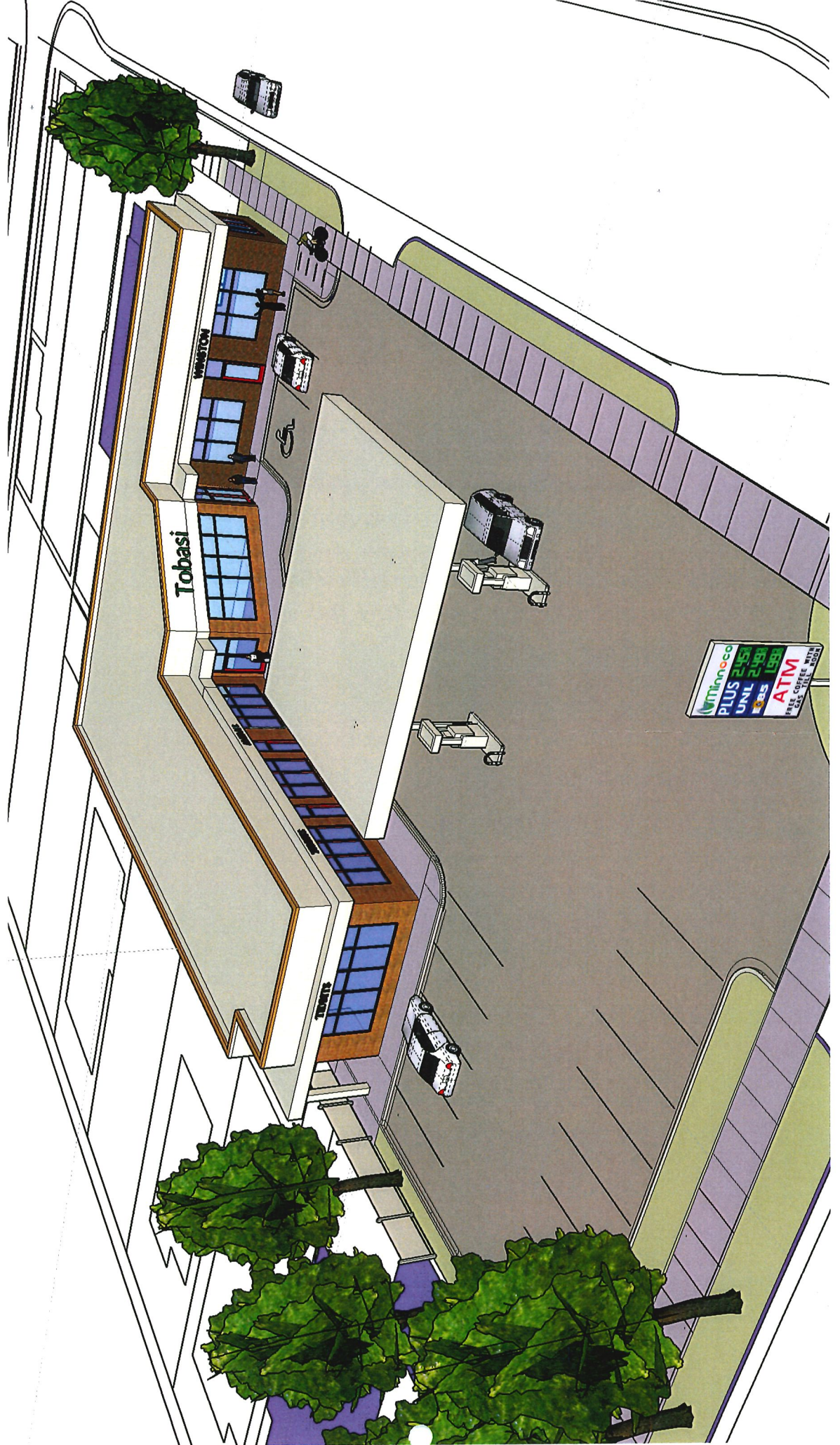
My existing building is about 60 years old and is outdated, small, and the bathrooms are outside and very old. The idea is to have a bigger building to fit more products such as; fresh produce, coffee, and lunch sandwiches like modern gas stations. Also, I plan to add more grocery items at the store. All of my tobacco products are visible behind the counter, and the ideal way I would like to handle the tobacco sales would be to have them in a separate store. This store would only be assessable to individuals who are 21 and older, and would eliminate families, and children being subjected to viewing tobacco products all together.

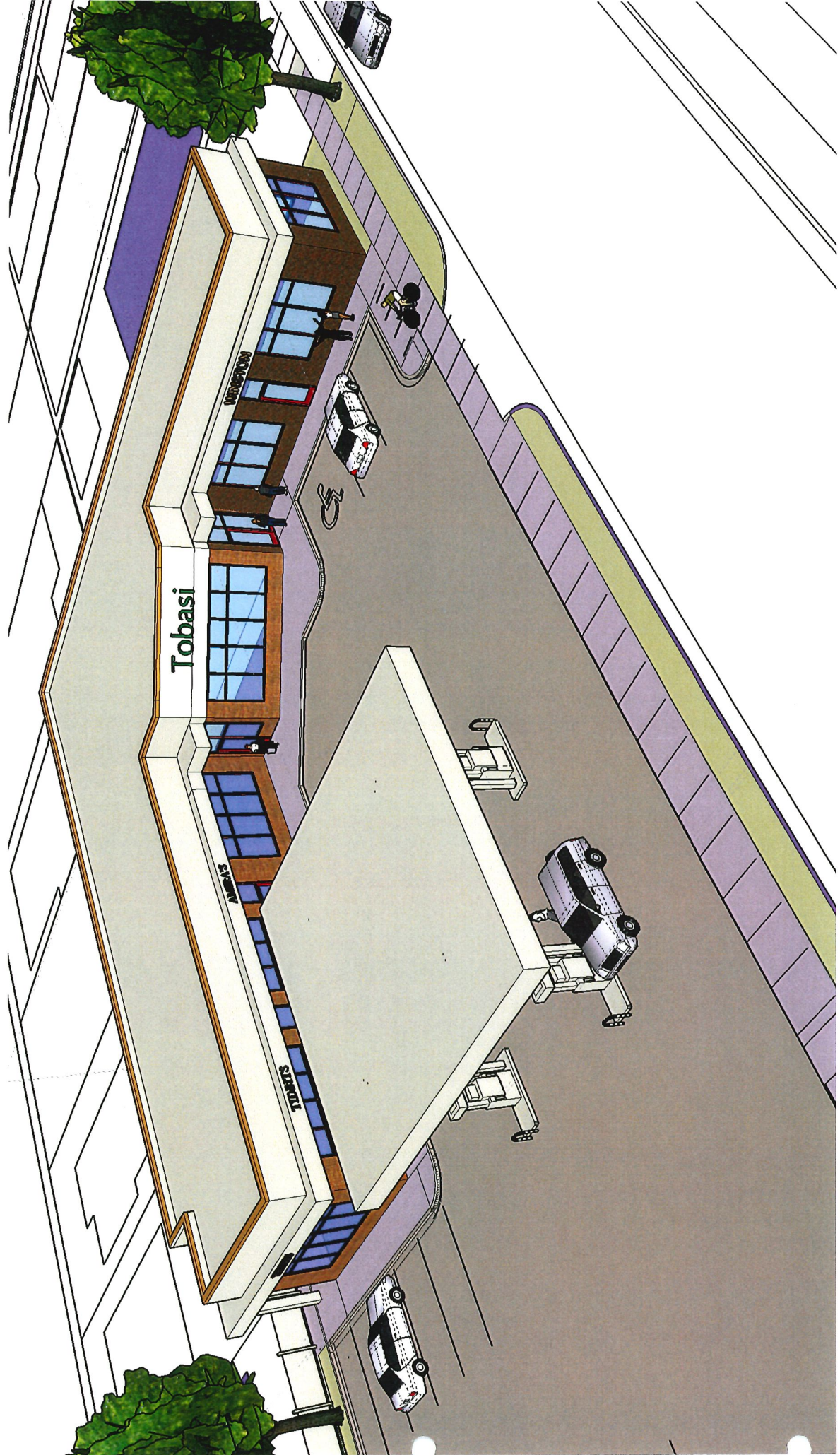
We are Meeting all codes and not looking for any changes in zoning, or variances. The existing conditional use permit is existing, but we are reapplying because we are in the process of rebuilding. Subsequently I think this will be beneficial to the Rondo Neighborhood, and be a vital improvement to the overall progress of Selby Ave.

Sincerely,

Abdalla Tobasi

A handwritten signature in blue ink, appearing to be 'Abdalla Tobasi', written over the printed name.



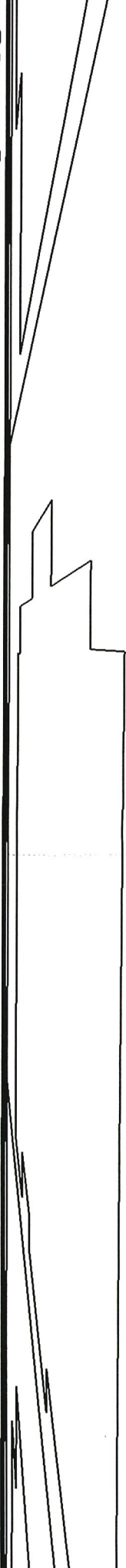
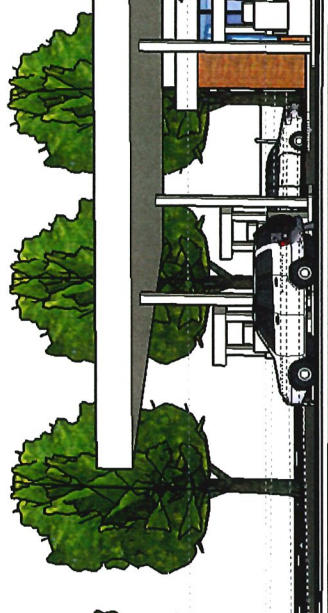


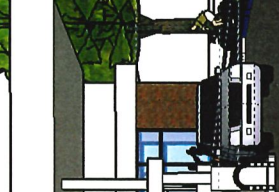
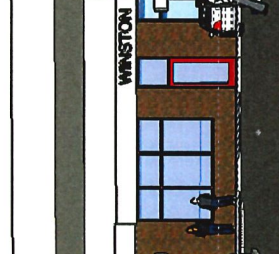
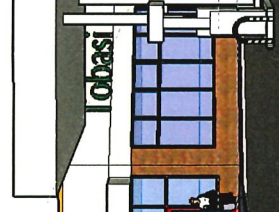
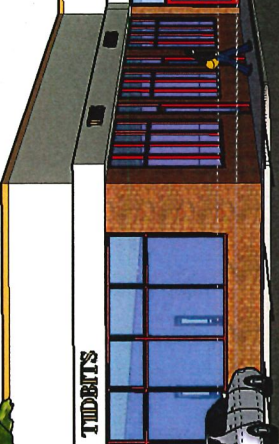


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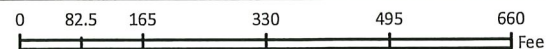
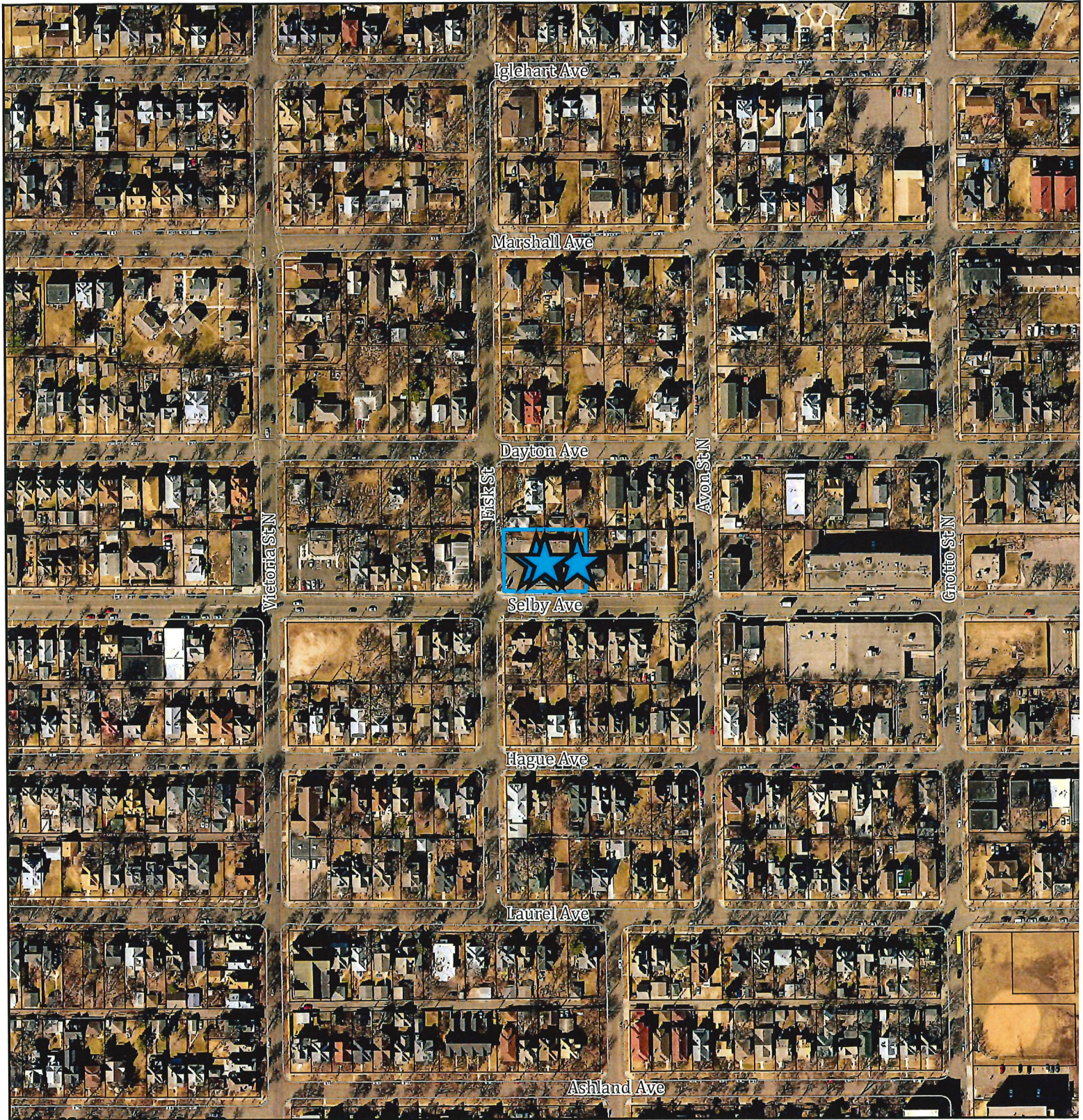




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FILE NAME: Abdalla Tobasi

Aerial

APPLICATION TYPE: CUP

 Subject Parcels

FILE #: 18-055123 DATE: 4/23/2018

PLANNING DISTRICT: 8

ZONING PANEL: 15





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APPLICATION TYPE: CUP

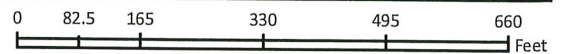
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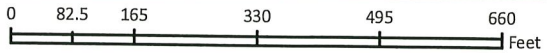
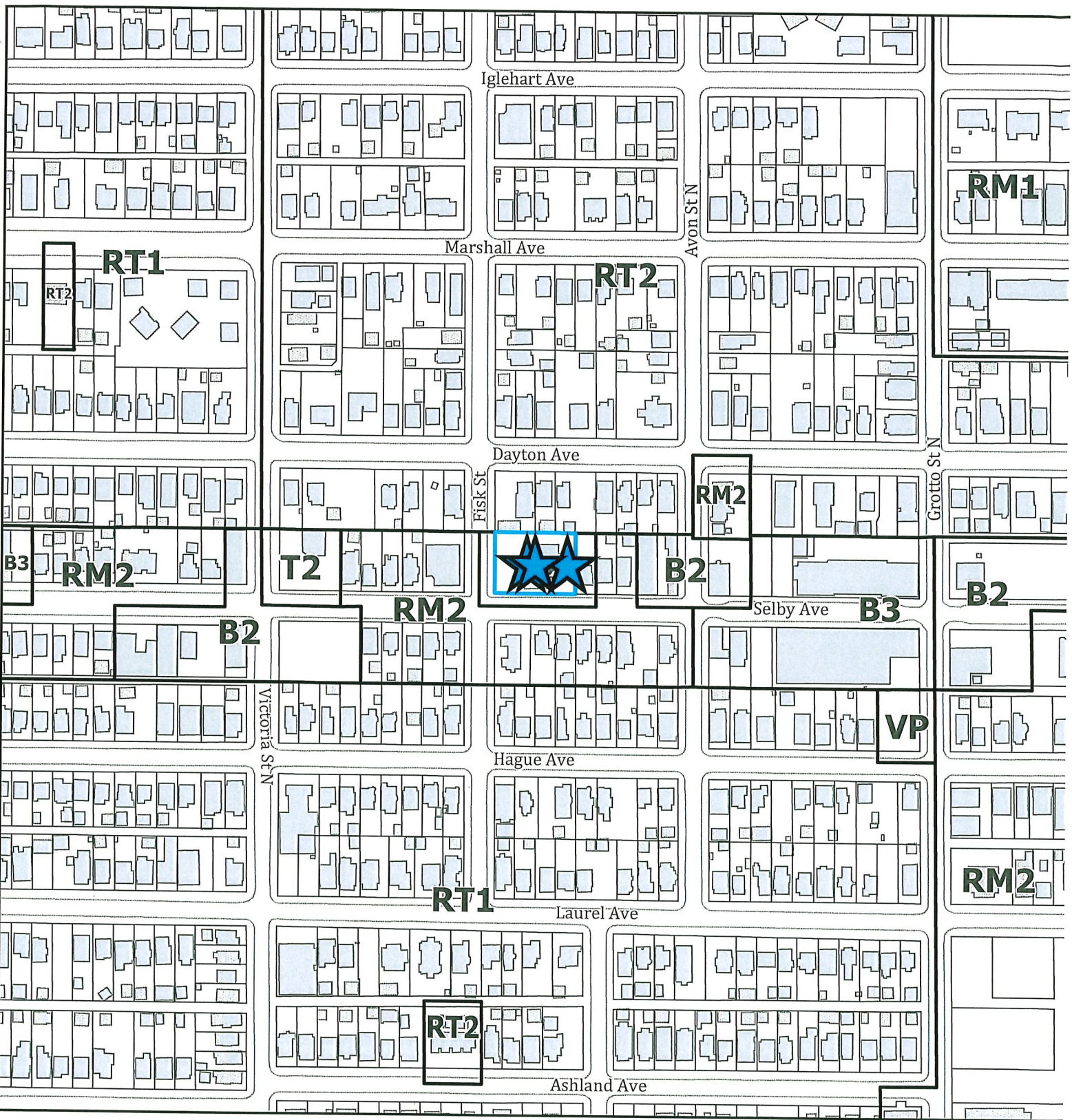
PLANNING DISTRICT: 8

ZONING PANEL: 15

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Park, Recreational or Preserve
- Subject Parcels
- Undeveloped





FILE NAME: Abdalla Tobasi

APPLICATION TYPE: CUP

FILE #: 18-055123 DATE: 4/23/2018

PLANNING DISTRICT: 8

ZONING PANEL: 15

Zoning

Subject Parcels

