

MINUTES OF THE ZONING COMMITTEE
Thursday, April 12, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Fredon, and Reveal
EXCUSED: Eckman, Lindeke, and Ochs
STAFF: Anton Jerve, Cherie Englund, Allan Torstenson, and Therese Skarda

The meeting was chaired by Commissioner Edgerton.

LB 842 Ray LLC - 18-037-334 - Rezone from T2 traditional neighborhood to T3 traditional neighborhood at 2330 Long Ave., SW corner of Long and Bradford Street.

Anton Jerve presented the staff report with a recommendation of approval for the rezoning. He stated District 12 made no recommendation, and there were 7 letters in support, and 7 letters in opposition. He noted that the city's mapping program for notifying neighbors within 350' of this property did not include the commercial condominiums at 856 Raymond Ave., but these neighbors did learn about this meeting and sent letters to include in testimony. City staff are working on this issue to make sure it does not happen again.

In response to questions by Chair Edgerton, Mr. Jerve said that T3 allows a building height of 45' and more with a conditional use permit. He said the existing parking lot is accessory parking to a commercial use and the two lots will be developed in separate phases. In a T2 zone there is no minimum parking requirement at this location, but there is a maximum for surface parking, which will remain the same in T3.

The applicant, Jamie Stolpestad, said they seek to create a community that is mixed generational and income, with a 20% affordable component. He said the proposed rezoning meets key objectives in the adopted district council plan and the draft 10-year plan. He said the concerns related to parking are a question of balance between commercial and residential use. While both commercial and residential users require some degree of parking, many people he had spoken with feel that there are too many parking lots in this area and it is more important to take care of housing needs of people than to provide convenient parking.

In response to a question about height of the building by Chair Edgerton, Mr. Stolpestad said they have not completed design for the property, but the immediate area has a wide range of structures, including a 15-story building across the street, and this area is worthy of a range of heights, styles, and architecture that would enrich the environment.

Commissioner Reveal asked if there is a recommendation by the District 12 Community Council. Mr. Stolpestad said he attended their April 5, 2018 meeting and discussed the proposal, but the council did not take a vote because they did not have a quorum.

In response to a question by Commissioner Baker, Mr. Stolpestad said he respects that people have differing views, and he has participated in a genuine manner for civil and constructive dialogue. The objective of the project is clear and some people have been consistent with their concerns even without a development proposal. He feels strongly about moving forward with the rezoning because of the need to deliver affordable housing.

Eddie Landenberger, 2147 University Avenue West, property manager of the Pirtek Building and representative for Land Bank Twin Cities spoke in support. He said they are land banking this property for Mr. Stolpestad. The mission of the Land Bank is to focus on communities of color and populations facing barriers. He said they support development that embraces transit, and urbanistic principles, walkability, sustainability, and quality. He said they are impressed with the quality of this smaller scale, mixed use, mixed income project. He said that their commercial tenants have expressed a need for a variety of housing options and this area provides a wonderful mix of uses and property types in a quality way.

Patty George, 856 Raymond Avenue, owner of Salon George, spoke in opposition and submitted a letter. She said within her building there is a co-op of five business owners. Her salon employs 12 independent contractors and they have been fighting for parking for a long time. She has been in the building for 13 years. There was parking on both sides of Raymond Avenue until it was reconstructed and now only have parking on one side of Raymond. When redevelopment occurred on Bradford and Ellis they lost more parking. Her building rents parking spaces at 2330 Long Ave. and they only have 5 spaces. She said she is not against new development, but this proposal changed from 20 units to 50 units for 2330 Long Ave. at the last District Council land use meeting, and 9 units at 842 Raymond. This could mean 59 new cars that need to park. She said that Mr. Stolpestad told her there are currently 12 parking spaces at 842 Raymond and after the proposed development there will be 5, and at 2330 Long there will be 22 to 30 parking spaces. She said that their building has glass doors that utilize the sun for heat and that a tall building would block out the sun. She said that it feels like small businesses are being pushed out of the area with the increased density and lack of parking. She said that when she moved into this building she adapted to the neighborhood with appropriate scale and architecture to fit in with the existing homes.

Commissioner DeJoy asked if she rents parking space because of a requirement or need for customers. Ms. George said it is for customer demand.

Raymond Bryan, 862 Raymond Avenue, spoke in opposition and submitted a letter. He said he built a new garage on the back of his house and positioned it to allow for solar panels on the roof. He said if a building height at 2330 Long Ave. is 6 ½ stories it will cut off a large portion of sunlight, especially during winter, and the building to his south at 842 Raymond would also cut off winter sunlight making his solar panels less effective. He said he feels that height is out of scale with the neighborhood and added that the high-rise apartment building is an anomaly in the neighborhood. He said when he moved in, the District 12 neighborhood plan included keeping the residential uses separate from commercial uses. Commercial and industrial zones allowed for more height, not conforming to all of the 1 and 2 story houses, and this rezoning would change this neighborhood plan. He said that the consensus of the voting members in attendance at District 12 Council April 5, 2018 meeting was that this proposal is not appropriate, and they would have voted against this application.

Mr. Stolpestad said this is a difficult set of issues and people have strong feelings about the way some of these things may impact them. He said there are clear, long-standing policy goals that have been adopted by this community and those goals require us to address the issue of

change. He said if we don't make the tough choices we will not achieve those goals. He said this is a sensible change that can make a difference.

Commissioner DeJoy asked when the design will be ready. Mr. Stolpestad said the process is intentional to request a rezoning first to understanding what they can design, which will help keep costs down. Also, if they are allowed to build up 45' in height, they can add more housing.

Commissioner Fredson asked if they will be asking for a conditional use permit for extra height. Mr. Stolpestad said that is not their intention.

In response to questions by Chair Edgerton, Mr. Stolpestad said it is their intention to build to what's allowed in a T3 zone without a conditional use permit. He said the number of units will be affected by unit size. It could be smaller units with more amenities. Smaller units could allow for up to 50 units.

The public hearing was closed.

Commissioner Reveal said she is comfortable with making a decision on rezoning at this stage of development. Development plan details will be looked at as part of site plan review. She would like the site plan to come to the Planning Commission for review.

Commissioner Reveal moved approval of the rezoning. Commissioner Fredson seconded the motion.

Commissioner Baker agreed with Commissioner Reveal about development details including height, density, and parking being addressed through a site plan review by the Planning Commission.

Commissioner DeJoy asked if all neighbors within 350' of the site were aware of today's Zoning Committee meeting. Mr. Jerve said that the Zoning Secretary went through the address list and determined that the only property that was missed was 856 Raymond Ave., which is a commercial condominium. He said they were aware of this project through other neighbors and many provided written testimony. He added that a recent update to a program Ramsey County uses did not communicate properly with the City's program for condominiums and staff are working to resolve this issue.

The motion passed by a vote of 5-0-0.


Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Anton Jerve
City Planner

Approved by:

Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Larpenteur Crossing Sarin Devt. - 18-036-924 - Conditional use permit for drive-thru sales, with modification of special conditions for drive thru lane separation from residential property (60' required, 54.9' proposed), vehicular ingress and egress separation from residential property (60' required, 20.9' proposed), and 6' buffer with screen planting along residential property (6' opaque fence on top of 2.6' wall proposed) at 1330 Larpenteur Ave. W., and 1672 Hamline Ave., SE corner of Larpenteur and Hamline.

Josh Williams noted that the applicant agreed to extend the 15.99 deadline for the case, but there was a miscommunication with the applicant. The application was received March 8, 2018, making the original 60-day deadline for action May 7, 2018. The intent was to extend the deadline by an additional 14 days, which would be May 21, 2018, but the wrong date was entered by the applicant on the continuance form. The extended deadline for action listed on the request for continuance form signed by the applicant is May 7, 2018. The dates on the staff report, which are automatically populated by the City's zoning application tracking software, were also incorrect.

Mr. Williams also noted a revised site plan was submitted and said that the Department of Safety and Inspections site plan review team noted that Ramsey County took the NW corner of this property to preserve site lines in the event of redevelopment, and the survey does not show this detail. In discussions with the site plan review team, if the application is approved, a site plan review would be required. There is no set back requirement for this corner, so it should not impact the discussion for the conditional use permit for the drive-through.

Mr. Williams presented the staff report with a recommendation for denial of the conditional use permit and variance. He said District 10 Community Council recommended approval with modifications, and there were no letters in support, and 6 letters in opposition.

Mr. Williams said the ingress and egress sites shown on the provided survey are on Hamline and Larpenteur Avenue, and Ramsey County Public Works and the City of Saint Paul Public Works departments were not happy with this design because of the level of traffic on Larpenteur and having these points so close to one another sets up the potential for conflict. Based on this, the applicant redesigned the site by removing the curb cut on Larpenteur and providing for traffic to exit via the existing north-south alley. The revised plan also extended the building along its east-west axis and added a patio seating area. The revised plan also reduces the building's depth (north-south), allowing the drive-through lane and window to be located more than 60' from the residential property to the south.

Chair Edgerton asked if the revised site plan meets the minimum standards for distance separation from adjacent residential uses in finding 3(b). Mr. Williams said the standards for this use, which may be modified by the Planning Commission, require the ingress/egress to be both 60' or more from the nearest intersection and 60' or more from adjacent residential properties. The proposed ingress/egress meets the former, but not the latter. The intent of these standards is to ensure safe traffic conditions at the intersection and to create a buffer between the drive-through and residential neighbors. Mr. Williams said finding 3(b) is correct.

Mr. Williams noted that finding 3(a) will need to be revised to reflect the revised site plan provided by the applicant, regardless of the Zoning Committee's recommendation. He noted that the revised plan moves the drive-through lane to more than minimum required 60' away from residential property, but does not change anything related to finding 3(b), which address the location of the curb cut. He also noted that although the required minimum stacking spaces can be accommodated within the proposed drive-through lane and more than 60' from adjacent residential, any stacked vehicles in addition to the five for which space is provided would be stacking less than 60' from the adjacent residential, and potentially inhibiting ingress and egress to/from the site via the proposed Hamline Avenue curb cut.

Commissioner Reveal asked if the space between the existing building to the south and the proposed drive-through is parking for the dry cleaner and restaurant. Mr. Williams said no, the off-street parking for the dry cleaner is located to the west of the building, along Hamline Avenue. The parking area proposed for the new development would provide the required minimum number of off-street spaces, but would be located generally where the dry cleaner building is presently located.

In response to questions by Commissioner Fredson, Mr. Williams said finding 3(a) has to do with distance separation of the drive-through lane from adjacent residential property and this finding is met with the new site plan. He added that finding 3(c) refers to the speaker box and is related to finding 3(a), and added that noise is difficult to regulate. He said that finding 3(d) addresses landscaping and fencing, which may help reduce sound and light impacting the adjacent neighbors. He added that the proposed location of the ingress and egress point addressed in finding 3(b) could result in additional noise from vehicles in the stacking area if stacking goes beyond the four cars provided for plus the car at the window, as they would be less than 60' from the adjacent residential property. Mr. Williams also noted that it is rare that people make good use of their distance between cars in a drive-through, which may reduce the functional stacking capacity under typical conditions.

In response to a question by Commissioner Reveal, Mr. Williams said the hours of operation for the drive-through have not been proposed, but could be a condition in the event of approval for the conditional use permit.

The applicant's representative, Wayne Stark, 320 2nd Avenue North, Sauk Rapids, civil engineer with Stark Engineering, said the existing apartment building will stay, but the building for the dry cleaner will be removed. He said because both Hamline Ave. and Larpenteur Ave. are county roads, they have been working with Ramsey County. He added that they have been working with the City's Public Works department as well regarding access onto Larpenteur Ave. Since there have been issues aboutn access to Larpenteur Ave., they have revised the site plan and

were able to eliminate an issue with the 60' setback from the drive-through lane and service window to the adjacent residential property, and have moved the exit to the alley. He said they have met all requirements except the 60' separation from adjacent residential for the access, which is a hardship on this property in relationship to the county requirements for access to Larpenteur Avenue. He added that they are proposing a retaining wall along the south property line that would be 2 ½' high, with a 6' high opaque, plastic fence on top for a buffer between the existing residential property and this site.

Chair Edgerton asked how people would access the building from the parking lot. Mr. Stark said there would be a pedestrian ramp and sidewalks on the west side of the building and the main entrance will be along Larpenteur Avenue. Commissioner Reveal noted that customers would have to walk across the ingress of the drive aisle. Mr. Stark said that is correct.

No one spoke in favor.

Garrett Drake, 1648 Hamline Avenue, spoke in opposition. He said there are significant concerns with the proposal because this would increase traffic on Hamline Avenue and the alley, and the alley is residential. He added that the requirement of the 60' distance from the residential neighborhood has been compromised by this change. He said the southbound traffic will back to the traffic signals if drivers are trying to turn into the parking lot, and traffic exiting the parking lot to the south will also have problems. He said that at the District 10 meeting, Dunkin Donuts stated they would cancel the project if they could not have a drive-through. He said he would like to know the hours of operation and said that noise is an issue.

In response to a question by Chair Edgerton, Mr. Williams said that the District 10 Community Council recommended a conditional approval, noting the queuing capacity, traffic, and making the alley one-way, northbound. Mr. Stark said they had a meeting with the District 10 Community Council and these issues will be worked on with the final site plan.

In response to questions by Commissioner DeJoy, Mr. Stark said he did not know what the hours of operation would be and that the owner will not be a tenant. Commissioner DeJoy said tenants should be made aware of the noise ordinance for the speaker box. Mr. Stark said the drive-through is critical.

The public hearing was closed.

Commissioner DeJoy asked if the use of an alley is common or legal for commercial traffic. Mr. Williams said it is not common, but is allowed.

Commissioner Reveal asked if the residential properties are on the alley. Mr. Williams said there is residential property, but immediately across the alley is commercial.

Chair Edgerton said there is a lot of traffic on Hamline, and he is concerned about safety issues.

Commissioner DeJoy said the main concern of the District 10 Community Council is traffic, exiting the drive thru via the alley and would like the alley to be one-way, northbound.

Commissioner Baker asked what options are available. Chair Edgerton said the recommendation is for denial.

Commissioner Fredson said he shares the concerns about traffic stacking and using the alley for commercial purposes. He asked what recourse the City has if there is disruption in the public right of way. He added that he agrees with commercial uses at the corner, but disagrees that the drive-through is neighborhood serving. Chair Edgerton said he agrees with Commissioner Fredson about commercial uses at the corner, but thinks "neighborhood serving" is not the issue. The issue for him is traffic safety.

Commissioner Reveal moved denial of the conditional use permit and modification.
Commissioner DeJoy seconded the motion.

The motion passed by a vote of 5-0-0.

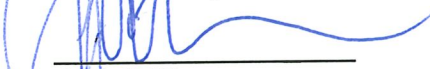
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Josh Williams
City Planner

Approved by:



Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

BP Gas and Convenience - 18-033-299 - Conditional use permit for replacement of convenience store and car wash, 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), 1347 University Ave. W., NW corner at Hamline.

Josh Williams presented the staff report with a recommendation of denial for the conditional use permit. He stated District 11 made no recommendation, and there were no letters in support or opposition.

Commissioner Reveal asked if the constraint to have a larger floor area ratio (FAR) is the gas pumps. Mr. Williams said the gas pumps are one constraint. He said this building received a conditional use permit in 1992, but that goes away if the building goes away. Mr. Torstenson noted that under Zoning Code § 61.503(d), a new conditional use permit is required if the building containing a conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area. He added that the conditional use permit goes with the property, but there are several things that can trigger a requirement for a new conditional use permit.

The applicant, Khal Aloul, 1347 University Ave., said it would be difficult to add on to the existing prefabricated building, which is in bad shape. He said the tanks are in good shape and they added new dispensers, island, and updated the canopy. He added that the bank would not approve an additional loan to add unusable space to the building.

In response to a question by Commissioner Reveal, Mr. Aloul said he expects the return on his investment to be about four to five years to break even, with a 20% increase each year.

Russ Rosa, architect at 1084 Sterling St. N., Maplewood, said there are difficulties they have tried to overcome and the building is as large as it can be. He said they could add more floors, but to meet code they would have to have a more than 3-story building to meet the .5 floor area ratio (FAR) with the current footprint. The current building has an FAR of 0.07 and they propose to double that to 0.16. He said that adding another level, would require an elevator and staircases for accessibility, which would take up valuable retail space. He agreed with Mr. Aloul that the building is difficult to add on to because of its prefabrication and its condition is too bad.

No one spoke in favor or opposition and the public hearing was closed.

In helping Commissioners to articulate alternative findings, Mr. Williams said the last sentence of condition 5(a) could change to, "It is on balance, consistent with the incremental change

allowed for by the Hamline Station Area Plan toward fulfilling its long-term vision” and noted that the same change could be made to finding 6(b). He said finding 6(c) could change to state that there is practical difficulty in that site constraints make expansion of the building beyond the footprint as proposed challenging, and practical difficulties with the building code and the economic use of space make a multi-story building impractical. He said the last sentence in finding 6(d) could be removed, and that the last sentence in finding 6(a) could state that the applicant has made a good faith effort to be in compliance with the intent of the Zoning Code.

Commissioner DeJoy moved approval of the conditional use permit with a condition.
Commissioner Reveal seconded the motion.

Mr. Williams suggested adding a condition for site plan approval. Commissioner DeJoy and Reveal agreed.

Commissioner Fredson said that he shares the vision for the Hamline Station Plan and that this will be change for the better.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Josh Williams
City Planner

Approved by:



Dan Edgerton
Chair