

MINUTES OF THE ZONING COMMITTEE
Thursday, April 9, 2020 - 3:30 p.m.

PRESENT: Baker, DeJoy, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales
STAFF: Anton Jerve, Mike Richardson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely and the public able to submit comments by noon on the day of the meeting and monitor the meeting remotely.

Told Development - 20-018-602 - Conditional use permit for 2 drive-through lanes, and variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building at 1212 Prosperity Ave E.

Mike Richardson presented the staff report with a recommendation of denial of the variance and approval with conditions for the conditional use permit. He said that District 2 submitted a letter recommending approval, there were no other letters in support, and 1 letter in opposition.

In response to Commissioner Baker, Mr. Richardson said that the variance is specific to floor area ratio (FAR) not meeting the minimum. FAR is used to ensure a certain quantity of square footage of development per unit of land area. City policies call for higher density in this area and this specific request to allow for less density is not consistent with what those policies state.

In response to Commissioner Edgerton, Mr. Richardson said that the proposed building is approximately the same size as the existing building – the existing building covers 3,889 sq. ft. and the proposed building coverage would be 3,855 sq. ft for a difference of 44 sq. ft.

Trent Mayberry, Told Development, 200 Southdale Center, Edina, MN, said that he is the developer and applicant of the project. Mr. Mayberry provided background on the project. They have been working with the city staff to come up with a project that could meet the City code and guidelines as much as possible. The project is a free-standing bank branch of Bank of America, and they have already developed ten of these buildings around the Twin Cities in various configurations. Most recently they tore down a vacant pawn shop and built one on University Avenue. They knew they wouldn't meet the FAR because the site shape is far from a rectangular site. It is less than an acre. There are also topography issues – there is an elevation change of ten to twelve feet from one corner to the other. These issues combined with other zoning ordinances that they have to meet regarding the drive-through lanes it is difficult to meet the FAR minimum. They have limited areas where they can fit the drive-through lanes, and they are an absolute must at this location. He said they have worked closely with the City and have made changes to meet the requirement that the drive-through is sixty feet from the closest residentially zoned property, they anchored the building to the corner, removed a curb cut on Maryland Avenue, reduced parking, and added screening to the adjacent residential area. Mr. Mayberry also said that they have some excess land on the east side of the property that they may part with, which could reduce their total land area and increase the FAR. They have reached out to the neighboring property owner to discuss any interest in a land transaction. The neighboring property owner may be interested in a potential small-scale residential development and could possibly use a little more land. They are trying to do everything they can within the

City guidelines, but when it comes to the FAR there is no way they can make everything work from an operational standpoint. He highlighted the points of the overall quality and design. They have reduced impervious surface by nearly 20% from the existing condition, it would be a LEED Certified building, they have increased landscaping, they are adding bike racks and a front-door entrance at the corner of Maryland and Prosperity to help make it very pedestrian friendly. They have also received neighborhood approval and they believe that this project would offer financial services to the community.

In response to Commissioner Ochs, Mr. Mayberry said that if staff would like them to extend the building bit eastwardly, they probably could. It's more than what the bank requires from an operational standpoint. If they expanded eastward, it would still not allow them to meet the FAR requirement, which would require a total of about 9,000 sq. ft. That would most likely require a 3-story building using the current configuration of their building footprint.

In response to Commissioner Ochs, Mr. Richardson said approximately 5,000 additional square feet would be needed to meet the minimum FAR requirement.

In response to Commissioner DeJoy, Mr. Mayberry said that the neighbors they reached out to possibly purchase the excess land are in very preliminary stages. He had reached out to them after reviewing the staff report and they expressed an openness to purchasing the eastern portion of the 1212 property. The property owner does have an interested party that would consider buying that land and potentially doing an affordable housing project.

In response to Commissioner Ochs, Brandon Garnett with Nelson Architecture said that the two curb cuts that are currently off of Prosperity are existing curb cuts, and from a design perspective they felt that the single egress provided by the more southerly curb cut off of Prosperity would benefit the drive through lanes. During site plan review, Public Works said that they would like them to look into possibly consolidating those two curb cuts on Prosperity. They have looked at a couple of design iterations where vehicles exit off of the drive through lanes and turning up to the northerly curb cut but they were not working out due to the tight radius. Mr. Garnett said that since these were the two existing curb cuts the south one off of Prosperity was very inviting for the egress of the drive through lanes and they wanted to anchor the drive through lanes off of Prosperity because Maryland Avenue has more vehicular traffic.

In response to Commissioner DeJoy, Mr. Garnett said that there are six offices planned for the building and there would be between 8 to 10 employees on site.

In response to Commissioner Rangel Morales, Mr. Mayberry said that the difficulty in achieving the minimum FAR is due to the site layout issues. It is an oddly shaped lot and they need to accommodate a drive through with a 60-foot distance from residential, in addition to ingress and egress issues, parking and anchoring the building to the corner. There isn't a way to get to a 9,000 sq. ft. building operationally for the Bank of America.

Mr. Richardson said that there are minimum parking requirements and minimum distance from residential property, but there is a significant amount of space in the eastern section that could be used for site movement that would allow expansion of the building to the east and the T2

district allows at least 2 stories, so because of that the finding wasn't met from staff's perspective.

Mr. Garnett said he is the designing architect for Bank of America and that most of the Bank of America's footprints are between 3,500 and 5,000 square feet. The only two-story examples they do are when they are including one of their other lines of business, which they are not looking to do at this location. He said that while they were doing the site design, they knew they wanted to anchor the drive through lanes on the north of the property because traffic flow in and out of Prosperity is better suited. That is what has anchored the building north to south and constrained the building, as well as meeting other zoning requirements of 10-foot setbacks, anchoring the building to the corner, and building entrances.

The public hearing was closed.

In response to Commissioner Ochs, Mr. Richardson said that the parking requirement is one space per 400 square feet. The minimum number of spaces is ten and they have provided seventeen which is the maximum allowed without a conditional use permit.

Commissioner Cedrick Baker moved approval with conditions of the conditional use permit and variance. Commissioner William Lindeke seconded the motion.

Commissioner Ochs said retail banking seems to be moving towards a boutique type of service where they no longer require as much floor space for operations. He can see where it may be a challenge to meet FAR requirements with their business model. However, Saint Paul wants to encourage density in this area and ideally what the City is looking for is 9,000 sq. ft. to meet the FAR. There would also be enough parking spaces for parking to be met as well. He is leaning towards opposing the recommendation to deny the FAR. He also added that he thinks the curb cuts could be consolidated.

Commissioner DeJoy said she can appreciate the fact that a larger building doesn't fit Bank of America's business model, but this area is in the Phalen Corridor and the whole reason for changing the zoning to T2 was to get more pedestrian friendly, higher density, transit oriented types of development. She would be more encouraged if there were more intentional plans to sell off the excess land to create more housing. She said she can't forget all the work and many years and resources that went into Phalen Corridor initiatives.

Commissioner Grill said a seventeen-stall parking lot is incredibly large and adding two drive-through lanes to an intersection that is planned for transit-oriented development seems to counter the work that staff has been doing for so many years. She said for the purposes of discussion she is not in favor of either the conditional use permit or variance.

Commissioner Ochs clarified that he was talking of the two driveways on Prosperity, but they are not part of the conditional use permit (CUP). The CUP is for the two drive-through lanes that appear to be outside the 60-foot requirement, and there is a pass-through lane that is within 60 feet of the residential property to the north. He will be supporting staff's recommendation.

Mr. Richardson clarified the 60-foot requirement and the two curb cuts on Prosperity. He said the 60-foot requirement was confirmed with the Department of Safety and Inspections (DSI) as being met in this case. There are two drive-throughs closest to the building and a bypass lane on the outside. The bypass lane would not be considered a drive-through lane. He also noted that a decision at site plan review regarding the number of curb cuts and location on Prosperity would be a condition of the CUP. Public Works for the City and Ramsey County would need to come to an agreement on what is a safe, acceptable way to exit the site on Prosperity.

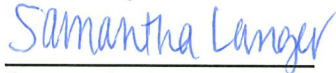
Commissioner Edgerton said that it appears like if they voted denial on the variance the project may not happen. He also noted that the District Council is in support of the project.

Commissioner Baker said that we have a vision through our Comprehensive Plan that we want to see in this neighborhood. He wants to make sure to take a long-term view to ensure that the vision for this area is met. There is already a lot of development in this area and he wants to see it continued.

The motion passed by a vote of 7-1-0.

Adopted Yeas - 7 Nays - 1 (Edgerton) Abstained - 0

Drafted by:



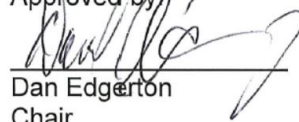
Samantha Langer
Samantha Langer
Recording Secretary

Submitted by:



Mike Richardson
Mike Richardson
City Planner

Approved by:



Dan Edgerton
Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, April 9, 2020 - 3:30 p.m.

PRESENT: Baker, DeJoy, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales
STAFF: Anton Jerve, Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely and the public able to submit comments by noon on the day of the meeting and monitor the meeting remotely.

Bandana Blvd Housing Ramp - 20-018-721 - Rezone from B3 general business to T3 traditional neighborhood, 1015 Bandana Blvd W, NW corner at Energy Park Dr. and Bandana Blvd.

Bandana Blvd. Housing Ramp - 20-018-744 - Variance of maximum front yard setback in T3 district, 1015 Bandana Blvd W, NW corner at Energy Park Dr. and Bandana Blvd.

Josh Williams presented the staff report with a recommendation of approval for the rezoning and a recommendation of approval with conditions for the variance. He said District 10 submitted a letter recommending approval, and there were no letters in support or opposition.

In response to Commissioner Ochs, Mr. Williams explained that the variance. He said that the question of whether or not a variance was required was raised during this process because it is difficult to measure the front yard setback when there isn't a public street. He said the project itself is consistent with the intent of the standards for setbacks and the findings are easily made and the staff recommendation is that the project should be approved as is.

Jim LaValle, 2416 Edgecumbe Road, Saint Paul, said they signed a purchase agreement for the parking ramp last year. The first task was to explore the structural integrity and the geotechnical aspects of the project to densify it and their conclusion is that the structural components of the ramp will be able to withstand the load of this proposed building. It's a situation where they have the ability to recycle and reuse the ramp for parking for existing hotel and the new use. It is an economical way to be able to deliver housing without subsidy that will still be relatively affordable. They are hopeful to cater the majority of the units to the 50% to 60% AMI target.

The public hearing was closed.

Commissioner Christopher Ochs moved approval of the rezoning. Commissioner Kristine Grill seconded the motion.

The motion passed by a vote of 8-0-0.

Adopted Yeas - 8 Nays - 0 Abstained - 0

Commissioner Christopher Ochs moved approval with conditions of the variance. Commissioner Anne DeJoy seconded the motion.

The motion passed by a vote of 8-0-0.

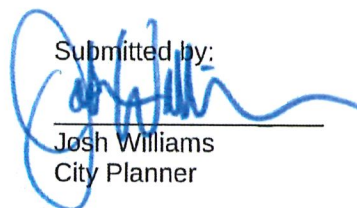
Adopted Yeas - 8 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Josh Williams
City Planner

Approved by:



Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, April 9, 2020 - 3:30 p.m.

PRESENT: Baker, DeJoy, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales
STAFF: Anton Jerve, Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely and the public able to submit comments by noon on the day of the meeting and monitor the meeting remotely.

Charles Belcher - 20-015-283 - Change and expansion of a nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling, and variances for employee/customer parking (24 required, 7 proposed) and distance between vehicular access and intersection (60 ft. required, 13 ft. proposed)., 1334 - 1346 Arcade St, SE corner of Arcade Street and Clear Avenue

Bill Dermody presented the staff report with a recommendation of approval with conditions for the change and expansion of nonconforming use of the site to add uto repair and outdoor auto sales to the existing auto body shop and dwelling and denial of the variances of required parking and minimum distance between vehicular access and intersection. He said District 5 submitted a letter recommending approval with conditions, and there were 3 letters in support, and 2 letters in opposition.

In response to Commissioner Ochs, Mr. Dermody said the email submitted by the applicant to include 1334 Arcade Street as part of the application was due to an error on the original application. It was always the applicant's intent to include both addresses. 1334 Arcade Street includes the house and the addition building proposed for auto sales/mechanic.

In response to Commissioner DeJoy, Mr. Dermody said that the proposed new repairs use inside the building will be mechanical repairs. The auto body use was already approved by the Planning Commission.

In response to Commissioner Hood, Mr. Dermody said that there are no proposed additions to the building and staff is proposing to eliminate an illegal addition off of the north side of the building. The applicant is proposing a different allocation of parking spaces outside the development, but no tear down or redevelopment.

In response to Commissioner Edgerton, Mr. Dermody said that the current allowed uses are the single-family home, the auto storage, and the auto body. What's being proposed in the change and expansion of non-conforming use is to add auto repair and outdoor auto sales.

In response to Commissioner Hood, Mr. Dermody said staff finds that the uses are not detrimental to the existing character and development in the area. Staff does believe that the two variances that are being requested with regard to minimum parking provision and the curb cut along Clear would alter the essential character of the surrounding area.

Charles Belcher, 1069 Argyle Street, Saint Paul, MN referred to the letters from the neighbors that were submitted as part of public testimony. He said he has established a very good relationship with all of the local neighbors. The only two negative letters that were submitted are from two people he has not had any contact with, and he believes the issues may have had to do with the previous owners. Mr. Belcher said he owned Payless Auto Sales down the street, and recently stopped that business and relocated to this location. He bought this location as a body shop. It has been a body shop for around 70 years and the

previous owners haven't put much money into the property. Mr. Belcher said he wants to update the property. He has already updated the inside and now that summer is coming, he wants to update the outside too. It is currently an autobody shop. He would like to keep the current use as a body shop and add used car sales to the property. He would also like a repair license as an accessory to the auto body shop. Mr. Belcher said he doesn't understand why the curb cut for a used car lot would need to be 60 feet from a corner. Businesses that create a lot more traffic don't have this zoning requirement and a car lot doesn't have very much traffic at all. Mr. Belcher spoke to the parking variance. He said that because he has up to 8 garage doors on his building the zoning code requires that he have 24 employee/customer parking stalls. He doesn't need this much parking. He said this amount of parking may be necessary for other types of services shops like a Tires Plus with ten service bays being used all day long, but his type of shop will not have that amount of traffic. They have four customer parking spots and he believes that is sufficient for this type of shop. He also added that there is a lot of space in the building to park cars. He said they will absolutely not park any vehicles on the street. He has been at this location for awhile and has not caused any problems and will continue to operate that way. Mr. Belcher said he was shocked that staff proposed to have him remove the upper bay. In 1992 it was originally built to be a paint booth. His paint booth is inside the auto body section of the building. He is using the bay to the north to do welding work. He also said that the entrance on Clear Avenue is very important and they do not want to get rid of it.

In response to Commissioner Hood, Mr. Belcher said he was not aware that the booth on the north side of the property was added without City permits by the previous owner. He also referred to the history provided in the staff report from 1992 that stated the Planning Commission approved an expansion on nonconforming use permit to allow accessory additions with conditions. He said the booth may not have been removed because there was no clear evidence that it needed to be removed. He said he is not using it for a spray booth and there is no equipment related to a spray booth located in the bay.

In response to Commissioner Lindeke, Mr. Belcher said that he currently has two auto subcontractors that do work for him inside the building.

Mr. Belcher added that curb appeal is very important to him and he has added landscaping between the sidewalk and street. He will also be painting the outside of the building. Mr. Belcher noted the staff recommendation that he remove the curb cut on Clear Avenue and that it makes no sense for his business. They do not want people coming in on Arcade Street and getting stuck in the parking lot. The way it is designed right now is the optimal way to utilize the property. Mr. Belcher said the change of nonconforming use is to add a dealer's license to implement car sales at this location. He is okay with staff not allowing expansion of mechanic work and only auto sales and he would like to store the auto sales cars in the garage behind the house. His vision for this location is to possibly move away for autobody work and move into only sales.

In response to Commissioner Edgerton, Mr. Belcher said that the mechanic will focus on working on the vehicles he will be selling.

Mr. Belcher addressed the letters of testimony sent in. He said that the snow removal that was done on the property this past year was done by someone they had hired because his plow truck had broken down. He will be doing the snow removal in the future and there will not be any issues. The neighbors closest to his location are in support of what he is proposing. The letters in opposition must have had issues with the previous owners because the things mentioned in the letters have nothing to do with him. He said that all work and storage will be inside the building.

The public hearing was closed.

In response to Commissioner Lindeke, Mr. Dermody said that the 60-foot distancing requirement for curb cuts is not specific to only auto repair uses. The reason for having a distance requirement from the corner is for pedestrian and vehicle safety.

Commissioner Baker moved approval of the change and expansion of nonconforming use of the site to add auto repair and outdoor auto sales to the existing auto body shop and dwelling and denial of the variances of required parking and minimum distance between vehicular access and intersection. Commissioner Lindeke seconded the motion.

In response to Commissioners, Mr. Dermody said that the parking requirements are not based on the number of employees in this situation. There are seven spaces required because of the seven auto bays, fifteen spaces due to the gross square area, .3 spaces for outdoor auto sales and 1.5 spaces for the single-family home.

After further discussion regarding the variance and for parking and the condition removing the spray booth the motion was withdrawn by Commissioner Baker.

In response to Commissioner DeJoy, Mr. Dermody said that the staff report contains the proposed condition of having the spray booth removed because it was never approved. It was a condition of approval in 1992 and it also inhibits the ability of the parking lot to be laid out differently in a manner that would allow elimination of the offending curb cut near the intersection.

Commissioner Lindeke moved approval with conditions of the change and expansion of nonconforming use of the site to add auto repair and outdoor auto sales to the existing auto body shop and dwelling and approval of the variance of required parking stating that findings 6a, 6c, 6d and 6f have been met. He said the plight of the business owner is such that meeting those requirements is too difficult. He moved denial of minimum distance between vehicular access and intersection. Commissioner Ochs seconded the motion.

After discussion based on the findings and amending them to support the parking variance Commissioner Lindeke accepted language that stated finding 6a has been met because it does meet the general intent of the zoning code. Even with a lesser parking provision they will not create congestion in the public streets. Finding 6f has been met because there is no real parking issue at such a high parking requirement and the real-world situation will not alter the situation or the essential character of the surrounding area.

The motion passed by a vote of 5-3-0.

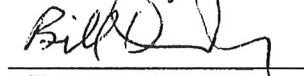
Adopted Yeas - 5 Nays - 3 (Baker, DeJoy, Rangel Morales) Abstained - 0

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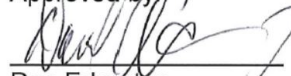
Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair