

city of saint paul
planning commission resolution
file number
date

WHEREAS, Starbucks Coffee Company, File # 18-026-074, has applied for modification of a site plan for an existing coffee shop with drive-through sales under the provisions of §61.402(c) of the Saint Paul Legislative Code, on property located at 234 Snelling Avenue N, Parcel Identification Number (PIN) 03.28.23.22.0173, legally described as Boulevard Addition Pts Of Lots 1 And Lot 2 And Vac Alley In Cardigans Re And Pts Of Lots 9 Thru Lot 11 In Bushnells Re Of Blk 3 Blv Add Lying Nwly Of A L Desc Ascom At The Sw Cor Of Sd Cardigans Re Th N 0 Deg 3 Min 0 Sec W Along W L Of Sd Cardigans Re 148; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 19, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The subject property was rezoned to T2 in 2013 as part of a larger, property owner-initiated rezoning associated with the redevelopment of several properties to the south and southeast of the subject property. Other adjacent properties were rezoned in 2017 as a result of the Snelling Avenue South 40-Acre Study. The Planning Commission approved a conditional use permit for drive-through sales and a variance for floor area ratio (FAR) in late 2015. A site plan for the subject property was conditionally approved by the Zoning Administrator in 2016, and a Certificate of Occupancy for the building was issued in March, 2017, with operations beginning shortly thereafter.
2. Since the store began operations in early 2017, City staff have received complaints regarding traffic impacts to Marshall Avenue and the intersection of Snelling and Marshall Avenues, including but not limited to vehicles stopped in the eastbound Marshall vehicular travel lane, vehicles parked or stopped in the eastbound Marshall Avenue bike lane, and vehicles blocking the sidewalk on the southern side (adjacent to the store) of Marshall Avenue. In response to complaints, City staff visited the subject property on numerous occasions throughout the summer and fall of 2017 to observe operations and a traffic monitoring camera was temporarily installed. During this period, staff also began conversations with Starbucks representatives about options for addressing the observed impacts to the public Right-of-Way ("ROW"). In late 2017, the Department of Safety and Inspections sent the Starbucks Corporation a letter describing the observed impacts to the ROW, and ordering Starbucks Corporation to submit a revised site plan for the subject property.
3. In August of 2017, in consultation with City staff and at Starbucks expense, collapsible tube

moved by _____

seconded by _____

in favor _____

against _____

delineators (commonly referred to as “bollards”) were installed between the bicycle lane and vehicular travel lane in the Marshall Avenue ROW just east of the entrance to the site, and off-duty police officers were hired to direct traffic on and near the site during peak morning hours. Around this time, Starbucks also increased store staffing to improve drive-through operational efficiency.

4. In September of 2017, Starbucks commissioned Kimley-Horn to conduct a traffic study to analyze existing drive-through operations and to develop and evaluate both interim and long-term options for site plan modifications to improve operations. An interim site plan was submitted to the City for approval in October, and was implemented in November and December of 2017. The changes included converting the 90-degree parking east of the building to angle parking to encourage one-way circulation for non-drive-through traffic and allow for a separate drive-through queueing lane. Traffic control signage was also changed.
5. City, Starbucks, and Kimley-Horn staff met in late September 2017 and again in late November 2017 to review traffic study findings; in each case, City staff requested additional analysis and/or modeling. Starbucks submitted a revised final site plan in early November 2017, and all parties agreed to postpone City action on the site plan following the late November meeting. The revised final site plan was submitted again, along with the requested additional modeling, in early January, and City staff again requested further analysis. Starbucks withdrew the site plan application on January 25th, 2018.
6. Kimley-Horn, on behalf of Starbucks, submitted a new revised final site plan application on January 31, 2018. At that time, Starbucks and City staff agreed to postpone any action on the site plan until additional modeling and evaluation of two site plan alternatives could occur. During March and April of 2018, two site plan alternatives were temporarily implemented. For each alternative, traffic was allowed to adjust to the traffic control changes for approximately two weeks after installation, followed by on-site observations and the collection of a week of video of operations. The first alternative tested (“Scenario 1”) was the elimination of egress to Marshall Avenue. The intent of Scenario 1 was to enforce one-way site circulation for all vehicles and force exit to northbound Snelling Avenue, thereby eliminating a conflict point for vehicular traffic in the existing site plan where vehicles exiting the drive-through to Marshall Avenue cross the ingress lane for all vehicles entering the site. The scenario had the additional benefit of preventing illegal left turns from the site to westbound Marshall Avenue, which has been observed to include occur approximately 30% of the time when traffic control officers are not present; these illegal left turns delay the individual vehicles exiting to Marshall Avenue, thereby exacerbating the adverse impacts of the conflict point on both on- and off-site traffic circulation. The second alternative (“Scenario 2”) tested was the placement of a temporary median in Marshall Avenue adjacent to the site. This was accomplished by installing collapsible tube delineators in the Marshall Avenue ROW adjacent to the site, along the double yellow line that separates east- and westbound travel. Like in Scenario 1, the median eliminated the possibility of illegal left turns from the site onto westbound Marshall. It did, however, allow vehicles to continue to exit the site to eastbound Marshall, thereby not eliminating the conflict point just inside the Marshall Avenue ingress/egress. In addition, the simulated median prevented vehicles travelling westbound on Marshall from entering the site.
7. In a memorandum dated May 17, 2018, Kimley-Horn provided to City staff analysis of the alternatives tested and a summary of the traffic data gathered during the testing period. The unsummarized data was also provided, as an appendix to the document. For purposes of comparison, observations from August 2017 were also provided. All traffic volumes cited herein were observed on a Friday (Starbucks highest volume day of the week) unless otherwise stated. Customer volumes exceeded expectations at the time the store opened in early 2017, and drive-through volumes have generally continued to increase since that time. On August 25, 2017, a.m. peak hour traffic (8 a.m. to 9 a.m.) was approximately 80 vehicles, of which 60 used the drive-through. For the two scenarios tested in Spring 2018, observed a.m. peak hour traffic was 100

vehicles for scenario 1 (7 a.m. to 8 a.m.) and 110 hours for scenario 2 (7:30 a.m. to 8:30 a.m.).

8. Observations of "spillback" events, where vehicle have temporarily backed the Marshall Avenue ROW when unable to enter the site due to on-site congestion, suggest that there have been marginal improvements in site operational efficiency. While the observations made August 2017 and March/April 2018 differ in terms of the data points collected and how they are summarized, they are generally comparable. On Friday, August 25, 2018, an estimated 10 "spillback" events where vehicular traffic temporarily blocked portions of the Marshall Avenue ROW were observed between 7 and 9 a.m.. Under Scenario 1 tested in April 2018, a total of 24 spillback events were observed over a 4-day week (excluding Wednesday) and under Scenario 2 a total of 20 events were observed over the same period. Under Scenario 2, the total average time of ROW obstruction was lesser (60 seconds per event) as compared to Scenario 1 (82 seconds per event); no data on length of spillback events in August 2017 was provided. In all cases, an off-duty police officer was employed by Starbucks during the observation period to direct traffic on and near the site.
9. Section 61.202(c) of the Saint Paul Zoning Code allows the Planning Commission to delegate approval and denial of site plan applications to the Zoning Administrator. The existing site plan was conditionally approved by the Zoning Administrator in 2016. In In approving the existing site plan, the Zoning Administrator found the plan to be consistent with the Zoning Code, including Section 61.402(c), which lists findings which a site plan must meet. The proposed modifications to the existing site plan are limited in scope and involve reconfiguration of parking and the drive-through queueing area, with some parking converted to use for drive-through queueing. Consistency with Section 62.108(c) is best evaluated with regard to how the proposed amended site plan differs from the existing, approved site plan. Section 62.108(c) requires the following findings:
 - (1) *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*
 - (2) *Applicable ordinances of the City of Saint Paul.*
 - (3) *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*
 - (4) *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*
 - (5) *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*
 - (6) *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*
 - (7) *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*
 - (8) *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*
 - (9) *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*
 - (10) *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*
 - (11) *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook.''*

With regard to findings 61.204(c) (1-6) and (8-11), the proposed amendment is substantially similar or identical to the existing, approved site. With regard to finding 61.204(c) (7), the

proposed amended site plan is equally or more consistent with the finding as the existing site plan. The proposed amended site plan would provide additional on-site queueing for drive-through traffic (increasing from 9-10 spaces with the current site configuration to 10-11 with the proposed modified site plan, and facilitates overall site circulation by allowing for increased separation of drive-through traffic from vehicles accessing off-street parking. While the increase in queueing and maneuvering room is limited, it is an improvement relative to the current site configuration on a site that is physically constrained by a number of factors. With continued presence of a traffic control officer to assist with on-site operations during the a.m. peak period, the proposed amended site plan should lead to a reduction in impacts to the ROW and the safety concerns associated with those impacts. Continued presence of a traffic control officer to assist with traffic operations on the site should be a condition of approval, with the option for the applicant to return to the Planning Commission to request modification of that condition if it can be demonstrated that any modification of the condition will not adversely impact site operations or public safety.

10. The May 17, 2018 traffic study submitted on behalf of the applicant recommended that Scenario 2, which tested the possibility of a new median in Marshall Avenue adjacent to the site, be implemented, and submitted a concept plan for changes to the Marshall Avenue ROW to accommodate a new median and additional on-street parking. The feasibility of these changes have not been fully evaluated at this time, and action in regard to these proposed changes in the ROW is therefore not prudent at this time. However, reinstallation of collapsible tubes in the Marshall Avenue ROW on an interim basis to simulate a permanent median should be a condition of approval. The installation must be approved by the road authority for Marshall Avenue, understood to be Ramsey County or the State of Minnesota. The collapsible tubes will be removed on a seasonal basis to allow for snow removal, and will be permanently removed at such time as any significant reconfiguration of the Marshall Avenue ROW near the site is undertaken.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Starbucks Coffee Company for modification of a site plan for an existing coffee shop with drive-through sales at 234 Snelling Avenue N is hereby approved, subject to the following conditions:

1. The applicant will provide, at their expense, a traffic control officer to direct vehicular traffic on the site during the AM peak period. This condition may be modified in the future by the Planning Commission if the applicant can demonstrate that any modification will not adversely site operations or public safety.
2. Installation of collapsible tubes in the Marshall Avenue ROW, on an interim basis, to simulate the presence of a physical barrier in the median. The installation is not required if not approved by the road authority, which is understood to be either Ramsey County or the State of Minnesota. The collapsible tubes will be removed on a seasonal basis to allow for snow removal, and will be permanently removed at such time as any significant reconfiguration of the Marshall Avenue ROW near the site is undertaken.



Larkin Hoffman

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Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800

FAX: 952-896-3333

WEB: www.larkinhoffman.com

July 30, 2018

St. Paul Planning Commission
City of St. Paul
City Hall Annex
25 West 4th Street, Suite 1300
Saint Paul, MN 55102

Re: Starbucks Coffee Company: 234 Snelling Avenue North – Proposed Site Plan
Improvements; Our File #40,870-00

Dear Planning Commission Members:

As you know, we represent Starbucks Coffee Company regarding the retail store and drive-through located at 234 Snelling Avenue North (“the “Site”) in the City of St. Paul (“City”) in their Site Plan Amendment Application (SR #17-211659). On July 16, 2018, the Zoning Committee of the Planning Commission held a hearing (“Hearing”) on the application and voted to continue the matter to your August 2nd meeting.

At the Hearing, members of the Planning Commission and the public identified issues related to the proposed Site Plan Amendment, including impacts both on-site and in the right-of-way. In light of the Commissioners’ comments, Starbucks has continued to evaluate and address each issue in an effort to ensure the safest operation of the driveway for pedestrians, cyclists, and drivers.

Starbucks has engaged Ramsey County staff regarding the installation of several proposed improvements in the Marshall Avenue right-of-way. These improvements aim to alleviate outstanding concerns and Starbucks is committed to covering funding costs. These solutions are addressed below and include the best options available from an engineering, innovation, and public safety perspective.

Issue: Spillback of Drive-Through Traffic onto Marshall Avenue

Solution: Starbucks engineering firm, Kimley-Horn, has completed additional analysis of turning movements on-site in response to concerns raised at the hearing. The enclosed materials include revised site plans and drawings that provide expanded queuing capacity and relocate the order-board to maximize queuing efficiency (the “Starbucks Revised Plans”). By extending the drive-through queuing and moving the order-board, the Starbucks Revised Plans will increase vehicle queuing by 2-3 vehicles from the approved site plan. These additional queuing spaces will address the observed maximum spillback on to Marshall Avenue of 2-3 vehicles.

Issue: Illegal Left-Hand Turns onto Marshall Avenue

Solution: Starbucks has proposed an interim bollard median in the Marshall Avenue right-of-way, with the potential for the installation of a long-term permanent median in the same location. This concept was tested during a period of three weeks in April 2018. As tested, the median prohibited illegal left-hand turns onto Marshall, resulting in significant improvements to Site efficiency, and decreased conflict with pedestrians and cyclists. Starbucks proposed median will include bollards with reduced bollard spacing and increased length from the median that was tested, in order to further reduce or eliminate illegal turning movements. Starbucks is committed to funding these improvements through reimbursement to the City or County.

Issue: Vehicles Blocking Bike Lanes on Marshall (East of Driveway)

Solution: Starbucks has engaged the County on a redesign of the bike lanes east of the Site's driveway in order to provide a safer environment for bicycles. The proposed bike lane would create parallel parking along the curb, and the bike lane would be relocated to the outer edge of the parking spaces. This will result in a bike lane that remains open even when vehicles are parked along Marshall Avenue. A drawing of the proposed bike lane is enclosed. Starbucks is committed to funding these improvements through reimbursement to the City or County.

As demonstrated at the hearing and in this follow up correspondence, Starbucks remains steadfast in working with the City and County to develop a site plan that is both safe and functional and we look forward to addressing the Committee on August 2nd. Thank you for your consideration.

Sincerely,



William C. Griffith, for
Larkin Hoffman

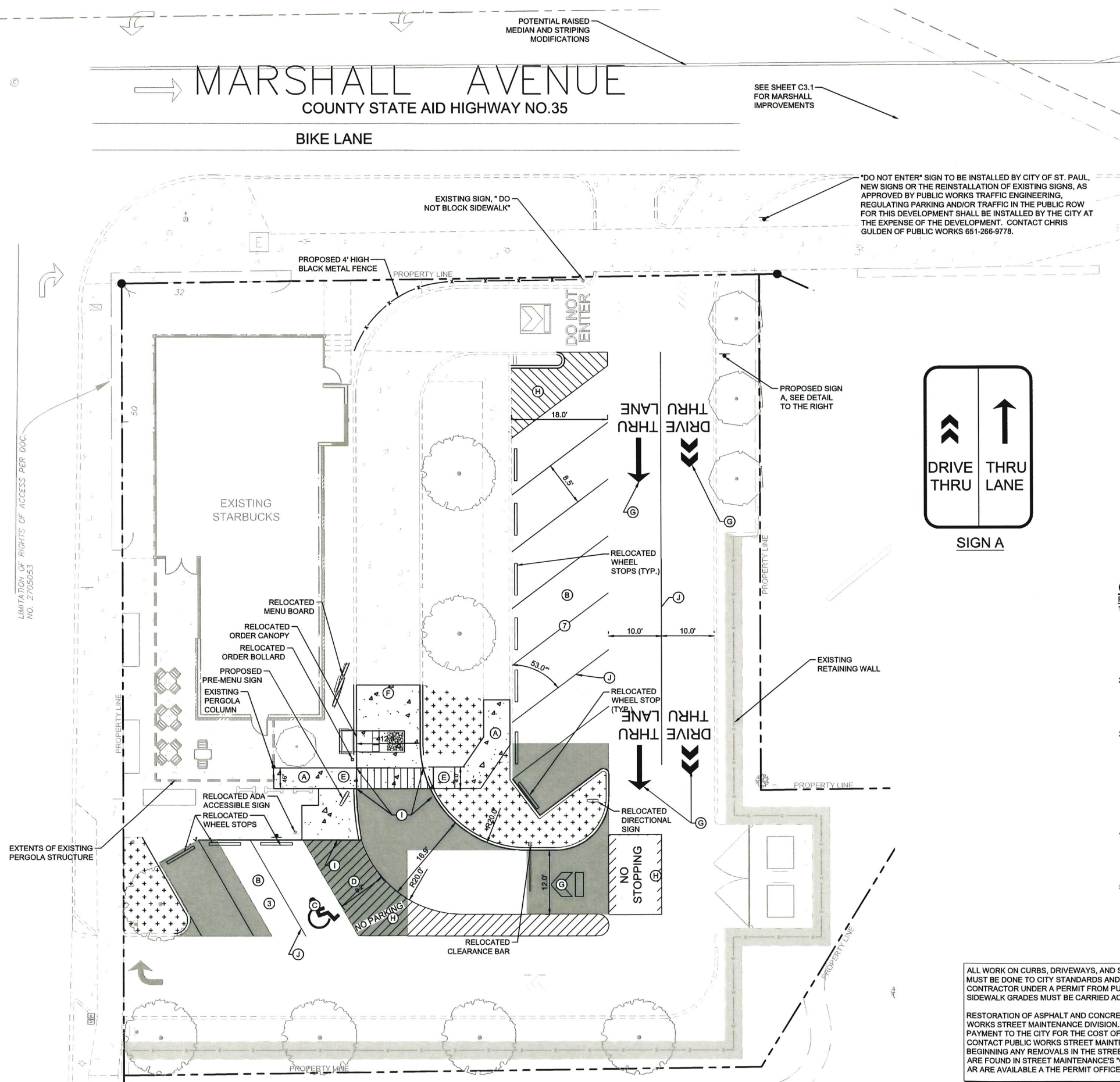
Direct Dial: 952-896-3290
Direct Fax: 952-842-1729
Email: wgriffith@larkinhoffman.com

Enclosures

cc: Janet Smith, Starbucks Coffee Company
Julie Wolleat, Starbucks Coffee Company
John Nettleton, Starbucks Coffee Company
Trisha Sieh, Kimley Horn
Peter Warner, City of St. Paul
Josh Williams, City of St. Paul

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Use of and reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

SNELLING AVENUE TRUNK HIGHWAY 51



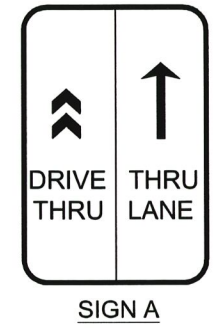
SITE DATA SUMMARY	
EXISTING ZONING	T2-TRADITIONAL NEIGHBORHOOD
PROPOSED ZONING	T2-TRADITIONAL NEIGHBORHOOD
TOTAL SITE AREA	±0.43 ACRES
TOTAL BUILDING AREA	±2,157 SF
REQUIRED SETBACKS	
FRONT SETBACK	0 FT (BUILDING) 7 FT (PAVEMENT)
SIDE SETBACK	0 FT (BUILDING) 7 FT (PAVEMENT)
REAR SETBACK	0 FT (BUILDING) 7 FT (PAVEMENT)

PARKING SUMMARY	
CITY PARKING RATIO REQUIRED	SEE PARKING NOTE
REQUIRED	6
PROVIDED*	10
PARKING RATIO PROVIDED	4.64

PARKING NOTE: THE CITY REQUIRES 1 STALL / 400 SF OF GROSS FLOOR AREA
 *NOTE: SIX ADDITIONAL "OFF-SITE" PARALLEL STALLS PROPOSED ALONG MARSHALL AVE

LEGEND	
	PROPERTY LINE
	PROPOSED FENCING
	PROPOSED LANDSCAPING
	PROPOSED CONCRETE PAVEMENT
	PROPOSED PAVEMENT MARKING
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CURB AND GUTTER

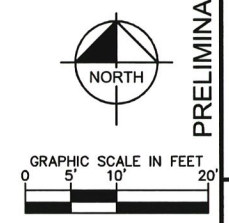
KEYNOTE LEGEND	
(A)	PROPOSED CONCRETE SIDEWALK
(B)	PROPOSED 8.5' X 18' ANGLED PARKING STALL
(C)	PROPOSED ADA ACCESSIBLE STALL
(D)	PROPOSED ADA ACCESSIBLE ACCESS AISLE
(E)	PROPOSED ADA ACCESSIBLE RAMP
(F)	PROPOSED DRIVE THRU CONCRETE PAVEMENT
(G)	PROPOSED PAVEMENT MARKING
(H)	PROPOSED PAVEMENT STRIPING 45°, 4" YELLOW PAINT, 2" O.C.
(I)	FLUSH CURB
(J)	4" SWSL



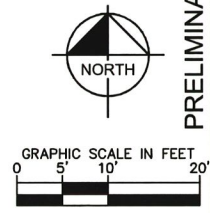
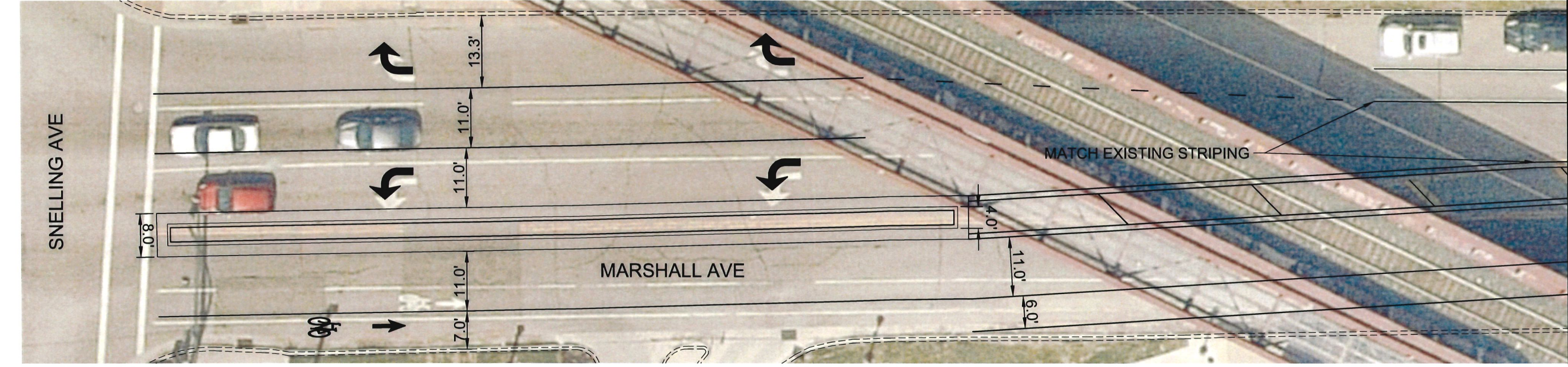
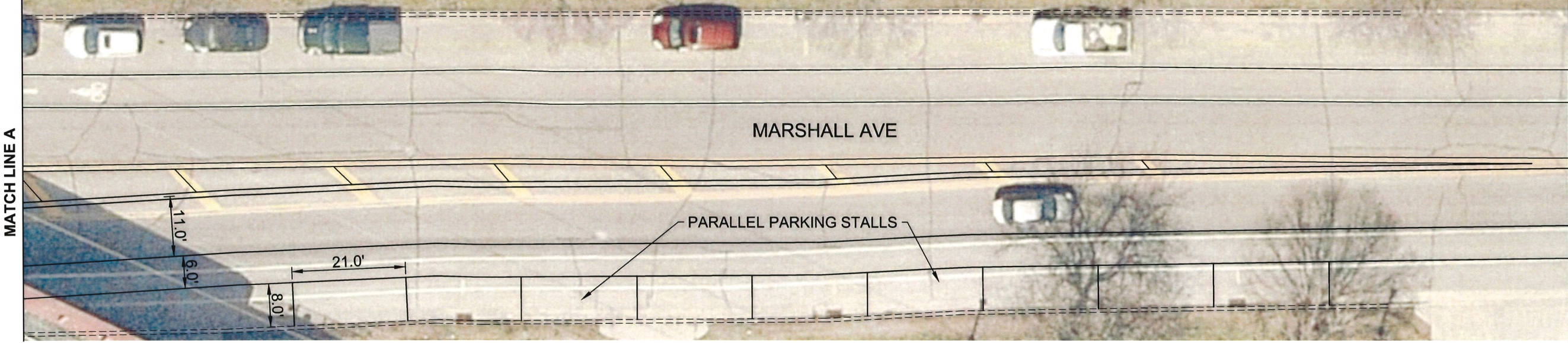
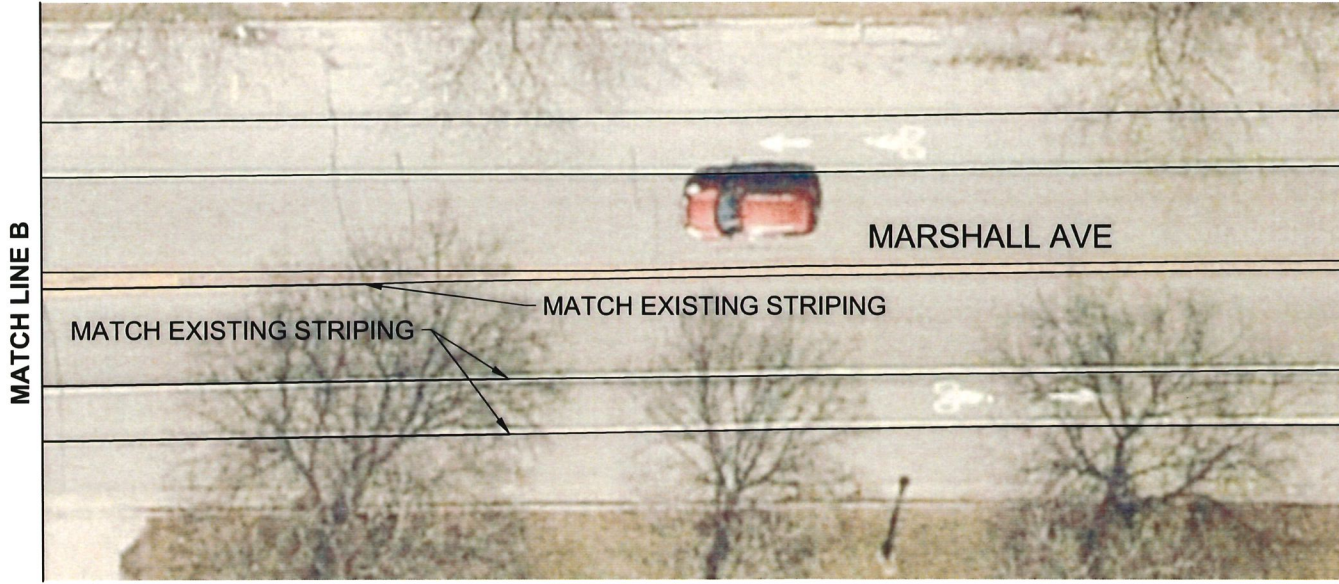
- ### CITY OF ST. PAUL STANDARD NOTES
- ROW NOTES**
- INSPECTION CONTACT: THE DEVELOPER SHALL CONTACT THE RIGHT OF WAY INSPECTOR DICK ROHLAND, 651-485-1688, (ONE WEEK PRIOR TO BEGINNING OF WORK) TO DISCUSS TRAFFIC CONTROL, PEDESTRIAN SAFETY AND COORDINATION OF ALL WORK IN THE PUBLIC RIGHT OF WAY. NOTE: IF A ONE WEEK NOTICE IS NOT PROVIDED TO THE CITY, ANY RESULTING DELAYS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
 - SAFE WORK SITE REQUIREMENTS: THE CONTRACTOR SHALL PROVIDE A CONTINUOUS, ACCESSIBLE AND SAFE PEDESTRIAN WALKWAY THAT MEETS ADA AND MN MUTCD STANDARDS IF WORKING IN A SIDEWALK AREA, AND TRAFFIC CONTROL PER MN MUTCD REQUIREMENTS FOR WORK IN THE PUBLIC RIGHT OF WAY.
 - NO PRIVATE FACILITIES IN THE RIGHT OF WAY: THE DEVELOPER IS STRICTLY PROHIBITED FROM INSTALLING PRIVATE ELECTRICAL WIRING, CONDUIT, RECEPTACLES AND/OR LIGHTING IN THE CITY'S RIGHT OF WAY. THIS INCLUDES STUBBING CONDUIT OR CABLE INTO THE PUBLIC RIGHT OF WAY TO ACCOMMODATE UTILITY FEEDS TO THE SITE. COORDINATE WITH EACH UTILITY PRIOR TO CONSTRUCTION TO DETERMINE FEED POINTS INTO THE PROPERTY. UTILITIES ARE RESPONSIBLE FOR SECURING EXCAVATION PERMITS TO RUN THEIR SERVICE INTO A SITE, AND (WHERE REQUIRED) SUBMITTING PLANS FOR REVIEW BY THE PUBLIC WORKS UTILITY REVIEW COMMITTEE.
 - WORK CONDUCTED ON STATE ROADWAYS, TRUNK HIGHWAYS OR RIGHT OF WAY MAY ALSO REQUIRE PERMITTING THROUGH MNDOT. MNDOT CONTACT IS BUCK CRAIG (651-234-7911). STATE AND CITY APPROVAL IS REQUIRED ON MNDOT ROADWAYS MAINTAINED BY THE CITY.
 - ACCESS TO SIGNAL CONTROLLER AND LIGHTING CABINETS MUST BE MAINTAINED AT ALL TIMES - IF FENCING IS REQUIRED FOR A JOB SITE, A KEY OR OTHER MEANS OF ACCESS MUST BE PROVIDED TO THE CITY OF ST. PAUL'S TRAFFIC MAINTENANCE DEPARTMENT. CONTACT JOHN MCNAMARA, GENERAL FORMAN SIGNALS AND LIGHTING AT 651/266-9780.

ALL WORK ON CURBS, DRIVEWAYS, AND SIDEWALKS WITHIN THE PUBLIC RIGHT OF WAY MUST BE DONE TO CITY STANDARDS AND SPECIFICATIONS BY A LICENSED AND BONDED CONTRACTOR UNDER A PERMIT FROM PUBLIC WORKS SIDEWALK SECTION (651-266-6120). SIDEWALK GRADES MUST BE CARRIED ACROSS DRIVEWAYS.

RESTORATION OF ASPHALT AND CONCRETE PAVEMENTS ARE PERFORMED BY THE PUBLIC WORKS STREET MAINTENANCE DIVISION. THE CONTRACTOR IS RESPONSIBLE FOR PAYMENT TO THE CITY FOR THE COST OF THESE RESTORATIONS. THE CONTRACTOR SHALL CONTACT PUBLIC WORKS STREET MAINTENANCE TO SET UP A WORK ORDER PRIOR TO BEGINNING ANY REMOVALS IN THE STREET AT 651-266-9700. PROCEDURES AND UNIT COSTS ARE FOUND IN STREET MAINTENANCE'S "GENERAL REQUIREMENTS - ALL RESTORATIONS" AND ARE AVAILABLE AT THE PERMIT OFFICE.



		DATE	11/06/17	DATE	11/06/17	DATE	11/06/17
		DESIGNED BY	P/JC	DESIGNED BY	P/JC	DESIGNED BY	P/JC
PRELIMINARY - NOT FOR CONSTRUCTION STARBUCKS SITE IMPROVEMENTS 234 SNELLING AVE. ST. PAUL, MINNESOTA		ISSUE TO CITY	07/30/18 BRJ	ISSUE TO CITY	07/30/18 BRJ	ISSUE TO CITY	07/30/18 BRJ
		ISSUE TO CITY	11/27/17 BRJ	ISSUE TO CITY	11/27/17 BRJ	ISSUE TO CITY	11/27/17 BRJ
SHEET NUMBER C3.0		REVISIONS NO. DATE BY					



PRELIMINARY - NOT FOR CONSTRUCTION

STARBUCKS SITE
IMPROVEMENTS
234 SNELLING AVE.
ST. PAUL, MINNESOTA

PROPOSED
MEDIAN SKETCH

KHA PROJECT	DATE
	11/06/17
SCALE	AS SHOWN
DESIGNED BY	P.J.G.
DRAWN BY	P.J.G.
CHECKED BY	T.D.S.

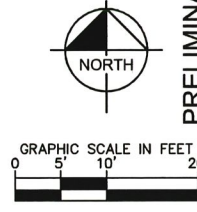
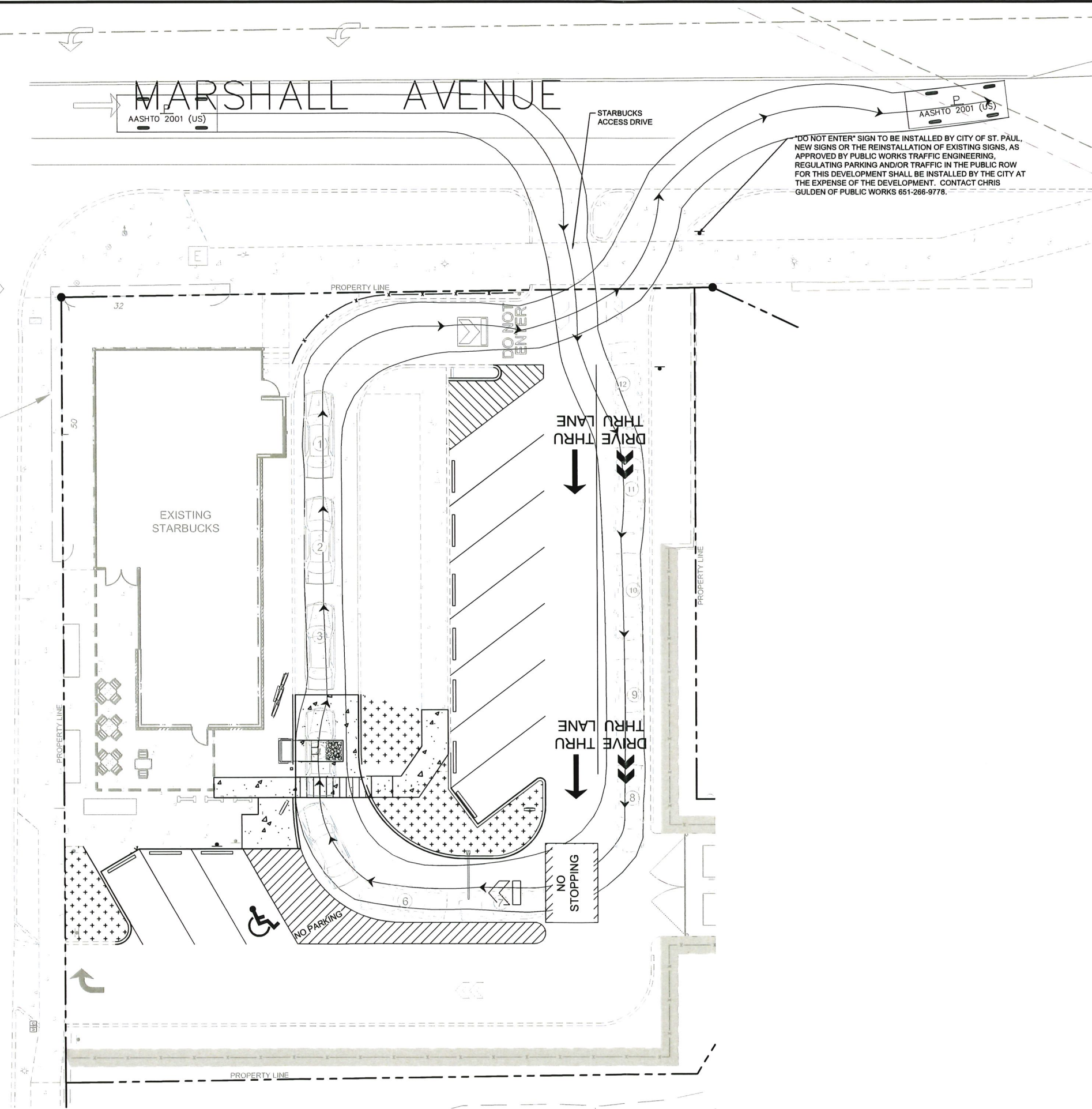
Kimley >>> Horn

© 2017 KIMLEY-HORN AND ASSOCIATES, INC.
2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
PHONE: 651-665-4197
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY
3	ISSUE TO CITY	07/30/18	BRJ
2	ISSUE TO CITY	01/31/18	BRJ
1	ISSUE TO CITY	11/2/17	BRJ

SNELLING AVENUE

LIMITATION OF RIGHTS OF ACCESS PER DOC. NO. 2702055



PRELIMINARY - NOT FOR CONSTRUCTION

STARBUCKS SITE
IMPROVEMENTS
234 SNELLING AVE.
ST. PAUL, MINNESOTA

SITE PLAN -
AUTOTURN

SHEET NUMBER
C3.2

KHA PROJECT	
DATE	11/06/17
SCALE	AS SHOWN
DESIGNED BY	P.J.G.
DRAWN BY	P.J.G.
CHECKED BY	T.D.S.

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Trisha Seh
TRISHA SEH
DATE: 11/06/17 LIC. NO. 49848

Kimley-Horn

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2550 UNIVERSITY AVENUE WEST, SUITE 208N, ST. PAUL, MN 55114
PHONE: 651-464-1197
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY
3	ISSUE TO CITY	07/30/18	BRJ
2	ISSUE TO CITY	01/31/18	BRJ
1	ISSUE TO CITY	11/2/17	BRJ

city of saint paul
planning commission resolution
file number
date

WHEREAS, KBD Investments LLC, Jason Frey, File # 18-084-202, has applied to rezone from OS office service to B2 community business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 877 White Bear Ave N, Parcel Identification Number (PIN) 27.29.22.41.0058, legally described as BIRMINGHAM'S PARK S 1/2 OF FOL LOTS 29 AND LOT 30 BLK 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 2, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests rezoning of the parcel at 877 White Bear Avenue from OS office-service to B2 community business to provide more flexibility for rental of space in the building.
2. The proposed zoning is consistent with the way this area has developed. This part of White Bear Avenue developed with a variety of commercial uses under "Commercial" zoning prior to 1975 and under B2 community business zoning after 1975.
3. The proposed zoning is consistent with the City's Comprehensive Plan, which designates White Bear Avenue as a Mixed Use Corridor. It is also consistent with the District 2 Neighborhood Greater East Side Plan's vision, which defines White Bear Avenue as one of its business districts focusing on "*mixed Use development with a concentration of office, retail, and housing on pedestrian-friendly streets.*"
4. The proposed B2 community business zoning is compatible with surrounding uses. White Bear Avenue is a mixed-use corridor that includes commercial, office and residential uses. The parcel is adjacent to commercial uses in the B2 community business zoning district on the east side of White Bear Avenue, and an office in the OS office-service district to the north.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed zoning does not constitute spot zoning. The use classification is consistent with surrounding uses and adjacent B2 community business zoning.

moved by _____
seconded by _____
in favor _____
against _____

Planning Commission Resolution

18-084-202

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of KBD Investments LLC for rezoning from OS office service to B2 community business for property at 877 White Bear Ave N be approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, St. Paul HRA, File # 18-079-298, has applied to rezone from RT2 townhouse to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 623 and 629 Whittall Street, Parcel Identification Numbers (PINs) 29.29.22.42.0212, and 29.29.22.42.0211 legally described as Stinsons Sub Of B36 Arlington Lot 28 Blk 36; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 2, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests rezoning of the two parcels at 623 and 629 Whittall St. from RT2 Residential Townhouse District to T2 Traditional Neighborhood District.
2. The proposed zoning is consistent with the way this area has developed. T2 zoning exists adjacent to the north, south and east of the parcels, as well as on the western portion of the block along Edgerton St. The proposed zoning would bring all the HRA owned parcels (623-629 Whittall St. and 845-851 Payne Ave.) under the same zoning, which would allow for the parcels to be combined and prepared for resale for private development. The proposed zoning is consistent with the existing pattern of development.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates Payne Avenue as a Mixed Use Corridor and the surrounding neighborhood as Established Neighborhoods. The proposed zoning allows for a .45 acre contiguous development with a Payne Avenue frontage.
4. The proposed zoning is compatible with the surrounding mix of uses, including multifamily to the south, townhomes to the west, single family and mixed-use to the north, and retail/commercial to the east.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed zoning does not constitute spot zoning. It creates a larger contiguous area of T2 zoning.

moved by _____
seconded by _____
in favor _____
against _____

Planning Commission Resolution

18-079-298

Page 2 of 2

6. The petition for rezoning was found to be sufficient on July 2, 2018: 46 parcels eligible; 31 parcels required; 32 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of St. Paul HRA for rezoning from RT2 townhouse to T2 traditional neighborhood for property at 623 and 629 Whitall Street be approved.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Summit Center for Arts & Innovation, File # 18-084-109, has applied for a historic use variance for the Summit Center for Arts and Innovation, including music and art related education, public programs and events, and spiritual/church related services and receptions, including weddings and memorial services under the provisions of §73.03.1 and §61.601 of the Saint Paul Legislative Code, on property located at 1524 Summit Ave, Parcel Identification Number (PIN) 03.28.23.32.0071, legally described as SUMMIT VIEW LOTS 1 THRU LOT 4 BLK 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 2, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a historic use variance in order to permit establishment of the Summit Center for Arts and Innovation, including music and art related education, public programs and events, and spiritual/church related service and receptions, including weddings and memorial services.
2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, § 73.03.1 requires the Planning Commission to make findings regarding the following:
 - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding is met. The proposed institutional use is compatible with institutional uses nearby to the west and those permitted in the RM1 zoning district. Parking impact is anticipated to be similar to the church use. Noise is regulated citywide by Legislative Code Chapter 293. Normal business hours are proposed to be 7 a.m. to midnight. The music performances are proposed to rely predominantly on the building's superior acoustics, as opposed to loudly amplified music.
 - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, and designates the properties to the west along Snelling Avenue as part of a Mixed Use Corridor. The

moved by _____

seconded by _____

in favor _____

against _____

Established Neighborhood designation allows for institutional use clusters at intersections of arterial and collector streets, such as Summit and Snelling. The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The Macalester-Groveland Community Plan calls for encouraging investment in the rehabilitation of existing buildings, and preserving/protecting historic resources.

3. § 61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding is met. The site is part of the local Summit Avenue West Heritage Preservation District. The re-use of the site for music and art related education, public programs and events, and spiritual/church related service and receptions, including weddings and memorial services, will not adversely impact the historic structure and takes advantage of its unique architectural assets in an economically sustainable manner.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, recommends to the Saint Paul City Council that the application for a historic use variance for the Summit Center for Arts and Innovation, including music and art related education, public programs and events, and spiritual/church related services and receptions, including weddings and memorial services at 1524 Summit Avenue be approved subject to the following conditions:

1. (Condition to better define the proposed uses and/or their hours of operation in order to limit the neighborhood impact, especially by future operators. Proposed wording to be provided by staff at the Planning Commission meeting.)
2. (Condition to potentially require a parking study if parking is found to be a problem. Proposed wording to be provided by staff at the Planning Commission meeting.)

ZF#18-084-109



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

651-695-4000
mgcc@macgrove.org

July 30 2018

Paul Dubriel
City of Saint Paul
Dept. of Planning and Economic Development
25 W. Fourth Street
Saint Paul, MN 55102

Dear Paul;

On July 25th, 2018, the Housing and Land Use Committee ("HLU") of the Macalester-Groveland Community Council ("MGCC") held a public meeting, at which it considered the application for an Historic Use Variance, reference no 18-084109, concerning the property located at 1524 Summit Ave. The applicant, who has appeared to discuss the project with the HLU on one separate occasion, appeared to speak to the application and to answer questions.

Prior to the meeting, the HLU received one comment in opposition to the application.

After speaking with the applicant, considering neighborhood feedback, consulting the Macalester-Groveland Long Range plan, and assessing the merits of the application, the HLU unanimously passed the following resolution:

"The Housing and Land Use Committee of the Macalester-Groveland Community Council supports the Historic Use Variance but retains concerns on hours of operation and a parking plan."

If you have questions or concerns, please do not hesitate to contact me.

Liz Boyer
Executive Director
Macalester-Groveland Community Council

cc (via email): Ward 3, City of Saint Paul
John Rupp, Commonwealth Properties

Langer, Samantha (CI-StPaul)

From: Emily Metcalfe <emily.met75@gmail.com>
Sent: Wednesday, August 01, 2018 1:05 PM
To: Dermody, Bill (CI-StPaul)
Subject: St. Paul on the Hill - 1524 Summit Ave

Hi, Bill,

I am not able to attend the Zoning Commission meeting tomorrow regarding the proposed use of the former St. Paul on the Hill church at 1524 Summit Ave, but I would like to enter the following for public comment:

I live at 1559 Summit Ave, across from the former St. Paul on the Hill church. This is a beautiful building that contributes to the quality of our neighborhood. I support the proposed uses of the building being considered by the Zoning Commission.

In order to preserve structures like the one at 1524 Summit, we need to find viable ways to repurpose them. John Rupp has found several uses for this building, including religious, educational, and commercial uses. I am glad to see people coming to our neighborhood to worship, learn, and enjoy themselves in this building.

Please grant the requested variance.

Best regards,

Emily Metcalfe
1559 Summit Ave.

Langer, Samantha (CI-StPaul)

From: shg_cairns <shg_cairns@cheqnet.net>
Sent: Thursday, August 02, 2018 9:23 AM
To: Dermody, Bill (CI-StPaul)
Cc: McMahan, Melanie (CI-StPaul)
Subject: Saint Paul Zoning Commission 8-2-18 hearing on 1524 Summit variance

RE: 1524 Summit Ave. zoning request

As a 30+ year resident and taxpayer at 1894 Summit Ave. in St Paul, I respectfully request that the Saint Paul Zoning Commission add the following conditions on the variance requested by the developer of the property at 1524 Summit Ave. for health and safety concerns and as precedent for any future development in this residential area. These conditions include the following:

- Please limit the activities, performances, "innovation center" use, educational services to the hours of 7:00am until 10:00pm;
- Please expand the on-site parking requirements to an additional 20 vehicles during building operating hours to bring the new expanded business use identified in the variance request of the building more into compliance with the other businesses and educational centers covered by St. Paul zoning and parking codes. Chapter 63 of the Zoning code covers the new and expanded uses requested in this variance for not only part time students, office, restaurant/bar, commercial assembly hall without fixed seating, and music hall.
- Please require that the conditions of the variance include specific limitations on the activities that can be conducted on site as part of the "innovation center". This nebulous function that is currently undefined could pave the way for additional rented office space, a production facility, charter school or other functions that require more parking and/or hours of operation.

Rationale for these Variance conditions for health and safety concerns:

--hours of operation capped at 7am until 10pm is requested for life-safety concerns of bicyclists attending activities at this facility during evening hours. The unfortunate deaths and injuries of bicyclists in the street at the juncture of the Snelling/Summit streets with the poorly designed access streets during evening hours and periods of high daytime traffic is a concern. City staff contend that more mass transit/non-car travel is expected by patrons of the church/innovation center. Thus increased bike travel and potential for bicyclist injury at this dangerous intersection can be expected if not mitigated and planned for in the zoning variance request. Additionally, this is a residential neighborhood. Our children and grandchildren (and homeowners/renters) are trying to sleep. Having events scheduled from 7am until midnight creates noise that is evident during the current church services and following the service with slamming car doors. Having the prospect of music and "innovation center" events til midnight on multiple nights during the week is not why we own/rent in this neighborhood. This is why we have a St Paul noise ordinance.

--expanded on-site parking is requested for several reasons. The nearby school within the same block, while having primarily daytime operation, creates injury zones during the day with increased traffic during drop-off/pick-up hours. While patrons are looking for on-street parking near the church, the end of school day dismissal of students seeking transport could create spaces for childhood injuries with additional church/innovation center cars seeking on street parking. A dedicated parking space during daytime hours Monday-Friday would decrease these injury zones.

--The expanded uses of the building as an "innovation center", while creative as a legal tool to expand the future scope and function of the building to meet the financial needs of this for-profit entity, does little to define the actual function of work that will be conducted on the location. Innovation Center use, once approved by this variance, could include 3D printer production of devices, music production during non-working hours by artists, office space rented to organizations or co-working space rented to multiple people during the hours of operation, secure Amazon drop

off/pick-up location, food/beverage production, and many more creative and profitable ventures. Again the impact of health safety concerns for the residents of the area depends on what is produced on location (3-D printed guns for example) or the increased frequency of drop-off/pick ups of deliveries during neighboring school hours, or increased use of/disposal of hazardous waste in a residential area.

Thank you for this opportunity to provide comments on this zoning variance for 1524 Summit Ave. I strongly request that conditions be placed on this variance to limit hours of operation to 7am to 10pm, to require at least 20 adjacent or nearby increased off-street parking spots and bike racks prior to variance approval and to limit the scope of this variance to that of music performance and church services and not approve expanded "innovation center" activities without another well defined variance request.

Katherine Cairns
1894 Summit Ave.
St Paul, MN 55105
651-690-1474



August 2, 2018

Tamera R. Diehm
 Direct Dial: (612) 604-6658
 Direct Fax: (612) 604-6958
 tdiehm@winthrop.com

Zoning Committee of the Planning Commission
 City of Saint Paul
 25 West 4th Street
 City Hall Annex, Suite 1400
 Saint Paul, Minnesota 55102
 Attn: Mr. Bill Dermody

VIA E-MAIL

Re: Historic Use Variance - Summit Center for Arts & Innovation

Dear Zoning Committee:

Our firm represents the Summit Avenue Residential Preservation Association (“SARPA”), an organization whose mission is to preserve the historic, residential and urban park character of Summit Avenue. This letter is submitted in opposition to the application for a historic use variance (the “Variance”) that was filed by the Summit Center for Arts & Innovation (the “Applicant”) for property located at 1524 Summit Avenue (the “Property”). Because the use that will result from the Variance is (a) not compatible with the existing uses in the surrounding area and the underlying zoning classification and (b) not consistent with the Comprehensive Plan (the “Comp Plan”) for the City of Saint Paul (the “City”), SARPA respectfully requests that Zoning Committee recommend that the Planning Commission deny the Variance.

Background and Standard of Review

The Applicant proposes to convert the former St. Paul’s Episcopal Church on-the Hill building and ground into the Summit Center for Arts and Innovation. According to the application materials, the use of the Applicant seeks to “create a one of a kind venue with world class acoustics and technical capabilities.”¹ Based on the Applicant’s own description, there is no dispute that the use of the Property will be significantly intensified – unlike a religious center that hosts occasional community events, the proposed reuse plan indicates that the Applicant intends to use the Property from 7 am until midnight, 7-days a week, 365 days a year. The proposed uses will include both public and private programs and events, a recording studio and rehearsal location, music, art and/or other related schools, and a variety of spiritual and church uses. It will be a place for weddings, memorial services and receptions and it will host outdoor events and community activities in a garden area. While the Application materials present a picture of a vibrant event center, and focus on the economic benefit of reuse to the owner, neither the Applicant nor City Staff effectively evaluate the impact of the intensification of use on the surrounding neighborhood or its consistency

¹ Historic Use Variance Application for The Summit Center for Arts and Innovation, revised June 25, 2018 (the “Application”), p.3.

with the City's Comp Plan, nor do they propose any strategies for addressing the impact that this reuse will have on the neighbors.

The Saint Paul City Code (the "Code") establishes the findings and review process for historic use variances, specifically noting that the following five (5) findings must be made in order to approve this type of variance:

- (1) *The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.*
- (2) *The proposed use complies with the adopted preservation program, and the United States' Secretary of the Interior's Standards for Rehabilitation, as applicable.*
- (3) *The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.*
- (4) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.*
- (5) *The proposed use is consistent with the comprehensive plan.²*

The Code requires the Planning Commission to hold a public hearing for the purpose of making findings regarding the application's consistency with the Comp Plan and the application's compatibility with the underlying zoning classifications in the surrounding area (findings number 4 and 5 above).³

Importantly, the Variance that you are being asked to consider today is different from many variance applications that you review because it requests a variance from the permitted "use" of the property. Most variances are "area" variances through which applicants request flexibility related to dimensional requirements in the Code such as setbacks or lot coverage. A "use variance" is less common and, because it attempts to effectively change the zoning of a parcel of property without going through the otherwise required rezoning process, Minnesota courts have been careful to put limits on the ability of a local government to grant this type of exception to

² Code Section 73.03.1(c)

³ Code Section 73.03.1(e). While this letter will address the two factors that must be evaluated by the Zoning Committee and Planning Commission, it should be noted that SARPA believes that the Application fails to meet the other required findings and, since the City Council is charged with reviewing "all materials relative to the case" by copy of this letter, SARPA urges the City Council to re-examine the findings made by the Historic Preservation Commission as additional evidence as to why the Variance should be denied.

established code requirements.⁴ Because of the change in use, it is even more important that the Planning Commission, and the Zoning Committee, consider whether the proposed use is consistent with the underlying zoning and with the adopted Comp Plan. As outlined below, the proposed intensification of the use of the Property, under the Variance, is not compatible with the existing uses or the underlying zoning classification, nor is it consistent with the Comp Plan and because of this, the Variance should be denied.

I. The proposed use is not compatible with existing uses or the underlying zoning classifications in the area.

The Staff Report indicates that the proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area because “the proposed institutional use is compatible with the institutional uses nearby to the west and those permitted in the RM1 zoning district.”⁵ The Staff Report further states that “parking impact is anticipated to be similar to the church use.”⁶ SARPA respectfully disagrees with both of these statements and the accompanying staff analysis because (a) the Variance would allow an intensification of use on the Property that far exceeds what otherwise exists in the RM1 district, and (b) the parking impact of the proposed use far exceeds the impacts associated with the prior church use.

By definition, the RM1 district is a low density, multi-family residential district that allows certain civic and institutional uses. According to Section 65.200 of the Code, these uses include schools, colleges, universities, nonprofit institutions of higher learning and religious, social and cultural institutions. SARPA acknowledges that the proposal for the reuse of the Property includes some of these uses and, because of this, the Applicant contends that the proposed use is consistent with RM1 type uses. However, there are some very important differences between the proposed use and other “similar” uses in the surrounding area.

Specifically, SARPA has reviewed the non-residential uses along Summit Avenue and notes the following:

1. *Similarity to existing religious uses.* Excluding the subject Property, there are nine (9) churches currently operating on Summit Avenue. All of these churches are tax-exempt organizations and none of them have a liquor license. The primary use of each of these buildings is to provide a place of worship for their members. Importantly, all nine (9) religious properties operate close to peak capacity one day each week – typically on Sundays and the intensity of use of these buildings is significantly less during all other times. While these buildings may occasionally host a wedding or a funeral, they do not market themselves as a for-profit event center. Finally, most of these other locations have sufficient, dedicated parking for these events.

⁴ See *In re Stadsvold*, 754 N.W.2d 323, 329 (Minn. 2008).

⁵ Staff Report p.2.

⁶ *Id.*

2. *Similarity to existing educational uses.* Excluding the music school that exists at the subject Property, there are five (5) schools (including colleges or universities) with at least some portion of their facilities located on Summit Avenue. All of these other schools are operated as tax-exempt institutions and all have a primary purpose of meeting the educational needs of their students. These educational facilities only operate at peak capacity for nine (9) months each year and all of them have addressed the parking needs of their students and teachers by building or allocating dedicated parking areas. Although the larger institutions such as St. Thomas and Macalester offer occasional ancillary activities such as concerts, and also occasionally offer food and beverage for their students, these activities are held in sites scattered around their campuses and generally off of Summit Avenue.
3. *Similarity to existing civic or cultural centers.* The Germanic-American Institute and the American Association of University Women's St. Paul Club are probably the best examples of civic organizations or cultural centers operating on Summit Avenue. Both are tax-exempt organizations that hold occasional events to support their specific missions. Neither of these properties holds a liquor license and both have restrictions on hours of operation as well as on the size, scope and frequency of their events. Both have maximum capacity of approximately 200 people and the Germanic-American Institute offers dedicated parking.

In comparison, if granted, the Variance will allow the subject Property to be used in a way that is quite inconsistent with the other religious, educational and civic / cultural institutions that exist in the surrounding area. The Applicant seeks to operate a church, a school and a cultural / social institution on a single site with outdoor entertainment / event space, serving food and liquor, and bringing large numbers of people to the Property from 7 am until midnight, 7-days a week, 365 days a year. Finally, unlike the other owners of similar properties in this district, the Applicant is not a tax-exempt entity. While the Applicant has reassured the City that the business entity he has selected requires a social investment component, the entity is undeniably operating for-profit. Because of this, the City cannot ignore the fact that a for-profit owner and operator is likely going to be motivated by maximizing the use of the Property, thereby increasing the intensity of uses. All of these facts support SARPA's position that the Application, as presented, will increase the intensity of use on this singular site to such an extent that it will go far beyond what would otherwise be allowed under the RM1 zoning classification, making the Variance an inappropriate deviation from the well-established Code standards.

II. The proposed use is not consistent with the comprehensive plan.

The Staff Report notes that the proposed use is consistent with both the Land Use Chapter and the Historic Preservation Chapter of the Comp Plan because:

(1) the Land Use Chapter of the Comp Plan designates the site as part of an "Established Neighborhood" and the Established Neighborhood designation

allows for institutional use clusters at intersections of arterial and collector streets such as Summit and Snelling; and

(2) the use is consistent with the Historic Preservation Chapter of the Comp Plan “as detailed in the HPC recommendation.”⁷

As a preliminary matter, we note that the Code designates the *Planning Commission* as the body that must evaluate whether an application is consistent with the Comp Plan. Because of this, a finding by the Heritage Preservation Commission (“HPC”) that the proposed use is consistent with the Comp Plan is not a sufficient finding, nor is it even instructive to the Planning Commission or Zoning Committee. Regardless, the conclusions of the HPC are worth reviewing because they highlight the lack of depth of analysis that has been done in this case.

The HPC appears to have justified its support of the Variance request because one of the policy statements listed under a strategy heading in the Historic Preservation section of the Comp Plan is to “realize the full economic potential of key historic resources.”⁸ The HPC, in its resolution, noted that “the plan for reuse of this structure will accomplish that goal while maintaining and protecting this valuable historic community resource.”⁹ In providing this analysis, the HPC ignored several other fundamental provisions of the Historic Preservation section of the Comp Plan and tried to simplify what is actually a fairly complex analysis. To be clear, SARPA supports the City’s efforts to preserve historic buildings and uses, and also supports efforts to realize the full economic potential of key historic resources. However, economic gain cannot come at the price of preserving and protecting the overall character of the Summit Avenue area. Recognizing full economic potential does not mean that an unreasonable intensification of use is appropriate, particularly when little effort has been made to reduce the impact of the intensification. Just as economic considerations cannot legally be used to satisfy a finding of practical difficulties in a variance analysis, the mere fact that a property owner could increase the economic potential of an historic building does not justify a use variance. In fact, in the same section of the Comp Plan that was cited by the HPC, there is an express acknowledgment that intensification of use is not something that should be taken lightly. In describing Historic Preservation Strategy 5, policy 5.1, the Comp Plan states, [o]ne of the most daunting challenges facing historic resources is knowing how to best change or intensify their use.”¹⁰ In electing to change or intensify historic uses, the City must carefully consider the impact of the change in use on the surrounding neighborhood.

In addition, neither the Staff Report, nor the HPC findings address how the Variance, which results in an intensification of use, will impact other strategies contained in the Comp Plan. For example, Strategy 6 (Preserve Areas with Unique Architectural, Urban and Spatial Characteristics that Enhance the Character of the Built Environment) expressly seeks to preserve areas like Summit Avenue. It should be noted that, under Historic Preservation policy statement 6.3, all of Summit Avenue is considered a historically protected conservation district and, as a result, any re-

⁷ Staff Report p.2.

⁸ See Comp Plan HP p. 21, 5.3.

⁹ HPC June 29, 2018 minutes.

¹⁰ Comp Plan HP p. 21, 5.1.

development or reuse plans for sites or structures on the Avenue must ensure the continued protection of this unique urban space for the City.

Finally, the Land Use Chapter of the Comp Plan, as noted in the Staff Report, designates the Property as “Established Neighborhood.” Staff notes that institutional use clusters are allowed at intersections of arterial or collector streets. However, in providing this information, the Staff Report fails to include the rest of the language in the Established Neighborhood section of the Land Use Chapter which is necessary to understand the context of the commercial uses that should be allowed. The full text states:

*“Established Neighborhoods are characterized almost entirely by single-family houses and duplexes, as well as scattered small scale multi-family housing. Commercial areas at intersections of arterial or collector streets provide **goods and services for residents of the immediate neighborhood.**”¹¹*

The proposed reuse of this Property, as currently submitted, does not provide goods and services for residents of the immediate neighborhood. Instead, it seeks to draw visitors from far and wide and create a commercial use that far exceeds what was intended for Established Neighborhoods under the Comp Plan. Accordingly, if granted, the Variance would result in allowing an intensification of use that would not only fail to preserve the fundamental nature and character of Summit Avenue, but that is also inconsistent with the guidelines that have been established in multiple sections of the Comp Plan.

III. Conclusion.

In conclusion, we ask the Zoning Committee to recognize that it has an obligation to carefully review the request for a Variance and to determine if the Applicant has satisfied the requirements of the Code. In doing so, SARPA is confident that the Planning Commission will determine that the Application fails to satisfy the requirements of the Code and therefore, the Variance must be denied. SARPA supports the preservation of historic uses on Summit Avenue, and also supports efforts to invest in, and revitalize, this important part of the City. While the Applicant has outlined a use that successfully reuses an historic building, the City has a responsibility to ensure that the proposed use of the Property will not create an unacceptable burden on the surrounding area.

While the application for the Variance and the Staff Report focus on maximizing the economic use of the Property, neither (1) provide adequate consideration of the impacts of the proposed intensification of use on the health, safety and welfare of the surrounding areas, nor (2) adequately assess the consistency of this intensification of use with the underlying zoning and /or Comp Plan. As demonstrated above, the current Variance application fails to meet the standards that are required in order for the Planning Commission to approve the Variance. As a result, and for all of the reasons outlined above, SARPA respectfully requests that the Zoning Committee recommend

¹¹ Comp Plan, Land Use p.9 (emphasis added).

Zoning Committee
August 2, 2018
Page 7

denial of the Variance and direct staff to further explore ways that any intensification of use of this Property will protect the health, safety and welfare of the surrounding areas.

Very truly yours,

WINTHROP & WEINSTINE, P.A.



Tammera R. Diehm

cc: Mr. Robert Morrison
Mr. Thomas Darling
Ms. Carolyn Will

15866470v2

ZF # 18-084-109

Langer, Samantha (CI-StPaul)

From: Tammy Meister <tmeister51@gmail.com>
Sent: Tuesday, July 31, 2018 12:49 PM
To: Dermody, Bill (CI-StPaul)
Subject: Church on 1524 summit

Hi I am headed out of town for a meeting this Thursday so can not attend the hearing

I am opposed to the plans for this building

It does not fall in the design of summit to be non commercial

There is in no way enough parking availability for this building in relation to its size. There needs to be restrictions on its use and time I both live and have a business near this

Please let me know you thought
Tammy Meister
1605 Summit ave

(business 1696 Grand Ave)

Sent from my iPhone

18-084-109

Langer, Samantha (CI-StPaul)

From: Claire LaChance <claire.lachance@gmail.com>
Sent: Tuesday, July 31, 2018 10:47 PM
To: Dermody, Bill (CI-StPaul)
Subject: Meeting Thursday

Hello Mr. Dermody,

I am the current secretary of SARPA (Summit Avenue Residential Preservation Association) and am writing to voice my very real concerns with John Rupp's proposal to run a for-profit business on Summit Avenue. I am out of town and unable to attend the hearing on Thursday evening.

For over 100 years, Summit has maintained zoning as a residential district, not allowing for-profit businesses to operate on the avenue. Not only does allowing this variance start a dangerous trend of for-profit businesses being allowed on Summit, but there are a myriad of other day to day issues as well. One of those issues is that the former church offers almost no parking spaces. This means that Mr. Rupp's reception hall events of 300+ people will clog Summit and surrounding streets with parked cars. Additionally, the proposal suggests that the operating hours will be 7am to midnight with "other times by special arrangement". Both the guaranteed parking issues and wide range of operating hours will be an unwelcome change for neighbors who have bought their homes on a designated residential street. These are just a couple of the major issues this business will bring to Summit Avenue.

Please do not make the mistake of letting this get past the Zoning committee, it needs many more restrictions to fit into the intended use of Summit Ave.

Thank you,

Claire LaChance

Langer, Samantha (CI-StPaul)

From: Carolyn Will <carolyn@cwcommunications.info>
Sent: Wednesday, August 01, 2018 9:18 AM
To: Dermody, Bill (CI-StPaul)
Subject: Historic use variance for St. Paul on the Hill church

Bill,

I am a neighbor of the St. Paul on the Hill church. I live one block away. I am also the current president of the Summit Avenue Residential Preservation Association.

I have serious concerns about the for-profit commercial aspects of the operation Commonwealth Properties plans to run in the church property. Since 1915, Summit Avenue has been zoned for residential, noncommercial organizations such as schools and churches. The intensity of the commercial, for-profit business Mr. Rupp plans to operate in this already congested area would choke the life out of it. If the city grants this variance, it's like opening Pandora's box. All that we treasure about this historic avenue would be undermined. We all love Summit Avenue for the residential, urban park-like characteristics. The city's PR arm – Visit Saint Paul – often points out the uniqueness and beauty of Summit Avenue when describing our city to visiting conferences, national media, etc. That will all be undermined with this nonstop, all hours commercial business proposed for Saint Paul Church on the Hill. This to me looks like short-term thinking for the profit of one, but to the detriment of all who value this historic avenue.

Respectfully submitted,
Carolyn Will
1583 Summit Avenue
Saint Paul, MN
612-414-9661

Carolyn Will
[Carolyn@cwcommunications.info](mailto:carolyn@cwcommunications.info)
612-414-9661
CW Marketing & Communications
www.cwcommunications.info



18-084-109

From: Harry Walsh [mailto:harrywalsh375@gmail.com]
Sent: Tuesday, July 31, 2018 10:59 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: 1524 Summit Avenue

Dear Mr. Dermody:

The variance that is requested for 1524 Summit would amount to a revolution in the use of that church. The petitioner tries to identify precedents, but what he proposes would intensify the use of the church by seven times! Most obviously, since the church has very few parking spaces, to park on Summit, east of Snelling, would become a constant struggle, every day. The other problems of a seven-times intensified use are also obvious. Activities that are welcome or tolerable on one scale are a completely different matter when multiplied by seven.

The Zoning Commission should recommend that the City deny the petition or, at least, delay its decision until the opinions of all the affected voters can be developed.

Sincerely,

Harry Walsh

456 Summit Avenue, #206

18-084-109

Langer, Samantha (CI-StPaul)

From: Phil Martineau <martineauflip@gmail.com>
Sent: Wednesday, August 01, 2018 5:25 PM
To: Dermody, Bill (CI-StPaul)
Subject: 1524 Summit Building

Dear Mr. Dermody:

I plan to attend the City Zoning Commission meeting tomorrow. But one point I wish to make to you in advance is this;

Let's call this building what it is. It is now a rental property being proposed as a **night club**.

It is NOT a church, although at one time it was. It is not now. The owner proposes to rent it out for profit to darn near any group for any purpose.

This BUILDING is no longer a church even if the owner plans to have a religious organization as one renter. Any proposed legal entity cleverness does not make it anything less than what is being proposed...a **night club in the heart of our residential neighborhood**.

This is also an attempt to sidestep the St. Paul City noise variance process and ordinance of 10:00 pm noise limitation.

Sincerely

Phil Martineau
1474 Summit Avenue
St. Paul, MN 55105

651-352-2800

ZF# 18-084-109

Dermody, Bill (CI-StPaul)

From: mike@mrdan.com
Sent: Thursday, August 2, 2018 10:15 AM
To: Dermody, Bill (CI-StPaul)
Subject: 1524 Summit Rezoning Request - AGAINST

Dear Bill,

In response to the Zoning request for

1. I am NOT in favor of the rezoning of this property. A church is fine as are all the others on this historic street.
2. Since the church was formulated the parking on Summit and in front of my home is gone from 10-12 now.
3. The addition of any new traffic will make this street unbearable as it already has become with endless traffic.
4. The HUGE NEW daycare (3 Million dollar renovation) on Grand & Pascal (This area is only one block away from the 1524 Summit Church) was pushed through by the city without any of my knowledge or thoughts. This daycare for over 2 decades has caused tremendous parking and traffic issues as they have NEVER had any parking for their employees or daycare. NOW with the new renovation and construction I predict that these streets in the 1400 block (Summit, Pascal, Grand ave.) will be consumed with hundreds of new cars and more unwanted traffic all hours of the day.

** I wish the public and neighbors were notified for this outrageous development! Thanks for giving me the opportunity to respond to this issue.(SARPA Flyer Informed me of this zoning issue. Nothing from the city again??

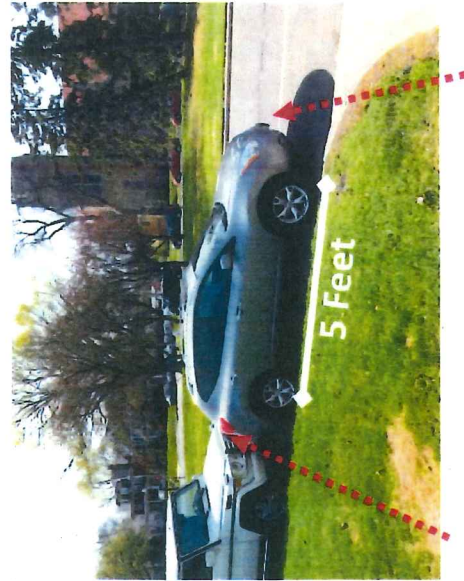
Michael & Melanie - 1464 Summit Avenue Resident / 651-324-5078

Submitted by Simon Kennedy
1525 Summit



1525 Summit Ave Parking Issues





**Summit Ave Parking Congestion...
for EVERY Event**

