ZONING COMMITTEE STAFF REPORT

FILE # 12-045-151

1. **FILE NAME:** Bilal Alsadi
2. **APPLICANT:** Bilal Alsadi — **HEARING DATE:** May 10, 2012
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 1200 Rice St, SE corner at Maryland
5. **PIN & LEGAL DESCRIPTION:** 302922220172, Stinsons Rice Streetaddition Subj To Esmt Lots 10,11 And Lot 12 Blk 2;
6. **PLANNING DISTRICT:** 6 — **PRESENT ZONING:** B2
7. **ZONING CODE REFERENCE:** § 65.702; § 61.501; § 61.502
8. **STAFF REPORT DATE:** May 2, 2012 — **BY:** Kate Reilly
9. **DATE RECEIVED:** April 12, 2012 — **60-DAY DEADLINE FOR ACTION:** June 11, 2012

A. **PURPOSE:** Conditional use permit for auto convenience market

B. **PARCEL SIZE:** Irregularly shaped parcel 112 feet (on the Maryland side) x 95 x 128 x 77 (on the Rice side) X 21 feet totaling 11, 831 square feet.

C. **EXISTING LAND USE:** Auto Convenience Market

D. **SURROUNDING LAND USE:**

North: Commercial building (B2 Community Business)

East: Single family homes (R4 Single-family residential)

South: Commercial (B3 General Business)

West: Single family homes (B2)

E. **ZONING CODE CITATION:** §65.702 lists conditions that auto convenience markets must meet; §61.501 lists general conditions that must be met by all conditional uses;

F. **HISTORY/DISCUSSION:** A permit for a filling station was first approved in this location in 1940 (Z.F. #999). The permit was granted again in 1967 when the existing filling station was rebuilt (Z.F. #6245).

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommends approval and has attached a list of proposed conditions for consideration by the Planning Commission.

H. **FINDINGS:**

1. Maryland Avenue is being reconstructed to provide additional left-turn lanes. Due to the need for extra width, portions of property along the south side of Maryland east of Rice Street are being taken. This property, at 1200 Rice Street, is located at the southeast corner of this intersection and will lose the north 20 feet of the site through acquisition by the county. Due to the land acquisition, the property owner needs to remove and relocate the pump islands, canopy, underground tanks and building. Because the existing building and facilities will be removed, the applicant is required to apply for a new conditional use permit for an auto convenience market.

2. § 65.702 lists the following standards that an auto convenience market must satisfy:

   (1) The use is subject to standards (a), (b), (d), (e), and (g) in § 65.703, auto service station. Standards (e) and (g) apply only in traditional Neighborhood and IR industrial districts. The subject property is in the B2 Community Business District, and therefore standards (e) and (g) do not apply.

   a. *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications....* This condition is met. The newly constructed auto convenience market will be constructed in accordance with current city specifications.

   b. *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is met. The residential property to the east does not

adjoin the property. It is separated from the property by a 20 foot wide alley. In addition, the residentially zoned area will be buffered by the building and a fence.

d. *Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping.* This condition is met. Outdoor accessory sales of goods or equipment will not take place in a required setback, parking or maneuvering space at this location.

(2) *The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.* This condition is met. The lot size is approximately 11,831 square feet. In order to make a density calculation, 1/2 of the width of the adjacent alley is added to the lot area of the parcel in question. The alley portion is approximately 940 square feet, for a total lot area of approximately 12,771 square feet.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional use permit for auto convenience market subject to the condition that a site plan is approved by city staff.

CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 12-045-151
Fee: $800.00
Tentative Hearing Date: 5/10/12

PD = 6

#302922220172

APPLICANT

Name BILAL ALSADI
Address 13850 GUILD AVE.
City Apple Valley St. MN Zip 55124 Daytime Phone 612 750 4448 8
Name of Owner (if different) SAME
Contact Person (if different) JOHN KOSMAS, KKDESIGN Phone 952 922 3226

PROPERTY LOCATION

Address / Location 1200 RICE STREET
Legal Description LOT 10, 11 & 12, BLK 2, STINSON'S RICE STREET ADDITION TO CITY OF ST. PAUL, MINN. Current Zoning
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 66, Section 702, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHED SHEET DATED 4/11/12

CK 8316
800.00

☑ Required site plan is attached

Applicant's Signature _____ Date 4-12-2012 City Agent _____ 4-12-12

April 11, 2012

Support Information for Conditional Use Permit Application: 1200 Rice Street

This Conditional Use application is presented due to the changes that are taking place at the intersection of Rice Street and Maryland Ave. Maryland Avenue is being re-constructed to provide additional turning lanes. Due to the width requirements required by Ramsey County and the City of St. Paul, addition land is being taken on the south side of Maryland, specifically along the south side of Maryland and east of Rice Street. The property located at 1200 Rice Street which is located at the southeast corner of the intersection is losing 20 feet across the north property line and a diagonal piece of property at the corner. Due to this taking the property needs to remove and relocate the pump islands, canopy, underground tanks and building.

The attached site plan identifies the various amenities being removed and their placement after the re-construction. The remaining property area is 11,830 square feet. The building will be 2,496 square feet with 7 parking stalls and two pump islands with a 24' x 60' overhead canopy. The new facility will provide the same services as it currently provides with-in an updated structure and site amenities.

Two primary items need to be addressed in the granting of the Conditional Use Permit. The various conditions for the proposed use are noted in Sec. 65.702, Auto Convenience Market. The proposed plans meet all of the requirements with the exception of item (b), the lot area shall be at least 12,000 square feet in area. Due to the taking of the north 20 feet the lot area is reduced to 11,830 square feet, thus requiring an amendment to continue functioning as an Auto Convenience Market.

The second is the need to re-establish its current Conditional Use Permit to allow the Auto Convenience Market on the remaining B-2 zoned property. With the building being removed it causes the current Conditional Use to also be removed from the property. As the use is re-established, the Conditional Use needs to also be re-established.

Therefore, the request includes that the Conditional Use Permit be re-established and that the lot size requirement be reduced to 11,830 square feet, for the property located at 1200 Rice Street, St. Paul, MN, Lots 10, 11, 12, Block 2, Stinson's Rice Street Addition to the City of St. Paul, Minn.

Bilal Alsadi, Owner
1200 Rice Street
St. Paul, MN

John Kosmos
KK DESIGN
4/12/12

WORK SHEET NOTES BY - J. KOSMAS 4/11/12 1 of 2

Subject: cup standards
From: "Tom Beach" <Tom.Beach@ci.stpaul.mn.us>
Date: 3/26/2012 9:29 AM
To: john@kkdesign.biz

Sec. 65.702. - Auto convenience market.

A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

Standards and conditions:

(a) ✓

The use is subject to standards and conditions (a), (b), (d), (e), and (g) in section 65.703, auto service station.

(b) ✓

The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.

(Ord. No. 11-27, § 1, 4-20-11)

LOT SIZE AFTER 20' TAKING ALONG MARYLAND IS 11,830 S.F.

Sec. 65.703. - Auto service station.

A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Standards and conditions:

(a) ✓

The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk.

(b) ✓

A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

20' ALLEY ADJ. ON EAST PROP. LINE

(c) ✓

The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required.

(d) ✓

Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping.

Additional standards and conditions in traditional neighborhood districts:

(e) ✓

WORKSHEET 2 of 2

The principal building shall comply with the dimensional standards and design guidelines applicable to traditional neighborhood districts, except that the maximum setback requirement may be modified by the planning commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.

Additional standards and conditions in traditional neighborhood and IR industrial districts:

(f) N/A.

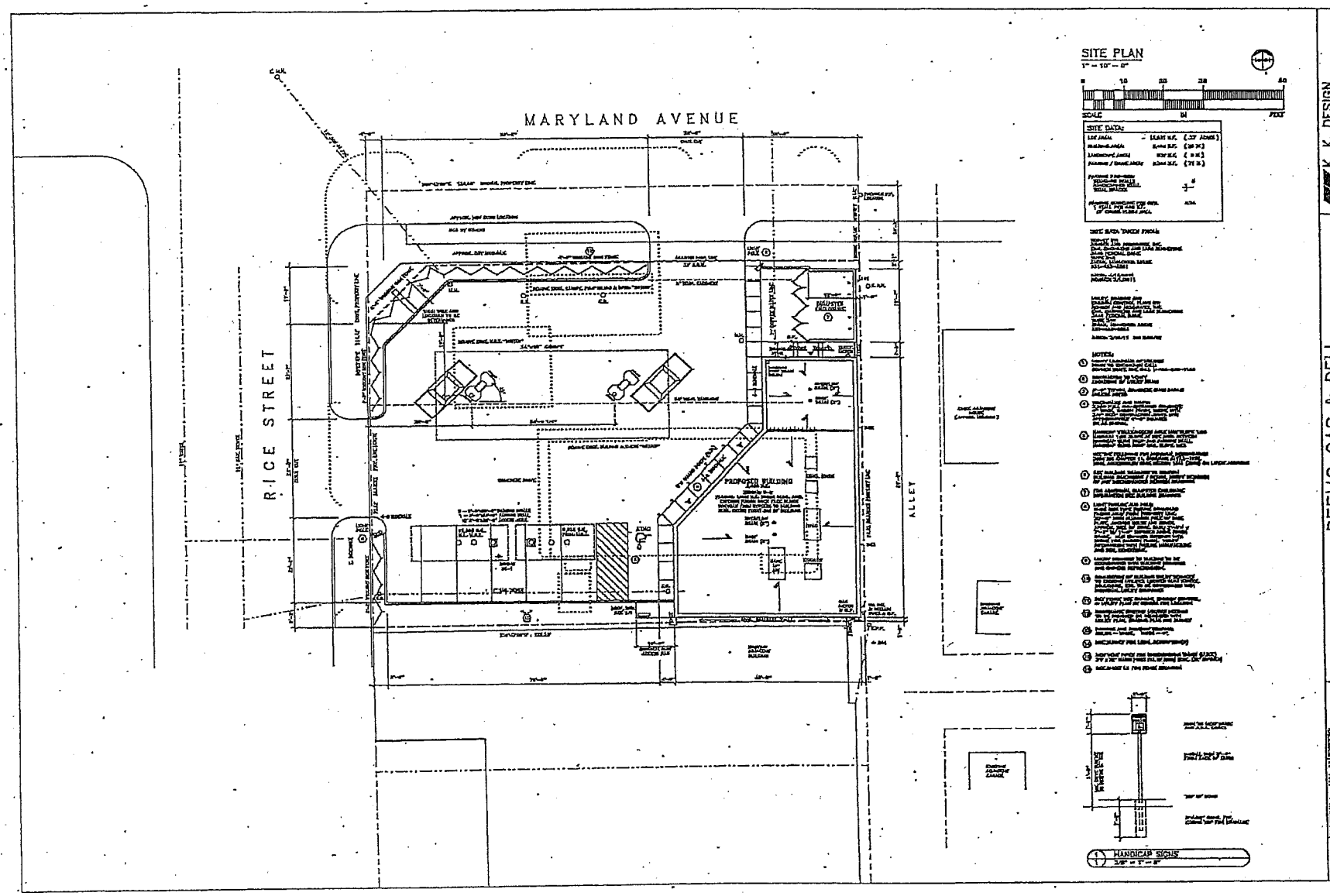
All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with section 63.301

(g) ✓

There shall be no exterior storage. Space for accessory outdoor sales of goods or equipment shall be limited to two hundred (200) square feet.

(h) N/A

In the T2 traditional neighborhood and IR light industrial restricted districts this use shall be limited to parcels within ¼ mile of University Avenue.


MARYLAND AVENUE
RICE STREET
ALLEY
PROPOSED BUILDING
SITE PLAN
1" = 10' - 0"
SITE DATA
NOTES:
HANDICAP SIGNS
K. K. DESIGN
REEMO GAS & DELI
1800 RICE STREET
ST. PAUL - MINNESOTA

Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West

Minutes May 18, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 18, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. Merrigan, Noecker, Perrus, Reveal, Shively, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Nelson, Ochs, Oliver, Spaulding, Ward, and Wickiser.
Commissioners Absent:	Mmes. Halverson, *Porter, *Thao, and Mr. *Schertler. *Excused
Also Present:	Donna Drummond, Planning Director; Tom Beach, Department of Safety and Inspections; Patricia James, Allan Torstenson, Luis Pereira, Kate Reilly, Anton Jerve, Eduardo Barrera, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 4, 2012.

Chair Wencl announced that the minutes are not available at this time. However they will be ready for approval at the June 1, 2012 meeting.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the City Council approved a Interim Use Permit for Semple to do rock crushing on the west side. They were given the permit to crush an existing pile of rock on their property during a 60 day time period. Rock crushing will be an issue that is part of the Industrial Zoning Study that will be up for public hearing at the next Planning Commission meeting. The City Council also approved zoning changes resulting from the District 9 Gateway Zoning Study. The Planning Commission had recommended T3 zoning for the properties that are on Grand/Ramsey just off West 7th Street and the City Council gave final approval for T1 zoning.

IV. PUBLIC HEARING: Near East Side Roadmap & Rezoning Study – Item from the Neighborhood Planning Committee. *(Luis Pereira, 651/266-6591)*

Chair Wencl announced that the Saint Paul Planning Commission is holding a public hearing on the Near East Side Roadmap & Rezoning Study. Notice of the public hearing was published in the Pioneer Press on May 2, May 7, and May 14, 2012, and was mailed to the citywide Early

Attachment D Planning Commission Minutes pages 1 and 9, Tom Beach response to several condition requests, Planning Commission Resolution, Tri Area Block Club letter

Commissioner Perrus explained that condition #6 called for parts of certain fourth and fifth floor windows in the back of the building to be translucent. This would do little to improve privacy and would not be conducive to a good living environment in the apartments.

Commissioner Merrigan proposed a friendly amendment to conditon #3, which was accepted, to increase the number of secure bicycle spaces to 24 in the underground parking garage and 36 in the patio area near the front door.

Commissioner Spaulding noted the positive impacts of some additional density proximate to St. Thomas on a transit corridor, something that is part and parcel of our comprehensive plan.

Commissioner Oliver asked if the applicant agreed to the conditions?

Tom Beach said yes, in general, the applicant agrees. He then stated that there might be some problems squeezing in that many bicycle racks, and suggested more flexibility in determining the exact number.

After further discussion about the wording of the amendment to condition #3, it was agreed that it should be *as many secure bicycle parking spaces shall be provided on site as determined to be practical by site plan review staff: at least 12 and up to 24 in the underground parking garage, and at least 12 and up to 36 in the patio area near the front door.*

MOTION: ***Commisioner Reveal moved to call the question. Commissioner Ochs seconded the motion. The motion to call the question passed unanimously on a voice vote.***

VOTE ON MOTION TO APPROVE WITH CONDITIONS: ***The motion carried on a vote of 15-1 (Nelson).***

NEW BUSINESS

#12-045-151 Bilal Alsadi – Conditional use permit for auto convenience market. 1200 Rice Street, SE corner at Maryland. *(Kate Reilly, 651/266-6618)*

Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#12-048-444 Church of St. Bernard – Conditional use permit for transitional housing, with modification of number of residents to permit 12 adults and their minor children. 197 Geranium Avenue West, NE corner at Woodbridge. *(Luis Pereira, 651/266-6591)*

Commissioner Ward asked if the total number of beds/occupants that is allowed for this particular district in transitional housing is known.

Patricia James reported that she did not have that information with her.

Commissioner Merrigan provided information from the staff report that, in this case of a 12 person residential housing facility, the planning district concentration would go from 0.22% to 0.27% and leave a balance of 185 beds available in the district.

Tom Beach has provided a response to several of the conditions requested by the District 6 Community Council.

- The trash storage area will be totally enclosed, including an overhead structure
  Trash storage doesn't need a roof – there is no one in a multi-storey building who will be looking down on the structure. The structure itself is masonry and wood and will be enclosed on four sides.

- The space between the building and trash enclosure will be eliminate and the south section of the property will be closed off so foot traffic will be kept to a minimum
  There is a door on the north side of the building that is required by building code. There is a fence between the building and the trash enclosure.

- There will be no encroachment to the alley
  This is a reasonable condition.

- Extend the partition wall on the east side of the property by using a fencing system to close off the building.
  The alley is blocked off by the fence, dumpster enclosure and building.

- Water management will meet with the City/County approval
  City/County staff and the applicant are working on water management of the site. The storm sewer pipe at Maryland is very narrow.

- Under canopy lights that will not shine out into the street.
- Adequate lighting throughout the site, including the sides and back portion of the property.
  Site plan review requires that a lighting plan be submitted.

- Security cameras to monitor the entire site including the alley are engaged at all times with a 24-hour loop and a 45-day access to video
- Visual monitors inside the store
- Use CPTED practices
  Not handled in site plan review and staff is not qualified to address this issue.

- Vents on the roof, not on the sides of the building
  No vents are proposed for the sides of the building

- The desired minimum ingress/egress is 300 feet from the intersection so the current ingress/egress closest to Rose Avenue must remain.
- Ingress and egress needs to meet the City of Saint Paul and Ramsey County's approval.

It is not reasonable, based on the layout of the site and the street intersection to have ingress/egress 300 feet from the intersection. The driveway needs to be located 20 feet north of the south property line otherwise the entire site needs to be redesigned, including the location of the building and the pumps. They will meet with City and County approval and both agencies are working with the applicant on proper ingress/egress.

- The applicant will utilize the Rice Street Commercial Guidelines.
  Staff is unfamiliar with the guidelines.

- The applicant follows recommendations set forth by the site plan review team.
  The applicant must made adjustments according to site plan review results.

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

July 11, 2012

Bilal Alsadi
13850 Guild Avenue
Apple Valley, MN 55124

RE: Site Plan 11-250428
Reemo Convenience Store and Gas Station at 1200 Rice Street

Dear Mr. Alsadi:

I am writing this letter in response to the site plans you have submitted to the City for your property at 1200 Rice Street.

Site plan for a new building and pump islands
Ramsey County took the north 20' of your property to widen Maryland Avenue and you submitted a site plan to construct a new building and pumps on the remaining land. This plan calls for moving the Rice Street driveway approximately 22' closer to the Maryland Avenue intersection than the existing driveway. Rice Street is a County Highway and so Ramsey County and Saint Paul Public Works must both approve relocating the driveway. However, they have both determined that moving the driveway closer the intersection is not consistent with traffic safety and they will not approve relocating the driveway as shown on this plan.

Based on this, the City cannot approve this site plan or a new building and pump islands.

Site plan for relocating the pump islands
Ramsey County recently widened Maryland Avenue and now the pump islands for your station sit within a couple feet of the public sidewalk along Maryland. Saint Paul Fire Safety issued you orders to close the pumps.

You recently submitted a plan to move the gas pumps approximately 12' south while keeping the existing building and driveways. This site plan was reviewed by Ramsey County and Saint Paul Public Works and they both determined that it is not consistent with traffic safety. The site plan does not work for gas deliveries using a standard tanker truck and you have previously indicated that smaller trucks are generally not available. In addition, circulation for cars on the site will not work if cars park in areas other than the five parking spaces designated on the site plan. Given past experience with similar businesses, it is likely that some cars will park in areas other than the designated parking spaces.

Based on this, the City cannot approve this site plan for relocating the pump islands.

This decision may be appealed to the Planning Commission. Appeals must be filed by July 22, 2012.

If you have any questions, you can reach me at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

Sincerely,

Tom Beach
Zoning Specialist

cc: John Kosmas, KK Design
Erin Laberee, Ramsey County
David Kuebler, Public Works
Ricardo Cervantes, DSI
Steve Magner, DSI
Phil Owens, DSI

Attachment E July 11, 2012 letter from Department of Safety and Inspections denying two site plans

ZF #12-045-151
Bilal Alsadi

To: Zoning Committee of the St. Paul Planning Commission
From: Tri Area Block Club
c/o District 6 Planning Council
Re: 1200 Rice Street File # 12-045-151 May 10, 2012 Zoning Committee Hearing.
Date: May 6, 2012

The 14-square-block Tri Area Block Club, located in St. Paul's North End neighborhood, shares the concerns of the residents of Rose Avenue regarding the plan for 1200 Rice Street. The Northwestern boundary of our block club runs south along Park Street from Maryland Avenue. This is one block east of 1200 Rice Street. Block club members drive and/or walk through the Rice/Maryland intersection daily. This is a highly traveled, congested intersection with a high accident rate. The community has long awaited the multimillion dollar intersection improvement project. However, we agree that elements of the site plan for 1200 Rice Street would negate some of the positive aspects of these improvements.

Our concerns are as follows:

- The close proximity of the Rice Street ingress/egress to the intersection. The proposed location would cause southbound traffic on Rice Street to back up into the intersection when a southbound vehicle is waiting for a gap in northbound traffic to access 1200 Rice Street. This could also cause congestion impacting traffic turning off of Maryland (from both the east and west) onto southbound Rice Street.
- Safety issues related to exiting the site. Right turns only should be allowed upon exiting.
- The amount of parking for employees and customers of both the convenience store and restaurant seems underestimated, especially for those eating on site.
- The setback utilizing alleyway was not subject to community process.
- The ability for tanker trucks to access the site and deliver fuel.

Thank you for consideration of our concerns.

Tri Area Block Club
c/o District 6 Planning Council

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

August 24, 2012

Bilal Alsadi
REEMO Gas and Deli
1200 Rice St
St Paul Mn 55117-4903

RE: Approval of Site Plan 12-090127 - REEMO gas pump relocation at 1200 Rice Street

Dear Mr. Alsadi:

The site plan (dated 08/15/2012, Sheets 1, D1, D2) referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed gas pump relocation and all other site improvements must be installed as shown on the approved site plan. This includes all paving, grading, driveways, utilities, landscaping, lighting, and fences.

2. **Erosion and Sediment Control** All erosion and sediment control devices must be installed per the approved site plan and shall be inspected by the building inspector prior to excavation. Control devices must be maintained until final approval of the project.
   Storm sewer inlets shall be protected from sediment by silt fence, or equivalent measures. Protection shall remain in place until bituminous areas have been paved and lawn areas have been established.
   Adjacent streets and alleys must be swept to keep them free of sediment. Contractor must monitor conditions and sweep as needed or within 24 hours of notice by the City.
   All disturbed ground left inactive for fourteen or more days must be stabilized by seeding or sodding.

3. **Public Works Traffic Engineering** Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Traffic Engineering 651-266-6200 six weeks in advance of needed sign(s).

4. **Permits and Fees** The permits and fees listed below are required for the work shown on the approved site plan.
   - **Building permit** A building permit from the Department of Safety and Inspections (651-266-9007) is required for this project.
     A building permit is also required for the construction of the required screening of the rooftop mechanical equipment. The screening shall be of durable, permanent materials that are compatible with the primary building materials. Detailed construction plans must be submitted with the building permit application.
   - **Fence permit** A fence permit is required for the proposed new 4' high decorative fence along Maryland and Rice and 10' long along the north west side of the alley; the 5' high obscuring fence along the alley; and the dumpster enclosure.
   - **Hazardous material permit** A hazardous material permit to reroute the processing pipe is required for this project.
   - **Sidewalk permit** All work on curbs, driveways, and sidewalks within the public right of way

Attachment F August 24, 2012 letter from Department of Safety and Inspections approving site plan

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 651-292-6600. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office.

- **Sign permit** Business signs will require a separate review and Sign Permit from the Department of Safety and Inspections.. Site plan approval does not constitute approval of business signs shown on the site plan. Contact Yaya Diatta of DSI Zoning (651-266-9080) if you have any questions about signs.
- **Obstruction or excavation permit** An Obstruction or Excavation Permit must be obtained from Public Works (651-266-6151) if trucks/equipment will be driving over curbs or if construction will block City streets, sidewalks or alleys. The developer shall contact the Right of Way inspector Long Yang at (651) 485-4398 (one week prior to beginning work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. 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. As per the City's "Standard Specification for Street Openings" policy, restoration on roadway surfaces less than 5 years old will require full width mill and overlay or additional degradation fees. Pavement restoration shall be completed by the St. Paul Public Works Street Maintenance Division. All related costs are the responsibility of the developer/contractor. Contact Kevin Nelson at 651-266-9700 for estimate of costs for pavement restoration.
- **Parkland Dedication Fee** A parkland dedication fee of $545.02 is required for this project. This figure is calculated based on a number of factors, including the number of new parking spaces being provided and the value of the property. This dedication fee is due at the time of building permit issuance.
- **License** You will continue to work with licensing staff to address issues (ie. cameras and lighting, hours of operation, litter collection plan, security plan, etc.) brought up during a legislative hearing.

5. **Time limit and inspection** Work covered by this site plan must be completed no later than August 24, 2013. A site inspection will be scheduled based on this date. Please call me if you finish before this date.

If you have any questions, you can reach me at 651-266-9085 or corinne.tilley@ci.stpaul.mn.us.

Sincerely,

Corinne A. Tilley

Corinne A. Tilley
DSI Inspector in Zoning and Site Plan Review

cc: Sewer Division, Planning Division, Traffic Division, District 6, John Kosmas

You may appeal this decision and obtain a hearing before the Planning Commission by filing an Application for Appeal and paying the application fees to the Zoning Administrator within (10) days of the date these orders were mailed. The Application for Appeal may be obtained from the Zoning Administrator's Office at 375 Jackson Street, Suite 220, Saint Paul MN 55101-1806.

SITE PLAN APPROVED SUBJECT TO CONDITIONS
OFFICE OF DSI
CITY OF ST. PAUL
By CORINNE A TYLLEY
File # 12-090127 Date 24 AUG 2012
Any alterations from this plan must be approved by the Zoning Administrator

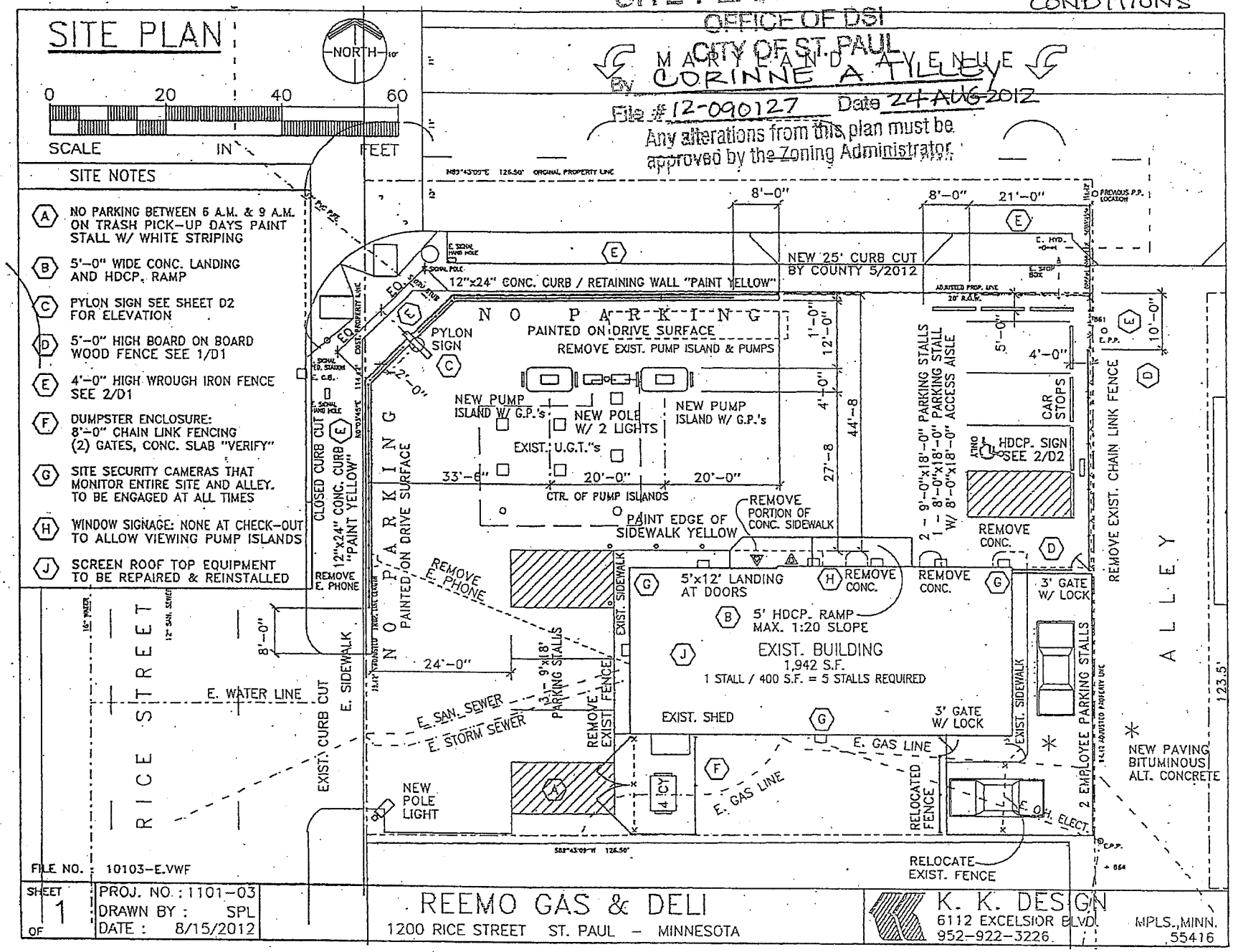
SITE PLAN

SCALE 0 20 40 60 IN FEET

NORTH

SITE NOTES

- (A) NO PARKING BETWEEN 6 A.M. & 9 A.M. ON TRASH PICK-UP DAYS PAINT STALL W/ WHITE STRIPING
- (B) 5'-0" WIDE CONC. LANDING AND HDCP. RAMP
- (C) PYLON SIGN SEE SHEET D2 FOR ELEVATION
- (D) 5'-0" HIGH BOARD ON BOARD WOOD FENCE SEE 1/D1
- (E) 4'-0" HIGH WROUGH IRON FENCE SEE 2/D1
- (F) DUMPSTER ENCLOSURE: 8'-0" CHAIN LINK FENCING (2) GATES, CONC. SLAB "VERIFY"
- (G) SITE SECURITY CAMERAS THAT MONITOR ENTIRE SITE AND ALLEY. TO BE ENGAGED AT ALL TIMES
- (H) WINDOW SIGNAGE: NONE AT CHECK-OUT TO ALLOW VIEWING PUMP ISLANDS
- (J) SCREEN ROOF TOP EQUIPMENT TO BE REPAIRED & REINSTALLED



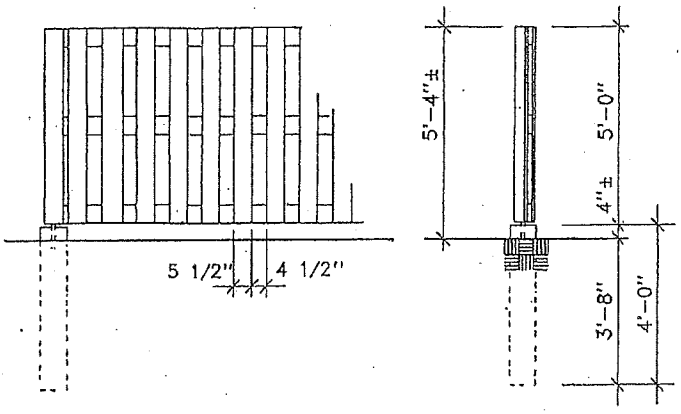
FILE NO. : 10103-E.VWF

SHEET 1 OF

PROJ. NO. : 1101-03
DRAWN BY : SPL
DATE : 8/15/2012

REEMO GAS & DELI
1200 RICE STREET ST. PAUL - MINNESOTA

K. K. DESIGN
6112 EXCELSIOR BLVD.
952-922-3226.
MPLS., MINN. 55416



POSTS – 4x4
POST BASE – EPB4408

RAILS – (3) 2x4
RAIL BRACKETS – ERB24

FOOTING – 8"ø x48"
W/ 4" EXPOSED

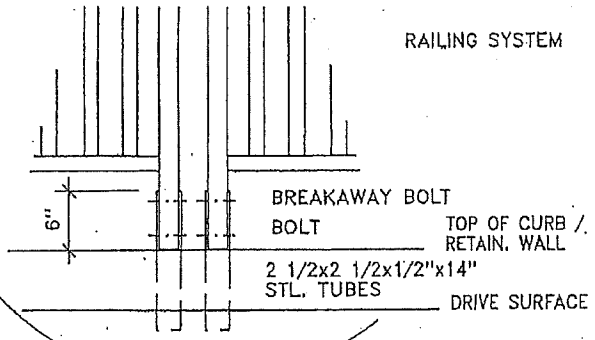
WOOD MATERIAL OPTIONS:
PRESSURE TREATED – .40
POSTS .60
CEDAR – NUMBER 2 OR BETTER

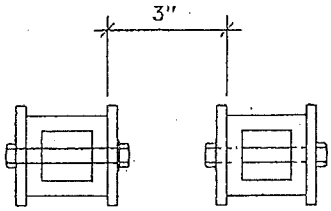
ALTERNATE: VINYL FENCING SYSTEM

NOTES:
RAIL BRACKETS AND POST BASES
BY UNITED STEEL PRODUCTS
OR EQUAL

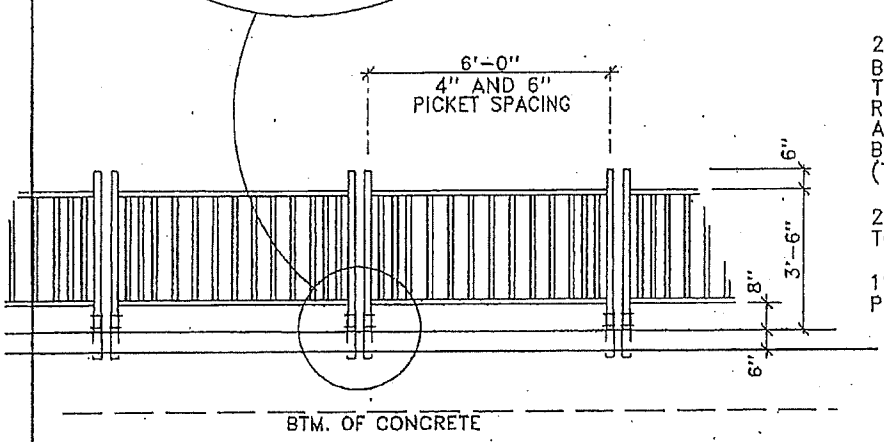
1 / D1 WOOD FENCE ELEVATION / SECTION

1/4" = 1' – 0"





STL. TUBE PLAN



2x2x3/8"x48" TUBE POST
BOLTED TO 2 1/2x2 1/2x1/4"
TUBE SET 8" INTO CONCRETE
REMOVE 2 WALLS OF TUBE TO
ALLOW FENCE TO ROTATE
BOLT TO FENCE W/ 2 BOLTS
(TOP BOLT BREAKAWAY TYPE)

2x2x1/4"
TOP & BTM. RAILS

1"x1"x1/4" TUBE
PICKETS AT 4" & 6" O.C.

PROVIDE SHOP DRAWINGS FOR REVIEW PRIOR TO MANUFACTURING

2 / D1 WROUGHT IRON FENCE ELEVATION

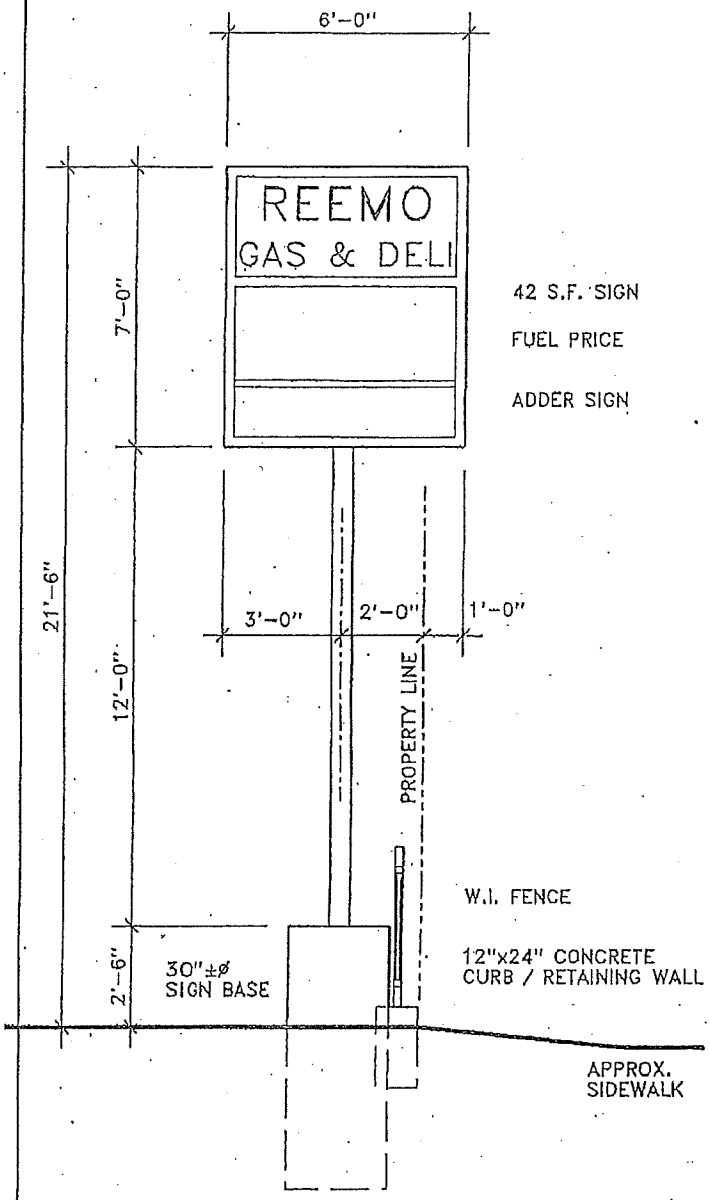
1/4" = 1' – 0"

K. K. DESIGN
6112 EXCELSIOR BLVD.
952-922-3226
MPLS., MINN. 55416

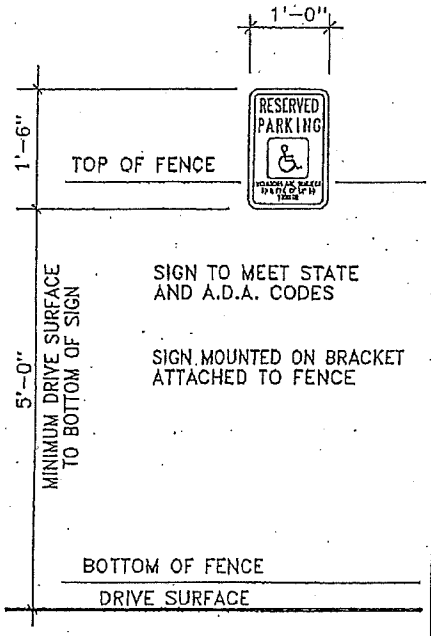
REEMO GAS & DELI
1200 RICE STREET ST. PAUL – MINNESOTA

PROJ. NO : 1101-03
DRAWN BY : SPL
DATE : 8/15/2012

SHEET D1 OF



1 D2 PYLON SIGN ELEV.
1/4" = 1'- 0"



2 D2 HDCP. SIGN ELEV.
1/2" = 1'- 0"

K. K. DESIGN
6112 EXCELSIOR BLVD.
952-922-3226
MPLS.,MINN.
55416

REEMO GAS & DELI
1200 RICE STREET ST. PAUL - MINNESOTA

PROJ. NO : 1101-03
DRAWN BY : SPL
DATE : 8/15/2012

SHEET D2 OF

city of saint paul
planning commission resolution
file number
date

WHEREAS, Mr Bilal Alsadi, File # 12-045-151, has applied for a conditional use permit for an auto convenience market under the provisions of §65.702 and §61.501 of the Saint Paul Legislative Code, on property located at 1200 Rice St, Parcel Identification Number (PIN) 302922220172, legally described as Stinsons Rice Streetaddition Subj To Esmt Lots 10,11 And Lot 12 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 10, 2012, 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. Maryland Avenue is being reconstructed to provide additional left-turn lanes. Due to the need for extra width, portions of property along the south side of Maryland east of Rice Street are being taken. This property, at 1200 Rice Street, is located at the southeast corner of this intersection and will lose the north 20 feet of the site through acquisition by the county. Due to the land acquisition, the property owner needs to remove and relocate the pump islands, canopy, underground tanks and building. Because the existing building and facilities will be removed, the applicant is required to apply for a new conditional use permit for an auto convenience market.
2. § 65.702 lists the following standards that an auto convenience market must satisfy:

   (a) *The use is subject to standards (a), (b), (d), (e), and (g) in § 65.703, auto service station.* Standards (e) and (g) apply only in traditional Neighborhood and IR industrial districts. The subject property is in the B2 Community Business District, and therefore standards (e) and (g) do not apply.

   a. *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications....* This condition is met. The newly constructed auto convenience market will be constructed in accordance with current city specifications.

   b. *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is met. The residential property to the east does not adjoin the property. It is separated from the property by a 20 foot wide alley. In addition, the residentially zoned area will be buffered by the building and a fence.

   c. *Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping.* This condition is met. Outdoor accessory sales of goods or equipment will not take place in a required setback, parking or maneuvering space at this location.

moved by _____

seconded by _____

in favor _____

against _____

(b) *The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.* This condition is met. The lot size is approximately 11,831 square feet. In order to make a density calculation, 1/2 of the width of the adjacent alley is added to the lot area of the parcel in question. The alley portion is approximately 940 square feet, for a total lot area of approximately 12,771 square feet.

3. § 61.501 lists the following standards that all conditional uses must satisfy:

(a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This is a neighborhood-serving commercial business that meets Saint Paul Comprehensive Plan Land Use Strategy 1.7, "Permit neighborhood serving commercial businesses compatible with the character of established neighborhoods." A similar use has been on this site since at least 1940.

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There is adequate ingress and egress. There is also adequate room for the stacking of cars. Both of these factors will minimize traffic congestion in the public streets.

(c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. A previously established business in an area zoned B2 Community Business will be allowed to continue to operate.

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will continue a previously established business. This use will not prevent the development and improvement of the other businesses in the area, nor will it impact the development and improvement of the residential uses in the districts surrounding it.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to all applicable regulations of the B2 district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mr Bilal Alsadi for a conditional use permit for an auto convenience market at 1200 Rice St is hereby approved subject to the conditions that a site plan is approved by city staff and that a litter collection plan is provided.

REQUEST FOR RAMSEY COUNTY BOARD ACTION

10.5

Type of Agenda: ☐ Policy ☒ Administrative ☐ Consent ☐ Information ☐ Public Hearing ☐ Ordinance

Requesting Department: **Public Works**

Committee: ____ Meeting Date: ____
Committee: ____ Meeting Date: ____

County-Wide Ramifications ☒ Board Meeting Date: 5/8/2012
or
Affected Commissioner District(s) #: ____ Board Meeting Date: ____

SUBJECT: Negotiated Settlement – Parcel #3 on the Rice Street at Maryland Reconstruction Project

EXECUTIVE SUMMARY

The Ramsey County Public Works Department, in cooperation with the City of St. Paul, is reconstructing Maryland Avenue at Rice Street this summer (2012). As part of the project, permanent highway and temporary construction easements were acquired over a portion of 1200 Rice Street (referred to as Parcel 3 herein), located in the southeast quadrant of the intersection of Maryland and Rice. The easements were necessary to accommodate road widening, sidewalks, and drainage structures. The City of St. Paul acquired the right of way for the project, in accordance with agreement PW2010-19, with 100% of the costs borne by Ramsey County per the Cost Participation Policy for Federal Aid projects. Ramsey County has received all acquired property from the City.

(The Executive Summary is continued on the following page.)

ACTION REQUESTED

1. Approve the Stipulation for Settlement for Parcel 3 with Bilal Alsadi and Iman Akli, husband and wife, in the amount of $1,000,000, which settles all claims and costs related to this parcel (including real estate taken, severance damages, attorney's fees, expert witness fees, interest, relocation and reestablishment costs, and all other fees and costs) provides for the Owner to disclose attorney fees after payment, requires the Owner to reimburse Ramsey County construction costs related to providing water service and storm stub, both to the R/W line, for use by the Owner, and prohibits the Owner from excavating the Maryland Avenue pavement surface for utility purposes.
2. Authorize the County Manager to make budget adjustments increasing estimated revenue and appropriations to fund the Stipulation of Settlement.

EXECUTIVE SUMMARY, Continued

The appraised value for the easement rights and related damages to the parcel was $280,000. The Owner did not agree with the offer and secured legal counsel. During ongoing negotiations the City and County determined the cost of the easements and damages would equal a total take of the parcel. Just Compensation for the entire parcel was determined to be $465,000 and was presented to the owner. The City proceeded with negotiations, and ultimately Eminent Domain proceedings. At the Hearing on Petition the Owner objected to the necessity of taking the entire property. He successfully argued that a partial take of 20' permanent easement and ancillary temporary easement along Maryland Avenue (leaving the Owner with the remainder) was appropriate taking for this project. It was agreed to reduce the taking, amend the Petition, and continue with eminent domain hearings.

The Eminent Domain Commission heard several days of testimony presented by the Owner, City and Ramsey County. They awarded $867,624 based heavily on the Minimum Compensation Statute (M.S. 117.187). Ramsey County (through the City) appealed the award, the Owner cross appealed. Since that time, Ramsey County has taken over its own legal counsel and proceeded to negotiate with the Owner. We have arrived at a global settlement: A) amount of $1M inclusive of any and all payments made to the owner; B) to settle all claims of acquisition, damages, interest, attorney fees, expert witness fees, costs, relocation and re-establishment; C) The Owner is to provide an accounting of attorney fees after payment; D) the Owner is to reimburse Ramsey County for costs related to water and storm service connections; and E) The Owner will not be allowed to open Maryland Avenue for utility purposes. The settlement costs are eligible for reimbursement from County State Aid Highway Funds (CSAH).

If this acquisition were to go through a jury trial, the award regarding real estate and severance damages may be higher or lower. Additional costs related to interest, attorney fees, expert witness fees, relocation/re-establishment and other elements included in the agreement would likely increase, resulting in a total cost to the County in excess of $1M.

SUBJECT: Negotiated Settlement – Parcel #3 on the Rice Street at Maryland Reconstruction Project

ATTACHMENTS:

Stipulation of Final Settlement

PREVIOUS ACTION:

Resolution 2011-167 - Approval of 2011-2015 TIP

COUNTY MANAGER COMMENTS:

In accordance with Resolution 2011-167, the Board must approve negotiated settlements greater than $15,000 over the appraised value for easement/fee rights acquired on a parcel.

SUBJECT: Negotiated Settlement – Parcel #3 on the Rice Street at Maryland Reconstruction Projec

Originating Department Request – Authorized Signature	Date
	4/25/12

Budgeting & Accounting – Authorized Signature	Date
	5-3-2012

County Attorney – Authorized Signature	Date
	4/26/2012

Property Management – Authorized Signature	Date

Information Services – Authorized Signature	Date

Other – Authorized Signature	Date

DRAFT RESOLUTION

WHEREAS, The Ramsey County Public Works Department, in cooperation with the City of St. Paul, developed plans for the reconstruction of Maryland Avenue; and

WHEREAS, The City of St. Paul proceeded to acquire necessary right of way on Parcel 3 that included permanent and temporary easement through the Eminent Domain process; and

WHEREAS, The Ramsey County Public Works Department determined that the Maryland Reconstruction Project right of way acquisition had significant impacts to Parcel 3; and

WHEREAS, The Ramsey County Public Works Department and the property owner have negotiated a settlement for the loss of property, damage to the remainder of property, attorney fees, expert witness fees, interest, relocation and reestablishment costs, and all other costs and fees; and

WHEREAS, The Ramsey County Public Works Department and the owner have further agreed the owner shall provide an accounting of attorney fees following payment; and

WHEREAS, The Ramsey County Public Works Department and the owner have further agreed the owner shall reimburse Ramsey County for construction costs related to providing water service and storm stub, both to the right of way line, when constructed with the Maryland Avenue Project, and that the Owner shall not excavate the pavement of Maryland Avenue for utility purposes; and

WHEREAS, It is necessary to resolve this parcel and settle the dispute regarding right of way acquisition from Parcel 3; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the Stipulation for Settlement for Parcel 3 with Bilal Alsadi and Iman Akli, husband and wife, in the amount of $1,000,000, which is inclusive of any and all costs and claims, including real estate taken, severance damages, attorney fees, expert witness fees, interest, relocation and reestablishment costs, and any and all other costs and fees due the owner; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to make budget adjustments increasing estimated revenue and appropriations to fund the Stipulation of Settlement.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Court File No. 62-CV-10-10105

Case Type: Condemnation

City of Saint Paul, a Minnesota municipal corporation,

Petitioner,

vs.

Eric R. Nelson, et al.,

Respondents.

STIPULATION OF FINAL SETTLEMENT

PARCEL 3

THIS STIPULATION OF FINAL SETTLEMENT is entered into this ___ day of April, 2012, by and between Petitioner City of Saint Paul ("Petitioner" or "City") and Respondents Bilal Alsadi and Iman Akli, husband and wife ("Respondents" or "Owners").

RECITALS

1.01. On October 15, 2010, an eminent domain proceeding was commenced by the filing by Petitioner of its Petition and Motion for Transfer of Title and Possession Pursuant to Minn. Stat. §117.042 with respect to Parcel 3 and other lands described in Exhibit A attached thereto ("Original Petition").

1.02. Owners are the fee owners of Parcel 3.

1.03. On December 3, 2010, Owners filed their Answer and Objection of Respondents Bilal Alsadi and Iman Akli objecting to the public purpose and necessity for the takings of all of Parcel 3 as described in the Original Petition.

1.04. On January 11, 2011, Petitioner filed a motion seeking to amend the Original Petition as provided in the First Amended Petition and Motion for Transfer of Title and

Possession. The First Amended Petition modified the taking from Parcel 3 to be a partial taking, as described in the First Amended Petition.

1.05. At a court hearing herein on January 25, 2011, Owners agreed to withdraw their objections to the First Amended Petition, in return for Petitioner's agreement to reimburse Owners for up to $25,000.00 of attorney's fees to the extent documented by Owners.

1.06. On February 4, 2011, the Court filed Findings of Fact, Conclusions of Law and Order Approving the First Amended Petition and Appointing Commissioners with respect to Parcel 3 as described in the First Amended Petition and as described in Exhibit A attached hereto ("City Easements").

1.07. On February 14, 2011, the District Court filed Findings of Fact, Conclusions of Law and Order Authorizing Transfer of Title and Possession with respect to Parcel 3 as described in the First Amended Petition ("Quick Take Order").

1.08. On February 28, 2011, Petitioner deposited $464,000.00 with the District Court Administrator with respect to Parcel 3 pursuant to the Quick Take Order, thereby transferring ownership and the right of possession of the City Easements effective as of February 28, 2011.

1.09. On December 29, 2011, the Court Appointed Commissioners filed their Award of Commissioners in which they determined the just compensation to be due as a result of the takings from Parcel 3 to be $867,624.00 ("Award of Commissioners").

1.10. On January 3, 2012, Petitioner served Notice of the Filing of the Award of Commissioners upon all parties and their counsel appearing in this matter with respect to Parcel 3.

1.11. On February 7, 2012, Petitioner filed a Notice of Appeal of the Award of Commissioners with respect to Parcel 3 and served notice thereof upon Owners and other

Respondents and their counsel as provided by Minn. Stat. Ch. 117. Thereafter, counsel for Owners served and filed a Notice of Cross-Appeal of the Award of Commissioners relating to Parcel 3.

1.12. On March 13, 2012, Owners made demand for partial payment of award pursuant to Minn. Stat. § 117.155.

1.13. On March 19, 2012, Petitioner deposited $186,718.00 with the District Court Administrator with respect to Parcel 3, amounting to 75% of the Award of Commissioners and totaling $650,718.00.

1.14. Minn. Stat. §117.031(a) entitles an owner to be reimbursed for his reasonable attorneys' fees, appraisal fees, and other costs incurred in an eminent domain proceeding if the amount of damages ultimately determined exceeds the amount of the last written offer of compensation made by the condemnor to the owner prior to filing of the eminent domain petition by at least 40%. That occurred in the present case with respect to Parcel 3.

1.15. The parties have agreed on terms and conditions under which they will each agree to dismiss their respective appeals of the Award of Commissioners with respect to Parcel 3, and to settle all claims by Owners relating to the takings from Parcel 3 in this proceeding, and desire that this Stipulation Agreement embody that agreement.

NOW THEREFORE, Petitioner and Owners hereby agree as follows:

1. Recitals. The foregoing recitals are hereby incorporated into this Agreement.

2. Settlement Amount. Within ten (10) days following execution of this Agreement by all signators and its approval by the Board of Commissioners of Ramsey County, Petitioner will pay Owners the total sum of $1,000,000.00 ("Settlement Amount"), in total satisfaction of all claims, damages, or losses arising from the takings authorized by the Quick Take Order,

including without limitation damages, losses, relocation and reestablishment benefits, interest on unpaid damages, attorneys' fees, appraisal fees and other costs. Petitioner will cause this Agreement to be presented to the Board of Commissioners of Ramsey County for approval as soon after execution by all signators as possible. All amounts the Petitioner deposited with the Court with respect to Parcel 3 before the execution of this Agreement shall be credited toward payment of the Settlement Amount. The balance of the Settlement Amount shall be deposited with the District Court Administrator for Ramsey County in this proceeding. The owners are entitled to receive any interest which has accrued on the funds deposited by Petitioner with the District Court Administrator. For purposes of accounting, the Settlement Amount is allocated as follows: $867,000 for damages and interest relating to the taking; $35,000 for relocation and reestablishment of Petitioner's business; and $98,000 for attorney fees.

3. Other Undertakings.

(a) Owners agree to secure new water service and storm sewer service for Parcel 3, and ensure such service is installed during the construction of the 2012 Maryland and Rice Street Improvement Project so that such improvements are installed before the final installation of the street surface. If any new service for Parcel 3 is required in the future, Owners agree to restore the street surface of the Maryland and Rice project as required by Ramsey County Public Works.

(b) Owners agree to reimburse Ramsey County, City of St. Paul or St. Paul Regional Water Services for the reasonable costs of the new water and storm sewer service. Ramsey County Public Works will assist Owners in designing and facilitating the installation of these services.

(c) Upon receipt by Owners of the Settlement Amount, Owners agree to provide Petitioner with a copy of the attorney retainer or engagement agreement related to the Owners'

retention of Ferdinand F. Peters, Esq. Law Firm, and the services of Ferdinand Peters, Benjamin Loetscher, and any other related staff and associates, together with a copy of records reflecting the hours expended for the work related to such retention, together with a description of the work performed.

3. Release and waiver. In consideration of the dismissal of the appeals, payment of the Settlement Amount, and other undertakings set forth herein, the Owners hereby release and waive any and all claims against the Petitioner and Ramsey County arising from the takings authorized by the Quick Take Order, known and unknown, arising now or in the future, including without limitation claims for loss or damage of any kind, claims for relocation and reestablishment benefits, interest, attorney's fees, appraisal and expert fees, and other costs and disbursements incurred in this proceeding.

4. Dismissal. Effective upon Petitioner's deposit of the balance of the Settlement Amount with the District Court Administrator for Ramsey County, Petitioner and Owners hereby agree to dismiss their respective appeals from the Award of Commissioners.

5. Continuing Jurisdiction of the Court. The parties stipulate and agree that the above Court will have continuing jurisdiction of this proceeding. Either party may seek enforcement or interpretation of this Agreement by motion to the Court and notice to the other party pursuant to the Minnesota Rules of Civil Procedure.

6. Other Terms.

(a) This Agreement is entered into pursuant to the laws of the State of Minnesota and shall be interpreted and enforced in accordance with the laws of said State.

(b) This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

(c) The covenants and provisions of this Agreement shall be binding upon and inure to the benefit of Owners and City and their respective successors and assigns.

(d) Owners and City shall each have the right to specifically enforce the provisions of this Agreement.

(e) In the event that this Agreement is not approved by the Board of Commissioners of Ramsey County on or before May 31, 2012, this Agreement shall be null and void and the parties will reserve and maintain all rights and claims which would otherwise have been released and waived under this Agreement.

(f) The Section headings of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of the Sections they accompany.

(signature pages to follow)

Dated: April __, 2012

CITY OF SAINT PAUL

By: _____
Its: _____

JOHN J. CHOI,
RAMSEY COUNTY ATTORNEY

Dated: April __, 2012

By: _____
James A Mogen (#0309266)
Assistant Ramsey County Attorney
121 East 7th Place, Suite 4500
St. Paul, MN 55101
Telephone: 651-266-3121
Fax: 651-266-3032

ATTORNEYS FOR PETITIONER

Dated: April 16, 2012

Bilal Alsadi

Iman Akli

FERDINAND F. PETERS ESQ. LAW FIRM

Dated: April 16, 2012

By:

Ferdinand Peters (#157041)
Benjamin Loetscher (#0389037)
Lakes and Plains Office Building
842 Raymond Ave, Suite 201
St. Paul MN 55114
(651) 647-6257

ATTORNEYS FOR RESPONDENTS
BILAL ALSADI AND IMAN AKLI

EXHIBIT A

Parcel No. 3: Property I.D. No. 30-29-22-22-0008

Property Address: 1200 Rice Street, Saint Paul, MN 55117-4903

Description of Subject Property:

Lots 10, 11 and 12, Block 2, Stinson's Rice Street Addition to the City of Saint Paul

According to the map or plat thereof on file and of record in the Office of the County Recorder for Ramsey County, Minnesota.

Description of Property Interests to be Acquired in Eminent Domain Proceedings:

1. A permanent easement for street and utility purposes over, under, across and through the north 20 feet of Lot 10, Block 2, STINSON'S RICE STREET ADDITION to the City of Saint Paul, and also across that part of said Lot 10 lying northerly of a line described as follows:

   Beginning at a point on the west line of said Lot 10 being 35.00 feet southerly of the northwest corner thereof, thence northeasterly to a point on the southerly line of the north 20 feet of Lot 10 being 15 feet easterly of the west line of said Lot 10 and there terminating.

   Said permanent easement contains 2,642 square feet, more or less.

2. A temporary easement for construction purposes over, under, across and through the southerly 5 feet of the northerly 25 feet of Lot 10, Block 2, STINSON'S RICE STREET ADDITION to the City of Saint Paul, except that part of said Lot 10 lying northerly of a line described as follows:

   Beginning at a point on the west line of said Lot 10 being 35.00 feet southerly of the northwest corner thereof, thence northeasterly to a point on the southerly line of the north 20 feet, being 15 feet easterly of the west line of said Lot 10 and there terminating.

   Said temporary easement contains 570 square feet, more or less. Said temporary easement shall commence May 1, 2011 and expire October 1, 2012.

3. A temporary easement for construction purposes over, under, across and through those parts of Lots 10 and 11, Block 2 STINSON'S RICE STREET ADDITION to the City of Saint Paul, lying northerly of a line lying 58 feet southerly of, as measured at right angles to, and parallel with the North line of said Lot 10, and lying southerly of a line described as follows:

Beginning at a point on the West line of said Lot 10 being 35.00 feet southerly of the northwest corner thereof, thence northeasterly to a point on the southerly line of the north 20 feet of said Lot 10, being 15 feet easterly of said West line of Lot 10, thence easterly along said southerly line of the north 20 feet of Lot 10 to the easterly line of said Lot 10, and there terminating.

Said temporary easement contains 4852 square feet, more or less. Said temporary easement shall commence 30 calendar days following the date of a written notice to the owners of Parcel 3 from Petitioner, or Ramsey County, or their contractor, as the case may be, and shall expire sixty (60) calendar days following the date of such written notice.

Said temporary easements shall include the right of Petitioner, Ramsey County, and their contractors, agents, and employees to enter said temporary easement tracts at all reasonable times to grade and excavate thereon, and to cut, trim and remove trees, shrubbery, growing crops and surface improvements within said temporary easement tracts, as needed to facilitate Petitioner's construction and access activities within said permanent and temporary easement tracts.

Interests Being Encumbered:

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the Offices of the County Recorder and Registrar of Titles in and for Ramsey County, Minnesota, are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to encumber all rights of possession of all holders of an interest in said property, including, but not limited to, all of the interests of those parties names below:

NAME	NATURE OF INTEREST
Bilal Alsadi, aka Bilal Mohammed Alsadi, and Iman Akli	Fee Owners, as joint tenants
Spouse of Bilal Alsadi, aka Bilal Mohammed Alsadi, if any	Possible holder of an interest
Spouse of Iman Akli, if any	Possible holder of an interest
United States of America	Judgment in *USA vs. Bilal Mohammed Alsadi*, docketed July 1, 1996, Case Number 3-96 CR-22, in the amount of $100
United States Department of Agriculture	Judgment in *U.S. Department of Agriculture vs. Bilal Mohammed Alsadi*, docketed July 1, 1996, Case No. 3-96CR-22, in the amount of $4,003.00
State of Minnesota Department of Health	Judgment in *Minnesota Department of Health vs. Bilal Mohammed Alsadi*, docketed July 1, 1996, Case No. 3-96 CR-22, in the amount of $829.00

Capital Bank, organized and existing under the laws of the State of Minnesota	Mortgage executed by Bilal Alsadi and Iman Akli, husband and wife, dated April 15, 2005, filed June 3, 2005 as Document No. 3860777, in the original amount of $412,500, in favor of Capital Bank, which was modified by Note Mortgage Modification Agreement filed April 16, 2008, as Document No. 4091396.
Ramsey County	Real Estate Taxes
City of Saint Paul	Special Assessments

2011 Minnesota Statutes

117.187 MINIMUM COMPENSATION.

When an owner must relocate, the amount of damages payable, at a minimum, must be sufficient for an owner to purchase a comparable property in the community and not less than the condemning authority's payment or deposit under section 117.042, to the extent that the damages will not be duplicated in the compensation otherwise awarded to the owner of the property. For the purposes of this section, "owner" is defined as the person or entity that holds fee title to the property.

History: 2006 c 214 s 12

Attachment I Minimum Compensation Statue, M.S. 117.187

District 6 Planning Council Land Use Task Force
August 28, 2012
1414 North Saint Albans
6:30 PM

Agenda

Welcome & Introductions

1. Approval of the Agenda
2. Approval of July 2012 Meeting Minutes
3. Rice Street Recreation (held over)
4. 80 Arlington Avenue Brac's Auto Parts: Request to Modify Current License
5. 1200 Rice Street Site Plan Review
6. Updates
7. New Business
8. Adjourn

Attachment J District 6 Planning Council Land Use Task Force agenda

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
Cecile Bedor, Director

CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: September 28, 2012

TO: Planning Commission

FROM: Zoning Committee

SUBJECT: Results of September 27, 2012 Zoning Committee Hearing

NEW BUSINESS

		Recommendation: Staff	Recommendation: Committee
1.	**Southview Senior Living (12-098-382)** Conditional use permit for assisted living facility	Approval with a condition	Approval with a condition (6 - 0)

Address: 484-494 Ashland, 88 Mackubin, and 493-497 Holly
SE corner at Mackubin St

District Comment: District 8 made no recommendation

Support: 1 person spoke, 0 letters

Opposition: 1 person spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with a condition

		Recommendation: Staff	Recommendation: Committee
2.	**Twin City Tees (12-101-124)** Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested)	Approval with conditions	Approval with conditions (6 - 0)

Address: 938 6th St E
SW corner at Forest

District Comment: District 4 recommended approval

Support: 2 people spoke, 1 letter

Opposition: 0 people spoke, 1 letter

Hearing: Hearing is closed

Motion: Approval with conditions

		Recommendation	
		Staff	**Committee**
3.	**Reemo gas pump relocation (12-101-937)** Appeal by Raymond and Susan Cantu of a decision by the Zoning Administrator to approve the site plan for the relocation of the gas pumps and gas island at REEMO Gas and Convenience Store	Denial	Denial (6 - 0)

Address: 1200 Rice St
SE corner at Rice St.

District Comment: District 6 recommended approval

Support: 2 people spoke, 2 letters

Opposition: 2 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Denial

city of saint paul
planning commission resolution
file number
date

WHEREAS, Ramsey Hill Senior Living LLC, File # 12-098-382, applied for a conditional use permit for an assisted living facility (and also filed and later withdrew applications for a conditional use permit to increase the surface parking maximum, and a variance of an alley access standard for residential property) under the provisions of §§ 61.501, 61.601, 61.202(b), 63.207(c), 63.310, and 65.180 of the Saint Paul Legislative Code, on property located at 484-494 Ashland Avenue, 493-497 Holly Avenue and 88 Mackubin Street, Parcel Identification Numbers 01.28.23.24.0043 through 0046, legally described as Woodland Park Addition to St. Paul, western 15 feet of Lot 6 and Lots 7 thru 14, Block 14; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 27, 2012, 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. Ramsey Hill Senior Living proposes a 61-unit assisted living facility in the original 1896 building at 494 Ashland and in a new addition. The applicant will reuse the existing 14,419 square foot historic 1896 building on the site. The 1960 and 1985 additions will be removed and replaced with a 14,970 square foot addition and related gardens and terraces.

2. § 65.180 *Assisted living,* refers to § 65.182 *Nursing home*, for standards and conditions. There is one standard that applies, standard *(a)*, *The yard requirements for multiple-family uses in the district apply.* This condition is met. The historic 1896 building that will remain has an existing, legal nonconforming 12' 8" front yard setback from Ashland Avenue. The proposed addition will have the same 12'8" setback from Ashland Avenue, consistent with §62.105, *Nonconforming structures with conforming uses*, which provides that "a nonconforming structure may be enlarged or altered so long as such enlargement or alteration does not increase the nonconformity."

3. § 61.501 lists five general standards that all conditional uses must satisfy:

   a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This is a reuse and expansion of an existing nursing

moved by _____
seconded by _____
in favor _____
against _____

home for much the same purpose, assisted living, and listed on the same line of the use table for residential districts. The proposed assisted living facility is consistent with Comprehensive Plan Housing Strategy 1.1 *Increase housing choices across the city to support economically diverse neighborhoods* and Housing Strategy 2.18 *Support the expansion of housing choices for seniors.*

b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress to the parking on the property will be via the alley and via Holly Avenue to a parking lot. The code requires a minimum of 20 spaces, which will be exceeded. This will minimize congestion in the public streets.

c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use as an assisted living facility is similar in use to that of the previous nursing home use and is listed on the same line of the use table for residential districts. The assisted living facility will not be detrimental to the existing character of in the immediate neighborhood and it will not endanger the public health, safety and general welfare.

d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is similar to the previous use and will not impede the normal and orderly development and improvement of the surrounding property.

e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. § 65.182 cites the yard requirements for multiple-family uses in the district, addressed in finding 2 above. § 66.231, the density and dimensional standards table for residential districts also sets a maximum height for the RM2 Multiple family district of five stories or 50 feet. In this case the building will be three stories and 46' 6" above grade at the highest point. § 66.232 sets a maximum lot coverage of 35% for residential districts. The proposed development will have a lot coverage of 30.4%.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ramsey Hill Senior Living LLC for a conditional use permit for an assisted living facility at 484-494 Ashland Avenue, 493-497 Holly Avenue and 88 Mackubin Street is approved, subject to the condition that the Heritage Preservation Commission approves the design of the facility.

HARRISS
ARCHITECTS
3207 Central Ave NE, Minneapolis MN 55418 p: 612.339.2190 f: 612.339.4783

September 27, 2012

To: Ms. Kate Reilly, St. Paul P.E.D.

From: John Harriss, AIA

Re: Variance and Conditional Use requests for The Ramsey Hill Senior Living Project

Ms. Reilly: This letter officially withdraws our request for Variances and (1) Conditional Use Request for the Ramsey Hill Senior Living Project.:

a. The Conditional Use Permit to increase the maximum allowable surface parking (above and beyond the permitted (34) spaces)
b. The Variance for alley access.

Ramsey Hill Senior Living is excited about becoming a part of the Ramsey Hill Neighborhood. We appreciate all of the support and involvement that has come from both the residents and The City of St. Paul.

Regards

John Harriss

President, Harriss Architects, Inc.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Alex Haug, File # 12-101-124, has applied for a Enlargement of nonconforming use and variance of lot area coverage to permit an addition of 3822 sq. ft. in size to the existing building under the provisions of §62.109(d) of the Saint Paul Legislative Code, on property located at 938 6th St E, Parcel Identification Number (PIN) 332922220079, legally described as Schiffmann Place Lot 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 27, 2012, 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 applicant, Alex Haug, seeks a nonconforming use permit to enlarge his existing building in order to accomodate a new screen press. A variance of lot coverage from the 35% maximum allowed in the RT1 district to approximately 57% is also needed for the expansion.
2. Section 62.109(d) Enlargement of nonconforming use states that [*t*]*he planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*
   1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. The number of dwelling units on the property will remain the same.
   2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is not met. The existing structure on the lot already exceeds the lot coverage permitted in the RT1 district. RT1 allows 35% lot coverage (2369 sq. ft.) and the existing building covers 46% of the lot (3102 sq. ft.). The applicant is requesting further variance of the lot area coverage to approximately 57% (3822 sq. ft.). The one-story addition would serve to square off a "missing" corner of the existing building. According to the applicant, at some point in history, a similar addition did cover this area of the lot, but this structure was removed. The applicant has applied for a variance of the lot coverage limit. If the Planning Commission approves the variance, this finding will be met.
   3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding can be met. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood. Plans approved by City staff for this building addition should be in substantial compliance with the plan submitted and approved as part of this application and with the general design standards in Sec. 63.110.

moved by _____
seconded by _____
in favor _____
against _____

4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding is met. Limited production and processing requires 1 space per 1,000 sq. ft. GFA (§63.207) which means that 3,822 sq. ft. GFA mandates four parking spaces. The residential unit on the 2nd floor adds the requirement of an additional space for a total requirement of 5 parking spaces. The attached site plan and aerials show 6 parking spaces, double stacked. While the Zoning Code does not permit stacked spaces, there is sufficient width for 5 non-stacked spaces, meeting the code requirement.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Rezoning this parcel would be inappropriate, as the property is located in the middle of an RT1 residential district.
6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. The proposed enlargement will neither add new activities to the site nor increase noise, vibration, glare, dust or smoke. The enlargement is consistent with the existing character of development on the site which has not generated any complaints to the Department of Safety and Inspection since operations began in 2007.
7. *The use is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan, which calls for compatible mixed uses within single buildings. It is also consistent with Objective 1.7 permitting neighborhood serving commercial businesses compatible with the character of Established Neighborhoods. In addition, this proposal is consistent with the Dayton's Bluff (District 4) Plan commercial and economic development strategy C3 – Promote the reuse, instead of demolition, of existing commercial buildings.
8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on September 4, 2012: 15 parcels eligible; 10 parcels required; 10 parcels signed.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

   (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The general purpose and intent of the zoning code, as found in Sec. 60.103, includes: to implement policies in the comprehensive plan, to encourage a compatible mix of land uses, and to conserve and improve property values. The lot area coverage variance will continue the mix of uses within the building, is compatible with the neighborhood, and serves to improve the value of the property.

   (b) *The variance is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan and Strategy C3 of the District 4 Plan.

   (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant states that the business has outgrown its present space and the addition is needed to house new equipment. The floor of the existing building can not handle the weight of the new press. Without this expansion and new capital investment, the owner could be forced to move the business and associated jobs out of this location.

(d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The existing building is inadequate to support the growing business. The business is located in a mixed-use building that already exceeds the maximum lot area coverage and contains a legal non-conforming use.

(e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The use is already established as a legal non-conforming use associated with an existing business.

(f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The increase in floor area will not alter the character of the existing building or the surrounding area. The proposed addition is to a building that has been part of the neighborhood for over one hundred years. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Alex Haug for an Enlargement of nonconforming use and variance of lot area coverage to permit an addition of 3822 sq. ft. in size to the existing building at 938 6th St E is hereby approved, subject to the following conditions:

1. The silk-screening shop hours of operation shall remain limited to 8:00 AM to 6:00 PM, Monday through Friday.
2. Site plan review shall be required if city site plan review staff finds that the surface of the existing rear parking lot has been removed, and requires repaving, as per §63.202. If found to be mandatory, such improvements shall be reviewed and approved by the site plan review staff.
3. The applicant shall comply with all standards and conditions as required by City of Saint Paul zoning, building and fire codes in order to receive a Certificate of Occupancy, including Sec. 63.110(d).

Tempel, Scott (CI-StPaul)

From: Dorothy Jordan <djordan@usfamily.net>
Sent: Wednesday, September 26, 2012 8:52 PM
To: Tempel, Scott (CI-StPaul)
Subject: Fwd: Enlargement of Business at 938 6th st

-------- Original Message --------
Subject: Enlargement of Business at 938 6th st
Date: Wed, 26 Sep 2012 20:19:45 -0500
From: Dorothy Jordan <djordan@usfamily.net>
To:scott.timpel@ci.stpaul.mn.us

Attention Scott Tempe

ABSOLUTELY NOT..... FROM MEMBER OF THE 'SIXTH ST, FIFTH STREET, FORTH STREET BLOCK CLUB FOR THE FOLLOWING REASONS:

. THIS IS A RESIDENTIAL NEIGHBORHOOD. WE DID NOT HINDER THE USE OF THIS 'GRANDFATHERED IN STORE PROPERTY' WHEN THE APPLICANT BOUGHT THE PROPERTY AT AN EXTREMELY LOW PRICE BUT NOT TO DOUBLE IT'S SIZE.

. THIS SIXTH STREET BLOCK HAS AN UNUSUALLY LARGE NUMBER OF HOMES TURNED INTO RENTAL PROPERTIES WITH PARKING SPACE FOR 2 CARS IN FRONT OF EACH PROPERTY. WE BELIEVE THE REQUIREMENT FOR EACH OF THESE RENTAL PROPERTIES IS TO HAVE THREE OFF STREET PARKING SPACES, THIS HAS NEVER BEEN ENFORCED SO WE HAVE CARS PARKED BUMPER TO BUMPER WHICH CAUSES VERY STRAINED RELATIONSHIPS AMONG THE NEIGHBORHOOD RESIDENCES. MANY PROPERTIES HAVE FIVE OR SIX OR SEVEN CARS NEEDING TO BE PARKED ON 40 FOOT LOTS STREET SPACES.

. THIS BUSINESS HAS ALREADY 6 OR MORE CARS PARKED IN THE SPACE THAT WOULD BE NEEDED FOR DOUBLING THE SIZE OF THEIR BUSINESS. WHERE WOULD THESE 6 CARS BE PARKED PLUS THE INCREASE OF EMPLOYEES AND THE INCREASE OF BUSINESS? ALSO, THE UPPER FLOOR OF THE EXISTING BUSINESS IS A RENTAL APARTMENT NEEDING SPACE ALSO TO PARK THEIR CARS.

.TWO OTHER REQUEST FOR VARIANCES HAVE BEEN DENIED IN THE LAST FEW YEARS ON THE SAME BLOCK ON SIXTH STREET. ONE WAS A REQUEST FOR VARIANCE AT 900 EAST SIXTH STREET REQUESTING TO RAISE THE HEIGHT OF THEIR ATTIC TO BUILD BEDROOMS, AND THE OTHER WAS 928 EAST SIXTH STREET REQUESTING TO BUILD AN EXTRA LARGE DUPLEX WITH NO OFF-STREET PARKING TO REPLACE THE HOME THAT WAS BURNED DOWN..

.WE ASK THAT YOU DO NOT GRANT THIS VARIANCE FOR THE SAKE OF OUR COMMUNITY

city of saint paul
planning commission resolution
file number
date

WHEREAS, Raymond and Susan Cantu have filed an appeal (#12-101937) of a decision by the Zoning Administrator to approve the site plan (#12-090127) for the relocation of the pump island and gas pumps submitted by Bilal Alsadi of Rice Street Market, on property located at 1200 Rice St, Parcel Identification Number (PIN) 302922220172, legally described as Stinsons Rice Streetaddition Subj To Esmt Lots 10,11 And Lot 12 Blk 2, under the provisions of §61.701(b) of the Saint Paul Legislative Code; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 27, 2012, 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 appeal filed by Raymond and Susan Cantu lists three main issues as the basis for the appeal. **The city's responses to the issues raised in the appeal are shown in bold, indented text.**

   - "All actions/interactions with the neighborhood by District 6 Council, Zoning Committee, and the Planning Commission were predicated on the plans for a new building."

     As explained in the history, the original site plan application submitted in July, 2011, did show a proposal to demolish all the structures on the existing site and then construct a new and larger building with pump islands, gas pumps, and a canopy.

     1200 Rice Street is located in the B2 community business zoning district. An auto convenience market in the B2 zoning district requires a conditional use permit. Per Zoning Code Section 61.503(d), when the building containing a conditional use is torn down and a new building is constructed, the change to the conditional use requires a new conditional use permit. This conditional use permit was approved subject to conditions.

     One of the proposals for this new construction was to relocate the driveway a few feet north on Rice Street (closer to Maryland). Ramsey County would not approve the driveway relocation due to concerns with traffic safety at the intersection of Maryland and Rice.

moved by _____
seconded by _____
in favor _____
against _____

As the Maryland Avenue road construction continued, City staff and the applicant continued discussions and reviews of site plan revisions trying to get a new building and pumps to fit on the site without relocating the driveways. During this time, the business owner lost the ability to sell gasoline to his customers because the reconstruction of Maryland Avenue left the gas pumps too close to the property line. Due to the loss of retail sales of gasoline and the proposed new construction stalemate, the applicant decided to scale back their proposal from constructing a new building to only relocating their pumps to get the fuel dispensing facilities back in operation.

Relocating the gas pumps does not require a new conditional use permit. Therefore, the conditional use permit approved in May, 2012, does not apply to the current proposal for relocating the gas pumps.

- "The approval letter of August 24 gives no indication that the site plan was reviewed by Ramsey County and Saint Paul Public Works and if the issues of traffic safety were addressed."

  A copy of the site plan is distributed to City staff in various City departments, including Building, Fire, Heritage Preservation, Parks, Planning, Right-of-way, Sewers, Traffic, Water, Water Resources, and Zoning; and other governmental agencies, including District Councils, Ramsey County Public Works, Watershed Districts, and State of Minnesota Transportation Departments.

  A meeting is setup for the applicant to explain their project and ask questions from staff. At this meeting staff shares their comments with the applicant and explains any revisions that need to be made to the site plan.

  The applicant submitted revised plans (dated August 15, 2012) to address the comments shared at the meeting. The revised site plan met the city requirements, so staff issued an approval letter. The approval letter does not typically list each City department who has no further comments to the revised site plans.

  The difference between the site plan denied on July 11 and the site plan approved on August 24 is that a WB-50 truck turning diagram was submitted to show that it is able to enter the property from Maryland Avenue traveling west, refuel the underground tanks with a clear view to the tanker valves and then exit the property on Rice Street traveling south. The plan also shows how vehicle maneuvering on the site is managed more effectively with the revised parking plan.

- "District 6 Council scheduled a meeting on August 28, 2012 to review the site plan relocating the gas pumps and discuss the project changing from new construction to a building rehabilitation. Neighborhood citizens were informed on August 27, 2012 a site plan had been approved on August 24."

  District 6 Council was sent a copy of the revised site plan (dated July 19, 2012) on August 3, 2012. District 6 Council responded with a letter dated August 10, 2012 stating that there were some concerns with the use of the alley, tanker truck delivery and its affects on the customer parking spaces, and fencing around the perimeter and requested additional time for neighbors to review the plan.

  When staff reviewed the site plan, the concerns shared by the District Council were

taken into consideration.

- **The use of the alley was restricted to two employees only paved parking spaces**
- **Timing of tanker truck deliveries and customer parking spaces were reviewed and taken into account. A minimum of 5 parking spaces are required for this auto convenience market. A total of 8 parking spaces are proposed.**
- **The existing chain link fence along the alley is being replaced with a new wood fence. A new black wrought iron fence is being proposed to line the perimeter of the site along Maryland Avenue and Rice Street.**

Staff must process site plans in a timely manner and when a site plan is found to be consistent with Zoning Code 61.402(c), staff approves the plan. Staff found that the revised site plan is consistent with the zoning code in addition to addressing concerns shared by the District Council and therefore approved the site plan.

2. The site plan complies with zoning standards and all other applicable ordinances of the City.

61.402(c) Site plan review and approval. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:
(1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.
(2) Applicable ordinances of the city.
(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 Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

These requirements are met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal (#12-101937) filed by Richard and Susan Cantu of a decision by the Zoning Administrator to approve the site plan (#12-090127) for the relocation of the pump island and gas pumps submitted by Bilal Alsadi of Rice Street Market located at 1200 Rice Street is hereby denied.

District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

September 19, 2012

Zoning Committee of the Planning Committee
15 West Kellogg BLVD
Saint Paul, MN 55102

District 6 Planning Council wholeheartedly supports the appeal brought forth by Raymond and Susan Cantu and the neighborhood regarding the approval by zoning staff of 1200 Rice Street, 090127-Reemo Gas Station site plan.

In order to approve a site plan the City must consider and the plan must be consistent with findings set forth in Section 61.400.c.

Site plan review and approval: **In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:**

The City's adopted comprehensive plan and development of project plans for sub-areas of the City
This finding has not been satisfied. The site plan does not meet LU5.2 of the District 6 Planning Council Comprehensive Plan:

Attractive commercial districts
LU5. 1 *Encourage existing auto related businesses to upgrade the appearance of their buildings and properties; discourage the growth of new auto related businesses.*
LU5.2 *Utilize the Rise Street Design Guidelines prepared by the Rice Street Guidelines Task Force in 2005, when existing buildings are renovated and improved*

The site plan does not call for a lighted canopy, the entire lot will not be repaved and any improvements are not consistent with the Rice Street Guidelines. District 6 has not seen any designs for upgrading the exterior visual quality of the building.

The Land Use Chapter of the City of Saint Paul's Comprehensive Plan:

Promote Aesthetics and Development Standards:

As Saint Paul continues to revitalize itself and to grow, it must be an attractive place to live, work, and visit. This strategy provides a framework for design and aesthetics that will engage people and help integrate the built environment into the community.

Commerce

1.45 Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive:

- *Access to a broad range of goods and services;*
- *An anchor for surrounding residential neighborhoods;*
- *Safety for pedestrians; and*
- *Architectural elements that add interest at the street level.*

The applicant has ample opportunity when reconfiguring the site and when implementing improvements to follow elements that make the site interesting and above all ensure that the site plan considers and ensures pedestrian safety.

1.47 Ensure that streets in compact commercial areas conform to the certain criteria:
use of traditional urban building form, streetscape amenities, and traffic calming measures. Traditional urban building form and streetscape amenities should reflect the function of the street and the type of development on it by identifying and promoting the street as the center of a shopping district, no matter how large or small. Streetscape amenities should enhance the visibility of the storefronts or other buildings in the commercial area (see Policy T-3.1).

Again the applicant has not investigated nor added additional amenities to any site redevelopment that reflects the neighborhood, there will be additional traffic both pedestrian and vehicular and the store is set back from the street due to the configuration of the lot. The redevelopment should reflect an establishment that is inviting and safe.

1.53 Encourage changes to the design of existing auto-oriented commercial buildings and areas with elements of traditional urban form to minimize impacts on the pedestrian realm.

The business includes fuel sales which make it an auto related industry. The site is located on the corner of Rice Street and Maryland Avenue which has a high level of pedestrian traffic. The site plan does not address the impact of the high level of traffic three types of businesses will generate and what the impact on pedestrians will be.

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.

This finding has not been satisfied. The proposed employee parking will pose a hardship to the adjacent properties, there will be pedestrian foot traffic behind the building and will spill over into abutting properties. The parking spaces are at such an angle that easy access will be difficult. The curb will be removed, ensuring that even a small delineation between the site and alley will be removed. The plan should demonstrate separation of the site to neighboring properties allow easier access.

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.

This finding has not been satisfied. The proposed site plan in inconsistent with traffic safety, standard tanker delivery, there will be issues with traffic rotation throughout the site, vying for space to park or wait for available parking spaces, with foot traffic, deli/retail customers and those who wish to purchase fuel. The site is not large enough to accommodate three separate and distinct businesses, fuel, retail and a deli. If cars are parked in any area other than designated parking spots, traffic circulation will not work. There have been past experiences with businesses that patrons do not always park in designated parking areas, therefore causing safety issues.

Sufficient landscaping, fences, walls and parking necessary to meet the above objectives

This finding should not have been satisfied. There is a need for additional parking; this is an irregularly shaped 11,831 square foot lot with three businesses operating under one umbrella. The propose parking is insufficient for the usage. The employee parking should not be assigned to the rear/side of the building.

Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes

This finding has not been satisfied. The route into the store, with the current configuration and parking is unsafe for people with disabilities and limited movement. It is unacceptable that a patron who happens to utilize alternate modes of transportation be required to pass through the traffic flow area.

In conclusion, District 6 Planning Council and the neighborhood have continued concerns regarding safety and the negative impact this site plan has on adjacent properties as well as concerns over traffic and safety. District 6 has cited five findings that have not been met. While the neighborhood and District 6 is of the opinion that the site plan has not met requirements it may be understandable that language is open to interpretation, even text found within the City's Land Use Section of the Comprehensive Plan. However what should not be in dispute is the fact that the approved site plan neglects the very reason why the original site plan was not approved; the relocation of the pumps. In discussions District 6 and neighbors were told that a small tanker will visit the site, not the larger tanker. District 6 is of the opinion that there is no

guarantee that a smaller tanker will deliver fuel and even if a smaller tanker made deliveries, there still would be traffic issues.

We feel that in reviewing site plans the City should take a more cautionary role, this site plan does not meet even the lowest threshold of the referenced criteria. We respectfully ask that you grant the appeal.

Regards,

Ray Andresen

Ray Andresen
Chairman, Board of Director's

Jeff Martens

Jeff Martens
Chairman, Land Use Task Force

Cc: Ward 5
North End Business Association
Dan Zangs on behalf of the neighborhood

RECEIVED IN D.S.I.

SEP 24 2012 0900

City of Saint Paul
Department of Safety and Inspections
Attention: Corinne A. Tilley, Zoning
375 Jackson Street, Suite 220
Saint Paul MN 55101

RE: Zoning Committee Staff Report File #12-101937

In order for the appellant to address the Zoning Committee Staff Report, we request the documents/communications, cited in the staff report, listed below:

April 13, 2012 timeline to remove the gas pumps given by the City's Department of Safety and Inspections Fire Inspection.

April 24, 2012 communication from Ramsey County Public Works determining that the proposed new driveway curb cut was too close to the intersection.

Copy of communications from Ramsey County and Saint Paul Public Works determining the revised site plan to relocate pumps (denied on July 11, 2012) was not consistent with traffic safety.

Copy of WB-50 truck turning diagram submitted with the revised site plan dated August 15, 2012 (approved August 24, 2012).

Distribution list of recipients and communications, including meeting minutes, attendees, and notes, for review of the site plan submitted in July 2011-new construction that was denied on July 11, 2012.

Distribution list of recipients and communications, including meeting minutes, attendees, and notes, for review of the scaled back version of the site plan that was denied on July 11, 2012.

Distribution list of recipients and communications, including meeting minutes, attendees, and notes, for review of the site plan resubmitted on August 1, 2012.

Distribution list of recipients and communications, including meeting minutes and notes, for review of the revised plans dated August 15, 2012 that were approved, subject to appeal.

Documents are needed no later than 3:30 p.m. Tuesday September 25, 2012. We understand there may be a charge for copies.

Please contact us at 651-488-2308 or buddydog2@comcast.net with any questions or concerns.

Sincerely,

Susan and Raymond Cantu
115 Rose Avenue West
Saint Paul MN 55117

9/23/12

September 21, 2012

City of St. Paul,
Department of Safety and Inspections
375 Jackson Street, Suite 220
St. Paul, MN 55101-1806

Attn: Corinne A. Tilley

RE: File #12-101937 (Raymond & Susan Cantu)
Approval of relocation of gas pups at 1200 Rice Street

I'm writing in objection to this approval.

When we were first told of the plans, it involved tearing down and rebuilding the entire building and we were presented with grand designs. Now, it has deteriorated down to only sliding the pumps over. What a disappointment. I can't see how traffic can safely exit this business without safety issues, now that Maryland Avenue is widened.

The owner did make some cosmetic improvements like paint, and hanging up an American Flag on his building, but past experience dictates the property will soon return to the previous state of shoddiness.

Vents on the roof emit odors which drift to my house since westerly winds usually prevail and I suffered these obnoxious smells all summer long.

I've lived in my house since 1966 and it is sad, disappointing and disheartening to see this corner go so far downhill.

Thank you,

Darlene Blossom

Darlene Blossom
1189 Park Street
St. Paul, MN 55117
Home: 651-488-5943
Work: 651-294-0723

St. Paul, Minnesota, Code of Ordinances >> PART II - LEGISLATIVE CODE >> TITLE VIII - ZONING CODE >> Chapter 61. - Zoning Code—Administration and Enforcement >> ARTICLE V. - 61.500. CONDITIONAL USE PERMITS >>

ARTICLE V. - 61.500. CONDITIONAL USE PERMITS

Sec. 61.501. - Conditional use permit, general standards.
Sec. 61.502. - Modify special conditions.
Sec. 61.503. - Conditional use permit, change requiring new permit.
Sec. 61.504. - Change to conditional use, no new permit required.
Sec. 61.505. - Conditional use permits, automatic expiration.

Sec. 61.501. - Conditional use permit, general standards.

Before the planning commission may grant approval of a conditional use, the commission shall find that:

(a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

(c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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

Sec. 61.502. - Modify special conditions.

The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.

Sec. 61.503. - Conditional use permit, change requiring new permit.

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

(a) A conditional use changes from one (1) conditional use to another conditional use.

(b) The floor area of a condition use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a

principal use.

(c) For a conditional use permit triggered by floor area, the floor area expands to be larger than the floor area that triggers the requirement for a conditional use permit for the first time; or if already larger than the floor area that triggers the requirement for a conditional use permit, the floor area expands by ten (10) percent or more.

(d) The building containing a new conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.

(e) The principal use of a conditional use expands onto an abutting lot, such as a used car lot or a fast food restaurant building addition expanding onto an abutting lot.

(f) The number of residents in a community residential facility increases, or the number of rooming units in a rooming or boarding house increases.

(g) A college, university or seminary adds a school building or an off-street parking facility for its exclusive use outside of its approved campus boundary.

(C.F. No. 10-349, § 2, 4-28-10)

Sec. 61.504. - Change to conditional use, no new permit required.

A change to a conditional use does not require a new permit but does require approval of a site plan when one (1) of the following conditions occurs:

(a) The floor area of a conditional use expands by less than fifty (50) percent. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.

(b) An accessory use of a conditional use expands onto an abutting lot, such as a bowling alley's off-street parking lot expanding onto an abutting lot.

(c) Off-street parking spaces are added in a parking lot, garage or ramp on the site of a conditional use.

(d) An accessory structure is added to the site, such as a building to store salvaged motor vehicle parts being constructed on the site of a motor vehicle salvage operation.

(e) A college, university or seminary adds a school building or an off-street parking facility within its approved campus boundary.

Sec. 61.505. - Conditional use permits, automatic expiration.

Unless expressly provided by the planning commission, when a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, or when a conditional use changes to a permitted use not requiring a conditional use permit, the conditional use permit shall automatically expire. If the lot area of a conditional use is subsequently reduced in size, the conditional use permit shall automatically expire. If a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the conditional use permit shall automatically expire. When an approved conditional use is not established in accordance with section 61.105, or is established and subsequently changed to a conditional use requiring a new permit under section 61.503, the conditional use permit shall automatically expire.

(C.F. No. 07-348, § 1, 5-9-07)