

city of saint paul
planning commission resolution
file number
date

WHEREAS, Paikka, File # 15-153-004, has applied for a conditional use permit for a reception hall under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 550 Vandalia Street, Parcel Identification Number (PIN) 32.29.23.14.0005, legally described as Hewitts Out Lots Nwly 1/2 Of Vac St E Of And Adj Lots 135 And 145 Also Lots 132 Thru 135 And 145 Thru 147 And Subj To Hwy Lot 148; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 10, 2015, 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 is seeking to establish a reception hall as part of a mixed-use redevelopment. The use will have about 3,000sf of event space and 2,000sf of office space. The event space will host a variety of events, anticipating 125-150 per year, which includes 60-70 weddings. The number of guests per event is anticipated to average 100 to 160 people. The space is proposed to be available seven days per week from 8:00 am to midnight.
2. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The use is supported by the following policies from the *Land Use Chapter of the Comprehensive Plan* (2010):
 - 1.48 *Support compatible mixed-use within single buildings and in separate buildings in close proximity.*
 - 1.50 *Facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses.*

The use is supported by the following policy from the *West Midway Industrial Area Comprehensive Plan Amendment* (2015):

B-9 Explore options for building reuse by attracting smaller, artisanal, creative enterprises – and thereby nurturing entrepreneurship.

moved by _____
seconded by _____
in favor _____
against _____

The use located in the Creative Enterprise Zone as designated by the *District 12 St. Anthony Park Community Plan* (2013) and is supported by the following policy:

78. District 12 will work with the City of Saint Paul and other partners to stabilize and advance conditions in which creative enterprises – light industry, artisans and artists – can thrive in this area [...].

- (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 to the use. Primary access will be on Wabash Avenue via two curb cuts that access the main parking area for Vandalia Tower. There will also be a curb cut on Vandalia Street. This will serve more as a service and employee entrance. There will be 208 parking spaces available overall at Vandalia Tower and only 20 spaces required by the use.
- (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 will not be detrimental to the surrounding area, nor endanger 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 will not impede the orderly development of the surrounding area. The use is part of a mixed-use redevelopment of a vacant industrial site. The uses on the property will be managed by one entity to ensure they work together. Adjacent uses are a mix of office, service and industrial.
- (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 other regulations of the 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 Paikka for a conditional use permit for a reception hall at 550 Vandalia Street is hereby approved subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Ryan Companies US, Inc., File # 15-152-287, has applied for a conditional use permit for drive-through sales (coffee shop) and variance of minimum floor area ratio under the provisions of §61.202(b) of the Saint Paul Legislative Code, on property located at 234 Snelling Ave N, Parcel Identification Number (PIN) 032823220173, legally described as Boulevard Addition Pts Of Lots 1 And Lot 2 And Vac Alley In Cardigans Re And Pts Of Lots 9 Thru Lot 11 In Bushnells Re Of Blk 3 Blv Add Lying Nwly Of A L Desc Ascom At The Sw Cor Of Sd Cardigans Re Th N 0 Deg 3 Min 0 Sec W Along W L Of Sd Cardigans Re 148; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 10, 2015, 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. §65.513 specifies standards and conditions for drive-through sales in the T2 traditional neighborhood district:
 - a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lane is proposed to be located to the rear of the building, which faces Snelling Avenue. The nearest residentially zoned or occupied property is located ninety-seven (97) feet from the drive-through lane and one hundred and eleven (111) feet from the service window. It should be noted that the residentially zoned property is not occupied by a residential use, and consists of a single, landlocked railroad-owned parcel immediately adjacent to the railroad ROW.
 - b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. The nearest point of ingress or egress to the intersection of Snelling and Marshall is ninety-five (95) feet and the nearest point of ingress or egress to residentially zoned property is sixty-six (66) feet. It should be noted that the residentially zoned property is not occupied by a residential use, and consists of a single, landlocked railroad-owned parcel immediately adjacent to the railroad ROW.

moved by _____
seconded by _____
in favor _____
against _____

- c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. The nearest residentially zoned property is located approximately one hundred (100) feet to the east, but is not in residential use. The parcel is landlocked, owned by a railroad, and immediately adjacent to the railroad ROW. The nearest property in residential use is more than three hundred (300) feet from the drive-through speaker and window.
 - d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not applicable. The subject property does not directly abut any existing residentially zoned or occupied properties.
 - e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* This condition can be met. Establishment of the use will require site plan review. Provision of an appropriate amount of stacking spaces, as evidenced by site plan approval, should be a condition of approval.
 - f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The applicant proposes one drive-through lane.
 - g) *The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms.* This condition can be met. There are currently two curb cuts at the subject property, one each on Snelling and Marshall Avenues; the applicant proposes maintaining relocated curb cuts, one on each block face. Ramsey County and the MN Department of Transportation have given informal approval for the proposed curb cut configurations. Review and approval by the Saint Paul Department of Public Works of curb cut locations, as evidenced by site plan approval, should be a condition of approval.
2. §61.501 lists five standards that all conditional uses must satisfy:
- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition can be met. The Saint Paul Comprehensive Plan future land use map identifies the proposed project location as part of a Mixed-Use Corridor, which are intended to accommodate a variety of uses, including commercial/retail. Policy LU 1.21 calls for the City to balance a variety of objectives for Mixed-Use Corridors, including the accommodation of growth. Policy LU 1.45 calls for the City to *maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive.* Policy LU 1.50 calls for the City to *facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses.* Policy LU 1.49 calls for the City to *continue to promote principles of traditional urban form in the design of new or renovated commercial buildings.* The Snelling Hamline Neighborhood Plan generally calls for pedestrian, bicycle and transit-friendly urban design. The proposed use will provide new investment and active reuse of the site of a former gas station that has been vacant or underutilized for more than 20 years. Subject to 1)

incorporation into the design of the proposed building and site of horizontal and vertical structural elements which provide physical separation from Snelling Avenue and visually enclose the proposed outdoor seating areas south of the proposed building, and 2) review and approval by Saint Paul Public Works, as evidenced by site plan approval, of the impact of the proposed use on pedestrian and bicycle safety, the proposed use is consistent with the Saint Paul Comprehensive Plan. These requirements should be conditions of approval.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. Ramsey County and the MN Department of Transportation have provided informal approval of the proposed use and site plan. Saint Paul Public Works review and approval of the proposed site plan, as evidenced by site plan approval, should be a condition of approval.
 - 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 can be met. The proposed use is generally consistent with the existing character or development in the area. Provided that Public Works, upon review of the proposed use as part of site plan review, determines that the proposed use will not present an undue hazard to pedestrians and cyclists in the immediate vicinity, this condition can be met. Site plan approval should be a condition of approval.
 - d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use is generally consistent with other allowed uses in the surrounding districts. The reuse of a long vacant and underutilized site will encourage the continued development of the surrounding properties.
 - 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, subject to approval of a variance for Floor Area Ratio of the proposed structure.
3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. The Planning Commission has the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding can be met. The applicant seeks a variance for Floor Area Ratio (FAR). The code requires an FAR of 0.3, the applicant proposes an FAR of 0.11. The FAR requirement in the code is intended to result in both efficient use of land and in a more compact urban form. The site is across the street from an electrical substation and a railroad bridge traverses Marshall Avenue immediately adjacent to the site, factors which limit the desirability of the site for residential uses. The applicant has proposed a conditionally allowed use of the site. Although it exceeds required minimums, the applicant has proposed an amount of off-street parking they deem necessary to serve the use. On-street parking in the area is limited. The size and configuration of the site make underground parking difficult to achieve at costs reasonably born by potential uses of the site. Expanding the size of the building for the proposed use will not appreciably improve the utilization of the site for the proposed use, which is driven by market conditions. Incorporation into the design of the proposed building and site of horizontal and vertical structural elements which provide physical separation from Snelling Avenue and visually extend the building and enclose the proposed outdoor seating areas south of the proposed building will make the proposed use more visually consistent with the intent of the code to promote a more compact urban form, and should be a condition of

approval.

- b) *The variance is consistent with the comprehensive plan.* This condition can be met. The Saint Paul Comprehensive Plan future land use map identifies the proposed project location as part of a Mixed-Use Corridor, which are intended to accommodate a variety of uses, including commercial/retail. Policy LU 1.21 calls for the City to balance a variety of objectives for Mixed-Use Corridors, including the accommodation of growth. Policy LU 1.45 calls for the City to *maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive*. Policy LU 1.50 calls for the City to *facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses*. Policy LU 1.49 calls for the City to *continue to promote principles of traditional urban form in the design of new or renovated commercial buildings*. The Snelling Hamline Neighborhood Plan generally calls for pedestrian, bicycle and transit-friendly urban design. The proposed use will provide new investment and active reuse of the site of a former gas station that has been vacant or underutilized for more than 20 years. Subject to 1) incorporation into the design of the proposed building and site of horizontal and vertical structural elements which provide physical separation from Snelling Avenue and visually extend the building and enclose the proposed outdoor seating areas south of the proposed building, and 2) review and approval by Saint Paul Public Works, as evidenced by site plan approval, of the impact of the proposed use on pedestrian and cyclist safety, the proposed use is consistent with the Saint Paul Comprehensive Plan. These requirements should be conditions of approval.
- 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 seeks a variance for Floor Area Ratio (FAR). The code requires an FAR of 0.3, the applicant proposes an FAR of 0.11. The FAR requirement in the code is intended to result in both efficient use of land and in a more compact urban form. The site is across the street from an electrical substation and a railroad bridge traverses Marshall Avenue immediately adjacent to the site, factors which limit the desirability of the site for residential uses and multistory commercial uses. The applicant has proposed a conditionally allowed use of the site. Although it exceeds required minimums, the applicant has proposed an amount of off-street parking they deem necessary to serve the use. On-street parking in the area is limited. The size and configuration of the site make underground parking difficult to achieve at costs reasonably borne by potential uses of the site. Expanding the size of the building for the proposed use, which would require elimination of the conditionally allowed drive-through and/or of surface off-street parking, would not appreciably improve the utilization of the site for the proposed use, which is driven by market conditions.
- d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The site is constrained to the east by grade changes and railroad ROW. The site proposed for development was created by the applicant from 2 smaller parcels.
- 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. Coffee shops and drive-throughs are allowed uses in the zoning district where the property is located.
- f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance will allow redevelopment of a long vacant and underutilized parcel,

and is consistent with the commercial character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ryan Companies US, Inc. for a conditional use permit for drive-through sales (coffee shop) and variance of minimum floor area ratio at 234 Snelling Ave N is hereby approved, subject to the following additional conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Incorporation into the building and site design of horizontal and vertical elements that visually extend the building to encompass the proposed patio and seating area on the south side of the building and that visually enclose and separate said patio and seating area from the Snelling Avenue ROW.
3. Site plan approval.
4. Saint Paul Public Works review and approval of proposed use and site plan in regard to adequacy of drive-through stacking, ingress and egress, and pedestrian and cyclist safety, as evidenced by site plan approval.
5. The hours of operation of the drive-through service shall be no earlier than 5:30 am to no later than 10:00 pm.

Traffic Data:

- The current intersection serves 121,000 auto movements per day.
(Counting all sides of the intersection)
- Peak hour AM traffic in 2017 is expected to serve 3,703 auto trips at the intersection (without the development)
- The store is expected to generate 700-750 average daily transactions.
- About 25% of the visits will be on foot or bike, therefore 525-563 trips will be generated each day by car.
- 80% of vehicular customers will be from existing trips.
- 20% of the trips to the store were not already in existing traffic counts.
- Typical hours of operation are 5:30 a.m. to 10:00 p.m. but varies by location and area.
- Day parts:
 - About 44% of that traffic will occur between 7:00 a.m. and 10:59 a.m.;
 - about 20% mid-day between 11:00 a.m. and 1:59 p.m.;
 - about 18% p.m. - 2:00 to 1:59 p.m.
 - about 11% late pm - after 5:00 p.m.
 - The balance would be early a.m. - before 7:00 a.m.
- Assuming peak time, this would be 62 auto trips per hour, with about 50 trips being existing traffic and 12 being newly generated trips.
- 12 new trips would increase peak hour trips from 3,703 to 3,715 and would not have a noticeable impact on the performance of the system.
- No Traffic study is required



Since 1941



To whom it may concern:

I am writing this letter of support for Starbucks operating a store at the corner of Snelling and Marshall. I believe that it will continue and enhance the already great development and beautification of our neighborhood. O'Gara's has been on the corner of Selby and Snelling for over seventy- four years and we have seen many changes. The development that is happening today is very exciting for our community.

The South East corner of Marshall and Snelling has been neglected and underdeveloped for many years. I think that by taking the old gas station site and turning it into a useable, vibrant corner will only enhance what is already taking place.

I would like to express how excited we are to welcome the new neighbors and businesses that will be moving in over the next several months and continue to support the people that have made this a such great neighborhood for many years.

Sincerely,

Dan O'Gara

Tony Barranco

From: Mia Bakker <accounting@grayautoelectric.com>
Sent: Wednesday, May 13, 2015 11:24 AM
To: Tony Barranco
Subject: Starbucks on Snelling Avenue at Marshall from Schelen Gray Auto Electric

To whom it may concern,

I wanted to share my thoughts with you on the proposed Starbucks across the street from my business on Snelling Avenue. We have a number of clients that wait for their motors and/or vehicles to be repaired. We are constantly sending our clients (in all kinds of weather) a few blocks down to purchase coffee. I think it would be great for our clients and the area to have a Starbucks here.

Please let me know if I can help by providing my vote.

Thank you for your time,

**Tony Smith :: Schelen Gray Auto Electric
President**

1592 Marshall Ave :: Saint Paul, MN 55104

Phone: (651) 644-9449

Fax: (651) 645-5366

Email: accounting@grayautoelectric.com

www.grayautoelectric.com

Tony Barranco

From: michelle benegas <benegas3@gmail.com>
Sent: Friday, May 01, 2015 2:44 PM
To: Tony Barranco; josh.williams@ci.stpaul.mn.us; Anne White
Subject: Starbucks Drive-Thru

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am writing to support the idea of a drive through coffee shop that has been proposed for Snelling and Marshall. I am a neighbor, with three kids, and I would love to have that option on my way to work.

Thanks!
Michelle



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806*

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

Date: September 10, 2015
To: Saint Paul Planning Commission
From: Wendy Lane
Zoning Administrator
Re: 565 N. Snelling Ave.
Taco Bell

At your August 21, 2015 meeting, you requested the Department of Safety and Inspections (DSI) to prepare a report to the Zoning Committee on the status of Taco Bell's compliance with their existing special condition use permit, record of building permits for the existing drive-through, and current violations of any city zoning ordinances.

The building currently occupied by Taco Bell was built in 1973 for Zapata, a fast-food restaurant. A public hearing was held before the Board of Zoning for a fast food restaurant on September 6, 1973. At the hearing, the Zapata representative said the hours of operation would be 11 a.m. to 11 p.m. during the week and 11 a.m. to 1 or 2 a.m. on weekends depending on the business they get. A conditional use permit was approved by the City Council on November 12, 1973 "subject to the condition that said application-permittee, and its successors and assigns, shall make due compliance with all applicable provisions of municipal ordinances, state statutes and rules and regulations of public authorities having cognizance." There were no other conditions attached the approval including no conditions regarding the hours of operation. A site plan was subsequently approved by the St. Paul Zoning Board on November 12, 1973.

The land on which the building was constructed was zoned "commercial" in 1973, the only commercial zoning classification in the City prior to 1975. In 1975, the zoning code was rewritten and the property was rezoned to B3. Under B3 zoning, fast-food restaurants remained permitted uses with a conditional use permit. When the zoning code was reformatted in 2004, a separate category was created for drive-through sales and services, which required a conditional use permit in the B3 district. In 2011, as part of the Central Corridor zoning study, the property was rezoned again, this time to T2. Fast-food restaurants with drive-through sales are permitted with a conditional use permit in the T2 district.

Zapata became Zantigo between 1975 and 1977 and Zantigo became Taco Bell in mid-1987. The site has been operated as a fast food restaurant since built.

It appears that the drive-through lane may have been established when the building was originally constructed. It is likely that there was a "pass window" when built and there was a

one-way driveway along the southern side of the building going east. Presumably, customers would drive up to the window, order their food, wait for their food, and drive away with their purchase. A letter from a neighbor was submitted at a hearing when Zapata requested the Zoning Board to allow a driveway on Edmund in 1975 that refers to an existing "walk up service window". It is unknown when the speaker box was installed, but it appears that it was not there in 1991. Building permits are permanently retained and there is no permit on record for speaker box footings. There may have been an electrical permit for the speaker box installation, but electrical permits are purged after seven years.

At the time of construction, there were no conditions attached to fast food restaurant zoning regulations regarding speaker boxes. When the new zoning code was adopted in 1975, a condition was added to fast food restaurants that said that the impact on adjoining property by use of the site may not result in "loud, boisterous, and disturbing noise levels". A condition was later added in 1989 that said: "Speaker box sounds from drive-thru lanes shall not be plainly audible so as to unreasonably disturb the peace, quiet and comfort of abutting residential property." The condition was amended in 2004 to the language currently in the zoning code which says: "Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property." The zoning code has no objective measurement for noise levels so staff has relied on the noise standards under Chapter 293 that limit noise levels from commercial uses at residential property to 65 dBA during the day and 55 dBA between 10 p.m. and 7 a.m. Measurements were taken of the Taco Bell site in May of 2013 and between 1 a.m. and 3 a.m. in May of 2014 and no violations were observed.

The original site plan showed a 6' screen fence along the west property line separating the site from the alley with a 6' wide setback border between the west property line and the parking spaces. The border is identified on the plan as bark chips with four locust trees that were to be planted in the border. As I recall, several years ago the District Council requested that the wood fence be replaced with an open fence to increase the visibility into the site and to prevent unsavory individuals from lurking behind the wood fence. The fence is now a chain-link fence with no trees in the border.

When there is a license for a business issued by the city, adverse action against their business license is an option to address neighborhood concerns, however, the Minnesota Department of Health assumed responsibility for licensing restaurants from the city in July, 2013. When DSI asked them if they would take adverse action against a problem business, their response was that they will only do so if there are violations of the food code.

The police have met with Taco Bell representatives as well as neighbors to look at ways to address customer behavior issues at this location.

Taco Bell is not in violation of their existing conditional use permit, however, the obscuring fence and trees are no longer along the west property line as shown on the originally approved site plan.