

Check #: 0001082107



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

RECEIVED

MAY 26 2017

By: City of St Paul DSI

Zoning office use only

File no. 17-04501

Fee \$597.00

Tentative hearing date:

6-19-17

APPLICANT

Name Jake Bauer Company Holiday Stationstores
Address 4567 American Blvd. West.
City Bloomington St. MN Zip 55437 Daytime phone 952 830-8839
Property interest of applicant (owner, contract purchaser, etc.) Agent/Builder
Name of owner (if different) Zephyr Group LLP

PROPERTY LOCATION

Address 1770 Old Hudson Road
Legal description: PIN 34.29.22.44.0001 Part Sly Of Old Hudson Rd And Nly Of Hwy 392 And W Of White Bear Ave Of E 196 00/100 Ft Of Se 1/4 Of Sec. 34 Tn 29 Rn 22
Lot size 0.73 ac Present zoning T3 Present use Gas Station (demolished)
Proposed Use Holiday Stationstore (under construction)

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

- 1. Allow the permitted dynamic display sign at this site to operate by the regulation of Sec. 64.405 rather than Sec. 64.503 (a) (6)
2. Allow a second freestanding sign at the rear of the site not directed to White Bear Avenue but directed to I 94 as was a previous sign on this site with the setback (none) and height (37 1/2 ft) as allowed in the T3 and B3 districts notwithstanding the requirements of the White Bear Avenue special district sign plan

Please see the attached supporting information

Applicant's signature

[Handwritten signature]

Date

5/25/17

City agent

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The requested variance at this site has two parts:

1. The operation of the permitted dynamic signs, one facing north, one facing south on the exterior of the building be allowed as provided in Sec. 64.405. - Signs with dynamic display as if in the prior B3 District rather than the present T3 District. The zoning designation of the site and surrounding parcels on both sides I 94 of was changed from B3 to T3 in October of 2015 anticipating the Gold Line Bus Rapid Transit implementation and Station Development

b. A second freestanding sign at the rear of the site not directed to White Bear Avenue but directed to I 94, as was the previous sign on this site, be allowed with the setback (none) and height (37 ½ ft) as allowed in the T3 and B3 districts notwithstanding the requirements of the White Bear Avenue special district sign plan for a 35 ft setback and a height limit of 20 ft.

Please see Attachments One and Two Proposed Signs Holiday Stationstore

**The dynamic display sign directed to White Bear Avenue**

The White Bear Avenue special district sign plan does not address signs with dynamic displays so the citywide sign regulations apply. Citywide standards for signs with dynamic displays are part of the zoning code. Please see Attachment Three St. Paul Dynamic Display Sign Regulations. However special restrictions are applied to dynamic displays when they are located in the by design less solely commercial T1—T4 traditional neighborhood and OS—BC business districts. These additional restrictions are found in Section 64.503 and limit dynamic displays to be monochromatic and not scroll or change their displays faster than every twenty (20) minutes rather than the 12 seconds allowed in the other commercial districts.

We are requesting a variance from the standards of Section 64.503 that will allow the images on the dynamic displays at this site to be full color rather than monochromatic and to change every 12 seconds, both as allowed by Sec. 64.405. - Signs with dynamic display.

Our request is not to be exempt from dynamic sign regulations, or have a custom regulation for our site, but to allow our dynamic signs under the same conditions as at other similar sites in the City and as are now being used by our neighbors.

*1. The variance is in harmony with the general purposes and intent of the zoning code.*

a. The variance is due to unusual conditions pertaining to the operation of a dynamic sign for a specific building or lot.

In our previous application with this same request staff found this finding was met.

b. The operation of the dynamic sign as requested would not create a hazard.

In our previous application with this same request staff found this finding was met, and operation of the dynamic display with the standards of 64.405 would not create a hazard and this finding has been met.

Ramsey County Public Works opposed the proposed location of the dynamic display sign at its previous location on the freestanding sign at the corner of White Bear Avenue and Old Hudson Road. On Thursday April 6 we met at the site with Ramsey County and St. Paul Public Works

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staff. We discussed rearranging the sign panels to leave a clear space behind the semaphore "head" but were not able to reach agreement this would be an effective solution due to the changes now under construction at the intersection.

To resolve this concern Holiday relocated the dynamic display sign from the freestanding sign on the corner to the building wall. Please see the emails in Attachment Four from Robert Brown of Ramsey County Public Works and John Maczko of St. Paul Public Works confirming their objection is addressed by the relocation of the dynamic display signs from the corner to the building walls.

c. The operation of the dynamic sign would not be objectionable to adjacent property owners.

In the SuperAmerica email of January 19, 2017 on our previous similar application their objection is to the second freestanding sign directed to I 94 not the operation of the dynamic sign. Their comment in the next to the last paragraph states: "We do not oppose or object to the variance for the existing (White Bear Avenue) sign as we believe ... fair and equitable". They do not object to the requested variance for the operation of the dynamic display.

On April 3 we met with the District 1 Land Use Committee. After much discussion of our previous application the Committee determined they no longer oppose the operation of the dynamic sign consistent with citywide (B3) standards at this site.

No other adjacent property has objected to the operation of the dynamic sign as proposed.

We believe this finding has now been met for the regulation of the dynamic sign.

d. The operation of the dynamic sign would not adversely affect residential property through excessive glare and lighting.

In our previous application with this same request staff found this finding was met.

Findings a – d above have been met.

*In keeping and in harmony with the intent (character) of the T3 traditional neighborhood District*

In October of 2015 large areas on the south side of I 94 from Kennard to Ruth and on the north side of I 94 from Flandrau to the City Limits were rezoned from Commercial, mostly the B2 and B3 districts common in commercial areas all along White Bear Avenue, to the T2 or T3 districts anticipating redevelopment when the Gold Line Bus Rapid Transit line and the White Bear Avenue BRT station in the I94 right of way just east of Van Dyke is implemented.

Please see Attachment Five.

The intended and desired character for this large area is described in the zoning code.

Sec. 66.311. - General intent, T traditional neighborhood districts.

TN traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented urban villages. All four (4) districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and

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blocks; new development in proximity to major transit streets and corridors; and additional choices in housing.

And for our site at Old Hudson Road and White Bear Avenue,

Sec. 66.314. - Intent, T3 traditional neighborhood district.

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

- (a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;
- (b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;
- (c) A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;
- (d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

The intent of the T3 district reaches well beyond increased regulation of dynamic displays. It assumes conditions will be present to encourage assembly and fundamental and comprehensive redevelopment of both private parcels and the public infrastructure in this large area rezoned in late 2015.

Unfortunately the B3 character has persisted at this corner. See the Attachment Six Photos of White Bear Avenue and Old Hudson Road.

The Metropolitan Council's most optimistic estimate is the Gold Line could open in 2023 and begin driving the redevelopment and creating the new character of the sites now zoned for traditional neighborhood development.

Until then the character of the corner and its public infrastructure will remain the character of the B3, not T3 district. The requested variance will restore the previous B3 dynamic sign regulation until that time in the future when the BRT is realized and the district is redeveloped in the intended form. The Board can act allowing this minor exception to the standards of the T3 district in harmony with and in keeping with the general intent of the code as the necessary conditions do not exist and redevelopment that has not and is not occurring implementing the hopeful intent of the T3 district.

This finding is met, as the application of the B3 standards for the operation of dynamic displays at this site is compatible with the present and probable future unchanging character of the surrounding development and this is a minor change consistent with the general intent of the zoning code of capturing compatible investment in the City and assuring its success.

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2. *The variance is consistent with the comprehensive plan.*

In our previous application with this same request staff found this finding was met.

3. *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.*

Holiday, like our neighbors SuperAmerica and Subway have found the ability to use dynamic sign technology that allows the use of colors and images rather than simply monochromatic text and to better randomize the messages with a 12 second frequency of change an important tool supporting the success of their businesses.

The ability to use of color and images in comparison to only monochrome text both speeds comprehension of the message and makes it more memorable. The 12 second frequency allowed in business districts throughout St. Paul and used by our neighbors at this corner allows flights of messages while not causing distraction.

Holiday has installed this technology at Stationstores in districts of similar character in St. Paul, Minneapolis and the suburbs and uses it to compatibly feature specials on our expected products and to introduce new products available inside our Stationstores.

At this site it would be a practical difficulty to not be able to effectively use this technology to reach out to our customers and frequently remind them of the specials on our expected products and to introduce new products available inside our Stationstores. This is a special practical difficulty at this location where our neighbors are able to use this technology effectively and the requested effective use is compatible and consistent with the present character of the development on the corner and similar commercial corners in St. Paul where it is allowed.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The landowner does not dispute the City competently provided the required notice of the proposed rezoning in October of 2015 when large areas on the south side of I 94 from Kennard to Ruth and on the north side of I 94 from Flandrau to the City Limits were rezoned from Commercial, mostly the B2 and B3 districts common in commercial areas all along White Bear Avenue, to the T2 or T3 districts anticipating redevelopment when the Gold Line Bus Rapid Transit line and the White Bear Avenue BRT station in the I94 right of way just east of Van Dyke is implemented.

However, even if the landowner had spoken up and requested their property be exempted from the study and be an exception retaining the B3 designation in the sea of T districts on the basis of preserving the B3 dynamic display regulation for their site it is improbable it would have been honored given the basis and scope of the rezoning. See Attachment Five Extent of Traditional Neighborhood Zoning Designation.

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The plight of the landowner is created by the lack of the promised change to realize the intent of the rezoning of their parcel to T3.

Neither the City nor private redevelopers have to date made investments anticipated the T3 traditional neighborhood district envisions for the activities or uses – higher-density pedestrian- and transit-oriented mixed-use development on sites large enough to support: (a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another; (b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes; (c) A system of interconnected streets and paths that offer multiple routes for motorists and pedestrians and bicyclists, and are connected to existing and future streets; and (d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood within the district.

The plight of the landowner is being in a district that has retained its B3 character in spite if the rezoning to T3 and whose neighbors are operating their dynamic displays under the previous B3 regulations. These are the regulations the landowner seeks to restore to their site with this variance.

*5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

In our previous application with this same request staff found this finding was met.

*6. The variance will not alter the essential character of the surrounding area.*

In our previous application with this same request staff found this finding was met.

Based on these findings the part of the requested variance allowing the dynamic display sign this site to be operated in compliance with the standards of Sec. 64.405. - Signs with dynamic display rather than Sec. 64.503. - T1—T4 traditional neighborhood and OS—BC business districts (a) *Business and identification signs*, may now be approved.

**The freestanding trademark sign directed to I 94**

The proposed 37½ ft tall freestanding trademark sign located on the south property line of the site and directed to I 94 would be allowed by the T3 (and B3) district regulations. A similar but 50 ft tall trademark sign was present in this corner of the site prior to its redevelopment. The requirements of Sec. 64.625 - White Bear Avenue special district sign plan limits the height of freestanding signs in the district to 20 ft and requires a 35ft setback from the right-of-way.

The area covered by this plan includes commercial property along White Bear Avenue from Larpenteur to I 94, a distance of approximately three and a half miles. The sign plan provides a unified framework for the sign systems of the various commercial nodes (e.g. Minnehaha, 7th Street, Hillcrest, etc.), which will fit the architecture of the buildings, clearly identify businesses, and enhance the image of the business districts and foster pride in the adjacent neighborhoods

*1. The variance is in harmony with the general purposes and intent of the zoning code*

a. The variance is due to unusual conditions pertaining to sign needs for a specific building or lot.

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In our previous application with this same request staff found this finding was met.

b. The trademark sign would not create a hazard.

In our previous application with this same request staff found this finding was met.

c. The trademark sign would not be objectionable to adjacent property owners.

SuperAmerica, our competitor located across Old Hudson Road, has objected to the freestanding sign along I 94 in the southwest corner of the site in our similar previous request.

In SuperAmerica's judgment the Holiday site is extremely visible from I 94 in both directions and from both exit ramps and a trademark sign directed to I 94 is not required for visibility. Holiday's analysis differs. Because I 94 is depressed below the grade of the site and White Bear Avenue and the White Bear Avenue bridge significantly restricts and segments the view from westbound I 94 a simple trademark sign that can be quickly comprehended has been proposed to compensate for these conditions.

SuperAmerica was also concerned the proposed freestanding sign with its narrow edge to I 94 would block the view of their site. Due to the sign's location at the western boundary of our site and parallel with that edge this is simply not a credible concern.

Last, SuperAmerica notes the 37½ ft tall sign on their site, located 525 ft and across Old Hudson Road from the depressed I 94, would not be visible from I 94 and therefore it would be unfair for Holiday to have such a sign. The opportunity for this site to have a sign directed to I 94 is not a matter of fairness. It's a matter of having a site abutting I 94 vs. having a site not abutting I 94. For these reasons Holiday does not find the objection of SuperAmerica credible.

On April 3 we met with the District 1 Land Use Committee. After much discussion the Committee determined the proposed trademark sign is still inconsistent with the desired character of White Bear Avenue.

No other adjacent property has objected to the trademark sign as proposed.

d. The trademark sign would not adversely affect residential property through excessive glare and lighting.

In our previous application with this same request staff found this finding was met.

*In keeping and in harmony with the intent of the White Bear Avenue special district sign plan*

Findings a, b, & d above have been met. The Board will have to resolve finding c and its role in determining the harmony and any conflict with the general purposes and intent of the White Bear Avenue special district sign plan and the zoning code.

The proposed sign will be located at the southern boundary of the White Bear Avenue special district sign plan area. The sign will be virtually inches from this boundary. The sign will be directed to I 94, not to White Bear Avenue. It will be parallel to White Bear Avenue and be located as far from White Bear Avenue as is possible on this site. With its "trademark only"

content it will be superfluous to travelers on White Bear Avenue but informative to travelers on I 94, even if they do not plan to stop at the Stationstore at this time.

Along the length of White Bear Avenue the right of way where the setback is measured from is effectively the roadway. While the proposed sign will be located at the I 94 right-of-way it will be setback 65 ft from the edge of the nearest travelled way, the on ramp to I 94, and setback 240 ft from the centerline of I 94, where it is intended to be read.

The sign plan provides a unified framework for the sign systems of the various commercial nodes (e.g. Minnehaha, 7th Street, Hillcrest, etc.), which will fit the architecture of the buildings, clearly identify businesses, and enhance the image of the business districts and foster pride in the adjacent neighborhoods. None of these conditions are present along I 94 on the edge of this site.

Due to the site's location on the southern boundary of the White Bear Avenue special district sign plan area, its location and lack of orientation to White Bear Avenue, the effect of the 20 ft tall store building partially obscuring the view of the sign from White Bear Avenue, its setback from the roadway it is intended to read from, the distance from the intersection of Old Hudson Road and White Bear Avenue, the heart of the business district and any adjacent neighborhood, the effect of granting this variance to allow the T3 district standards to apply to this sign will minimize any effect on the White Bear Avenue special district sign plan area.

Therefore the variance can be granted in harmony and not in conflict with the general purposes and intent of the White Bear Avenue special district sign plan and the zoning code.

*2. The variance is consistent with the comprehensive plan.*

In our previous application with this same request staff found this finding was met.

*3. 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.*

Due to the site's location both on White Bear Avenue and abutting I 94 the ability to use signs to reach both the travelers in the 23,600 vehicles using White Bear Avenue each day and the ability to reach the travelers in the 98,000 vehicles using I 94 each day is an essential feature of this site. The inability to have a sign permitted by the T3 district regulations but not the sign plan to reach this audience even with its limited effect on White Bear Avenue and the implementation of the sign plan would be a practical difficulty to realizing the effective use of the conditions at this site.

*4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

In our previous application with this same request staff found this finding was met.

*6. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

In our previous application with this same request staff found this finding was met.



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6. *The variance will not alter the essential character of the surrounding area.*

The variance will not alter the essential character of the I 94 corridor in the vicinity and by its location, orientation, the effect of the 20 ft tall store building partially obscuring the sign, and change in grade to the west will have a minimal effect on the essential character of White Bear Avenue or the business district at Old Hudson Road.

Based on these findings the part of the requested variance allowing the regulations of the T3 district to supersede and replace the height and setback requirements of the White Bear Avenue special district sign plan for freestanding sign may now be approved.

## BOARD OF ZONING APPEALS STAFF REPORT

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**TYPE OF APPLICATION:** Major Variance **FILE #**17 045181

**APPLICANT:** Jake Bauer Zephyr Group LLP

**HEARING DATE:** June 22, 2017

**LOCATION:** 1770 Old Hudson Road

**LEGAL DESCRIPTION:** Section 34 Town 29 Range 22 Part Sly Of Old Hudson Rd And Nly Of Hwy 392 And W Of White Bear Ave Of E 196 00/100 Ft Of Se 1/4 Of Sec 34 Tn 29 Rn 22

**PLANNING DISTRICT:** 1

**PRESENT ZONING:** T3

**ZONING CODE REFERENCE:** 64.503(6)

**REPORT DATE:** June 14, 2017 **BY:** Jerome Benner II

**DEADLINE FOR ACTION:** July 24, 2017 **DATE RECEIVED:** May 26, 2017

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- A. **PURPOSE:** The applicant is proposing to install three additional signs for the Holiday Station store, two of which would be signs with dynamic displays placed on the north and south facades of the building; the other sign would be a freestanding sign located in the rear of the property facing Interstate 94. 1) The zoning code states that signs with dynamic display in the T3 zoning district, in which this property is located, must be monochromatic and may not scroll or change their content faster than every 20 minutes; the applicant is requesting a variance of these conditions to allow the wall signs to be full color and change their content every 12 seconds. 2) The White Bear Avenue Special Sign District Plan states that freestanding signs must not be taller than 20 feet and are only allowed when the building has a setback of 35 feet from the property line; the applicant is requesting a variance of these conditions to allow a sign of 37-1/2 feet in height, for a variance of 17-1/2 feet, and to allow a freestanding sign within a yard of less than 35 feet.
- B. **SITE AND AREA CONDITIONS:** The site of the new Holiday Station is bounded by Old Hudson Road to the north, White Bear Avenue to the east, and I-94 to the south

Surrounding Land Use: This area is predominately commercial to the west, north, and east sides, and I-94 to the south.

### C. ZONING CODE CITATIONS:

**64.503(a)(6) – T1—T4 traditional neighborhood and OS—BC business districts.** Dynamic displays shall be monochromatic, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later, except that interior window signs six (6) square feet or less in area with only text providing only open/closed information may have more than one (1) color.

**Sec. 64.625. - White Bear Avenue special district sign plan. (7)**

Pole signs can bring a business with a setback up to the street. Like projecting signs, pole signs are effective for both vehicular and pedestrian traffic, but they also can be a source of sign clutter. Pole signs are permitted for individual buildings that are occupied by a single business and that have a setback from the street right-of-way of thirty-five (35) feet or more. Pole signs shall use as little structure as possible, shall be stationary, and shall be no higher than twenty (20) feet above grade at the highest point. Structural elements of the sign should be painted black or another dark color.

### D. BACKGROUND:

This property was previously used as a gas station/car wash. In October of 2015, the property was rezoned from B3, commercial business zoning district, to T3, traditional neighborhood zoning district, for the Gold Line Bus Rapid Transit Station Development. The T3 district is more restrictive for signage than the B3 zoning district. There are currently commercial businesses at this intersection; two have full color electronic message centers and one is monochromatic.

### E. FINDINGS:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

The intent of the T3, traditional neighborhood district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

- A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;
- A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets.

The applicant is proposing to add two types of signage to the Holiday Station Store property; the first type of signs are two dynamic displays that would be placed on the north and south sides in the corners of the building. The T3 zoning district has specific standards for dynamic display signs: they must be monochromatic and shall not change their displays faster than every 20 minutes. The applicant would like the signs to be full color and change every 12 seconds. The applicant claims that the

dynamic displays will be more consistent with the surrounding dynamic display signs; the Super America gas station sign is in full color and when staff timed it, the sign changed every five minutes; the Subway sign is also full color and changes approximately every 11 seconds. These signs are legally non-conforming as they were established prior to the rezoning in 2015.

The other type of sign that Holiday Station is proposing to install is a freestanding sign on the southwest corner of the site, along the I-94 frontage. The intent of the White Bear Avenue Special Sign District Plan is to provide strong, clear identification of businesses and to reduce sign clutter. The sign plan provides a unified framework that will enhance the image of the business district and foster pride in the adjacent neighborhoods. However, the plan indicates that a freestanding pole sign must be located 35' from the right-of-way and no taller than 20'. This sign is not oriented toward the neighborhood traffic, but rather the freeway traffic. Due to the changes in grade between the property to the west and the Holiday Station, the applicant believes the sign would not be as prominent, would be hidden behind the wall of the building to the west, and not be visible soon enough for traffic to exit at White Bear Ave. off of I-94.

This variance request must meet the provisions of Section 64.207, the findings necessary for sign variances:

***a. The variance is due to unusual conditions pertaining to sign needs for a specific building or lot.***

The Holiday Station is a new development and it is important to provide signage that is clear and readable from the roadways while blending with the existing signage in the neighborhood in relation to size and clarity. This finding is met for both variances.

***b. The sign would not create a hazard.***

Ramsey County Public Works initially opposed the dynamic display signs that were proposed to be located on a freestanding sign on the northeast corner of the site as they felt it would pose a negative impact for drivers because it could interfere with the traffic signalization. However, the proposed placement of the dynamic display signs onto the building on the north and south sides have alleviated their concerns by relocating the proposed signage. This finding is met for both variances.

**c. *The sign would not be objectionable to adjacent property owners.***

Staff has received a letter in opposition from someone that does not identify whether or not they are an adjacent property owner. This finding is met for both variances.

**d. *The sign would not adversely affect residential property through excessive glare and lighting.***

The nearest residentially zoned property is located over 175 feet to the east and the applicant has been informed that the maximum illumination level with dynamic display may not exceed 0.3 foot candles above the ambient light level as measured fifty feet from the sign's face. The freestanding pole sign located along I-94 and not near residential uses should not adversely affect residential property through excessive glare and lighting. Both signs will have programmable dimming capability to lower the brightness if it becomes an issue.

This finding is met for both variance requests.

**2. *The variance is consistent with the comprehensive plan.***

The proposed signs will provide greater visibility for new a gas station/convenience store with a car wash. This request is in keeping with the goals of the comprehensive plan to coordinate business signs to achieve greater consistency among businesses. This finding is met for both variances.

**3. *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.***

According to the applicant, the ability to use color and images in comparison to only monochromatic text both speeds comprehension of the message and makes it more memorable. The 12-second frequency allowed in business districts throughout Saint Paul and used by the neighboring businesses at this corner allows flights of messages without causing distraction. However, the applicant has a prominent freestanding sign in the northeast corner of the lot that captures the attention of drivers traveling in both directions on Old Hudson Road and White Bear Avenue. The dynamic display signs would be placed on the building and may not provide as much draw as the applicant is anticipating. The Holiday Station store was giving proper notice of the rezoning and had ample time to modify their sign plan to be compliant with the T3 sign regulations. The applicant has not established a practical difficulty in complying with the provisions of this code. This finding is not met for the dynamic display signs.

During the redevelopment of the site, the freestanding sign in the southwest corner of the property was removed. Any new freestanding sign must not exceed the maximum height requirement of 20', however, given that the new sign is at the same height and location as the previous sign, the applicant does face a difficulty in no longer being able to capture the attention of drivers traveling on I-94 with a sign face that is 17.5' shorter than the previous sign. The applicant has established there is a practical difficulty in complying with the provisions of this code. This finding is met.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

Even though this property was rezoned to T3 in 2015, this intersection and surrounding land uses still exhibit characteristics of an auto-oriented commercial area and not characteristics typically found in the traditional neighborhood zoning districts; this is a unique circumstance not created by the landowner. This finding is met for both variances.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

Signs are permitted in all zoning districts and the requested variances would not allow a use that is not permitted in this zoning district. This finding is met for both variances.

6. *The variance will not alter the essential character of the surrounding area.*

Given that there are a number of businesses within close proximity of the Holiday Station that have dynamic display and freestanding signs, the essential character of the area will not be altered by the requested variances. This finding is met for both variances.

- E. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, District 1 Community Council has not provided a recommendation.
- F. **CORRESPONDENCE:** Staff has received one letter in opposition to the requested variances.
- G. **STAFF RECOMMENDATION:** Based on finding 3, staff recommends denial of the variance request to allow the wall signs with dynamic display.

Based on findings 1 through 6, staff recommends approval of the variance request to allow a freestanding sign at of more than 20' tall with a setback of less than 35' from the south property line.

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 17-045181  
DATE: June 22, 2017**

WHEREAS, Jake Bauer, representative of Zephyr Group LLP, has applied for a variance from the strict application of the provisions of Section 64.503(a)(6) and 64.625 of the Saint Paul Legislative Code pertaining to T1-T4 traditional neighborhood and White Bear Avenue special district sign plan. The applicant is proposing to install three additional signs for the Holiday Station store, two of which would be signs with dynamic displays placed on the north and south facades of the building; the other sign would be a freestanding sign located in the rear of the property facing Interstate 94. 1) The zoning code states that signs with dynamic display in the T3 zoning district, in which this property is located, must be monochromatic and may not scroll or change their content faster than every 20 minutes; the applicant is requesting a variance of these conditions to allow the wall signs to be full color and change their content every 12 seconds. 2) The White Bear Avenue Special Sign District Plan states that freestanding signs must not be taller than 20 feet and are only allowed when the building has a setback of 35 feet from the property line; the applicant is requesting a variance of these conditions to allow a sign of 37-1/2 feet in height, for a variance of 17-1/2 feet, and to allow a freestanding sign within a yard of less than 35 feet in the T3 zoning district at 1770 Old Hudson Road. PIN: 342922440001; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on June 22, 2017 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

*1. The variance is in harmony with the general purposes and intent of the zoning code.*

The intent of the T3, traditional neighborhood district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

- A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;
- A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets.

The applicant is proposing to add two types of signage to the Holiday Station Store property; the first type of signs are two dynamic displays that would be placed on the north and south sides in the corners of the building. The T3 zoning district has specific standards for dynamic display signs: they must be monochromatic and shall not change their displays faster than every 20 minutes. The applicant would like the signs to be full color and change every 12

seconds. The applicant claims that the dynamic displays will be more consistent with the surrounding dynamic display signs; the Super America gas station sign is in full color and when staff timed it, the sign changed every five minutes; the Subway sign is also full color and changes approximately every 11 seconds. These signs are legally non-conforming as they were established prior to the rezoning in 2015.

The other type of sign that Holiday Station is proposing to install is a freestanding sign on the southwest corner of the site, along the I-94 frontage. The intent of the White Bear Avenue Special Sign District Plan is to provide strong, clear identification of businesses and to reduce sign clutter. The sign plan provides a unified framework that will enhance the image of the business district and foster pride in the adjacent neighborhoods. However, the plan indicates that a freestanding pole sign must be located 35' from the right-of-way and no taller than 20'. This sign is not oriented toward the neighborhood traffic, but rather the freeway traffic. Due to the changes in grade between the property to the west and the Holiday Station, the applicant believes the sign would not be as prominent, would be hidden behind the wall of the building to the west, and not be visible soon enough for traffic to exit at White Bear Avenue off of I-94.

This variance request must meet the provisions of Section 64.207, the findings necessary for sign variances:

***a. The variance is due to unusual conditions pertaining to sign needs for a specific building or lot.***

The Holiday Station is a new development and it is important to provide signage that is clear and readable from the roadways while blending with the existing signage in the neighborhood in relation to size and clarity. This finding is met for both variances.

***b. The sign would not create a hazard.***

Ramsey County Public Works initially opposed the dynamic display signs that were proposed to be located on a freestanding sign on the northeast corner of the site as they felt it would pose a negative impact for drivers because it could interfere with the traffic signalization. However, the proposed placement of the dynamic display signs onto the building on the north and south sides have alleviated their concerns by relocating the proposed signage. This finding is met for both variances.

***c. The sign would not be objectionable to adjacent property owners.***

Staff has received a letter in opposition from someone that does not identify whether or not they are an adjacent property owner. This finding is met for both variances.

***d. The sign would not adversely affect residential property through excessive glare and lighting.***



The nearest residentially zoned property is located over 175 feet to the east and the applicant has been informed that the maximum illumination level with dynamic display may not exceed 0.3 foot candles above the ambient light level as measured fifty feet from the sign's face. The freestanding pole sign located along I-94 and not near residential uses should not adversely affect residential property through excessive glare and lighting. Both signs will have programmable dimming capability to lower the brightness if it becomes an issue.

This finding is met for both variance requests.

2. *The variance is consistent with the comprehensive plan.*

The proposed signs will provide greater visibility for new a gas station/convenience store with a car wash. This request is in keeping with the goals of the comprehensive plan to coordinate business signs to achieve greater consistency among businesses. This finding is met for both variances.

3. *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.*

According to the applicant, the ability to use color and images in comparison to only monochromatic text both speeds comprehension of the message and makes it more memorable. The 12-second frequency allowed in business districts throughout Saint Paul and used by the neighboring businesses at this corner allows flights of messages without causing distraction. However, the applicant has a prominent freestanding sign in the northeast corner of the lot that captures the attention of drivers traveling in both directions on Old Hudson Road and White Bear Avenue. The dynamic display signs would be placed on the building and may not provide as much draw as the applicant is anticipating. The Holiday Station store was giving proper notice of the rezoning and had ample time to modify their sign plan to be compliant with the T3 sign regulations. The applicant has not established a practical difficulty in complying with the provisions of this code. This finding is not met for the dynamic display signs.

During the redevelopment of the site, the freestanding sign in the southwest corner of the property was removed. Any new freestanding sign must not exceed the maximum height requirement of 20', however, given that the new sign is at the same height and location as the previous sign, the applicant does face a difficulty in no longer being able to capture the attention of drivers traveling on I-94 with a sign face that is 17.5' shorter than the previous sign. The applicant has established there is a practical difficulty in complying with the provisions of this code. This finding is met.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

Even though this property was rezoned to T3 in 2015, this intersection and surrounding land uses still exhibit characteristics of an auto-oriented commercial area and not characteristics typically found in the traditional neighborhood zoning districts; this is a unique circumstance not created by the landowner. This finding is met for both variances.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

Signs are permitted in all zoning districts and the requested variances would not allow a use that is not permitted in this zoning district. This finding is met for both variances.

6. *The variance will not alter the essential character of the surrounding area.*

Given that there are a number of businesses within close proximity of the Holiday Station that have dynamic display and freestanding signs, the essential character of the area will not be altered by the requested variances. This finding is met for both variances.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 64.503(a)(6) and 64.625 are hereby waived to allow a sign of 37-1/2 feet in height, for a variance of 17-1/2 feet, and to allow a freestanding sign within a yard of less than 35 feet in order to place a freestanding, sign at height of more than 20' tall with a setback of less than 35' from the south property line on property located at 1770 Old Hudson Road; and legally described as Section 34 Town 29 Range 22 Part Sly Of Old Hudson Rd And Nly Of Hwy 392 And W Of White Bear Ave Of E 196 00/100 Ft Of Se 1/4 Of Sec 34 Tn 29 Rn 22; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

***IS HEREBY APPROVED***

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 64.503(a)(6) and 64.625 are hereby waived to allow two signs with dynamic display in the T3 zoning district, in which this property is located, the applicant is requesting a variance to allow the wall signs to be full color and change their content every 12 seconds on property located at 1770 Old Hudson Road; and legally described as Section 34 Town 29 Range 22 Part Sly Of Old Hudson Rd And Nly Of Hwy 392 And W Of White Bear Ave Of E 196 00/100 Ft Of Se 1/4 Of Sec 34 Tn 29 Rn 22; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

***IS HEREBY DENIED.***

**MOVED BY:**

**SECONDED BY:**

**IN FAVOR:**

**AGAINST:**

**MAILED:** June 23, 2017

**TIME LIMIT:** No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

**APPEAL:** Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

**CERTIFICATION:** I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on June 22, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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**Debbie M. Crippen**  
Secretary to the Board