

MINUTES OF THE ZONING COMMITTEE
Thursday, September 27, 2012 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Nelson, Perrus, Reveal, Spaulding, Wencil, and Wickiser
EXCUSED: Merrigan
STAFF: Corinne Tilley, Samantha Langer, Patricia James, Wendy Lane, and Peter Warner

The meeting was chaired by Commissioner Nelson.

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, 1200 Rice St, SE corner at Rice St.

Corinne Tilley presented the staff report with a recommendation of denial of the appeal by Raymond and Susan Cantu. She stated District 6 recommended approval, and there were 2 letters in support, and no letters in opposition.

Raymond Cantu, 115 Rose Avenue, Saint Paul, stated his grounds for appeal as explained in the appeal documents submitted with his application.

Kerry Antrim, District 6 Planning Council, 171 Front Street, stated that the District 6 Council is in support of the appeal. Ms. Antrim explained that they have had seven community meetings regarding this plan. The neighborhood was very excited and approved the site plan when it was going to be a rebuild, but they are not supportive of only relocating the pumps. Ms. Antrim referenced a July 11, 2012, letter from Tom Beach denying the submitted site plan on the grounds that the plan is not consistent with traffic safety, will not work for gas deliveries, and circulation of cars on site, and will not work if cars park in areas other than the five parking spaces designated. Ms. Antrim stated traffic circulation will not change for the new site plan that was approved on August 24, 2012. It will still be a safety issue. She stated that the site plan does not meet the City's Comprehensive Plan, and is not consistent with the Rice Street Guidelines. She noted that the ADA accessibility finding has not been satisfied. The route on the site plan into the store is unsafe requiring patrons to pass through the traffic flow area.

Dan Zangs, 119 Rose Avenue West, spoke in support of the appeal. Mr. Zangs stated he is there on behalf of the entire neighborhood, and they all support the appeal.

John Kosmas, KK Design, 6112 Excelsior Boulevard, Minneapolis, explained the history of this project. Originally they wanted to build a new structure, but Ramsey County denied the proposed relocation of the existing driveway, so they resubmitted a plan to relocate the pump islands. They clarified distances with the Fire Department and Code Inspections for the gas pumps in relationship to property lines and driveways. Mr. Kosmas clarified that it is a thirteen foot dimension, not twelve, that the pump island has been relocated. He said at this time they will not be including a canopy, and it is not required. He explained the traffic pattern for a WB-50 truck to enter and exit the site. The approved site plan shows how vehicle maneuvering on the site is safer because of a revised parking plan. He addressed the concern of ADA compliance, and explained changes they are making to create a safer environment. A new ramp will be installed directly accessible to the handicap stall that will be added, and a sidewalk will lead directly to the store. He explained they have addressed other concerns shared by the

District Council and the new site plan shows new fencing, restricting the alley to two parking spaces, and they reviewed timing of tanker truck deliveries. Mr. Kosmas explained that the driveway on Rice Street is approximately five feet from the south property line.

Ferdinand Peters, 842 Payne Avenue, Saint Paul, said he is an attorney who has represented Bilal Alsadi for the past four years regarding this property. He explained that originally Mr. Alsadi wished to construct a new building, but Ramsey County's project to widen Maryland Avenue prohibited this. Ramsey County originally wanted Mr. Alsadi's entire property, but he fought the decision in court, and as a result only the north 20 feet of the property at 1200 Rice Street was acquired. The smaller land area limited new construction at the site. Mr. Peters explained that there is a developer that would like to purchase the entire block, and the nine people who supported Mr. Cantu's appeal have purchase agreements with the developer. The developer is only interested if the land at 1200 Rice Street can be purchased, too. He states that many points Mr. Cantu mentioned are not germane to the appeal including the settlement agreement made with Ramsey County. Mr. Peters said that with regards to safety issues raised every effort has been made to accommodate safety and the site plan meets the City's codes.

Upon inquiry from the Commissioners, Mr. Peters stated that relocating the gas pumps does not require a conditional use permit. The issues raised in the appeal pertaining to new construction are moot because it does not apply to this site plan.

Mr. Cantu stated that the ordinance is clear and the conditional use permit is not a moot point. The conditional use permit has expired. He also reiterated that there are safety concerns with the site plan.

The public hearing was closed.

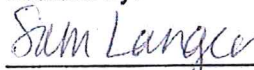
Upon questions from the Commissioners, Assistant City Attorney Mr. Warner stated that the issue of whether a new conditional use permit is needed is not relevant for either of two reasons: either the conditional use permit granted by the Planning Commission on May 18, 2012, was not needed since relocation of gas pumps does not trigger the need for a new CUP; or the Planning Commission's approval of a new CUP after the site was reduced in size is the relevant permit, and a change to the site plan to simply relocate the gas pumps does not trigger the need for another new CUP.

Commissioner Julie Perrus moved denial of the appeal of Raymond and Susan Cantu and to uphold the decision by the Zoning Administrator to approve the site plan for relocation of gas pumps at 1200 Rice Street. Commissioner Elizabeth Reveal seconded the motion.

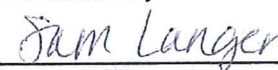
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Corinne Tilley
Zoning Section

Approved by:


Gaius Nelson
Chair



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September 18, 2012

Mr. Bilal Alsadi
Rice Street Market
1200 Rice St
St Paul MN 55117-4903

RE: Extension of zoning review (SPR #12-090127) for the proposed relocation of the gas island and gas pumps at 1200 Rice Street

Dear Mr. Alsadi:

This letter is to inform you that the City is extending the zoning review period to November 29, 2012.

You submitted an application for Site Plan Review on August 1, 2012. Your proposed site plan was reviewed and approved by the zoning administrator on August 24, 2012. An appeal of the decision made by the zoning administrator to approve the gas island and gas pump relocation at 1200 Rice Street was received on September 4, 2012. Minnesota law gives the City 60 days to complete its review of a zoning application but allows the City to "extend the time line ... by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant." Minn. Stat. ' 15.99 (1995)

The 60 day review period ends on October 1, 2012. The City is extending the site plan review period for an additional 60 days to November 29, 2012.

The reason for the extension is because an appeal has been received and time is needed to hold the required public hearing for a decision to be made by the Planning Commission.

If you have any questions regarding this matter, you can reach me at 651-266-9085 (office) or corinne.tilley@ci.stpaul.mn.us (email).

Regards,

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

copy: John Kosmas, KK Design