

MINUTES OF THE ZONING COMMITTEE
Thursday, December 12, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Grill, Lindeke, Rangel Morales, and Reveal
EXCUSED: Baker, DeJoy, and Ochs
STAFF: Emma Siegworth, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

2525 W 7th Coffee Shop Drive-Thru - 19-097-759 - Conditional use permit for coffee shop drive-thru sales, 2525 7th St W, NE corner at Davern St.

Commissioner Edgerton said that the public hearing was held at the November 21, 2019, Zoning Committee meeting. It was closed and will not be reopened today. The Committee laid it over with the request that staff research the conditions that could be added to address pedestrian safety and traffic congestion issues.

Emma Siegworth presented an updated staff report with a recommendation of approval with conditions for the conditional use permit. An additional condition was added that states that the site shall be managed to prohibit vehicular queuing for the drive-through backing up into any public right of way. District 15 continues to recommend approval with conditions.

Commissioner Rangel Morales said his concern at the previous meeting was coming up with language that would allow the City to take reasonable action if there was traffic congestion or pedestrian safety issues at the site. He asked if the condition added is sufficient for this purpose.

City Attorney, Peter Warner, said that the condition was discussed between Planning staff and the City Attorney's office and they feel it's suitable for addressing any potential traffic congestion or pedestrian safety issues. It provides a clear prohibition for drive-through back-ups into the public right of way.

Commissioner Rangel Morales said another concern he has is what will happen when the vehicles that are leaving the drive-through come out and take a left onto Davern Street. It's a very busy intersection.

Ms. Siegworth said that the Traffic Impact Analysis reported that there was no mitigation necessary for the intersection to operate at an acceptable level of service and that not all of the traffic would be exiting to Davern Street due to the other exit off of West 7th Street.

Ms. Siegworth referenced the Traffic Impact Analysis that states that the capacity analysis resulted in all the study intersections in all five scenarios anticipated to operate at a level of service C or better in AM and PM peak hours. Individual intersection movements are anticipated to operate at a level of service D or better in AM and PM peak hours. Based on these findings, no offsite mitigation is necessary to provide an acceptable level of service. She said that in relation to traffic exiting on Davern, Public Works staff said they wouldn't anticipate all traffic exiting to Davern. Even if it did, the spacing between vehicles entering Davern from the site is

dependent on gaps in Davern, and flow through the drive-through, which is discontinuous. The level of service of the intersections during a build condition does not require mitigation. If issues arise relative to a greatly reduced level of service, it is likely due to other factors other than just the drive-through. She said that based on the vehicle queuing analysis, the southbound approach at the intersection of West 7th Street and Davern Street is expected to have the most site trips added to it. The vehicle queues are anticipated to be longer in the PM peak hour than the AM peak hour and are not anticipated to exceed the storage length of the shared through-right turn lane and the left turn lane by more than 25 feet.

Commissioner Lindeke said he would like there to be language added to situations like this that would give the Department of Safety and Inspections more tools to work with property owners in cases where it doesn't work out according to projections.

Commissioner Reveal said she would be open to adding a condition that requests an update on the operation of the site after a full year of operation that would include a mitigation plan if there are significant findings that there were issues.


Commissioner Grill said that the potential 25 car drive-through is not consistent with the 2030 and 2040 Comprehensive Plan. A drive-through is not pedestrian-friendly design.

Commissioner Reveal moved approval with conditions of the conditional use permit subject to the additional condition that twelve months after operation of the drive-through begins, City Planning and Public Works Transportation staff shall report to the Zoning Committee on traffic operations at the site and recommend measures for mitigation of issues if necessary. Commissioner Lindeke seconded the motion.

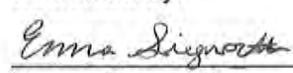
The motion passed by a vote of 3-2-0.

Adopted Yeas - 3 Nays - 2 (Rangel Morales and Grill) Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Emma Siegworth
City Planner

Approved by:


Dan Edgerton
Chair

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EXCUSED: Baker, DeJoy, Edgerton, and Ochs
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Ramsey County Safe Space - 19-102-522 - Conditional use permit for an overnight shelter, 160 Kellogg Blvd E, SW corner at Jackson Street

Bill Dermody presented the staff report with a recommendation of approval with a condition for the conditional use permit. He stated District 17 recommended approval, and there was 1 letter in support, and 0 letters in opposition.

Jean Krueger, Ramsey County's Director of Property Management, 121 E 7th Place E, Saint Paul, said that there is an uptick in the need for facilities for the unsheltered population. This facility will operate with only referrals from overflow at other shelters. She said there is a small amount of additional space that will only be utilized for cold weather protocol. It could accommodate twelve extra people and only be used if staffing was adequate.

Upon questions from Commissioners, Ms. Krueger said she doesn't know if other federal offices offer this service. She said doesn't have the information on where the funds are from for this operation.

After discussion, it was decided to amend Finding 2 by striking the number of individuals. They would still need to follow fire code regulations for capacity.

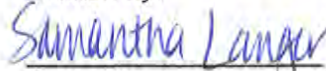
No one spoke in support or opposition. The public hearing was closed.

Commissioner William Lindeke moved approval of the conditional use permit with a condition. Commissioner Elizabeth Reveal seconded the motion.


The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
City Planner

Approved by:


Dan Edgerton
Chair

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STAFF: Mike Richardson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Angie Byboth-Malmin Permanent Makeup Shop - 19-100-305 - Change of nonconforming use from acupuncture clinic to permanent makeup shop, 236 Cretin Ave S, NE corner at St. Clair

Mike Richardson presented the staff report with a recommendation of approval for the change of nonconforming use permit. He stated that District 14 submitted a letter supporting the application, and while there were no letters in support or opposition, there was one that noted a concern about street parking in the neighborhood.

In response to Commissioner Grill, Mr. Richardson said that he made the owner aware of the option to rezone the property, but the application was submitted by a tenant, who doesn't have the ability to apply for a rezoning and wanted to begin operating as soon as possible.

Angie Byboth-Malmin, 1231 Osceola Avenue, Saint Paul, said she has been doing permanent makeup since 2005 and currently has a business in Minneapolis. The business has a spa-like environment and is very clean and safe.

Joe Hughes, 1564 Selby Avenue Saint Paul, MN, spoke in support. He has owned the building for 5 years and leased the space to the applicant in September 2019. He visited her other business and felt that the business in the Cretin location would be a good fit for the building and the neighborhood. He said that he will consult with others and may move towards rezoning the property in the future.

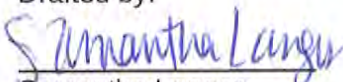
No one spoke in opposition. The public hearing was closed.

Commissioner Kristine Grill moved approval of change of nonconforming use from acupuncture clinic to permanent makeup shop. Commissioner Elizabeth Reveal seconded the motion.

The motion passed by a vote of 5-0-0.

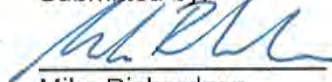
Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:



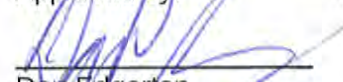
Samantha Langer
Recording Secretary

Submitted by:



Mike Richardson
City Planner

Approved by:



Dan Edgerton
Chair

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STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Brad Graves - 19-101-117 - Rezone from RT2 townhouse residential to RM2 multiple family residential, 1035 Arkwright St, between Lawson Ave. and Cook Ave.

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He stated District 5 made no recommendation, and there were no letters in support or opposition.

Alan Conard, caretaker of property, 200 Exchange Street, Saint Paul, said the four plex at 1035 Arkwright was condemned in 2017 due to a fire and vacant until 2019. Upon inspection a fifth unit was found in the basement. They will work with the inspector to make it up to date. The four plex has been completely rehabbed and they are starting work on the duplex. He said there is a lot of parking at the site and eventually they hope to add garages.

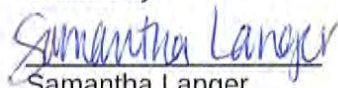
No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval of the rezoning. Commissioner William Lindeke seconded the motion.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
City Planner

Approved by:


Dan Edgerton
Chair

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STAFF: Anton Jerve, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

337 W 7th / 366-372 Smith Rezoning - 19-103-464 - Rezone from T2 to T3 traditional neighborhood, 337 7th St W, Block bounded by Smith Ave., 7th St., Leech St., and Grand Ave.

337 W 7th / 366-372 Smith CUP & Variances - 19-103-475 - Conditional use permit for a maximum building height of 75 feet, variance to increase the maximum floor area ratio (FAR) from 3.0 to 3.44, and a variance to reduce the required number of loading spaces for proposed retail use from 1 to 0., 337 7th St W, Block bounded by Smith Ave., 7th St., Leech St., and Grand Ave.

Anton Jerve presented the staff report with a recommendation of approval for the rezoning. He also recommended approval of the conditional use permit and variances. He stated District 9 submitted a letter recommending approval, and there was one letter in opposition.

Upon questions from the Commissioners, Mr. Jerve said no tenants have been identified for the commercial space.

Aron Johnson, DJR Architects, 4053 Bryant Avenue S, Minneapolis, said he is excited about this project and provided some history about the site. He explained the recent development in the area around the site and said the existing public alleyway for the whole block is in the process of being vacated. It will be a positive move and help reduce congestion on W 7th Street. They will be closing Bonfe repair shop and the new mixed-use development will have 153 units and 2,500 square feet of retail fronting West 7th Street. He said they will have bike storage and off-street parking entirely above grade that will be concealed from public view. Parking will be accessed from Smith Avenue and 94 stalls will be provided. The range of units will be efficiency up to two-bedroom units aimed at meeting the housing needs of the area. They have met with the District Council and will continue to work closely with them.

Upon inquiry from the Commissioners, Mr. Johnson said that they are aiming to provide units for entry level income earners that will hopefully allow people who work in the area be able to rent at this location. They have not determined what AMI they will be targeting for rent.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Kristine Grill moved approval of the rezoning. Commissioner Elizabeth Reveal seconded the motion.

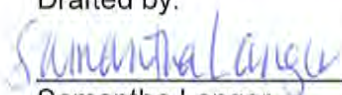
The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Commissioner Kristine Grill moved approval with conditions of the conditional use permit & variances. Commissioner Elizabeth Reveal seconded the motion.

The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Anton Jerve
City Planner

Approved by:

Dan Edgerton
Chair

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STAFF: Anton Jerve, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Outfront Media LLC - 19-103-405 - Nonconforming use permit and variance to change the angle of the east facing billboard face., 2516 Wabash Ave, west of Hwy 280

Anton Jerve presented the staff report with a recommendation of approval with conditions for the nonconforming use permit and variance to change the angle of the east facing billboard face. He stated District 12 submitted a letter recommending denial, and no other letters in support or opposition.

Upon questions from the Commissioners, Mr. Jerve said that currently there is an illuminated billboard located at the site. He said they will need to remove other existing billboards in the city for each square foot of dynamic display space being created. He confirmed that the petition is sufficient with 5 signatures out of 7 possible.

The applicant, John Bodger, 901 Marquette Avenue, Suite 600, Minneapolis, said they will be removing 35 static billboards and will concentrate in removing 6 x 12 signs ("junior posters") that are in residential areas on secondary streets. He said that they did meet the requirements of the petition.

Keith Hovland, representative of the St. Anthony Park Community Council, 1476 Chelmsford Street, Saint Paul, MN, spoke in opposition. He referenced a letter submitted by the Council. He is concerned about traffic and public safety issues caused by driver distraction from the dynamic display. It also doesn't fit with the changing characteristics of the immediate neighborhood. It is changing from industrial to residential and placement of the dynamic display billboard would alter the character of the community and go against what they are working hard to create. He noted that MnDOT is currently studying redesign of the interchange where the sign is located which could increase the danger or necessitate removal of the sign at significant expense to taxpayers.

In response to questions from the Commissioners, Mr. Hovland said two hundred new housing units were completed this year, over four hundred are under construction and another five hundred or more are currently being planned. He said they have concerns with the cone of visibility and possible negative impacts.

At questions, from the Commissioners, Mr. Jerve said that the new construction will have the same view of the back of the billboard. The size of the billboard will remain the same only the angle is changing.

Jean Weigum, 1647 Laurel Avenue, Saint Paul, MN spoke in opposition. She has run a business in the area since the 1980's and is very concerned about this being a traffic safety

issue. The intersection is very dangerous to begin with and a dynamic sign will add to driver distraction. The character of the neighborhood is changing and hundreds of people have moved into the area. It is continuing to grow as a residential area and a dynamic billboard does not fit in to the changing area. She said that while it is tempting to accept this proposal because the applicant will need to remove up to 30 other billboards in the City, it is not worth the exchange for public safety and future development.

John Mannillo, 1335 Beechwood Place, Saint Paul, MN spoke in opposition. He said he agrees with the comments of the others who have spoken in opposition. He said the new cone of visibility would extend beyond the residents. He noted his major concern is that they may have to move the billboard if MnDOT redesigns the intersection at a great cost to taxpayers.

Mr. Bodger responded to testimony. He said they will be removing 28 junior posters and some larger ones, located at major intersections including I-94 and Vandalia, 35E and Cayuga, and Larpenteur and Rice. The dynamic billboard will be static on the back. He said he will submit letters from Police departments in the area stating that dynamic billboards have not caused traffic issues. He said they haven't heard of any redesign being done by MnDOT. The public storage facility where the sign is located will remain at this location. The size of the billboard will remain the same, 14 x 48 and the dynamic display will not be as bright as the static lights that are currently in front of the billboard.

Upon inquiry from the Commissioners, Mr. Jerve said that studies he reviewed showed there is no conclusive evidence that show dynamic displays are more dangerous than static displays. The standards in the Zoning Code define the height of lettering and the time the screen must remain the static, 12 seconds. He said that he is unaware of any MnDOT studies about dynamic displays.

Commissioner Grill stated her concerns about public safety and possibly interfering with future development.

Commissioner Lindeke stated he supports the application because the applicant will need to remove at least 30 other billboards throughout the city, and it is a move in the right direction.

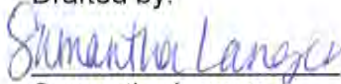
No one spoke in support. The public hearing was closed.

Commissioner William Lindeke moved approval with conditions for the nonconforming use permit and variance to change the angle of the east facing billboard face. Commissioner Luis Rangel Morales seconded the motion.

The motion passed by a vote of 4-1-0.

Adopted Yeas - 4 Nays - 1 (Grill) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Anton Jerve
City Planner

Approved by:


Dan Edgerton
Chair