

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Fort Road Coffee Company **FILE #** 11-282-365
  2. **APPLICANT:** Fort Road Coffee Company **HEARING DATE:** October 20, 2011
  3. **TYPE OF APPLICATION:** Rezoning-Council
  4. **LOCATION:** 1518 Randolph Ave, SE corner of Saratoga
  5. **PIN & LEGAL DESCRIPTION:** 102823320021; Randolph Villas Ex S 6 54/100 Ft Lot 1
  6. **PLANNING DISTRICT:** 15 **EXISTING ZONING:** B1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** October 12, 2011 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** September 28, 2011 **60-DAY DEADLINE FOR ACTION:** November 27, 2011
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- A. **PURPOSE:** Rezoning from B1 Local Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** 35 ft. (Randolph) x 120 ft. (Saratoga) = 4,200 sq. ft.
- C. **EXISTING LAND USE:** Coffee Shop
- D. **SURROUNDING LAND USE:**
  - North: Single family residential (B1 and R4)
  - East: Single and multifamily residential (B1 and RM2)
  - South: Single family residential (R4)
  - West: Single family residential and local business (B1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 2003 the Board of Zoning Appeals upheld a decision made by the Zoning Administrator to classify the establishment as a carry-out restaurant with a maximum of 12 seats (#03-271-631). Changes to City Ordinances prompted an inspection of the coffee shop and found that there were 29 seats, which required a new license, classification as a restaurant, and was not permitted in B1. A 2004 Code change added the definition of a coffee shop and required a conditional use permit for coffee shops larger than 800 square feet in a B1 district. A 2009 application for a conditional use permit for a coffee shop larger than 800 sq. ft. was approved (#09-097-851).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 15 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The applicant has applied to rezone the property from B1 to T2 for the purpose of being classified as a restaurant rather than a coffee shop. A restaurant is not a permitted use in the B1 zone. The applicant is interested in being able to serve soup to customers, which is permitted with a restaurant license that cannot be issued to a coffee shop. Rezoning to T2 will allow the applicant to obtain the required restaurant license and serve food for consumption on site that is not pre-packaged elsewhere.
  2. The proposed zoning is consistent with the way this area has developed. The property is located within a small neighborhood node along a mixed use corridor. In addition, the site is two blocks east of the commercial node at Snelling and Randolph and can be considered an extension of that commercial district. The uses permitted in the B1 and T2 districts are very similar in type and intensity, but the T2 district is better suited for commercial areas in close proximity to low density residential.
  3. The proposed zoning is consistent with the Land Use Chapter of the Comprehensive Plan. The chapter lists goals of permitting neighborhood serving commercial

businesses compatible with the character of Established Neighborhoods (LU1.7, p.10), and supporting a mix of uses along Mixed-Use Corridors (LU1.24, p.14). The District 15 plan summary supports a mix of uses and a pedestrian-friendly street environment in commercial areas, and considers rezoning portions of the Snelling-Randolph commercial area to T2 to support mixed use development and add design standards to limit the visual impact of parking and buildings.

4. The proposed zoning is compatible with the existing commercial and single and multifamily residential uses. The range of businesses permitted under the T2 zoning is compatible with varying intensities of commercial and residential uses. Development standards associated with the Traditional Neighborhood districts will ensure that the pedestrian and transit friendly character, neighborhood scale, and positive commercial/residential interface are maintained.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" The proposed T2 zoning is compatible with both surrounding uses and zoning, and the general area is already characterized by the presence of a number of small, adjacent districts and parcels of different but compatible zoning designations. Rezoning will not reduce the value of either the rezoned or surrounding properties for allowed uses. The rezoning would therefore not constitute "spot zoning".

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from B1 Local Business to T2 Traditional Neighborhood.



**PETITION TO AMEND THE ZONING CODE**

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

Zoning office use only

File # 11-282365  
Fee: 1200.00  
P tentative Hearing Date: 10-20-11

PD-15

# 102823320021

APPLICANT

Property Owner Fort Rd. Call Co. Company - Steve Vandewater  
Address 1518 Randolph Ave  
City St. Paul St. \_\_\_\_\_ Zip 55103 Daytime Phone 651-387-3487  
Contact Person (if different) Steve Vandewater Phone 651-387-3487

PROPERTY LOCATION

Address / Location 1318 Randolph Ave 55105  
Legal Description Lot 1 Randolph Villas except 50654/100 according to record plat in Ramsey County Current Zoning B1  
(attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

Steven C Vandewater owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B1 zoning district to a TNA-1 zoning district, for the purpose of:

To better serve the needs and desires of my customers. To remain a viable Saint Paul business.

(attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit

RECEIVED

SEP 28 2011

Per \_\_\_\_\_

Subscribed and sworn to before me this 26<sup>th</sup> day of September, 2011.

By: Steven C Vandewater  
Fee Owner of Property

Title: owner

Janet Ruth Haugen  
Notary Public



Project INTERIOR  
1518 Randolph

City Project No. \_\_\_\_\_ Design by \_\_\_\_\_  
S. P. No. \_\_\_\_\_ Date \_\_\_\_\_

Sheet \_\_\_\_\_ of \_\_\_\_\_ Chkd by \_\_\_\_\_  
Date \_\_\_\_\_

SERVICE AREA

$$10.5 \times 14.0 = 147.00 \text{ ft}^2$$

$$A = 6.25^2 - \frac{\pi 6.25^2}{4} =$$

$$39.06 - 30.68 = (8.20)$$

$$B = 7.75 \times 0.25 = (1.94)$$

$$C = 6.00 \times 0.75 = (4.50)$$

$$\text{TOTAL} = 132.36$$

BATHROOM

$$6.00 \times 7.25 = 43.50$$

STAIRWAY

$$6.50 \times 3.00 = 19.50$$

VESTIBULE

$$= 4.50 \times 4.0 - \frac{(1.75 \times 2.0)}{2} = 16.25$$

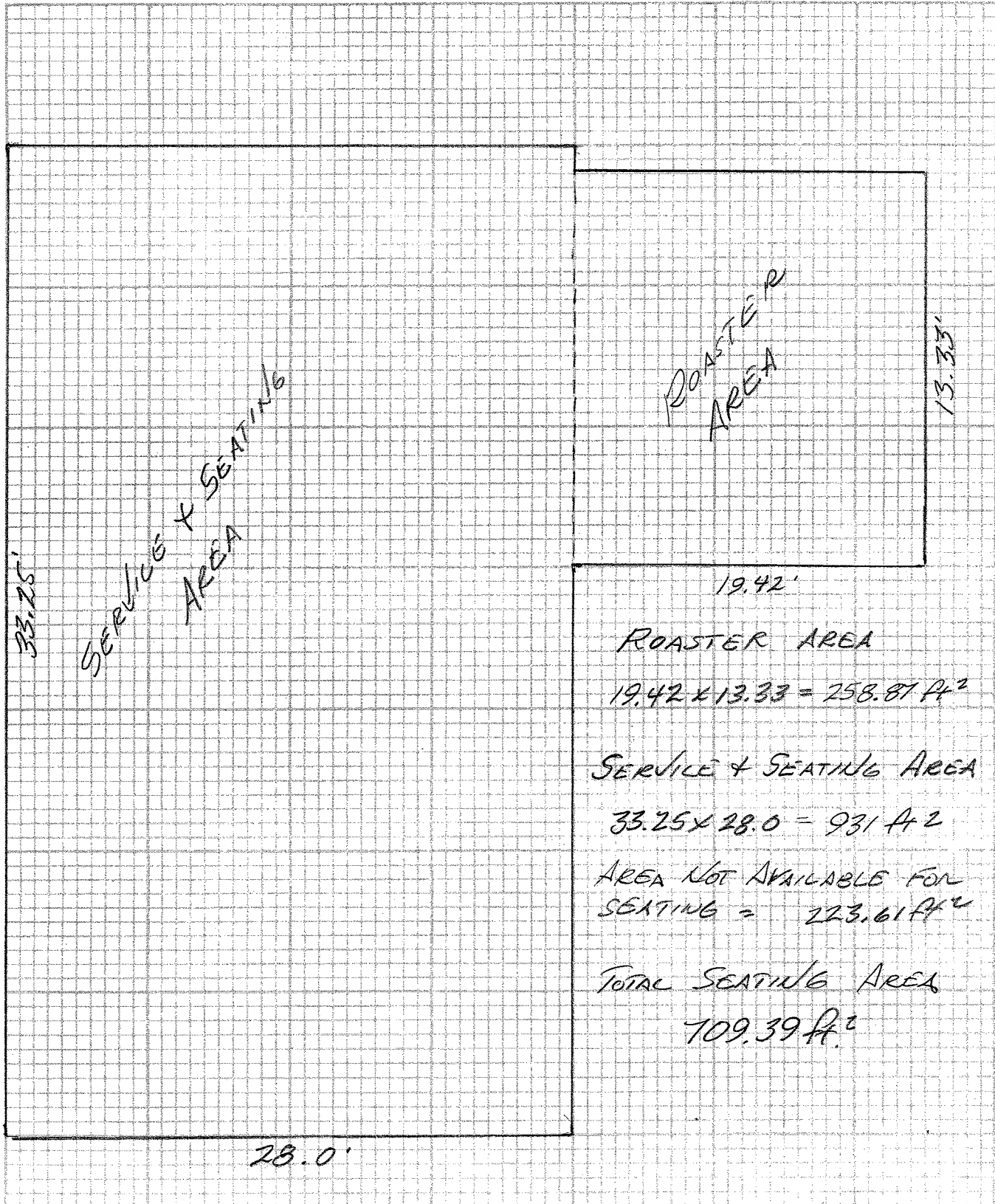
RAMP

$$3.00 \times 4.00 = 12.00 = 12.00$$

$$\text{AREA NOT AVAILABLE FOR SEATING}^* = 223.61 \text{ ft}^2$$

\* DOES NOT INCLUDE SEATING,  
STORAGE OR REFRIGERATOR

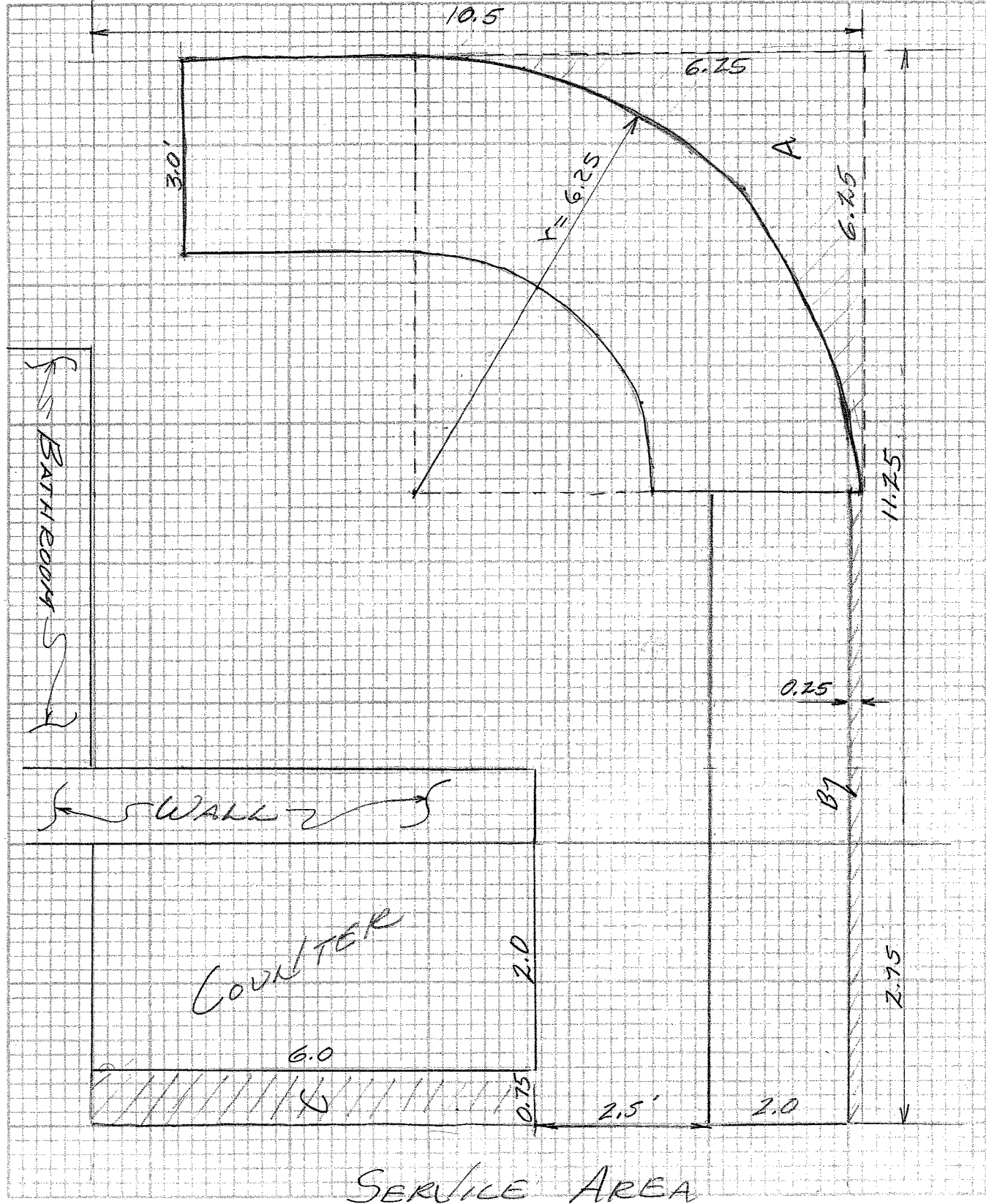
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 S. P. No. \_\_\_\_\_ Date \_\_\_\_\_  
 Sheet \_\_\_\_\_ of \_\_\_\_\_ Chkd by \_\_\_\_\_  
 Date \_\_\_\_\_



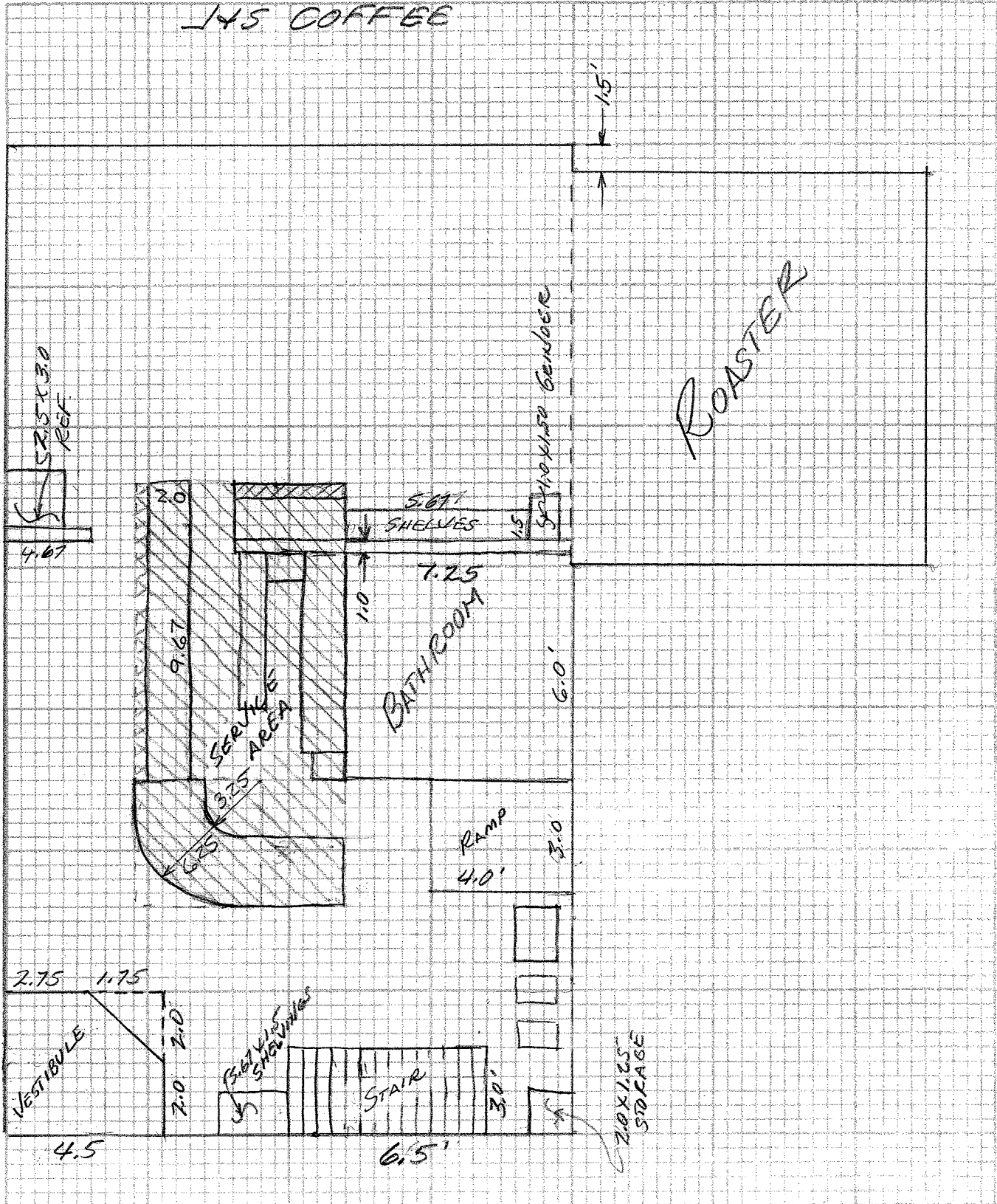
RANDOLPH

SARATOGA

Project \_\_\_\_\_ City Project No. \_\_\_\_\_ Design by \_\_\_\_\_  
S. P. No. \_\_\_\_\_ Date \_\_\_\_\_  
Sheet \_\_\_\_\_ of \_\_\_\_\_ Chkd by \_\_\_\_\_  
Date \_\_\_\_\_

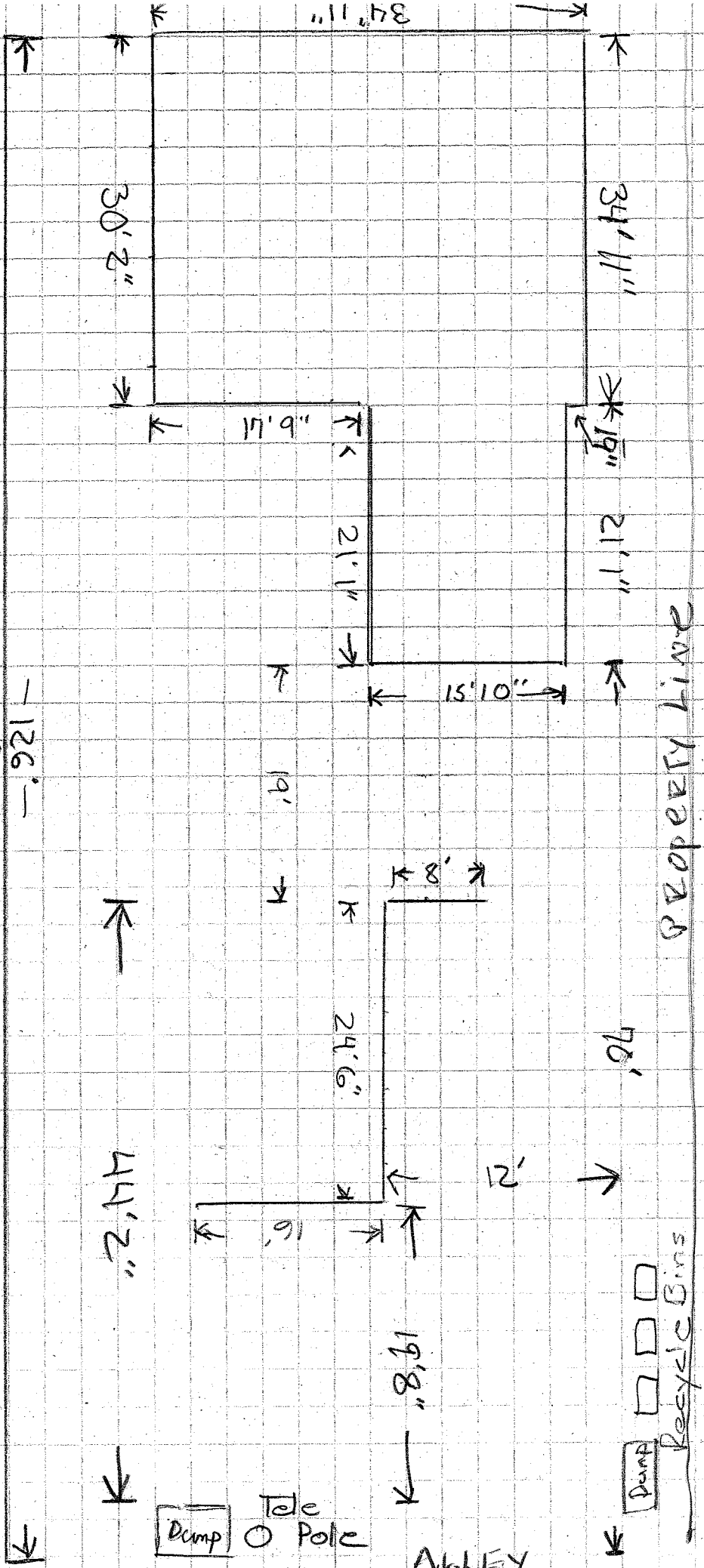


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S. P. No. \_\_\_\_\_ Date \_\_\_\_\_  
Sheet \_\_\_\_\_ of \_\_\_\_\_ Chkd by \_\_\_\_\_  
Date \_\_\_\_\_



1518 Randolph

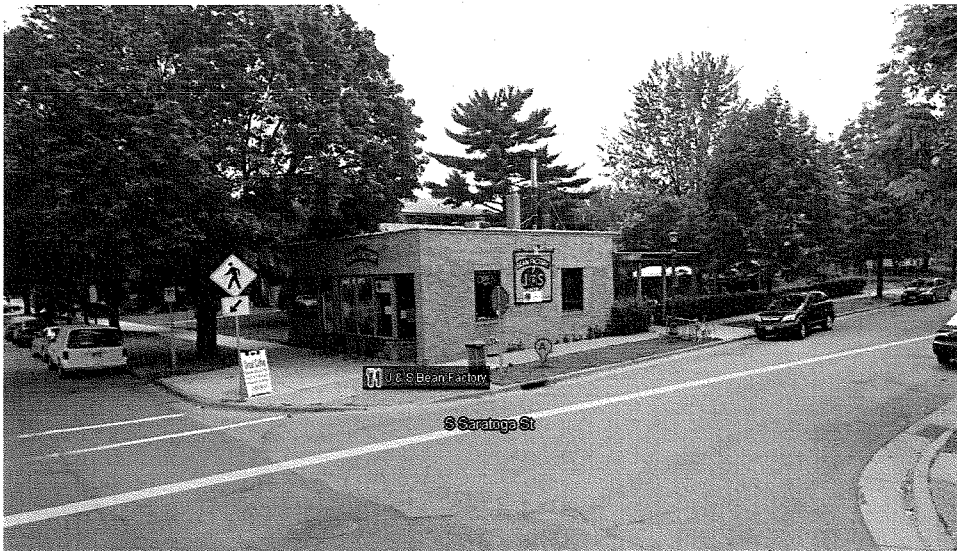
SARATOGA







1518 Randolph Avenue



View from Randolph and Saratoga



View from Saratoga



**H**IGHLAND  
**D**ISTRICT  
**C**OUNCIL

Highland District Council  
1978 Ford Parkway Saint Paul, Minnesota 55116  
651-695-4005 Fax 651-695-4019  
Email: [hdc@visi.com](mailto:hdc@visi.com)

Patricia James  
Planning and Economic Development  
25 West Fourth Street  
Saint Paul, MN 55102

October 12, 2011

The Community Development Committee of the Highland District Council supports the request for the Rezoning of the property at 1518 Randolph Ave, otherwise known as J & S Bean Factory. The Committee believes that rezoning this property to TN2 would be in keeping with the design of the surrounding buildings.

**Sarah Zorn - rezoning from B1toT2**

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**From:** "Alice Ripley" <amrmn@q.com>  
**To:** <sarah.zorn@ci.stpaul.mn.us>  
**Date:** 10/13/2011 12:05 PM  
**Subject:** rezoning from B1toT2

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I am against this rezoning for a number of reasons.--If they are able to add additional foods it will increase the customer base at an already overcrowded corner. Parking for this place is already inadequate--customers even park in the no parking spot in front of the store--making it almost impossible to make a left turn on to randolph. The smell from the bean roasting is nauseating--and it seems like they could do something about that if they were good neighbors. I am in favor of neighborhood businesses and try to support them when ever I can-but I am not in favor of this zoning change

Alice Ripley

**Sarah Zorn - File # 11-282-365**

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**From:** "Marzolf, Lynn (MDH)" <lynn.marzolf@state.mn.us>  
**To:** "sarah.zorn@ci.stpaul.mn.us" <sarah.zorn@ci.stpaul.mn.us>  
**Date:** 10/19/2011 6:33 PM  
**Subject:** File # 11-282-365

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Hi Sarah,

I am sending this email to address my concerns of further expansion of the Fort Road Coffee Company, (DBA Bean Factory) located at 1518 Randolph Ave., File # 11-282-365.

I received a post card that the Bean Factory wants to start preparing its own food on site. I am extremely opposed to this because of their lack of controlling the current stench from burning coffee beans. Yes, I know they call it roasting but trust me it is not. I live 4 houses from it and it has become unbearable. Any further smells from this business would only add to the untenable situation that is currently allowed to go on. I can no longer enjoy my back yard in the summer due to the current stench and in the last couple of years it makes me physically ill.

I have lived here for 24 years and I am astonished that any government/local entity would allow a coffee shop to roast coffee beans and not require installation of the proper filters to contain the gross smells of roasting. The black smoke lofts over my yard and in the winter discolors my snow cover. Dunn Brothers does why was this business allowed not to. Do any of you remember the problems that arose when they put in a shop on Snelling and Grand? I do and they worked with the neighbors and installed the proper filters to solve the problem.

My neighbors selling their homes should not have viewings on Friday's because of the constant burning smell. I have seen potential buyers walk into the back yard, smell it and they turn around and leave.

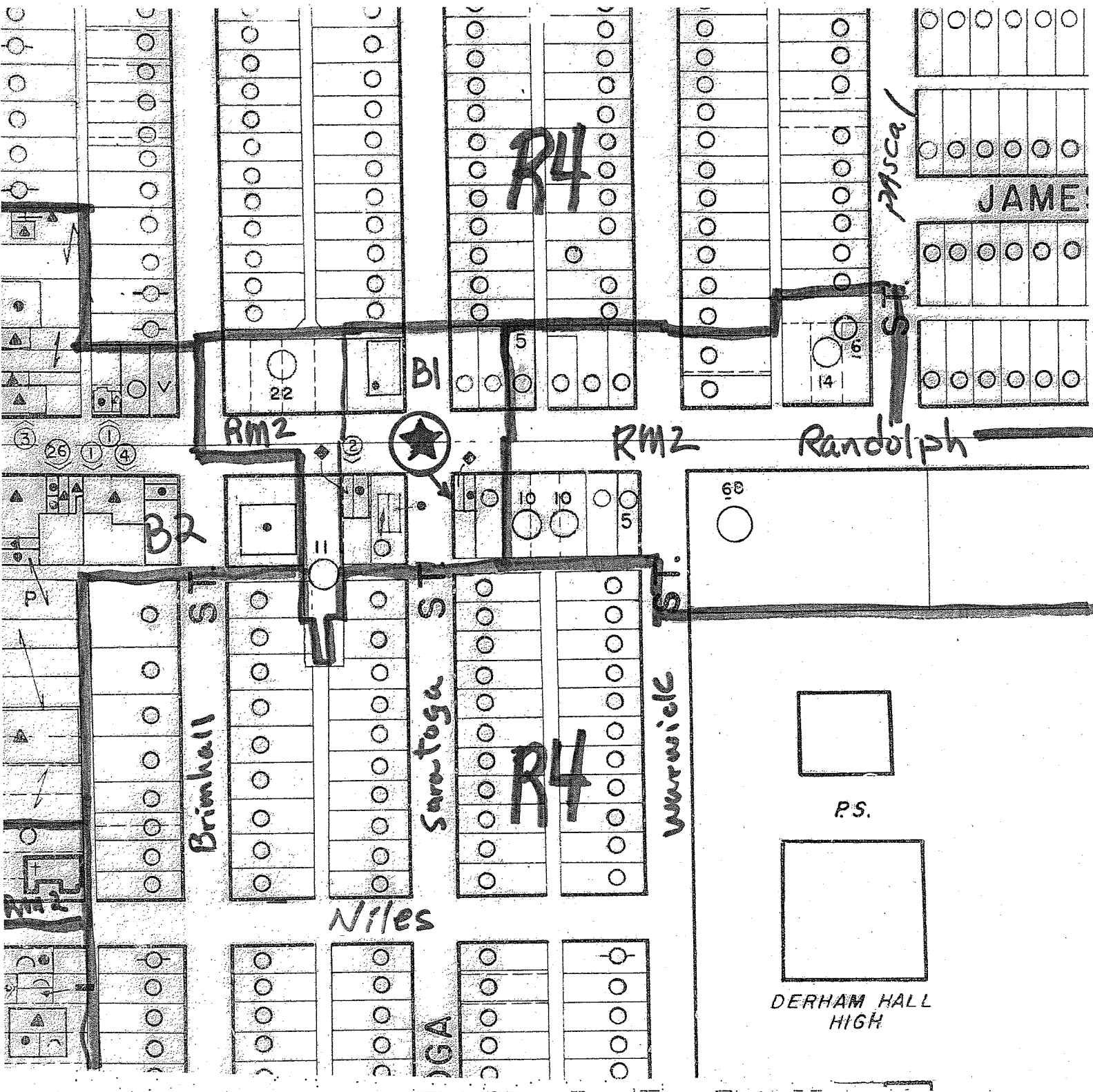
Due to the increased traffic at the Bean Factory I can rarely park in front of my house and my ally always has pass thru traffic from them because it has become too dangerous to try and get on Randolph by the shop. There is no off street parking available and any expansion will create further traffic problems.

Should you choose (I hope not) to allow food preparation on site it should be vented 100% inside the shop and can only be made for that location. When the Bean Factory was roasting coffee for another location for a while it was constant and overwhelming. To add food to that is more than I can take. I have no faith they would bother to vent properly since they can currently get away with not doing it for the coffee burning.

Please do not allow them to cook food at the current location. Any further expansion of this business will be destructive to my neighborhood.

Thank you for your time and attention.

Minnesota Department of Health  
Community and Family Health Division  
85 East 7th Place, Suite 500  
PO Box 64882  
St. Paul, MN 55101  
(651) 201-3592 Phone  
(651) 201-3590 FAX



APPLICANT Fort Rd Coffee Co  
 PURPOSE Rez BI → T2  
 FILE # 11-282365 DATE 9-29-11  
 PLNG. DIST 15 Land Use Map # 26  
 Zoning Map # 20  
 SCALE T = 400

**LEGEND**  
 zoning district boundary  
 subject property  
 one family  
 two family  
 multiple family  
 commercial  
 industrial  
 vacant  
 north  
 PED DEPARTMENT OF PLANNING & TECHNICAL DEVELOPMENT