

MINUTES  
BOARD OF ZONING APPEALS  
CITY COUNCIL CHAMBERS, 330 CITY HALL  
ST PAUL, MINNESOTA, JULY 29, 2019

PRESENT: Mmes. Bogen, Swift, Maddox, and Trout-Oertel; Messrs. Clarksen, Rangel Morales, Miller and Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Vue of the Department of Safety and Inspections.

ABSENT: None

The meeting was chaired by Thomas Saylor, Chair. At the request of the Mr. Saylor, agenda item B, 286 Erie St, was moved up to item A as opposition was present for 1886 Ford Parkway.

**10K Architecture (#19 062869) 1886 Ford Pkwy:** The applicant is proposing to demolish an existing duplex and construct a daycare facility. Based on the number of employees, the daycare facility is required to provide 12 off-street parking spaces; the proposed site plan indicates a total of 6 off-street parking spaces for a variance request of 6 off-street parking spaces.

Mr. Diatta presented slides of the site and reviewed the staff report with a recommendation for approval.

Four letters were received opposing the variance request and correspondence was received from District 15 in support of the variance request.

The applicant **10K Architecture**, Chad Haller was represented by Dean Olson of 525 15th Avenue S, and Varuni Ranasinghe of 3800 Wescott Circle and property owner of 1886 Ford Parkway, was present. Mr. Olson states that they have provided additional amenities for the staff such as bike parking onsite which would reduce the demand for parking and as the facility is on a major road, bus route is an option that most of the employees utilize. Mrs. Ranasinghe adds that currently there are two staff members who take the bus and most of the teachers reside in the neighborhood and walk to and from the facility.

Mr. Miller asked where the drop-off and pick-up location would be as the street is a busy street. Mr. Olson states that Ford Parkway is where 85 to 95 % of drop-offs and pick-ups occur as the alleyway is not used for drop-offs and pick-ups. Mr. Miller inquired if parking was allowed on Ford Parkway in front of the property, and Mrs. Ranasinghe and Mr. Olson confirmed that parking is allowed. Miss Bogen states that in some of the opposition letters received, a primary concern is the drop-offs and pick-ups in the alleyway blocking the right of way traffic. Miss Bogen asked the applicant if they would consider implementing a policy of no drop-offs and pick-ups in the alleyway. Mrs. Ranasinghe confirmed that they can implement such policy to avoid heavy traffic in the alleyway. Miss Bogen states that although this policy is not part of the variance request, a condition may be added to the daycare. Miss Trout-Oertel states that as public parking is allowed on Ford Parkway, and this may interfere with drop-offs, and asked if the applicant had any plans to striking off an area as 'No Parking' or have a parking spot designated for drop off's and pick-ups. Mrs. Ranasinghe states that drop off times are between 7:00 am and 10:30 am and pick-ups are between 3:00 pm to approximately 6:00 pm and explained that not all drop offs and pick-ups are at the same time, which reduces the traffic and have not experienced any problems with heavy traffic or lengthy wait times. Miss Trout-Oertel asked if the berm located in front of the proposed facility will be removed as the proposed site plan shows the area to be the toddler play area. Mr. Olson states the berm will be leveled with the retaining wall and a fence will be placed on top of the retaining wall.

Mr. Rangel-Morales asked Mr. Diatta if the facility would be 3-stories, and staff confirmed. Mr. Rangel-

Morales asked what the height limit is in an RT1 and Mr. Olson states that it is 40 feet. Mr. Diatta states he will confirm shortly.

Mr. Miller inquired if the applicant looked at other potential sites for the facility. The applicant states that the building at 1882 Ford Parkway is the current location for the daycare facility and consideration to remodel the current facility to bring it up to code was suggested but as they have clients year-round, this would interrupt the daily activities for the children, and it was concluded that it was financially sounder to open a new facility next door. Mr. Saylor asked if the applicant owned both properties at 1882 and 1886 Ford Parkway and the applicant confirmed. Mr. Saylor inquired about the intentions of 1882 Ford Parkway if the facility was to open at 1886 Ford Parkway and the applicant stated the property will remain under their ownership.

Miss Bogen asked if monastery school ended when children entered Kindergarten and the applicant confirmed. Miss Bogen also asked how many students attend the current facility and the applicant answered that they are licensed to have 41 children, are at full capacity with a wait-list. Miss Bogen asked if they would be allowed to have more students in the new facility and the applicant confirmed but clarified that the day care facility would only be operating at 1886 Ford Parkway, not both properties. Miss Bogen asked what the intentions for 1882 Ford Parkway would be and Mr. Olson answered that it would be converted into a duplex.

Mr. Diatta confirmed that the height limit in a RT1 is 40 feet. Mr. Rangel-Morales states that he assumes the proposed 3-story building would fall within the 40 feet height limit. Mr. Diatta explained that he was not positive but states that Mr. Benner would have made confirmed that the 3-story facility would fall within the 40 feet height limit. Mr. Rangel-Morales referred to the map provided in the Agenda packet, on page 17. He asked what the other zoning areas were surrounding 1186 Ford Parkway as the map shows different zoning areas in different colors. Mr. Diatta states he will confirm with the map. Mr. Rangel-Morales then asked Mr. Olson if he knew the exact height of the 3-story building and Mr. Olson explained that it would be between 34 to 36 feet tall.

Miss Maddox asked the applicant if she knew what the maximum number of students would be allowed in the new facility. The applicant states that the capacity would be determined by DHS, and it would depend on the square footage of the new facility, but the applicant thinks it may be over 80 students and 20 of those students most likely infants. Miss Maddox inquired about the possibility of combining both properties to allow for additional parking. The applicant states the idea was considered, but it was financially difficult to achieve.

Mr. Miller asked how many students are allowed at the current facility and the applicant stated 41 was allowed, but they currently have 38 or 39 students with a few spots open for transitional students. Mr. Miller asked how many parking spots are available for staff and what would stop the applicant for having both facilities open. The applicant stated there are 6 available parking spaces for staff and this is sufficient for their current staff. The applicant explained that the facility would operate only under one property but they parking at the current facility could be used by staff if necessary.

There was opposition present at the hearing. John Erickson, of 512 2<sup>nd</sup> St in Hudson, WI and property owner of 1892 Ford Parkway asked staff if he was to tear down his duplex, could he build an office building. Mr. Diatta confirmed that a daycare is allowed in a residential district, but an office building would not be allowed and the property can only be used for an institutional occupancy such as a daycare or a church. Mr. Erickson states his concerns are regarding his tenants, the noise level possibly from the daycare facility, and if there would be a barrier between his property and the daycare facility. Mr. Erickson states that regardless of staff findings are, he feels this is commercial space regardless of its occupancy & use. Mr. Rangel-Morales explained the classifications are out of Mr. Diatta's control as the

Zoning ordinances & regulations in place are determined by the City Council. Mr. Saylor states the applicant will address Mr. Erickson's question regarding the possibility of a fence or barrier when the applicant is invited back to speak.

Mr. Diatta explained the map color distinction from his laptop and Mr. Rangel-Morales clarified by stating that to the south, the yellow portion of the property, it is zoned as R4, to the north of the property is zoned R3 and to the west of the property, is R2.

Cassie Hanson of 1873 Hillcrest Ave, Marissa Brand of 1879 Hillcrest Ave, and Pam and John Bantle of 1865 Hillcrest all spoke in opposition of the variance request citing concerns of present and future traffic safety for all residents and clients in the alleyway and on Ford Parkway, alley way upkeep, over-flowing trash and pick-up, an increase of double-parking in the alleyway due to drop-off's and pick-up's, and snow removal difficulties during the winter season.

Mr. Rangel Morales points out that a condition can be placed in which only employees of the daycare facility can utilize the alleyway to park their vehicles. He also stats that if said condition was placed, it would be up to DSI to enforce this condition. Mr. Diatta confirms that it would be DSI's responsibility to enforce this condition in response to complaints submitted to DSI of potential violation of the condition.

Mr. Saylor invited the applicants to address the concerns and questions.

The applicants present are, Dean Olson of 10K Architecture at 525 15<sup>th</sup> Ave S, Varuni Ranasinghe and joined by Sanjeev Ranasinghe who is co-owner of both 1882 and 1886 Ford Parkway. Mr. Olson states there will be 4 parking spaces in the rear of the property and 2 garage parking spaces.

Mr. Saylor inquired about the possibility of a fence or barrier between the adjacent properties. Mr. Olson answered that there will be a fence as the outdoor play area is required to be enclosed. He adds that the fence will probably be 6 feet tall but the material of the fence has not been selected. Mr. Saylor asked what the perimeter of the fence would be and Mr. Olson states approximately 20 feet to run along the length of the property to the rear, ending by the parking spaces.

Ms. Bogen asked if the fence can be chain link or other and Mr. Olson states the fence is open for discussion. He states they could select a solid fence as a barrier to provide some noise cancellation. Ms. Ranasinghe adds that only approximately 20 children will be out in the playground with rotations and typically, no infants are brought outdoors. She also states the new facility will have a floor designed for play space which would decrease the number of children in the play area. Mr. Ranasinghe adds that the facility is only opened from 7:30 am – 5:30 pm, Monday through Friday and weekends are closed. He explained that the facility will be 3-stories, with the first story at basement level. Mr. Olson clarified that the first floor is partially basement level; facing Ford Parkway will be 3 stories high but from the rear, only 2 stories high.

Mr. Ranasinghe thanked the residents who appeared today and voiced their concern. He states he was not aware of their concerns prior to this hearing but would like to address their concerns. He explained that remodeling the current facility was not financially sound, and this was their best option.

Miss Bogen pointed out that although it was stated no infants were brought outdoors to the play area, on page 10 of the plans that is marked infant outdoor play. Mrs. Ranasinghe answered that infants are only brought out for brief moment during nice weather, usually for approximately 15-20 mins.

Mr. Saylor asked the applicant to address the issues and concerns regarding the traffic in the alleyway that

is created by drop-off's and pick-up's. Mr. Ranasinghe states the current facility does not have cameras but the new facility will increase security for the safety of everyone, including the neighbors. Mrs. Ranasinghe states the issue of drop-off's and pick-ups was unknown to them, and suggest having a teacher in the rear to inform parents that drop-off's and pick-ups are not allowed in the alleyway. Mrs. Ranasinghe also states this issue will be address to all the parents immediately. Mr. Ranasinghe points out that on occasions when he has been at the facility on the non-working weekends, vehicles not belonging to their clients have sped through the alleyway and have blocked traffic. He states the new facility will have dedicated parking stalls in the garage for their employees.

Mr. Rangel Morales asked if the applicants have thought about applying for restricted parking in front of facility; example, no parking, drop-off and pick-up zones only. Mr. Ranasinghe states he has thought about this but is hesitant as this may decrease parking for residents in the neighborhood. Mr. Rangel-Morales asked if Mr. Diatta could elaborate on this type of parking restriction. Mr. Diatta states any possibility of restricted parking on public streets are managed by the Public Works Department. Mr. Rangel Morales states restricted parking could be for a limited time only, not necessarily for a full-day, to avoid drop-off's and pick-up's in the alleyway.

Mr. Ranasinghe states that they considered the monastery school across from their facility as it was up for lease; but they approached the property owner, they were told the property had been sold to a developer. He states that property was a corner lot and he would have been more concerned with the drop-off's and pick-ups with the cross streets. He also adds that using the parking spaces in front of the facility would be more effective and as far as he is aware, no incidents have happened with vehicles of their clients. He states the issues today are new to him and that their facility has been operating under the premise that parking was fine. Mrs. Ranasinghe adds that the property owner/daycare provider, of the monastery school across from them retired. Mr. Ranasinghe points out that other daycare facility on the same street, or in the same area, function on a one lane successfully.

Miss. Trout-Oertel pointed out a sidewalk that goes from front to back, along the property, to the rear, states that it seemed like this sidewalk would encourage alley drop-off's and pick-up's. Mr. Olson explained that the sidewalk is a 2-step function; the sidewalk that starts from Ford Parkway to the rear slopes and the second is the requirement of an ADA ramp for access into the facility. Miss. Trout-Oertel asked if this was staff and Mr. Olson explained that it could be for staff and any clients who may require this access. Miss. Bogen asked if one of the parking spaces in the rear is marked for handicap parking and Mr. Olson confirmed. Miss. Bogen asked Mr. Diatta if the handicap parking space is counted in this variance and Mr. Diatta confirmed that it is included.

Miss. Maddox asked where the dumpster would be placed and Mr. Olson answered that it would be in the rear, near the parking spaces and by the alleyway. He adds the size of the dumpster will vary once the size of parking spaces was determined.

Mr. Ranasinghe wanted to address snow removal and states the person they hire to remove the snow is strictly instructed to not dump any snow into the alleyway as this narrows the alleyway. He states the snow is dumped in the rear of the property of 1886 Ford Parkway. He adds that the neighborhood has collaborated and paid for alley snow removal and they have happily paid their portion even though they also hired someone else to plow. Mr. Ranasinghe addressed the debris and trash in the alleyway, and has instructed his cleaning staff to pick up any debris or trash lying around. He states the squirrels and other rodents get into the trash bins, too. Mrs. Ranasinghe states that one of the neighbors mentioned the lack of maintenance of the current facility, and she explained that the property is old and to remodel or bring it up to code with be financially difficult and therefore they are proposing the new facility.

Mr. Ranasinghe adds that the square footage of the facility may be larger than the current facility, but per

DHS and their requirements, they can only have a certain number of children based on staff, ages of the children and all of this ratio is taken into consideration. He adds that DHS completes frequent scheduled inspections, surprise inspections and audits and they have had zero violations in the last five years they have operated as a daycare facility. He points out that he does want to be good neighbors, and as parents themselves, value the safety of all children and residents.

Hearing no further testimony, Mr. Saylor closed the public portion of the meeting.

Miss. Maddox states her concern is the traffic on Ford Parkway. She points out the time frame in which the drop-off's and pick-ups occur are during rush hour. She states that a report of the traffic flow during this time frame may assist in deciding.

Miss. Swift asked about the speed limit in the area on Ford Parkway and Miss. Bogen states that it maybe 35 miles per hour. Miss. Bogen states that a traffic report may not be necessary in this regard as the variance is specific to staff parking.

Miss Bogen moved to approve the variance and resolution based on findings 1 through 6. Mr. Rangel-Morales asked Miss. Bogen if she would add the condition that no alleyway drop-off's or pick-up's is allowed except for handicap access. Miss. Bogen confirmed and Mr. Rangel-Morales seconded the motion which failed on a roll call vote of 3-4.

Mr. Miller stated that he would like to see additional information about a plan addressing the neighbor's concerns of the alleyway and Ford Parkway.

Mr. Warner explained that the previous motion to approve the variance with condition failed but the board has the other options. One is a motion to deny the variance but as staff recommended approval, the board would have to amend the findings to show the reason(s) for denial. Mr. Warner explained that as the deadline is not until September 5, 2019, the board could also lay over the case to obtain additional information from traffic on Ford Parkway or information from Public Works regarding restricted parking possibility.

Mr. Rangel-Morales moved to lay the case over to obtain plans regarding the drop-off's and pick-up's in the alleyway, parking on Ford Parkway and recommended the applicants to reach out to Public Works for possible solutions or plans regarding parking on Ford Parkway.

Miss. Maddox seconded the approval with the suggestion to the applicants that they consider the current facility as an option for additional parking and/or drop-off's and pick-up's.

Mr. Saylor asked Mr. Warner if the case was laid over, what requirements should be asked of the applicants. Mr. Warner explained that the applicants should work with DSI staff to create a plan addressing the concerns of the neighbors, and DSI can also assist the applicants in reaching out to Public Works.

Miss. Swift requested clarification for laying over the case as the variance is for the number of staff parking spaces, not traffic reports, or alley and Ford Parkway drop-off's and pick-up's. Miss. Bogen agreed with Miss. Swift.

Mr. Rangel Morales explained that as the variance request is to allow 6 parking spaces and not the required 12 parking spaces, should clients of the facility utilize street parking, this will decrease the amount of street parking that may be available for clients and effect drop-off's and pick-ups on Ford Parkway and in the alleyway.

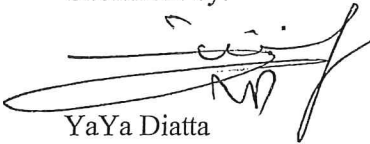
Miss. Bogen states she agrees with Miss. Swift. She explains that the variance is to allow 6 staff parking spaces, not the required 12, and does not relate to parking availability for clients of the facility.

Mr. Warner explained that as neighbors have brought multiple issues and concerns about the number of vehicles due to the facilities operation, it is reasonable to request additional information and plans to be provided and address these concerns. He also explained that the Zoning code allows conditions to be placed for the safety of adjacent neighbors and additional information may assist.

Mr. Rangel Morales adds that as Ford Parkway is public parking, and should parking not be available, this may hinder parking for parents dropping off and picking up their children especially of alleyway pick-up's and drop-offs are not allowed.

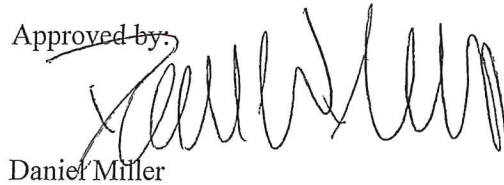
Mr. Saylor states as there was a motion moved and seconded to lay over the case for two weeks so the applicants may work with DSI staff and Public Works to obtain additional information and plans regarding the parking in connection with the parking, which passed on a roll call vote of 6-1.

Submitted by:



YaYa Diatta

Approved by:



Daniel Miller