

city of saint paul
planning commission resolution
file number 12-65
date October 5, 2012

WHEREAS, Raymond and Susan Cantu have filed an appeal (#12-101937) of a decision by the Zoning Administrator to approve the site plan (#12-090127) for the relocation of the pump island and gas pumps submitted by Bilal Alsadi of Rice Street Market, on property located at 1200 Rice St, Parcel Identification Number (PIN) 302922220172, legally described as Stinsons Rice Street addition Subj To Esmt Lots 10,11 And Lot 12 Blk 2, under the provisions of §61.701(b) of the Saint Paul Legislative Code; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 27, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The appeal filed by Raymond and Susan Cantu lists three main issues as the basis for the appeal.
The city's responses to the issues raised in the appeal are shown in bold, indented text.

- "All actions/interactions with the neighborhood by District 6 Council, Zoning Committee, and the Planning Commission were predicated on the plans for a new building."

As explained in the history, the original site plan application submitted in July, 2011, did show a proposal to demolish all the structures on the existing site and then construct a new and larger building with pump islands, gas pumps, and a canopy.

1200 Rice Street is located in the B2 community business zoning district. An auto convenience market in the B2 zoning district requires a conditional use permit. Per Zoning Code Section 61.503(d), when the building containing a conditional use is torn down and a new building is constructed, the change to the conditional use requires a new conditional use permit. This conditional use permit was approved subject to conditions.

One of the proposals for this new construction was to relocate the driveway a few feet north on Rice Street (closer to Maryland). Ramsey County would not approve the driveway relocation due to concerns with traffic safety at the intersection of Maryland and Rice.

moved by Nelson
seconded by _____
in favor Unanimous
against _____

As the Maryland Avenue road construction continued, City staff and the applicant continued discussions and reviews of site plan revisions trying to get a new building and pumps to fit on the site without relocating the driveways. During this time, the business owner lost the ability to sell gasoline to his customers because the reconstruction of Maryland Avenue left the gas pumps too close to the property line. Due to the loss of retail sales of gasoline and the proposed new construction stalemate, the applicant decided to scale back their proposal from constructing a new building to only relocating their pumps to get the fuel dispensing facilities back in operation.

Relocating the gas pumps does not require a new conditional use permit. Therefore, the conditional use permit approved in May, 2012, does not apply to the current proposal for relocating the gas pumps.

- **"The approval letter of August 24 gives no indication that the site plan was reviewed by Ramsey County and Saint Paul Public Works and if the issues of traffic safety were addressed."**

A copy of the site plan is distributed to City staff in various City departments, including Building, Fire, Heritage Preservation, Parks, Planning, Right-of-way, Sewers, Traffic, Water, Water Resources, and Zoning; and other governmental agencies, including District Councils, Ramsey County Public Works, Watershed Districts, and State of Minnesota Transportation Departments.

A meeting is setup for the applicant to explain their project and ask questions from staff. At this meeting staff shares their comments with the applicant and explains any revisions that need to be made to the site plan.

The applicant submitted revised plans (dated August 15, 2012) to address the comments shared at the meeting. The revised site plan met the city requirements, so staff issued an approval letter. The approval letter does not typically list each City department who has no further comments to the revised site plans.

The difference between the site plan denied on July 11 and the site plan approved on August 24 is that a WB-50 truck turning diagram was submitted to show that it is able to enter the property from Maryland Avenue traveling west, refuel the underground tanks with a clear view to the tanker valves and then exit the property on Rice Street traveling south. The plan also shows how vehicle maneuvering on the site is managed more effectively with the revised parking plan.

- **"District 6 Council scheduled a meeting on August 28, 2012 to review the site plan relocating the gas pumps and discuss the project changing from new construction to a building rehabilitation. Neighborhood citizens were informed on August 27, 2012 a site plan had been approved on August 24."**

District 6 Council was sent a copy of the revised site plan (dated July 19, 2012) on August 3, 2012. District 6 Council responded with a letter dated August 10, 2012 stating that there were some concerns with the use of the alley, tanker truck delivery and its affects on the customer parking spaces, and fencing around the perimeter and requested additional time for neighbors to review the plan.

When staff reviewed the site plan, the concerns shared by the District Council were

taken into consideration.

- **The use of the alley was restricted to two employees only paved parking spaces**
- **Timing of tanker truck deliveries and customer parking spaces were reviewed and taken into account. A minimum of 5 parking spaces are required for this auto convenience market. A total of 8 parking spaces are proposed.**
- **The existing chain link fence along the alley is being replaced with a new wood fence. A new black wrought iron fence is being proposed to line the perimeter of the site along Maryland Avenue and Rice Street.**

Staff must process site plans in a timely manner and when a site plan is found to be consistent with Zoning Code 61.402(c), staff approves the plan. Staff found that the revised site plan is consistent with the zoning code in addition to addressing concerns shared by the District Council and therefore approved the site plan.

2. The site plan complies with zoning standards and all other applicable ordinances of the City.

61.402(c) Site plan review and approval. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

- (1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.
- (2) Applicable ordinances of the city.
- (3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
- (4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
- (5) The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.
- (6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
- (7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.
- (8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
- (9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
- (10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
- (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

These requirements are met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal (#12-101937) filed by Richard and Susan Cantu of a decision by the Zoning Administrator to approve the site plan (#12-090127) for the relocation of the pump island and gas pumps submitted by Bilal Alsadi of Rice Street Market located at 1200 Rice Street is hereby denied.

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes October 5, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 5, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Reveal, Thao, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Nelson, Ochs, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Porter, *Shively and Messrs. *Connolly, *Lindeke, and *Oliver.
*Excused

Also Present: Donna Drummond, Planning Director; Joe Musolf, Lucy Thompson, Patricia James, Kate Reilly, Sarah Zorn, Scott Tempel, Lucas Glissendorf, Jules Atangana, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes September 21, 2012.

MOTION: *Commissioner Ward moved approval of the minutes of September 21, 2012. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced an upcoming event hosted by ULI MN on October 11th at Union Depot. It will focus on downtown Saint Paul and is called "Saint Paul on the Move". Scheduled speakers include Mayor Coleman, Commissioner Jim McDonough from Ramsey County, and Michael Langley, CEO of Greater MSP. The event will include tours of Union Depot and a reception. Commissioners are encouraged to attend if interested.

IV. PUBLIC HEARING: District del Sol Plan– Item from the Neighborhood Planning Committee. (Kate Reilly, 651/266-6618)

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the District del Sol Plan. Notice of the public hearing was published in the Legal Ledger on August 23, 2012, and was sent to the citywide Early Notification System list and other interested parties.

Kate Reilly, PED staff talked briefly about the plan. The District del Sol Plan covers the area

around Robert and Cesar Chavez Streets. Sections of the plan cover policies ranging from natural landscape, water resources, and energy efficiency to public realm, transportation, community development, public art and historic preservation. The plan outlines goals and strategies for the commercial district and features land use objectives that are focused on properties at 430 South Robert and the Commercial Club site at 72 Cesar Chavez, both of which are slated for redevelopment in the near future. Also at the commissioner's places is a letter from District Energy St. Paul asking to be a part of the process as the plan moves forward.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Elena Gaarder is Executive Director of the West Side Community Organization, the District 3 Planning Council. Their planning district includes the area that this plan addresses. She spoke in support of the plan. She stated that the plan positions this commercial district for future transitway investments, will bring added buying power to the commercial district through adding housing, and it respects the values and history of the area.
2. Karen Reid, Executive Director of Neighborhood Development Alliance, spoke in support of the plan. She and her organization were part of the planning process. Reid acknowledged the Riverview Economic Development Association for its great work to get this started and get it almost to the finish line. NeDA then stepped up to push it through. Ms. Reid recognizes Riverview Economic Development Association's efforts in getting this plan, which is the community's vision, to the City Council.

MOTION: Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, October 8, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Noecker seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Four items came before the Site Plan Review Committee on Tuesday, October 2, 2012:

- Gerdau, maintenance shop and lab additions at 1678 Red Rock Road.
- American Engineering testing, new testing lab building, revised plans at 5050 Cleveland Avenue North.
- Wedding Shoppe parking lot, new off site parking lot at 1212 Grand Avenue.
- Habitat for Humanity, new office building and parking lot at 1954 University Avenue West.

Two items to come before the Site Plan Review Committee on Tuesday, October 9, 2012:

- St. Anthony Green 3, 5 townhouse units (Site plan for 9 units was approved in 2006 and 4

units were built but approval of the original site plan has expired.) Located at 2314 Long Avenue.

- Form A Feed Fertilizer Facility, 63,200 sq. ft. facility with barge unloading operation and truck loading bays, 637 Barge Channel Road.

NEW BUSINESS

#12-098-382 Southview Senior Living – Conditional Use Permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property. 464-484 Ashland and 493-497 Holly SE corner at Mackubin Street. (Kate Reilly, 651/266-6618)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-101-124 Twin City Tees – Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested). 938 6th Street East SW corner at Forest. (Scott Tempel, 651/266-6621)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the enlargement of nonconforming use and variance subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-101-937 REEMO Gas and Convenience Store – 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 Street, SE corner at Maryland Avenue. (Corinne Tilley, 651/266-9085)

Commissioner Commissioners Thao and Noecker asked for clarification of the grounds for denial of the appeal.

Commissioner Nelson explained that the existing gas station/convenience store has a conditional use permit. At this point there is nothing that they are doing which triggers the requirement for getting a new conditional use permit. All they are doing is relocating their gas pumps.

Commissioner Noecker said so the site plan review was related to moving the pumps? The community wasn't involved because they didn't have to be involved since it wasn't a conditional use permit? She asked for clarification.

Commissioner Nelson provided additional background that there was community involvement earlier, when there was going to be a tear down and a new building, which would have required a new conditional use permit. With that not occurring, this is strictly a site plan review; the new conditional use permit is not needed and is no longer an issue. In essence, with this strictly being a site plan review for relocating some pumps, they had more than the minimum number of parking spaces. The site plan issue required them to twice prove what kind of truck could get access to deliver gas. In the end, the site plan was approved. The staff person, Corinne Tilley,

gave one of the best presentations that he has seen regarding laying out all the facts and the history of the case and defining all the issues.

Commissioner Ochs asked about next steps if this appeal is denied.

Commissioner Nelson said that the appellants can appeal this decision to the City Council.

Commissioner Ochs said that the Commission should not be a hindrance to the owners trying to keep the same type of business operating, even if they need to move their pumps or raze the building and construct new.

Commissioner Nelson said that by approving the denial of the appeal, the Commission will be allowing the owner to go forward with their operation. The appeal was by neighbors to deny the site plan that the owner was attempting to construct. By voting yes to this motion, the owner can maintain the existing building and relocate the pumps and maintain their business on the current site.

Commissioner Perrus commented that the Zoning Committee did hear a lot of testimony from the neighborhood, but what the owner is asking to do is code compliant. The neighborhood concerns were very general in nature. There was no specific testimony relating to traffic, there was no evidence that anything about this relocation would be detrimental to the safety of the neighborhood.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to deny the appeal. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, October 11, 2012.

VI. Saint Paul's Neighborhood Stabilization Program: Update and Recent Accomplishments,
presentation by Joe Musolf, PED. (*Joe Musolf, 651/266-6594*)

Joe Musolf, PED staff, gave an informational presentation about the Saint Paul Neighborhood Stabilization Program (NSP), giving an update about recent accomplishments and what the completed rehabbed homes look like. Mr. Musolf said that in August 2008, the Housing Economic Recovery Act was passed, which included \$4 billion for emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties. The federal Department of Housing & Urban Development (HUD) was asked to take the \$4 billion and figure out how to accomplish that. This program is not about foreclosure prevention; this money's intent was to help deal with the physical affects of vacancies due to foreclosure. HUD developed a program called the Neighborhood Stabilization Program, which addresses properties vacant due to foreclosure. Properties are either rehabilitated or demolished and redeveloped. This is a residential program, for either homeownership or rental, single-family or multi-family, and must reach at 120% of Area Median Income (AMI) or below, with a portion going to households at 50% AMI and below. In February 2009, the American Recovery and Reinvestment Act, known as the stimulus package, contained an additional \$2 billion for the Neighborhood Stabilization Program. A third allocation of \$1 billion occurred in July 2010 with Wall Street Reform and Consumer Protection Act for a total \$7 billion investment by the federal government in this major program.