

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** REEMO gas island and gas pump relocation **FILE #**12-101937
 2. **APPELLANT:** Raymond and Susan Cantu **HEARING DATE:** September 27, 2012
 3. **TYPE OF APPLICATION:** Appeal of a decision by the zoning administrator to approve a site plan
 4. **LOCATION:** 1200 Rice Street
 5. **PIN & LEGAL DESCRIPTION:** 302922220172 - Stinsons Rice Street addition Subj to Esmt Lots 10, 11 and Lot 12 Blk 2
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** § 61.402(c) and 61.701(b)
 8. **STAFF REPORT DATE:** August 19, 2012 **BY:** Corinne A. Tilley
 9. **DATE RECEIVED:** September 4, 2012 **60-DAY DEADLINE FOR ACTION:**
-
- A. **PURPOSE:** Appeal by Raymond and Susan Cantu of a decision by the zoning administrator to approve the site plan for the relocation of the gas island and gas pumps for Rice Street Market at 1200 Rice Street.
- B. **PARCEL SIZE:** approximately 11,750 square feet
- C. **EXISTING LAND USE:** B2 community business zoning district - auto convenience market
- D. **SURROUNDING LAND USE:**
- North: Maryland Avenue – County State Aid Highway 31
B2 – multiuse center and parking lot
 - East: R4 – alley and one family dwelling
 - South: B2 – registered vacant building category 2 since July, 2011
(previously used for office and accessory warehouse)
 - West: Rice Street – County State Aid Highway 49
B2 – vacant lot (commercial building demolished April, 2008)
and one family dwelling
- E. **ZONING CODE CITATION:** 61.402 (c) Site plan review and approval
61.701 (b) Administrative appeals
- F. **PROJECT DESCRIPTION:** The site plan shows the proposed relocation of the gas island and gas pumps. (See enclosed plans.)
- The existing 1,942 square feet building will remain.
 - The existing pump island, gas pumps, and exterior public pay phone will be removed.
 - A new pump island with gas pumps and a light pole will be constructed 12' south of the property line along Maryland Avenue and 33'-6" east of the property line along Rice Street.
 - A portion of the concrete sidewalk at the building entrance will be removed and a new handicap ramp and landing will be constructed to accommodate accessibility to the building.
 - Two employee only paved parking spaces will be added at the southeast corner of the property off of the alley.
 - The existing chain link fence along the alley will be removed and replaced with a wood privacy fence.
 - A new wrought iron decorative fence will be installed along Rice Street and Maryland Avenue.
 - A new dumpster enclosure will be located south of the building.
- G. **HISTORY:**
- As a part of a Maryland Avenue street widening project by Ramsey County, the north 20' of the property located at 1200 Rice Street was acquired. This resulted in a reduced lot area for the existing auto convenience market.

In July, 2011, a site plan was submitted to the City for review to redevelop the existing auto convenience market. With a smaller site, the applicant proposed to demolish the existing structures and construct a new 2,496 square feet building with two pump islands and a canopy.

In the meantime, the resulting Maryland Avenue road reconstruction, prohibited access to the north side gas pumps and restricted access to the south side gas pumps.

On April 13, 2012, the City's Department of Safety and Inspections Fire Inspection staff gave the property owner a timeline to remove the gas pumps.

On April 24, 2012, Ramsey County Public Works determined that the proposed new driveway curb cut on Rice Street was too close to the intersection with Maryland Avenue.

A conditional use permit for the proposed construction of a new auto convenience market was approved by the Planning Commission on May 18, 2012 subject to conditions.

When the applicant became aware of Ramsey County's disapproval of the proposed new curb cut on Rice Street, a scaled back version of the site plan was submitted. This version proposed to relocate the pumps only. The existing building and curb cut on Rice Street remained.

On July 11, 2012, the zoning administrator denied the original site plan proposal of a new building and pump islands because Ramsey County would not approve the proposed relocation of the existing driveway on Rice Street due to the inconsistency with traffic safety. In the same letter, the zoning administrator denied the revised site plan to relocate the pump islands because Ramsey County and Saint Paul Public Works determined it is not consistent with traffic safety.

On August 1, 2012, the property owner resubmitted a site plan that focused on the relocation of the pumps with the existing building to remain and a revised parking layout to facilitate truck and vehicle maneuvering.

The zoning administrator approved the site plan on August 24, 2012.

Raymond and Susan Cantu filed their appeal of the zoning administrator's decision on September 4, 2012.

H. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from District 6.

I. **FINDINGS:**

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.

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.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the appeal by Raymond and Susan Cantu of the decision of the zoning administrator to approve the site plan for the relocation of the pump island and gas pumps at 1200 Rice Street.

Attachments

Site plan approval letter, approved site plan and plan details
Appeal filed by Raymond and Susan Cantu



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

August 24, 2012

Bilal Alsadi
REEMO Gas and Deli
1200 Rice St
St Paul Mn 55117-4903

RE: Approval of Site Plan 12-090127 - REEMO gas pump relocation at 1200 Rice Street

Dear Mr. Alsadi:

The site plan (dated 08/15/2012, Sheets 1, D1, D2) referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed gas pump relocation and all other site improvements must be installed as shown on the approved site plan. This includes all paving, grading, driveways, utilities, landscaping, lighting, and fences.
2. **Erosion and Sediment Control** All erosion and sediment control devices must be installed per the approved site plan and shall be inspected by the building inspector prior to excavation. Control devices must be maintained until final approval of the project.
Storm sewer inlets shall be protected from sediment by silt fence, or equivalent measures.
Protection shall remain in place until bituminous areas have been paved and lawn areas have been established.
Adjacent streets and alleys must be swept to keep them free of sediment. Contractor must monitor conditions and sweep as needed or within 24 hours of notice by the City.
All disturbed ground left inactive for fourteen or more days must be stabilized by seeding or sodding.
3. **Public Works Traffic Engineering** Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Traffic Engineering 651-266-6200 six weeks in advance of needed sign(s).
4. **Permits and Fees** The permits and fees listed below are required for the work shown on the approved site plan.
 - **Building permit** A building permit from the Department of Safety and Inspections (651-266-9007) is required for this project.
A building permit is also required for the construction of the required screening of the rooftop mechanical equipment. The screening shall be of durable, permanent materials that are compatible with the primary building materials. Detailed construction plans must be submitted with the building permit application.
 - **Fence permit** A fence permit is required for the proposed new 4' high decorative fence along Maryland and Rice and 10' long along the north west side of the alley; the 5' high obscuring fence along the alley; and the dumpster enclosure.
 - **Hazardous material permit** A hazardous material permit to reroute the processing pipe is required for this project.
 - **Sidewalk permit** All work on curbs, driveways, and sidewalks within the public right of way

must be done to City Standards and Specifications by a licensed and bonded contractor under a permit from Public Works Sidewalk Section (651-266-6120). Sidewalk grades must be carried across driveways.

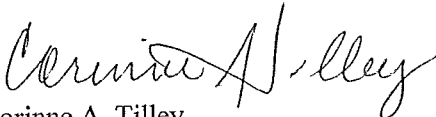
Restoration of asphalt and concrete pavements are performed by the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these restorations. The contractor shall contact Public Works Street Maintenance to set up a work order prior to beginning any removals in the street at 651-292-6600. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office.

- **Sign permit** Business signs will require a separate review and Sign Permit from the Department of Safety and Inspections. Site plan approval does not constitute approval of business signs shown on the site plan. Contact Yaya Diatta of DSI Zoning (651-266-9080) if you have any questions about signs.
- **Obstruction or excavation permit** An Obstruction or Excavation Permit must be obtained from Public Works (651-266-6151) if trucks/equipment will be driving over curbs or if construction will block City streets, sidewalks or alleys. The developer shall contact the Right of Way inspector Long Yang at (651) 485-4398 (one week prior to beginning work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. The Contractor shall provide a continuous, accessible and safe pedestrian walkway that meets ADA and MN MUTCD standards if working in a sidewalk area, and traffic control per MN MUTCD requirements for work in the public right of way. As per the City's "Standard Specification for Street Openings" policy, restoration on roadway surfaces less than 5 years old will require full width mill and overlay or additional degradation fees. Pavement restoration shall be completed by the St. Paul Public Works Street Maintenance Division. All related costs are the responsibility of the developer/contractor. Contact Kevin Nelson at 651-266-9700 for estimate of costs for pavement restoration.
- **Parkland Dedication Fee** A parkland dedication fee of \$545.02 is required for this project. This figure is calculated based on a number of factors, including the number of new parking spaces being provided and the value of the property. This dedication fee is due at the time of building permit issuance.
- **License** You will continue to work with licensing staff to address issues (ie. cameras and lighting, hours of operation, litter collection plan, security plan, etc.) brought up during a legislative hearing.

5. **Time limit and inspection** Work covered by this site plan must be completed no later than August 24, 2013. A site inspection will be scheduled based on this date. Please call me if you finish before this date.

If you have any questions, you can reach me at 651-266-9085 or corinne.tilley@ci.stpaul.mn.us.

Sincerely,



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

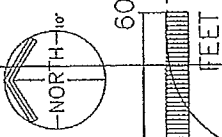
cc: Sewer Division, Planning Division, Traffic Division, District 6, John Kosmas

You may appeal this decision and obtain a hearing before the Planning Commission by filing an Application for Appeal and paying the application fees to the Zoning Administrator within (10) days of the date these orders were mailed. The Application for Appeal may be obtained from the Zoning Administrator's Office at 375 Jackson Street, Suite 220, Saint Paul MN 55101-1806.

SITE PLAN

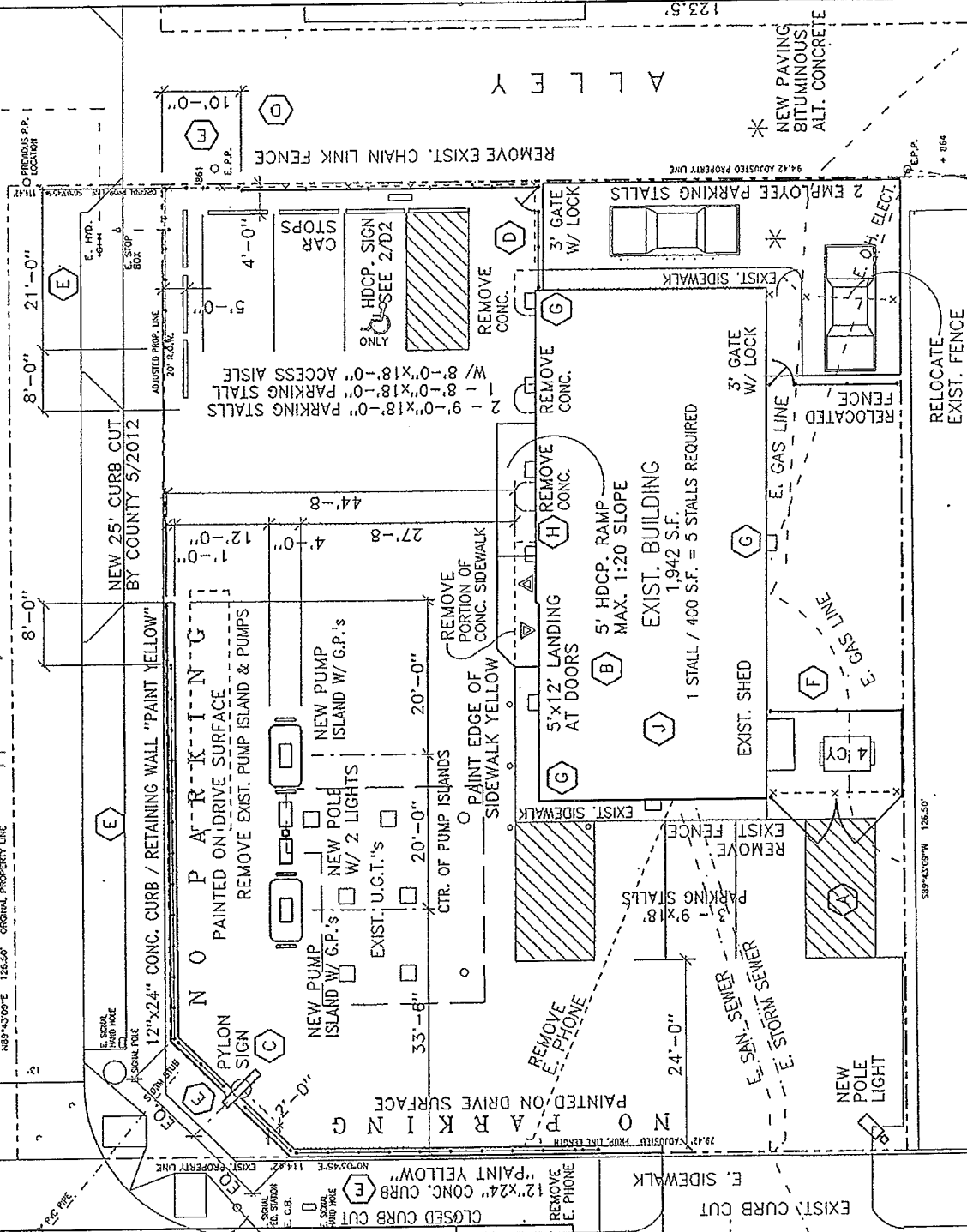
OFFICE OF DSI
 CITY OF ST. PAUL
 BY CORINNE A FILEVE
 Date 24-AUG-2012

File # 12-090127
 Any alterations from this plan must be approved by the Zoning Administrator.



SITE NOTES

- A NO PARKING BETWEEN 5 A.M. & 9 A.M. ON TRASH PICK-UP DAYS PAINT STALL W/ WHITE STRIPING
- B 5'-0" WIDE CONC. LANDING AND HDCP. RAMP
- C PYLON SIGN SEE SHEET D2 FOR ELEVATION
- D 5'-0" HIGH BOARD ON BOARD WOOD FENCE SEE 1/D1
- E 4'-0" HIGH WROUGH IRON FENCE SEE 2/D1
- F DUMPSTER ENCLOSURE: 8'-0" CHAIN LINK FENCING (2) GATES, CONC. SLAB "VERIFY"
- G SITE SECURITY CAMERAS THAT MONITOR ENTIRE SITE AND ALLEY. TO BE ENGAGED AT ALL TIMES
- H WINDOW SIGNAGE: NONE AT CHECK-OUT TO ALLOW VIEWING PUMP ISLANDS
- J SCREEN ROOF TOP EQUIPMENT TO BE REPAIRED & REINSTALLED



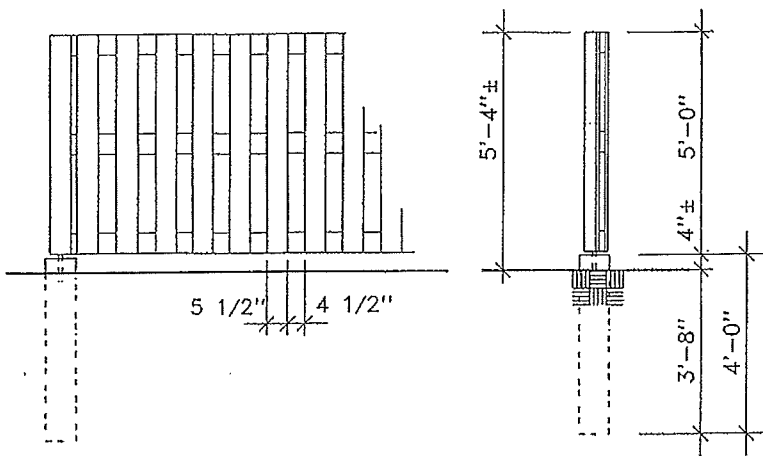
REEMO GAS & DELI
 1200 RICE STREET ST. PAUL - MINNESOTA

K. K. DESIGN
 6112 EXCELSIOR BLVD.
 952-922-3226

MPLS., MINN.
 55416

FILE NO.: 10103-E-VWF
 PROJ. NO.: 1101-03
 DRAWN BY: SPL
 DATE: 8/15/2012

SHEET 1 OF



POSTS - 4x4
 POST BASE - EPB4408

RAILS - (3) 2x4
 RAIL BRACKETS - ERB24

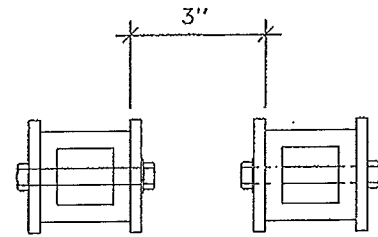
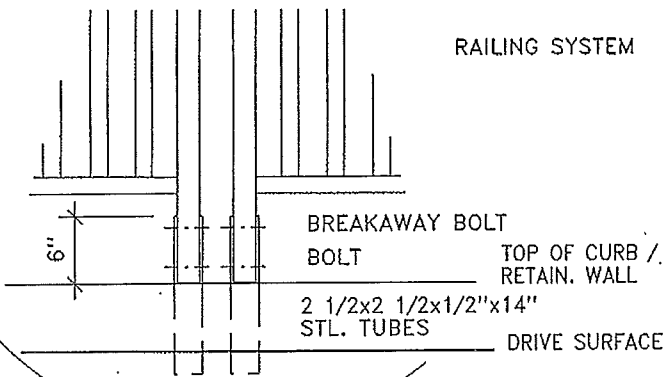
FOOTING - 8"Øx48"
 W/ 4" EXPOSED

WOOD MATERIAL OPTIONS:
 PRESSURE TREATED - .40
 POSTS .60
 CEDAR - NUMBER 2 OR BETTER

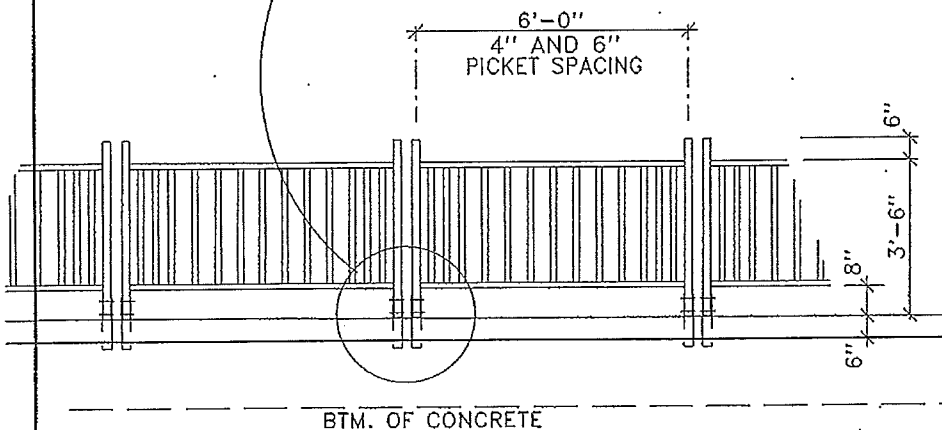
ALTERNATE: VINYL FENCING SYSTEM

NOTES:
 RAIL BRACKETS AND POST BASES
 BY UNITED STEEL PRODUCTS
 OR EQUAL

1 WOOD FENCE ELEVATION / SECTION
 D1 1/4" = 1' - 0"



STL. TUBE PLAN



2x2x3/8"x48" TUBE POST
 BOLTED TO 2 1/2x2 1/2x1/4"
 TUBE SET 8" INTO CONCRETE
 REMOVE 2 WALLS OF TUBE TO
 ALLOW FENCE TO ROTATE
 BOLT TO FENCE W/ 2 BOLTS
 (TOP BOLT BREAKAWAY TYPE)

2x2x1/4"
 TOP & BTM. RAILS

1"x1"x1/4" TUBE
 PICKETS AT 4" & 6" O.C.

DRIVE SURFACE

PROVIDE SHOP DRAWINGS FOR REVIEW PRIOR TO MANUFACTURING

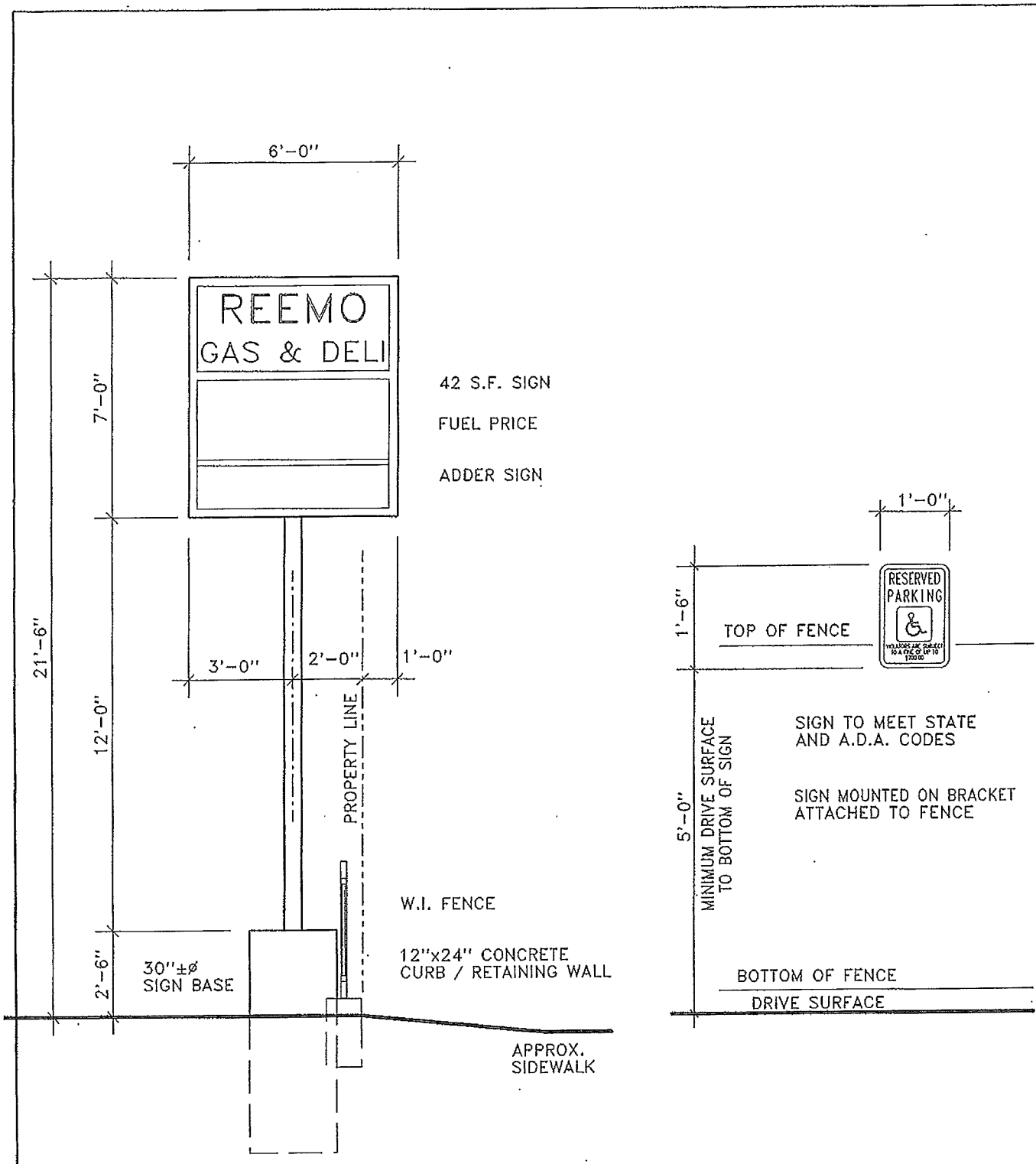
2 WROUGHT IRON FENCE ELEVATION
 D1 1/4" = 1' - 0"

SHEET D1 OF
 PROJ. NO : 1101-03
 DRAWN BY : SPL
 DATE : 8/15/2012

REEMO GAS & DELI
 1200 RICE STREET ST. PAUL - MINNESOTA

K. K. DESIGN
 6112 EXCELSIOR BLVD.
 952-922-3226

MPLS., MINN.
 55416



1
D2

PYLON SIGN ELEV.
1/4" = 1'- 0"

2
D2

HDCP. SIGN ELEV.
1/2" = 1'- 0"

K. K. DESIGN
6112 EXCELSIOR BLVD.
952-922-3226
MPLS., MINN. 55416

REEMO GAS & DELI

ST. PAUL - MINNESOTA
1200 RICE STREET

PROJ. NO : 1101-03
DRAWN BY : SPL
DATE : 8/15/2012

SHEET
D2
OF