

MINUTES OF THE ZONING COMMITTEE
Thursday, April 12, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Fredson, and Reveal
EXCUSED: Eckman, Lindeke, and Ochs
STAFF: Josh Williams, Cherie Englund, Allan Torstenson, and Therese Skarda

The meeting was chaired by Commissioner Edgerton.

Larpenteur Crossing Sarin Devt. - 18-036-924 - Conditional use permit for drive-thru sales, with modification of special conditions for drive thru lane separation from residential property (60' required, 54.9' proposed), vehicular ingress and egress separation from residential property (60' required, 20.9' proposed), and 6' buffer with screen planting along residential property (6' opaque fence on top of 2.6' wall proposed) at 1330 Larpenteur Ave. W., and 1672 Hamline Ave., SE corner of Larpenteur and Hamline.

Josh Williams noted that the applicant agreed to extend the 15.99 deadline for the case, but there was a miscommunication with the applicant. The application was received March 8, 2018, making the original 60-day deadline for action May 7, 2018. The intent was to extend the deadline by an additional 14 days, which would be May 21, 2018, but the wrong date was entered by the applicant on the continuance form. The extended deadline for action listed on the request for continuance form signed by the applicant is May 7, 2018. The dates on the staff report, which are automatically populated by the City's zoning application tracking software, were also incorrect.

Mr. Williams also noted a revised site plan was submitted and said that the Department of Safety and Inspections site plan review team noted that Ramsey County took the NW corner of this property to preserve site lines in the event of redevelopment, and the survey does not show this detail. In discussions with the site plan review team, if the application is approved, a site plan review would be required. There is no set back requirement for this corner, so it should not impact the discussion for the conditional use permit for the drive-through.

Mr. Williams presented the staff report with a recommendation for denial of the conditional use permit and variance. He said District 10 Community Council recommended approval with modifications, and there were no letters in support, and 6 letters in opposition.

Mr. Williams said the ingress and egress sites shown on the provided survey are on Hamline and Larpenteur Avenue, and Ramsey County Public Works and the City of Saint Paul Public Works departments were not happy with this design because of the level of traffic on Larpenteur and having these points so close to one another sets up the potential for conflict. Based on this, the applicant redesigned the site by removing the curb cut on Larpenteur and providing for traffic to exit via the existing north-south alley. The revised plan also extended the building along its east-west axis and added a patio seating area. The revised plan also reduces the building's depth (north-south), allowing the drive-through lane and window to be located more than 60' from the residential property to the south.

Chair Edgerton asked if the revised site plan meets the minimum standards for distance separation from adjacent residential uses in finding 3(b). Mr. Williams said the standards for this use, which may be modified by the Planning Commission, require the ingress/egress to be both 60' or more from the nearest intersection and 60' or more from adjacent residential properties. The proposed ingress/egress meets the former, but not the latter. The intent of these standards is to ensure safe traffic conditions at the intersection and to create a buffer between the drive-through and residential neighbors. Mr. Williams said finding 3(b) is correct.

Mr. Williams noted that finding 3(a) will need to be revised to reflect the revised site plan provided by the applicant, regardless of the Zoning Committee's recommendation. He noted that the revised plan moves the drive-through lane to more than minimum required 60' away from residential property, but does not change anything related to finding 3(b), which address the location of the curb cut. He also noted that although the required minimum stacking spaces can be accommodated within the proposed drive-through lane and more than 60' from adjacent residential, any stacked vehicles in addition to the five for which space is provided would be stacking less than 60' from the adjacent residential, and potentially inhibiting ingress and egress to/from the site via the proposed Hamline Avenue curb cut.

Commissioner Reveal asked if the space between the existing building to the south and the proposed drive-through is parking for the dry cleaner and restaurant. Mr. Williams said no, the off-street parking for the dry cleaner is located to the west of the building, along Hamline Avenue. The parking area proposed for the new development would provide the required minimum number of off-street spaces, but would be located generally where the dry cleaner building is presently located.

In response to questions by Commissioner Fredson, Mr. Williams said finding 3(a) has to do with distance separation of the drive-through lane from adjacent residential property and this finding is met with the new site plan. He added that finding 3(c) refers to the speaker box and is related to finding 3(a), and added that noise is difficult to regulate. He said that finding 3(d) addresses landscaping and fencing, which may help reduce sound and light impacting the adjacent neighbors. He added that the proposed location of the ingress and egress point addressed in finding 3(b) could result in additional noise from vehicles in the stacking area if stacking goes beyond the four cars provided for plus the car at the window, as they would be less than 60' from the adjacent residential property. Mr. Williams also noted that it is rare that people make good use of their distance between cars in a drive-through, which may reduce the functional stacking capacity under typical conditions.

In response to a question by Commissioner Reveal, Mr. Williams said the hours of operation for the drive-through have not been proposed, but could be a condition in the event of approval for the conditional use permit.

The applicant's representative, Wayne Stark, 320 2nd Avenue North, Sauk Rapids, civil engineer with Stark Engineering, said the existing apartment building will stay, but the building for the dry cleaner will be removed. He said because both Hamline Ave. and Larpenteur Ave. are county roads, they have been working with Ramsey County. He added that they have been working with the City's Public Works department as well regarding access onto Larpenteur Ave. Since there have been issues aboutn access to Larpenteur Ave., they have revised the site plan and

were able to eliminate an issue with the 60' setback from the drive-through lane and service window to the adjacent residential property, and have moved the exit to the alley. He said they have met all requirements except the 60' separation from adjacent residential for the access, which is a hardship on this property in relationship to the county requirements for access to Larpenteur Avenue. He added that they are proposing a retaining wall along the south property line that would be 2 ½' high, with a 6' high opaque, plastic fence on top for a buffer between the existing residential property and this site.

Chair Edgerton asked how people would access the building from the parking lot. Mr. Stark said there would be a pedestrian ramp and sidewalks on the west side of the building and the main entrance will be along Larpenteur Avenue. Commissioner Reveal noted that customers would have to walk across the ingress of the drive aisle. Mr. Stark said that is correct.

No one spoke in favor.

Garrett Drake, 1648 Hamline Avenue, spoke in opposition. He said there are significant concerns with the proposal because this would increase traffic on Hamline Avenue and the alley, and the alley is residential. He added that the requirement of the 60' distance from the residential neighborhood has been compromised by this change. He said the southbound traffic will back to the traffic signals if drivers are trying to turn into the parking lot, and traffic exiting the parking lot to the south will also have problems. He said that at the District 10 meeting, Dunkin Donuts stated they would cancel the project if they could not have a drive-through. He said he would like to know the hours of operation and said that noise is an issue.

In response to a question by Chair Edgerton, Mr. Williams said that the District 10 Community Council recommended a conditional approval, noting the queuing capacity, traffic, and making the alley one-way, northbound. Mr. Stark said they had a meeting with the District 10 Community Council and these issues will be worked on with the final site plan.

In response to questions by Commissioner DeJoy, Mr. Stark said he did not know what the hours of operation would be and that the owner will not be a tenant. Commissioner DeJoy said tenants should be made aware of the noise ordinance for the speaker box. Mr. Stark said the drive-through is critical.

The public hearing was closed.

Commissioner DeJoy asked if the use of an alley is common or legal for commercial traffic. Mr. Williams said it is not common, but is allowed.

Commissioner Reveal asked if the residential properties are on the alley. Mr. Williams said there is residential property, but immediately across the alley is commercial.

Chair Edgerton said there is a lot of traffic on Hamline, and he is concerned about safety issues.

Commissioner DeJoy said the main concern of the District 10 Community Council is traffic, exiting the drive thru via the alley and would like the alley to be one-way, northbound.

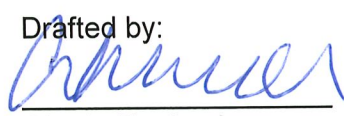
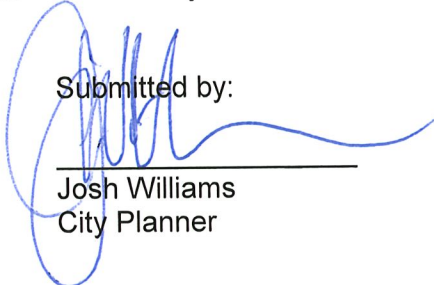
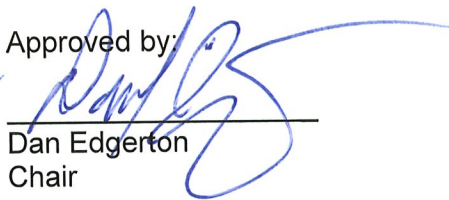
Commissioner Baker asked what options are available. Chair Edgerton said the recommendation is for denial.

Commissioner Fredson said he shares the concerns about traffic stacking and using the alley for commercial purposes. He asked what recourse the City has if there is disruption in the public right of way. He added that he agrees with commercial uses at the corner, but disagrees that the drive-through is neighborhood serving. Chair Edgerton said he agrees with Commissioner Fredson about commercial uses at the corner, but thinks "neighborhood serving" is not the issue. The issue for him is traffic safety.

Commissioner Reveal moved denial of the conditional use permit and modification.
Commissioner DeJoy seconded the motion.

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

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:	Submitted by:	Approved by:
		
Cherie Englund Recording Secretary	Josh Williams City Planner	Dan Edgerton Chair