

city of saint paul
planning commission resolution
file number 20-15
date May 1, 2020

WHEREAS, Told Development Company, file # 20-018-602, has applied for a conditional use permit for two drive-through lanes and a variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building under the provisions of § 61.501, § 65.513, § 61.202, §61.601 of the Saint Paul Legislative Code, on property located at 1212 Prosperity Ave E, Parcel Identification Number (PIN) 22-29-22-34-0082, legally described as Lots 10 – 17, Nilssons Subdivision of Lots 9 and 10, Block 4 of Rogers and Hendricks Acre Lots No. 2 (subject to vacated alleys); and

WHEREAS, the Zoning Committee of the Planning Commission, on April 9, 2020, held a public hearing on said application pursuant to 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 applicant is proposing to demolish an existing 1-story building currently used for adult daycare and home healthcare and build a bank of approximately the same size on the northeast corner of Maryland and Prosperity Avenues. Banks are an allowed use in the current T2 zoning district and up to three drive-through lanes are permitted with a conditional use permit. The applicant is proposing two drive-through lanes with a bypass lane on the outside. T2 has a minimum FAR of 0.3, and the proposed FAR is 0.126, leading to the variance application.
2. § 61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the City Council.* This condition is met. The extent, location, and intensity of the accessory drive-through use does not conflict with the Comprehensive Plan nor applicable subarea plans. While Land Use Policy 1.52 from the 2030 Comprehensive Plan “[d]iscourage[s] new and expanded auto-oriented uses,” it does not prohibit them. The Zoning Code allows drive-throughs in T2 districts as long as they meet conditions established here, which mitigate potential negative impacts to nearby properties and users of the site.

moved by Edgerton
seconded by _____
in favor 11
against 1 (Edgerton)

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. The applicant is proposing to reduce the total number of curb cuts from four to three, one on Maryland and two on Prosperity. Saint Paul Public Works and Ramsey County have reviewed initial plans and asked that the applicant try to reduce curb cuts on Prosperity Avenue from two to one. Satisfaction of this standard is contingent upon site plan approval.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The existing character of the area will remain generally the same, with a one-story office building at the corner replaced with a one-story bank of approximately the same size and FAR, also located at the corner. At least two drive-throughs exist within a quarter mile of the site. The use will not endanger the public health, safety and general welfare.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed drive-through would not impede development of the surrounding properties.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.
3. § 65.513 establishes standards and conditions for drive-through sales and services:
- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lanes and service windows are located on the side of the building and not between the principal structure and public street. The drive-through lanes are at least sixty feet from the closest point of the residentially zoned properties to the north and east.
 - (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two (2) streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. The drive-through curb cut is approximately 70' from the residential property to the north and at least 80' from the Maryland intersection. There is another site access point to the north that serves as primary site access for parking.
 - (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition can be met. The project will not use traditional teller windows for either of the drive-through lanes, instead using Automatic Teller Machines (ATMs) in each, reducing the amount of noise normally associated with bank speaker boxes.
 - (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition can be met. There is 7.9 feet of buffer area and a 6-foot-tall privacy fence planned along the north side of the property. The buffer requirement is met on the east side with 56.4 feet between the face of curb and the T2 property to the east, but there is no fence shown on the plan. The condition can be met with the inclusion of a fence on the east side and screen plantings on the north and east.
 - (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and*

fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator. This condition is met based on an exhibit provided by the applicant that shows four stacking spaces per lane that would not disrupt internal site circulation.

Additional conditions in the T2 traditional neighborhood district:

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The proposal includes two drive-through lanes and one bypass lane.
 - (g) *The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms.* This condition can be met. As described in Finding 2(b), the applicant has been asked to try to reduce the number of curb cuts on Prosperity from two to one and is currently going through the site plan review process to determine the best solution with City and County approval. Satisfaction of this condition is contingent upon site plan approval. The site is not near a light rail station.
4. § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*
This finding is not met. The variance is in harmony with the general purposes and intent described in § 60.103 of the zoning code except for implementing the policies of the Comprehensive Plan. See finding 4(b) for rationale. The variance is in harmony with the intent of the zoning district with an exception. The T2 traditional neighborhood district is “designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.” The site is served by the 64 and 54 bus lines and part of the Phalen-Rose Neighborhood Node as defined in the *2040 Comprehensive Plan* and the Phalen Village Neighborhood Center as defined in the *2030 Comprehensive Plan*. A bank in this location is consistent with having a variety of uses available near transit and could provide an anchor for the intersection and a transition to less intense residential uses to the north and east. The bank use itself is consistent with the 2030 and 2040 comprehensive plans, as well as the applicable small area plans. The location of the building oriented to the corner is consistent with district design standards and improves access for pedestrians. The location of parking (if properly buffered) is located away from the corner helps with the transition to nearby residential uses. However, *compact* development is guided in large part by the FAR requirements in the traditional neighborhood districts, and therefore the variance for FAR is not in harmony with that element of the intent.

Regarding the FAR calculation, § 66.331(a) reads in part “where the new building and its associated parking and landscaping will cover only part of the site and leave the rest of the site open for an additional building, minimum FAR may be calculated based on the area of the site covered by the new building and its associated parking and landscaping.” Though the applicant has not indicated whether it would be split or built upon, the eastern 50 feet of the parcel fits this description. The area of this open portion

of the site is approximately 6,000 square feet. With this area removed, the new FAR calculation would be $3,855 / (30,563 - 6,000)$, or 0.157, which is still less than the minimum but varies less from the minimum FAR requirement. This eastern portion could support up to a three-story building in the future under current zoning. An additional 5,314 square feet of additional GFA would meet the minimum FAR requirement.

- (c) *The variance is consistent with the comprehensive plan.* This finding is not met. FAR is a tool used to ensure appropriate intensity and compactness of development to meet City goals. A project with less than half of the minimum FAR conflicts with the following plans and policies:

2030 Comprehensive Plan

The future land use designation of the site is Mixed Use Corridor and it is also part of the Phalen Village Neighborhood Center. Mixed Use Corridors encourage a variety of uses, including commercial. The following policies apply:

Land Use 1.15 Promote Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences.

Land Use 1.52 Prioritize the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile. Discourage new and expanded auto-oriented uses.

2040 Comprehensive Plan (Approved by City Council in 2019, but not yet adopted by the Metropolitan Council)

Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

Policy LU-29. Focus growth at Neighborhood Nodes using the following principles:

...4. Improve access to jobs by prioritizing development with high job density.

Greater East Side District Plan (2009)

D1b. Promote higher density transit-oriented development along the White Bear and Maryland corridors, consistent with the White Bear Avenue and Phalen Village plans.

- (d) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is not met. The applicant states that the difficulty in achieving the minimum FAR is due to the site layout issues that emerge when a drive-through with its associated requirements is included. While proximity to the residential property to the north, the need to position the building at the corner, and the drive-through lane separation requirement on an oddly-shaped lot limit how far north the northern wall can be built, those factors do not prevent construction of a building that would meet the minimum FAR. A bank with a drive-through is a reasonable use of the property.
- (e) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. The applicant cites zoning requirements as the reason for the difficulty, yet those requirements are not unique to the property.
- (f) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. A bank with accessory drive-through service use is permitted in the T2 zoning district.

- (g) *The variance will not alter the essential character of the surrounding area.* This finding is met. The existing character of the area will remain generally the same, with a one-story office building at the corner replaced with a one-story bank of approximately the same size and FAR, also located at the corner.

NOW, THEREFORE, BE IT RESOLVED by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Told Development Company for a variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building at 1212 Prosperity Ave E is hereby denied and a conditional use permit for 2 drive-through lanes is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The number and location of curb cuts is approved by Saint Paul Public Works and Ramsey County as part of the site plan approval process.
3. A privacy fence of at least 6 feet in height is built along the eastern property line and screen plantings are planted on the north and east sides.
4. The speaker box volume must be set so as to not unreasonably disturb the peace and quiet of abutting residential property.