

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, April 9, 2020 - 3:30 p.m.**

PRESENT: Baker, DeJoy, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales  
STAFF: Anton Jerve, Mike Richardson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely and the public able to submit comments by noon on the day of the meeting and monitor the meeting remotely.

**Told Development - 20-018-602 - Conditional use permit for 2 drive-through lanes, and variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building at 1212 Prosperity Ave E.**

Mike Richardson presented the staff report with a recommendation of denial of the variance and approval with conditions for the conditional use permit. He said that District 2 submitted a letter recommending approval, there were no other letters in support, and 1 letter in opposition.

In response to Commissioner Baker, Mr. Richardson said that the variance is specific to floor area ratio (FAR) not meeting the minimum. FAR is used to ensure a certain quantity of square footage of development per unit of land area. City policies call for higher density in this area and this specific request to allow for less density is not consistent with what those policies state.

In response to Commissioner Edgerton, Mr. Richardson said that the proposed building is approximately the same size as the existing building – the existing building covers 3,889 sq. ft. and the proposed building coverage would be 3,855 sq. ft for a difference of 44 sq. ft.

Trent Mayberry, Told Development, 200 Southdale Center, Edina, MN, said that he is the developer and applicant of the project. Mr. Mayberry provided background on the project. They have been working with the city staff to come up with a project that could meet the City code and guidelines as much as possible. The project is a free-standing bank branch of Bank of America, and they have already developed ten of these buildings around the Twin Cities in various configurations. Most recently they tore down a vacant pawn shop and built one on University Avenue. They knew they wouldn't meet the FAR because the site shape is far from a rectangular site. It is less than an acre. There are also topography issues – there is an elevation change of ten to twelve feet from one corner to the other. These issues combined with other zoning ordinances that they have to meet regarding the drive-through lanes it is difficult to meet the FAR minimum. They have limited areas where they can fit the drive-through lanes, and they are an absolute must at this location. He said they have worked closely with the City and have made changes to meet the requirement that the drive-through is sixty feet from the closest residentially zoned property, they anchored the building to the corner, removed a curb cut on Maryland Avenue, reduced parking, and added screening to the adjacent residential area. Mr. Mayberry also said that they have some excess land on the east side of the property that they may part with, which could reduce their total land area and increase the FAR. They have reached out to the neighboring property owner to discuss any interest in a land transaction. The neighboring property owner may be interested in a potential small-scale residential development and could possibly use a little more land. They are trying to do everything they can within the

City guidelines, but when it comes to the FAR there is no way they can make everything work from an operational standpoint. He highlighted the points of the overall quality and design. They have reduced impervious surface by nearly 20% from the existing condition, it would be a LEED Certified building, they have increased landscaping, they are adding bike racks and a front-door entrance at the corner of Maryland and Prosperity to help make it very pedestrian friendly. They have also received neighborhood approval and they believe that this project would offer financial services to the community.

In response to Commissioner Ochs, Mr. Mayberry said that if staff would like them to extend the building bit eastwardly, they probably could. It's more than what the bank requires from an operational standpoint. If they expanded eastward, it would still not allow them to meet the FAR requirement, which would require a total of about 9,000 sq. ft. That would most likely require a 3-story building using the current configuration of their building footprint.

In response to Commissioner Ochs, Mr. Richardson said approximately 5,000 additional square feet would be needed to meet the minimum FAR requirement.

In response to Commissioner DeJoy, Mr. Mayberry said that the neighbors they reached out to possibly purchase the excess land are in very preliminary stages. He had reached out to them after reviewing the staff report and they expressed an openness to purchasing the eastern portion of the 1212 property. The property owner does have an interested party that would consider buying that land and potentially doing an affordable housing project.

In response to Commissioner Ochs, Brandon Garnett with Nelson Architecture said that the two curb cuts that are currently off of Prosperity are existing curb cuts, and from a design perspective they felt that the single egress provided by the more southerly curb cut off of Prosperity would benefit the drive through lanes. During site plan review, Public Works said that they would like them to look into possibly consolidating those two curb cuts on Prosperity. They have looked at a couple of design iterations where vehicles exit off of the drive through lanes and turning up to the northerly curb cut but they were not working out due to the tight radius. Mr. Garnett said that since these were the two existing curb cuts the south one off of Prosperity was very inviting for the egress of the drive through lanes and they wanted to anchor the drive through lanes off of Prosperity because Maryland Avenue has more vehicular traffic.

In response to Commissioner DeJoy, Mr. Garnett said that there are six offices planned for the building and there would be between 8 to 10 employees on site.

In response to Commissioner Rangel Morales, Mr. Mayberry said that the difficulty in achieving the minimum FAR is due to the site layout issues. It is an oddly shaped lot and they need to accommodate a drive through with a 60-foot distance from residential, in addition to ingress and egress issues, parking and anchoring the building to the corner. There isn't a way to get to a 9,000 sq. ft. building operationally for the Bank of America.

Mr. Richardson said that there are minimum parking requirements and minimum distance from residential property, but there is a significant amount of space in the eastern section that could be used for site movement that would allow expansion of the building to the east and the T2

district allows at least 2 stories, so because of that the finding wasn't met from staff's perspective.

Mr. Garnett said he is the designing architect for Bank of America and that most of the Bank of America's footprints are between 3,500 and 5,000 square feet. The only two-story examples they do are when they are including one of their other lines of business, which they are not looking to do at this location. He said that while they were doing the site design, they knew they wanted to anchor the drive through lanes on the north of the property because traffic flow in and out of Prosperity is better suited. That is what has anchored the building north to south and constrained the building, as well as meeting other zoning requirements of 10-foot setbacks, anchoring the building to the corner, and building entrances.

The public hearing was closed.

In response to Commissioner Ochs, Mr. Richardson said that the parking requirement is one space per 400 square feet. The minimum number of spaces is ten and they have provided seventeen which is the maximum allowed without a conditional use permit.

Commissioner Cedrick Baker moved approval with conditions of the conditional use permit and variance. Commissioner William Lindeke seconded the motion.

Commissioner Ochs said retail banking seems to be moving towards a boutique type of service where they no longer require as much floor space for operations. He can see where it may be a challenge to meet FAR requirements with their business model. However, Saint Paul wants to encourage density in this area and ideally what the City is looking for is 9,000 sq. ft. to meet the FAR. There would also be enough parking spaces for parking to be met as well. He is leaning towards opposing the recommendation to deny the FAR. He also added that he thinks the curb cuts could be consolidated.

Commissioner DeJoy said she can appreciate the fact that a larger building doesn't fit Bank of America's business model, but this area is in the Phalen Corridor and the whole reason for changing the zoning to T2 was to get more pedestrian friendly, higher density, transit oriented types of development. She would be more encouraged if there were more intentional plans to sell off the excess land to create more housing. She said she can't forget all the work and many years and resources that went into Phalen Corridor initiatives.

Commissioner Grill said a seventeen-stall parking lot is incredibly large and adding two drive-through lanes to an intersection that is planned for transit-oriented development seems to counter the work that staff has been doing for so many years. She said for the purposes of discussion she is not in favor of either the conditional use permit or variance.

Commissioner Ochs clarified that he was talking of the two driveways on Prosperity, but they are not part of the conditional use permit (CUP). The CUP is for the two drive-through lanes that appear to be outside the 60-foot requirement, and there is a pass-through lane that is within 60 feet of the residential property to the north. He will be supporting staff's recommendation.

Mr. Richardson clarified the 60-foot requirement and the two curb cuts on Prosperity. He said the 60-foot requirement was confirmed with the Department of Safety and Inspections (DSI) as being met in this case. There are two drive-throughs closest to the building and a bypass lane on the outside. The bypass lane would not be considered a drive-through lane. He also noted that a decision at site plan review regarding the number of curb cuts and location on Prosperity would be a condition of the CUP. Public Works for the City and Ramsey County would need to come to an agreement on what is a safe, acceptable way to exit the site on Prosperity.

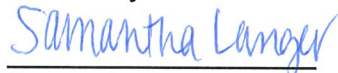
Commissioner Edgerton said that it appears like if they voted denial on the variance the project may not happen. He also noted that the District Council is in support of the project.

Commissioner Baker said that we have a vision through our Comprehensive Plan that we want to see in this neighborhood. He wants to make sure to take a long-term view to ensure that the vision for this area is met. There is already a lot of development in this area and he wants to see it continued.

The motion passed by a vote of 7-1-0.

Adopted                      Yeas - 7                      Nays - 1 (Edgerton)      Abstained - 0

Drafted by:



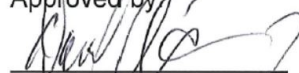
Samantha Langer  
Recording Secretary

Submitted by:



Mike Richardson  
City Planner

Approved by:



Dan Edgerton  
Chair