

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, March 28, 2013 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF MARCH 14, 2013, ZONING COMMITTEE MINUTES

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

OLD BUSINESS

- 1 13-149-241 Capitol Lien / Anthony Magnotta**
Determination of similar use for a hybrid light fixture powered by a vertical wind turbine and a photovoltaic solar panel in the B3 general business district.
1000 Dale St N, NE of intersection of Hatch and Dale
B3
Kate Reilly 651-266-6618

NEW BUSINESS

- 2 13-156-977 Blue Ox mini golf**
Determination of similar use for outdoor commercial recreation (miniature golf course)
928 7th St W, SE corner at Toronto Street
T3
Bill Dermody 651-266-6617

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Capitol Lien / Anthony Magnotta **FILE #** 13-149-241
 2. **APPLICANT:** Anthony Magnotta **HEARING DATE:** March 14, 2013
 3. **TYPE OF APPLICATION:** Determination of Similar Use
 4. **LOCATION:** 1000 Dale St N, NE of intersection of Hatch and Dale
 5. **PIN & LEGAL DESCRIPTION:** 25-29-23-23-0065; Como Prospect Addition, Lots 9 and 10, Blk 13
 6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** B3
 7. **ZONING CODE REFERENCE:** §61.106
 8. **STAFF REPORT DATE:** 3/4/2013, amended 3/21/2013 **BY:** Kate Reilly
 9. **DATE RECEIVED:** January 30, 2013
 - 60-DAY DEADLINE FOR ACTION:** April 1, 2013; extended to May 30, 2013
-

- A. **PURPOSE:** Determination of similar use for a hybrid light fixture powered by a vertical wind turbine and a photovoltaic solar panel in the B3 general business district.
- B. **PARCEL SIZE:** 50 ft. (Dale) x 127.5 ft.; 6,375 sq. ft.
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:**
 - North: B3 - Business
 - East: RM2 – Single family & Multi-family residential
 - South: B3 - Business
 - West: B3 - Business; R4 – Single family residential
- E. **ZONING CODE CITATION:** §61.106 provides for the planning commission to make similar use determinations when a specific use is not listed in the zoning code.
- F. **HISTORY/DISCUSSION:** On June 24, 2011, (Z.F. 11-129-965) Anthony Magnotta/Capitol Lien and Title received a determination of similar use for four vertical wind turbines as a conditional use accessory to the commercial use at the neighboring property, 1010 N. Dale Street, for a two-year test period. On March 14, 2013, (Z.F. 13-149-246) the Zoning Committee recommended approval of extension of the existing determination of similar use/conditional use permit subject to six conditions. A determination of similar use/conditional use permit was granted to Macalester College for a 10 kW, 102 foot high, free-standing wind turbine on the campus for a test period in 2002 (Z.F. # 02-236-646) and permanently in 2005 based on noise monitoring during the test period (Z.F. # 05-085-530). On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval of the DSU at the January 22, 2013, Land Use Task Force meeting.
- H. **FINDINGS:**
 1. The applicant seeks to install a hybrid light fixture powered by both a vertical axis wind turbine and a photovoltaic solar panel to light the accessory parking lot to the rear of the commercial building at 1000 N. Dale Street. The light is powered by a 300 Watt vertical axis wind turbine and a 125 Watt solar panel. The light is able to be operated without connection to the electrical grid/traditional utility system. The light's wind turbine and solar panel charge a 12V battery bank. The battery provides enough power to power a 30 Watt LED lamp. A 17.8 ft. high light fixture pole, high enough so that the light fixture, solar panel and wind turbine will not interfere with vehicles in the lot, would be topped with a 4.1 ft. wide, 3.5 ft. tall vertical axis wind turbine, for a total height of 21.3 feet.

2. § 61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. The proposed hybrid light fixture generally meets the definition of *accessory use* in § 65.910, "a building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related." § 65.910(a) specifically lists accessory off-street parking as an example of what the term accessory use includes but is not limited to, and lighting is clearly incidental to and customarily found in connection with accessory off-street parking. § 63.318, Lighting, requires that parking facilities "shall be illuminated to a level to allow safe, secure access to the parking facility and within it." § 65.921 specifically lists solar energy systems as an accessory use, and § 65.921(b) states that freestanding solar energy systems "shall be treated as accessory buildings for the purpose of maximum height, maximum lot area coverage, and location requirements. However, while § 60.103(k) of the zoning code states that a purpose of the zoning code is "to promote the conservation of energy and the utilization of renewable energy resources," the zoning code does not specifically list or provide standards for hybrid light fixtures powered by a vertical axis wind turbine as an accessory use. Therefore, the zoning administrator referred the applicant to the Planning Commission for a determination of similar use. The parking lot light itself and the solar panel are clearly permitted. The only question is about the wind turbine and standards that should apply to a small wind turbine that powers a hybrid parking lot light fixture.
3. On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts. The study will address hybrid light fixtures powered by wind turbines. Preliminary research finds that small wind turbines designed to provide electricity for the property on which they are located are commonly permitted as accessory uses in other cities, subject to reasonable conditions that may vary dependent on the size and location of the turbine. Minneapolis, Duluth, Madison and Chicago, among other cities, all have specific provisions for this. However, no provisions specifically for light fixtures with a solar and wind power element have been found.
4. § 61.106 states: When a specific use is not listed in the zoning code, ... the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:
 - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.* This finding is met. A commercial use with accessory off-street parking lit by a hybrid light fixture powered by a photovoltaic solar panel and a vertical axis wind turbine in the B3 general business district is similar to a commercial use with accessory parking lit by a standard light fixture that also has an accessory freestanding solar energy system and an accessory vertical wind turbine on a freestanding pole in the B3 general business district. The following separately addresses each element of the fixture, the light, the solar panel, and the wind turbine, as they relate to the zoning code.

Light Fixture

§ 63.318, Lighting, requires that parking facilities "shall be illuminated to a level to allow safe, secure access to the parking facility and within it," and states that all lighting shall conform to § 63.116. § 63.116, Exterior lighting, provides standards for shielding and maximum light level. The proposed light fixture conforms to all of these standards.

Solar Energy System

§ 65.921(b) provides that freestanding solar energy systems "shall be treated as accessory buildings for the purpose of maximum height, maximum lot area coverage, and location requirements." The proposed 21.3 foot high hybrid light fixture powered by a photovoltaic solar panel in the B3 general business district is consistent with this standard.

Wind Turbine

On June 24, 2011, (Z.F. 11-129-965) Anthony Magnotta/Capitol Lien and Title received a determination of similar use for four vertical axis wind turbines, including three roof-mounted 1.5 kW 9.8 ft. tall wind turbines on 6 ft. monopoles (total height of 15.8 feet above the surface of the roof) and a freestanding 3 kW 18.4 foot tall vertical axis wind turbine mounted on a 13 foot pole (for a total height of 31.4 feet), as a conditional use accessory to the commercial use at the neighboring property, 1010 N. Dale Street, in the B3 general business district, for a two-year test period. On March 14, 2013, (Z.F. 13-149-246) the Zoning Committee recommended approval of extension of the existing determination of similar use/conditional use permit, subject to six conditions. The six conditions, and the consistency of the proposed smaller 300 watt, 4.1 ft. wide, 3.5 ft. tall vertical axis wind turbine mounted on a 17.8 ft. light pole (total height of 21.3 feet) with them, are as follows:

1. *The turbines shall be an accessory use to provide electricity for the business on the property.* The hybrid light fixture powered by a wind turbine is an accessory use to the business on the property, consistent with this condition.
 2. *The lot shall be at least 18,000 sq. feet in area, on which there shall be no more than four turbines, including no more than three on the roof and no more than one on a freestanding pole.* The proposed hybrid light fixture on a 6,375 sq. ft. commercial parcel is consistent with the standard of 18,000 sq. ft. for four larger wind turbines (4500 sq. ft. per wind turbine).
 3. *Roof-mounted turbines shall be no more than 15 feet above the rooftop or parapet, whichever is greater, and centered at least 20 feet from the edge of the building.* This condition does not apply.
 4. *The wind turbine on a freestanding pole shall have a total height of no more than 32 feet.* The proposed 3.5 ft. tall wind turbine on a 17.8 ft. tall light fixture pole, a total height of 21.3 feet, is consistent with this condition.
 5. *The turbines shall be centered at least 50 feet from any residentially zoned property.* The proposed hybrid light fixture powered by a wind turbine is located at least 75 feet from the nearest residentially zoned property, consistent with this condition.
 6. *When the turbines cease to function, they will be removed or replaced within 30 days.* This condition can be met by the owner.
- (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding is met. The traffic generated by a commercial use with accessory off-street parking lit by a hybrid light fixture powered by a photovoltaic solar panel and a vertical axis wind turbine is similar to the traffic generated by a commercial use with accessory parking lit by a standard light fixture.
- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. "Hybrid (wind/solar powered) light fixture" is not specifically listed in the zoning code.
- (d) *That the use is consistent with the comprehensive plan.* This finding is met. While the Saint Paul Comprehensive Plan does not contain any policies specifically related to hybrid light fixtures, the use is consistent with broad policies in the comprehensive plan for energy conservation and sustainable use of renewable energy resources.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a determination of similar use for a commercial use with accessory off-street parking lit by a hybrid light fixture powered by a vertical wind turbine and a photovoltaic solar panel in the B3 general business district subject to the following conditions:
1. The assembly shall conform to the standards for accessory buildings for the purpose of maximum height, maximum lot area coverage, and location requirements in the district, and the base of the moving elements of the wind turbine assembly shall be at least 13 feet above grade.
 2. The wind turbine portion of the assembly shall not exceed five hundred watts, five (5) feet in height and five (5) feet in diameter.
 3. The hybrid light fixture with wind turbine and solar panel shall be located on a lot of at least 5,000 square feet.
 4. The hybrid light fixture with wind turbine and solar panel shall be centered at least 50 feet from any residentially zoned property.
 5. When any part of the hybrid light fixture ceases to function, it shall be removed or replaced within 30 days.



DETERMINATION OF SIMILAR USE APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 13-143407
Fee: 700.00
Tentative Hearing Date:
1-31-13

PD-6

252923230065

APPLICANT

Name ANTHONY MAGNOTTA CAPITOL LIEN RECORDS & DESIGN
Address 1010 DALE ST NORTH
City ST. PAUL St. MN Zip 55117 Daytime Phone 651-341-1564
Name of Owner (if different) ANTHONY MAGNOTTA
Contact Person (if different) ANTHONY MAGNOTTA Phone 651-341-1564

PROPERTY LOCATION

Address / Location 1000 DALE ST NORTH ST. PAUL
Legal Description _____
Current Zoning B3
(attach additional sheet if necessary)

REQUEST: Application is hereby made under provisions of Chapter 64, Section 300, Paragraph (G) of the Zoning Code for a Determination of Similar Use.

Current Use PARKING LIGHT REPLACEMENT OF BUILDING
MOUNTED LIGHTING WITH STANDALONE FREE MOUNTED POLE
Proposed Use _____

SUPPORTING INFORMATION: Provide the following information (attach additional sheets if necessary).

☒ Is the use similar in character to one or more of the principal uses permitted in the zoning district?
SIMILAR TO STREET LIGHT + EXISTING TURBINES
ON A SMALLER SCALE.

☐ Is the traffic that the use will generate similar to traffic generated by one or more permitted uses?

☐ Is the use already permitted in a less restrictive zoning district?

OK 83744
700⁰⁰

☐ Required site plan is attached.

Applicant's Signature

[Signature]
[Signature]

Date

1/7/2013

City Agent

[Signature] 1-7-13

1/30/2013

ZONED K4

CURB + GUTTER

R/W

-- 150.00 --

OWNERS
ANTHONY + LISA
MAGNOTTA

OWNERS
ANTHONY + LISA
MAGNOTTA

(NOTES
ALL BUSINESSES
ZONED B3)

RETAINING
WAL

STEPS

PARKING
LOT
GRAVEL

RETAINING WAL
PROPERTY LINE

-- 126.07 --

HYBRID STREET
LIGHT

EXISTING TURBINE

RAMP

EXISTING TURBINES

RAMP DOWN

SIDE SLOPE

ALLEY

R/W

ZONED RM2

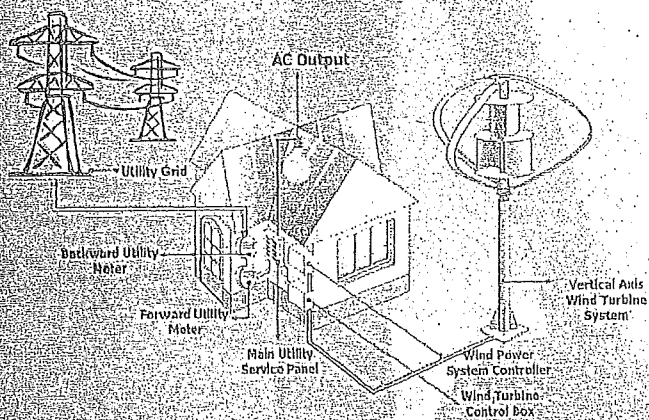
* 1 INCH = 20 FT

TONY MAGNOTTA 1/3/13

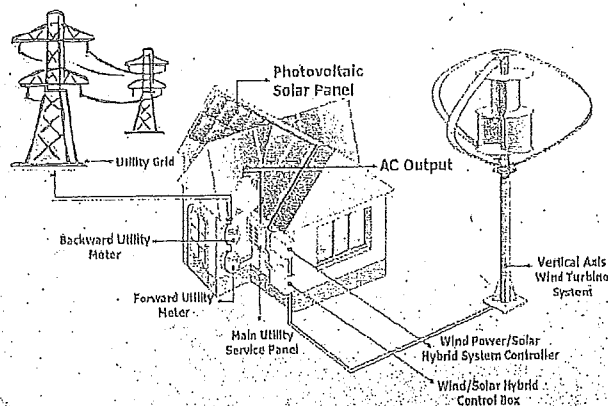
ALLEY

Different Application Match Your Requirements

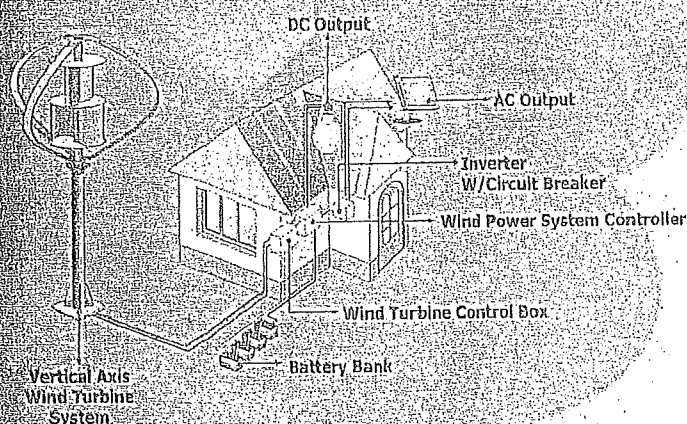
Grid-Tied Application Illustration



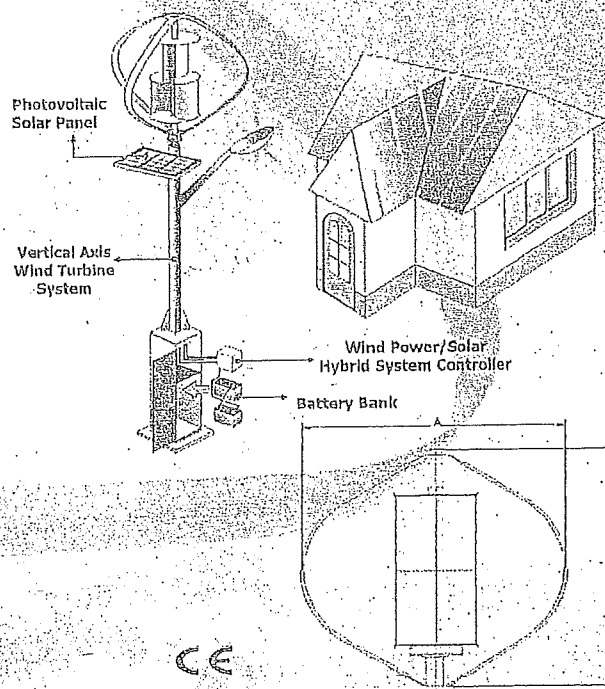
Hybrid Grid-Tied Application Illustration



Stand-Alone Application Illustration



Hybrid Street Lamp Application



Commercial Products

- (1) Stand alone for remote area: 300W, 700W, 1.5KW, 3KW
- (2) Grid connected system: 1.5KW, 3KW
- (3) 5KW & 10KW are under developing

General Product Specifications

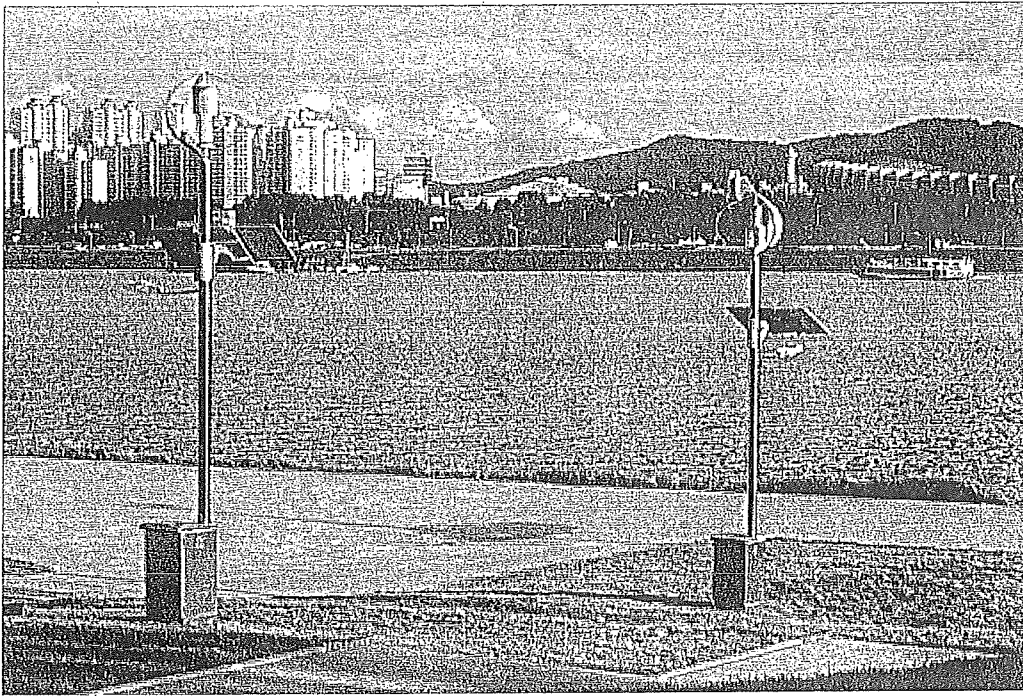
Product		300W	700W	1.5KW	3KW
Size (m)	A	1.24	1.93	2.8	4.0
	B	1.00	1.56	3.2	4.5
Cut-in Wind speed		< 3 m/s		15 m / s	
Rated Wind Speed		12 m/s ~ 13.5 m/s		60 m / s	
				Survival Wind speed	

MINNESOTA WIND TECHNOLOGY

1010 Dale Street North, Saint Paul, MN 55117

Phone: 651-341-1564

www.mnwind.us

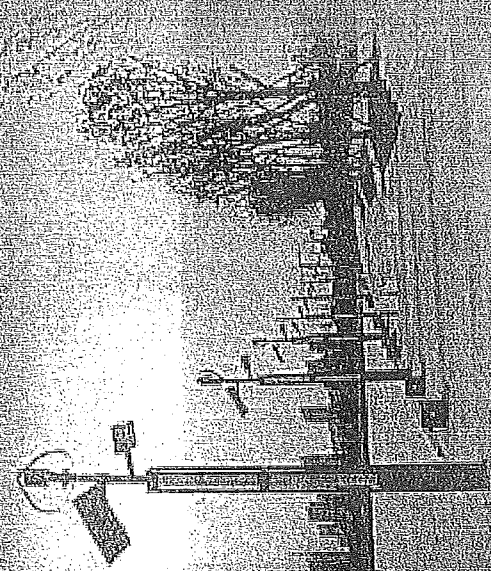


Hybrid Street Lighting Systems

Our standard hybrid street lighting system is integrated with DS-300W Vertical Axis Wind Turbine and 85W Solar Panel together with modern design of lamp pole. The design concept is to provide an independent (off-grid), self-sufficient lighting application or other usages if applicable.

The controller of the hybrid street lighting system is integrated with wind power controller (WG0400) and solar power charger (RC10-II), both are paralleled for battery bank (12V/24V) charging. The battery bank provides load of a power-saving 24W LED Lamp.



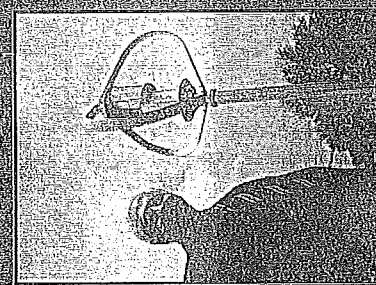


Feature:

The hybrid street light combines the VAWT wind turbine and solar panel. These collect power from wind and sun light for lighting up the LED in the night time. This also makes it so the street light is completely green and does not need pipeline construction from city power. The benefits are not only zero CO2 emissions but also saving the installation time and costs. It shows the ECO-SKYLINE of a modernized city.

Specification:

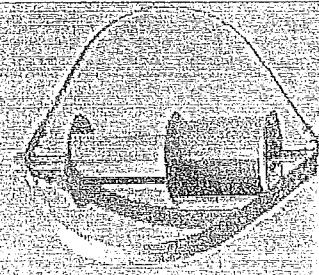
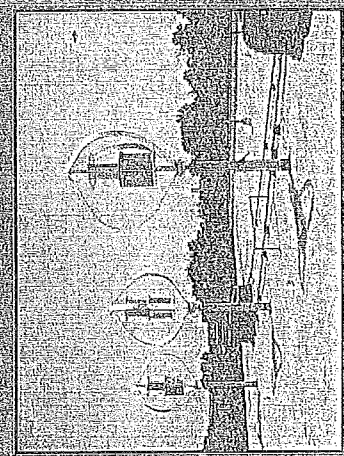
- Wind power- 300W VASWT (DS300)
- Solar power- 120W silicon mono crystalline
- Street lamp- 30W high bright LED
- Decoration light- 12W LED colorful
- Spot light- 1W LED x2 to Light wind rotor
- Charger- 400W MPPT charger+200W PV charger
- Battery- 12V 46Ah x4 deep cycle silicon gel battery
- Pole- 5.4m assemble stainless/galvanized
- Lamp height- 4.5m
- Height- 6.5m



Our CEO, Tony Magnotta, seen above at our headquarters in St. Paul, MN at the first VAWT Urban Wind Farm in America.

Product	300W	700W	1500W	3KW
A	1.24	1.93	2.8	4.0
B	1.00	1.56	3.2	4.5
Cut-in Wind speed	<3 m/s	Cut-out Wind speed	15 m/s	
Rated Wind speed	12 m/s ~ 13.5 m/s	Survival Wind speed	60 m/s	

"Wind That Creates Customers"



MNWT-BC300 400 watts

Output Voltage. 12,24 volts

Output Current. 20 amps

Cut-In Wind Speed. 6.7 mph

Rated Wind Speed. 34 mph

Diameter. 3.7 ft

Height. 4.8 ft

MNWT-1500 1.5 kW

Output Voltage. 48 volts

Output Current. 60 amps

Cut-In Wind Speed. 5.5 mph

Rated Wind Speed. 26 mph

Diameter. 9.2 ft

Height. 9.8 ft

MNWT-3000 3.0 kW

Output Voltage. 48 volts

Output Current. 130 amps

Cut-In Wind Speed. 5.5 mph

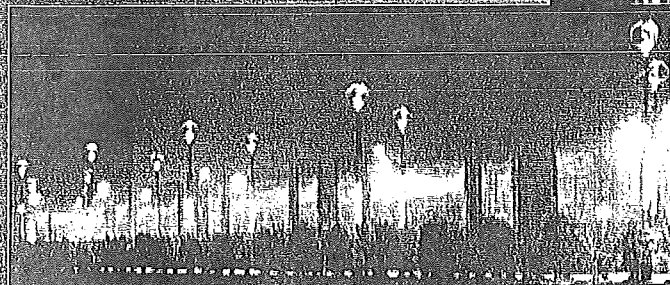
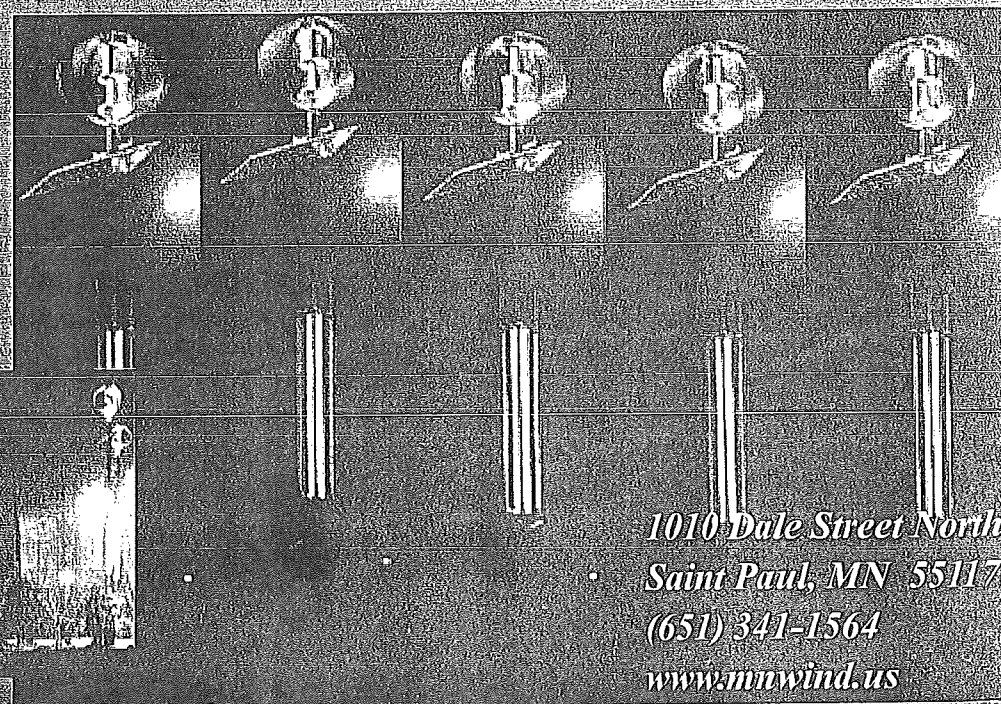
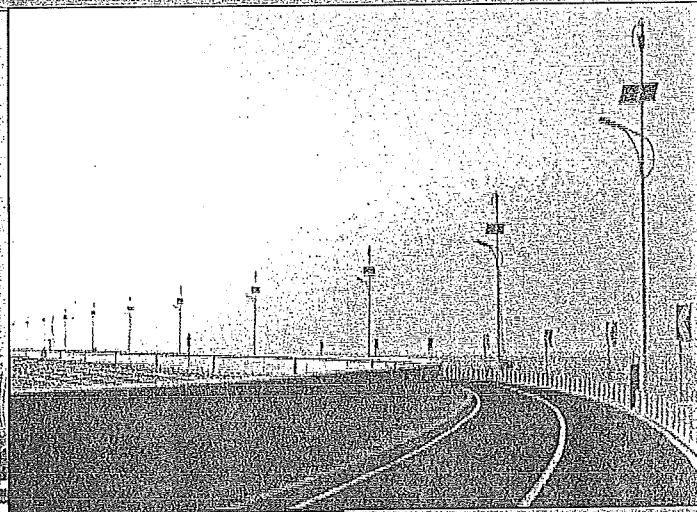
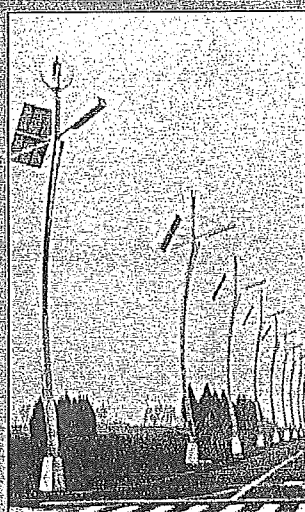
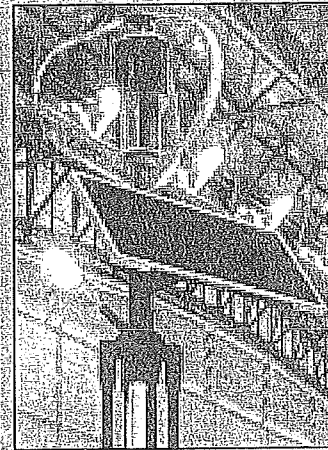
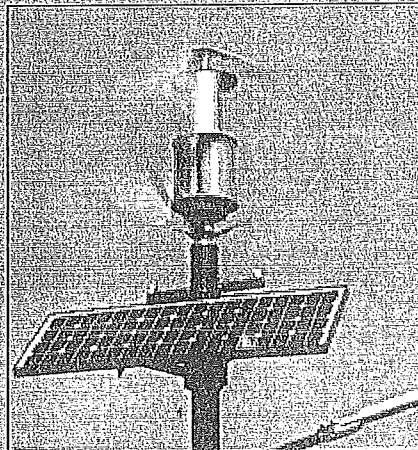
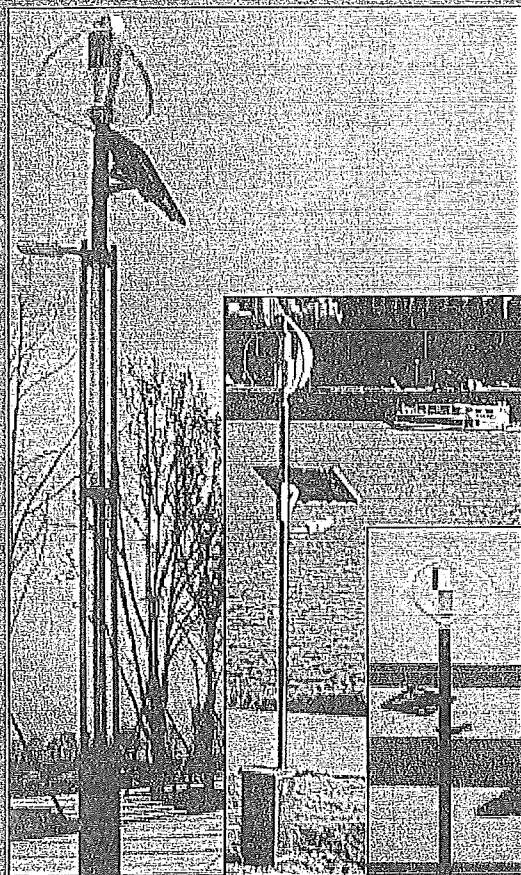
Rated Wind Speed. 33 mph

Diameter. 13.1 ft

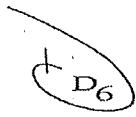
Height. 18.4 ft

MINNESOTA
WIND

Hybrid Street Lighting System



1010 Dale Street North
Saint Paul, MN 55117
(651) 341-1564
www.mnwind.us



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

January 23, 2013

Zoning Committee of the Planning Commission
15 West Kellogg BLVD
Saint Paul, MN 55102

Re: 1000-1010 Dale Street Capital Lien-Extension of Determination of Similar Use for Vertical Wind Turbines/Determination of similar use for vertical wind turbine with a hybrid street light powered by wind and solar

On April 28, 2011 a letter was sent to the Zoning Committee indicating District 6 Planning Council's support for a determination of similar use for vertical wind turbines. At its January 22, 2013 Land Use Task Force meeting the extension on the determination of similar use for vertical wind turbines received a recommendation for approval.

The Land Use Task Force also recommends approval of a determination of similar use for a vertical wind turbine street light powered by wind and solar. The Task Force discussed the new application and concluded that there should be limited impact to the neighborhood since there have been no complaints regarding existing wind turbines and alternative energy sources are welcome. This approval is contingent that the applicants fulfill all application requirements.

Thank-you for your consideration and if you have questions please contact the office.

Regards,

Jeff Martens

Jeff Martens
Land Use Chairman

Cc: Ward 5
Tony Magnotte

An Affirmative Equal Opportunity Employer

Reilly, Kate (CI-StPaul)

From: Mark Lentsch <marklentschrealty@gmail.com>
Sent: Wednesday, March 06, 2013 10:12 AM
To: Reilly, Kate (CI-StPaul)
Subject: Wind Turbines addition - Dale St property #13-149-246 & 13-149-241

My office is right next door and I object. What happened to having to get approval from your "Arm's length" neighbors?

There are more than enough of the "Whirly Bird's" next door. My clients chuckle and say how silly they look....have heard comments...."only the city would allow this".

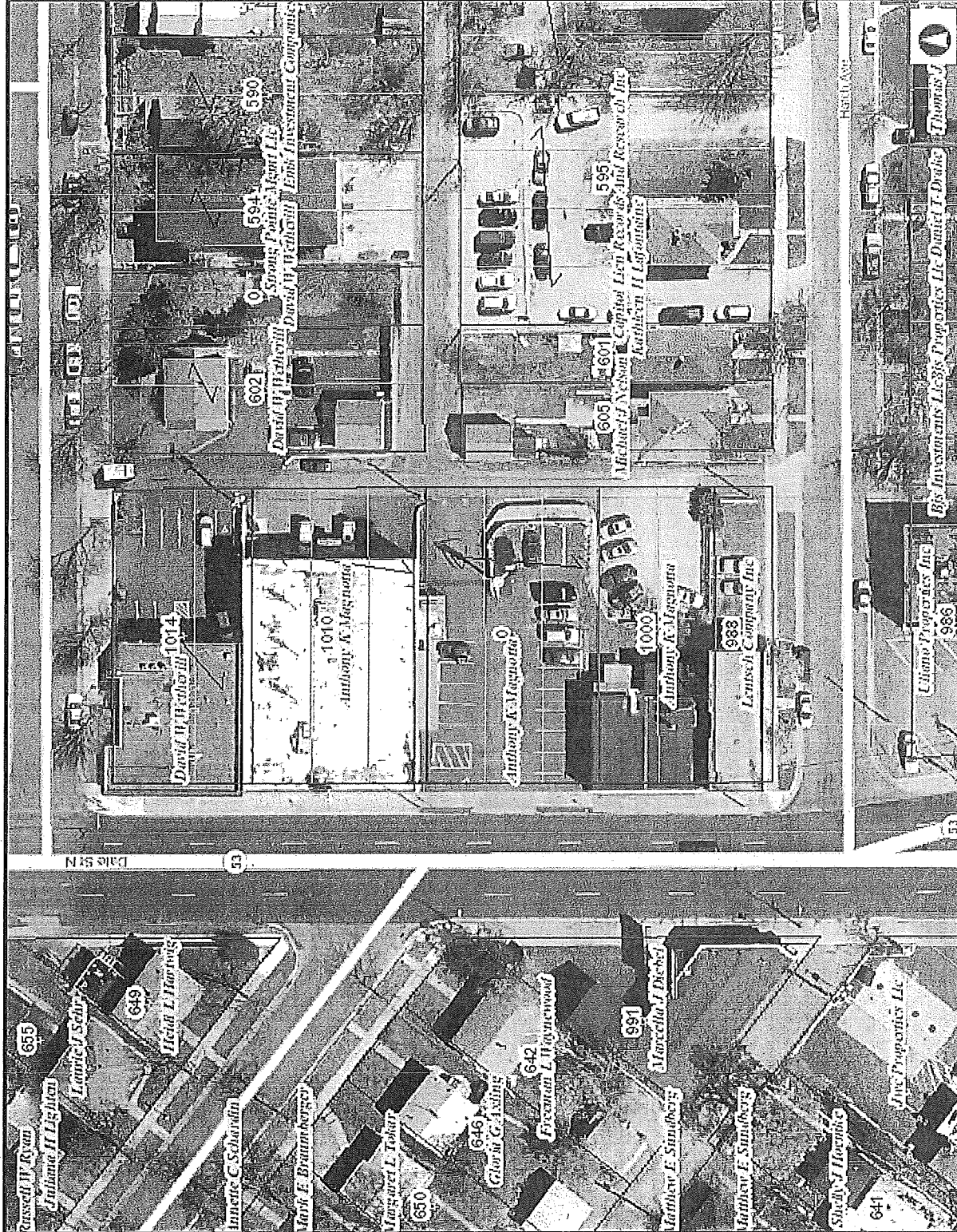
>>>where does this end? What is next....their own "whirly bird" trash compactor, "whirly bird" door openers, etc....Come on,...enough is enough. If every building in St Paul had these....we would be the "laughing stock" of the nation.

Remember when we were all concerned with "TV style" electronic billboards, and those were then regulated....i think these wind turbines could be a safety / distraction hazard for drivers turning their heads to look at the wind turbines spin....or younger kids climbing up on them sometime. What about some kind of hazard energy thrown off if you are in close proximity, have there been tests for that?

Thank you,

Mark Lentsch - 651-335-5464 - lifetime St Paul resident
marklentschrealty@gmail.com

***I am unable to attend March 14th at the proposed time.



Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcels
- Primary Owner
- Parcel Lines and Land Ties
- Parcel Lines
- Land Ties

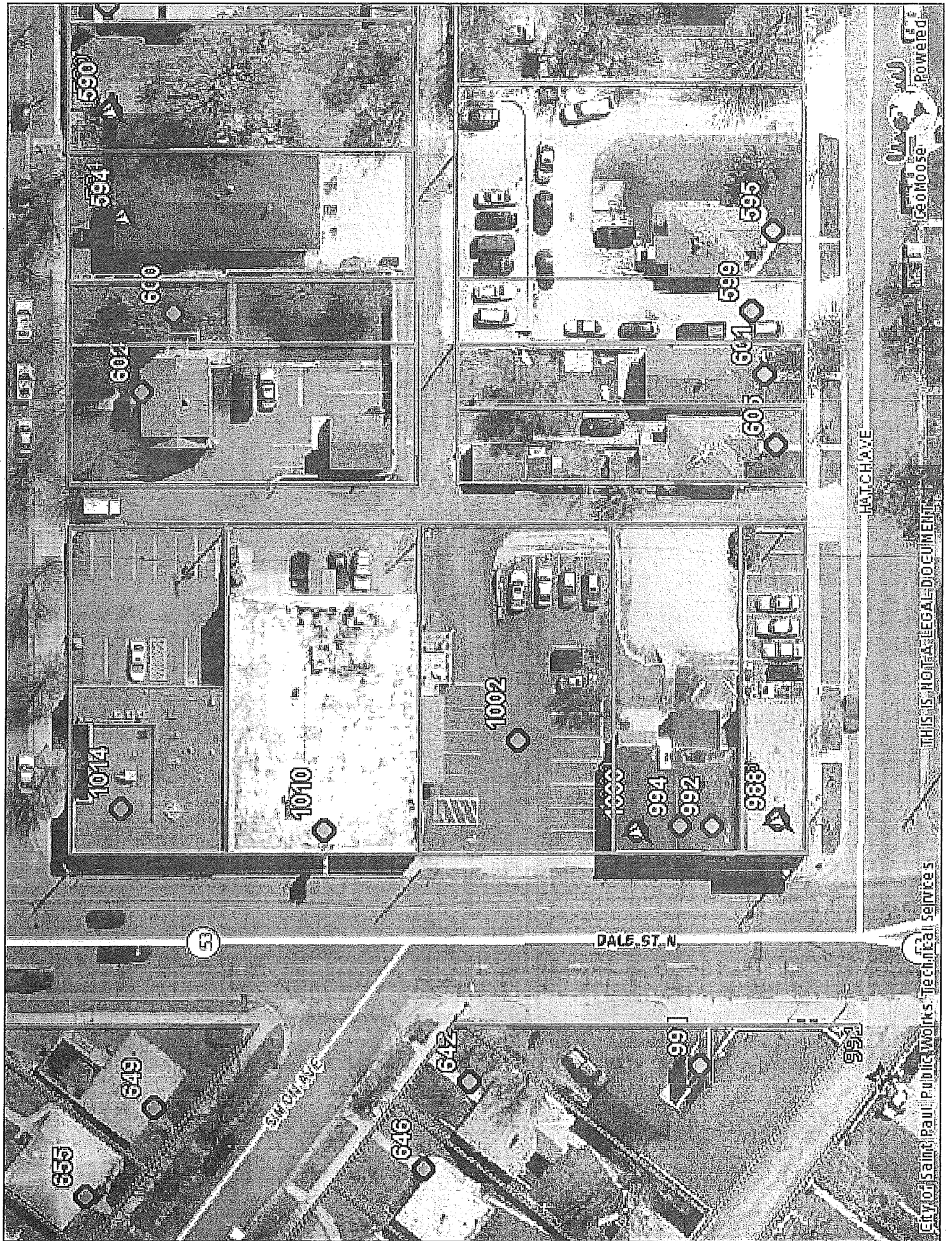
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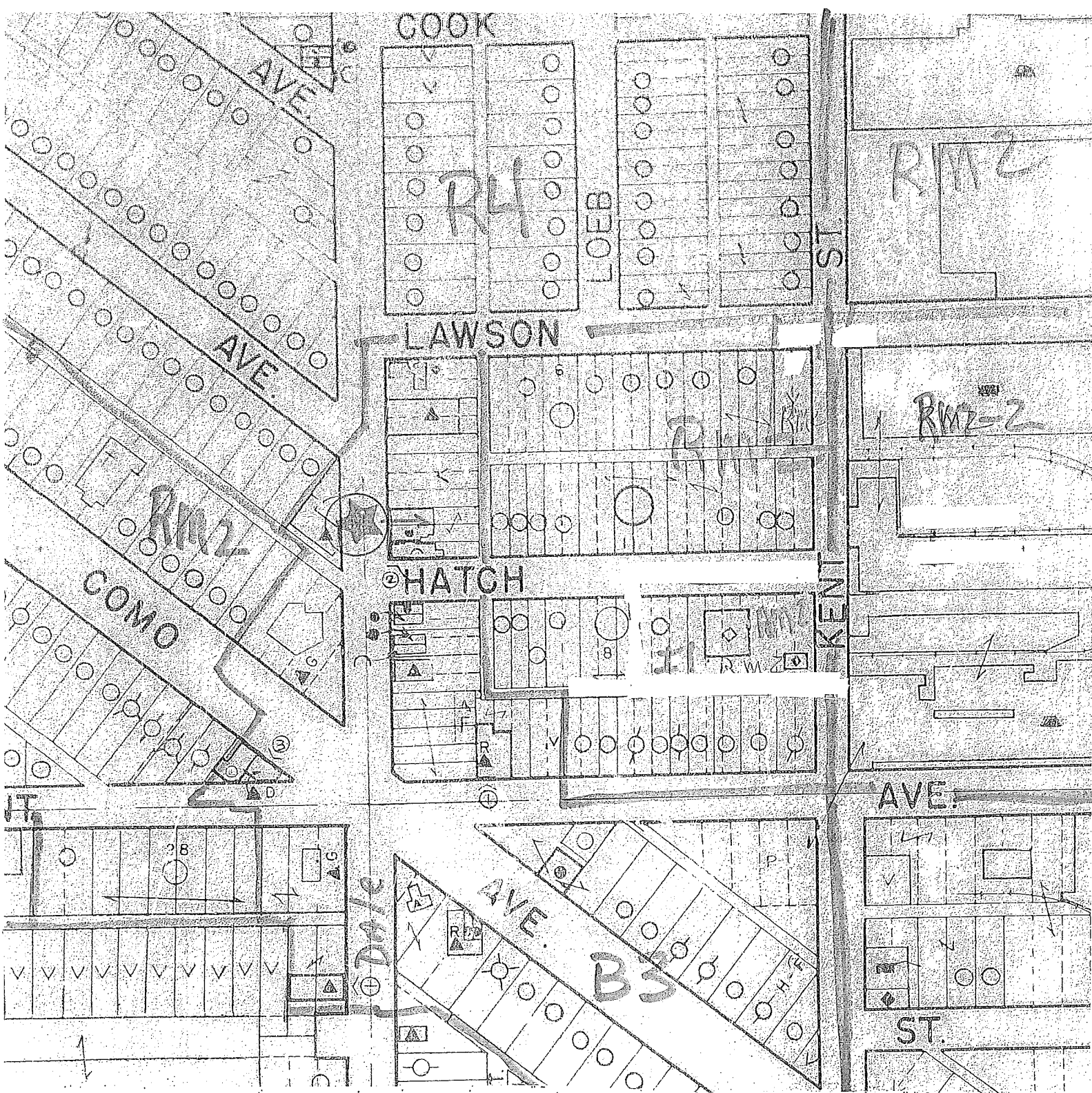
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

126.9 63.43 126.9 Feet


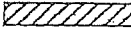






NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division





APPLICANT Capitol Lien (et al)
 PURPOSE DSU
 FILE # 13-149241 DATE 1/31/13
 PLNG. DIST. 6 Land Use Map # 12
 SCALE 1" = 400' Zoning Map # 9

LEGEND

-  zoning district boundary
-  subject property
-  one family
-  two family
-  multiple family
-  commercial
-  industrial
-  vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Blue Ox Mini Golf
 2. **APPLICANT:** West 7th/Fort Road Federation
 3. **TYPE OF APPLICATION:** Determination of Similar Use
 4. **LOCATION:** 928 7th St W, SE corner at Toronto Street
 5. **PIN & LEGAL DESCRIPTION:** 122823230121; Ramseys Sub Of W1/2b26 Stinso That Pt Of Lots 1 Thru 10 And 13 Thru 20 Lying Sely Of The Sely L Of W 7th St
 6. **PLANNING DISTRICT:** 9
 7. **ZONING CODE REFERENCE:** §61.106, §63.207, §66.300
 8. **STAFF REPORT DATE:** March 20, 2013
 9. **DATE RECEIVED:** February 22, 2013
- FILE #** 13-156-977
HEARING DATE: March 28, 2013
EXISTING ZONING: T3
BY: Bill Dermody
60-DAY DEADLINE FOR ACTION: April 23, 2013

- A. **PURPOSE:** Determination of similar use for outdoor commercial recreation (miniature golf course)
- B. **PARCEL SIZE:** Irregularly shaped lot with 345 feet of frontage on W 7th Street, totaling approximately 82,000 sq. ft.
- C. **EXISTING LAND USE:** Vacant on the portion of the lot proposed for mini-golf; unoccupied Keg House building on eastern portion of the lot
- D. **SURROUNDING LAND USE:**
 - North/Northwest: Commercial/office (B2)
 - East: Remainder of the former Jacob Schmidt Brewing Company campus (T3)
 - South: Industrial/storage (T2)
 - Southwest: Commercial (T2)
- E. **ZONING CODE CITATION:** §61.106 authorizes the planning commission to make similar use determinations when a specific use is not listed in the zoning code. Specific findings must be made. §63.207 specifies parking requirements by use. §66.300 identifies the intent and permitted principal uses in the T1-T4 Traditional Neighborhood zoning districts.
- F. **HISTORY/DISCUSSION:** The site is part of the historic Jacob Schmidt Brewing Company campus that housed brewery operations until 2002. From 1998 to 2004, the campus also hosted an ethanol production plant. The site contains the historically significant Keg House in its eastern portion and partially demolished buildings to the south and southwest of the Keg House. A plat was approved in July 2012 in conjunction with a plan to renovate other buildings on the campus for multi-family residential uses; the plat established the subject site as its own lot and re-dedicated Webster Street to its east.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council (West 7th/Fort Road Federation) is the property owner and applicant.
- H. **FINDINGS:**
 1. The application requests that the outdoor commercial recreation use (miniature golf course) be determined to be similar to uses allowed in the T3 Traditional Neighborhood zoning district.
 2. The site is within the Jacob Schmidt Brewing Company Heritage Preservation District. As such, the proposed development requires approval by the Heritage Preservation Commission prior to issuance of permits.
 3. The intent of the T3 zoning district as described in Sec. 66.300 is as follows:

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

 - (a) *A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;*
 - (b) *A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;*
 - (c) *A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;*
 - (d) *A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.*

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

The proposed outdoor recreation use meets the intent of the T3 district because it can provide active open space and an amenity that complements higher density, transit-oriented development.

4. §61.106 states: *When a specific use is not listed in the zoning code, the planning commission shall determine if a use is or is not similar to other uses permitted in each district. The planning commission shall make the following findings in determining one use is similar to another:*
- (a) That the use is similar in character to one (1) or more of the principal uses permitted. This finding is met. The use is similar to "recreation, noncommercial" and "public and private park, playground" uses, which are both permitted in the T3 district. The character of commercial recreation is very similar to that of noncommercial recreation or a public park. Noise, traffic, and visual impacts are anticipated to be similar for the subject use compared to the already permitted uses such as noncommercial miniature golf, horseshoes, tennis, or basketball courts.*
 - (b) That the traffic generated on such use is similar to one (1) or more of the principal uses permitted. This finding is met. The traffic generated by miniature golf is similar to permitted uses. Though miniature golf is not listed in the zoning code's principal uses tables, it is specifically identified in the parking requirements (Sec. 63.207) section as needing 1 parking space per hole. With 36 holes eventually planned for the approximately 33,000 square foot portion of the site dedicated to miniature golf, the parking requirement for the use is equivalent to 1 space per 916 square feet in this case. Noncommercial recreation, by comparison, requires 1 space per 1,000 square feet.*
 - (c) That the use is not first permitted in a less restrictive zoning district. This finding is met. Outdoor commercial recreation and, more specifically, miniature golf are not recognized uses in any zoning districts, including less restrictive zoning districts.*
 - (d) That the use is consistent with the comprehensive plan. This finding is met. The comprehensive plan designates the Schmidt Brewery area as a Neighborhood Center, which generally calls for a denser, mixed-use pedestrian environment. The miniature golf use is consistent with all of the goals and strategies for a Neighborhood Center.*

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the determination that outdoor commercial recreation (miniature golf course) is similar to other permitted uses in the T3 district subject to the following conditions:

1. Substantial conformance with the representations made regarding the use as part of this application (narrative and site plan)
2. The Heritage Preservation Commission approves the plans as consistent with the Jacob Schmidt Brewing Company Heritage Preservation District.

Supporting information:

The intent behind the recent rezoning of this property to a T3 was for a mixed-use development including residential, commercial, civic and open use spaces in close proximity to one another.

Considering that outdoor recreation easily fits into this intent, and the rezoning is so recent, it does not seem appropriate to re-zone to a BC. Thus Blue Ox is filing for a Determination of Similar Use to permit outdoor recreation.

Blue Ox is an outdoor artist-designed mini-golf course installed upon a landscaped site incorporating water elements such as: streams, decorative fountains, and public use water fountains; trees, plants, flowers, and shaped topiary; multiple public seating areas; and playgrounds. Our operating hours are 10am – 10pm daily. Mini-golf attracts all age groups and demographics and Blue Ox will serve as both entertainment and low-impact exercise as well as a community gathering place.

Blue Ox believes it will benefit the community in the following ways:

- draw new audiences to West 7th to shop at local businesses and eat at local restaurants
- provide a family-friendly activity with broad appeal that brings diverse groups together thereby strengthening the community
- co-programming with other artists and arts organizations
- cross-promotion with local businesses

The intent and use of a commercial recreation site will include some of the goals of T3 such as a system of open space resources and amenities

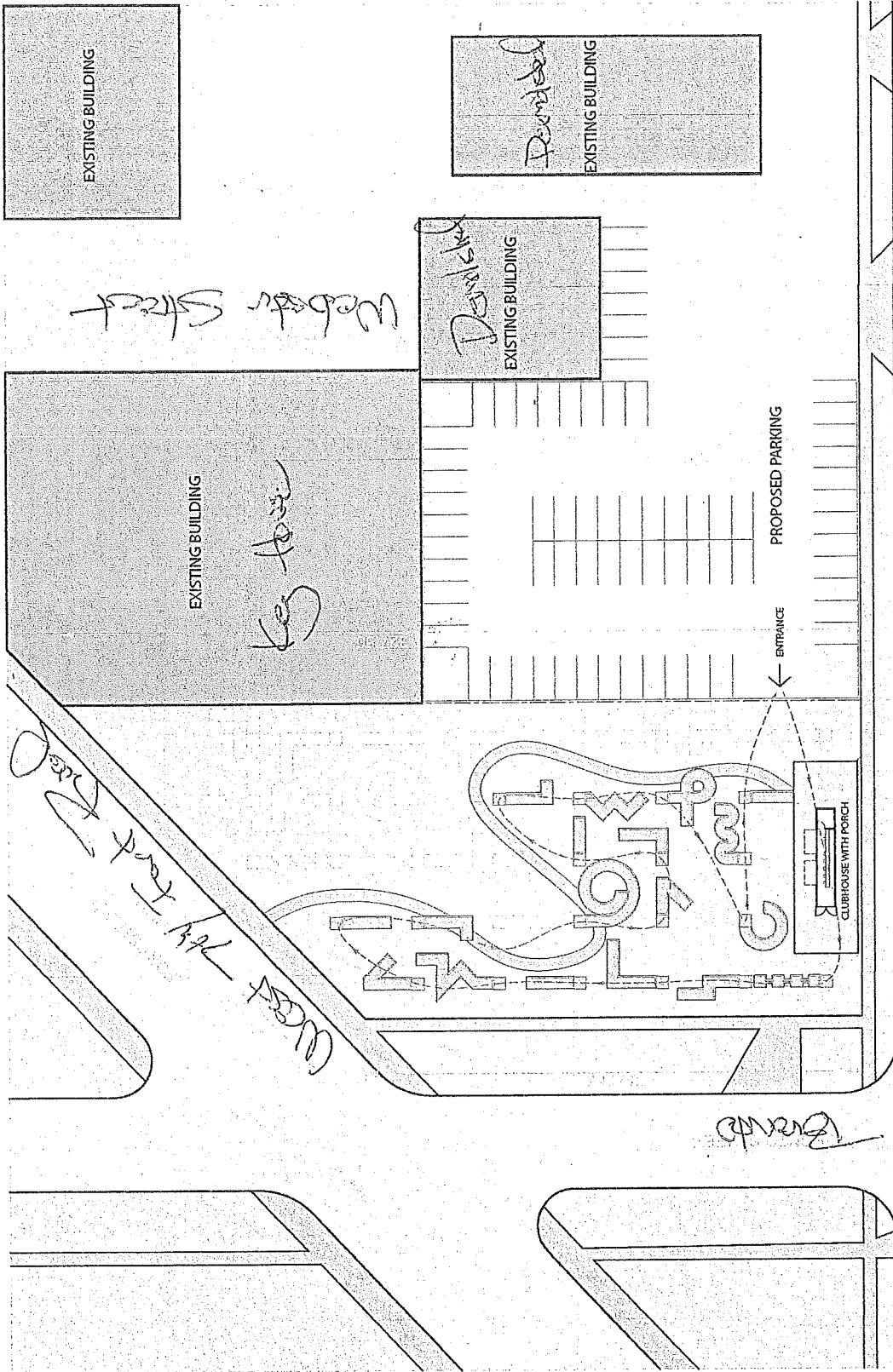
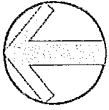
- 1) public seating areas will be distributed on our property both outside and inside the official golf course boundaries
- 2) the incorporation of environmental features in our property
- 3) value of serving as a neighborhood gathering place and spirit of openness

Outdoor recreation use is similar in character to other T3 uses such as outdoor garden centers, outdoor restaurants, and indoor recreation

- 1) a social offering
- 2) high-quality aesthetics
- 3) retail destination
- 4) ADA accessible

Traffic use of outdoor recreation will be similar to other T3 uses as well

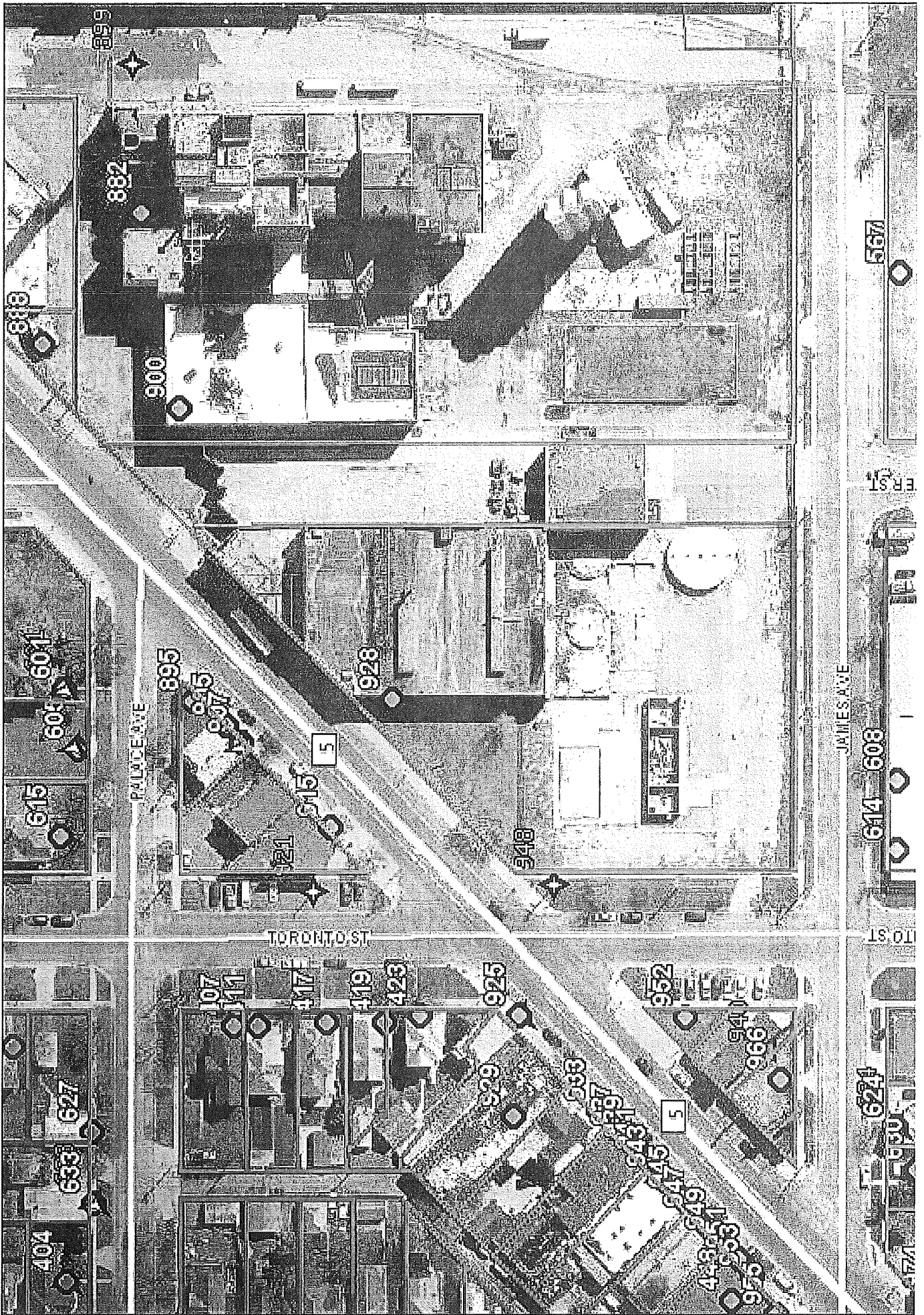
- 1) hours of operation
- 2) number of users
- 3) wide demographic of users
- 4) number of people requiring bicycle/car parking



SITE PLAN

Blue Ox Mini Golf | St. Paul, MN

JAMES



Sec. 66.313. Intent, T2 traditional neighborhood district.

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.
(Ord. No. 11-27, § 1, 4-20-11)

Sec. 66.314. Intent, T3 traditional neighborhood district.

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

- (a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;
- (b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;
- (c) A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;
- (d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

(Ord. No. 11-27, § 1, 4-20-11)

Sec. 66.315. Intent, T4 traditional neighborhood district.

The T4 traditional neighborhood district provides for high-density, transit-supportive, pedestrian-friendly mixed-use development. It is particularly intended for use near transit stops along fixed rail transit (including commuter rail, light rail and trolley) corridors, where a greater reliance on transit makes high-density mixed-use development possible and desirable.
(Ord. No. 11-27, § 1, 4-20-11)

Division 2. 66.320. Principal Uses in Traditional Neighborhood Districts**Sec. 66.321. Principal uses.**

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1—T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Development Standards
Residential Uses					
Dwellings					
One-family dwelling	P	P	P		✓
Two-family dwelling	P	P	P		
Townhouse	P	P	P	P	
Multiple-family dwelling	P	P	P	P	
Carriage house dwelling	C	C	P		✓
Housing for the elderly	P	P	P	P	

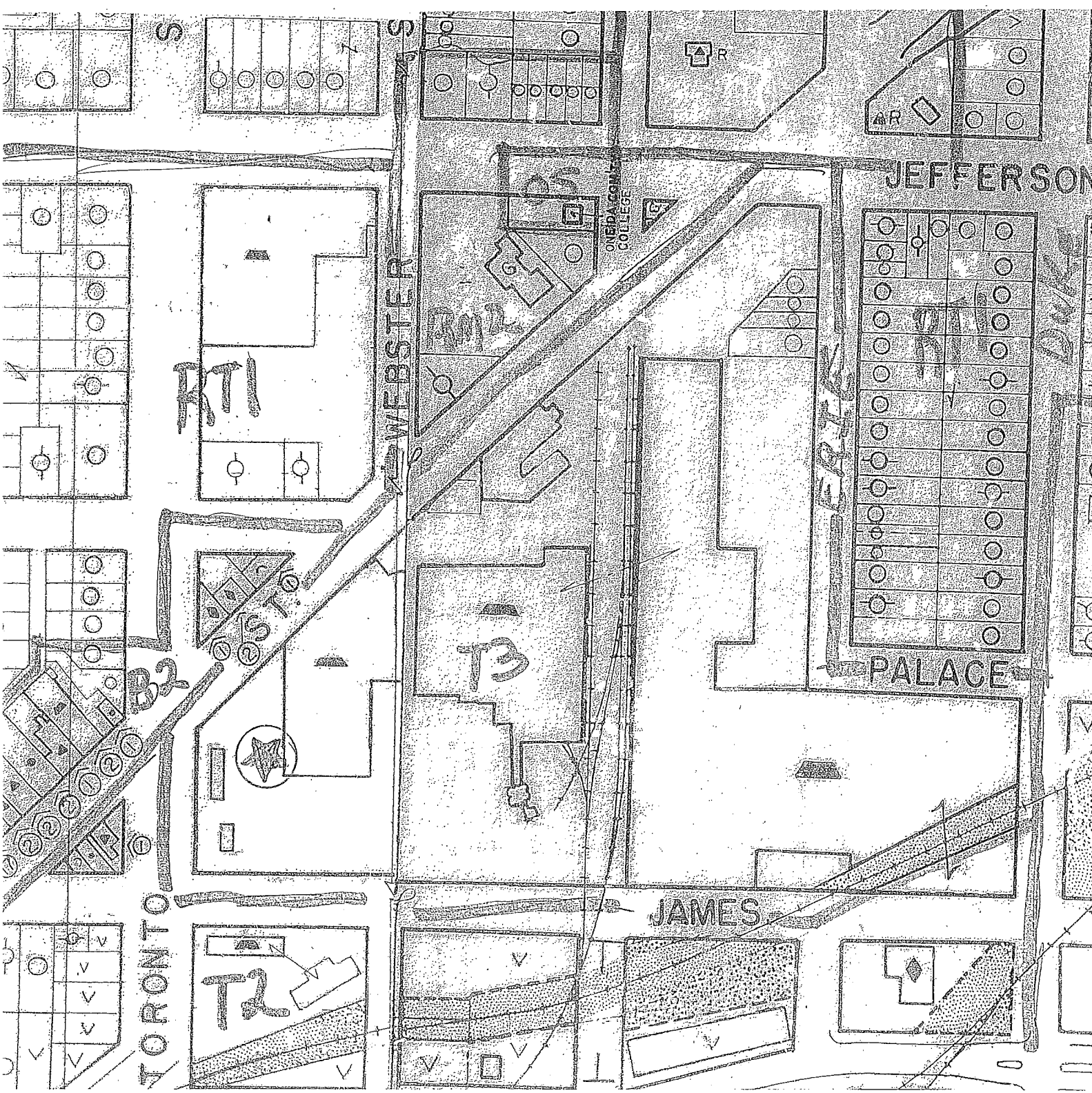
<i>Use</i>	<i>T1</i>	<i>T2</i>	<i>T3</i>	<i>T4</i>	<i>Development Standards</i>
Mixed Commercial-Residential Uses					
Home occupation	P	P	P	P	✓
Live-work unit	P	P	P	P	✓
Mixed residential and commercial use	P	P	P	P	
Congregate Living					
Foster home, freestanding foster care home	P	P	P	P	
Community residential facility, licensed human service	P	P	P	P	✓
Community residential facility, licensed correctional	C	C	C	C	✓
Community residential facility, health department licensed	C	C	C	C	✓
Emergency housing facility	C	C	C	C	✓
Shelter for battered persons	P/C	P/C	P/C	P/C	✓
Transitional housing facility	P/C	P/C	P/C	P/C	✓
Sober house	P/C	P/C	P/C	P/C	✓
Roominghouse, boardinghouse	C	P	C	C	✓
Nursing home, boarding care home, assisted living	P	P	P	P	✓
Hospice	P	P	P	P	✓
Dormitory	P/C	P	P	P	✓
Fraternity, sorority	P/C	P	P	P	✓
Civic and Institutional Uses					
Educational Facilities					
Day care	P	P	P	P	✓
School, grades K-12	P	P	P	P	✓
College, university, seminary, etc.	P	P	P	P	✓
Trade school, arts school, dance school, etc.	P	P	P	P	
Social, Cultural, and Recreational Facilities					
Club, fraternal organization, lodge hall		P	P	P	
Museum	P/C	P	P	P	✓
Public library	P	P	P	P	
Public and private park, playground	P	P	P	P	
Recreation, noncommercial	P	P	P	P	
Religious Institutions					
Church, chapel, synagogue, place of worship	P	P	P	P	
Rectory, parsonage	P	P	P	P	✓
Convent, monastery, religious retreat	P	P	P	P	✓
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	✓
Municipal building or use	P	P	P	P	✓
Utility or public service building	C	C	C	C	✓
Commercial Uses					
Offices					
Administrative office	P	P	P	P	
Artist, photographer studio, etc.	P	P	P	P	
Insurance office, real estate office, sales office	P	P	P	P	
Professional office	P	P	P	P	
Medical Facilities					
Clinic, medical or dental	P	P	P	P	
Hospital		C	C	C	✓
Medical laboratory	P	P	P	P	
Veterinary clinic		P	P	P	✓
Retail Sales and Services					
General retail		P/C	P/C	P/C	✓
Bank, credit union	P	P	P	P	
Business sales and services		P	P		
Drive-through sales and services, primary and accessory		C			✓

ZONING CODE

§ 66.321

Use	T1	T2	T3	T4	Development Standards
Dry cleaning, commercial laundry		P	P	P	✓
Food and related goods sales		P/C	P/C	P/C	✓
Food shelf	P	P	P	P	
Garden center, outdoor		P	P	P	✓
Laundromat, self-service		P	P	P	
Liquor store		P/C	P/C	P/C	✓
Massage center	P	P	P	P	
Mortuary, funeral home		P	P	P	
Photocopying	P	P/C	P/C	P/C	✓
Post office	P	P	P	P	
Service business	P	P	P	P	✓
Service business with showroom or workshop		P/C	P/C	P/C	✓
Small appliance repair		P	P	P	
Tattoo shop		P	P	P	
Tobacco products shop		P/C	P	P	✓
Food and Beverages					
Bar		P/C	P/C	P/C	✓
Brew on premises store		P	P	P	✓
Catering		P	P	P	
Coffee shop, tea house	P/C	P/C	P/C	P/C	✓
Restaurant		P/C	P/C	P/C	✓
Restaurant, carry out, deli		P/C	P/C	P/C	✓
Restaurant, fast food		P/C	P/C	P/C	✓
Restaurant, outdoor		P	P	P	✓
Commercial Recreation, Entertainment and Lodging					
Bed and breakfast residence	P	P	P	P	✓
Hotel, inn		P	P	P	
Health/sports club		P	P	P	
Indoor recreation		C	C	C	✓
Reception hall			C	C	
Theater, assembly hall		C	C	C	✓
Automobile Services					
Auto convenience market		C	C		✓
Auto service station		C	C		✓
Parking Facilities					
Parking facility, commercial			C	C	✓
Transportation					
Bus or railroad passenger station			C	C	
Railroad right-of-way	C	C	C	C	✓
Limited Production and Processing					
Limited production and processing		P/C	P/C	P/C	✓
Mail order house		P	P	P	
Malt liquor production		P/C	P/C	P/C	✓
Printing and publishing		P/C	P/C	PC	✓
Accessory Uses					
Accessory use	P	P	P	P	

(C.F. No. 08-640, § 4, 7-9-08; Ord. No. 11-26, § 2, 3-23-11; Ord. No. 11-27, § 1, 4-20-11; Ord. No. 12-26, § 1, 5-23-12)



APPLICANT W. 7th Fort Road Feb
 PURPOSE DSU
 FILE # 13-156977 DATE 2-25-13
 PLNG. DIST. 9 Land Use Map # 27
 SCALE 1" = 400' Zoning Map # 21

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

north