



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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DATE: July 1, 2015
TO: Neighborhood Planning Committee
FROM: Michelle Beaulieu, Planning Staff, 651-266-6620
RE: Review of Proposed Commercial Development District at the Schmidt Brewery site

Background

Commercial development districts are designated areas across the city that are outside of Ward specific liquor license limits. Section 17.07.1 of the City Charter defines commercial development districts. Section 17.07.2 includes restrictions on liquor licenses for commercial development districts. Section 409.20 of the Legislative Code describes the process of creating new or amending existing districts. Relevant portions of these sections are excerpted below.

Section 17.07.1. Commercial development districts; patrol limits.

1. A commercial development district in an area within the city as designated herein, or created by the council hereafter in accordance with this section. Six (6) commercial development districts are hereby created, whose names and defined boundaries are indicated on maps attached hereto as Exhibits 1 through 6, which are incorporated and adopted herein by reference. The council may by ordinance create new or additional commercial development districts, or amend the boundaries of those already created, only in accordance with the following procedures:
 - (a) The proposed commercial development district shall be submitted in writing, accompanied by a map setting forth its boundaries; and
 - (b) Reasonable public notice of the proposed commercial development district shall be given by the license inspector to residents and organizations in the ward or wards in which said district is to be located; and
 - (c) The council or a committee thereof shall hold a public hearing in the ward or wards in which said district is to be located; and
 - (d) After the foregoing steps, an ordinance designating the new commercial development district and defining its boundaries is adopted upon the affirmative vote of at least five (5) members of the council.
2. The council may by ordinance adopt additional procedural and substantive requirements for the creation or amendment of commercial development districts.
3. The entire land area in each council ward, which has not been made part of a commercial development district, is a separate liquor patrol limit.

Section 17.07.2. Restrictions.

5. There shall be no limitation on the number of on-sale intoxicating liquor licenses which may be issued or renewed within, or transferred into, a commercial development district, except as set forth in paragraph (6) below. No restriction applicable to such licenses in liquor patrol limits in this section shall apply to such licenses in commercial development districts.
6. Notwithstanding the provisions of any law or this Charter allowing the issuance of on-sale intoxicating liquor license, not more than two hundred fifteen (215) such licenses shall be issued by the city. Priority shall be given, by ordinance, in the issuance of all such licenses first to applicants who purchase an existing business having an "on sale" license with the intent of operating said business at the same location for at least one year thereafter, and then to restaurants capable of seating and servicing meals to not less than one hundred (100) guests at one time and then to hotels having dining rooms capable of seating and serving meals to not less than fifty (50) guests at one time, and thereafter as the council may determine.

Section 409.20 of the Legislative Code:

- (a) Commercial development districts, as defined in section 17.07.1 of the City Charter, may be created or expanded by the filing in the office of the city clerk of a written petition therefor setting forth the boundaries of the expanded district, and containing the written consent of the owners of two-thirds of the several descriptions of real estate situate within the new or area of the expanded district, together with the written consent of the owners of two-thirds of the several descriptions of real estate situated within one hundred (100) feet of the new or expanded district, and after the affirmative vote in favor thereof by at least five (5) members of the city council.
- (b) The city council may waive the requirements for consent signatures if the city council shall determine that a hardship exists therefor, and in such case the council may, on its own, initiate the process of creating or expanding a commercial development district. In such case, the affirmative vote of at least five (5) members of the city council shall be required to create or expand any such district.
- (c) **In all such cases, the planning commission shall be consulted for advice concerning the proposals for consistency with the city's comprehensive plan and zoning ordinances, and the planning commission shall report in writing to the city council its findings and recommendations.**
- (d) Upon receipt of the report of the planning commission, the council's committee designated to hear license matters shall fix a date for public hearing to consider the petition or proposal to create or expand a commercial development district and afford an opportunity to all affected persons to be heard. The city clerk shall cause notice of the hearing to be published once in the official newspaper of the city, and mailed notice thereof shall be given by the department of safety and inspections to all owners of land within the new or area of the expanded district. Published notice and mailed notice shall be made at least twenty (20) days in advance of the public hearing.

On June 4th, an application was submitted to create a commercial development district for the former Schmidt Brewery site, to allow a potential new business on the site to apply for an intoxicating liquor

license. This commercial development district is proposed to include all of the buildings on the former Schmidt Brewery properties, and no other properties. The Planning Commission is being consulted for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinances, as per section 409.20 of the Legislative Code.

The former Schmidt Brewery site has been a priority redevelopment site for the City for many years. The Schmidt Artist Lofts opened in 2013 after 11 years of building vacancy. The project includes almost 250 affordable rental units, as well as new three-bedroom townhouses adjacent to the historic buildings. Site planning has long envisioned mixed-use redevelopment.

Findings

Staff has reviewed the proposed commercial development district and made the following findings:

1. The former Schmidt Brewery site includes several buildings on three parcels at 928 West 7th Street, as shown on the attached map.
2. The proposed Commercial Development District is confined to the former Schmidt Brewery site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan, which designates the area surrounding and including the former Schmidt Brewery as a proposed Neighborhood Center. The Comprehensive Plan promotes "Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences." (strategy 1.15, page LU-13)
4. The proposed Commercial Development District is consistent with the West 7th Street/Fort Road District 9 Area Plan, which encourages supporting a node of businesses at the intersection of West 7th and Randolph.
5. The proposed Commercial Development District is consistent with existing zoning. The property is zoned T3, which permits bars and restaurants up to 5,000 and 15,000 square feet respectively, requiring conditional use permits for larger establishments.

Staff Recommendation

Based on findings 1 through 5, staff recommends that the Planning Commission report to the City Council that the proposed commercial development district for the former Schmidt Brewery site is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the creation of the Schmidt Brewery commercial development district.

city of saint paul
planning commission resolution
file number _____
date _____

Commercial Development District: Former Schmidt Brewery Site

WHEREAS, an application has been submitted to the City Council for the the creation of a Commercial Development District at the former Schmidt Brewery site pursuant to §17.07.1 of the City Charter and to §409.20 of the Saint Paul Legislative Code, for the purpose of removing the property from restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limits; and

WHEREAS, the Department of Safety and Inspections has consulted with the Planning Commission for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinance pursuant to §409.20 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission has made the following findings of fact:

1. The former Schmidt Brewery site includes several buildings on three parcels at 928 West 7th Street, as shown on the attached map.
2. The proposed Commercial Development District is confined to the former Schmidt Brewery site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan, which designates the area surrounding and including the former Schmidt Brewery as a proposed Neighborhood Center. The Comprehensive Plan promotes "Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences." (strategy 1.15, page LU-13)
4. The proposed Commercial Development District is consistent with the West 7th Street/Fort Road District 9 Area Plan, which encourages supporting a node of businesses at the intersection of West 7th and Randolph.
5. The proposed Commercial Development District is consistent with existing zoning. The property is zoned T3, which permits bars and restaurants up to 5,000 and 15,000 square feet respectively, requiring conditional use permits for larger establishments.

NOW, THEREFORE, BE IT RESOLVED, under provisions of the City Charter §17.07.1 and Legislative Code §409.20, that the Planning Commission hereby reports to the City Council that the proposed Commercial Development District is consistent with the Comprehensive Plan and Zoning Code, and supports creation of the proposed district.

moved by _____
seconded by _____
in favor _____
against _____