



# Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

Christopher B. Coleman,  
Mayor

## Steering Committee Meeting – 8:00 a.m., Room 41

### Agenda

Saint Paul  
Planning Commission

March 27, 2015  
8:30 – 11:00 a.m.

Chair  
Barbara A. Wencil  
First Vice Chair  
Elizabeth Reveal  
Second Vice Chair  
Paula Merrigan  
Secretary  
Daniel Ward II

- I. Approval of minutes of March 13, 2015.**
- II. Chair’s Announcements**
- III. Planning Director’s Announcements**
- IV. Zoning Committee**

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

#### **NEW BUSINESS**

#15-014-014 Salvation Army ARC – Conditional use permit for drive-through donation drop-off. 1905-1907 Suburban Avenue, NE corner of Burns and Suburban. *(Bill Dermody, 651/266-6617)*

#15-012-760 Model Cities Properties – Conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane. 839-849 University Avenue West between Avon and Victoria. *(Hilary Holmes, 651/266-6612)*

#12-216-269 Wilebski’s Blues Saloon Parking Lot – Set a public hearing for April 30, 2015 to consider revocation of a nonconforming use permit due to noncompliance with conditions of the permit. 92 California Avenue West, SE corner at Rice Street. *(Corinne Tilley, DSI Zoning Inspector, 651/266-9085)*

- V. Neighborhood Planning Committee**

Campus Boundary Zoning Study – Initiate zoning study regarding requirements for the expansion of university, college, and seminary boundaries. *(Josh Williams, 651/266-6659)*

Cellular Antennas Zoning Study – Approve resolution recommending zoning text amendments to the Mayor and City Council. *(Bill Dermody, 651/266-6617)*

Ward 3 Residential Design Standards Zoning Study – Release for public review and set a public hearing for May 8, 2015. *(Mike Richardson, 651/266-6621)*

Pat Connolly  
Anne DeJoy  
Daniel Edgerton  
Gene Gelgelu  
William Lindeke  
Kyle Makarios  
Melanie McMahon  
Gaius Nelson  
Rebecca Noecker  
Christopher Ochs  
Trevor Oliver  
Julie Padilla  
Betsy Reveal  
Emily Shively  
Terri Thao  
Wendy Underwood  
Jun-Li Wang  
David Wickiser

Planning Director  
Donna Drummond

- VI. District 6 Natural Resources Study** – Informational presentation by Mark Doneux and Nate Zwonitzer, Capital Region Watershed District and Josh Williams, PED.  
*(Josh Williams, 651/266-6659)*
- VII. Comprehensive Planning Committee**
- VIII. Transportation Committee**
- IX. Communications Committee**
- X. Task Force/Liaison Reports**
- XI. Old Business**
- XII. New Business**
- XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF MARCH 23-27, 2015**

**Mon (23)**

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**Tues (24)**

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**(Joint Meeting)**  
3:30- **Comprehensive Planning Committee and** **13<sup>th</sup> Floor – CHA**  
5:00 p.m. **Neighborhood Planning Committee** **25 Fourth Street West**  
*(Merritt Clapp-Smith, 651/266-6547 and Anton Jerve, 651/266-6567)*

Campus Boundary Zoning Study – Initiate zoning study regarding requirements for the expansion of university, college, and seminary boundaries.  
*(Josh Williams, 651/266-6659)*

Cellular Antennas Zoning Study - Review public hearing comments and revised recommendations. *(Bill Dermody, 651/266-6617)*

Ward 3 Residential Design Standards Zoning Study – Review and discuss text amendments and release for public hearing. *(Mike Richardson, 651/266-6621)*

**Weds (25)**

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**Thurs (26)**

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5:00 p.m. **Heritage Preservation Commission** **Room 40 City Hall**  
**Lower Level**  
**Enter building on 4<sup>th</sup> Street**  
**15 W. Kellogg Blvd.**

**Public Hearing/Permit Review**

**1440 Summit Avenue, Summit Avenue West Heritage Preservation District**, by Mike Killa, Authentic Construction Co., for a building permit to replace the wood roof with asphalt shingles and replace the wood shakes on the dormers with fiber-cement siding. Laid over from the February 26, 2015 public hearing. File #15-08  
*(Boulware, 651/266-6715)*

**Third Street East Reconstruction, between Maple and Arcade, Dayton's Bluff Heritage Preservation District**, by Barbara Mundahl, City of Saint Paul Public Works – Street Engineering, for permits for new street, curbs, bump-outs, sidewalks, boulevards, street lights, pedestrian ramps, and trees. File #15-023  
*(Spong, 651/266-6714)*

**172 Fourth Street East – TPT, Lowertown Heritage Preservation District**, by JoAnn Hawkins, Twin Cities Public Television, for permits for exterior alterations including: new signage, windows, lighting, and repainting the mural and east wall. File #15-025 (*Spong, 651/266-6714*)

**New Business**

**A Line Bus Rapid Transit Project Final Report**, by Metro Transit Division of the Metropolitan Council and the Federal Transit Administration, review and comment on the Final Report as a Consulting Party per Section 106 of the National Historic Preservation Act as amended. The enhanced bus line in St. Paul will be on Snelling from Roseville and Falcon Heights then continues on Ford Parkway over the Ford Bridge to Minneapolis. (*Spong, 651/266-6714*)

**Fri** (27)

<b>8:00 a.m.</b>	<b>Planning Commission Steering Committee</b> <i>(Donna Drummond, 651/266-6556)</i>	<b>Room 41 City Hall</b> Conference Center 15 Kellogg Blvd.
<b>8:30-11:00 a.m.</b>	<b>Planning Commission Meeting</b> <i>(Donna Drummond, 651/266-6556)</i>	<b>Room 40 City Hall</b> Conference Center 15 Kellogg Blvd.

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

**NEW BUSINESS**

#15-014-014 Salvation Army ARC – Conditional use permit for drive-through donation drop-off. 1905-1907 Suburban Avenue, NE corner of Burns and Suburban. (*Bill Dermody, 651/266-6617*)

#15-012-760 Model Cities Properties – Conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane. 839-849 University Avenue West between Avon and Victoria. (*Hilary Holmes, 651/266-6612*)

#12-216-269 Wilebski’s Blues Saloon Parking Lot – Set a public hearing for April 30, 2015 to consider revocation of a nonconforming use permit due to noncompliance with conditions of the permit. 92 California Avenue West, SE corner at Rice Street. (*Corinne Tilley, DSI Zoning Inspector, 651/266-9085*)

**Neighborhood Planning Committee.....**

Campus Boundary Zoning Study – Initiate zoning study regarding requirements for the expansion of university, college, and seminary boundaries. (*Josh Williams, 651/266-6659*)

#12-216-269 Wilebski’s Blues Saloon Parking Lot – Set a public hearing for April 30, 2015 to consider revocation of a nonconforming use permit due to noncompliance with conditions of the permit. 92 California Avenue West, SE corner at Rice Street. (*Corinne Tilley, DSI Zoning Inspector, 651/266-9085*)

Ward 3 Residential Design Standards Zoning Study - Release for public review and set a public hearing for May 8, 2015. (*Mike Richardson, 651/266-6621*)

*Informational Presentation....* **District 6 Natural Resources Study** – Informational presentation by Mark Doneux and Nate Zwonitzer, Capital Region Watershed District and Josh Williams, PED.  
(*Josh Williams, 651/266-6659*)

PlanningTeamFiles\planning commission\Calendars\March 23-27, 2015

**The Planning Commission  
minutes from the meeting  
on Friday,  
March 13, 2015  
are not available at this  
time.**



**Sonja Butler**



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE

Tuesday, March 31, 2015  
2nd Floor Conference Room  
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:00	Great River School 1326 Energy Park Drive Stormwater improvements for existing school campus
9:40	Northern Salt Inc. 602 Prior Avenue North Storage and distribution building for road salt

### **Applicants should attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and email you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

**FOR THE FULL ZONING COMMITTEE AGENDA SECTION**

**of this packet go to the link below:**

**<http://stpaul.gov/index.aspx?NID=3436>**

**Thank you**

**Sonja Butler**

**Planning Commission Secretary/Office Assistant IV**

**1400 City Hall Annex**

**25 Fourth Street West**

**Saint Paul, MN 55102**

**651-266-6573**



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: March 20, 2015  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of March 19, 2015, Zoning Committee Hearing

**NEW BUSINESS**

1. **Salvation Army ARC ( 15-014-014 )**  
Conditional use permit for drive-through donation drop-off

**Address:** 1905 - 1907 Suburban Ave  
NE corner of Burns and Suburban

**District Comment:** District 1 made no recommendation

**Support:** 0 people spoke, 0 letters

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval with a condition

<u>Recommendation</u>	
<u>Staff</u>	<u>Committee</u>

Approval with a condition	Approval with a condition ( 4 - 0 )
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2. **Model Cities Properties ( 15-012-760 )**  
Conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane

**Address:** 839 – 849 University Ave W  
between Avon and Victoria

**District Comment:** District 7, recommended approval

**Support:** 0 people spoke, 1 letter

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval with conditions

<u>Recommendation</u>	
<u>Staff</u>	<u>Committee</u>

Approval with conditions	Approval with conditions ( 4 - 0 )
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**Staff**                      **Recommendation**  
**Committee**

3.

**Wieleski's Blues Saloon Parking Lot ( 12-216-269 )**

Set a public hearing to consider revocation or modification of a nonconforming use permit due to noncompliance with conditions of the permit.

Approved  
( 4 - 0 )

**Address:**                      92 California Avenue West  
SE corner at Rice Street

**Motion:**                      Approved

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, The Salvation Army Adult Rehabilitation Center, File # 15-014-014, has applied for a conditional use permit for drive-through donation drop-off under the provisions of §65.513 of the Saint Paul Legislative Code, on property located at 1905 Suburban Ave, Parcel Identification Number (PIN) 35.29.22.34.0001, legally described as RLS 274 Subj To Rds, Tract B; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 19, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with 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 application requests approval of a conditional use permit to allow for a drive-through to accommodate drop-off donations.
2. The subject site is zoned T2 and contains two buildings. The drive-through is proposed to be located on the northern building's north side, facing I-94. No service window is proposed. Rather, an addition will be constructed with overhead doors to allow for customers to enter the building to unload donations.
3. § 65.513 lists standards and conditions for drive-through services, including for such uses in T2 districts (f, g):
  - 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 60 feet from the closest point of any residentially zoned property.* This condition is met. The proposed drive-through lanes are located in the building's rear and are approximately 250' from the nearest residentially zoned property.
  - b) *Points of vehicular ingress and egress shall be located at least 60 feet from the intersection of two streets and at least 60 feet from abutting residentially zoned property.* This condition is met. Ingress and egress is provided via existing driveways along Suburban Avenue. The driveways are located more than 60 feet from the nearest residentially zoned property (a Ramsey County pond to the southwest). The driveways are also located more than 60 feet from the intersection of two streets, which is the intersection of Burns and Suburban Avenues on the south side of Suburban.
  - 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 is met. No speaker box is proposed. Also, the drive-through is adjacent to Interstate 94.

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

- 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 is met. The property does not adjoin an existing residence or residentially zoned property.*
  - 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. Adequate stacking is provided for the use.*
  - 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. One drive-through lane and no drive-through windows are proposed.*
  - 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 is met. No new curb cuts are proposed.*
4. § 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 Comprehensive Plan in Figure LU-B designates the site as part of both a Neighborhood Center and a Mixed Use Corridor, which call for a variety of commercial uses such as proposed. The District 1 Plan contains no provisions specific to this application. The Sun Ray-Suburban Area Plan calls for locating convenience drive-throughs to the side or rear of buildings.*
  - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Existing driveways to Suburban Avenue are sufficient for the proposed use.*
  - 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 proposed use will not be detrimental to the area's existing retail character.*
  - 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 located behind the northern building will not impede the normal and orderly development of surrounding property.*
  - 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. Besides the drive-through, the proposed use conforms with T2 permitted uses and dimensional regulations.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of The Salvation Army Adult Rehabilitation Center for a conditional use permit for drive-through donation drop-off at 1905 Suburban Ave is hereby approved subject to the following additional condition:

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.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Model Cities, File # 15-012-760, has applied for a conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane under the provisions of §§ 66.331(f), 61.501, 61.601, 61.202(b) of the Saint Paul Legislative Code, on property located at 839 University Ave W, Parcel Identification Number (PIN) 35.29.23.13.0245, legally described as Syndicate No 1 Addition Lots 16 Thru Lot 21 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 19, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with 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 site is located within the Victoria Station Area at the northeast corner of Victoria Avenue and University Avenue. The applicant is proposing a four-story, 45 foot high mixed-use building with ground floor retail, second floor office, and third and fourth floor residential units (35 units). The site plan includes 15 head-in surface parking spaces at the rear of the building, using the alley as a maneuvering lane, and 26 below-grade parking spaces in the building. All of the off-street parking would be accessed via the alley between Victoria and Avon.
2. The proposed transit- and pedestrian-oriented residential/commercial development is consistent with the intent of the T2 traditional neighborhood district, for use in transit nodes with a variety of uses and housing types, and careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
3. Zoning Code § 66.331(f) provides that *a maximum height of forty-five (45) feet may be permitted with a conditional use permit.* § 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 use meets several policies from the Comprehensive Plan and the Victoria Station Area Plan.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

The property is located on a Mixed Use Corridor as identified in the Saint Paul Comprehensive Plan Land Use Chapter Strategy 1.20, Figure LU-B. The proposed height is consistent with Land Use Chapter Strategy LU 1.2 to "Permit high density residential development in Neighborhoods Centers, Mixed-Use Corridors, the Central Corridor and Downtown." The proposed height also addresses Land Use Strategies LU 1.21 to "Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit" and LU 1.25 to "Promote the development of more intensive housing on Mixed-Use Corridors, where supported by zoning that permits mixed-use and multi-family development."

The proposed use also supports the following policies from the Victoria Station Area Plan:

- 4.1.1a) New development or expansion of existing buildings should be predominantly low rise in scale and generally between three and four stories in height.*
  - 4.1.1b) Buildings should transition down in height towards the alley and the neighborhoods to the rear.*
  - 4.1.2a) A greater mix of uses should be encouraged along the edges of the Avenue where they afford an easy connection to public transit, and benefit from the visibility and profile of being located on a major transportation corridor.*
  - 4.1.2f) Developments within the Priority Active Frontage should provide entrances and spaces for active uses at grade to support greater levels of activity adjacent to the LRT.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed alley access to parking for the commercial use and access to underground residential parking via the alley will provide an alternative to ingress and egress off of University Avenue.
- (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 use will not be detrimental to the existing character of development. The property is located on a commercial corridor that has developed with transit oriented uses lining University Avenue. 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 use will not prevent the development and improvement of the other properties in the area, nor will it impact the development and improvement of the commercial and residential uses in the districts surrounding it.
- (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 subject to the variance discussed in finding # 5 below. The proposed use conforms to all other applicable regulations of the T2 district.
4. Zoning Code § 63.310(f)(3) allows alley access for parking facilities with more than 7 spaces in nonresidential zoning districts abutting residentially zoned land across and alley when it would not create or aggravate an unsafe condition and where "a comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or

driveways across sidewalks.” That is the case here. The Victoria Station Area Plan adopted by the City Council includes the following policies:

*4.1.3a) Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue . . .*

*4.1.3e) Close curb cuts where possible, and discourage new curb cuts.*

Comprehensive Plan Transportation Chapter Policy 1.7 is to “minimize and consolidate driveway curb cuts on commercial streets as opportunities arise” and “for pedestrian safety and comfort and to maximize on-street parking, [to] discourage curb cuts where alleys or side streets are accessible.” The proposed site plan will maintain the existing sidewalk and not introduce any new curb cuts along University Avenue. In reviewing the proposed site plan with traffic engineers as part of the City site plan review process, it has been established that the proposed alley access will not create or aggravate an unsafe condition; subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are set back a minimum of 10 feet from the centerline of the alley, to provide adequate width for cars to pass each other in this two-way alley that has a right-of-way width of 15 feet.

5. Zoning Code § 63.310(f) limits the number of parking spaces that may be directly off of the alley and use the alley as a maneuvering lane to 7 or fewer spaces. The applicant is requesting a variance to use the alley as a maneuvering lane for all 15 proposed surface parking spaces. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance to use the alley as a maneuvering lane for all 15 proposed surface parking spaces, consistent with the amended law, are as follows:

*(a) The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met, subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are set back a minimum of 10 feet from the centerline of the alley, to provide adequate width for cars to safely pass each other in this two-way alley that has a right-of-way width of 15 feet. Subject to this condition, the variance is in harmony with the following general purposes listed in Zoning Code § 60.103:

*(a) To promote and protect the public health, safety, . . . and general welfare . . . ;*

*(g) To lessen congestion in the public streets by providing for off-street parking of motor vehicles . . . ;*

*(h) To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic; and*

*(i) To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods.*

*(b) The variance is consistent with the comprehensive plan.* This finding is met. The proposed site plan is consistent with the following policies from the Victoria Station Area Plan:

*4.1.3a) Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.*

*(c) 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 met. The proposed compact, efficient use of the property with parking located in the rear using the alley as a maneuvering lane is reasonable considering Comprehensive Plan policies for mixed-use development at densities that support transit and to discourage new curb cuts along University Avenue, especially in LRT station areas.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. City policy encourages that kind of higher-density, efficient land use proposed here, discourages adding curb cuts on University, and encourages retaining the uses of alleys along University Avenue to access businesses and developments, particularly in station areas such as this, circumstances not created by the landowner.
- (e) *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. The proposed mixed retail, office, residential, and accessory parking uses are allowed in the T2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The Victoria Station Area Plan includes the use of the alley for commercial access is stated in Strategy 4.1.3a) *Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.* The more efficient use of space provided by use of the alley for maneuvering will reduce the portion of the site used for surface parking and help accommodate higher-density mixed land use consistent with this LRT station area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Model Cities for a conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane at 839 University Ave W is hereby approved with the following conditions:

1. Proposed new parking spaces along the alley must be set back a minimum of 13 feet from the centerline of the alley, and the existing power poles in the alley must be relocated so they are set back a minimum of 10 feet from the centerline of the alley to provide adequate width for cars to pass each other in this two-way alley with a right-of-way width of 15 feet; and
2. Final plans, including a snow removal plan, approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Model Cities Properties **FILE #:** 15-012-760
  2. **APPLICANT:** Model Cities Properties **HEARING DATE:** March 19, 2015
  3. **TYPE OF APPLICATION:** Conditional Use Permit and Variance
  4. **LOCATION:** 839 University Ave W, between Avon and Victoria
  5. **PIN & LEGAL DESCRIPTION:** 35.29.23.13.0245, Syndicate No 1 Addition, Lots 16 – 21, Block 4
  6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** T2
  7. **ZONING CODE REFERENCE:** §§ 66.331(f), 61.501, 61.601, 61.202(b)
  8. **STAFF REPORT DATE:** March 10, 2015 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** February 24, 2015 **60 DAY DEADLINE FOR ACTION:** April 25, 2015
- 

- A. **PURPOSE:** Conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane for 15 parking spaces.
- B. **PARCEL SIZE:** 38,251 sq. ft.
- C. **EXISTING LAND USE:** Two-story commercial building, surface parking lot (T2)
- D. **SURROUNDING LAND USE:**
  - North: Single-family, duplex, and multi-family housing (R4)
  - East: Retail commercial (T2)
  - South: Retail commercial (T2)
  - West: Retail commercial (T2)
- E. **ZONING CODE CITATION:** § 66.331(f) provides for a maximum height of forty-five (45) feet with a conditional use permit in T2 districts; § 61.501 lists general requirements for all conditional uses; § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** None.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 7 had not commented at the time this staff report was written.
- H. **FINDINGS:**
  1. The site is located within the Victoria Station Area at the northeast corner of Victoria Avenue and University Avenue. The applicant is proposing a four-story, 45 foot high mixed-use building with ground floor retail, second floor office, and third and fourth floor residential units (35 units). The site plan includes 15 head-in surface parking spaces at the rear of the building, using the alley as a maneuvering lane, and 26 below-grade parking spaces in the building. All of the off-street parking would be accessed via the alley between Victoria and Avon.
  2. The proposed transit- and pedestrian-oriented residential/commercial development is consistent with the intent of the T2 traditional neighborhood district, for use in transit nodes with a variety of uses and housing types, and careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
  3. Zoning Code § 66.331(f) provides that *a maximum height of forty-five (45) feet may be permitted with a conditional use permit.* § 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 use meets several policies from the Comprehensive Plan and the Victoria Station Area Plan.

The property is located on a Mixed Use Corridor as identified in the Saint Paul Comprehensive Plan Land Use Chapter Strategy 1.20, Figure LU-B. The proposed height is consistent with Land Use Chapter Strategy LU 1.2 to "Permit high density residential development in Neighborhoods Centers, Mixed-Use Corridors, the Central Corridor and Downtown." The proposed height also addresses Land Use Strategies LU 1.21 to "Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit" and LU 1.25 to "Promote the development of more intensive housing on Mixed-Use Corridors, where supported by zoning that permits mixed-use and multi-family development."

The proposed use also supports the following policies from the Victoria Station Area Plan:

*4.1.1a) New development or expansion of existing buildings should be predominantly low rise in scale and generally between three and four stories in height.*

*4.1.1b) Buildings should transition down in height towards the alley and the neighborhoods to the rear.*

*4.1.2a) A greater mix of uses should be encouraged along the edges of the Avenue where they afford an easy connection to public transit, and benefit from the visibility and profile of being located on a major transportation corridor.*

*4.1.2f) Developments within the Priority Active Frontage should provide entrances and spaces for active uses at grade to support greater levels of activity adjacent to the LRT.*

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed alley access to parking for the commercial use and access to underground residential parking via the alley will provide an alternative to ingress and egress off of University Avenue.
- (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 use will not be detrimental to the existing character of development. The property is located on a commercial corridor that has developed with transit oriented uses lining University Avenue. 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 use will not prevent the development and improvement of the other properties in the area, nor will it impact the development and improvement of the commercial and residential uses in the districts surrounding it.
- (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 subject to the variance discussed in finding # 5 below. The proposed use conforms to all other applicable regulations of the T2 district.
4. Zoning Code § 63.310(f)(3) allows alley access for parking facilities with more than 7 spaces in nonresidential zoning districts abutting residentially zoned land across an alley when it would not create or aggravate an unsafe condition and where "a comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or driveways across sidewalks." That is the case here. The Victoria Station Area Plan adopted by the City Council includes the following policies:

*4.1.3a) Alleys should be preserved as public right-of-way in order to maintain access for*

*businesses and development along University Avenue . . .*

*4.1.3e) Close curb cuts where possible, and discourage new curb cuts.*

Comprehensive Plan Transportation Chapter Policy 1.7 is to “minimize and consolidate driveway curb cuts on commercial streets as opportunities arise” and “for pedestrian safety and comfort and to maximize on-street parking, [to] discourage curb cuts where alleys or side streets are accessible.” The proposed site plan will maintain the existing sidewalk and not introduce any new curb cuts along University Avenue. In reviewing the proposed site plan with traffic engineers as part of the City site plan review process, it has been established that the proposed alley access will not create or aggravate an unsafe condition, subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are set back a minimum of 10 feet from the centerline of the alley, to provide adequate width for cars to pass each other in this two-way alley that has a right-of-way width of 15 feet.

5. Zoning Code § 63.310(f) limits the number of parking spaces that may be directly off of the alley and use the alley as a maneuvering lane to 7 or fewer spaces. The applicant is requesting a variance to use the alley as a maneuvering lane for all 15 proposed surface parking spaces. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance to use the alley as a maneuvering lane for all 15 proposed surface parking spaces, consistent with the amended law, are as follows:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met, subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are set back a minimum of 10 feet from the centerline of the alley, to provide adequate width for cars to safely pass each other in this two-way alley that has a right-of-way width of 15 feet. Subject to this condition, the variance is in harmony with the following general purposes listed in Zoning Code § 60.103:

- (a) *To promote and protect the public health, safety, . . . and general welfare . . . ;*
- (g) *To lessen congestion in the public streets by providing for off-street parking of motor vehicles . . . ;*
- (h) *To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic; and*
- (i) *To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods.*

(b) *The variance is consistent with the comprehensive plan.* This finding is met. The proposed site plan is consistent with the following policies from the Victoria Station Area Plan:

*4.1.3a) Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.*

(c) *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 met. The proposed compact, efficient use of the property with parking located in the rear using the alley as a maneuvering lane is reasonable considering Comprehensive Plan policies for mixed-use development at densities that

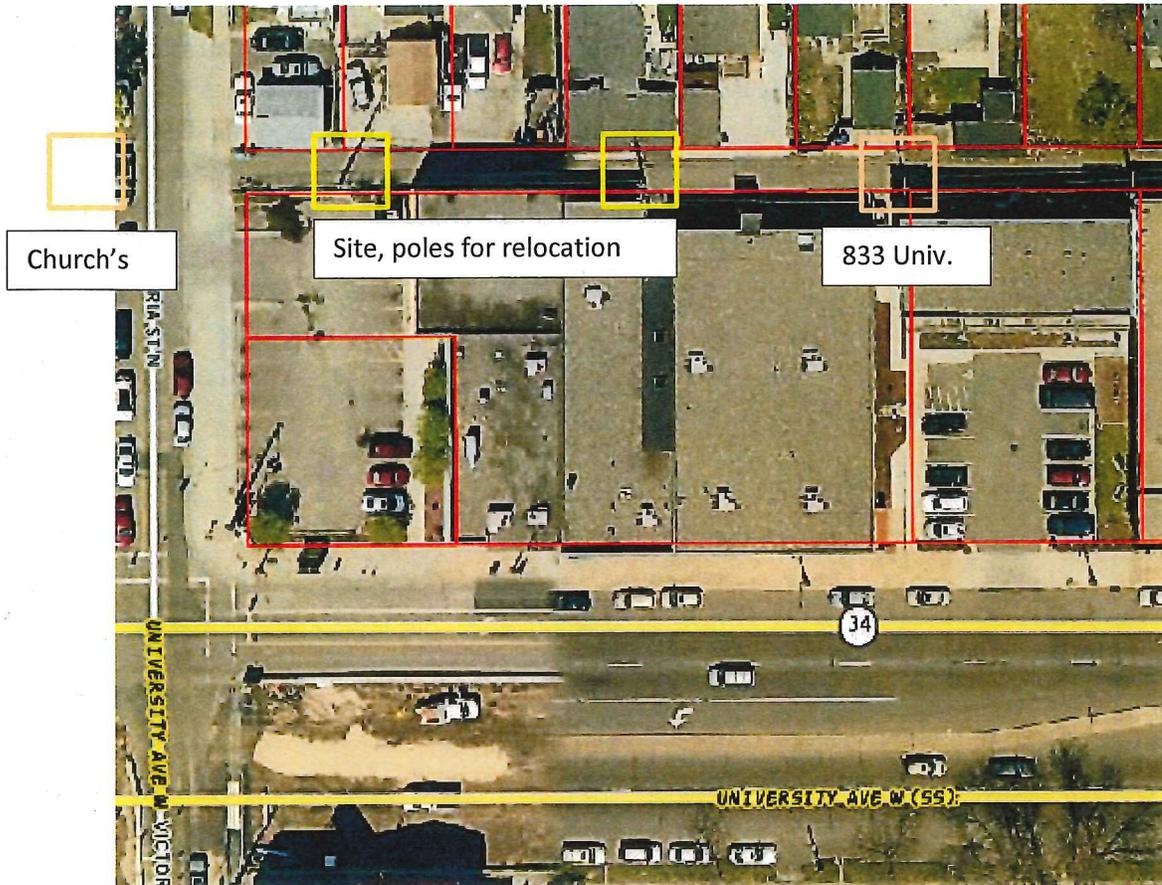
support transit and to discourage new curb cuts along University Avenue, especially in LRT station areas.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. City policy encourages that kind of higher-density, efficient land use proposed here, discourages adding curb cuts on University, and encourages retaining the uses of alleys along University Avenue to access businesses and developments, particularly in station areas such as this, circumstances not created by the landowner.
- (e) *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. The proposed mixed retail, office, residential, and accessory parking uses are allowed in the T2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The Victoria Station Area Plan includes the use of the alley for commercial access is stated in Strategy 4.1.3a) *Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.* The more efficient use of space provided by use of the alley for maneuvering will reduce the portion of the site used for surface parking and help accommodate higher-density mixed land use consistent with this LRT station area.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for a mixed use structure of 45 ft. in height, and a variance to allow using the alley as a maneuvering lane for fifteen (15) parking spaces subject to the following additional conditions:

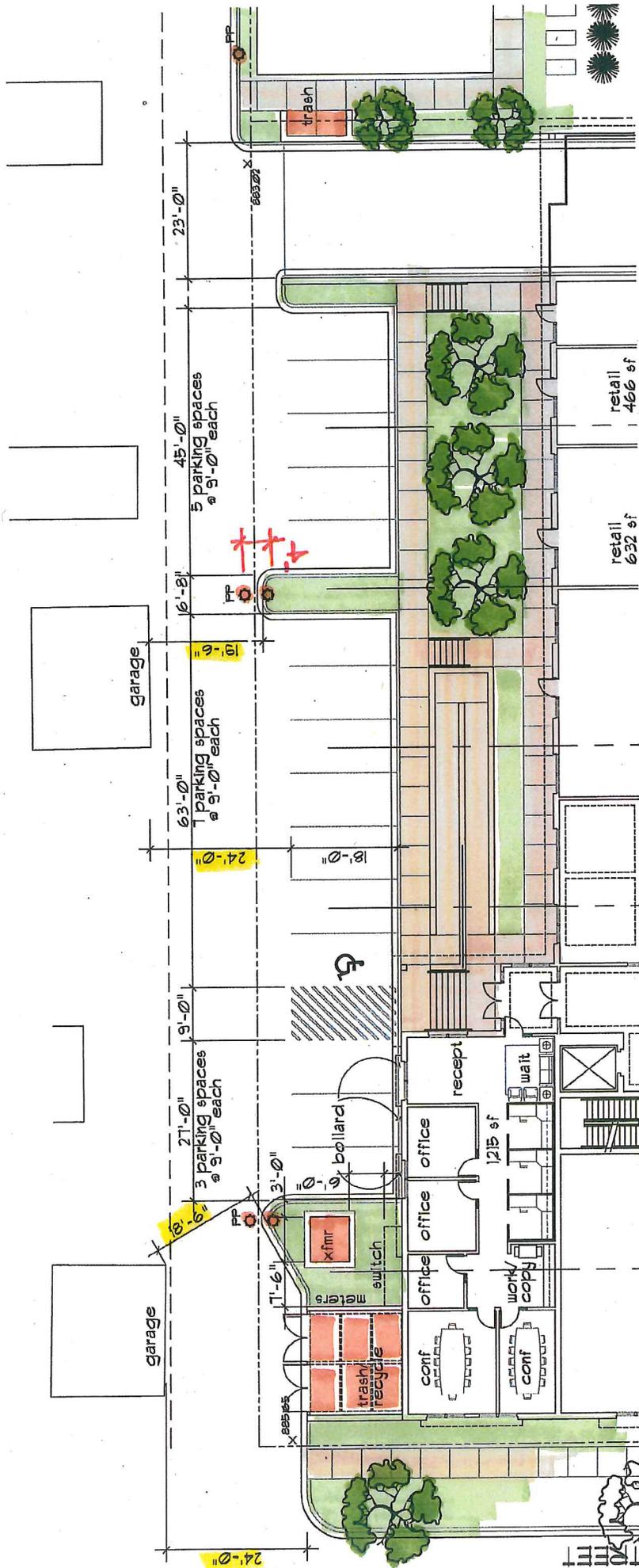
1. Proposed new parking spaces along the alley must be set back a minimum of 13 feet from the centerline of the alley, and the existing power poles in the alley must be relocated so they are set back a minimum of 10 feet from the centerline of the alley to provide adequate width for cars to pass each other in this two-way alley with a right-of-way width of 15 feet; and
2. 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.

The BROWNstone  
839 University Avenue  
RE: Zoning Committee Staff Report 15-012-660, dated 3/10/15  
Utility Pole Relocation along Alley



Model Cities (MC), Trossen Wright Plutowski Architects (TWP), and Flannery Construction met with Xcel Energy to review relocation of two existing utility poles on the project site to accommodate City requirement of providing a wider alley driving lane. The existing utility poles are currently located about 1'-6" into the alley right of way. Creating the requested distance of 13' from the center line of the alley would require that the poles move into the project site about 7' from their current positions. Relocation of this distance would result in major realignment of the associated power lines and would then require that two adjacent poles outside of the project site (located at 833 University and across Victoria on St. Paul Fellowship Church property) would require additional anchor poles to offset the resultant stress put on the power lines because of the relocation. The anchor poles would need to be located on the project neighbors' property, requiring separate easements from both owners. Furthermore, if the placement of the anchor pole behind 833 University requires, the resident neighbor's existing garage may need to be demolished to provide room for the new anchor pole.

Xcel's representative suggested an alternative that the poles could be moved four feet within the distance of the pole side arms without requiring additional anchoring for the two adjacent poles. The 13' distance from the center line of the alley would be maintained along the project site, with the points less than 13' from the center only occurring at the utility pole sites. The proposed parking stalls have been reduced to 15 from the formerly proposed 17 spaces to make the accommodation to keep a curb around the relocated poles as additional protection from vehicles. This alternate configuration locates the utility poles at 10' from the centerline of the alley right of way. There is a possibility that once Xcel is on site to do the relocation it could move the poles more than four feet but this cannot be verified until the equipment is in the field and the relocation is in process.





## Frogtown Neighborhood Association (District 7)

685 Minnehaha Avenue West · Saint Paul, MN · 55104  
Tel: 651-789-7407 · Fax: 651-789-7482 · www.frogtownmn.org

March 13, 2015

City of St. Paul  
Department of Planning and Economic Development (PED)  
Zoning Committee  
1400 City Hall Annex  
25 West Fourth Street  
St. Paul, MN 55102-1634

Dear Zoning Committee Members:

I write this letter on behalf of the Frogtown Neighborhood Association (District 7) to show our support for Model Cities' application for a Conditional Use Permit and variance for its BROWNstone project (839-849 University Avenue, between Avon and Victoria). District 7 has engaged in a community process with Model Cities as the project has evolved over the last several years, and we see it as a great opportunity to make an important investment along the new Green Line. The building will provide new housing opportunities in the community, as well as close to 20,000 square feet of commercial space. The project will also help connect residents of the new building to employment opportunities throughout the region due to its location adjacent to the LRT stop at Victoria and University.

We support the approval of the Conditional Use Permit because it will help increase the volume of quality housing in the neighborhood that is affordable, and which could potentially be available to residents of Frogtown. Indeed, present Frogtown residents look forward to accessing the new rental opportunities afforded by the project. In addition, the variance to allow alley access for commercial parking and to use the alley as a maneuvering lane is in keeping with the Victoria Station Area Plan, which recommends that new surface parking not front University Avenue. As a result, the vitality and "main street" character of University Avenue will be maintained, thus contributing to the future success of the businesses located in the building.

The BROWNstone building will bring increased vibrancy to the neighborhood and provide a stepping stone for new business start-ups or the expansion of existing businesses. This will lead to more jobs in the community. This site will also contribute to a customer base that will sustain small, local enterprises and help maintain the diverse mix of businesses along University, thus enlivening the commercial corridor and having a significant economic impact on the neighborhood as a whole.

With enhanced choices for quality housing, new and expanding businesses, as well as public art and green space that will be part of the development, BROWNstone will create a key destination point in Frogtown. We encourage you to support this new community asset and the housing, business growth, and job opportunities that will follow. Thank you for your time and please let me know if I can be of further assistance.

Yours Sincerely,

Caty Royce  
Director  
Frogtown Neighborhood Association

Sincerely,

*Serving the Neighborhoods of East Midway, Frogtown, Capitol Heights, and Mt. Airy since 1970!*

Registered 501(c)3 Not-for-Profit as the Thomas/Dale District 7 Planning Council



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

March 11, 2015

**COPY**

Barbara A. Wencil, Planning Commission Chair  
c/o Donna Drummond, Director of Planning  
25 West 4th Street Suite 1400  
Saint Paul MN 55102

RE: Establishment of nonconforming use as a commercial parking lot at 92 California Avenue West (Zoning File 12-216269)

Dear Chair Wencil:

The Department of Safety and Inspections (DSI), Zoning Section is requesting the Planning Commission to review a nonconforming use permit under Zoning Code Section 61.108 which states,

The zoning administrator shall notify the planning commission or the board of zoning appeals when a development covered by a site plan, permit, variance, determination of similar use, or other zoning approval is not in compliance with any of the conditions imposed upon such use approval. The commission or the board may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.

On December 28, 2012, the Planning Commission approved the establishment of legal nonconforming use as a commercial parking lot for the property located at 92 California Avenue West, to Richard Defoe for Wilebski's Blues Saloon at 1638 Rice Street, subject to the following conditions:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan to DSI for review.

On January 31, 2014, DSI Zoning approved the site plan (refer to attached copy) subject to the following conditions:

1. **Site improvements** The proposed site improvements must be constructed as shown on the approved site plan. This includes all paving, striping, landscaping, lighting, and fences.
2. **Visual screening fence** Since the neighboring residential use to the east has a fence along their west property line, you will not be required to provide a visual screen as required in Section 63.313. If at some time this fence is removed, you will be required to meet the visual screening requirements of Sections 63.313 and 63.114.
3. **Patching/repaving** As the parking lot is patched and repaved, the direction of drainage for stormwater runoff must be directed to the public right of way/alley. Stormwater runoff must not affect the neighboring properties.

4. **Permits and Fees** The permits listed on the following page are required for the work shown on the approved site plan.
- **Building permit** A building permit for repaving is required from the Department of Safety and Inspections (651-266-9007). The cost of the permit is 1% of the cost of the project.
  
  - **Sidewalk permit** Any work on curbs, driveways and sidewalks in the public right-of-way must be done by a licensed contractor under a permit from Public Works Sidewalk Section (651-266-6120).

DSI Zoning staff has worked diligently to enforce the conditions of the nonconforming use permit and site plan to ensure compliance. However, as of today, condition 1 of the nonconforming use permit is not being met. The parking lot has not been paved or striped. Conditions 1, 3 and 4 of the site plan are not being met. The parking lot improvements for patching and repaving have not been completed. A building permit has not been obtained for repaving.

Please refer to the attached property history for detailed information of the actions taken on this property thus far. DSI Zoning staff is asking the Planning Commission to review this situation and determine if the nonconforming use permit should be revoked or decide to impose additional conditions, modify the existing conditions, or delete the conditions.

Regards,



Corinne A. Tilley  
DSI Zoning Inspector

Attachments: Property history  
Nonconforming use permit #12-216269  
Nonconforming use resolution  
10/20/2004 Enforcement letter  
01/02/2013 Email  
02/19/2013 Email  
08/30/2013 Email  
01/31/2014 Approved site plan  
01/02/2015 Site photos  
01/26/2015 Enforcement letter

Copy: Wendy Lane / DSI Zoning Administrator  
Allan Torstenson / PED  
DSI Licensing Staff

Current Liquor License holder at 1638 Rice Street -  
RICHARD A DEFOE ENTERPRISES INC doing business as WILEBSKI'S BLUES SALOON

Current Property Owner at 1638 Rice Street  
Richard A. Defoe

Current Property Owner at 92 California Avenue West  
Richard A. Defoe

92 California Avenue West  
RM2 medium density multiple family residential district

(62.109(b) nonconforming commercial parking use) for 1638 Rice Street  
Recent History – Compiled by Corinne Tilley

- 03/21/2012** DSI Licensing staff attempted to collect on required annual statement for shared parking between MEK Properties (owner of 1635 Rice Street) and Richard A Defoe (owner of 1638 Rice Street) for 38 off-street parking spaces required because, in 2004, 1638 Rice Street lost 23 parking spaces at 123 Wheelock and lost their shared parking with the mall across Rice Street.
- 03/30/2012** DSI Licensing staff received verbal communication from MEK Properties (owner of 1635 Rice Street) that there is not a current or active shared parking agreement with Richard A Defoe (owner of 1638 Rice Street).
- 04/05/2012** DSI Zoning staff mailed a letter to Richard A Defoe (mailed to 200 Concord, S St Paul; owner of 1638 Rice Street) regarding required parking for 1638 Rice Street; need to show proof of required parking by submitting a new shared parking agreement or obtaining a parking variance. Response required before 4/13/2012.
- 04/17/2012** Licensee has not provided required 38 additional parking spaces. DSI Licensing staff referred the liquor license to City Attorney's Office (CAO) for adverse action. Licensee cannot operate without the parking; DSI is requesting license revocation.
- 04/20/2012** City Attorney's Office sent out Notice of Intent to revoke licenses for failure to provide required parking spaces. Given til 04/30/2012 to respond.
- 05/22/2012** Meeting was held at DSI with Mr. Defoe and his attorney, Kirsten Libby, to discuss the parking situation. The decision made was: (from a 2004 enforcement letter (copy attached), Defoe needed to provide 23 parking spaces because of lost parking across the alley at 123 Wheelock plus 15 parking spaces because of the loss of shared parking with the mall across Rice Street.) Parking that now needs to be met is 38 parking spaces.  
Options given were to obtain a parking lease for shared parking (may need to go through PC) or to support a request for parking variance through the BZA, or apply to the Planning Commission to establish a NC parking lot at 92 California Avenue West (will need to go through site plan review). Defoe needs to decide which option to take by 5/31/2012.
- 05/31/2012** DSI Licensing staff received an email from Richard Defoe's attorney, Kirsten Libby, indicating that Mr. DeFoe will be applying for a nonconforming use permit to allow legitimate use of one of his lots for parking. This would provide enough parking for Mr. Defoe to meet his requirements.
- 08/30/2012** DSI Licensing staff sent an email to Richard Defoe's attorney, Kirsten Libby asking about the status of the application for nonconforming use permit. An application has not yet been submitted. Parking shortfall is 38.

- 09/05/2012** DSI Licensing staff received an email from Kirsten Libby stating that "It has taken more time than anticipated to get the signatures for the petition. I have the needed signatures, and the application is almost complete. "
- 10/18/2012** DSI Licensing staff sent an email to Kirsten Libby stating that "we have not yet seen the application for the nonconforming use at 92 California. Since the adverse action has been holding for many months, I think that it would be reasonable to expect that the application be submitted by November 1, 2012. If the application is not submitted by then, we will move forward with the adverse action as previously noticed."
- 10/23/2012** Application for nonconforming commercial parking use for 92 California Avenue West received by PED staff
- 10/24/2012** PED staff received email from Kirsten Libby to withdraw the application for NCUP, petition not sufficient
- 11/21/2012** Kirsten Libby resubmitted application for nonconforming commercial parking use for 92 California Avenue West received
- 12/28/2012** PC approved establishment of LNCU subject to conditions:  
  1. The parking lot shall be paved and striped in order to improve its appearance.
  2. The applicant shall submit a professional site plan to DSI for review.
- 01/02/2013** Email (copy attached) sent to Kirsten Libby (Richard Defoe' attorney) informing her that DSI has reviewed the site plan for legal nonconforming parking lot at 92 California Ave W. Conditions and comments were summarized in the email.
- 02/19/2013** Email (copy attached) sent to Kirsten Libby to followup on the comments emailed 01/02/2013. Response has not yet been received. So I continued to inform her of the time requirements for response per 61.402(d). Response must be submitted by 07/02/2013.
- 08/30/2013** Email (copy attached) sent to Richard Defoe' attorney Kirsten Libby informing her that a response was not received to address the comments of the site plan review. Site plan review application #13-139025 for the parking lot at 92 California Ave W has expired due to applicant's (licensee) failure to complete request for revised plans as per email dated 01/02/2013. At this time the licensee is in substantial (but not full) compliance with Zoning off-street parking requirements as per NCUP 12-216269 subject the following: compliance with the two (2) conditions of this NCUP within the time specified under the permit (12/28/2014).
- 09/08/2013** Police citation (CN13193962) indicates that this establishment still has customers after 1:30. Licensee does not have a 2AM license. State Liquor Control website indicates that the 2AM license was cancelled in 2009 for failure to renew. Without a 2AM license, the establishment must be closed by 1AM.
- 09/24/2013** DSI Licensing staff sent the liquor file to CAO for adverse action for operating after 1:30 AM without the proper license. \$500 matrix penalty and licensee must either immediately discontinue or obtain the appropriate 2 AM license.
- 10/15/2013** DSI Zoning Section received revised plans for parking lot at 92 California Ave W (NCUP 12-216269) for review.
- 01/31/2014** Site plan (copy attached) approved subject to conditions:  
  1. **Site improvements** The proposed site improvements must be constructed as shown on the approved site plan. This includes all paving, striping, landscaping, lighting, and fences.

2. **Visual screening fence** Since the neighboring residential use to the east has a fence along their west property line, you will not be required to provide a visual screen as required in Section 63.313. If at some time this fence is removed, you will be required to meet the visual screening requirements of Sections 63.313 and 63.114.

3. **Patching/repaving** As the parking lot is patched and repaved, the direction of drainage for stormwater runoff must be directed to the public right of way/alley. Stormwater runoff must not affect the neighboring properties.

4. **Permits and Fees** The permits listed on the following page are required for the work shown on the approved site plan.

- **Building permit** A building permit for repaving is required from the Department of Safety and Inspections (651-266-9007). The cost of the permit is 1% of the cost of the project.

- **Sidewalk permit** Any work on curbs, driveways and sidewalks in the public right-of-way must be done by a licensed contractor under a permit from Public Works Sidewalk Section (651-266-6120).

Work covered by this site plan must be completed no later than 12/28/2014.

**01/02/2015** Site visit photos attached (2).

**01/26/2015** Violation notice mailed (addressed to Richard Defoe at 1638 Rice) (copy attached). Parking lot does not comply with conditions of NCUP 12-216269 and conditions of site plan approval. Response required before 02/13/2015.

**03/11/2015** No response from Richard Defoe. NCUP 12-216269 is sent back to Planning Commission for failure to comply with conditions as specified.





CITY OF SAINT PAUL, MINNESOTA  
(NUP - Establishment)

ZONING FILE NO: 12-216-269  
APPLICANT: Richard Defoe  
PURPOSE: Establishment of legal nonconforming use as a commercial parking lot  
LOCATION: 92 California Ave W  
LEGAL DESCRIPTION: PIN 192922220010, Merrills Division Of RiceStre Lots 8 And Lot 9 Blk 4  
ZONING COMMITTEE ACTION: Recommended approval with conditions on December 20, 2012  
PLANNING COMMISSION ACTION: Approved with conditions on December 28, 2012  
CONDITIONS OF THIS PERMIT:  
1. The parking lot shall be paved and striped in order to improve its appearance.  
2. The applicant shall submit a professional site plan to DSI for review.  
APPROVED BY: Barabara Wencil, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on December 28, 2012, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

**This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).**

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

**Violation of the conditions of this permit may result in its revocation.**



Samantha Langer  
Secretary to the Saint Paul  
Zoning Committee

Copies to:  
Applicant Richard Defoe (Wilebski's Blues Saloon)  
File No. 12-216-269  
District Council 6

Mailed: December 28, 2012

city of saint paul  
planning commission resolution  
file number 12-79  
date December 28, 2012

WHEREAS, Richard Defoe, File # 12-216-269, has applied for an establishment of legal nonconforming use as a commercial parking lot under the provisions of §62.109(b) of the Saint Paul Legislative Code, on property located at 92 California Ave W, Parcel Identification Number (PIN) 192922220010, legally described as Merrills Division Of RiceStre Lots 8 And Lot 9 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 20, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with 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 application proposes to establish an existing parking lot as a legal nonconforming use. The parking lot contains 40 spaces according to the application materials.
2. If approved, the parking lot would be used in conjunction with Wilebski's Blues Saloon, 1638 Rice Street, which is located immediately across the alley to the west of the subject site. The saloon formerly contracted for spaces in a parking lot west of Rice Street, but no longer has rights to those spaces and is in need of additional parking capacity in order to meet city regulations.
3. Section 62.109(b) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and IR-I1 industrial districts if the commission makes six findings. The findings and the applicant's ability to meet them are as follows:

- (1) *The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application. This finding is met. The applicant testifies in the application materials that the site has been used as a parking lot for the adjacent saloon since he purchased the property in 1997. Aerial photographs appear to show that the site has been a parking lot since at least 1985.*
- (2) *The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application. This finding is met. The parcel has not been owned by a different adjoining property owner in the last 10 years. Though the parcel is large enough to build on by code regulations, it is not practical to develop the lot due to its specific location. Also, the applicant testifies that he has received no offers to buy the property for development.*
- (3) *The parking lot is to serve abutting commercially or industrially zoned property. This finding is met. The parking lot is to serve the abutting commercial use to the west at 1638 Rice Street.*

moved by Perrus  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

- (4) *The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding could be met if the parking lot is properly maintained and free of litter.*
- (5) *The parking lot is consistent with the comprehensive plan. This finding is met. The Comprehensive Plan designates the site as an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The District 6 Plan does not contain any provisions specific to the site or surrounding area.*
- (6) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot. This finding is met. Proper notarization was provided on December 17, 2012, at which time the petition was certified as complete. The petition information is as follows: 9 parcels eligible; 6 parcels required; 7 parcels signed.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Richard Defoe for an establishment of legal nonconforming use as a commercial parking lot at 92 California Ave W is hereby approved subject to the following condition:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan to DSI for review.

3

OFFICE OF LICENSE, INSPECTIONS AND ENVIRONMENTAL PROTECTION  
Janeen E. Rosas, Director



CITY OF SAINT PAUL  
Randy C. Kelly, Mayor

LOWRY PROFESSIONAL BUILDING  
350 St. Peter Street, Suite 300  
Saint Paul, Minnesota 55102-1510

Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: www.ci.stpaul.mn.us/liep

October 20, 2004

Richard De Foe  
DBA Club Cancun  
1638 Rice Street  
St. Paul, MN 55117

**COPY**

Re: 1638 Rice St

Dear Mr. DeFoe:

I'm sorry you did not receive the documents I sent you three weeks ago. I am enclosing another copy of the approved site plan and parking requirements from the North End Depot at 1638 Rice Street. The parking requirements were added when an addition was built in 1980 and the new lot was developed in 1985.

I am also sending a copy of the ownership documents we received last month. You are welcome to make an appointment to view the originals and the entire file for 1638 Rice Street.

Please review all these documents and send your shared parking agreement or request for a parking variance of the 38 parking spaces in question to LIEP by Monday, November 1<sup>st</sup>, 2004.

**Failure to comply with this order or repeat violations will result in further legal action by this office, including criminal citations and possible adverse action against your license.**

If you have any questions, please call me at 651-266-9083.

Sincerely,

Jeffrey J. Hawkins  
LIEP Inspector III

Appeals: You may appeal this order and obtain a hearing before the Board of Zoning Appeals by filing an Application for Appeal and paying the application fees to the Zoning Administrator within thirty(30) days of the date these orders were mailed. No appeals may be filed after that date. You may obtain an application from the Zoning Administrator's Office, 350 St. Peter Street, Suite 300, St. Paul, MN 55102. You must submit a copy of this order with your application.

## Tilley, Corinne (CI-StPaul)

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**To:** Tilley, Corinne (CI-StPaul)  
**Subject:** RE: DSI Zoning comments regarding 92 California Avenue West site plan

---

**From:** Tilley, Corinne (CI-StPaul)  
**Sent:** Wednesday, January 02, 2013 12:45  
**To:** kirsten@libbylawoffice.com  
**Cc:** Schweinler, Kristina (CI-StPaul); Dermody, Bill (CI-StPaul); Kerry Antrim (district6ed@dist6pc.org)  
**Subject:** DSI Zoning comments regarding 92 California Avenue West site plan

The Planning Commission has approved the establishment of legal nonconforming use as a commercial parking lot for the property located at 92 California Avenue West, subject to the following conditions:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan to DSI for review.

DSI Zoning has reviewed the site plan for the legal nonconforming parking lot located at 92 California Avenue West. A copy of the site plan submitted for review is attached to this email for your reference. Conditions and comments are summarized below.

### Project description

The site plan submitted was reviewed for the repaving and striping of the off-street parking facility located at 92 California Avenue West. The existing paved surface will **NOT be removed**.

### Revised Plans

You must send me five (5) half-sized sets of the site plan revised to reflect the comments in this email. If available, in addition to the five (5) half-sized sets, please send a PDF version on a CD or as an email to [corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us).

### Zoning

Submit a revised site plan for the parking lot located at 92 California Avenue West that reflects the following:

1. Lot 11, as shown on the survey drawing (but not in the property description), has been combined with Lots 12, 13, 14, 15, and 16. Submit a document from Ramsey County showing that this has been formally recorded.
2. Submit a revised site plan for 92 California Avenue West, showing the off-street parking spaces are a minimum of 4' from any lot line.
3. Submit a revised site plan for 92 California Avenue West, reflecting the minimum layout dimensions for a standard parking space at 9'x18'. Also, you may designate up to 50% of the parking spaces for compact cars only, in which case, the minimum layout dimensions may be reduced to 8'x16'. The compact spaces shall be designated by signs with a minimum of one sign per every four compact spaces.
3. Submit a revised site plan that shows at least three van accessible ADA parking spaces where each space is reserved for the exclusive use of persons with mobility impairments. These parking spaces must have signage designated with the international wheel chair symbol. An informational document is attached to this email.
4. Since the neighboring residential use to the east has a fence along their west property line, you will not be required to provide a visual screen as required in Section 63.313. If at some time this fence is removed. You will be required to meet the visual screening requirements of Sections 63.313 and 63.114.
5. The site plan must reflect that when the parking lot is repaved, the direction of drainage for stormwater runoff is directed to the public right of way/alley. Stormwater runoff must not affect neighboring properties.

### Building Permit

A building permit is required for the repaving of this parking lot (where the existing paved surface is **NOT removed**). The cost of the permit is **1% of the cost of the project**.

### Traffic

A note must be added to the plan stating, "Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering

regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Traffic Engineering 651-266-6200 six weeks in advance of needed sign(s)."

### Sidewalks

A note must be added to the plan stating, "All work on curbs, driveways, and sidewalks within the public right of way must be done to City Standards and Specifications by a licensed and bonded contractor under a permit from Public Works Sidewalk Section (651-266-6120). Sidewalk grades must be carried across driveways."

A note must be added to the plan stating, "Restoration of asphalt and concrete pavements are performed by the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these restorations. The contractor shall contact Public Works Street Maintenance to set up a work order prior to beginning any removals in the street at 651-292-6600. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office."

### Street Lights

A note must be added to the plan stating, "The Contractor shall contact John McNamara, General Foreman, Lighting - Signal Maintenance, (651-487-7209), if removal or relocation of existing facilities is required or in the event of damage to the lighting or signal utilities. The Contractor shall assume responsibility (and related costs) for any damage or relocations. The installation of private electrical wiring, conduit, receptacles and/or lighting is strictly prohibited in the City's ROW (Right of Way)."

### Signs

Business signs will require a separate review and Sign Permit from the Department of Safety and Inspections. Site plan approval does not constitute approval of business signs shown on the site plan. Contact Yaya Diatta of DSI Zoning (651-266-9080) if you have any questions about signs.

### District Council

A copy of this site plan is being shared with the District 6 Planning Council for comment. City staff reserves the right to make additional comments and conditions once we have heard from them.

### Right of Way

The following comments must be included on the revision of your plan, "INSPECTION CONTACT: The developer shall contact the Right of Way inspector (one week prior to beginning work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. SAFE WORK SITE REQUIREMENTS: The Contractor shall provide a continuous, accessible and safe pedestrian walkway that meets ADA and MN MUTCD standards if working in a sidewalk area, and traffic control per MN MUTCD requirements for work in the public right of way. FAILURE TO SECURE PERMITS: Failure to secure Obstruction Permits or Excavation Permits **will result in a double-permit fee and other fees required under City of St. Paul Legislative Codes.** REQUIREMENTS TO WORK IN THE PUBLIC RIGHT OF WAY: All utilities and contractors working in the public right of way must to be **registered, insured and bonded**, as recognized by the Public Works Service Desk. (651-266-6151)"

### Site Plan Approval

The site plan is approved subject to you meeting the conditions and comments in this email. This decision can be appealed to the Planning Commission within 10 days of this email.

If you have any questions, please reach me at 651-266-9085 or [corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us).



**Corinne A. Tilley**

**DSI Inspector - Zoning and Site Plan Review**

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

P: 651-266-9085

[corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us)

The Most Livable  
City in America

## Tilley, Corinne (CI-StPaul)

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**To:** Tilley, Corinne (CI-StPaul)  
**Subject:** RE: Site plan review (13-139025) 92 California Ave W

---

**From:** Tilley, Corinne (CI-StPaul)  
**Sent:** Tuesday, February 19, 2013 10:57  
**To:** kirsten@libbylawoffice.com  
**Cc:** Schweinler, Kristina (CI-StPaul)  
**Subject:** Site plan review (13-139025) 92 California Ave W

Good morning Ms. Libby:

This email is a followup to the email comments sent to you on January 2, 2012 (refer to emails below) regarding the site plan review for the parking lot at 92 California Avenue West.

Since I have not yet received a revised site plan that addresses the comments of the email or any correspondence from you if you had any questions regarding the email, I thought it would be helpful to let you know of the time requirements with respect to the email comments to assure compliance with them.

When changes are required, the revised site plan shall be submitted within six (6) months from the date you were notified of required changes. ***A revised site plan addressing the email comments must be submitted by July 2, 2013.*** However, I would suggest that a revised site plan be submitted as soon as possible (before July 2) so that DSI Zoning has time to review the revised site plan and, if needed, send comments back to you. I would like to get a formal approval letter out to you before July 2 so that Mr. Defoe has enough time to make the required parking lot improvements before September 30, 2013 which would get us close to the next winter season.

Please contact me if you have any questions.



**Corinne A. Tilley**  
DSI Inspector - Zoning and Site Plan Review  
Department of Safety and Inspections  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
P: 651-266-9085  
[corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us)

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## Tilley, Corinne (CI-StPaul)

---

**To:** Tilley, Corinne (CI-StPaul)  
**Subject:** RE: Site plan review (13-139025) 92 California Ave W

---

**From:** Tilley, Corinne (CI-StPaul)  
**Sent:** Friday, August 30, 2013 15:00  
**To:** Kirsten Libby  
**Cc:** Rozek, Christine (CI-StPaul)  
**Subject:** Site plan review (13-139025) 92 California Ave W

Ms. Kirsten Libby:

I am emailing you to inform you that Mr. Richard Defoe, applicant of the nonconforming use permit for 92 California Avenue West, did not submit a revised site plan before July 2, 2013. The site plan review is now expired.

Here's a recap of the history of this site:

On November 21, 2012, Mr. Richard DeFoe submitted an application to establish legal nonconforming use status of a commercial parking lot at 92 California Avenue West. This parking lot was to be used in conjunction with Wilebski's Blues Saloon (also known as Club Cancun) at 1638 Rice Street. The saloon is in need of this parking lot in order to meet city parking regulations.

On December 28, 2012, the Planning Commission approved the establishment of legal nonconforming use subject to the following conditions:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan to DSI for review.

On January 2, 2013, Zoning staff reviewed a site plan and approved the site plan subject to complying with the conditions of approval.

Per Zoning Code Section 61.402(d) Compliance and time requirements, ... When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. July 2, 2013 was the due date, six (6) months from the date the applicant was notified of required changes.

As of today, Zoning has not received a revised site plan showing the required changes. The parking lot has not been paved or striped.

In order to bring the site at 92 California Avenue West into compliance, Mr. DeFoe must meet the requirements in accordance with the conditions of the nonconforming use permit:

- submit a site plan that can be reviewed by DSI Zoning staff.
- apply for the appropriate building permit to pave and stripe the parking lot.

Please respond within 15 days of receiving this email to address Mr. DeFoe's timeline for bringing the site into compliance. Failure to respond may result in adverse action against the certificate of occupancy and business license at 1638 Rice Street.

If you have any questions, please contact me.



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

January 31, 2014

Richard A Defoe  
200 Concord Exchange North  
South Saint Paul MN 55075-1103

**RE: Approval of Site Plan 13-139025**  
**1638 Rice Street - accessory parking lot at 92 California Ave W**

Dear Mr. Defoe :

On December 28, 2012, the Planning Commission approved the establishment of legal nonconforming use as a commercial parking lot for the property located at 92 California Avenue West, subject to the following conditions:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan to DSI for review.

DSI Zoning has reviewed the site plan for the legal nonconforming commercial parking lot located at 92 California Avenue West. **The site plan referenced above is approved subject to the following conditions:**

**Project**

The site plan submitted was reviewed for the repaving and striping of the off-street parking lot located at 92 California Avenue West that would be used in conjunction with and to serve the abutting commercial use located at 1638 Rice Street. The existing paved surface will **NOT** be removed.

1. **Site improvements** The proposed site improvements must be constructed as shown on the approved site plan. This includes all paving, striping, landscaping, lighting, and fences.
2. **Visual screening fence** Since the neighboring residential use to the east has a fence along their west property line, you will not be required to provide a visual screen as required in Section 63.313. If at some time this fence is removed. You will be required to meet the visual screening requirements of Sections 63.313 and 63.114.
3. **Patching/repaving** As the parking lot is patched and repaved, the direction of drainage for stormwater runoff must be directed to the public right of way/alley. Stormwater runoff must not affect the neighboring properties.
4. **Permits and Fees** The permits listed on the following page are required for the work shown on the approved site plan.

**Building permit** A building permit for repaving is required from the Department of Safety and Inspections (651-266-9007). The cost of the permit is 1% of the cost of the project.

**Sidewalk permit** Any work on curbs, driveways and sidewalks in the public right-of-way must be done by a licensed contractor under a permit from Public Works Sidewalk Section (651-266-6120).

5. **Time limit** Work covered by this site plan must be completed no later than December 28, 2014.

If you have questions regarding this site plan, please contact me at 651-266-9085 (office) or [corinne.tilley@ci.stpaul.mn.us](mailto:corinne.tilley@ci.stpaul.mn.us) (email).

Sincerely,



Corinne A. Tilley  
DSI Inspector – Zoning and Site Plan Review

copy: .PED Planning Division  
PW Sewer Division  
PW Traffic Division  
Richard A Defoe, 7265 Main St, Centerville, MN  
Richard A Defoe Enterprises Inc, 1638 Rice St, St Paul, MN

Attachments: Copy of approved site plan dated 01/31/2014  
Copy of approved nonconforming use permit #12-216269

CITY OF SAINT PAUL, MINNESOTA  
(NUP - Establishment)

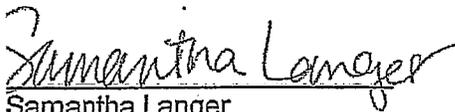
ZONING FILE NO: 12-216-269  
APPLICANT: Richard Defoe  
PURPOSE: Establishment of legal nonconforming use as a commercial parking lot  
LOCATION: 92 California Ave W  
LEGAL DESCRIPTION: PIN 192922220010, Merrills Division Of RiceStre Lots 8 And Lot 9 Blk 4  
ZONING COMMITTEE ACTION: Recommended approval with conditions on December 20, 2012  
PLANNING COMMISSION ACTION: Approved with conditions on December 28, 2012  
CONDITIONS OF THIS PERMIT:  
1. The parking lot shall be paved and striped in order to improve its appearance.  
2. The applicant shall submit a professional site plan to DSI for review.  
APPROVED BY: Barabara Weincl, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on December 28, 2012, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

**This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).**

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.

Violation of the conditions of this permit may result in its revocation.

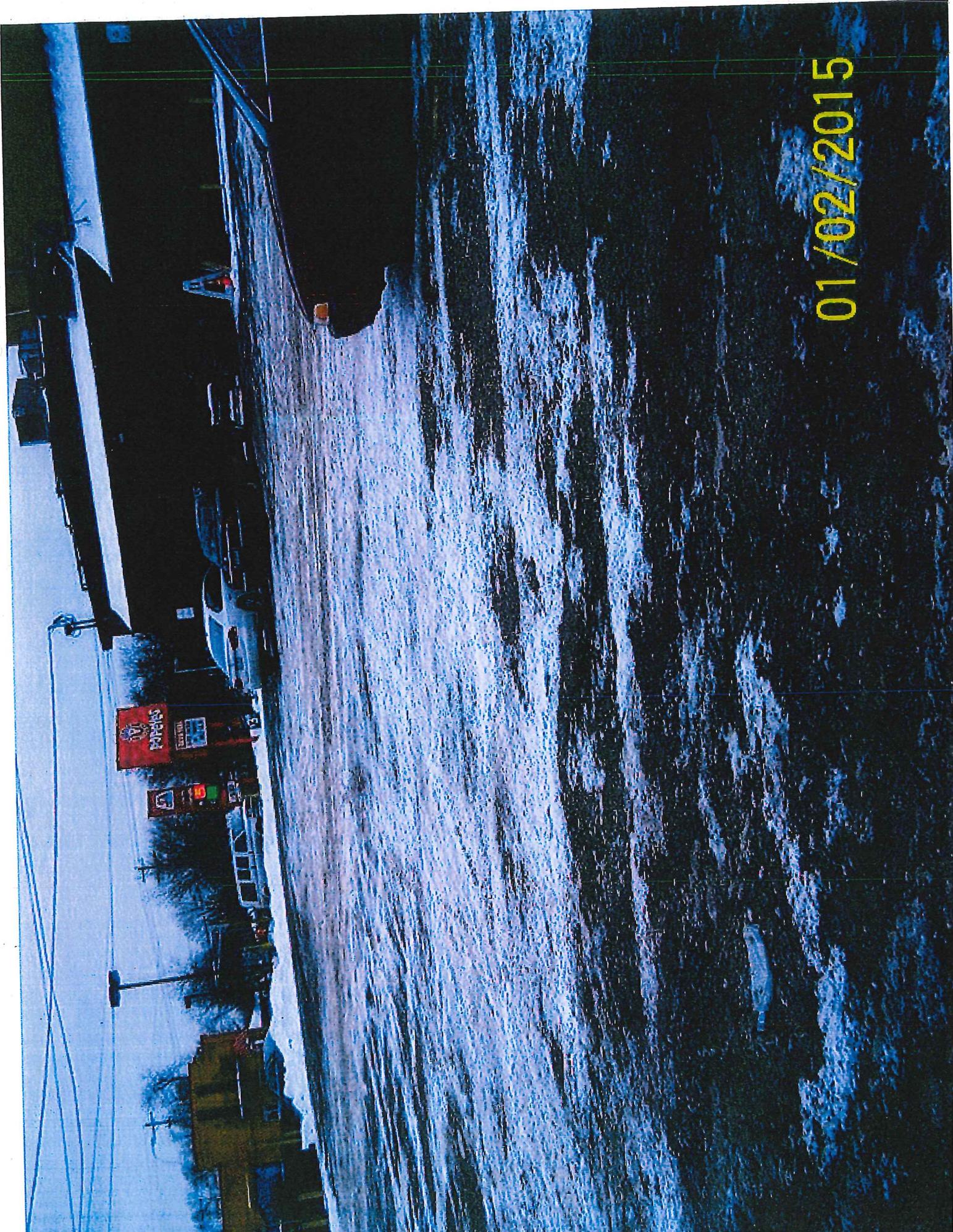
  
Samantha Langer  
Secretary to the Saint Paul  
Zoning Committee

Copies to:  
Applicant Richard Defoe (Wilebski's Blues Saloon)  
File No. 12-216-269  
District Council 6

Mailed: December 28, 2012

01/02/2015





01/02/2015



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## VIOLATION NOTICE

January 26<sup>th</sup>, 2015

Richard A Defoe  
1638 Rice Street  
Saint Paul MN 55117-3756

**Follow up of Non-Conforming Use Permit 12-216269 and Site Plan 13-139025  
1638 Rice Street - accessory parking lot at 92 California Ave W**

Dear Mr. Defoe:

On December 28, 2012, the Planning Commission approved the establishment of a legal nonconforming use of a commercial parking lot for the property located at 92 California Avenue subject to the following conditions being met:

1. The parking lot shall be paved and striped in order to improve its appearance.
2. The applicant shall submit a professional site plan for DSI for review.

On January 31st, 2014, DSI reviewed and approved the site plan as required by condition #2 of the nonconforming use permit.

**This permit was to expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).**

On December 28, 2014 a Site Review Follow-Up Inspection was performed. During the site visit it was observed that condition #1 of the nonconforming use permit on the approved site plan have not been met. **Therefore, this site is violation of the nonconforming use of a parking lot permit granted you and the approved site plan per Section 61.108 –**

### **Conditions violated, permit revocation:**

The zoning administrator shall notify the planning commission or the board of zoning appeals when a development covered by a site plan, permit, variance, determination of similar use, or other zoning approval is not in compliance with any of the conditions imposed upon such use approval. The commission or the board may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in [section 61.303\(c\)](#), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.

**You must respond in writing before February 13<sup>th</sup>, 2015 acknowledging receipt of this letter including details of your plans to come into compliance with city zoning regulations.**

**Failure to comply with this order will result in further legal action by this office including criminal citations to responsible parties and permit revocation proceedings.**

If you have any questions regarding this matter, you may contact me at (651) 266-9083 or

[leah.bartizal@ci.stpaul.mn.us](mailto:leah.bartizal@ci.stpaul.mn.us)

Thank you for your cooperation.

Sincerely,

Leah Bartizal  
DSI Zoning Intern  
City of St. Paul



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-266-6549*

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**Date:** March 19, 2015  
**To:** Planning Commission  
**From:** Josh Williams, Senior Planner  
**RE:** The Campus Boundaries Zoning Study

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The purpose of this memo is to provide information on a potential study of college, university, and campus boundary expansion standards in the zoning code. The potential study is on the agenda for discussion at the March 27 Planning Commission meeting. However, the staff recommendation to initiate the study will not be reviewed by the Comprehensive and Neighborhood Planning Committees until their joint meeting on March 24. If the committees vote to forward a recommendation to initiate to the full Planning Commission, an updated memo and draft resolution will be sent out to Planning Commission members prior to the March 27 meeting. If not, the item will be removed from the agenda. Background on the purpose of the zoning study is provided below.

### **Background**

Over the past several years, a large number of single-family residential properties have been acquired by institutions of higher education in Saint Paul. Some of these have been demolished and left as empty lots. The institutions undertaking these actions have done so in the absence of a clear plan for campus growth. This has raised substantial public concern over the potential for damage to the character and vitality of the residential neighborhoods surrounding these campuses.

The Saint Paul Zoning Code requires a conditional use permit for colleges, universities, and seminaries when they are located in residential districts. Sec. 65.220 of the Zoning Code lists standards and conditions for these institutions, and requires establishment of a defined campus boundary in residential districts and Planning Commission approval of any expansion of those campus boundaries.

Campuses include a wide variety of uses, some of which have the potential to be incompatible with adjacent residential uses. The requirement for a conditional use permit defining campus boundaries allows the Planning Commission to evaluate proposed campus expansions and permit expansions only under such conditions as they will not have a substantial negative impact on surrounding residential neighborhoods.

The purpose of the Campus Boundaries Zoning Study is to evaluate whether or not the Zoning Code provides for adequate regulation of campus boundaries.