

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, September 26, 2013 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

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

APPROVAL OF SEPTEMBER 12, 2013, ZONING COMMITTEE MINUTES

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

NEW BUSINESS

- 1 13-228-100 Hassibullah Farooq**
Reestablishment of nonconforming use as a reception hall
560 Como Ave, between Dale and Burgess
T2
Jake Reilly 651-266-6618

- 2 13-230-602 Steven Virkus and Jennifer Virkus**
Rezone from B2 Community Business to T2 Traditional Neighborhood
814 Grand Ave, between Avon and Victoria
B2
Scott Tempel 651-266-6621

- 3 13-227-795 Unidale Mall farmers market**
Conditional use permit for outdoor farmers market
544 University Ave W, SE corner at Kent
T3
Hilary Holmes 651-266-6612

ADJOURNMENT

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

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

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

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Hassibullah Farooq **FILE #** 13-228-100
 2. **APPLICANT:** Hassibullah Farooq **HEARING DATE:** September 26, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 560 Como Ave, between Dale and Burgess
 5. **PIN & LEGAL DESCRIPTION:** 25.29.23.32.0045-0047; Denslows Addition To The city Ex Ave Lots 14 through 16 Blk 3
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** T2
 8. **STAFF REPORT DATE:** September 17, 2013 **BY:** Jake Reilly
 9. **DATE RECEIVED:** August 30, 2013 **60-DAY DEADLINE FOR ACTION:** October 29, 2013
-

- A. **PURPOSE:** Reestablishment of nonconforming use as a reception hall
- B. **PARCEL SIZE:** Approximately 13,000 sq. ft.
- C. **EXISTING LAND USE:** Vacant commercial structure
- D. **SURROUNDING LAND USE:**
 - North: A mix of residential and commercial (Zoned T2)
 - East: A mix of residential and commercial (Zoned T2 and I1)
 - South: A mix of residential and commercial (Zoned RT2)
 - West: A mix of residential and commercial (Zoned RT2 and I1)
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** There is little zoning history on this property. It was a restaurant with on-sale liquor for many years. Two years ago the site's most recent business, a restaurant with reception hall, zoned B3, went out of business and it has been vacant ever since. The property was rezoned during a 40-acre zoning study in April 2012, which made the reception hall use nonconforming.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is proposing a deli and reception hall at the location at 560 Como Avenue. The applicant requires a reestablishment of a nonconforming use permit for the property as it has been vacant for more than 365 days and reception hall is not permitted in T2 districts. The restaurant and reception hall had previously been permitted when this property was in a B3 zoning district. The restaurant will be reoccupied as a deli along with the reception hall use.
 2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure appears to have been built as a restaurant with reception hall-type space. A restaurant is a permitted use in the T2 district. A reception hall is not permitted until the T3 zoning district. A reception hall is a permitted use in the B3 zoning district, which this was zoned until April 2012.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The previous non-conforming use was that of a restaurant and reception hall.

- (3) *The proposed use 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 is met. The character of development in the immediate neighborhood is mixed-use commercial and residential, with some industrial. The reception hall fits with the existing patterns of mixed-use development.*
- (4) *The proposed use is consistent with the comprehensive plan. This finding is met. This property is located within a designated Mixed-Use Corridor in the Comprehensive Plan. The goal of Land Use Policy 1.24 is to support a mix of uses on Mixed-Use Corridors. The deli and reception hall will enhance the mix of uses in this mixed-use corridor.*
- (5) *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 use. This finding is met. The petition was found sufficient on August 22, 2013; thirteen (13) parcels eligible; nine (9) parcels required; eleven (11) parcels signed.*

I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a reception hall subject to the following conditions:

1. That the plans submitted to the zoning administrator are substantially similar to those submitted with this application.



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

PD = 6

Zoning Office Use Only
 File #: 13-228/00
 Fee: 700.00
 Tentative Hearing Date:
9-26-13

252923320047

APPLICANT

Name Hassibullah Farooq
 Address 2109 Portland ave South
 City Minneapolis St. MN Zip 55404 Daytime Phone 612 976-5571
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 560 Como avenue, St. Paul, MN 55103
 Legal Description EX AVE Lots 14 and Lot 15 Blk 3
 Current Zoning T2
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- Change from one nonconforming use to another (para. c)
 - Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Banquet hall, dance hall, Deli

Proposed Use Banquet hall, dance hall, Deli

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature Hassib Farooq Date 7/22/13 City Agent add 8-22-13

International Deli & Banquet Hall, LLC

560 Como Ave

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY

International Deli and Banquet Hall, LLC is in business to offer high quality foods in the deli area and to offer space to the local community for weddings, religious gatherings, and significant life events.

II. COMPANY DESCRIPTION

A. Mission:

International Deli and Banquet Hall LLC exists to offer space to the local community to celebrate significant life events in a safe and fun environment. In addition, the deli will be making healthy and quality foods to the public and to those using the facility.

B. Proposed Location: 560 Como Avenue, St. Paul, MN 55103

C. Opening Date and Hours of Operation:

September 15, 2013

Monday- Thursday 11a.m. – 8 p.m.

Friday- Saturday 11a.m.-9 p.m.

Sunday 12 p.m. - 9p.m.

D. Description of Current Products and Services/Major Features and Benefit:

We will allow individuals and businesses to rent the hall for significant life events, familial gatherings, and business gatherings. We will also provide security as necessary and take care to make sure the premises are acceptable to the community.

In the deli, all meals are prepared by hand using fresh ingredients and cooked with healthy alternatives such as smart balance butter, oil, low-sodium seasonings.

III. MANAGEMENT AND PERSONNEL

Legal Form and Ownership

A. Owners' and Key Managers' Qualifications

About the owners/members of the LLC

Hassib Farooq has worked in the security industry for many years.

Nargis Farooq brings hospitality skills to the business as she has worked as a nursing assistant for a major hospital in the Twin Cities.

B. Description of Job Type

General Manager

In charge of all operations of the business. This will be shared between the owners.

Security Manager

Hassib will be the security manager ensuring a peaceful and acceptable environment to the community and customers.

Kitchen Manager:

The Kitchen Manager (KM) is responsible for overseeing the operations, and running the shift of an assigned work group within the kitchen and kitchen supplies for the kitchen.

Bookkeeper:

Bookkeeper to participate with a variety of accounting functions. The Bookkeeper will be responsible for coordinating accounts payable and accounts receivable, processing payroll, managing and reconciling bank accounts, forecasting cash flow amounts, developing relationships with various vendors and financial institutions, preparing monthly and quarterly financial statements, and assisting with miscellaneous tasks and assignments as needed. The ideal candidate must have 5 years of accounting/bookkeeping experience, must be proficient with QuickBooks and Excel, as well as must demonstrate working knowledge of generally accepted accounting principles, possess strong attention to detail, and excellent analytical abilities. Additionally, they must understand assets and liabilities.

Host/Cashier:

Nargis will be the main host.

Greets guests in a professional, friendly, and hospitable manner upon their arrival.

- Answers telephone, taking reservations and responding to questions
- Operates cash register.
- Makes change and issues receipts or tickets to customer.
- Reads and records totals shown on cash register tape and verifies against cash on hand.
- Must relay all customer complaints no matter how small.
- Functions as a supportive team member during the course of their shift.
- Demonstrates positive interpersonal skills with guests and co-workers.
- Position requires regular, reliable attendance.

IV. MARKET RESEARCH AND ANALYSIS

A. Industry Description:

Growth rates

Size:

Major customers and competition:

Currently there are ____ banquet halls in the Twin Cities. The closest is _____

Information Sources:

U.S. Department of Labor

U.S. Census Bureau

B. Target Market(s)

1. Market segments

Website & Existing Customer Base-

C. Competition

International Deli and Banquet Hall, LLC competitive edges are:

1. **International Deli and Banquet Hall, LLC** is the only hall for ____ miles around.
2. The owners' thorough understandings of opening and running a deli.
3. The owner's extensive knowledge of security.
4. Inner and Outer-City Marketing campaign (i.e. "Come to Town" promotions)

1. Companies and/or individuals who are competitors—both direct and indirect:

2. Comparison with competitors along each major product or service for the following factors: (Rate each from 1-10 and define each factor, i.e., what is good service)
 - a. Selection
 - b. Price
 - c. Service
 - d. Reputation for quality
 - e. Convenience
 - f. Comfort or enjoyment
 - g. Other relevant factors

D. SWOT Analysis

SWOT Analysis

Strengths	Weaknesses
Only banquet hall for many miles Community Connections Existing Customer Base Sphere of Influence and Support is Strong	Limited Funds Available
Opportunities	Threats
More Accessible to target market Large community in the surrounding area	

V. MARKETING PLAN

Minnesota consumers are seeking variety and new experiences. Location is clearly important, but so is atmosphere and distinctiveness. Our marketing challenge is thus to stand out from our competitors, not only as the "new" deli and banquet hall, but as one that offers consistently high quality services and food, but a safe and friendly environment.

A. Marketing Strategies to Address Each Target Market:

Businesses:

Families:

1. Promotion

a. Advertising

Marketing strategy will be to promote our superior service, and exciting concepts to draw in the local repeat customers. Marketing initiatives will concentrate on the following:

Building and Signage:

The most important Marketing tool that we have is the exterior of our building, and our new sign. We budgeted a great deal into the renovations and decor to generate the aesthetic appeal of International Deli and Banquet Hall, LLC.

Customer Service:

Customer service has always been the major draw for all successful businesses. Food and atmosphere is far out-shadowed by superior customer service that turns a new customer into a repeat customer.

Advertising and Promotion:

Our Advertising Plan and media schedule call for targeting customers directly through local publications aimed at, respectively, businesses, families and local organizations.

Management recognizes the key to success at this time of initial opening is extensive media promotion. This must be done aggressively in order to accomplish our service goals. A healthy budget is allocated for the first year. A primary part of the budget is allocated to create the media and customer buzz for the month prior to opening and the next three months after the grand opening. The full Marketing program is as follows:

Media Objectives and Strategy:

Establish our image as a unique destination with great service, value, and atmosphere. We will maximize efficiency in the selection and scheduling of advertisements by:

Selecting primary business publications with high specific market penetration, using local Twin Cities food and social publications, which reach our targeted demographics.

Redirecting customers to our website to register for upcoming functions, VIP lists, reservations, and flash media promotions.
Maximizing ad life with monthly and weekly publications.

Additionally, we will develop a consistent reach and frequency throughout the year, targeting each specific customer segment within a five-mile radius, and new 'suburbanites,' who still appreciate in-town dining.

Community: will look for key opportunities to pair with local community development organizations and radio stations to interface with our customers. We will continually look for local community programs in which we can participate, in order to better our community, and give something back.

Web Plan:

International Deli and Banquet Hall, LLC will have a dedicated website. It will be the virtual business card and portfolio for the company, simple, contemporary and well designed.

The website will include email capabilities and online reservations and special events scheduling.

VI. OPERATIONS PLAN

A. Facilities

560 Como Avenue, St. Paul, MN 55103.

Approximately 9000 rentable square feet.

There is ample parking spots and off street parking.

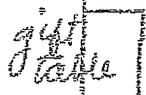
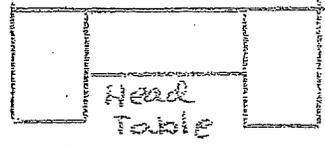
FOR INFORMATION OF THE
SHERIFFS AND DEPUTIES
OF THE COUNTY OF
SANTA BARBARA
CALIFORNIA
IN THE MATTER OF
THE ESTATE OF
JAMES EARL RAY
DECEASED
CASE NO. 200-100-10000

Stage

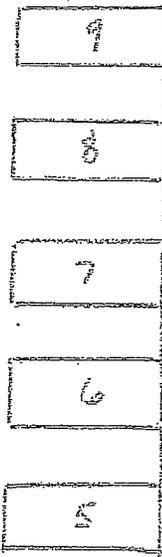
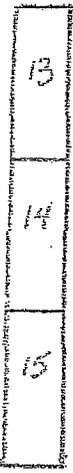
Coats

Entrance

Marquis:
Exterior

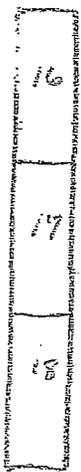


Rest. Am.

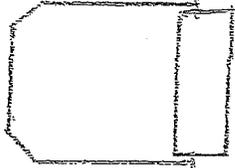


200

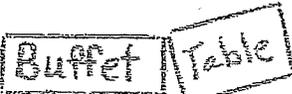
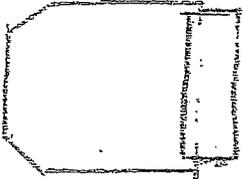
high
tops



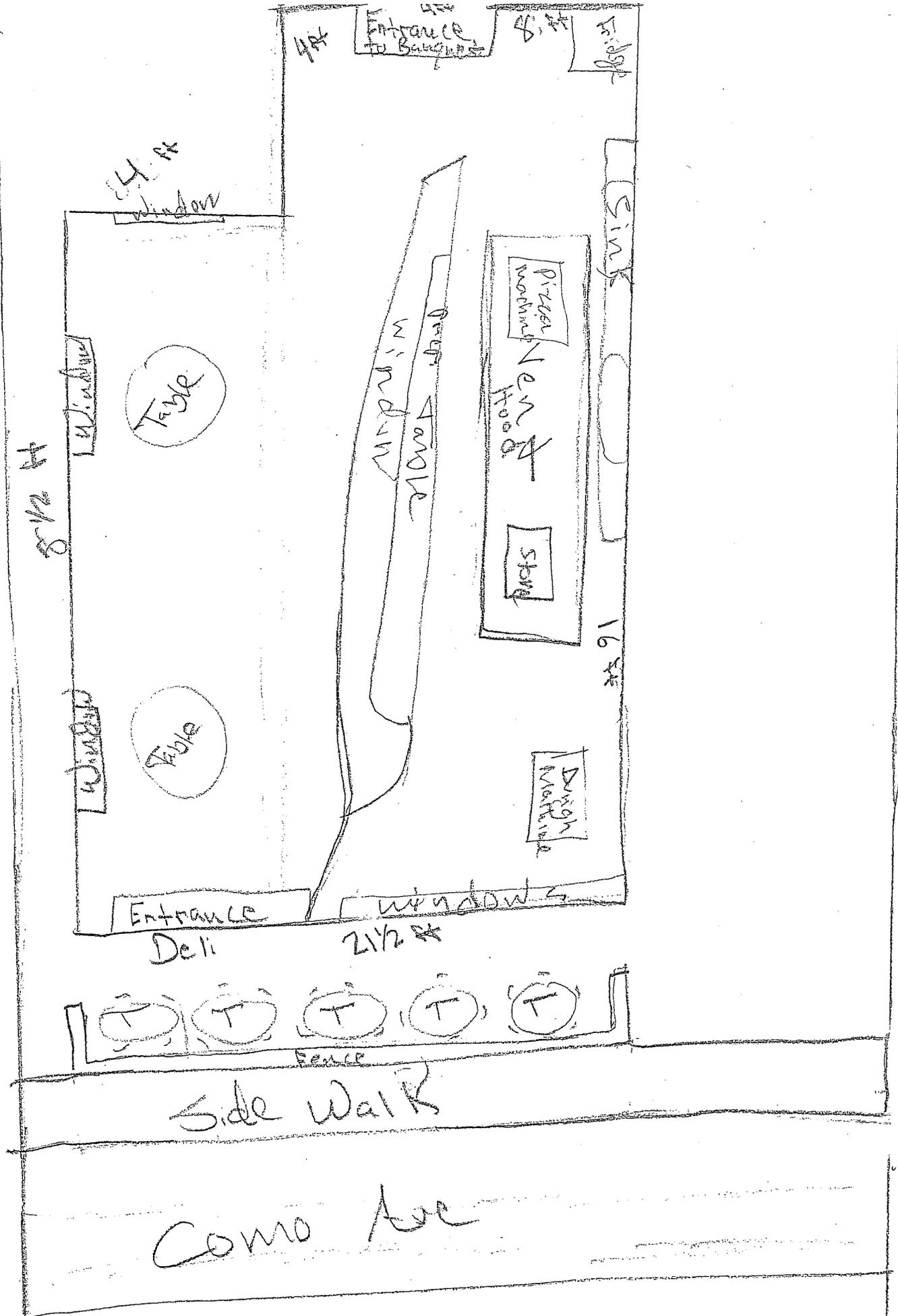
Alcove

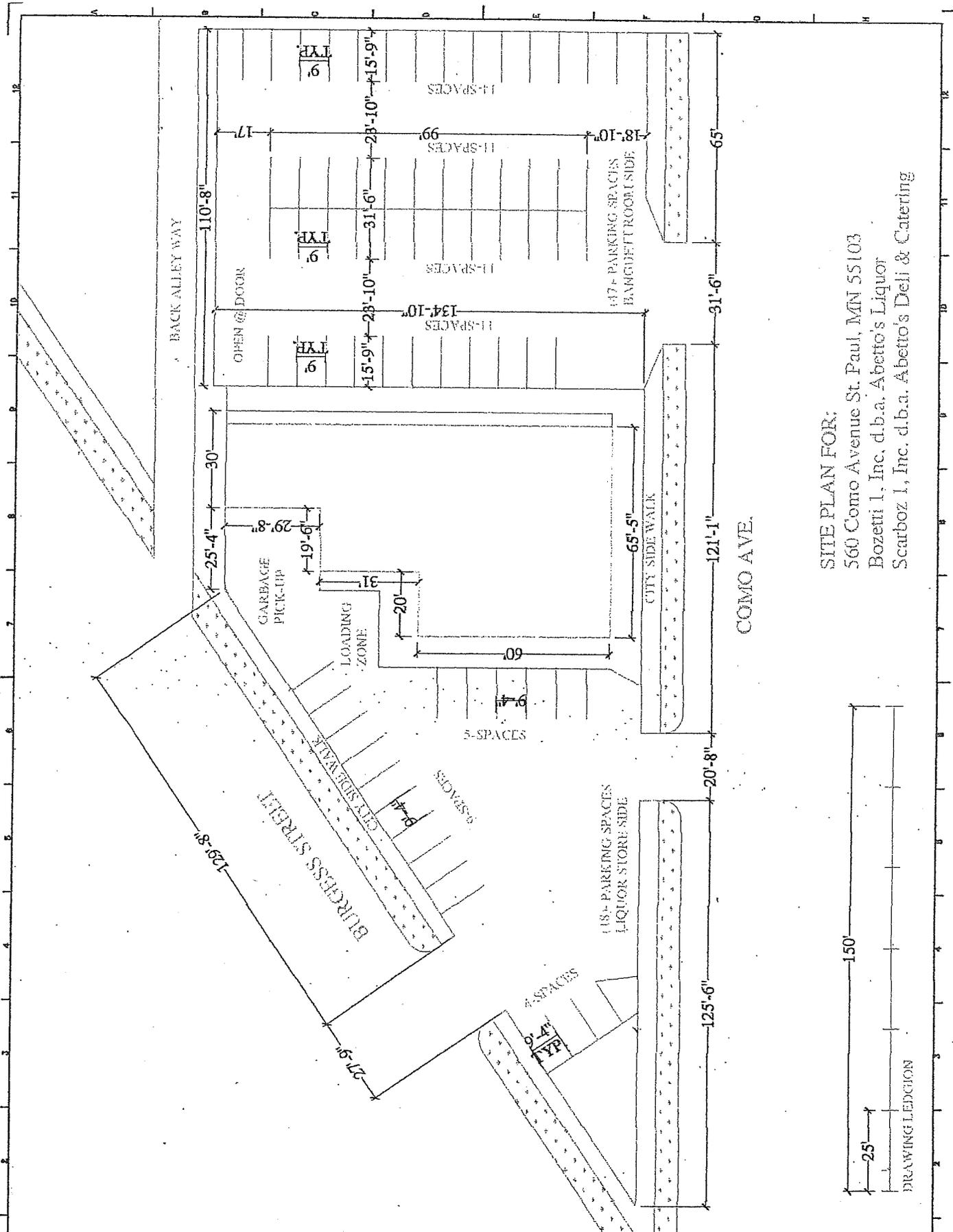


Alcove
(coffee &
cake)

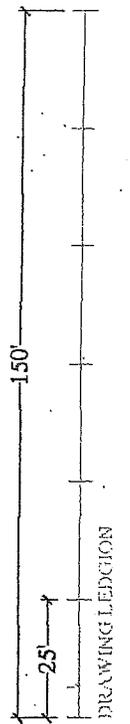


Marquis:
Exterior



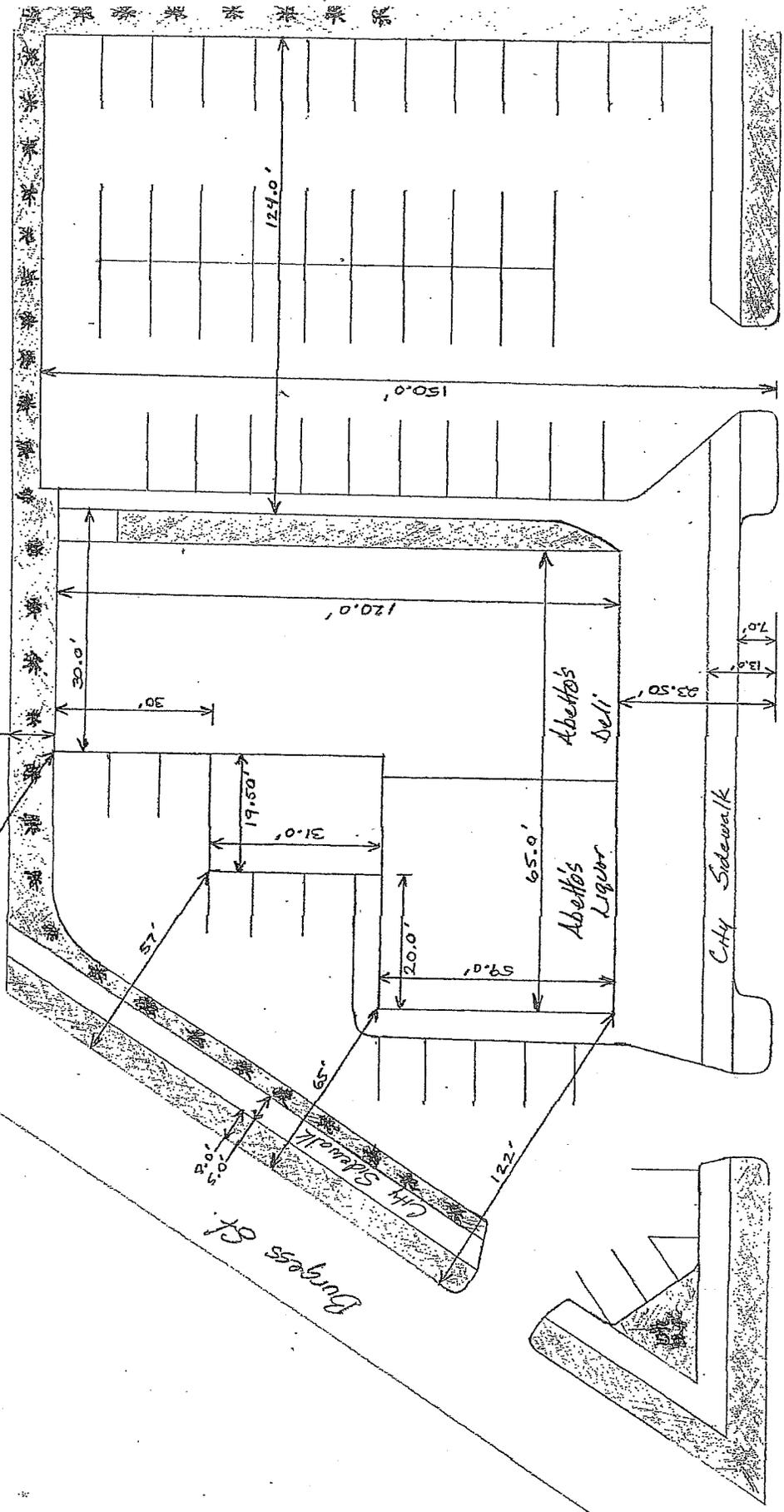


SITE PLAN FOR:
 560 Como Avenue St. Paul, MN 55103
 Bozetti I, Inc. d.b.a. Abetto's Liquor
 Scarboz I, Inc. d.b.a. Abetto's Deli & Catering



RECEIVED MAR 14 2007

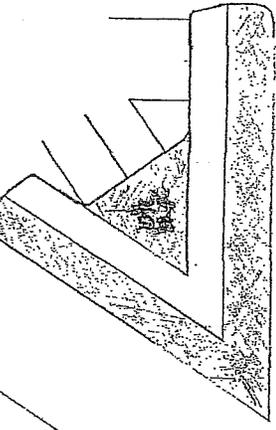
Back Alley



Cone Ave

Burgess St.

City Sidewalk



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Hassib Farasa
(name of applicant)

to establish a International Deli & Banquet Hall
(proposed use)

located at 560 Como Ave St. Paul, MN 55103
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
570 Burgess	Frankman	[Signature]	8-19-13
587 Burgess	Elizabeth Ewest	Elizabeth Ewest	8-19-13
549 Como	Joe By	JOE BYRNES	8-19-13
- 574 Como	[Signature]	Son Tran	8-19-13
- 568 Como	[Signature]	Son Tran	8-19-13
- 560 Como	[Signature]	Son Tran	8-19-13
- 554 Como	[Signature]	Son Tran	8-19-13
- 541 Como	[Signature]	Son Tran	8-19-13
- 568 Como	[Signature]	[Signature]	
564 Burgess	Patricia Jung	Patricia Jung	8/21/13
553 Como	Grant Engen	[Signature]	8/21/13

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Hassibullah Farooq, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Hassibullah Farooq

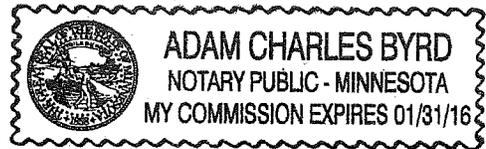
Hassibullah Farooq
NAME

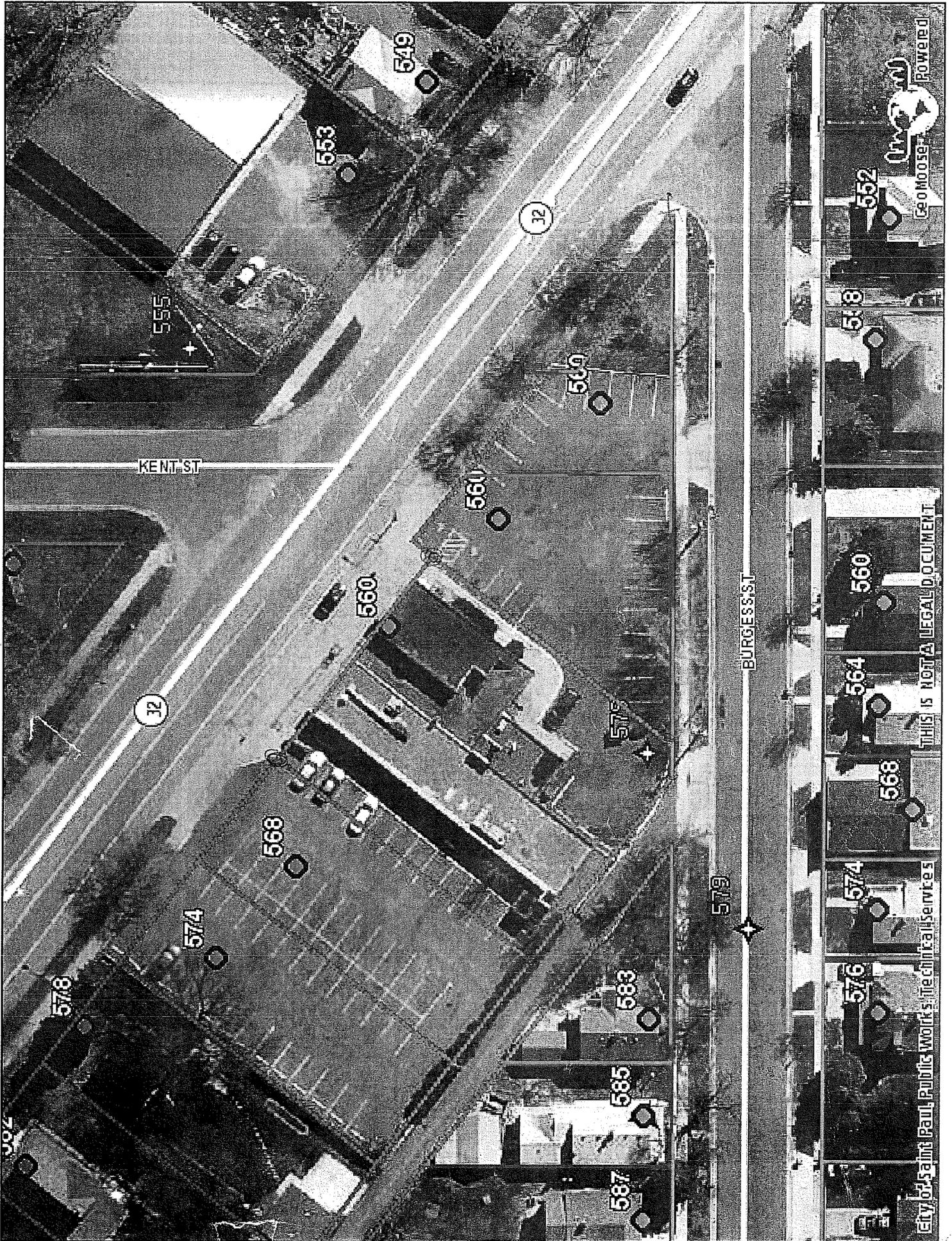
560 Como Ave St Paul, MN 55103
ADDRESS

612-876-5571
TELEPHONE NUMBER

Subscribed and sworn to before me this
22nd day of August, 2013.

Adam Charles Byrd
NOTARY PUBLIC

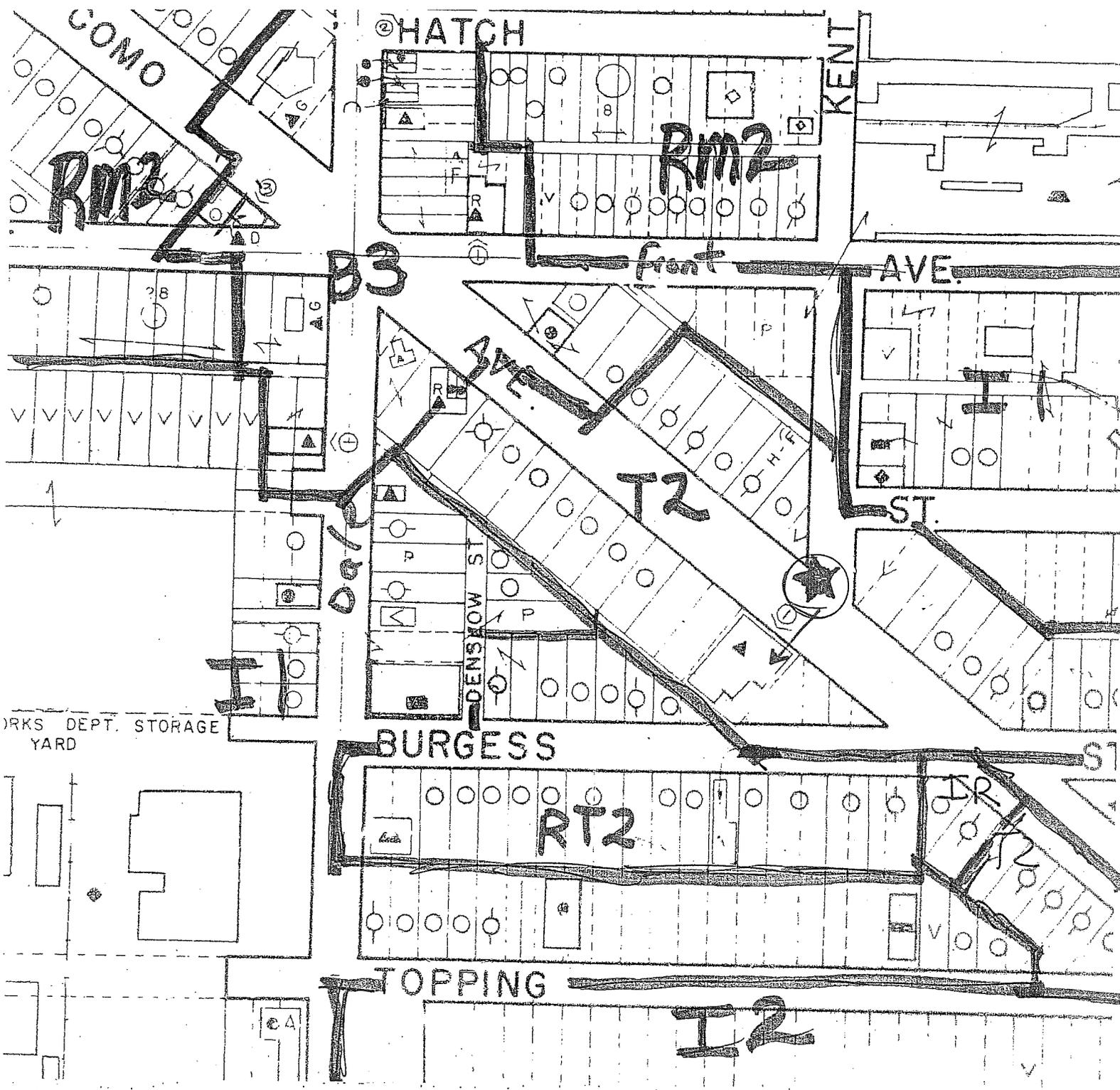




City of Saint Paul, Public Works, Technical Services

THIS IS NOT A LEGAL DOCUMENT

GeoMouse™ Powered



APPLICANT Hassibullah Farooq
 PURPOSE RE-est. NCUP
 FILE # 13-228100 DATE 8-30-13
 PLNG. DIST 6 Land Use Map # 12
 SCALE 1" = 100' Zoning Map # 9
(5-8-13)

LEGEND

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

DD
 DISTRICT OF DISTRICT OF COLUMBIA
 DEPARTMENT OF PLANNING
 AND ZONING
 north

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Steven Virkus and Jennifer Virkus
 2. **APPLICANT:** Steven L Virkus/Jennifer E Virkus **HEARING DATE:** September 26, 2013
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 814 Grand Ave, between Avon and Victoria
 5. **PIN & LEGAL DESCRIPTION:** 022823420159; Summit Park Addition to StPaul Lot 4 Blk 17
 6. **PLANNING DISTRICT:** 16 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 12, 2013 **BY:** Scott Tempel
 9. **DATE RECEIVED:** September 5, 2013 **60-DAY DEADLINE FOR ACTION:** November 4, 2013
-

- A. **PURPOSE:** Rezone from B2 Community Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** 6000 sq. ft.
- C. **EXISTING LAND USE:** Mixed Commercial/Residential
- D. **SURROUNDING LAND USE:**
 - North: Commercial Retail and Multi-family Residential
 - East: Multi-family Residential
 - West: Single-family and Multi-family Residential
 - South: Single-family Residential
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property has undergone multiple changes to both structures and uses over the years. The current owners bought the property in 2011. There is a mixed commercial/residential building at the front of the property. The Department of Safety and Inspections sent enforcement letters on February 28, 2013, and on August 28, 2013, stating that residential space in a building at the rear of the property constitutes a separate single family dwelling that is not allowed in the B2 zone. The enforcement letters instructed the owners to either remove the dwelling unit in the building at the rear of the property or rezone to T2.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 16 had not commented on this case at the time the staff report was written.
- H. **FINDINGS:**
 1. The proposed zoning is consistent with the way this area has developed. The proposed zoning is consistent with the way this area has developed and with the historical zoning of the properties. The T2 zoning district permits a varied mix of residential and commercial uses. Grand Avenue is a major commercial corridor. There are mixed residential and commercial uses both east and west of the parcel. §66.313 states the intent of the T2 Traditional Neighborhood District, which is to encourage a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
 2. The proposed zoning is consistent with the Comprehensive Plan Land Use policy 1.24, Support a mix of uses on Mixed-Use Corridors. This section of Grand Avenue is identified as a mixed-use corridor in the Land Use Plan element of the Comprehensive Plan, adopted in 2010.
 3. The proposed zoning is compatible with surrounding uses, which are mixed use, commercial, and single-family and multi-family residential. T2 permits both residential

and neighborhood oriented commercial uses, consistent with the area's existing mix of uses.

4. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." Approval of this proposal would not result in spot zoning as the area around the subject property has developed with a mix of uses similar to those allowed in T2. The mix of residential and commercial uses proposed by the applicant is consistent with that of the existing neighborhood.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning from B2 Community Business to T2 Traditional Neighborhood.



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

Zoning Office Use Only

File #: _____
 Fee: 1200.00
 Tentative Hearing Date:
9-26-13

PD = 16

~~#~~ 022823420159

APPLICANT

Property Owner Steven & Jennifer Virkus
 Address 814 Grand Ave.
 City St. Paul St. Mn Zip 55105 Daytime Phone 612-987-3038
 Name of Owner (if different) _____
 Contact Person (if different) Jennifer Virkus Phone 612-987-3038

PROPERTY LOCATION

Address/Location 814 Grand Ave. St. Paul, Mn 55105
 Legal Description _____
 Current Zoning B2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

Jennifer & Steven Virkus, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B2 zoning district to a T2 zoning district, for the purpose of: utilizing the back unit as living space. See attached letter.

RECEIVED

SEP 05 2013

Per _____

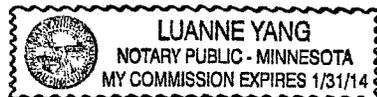
(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

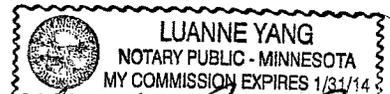
this 4th day
 of September, 2013

[Signature]
 Notary Public



By: [Signature]
 Fee owner of property

Title: owned



[Signature]

Sept 4th, 2013

Department of Safety and Inspections

375 Jackson Street, Ste 220

St. Paul, MN 55101

RE: 814 Grand Ave – Enforcement Letter

To Whom It May Concern:

We are writing this letter in response to the enforcement letter we received on August 28, 2013.

We are applying to get the property re-zoned, however we ask that the city work with us on this. St. Paul Truth in housing came through and no one ever said anything to us about this issue. We are willing to update whatever needs to be updated or fixed. We will pull permits for the work **we are** required to do. We do not believe it is fair to pay for all the permit fees that should have been obtained years ago.

The enforcement letter states that we must “de-convert” the garage living unit to the previous use as parking. However the existing two stall garage is the only garage that has ever existed within the back unit. The rest of the living space was added and there is no way it can be de-converted as it was never garage space in the first place.

The Truth in Housing report lists property as Single Family, yet the fire inspector told us the city was unaware anyone lived here for the past 20 years. But someone did pay property taxes and there was no business ran out of the building. The Truth in Housing report also does not mention anything about permits needing to be pulled or not being pulled in the past for work done. When truth in housing came through it was evident the back building was living space; there was no documentation noting this could not be living space.

Laura Stone, the previous owner, stated in an email written on March 13, 2013 that her contractors who did work on the back unit did in fact pull permits for the work done.

We do want to get his figured out and have been more than willing to work with the city on this issue. We just ask that you work with us on this as we inherited the problem and truly want to make things right.

Thank you,

Steven & Jennifer Virkus



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

August 28, 2013

Steven and Jennifer Virkus
New Life Contracting
814 Grand Avenue
St Paul, MN 55104

RE: 814 Grand Avenue – ENFORCEMENT LETTER

Dear Mr. and Mrs. Virkus:

A letter was sent to you earlier this year regarding the illegal use of the garage as a living unit (see attached).

As previously stated, the property is located in a B2, Community Business zoning district. You were informed the use of the house for a mixed commercial/residential building is conforming but the garage living unit is illegal. Due to this fact, you were given two options to legalize the property:

- 1) Deconvert the garage living unit to the previous use as a parking garage with the applicable construction permits; or,
- 2) Apply for a rezoning to a T2 district to the Planning Commission by filing with Planning and Economic Development (PED); once approved, the conversion shall require building floor plans and construction trade permits.

There has been no application filed with PED to rezone or any application for building/construction trade permits.

To bring the property into zoning compliance you must deconvert the garage with the applicable permits or apply for a rezoning to the Planning Commission by September 5, 2013. An inspection will be conducted based on this date to verify compliance.

Failure to comply with this order will result in further legal action by this office, including criminal citations to all responsible parties and potential summary abatement proceedings.

If you have any questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us.

Yours truly,

Karen Zacho
Zoning Inspector – DSI

c. Michael Urmann, Fire Inspector



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

February 28, 2013

Steven and Jennifer Virkus
New Life Contracting
814 Grand Avenue
St Paul, MN 55104

RE: 814 Grand Avenue – ENFORCEMENT LETTER

Dear Mr. and Mrs. Virkus:

The above referenced property is located in a B2, Community Business zoning district. An inspection of the property verified the main house is a mixed commercial/residential building which is a conforming use.

The garage at the rear of the property has been converted to an illegal residential use. Section 66.421 of the Saint Paul Legislative Code allows for a mixed commercial/residential use but not a separate single family dwelling. There are no records of a city process granting approval or construction trade permits issued for this conversion.

In order to bring the property into zoning conformance, you have two options:

- Deconvert the living space to the original use as a garage – building permits will be required; or
- Apply by 3.25.13 to the Planning Commission for a rezoning of the property to a T2 District. An application must be submitted to Planning and Economic Development, a fee in the amount of \$1200.00, floor plans of both buildings, and a site plan of the property indicating building locations, setbacks, and available parking. An application to rezone has been included with this letter which explains the process. Once the rezoning is approved, a building permit application must be submitted to the Department of Safety and Inspections (DSI) – Plan Review for the conversion to a residential use. Construction trade permits will be required when the building permit has been issued.

In addition, two business signs have been placed on the front of the main building without an approved sign permit. Section 64.401 of the Saint Paul Legislative Code does not allow anyone to place a sign on their property that doesn't meet zoning requirements and without a permit for the sign.

Therefore, you must submit a sign permit application to DSI for review by 3.10.13. An application has been included with this letter. As the signs were installed without an approved permit, a penalty fee will be applied.

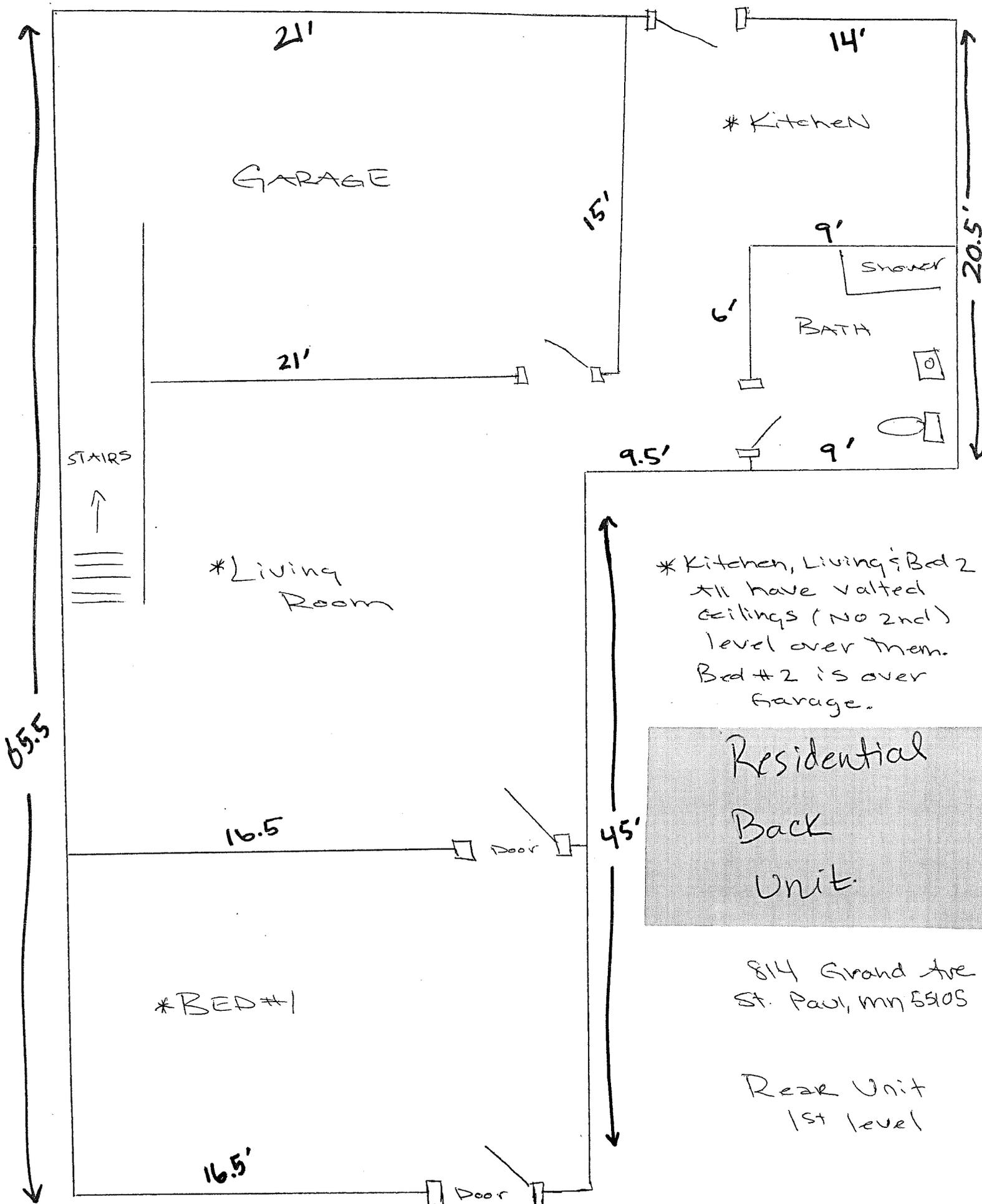
If you have any questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us.

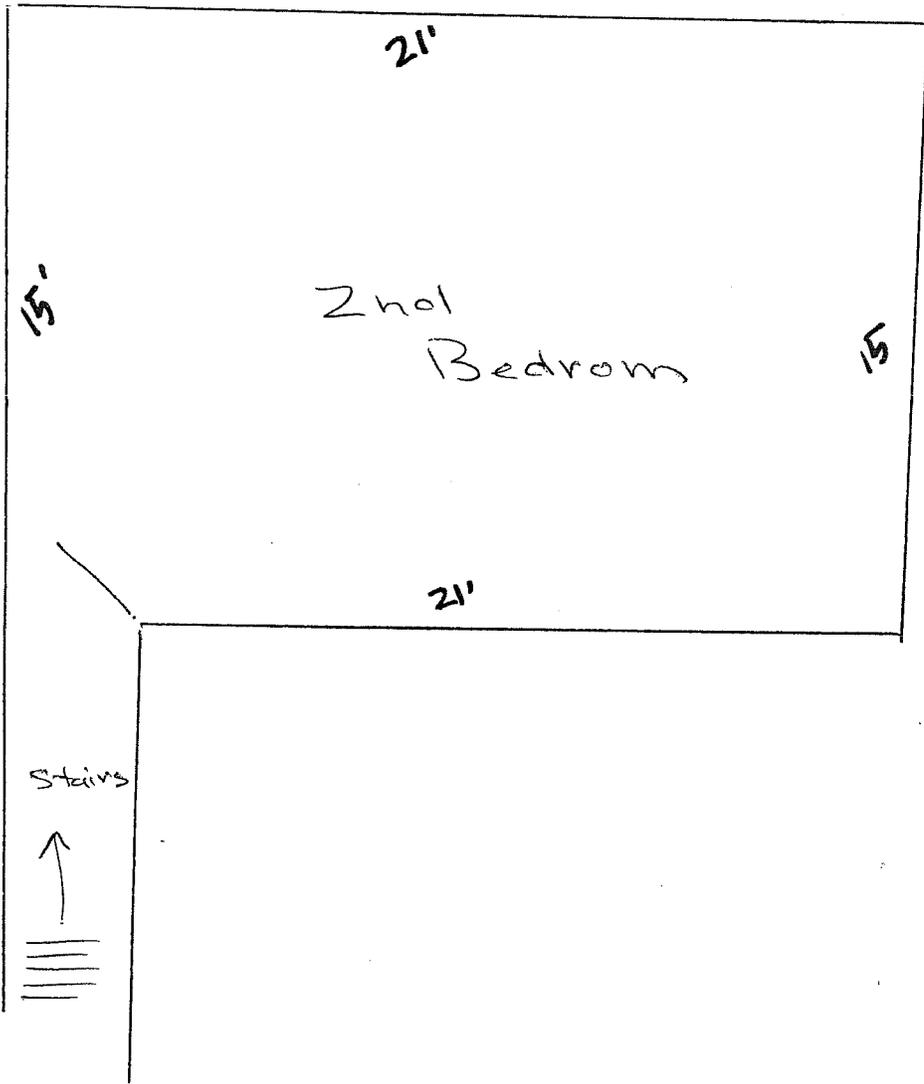
Yours truly,

Karen Zacho
Zoning Inspector – DSI

c. Michael Urmann, Fire Inspector
Yaya Diatta, Zoning Inspector

You may appeal this order and obtain a hearing before the Board of Zoning Appeals. The application for appeals must be filed and fee submitted to the Zoning Administrator within ten (10) days of the date this order was mailed. No appeal may be filed after this date. Applications are available at the Department of Safety & Inspections main office or the City website (www.stpaul.gov)



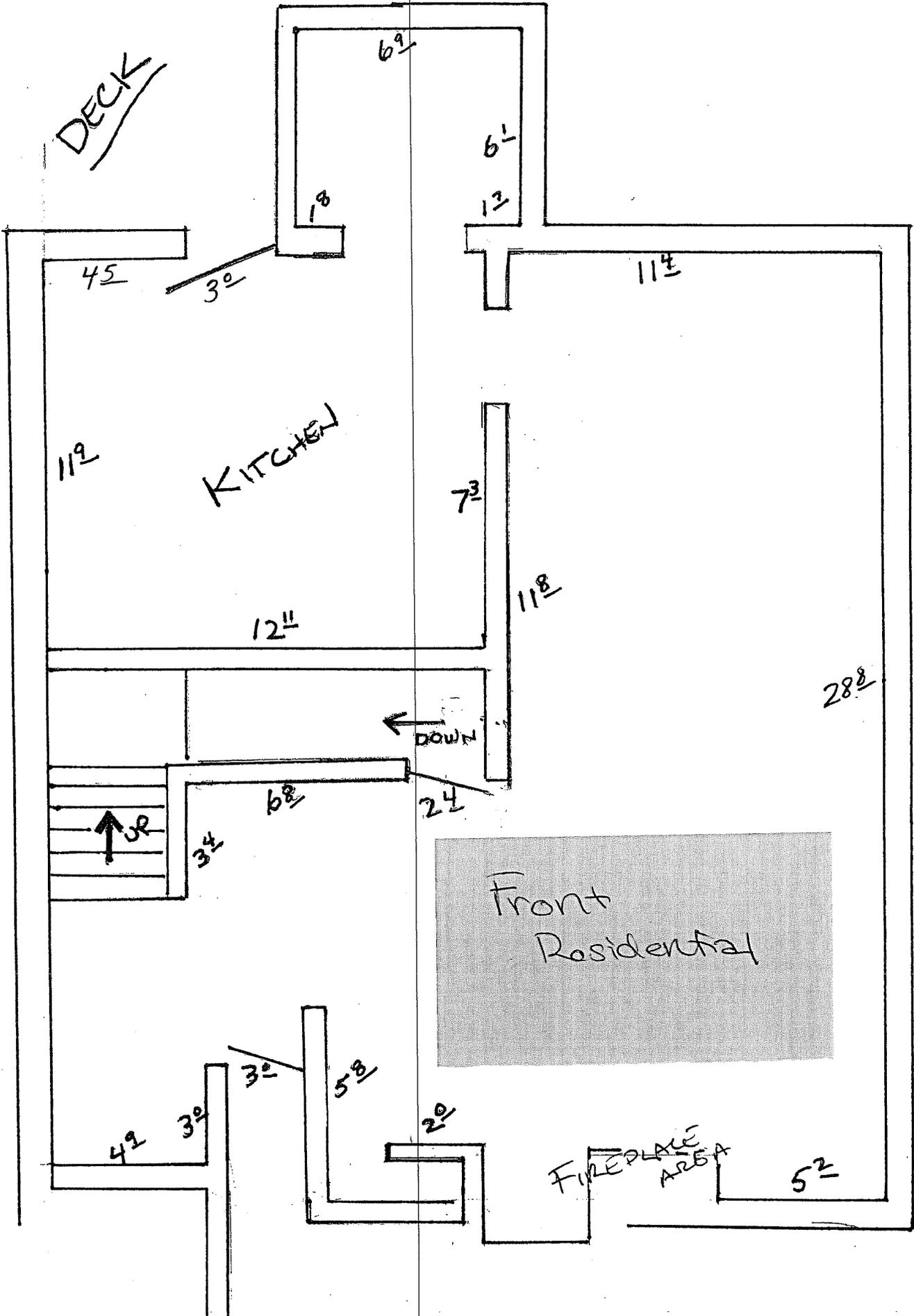


814 Grand
Avenue
St. Paul, MN 55105

2nd level

1/4" = 1'

DECK



KITCHEN

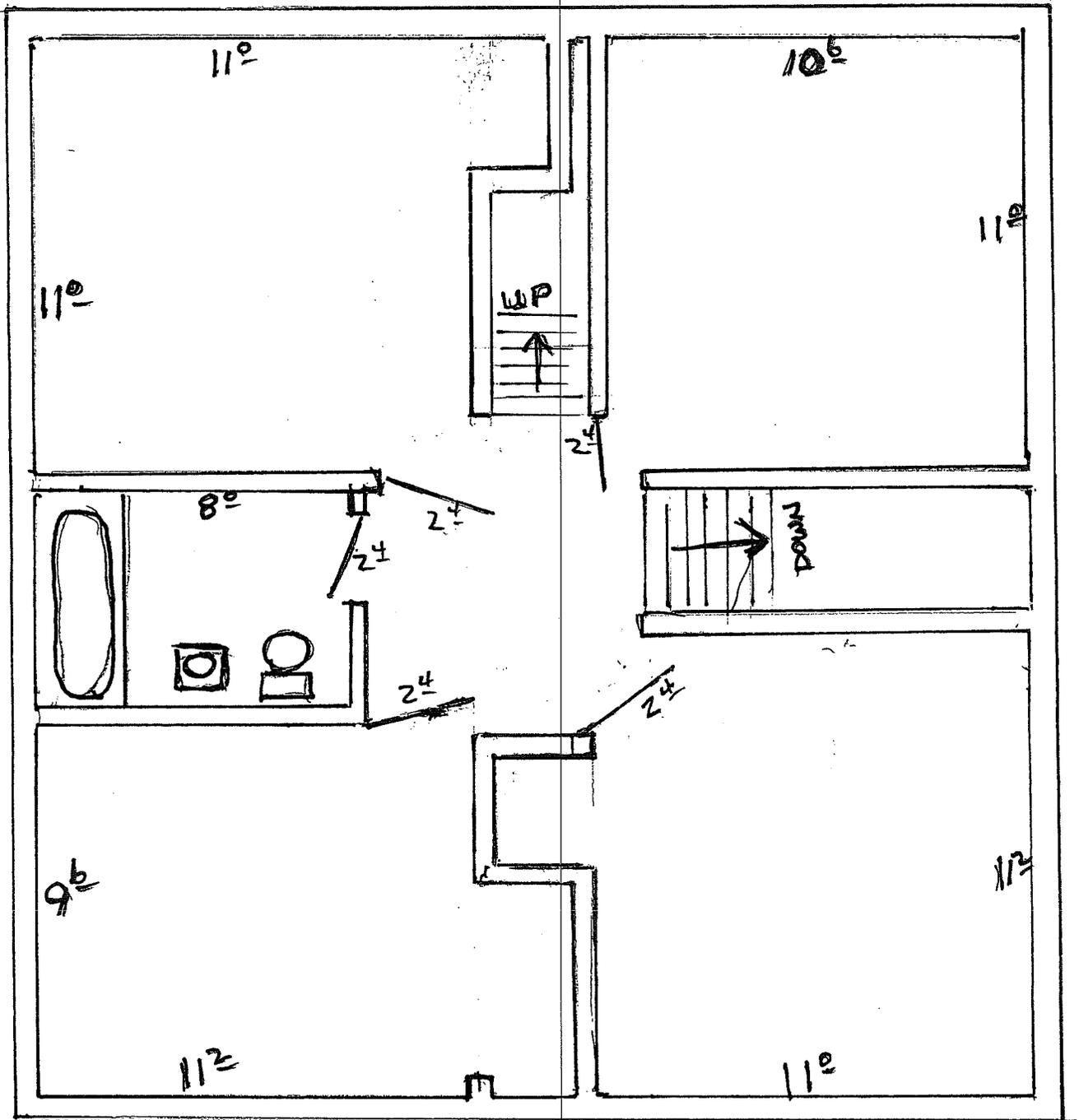
UP

DOWN

Front Residential

FIREPLACE AREA

2ND FLOOR



39. Smoke detector Information:

Smoke detector(s) Y
Properly located Y
*Hard-Wired *Y

*if N or H see note on p. 3, item 39

Disclosure Report
St. Paul Truth-In-Sale of Housing
(Carefully read this entire report)

Office Use, ONLY:

Date Received _____

Payment Ref: _____

Address 814 GRAND AVE

THIS REPORT IS NOT A WARRANTY, BY THE CITY OF ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR THE FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.

Notice: A copy of this Report must be publicly displayed at the premises when the house is shown to prospective buyers, and a copy of this Report must be provided to the buyer prior to the time of signing a Purchase Agreement.

Address of Evaluated Dwelling: 814 Grand Ave
Addresses without the correct street type and/or direction may be returned and may incur a late fee.

Owner's Name: Laura Marie Stone

Owner's Address: 814 Grand Ave, St. Paul, MN 55105

Current Usage of this dwelling: Single Family Townhouse Condo* Duplex Other _____
*For condominium units, this evaluation includes only those items located within the residential units and does not include the common use area, or other residential areas of the structure.
Usage may not be legal. See below

Comments:

PROPERTY LOCATION AND POSSIBLE USE RESTRICTION INFORMATION

If a box is not checked then the information does not apply to this dwelling. This information is not guaranteed by the evaluator nor by the City of St. Paul.

According to information provided to Truth-In-Sale of Housing Evaluators by the City of St. Paul this property:

* IS A Registered Vacant Building. The conditions applicable to a sale are different by Category:
Even if this box is not now marked this dwelling may become a vacant building before the 1 year expiration date of this report.
Cat 1___: New owners must re-register the building and pay all outstanding fees and obtain permission for occupancy.
Written permission from the City of Saint Paul is required before a Cat 2 or Cat 3 VB can be sold.
Cat 2___: Requirements include: 1. register/re-register the building, 2. Pay outstanding fees, 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City.
Cat 3___: All above requirements AND obtain a Certificate of Occupancy or Certificate of Code Compliance before sale.
* NOTICE: A VB status and/or category can change at any time. You must contact the City's Vacant Buildings division at 651-266-1900 to be sure you are fully informed of all the conditions and requirements that may affect the sale of this property.

- IS located within a St. Paul **Heritage Preservation District** or is individually designated as a Saint Paul Heritage Preservation Site. Review and approval of exterior work (excluding painting), modifications, additions and demolition is required by the Heritage Preservation Commission and city staff. For questions regarding Heritage Preservation call the City's information line at **651-266-8989**.
- HAS Open permits.** Go to the DSI website (see below), click on "**Look Up Property Information**" to view information. Completion and/or occupancy restrictions or requirements may apply. Call **651-266-9090** for permit information.
- IS a **Verified Legal Duplex.** If this dwelling is in use as a duplex and this box is not checked, contact **DSI Zoning** at **651-266-9008** for the most recent information. Research into a property's history may incur a fee.

You may obtain a printout of all this information by visiting the DSI website, then enter the property address as directed: www.stpaul.gov > Government > Department of Safety & Inspections, then click on "**Look Up Property Information**"

This Report:

1. is intended to provide basic information to the home buyer and seller prior to the time of sale. This report WILL NOT be used to enforce the requirements of the Legislative Code; however, this evaluation form will be used by the Fire Department to determine if there is compliance with the requirements for hard-wired smoke detectors.
2. is based on the current Truth-in-Sale of Housing Evaluator Guidelines, and is based upon different standards than the lender, Federal Housing Administration (FHA) or Veterans Administration (VA).
3. is not warranted, by the City of St. Paul, nor by the evaluator for the condition of the building component, nor of the accuracy of this report.
4. covers only the items listed on the form and only those items visible at the time of the evaluation. The Evaluator is not required to operate the heating plant (except during the heating season), use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
5. is valid for one year from the date of issue and only for the owner named on this report.

Questions regarding this report should be directed to the evaluator. Complaints regarding this report should be directed to Department of Safety and Inspections, Truth-in-Sale of Housing Program, Phone No. 651-266-1900.

EVALUATOR: Patrick Leahy PHONE: 651-699-6515 DATE: 01/18/2011 Rev 3/2009

Date 01 / 18 / 2011

page 1 of 4

Property Address: 814 Grand Ave

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

Item # Comments
Specify location(s), where necessary

BASEMENT/CELLAR

- 1. Stairs and handrails M
- 2. Basement/cellar floor M
- 3. Foundation B
- 4. Evidence of dampness or staining Y
- 5. First floor, floor system M
- 6. Beams and columns B

- 3. B Loose surface concrete on foundation.
- 4. Stains on walls.
- 6. B Adjustable post being used for structural support, not secured or made permanent.

ELECTRICAL SERVICE(S) # of Services 2

- 7. Service size:
Amps: 30 ___ 60 ___ 100 ___ 150 ___ Other 200
Volts: 115 ___ 115/220 X

- 8. H Open breaker circuits in main panel box back building.
- 9. H Missing coverplate on junction box in water heater room.

BASEMENT ONLY:

- 8. Electrical service installation/grounding H
- 9. Electrical wiring, outlets and fixtures H

PLUMBING SYSTEM

- 10. Floor drain(s) (basement) M
- 11. Waste and vent piping (all floors) H
- 12. Water piping (all floors) B
- 13. Gas piping (all floors) C
- 14. Water heater(s), installation M
- 15. Water heater(s), venting H
- 16. Plumbing fixtures (basement) M

- 11. H Abandoned waste pipe in floor of back building not properly sealed.
- 12. B Exterior water spigot missing backflow preventer.
- 13. C Can't view gas piping at stove (concealed)
- 15. H Flue pipe not sealed at entrance to chimney.

HEATING SYSTEM(S) # of 1

- 17. Heating plant(s): Type: Water Fuel: Gas
a. Installation and visible condition B
b. Viewed in operation (required in heating season) ... Y
c. Combustion venting B

- 17A B Corrosion on boiler.
- 17C B Missing screws on boiler flue pipe. Three screws per joint.

The Evaluator is not required to operate the heating plant(s), except during heating season, between October 15 and April 15.

- 18. Additional heating unit(s) Type: Air Fuel: Gas
a. Installation and visible condition B
b. Viewed in operation Y
c. Combustion venting M

- 18A B Front of furnace obstructed by shelving, lacks proper clearance.

19. ADDITIONAL COMMENTS (1 through 18) C,H

- 19. C Storage items in basement limit view. Could not access locked door on south wall of basement.
- 19. H Abandoned vent pipe sticking out of basement chimney, not properly sealed.

EVALUATOR: Patrick Leahy DATE: 01/18/2011

Property Address: 814 Grand Ave

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable
 Where there are multiple rooms to a category, the Evaluator must specify the room to which a Comment is related.

Item #	Comments
KITCHEN	
20. Walls and ceiling	B 20. B Loose tape seam on ceiling of kitchen in back building.
21. Floor condition and ceiling height	M
22. Evidence of dampness or staining	Y 22. Stains on ceiling in kitchen of back building.
23. Electrical outlets and fixtures	M
24. Plumbing fixtures	B 24: B Sink drain missing coupling.
25. Water flow	M
26. Window size/openable area/mechanical exhaust	M
27. Condition of doors/windows/mech. exhaust	M
LIVING AND DINING ROOM(S)	
28. Walls and ceiling	M
29. Floor condition and ceiling height	M
30. Evidence of dampness or staining	N
31. Electrical outlets and fixtures	H 31. H Ungrounded 3-prong outlet, living room west wall.
32. Window size and openable area	M
33. Window and door condition	M
HALLWAYS, STAIRS AND ENTRIES	
34. Walls, ceilings, floors	M
35. Evidence of dampness or staining	N
36. Stairs and handrails to upper floors	B 36. B Steep stairs to 3rd floor. Openings in guardrail over 4" in guardrail of balcony in back building. Lacks complete handrail on stairs. Low headroom on stairs.
37. Electrical outlets and fixtures	M
38. Window and door condition	M
39. Smoke detector(s)	Y
Properly located	Y
* Hard-wired (HWSD)	* Y
*if N or H in a <u>single family home</u> then SPFire Dept requires HWSD installation	
BATHROOM(S)	
40. Walls and ceiling	M
41. Floor condition and ceiling height	M
42. Evidence of dampness or staining	N
43. Electrical outlets and fixtures	H 43. H GFCI outlet does not trip in 1/2 bath main floor.
44. Plumbing fixtures	M
45. Water flow	B 45. B Low water flow to sink with tub running 2nd floor bath.
46. Window size/openable area/mechanical exhaust	M
47. Condition of windows/doors/mech. exhaust	M
SLEEPING ROOM(S)	
48. Walls and ceiling	B
49. Floor condition, area, and ceiling height	M
50. Evidence of dampness or staining	N
51. Electrical outlets and fixtures	H,C 51. C Limited accessibility to electrical outlets in bedrooms due to furniture.
52. Window size and openable area	B 51. H Missing coverplate on outlet northwest bedroom.
53. Window and door condition	M 52. B Restricted egress opening in windows.
ENCLOSED PORCHES AND OTHER ROOMS	
54. Walls, ceiling, and floor, condition	M
55. Evidence of dampness or staining	Y
56. Electrical outlets and fixtures	H,B 55. Ceiling stains, back room of back building and loft room main house.
57. Window and door condition	M 56. B Reverse polarity on outlet west wall front room of back building. Loose electrical outlet south room 3rd floor of house.
ATTIC SPACE (Visible Areas)	
58. Roof boards and rafters	M
59. Evidence of dampness or staining	N
60. Electrical wiring/outlets/fixtures	M
61. Ventilation	Y
62. ADDITIONAL COMMENTS (20 through 61)	H 56. H Missing coverplate on switch front room of back building.
CO Detector information reported here	
62. H Missing carbon monoxide detector 2nd level hallway.	

EVALUATOR: Patrick Leahy DATE: 01/18/2011

Property Address: 814 Grand Ave

Rating Key: M = Meets minimum B = Below minimum C = See Comment H = Hazardous Y = Yes N = No NV = Not Visible/Viewed NA = Not Applicable

Item # Comments

EXTERIOR (Visible Areas)

63. Foundation	<u>B</u>
64. Basement/cellar windows	<u>M</u>
65. Drainage (grade)	<u>B</u>
66. Exterior walls	<u>M</u>
67. Doors (frames/storms/screens)	<u>M</u>
68. Windows (frames/storms/screens)	<u>B</u>
69. Open porches, stairways and decks	<u>M</u>
70. Cornice and trim	<u>M</u>
71. Roof structure and covering	<u>C</u>
72. Gutters and downspouts	<u>M</u>
73. Chimneys	<u>NV</u>
74. Outlets, fixtures and service entrance	<u>M</u>

63. B Loose / missing mortar.
 65. B Grade is low / flat in areas.
 68. B Missing window screen.
 71. C Snow covered and low slope in areas, can't fully view roof to evaluate.

GARAGE(S)/ACCESSORY STRUCTURE(S)

75. Roof structure and covering	<u>C</u>
76. Wall structure and covering	<u>B</u>
77. Slab condition	<u>M</u>
78. Garage doors(s)	<u>M</u>
79. Garage opener(s) - (see important notice #6) ..	<u>Y</u>
80. Electrical wiring, outlets and fixtures	<u>M</u>
81. ADDITIONAL COMMENTS (62 through 80)	<u>C</u>

75. C Snow covered, can't view garage roof.
 76. B Damaged sheetrock walls in garage.
 81. C Limited view of east exterior due to accessibility and vines.

FIREPLACE/WOODSTOVES # of

82. Dampers installed in fireplaces	<u>Y</u>
83. Installation	<u>M</u>
84. Condition	<u>M</u>

.....

SUPPLEMENTAL INFORMATION No determination is made whether items meet minimum standards (Y/N, NA, NV, only)

INSULATION	Y/N	Type	Inches/Depth
85. Attic Insulation	<u>NV</u>	_____	_____
86. Foundation Insulation	<u>N</u>	_____	_____
87. Kneewall Insulation	<u>NV</u>	_____	_____
88. Rim Joist Insulation	<u>N</u>	_____	_____

89. ADDITIONAL COMMENTS (81 through 88) _____

I hereby certify I prepared this report in compliance with the St. Paul Evaluator Guidelines and all other applicable policies and procedures of the Truth-in-Sale of Housing Board. I have utilized reasonable and ordinary care and diligence and I have noted all conditions found that do not conform to the minimum standards of maintenance.

Patrick Leahy
Evaluator Signature

651-699-6515
Phone Number

01/18/2011
Date

Page 4 of 4
Rev 3/2009

Printed Name: Patrick Leahy

IMPORTANT NOTICES

- Any single family residence in St. Paul must have at least one smoke detector connected to the electrical system (hard-wired). The detector must be located near sleeping rooms. For more information call Fire Prevention, 651-266-9090. (St. Paul Legislative Code, Chapter 58.)
- Rainleaders connected to the sanitary sewer system must be disconnected. For more information call Public Works, Sewer Utility, (651) 266-6234.
- A house built before 1978 may have lead paint on/in it. If children ingest lead paint, they can be poisoned. For more information call Ramsey County Public Health, 651-266-1199.
- Neither the City of St. Paul nor the Evaluator is responsible for the determination of the presence of airborne particles such as asbestos, noxious gases such as radon, or other conditions of air quality that may be present, nor the conditions which may cause the above.
- If this building is used for any purpose other than a single family dwelling, it may be illegally zoned. To help you determine legal uses under the zoning ordinance, contact the Zoning Administrator at 651-266-9008.
- An automatic garage door should reverse upon striking an object. If it does not reverse it poses a serious hazard and should be immediately repaired or replaced.

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

This form approved by the Minnesota Association of REALTORS®,
which disclaims any liability arising out of use or misuse of this form.
© 2005 Minnesota Association of REALTORS®, Edina, MN

1. Date 1/3/2011
2. Page 1 of _____ pages

3. **THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

4. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
5. Under Minnesota law, Sellers of residential property, with limited exceptions listed on page five (5), are obligated to
6. disclose to prospective Buyers all material facts of which Seller is aware that could adversely and significantly affect an
7. ordinary Buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware. MN
8. Statute 513.58 requires Seller to notify Buyer in writing as soon as reasonably possible, but in any event before
9. closing, if Seller learns that Seller's disclosure was inaccurate. Seller has disclosure alternatives allowed by MN
10. Statutes. See *Seller's Disclosure Alternatives* form for further information regarding disclosure alternatives. This
11. disclosure is not a warranty or a guarantee of any kind by Seller or licensee representing or assisting any party in
12. the transaction.

13. **INSTRUCTIONS TO BUYER:** Buyers are encouraged to thoroughly inspect the property personally or have it
14. inspected by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers NO to any of
15. the questions listed below, it does not necessarily mean that it does not exist on the property. NO may mean that
16. Seller is unaware that it exists on the property.

17. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s)
18. and/or inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of
19. your knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all
20. questions. (6) If any items do not apply, write "NA" (not applicable).

21. Property located at 814 Grand Ave
22. City of St. Paul, County of Ramsey, State of Minnesota.

23. **A. GENERAL INFORMATION:**

24. (1) When did you Acquire / Build the home? 1993
(Check one.)

25. (2) Type of title evidence: Abstract Registered (Torrens)

26. Location of Abstract: Briggs and Morgan, Pt., Minneapolis

27. To your knowledge, is there an existing Owner's Title Insurance Policy? Yes No

28. (3) Have you occupied this home continuously for the past 12 months? Yes No

29. If "No," explain: _____

30. (4) Is the home suitable for year-round use? Yes No

31. (5) To your knowledge, is the property located in a designated flood plain? Yes No

32. (6) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) Yes No

33. (7) Is the property located on a public or a private road? Public Private

34. Are you aware of any

35. (8) encroachments? Yes No

36. (9) association, covenants, reservations or restrictions that affect or may affect the use

37. or future resale of the property? Yes No

38. (10) easements, other than utility or drainage easements? Yes No

39. (11) Comments: _____

40. _____

41. **B. GENERAL CONDITION:** To your knowledge, have any of the following conditions previously existed or do they
42. currently exist?

43. (1) Has there been any damage by wind, fire, flood, hail or other cause(s)? Yes No

44. If "Yes," give details of what happened and when: Currently being repaired; hail

45. damage; covered by insurance

46. (2) Has/Have the structure(s) been altered?
47. (e.g., additions, altered roof lines, changes to load-bearing walls) Yes No

48. If "Yes," please specify what was done, when and by whom (owner or contractor): walls torn out, rebuilt;

49. fire place put in; Fire place wall put in; third floor attic remodel; window replaced; kitchen

50. (3) Has there been any damage to flooring or floor covering? Yes No remodeled

51. If "Yes," give details of what happened and when: _____

52. _____

53. (4) Are you aware of any insect/animal/pest infestation? Yes No Have bugs from

54. (5) Do you have or have you previously had any pets? Yes No time to time

55. If "Yes," indicate type Dog and number 1

56. (6) Comments: _____

57. _____

58. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER**

MN:SPDS-1 (8/05)

CENTURY 21 Visa, Inc. 405 West Lincoln Avenue Pergus Falls, MN 56537

Phone: (218) 739 - 3281

Fax: (218) 739 - 2258

MEEK MSC

Terese Meek

Produced with ZipForm™ by RE FormsNet, LLC 18025 Fifteen Mile Road, Clinton Township, Michigan 48035 www.zipform.com

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

59. Page 2

60. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

61. Property located at _____

62. C. STRUCTURAL SYSTEMS:

63. To your knowledge, have any of the following conditions previously existed or do they currently exist?
64. (ANSWERS APPLY TO ALL STRUCTURES, SUCH AS GARAGE AND OUTBUILDINGS.)

65. (1) **THE BASEMENT, CRAWLSPACE, SLAB:**

- | | | | |
|-----------------------------|---|----------------------|---|
| 66. (a) cracked floor/walls | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | (e) leakage/seepage | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 67. (b) drain tile problem | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | (f) sewer backup | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 68. (c) flooding | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | (g) wet floors/walls | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 69. (d) foundation problem | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | (h) other | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

70. Give details to any questions answered "Yes": _____

71. _____

72. (2) **THE ROOF:** To your knowledge,

- | | | | |
|---|-------------------|---|---|
| 73. (a) what is the age of the roofing material? | <u>2004</u> years | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>* Hail damage being repaired; covered by insurance</i> |
| 74. (b) has there been any interior or exterior damage? | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 75. (c) has there been interior damage from ice buildup? | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| 76. (d) has there been any leakage? | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 77. (e) have there been any repairs or replacements made to the roof? | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |

78. Give details to any questions answered "Yes": Roof redone 2004; will be

79. redone again for Hail damage

80. D. APPLIANCES, HEATING, PLUMBING, ELECTRICAL AND OTHER MECHANICAL SYSTEMS:

81. **NOTE:** This section refers only to the working condition of the following items. Answers apply to all such items unless otherwise noted in comments below. Personal property is included in the sale **ONLY IF** specifically referenced in the Purchase Agreement.

82. **Cross out only those items not physically located on the property.**

In Working Order		In Working Order		In Working Order	
Yes	No	Yes	No	Yes	No
87. Air-conditioning	<input checked="" type="checkbox"/> <input type="checkbox"/>	Garbage disposal	<input checked="" type="checkbox"/> <input type="checkbox"/>	Trash compactor	<input checked="" type="checkbox"/> <input type="checkbox"/>
88. Central <input type="checkbox"/> Wall <input type="checkbox"/> Window <input checked="" type="checkbox"/>		Heating system (central)	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV antenna system	<input checked="" type="checkbox"/> <input type="checkbox"/>
89. Air exchange system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Heating system (supplemental)	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV cable system	<input checked="" type="checkbox"/> <input type="checkbox"/>
90. Ceiling fan	<input checked="" type="checkbox"/> <input type="checkbox"/>	Incinerator	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV satellite dish	<input checked="" type="checkbox"/> <input type="checkbox"/>
91. Dishwasher	<input checked="" type="checkbox"/> <input type="checkbox"/>	Intercom	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV satellite receiver	Rented <input type="checkbox"/> Owned <input type="checkbox"/>
92. Doorbell	<input checked="" type="checkbox"/> <input type="checkbox"/>	Lawn sprinkler system	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV satellite receiver	Rented <input type="checkbox"/> Owned <input type="checkbox"/>
93. Drain tile system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/> <input type="checkbox"/>	Washer	<input checked="" type="checkbox"/> <input type="checkbox"/>
94. Dryer	<input checked="" type="checkbox"/> <input type="checkbox"/>	Plumbing	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/> <input type="checkbox"/>
95. Electrical system <i>*</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	Pool and equipment	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water treatment system	<input checked="" type="checkbox"/> <input type="checkbox"/>
96. Exhaust system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water treatment system	Rented <input type="checkbox"/> Owned <input type="checkbox"/>
97. Fire sprinkler system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Range hood	<input checked="" type="checkbox"/> <input type="checkbox"/>	Windows	<input checked="" type="checkbox"/> <input type="checkbox"/>
98. Fireplace	<input checked="" type="checkbox"/> <input type="checkbox"/>	Refrigerator	<input checked="" type="checkbox"/> <input type="checkbox"/>	Window treatments	<input checked="" type="checkbox"/> <input type="checkbox"/>
99. Fireplace mechanisms	<input checked="" type="checkbox"/> <input type="checkbox"/>	Security system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Wood-burning stove	<input checked="" type="checkbox"/> <input type="checkbox"/>
100. Furnace humidifier	<input checked="" type="checkbox"/> <input type="checkbox"/>	Rented <input type="checkbox"/> Owned <input type="checkbox"/>		Other	<input type="checkbox"/> <input type="checkbox"/>
101. Freezer	<input checked="" type="checkbox"/> <input type="checkbox"/>	Smoke detectors (battery)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
102. Garage door opener (GDO)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Smoke detectors (hardwired)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
103. GDO auto reverse	<input checked="" type="checkbox"/> <input type="checkbox"/>	Solar collectors	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
104. GDO remote	<input checked="" type="checkbox"/> <input type="checkbox"/>	Stump pump	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
105. Toilet mechanisms	<input checked="" type="checkbox"/> <input type="checkbox"/>	Toilet mechanisms	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>

106. Comments: * problem with one of the lights in main house - it won't go on

107. _____

108. _____

109. E. PRIVATE SEWER SYSTEM DISCLOSURE:

110. (A Private Sewer System Disclosure is required by MN Statute 115.55.)
111. (Check appropriate box.)
112. Seller does not know of a private sewer system on or serving the above-described real property.
113. There is a private sewer system on or serving the above-described real property.
114. See Private Sewer System Disclosure.
115. There is an abandoned private sewer system on the above-described real property.
116. See Private Sewer System Disclosure.

117. F. PRIVATE WELL DISCLOSURE: (A Well Disclosure Statement and Certificate are required by MN Statute 1031.235.)

118. (Check appropriate box.)
119. Seller certifies that Seller does not know of any wells on the above-described real property.
120. Seller certifies there are one or more wells located on the above-described real property.
121. See Well Disclosure Statement.
122. Are there any wells serving the above-described property that are not located on the property? Yes No
123. To your knowledge, is this property in a Special Well Construction Area? Yes No

126. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

127. Property located at _____

128. G. PROPERTY TAX TREATMENT:

129. Valuation Exclusion Disclosure (Required by MN Statute 273.11, Subd. 16.)

130. (Check appropriate box.)

131. There IS [] / IS NOT [X] an exclusion from market value for home improvements on this property. Any valuation ----- (Check one.) -----

132. exclusion shall terminate upon sale of the property, and the property's estimated market value for property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the resulting tax consequences.

133. Additional comments: _____

136. Preferential Property Tax Treatment

137. is the property subject to any preferential property tax status or any other credits affecting the property which would terminate upon the sale of the property? Yes [] No [X] (e.g., Disability, Green Acres, CRP, RIM)

140. If "Yes," please explain: _____

141. _____

142. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:

143. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)

144. [X] Seller is not aware of any methamphetamine production that has occurred on the Property.

145. [] Seller is aware that methamphetamine production has occurred on the Property.

146. See Methamphetamine Disclosure Statement.

147. I. CEMETERY ACT:

148. MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or cemeteries. A person 149. who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs or removes human skeletal remains or 150. human burial grounds is guilty of a felony.

151. To your knowledge, are you aware of any human remains, burials or cemeteries located on the property? [] Yes [X] No

152. If "Yes," please explain: _____

153. _____

154. All unidentified human remains or burials found outside of platted, recorded or identified cemeteries and in contexts 155. which indicate antiquity greater than 50 years shall be dealt with according to the provisions of MN Statute 307.08, 156. Subd. 7.

157. J. ENVIRONMENTAL CONCERNS:

158. To your knowledge, have any of the following environmental concerns previously existed or currently exist on the property?

159. Asbestos? Yes [] No [X] Lead? (e.g. paint, plumbing) Yes [] No [X] Soil problems? Yes [] No [X]

160. Diseased trees? Yes [] No [X] Mold? Yes [] No [X] Underground storage tanks? Yes [] No [X]

161. Formaldehyde? Yes [] No [X] Radon? Yes [] No [X] Other? Yes [] No [X]

162. Hazardous wastes/substances? Yes [] No [X]

163. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental 164. authority ordering the remediation of a public health nuisance on the property? Yes [] No [X]

165. If answer above is "YES," seller certifies that all orders [] HAVE [] / HAVE NOT been vacated. ----- (Check one.) -----

166. Give details to any question answered "Yes": _____

167. _____

168. _____

169. _____

170. K. OTHER DEFECTS:

171. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or 172. enjoyment of the property or any intended use of the property? Yes [] No [X]

173. If "Yes," explain below:

174. _____

175. _____

176. L. ADDITIONAL COMMENTS:

177. * there has been a wet floor (taken care of

178. this last fall) in the back building

179. _____

180. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER

SELLER'S PROPERTY
DISCLOSURE STATEMENT

181. Page 4

182. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

183. Property located at _____

184. **NOTICE REGARDING PREDATORY OFFENDER INFORMATION**

185. Information regarding the predatory offender registry and persons registered with the predatory offender
186. registry under MN Statute section 243.166 may be obtained by contacting the local law enforcement offices in the
187. community where the property is located or the Minnesota Department of Corrections at (651) 642-0200, or
188. from the Department of Corrections web site at www.corr.state.mn.us.

189. **WATER INTRUSION AND MOLD GROWTH**

190. Recent studies have shown that various forms of water intrusion affect many homes. Water intrusion may occur from
191. exterior moisture entering the home and/or interior moisture leaving the home.

192. Examples of exterior moisture sources may be

- 193. • improper flashing around windows and doors,
- 194. • improper grading,
- 195. • flooding,
- 196. • roof leaks.

197. Examples of interior moisture sources may be

- 198. • plumbing leaks,
- 199. • condensation (caused by indoor humidity that is too high or surfaces that are too cold),
- 200. • overflow from tubs, sinks or toilets,
- 201. • firewood stored indoors,
- 202. • humidifier use,
- 203. • inadequate venting of kitchen and bath humidity,
- 204. • improper venting of clothes dryer exhaust outdoors (including electrical dryers),
- 205. • line-drying laundry indoors,
- 206. • houseplants — watering them can generate large amounts of moisture.

207. In addition to the possible structural damage water intrusion may do to the property, water intrusion may also result
208. in the growth of mold, mildew and other fungi. Mold growth may also cause structural damage to the property.
209. Therefore, it is very important to detect and remediate water intrusion problems.

210. Fungi are present everywhere in our environment, both indoors and outdoors. Many molds are beneficial to humans.
211. However, molds have the ability to produce mycotoxins that may have a potential to cause serious health problems,
212. particularly in some immunocompromised individuals and people who have asthma or allergies to mold.

213. To complicate matters, mold growth is often difficult to detect, as it frequently grows within the wall structure. If you
214. have a concern about water intrusion or the resulting mold/mildew/fungi growth, you may want to consider having
215. the property inspected for moisture problems before entering into a purchase agreement or as a condition of your
216. purchase agreement. Such an analysis is particularly advisable if you observe staining or musty odors on the
217. property.

218. For additional information about water intrusion, indoor air quality, moisture or mold issues, go to the Minnesota
219. Association of REALTORS® web site at www.mnrealtor.com.

220. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS AND ARE**
221. **NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING IN THE PROPERTY.**

222. **M. SELLER'S STATEMENT** (to be signed at time of listing):

223. Seller(s) hereby states the material facts as stated above are true and accurate and authorizes any licensee(s)
224. representing or assisting any party(ies) in this transaction to provide a copy of this statement to any person or entity
225. in connection with any actual or anticipated sale of the property.

226. Laura Stone by PSW 1/3/11 _____
(Seller) (Date) (Seller) (Date)

227. **N. BUYER'S ACKNOWLEDGEMENT** (to be signed at time of purchase agreement):

228. I/We, the Buyer(s) of the property, acknowledge receipt of the Seller's Property Disclosure Statement and agree
229. that no representations regarding material facts have been made other than those made above.

230. _____
(Buyer) (Date) (Buyer) (Date)

231. **O. SELLER'S ACKNOWLEDGEMENT** (to be signed at time of purchase agreement):

232. **AS OF THE DATE BELOW**, I/we, the Seller(s) of the property, state that the material facts stated above are the
233. same, except after changes as indicated below.

234. Laura Stone 1/3/11 _____
235. _____

236. Laura Stone 1/3/11 _____
(Seller) (Date) (Seller) (Date)

237. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER**

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

238. Page 5

239. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60.

240. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as,

241. a single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103,

242. clause (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.

243. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in

244. residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any

245. other option.

246. Exceptions

247. The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to

248. (1) real property that is not residential real property;

249. (2) a gratuitous transfer;

250. (3) a transfer pursuant to a court order;

251. (4) a transfer to a government or governmental agency;

252. (5) a transfer by foreclosure or deed in lieu of foreclosure;

253. (6) a transfer to heirs or devisees of a decedent;

254. (7) a transfer from a cotenant to one or more other cotenants;

255. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;

256. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property

257. agreement incidental to that decree;

258. (10) a transfer of newly constructed residential property that has not been inhabited;

259. (11) an option to purchase a unit in a common interest community, until exercised;

260. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to

261. a declarant under section 515B.1-103, clause (2);

262. (13) a transfer to a tenant who is in possession of the residential real property; or

263. (14) a transfer of special declarant rights under section 515B.3-104.

264. Waiver

265. The written disclosure required under sections 513.52 to 513.60 may be waived if Seller and the prospective

266. Buyer agree in writing. Waiver of the disclosure required under sections 513.52 to 513.60 does not waive, limit or

267. abridge any obligation for seller disclosure created by any other law.

268. No Duty to Disclose

269. A. There is no duty to disclose the fact that the property

270. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human

271. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;

272. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or

273. (3) is located in a neighborhood containing any adult family home, community-based residential facility or

274. nursing home.

275. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required

276. to register under MN Statute 243.166, or about whom notification is made under that section, if Seller, in a timely

277. manner, provides a written notice that information about the predatory offender registry and persons registered

278. with the registry may be obtained by contacting the local law enforcement agency where the property is located

279. or the Department of Corrections.

280. C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs A and

281. B for property that is not residential property.

282. D. **Inspections.** (i) Except as provided in paragraph (ii), Seller is not required to disclose information relating to

283. the real property if a written report that discloses the information has been prepared by a qualified third party

284. and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state

285. or local governmental agency, or any person whom Seller or prospective buyer reasonably believes has the

286. expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has

287. been conducted by the third party in order to prepare the written report.

288. (ii) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any

289. information included in a written report under paragraph (i) if a copy of the report is provided to Seller.

290. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER**

MN:SPDS-5 (8/05)

Date: Jul 05, 2012
File #: 12-077670
Folder Name: history
PIN: 022823420159

814 Grand Avenue (022823420159) is located in the B2 Community Business zoning district and East Grand Avenue Overlay District.

- 04/14/1976 building permit to construct a new garage (24x20, 7' high)
- 10/27/1976 building permit to remodel (roofing – new – alum windows and doors, exterior stair repair)
- 09/24/1979 building permit to alter buildings. retail sales area expansion. (26x25, 25' high, 2 stories)
- 09/24/1979 building permit to add on to building for craft shop work area expansion (16x30, 16' high, 1 story)
- 01/24/1984 complaint regarding business sign on blvd
01/24/1984 two sale banners on blvd
01/25/1984 letter sent in response to complaint
02/01/1984 signs still on blvd
02/07/1984 letter rcvd in response to 01/25/1984 letter
02/13/1984 letter sent in response to questions re: signs on the blvd
02/27/1984 signs have been removed
04/19/1984 letter rcvd in response to 2/13/1984 letter.
04/20/1984 letter response from Front Porch Pottery & Gallery
04/24/1984 letter in response to letters received regarding city's ordinance on blvd signs
04/30/1984 letter in response to 4/24/1984
05/14/1987 letter sent regarding 814 Grand Avenue
05/18/1987 letter rcvd in response to 5/14/1987.
05/22/1987 letter sent in response to 05/22/1987 letter.
06/20/1984 signs on blvd again, issue tag
07/09/1984 letter sent as followup to conversation earlier in the week
09/10/1984 court; judge found Denzer guilty, charged \$100 fine; suspended if no further violation for 1 year
10/11/1984 another complaint; sign on blvd and truck across the street
10/12/1984 issue another new warning letter; if no compliance, tag again
10/17/1984 confirmed sign removed
11/01/1984 rechecked, no signs on blvd
- 08/02/1993 building permit to add another bathroom – remodel 3rd floor finished area w/new bathroom
- 08/06/1993 building permit for garage remodeling to remodel rear garage of bldg for 2-car garage
- 09/17/1993 building permit to remodel (ok zoning LZ 09/17/1993) extend separation walls between B2/R3. 1hr wall w/50 stc sound reduction, separate entrances for res & business
- August, 2001 – December, 2001 discussions/notes – nonprofit, wellness center retreat for cancer patients, 150 people / support patients and their families, (any overnights?)
- Note: kiln in garage
- August, 2001 Lupin's Garden Renewal Center
F Mental Health, Crisis Intervention
F20 (Alcohol, Drug and Substance Abuse, Dependency Prevention and Treatment)

Date: Jul 05, 2012
File #: 12-077670
Folder Name: history
PIN: 022823420159

- 08/21/2003 per letter from Laura Stone, Ex Dir of Lupins Garden
Statement: "I've learned that by selling my present home and living at the more residential front part of Lupins Garden, ... Last year we used the small front of the house for our services, which worked, but was tight and limiting, and not as open and easy to create art and study in as the back had been. I want to finish the plumbing, to make that space usable workshop area. And to live in the front part of the dwelling. This way, the space will be fully used. ...
- 10/22/2003 building permit issued for accessible restroom (10/22/2003 LRZ, toilet room to be located in accessory bldg/studio in rear yard behind main bldg. OK zoning per Jeff Hawkins.)



CITY OF ST. PAUL

OFFICE OF LICENSE, INSPECTIONS AND ENVIRONMENTAL PROTECTION
350 ST. PETER STREET, SUITE 300
ST. PAUL, MINNESOTA 55102-1510

GENERAL BUILDING PERMIT APPLICATION

Visit our Web Site at www.liep.us

PROJECT ADDRESS	Number 814	Street Name Grand Ave	St. Ave. Blvd. Etc. St. Paul 55105	N S E W	Suite/Apt	Building Name Lupin's Garden	Date 10-22-03
------------------------	----------------------	---------------------------------	--	---------	-----------	--	-------------------------

Contractor (Include Contact Person) LAURA STONE	Address City State, Zip+4 814 Grand Ave St. Paul, MN 55105 <small>(Permit will be mailed to the Contractor's Address)</small>	Phone
--	--	-------

State Building Contr. Lic. #	Property Owner (Include Contact Person) Laura Stone	Address City State, Zip+4	Phone
------------------------------	--	---------------------------------	-------

Masonry Contractor	Address City, State Zip+4 Mail Additional Permit to Below	Phone
--------------------	--	-------

Architect Pat Barry	Address City, State Zip+4 1895 Goodrich Ave St Paul MN	Phone 651 697 0280
-------------------------------	---	------------------------------

New Structure <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>	Commercial <input checked="" type="checkbox"/>	Residential Enter Number of Residential Units >> 1	Estimated Value of the Total Project \$ 3000.00
---	---	---	---	---

Addition <input type="checkbox"/>	Remodel/Alter <input checked="" type="checkbox"/>	Repair <input checked="" type="checkbox"/>	Estimated Start Date:	Estimated Finish Date:
--------------------------------------	--	---	-----------------------	------------------------

Description of Project accessible restroom	Applicant certifies that all information is correct and that all pertinent state regulations and city ordinances will be complied with in performing the work for which this permit is issued. Laura M. Stone Applicant's Signature
--	--

PLEASE COMPLETE THIS SECTION ONLY FOR NEW STRUCTURE OR ADDITION

Structure Dimensions (In Feet)						Is a Fire Suppression System Available? (i.e. - sprinklers) Yes or No <input type="checkbox"/> Yes <input type="checkbox"/> No
Width	Length	Height	Total Square Feet (include basement)	Basement? Yes No	# of Stories	

Lot Dimensions (In Feet)		Set Backs from Property Lines			
Lot Width	Lot Depth	Front	Back	Side 1	Side 2

For Office Use Only

Change/Expansion of Use? Yes or No	Occupancy Group B	FAX IT? Would you like your permit faxed to you? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SUMMARY OF FEES		
Existing Primary Use Studio/Garage	Construction Type II-B		Building Permit Fee	\$ 83.25	
Proposed Primary Use Studio/Garage	Plan Number V-03-2100		Plan Check Fee	\$ 26.50	
Zoning District	1427037 B		State Surcharge	\$ 1.50	
PLAN REVIEW REMARKS Toilet Room to BE LOCATED IN ACCESSORY BLDG/STUDIO AT REAR YARD BEHIND MAIN BLDG. ZONING PER JEFF HAWKINS				SAC	\$
				Total Permit Fee	\$ 111.25

S.A.C. #:	Reviewed By:	Date:	Warning Folder #	(For Office Use Only) PERMIT # 03-379071
Charge Credit	DLG	10-24-03	Vacant Bldg. Folder #	

State Valuation: \$ 3000.00	Expiration Month/Year				
------------------------------------	-----------------------	--	--	--	--

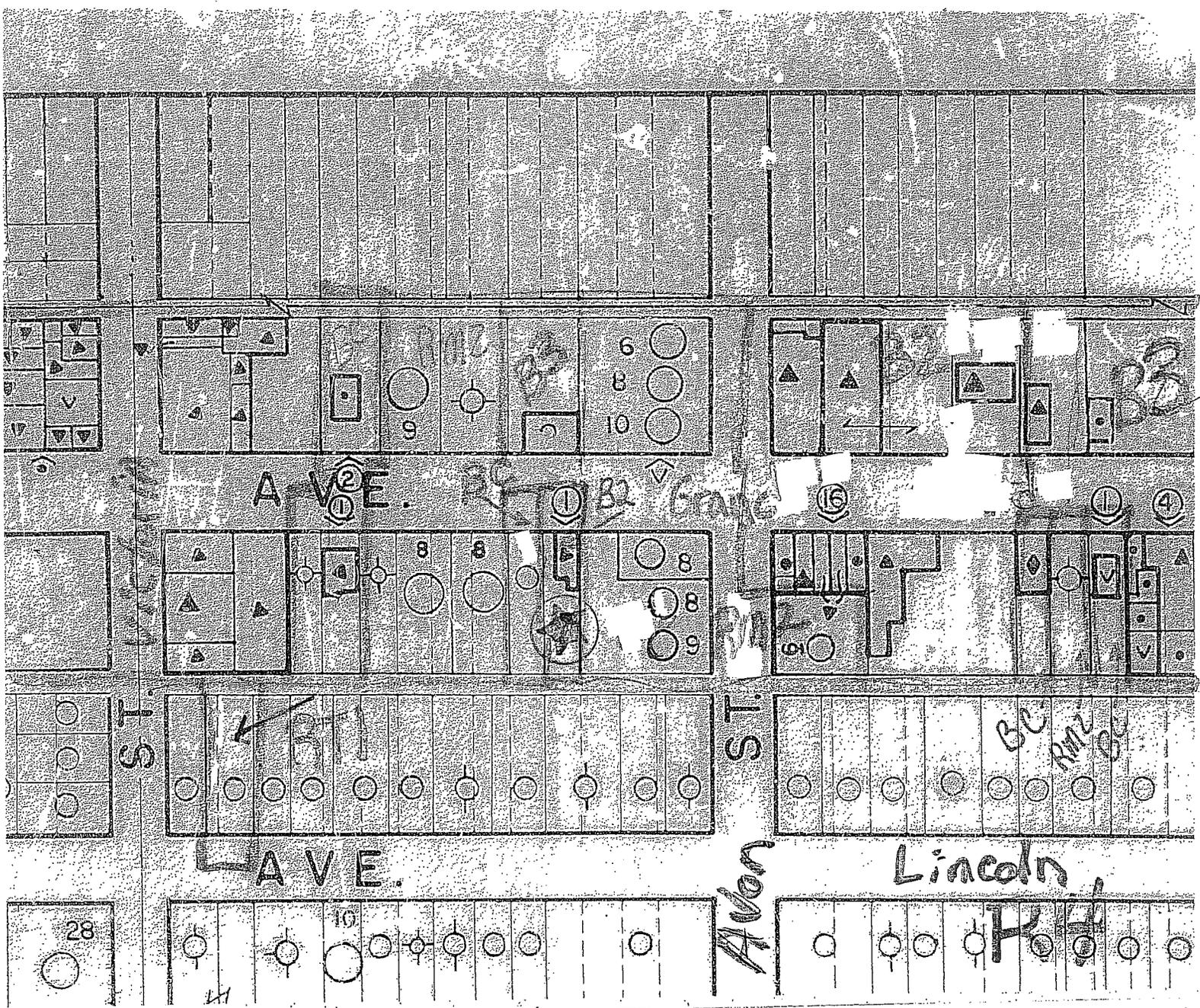
GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard Show Reference Map



© 2013 Microsoft Corporation Pictometry Bird's Eye 2013 Pictometry International Corp Pictometry 2013



APPLICANT Steven Virkus Jennifer Virkus

PURPOSE Rez B2 → T2

FILE # 13-230602 DATE 9-10-13

PLNG. DIST. 16 Land Use Map # 27

Zoning Map # 15

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Unidale Mall Farmers Market **FILE #** 13-227-795
2. **APPLICANT:** Double Dragon Building, Inc. **HEARING DATE:** September 26, 2013
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 544 University Ave W, SE corner at Kent
5. **PIN & LEGAL DESCRIPTION:** 362923320005, Central Village Addition Subj To Sts, Esmts, Alleys, Vac & Accruing & Fol; Lots 9 Thru 15 & Part Of Lots 17 Thru 20 Blk 3 Mac & Marsh Add, All Of Becks Add & In Sd Cent Vil Add All Of Out- Lots A B C F G & That Part Of Outlots D & E & Lot 6 Lying N & W Of
6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** T3
7. **ZONING CODE REFERENCE:** § 61.501
8. **STAFF REPORT DATE:** September 17, 2013 **BY:** Hilary Holmes
9. **DATE RECEIVED:** August 29, 2013 **60-DAY DEADLINE FOR ACTION:** October 28, 2013

A. **PURPOSE:** Conditional use permit for an outdoor seasonal farmers market, operating only during the period from May 1 to September 30, with hours limited to the period from 6:00 AM to 6:00 PM, using up to 55 parking stalls in the parking lot.

B. **PARCEL SIZE:** 341,946 sq. ft.

C. **EXISTING LAND USE:** Retail-Multi-Use Center

D. **SURROUNDING LAND USE:**

North: Commercial uses

East: Commercial uses

South: Residential (townhomes)

West: Commercial uses

E. **ZONING CODE CITATION:** § 61.501 lists general conditions for all conditional uses.

F. **HISTORY/DISCUSSION:**

In 1998 the Planning Commission approved a special condition use Permit for an open air farmers market (ZF 98-081) to operate from May 1 to September 30, seven days a week, from 7:00 AM to 2:00 PM. The Planning Commission resolution stated that approximately 25 farmers would sell their own fresh produce and therefore would not require a license, and that the farmers market would use 25 parking stalls in the northeast corner of the Uni-Dale Mall parking lot. The market has been in operation since that time.

On July 30, 2013, the Department of Safety and Inspections mailed an enforcement notice to the owner stating that the farmers market was operating out of compliance with the special condition use permit approved in 1998. It noted that a site visit had found 44 vendors using 82 parking spaces, operation of the market past 2:00 PM, and various non-produce items and imported produce being sold. The enforcement notice informed the owner that expansion of the farmers market to provide for more vendors to use a larger area of the parking lot for longer hours of operation would require a new conditional use permit.

The 1998 special condition use permit for an outdoor farmers market was approved under the provision for outdoor uses in the B3 General Business District. The site has since been rezoned to T3 Traditional Neighborhood, under which outdoor commercial uses are not generally permitted. In 2005 the Planning Commission approved a determination of similar use for an outdoor seasonal farmers market in a T2 district, finding that it's similar to an outdoor garden center (ZF 05-052-831), with the condition that applications for farmers markets in the T2 district will be reviewed by the Planning Commission. Outdoor garden centers are also permitted in T3 districts.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time of this report.

H. FINDINGS:

1. The applicant is seeking a conditional use permit for an outdoor seasonal farmers market at 544 W University Avenue. The market will operate seven days a week from May 1 to September 30 between the hours of 6:00 AM to 6:00 PM. The market vendors will sell their own produce. No preparation of food for sale is anticipated. The market area will occupy up to 55 parking stalls in the northeast corner of the Uni-Dale Mall parking lot.
2. Zoning Code § 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. Outdoor farmers markets are consistent with Land Use Plan policies to support a mix of land uses (LU 1.24) and vibrant business districts. The Summit-University Plan (2009) includes strategy ED-22 to “foster minority business start-ups, retentions and expansions from within the community to ensure that small businesses are maintained in the neighborhood during and after construction of the Central Corridor light rail project”.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Vehicular access to and from the site is through three entrances/exits on University Avenue and an entrance/exit on Aurora. There is also a shared access drive between the Uni-Dale Mall lot and Midas Muffler lot to the east. With the market operating in the area indicated on the site plan, vehicles will be able to access the rest of the parking lot.
 - (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 provided that there are adequate trash collection facilities and the vendors clean up any trash in the market area after the hours of operation each day. The use is consistent with the mixed-use character of development in this area. The use will not be detrimental to the existing character nor endanger the public health, safety and welfare, as it will provide access to fresh and healthy food for residents. The market will be taken down each day, with tables and tents removed.
 - (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 farmers market will be located on University Avenue, a commercial corridor where the proposed hours and days of operation will be consistent with the adjacent commercial uses.
 - (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. The use will not conflict with off-street parking, off-street loading and the system of pedestrian flow. The Uni-Dale Mall building requires 136 off-street parking spaces. The property currently has 433 off-street spaces. 55 off-street spaces will be used for the farmers market sales space, leaving 378 parking spaces available for patrons of Uni-Dale Mall retail uses and the farmers market. The loading dock for Sun Foods grocery is located at the east end of the building, at the south end of the parking lot; this use allows for continued access to the loading dock. The system of pedestrian flow will not be disturbed as the access to the market from the sidewalks on University Avenue will remain. The use can conform to all remaining applicable regulations in the zoning code.
3. The Planning Commission recently recommended zoning text amendments with specific provisions for farmers markets, including allowing farmers markets with more than 5 vendors in the T3 district subject to a conditional use permit. Another recommended standard is approval of a site plan showing the number and location of vendors at the site, with contact information

for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated contact information if it changes. This will help ensure that the farmers market remains in compliance with all applicable regulations and with the conditions of a conditional use permit.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for an outdoor seasonal farmers market, operating only during the period from May 1 to September 30, with hours limited to the period from 6:00 AM to 6:00 PM, using up to 55 parking stalls in the Uni-Dale Mall parking lot at 544 University Avenue W subject to the following conditions:
 1. Zoning Administrator approval of a site plan, in substantial compliance with the plan submitted and approved as part of this application, showing the number and location of vendors and use of no more than 55 parking stalls in the mall parking lot for farmers market sales space, with contact information for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated contact information if it changes.
 2. The farmers market shall be open only during the period from May 1 to September 30, with hours limited to the period from 6:00 AM to 6:00 PM.
 3. The farmers market shall have no more than 50 vendors at any time.
 4. There shall be adequate trash collection facilities provided and no trash left in the market area; the holder of the CUP shall require the vendors to clean the market area of trash daily.
 5. Management of the market shall monitor vendors to ensure that they sell only their own produce.



CONDITIONAL USE PERMIT APPLICATION

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

Zoning office use only

File # 13-227795

Fee: 1000.00

Tentative Hearing Date:

9-26-13

PD-8

362923320005

APPLICANT

Name Double Dragon Bldg, Inc.
 Address 563 Phalen Blvd
 City St. Paul St. MN Zip 55130 Daytime Phone 612-532-7488
 Name of Owner (if different) Che Ku
 Contact Person (if different) Gregory Heck Phone 612-532-7488

PROPERTY LOCATION

Address / Location 544 University Ave. St. Paul MN 55101
 Legal Description see attached
 Current Zoning TN-2
 (attach additional sheet if necessary)

TYPE OF PERMIT:

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 61 Section 503 Paragraph _____ of the Zoning Code.
65 525

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

see attached

RECEIVED

AUG 23 2013

Per _____

8/29/13 signed money

Required site plan is attached

Applicant's Signature

Date

08/27/13

City Agent

add 8-23-13

We are requesting modifications be made to the existing CUP #98-081:

First, we are requesting that the time frame of operation be extended from 6:00AM to 6:00PM. Also, we would like to increase the parking spaces to 55 for farmers' use.

The name Foodsmart should be replaced by the new grocery store owner, which is Sun Foods. The actual owner of the farmers market is Farmers Market LLC.

We will monitor the sale of produce to ensure that farmers are selling their own produce.

Sun Foods will no longer be allowed a booth as part of the farmers market.

Please mail all correspondence regarding the farmers market to:

Double Dragon Building, Inc.

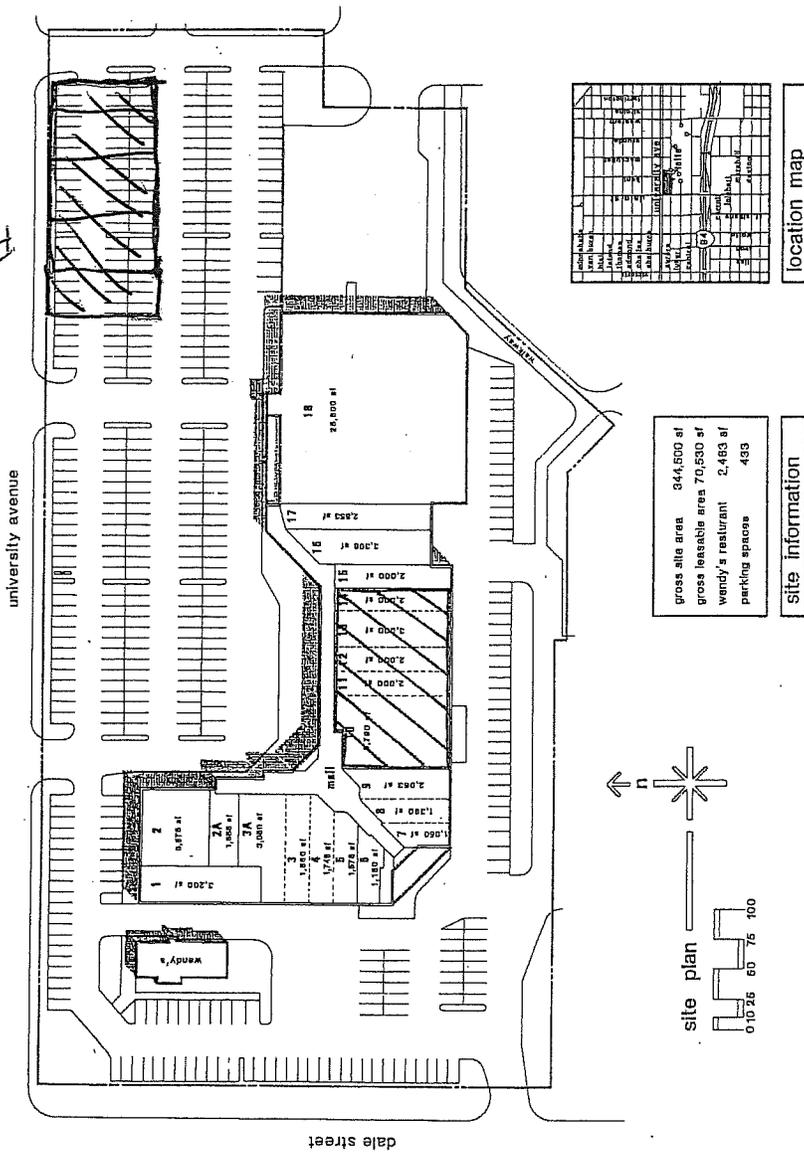
Attn: Greg Heck

C/o Harrington Langer & Associates

563 Phalen Blvd.

St. Paul, MN 55130

Farmer's Market usage



uni-dale mall
 university avenue & dale street st. paul, minnesota



KRAUS-ANDERSON REALTY COMPANY
 DEVELOPMENT • LEASING • MANAGEMENT

CITY OF ST PAUL
Owners Report

PID: 36-29-23-32-0005

Property Address: 544 UNIVERSITY AVE W 55103-1937

Double Dragon Bldg Inc
Co Harrington Langer & Assoc
563 Phalen Blvd
St Paul MN 55101-5303

Owner
Taxpayer

CENTRAL VILLAGE ADDITION SUBJ TO STS, ESMTS, ALLEYS, VAC & ACCRUING & FOL; LOTS 9 THRU 15 & PART OF LOTS 17 THRU 20 BLK 3 MAC & MARSH ADD, ALL OF BECKS ADD & IN SD CENT VIL ADD ALL OF OUT- LOTS A B C F G & THAT PART OF OUTLOTS D & E & LOT 6 LYING N & W OF CENT VIL ADD NO 5 & EX E 79 FT LOT 2 & EX PART IN WENDYS LEASE & EX S 130.07 FT W OF BLK 28 MAC & MARSH ADD LOT 3 BLK 1

EXHIBIT B

SHOPPING CENTER LEGAL DESCRIPTION

All that certain parcel or parcels of land in the City of St. Paul, County of Ramsey, State of Minnesota, more particularly described as follows:

Lots 16 thru 25, Block 3, Mackubin and Marshall's Addition to St. Paul.

Lots 18 thru 30 and that part of Lot 17 lying East of a line distant 60 feet East of the East line of Dale Street, Beck's Addition to the City of St. Paul.

All of vacated Kent Street from the South line of the alley in Beck's Addition to the City of St. Paul extended Easterly to the North line of Aurora Street.

All of vacated Aurora Street from a line distant 60 feet East of the East line of Dale Street to Line A, described below.

Lots 1 thru 13, Lots 18 thru 21 and that part of Lots 14 and 17 lying East of a line distant 60 feet East of the East line of Dale Street, Block 28 Addition to Mackubin and Marshall's Addition to St. Paul.

All of the vacated alley adjoining Lots 1 thru 4; the North 1/2 of the alley adjoining Lots 5 thru 9, and all of the alley adjoining Lots 10 thru 13 and that part of Lot 14 lying East of a line distant 60 feet East of the East line of Dale Street; Block 28 Addition of Mackubin and Marshall's Addition to St. Paul.

All that part of Lot 30, Block 28 Addition to Mackubin and Marshall's Addition to St. Paul, lying Northerly of the following described line:
beginning at a point on Line A, described below, distant 112.26 feet at a bearing of North $41^{\circ}25'56''$ East from its point of beginning; thence North $45^{\circ}37'53''$ West 54.51 feet to a point on the North line of said Lot 30 and there terminating.

All of vacated Kent Street from the South line of Aurora Ave. to Line A, described below, except that part thereof lying Southerly of the following described line; beginning at a point on Line A, described below, distant 112.26 feet at a bearing of North $41^{\circ}25'56''$ East from its point of beginning; thence North $45^{\circ}37'53''$ West 26.6 feet, more or less, to the West line of Kent Street and there terminating.

All that part of Lots 13, 14 and 15, and the adjoining vacated alley, Block 4, Mackubin and Marshall's Addition to St. Paul lying Northwesterly of Line A, described below.

Line A: Commencing at a point on the West line of the SW 1/4 of Section 36, Township 29, Range 23; thence North $89^{\circ}33'07''$ East (assumed bearing) 573.35 feet along the North line of Butler Avenue to the point of beginning, thence North $41^{\circ}25'56''$ East 412.02 feet to a point on the North line of Aurora Avenue and there terminating.



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

FINAL ENFORCEMENT NOTICE

August 27, 2013

Che Ku
Double Dragon Building Inc.
563 Phalen Blvd.
St Paul, MN 55101-5303

RE: 544 University Ave W – Conditional Use Permit (CUP) #98-081

Dear Sir:

You received orders on July 30, 2013 regarding the use of the farmers market not operating under the conditions of the CUP #98-081 approved by the Planning Commission on May 8, 1998 (see attached letter).

You were given the option to submit an application for a new conditional use permit by August 22, 2013 to Planning and Economic Development (PED) in order to expand the use. On August 2, 2013, Greg Heck was emailed the code section pertaining to conditions for a CUP. On August 16, 2013, I exchanged emails with Nicole Beach who stated she was working with Greg Heck and requested information on names for the petition. Per a discussion with Paul Dubruiel, PED, it was determined a petition would not be required and both Ms. Beach and Mr. Heck was informed by email on August 19, 2013. In addition, a phone call was placed to Mr. Heck giving him the same information to which he responded they would be filing soon.

As of today's date, PED has not received your application for a new CUP.

To meet zoning regulations you must:

- 1) Cease and desist immediately all unapproved uses that do not following the conditions in CUP#98-081.**
- 2) File an application for a new CUP with PED by September 5, 2013.**

Failure to comply with this order will result in further legal action by this office, including criminal citations to all responsible parties and potential summary abatement proceedings.

If you have any questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us.

Yours truly,

Karen Zacho
DSI Zoning Inspector

C. Greg Heck, Building Complex Manager
Wendy Lane, Zoning Administrator
Noel Nix, Ward 1
Larry Zangs, Project Facilitator
Paul Dubruiel, PED



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

ENFORCEMENT NOTICE

July 30, 2013

Leng Ku
Foodsmart
544 W University Avenue
St Paul, MN 55103-1937

Che Ku
Double Dragon Building Inc.
563 Phalen Blvd.
St Paul, MN 55101-5303

RE: 544 University Ave W – Conditional Use Permit (CUP) #98-081

Dear Sirs:

We have received several complaints that the use of this property is not operating under the approved conditions of the CUP #98-081 approved by the Planning Commission on May 8, 1998.

Under the findings in fact for the CUP listed under #1 (attached), it is noted that the farmers market would be open from 7 am – 2 pm. The market would use 25 parking stalls for approximately 25 farmers selling fresh produce from tables or booths. The farmers would sell their own produce, therefore not requiring a license from the City. It would be located in the northeastern corner of the Uni-Dale Mall shopping center parking lot. The staff report references the area to be used for the farmers market as the area which has been cross-hatched on the parking lot (attached) plan.

A site visit on July 20, 2013 indicated the following issues:

- + Approximately 44 vendors were located on the site at 11 am. The area in use for the market extended from the eastern driveway to the middle driveway which enters off of University Avenue (photos # 1, 2, 3, 4). At 4:15 pm approximately 22 vendors were on still the site. Some of the vendors had left leaving open spaces within the expanded area used for the market (photos # 5 and 6). The CUP approved 25 parking spaces (highlighted in yellow) per enclosed site map of the parking lot – a total of 82 parking spaces (highlighted in green) were being used for the market during the day.
- + The CUP approved the hours of operation 7 am to 2 pm. Per conversation with several vendors, they were approved by the manager of Foodsmart to be on site from 6 am to 6 pm.
- + The CUP described that each parking stall was for 1 farmer or 1 booth (table). There were several farmers using 2-3 stalls for their booth with multiple tables (photo #10).
- + According to the CUP, farmers would sell their own produce.
 - 1) A conversation held with one of the vendors described an imported vegetable grown in the woods in Lao that they were selling (photo # 7).
 - 2) Foodsmart had a booth selling various products from the store including: bottled drinks (sodas, soymilk, water), bananas, oranges, guavas, avocados, ginger, boxed tamarind, etc. (photos #8, 9).

In order to meet zoning compliance, conditions of CUP #98-081 must be followed as approved on May 8, 1998 and all unapproved uses discontinued immediately.

July 30, 2013
Page 2
544 University Ave W

If you wish to expand the use to include a larger parking area for the market, longer hours of operation, and additional farmers selling produce, you must submit an application for a new conditional use permit (enclosed) to Planning and Economic Development, 25 W Fourth Street, 14th Floor, St Paul, MN 55102 by August 22, 2013.

In order for Foodsmart to sell products from the store in the adjoining parking lot, you must contact the State of Minnesota Department of Agriculture at 651.201.6591 for licensing information.

A reinspection of the property will be conducted based on the orders issued.

If you have any questions, please contact me at 651.266.9084 or karen.zacho@ci.stpaul.mn.us.

Yours truly,



Karen Zacho
DSI Zoning Inspector

- C. Lorna Girard, MN Dept of Agriculture
- Greg Heck, Building Complex Manager
- Wendy Lane, Zoning Administrator
- Noel Nix, Ward 1
- Larry Zangs, Project Facilitator

5/98

CITY OF SAINT PAUL, MINNESOTA
SPECIAL CONDITION USE PERMIT

OK [Signature]

ZONING FILE NO: 98-081

APPLICANT: TOUA XIONG

PURPOSE: Special Condition Use Permit to allow operation of an open air farmers market

LOCATION: 544 W. University Avenue

LEGAL DESCRIPTION: Central Village Addition, subject to streets, easements, alleys, and vacations and accruing and following; Lots 9 through 15 and part of Lots 17 through 20, Block 3, Mackubin and Marshall Addition, all of Beck's Addition and in said Central Village Addition all of outlots A, B, C, F, G, and that part of outlots D & E and Lot 6 lying north and west of Central Village Addition No. 5 and except east 79 feet Lot 2 and except part in Wendy's Lease and except south 130.07 feet west of Block 28 Mackubin and Marshall Addition Lot 3, Block 1.

ZONING COMMITTEE ACTION: Recommended approval with condition

PLANNING COMMISSION ACTION: Approval with condition

CONDITIONS OF THIS PERMIT: The holder of the special condition use permit will be responsible for and will require its vendors to clean the area used by the market of any trash on a daily basis.

APPROVED BY: Gladys Morton, 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 May 8, 1998, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire one year from the date of approval if the use herein permitted is not established.

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, 1100 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 15 calendar days of the mailing date noted below.

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

Patricia M. Kelley
Patricia M. Kelley
Secretary to the Saint Paul
Zoning Committee

Copies to: Applicant (Toua Xiong)
File No. 98-081
Zoning Administrator (Wendy Lane)
License Inspector (Christine Rozek)
District Council 8

Mailed: 5/12/98

city of saint paul
planning commission resolution

file number 98-35

date May 8, 1998

WHEREAS, TOUA XIONG, File # 98-081, has applied for a Special Condition Use Permit under the provisions of Section 60.544(6) of the Saint Paul Legislative Code, to allow operation of an open air farmers market on property located at 544 University Avenue West (Uni-Dale Mall shopping center), as legally described in the file; and

WHEREAS, the Zoning Committee of the Planning Commission on April 30, 1998, 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 Section 64.300 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. Mr. Toua Xiong, general manager of the Foodsmart grocery store, has applied on behalf of Foodsmart for a special condition use permit to operate an open air farmers market in the northeastern corner of the Uni-Dale Mall shopping center parking lot. The farmers market would operate from May 1 - September 30, and be open 7 days a week from 7 a.m. - 2 p.m. The market would use 25 parking stalls for approximately 25 farmers selling fresh produce from tables or booths. The tables and umbrellas would be removed each night. Farmers would sell their own produce, and therefore would not require a license from the City. No preparation of food for sale is anticipated. According to Mr. Xiong, Kraus-Anderson, the owner of the mall, has indicated support for the concept pending required City approvals.
2. Approval of a special condition use permit for an outdoor use in the B-3 district as described in Section 60.544(6) requires the Planning Commission to find that the use does not conflict with the operation of the B-3 district as to off-street parking, off-street loading, and pedestrian flow. Further, the use must be found to be harmonious with adjacent uses. Each of these points is addressed below:
 - a. **Off-street parking:** The Uni-Dale Mall contains 70,530 sq. ft. of gross leasable area. The Wendy's restaurant in the northwest corner of the property contains 2,463 sq. ft. The parking requirement for a multi-use retail center is one space per 280 sq. ft. of gross floor area, and for a fast food restaurant, one space per 110 sq. ft. of gross floor area. Therefore the parking requirement for the shopping center and restaurant is 274 spaces. The mall parking lot includes 433 spaces, leaving an excess of 159 spaces. Use of 25 spaces in the eastern end of the parking lot for the farmers market still leaves a substantial number of excess spaces.

moved by Field

seconded by _____

in favor Unanimous

against _____

b. **Off-street loading:** The loading area for the grocery store is on the east side of the building and is entirely separated from the parking lot with a cement curb. The establishment of the farmers market in the northeast corner of the parking lot will not interfere with the loading docks in any way.

c. **Pedestrian flow:** The market will not block any sidewalks or make it difficult for pedestrians to access the grocery store. The market will take up only a small corner of the parking lot.

d. **Harmonious with adjacent uses:** The proposed market site is surrounded by commercial uses, except for the south side, where the parking lot is adjacent to residential uses. It can be assumed that the market will draw more customers to the area, which should help the Foodsmart grocery store and the other stores in the Uni-Dale Mall. The neighbors living on the south side of the mall and parking lot have expressed concerns about trash on the site. Mr. Xiong indicated that Foodsmart has increased garbage pickup to three times per week from the two times per

week that the previous grocery store (Gala Foods) scheduled. He also said that Kraus-Anderson, which is responsible for parking lot maintenance, has paid more attention to cleaning up the parking lot in the last few weeks in response to the complaints.

3. Section 64.300(d) of the Zoning Code requires that before the planning commission may grant approval of a principle use subject to special conditions, the commission shall find that:

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 District 8 Plan encourages private business ventures along both Selby and University Avenues that "create new job opportunities" and "improve the street's commercial viability" (p. 26). The farmers market will create job opportunities for the participating farmers and the increased customers drawn to the area should help Uni-Dale Mall businesses.

b. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition can be met. Use of the northeast corner of the parking lot will not prevent vehicles from accessing the parking lot from either the north or east sides. On the east there is a shared access drive that serves both Midas Muffler and the mall parking lot. Even with the farmers market, there will be sufficient room for vehicles to enter the rest of the parking lot.

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 can be met. The market will provide easy access to fresh produce for neighboring residents and employees. The market will be open only in the morning and early afternoon, and all vendors' tables, umbrellas, and other equipment will be removed each day. Foodsmart, as sponsors of the market, should require the vendors to clean up

any trash in the area of the market when they are closing for the day to prevent the area from becoming a neighborhood eyesore.

- 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 can be met, for the reasons stated above.

- e. *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

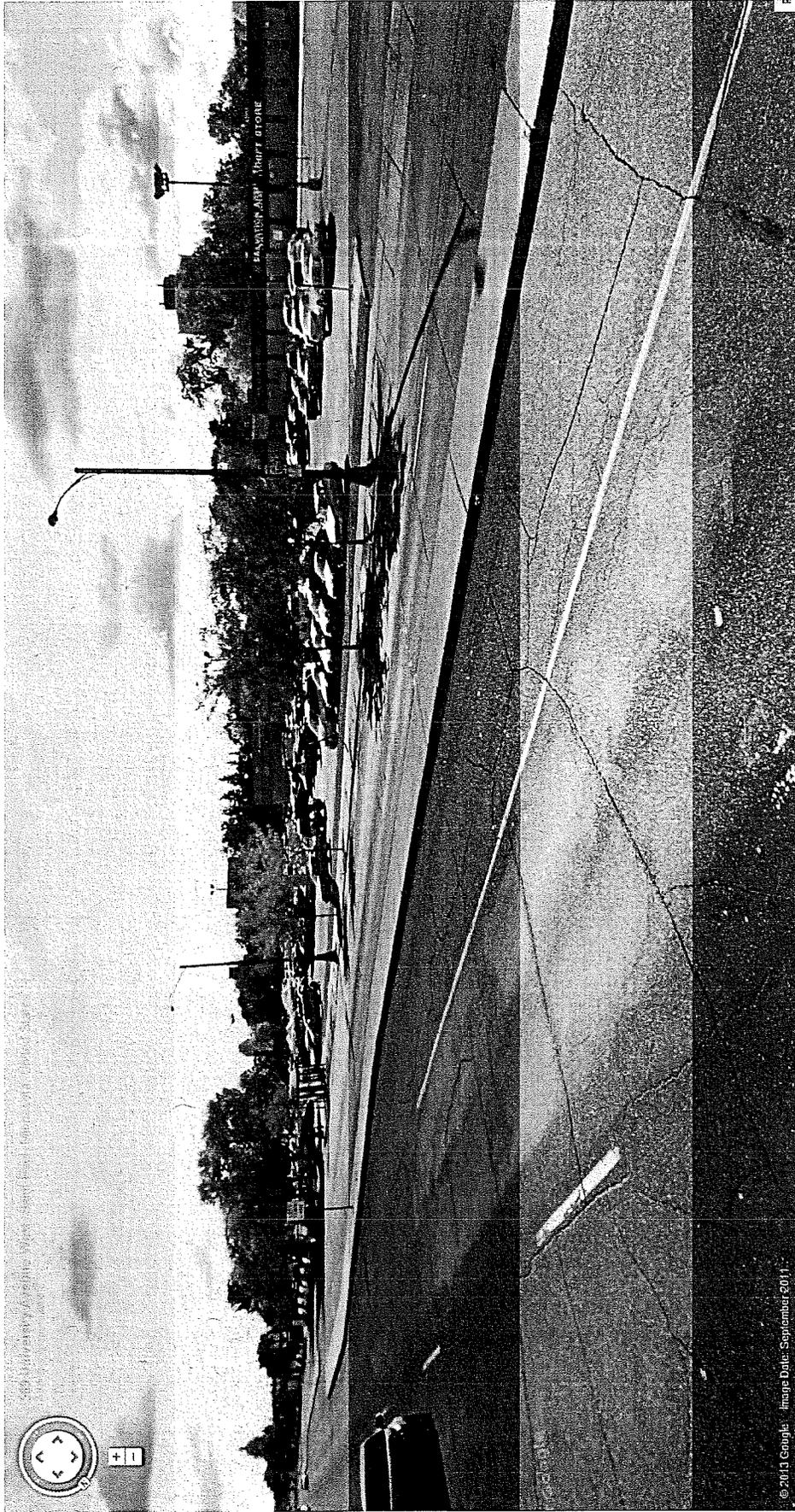
The use can conform to all remaining applicable regulations in the zoning code and the condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, that under the authority of the City's Legislative Code, the application for a Special Condition Use Permit to allow operation of an open air farmers market in the northeast corner of the parking lot at 544 University Avenue West is hereby approved, subject to the following condition:

1. The holder of the special condition use permit will be responsible for and will require its vendors to clean the area used by the market of any trash on a daily basis.

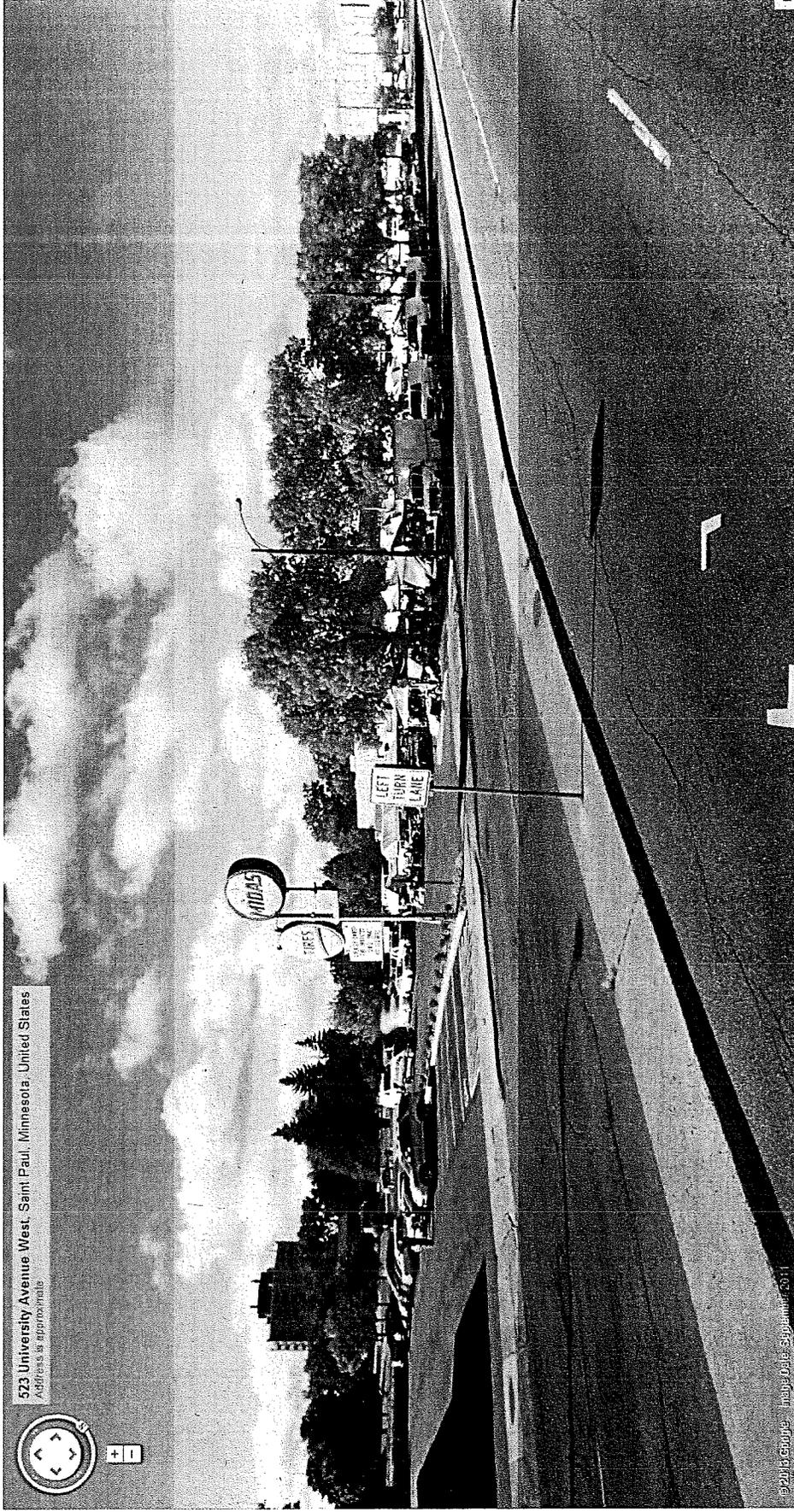
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

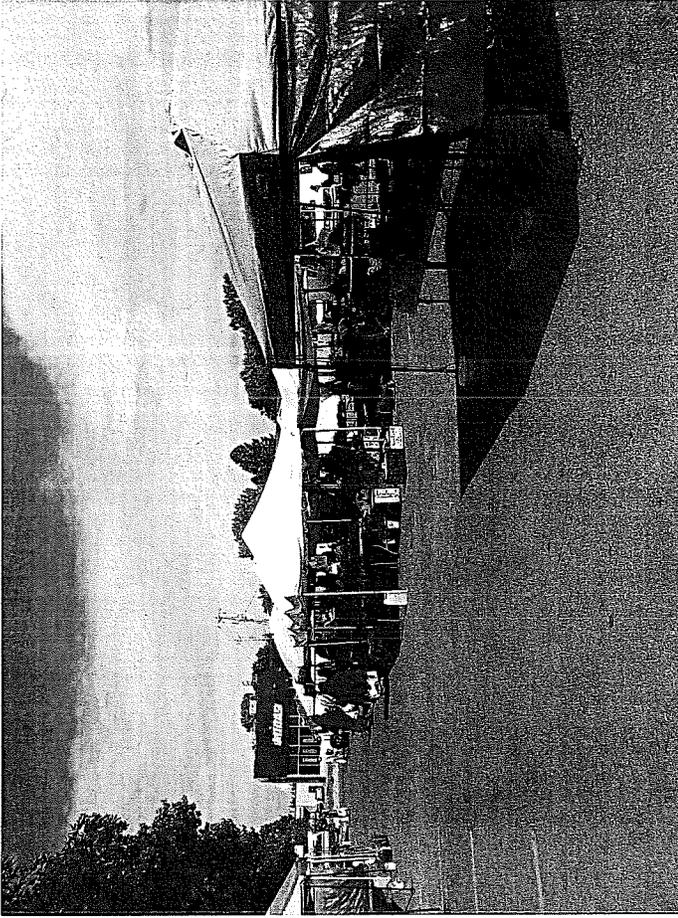




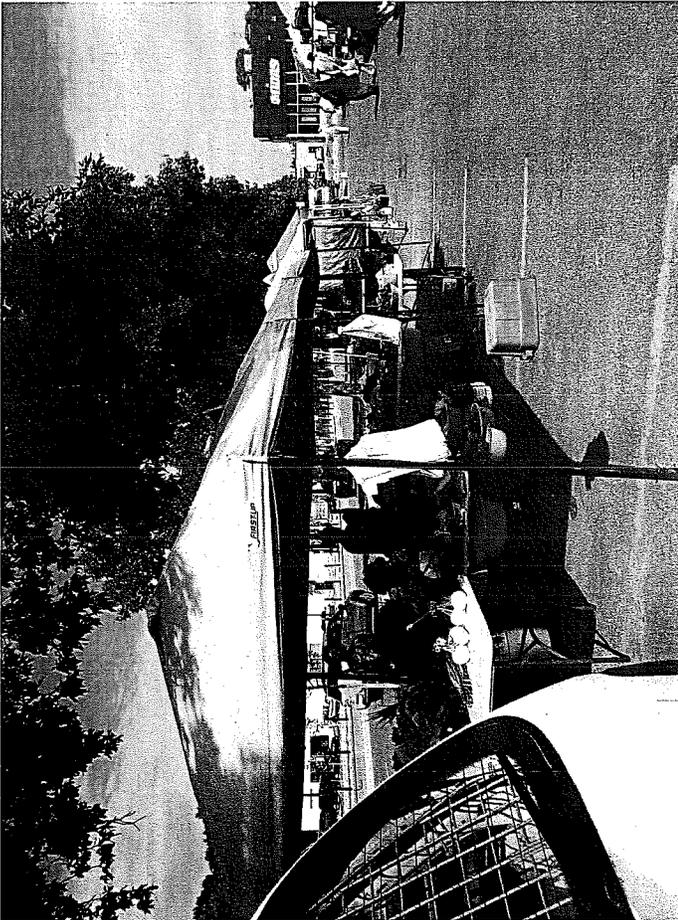
To see all the details that are visible on the screen, use the "Print" link next to the map.



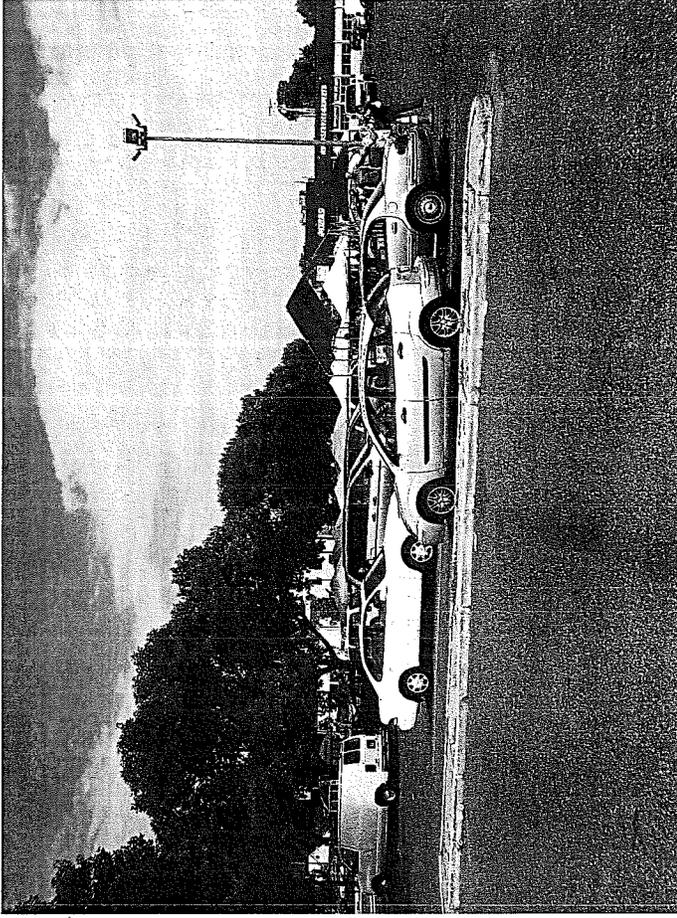
Date: September 13, 2013
File #: 13 - 164819
Folder Name: 544 UNIVERSITY AVE W
PIN: 362923320005



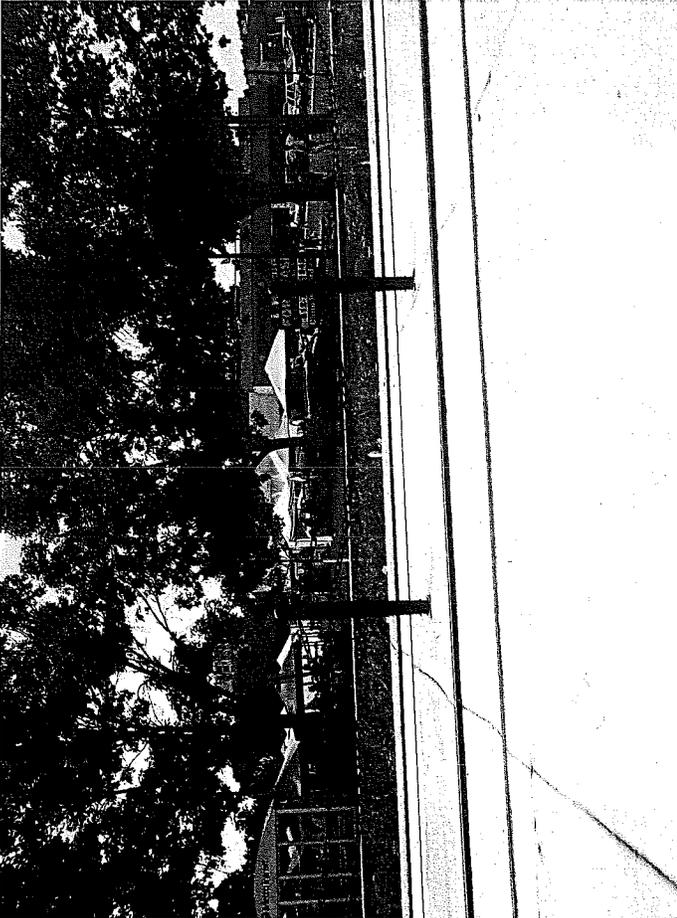
Date: September 13, 2013
File #: 13 - 164819
Folder Name: 544 UNIVERSITY AVE W
PIN: 362923320005

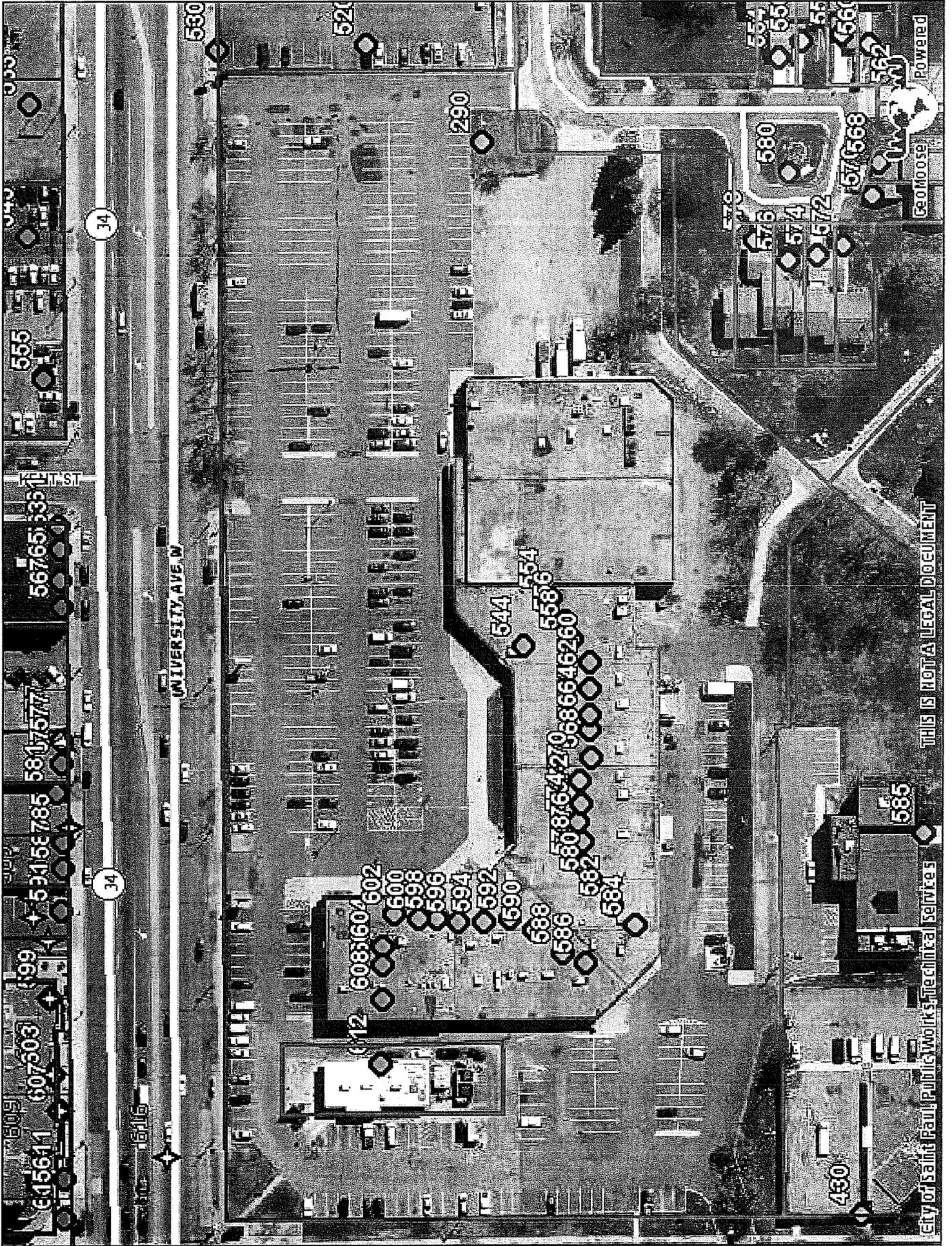


Date: September 13, 2013
File #: 13 - 164819
Folder Name: 544 UNIVERSITY AVE W
PIN: 362923320005



Date: September 13, 2013
File #: 13 - 164819
Folder Name: 544 UNIVERSITY AVE W
PIN: 362923320005





34

34

UNIVERSITY AVENUE

290

544

554

558

566

564

562

560

558

556

554

552

550

548

546

544

542

540

538

536

534

532

530

528

526

524

522

520

518

516

514

512

510

508

506

504

502

500

498

496

494

492

490

488

486

484

482

480

THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works Technical Services

GeoMoose

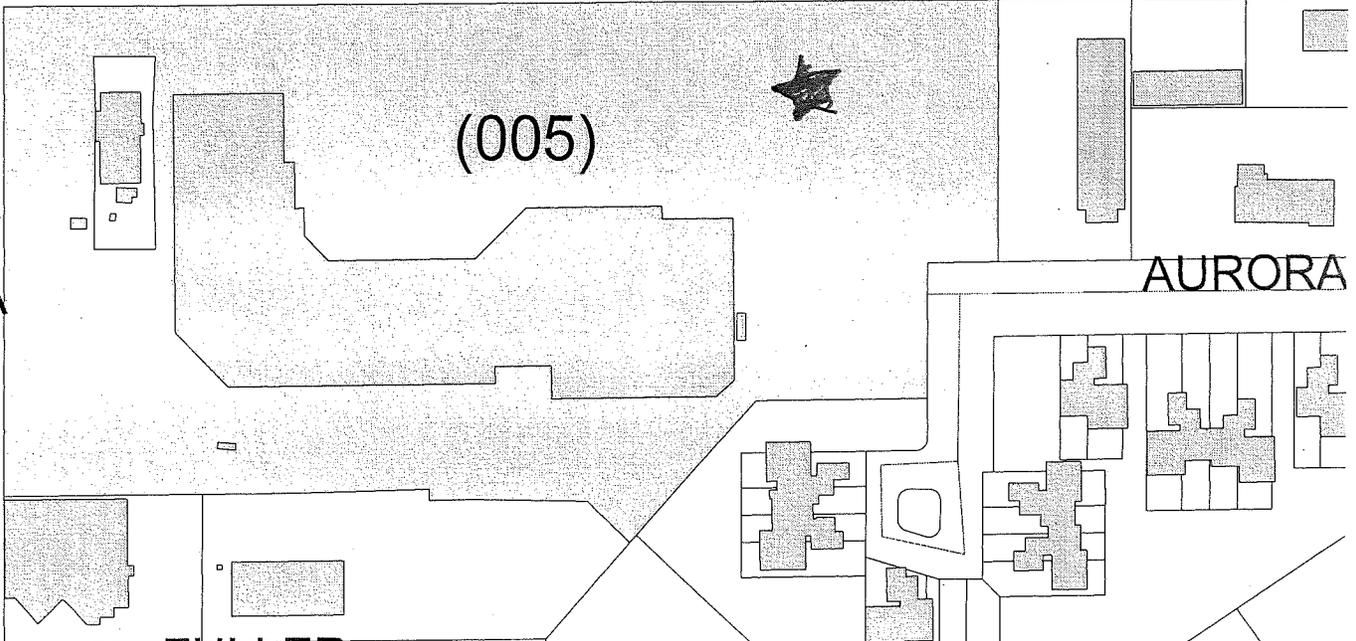
Powered



UNIVERSITY

KENT

DALE

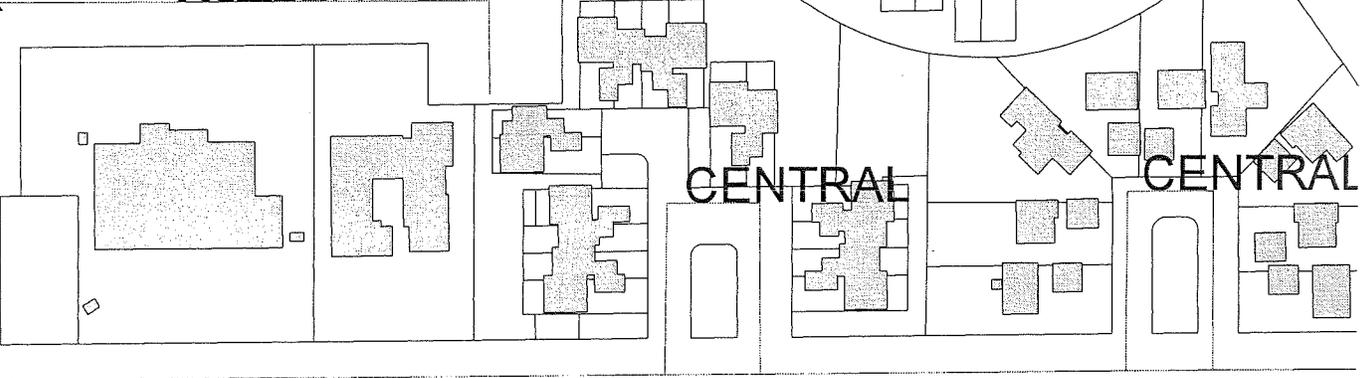


AURORA

AURORA

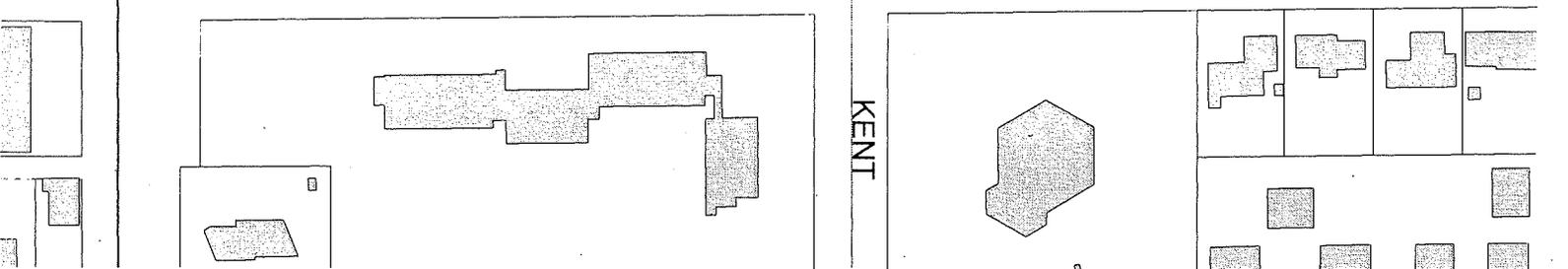
FULLER

FUEBER

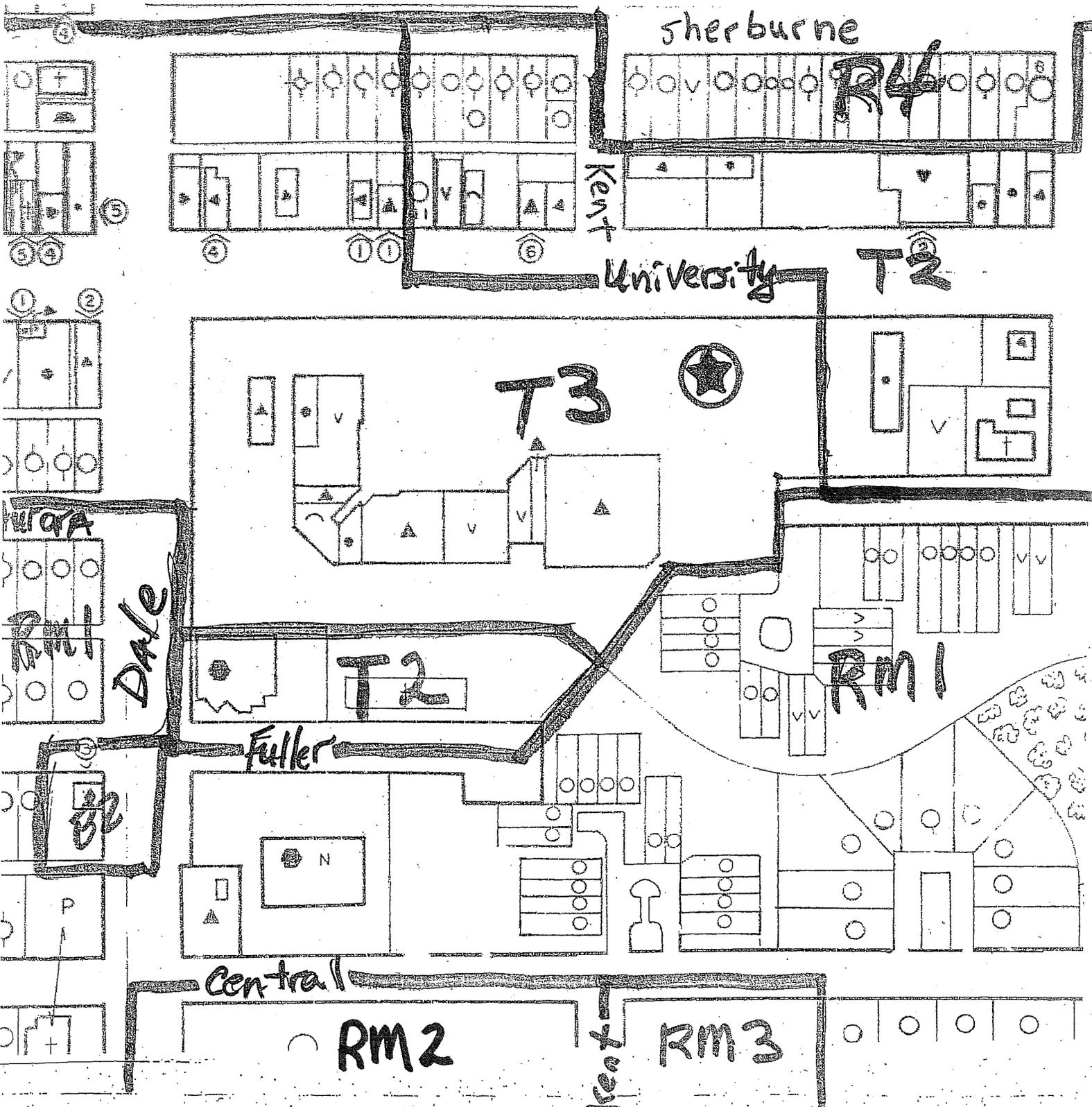


CENTRAL

CENTRAL

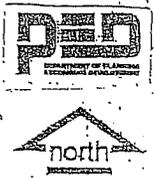


KENT



APPLICANT Double Dragon Bldg Inc
 PURPOSE CUP
 FILE # 13-227795 DATE 8-28-13
 PLNG. DIST. 8 Land Use Map # 20
 Zoning Map # 15

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





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: September 27, 2013
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of September 26, 2013 Zoning Committee Hearing

NEW BUSINESS

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	Hassibullah Farooq (13-228-100) Reestablishment of nonconforming use as a reception hall	Approval with conditions	Laid over (4 - 0)
	Address: 560 Como Ave between Dale and Burgess		
	District Comment: District 6 recommended approval		
	Support: 0 people spoke, 1 letter		
	Opposition: 0 people spoke, 1 letter		
	Hearing: Hearing is open		
	Motion: Lay over to October 10, 2013		

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
2.	Steven Virkus and Jennifer Virkus (13-230-602) Rezoning from B2 Community Business to T2 Traditional Neighborhood	Approval	Approval (4 - 0)
	Address: 814 Grand Ave between Avon and Victoria		
	District Comment: District 16 recommended approval		
	Support: 0 people spoke, 1 letter		
	Opposition: 0 people spoke, 0 letters		
	Hearing: Hearing is closed		
	Motion: Approval		

Recommendation
Staff **Committee**

3. **Unidale Mall farmers market (13-227-795)**
 Conditional use permit for outdoor farmers market

Approval with Laid over
conditions (4 - 0)

Address: 544 University Ave W
 SE corner at Kent

District Comment: District 8 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 2 people spoke, 1 letter

Hearing: Hearing is open

Motion: Lay over to October 10, 2013

Associated Bank



UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104

p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

September 6, 2013

Tom Beach,
Zoning Site Plan Reviews
Department of Safety & Inspections
375 Jackson St. Suite 220
St. Paul, MN 55101

RE: Ryan Co. application for zoning changes

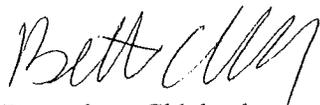
Dear Tom Beach;

At our meeting on September 4th, 2013, the Union Park District Council Board voted to **recommend approval of Ryan & Co's applications for zoning changes from multiple zoning to T2 and T3, and for a Conditional Use Permit (CUP) to allow for four (4) drive-through lanes instead of three (3) allowed in T2 zones, and to stack three (3) cars per lane instead of the four (4) required by the T2 zoning code.**

In addition, the Board passed a motion to **request that the City schedule public hearings for all site plan reviews for the Associated Bank/Ryan Cos development at Selby and Snelling, and that the public have the opportunity to testify on any proposed plans for parking and traffic management in the Snelling-Selby area.**

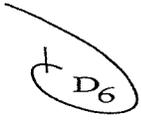
This motion was passed in response to concerns expressed by residents that approval of the zoning changes would allow the site plans to be approved, and the project to proceed, with no assurance that their concerns will be addressed, especially in regard to parking and traffic issues. By requesting public hearings for the site plan reviews and parking and traffic management plans, the board sought to reassure the residents that they would have additional opportunities to press for solutions to address any impacts of increased traffic and parking pressures on the surrounding neighborhood.

Sincerely,



Bernadette Chlebeck
UPDC Executive Director

CC to: Josh Williams, PED



District 6 Planning Council

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

September 25, 2013

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

The Land Use Task Force which makes recommendations to the City on all uses of land met with Hassiibullah Farooq on September 24, 2013 to discuss the reestablishment of a nonconforming use as a reception hall, International Deli & Banquet Hall, located at 560 Como Avenue.

After discussion, the only concern the Task Force members have is the term "dance hall" found in the application and supporting documents. The term is confusing and leads neighbors to identify this establishment as a type of night club, which would not be acceptable. Dancing at events and receptions is however acceptable. The Task Force recommends approval of the application with the clarification.

District 6 is confident that this business will be a great addition to our neighborhood we welcome Mr. Farooq, and thank-you for your consideration of the District 6 Planning Council recommendation.

Regards,

Jeff Martens

Jeff Martens
Land Use Chairman

Cc: Ward 1

ZF # 13-228-100
Opposition

September 19, 2013

City of Saint Paul
Planning & Economic Development
25 West Fourth Street
Saint Paul, MN 55102-1502

Re: I object to the reception hall at 560 Como Ave, file #13-228-100

Dear St. Paul Planning Commission:

I am writing you in regards to a post card that I received in the mail yesterday from the St. Paul Planning Commission Zoning Committee, File #13-228-100. Would you please read the following statement at the hearing on Thursday, September 26 in my absents?

I am not able to attend the hearing to voice my objections to the establishment at 560 Como Avenue becoming a reception hall. While I do like the idea of them opening a deli/restaurant, I am very strongly opposed to it being used as a reception hall again. This unit was previously used as a reception hall. The main entrance to the hall is less than 20 feet from my property. Even when the doors to the hall are closed, during a reception, the noise from the hall is unbearably too loud. Additionally guests to the hall often congregate in the alley behind the hall, which runs along my entire property line, where I have seen them drinking, throwing bottles, doing drugs, fighting, public urination, along with food and trash being thrown in the alley and in my yard. I have called the police several times to lodge complaints about fights, guns being discharged, drugs being used and noise violations.

When the petitioner requested my signature to open this establishment as a reception hall, I said no and voiced my concerns. He tried to assure me that things would be different under his management, but I know that this is not possible. Even if you had an officer was on sight for each event it would not discourage all of the bad behaviors that happen or prevent the volume of the music being played from being too loud.

I beg and plead that you do not grant them permission to use this property as a reception hall.

Please feel free to write or call if you have any questions.

Kindest regards,

Missy Noyes
583 Burgess Street
Saint Paul, MN 55103
Work: 612-349-0824
Cell: 651-249-4245
manoyes@rkmc.com

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

WHEREAS, Steven Virkus and Jennifer Virkus , File # 13-230-602, have applied to rezone from B2 Community Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 814 Grand Ave, Parcel Identification Number (PIN) 022823420159, legally described as Summit Park Addition To Saint Paul, Lot 4, Block 17; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 26, 2013, 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 proposed zoning is consistent with the way this area has developed and with the historical zoning of the properties. The T2 zoning district permits a varied mix of residential and commercial uses. Grand Avenue is a major commercial corridor. There are mixed residential and commercial uses both east and west of the parcel. §66.313 states the intent of the T2 Traditional Neighborhood District, which is to encourage a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
2. The proposed zoning is consistent with Comprehensive Plan Land Use policy 1.24, Support a mix of uses on Mixed-Use Corridors. This section of Grand Avenue is identified as a mixed-use corridor in the Land Use Plan element of the Comprehensive Plan, adopted in 2010.
3. The proposed zoning is compatible with surrounding uses, which are mixed use, commercial, and single-family and multi-family residential. T2 permits both residential and neighborhood oriented commercial uses, consistent with the area's existing mix of uses.
4. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." Approval of this proposal would not result in spot zoning as the area around the subject property has developed with a mix of uses similar to those allowed in T2. The mix of residential and commercial uses proposed by the applicant is consistent with that of the existing neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application to rezone property at 814 Grand Avenue from B2 Community Business to T2 Traditional Neighborhood be approved.

moved by _____
seconded by _____
in favor _____
against _____

Virkus
ZF# 13-230-602
Support

Summit Hill Association

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
Fax 651-222-1558
www.summithillassociation.org
e-mail: summithill@visi.com

September 24, 2013

Scott Temple - Planning Staff
St. Paul Planning Commission
1400 City Hall Annex - 25 W. 4th St.
St. Paul, MN 55102

RE: 814 Grand Avenue

Members of the Planning Commission – Zoning Committee:

In regards to the rezoning application, submitted to the City of St. Paul from property owners Steven and Jennifer Virkus for their property at 814 Grand Avenue, asking for the City to rezone the property from current B2 to T2, the Summit Hill Association has no objection to that rezoning as per PED Planner Scott Temple's staff report and recommendation dated Sept. 12, 2013.

Sincerely,



Jeff Roy, Executive Director
Summit Hill Association/District 16 Planning Council

cc: Steven and Jennifer Virkus
Dave Thune, Ward 2 Councilmember

for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated contact information if it changes. This will help ensure that the farmers market remains in compliance with all applicable regulations and with the conditions of a conditional use permit.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for an outdoor seasonal farmers market, operating only during the period from May 1 to September 30, with hours limited to the period from 6:00 AM to 6:00 PM, using up to 55 parking stalls in the Uni-Dale Mall parking lot at 544 University Avenue W subject to the following conditions:
1. Zoning Administrator approval of a site plan, in substantial compliance with the plan submitted and approved as part of this application, showing the number and location of vendors and use of no more than 55 parking stalls in the mall parking lot for farmers market sales space, with contact information for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated contact information if it changes.
 2. The farmers market shall be open only during the period from May 1 to September 30, with hours limited to the period from 6:00 AM to 6:00 PM, with all equipment off site by 6:00 PM.
 3. The farmers market shall have no more than 50 vendors at any time. 7
 4. There shall be adequate trash collection facilities provided and no trash left in the market area; the holder of the CUP shall require the vendors to clean the market area of trash daily.
 5. Management of the market shall monitor vendors to ensure that they sell only their own produce the products of their farm, garden, greenhouse, apiary, or forest directly to the public.

ZF # 13-227-795
Unidale Mall

Holmes, Hilary (CI-StPaul)

From: Joe Stranik <joestra56@gmail.com>
Sent: Wednesday, September 18, 2013 10:51 AM
To: Holmes, Hilary (CI-StPaul)
Subject: Unidale Mall Farmers Market

Hilary,

I own the Midas shop directly east of the farmers market site. I will not be able to attend the public hearing on Sept 26th. I did however want to express a concern. While the FM is active, frequently cars will be parked in the middle of the street that separates our shop and the mall parking lot. These vehicles will often be there for over an hour. These parked vehicles tend to encumber our customers' ability to access our parking lot.

--

Joe Stranik
President
Stranik Inc
520 University Ave.
St Paul MN 55103
651-224-2821 ext 11