



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

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

Agenda

Saint Paul
Planning Commission

October 18, 2013
8:30 – 11:00 a.m.

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

- I. Approval of minutes of October 4, 2013.**
- II. Chair’s Announcements**
- III. Planning Director’s Announcements**
- IV. Zoning Committee**

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

OLD BUSINESS

#13-228-100 Hassibullah Farooq – Reestablishment of nonconforming use as a reception hall. 560 Como Avenue between Dale and Burgess. *(Jake Reilly, 651/266-6618)*

#13-227-795 Unidale Mall Farmers Market – Conditional use permit for outdoor farmers market. 544 University Avenue West, SE corner at Kent. *(Hilary Holmes, 651/266-6612)*

NEW BUSINESS

#13-234-831 Concordia University Campus Boundary – Conditional use permit to expand campus boundary. 1280 Marshall Avenue SW corner at Syndicate. *(Josh Williams, 651/266-6659)*

- V. Neighborhood Planning Committee**

Alcohol Production Zoning Study - Approve resolution recommending zoning amendments to Mayor and City Council. *(Bill Dermody, 651/266-6617)*

- VI. Ford Framework Zoning Study** – Informational presentation of study findings and recommendations by Bob Kost, SEH, Inc. *(Merritt Clapp-Smith, 651/266-6547)*

- VII. Comprehensive Planning Committee**

- VIII. Transportation Committee**

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Betsy Reveal
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

IX. Communications Committee

X. Task Force/Liaison Reports

XI. Old Business

XII. New Business

XIII. Adjournment

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

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

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

WEEK OF OCTOBER 14-18, 2013

Mon (14) _____

Tues (15) _____

3:30- Comprehensive Planning Committee
5:00 p.m. (*Merritt Clapp-Smith, 651/266-6547*)

13th Floor – CHA
25 Fourth Street West

West Midway Industrial Strategy – Continuing discussion from previous meetings and presentations. (*Allen Lovejoy, 651/266-6226*)

Weds (16) _____

Thurs (17) _____

Fri (18) _____

8:00 a.m. Planning Commission Steering Committee
(*Donna Drummond, 651/266-6556*)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. (*Donna Drummond, 651/266-6556*)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

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

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Neighborhood Planning

Committee..... Alcohol Production Zoning Study - -Approve resolution recommending zoning amendments to Mayor and City Council. (*Bill Dermody, 651/266-6617*)

Informational Presentation.... Ford Framework Zoning Study – Informational presentation of study findings and recommendations by Bob Kost, SEH, Inc. (*Merritt Clapp-Smith, 651/266-6547*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes October 4, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 4, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Porter, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Makarios, Nelson, Ochs, Oliver, Schertler, Ward and Wickiser.

Commissioners Absent: Ms. *Perrus, and Messrs. *Lindeke, and *Spaulding.

*Excused

Also Present: Donna Drummond, Planning Director; Bill Dermody, Scott Tempel, Merritt Clapp-Smith, Lucy Thompson, Jamie Radel and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes September 20, 2013.

MOTION: *Commissioner Reveal moved approval of the minutes of September 20, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the surveys received from the Planning Commissioners will be tallied and discussed at the next Steering Committee meeting.

PED has hired a new city planner, Jamie Radel, filling a vacancy created by the retirement of Patricia James. Jamie started on September 23rd; she recently worked as a city planner in the City of Roseville and has also worked with a consulting firm.

IV. PUBLIC HEARING: Alcohol Production Zoning Study – Item from the Neighborhood Planning Committee. (Bill Dermody, 651/266-6617)

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Alcohol Production Zoning Study. Notice of the public hearing was published in the Legal Ledger on August 29, 2013, and was emailed to the citywide Early Notification System list and other interested parties.

Bill Dermody, PED staff person briefly summarized the proposed changes to the Zoning Code and pointed out a typographical error on the ENS notice regarding craft distilleries in the Business Districts, which was corrected for the Planning Commission packet.

No written testimony has been received.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Dane Breimhorst spoke about the need for a conditional use permit to expand from 5,000 barrels per year maximum up to 20,000 barrels per year. As craft brewers they are just opening their doors and 5,000 barrels per year is a lot for a new brewery starting up to achieve. But once they do achieve that, they would like to expand larger than the 5,000 barrel mark. What that means for them and the community is that there will not be more foot traffic into the brewery, because their public tap room is not going to expand, it would be what's going out the back door and into local bars and restaurants.

Chair Wencil asked if after reaching the 5,000 barrels in their current location would they be able to continue?

Mr. Breimhorst replied if they completely max out their capacity in their current space they might be able to hit 20,000 barrels, however it might be very difficult to do that. So even reaching up to that point they would have to find a new location.

Commissioner Ochs asked what the name of their company is and the location. And what is the current zoning there?

Mr. Breimhorst said the name of their company is Burning Brothers Brewery located at 1750 Thomas Avenue in Saint Paul and the current zoning is T2 (the property is actually zoned T3).

Commissioner Ochs asked whether the access to their loading facilities is adequate to grow the business should they exceed the 5,000 barrels and increase distribution. Mr. Breimhorst said yes.

MOTION: *Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, October 7, 2013 and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

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

One item to come before the Site Plan Review Committee on Tuesday, October 15, 2013:

- First Concrete, contractor's shop/storage building at 902 Atlantic Street.

NEW BUSINESS

#13-230-602 Steven Virkus and Jennifer Virkus – Rezone from B2 Community Business to T2 Traditional Neighborhood. 814 Grand Avenue between Avon and Victoria.
(Scott Tempel, 651/266-6621)

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on Thursday, October 10, 2013.

VI. PED Development Update – Informational presentation by Cecile Bedor, Director of the Department of Planning and Economic Development.

Cecile Bedor, PED Director, gave an informational update about the department's recent and future developments. She started with Mayor Coleman's vision, his three priorities, and the department's mission. PED has four teams; administrative/finance, economic development, housing, and planning, which includes heritage preservation and zoning. She talked about PED's operating budget funding sources and the 2014 proposed budget.

Ms. Bedor then highlighted major development projects. Downtown projects like the demolition of the former Diamond Products building for the Lowertown Ballpark is underway, and the Penfield apartments are opening by the end of 2013. Other projects include West Side Flats opening in the summer of 2014, the Rayette Lofts completion Fall 2014, and the Custom House which is the plan to renovate the former post office building into apartments, parking spaces and other uses. Union Depot reopened in December 2012 after a massive renovation, with Metro Transit bus service and Jefferson bus lines and Amtrak added by the end of 2013. She also noted several projects underway along the Green Line LRT. Other neighborhood projects include the Schmidt Brewery artist lofts renovation, renovation of the former Hamm's brewery site with space for three companies including: Urban Organics, Flat Earth Brewery and Mill City Distillery. For the Ford site the City has conducted numerous studies and plans to prepare for the future sale of the site by Ford Land to a master developer in 2015. Ms. Bedor also mentioned the various housing programs that PED has underway, including the City Living home purchase lending program, home improvement lending, mortgage foreclosure prevention and Neighborhood Stabilization Program.

Commissioner Merrigan asked about the flexibility to direct funds to different activities. For example, the NSP grant does something very specific.

Ms. Bedor clarified that the numbers she showed from these various programs were for PED operations for administration of the programs, not the amounts spent on the various programs. However, use of the funds for all these types of funding sources, such as CDBG, HOME, NSP and TIF is very restrictive. There is a real depth of understanding in the staff of exactly what the requirements are, what the money can be spent on, and where there is flexibility to meet program goals. PED regularly communicates with HUD, which is the federal department that oversees much of the federal money PED administers.

Commissioner Schertler said the general fund support for PED has been declining and noted that PED staff people who are doing City functions like planning and zoning are paid with sources other than the general fund, such as the HRA levy and bond fees. This is money that could go toward development activity. He said it has been this way in the past and was it still the situation?

Ms. Bedor replied yes that is still the case, and she'd like to get general funding because it would loosen up some of the levy for other uses. But there are a lot of priorities in the city and all the work done across the city is all important. She said the Mayor's office and HRA board are very aware of the fact that PED doesn't get any general fund money.

Commissioner Thao said that all of the Penfield apartments are high end market rate apartments, so there are no affordable units.

Ms. Bedor confirmed there are no affordable unit in the Penfield and noted that was controversial. Given her background as an affordable housing developer she is passionate about that, but her role as PED Director is to make sure that we have a thriving downtown and a distribution of different types of housing at different price points. We also need people downtown with buying power to support the retail that is left and if we're going to attract more. However PED has financed a lot of affordable housing downtown.

Commissioner Reveal asked if there has been any analysis of the downtown market for rental housing, particularly high end rental housing and how much be absorbed?

Ms. Bedor said they did a market study for the Penfield project and the numbers are significant. There isn't much of this product in downtown. The Penfield and the Lofts at Farmers Market are the first new housing projects that have been built in the last 15-20 years.

Commissioner Porter asked for an update on the angled site area on Cedar between 4th and 5th Streets.

Ms. Bedor said that they are working with the Met Council on an MOU on that block. On the eastern half of that block the Met Council owns about 65 or 70% of the land and the HRA owns the other piece of it. It's a prime development spot, and the plan is to work with the Met Council on redevelopment.

Commissioner Ward noted the reduction of PED staff over the past few years. What is she doing to make sure PED is sustainable into the future? He has heard that it is very difficult and hard to work with PED, partly due to staff reductions and turnover. He asked what could be done and is she open to suggestions?

Ms. Bedor said that it's unfortunate that he is hearing that because she does not get those calls. She noted that she reads notes and emails at quarterly department staff meetings with good news and thanks she has received about different staff which demonstrate the department's values. Ms. Bedor asked Commissioner Ward if he ever hears from someone who is having an issue with PED to give them her direct number (651) 266-6628. Because PED won't make changes unless she knows what the issue is. PED's culture has changed considerably from 2006 to today in the office. And that is due to the fact that PED is smaller, has a committed leadership team and a lot of new young staff people who work really hard and work in new ways. Developers would say to

her that in the past they would ask for \$200,000 and PED would just find it for them. Now PED is trying to be more transparent. She noted PED is hiring for a new position called Transit Oriented Developer Manager, which is being funded solely through philanthropic partners for two years, because PED does not have the funding in its budget to do so. PED used to have enough staff to be out on the street, knocking on doors trying to understand what's going on and making developments happen. PED does not have the capacity to do anything like that anymore. The TOD manager's goal will be to make sure that's exactly what happens along Central Corridor.

Commissioner Ward asked what is being done to tell PED's story to the public - what the director does, what staff does and what the City is currently doing.

Ms. Bedor said that is why PED has Sara Swenson, our Public Relations manager. That position was cut out of the budget previously so there was no public relations person for about 2 years, but was added back in about a year ago. The Mayor's Office has instituted a whole blogging system; PED is the number one contributor to that. Sara writes tweets on a regular basis so that the Mayor tweets about what is going on in PED. Ms. Bedor has also given this presentation for the fifth time in two months about what they're doing in Saint Paul. Sara comes up with articles that she and Joe Campbell from the Mayor's Office pitch to reporters. There are a number of ways and we can always do better.

Commissioner Ochs said with respect to the TOD manager position is that person focused directly on transit corridors for development or are they going to be working with others to seek development in other parts of the city as well, and is there some kind of cross region collaboration aspect too?

Ms. Bedor said the focus of this position will primarily first be Central Corridor, however the way that they have written the job description is that that work will extend into the other major transit corridors. This position is being funded for two years and after the two years we hope to really understand what the impact of a position like this can be and have a lot of lessons learned from University Avenue that they can take to other corridors as well.

Commissioner Edgerton said that it is great to see all of the downtown development and new housing, but in Lowertown there is worry about parking. With all these new units coming in is parking being provided? Where are people going to park?

Ms. Bedor said that for example the Penfield and the Lofts projects do have parking, but it varies by building. However going forward they do recognize the need for a parking management plan. What is the real need now downtown and what do we project it to be? She is actually attending a meeting today at 11:00 to talk about that.

Commissioner Thao saw someone from Sparc, the CDC on Rice Street, and they said that they were closing. She is excited about the focus on denser, more developed areas of the city but she is still concerned about what happens in the neighborhoods. So are there any strategies in place because when she hears about a CDC closing that is disconcerting because there is still a lot of work to be done in our neighborhoods.

Ms. Bedor agreed. There is a lot of work also going on in the neighborhoods but it is tougher, as buying power and market conditions are different there. But for example: they are going to be

talking with Kathy Lantry about doing a retail market study on East 7th Street to really understand what the market is. She then explained more about the Sparc situation and a property they were trying to develop on Maryland. So the question is do you wait for the market to come or are there other things you can do to stimulate the market so that that development will eventually come or do you take what you can get and make sure that the design is beautiful and well managed. Those are the conversations that staff has with councilmembers and the community on regular basis.

Commissioner Thao encouraged everyone to think more about how we grow the local businesses as opposed to always getting other people to come in, that there may be small businesses there who could expand.

Ms. Bedor said that the technical assistance that PED provides and a lot of the STAR loans and grants go to existing businesses for that reason. And we know that the vast majority of job growth is going to come from people who are already here.

Chair Wencl said that she would like to see some of the near east side and other parts of the city be included because there has been a lot of things happening there, the development, the programs and the businesses that have started up. She also asked for material they could use to get information out to the general public about all the good work going on.

Ms. Bedor said that she will talk with Sara Swenson because maybe they can get something like this on the web site.

Commissioner Noecker suggested that the slide which shows the downtown sites with the flags could be used with dots and there would be no need for words because you could see all of the dots.

Ms. Bedor asked for suggestions anytime.

VII. Comprehensive Planning Committee

Commissioner Merrigan announced that their next meeting will be on Tuesday, October 15, 2013.

VIII. Neighborhood Planning Committee

Commissioner Oliver announced that they will be meeting on Wednesday, October 9, 2013.

IX. Transportation Committee

Commissioner Ochs gave the agenda for the next Transportation Committee meeting on Monday, October 7, 2013.

X. Communications Committee

Commissioner Thao had no report.

XI. Task Force/Liaison Reports

Commissioner Nelson announced the items on the agenda for the next Shepard Davern Area

Planning Task Force meeting on Wednesday, October 9, 2013 at the Saint Paul Jewish Community Center from 4:00-6:00 p.m.

Commissioner Schertler asked if there was any scheduling for the Ford Task Force.

Merritt Clapp-Smith, PED staff said that the Ford Task Force is on hiatus currently. The Task Force met a couple of times last year to hear about the Ford Zoning Framework Study, which the consultants are finalizing in a report now. The consultants were given final edits by city staff last month and will be bring a presentation to the Planning Commission next time. The presentation will summarize the findings from that study and the Planning Commission will discuss the potential of proceeding with interim zoning on the site. If interim zoning proceeds, the Task Force will be reconvened to track that process.

XII. Old Business

None.

XIII. New Business

None.

XIV. Adjournment

Meeting adjourned at 10:02 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, October 10, 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 26, 2013, ZONING COMMITTEE MINUTES

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

OLD 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 13-227-795 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

NEW BUSINESS

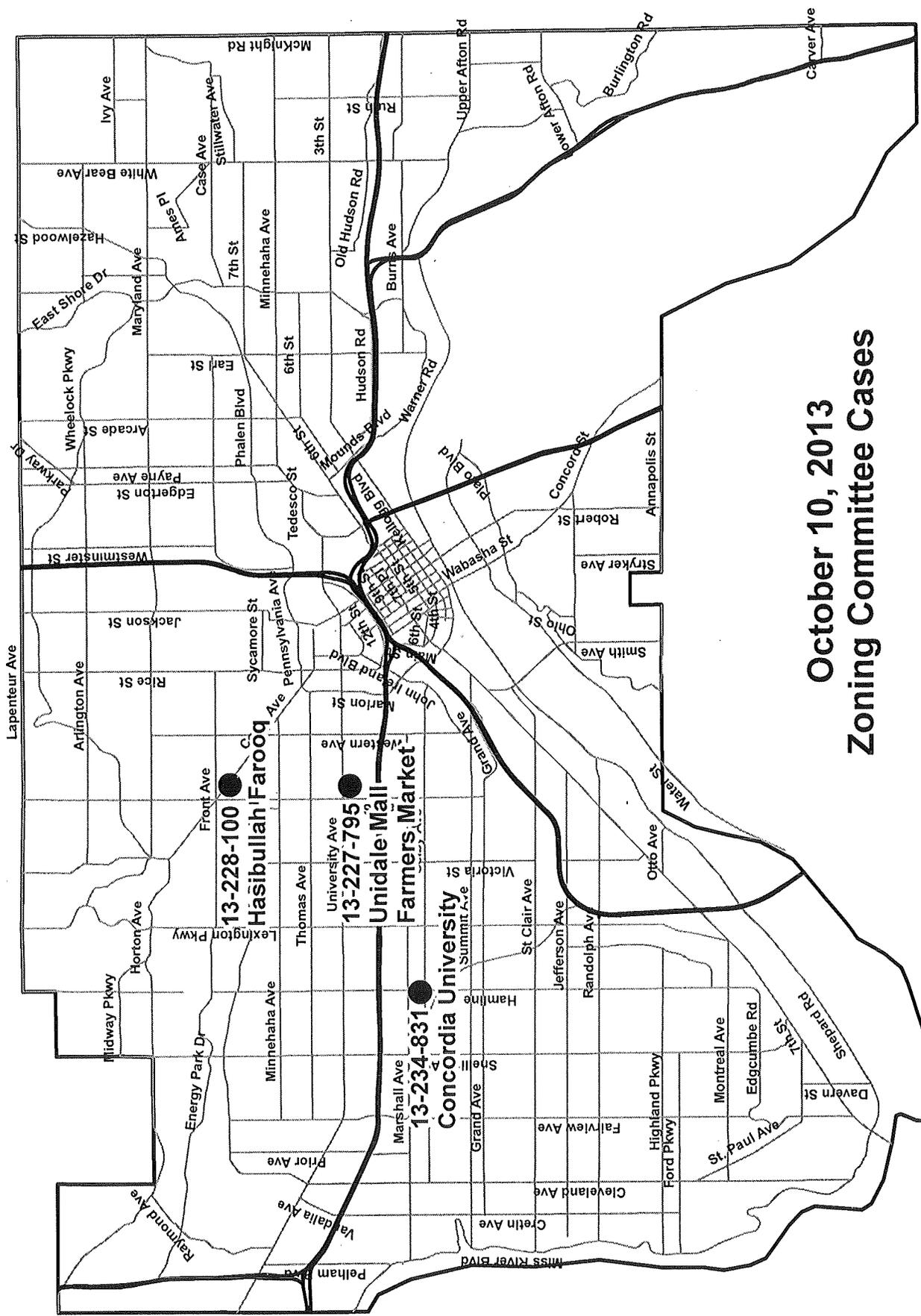
- 3 13-234-831 Concordia University Campus Boundary**
Conditional use permit to expand campus boundary
1280 Marshall Ave, SW corner at Syndicate
RT1
Josh Williams 651-266-6659

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.



October 10, 2013 Zoning Committee Cases

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:** 9/17/2013; amended 10/3/2013 **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:** The property was a restaurant with on-sale liquor for many years. Two years ago the site's most recent business, a restaurant with reception and dance hall, went out of business and it has been vacant ever since. The property was rezoned from B3 to T2 in April 2012 as part of a 40-acre zoning study.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended approval.
- H. **FINDINGS:**
 1. The applicant is proposing a deli, reception hall and dance hall at 560 Como Avenue. The reception hall and dance hall, a conforming use when the property was B3, would be nonconforming at this location under the current T2 zoning. T2 does not permit reception halls at all. A dance hall falls under the zoning code definition of "indoor recreation," a conditional use in the T2 zoning district subject to the condition that the building in which the use is located must be at least 100 feet from the closest point of any residential lot in a residential district, which the building at 560 Como does not meet. In order to reestablish a reception hall/dance hall in the building, a reestablishment of a nonconforming use permit is necessary because the use has been discontinued for more than a year.
 2. The applicant is requesting that the reception hall and dance hall be allowed to stay open until 2 a.m. on Thursday through Saturday nights. Legislative Code chapter 405.04(d) states that no public dance shall be held between the hours of 12 a.m. (midnight) and 6 a.m. on any day, and not on Sunday before noon.
 3. 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 one year, 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/dance hall space that would be difficult to economically reuse for a conforming purpose.

- (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 a reception hall and dance 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.* The proposed reception/dance hall generally fits the existing character and mixed-use pattern of development in the immediate neighborhood, and this finding can be met subject to installation of a solid six-foot high screening fence along the entire length of the alley adjoining the property to mitigate noise and provide better separation between the proposed use and the adjacent residential lots across the alley, and subject to a 12 p.m. midnight closing time to protect the welfare of nearby residents..
- (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, reception and dance hall will enhance the mix of uses in this mixed-use corridor.
- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on August 30, 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 and dance hall subject to the following conditions:
1. A solid six-foot high screening fence that completely closes off and separates the parking lot and building from the alley shall be constructed and maintained along the entire length of the alley adjoining the property.
 2. The reception and dance hall shall not operate between the hours of 12 p.m. (midnight) and 6 a.m..



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 11 a.m. – 8 p.m.
Friday- Saturday 11 a.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.

STATE OF TEXAS
COUNTY OF DALLAS
OFFICE OF THE CLERK
JAN 10 1960

Stage

COATS

Entrance

Marquis
Exterior

Need
Table

Bar
window

12

11

10

DN

200

gift
table

Rest. Rm.

13

9

8

14

7

15

6

5

high
tops

16

4

17

3

18

2

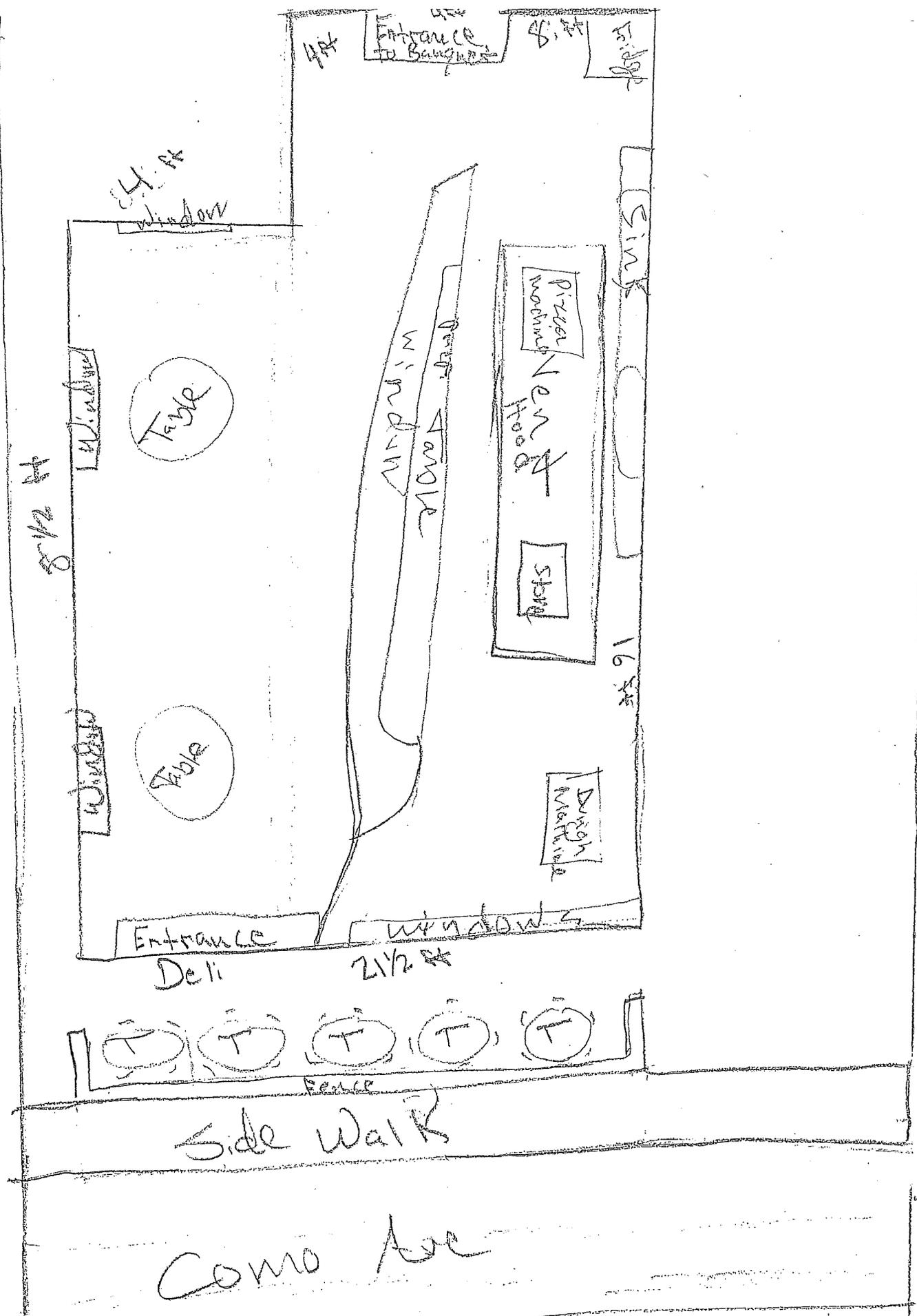
1

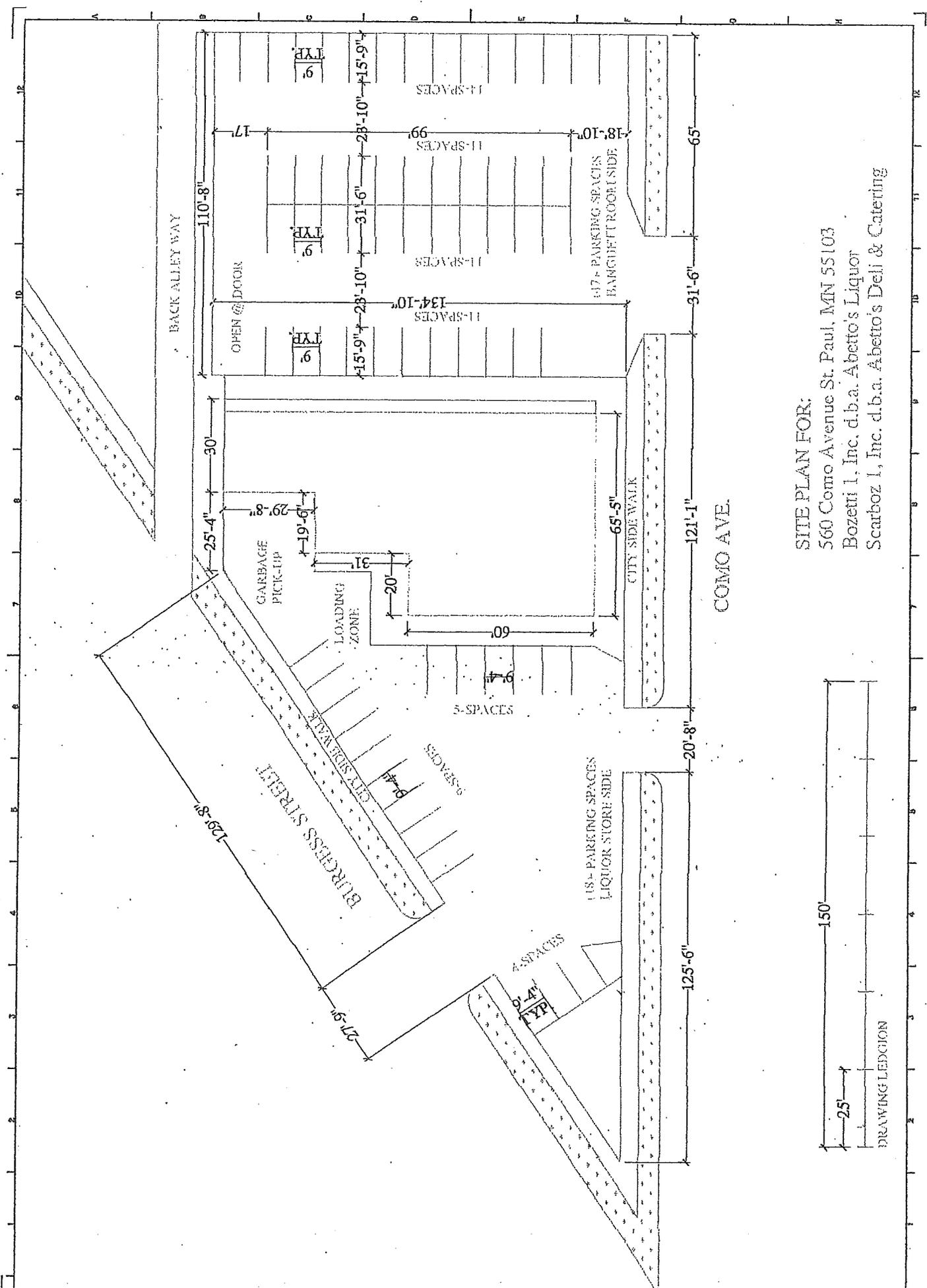
Alcove

Alcove
(coffee +
cake)

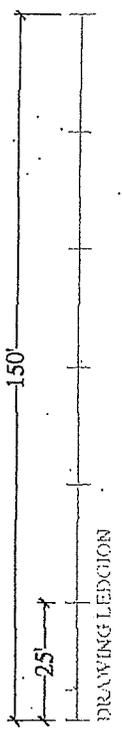
Marquis
Exterior

Buffet
Table



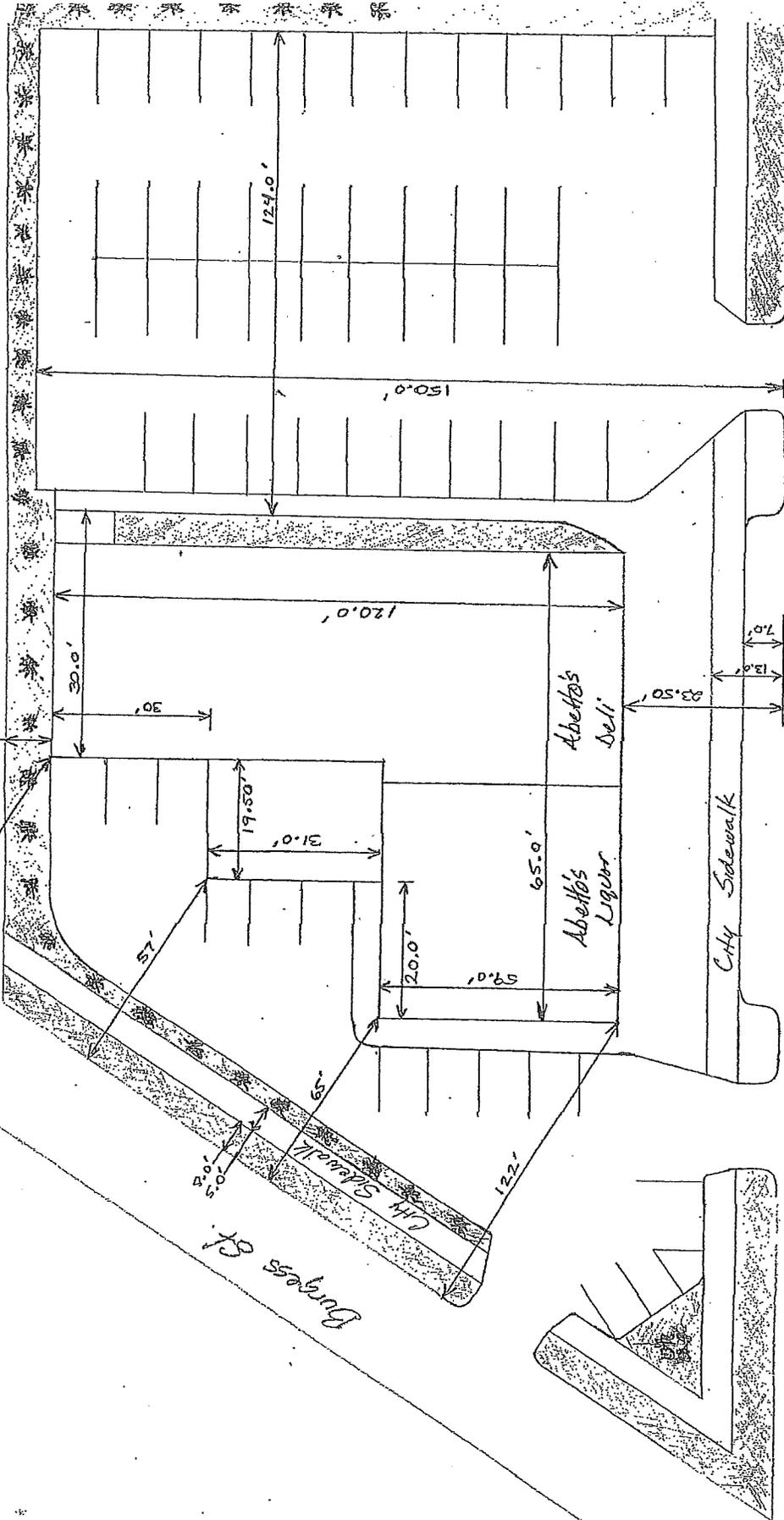


SITE PLAN FOR:
 560 Como Avenue St. Paul, MN 55103
 Bozetti 1, Inc. d.b.a. Abetto's Liquor
 Scarboz 1, Inc. d.b.a. Abetto's Deli & Catering



RECEIVED MAR 14 2007

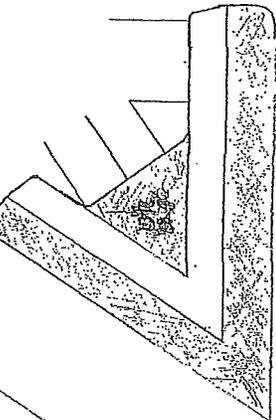
Back Alley



City Sidewalk

Conno Ave

Burgess St.



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 Farooq
(name of applicant)

to establish a International Dei & 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]	San Tran	8-19-13
- 568 Como	[Signature]	San Tran	8-19-13
- 560 Como	[Signature]	San Tran	8-19-13
- 554 Como	[Signature]	San Tran	8-19-13
- 561 Como	[Signature]	San Tran	8-19-13
- 568 Como	[Signature]	[Signature]	
564 Burgess	Patricia Seidga	PATRICIA WEBB	8/20/13
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

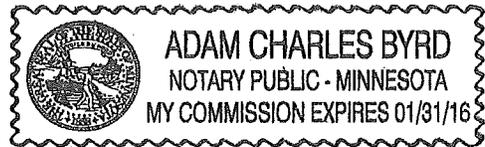
Hassibullah Farooq
NAME

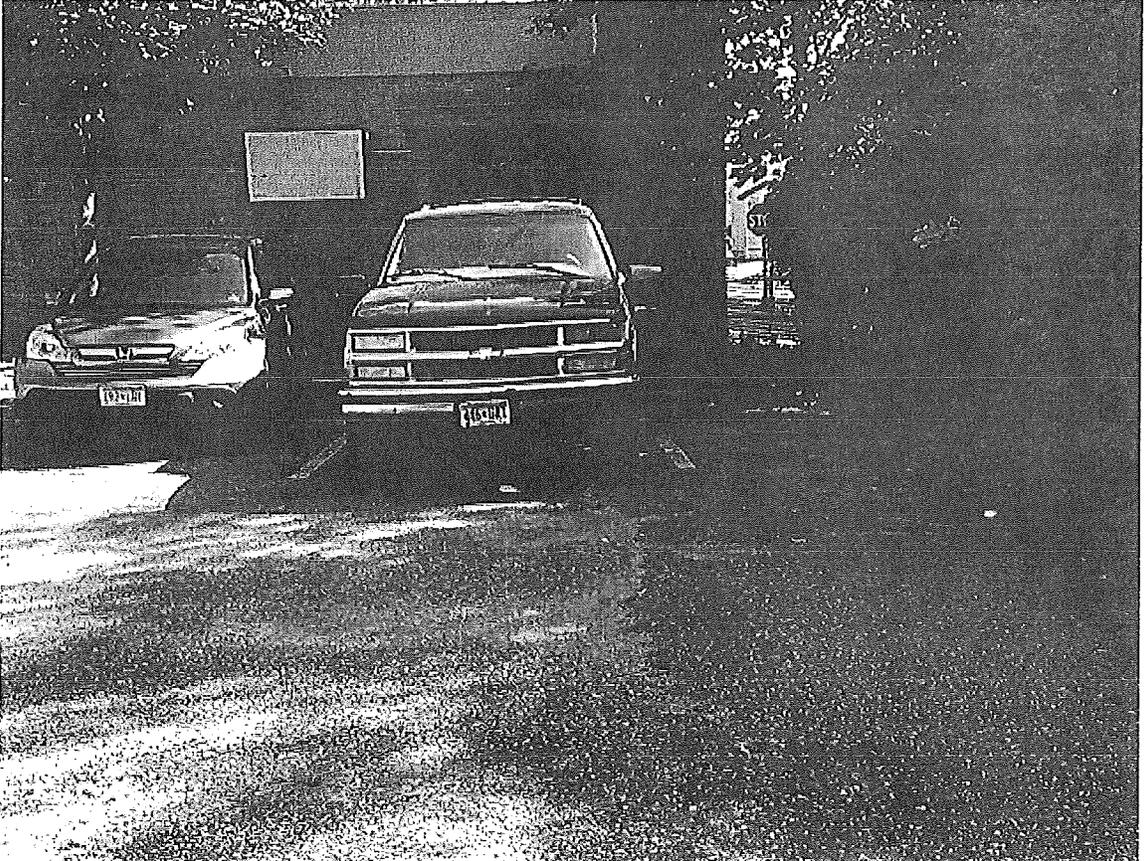
560 Como Ave St Paul, MN 55103
ADDRESS

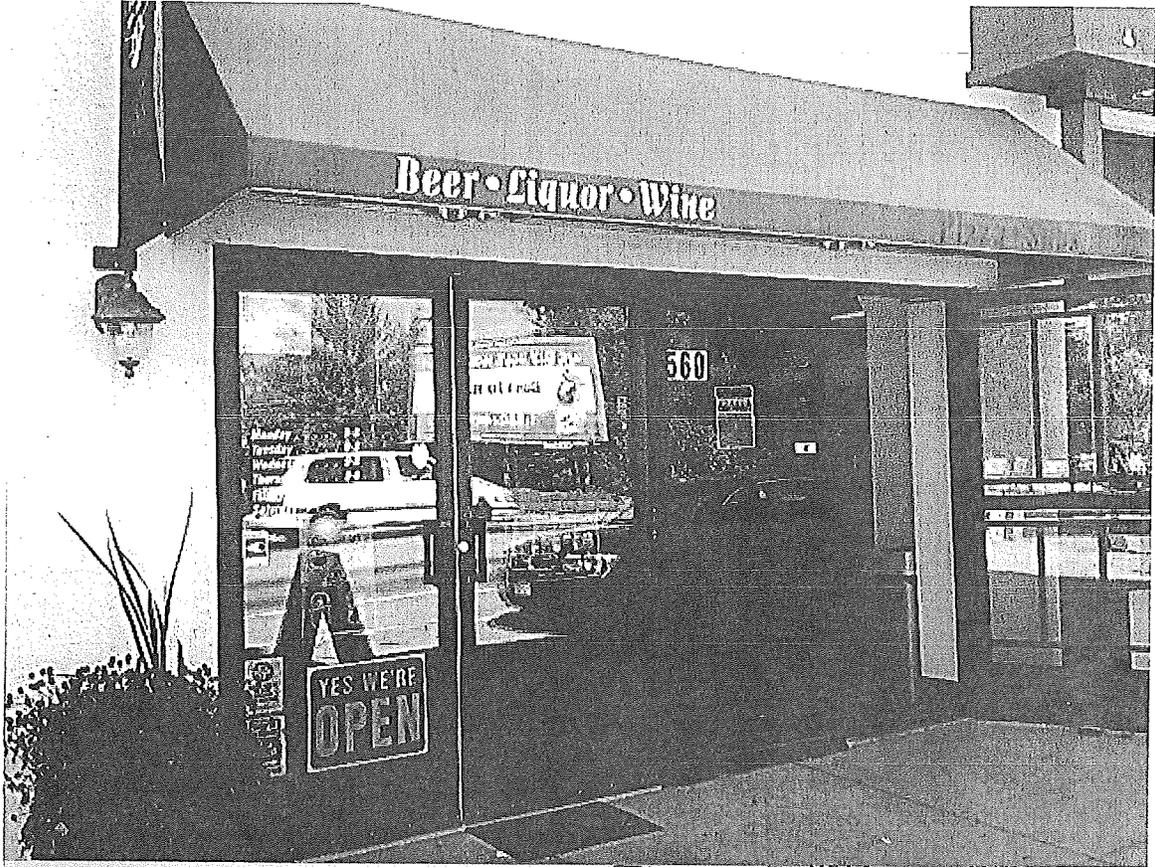
612-876-5571
TELEPHONE NUMBER

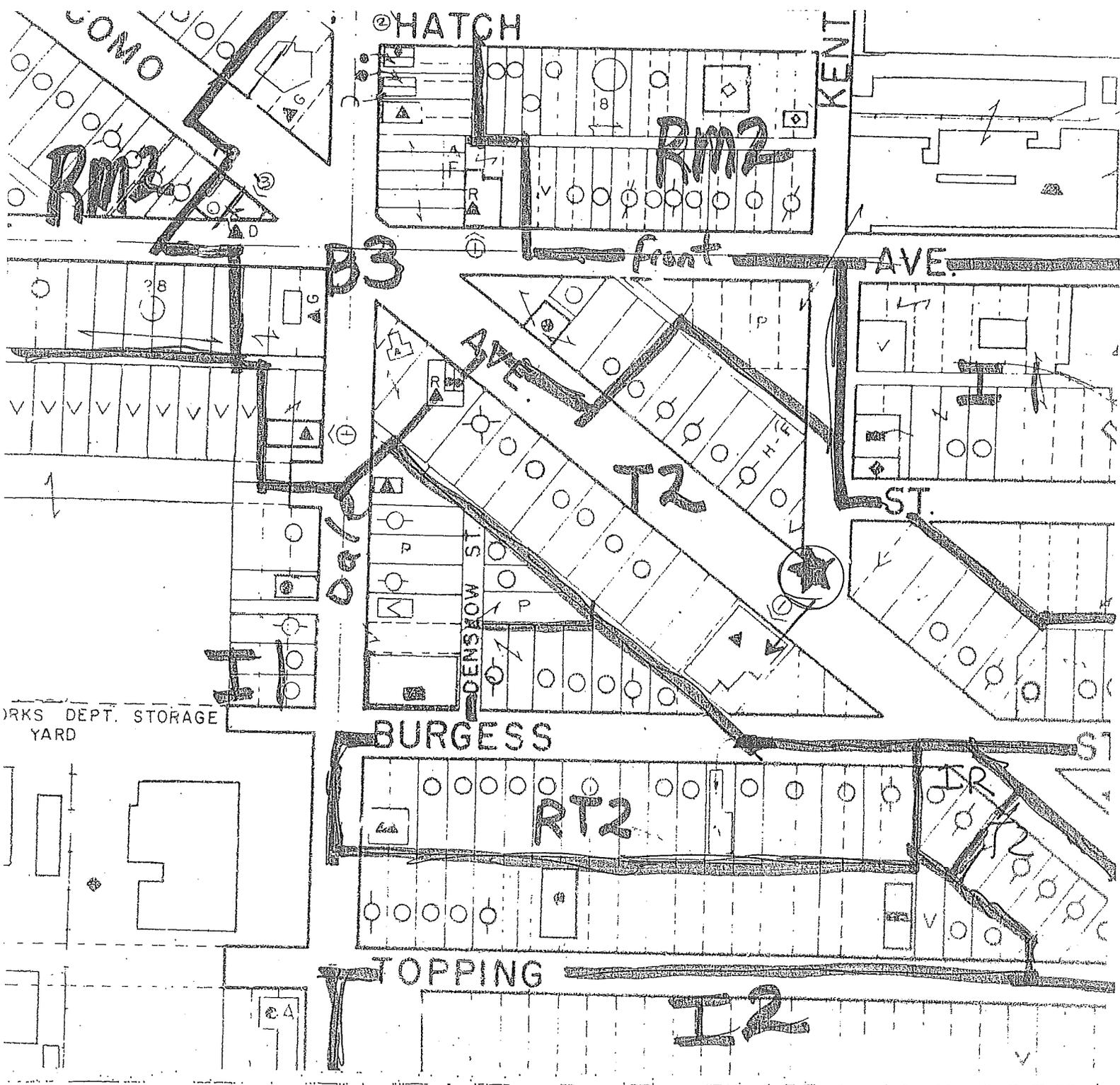
Subscribed and sworn to before me this
22nd day of August, 2013.

Adam Charles Byrd
NOTARY PUBLIC





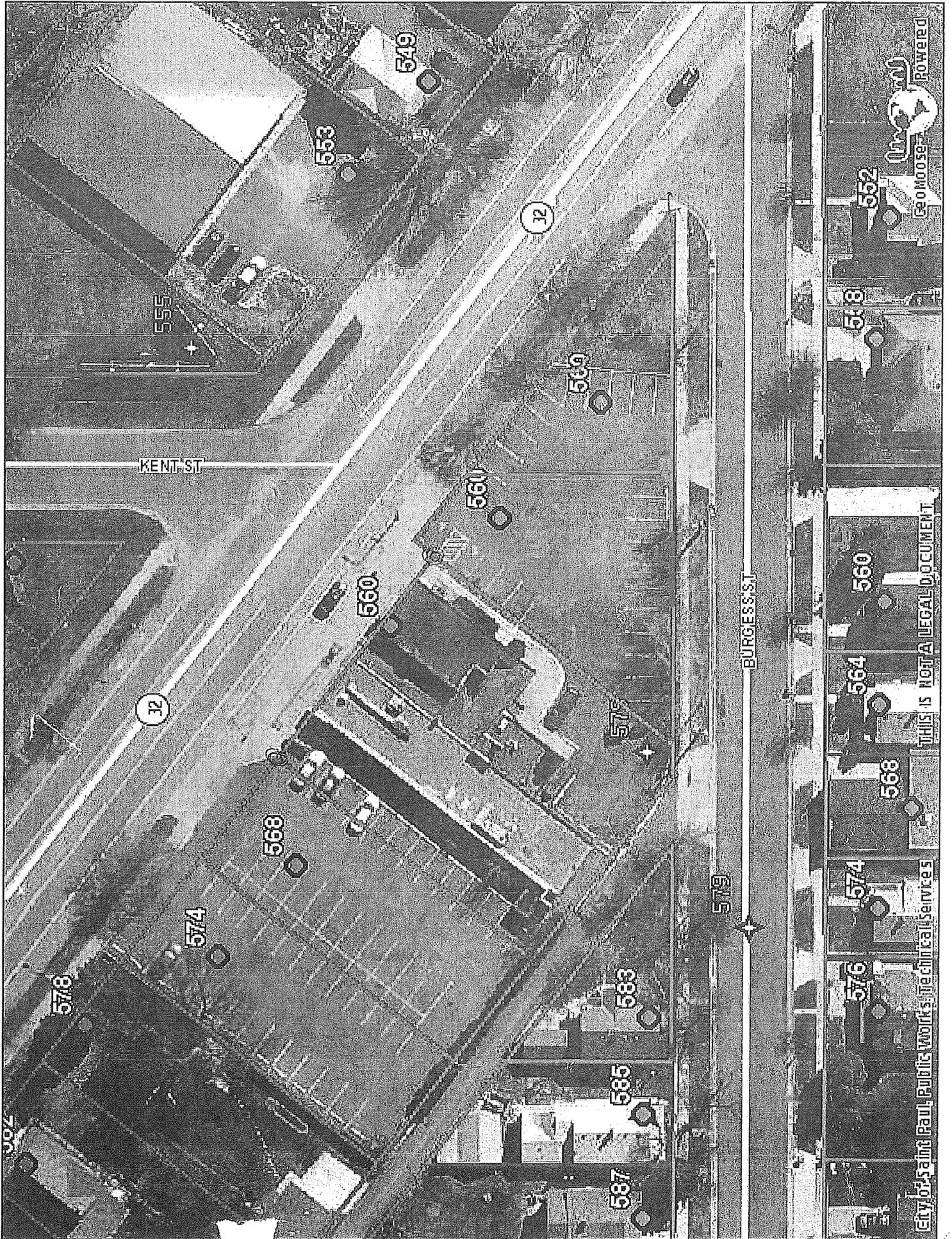




APPLICANT Hassibullah Farooq
 PURPOSE RE-EST. NCUP
 FILE # 13-228100 DATE 8-30-13
 PLNG. DIST. 6 Land Use Map # 12
 SCALE 1" = 100' Zoning Map # 9
(5-8-13)

LEGEND

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



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; **REVISED** October 3, 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, Double Dragon Building, Inc. represented by Gregory Heck, is seeking a conditional use permit to expand the existing for an outdoor seasonal farmers market that uses the northeast corner of the Uni-Dale Mall parking lot at 544 W University Avenue. Mr. Heck has indicated that he is the manager of the market. The market will operate seven days a week from May 1 to September 30 Mr. Heck has indicated they would like to change the days, dates and hours of the market to Friday, Saturday, Sunday, and holidays from June 15 to October 31, between the hours of 6:00 AM to 6:00 PM. He has indicated they would like to expand the area of the market to accommodate their current number of vendors. The market currently has a total of 65 vendors, with 55 vendors typically on site at one time. To accommodate this number of vendors, they propose that the market would use the northern three rows of parking between the two easternmost driveways off of University Avenue, which includes about 82 parking stalls. The market vendors will sell their own produce, and 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. Prior to 2010 the Uni-Dale Mall building requires 136 off-street parking spaces. In 2010 the zoning code was amended to say that the minimum number of off-street parking spaces required "shall be reduced by 100 percent in traditional neighborhood districts when more than 50 percent of both the building and the parcel are within ¼ mile of University Avenue," so there is currently no

parking required for Uni-Dale Mall. The property currently has 433 off-street spaces. 55 Up to 82 off-street spaces will be used for the farmers market sales space, leaving 378 351 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 detailed site plan, in substantial compliance with the plan submitted and approved as part of this application, showing the number and location of vendors, how safe ingress/egress and safe pedestrian circulation will be provided, and use of the northern three rows of parking between the two easternmost driveways off of University Avenue, which includes about no more than 55 82 parking stalls in the Uni-Dale 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~~ June 15 - October 31, with hours limited to the period from 6:00 AM to 6:00 PM on Fridays, Saturdays, Sundays, and holidays, with all equipment off site with set-up beginning no earlier than 5:30 a.m. and tear-down completed with vendors off-site by 7:00 PM.
3. The farmers market shall have no more than 65 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 the products of their farm, garden, greenhouse, apiary, or forest directly to the public.



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

*pd
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.

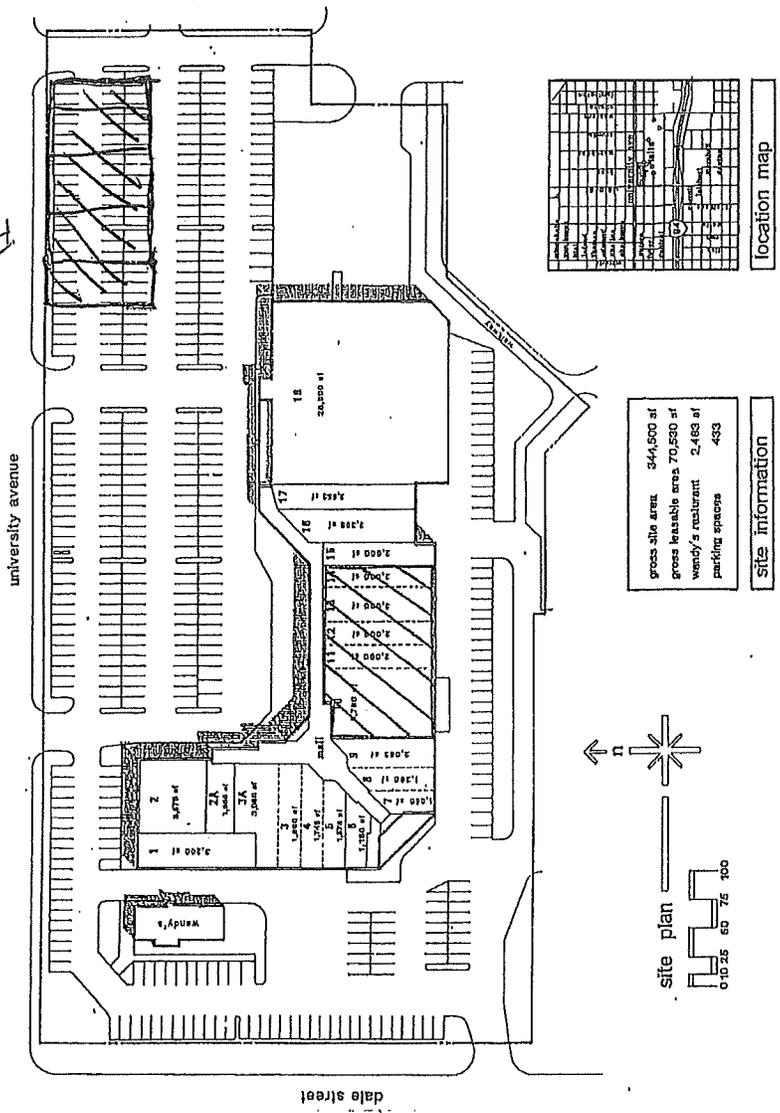
Attn: Greg Heck

C/o Harrington Langer & Associates

563 Phalen Blvd.

St. Paul, MN 55130

Farmers Market usage



gross leasable area 944,500 sf
 gross leasable area 70,500 sf
 wendy's restaurant 2,483 sf
 parking spaces 433

site information

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



KRAUS-ANDERSON REALTY COMPANY
 DEVELOPMENT • LEASING • MANAGEMENT

Report Name: SP-Owners Report

CITY OF ST PAUL Owners Report

Printed: 8/29/2013

Page: 1

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°25'56" East from its point of beginning; thence North 45°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°25'56" East from its point of beginning; thence North 45°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°33'07" East (assumed bearing) 573.35 feet along the North line of Butler Avenue to the point of beginning, thence North 41°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/dsj

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 Facilltator

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: 644 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 sponsor 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.

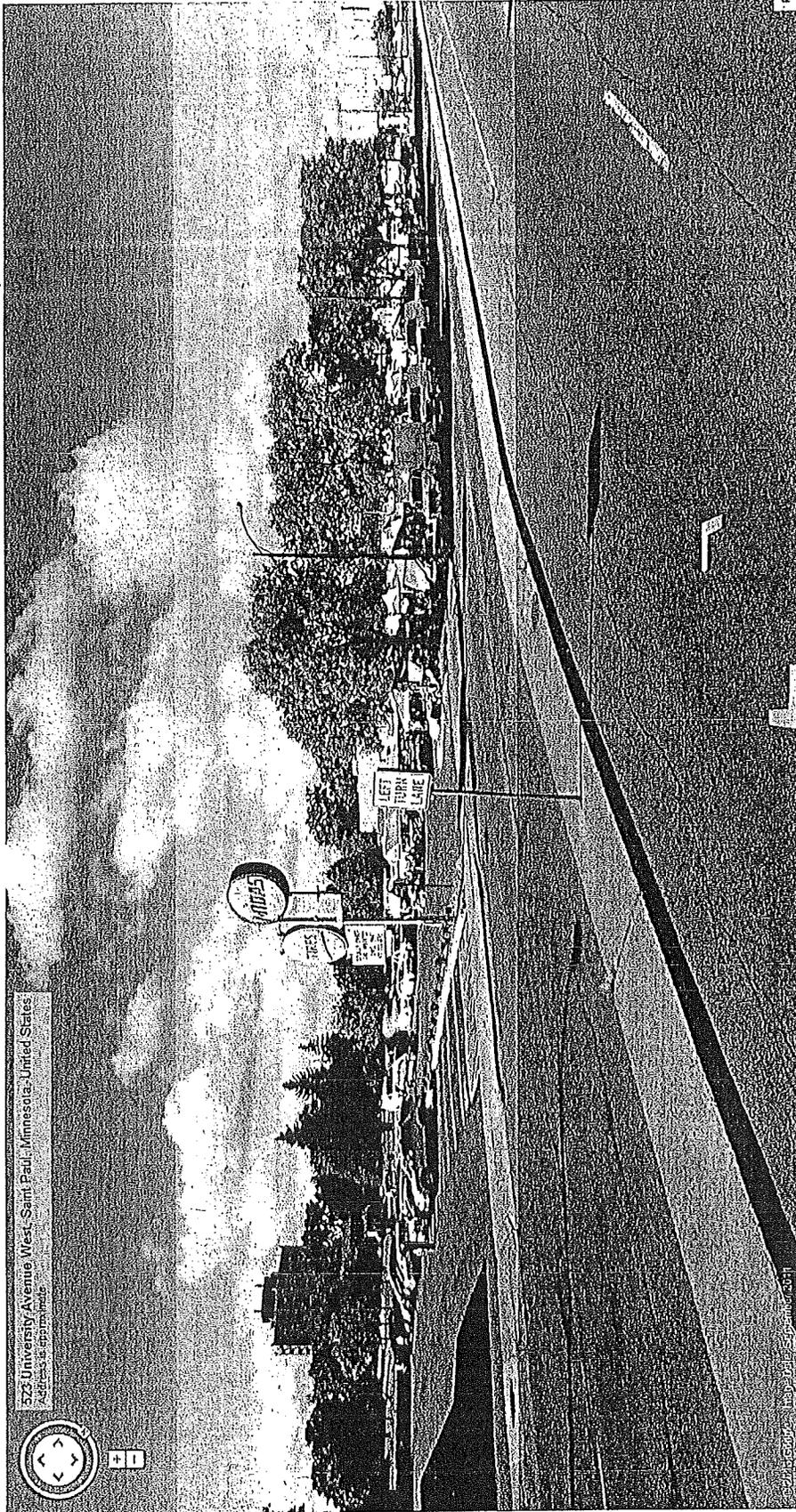
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Google

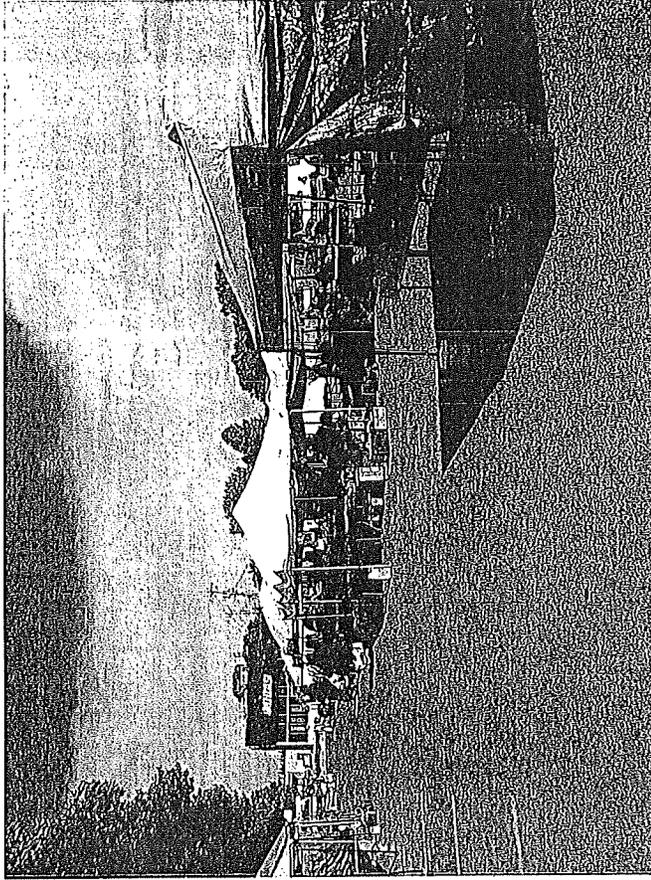


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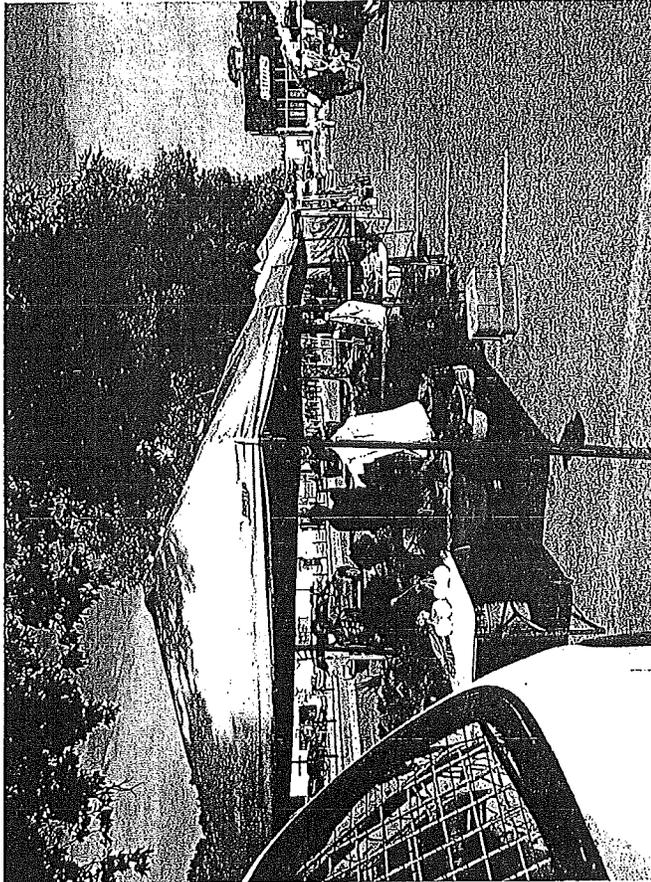
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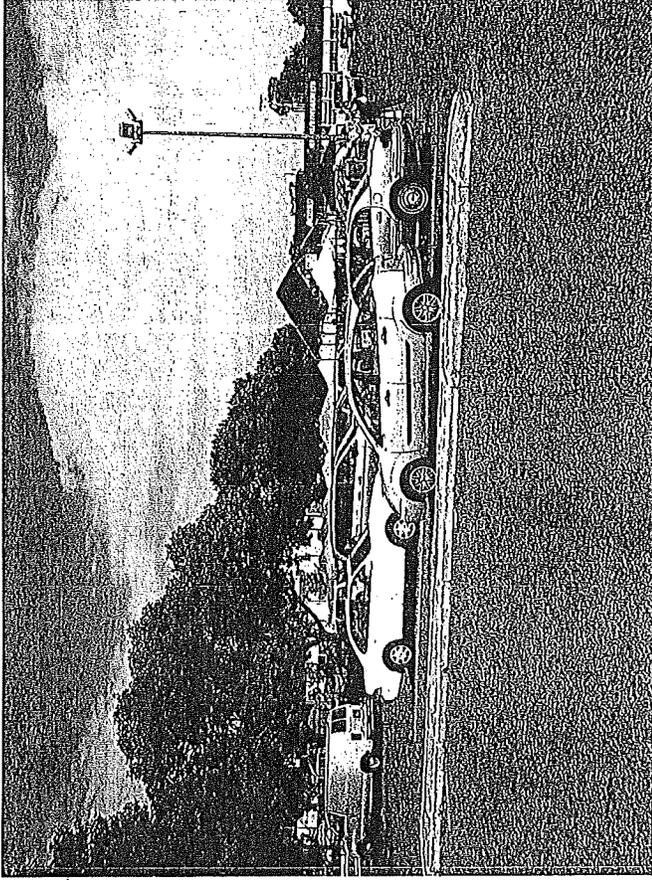
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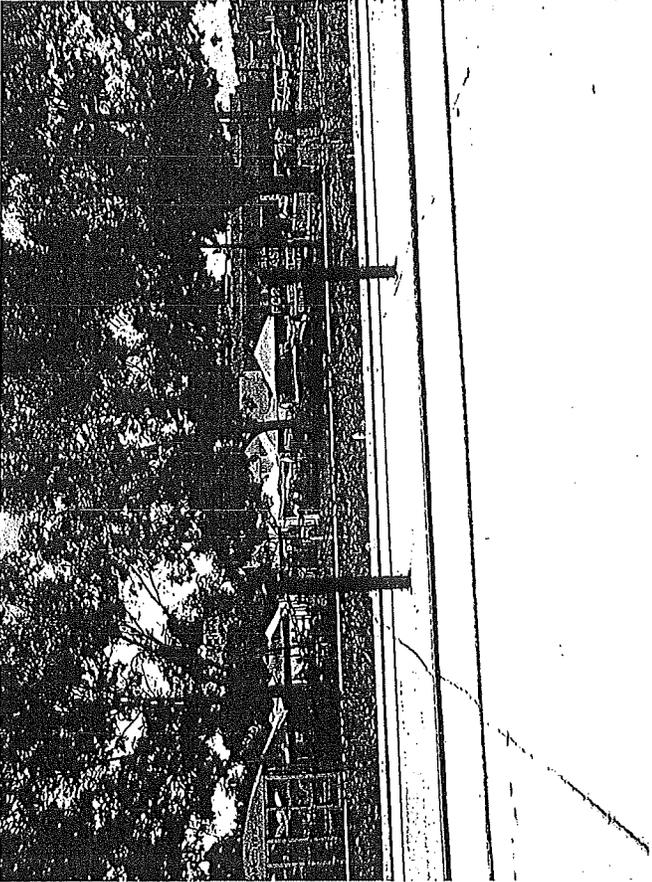
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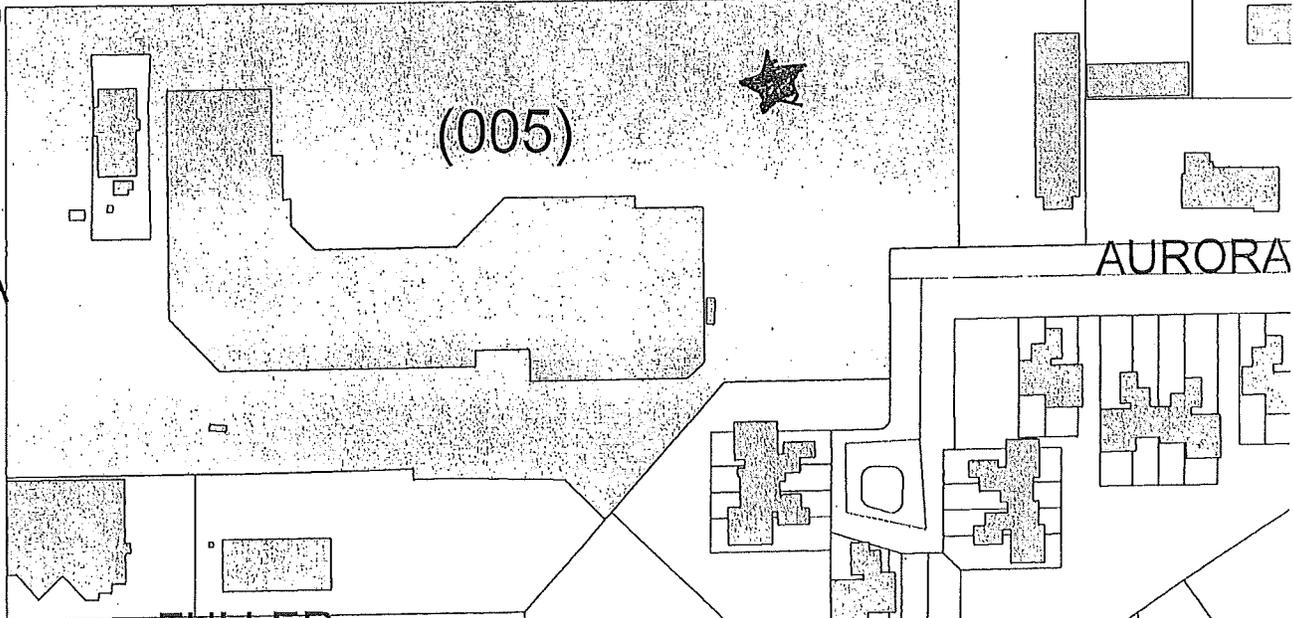




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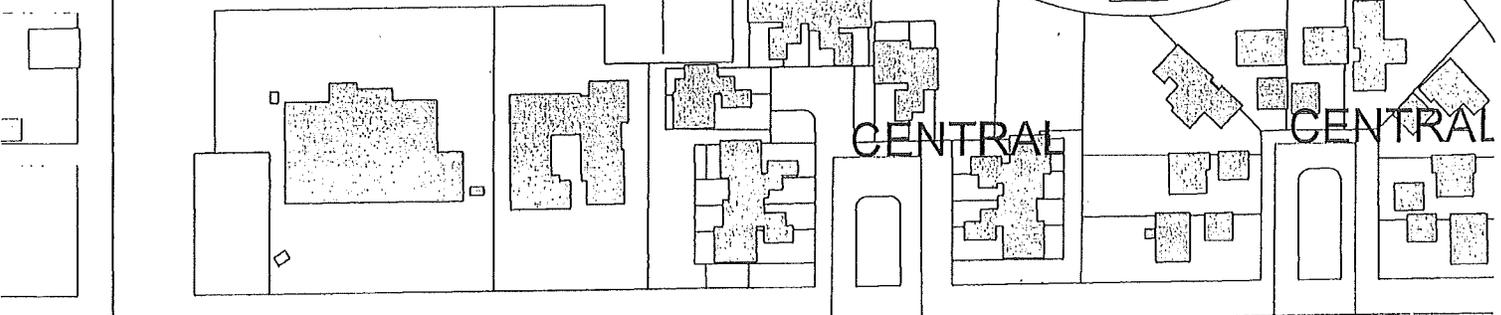


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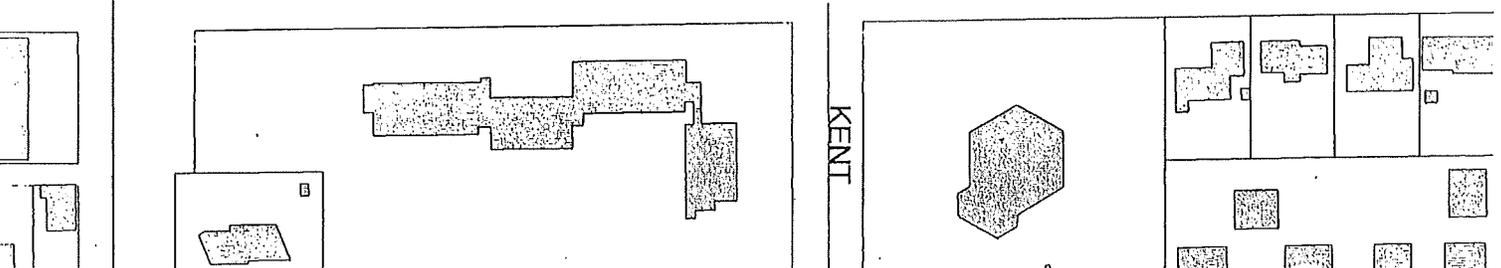
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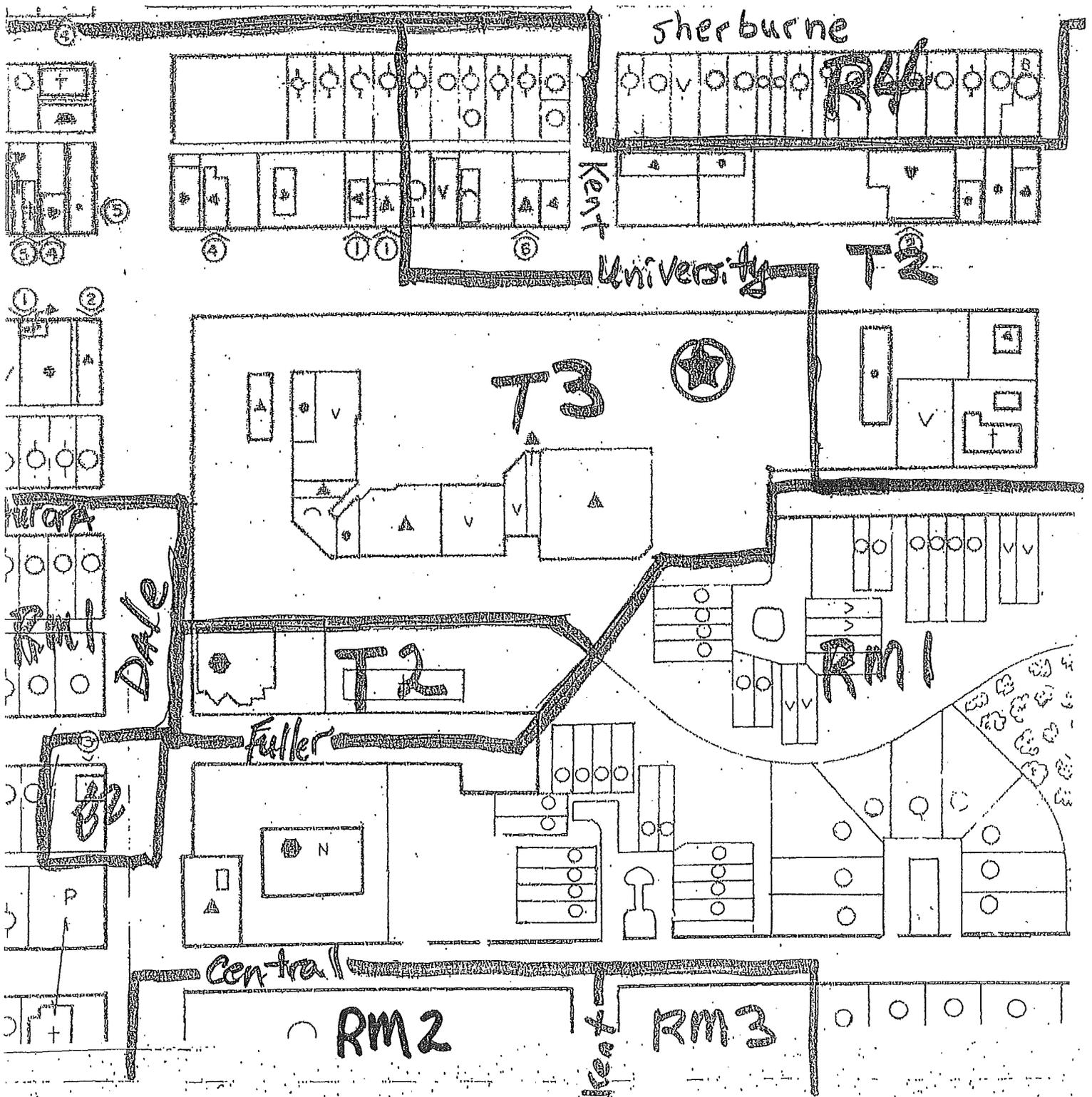


CENTRAL

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



SCALE 1" = 100'