

**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

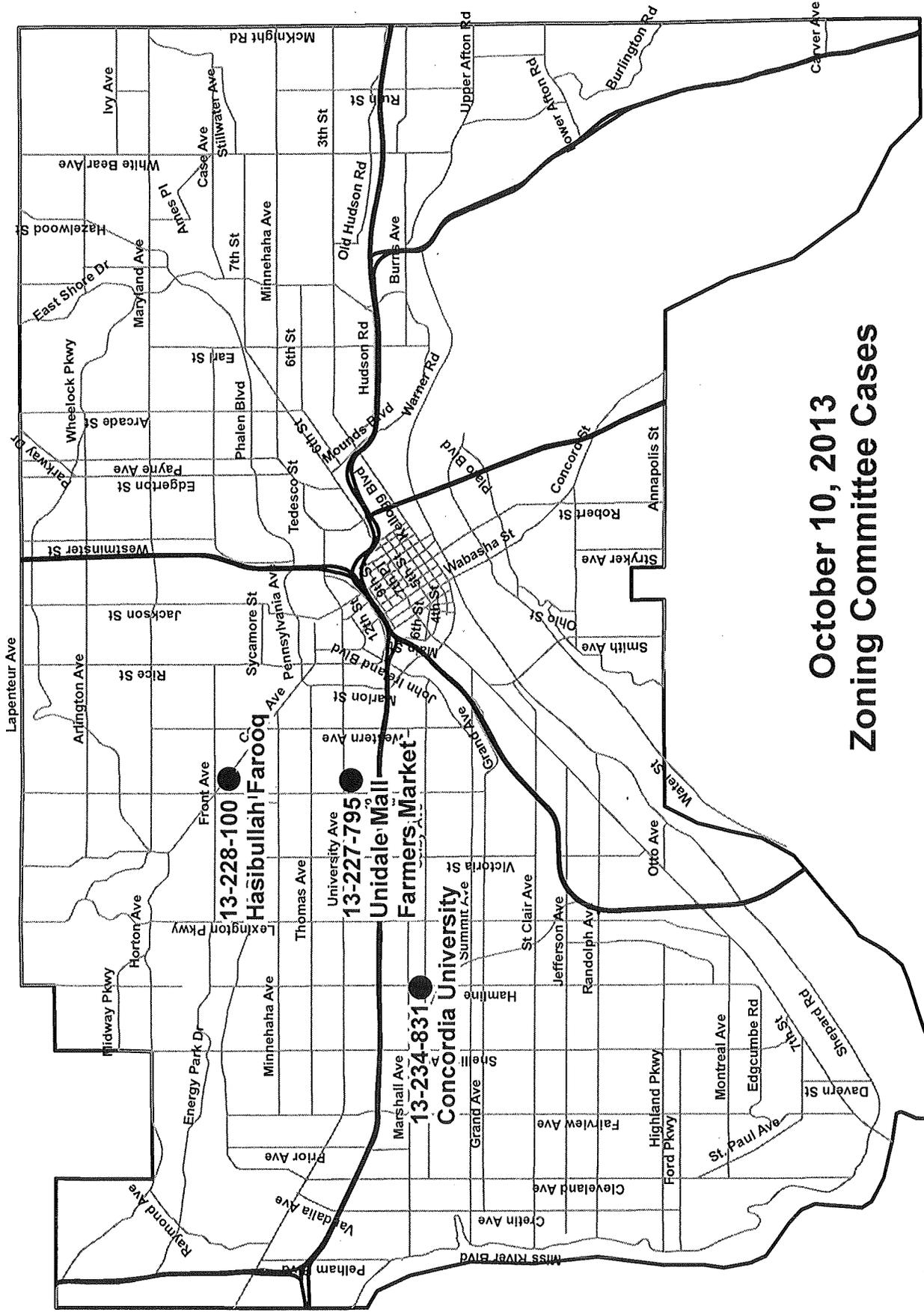
- 3 13-234-831 Concordia University Campus Boundary**
Conditional use permit to expand campus boundary
1280 Marshall Ave, SW corner at Syndicate
RT1
Josh Williams 651-266-6659

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

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

PD = 6

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.

STAIRS DOWN
STAIRS UP
ELEVATOR

Stage

COATS

Entrance

Marquis:
Exterior

Head
Table

Bar
window

12

11

10

DN

200

13
14
15

9

8

7

6

5

gift
table

Rest Am.

high
tops

4

3

2

Alcove

16
17
18

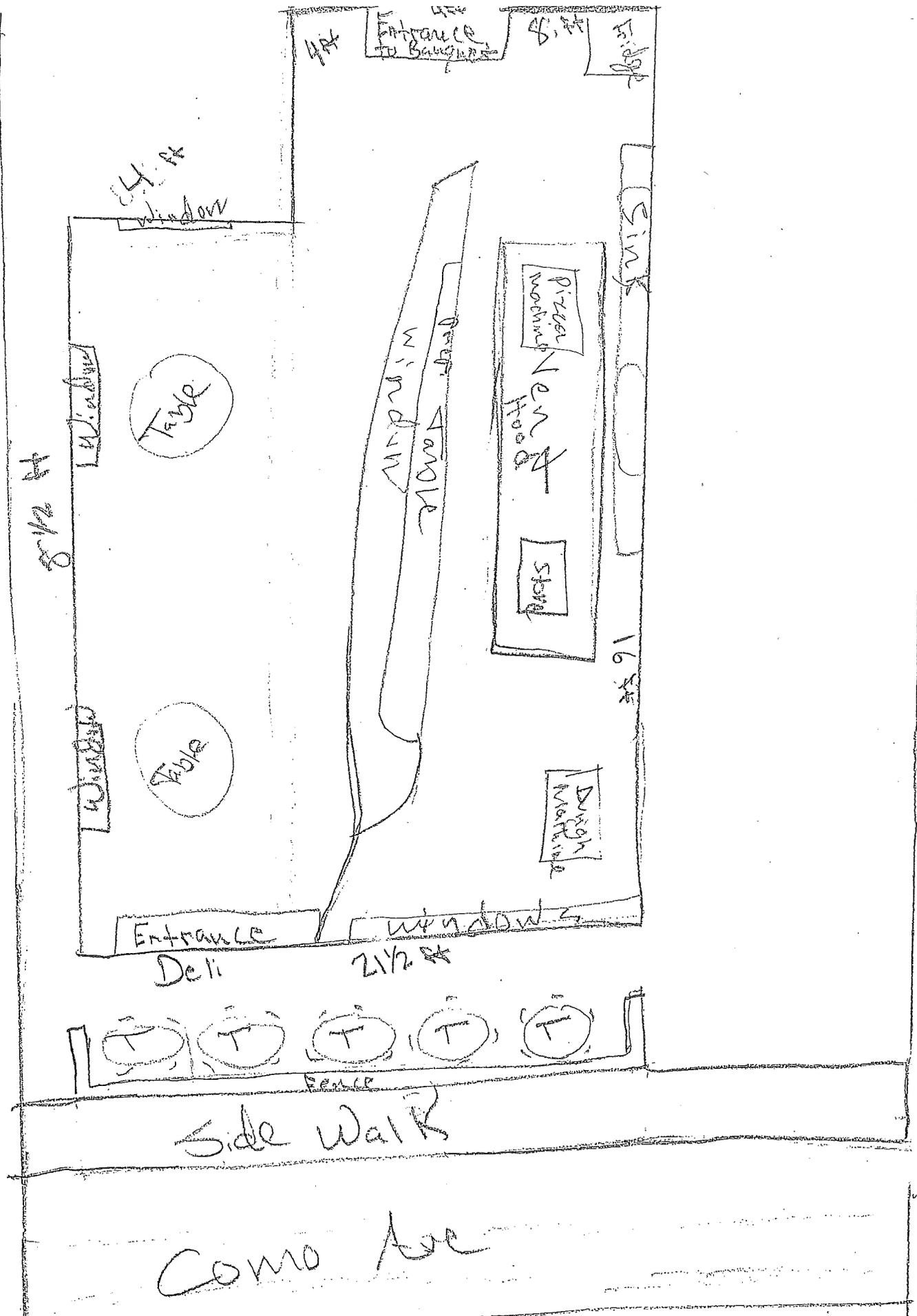
high
tops

1

Alcove
(coffee +
cake)

Buffet
Table

Marquis:
Exterior

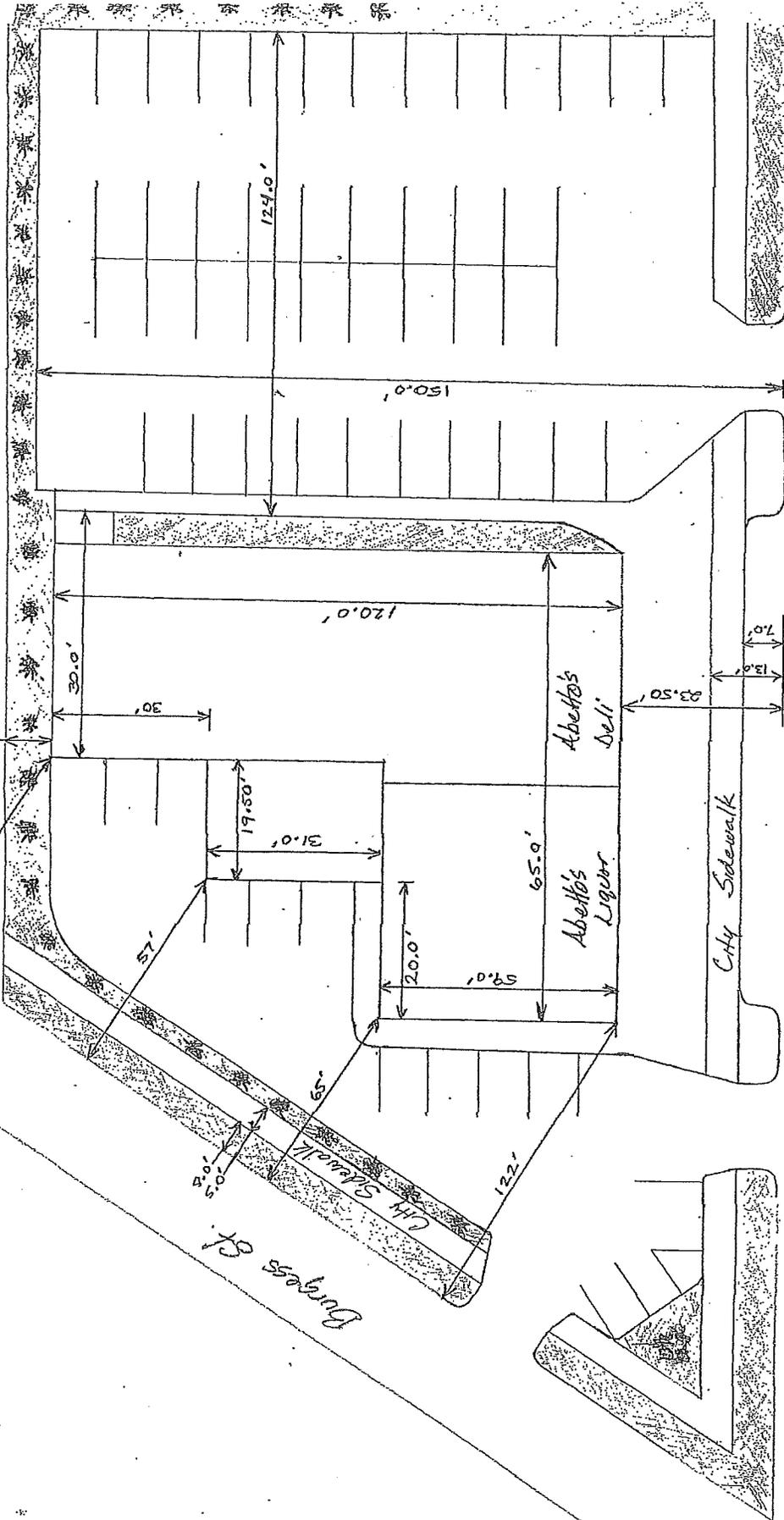


Side Walk

Como Ave

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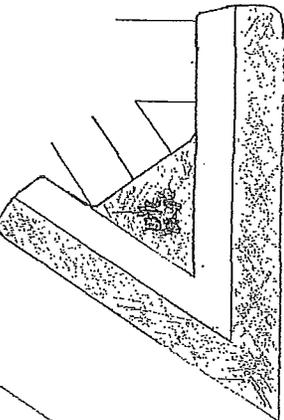
Back Alley



City Sidewalk

Cono Ave

Congress 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 E 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	Frankman	8-19-13
587 Burgess	Elizabeth Ewest	Elizabeth Ewest	8-19-13
549 Como	Joe By	JOE BYRNES	8-19-13
- 574 Como		Son Tram	8-19-13
- 568 Como		Son Tram	8-19-13
- 560 Como		Son Tram	8-19-13
- 554 Como		Son Tram	8-19-13
- 561 Como		Son Tram	8-19-13
- 568 Como			
564 Burgess	Patricia Sehgall	PATRICIA LIEBGETT	8/20/13
553 Como	Frank Engen		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

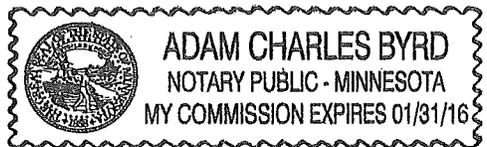
Hassibullah Farooq
NAME

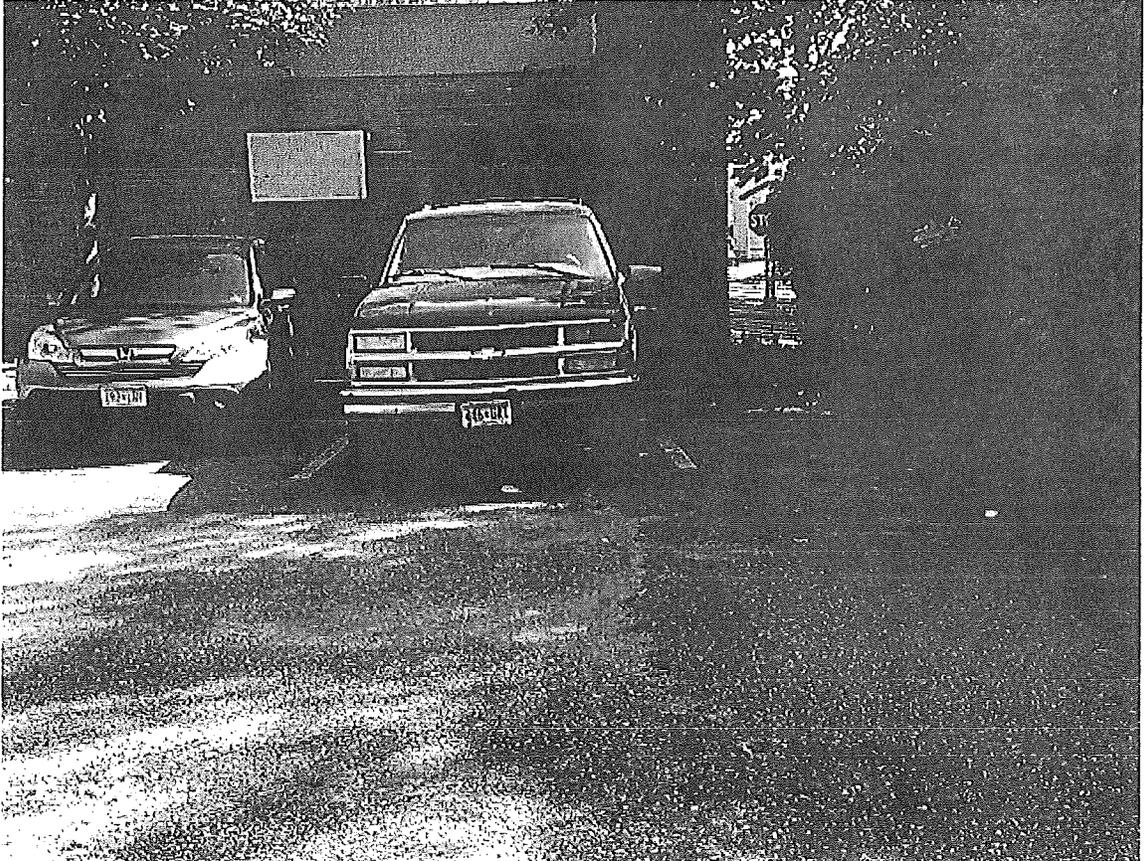
560 Como Ave St Paul, MN 55103
ADDRESS

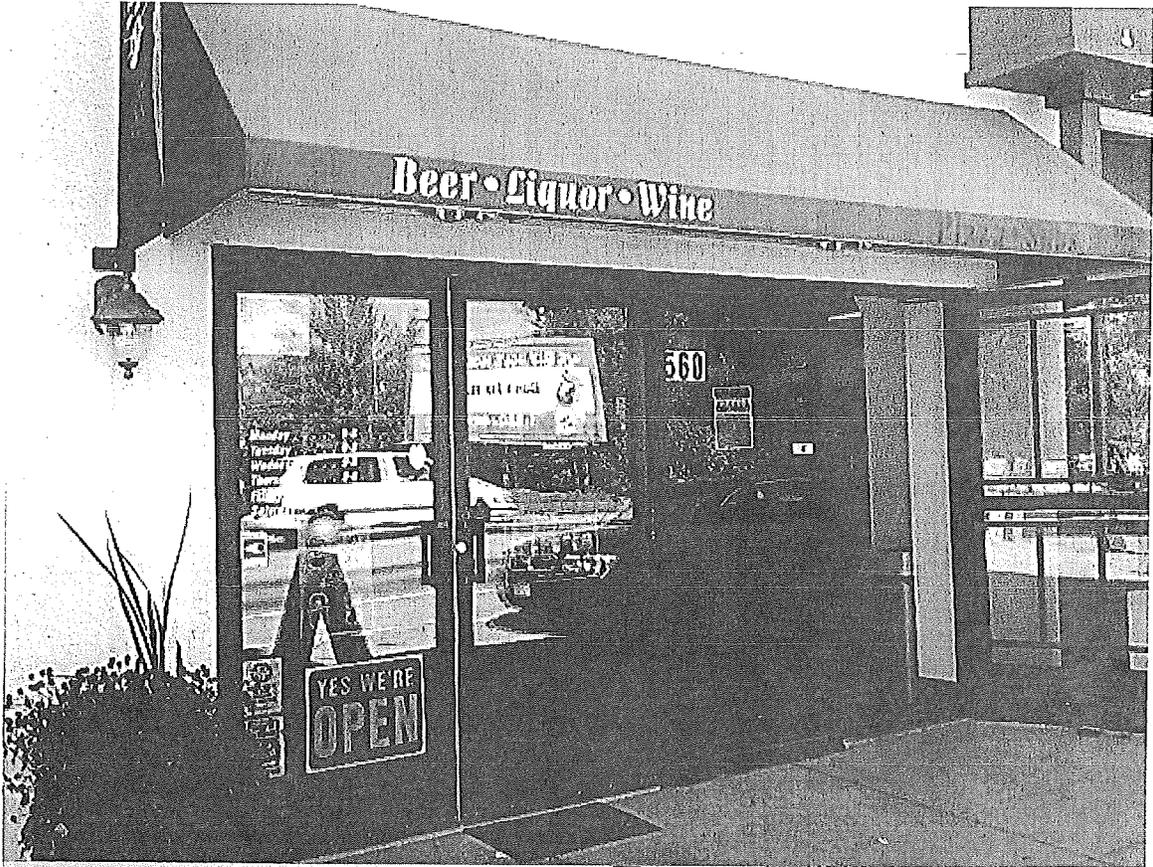
612-876-5571
TELEPHONE NUMBER

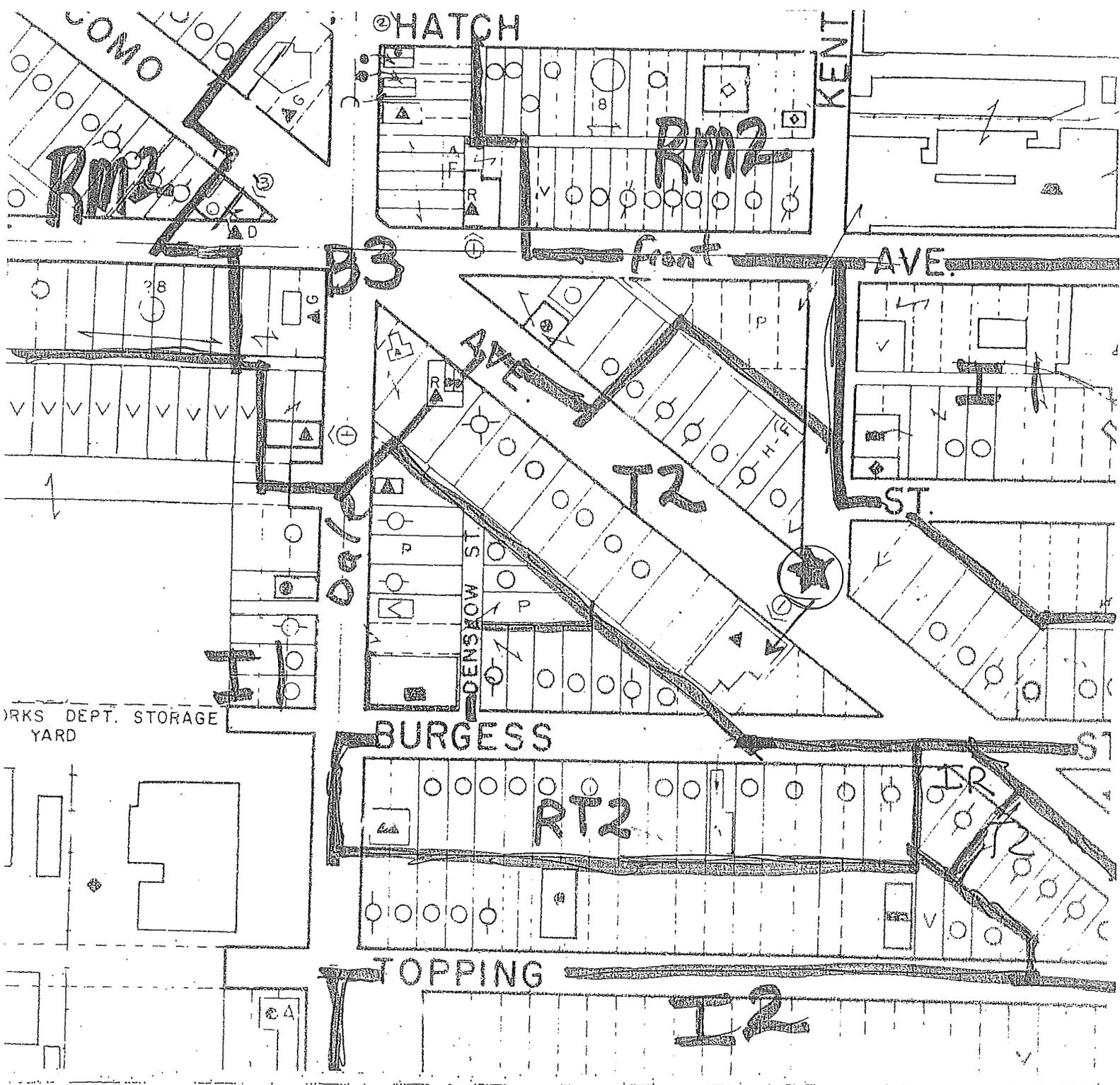
Subscribed and sworn to before me this
22nd day of August, 2013.

Adam Charles Byrd
NOTARY PUBLIC







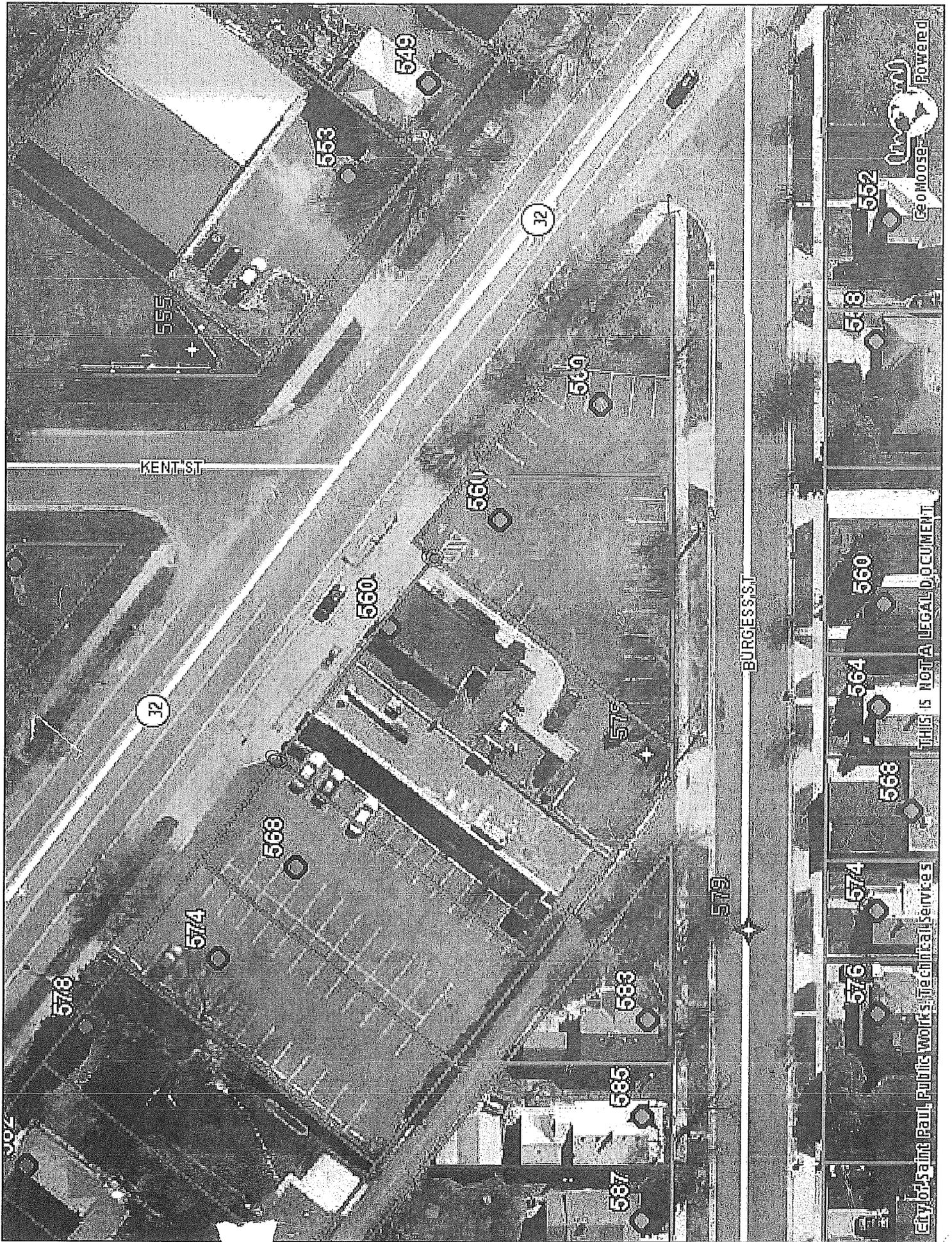


APPLICANT Hassibullah Farooq
 PURPOSE RE-EST. NCUP
 FILE # 13-228100 DATE 8-30-13
 PLNG. DIST. 6 Land Use Map # 12
 SCALE 1" = 100' Zoning Map # 9
(5-8-13)

LEGEND

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

DDP
 DEPARTMENT OF PLANNING
 TECHNICAL DEPARTMENT
 north



Geo Moose - Powered!

THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works, Technical Services

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
[Signature]*

Required site plan is attached

Applicant's Signature

[Signature]

Date

08/27/13

City Agent

*[Signature]
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.

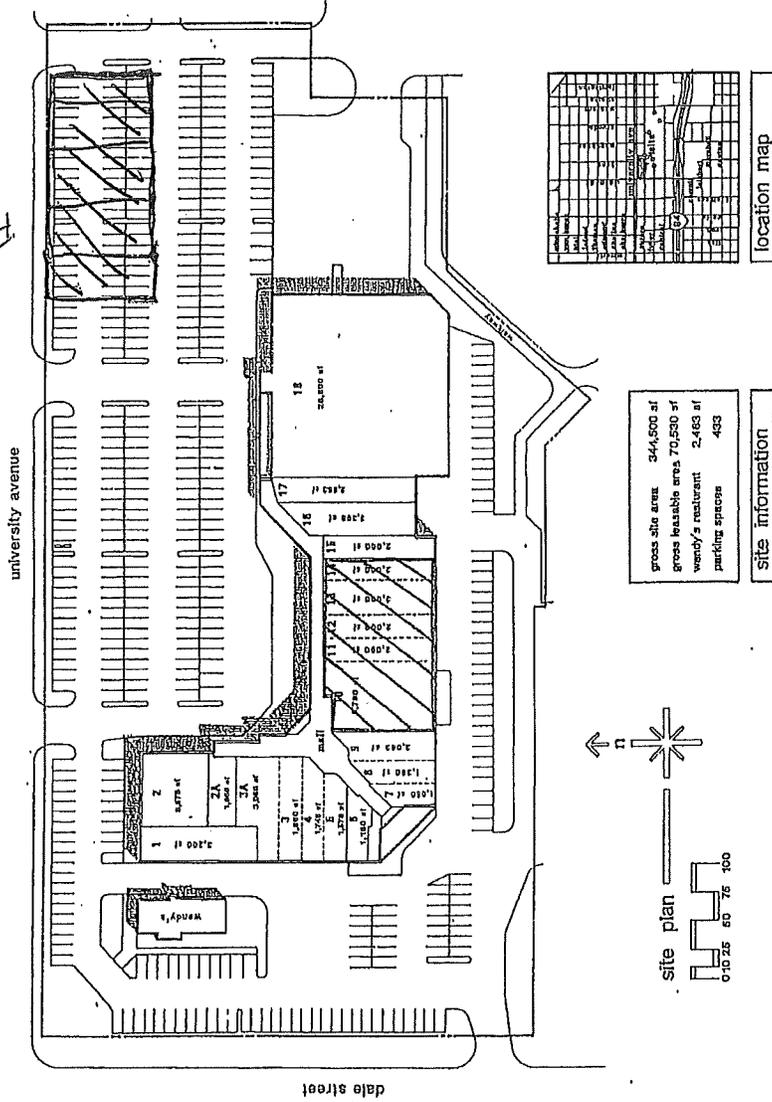
Attn: Greg Heck

C/o Harrington Langer & Associates

563 Phalen Blvd.

St. Paul, MN 55130

Farmers Market usage




KRAUS-ANDERSON REALTY COMPANY
 DEVELOPMENT • LEASING • MANAGEMENT
uni-dale mall
 university avenue & dale street st. paul, minnesota

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/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 Dubruel, 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 Dubruel, 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@cl.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: 544 W. University Avenue

LEGAL DESCRIPTION: Central Village Addition, subject to streets, easements, alleys, and vacations and accruing and following; Lots 9 through 16 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 Rozak)
District Council B

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 _____

d. **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.

e. **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 Salt-Road 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.

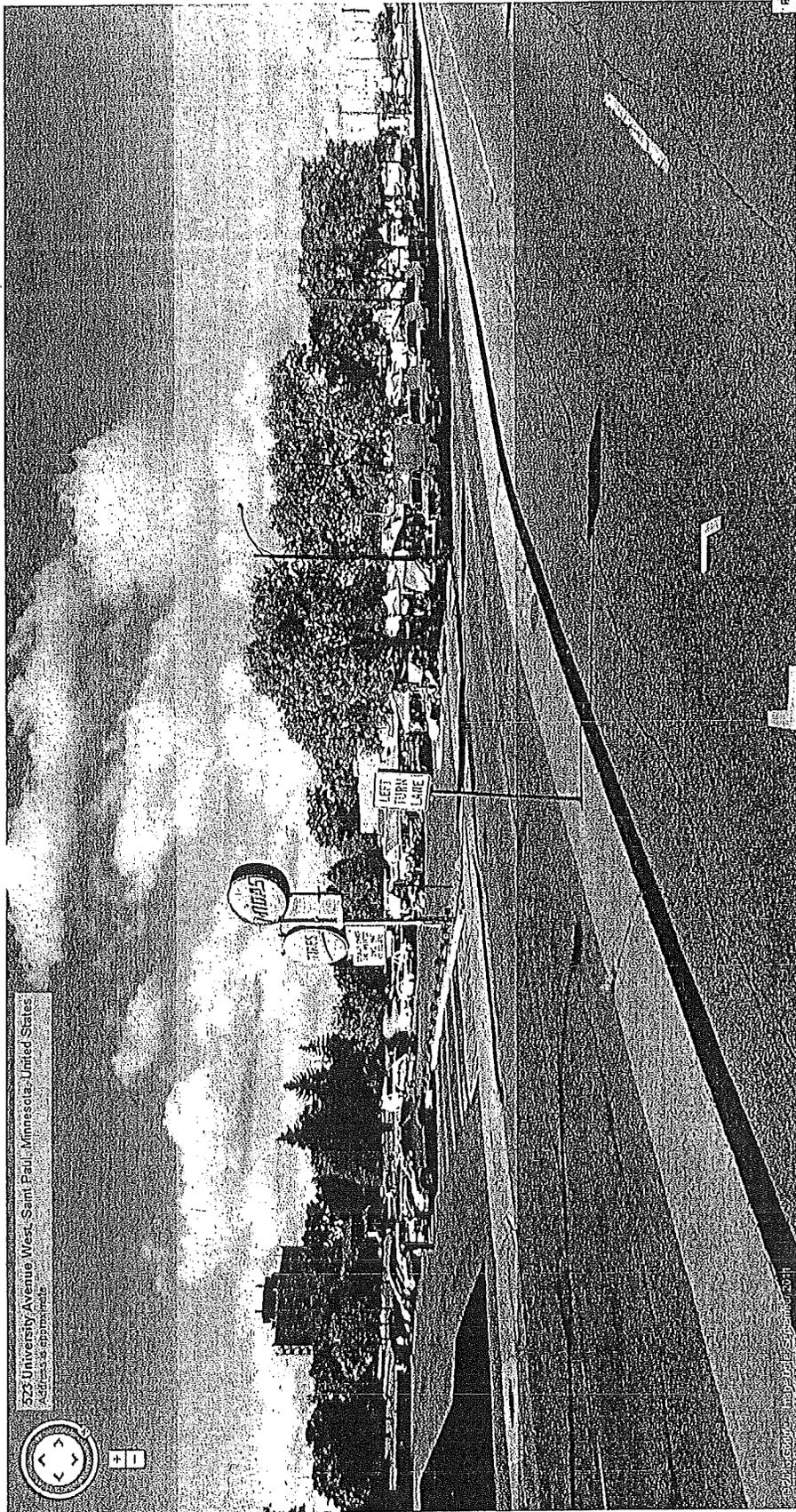
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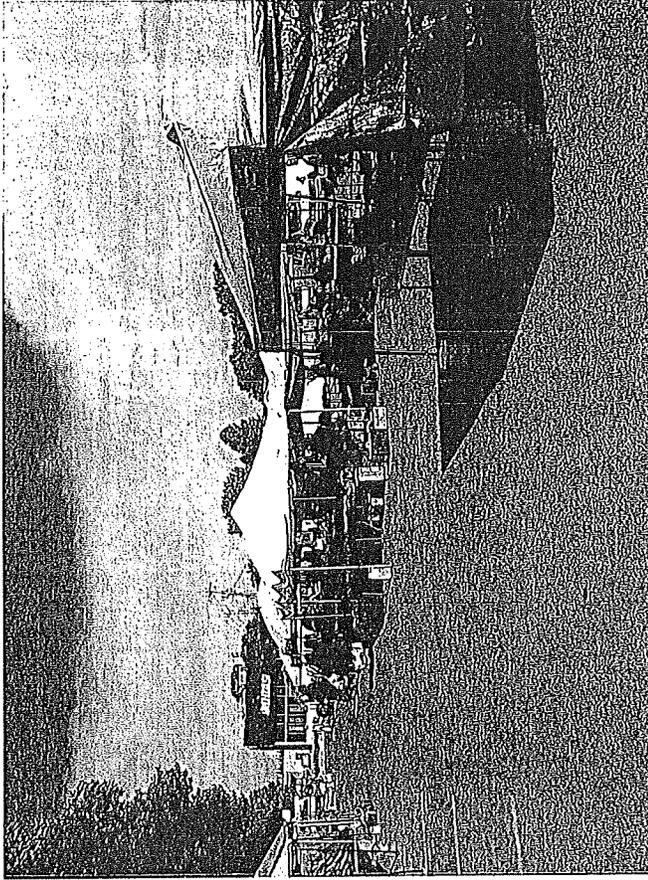


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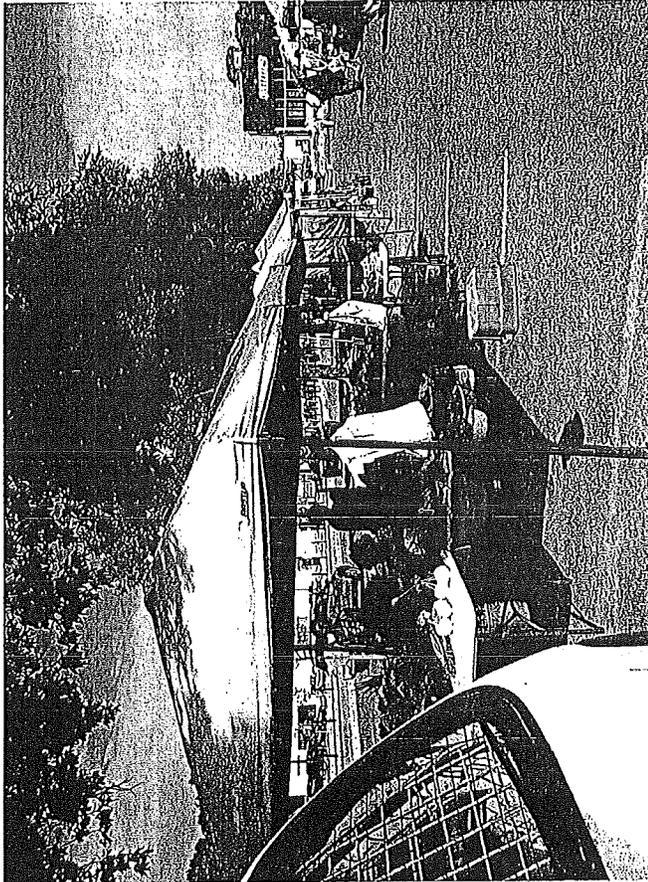
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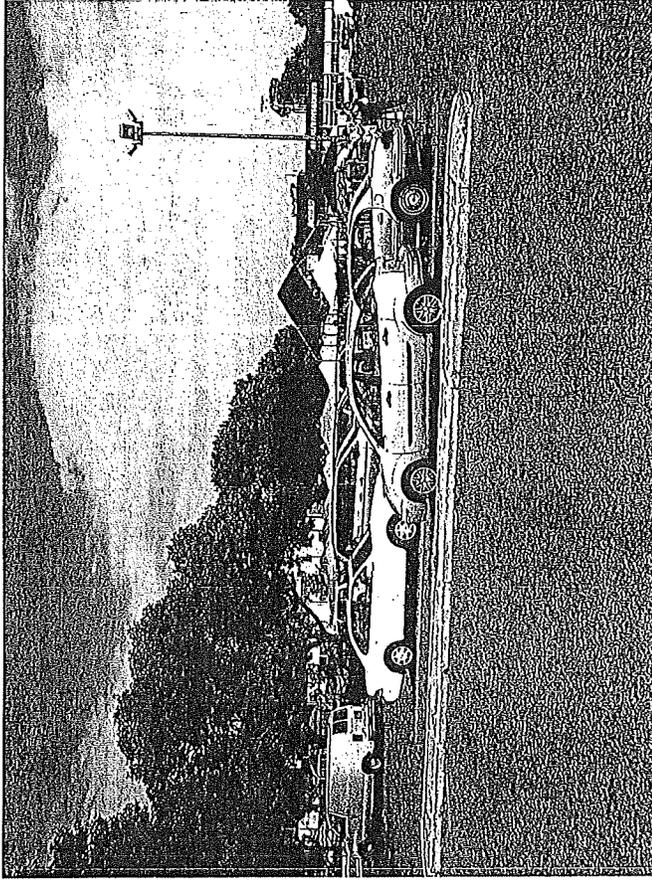
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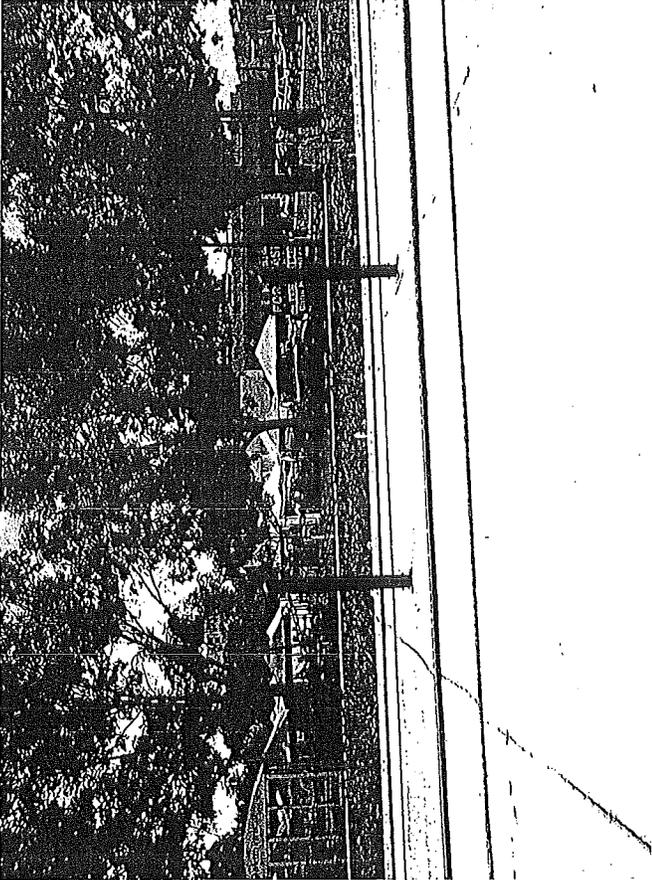
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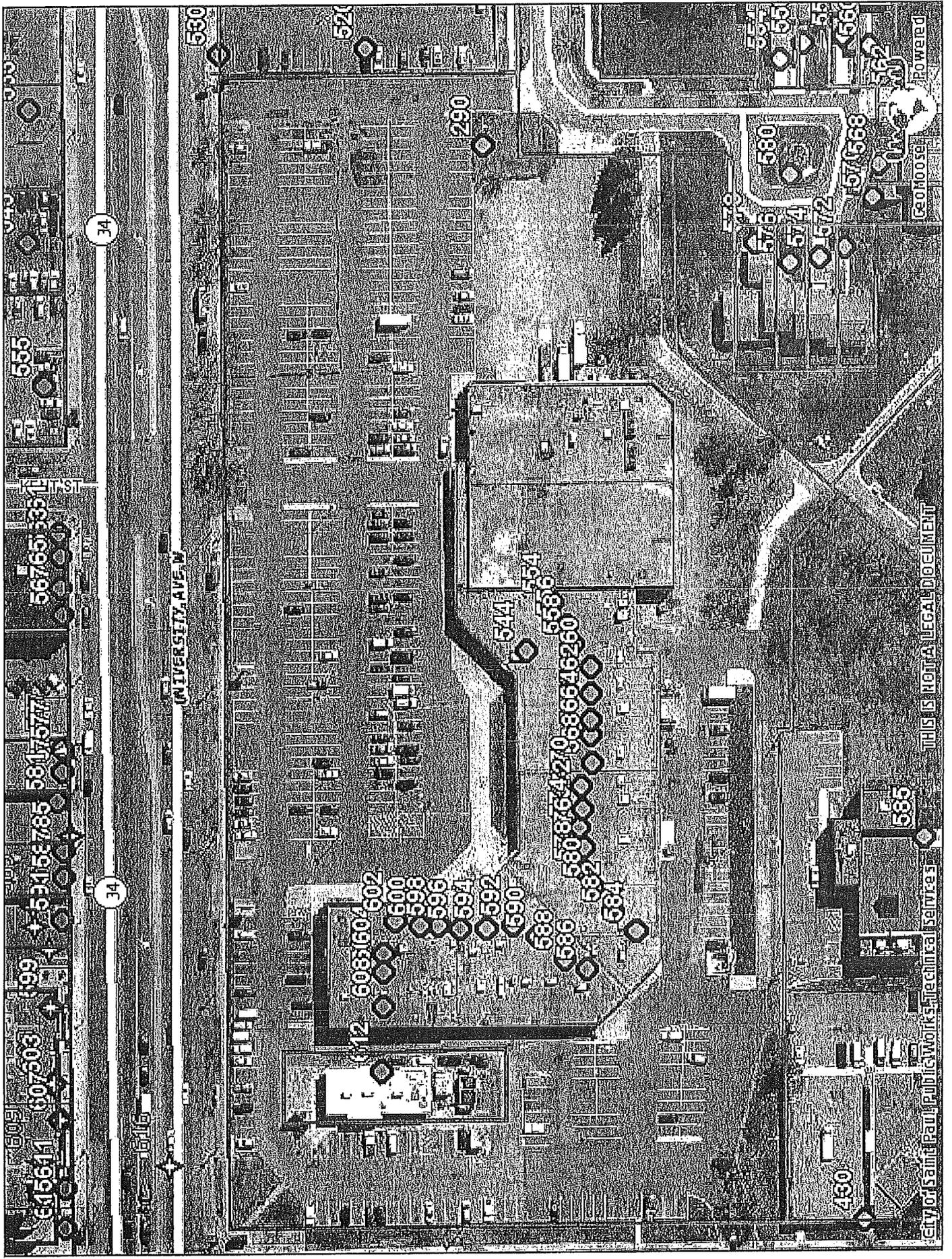


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Date: September 13, 2013
File #: 13 - 164819
Folder Name: 544 UNIVERSITY AVE W
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UNIVERSITY AVENUE

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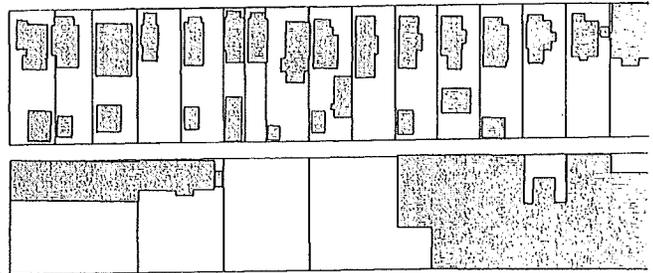
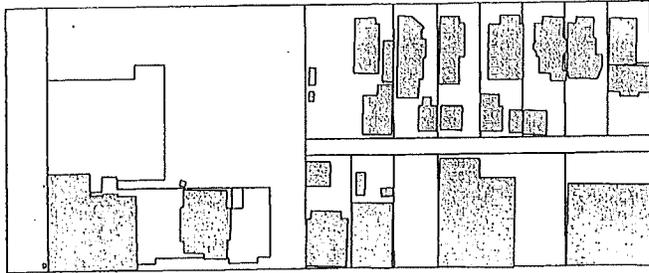
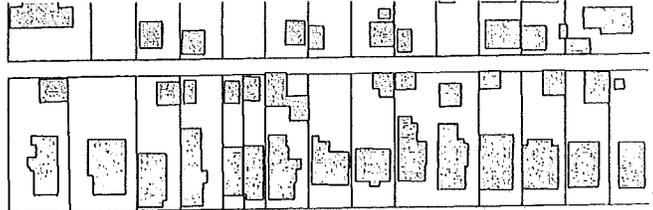
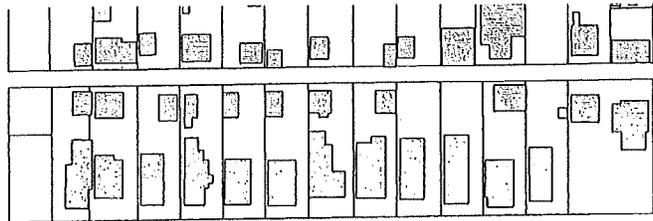
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City of Saint Paul, Public Works Technical Services

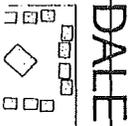
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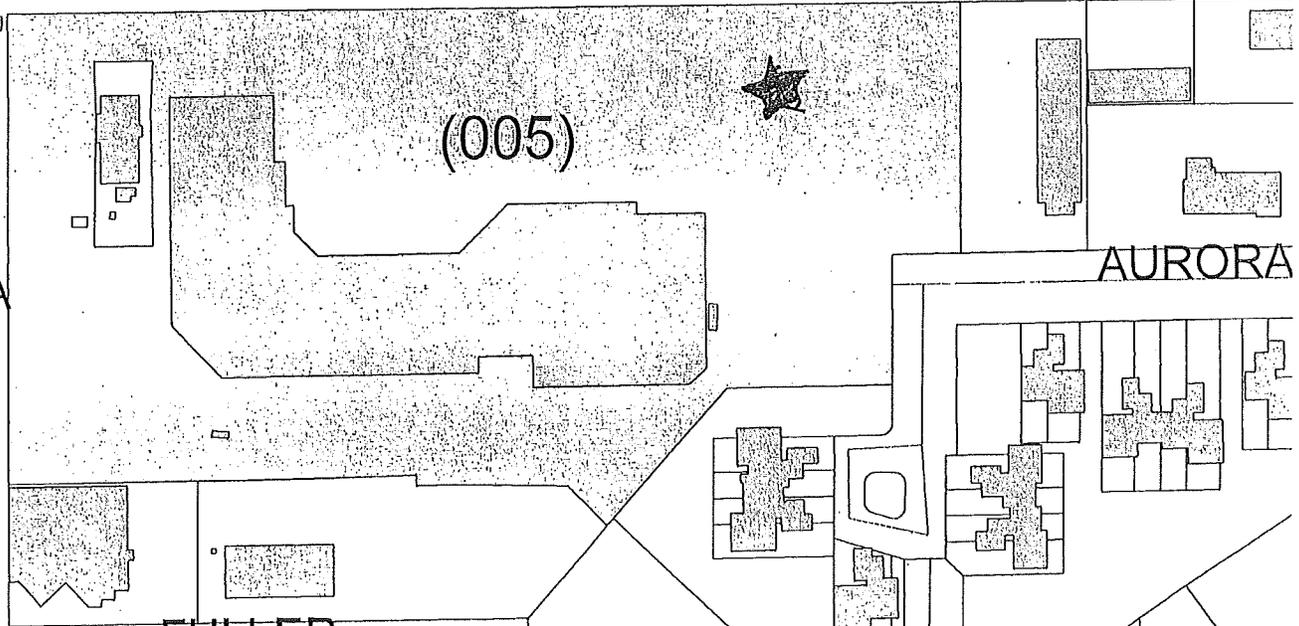


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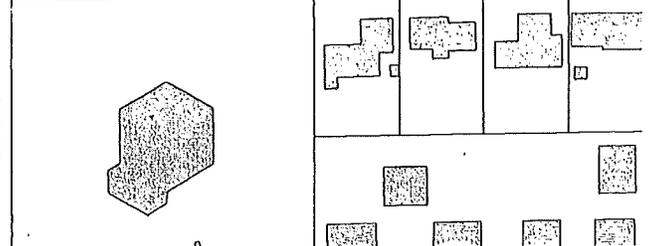
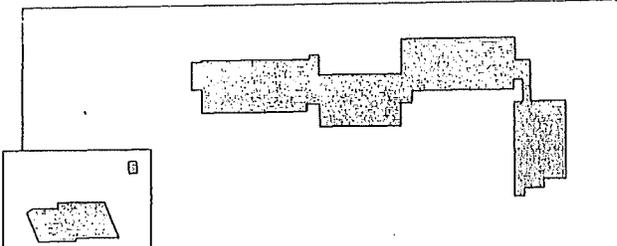
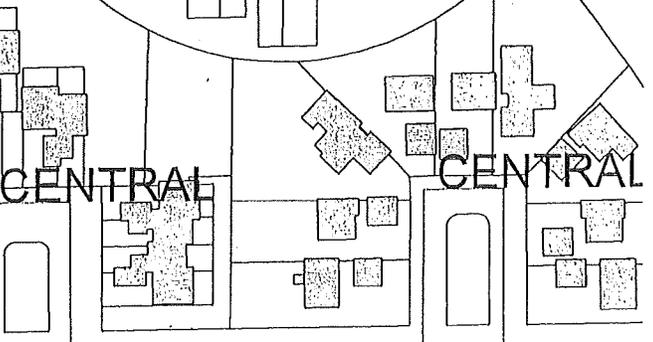
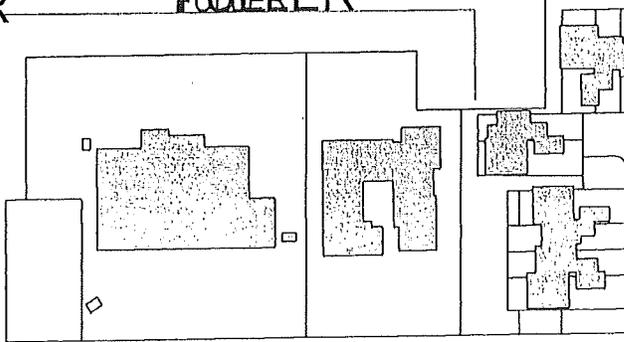
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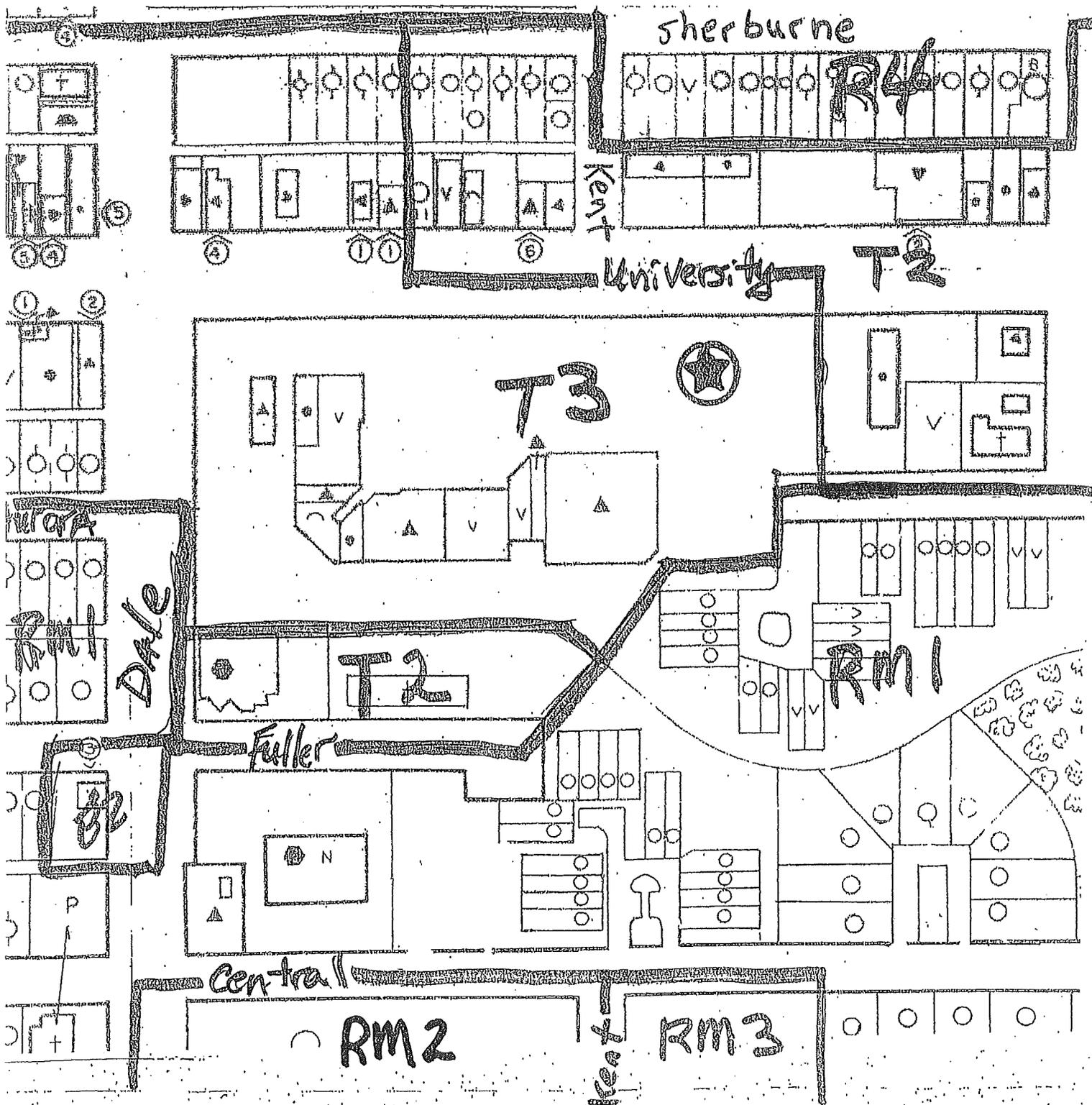
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CENTRAL



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

SCALE 1:100

LEGEND

zoning district boundary

subject property

- one family
- two family
- multiple family

- commercial
- industrial
- vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Concordia University Campus Boundary **FILE #** 13-234-831
 2. **APPLICANT:** Concordia University **HEARING DATE:** October 10, 2013
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1280 Marshall Ave, SW corner at Syndicate
 5. **PIN & LEGAL DESCRIPTION:** 032823120027, John B Hoxsies Rearrange men Lot 1 Blk 4
 6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** RT1
 7. **ZONING CODE REFERENCE:** § 65.220(f); § 61.501
 8. **STAFF REPORT DATE:** September 30, 2013 **BY:** Josh Williams
 9. **DATE RECEIVED:** September 19, 2013 **60-DAY DEADLINE FOR ACTION:** November 18, 2013
-

- A. **PURPOSE:** Conditional use permit to expand campus boundary
- B. **PARCEL SIZE:** 8466 sq. ft.
- C. **EXISTING LAND USE:** R-Multi-Family
- D. **SURROUNDING LAND USE:**
 - North: Concordia University campus / municipal park (RT1)
 - East: Single-family residential (RT1)
 - South: Single-family and multi-family residential (RT1)
 - West: Single-family and multi-family residential (RT1)
- E. **ZONING CODE CITATION:** §65.220(f) lists conditions for conditional use permits for college and university campus expansions in residential zones; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** The boundary for the Concordia University was first established by conditional use permit in 1986, and expanded in 2009. There is no zoning history for 1280 Marshall.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council had not made a recommendation as of the date of this report.

H. FINDINGS:

1. The applicant, Concordia University, is seeking a conditional use permit to expand the school's campus boundaries to include the lot and building at 1280 Marshall. The applicant currently owns the multi-family residential building and operates it as a rental property. The applicant proposes to undertake interior renovations and remodeling to convert the structure to academic use. Minor exterior work to make the building ADA accessible and improve existing parking is also proposed.
2. §65.220(f) lists conditions for conditional use permits for college and university campus expansions in residential zones:

The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the planning commission, as evidenced by an amended conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.

The applicant shall submit an "anticipated growth and development statement" for approval of a new or expanded campus boundary, which statement shall include but not be limited to the following elements:

- (1) *Proposed new boundary or boundary expansion.* The applicant describes the proposed area of boundary expansion as [the parcel located at] 1280 Marshall Avenue. This parcel is contiguous to the existing campus boundary.
- (2) *Enrollment growth plans that include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next ten (10) years and also the*

anticipated maximum enrollment over the next twenty (20) years. The applicant's statement indicates that the university is seeking to grow the body of "traditional undergraduate students"—those who are on campus on a daily basis—from "over 1,200" currently to around 1,500 within an approximately 5-year time frame. The university is also seeking to grow off-campus and on-line programs.

- (3) *Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.* The applicant's statement indicates that they believe that current parking facilities have sufficient capacity to accommodate and additional demand generated by planned enrollment growth. The applicant has also identified an undeveloped lot, owned by the university but not within the current campus boundary, that could be utilized to provide additional parking.
- (4) *Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.* The applicant's statement indicates that the university currently has about 50 unoccupied dormitory beds. Based on past usage rates of university-controlled housing, the university believes they have sufficient housing to accommodate planned growth.
- (5) *Plans for use of land and buildings, new construction and changes affecting major open space.* The applicant's statement indicates that the university has no plans for significant new construction, or change in use of land and buildings, other than the change in use of the building at 1280 Marshall that the proposed campus expansion would facilitate. The university has indicated that an undeveloped property currently owned by the university and adjacent to but not within the campus boundary could be converted to use for parking if needed.
- (6) *An analysis of the effect this expansion (or new campus) will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion (or new campus) will benefit the broader community.* The applicant's statement indicates that they feel the university is an asset to the community, and that there will not be negative effects for the neighborhood stemming from the proposed campus boundary expansion.

Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in section 61.500, and the following criteria:

- (i) *Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demand in residential neighborhoods adjacent to the campus.* This condition is met with regard to growth as a result of the proposed campus boundary expansion.
- (ii) *Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.* This condition is met. No new parking facilities are proposed at this time.
- (iii) *Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.* This condition is met. The university has not identified any planned major construction. The university-owned undeveloped lot identified for potential future conversion to a parking facility is adjacent to campus and industrial uses and does not currently provide valuable or highly-used open space.
- (iv) *The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan.* This condition is met. The proposed boundary expansion is consistent with the Saint Paul Comprehensive Plan. The Future Land Use Map identifies the area of boundary expansion as Major Institutional and/or Mixed-Use Corridor, and a campus use is consistent with both designations.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *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 Future Land Use map of the Comprehensive Plan identifies the area of boundary expansion as Major Institutional and/or Mixed-Use Corridor, and the proposed campus use is consistent with either designation. Policy LU 1.57 encourages *communication between educational institutions and the residents of the community when those institutions seek to expand... their campuses.* The applicant has contacted the Union Park District Council regarding their proposed expansion.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Current ingress and egress capacity is sufficient, and the proposed boundary expansion will not significantly changes traffic patterns.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed boundary expansion will allow conversion of an existing residential building to classroom and office uses. The proposed use will have similar impacts to the existing residential use; while more individuals may make use of the building on a daily basis, the use will be primarily during daytime hours. This is consistent with the existing character of the area, and will not endanger the public health, safety, or general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is consistent with the character of the two-family residential zoning designation (RT1) of the area, and will not impeded the improvement of surrounding properties for allowed uses in that district.
- (5) *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 conforms to all other applicable regulations of the district.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit to expand the Concordia University campus boundary to include 1280 Marshall Avenue.



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 # _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Name Eric LaMott (Concordia University - Saint Paul)
Address 275 Syndicate Street North
City Saint Paul st. MN Zip 55104 Daytime Phone (651) 641-8729
Name of Owner (if different) Concordia University - Saint Paul
Contact Person (if different) Nathan Miller (DLR Group) Phone (612) 977-3533

PROPERTY LOCATION

Address / Location 1280 Marshall Avenue; Saint Paul, MN 55104
Legal Description _____
Current Zoning RT1
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 65.220, Paragraph F of the Zoning Code.

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.

Sec. 65.220(f) of the Saint Paul Zoning Code requires Planning Commission approval to expand the Concordia University - Saint Paul campus boundary. The boundary was originally established in 1986 and expanded in 2009 (ZF #09-021646.) We would like to request that the campus boundary be expanded to include 1280 Marshall Avenue. The lot is currently zoned RT1 which permits, as a conditional use, College/University functions per Table 66.221.

Required site plan is attached

Applicant's Signature Eric LaMott Date 09/05/13 City Agent _____

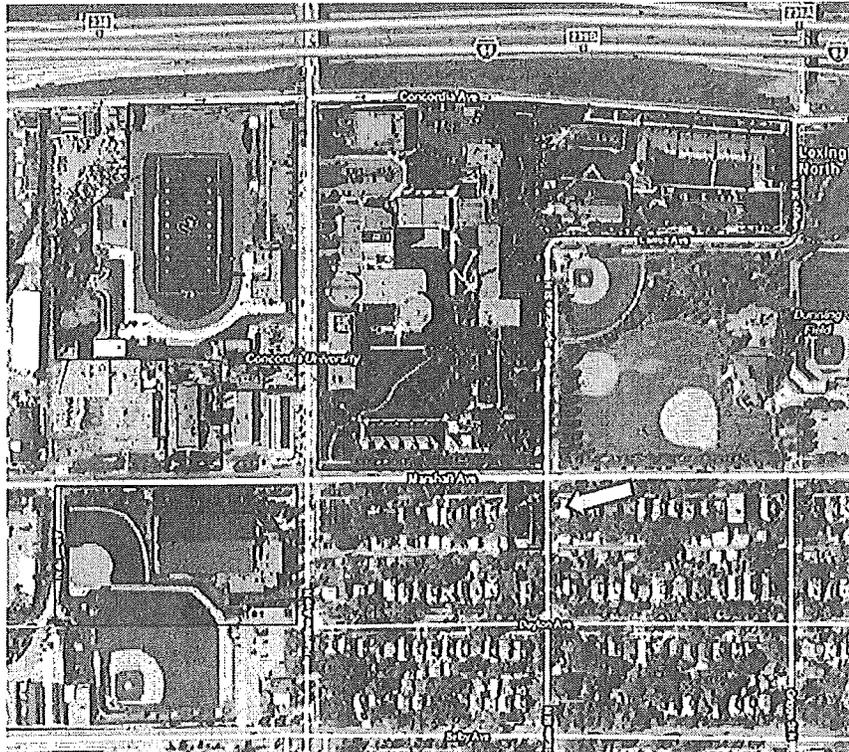


RE: Zoning for Concordia University, St. Paul

Dear City of Saint Paul Planning Commission:

Sec. 65.220(f) of the Saint Paul Zoning Code requires Planning Commission approval to expand the Concordia University - Saint Paul campus boundary. The boundary was established in 1986 and expanded in 2009 (ZF #09-021646). We would like to request that the campus boundary be expanded to include 1280 Marshall Avenue. The lot is currently zoned RT1 which permits College/University functions pending issuance of a Conditional Use Permit.

The expansion of the campus boundary to include this property will allow the university to repurpose and remodel this former university apartment building. The completed space would provide additional classroom and office space to accommodate a new Doctor of Physical Therapy (DPT) program. The renovations to the facility would be primarily interior. Exterior impacts will be limited to a new entrance to the north side of the building, deferred maintenance items, roof top mechanical equipment and surfacing the existing parking spaces adjacent to the alley.



The DPT program is a two year on-campus program with enrollment expected to be 30 students per year. It will serve only full-time students and the added enrollment is included in the Graduate enrollment projections from the Strategic Plan. This program will follow a traditional day schedule so it is anticipated that the hours of operation will be 8 am – 5 pm.

Given the constantly changing environment in higher education, the University limits detailed planning to five years. The plan goals beyond five years that are identified in this letter are intended to offer the city some insight into some topics that have been discussed but may not be fully vetted or committed to and are subject to change.

Enrollment: Within Concordia University's current Strategic Plan for 2014-2018, Goal #1 of the strategic plan addresses enrollment. We are working to grow the university enrollment to 5,000. A majority of this growth will be in our off campus undergraduate and graduate programs which are primarily taught online and at off campus locations; therefore, they do not have a significant impact on facilities or parking on campus. Traditional undergraduate students are those who will have the most significant impact on campus infrastructure. These are the students who come to the physical campus on a daily basis. Current traditional undergraduate enrollment exceeds 1,200 and the strategic plan has a goal of increasing and capping this enrollment category at 1,500 students.

Parking: During the past six years, Concordia has constructed additional parking areas to ensure that parking access is available to residential and commuting students. Specifically, the university has added parking in the SeaFoam Stadium parking expansion. Concordia is fortunate to have two parking lots that are marginally used, one south of Marshall Avenue on Hamline Avenue adjacent to the Gangelhoff Center and another on Marshall Avenue west of the Gangelhoff Center. We have also identified the 2.5 acre field space at 1407 Marshall Avenue as a potential location to provide future parking as the need arises.

Student Housing: Concordia University makes student housing available for its students but does not require that students reside on campus. Historically, less than half of the enrolled traditional undergraduate student population lives on campus during the school year. Currently the University has in excess of 50 beds which are not filled. We anticipate the currently available beds will be adequate to cover the anticipated enrollment growth so no immediate plans are in place to expand student housing.

Land/Building Development: The university's plan for land use is divided into two categories; renovation of existing facilities and expansion of facilities (either on currently owned property or future property acquisition.) The proposed project will be a renovation of an existing facility and not require property acquisition.

Two other projects that are under evaluation are the renovation of the Poehler Administration Building located at 275 Syndicate Street North, and the expansion or replacement of the Arndt Science Building located at 288 Hamline Avenue North. At this time, these projects are undefined and not likely to be initiated within the current five year strategic plan horizon.

Finally, the university does have a goal to acquire certain commercial and light industrial property located west of the campus if these properties were to become available. It is intentional on the part of the University that any additions to the campus would be in non-residential areas. To this end we have identified four commercial properties to the west of the campus, which interest us as potential acquisitions. We are not under the impression that any of them would become available to us in the near future. If, however, we were able to attach all four properties, they would be contiguous to the campus. The university does not have intent to grow to the south into the resident community. The projected acquisitions are, of course, subject to change if the proposed Ayd Mill Road extension is implemented.

Analysis: Concordia University makes every effort to be a friendly neighbor and an asset to the community. The Union Park District Council regularly utilizes our facilities for their meetings and we will be working with them to ensure that this campus expansion has no negative impacts on the community.

As referenced in the paragraphs above, it is believed that the current campus facilities, including buildings, parking, and student housing, will be adequate to support enrollment growth for the next five years. Beyond that we do have plans for property acquisitions and building projects as defined above. We anticipate the scope of these facilities to change as their reality approaches, but what is important is we are prepared to work with the city to ensure we continue to serve a benefit to the community.

It is also our belief that this expansion fits within the context of the City's Comprehensive Plan. This site is slated for Major Institutional use or Mixed-Use Corridor and the proposed use is appropriate to either.

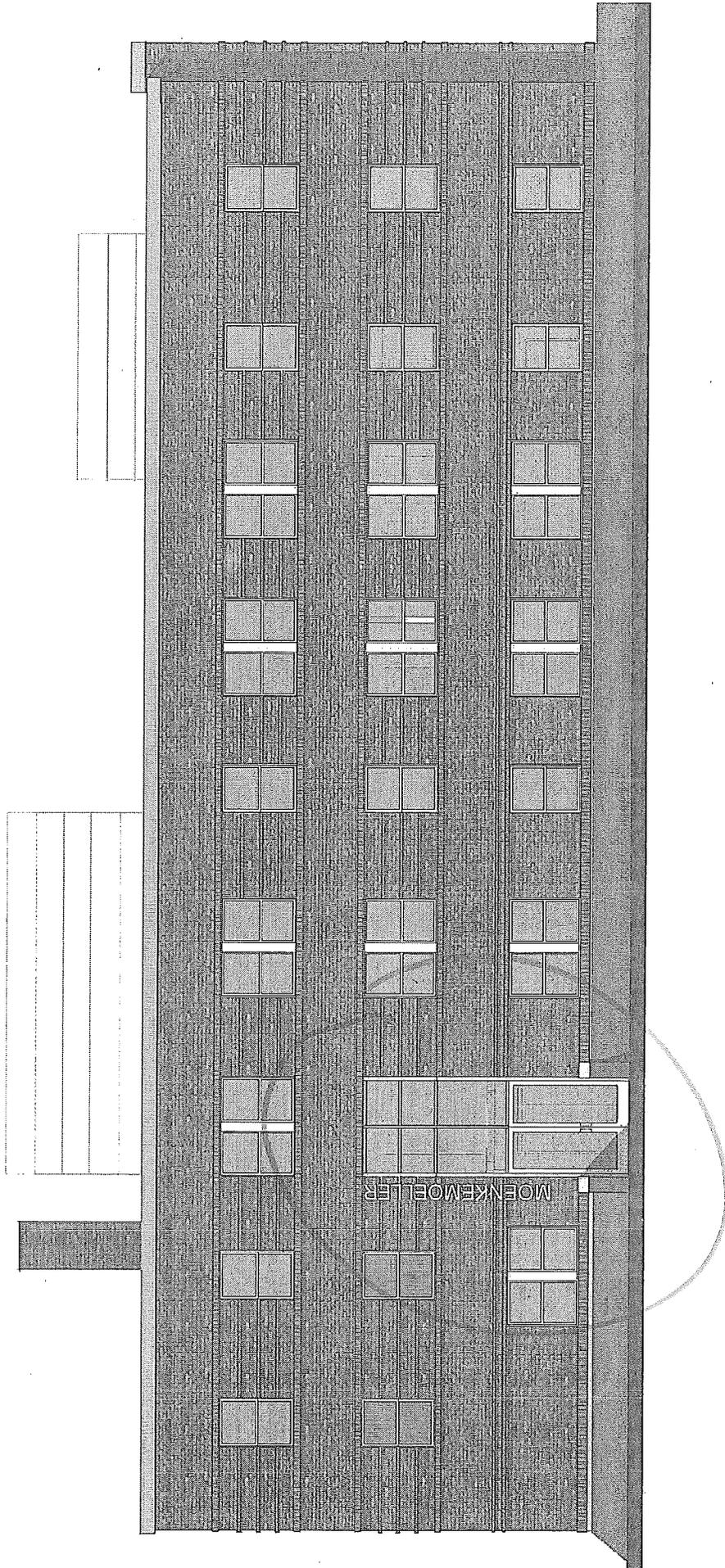
In closing, we are seeking to renovate our existing facility and change its function from an apartment structure to a classroom/office space at 1280 Marshall Avenue. The University looks forward to continuing its long tenure in the City of St. Paul, where we are in our 120th year.

If you have any questions, please contact me at your convenience,

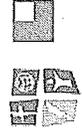
Sincerely,



Eric E. LaMott, Ph.D.
Sr. VP and Chief Operating Officer
Concordia University, St. Paul
lamott@csp.edu
651-641-8729 (office)

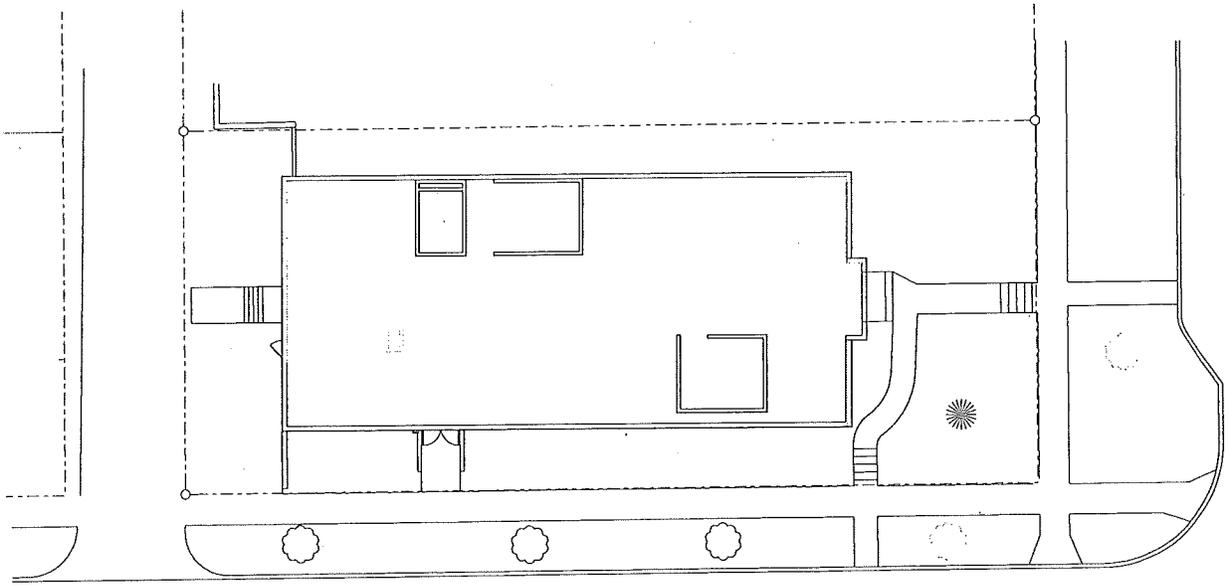


PROPOSED EAST ELEVATION
Concordia University – Saint Paul
Physical Therapy Renovation to Moenkemoeller Hall



DLR Group

SITE / ROOF PLAN



LEGEND NOTES

Current enrollment/parking status

SCHOOL: Concordia University St Paul Date: 9/18/13

Name of President or Director: President Bies

Person Completing Form: Mike Mulso Phone: 651-441-8797

-----Fall 2013-----

(Include data for Saint Paul campus location only.)	Total	Daytime*	Evening or Weekend*
1. Number of employees (both full-time and part-time).	<u>1003</u>	<u>571</u>	<u>82</u>
2. Number of full-time students.	<u>1283</u>	<u>1018</u>	<u>265</u>
3. Number of part-time students (def.: taking less than 75% of a normal credit load).	<u>100</u>	<u>80</u>	<u>50</u>
4. Dormitory Beds			
a. Total	<u>534</u>		
b. Occupied	<u>482</u>		
c. Full-time students living on-campus	<u>481</u>		
d. Employees living on-campus in dormitory beds listed under a.	<u>01</u>		
5. Number of off-street parking spaces.	<u>609</u>		

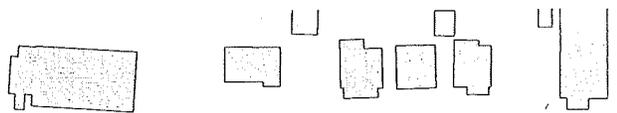
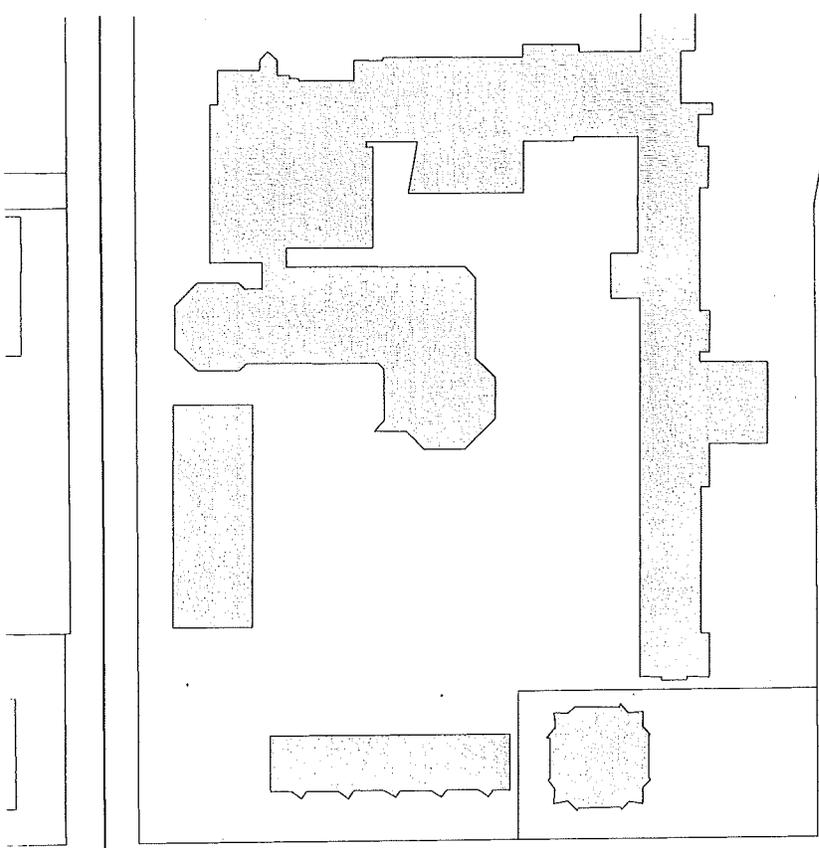
Please attach a map showing the number and location of parking spaces on the Campus. This can be an informal hand drawn map. The spaces indicated on the map should equal the total on line 5.

1280 Marshall has capacity for 4 spaces not included in these numbers.

Please return this form by to:

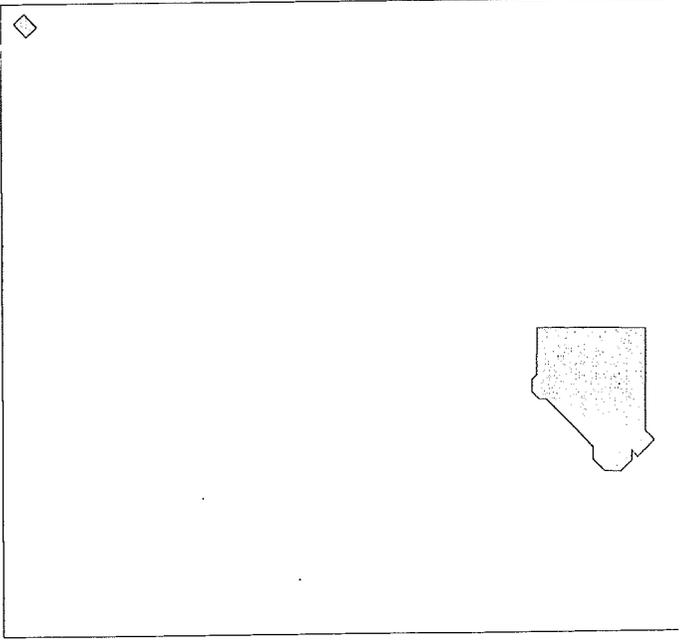
Joshua Williams
 Department of Planning and Economic Development
 1300 City Hall Annex
 25 West Fourth Street
 Saint Paul, Minnesota 55102
 Phone: (651) 266-6659
 Fax: (651) 228-3314

* Estimates are O.K. for breakdown of total into daytime and evening/weekend.



CARROLL

SYNDICATE

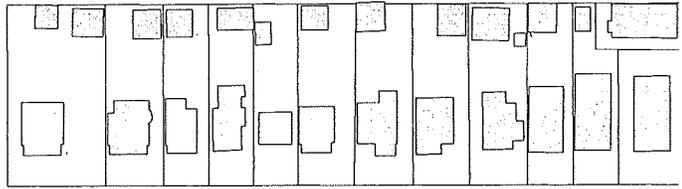
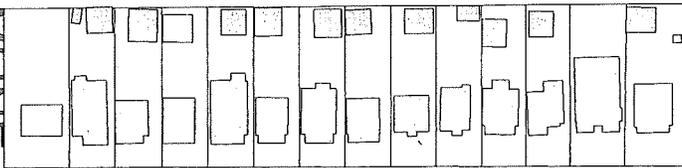
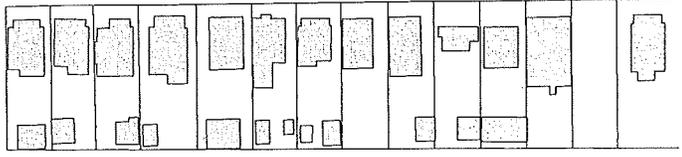
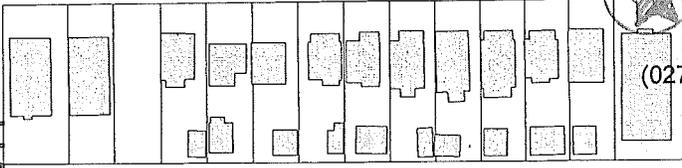


MARSHALL

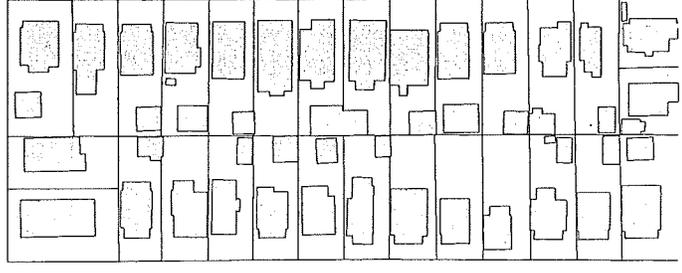
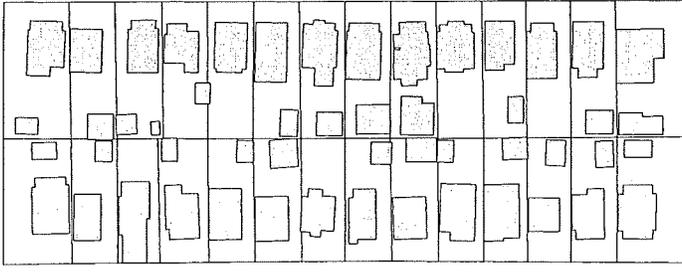


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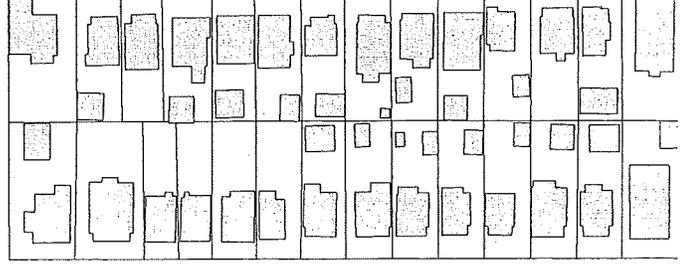
HAMLIN



DAYTON



SYNDICATE



SC



SYNDICATE ST. N

MARSHALL AVE

MARSHALL AVE

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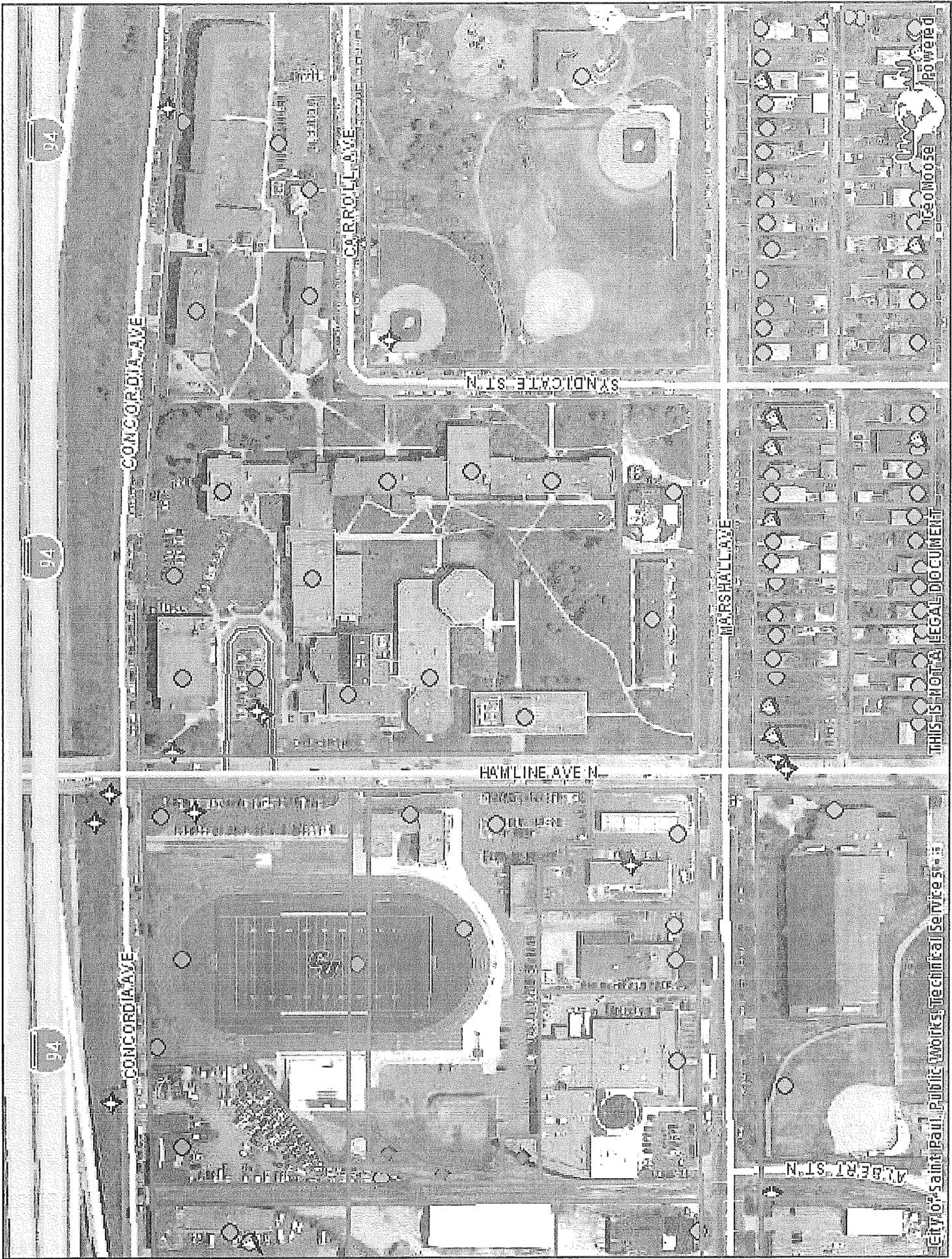
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City of Saint Paul. Public Works Technical Services

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CONCORDIA AVE

CONCORDIA AVE

CARROLL AVE

HAMLIN AVE N

MARSHALL AVE

SYNDICATE ST N

ALBERT ST N

City of Saint Paul, Public Works Technical Services

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GeoMoose

PO 11610

GISmo Oblique Photography

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