

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** WUCW LLC **FILE #** 14-088-762
 2. **APPLICANT:** WUCW LLC **HEARING DATE:** February 27, 2014
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1640 Como Ave, SW corner at Winston
 5. **PIN & LEGAL DESCRIPTION:** 282923110036, Wynnes Addition To Saintpaul Vac Sts & Alleys Accruing & Fol E 10 Ft Of Lots 4 & 27 & All Of Lots 1,2 & 3 & Lots 28,29 & 30 Blk 2 Longs Add & In Sd Wynnes Add; E 10 Ft Of Lots 4 & 27 & All Of Lots 1,2 & 3 & Lots 28,29 & Lot 30 Blk 2
 6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** §65.525; §61.501, §61.502
 8. **STAFF REPORT DATE:** February 20, 2014 **BY:** Josh Williams
 9. **DATE RECEIVED:** January 13, 2014 **60-DAY DEADLINE FOR ACTION:** March 14, 2014
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- A. **PURPOSE:** Conditional use permit for outdoor commercial use
- B. **PARCEL SIZE:** 81373 sq. ft.
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:**
 - North: Parking (State Fair Grounds)
 - East: Commercial/industrial (I1)
 - South: Industrial (I1)
 - West: Parking (I1)
- E. **ZONING CODE CITATION:** §65.525 lists conditions for outdoor commercial uses; §61.501 lists general conditions that must be met by all conditional uses; §67.102(b-f) lists the conditions for the SFV state fair vending overlay district.
- F. **HISTORY/DISCUSSION:**
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not made a recommendation as of the date of this report.
- H. **FINDINGS:**
 1. The applicant is proposing outdoor commercial use of the area between the building and the Como Avenue public right of way (ROW) during the state fair on an annual basis. Past uses of the area have included display of Mitsubishi vehicles, display of a Mystic Lake Casino bus, a CW tent with additional banners/signage, and frozen yogurt sales.
 2. In several email communications, Department of Safety and Inspections (DSI) staff indicated that the applicant has been advised more than once in the past that a conditional use permit is required for outdoor commercial activities. Some DSI staff also expressed the belief that Como Avenue has seen an increase in signage, vending, and peddling activity during the state fair in recent years, including encroachments into the public ROW, and that they are of the opinion that the required conditions within the SFV district should be attached to all state fair-related conditional use permits for outdoor commercial uses. However, while the SFV district composed of residential uses with underlying residential zoning, the subject property is a commercial use located in an industrial district. The SFV overlay is intended to permit and tightly regulate what would otherwise not be allowed uses in residential districts. By contrast, outdoor commercial use is a conditional use in an industrial district.
 3. §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. Both the Saint Paul Comprehensive Plan and the Midway Parkway-West Como Small Area Plan call for continued industrial use of the

area where the property is located, and the proposed use is a conditional use in industrial areas.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. It appears that the ROW extends approximately four (4) feet from the inside edge of the sidewalk. This configuration provides adequate capacity for ingress and egress of pedestrian traffic and will not result in more than minimal congestion of the sidewalk. However, Como Avenue is identified as part of a Grand Rounds, and the Parks and Recreation Chapter of the comprehensive plan calls for development of the Grand Rounds into a complete parkway including bicycle facilities. At such time as a redesign of the Como Avenue ROW for purposes of establishing bicycle facilities is contemplated, the need at this property for set-back of outdoor commercial activities from the ROW to ensure adequate ingress and egress should be considered by the Zoning Committee, at the discretion of the committee chairperson.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use, including signage associated with vendors, exhibitors, or promoters, is consistent with the industrial character of the area.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed outdoor commercial use will take place only a small portion of the year, and will not impede further development or improvement of the surrounding district.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. Any vendors operating on the property must obtain and abide by the conditions of any required permits.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional use permit for outdoor commercial use subject to the following additional condition(s):
1. All outdoor commercial uses must take place entirely on the property at 1640 Como Avenue and shall be confined to the portion of the property north of the existing structures. No encroachment into the public right of way shall be allowed.
 2. Outdoor commercial uses shall take place only during the annual run of the state fair, and shall be limited to hours when the state fair is open to the general public.
 3. At such time as a redesign of the Como Avenue ROW for purposes of establishing bicycle facilities is contemplated, the need at this property for set-back of outdoor commercial activities from the ROW to ensure adequate ingress and egress may be considered by the Zoning Committee, at the discretion of the committee chairperson.
 4. Vendors operating on site shall obtain and abide by the conditions of any required permits.



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

RECEIVED

JAN 13 2014

Zoning office use only

File # 14-088762

Fee:

Tentative Hearing Date

2-13-14

Per _____

PD=10

282923110036

APPLICANT

Name WUCW, LLC
 Address 1640 Como Avenue
 City St. Paul St. MN Zip 55108 Daytime Phone _____
 Name of Owner (if different) RP&G Enterprises
 Contact Person (if different) George LeTendre Phone 651-332-8735

PROPERTY LOCATION

Address / Location 1640 Como Ave., St. Paul, MN 55108
 Legal Description See attached
 Current Zoning I1
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made under provisions of Chapter _____, Section 61.501 Paragraph _____ of the Zoning Code for a:

- Special Condition Use Permit
- Modification of River Corridor Standards
- River Corridor Conditional Use Permit

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit. (attach additional sheets if necessary)

- **CONDITIONAL USE:** Explain how the use will meet each of the special conditions.
- **RIVER CORRIDOR CONDITIONAL USE:** Described how the use will meet the applicable conditions.
- **MODIFICATION OF RIVER CORRIDOR STANDARDS:** Explain why modifications are needed.

See attached

C/C 3533
800

Required site plan is attached

Applicant's Signature _____

[Signature]

Date

1/10/2014

City Agent

pdh
1-13-14

EXPLANATION OF PROPOSED USE

Section 65.525. Outdoor uses, commercial

This Section provides that the proposed use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow.

The proposed use would take place in the grass area between the front of the building and the sidewalk (as shown by "\\\\" on the site plans). The proposed use would take place yearly, during the twelve days of the Minnesota State Fair. The use, as described below, will not conflict with off-street parking, off-street loading or the system of pedestrian flow.

This Property has been used as a television station since the 1960's. At present, the Applicant, WUCW, LLC, uses the building/property for television purposes, including office space, production area and transmittal dishes.

The Applicant has certain customers/advertisers that wish to display their products in the proposed use area during the 12 days of the State Fair. An example of the potential customers would be 2nd Wind exercise machines and Mazda cars.

The customers/advertisers would only be showing their products, there will not be any sale of products.

Uses adjacent to the subject property are as follows:

The property to the West is owned by the Minnesota State Fair, and during the State Fair is used for parking. At all other times of the year it is partially used for parking, or is left vacant.

The property to the South is a commercial/industrial property, which includes a large commercial building, and a parking lot.

The property to the East, across Winston Street, is a combination of residential and commercial properties.

The property to the North, across Como Avenue, is owned by the Minnesota State Fair, and is used for State Fair purposes.

51
Exhibit "A"

Lots 1, 2, 3 and the Easterly 10 feet of Lot 4, Block 2, Long's Addition to St. Paul.

Together with that part of the North 1/2 of the vacated alley in said Block 2 lying Easterly of the Southerly extension of the Westerly line of said Easterly 10 feet of Lot 4 and lying Westerly of the Westerly line of Winston Street.

Lots 28, 29, 30 and the Easterly 10 feet of Lot 27, Block 2, Long's Addition to St. Paul.

Together with that part of the South 1/2 of the vacated alley in said Block 2 lying Easterly of the Northerly extension of the Westerly line of said Easterly 10 feet of Lot 27 and lying Westerly of the Westerly line of Winston Street.

Together with that part of the North 1/2 of vacated Breda Street lying Easterly of the Southerly extension of the Westerly line of said Easterly 10 feet of Lot 27 and lying Westerly of the Westerly line of Winston Street.

Lots 1, 2, 3 and the Easterly 10 feet of Lot 4, Block 2, Wynne's Addition to St. Paul.

Together with that part of the South 1/2 of vacated Breda Street lying Easterly of the Northerly extension of the Westerly line of said Easterly 10 feet of Lot 4 and lying Westerly of the Westerly line of Winston Street.

Together with that part of the North 1/2 of the vacated alley in said Block 2 lying Easterly of the Southerly extension of the Westerly line of said Easterly 10 feet of Lot 4 and lying Westerly of the Westerly line of Winston Street.

Lots 28, 29, 30 and the Easterly 10 feet of Lot 27, Block 2, Wynne's Addition to St. Paul.

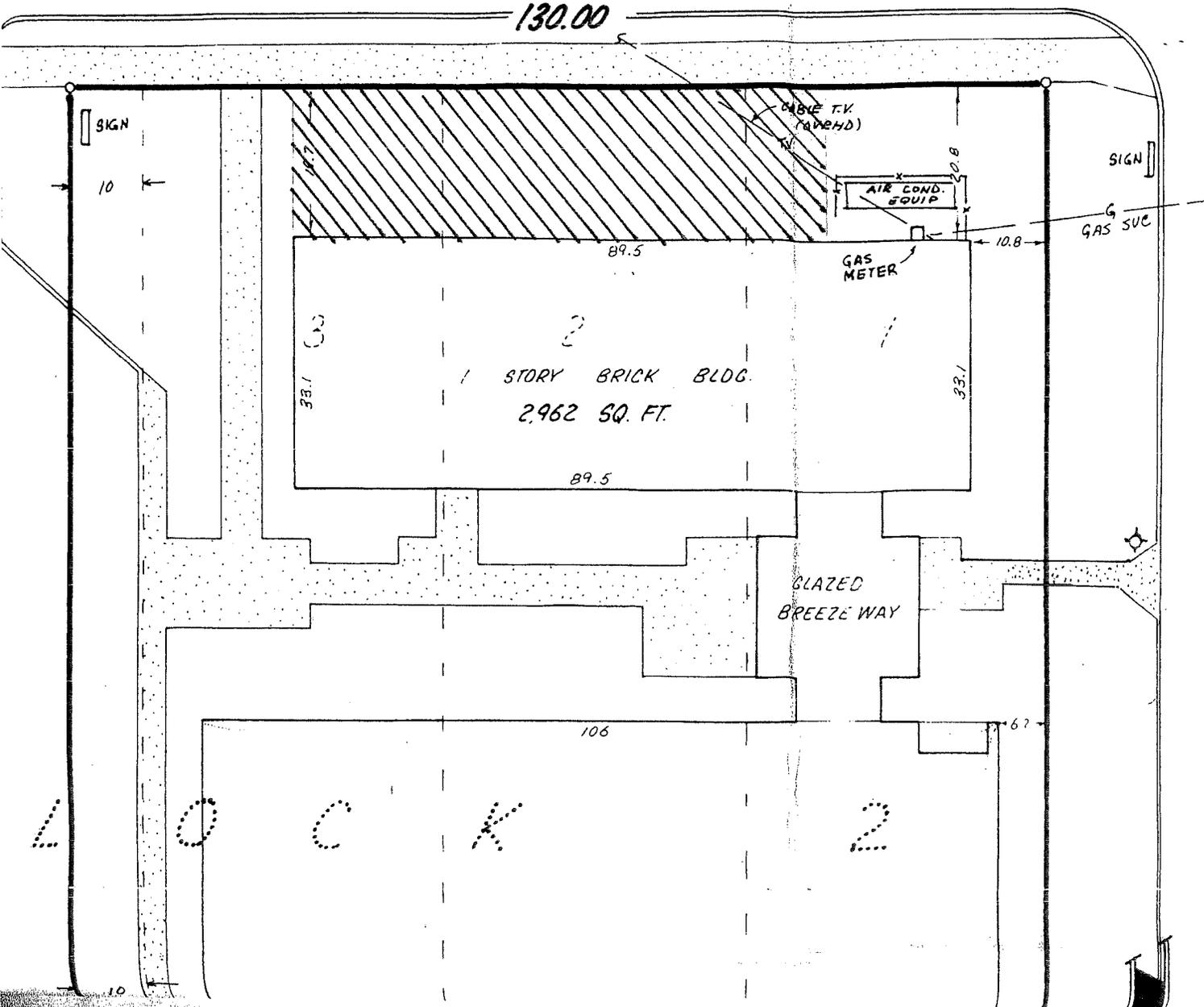
Together with that part of the South 1/2 of the vacated alley in said Block 2 lying Easterly of the Northerly extension of the Westerly line of said Easterly 10 feet of Lot 27 and lying Westerly of the Westerly line of Winston Street.

Como

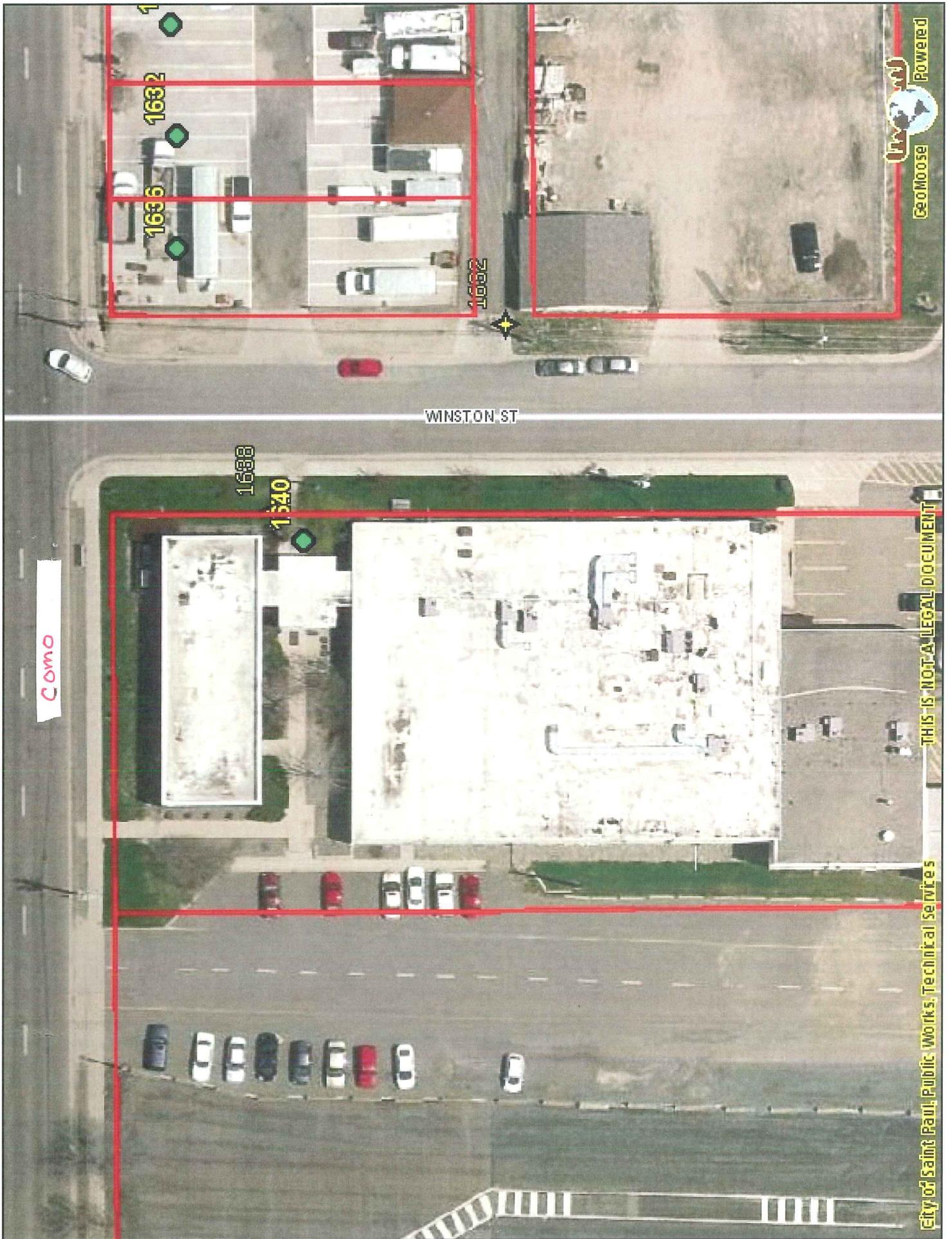
Avenue

66

$N89^{\circ}31'35''E$
130.00







Como

WINSTON ST

1688

1640

1636

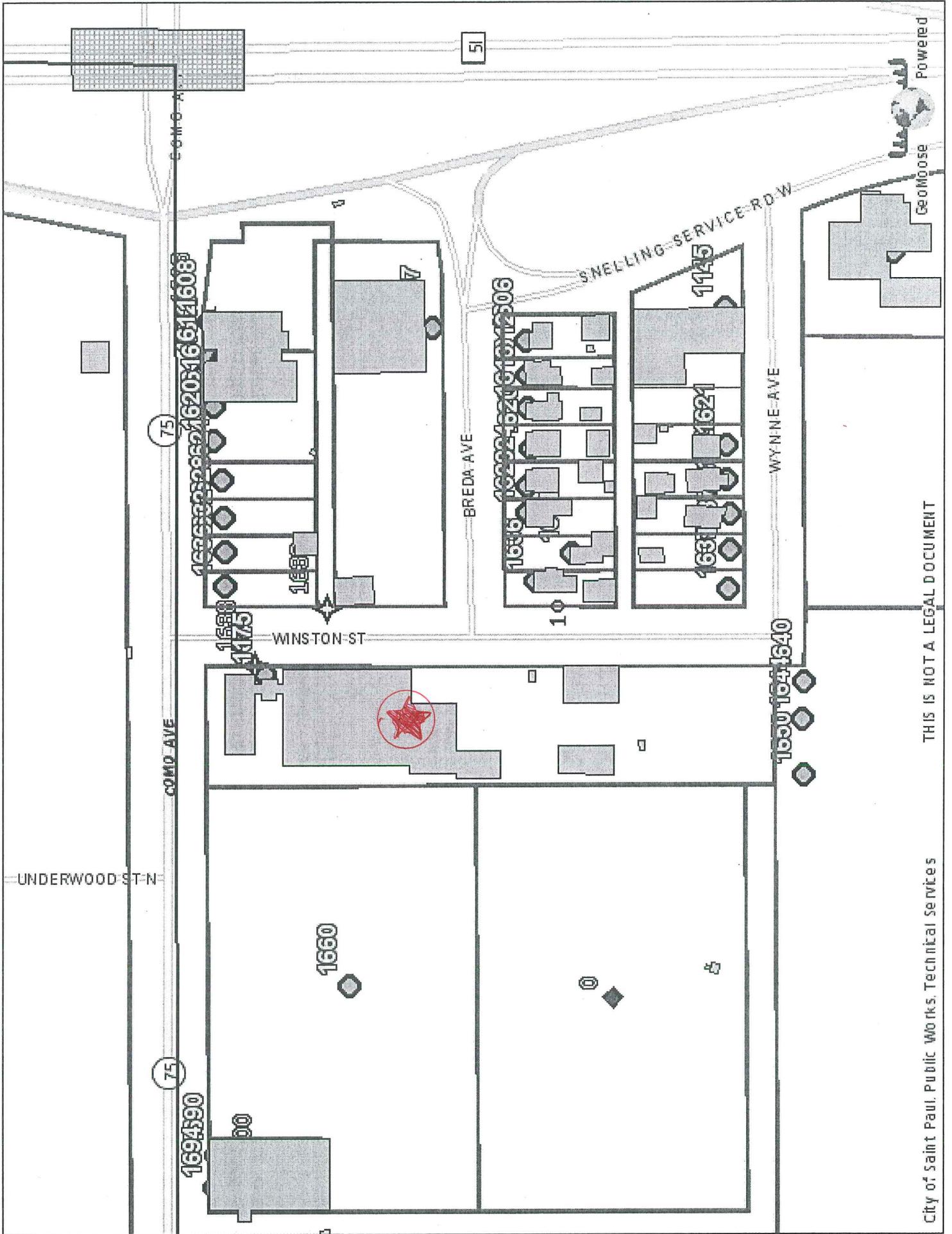
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1682

THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works, Technical Services





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City of Saint Paul, Public Works, Technical Services

Como Ave



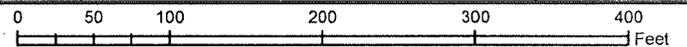
I1

Winston St

Breda Ave

Snelling Service Rd W

Wynne Ave



APPLICANT WUCW LLC

APPLICATION TYPE Conditional use permit

FILE # 14-088762 DATE 1-21-14

PLANING DISTRICT 10

ZONING MAP # 2

- Commercial & Office
- Industrial & Utility
- Institutional
- Vacant/Undeveloped
- Residential One Family
- Residential Two Family
- Residential Three Family
- Multifamily

