

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Michael Lubke, File # 21-252-047, has applied for a reestablishment of nonconforming use to permit a theatre arts teaching studio under the provisions of § 62.109(e) of the Saint Paul Legislative Code on property located at 549 Minnehaha Avenue, Parcel Identification Number (PIN) 29.29.22.34.0114, legally described as West 47 feet of Lots 27 & 30, Block 16, Stinson’s Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 6, 2021, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a reestablishment of nonconforming use to permit a theatre arts teaching studio in the first floor of the existing building at 549 Minnehaha Avenue East.
2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) 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’s first floor was constructed in 1924 for commercial purposes and would be costly to convert to residential uses. The structure has been vacant for more than two years.
  - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding can be met if the intensity of the business is limited by limiting the number of students.
  - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met if the intensity of the business is limited to avoid negative traffic/parking impacts.
  - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan in Map LU-2 designates the site’s 2040 Land Use as Urban Neighborhood, which in Policy LU-36 is directed to promote neighborhood-serving commercial businesses that are compatible with the character and scale of the existing

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

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

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

against \_\_\_\_\_

residential development. Similarly, the Railroad Island Area Plan Summary (2007) in Policy 12 calls for supporting the establishment of commercial uses that serve the neighborhood and/or would attract people to the neighborhood.

*(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 has been superseded by a Mayor's Executive Order that eliminates certain petition requirements during the pandemic.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Michael Lubke for a reestablishment of nonconforming use to permit a theatre arts teaching studio at 549 Minnehaha Avenue is hereby approved subject to the following condition:

1. The number of students is limited to 13 if the instructor lives on-site or to 10 if the instructor lives off-site.