

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, December 9, 2021 - 3:30 p.m.**

PRESENT: DeJoy, Grill, Hood, Rangel Morales, Reilly, Syed, and Taghioff  
STAFF: Tony Johnson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Reilly. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

**79 N Western Nonconforming Restaurant Expansion - 21-320-126 - Expansion of a legal nonconforming restaurant into an adjacent building., 79 N Western Avenue, NW corner at Holly Avenue**

Tony Johnson presented the staff report with a recommendation of approval with conditions for the expansion of a legal nonconforming restaurant into an adjacent building. He said District 8 made no recommendation, and there were 2 letters in support, and 1 letter in opposition.

Mr. Johnson highlighted testimony he received that was not reflected in the staff report or in the recommended conditions because it was received after the report was drafted. He referred to testimony submitted by Eric Lein and the issue of an existing driveway hazard that is at the site. He recommended amending Finding 6 to add “The expansion of the restaurant will not endanger the public health safety, or general welfare, provided a building permit is obtained to change the occupancy type of the portion of the building where the dining room is proposed *and access to the structured parking facility in the building is reconfigured so that its existing curb cut off of Western Avenue is closed in order to avoid vehicular and pedestrian conflicts.*” He also suggested a third condition; By June 30, 2022, the applicant shall receive site plan approval and reconfigure access to the building’s structured parking facility, closing the structured parking facility’s Western Avenue curb cut and providing access to the structured parking facility through the parking lot.

Commissioner Grill asked if there was another process outside of the nonconforming expansion that this issue could be addressed.

Mr. Johnson said this would be the opportunity to place the condition on the approval. Applying for an expansion of nonconforming use doesn’t require the applicant to go through site plan review and the applicant currently is not proposing any exterior changes as part of this application.

The applicant, John Rupp’s audio was not working and he was not able to reply.

In response to Commissioner Taghioff, Mr. Johnson said that the room was used for events in the past for the restaurant. The use as an event space for the restaurant was determined by the Zoning Administrator not to be a legal use of that space and in 2017, they were ordered to cease operation.

Mr. Warner confirmed the Department of Safety and Inspection took the position that the use was not legal or properly permitted.

Commissioner Taghioff asked if the potential large increase of usage and capacity would create an issue with Finding 6 being met. Mr. Johnson said that staff doesn't believe the potential increase in noise would not be substantial and does not warrant denial of the application.

Abigael Nachtsheim, 111 Western Avenue, Saint Paul, spoke in support. The proximity to establishments like the Commodore Bar & Restaurant is one of the main reasons that she chose to buy a home in this neighborhood. The loss of the Commodore Bar & Restaurant would be detrimental to the character of this neighborhood.

Jacob Powers, 111 Western Avenue, Saint Paul, spoke in support. The restaurant has historical significance to the neighborhood and is important to the character of the neighborhood. These are both things that he values as a homeowner.

No one spoke in opposition. The public hearing was closed.

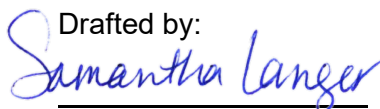
Peter Warner questioned if Mr. Rupp was participating in the meeting. Commissioner Reilly said he believes Mr. Rupp is the phone number displayed in the list of participants. His audio does not seem to be working and he wondered if we should delay the decision until the next Zoning Committee meeting to allow staff time to speak with Mr. Rupp to address the driveway situation because it seems it would be rational to deal with it through this process.

Mr. Warner agreed that it would be best to lay over the decision to give staff a chance to talk to the applicant about the proposed condition and allow the applicant a chance to participate in the meeting.

Commissioner Grill moved to lay over the expansion of a legal nonconforming restaurant into an adjacent building to December 30, 2021 to allow staff to go over the additional recommended condition with the applicant and to allow the applicant a chance to participate in the meeting. Commissioner Syed seconded the motion.

After discussion pertaining to laying the decision over, the motion passed by a vote of 6-1-0.

Adopted                      Yeas - 6                      Nays - 1 (Hood)                      Abstained - 0

Drafted by:  
  
Samantha Langer  
Recording Secretary

Submitted by:  
  
Anthony Johnson (Jan 3, 2022 10:22 CST)  
Tony Johnson  
City Planner

Approved by:  
  
Jacob Reilly (Jan 3, 2022 09:35 CST)  
Jake Reilly  
Chair









# 21-320-126 79 Western minutes TJ

Final Audit Report

2022-01-05

Created:	2021-12-30
By:	Samantha Langer (samantha.langer@ci.stpaul.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAkzrXvIoMWz2g7hHJQet8avmIMM46wGAj

## "21-320-126 79 Western minutes TJ" History

-  Document created by Samantha Langer (samantha.langer@ci.stpaul.mn.us)  
2021-12-30 - 10:37:09 PM GMT - IP address: 156.99.75.2
-  Document emailed to Anthony Johnson (tony.johnson@ci.stpaul.mn.us) for signature  
2021-12-30 - 10:37:36 PM GMT
-  Email viewed by Anthony Johnson (tony.johnson@ci.stpaul.mn.us)  
2022-01-03 - 4:21:59 PM GMT
-  Document e-signed by Anthony Johnson (tony.johnson@ci.stpaul.mn.us)  
Signature Date: 2022-01-03 - 4:22:40 PM GMT - Time Source: server
-  Document emailed to Jacob Reilly (jake.reilly76@gmail.com) for signature  
2022-01-03 - 4:22:41 PM GMT
-  Email viewed by Jacob Reilly (jake.reilly76@gmail.com)  
2022-01-04 - 5:01:12 AM GMT
-  Document e-signed by Jacob Reilly (jake.reilly76@gmail.com)  
Signature Date: 2022-01-05 - 3:35:01 PM GMT - Time Source: server
-  Agreement completed.  
2022-01-05 - 3:35:01 PM GMT