

city of saint paul
planning commission resolution
file number
date

WHEREAS, The Lex Club, File # 16-091-649, has applied for a Change of nonconforming use from private club and meeting space to a restaurant, private club, and meeting space under the provisions of §62.109 (c) of the Saint Paul Legislative Code, on property located at 976 Concordia Ave, Parcel Identification Number (PIN) 35.29.23.34.0005, legally described as Donnelly’s Addition to St Pau Lots 7 & Lot 8 Block 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 10, 2016, 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 applicant is proposing a change of nonconforming use to a restaurant in a portion of the building. The existing private club and meeting spaces will be retained in the portions of the building that will not be used for the proposed restaurant.
2. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed restaurant use and the existing private club are both first permitted in the T2 zoning district. In a T2 district, a conditional use permit is required if the gross floor area of a restaurant exceeds 15,000 square feet. The size of the proposed restaurant will be approximately 1,700 square feet, and therefore would not require a conditional use permit in a T2 zoning district. The applicant is proposing to operate the restaurant Thursday through Sunday from 10 AM – 12 midnight, with the possibility of extending the days in which it’s open at a later date. The existing club currently has no specified hours of operation but is open during specific events for club members. According to the applicant, large club events will not occur while the restaurant is open to the public, thereby lessening the potential impact on neighboring properties. That applicant has indicated that they may apply for a liquor license for the proposed restaurant at a later date if the planning commission approves the change of non-conforming use permit. If a liquor license is obtained, the proposed restaurant will be required to close at 12 midnight in order to maintain its zoning classification as a restaurant. Restaurants with a liquor license that are open later than 12 midnight are considered a bar and are therefore subject to the zoning requirements for that use.

moved by _____

seconded by _____

in favor _____

against _____

3. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Because the parking requirements for the existing club and the proposed restaurant use are the same, it is reasonable to infer that the traffic generated by the proposed use will be similar to that of the existing club. The restaurant hours of operation are different, generating traffic when the club is closed, offset by reducing the amount of gross floor area used by the club. The maximum occupancy of the building will also likely be lowered because of the additional tables and chairs that will be installed for the restaurant. According to the applicant, the existing club currently generates some traffic for general public meetings and events, which can have up to 40 or 50 people. The applicant is expecting a similar impact on traffic with the addition of the proposed 30 – 50 seat restaurant. However, the traffic generated from the proposed restaurant will likely be occurring over a longer period time during the specified hours of operation. To manage the potential impact of having multiple uses in the building, the applicant is also proposing to close the restaurant to the general public when larger scale club events are occurring.

4. *The 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 is met. Rondo Avenue (Concordia) historically had a mix of commercial and residential uses along the corridor. Directly north of the site, prior to the construction of interstate 94, there was a commercial dry cleaning and laundry business. There are currently other legal nonconforming commercial businesses that still remain on the corridor, including another legally nonconforming private club at 334 N Milton Street (RT1), and a legal nonconforming funeral home at 862 Concordia (RT1). The proposed restaurant would not be inconsistent with the historic mixed use pattern of development along the corridor. The proposed restaurant would also not be detrimental to the existing character of the development in the neighborhood considering that there are other legally nonconforming commercial uses within close proximity to the site, both of which are also first allowed in a T2 traditional neighborhood zoning district.

5. *The use is consistent with the comprehensive plan.* This finding is met. The subject property is located in an area defined as an established neighborhood in the comprehensive plan. Established neighborhoods may include neighborhood serving commercial uses at the juncture of arterial and collector streets. The subject property is located at the juncture of a collector street (Concordia) and a local street (Chatsworth). The subject property is, however, in close proximity to a minor arterial (Lexington) and a primary arterial (Interstate) 94), and therefore is served by infrastructure which is suitable for, and can support, commercial land uses. The proposed restaurant is also consistent with strategy 22 of the Summit-University neighborhood plan, which calls for the continuation of efforts to foster minority business start-ups, retentions, and expansions from within the community. If the applicant incorporates the history of the club and the Rondo neighborhood into the proposed restaurant, the proposed restaurant would also be consistent with strategy 17 of the Summit-University neighborhood plan, which calls for fostering cultural tourism as an economic driver for businesses and workforce development and the exploration of a formal designation of the neighborhood as a cultural heritage district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a Change of nonconforming use from private club to restaurant, private club, and meeting space. at 976 Concordia Ave is hereby approved subject to the following conditions.

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1. Food and beverages shall be served no later than 12 midnight.
2. Any interior or exterior changes to the site associated with the change of use to a restaurant shall receive permit and /or site plan approval from the Department of Safety and Inspections.
3. The restaurant shall comply with all applicable laws and licensing requirements.

ZF 16-091-649

Dear Council Members,

Writing from my own experience as a 15 year resident of the Carroll/Victoria part of the neighborhood (2001-current) I would like to go on record in opposition to The Lex having any sort of liquor license on their property, or being granted any status that would allow a private club.

It is my deep respect for, and sensitivity to, my neighborhood's history that convinces me that The Lex, as described in the literature from the owner, is exactly what we DON'T need to move this community forward.

While the rhetoric of the owner's communications has been using community, history and healing to gain support, it is important to remember that it is 2016, and there are more effective ways to come together, commemorate and heal.

The new Jimmy Lee recreation center and athletic field is a better way to come together. On any given day, the rooms at the community center are booked by birthday parties, church meetings and other "common interests" to use Mr. Carter's term. No membership required.

The community gardens are a better way to lend a hand, share history, and build a vision. Growing vegetables leads to sharing recipes, recipes give rise to stories, and stories strengthen bonds.

The Friendly Streets Initiative's Better Bridges Project is a better way to heal historical damage. By literally healing the infrastructure of the neighborhood, reconnecting the south and north sides of 94.

I could go on. But the indisputable reality is that the very idea of the Lex is an outdated model and a proven step backward for community building. You only need to look down the block at the ongoing problems at the Pioneer Club to corroborate that fact.

Please oppose the The Lex, focus energy on solving existing problems, fuel the positive changes already afoot, and support modern visions to make a more united Rondo a reality.

Sincerely,

William Burns