

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Head House Parks Facility **FILE #** 16-047-372
 2. **APPLICANT:** City of St. Paul - Parks and Recreation **HEARING DATE:** June 30, 2016
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 258 Mill St, south of the intersection of Mill St. and Walnut St.
 5. **PIN & LEGAL DESCRIPTION:** 062822310021, Section 6 Town 28 Range 22 Riparian Rights In And Over That Area Described As Com At The Most Sly Cor Of Lot 1 Blk 1 Upper Landing Urban Village Th N 42 Deg 06 Min 59 Sec E Along The Sely L Of Sd Blk 1 A Dist Of 60.09 Ft Th S 47 Deg 53 Min 01 Sec E A Dist
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T3M, FW
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** June 22, 2016 (Revised June 29, 2016) **BY:** Josh Williams
 9. **DATE RECEIVED:** June 14, 2016 **60-DAY DEADLINE FOR ACTION:** August 13, 2016
-

- A. **PURPOSE:** Change of nonconforming use from a trail/interpretive center to a parks facility with broader use (including a mobile kitchen and use for events along with trail/interpretive center)
- B. **PARCEL SIZE:** 12632 sq. ft.
- C. **EXISTING LAND USE:** G-Parks/Rec. Facility
- D. **SURROUNDING LAND USE:**
North: Multifamily residential (T3M)
East: Multifamily residential (T3M)
South: Mississippi River
West: Multifamily residential (T3M)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** In 2007, the Planning Commission approved a reestablishment of nonconforming use for the building as an interpretive center and restaurant. The use as an interpretive center was established, but the facility was never used as a restaurant prior to the expiration of the approval. In 2011, a site plan was approved for the facility and sewer and water service connections, bathrooms, and a prep kitchen were constructed. Also in 2011, the Planning Commission approved a reestablishment of nonconforming use and a conditional use permit for use of the facility as a reception hall. The use was not established prior to expiration of the approvals. Based on discussions between Parks and Recreation and zoning staff, it was determined that the facility has been in continuous seasonal use as an interpretive center since the use was established in 2007. Based on this determination, the applicant is seeking a change of nonconforming use rather than a reestablishment of nonconforming use.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council had not made a recommendation as of the date of this report.
- H. **FINDINGS:**
 1. Due to the location in the FW floodway district, any use of the subject property is considered nonconforming, including both the current and proposed uses. Both the current and proposed uses are allowed in the underlying T3M traditional neighborhood district.
 2. The applicant, the Saint Paul Department of Parks and Recreation ("Parks"), is seeking to

establish the subject property as a parks facility. The property is owned by City of Saint Paul Housing and Redevelopment Authority ("HRA"), and operated by Parks under the terms of a Memorandum of Understanding ("MOU") between Parks and the HRA. Amendment of the MOU as needed to allow for use of the property as proposed should be a condition of approval.

3. Residential uses are located within 100 feet of the facility. Parks is the applicant and will be responsible for operation of the facility, but food service and events may be provided by vendors on a contractual basis. Any contracts with vendors should specify times and nature of activities to occur. The timing and nature of activities to occur at the facility should be consistent with the proximity to residential properties, at the discretion of the Director of Parks. Approval of all vendor contracts for the facility by the Director of Parks should be a condition of approval.
4. The Head House is comprised of the historic Head House and Sack House, the lone remaining structures from the Harvest States grain storage and transfer complex. The structure is partially built on pilings set in the river, and was previously used to transfer grain between rail cars and barges. A permit for reestablishment of nonconforming use of the property as a restaurant and interpretive center was approved in 2007. However, the use as a restaurant was not established within two years and the nonconforming use permit for a restaurant became invalid by action of Zoning Code §61.105. The use of the structure as an interpretive center was established and has continued on a seasonal basis to the present time.
5. In 2011, the Head House and Sack House were rehabilitated, and new sewer and water service connections, bathrooms, and a prep kitchen were added. Rehabilitation included flood-proofing of the structure to an FP-4 standard, including construction with water-resistant materials and the development of a flood emergency response plan. To ensure the continued consistency of the proposed use with FEMA floodplain regulations and City code, prohibition of any permanent modifications to the property which do meet FP-4 standards and the filing of a modified flood emergency response plan with the Department of Safety and Inspections should be a condition of approval. Any equipment or furnishings associated with day-to-day or event use of the facility must be readily removable.
6. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The original use of the property was as part of a grain storage and shipment terminal. This use included the presence of machinery and perishable grain without any known flood-proofing measures, and was subject to flood damage. The proposed use includes flood-proofing and is therefore more appropriate for a location in the FW Floodway district.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Though the proposed use is nonconforming in regard to a floodway location, it is allowed in the underlying zoning district. The parks facility is intended primarily to serve existing park users. The facility is already used occasionally for park events. Events may become more frequent under the proposed use.
 - c. *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. The proposed use as a parks facility is allowed in the underlying T3M traditional

neighborhood district. The proposed use allows continued reuse of an historic structure which helps define the character of the surrounding area. Subject to floodproofing measures, the use does not endanger the public health, safety, or general welfare.

- d. *The use is consistent with the comprehensive plan.* This finding is met. Reuse of the City House is consistent with the Upper Landing Urban Design Master Plan, which was adopted by the City Council in 2001, and is consistent with the Comprehensive Plan. Framework Principles of the Urban Design Master Plan include *Preserve and enhance heritage resources* and *Broaden the mix of uses*.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Change of nonconforming use from a trail/interpretive center to a parks facility with broader use (including a mobile kitchen and use for events along with trail/interpretive center) subject to the following additional condition(s):
1. Any permanent modifications to the structure, including installation of equipment, must meet the FP-4 floodproofing standard. Any other equipment or furniture must be readily removable.
 2. The applicant must file an updated flood emergency response plan with the Department of Safety and Inspections. The plan must include a designated site manager for flood response purposes, and must address the removal of any equipment or accessory structures associated with the site. An updated flood emergency response plan shall be filed annually on an ongoing basis.
 3. Contracts for third-party/vendor operation of the facility should specify hours of operation and type and frequency of events. The Director of the Saint Paul Department of Parks and Recreation must approve all contracts.
 4. A site plan must be approved for the proposed use. Any future, substantial changes to the exterior layout of the site shall require approval by the Zoning Administrator.



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 #: 16-047372
Fee: 980.00
Tentative Hearing Date: 6-30-16

PD-9
#062822310021
#062822310018

APPLICANT

Name Parks Dept.
Address 25 West 4th St / 400 City Hall Annex
City St Paul St. _____ Zip 55102 Daytime Phone _____
Name of Owner (if different) Susie Odgaard - Parks Dept
Contact Person (if different) Susie Odgaard - Manager Phone 651-266-6416
Special Services

PROPERTY LOCATION

Address/Location 258 Mill Street
Legal Description _____
Current Zoning T3M, FW
(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: ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☒ Change of nonconforming use (para. c)
☐ Expansion or relocation of nonconforming use (para. d)
☐ Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Interpretive Center

Proposed Use Parks Facility

Attach additional sheets if necessary

Attachments as required ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature Susie Odgaard Date 6/2/2016 City Agent add 6-8-16



Date: 6/27/2016

Josh Williams
Senior City Planner
St. Paul Planning & Economic Development
1400 CHA 25 W 4th Street
St. Paul, MN 55102

Re: DNR Comments on Zoning File #16-047372 - 254-258 Mill Street

Josh:

DNR has reviewed St. Paul Zoning File #16-047372, an application by the St. Paul Department of Parks & Recreation for City review of a change of nonconforming use from a trail/interpretive center to a parks facility with broader use at 254-258 Mill Street.

It appears that the application is consistent with past discussions that the City of St. Paul has had with DNR floodplain staff on what is allowed in the floodway. Please include a condition on the revised CUP that requires an update to the site's Flood Response Plan for any changes or updates that are made to the CUP.

Thank you for the opportunity to comment.

Sincerely,

Jenifer Sorensen
East Metro Area Hydrologist
DNR Central Region
1200 Warner Road
St. Paul, MN 55106
651-259-5754
jenifer.sorensen@state.mn.us

cc: Ceil Straus, DNR Floodplain Program



Williams, Josh (CI-StPaul)

From: Odegard, Susie (CI-StPaul)
Sent: Tuesday, June 07, 2016 3:07 PM
To: Williams, Josh (CI-StPaul)
Cc: Hahm, Michael (CI-StPaul); Spencer, Joe (CI-StPaul); Prior, Paul (CI-StPaul)
Subject: City House
Attachments: Matty O'reilly proposal .pdf

Hi Josh,

Attached is the proposal for City House and paragraph for application.

Thank you,

Susie

Located in downtown Saint Paul, City House, formerly known as the Saint Paul Municipal Elevator and Sackhouse (property located at 258 Mill Street, Saint Paul, MN 55102, is a unique park facility nestled on the banks of the Mississippi River located in Upper Landing Park.

City House was established as an interpretive center and restroom stop for those using the Sam Morgan Regional Trail. However, the Parks department would like City House to be reestablished as a parks facility. The goal for City House is to provide park users with options for food/beverage service, as well as provide recreational opportunities that would promote healthy lifestyles, which would be consistent with many of our other parks throughout the City. City House is a vibrant facility with vast potential, one the Department of Parks and Recreation hopes to help maximize by providing opportunities that will bring parks users closer to city's largest environmental and economic resources - the Mississippi.

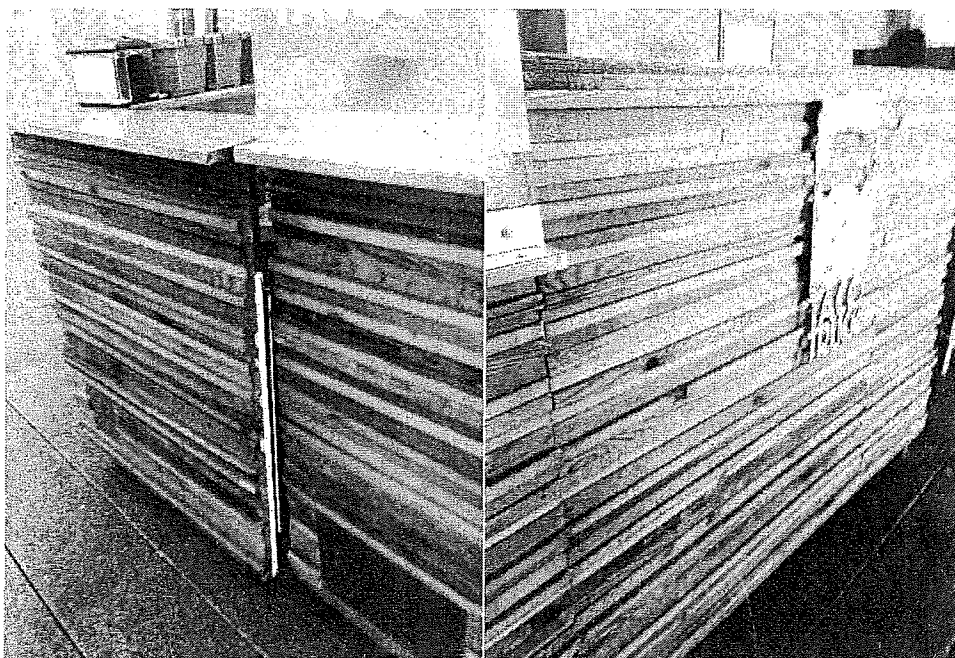
CITY HOUSE Project Overview

Prepared by Matty O'Reilly | April 20, 2016

I am looking forward to the opportunity of operating City House. My primary goal at the outset of operation will be focusing on ***gaining exposure*** along with ***building confidence*** within the neighborhood. I plan to achieve this via two distinct approaches: 1) consistent programming involving a mix of static daily revenue centers (e.g., food trucks), and 2) a series of various events. The events will range from a number of healthy-centric options like yoga, cycling meet-ups, running clubs, with a proper mix of culture-based event options occasional/eclectic/tasteful concerts and live music, art gallery benefits and openings, a farmer's market element and all with a family-friendly component.

CAFÉ/LOOK-FEEL/BEVERAGE LINE:

The aesthetic of this area is inspired by a recent trip to NYC. The popular High Line park in Manhattan serves as home to many temporary-yet-permanent food cart vendors. Given the unique nature of the City House as located on a potentially unpredictable flood plane, a similar approach would best fit this space. A uniform and interlocking "counter" will be composed of interlocking pieces, all on casters, for ease of rolling in and out of the space. Each six-foot section would host a particular food or beverage item (e.g., N/A beverages, lemonade stand, gourmet popcorn, beer/wine, soft serve yogurt, sandwiches, etc.). See photos below for reference.



SHORT & LONG TERM IDEAS TO DRIVE TRAFFIC:

I have a number of ideas that would be implemented at various points related to continuing to gain exposure and building a following for the City House space. They include but are not limited to:

- Nice Ride station
- Farmers Market - this summer weekly (hopefully)
- Pop-ups – high profile restaurants come in for one day / daily-weekly-monthly (Rise Bagel/Nate Dog/Birchwood Café/The Strip Club Meat & Fish/Heartland/ different food trucks)
- Night Market – once a month
- Art Space -
- Yoga pop-ups– Corepower/Gorilla Yogis /independent options
- Zumba/Fitness classes
- Bocce Ball/Shuffleboard
- Ping Pong Tournament
- Live Music Series (sponsored/offered by: The Current, KFAI, etc.) – once a month

EVENTS & WEDDINGS:

I see this as the biggest opportunity for the future. This summer I would concentrate on hosting the best mix of pop-ups and events from the list above to drive traffic to the space in order to advertise and market it as an event space for future seasons.

PRESS & PROMOTION:

I know every food writer, beer writer and entertainment writer in town. I can say with confidence that they would eat this unique concept and space up.

Given the popularity and utility of various social media platforms (Instagram, Twitter, Facebook, etc.), I have an additional press and promotion strategy involving daily posts on social media to recirculate the press and gain interest in order to build a following naturally and organically. See my work on Instagram for Republic Seven Corners [here](#).

FOOD TRUCK – Calendar Rotation

Due to the nature of the flood line, a food truck or trailer is the only viable option to serve hot food at City House. This is actually great news because food trucks in MN have never been more popular. I have first-hand experience with this particular boon: I've owned and operated one for over two years.

I intend to start this year with a rotation of food trucks on a calendar until I could have a static brand built and moved down there in a full-time capacity. I'm currently working with J.D. Fratzke (co-owner of The Strip Club and Saint Dinette) on a full-time food service model sustainable for the summer season at City House.

The position of the food truck would be directly outside the prep kitchen garage door.

BEVERAGE LINE (inside)

Inside, I would operate a beverage line with the vision of local and sustainable options using a draft system for almost all beverages. I plan a focus on local craft beer, local wines and kegged wine, lemonade, iced tea and cold press coffee. All of these options could be served in keg format which produces the least amount of waste. Nothing would be served in a single service plastic or disposable container. I would also include an ice cream station and some baked goods into the quick service beverage line.

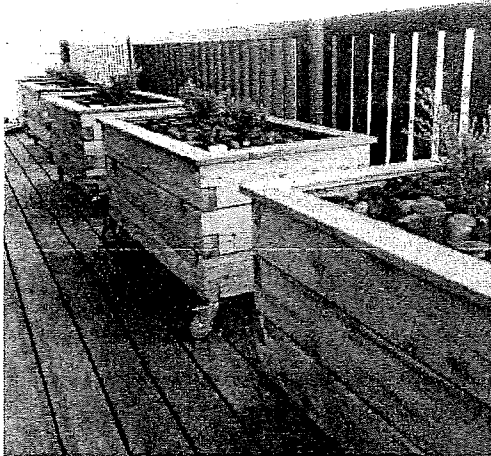
THE SPACE

As I explained to Mike, I would want to partition off a small portion of the space for day in/day out use. I would want to bring in tables and chairs to seat the balcony and a 1000 sq/ft space (closest to the restrooms). I would curtain off the rest of the space and use it for events, but my intention would be to use the seated area between May 1st and October 1st everyday in some capacity. The seated indoor space would be livened up with patio string lighting (see below), along with tables and chairs to define the area. The "event" side would be not used or staffed outside of special events.



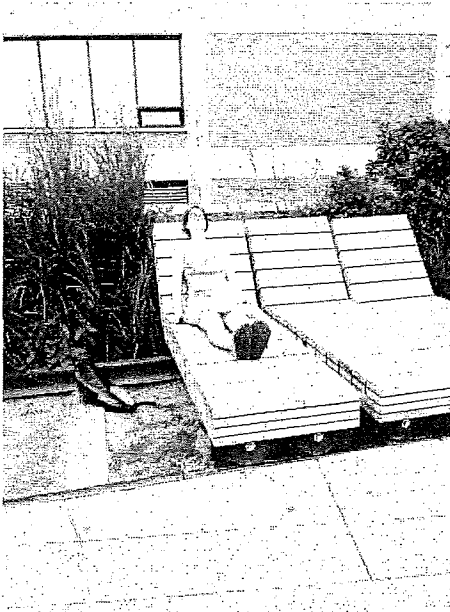
Planter boxes would be on casters (see below) to block a few of the garage door entrances, but would still allow the natural light and breezes to flow into the space,

creating a nice aesthetic down on the river. The use of the seated space would be a marketing tool for the event space.



LANDSCAPING:

I envision planting some tall grasses and using planter boxes to liven up the current space. I'd also like to use the train tracks and steal another idea from the High Line to build moveable lounge seating out front (rolling chaise lounge chairs utilizing the existing railroad tracks, see picture below. That is my wife, Jaynel!). This will create some energy as well as provide a relaxed place to sit, read and enjoy a beverage, while also creating interest on the bike path side of the building.



THE FUTURE:

Eventually, driving sales, fine-tuning what works this year, would allow clarity in decision-making for next year and beyond.

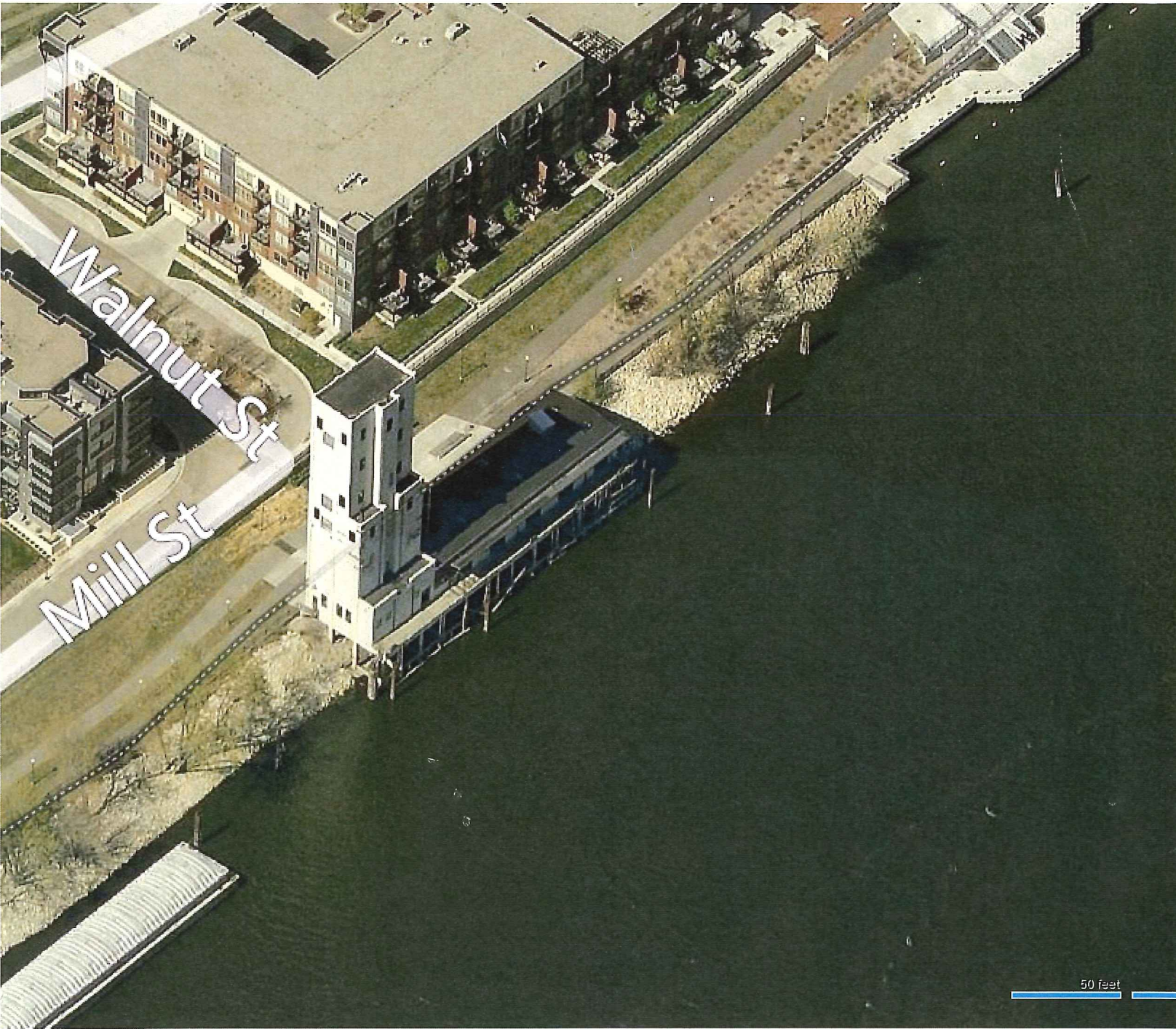
In the works:

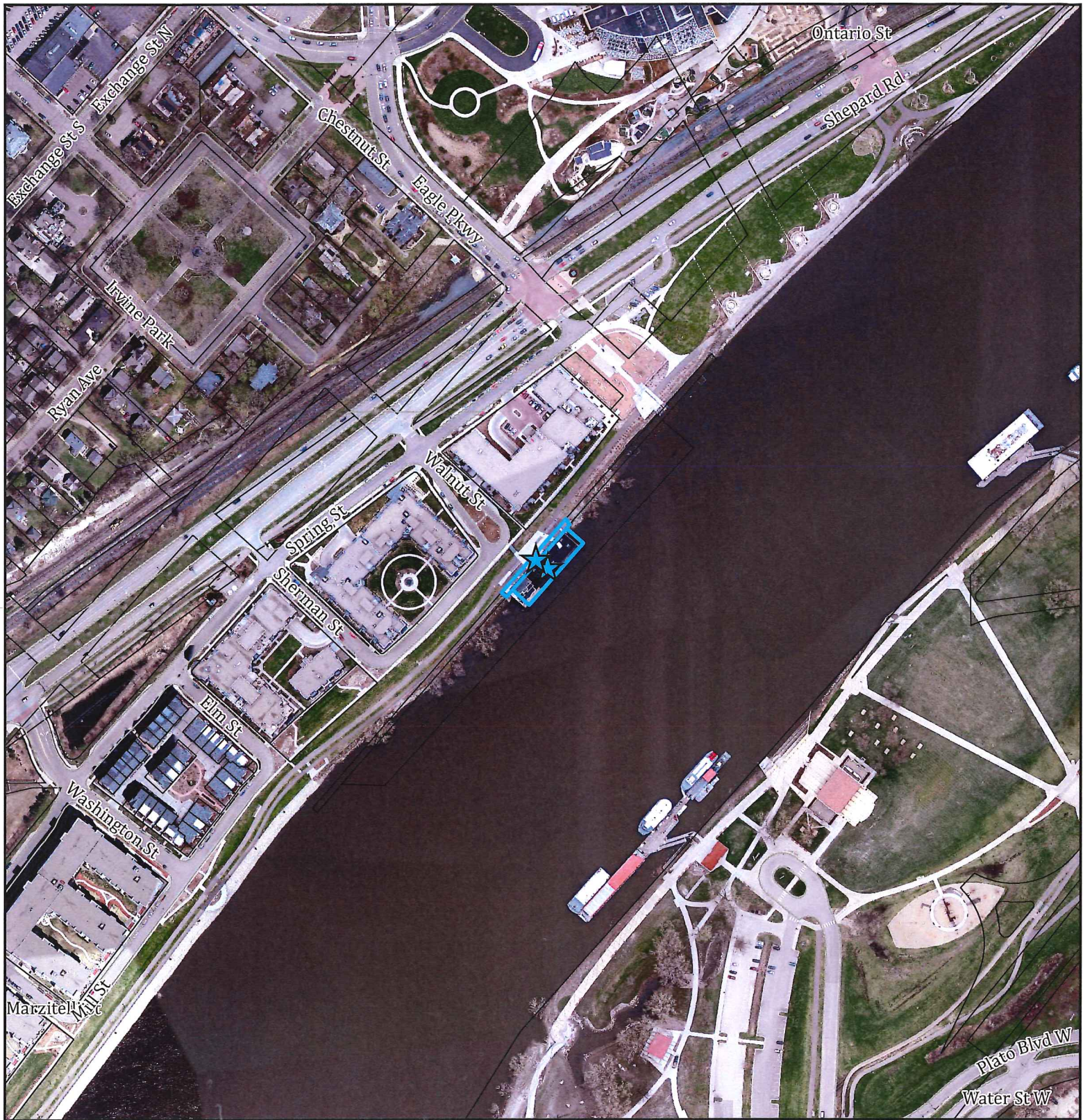
I am working on lining up arrangements on the following:

- POS System – north country business products / ipad system
- Sound System – I own an extra one, currently at Republic (needs install)
- Internet - Comcast
- Landscaping – my sister owns her own company
- Tables / Chairs / Lighting / Curtains to divide the event room from the “café” side

Other thoughts:

- Social Media – I have a good handle on this
- Photography – I’d like professional photos for the website, social media and promo packs for the space.
- Website – lots of pics, calendar of events





FILE NAME: Head House interpretive center

Aerial

APPLICATION TYPE: Chg of NCUP

 Subject Parcels

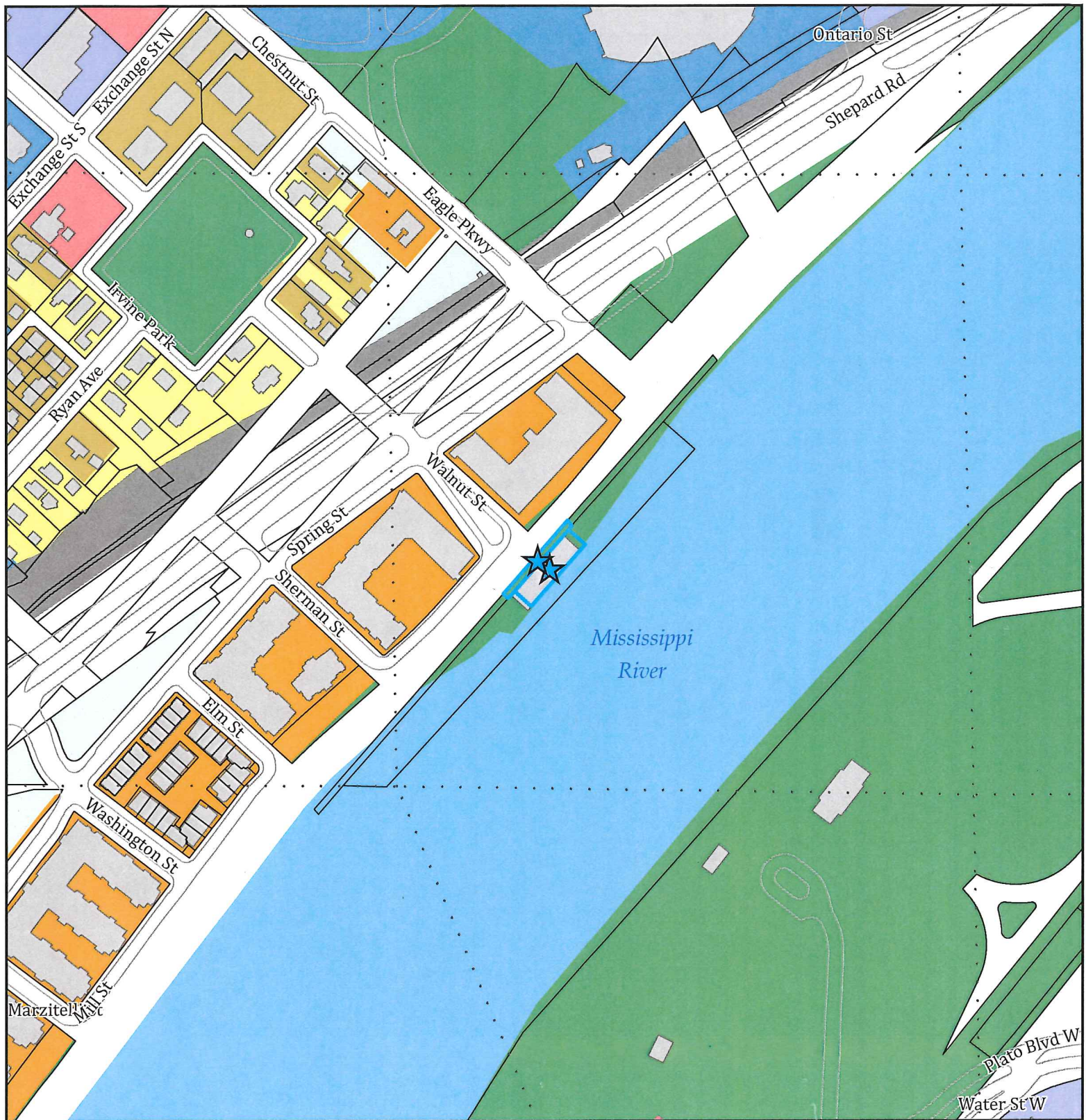
FILE #: 16-047372 DATE: 6/14/2016

PLANNING DISTRICT: 9

ZONING PANEL: 16

Saint Paul Department of Planning and Economic Development and Ramsey County





FILE NAME: Head House interpretive center

APPLICATION TYPE: Chg of NCUP

FILE #: 16-047372 DATE: 6/14/2016

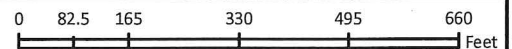
PLANNING DISTRICT: 9

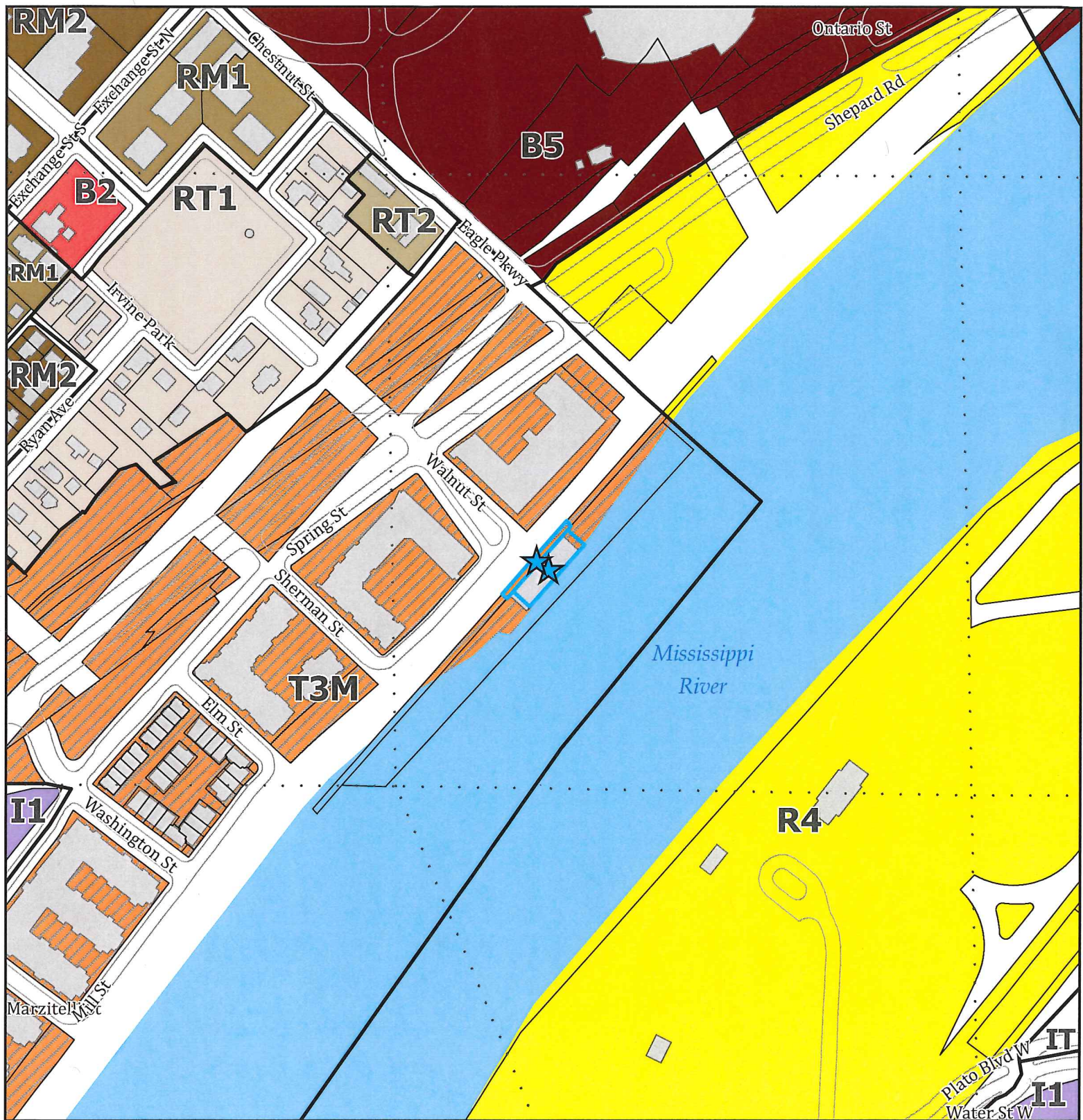
ZONING PANEL: 16

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve

- Railway
- Undeveloped
- Water
- Subject Parcels
- Section Lines





FILE NAME: Head House interpretive center

APPLICATION TYPE: Chg of NCUP

FILE #: 16-047372 DATE: 6/14/2016

PLANNING DISTRICT: 9

ZONING PANEL: 16

Saint Paul Department of Planning and Economic Development and Ramsey County

Zoning

- Subject Parcels
- Section Lines
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- T3M T3 with Master Plan

- B2 Community Business
- B5 Central Business Service
- IT Transitional Industrial
- I1 Light Industrial

0 82.5 165 330 495 660 Feet

