

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, The Housing and Redevelopment Authority of the City of Saint Paul, File # 16-005-448, has applied for a rezoning from B2 Community Business to T1 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1059 Maryland Avenue E, Parcel Identification Number (PIN) 21.29.22.34.0199, legally described as J A And W M Stees Addition Vac Sts Accruing & E 30 Ft Of Lot 29 & All Of Lot 30 Blk 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 11, 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 seeks rezoning of the property at 1059 Maryland Avenue E from the B2 Community Business district to the T1 Traditional Neighborhood district in order to allow the construction of a single-family home. The applicant has a developer agreement with Twin Cities Habitat for Humanity to construct a 2,538 square foot two-story single-family home and detached two-car garage.
2. The proposed zoning is consistent with the way this area has developed. The proposed T1 Traditional Neighborhood zoning is consistent with the way this area has developed. This section of Maryland Avenue is characterized by neighborhood commercial nodes at alternating intersections, including this one. The T1 traditional neighborhood district is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office, and service uses that primarily serve neighborhood needs. It is also intended to serve as a transitional use of land along major thoroughfares, between commercial or industrial districts and residential districts or other less intensive land uses. The properties immediately to the west and north of the subject property are both single-family residential properties.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates these parcels as being part of a Mixed-Use Corridor. Land Use Strategy 1.24 states: "Support a mix of uses on Mixed-Use Corridors." The District 5 Plan contains no provisions specific to this application.
4. The proposed T1 Traditional Neighborhood district is compatible with the surrounding land

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

uses. The T1 district supports a range of uses, including those found on and in the vicinity of the subject properties. In addition, the T1 district is designed to provide sufficient transitions between the more intense uses along mixed-use corridors and the surrounding neighborhoods.

5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed T1 zoning is not "spot zoning" because the T1 uses are consistent with the surrounding residential and commercial zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Housing and Redevelopment Authority of the City of Saint Paul for a rezoning from B2 Community Business to T1 Traditional Neighborhood for property at 1059 Maryland Avenue E be approved.

# PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

February 9, 2016

Gaius Nelson, Chair and Members of the Zoning Committee  
City of Saint Paul  
3<sup>rd</sup> Floor, City Hall  
15 Kellogg Blvd. West  
Saint Paul, MN 55102

Re: Zoning File 16-005-448

Dear Chair and Members of the Zoning Committee:

This letter is in response to the Rezoning application from Habitat for Humanity for a zoning change at 1059 Maryland Avenue East from B2 Community Business district to the T1 Traditional Neighborhood District.

The Payne Phalen District Five Community Planning and Economic Development Committee (CPED) communicates its approval of the rezoning application for 1059 Maryland Avenue East at the NW corner of Earl and Maryland.

The Committee was unable to hold its public meeting on Tuesday February 2, 2016 as planned due to severer weather. The District Five office did not hear from neighbors who were notified by the City of the zoning change proposed. Through online polling CPED members have expressed general approval of the plans for construction of a single family home on the site. District Five's CPED Committee finds this use to be a good fit with the surrounding neighborhood, positively contributing to the neighborhood and a good use of the site.

We are happy to answer any questions about this position. The matter will appear on the Consent Agenda of the District Five Board of Directors meeting on February 23, 2016.

Thank you,



Leslie McMurray  
Executive Director – Organizer

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WHEREAS, Thomas Schroeder, File # 16-005-089, has applied for a historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service under the provisions of §61.601 and §73.03.1 of the Saint Paul Legislative Code, on property located at 445 Smith Ave N, Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Samuel Leeches Addition Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13 Blk 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 11, 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 application requests a historic use variance in order to permit establishment of a tap house and microbrewery with food service at the subject site, including with an on-site ADA-compliant accessible parking space. The application materials describe the proposed uses as producing beers and sodas for on-site service and filling of growlers, and food preparation and service; the proposed uses are roughly analogous to the Zoning Code-defined uses of restaurant and craft brewery, or possibly a restaurant and a small brewery accessory to a restaurant, all of which are first permitted in the T2 zoning district. Besides the one accessible parking space, other parking is proposed to be located off-site.
2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, §73.03.1 requires the Planning Commission to make findings regarding the following:
  - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding can be met. A restaurant and craft brewery would be permitted in the T2 zoning district, such as is located adjacent across the alley to the northwest and elsewhere along West 7<sup>th</sup> Street. Such uses could be compatible with the surrounding residential uses if the proposed uses are maintained at a neighborhood scale and a full parking lot, beyond a single ADA-compliant space, is not added to the property.
  - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The

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

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

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

against \_\_\_\_\_

proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and collector streets, such as Smith Avenue and West 7<sup>th</sup> Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for historic storefronts to be restored to their historic condition, which is furthered by the application. It also calls for commercial land uses along West 7<sup>th</sup> Street to be confined to the 7<sup>th</sup> Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.

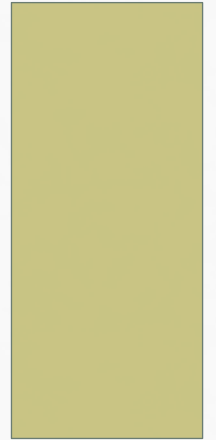
3. §61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding can be partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. However, the property could conceivably be used as a live-work unit or some other less intense use than proposed in order allow for restoration of its historic character without necessitating a building addition or bringing commercial customers to an area of residential character that does not face West 7<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, recommends to the Mayor and City Council that the application of Thomas Schroeder for a historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service at 445 Smith Ave N be approved subject to the following additional condition:

1. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.

# STONE SALOON

445 SMITH AVENUE, SAINT PAUL



# WHY WE'RE HERE

- **Goal:**

- Make Stone Saloon more accessible for all....
- Respect the historic integrity of the site.

- **NOT**

- Bigger buildings
- More space
- More parking
- Cost cutting
- Pushing owner's agenda

# PROJECT HISTORY

- Properties acquired (2008-2014)
- Research/archeology/restoration (2008-2014)
- Historic Use Variance Ordinance (6/15)
- Limestone Pioneer Properties Designation (9/15)
- HUV granted (9/15)
- HPC design review approval (10/15)
- Final design development
- Site Plan Review (application pending)



# ANTHONY WALDMAN HOUSE (1857)

## 2011 AND 2015



445 Smith Avenue North  
(near bottom of High Bridge)



# CITY COUNCIL RES #15-1604

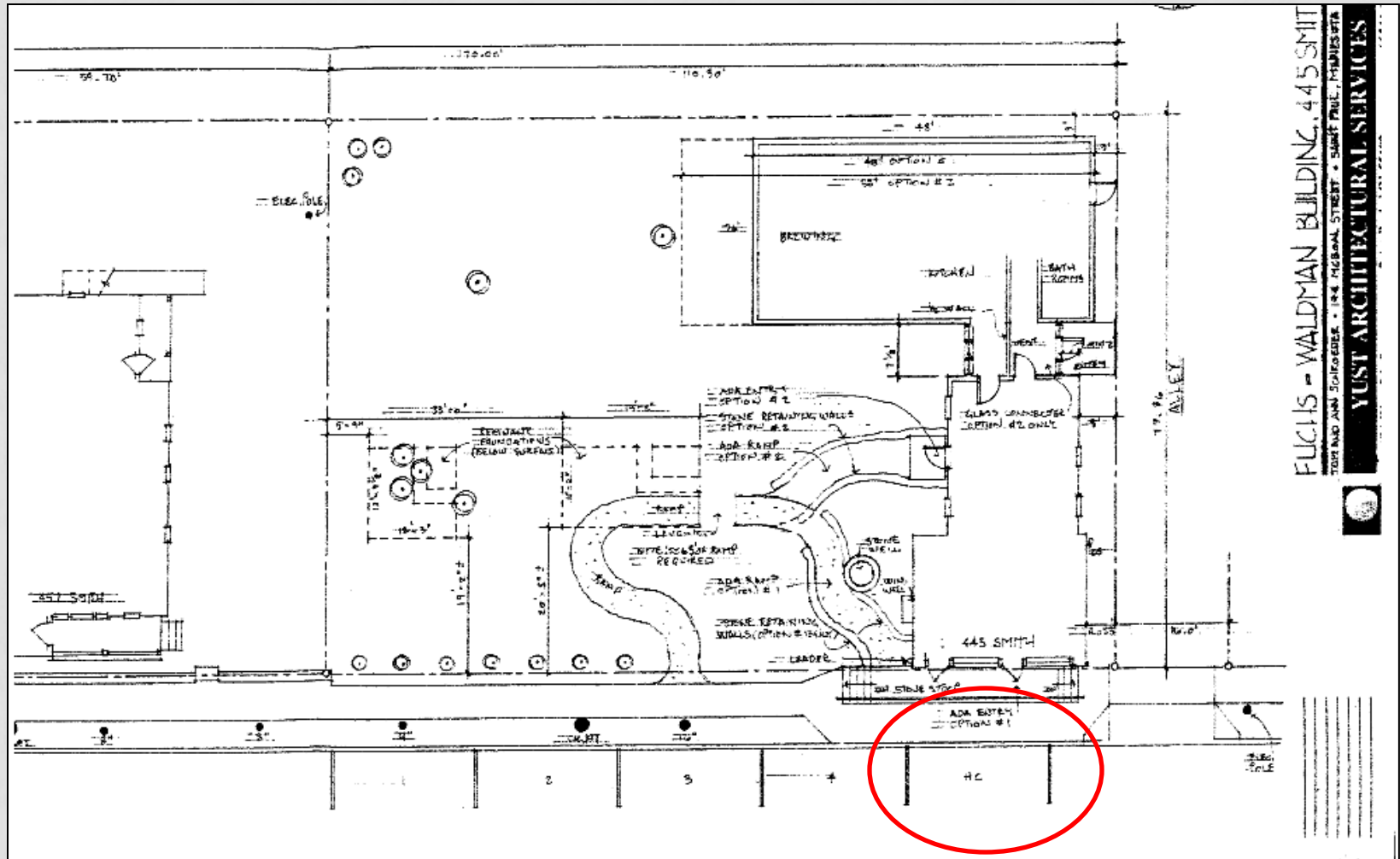
**WHEREAS**, a public hearing before the City Council has been duly conducted at which all interested parties were given an opportunity to be heard; and

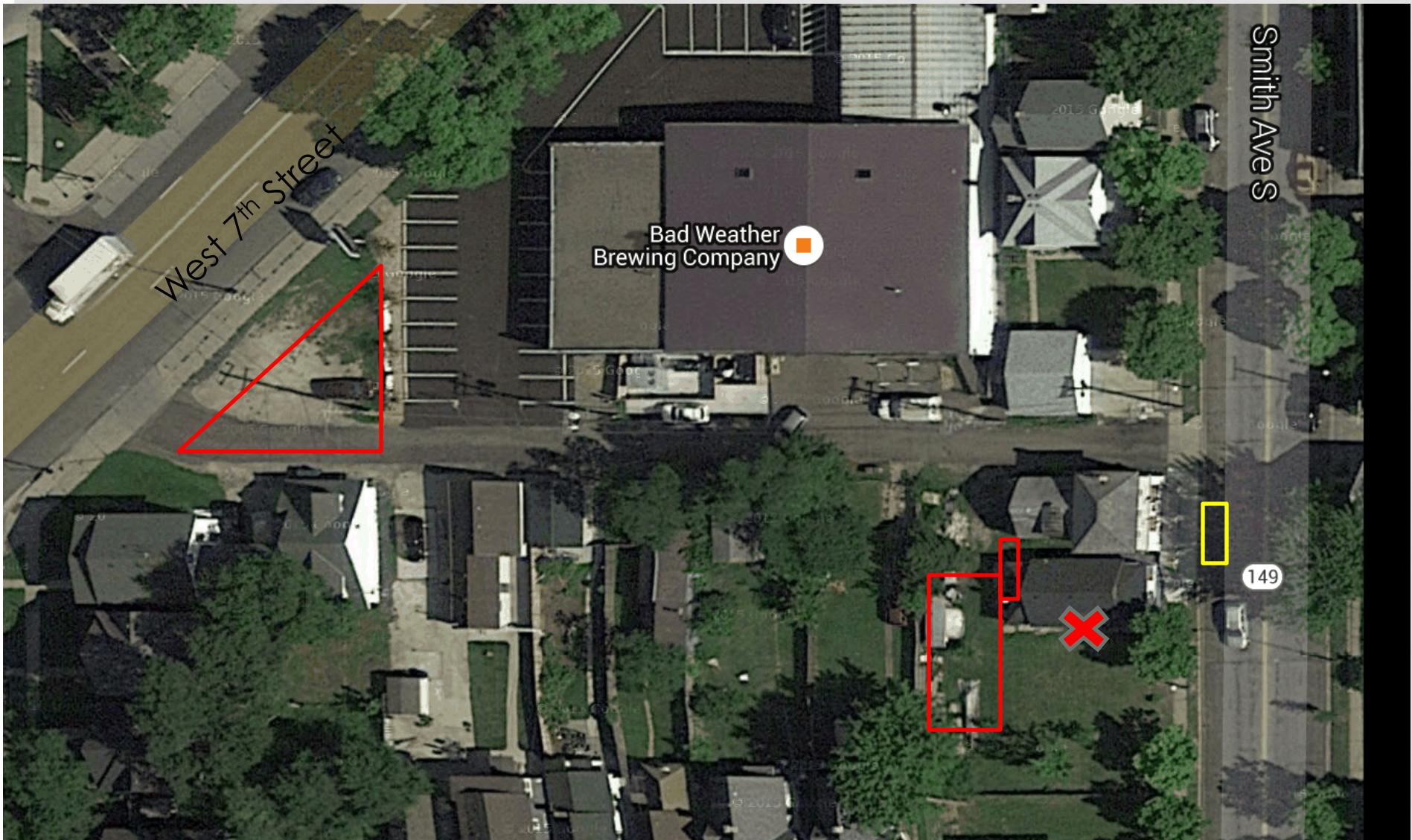
**WHEREAS**, the City Council has considered all the testimony and recommendations concerning the proposed historic use variance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Saint Paul City Council hereby approves the historic use variance to allow a tap house / microbrewery with food service at 445 Smith Avenue N. subject to the following conditions:

1. City Council designation of the five properties within the Limestone Properties Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
2. There shall be no off-street parking provided on the subject site.
3. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.
4. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.

# PREVIOUS SITE PLAN (10/15)





West 7th Street

Bad Weather Brewing Company

Smith Ave S

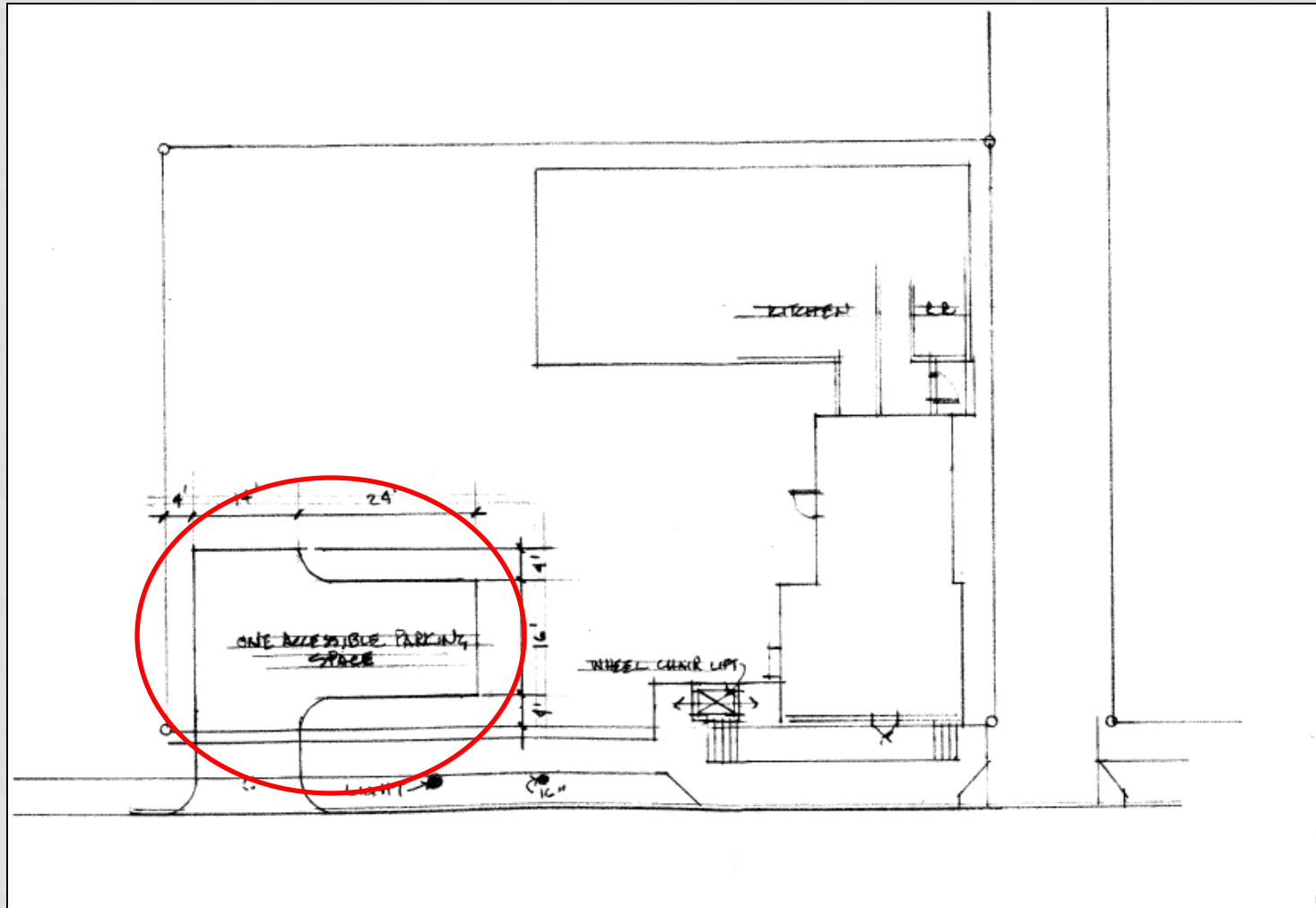
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# OPTION #1 (SMITH AVE)

- Rejected by Public Works staff (11/15)
  - However, staff indicated it would support one disabled “drop-off” space in front of building on Smith Ave (i.e., to facilitate distant off-site ADA parking)

# OPTION #2



# OPTION #2

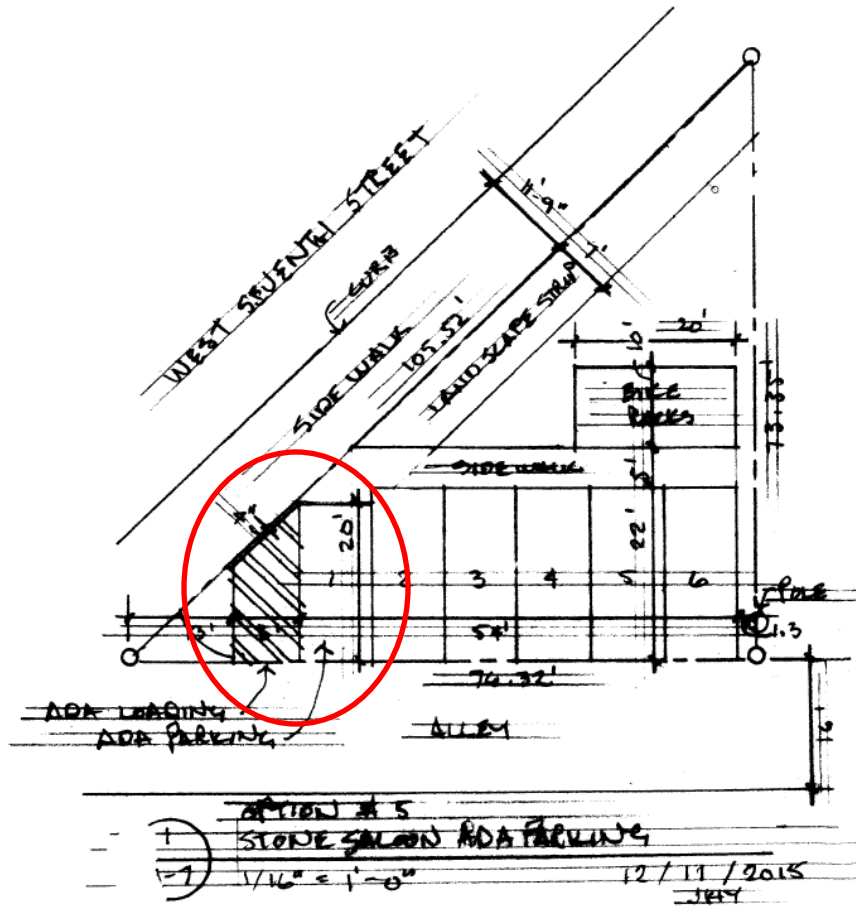
- Pro

- Does not require alterations to HPC-approved building designs (esp. brew barn location)

- Cons

- Entails significant damage to historic landscape
  - Removal 1000+ cu.ft. of soil/bedrock
  - Archeological impacts?
- More visually obtrusive from Smith Ave (mini-" parking lot")
- Creates additional pull-out into Smith Ave
- Requires 70+ ft. exterior ramp (or a costly exterior lift)
- Need to amend HUV parking condition

# OPTION #3





# OPTION #3

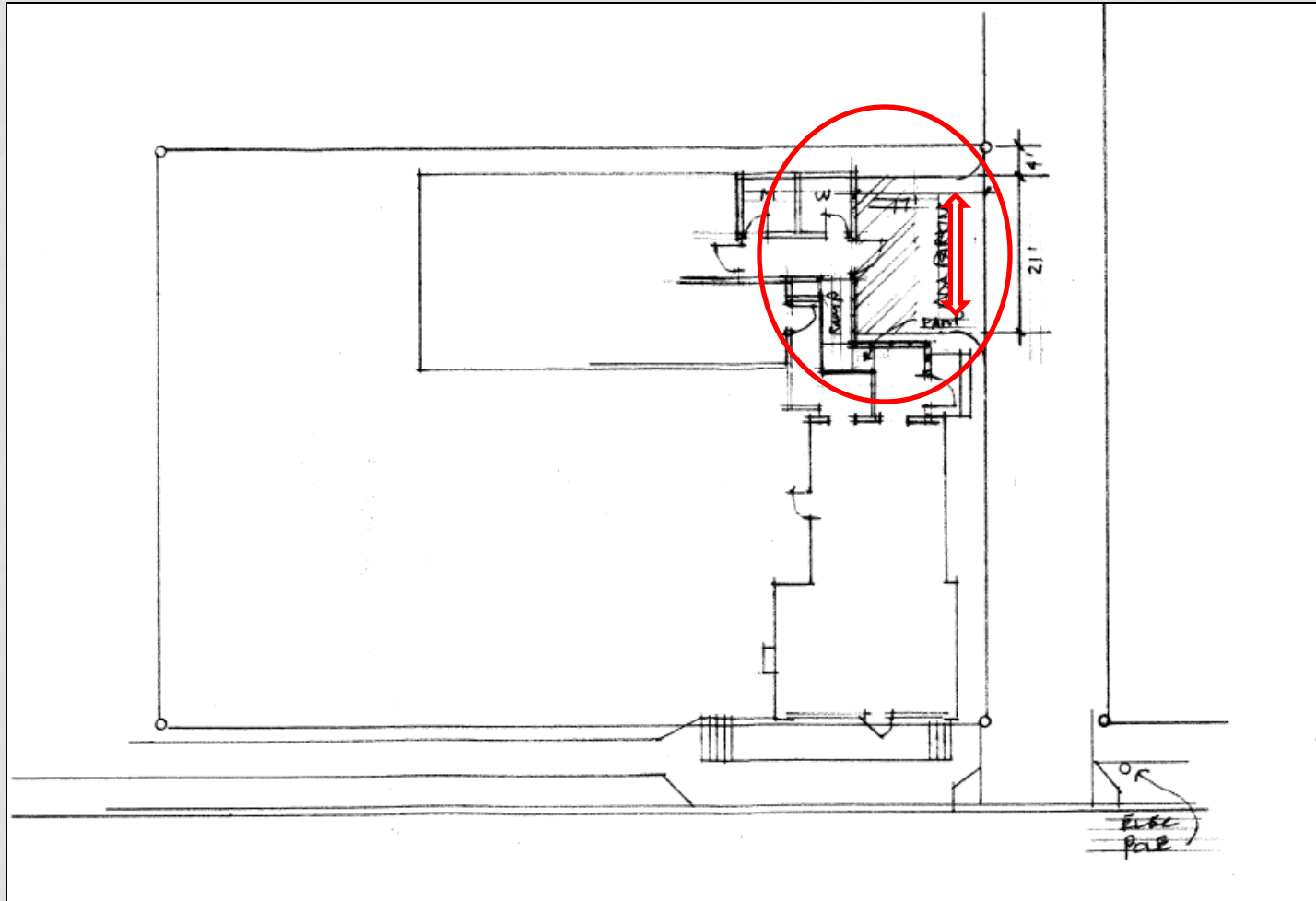
## • Pros

- Does not require alterations to HPC-approved building designs (esp. brew barn location)
- No need to amend HUV parking condition
- Public Works open to this option (subject to set-back variance)

## • Cons

- Distance from premises
  - 220+ feet via alley
  - 670+ feet via sidewalks
- Requires additional set-back variance for ADA loading space

# OPTION #4



# OPTION #4

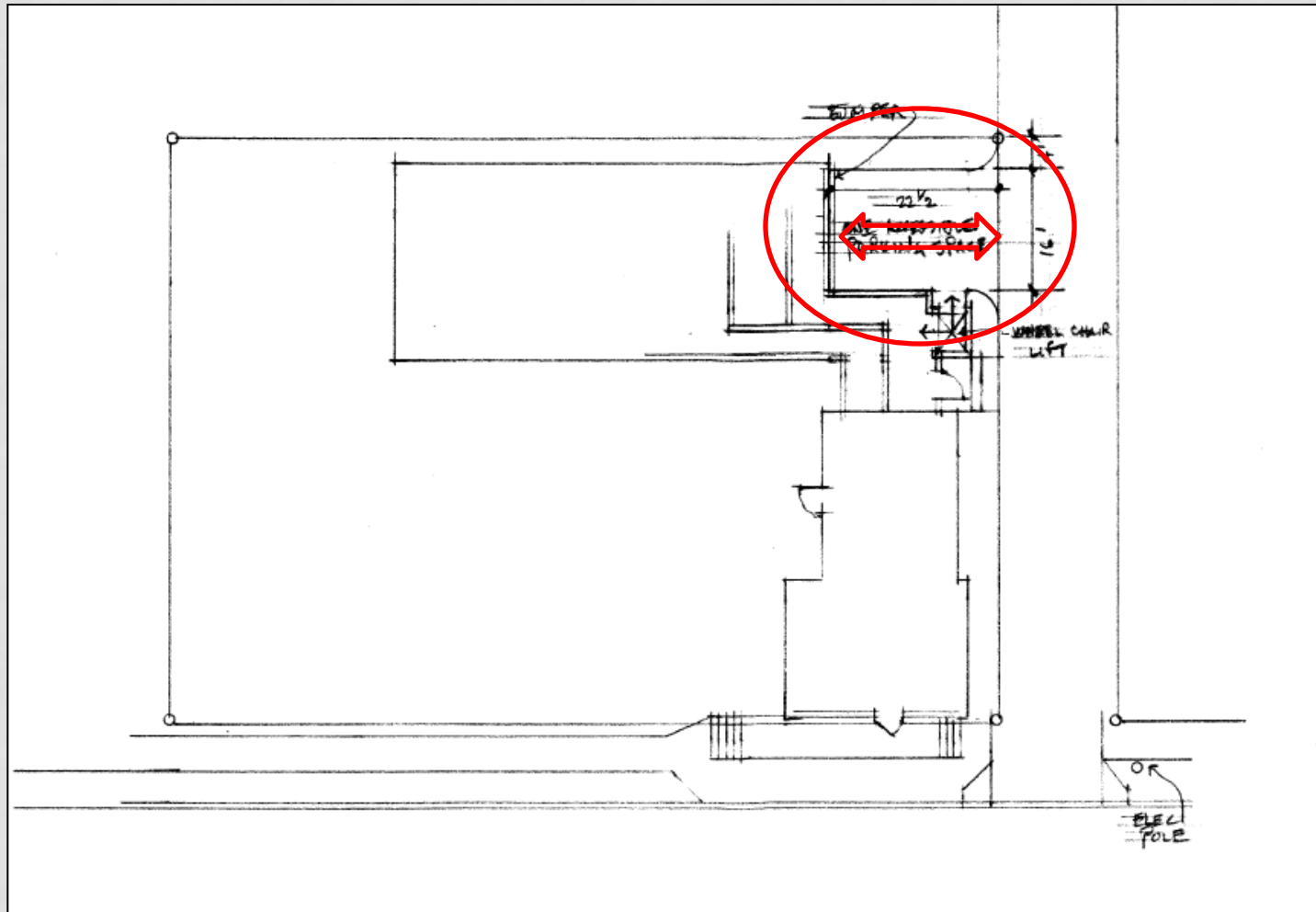
- Pros

- Closest proximity to premises
- Much shorter ramp (9 ft.)
- Interior ramp

- Cons

- Requires alterations to HPC-approved building designs, i.e.—
  - Brew barn moves 17 ft. south
  - Connecting vestibule jogs south
- Blocks accessible entry for others
- Need to amend HUV parking condition

# OPTION #5



# OPTION #5

- Pros

- Closest proximity to premises
- Much shorter ramp (9 ft.)
- Interior ramp
- Dual-direction entry & exit
- Better accommodates view of historic structure from west

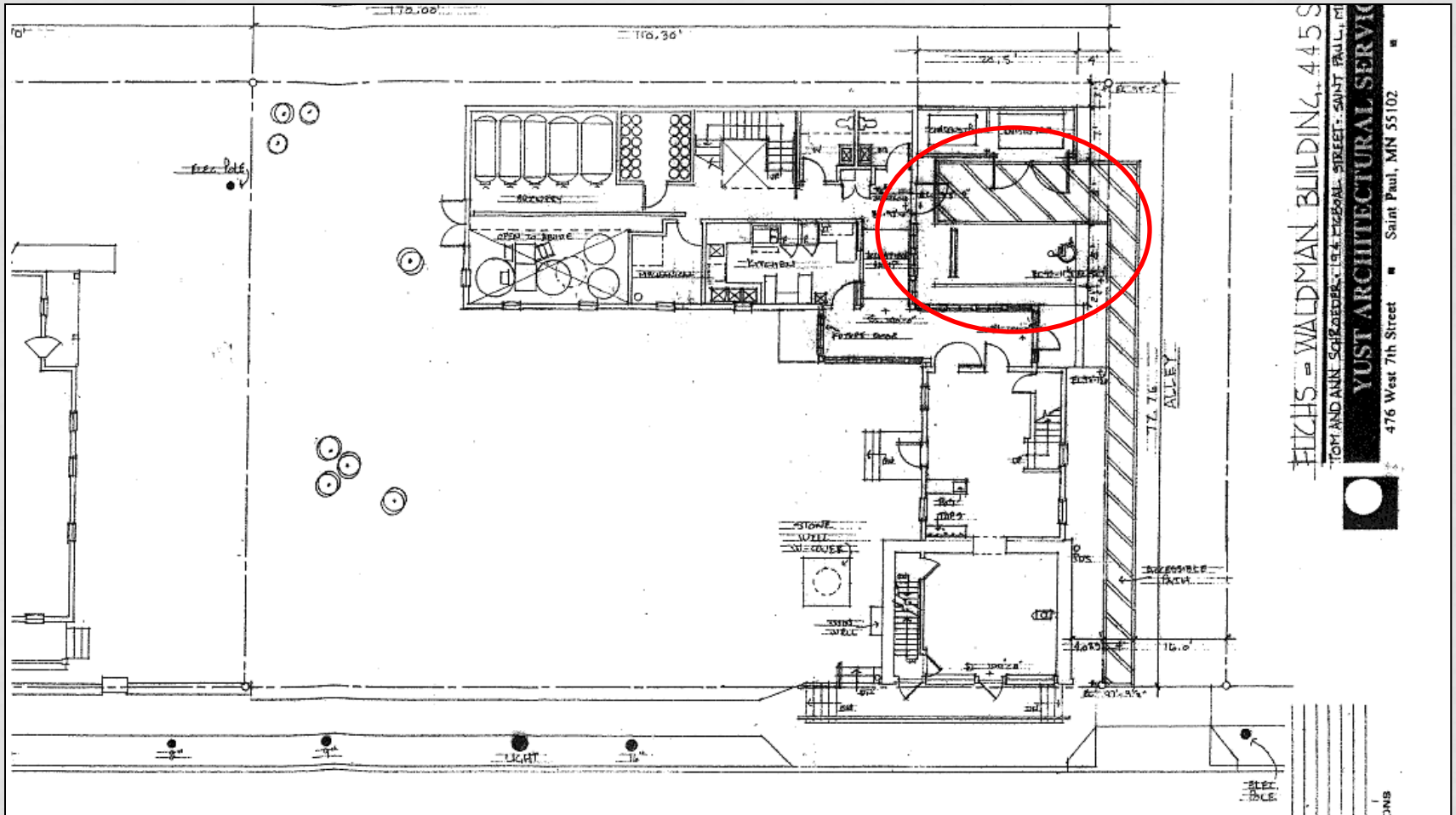
- Cons

- Requires alterations to HPC-approved building designs, i.e.—
  - Brew barn moves 21 ft. south
  - Vestibule jogs further south
- Need to amend HUV parking condition

# VETTING OF OPTIONS

- All five options have been reviewed with staff of:
  - HPC
  - Saint Paul PED/Dept. Safety & Inspections
  - Saint Paul Public Works
  - MnDOT
  - Council on Disabilities

# NEW PROPOSED SITE PLAN

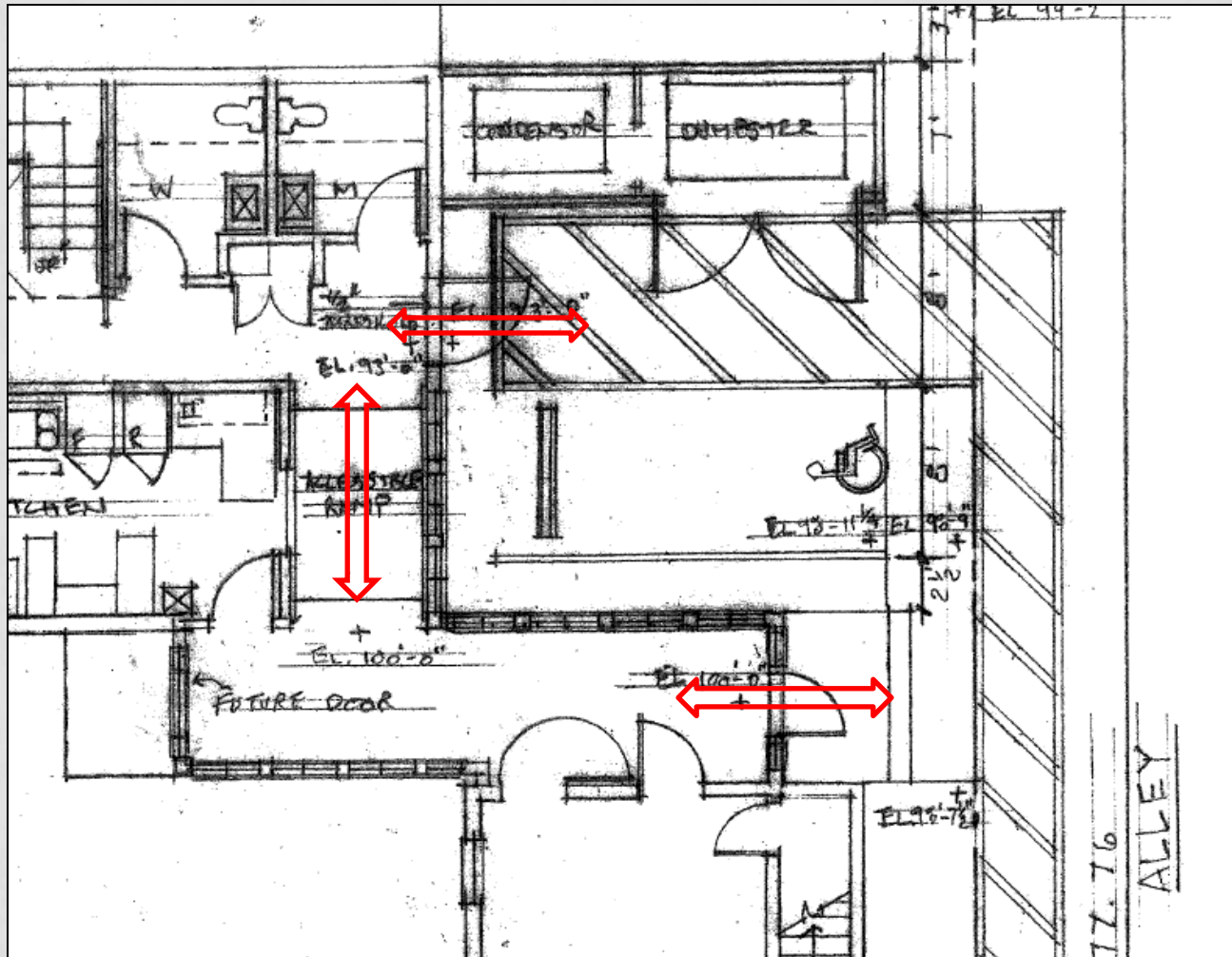


# “EXTRA” ACCESSIBILITY

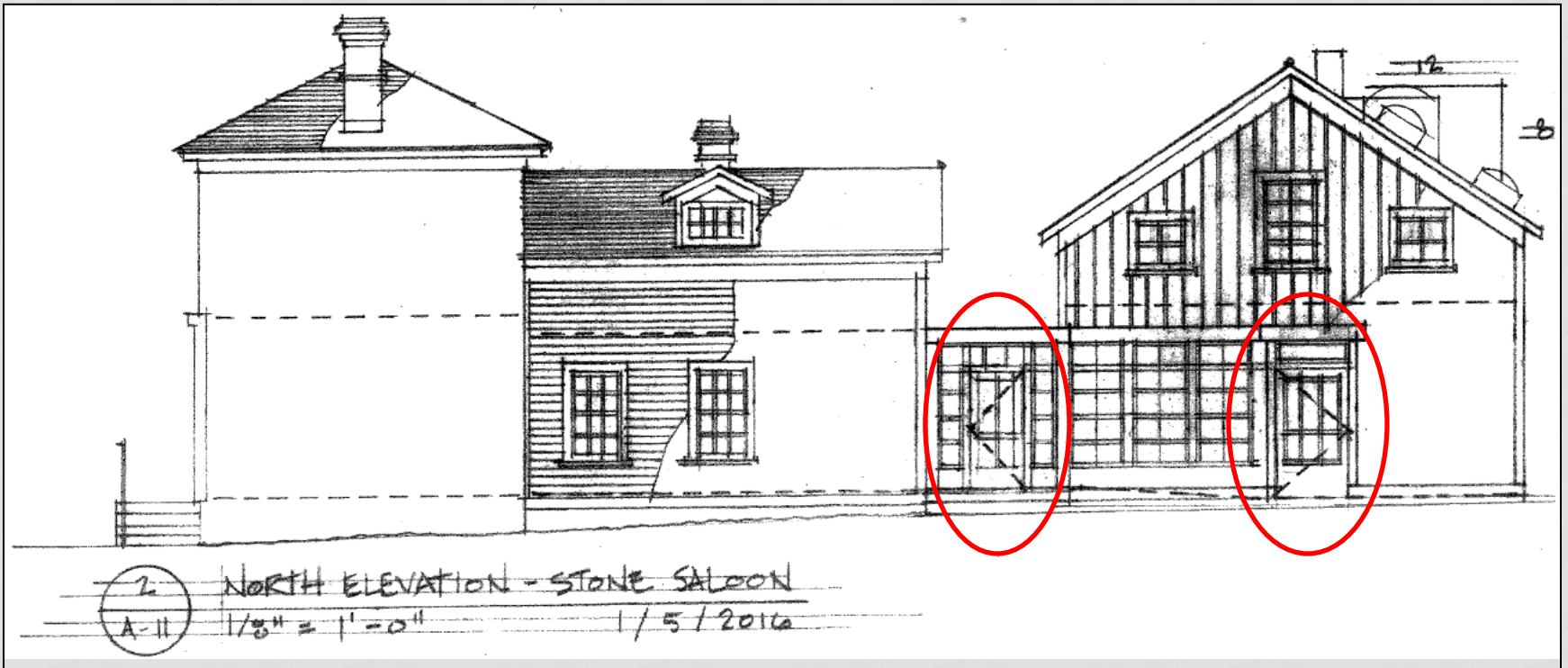
- Three modes of accessible parking access:
  - Accessible parking off the alley, at the NW entrance (satisfies code requirement for one ADA parking spot)
  - Placarded drop-off zone at same entrance
  - Placarded drop-off zone in front of building on Smith Ave, with painted stripes showing the way to the accessible entrance



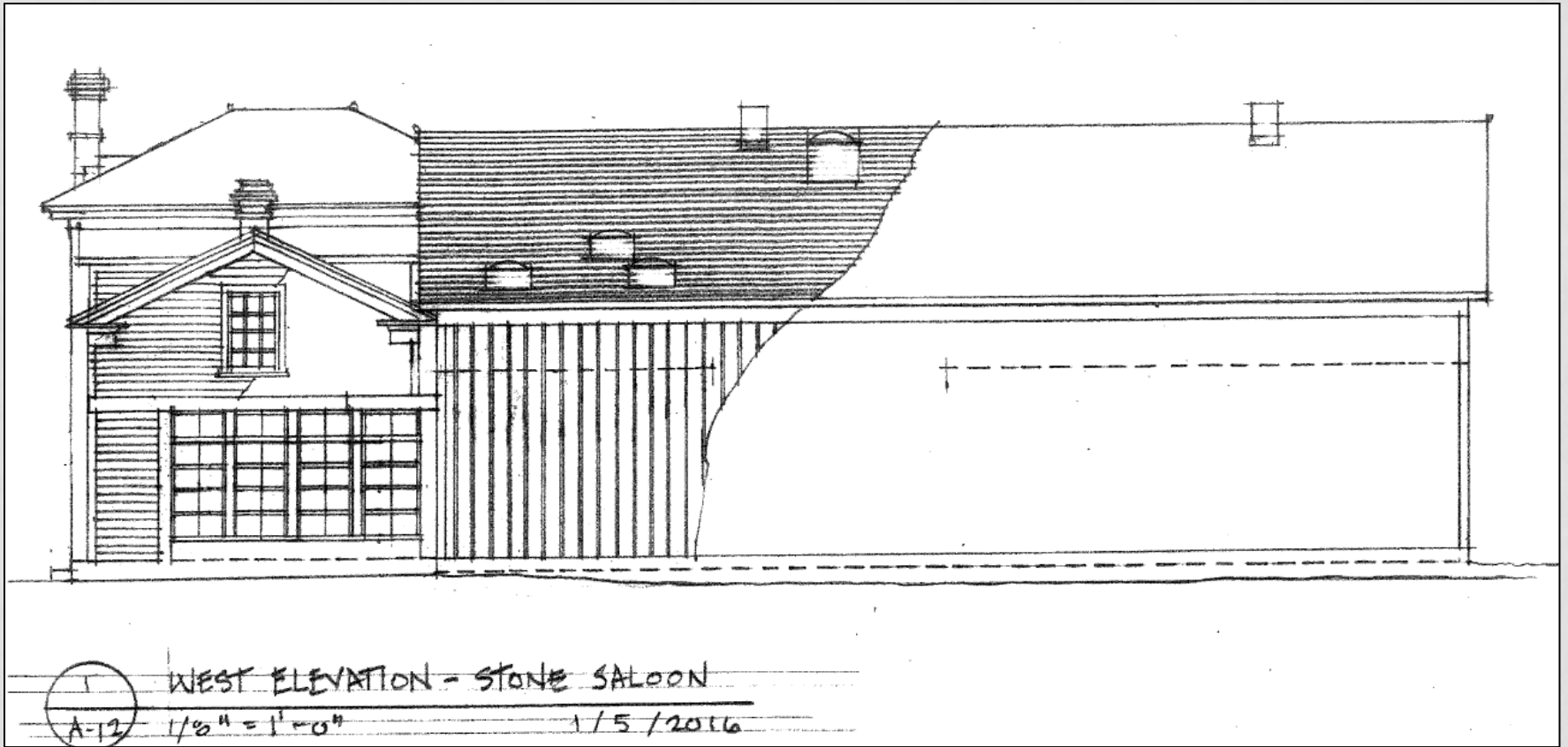
# DETAIL NORTH ENTRANCES



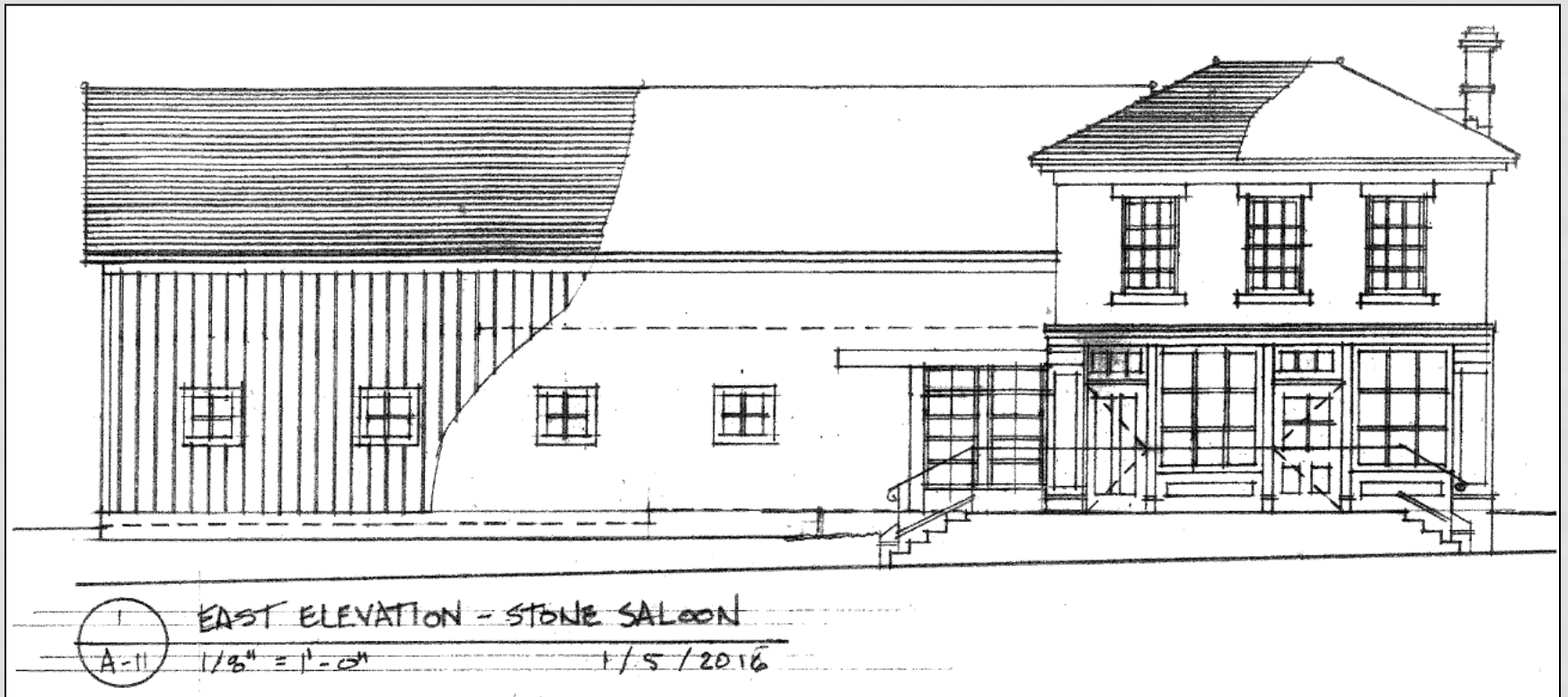
# NORTH ELEVATION



# WEST ELEVATION

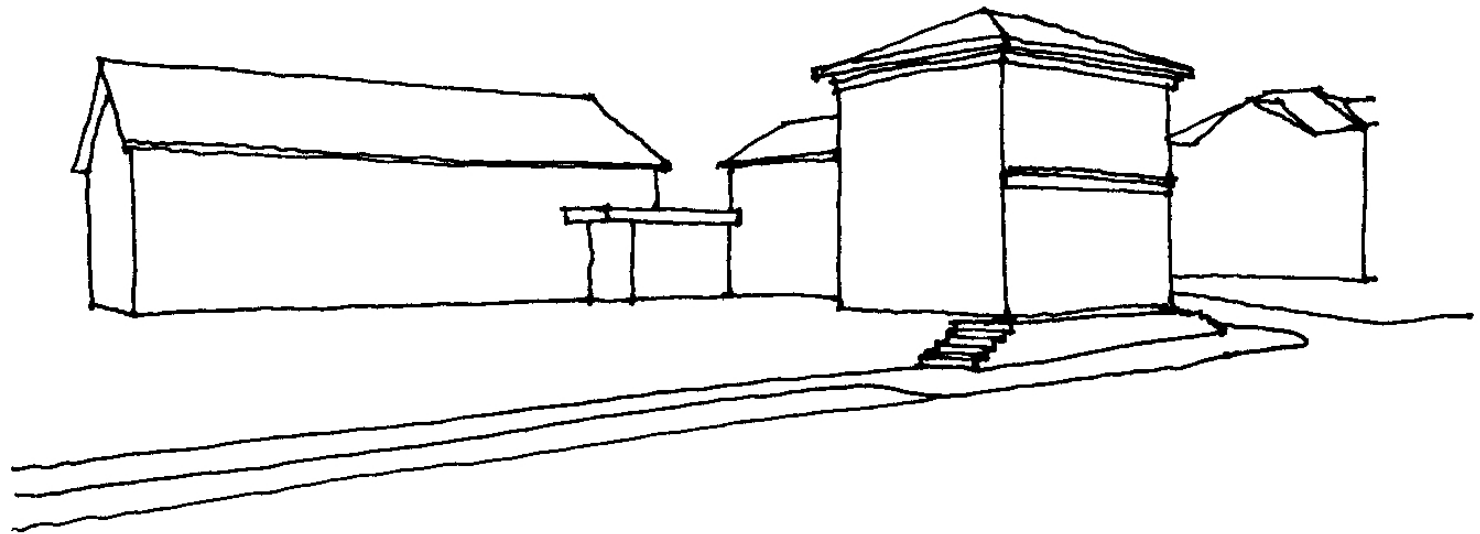


# EAST ELEVATION

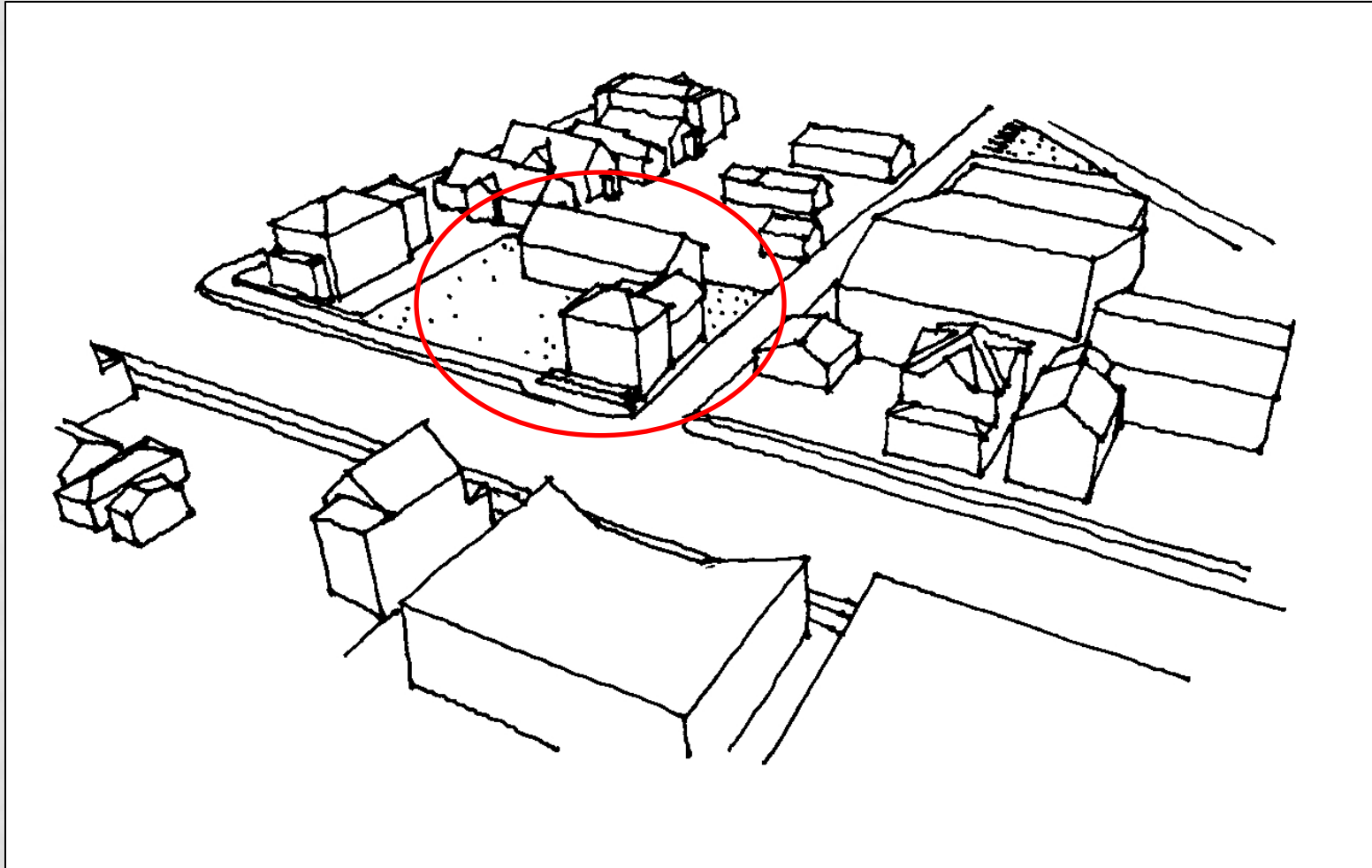


# SOUTH ELEVATION





# AREA PERSPECTIVE



West 7th Street

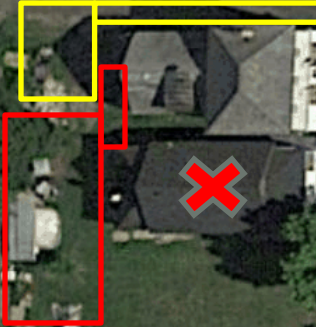
Smith Ave S

Bad Weather Brewing Company



36 ft

16.5 ft



149



# SUMMARY

- Not a do-over of HUV:
  - Seek only a revision to the parking condition in order to allow a single ADA parking space on-site
  - Better serves the needs of disabled patrons
  - Proposed option (#5) is the least physically and visually intrusive to historic site
  - 74 ft. exterior ramp replaced with 9 ft. interior ramp

## **Dermody, Bill (CI-StPaul)**

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**From:** info@littlebohemiastpaul.org  
**Sent:** Thursday, February 11, 2016 3:04 PM  
**To:** Dermody, Bill (CI-StPaul)  
**Cc:** John Yust; Tom Schroeder; Mark Fangmeier; Lindsay Kimball  
**Subject:** Support for Historic Use Variance for File #16-005-089

Dear St. Paul Planning Commission Zoning Committee:

We are writing on behalf of the Little Bohemia Neighborhood Association (LBNA). The LBNA is a grassroots organization whose members are local residents, landlords, and business owners dedicated to developing a safe, clean, pedestrian-friendly, urban residential neighborhood.

We would like to share our support for the revised the site plan for the Stone Saloon (445 Smith Avenue) in order to meet off street parking requirements for ADA accessibility and compliance and a trash enclosure.

The Little Bohemia Neighborhood Association supports people of all abilities, and we fully support this historic use variance.

As an organization, we support local entrepreneurs who are willing to invest in the neighborhood, preserve and restore our old buildings, and contribute to a thriving West 7th community. The Stone Saloon will make a great gathering place for neighbors, friends, local organizations and history buffs.

Best,  
Lindsay Kimball and Mark Fangmeier  
Co-Chairs, Little Bohemia Neighborhood Association

**Dubruiel, Paul (CI-StPaul)**

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**From:** Richard Haus <dickhaus@comcast.net>  
**Sent:** Wednesday, February 10, 2016 7:43 PM  
**To:** Dubruiel, Paul (CI-StPaul)  
**Subject:** 445 Smith Ave St Paul

FUT

This is to inform you of my displeasure with the building proposed on this site. The proposed parking site places it in line with a high voltage power pole with only 14 feet from the property line that makes backing out of the site rather hazardous for a handicapped person to achieve.

This relocation of the brew building south 22feet places the brew building as the dominant structure on the property over shadows the stone saloon.

The placement of the parking location also leaves the access for deliveries and waste pickup in the handicapped parking space knowing that the handicapped spot is no longer open for any other use with out at prospect of being ticketed.

Thank you for time Richard Haus  
444 Smith Ave N  
St Paul 612 670 0972