

city of saint paul
planning commission resolution
file number
date

WHEREAS, Spyhouse Coffee, File # 17-045-888, has applied for a conditional use permit for a coffee shop under the provisions of Zoning Code § 61.501 and § 66.421, on property located at 420 Snelling Ave. S., Parcel Identification Number (PIN) 10.28.23.23.0174, legally described as Lot 12, Block 12, Sylvan Park Addition to the City of Saint Paul; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 22, 2017, 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. Spyhouse Coffee applied for a conditional use permit to establish a coffee shop at 420 Snelling Avenue South. The proposed project requires a conditional use permit because the building is located in a B1 zoning district and at 1,000 square feet, the gross floor area exceeds 800 square feet as set forth in § 65.613.
2. Zoning Code § 61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed project is located in a Mixed Use Corridor as defined by the Comprehensive Plan, with calls for a variety of uses, including commercial uses. LU 1.48 supports compatible mixed-use within single buildings and in separate buildings in close proximity. Strategy LU1.1 in the Macalester-Groveland Community Plan supports a mix of uses including commercial in mixed-use corridors. LU1.5 promotes the retention and recruitment of a diverse array of small, locally owned businesses. LU3.3 encourages reinvestment in rehabilitation of existing buildings.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The only access to the property other than via sidewalks for pedestrians is to a resident garage.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed project reuses an existing building and replaces one commercial use with another. Any change in character would be one of more people using the commercial corner. Demand for street parking may increase, but street parking is allowed on Snelling Avenue and on Palace Avenue.

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in favor _____

against _____

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. Development of surrounding properties would not be hindered by the proposed project.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use is consistent with the definition of “coffee shop, tea house” in § 65.613. Off-street parking is not required for this project. Per § 63.204, since the parking requirements for general retail and coffee shops are the same, additional off-street parking spaces are not required and the legal nonconforming status can persist. Also, there is no enlargement or expansion of the space, which would initiate requirements found in § 63.201.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Spyhouse Coffee for a conditional use permit for a coffee shop at 420 Snelling Ave. S. is hereby granted.

2F# 17-045-888

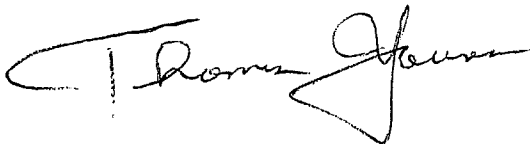
Thomas Youness
387 South Snelling Avenue
Saint Paul, MN 55105

To Whom it May Concern,

I live just down the street from the proposed Spyhouse Coffee at 420 Snelling and I would definitely be in support of the business there.

If you have any questions please contact me at (651) 249-3529 or tyouness@comcast.net.

Thank you.

A handwritten signature in black ink that reads "Thomas Youness". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas Youness

ZF # 17-045-888
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From: Richardson, Mike (CI-StPaul)
Sent: Monday, June 19, 2017 2:53 PM
To: 'Jerry Farrell'
Cc: Dermody, Bill (CI-StPaul)
Subject: RE: Spyhouse Coffee Shop

Hello Mr. Farrell,

Thanks very much for sharing your concerns and questions. I've added the language for the sections referenced in the explanation below for reference.

The proposed project requires a Conditional Use Permit because the building is located in a B1 zoning district and at 1,000 square feet, the gross floor area exceeds 800 square feet as set forth in §65.613.

The space was previously occupied by Timelines antique store, a retail sales land use. Per §63.204, since the parking requirements for retail sales and coffee shops are the same, additional off-street parking spaces are not required and the legal nonconforming status can persist. For reference, a new coffee shop of this size would require two (2) off-street parking spaces.

I've spoken with both the applicant and Mr. Wells and because the parking lot is owned by the piano shop, coffee shop patrons cannot use it unless a future agreement is reached between the two owners.

Sec. 65.613. - Coffee shop, tea house.

An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale

of a limited number of food items as allowed under a restaurant C license.

Standards and conditions in the T1 traditional neighborhood and B1 business districts:

A conditional use permit is required for a coffee shop or tea house of more than 800 square feet in gross floor area or for an accessory cabaret. Drive through uses (primary and accessory) are prohibited.

Sec. 63.204. - Change in use within a structure.

When any existing use within a structure changes to a new use which requires more off-street parking spaces than the existing use as determined by section 63.207, then the additional required off-street parking spaces must be provided. If fewer off-street parking spaces are required by the new use, excess parking spaces may remain. When a structure, or part of a structure, is vacant, the zoning administrator shall determine the previous existing use for purposes of calculating parking requirements using city records, land use surveys or directories.

I will include your original email in the comments unless you advise me not to or would like to send something else based on the above information.

Regards,

Mike Richardson
City Planner

Planning & Economic Development
25 W. 4th St., Suite 1300
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

Making Saint Paul the Most Livable City in America

From: Jerry Farrell [<mailto:jerry.farrell24@gmail.com>]
Sent: Saturday, June 17, 2017 8:26 AM
To: Richardson, Mike (CI-StPaul)
Subject: Spyhouse Coffee Shop

Mike,

I live a block from this coffee shop and I am concerned about the limited on-street parking in our neighborhood and so are my neighbors. On street parking for residents is bad now and this business will add to these problems.

Any solutions being offered? Will the coffee shop use the Well's piano parking lot? Coffee shops create parking problems like bars and restaurants do. Do you have the same parking ordinances? What are the zoning laws?

Jerry and Holly Farrell
1553 Palace Avenue
St. Paul, MN 55105

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WHEREAS, Mackenroth Enterprises, File # 17-046-419, has applied for a nonconforming use permit to reestablish use as a triplex under the provisions of Zoning Code § 62.109(e) , on property located at 1945 Ivy Ave. E., Parcel Identification Number (PIN) 23.29.22.31.0166, legally described as Hayden Heights, Block 15, Lots 24 & 25, except the N 43 Ft.; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 22, 2017, 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 reestablishment of a nonconforming use to permit a triplex residence.
2. The Planning Commission’s adopted Duplex and Triplex Conversion Guidelines set out the following guidelines that apply to this application:
 - (a) *Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet. This guideline is met. The 7,840 square foot lot has a frontage of 100 feet along Ivy Avenue and 92 feet along Furness Parkway.*
 - (b) *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet. This guideline is met. The gross living area will be 2,660 square feet, with the smallest unit being 600 square feet.*
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum. The intent of this guideline is met. The site provides two non-stacked off-street parking spaces. Also, as a corner lot with 192 feet of frontage, it has more abutting on-street parking than a typical residential situation.*
 - (d) *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals/Planning Commission as part of the variance. This guideline is met. No variance is requested, and no exterior changes are proposed.*
 - (e) *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire*

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structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline can be met through a recommended condition.

3. 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 building has been configured as a triplex, and substantial money was invested in bringing it up to code as such prior to losing its legal nonconforming status.*
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. Triplex is the previous legal nonconforming use.*
 - (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 is met. The residential use would fit with the surrounding residential character.*
 - (4) *The proposed use is consistent with the comprehensive plan. This finding is met. Comprehensive Plan Strategy H1.1 calls for increasing housing choices across the city to support economically diverse neighborhoods.*
 - (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 is met. The petition was found sufficient on June 5, 2017: 13 parcels eligible; 9 parcels required; 9 parcels signed.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mackenroth Enterprises for a nonconforming use permit to reestablish use as a triplex at 1945 Ivy Ave. E. is hereby approved subject to the following condition:

1. Compliance with building and fire code standards for the entire structure, as enforced through City inspection, including any necessary permits and work to achieve such compliance within six months.

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WHEREAS, Nilva & Frisch PA, File # 17-047-049, has applied for a nonconforming use permit to reestablish use as a duplex, and variances for height (30' permitted, 32' proposed) and side yard setback (9' required, 7.5' proposed) under the provisions of Zoning Code § 61.202(b) and §61.601, on property located at 915 Central Ave. W., Parcel Identification Number (PIN) 35.29.23.31.0181, legally described as Lot 17, Block 3, Milton Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 22, 2017, 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 duplex conversion guidelines adopted by the Planning Commission state that staff will recommend denial of applications for reestablishment of legal nonconforming status for a duplex in a residential district unless, in addition to the required findings in § 62.109(e) of the Zoning Code, the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet. This guideline is met.* The lot is 40 feet wide and, with half the adjoining alley considered as part of the lot for the purpose of applying lot area requirements according to Zoning Code § 66.231 (b), the area of the lot is 5264 square feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet. This guideline is met.* The total floor area of the structure is 1834 square feet, with a building footprint of 980 square feet. The building is structured like a typical up-down duplex; the bottom unit occupies the basement and first floor and the upper unit occupies the second floor and attic. The basement and attic will most likely not be converted to living area, but the living area in each unit still will exceed 500 sq. ft.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. This guideline can be met.* There is currently no off street parking spaces on the lot. The applicant is proposing to construct a new parking pad to accommodate 3 parking spaces to comply with the parking requirement in §62.106 (m) for the expansion of a legal non-conforming duplex.

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in favor _____
against _____

- D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.) This guideline can be met. Construction on a rear addition was started without permit approval from the Department of Safety and Inspections. As a part of this application, a site plan and elevation were submitted that indicates the side yard setback and height of the new rear addition. The rear addition was built at the same 7.5' setback as the existing house. The non-conforming duplex is subject to the 9' side yard setback requirement in an RT1 two family residential zoning district. A 1.5' side yard setback variance is required in order to bring this addition into compliance. The height of the new addition is 32 feet above grade. The new addition is subject to the 30' maximum height limit of the R4 district in which it is located. A 2 foot height variance is required in order to bring this addition into compliance. This guideline can be met, provided the Planning Commission approves the variances for the side yard setback and height, or alternatively if the rear addition is removed and the original roof line is restored.*
- E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline is met. City records indicate that the house has been a duplex since at least 1970. Because the property was on the vacant buildings list the structure will have to be brought up to code before it can be reoccupied.*
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:
- (a) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. City records indicate the house has been a duplex since at least 1970. The total living area of the structure is 1834 square feet. While a floor plan of the full structure has not been provided by the applicant, the building is structured like a typical up-down duplex with utility hook-ups for two kitchens and with front and rear exits from both units. Converting the house to a conforming one-family dwelling would require capping off any utility hook-ups for one of the kitchens, removing the separate entrances, and most likely reconfiguring the existing floor plan.*
- (b) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. The proposed use is the same as the previous legally nonconforming duplex use. The additional parking pad that will be constructed to comply with the code requirement will make the proposed use more appropriate to the district and reduce the on-street parking impact of the duplex.*
- (c) *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. The development pattern in the immediate area is*

characterized by one- and two- family structures. The proposed duplex is consistent with the existing pattern of one- and two-family development in the area so the proposed duplex use would not be detrimental to the existing character of the immediate area. This guideline can be met if building permits are obtained for the rear addition to ensure that it is structurally sound and does not endanger public safety.

- (d) *The proposed use is consistent with the comprehensive plan. This finding is met.* The subject property is in an area defined by the comprehensive plan as an established neighborhood, where a mix of housing types including duplexes is appropriate. Housing Plan Strategy H1.1 calls for increasing housing choice across the city to support economically diverse neighborhoods, including a mix of rental and ownership units and a range of housing types.
 - (e) *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 is met.* The petition was found sufficient on April 18, 2017: 14 parcels eligible; 10 parcels required; 10 parcels signed.
3. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code. This finding is met.* The applicant is seeking a 2 foot height variance and 1.5 ft side yard setback variance in order to legalize a third floor addition that was constructed without permits. Pursuant to sec. 62.106 (m), the non-conforming duplex is subject to the 30 ft maximum height limit in an R4 single family residential district and 9' required side yard setback in an RT1 two family residential district. The third floor addition was built in line with the existing wall which has an existing nonconforming 7.5' setback, so in that respect the nonconformity was not increased. According to the applicant the third floor addition was necessary because the clearance between the stairs and the old roof line was too low so it was creating an unsafe condition when trying to access the attic storage space. One of the purposes of the zoning code is to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community. The additional height that was created with the new addition has increased the clearance between the stairs and the roofline thereby ensuring safer access to this space, which is consistent with the zoning code intention to promote safety.
 - (b) *The variance is consistent with the comprehensive plan. This finding is met.* Housing Plan Strategy H1.1 calls for increasing housing choice across the city to support economically diverse neighborhoods, including a mix of rental and ownership units and a range of housing types.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is met.* The applicant has stated that the purpose of the new third floor addition was to increase the clearance between the stair case and roofline so that the attic can be accessed safely. The existing staircase and wall are 7.5 feet from the eastern property line. In order to comply with the required 9 foot side yard setback, the wall of the third addition and the staircase would have had to be jogged in 1.5 feet west which would be an impractical solution to solve the safety issues caused by the low clearance between the stairs and old roof line. Because the

existing location of the stairs next to the wall additional height was also necessary in order to ensure safe ingress and egress from the attic. If the stairs were built to today's standards the building code would require a 6' 8" clearance between the stairs and roof if the attic was going to be considered usable floor area. By increasing the height it appears that the new addition would meet the 6' 8" clearance required by today's standards, which most likely would have been impossible without altering the roofline and added height or moving the stair case.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met. The lot of the subject is 40' wide with non-conforming side yard setbacks on both sides. The existing location of the eastern wall and staircase are circumstances that were not created by the landowner.*
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located. This finding is met. The new addition does not have any effect on the use and does alter the zoning classification of the property.*
- (f) *The variance will not alter the essential character of the surrounding area. This finding is met. The side yard setback and height variance will not significantly alter the essential character of the neighborhood, provided the exterior finishes of the addition match as closely as possible to existing exterior finish on the rest of the house.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Nilva & Frisch PA for a nonconforming use permit to reestablish use as a duplex, and variances for height (30' permitted, 32' proposed) and side yard setback (9' required, 7.5' proposed) at 915 Central Avenue West is hereby approved subject to the following conditions:

1. A site plan for off street parking shall be submitted to and approved by the Department of Safety and Inspections, and a minimum of three (3) off street parking spaces shall be constructed prior to the re-occupancy of the building.
2. The applicant shall adhere to all applicable code requirements and shall obtain a certificate of occupancy for a two-unit building.
3. The exterior finish of the rear addition shall match the exterior finish of the rest of the house as closely as possible.
4. Plans for the rear addition shall be submitted to and approved by the Department of Safety and Inspections, and building permit must be obtained for the addition, including for the work that has already been completed.