

city of saint paul
planning commission resolution
file number
date

WHEREAS, 128 Cafe, File # 16-045-577, has applied for a change of nonconforming use permit to allow intoxicating liquor on the menu (in addition to beer and wine allowed under the current nonconforming use permit) served only to accompany meals, under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 128 Cleveland Avenue North, Parcel Identification Number 042823220080, legally described as Lot 8 and the west 10 feet of Lot 9, Block 13, Merriam Park Second Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 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. In 1996 128 Café was granted a change of nonconforming use permit which allowed the restaurant to serve wine. To prevent the restaurant from taking on a bar-type atmosphere, wine was only served in conjunction with food items. In 2005 a change of nonconforming use permit was approved to allow beer as well as wine on the menu. The applicant now wishes to accommodate patron's requests to purchase cocktails with dinner and is requesting a change of nonconforming use to allow intoxicating liquor on the menu (in addition to wine and beer allowed under the current nonconforming use permit) served only to accompany meals.

The applicant leases the restaurant space in the basement of the mixed use building at 128 Cleveland Avenue North and has operated the restaurant since 2013. The applicant is renovating the restaurant space and increasing the number of seats at the bar from five to ten.

2. 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*

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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. Restaurants are first permitted in B2 zoning districts, whether or not they sell wine, beer, or intoxicating liquor. The change would allow the restaurant to sell intoxicating liquor as well as wine and beer. Provided intoxicating liquor is sold with a meal, this change would be equally appropriate to the neighborhood as the existing nonconforming use permit.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The amount of traffic that will be generated after the sale of intoxicating liquor is approved would be similar to existing traffic patterns. The restaurant provides valet parking service and rents 8 off-site parking spaces from the University of St. Thomas for this purpose. In addition, the restaurant leases 2 parking spaces in the lot east of the building and will soon have 4 additional spaces in the lot.
 - 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 restaurant caters to a more mature clientele, rather than college students. Intoxicating liquor, beer, and wine would only be served as menu items to accompany meals. The change to the nonconforming use permit would not alter the hours of operation or seating capacity. According to Department of Safety and Inspections there have been no complaints about the restaurant.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. The comprehensive plan states that neighborhood serving commercial businesses compatible with the character of established neighborhoods should be permitted (Land Use Policy 1.7). In addition, the plan supports compatible mixed-use within single buildings and in separate buildings in close proximity (Land Use Policy 1.48).
3. The applicant submitted a signed petition from the University of St. Thomas consenting to the applicant's request for an intoxicating liquor establishment. The City of Saint Paul Legislative Code 409.06(n) prohibits intoxicating liquor establishments within 300 feet of a church or school unless a waiver of the 300 feet distance requirement is obtained.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of 128 Cafe for a change of nonconforming use to allow intoxicating liquor on the menu (in addition to beer and wine allowed under the current nonconforming use permit) served only to accompany meals, at 128 Cleveland Avenue North is hereby approved, subject to the following conditions:

1. Intoxicating liquor, beer, and wine shall be served as menu items only.
2. The commercial use is limited to that portion of the southwest corner of the lower level of the building (24' x 60') formerly known as Stewarts Restaurant.
3. The business hours of the premises are restricted to 7:00 am to 10:00 pm.

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WHEREAS, City of St. Paul - Parks and Recreation, File # 16-047-372, has applied for a 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) under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 258 Mill St, Parcel Identification Number (PIN) 062822310021, legally described as 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; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 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. 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

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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 not 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*.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of City of St. Paul - Parks and Recreation for a 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) at 258 Mill St is hereby approved, subject to the following conditions:

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.
5. Amendment of the MOU between the HRA and the Department of Parks and Recreation, as needed, to allow for use of the property as proposed.

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
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- 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 not 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.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION

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



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WHEREAS, Rebuilding Together, File # 16-047-663, has applied for a reestablishment of nonconforming use for a duplex under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 417 Clarence St, Parcel Identification Number (PIN) 342922320007, legally described as Joys East End Add N 54 Ft Of Lots 1 And Lot 2 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 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 reestablishment of nonconforming use for a duplex at 417 Clarence Avenue. It would accommodate an existing duplex structure proposed to be moved from 1256 Wilson Avenue, where an apartment building is intended to be constructed.
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:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. At less than 6,000 square feet, the vacant site is too small to accommodate new multifamily residential construction. Zoning Code §66.231(c) requires a minimum lot size of 9,000 square feet for a multifamily residential use.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed duplex use and the previous single-family use are both permitted in the RM2 district and have similar effects on the area's residential density.
 - (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.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The *Gold Line Station Area Plans*, adopted in 2015 as an addendum to the

moved by _____

seconded by _____

in favor _____

against _____

Comprehensive Plan, designate the site as part of the Etna Station Area's Primary Transit-Oriented Development Zone, where additional residential density is encouraged. The addition of a duplex to this small site is an effective way to implement the plan's TOD Zone designation.

- (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 is sufficient: 5 parcels eligible; 4 parcels required; 4 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 Rebuilding Together for a reestablishment of nonconforming use for a duplex at 417 Clarence St is hereby approved.

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WHEREAS, Pat Nseumen, File # 16-047-523, has applied for a reestablishment of nonconforming use for a coffee shop under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 805 Hudson Road, Parcel Identification Number (PIN) 322922410147, legally described as Willius Sub Of B57 Lyman Dayto Subj To Esmts The Fol Part Nly Of Hudson Rd Of Lots 14 15 And Lot 16 Blk 57; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 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 reestablishment of nonconforming use for a coffee shop.
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:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The site's RT1 zoning allows for residential uses, but the existing building is not conducive to such uses, while a new building constructed on the site would probably require variances from dimensional standards and parking requirements due to the site's small size and irregular shape.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous dog grooming use was a service business, which is first permitted in the T1 Traditional Neighborhood district. The requested coffee shop business is also first permitted in T1.
 - (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. A small coffee shop without a drive-through will not be detrimental to the area's existing character, nor endanger the public health, safety, or general welfare.

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in favor _____
against _____

- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Gold Line Station Area Plans, adopted in October 2015, identifies the subject site as being within the Mounds Station Area. The Mounds Station Area Plan chapter identifies a "Primary Transit-Oriented Development (TOD) Zone" about 4 blocks north of the subject site along 3rd Street between Mounds Boulevard and Maria Avenue, and along Maria Avenue between 3rd Street and 4th Street. The Plan states that "established residential areas outside the Primary TOD Zone," such as the subject site, "should maintain their character". The proposed use would not change the area's character on a site adjacent to the I-94 sound wall that has historically contained similarly small-scale commercial uses typically found in the T1 zoning district. A small-scale coffee shop will not change the area's character.
- (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 15, 2016: 8 eligible; 6 parcels required; 6 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 Pat Nseumen for a reestablishment of nonconforming use for a coffee shop at 805 Hudson Road is hereby approved subject to the following condition:

1. The approval is for a coffee shop only, as defined by the Zoning Code. Expansion or change of the use requires separate application, review, and approval.

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WHEREAS, Port Authority of St. Paul, File # 16-047-815, has applied for a conditional use permit to increase the surface parking maximum from 170 spaces to 204 parking spaces for a public safety training facility. under the provisions of §63.207(c) of the Saint Paul Legislative Code, on property located at 600 Lafayette Road, Parcel Identification Numbers (PINs) 322922230022, 322922230053, & 322922220130, as well as portions of PINs 322922220071, 322922220072, 322922220113, & 322922220126; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 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 approval to increase the surface parking maximum from 170 spaces to 204 spaces, an excess of 34 spaces, for a public safety training facility at 600 Lafayette Road. 144 of the spaces are proposed to be located on the site of the new public safety training facility, while 60 of the spaces are proposed in a new parking lot across the street at 591 Lafayette Road.
2. §63.207(c) states that a conditional use permit may be approved to exceed the parking maximum, based on demonstration of need. The Planning Commission has adopted a checklist to inform and assist in determining whether need has been sufficiently demonstrated. The application materials note that academy and department-wide Police training will be held at the facility, allowing for up to 615 trainees at a time, 2 to 3 times per year. More regularly, two classrooms serving up to 150 people and a 12-lane gun range will be utilized. Additionally, there will be 15-20 full time staff at the facility, with an additional 20-40 officers potentially brought in to instruct. Given the lack of shared parking options adjacent to 600 Lafayette Rd., the need for parking above the maximum 170 spaces is sufficiently demonstrated.
3. During times of anticipated light training usage, the lot at 591 Lafayette Rd. is intended to be used to alleviate parking stresses at the 367 Grove Street headquarters facility located about 1,700 feet to the southwest. Per §63.304(b), parking intended to serve the headquarters facility must be located within 300 feet of the building; therefore, the parking lot at 591 Lafayette Rd. must primarily serve the training facility and not the

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in favor _____

against _____

headquarters building.

4. §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 Comprehensive Plan, in Figure LU-B, designates the south side of Lafayette Road as Industrial and the north side as Established Neighborhood. Nonresidential uses, such as the proposed above-maximum parking at 591 Lafayette Rd., can be considered when the neighborhood character of the Established Neighborhood is maintained. A 26-space parking lot could be provided at 591 Lafayette Road without requiring this application. The additional 34 spaces requested at this site will not alter the neighborhood character. In fact, the additional spaces could avoid intensive use of on-street parking in the adjacent residential neighborhood during times of high usage.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Both sites provide adequate ingress and egress, as reviewed and approved through the site plan review process.
 - (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 additional 34 parking spaces will not be detrimental to the immediate neighborhood.
 - (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. The additional 34 parking spaces, which expand an already-approved parking lot, will not impede the normal and orderly development of surrounding property.
 - (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, as affirmed through recent site plan review approval.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Port Authority of St. Paul for a conditional use permit to increase the surface parking maximum from 170 spaces to 204 parking spaces for a public safety training facility at 600 Lafayette Road is hereby approved subject to the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.