

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, the Saint Paul Housing and Redevelopment Authority, file # 19-051-492, has applied for a conditional use permit for up to 10 mobile food units under the provisions of § 65.525 of the Saint Paul Legislative Code, on property located at 1560-1590 White Bear Avenue N, Parcel Identification Number (PINs) 23.29.22.22.0052, 23.29.22.22.0050, 23.29.22.22.0051 legally described as HILLCREST CENTER PLAT 2 EX W 100 FT OF S 171 FT AND EX W 240 FT OF N 78 FT LOT 1 BLK 8; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 2, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is applying to establish a principal outdoor commercial use with 10 food trucks.
2. § 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 subject parcel is located in area defined by the 2030 comprehensive plan as a mixed-use corridor and a neighborhood center. The proposed use is consistent with policy LU 1.24 which calls for supporting a mix of uses on mixed use corridors.
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The subject parcel has four curb cuts that provide ingress and egress from the site. Two of the curb cuts will provide ingress and egress for the food trucks and the remaining two curb cuts will provide ingress and egress for accessory off street parking. The ingress and egress from the site will sufficiently serve the proposed use.
  - (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. Food trucks have utilized this lot since 2015 and have served to activate this otherwise vacant lot without significant issues.

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

The slight intensification of this existing use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, and general welfare.

- (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 food trucks on this lot will not impede the orderly development and improvement of surrounding properties.
  - (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 will comply with the standards and conditions for outdoor commercial uses, provided the conditional use permit is approved by the planning commission.
3. § 61.501 list the standards and conditions that outdoor commercial uses must satisfy: Standards and conditions for outdoor commercial uses that are not in the public right-of-way:
- (a) *The use shall not conflict with required off-street parking, off-street loading and the system of pedestrian flow, and shall not obstruct building ingress and egress.* This condition is met. The proposed location of the food trucks will not conflict with required off-street parking, off-street loading and the system of pedestrian flow, and will not obstruct building ingress and egress.
  - (b) *For commercial outdoor uses that occupy more than ten (10) percent of the zoning lot or one thousand (1,000) square feet, whichever is less, the following apply:*
    - (1) Except in the I2 industrial district, a conditional use permit is required. This condition is met.
    - (2) Approval of a site plan showing the location and layout of outdoor commercial uses on the site. This condition is met. A site plan has been submitted in conjunction with this application.
    - (3) Provide the zoning administrator with written contact information for the person responsible for coordinating the outdoor sales and activities and update the zoning administrator in writing within thirty (30) days should any contact information change. This condition is met. Contact information for the person coordinating the outdoor sales has been submitted with this application.
  - (c) *The area shall be kept free of litter. Donated items or materials shall not be left outside of donation drop-off boxes.* This condition is met. The property is owned by the HRA and is leased for the food truck use. The lease agreement stipulates that the lessee is responsible for rubbish removal from the site.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of the Saint Paul Housing and Redevelopment Authority for a conditional use permit for up to 10 mobile food units at 1560 – 1590 White Bear Avenue N is hereby approved.

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WHEREAS, Andrew Newby, file # 19-051-380, has applied for establishment of legal nonconforming status as a 3-family dwelling under the provisions of § 62.109(a) of the Saint Paul Legislative Code, on property located at 1614 Hewitt Avenue, Parcel Identification Number (PIN) 28.29.23.44.0005, legally described as COLLEGE PLACE, WEST DIVISION, LOT 6, BLK 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 2, 2019, 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 acquired the property and three existing leases with tenants in 2018.
2. The subject property was originally constructed as a duplex. The permit history for the building shows a number of permits for improvements around 2004. However, the City could not have knowingly issued permits for conversion of the structure from a duplex to a 3-unit dwelling. Therefore, it must be assumed that the conversion to a 3-unit was completed without all necessary permits. Completion of a code compliance inspection, bringing entire structure into conformance with building and fire code standards for a 3-unit dwelling, and obtaining of a Certificate of Occupancy for a 3-unit dwelling should be a condition of approval.
3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:
  - (1) *The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.* This finding is met. Based on building permit records and information provided by the applicant, it appears that the subject property has been in use as a 3-unit dwelling since 2004. The building permit records show a 2002 building permit, and 2004 permits for mechanical, ventilation, electrical, and plumbing/gasfitting. In addition, the applicant has stated and the truth-in-housing report indicates that the subject property had 3 units at the time of sale to the applicant in 2018.

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

- (2) *The off-street parking is adequate to serve the use.* This finding is met. The use requires 4 off-street parking spaces. The property has an existing 3-stall garage, plus additional parking space on a paved driveway.
- (3) *Hardship would result if the use were discontinued.* This finding is met. The property was in use as 3-unit dwelling at the time of purchase and purchased by the applicant on that basis.
- (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. Use of the property for a 3-unit dwelling would be allowed in an RT2 district. However, there is no RT2 zoning in the immediate area; the property is located in an RT1 district, and the block on which the property is located is flanked by R4 zoning on the block to the west and T2 zoning on the western portion of the subject block, which is separated by an alley and fronts Snelling Avenue.
- (5) *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. Despite the zoning, the immediate neighborhood is a mix of single family, duplex, 3-unit, and even multifamily dwellings. The proposed legal nonconforming use is consistent with this character.
- (6) *The use is consistent with the comprehensive plan.* This finding is met. Policies 1.1 and 1.2 of the Housing Chapter of the Comprehensive Plan state, respectively, that the City should *increase housing choices across the city to support economically diverse neighborhoods and meet market demand for transit-oriented housing.* The proposed use would result in preserving a unit rental housing in an area that is predominantly single-family homes and duplexes and near high-capacity transit. The Hamline Midway Community Plan encourages the *maintenance and improvement of existing housing stock.*
- (7) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on June 14, 2019: 14 parcels eligible; 10 parcels required; 10 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 Andrew Newby for establishment of legal nonconforming status as a 3-family dwelling at 1614 Hewitt Avenue is hereby approved subject to the condition that a code compliance inspection is completed for the property, and the structure is brought into conformance with all building and fire code requirements for a 3-unit dwelling, and that a Certificate of Occupancy for a 3-unit building is issued.