



**CITY OF SAINT PAUL**  
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DATE: April 27, 2016

TO: Neighborhood Planning Committee

FROM: Josh Williams, Senior Planner (651-266-6659)

RE: Review and Recommendation Regarding Proposed Commercial Development District at Can Can Wonderland (former American Can facility, 755 Prior Ave North)

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### **Background**

Commercial development districts are designated areas across the city that are outside of Ward specific liquor license limits. Section 17.07.1 of the City Charter defines commercial development districts. Section 17.07.2 includes restrictions on liquor licenses for commercial development districts. Section 409.20 of the Legislative Code describes the process of creating new or amending existing districts. Relevant portions of these sections are excerpted below.

Section 17.07.1. Commercial development districts; patrol limits.

1. A commercial development district in an area within the city as designated herein, or created by the council hereafter in accordance with this section. Six (6) commercial development districts are hereby created, whose names and defined boundaries are indicated on maps attached hereto as Exhibits 1 through 6, which are incorporated and adopted herein by reference. The council may by ordinance create new or additional commercial development districts, or amend the boundaries of those already created, only in accordance with the following procedures:
  - (a) The proposed commercial development district shall be submitted in writing, accompanied by a map setting forth its boundaries; and
  - (b) Reasonable public notice of the proposed commercial development district shall be given by the license inspector to residents and organizations in the ward or wards in which said district is to be located; and
  - (c) The council or a committee thereof shall hold a public hearing in the ward or wards in which said district is to be located; and
  - (d) After the foregoing steps, an ordinance designating the new commercial development district and defining its boundaries is adopted upon the affirmative vote of at least five (5) members of the council.
2. The council may by ordinance adopt additional procedural and substantive requirements for the creation or amendment of commercial development districts.
3. The entire land area in each council ward, which has not been made part of a commercial development district, is a separate liquor patrol limit.

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Section 17.07.2. Restrictions.

5. There shall be no limitation on the number of on-sale intoxicating liquor licenses which may be issued or renewed within, or transferred into, a commercial development district, except as set forth in paragraph (6) below. No restriction applicable to such licenses in liquor patrol limits in this section shall apply to such licenses in commercial development districts.
6. Notwithstanding the provisions of any law or this Charter allowing the issuance of on-sale intoxicating liquor license, not more than two hundred fifteen (215) such licenses shall be issued by the city. Priority shall be given, by ordinance, in the issuance of all such licenses first to applicants who purchase an existing business having an "on sale" license with the intent of operating said business at the same location for at least one year thereafter, and then to restaurants capable of seating and servicing meals to not less than one hundred (100) guests at one time and then to hotels having dining rooms capable of seating and serving meals to not less than fifty (50) guests at one time, and thereafter as the council may determine.

Section 409.20 of the Legislative Code:

- (a) Commercial development districts, as defined in [section 17.07.1](#) of the City Charter, may be created or expanded by the filing in the office of the city clerk of a written petition therefor setting forth the boundaries of the expanded district, and containing the written consent of the owners of two-thirds of the several descriptions of real estate situate within the new or area of the expanded district, together with the written consent of the owners of two-thirds of the several descriptions of real estate situated within one hundred (100) feet of the new or expanded district, and after the affirmative vote in favor thereof by at least five (5) members of the city council.
- (b) The city council may waive the requirements for consent signatures if the city council shall determine that a hardship exists therefor, and in such case the council may, on its own, initiate the process of creating or expanding a commercial development district. In such case, the affirmative vote of at least five (5) members of the city council shall be required to create or expand any such district.
- (c) **In all such cases, the planning commission shall be consulted for advice concerning the proposals for consistency with the city's comprehensive plan and zoning ordinances, and the planning commission shall report in writing to the city council its findings and recommendations.**
- (d) Upon receipt of the report of the planning commission, the council's committee designated to hear license matters shall fix a date for public hearing to consider the petition or proposal to create or expand a commercial development district and afford an opportunity to all affected persons to be heard. The city clerk shall cause notice of the hearing to be published once in the official newspaper of the city, and mailed notice thereof shall be given by the department of safety and inspections to all owners of land within the new or area of the expanded district. Published notice and mailed notice shall be made at least twenty (20) days in advance of the public hearing.

In late March 2016, a petition was submitted to the Department of Safety and Inspections to create a Commercial Development District for the former American Can site, to allow a Can Can Wonderland to apply for an intoxicating liquor license. This Commercial Development District is proposed to include entire former American Can site at 755 Prior Avenue North, and no other properties (see attached). The Planning Commission is being consulted for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinances, as per section 409.20 of the Legislative Code.

The American Can building was used for manufacturing for over 100 years, but the building has been vacant since 2008. Can Can Wonderland is the first arts organization in Minnesota to become a Public Benefit Corporation. They are proposing to repurpose approximately 20,000 square feet of the roughly 450,000 square foot building at 755 Prior Avenue North for an entertainment destination. The facility will include an artist-commissioned indoor miniature golf course surrounded by a Coney Island-style boardwalk of original unique coin-operated attractions, a space for innovative live performances and arts activities, and chef-inspired food and drink. Although not affiliated with Can Can Wonderland, Black Stack Brewing is also seeking to locate in the building, and is seeking a tap room license from the City.

### **Findings**

Staff has reviewed the proposed commercial development district and made the following findings:

1. The former American Can site includes one large, multi-wing building, located at 755 Prior Avenue North (see attached map).
2. The proposed Commercial Development District is confined to the former American Can site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan. The West Midway Industrial Area Comprehensive Plan Amendment calls for the City to "explore options for building reuse by attracting smaller, artisanal, creative enterprises – and thereby nurturing entrepreneurship" (strategy B-9, pg. 17). The proposed Commercial Development District will facilitate reuse of an existing building, and will facilitate its development as a hub for creative enterprises.
4. The proposed Commercial Development District is consistent with existing zoning. The property is zoned I1 light industrial, which permits bars and indoor commercial recreation.
5. The proposed Commercial Development District is located near to a single-family residential area along Howell Street and to the east. Limiting the number of intoxicating liquor licenses available in the Commercial Development District will reduce the potential impact of spill-over traffic and noise on the adjacent neighborhood.

### **Staff Recommendation**

Based on findings 1 through 5, staff recommends that the Planning Commission report to the City Council that the proposed Commercial Development District for the former American Can site is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the creation of the American Can Commercial Development District, with the number of intoxicating liquor licenses allowed in the district limited to one (1).

# American Can / Can Can Wonderland Proposed Commercial Development District

