



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-266-6549*

DATE: December 18, 2019

TO: Comprehensive and Neighborhood Planning Committee

FROM: Michael Wade, City Planner (651-266-8703)

RE: Review and Recommendation Regarding Proposed Commercial Development District at 160 South Wabasha Street

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### **Legislative Code**

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. . . . 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.

#### **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 situated 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.** *(bold emphasis added by author of this memo)*
- (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.

## Analysis

On November 14, 2019, a petition was submitted to the Department of Safety and Inspections to create a commercial development district for 160 South Wabasha Street to allow Wabasha Partners LLC to serve alcohol at a proposed event center. This commercial development district is proposed to include all of 160 South Wabasha Street, and no other properties. (See attached map.) **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.**

Wabasha Partners has applied for a conditional use permit to operate an event center at this former industrial building. The permit was approved on the condition that Wabasha Partners apply for and maintain a shared parking agreement to provide required parking stalls not currently on site. As of November 14, no application for shared parking has been filed with City staff. The event center will host weddings, corporate events, galas, markets, and performances among other events. Establishment of a commercial development district will allow Wabasha Partners to operate an in-house bar program, allowing them to host a larger variety of events for a more diverse range of clients.

## Findings

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

1. Wabasha Partners LLC is petitioning to create a commercial development district including one building at 160 South Wabasha Street (see attached map).
2. The proposed commercial development district is confined to the site of 160 South Wabasha Street.
3. The proposed commercial development district is consistent with the City's current **Comprehensive Plan**. The property lies within an area designated Mixed-Use Corridor in the 2030 Future Land Uses map. This area is described as providing "jobs that capitalize on emerging labor markets, and commercial areas with goods and services for people who live and work among them. They exist using infrastructure and services efficiently and expand the city's tax base." The property lies adjacent to an identified Neighborhood Center at Fillmore Avenue and South Wabasha Street, developed recently as the West Side Flats Luxury Apartments. Neighborhood Centers are also characterized by "commerce that provides goods and services for residents of Neighborhood Centers, as well as those from Established Neighborhoods and elsewhere in the city". Finally, the property lies in the middle of an Employment District, intended for commercial activity.

The Comprehensive Plan supports the petition with the following policies:

- Land Use Policy 1.24 – Support a mix of uses on Mixed-Use Corridors;
  - Land Use Policy 2.2 – Promote the redevelopment of outmoded and non-productive sites and buildings so they can sustain existing industries and attract emerging industries in Saint Paul...
  - Land Use Policy 2.5 – Encourage the redevelopment of sites on arterial streets zoned for B2, B3, and TN2 uses as employment centers. (This site's designation as T3M along an arterial – Wabasha – guides it similarly.)
4. The **West Side Flats Master Plan**, adopted by City Council in 2015, designates this property as an Office/Light Industrial Employment Center. Falling on the border of this region and across Wabasha from a designated Mixed-Use Corridor region, this property serves to transition from residential and retail on the west to commercial uses with more unique structural demands to the east, such as this event center's need for larger gathering spaces. Similarly, a revitalized social space serves as a buffer between an important community Mixed-Use arterial road to the west and heavier industrial land uses to the east.
  5. The **West Side Community Plan Addendum to the Comprehensive Plan** calls for the City to "Encourage a broad range of businesses that cater to local and regional markets" (Policy B1.5) and to "Prioritize the reuse and rehabilitation of existing structures over new construction whenever possible" (Policy LU3.1).
  6. The proposed commercial development district is consistent with **existing zoning**. The property is zoned T3M traditional neighborhood with master plan, which conditionally permits reception halls.

## Staff Recommendation

Based on findings 1 through 6, staff recommends that the Planning Commission report to the City Council that the proposed commercial development district for 160 South Wabasha Street is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the creation of the commercial development district.