



# City of Saint Paul

City Hall and Court  
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## Signature Copy

### Resolution-Public Hearing: RES PH 19-110

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**File Number: RES PH 19-110**

Granting the application of Mohammed Thabet for a historic use variance, with conditions, at 217 Mackubin Avenue. (Public hearing held May 1)

WHEREAS, Mohammed Thabet ("Applicant"), in Heritage Preservation Commission File ("HPC") File No. 19-010 and in Planning Commission ("Commission") File No. 19-016-207, did pursuant to Legislative Code § 73.03.1, duly apply for a historic use variance for property commonly known as 217 Mackubin St., [Parcel Identification No. 01.28.23.22.0015] and legally described as Woodland Park Addition to St. Paul, Lots 19 through 22, Block 1, to permit the reuse of a former church building located on the said property as a rental hall for weddings and receptions; and

WHEREAS, on February 25, 2019, the HPC, pursuant to Leg. Code §73.03.1(d), duly conducted a public hearing to consider the said application and, upon the close of the hearing and having considered the report and recommendation of HPC staff and all the testimony and records received, duly moved approve the historic use variance application, with conditions, and proceeded to forward this recommendation together with all its supporting records to the Planning Commission for its consideration; and

WHEREAS, on March 28, 2019, the Commission's zoning committee, pursuant to Leg. Code §§ 61.303, 73.03.1(e) and 107.03, conducted the Commission's public hearing on the Applicant's historic use variance application and the committee, upon the close of the public hearing and having considered the report and recommendation of Commission staff and all the testimony and records received during the hearing, duly moved to approve the historic use variance application, with conditions, whereupon the zoning committee forwarded its recommendation together with all its supporting records to the Planning Commission for its consideration pursuant to of the Administrative Code, submitted its recommendation to the Planning Commission for approval; and

WHEREAS, on April 9, 2019, the Commission, based upon all the files and records in this matter, as presented to its by its zoning committee at the public hearing and as transmitted to it by the HPC, as substantially reflected in the minutes and incorporated herein by reference, duly moved to recommend approval of Applicant's historic use variance application based upon the following findings of fact:

1. *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* The proposed use is compatible with the existing institutional uses in the immediate area and the commercial uses and zoning south of the parcel along Selby Avenue. The subject parcel is zoned RT2, which provides for civic and institutional uses, along with a range of housing types. The applicant is proposing to use the church in a manner that would be permitted in religious institutions within the RT2 zoning district. There is B2 zoning south of the subject parcel that allows banquet halls as a permitted use.

2. *The proposed use is consistent with the comprehensive plan.* The subject parcel is within an area defined by the comprehensive plan as an established neighborhood. Policy LU-1.7 calls for permitting neighborhood serving businesses compatible with the character of established

neighborhoods. The multiple uses proposed are consistent with Policy LU-1.46, which calls supporting compatible mixed-use within single buildings. The historic preservation chapter calls for preserving and protecting historic resources and using historic preservation to further economic development. Policy HP 5.3 calls for realizing the full economic potential of key historic resources.

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, the Council, having considered all the testimony and records before it, together with the recommendations of the HPC and Commission to approve the said application, the Council of the City of Saint Paul;

DOES HEREBY RESOLVE, that the Applicant's request for a historic use variance to operate a rental hall for weddings and receptions on former church property located at 217 Mackubin Ave, is hereby granted 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.


AND, BE IT FURTHER RESOLVED, that by City ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion to approve the said Application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

AND, BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this Resolution to the heritage preservation commission, the planning commission, the zoning administrator, the building official, the fire inspector, and the Applicant.

At a meeting of the on , this Resolution-Public Hearing was Signed.

**Yea:** 7 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson, and Councilmember Busuri

**Nay:** 0

**Vote Attested by**   
**Council Secretary** Trudy Moloney

**Date** 5/8/2019

**Approved by the Mayor**   
Melvin Carter III

**Date** 5/10/2019

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dayton Avenue Church Historic Use Variance **FILE #** 19-016-207
  2. **APPLICANT:** Mohammad Thabet **HEARING DATE:** March 28, 2019
  3. **TYPE OF APPLICATION:** Historic Use Variance
  4. **LOCATION:** 217 Mackubin St, NW corner at Dayton Avenue
  5. **PIN & LEGAL DESCRIPTION:** 01.28.23.22.0015, Woodland Park Addition to St. Paul, Lots 19 through 22, Block 1
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RT2
  7. **ZONING CODE REFERENCE:** § 73.031; § 61.501; § 63.206 (d)
  8. **STAFF REPORT DATE:** March 18, 2019 **BY:** Tony Johnson
  9. **DATE RECEIVED:** March 5, 2019 **60-DAY DEADLINE FOR ACTION:** May 4, 2019
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- A. **PURPOSE:** Historic use variance for a rental hall for weddings and receptions, with shared parking with other uses on site.
- B. **PARCEL SIZE:** 169.5 ft. of frontage on Mackubin St. x 211.2 ft. of frontage on Dayton = 35,798 sq. ft. With the inclusion of half the width of the alley for lot coverage and density purposes, the total lot area is 37,382 sq. ft.
- C. **EXISTING LAND USE:** Church
- D. **SURROUNDING LAND USE:**  
North: One- Family Residential (RT2), Two- Family Residential (RT2), Multi- Family Residential (RT2)  
East: Two- Family Residential (RM2), Multi- Family Residential (RM2)  
South: One- Family Residential (RT2), Two- Family Residential (RT2), Multi- Family Residential (RT2), Commercial uses one block south on Selby Avenue (B2).  
West: Two- Family Residential (RT2)
- E. **ZONING CODE CITATION:** § 73.03.1 establishes the findings and review process for historic use variances; § 61.601 further addresses requirements for historic use variances. § 63.206 (d) authorizes a reduction for two or more uses jointly providing parking when their respective hours of peak operation do not overlap.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 38 spaces for all of the proposed uses. In addition to the proposed rental hall use, the applicant is proposing to establish an adult day care, a children's day care, and a residential unit on site, all of which are permitted uses in the RT2 zoning district. The proposed banquet hall use requires 27 parking spaces, the daycare uses require 10 parking spaces, and the residential unit requires 1 space. The applicant is proposing to operate the adult day care use from 8:00 a.m. to 2:00 p.m., Monday through Friday, the children's day care from 8:00 am to 5:00 pm, Monday through Friday, and the banquet hall, Friday and Saturday from 5:00 p.m. to 11 p.m. Zoning Code § 63.206 (d)(4) allows the planning commission to reduce off street parking requirements for multiple uses sharing the same off street parking facility, provided their joint peak hours of operation do not overlap. There are currently 32 parking spaces on site.
- G. **HISTORY/DISCUSSION:** The subject structure was originally constructed in 1888. In 1978 it received National Register designation and in 1980 it received local historic designation. The subject structure is also a contributing structure in the Historic Hill Heritage Preservation District. On February 28, 2019, the Heritage Preservation Commission passed resolution 19-010, recommending approval of the historic use variance. The Heritage Preservation Commission found that the historic use variance for Dayton Avenue Presbyterian Church at 217 Mackubin Street will maintain the value and reuse of this significant historic and cultural resource.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from the District 8 Council at the time of this staff report.

I. **FINDINGS:**

1. The applicant is requesting a historic use variance in order to use the Dayton Avenue Presbyterian Church building for weddings and receptions. The historic use variance is necessary because the applicant wishes to discontinue the use of the church as a religious institution, and is proposing to use the church for weddings and other events, such as graduations. A religious institution that hosts weddings, receptions, and church related events is a permitted use in an RT2 zoning district. The applicant is also proposing to establish an adult daycare, a child daycare, and one residential unit, all of which are permitted uses in the RT2 zoning district. The church has historically had multiple accessory uses including a medical clinic, space for religious education, and an adoption agency. The intensity and impact of the multiple proposed uses is consistent with the multiple historic uses of the church.
2. § 73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, § 73.03.1 requires the Planning Commission to make findings regarding the following:
  - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area. This finding is met.* The proposed use is compatible with the existing institutional uses in the immediate area and the commercial uses and zoning south of the parcel along Selby Avenue. The subject parcel is zoned RT2, which provides for civic and institutional uses, along with a range of housing types. The applicant is proposing to use the church in a manner that would be permitted in religious institutions within the RT2 zoning district. There is B2 zoning south of the subject parcel that allows banquet halls as a permitted use.
  - (b) *The proposed use is consistent with the comprehensive plan. This finding is met.* The subject parcel is within an area defined by the comprehensive plan as an established neighborhood. Policy LU-1.7 calls for permitting neighborhood serving businesses compatible with the character of established neighborhoods. The multiple uses proposed are consistent with Policy LU-1.46, which calls supporting compatible mixed-use within single buildings. The historic preservation chapter calls for preserving and protecting historic resources and using historic preservation to further economic development. Policy HP 5.3 calls for realizing the full economic potential of key historic resources.
3. §61.601(g) *imposes an additional finding for a historic use variance: The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area. This finding is met.* The applicant is not proposing any exterior changes to the structure at this time. The historic use variance will not adversely impact this historic resource, provided the historically significant exterior architectural features are maintained. The re-use of the structure will help preserve this historic resource by prolonging its economic viability.
4. §63.206 (d) *authorizes a reduction in the total number of required parking spaces for two or more uses jointly providing parking when their respective hours of peak operation do not overlap. §63.206 (d)(1) requires planning commission approval if a shared parking agreement involves more than twenty five (25) shared parking spaces, results in more than a thirty five (35) percent decrease in required parking, or involves three (3) or more parties or uses.* The applicant has submitted a shared parking application indicating that the proposed child daycare and adult daycare will not have overlapping hours of operation with the rental hall. There are 32 parking spaces on site which meet the minimum requirement during the peak hours of operation of the multiple uses. The adult day care will operate from 8:00 a.m. to 2:00 p.m., Monday through Friday, the children's day care from 8:00 am to 5:00 pm, Monday through Friday, and the banquet hall, Friday and Saturday from 5:00 p.m. to 11 p.m. Based on the staggered hours of operation,

the largest minimum parking requirement is 27 spaces from 5 p.m. to 11 p.m. on Friday and Saturday.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Historic use variance for a rental hall for weddings and receptions, with shared parking with the other uses proposed for the site, subject to the following additional 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.