

October 20, 2014

City council of Saint Paul  
310 Ramsey County Courthouse  
Saint Paul, Mn. 55102

RE: License No. 20140001613 Application for Liquor License-Eagle Street Grill dba  
The Salt Cellar. 173 Western Ave. N.

Dear Council Members,

This letter is in reference to the request by Eagle Street Grill LLC (Applicant) for on sale  
liquor at 173 Western Ave. N.

I am a property owner at 155 Western Ave. N. and long time resident/investor in the area.  
I have serious concerns about the Salt Cellar being granted a liquor license based on two  
issues;

***1. Zoning staff's erroneous calculations of available off street parking spaces and  
zoning staff simply ignoring required setback/variances/easements and allowing the  
applicant to bypass the variance process.***

Attached is a copy of CVA/Zoning documents that were initially used to determine the  
parking requirements in 1993-94 (prior to CVA purchasing their Dayton Ave. facility).  
Based on the student/staff population CVA was granted parking for 22 vehicles.  
Applicant requires 34 based on 180 seating capacity and a building size of 13,600 SF  
(according to County Tax Records). Zoning staff erroneously calculates a need of 31  
parking spaces for applicant.

CVA closed in 2013 and the building was subsequently sold (separately from the Dayton  
facility). A new site plan was approved on 9.11.2014 (see attached). Applicant was  
required to provide a minimum of 13 conforming off street parking spaces. 4 of these  
spaces are non-conforming as they require a variance for setbacks, fencing, etc. and are  
crossing an existing access easement established in 1965 (the easement allows cars to  
enter Western Ave. and drive through to Red Cow-see attached). When this was pointed  
out to City staff in zoning, the reply was "yes, we are aware of that (parking on an  
easement) but it's not our problem, its Red Cows problem". When asked about the  
setback/fencing requirements, I was informed that staff was choosing to ignore them in  
this case.

Since CVA's closing, the two buildings have been sold separately and the parking lot  
further altered and divided thereby reducing the parking spaces available to Applicant.  
The Applicant's proposal is for an entirely different use than a small arts college. Under  
the statute Sec. 63.204 regarding "change of use" the fact that the Applicant requires  
more parking than the previous occupant, and due to the major alterations in the parking  
lot reducing the number of conforming on site spaces to 9, the Applicant is required to  
seek a variance for their additional parking needs.

For whatever reason, the city staff are choosing to ignore their own rules and standards for the benefit of the Applicant and to the detriment to the entire neighborhood. This is a precedent that should not be allowed.

***2. Adding to an already overly dense parking problem in the area.***

The Applicant is requesting seating for a bar/restaurant with up to 180 seats with only 9 legal/conforming off street spaces. They are seeking to add potentially 100-200 vehicles in a dense parking area while only providing 9 off street spaces.

This is a serious problem and will overtax an already stressed neighborhood. As it is, there are severe parking problems for our residential neighbors and businesses. Business customers are already parking in the surrounding neighborhoods and forcing residences, in many cases, to walk 2-3 blocks to park and get home. This is exacerbated in the Winter when the streets are full of snow, streets are poorly plowed and parking is even more limited. Our residential neighbors are already talking about moving to a permit system which will be bad for business.

There was a previous hearing on this issue September 4<sup>th</sup>/8<sup>th</sup>. This hearing brought together a large turnout of neighbors and small business owners, the majority of which passionately opposed the Applicants request for a license based on current parking problems and the sense that something was amiss in the numbers. The Legislative Hearing Officer initially recommended one additional condition to the license, a condition, that to a small extent tried to address the parking problem. But in the end (she) was forced to back down as a result of City staff publicly stating that they would not support her decision to add an additional condition.

I would ask that the Council make a motion to deny the liquor license until such time as an accurate number of required parking spaces can be determined for this establishment, and once these numbers are determined, Applicant shall obtain required variances for their parking deficiency, setbacks, and/or other variances that would normally be required.

Thank you for your consideration,

Jeffrey Austin



Attachments;

2014 Approved Site Plan for Salt Cellar  
1965 Warranty deed establishing easement  
1993 Letter between CVA/Tom Beach establishing parking requirements



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

September 11, 2014

Joseph Kasel  
Eagle Street Grille, LLC  
174 West Seventh Street  
Saint Paul, MN 55102

RE: 173 N. Western Ave - - Approval of Site Plan 14-328008 for the proposed restaurant (d.b.a. Salt Cellar/Liquor License #20140001613). Site plan dated 09/10/2014.

Mr. Kasel:

The above referenced site plan is approved subject to the following conditions:

1. In compliance with the City's zoning ordinance, a minimum of (13) thirteen off-street parking spaces shall be maintained on the property.
2. The vehicle parking and refuse enclosure shall be arranged as shown on the approved site plan.
3. An accessible parking space (vehicle space and access aisle of 96 inches) shall be provided as shown. The accessible parking space shall be designated with a sign complying with MN Statute and include the international Symbol of Accessibility. All other parking space shall be 9'x18'. Maneuvering lanes, for ingress and egress to the parking spaces shall maintain a minimum unobstructed width of 20 feet. The lot shall be striped as shown on the approved site plan, weather permitting by October 30, 2014 but no later than June 1, 2015.
4. The refuse enclosure shall be located at least 20 feet west of the Western Avenue property line, to maintain clearances for vehicles entering and exiting the property via the curb-cut on Western Avenue. The enclosure shall be screened with a wood fence, at 6'-0" high and at least 80% opaque. A separate fence permit must be obtained to install this enclosure. If treated wood is used for the screen fence, it shall be painted with a color compatible with the building exterior.
5. Unless specified differently, all site work must be completed by no later than June 1, 2015.

173 N. Western Ave  
Site Plan Approval  
09/11/2014  
Page 2 of 2

6. According to County real estate records, the referenced property is on two separate tax parcel listed below:

- The building addressed at 173 N Western PIN 012823210047, Legal Desc: Kerns Addition to St Paul S 100 Ft of Lots 29 and Lot 30 Blk 2
- The parking lot addressed 385 Selby PIN 012823210046, Legally Desc: Kerns Addition to St Paul S 16 Ft of Lot 3 and All of Lot 28 Blk 2.

These two parcels must be combined for the purpose of assuring that required off-street parking remains with the building. Proof of recording of the combining of these two tax parcel, with Ramsey County Real Estate, must be provide to this office before the liquor licenses will be issued. The Request for Combination of Contiguous Properties form is enclosed.

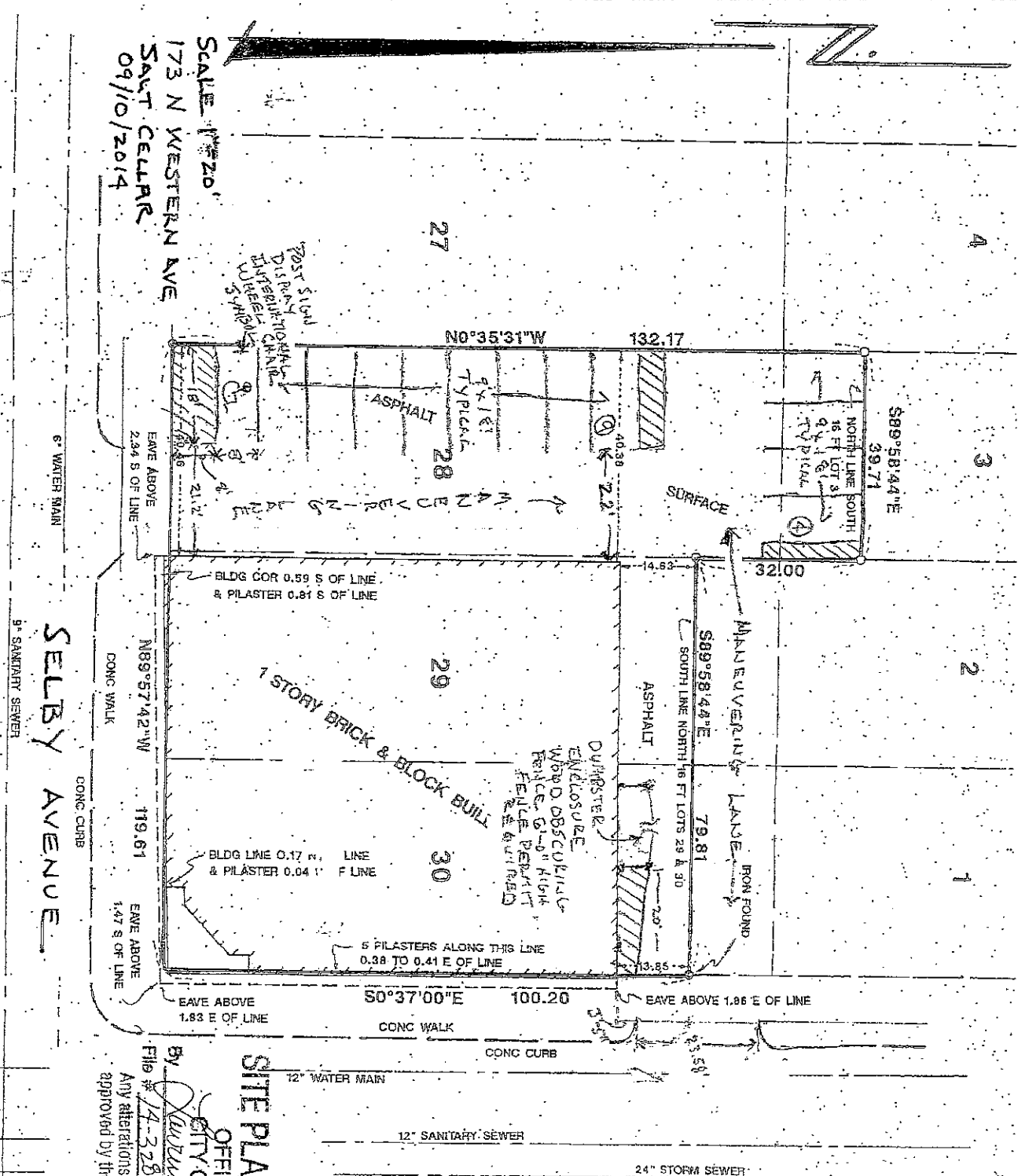
If you have any questions, my contact information is provided below.

Lawrence R. Zangs  
Project Facilitator  
Dept. of Safety and Inspection  
375 Jackson St - Suite 220  
Saint Paul MN. 55101-1806  
Direct: 651-266-9109  
E-Mail: [larry.zangs@ci.stpaul.mn.us](mailto:larry.zangs@ci.stpaul.mn.us)

Cc: Selby Dayton LLC

Enc.

SCALE 1"=20'  
 173 N WESTERN AVE  
 SAFT CELLAR  
 09/10/2014



SELBY AVENUE

WESTERN AVENUE

SITE PLAN APPROVED

OFFICE OF DSI  
 CITY OF ST. PAUL  
 By *[Signature]*  
 File # 14-328008 Date 9/11/2014  
 Any alterations from this plan must be approved by the Zoning Administrator.



## CITY OF SAINT PAUL

*James Schelbel, Mayor*Division of Planning  
25 West Fourth Street  
Saint Paul, MN 55102Telephone: 612-228-3200  
Facsimile: 612-228-3220

November 18, 1993

Chris Kabella  
President  
College of the Associated Arts  
344 Summit Avenue  
Saint Paul, MN 55102

RE: Parking requirements for Selby Western

Dear Mr. Kabella:

The Planning Division and the Zoning Administrator have reviewed the proposal by the College of the Associated Arts to use the existing building at the northwest corner of Selby Western. We have determined that there is enough off-street parking on the site to meet the zoning requirements for the use proposed by the College as well as the continued use by Geraldo's.

This was determined as follows:

- There are 21 off-street parking spaces on the property.
- The parking requirement for the property is currently 30 spaces. This is based on the current use of the building by Geraldo's and a convenience store and the remaining space being most recently used for a restaurant. (A summary of the square footage occupied by each use and a floor plan of the building that was used for the parking calculations is on file with the Planning Division.)
- The proposed use of the building by the College and Geraldo's would require 27 spaces. The College's parking requirement would be 22 spaces, based on 60 students and 4 faculty using this location as is specified in the Special Condition Use Permit for the College's main facility at 344 Summit Avenue. Geraldo's requirement would remain at 5.
- Although the proposed uses by the College and Geraldo's require more parking spaces than are being provided, the uses are permitted because they require less than the current uses.

(These figures are based on the parking requirements in the zoning code as of the date of this letter. It is likely that amendments to parking requirements will be adopted by the end of the year. The College's use of the building would also be permitted under the pending amendments: The current parking requirement would be 29 parking spaces compared to a requirement of 23 spaces if the College uses the building.)

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PED PLANNING DIV.

TEL:9-228-3314

Nov 18'93 14:12 No.003 P.03

Please call me at 266-6581 if you have any questions on this.

Sincerely,



Tom Beach  
Planning Division

cc: Zoning File 93-116  
Wendy Lane



January 30, 1995

Donna Drummond  
 Department of Planning and Economic Development  
 1100 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102

Dear Donna:

Enclosed is the College's annual report of employees, students, dormitory beds and off-street parking. Please don't hesitate to give me a call if you have any questions regarding the report.

Very truly yours,

Chris R. Kabella  
 President

CRK/plc

E: College of Assoc. Arts  
~~Fall '93~~  
 Employees - 47  
 FT Students 176  
 $223 + 10\% = 245.3$

Fall '94      Selby/Western  
 Employees - 54 - 4 = 50  
 FT Student 182 - 60       $\frac{182}{172} ?$   
 236

236 is less than a 10% increase from 1994

In Jan. 1996, ask them for a detailed breakdown of ~~total~~ # of students / employees at Summit location & Selby/Western location.



SCHOOL: College of Associated Arts

DATE: 1-27-95

President or Director: Chris R. Kabella

Person Completing Form: Chris R. Kabella

Phone: (612) 224-3416

-----Fall 1994-----

(Include data for Saint Paul campus location only.)	<u>Total</u>	<u>Daytime*</u>	<u>Evening or Weekend*</u>
1. Number of employees (both full-time and part-time).	<u>54</u>	<u>43</u>	<u>11</u>
2. Number of full-time students.	<u>182</u>	<u>109</u>	<u>73</u>
3. Number of part-time students (def.: taking less than 75% of a normal credit load).	<u>18</u>	<u>11</u>	<u>7</u>
4. Dormitory Beds			
a. Total	<u>0</u>		
b. Occupied	<u>0</u>		
c. Full-time students living on-campus	<u>0</u>		
d. Employees living on-campus in dormitory beds listed under a.	<u>0</u>		
5. Number of off-street parking spaces.	<u>27 (see attached)</u>		

(Also please attach a map showing the number and location of parking spaces on the Campus. This can be an informal hand drawn map. The spaces indicated on the map should equal the total on line 5. If there is no change from last year in the number or location of spaces, you need not include a map.)

Please return this form by February 10, 1995 to:

Donna Drummond  
Department of Planning and Economic Development  
1100 City Hall Annex  
25 West Fourth Street  
Saint Paul, Minnesota 55102  
Phone: 266-6556

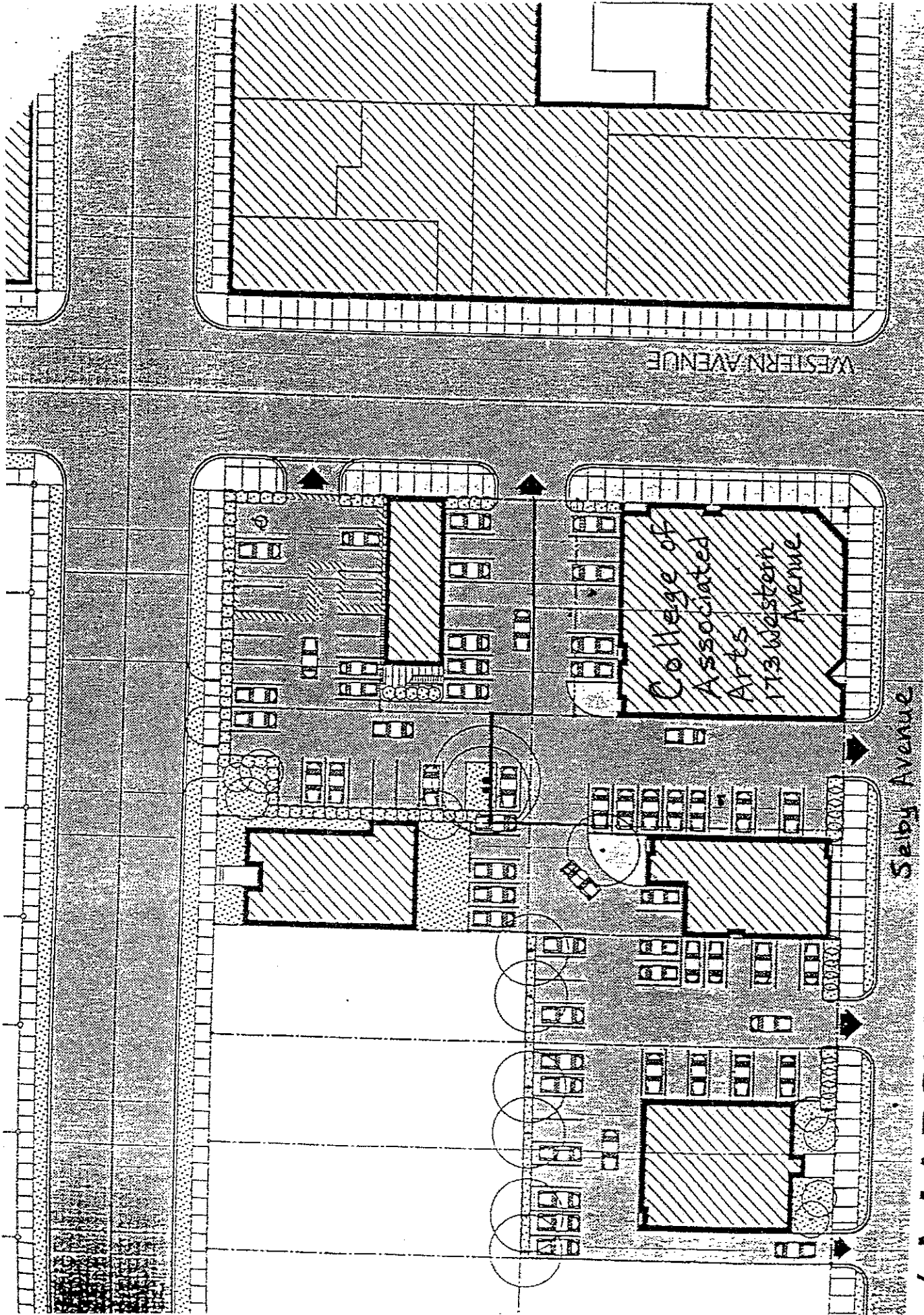
\* Estimates are O.K. for breakdown of total into daytime and evening/weekend.

COLLEGE OF ASSOCIATED ARTS  
OFF-STREET PARKING SUMMARY

February, 1995

	<u>Campus Location</u>	<u>No. Off-Street Spaces</u>
1.	344 Summit Avenue	6 spaces (no change from 1994)
2.	173 Western Avenue	21 spaces (see attached map*)

\* The attached map of off-street parking at 173 Western Avenue is from a concept plan and does not, in all cases, reflect the exact location of each parking space as currently configured at that location. It does, however, present the general layout of the 21 existing spaces on the property and, in most instances, the current location of these spaces. If further location information is needed, please contact the College.



# / MARSHALL / SELBY PARKING

SAINT PAUL AIR INSTITUTE

493784

Form No. 3-M

State of Minnesota, Ramsey County, Minnesota

Warranty Deed  
Subject to Exception

193784

This Indenture, Made this 3rd day of December, 1955,

between William O. McCann and Mildred M. McCann, husband and wife,

of the County of Ramsey and State of Minnesota,  
parties of the first part, and

Labka Drugs Inc.,  
a corporation under the laws of the State of Minnesota, party of the second part.

WITNESSETH That the said parties of the first part, in consideration of the sum of One Dollar and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being in the County of Ramsey and State of Minnesota, described as follows, to-wit:

Lot Twenty-eight (28), and the South Sixteen (So. 16) feet of Lot Three (3) in Block Two (2) of Kern's Addition to St. Paul, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota.

Subject however, to a permanent easement in favor of the parties of the first part, their successors, heirs and assigns, for ingress and egress over, across and upon the North Sixteen (No. 16) feet of said Lot 28 in Block 2 of Kern's Addition to St. Paul.

Together with a permanent easement in favor of the party of the second part, its successors and assigns, for ingress and egress over, across and upon the North Sixteen (No. 16) feet of Lots Twenty-nine (29) and Thirty (30) in Block Two (2) of Kern's Addition to St. Paul.

DEED TAX DEED TAX



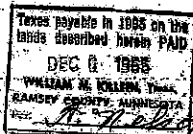
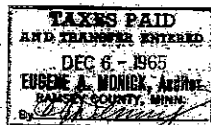
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State deed tax due hereon is \$6.60

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereto belonging, or in anywise appurtenant, to the said party of the second part, its successors and assigns, Forever. And the said William O. McCann and Mildred M. McCann, husband and wife,

parties of the first part, for themselves and their heirs, executors and administrators, do covenant with the said party of the second part, its successors and assigns, that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances,



And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, heretofore mentioned, the said parties of the first part will Warrant and Defend.

IN TESTIMONY WHEREOF, The said parties of the first part do hereunto set their hands the day and year first above written.

In Presence of

Handwritten signatures of witnesses: E. J. Malinick and Henry J. Dwyer, Jr.

Handwritten signatures of the parties: William O. McCann and Mildred M. McCann.

493784

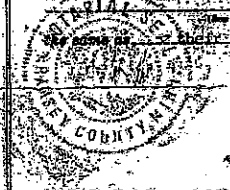
State of Minnesota,

County of RAMSEY

On this 3rd day of December 1965, before me,  
a Notary Public within and for said County, personally appeared  
William O. McCann and Mildred M. McCann, Husband and wife,

to me known to be the persons described in, and who executed the foregoing instrument,  
and acknowledged that they executed

the same as their free act and deed.



Francis J. Karonowski  
Notary Public, Ramsey County, Minn.  
My commission expires April 20, 1969

NOTE: The block lines marking "Not Noted" are for use when the instrument is recorded in an electronic book.

FILED  
BOOK 485 PAGE 25  
COUNTY RAMSEY STATE OF MINN.  
I hereby certify that this instrument was  
filed in this office for record on the  
12th day of December, A. D. 1965  
at St. Paul, Minn.  
ROBERT T. GIBBONS  
Register of Deeds  
Edith Miller  
Deputy

Minnesota Form No. 102  
Doc. No. 493784  
**WARRANTY DEED**  
Individual or Corporate  
William O. McCann, Jr.  
Edith Miller  
Office of Register of Deeds,  
State of Minnesota,  
2 North 3rd  
County of Ramsey  
I hereby certify that this Deed  
was filed in this office for record on the  
12 day of December, 1965  
at St. Paul, Minn.  
and was duly recorded in Book  
of Deeds, page \_\_\_\_\_  
By \_\_\_\_\_  
Register of Deeds,  
Deputy  
Taxes for the year 1965 on the lands  
described within, paid this  
day of \_\_\_\_\_ 1965  
By \_\_\_\_\_  
County Treasurer,  
Deputy  
Taxes paid and Transfer enclosed this  
day of \_\_\_\_\_ 1965  
By \_\_\_\_\_  
County Auditor,  
Deputy  
Recording Fee \$1.00

O Oyster Ave. jin

bids

0625

# 651-227-

Peters.

4571

~~227~~ # 227-4576

lot 3 block

2 Kerns. Add.

CVA.

2047 Sec. 5 Ch. 327 Laws 1965

493784

202 110-01-1-35

Affidavit of Purchaser of Registered Land (Corporation)

State of Minnesota }  
COUNTY OF RAMSEY }

Harry P. Strong, Jr., being first duly sworn, says that he is the attorney

for ~~XXXXX~~ Laska Drugs Inc.

a corporation organized and existing under the laws of the State of Minnesota

having its principal place of business at St. Paul, Minnesota.

That said corporation is the purchaser of registered land, situated in Ramsey County, Minnesota, from the holder of certificate No. 018761

That pursuant to the articles and by-laws of said corporation, the officers authorized to execute deeds are the President and the Secretary

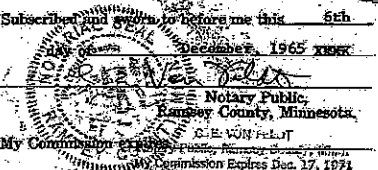
of said corporation, and that said corporation has a corporate seal.

Subscribed and sworn to before me this 5th

day of December, 1965

Notary Public,  
Ramsey County, Minnesota.

My Commission Expires Dec. 17, 1971



*Harry P. Strong, Jr.*