

FILE
17-214989

Crippen, Debbie (CI-StPaul)

From: Benner II, Jerome (CI-StPaul)
Sent: Wednesday, November 29, 2017 10:21 AM
To: Crippen, Debbie (CI-StPaul)
Subject: FW: Commodore restaurants

Please add this comment to the 79 Western.

Thanks,

Jerome

-----Original Message-----

From: Tharkcom [mailto:tharkcom@comcast.net]
Sent: Wednesday, November 22, 2017 5:38 PM
To: Benner II, Jerome (CI-StPaul) <jerome.benner.ii@ci.stpaul.mn.us>
Subject: Commodore restaurants

I live at 387 Portland Ave . I would support the retroactive approval of present dining space at the Commodore . This is a good use of space with a track record of being neighborhood friendly. There have been no parking or traffic issues. Thank you. Thomas Harkcom

Sent from my iPad

FILE
17-214989

Crippen, Debbie (CI-StPaul)

From: Benner II, Jerome (CI-StPaul)
Sent: Wednesday, November 29, 2017 10:23 AM
To: Crippen, Debbie (CI-StPaul)
Subject: FW: Commodore Restaurant dining room

Please add this comment for 79 Western.

Thanks.

From: Patricia Hampl [mailto:hampl@umn.edu]
Sent: Sunday, November 26, 2017 5:24 PM
To: jens@summit-university.org; John R. Rupp <JRRupp@commonwealthproperties.com>; Benner II, Jerome (CI-StPaul) <jerome.benner.ii@ci.stpaul.mn.us>
Subject: Commodore Restaurant dining room

Dear Jerome Benner (and copying John Rupp and the Summit-University Planning Council:

Thank you for alerting me to the public hearing about the Commodore Restaurant zoning appeal. Unfortunately, because I teach at the University on Monday afternoons, I am unable to attend the hearing on Dec 4, 2017. I offer my thoughts here, and ask that you enter them in the record for consideration of the appeal.

Since 2004 I have owned a condo at the Commodore (#400) which I rent to a tenant. The restaurant and bar have enhanced the property, both its value on the market, and simply its appeal within the building and in the neighborhood (I have lived nearby for 35 years in a townhouse I own at 286 Laurel).

Beyond the evident benefit of the restaurant (which my tenant confirms--it has no negative effect on her peace and quiet as a resident of the building which is built like a fort and is wonderfully soundproof), I can offer this historical fact: my father proposed to my mother in July, 1939 on the roof garden of the Commodore. They held their wedding breakfast on August 31, 1940 in the Commodore dining room. Yes, there was a dining room there at that time. I have a photograph of the room and the wedding party being served at a formally set table. When I have had dinner at the current restaurant (twice) I have felt (based on the photograph I grew up seeing at home) that I was in the same room. Perhaps this area ceased to be a dining room for a long while, but it was there in 1940.

So to say a dining room "was never legally established," as the zoning appeals notice states in its "Purpose" line, is not accurate, it seems. Unless the earlier restaurant was not legally established. But it was there and doing business. The current restaurant might better be seen as a restoration.

Sincerely,
Patricia Hampl
--
Patricia Hampl

Support

FILE

17-214989

Benner II, Jerome (CI-StPaul)

From: Jean Schroeffer <jshrep@aol.com>
Sent: Monday, November 20, 2017 8:07 PM
To: Benner II, Jerome (CI-StPaul)
Subject: Commodore west

The re-opening of the Commodore as a fine restaurant was long- and eagerly-awaited in the neighborhood and we like it. While I know nothing about the history of specific uses of any part of the building, I support now the use of the contested west dining room as part of this beautiful, open-to-the-public restaurant. It is an appropriate, attractive, inclusive use of this historic building at this location.

Jean Schroeffer
jshrep@aol.com
271 Summit Avenue

Benner II, Jerome (CI-StPaul)

From: Elaine Elnes <elelnes@mac.com>
Sent: Saturday, November 18, 2017 11:26 AM
To: Benner II, Jerome (CI-StPaul)
Subject: Application pertaining to West dining room at The Commodore

Purpose: To comment on the Zoning Administrator stating that the west dining room in the Commodore Restaurant was never legally established as a dining room and the space was originally approved by the city as an exercise room for the former squash club.

Public Hearing is: November 20, 2017 at 3:00

Comments:

I live at The Commodore Condominiums, directly over the Bar/Restaurant.
 Our unit faces south and west - and we look out over the rooftop of the section that is under question.

My main concerns are:

1. NOISE:

With this area being used as a dining room (that is often used for parties and large gatherings) there may be noise from crowds and/or music.

I have been bothered by loud noise from the Bar/restaurant for 20 years. It was quite for about 4 years during construction and has been pretty

quite so far. But, I live in fear that the large gathering in this beautiful space will produce NOISE and destroy our tranquility.

2. NO ENTRANCE ON HOLLY: Back in early 1990s The Bar permitted patrons to use the door on Holly to access the Bar. A few neighbors and I

attended a city council meeting to talk for an ordinance to block the use of that door except for emergencies. It was closed except for emergencies for

over twenty years after the city council voted for the ordinance. We have been worried that once the remodeling was completed that the door would be used again (since it does not have a crash bar). Now a door has been added to Holly Avenue for the west

dining room. We want that door closed and not used unless there is an emergency. We do not want band equipment brought in and out of that

door. If they need to do so it should only be between the hours of 8:00a.m. -5:00 p.m.

3. Smells, odors and rodents: The Commodore Bar and Restaurant needs to do everything they can to ensure that they have the proper equipment which

is in good working order to eliminate smell and odors. They also need to have good rodent control (something I fear they do not have now). In addition,

they need to have A/C equipment that works and is in good working condition so that it does not disturb those of us who live on the west side. Their

A/C equipment is 2-3 times as noisy this past summer than it was the previous summer before adding the west dining room. This may have something to do with the cooling of this additional space.

I love the area and welcome businesses to this residential community. However, that being said, I do not want them to disturb the tranquility of our living spaces. Everything they do should be to ensure that they are being considerate of their neighbors.

Thank you,

Elaine Elnes
79 Western Ave N
#200/202
St. Paul, MN 55102

651-271-9361

Opposition

FILE

17-214989

Thank you for alerting me to the December 4, 2017 meeting regarding Mr. Rupp's appeal of a zoning decision that the western part of his restaurant was never legally established as a dining room. It wasn't. As the owner of the Commodore Squash Club, a totally separate business sharing a parking lot, I stand in OPPOSITION to Mr. Rupp's appeal, primarily for lack of adequate parking, but secondly because the western room, my old Fitness Center, was never fully permitted as an operational LEGAL restaurant. Thirdly, I protest that Mr. Rupp's Liquor License, which was switched suspiciously to the University Club around 1993, applies to a room he did not own until 2001!

Let me provide some historical background. My father Thomond O'Brien built the Commodore Squash Club, which opened for business in 1976. The northern portion of the Squash Club sits above underground parking for the Commodore Association, but the southern portion was all brand new construction: outside the parameter of the Old Commodore Hotel. The devastating explosion of the Old Commodore Hotel in 1978 caused my father to rethink all of his plans for the Commodore Complex, and he decided to separate the Commodore Complex into two entities: the Commodore Condominium Association, composed of the former hotel rebuilt as a condominium complex, including the bar and restaurant, and the Commodore Condominium Corporation, which holds the squash club. The new, but empty, unfinished space above the squash courts, which in 1976 he had once envisioned as a possible "future dining room," built at the same elevation as the Old Commodore Hotel's restaurant, remained unoccupied and vacant until 1987. The 1976 permit to build the squash club was not a permit to build a "future dining room." Such a permit would have required many steps, not least of which were a finished space, a full review of local parking, liquor laws, and zoning/ordinance restrictions, as well as specific plans for a large restaurant.

I quote in part from a Letter written to me and signed yesterday, 11/28/2017 by Tom Blanck, the Architect responsible for designing the Squash Club in 1976, finishing the Fitness Center in 1987, and remodeling the Squash Club in 1995:

"On August 21, 1987 I prepared a drawing that was finalized and approved by me on 9/17/1987. I believe this plan was used for a permit to finish the space labeled "future dining room" on the 1976 drawings of the squash club. The work completed the space as an exercise room related to the club. These improvements were made and inspected by myself. The room functioned for some time as an exercise facility. Certainly it was an exercise room in 1995 when I further reviewed documents and conditions at the Commodore.

In 1997 I prepared for you a review including several more documents related to the Commodore and at that time made a computation of require parking for the Commodore complex including the squash Club. That survey found there to be a shortage of 80 spaces based on conversations with Tate Halvorson, St. Paul Dept. of Inspections. This computation did not include the exercise room as a dining facility. Such a use would require greater parking."

Mr. Blanck's letter removes any doubt the Exercise Room was ever legally permitted as a finished restaurant, and that there was a severe parking shortage back in 1997. I can testify the parking shortage is exponentially worse now that Mr. Rupp's restaurant has re-opened. Mr. Rupp tore down the intervening historic exterior wall and combined the two rooms to form one HUGE dining room over last few years.

The greatest mistake my father ever made was his decision in mid 1980's to swap the Commodore Bar and Restaurant for a portion of the Minnesota Building, triggering roughly 25 years of lawsuits with Mr. Rupp. In 2001, a Judge ruled that the Fitness Center henceforth belonged to Mr. Rupp. The Judge made no mention of parking in his 2001 decision, and I contend no squash club parking was thus transferred to that room. Furthermore, I submit Mr. Rupp's parking rights as an Owner of the of the Commodore Association do not extend to that space. It has its own separate PIN# 01.28.23.24.0289, and, unless the Association has taken the necessary legal steps to incorporate an expansion of such size, that room IS NOT PART OF THE ASSOCIATION. Even if it were, such a gross expansion would not necessarily include Association easement rights. As an aside, I mention a current online search reveals many Permits have been pulled on my PIN # 01.28.23.24.0290 without my knowledge or permission for recent work done on Mr. Rupp's property.

The Commodore Association and Commodore Squash Club have enjoyed reciprocal easements since 1980, though the Association recently contested the Squash Club's easement over association property. My attorney Evan Rice is clear that our easement over the association property is secure and legally protected, and I am surprised the Association is taking this position. Though I am not an attorney, I believe an Abuse of an Easement occurs when one or the other party uses the easement in a way contrary to how the usage was intended. Such an abuse could result in the loss of easement rights. My father imagined that a small bar/restaurant's turnover parking needs would at times overflow onto the squash club property, and on occasion squash club patrons would spill over onto association property. Such "friendly" easements would benefit both parties. However, never was the squash club property to be overflow for a huge restaurant and Banquet facility; 1976 "pipe dreams" notwithstanding. Had those dreams come true, I presume additional parking would have been required, perhaps an expanded underground parking garage, or an adjacent parking structure. That my members presently have to park up to four blocks away is absurd, considering I own roughly three fifths of the parking lot. Simply put, parking is totally inadequate for Mr. Rupp's expanded Restaurant and Banquet Room. Even without a squash club, there would be a severe shortage of parking spaces. The entire neighborhood is suffering while cars circle endlessly and futilely in search of parking, mostly for a business which has not been properly authorized and whose Liquor License is suspect.

IT IS MY SINCERE WISH THAT THE CITY OF ST. PAUL DENY MR. RUPP'S APPEAL, ENFORCE ALL PERTINENT LIQUOR LAWS, ORDINANCES AND ZONING RESTRICTIONS, AND SEVERELY RESTRICT MR. RUPP'S USE OF THAT ROOM AT LEAST UNTIL SUFFICIENT PARKING IS PROVIDED. I FURTHERMORE RECOMMEND A CERTIFICATE OF OCCUPANCY NOT BE ISSUED AT THIS TIME.

Respectfully,

John O'Brien
Owner of the Commodore Squash Club since 1995