

November 1, 2012

Saint Paul City Council
c/o Corrine Tilley – Department of Safety and Inspections (DSI)

RE: File # 12-116607

DSI complied with our document request after our appeal was heard. Reviewing this information brings to light several unanswered questions regarding code issues.

Did the taking make the property nonconforming under Chapter 62? If 1200 Rice were nonconforming, a different section of the zoning code would apply.

The building removal in the new construction site plan required the owner to request a new Conditional Use Permit, this requirement also applies to the removal of the gas pumps, island, and canopy as they are structures under the code. Code language defines a building as including structure or any part thereof, structure is defined as "Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground". The gas pumps and island are part of the building as a structure under the code and their removal requires a new CUP.

An opinion from the City Attorney should be sought before rendering a decision. The complexity, which now exists regarding 1200 Rice, must be reconciled and requires close legal examination.

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cc: District 6
Ward 5