



**CITY OF SAINT PAUL**  
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DATE: May 6, 2016  
TO: Planning Commission  
FROM: Neighborhood Planning Committee  
RE: Review and Recommendation Regarding Proposed Commercial Development District at North Garden Theater (Formerly the Garden Theater, 929 Seventh Street West)

### **Background**

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. Six (6) commercial development districts are hereby created, whose names and defined boundaries are indicated on maps attached hereto as Exhibits 1 through 6, which are incorporated and adopted herein by reference. 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.

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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 situate 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.**
- (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.

In early March 2016, a petition was submitted to the Department of Safety and Inspections to create a Commercial Development District for the former Garden Theater property at 929 Seventh Street West to allow "North Garden Theater" to apply for an intoxicating liquor license. This Commercial Development District is proposed to include the structure at 929 Seventh Street West, and no other properties (see attached). 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.

The building on this site is a two-story structure that has been vacant for many years. The applicants recently purchased the building with the intent to remodel it into an assembly hall without fixed seating called the North Garden Theater. This would be an artistic and community rental facility for plays, musicals, comedy, bands, films, business meetings, weddings, reunions, parties and receptions.

### **Findings**

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

1. The former Garden Theater site includes one structure that is contiguous to adjacent structures, located at 929 Seventh Street West (see attached map).
2. The proposed Commercial Development District is confined to the former Garden Theater site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan. There are a number of businesses on this commercial stretch of West 7th Street. The Comprehensive Plan (Strategy 1.46) "encourages retail establishments located in close proximity to each other" because it "creates a synergy that benefits all businesses" resulting in more opportunities to attract new businesses as well as expand existing ones. The proximity of multiple businesses allow customers to walk between the different destinations - stores, restaurants, a bank, the library – without having to drive between them. With the improving economic climate, creating conditions for business retention and growth is critical and the applicants' request is one way to do that. This request is in keeping with Strategy 1.46 of the Comprehensive Plan and its goal to support local businesses. The proposed use allows residents of the community to have access to amenities offered in other parts of the city while providing employment opportunities. This is consistent with the 2010 District 9 Area Plan, which encourages linking the West 7th Street community to amenities and opportunities within and outside the community. The proposed theater is one way to meet this goal.
4. The proposed Commercial Development District is consistent with existing zoning. The property is zoned B2 Community Business, which permits bars and assembly halls without fixed seating.
5. The proposed Commercial Development District is located near a single-family residential area. Limiting the number of intoxicating liquor licenses available in the Commercial Development District will reduce the potential impact of spill-over traffic and noise on the adjacent neighborhood.

### **Committee Recommendation**

Based on findings 1 through 5, the Neighborhood Planning Committee recommends that the Planning Commission report to the City Council that the proposed Commercial Development District for the former Garden Theater site is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the creation of the North Garden Theater Commercial Development District.