



APPLICATION FOR APPEAL

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: 17-204114

Fee:

Tentative Hearing Date:

to be scheduled

33 29 22 23 0075

APPELLANT

Name Dayton's Bluff District 4 Community Council

Address 804 Margaret Street

City St. Paul St. MN Zip 55106 Daytime Phone 651-331-0914

PROPERTY LOCATION

Zoning File Name Syed Mahmood

Address / Location 937 3rd Street E.

TYPE OF APPEAL: Application is hereby made for an appeal to the:

☐ **Planning Commission**, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

☒ **City Council**, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: September 22, 2017 File Number: #17-073754

GROUND FORS APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

The Dayton's Bluff Community Council strongly opposes the the change of non-conforming use at 937 3rd Street E. This property has been operated as a locally owned bar and community gathering place for many years, and as such was a welcome part of the existing character of the neighborhood.

The proposed change to a tobacco shop does not equate to the same quality of community connection and local service. Sales and distribution of tobacco products does endanger the public health, safety and general welfare in our community in the following ways:

- 1) Equity consideration: a tobacco shop brings disproportionate negative impact in low income, culturally and racially diverse neighborhoods like Dayton's Bluff.
- 2) The current trend to regulate tobacco sales, especially menthol and special products that appeal to young people and other groups targeted by the tobacco industry, will lead to primary distribution through tobacco shops.
- 3) The location promotes tobacco sales within close proximity to schools, places of worship, bus stops and gateway places that draw young people and families.

Attach additional sheets if necessary

Appellant's Signature

Deanna Abbott Foster

Date 09/29/2017

City Agent

add
10-2-17

Appellant: Dayton's Bluff District 4 Community Council

Application for Appeal

Additional information

Page 2

Cont'd

4. The addictive nature and long-term impacts of tobacco use, including the impacts of second hand smoke, are more deleterious to public health than the legal use of alcohol.

An additional point about the application timing:

The application initially submitted on August 24 was incomplete, as evidenced by an email sent on August 27th that changed the non-conforming use from a convenience store to a tobacco shop. In accordance with planning department procedures, the application should not have been brought forward until three weeks after August 28th, the following business day, rather than August 24th, the date of submittal of the incomplete application.