



CITY OF SAINT PAUL
Melvin Carter, Mayor

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TO: Comprehensive and Neighborhood Planning Committee
FROM: Mike Richardson, City Planner
DATE: July 28, 2022
SUBJECT: Proposed Expansion of the Commercial Development District (CDD) at 2078 Ford Parkway

City Charter & Legislative Code

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.

City Charter 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...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.

City Charter 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.

Legislative Code Section 409.20:

- (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 situated 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.** *[bold emphasis added]*
- (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.

Analysis

Lunds and Byerly's (L&B) contacted the Department of Safety and Inspections (DSI) to initiate the process of establishing an On-Sale Liquor license for a space on the second floor of their new store at Highland Bridge that is scheduled to open in late September of 2022. Patrons could purchase and consume alcoholic beverages with or without food purchased in the store downstairs.

DSI discourages single parcel CDDs "as they tend to prevent orderly development and equity of opportunity." Therefore, this CDD is proposed to expand an existing single-parcel CDD at 2078 Ford Parkway to include an additional five parcels between it and Cretin Avenue on the south side of Ford Parkway (see attached map). Based on conversations DSI has had with the Highland Business Association, District Council staff, and Ryan Companies, they have determined that there is currently no other requested or planned need for additional On-Sale Liquor licenses in the Highland and Highland Bridge areas for establishments that are not restaurants, hotels, or private non-profit colleges.

The Planning Commission is being consulted for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinances, per Section 409.20 of the Legislative Code.

The City Council waived the petition requirement as outlined in Section 409.20(a and b) on July 27, 2022 with the adoption of Resolution 22-1148.

Findings

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

1. DSI is proposing the expansion of an existing commercial development district to allow an On-Sale Liquor license as requested at the Lunds & Byerly's store at 2170 Ford Parkway (see attached map).
2. The proposed commercial development district is defined by the combined area of PINs 17-28-23-11-0111, -0114, -0092, -0101, -0102, and -0103.
3. The City Council waived the petition requirement found in Section 409.20(a) of the Legislative Code with the adoption of Resolution 22-1148.
4. The proposed commercial development district is consistent with the City's *2040 Comprehensive Plan*. The property lies within an area designated Mixed-Use 2040 Future Land Uses map. Mixed-Use areas "are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown." Establishing a CDD encourages economic development of the business and the area in general.

The proposed district is also located at the Highland Village/Ford Site Neighborhood Node. Neighborhood Nodes are "compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences." The proposal is consistent with this direction. Specifically, Policy LU-30 (3) identifies the principle of "Cluster[ing] neighborhood amenities to create a vibrant critical mass."

In addition, the following Comprehensive Plan policies support the proposal:

- Policy LU-6 – Foster equitable and sustainable economic growth by facilitating business creation, attraction, retention and expansion; and
 - Policy LU 5 – Encourage flexible building design to ensure ongoing functionality and viability, and respond to new market opportunities.
5. The *Ford Site Zoning and Public Realm Master Plan*, adopted by City Council in 2017, established zoning in the western part of the proposed district as F5 Business Mixed, which is consistent with a commercial development district. The plan states that the district "will function as the commercial center of the site" and the Urban Plaza and Civic Square (adjoining the proposed district to the east) are described to be surrounded by a variety of uses, including retail, service, residential, and office. The proposed district is also consistent with the idea of "providing a link between the commerce and activity of Highland Village and the newly developed Ford Site."

6. The *Highland Park District 15 Plan* (an addendum to the Comprehensive Plan) identifies the area as one of the areas of business concentration. Policy LU2 “encourages a mix of retail and service businesses that meet daily needs close to where people live.”
7. The proposed commercial development district is consistent with existing zoning. The parcels on the Highland Bridge site are zoned F5 Business Mixed, which “provides for a variety of retail stores, dining, office buildings and service establishments.” Restaurants and bars are permitted uses in F5, though conditional use permits may be required in some instances. The remaining parcels in the proposed district are zoned T2 Traditional Neighborhood, which is intended to “foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage.” Restaurants and bars are permitted uses in T2, though conditional use permits may be required in some instances.

Staff Recommendation

Based on findings 1 through 7, staff recommends that the Planning Commission report to the City Council that expanding the commercial development district at 2078 Ford Parkway to an area defined by PINs 17-28-23-11-0111, -0114, -0092, -0101, -0102, and -0103 is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the expansion of the commercial development district.

Attachments

DSI Background and Recommendation
Map of Proposed Expanded Commercial Development District Provided by DSI
DRAFT Planning Commission Resolution
Council Resolution 22-1148



Department of Safety and Inspections Highland Area Commercial Development District Expansion Proposal

Topic:

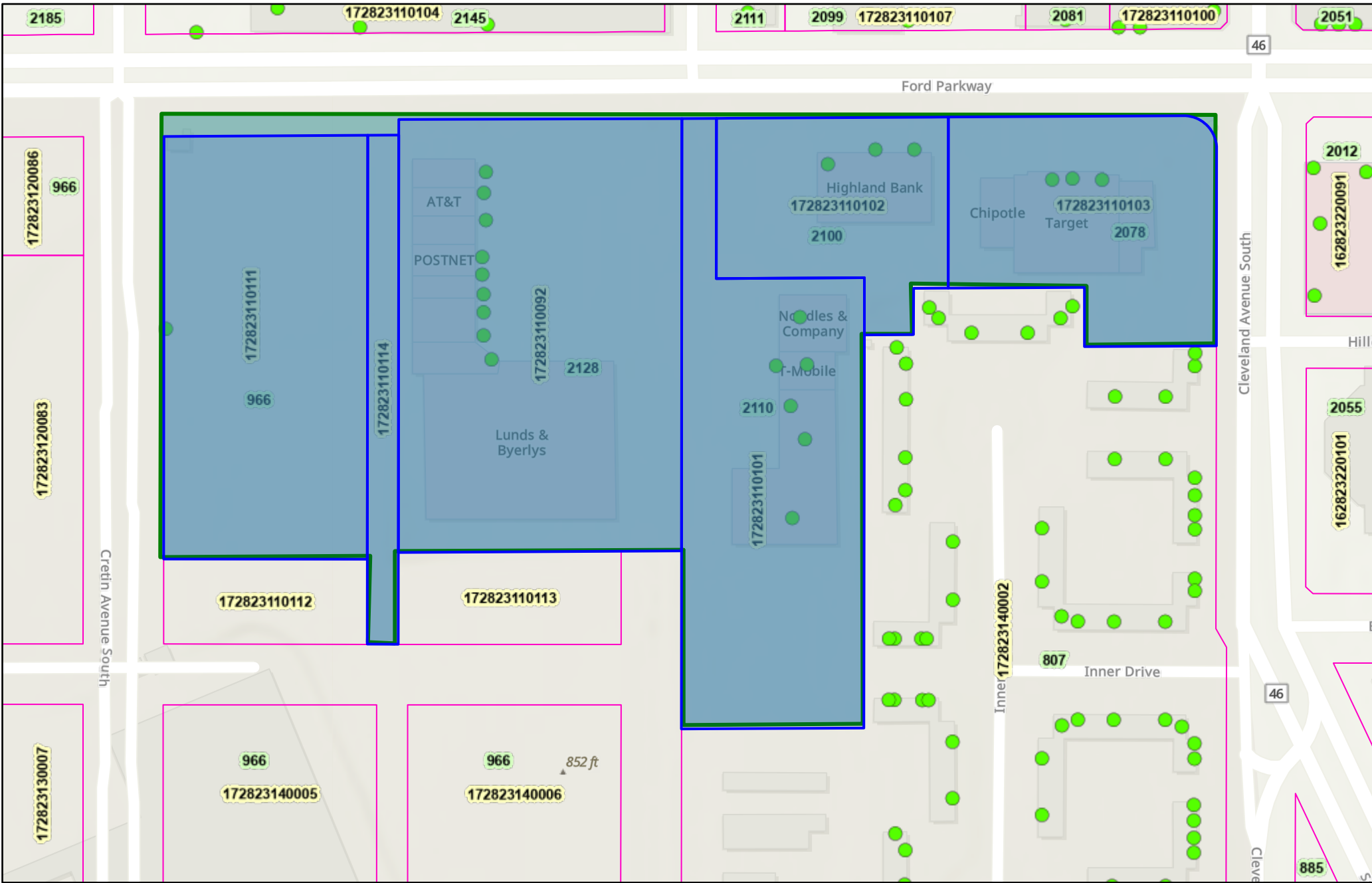
Expansion of the current Commercial Development District at 2078 Ford Parkway to encompass the area bounded by Cretin Avenue, Ford Parkway, Cleveland Avenue, and the southern property boundaries of 2078, 2110, and 2128 Ford Parkway, and properties 172823110111 and 172823110114. The new expanded district would allow for two (2) On-Sale Liquor licenses of any type; one of which is already issued to Chipotle.

Background:

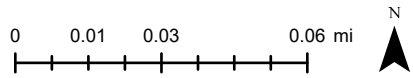
- Outside of Downtown and Commercial Development Districts, Saint Paul Code of Ordinances only allow On-Sale liquor licenses to be issued to restaurants (closing at midnight), hotels, and private non-profit colleges.
- There are numerous Commercial Development Districts throughout Saint Paul, including one at 2078 Ford Parkway. Within the latter, Chipotle holds an On-Sale Liquor license.
- Lunds has initiated the application process for an On-Sale Liquor license for their second-floor customer area.
- Based on the intended operations of the space, a number of Ordinance and Statute rules prevent Lunds from applying for an On-Sale Restaurant Liquor license. Examples include: No food service delivery to tables.
- Issuance of a non-restaurant On-Sale Liquor license to Lunds for their intended use will require being within a Commercial Development District.
- DSI discourages single parcel Commercial Development Districts as they tend to prevent orderly development and equity of opportunity.
- Conversations with the Highland Business Association and District Council staff, as well as Ryan Companies, indicate there is currently no other requested or planned need for On-Sale Liquor licenses in the Highland and Highland Bridge areas for establishments that are not restaurants, hotels, or private non-profit colleges.

Recommendation:

Amend Saint Paul Code of Ordinances to expand the current Commercial Development District at 2078 Ford Parkway to encompass the area bounded by Cretin Avenue, Ford Parkway, Cleveland Avenue, and the southern property boundaries of 2078, 2110, and 2128 Ford Parkway, and properties 172823110111 and 172823110114. The expanded district would allow for two (2) On-Sale Liquor licenses of any type; one of which is already issued to Chipotle.



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps



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PLANNING COMMISSION RESOLUTION DRAFT

Commercial Development District: 2078 Ford Parkway Expansion

WHEREAS, the Department of Safety and Inspections has proposed to the City Council an expansion of a Commercial Development District at 2078 Ford Parkway to include parcels westward to 2170 Ford Parkway pursuant to §17.07.1 of the City Charter and to §409.20 of the Saint Paul Legislative Code, for the purpose of removing the property from restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limits; and

WHEREAS, the Department of Safety and Inspections has consulted with the Planning Commission for advice concerning the proposal's consistency with the City's Comprehensive Plan and zoning ordinance pursuant to §409.20 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission has made the following findings of fact:

1. DSI is proposing the expansion of an existing commercial development district to allow an On-Sale Liquor license as requested at the Lunds & Byerly's store at 2170 Ford Parkway (see attached map).
2. The proposed commercial development district is defined by the combined area of PINs 17-28-23-11-0111, -0114, -0092, -0101, -0102, and -0103.
3. The City Council waived the petition requirement found in Section 409.20(a) of the Legislative Code with the adoption of Resolution 22-1148.
4. The proposed commercial development district is consistent with the City's **2040 Comprehensive Plan**. The property lies within an area designated Mixed-Use 2040 Future Land Uses map. Mixed-Use areas "are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown." Establishing a CDD encourages economic development of the business and the area in general.

The proposed district is also located at the Highland Village/Ford Site Neighborhood Node. Neighborhood Nodes are "compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences." The proposal is consistent with this direction. Specifically, Policy LU-30 (3) identifies the principle of "Cluster[ing] neighborhood amenities to create a vibrant critical mass."

In addition, the following Comprehensive Plan policies support the proposal:

- Policy LU-6 – Foster equitable and sustainable economic growth by facilitating business creation, attraction, retention and expansion; and
 - Policy LU 5 – Encourage flexible building design to ensure ongoing functionality and viability, and respond to new market opportunities.
5. The **Ford Site Zoning and Public Realm Master Plan**, adopted by City Council in 2017, established zoning in the western part of the proposed district as F5 Business Mixed, which is consistent with a commercial development district. The plan states that the district "will function as the commercial center of the site" and the Urban Plaza and Civic Square (adjoining the proposed district to the east) are described to be surrounded by a variety of uses, including retail, service, residential, and office. The proposed district is also consistent with the idea of "providing a link between the commerce and activity of Highland Village and the newly developed Ford Site."
 6. The **Highland Park District 15 Plan** (an addendum to the Comprehensive Plan) identifies the area as one of the areas of business concentration. Policy LU2 "encourages a mix of retail and service businesses that meet daily needs close to where people live."

7. The proposed commercial development district is consistent with existing zoning. The parcels on the Highland Bridge site are zoned F5 Business Mixed, which “provides for a variety of retail stores, dining, office buildings and service establishments.” Restaurants and bars are permitted uses in F5, though conditional use permits may be required in some instances. The remaining parcels in the proposed district are zoned T2 Traditional Neighborhood, which is intended to “foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage.” Restaurants and bars are permitted uses in T2, though conditional use permits may be required in some instances.

NOW, THEREFORE, BE IT RESOLVED, under provisions of the City Charter §17.07.1 and Legislative Code §409.20, that the Planning Commission hereby reports to the City Council that the proposed expansion of the Commercial Development District at 2078 Ford Parkway to include the parcels westward to 2170 Ford Parkway (PINs 17-28-23-11-0111, -0114, -0092, -0101, -0102, and -0103) is consistent with the Comprehensive Plan and Zoning Code, and supports creation of the proposed district.



Legislation Details (With Text)

File #: RES 22-1148 **Version:** 1
Type: Resolution **Status:** Mayor's Office
In control: City Council
Final action: 7/27/2022

Title: Waiving the signature requirement to expand the 2078 Ford Parkway Commercial Development District to include 2100, 2110, and 2128 Ford Parkway and 966 Mississippi River Boulevard South (parcels 172823110111 and 172823110114), and directing the pertinent City officials to forward the proposal to the planning commission.

Sponsors: Chris Tolbert

Indexes:

Code sections:

Attachments: 1. Copy of Ownership_Ford_Cleveland_Bohland_Cretin_2022-07-18 (Rev 7-20)

Date	Ver.	Action By	Action	Result
7/27/2022	1	City Council	Adopted	Pass

Waiving the signature requirement to expand the 2078 Ford Parkway Commercial Development District to include 2100, 2110, and 2128 Ford Parkway and 966 Mississippi River Boulevard South (parcels 172823110111 and 172823110114), and directing the pertinent City officials to forward the proposal to the planning commission.

SECTION 1

WHEREAS, Lunds submitted an on-sale liquor license application that requires an existence of a Commercial Development District; and

WHEREAS, the Department of Safety and Inspections (DSI) seeks to avoid the creation of single parcel Commercial Development Districts, so as to support equity of opportunities and orderly development; and

WHEREAS, based on the creation of a previous district, the Department of Safety and Inspections recommends expansion of the 2078 Commercial Development pursuant to Saint Paul City Charter §17.07.1 and Saint Paul Legislative Code § 409.20(a); and

WHEREAS, the petition requirements calls for written consent of two-thirds of the real estate parcels within the proposed expanded commercial development district as well as owners of two-thirds of the real estate parcels within one hundred (100) feet of the new or expanded commercial development district; and

WHEREAS, Saint Paul Legislative Code § 409.20(b) allows the city council to waive the requirements for

consent signatures if the city council determines that a hardship exists, allows the city council to initiate the process of creating or expanding the commercial development district with the affirmative vote of at least five (5) members of the city council; and

WHEREAS, given the City is driving the size of the District and the need for the District is time sensitive, there is a hardship in requiring the petition; and

WHEREAS, the Department of Safety and Inspections requests the city council, pursuant to Saint Paul Legislative Code § 409.20(b), waive the requirements for consent signatures and initiate the process for creating or expanding a commercial development district; Now, therefore be it

RESOLVED, that the signature requirement for the petition to expand the Commercial Development District at 2078 Ford Parkway is hereby waived; and be it

FURTHER RESOLVED, that staff from Planning and Economic Development present to the planning commission the proposal for the expanded commercial development district for their determination as to whether or not the expansion is consistent with the city's comprehensive plan and zoning ordinance.