

city of saint paul
planning commission resolution

file number 15-59

date September 4, 2015

WHEREAS, Thomas Schroeder, in File # 15-143-784, has applied for a historic use variance for a tap house / microbrewery with food service in a one-family residential district under the provisions of §73.03.1 and §61.601(g) of the Saint Paul Legislative Code, on property located at 445 Smith Avenue N, Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Samuel Leeches Addition Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13 Blk 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 27, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a historic use variance in order to permit establishment of a tap house and microbrewery with food service at the subject site. The historic use variance application describes the proposed uses as producing beers and sodas for on-site service and filling of growlers, and food preparation and service; the proposed uses are roughly analogous to the Zoning Code-defined uses of restaurant and craft brewery, or possibly a restaurant and a small brewery accessory to a restaurant, all of which are first permitted in the T2 zoning district. Parking will be provided off-site.
2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. Also, §73.03.1 requires the Planning Commission to make findings regarding the following:
 - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding can be met. A restaurant and craft brewery would be permitted in the T2 zoning district, such as is located adjacent across the alley to the northwest and elsewhere along West 7th Street. Such uses could be compatible with the surrounding residential uses if the proposed uses are maintained at a neighborhood scale and parking is not added to the property.
 - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and

moved by Nelson

seconded by _____

in favor Unanimous

against _____

collector streets, such as Smith Avenue and West 7th Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for historic storefronts to be restored to their historic condition, which is furthered by the application. It also calls for commercial land uses along West 7th Street to be confined to the 7th Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.

3. §61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding can be met. The property has been nominated for designation as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites – such designation must be finalized in order for a historic use variance to be approved. Given the substantial investments required to restore and enhance the site's historic character, the proposed tap house / microbrewery use is the minimum needed to generate sufficient returns to enable the site to be used in a manner that has the least negative impact on its historic character and the character of the surrounding area, provided the use's scale is limited so as to lessen negative impacts on adjacent residential properties.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Thomas Schroeder for a historic use variance for a tap house / microbrewery with food service in a one-family residential district at 445 Smith Avenue N be granted subject to the following additional conditions:

1. City Council designation of the Limestone Houses Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
2. There shall be no off-street parking provided on the subject site.
3. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.
4. Site plan review application and approval by the Zoning Administrator.