CITY OF SAINT PAUL, MINNESOTA
(Nonconforming Use Permit - Reestablishment)

ZONING FILE NO:	15-145-496
APPLICANT:	Timothy Niver
PURPOSE:	Reestablishment of nonconforming use for a restaurant
LOCATION:	786 Randolph Ave
LEGAL DESCRIPTION:	PIN 112823420009, Clarkes Addition N 77 Ft Of Fol Lots 1 And Lot 2 Blk 2
ZONING COMMITTEE ACTION:	Recommended approval with a condition on August 27, 2015
PLANNING COMMISSION ACTION:	Approved on September 4, 2015
CONDITIONS OF THIS PERMIT:	Zoning administrator approval of the shared parking agreement with 801 Randolph Avenue.
APPROVED BY:	Barbara Wencl, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on September 4, 2015, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

Violation of the conditions of this permit may result in its revocation.

Samantha Langer

Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:
Applicant Timothy Niver
District Council 9

Mailed: September 4, 2015

city of saint paul
planning commission resolution
file number 15-63
date September 4, 2015

WHEREAS, Timothy Niver, File # 15-145-496, has applied for a reestablishment of nonconforming use for a restaurant under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 786 Randolph Avenue, Parcel Identification Number (PIN) 11.28.23.42.0009, legally described as Clarkes Addition N 77 Ft Of Fol Lots 1 And Lot 2 Blk 2; 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 property at 786 Randolph Avenue is a single-story commercial building. From 1966 through 1988 this property was home to a restaurant named Phil's Place. After 11 years of vacancy, it served as a restaurant from 1999 through 2005 under a nonconforming use permit #99-008, first as The Mildred Pierce Café then as Café de Tava. The building has been vacant since 2005.
2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings*:
   (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The building, which has been vacant for over a year, is designed for restaurant uses rather than commercial, coffee shop/tea house, or deli/take-out uses permitted in the B1 district. Repurposing the building for such uses would be costly. The structure cannot reasonably or economically be used for a conforming purpose.
   (2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. The previous use was also a sit-down restaurant, which is first permitted in the T2 or B2 district. The previous restaurant had 49 seats, and the applicant proposes approximately 50 seats for the proposed use. Anticipated hours of operation are approximately 5-10pm Tuesday through Sunday, and 8-11am Saturday and Sunday, which are fewer hours of

moved by Nelson
seconded by
in favor Unanimous
against

08/15/15

Shared Parking Agreement

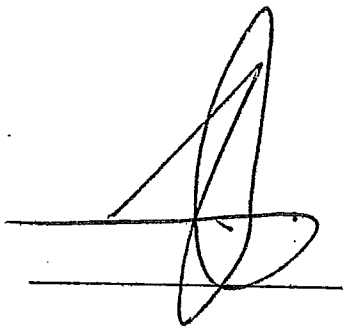
To Whom It May Concern,

This letter represents a shared parking agreement between the address of 786 Randolph Avenue, St Paul, MN and THOMAS WANG, the parking space owner. The parking space owner agrees to allow the business located at the address above to use 7 parking spots located at 801 RANDOLPH AVE. during its business operating hours.

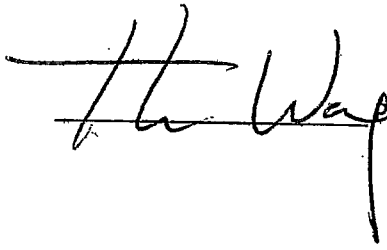
Sincerely,

Timothy Niver

Representing 786 Randolph Avenue



Timothy Niver



Parking Space Owner