

city of saint paul
planning commission resolution
file number 16-07
date February 19, 2016

WHEREAS, Thomas Schroeder, File # 16-005-089, has applied for a historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service under the provisions of §61.601 and §73.03.1 of the Saint Paul Legislative Code, on property located at 445 Smith Ave 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 February 11, 2016, 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, including with an on-site ADA-compliant accessible parking space. The application materials describe 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. Besides the one accessible parking space, other parking is proposed to be located 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. The HPC's findings and recommendation for approval are attached. 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 a full parking lot, beyond a single ADA-compliant space, is not added to the property.
 - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The

moved by Nelson
seconded by _____
in favor 13
against 1 (Nelson)

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 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 partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. However, the property could conceivably be used as a live-work unit or some other less intense use than proposed in order allow for restoration of its historic character without necessitating a building addition or bringing commercial customers to an area of residential character that does not face West 7th Street.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, recommends to the Mayor and City Council that the application of Thomas Schroeder for a historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service at 445 Smith Ave N be approved subject to the following additional condition:

1. 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.