

city of saint paul
planning commission resolution
file number 18-17
date March 23, 2018

WHEREAS, Thomas Schroeder, File # 18-030-349, has applied for a historic use variance to permit an outdoor seating area accessory to a restaurant/tap room under the provisions of § 61.601 of the Saint Paul Legislative Code on property located at 445 Smith Avenue North, Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Except the South 60 feet of the following: Lot 14 & East ½ of Lot 13, Block 9, Samuel Leeches Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 15, 2018, 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 an outdoor seating area / patio accessory to the indoor restaurant/tap room use. The outdoor seating area is proposed to be located south of the restaurant/tap room space and east of the brewery barn.
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 is met. The proposed outdoor seating area is compatible with the adjacent restaurant/tap room and with nearby T2 uses to the north along 7th Street. The seating area is located near a busy road (Smith Avenue) and contained on two sides by the business' buildings so as to lessen noise impacts. Noise is regulated citywide by Legislative Code § 293.07, which restricts sound levels dependent on the receiving land use's zoning (i.e. the permitted noise levels generated by the outdoor seating area are dependent on the residences' R4 zoning, not on the land use status of the subject site).
 - (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 collector streets,

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

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 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 is partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. The addition of the proposed outdoor seating area to this property, with its existing restaurant/brewery/tap room uses, will not negatively impact the property's historic character and will not significantly impact the character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that 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 to permit an outdoor seating area accessory to a restaurant/tap room at 445 Smith Avenue North be approved with the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan provided to the Heritage Preservation Commission and approved as part of this application.