



## Legislation Details (With Text)

**File #:** RES PH 19- 110 **Version:** 3

**Type:** Resolution-Public Hearing **Status:** Passed

**In control:** City Council

**Final action:** 5/8/2019

**Title:** Granting the application of Mohammed Thabet for a historic use variance, with conditions, at 217 Mackubin Avenue. (Public hearing held May 1)

**Sponsors:** Dai Thao

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. HPC Staff report, 3. staff report, 4. Shared Parking Form, 5. PC minutes, 6. res 217 Mackubin-HUV, 7. Written Comments, 8. Hotzler email, 9. Coe email 05-06-19

Date	Ver.	Action By	Action	Result
5/10/2019	3	Mayor's Office	Signed	
5/8/2019	3	City Council	Adopted	Pass
5/1/2019	3	City Council	Laid Over	Pass

Granting the application of Mohammed Thabet for a historic use variance, with conditions, at 217 Mackubin Avenue. (Public hearing held May 1)

WHEREAS, Mohammed Thabet ("Applicant"), in Heritage Preservation Commission File ("HPC") File No. 19-010 and in Planning Commission ("Commission") File No. 19-016-207, did pursuant to Legislative Code § 73.03.1, duly apply for a historic use variance for property commonly known as 217 Mackubin St., [Parcel Identification No. 01.28.23.22.0015] and legally described as Woodland Park Addition to St. Paul, Lots 19 through 22, Block 1, to permit the reuse of a former church building located on the said property as a rental hall for weddings and receptions; and

WHEREAS, on February 25, 2019, the HPC, pursuant to Leg. Code §73.03.1(d), duly conducted a public hearing to consider the said application and, upon the close of the hearing and having considered the report and recommendation of HPC staff and all the testimony and records received, duly moved approve the historic use variance application, with conditions, and proceeded to forward this recommendation together with all its supporting records to the Planning Commission for its consideration; and

WHEREAS, on March 28, 2019, the Commission's zoning committee, pursuant to Leg. Code §§ 61.303, 73.03.1(e) and 107.03, conducted the Commission's public hearing on the Applicant's historic use variance application and the committee, upon the close of the public hearing and having considered the report and recommendation of Commission staff and all the testimony and records received during the hearing, duly moved to approve the historic use variance application, with conditions, whereupon the zoning committee forwarded its recommendation together with all its supporting records to the Planning Commission for its consideration pursuant to of the Administrative Code, submitted its recommendation to the Planning Commission for approval; and

WHEREAS, on April 9, 2019, the Commission, based upon all the files and records in this matter, as presented to its by its zoning committee at the public hearing and as transmitted to it by the HPC, as substantially reflected in the minutes and incorporated herein by reference, duly moved to recommend

approval of Applicant's historic use variance application based upon the following findings of fact:

1. *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* The proposed use is compatible with the existing institutional uses in the immediate area and the commercial uses and zoning south of the parcel along Selby Avenue. The subject parcel is zoned RT2, which provides for civic and institutional uses, along with a range of housing types. The applicant is proposing to use the church in a manner that would be permitted in religious institutions within the RT2 zoning district. There is B2 zoning south of the subject parcel that allows banquet halls as a permitted use.

2. *The proposed use is consistent with the comprehensive plan.* The subject parcel is within an area defined by the comprehensive plan as an established neighborhood. Policy LU-1.7 calls for permitting neighborhood serving businesses compatible with the character of established neighborhoods. The multiple uses proposed are consistent with Policy LU-1.46, which calls supporting compatible mixed-use within single buildings. The historic preservation chapter calls for preserving and protecting historic resources and using historic preservation to further economic development. Policy HP 5.3 calls for realizing the full economic potential of key historic resources.

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, the Council, having considered all the testimony and records before it, together with the recommendations of the HPC and Commission to approve the said application, the Council of the City of Saint Paul;

DOES HEREBY RESOLVE, that the Applicant's request for a historic use variance to operate a rental hall for weddings and receptions on former church property located at 217 Mackubin Ave, is hereby granted subject to the following condition:

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

AND, BE IT FURTHER RESOLVED, that by City ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion to approve the said Application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

AND, BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this Resolution to the heritage preservation commission, the planning commission, the zoning administrator, the building official, the fire inspector, and the Applicant.