

<p>Chair: Tim Felton</p> <p>Commissioners: Geoff Fournier Tyler Fehrman James Hart Andrew Hoffman Ruth Krueger Brienne Miller</p>	 <p>City of South St. Paul Planning Commission Agenda</p> <p>Wednesday, August 7, 2024 7:00 p.m.</p>	<p>City of South St. Paul 125 Third Avenue North South St. Paul, MN 55075 Phone: (651) 554-3217 Fax: (651) 554-3271 www.southstpaul.org</p>
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<p>Roll Call</p>		
<p>1. Agenda</p>		
<p>2. Minutes</p> <p>A. June 5, 2024</p>		
<p>3. New Business</p>		
<p>4. Public Hearings</p> <p>A. Conditional Use Permit for On-Sale Liquor at 111 Concord Exchange South</p>		
<p>5. Other Business</p>		
<p>6. Staff Updates</p> <p>A. Planner's Update</p>		
<p>7. Adjournment</p>		

Next Planning Commission Meeting: September 4, 2024

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MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
June 5, 2024

MEETING CALLED TO ORDER BY CHAIR FELTON AT 7:00 P.M.

Present: Geoff Fournier
Tim Felton
Tyler Fehrman
James Hart
Andrew Hoffman
Brienne Miller
Ruth Krueger
Michael Healy, Planning Manager
Monika Miller, Associate Planner

Absent: None

- 1) APPROVAL OF AGENDA - Motion to approve as presented– Hart/Fournier (7-0).
 - 2) APPROVAL OF MINUTES –May 1, 2024 –Motion to approve as presented– Fehrman/Fournier (7-0).
 - 3) NEW BUSINESS
- None.
- 4) PUBLIC HEARINGS

A. Front Yard Setback Variance for Enclosed Porch Addition at 120 2nd Avenue South

Mr. Healy presented the staff report. The Applicants are Sarah and Nick Ridgeway. They are requesting a variance for an enclosed porch addition at 120 2nd Ave South. They would like to demolish their existing porch that is 21 feet away from the front property line and construct a new porch that is 15 feet 10 inches from the front property line. Building additions in the R-2 district may not bring the home closer to the front property line than the average front setback of houses that are on the same block which face the same street. The average front setback on the 100 block of 2nd Avenue South is between 18 feet and 20 feet. The proposed addition cannot be constructed without a front setback variance because the porch would not meet the front setback requirement. Staff did not provide a formal recommendation of approval or denial for the project as while the proposed addition is aesthetically pleasing, the Applicant's request does not clearly meet the practical difficult test. Mr. Healy explained that if the Planning Commission wished to recommend approval of the variance, they should provide findings that the application meets the criteria for when to grant a variance.

Chair Felton asked Mr. Healy to bring up the slide that showed an aerial view of the block where the subject property is located. Chair Felton commented that there were quite a few houses on the block that have a front yard setback that is around 10 feet. Chair Felton asked Mr. Healy how he determined the average front setback of the block. Mr. Healy explained that he used an aerial GIS tool to measure the approximate front setback of each house on the block. Once he had the approximate front setback for each house, he added all of the front

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setbacks up and then divided that number by 13 and came up with approximately 19 feet as the front average setback. Given that the GIS tool is not 100% accurate, Mr. Healy opted to add a buffer of +1/-1, which led to an average block front setback of 18 feet to 20 feet.

Chair Felton asked Mr. Healy why he divided by 13 to get the average front setback when there are 14 houses on the block. Mr. Healy explained that the code is written to have you average all the other houses on the block. Mr. Healy explained that there are 13 other houses on the block.

Chair Felton commented that the actual front setback could be a foot or two off from the estimated front average setback. Mr. Healy stated that was correct. Mr. Healy added that the homeowner could hire a surveyor to survey all 13 houses on the block to come up with an exact average front setback, but this would not change the fact that the homeowner would still need a variance to build the porch addition.

Commissioner Miller asked if any of the other houses on the block had received a similar variance. Mr. Healy shared that he did not know off hand.

Commissioner Hart questioned if there was any precedent set in the past several years to approve a variance to allow home or home additions closer to the front property line than the block average. Mr. Healy stated that this was more common before the City adopted updated rules for permitted encroachments. These rules allowed some structures such as decks or porches to extend further into the front setback than is typically allowed as “permitted encroachments” without requiring the homeowner to go through the variance process. Additionally, the City approved one setback variance in 2020 for a house on a block by Highway 52 where the entire block is angled and each of the houses has diagonal setbacks instead of setbacks that are parallel to the street. A homeowner in this area wanted to build an addition to their home but needed a variance due to the odd front setbacks of each of the houses with the diagonal block setup. The City Council approved the variance.

Commissioner Hart asked Mr. Healy to clarify if, prior to the City adopting the rules for permitted encroachments, most front yard setback variances were for open enclosures as opposed to totally enclosed additions. Mr. Healy stated he had not done a deep dive into the topic and that several newer houses had been constructed with a variance from the front setback requirement. These variances were often for infill construction in a neighborhood with a larger average front setback. Mr. Healy added that these variances were granted before his time.

Nick and Sarah Ridgeway came forward to speak to their application.

Chair Felton asked the Applicants if there was any further information they would like to add. Ms. Ridgeway explained that they had wanted to update the look of their home by changing the front of their house as opposed to moving. Ms. Ridgeway added that the existing front porch was dated and that they would like to create a bigger, nicer porch that their children can enjoy.

Chair Felton asked the Applicant about the size of their existing porch. Ms. Ridgeway answered that the porch was 6 feet 10 inches wide which made the space difficult to use. Chair Felton commented that the space was not big enough to be utilized. Ms. Ridgeway added that they had tried to use the porch as a social space but were not able to comfortably use it due to its size. Ms. Ridgeway added that they felt the timing for the project was right as they were updating the roofing and siding on the house.

Chair Felton asked the Applicants if they had any concerns about the conditions of approval for the project. The Applicants stated that they had spent a lot of time discussing the project with Staff and did not have any concerns.

Chair Felton opened the public hearing.

No correspondence had been received prior to the public hearing and no one was present to speak on the Application.

Chair Felton closed the public hearing.

Chair Felton commented that there appeared to be several houses on the block that had a front setback that is closer than the block average and that had a front façade that is less aesthetically pleasing than what the Applicants were proposing.

Commissioner Fehrman commented that the homeowners have demonstrated an investment in their property which is in turn an investment in the neighborhood. Commissioner Fehrman motioned to recommend approval of the variance.

Mr. Healy advised Chair Felton that the Planning Commission should adopt findings that the variance meets the practical difficulty test. While it is unlikely that the variance approval would be challenged, it is important that findings that the variance meets the practical difficulty be adopted as part of the motion. Mr. Healy explained that one option would be to adopt the generic findings that the variance meets all the practical difficulty criteria. The other option would be for the Planning Commission to adopt specific findings that the variance meets the practical difficulty test. Mr. Healy explained that the Planning Commission should adopt these findings as part of the recommendation of approval.

Chair Felton asked Commissioner Fehrman if he would like to amend his motion.

Motion to recommend approval of a front setback variance to allow an enclosed porch addition after finding that the variance criteria have been satisfied - Fehrman/Fournier (7-0).

B. Conditional Use Permit for On-Sale Liquor at Black Sheep Coffee

Mr. Healy presented the staff report. The Applicant is Black Sheep Coffee. The business is located at the intersection of Southview Boulevard and 7th Avenue South. Black Sheep Coffee was closed for much of 2023 and recently reopened under new ownership. The new owner, Jason Frankot, is seeking a Conditional Use Permit for On-Sale liquor to be able to sell alcohol which will create a new revenue stream for the business and provide new experiences for customers. Alcohol would be sold to Black Sheep Coffee customers during normal business hours and potentially after normal hours if the building was rented out for private events. A property must have a conditional use permit for on-sale liquor to qualify for a liquor license. Conditional Use Permits are tied to a property whereas a liquor license is tied to a business. Conditional Use Permits do not require a background check whereas a liquor license does. Staff does recommend approval of the proposed Conditional Use Permit subject to the conditions of approval listed in the staff report.

Chair Felton stated that he understood that alcohol could be served in Black Sheep's outdoor dining area with a Conditional Use Permit but asked for clarification on if alcohol could be served out in front of the building along Southview Boulevard if sidewalk dining was set up. Mr. Healy explained that the outdoor ordinance allows alcohol to be served outside until 10:00 PM. Any later hours would need to be approved by the Planning Commission/City Council.

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Commissioner Hart asked if the Applicant would be allowed to serve alcohol inside and outside until 11:00 PM if the Planning Commission did not adopt specific hours that alcohol can be sold as part of the Conditional Use Permit approval. Mr. Healy explained that the City's outdoor dining rules allow liquor to be served outside until 10:00 PM unless the conditional use permit outlines different hours. If the Planning Commission wants to see different hours for when liquor can be sold outside, they should state that as part of their motion. Alcohol can already be sold until 11:00 PM inside the building. Commissioner Hart asked how late the restaurant inside the building was allowed to operate according to the city code. Mr. Healy stated that the city code does not limit how late a business can operate, just how late alcohol can be served inside the building. Mr. Healy added that the Planning Commission could impose a limit on the business' hours of operation but he is not recommending that they do so.

Commissioner Hart asked if there was a need to discuss potential issues related to exterior lighting as part of the Conditional Use Permit. Mr. Healy stated that they could, but the Applicant has not provided plans for modifications to the patio area. Mr. Healy added that regardless of the conditions that are in the Conditional Use Permit, the Applicant still has to follow the City Code, including the lighting and glare ordinances.

Commissioner Felton commented that the Conditional Use Permit runs with the property so if the City were to loosen up restrictions on alcohol, those looser restrictions would apply to all future uses of the property, not just the current use. Mr. Healy stated that was correct. Mr. Healy added that technically liquor licenses can have conditions placed on them too, but the process is different and generally conditions can only be added for compelling reasons such as the background of the property owner or the nature of the business.

Jason Frankot came forward to speak to his application.

Mr. Frankot started by disclosing that he served on the Planning Commission from 2020 to 2022. Mr. Frankot shared that the goal was to get Black Sheep Coffee back up and running while being profitable. When a profit analysis was done for the business, there were essentially three main things that were holding the business back: the machinery, the pace at which service was provided, and the offerings the business presented, both in terms of the menu and the space. Mr. Frankot shared that for now, they only had window service open but once they have liquor and other items figured out, they planned to fully re-open. Many of the individuals that were involved with the initial business are around and 7 new jobs have been added. Mr. Frankot added that one thing he wanted to emphasize was that Black Sheep is only looking to add beer and wine. The business has no intention of being a full bar and they have no intention of serving hard liquor. The thought behind offering beer and wine is to have different beverage options available after 1:00 PM when some individuals might not want to be drinking coffee. Mr. Frankot added that they have added cameras to the premises in the beverage making area and in the alley. Mr. Frankot stated the business has drapes to prevent light from inside the building from creating a nuisance outside. Regarding outdoor dining, Mr. Frankot shared that there is a plan to offer an outdoor seating area.

Chair Felton opened the public hearing.

Steve Mankowski, 725 Southview Boulevard, stated he had several questions. Mr. Mankowski stated that he would like to know if 3.2% beer would be sold at the site and asked if certain brands of beer would be sold at the site. Mr. Mankowski also inquired about how a business can acquire a liquor license before they sell food when the City Charter requires 50% of the sales to come from food for a business to be eligible for an on-sale liquor license. Mr. Mankowski also asked if the County was now allowing sidewalk cafes on Southview Boulevard.

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Mr. Frankot shared that the business was focused more on wine than beer and that they had hired a sommelier to help them pair food and beverages. Mr. Frankot restated the intention is not to become a “down the hill” bar. Mr. Frankot added that he thought that 3.2% beer is normally only sold at sporting events whereas with a regular beer and wine license you can sell beer at a normal strength but differed to Mr. Healy on that. Mr. Healy stated that a beer and wine license allows beers and wines that are up to 19.99% ABV. Chair Felton summarized that the beer that is being sold would not be limited to 3.2% beer.

Chair Felton asked Mr. Healy to address the questions about the percentage of sales from food needed to get a liquor license and about whether dining is allowed on Southview Boulevard. Mr. Healy prefaced that liquor licensing is handled by the City Clerk’s office; however, he had a working knowledge of the subject. Mr. Healy stated that prior to the 2014 overhaul of the City’s liquor licensing regulations, there was a rule that if a business was not on Concord Street, the businesses needed to have 50% of its sales come from food. When the rules were overhauled, the rule became applicable Citywide. Any new business that sells alcohol is required to adhere to this. Chair Felton asked if coffee would count as food sales. Mr. Healy stated that likely the sale of anything that is not alcohol would count towards the amount of sales from food but reiterated that he was not involved with licensing of alcohol and the interpretation of the rules is ultimately up to the City Clerk and the City Council.

Chair Felton asked Mr. Healy about whether sidewalk dining would be allowed on the Southview Boulevard side of the building. Mr. Healy explained that it would ultimately come down to whether the street right-of-way extends all the way up to the front of the building. If the street right-of-way comes all the way up to the front of the building, there could not be tables and chairs out front as the County does not allow outdoor dining in their right-of-way.

Mr. Mankowski stated that he was not against the application but rather wanted to prevent the Applicant from accidentally violating any city regulations.

Dennis Hosford, 702-710 Southview Boulevard, stated that he was not against a beer and wine license being issued to Mr. Frankot but stated that he was concerned about the conditional use permit running with the land and what could happen if a different business moved into the space. Mr. Hosford shared anecdotes of the issues that occurred with a former business on Southview Boulevard, Big Johns Restaurant and Sports Club. Mr. Hosford shared the ways that the business found to skirt the 50% requirement and the issues the City had addressing the business. Mr. Hosford stated that the Applicant was attempting to run two different businesses in one space and encouraged the Commissioners to limit the hours of operation for the business due to its proximity to residential properties. Mr. Hosford suggested requiring the business to have their patio closed by 9:00 PM and the business closed by 10:00 PM. Mr. Hosford added that the rules regarding the sale of liquor after a certain time of night while still allowing the business to remain open results in the rules being unenforced. Mr. Hosford shared that he had concerns about the business violating the noise ordinance and stated that he understands the City has no way to enforce its noise ordinance. Mr. Hosford added that the county right-of-way goes right up to the front of the building and so sidewalk patios should not be allowed. Mr. Hosford again reiterated that he would like to see the Conditional Use Permit regulate the hours of operation for any business as the site.

Chair Felton asked Mr. Healy if any correspondence had been received prior to the meeting. Mr. Healy shared that he had received an email in favor of the request.

Chair Felton asked Mr. Healy to summarize the hours that the business is required to adhere to. Mr. Healy explained that the City Council recently updated the regulations for outdoor dining areas and how late it is appropriate to have them stay open. The decision was made to allow outdoor dining until 10:00 PM. This time aligns with when the City’s noise ordinance takes effect. Mr. Healy explained that the Police have the authority

to enforce the noise ordinance, which is fairly easy to enforce. It is more difficult to enforce if the City receives a more technical complaint outside of quiet hours claiming that a noise is above the decibel limit specified in the noise ordinance. Relating to liquor, alcohol cannot be sold later than 11:00 PM “up the hill.” Mr. Healy acknowledged that the City Code does allow an alcohol-serving business to stay open past when they can serve alcohol. Mr. Healy speculated that the City Council put this rule in place to be business friendly, especially when some other communities also allow businesses to be open after they stop selling alcohol. Mr. Healy explained that the enforcement of the violation of a Conditional Use Permit condition is usually at the back end. In the event that a Conditional Use Permit condition is violated and the violation is documented by a police report, the City has the ability to enforce the Conditional Use Permit by calling a public hearing for the revocation of the Conditional Use Permit. Mr. Healy acknowledged that neighbors would prefer immediate enforcement; however, the process for addressing conditional use permit violations from the zoning side is not immediate.

Chair Felton closed the public hearing.

Commissioner Hart asked Mr. Healy if Black Sheep is allowed to have outdoor dining on the sidewalk on Southview Boulevard and if the Conditional Use Permit would allow alcohol to be consumed in an outdoor dining area on the sidewalk. Mr. Healy stated that Black Sheep would not be allowed to have outdoor dining on the sidewalk today. In order for any outdoor dining area to be expanded, a scaled site plan with information about the location of the property line must be submitted. A special permit is required for sidewalk cafes. Mr. Healy emphasized that the request in front of the commission was not for a sidewalk café. Commissioner Hart clarified that he was just looking for clarification about whether dining on the sidewalk would be allowed.

Motion to recommend approval of Conditional Use Permit for On-Sale Liquor as presented- Fehrman/Miller (7-0).

C. Sign Code Overhaul Ordinance

Ms. Miller presented the staff report. The City is proposing an ordinance amendment that would overhaul the sign code regulations. The ordinance is the last installment of a three-part project to update the City’s sign regulations to create a code that balances regulating signage with businesses’ need for expression. The ordinance looks to address three topics that were not touched by the previous updates: murals/painted wall signs, temporary signage, and the general organization of the sign ordinance. Staff presented a nearly identical version of the ordinance for discussion at the Planning Commission’s May 1st meeting. During the May 1st meeting, Commissioner Hoffman asked staff to consider allowing temporary feather flag signs. Feather flag signs are currently a prohibited type of sign. In staff’s experience, this type of signage is often used for guerilla marketing. Staff anticipate businesses being unwilling to pay for permits for this type of sign or adhere to a limit on how many days these signs can be up. Staff encouraged the Planning Commission to discuss whether to allow these types of signs. If so, the Planning Commission should include in their motion a recommendation that staff include language to allow temporary feather flag signs. Staff recommends the Planning Commission recommend approval of the sign ordinance.

Chair Felton reiterated that Staff is looking for discussion from the Planning Commission about whether to allow temporary feather flag signs. Chair Felton asked what type of performance standards there would be for feather flag signs. Ms. Miller explained that if the Planning Commission and City Council were to allow these types of signs, they would be subject to the requirements that are in place for temporary signs that require a permit. These standards include that a permit is required to install the sign, the sign may only be installed in conjunction with a promotional item, special event, or holiday, that the signs can be up for 30 days at a time, up

to 3 signs can be installed at one time, and the total amount of temporary signage cannot exceed 100 square feet. Chair Felton asked what the fee was for a temporary sign permit. Ms. Miller responded that the cost for a temporary sign permit was \$20. Chair Felton commented that he was concerned that businesses would come in for a new temporary sign permit every 30 days if there was no fee for the permit. Ms. Miller explained that there is a cost for temporary sign permits and a property may only have temporary signs installed for up to 120 days a year.

Commissioner Hoffman asked if the \$20 temporary sign permit is good for 120 days or would a business need to reapply for a temporary sign permit every 30 days. Ms. Miller explained that a temporary sign permit is good for 30 days and up to 3 signs can be installed with an approved permit. After 30 days, the business needs to take the signage down.

Commissioner Miller asked if campaign signs were considered small yard signs. Ms. Miller explained that State Statute has special rules for campaign signs and these rules are already in the sign code and would not be changing as part of this ordinance. Mr. Healy added that rules for special campaign signs are only in effect 45 days before the election. Mr. Healy asked Ms. Miller if a small yard sign could be used to display a statement regarding the approval or displeasure of a political figure, regardless of whether it was election season. Ms. Miller stated that they could.

Commissioner Hart asked if the code already defined what is mural is. Ms. Miller explained that the current code does not define what a mural is, but the proposed ordinance would. Commissioner Hart commented that some of the murals around town appear to border on being signage as opposed to just an artistic expression. Ms. Miller explained that the ordinance attempts to create a definition for a mural which clearly distinguishes the artistic form of expression from a painted sign which consists of the name of the business being painted onto a wall.

Mr. Healy shared his experience handling code enforcement issues related to signage. Mr. Healy shared that for enforcing the regulations for temporary signs, cities will often do a large sweep once every year or two. There are some temporary sign rules that are easier to enforce than others. From an enforcement standpoint, it is easier to tell a business they cannot have a certain type of signage than it is to try to get a business owner to come in for a sign that they have illegally installed. Mr. Healy stated that there are certain types of signage that are difficult to set up permit procedures for and that he wanted to avoid creating a false narrative that the City was creating a strict permitting policy that requires everyone to follow the 30-day rule. Mr. Healy warned that the number of feather flag signs installed illegally would likely proliferate if the City were to allow them with a permit.

Chair Felton clarified with Mr. Healy that his recommendation was for the commissioners to carefully consider the potential implications of legalizing temporary feather flag signs. Mr. Healy encouraged the Planning Commissioners to consider the topic from a Code Enforcement standpoint and how likely it was that this type of signage would be illegally installed as a result of legalizing them.

Chair Felton opened the public hearing.

No one was present to comment on the application and no correspondence was received prior to the meeting. Chair Felton closed the public hearing.

Motion to recommend approval of an ordinance amendment overhauling the regulations for signage-Krueger/Hoffman (7-0).

5) OTHER BUSINESS

None.

6) STAFF UPDATES

Ms. Miller shared the City would be partnering with Tree Trust to plant trees in the area of the city south of I-494 later in the week. Ms. Miller shared the dates and times for the planting events and encouraged anyone that was interested to join. Chair Felton asked for clarification on if the tree planting would just be taking place south of the freeway. Ms. Miller stated that was correct and explained that the city would be planting new trees south of I-494 first as this is where the City started its ash tree removal project the previous year.

Commissioner Hoffman asked if volunteers should bring their own equipment. Ms. Miller explained that Tree Trust provides all of the equipment and tries to make the planting process as easy for volunteers as possible by placing trees where they will be planted and pre-drilling holes for the trees to go into.

7) ADJOURNMENT

Motion to adjourn- Hoffman/Fehrman (7-0).



AGENDA ITEM 4.A

South St. Paul Planning Commission

<p>Prepared By: Michael Healy, Planning Manager</p>	<p>Meeting Date: 8/7/2024</p>
<p>Item Description: Public Hearing for a Conditional Use Permit for On-Sale Liquor at 111 Concord Exchange South</p>	

ACTION REQUESTED

A motion recommending approval or denial of a conditional use permit for on-sale liquor at 111 Concord Exchange South.

BACKGROUND/ DISCUSSION

OVERVIEW

Application

The Applicant, TL Networks LLC, operates a restaurant and grocery store at 111 Concord Exchange South in the old VFW building. The restaurant and grocery store operates under the name “Mexatlan Supermercado.” The Applicant is planning to reopen one of the banquet halls in the lower floor of the building which was previously used by the VFW. They are seeking a conditional use permit for on-sale liquor which would allow them to qualify for an on-sale liquor license so they can sell alcohol at private events taking place in the banquet hall.

Review Timeline

- Application Submittal:** July 9, 2024
- Planning Commission:** August 7, 2024
- Tentative City Council Meeting:** August 19, 2024
- 60-Day Review Deadline:** September 7, 2024

Background

The Applicant, TL Networks LLC, purchased the old VFW building at 111 Concord Exchange South in 2019. The Applicant owns the “Taco Libre” chain of restaurants and they have used the old VFW building to expand and diversify their operations. Part of the building is used as a commissary kitchen for ingredients that are shipped out to Taco Libre restaurants across the metro and used in the company’s food truck operation. Part of the building is used for office space. Part of the building is used as a grocery store. The grocery store contains a small restaurant and an ice cream parlor which each have their own seating area with tables. Part of the building is used as a bakery and baked products are available in the grocery store.

The Applicant is actively using most of the building but there is a large banquet hall on the lower floor that has been dormant since the building stopped being a VFW. The Applicant is seeking to bring this banquet hall back online as a rental space for private events. The banquet hall would function as an extension of the restaurant that is already in the building. Earlier in 2024, the City Council approved a “consumption and display” permit for the banquet hall space. With this type of permit, individual guests at can bring their own alcohol to consume on-site but no alcohol can be sold at the property. The UFCW Union Hall at 266 Hardman Avenue North is an example of another banquet facility in town that has a consumption and display permit.

The Applicant has not yet reopened the banquet facility as there are still some outstanding building/inspections requirements that need to be addressed. They recently reanalyzed their business plan and believe that they are more likely to be financially successful if their business model includes alcohol sales instead of allowing customers to bring their own alcohol to events. They plan to seek an on-sale liquor license instead of relying on the consumption and display permit that has already been approved.

Property Characteristics

The subject property has a unique layout. It has frontages along both Concord Street and Concord Exchange. The building is built into a small hill and essentially has two first floors, one facing each frontage. The grocery store is on the upper floor and has doors facing Concord Exchange. The banquet hall space is on the lower floor and has doors facing Concord Street. The building was originally constructed in the mid-1950’s and received a large addition in 1989. The building has a utilitarian design with few windows and little architectural detailing. The Applicant has invested significant funds in improving the landscaping and parking lots and has recently repainted the building.

The subject property includes 4 separate tax parcels which together constitute roughly 2 acres of land. The building straddles two small parcels, the northern parking lot sits on its own parcel, and the southern parking lot sits on its own parcel.

Details of Proposed Business Model

Per the Applicant, the current plans for the business are as follows:

- They are looking to obtain a full liquor license to offer beer, wine, and spirits.
- They are looking to host a wide variety of events including quinceaneras, weddings, birthday parties, and community celebrations.
- They anticipate initially employing 10 individuals and hosting 1-2 events each week.
- They want to operate the banquet hall space with very flexible hours and may operate as late as 2 AM on weekends.
- They are currently only looking to offer alcohol in the lower-floor banquet room. It is possible that they would want to offer beer and wine in the main restaurant space (which is located within the grocery store) at some point in the future.

Zoning and Comprehensive Plan Guidance

The subject property is zoned “CGMU-1-Concord Gateway Mixed Use Subdistrict 1” and guided “mixed-use” in the 2040 Comprehensive Plan. In the CGMU zoning district:

- “Cafés, cafeterias, and restaurants” are a permitted use and do not need special zoning approvals.
- On-sale liquor requires a conditional use permit. *Any business that wants to sell wine, beer, or liquor for consumption on-site must get a conditional use permit before they are eligible for a liquor license. The City can attach reasonable “case by case” conditions to the conditional use permit.*
- Any individual “use” within a building that has a gross floor area of 10,000 square feet or more requires a conditional use permit. *The Applicant has several different uses within the building on the subject property and so far, no individual use has reached the point of triggering the conditional use permit requirement based on gross floor area.*

The old VFW was lawful nonconforming (“grandfathered”) and had a liquor license even though they did not have a conditional use permit. Because that use ceased for longer than one full calendar year, all “grandfather rights” have been lost and the Applicant needs a conditional use permit to get a liquor license.

Relevant City Code

The following code sections are relevant to this review:

- Section 118-125 of the City Code governs the Concord Gateway Mixed Use zoning district
- Section 118-40 of the City Code governs Conditional Use Permits.
- Sections 118-351 through 118-355 govern off-street parking and loading.

Licensing For This Type of Business

The conditional use permit is just one tool that the City uses to regulate this type of business. The Applicant will also need to obtain a liquor license and keep it in good standing to sell alcohol. The liquor license is issued by the City Council and can be revoked for license violations.

State Statute lays out base requirements for liquor licenses. State Statute allows bars and restaurants to sell alcohol until 1 AM with a standard liquor license. Bars and restaurants can sell alcohol until 2 AM with a special permit. The City Code is allowed to be stricter than State Statute but cannot be less strict. The City Code does restrict hours of operation for bars and restaurants in some parts of the community but businesses that are within 750 feet of Concord Street are not subject to those restrictions. The subject property is located in what has historically been the community’s entertainment district where late night activities have always been welcome.

If the Applicant wants to serve alcohol and provide music and other types of entertainment, they will also need to secure an entertainment license. This type of license is issued by the City Council and can be revoked for license violations.

Site and Building Plan Review

The Applicant is not currently proposing to make any changes to the exterior of the building or the overall site.

Parking

The subject property has roughly 100 off-street parking stalls which are located primarily in surface parking lots to the north and south of the building. Properties in the CGMU district also get credit for on-street parking stalls adjacent to their property which means that they have an additional 19 stalls of on-street parking (the street is currently under construction and this number was provided by the Engineering Department). This means that there are roughly 119 total parking stalls for the building. South St. Paul does not have fixed minimum parking requirements for non-residential uses and instead the City Code lays out a process for determining parking needs for each project:

- Each “use” has a default parking requirement under the City Code. Restaurants and banquet halls have a default requirement of 1 parking stall per 3 customer seats. Grocery stores and offices have a default requirement of one parking stall per 400 square feet of gross floor area.
- The Planning Commission and City Council will evaluate actual parking needs “case by case” as part of the review of any conditional use permit. They will consider things like on-street parking, shared parking, transit, pedestrian connectivity, and information about actual parking needs supplied by the Applicant. Businesses that do not require a conditional use permit may submit a “parking and circulation plan” and receive permission to deviate from the default requirements.

The Applicant has substantially decreased the property’s overall parking demand since acquiring it in 2019. The entire building consisted of restaurant and banquet hall space when it operated as a VFW. Much of the building is now being used for less intense uses such as offices, a bakery, and a grocery store. There should be no issues with parking availability and many people attending private events with alcohol in 2024 can be expected to utilize rideshare options (i.e., Uber and Lyft) instead of driving themselves to the subject property.

Where Can Alcohol Be Consumed?

When the Applicant applies for their liquor license, they will need to provide a detailed floor plan that defines the “premises” where alcoholic beverages will be served and consumed. Minnesota State Statute is strict regarding what types of businesses can sell alcohol. Restaurants are allowed to sell alcohol for on-site consumption, but grocery stores are not. There are numerous grocery stores throughout the Twin Cities (i.e. Whole Foods, Lunds & Byerly’s, and Hy-Vee) that operate small in-store restaurants which serve alcohol. In each of these grocery store buildings, the liquor license defines the area that is considered the restaurant and customers need to stay in this area to consume their drinks. Unlike in Wisconsin, it is not legal in Minnesota to wander a grocery store with an alcoholic beverage in hand.

Currently, the Applicant is only proposing to sell alcohol in the lower-level banquet hall. If they want to offer alcoholic beverages in the upper-level restaurant and/or ice cream parlor in the future, that is something that they will need to work out with the City Clerk’s office as part of their liquor license.

Cleaning Up Old Approvals

When the building operated as the VFW, there was a very small fenced-in outdoor dining area outside of the Concord Exchange entrance. During the VFW era, both floors of the building were used for restaurant/banquet hall space and this outdoor dining area was contiguous with an active restaurant space on the upper floor. The outdoor dining area was only large enough for 2 or 3 small tables and likely was intended primarily to accommodate tobacco smoking after indoor smoking became illegal in 2007. The outdoor dining area was approved via a “conditional use permit for outdoor dining” in 2007 which was amended to adjust the site plan in 2008.

The Applicant has converted most of the upper level into a grocery store and the small outdoor dining area is no longer used. The Applicant has not removed the fencing, but the area is now used exclusively as a customer entrance and there are no tables. The conditional use permits from 2007 and 2008 should be terminated because this area no longer functions as an outdoor dining area, and it would be problematic if the Applicant tried to bring it back online and serve alcohol there since it is no longer adjacent to a restaurant space. The City recently simplified the process for getting an outdoor dining space approved so it will be very easy for the Applicant to establish an outdoor dining space in the future if they so desire. A conditional use permit is no longer required for outdoor dining.

Sewer Access Charges

The Metropolitan Council owns the region’s sewer system and they require property owners to obtain a Sewer Access Charge (SAC) determination if the use of a building is going to change. Changing the use of a building may trigger the payment of SAC fees if the Metropolitan Council determines that the new use is going to have a greater impact on the sewer system than the previous use. They use a book of mathematical formulas to make this determination. City Staff has been working with the Applicant to complete the SAC determination process since the upper floor was converted from a banquet hall to a grocery store and restaurant in 2023. It is very important that the Applicant completes this process, and it needs to be a condition of approval so the Applicant treats it as a high priority. The Metropolitan Council periodically audits their SAC records to make sure that all required sewer access fees have been paid. They may penalize businesses and municipalities that do not follow SAC determination procedures.

Parcel Configuration

The subject property consists of four different parcels. Each of the two parking lots sits on its own parcel. The building itself straddles two parcels and a property line appears to run through the banquet hall space. The two parcels underneath the building need to be combined and this should be a condition of approval for the conditional use permit. This is for two reasons:

1. Technically, it may be considered a Building Code and/or Fire Code violation to have a property line run through the building since there is not a firewall along the property line.
2. The City will need to define the “premises” where alcohol will be served as part of the liquor licensing process. Having the building straddle two parcels adds an extra PID # to the equation and complicates the property’s title which makes it hard to process the liquor license cleanly.

The Dakota County Tax Assessor will combine the two parcels free of charge. The Applicant simply needs to submit a signed application.

Surrounding Land Uses

Direction	Existing Use	Existing Zoning	Comp Plan Guidance
West	City Auto Glass	CGMU-1	Grand Exchange Mixed-Use
North	Vacant City-owned parcel	CGMU-1	Grand Exchange Mixed-Use
East (across Concord Street)	Bridgepoint Industrial Park	I-1 Light Industrial	Light Industrial
South	Protouch Painting Inc.	CGMU-1	Grand Exchange Mixed-Use

CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permits should be reviewed through the lens of the criteria outlined in the City Code:

- (1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
- (2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
- (3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
- (4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.
- (6) *In Business districts.* Certain uses are considered, as a rule, unsuitable in commercial areas because of inherent characteristics (e.g., traffic hazards, noise, light glare), proximity to residential areas, the fact that they tend not to serve nearby residential areas, or may adversely affect nearby permitted business uses.

COMMENTS FROM OTHER DEPARTMENTS

South Metro Fire Department

Fire Marshal Terry Johnson provided comments which are summarized below:

- The occupancy load for the banquet hall space needs to be established and the space needs to be posted with the maximum occupancy. The Fire Departments has records from 2018 and the Applicant should coordinate with the Fire Department to complete this process.
- A third-party contractor performed an inspection of the building's sprinkler system in September of 2023 and submitted an inspection report to South Metro Fire Department. The Fire Department needs to confirm that the issues outlined in the report have all been addressed. Specifically:
 - The report notes that sprinkler coverage is missing in some areas but does not provide specifics. If any sprinkler coverage is missing in the banquet hall area or the ancillary spaces (i.e.

restrooms), then it should be a “condition of approval” that sprinkler coverage be added to adequately protect people using the banquet hall facility.

- Corroded sprinkler heads in the kitchen need to be inspected and replaced if defective
- Sprinkler heads above mezzanine need to be cleaned and inspected
- Replace painted sprinkler heads downstairs
- Replace missing handle on main sprinkler drain
- Repair outside horn/strobe alarm

South Metro Fire Department has tentatively scheduled an inspection of the space for Monday, August 5th and more information should be available prior to the Planning Commission meeting.

Police Department

Chief Wicke provided comments which are summarized below:

- As with previous on-sale liquor CUP’s, the Police Department will continue to request that the City Council consider requiring that surveillance cameras be installed inside and outside the property with footage made available to law enforcement upon request. *The Planning Commission and the City Council discussed this topic extensively in 2023 as part of the review of a new restaurant and banquet hall at the 5th Avenue Plaza Shopping Center. The Planning Commission and City Council were not comfortable with proactively requiring surveillance cameras as a CUP condition. Surveillance cameras can be required in the future as part of the liquor licensing process if the property has security issues.*
- The Police Department would like to see the CUP require an on-site security officer for any event with alcohol that has more than 100 guests. *This requirement was also placed on the banquet hall at the 5th Avenue Plaza Shopping Center.*

DISCUSSION

Conditional Use Permit review is “case by case” and the City can attach reasonable conditions to the approval. A conditional use permit can be revoked by the City Council if the conditions are not adhered to. Conditional Use Permits “run with the land” and are inherited by the new owner if the property changes hands.

The proposed use is located in the City’s mixed-use district along Concord Exchange and the City does want to see entertainment options added to this street. It is exciting to see this corridor take on new energy as new buildings are constructed and property owners make investments in improving existing buildings. Staff would recommend placing the same conditions on the CUP that have been recently placed on other similar businesses related to licensing, on-site security for large events, and compliance with the noise ordinance. Additionally, there should be conditions related to SAC determination, lot combination, and fire safety as discussed earlier in this staff memo.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:

a. Application (Diana Luna Ramirez Martinez)	dated 5/8/2024
b. Narrative (Diana Luna Ramirez Martinez)	Undated
c. Floor Plan for Banquet Hall Space (Diana Luna Ramirez Martinez)	Undated

2. **Status of Previous Conditional Use Permits.** All previous conditional use permits applying to the subject property are hereby terminated as part of this approval and any conditions that are still relevant will be incorporated into this approval document. The Applicant and property owner acknowledge and agree that the previous conditional use permits are terminated, and hereby waive any rights related to the previous conditional use permits.

3. **Establishing Occupancy Load for Banquet Hall Space.** The Applicant shall coordinate with the Fire Marshal to establish the maximum occupancy load for the banquet hall space, and this must be posted. The Fire Marshal may require the Applicant to hire a design professional to establish the occupancy load if it cannot be determined from existing records.

4. **Sprinkler Coverage in Banquet Room 1 and Ancillary Spaces.** The Applicant shall ensure that Banquet Room 1 (as shown on the floor plan) and the ancillary spaces such as restrooms are adequately protected by the sprinkler system. This is subject to review and approval by the Fire Marshal.

5. **On-Site Security Officer Required for Large Private Events with Alcohol.** The Applicant shall be required to provide an on-site security officer for the duration of any private event with over 100 guests where alcohol is provided. Ticketed events are considered private events.

6. **Liquor License Required.** The Applicant must obtain a liquor license prior to beginning alcohol sales. The Applicant must keep their liquor license in good standing and comply with any requirements attached to the license.

7. **Hours that Alcohol Can Be Served.** The Applicant shall adhere to any restrictions that are placed on their liquor license regarding the hours that alcohol can be served, pursuant to City Code and State Statute.

8. **Compliance with Entertainment Licensing Requirements.** The Applicant shall obtain an entertainment license prior to providing any entertainment that requires a license.

9. **Compliance with Noise Ordinance.** Excessive violations of the noise ordinance may result in the revocation of the conditional use permit. The City Council, at their sole discretion, shall determine what constitutes excessive violations.

10. **Sewer Access Charge Determination.** The Applicant shall provide the City with a Sewer Access Charge (SAC) determination letter from the Metropolitan Council for their overall use of the building. The Applicant shall pay any required SAC fees. A violation of this condition will be considered a code violation which may result in administrative citations.

11. **Lot Combination Required.** The Applicant is required to combine the two parcels that comprise their building into one tax parcel using Dakota County's lot combination process. This includes PID #36-15260-00-531 and PID #36-02700-01-101. The lot combination form must be submitted to Dakota County by no later than September 30, 2024. A violation of this condition will be considered a code violation which may result in administrative citations. The Zoning Administrator may waive this condition if Dakota County is unable to complete the lot combination and it turns out that the parcels cannot be combined without replatting the subject property.
12. **Addressing Deficiencies Outlined in 2023 Sprinkler Inspection Report.** The Applicant shall address the deficiencies outlined in the 2023 Sprinkler Inspection Report dated 9/6/2023, subject to review and approval by the Fire Marshal. This includes the following:
- a. Corroded sprinkler heads in the kitchen need to be inspected and replaced if defective
 - b. Sprinkler heads above mezzanine need to be cleaned and inspected
 - c. Replace any painted sprinkler heads downstairs.
 - d. Replace missing handle on main sprinkler drain.
 - e. Repair outside horn/strobe alarm.
13. **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within one year from the date of approval. The violation of any condition of approval in the conditional use permit may terminate the conditional use permit(s), following a hearing by the City Council.

The recommended conditions related to fire safety may be modified prior to the Planning Commission meeting depending on the results of the Fire Marshal's inspection on August 5th.

Action Requested

The Planning Commission has the following actions available on the proposed application:

1. Approval. If the Planning Commission wishes to recommend approval of the conditional use permit, the following action should be taken:
 - A. Motion to recommend approval of a conditional use permit for on-sale liquor at 111 Concord Exchange South.
2. Denial. If the Planning Commission wishes to recommend denial of the conditional use permit, the following action should be taken:
 - B. Motion to recommend denial of a conditional use permit amendment for on-sale liquor at 111 Concord Exchange South.

If the Planning Commission wants to recommend denial, it will require a finding that the CUP request is not consistent with one of more parts of the CUP criteria.

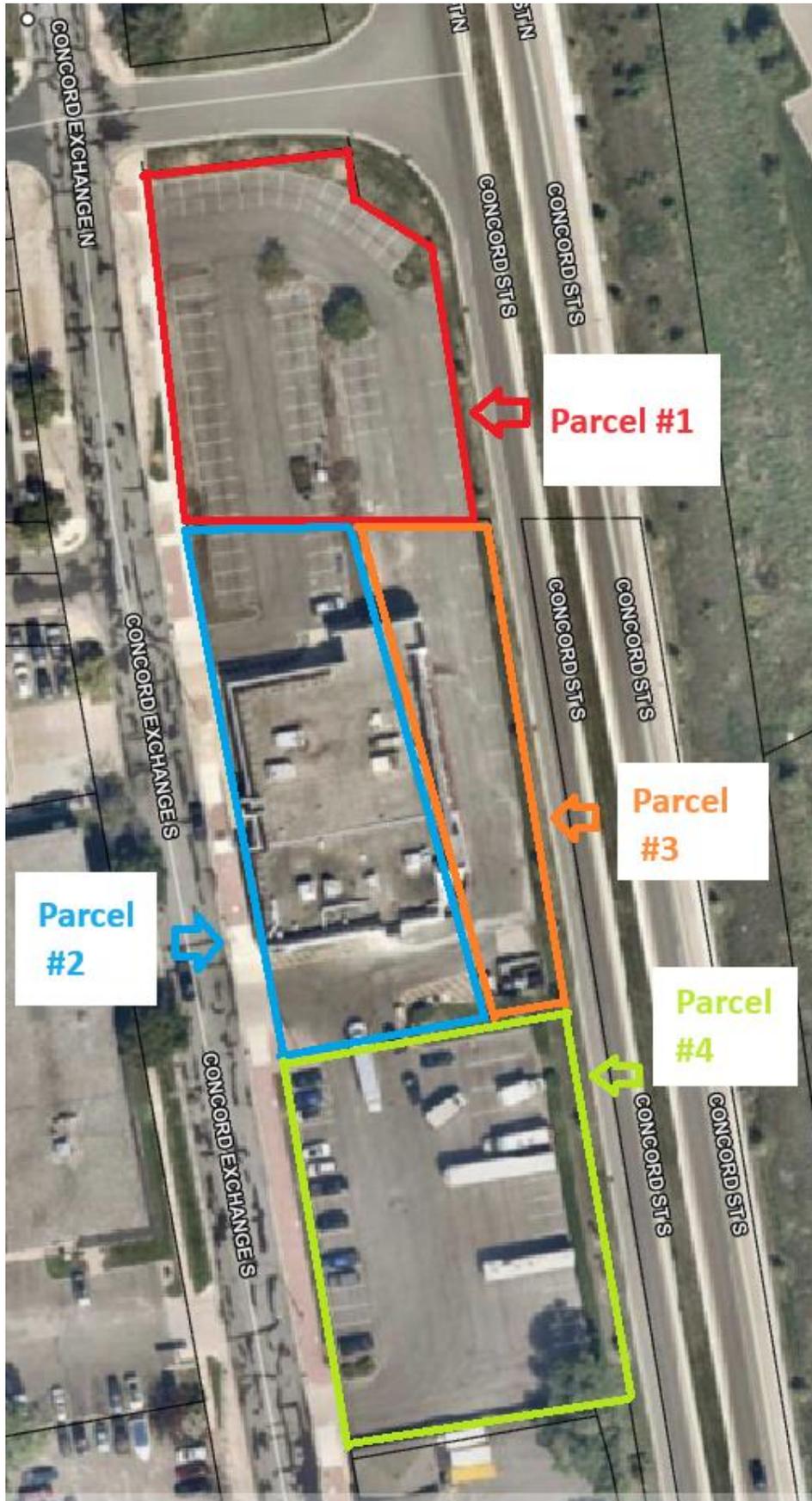
ATTACHMENTS

- A. Site Location Map
- B. Subject Property Parcel Map
- C. Photographs of Subject Property and Banquet Hall Space
- D. Floor Plan for Banquet Hall Space
- E. Applicant's Narrative
- F. 2023 Sprinkler Inspection Report
- G. Public Hearing Notice

ATTACHMENT A
SITE LOCATION MAP



**ATTACHMENT B
SUBJECT PROPERTY PARCEL MAP**



***PARCEL 2 AND PARCEL 3 NEED TO BE COMBINED**

**ATTACHMENT C
PHOTOGRAPHS OF SUBJECT PROPERTY AND BANQUET HALL SPACE**



GROCERY STORE ENTRANCE FACING CONCORD EXCHANGE



GROCERY STORE FAÇADE ALONG CONCORD EXCHANGE



BANQUET HALL ENTRANCE FACING CONCORD STREET



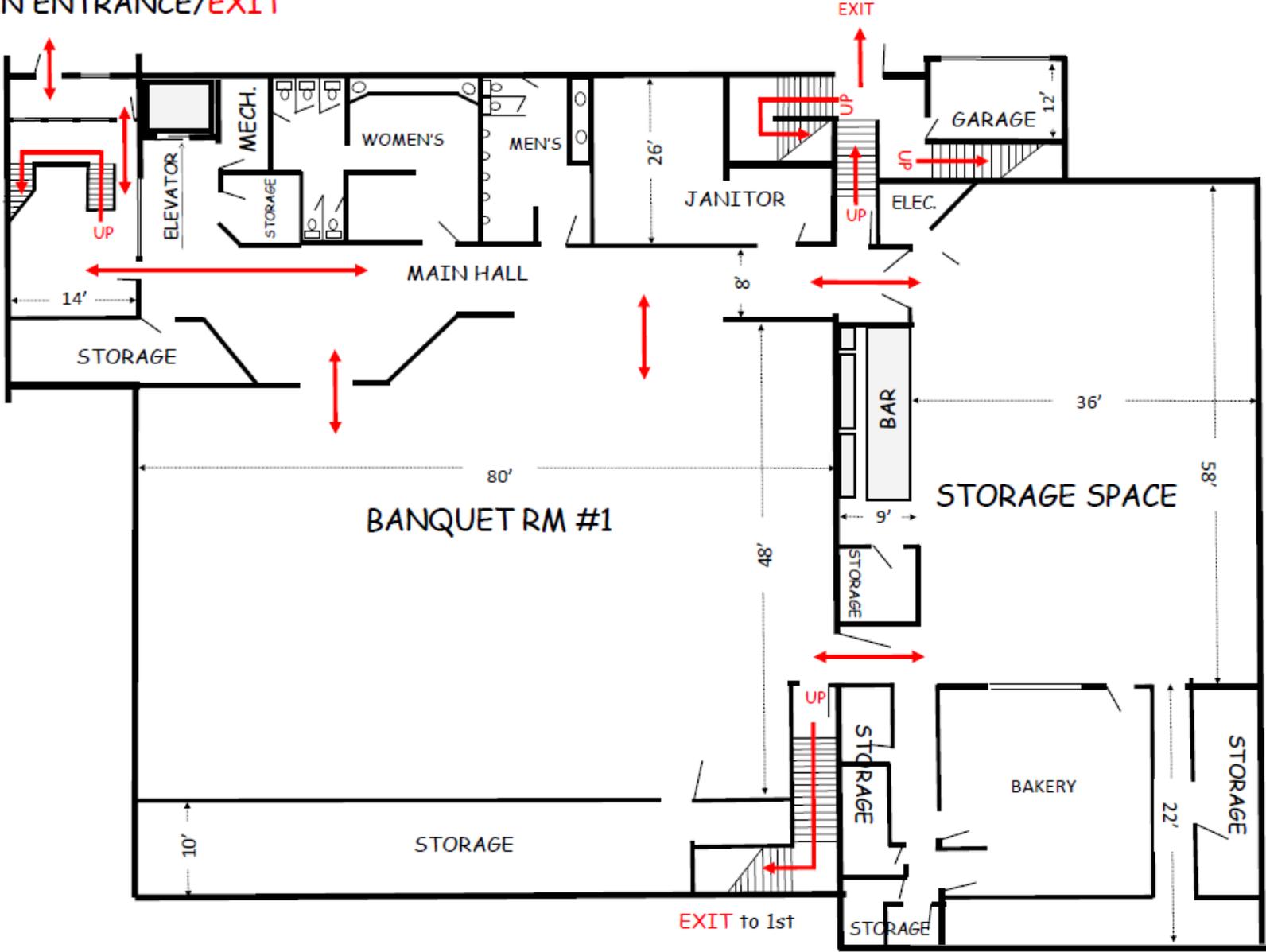
BUILDING FAÇADE FACING CONCORD STREET



**LOWER LEVEL BANQUET HALL SPACE
(PHOTOGRAPHS TAKEN 7/30/2024)**

ATTACHMENT D
FLOOR PLAN FOR BANQUET HALL SPACE

MAIN ENTRANCE/EXIT



EVENT CENTER LOWER FLOOR PLAN

ATTACHMENT E
APPLICANT'S NARRATIVE

To Whom May Concern:

My name is Luna Ramirez, and I am the owner of TL Networks LLC. I applied previously for a consumption and display license in the spring of 2024. As previously shared, we are reopening the doors of the banquet halls that existed previously at the former VFW. I am applying now for a full liquor license due to a reanalysis of our business model; it will be better fitting for our plans of operations and community needs. Due to other business ventures, we delayed the reopening, but now have the intention to complete this project. We have been told beloved memories of weddings and other life milestones being celebrated in this building, and this is exactly what we hope to provide again to a new generation of South St. Paul citizens. We are looking to host a wide variety of events such as traditional quinceaneras, weddings, and birthday parties, and expand to community celebrations. We wish for the reopening of the doors to be accepted well into the community and at this time anticipate employing 10 individuals and hosting 1-2 events per week. The days and operations are expansive as we are opening this space to anyone with a need that could be during the week or on the weekends and as late as 2 am. We plan to work with all local officials to coordinate and comply for this business to be successful. Our wish is to provide a gathering space that is accessible and bring people together in a space that holds meaning for many in our South St. Paul community.

Sincerely,
Diana Luna Ramirez Martinez



REPORT OF SPRINKLER INSPECTION

3. WATER SUPPLIES

a. Water supply sources? City: Gravity Tank:

Pressure Fire Pump & Tank
 Pressure Fire Pump & City
 Pressure Fire Pump & Pond

13.2 Main Drain Test Results Made During This Inspection

Test Pipe Located	Size Test Pipe	Static Supply Pressure Before	Residual Pressure	Return to Static Pressure	Test Pipe Located	Size Test Pipe	Static Supply Pressure Before	Residual Pressure	Return to Static Pressure
Riser	2"	130	95	120					

4. TANKS, PUMPS, FIRE DEPT. CONNECTIONS 9.1 13.7

- a. Do fire pumps, gravity, surface or pressure tanks appear to be in good external conditions?
 b. Are gravity, surface and pressure tanks at the proper pressure and/or water levels?
 c. Has the storage tank been internally inspected in the last 3 yrs. (unlined) or 5 yrs. (lined)? Date: _____
 13.7 d. Are fire dept. connections in satisfactory condition, couplings free, caps or plugs in place and check valves tight?
 e. Are fire dept. connections visible and accessible? Quarterly Semi-Annual

YES	NA	NO
/		
/		
/		

5. WET SYSTEMS

- a. No. of systems: 1 Make, Model, & Size: 3" 05y
 b. Are cold weather valves in the appropriate open or closed position?
 If closed, has piping been drained?
 c. Has the Customer been advised that cold weather valves are not recommended? Date: _____
 d. Have all the antifreeze systems been tested? Date: _____

The antifreeze tests indicated protection to: (Note temp & type for each. Example: -15F/-26C glycol or -15F/-26C glycerin)

System 1) _____	2) _____	3) _____
4) _____	5) _____	6) _____

YES	NA	NO
/		
/		
/		
/		

13.4 13.5 e. Did alarm valves, water flow alarm devices and retards test satisfactorily?

6. DRY SYSTEMS 13.2 13.4

- a. No. of systems: _____ Make, Model, & Size: _____
 Date last trip tested: _____ Partial Full (Every 3 years)
 b. Are the air pressure and priming water levels normal?
 c. Did the air compressor operate satisfactorily?
 d. Air compressor oil checked? Belt?
 e. Were Auxiliary / Low Point drains drained during this inspection? No. of Drains: _____
 KNOWN Locations 1) _____ 2) _____
 3) _____ 4) _____ Make: _____ Model: _____
 f. Did all quick opening devices operate satisfactorily?
 g. Did all the dry valves operate satisfactorily during this inspection?
 h. Is the dry valve house heated?
 i. Do dry valves appear to be protected from freezing?

YES	NA	NO
/		
/		
/		
/		
/		

7. SPECIAL SYSTEMS

- a. No. of systems: _____ Make & Model, & Size: _____
 Type: _____
 b. Were valves tested as required?
 c. Did all heat responsive systems operate satisfactorily?
 d. Did the supervisory features operate during testing?
 e. Has a supplemental test form for this system been completed and provided to the customer? (Please attach)
 Auxiliary equipment: No. _____ Type: _____
 Location _____
 Test results _____

YES	NA	NO
/		
/		
/		
/		

8. ALARMS 13.2

- a. Did the water motors and gong operate during testing?
 b. Did the electric alarms operate during testing?
 c. Did the supervisory alarms operate during testing?

YES	NA	NO
/		
/		
/		

REPORT OF SPRINKLER INSPECTION

9. SPRINKLERS - PIPING

- 5.2 a. Do sprinklers generally appear to be in good external condition?
- 5.2 b. Do sprinklers generally appear to be free of corrosion, paint, or loading and visible obstructions?
- 5.4.1 c. Are extra sprinklers and sprinkler wrench available on the premises?
(#, size, finish, temp, brand, of spare heads)
- 5.2 d. Does the exposed exterior condition of piping, drain valves, check valves, hangers, pressure gauges, open sprinklers and strainers appear to be satisfactory?
- 6.2 e. Does the hand hose on the sprinkler system appear to be in satisfactory condition?
- 5.2 f. Does there appear to be proper clearance between the top of all storage and the sprinkler deflector?

YES	NA	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Not Deficiency

WE suggest to have ENGINEER LOOK @ The Following:

- Missing coverage - Multiple areas
- Corroded heads in kitchen - (16) SR Chrome 165 pendants
- Dust loaded heads above Mezz
- No dry heads in any cooler or freezer
- Missing ceiling tiles throughout - outside Alarm does NOT work
- Missing handle on main drain - (2) Painted heads - down stairs
- 165° SR Chrome pendant

11. THE INSPECTOR SUGGESTS THE FOLLOWING NECESSARY IMPROVEMENTS. THESE SUGGESTIONS ARE NOT THE RESULT OF AN ENGINEERING SURVEY AND DO NOT REFLECT CONDITIONS ABOVE CEILINGS OR IN CONCEALED SPACES:

IF ORIGINAL INSTALLATION Documents show the current system configuration, then it's NOT A DEFICIENCY

12. ADJUSTMENTS OR CORRECTIONS MADE: Per NFPA 25

13. LIST CHANGES IN OCCUPANCY, HAZARD OR FIRE PROTECTION SYSTEM, AS ADVISED BY CUSTOMER IN SECTION 1 a-c:

14. INSPECTION DEFICIENCIES AND SUGGESTED IMPROVEMENTS WERE DISCUSSED WITH THE CUSTOMER /CUSTOMER REPRESENTATIVE.
If No, explain.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

IMPORTANT NOTICE TO CUSTOMER Customer acknowledges and agrees that, in the absence of a Service Agreement between the parties, services hereunder are performed pursuant to the terms and conditions of this Report, agrees that the services have been completed to Customer's satisfaction and that the system is in good working order and repair, unless services performed were of a temporary nature, in which case Customer acknowledges that part of customer's system may have been bypassed or is otherwise inoperable until service can be completed. **CUSTOMER'S ATTENTION IS DIRECTED TO THE LIMITATION OF LIABILITY, WARRANTY, INDEMNITY AND OTHER CONDITIONS AT THE REVERSE SIDE/END OF THIS REPORT.** This Agreement has been drawn up and executed in English at the request of and with the full concurrence of Customer. Ce contract a été rédigé en anglais à la demande et avec l'assentiment du client.

CUSTOMER SIGNATURE

[Handwritten Signature]

[Handwritten Signature]

DUPLICATE TO:

STREET:

CITY, STATE AND ZIP:

ATTN:

Terms and Conditions for Inspection Contracts for The Fire Group, Inc.

1. **Payment.** Work performed on a Time and Material Basis as a result of this inspection shall be at the then-prevailing Company rate for material, labor, and related items, in effect at the time supplied under this Agreement. Unless agreed upon by parties, Customer agrees to pay Company within 30 days of the date of this agreement, or within 30 days of the time of the service, whichever is later. Customer agrees to pay all taxes, permits, and other charges, including but not limited to state and local sales and excise taxes, however designated, levied, or based on the service charges pursuant to this Agreement. Company shall have the right to stop performing any Services if Customer fails to make payment when due. Customer's failure to make payment is a material breach of this agreement.
2. **Pricing.** The pricing set forth in this Agreement is based on the number of devices to be installed and services to be performed as set forth in the Scope of Work. If the actual number of devices installed or services to be performed is greater than spelled out in the Scope of Work, the price will be increased accordingly. Customer agrees to pay for all taxes, excise taxes, false alarm assessments, or any charges assessed by any governmental agency, as a result of the service charges pursuant to this agreement.
3. **Alarm Monitoring.** Any reference to alarm monitoring is for pricing purposes only. Alarm monitoring services are performed pursuant to terms and conditions under the alarm monitoring contract.
4. **Code Compliance.** Company does not inspect for code compliance unless spelled out in the Scope of Work. Customer understands that the local Authority Having Jurisdiction may establish additional requirements for compliance with local codes. Any additional requirements will be provided at an additional cost to Customer. The Inspection Services spelled out under Scope of Work of the Agreement do not include an Engineering Review of the installed systems. It is the Customer's responsibility to notify Company of any changes of occupancy or use of their premises since the installation of the system being inspected.
5. **Limitation of Liability; Limitations of Remedy.** It is understood and agreed by the Customer that Company is not an insurer and that insurance coverage, if any, shall be obtained by the Customer and that amounts payable to Company hereunder are based upon the value of the services and the scope of liability set forth in the Agreement and are unrelated to the value of the Customer's property and the property of others located on the premises. Customer agrees to look exclusively to Customer's insurer to recover for injuries or damage in the event of any loss or injury and that Customer releases and waives all right of recovery against Company arising by way of subrogation. **SHOULD COMPANY BE FOUND LIABLE FOR ANY LOSS, DAMAGE OR INJURY ARISING FROM A FAILURE OF THE EQUIPMENT OR SERVICE IN ANY RESPECT, COMPANY'S LIABILITY SHALL BE LIMITED TO AN AMOUNT EQUAL TO THE AGREEMENT PRICE.** Where agreement covers multiple sites, the liability shall be limited to the amount of payments allocable to the site where the incident occurred.
6. **General Provisions.** All work to be done during regular business hours (7am-5pm, M-F) unless spelled out specifically in this agreement. This Agreement covers inspection services only and does not cover maintenance, repairs, alterations, replacement of parts, or any field adjustments whatsoever, nor does it include the correction of any deficiencies identified by Company to Customer, unless specifically spelled out in the Scope of Work of the Agreement. Company shall not be responsible for equipment failure occurring while Company is in the process of following its inspection techniques, where the failure also results from the age or obsolescence of the item or due to normal wear and tear.
7. **Customer Responsibility.** Customer shall notify Company with regards to any building additions or modifications. Company is performing inspection services and not an engineering review of the installed systems.
8. **Repair Services.** Unless stated in the Scope of Work, this Agreement is for inspection and testing only, and does not include repairs. Repairs, when ordered by the customer, will either be performed at standard material and labor rates, in effect at the time of the inspection, or as a separate proposal to the Customer by the Company.
9. **Reports.** Company will provide a written report to Customer as a result of the inspection and testing service. This report will be provided on Company's current Report form. When required by local statute, code, or standard, a copy will be provided to the local Authority Having Jurisdiction. Company will provide the written report to Customer's insurance company if requested by the Customer. The Report and recommendations by Company are only advisory in nature and are intended to assist Customer in reducing the risk of loss to property by indicating obvious defects or impairments noted to the system and equipment inspected and/or tested.
10. **Confined Space.** If access to confined space by Company is required for the performance of the services, services shall be scheduled and performed in accordance with Company's then current hourly rate.
11. **Hazardous Materials.** Customer represents that, except to the extent that Company has been given written notice of the following hazards prior the execution of this Agreement, the best of Customer's knowledge there is no: Permit confined space (as defined by OSHA); Risk of infectious disease; Need for air monitoring, respiratory protection, or other medical risk; Asbestos, asbestos-containing material, formaldehyde or other potentially toxic or otherwise hazardous material contained in or on the surface of the floors, walls, ceilings, insulation or other structural components of the area of any building where work is required to be performed under this Agreement. Company reserves the right to stop all Services in the event any of the above hazardous substances are found.
12. **Limited Warranty.** Company warrants all workmanship and material provided under this inspection or as repairs as a result of this inspection for a period of 90 days from the install date. Warranty shall not extend beyond the payment terms set out in the agreement. Should Customer not pay for the covered Services, the warranty stops immediately effective on the past due date.
13. **Indemnity.** Customer agrees to indemnify, hold harmless and defend Company against any and all losses, damage, costs, including expert fees and costs, and expenses including reasonable defense costs, arising from any and all third party claims for personal injury, death, property damage or economic loss, including specifically any damages resulting from the exposure of workers to Hazardous Conditions whether or not Customer pre-notifies Company of the existence of said hazardous conditions, arising in any way from any act or omission of Customer or Company relating in any way to the Agreement, including but not limited to the Services under this Agreement, whether such claims are based upon contract, warranty, tort, strict liability or otherwise. Company reserves the right to select outside counsel to represent it in any such action.
14. **Force Majeure.** Company shall not be responsible for delays or failure to render services due to causes beyond its control, including but not limited to material shortages, work stoppages, fires, civil disobedience or unrest, severe weather, or any other cause beyond the control of the Company.
15. Company may terminate this agreement immediately at its sole discretion upon the event of any default as hereinafter defined. Company may also terminate this agreement if Company's performance or obligations under this Agreement becomes impracticable due to obsolescence of equipment or installed materials.
16. **Entire Agreement.** The parties intend this Agreement, together with any attachments or Riders to be the final, complete and exclusive expression of their Agreement and the terms and conditions thereof.
17. **Severability.** If any provision of this Agreement is held by any court or other competent authority to be void or unenforceable in whole or in part, the Agreement will continue to be valid as to the other provisions and the remainder of the affected provision.
18. **Legal Fees.** Company shall be entitled to recover from the Customer all reasonable legal fees incurred in connection with company enforcing the terms and conditions of this agreement.
19. **Remedies for Default.** In the event the Customer defaults as spelled out elsewhere in this agreement or by not making payment of amounts due and payable within terms for the Services provided under this Agreement, the Company shall have all remedies for collection available to them as allowed by law. Customer will be responsible for reimbursement of all reasonable legal fees and other expenses reasonably incurred should collection proceedings be required to secure payment under this Agreement.

**ATTACHMENT G
PUBLIC HEARING NOTICE**

 <p>City of South St. Paul 125 Third Avenue North South St. Paul, MN 55075 www.southstpaul.org</p>		<p><u>Notice of Public Hearing</u></p>
Applicant(s):	TL Networks LLC	
Request:	The Applicant is seeking a conditional use permit for on-sale liquor so that they can serve alcohol at the restaurant located within the same building as the Mexatlan Supermercado (the former VFW building). They are planning to reopen the banquet halls on the lower level of the building and wish to serve alcohol in this space. The property is zoned Concord Gateway Mixed-Use Subdistrict 1 and a conditional use permit is required before a business in this zoning district can qualify for a liquor license.	
Subject Property	111 Concord Exchange South	
Public Hearing Time and Location:	<p align="center">City Hall, Council Chambers, 125 Third Avenue North, South St. Paul Wednesday, August 7th, 2024 at 7:00 P.M. Or as soon thereafter as the matter can be heard.</p> <p align="center">All those interested are encouraged to attend and will be given an opportunity to be heard.</p>	
Questions or Comments, Please Contact:	<p>The Planning Commission will also consider oral and written comments that are received prior to the meeting. You can submit your comments:</p> <p>By mail: City of South St. Paul, Attn: City Planner 125 Third Avenue North South St. Paul, MN 55075</p> <p>By phone: (651) 554-3217 By fax: (651) 554-3271 By e-mail: mhealy@southstpaul.org</p> <p><u>All written, faxed, or e-mailed comments must be received by the City Planner no later than Noon on Wednesday, August 7th to be considered by the Planning Commission as part of the public hearing*.</u></p> <p><i>*Please include your name and address as well as the project address</i></p>	

A staff memo analyzing the conditional use permit request will be posted to the City's website by Friday, August 2nd as part of the Planning Commission packet. It can be accessed using the following link:

<https://www.southstpaul.org/agendacenter>



Map Showing Location of Mexatlan Supermercado at 111 Concord Exchange South



AGENDA ITEM 6.A

South St. Paul Planning Commission

Prepared By: Michael Healy, Planning Manager	Meeting Date: 8/7/2024
Item Description: Planner's Update	

ACTION REQUESTED

This update is for informational purposes only.

UPDATES

Update 1: City Council Action on Items from June Planning Commission Meeting

The Planning Commission reviewed three items at their June 5th meeting and recommended approval of all three items. Here is the status of those three items:

1. Setback Variance for Front Porch Addition at 120 2nd Avenue South- **Approved by the City Council**
2. Conditional Use Permit for On-Sale Liquor at Black Sheep Coffee- **Approved by the City Council**
3. Ordinance Amendment Updating the Sign Code- **Second Reading Scheduled for August 5th**

Update 2: Draft Parks Master Plan

City Staff and consultant group HKGI have finished drafting the full Parks Master Plan document. This project launched in June of 2023 and the new plan was prepared over the course of a year with careful analysis, discussions with the City Council and advisory commission members, and robust community engagement (online and mailed surveys, in-person engagement at community events, an open house at the new library, interactive online maps, etc.).

City Staff is planning to bring the draft plan forward for review and approval in September following a 1-month public comment period. Comments received during this period will be shared with elected officials and appointed commission members as they review the plan and decide whether any final revisions are needed before the new plan is officially adopted. The draft Parks Master Plan will be released online on Monday August 5th for community feedback with the following timelines.

- The public will be asked to submit written feedback by no later than Tuesday, August 27th if they want it shared with the Planning Commission and Parks and Recreation Advisory Commission as part of their September agenda packets.
- The public will be asked to submit written feedback by no later than Tuesday, September 10th if they want it shared with the City Council as part of their agenda packet for the September 16th meeting.

Note: The Planning Commission historically has not been involved with updates to the Parks Master Plan. The Parks and Recreation Advisory Commission was the only advisory board that was involved with the last master plan update in 2005. In 2023, several sitting Planning Commissioners expressed a strong interest in being involved with the Parks Master Plan update. The Parks Department agreed to allow the Planning Department and the Planning Commission to play a supporting role. The Planning Commission is an “extra” group that is supporting this project and the role of the Planning Commission is secondary to the role of the Parks and Recreation Advisory Commission.

Update 3: South Concord Corridor Study

South St. Paul adopted its 2040 Comprehensive Plan in October of 2020. The adopted comprehensive plan calls for a study of the “South Concord Corridor” to take place within 5-10 years. Completion of this study is considered Action 4.3 of the City’s Land Use Plan, Action 5.3 of the City’s Economic Development Plan, and Action 7.3 of the City’s Transportation Plan. City Staff began scoping this far-reaching project in 2022 and the project scope has been refined over the past two years. As proposed, the South Concord Corridor Study will include a market study, the development of a cohesive vision for the corridor, and a zoning code and zoning map update.

The “South Concord Corridor” refers to land that is in the southeastern corner of South St. Paul between Interstate 494 and the community’s southern border with Inver Grove Heights. The corridor sits at the bottom of a 100-foot-tall river bluff. The bluff forms the corridor’s western boundary, and the Mississippi River forms its eastern boundary. The backbone of the corridor is Concord Street, a north-south arterial road that is owned by Dakota County and was the main thoroughfare in the region until the construction of US-52 in the 1970’s. There are two steeply graded local roads that provide connectivity between the South Concord Corridor and the residential neighborhoods at the top of the bluff. A large part of the South Concord Corridor consists of industrial properties located between Concord Street and the river which are served by a small network of low-amenity local roads. The local road network serving the industrial businesses is punctuated by multiple at-grade railroad crossings.

The City Council discussed the South Concord Corridor at their May 28th Worksession and directed City Staff to move forward with a study. The City will need to partner with a qualified consultant team to complete the project and a Request for Proposal (RFP) was released in June. City Staff was successful in obtaining a \$25,000 grant from the Dakota County CDA to help fund the project and the remainder of the project will be paid for out of the Economic Development Authority (EDA) Redevelopment Fund.

The South Concord Corridor Study will be kicking off in August and the Planning Commission can expect to be very involved with the visioning and code update portion of this project. More information about the project scope can be found via the following links:

RFP Page With Background About Project:

<https://www.southstpaul.org/909/South-Concord-Corridor-Study-Request-for>

City Council Worksession Packet for May 28th Discussion on South Concord Corridor:

<https://www.southstpaul.org/AgendaCenter/ViewFile/Agenda/05282024-1319>

Map Showing Approximate Boundaries of South Concord Corridor Study Area

