

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** BLD Property Management **FILE #** 13-247-474
  2. **APPLICANT:** BLD Property Management **HEARING DATE:** November 21, 2013
  3. **TYPE OF APPLICATION:** NUP - Establishment
  4. **LOCATION:** 260 Aurora Ave, Southeast corner at Galtier
  5. **PIN & LEGAL DESCRIPTION:** PID 36-29-23-41-0030, Florence Addition to St. Paul, W 1/2 of Lot 10 and all of Lot 11, Blk 3
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RT2
  7. **ZONING CODE REFERENCE:** Sec. 62.109(a)
  8. **STAFF REPORT DATE:** November 13, 2013, revised 3/11/14 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** 11/4/2013 **60-DAY DEADLINE FOR ACTION:** continued indefinitely
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- A. **PURPOSE:** Establishment of legal nonconforming use status as an administrative office.
- B. **PARCEL SIZE:** 6815 sq. feet (56 ft. frontage on Aurora, 121.69 ft. frontage on Galtier)
- C. **EXISTING LAND USE:** Administrative Office
- D. **SURROUNDING LAND USE:**  
North: Single family residential (RT2),  
Commercial (T3); South: Single family and multifamily residential (RT2, RM2);  
East: Single and multifamily residential, surface parking (T3);  
West: Institutional/Single family residential (RT2)
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
- F. **HISTORY/DISCUSSION:** The house at 260 Aurora was purchased by the applicant, Louis Henry, in 1995. Mr. Henry and his attorney communicated with city staff in Licensing, Inspections and Environmental Protection (LIEP) in September 1995 regarding the use of the house as an office for administrative functions, staff meetings and training for a franchise of McDonald's restaurants (Franchise Food Systems of Minnesota) owned by Mr. Henry's company, BLD Property Management. Mr. Henry and his attorney were informed by LIEP staff that the office use was not a permitted use in the RT2 residential zoning district. In October 2013 City fire inspectors contacted the property owner to schedule an inspection of the property as a residential rental property, at which time they discovered that the house was in use as an administrative office with no residential use. For tax purposes, Ramsey County records have the property class listed as residential non-homesteaded.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Summit-University Planning Council has not commented.
- H. **FINDINGS:**
  1. The applicant, BLD Property Management, has applied for a permit to establish legal nonconforming use status for an administrative office at 260 Aurora Avenue.
  2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to uses or structures if the commission makes the following findings. The findings and the applicant's ability to meet them are as follows:
    - (1) *The use or a nonconforming use of similar or greater intensity permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application. This finding is met.*

Franchise Food Systems of Minnesota has conducted business at this address continuously since at least 2001. The applicant has provided invoices for the business dated 2001 and 2002 that are billed to this address. While there has often been someone with a relationship to Franchise Food Systems of Minnesota living in the house, the Franchise Food Systems of Minnesota office has never been operated within the limits of what is permitted in the RT2 district as a home occupation accessory to a dwelling unit. Use of the house as a dwelling unit for a resident along with the office is more conforming with the RT2 district than use of the house for an office without a resident.

- (2) *The off-street parking is adequate to serve the use.* This finding is met. There are two parking spaces available in a garage with access off of the alley, as well as a surface parking lot owned by McDonald's located at the NW corner of Aurora and Marion that serves this use. There is also on-street parking on both streets adjoining this corner lot.
- (3) *Hardship would result if the use were discontinued.* This finding is met. While use of the property for residential and/or other uses permitted in the RT2 district provide for reasonable use of the property, the applicant states that the expense of commercial office space and moving the office at this time would be a hardship following a decrease in restaurant performance over the past three years.
- (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. Rezoning this property, which is on a residential street and surrounded by residential zoning, would be spot zoning.
- (5) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use has not changed the exterior character of the property or interior of the house, and it remains set up to function as a dwelling unit. It will not be detrimental to the existing character of the area or endanger the public health, safety, or general welfare.
- (6) *The use is consistent with the comprehensive plan.* This finding can be met, provided that there is no change to the residential character of the property, and provided that nonconforming use of the property is terminated, and it is returned to conforming use, once it is no longer used as an administrative office for Franchise Food Systems of Minnesota.

The Generalized 2030 Land Uses Map (Figures LU-B and LU-L) in the Land Use chapter of the Comprehensive Plan shows this property on the edge of a mixed use corridor (where a mix of uses is supported) and an established neighborhood (where the prevailing character is to be supported). The office use has not altered the interior or exterior of the house, so it remains consistent with the prevailing character of the area. The office adds to the mix of uses in the area, consistent with the institutional uses, a nursing home and a church, immediately across Galtier to the west.

Central Corridor LRT Station Area Plans identify areas of change and areas of stability. The Rice Station Area Plan (adopted in 2008) shows the property at 260 Aurora in an area of stability, where the integrity and character of the residential neighborhood should be preserved and strengthened. The office use has not altered the interior or exterior of the house, which remains set up to function as a dwelling unit, and has not significantly changed the residential character of the property. In addition, the applicant and public testimony have described use of the property for activities that support the neighborhood and character of the area.

- (7) *A notarized petition of two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on November 7, 2013: 15 parcels eligible; 10 parcels required; 10 parcels signed.

3. Zoning Code Sec. 62.109 provides that *"the planning commission, in approving nonconforming use permits, may allow a nonconforming use for a specified period of time and then requiring its removal by attaching an expiration date to the permit if the commission makes the following findings: (1) termination of the nonconforming use or the continued vacancy of the building in which the nonconforming use was located would cause significant hardship; (2) permitting the nonconforming use for a period of time will facilitate the transition to a conforming use; and (3) permitting the nonconforming use for a period of time is consistent with the public health, safety, comfort, morals, and welfare. The period of time for which the permit is valid shall be determined in each case by the commission and shall be based on the extent of the hardship.* These required findings appear to be met. As noted in finding 2(3) above, the applicant states that the expense of commercial office space and moving the office at this time would be a hardship following a decrease in restaurant performance over the past three years. As noted in finding 2(5) above, the use is consistent with the public health, safety, and general welfare. Permitting use of the house as an administrative office for Franchise Food Systems of Minnesota for a period of time can help to facilitate the transition to a conforming use.

- I. **STAFF RECOMMENDATION:** Based on finding 3, staff recommends approval of the application for establishment of legal nonconforming use status as an administrative office at 260 Aurora Avenue subject to the following conditions:
  1. There shall be no change to the residential character of the property, and it shall remain set up to function as a dwelling unit;
  2. Nonconforming use of the property shall be terminated, and the property returned to conforming use, once it is no longer used as an administrative office for Franchise Food Systems of Minnesota; and
  3. The house shall have joint use as a dwelling unit while its use as an administrative office for Franchise Food Systems of Minnesota continues.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

RECEIVED  
OCT 29 2013  
Per \_\_\_\_\_

Zoning Office Use Only  
File #: 13-247-474  
Fee: 700.00  
Tentative Hearing Date:  
11-21-2013

**APPLICANT**

Name BLD Property Mgmt  
Address 260 Aurora Ave  
City ST Paul St. MN Zip 55103 Daytime Phone 651-224-2000  
Name of Owner (if different) Louis and Brend Henry  
Contact Person (if different) Linda Buchal Phone 651-224-2000  
Cell 651-335-9826

**PROPERTY LOCATION**

Address/Location 260 Aurora Ave (PID 36-29-23-01-0030)  
Legal Description Florence Addition to ST Paul W 1/2 of lot 10 & all of  
Lot 11 Blk 3 Current Zoning Residential class B  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Business management office

Proposed Use \_\_\_\_\_

Attach additional sheets if necessary

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature \_\_\_\_\_

Date 11/28/2013 City Agent \_\_\_\_\_

### Response to Bullet point on the Nonconforming Use Permit

1. The use of 260 Aurora Ave does occur within an existing structure. All of the functions of this office are done solely on its property and doesn't interfere with any of the neighbors or adjacent healthcare business across the street.
2. The use of the property has been in existence continuously for the past 15 years. This can be shown by various forms from invoices paid, talking to the neighbors, talking to long term employees who have been at this location for the same period.
3. The off street parking is adequate. The office Employees Park at the McDonald's at 471 Marion St. which is a ½ block away so they don't interfere with neighborhood parking.
4. Extreme hardship would be devastating if the current use was not permitted. The operating entity owns and operates 2 McDonald's restaurants along University Avenue which has been crippled over the last 3 years by Lite Rail construction which has forced many other businesses to close. Having to find commercial office space that is not needed is simply an expense that we can't afford after having the 3 worse years our history. Small businesses also have unknown healthcare costs over the next years that are hard to put a financial figure on.
5. We are not asking for re-zoning, just a non-conforming use permit.
6. The use is no way detrimental to the existing character of development in the immediate neighborhood or endangers the public health, safety, or general welfare. It's our opinion that us being here enriches the neighborhood. There have been many foreclosures, vacant homes, and deteriorating properties in the Frog Town neighborhood over the last couple of years. Us being here and maintaining our property as we have been helps the area, not hurt it.
7. The use is consistent with the comprehensive plan, to continue using the property at 260 Aurora as our business office.
8. We have 11 property owners that have willing signed the petition for us to obtain the non-conforming use permit and continue as we have for the past 15 years.

Louis and Brenda Henry  
Property Owners  
260 Aurora Ave  
St. Paul, MN 55103

## Request for Continuance

Date 12-11-2013

Gavis Nelson, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # 13-247-474

Dear Mr. Nelson:

I am the applicant or the applicant's duly appointed representative for this zoning file.

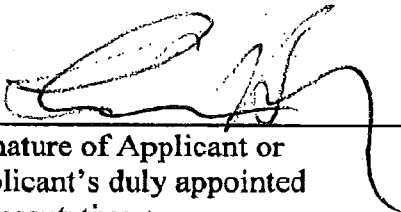
I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on 12/12/13.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for 12/20/13, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to a date to be determined. I understand that the Planning Commission would then be scheduled to make their decision on after that.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. § 15.99 by indefinitely days to accommodate the continuance I am requesting.

Sincerely,

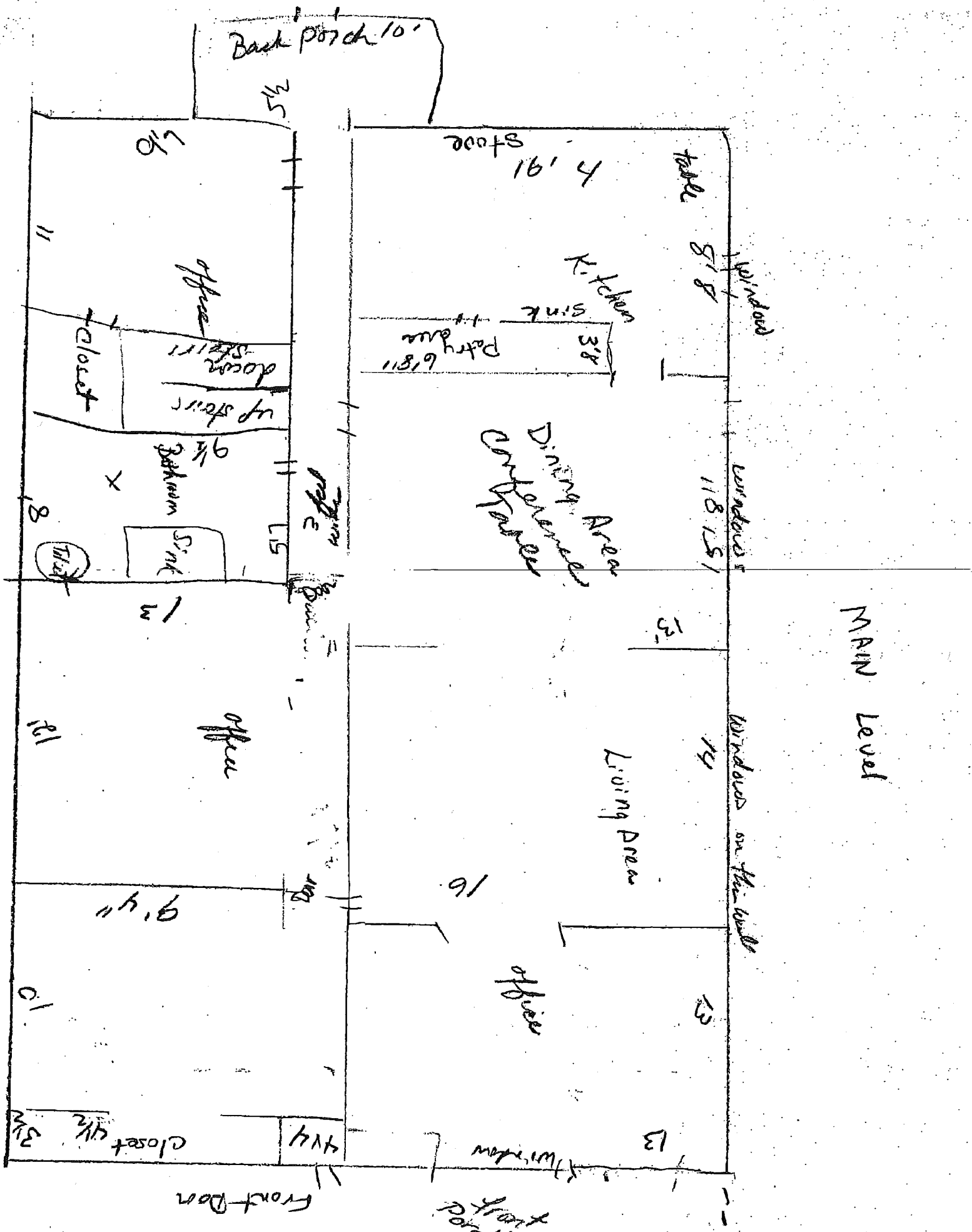


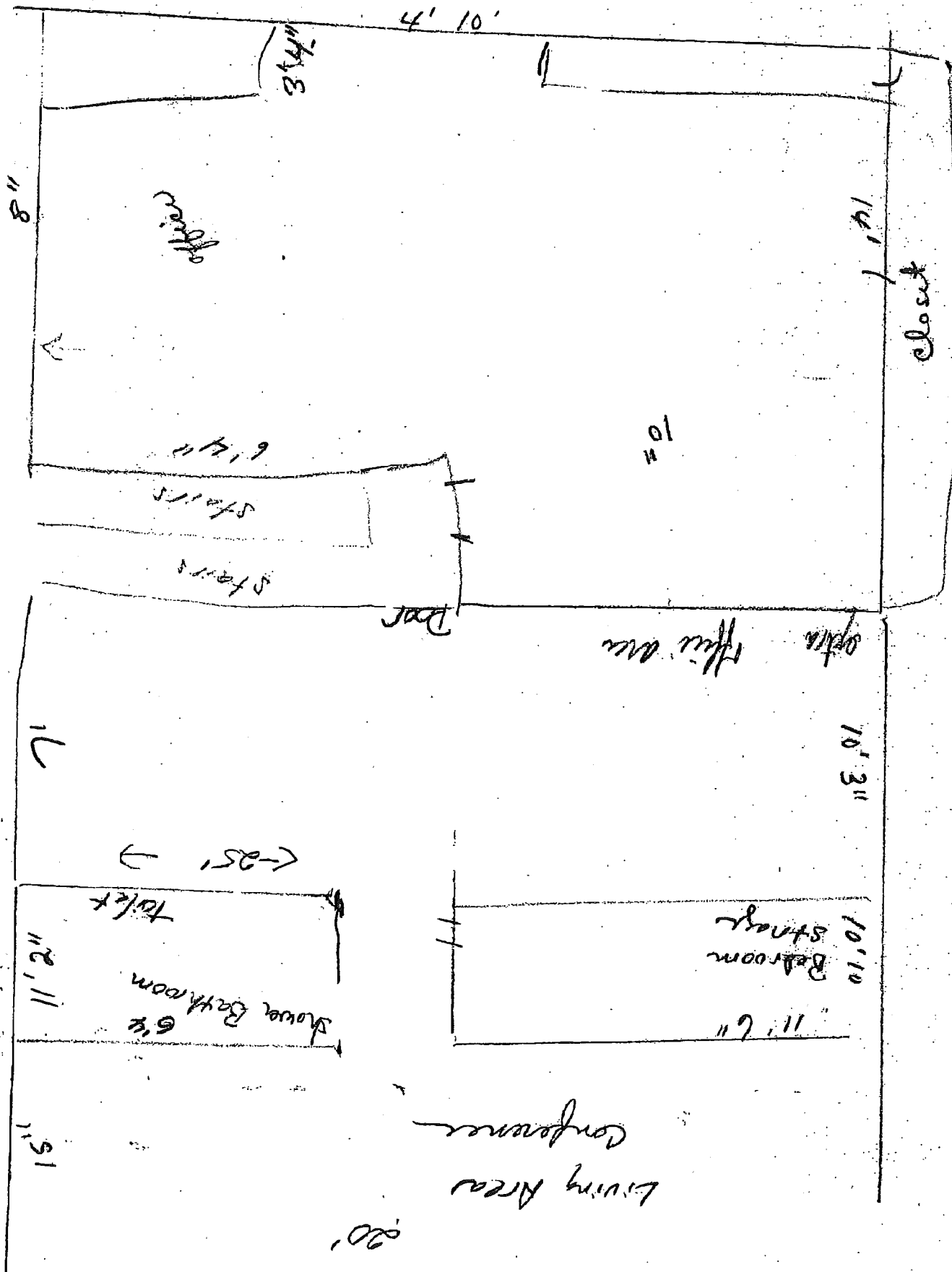
Signature of Applicant or  
Applicant's duly appointed  
representative.

Louis C Henry JR

Printed name of Applicant or  
Applicant's duly appointed  
representative.

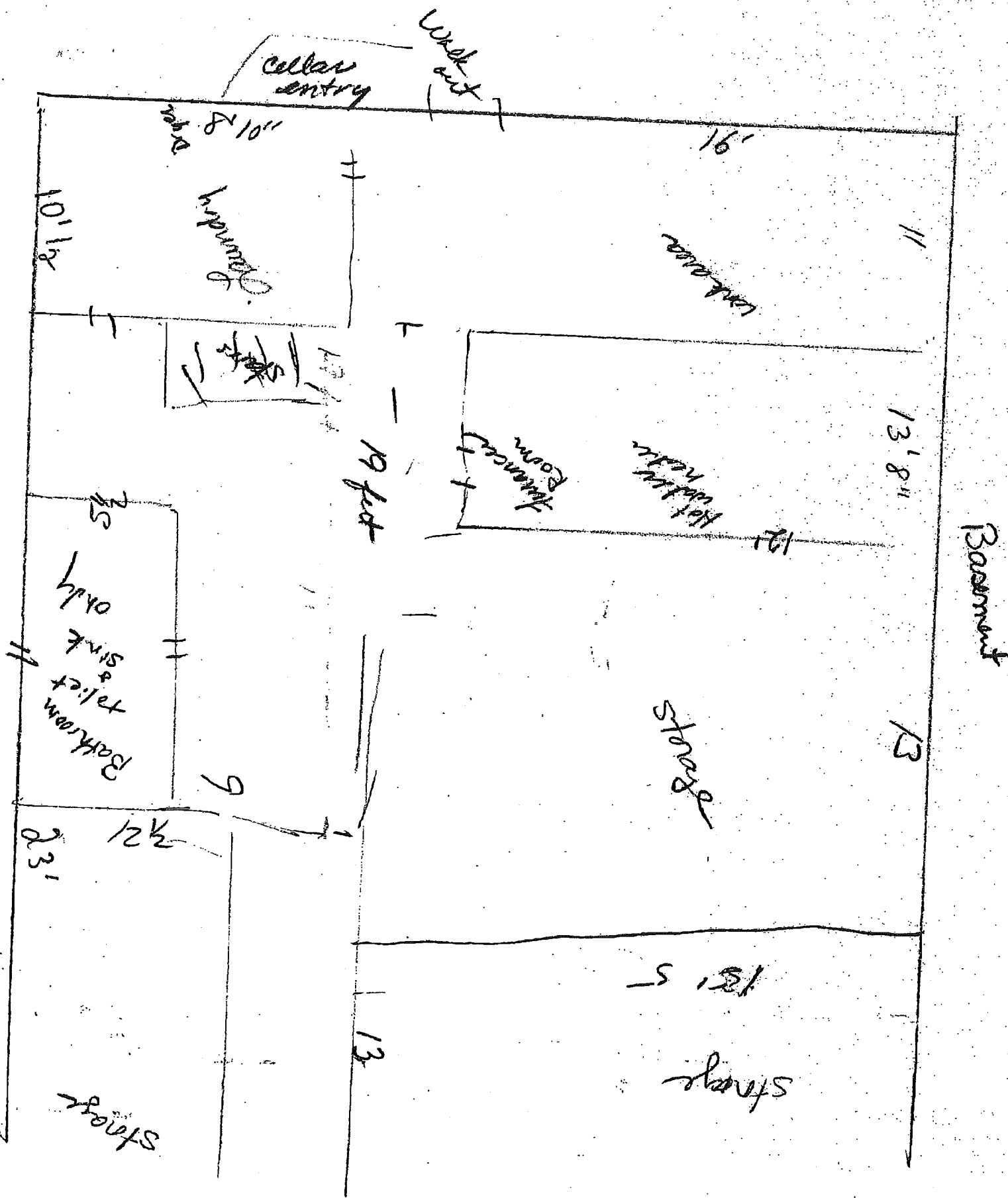
2/25/2010





upstairs





# INVOICE

WIN R

## Business Credit

11100 Wayzata Boulevard, Suite 801  
Minnetonka, MN 55305  
800/844-9467

FRANCHISE FOOD SYSTEMS OF MINN  
260 AURORA AVENUE  
SAINT PAUL, MN 55103

DATE OF INVOICE: 01/12/2001  
INVOICE NUMBER: [REDACTED]

PAYMENTS ARE DUE ON DUE DATE. LATE  
CHARGE WILL BE ASSESSED IF PAYMENT IS  
- NOT RECEIVED BY 5TH DAY PAST DUE DATE.

[illegible]

IF THERE IS A CHANGE IN INVOICING ADDRESS OR  
EQUIPMENT LOCATION PLEASE COMPLETE REVERSE SIDE.

RETURN THIS PORTION  
WITH CHECK PAYABLE TO

This is an informational invoice. DO NOT PAY THIS INVOICE. We will ACH your account on the due date for the total amount due.,

FRANCHISE FOOD SYSTEMS OF MINN  
260 AURORA AVENUE  
SAINT PAUL, MN 55103

INVOICE NO.

CONTRACT NO.

TOTAL DUE

DATE DUE 02/01/01

254.0:

DATE DUE 02/01/01

295.6

THIS  
 H your  
 date for  
 e.,

DATE DUE 02/03/78

ITEMS OF MINN

03

RETURN THIS PORTION

TOTAL

TOTAL DUE

549.7

## INVOICE



11100 Wayzata Boulevard, Suite 801  
Minnetonka, MN 55305  
800/844-9467

ATTN: A/P  
Franchise Food Systems of Minn  
260 Aurora Avenue  
SAINT PAUL, MN 55103

DATE OF INVOICE: 01/29/2002  
INVOICE NUMBER: 144943

PAYMENTS ARE DUE ON DUE DATE. LATE  
CHARGE WILL BE ASSESSED IF PAYMENT IS  
NOT RECEIVED BY 5TH DAY PAST DUE DATE.

CONTRACT NO	DESCRIPTION	CONTRACT/PAYMENT	SALES/USE TAX	LATE CHARGES	TOTAL DUE
	Kitchen Equipment				
	H&K and Kopco				
	DATE DUE 03/01/02	654.65			654.65
	DATE DUE 02/01/02	654.65			654.65
TOTAL DUE					1,309.30

IF THERE IS A CHANCE IN INVOICING ADDRESS OR  
EQUIPMENT LOCATION PLEASE COMPLETE REVERSE SIDE.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 10-29-13

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 15

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 10

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: 10

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dabrael

DATE: 11-7-13

ATT

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of BLD Properties McDonalds  
(name of applicant)

to establish a office of administration,  
(proposed use)

located at 260 Aurora Ave ST Paul, MN 55103  
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
253 Fuller Ave	Debra Maaly	D. Maaly	10/22/2013
247 Fuller Ave	Melba R. Cyprian	Melba R. Cyprian	10/22/13
263 Aurora Ave	Eugene Read	Eugene Read	10-22-13
259 Fuller Ave	James & Sally Jacques	Sally Jacques	10-22-13
261 Aurora	LAURA L PERDUE	Laura L Perdue	22 OCT 2013
264 Aurora Ave	Thai King	Thai King	10-22-13
248 Aurora Ave	Joetta Schlabach	Joetta Schlabach	10.22-13
254 Aurora Ave	Antell Hutchinson	Antell Hutchinson	10-23-13
243 Fuller Ave	Bl. King	Bl. King	10/23/13
245 Fuller Ave	Yonny Lindquist	Yonny Lindquist	10/23/13
4456 Altier St	Tom Thompson	Tom Thompson	10-25-13

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

SS

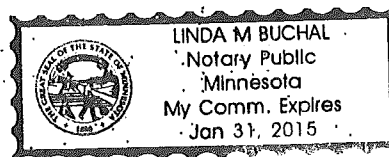
COUNTY OF RAMSEY)

The petitioner, Louis C. Henry, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Louis C. Henry  
NAME

2220 Kenwood Court  
ADDRESS Maplewood MN 55117  
651-335-9026 (cell)  
TELEPHONE NUMBER

Subscribed and sworn to before me this  
28 day of Oct, 2013



Linda M Buchal  
NOTARY PUBLIC

# CITY OF SAINT PAUL

## AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

Shereda Scott, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

Shereda Scott

NAME

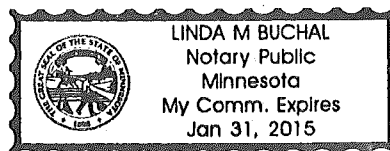
1996 County Rd D #303

ADDRESS Maplewood MN 55109

651-587-2103

TELEPHONE NUMBER

Subscribed and sworn to before me this  
28 day of October, 2013.



Linda M Buchal

NOTARY PUBLIC

## Holmes, Hilary (CI-StPaul)

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**From:** Laura Perdue <perdu002@umn.edu>  
**Sent:** Tuesday, November 12, 2013 12:54 PM  
**To:** Holmes, Hilary (CI-StPaul)  
**Subject:** File # 13-247-474

Ms Holmes,

I am a homeowner in the neighborhood of the address listed for the zoning meeting on Thursday 21 November. In fact, the address is 260 Aurora Avenue and I live across the street at 261. Please accommodate the McDonald's office in whatever way is best for them. They have been consistently great neighbors (sidewalk shoveling, yard maintenance) and are a friendly group. In short, no complaints of any type. I hope we can keep great neighbors happy!

Thanks for your time on this.

Laura L Perdue  
261 Aurora Avenue  
Saint Paul, MN 55103  
651-224-8308



File

OFFICE OF LICENSE, INSPECTIONS AND  
ENVIRONMENTAL PROTECTION

Robert Kessler, Director



CITY OF SAINT PAUL

Norm Coleman, Mayor

LOWRY PROFESSIONAL

BUILDING

Suite 300

350 St. Peter Street

Saint Paul, Minnesota 55102-1510

Telephone: 612-266-9090

Facsimile: 612-266-9099

612-266-9124

September 27, 1995

Louis C. Henry  
Franchise Food Systems of Minnesota, Inc.  
471 Marion Ave S.  
St. Paul, Mn. 55103

RE: 260 Aurora Ave.

Dear Mr. Henry:

Thank you for your letter of September 23 regarding your proposed office use at the referenced address. First of all, let me assure you that Mayor Coleman and all of us in city government, are working to provide a safe, clean, attractive environment for business and residents in St. Paul.

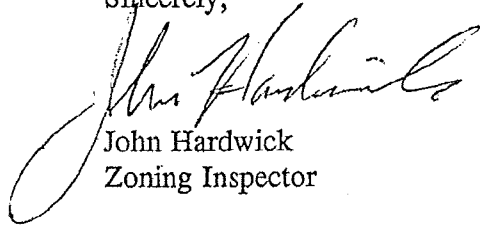
The referenced property is located in an RT-2, townhouse residential, zoning district. As noted in the information sheet, home businesses are allowed in residential districts provided that they meet certain conditions and that they don't change the residential character of the neighborhood. Your proposed use, as explained to me by Mr. Ritter, is a use that is more appropriate in a commercial or office zoning district. Although Mr. Ritter does not mention it in his letter to you, I did point out to him that there are some alternatives. First, you may consider rezoning the property for office use. As you pointed out in your letter, it is adjacent to several businesses. I referred Mr. Ritter to Kady Dadlez, 266-6582, in our planning office for information on the rezoning process. I also referred Mr. Ritter to the business development division of PED, 266-6655. They may be able to assist you in finding a suitable alternative location for your office.

Mayor Coleman has formed a Business Review Council, made up of members of the business community, city staff and community residents, to review regulations affecting businesses. If there is a specific regulatory issue you think needs to be addressed you are welcome to bring it to the attention of the council by contacting Robert Kessler, Director of LIEP, who also serves as staff to the council.

Once again let me assure you that the City of St. Paul welcomes business and industry and we are committed to making St. Paul a great place to live and do business.

If you have any questions concerning this matter you may contact me at 266-9082.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hardwick". The signature is written in dark ink and is positioned above the printed name and title.

John Hardwick  
Zoning Inspector

cc: Mayor Coleman  
Robert Kessler



FRANCHISE FOOD SYSTEMS OF MINNESOTA, INC.  
471 Marion Ave. S.  
St. Paul, MN 55103  
(612) 224-7535  
FAX (612) 224-1696

September 23, 1995

Mayor Norm Coleman  
City of St. Paul  
390 City Hall  
St. Paul, MN 55102

Dear Mayor Coleman,

A while back I discussed with you that the city and business should be able to work together for the betterment of the total St. Paul community. As a businessman and a member of the private industry of St. Paul, the community is very important to me. I sometimes feel that in some instances the city government really works against business and the community as a whole. The following is a case and point. I am considering having a private office in the community basically to have a place to do paperwork, payroll and a place to meet with my store managers. I wanted to purchase a VACANT house behind the Marion Store at 260 Aurora. We know what has happened to some vacant homes in these neighborhoods. They have been boarded up and some are turned into crack houses. It is important to me to invest in the community. I didn't feel zoning would be a problem because in the first three blocks of Aurora are a large nursing home, a parking lot, an apartment, a chiropractic office and a union trade's building. We were initially told it may be a possibility of getting a home occupation residence use permit if someone involved in the business resided there, which could have been met. I have attached a copy of the guide lines. It appears that we are being turned down because I may occasionally have the store managers over for a meeting or orientations which may include 3 to 5 people. There are houses on Aurora where 10 to 15 people are living in a single dwelling. Mayor, take a look at the area you can see that property is deteriorating, many houses are in disrepair, houses are For Sale and some houses in the area were torn down. I became interested in a vacant house because Minneapolis has been trying to get businesses and individuals to invest in vacant houses in that city. I felt it was good idea. Even though I operate stores in Minneapolis, I wanted to be in St. Paul, It would be real easy to go to White Bear Lake, Maplewood or Roseville. I felt it was important to make a statement in the inner city.

In dealing with city government there seems to be very little flexibility. History has shown us what happens when property is vacant and the neighborhood deteriorate. In the long run it cost the city more.

#7494  
471 Marion Ave. S.  
St. Paul, MN 55103  
(612) 224-7535

#7563  
2400 Nicollet Ave. S.  
Minneapolis, MN 55404  
(612) 870-9706

#3483  
Midway Shopping Center  
1468 University Ave.  
St. Paul, MN 55103  
(612) 647-1777

#3525  
2213 University Ave.  
St. Paul, MN 55114  
(612) 644-8333

#7063  
4435 Lyndale Avenue North  
Minneapolis, MN 55412  
(612) 521-7122

Mayor, you have always been extremely fair, progressive and we have been friends. I wanted you to know how I felt because you have always had the greater good of St. Paul at hand. This is a great city with so much potential. I feel that business is viewed by some in city government as a necessary evil. This is unfortunate we should be able to work together as a team. I feel real disheartened by the process. Even though I may have to office in Minneapolis my heart is in St. Paul. Thanks for listening.

Best Regards,

Louis C. Henry

Enclosure

cc: Zoning and Planning Administrator

**RITTER & FENSKE, LTD.**

ATTORNEYS AT LAW

461 UNIVERSITY AVENUE

SAINT PAUL, MINNESOTA 55103

JEROME A. RITTER

JEFFREY J. FENSKE

(612) 222-6700

FAX 222-1263

September 22, 1995

Mr. Louis Henry  
471 Marion Street  
St. Paul, MN 55103

Re: 260 Aurora  
Our File No. 3844-1

Dear Mr. Henry:

I am enclosing for your information a copy of the information sheet I received from the City of St. Paul setting forth the criteria utilized by the city to evaluate whether or not a business fits within the "owner/occupied" exception to the zoning regulations. After receiving this material from the City of St. Paul I spoke with John Hardwick relative to your intended use of the 260 Aurora property. I explained to Mr. Hardwick the premises would be utilized primarily for the purpose of handling administrative functions such as processing payroll and handling other administrative functions. I did indicate that occasionally meetings would take place with various store managers present. Such meetings would have from three to five people involved. I also indicated you intended to conduct employee orientation on the premises from time to time. Such orientation would involve the viewing of video tapes and training materials provided by the McDonald's Corporation. Orientation sessions would probably have only two or three employees attending at a time. I also pointed out that off street parking is available on the subject premises and that if additional parking were required you have a parking lot available at Marion and University. I assured the City of St. Paul that the present street parking situation would not be further burdened with your intended use of 260 Aurora. You certainly have ample parking available at the east end of the block where the subject premises is located.

Mr. Hardwick indicated to me that utilization of the property for the purpose of meetings with management and orientation sessions as described above would not be included within the criteria which are acceptable to the City of St. Paul. It would certainly appear after my conversation with Mr. Hardwick that the City of St. Paul would not permit you to utilize 260 Aurora as you have proposed.

I will continue to explore other potential sites or properties. I will continue to work with the understanding that you would prefer to have

Mr. Louis Henry  
September 22, 1995  
Page 2

an administrative office located within the City of St. Paul and as close to your Marion Street store as possible. I will also keep you advised regarding any potential properties located outside the City of St. Paul.

Sincerely,

RITTER & FENSKE, LTD.



Jerome A. Ritter

JAR/kd

Enclosure

100' DISTANCE  
PROPERTY LINE  
STREET  
RAILROAD  
WATER





# GISmo Oblique Photography

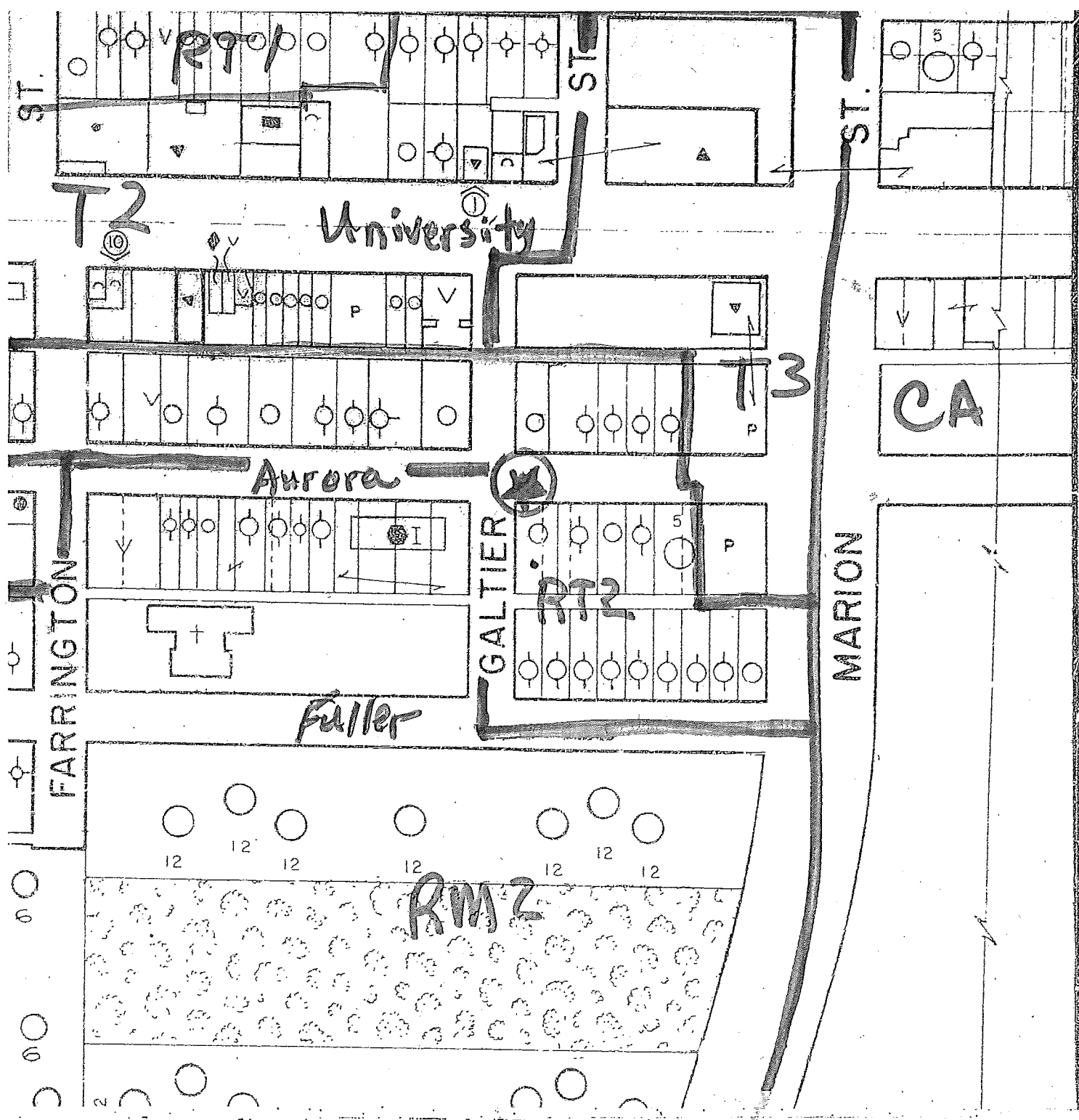
Images courtesy of: Microsoft® Virtual Earth™ 2006

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APPLICANT BLD Property Management

PURPOSE NCUP - Establishment

FILE # 13-247474 DATE 11-7-13

PLNG. DIST. 8 Land Use Map # 20

SCALE 1" = 400' Zoning Map # 15

LEGEND

zoning district boundary

subject property

○ one family  
 ⊙ two family  
 ⊕ multiple family

• ▲ ○ commercial  
 ◆ ▤ industrial  
 V vacant

