

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Best Pawn **FILE #** 15-134-166
 2. **APPLICANT:** CSLK Properties LLC **HEARING DATE:** July 16, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 525 7th St E, between Kittson and Hwy 52 ramp
 5. **PIN & LEGAL DESCRIPTION:** 322922310017, 322922310066, Kittsons Addition To St Paul
Subject To Hwy; All Of Lots 1 Thru Lot 8 of Blk 21
 6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** §65.525; §65.706; §61.501
 8. **STAFF REPORT DATE:** July 6, 2015 **BY:** Hilary Lovelace
 9. **DATE RECEIVED:** June 26, 2015 **60-DAY DEADLINE FOR ACTION:** August 25, 2015
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- A. **PURPOSE:** Conditional use permit for commercial outdoor sales for food trucks and used vehicles.
 - B. **PARCEL SIZE:** Two parcels totaling 43,848 square feet, 215 feet NW/SE on Kittson and 200 feet SW/NE on E 7th Street
 - C. **EXISTING LAND USE:** Commercial, Pawn Shop (I1 - Light Industrial)
 - D. **SURROUNDING LAND USE:**
North: ROW/Vacant (I1 - Light Industrial)
East: Railroad right-of-way (I1)
South: Commercial (I1)
West: Commercial (I1)
 - E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.525 states conditions for commercial outdoor uses; §65.706 lists five standards for outdoor auto sales and rental
 - F. **HISTORY/DISCUSSION:** The site received a conditional use permit to operate as a pawn shop in 2008 (Z. F. #08-100-043). Previously, the site served as an auto repair facility. In 2010, the operator at the site received a conditional use permit to sell automobiles from the lot in nine spaces (Z.F. #10-308-035). In 2014, there was a complaint made by MN Pollution Control Agency, stating that waste water from a food "wagon" was discharged into a stormwater drain (Z. F. #14-192-546). In the past few months, there has been a report about improper trash maintenance at the site (Z.F. #15-029-621). This case was brought to DSI through a complaint about food trucks as a permitted use on June 5th, 2015 (Z.F. #15-127-017). DSI responded with a letter on June 11, 2015 stating that the property owner must either cease outdoor food sales or submit an application for a conditional use permit.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Community Council has not yet provided a recommendation.
 - H. **FINDINGS:**
 1. The applicant, CSLK Properties, LLC applied for a conditional use permit to allow for the operation of outdoor sales of food on the site, following a letter from the DSI zoning staff indicating that the Zoning Administrator determined that a conditional use permit for outdoor sales of food was required in order to continue outdoor food sales at the property.
 2. The applicant has an existing conditional use permit for outdoor auto sales. If this permit is approved, it will supersede and incorporate the existing permit for outdoor auto sales granted in Z.F. #10-308-035.
 3. §65.706 lists five standards that outdoor auto sales and rental uses must meet:
(a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area. This condition is met. The parking lot is paved with black top, graded, and drains appropriately. It has 37 striped parking spaces, two of which are handicap spots.

(b) Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets. This condition is met. Vehicular access is about 90 feet from the intersection of Kittson and East 7th Street.

(c) No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building. This condition is met. The applicant has stated that no repair or refinishing will be done on this site.

(d) The minimum lot area shall be fifteen thousand (15,000) square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. This condition is met. The applicant has submitted a site plan indicating a lot area approximately 43,848 square feet and an adequate parking plan meeting minimum requirements for all uses on the property.

(e) In the case of pawnbrokers, the businesses shall be separated from residentially zoned property by a distance of one hundred fifty (150) feet measured from property line to property line. This condition is met. The closest residentially zoned property is more than 700 feet away.

4. §65.525 Commercial Outdoor activity states that the use

a. *...must not conflict with off-street parking, off-street loading and pedestrian flow.*

This condition is met. The site has 37 parking spaces. The building is 6,000 square feet in area, which requires a minimum of 15 parking spaces (Zoning Code §63.207. - Parking requirements by use.) Proposed outdoor sales of food in the parking lot use 16 parking spaces at the edges of the property. The applicant proposes six spaces for outdoor auto sales. There is space behind the building for loading and sidewalks surrounding the site that would allow pedestrians access to the food trucks.

b. *The planning commission must determine that the use is harmonious with adjacent uses.*

This condition is met upon commission approval. Surrounding the intersection at Kittson and E. 7th Street are office and commercial uses, including auto-oriented uses across the street. Outdoor food sales and used vehicle sales is harmonious with these uses.

c. *A site plan including a floor plan and separate maps that show surrounding uses of property around the site which satisfies the application requirement.* This condition is met.

5. §61.501 lists five standards that all conditional uses must satisfy:

a. *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Figure LU-B of the comprehensive plan identifies this area as a mixed-use corridor, and outdoor sales help support a mix of uses as stated in strategy LU1.24. The District 4 Plan Vision from 2009 also supports this, stating "A revitalized business district, focused on East 7th Street...that provides a full range of good and services." In the same document, strategy C4 "promotes the shared use of existing surface parking lots." While this generally refers to the share of parking by multiple businesses, given the parking available on the site in excess of the minimum requirements, this is a reasonable use of the remaining spaces.

b. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed outdoor sales areas do not block entrance or exit from the site with the use of a vehicle. As explained in Finding 2a above, there are more than enough parking spots to respond to the needs of the proposed outdoor sales, the existing outdoor used auto sales, and pawn shop customers.

c. *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The addition of outdoor sales to the commercial site and commercial surroundings does not change the existing character, nor does it endanger public health, safety or general welfare.

d. *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. Outdoor food

sales are a permitted use in the district and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- e. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends the approval of the conditional use permit for commercial outdoor sales for food trucks and sale of used vehicles at 525 7th Street E with the following conditions:
1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted as part of this application.
 2. Outdoor sales of food is limited to three mobile food purveyors, each of which must provide to the Zoning Administrator for approval, separate garbage and waste plans that include:
 - a. An oil disposal plan, to safely dispose of waste and keep stormwater drains free of oil;
 - b. Consumer waste receptacle sizes and locations;
 - c. A regular schedule to empty the receptacles into the dumpster to avoid loose litter.
 3. Used vehicle sales will be limited to six spaces on the site.
 4. No outside repair of vehicles will take place on the site.
 5. There is to be no outside storage of vehicles. Vehicles pawned for sale must be removed within 72 hours.
 6. The existing conditional use permit for outdoor auto sales (Z.F. #10-308-035) is terminated pursuant to §61.505 of the Saint Paul Zoning Code.



CONDITIONAL 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

Zoning office use only
File # 15-134166
Fee: _____
Tentative Hearing Date: 7-16-15

PD-4

3229 2231 0017
3229 2231 0066

APPLICANT

Name CSLK Prop LLC
Address 525 E 7th Street
City Saint Paul St. MN Zip 55101 Daytime Phone 651 238 3354
Name of Owner (if different) _____
Contact Person (if different) Larry Kasella Phone Same

PROPERTY LOCATION

Address / Location 525 E 7th St St. Paul 55101
Legal Description See Attached
Current Zoning I1
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 66, Section 525, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See Attached

☐ Required site plan is attached

Applicant's Signature [Signature] Date 6/18/15 City Agent pdd 6-18-15

To whom it may concern

I am trying to obtain a special use permit for outdoor sales at my properties at 525 E 7th Street, Saint Paul MN 55101.

We meet the conditions of: The use shall not conflict with off-street parking , off-street loading and the system of pedestrian flow.

We meet these conditions by : The pawnshop at this address needs 13 parking spaces and there are 37 lined parking spots, there is no off-street loading, and pedestrian flow is not affected.

Legal Description:

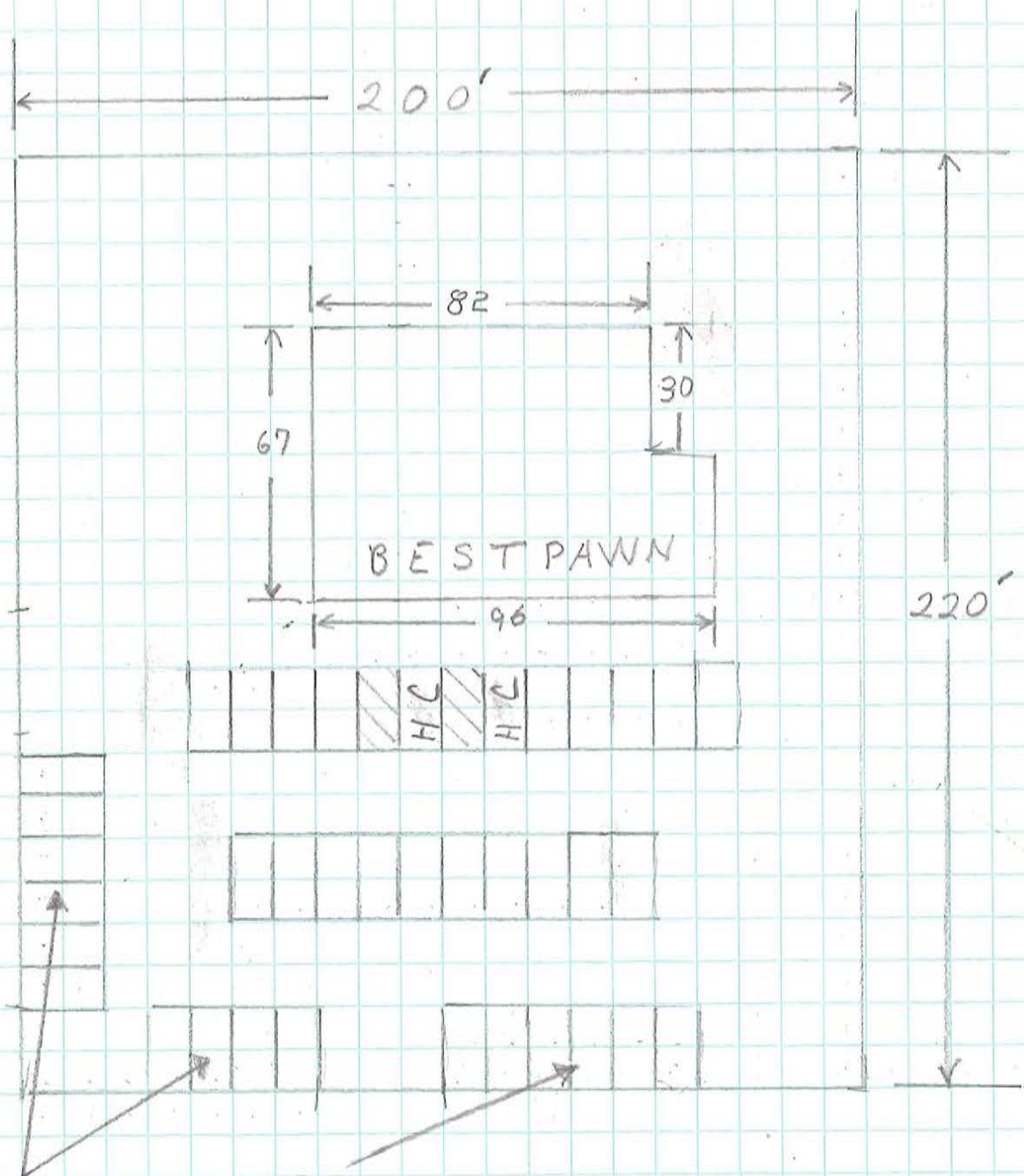
Nely Part Of Kittson St Vac Adj Being O 1/1o Ft Mol At Se L To 2 2/1o Ft Mol At Nwly L Of Lot 5
And All Of Lots 1 Thru Lot 6 Blk 21

Thanks

Larry Kasella
CSLK Properties llc

Scale $\overbrace{\hspace{1.5cm}}^{50ft}$

Kittson ST.



Proposed E 7th ST.
Outdoor
Sales

Date: June 11, 2015
File #: 15 - 127017
Folder Name: 525 7TH ST E
PIN: 322922310017



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File #: 15 - 127017
Folder Name: 525 7TH ST E
PIN: 322922310017





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

June 11, 2015

Cslk Properties Llc
966 7th St W
St Paul Mn 55102-3502

Re: 525 7th St E

Dear Property Owner:

We have recently received a complaint regarding the food trucks at the above referenced location. This property is located in an I1, light industrial, zoning district.

Inspection Observations:

The following was on display during a recent inspection of this property: 1 food truck and one roasted corn trailer.

Pertinent Code Sections:

Under Chapter 66 of the City of Saint Paul Legislative Code, commercial property in an I1 zoning district is permitted to have outdoor sales provided certain conditions are met, which include but are not limited to the following:

1. A conditional use permit must be obtained prior to establishing outdoor sales in an I1 zoning district.
2. The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.

Orders:

There's no record of this office approving outdoor food sales at the referenced location. Therefore, **you must either:**

- **Cease all outdoor food sales (or)**
- **Submit an application for a conditional use permit for outdoor sales.**

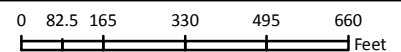
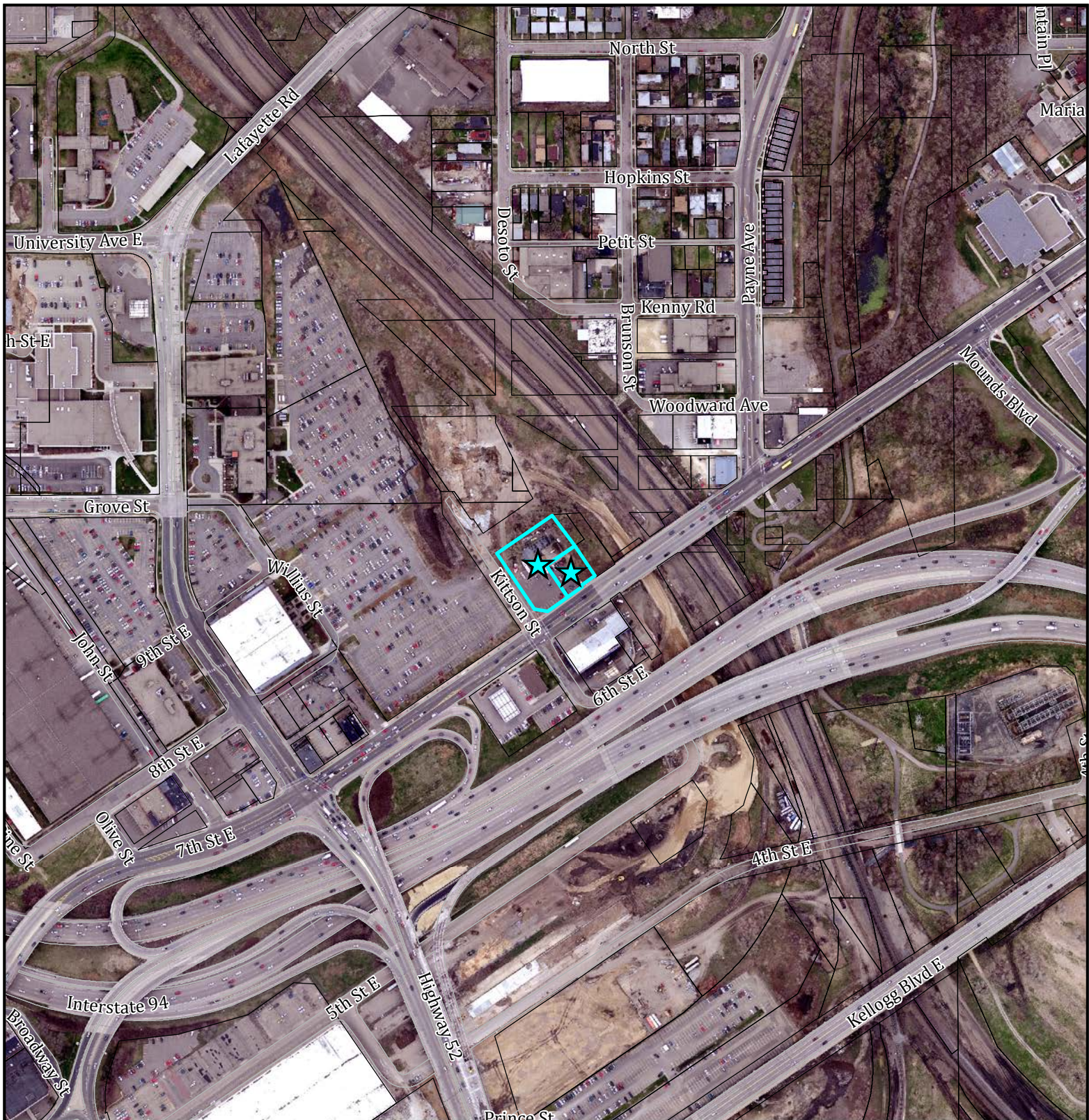
If you have any questions regarding this matter I may be contacted at 651-266-9067 or Tony.Johnson@ci.stpaul.mn.us.

Sincerely,

Anthony Johnson
DSI Zoning/Licensing Inspector I

Any person affected by this decision that believes it to have been made in error, may appeal the matter in writing to the Board of Zoning Appeals within 10 days of the date of this letter. Any appeal shall include the appropriate filing fee of \$435.


c: Chris Skoog



FILE NAME: Best Pawn

Aerial

APPLICATION TYPE: CUP

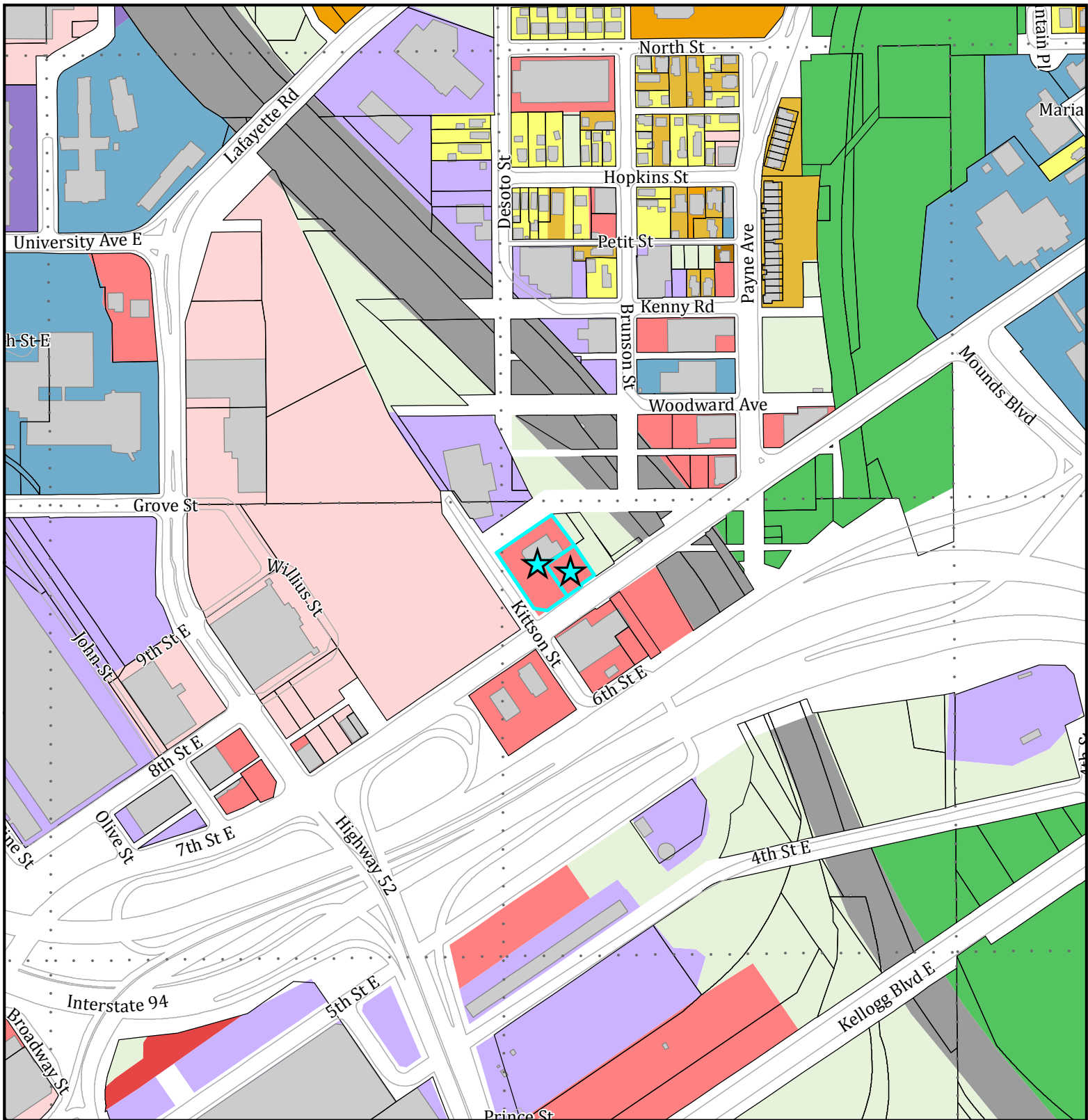
 Subject Parcels

FILE #: 15-134166 DATE: 6/26/2015

PLANNING DISTRICT: 4

ZONING PANEL: 16





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APPLICATION TYPE: CUP

FILE #: 15-134166 DATE: 6/26/2015

PLANNING DISTRICT: 4

ZONING PANEL: 16

Saint Paul Department of Planning and Economic Development and Ramsey County

Land Use

Single Family Detached

Single Family Attached

Multifamily

Office

Retail and Other Commercial

Mixed Use Residential

Mixed Use Industrial

Mixed Use Commercial and Other

Industrial and Utility

Institutional

Park, Recreational or Preserve

Railway

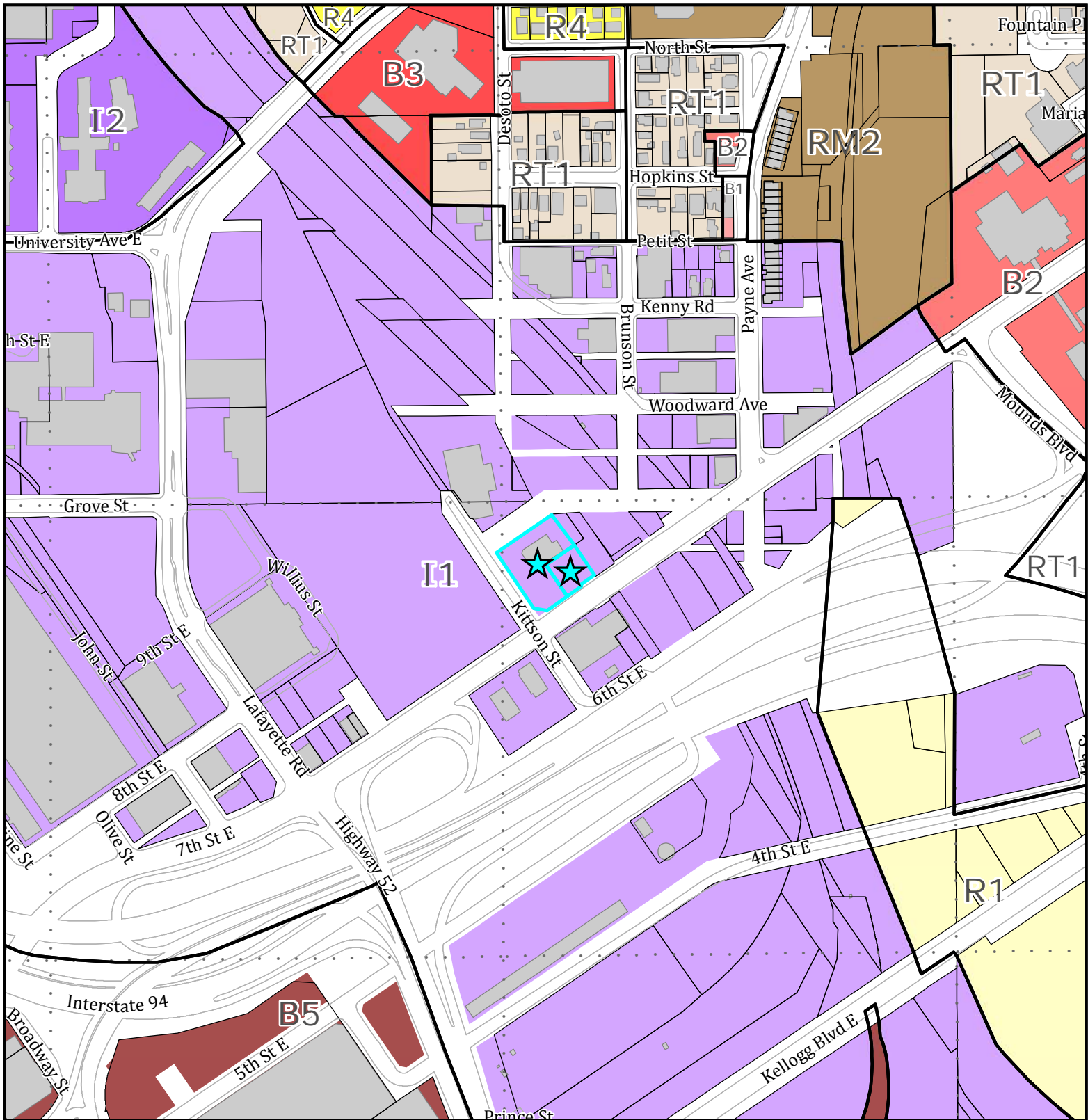
Undeveloped

Subject Parcels

Section Lines

Section Lines





FILE NAME: Best Pawn

APPLICATION TYPE: CUP

FILE #: 15-134166 DATE: 6/26/2015

PLANNING DISTRICT: 4

ZONING PANEL: 16

Zoning

R1 One-Family	B5 Central Business Service
R4 One-Family	I1 Light Industrial
RT1 Two-Family	I2 General Industrial
RM2 Multiple-Family	Subject Parcels
B1 Local Business	Section Lines
B2 Community Business	
B3 General Business	

0 82.5 165 330 495 660 Feet

