



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 2, 2015

Barbara A. Wencil, Planning Commission Chair
c/o Donna Drummond, Director of Planning
25 West 4th St, Suite 1400
Saint Paul, MN, 55102

RE: 847 White Bear Ave N
Zoning File #10-602216
Conditional Use Permit for Auto Specialty Store

Dear Chair Wencil:

The Zoning section of the Department of Safety and Inspections is requesting that the planning commission review a conditional use permit under Section 61.108 of the Saint Paul legislative code:

The zoning administrator shall notify the planning commission or the board of zoning appeals when a development covered by a site plan, permit, variance, determination of similar use, or other zoning approval is not in compliance with any of the conditions imposed upon such use approval. The commission or the board may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.

On the July 30th, 2010 the planning commission granted a conditional use permit (CUP) for the establishment of an auto specialty store at 847 White Bear Ave N subject to the following conditions:

1. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.
2. All work shall be conducted within an enclosed building. Services and repairs occurring on the site shall be limited to the following: Front and rear suspension, wheel bearings, wheel alignment, brakes, rotors, ball joints, tie rods, struts/shocks, tires (new and used), oil changes and basic tune-ups consisting of servicing of spark plugs, wires, distributor caps, and air filters.
3. Restoration of landscaped areas with vegetation with a least fifty (50) percent of landscaped area planted with species native to the state, and

An Equal Opportunity Employer

installation of 3 foot high decorative metal fencing along White Bear Avenue and East 7th Street frontages, consistent with the White Bear Avenue overlay district regulations and as approved by Department of Safety and Inspections staff.

4. No exterior storage of vehicle parts, tires, oil, or any similar materials associated with the business. Vehicles parked outdoors must appear to be completely assembled, with no major body parts missing.

5. Customer vehicles shall be not be stored in the public right-of-way; no vehicle shall be parked on the premises for longer than 10 days.

6. Maintenance of the property in good repair and free of litter.

The site plan was approved May 18th, 2011.

DSI Zoning staff has conducted four site inspections and sent the property manager an enforcement letter in an attempt to bring the referenced property into compliance with the conditions placed on the CUP, with the approved site plan, and with the sign regulations. Upon re-inspection the lot was restriped but is still not in compliance with the approved site plan and the sign violations have been corrected. Although the owner has made an attempt to correct some of the violations, there are continuing violations of conditions 2, 4, and 6.

Please refer to the attached property history for detailed information of the actions taken on this property thus far. DSI staff is asking the planning commission to review this situation and determine if the conditional use permit should be revoked, if conditions of this permit should be modified, if additional conditions should added, or if conditions should be removed.

Sincerely,

Anthony Johnson
DSI Zoning/Licensing Inspector I

Attachments:

Site Map

Property History

Conditional Use Permit

Conditional Use Permit Resolution

4/07/2015 Site Photos

4/16/2015 Site Photos

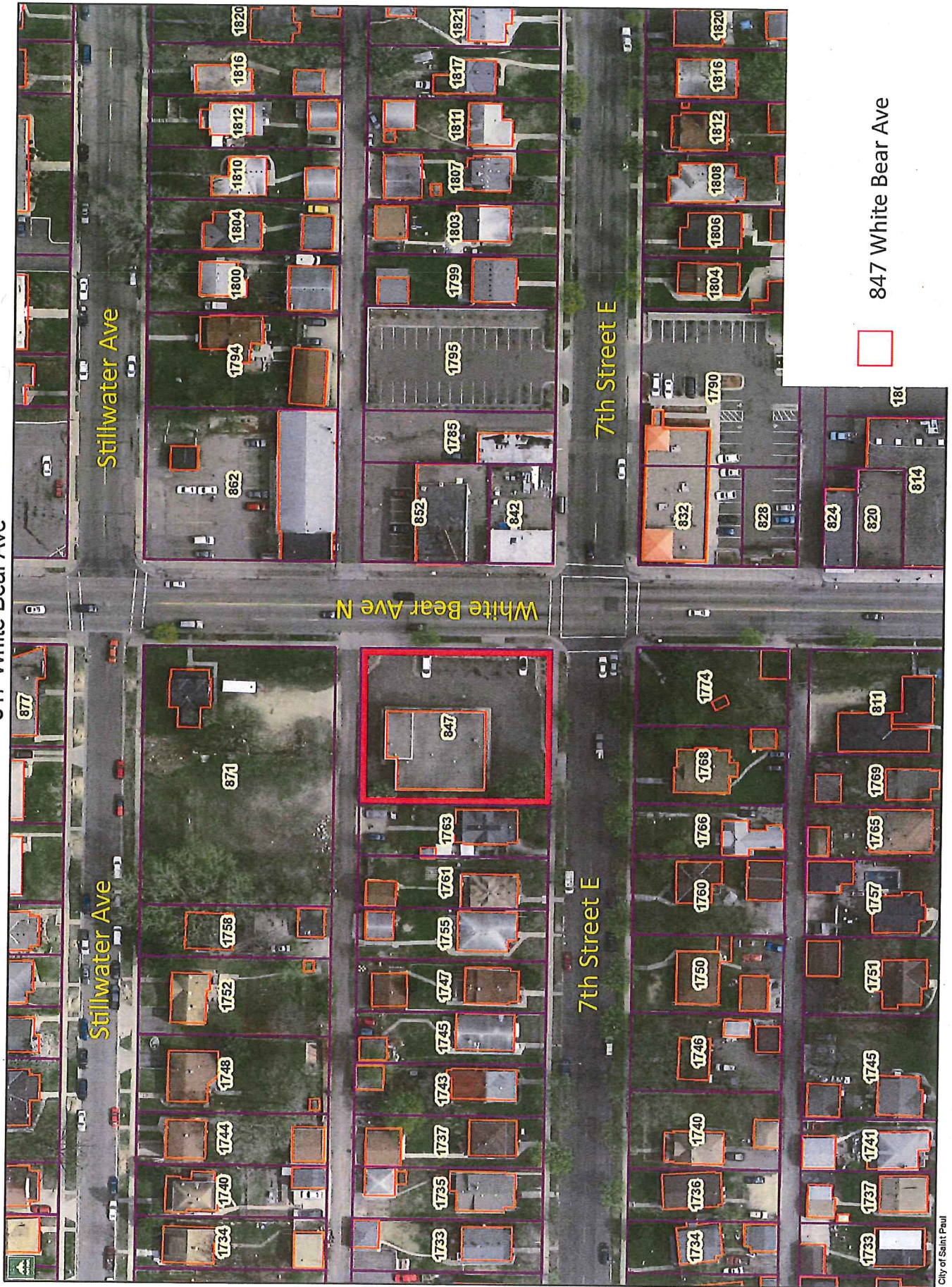
4/23/2015 Enforcement Notice

5/07/2015 Site Photos

5/14/2015 Site Photos

c: Wendy Lane and Allen Torstenson

847 White Bear Ave





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Current Licensee: Payless Tires Inc. Doing business as Payless Tires
Conditional Use Permit issued for Manuela Delores Corona. Licensed as JCDC Inc. doing business as Tires and More.
Current property owner is Newman Family Lp

847 White Bear Ave N History	
DATE:	DETAILS:
July 30th, 2010	Manuela Dolores Corona is granted a conditional use permit subject to the following conditions: 1. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday. 2. All work shall be conducted within an enclosed building. Services and repairs occurring on the site shall be limited to the following: Front and rear suspension, wheel bearings, wheel alignment, brakes, rotors, ball joints, tie rods, struts/shocks, tires (new and used), oil changes and basic tune-ups consisting of servicing of spark plugs, wires, distributor caps, and air filters. 3. Restoration of landscaped areas with vegetation with a least fifty (50) percent of landscaped area planted with species native to the state, and installation of 3 foot high decorative metal fencing along White Bear Avenue and East 7th Street frontages, consistent with the White Bear Avenue overlay district regulations and as approved by Department of Safety and Inspections staff. 4. No exterior storage of vehicle parts, tires, oil, or any similar materials associated with the business. Vehicles parked outdoors must appear to be completely assembled, with no major body parts missing. 5. Customer vehicles shall be not be stored in the public right-of-way; no vehicle shall be parked on the premises for longer than 10 days. 6. Maintenance of the property in good repair and free of litter
December 27th, 2010	Manuela Corona is approved for an auto repair garage license and a second hand dealer - motor vehicle parts license under the licensee name of JCDC INC, doing business as Tires and More.
May 18th, 2011	Site plan is approved by DSI staff.
September 17th, 2014	Council File #14-1559 revokes JCDC INC's (Tires and More) auto repair garage license and second hand dealer license.
December 3rd, 2014	Payless Tires Inc. is approved for an auto repair garage license and an second hand dealer - motor vehicle parts license with same conditions as the previous licensee. Business owner acknowledges conditons by signing off on license affidavit.
April 7th, 2015	DSI staff conducts site inspection to verify that conditions of the conditional use permit and site plan are met. Violations of conditions 2, 4, and 6 are observed (see attached photos). Lot was not stripped. Verbal orders issued to bring property into compliance.
April 16th, 2015	DSI staff conducts site inspection to verify that conditions of the conditional use permit and site plan are met. Violation of condition 2, 4, and 6 are observed (see attached photos). Lot was not stripped. Verbal orders issued to bring property into compliance.
April 23rd, 2015	DSI staff sends enforcement notice to property owner (see attached), giving licensee 10 days to bring their property into compliance with the conditions of their conditional use permit, and 30 days to bring the property into compliance with the site plan.
May 7th, 2015	DSI staff conducts site inspection to verify that conditions of the conditional use permit and site plan are met. Violation of condition 6 is observed. Lot was stripped, however, another spot was added which was not shown on the approved site plan. Handicap space was installed incorrectly which made the maneuvering lane less then 20 ft wide.
May 14th, 2015	DSI staff conducts inspection to verify that conditions of conditional use permit and site plan are met. Violation of condition 4 is observed and the incorrect stripping of the lot was not corrected.

CITY OF SAINT PAUL, MINNESOTA
(CUP)

ZONING FILE NO: 10-602-216
APPLICANT: Manuela Dolores Corona
PURPOSE: Conditional Use Permit for auto specialty store
LOCATION: 847 White Bear Ave N
LEGAL DESCRIPTION: PIN 272922410079, Birminghams Park Lots 28 29 And Lot 30 Blk 4
ZONING COMMITTEE ACTION: Recommended approval with conditions
PLANNING COMMISSION ACTION: Approved with conditions on July 30, 2010
CONDITIONS OF THIS PERMIT: Conditions specified in Sec. 65.704 and the following additional conditions:

1. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.
2. All work shall be conducted within an enclosed building. Services and repairs occurring on the site shall be limited to the following: Front and rear suspension, wheel bearings, wheel alignment, brakes, rotors, ball joints, tie rods, struts/shocks, tires (new and used), oil changes and basic tune-ups consisting of servicing of spark plugs, wires, distributor caps, and air filters.
3. Restoration of landscaped areas with vegetation with a least fifty (50) percent of landscaped area planted with species native to the state, and installation of 3 foot high decorative metal fencing along White Bear Avenue and East 7th Street frontages, consistent with the White Bear Avenue overlay district regulations and as approved by Department of Safety and Inspections staff.
4. No exterior storage of vehicle parts, tires, oil, or any similar materials associated with the business. Vehicles parked outdoors must appear to be completely assembled, with no major body parts missing.
5. Customer vehicles shall be not be stored in the public right-of-way; no vehicle shall be parked on the premises for longer than 10 days.
6. Maintenance of the property in good repair and free of litter

APPROVED BY: Kathi Donnelly-Cohen, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on July 30, 2010, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (§ 61.105). If one of the following occurs, the use herein permitted shall automatically expire: the use is established but subsequently is discontinued for 365 days or is replaced by another use, the lot area is reduced, or as otherwise provided in § 65.505

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.

Violation of the conditions of this permit may result in its revocation.


Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:
Applicant Manuela Dolores Corona, Jerry Castillo
Owner Newman Family LP
District Council 2

Mailed: July 30, 2010

city of saint paul
planning commission resolution

file number 10-63

date July 30, 2010

WHEREAS, Manuela Dolores Corona, File # 10-602-216, has applied for a Conditional Use Permit for auto specialty store under the provisions of §65.704 and §61.501 of the Saint Paul Legislative Code, on property located at 847 White Bear Ave N, Parcel Identification Number (PIN) 272922410079, legally described as Birminghams Park Lots 28 29 And Lot 30 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 22, 2010, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is proposing an auto specialty store. Proposed hours are 8:00 a.m. to 7:00 p.m., Monday through Saturday, and closed on Sundays. Doing business as Tires & More, the applicant is proposing to provide the following types of services at the location: front end suspension, bearings, wheel alignment, brakes, rotors, ball joints, tie rods, struts/shocks, tires (new and used), oil changes, and basic tune-ups. This range of uses is consistent with §65.704, which states that an auto specialty store is *a store in the business of repairing or servicing automobiles usually involving the installation of specific parts and the provisions of specific services.*
2. §65.704 lists special standards and conditions for auto specialty stores. These include:
 - (a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk. The previous auto specialty store use on the property received site plan approval, demonstrating consistency with city specifications.*
 - (b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. At the time the previous auto specialty store use on the property was approved, it was found that, due to grade changes between the site and the adjoining property, an obscuring wall or fence would be ineffective. As an alternative, screening vegetation was established in the buffer area (along western property line).*
 - (c) *The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required. The property meets the minimum lot area and arrangement requirements.*

moved by Kramer

seconded by _____

in favor Unanimous

against _____

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *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 can be met. The stretch of White Bear Avenue between roughly Margaret Street on the south and Case Avenue on the north is designated by the Comprehensive Plan as a Mixed-Use Corridor. Policy LU-1.46 encourages the expansion of compact commercial areas within Mixed-Use Corridors, citing the positive impact that the location of a variety of retail uses in close proximity to one another can have on business creation and expansion. The proposed use will reoccupy a building a highly visible corner that has stood vacant for a number of years, adding to the vitality of the commercial node located at that intersection.

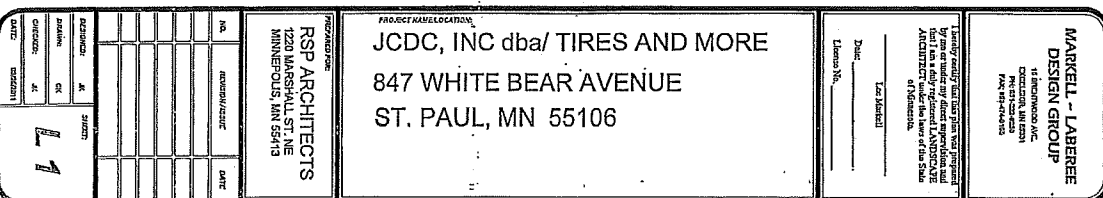
The White Bear Avenue Small Area Plan calls for the streetscape standards, codified by WB White Bear Avenue overlay district. The Greater East Side District Plan calls for the District Council to develop native landscaping standards for commercial corridors within District 2. Provided previously planted areas are restored consistent with standards developed by District 2, and decorative metal fencing installed along East 7th Street and White Bear Avenue frontages as required by White Bear Avenue overlay district regulations, the proposed use will be consistent with White Bear Avenue SAP and Greater East Side District Plan.

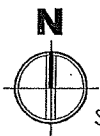
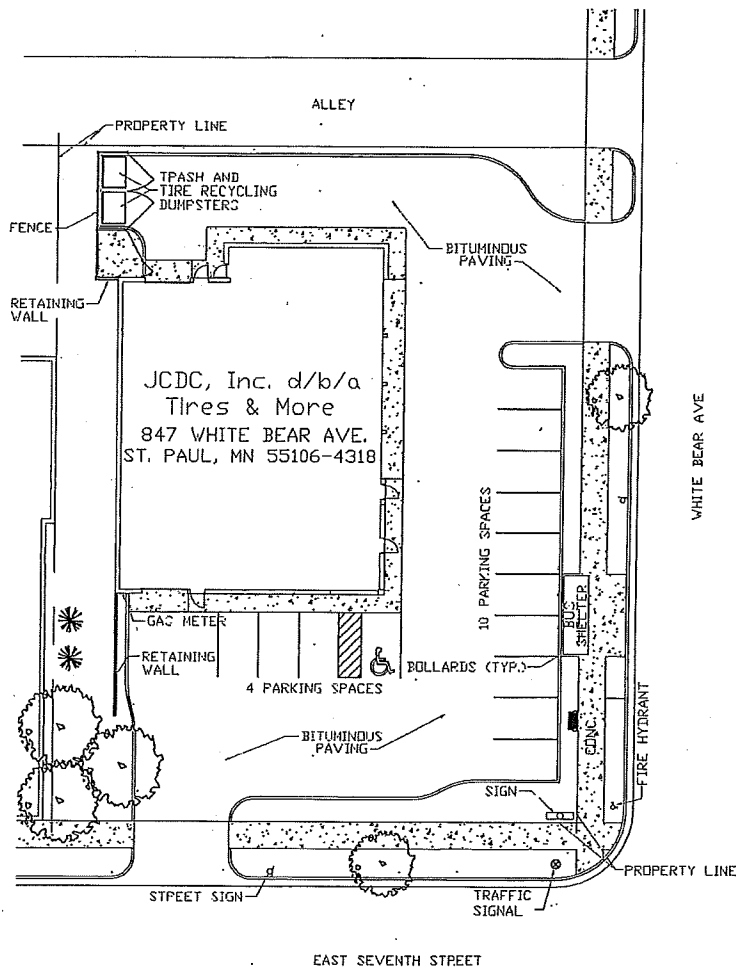
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Curb cuts located away from the intersection on both East Seventh Street and White Bear Avenues frontages will allow adequate ingress and egress to the site.
- (3) *The 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. This condition can be met. The proposed use will reoccupy a vacant building with a high-visibility location. The limited range of activities and the proposed limits on hours of operation, are consistent with the mixed commercial/residential character of the immediate area, and do not pose a threat to public health, safety, or general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition can be met. The use, subject to proposed limits on hours and days of operation, is consistent with the range of residential and commercial use permitted in surrounding districts. Reoccupation of a vacant building, restoration of vegetation and landscaping consistent with standards for development in the area, and consistent maintenance of the property in the area will remedy a potential deterrent to the continued orderly improvement of surrounding properties.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* Subject to additional conditions of approval as outlined herein, this condition can be met. The amount of parking provided on site is consistent with the requirements of the updated parking code.

4. §67.402 describes regulations for buildings, accessory parking, and landscaping in the WB White Bear Avenue overlay district. Because the applicant is re-occupying an existing site, the building and parking locations are legally non-conforming relative to the overlay district standards.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Manuela Dolores Corona for a Conditional Use Permit for auto specialty store at 847 White Bear Ave N is hereby approved, subject to the following additional conditions:

1. Hours of operation shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.
2. All work shall be conducted within an enclosed building. Services and repairs occurring on the site shall be limited to the following:
 - Front and rear suspension
 - Wheel bearings
 - Wheel alignment
 - Brakes
 - Rotors
 - Ball joints
 - Tie rods
 - Struts/shocks
 - Tires (new and used)
 - Oil changes
 - Basic tune-ups consisting of servicing of spark plugs, wires, distributor caps, and air filters
3. Restoration of landscaped areas with vegetation with a least fifty (50) percent of landscaped area planted with species native to the state, and installation of 3 foot high decorative metal fencing along White Bear Avenue and East 7th Street frontages, consistent with the White Bear Avenue overlay district regulations and as approved by Department of Safety and Inspections staff.
4. No exterior storage of vehicle parts, tires, oil, or any similar materials associated with the business. Vehicles parked outdoors must appear to be completely assembled, with no major body parts missing.
5. Customer vehicles shall be not be stored in the public right-of-way; no vehicle shall be parked on the premises for longer than 10 days.
6. Maintenance of the property in good repair and free of litter





SCALE: 1/32"=1'-0"



RSP Architects
1220 Marshall Street NE
Minneapolis
MN 55413-1036
612.677.7100
612.677.7499 fax
www.rsparch.com

Project	JCDC, Inc. d/b/a Tires & More
Project No.	2218.001.00
Date	June 29, 2010

Sheet No.

SITE

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Date: April 7, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of condition 4 and 6



Violation of condition 2



Date: April 7, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of Condition 6



Violation of condition 2



Date: April 16, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of condition 2



Violation of condition 2



Date: April 16, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of condition 6



Violation of condition 4





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
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Telephone: 651-266-8989
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Web: www.stpaul.gov/dsi

April 23, 2015

Payless Tires
Attn: Haythem Soussi
847 White Bear Ave N
St Paul MN 55106

**Re: Violation of Conditions of License (#20140002822), Conditional Use Permit (#10-602216),
Temporary Sign Permit (#14-353704)**

Dear Mr. Haythem Soussi:

You are in violation of conditions of your Auto Repair Garage / Second Hand Dealer License (#20140002822), Conditional Use Permit (#10-602216), and Temporary Sign Permit (#14-353704).

On June 30, 2010, the Saint Paul Planning Commission approved a conditional use permit (CUP) for an auto specialty store located at 847 White Bear Ave N subject to conditions. Please refer to the enclosed CUP.

On December 3, 2014, an auto repair / second hand dealer business license was issued for Payless Tires located at 847 White Bear Ave N subject to conditions of the CUP and additional licensing conditions. Please refer to the enclosed affidavit that you signed stating that you agree to comply with all conditions.

On April 7, 2015, and again on April 16, 2015, inspections of the property revealed conditions of the business license and CUP are not being complied with. The following violations were observed:

1. Work being conducted on vehicles outside in the parking lot
2. Vehicles parked outside with major body parts missing
3. Vehicles parked in the driveway / maneuvering lanes
4. Vehicle maneuvering space restricted due to the overfilled parking lot
5. Vehicles parked not in accordance with the approved site plan which limits the maximum number of vehicles parked on the property at any one time to fourteen.
6. Trash overflowing and on the ground next to an uncovered dumpster
7. Exterior storage of tires and auto parts
8. The absence of site improvements as shown in the approved site plan including required ADA parking, striping, and landscaping (see the enclosed site plan and information on handicap parking requirements)

Additionally, two unpermitted temporary signs were observed on the property.

On December 15, 2014, a temporary sign permit was issued for one two-sided sign displaying "Oil Change 19.99" (front) and "Tire Sale" (back) that were to be taken down by March 14, 2015. As of April 16, 2015, the temporary sign had not been removed, and the two sides of the sign were being displayed in separate locations constituting two separate signs. The permit allowed for one temporary sign to be "free standing in the parking lot." It was observed that the supposed rear side of the sign was affixed to the decorative fence near the corner of White Bear Ave and E 7th St.

AA-ADA-EEO Employer

Haythen Soussi
April 23, 2015
Page 2

You are hereby ordered to bring your property into compliance with all conditions of your business license, CUP, temporary sign permit, and approved site plan including ADA parking requirements. You must immediately remove the unpermitted and expired temporary signs. You hereby have 10 days from the date of this letter to comply with conditions your business license, CUP, and temporary sign permit and 30 days to complete the required site improvements as shown in the approved site plan. Failure to comply with this order will result in adverse action taken against your business license.

If you have any questions regarding this notice, please feel free to contact me by phone at (651) 266-9013 or by email at clark.palmer@ci.stpaul.mn.us.

Thank you,

Clark Palmer
Zoning Intern
City of St Paul, DSI

Enclosures (4)

Date: May 7, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Added a space not shown on the site plan

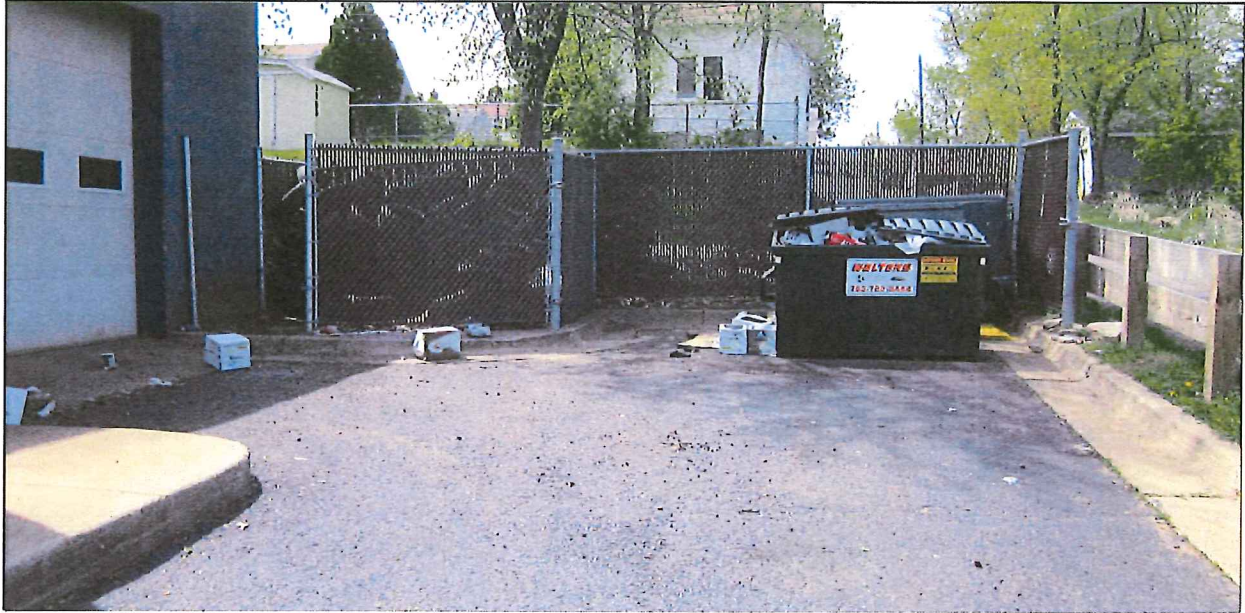


Handicap space stripped not according to approved site plan. The incorrect stripping made the maneuvering lane less the 20 feet



Date: May 7, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of condition 6



Vehicles not parked according to site plan



Date: May 14, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Violation of condition 4



Vehicles not parked according to site plan



Date: May 14, 2015
File #: 10 - 602216
Folder Name: Payless Tires
PIN: 272922410079

Vehicles not parked according to site plan



Handicap spot still in incorrect location.

