

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** K2 Cars **FILE #** 15-127-857
  2. **APPLICANT:** K2 Cars **HEARING DATE:** July 2, 2015
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 370 Maryland Ave W, SE corner at Western Avenue
  5. **PIN & LEGAL DESCRIPTION:** 25.29.23.12.0043, Auerbach Hands Addition to Ex S 3 Ft Lot 12 and all of Lots 13 and 14, Block 5
  6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B3
  7. **ZONING CODE REFERENCE:** § 65.706; § 61.501, § 61.502
  8. **STAFF REPORT DATE:** June 25, 2015 **BY:** Jamie Radel
  9. **DATE RECEIVED:** June 9, 2015 **60-DAY DEADLINE FOR ACTION:** August 8, 2015
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- A. **PURPOSE:** Conditional use permit, with modification of lot area requirement, for outdoor auto sales
- B. **PARCEL SIZE:** 14,731 sq. ft. (0.34 acres)
- C. **EXISTING LAND USE:** Currently the site is unused with two empty buildings.
- D. **SURROUNDING LAND USE:**
  - North: Single-family residential and Willow Reserve
  - East: Single-family residential
  - South: Single-family residential
  - West: Used-car lot and single-family residential
- E. **ZONING CODE CITATION:** § 65.706 lists standards and conditions for outdoor auto sales; §61.501 lists general conditions that must be met by all conditional uses; § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** This parcel has been zoned B3 general business since 1975. This site has been home to a range of commercial uses over the years, including Mary's Dairy (a drive up milk market), Pizza Ranch, and BBQ Cabin. The property has been unused for at least two years with the certificate of occupancy being revoked for the building in March 2015.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council does not support this project and has provided a letter.
- H. **FINDINGS:**
  1. The application requests a conditional use permit, with modification of the lot area requirement, for outdoor auto sales. The applicants propose to be open Monday through Friday from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 4:00 PM. They propose to install beautiful landscaping, including an aesthetically pleasing and inviting fence and six foot high privacy fences between the site and neighboring residential property. They state that they will not be doing any repairs to cars on site.
  2. § 65.706 lists the following standards and conditions for outdoor auto sales and rental:
    - (a) *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. 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 requirement is met. The submitted site plan indicates layout of vehicles, employee parking, and customer parking; shows a paved parking surface; and indicates onsite surface water movement.
    - (b) *Vehicular access to the outdoor sales area shall be at least sixty feet from the intersection of any two streets.* This requirement is met. The submitted site plan shows the closure of an

existing curb cut and driveway less than sixty feet from the intersection of Western and Maryland Avenues.

- (c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building:* This requirement is met. In supplemental materials submitted with the application, the applicants have stated that they will not be undertaking any repairs on site.
- (d) *The minimum lot area shall be 15,000 sq. ft.* This requirement has is not met. With a lot area of 14,731 sq. ft., the area of the lot is 269 sq. ft. under the required 15,000 sq. ft. The lot meets 98.2% of the lot area requirement. The applicant has requested a modification of this standard under § 61.502.
- (e) *In the case of pawnbrokers, the business shall . . .* This condition does not apply. The proposed business is not a pawnbroker.

3. §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.* The Land Use Plan element of the Comprehensive Plan designates the site as part of an “established neighborhood” in Figure LU-B, Generalized 2030 Land Uses. This future land use category allows for “scattered neighborhood-serving commercial, services, and institutional uses at the juncture of arterial and collector streets.” Maryland Avenue is designated as an arterial and Western Avenue is a collector. While the proposed use may be consistent with this general guidance in the City Land Use Plan, it is inconsistent with the District 6 Plan element of the Comprehensive Plan. District 6 Plan Land Use Policy 5.1 states: “Encourage existing auto related businesses to upgrade the appearance of their buildings and properties; discourage the growth of new auto related businesses.” To modify § 65.706 (d) to permit outdoor auto sales on a lot that does not meet the minimum lot area requirement for this use would not comply with the guidance in the District 6 Plan to discourage the growth of new auto related businesses, and therefore this condition is not met.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met subject to the narrowing of the driveways on Maryland and Western Avenues and the addition of signage to indicate that the Maryland Avenue driveway is exit only as recommended by the City traffic engineer in reviewing the site plan.
- (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 subject to the hours of operation of the business being limited to no more than Monday through Friday from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 4:00 PM as proposed in the application, and subject to the provision of visual screening as required by the Zoning Code for parking facilities that adjoin a residential use or zoning district and the condition that the visual screening shall be at least six feet in height for the length of the screen adjoining rear and side yards, and four and one-half feet in height where it adjoins the front yard of residential properties to the east and south of the subject parcel.
- (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. Reuse of this site for outdoor auto sales will not impede the normal and orderly development and improvement of the surrounding property for permitted uses 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 not met. The lot is 269 sq. feet short of the 15,000 sq. foot minimum lot area requirement for the proposed use. The proposed use and site plan conform or can conform to all other applicable regulations in the B3 district. The applicant is seeking modification of the minimum lot area requirement to allow the use.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

The property owner has stated that strict application of the 15,000 sq. ft. minimum lot size is presenting a hardship to them as they have had difficulty finding a buyer for their property in its current condition. They believe that the only impact from this modification is to the operator of the used car lot who will have fewer cars for sale on the lot than if the lot met the full standard.

The applicant has stated that the building on this site is functionally obsolete for most uses allowed in the B3 district due to its size and unique style, but would be able to be used for the proposed outdoor auto sales use with some updating and maintenance. But for the fact that this site is 2% under the minimum size requirement for this use and is generally inconsistent with the District 6 Plan, it would be allowable to be developed as it meets all other general and specific standards required to for a conditional use permit

Neither the current condition of the property and the buildings nor the financial costs associated with property maintenance present an undue hardship to the owner of the property for a wide range of uses permitted under B3 zoning. The existing buildings on the site are small; the county assessor's estimated market value of the buildings is \$34,600. It appears that they may create little impediment for reuse of the site. The guidance in the District 6 Plan to discourage the growth of new auto related businesses here suggests that the proposed outdoor auto sales use is inconsistent with the general welfare of the community. Therefore, it appears that the criteria for modification of the minimum lot area requirement for the proposed use are not met.

- I. **STAFF RECOMMENDATION:** Based on the findings 2(d), 3(a), 3(e), and 4 above, staff recommends denial of a conditional use permit for outdoor auto sales at 370 Maryland Avenue.

If the Zoning Committee recommends approval of the relatively small modification of the lot area requirement, leading to possible approval of the conditional use permit, staff recommends the following conditions:

1. The hours of operation of the business shall be limited to no more than Monday through Friday from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 4:00 PM.
2. Installation and maintenance of a visually screening fence six feet in height where the proposed outdoor auto sales adjoins residential rear and side yards, and four and one-half feet in height where it adjoins the front yard of residential properties to the east and south of the subject parcel.
3. Landscaping and decorative fencing near the property lines along Maryland and Western Avenues.
4. Curb cuts and driveways off of both Maryland and Western Avenues shall be narrowed to allow only one direction of traffic and signage installed adjacent to the Maryland drive that indicates it is exit only, as recommended by the City traffic engineer.
5. Improvements to the exterior of the existing building to mitigate all property maintenance issues.



# 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 #	15-127857
Fee	800.00
Tentative Hearing Date	7-2-15

PD=6

#252923120043

## APPLICANT

Name	Kirby Weyandt		
Address	1050 W. Iowa Ave.		
City	St. Paul	St.	MN Zip 55117 Daytime Phone 651-485-6767
Name of Owner (if different)	JAMES VOSS Linda Voss		
Contact Person (if different)	Phone		

## PROPERTY LOCATION

Address / Location	370 Maryland Ave W.
Legal Description	
Current Zoning	B3
(attach additional sheet if necessary)	

TYPE OF PERMIT:	Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 706, Paragraph of the Zoning Code.
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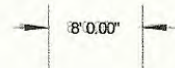
SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

1100  
cash  
6-4-15

☒ Required site plan is attached

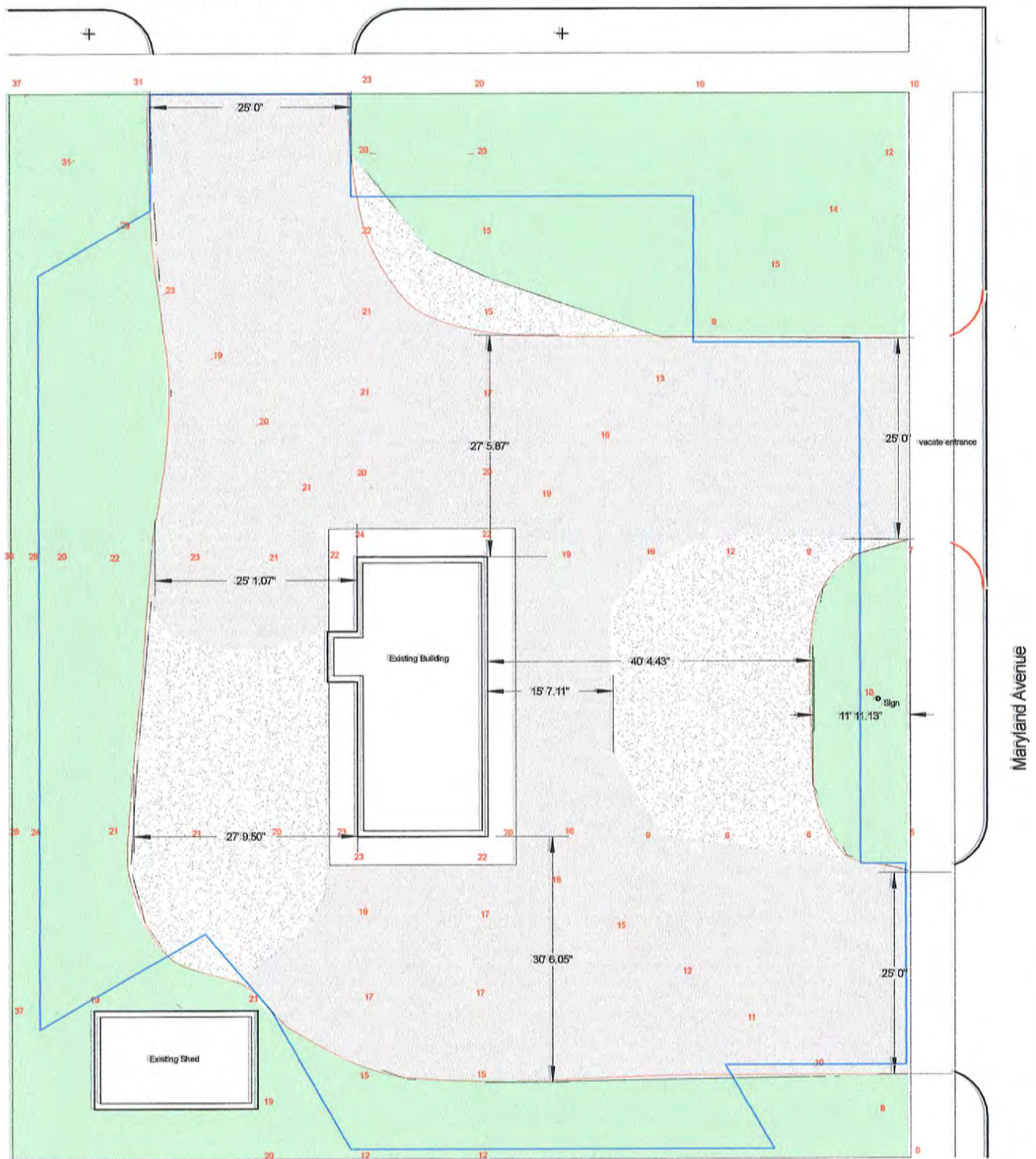
Applicant's Signature	Date 6/4/15	City Agent pdd 6-4-15
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Western Avenue N.



Maryland Avenue

NOTE: red numbers denote existing elevations

9980 finished asphalt area- denoted by blue line  
 6030 sq. ft. existing asphalt // mill and overlay- denoted in gray  
 2050 sq. ft. existing gravel - denoted in white area with dots  
 3950 sq. ft. disturbed

THESE DESIGNS ARE COVERED BY AND SUBJECT TO PROTECTION UNDER THE 1990 U.S. ARCHITECTURAL WORKS PROTECTION ACT. THE CLIENT AGREES THAT THIS PLAN SHALL REMAIN THE PROPERTY OF HAUER BY DESIGN. ANY REPRODUCTION OR OTHER USE OF THIS PLAN, INCLUDING THEFT OF INTELLECTUAL PROPERTY (I.E. IDEAS), WITHOUT HAUER BY DESIGN'S EXPRESS WRITTEN CONSENT IS STRICTLY PROHIBITED. UNAUTHORIZED USE SHALL ENTITLE HAUER BY DESIGN TO ALL DAMAGES CAUSED BY SUCH USER INCLUDING PREPARATION CHARGES, LOST PROFITS, DAMAGE TO REPUTATION, AND ATTORNEYS FEES.

CUSTOMER SIGNATURE: \_\_\_\_\_  
 DESIGNER SIGNATURE: \_\_\_\_\_



DESIGNED FOR	K2 Cars		
ADDRESS	370 Maryland Avenue W. St. Paul		
DESIGNED BY	Jeffrey Hauer	PLAN NO.	DATE: April 2015
PHONE	651-434-9723	SCALE: 1/8" = 1.0'	CUSTOMER PHONE: 651-



## **Business Plan**

Our plan is to convert the existing vacant property at 370 W. Maryland Ave. into a used auto sales lot. The land was formerly operated as a pizza shop by numerous owners, but has been vacant four of the last six years. We intend to invest over \$150,000 into the property to get it up to code, remodel the current building, lay down fresh asphalt, install an aesthetically pleasing and inviting fence, and beautifully landscape the property. We will not be doing any repairs on site and it will be strictly a sales lot for beautifully detailed affordable cars. Our lot will be well kept and will turn an eyesore into eye candy for the community!

We will be open Monday through Friday from 9 a.m. - 6 p.m. and Saturday from 9 a.m. - 4 p.m. Closed on Sundays. As a sign of respect for the neighbors, we will not have any lighting at night and the neighbors will never even know we are there because we will be closed by the time most of them come home from work. We anticipate anywhere from 1 - 8 customers coming through per day so it won't be a hectic disturbance to the neighbors or nearby traffic. We will have 6 ft privacy fences between our property and the neighbors and have already began talking to them about what style they prefer. We even started a petition and have already accumulated over 200 signatures in favor of our plan.

Our lot will focus on affordable cars for community members that can't afford a down payment on a new car, have bad credit, or a means to reliable transportation. Our lot will provide the community with choices on a used car and will prevent monopolies and poor business ethics. We will compete with other lots and the community could even see a decrease in prices due to competition. We're excited to see the Nash Equilibrium run its course with the car lost across the street. The Nash Equilibrium is a business term which basically helps to explain why we so often see gas stations, fast food, car dealerships, restaurants, bars, and numerous other businesses right next to each other or across the street. Some people think this would be bad for business, but it is in fact a good thing and is what helps makes our economy what it is.

Kirby Weyandt  
K2 Cars  
370 W. Maryland Avenue  
St. Paul, MN 55117

(651) 485 - 6767

## Conditional Use Permit

(a)

Much of what we are trying to accomplish directly coincides with what the City of Saint Paul has laid out in their Comprehensive Plan. In the Land Use section of the Comprehensive Plan, there are a variety of different propositions' that form synergy with what we intend to do. One prime example is when the St. Paul Comprehensive Plan states that,

"The City needs to increase its tax base to pay for and maintain its infrastructure, including parks and recreation centers, libraries, snow removal, police protection, firefighting, paramedics, sewers, water, and street maintenance. Funding from outside sources has declined significantly, while the cost of providing services and maintaining the City's infrastructure continues to rise. The City must find ways to become more self-sufficient, difficult for a fully built city with limits on its ability to expand the tax base."

In this economic sense we feel as if we will be in compliance with the plan. Our early projections calculate that our company will gross over \$250,000 in taxable income that the city can use to fund schools, libraries, etc. The plan goes on to state that, "For Saint Paul to have a strong economy and to thrive, it must have businesses with living wage jobs." We also intend to create and support living wage jobs. Many entrepreneurs would agree that projecting employees can be difficult. In our first year we could see anywhere from 2-5 new jobs. In our 5 year projections we could see as many as 10. This doesn't even include the numerous living wage jobs and other small businesses that we will support.

(b)

Our car lot will provide adequate ingress and egress to minimize traffic congestion by complying with Sec 65.706 of the City of Saint Paul Legislative Code. Our site plan clearly shows that vehicular access to the outdoor sales area will be at least 60 feet from the intersection. To be sure that drivers do in fact comply with this regulation, we will be removing the current driveway and curb cut that does not correspond with this condition. We will also be setting our fence back from the property line by 4 feet in order to ensure safety and provide drivers an unobstructed view of oncoming traffic.

(c)

The manner in which we use our land will be in no way detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, and general welfare. In fact, we will be taking a vacant and run down lot and developing it into a functional, safe, and aesthetically pleasing property. We will be investing time and money into a full remodel of the existing building, adding an aesthetically pleasing and welcoming fence, we will have beautifully maintained



landscaping that includes Native species and rain barrels that will aid in controlling water runoff, and we intend to install solar panels within 5 years.

(d)

We will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. In it's current condition 370 W. Maryland Avenue in St. Paul, Minnesota is appraised at \$83,000. We will be investing over \$60,000 into the property. When all's said and done, at the very least we will have increased the property value of the lot substantially and will turn it into a viable and appealing place of business. For this reason we feel that we will help develop the area and improve the neighborhood.

(e)

We will be using the land for used auto sales and we have met all of the district's criteria for opening a used auto sales lot. These standards and conditions can be found in section 65.706 of the Legislative Code. We have provided a site plan layout showing the layout of the vehicles for sale, employee parking, and customer parking. We have complied with the condition that there shall be no vehicular access to the sales area within 60 feet of any intersection. We will not be doing any repair on site and do not even have the space for a repair garage. Our only fault is that the property is 14,700 square feet and we are required 15,000 square feet. For this reason we need a modification of the condition.

Kirby Weyandt  
K2 Cars  
370 W. Maryland Ave.  
St. Paul, MN 55117  
(651) 485 - 6767

**Radel, Jamie (CI-StPaul)**

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**From:** lvoss58@comcast.net  
**Sent:** Wednesday, June 24, 2015 9:35 PM  
**To:** Radel, Jamie (CI-StPaul)  
**Cc:** keith  
**Subject:** property 370 west maryland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

June 24, 2015

Dear City of St. Paul,

I am writing to you on behalf of the property I own at 370 W. Maryland Avenue and the hardship it has become for my family financially.

I have finally found a buyer for the property. Their proposal is to open a used car lot which requires a minimum of 15,000 square feet. My property is 14,700 square feet, only 300 square feet less than the minimum required. This would simply mean that the buyers would have a few less cars on the lot. I believe this would not sacrifice the purpose of the zoning code and would benefit the neighborhood and city because the buyer is willing to put money into the building and lot in order to make the business more presentable to the neighborhood. Currently, I can not afford the necessary improvements and it has been increasingly harder to get people in to look at the business because the building is vacant and run down. These two young gentlemen are willing to upgrade the property. By turning down their proposal would cause further hardship for my family. We simply can't financially wait much longer. Please reconsider their proposal which I believe would benefit all parties involved!

Sincerely,  
Jim and Linda Voss



## **Modification of Condition**

Since Section 65.706 of the Legislative Code directly relates to auto sales and states that, "Except in the IT transitional industrial district, the minimum lot area shall be 15,000 square feet," we are applying for a modification of standard (d) found under Section 65.706 because our property is only 14,700 square feet and we need 15,000 square feet in order to meet the criteria. We feel as if this modification is appropriate, because this is the only condition that we don't currently meet and 14,700 square feet is still a sufficient amount of space and still allows for us to meet all of the other standards and conditions. We will have ample parking for employees, customers, and handicapped. Vehicular access to the outdoor sales area will be at least 60 feet from the intersections and we will not be performing any repair or refinishing on the lot. By simply being 300 square feet under the regulation we won't have to sacrifice or modify any other conditions. The only thing that we will have to sacrifice is a few parking spaces. In fact, we have been working diligently with DSI to get our site plan up to code and to meet all of the standards and conditions. After seven drafts and many revisions, we feel that our site plan is finally up to code if we could modify the condition to allow us to use 14,700 square feet opposed to 15,000 square feet.

Kirby Weyandt  
K2 Cars  
370 W. Maryland Avenue  
St. Paul, Minnesota 55117  
(651) 485 - 6767



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
[district6ed@dist6pc.org](mailto:district6ed@dist6pc.org)

June 25, 2015

Zoning Committee of the Planning Commission  
15 West Kellogg BLVD  
Saint Paul, MN 55102

District 6 Planning Council and neighbors met with the applicants regarding 370 Maryland Avenue on three occasions to discuss the plan to use the parcel, which is zoned B3 as an outdoor auto sale business.

At its June 23, 2015, meeting the Land Use Task Force considered its recommendation of the Conditional Use Permit and Modification. As part of the discussion Land Use considered the opinions of neighbors, one theme that was consistent is the support the neighborhood has for new businesses. Others voiced the opinion that the applicants are generational residents of the North End, both families have successful businesses. Who the applicants are is not taken into consideration when determining the best possible use of this particular parcel in this particular location.

Neighbors also had reservations regarding the addition of another auto related use and felt that using the parcel as outdoor auto sales would not be beneficial to the neighborhood. In addition locking in the parcel for automotive sales by issuing a Conditional Use Permit that stays with the property at the expense of attracting new or diverse business development in a residential neighborhood is detrimental to the attraction of diverse businesses.

There are general conditions that must be met before a Conditional Use Permit is granted.

***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 not met.

In the City of Saint Paul's Comprehensive Plan; Land Use section 1.52 states:

"Prioritize the development of compact commercial areas by pedestrians and transit users over commercial areas more readily accessed by automobile. Discourage new and expanded auto-oriented uses."

In the District 6 Planning Council's Large Area Plan; Land Use section LU5 states: "Encourage existing auto related businesses to upgrade the appearance of their buildings and properties; discourage growth of new auto related businesses"



Clearly, both plans, which have been approved by the City Council, have the same goal in mind and that is to discourage auto related uses and the proposed use would not be in substantial compliance with the City or neighborhood plan.

***The use will provide adequate ingress and egress to minimize traffic congestion in the public streets***

This condition is not met

Neighbors have reported that many times customers that visit the used car lot across the street park on the street. It is an impossibility to predict that the addition of a second used car lot will not impeded traffic or cause congestion.

***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 not met

There is a used car lot directly across the street and two more within blocks of this location. A 2005 study conducted by City Council Research revealed that 21% of all auto-related businesses in Saint Paul were located in District 6. By comparison, the next higher percentages of businesses were those located in District 7 with only 11% of the market. Also reported is that 22% of new car dealers, 27% of used car dealers, and fully 45% of auto salvage dealers in the entire city were located in District 6. Although the study is ten (10) years old the auto-related uses in the North End have stayed constant. Clearly, the addition of another auto related use in this location would be detrimental to the immediate neighborhood and the North End.

The applicant states that the *“building and property is obsolete. The building itself is falling apart and it’s way too small for most business’, the asphalt needs \$30,000 overhaul to prevent sprained ankles and it certainly can’t be readily adapted to the requirements of modern commercial retail because that would entail completely demolishing the building”*. District 6 Planning Council is of the position that a used car lot is modern commercial retail. Car lots sell cars, selling a product is retail. The applicant is not removing the building, which he states is necessary to allow commercial retail but plans to remodel the building, which he references in the business plan. These are two separate issues and bring into question the soundness of the structure and if the applicant stated the building cannot be readily adaptable for commercial then a simple remodel will not be a benefit to the site or the neighborhood.

***The use will not impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district***

This condition is not met

The North End has made Maryland Avenue a priority, District 6 Planning Council is working with three other District Councils with an eye towards making Maryland Avenue a livable, walkable street. There is a proposed housing development in close proximity. The neighborhood is working on the restoration of Willow Reserve and Marydale Park has made the list for Capital Improvement Bond Funding. This area is receiving long overdue attention and as in any neighborhood an over-concentration of like businesses impedes other development. In the application for a conditional use permit, the applicant cites the Nash Equilibrium and without going into detail, it may be true that businesses can benefit from being close to similar businesses, but that is only beneficial for the business owns. For the neighborhood and the City, it would be more beneficial if similar businesses were further apart to more easily serve the residents.

Further, having too many of the same type of business is detrimental to business growth for other business types.

***The use shall in all other respects conform to the applicable regulations of the district in which it is located***

This condition is not met

The underlying zoning is B3, which requires a Conditional Use permit for the sale of used cars. There is also a modification of the permit required. There is no provision found that automatically allows for the issuance of a conditional use permit.

District 6 Planning Council is of the opinion that the strict application of conditions would not unreasonably limit or prevent the otherwise lawful use of the property and would not cause undue hardship to the owner of the property or the applicant. The application does not meet hardship.

Finally, simply because in the past District 6 Planning Council and City Commissions have supported the expansion of auto-related business it does not automatically ensure that the proposed auto use at this location should be supported.

District 6 Planning Council recommends denial of the application for a Conditional Use permit with modification of lot area requirement to allow outdoor auto sales at 370 Maryland Avenue.

Thank-you for your consideration.

Regards,

*Jeff Martens*

Jeff Martens  
Land Use Chairman  
Board of Director's Vice Chairman

Cc: Ward 5



**Radel, Jamie (CI-StPaul)**

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**From:** Dean Reasoner <dean.reasoner@gmail.com>  
**Sent:** Wednesday, June 24, 2015 3:39 PM  
**To:** Radel, Jamie (CI-StPaul)  
**Cc:** Kerry Antrim  
**Subject:** Regarding 370 W Maryland Avenue

Greetings Ms. Radel and Members of the Zoning Committee of the Planning Commission:

I am writing to voice my opposition to the granting of a Conditional Use Permit (CUP) for used car sales at 370 W Maryland Avenue. Although I am a member of the District 6 board and Land Use Task Force, I am sending this message as a private citizen who lives in this immediate neighborhood and passes the site nearly daily.

As an individual, I concur completely with the decision made by the District 6 Land Use Task Force. Their recommendation to deny the granting of a CUP is sound. Our area plan, as well as the larger city land use plan, call for us to discourage the growth of additional auto related businesses. A quick search on Google Maps shows that there are already over 50 auto related business in the North End. There is simply no way that more of the same will benefit our community.

The applicants for the CUP have made two arguments that I would like to address. The first is that a car lot is better than a vacant lot. The fact is that this lot is in a highly visible location and it will attract other opportunities. Now that our city is recovering from a deep recession and home sales as well as the total population are rising, I am certain that neighbors can work together to attract a more desirable tenant.

The second argument made by the applicants is that they have a petition showing neighborhood support. I have spoken to over 25 neighbors on this matter in the last week. Not one of them was approached with a petition at their residence. Only one household I spoke to had actually seen a petition and it is because it was on the counter at the Kamp's grocery store for customers to sign. This resident told me that he and his wife discussed it and decided not to sign it because they felt it is not in the best interest of our area.

After speaking to numerous neighbors, I know that everyone would like to see a tenant at 370 W Maryland Avenue. Common themes were calls for businesses like a restaurant or a coffee shop. But after knocking on over 20 doors in the area to talk about the development of a car lot, I only met one neighbor who supported this type of development, and his reason was that "these are nice guys." While this may be true, popularity and family name should not be a factor in any zoning decision.

My neighborhood is a residential community that is striving to be something better. We need a wider variety of walkable businesses to make this part of a livable city that is truly 8-80 friendly. Thank you for your consideration of this letter.

Sincerely,  
Dean Reasoner  
1061 Cumberland St.  
St. Paul, MN

## Radel, Jamie (CI-StPaul)

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**From:** dareldmeggitt@comcast.net  
**Sent:** Thursday, June 25, 2015 8:43 AM  
**To:** Radel, Jamie (CI-StPaul)  
**Subject:** Fwd: Fwd: 370 Maryland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

----- Forwarded Message -----

From: [dareldmeggitt@comcast.net](mailto:dareldmeggitt@comcast.net)  
To: Jaimie radel <[Jaimie.radel@ci.stpaul.mn.us](mailto:Jaimie.radel@ci.stpaul.mn.us)>  
Sent: Thu, 25 Jun 2015 13:35:17 -0000 (UTC)  
Subject: Fwd: 370 Maryland

----- Forwarded Message -----

From: [dareldmeggitt@comcast.net](mailto:dareldmeggitt@comcast.net)  
To: Jaimie radel <[Jaimie.radel@ci.stpaul.mn.us](mailto:Jaimie.radel@ci.stpaul.mn.us)>  
Sent: Thu, 25 Jun 2015 13:33:22 -0000 (UTC)  
Subject: 370 Maryland

I am writing to you about 370 Maryland Used Car Lot. District 6 has made their Decision base on the small area plan to discourage Auto Related sites because it is in their plan. Yet just about a month or so ago they approved a site at 550 Como Fleetwood Motors with out any hesitation and now they also are approving an Auto Repair Business to go into the same spot. Buy doing this they are not following their plan and I believe by not allowing this Business to go into this site they are Discriminating against them. Also this site has been empty for the last two years and has not had good use for about the last eight. There is no one else pounding on the door to open up a business there. The owner of the property would like to sell so he does not have to pay the taxes every year on a non producing property. I have lived in this neighborhood all my life 59 years and the two people wanting to open this business have also lived here all their lives with their parents running successful businesses in our community and they want to stay in our community. Kamps Food Market has been in our Community for 105 years and Ace Auto Parts for 88 years. These are not strangers coming into our neighborhood to open a Business these are community members and they know our Neighborhood and I Believe this is the right Lot for this Business. Again District 6 has not followed their plan and to start now complicates their decision by Discriminating against this Business.

Thanks for your time  
Thanks again

Also could you just e-mail me back letting me know that you have read this.

Dareld Meggitt  
1037 Arundel St.  
St. Paul, Mn. 55117

**Radel, Jamie (CI-StPaul)**

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**From:** Nathan Kaselnak <kase0042@umn.edu>  
**Sent:** Thursday, June 25, 2015 10:51 AM  
**To:** Radel, Jamie (CI-StPaul)  
**Cc:** Kerry Antrim  
**Subject:** 370 W. Maryland Proposal

Hi Jamie,

I am writing to oppose granting K2 Autos a Variance or a Conditional Use Permit to allow for a used car lot at this location.

My wife and I live across the street from this location and we think this is a bad idea for the neighborhood. This location is in a densely residential area on a high-traffic, hazardous corner. Another used auto dealership does not belong in such a neighborhood or location. My house is zoned the same as the Pizza Factory site but is now our family home. The land next door to me, that used to be a greenhouse business, is going to be 12 new single-family homes. This area is more residential now than it was in the past and therefore variances should not be given to businesses that are detriment to a residential neighborhood. There are too many auto related businesses on my street and in my neighborhood. A diversity of business, in my opinion, is key to a healthy community.

Almost every neighbor that I have spoken with has agreed that we don't want any more used auto-related businesses in our neighborhood. The 250 signatures that K2 has supposedly garnered in their support is suspect because neither myself nor my two neighbors, whom also live across the street from this location, were contacted about this proposal. I do not believe they contacted neighbors in the direct vicinity because I have spoken with many who mostly agree to oppose a used car lot at this location.

The used car lot that already exists across the street from me has been burglarized many times for its car's catalytic converters and I believe that adding another used car invites more criminal activity into this residential area. We also have to deal with nuisance car alarms at all hours of the day and resent the idea of dealing with more of this.

K2 Auto claims that they will be offering financing to their patrons to purchase used cars at low prices. I believe that this business model will lead to many auto repossession situations because they are targeting a clientele with bad or no credit. I think this is bad for the community and can invite negative, and potentially dangerous, situations to our residential area.

I worry that if given the CUP for this location it will be a permanent change and therefore difficult to get a business in this location that actually serves the residents of the neighborhood.

Please do not grant a variance or conditional use permit for a used auto lot at this location.

Thank you,

Nate Kaselnak  
379 Maryland Avenue West  
St. Paul, MN 55117

**Radel, Jamie (CI-StPaul)**

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**From:** Alissa Harrington <alissamarie@gmail.com>  
**Sent:** Thursday, June 25, 2015 3:35 PM  
**To:** Radel, Jamie (CI-StPaul)  
**Cc:** district6ed@dist6pc.org  
**Subject:** Zoning hearing

Jamie,  
Please let me know if you need anything else.  
Thank you,  
Alissa

Dear Zoning Committee,

I am writing in opposition to the car dealership plan for the old Pizza Factory site on Maryland Avenue.

My first concern is about the site lines around the Western-Maryland intersection where the car dealership is proposed. On a daily basis I pass the intersection on Maryland and am often met with cars that make ill-advised trips into traffic because the drivers cannot see around the existing fences/cars of the dealership across the street. I've also frequently been the driver of a car attempting to peer around the fences and parked cars to make a safe right hand turn. Another business that would require fencing to the edge of the property and additional parked cars on the street will just add to the danger of the intersection.

Second, I am concerned about the character of the neighborhood and why another car-related business should be brought into the neighborhood. I've lived in the neighborhood since 2007 when I chose to purchase a house in the neighborhood that my dad grew up in and that I visited often as a child. I remember walking to the bank, the corner store, the hardware store and the pharmacy with my grandparents. It was that kind of community--one where the businesses in the area served the residents of the area--that drew me to purchase my first home in the area. Simply put, another car dealership will not be used by residents of the area.

Furthermore, the comprehensive plan for the area specifically points out that there is already an abundance of car-related businesses and we do not need any more. Urban planning isn't just about letting people who have money purchase land, generate tax revenue and do whatever they wish with the land. It is a fallacy that what is best for the city and the citizens is to let anyone who purchases the land develop the land just to create tax revenue. Tax revenue is certainly needed, but tax revenues can also be raised by increasing the livability of the community leading to increased property values and increased property taxes across the board. Suggesting that the tax revenue generated by a single, small parcel should outweigh the long-term needs of the community is short-sighted. More taxes will be raised if the development in the area is thoughtful and matches the needs of the community.

Zoning and permitting processes are mechanism to ensure that the needs of the community are met. The vision of a walkable, livable community are not met by adding yet another used car dealership to the area, which is why I oppose the project and would urge the members of the land use board to do the same.

Thank you,



Alissa Harrington  
1295 Matilda St  
St. Paul, MN 55117

## 370 Maryland Avenue W

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370 Maryland Avenue



West across Western Avenue from subject property



## 370 Maryland Avenue W

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East of subject property



South of subject property

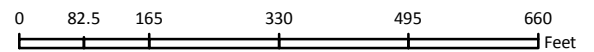
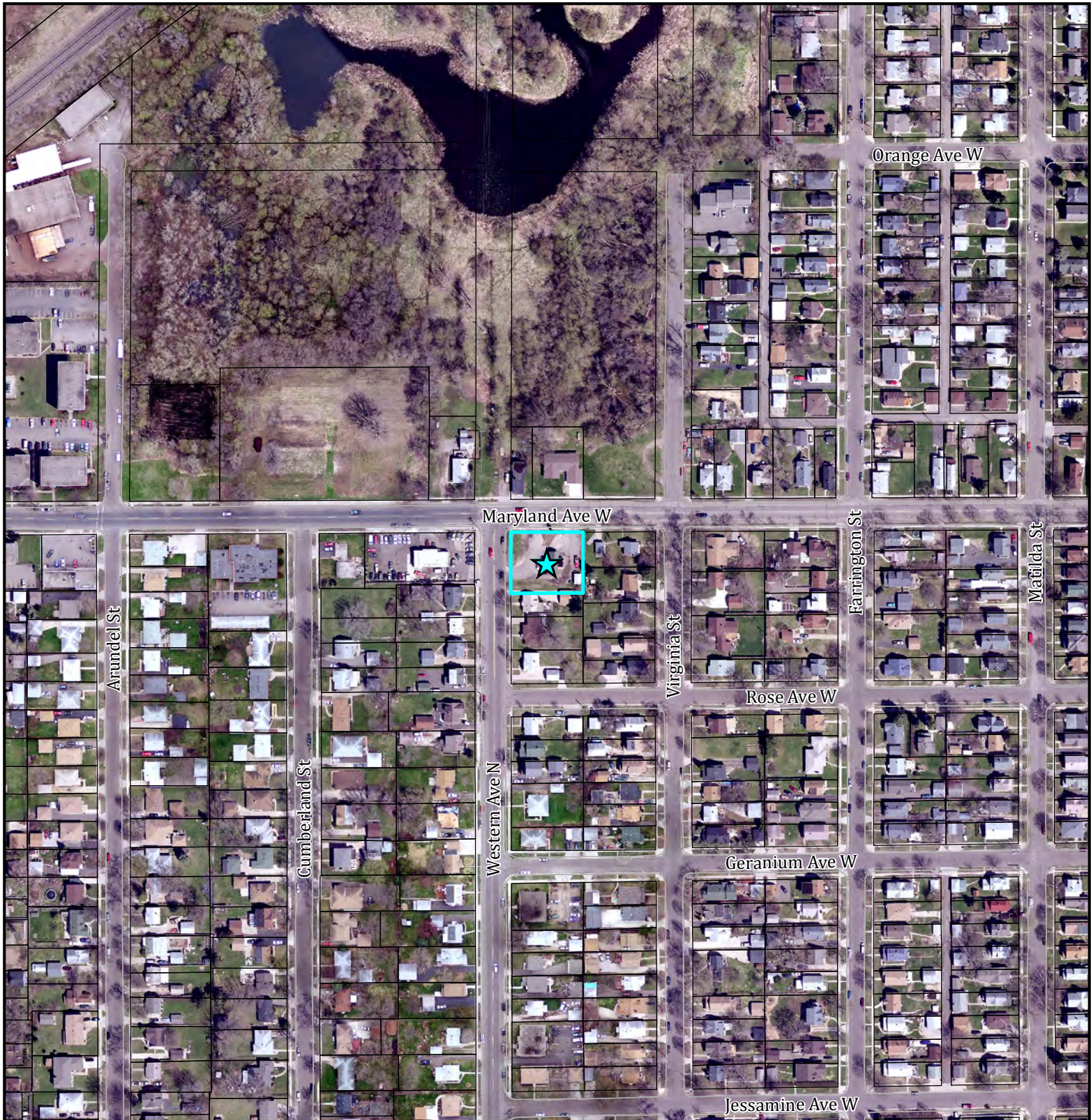
## 370 Maryland Avenue W

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North of subject property






FILE NAME: K2 Cars

**Aerial**

APPLICATION TYPE: CUP w/modification/

 Subject Parcels

FILE #: 15-127857 DATE: 6/24/2015

PLANNING DISTRICT: 6

ZONING PANEL: 3







FILE NAME: K2 Cars

APPLICATION TYPE: CUP w/modification/

FILE #: 15-127857 DATE: 6/24/2015

PLANNING DISTRICT: 6

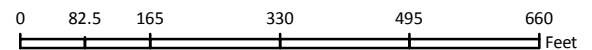
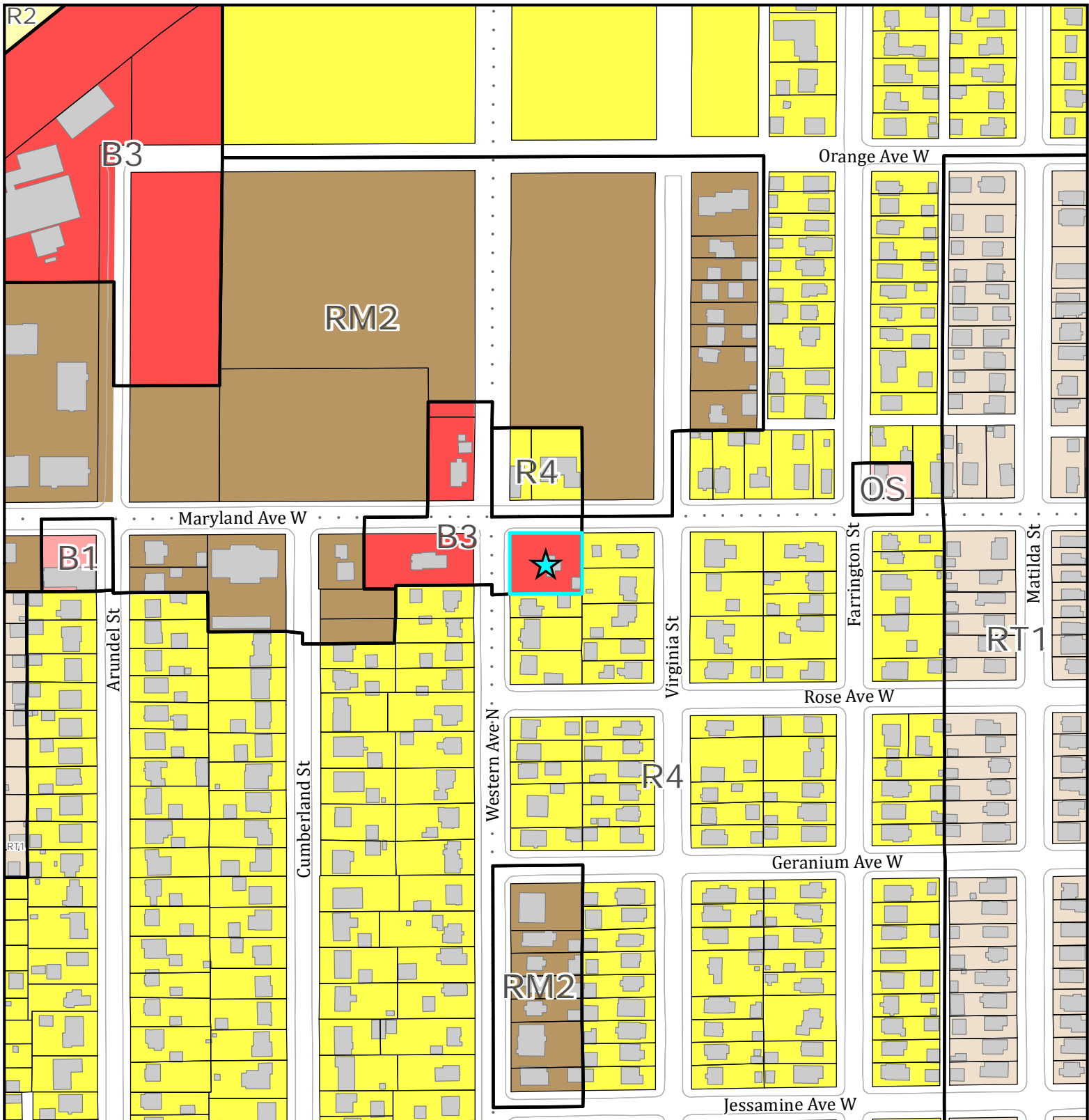
ZONING PANEL: 3

#### Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Commercial and Other
- Park, Recreational or Preserve
- Railway

- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: K2 Cars

APPLICATION TYPE: CUP w/modification/

FILE #: 15-127857 DATE: 6/24/2015

PLANNING DISTRICT: 6

ZONING PANEL: 3

### Zoning

- R2 One-Family
- R4 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- OS Office-Service
- B1 Local Business
- B3 General Business

- Subject Parcels
- Section Lines

