

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Grand Holding Co. LLC **FILE #** 13-207-336
 2. **APPLICANT:** Grand Holding Co. LLC **HEARING DATE:** August 1, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 236 Grand Ave, SW corner at Smith
 5. **PIN & LEGAL DESCRIPTION:** 01-28-23-41-0162; Samuel Leeches Addition Vac Alley Accruing, Lots 1,2 & 3, Blk 3
 6. **PLANNING DISTRICT:** 9
 7. **ZONING CODE REFERENCE:** § 62.109(e), § 61.107 **PRESENT ZONING:** T1
 8. **STAFF REPORT DATE:** July 24, 2013 **BY:** Lucy Thompson
 9. **DATE RECEIVED:** June 27, 2013 **60-DAY DEADLINE FOR ACTION:** August 26, 2013
-

A. **PURPOSE:** Reestablishment of a nonconforming use as an auto convenience market/auto service station with 3 auto service bays and an accessory car wash.

B. **PARCEL SIZE:** 27,479 sq. ft.

C. **EXISTING LAND USE:** vacant auto convenience market/auto service station with car wash

D. **SURROUNDING LAND USE:**

North: United/Children's Hospitals/medical campus

East: Commercial – vacant office

South: Residential

West: Burger King

E. **ZONING CODE CITATIONS:**

§ 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.

§ 61.107 provides that the Planning Commission may impose reasonable conditions and limitations when granting approval of a nonconforming use permit as are determined to be necessary to fulfill the spirit and purpose of the zoning code, ensure compliance, and to protect adjacent properties.

F. **HISTORY/DISCUSSION:** The parcel was rezoned from B3 General Business to T1 Traditional Neighborhood in 2012. Use of the property for an auto convenience market/auto service station with an accessory car wash was a conforming use under the previous B3 zoning, and is nonconforming under the new T1 Traditional Neighborhood zoning.

G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of the staff report, the District 9 Council (W. 7th/Fort Road Federation) had not taken a position on the application. The Little Bohemia Neighborhood Association recommends approval with conditions (letter attached).

H. **FINDINGS:**

1. The property at 236 Grand Avenue was used continuously as an auto convenience market and auto service station with an accessory car wash since the 1970s. The previous owners filed for bankruptcy in 2011, and the applicant states that auto convenience market and auto service station operations ceased in July 2011. The applicant acquired ownership of the property as a result of a Sheriff's sale in June 2013.
2. An auto convenience market/auto service station with an accessory car wash was a conforming use under the B3 General Business district that applied to this property until 2012, when the property was rezoned to T1 Traditional Neighborhood. These uses are nonconforming under the new T1 zoning. The applicant is seeking to reestablish use of the property for an auto convenience market/auto service station with an accessory car wash.

3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*

(1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The existing structure and improvements on the parcel are specific to the proposed uses, including underground storage tanks for gasoline, petroleum pumps and dispensers, canopy and lighting over the dispensers, in-ground hoists and other hydraulic and pneumatic equipment designed for auto repair and car washing. It is the applicant's business judgment and opinion that the structure and land in combination cannot reasonably or economically be used for a conforming purpose.

(2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed use is the same as the previous legal use of the property for an auto convenience market/auto service station with an accessory car wash. Site improvements proposed by the applicant – including landscaping, benches, bike parking facilities and wooden privacy fencing – will make the use more appropriate to the district.

(3) *The proposed 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 subject to the following conditions to protect the character of adjacent residential land use; meet all standards and conditions in Zoning Code §§ 65.702-65.703 that apply to the proposed uses in the B3 General Business District to protect the public health, safety and general welfare; and meet additional standards and conditions in §§ 65.702-65.703 pertaining to exterior storage, storage of vehicles awaiting repair or pickup, and outdoor sales of goods that apply in traditional neighborhood districts:

- the construction and maintenance of all driveways, curbs, sidewalks, pump islands and other facilities shall be in accordance with current City specifications;
- a screening fence and landscaping, as noted in the application, shall be provided in a ten-foot buffer area where the property adjoins existing residential use;
- there shall be no exterior storage;
- space for accessory outdoor sales of goods or equipment shall be limited to 200 sq. feet, and shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping;
- all vehicles awaiting repair or pickup shall be stored on the site within the building or in defined parking spaces in compliance with Zoning Code § 63.301;
- operation of the auto convenience market shall be limited to the hours of 6:00 a.m. to 12:00 midnight, 7 days a week;
- auto repair and operation of the car wash shall be limited to the hours of 8:00 a.m. to 8:00 p.m., 7 days a week.

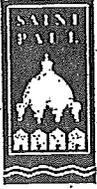
The proposed use is consistent with the existing character of the site and surrounding development, including a Burger King restaurant to the west, commercial/office uses to the east along Grand Avenue, and the hospital/medical campus across Grand Avenue to the north. Any new construction is subject to the dimensional standards and traditional neighborhood district design standards that apply in the T1 Traditional Neighborhood District.

(4) *The proposed use is consistent with the comprehensive plan.* This finding is met subject to

installation of landscaping, benches, a bike rack convenient to both business customers and those using the nearby 35E bike path, and other physical improvements, as noted in the application, to better integrate the use into the fabric of the area. Although the *District 9 Area Plan Summary* does not directly address this site, it does support concentrating commercial activity at key nodes along W. 7th, including Grand; developing job opportunities through retail and services; and developing commercial areas to be supportive of the total community needs. The landscaping, screening and related improvements proposed by the applicant will ensure the reestablished nonconforming uses are consistent with recently adopted (as part of the *District 9 Area Plan Summary*) commercial design guidelines. The Land Use chapter of the city-wide Comprehensive Plan shows this area as a "Mixed-Use Corridor" adjacent to an "Established Neighborhood." While the proposed use does not fully realize the potential of its T1 zoning, it is consistent with a "Mixed-Use Corridor" serving an adjacent "Established Neighborhood."

(5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on July 11, 2013: 15 parcels eligible; 10 parcels required; 10 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of a nonconforming use as an auto convenience market / auto service station with 3 auto service bays and an accessory car wash at 236 Grand Avenue subject to the following conditions:
1. the construction and maintenance of all driveways, curbs, sidewalks, pump islands and other facilities shall be in accordance with current City specifications;
 2. a wooden privacy fence and landscaping, as noted in the application, shall be provided in a ten-foot buffer area where the property adjoins existing residential use;
 3. there shall be no exterior storage;
 4. space for accessory outdoor sales of goods or equipment shall be limited to 200 sq. feet, and shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping;
 5. all vehicles awaiting repair or pickup shall be stored on the site within the building or in defined parking spaces in compliance with Zoning Code § 63.301;
 6. operation of the auto convenience market shall be limited to the hours of 6:00 a.m. to 12:00 midnight, 7 days a week;
 7. auto repair and operation of the car wash shall be limited to the hours of 8:00 a.m. to 8:00 p.m., 7 days a week;
 8. landscaping, benches, a bike rack convenient to both business customers and those using the 35E bike path, and other physical improvements, as noted in the application, shall be provided to better integrate the use into the fabric of the area; and
 9. the applicant shall consider including bike repair as an available service, possibly allocating one of the service bays for this purpose, in order to support the community's efforts to promote biking and alternatives to the car.



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

JUN 27 2013

Per _____ PD=9

Zoning Office Use Only
 File #: 13-207336
 Fee: 700.00
 Tentative Hearing Date: 7-18-13

012823410162

APPLICANT

Name GRAND Holding Co. LLC
 Address 12508 Norway Circle
 City BURNSVILLE St. MN Zip 55337 Daytime Phone 612-490-7254
 Name of Owner (if different) ELIAS SAMAN 612-490-7254
 Contact Person (if different) LISA McORMICK Phone 651-983-6229

PROPERTY LOCATION

Address/Location 236 GRAND Ave, St Paul, MN 55102
 Legal Description See attached
 Current Zoning T1
 (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 GAS Station - Auto Convenience Market with Repair + Car Wash
 Proposed Use same - Auto Convenience Market (Gas Station) with
 Attach additional sheets if necessary accessory uses of auto repair and car wash

CLC 10022
 700⁰⁰
 6-27-13

Attachments as required Site Plan not req'd Consent Petition Affidavit
of new construction

Applicant's Signature _____ Date 6/27/13 City Agent Odd
6-27-13

LISA MCCORMICK
Attorney at Law

651.983.6729

2355 Fairview Avenue #275, Roseville, MN 55113

ls.mccormick@gmail.com

June 27, 2013

City Of Saint Paul
Department of Planning and Zoning
25 W Fourth Street, Suite 1400
St. Paul, MN 55101-1806

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JUL 03 2013

Per _____

Re: Title documents relating to ownership of 236 Grand Avenue

To Whom It May Concern:

I represent Mr. Elias Saman as Chief Manager of the entities St. Paul RE Holdings, LLC, and Grand Holding Co., LLC, and offer this letter as part of the supporting information to be submitted along with the re-establishment of a non-conforming use permit.

This property was recently acquired by St. Paul RE Holdings as a result of foreclosure proceedings. In addition, a Sheriff's sale was held June 21, 2013 whereby Grand Holding Co., as Mortgagee, was granted a Sheriff's Certificate on the property subject to redemption by St. Paul RE Holdings.

I anticipate there may be confusion relating to the recent title changes concerning this property so for your convenience, I am including the following documents:

1. Quit claim deed from 236 Grand, LLC, conveying title to St Paul RE Holdings, LLC, dated June 5, 2013. Please note that the tax statement are to go to Grand Holding Co. as it to be the ultimate owner of the property.
2. Copy of Sheriff's deed as evidence of sale and conveyance of the Property to Grand Holding Co. on June 21, 2013.
3. Copies of documentation from Minnesota Secretary of State proving Grand Holding Co's., organization as a Sole Member Limited Liability Company, as well as St Paul RE Holdings, LLC organization showing Mr. Elias Saman as owner.

Should you have any additional questions or concerns, please don't hesitate to contact me.

Very Truly Yours,



Lisa McCormick

Enclosures

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Per _____

(Top 3 inches reserved for recording data)

SHERIFF'S CERTIFICATE OF SALE AND FORECLOSURE RECORD

Minnesota Uniform Conveyancing Blanks Form 60.3.2 (2009)

This Foreclosure Record consists of the following attached documents: (check appropriate boxes)

- Sheriff's Certificate of Sale (UCB form 60.3.1)
- Notice of Mortgage Foreclosure Sale (UCB form 60.2.1)
- Affidavit of Publication
- Affidavit of Service on Occupant
- Affidavit of Vacancy
- Affidavit Regarding Military Service
- Affidavit of Costs and Disbursements
- Affidavit of Mailing Notice of Sale to Persons Requesting Notice
- Affidavit as to Federal Tax Liens
- Affidavit as to State Tax Liens
- Affidavit Regarding Compliance with Applicable Law
- Other: _____

Legal description of the mortgaged premises:

See Exhibit A attached hereto

*and recorded in the office of the Registrar of Titles, Ramsey County, Minnesota, January 6, 2005 as Document No. 1851024

Check here if all or part of the described real property is Registered (Torrens)

Mortgage Recording Information:

Recorded on January 6, 2005, as Document Number 3822013* (or in Book _____)

of _____, Page _____, in the Office of the County Recorder Registrar of Titles of Ramsey

(check the applicable boxes)

County, Minnesota.

THIS INSTRUMENT WAS DRAFTED BY: (insert name and address)

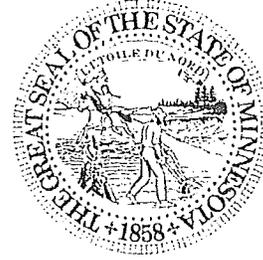
Hoelscher Law Firm, PLLC
13100 Wayzata Boulevard, Suite 100
Minnetonka, MN 55305

FOLLOWING THE EXPIRATION OF ALL REDEMPTION RIGHTS, TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO: (insert legal name and residential or business address)

Grand Holding Co., LLC
12508 Norway Circle
Burnsville, MN 55337

Note: This cover sheet cannot be recorded independently, but it must be attached to other applicable forms to make up a foreclosure packet.

Office of the Minnesota Secretary of State
Minnesota Limited Liability Company/Articles of Organization
Minnesota Statutes 322B



The individual(s) listed below who is (are each) 18 years of age or older, hereby adopt(s) the following Articles of Organization:

ARTICLE 1 - LIMITED LIABILITY COMPANY NAME:

Grand Holding Co., LLC

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ARTICLE 2 - REGISTERED OFFICE and AGENT:

Name

Address:

Per _____

Elias Saman

12508 Norway Cir Burnsville MN 55337 USA

ARTICLE 3 - DURATION: PERPETUAL

ARTICLE 4 - ORGANIZERS:

Name:

Address:

Elias Saman

12508 Norway Cir Burnsville MN 55337 USA

If you submit an attachment, it will be incorporated into this document. If the attachment conflicts with the information specifically set forth in this document, this document supersedes the data referenced in the attachment.

By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

SIGNED BY: **Mohamed Elsamman**

MAILING ADDRESS: None Provided

EMAIL FOR OFFICIAL NOTICES:

m.elsamman@amcpaconsulting.com

Office of the Minnesota Secretary of State
Minnesota Limited Liability Company | Articles of Organization
Minnesota Statutes, Chapter 322B



Read the instructions before completing this form.
Filing Fee: \$155 for expedited service in-person and online filings, \$135 if by mail

The undersigned organizer(s), in order to form a Limited Liability Company under *Minnesota Statutes, Chapter 322B* adopt the following:

Article I – Name of Limited Liability Company (Required)

St. Paul RE Holdings, LLC
(The company name must include the words Limited Liability Company or the abbreviation LLC)

Article II - Registered Office Address and Agent (A Registered Office Address is Required)

12508 Norway Circle Burnsville MN 55337
 Street Address (A PO Box by itself is not acceptable) City State Zip Code

Registered Agent at the above address is: Elias Saman

Article III – Duration

The period of duration for this limited liability company shall be: (If this is not completed, a perpetual duration is assumed by law.)

Article IV – Organizers (Required)

I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Elias Saman 12508 Norway Cir Burnsville MN 55337
 Organizer's Name Street Address City State Zip

Elias Saman 01/23/2013
 Signature Date

Organizer's Name Street Address City State Zip

Signature Date

Email Address for Official Notices

Enter an email address to which the Secretary of State can forward official notices required by law and other notices, including this submission: m.elsamman@amcpaconsulting.com

Check here to have your email address excluded from requests for bulk data, to the extent allowed by Minnesota law.

List a name and daytime phone number of a person who can be contacted about this form:
Elias Saman 612-490-7254

Entities that own, lease, or have any financial interest in agricultural land or land capable of being farmed must register with the MN Dept. of Agriculture's Corporate Farm Program.

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 JUL 03 2013

Per _____

LIMITED WARRANTY DEED: Business Entity to Business Entity

State Deed Tax Due Hereon: \$49.50

Date: June 5, 2013

FOR VALUABLE CONSIDERATION, 236 GRAND, LLC, a Minnesota Limited Liability Company, (Grantor), hereby conveys and quitclaims to ST. PAUL RE HOLDINGS, LLC, a Minnesota Limited Liability Company, (Grantee), the real property in Ramsey County, Minnesota, legally described as:

Parcel A (Abstract Property): Lots 1, 2 and 3, Block 3, Leech's Addition to St. Paul, Ramsey County, Minnesota.

Together with the Easterly half of vacated alley lying between the extensions Westerly of the Northerly line of said Lot 1 and the Southerly line of said Lot 2, as vacated in Document No. 2989137.

Parcel B (Torrens Property): Lot 3, Block 3, and the East one-half of the alley in Block 3 lying between the extension Westerly of the North line of said Lot 3 and the extension Easterly of the South line of the North one-half of Lot 12, Block 3, Samuel Leech's Addition to St. Paul, Ramsey County.

together with all hereditaments and appurtenances.

Part of this property is Torrens: Certificate No. 586529

This Deed may convey after-acquired title. Grantor warrants that Grantor has not done or suffered anything to encumber the property, except for any delinquent real estate taxes, special assessments or City abatement assessments.

The Grantor certifies that the Grantor knows of no wells on the foregoing property.

GRANTOR: 236 Grand, LLC

[Signature]

Thomas P. Dolphin, Chief Manager

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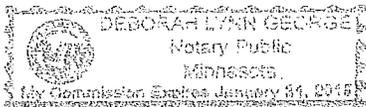
JUN 11 2013

Per _____

State of Minnesota)
County of Anoka) ss Acknowledgment

This instrument was acknowledged before me on _____, 2013 by Thomas P. Dolphin, Chief Manager of 236 Grand, LLC, a Minnesota Limited Liability Company, on behalf of the Company.

Notarial Seal:

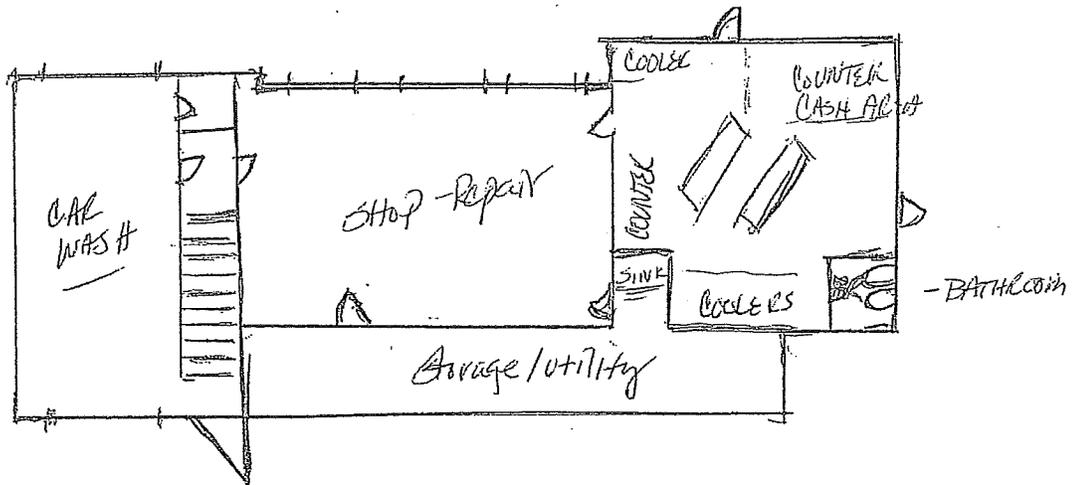


[Signature]
Notary Public

Drafted by: Dorn Law Firm, Ltd.
9380 Central Av NE
Blaine, MN 55434

Send Tax Statements to: Grand Holding Co, LLC
12508 Norway Circle
Burnsville, MN 55337

SITE PLAN
BUILDING



1/4" = 5ft.

LOT

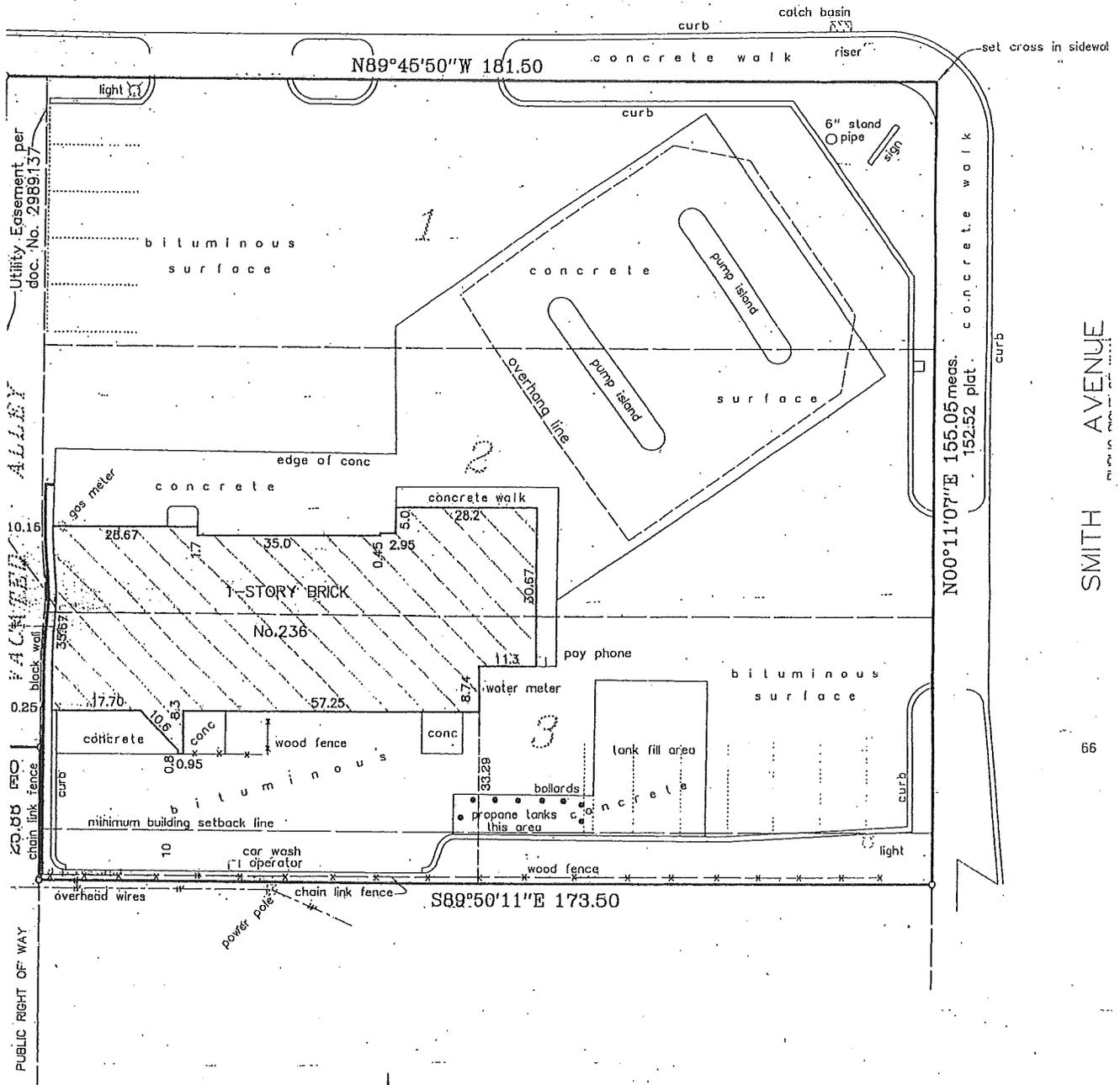
see copy from survey
next page

(image reduced)
(affecting scale
but ratio)

GRAND AVENUE

PUBLIC RIGHT OF WAY

60



Utility Easement per doc. No. 2988137

ALLEY

20.85 F.O. chain link fence

0.25 black wall

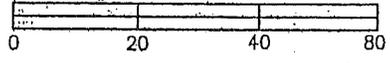
PUBLIC RIGHT OF WAY

N89°45'50"W 181.50

N00°11'07"E 155.05 meas. 152.52 plat.

S89°50'11"E 173.50

SCALE IN FEET



SMITH AVENUE

66

OF DE CR RE

EXHIBIT 1
ADDENDUM TO
APPLICATION

236 GRAND AVENUE

NOTE: Revised – this final draft submitted 7/11/13 by LM to replace the original submitted 6/27/13.

Exhibit 1. Addendum to the

APPLICATION FOR “RE-ESTABLISHING NON-CONFORMING USE” PERMIT

Submitted by Elias Saman, Chief Manager of Grand Holding Co., LLC

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BACKGROUND AND INTRODUCTION:

Per _____

The gas station currently located at 236 Grand was built in the 1970's, and was used continuously until the economic downturn forced previous owners into bankruptcy and subsequent closure. Mr. Elias Saman would like to restore this use, thereby allowing the still functional improvements to regain its value to the neighborhood as a source of convenience for those living nearby while generating taxes, employment opportunities, and establishing itself as a business neighbor to the community, as well as being a source of pride for the City rather than yet another vacant commercial property.

One neighbor's story. Ms. Beverly Siler, a neighbor adjacent to the site, is a single mother with a disabled child and does not drive due to a visual impairment and partial blindness. She also has diabetes, and to her, the convenience store was more than an issue of “convenience” – it provided her with the ability to quickly and easily acquire the basic necessities she might need to accommodate either her or her son's various medical conditions. Without it, she has to walk about a mile to otherwise get to a grocery store. She has given her permission to share her story in hopes of the store being re-opened, as she knows of others like her who are without private transportation, and are in need of a business within more immediate walking distance where they can obtain food, over-the-counter medicines, etc.

Applicant is a Certified Operator with a proven reputation in the both the industry and the neighborhood. Mr. Saman is certified as a Class AB operator by the Minnesota Pollution Control Agency. These strict certification standards require an operator to demonstrate knowledge and competency in the safe operation and maintenance and compliance of underground storage tanks. In general, the Class A operator has primary responsibility to operate and maintain the system, with their focus on the broader aspects of regulatory requirements and standards. Mr. Saman is also certified as a Class B operator, competent in the day-to-day operations and for implementing applicable requirements and standards at the station. Having fulfilled the requirements for both classes, Mr. Saman has been awarded the MPCA's highest level of certification available to petroleum operators in this state.

Mr. Saman has had prior success with turning a losing service station venture into a neighborhood asset. Within District 9, he took over one such station located at 675 W 7th Street which prior to 2009, was known as a “problem” facility with suspected drug activity, crime, poor service, etc. Faced with an operator whose license was revoked, the Landlord and owner of the property sought out Mr. Saman, the Applicant in this application, because of the

Applicant's reputation for operating well-managed sites in hopes that he would consider taking over this site as well. (Mr. Saman currently operates sites in West St. Paul, Eagan, Richfield, Chanhassen, St. Louis Park, Roseville, and three sites in western Wisconsin.)

After meeting with and being approved by Betty Moran of the Fort Road Federation and meeting all licensing requirements, the Applicant did take over the site on W 7th in January of 2009. He immediately re-imaged the site as the current BP station at the corner of W 7th and St. Clair. During his meeting with Betty Moran, a community organizer of the West 7th/Fort Road Federation, the Applicant took her requests and recommendations seriously. Since taking over operations, significant improvements were undertaken, including a transition to providing BP brand gasoline, new imaging and updating of the station, a new parking lot, as well as significant cleaning and repair of the interior.ⁱ Products known or suspected of being associated with drug use were disposed of and discontinued. Surveillance tightened and a no-tolerance policy was adopted for loitering or cars sitting in the parking lot. The station now enjoys consistent ratings of greater than 98%, demonstrating a high rate of compliance with BP's standards of cleanliness and service qualityⁱⁱ.

His success at rehabilitating and renovating this site was evident through acknowledgment and appreciation offered by residents of the community at a meeting with the Little Bohemia Neighborhood Association, as well as an expression of gratitude by Councilmember Thune for the work and contribution that the Applicant made to the community by turning this site into an valued asset. With his proven record of success, the Applicant is confident in his ability to not only restore this site, but to make it the best it has ever been.

At the conclusion of his meetings with Betty Moran in 2008, she asked him to consider acquiring the site at 236 Grand Avenue, the subject of this application, as it too was developing a reputation of having problems. Since then, many of his customers of the W 7th Street site have asked him to take over the station on Grand Avenue, and have offered their suggestions regarding this site. Many of the prior Mobil station customers now patronize this BP station, and the Applicant has continued to listen to the requests and suggestions regarding the site located on Grand. The surrounding area has been hit hard by foreclosures and vacant buildings, leading to unlit sites and fewer places to acquire everyday necessities such as food, diapers, and gasoline. Multiple requests have been received to provide extended hours, so that these necessities might be obtained day or night. In response to these repeated requests, the Applicant anticipates operating the gas station and convenience store on a 24-hour basis (while continuing his no-tolerance policy towards loitering), but with limited hours for accessory uses such as repair and car wash to keep noise at a minimum during night-time hours. Similarly, the lighting on the site will be designed to address not only the usual security issues, but neighborhood concerns as well.

Re-establishment of non-conforming use. Upon adoption of resolution CF # 11-1213 in June of 2011, the Planning Commission undertook a zoning study (the District 9 Gateway

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Zoning Study) relating to two existing parcels zoned as B3. These parcels included the subject of this application and the adjacent property used and occupied by Burger King. As a result of the study, which included community engagement and the unanimous support of the Little Bohemia Neighborhood Association, on January 27, 2012, the Planning Commission released its findings and recommended the parcels be rezoned to T3 Traditional Neighborhood. As such, an auto service station would be a permitted use.

However, on May 16, 2012, the City Council rezoned the parcels to T1 Traditional Neighborhood. Because the site has been sitting vacant and unattended for more than one year, your approval is needed in order to re-establish the now nonconforming use and reopen the site.

Under section 62.109 (e) of the Zoning Code, in the event that a nonconforming use of a structure or structure and land in combination is discontinued or ceases to exist for a continuous period of 365 days, the Planning Commission may permit the change or reestablishment of a nonconforming use upon making the following required findings necessary to support the application:

1. The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. Without a non-conforming use permit, the property is unable to be used in accordance with its design and existing structures and improvements.

The improvements present on the site are specific for the historical use of the site. Such specific, permanent fixtures include underground storage tanks for gasoline, petroleum pumps and dispensers, canopy and lighting over dispensers, in-ground hoists, and other hydraulic and pneumatic equipment designed for auto-repair, and car wash equipment.

To totally remove and dispose of the existing equipment and fixtures in order to repurpose the site is not economically feasible. While the condition of the car wash equipment has not been ascertained, all equipment and fixtures associated with the dispensing and sale of gasoline has passed all recent testing and was found to be sound. It is probable that the cost of removal would far exceed any potential revenue realized from resale of the used equipment. In addition to the costs involved in rebuilding the primary structure, there could also be environmental ramifications associated with the removal of the underground storage tanks and associated destruction of the concrete pad. In such a case, costs would include those for having to back-fill the area after the tank removal and installation of either new concrete or asphalt.

Finally, and most importantly, out of a concern and potential risk to human health and/or the environment, there may be a potential problem with repurposing the site for a T1 conforming use. Most T1 uses involve a residential or "care" component, i.e., live-work

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unit, residential facility, boarding house, nursing home, day care, etc. While undetermined at this time, environmental and legal analysis would have to be undertaken due to the longstanding and historical use, operation, and presence of underground petroleum storage tanks, to determine 1) whether any restrictions do or should exist limiting the use for a residence, child or elder care facility, nursing home, school, church or other place of worship, a park or hospital; and 2) what site-specific construction and excavation restrictions would apply. Such restrictions are fairly common as most gas stations with historical use have some level of soil contamination.

Therefore, for the reasons stated above, a non-conforming use permit is required because it is not economically feasible or reasonable, to undertake the demolition and rebuilding necessary to repurpose both the land and the structure to a conforming use. The uses allowed by T1 zoning also may be prohibited by law (or allowed only with site remediation costing more than the property is worth) in order to protect the health, safety, and welfare of the public and the environment.

2. The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use. Section 62.101 of the Zoning Code affirms the intent that allowing nonconforming uses to be reestablished in vacant buildings may benefit the city and surrounding neighborhood, stating that "some buildings have a long useful life and allowing their continued occupancy for nonconforming uses can be more desirable than requiring them to be vacant if they cannot be converted to conforming uses." During a recent team inspection of the building and site (attended by the Applicant) the building inspector responsible for code compliance indicated that building was one of the best gas stations of its age that he had seen, and while the report is still pending, was unable to find any major flaw or deficiency in the building. Recent testing of the petroleum equipment also indicates that it too is in above average condition. All in all, assessment of the improvements on the site indicate that the useful life of this site is far from having been reached. Therefore, in an effort to support the needs of the community and neighboring businesses, the Applicant plans to offer branded petroleum products, maintaining a high quality product available to the public, as well as incorporating new imaging to show that the site is now under new ownership. It will be new, fresh, high-quality, yet with a goal of maintaining the "small town corner station" atmosphere in an effort to comply with the vision of the Area Plan. It will provide a more upscale retail offering while honoring the area's longstanding appreciation for historical preservation and small town feel. There is something iconic about the small town gas station and convenience store, which will be taken into considering in any re-imaging plan.

Potential competitive effect. During discussions with the Bonfes of Bonfe's Auto Repair and Collision Service (located within close proximity to the subject parcel), while they

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indicated support for reopening the gas station and convenience store, they were unwilling to support the application if any repair would be included as they perceived it would directly compete with their business. We assert that any potential competitive interests with neighboring businesses such as theirs will be minimal. Additionally, in a meeting with Ward 2 Council Member Dave Thune on October 18, 2012, he indicated that it was generally his opinion that some competition is good for a community, and the Applicant agrees with him. Although the exact competitive effect on Bonfe's businesses, if any, is unknown at this time, it is unlikely to have a negative effect as they are a large, well-established business with a loyal following. We anticipate the market needs for this site to be more of an immediate nature and not requiring the level of service that Bonfe provides on a regular basis. In contrast, Burger King, adjacent to the site, does not consider the anticipated food offerings available at the convenience store as competition for its products. Therefore, we do not anticipate that this site will have an adverse competitive effect on its business neighbors, and only an indirect if any, effect on Bonfe's businesses, while still addressing the needs and desires of the local community and the employees of the neighboring hospital campus.

Considerations relating to other development possibilities. Realizing that a concern could be raised regarding the potential of increases noise (as compared to a vacant building) caused by cars driving along the south rear of the building to enter the car wash. However, re-establishing the prior use of that of a gas station etc., would ultimately result in less of this type of noise (due to the slow speed, and inconsistent use of the car wash) when contrasted against other development options. Should the building be rebuilt according to current design standards along the street front, all parking would be to the south. With the increased density, the parking lot directly north of the residential area would create more traffic and be more heavily used on a regular basis than any proposed use for a car wash. Therefore the proposed use is more appropriate for the area given as compared to the alternative provided by this scenario.

Site Plan. Unless and until a change in use is undertaken, new construction or expansion is not anticipated. Therefore, under Sec. 61.303 and 61.401 of the Zoning Code, a formal site plan is not required and is therefore not included with this application. However, diagrams indicating the building footprint and estimated SQ FT for potential uses is provided. ⁱⁱⁱ In addition, a copy of an excerpt from the survey on File with the City is included to show the specific features to be attributed to the lot. It also shows possible options for landscaping in accordance with the 2010 amendments to the District 9 Area Plan Summary, specifically the visual aesthetics as described in Appendix A, and the zoning code, while being influenced by portions of the Guidelines for Design Review of the Heritage Hill Preservation District:

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- Such options include landscaping that enhances and correlates to that currently existing on the parcel occupied by Burger King along the western property boundary, inclusive of the portion of vacated alley present;
- The use of low shrubs or grasses in green spaces along Smith and Grand to soften the congestion associated with the intersection, detract visually from the parking lot, and partially screen the view of parked cars from the street.
 - Plant grouping of a variety of colorful shrubs and flowering plants (to be determined) will be planted in the green space surrounding the base of the sign located at the corner of the property to add visual appeal to the corner.
 - The plant materials being considered for planting in the green space along Smith/Grand frontage include:
 - Switch Grass (*panicum virgatum*) grows to 36" in height, providing a soft, airy, calming aesthetic in contrast to the concrete/hard lines of the parking lot;
 - Upright yew (*Hicksii*), a columnar evergreen that can be pruned to desired height and shape for a more formal look; and
 - Hardy daylilies on both sides of entrances/exits for emphasis.
 - Because of the pedestrian traffic, non-flowering varieties are emphasized (except at the entrance/exit) to avoid potential risk of attracting bees.
 - This schematic would be a continuation of similar scheme seen on the south side of Ramsey Hill
- Benches to be provided along Smith and Grand to support the pedestrian traffic, particularly the elderly or disabled, by offering a place of temporary rest. Benches will be placed in line of sight of attendant to prevent excessive loitering or inappropriate use of the benches.
- In support of the Little Bohemia's 35E Bike Path Enhancement project which extends from Grand Avenue to Pleasant Place, a bike rack will be provided for bike parking at a location (to be determined) on the site, and free air will be available to bicyclists.
 - Plans are being considered for the possibility of utilizing one of the service/repair bays for use in bicycle repair. This will not require any change to the existing structure while supporting Little Bohemia's project and enhancing the health and vitality of the neighborhood.

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- Car Wash. The site will continue to use the car wash as previously operated. Hours of operation will be limited to minimize night-time noise. The structure has doors at both entrance and exit which will be closed except when vehicles are either entering or exiting. Cars will exit to the north, thereby minimizing noise to the residential area behind the site. With approx. 110' available, the requirement of four stacking spaces per washing lane per Section 65.707 is more than satisfied by using the existing access lane going behind the building.
 - Visual Screens. Under Section 63.114, visual screens are required between off-street parking and residential areas. Between the south boundary of the subject parcel and adjacent multi-family residential unit, there currently exists portions of a fence consisting in part of wooden privacy fencing as well as chain link. For the portion of wood fence, the missing sections will be replaced with the remainder repaired. The chain link fence, which is more compatible with the primary structure than a wooden fence, will be enhanced to include screening slats (mostly likely green in color) and plant materials. The primary plant material being considered at this time is an evergreen vine (Japanese Honeysuckle), which will minimize space intrusion into the adjacent property while adding a visually pleasing component as well as providing an additional screening feature to the functionality of the fence.
3. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. According to the District 9 Area Plan, it is anticipated that an additional 4,000 new housing units will be added to the District, creating an ever greater need to provide services and goods to residents within the District. In keeping with this progressive trend, the Applicant plans on exploring various eco-friendly petroleum products/ alternatives fuels for possible inclusion in the station's offerings as feasible. Another factor affecting the history and stability of the prior land mix is that Burger King, the adjacent property on Grand, currently has more than fifteen years on its long-term lease. Therefore, the immediate area to the west of the subject parcel is not likely to be available for redevelopment for many years. All in all, not only would the re-establishment of the existing use not be detrimental to the neighboring community as evidenced by over a 15 year history of serving the community, but the re-establishment of the use would provide those living in the neighborhood necessary access to gas and groceries without having to leave their neighborhood.

As provided by Ms. Siler's story in the introduction, many residents of the immediate neighborhood either have to walk or take public transportation just to get their groceries and other necessities. Furthermore, allowing this use ensures the benefits of normal residential surroundings for persons with disabilities as provided for by Minnesota Statute

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Section 462.357 Subd. 6a. For those neighbors who do drive, since the closure of the subject Property, the closest gas station available to those from the community is the BP station on W 7th St. The next closest stations require travel outside of their immediate neighborhood and into downtown or across the river.^{iv}

It is unreasonable to expect that those living in the community be denied the benefit of having a neighborhood gas station and convenience store at their disposal without having to travel into heavy traffic areas such as downtown or across the river to obtain milk, ice, diapers, OTC medicines for colds, stomach upset, and other commonly used items. The fact that the business has provided a well-lit corner along with being one of the few providers of desired service and products that the neighborhood has relied upon, should be considered as favorable grounds to consider and approve the requested permit. In addition, see comments in the preceding section relating to the proposed landscaping with the inclusion of benches and a bike rack to serve the particular needs of the immediate area in protecting/enhancing the health and vitality of the neighborhood.

Environmental protection. The likelihood of soil contamination poses potential difficulties that could arise with attempting to repurpose the site to that of a type of residential conforming use as more fully discussed in #1 above. As it currently exists, the site has above-average preventative measures in place to ensure protection of the environment. An above-average automatic tank monitoring system is in place providing continuous monitoring of the petroleum storage and dispensing equipment. The site also has as required, an automatic shut-off system to immediately shut down all dispensing in the event of an emergency. As mentioned previously, The Applicant has obtained the highest certification level available. In addition, not only did the Applicant have a comprehensive training program developed for use with his employees to be trained to respond to any spills or leaks to fulfill requirements of the Minnesota Pollution Control Agency; he took the additional step to develop a formal spill response plan which was reviewed by a remediation program administrator of the Minnesota Pollution Control Agency for adequacy. An appropriate inventory will be kept on site at all times with the equipment and supplies necessary to respond to various levels of contamination, be it from an overflow into a gas tank or an oil spill in the garage.

In addition to the separate waste water collection related to the car wash, the repair shop has multiple catch/containment basins to catch debris which may contain petroleum product or residue which is pumped out periodically. These measure further ensures the safety of the water supply and are already currently in place and functional.

4. The use is consistent with the comprehensive plan. Review of the summary appended to the Comprehensive Plan relating to the vision and strategies of the *West 7th Street/Fort Road District 9 Area Plan* ("Area Plan") identifies several key areas of focus:^v

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- a. Housing. *The subject Property is close to several neighborhood sub-areas identified in the Area Plan to be maintained and improved as well as to sites identified for potential redevelopment and would provide a beneficial service to residents living in the area. Residential areas needs basic services to be conveniently available to its residents, and a gas station/convenience store is able to provide this while taking up minimal space and detracting from the residential atmosphere. An additional benefit would be that with the site open and functioning, the area would be highly lit and monitored, thereby discouraging crime and loitering in the area.*
- b. Jobs and economic development. *This application supports a use aligned with the objective to support "nodes" of retail businesses at various intersections, i.e., Grand and Smith.*
- c. Community development. *In addition to providing employment opportunities, convenient access to basic necessities will upgrade the area. This business is one that can be remodeled and upgraded to open quickly, providing an immediate visual improvement to help stimulate interest in further development of the area (whereas changing the use would take months or more to sell, remodel, repurpose, etc., while creating a potential environmental hazard due to the presence of underground storage tanks). The area is across from the United Hospital campus, and having a convenience store situation close adds a value to those coming to the area for health care or to visit loved ones in the hospital in addition to improving the public image of the neighborhood. Visitors coming from out of town will see a vibrant corner rather than a vacant business. In contrast, an attended, well lit site during hours of operation will serve by providing a valuable service as well as to increase public safety near at least one identified community gathering place, the Salvation Army.*
- d. Mix of land uses. *Historically, it has been demonstrated that a gas station/convenience store is not only compatible along the border of a residential area, but considered a benefit to those living in the neighborhood. Therefore, this use is a supporting element of both residential and commercial development in the area. As the only gas station within an approx. ¾ to 1 mile radius, it is a key component in obtaining a good mix of land uses.*
- e. Historic preservation and aesthetics. *Although the subject Property is not immediately adjacent to designated historic district, the Applicant is cognizant of St Paul's pride in its heritage. With his reputation and association with all major petroleum suppliers in the area, he will be able to choose the most appropriate program for re-imaging the site to improve the aesthetics of both the interior of exterior of the site. He took seriously the comments provided by the Little Bohemia Neighborhood Association regarding their desires for attention to the landscape of this site, and as in other locations, he has plans to incorporate various plantings and landscaping in an effort again to improve the visual impact*

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of the site and area to those passing by. He is considering plants that will be consistent with a schematic seen on the south side of Ramsey/Summit Hill in order to fulfill the goal of continuing that aesthetic down the Hill to the extent possible.

- f. *Environmental quality.* *With appropriate monitoring and preventative measures in place, potential environmental hazards are minimized while providing a necessary service to residents of the community through providing safe petroleum sales. All cars need gas (even hybrids), and the Applicant will be considering options available from various suppliers regarding eco-friendly fuels as feasible with the storage capability of the site. Having availability to a gas station can potentially reduce air pollution and wasted gas if people don't have to go out of their way to acquire the basic necessities available at a neighborhood gas station. See also preceding section: Environmental Protection. Because of the Applicant's commitment and observation of Minnesota Pollution Control Agency rules and regulations, approving this application for a nonconforming use would provide neighboring residents with a certain benefit while balancing any potential risk of environmental hazard.*
- g. *Transportation and circulation.* *The area surrounding the property sees significant pedestrian traffic. Having a convenience store provide a resting place as necessary for those walking a distance, especially in extreme weather, is desirable for obvious reasons. In addition, those utilizing mass transit will be able to walk to the convenience store to acquire necessities rather than have to have a car, thereby supporting the mass transit system within the City. Any traffic generated by the proposed use will be essentially similar to that generated by the prior use although there may be some increase in the morning hours. There are currently three entrances/exits and ample space available to manage anticipated traffic flow. The Applicant anticipates working with the project facilitator to determine ways to perhaps better control traffic flow and minimize disruption in response to neighborhood concerns regarding traffic flow at this intersection.*

Finally and in addition to the above, both the Planning Commission and City Council have identified the following additional objectives of the community in their respective findings:

- *Improvement of the visual appearance and vitality of the gateway area;*
- *Improve Grand/Ramsey as a pedestrian connection between Ramsey/Summit Hill, Irvine Park and the Mississippi River through both private development/land use and pedestrian amenities in the public right-of-way;*
- *Better integration/transition between commercial uses on the major thoroughfares with the adjacent residential neighborhood fabric;*
- *Attain a more "urban" character to the gateway with less surface parking and more street enclosure via buildings that frame the street;*
- *Increased density along Grand/Ramsey; and*
- *Further the larger neighborhood goals of livability and vitality.*

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In summary, the Applicant believes the proposed measures described in this addendum address and satisfies the specific objectives of the community mentioned above. While the proposed use will not frame the street, it will instead provide a sense of "open space" in an area that is described as congested and chaotic, thereby minimizing that effect. Continuing the use may also have a beneficial effect by reducing the congestion due to cars entering the site. The more open concept aids in providing more visibility at a congested and busy intersection, which could then adequately support a modest plant grouping at the corner without adding to the congested feel of the intersection. It also supports the pedestrian aspect as well as a key neighborhood project designed to further the goal of livability and vitality. Parking is determined by the use, and the amount of parking, whether in front or behind the building, would be unchanged. Ultimately, a neighborhood gas station and convenience store, well operated and maintained, not only serves the community, but it also serves as an anticipated iconic or societal anchor in a transition between land uses.

5. A notarized petition of the property owners within 100 feet of the property has been obtained stating support for the use.

ⁱ Exhibit 2. Before and after photos of the BP station operated by the Applicant at 675 W 7th Street, St. Paul, MN
ⁱⁱ Exhibit 2a. BP's quality assurance Mystery Shop scores associated with BP station at 6757 W 7th Street.
ⁱⁱⁱ Exhibit 3. Building footprint, diagrams, and photos relating to subject property
^{iv} Exhibit 4. See "Availability and proximity of gas stations to subject property."
^v City of St. Paul – District 9 Area Plan, available at: <http://www.stpaul.gov/DocumentCenter/Home/View/13589>, adopted by the City Council on July 7, 2010.

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EXHIBIT 2
PHOTOS OF NEARBY SITE
(located on W. 7TH)
OPERATED BY
APPLICANT

236 GRAND AVENUE

RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013

Photos of BP station operated since 2008 by Applicant,
located at 675 W 7th Street.

BEFORE Applicant took over site:



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RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013

"BEFORE" (CONT)



AFTER Applicant took over site:



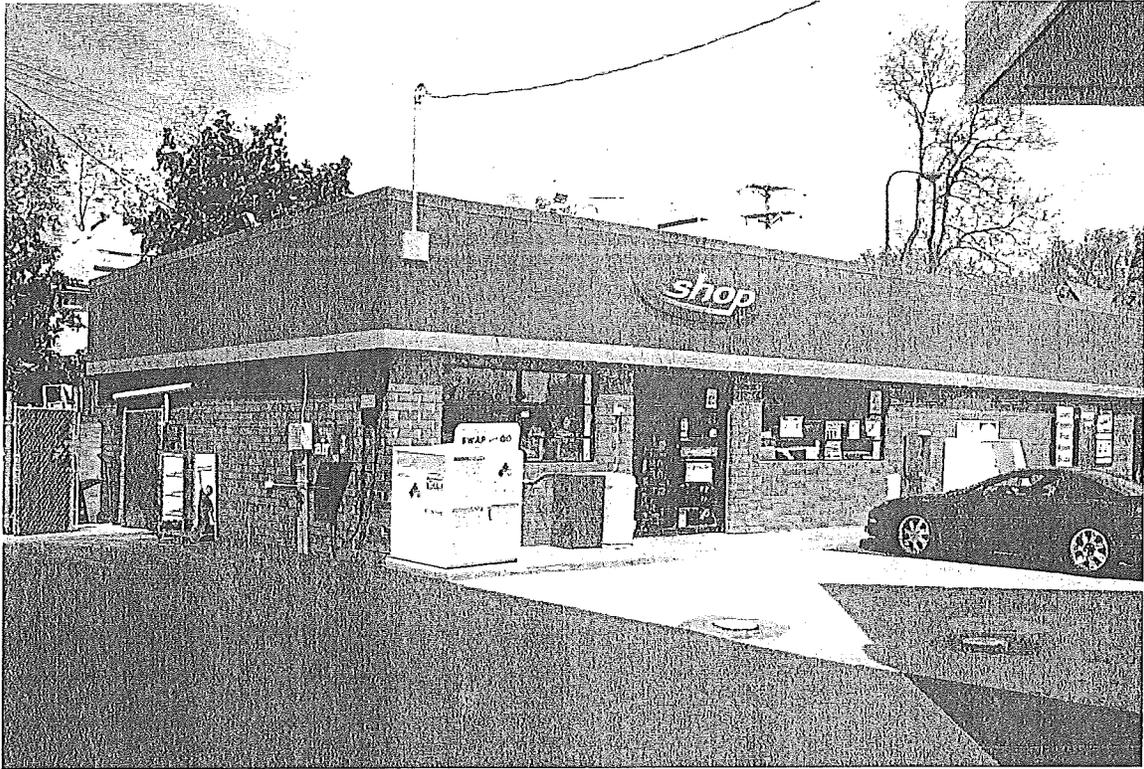
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RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

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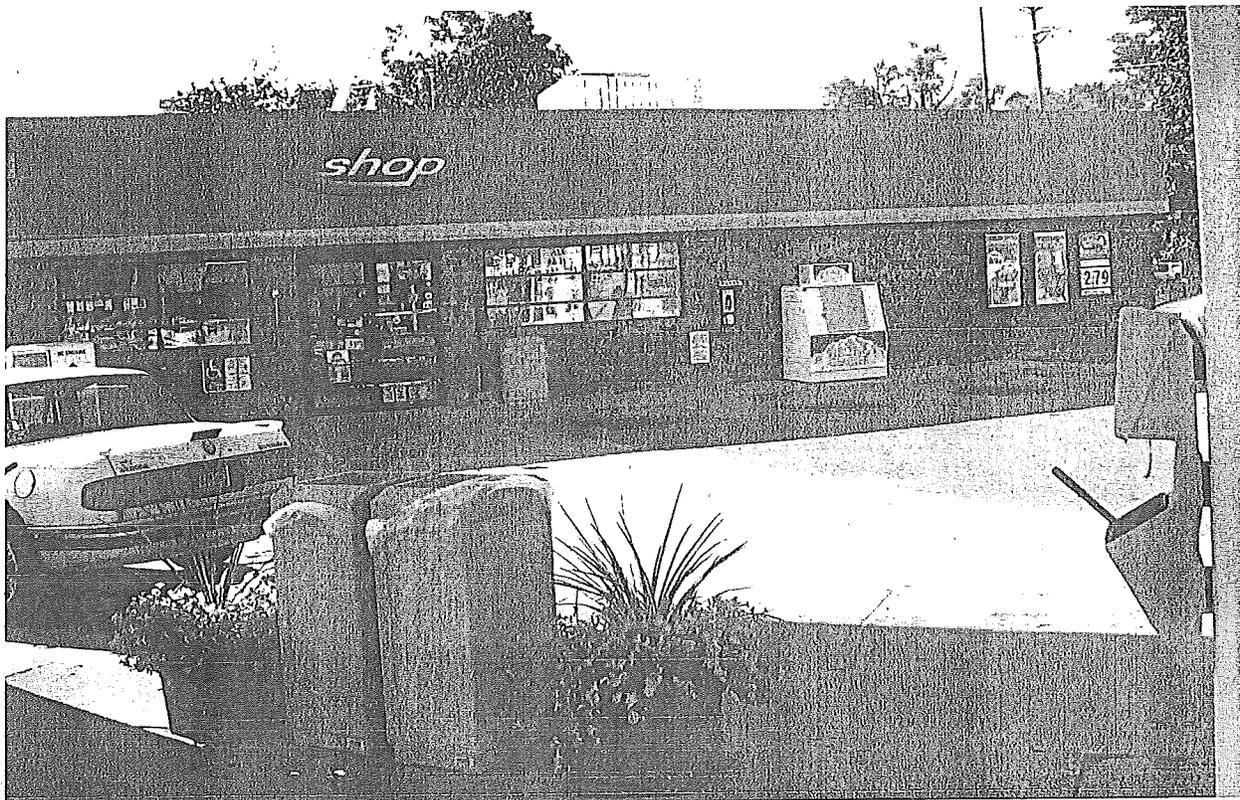
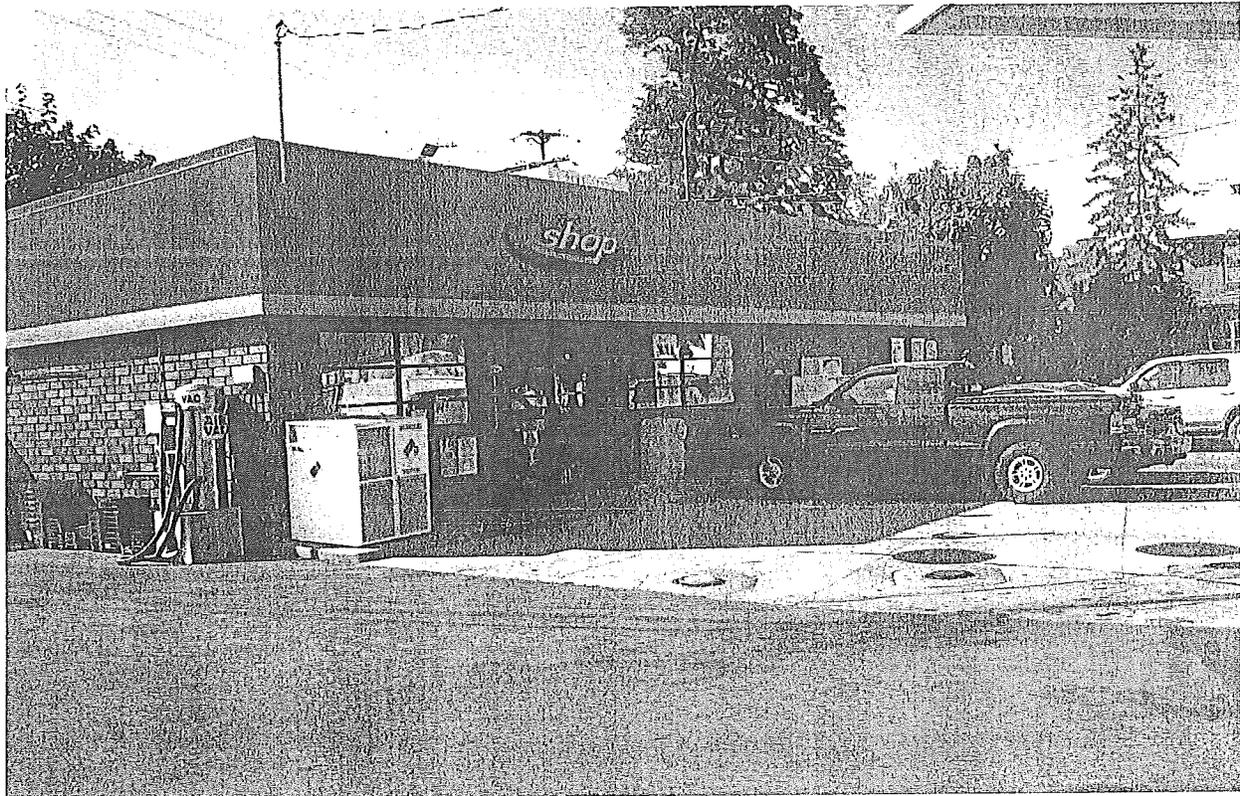
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RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013



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BP's Helios 100 mystery shop program is designed to help deliver a consistent safe, reliable and clean experience at all BP branded locations. To achieve this, each BP branded site is "shopped" quarterly, assessing the following specific criteria, to ensure ongoing compliance with BP's standards,

1. **Identifying Data of the assessment:** Date and Time
2. **Site Experience**
 - a. Fuel Experience
 - b. Restroom
 - c. Convenience Store
 - d. Employee
 - e. Forecourt/Lot (Landscaping, grass, garden areas, planters, etc)
3. **Visual Standards**
 - a. Building Exterior
 - b. Main Identification Display
 - c. Canopy
 - d. Dispensers
 - e. Curbs and Site Perimeter
4. **Merchandising**
 - a. BP Promotion Point of Sale
 - b. Credit Card Applications
 - c. Gift Cards
 - d. Payment Decals
5. **Demographic**
 - a. Were you able to complete the transactional timing when making your fuel purchase?
 - b. # of seconds it took from the time credit card was removed from the pump to the time you were prompted to begin fueling

**WEST 7TH BP SCORES
(675 W. 7TH STREET)**

Shop Period	Date	Score
SP3-2009	10/5/2009	99
SP1-2010	2/19/2010	100
SP2-2010	6/2/2010	98
SP3-2010	10/7/2010	100
SP1-2011	2/19/2011	98
SP2-2011	6/14/2011	92
SP3-2011	10/18/2011	100
SP1-2012	2/27/2012	100
SP2-2012	7/19/2012	100
SP3-2012	10/2/2012	97
SP1-2013	2/23/2013	100

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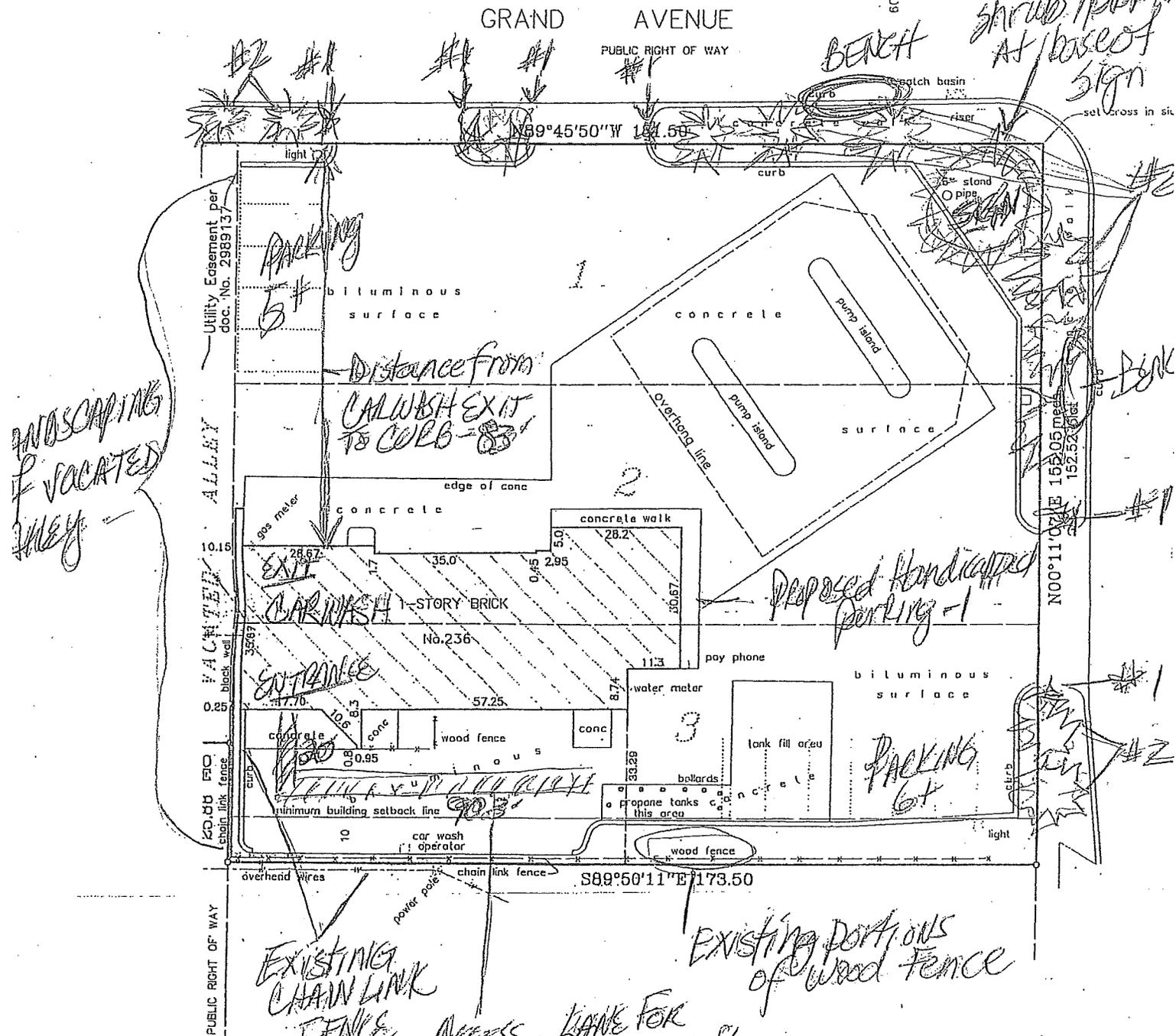
Per _____

EXHIBIT 3

**BUILDING FOOTPRINT,
DIAGRAMS, PHOTOS, AND
ZONING INFORMATION**

236 GRAND AVENUE

236 GRAND AVENUE



LANDSCAPING
IF VACATED
ALLEY

Grouping of shrubs/plants at base of sign

Proposed Handicapped parking - 1

PARKING 6+

EXISTING CHAIN LINK FENCE

EXISTING PORTIONS OF WOOD FENCE

ACCESS LAINE FOR CAR WASH = 110 FT. (6 Reg)

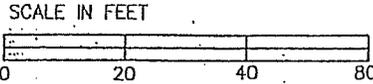
PARKING 5 SPACES NE 6+ PARKS SE 1 - Handicapped

PLANT MATERIALS

- #1 Daylily
- #2 Sweetgrass OR Upright Yew

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RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

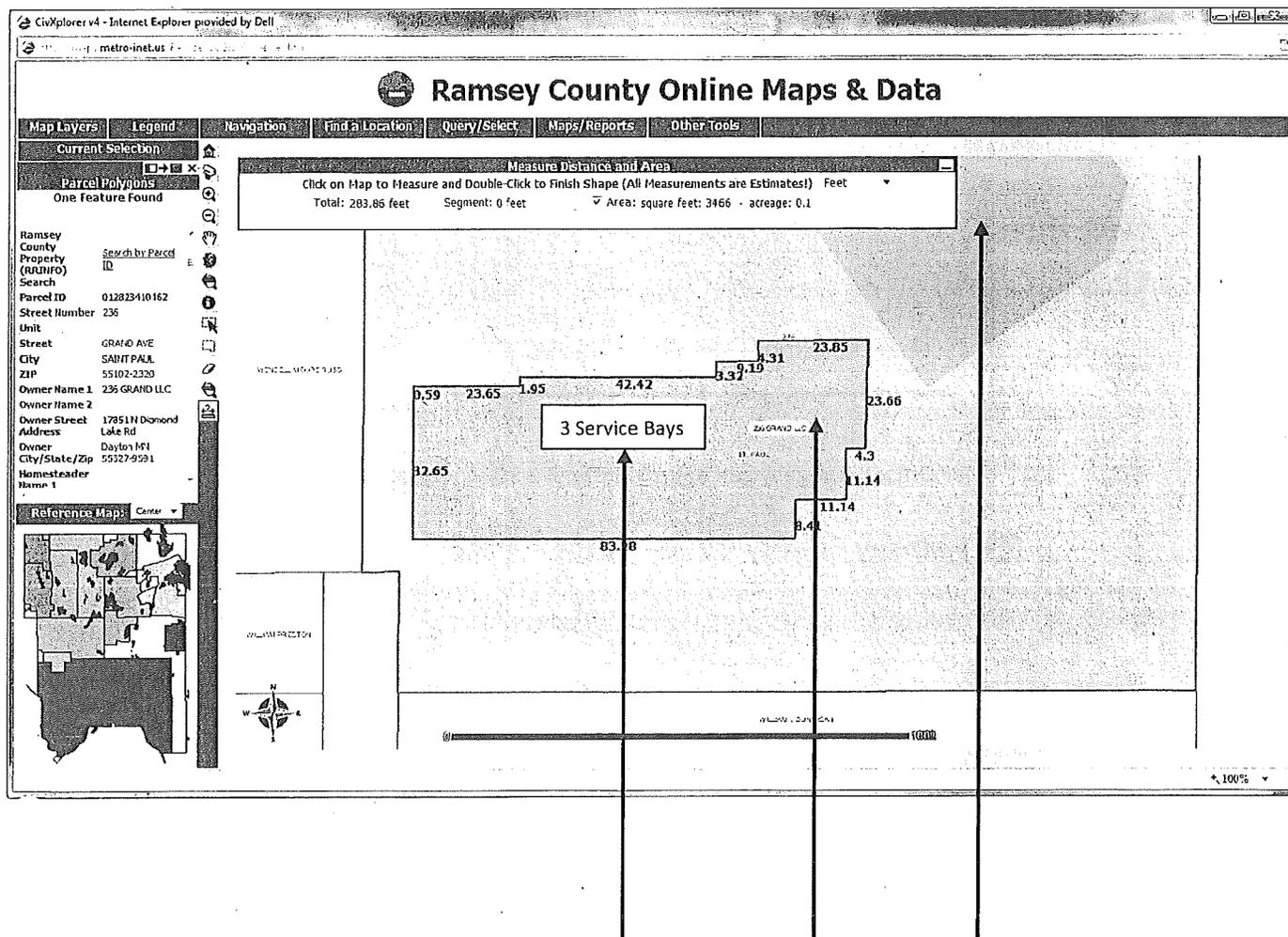
June 2013

Exhibit 3.

Building Footprint for Improvements located at 236 Grand Avenue, Saint Paul, Minnesota; photos

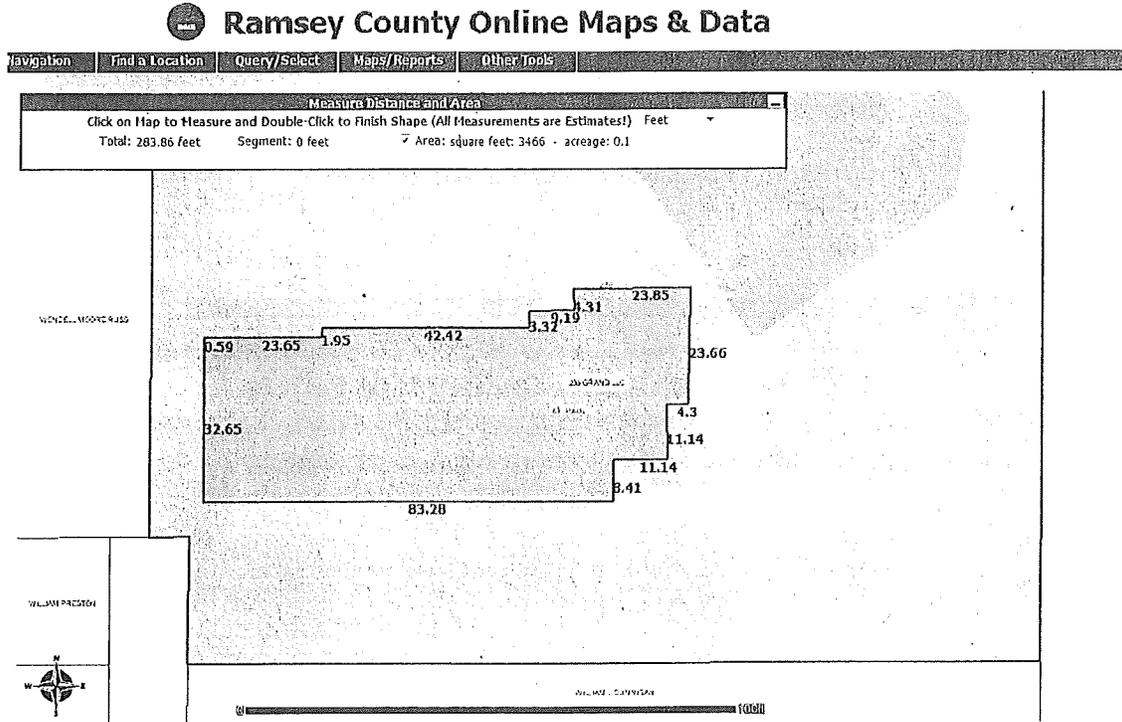
Year Build 1971; Partial 2nd story on West end; TOTAL Finished SQ FT: 4032
(taken from 2012 Ramsey County Property Tax Statement)

SQ FT of Building Footprint: approx. 3466

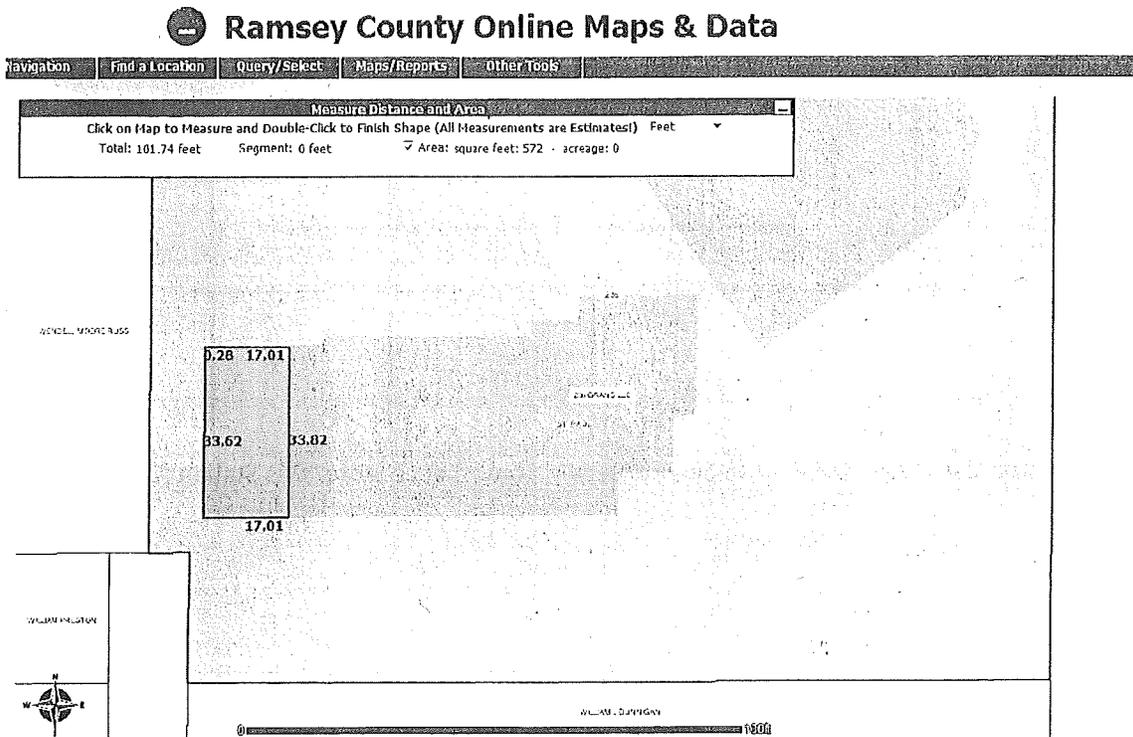


Previously operated as: Car Wash, Automotive Service/Repair, Convenience Store/ Gas Station (Canopy/dispensers)

Close-up of Building Footprint – approx. SQ FT 3466



2nd Floor Office/Storage Area: approximate 572 SQ FT (Total: 4038 (+/- 6))

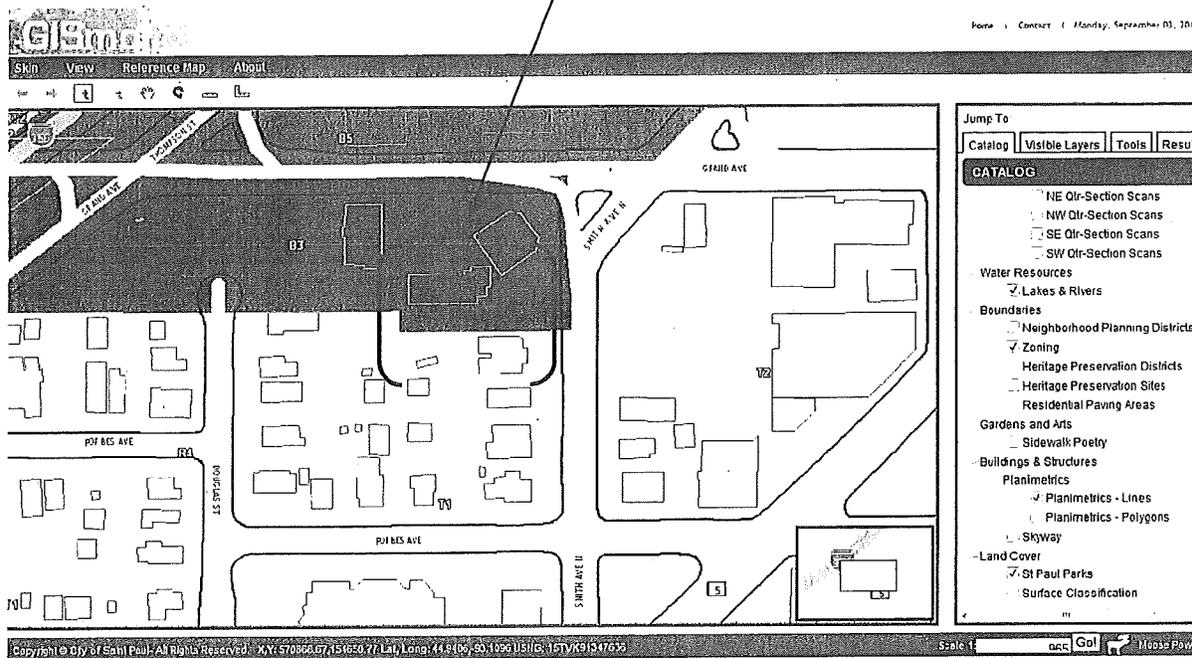


RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013

City of St. Paul Zoning Maps

As a result of a zoning study undertaken and released in 2012, the Planning Commission recommended T3 Designation; Council amended and Subject Property was rezoned from B3 to T1 in June 2012.



SUMMARY OF USES ALLOWED IN SAINT PAUL ZONING DISTRICTS

TRADITIONAL NEIGHBORHOOD DISTRICTS - TN1 Traditional Neighborhood

- One-, two- and multiple-family dwelling
- Carriage house dwelling (historically existing)*
- Home occupation, live-work unit
- Mixed residential/commercial use
- Community residential facility*
- Rooming and boarding house*
- Nursing home
- Day care, school, library, park, church
- Rectory, convent
- College, university, trade school, arts school

- Noncommercial recreation
- Utility/public service building*
- Artist and photographer studio
- Business office, bank, insurance, real estate office
- Professional office, medical clinic
- Post office, mailing and packaging, photocopying
- Service businesses, e.g. watch and shoe repair, tailor shop, barber, beauty shop
- Coffee shop*
- Bed and breakfast

TN 2 Traditional Neighborhood

- All TN1
- Hospital*, vet clinic
- General retail*, grocery*, bakery*, liquor*
- Drive through sales and services*
- Laundromat, dry cleaning
- Mortuary, funeral home

- Tattoo shop, tobacco shop
- Restaurant*, catering
- Hotel, Inn
- Health Club, indoor recreation*
- Theater*, assembly hall*
- Auto convenience market*
- Printing and publishing*
- Limited production and processing*

TN 3 Traditional Neighborhood

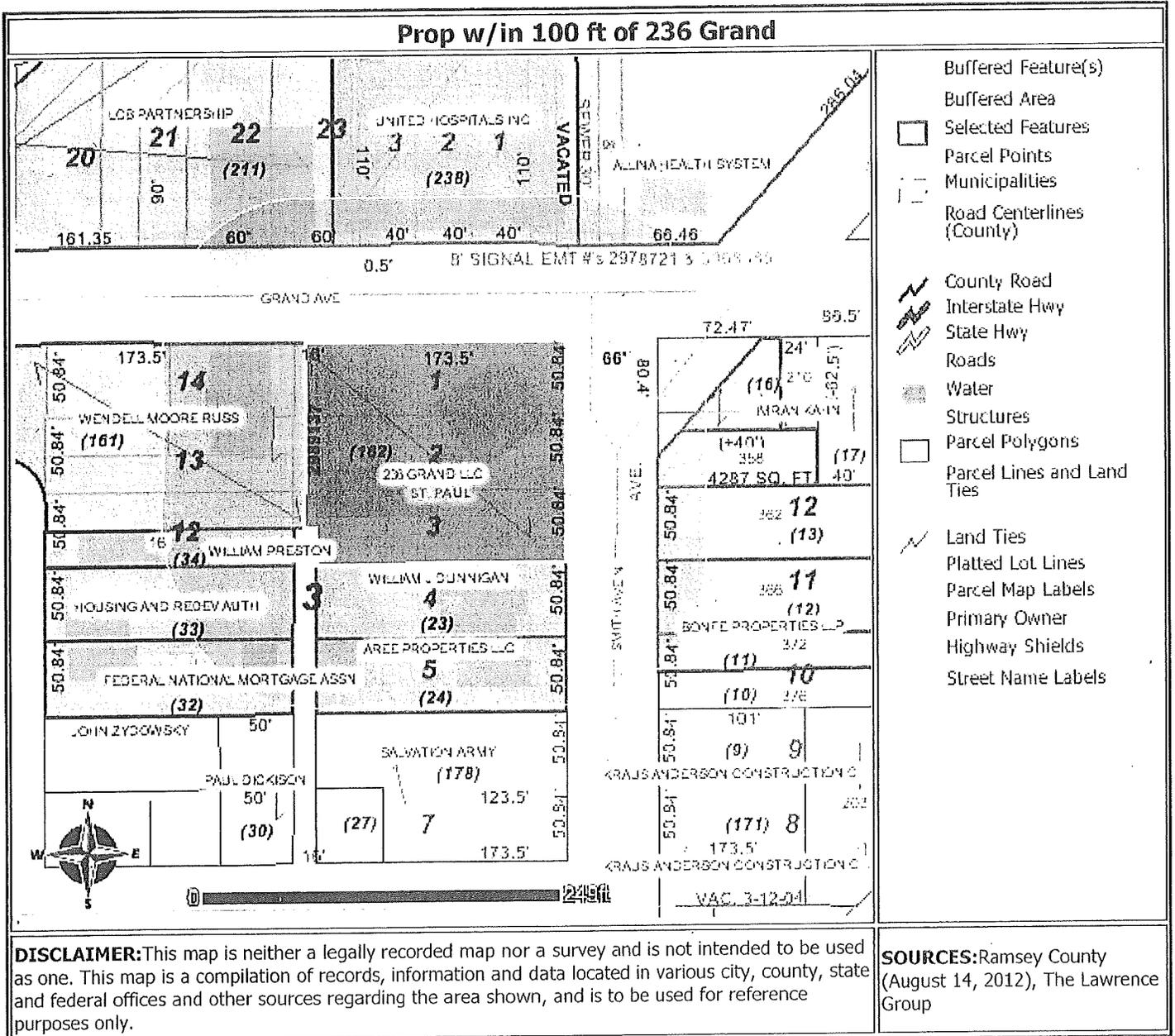
All TN1 and TN2 uses except drive-through sales and service

- Auto service station

- Parking facility, commercial

RE: Re-establishment of non-conforming use permit
 236 Grand Avenue, St. Paul, MN 55102

June 2013



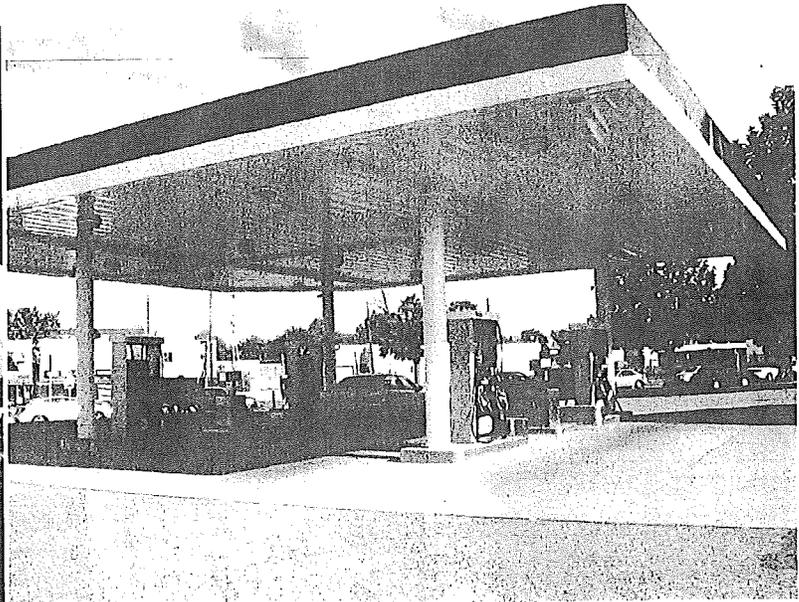
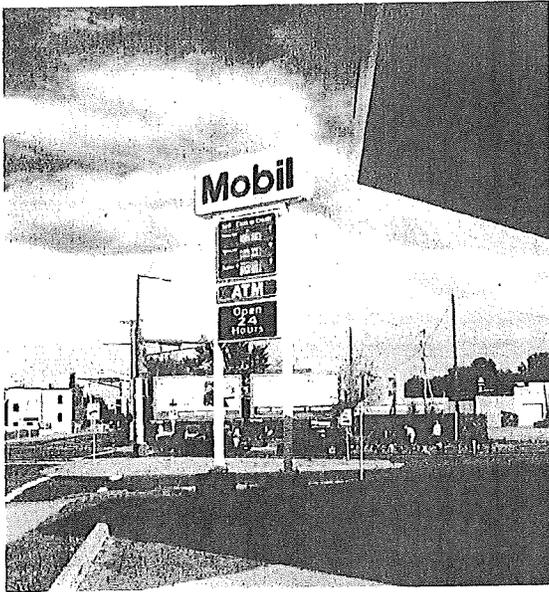
RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013

Photos of subject Property from East to West (Left to Right)

1. Sign post at NE corner

2. Canopy (looking SE, between sign post and building)



3. Building (looking south from Grand Avenue, extending east to west)



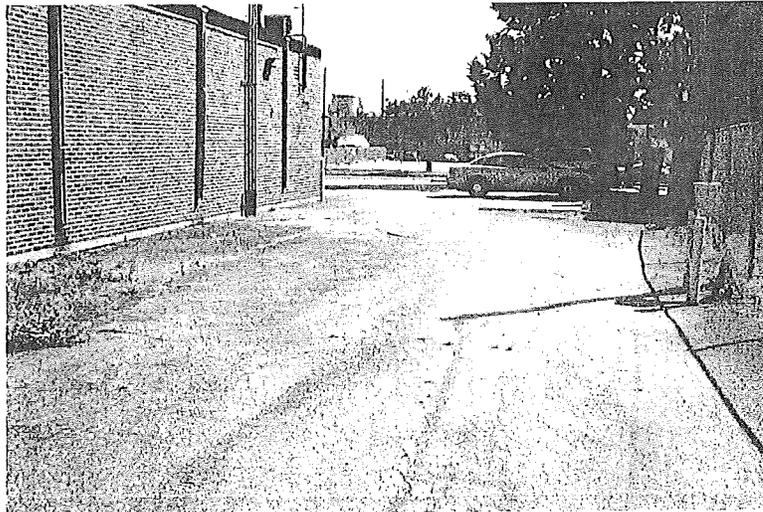
4. West end of building / alley (looking south)

RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013



5. Drive way along back of building (south border of property looking east)



6. Looking southwest to driveway along back of building

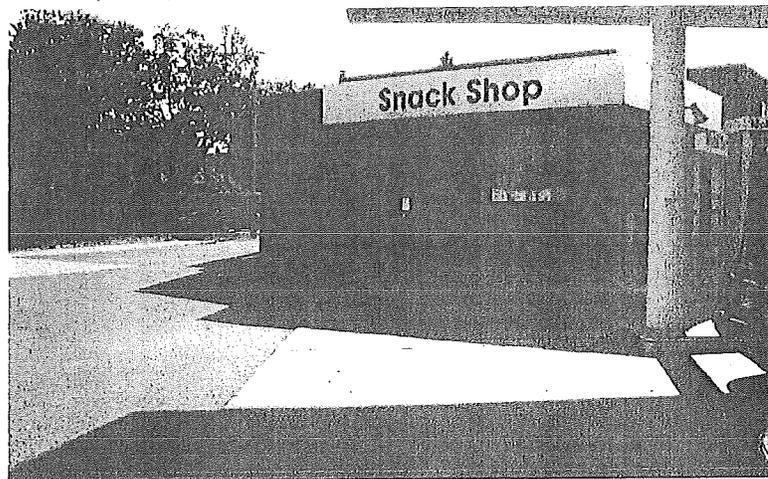


EXHIBIT 4

Distance to other stations

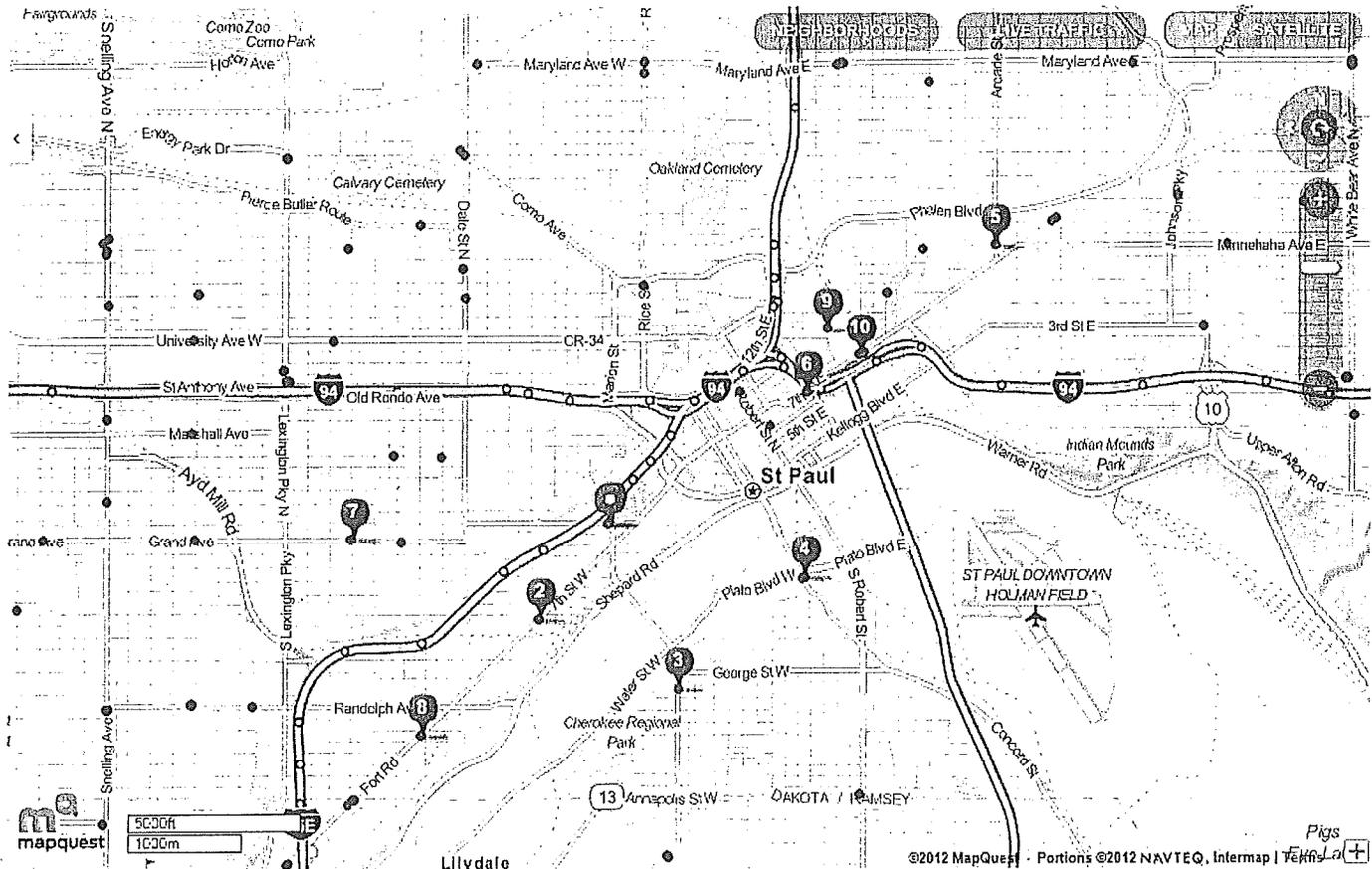
236 GRAND AVENUE

EXHIBIT 4.

AVAILABILITY AND PROXIMITY OF GAS STATIONS TO SUBJECT PROPERTY

Source: Mapquest – Neighboring businesses/ GAS STATIONS

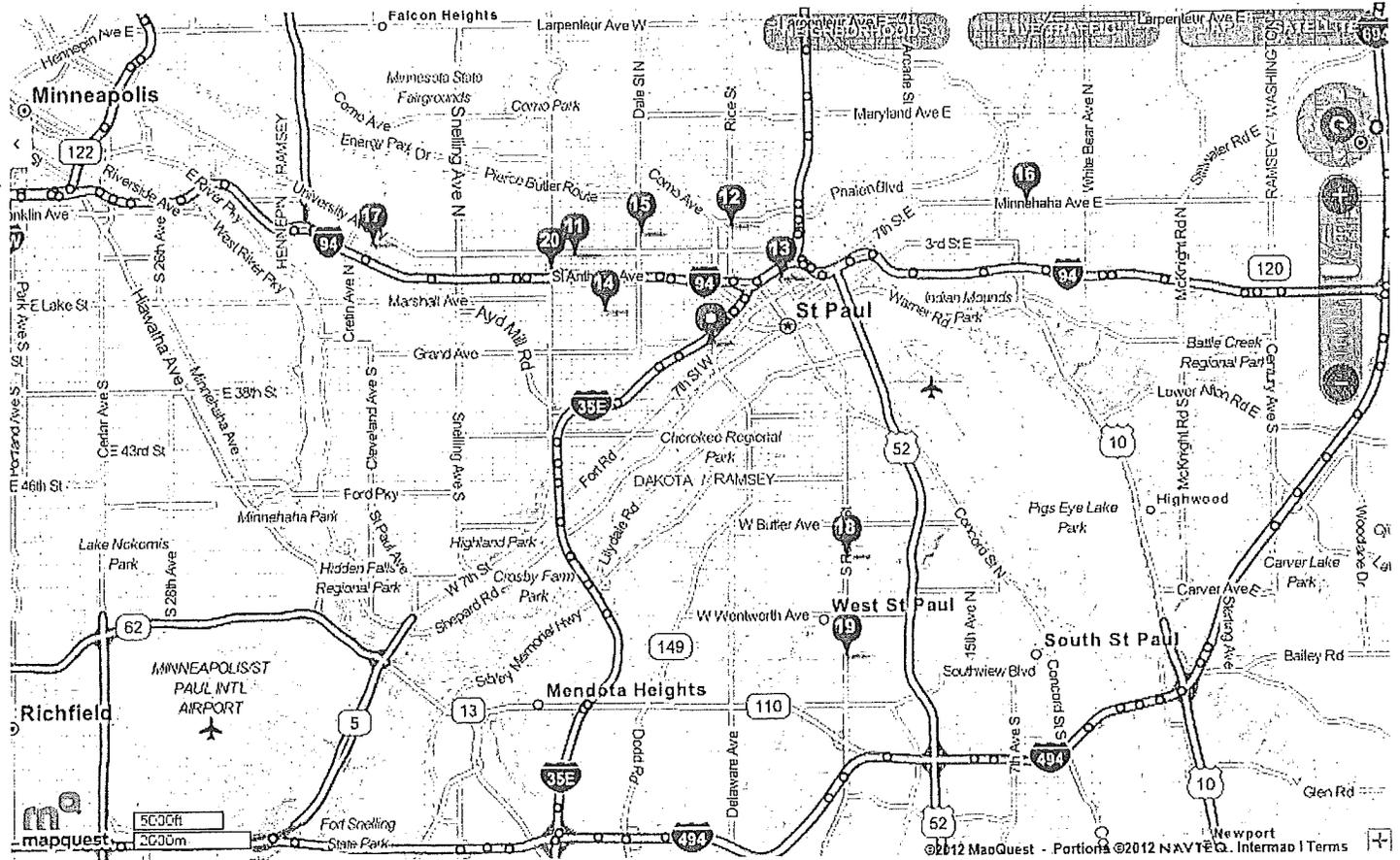
Results 1-10. Distance shown indicates estimated distance from Subject Property (#1) via the quickest route



1. Mobil - 236 Grand Ave, Saint Paul, MN 55102 (Subject Property)

- 2. (0.7 mi) West 7TH BP (7th Market) - 675 7TH ST W, SAINT PAUL, MN 55102
- 3. (1.3 mi across the river) SUPERAMERICA #4023 - 577 SMITH AVE S, SAINT PAUL, MN 55107
- 4. (1.55 mi across the river) HOLIDAY STATIONSTORE #45 - 200 WABASHA ST S, SAINT PAUL, MN 55107
- 5. (approx 3 mi) M & H STORE #26 - 721 ARCADE ST, SAINT PAUL, MN 55106
- 6. (approx 1.5 mi) SUPERAMERICA #4601 - 296 7TH ST E, SAINT PAUL, MN 55101
- 7. (1.55 mi) SUPERAMERICA #4419 - 925 GRAND AVE, SAINT PAUL, MN 55105
- 8. (1.61 mi) SUPERAMERICA #4420 - 1125 7TH ST W, SAINT PAUL, MN 55102
- 9. (approx 2.5 mi) MARATHON - 525 LAFAYETTE RD N, SAINT PAUL, MN 55101
- 10. (1.76 mi) HOLIDAY STATIONSTORE #7 - Station Stores 500 7TH ST E, SAINT PAUL, MN 55101

Results 11-20. Distance shown indicates estimated distance from Subject Property (#1) via the quickest route



11. (approx 3.5 mi) SUPERAMERICA #4421 - 970 UNIVERSITY AVE W, SAINT PAUL, MN 55104
12. (1.93 mi) HOLIDAY STATIONSTORE #5 - 629 RICE ST, SAINT PAUL, MN 55103
13. (1.23 mi) MIKES DOWNTOWN BP - 542 ROBERT ST N, SAINT PAUL, MN 55101
14. (1.57 mi) TOBASI STOP - 809 SELBY AVE, SAINT PAUL, MN 55104
15. (approx 2.25 mi) SPEEDY DALE - 589 DALE ST N, SAINT PAUL, MN 55103
16. (approx 4 mi) HOLIDAY STATIONSTORE #4 - 1444 MINNEHAHA AVE E, SAINT PAUL, MN 55106
17. (5.67 mi) PRO STOP - 543 CLEVELAND AVE N, SAINT PAUL, MN 55114
18. (3.53 mi) SUPERAMERICA #4045 - 1285 ROBERT ST S, SAINT PAUL, MN 55118
19. (5.20 mi) WEST ST PAUL BP - 1820 ROBERT ST S, SAINT PAUL, MN 55118
20. (3.14 mi) SUPERAMERICA #4020 - 399 LEXINGTON PKWY N, SAINT PAUL, MN 55104

EXHIBIT 5
ZONING PETITION LIST

236 GRAND AVENUE

Exhibit 5:

Zoning Petition List

As requested, attached is a list of all property owners within 100 feet of the property which you are requesting a zoning application. As a condition of your application, you are required to submit with your application a consent petition signed by a minimum two-thirds of all the property owners within 100 feet on the attached list.

Only persons listed as "fee owner" or "homesteader" are eligible to sign your petition. Persons listed as "taxpayer" are not eligible to sign your petition since they do not have full ownership of the property. A property owner may sign the petition as many times as they are listed as an owner within 100 feet.

Also attached are the petition form, affidavit, and application materials.

15

Total properties are within 100 feet of the property for zoning action and eligible to sign your petition.

10

Total signatures are required for a minimum two-thirds consent and a sufficient petition to proceed with your zoning application.

Please return this list along with the original petition form, affidavit, application and any additional supporting information and material that is part of your application.

* Rezoning petitions must be received and held in the Zoning office 7 working days prior to any application cut-off date.

If you have questions about this list or any questions regarding this process, please call the Zoning office at 266-6589.

2/25/2010

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 6-27-13

DATE PETITION RESUBMITTED: 7-11-13

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 15

PARCELS ELIGIBLE: 15

PARCELS REQUIRED: 10

PARCELS REQUIRED: 10

PARCELS SIGNED: 8

PARCELS SIGNED: 10 Att
7-8-13

CHECKED BY: Paul Dubruel

DATE: 7-9-13

CITY OF SAINT PAUL

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

RECEIVED

JUL 11 2013

Per _____

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Lisa McLoernick, 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.

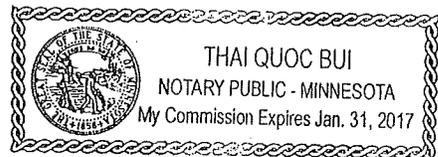
Lisa McLoernick
NAME

2355 Fairview Ave, #275
ADDRESS St Paul, MN 55113

651-983-6729
TELEPHONE NUMBER

Subscribed and sworn to before me this
July day of 11th, 2013.

[Signature]
NOTARY PUBLIC



PLEASANT

THOMPSON

612823410162

SMITH

(211)

(238)

(237)

GRAND

DOUGLAS

(161)

(162)

(034)

(033)

(032)

(023)

(024)

SMITH

(016)

(014)

(013)

(012)

(011)

LEECH

FORBES

ST



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 651-266-6568

Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 651-266-6568.

Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 651-266-6568.

TO: Property owner within 100 feet of 236 Grand Avenue
FROM: Saint Paul Planning & Economic Development Department Zoning Section
RE: Advance notice of consent petition request for nonconforming use permit
DATE: July 5, 2013

Because you own property within 100 feet of 236 Grand Avenue, you may be asked to sign a consent petition supporting the use of 236 Grand Avenue as reestablishment of gas station / convenience store with either auto service bays and car wash or coffee shop / food.

Ms. Lisa McCormick (representative) wishes to apply for a City zoning permit at the address listed above. Before the City can accept the application, Ms McCormick needs the owners of two-thirds (2/3rds) of the properties within 100 feet of 236 Grand Avenue to sign a consent petition stating support for that use.

The purpose of this letter is to inform you that the applicant or someone representing the applicant may be contacting you to describe this proposal, answer your questions, and ask you to sign the consent petition.

You may sign the consent petition if you support the project, but you do not have to sign it if you do not support the application as it is explained to you.

If enough property owners sign the consent petition, a public hearing will be held at a future meeting of the Zoning Committee of the Planning Commission. You will receive a notice of this public hearing in the mail. If you want to give your opinion about the proposal, you may come and testify in person at the hearing or write a letter or e-mail before the hearing expressing your position.

236 Grand Avenue is located in an area represented by District Council 9, one of seventeen independent Saint Paul citizen participation organizations that provides advisory recommendations to the City about a variety of issues. Your District Council may hold a neighborhood meeting about this application to gather input from local residents and property owners. Please contact the District Council by phone or e-mail if you are interested in participating in the neighborhood review process. The contact information for the District Council that represents the area where this property is located is provided below.

West Seventh/Fort Road Federation
974 West Seventh Street
Saint Paul, MN 55102
Phone: 651-298-5599
Email: fortroadfed@fortroadfederation.org

Elias Saman
Grand Holdings Co. LLC
12508 Norway Circle
Burnsville MN 55337

012823140238
Childrens Hospital Inc
United Hospitals
333 Smith Ave N
Saint Paul MN 55102

012823410034
William and Donna Preston
16 Douglas Road
Saint Paul MN 55102

012823410023
William and Maureen Dunnigan
168 Griggs St N
Saint Paul MN 55104

012823410011
Bonfe Properties LLP
337 7th St W
Saint Paul MN 55102

012823410016
Naeglele Outdoor Advertising Co
3225 Spring Street NE
Minneapolis MN 55413

012823140237
Healthspan Health Systems Co
1700 82nd St W
Suite 100
Bloomington MN 55431

012823410161
R Spencer Allen
PO Box 883
Sloughouse CA 95683

012823410032
David and Megan Glover
26 Douglas Street
Saint Paul MN 55102

012823410024
Aree Properties LLC
12012 Orchard Ave W
Minnetonka MN 55305

012823410013
Kraus Anderson
Saint Paul Co
PO BOX 158
Circle Pines MN 55014

6/28/13
Signed currently
@ Recorder's Office

(Top 3 inches reserved for recording data)

**SHERIFF'S CERTIFICATE OF SALE AND
FORECLOSURE RECORD**

**Minnesota Uniform Conveyancing Blanks
Form 60.3.2 (2009)**

This Foreclosure Record consists of the following attached documents: *(check appropriate boxes)*

- | | |
|---|---|
| <input checked="" type="checkbox"/> Sheriff's Certificate of Sale (UCB form 60.3.1) | <input type="checkbox"/> Affidavit of Mailing Notice of Sale to Persons Requesting Notice |
| <input checked="" type="checkbox"/> Notice of Mortgage Foreclosure Sale (UCB form 60.2.1) | <input type="checkbox"/> Affidavit as to Federal Tax Liens |
| <input checked="" type="checkbox"/> Affidavit of Publication | <input type="checkbox"/> Affidavit as to State Tax Liens |
| <input type="checkbox"/> Affidavit of Service on Occupant | <input checked="" type="checkbox"/> Affidavit Regarding Compliance with Applicable Law |
| <input checked="" type="checkbox"/> Affidavit of Vacancy | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Affidavit Regarding Military Service | |
| <input checked="" type="checkbox"/> Affidavit of Costs and Disbursements | |

Legal description of the mortgaged premises:

See Exhibit A attached hereto

*and recorded in the office of the Registrar of Titles, Ramsey County, Minnesota, January 6, 2005 as Document No. 1851024

Check here if all or part of the described real property is Registered (Torrens)

Mortgage Recording Information:

Recorded on January 6, 2005, as Document Number 3822013* (or in Book _____)

of _____, Page _____, in the Office of the County Recorder Registrar of Titles of Ramsey

(check the applicable boxes)

County, Minnesota.

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Hoelscher Law Firm, PLLC
13100 Wayzata Boulevard, Suite 100
Minnetonka, MN 55305

FOLLOWING THE EXPIRATION OF ALL REDEMPTION RIGHTS, TAX
STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address)

Grand Holding Co., LLC
12508 Norway Circle
Burnsville, MN 55337

Note: This cover sheet cannot be recorded independently, but it must be attached to other applicable forms to make up a foreclosure packet.

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 Elias Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either auto service bays + car wash (proposed use) OR Coffee Shop / food.

located at 236 Grand Avenue, St. Paul, MN.
(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.

** If signing for business, please indicate your position/title.*

ADDRESS OR PIN	RECORD OWNER	* SIGNATURE	DATE
13. ^{244 Grant} 128 234 10161	Wendell Moore Russ		
* 14. ^{365 Smith} 128 234 10023	William Dunnington (Mackey)	William Dunnington	9/29/2012
15. ^{16 Douglas} 128 234 10034	William Preston (Donna)		

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

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 Elias Saman or Assigns
(name of applicant)

to establish a Gas Station/Convenience Store with either
auto service bays & car wash (proposed use) OR Coffee Shop/food,
located at 236 Grand Avenue, St. Paul, MN.
(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.

** If signing for business, please include your position/title.*

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. <u>12823410162</u>	<u>236 GRAND AVE</u>		
2. <u>12823410016</u>	<u>MARIELE (Clear Creek)</u>	<u>[Signature]</u>	<u>9/7/12</u>
3. <u>12825140238</u>	<u>United Hosp Inc.</u>		
4. <u>12823140237</u>	<u>Allina Health System</u>		
5. <u>12823140211</u> <small>227 Smith</small>	<u>Childrens/United Hosp Inc.</u>		
6. <u>12823410014</u> <small>352 Smith</small>	<u>KRAUS ANDERSON</u>		
7. <u>12823410013</u> <small>302 Smith</small>	<u>KRAUS ANDERSON</u>		
8. <u>12823410024</u> <small>371 Smith</small>	<u>A.B.F. PROPERTIES</u>		
9. <u>12823410122</u> <small>26 Douglas St</small>	<u>Fed. Nat. Min. Assn. (FAMM)</u>		
10. <u>12823410033</u> <small>22 Douglas St</small>	<u>Housing & Redevel. Authority of City of St. Paul</u>		
11. <u>12823410012</u> <small>406 Smith</small>	<u>Bink Properties</u>		
12. <u>12823410011</u> <small>372 Smith</small>	<u>Bink Properties</u>		

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

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 Elias Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either auto service bays & car wash (proposed use) OR Coffee Shop / food.

located at 236 Grand Avenue, St. Paul, MN
(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.

** If signing for business, please indicate your position/title.*
*** SIGNATURE**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. 12823410162	236 GRAND AVE		
2. 12823410016	NAEHELE (Clear Channel)		*
3. 12823140238	United Hosp Inc.	Fannie Jofortain	9/4/12
4. 12823140237	Allina Health System	Fannie Jofortain	9/4/12
5. 12823140211 <i>232 7th St</i>	Childrens/United Hosp Inc.		
6. 12823410014 <i>383 Smith</i>	KRAUS ANDERSON		
7. 12823410013 <i>362 Smith</i>	KRAUS ANDERSON		
8. 12823410024 <i>371 Smith</i>	ALEE PROPERTIES		
9. 12823410032 <i>26 Douglas</i>	Fed. Nat. Md. A. Assn. (FARMERS) (FARMERS)		
10. 12823410033 <i>22 Douglas St</i>	Housing + Reconv. Authority of City of St. Paul		
11. 12823410012 <i>366 Smith</i>	Bonte Properties		
12. 12823410011 <i>372 Smith</i>	Bonte Properties		

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

9/08

** VP, Finance + Treasury*

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 Clias Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either auto service bays + car wash (proposed use) OR Coffee Shop / food.
located at 236 Grand Avenue, St. Paul, MN.
(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.

** If signing for business, please indicate your position/title.
* SIGNATURE*

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. 12823410162	236 GRAND AVE		
2. 12823410016	NAEGELE (Clear Channel)		
3. 12823140238	United Hosp Inc.		
4. 12823140237	Allina Health System		
5. 12823140211	^{236 Grand} Children's Hospital Inc Inc Inc C (I) A		9/18/2012
6. 12823410014	^{383 Smith} KRAUS ANDERSON		
7. 12823410013	^{360 Smith} KRAUS ANDERSON		
8. 12823410024	^{371 Smith} ARBE PROPERTIES		
9. 12823410032	^{26 Douglas} Fed. Nat. Mort. Assn. (FRANCO PIRE)		
10. 12823410033	Housing & Revlon Authority ^{22 Douglas St} of City of St. Paul		
11. 12823410012	^{266 Smith} Bonte Properties		
12. 12823410011	^{272 Smith} Bonte Properties		

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

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 Cliff Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either auto service bay & car wash (proposed use) OR (Coffee Shop) food.
located at 236 Grand Avenue, St Paul, MN
(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.

If signing for business, please include your position/title.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. 128 234 10162	236 GRAND AVE		
2. 128 234 10016	NAGBELE (Clear Channel)		
3. 128 251 42258	United Hosp Inc.		
4. 128 231 40287	Allina Health System		
5. 128 231 40211	Childrens / United Hosp Inc.		
6. 128 234 10014	KRAV ANDERSON	<i>[Signature]</i>	9/20/12
7. 128 234 10013	KRAV ANDERSON	<i>[Signature]</i>	9/20/12
8. 128 234 10024	ALFA PROPERTIES		
9. 128 234 10022	Fed. Nat. Md % Assn		
10. 128 234 10033	Housing + Rehab Authority		
	City of St. Paul		
11. 128 234 10013	Bank Properties		
12. 128 234 10011	Bank Properties		

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

RECEIVED

JUL 17 2013

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

Per _____

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 Elias Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either auto service bays & car wash (proposed use) OR Coffee Shop / food.
located at 236 Grand Avenue, St. Paul, MN
(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.

** If signing for business, please indicate your position/title.*

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
13. 128.234.10161 ^{2nd & Grand}	Hendrik Maria Ross (MAYOR)		
14. 128.234.10023 ^{3rd & Grand}	William Dumigan		
15. 128.234.10034 ^{1st & Grand}	William Weston (Donna)		
371. Smith	Anee Pina	<i>[Signature]</i>	9/5/12
371. Smith	Anee Pina	<i>[Signature]</i>	9/11/13

see #8 PRUDUS page 1 →

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

RECEIVED

JUL 17 2013

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A Per _____
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 Clas Saman or Assigns
(name of applicant)

to establish a Gas Station / Convenience Store with either
auto service bays & car wash (proposed use) OR Coffee Shop / food
located at 230 GRAND AVENUE, ST. PAUL, MN.
(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.

** If signing for business, please include your position/title.*

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. 12823410162	230 GRAND AVE	SLP [Signature]	9-4-12
2. 12823410016	NAEHELE (Clear Channel)		
3. 12825140238	United Hosp Inc.		
4. 12823140237	Allina Health System		
5. 12823140211	Children's United Hosp Inc.		
6. 12823410014	KRAUS ANDERSON		
7. 12823410013	KRAUS ANDERSON		
8. 12823410024	ARCE PROPERTIES		
9. 12823410032	Fed. Nat. Mort. Assn. (FRANCOISE)		
10. 12823410033	Housing & Redevel Authority of City of St. Paul		
11. 12823410012	Bank Properties		
12. 12823410011	Bank Properties		

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

9/08

→ 12823410162 - Replaced with Record Owner -
Grandholding Co, LLC [Signature] 6/25/13
Chief Manager

RECEIVED

JUL 11 2013

CITY OF SAINT PAUL

Per _____

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 Clas Saman or Assigns (name of applicant)

to establish a Gas Station / Convenience Store with either auto service bays + car wash (proposed use) OR Coffee Shop / food. located at 236 Grand Avenue, St. Paul, MN. (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.

* If signing for business, please include your position/title.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1. 12823410162	236 GRAND AVE		
2. 12823410016	MARIELE (Clas Saman)		
* 3. 12823410238	Children's Hosp	C. C. A.	7/8/2013
4. 12823410237	Allina Health System		
* 5. 12823410211	Children's Hosp	C. C. A.	9/18/2012
6. 12823410014	KRAUS ANDERSON		
7. 12823410013	KRAUS ANDERSON		
8. 12823410024	ABC PROPERTIES		
9. 12823410022	Fed. Nat. Mort. Assn. (partner)		
10. 12823410033	Housing & Redevel. Authority of City of St. Paul		
11. 12823410012	Bonic Properties		
12. 12823410011	Bonic Properties		

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

9/08

* General Counsel, Children's Health Care

JUL 11 2013

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within ³⁵⁰100 feet of the subject property acknowledge that we have been presented with the following:

^{Information}
A copy of the application of ELIAS SAMAN / Grand Holding Co, LLC
(name of applicant)

to establish a Auto Convenience Market with Auto Service/repair + CARWASH
(proposed use)

located at 236 GRAND AVENUE, St Paul, MN
(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
347 Smith 012823140224*	Children's Health Care	[Signature]	7/11/2013
186 Forbes 012823140050			
314 Smith 012823140197			
167 Grand 012823140195			
310 Smith 012823140199			

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

* General Counsel, Children's Health Care

CITY OF SAINT PAUL

JUL 11 2013

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 ELIAS SAMAN OR Assigns.
(name of applicant)

to establish a GAS STATION/Convenience Store with rental auto service
days + car wash OR (proposed use) coffee shop/food.

located at 230 GRAND Avenue, St Paul, MN
(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
0128.23.41.0167	* St Paul RE Holdings	[Signature]	7-8-2013
* Despite Sheriff's sale 6/21/13, St Paul RE Holdings LLC continues to have ownership right of redemption in the parcel.			

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

EXHIBIT 6

SITE PLAN

(NO NEW CONSTRUCTION)

236 GRAND AVENUE

RE: Re-establishment of non-conforming use permit
236 Grand Avenue, St. Paul, MN 55102

June 2013
~~September 2012~~

LEGAL DESCRIPTION OF PROPERTY LOCATED AT 236 GRAND AVENUE, ST. PAUL, MINNESOTA 55102.

The following described real property located in the County of Ramsey and State of Minnesota, to-wit:

Parcel A (Abstract Property):

Lots 1, 2 and 3, Block 3, Samuel Leech's Addition to St. Paul, Ramsey County, Minnesota;

Together with the Easterly half of vacated alley lying between the extensions Westerly of the Northerly line of said Lot 1 and the Southerly line of said Lot 2, as vacated in Document No. 2989137;
AND

Parcel B (Torrens Property – Certificate No. 546137):

Lot 3, Block 3, and the East one-half of the alley in Block 3 lying between the extension Westerly of the North line of said Lot 3 and the extension Easterly of the south line of the North one-half of Lot 12, Block 3, Samuel Leech's Addition to St. Paul, Ramsey County, Minnesota.

236 GRAND AVENUE

GRAND AVENUE

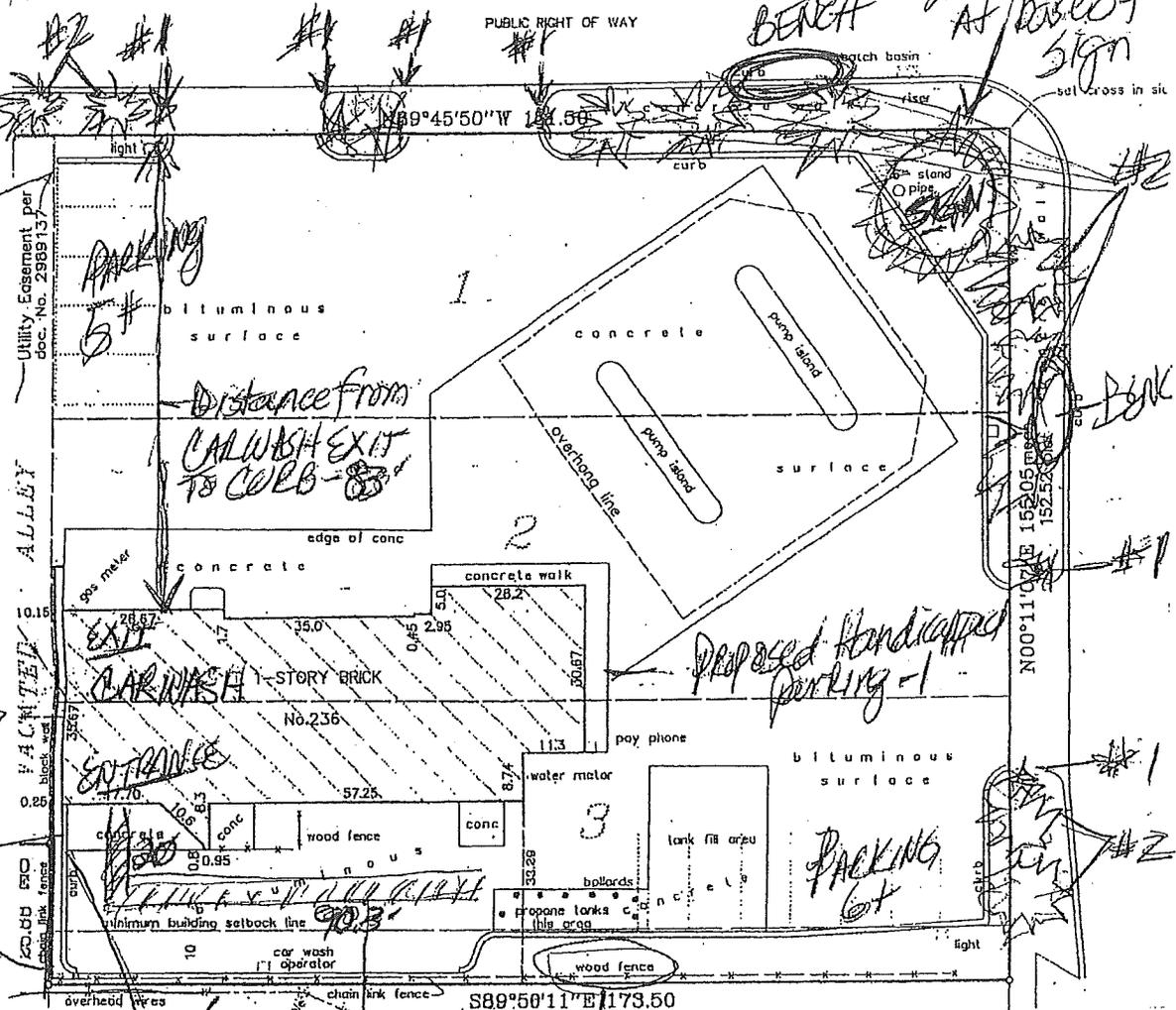
PUBLIC RIGHT OF WAY

N89°45'50"W 184.50

Grouping of shrubs/plants at base of sign

BENCH

set cross in sit



LANDSCAPING P. VACATED

Potential space for bike rack (if desired)

Distance from CAR WASH EXIT TO CURB - 8'

Proposed Handicapped parking - 1

EXISTING CHAIN LINK FENCE

EXISTING PORTIONS OF WOOD FENCE

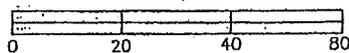
ACCESS LEAVE FOR CAR WASH = 110 FT. (6 REQ)

PLANT MATERIALS

- #1 Daylily
- #2 - Switchgrass or Upright yew

PARKING
 5 SPACES NE
 6 SPACES SE
 1 - Handicapped

SCALE IN FEET



To: Fort Road Federation Board of Directors

From: Little Bohemia Neighborhood Association members

RE: Reestablishment of Non-Conforming Use Permit 236 Grand Avenue

Date: July 12, 2013

The Little Bohemia Neighborhood Association reviewed the Non-Conforming Use Permit topic at our monthly meeting on July 10, 2013. Lisa McCormack, representing the current owner of 236 Grand Avenue, was present to discuss the owner's plans for the site. As a committee of the Fort Road Federation the Little Bohemia Neighborhood Association makes the following recommendation to the board regarding this application.

The neighborhood preference is to support the TN1 zoning and wait for development that is consistent with our community vision for commercial development and will contribute positively to the neighborhood.

Considering, however, that the current owner of the property does not intend to use this property for any purpose other than a gas station with ancillary services and that redevelopment/remediation of this property will include a substantial financial investment that may not be feasible at this time, we will support the current application with the following conditions or modifications:

- Hours of operation to be no more than 6:00 am to 10:00 pm, 7 days per week. We do not support 24 hour operation of this facility.
- We do not support a car wash under any circumstances. Due to the location of the car wash entrance off of Smith Avenue and behind the building the car wash will add noise to the neighboring residences due to the mechanics of the car wash and the engine noise, radios and other activities of the customers of the car wash. In addition, the exhaust from cars waiting in line will travel in to the backyards of the families living near the building. Finally, when the car wash was in operation previously it added traffic backups and flow problems on Smith Avenue, which has only one lane of traffic in each direction and is heavily used.
- Build a good quality privacy fence along the rear perimeter of the property, replacing the current broken fence and the chain link/barbed wire fencing that exists currently. Fencing should not only provide privacy to the residents bordering this property but discourage foot traffic into residential areas from behind the property.
- Restrict products from sale that are known to promote substance use on or near the property or are known to cause excessive foot traffic in and out of the property as the owner has done at the West 7th/St Clair station. These products may include but are not

236 Grand Avenue Non-Conforming Use Permit Application
Little Bohemia Neighborhood Association Response

limited to rolling papers, herbal products/synthetic drugs, electronic cigarettes and others as they are identified by law enforcement and retail industry best practices.

In addition to the conditions to application, we request that the owner formalize the verbal suggestions provided to the neighborhood and include these recommendations in the Non-Conforming Use Permit application. These verbal suggestions were expressed as a way to show support and commitment to the goals of the surrounding community and include:

- A plan for the beautification of the property that will include repairs, landscaping, pedestrian improvements at the side walk and other attempts to integrate this property into the fabric of a residential area.
- Conversion of one or more service bays to bike friendly repair or self service facilities that support the community efforts to promote biking and transportation alternatives.
- Actively pursue corporate partners that will contribute positively to our community and support the commercial development goals of the West 7th neighborhood.
- Support the local community by allowing the Little Bohemia Neighborhood Association space for a permanent sign or marker on the property once the sign is funded and approved.

We believe that these changes to the Non-Conforming Use Permit application combined with effective management of the business will effectively address the neighborhood concerns about safety, environmental risks and quality of life hazards.

Submitted by:

Marit Brock, Co-Chair
Little Bohemia Neighborhood Association

Members in attendance at the July 10, 2013 monthly meeting located at 271 Forbes Ave.

Sarah Gleason and Malick Maria
271 Forbes Ave

Brittney Schuller and JJ Fuentes
22 Douglas St.

Duane Beto
75 Douglas St.

Marit Brock
74 Garfield St.

236 Grand Avenue Non-Conforming Use Permit Application
Little Bohemia Neighborhood Association Response

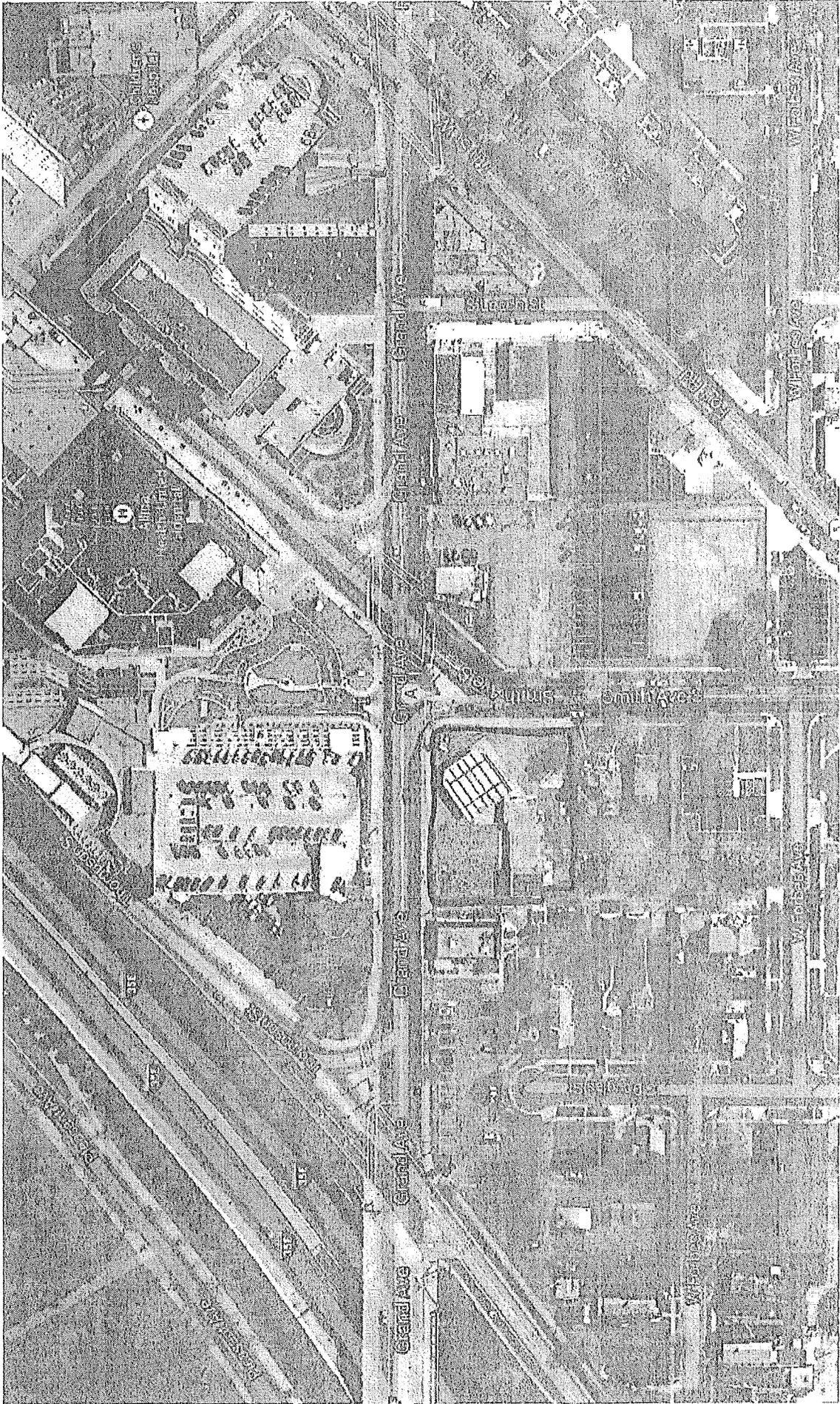
Ericka Hazelett
528 Harrison Ave.

Lam and Meredith Nguyen
459 Banfil St.

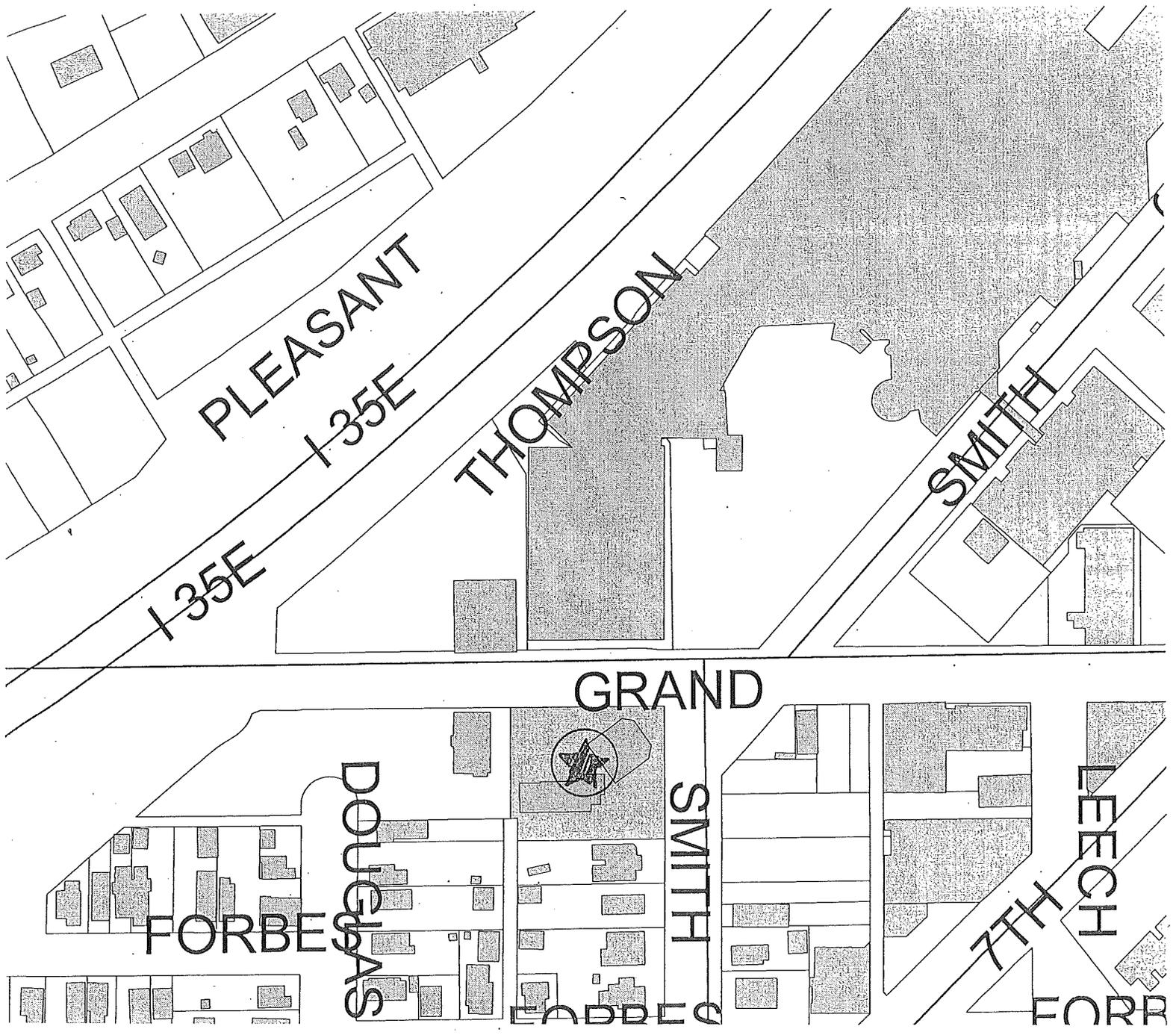
Lindsay Kimball
455 Banfil St.

Jennifer Tacheny
269 Erie St.

Craig Favorito
272 Erie St.



N



Report Name: SP-Owners Report

CITY OF ST PAUL Owners Report

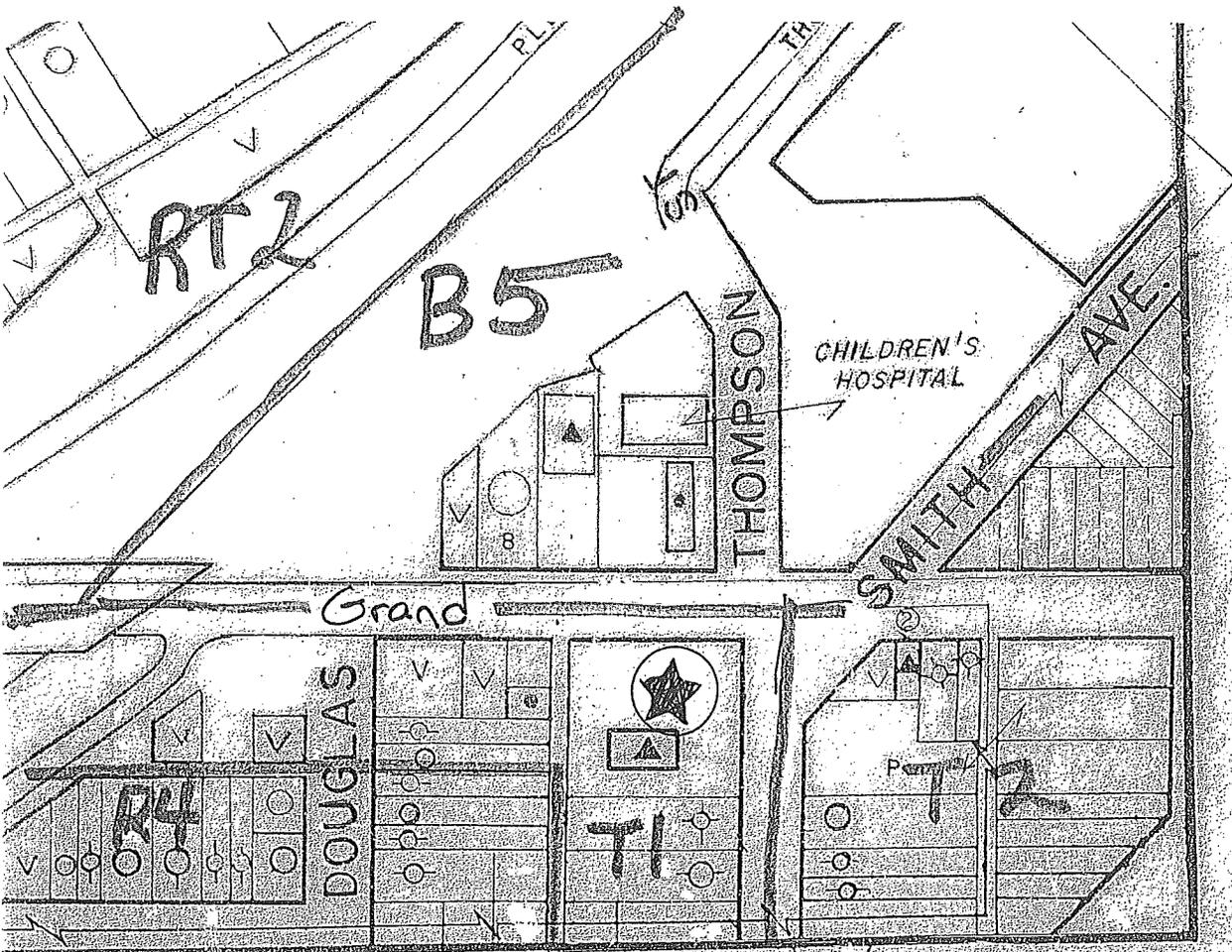
Printed: 7/2/2013
Page: 1

PID: 01-28-23-41-0162
Property Address: 236 GRAND AVE 55102-2320

236 Grand Llc
9380 Central Ave Ne
Blaine MN 55434-3423

Owner
Taxpayer

SAMUEL LEECHE'S ADDITION TO THE TOWN OF SAINT PAUL VAC ALLEY ACCRUING & LOTS 1,2 & LOT 3 BLK 3



NT PAUL DRW NO 1120
 FILE NO 2 SHEET NO 20
 DRAWN 1955

APPLICANT Grand Holdings Co. LLC
 PURPOSE RE-EST. NCU
 FILE # 13-207336 DATE 7-9-13
 PLNG. DIST 9 Land Use Map # 20
 Zoning Map # 15

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

