

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Cash-N-Pawn **FILE #** 14-316-218
 2. **APPLICANT:** Cash-N-Pawn International LTD **HEARING DATE:** August 28, 2014
 3. **TYPE OF APPLICATION:** NUP - Expansion/Relocation
 4. **LOCATION:** 490 University Ave W, SE corner of University Avenue and Mackubin
 5. **PIN & LEGAL DESCRIPTION:** 362923310134; Mackubin And Marshalls additi Ex Ave; Lots 13,14 And Lot 15 Blk 2
 6. **PLANNING DISTRICT:** 8
 7. **ZONING CODE REFERENCE:** Sec. 62.109(d) **PRESENT ZONING:** T2
 8. **STAFF REPORT DATE:** August 21, 2014 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** August 5, 2014 **60-DAY DEADLINE FOR ACTION:** October 4, 2014
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- A. **PURPOSE:** Expansion of a nonconforming use for a pawn shop
- B. **PARCEL SIZE:** 10,663 sq. ft. (~124 ft width, University Avenue side x ~90 ft length)
- C. **EXISTING LAND USE:** C-Laundromat
- D. **SURROUNDING LAND USE:**
 - North: Commercial and single-family residential (T2, R4)
 - East: Commercial (T2)
 - South: Single-family residential (T2, RM1)
 - West: Commercial (T2, T3)
- E. **ZONING CODE CITATION:** Sec. 62.109(d) lists the conditions under which the Planning Commission may grant a permit to expand or relocate a legal nonconforming use.
- F. **HISTORY/DISCUSSION:** The pawn shop has occupied the current space since 1994. The laundromat use occupied the other half of the building from 1997 until 2009. The owner of the property, Purple Dog Holding, LLC, submitted remodel plans and an application for a building permit through the Department of Safety and Inspections in March 2014. These plans have not been approved and are on hold pending the decision on this application for expansion of a nonconforming use.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time this staff report was written.
- H. **FINDINGS:**
 1. The applicant, Cash-N-Pawn International Ltd, has applied for an expansion of a nonconforming use for a pawn shop at 490 University Avenue. The building that the pawn shop occupies has two retail spaces, one of which the pawn shop occupies. The adjacent retail space was previously occupied by a laundromat and is currently vacant. The pawn shop intends to use this space for storage for the existing retail use.
 2. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*
 1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* The pawn shop is located in a T2 traditional neighborhood district. This finding does not apply.
 2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* The application does not propose expansion of the building structure. This finding does not apply.
 3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* The pawn shop is located on University Avenue, a mixed-use

corridor. Commercial and retail uses are adjacent to the property directly to the east, across Mackubin to the west, and across University Avenue to the north. The pawn shop storage will occupy the commercial space previously used by the laundromat. The windows will be transparent and retain views into and out of the interior to maintain an active storefront on University Avenue. There are no exterior changes proposed to the property. The appearance of the expansion will be compatible with the adjacent property and neighborhood. This finding is met.

4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* There is no minimum parking requirement within one-quarter mile of University Avenue. This finding is met.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* Rezoning this property would result in spot zoning. This finding is met.
6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* University Avenue is an historic commercial corridor that is home to a mix of residential, commercial, retail, office, small-scale industry, institutional, and open space uses. The pawn shop will maintain an active storefront along the entire façade along University Avenue with transparent windows and views into and out of the interior. Expansion of the pawn shop use into the adjacent laundromat space will not be detrimental to the existing character of development. The expansion will not endanger the public health, safety, or general welfare. This finding is met.
7. *The use is consistent with the comprehensive plan.* The Comprehensive Plan Land Use Chapter defines (LU 1.20) Mixed Use Corridors as primary thoroughfares in the city that include areas where two or more of the following uses could be located: residential, commercial, retail, office, small scale industry, institutional, and open space. These uses may be within a building or in buildings that are in close proximity to each other. University Avenue is identified as a Mixed Use Corridor (LU-B). The Western Station Area Plan (2010) addresses the mixed-use commercial activity along this stretch of University Avenue (4.1.2). The retail use is consistent with the Comprehensive Plan. This finding is met.
8. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.* This finding is met. The petition was found sufficient on August 5th, 2014: 8 parcels eligible; 6 parcels required; 6 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the expansion of a nonconforming use for a pawn shop subject to the following conditions:
 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
 2. The windows fronting University Avenue shall maintain views into and out of the interior and shall not be blocked by, including, but not limited to, racking, signage (temporary or otherwise), decals, paint or additional tinting.



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

Zoning Office Use Only

File #:

14-316218

Fee:

Tentative Hearing Date:

8-28-14

PD: 8

362923310134

APPLICANT

Name Cash-N-Pawn International, Ltd.

Address 1901 Capital Parkway

City Austin St. TX Zip 78746 Daytime Phone _____

Name of Owner (if different) Purple Dog Holdings, LLC

Contact Person (if different) Ann Steingraeber, Winthrop & Weinstine Phone 612-604-6531

PROPERTY LOCATION

Address/Location 490 University Avenue, St. Paul, MN 55103

Legal Description see attached Exhibit A

Current Zoning T2

(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:
- Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - Change of nonconforming use (para. c)
 - Expansion or relocation of nonconforming use (para. d)
 - Reestablishment of a nonconforming use vacant for more than one year (para. e)

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

Present/Past Use Pawn Shop and Laundry Business

Proposed Use Pawn Shop and Storage

Attach additional sheets if necessary

The western portion of 490 University Avenue was formerly used as a laundry business. The applicant operates the Max It Pawn Store in the Eastern portion of 490 University Avenue and would like to use the former laundry portion of the building for storage.

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature

Ellen Bryant
 by: Ellen Bryant, General Counsel

Date

7/11/14

City Agent

pdd
7-29-14
ck

EXHIBIT A
Legal Description of the Premises

Lots 12 to 15, inclusive, Block 2, Mackubin and Marshall's Addition to St. Paul, according to the recorded plat thereof on file and of record in the office of the County Recorder in and for the County of Ramsey, State of Minnesota.

Application for Enlargement of a Nonconforming Use – 490 University Avenue West, St. Paul

Current pawn shop
(Eastern portion of building)



Proposed storage area
(Western portion of building)



9325589v1

David Russell Searl
ARCHITECTURAL, PLANNING & INTERIOR DESIGN
490 UNIVERSITY AVENUE W. ST. PAUL, MN 55103

EZ PAWN
490 UNIVERSITY AVENUE W.
ST. PAUL, MN 55103

PROJECT: AS-BUILT FLOOR PLAN FOR RENOVATION ONLY
DATE: 3-4-14
DRAWN BY: JLS
CHECKED BY: DMS

AS-BUILT FLOOR PLAN FOR RENOVATION ONLY 3-4-14

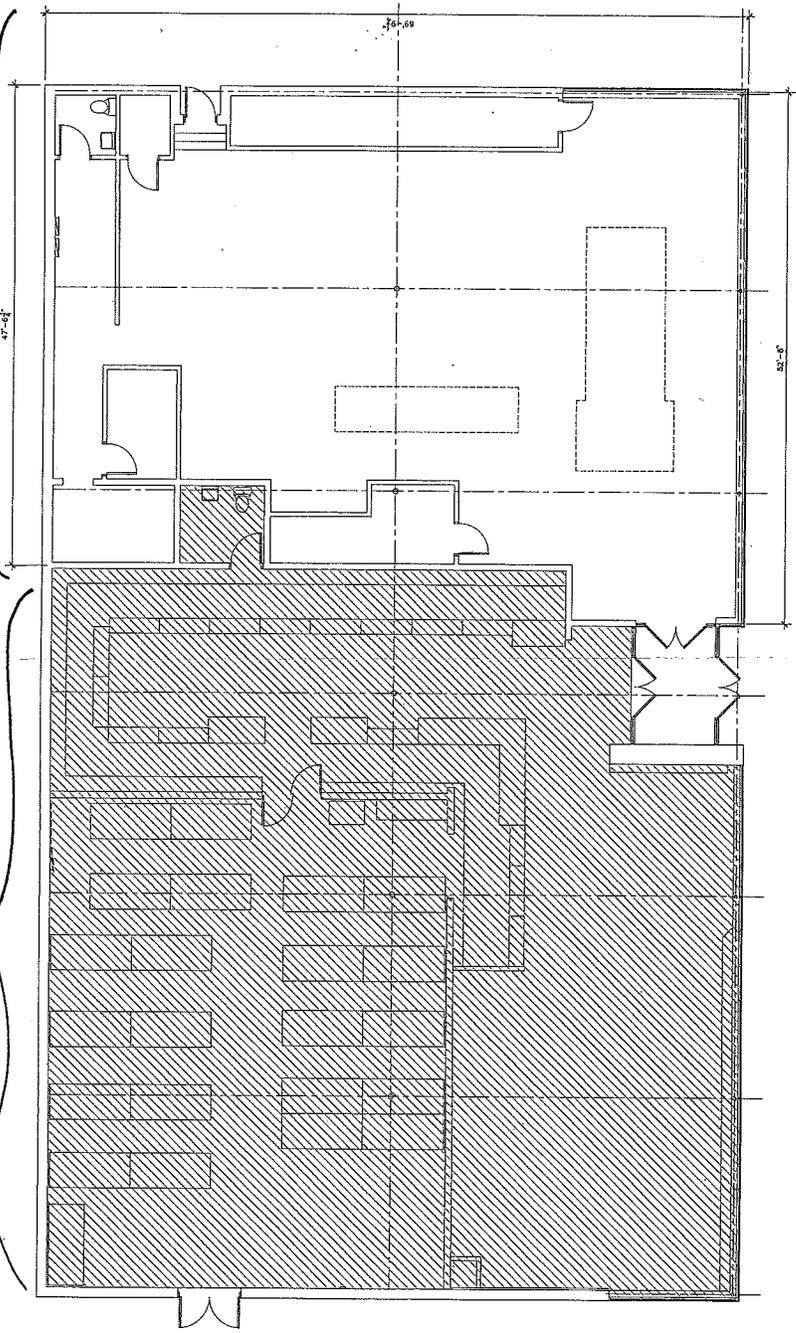
AS
SHEET

RECEIVED
AUG 06 2014

EXPANSION

EXISTING RETAIL SPACE

Per



CONSTRUCTION NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. SEE ALL SCHEDULES FOR MATERIALS AND FINISHES.
3. VERIFY ALL CONDITIONS BEFORE CONSTRUCTION.

FLOOR PLAN
SCALE: 1/8" = 1'-0"

CONSTRUCTION NOTES (continued)

490 University Avenue West



Looking south across University at 490



Looking east at 490 University at Mackubin

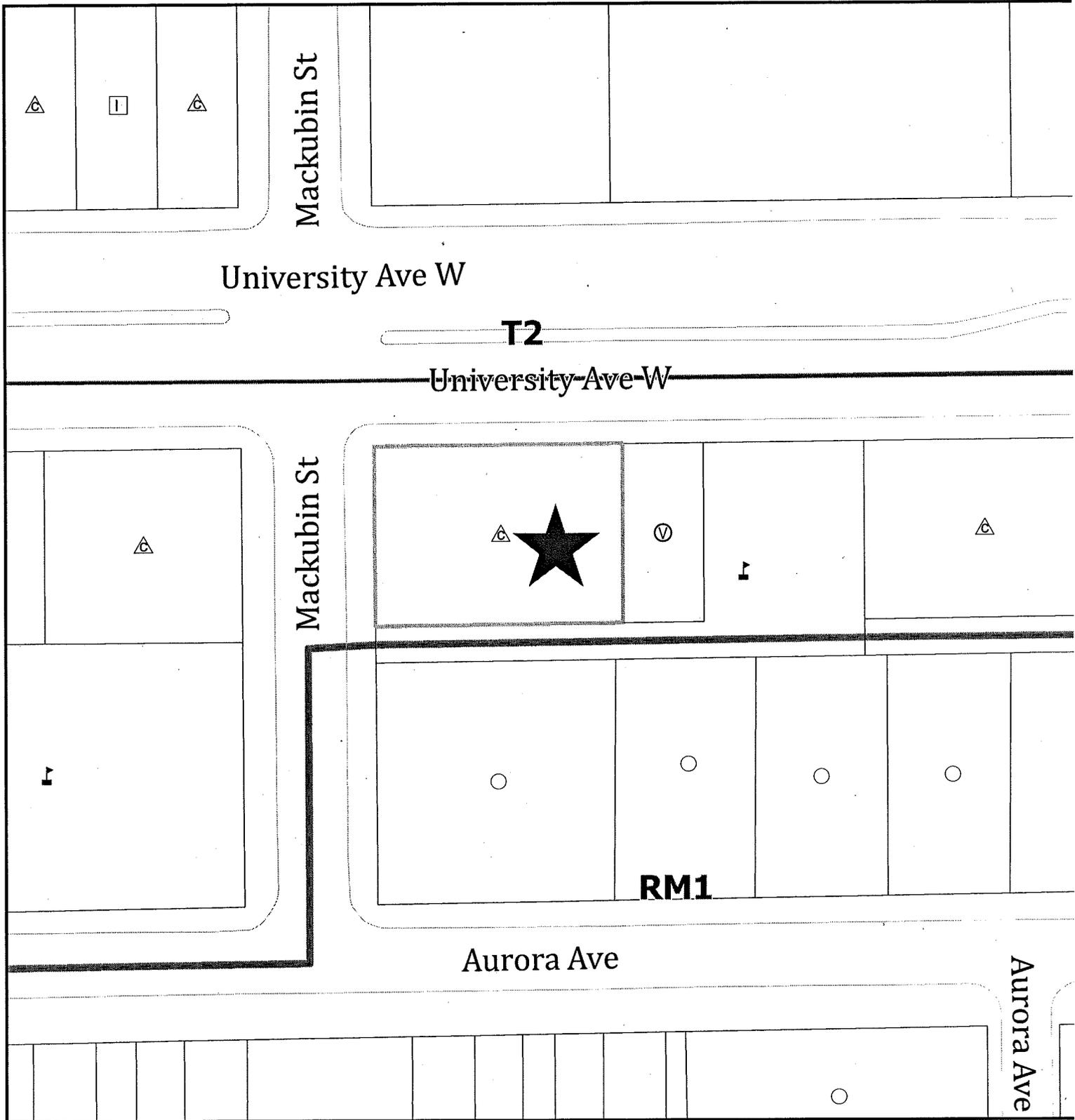
490 University Avenue West



Looking southeast at 490 University at Mackubin

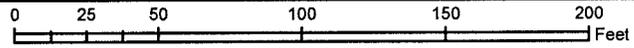


Looking east down the south side of University



T2
University Ave W

RM1



APPLICANT Cash-N-Pawn
 APPLICATION TYPE Expansion of NCUP
 FILE # 14-316218 DATE 8/5/2014
 PLANING DISTRICT 8
 ZONING MAP # 15

- Commercial & Office
- Industrial & Utility
- Institutional
- Vacant/Undeveloped
- Residential One Family
- Residential Two Family
- Residential Three Family
- Multifamily