

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Pawn America Minnesota **FILE #** 14-321-546
 2. **APPLICANT:** Pawn America MN LLC/Payday America Inc. **HEARING DATE:** September 11, 2014
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1891 Suburban Ave
 5. **PIN & LEGAL DESCRIPTION:** 352922330009, Registered Land Survey 276 Subj To Rds; Tract C
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** §65.511, §65.531, §61.501, §61.502, §66.421
 8. **STAFF REPORT DATE:** September 4, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** August 20, 2014 **60-DAY DEADLINE FOR ACTION:** October 19, 2014
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- A. **PURPOSE:** Conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions
- B. **PARCEL SIZE:** 210,395 square feet (4.83 acres)
- C. **EXISTING LAND USE:** C-Retail
- D. **SURROUNDING LAND USE:**
 - North: Interstate 94
 - East: Commercial (T2)
 - South: Wetland, with residential beyond (R2)
 - West: Commercial (B2)
- E. **ZONING CODE CITATION:** §65.511 lists conditions for alternative financial establishments; §65.531 lists conditions for pawn shops; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings; §66.421 lists permitted and conditional uses in business districts including B3.
- F. **HISTORY/DISCUSSION:** In 2009, the Board of Zoning Appeals granted a variance for the auto dealership that formerly occupied the site to permit a freestanding pylon sign with electronic display within 660 feet of another electronic message sign (ZF# 09-305-725), but the decision was overturned by the City Council on appeal in January 2010 (ZF# 09-330-789). The site received conditional use permit (CUP) approval in 2011 for a pawn shop (ZF# 11-103-193), conditional on purchase and closure of an alternative financial establishment, Piggy Bank, located 1,053 feet away (rather than the required 1,320 feet). Conditions also prohibited the pawn shop to face Suburban Avenue and limited its hours to 10 a.m. to 7 p.m. Monday through Saturday and noon to 6 p.m. Sunday. Alongside the 2011 pawn shop CUP, the applicant also received CUPs for an auto specialty store (ZF# 11-112-696) and two fast-food restaurant with drive-throughs (ZF#s 11-112-697, 11-112-698) on the site as part of a master development. In 2012, after the master development did not come to fruition and the site was sold, the Planning Commission approved a modification of the pawn shop CUP conditions requested by the new owners to allow the building to face Suburban Avenue (ZF# 12-064-233). The pawn shop is currently open for business and the alternative financial establishment located 1,053 feet away has been closed.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has reviewed the application and is not taking a position.
- H. **FINDINGS:**
 1. The application requests a conditional use permit approval for an alternative financial establishment and a pawn shop within the existing building at 1891 Suburban Avenue. The application also requests modification of special conditions as detailed below. The pawn shop is currently open for business at the subject site under the 2012 conditional use permit. The result of the subject application, if approved, is that the pawn shop and an alternative financial establishment could co-locate within the subject building.

2. The subject building contains two businesses with separate customer entrances: Pawn America (southern entrance) and PA Exchange (northern entrance). The alternative financial establishment is proposed to be located in the Pawn America portion of the building. The alternative financial establishment transactions would occur at several of the teller windows currently used for pawn transactions in front of the store. The PA Exchange business is a second-hand goods store that does not offer loans or other financial services.
3. §65.511 defines alternative financial establishment and provides standards and conditions that must be satisfied to permit the use, as follows:
 - a. *The alternative financial establishment shall be located at least 150 feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line.* This finding is met. Property located across Suburban Avenue with the residential zoning designation of R2 is located 150.16 feet to the southwest, according to the measurement used in the 2011 pawn shop CUP. Said property is owned by Ramsey County Parks & Recreation Department and is technically a "lot in a residential district" since a "lot" is a "parcel of land... utilized for the principal use and uses accessory thereto", in this case the use being a park. The nearest such lot with residential uses upon it is located approximately 440 feet to the southeast.
 - b. *No alternative financial establishment shall be located within 2,640 feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding can be met. The nearest alternative financial establishment, Payday America, is located approximately 2,070 feet to the west at 1696 Suburban Avenue. Payday America is a separate but affiliated company of Pawn America. The application proposes moving Payday America out of the 1696 Suburban Ave. location and into the subject location. Provided that another alternative financial establishment does not move into 1696 Suburban Ave., the 2,640 foot separation requirement would be satisfied.
 - c. *No alternative financial establishment shall be located within 1,320 feet of any pawn shop, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.
4. §65.531 defines pawn shop and provides standards and conditions that must be satisfied to permit the use, as follows:
 - a. *The business shall be conducted within a completely enclosed building.* This finding is met. The business is proposed to be conducted within a completely enclosed building.
 - b. *The building in which the business is located shall be at least 150 feet from the closest point of any residentially zoned property; provided, however, that this condition may be modified pursuant to Sec. 61.500 subject to the following conditions:*
 - i. *There is no existing pawn shop within 5,280 feet of the proposed location, measured from the nearest building wall of the existing pawn shop to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.*
 - ii. *Customer entrances shall not be oriented toward residentially zoned property. Customer parking shall not be closer to residentially zoned property than the primary entrance.*
 - iii. *The location of a pawn shop at this location will not be contrary to any adopted district plan or other city program for neighborhood conservation or improvement, either residential or nonresidential.*
 - iv. *The proposed use meets all other requirements for conditional use permits provided in Sec. 61.500.*

This finding is met. The building is located 150.16 feet from the nearest residentially zoned property according to the measurement used in the 2011 CUP.

- c. *No pawn shop shall be located within 1,320 feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.* This finding is not met due to the proposed co-location of a pawn shop and alternative financial establishment in the same building, but is the subject of a requested modification addressed below.
5. §61.501 lists five standards that all conditional uses must satisfy:
- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan in Figure LU-B designates the site as part of both a Neighborhood Center and a Mixed Use Corridor, which call for a variety of commercial uses such as proposed. The District 1 Plan contains no provisions specific to this application. The Sun-Ray Suburban Small Area Plan encourages businesses that appeal to the demographics of the residents and a mix of locally owned and national retailers.
 - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress is provided by the existing driveway to Suburban Avenue.
 - c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. In approving Zoning Code amendments associated with the Currency Exchange Zoning Study in 2010, the Planning Commission and City Council added the separation requirement between pawn shops and alternative financial establishments based in part on the concept that both businesses have a similar effect on the public health, safety, morals, and general welfare, potentially creating a negative impression regarding the economic vitality of a commercial district and the surrounding community when such businesses are clustered in an area or along an arterial street. However, in this instance, with a single customer entrance for both pawn shop and alternative financial establishments, there is no change to the impression presented to passersby on Suburban Ave., and therefore no detrimental impact on the neighborhood or endangerment of the public health, safety, morals, or general welfare.
 - d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed use does not expand the building or alter the site layout, and will not impede surrounding development.
 - e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. Except for separation requirements addressed herein, the requested use conforms to B3 regulations.
6. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The strict application of the requirement to separate the pawn shop and alternative financial establishments rather than housing them in a single building is unreasonably limiting in this case where they would effectively function as a single business. As noted in Finding 7(c), the intent of the separation requirement between pawn shops and alternative financial establishments is preserved, and there is no additional negative impact on the health, morals, and general welfare of the community. The proposal is consistent with reasonable enjoyment of adjacent property.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for an alternative financial establishment and pawn shop, with modification of special conditions, subject to the following additional conditions:
1. Substantial compliance with the plans and exhibits submitted as part of this application.
 2. The pawn shop and alternative financial establishment uses must be located in the same portion of the building and served by a single customer entrance. Neither use may be located in the portion of the building dedicated to PA Exchange without separate conditional use permit application and approval.
 3. The alternative financial establishment use is not permitted at the subject site until the existing alternative financial establishment use at 1696 Suburban Ave. is closed and loses its legal nonconforming status at that location.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

PD = 6
Ward = 7
ZM = 18
352922330009

RECEIVED
AUG 08 2014
BY: _____

Zoning office use only
File # 14-321546
Fee: _____
Tentative Hearing Date: 9-11-14
#352922330009

APPLICANT

Name Pawn America Minnesota, L.L.C. / Payday America, Inc.
Address 181 River Ridge Circle South
City Burnsville St. MN Zip 55337 Daytime Phone 952-250-5364
Name of Owner (if different) First & First LLC
Contact Person (if different) Chuck Armstrong Phone 952-250-5364

PROPERTY LOCATION

Address / Location 1885 Suburban Avenue, Saint Paul
Legal Description See Below
Current Zoning B3
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 61, Section 502, Paragraph 1 of the Zoning Code.

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

Additional supporting information attached on Exhibit A.
Legal Description of Property: That part of Tract C, Registered Land Survey No. 276, lying Northerly of the following described line:
Commencing at the Southwest corner of said Tract C; thence Northerly along the West line of said Tract C a distance of 40 feet to the point of beginning of the line to be described; thence Easterly along a line 40 feet Northerly of and parallel to the South line of said Tract C a distance of 266.20 feet; thence Easterly along a line to a point on the East line of Tract C which point is 163.21 feet North of the Southeast corner of said Tract C, and there terminating.

Required site plan is attached

Applicant's Signature [Signature] Date 8/6/14 City Agent [Signature]



STINSON
LEONARD
STREET

Todd M. Phelps
612.335.1871 DIRECT
612.335.1657 DIRECT FAX
todd.phelps@stinsonleonard.com

August 5, 2014

City of Saint Paul
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102
Attention: Bill Dermody

Re: Pawn America Minnesota, L.L.C./Payday America, Inc.
Application for Conditional Use Permit
1855 Suburban Avenue, Saint Paul

Dear Mr. Dermody:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company ("Pawn America"), and its affiliate Payday America, Inc., a Minnesota corporation ("Payday"), in support of their conditional use permit application attached as Exhibit A (the "Application"), for real property and improvements located at 1885 Suburban Avenue, Saint Paul, Minnesota, (PIN: 35.29.22.33.0009) legally described on the Application (the "Property"). As noted on the Application, the Property is zoned B3 "General Business District." Both a "pawn shop" and an "alternative financial establishment" are conditional uses in the B3 "General Business District".

Pawn America owns and operates a pawn business located at 1885 Suburban Avenue, Saint Paul (the "Property") under an existing conditional use permit (Zoning File No. 12-064-233), which was filed on July 17, 2012, with the Register of Titles, Ramsey County, Minnesota, as Document No. 2179616 (the "Existing CUP"). Pawn America's affiliated company, Payday America ("Payday"), owns and operates an industrial loan and thrift business providing consumer loans and related financial services at 1696 Suburban Avenue. Collectively, they own and operate over 29 stores (three in St. Paul) in four states (Minnesota, Wisconsin, North Dakota, and South Dakota) and employ over 500 people.

Pawn America and Payday America are jointly submitting the Application for two purposes: (1) to remove the distance restrictions contained in Sections 65.511 and 65.531 of the Saint Paul Zoning Code (the "Code") to allow Pawn America and Payday America to co-locate their businesses at the Property, and (2) to amend the hours of operation set forth in the Existing CUP to be no greater than 10:00 am through 8:00 pm Monday through Saturday and noon through 6:00 pm on Sunday.

Section 66.421 of the St. Paul Zoning Code permits a pawn store and an alternative financial establishment within the B-3 zoning classification, subject to (1) the standards specified for all condition uses as set forth in Section 61.501, and (2) the development standards specified for alternative financial establishments as set forth in Section 65.511 and the development standards set forth for pawn stores as set forth in Section 65.531.

Section 61.501 (Conditional Use Permit—General Standards).

Section 61.501 of the St. Paul Zoning Code provides that before the Planning Commission may grant its approval of a conditional use, the Commission shall find that:

1. The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the City Council. This condition is met. The proposed co-location and expansion of operating hours align with the City's own Comprehensive Plan (e.g., Land Use Policies 1.46 (promoting close proximity of retail establishments), 1.48 (encouraging mixed-use businesses), 2.5 (redeveloping sites on arterial streets, such as Suburban Avenue)) and the Sun-Ray Suburban Small Area Plan that focuses on the development of the Village Center in which Pawn America is located. Extending the operating hours increases the availability of the services provided to consumers by Payday America and Pawn America, further encouraging customers to visit an area targeted by the City for economic development efforts, as identified in the Comprehensive Plan and Small Area Plan.

Additionally, Payday America is currently located in a shopping center on an isolated end of Suburban Avenue that has faced high vacancy rates, as can be seen on the storefront photograph attached as Exhibit D. This location has recently struggled with crime as well, including an armed robbery, which is a serious concern for the safety of customers, employees and community residents. Moving Payday America out of this location frees up the almost vacant shopping center for re-development, benefitting the economic health of the neighborhood, and allows Payday America customers, employees and neighborhood residents to safely patronize the newly-constructed, centrally-located Pawn America Property.

2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The Property was specifically designed and built for commercial-retail uses. It is located on the former Suburban Chrysler site on the south side of U. S. Interstate Highway 94 between White Bear Avenue and Ruth Street. The Property currently has two (2) ingress and egress points to Suburban Avenue. Pawn America and Payday America do not plan on changing the current ingress or egress configuration of the Property. Accordingly, the Property has adequate ingress and egress to minimize traffic congestion.

3. The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. Pawn America and Payday America collectively own and operate over 29 stores (three in St. Paul) in four states (Minnesota, Wisconsin, North Dakota, and South Dakota) and employ over 500 people.

Payday America's services, including check cashing and other financial services, will be incidental to and are customarily found in connection with the operation of Pawn America's business. The attached photograph in Exhibit B depicts the planned integration of Payday America's services within the Pawn America store. Payday America's services will be offered as an option for customers at only a limited number of Pawn America's existing service counters. Pawn America's services will remain the primary focus of store operations. As further shown on the floor plan attached as Exhibit C, the Pawn America customer service area of the building will continue to comprise the vast majority of the floor area.

Based upon the predominance of commercial-retail, industrial and institutional uses in the immediate neighborhood, the proposed use is clearly compatible with the surrounding uses and zoning classifications. In short, the co-location of Pawn America and Payday America will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. As described in the preceding paragraph, the area in which the Property is located is fully developed with commercial-retail uses. Granting the Conditional Use Permit would in no way impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The proposed uses are in character with both the existing use of the Property as well as the neighboring uses.

Section 65.511 (Development Standards for Alternative Financial Establishments)

In addition to the general requirements set forth in Section 61.501, Pawn America and Payday America are subject to the standards for alternative financial establishments set forth in Section 65.511:

(a) The alternative financial establishment shall be located at least one hundred fifty (150) feet from any lot in a residential district or lot occupied with a one-, two-, or multiple-family dwelling, measured in a straight line from the closest point of the building in which the business is or is to be located to the closest point of the residential property line. This condition is met. There is no residentially zoned property within 150 feet of the Property.

(b) No alternative financial establishment shall be located within two thousand six hundred forty (2,640) feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use. This condition is met. There is not another alternative financial establishment located within two thousand six hundred forty (2,640) feet of the Property.

(c) No alternative financial establishment shall be located within one thousand three hundred twenty (1,320) feet of any pawnshop, measured from the nearest building wall of the existing establishment to the nearest wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use. While this standard is not met, the use of the Property is unreasonably limited under the setback conditions for a number of reasons:

(i) First, Pawn America and Payday America are affiliated entities with shared ownership that both provide financial services to their customers. A reasonable use of two affiliated businesses providing complementary services would be to co-locate the businesses for efficiency and convenience to customers, all for the promotion of the economic development of the surrounding area. Pawn America is currently co-located with a Payday America at 73% of its existing stores. A strict enforcement of the setback requirement a leads to the unreasonable result that two affiliated businesses cannot operate under the same roof and that are convenient for and desired by customers.

(ii) Second, the removing the setback condition in this instance promotes the welfare of the surrounding area and adjacent property rather than solely or unfairly benefitting Payday America or Pawn America. Co-locating Pawn America and Payday America is part of larger efforts to develop and attract businesses to the Suburban Avenue hub. The relocation also benefits Payday America customers by allowing them to visit a newer, safer, and more attractive location, increasing the likelihood that they will come into the neighborhood and visit surrounding locations and businesses as well, benefitting multiple neighboring properties and stimulating economic development.

(iii) Third, removing the setback condition in this instance will eliminate a legal non-conforming use. Payday America's current location is within the B2 zoning district. Alternative financial institutions are currently permitted per Section 66.421 of the Code by conditional use in the B3 district but are not permitted in the B2 district. Relocating Payday America to the Property (B3) from its current location (B2) will eliminate this legal non-conformity.

Section 65.531 (Development Standards for Pawn Stores).

In addition to the general requirements set forth in Section 61.501, and the specific standards set forth in Section 65.511 with respect to alternative financial establishments, Pawn America and Payday America must also meet the following the development standards specified for pawn stores as set forth in Section 65.531:

(a) The business shall be conducted within a completely enclosed building. This condition is met. As indicated on the attached site plan, Pawn America and Payday America will conduct their businesses completely within the existing building.

(b) The building in which the business is located shall be at least one hundred fifty (150) feet from the closest point of any residentially zoned property. This condition is met. There is no residentially zoned property within 150 feet of the building.

(c) No pawn shop shall be located within one thousand three hundred twenty (1320) feet of any alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use. While this standard is not met, the use of the Property is unreasonably limited under the setback conditions for the same reasons set forth above. Accordingly, Pawn America and Payday America are respectfully requesting a waiver of this setback condition.

In summary, Pawn America and Payday America respectfully request that the City issue a conditional use permit that removes the distance restrictions contained in Sections 65.511 and 65.531 of the Code, which would allow Pawn America and Payday America to co-locate their businesses at the Property.

Additionally, Pawn America would like to extend its hours of operation through 8:00 pm daily and requests that the current approved operating hours, which are limited to 7:00 pm Mondays through Saturdays and 6:00 pm on Sundays, be extended to 8:00 pm daily. This extension is consistent with Pawn America's typical practices, as permitted in many other municipalities in which Pawn America operates.

Thank you in advance for your time and consideration of the Application. If you have any questions or concerns, please feel free to contact me at (612) 335-1871 or Chuck Armstrong at (952) 646-3780.

Very truly yours,

STINSON LEONARD STREET LLP



Todd M. Phelps
Enclosure

cc: Council President, Ward 7, Kathy Lantry (w/enc)
Ms. Betsy Leach, Executive Director
District 1 Community Council (w/enc)
Mr. Chuck Armstrong (w/enc)

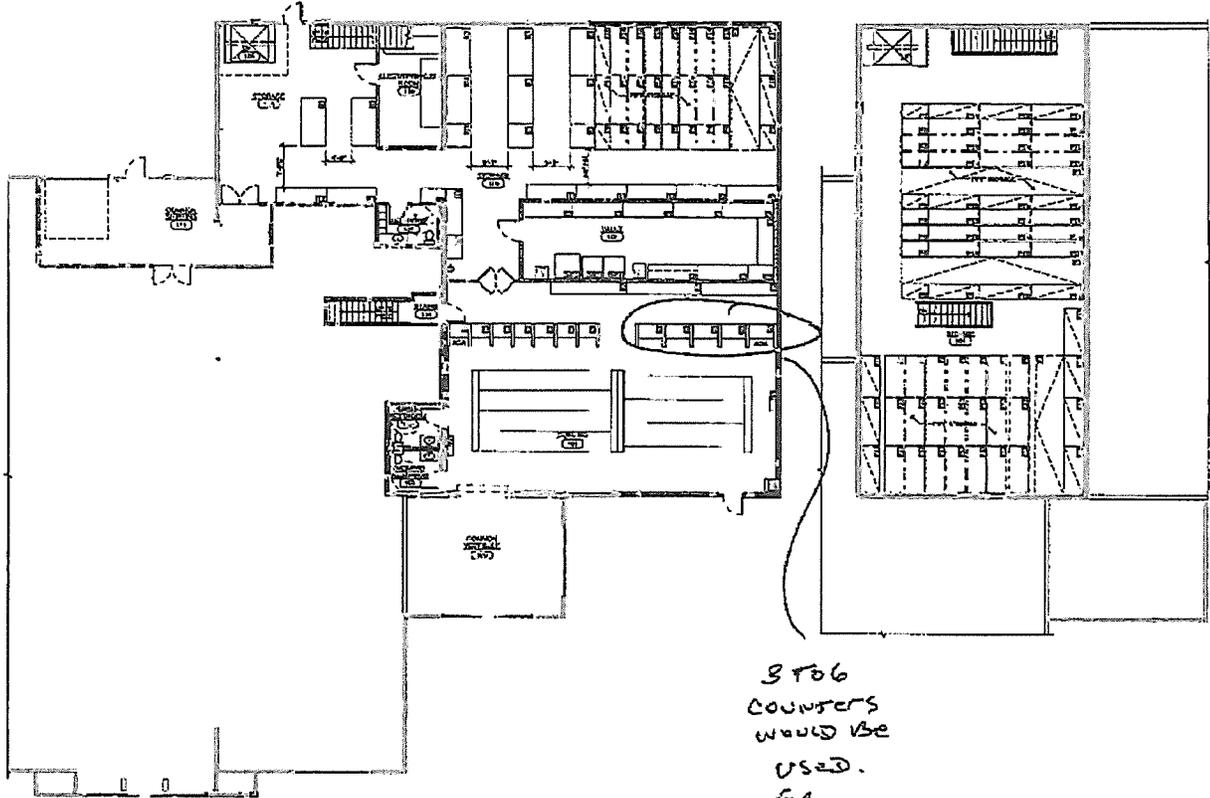
EXHIBIT A—APPLICATION

[attached]

EXHIBIT B—PLANNED PAYDAY AMERICA SERVICE COUNTERS (1885 SUBURBAN AVENUE) NEXT TO EXISTING PAWN AMERICA SERVICE COUNTERS



EXHIBIT C—FLOOR PLAN (1885 SUBURBAN AVENUE)



3 TO 6
COUNTERS
WOULD BE
USED.
FOR
PAYDAY America

1 MAIN LEVEL - FIXTURE PLAN
SCALE: 1/8" = 1'-0"

2 MEZZANINE LEVEL - FIXTURE PLAN
SCALE: 1/8" = 1'-0"

EXHIBIT D—CURRENT PAYDAY AMERICA LOCATION
(1696 SUBURBAN AVENUE)





August 20, 2014

Bill Dermody
City of Saint Paul
Department of Planning and Economic Development
1400 City Hall Annex
24 Fourth Street West
St. Paul, MN 55102

VIA EMAIL

Re: Zoning Application for 1855 Suburban Avenue

Dear Mr. Dermody:

I write in support of the zoning application submitted by Pawn America, and its affiliate Payday America. We believe the proposed changes are consistent with the Saint Paul Comprehensive Plan. We also feel the changes will encourage shoppers to visit an area targeted for economic development by the City of Saint Paul.

Sincerely,

Matt Kramer
President

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

August 19, 2014

RE: 1855 Suburban Ave

The City of Saint Paul has received a conditional use permit application for a use of property that is prohibited. State law does not allow the use of a CUP to permit the use of property in a way that is prohibited by ordinance. Conditional use permits only can be granted for use of property that the ordinance expressly permits. Sec. 65.511 expressly prohibits the use of property within 1,320 feet of a pawn shop for an alternative financial establishment.

The consideration of this application could affect all neighborhoods. The Planning Commission and City Council considered the adverse impacts to neighborhoods resulting from the concentration of pawn shops and alternative financial establishments. The City Council adopted an ordinance that prohibits their concentration in neighborhoods. A variance of 1,320 feet to the setback requirement that reduces the setback to zero would be a precedence that threatens all neighborhoods. The City Council must ensure that the ordinance to prevent concentration of pawn shops and alternative financial establishment is enforced. Allowing the concentration of these facilities by any means would be a step backward in revitalizing neighborhoods in Saint Paul.

A variance allows the use of property in a manner that is forbidden by ordinance. A variance must be applied for and the requirements of a variance must be met. To allow the use of property in a manner prohibited by ordinance requires the property to meet the requirements for a variance or a change in the ordinance. Sec. 65.001 provides that the prohibition contained in Sec.65.511 are applicable to both permitted uses and uses permitted by conditional use permit.

A variance shall not be granted unless the findings in Sec. 61.601 Variances are met. The application does not meet the findings required to approve a variance and listed below. The requirements for a variance must be applied.

MN Statute 462.3595 requires the applicant of a conditional use permit show that the standards and criteria stated in the ordinance will be satisfied. The planning commission is not able to make that finding without a variance or change in the ordinance. The ordinance (Sec. 65.511) specifically prohibits the use of property within 1,320 feet of a pawn shop for an alternative financial establishment.

Many residents expressed their concern about the proposal for a pawn shop in the neighborhood. The property is a large parcel (former car dealership) with great potential for redevelopment. Residents had concerns that a pawn shop would not be helpful in attracting desirable development to this site and support existing businesses like Byerly's we want to retain. The neighborhood was promised an urban village type redevelopment of the whole site. The plans showed a well known coffee shop, well known ice cream parlor and other attractions. What we got is a pawn shop in the former dealership building and no new buildings constructed or promised other businesses located on the site. A concentration of pawn shop affiliated businesses on this site is not what the neighborhood was promised or a wise use of land that will hopefully be served by a new rapid transit line in the near future. The neighborhood deserves better. The zoning code requires better.

Relevant regulations

MN Statute 462.3595 Conditional Use Permits, Subdivision 1.

The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use.

Sec. 65.511. Alternative financial establishment - (b) No alternative financial establishment shall be located within two thousand six hundred forty (2,640) feet of another alternative financial establishment, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use. (c) No alternative financial establishment shall be located within one thousand three hundred twenty (1,320) feet of any pawnshop, measured from the nearest building wall of the existing establishment to the nearest building wall of the proposed use, or if there is no building, to the nearest lot line of the proposed use.

Sec. 65.001 Land use definitions and development standards -

For the purposes of this zoning code, the land use terms defined in this chapter shall have the meanings ascribed to them herein. Where land use terms are not specifically defined in this zoning code, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Sec. 61.601. Variances

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The property in question cannot be put to a reasonable use under the strict provisions of the code;
- (b) The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner;
- (c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the city;
- (d) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;
- (e) The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property; and
- (f) The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.

In granting a variance, the board shall make written findings stating the grounds upon which the variance is justified. Hardship as described in the finding set out in subsection (a) above shall include the need for access to direct sunlight for solar energy systems.

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

August 23, 2014

RE: Record of neighborhood opposition and District 1 promise

The neighborhood has a record of concern and opposition to what is proposed at 1885 Suburban Ave. The application is to grant a 100% setback variance to the 1,320 feet separation requirement and an expansion of hours of operations. The record indicates, the hours of operation is a Planning Commission condition of the conditional use permit. The record indicates, the Planning Commission modification of condition 3 of conditional use permit 11-103-193, to allow the pawn shop on Suburban Ave, was based on a condition to eliminate the 250 feet variance by the purchase and closure of the nearby alternative financial institution. The application is in conflict with the Planning Commission conditions.

The stated position of District 1 regarding this property - The District 1 Community Council recognizes that not everyone in our neighborhoods is happy that this development will happen. We promise to be vigilant about the conditions imposed on the pawn shop. (District 1 BlogSpot)

A District 1 letter to Ryan Kelley at the City of St. Paul dated September 9, 2010 mentions: The District 1 Community Council Land use Committee is in strong support of the amendments proposed to the Currency Exchange Zoning Code.

It is vitally important that neighborhoods receive notice of businesses such as these that are coming to our neighborhoods. As we have seen, predatory type lending can have a devastating effect on our communities. In areas such as ours where there are large populations of individuals who may not have ready access to standard banking services, it is important that we control the numbers and location of these types of services.

Thank you for your work to bring about these changes to the zoning code.

(For a copy of the full letter contact District 1 or Saint Paul PED)

District 1 BlogSpot dated April 15, 2011 mentions: The pawn shop CUP was more contentious.

At the core of the discussion was a brand new ordinance restricting the clustering of businesses that have the reputation/image of preying on the poor as they conduct banking-like transactions. This new ordinance is intended to

keep pay day (and other) check-cashing businesses, pawn shops and other institutions that have high transaction fees from coming to neighborhoods and locating within 1/4 mile of each other. The fear or experience is that a clustering of these types of enterprises lower property values and discourage other businesses from locating in the same area.

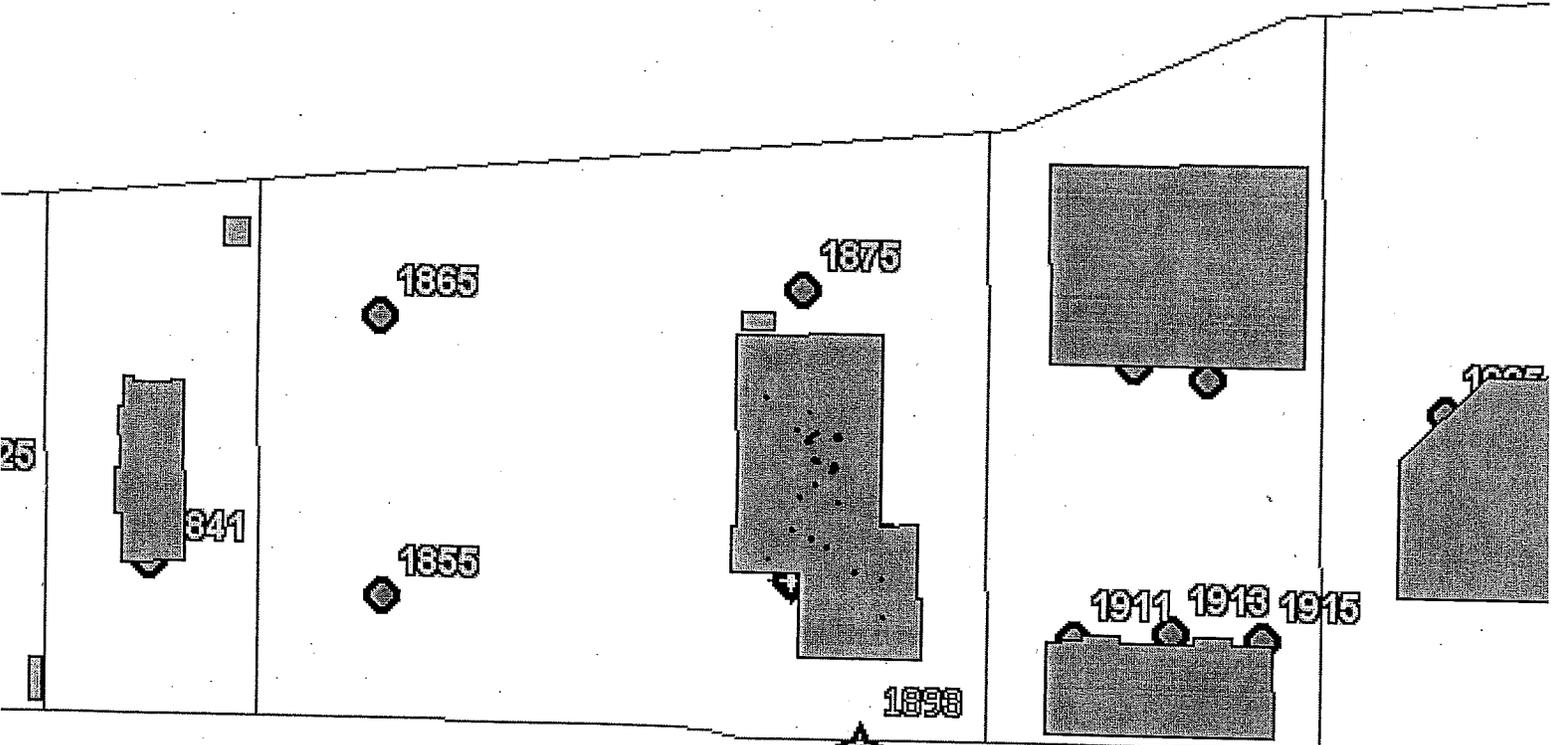
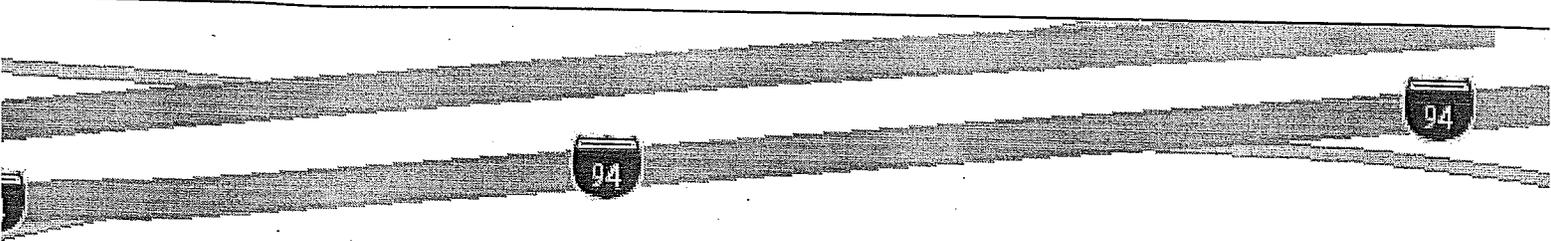
In this case, the proposed pawn shop would be located less than 1/4 mile from Piggy Bank - a money transfer/check cashing enterprise in Scenic Hills Center. The distance between them would be about 250 feet less than the required 1/4 mile.several commissioners feared that approval of this CUP was setting a dangerous precedent.

District 1 had argued that the criteria allowing a modification were met, and that the proposal, with its \$15 million in private investment, estimated 200 new jobs, and enhancements of the overall site plan - including a plan to deal with stormwater, was needed to help revitalize our business area. We had worked with the developer to outline restrictions that we felt would protect the neighborhood from some of the negative impacts of the proposed development. The Zoning Committee, however, had recommended denial of the CUP, saying essentially, that there was no testimony to say why the pawn shop couldn't be moved to the other side of the development, thus not needing the modification.

When the discussion of the motion to deny the CUP for the pawn shop began, one of the Commissioners, Bob Spaulding, offered an alternative to the restrictions that had been negotiated (it included all previous conditions, but added some more). Commissioners Spaulding, Oliver and Fernandez led the effort to produce the alternative that was finally approved on a 12-4 vote with one abstention.

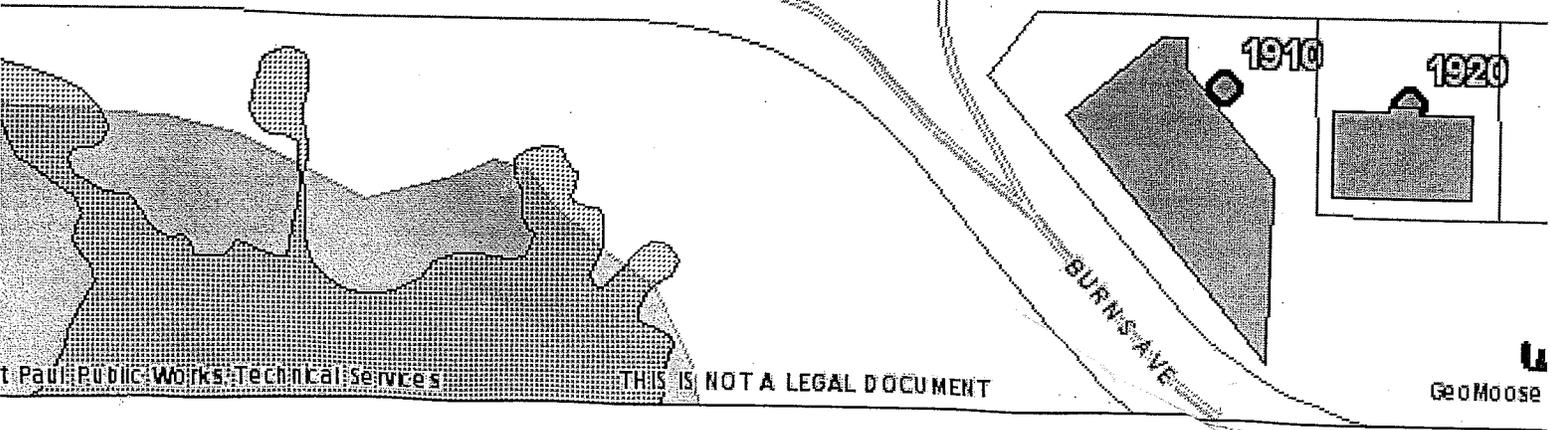
What is included in these conditions on the pawn shop? They can't buy, sell or deal in firearms at the location, the hours of operations are restricted, there is a restriction on the size the pawn shop can reach, there will be no outdoor sales, the presented site plan is what will be constructed, they will participate in a city-wide litter program (come clean), the signage has to strictly comply with restrictions in our small area plan and in city code, and the CUP sunsets if the site is not developed in the plan presented within two years of the pawn shop starting operations.

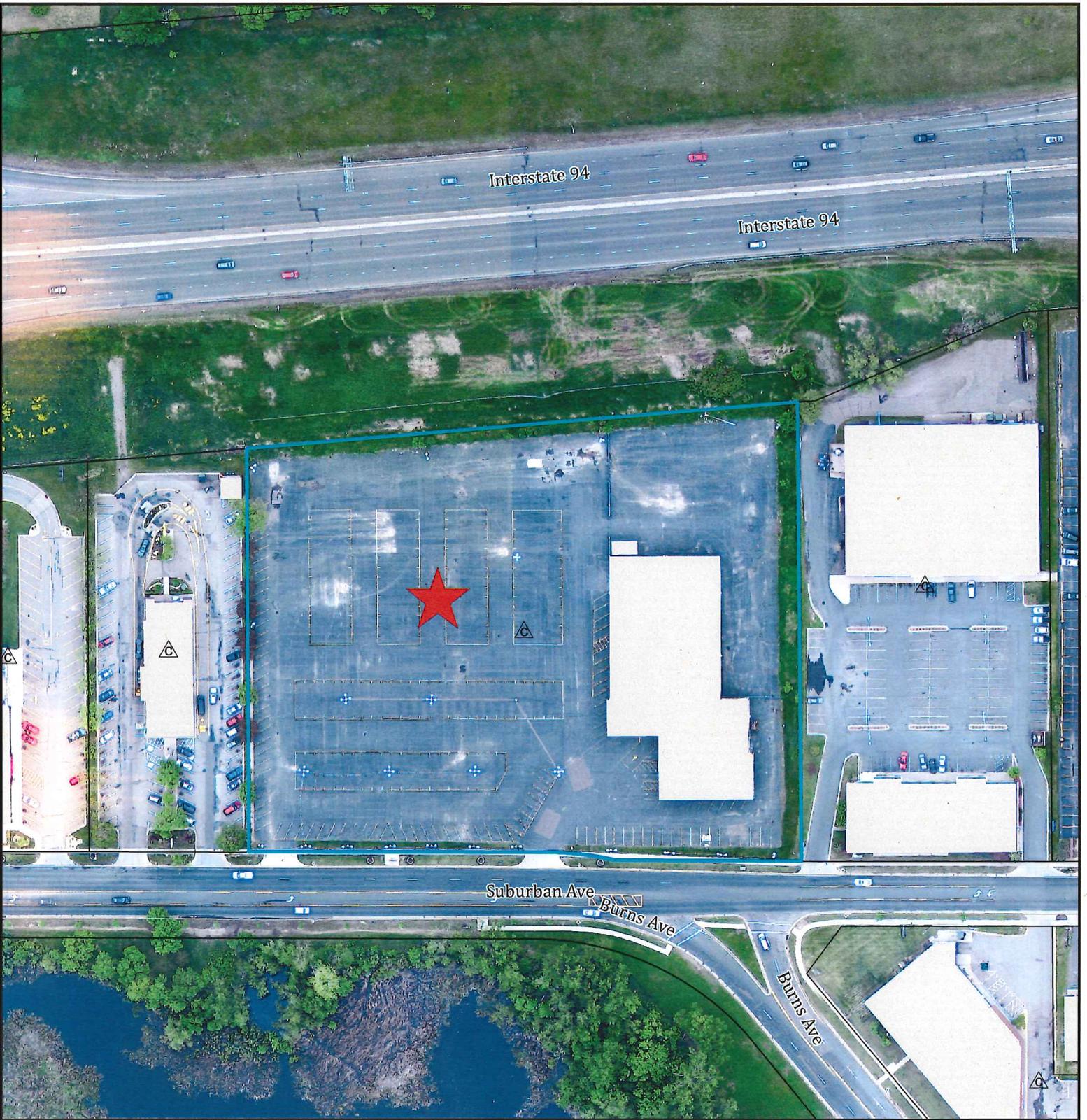
The District 1 Community Council recognizes that not everyone in our neighborhoods is happy that this development will happen. We promise to be vigilant about the conditions imposed on the pawn shop. (You can read the full statement on the District 1 Community Council Blog.)



SUBURBAN AVE

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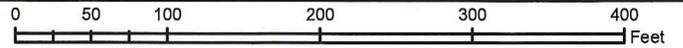
APPLICANT Pawn America Minnesota

APPLICATION TYPE Conditional Use Permit

FILE # #14-321546 DATE 8/20/2014

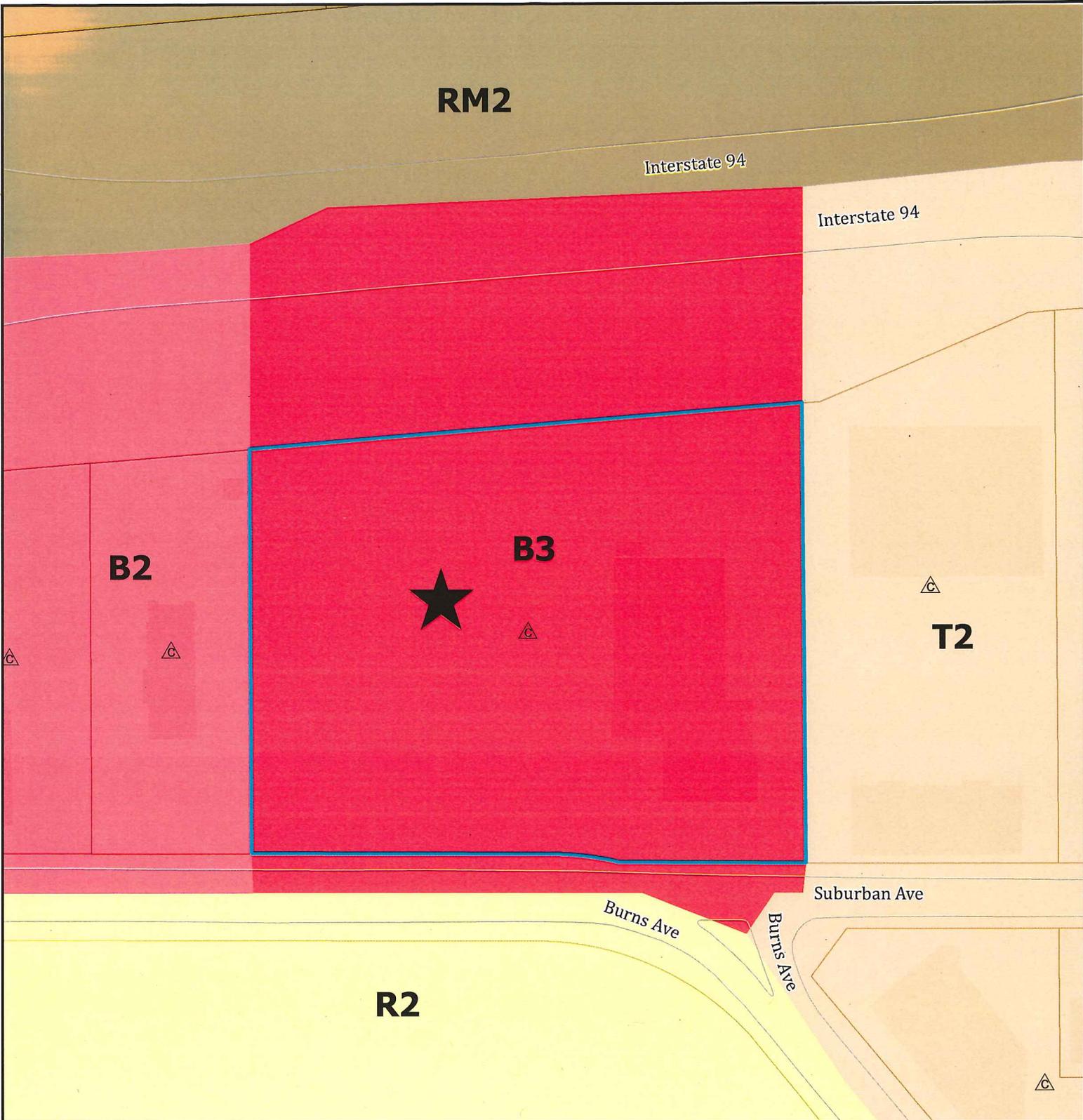
PLANING DISTRICT 1

ZONING MAP # 18

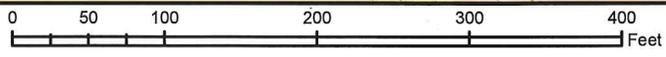


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| | Vacant/Undeveloped | | Multifamily |





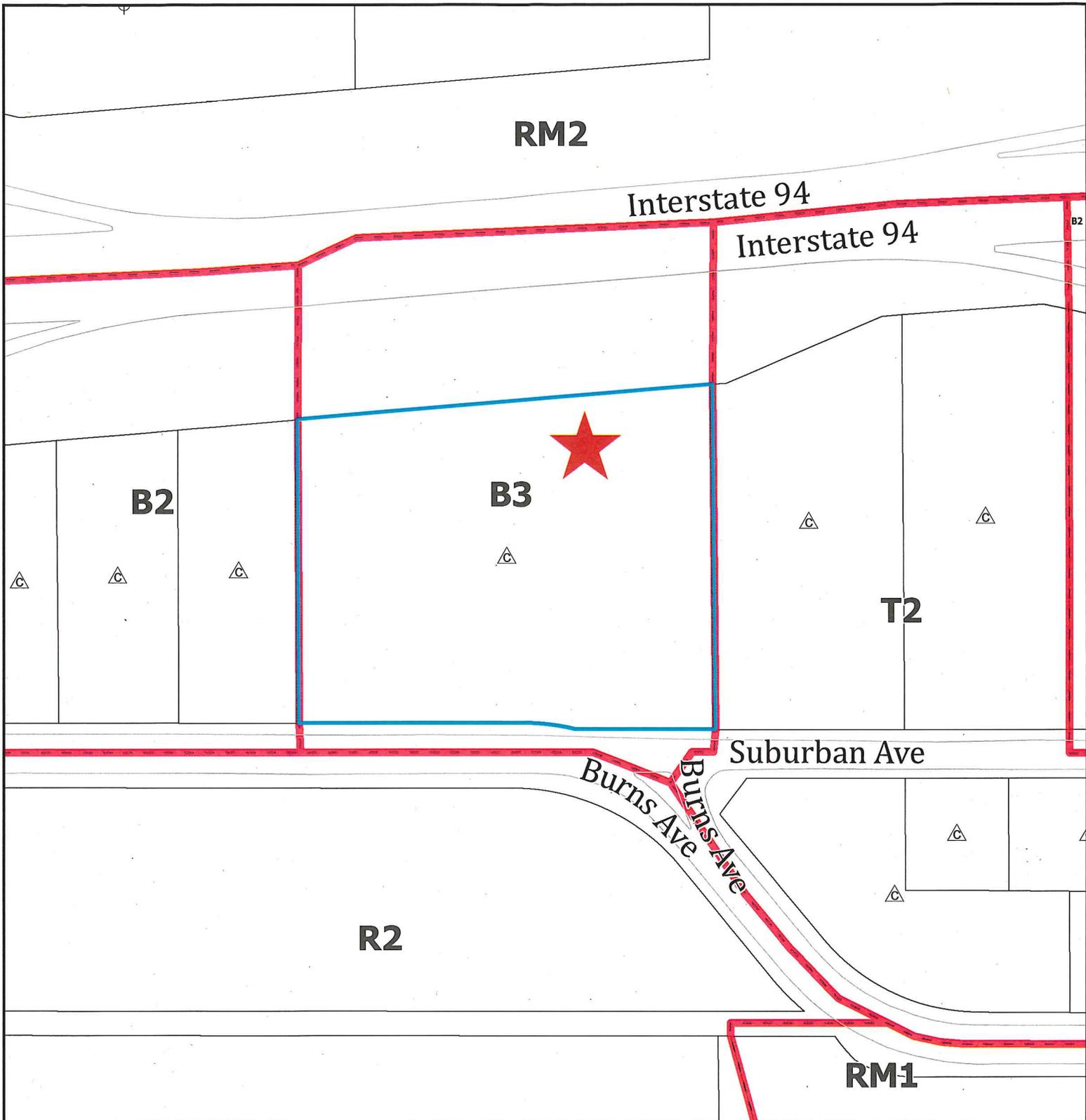
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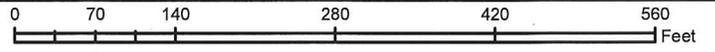
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Saint Paul Department of Planning and Economic Development
 Ramsey County





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