

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Shawn Cooper **FILE #** 19-025-272
 2. **APPLICANT:** Shawn Cooper **HEARING DATE:** April 11, 2019
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 322 - 336 Larpenteur Ave W, between Farrington and Western
 5. **PIN & LEGAL DESCRIPTION:** 24.29.23.12.0007 and 24.29.23.12.0008; Edwin M. Ware's Cumberland Addition Plat 2, the N 217 ft. of the E 100 ft. of a tract composed of Lot 1, Lot 2, & E 26.54 ft. of Lot 3, Block 1
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** § 65.705; § 65.706; § 61.501
 8. **STAFF REPORT DATE:** April 3, 2019 **BY:** Michael Wade
 9. **DATE RECEIVED:** March 22, 2019 **60-DAY DEADLINE FOR ACTION:** May 21, 2019
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- A. **PURPOSE:** Conditional use permit for outdoor auto sales with auto repair and detail services.
- B. **PARCEL SIZE:** 29,620 square feet
- C. **EXISTING LAND USE:** Vacant land / display area for Roseville Auto Center
- D. **SURROUNDING LAND USE:**
 - North: City of Roseville – undeveloped land
 - East: Community School of Excellence parking lot (RM1)
 - South: Vacant land (R2)
 - West: Office (B3)
- E. **ZONING CODE CITATION:** § 65.705 lists the standards and conditions for auto repair stations. § 65.706 lists the standards and conditions for outdoor auto sales and rental. § 61.501 lists general conditions that must be met by all conditional uses.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of one 1 space per 400 sq. ft. gross floor area plus one 1 space per 5,000 sq. ft. of outdoor sales for automobile sales and rental, and 1 space per auto repair service stall. The building has a gross floor area of around 3,100 square feet, requiring eight (8) parking spaces, plus one for each of the three repair bays, totaling a required 11 parking stalls.
- G. **HISTORY/DISCUSSION:** In 2009, Duane Axtman, owner of Axtman Auto Sales and of the property, was granted a conditional use permit to add auto repair as a component of the outdoor sales business that already existed at 336 Larpenteur Avenue. At the same time, Mr. Axtman obtained an Auto Repair Garage and Auto Sales license from the Department of Safety and Inspection and a lease from Ramsey County for use of right-of-way in front of 322 Larpenteur to display vehicles for sale.

In 2016 the current applicants, Shawn and Mila Cooper, took over the business, continuing the sale and repair of vehicles under the name Roseville Auto Mall.

Ramsey County has terminated the lease of the right-of-way land in front of 322 Larpenteur, reducing the number of vehicles the business can be displayed. In order to obtain a new license to use 322 Larpenteur for display of vehicles, the applicants have submitted a site plan to DSI for improvements including both 322 and 336 Larpenteur, and have applied for a conditional use permit to expand the business to include 322 Larpenteur. Upon approval of this permit, they intend to apply to DSI for an Auto Repair Garage and Auto Sale license that would include both 322 and 336 Larpenteur. There would be no change in the type or extent of the auto repair component; the applicants would continue to provide minor vehicle repair and detail services in the existing three repair bays at 336 Larpenteur. The portion of the site at 322 Larpenteur would be used to display vehicles for sale.

H. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council has not commented at the time this report was prepared.

I. **FINDINGS:**

1. A conditional use permit was issued in 2009 to add an auto repair component to the auto sales business that was already at 336 Larpenteur Avenue. The current application is to expand the sales and repair business to 322 Larpenteur Avenue.
2. § 65.706 lists the standards and conditions that must be met for outdoor auto sales and rental:
 - (a) *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This condition is met. The applicants have submitted a site plan with this application, as well as a copy to the City of Saint Paul Department of Safety and Inspection for site plan review.
 - (b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This condition is met. Vehicular access is well over sixty (60) feet from the nearest intersection of Larpenteur Avenue and Farrington Street North.
 - (c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This condition is met. Repair work will continue to be conducted only within the existing repair bays on site.
 - (d) *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is met. The zoning is B3, and the total area covered by this permit would be 29,620 square feet.
3. § 65.705 lists the standards and conditions that must be met for auto repair stations:
 - (a) *The minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is met. The total area covered by this permit would be 29,620 square feet.
 - (b) *A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.* This condition currently is not met. The business is currently encroaching on City parkland, zoned R2 One-Family Residential, to the south. This condition can be met subject to construction and maintenance of an obscuring fence along the south property line of both 336 and 322 Larpenteur Avenue.
 - (c) *All repair work shall be done within an enclosed building.* This condition is met. Repair work will continue to be conducted only within the existing repair bays on site.
 - (d) *There shall be no outside storage.* This condition is met. The outdoor space is intended only for display of cars for sale. The existing building will contain any storage necessary for company operations.
4. § 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 District 6 plan emphasizes the importance of a strong and vital commercial and industrial base. The land use chapter of the Comprehensive Plan calls for a mix of land uses, and emphasizes the need to mitigate land use conflicts with careful design and appropriate screening.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Existing adequate ingress and egress will remain.

- (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. Improvements proposed for the property shown on the site plan submitted with the application will improve the character of development.
- (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. An expanded permitted boundary will not impede use or development of the B3 property to the west, R2 property to the south, or RM2 property to the east.
- (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. The use complies with the requirements listed in the B3 zoning district.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for outdoor auto sales with auto repair and detail services, at 336 - 322 Larpenteur Avenue, subject to the following additional 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. Construction and maintenance of an obscuring fence along the south property line adjoining City parkland; and
3. Removal of the business encroachment on the adjoining City parkland currently being used by the business for parking.



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

Zoning Office Use Only

File #: 19-025272

Fee: 840⁰⁰

Tentative Hearing Date:

4-25-19

PD=6

#24292312007-0008

APPLICANT

Name Shawn Milica Cooper Email shawnmcoop@icloud.com
milacooper@icloud.com
 Address 1500 White Bear Ave
 City Maplewood State MN Zip 55109 Daytime Phone 715-441-5421
715-808-1215
 Name of Owner (if different) Carol Altman
 Contact Person (if different) Shawn Cooper Phone 715-808-1215

PROPERTY LOCATION

Address/Location 336 & 332 Laerpentene Ave
 Legal Description 24292312008 / 24292312007
 Current Zoning _____
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter _____, Section 61, Paragraph 501, 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.

Required Site Plan is attached

Applicant's Signature

meoap

Date

3/22/19

City Agent

pdd

Rev 9/4/14

3-22-19

Roseville Auto Mall Business Summary

Roseville Auto Mall is an extension of already established pre-owned car dealership located in Maplewood, MN (Cooper Motors DBA Maplewood Auto Mall, Dealer License 36891) and an addition to Midwest Auto Malls group. Midwest Auto Malls group is family owned and operated by Mila Cooper since 2009.

Midwest Auto Malls Group:

1. Maplewood Auto Mall

2529 White Bear Ave
Maplewood MN 55109

2. Roseville Auto Mall

336 Larpenteur Ave
St Paul MN 55113

3. Cooper Motors LLC

101 n 4th st
New Richmond WI 54017

4. New Richmond Auto Mall

1234 Knowles Ave
New Richmond WI 54017

Maplewood Auto Mall, MN & Cooper Motors, WI holds an A+ rating with Better Business Rating. Also is certified as Women owned small business with Small Business Administration.

Roseville Auto Mall will offer high quality pre-owned vehicles with low miles that can be purchased by cash or financed by major lenders that are accessible on site.

Roseville Auto Mall will be open Monday-Friday 9.00-7.00 and on Saturday 9.00-5.00

The average in price of a vehicle will vary between \$9,995 -\$16,995. Without high overheads and lofty franchise fees, Roseville Auto Mall is able to offer wider selection of quality

pre-owned vehicles at a significantly lower cost than any mainstream auto dealerships around the area.

Roseville Auto Mall Inventory will contain approximately 40 used vehicles including cars, SUV's, and trucks of all make and models. Roseville Auto Mall will have an immediate access to all the inventory from Midwest Auto Malls.

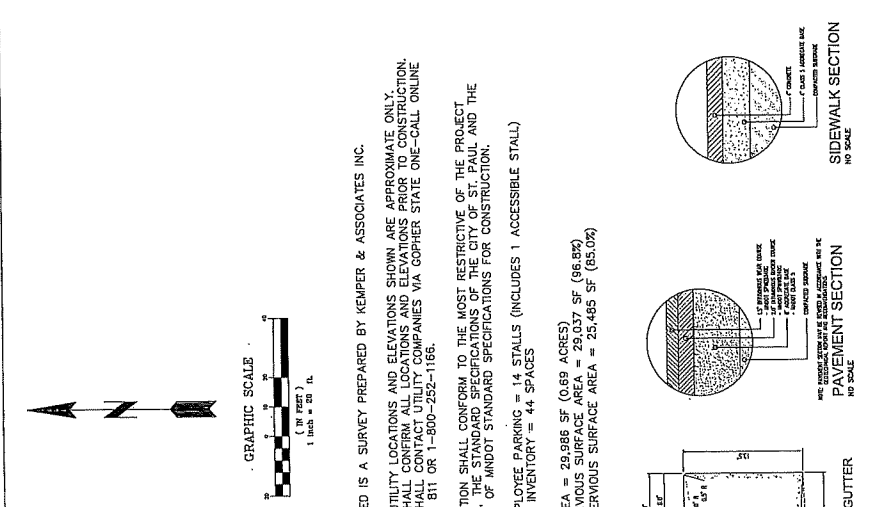
Roseville Auto Mall will provide minor vehicle repair and detail services. No major repair service or body repair services will be done on site.

We are looking forward to grow along with city of Saint Paul, District 6 Ward 5 and new Rice-Larpenteur Gateway Vision Plan plan while supporting new jobs and give back to the community.

Conditional Use permit, general standards response:

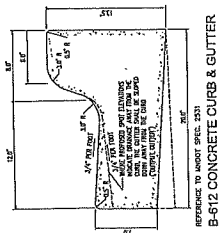
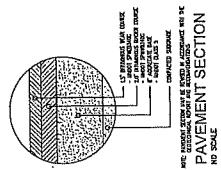
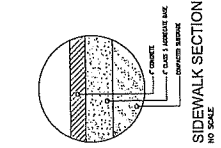
- A) Yes
- B) Yes
- C) Yes
- D) Yes
- E) Yes

Mila Cooper
MCoop
3/27/15
715-808-1215



NOTES:

1. BASE PLAN USED IS A SURVEY PREPARED BY KEMPER & ASSOCIATES INC.
2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA COPPER STATE ONE-CALL ONLINE OR BY CALLING 811 OR 1-800-252-1166.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE CITY CODES OF THE CITY OF ST. PAUL, AND THE LATEST EDITION OF MANDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. CUSTOMER/EMPLOYEE PARKING = 14 STALLS (INCLUDES 1 ACCESSIBLE STALL)
 VEHICLE SALES INVENTORY = 44 SPACES
5. TOTAL LOT AREA = 29,988 SF (0.69 ACRES)
 EXISTING IMPERVIOUS SURFACE AREA = 29,037 SF (66.8%)
 PROPOSED IMPERVIOUS SURFACE AREA = 25,465 SF (65.0%)



CITY OF ST. PAUL PERMIT REQUIREMENTS:

- **ORDERING OBSTRUCTION AND EXCAVATION PERMITS:** Contact Public Works Right of Way Service Desk at 651-266-6131. It is strongly recommended that contractors contact Public Works estimates prior to construction.
- **OBSTRUCTION PERMITS:** The contractor must obtain an Obstruction Permit if construction (including silt fences) will block city streets, sidewalks or alleys, or if driving over curbs.
- **EXCAVATION PERMITS:** All digging in the public right of way requires an Excavation Permit. If the proposed building is close to the right of way, and excavating into the right of way is needed to facilitate reconstruction, contact Public Works to secure Obstruction Permits.
- **FUTURE STREET PERMITS:** Future Street Permits will result in a double-permit fee and other fees required under City of St. Paul Legislative Codes.

4. STREET SWEEPING: Street sweeping is an important temporary erosion control best management practice and shall be performed with the use of water. Dry sweeping is prohibited. Additionally, trucks hauling in and out of the site, for any activity including but not necessarily limited to paving, excavation, etc., needs to ensure clean dirt all mud traps to avoid any buildup on the street pavement.

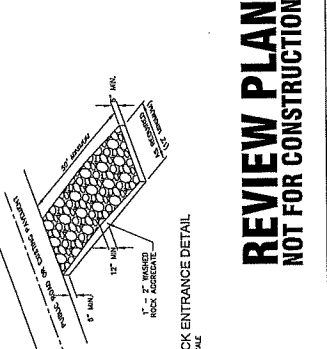
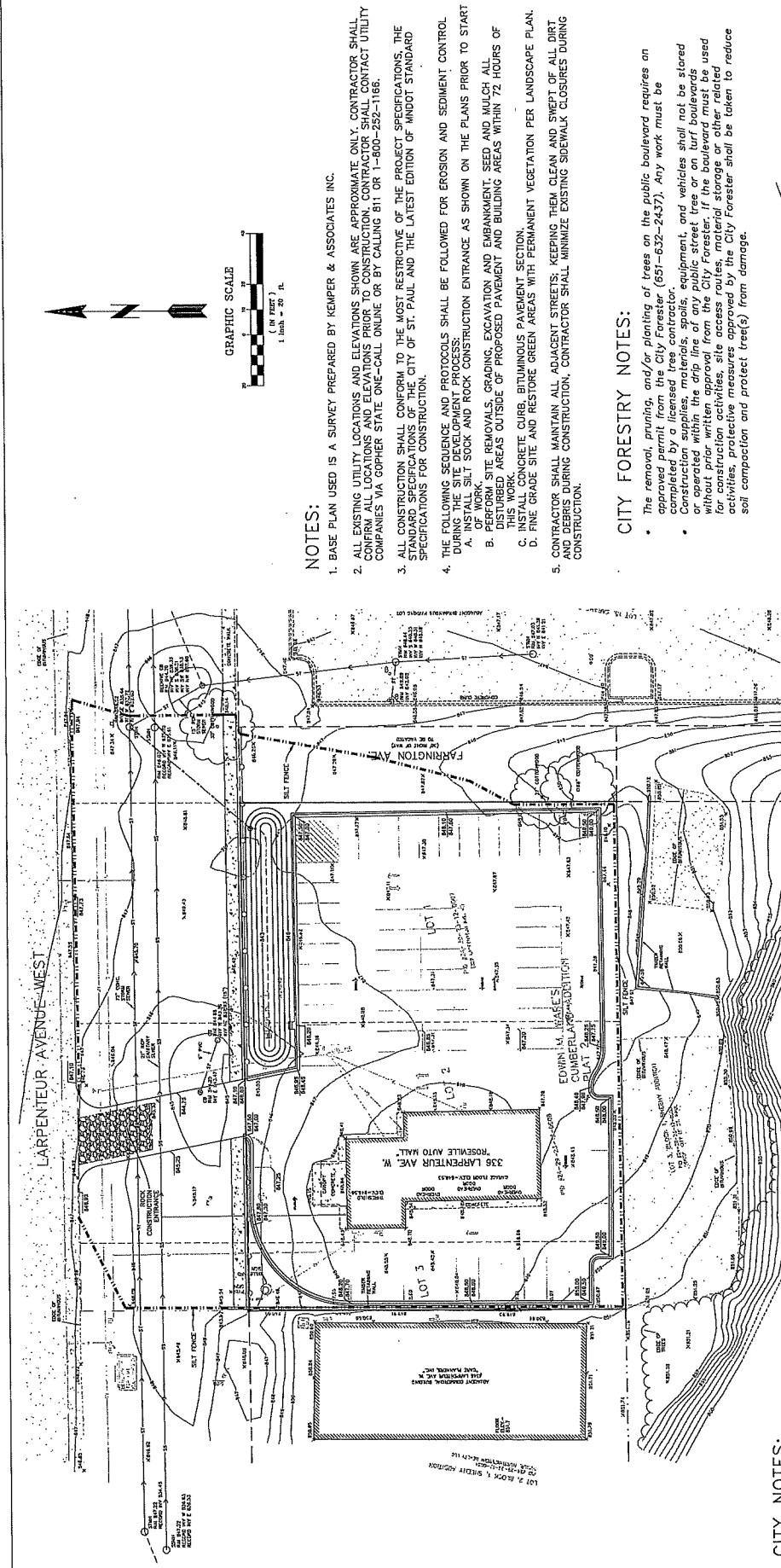
5. MISCELLANEOUS: Any infrastructure damage resulting from the contractor's activities, incidental or otherwise, shall be repaired/replaced to the satisfaction of the City at no cost to the City.

2. ROADWAY RESTORATION: As per the City's "Standard Specification for Street Openings" policy, restoration on roadway surfaces less than 5 years old will require a mill and overlay or a full depth reconstruction. Restoration on existing pavement shall be completed by the St. Paul Public Works Street Maintenance Division. All related costs are the responsibility of the developer/contractor. Contact Street Maintenance at (651) 266-9700 for estimate of costs for pavement restoration.

3. SIGNING: Signs regulating parking and/or traffic on private property shall be installed by the property owner. The contractor shall be responsible for the installation of signs (ROW) by the City. New signs or the reinstallation of existing signs as approved by Public Works Traffic Engineering, regulating parking and/or traffic in the public ROW for this development shall be installed by the City at the expense of the developer. Contact Chris Guldan at Public Works 651-266-9778 two weeks in advance of needed sign work.

CITY NOTES:

1. **NO PRIVATE FACILITIES IN THE RIGHT OF WAY:** The developer is strictly prohibited from installing private electrical wiring, conduit, receptacles and/or lighting in the City's Right of Way. This includes stubbing conduit or cable into the public right of way to access private property.
2. **CONTRACTOR RESPONSIBILITY:** Contractor will be responsible for determining lead points into the property. Utilities are responsible for securing excavation permits to run their service into a site, and (where required) submitting plans for review by the Public Works Utility Review Committee. The Contractor shall contact Don Bjorkman, General Foreman, Lighting - Signal Maintenance, (651-266-9780), if removal or relocation of existing facilities is required. In the event of damage to the lighting facilities, the contractor shall be responsible for the repair and/or replacement of the facilities (and related costs) for any damage or relocations. Access to signal controller and lighting cabinets must be maintained at all times. If fencing is required for a job site, a key or other means of access must be provided to the City of St. Paul's Traffic Operations Department. Contact Don Bjorkman, General Foreman Signals and Lighting at 651-266-9780 for more information.



ROCK ENTRANCE DETAIL
 NO SCALE

REVISIONS

NO.	DESCRIPTION

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3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF ST. PAUL, AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. THE FOLLOWING SEQUENCE AND PROTOCOLS SHALL BE FOLLOWED FOR EROSION AND SEDIMENT CONTROL DURING THE SITE DEVELOPMENT PROCESS:
 - A. INSTALL SILT SOCK AND ROCK CONSTRUCTION ENTRANCE AS SHOWN ON THE PLANS PRIOR TO START OF WORK.
 - B. PERFORM SITE REMOVALS, GRADING, EXCAVATION AND EMBANKMENT, SEED, AND MULCH ALL DISTURBED AREAS OUTSIDE OF PROPOSED PAVEMENT AND BUILDING AREAS WITHIN 72 HOURS OF THIS WORK.
 - C. INSTALL CONCRETE CURB, BITUMINOUS PAVEMENT SECTION.
 - D. FINE GRADE SITE AND RESTORE GREEN AREAS WITH PERMANENT VEGETATION PER LANDSCAPE PLAN.
5. CONTRACTOR SHALL MAINTAIN ALL ADJACENT STREETS; KEEPING THEM CLEAN AND SWEEP OF ALL DIRT AND DEBRIS DURING CONSTRUCTION. CONTRACTOR SHALL MINIMIZE EXISTING SIDEWALK CLOSURES DURING CONSTRUCTION.

CITY FORESTRY NOTES:

- The removal, pruning, and/or planting of trees on the public boulevard requires an approved permit from the City Forester (651-632-2437). Any work must be completed by a licensed tree contractor.
- Construction supplies, materials, spoils, equipment, and vehicles shall not be stored or operated within the drip line of any public street tree or on turf boulevards without prior written approval from the City Forester. Any storage or other related activities shall be subject to the same measures approved by the City Forester shall be taken to reduce soil compaction and protect tree(s) from damage.

CITY NOTES:

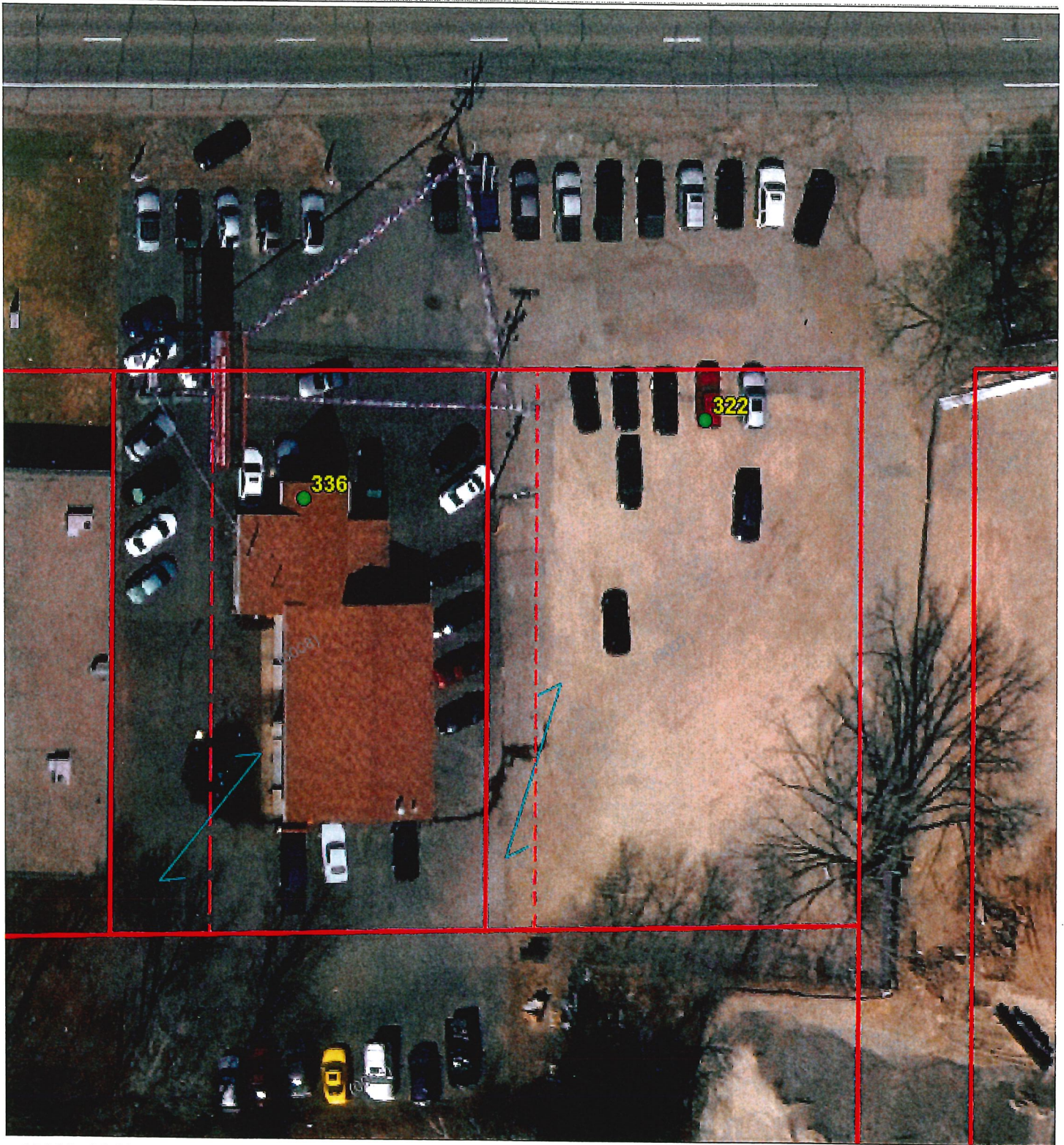
1. CONSTRUCTION IN RIGHT OF WAY: All work on curbs, driveways, and sidewalks within the Right of Way must be done in accordance with the specifications of the contractor licensed to work in the City right-of-way under a permit from Public Works Sidewalk Section (651-266-6109). Sidewalk grades must be carried across driveways.
2. RIGHT OF WAY RESTORATION: Restoration of asphalt and concrete pavements are performed by the Public Works Street Maintenance Division. The contractor is responsible for payment to the City for the cost of these restorations. The contractor shall contact Public Works prior to beginning any work in the street at 651-266-6700. Procedures and unit costs are found in Street Maintenance's "General Requirements - All Restorations" and are available at the permit office.
3. Adjacent streets and alleys must be swept to keep them free of sediment. Contractor must monitor conditions and sweep as needed or within 24 hours notice of City.

INSPECTION CONTACT: The developer shall contact the Right of Way Inspector Tom Johnston at 651-485-4399 one week prior to beginning work to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. As part of the ROW permitting process, two weeks before any work begins that impacts the ROW in any way the developer shall provide to the ROW Inspector the name and contact information of the Construction Project Superintendent. If this information is not provided there may be a delay in obtaining permits for the work in the ROW. Said delays will be the sole responsibility of the developer.

SAFE WORK SITE REQUIREMENTS: The Contractor shall provide a continuous, accessible and safe pedestrian walkway that meets ADA and MN MUTCD standards for working in a sidewalk area, and comply with all MN MUTCD requirements for work in the public right of way.

ENCROACHMENTS: Per Chapter 134 of the Legislative Code, no person shall construct and maintain any projection or encroachment within the public right-of-way. Construction of the development that necessitates temporary use of the Right-of-Way (ROW) for construction purposes shall be limited to equipment, personnel, devices and apparatuses that are removable following construction. Encroachment rock bolts, H-piles, lagging, timbers, sheet piling, etc. that the owner is seeking to abandon in the ROW, Section 3201.3 of the Minnesota Building Code defers final authority of encroachments into public rights-of-way/public property to the local authority. City Legislative Code governs management of the public rights-of-way. Provided such installations are approved by public works, findings may be allowed to encroach into City ROW no more than 6 feet. (12) states at depths below elevation 3202.1. Said encroachments would require an encroachment permit from the City per Chapter 134 of the Legislative Code. Encroachments installed in the ROW without authorization will be removed at no expense to the City/County/State.

**REVIEW PLAN
 NOT FOR CONSTRUCTION**



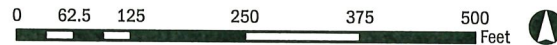
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FILE #19-025272 | AERIAL MAP
Application of Shawn Cooper

Application Type: Conditional Use Permit
Application Date: March 22, 2019
Planning District: 6

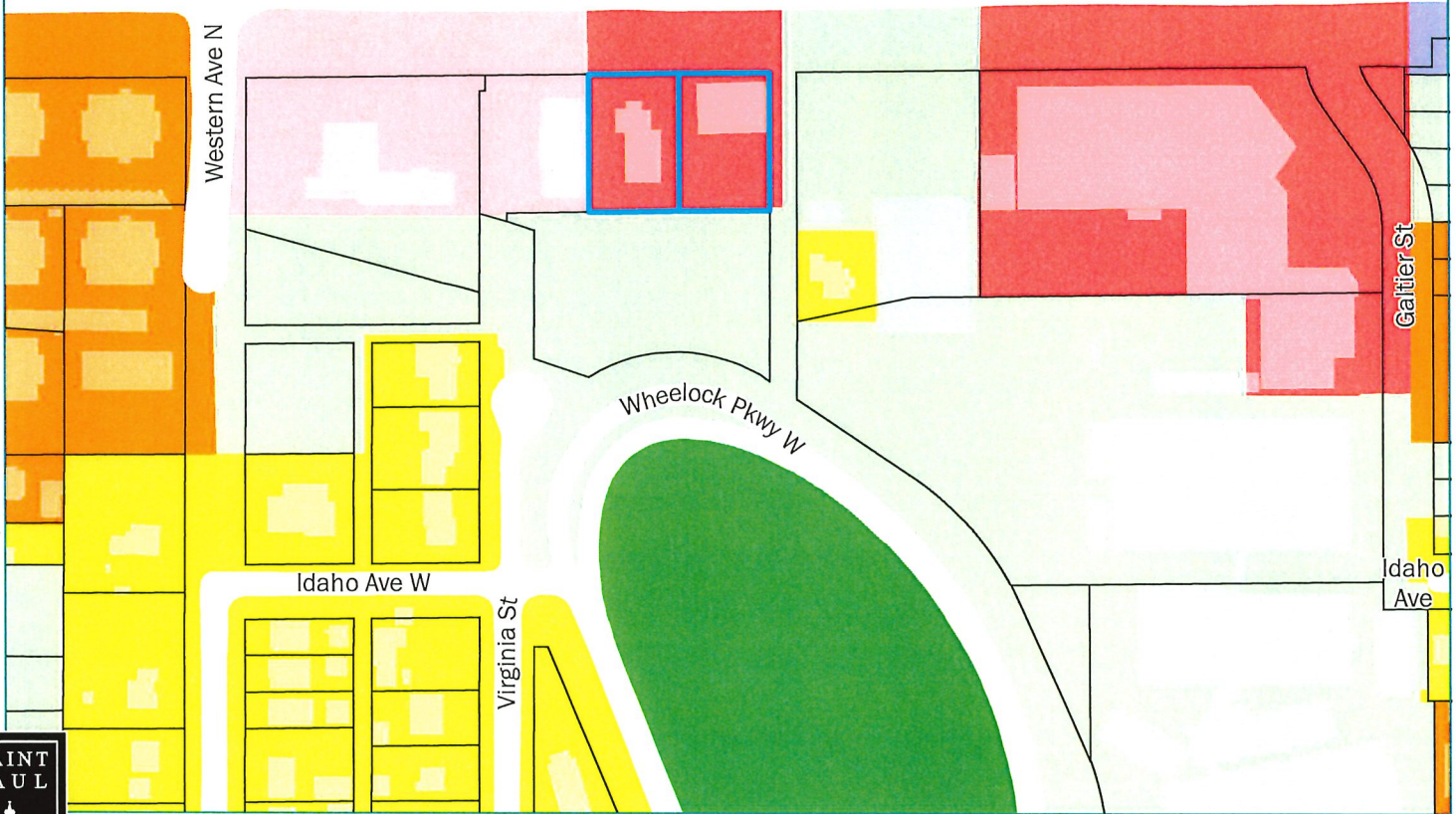
Subject Parcel Outlined in Blue



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Larpenteur Ave W



FILE #19-025272 | LAND USE MAP
Application of Shawn Cooper

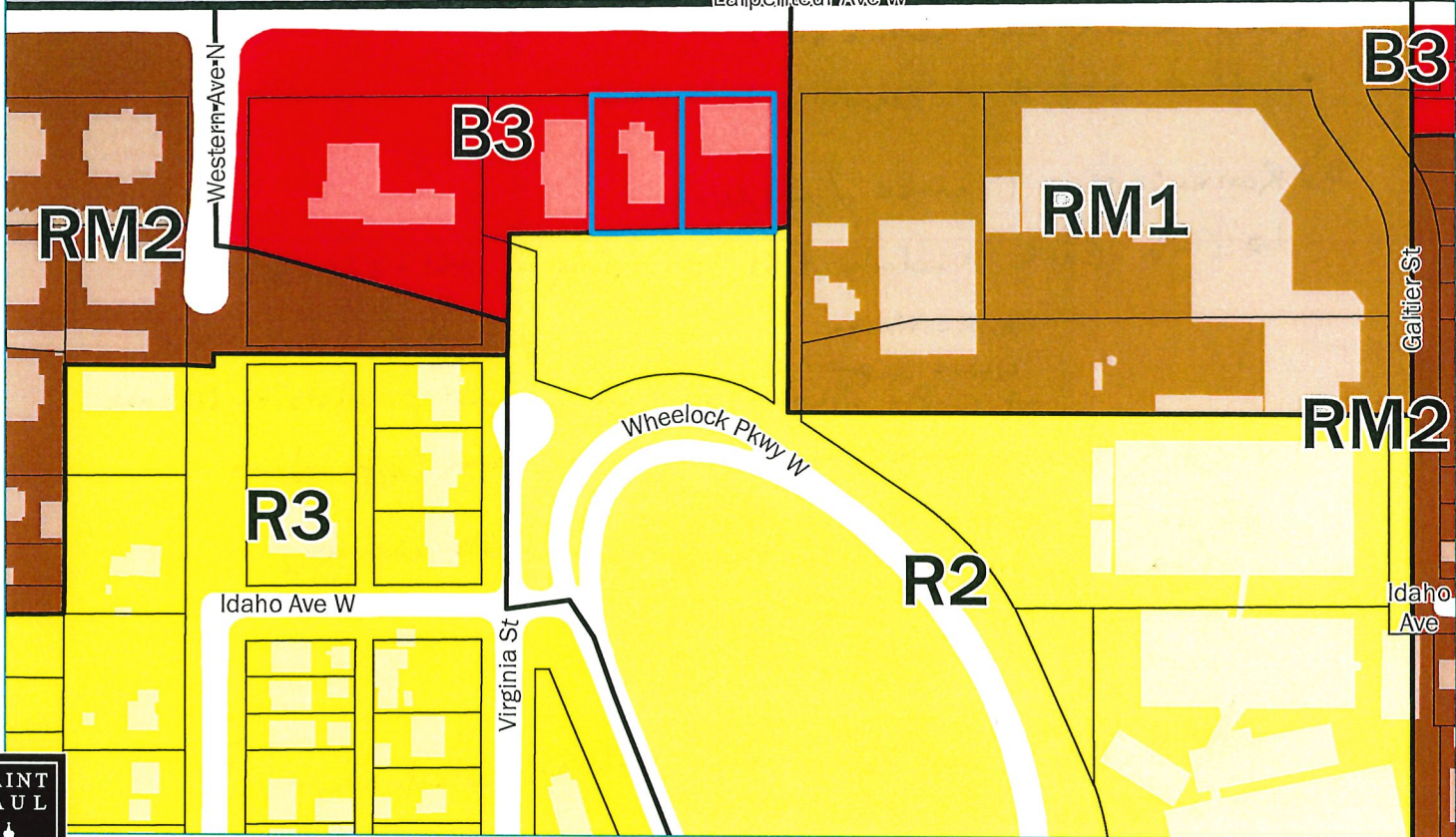
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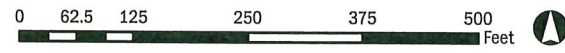
Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #19-025272 | ZONING MAP
Application of Shawn Cooper

Application Type: Conditional Use Permit
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Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction