

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Maryland Tobacco Depot Expansion **FILE #** 19-111-705
 2. **APPLICANT:** Maryland Tobacco Depot **HEARING DATE:** January 30, 2020
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1375 Maryland Ave E, north side of Maryland Ave between Clarence St. and Etna St
 5. **PIN & LEGAL DESCRIPTION:** 22-29-22-33-0205, Brenner Addition, Block 1, Lot 5; Woods Addition, Lots 8 - Lot 12 (subject to vacated alleys)
 6. **PLANNING DISTRICT:** 2 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §61.501; §65.535
 8. **STAFF REPORT DATE:** January 23, 2020 **BY:** Mike Richardson
 9. **DATE RECEIVED:** December 31, 2019 **60-DAY DEADLINE FOR ACTION:** February 28, 2020
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- A. **PURPOSE:** Conditional use permit to expand a tobacco shop into adjoining retail space, for a total floor area of 2856 sq. feet.
- B. **PARCEL SIZE:** 56,319 square feet, application is submitted by a party with leasehold interest for a portion of a strip mall.
- C. **EXISTING LAND USE:** Retail
- D. **SURROUNDING LAND USE:**

Retail immediately surrounds the proposed space in the mall. The following describes the land uses surrounding the mall parcel.

North: Multi-family (Etna Woods Apartments)
East: Commercial (Walgreens)
South: Commercial (McDonald's)
West: Multi-family (Lake Phalen Townhomes)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.535 defines a tobacco products shop and requires a conditional use permit in T2 districts for shops with a floor area of greater than 2,500 square feet.
- F. **PARKING:** The off-street parking requirement for the current service business use at 1377 Maryland is 1 space per 400 square feet, which is the same as proposed retail use. Because the overall square footage will remain the same, there is no change in the off-street parking requirement.
- G. **HISTORY/DISCUSSION:** The applicant wants to expand a tobacco shop by removing the wall separating it from an adjacent retail space, doubling the store area. Tobacco-related retail was in the 1377 space from at least 1997 until 2005, when it became a hair salon. While staff was unable to verify based on records, the applicant says that 1375 and 1377 were combined as a single tobacco shop before the salon was established. In the supporting information provided, the applicant says that "[t]he tobacco merchandise will not increase. The new space will be used for more gift items accessories product [sic]." Per the Zoning Code and tobacco license language, a minimum of 90% of gross revenue must be derived from tobacco and tobacco related products. Because the application is specifically to expand a tobacco shop, staff assumes that this minimum sales requirement will be met and communicated that understanding to the applicant.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Greater East Side/District 2 Community Council supports the application.

I. FINDINGS:

1. The applicant wants to expand a tobacco shop by removing the wall separating it from an adjacent retail space, doubling the store area. In the supporting information provided, the applicant says that “[t]he tobacco merchandise will not increase. The new space will be used for more gift items accessories product [sic].” Per the Zoning Code and tobacco license language, a minimum of 90% of gross revenue must be derived from tobacco and tobacco related products. Because the application is specifically to expand a tobacco shop, it is assumed that this minimum sales requirement will be met, and this has been communicated to the applicant.
2. §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 site is located in an area identified in the 2030 Comprehensive Plan as a Mixed Use Corridor, which identifies retail as one of many appropriate uses. The 2040 Comprehensive Plan (approved by the City Council, but pending adoption following Met Council review) identifies the site as mixed-use and part of a Neighborhood Node. The conversion of a service business to a retail establishment is consistent with both designations.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use does not expand the overall square footage of retail in the mall and there are currently two points of access to the parking area off the side streets of Clarence and Etna, minimizing traffic conflicts on Maryland 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. The expansion of an existing shop will not significantly change the character of the site. The store will continue to be subject to all public health and safety requirements, including licensing and inspections as legally required.
 - (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. Expansion of the tobacco shop into an adjacent space will not impede improvement of surrounding properties.
 - (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.

J. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the conditional use permit to expand the tobacco shop into adjoining retail space 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. The applicant shall maintain operations to meet the definition of “tobacco products shop” in the Zoning Code and as required for licensing.



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) 266-6583

Zoning Office Use Only

File # 19-111-705
Fee Paid \$ 1050.00 *PAID*
Received By / Date 12/2/2019
Tentative Hearing Date 1/30/2020

*\$840.00
need different return*

PD#2

APPLICANT

Name Manland Tobacco Depot
(must have ownership or leasehold interest in the property, contingent included)

Address 1375-1377 Manland Ave City St Paul State MN Zip 55106

Email Karimmishal1968@gmail.com Phone 651-492-1671

Name of Owner (if different) _____ Email _____

Contact Person (if different) Khal Alout Email KhalAlout@gmail.com

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location 1375 Manland Ave St Paul, MN 55106

PIN(s) & Legal Description 222 922330205
(attach additional sheet if necessary)

Lot Area _____ Current Zoning T2

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Zoning Code

Section(s) _____ for the following use or purpose:

expand current tobacco store into next space
Hair salon to make one store by removing dividing wall

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

Attach additional sheets if necessary. currently we are operating tobacco retail store at 1375 Manland Ave. we wish to expand the store into next door vacant space used to be hair salon, by removing the dividing middle wall. previously these two spaces used to be one tobacco store, but were divided now we need to combine in one store. the tobacco merchandise will not increase the new space will be used for more gift items accessories product

- Required site plan is attached
- If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature [Signature] Date 12.30.19



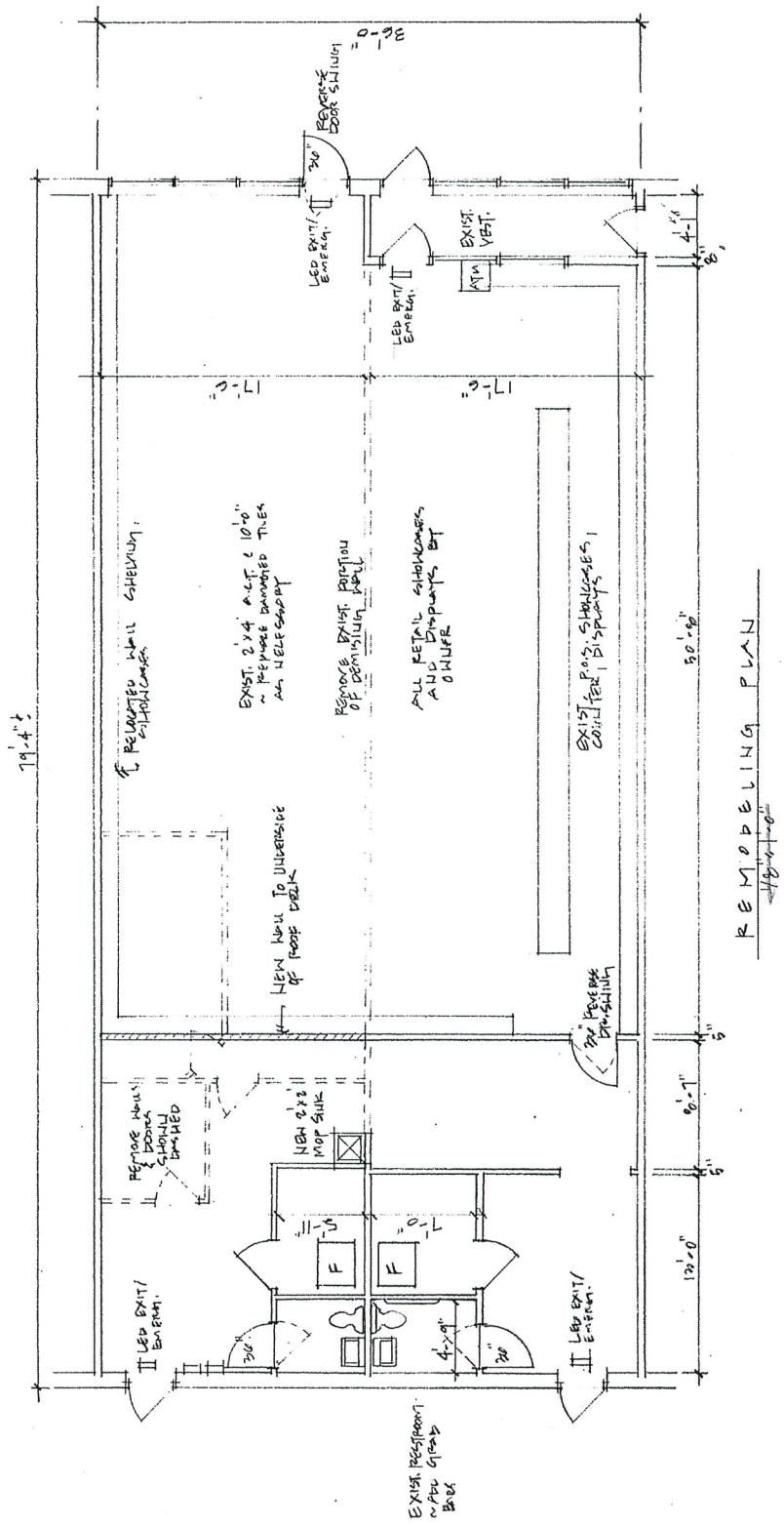
1723 LAFOND AVENUE
 SAINT PAUL, MN 55104
 PHONE/FAX 651-644-0869
 E-MAIL jim.mackey@q.com

I HEREBY CERTIFY THAT THIS
 PLAN, SPECIFICATION OR REPORT
 WAS PREPARED BY ME OR UNDER
 MY CLOSE PERSONAL SUPERVISION
 THAT I AM DULY LICENSED AND
 AN ARCHITECT UNDER THE LAWS OF
 THE STATE OF MINNESOTA.

JAMES A. MACKAY I.C. NO. 23808
 DATE _____

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REMODELING PLAN
 11/20/08



Greater East Side Community Council

January 16, 2020

Department of PED
Zoning Section
1400 City Hall Annex 25 W 4th St
St Paul, MN 55102

Re: Conditional Use Permit application

On behalf of the Greater East Side/District 2 Community Council, I am writing to express their support for the conditional use permit application for Maryland Tobacco Depot located at 1375-1377 Maryland Ave. The board voted unanimously to support the application. The business has been in existence for over 10 years and has had no complaints from residents at our office. The business has been managed very well since opening.

If there are any questions or concerns, please feel free to contact me at 651-774-2220 or at d2lisa@outlook.com

Sincerely,

A handwritten signature in blue ink that reads "Lisa Theis". The signature is fluid and cursive, written in a professional but personal style.

Lisa Theis
Program Director

Cc: Khal Aloud. Karim Mishal

Richardson, Mike (CI-StPaul)

From: Richardson, Mike (CI-StPaul)
Sent: Wednesday, January 15, 2020 9:55 AM
To: khalaloul@gmail.com; karimmishal1968@gmail.com
Cc: Hudak, Eric (CI-StPaul); jim.mack@q.com
Subject: 1375-1377 Maryland CUP Application

Hello,

My name is Mike Richardson and I'm the planner assigned to your Conditional Use Permit application. I attempted to get in touch with Mr. Aloul last week, but hadn't heard back so am expanding the contact list.

I'm writing to let you know that since you characterized your proposed work as "expand current tobacco shop", I will assume that you will want to maintain the designation of a tobacco products shop per the Zoning Code. As you probably know, the definition in the Code (quoted below) matches the license language that allows expanded sales of flavored tobacco, including a minimum revenue requirement from tobacco and related items.

Please let me know if this assumption is incorrect or if you have any additional questions. You'll receive a copy of the staff report when it's ready and I'll plan to see you at the Zoning Committee meeting on the 30th.

Sec. 65.535. - Tobacco products shop.

A retail establishment with a principal entrance door opening directly to the outside that derives more than ninety (90) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, electronic cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Standards and conditions:

- (a) No tobacco products shop shall be located within one-half (½) mile (2,640 feet) of another tobacco products shop.
- (b) In the BC community business (converted) and T2 traditional neighborhood districts, a conditional use permit is required for tobacco products shops with a floor area greater than two thousand five hundred (2,500) square feet.

Best Regards,



Mike Richardson
Senior City Planner

Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102
P: 651-266-6621
mike.richardson@ci.stpaul.mn.us

The Most Livable
City in America

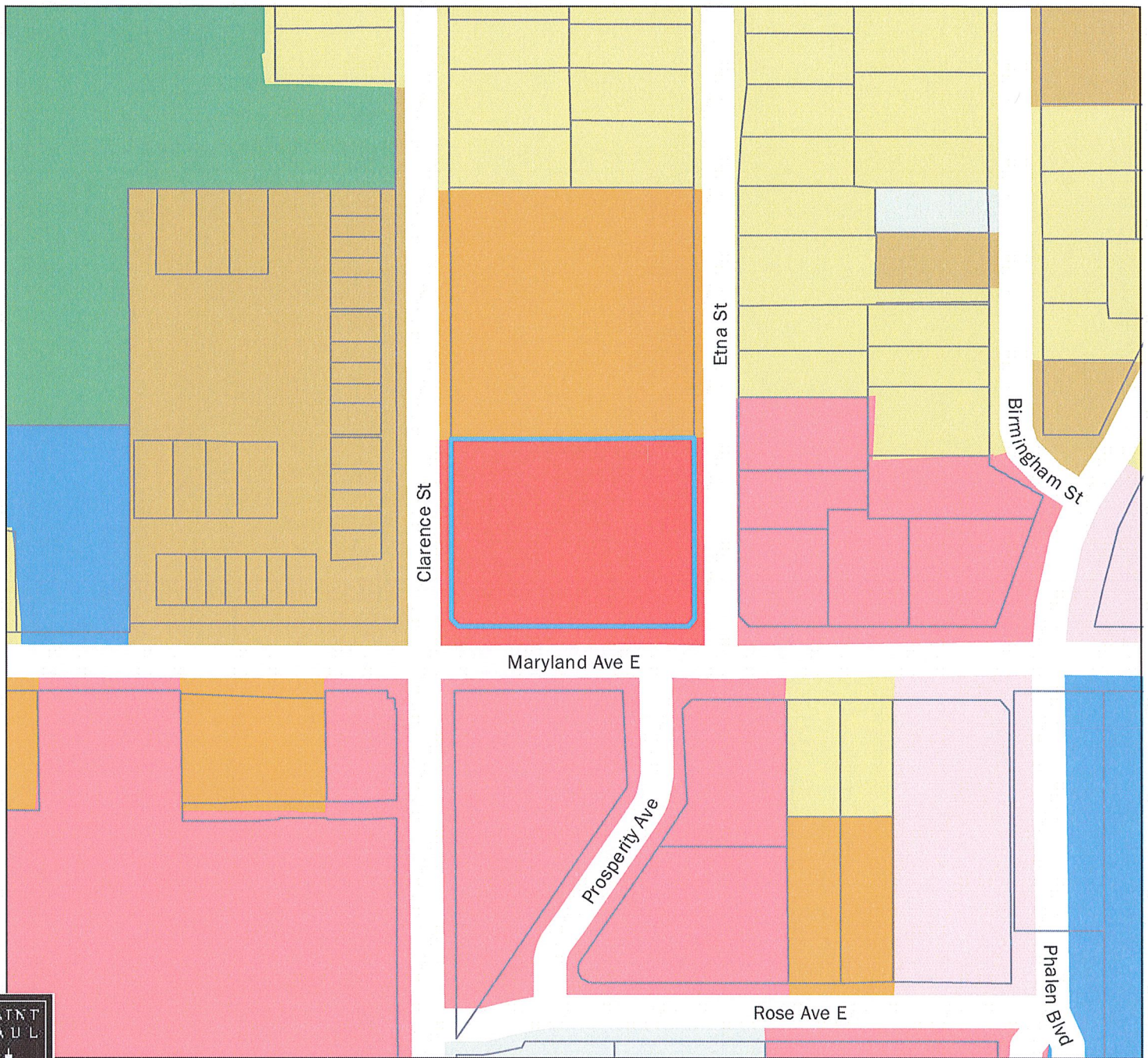




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File # 19-111-705 Photo #1



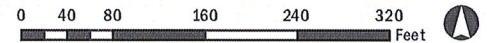
FILE # 19-111-705 | EXISTING LAND USE MAP

Application of Maryland Tobacco Deport Inc.

Application Type: Conditional use permit to establish tobacco use

Application Date: December 31, 2019

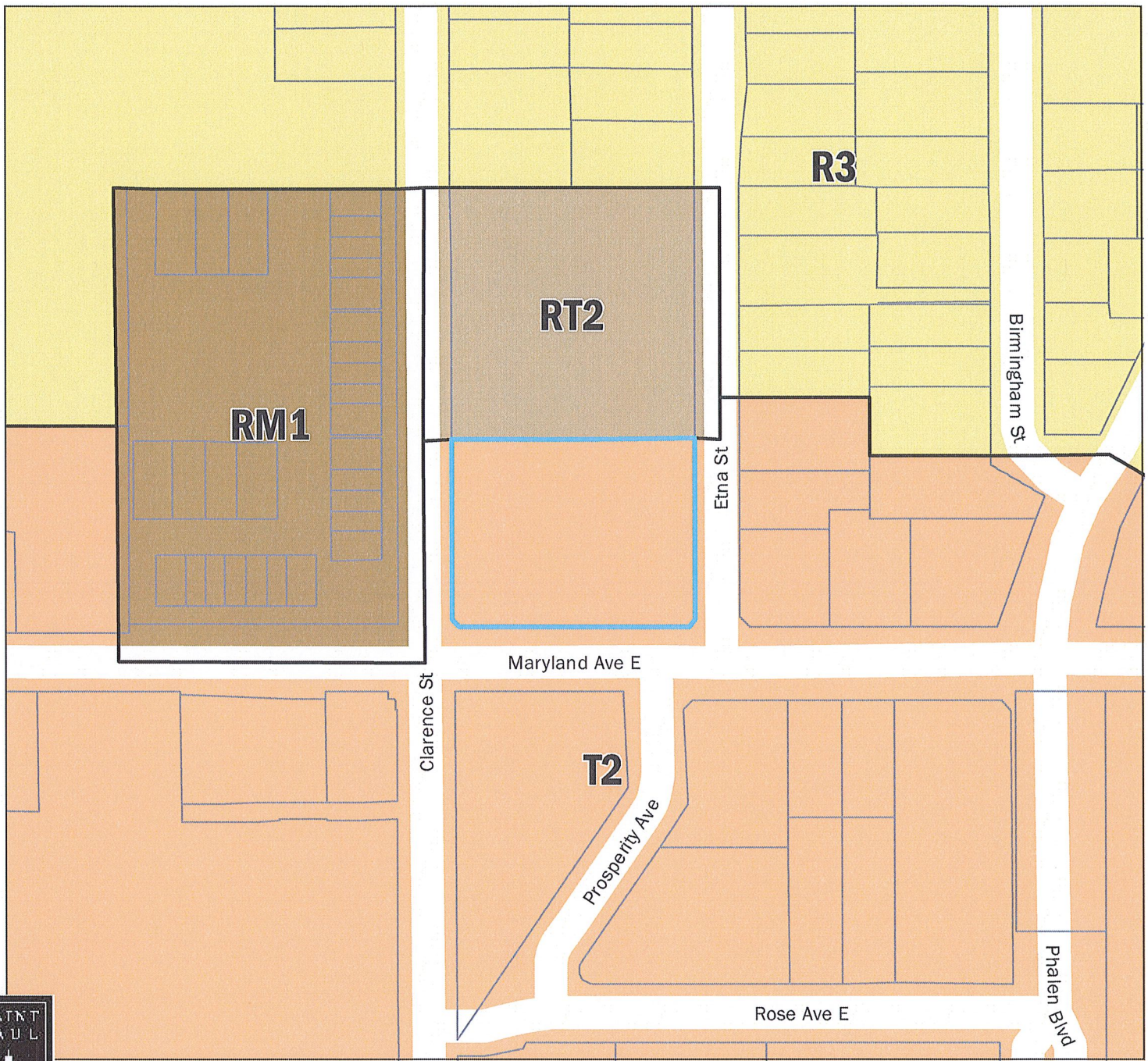
Planning District: 2



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel(s) Outlined in Blue

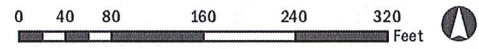
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|---------------------------|-----------------------------|--------------------------------|---------------|
| Parcel Poly | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| Street Centerlines White | Multifamily | Industrial and Utility | Railway |
| Famstead | 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 |



FILE # 19-111-705 | ZONING MAP

Application of Maryland Tobacco Deport Inc.

Application Type: Conditional use permit to establish tobacco use
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Subject Parcel(s) Outlined in Blue

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



FILE # 19-111-705 | AERIAL MAP

Application of Maryland Tobacco Deport Inc.

Application Type: Conditional use permit to establish tobacco use

Application Date: December 31, 2019

Planning District: 2

Subject Parcel(s) Outlined in Blue



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