

ZONING COMMITTEE STAFF REPORT

FILE NAME: Charles Belcher

FILE # 20-015-283

APPLICANT: 1346 Arcade Street LLC

HEARING DATE: April 9, 2020

TYPE OF APPLICATION: Nonconforming Use Permit – Change and Expansion; Variance

LOCATION: 1334-1346 Arcade St., SE corner of Arcade Street and Clear Avenue

PINS & LEGAL DESCRIPTION: 21.29.22.32.0165 - 0166, Lots 12-14, Block 7, Lane's Phalen Grove

PLANNING DISTRICT: 5

PRESENT ZONING: T2

ZONING CODE REFERENCE: §§ 62.109(c) & d), 61.202(b), 61.601, 65.705, 65.706

STAFF REPORT DATE: April 8, 2020

BY: Bill Dermody

DATE RECEIVED: February 20, 2020

60-DAY DEADLINE FOR ACTION: April 19, 2020

- A. **PURPOSE:** Change and expansion of a nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling, and variances for parking (24 spaces required; 7 spaces for customers and employees proposed) and distance between vehicular access and the Arcade-Clear intersection (60 feet required, 13 feet proposed).
- B. **PARCEL SIZE:** 16,625 sq. ft.
- C. **EXISTING LAND USE:** Mixed use commercial/residential (vacant auto body shop, auto storage, and single-family residence)
- D. **SURROUNDING LAND USE:**
Johnson High School to the west and southwest (R4), commercial to the northwest (T2), office to the north across Clear Avenue (R4), and single-family residential to the east (R4) and south (T2).
- E. **ZONING CODE CITATION:** § 62.109(c) authorizes the planning commission to allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location upon making certain findings. § 62.109(d) authorizes the planning commission to permit the expansion of a nonconforming use upon making certain findings. § 65.705 provides a definition and standards for an auto repair station. § 65.706 provides a definition and standards for outdoor auto sales. § 61.202(b) authorizes the planning commission to grant variances when related to permits considered by the planning commission at the same public hearing. § 61.601 provides required findings for granting variances.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 24 off-street parking spaces for the proposed uses, including 1.5 spaces for the single-family home, 7 spaces for the auto repair bays (1 space per bay), 15.19 spaces for the gross floor area of the building used for the auto body shop, auto repair, and auto sales (1 per 400 sq. ft. for the 6,077 sq. ft. building), and 0.30 spaces for outdoor auto sales space (1 space per 5,000 sq. feet).
- G. **HISTORY/DISCUSSION:**
1941 A gas station was approved on the 1346 Arcade Street site. It was converted to and auto body shop at some point in the following decades.
2/85 Zoning code amendments made auto body shops no longer permitted in the B3 general business zoning district, and the body shop at 1346 became legally nonconforming.
4/85 A spray booth addition was illegally constructed without building permits on the north side of the building (there was already another spray booth inside the main building). The City ordered Lindbeck Auto Body to remove the spray booth addition.

- 5/85 Lindbeck Auto Body applied for site plan review for the spray booth addition.
- 6/85 Site plan for the spray booth denied because it had inadequate maneuvering space on the site and required illegal maneuvering in the public right-of-way.
- 8/85 Board of Zoning Appeals denied Lindbeck's appeal of Zoning Administrator's order to remove the spray booth.
- 11/85 City Council denied appeal of the order to remove the spray booth.
- 1992 Planning Commission approved an expansion of nonconforming use permit to allow two accessory additions, the spray booth to the north along Clear Avenue and a garage addition to the south behind the house at 1334 Arcade (owned by the business proprietors) for storage of antique and classic cars, subject to a number of conditions:
 - o No auto body or auto repair work in the garage addition.
 - o Vehicles being serviced shall not be parked in the street.
 - o Off-street parking requirements must be met on the site.
 - o The Arcade Street driveway closest to Clear Avenue must be removed and replaced with curbing. (There were two driveways from Arcade at that time.)
 - o Landscaping improvements as part of site plan review.
 - o Variances from the BZA for the spray booth (parking and maneuvering) or "rearrange the placement of the booth ... so the variances are not needed, if that is possible, ... or it shall be removed"

2007 The site was rezoned to T2 as part of a zoning study addressing Arcade Street.

There have been numerous neighbor complaints about paint odors coming from the business in the last few years. The property was recently sold to the current owner.

H. **DISTRICT COUNCIL RECOMMENDATION:** The Payne-Phalen District 5 Council's Executive Committee recommends approval, conditional on: (1) the application's information about the change in use is accurate; (2) all auto repairs are conducted inside the building; (3) the parking lot is not used for auto repair; and (4) the business does not use the surrounding streets for vehicle storage.

I. **FINDINGS:**

1. The application requests a change and expansion of nonconforming use of property at 1334 and 1346 Arcade Street to add auto repair and outdoor auto sales to an existing auto body shop and dwelling on the property. The application also requests variances of the required distance between vehicular access and the Arcade-Clear intersection (60 feet required, 13 feet proposed) and required parking (24 spaces required, 7 spaces for customers and employees proposed). The site plan submitted with the application shows 17 total parking spaces, including 4 for customers, 3 for employees, 3 for for-sale vehicles (along Arcade Street), and 7 flexible spaces for either for-sale vehicles or vehicles in for service. It manages to show this many parking spaces, however, by showing new stacked parking spaces along the Clear Avenue sidewalk that do not meet the on-site maneuvering requirement for stacked parking in Zoning Code § 63.309, and new parking spaces that do not meet the dimensional standards in § 63.305, the minimum 4 foot setback from lot lines requirement in § 63.312 and the landscaping requirements in § 63.313.

2. Zoning Code § 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. Auto repair and outdoor auto sales are first allowed in the B3 zoning district, which is more restrictive than the zoning district that first allows auto body shops (T4).
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding can be met subject to limiting the overall size of the proposed combination of uses including new outdoor auto sales and repair uses in addition to the previous auto body shop use so that the new combination of uses would not have a significant impact on traffic generation.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met subject to limiting the overall size of the proposed new combination of nonconforming uses, including new outdoor auto sales and repair uses in addition to the previous auto body shop use, so that the off-street parking requirements for the mix of uses are met, and subject to off-street parking on the site meeting the dimensional and design standards in the Zoning Code to the greatest extent possible. If the new uses reduce the auto body shop use of the site, a reduction in paint fumes (which has caused numerous neighbor complaints) is likely to improve public health.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. The 2030 Comprehensive Plan designates the site as part of a Mixed Use Corridor, which allows consideration of auto-related uses such as proposed. Policy LU-1.24 supports a mix of uses in Mixed Use Corridors.
3. Zoning Code § 62.109(d) states: *The planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings relevant to this application:*
 - a. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding can be met subject to off-street parking on the site meeting the dimensional and design standards in the Zoning Code to the greatest extent possible. The property will need to abide by the City's property maintenance standards. There is no building expansion proposed.
 - b. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding is not met. This is part of the accompanying variance application, which is addressed below.
 - c. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to the surrounding land use.* This finding is met. Rezoning the site to B3 general business, where auto repair and outdoor auto sales are first allowed, would be spot zoning. The site is surrounded by T2 and R4 residential zoning. There is no B3 zoning nearby. The site was specifically rezoned away from B3 to T2 in 2007 as part of a larger zoning study, indicating that B3 was deemed inappropriate for this location. Nothing has happened in recent years to prompt reconsideration of that decision.

- b. *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This standard is not met. It is the subject of a variance request addressed below.
 - c. *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This standard can be met. A condition requiring this should be attached to any approval.
 - d. *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.* This standard is met. The two subject lots, which are both proposed to be used for the business, together are 16,625 square feet.
6. The application requests variances of the required distance between vehicular access and the Arcade-Clear intersection (60 feet required, 13 feet proposed) and required parking (24 spaces required, 7 spaces for customers and employees proposed). Zoning Code § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon making the following required finding.
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This required finding is not met for either variance.

The Zoning Code's purpose includes lessening congestion of the public streets by providing for off-street parking of vehicles related to the need for parking created by the use on the site. At the time of the previous nonconforming use permit for this site in 1992, the auto body shop was required to have 2 off-street parking spaces per auto service stall: 14 spaces for the 7 service bays in the main building, which the Planning Commission resolution noted appeared to be the most that could possibly fit on the site. It also noted that the spray booth addition on the north side of the building would require an additional 2 parking spaces. The parking requirement for the house was met in the garage addition behind the house.

The current parking requirement for the previous nonconforming auto body shop is 1 space per 400 sq. feet of gross floor area (GFA) plus 1 space per auto service stall. This would be 18 spaces: 8 spaces for the 8 auto service stalls plus 10 spaces for the GFA of the portion of the building used for the auto body shop (not including the garage addition behind the house that the 1992 nonconforming use permit prohibited from being used for auto body or auto repair work).

The current application proposes to add auto repair to the site and expand the business into the garage addition behind the house that was previously approved for storage of antique and classic cars, thus increasing the parking requirement. The application also proposes to add auto sales to the site and to use 10 parking spaces on the site for cars for sale, thus reducing the number of off-street parking spaces on the site available to meet the parking requirement for the auto body shop and auto repair business. These proposals by the applicant are the reasons for the parking variance request. Without enough spaces on the site for parking vehicles there for repair or for customer and employee parking, parking of vehicles associated with the business would tend to end up on nearby streets and alleys, not in harmony with the purpose and intent of the zoning code.

The purpose of the required 60 foot distance between vehicular access and the intersection of any two streets is to provide for the safety of pedestrians, bicyclists, and vehicular traffic at intersections where they most often interact. This is especially important at this intersection at the main entrance to Johnson High School and a block from

Farnsworth Elementary School where there is a high volume of pedestrian, bicycle, and vehicular traffic and turning movements. Variance of the 60 foot distance requirement at this intersection would not be in harmony with the intent and purpose of the zoning code.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. There are no provisions of the 2030 Comprehensive Plan in conflict with the variances. However, it is noted that Policy T-1.7 calls for minimizing and consolidating driveway curb cuts on *commercial* streets as opportunities arise. (Clear Avenue is not a commercial street.)
- (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This required finding is not met for either variance.

The garage addition behind the house at 1334 Arcade was designed and used for parking up to 7 antique and classic cars plus a parking space for the house. It would be reasonable to permit expansion of the nonconforming business into the garage subject to the condition that it only be used for parking up to 7 vehicles associated with the business plus a parking space for the house. If it is only used for parking it would be excluded from the gross floor area measurement and thus reduce the off-street parking requirement.

When the spray booth addition was constructed on the north side of the building in 1985 there was already another spray booth inside the main building. With more of the business now to be auto repair and sales, with less auto body work, it might be reasonable to remove the spray booth addition on the north side of the building, making space for additional off-street parking there.

Without the additional spray booth on the north side of the building and with the garage addition used for parking, the parking requirement would be reduced to 18 spaces. With 8 parking spaces provided in the garage, the remaining 10 requires parking spaces could be provided on the site north and west of the building, without a parking variance.

With only 34 feet at most between the existing building and public sidewalks along Arcade Street and Clear Avenue, there is only enough room for a one-way drive aisle and angled parking along the north and west sides of the building. The most efficient way to provide parking with this layout would likely be with a curb cut on Clear Avenue that meets the requirement for at least 60 feet of separation from the Arcade-Clear intersection, and the existing exit to Arcade. The existing curb cut close to the corner would just get in the way of having additional parking spaces there. It appears that 14-15 off-street parking spaces could be provided in this area without overhanging or maneuvering on the public sidewalks.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* The desire for a parking variance was created by the applicant's proposal to add auto repair to the site and expand the business into the garage addition behind the house that was previously approved for storage of antique and classic cars, thus increasing the parking requirement, and the applicant's proposal to add auto sales to the site and to use 10 parking spaces on the site for cars for sale, thus reducing the number of off-street parking spaces on the site available to meet the parking requirement for the auto body shop and auto repair business. It is not created by circumstances unique to the property.

While the request for variance of the required 60 foot distance between vehicular access

and the Arcade-Clear intersection is triggered by the existence of two curb cuts within that area, there do not appear to be circumstances unique to the property that would make it problematic to remove them. Replacing them with a curb cut that meets the separation requirement would provide for better, safer vehicular access, and be beneficial for fitting more parking spaces on the site that meet dimensional standards to the greatest extent possible.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The request for change and expansion of nonconforming use of the site is addressed above.
- (f) *The variance will not alter the essential character of the surrounding area.* It appears that the parking variance would result in inadequate parking spaces on the site for vehicles there for repair and for customer and employee parking, and that parking of vehicles associated with the business would tend to end up on nearby streets and alleys, altering the character of the surrounding area. Variance of the required 60 foot distance between vehicular access and the Arcade-Clear intersection is unlikely to alter the character of the surrounding area.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommend denial of the variances of required parking and minimum distance between vehicular access and the Arcade-Clear intersection, and recommend approval of the change and expansion of nonconforming use of the site to add auto repair and outdoor auto sales to the existing auto body shop and dwelling on the site at 1334-1345 Arcade Street subject to the following additional conditions:

1. The garage addition behind the house at 1334 Arcade shall be used only for parking at least 7 vehicles associated with the business plus at least one parking space for the house, and shall not be used for auto body or auto repair shop work.
2. The spray booth addition on the north side of the building shall be removed.
3. The Clear Avenue curb cuts within 60 feet of the Arcade-Clear intersection shall be removed and replaced with curbing.
4. The off-street parking requirement for the mix of uses on the site shall be met. Required parking spaces shall not be used for display of vehicles for sale. The parking requirement may be reduced by eliminating auto repair bays in the building, thus opening up additional parking spaces to display vehicles for sale.
5. Off-street parking on the site shall meet dimensional and design standards in the Zoning Code to the greatest extent possible, including the the screening landscape requirements in Zoning Code § 63.314(b) for parking facilities and outdoor auto sales adjoining public streets or sidewalks.
6. Employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and not on streets or alleys.
7. All auto repair work shall be done within an enclosed building. Paint fumes from the auto body shop shall be controlled so that they are not noticeable on adjacent lots.
8. There shall be no outside storage.

From: Charles Belcher <USCENTRAL1@hotmail.com>
Sent: Thursday, April 2, 2020 10:26 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: RE: NCUP/variance applications

I want to include 1334 arcade street Saint Paul MN 55106 in my applications.

Regards,
Charles Belcher



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) 266-6583

PD=5

Zoning Office Use Only	
File #	20-015283
Fee Paid \$	
Received By / Date	
Tentative Hearing Date	3/12/20

#212922320165

APPLICANT

Name Arcade Auto Body LLC
(must have ownership or leasehold interest in the property, contingent included)

Address 1346 Arcade Street City St. Paul State MN Zip 55106

Email uscentra11@hotmail.com Phone 651-230-1145

Name of Owner (if different) _____ Email _____

Contact Person (if different) Charles Belcher Email _____

Address 1346 Arcade Street City St. Paul State MN Zip 55106

PROPERTY INFO

Address/Location 1346 Arcade Street St. Paul MN 55106

PIN(s) & Legal Description 212922320165
(attach additional sheet if necessary)

Lot Area _____ Current Zoning _____

- TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.
- 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)

Present / Past Use Auto Body Repair/Printing

Proposed Use Auto Body Repair/Printing, Auto Repair, Outdoor Auto Sales

SUPPORTING INFORMATION: Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

Arcade Auto Body is applying to add a Auto Repair and Outdoor Sales to the current Auto Body License.

CK 7216
1171⁰⁰

- Attachments as required: Site Plan Consent Petition Affidavit
- 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 _____

Date _____

2-7-20

add 2-20-20



ZONING VARIANCE APPLICATION

To Board of Zoning Appeals
 Dept. of Safety & Inspections
 Zoning Section
 375 Jackson St., Suite 220
 Saint Paul, MN 55101-1806
 (651) 266-9008

To Planning Commission
 Dept. of Planning & Econ. Devt.
 Zoning Section
 1400 City Hall Annex, 25 W 4th St.
 Saint Paul MN 55102-1634
 (651) 266-6583

Zoning Office Use Only

File # _____
 Fee Paid \$ _____
 Received By / Date _____
 Tentative Hearing Date _____

APPLICANT

Name Arcade Auto Body LLC Email uscentraL1@hotmail.com
(must have ownership or leasehold interest in the property, contingent included)
 Address 1346 Arcade Street
 City St. Paul State MN Zip 55106 Daytime Phone 651-230-1145
 Name of Owner (if different) Charles Belcher
 Contact Person (if different) _____ Phone _____

PROPERTY INFO

Address/Location 1346 Arcade Street
 PIN(s) & Legal Description 212922300165
(attach additional sheet if necessary)
 _____ Lot Area _____ Current Zoning _____

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code _____

State the requirement and variance requested. Customer/Employee parking variance requested, distance to corner less than 60FT

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.

Size of parcel limits parking code requirement.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Building and layout was established long before our purchase. We want to utilize the parking layout as best as possible.

3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.

NO.

4. The variance will not alter the essential character of the surrounding area.

Will not alter the essential character of surrounding area.

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 _____

Date _____

2-20-20

City Agent _____

1. In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units.

Applicant's request is not one for changing any number of dwelling units.

2. For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.

Applicant's request does not include an expansion of structure.

3. The appearance of the enlargement expansion or relocation will be compatible with the adjacent property and neighborhood.

Applicant's request is to add an Outdoor Auto Sales and Auto Repair License, and will be compatible with the adjacent property and neighborhood.

4. Off-street parking is provided for the enlargement expansion or relocation that meets the requirements of article 63.200 for new uses.

Off-street parking is provided per requirements of article 63.200.

5. Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use;

Rezoning is not requested.

6. After the enlargement 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;

The use will allow the display of good looking vehicles for sale in the subject current parking layout verses only cars needed for repair. Which would be less detrimental to the surrounding neighborhood and give a better curb appeal. All work to be performed on vehicles takes place indoors. There is no evidence that there will be increased noise, vibration, glare, dust, or smoke or that it will be detrimental to the immediate neighborhood or endanger the public health, safety, or general welfare.

7. The use is consistent with the comprehensive plan;

Applicant's request is consistent with the comprehensive plan.

8. A notarized petition of at least two-thirds of the owners of the described parcels or real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.

The notarization petition contains more than two-thirds of the signatures of owners within 100 feet.

1. The Proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;

Applicant's request is equal or more appropriate as it allows applicant to display better looking vehicles in the current site plan for display versus only cars that have been damaged and need repair. This will give a better curb appeal to the neighborhood and surrounding area and also more in line with the applicant's vision for the current/future business model.

2. The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;

The proposed use by applicant is similar and has no evidence of creating more traffic.

3. The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;

Applicant's request to add an Outdoor Auto Sales is less detrimental than the existing use.

4. The use is consistent with the comprehensive plan.

The applicant use will be consistent with the comprehensive plan.

SITE PLAN

LAKE AND LAND SURVEYING, INC.
 1200 Centre Pointe Curve, Suite 275
 Mendota Heights, Minnesota 55120
 Phone: 651-776-6211

Survey Made For:
 Mr. Charles Belcher
 1346 Arcade Street
 St. Paul, MN 55106

Legal Description
 Lots 12 and 13, Block 7,
 LANES PHALEN GROVE ADDITION,
 Ramsey County Minnesota.

Site Address: 1346 Arcade Street, St Paul, MN 55106

NOTES:

- Denotes 12 inch Common Spike set with washer stamped RLS 16464 or as noted.
 - Denotes Iron Monument found size, type, & R.L.S. as noted.
 - Denotes Gas Meter
 - ORW— Denotes Overhead Wire
 - ⊙ Denotes Manhole Cover
 - ⊕ Denotes Power Pole
 - Denotes Wood Fence
 - ▨ Denotes Concrete Surface
- AREA: 11,208 SQ. FT. OR 0.26 ACRES
 BASIS OF BEARINGS: ASSUMED
 LAKE & LAND SURVEYING. JOB NO. 2019.009-RP

I certify that this survey, plan or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

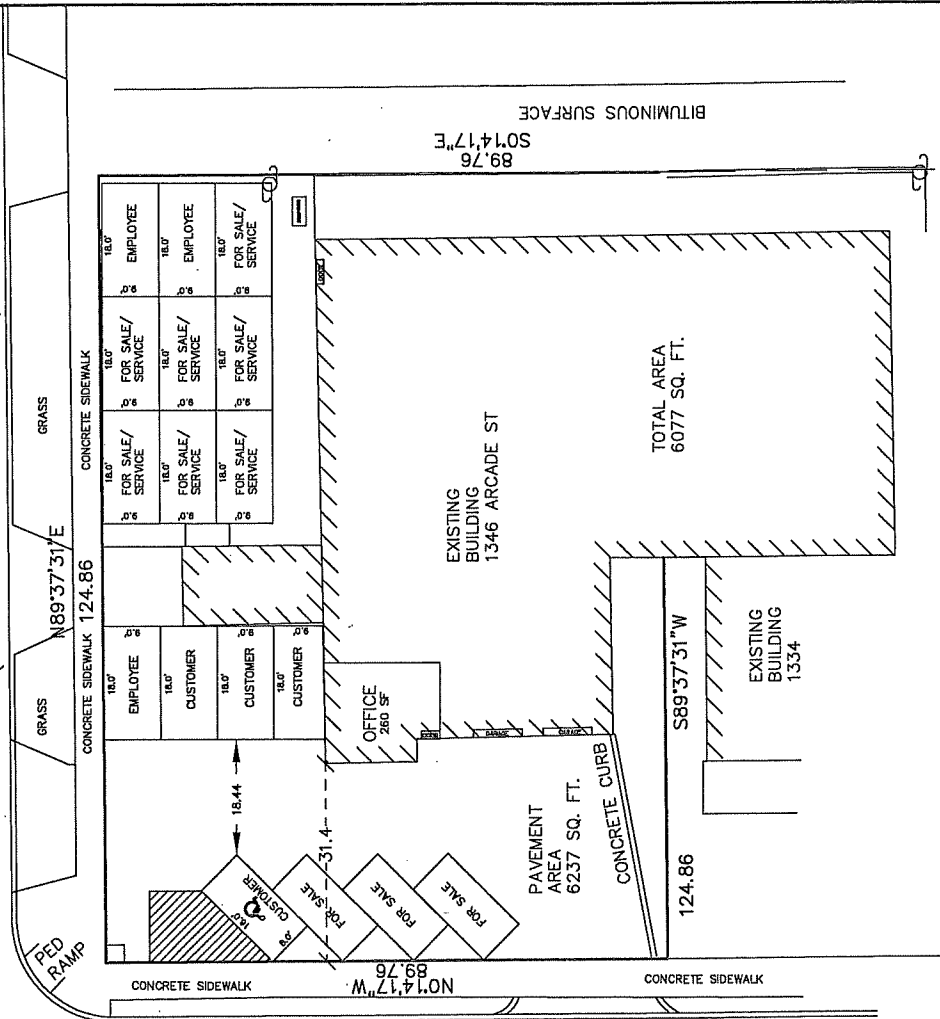
Jonathan L. Faraci

October 21, 2019

Jonathan L. Faraci
 Registered Land Surveyor & Registered Engineer
 Minnesota Registration No. 16464

Ⓜ

CLEAR AVENUE
 (60 FT WIDE RIGHT-OF-WAY)



ARCADE STREET
 (60 FT WIDE RIGHT-OF-WAY)



SCALE
 1 inch = 20 ft.



Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Mr. Bill Dermody
City of Saint Paul, Department of Planning and Economic Development
City Hall Annex
25 West 4th Street, Suite 1300
Saint Paul, MN 55102

April 1, 2020

Re: Requested Change to Non-Conforming Use, 1346 Arcade Street SE
Charles Belcher, #20-015-283

Dear Bill,

I am writing to you on behalf of the Payne-Phalen Community Council. The Executive Committee of the Board of Directors met in regular session on Wednesday, March 18th via digital meeting platform. The matter of Mr. Belcher's request for Change to Non-Conforming Use at 1346 Arcade Street SE was discussed and acted upon.

Acting on behalf of the organization, the Executive Committee of the Board voted to support this permit application on the condition that the information in the change in use request is accurate. More specifically, PPCC supports this request so long as the change includes all auto repairs are conducted within the building, the parking lot is used for auto sales (not auto repair), and that the business does not use street parking in the surrounding neighborhood for storage of vehicles.

Please note, typically we would seek public feedback at our regular monthly community meeting. However, this matter was not brought before the full Board at our regular monthly community meeting; our March Board meeting was cancelled due to the current health crisis. PPCC published information about this public hearing in our weekly newsletter so that interested community members could contact the City directly.

We appreciate you including this letter in the record related to this application, Bill. And thank you in advance for taking the position of the Payne-Phalen Community Council into consideration as you make your decision.

Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

A handwritten signature in blue ink that reads "Jack Byers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack Byers
Executive Director

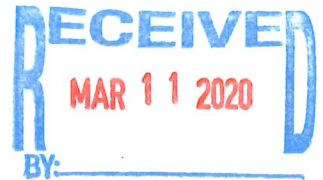
cc. Council Member Nelsie Yang, Ward 6
Charles Belcher, Owner
Samantha Langer, Zoning Committee Office Assistant
Athena Hollins, Board President
PPCC Board of Directors

3-11-2020

This letter is to show my support to Charles Belcher owner of Arcade Auto Body located at 1346 Arcade Street in Saint Paul. I have been living at 842 Clear Street since 2001 nearly 20 years and I am located behind the current body shop and within 100 feet of his building. I support Charles to expand his business and to add Outdoor Vehicle Sales and to also add a Indoor Mechanic Shop and to be able to maximize his indoor space of the building he currently owns. I feel this will not add any negative effect to me or the neighborhood actually it maybe even better to have good looking cars parked in his car lot verses only ones that need repair. So he has my full support thank you.

To Whom It May Concern

Tom Rogge

A handwritten signature in blue ink, appearing to read "Tom Rogge", is written over a faint blue circular stamp.

Sharon Teske and Edward Teske

839 Clear Ave
St Paul MN 55106-1818

To whom it may concern; we have been living at 839 Clear Ave in St.Paul for over 52 years. We are located less then 100 feet from 1346 Arcade Street where Arcade Auto Body is currently located. We are writing this letter to express our support for Charles Belcher to expand his business inside his building and to also establish an Outdoor Used Car Sales Lot and Indoor Mechanic Shop. Mr.Belcher has expressed to us that he is more established in car sales and feels that car sales will also have better curb appeal then to use all parking only for auto body we agree with that displaying auto sales is also more neighborhood friendly and support him in this effort.

Regards,

Sharon Teske

Sharon Teske
Ed Teske

Edward Teske



From: Korstad, Jason <Jason.Korstad@resideo.com>
Sent: Tuesday, March 17, 2020 5:16 PM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: File #20-015-283

Dear Bill. I am writing this to object to the expansion of the non conforming use at the existing eyesore/body shop located at 1334 Arcade Street on the SE corner of Arcade and Clear Ave.

This business has been a blight on our neighborhood for as long as I have lived here. My wife and I own two properties near the site. One is our domicile at 865 Ivy East and the other is a lot zoned for urban agriculture at 866 Clear. We keep our properties up to standards and also offer an oasis for neighbors who like to plant flowers and or vegetables in our gardens.

We have had numerous occasions where the aforementioned “business” has blocked the alley. Left no room on the street for parking or simple navigation when turning off of Arcade. They spew noxious fumes from the body shop causing problems which include but are it limited to shortness of breath and inability to enjoy the outdoor space for myself and my wife. She has a chronic lung condition which may or may not have been worsened by these conditions. And I have RA which is an issue as well when these fumes are exhausted. I’ve had many occasions where I am unable to exit the alley in that direction due to vehicles being “parked for a short time” along the back side of the building. The occupants at the location are often very rude when asked about moving said vehicles and I’ve had occasions where I was concerned about my well being due to the aggressive nature of their conversation.

I’m all for business development but at this time we have a failing body shop on one corner a failed repair shop on the other both of which have been very negative towards our happy little place in East Saint Paul.

I would normally be glad to attend this hearing and voice my concerns directly as I believe the owners are within their rights to face the opposition but with the pandemic going on and my wife and I being compromised I would hope and trust that this email is a representation of at least my opinion in lieu of attending in person.

Thanks,

Jason Korstad

Sent from my mobile device please excuse any inadvertent errors.

From: Jennifer Macaulay <jenmacaulay@gmail.com>
Sent: Tuesday, March 17, 2020 5:30 PM

To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>

Subject: Objection to nonconforming use expansion (File: 20-015-283)

Good afternoon,

I am not okay with any expansion of a nonconforming use for the “body shop/house” on the corner of Clear and Arcade. It is an eyesore, and a blight on our peaceful little neighborhood. We have these beautiful houses, with neighbors who are proud of our neighborhood and take great care of their homes, and then we have these eyesores in the body shop and auto repair shop as bookends at the end of the block. My husband Jason Korstad and I own 865 Ivy Avenue E and 866 Clear Avenue E. (We have 866 Clear zoned for urban agriculture and we grow a substantial amount of fruits and vegetables on that property that we use or donate to local shelters or food shelves. And we are working hard to make our garden lot into a place where community can gather and develop and cultivate a stronger sense of community.) The last thing our neighborhood needs is a BIGGER footprint for a body shop. The last thing we need is more noxious fumes spewing from a (nonconforming) painting booth. The last thing we need is less attention to our neighborhood and more attention to another failing business that brings (I would imagine) a negligible percentage of living wage jobs, is not involved in the community in a positive way, does not abide by the rules that should protect us from the fumes resulting from their business, and...reportedly, has the owner trying to sell the property?

How long has this “business” been in operation? I heard (albeit through the neighborhood grapevine) that the business/house owner had been trying to sell the business? Was this the case? Because if this is a new owner, I am even more concerned. How do we know this place is a going concern? Do we actually need another body shop? Is the demand even there? What do these additional “parking spaces” mean to the neighborhood? There isn’t enough room for the employees to park, so they take up all of the spots on the street around our block. I don’t know where they would go if not on the street? Where will the neighbors park, especially during snow emergencies? And it isn’t just the employees parking on the street. All manner of operating and non-operating vehicles attendant to the shops purported mission, line our streets routinely.

If these two auto shops were financially viable, that would be terrible for the neighborhood because it would interfere with the parking we need to support the neighbors and our friends working at both Farnsworth and Johnson. Because they aren’t (apparently) financially viable, they just serve as a boarded up business and a blight on the neighborhood. Adding “auto sales” to their nonconforming use is also a terrible idea. Go hang your shingle in a non-residential area!

There are nonconforming uses that make sense for our community and neighborhood. I’m all for that. I am not okay with nonconforming uses that only have negative impact, and this is such a petition.

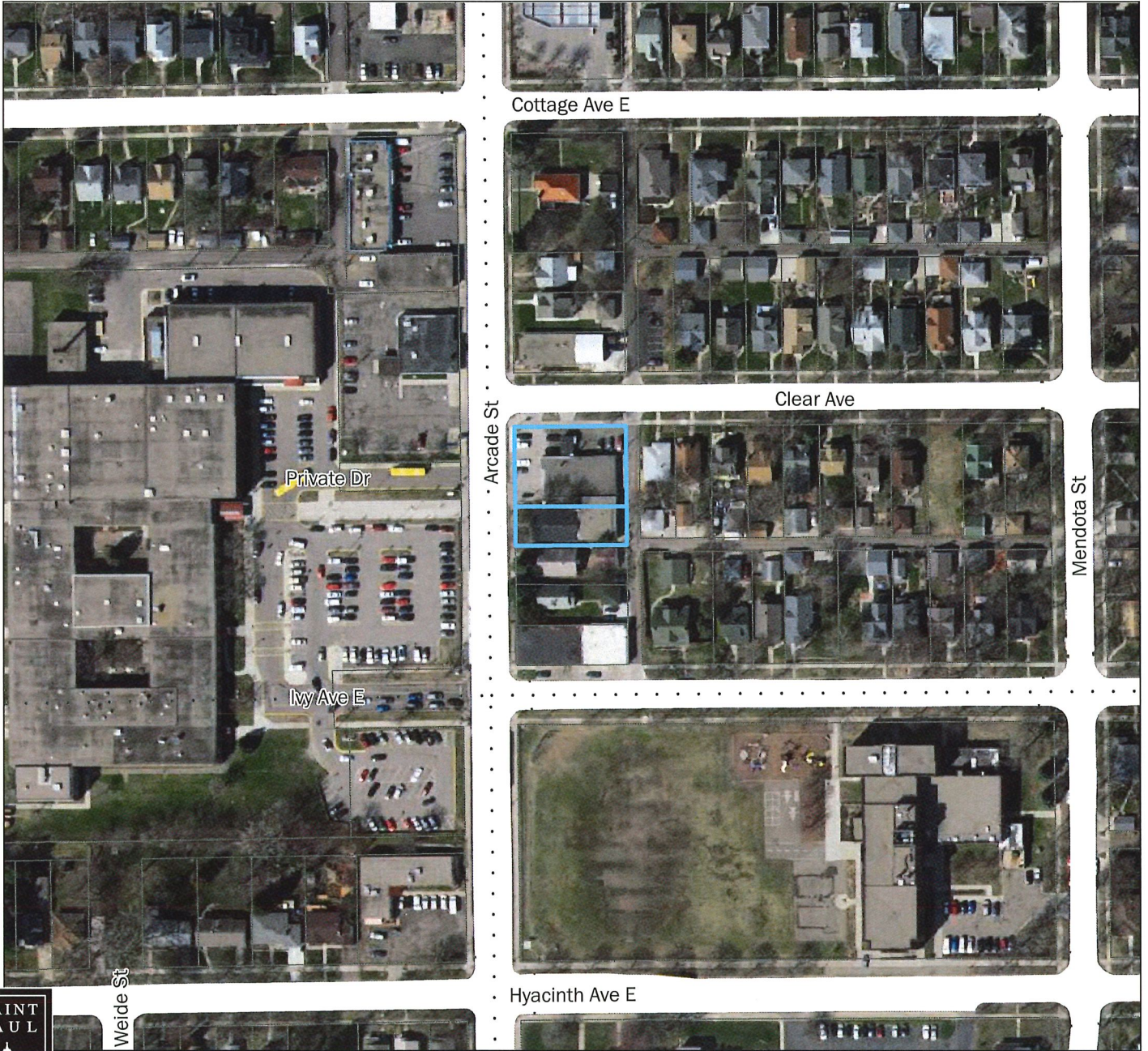
I urge the Zoning Committee to deny this request for expansion of a nonconforming use.

Jennifer M. Macaulay, Esq.
Macaulay Law Offices, Ltd.
649 Grand Avenue
St. Paul, MN 55105
(<https://goo.gl/maps/nCVaXqP3sN22>)
jennifer@macaulaylaw.com

From: John C <medastick@yahoo.com>
Sent: Thursday, March 19, 2020 7:25 PM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: File # 20-015-283

Before any variance or change is granted they must address their poor snow **removal** this past winter. Just pushing it around made the corner dangerous to negotiate for pedestrians or vehicles. They have been good neighbors, but the increase in their business and traffic, and the clinic parking and traffic, have made the corner more congested and dangerous for the high school pedestrians and customers from Holiday and other establishments (and me, on foot or driving). These problems notwithstanding, they seem to be a good and reasonable bunch operating to everyone's benefit. I can't attend the meeting but recommend approval.

john crivits 859 clear ave saint paul mn 55106



FILE #20-015283 | AERIAL MAP

Application of 1346 Arcade Street LLC

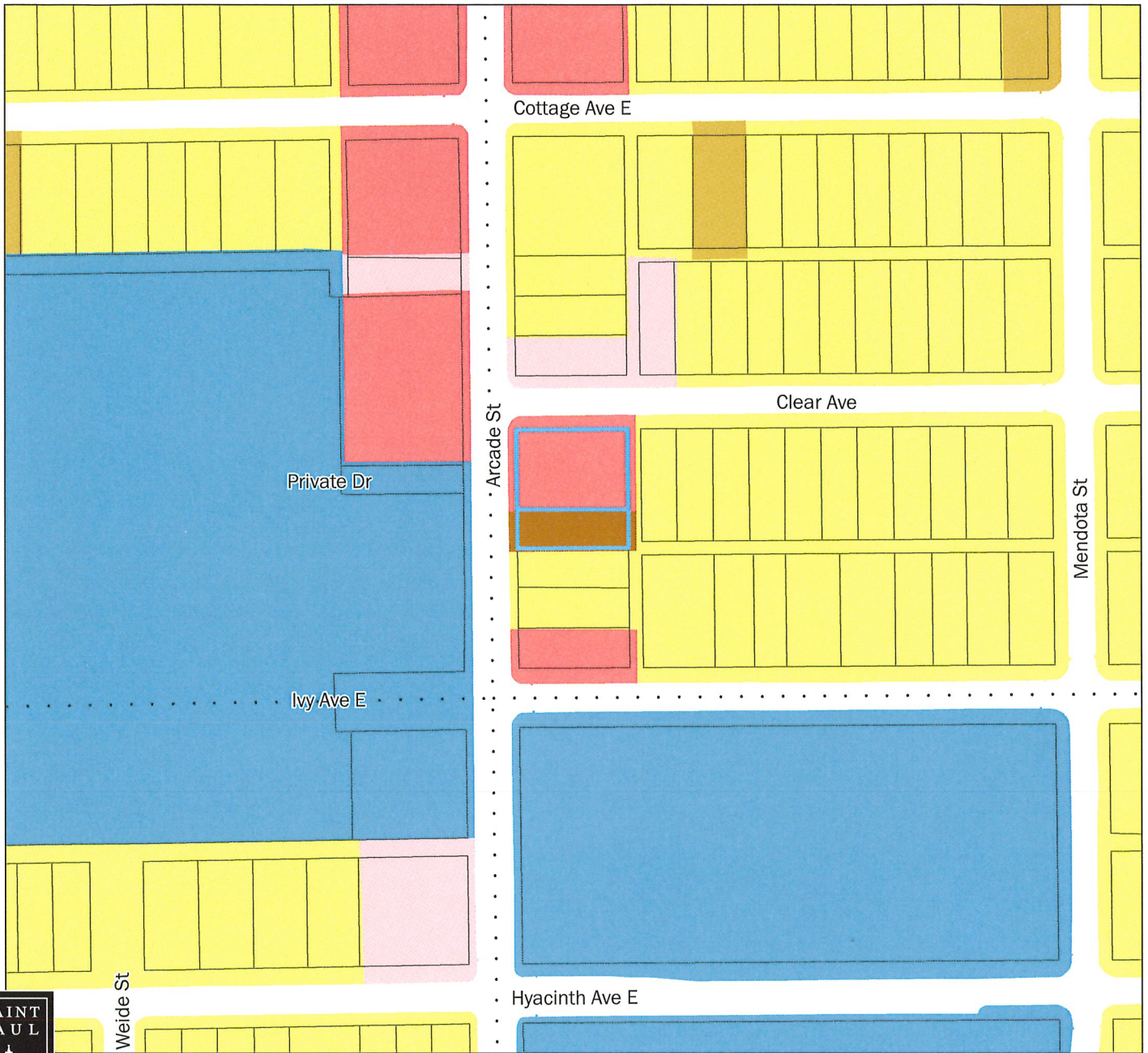
Application Type: NCUP w/variance
 Application Date: February 20, 2020
 Planning District: 5

Subject Parcel(s) Outlined in Blue

ParcelPoly on



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FILE #20-015283 | EXISTING LAND USE
Application of 1346 Arcade Street LLC

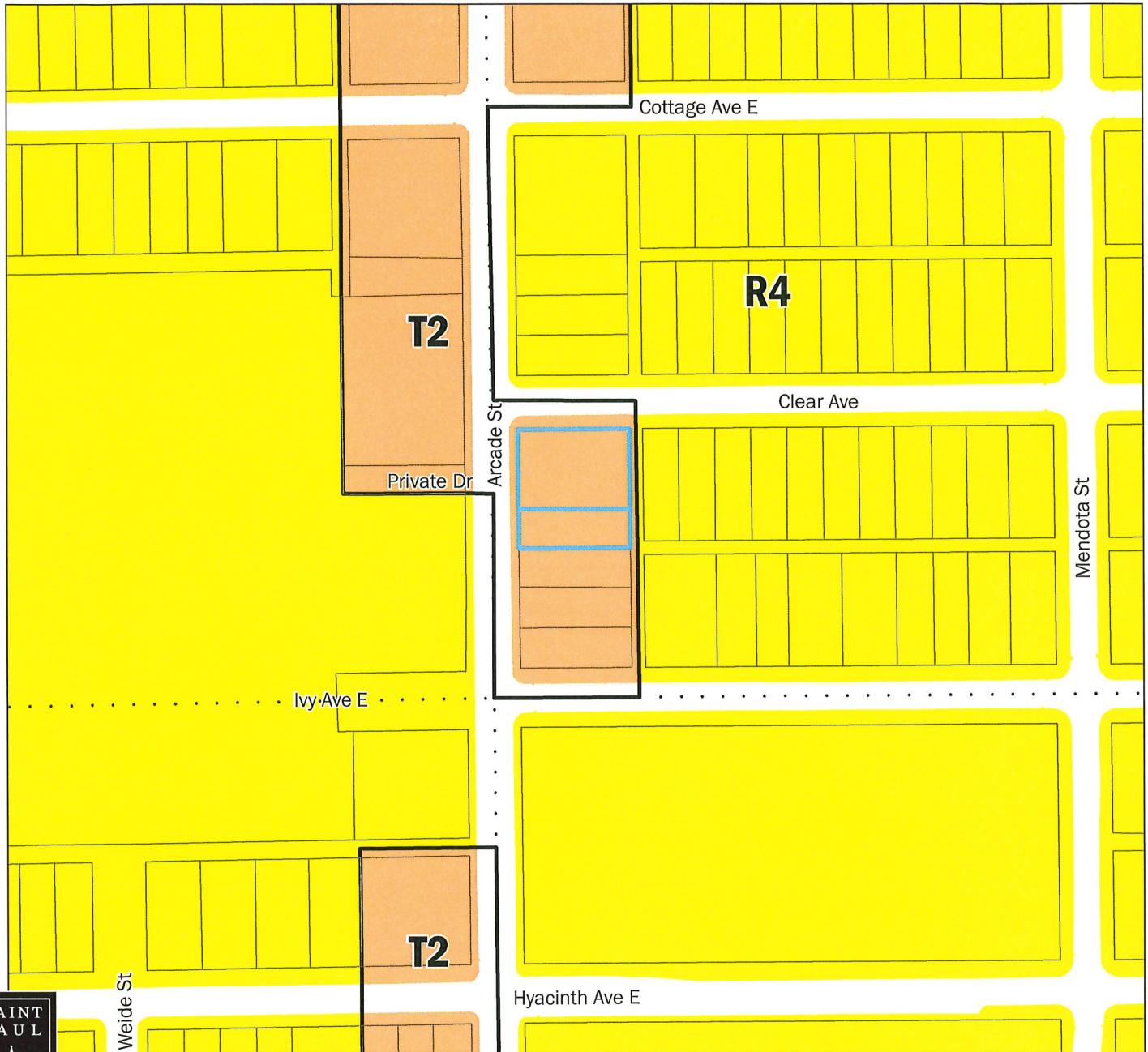
Application Type: NCUP w/variance
 Application Date: February 20, 2020
 Planning District: 5



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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Poly on | Multifamily | Industrial and Utility | Railway |
| 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 | |



FILE #20-015283 | ZONING MAP

Application of 1346 Arcade Street LLC

Application Type: NCUP w/variance
 Application Date: February 20, 2020
 Planning District: 5



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Subject Parcel(s) Outlined in Blue

Parcel/Poly on	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
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	