

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Internacional Auto Sales **FILE #** 14-197-427
 2. **APPLICANT:** Internacional Auto Sales (Nasseh Ghaffari) **HEARING DATE:** May 22, 2014
 3. **TYPE OF APPLICATION:** NUP – Expansion
 4. **LOCATION:** 1265 Arcade St, NW corner at Orange
 5. **PIN & LEGAL DESCRIPTION:** 202922440068; Oak Ville Park Lots 17 And Lot 18 Blk 6
 6. **PLANNING DISTRICT:** 5
 7. **ZONING CODE REFERENCE:** Sec. 62.109(d) **PRESENT ZONING:** T2
 8. **STAFF REPORT DATE:** May 15, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** April 23, 2014 **60-DAY DEADLINE FOR ACTION:** June 17, 2014
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- A. **PURPOSE:** Expansion of nonforming use to increase number of parking stalls for outdoor auto sales
- B. **PARCEL SIZE:** 122' (Arcade) x 81' (Orange) totaling 9,922 square feet
- C. **EXISTING LAND USE:** A-Auto Showroom/Lot/Service
- D. **SURROUNDING LAND USE:**
 - North: Residential (T2)
 - East: Church (R4)
 - South: Commercial (T2)
 - West: Residential (R4)
- E. **ZONING CODE CITATION:** Sec. 62.109(d) lists the conditions under which the Planning Commission may grant a permit to expand or relocate a legal nonconforming use.
- F. **HISTORY/DISCUSSION:** The site was rezoned from B3 to T2 in 2007 as part of a 40-acre study and rezoning along Arcade Street, which caused the existing automobile sales use to become nonconforming. In 1994, the site received a conditional use permit to allow outdoor sales of used automobiles, including a modification of the Orange Street driveway's allowable distance from Arcade Street, subject to seven (7) conditions. The 1994 approval included approval for minor vehicle repair in a single-vehicle bay (ZF #94-247). In 1990, a different conditional use permit was approved for outdoor auto sales, but the use was never established. In the early 1950s the site received approval for a gasoline service station and a billboard, neither of which are still in existence.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District 5 Planning Council opposes the requested expansion of a nonconforming use (please see attached letter). At their committee meeting to discuss the application, attendees "expressed substantial frustration with the substantial and serious number of license violations." Also, staff has received one letter of opposition to the request.
- H. **FINDINGS:**
 1. The site is located at the northwest corner of Orange and Arcade Streets. It is currently used for automobile sales. The lot is enclosed by an approximately 6'-high fence with two gates—one along each street frontage.
 2. The existing CUP, approved in 1994, allows no more than 14 "for sale" cars on the lot at any one time, and requires a minimum of 8 off-street parking spaces for customers/employees. The 1994 CUP also forbids parking "for sale" vehicles in the public street or alley.
 3. The application requests expansion of a nonconforming use (outdoor auto sales) to allow 29 parking stalls to be used for auto sales.

4. According to staff calculations, the site cannot accommodate more than 28 parking stalls – the application site plan shows more stalls along Arcade Street than can actually fit on the site, meeting Zoning Code off-street parking facility standards. Additionally, the Zoning Code standards, if applied strictly, would leave room for only two (2) parallel parking spaces in front of the building after accounting for the drive aisle, rather than the six (6) angled spaces shown in that area – however, the 1994 CUP included a site plan with that same inadequately sized drive aisle. Regardless of the maximum number of vehicles approved through the subject application, a site plan review is necessary to ensure proper compliance with Zoning Code standards.
5. The applicant has conveyed that a reason for the application is to allow more vehicles to be kept on-site where they can be better protected from vandalism.
6. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*
 1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is met. This is a non-residential property with no dwelling units proposed.
 2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is met. No expansion of a structure is requested.
 3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is can be met. The business expansion can be compatible with the adjacent property and neighborhood if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby.
 4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding can be met. Sec. 63.200 requires 1 parking space per 400 sq. ft. GFA plus 1 space per 5,000 sq. ft. of outdoor sales, which equals 5 (4 plus 1) parking spaces for the subject site. A site plan review is necessary to verify that the minimum parking space and drive aisle dimensions are provided.
 5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The first zoning district that conditionally permits the use is B3. However, the site cannot meet the B3 condition that requires a minimum lot size of 15,000 sq. ft. The second zoning district that conditionally permits the use is IT. However, the site cannot meet the IT condition that it be located within ¼ mile of University Avenue. Therefore, the first zoning district that would permit the use is I1. Rezoning the site to I1 would result in spot zoning inappropriate to the area, which contains no industrial zoning.
 6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding can be met. The business expansion will not be detrimental to the immediate neighborhood's existing character nor endanger the public health, safety, or general welfare if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby. No increase in noise, vibration, glare, dust, or smoke is anticipated from the use expansion.
 7. *The use is consistent with the comprehensive plan.* This finding is met. The

Comprehensive Plan designates the site as part of a Mixed Use Corridor, which allows for commercial uses such as proposed. The District 5 Plan contains no provisions specific to the proposal. The Arcade Street Small Area Plan does not address business expansions such as proposed, though it does encourage community-oriented commercial to locate at the Maryland and Phalen intersections rather than other locations along Arcade Street.

8. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.* This finding is met. The petition was found sufficient on April 23, 2014: 14 parcels eligible; 10 parcels required; 10 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the expansion of nonforming use to increase number of parking stalls for outdoor auto sales subject to the following conditions:
 1. There shall be no more than 28 vehicles on the lot at any one time, including "for sale" vehicles and those of customers and employees.
 2. A minimum of 5 off-street parking spaces shall be provided for customers/employees.
 3. Site Plan approval through the Department of Safety and Inspections.
 4. No outside storage of materials other than automobiles shall be permitted on the site.
 5. "For sale" vehicles shall be parked only on the lot at all times and shall not be parked in the public street or alley at any time.
 6. No barbed wire fencing shall be present on the site.



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

Zoning Office Use Only
 File #: 14-197427
 Fee: _____
 Tentative Hearing Date: 5-22-14

PD = 5

#202922440068

APPLICANT

Name Internacional Auto Sales, LLC.
 Address 1265 Arcade St
 City St Paul St. MN Zip 55106 Daytime Phone 651-985-1147
 Name of Owner (if different) Michael Abou
 Contact Person (if different) Kristian L. Owen Phone 952-855-9224

PROPERTY LOCATION

Address/Location 1265 Arcade St, St Paul, MN 55106
 Legal Description Lot 17 and 18, Block 6
 Current Zoning _____
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

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

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

Present/Past Use Second-hand auto sales
 Proposed Use Second-hand auto sales

Attach additional sheets if necessary

Applicant seeks to allow 12 more parking spots for sale vehicles to the existing lot, conforming with the zoning code

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature] Date 4/17/14 City Agent

Attorney for Applicant

add
4-17-14

- (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 change the number of parking spots in the lot at the subject property, 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 the 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;

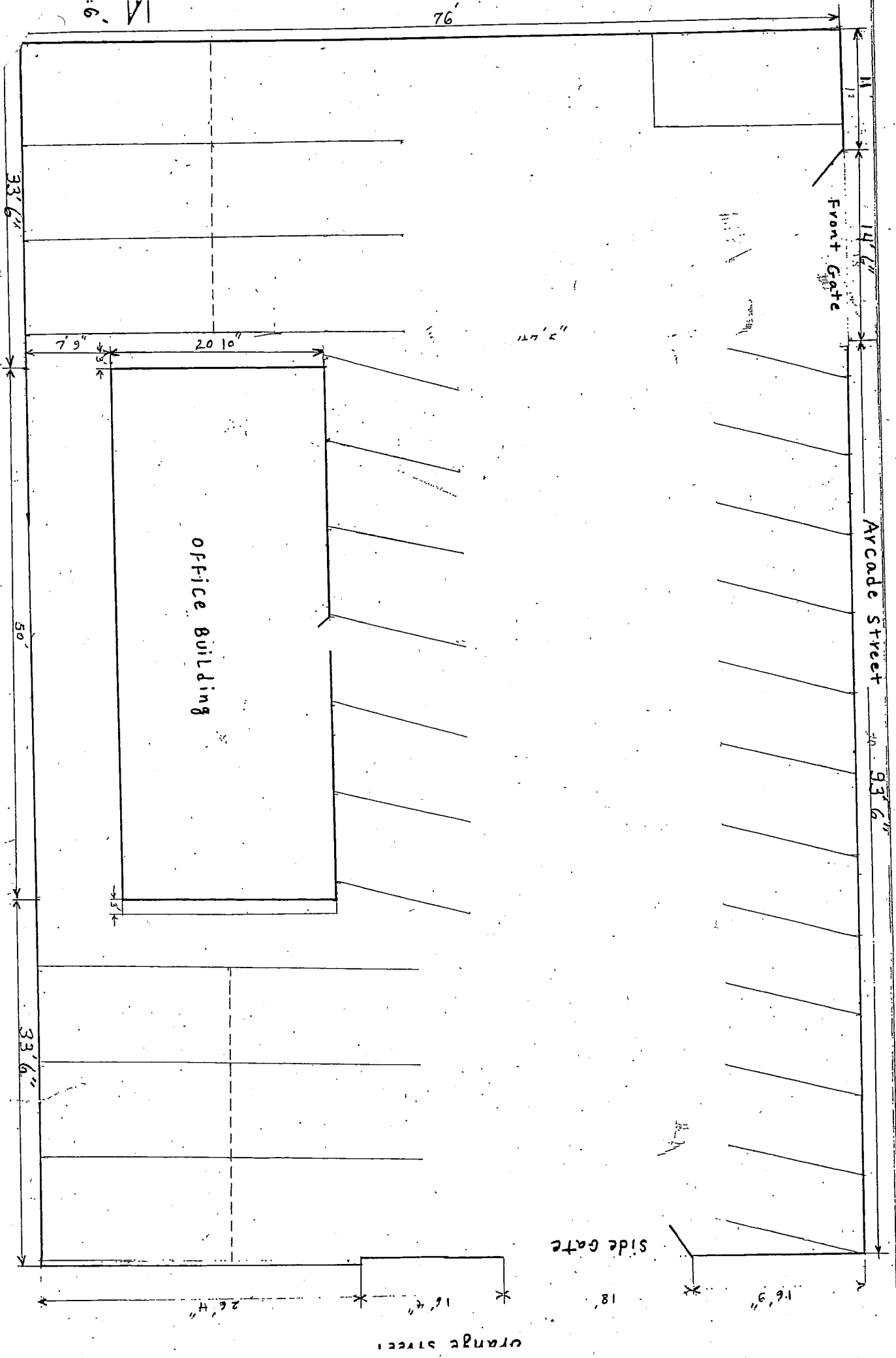
The use will allow 12 more vehicles on the property, and six of these vehicles will be stored. There is no evidence that there will be increased noise, vibration, glare, dust, or smoke or that it will be detrimental to the immediate neighborhood or endanger the public health, safety, or general welfare.

- (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 of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation.

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



VI 6

76

11 1/2

Front Gate

Arcade Street

93'6"

Office Building

7'9"

20'10"

33'6"

50'

33'6"

Side Gate

16'3"

18'

Orange Street

26'4"

16'4"

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

May 8, 2014

Mr. Bill Dermody
City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
St. Paul, MN 55102

Re: 1265 Arcade, Expansion of nonconforming use for off-street vehicle parking

Dear Mr. Dermody,

The Payne Phalen District Five Planning Council's land use committee - the Community Planning & Economic Development Committee met on Tuesday, May 6, 2014 at the 722 Payne Eastern District SPPD station. On the agenda was the matter of license violations of the applicant and a request for expansion of the nonconforming use for off-street vehicle parking.

The applicant appeared before the committee, and responded to concerns.

CPED had 13 members present and there were 18 additional community members present.

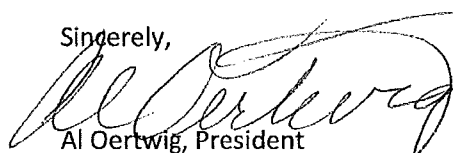
The committee and residents expressed substantial frustration with the substantial and serious number of license violations. In addition to the residents present at the meeting four additional statements of concern had been shared with the District 5 office. The applicant provided reasons for the license violations, but these statements did not resolve committee/resident concerns.

The CPED committee then made and adopted a motion to oppose the request for expansion of the nonconforming use for off-street parking.

A second motion was made and adopted that the District 5 CPED Committee supports full enforcement of code at 1265 Arcade, and, further, that District 5 CPED makes no comment or findings of fact regarding the owner's assertion that more for sale vehicles should have been permitted on the lot.

Please contact me if I can offer any further information about the CPED motion. The CPED motion will be on the Consent Agenda for the May 27th, 2014 regular meeting of the District Five Board of Directors.

Sincerely,



Al Oertwig, President

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

TEL # (651) 774-5234  FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG

WWW.PAYNEPHALEN.ORG

Dermody, Bill (CI-StPaul)

From: Steven Langness <[REDACTED]>
Sent: Thursday, May 15, 2014 10:49 AM
To: Dermody, Bill (CI-StPaul)
Subject: Internacional Auto Sales

This is my 2nd attempt. They don't shovel their snow in the winter and don't mow their grass in the summer. Plus they have anywhere from 2 to 12 or more already on the streets. That is right more than one street. I thought there was a law that a car had to be moved every 24 or 48 hours. It does not matter to them. It is however long they what to leave them. When they what'd the place all of us were told, they would not have any more cars than the lot would hold. What happen with that. In summery.

They been bad neighbors and instead of getting bigger they need to go.

Sincerely

Steven Langness

789 East Orange Ave.

St. Paul, MN 55106

Home [REDACTED]

Cell [REDACTED]

Item #3

Dermody, Bill (CI-StPaul)

From: Aaron Pierson <[REDACTED]>
Sent: Thursday, May 22, 2014 2:18 PM
To: Dermody, Bill (CI-StPaul)
Subject: Internacional Auto Sales hearing: File Number 14-197-427

Mr. Dermody,

Regretfully I will not be able to attend today's meeting about Internacional Auto Sales on 1265 Arcade St due to unexpected meetings at work.

I wanted to write to you about my experiences with them. I purchased the house at 793 Orange Ave E in May 2010. This is half a block from Internacional Auto Sales. Cars are repeatedly parked on our street and adjacent streets for days at a time. We call the city and they are either moved or towed, however this has not prevented it from occurring regularly.

Most recently there was a pickup truck parked directly in front of my sidewalk access for a week. It moved once when we called but came back and we called again after which it disappeared. For several months in 2012 the house next to mine was vacant, but there were always three cars parked in front of it. At times car alarms go off from cars parked on the street that appear to belong to Internacional Auto Sales and last on an off through the night.

I have called several times and my neighbors call even more frequently to have cars removed. We live two blocks from a major intersection and very near a funeral home, both of which already decrease the availability of on street parking. However these cars are coming and going. The cars that are parked for several days or more reduce available spots for our guests and block access to our sidewalk. At times I need to bring a company van home overnight. This van does not fit in my garage and needs to be parked on the street. I sometimes cannot park the van in front of or near my house because of cars parked illegally on the block.

I am not certain what the owners of Internacional Auto Sales have as a desired outcome of today's meeting. My own desired outcome is that they stop parking their cars outside of their lot.

Thank you,

Aaron M. Pierson
793 Orange Ave E
Saint Paul, MN 55106
[REDACTED]

Dermody, Bill (CI-StPaul)

From: Steve Carlson <[REDACTED]>
Sent: Monday, May 19, 2014 12:08 PM
To: Dermody, Bill (CI-StPaul)
Subject: 1265 Arcade

Bill:

We talked last week regarding the expansion of parking stalls for the car sales lot at 1265 Arcade. I indicated that I have observed the parking of vehicles from the business on the street over the past several years. This, I believe, is in violation of the provision of their license. The car lot is already overcrowded and prompting their cars to be parked illegally. I believe an expansion of the number of car parked in the lot would only lead to more illegal parking of these cars on the public streets. I am not in favor of the expansion, and believe the business should be held accountable for past and present violations.

S.P. Carlson
775 Orange Ave. E.
St. Paul, MN 55106

May 21, 2014

To Mr. Bill Dermody,

This letter is to inform you and the neighbors surrounding 1265 Arcade St. that I manage Romolos at 1409 Arcade and I drive by this lot many times a day. It is well kept in the summer and winter months! I have also done business with Mr. Ghaffari, they are honest hard working neighbors of ours and should be treated with fairness and respect.

They bring business to our Eastside community and we are happy to have them here! Be mindful that cars parked on any street on the Eastside can be a hindrance to your walk way, not just at this address. I simply walk around them.

Give them the space we all know there deserve! They are great for our Eastside!

Diane Savino

Manager/Romolos

1409 Arcade St

A handwritten signature in black ink, appearing to read 'Diane Savino', written over the printed name and address.

May 19, 2014

Saint Paul City Council,

I live on Hycinth Street, close to International Auto Sales and write to ask you to support this car lot. They are good people and help everyone. My son needed some money when he was sick last winter, and they borrowed him \$50. I always see them cleaning their place or planting flowers and even cleaning outside of their place. They are good to immigrants like us and are always kind. One neighbor was saying that they have cars on our street, but then a funeral at the funeral place was finished and then all cars were gone. There are always a lot of cars from the Funeral home and others but I look after five and they are all gone. These people are open a few hours after 5, so if it was theirs the cars will stay until later, right? Also I lived here before and their place was so ugly before they came, but now it is so nice. They are good people and you should want to have them stay instead of making it hard.

Thank you


Hilario Perez

660 Hycine Ave
Saint Paul, MN 55106

Payne Phalen District Five Planning council

May 21th 2014

City council and Ramsey county:

As a resident of the east side saint Paul for more then ten years I Eduardo Barrera have seen many business open and close. But International Auto has thrived through adversity and the and the hard time on the economy. I drive through the area constantly and it is always clean and neat. International Auto has also been remodeling the building to give it a better look and upgrade. A few of my family members and close friends have purchased vehicles at International Auto and have been more then pleased with the car. International Auto caters to all people but mostly to the Hispanic population by making it possible for them to buy a vehicle with decent prices. International Auto is a positive establishment to east saint Paul and would thrive more with a bigger selection of vehicles to be able to compete with the other new and used car dealerships in the area. As a resident of the east side of Saint Paul International Auto sales has my full support to expand so that they can continue to help out the community by bringing business to the area



Sincerely Eduardo Barrera

Resident of east Saint Paul MN

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

May 20th 2014

City Council and Ramsey County:

As a member of district five council and a long time resident of the east side I am writing this
Letter of support and recommendation on behalf of Nasseh and Internacional Auto Sales

On arcade.

I have conformation from many eastside residents that this established business has been a positive
Entity to our neighborhood providing hassle free auto financing and sales to less fortunate buyers

With need for transportation.

I am in full support of this business remaining in the community and providing the area with the much
needed opportunities to get back in the game of living.



Sincerely Dorian D Morris

Council Member

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 4-17-14

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: 4-23-14

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 14

PARCELS REQUIRED: _____

PARCELS REQUIRED: 10

PARCELS SIGNED: _____

PARCELS SIGNED: 10

CHECKED BY: Paul Dubrarel

DATE: 4-23-14