

re Carver
Auto Sales
1328 Point Douglas

RECEIVED
SEP 17 2018
CITY CLERK

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

September 14, 2018

RE; Illegal to issue a license to expand a commercial use in a protected area of the River Corridor

Commercial and industrial are prohibited uses, and expansion is prohibited along the base of the river bluff on the bluff side of the Great River Road in the Highwood and Battle Creek neighborhoods. The area consists of protected natural areas, parks, trails, scenic byway, and single family homes on large lots. The area has the strongest natural resource zoning protections in the City of Saint Paul, including the most protective residential RL zoning, tree preservation overlay zoning protections, river corridor overlay zoning protections, and a prohibition of commercial and industrial uses along the base of the bluff. Along the base of the river bluff runs the Great River Road which is a National Scenic Byway within a National Park. The Mississippi River Parkway Commission works to protect the scenic values of the National Scenic Byway and promotes tourism and recreation opportunities along the corridor. Representative Sheldon Johnson, who lives in Highwood along the National Scenic Byway, is the Chair of the Commission working to enhance and protect the scenic and recreational values of the National Scenic Byway. The Mississippi River Trail (MRT) is a recreational hiking and biking trail that runs from Lake Itasca (headwaters of the Mississippi River) to the Gulf of Mexico. The MRT runs along the base of the river bluffs in our Highwood and Battle Creek neighborhoods.

River Corridor District - No use or occupation of any lands, for any purpose whatsoever, shall hereafter be permitted within the River Corridor District without full compliance with the terms of this chapter and other applicable laws.

The expansion of Carver Auto Sales from 14 vehicles to 90 vehicles is specifically prohibited in the zoning code. The RC3 River Corridor Urban Open Overlay District prohibits the development of new and expansion of existing commercial and industrial uses on the river side of the bluff and prohibits mining and extraction operations. The RC3 zoning permits uses in the underlying zoning except those prohibited by any other provision of the zoning code. As cited above, the development of new, and expansion of existing commercial uses are prohibited on this property and adjoining property.

The River Corridor District variance section states: no variance shall have the effect of allowing in any district uses prohibited in that district. The RC3 River Corridor Urban Open Overlay District prohibits the development of new, and expansion of existing commercial and industrial uses on the river side of the bluff, and prohibits mining and extraction operations.

The River Corridor District variance section states: Variances shall be consistent with the general purpose of the standards contained in this chapter. The standards prohibit new or expansion of existing commercial on this site. An expansion from 14 cars to 90 cars is not consistent with a prohibition on expansion. A license can't be issued for a prohibited expansion.

This site was a little two pump gas station next to the owners residence. When the owner retired a buyer sought to use it as a car sales lot. Considering the existing use and prohibition on expansion, the City determined 14 cars was the maximum allowed within the no expansion requirement. Photos indicate violation of the conditions. Photos indicate an expansion of the paved lot. I was told the expansion was not permitted. Previous attempts to get City approval of expansion have been turned down because expansion is prohibited. A license can't be issued for a prohibited expansion.

The site plan tied to the proposed license states that no person shall maintain any projection or encroachment within the public right of way. Photos and the plan indicate encroachment within the public right of way. A license should not be issued for a plan indicated to be non compliant.

The zoning code requires a 4 feet setback and screening on all sides that abut residential zoning. There is RL Zoning on the north, east, and south sides. RL zoning is the most protective residential zoning in Saint Paul and this property is in a protected State Critical Area, and a National Park. The submitted plan does not provide a setback or screening for much of the south side and no setback or screening on the north side of the property. Vegetation screening is appropriate in river corridor district and Great River Passage Plan that emphasis for more natural. A license should not be issued for a plan indicated to be non compliant.

The zoning code requires interior landscaping for more than twenty parking spaces or six thousand square feet of paving. The zoning code requires fifteen square feet of interior landscaped area for every one hundred square feet of paving. A license should not be issued for a plan indicated to be non compliant.

The zoning code requires at least one shade tree planted for every 5 parking spaces. In a district with a tree preservation requirement, a license should not be issued without meeting the tree requirement.

The zoning code requires a perimeter landscaped buffer four feet wide along the street sides of the property. A license should not be issued without the required landscaped buffer of the north and west.

It was explained to me that during the review of this proposal, the question came up why this area should be protected since it was an industrial area and a long distance from the river. Highwood is a beautiful, forested, residential, riverfront neighborhood in a National Park. Pig's Eye lake is the Mississippi River. You can view the lake from Highwood residences and parks. Prohibition of commercial and industrial uses along the base of the bluff in Highwood and Battle Creek protects the scenic and natural resources in this area of single family residential and park uses. The protection of natural areas and limited traffic enhance the experience of those traveling on the Great River Road, those biking and hiking the MRT, bluff park users and those who live on and near Point Douglas Road. There is no industrial use in Highwood. There is public parkland to the east, south and west of this property. Any licensing should take into account the required protections of this very special place.

Sec. 63.313. - Visual screening.

For off-street parking facilities that adjoin a residential use or zoning district, a visual screen shall be provided and maintained as required in section 63.114. Visual screens. For off-street parking facilities that abut a residential use or zoning district across an alley, one (1) of the following shall be provided and maintained as determined by the zoning administrator as part of site plan review:

- (a) A visual screen as required in section 63.114; visual screens; or
- (b) An ornamental metal fence or other non-screening, durable fence where security concerns make this preferable to a visual screen.

(Ord. No. 11-27, § 1, 4-20-11)

Sec. 63.314. - Landscaping.

For any parking facility, other than structured parking, landscaping shall be provided to buffer the facility from adjacent properties and from the public right-of-way; reduce the visual glare and heat effects of large expanses of pavement; and provide areas for the retention and absorption of stormwater runoff. All required yards and any underdeveloped space shall be landscaped using materials such as trees, shrubs, sod, groundcover plants, or stormwater landscaping as required in section 63.319, stormwater runoff, and defined in section 60.213.

Any landscaped area shall be planted and maintained in accordance with section 63.115, Landscaping and plant materials. All parking and loading areas (including drive-through facilities, outdoor auto sales and rental, pump island service areas and stacking spaces) adjoining public streets or sidewalks shall provide:

- (a) *Perimeter landscape*. A landscaped yard at least four (4) feet wide along the public street or sidewalk. If vehicles overhang the yard, an additional three (3) feet of width shall be provided.
- (b) *Screening landscape*. In all districts except Industrial districts, screening shall be provided consisting of a masonry wall or decorative fence (not including chain link) supplemented with landscape material, forming a screen a minimum of three (3) feet in height, a maximum of four and one-half (4½) feet in height not including trees, and not less than fifty (50) percent opaque.
- (c) *Interior landscape*. Parking facilities with more than twenty (20) parking spaces or six thousand (6,000) square feet of paving, whichever is less, shall provide fifteen (15) square feet of interior landscaped area for every one hundred (100) square feet of paving. Interior landscaping may not substitute for perimeter landscaping, but may join perimeter landscaping as long as it extends at least four (4) feet into the parking area from the perimeter landscape line.
- (d) *Tree plantings*. A minimum of at least one (1) shade tree shall be planted for every five (5) parking spaces in a surface parking lot. Trees shall be planted within the perimeter landscaping and any required interior landscaping. Each tree shall be planted in landscaped areas or in the center of unpaved tree wells of at least three (3) feet in soil depth and one hundred (100) square feet in area as measured from the interior edge of curbing or paving, with a minimum dimension of four (4) feet wide. A soil volume of greater than five hundred (500) cubic feet per tree with a minimum planting dimension of eight (8) feet is recommended for improved tree health and survival.
- (e) *Internal walkways*. Parking facilities with more than one hundred twenty-five thousand (125,000) square feet of paved area shall provide internal walkways that divide the parking lot into smaller areas no greater than fifty-five thousand (55,000) square feet. Internal walkways shall be a minimum width of four (4) feet and should connect primary buildings on the site with access to parking areas and the public sidewalk system on adjacent streets. With the exception of walkway/driveway crossings, walkways should be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. Internal sidewalks shall meet the requirements of applicable accessibility standards and other design and construction standards adopted by the city.

(C.F. No. 10-403, § 1, 6-16-10)

Sec. 63.114. - Visual screens.

(a) Wherever a visual screen is required by this code, it shall be of sufficient height and density to visually separate the screened activity from adjacent property. The screen may consist of various fence materials, masonry walls, earth berms, plant materials or a combination thereof.

(b) Whenever visual screens are required, for the uses below, the following standards shall apply.

(1) Height regulations:

Use	Minimum Height	Maximum Height
Off-street parking	4 ft. 6 in.	6.5 ft.
Outdoor storage	6 ft.	—
Recycling drop-off station	6 ft.	—
Recycling collection center	6 ft.	—
Recycling processing center	8 ft.	—
Motor vehicle salvage operation	8 ft.	—
Hospital, ambulance and delivery areas	6 ft.	8.0 ft.
Utility building, stations and substations	6 ft.	8.0 ft.

(2) Visual screens shall be located completely within the lot line.

(3) Visual screen locations shall conform with front yard setback lines in residential districts.

(4) When mutually agreeable to all property owners involved, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential zone. Maintenance shall be the responsibility of the person required to erect the screen.

(5) The land between the screen and the property line shall be landscaped and maintained so that all plant materials are healthy and that the area is free from refuse and debris.

(6) Required visual screens shall have no openings for pedestrians or vehicles except as shown on an approved site plan.

(7) Visual screens shall be maintained in a good state of repair.

(8) In all cases where a required visual screen would extend to an alley or street which is an entrance to or exit from an off-street parking facility, it shall be permissible to end the visual screen not more than ten (10) feet from such alley line or street line.

(9) For multifamily structures with ten (10) or more units, office, commercial and industrial uses, garbage dumpsters and trash containers shall be located to the rear of the principal building and enclosed by a visual screen.

(Ord. No. 11-27, s 1, 4-20-11)

Sec. 63.115. - Landscaping and plant materials.

(a) Landscape plans shall be based on a comprehensive site and soil inventory, the surrounding landscape, sustainability issues and maintenance requirements. The following guidelines shall be used in developing landscape plans.

(1) Connect or cluster landscape plantings together wherever possible, as opposed to creating isolated small plantings. Planting areas shall be at least four (4) feet in width.

(2) Reinforce the urban forest by preserving healthy mature trees where possible and planning for a continuous canopy of trees at maturity in areas adjoining public streets or parking lots. Foundation

Division 3. - 68.230. RC3 River Corridor Urban Overlay District

Sec. 68.231. - Intent.

It is intended that lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural and historic resources. Open space provided in the open river corridor is for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district will be protected.

(C.F. No. 03-241, § 2, 3-26-03)

Sec. 68.232. - Permitted uses.

In the RC3 River Corridor Urban Overlay District, use of the land, location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to those specified uses and standards of the corresponding underlying district as established in section 60.303 to the extent that they are not prohibited by any other provision of the zoning code. In addition, permitted uses shall be subject to the following applicable standards and those in section 68.400 et seq.

(C.F. No. 03-241, § 2, 3-26-03)

Sec. 68.233. - Standards for permitted uses in the RC3 Urban Open District.

- (a) Development shall be limited to forty (40) feet in height.
- (b) The development of new and expansion of existing commercial and industrial uses shall only be on lands which are on the landward side of blufflines.
- (c) Mining and extraction operations shall not be permitted.
- (d) No use shall be permitted which is likely to cause pollution of water, as defined in Minnesota Statutes, Section 115.01, unless adequate safeguards, approved by the state pollution control agency, are provided.

(C.F. No. 03-241, § 2, 3-26-03)

Sec. 68.234. - Conditional uses.

- (a) Conditional uses are those specified by the corresponding underlying district as established in section 60.303 to the extent that they are not prohibited by any other provision of the zoning code. They are subject to standards specified in the corresponding underlying district section and to those specified in sections 68.233 and 68.400 et seq.
- (b) Such uses will be permitted only upon application and issuance of a conditional use permit by the planning commission.

(C.F. No. 03-241, § 2, 3-26-03)

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

- (a) The variance is in harmony with the general purposes and intent of the zoning code.
- (b) The variance is consistent with the comprehensive plan.
- (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.
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- (e) The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
- (f) The variance will not alter the essential character of the surrounding area.
- (g) The application for a historic use variance under title IX, city planning, at section 73.03.1 of this Code, as authorized by Minn. Stats. § 471.193, subd. 3(6), shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in finding (c) above.

(C.F. No. 10-349, § 2, 4-28-10; Ord 15-26, § 4, 6-3-15; Ord 15-32, § 2, 7-22-15)

SITE NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ST. PAUL, MINNESOTA, STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AND THE MINNESOTA STATE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL, MINNESOTA, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND HIGHWAY CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL, MINNESOTA, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND HIGHWAY CONSTRUCTION.
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SIGNING AND STAMPING NOTES

1. THE CONTRACTOR SHALL SIGN AND SEAL ALL DRAWINGS AND PERMITS.
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SITE DATA

PROJECT NO. 15-018623 Date: 11.23.2015

APPROVED BY: [Signature]

DATE: 11/23/2015

APPROVED BY: [Signature]

DATE: 11/23/2015

LOUCKS

CIVIL ENGINEERING
LAND SURVEYING
ELECTRICAL
PLUMBING
MECHANICAL

7200 Highland Ave, Ste 200
Highland, MN 55127
612.835.1100
www.loucks.com

CONTRACTOR'S CERTIFICATE

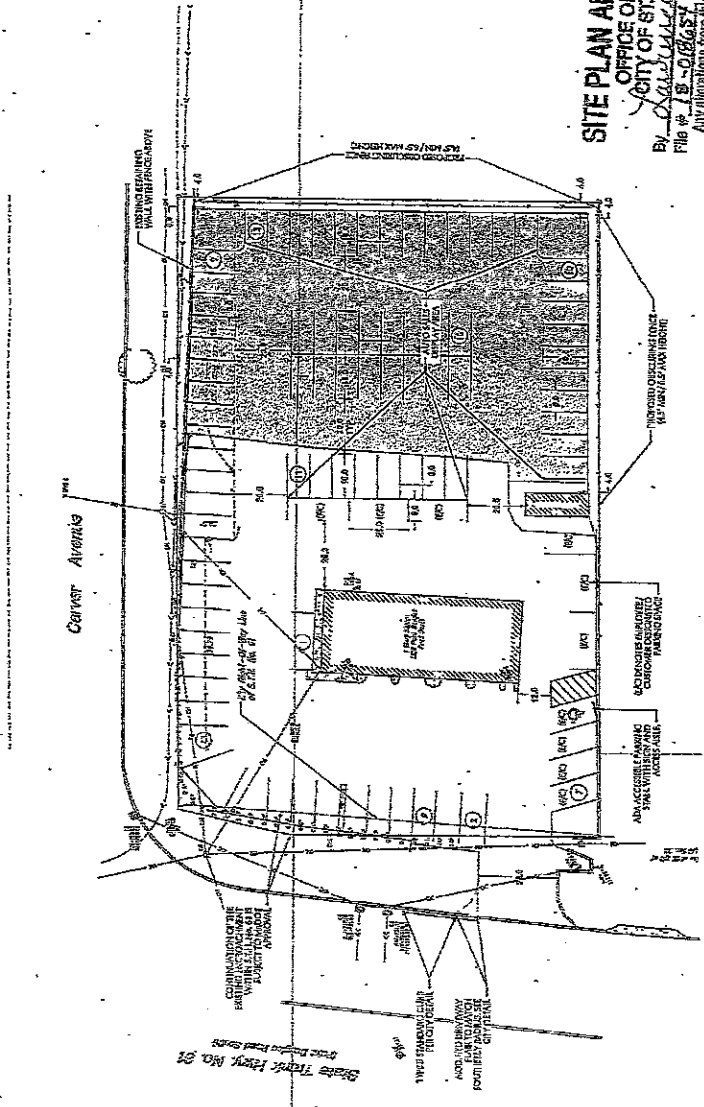
I, the undersigned, being duly licensed and qualified, hereby certify that the above is a true and correct copy of the original drawings and specifications for the work herein described, and that I am not aware of any falsification of the same.

DATE: 11/23/2015

SIGNATURE: [Signature]

DATE: 11/23/2015

SITE PLAN C2-1



SITE PLAN APPROVED

OFFICE OF THE
CITY OF ST. PAUL

BY: [Signature]

DATE: 11.23.2015

Approved by the Zoning Administrator

CITY OF ST. PAUL, MINNESOTA, NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL, MINNESOTA, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND HIGHWAY CONSTRUCTION.
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Call Before You Dig

800.480.4800

www.callbeforeyoudig.com

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR UTILITIES BEFORE ANY EXCAVATION. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND FOR RELOCATION OF LINES.

AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. PAUL, MINNESOTA, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND HIGHWAY CONSTRUCTION.



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CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9040
Web: www.stpaul.gov/dsi

August 29, 2018

Carver Auto Sales Inc
Attn: David Schreiner
1721 Rosewood Ave N
Maplewood, MN 55109

RE: License Application for Carver Auto Sales Inc, doing business as sane, ID # 20130002243, Located at 1328 Point Douglas Rd S / Request to modify existing license conditions to increase the total number of vehicles allowed on the property from twenty-five (25) to ninety (90) to permit an increase in the number of for-sale vehicles displayed on the property from fourteen (14) to eighty (80) for a business with an existing Second Hand Dealer - Motor Vehicle, and Auto Repair Garage licenses

Dear Applicant:

Our review of your application for a license is in process. Notification has been sent to the community organization and neighbors for the area in which you intend to operate giving them until **Friday, September 28, 2018** to voice any objections to your license application. If no objections are received, your license will be issued (pending any requirements not completely met) approximately one week past the date given above.

If objections are received a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of the scheduled hearing from the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny this license application.

Requirements including the following must be met prior to the issuance of your licenses:

- Sign and return one copy of the enclosed license condition affidavit acknowledging the conditions that will be placed on your license(s). A return envelope has been included for your convenience. *Please note condition #15 states all site improvements must be completed by 07/03/2019 under the necessary permits and in accordance with the approved site plan on file with DSI dated 07/03/2018.*

If you have any questions, please DSI Senior License Inspector Kris Schweinler at 651-266-9110, or me at 651-266-9106.

Sincerely,

Jeff Fischbach
DSI Inspector III
enc.

Disclaimer: This letter is not an indication that your application will be granted. This letter is intended simply as notice of the ongoing process of your pending application.