



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

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OCT 15 2018

City of St Paul DSI

Zoning office use only

File no. 18-113695

Fee \$350-

Tentative hearing date:

Nov 5, 2018

APPLICANT

Name George Hark Company M & A Hark, Inc.
 Address 675 Stinson Blvd
 City Minneapolis St. MN Zip 55413 Daytime phone 612-986-5230
 Property interest of applicant (owner, contract purchaser, etc.) Owner
 Name of owner (if different) Marcellino & Asaad Hark

PROPERTY LOCATION

Address 589 Dale St N
 Legal description: Chute Brothers Division No. 3 Addition to the City of St. Paul, Minn, Lots 1 thru Lots 5
(attach additional sheet if necessary)
 Lot size 0.57 Acres Present zoning T2 Present use Convenience Store
24,800 sqft
 Proposed Use Same Uses, but tobacco use as exclusive tobacco shop.

Variance[s] requested:

Variance of the Separation Requirement between Tobacco Products Shops.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

Please see attached Letter.

440 University Ave W.

Applicant's signature

[Signature]

Date 10/15/18

City agent

[Signature]

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Letter In Support of Variance Requested

589 Dale St N, St. Paul, MN, 55103

This letter is to provide supporting information for the Variance requested at the Speedy Gas Station located at 589 Dale St N, St. Paul. M&A Hark Inc. has owned the property since 1993, and operated the business until 2009, when it then leased the business operations to current operator 961 Group. We have always thrived in the community and kept the property up to date with any changes in city laws or ordinances. If the variance granted, the current tobacco license at the gas station will no longer be used in the operation of the gas station. The license will be transferred and all tobacco products/accessories will be removed to the corner shop (shown on map), therefore allowing strict compliance with the 18 age requirement to enter the tobacco shop and any future 21 age ordinances. The following is information supporting the variance requested:

The variance is regarding the city code for a tobacco product shop and the required separation between them. We are requesting a variance of the separation requirement between tobacco products shops in order to continue operating the gas station, by moving all the products and inventory that have to do with tobacco to separate area of the building with its own entrance and exit. The zoning code requires a tobacco products shop to be located at least one-half mile (2,640 feet) from another tobacco products shop. The proposed shop would be 2,360 feet from a similar shop at 440 University Ave W, for a variance request of 280 feet.

1. The variance if granted will keep in harmony with the general purposes and intent of the zoning code (T2 zone). The location of the current service station has always assisted in supporting the residential and commercial areas needs for fuel, food and convenience goods. It is a corner lot with a very busy bus stop on the opposite street, and being the only station in between the Frogtown neighborhoods, it is frequented by many regulars since the 90's. During the summer months, more than half of our customers are within walking distance, helping support a pedestrian oriented neighborhood. Granting the variance to the separation requirement is harmonious with the intent of the zoning code of fostering and supporting compact, pedestrian orientated commercial and residential development. The station has 15 parking stalls, a big lot to park recent electronic scooters/bikes and will be adding a new bike parking rack as well.
2. The variance, if granted, will be consistent with the comprehensive plan for a Mixed Use Corridor where the property is situated. The intent to achieve future growth in these corridors is what the city is targeting, while also sustaining the character of Saint Paul's existing single-family neighborhoods. The granting of the variance will not alter the consistency of this plan and its intent, it will allow our business to stay viably open to support the local neighborhood and grow with it, along with expanding the city's tax base. The service station is on the West side of Dale and North of the Metro Line, while the other tobacco store within the distance requirement is South of University, the Metro Line and East of Dale. Moreover, the service station is the only Gas Station on the busy Mixed Use Corridor of Dale St until you hit Como North of it. Granting the variance will not increase traffic in the neighborhood because the same products being sold

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at the location today will continue to be sold and allowing a variance in the distance requirement will not be inconsistent with the plan for Mixed Use Corridors. Granting the variance of 280ft will not change the character of the neighborhood and will not negatively impact the abutting property owners. There will be no exterior change to the building except the adding of an entrance on the northeast corner of the building where the tobacco shop will be cornered inside the current building.

3. There do exist practical difficulties in complying with the provision, and if granted, the proposed use of the property will be done in a reasonable manner not permitted by the provision. The distance requirement is a practical difficulty because the distance requires a 2640ft separation of tobacco shops, while this property is 280ft short of the requirement. The tobacco store on 440 University Ave S (Sunrise Tobacco) serves the entire Commercial corridor of University (map attached), all the way through downtown. It is the only tobacco shop on the southside of University Ave that is able to support the Summit/University and Capitol areas, along with the Metro line it sits on. While our current service station serves the South and West Frogtown neighborhoods, as well as the East Midway neighborhood, which are completely different neighborhoods than that of the Sunrise Tobacco shop. North of our station there are no other tobacco shops for approximately 3 miles. So in turn, the variance being requested is specific to the University tobacco shop that serves a different neighborhood, commercial corridor, and sits on the south side of the metro line which is big divider between both areas. If granted, the proposed use of the property will continue to be done in a reasonable manner by not altering any of the buildings size or height.

Granting the variance will continue to allow both businesses to grow and maintain the service and convenience for their respective neighborhoods. The variance of 280ft will help ease the difficulties of complying with the provision, and the use of the property will be done reasonably without effecting any party. The requested variance will actually allow the property and business to use the property in a more reasonable manner, because by separating the entire tobacco inventory, the ability to no longer allow young patrons under the age of 18 to be around any type of tobacco is a positive of the ordinance as a whole. If not granted, customers under the age of 18 will continue to be able to view or see various other tobacco products behind the counter that would continue to be sold by the gas station. By granting the variance, we will no longer sell any tobacco at the gas station, only gas and food items. This proposal will help enforce the strict tobacco laws, and not allow young patrons to be subjected to the marketing from tobacco products.

There also exists harsh financial difficulties that will extremely effect the ability to maintain the current service and condition of the business and property. Based on sites in Minneapolis that were effected by the same tobacco bans, and are in similar revenue tiers when it comes to tobacco sales being at least 65 % of total sales, those sites lost at least 78% of their tobacco sales. These losses are not only measured by calculating the actual tobacco losses that are alone very significant in numbers. The larger loss is the drop in the non-tobacco sales (fuel, food, snacks, drinks, newspapers, deli items, etc.) that come with losing tobacco sales. The loss of this consistent foot and car traffic is a significant difficulty for the business to overcome, and without

this variance, it will be practically impossible to continue operating the business in the same fashion we have been over the last 25 years.

4. Due to the circumstances unique to the location of the property, the plight at hand was not created by the property owner. The distance requirement which is a ½ mile (2640ft) is short 280 feet. Also the property being much larger than parcels beside it, makes using the corner points of both lots to measure distance a bit harsh, because the front entrance of the building is actually about 160 feet back from the front property line where the measurement begins and the corner to corner length of our property is 240 feet (site plan). The actual driving distance is 1 mile and requires crossing onto the other side of university by U-turning on university/metro or taking Western North to Thomas. For our community and neighborhood, not having to cross the metro line and walk all the way down university is a positive for safety that the variance will also help provide.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located. The current zone is a T2 and current uses in operation are for a Convenience store that holds licenses for tobacco, gas, food and beer. Those uses are all permitted in T2 and granting the variance will only change the location of where the tobacco is sold. Same owners and same company running all the uses applied for. So the current tobacco license holders will stay the same, only change is it will be exclusively sold in a separate area.
6. Granting of the variance will not alter the essential character of the surrounding area. There will be no changes to the exterior building at all. Only the adding of an entrance and exit door to the northeast corner of the building. The amount of traffic will stay the same, even though we have a huge lot to accommodate many cars. The variance will not allow a land use that is not permitted in the zoning district, and the land use will not change as a result of the variance. The same products sold today, will be sold after the variance, just a different location on the property and secure from all underage patrons.

Thank you for your consideration.

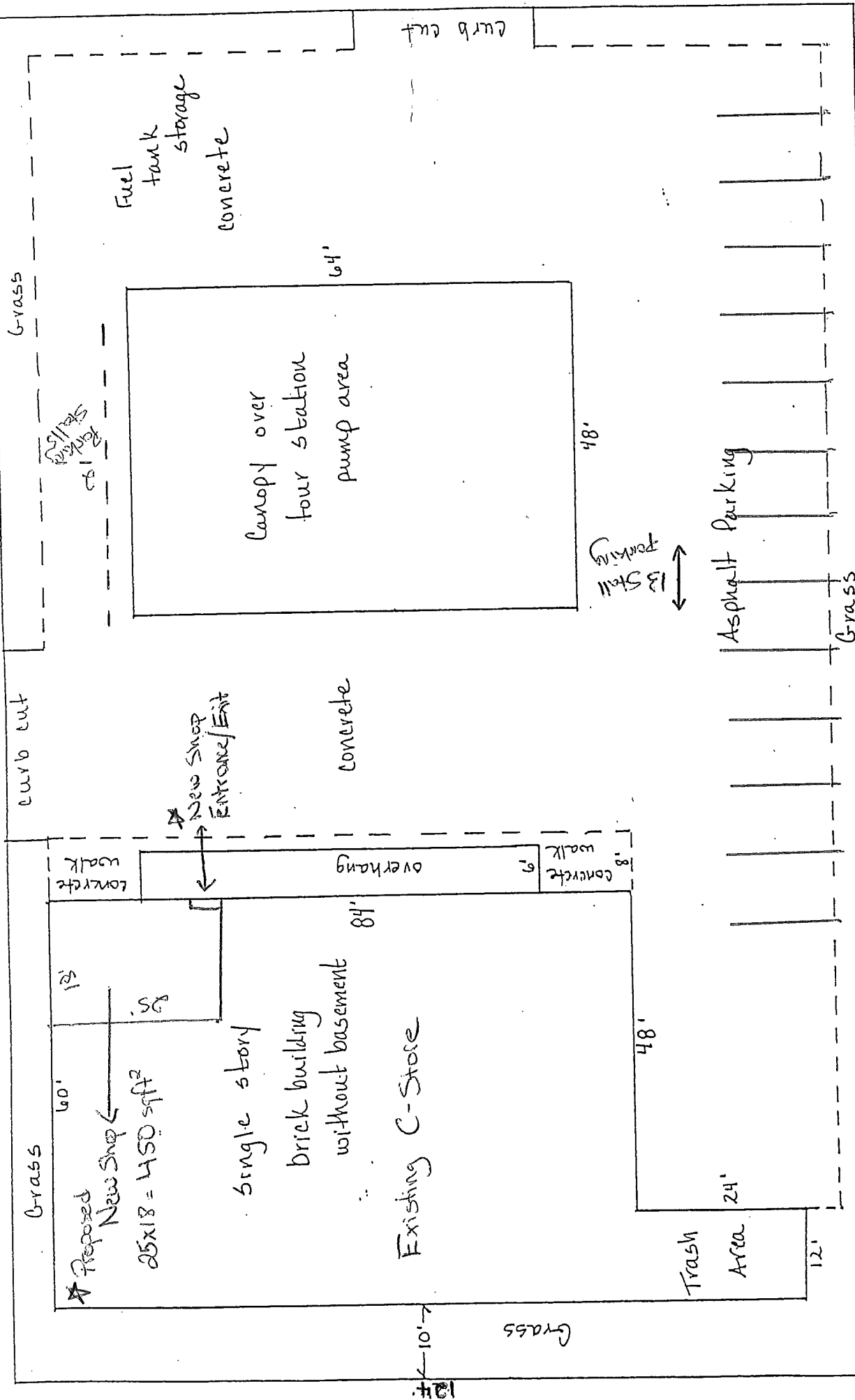
Respectfully,



George Hark

Thomas Avenue

Dale Street



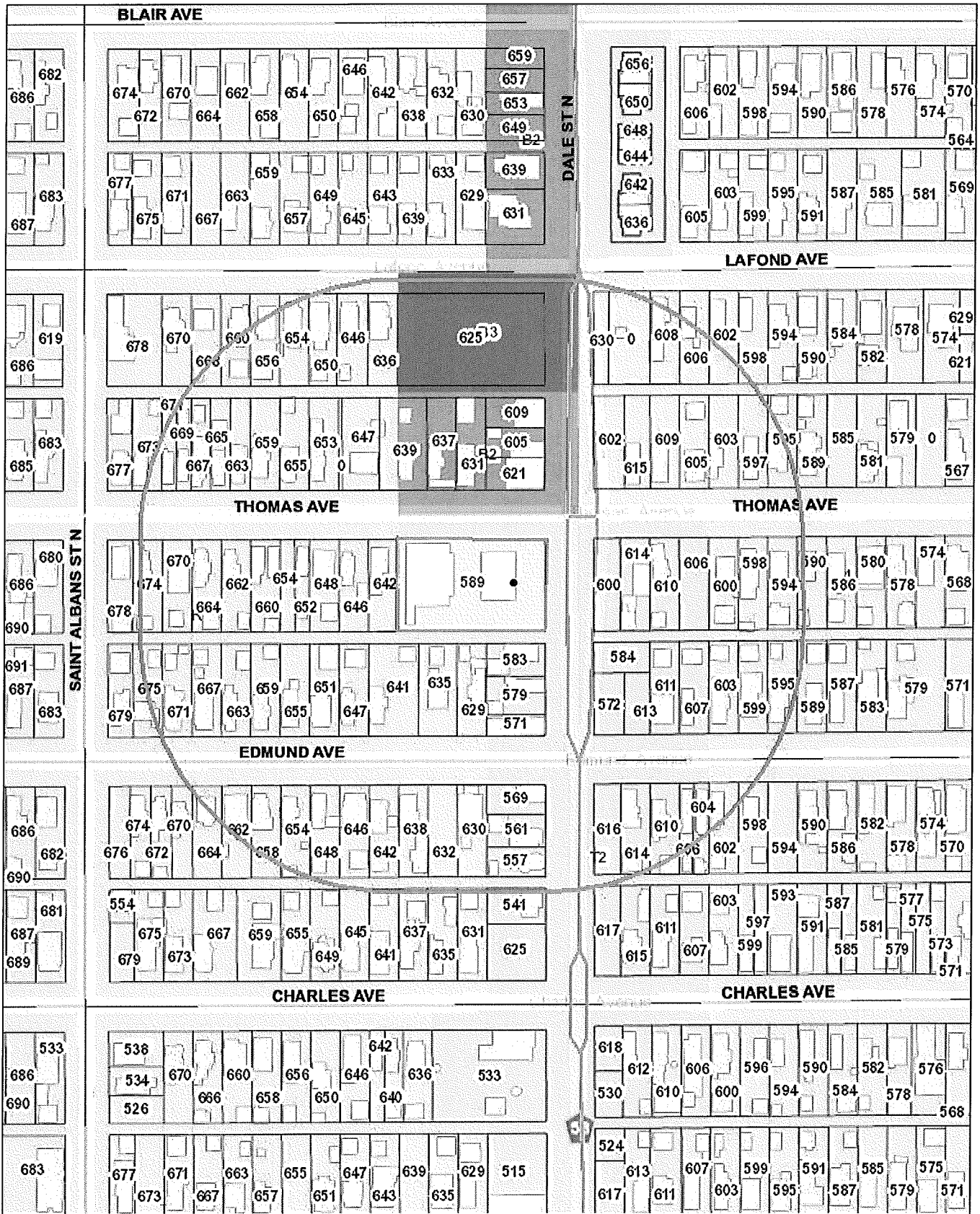
North
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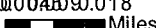
Speedy Market 589 N. Dale Street, St. Paul
Approximate Property Layout

Land Area: 24,800 s.f.
Building Area: 5,328 s.f.

200'

589 Dale Street North 18-113695



0000090.018
 Miles

Date: 10/17/2018 Time: 9:15:37 AM

Service Layer Credits: OTC GIS
 City of Saint Paul - Public Works

The City of Saint Paul Office of Technology cannot accept any responsibility for errors, omissions, or positional inaccuracy in this map.

