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Date: June 5, 2013
To: Comprehensive Planning Committee
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Subject: **Auto Body Text Amendments Public Hearing Testimony and Recommendations**

Public Hearing.

A zoning study pertaining to auto body shops was initiated by the City Council on December 19, 2012. On May 31, 2013, the Planning Commission held a public hearing on draft Zoning Code amendments to add “auto body shop” as a conditional use in the T4 traditional neighborhood and B3 general business districts, to narrow the definition of “auto body shop” and to add standards and conditions that would apply to auto body shops.

Three people spoke at the public hearing and written comments were received from four district councils.

Public Hearing Testimony and Recommendations.

1. Amendments to Table 66.321, Principal Uses in Traditional Neighborhood Districts, and Table 66.421, Principal Uses in Business Districts to add “auto body shop” as a conditional use in the T4 and B3 districts.

1.1 Background and draft amendments

General auto repair, including engine rebuilding and rebuilding or reconditioning of motor vehicles, and auto body shops are commonly permitted in general commercial districts, including in Minneapolis. They are needed services that are useful to have conveniently available. “Auto repair station” is permitted in the B3 general business district in St. Paul, but St. Paul currently permits auto body shops in the B3 general business district only as an accessory use to an auto dealership. As auto dealerships have moved to suburban locations, this service has become more limited in St. Paul. Neither auto sales nor auto body shop is currently permitted in traditional neighborhood districts.

ABRA Auto Body at 1190 University Avenue is an example of an auto body shop that operated as an accessory use to an auto dealership, Midway Chevrolet / Hyundai / Suzuki. Since Midway Chevrolet / Hyundai / Suzuki closed, ABRA has operated at this site under an interim use permit approved by the City Council in 2007. The interim use permit was set to

expire in December 2012. The City Council approved a modification to the interim use permit on December 19, 2012, setting the interim use permit to expire “when the property is redeveloped with a new use, or ownership of the use is transferred or the zoning code is amended to make auto body shop a conditional use at this location, which ever may occur first.” The property at 1190 University Avenue was rezoned from B3 general business to T4 traditional neighborhood district in 2011 as part of the Central Corridor / Traditional Neighborhood Zoning Study. The zoning code amendments are proposed to better accommodate “auto body shops,” which may operate in mixed-use commercial areas successfully and without problems or causing a nuisance.

Draft amendments to Table 66.321, Principal Uses in Traditional Neighborhood Districts and Table 66.421 Principal Uses in Business Districts, considered at the May 31, 2013, Planning Commission public hearing included adding “Auto body shop” as a conditional use in the T4 traditional neighborhood and B3 general business districts.

1.2 Testimony.

The District 2 Community Council, represented by Chuck Repke, stated that there is no benefit to designating auto body shop as a conditional use in the T4 traditional neighborhood and B3 general business districts. He stated that a large part of the problem with auto body shops is the public perception that breathing pain fumes from an auto body shop may be bad for one’s health. He stated that this is an issue that was raised in the 1980s when the city decided to restrict auto body uses to industrial areas and that the issue remains. He stated that no residential or commercial uses care to locate adjacent to auto body repair shops and this eliminates protections that were codified years ago.

A letter from the District 1 Community Council states that auto body shops should not be expanded into the T4 and B3 zones. Their reservations stem from the impact that such uses can have on adjacent properties. The letter states that B3 zoning is used for small parcels in close proximity to residential areas and to place these uses close to housing poses and unacceptable risk for visual, noise, and air pollution. In addition, the letter goes on to state that expanding to T4 districts seems to defeat the purpose of the traditional neighborhood zoning. The Community Council disagrees with the assertion that auto body work is similar to other permitted auto-oriented uses and it is not at all compatible with pedestrian-oriented urban villages.

A letter from District 5 Planning Council Executive Director Leslie McMurray, states that the proposed changes do not enhance the T4 or commercial business districts, and that the uses are detrimental to the orderly development of the neighborhood and commercial corridors.

A letter from Jeff Martens, Land Use task Force Chairman for District 6 Planning Council states that allowing a business that was rightfully confined to industrial areas for decades to move next door to a residence or a commercial building does not benefit the neighborhoods, and that allowing an auto body shop in a T4 traditional neighborhood or B3 commercial district does a disservice to the neighbors and offers no clear-cut compelling advantage or value to the neighborhoods. The letter states that District 6 has a high percentage of auto-

related industry and pockets of industrially-zoned land throughout the neighborhood. It states that the updated District 6 neighborhood plan addresses the impact of industry adjacent to residential properties as well as restricting auto-related uses and states that auto body shops should continue to be restricted to industrially-zoned property.

1.3 **Analysis.**

Subject to appropriate standards and conditions, auto body shops can be compatible as a conditional use in these districts. Auto body shops are commonly permitted in general business districts, including in Minneapolis, and are currently permitted in the B3 general business district as an accessory use to an auto dealership. The conditional use permit public hearing and review process provides for the imposition of additional conditions and limitations relating to site-specific conditions such as surrounding uses, hours of operation, building and door orientation, access, the storage of vehicles awaiting repair, and the location of vents.

1.4 **Recommendation.**

Add Auto body shop as a conditional use in the T4 traditional neighborhood and B3 general business districts.

2. **Amendments to Sec. 65.701. Auto body shop.**

2.1 **Background and draft amendments**

The draft amendments considered at the May 31, 2013, Planning Commission public hearing included amendments to § 65.701, *Auto body shop*, clarifies the definition of Auto body shop. General auto repair, engine rebuilding, and rebuilding or reconditioning of motor vehicles, which is the definition of “auto repair station,” is taken out of the definition of “auto body shop” to avoid confusion. They are different uses with some differences in the districts and standards under which they are allowed. Where both uses are allowed in the zoning district, a business can include both uses, and the standards and conditions for both uses would apply.

The draft amendments also add standards and conditions intended to ensure that auto body shops would be compatible with nearby residential uses and with other commercial uses. Some of the draft standards and conditions are similar to those for auto body shops in Minneapolis, where auto body shops are permitted in general commercial districts.

2.2 **Testimony.**

Peter Latuff of Latuff Brothers at 880 University Avenue inquired about the condition that doors be closed. He stated that especially for smaller businesses this could be problematic based on heating/cooling systems in the building. He stated that auto body shops aren't as noisy as they were in earlier years due to changes in technology. Latuff also raised the concern that the fence would be an easy target for graffiti and tagging.

Ron Fiscus of Planscape Partners in Minneapolis, representing ABRA Auto Body, informed the commission of the history of the site on University Avenue. He stated that auto body shops are able to function in mixed-use developments and are seen in T4 and B3-type areas, such as American Boulevard in Bloomington, MN and the Buckhead neighborhood of Atlanta, GA. He said that allowing auto body shops as a conditional use in these districts

affords the commission the ability for greater control because additional conditions can always be added.

Chuck Repke stated that the City of Saint Paul has restricted auto body shops to the industrial areas of the city for about 30 years, changes that were made due to community complaints about noise, smell, unsightliness and hazardous fluids and broken glass. He stated that all of those problems continue to be true today. Mr. Repke addressed each standard individually. He stated that condition (a) fails to protect residential uses in traditional neighborhood or commercial zones or non-industrial uses that would adjoin the use. Condition (b) indicates that auto body work is ugly work and its presence will have a detrimental effect on the neighborhood. He stated that the fence requirement will not improve the city's streetscape because it will be a cyclone fence with ugly vinyl slats. There is no proposed standard or condition to regulate the location of the required enclosed wall or fence and no design standards for the fence, both of which are problematic. Condition (c) demonstrates that the city is concerned about noise and paint fumes, but the condition is unenforceable because DSI will not be able to monitor all auto body shops to ensure their bay doors are closed. Condition (d) suggests that there is a considerable amount of refuse associated with the use that will have a detrimental effect on the neighboring property. He stated that condition (e) would allow auto body shops in 150 ft x 200 ft lots, about the size of a gas station, or slightly larger, and that this restriction is not significant.

In written testimony, District 1 supported the efforts to modify language in the ordinance to help clarify the use, but does not support the expansion of auto body shops as a conditional use in to T4 and B3 zoning on the grounds that it poses too great a risk to certain neighborhoods, and will have a negative impact on the future development potential for those areas.

In written testimony, District 5 states that the proposed conditions acknowledge the expected adverse impacts these businesses can have on the enjoyment and use of surrounding properties (buffers, opaque fencing, no exterior visibility of the product, and enclosure) and appear to be hard to enforce on a regular basis.

District 6 has concerns that the conditions are not restrictive, as stated in their letter. Regarding condition (a) Jeff Martens suggests that substantial distance is the only alternative to ensure the adjacent neighbors' ability to enjoy their property and not be concerned about fumes, noise, and other issues caused by this type of use. For condition (b) Martens states that this condition makes it apparent that the use is detrimental to the existing character of the neighborhood. Certain fencing would cause additional unsightliness and do nothing to assuage concerns. In addition, Martens states that there should be standards for the fencing. The District 6 letter also identifies as an issue that the conditions are not much different for auto body shops than for other auto uses and do not accurately reflect the issues auto body shops can cause. District 6 also opposes the final condition because they find it to be not restrictive and vague.

2.3 **Analysis.**

Insurance collision repair auto body shops such as Latuff Brothers and ABRA operate in mixed-use commercial areas, including their existing shops along University Avenue, without

problems. They provide a needed neighborhood service, provide neighborhood jobs and generate few vehicle trips.

Subject to appropriate standards and conditions, auto body shops can be compatible in close proximity to residential and other commercial uses. State and federal standards for venting, including from paint booths, now tightly control emissions through mandatory installation of exhaust filters that successfully remove odors. City and state noise standards also apply, and proposed new condition (b) requiring all repair work to be done within an enclosed building goes beyond these to control noise.

Rather than the current reference to the auto service station standard, for a 10-foot buffer, screen planting and obscuring wall or fence, in § 65.703(b) that currently only applies to auto body shops in the IR light industrial restricted district, the 10 foot buffer area and screen planting standard is written out in (a) to apply to auto body shops in all districts. Auto service station standard language in § 65.703(e) pertaining to pump islands is not necessary for auto body shops. Standards (a) and (b) could specify that a cyclone fence with vinyl slats does not meet the requirement for an obscuring fence.

The proposed additional standards and conditions would require that all repair work and storage of parts is within an enclosed building, and that service bay doors be closed, mitigate potential impacts so that the use would be appropriate as a conditional use in the T4 traditional neighborhood, B3 general business, and IR light industrial restricted districts. These standards do not appear to be problematic for insurance collision repair body shops such as Latuff Brothers and ABRA. Body shops for which these standards would be a problem can locate in I1 and I2 districts where these standards would not apply.

The proposed 30,000 sq. ft. minimum lot area requirement is twice the 15,000 sq. ft. minimum lot area for auto repair stations and auto service stations, is 2½ times the 12,000 sq. ft. minimum lot area requirement for auto convenience markets and gas stations without auto service facilities, and would assure more than adequate area on the site to accommodate the repair building, accessory customer and employee parking, and storage of vehicles awaiting repair.

The dimensional standards and design standards in the T4 traditional neighborhood, B3 general business, and IR light industrial restricted districts that apply to all uses generally would apply to this use as well, also helping to ensure the compatibility of the use with these districts. For example, the minimum floor area ratio (FAR) in the T4 district would apply to this use as to all uses generally.

2.4 Recommendation.

Add language to specify that a cyclone fence with vinyl slats does not meet the requirements in standards (a) and (b) for an obscuring fence.

Staff Recommendation for Committee Action

In response to City Council initiation of the zoning study pertaining to auto body shops, to Leg. Code § 61.801 requirements for periodic review of the zoning code, to address current technology

and market conditions, and based on the public hearing testimony and analysis summarized above, staff recommends that the Comprehensive Planning Committee forward this report and the following draft zoning code amendments pertaining to Auto body shop to the Planning Commission with a recommendation for approval.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining. [Drafting notes are included in brackets.]

Sec. 65.701. Auto body shop.

A shop ~~that provides in the business of making~~ substantial motor vehicle body repairs, to the shell or body of any automobile, and of major or substantial painting or undercoating services, including of the shell or body, and where the following service may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision repair services; such as body, frame or fender straightening and repair; overall painting and undercoating.

Standards and conditions:

(a) A ten (10) foot buffer area with screen planting and an obscuring wall or fence (not including cyclone fence with vinyl slats), shall be required along any property line adjoining a residential zoning district.

Additional standards and conditions in traditional neighborhood, business, and IR light industrial restricted districts:

(b) All repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen. There shall be no exterior storage of parts or merchandise.

(c) Doors to repair service bays shall be closed when providing repair services to vehicles, except for conveyance into and out of service bays.

(d) All trash shall be stored within an enclosed obscuring wall or fence, shall not exceed the height of the wall or fence, and shall be removed from the lot by licensed waste disposers at least once per week.

(e) Except in the IR light industrial restricted district this use shall be limited to parcels within one-quarter (1/4) mile of University Avenue, subject to standards and conditions (b) and (c) in section 65.703, auto service station, and there shall be no outside storage the lot shall be a minimum of thirty thousand (30,000) square feet in area.

Table 66.321, Principal Uses in Traditional Neighborhood Districts, and Table 66.421, Principal Uses in Business Districts.

Designate auto body shop as a conditional use in the T4 traditional neighborhood district and in the B3 general business district.