

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Omar's Auto **FILE #** 15-173-542
 2. **APPLICANT:** Omar Omar **HEARING DATE:** November 24, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit with Modification
 4. **LOCATION:** 619 St Anthony Ave,
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.32.0099, Mackubin and Marshalls addition subj to rd; Lot 16 and all of Lots 17 through 19, Block 11
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** §65.703; §65.704; §61.501, §61.502
 8. **STAFF REPORT DATE:** November 17, 2015 **BY:** Laura Haynssen
 9. **DATE RECEIVED:** October 27, 2015 **60-DAY DEADLINE FOR ACTION:** December 26, 2015
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- A. **PURPOSE:** Conditional use for an auto specialty store (tire shop) with modification of required landscaped buffer area width along residentially zoned property (10 feet required, 9 feet proposed along north property line and 7.5 feet proposed along east property line)
- B. **PARCEL SIZE:** 17,820 sq. ft. (approx. 0.41 acres)
- C. **EXISTING LAND USE:** Currently the site is unused with one empty building.
- D. **SURROUNDING LAND USE:**
 - North: Multi-family residential
 - East: Multi-family residential
 - South: Interstate 94
 - West: Miscellaneous business (across Dale Street)
- E. **ZONING CODE CITATION:** § 65.704, *auto specialty store*, refers to the standards and conditions in § 65.703, *auto service station*. § 61.501 lists general conditions that must be met by all conditional uses. § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The subject property has been zoned B2 community business since 1975. It has been used as a Rapid Oil Change, Jiffy Lube, and storage facility. Most recently, the property and building have been used seasonally for indoor fireworks sales.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council has not provided a recommendation at the time of the writing of this report.
- H. **FINDINGS:**
 1. The applicant is seeking a conditional use permit for the establishment of an auto specialty store (tire shop) with modification of the required landscaped buffer area width along residentially zoned property (10 feet required, 9 feet proposed along north property line and 7.5 feet proposed along east property line). The proposed business would be located in the existing building with hours of operations seven days per week from 9:00 AM to 9:00 PM.
 2. Ramsey County Public Works is planning an interchange reconstruction on Dale Street between Iglehart Avenue and University Avenue slated to start in 2017. The County anticipates the property will remain viable after construction, but construction will require acquisition of additional right of way from this property. Ramsey County Public Works has tentatively agreed to remove the two curb cuts nearest to the Dale Street - St. Anthony Avenue intersection (the south curb cut on Dale St. and the west curb cut on St. Anthony Avenue) and restore the associated curb and boulevard as part of the future acquisition.
 3. §65.703 lists the standards and conditions that auto service stations and auto specialty stores, must meet:

- (a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk. This condition can be met subject to closure and removal of the two curb cuts/driveways closest to the Dale Street-St. Anthony Avenue intersection, reconstruction of the associated curbs and boulevards, widening of the two remaining curb cuts, and patching of deteriorated pavement in accordance with city standards, with all of this work subject to review and approval under the City site plan review process. Dale Street is a Ramsey County roadway and St. Anthony Avenue is an Interstate-94 frontage road subject to Minnesota Dept. of Transportation standards. The City site plan review process would coordinate the work with the three jurisdictions involved (City of Saint Paul, Ramsey County, and MnDOT).*
- i. Closure of curb cuts/driveways: The south driveway/curb cut on Dale St. and the west driveway/curb cut on St. Anthony Ave. are within 30 feet of the Dale Street - St. Anthony Avenue intersection, which is not in accordance with current City requirements. The site plan submitted by the applicant indicates the closure and removal of these two curb cuts; closure should be required prior to occupancy of the property for the proposed use.
 - ii. Restoration of curbs and boulevards: With the tentative agreement by Ramsey County Public Works to remove the two curb cuts and driveways nearest to the Dale Street - St. Anthony Avenue intersection and restore the associated curb and boulevard as part of the future acquisition, restoration of the curbs and boulevards in these areas should be completed along with the Dale Street widening and reconstruction or by June 30, 2018, whichever is sooner.
 - iii. Widening of remaining curb cuts: The existing eastern curb cut on St. Anthony Avenue is 23 feet wide and the northern curb cut on Dale Street is only 16 feet wide, both less than current City width standards for this use and location. Rebuilding these curb cuts in accordance with City standards as determined by City traffic engineer should be a condition of approval. To coordinate this with the pending Ramsey County reconstruction and widening of Dale Street, widening of these curb cuts should be completed along with the Dale Street widening and reconstruction or by June 30, 2018, whichever is sooner.
 - iv. Patching of pavement: The pavement at the subject property is at the end of its life and needs to be resurfaced, as indicated in the submitted site plan. Resurfacing of the pavement should be a condition of approval.
- (b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This condition is not met. The existing north buffer area is only 9 feet wide and the existing east buffer is only 7.5 feet wide, there is no screen planting in these areas, and where remnants of an obscuring fence exist it is in disrepair. The applicant has requested a modification of the required 10-foot width of the buffer areas. The screen planting and obscuring fence requirements can be met subject to installation of a new fence and plantings.*
- (c) *The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Auto service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for incidental servicing of automobiles (including lubricating facilities) may be permitted on a lot of twelve thousand (12,000) square feet, subject to all other provisions herein required. This condition is met. The parcel is 17,820 square feet in area.*
- (d) *Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping. This condition can be met. The applicant has been informed of and agreed to the prohibition of accessory sales of goods and equipment located in the required setback, parking or maneuvering space.*

Additional standards and conditions in traditional neighborhood and IT industrial districts do not apply. The subject property is zoned B2.

4. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The proposed use meets policies from the Comprehensive Plan and the Dale Station Area Plan. The Future Land Use Map, Figure LU-B, of the Comprehensive Plan shows the site as part of a Mixed-Use Corridor. This future land use category includes “areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open spaces.” The proposed use also supports the following policies from the Dale Station Area Plan: 4.4.1a) Buildings of up to 3 stories will assist in repairing the gaps in the street fabric while providing an appropriate scale and transition to the abutting residential neighborhoods, and 4.4.2a) Land uses that bring new jobs should be encouraged: The size and location of these parcels relative to Interstate 94...a range of uses, including multi-unit residential, live/work, retail and employment, is appropriate as well.*
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition can be met subject to the closure and removal of the two curb cuts and driveways closest to the intersection of Dale Street and Saint Anthony Avenue, and widening of the remaining two curb cuts, as addressed in finding 3(a) above.*
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. The proposed use is generally consistent with the existing character of development in the area, which is a mix of multifamily residential and commercial. It will not endanger public health, safety, or general welfare subject to the closure and removal of the two curb cuts closest to the intersection and widening of the remaining two curb cuts as addressed in finding 3(a) above, and provision of a landscaped buffer and visual screening as required by Zoning Code for auto service stations that adjoin a residential use or zoning district.*
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. Reuse of this site as an auto service station will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition can be met subject to conditions that the landscaped yard along the north side of public sidewalk on St. Anthony Avenue is extended west where the curb cut is being closed and removed, that at least two trees are planted and maintained in the landscaped yard along the north side of public sidewalk on St. Anthony Avenue, that trees and screening landscaping are planted and maintained in the landscaped buffer areas along the north and east edges of the lot, all as required in Zoning Code §§ 63.314 and 63.115, and that there shall be no outdoor storage or servicing (Zoning Code § 66.441 states that in the B2 district all storage and servicing shall be within a completely enclosed building).*
5. *The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*

These criteria can be met for the requested modification of the required 10-foot width of the buffer areas along residentially zoned property subject to the condition that a new obscuring fence is installed along the property line and new screen plantings are installed in the existing 9-foot wide buffer area along the north property line and 7.5-foot wide buffer area along the east property line that will remain.

The applicant has stated that the 10-foot buffer requirement presents a hardship due to the location of the existing building and the existing location of the driveway and drive lane. City of Saint Paul code requires that a drive lane be 20 feet wide. The existing buffer on the east side of the property is 7.5 feet wide, as specified on the site plan submitted by the applicant. The current distance between the building and the property line on the east side is 29 feet, which does not provide sufficient width for both a 10-foot buffer and a 20-foot drive lane. On the north side of the property, the existing north curb cut on Dale St. is 9 feet from the property line. To meet the 10-foot buffer requirement, the curb cut would need to be relocated. The applicant has proposed adding some shrubs to mitigate the impact on adjacent properties of the reduced buffer area.

While the north and east property lines adjoin residentially zoned property, use of the immediately adjoining property is primarily open space and parking lots to serve nearby apartment buildings, and there is a substantial grade change between the parcel at 619 St. Anthony Avenue and the adjoining residential property. With this and a condition for a new obscuring fence and screen plantings, the proposed modification of the 10-foot buffer width requirement is consistent with reasonable enjoyment of adjacent property and would not impair the intent and purpose of the requirement, and therefore strict application of the 10-foot buffer requirement would unreasonably limit otherwise lawful use of the property and undue hardship to the owner.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for an auto specialty store (tire shop) with modification of required landscaped buffer area width along residentially zoned property (from 10 feet required to 9 feet along the north property line and 7.5 feet along the east property line), at 619 St. Anthony Avenue, subject to the following additional conditions:
 1. A site plan that includes landscaping, drainage and driving movements shall be submitted for site plan review by the Department of Safety and Inspections and approved by the Zoning Administrator for this use prior to operation of the proposed auto specialty store on the site.
 2. The south driveway/curb cut on Dale St. and the west driveway/curb cut on St. Anthony Ave. shall be closed prior to operation of the proposed use, as approved through the site plan review process.
 3. The south driveway/curb cut on Dale St. and the west driveway/curb cut on St. Anthony Ave. shall be removed, the curbs and boulevards in these shall be restored, and the north curb cut on Dale St. and east curb cut on St. Anthony Ave. shall be widened to meet current City, County and State standards along with the Dale Street widening and reconstruction project or by June 30, 2018, whichever is sooner.
 4. Pavement on the site shall be resurfaced prior to operation of the proposed use on the site, or by May 31, 2016, whichever is later, as approved through the site plan review process.
 5. A new obscuring fence and screen planting extending along the full north and east property lines, as approved through site plan review, shall be installed prior to operation of the proposed use, or by May 31, 2016, whichever is later.
 6. Prior to operation of the proposed use or by May 31, 2016, whichever is later, the landscaped yard along the north side of public sidewalk on St. Anthony Avenue shall be extended west where the curb cut is being closed and removed.

7. At least two trees shall be planted and maintained in the landscaped yard along the north side of public sidewalk on St. Anthony Avenue, trees and screening landscaping shall be planted and maintained in the landscaped buffer areas along the north and east edges of the lot, all as required in Zoning Code §§ 63.314 and 63.115.
8. Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping. All business or auto services must occur within an enclosed building and may not occur outdoors. There shall be no outdoor storage of vehicle parts, tires, oil or any other similar materials associated with the business.