



CITY OF SAINT PAUL
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DATE: January 27, 2021
TO: Zoning Committee
FROM: Bill Dermody, City Planner
RE: 1346 Arcade St. LLC (Arcade Auto Body)

This item was laid over from the January 14, 2021 to allow staff to provide alternative findings and guidance to the Zoning Committee that might support allowing vehicle cleaning in the garage addition behind the house and allowing the spray booth addition and Clear Avenue curb cuts to remain. Though the staff recommendation is unchanged, the following alternative findings and conditions are presented for the committee's consideration and discussion. Compared to the staff report, changes were made to Findings 3d, 3e, 6a, 6b, 6c, 6d, and 6f. Also, the recommendation section is changed to approval of the curb cut and landscaping variances, and several conditions are added or reworded either for clarity, in order to allow findings to be met, or to address the outstanding 1985 order to demolish the spray booth addition.

ALTERNATIVE FINDINGS

1. The application requests a change and expansion of nonconforming use of property at 1334 and 1346 Arcade Street to add auto repair and outdoor auto sales to an existing auto body shop and dwelling on the property. The application also requests variances of the required distance between vehicular access and the Arcade-Clear intersection (60 feet required, 13 feet proposed), required parking (24 spaces required for customers, employees, residents, and vehicles on the lot for repair, 8 spaces proposed), and required landscaping (4 ft. wide landscaping and screening wall of fence along public sidewalk required, no setback or landscaping proposed). The proposed site plan submitted shows 18 total parking spaces, including 4 for customers, 3 for employees, 3 for for-sale vehicles (along Arcade Street), 1 for the residence at 1334 Arcade, and 7 flexible spaces for either for-sale vehicles or vehicles in for service. It manages to show this many parking spaces, however, by showing new stacked parking spaces along the Clear Avenue sidewalk that do not meet the on-site maneuvering requirement for stacked parking in Zoning Code § 63.309, and new parking spaces that do not meet the dimensional standards in § 63.305, the minimum 4 foot setback from lot lines requirement in § 63.312 and the landscaping and screening requirements in § 63.314.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. Auto repair and outdoor auto sales are first allowed in the B3 zoning district, which is more restrictive than the zoning district that first allows auto body shops (T4).
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding can be met subject to limiting the overall size of the proposed combination of uses including new outdoor auto sales and repair uses in addition to the previous auto body shop use so that the new combination of uses would not have a significant impact on traffic generation.
 - c. *The use will not 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 subject to limiting the overall size of the proposed new combination of nonconforming uses, including new outdoor auto sales and repair uses in addition to the previous auto body shop use, so that the off-street parking requirements for the mix of uses are met, and subject to off-street parking on the site meeting the dimensional and design standards in the Zoning Code to the greatest extent possible. If the new uses reduce the auto body shop use of the site, a reduction in paint fumes (which has caused numerous neighbor complaints) is likely to improve public health.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. The 2040 Comprehensive Plan designates the site as Mixed Use, which allows consideration of commercial uses such as proposed.
3. Zoning Code § 62.109(d) states: *The planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings relevant to this application:*
- a. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding can be met subject to off-street parking on the site meeting the dimensional and design standards in the Zoning Code to the greatest extent possible. The property will need to abide by the City's property maintenance standards. There is no building expansion proposed.
 - b. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding is not met. This is part of the accompanying variance application, which is addressed below.
 - c. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to the surrounding land use.* This finding is met. Rezoning the site to B3 general business, where auto repair and outdoor auto sales are first allowed, would be spot zoning. The site is surrounded by T2 traditional neighborhood and R4 residential zoning. There is no B3 zoning nearby. The site was specifically rezoned away from B3 to T2 in 2007 as part of a larger zoning study, indicating that B3 was deemed inappropriate for this location. Nothing has happened in recent years to prompt reconsideration of that decision.
 - d. *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 subject to limiting the overall size of the proposed new combination of nonconforming uses, including new outdoor auto sales and repair uses in addition to the previous auto body shop use, so that it does not generate a substantial increase in traffic and parking, and the off-street parking requirements for the mix of uses are met; subject to not allowing outside storage and not allowing vehicles related to the business to be parked in adjacent streets or alleys; subject to control of paint fumes from the auto body shop, and auto body and auto repair work being contained within the building; and subject to off-

street parking on the site meeting the dimensional and design standards in the Zoning Code to the greatest extent possible. If the new uses reduce the auto body shop use of the site, a reduction in paint fumes (which has caused numerous neighbor complaints) is likely to improve public health.

- e. *The use is consistent with the comprehensive plan.* This finding can be met if landscaping is provided. The 2040 Comprehensive Plan, in Policy LU-9, calls for promoting high-quality urban design that supports pedestrian-friendliness and a healthy environment, and enhances the public realm – landscaping is key to achieving that policy. The Comp Plan also designates the site as Mixed Use, which allows consideration of commercial uses such as proposed.
 - f. *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 has been superseded by a Mayor’s Executive Order that eliminates certain petition requirements during the pandemic.
4. Zoning Code § 65.705 provides the following relevant standards for an auto repair station:
- a. *The minimum lot area shall be fifteen thousand (15,000) square feet.* This standard is met. The two subject lots, which are both proposed to be used for the business, together are 16,625 square feet.
 - b. *A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.* This standard, which also applies to the previous legal nonconforming auto body shop on the site, is not currently met and is a legal nonconforming condition.
 - c. *All repair work shall be done within an enclosed building.* This standard can be met. A condition requiring this should be attached to any approval.
 - d. *There shall be no outside storage.* This standard can be met. A condition requiring this should be attached to any approval.
5. Zoning Code § 65.706 provides the following standards for outdoor auto sales:
- a. *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This standard is met. A site plan showing the vehicle layout is among the application materials. The lot is graded and paved. The proposed site plan needs to be revised in order to meet the off-street parking requirements for the proposed new mix of nonconforming uses on the lot, so that vehicles related to the business will not be parked in adjacent streets or alleys, and to meet the dimensional and design standards for off-street parking in the Zoning Code to the greatest extent possible.
 - b. *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This standard is not met. It is the subject of a variance request addressed below.
 - c. *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This standard can be met. A condition requiring this should be attached to any approval.
 - d. *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.* This standard is met. The two subject lots, which are both proposed to be used for the business, together are 16,625 square feet.
6. The application requests variances of the required distance between vehicular access and the Arcade-Clear intersection (60 feet required, 13 feet proposed), required parking (24 spaces required for customers, employees, residents, and vehicles on the lot for repair, 8 spaces

proposed), and required landscaping (4 ft. wide landscaping and screening wall or decorative fence along public sidewalk required, no setback or landscaping proposed). Zoning Code § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon making the following required findings.

a. *The variance is in harmony with the general purposes and intent of the zoning code.*

This required finding is met or can be met for the curb cut and landscaping variances, but is not met for the parking variance.

The Zoning Code's purpose includes lessening congestion of the public streets by providing for off-street parking of vehicles related to the need for parking created by the use on the site. At the time of the previous nonconforming use permit for this site in 1992, the auto body shop was required to have 2 off-street parking spaces per auto service stall: 14 spaces for the 7 service bays in the main building, which the Planning Commission resolution noted appeared to be the most that could possibly fit on the site. It also noted that the spray booth addition on the north side of the building would require an additional 2 parking spaces. The parking requirement for the house was met in the garage addition behind the house.

The current parking requirement for the previous nonconforming auto body shop is 1 space per 400 sq. feet of gross floor area (GFA) plus 1 space per auto service stall. This would be 18 spaces: 8 spaces for the 8 auto service stalls plus 10 spaces for the GFA of the portion of the building used for the auto body shop (not including the garage addition behind the house that the 1992 nonconforming use permit prohibited from being used for auto body or auto repair work).

The current application proposes to add auto repair to the site and expand the business into the garage addition behind the house that was previously approved for storage of antique and classic cars, thus increasing the parking requirement. The application also proposes to add auto sales to the site and to use 10 parking spaces on the site for cars for sale, thus reducing the number of off-street parking spaces on the site available to meet the parking requirement for the auto body shop and auto repair business. These proposals by the applicant are the reasons for the parking variance request. Without enough spaces on the site for parking vehicles there for repair or for customer and employee parking, parking of vehicles associated with the business would tend to end up on nearby streets and alleys, not in harmony with the purpose and intent of the Zoning Code.

The amount of required parking can be decreased if the garage addition behind 1334 Arcade is limited to parking of vehicles and therefore not counted as GFA on which parking is required.

The purpose of the required 60-foot distance between vehicular access and the intersection of any two streets is to provide for the safety of pedestrians, bicyclists, and vehicular traffic at intersections where they most often interact. This is especially important at this intersection at the main entrance to Johnson High School and a block from Farnsworth Elementary School where there is a high volume of pedestrian, bicycle, and vehicular traffic and turning movements. Although removal of the too-close curb cuts would be more in harmony with these zoning code purposes, the curb cuts are existing and the situation is not being made appreciably worse.

The purposes and intent of landscaping and dimensional standards for surface parking, including setback, landscaping and screening along public sidewalks and on-site maneuvering space for stacked parking, are to provide for public safety by keeping sidewalks from being used for parking and vehicular maneuvering, buffering parking from public right-of-way, reducing visual glare and heat, and providing for stormwater retention and absorption. The site will need to meet parking and maneuvering dimensional standards. The landscaping purpose can be met if other landscaping is provided – not necessarily along

the street and sidewalk as is normally required by code. The safety and screening purposes of the 4' setback and landscaping for parking along lot lines and public sidewalks can be reasonably met in this case if a wall or fence is placed between the parking and the public sidewalks as required by Zoning Code § 63.314 to provide some screening and ensure that no vehicles encroach upon the sidewalks.

- b. *The variance is consistent with the comprehensive plan.* This finding is or can be met for all of the variances. The 2040 Comprehensive Plan, in Policy LU-14, calls for reducing the amount of land dedicated to off-street parking. The Comp Plan also, in Policy T-12, calls for minimizing and consolidating curb cuts as redevelopment opportunities arise for sites that have reasonable access alternatives. There is not a reasonable access alternative for this particular business because of the maneuvering needs for tow trucks dropping off cars for repair. The landscaping variances can be consistent with comprehensive plan policies for quality urban design that supports pedestrian friendliness and enhances the public realm subject to installation and maintenance of a wall or decorative fence between the parking and public sidewalks as required by Zoning Code § 63.314.
- 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.* This required finding is met for the curb cut and landscaping variances, but not for the parking variance.

The existing buildings on the site and layout of parking and driveways on the site, along with the maneuvering needs for tow trucks dropping off cars for repair, create practical difficulties in complying with the curb cut location and landscaping requirements of the Zoning Code.

The 2257 sq. foot garage addition behind the house at 1334 Arcade was designed and used for parking up to 7 antique and classic cars plus a parking space for the house (total of 8 spaces). It could reasonably be used for parking at least 8 vehicles associated with the business, helping to meet the parking requirement. If it is only used for parking it would be excluded from the gross floor area (GFA) measurement and thus also reduce the off-street parking requirement to 18, and reduce the need for a parking variance. There is space on the site for the remaining 10 required off-street parking spaces.

- d. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met for the curb cut and landscaping variances, but not for the parking variance.

The desire for the parking variance is created by the applicant's proposal to add auto repair to the site and expand the business into the garage addition behind the house that was previously approved for storage of antique and classic cars, thus increasing the parking requirement, and by the applicant's proposal to add auto sales to the site and to use 10 parking spaces on the site for cars for sale, thus reducing the number of off-street parking spaces on the site available to meet the parking requirement for the auto body shop and auto repair business. It is not created by circumstances unique to the property.

The request for variance of landscaping requirements and the required 60 foot distance between vehicular access and the Arcade-Clear intersection is triggered by the existence of two curb cuts within that area that relate to the location of existing buildings and layout of parking on the site, along with the maneuvering needs for tow trucks dropping off cars for repair at the existing legal nonconforming use, circumstances unique to the property.

- e. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The request for change and expansion of nonconforming use of the site is addressed above.

- f. *The variance will not alter the essential character of the surrounding area.* This finding is met or can be met for the curb cut and landscaping variances, but is not met for the parking variance.

It appears that the parking variance would result in inadequate parking spaces on the site for vehicles there for repair and for customer and employee parking, and that parking of vehicles associated with the business would tend to end up on nearby streets and alleys, altering the character of the surrounding area.

Variance of the required 60 foot distance between vehicular access and the Arcade-Clear intersection for the existing Clear Avenue curb cuts is unlikely to alter the character of the surrounding area.

Subject to installation and maintenance of a wall or decorative fence between the parking and public sidewalks as required by Zoning Code § 63.314, off-street parking on the site meeting dimensional and design standards in the Zoning Code to the greatest extent possible, and at least 100 sq. feet of additional landscaping on the Arcade and/or Clear sides of the building, variance of perimeter and screening landscaping requirements is unlikely to alter the character of the surrounding area.

ALTERNATIVE MOTION:

Based on the above findings, I move to recommend approval of the change and expansion of nonconforming use to add auto repair and outdoor auto sales to an existing auto body shop and dwelling on the site at 1334-1346 Arcade Street, denial of the variance of required parking, and approval of variances of required landscaping and minimum distance between vehicular access and the Arcade-Clear intersection, subject to the following additional conditions:

1. The garage addition behind the house at 1334 Arcade, approved in 1992 to provide classic car storage, shall continue to be used for parking at least 8 vehicles, and shall not be used for auto body or auto repair shop work (vehicle cleaning is permitted in this area). With this area subtracted from the building area for the purpose of calculating required parking, it reduces the number of required parking spaces to 18. Since this condition requires 8 parking spaces be provided in the garage addition, then 10 other parking spaces must be provided on the site to meet the parking requirement.
2. A site plan that reflects these conditions shall be submitted to the Department of Safety & Inspections for review and approval. The 1985 Zoning Administrator order to remove the spray booth addition on the north side of the building, an order that was upheld by the City Council upon appeal, remains in effect unless it is rescinded by the Zoning Administrator upon site plan review and approval. If the former spray paint booth addition remains it shall be used only for cleaning and detailing vehicles, and may not be used for auto body or auto repair shop work. (If the addition were removed, it would reduce the parking requirement by 1 space, and the location of the addition could be used for an additional parking space.)
3. The parking spaces that are required for customers, employees and vehicles on the lot for auto repair shall not be used for display of vehicles for sale.
4. Employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and shall not be parked on streets or alleys.
5. The layout of parking spaces must meet the requirements in Zoning Code § 63.308 and § 63.309 for space for any maneuvering of vehicles to be provided on the site and not in public right-of-way.
6. Off-street parking on the site shall meet dimensional and design standards in the Zoning Code to the greatest extent possible, excluding the perimeter and screening landscape

requirements in Zoning Code § 63.314 for parking facilities and outdoor auto sales adjoining public streets or sidewalks. A masonry wall or decorative fence (not including chain link), a minimum of three (3) feet in height and a maximum of four and one-half (4½) feet in height, shall be installed and maintained along adjoining Arcade Street and Clear Avenue public sidewalks as required by § 63.314.

7. All auto repair work shall be done within an enclosed building. Paint fumes from the auto body shop shall be controlled so that they are not noticeable on adjacent lots.
8. There shall be no outside storage.
9. At least 100 square feet of additional landscaping shall be provided on the site, to the Arcade Street or Clear Avenue sides of the building at 1346 Arcade Street. Such landscaping need not meet the requirements of Zoning Code § 63.314, and it may result in the loss of for-sale vehicle spaces but it may not result in the loss of customer or employee parking spaces.