

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Maryland Fuel & Auto Inc., File # 21-299-076, has applied for a conditional use permit for an auto convenience market and auto service station under the provisions of § 65.702, § 65.703, and § 61.501 of the Saint Paul Legislative Code on property located at 406 Maryland Avenue E, Parcel Identification Number (PIN) 29.29.22.22.0176, legally described as Lots 3-7, Zachrison's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 7, 2021, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests conditional use permit (CUP) approval for an auto convenience market and auto service station at 406 Maryland Avenue E. The existing pumps and building will be replaced with new construction, and the outdoor tire storage will be removed.
2. § 65.703 lists conditions for auto service stations. The following conditions apply in the B3 general business district:
  - a. *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications.* This condition will be met, as enforced through site plan review and building permit review.
  - 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 met by the submitted site plans. Notably, the subject site's property line is 10 feet east of the existing fence/retaining wall east of the existing and proposed building.
  - c. *The minimum lot area shall be 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 12,000 square feet, subject to all other provisions herein required.* This finding is met. The site is about 23,000 square feet. Parking of vehicles awaiting repair or pickup on site, and not on streets or alleys, can be a condition of approval.
  - 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 finding can be met and can be a specific condition of approval.

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

3. § 65.702 lists conditions for auto convenience markets:
  - a. *The use is subject to standards and conditions (a), (b), (d), (e), and (g) in section 65.703, auto service station.* Conditions (a), (b), and (d) are addressed in the previous finding, and conditions (e) and (g) do not apply in the B3 general business district.
  - b. *The zoning lot on which it is located shall be at least 12,000 square feet in area.* This finding is met. The lot is about 23,000 square feet.
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 2040 Comprehensive Plan designates the site's future land use as Urban Neighborhood, which allows for limited neighborhood-serving commercial uses, typically at the intersections of arterial and/or collector streets such as Maryland Avenue and Arkwright Street. The site plan accompanying the application includes elimination of one of the Maryland Avenue curb cuts, which is supported by Comprehensive Plan Policy T-12: "Minimize and consolidate driveway curb cuts as redevelopment opportunities arise." Comprehensive Plan Policy LU-9 calls for promoting "high-quality urban design that supports pedestrian friendliness... and enhances the public realm." Although the proposed auto service station is not a use that supports pedestrian friendliness, its design does to a reasonable extent, including by eliminating one of the Maryland Avenue curb cuts.
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed ingress/egress via both Arkwright Street and Maryland Avenue is adequate to minimize traffic congestion.
  - (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.* This condition is met. The use is similar to the previous use, with the main exception that it eliminates the outdoor tire storage, which is a benefit to the immediate neighborhood and general welfare.
  - (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. The proposed reuse of an existing auto-oriented development for similar uses will have no impact on surrounding development.
  - (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. The site plans submitted with the application do not comply with § 63.114(b) regarding screening of trash facilities. However, the Department of Safety & Inspections has determined that the trash enclosure could meet those requirements if it were relocated close to the southwest corner of the main building, which the applicant has indicated is plausible.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Maryland Fuel & Auto Inc. for a conditional use permit for an auto convenience market and auto service station at 406 Maryland Avenue E is hereby approved subject to the following additional conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application, except that the trash enclosure shall be relocated to be near the southwest corner of the main building.
2. Vehicles awaiting repair or pickup must be stored on site, and not on streets or alleys.
3. Outdoor accessory sales of goods or equipment shall not be located in a required setback, parking or maneuvering space, or substituted for required landscaping.