

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Khue Thi Dang Auto Repair **FILE #** 18-058-139
  2. **APPLICANT:** Khue Thi Dang **HEARING DATE:** May 24, 2018
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 71 Annapolis St W, NW corner at Stryker
  5. **PIN & LEGAL DESCRIPTION:** 07.28.22.44.0115, McManigal and Varney's Rearrangement of Block 17 of Jackson & Bidwell's Addition, S 78 ft. of fol. E 14.5 ft. of Lot 12 and all of Lots 13 & 14
  6. **PLANNING DISTRICT:** 3 **PRESENT ZONING:** B3
  7. **ZONING CODE REFERENCE:** § 65.705; § 61.501, § 61.502
  8. **STAFF REPORT DATE:** May 18, 2018 **BY:** Jamie Radel
  9. **DATE RECEIVED:** April 24, 2018 **60-DAY DEADLINE FOR ACTION:** June 23, 2018
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- A. **PURPOSE:** Conditional use permit for an auto repair shop with modification of conditions for minimum lot area (15,000 sq. ft. required, 7,160 sq. ft. available) and landscaped buffer next to residential property (10 ft. required, 7 ft. proposed)
- B. **PARCEL SIZE:** 7,841 sq. ft. (0.18 acres)
- C. **EXISTING LAND USE:** Storage
- D. **SURROUNDING LAND USE:**
  - North: One-family residential
  - East: Commercial and one-family residential
  - South: Restaurant/bar and one-family residential (located in West Saint Paul)
  - West: One-family residential
- E. **ZONING CODE CITATION:** § 65.705 lists standards and conditions auto repair stations. § 61.501 lists general standards for conditional use permits. § 61.502 authorizes the planning commission to modify special conditions after making specified findings.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of five parking spaces for the proposed use.
- G. **HISTORY/DISCUSSION:** In 1922 this parcel was zoned Commercial. In 1975 it was rezoned to B2 Community Business. In 1982 it was rezoned to B3 General Business for an auto body shop. Per City certificate of occupancy records, the auto body shop use ceased between February 2013 and April 2014, when the use was identified as a storage.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 3 Council has not provided any recommendation at the writing of this report.
- I. **FINDINGS:**
  1. The application is for a conditional use permit for an auto repair station, with modification of conditions for minimum lot area (15,000 sq. ft. required, 7,160 sq. ft. available) and landscaped buffer next to residential property (10 ft. required, 7 ft. proposed) . The expected hours of operation are 7 a.m. to 6 p.m. six days per week.
  2. § 65.705 lists the following standards and conditions that an auto repair station must satisfy at this location:
    - (a) *The minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is not met. The lot is 7,840 square feet. The applicant has requested a modification of this condition.

- (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 condition can be met in part subject to installation of appropriate screen planting (to be determined as part of site plan review), and replacement of the deteriorated existing fence along the west property line with a new 4.5-foot high obscuring fence. The applicant has requested a modification of the ten foot buffer requirement (7 feet proposed) due to their inability to meet the ten-foot requirement. The submitted site plan does not include the required screen planting, which will need to be determined as part of the site plan review process. There is currently fencing located along both the northern and western property lines of this property: a six-foot high privacy fence on the north and a four-foot fence on the west. The fence on the western property line is in very poor condition. To meet the requirement, the existing fence along the west property line must be removed and replaced with a 4.5-foot obscuring fence.
  - (c) *All repair work shall be done within an enclosed building.* This standard is met. The applicant will conduct all repair activities within the existing building.
  - (d) *There shall be no outside storage.* This standard is met. The submitted site plan does not indicate any outdoor storage areas.
3. § 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. This site is guided Residential Corridors, which is “predominated by medium density residential uses,” but is not limited to such use. Business Development Objective 1 of the West Side Community Plan states: “Reinvigorate the economy of the West Side through commercial/industrial start ups and business expansion;” and Strategy B1.2 states: “Attract businesses that will increase the diversity of products and neighborhood services available to residents and visitors.”
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met subject to decreasing the width of the Stryker Avenue curb cut to 14 feet and just using it as exit from the property, with a sign identifying it as such. This existing curb cut is too close to the intersection. To decrease conflicts between vehicles attempting to enter the site from Stryker and those moving through the intersection, the driveway on Stryker should be narrowed to 14 feet and only used as an exit from the property. The “Do Not Enter” sign identified on the submitted site plan should be located closer to the curb cut.
  - (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. This site has been used as an auto service station, an auto body shop, and mostly as a storage facility since the late 1940s. This property is one of three commercial properties in a small commercial node. Use of this property as an auto repair station will not be detrimental to the existing character of the neighborhood and will not endanger the public health, safety, and general welfare of the area.
  - (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. This project reuses an existing site built for auto-related uses for an auto-related use. The parcels around this site are already developed.
  - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

4. 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.* This finding is met as strict application of both the minimum lot area requirement and 10-foot buffer would unreasonably limit the use of this property and structure, and result in exceptional hardship to the property owner. According to City records, this site has been used as auto-related use since the late 1940s, and Ramsey County property records show the building was constructed in 1950. The minimum lot area standard for an auto repair station was adopted in 1975. Without a modification of the lot area condition, this building cannot be used for its intended use. This site currently has a 7-foot landscaped buffer adjacent to the western property line. Changing the existing paved parking lot to meet the 10-foot buffer requirement would result in loss of existing off-street parking. Modification of this condition would not impair the intent of the condition, which is buffering of the use from adjacent residentially used and zoned properties, provided that appropriate screen planting (to be determined as part of site plan review) is installed along the west property line, and the deteriorated existing fence along the west property line is replaced with a new 4.5-foot high obscuring fence.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for an auto repair shop with modification of conditions for minimum lot area (15,000 sq. ft. required, 7,160 sq. ft. available) and landscaped buffer next to residential property (10 ft. required, none proposed), at 71 W Annapolis, 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 as part of the conditional use permit application;
  2. Installation of appropriate screen planting (to be determined as part of site plan review) along the west property line;
  3. Replacement of the deteriorated existing fence along the west property line with a new 4.5-foot high obscuring fence;
  4. Narrowing of the Stryker Avenue driveway to 14 feet; and
  5. Relocation of the "Do Not Enter" sign for the Stryker Avenue driveway from the location shown on the submitted site plan to a location closer to the curb cut.



**CONDITIONAL USE PERMIT APPLICATION**  
 Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning Office Use Only  
 File #: 18-058139  
 Fee: 840<sup>00</sup>  
 Tentative Hearing Date:  
5-24-18

PD=3

Khue Thi DANG

#072822440115

**APPLICANT**

Name 71 ANNAPOLIS Email 763-226-9858  
 Address 2038 COTTAGE ARCADE DR. TEXT ONLY  
 City WOODBURY State MN Zip 55129 Daytime Phone 763-226-9858  
 Name of Owner (if different) KHUE THI DANG  
 Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address/Location 71 ANNAPOLIS  
 Legal Description PID 072822440115  
 Current Zoning B3  
 (attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Conditional Use Permit under provisions of  
 Chapter 65, Section 705, Paragraph \_\_\_\_\_, of the Zoning Code.

**SUPPORTING INFORMATION:** Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

PLEASE SEE ATTACHED DOCUMENTS

RE: Auto repair shop

CK 5131

840<sup>00</sup>

Required Site Plan is attached

Applicant's Signature [Signature]

Date 2-21-18 City Agent [Signature]

## Dubruiel, Paul (CI-StPaul)

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**From:** Jim Callahan <jim@jhcallahan.com>  
**Sent:** Monday, April 30, 2018 10:25 AM  
**To:** Dubruiel, Paul (CI-StPaul)  
**Cc:** 'Rick OKeefe'; 'Mike Callahan'  
**Subject:** 71 Annanpolis

We are answering the questions on behalf of Kuhi Dang

The history of the property was an auto body permit with no painting allowed.  
The surface square footage is approx. 7400 sq ft and we would like a variance from the 15000 sq ft.  
For the purpose of auto repair. We will be doing light auto repair to include oil change , tire change,  
And other light repairs, there will be no motors replaced or transmissions replaced.  
Also no auto body or painting will be allowed.  
Thank you for your considerations

Jim Callahan, GRI - CBOA

1549 Livingston Ave. Suite 109

West Saint Paul, MN 55118

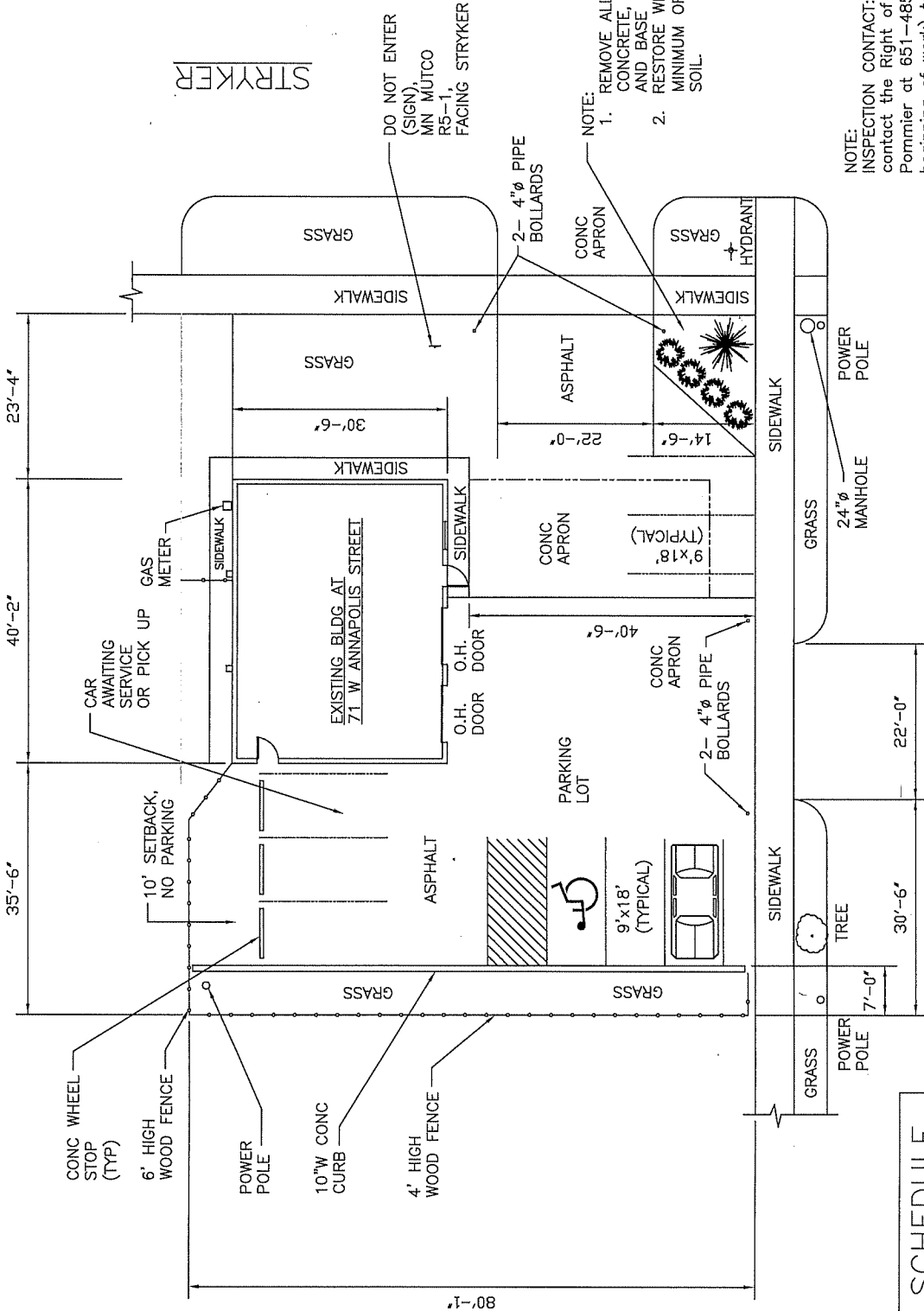
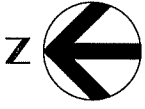
651-455-8858 Office

651-453-0304 Fax

612-701-3978 Cellular



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STRYKER

DO NOT ENTER (SIGN), MN MUTCO R5-1, FACING STRYKER

NOTE:  
1. REMOVE ALL EXISTING CONCRETE, ASPHALT, AND BASE MATERIALS.  
2. RESTORE WITH A MINIMUM OF 4" TOP SOIL

NOTE:  
INSPECTION CONTACT: The developer shall contact the Right of Way inspector Jason Pommier at 651-485-4263 (one week prior to beginning of work) to discuss traffic control, pedestrian safety and coordination of all work in the public right of way. NOTE: If a one week notice is not provided to the City, any resulting delays shall be the sole responsibility of the Contractor.

PLANTINGS SCHEDULE

SPECIES	TYPE	DIAMETER	QUANTITY
CONIFER	JUNIPER	1"	4
CONIFER	SPRUCE	2"	1

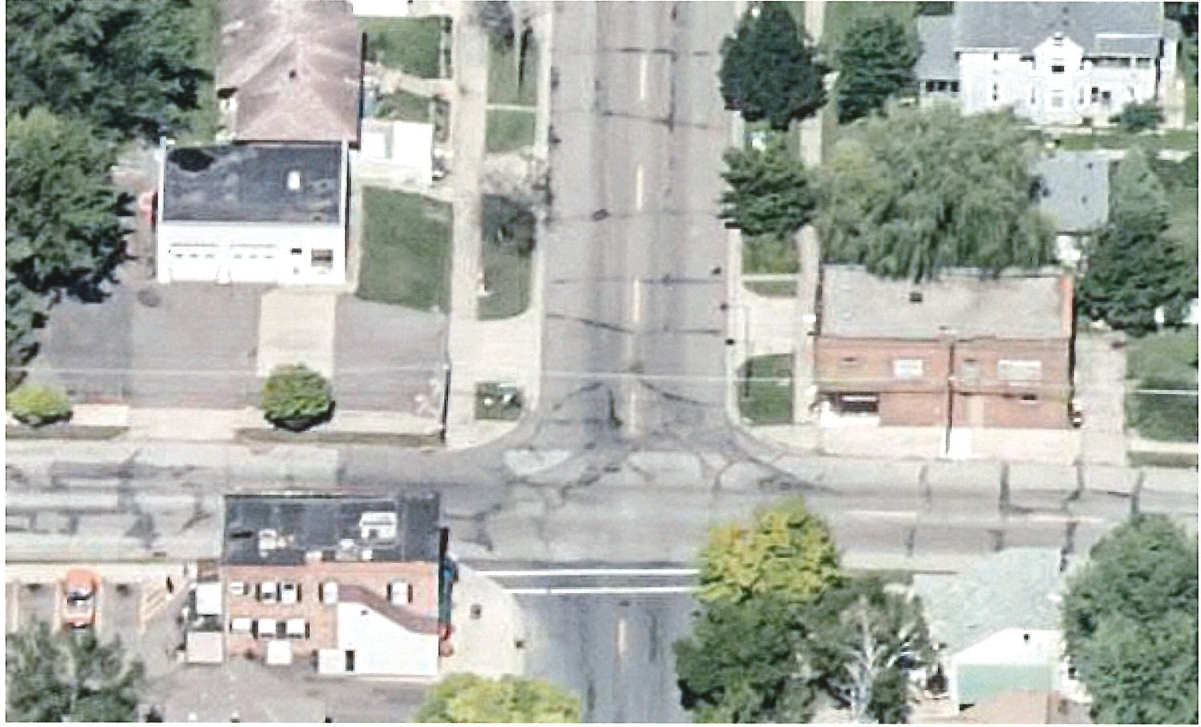
ANNAPOLIS ST

1 SITE PLAN

1/8" = 1'-0"

NEW BUSINESS		DRAWING TITLE: SITE PLAN	
Proprietor: QWE TRAN		DRAWING NUMBER:	
Project: 71 W. ANNAPOLIS STREET		Drawn	Date
Location: ST. PAUL, MN.		Checked	Date
HJH	3-6-18	HJH	4-13-18
Sheet	1	of	





# 71 Annapolis W

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Subject property - Front



Subject property - Rear

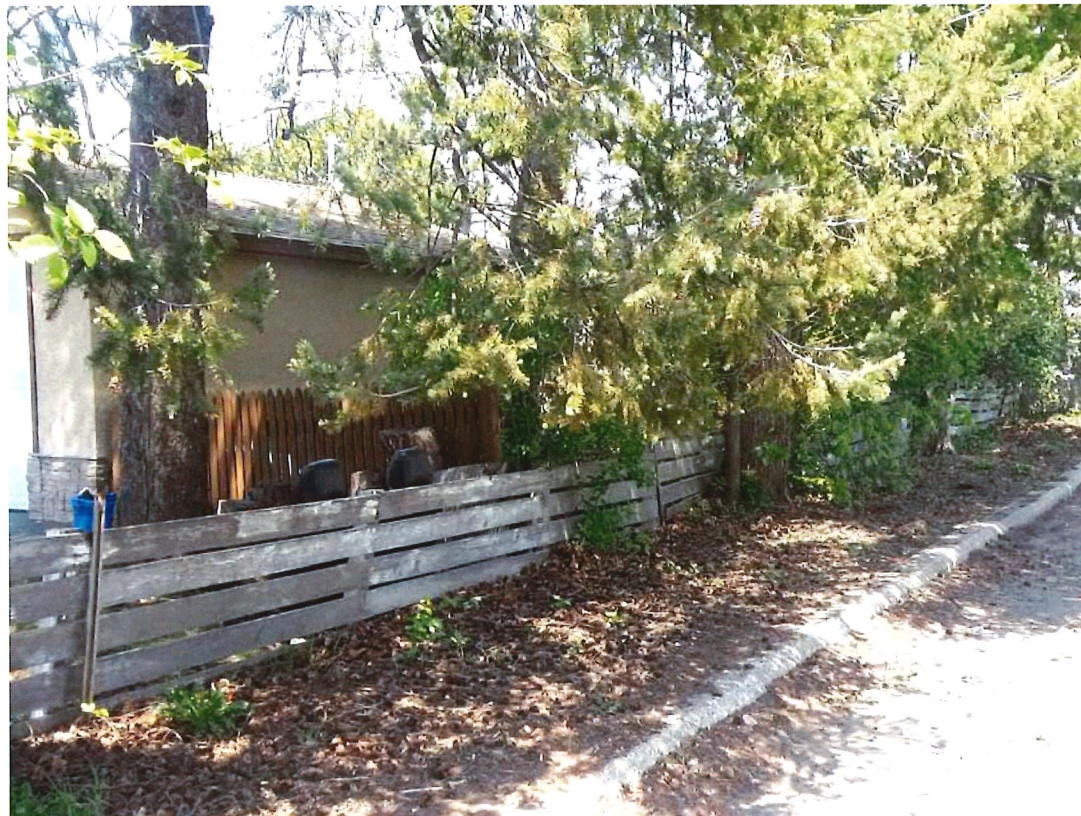


## 71 Annapolis W

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Subject property – condition of fence



Subject property – condition of fence



## 71 Annapolis W

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North of subject property



South of the subject property



## 71 Annapolis W

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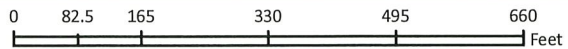
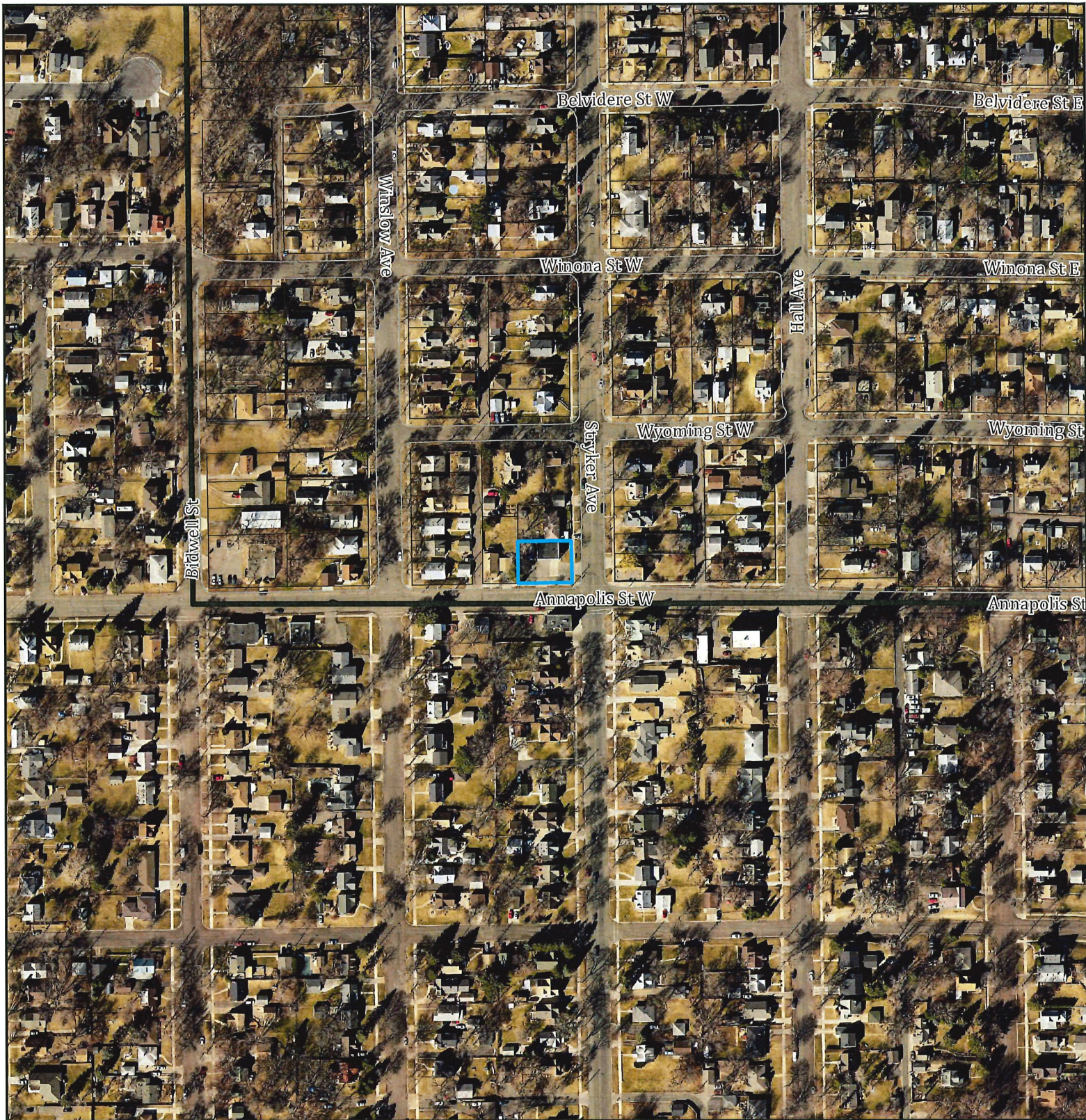


East of subject property



West of subject property





FILE NAME: Khue Thi Dang

Aerial

APPLICATION TYPE: CUP

 Subject Parcels

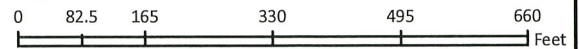
FILE #: 18-058139      DATE: 5/2/2018

PLANNING DISTRICT: 9

ZONING PANEL: 22







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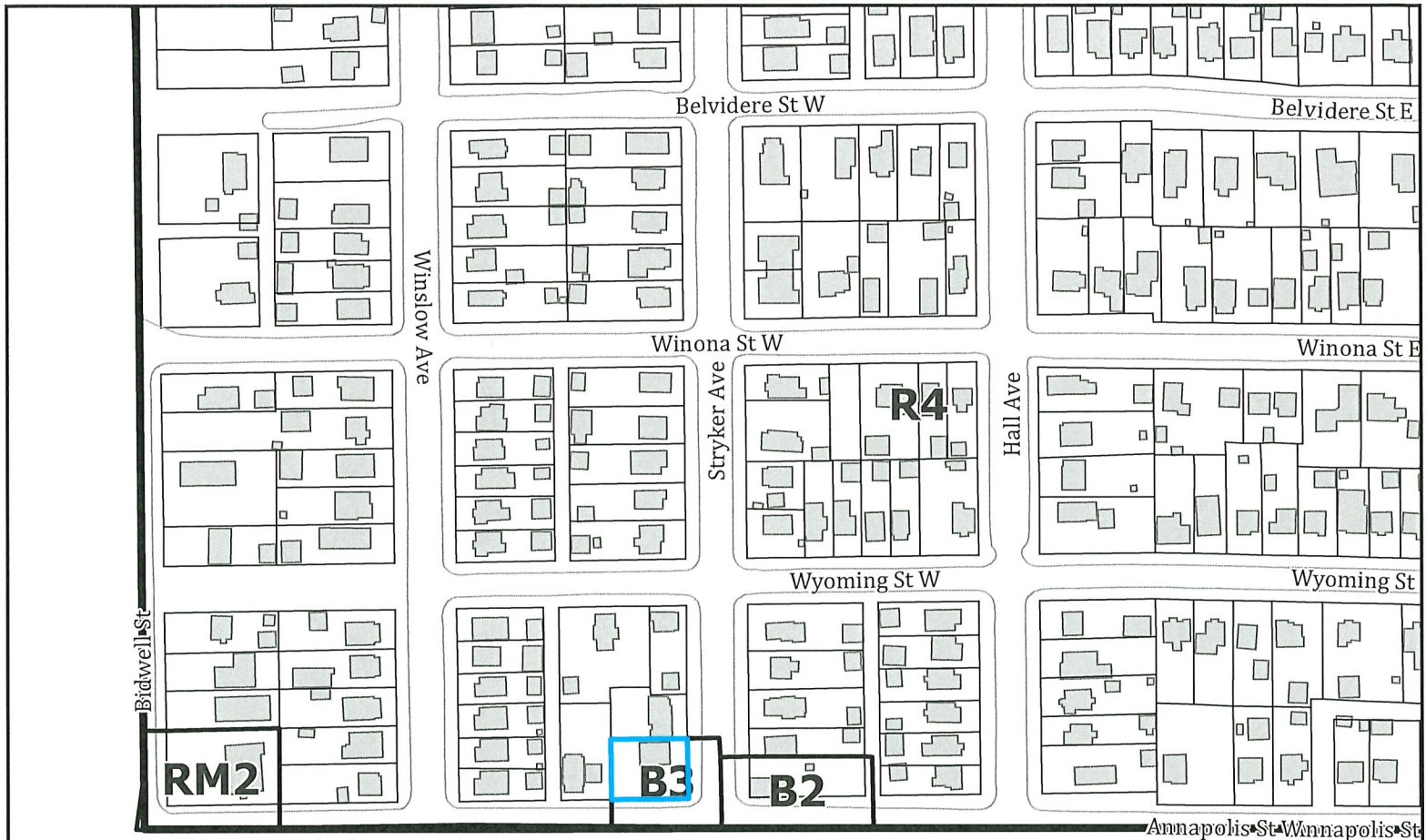
PLANNING DISTRICT: 9

ZONING PANEL: 22

**Land Use**

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Undeveloped
- Subject Parcels





FILE NAME: Khue Thi Dang

APPLICATION TYPE: CUP

FILE #: 18-058139      DATE: 5/16/2018

PLANNING DISTRICT: 9

ZONING PANEL: 22

**Land Use**

Subject Parcels

