

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Metro Metals Corp. **FILE #** 17-001-300
  2. **APPLICANT:** Randy Heiligman and William Bigley **HEARING DATE:** February 16, 2017
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 2576 Doswell Ave, terminus of Doswell Avenue at City of Minneapolis border
  5. **PIN & LEGAL DESCRIPTION:** 20.29.23.33.0001; St Anthony Park West Part Of Sw 1/4 Of Sw 1/4 Of Sec 20 T 29 R 23 Lying Nely Of Np Ry R/w And W Of Minn Tfr R/w And S Of The Fol And The Fol S 1/2 Of Vac Doswell And Vac Emerald Ave Accruing And Lots 2 Thru Lot 12 Blk 10
  6. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** I2
  7. **ZONING CODE REFERENCE:** § 65.843; § 65.846; § 61.501; § 61.502
  8. **STAFF REPORT DATE:** February 8, 2017 **BY:** Anton Jerve
  9. **DATE RECEIVED:** January 5, 2017 **60-DAY DEADLINE FOR ACTION:** March 20, 2017
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- A. **PURPOSE:** Modification of a condition of the existing conditional use permit (CUP) for a motor vehicle salvage operation (ZF # 02-245-419) to allow a maximum height of 15 feet for exterior storage.
- B. **PARCEL SIZE:** 196,020 sq. ft.
- C. **EXISTING LAND USE:** Motor vehicle salvage operation
- D. **SURROUNDING LAND USE:**
  - North: Industrial (I2)
  - East: Industrial (I1)
  - South: Industrial (I2)
  - West: Industrial (Minneapolis I2)
- E. **ZONING CODE CITATION:** § 65.843 defines "motor vehicle salvage operation" and refers to standards and conditions in § 65.846. § 65.846 lists general conditions for outdoor recycling processing centers. § 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 Planning Commission approved a Special Council Use Permit for a parking lot to serve a new industrial plant for Vallauume Steel Company in 1968 (ZF# 6493). The current use was established in 2003 with a conditional use permit (ZF# 02-245-419). Since the approval of the original site plan, operations on the site have been modified to allow for a fire lane around outdoor storage areas and the location of crushed car bundles has shifted, but the site plan has not been officially updated. DSI has ordered the applicant to apply for a modification of condition 3 of their current CUP pertaining to the height of exterior storage, or to reduce material stacking height on their property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 12 Council has not commented at the time of this report.
- H. **FINDINGS:**
  1. The applicants, William Bigley and Randy Heiligmann, operate motor vehicle salvage operation at 2576 Doswell Avenue and are requesting a modification to a condition of their current CUP to allow more flexibility with their operations. The original CUP (attached) was approved by the Planning Commission in 2003 (Zoning File # 02-245-419).

2. Zoning Code § 65.843 defines “*motor vehicle salvage operation*” and refers to standards and conditions in § 65.846. § 65.846 lists three standards that outdoor recycling processing centers must satisfy:
  - (a) *Outdoor processing, salvaging and storage of the materials and motor vehicles shall be at least three hundred (300) feet from a residential or traditional neighborhood district boundary. The area used for the outdoor processing, salvaging and storage shall be behind an obscuring wall, fence, structure, or landscaped buffer at least eight (8) feet high providing for reasonable operation of the business. This condition is met as established in ZF# 02-245-419.*
  - (b) *There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning. This condition is met as established in ZF# 02-245-419.*
  - (c) *There shall be no stacking of material above the height of the obscuring structure, wall or fence, except that material set back three hundred (300) feet from the nearest residential zoning district may be stacked one (1) foot higher than the obscuring structure, wall or fence for every additional five (5) feet the material is set back from the nearest residential zoning district, up to a maximum of sixty (60) feet. This condition is met as established in Zoning File # 02-245-419. A condition of this permit will require outdoor stacking of material to be no higher than fifteen feet above grade.*
3. Zoning Code § 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 as established in ZF# 02-245-419. The Comprehensive Plan has been updated since the original CUP. The use continues to be in substantial compliance, particularly with the Land Use Chapter Strategy 2: Land for Jobs.*
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met as established in ZF# 02-245-419.*
  - (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 as established in ZF# 02-245-419.*
  - (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 as established in ZF# 02-245-419.*
  - (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 as established in ZF# 02-245-419.*
4. The planning commission may approve modifications of special conditions when specific criteria of Zoning Code § 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. The conditions of this use under § 65.846 allow for material stacking at this location to be up to the maximum height of 60 feet given the existing separation from a residential zoning district, approximately 725 feet. There is no documentation regarding why the stacking was limited to eight feet by the original CUP in either the previous staff report or Zoning Committee meeting minutes (attached). § 65.846 requires a fence (or other buffer) to be at least eight (8) feet tall, but the condition of the current CUP could be interpreted as requiring an obscuring fence to be *exactly* eight feet tall. Given the context of the site, linking the height of the fence and the material stacking to the minimum

required fence height has been unduly restrictive and has resulted in limiting the operations on the site which are otherwise consistent with the current zoning and future land use policies.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the requested modification of a condition of the existing conditional use permit for a motor vehicle salvage operation (ZF # 02-245-419) to allow a maximum height of fifteen (15) feet for exterior storage, subject to the following additional conditions:
1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
  2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
  3. Any exterior storage shall not exceed 15 feet and shall be screened by an obscuring fence of at least 8 feet tall.
  4. The storage of tires shall be contained in an indoor facility.
  5. A landscaped buffer will be constructed as required by Zoning Code § 61.104 and § 63.114.
  6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
  7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.
  8. An updated site plan reflecting current operations shall be submitted to the Zoning Administrator within 60 days of this Conditional Use Permit approval. The site plan must be approved by the Zoning Administrator. Site conditions must come into compliance with the approved site plan within 60 days of its approval.



**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 #: 17-001-300  
Fee:  
Tentative Hearing Date:  
2-2-17

PD=12

202923330001

**APPLICANT**

Name Randy Heiligman and William Bigley  
Address 2576 Doswell Ave.  
City St. Paul St. MN Zip 55108 Daytime Phone 651-641-0977  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) James T. Smith Phone 763-545-2720

**PROPERTY LOCATION**

Address / Location 2576 Doswell Ave., St. Paul, MN 55108  
Legal Description See Attached  
Current Zoning Industrial  
(attach additional sheet if necessary) I-2

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 61, Section 502, 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.

See Attached

CK 34254  
1800<sup>00</sup>

Required site plan is attached

Applicant's Signature J. T. S. Date 12/30/16 City Agent Pdd  
Attorney For Applicant's 1-4-17

**Attachment to Randy Heiligman and William Bigley's Application to Modify their Existing Conditional Use Permit**

LEGAL DESCRIPTION:

PIN 20-29-23-33-0001, legally described as PART OF SW ¼ OF SW ¼ OF SEC 20 T 29 R 23 LYING NELY OF NP RY R/W AND W OF MINN TFR R/W AND S OF THE FOL AND THE FOL S ½ OF VAC DOSWELL AND VAC EMERALD AVE ACCRUING AND LOTS 2 THRU LOT 12 BLK 10

SUPPORTING INFORMATION:

This application seeks to **modify the applicant's existing conditional use permit** Zoning File No: 02-245-419 (CUP attached hereto).

The modification requested is to amend Condition No. 3. to read:

“Any exterior storage shall not exceed the height of the containment fence, which may reach a maximum height of 15 feet, and shall be located only in the areas designated on the approved site plan.”

The existing CUP for this property references an 8-foot fence rather than the existing 12 foot fence. The purpose of special condition No. 3 is to limit exterior storage at the property to a height not exceeding the containment fence so that such exterior storage is not visible from outside of the containment fence. Modifying this existing special condition to reference a fence not exceeding a maximum height of 15 feet will not negatively impair the purpose of the special condition.

Not allowing for this condition 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. Metro Metals Corp., a licensed motor vehicle scrap operation, utilizes exterior storage for its salvage operations. It stacks cars in preparation for processing and their ultimate removal from the property consistent with special conditions 2 and 6.

Presently, a 12-foot containment fence exists on the property rather than an 8 foot fence. The present 12-foot containment fence has existed since operations began in 2003. Metro Metals Corp. has been advised that the city regards the inclusion of the 8-foot reference as a firm condition of the existing CUP. Rather than challenging this interpretation, this modification request seeks to remove the 8-foot reference and replace it with language allowing for a fence with a maximum height of 15 feet to assure complete compliance moving forward while recognizing its business realities and needs as it seeks to serve St. Paul and greater communities as an efficient, urban salvage operation with limited space.

The requested modification will not impair the intent and purpose of special condition No. 3, or any other special condition.

The fact that the applicants have no knowledge of any complaints from any adjacent property owner or the public at large since its operations began in 2003 require the conclusion that the requested modification is consistent with reasonable enjoyment of adjacent property and is consistent with health, morals and general welfare of the community.



CITY OF SAINT PAUL, MINNESOTA  
CONDITIONAL USE PERMIT

ZONING FILE NO: 02-245-419  
APPLICANT: Randy Heiligman & William Bigley  
PURPOSE: Conditional Use Permit under the provisions of §64.300(d) and §60.624 of the Saint Paul Legislative Code, for a motor vehicle salvage operation on property.  
LOCATION: 2576 Doswell Avenue  
LEGAL DESCRIPTION: PIN 20-29-23-33-0001, legally described as PART OF SW 1/4 OF SW 1/4 OF SEC 20 T 29 R 23 LYING NELY OF NP RY R/W AND W OF MINN TFR R/W AND S OF THE FOL AND THE FOL S 1/2 OF VAC DOSWELL AND VAC EMERALD AVE ACCRUING AND LOTS 2 THRU LOT 12 BLK 10  
ZONING COMMITTEE ACTION: Approval with conditions  
PLANNING COMMISSION ACTION: Approval with conditions

CONDITIONS OF THIS PERMIT:

1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
3. Any exterior storage shall not exceed the height of the 8 foot containment fence and shall be located only in the areas designated on the approved site plan.
4. The storage of tires shall be contained in an indoor facility.
5. A landscaped buffer will be constructed as required by section 62.108 of the code.
6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.

APPROVED BY: Gladys Morton, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on January 10, 2003; and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

**This permit will expire one year from the date of approval if the use herein permitted is not established.**

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 15 calendar days of the mailing date noted below.**

**Violation of the conditions of this permit may result in its revocation.**

\_\_\_\_\_  
Carol A. Martineau  
Secretary to the Saint Paul  
Zoning Committee

Copies to: Applicant Randy Heiligman & William Bigley  
File No. 02-245-419  
Zoning Administrator Wendy Lane  
License Inspector Christine Rozek  
District Council 12

Mailed: 1/15/03

city of saint paul  
planning commission resolution  
file number 03-04  
date January 10, 2003

WHEREAS, Randy Heiligman & William Bigley, File # 02-245-419, have applied for a Conditional Use Permit under the provisions of §64.300(d) and §60.624 of the Saint Paul Legislative Code, for a motor vehicle salvage operation on property located at 2576 Doswell Avenue, PIN 20-29-23-33-0001 legally described as PART OF SW 1/4 OF SW 1/4 OF SEC 20 T 29 R 23 LYING NELY OF NP RY R/W AND W OF MINN TFR R/W AND S OF THE FOLD AND THE FOL S 1/2 OF VAC DOSWELL AND VAC EMERALD AVE ACCRUING AND LOTS 2 THRU LOT 12 BLK 10; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 2, 2003, 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 §64.300 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. William Bigley and Randy Heiligman, the applicants, are proposing to open an indoor motor vehicle salvage operation at 2576 Doswell Avenue. The applicant states that this will be an indoor recycling facility wherein all fluids and other materials from the vehicles will be removed and disposed in accordance with state and county regulations. After removal of recyclable parts, the vehicles will be crushed and then transferred to a metal shredding facility such as Northstar Steel. The applicant is also proposing that at some point they will add a process for shredding tires and a furnace for melting of aluminum.
2. Section 60.624 of the code lists conditions for motor vehicle recycling facilities as follows:
  - a) *Outdoor processing, salvaging and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one, two, three, four or multiple-family or townhouse dwelling. The area used for outdoor processing, salvaging and storage shall be behind an eight foot high obscuring wall, fence or landscaped buffer. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.*

moved by Field  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_



This condition is met. The proposed use is more than three hundred (300) feet from any type of dwelling units. The processing will take place entirely indoors, with no outdoor processing. Outside storage will be required to be behind an eight foot obscuring wall and have a landscaped buffer as a condition of this permit.

- b) *There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning; and*

This condition is met. There will no outdoor burning on the site. The future furnace for melting of aluminum will be indoors.

- c) *There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher over the wall or fence up to a maximum of sixty (60) feet for every five (5) feet the material is set back from the nearest residential property line.*

This condition can be met. A condition of this permit will require outdoor stacking of material to be no higher than eight feet above grade.

3. Section 64.300(d) of the code lists general standards for conditional use permits as follows:

- 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. Page 29 of the Summary and General Policies of the Comprehensive Plan states that Saint Paul's high priorities are to ensure that land resources with potential for business use are made available and used to their maximum economic and community benefit and to ensure a welcoming and supportive environment in the city for new and existing businesses. The location of this use is separated from residential uses by Highway 280, and the extent and intensity of the use conforms to zoning regulations.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. The proposed use has adequate ingress and egress to public streets and will not have a substantial impact on traffic congestion. The use is an industrial area that provides adequate roadways for semi-truck traffic.

- 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 can be met. While outdoor storage and processing of tires can endanger the public health, all storage of tires and future shredding of tires will be required to be indoors as a condition of this permit. The proposed use is compatible with surrounding industrial uses.

- 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 surrounding neighborhood is developed and there is no

evidence that the proposed use will impede improvements to properties.

- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

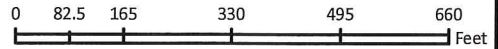
This condition is met. The proposed use conforms to all applicable district regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a Conditional Use Permit for a motor vehicle salvage operation at 2576 Doswell Avenue is hereby approved subject to the following conditions:

1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
3. Any exterior storage shall not exceed the height of the 8 foot containment fence and shall be located only in the areas designated on the approved site plan.
4. The storage of tires shall be contained in an indoor facility.
5. A landscaped buffer will be constructed as required by section 62.108 of the code.
6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.








FILE NAME: Randy Heiligman and William Bigley

**Aerial**

APPLICATION TYPE: Modification of CUP

 Subject Parcels

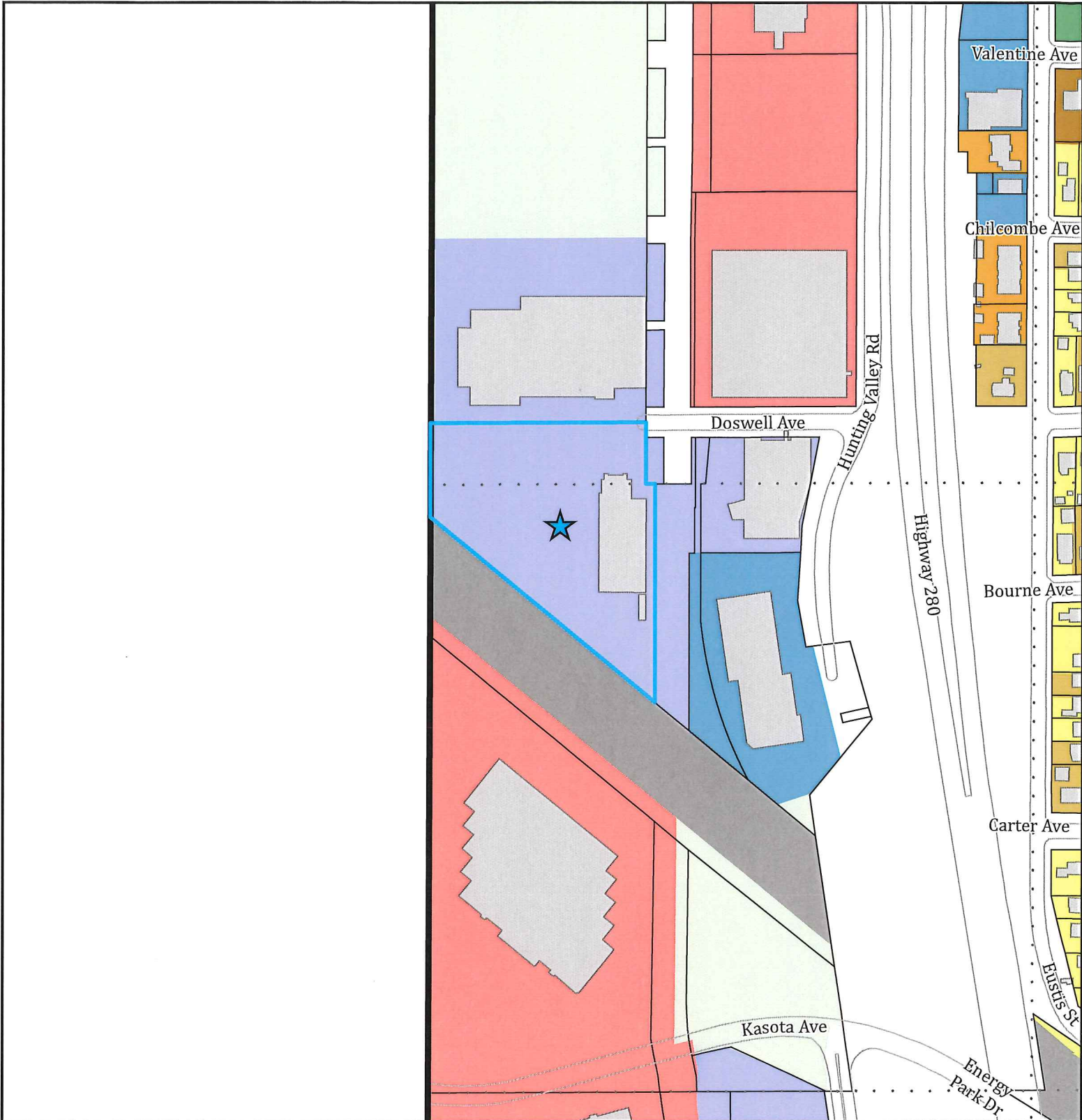
FILE #: 17-001300 DATE: 1/6/2017

PLANNING DISTRICT: 12

ZONING PANEL: 1





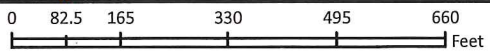
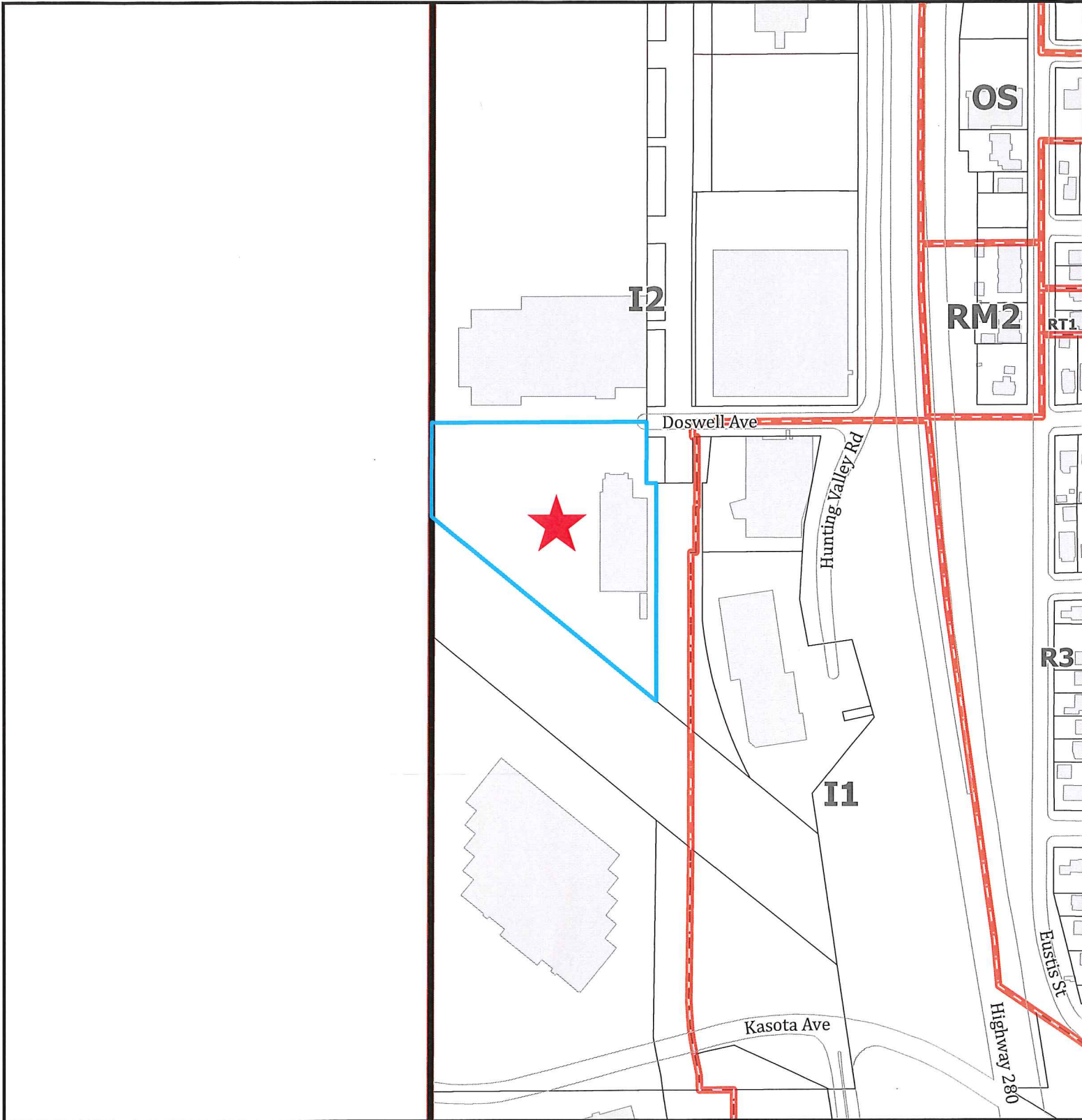


FILE NAME: Randy Heiligman and William Bigley  
 APPLICATION TYPE: Modification of CUP  
 FILE #: 17-001300      DATE: 1/6/2017  
 PLANNING DISTRICT: 12  
 ZONING PANEL: 1

**Land Use**

Single Family Detached	Park, Recreational or Preserve
Single Family Attached	Railway
Multifamily	Undeveloped
Retail and Other Commercial	Subject Parcels
Mixed Use Residential	Section Lines
Industrial and Utility	
Institutional	

0 82.5 165 330 495 660 Feet



APPLICANT: Randy Heiligman and William Bigley

APPLICATION TYPE: \_\_\_\_\_

FILE #: To Be Assigned DATE: 1/5/2017

PLANNING DISTRICT: \_\_\_\_\_

ZONING PANEL: \_\_\_\_\_

- ENS**
- R3 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- OS Office-Service
- I1 Light Industrial
- I2 General Industrial



**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, January 2, 2003 - 3:30 p.m.**  
**330 City Hall, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Anfang, Faricy, Field, Gordon, Kramer, Mejia, and Morton

EXCUSED: Alton

STAFF: Rich Malloy, Carol Martineau, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Field.

**Doswell Car and Metal Processing - 02-245-419** - Conditional Use Permit for a motor vehicle salvage operation.

Rich Malloy presented the staff report with a recommendation of approval with the conditions for the Conditional Use Permit.

At the question of Commissioner Kramer, Mr. Malloy was not certain that there was a small area plan for the area, however, Mr. Torstenson affirmed there was not. Malloy also stated that the site is at least 1/8 of mile if not more away from any residential development.

Upon the question of Commissioner Gordon, Mr. Malloy explained that the location of the Doswell Car and Metal Processing didn't warrant setting operation times to mitigate noise because the site is not close to a residential area.

Randy Heiligman and William Bigley, the applicants stated they had no comments.

At the question of Commissioner Gordon, Mr. Heiligman stated the products would be transported primarily by truck and possibly rail. There is a rail spur to the site.

At the question of Commissioner Faricy, Mr. Heiligman stated the hours of operation would depend on the business climate. It could be two to three shifts.

At the question of Commissioner Kramer, Mr. Heiligman stated the vehicles would be brought in by trucks and the cars would not be deliverable if the business was not open.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Anfang moved approval of the Conditional Use Permit. Commissioner Gordon seconded the motion.

The motion passed by a vote of 7-0.

Adopted                      Yeas - 7                      Nays - 0

Drafted by:

Submitted by:

Approved by:

\_\_\_\_\_  
Carol Martineau  
Recording Secretary

\_\_\_\_\_  
Rich Malloy  
Zoning Section

\_\_\_\_\_  
Litton Field  
Chair



# ZONING COMMITTEE STAFF REPORT

FILE # 02-245-419

1. **APPLICANT:** Randy Heiligman & William Gigley **HEARING DATE:** 1-02-03
  2. **TYPE OF APPLICATION:** Conditional Use Permit
  3. **LOCATION:** 2576 Doswell, between City of Minneapolis and Highway 280
  4. **PIN & LEGAL DESCRIPTION:** 20-29-23-33-0001, PART OF SW 1/4 OF SW 1/4 OF SEC 20 T 29 R 23 LYING NELY OF NP RY R/W AND W OF MINN TFR R/W AND S OF THE FOLD AND THE FOL S ½ OF VAC DOSWELL AND VAC EMERALD AVE ACCRUING AND LOTS 2 THRU LOT 12 BLK 10.
  5. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** I-2
  6. **ZONING CODE REFERENCE:** §64.300(d), §60.624
  7. **STAFF REPORT DATE:** 12-24-02 **BY:** Rich Malloy
  8. **DATE RECEIVED:** 12-3-02 **DEADLINE FOR ACTION:** 2-02-03
- 

- A. **PURPOSE:** Conditional use permit for a motor vehicle salvage operation.
- B. **PARCEL SIZE:** 213,879 sq. ft.
- C. **EXISTING LAND USE:** Industrial
- D. **SURROUNDING LAND USE:**
  - North: Industrial (I-2)
  - East: Industrial (I-1)
  - South: Railroad Tracks & Industrial (I-2)
  - West: Industrial in Minneapolis (I-2, Medium Industrial)
- E. **ZONING CODE CITATION:** Section 60.624 of the code lists conditions for recycling and motor vehicle salvage operations. Section 64.300(d) lists the general conditions for all conditional use permits.
- F. **HISTORY/DISCUSSION:** No current zoning history on this site.
- G. **DISTRICT COUNCIL RECOMMENDATION:** No district council recommendation was received at the time of this staff report.
- H. **FINDINGS:**
  1. William Bigley and Randy Heiligmann, the applicants, are proposing to open an indoor motor vehicle salvage operation at 2576 Doswell Avenue. The applicant states that this will be an indoor recycling facility wherein all fluids and other materials from the vehicles will be removed and disposed in accordance with state and county regulations. After removal of recyclable parts, the vehicles will be crushed and then transferred to a metal

shredding facility such as Northstar Steel. The applicant is also proposing that at some point they will add a process for shredding tires and a furnace for melting of aluminum.

2. Section 60.624 of the code lists conditions for motor vehicle recycling facilities as follows:

a) *Outdoor processing, salvaging and storage of the materials and motor vehicles shall be no closer than three hundred (300) feet to a property occupied with a one, two, three, four or multiple-family or townhouse dwelling. The area used for outdoor processing, salvaging and storage shall be behind an eight foot high obscuring wall, fence or landscaped buffer. The planning commission may modify this requirement where a wall, fence or buffer may interfere with the operation of the business.*  
This condition is met. The proposed use is more than three hundred (300) feet from any type of dwelling units. The processing will take place entirely indoors, with no outdoor processing. Outside storage will be required to be behind an eight foot obscuring wall and have a landscaped buffer as a condition of this permit.

b) *There shall be no outdoor open burning on the site. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning; and*  
This condition is met. There will no outdoor burning on the site. The future furnace for melting of aluminum will be indoors.

c) *There shall be no stacking of material above the height of the wall or fence, except that material set back three hundred (300) feet from the nearest residential property line may be stacked one (1) foot higher over the wall or fence up to a maximum of sixty (60) feet for every five (5) feet the material is set back from the nearest residential property line.*  
This condition can be met. A condition of this permit will require outdoor stacking of material to be no higher than eight feet above grade.

3. Section 64.300(d) of the code lists general standards for conditional use permits as follows:

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. Page 29 of the Summary and General Policies of the Comprehensive Plan states that Saint Paul's high priorities are to ensure that land resources with potential for business use are made available and used to their maximum economic and community benefit and to ensure a welcoming and supportive environment in the city for new and existing businesses. The location of this use is separated from residential uses by Highway 280, and the extent and intensity of the use conforms to zoning regulations.

b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. The proposed use has adequate ingress and egress to public streets and will not have a substantial impact on traffic congestion. The use is an industrial area that provides adequate roadways for semi-truck traffic.

- 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 can be met. While outdoor storage and processing of tires can endanger the public health, all storage of tires and future shredding of tires will be required to be indoors as a condition of this permit. The proposed use is compatible with surrounding industrial uses.
  
- 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 surrounding neighborhood is developed and there is no evidence that the proposed use will impede improvements to properties.
  
- 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. The proposed use conforms to all applicable district regulations.

**I. STAFF RECOMMENDATION:**

Based on the findings above, staff recommends approval of the request by William Bigley and Randy Heiligmann, for a conditional use permit for a motor vehicle salvage operation at 2576 Doswell Avenue subject to the following conditions:

1. The auto salvage and other recycling businesses are operated in compliance with all applicable codes, laws or ordinances.
  
2. The extent of exterior storage shall be for the purpose of receiving, shipping and preparing autos and other metals for processing inside the building. The processed materials are to be shipped to their next destination on a daily or weekly basis. The intent of this condition is to establish that any exterior storage is clearly incidental and accessory to the principal use. No permanent storage or stockpiling of processed materials is authorized by this permit.
  
3. Any exterior storage shall not exceed the height of the 8 foot containment fence and shall be located only in the areas designated on the approved site plan.
  
4. The storage of tires shall be contained in an indoor facility.
  
5. A landscaped buffer will be constructed as required by section 62.108 of the code.
  
6. The business operation shall be performed in a manner which minimizes off-site impacts for such things as tracking of sediment off of the site onto adjacent roadways, dust and noise.
  
7. If notified by the City or any other regulating authority that the business is out of compliance with the provisions of the permit, the owner and/or business operator shall take necessary steps to correct the deficiency as directed by the inspector.