

city of saint paul
planning commission resolution
file number
date

WHEREAS, Vango Auto, File # 17-033-549, has applied for an expansion of nonconforming use permit for camper van rental with existing auto repair, and setback variance for additional parking spaces under the provisions of § 62.109(d) of the Saint Paul Legislative Code, on property located at 2599 7th Street West, Parcel Identification Number (PIN) 21.28.23.13.0066, legally described as Lots 6 and 7, Block 5, Homecroft Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 25, 2017, 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 applicant intends to purchase the property and operate an auto repair and camper van rental business. The existing auto repair business is a legal nonconforming use. It has two service stalls, an office, parts rooms, restrooms, lobby-office area, and 7 off-street parking spaces. The main business will be auto repair; camper van rental will be a minor portion of the business with rentals occurring May through October. The proposed camper van rental portion of the business is the use that requires the expansion of nonconforming use permit. The camper van rental portion of the business will specialize in Volkswagen Vanagon campers that are outfitted with camping, sleeping, and cooking necessities. The vans are about the size of a large pick-up truck and fit in a normal-sized vehicle parking space. The applicant's business plans call for four campers for rent in the first year of business, five in the second year, and six in the third year. During the off-season, November through April, the campers will be stored at an off-site location and the parking spaces can be used for the auto repair business.

The site plan submitted with the application shows space on the property to park 2 camper vans for rent. The applicant's intent is to rent 4 camper vans in the first year and expand to 6 camper vans by the third year in business. Based on the current site plan, the number of camper vans that can be parked on the property at any time should be limited to 2. The applicant may have more than two camper vans available for rent as long as there are no more than two parked on the property at any time. The applicant should be prohibited from parking auto repair-related or camper van vehicles on the street.

If the applicant wishes to reconfigure the site plan to gain additional parking, he must meet

moved by _____

seconded by _____

in favor _____

against _____

all requirements and obtain site plan approval. Under this scenario the number of camper vans that can be parked on the property may be increased without the need to return to the planning commission. The number of additional camper van spaces allowed would be determined by the Zoning Administer based on an approved site plan.

The applicant's business plan contemplates adding a third service stall for auto repair sometime in the future. Such an expansion would require a separate application and additional off-street parking would be required.

2. The applicant proposes to add 3 off-street parking spaces along the eastern edge of the property. The spaces would be located within the required side yard setback. A 4-foot side yard setback is required, a 0-foot side yard setback is proposed. A variance is required to allow parking in the side yard setback.
3. Section 62.109(d) Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:
 1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is not relevant to this case.
 2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is not relevant to this case.
 3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is met. The area proposed for parking the camper vans is currently a paved surface. The visible change resulting from the expansion is the parking of vehicles in the side yard. The commercial property immediately to the east has parking in the side yard as well. Ornamental metal fencing along the West 7th Street frontage and an additional tree in the sidewalk opening, as called for in the 1992 conditional use permit, would enhance the appearance of the expansion of the nonconforming use and the gateway into Saint Paul.
 4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding can be met. The off-street parking requirement for the camper van rental business is 1 space. The applicant plans to add 3 spaces along the eastern property line. This would allow 1 space for required off-street parking and 2 spaces for camper vans rentals. However, the 3 proposed spaces are located in the required side yard setback. Consequently, a variance is required to allow the parking spaces.
 5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The property would need to be rezoned to B3 to permit the use. This would result in spot zoning and zoning inappropriate to surrounding land uses.
 6. *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 is met.
 7. *The use is consistent with the comprehensive plan.* The Shepard Davern Area Plan states, "Attract more neighborhood serving businesses to the area, to better serve the needs of residents in the area." Land use policy 1.53 of the comprehensive plan states, "Encourage changes to the design of auto-oriented commercial buildings and areas with elements of traditional urban form to minimize impacts on the pedestrian realm." This condition can be met with the addition of an ornamental fence and additional tree as

required by the 1992 conditional use permit for the existing auto repair shop.

8. *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 is met. The petition was found to be sufficient on April 6, 2017: 7 parcels eligible; 5 parcels required; 5 parcels signed.

4. Sec. § 65.706. Auto sales and rental, outdoor, standards and conditions are listed below. These would need to be met if the use were to be established in a less restrictive zoning district. They are included here for reference; they do not need to be met to grant the expansion of nonconforming use permit.

(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 condition is met. A site plan was submitted.

(b) Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets. This condition is met. Vehicular access is more than 400 feet from the nearest intersection of two streets.

(c) No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building. This condition is met. Auto repair will take place within a completely enclosed building.

(d) Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet. This condition is not met. The lot is 11,224 square feet, 3,776 square feet short of the requirement.

5. Sec. 61.601, variances, states that the board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a) The variance is in harmony with the general purposes and intent of the zoning code. This finding is met.

(b) The variance is consistent with the comprehensive plan. This finding is met.

(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 finding is met. The triangular shape of the lot and location of the building make it difficult to maximize the number of off-street parking spaces without a setback variance. The owner proposes to use the property in a reasonable manner. The property is designed for and has been used as an auto oriented business for nearly 60 years.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met. The triangular shape of the parcel makes it difficult to locate and maximize the number of off-street parking spaces on the lot.

(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 variance will allow expansion of a legal nonconforming use.

(f) The variance will not alter the essential character of the surrounding area. This finding is met. Parking in the side yard will not alter the essential character of the surrounding area.

(g) The application for a historic use variance under title IX, city planning, at section 73.03.1 of this Code, as authorized by Minn. Stats. § 471.193, subd. 3(6), shall be granted only to a

property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area. This finding is not relevant to this case.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Vango Auto for an expansion of nonconforming use permit for camper van rental with existing auto repair, and setback variance for additional parking spaces at 2599 7th Street West is hereby approved subject to the following conditions:

1. No more than two (2) camper vans shall be stored on the property at any time.
2. If the applicant wishes to reconfigure the site plan to gain additional parking, he must meet all requirements and obtain site plan approval. Under this scenario the number of camper vans that can be stored on the property may be increased without the need to return to the planning commission. The number of additional camper van spaces allowed would be determined by the Zoning Administrator based on an approved site plan.
3. No auto repair or camper van rental vehicles shall be parked on the street.
4. The new parking area along the eastern property line shall be paved in accordance with §63.301 of the zoning code.
5. The applicant shall be required to erect an ornamental metal fence along the entire West 7th frontage with the exception of the driveway areas.
6. The applicant shall be required to plant one tree in the West 7th sidewalk opening, the species of which shall be determined by the City Forester.