

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Told Development Company, file # 20-018-602, has applied for a conditional use permit for two drive-through lanes and a variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building under the provisions of § 61.501, § 65.513, § 61.202, §61.601 of the Saint Paul Legislative Code, on property located at 1212 Prosperity Ave E, Parcel Identification Number (PIN) 22-29-22-34-0082, legally described as Lots 10 – 17, Nilssons Subdivision of Lots 9 and 10, Block 4 of Rogers and Hendricks Acre Lots No. 2 (subject to vacated alleys); and

WHEREAS, the Zoning Committee of the Planning Commission, on April 9, 2020, held a public hearing on said application pursuant to 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 is proposing to demolish an existing 1-story building currently used for adult daycare and home healthcare and build a bank of approximately the same size on the northeast corner of Maryland and Prosperity Avenues. Banks are an allowed use in the current T2 zoning district and up to three drive-through lanes are permitted with a conditional use permit. The applicant is proposing two drive-through lanes with a bypass lane on the outside. T2 has a minimum FAR of 0.3, and the proposed FAR is 0.126, leading to the variance application.
2. § 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 extent, location, and intensity of the accessory drive-through use does not conflict with the Comprehensive Plan nor applicable subarea plans. While Land Use Policy 1.52 from the *2030 Comprehensive Plan* “[d]iscourage[s] new and expanded auto-oriented uses,” it does not prohibit them. The Zoning Code allows drive-throughs in T2 districts as long as they meet conditions established here, which mitigate potential negative impacts to nearby properties and users of the site.

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

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met. The applicant is proposing to reduce the total number of curb cuts from four to three, one on Maryland and two on Prosperity. Saint Paul Public Works and Ramsey County have reviewed initial plans and asked that the applicant try to reduce curb cuts on Prosperity Avenue from two to one. Satisfaction of this standard is contingent upon site plan approval.
  - (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 existing character of the area will remain generally the same, with a one-story office building at the corner replaced with a one-story bank of approximately the same size and FAR, also located at the corner. At least two drive-throughs exist within a quarter mile of the site. The use will not endanger the public health, safety 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 drive-through would not impede development of the surrounding 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.
3. § 65.513 establishes standards and conditions for drive-through sales and services:
- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lanes and service windows are located on the side of the building and not between the principal structure and public street. The drive-through lanes are at least sixty feet from the closest point of the residentially zoned properties to the north and east.
  - (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two (2) streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. The drive-through curb cut is approximately 70' from the residential property to the north and at least 80' from the Maryland intersection. There is another site access point to the north that serves as primary site access for parking.
  - (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition can be met. The project will not use traditional teller windows for either of the drive-through lanes, instead using Automatic Teller Machines (ATMs) in each, reducing the amount of noise normally associated with bank speaker boxes.
  - (d) *A six-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 can be met. There is 7.9 feet of buffer area and a 6-foot-tall privacy fence planned along the north side of the property. The buffer requirement is met on the east side with 56.4 feet between the face of curb and the T2 property to the east, but there is no fence shown on the plan. The condition can be met with the inclusion of a fence on the east side and screen plantings on the north and east.
  - (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and*

*fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* This condition is met based on an exhibit provided by the applicant that shows four stacking spaces per lane that would not disrupt internal site circulation.

*Additional conditions in the T2 traditional neighborhood district:*

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The proposal includes two drive-through lanes and one bypass lane.
  - (g) *The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms.* This condition can be met. As described in Finding 2(b), the applicant has been asked to try to reduce the number of curb cuts on Prosperity from two to one and is currently going through the site plan review process to determine the best solution with City and County approval. Satisfaction of this condition is contingent upon site plan approval. The site is not near a light rail station.
4. § 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 a finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is not met. The variance is in harmony with the general purposes and intent described in § 60.103 of the zoning code except for implementing the policies of the Comprehensive Plan. See finding 4(b) for rationale. The variance is in harmony with the intent of the zoning district with an exception. The T2 traditional neighborhood district is “designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.” The site is served by the 64 and 54 bus lines and part of the Phalen-Rose Neighborhood Node as defined in the *2040 Comprehensive Plan* and the Phalen Village Neighborhood Center as defined in the *2030 Comprehensive Plan*. A bank in this location is consistent with having a variety of uses available near transit and could provide an anchor for the intersection and a transition to less intense residential uses to the north and east. The bank use itself is consistent with the 2030 and 2040 comprehensive plans, as well as the applicable small area plans. The location of the building oriented to the corner is consistent with district design standards and improves access for pedestrians. The location of parking (if properly buffered) is located away from the corner helps with the transition to nearby residential uses. However, *compact* development is guided in large part by the FAR requirements in the traditional neighborhood districts, and therefore the variance for FAR is not in harmony with that element of the intent.

Regarding the FAR calculation, § 66.331(a) reads in part “where the new building and its associated parking and landscaping will cover only part of the site and leave the rest of the site open for an additional building, minimum FAR may be calculated based on the area of the site covered by the new building and its associated parking and landscaping.” Though the applicant has not indicated whether it would be split or built upon, the eastern 50 feet of the parcel fits this description. The area of this open portion

of the site is approximately 6,000 square feet. With this area removed, the new FAR calculation would be  $3,855 / (30,563 - 6,000)$ , or 0.157, which is still less than the minimum but varies less from the minimum FAR requirement. This eastern portion could support up to a three-story building in the future under current zoning. An additional 5,314 square feet of additional GFA would meet the minimum FAR requirement.

- (b) *The variance is consistent with the comprehensive plan.* This finding is not met. FAR is a tool used to ensure appropriate intensity and compactness of development to meet City goals. A project with less than half of the minimum FAR conflicts with the following plans and policies:

**2030 Comprehensive Plan**

The future land use designation of the site is Mixed Use Corridor and it is also part of the Phalen Village Neighborhood Center. Mixed Use Corridors encourage a variety of uses, including commercial. The following policies apply:

**Land Use 1.15** Promote Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences.

**Land Use 1.52** Prioritize the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile. Discourage new and expanded auto-oriented uses.

**2040 Comprehensive Plan (Approved by City Council in 2019, but not yet adopted by the Metropolitan Council)**

**Policy LU-1.** Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

**Policy LU-29.** Focus growth at Neighborhood Nodes using the following principles:

...4. Improve access to jobs by prioritizing development with high job density.

**Greater East Side District Plan (2009)**

**D1b.** Promote higher density transit-oriented development along the White Bear and Maryland corridors, consistent with the White Bear Avenue and Phalen Village plans.

- (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 not met. The applicant states that the difficulty in achieving the minimum FAR is due to the site layout issues that emerge when a drive-through with its associated requirements is included. While proximity to the residential property to the north, the need to position the building at the corner, and the drive-through lane separation requirement on an oddly-shaped lot limit how far north the northern wall can be built, those factors do not prevent construction of a building that would meet the minimum FAR. A bank with a drive-through is a reasonable use of the property.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. The applicant cites zoning requirements as the reason for the difficulty, yet those requirements are not 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. A bank with accessory drive-through service use is permitted in the T2 zoning district.

- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The existing character of the area will remain generally the same, with a one-story office building at the corner replaced with a one-story bank of approximately the same size and FAR, also located at the corner.

NOW, THEREFORE, BE IT RESOLVED by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Told Development Company for a variance of minimum floor area ratio (0.3 required, 0.126 proposed) for a new bank building at 1212 Prosperity Ave E is hereby denied and a conditional use permit for 2 drive-through lanes is hereby approved subject to the following 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.
2. The number and location of curb cuts is approved by Saint Paul Public Works and Ramsey County as part of the site plan approval process.
3. A privacy fence of at least 6 feet in height is built along the eastern property line and screen plantings are planted on the north and east sides.
4. The speaker box volume must be set so as to not unreasonably disturb the peace and quiet of abutting residential property.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Pacific Ramp LLC, File # 20-018-721, has applied to rezone from B3 general business to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1015 Bandana Blvd W, Parcel Identification Number (PIN) 27.29.23.13.0037, legally described as ENERGY PARK NO. 3 SUBJ TO ESMTS; LOT 2 BLK 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 9, 2020, held a public hearing on said application pursuant to 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 subject property is currently occupied by a parking ramp that serves adjacent commercial uses. The applicant is proposing to rezone the property from B3 general business to T3 traditional neighborhood. This will allow proposed construction of 153 residential units on top of the existing ramp. A portion of the ramp will be leased to the adjacent hotel for guest and employee parking.
2. The proposed zoning is consistent with the way this area has developed. The area was historically part of a rail yard. To the immediate east and north of the property, historic rail buildings have been restored and repurposed for commercial use, including a hotel, event center, and office space, with multifamily housing to the west. The intent of the T3 district is to accommodate higher density, mixed-use, and pedestrian-and transit-oriented development. The mix of uses can be accommodated within a building or large site, or within an existing neighborhood center where there is already a mix of uses.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter of the 2030 Saint Paul Comprehensive Plan designates the area in which the property is located as a Mixed-Use Corridor, and Policy LU 1.2 of the plan states that the City should “Permit high-density residential development in... Mixed-Use Corridors”.
4. The proposed zoning is compatible with the surrounding higher-density multifamily residential and commercial uses.
5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term “*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*” The proposed zoning would not constitute spot zoning. While there are no T3 or other traditional neighborhood zoning

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

Planning Commission Resolution

Zoning File #20-018-721

Page 2 of 2

districts in the immediate area, the proposed T3 zoning is compatible with the allowed uses in the surrounding B2 community business, B3 general business, and RM2 multifamily residential districts.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Pacific Ramp LLC for rezoning from B3 general business to T3 traditional neighborhood for property at 1015 Bandana Blvd W be approved.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, TJL Development, File # 20-018-744, has applied for a variance of maximum front yard setback in a T3 district under the provisions of §61.601 of the Saint Paul Legislative Code, on property located at 1015 Bandana Blvd W, Parcel Identification Number (PIN) 27.29.23.13.0037, legally described as ENERGY PARK NO. 3 SUBJ TO ESMTS; LOT 2 BLK 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 9, 2020, held a public hearing on said application pursuant to 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. There is an existing commercial parking ramp on the subject property. The applicant is proposing to build 152 units of multifamily housing plus outdoor amenity space on top of the existing ramp.
2. Section 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 a finding that:
  - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met, provided the property is rezoned to T3 traditional neighborhood. Front setback requirements in the T3 district are intended to work in conjunction with other dimensional standards to ensure efficient land use, primary building orientation to the street, and pedestrian- and transit-friendly design. The proposed setback is not consistent with the numerical standard in the code (0'-10' for mixed-use buildings), but in the context of the overall site design is consistent with the intent of the code.
  - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Land Use Chapter of the 2030 Saint Paul Comprehensive Plan designates the area in which the property is located as a Mixed-Use Corridor, and Policy LU 1.2 of the plan states that the City should "Permit high-density residential development in... Mixed-Use Corridors". The variance will allow the proposed housing project.
  - (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. Three factors make compliance with front setback requirements difficult. First, the proposed multifamily residences will

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



be built on top an existing parking ramp and foundation, making it highly impractical to change to the location on the lot. Second, the roadway in front of the building is privately owned, with the property line running down the approximate centerline of the roadway. If setback were measured from the back of the proposed sidewalk, it would be consistent with front setback requirements. Third, it appears that less than 60% of the front façade is at the nominal front setback line. However, this is at least in part a factor of building design needing to accommodate the existing location of ingress and egress from the ramp.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The applicant is purchasing the property from the current owner, Pacific Ramp LLC. The applicant did not create the configuration of lots lines nor the ramp location 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, provided the property is rezoned to T3 traditional neighborhood. The proposed use of the building and existing ramp are allowed in the T3 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed front setback is consistent with the existing built form of the area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TJJ Development for a variance of maximum front yard setback in a T3 district at 1015 Bandana Blvd W is hereby approved, subject to the following 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.
2. The property is rezoned to T3 traditional neighborhood.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, 1346 Arcade Street LLC, in File # 20-015-283, has applied for a change and expansion of a nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling, and variances for parking (24 spaces required for vehicles on the lot for auto repair/body shop work plus customer and employee parking; 7 spaces proposed) and distance between vehicular access and the Arcade-Clear intersection (60 ft. required, 13 ft. proposed), under the provisions of §§ 62.109(c) & d), 61.202(b), 61.601, 65.705, 65.706 of the Saint Paul Legislative Code, on property located at 1334-1346 Arcade St., Parcel Identification Numbers (PINs) 21.29.22.32.0165 and 21.29.22.32.0166, legally described as Lots 12-14, Block 7, Lane's Phalen Grove Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 9, 2020, held a public hearing on said application pursuant to 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 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) and required parking (24 spaces required, 7 spaces for customers and employees proposed). The site plan submitted with the application shows 17 total parking spaces, including 4 for customers, 3 for employees, 3 for for-sale vehicles (along Arcade Street), 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 requirements in § 63.313.
2. Zoning Code § 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:

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

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

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

against \_\_\_\_\_

- 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 2030 Comprehensive Plan designates the site as part of a Mixed Use Corridor, which allows consideration of auto-related uses such as proposed. Policy LU-1.24 supports a mix of uses in Mixed Use Corridors.
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 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 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 2030 Comprehensive Plan, in Policy T-2.16, calls for creating and enforcing design and landscaping guidelines for parking lots. The Comp Plan also designates the site as part of a Mixed Use Corridor, which allows consideration of auto-related uses such as proposed. Policy LU-1.24 supports a mix of uses in Mixed Use Corridors.
  - 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 is met. The required number of signatures were provided.
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) and required parking (24 spaces required, 7 spaces for customers and employees 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 not met for the curb cut variance, but is met for the parking variance.

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. Variance of the 60 foot distance requirement at this intersection would not be in harmony with the intent and purpose of the zoning code.

With regard to parking, 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.

However, the parking requirement escalates because of this business's complexity, beyond the anticipated real-world parking need, and does not reflect actual anticipated

use of the building. Therefore, the Zoning Code's purpose is met, and this finding is met with regard to the parking variance.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. There are no provisions of the 2030 Comprehensive Plan in conflict with the variances. However, it is noted that Policy T-1.7 calls for minimizing and consolidating driveway curb cuts on commercial streets as opportunities arise. (Clear Avenue is not a commercial street.)
- (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 not met for the curb cut variance, but is met for the parking variance.

There are practical difficulties in complying with the minimum parking space provision. As a small site with limited outdoor space and a complexity of business types proposed, the minimum parking space provision is difficult and unreasonable to provide. Full provision of required parking spaces, whether through reallocation or reduction of business use indoors or outdoors, would prevent the extent of the proposed reasonable use of the property.

When the spray booth addition was constructed on the north side of the building in 1985 there was already another spray booth inside the main building. With more of the business now to be auto repair and sales, with less auto body work, it might be reasonable to remove the spray booth addition on the north side of the building, making space for additional off-street parking there.

With only 34 feet at most between the existing building and public sidewalks along Arcade Street and Clear Avenue, there is only enough room for a one-way drive aisle and angled parking along the north and west sides of the building. The most efficient way to provide parking with this layout would likely be with a curb cut on Clear Avenue that meets the requirement for at least 60 feet of separation from the Arcade-Clear intersection, and the existing exit to Arcade. The existing curb cut close to the corner would just get in the way of having additional parking spaces there. It appears that 14-15 off-street parking spaces could be provided in this area without overhanging or maneuvering on the public sidewalks. There are no practical difficulties in complying with the minimum curb cut distance from the intersection.

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

While the request for variance of 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, there do not appear to be circumstances unique to the property that would make it problematic to remove them. Replacing them with a curb cut that meets the separation requirement would provide for better, safer vehicular access, and be beneficial for fitting more parking spaces on the site that meet dimensional standards to the greatest extent possible.

However, the landowner's plight with regard to the parking variance is due to unique property circumstances related to the building size and placement on the lot and complexity of the proposed businesses.

- (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.* It appears that the parking variance could 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. However, the applicant testified that the mix of uses proposed will not need as much parking as typical auto body and auto repair shops of this size and number of repair bays, and that vehicles associated with the business will absolutely not be parked in nearby streets and alleys. If this is the case and parking on the site meets dimensional and design standards in the zoning code, which could be conditions of approval, the parking variance would not alter the character of the surrounding area.

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

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the applications of 1346 Arcade Street LLC for a change and expansion of a nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling, and variance for parking (24 spaces required for vehicles on the lot for auto repair/body shop work plus customer and employee parking; 7 spaces proposed) are hereby approved subject to the following additional conditions:

1. The garage addition behind the house at 1334 Arcade shall not be used for auto body or auto repair shop work, and must include at least one parking space to meet the parking requirement for the house.
2. The spray booth addition on the north side of the building shall be removed.
3. The Clear Avenue curb cuts within 60 feet of the Arcade-Clear intersection shall be removed and replaced with curbing.
4. Off-street parking on the site shall meet dimensional and design standards in the Zoning Code to the greatest extent possible, including the screening landscape requirements in Zoning Code § 63.314(b) for parking facilities and outdoor auto sales adjoining public streets or sidewalks.
5. The 7 parking spaces that are required for vehicles on the lot for auto repair/body shop work plus customer and employee parking shall not be used for display of vehicles for sale.
6. 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.
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.

AND BE IT FURTHER RESOLVED, by the Saint Paul Planning Commission, that the application of 1346 Arcade Street LLC for a variance for distance between vehicular access and intersection (60 ft. required, 13 ft. proposed) at 1334-1346 Arcade St is hereby denied.