

city of saint paul
planning commission resolution
file number
date

WHEREAS, Ebisso Uka, File # 20-073-203, has applied for a conditional use permit for auto repair with modification of a ten-foot landscaped buffer requirement under the provisions of § 65.705, § 61.501, and § 61.502 of the Saint Paul Legislative Code, on property located at 1033 Thomas Avenue, Parcel Identification Number (PIN) 35.29.23.22.0188, legally described as D. W. MOORE'S ADDITION SUBJ TO PARTY WALL AGREEMENT; THE FOL, ALL OF VAC ALLEY ADJ & PART OF LOT B LYING S & E OF FOL DESC LINE COM AT SW COR OF LOT B TH N ON WL LOT B 79.19 FT TO POB TH E PAR TO SL SD LOT 123.17 FT TH N 62.43 FT TO NL OF VAC ALLEY & THER; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 8, 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 a van transportation company, Rift Valley Transportation. Auto-repair of the fleet vehicles was previously approved as part of a determination of similar use approval when the use was established. The van transportation company has outgrown the site. The applicant wishes to continue auto repair for the general public at the subject location, necessitating this application for a conditional use permit.
2. Zoning Code § 65.705 lists the following standards and conditions for auto repair stations.
 - (a) The minimum lot area shall be fifteen thousand (15,000) square feet. This condition is met. The lot area is 27,442 sq. ft.
 - (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. The applicant is requesting a modification of this standard as detailed in Finding 4 below.
 - (c) All repair work shall be done within an enclosed building. This condition is met. Outdoor space for auto repair is not proposed.
 - (d) There shall be no outside storage. This condition is met. Outdoor storage is not proposed.
 - (e) In the IT transitional industrial district this use shall be limited to parcels within one-quarter (¼) mile of University Avenue, and all vehicles awaiting repair or pick up shall be stored on the site within enclosed buildings or defined parking spaces in compliance with section 63.301. This condition is met. The site is zoned B3.
3. § 61.501 lists five standards that all conditional uses must satisfy:

moved by _____
seconded by _____
in favor _____
against _____

- (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 subject property is located in an area defined by the 2030 comprehensive plan as an established neighborhood and it is in an area defined by the 2040 comprehensive plan as an urban neighborhood. Although these comprehensive plan land use designations are primarily residential in nature, neighborhood serving commercial uses are appropriate in both the 2030 and 2040 general land use designations. Policy LU-36 of the 2040 comprehensive plan calls for promoting neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met.* There are two curb cuts providing vehicular ingress and egress from the site; one curb-cut and service door accesses the service bays for the proposed auto-repair bays and one curb-cut provides ingress and egress for an accessory parking lot. The ingress and egress is adequate to serve the proposed auto repair use.
 - (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.* Auto repair is a component of the existing van transportation use. The continuation of just the auto-repair component will not be detrimental to the existing character of development in the immediate neighborhood or 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 establishment of an auto-repair business in an existing structure will not impede the normal or orderly development of 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 provided the modification of the landscaped buffer requirement is granted.*
4. The planning commission may approve modification of special conditions when specific criteria in § 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.* There is an existing landscape buffer and obscuring fence around the accessory parking lot, which was constructed when Rift Valley Transportation was originally established at the site. In addition to this existing buffer, the accessory parking lot is also buffered by an alleyway between the parking lot and the adjacent residential uses. The existing structures have a legally nonconforming zero-foot setback on the northern property line adjoining multiple family residential uses, and it would not be possible to meet the 10' foot landscape buffer requirement, without removing a portion of the buildings. The existing buildings are fixed a site constraint, and the strict application of this provision in the code would result in an undue hardship for the applicant.
- NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ebisso Uka for a conditional use permit for auto repair with modification of a ten-foot landscaped buffer requirement at 1033 Thomas Avenue is hereby approved, subject to the following additional conditions:
- 1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
 - 2. Vehicles awaiting repair, or that have been repaired and are awaiting pick-up, shall be stored on-site.