

city of saint paul
planning commission resolution

file number 11-100

date December 16, 2011

WHEREAS, Apex Auto Salvage Inc. File # 11-299056, has applied for a Conditional Use Permit for a motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage under the provisions of § 61.501; § 61.502; 61.202(b); § 65.843; and § 66.541 of the Saint Paul Legislative Code, on property located at 198 Minnehaha Avenue and 0 Pennsylvania, legally described as PIN 312922120004 – W 35Ft Of Lot 5 Blk 1; PIN 312922120005 – E 40 Ft Of Lot 5 Blk 1; PIN 3129220006 – Lot 6 Blk 1; PIN 312922120007 – Ashton And Sherburne's, Additio With No Access to Hwy N 1 Ft of Lots 18 & 19 & All of Lot 7 Blk 1; PIN 312922120008 – W 1/2 Of Lot 8 Blk 1; and PIN 312922120019 – With No Access To Hwy; The N 1Ft Of W 50 Ft Of lot 15 & N 1 Ft Of Lot 16 & Also E 1/2 Of Lot 8 & All of Lots 9 & Lot 10 Blk 16; PIN 312922120012 - Ashton And Sherburnes addition With No Access To Hwy The N 1 Ft Of E 1/2 Of Lot 17 Blk 1; PIN 312922120013 - Ashton And Sherburnes addition With No Access To Hwy The N 1 Ft Of W 1/2 Of Lot 17 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 8, 2011, 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 property has been used as a motor vehicle salvage operation for more than 20 years, but a recent expansion led to the need to make the use conforming, including this application for a conditional use permit for a motor vehicle salvage operation and a variance of required distance from residential property for outdoor processing and storage.
2. § 65.843 permits motor vehicle salvage operations as a conditional use in the I2 district subject to the standards and conditions of § 65.846 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- or multiple-family dwelling. The area used for the outdoor processing, salvaging and storage shall be behind an eight-foot-high obscuring wall, fence or landscaped buffer.* This condition is not now met. The outdoor processing is approximately 210 feet from the nearest residential use. The applicant has requested a modification the separation requirement. This finding will be satisfied provided the Planning Commission approves the modification. A wall and buffer already exists at this location, meeting the second part of the condition.
 - (b) *There shall be no outdoor open burning on the site.* This condition is met. There has been no outdoor open burning on the site, and the applicant has not proposed outdoor open burning.
 - (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*

moved by Kramer

seconded by _____

in favor Unanimous

against _____

- (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 property owner proposes to use the property as it has been used for the last 20 years and in a manner that conforms to the zoning code (provided the rezoning, the conditional use permit, and the variance are approved). There are practical difficulties in complying with the provision in that the area in which the applicant could do business would be significantly reduced if the setback of 300 feet were met. The property itself is 210 feet from the residential property and the site is only 145 feet wide. If set back an additional 90 feet, the applicant would have 55 feet within which to do business, which constitutes practical difficulty.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The landowner inherited the situation and did not create the issue.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding can be met provided that the City Council rezones the property from I1 to I2. The use is a conditional use in the I2 zoning district. It is not permitted in the I1 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The character of the surrounding area will stay the same. It is a primarily industrial area. The nearest residential use is separated from the property by a heavily traveled roadway as well as a grade change.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Apex Auto Salvage, Inc. for a Conditional Use Permit for a motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage at 198 Minnehaha Ave and 0 Pennsylvania, is hereby approved.

1. That the City Council approves rezoning the land from I1 to I2;
2. That the site plan is approved allowing for relocating the outdoor storage on the property; and
3. That all auto salvage and outdoor processing work shall be confined to the boundaries of the property and kept at least 210 feet away from the nearest residentially zoned property; and
4. That all outdoor processing done on the site shall be related to the motor vehicle salvage operation.