

city of saint paul
planning commission resolution
file number 14-40
date May 30, 2014

WHEREAS, Internacional Auto Sales, File # 14-197-427, has applied for an expansion of nonconforming use to increase number of parking stalls for outdoor auto sales under the provisions of §62.109(d) of the Saint Paul Legislative Code, on property located at 1265 Arcade St, Parcel Identification Number (PIN) 202922440068, legally described as Oak Ville Park Lots 17 And Lot 18 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 22, 2014, 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 site is located at the northwest corner of Orange and Arcade Streets. It is currently used for automobile sales. The lot is enclosed by an approximately 6'-high fence with two gates—one along each street frontage.
2. The existing CUP, approved in 1994, allows no more than 14 "for sale" cars on the lot at any one time, and requires a minimum of 8 off-street parking spaces for customers/employees. The 1994 CUP also forbids parking "for sale" vehicles in the public street or alley.
3. The application requests expansion of a nonconforming use (outdoor auto sales) to allow 29 parking stalls to be used for auto sales.
4. According to staff calculations, the site cannot accommodate more than 28 parking stalls – the application site plan shows more stalls along Arcade Street than can actually fit on the site, meeting Zoning Code off-street parking facility standards. Additionally, the Zoning Code standards, if applied strictly, would leave room for only two (2) parallel parking spaces in front of the building after accounting for the drive aisle, rather than the six (6) angled spaces shown in that area – however, the 1994 CUP included a site plan with that same inadequately sized drive aisle. Regardless of the maximum number of vehicles approved through the subject application, a site plan review is necessary to ensure proper compliance with Zoning Code standards.
5. The applicant has conveyed that a reason for the application is to allow more vehicles to be kept on-site where they can be better protected from vandalism.
6. 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:*

moved by Nelson

seconded by _____

in favor 8

against 7 (DeJoy, Lindeke, Noecker, Ochs, Oliver, Padilla, Ward)

1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is met. This is a non-residential property with no dwelling units proposed.
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 met. No expansion of a structure is requested.
3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding can be met. The business expansion can be compatible with the adjacent property and neighborhood if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby.
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. Sec. 63.200 requires 1 parking space per 400 sq. ft. GFA plus 1 space per 5,000 sq. ft. of outdoor sales, which equals 5 (4 plus 1) parking spaces for the subject site. A site plan review is necessary to verify that the minimum parking space and drive aisle dimensions are provided.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The first zoning district that conditionally permits the use is B3. However, the site cannot meet the B3 condition that requires a minimum lot size of 15,000 sq. ft. The second zoning district that conditionally permits the use is IT. However, the site cannot meet the IT condition that it be located within ¼ mile of University Avenue. Therefore, the first zoning district that would permit the use is I1. Rezoning the site to I1 would result in spot zoning inappropriate to the area, which contains no industrial zoning.
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 can be met. The business expansion will not be detrimental to the immediate neighborhood's existing character nor endanger the public health, safety, or general welfare if the site is maintained properly, including no outside storage of materials other than automobiles, and if no vehicles are parked on public streets or alleys nearby. No increase in noise, vibration, glare, dust, or smoke is anticipated from the use expansion.
7. *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the site as part of a Mixed Use Corridor, which allows for commercial uses such as proposed. The District 5 Plan contains no provisions specific to the proposal. The Arcade Street Small Area Plan does not address business expansions such as proposed, though it does encourage community-oriented commercial to locate at the Maryland and Phalen intersections rather than other locations along Arcade Street.
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 sufficient on April 23, 2014: 14 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Internacional Auto Sales for an expansion of nonconforming use to increase number of parking stalls for outdoor auto sales at 1265 Arcade St is hereby approved subject to the following conditions:

1. There shall be no more than 28 vehicles on the lot at any one time, including "for sale"

vehicles and those of customers and employees.

2. A minimum of 5 off-street parking spaces shall be provided for customers/employees. All customer/employee parking spaces shall be specifically indicated on the approved site plan. Each such space shall be designated by a permanent sign (and paint stripes) which shall specify that the spaces are for customer/employee parking only. Any space so designated shall not be used at any time for any other purpose.
3. Site Plan approval through the Department of Safety and Inspections.
4. No outside storage of anything other than passenger automobiles, as defined under Minn. Stat. 168.002, Subd. 24, shall be permitted on the site.
5. "For sale" vehicles shall be parked only on the lot at all times and shall not be parked in the public street or alley at any time.
6. No barbed wire fencing shall be present on the site.
7. A violation of any license condition imposed by the City, County, or State for this use shall constitute a basis upon which to revoke this zoning permit.