

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Bring Your Part Auto **FILE #** 14-339-857
 2. **APPLICANT:** Jerry Castillo **HEARING DATE:** November 6, 2014
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 847 Hudson Road, east at intersection of Plum and Bates
 5. **PIN & LEGAL DESCRIPTION:** 332922320156; Lot: 1 Block: 68, Subdivision of block 68, Lyman Dayton's addition by H. A. Boardman
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** 10/24/2014; Amended 11/5/2014 **BY:** Jake Reilly
 9. **DATE RECEIVED:** October 22, 2014 **60-DAY DEADLINE FOR ACTION:** December 21, 2014
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- A. **PURPOSE:** Reestablishment of nonconforming use for auto repair
- B. **PARCEL SIZE:** Irregularly shaped "triangular" parcel with 120 feet fronting on Plum Street and 64 feet fronting on Hudson Road, totaling 5,100 sq. ft.
- C. **EXISTING LAND USE:** Vacant (former auto repair service)
- D. **SURROUNDING LAND USE:**
 - North: A mix of single- and multi-family residential and commercial (zoned RT1)
 - East: A mix of single- and multi-family residential and commercial (zoned RT1)
 - South: Highway right-of-way (Interstate 94)
 - West: A mix of single- and multi-family residential and commercial (zoned RT1)
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **HISTORY/DISCUSSION:** This property has historically been an auto-related use. It is a contributing building in the Dayton's Bluff Historic District and was built in 1929 as a service station. It became a legal non-conforming use in the 1980s, according to records. It was an auto repair facility until at least 1999 when the business ceased operations. It has been on the Department of Safety and Inspections vacant building list since at least 2001, when a code compliance report was filed. That report has since expired. At this time the building is listed as a Category 2 vacant building. A complaint was filed with DSI on 10/30/2014 regarding work being done without a license or permit at this location. At the time this staff report was amended that complaint had not yet been resolved.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not provided a recommendation at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant, Jerry Castillo, has applied for a reestablishment of a nonconforming use permit for the property at 847 Hudson Road. He wishes to operate an auto repair business at this location, offering installation of clients' own auto parts. The use has been discontinued for more than one year.
 2. The structure and land are within the Dayton's Bluff Historic District and the building is listed as a contributing structure to that district. Any alterations to the exterior of the structure or the lot, including paving, landscaping, curb cuts, sidewalks or site arrangement must be reviewed and approved by the Heritage Preservation Commission or staff.
 2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure*

and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:

- (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The structure is a single-story building with a garage bay door and a small office space and surrounding surface parking and evidently designed for an auto-oriented use such as an auto repair facility.*
- (2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. The proposed use is a re-establishment of the previous auto repair use.*
- (3) The proposed 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. This intersection has more than just single- and two-family dwellings surrounding it. There are several retail establishments, including on the opposite corner. However, in order to preserve the residential character of the neighborhood and to preserve the safety of individuals walking adjacent to the site, removal of at least one curb cut is recommended in order to improve safety of vehicles and pedestrians. The curb cut onto Hudson Road is at the pointed intersection of three streets (Hudson/Bates/Plum) and would appear to be a potential public safety hazard for street traffic and traffic entering/existing the property. If this curb cut is removed, public safety would be improved and the finding would be met. See condition 1.*
- (4) The proposed use is consistent with the comprehensive plan. This finding is met. The District 4 Plan Summary (2009) calls for the reuse, rather than demolition, of existing commercial buildings (Strategy C3) as well as foster neighborhood-scale commercial (Strategy C8.2).*
- (5) 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 use. This finding is met. The petition was found sufficient on 10/21/2014: eight (8) parcels eligible; six (6) parcels required; six (6) parcels signed.*

I. STAFF RECOMMENDATION: Based on the findings above, staff recommends approval of the reestablishment of nonconforming use for auto repair at 847 Hudson Road, subject to the following conditions:

1. The applicant must apply for site plan review with the Department of Safety and Inspections. The submitted site plan must show removal of the curb cut at the intersection of Hudson/Bates/Plum. Site plan approval must be acquired from the Department of Safety and Inspections.
2. Any alterations to the exterior of the structure or the lot, including paving, landscaping, curb cuts, sidewalks or site arrangement must be reviewed and approved by the Heritage Preservation Commission or staff.
3. The applicant must document for the Department of Safety and Inspections that he has a registered deed with Ramsey County.
4. The applicant must submit a \$5,000 performance deposit or bond; pay for a Team Code Compliance Inspection; receive Plan Review approval to pull permits to complete all of the required repairs listed in the code compliance report and complete the licensing approval process prior to operating any business activities at 847 Hudson Road.