

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Yia Vang **FILE #** 14-200-064
 2. **APPLICANT:** Yia Vang **HEARING DATE:** May 22, 2014
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit – Reestablishment and change
 4. **LOCATION:** 1200 Galtier St, SE corner at Maryland
 5. **PIN & LEGAL DESCRIPTION:** 252923110051; Auerbach Hand's Addition to Subj To Alley Lot 14 Blk 1
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** §62.109(c), §62.109 (e) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** May 15, 2014 **BY:** Jake Reilly
 9. **DATE RECEIVED:** May 2, 2014 **60-DAY DEADLINE FOR ACTION:** June 29, 2014
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- A. **PURPOSE:** Reestablishment and change of nonconforming use to a chiropractic clinic
- B. **PARCEL SIZE:** 30 ft (Galtier) x 125 ft (Maryland) totaling 3,750 sq. ft.
- C. **EXISTING LAND USE:** C-Mixed Commercial/Residential, commercial is vacant
- D. **SURROUNDING LAND USE:** Surrounded by primarily one- and two-family dwellings, all 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. §62.109(c) authorizes the planning commission to 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 upon making certain findings.
- F. **HISTORY/DISCUSSION:** There is no recorded zoning history for this property. The apartment use above the commercial space has a current Certificate of Occupancy from the Department of Safety and Inspections. The applicant previously applied for a change of nonconforming use from a flower shop to a chiropractic clinic in April, 2014, but the application was rejected because the flower shop had been vacant for more than one year, requiring that the applicant apply for a reestablishment of nonconforming use, should they so desire.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council Land Use Committee will meet Tuesday, May 27, 2014, and has not yet provided a recommendation to city staff.
- H. **FINDINGS:**
 1. The applicant proposes to reestablish a nonconforming use, previously a flower shop categorized as general retail, and change the nonconforming use to a chiropractic clinic, categorized as a medical clinic. The proposed use will occupy the first floor, but not the basement, and no building additions are proposed.
 2. 1200 Galtier Street is a two-story mixed-use building in the RT1 zoning district on the corner of Galtier Street and Maryland Avenue, with retail space below one apartment unit. The site's previous use was a flower shop, which was legally nonconforming.
 3. 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.* The building, which has been

vacant for over a year, is designed for commercial/office types of uses rather than the residential and institutional uses permitted in the RT1 district. Repurposing the building for such uses would be very costly and uneconomical.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous flower shop general retail business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - (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 is met. A medical office business such as proposed is not detrimental to the surrounding character and does not endanger the public. Building permits and proper inspection will be required in order for a Certificate of Occupancy to be issued.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan, which designates the property as part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The existing character is maintained by the proposed use, which utilizes an existing mixed-use building and, as noted above, is first permitted in a more restrictive zoning district than the previous use. The District 6 Plan does not have any policies that apply to this proposal.
 - (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 May 1, 2014: 16 parcels eligible; 11 parcels required; 11 parcels signed.
4. Section 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:*
- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. As noted above, the previous flower shop business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic generation for the chiropractic clinic is anticipated to be lower and more consistent throughout the day than the previous flower shop use. The applicant states that few walk-in customers are anticipated as most patients will be seen by appointment by the single practitioner. Parking in the rear is designated for clients and is not likely to overflow to on-street parking because of the appointment schedule and single practitioner. The parking requirement for this medical clinic (1,400 square feet) is one off-street parking space per 400 square feet, or four spaces. The parking requirement for the previous use, a

flower shop, was also one off-street parking space per 400 square feet, or four spaces. In both cases, the parking is non-conforming and the non-conformity will not be increased with the establishment of the new use.

- 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 is met. As noted above, a medical office business such as proposed is not detrimental to surrounding character and does not endanger the public.
- d. *The use is consistent with the comprehensive plan.* This finding is met. As noted above, the proposed use is consistent with the Comprehensive Plan and its Established Neighborhood designation for the subject site

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment and change of nonconforming use to a chiropractic clinic.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 14-200064
 Fee: 700.00
 Tentative Hearing Date: 5-22-14

AD=6
 # 2529 23(10051)

APPLICANT

Name Yia Vang
 Address 1080 Lawson Ave E
 City St. Paul St. MN Zip 55106 Daytime Phone _____
 Name of Owner (if different) Yia Vang : 651 338 9316
 Contact Person (if different) Cha Yang Phone 651 757 8854

PROPERTY LOCATION

Address/Location 1200 Galtier St
 Legal Description _____
 _____ Current Zoning RT1
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Change of nonconforming use (para. c)
 Expansion or relocation of nonconforming use (para. d)
 Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Residential & Flower shop
 Proposed Use Residential and Chiropractic Clinic (1st Floor)
 Attach additional sheets if necessary

CK 1197
 700.00

Attachments as required Site Plan, Consent Petition Affidavit

Applicant's Signature [Signature] Date 4/30/14 City Agent [Signature]
4/30/14

April 30, 2014

**Additional information for Nonconforming use permits application for
Department of Planning and Economic Development – Zoning Section**

Supporting Information Description:

The facility is proposed to be used as a medical facility as a Chiropractic Clinic. The clinic will be located on the first floor of 1200 Galtier Street, Saint Paul MN 55117. The assumed name of the clinic is Purity Chiropractic Clinic.

Treatments:

Purity Chiropractic Clinic will welcome patients of all ages into a warm and friendly atmosphere. Our mission is to heal one patient at a time.

Purity Clinic will specialize in the following treatments:

- Manual chiropractic adjustments
- Activator adjustments
- Drop table adjustments
- Myofascial release techniques
- Interferential/Pre-modality therapy
- Ultrasound therapy
- Low level laser therapy
- Nutritional counseling
- Moist hot packs and ice packs
- Exercise and rehabilitation programs
- Deep tissue massage
- On site X-rays

Management Plan

The initial management team will consist of Dr. Vang, and Cha as a business manager. Purity Chiropractic Clinic will be managing as a wife and husband team.

Hours of Operation:

Monday	8:00am	-	6:00pm
Tuesday	8:00am	-	6:00pm
Wednesday	8:00am	-	6:00pm
Thursday	8:00am	-	6:00pm
Friday	8:00am	-	6:00pm
Saturday	By Appointment only		
Sunday	Close		

Nonconforming Use Permit – Re-establishment of a nonconforming use

- 1. The proposed use is equally appropriate or more appropriate to the neighborhood than the existing use;***

The proposed use of Purity Chiropractic Clinic is more appropriate to the neighborhood than the existing use of flower retail because a medical clinic is considered a professional service to improve the overall safety and health of the neighborhood. I believe a medical clinic will also reduce crime, traffic in the surrounding area and general welfare.

- 2. The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;***

The proposed use of a medical clinic will generate about as much as a retail flower shop or less due to less walk-in customers and clients. For example, most patients who will visit Purity Clinic will be by appointment and will rarely overflow into street parking, if the parking designated for clients located in the back of the clinic is ever maximized.

- 3. 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;***

The proposed use will not be detrimental to nor will it endanger the immediate neighborhood, public health, and general welfare. In fact, the use will improve and benefit the neighborhood's public health and the general welfare because it provides professional services, health and wellness.

- 4. The use is consistent with the comprehensive plan; and***

- 5. A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.***

Please see attached signatures petition

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Dr. Yia Vang
(name of applicant)

to establish a Chiropractic Clinic
(proposed use)

located at 1200 Galtier St, St. Paul, MN 55117
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
776 Bachelor Ave / 1200 Galtier	MARISSA BONGIUVANNI	<i>[Signature]</i>	4/28/2014
1192 Galtier St	Wendy Flinner	<i>[Signature]</i>	4/28/2014
251 Maryland Ave	Evaristo Gomez	<i>[Signature]</i>	4/28/2014
1195 Galtier St	<i>[Signature]</i>	<i>[Signature]</i>	4-28-14
1189 Galtier St	<i>[Signature]</i>	<i>[Signature]</i>	4/28/14
1196 GALTIER ST	MARLENE M. MECHELKE	<i>[Signature]</i>	4/28/14
1188 Galtier St	<i>[Signature]</i>	<i>[Signature]</i>	4/28/14
1195 Marion	<i>[Signature]</i>	<i>[Signature]</i>	4/28/14
1191 Marion	Paul Horvath	<i>[Signature]</i>	4/28/14
1185 Marion	Kevin Lewis	<i>[Signature]</i>	4/29/14
238 Maryland W.	Sandra Nowlan	<i>[Signature]</i>	4/29/14

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Yia Vang, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Yia Vang
NAME

1080 Lawson Ave E
ADDRESS St. Paul, MN 55106

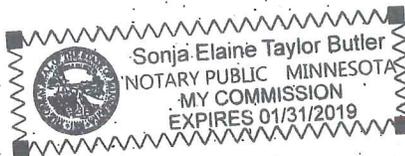
651.338.9314
TELEPHONE NUMBER

[Handwritten Signature]

Subscribed and sworn to before me this
30th day of April, 2014

[Handwritten Signature]

NOTARY PUBLIC



Zoning Petition List

As requested, attached is a list of all property owners within 100 feet of the property which you are requesting a zoning application. As a condition of your application, you are required to submit with your application a consent petition signed by a minimum two-thirds of all the property owners within 100 feet on the attached list.

Only persons listed as "fee owner" or "homesteader" are eligible to sign your petition. Persons listed as "taxpayer" are not eligible to sign your petition since they do not have full ownership of the property. A property owner may sign the petition as many times as they are listed as an owner within 100 feet.

Also attached are the petition form, affidavit, and application materials.

16

Total properties are within 100 feet of the property for zoning action and eligible to sign your petition.

11

Total signatures are required for a minimum two-thirds consent and a sufficient petition to proceed with your zoning application.

Please return this list along with the original petition form, affidavit, application and any additional supporting information and material that is part of your application.

* Rezoning petitions must be received and held in the Zoning office 7 working days prior to any application cut-off date.

If you have questions about this list or any questions regarding this process, please call the Zoning office at 266-6589.

2/25/2010

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 4-30-14

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 5-1-14

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 16

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 11

PARCELS REQUIRED: _____

PARCELS SIGNED: 11

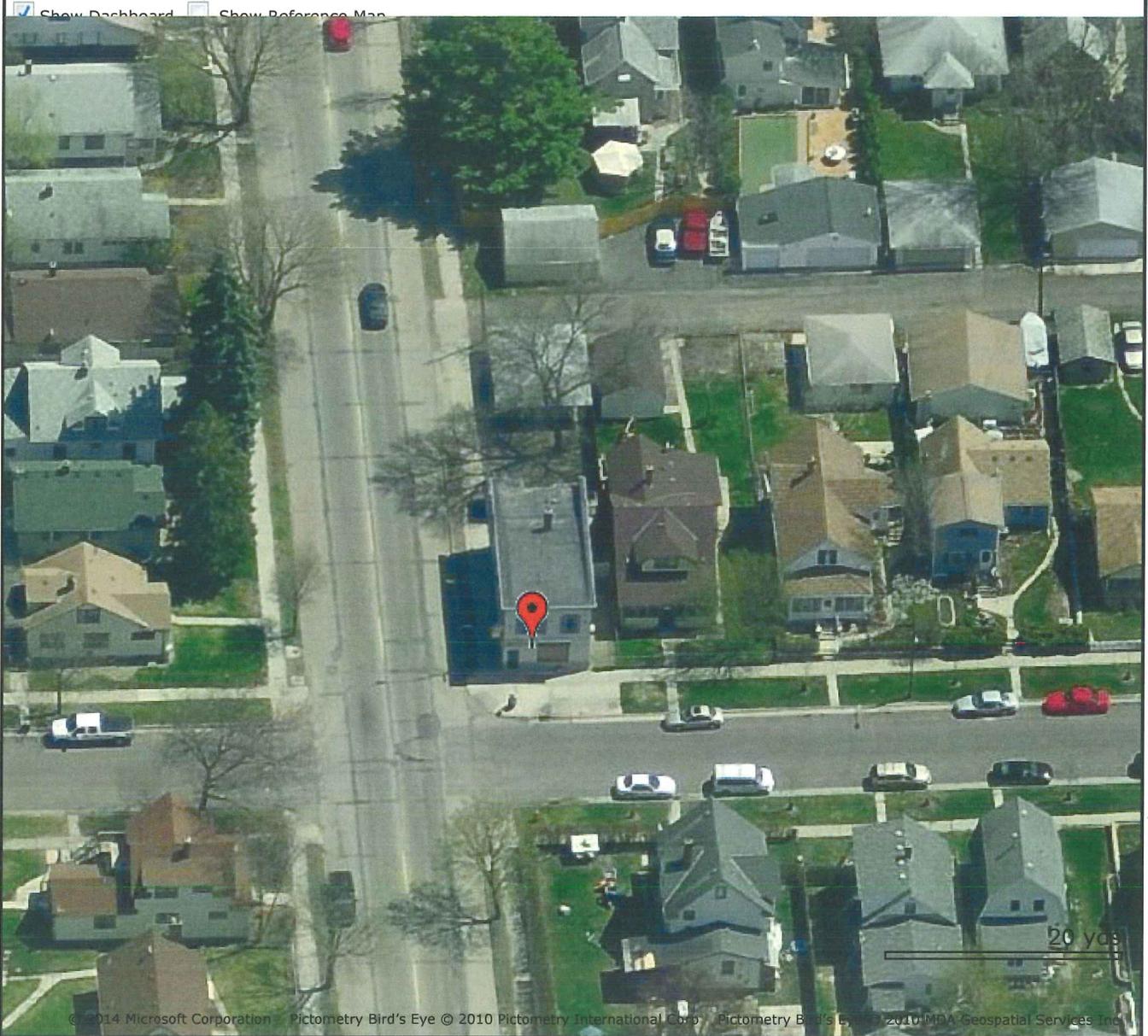
PARCELS SIGNED: _____

CHECKED BY: Paul Duboniel

DATE: 5-1-14

GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006



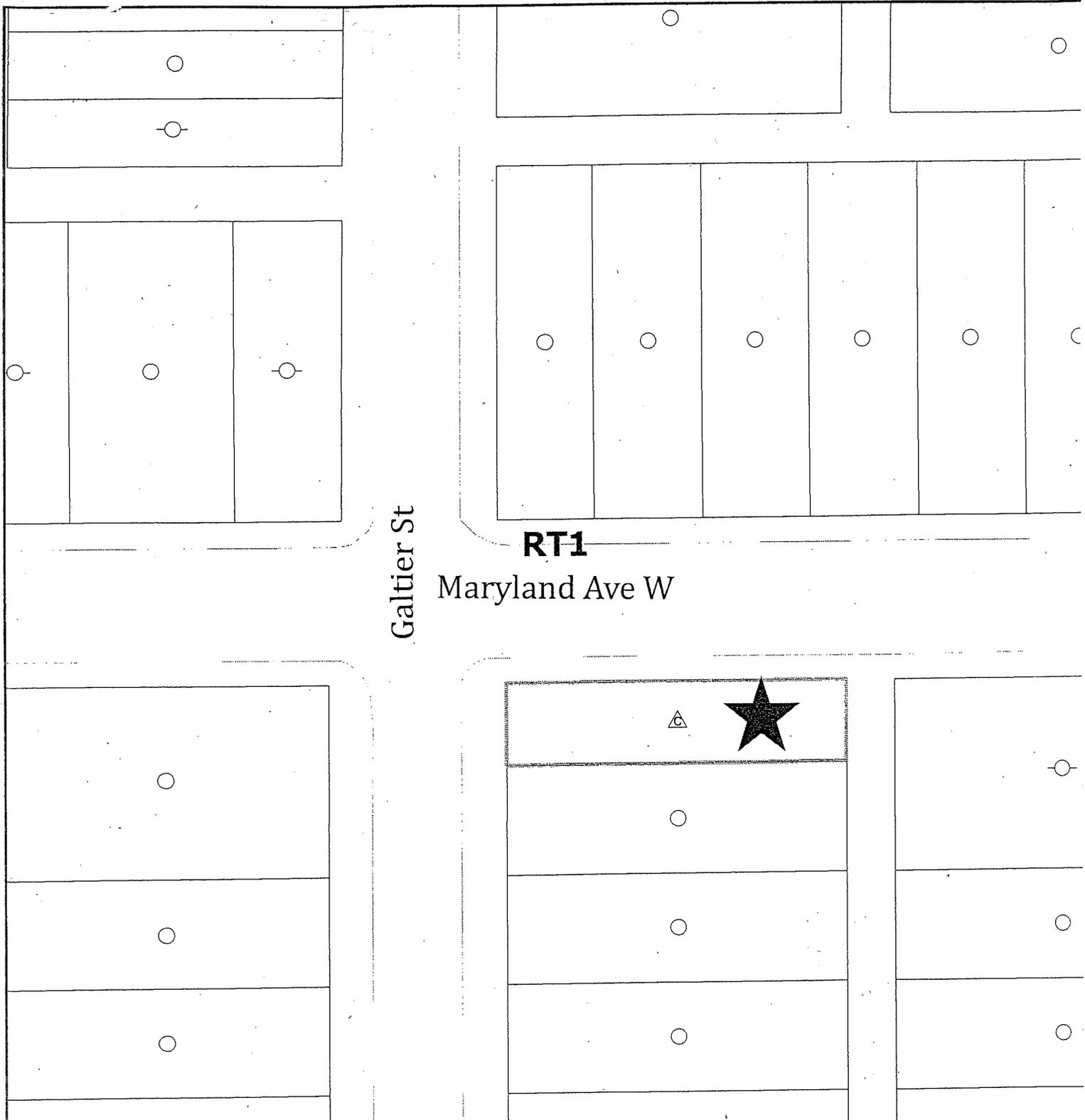
GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard Show Reference Map



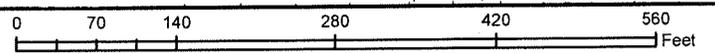
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RT1

Maryland Ave W

Galtier St



APPLICANT Yia Vang
 APPLICATION TYPE Reest NCUP
 FILE # 14-200064 DATE 5/1/14
 PLANING DISTRICT 6
 ZONING MAP # 3

- Commercial & Office
- Industrial & Utility
- Institutional
- Vacant/Undeveloped
- Residential One Family
- Residential Two Family
- Residential Three Family
- Multifamily

