

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Pat Nseumen **FILE #** 16-047-523
 2. **APPLICANT:** Pat Nseumen **HEARING DATE:** June 30, 2016
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 805 Hudson Road, SE corner at Wilson
 5. **PIN & LEGAL DESCRIPTION:** 322922410147; Willius Sub Of B57 Lyman Dayto Subj To Esmts The Fol Part Nly Of Hudson Rd Of Lots 14 15 And Lot 16 Blk 57
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** June 22, 2016 **BY:** Bill Dermody
 9. **DATE RECEIVED:** June 15, 2016 **60-DAY DEADLINE FOR ACTION:** August 14, 2016
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- A. **PURPOSE:** Reestablishment of nonconforming use for a coffee shop
- B. **PARCEL SIZE:** Triangular-shaped 91' (Wilson) x 122' (Hudson), totaling approximately 3,650 square feet.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Single-family, duplex, and multi-family residential to the north, east, and west (RT1); I-94 to the south.
- 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. **PARKING:** §63.207 requires 1 off-street parking space per 400 sq. ft. for a coffee shop, which is the same parking requirement as for the previous dog grooming service business on the site. Ramsey County assessment records indicate the building to be 544 sq. ft., which would compute to 1 required parking space for the proposed use. The site has room for the required parking space, but is not currently striped and landscaped to meet City standards.
- G. **HISTORY/DISCUSSION:** The site was rezoned to Commercial in 1929 as part of a larger rezoning, rezoned to RM2 Medium-Density Low-Rise Multiple-Family Residential in 1975 as part of a citywide rezoning, and rezoned to RT1 sometime after that. It contains a commercial-style building previously occupied by a service business (dog grooming) that has been vacant for more than 1 year. According to Ramsey County property records, the building was constructed in 1930. By 1939 the site was being used for a gas station. An application to rezone the property to T2 traditional neighborhood district to allow a café with drive-through service and a commissary was denied in February 2016 (ZF# 15-173-084).
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Council has not provided a recommendation.
- I. **FINDINGS:**
 1. The application requests reestablishment of nonconforming use for a coffee shop.
 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 site's RT1 zoning allows for residential uses, but the existing building is not conducive to such uses, while a new building constructed on the site would probably require

variances from dimensional standards and parking requirements due to the site's small size and irregular shape.

- (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 dog grooming use was a service business, which is first permitted in the T1 Traditional Neighborhood district. The requested coffee shop business is also first permitted in T1.
- (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 small coffee shop without a drive-through will not be detrimental to the area's existing character, nor endanger the public health, safety, or general welfare.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Gold Line Station Area Plans, adopted in October 2015, identifies the subject site as being within the Mounds Station Area. The Mounds Station Area Plan chapter identifies a "Primary Transit-Oriented Development (TOD) Zone" about 4 blocks north of the subject site along 3rd Street between Mounds Boulevard and Maria Avenue, and along Maria Avenue between 3rd Street and 4th Street. The Plan states that "established residential areas outside the Primary TOD Zone," such as the subject site, "should maintain their character". The proposed use would not change the area's character on a site adjacent to the I-94 sound wall that has historically contained similarly small-scale commercial uses typically found in the T1 zoning district. A small-scale coffee shop will not change the area's character.
- (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 June 15, 2016: 8 eligible; 6 parcels required; 6 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use for a coffee shop subject to the following condition:

1. The approval is for a coffee shop only, as defined by the Zoning Code. Expansion or change of the use requires separate application, review, and approval.



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 #: 16-047523
 Fee: 700.00
 Tentative Hearing Date: 6-30-16

PD = 4
 # 322922410147

APPLICANT

Name Pat Neumen Email _____
 Address 8288 Red Rock Road
 City Edina St. MN Zip 55347 Daytime Phone _____
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 805 Hudson Road
 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 Dog Grooming
 Proposed Use A Small Cafe

OK 095 444 2135
700.00

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature] Date 3/21/16 City Agent FD 6/13/16

6/10/16

Explanation of Proposed Use

To: The Zoning Committee

In Regards To: Application for nonconforming use permit of 805 Hudson Road

My name is Pat Nseumen and I have submitted an application for the nonconforming use of 805 Hudson Road as a small café.

My proposed use of the property will be low impact to the neighborhood. It will be a small café with limited seating and no drive thru window.

My plans are not to alter the character of the building beyond general cleanup and aesthetical improvements such as:

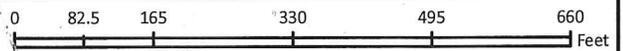
- Recoating the driveway
- Improvements to landscaping
- Replacement of windows and doors
- Updated paint

Accomplishing the above will dramatically improve the property and become an asset to the neighborhood.

Thank you,



Pat Nseumen



FILE NAME: Pat Nseumen

Aerial

APPLICATION TYPE: Reestablishment of ncup

 Subject Parcels

FILE #: 16-047523 DATE: 6/15/2016

PLANNING DISTRICT: 4

ZONING PANEL: 17





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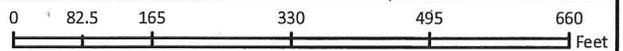
PLANNING DISTRICT: 4

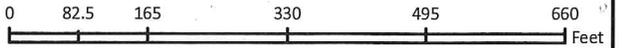
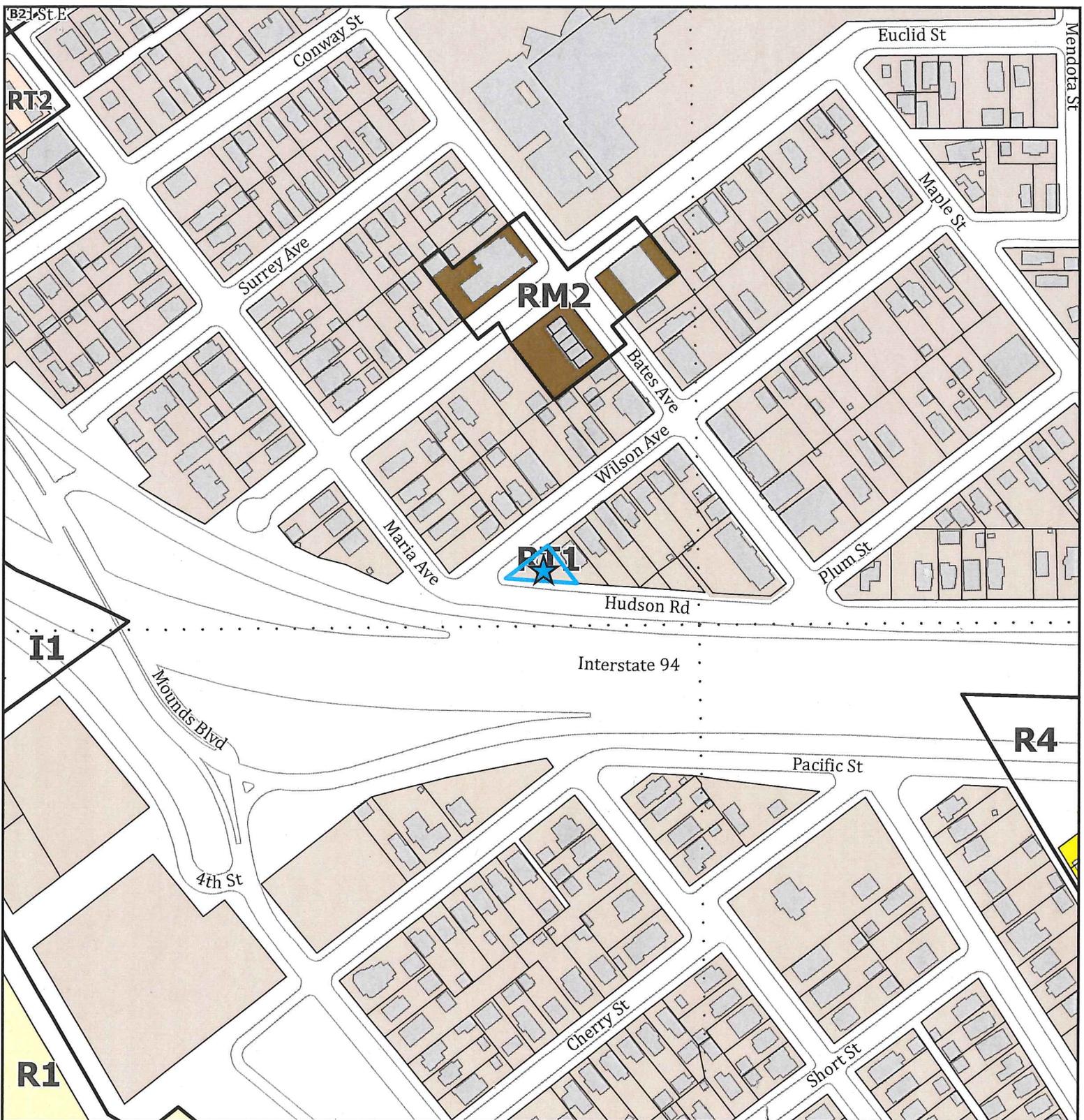
ZONING PANEL: 17

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Institutional
- Park, Recreational or Preserve

- Undeveloped
- Subject Parcels
- Section Lines





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APPLICATION TYPE: Reestablishment of ncup

FILE #: 16-047523 DATE: 6/15/2016

PLANNING DISTRICT: 4

ZONING PANEL: 17

Zoning

-  Subject Parcels
-  Section Lines
-  R1 One-Family
-  R4 One-Family
-  RT1 Two-Family
-  RM2 Multiple-Family
-  T1 Traditional Neighborhood
-  I1 Light Industrial

