

ZONING COMMITTEE STAFF REPORT

FILE NAME: BCLLC / Maria Cruz

FILE # 18-094-924

APPLICANT: BCLLC / Maria Cruz

HEARING DATE: August 30, 2018

TYPE OF APPLICATION: Nonconforming Use Permit - Change

LOCATION: 1382 Payne Ave, NE corner at Cottage Ave

PIN & LEGAL DESCRIPTION: 202922420136, DENNY HILL ADDITION LOT 8 BLK 1

PLANNING DISTRICT: 5

PRESENT ZONING: R4

ZONING CODE REFERENCE: §62.109(c)

STAFF REPORT DATE: August 22, 2018

BY: Bill Dermody

DATE RECEIVED: August 15, 2018

60-DAY DEADLINE FOR ACTION: October 5, 2018

A. **PURPOSE:** Change of nonconforming use from coffee shop to beauty salon

B. **PARCEL SIZE:** 3,484 sq. ft.

C. **EXISTING LAND USE:** Mixed use (vacant coffee shop 1st floor, residential 2nd floor)

D. **SURROUNDING LAND USE:**

Single-family and duplex residential immediately surrounding, with a mix of uses farther north and south on Payne Ave. including commercial and multi-family residential.

E. **ZONING CODE CITATION:** §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 (see Section H below).

F. **PARKING:** There is a legal nonconforming parking situation on the site. The site provides 2 off-street spaces on a parking pad accessed via Cottage Ave. Zoning Code § 63.207 requires a minimum of 4 to 6 parking spaces, depending on the exact size of the commercial and the number of rooms in the 2nd floor residential unit. Both the previous coffee shop use and the proposed beauty salon use require 1 space per 400 square feet.

G. **HISTORY/DISCUSSION:** The site has been zoned R4 since 1975. The previous coffee shop use was legal nonconforming.

H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 5 Council has not provided a recommendation.

I. **FINDINGS:**

1. The application requests a change in nonconforming use to allow a beauty salon on the first floor of 1382 Payne Avenue, where previously there had been a coffee shop that closed in late 2017.
2. 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. A small-scale beauty salon has similar parking and noise impacts to the coffee shop use.*
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use. This finding is met. The traffic generated by the beauty salon is anticipated to be similar to the coffee shop, with the same Zoning Code parking requirement.*
 - 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. The small-scale beauty salon will not be detrimental to the immediate area.

- d. *The use is consistent with the comprehensive plan.* This finding is met. This portion of Payne Avenue is designated by the Comprehensive Plan in Figure LU-B as a Residential Corridor, which prioritizes residential uses but does not preclude smaller commercial uses, especially along major streets. Comprehensive Plan Strategy LU-1.48 encourages mixed use projects that are compatible with their surroundings.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the change of nonconforming use from coffee shop to beauty salon.



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

Zoning office use only

File no. 18-094924

Fee 735⁰⁰

Tentative hearing date:

8-30-18

PD=5

#202922420136

APPLICANT

Name Belle, / Maria B. Cruz
 Address 1191 Payne Ave
 City St. Paul St MN Zip 55130 Daytime Phone 651-230-5233
 Name of owner (if different) Maria B. Cruz
 Contact person (if different) Agent - Juan Phone 651-276-8070

PROPERTY LOCATION

Address/Location 1382 Payne Ave. St. Paul, MN 55130
 Legal description LOT 8 Bk 1 PID: 20-29-22-42-0136
Exhibit # 1 Current Zoning RH
 (attach additional sheet if necessary)

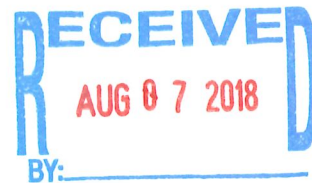
TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code.

The permit is for:

- Change from one nonconforming use to another (para. c)
- Re-establishment of a nonconforming use vacant for more than one year (para. e)
- Legal establishment of a nonconforming use in existence at least 10 years (para. a)
- Expansion/Relocation of a nonconforming use (para. d)

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

Present/Past Use Coffee - Restaurant - Shop
 Proposed Use Beauty Salon (service business)
 Attach additional sheets if necessary:



Attachments as required: Site Plan Consent Petition Affidavit

Applicant's signature [Signature] Date 8-06-18 City agent [Signature]

add 8/7/18
8/15/18 pdd

**LIZMARBET Beauty Salon
1189 Payne Ave, St.Paul MN 55130**

**To: Department of Planning and
Economic Development**

**Re: Opening of New Beauty Salon
1382 Payne Ave, Saint Paul MN 55130**

I hope this message finds you in good order. Please accept this letter for my short term business plan of new site in #1382 Payne Ave.

I have own and operated since 2012 a Small Beauty Salon and Restaurant in the same block of Payne by the name of LIZMARBET LLC.

I have managed successfully my business with 7 employees in a full-time & Part Time employment basis. In addition, leasing a Restaurant adjoined with stable tenants since I acquired my premisses.

My short terms goals for NEW SITE (#1382 Payne Ave) are as follows:

Hours of Operation: (Lizmarbet Beauty Salon #2)

MONDAY - FRIDAY 10:00AM - 8:00PM

SATURDAY: 9:00AM - 8:00PM

SUNDAY: 9:00AM - 5:00PM

Based on the Sqft of new site, it will allow me to operate within the same number of employees # 6 -7 depending on level of expertise. In addition, I have been in communication with LEDC-MN to open a Youth program for new Stylists.

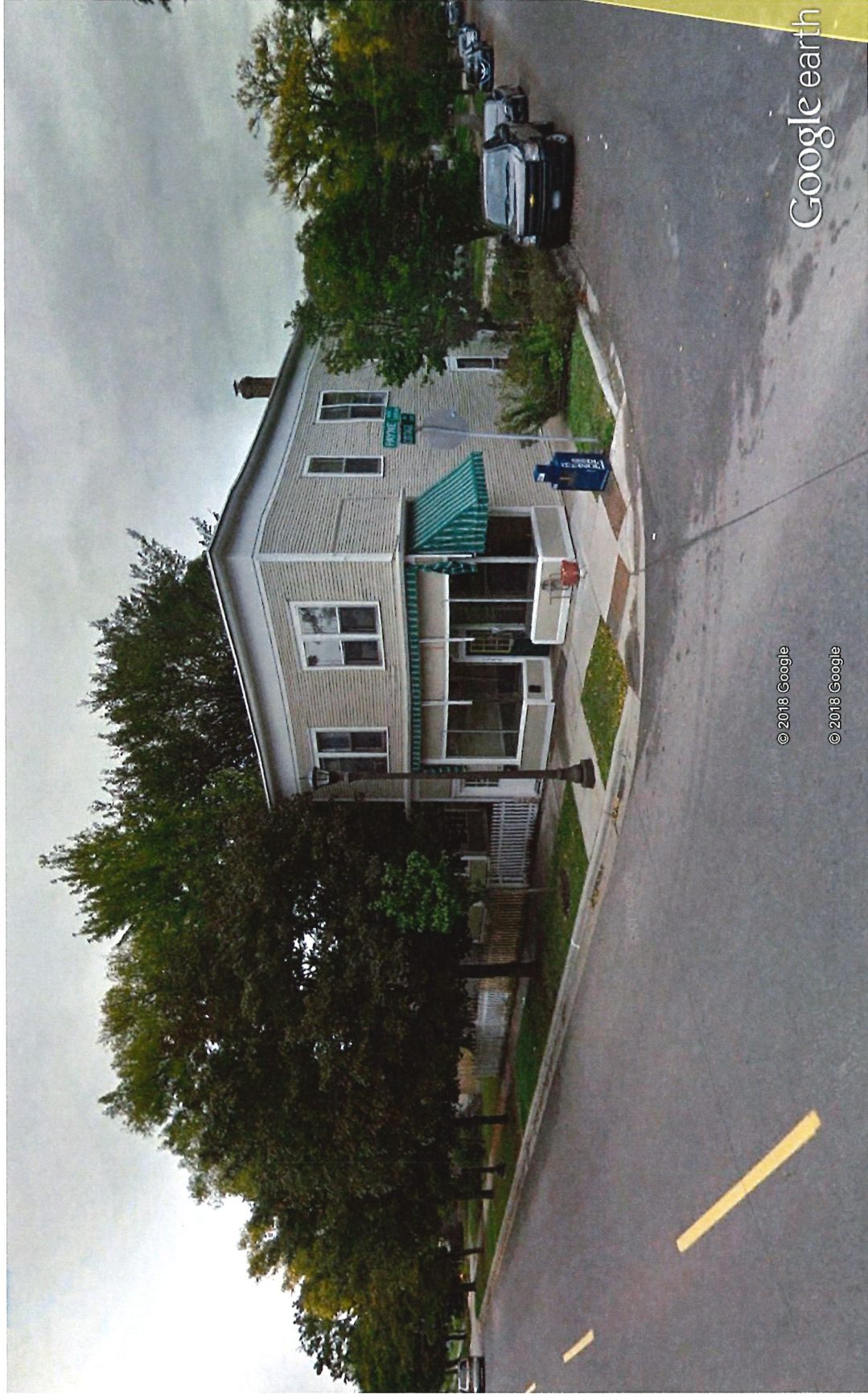
I have a pretty good understanding of my Neighborhood and its needs and feel very comfortable, and quite excited of Opening this new site, which it fits perfectly with the same type of business services offered in the Block. (Beauty Salon, Barber's shop, Coffee Shop & Restaurant)

Sincerely,



8-21-18

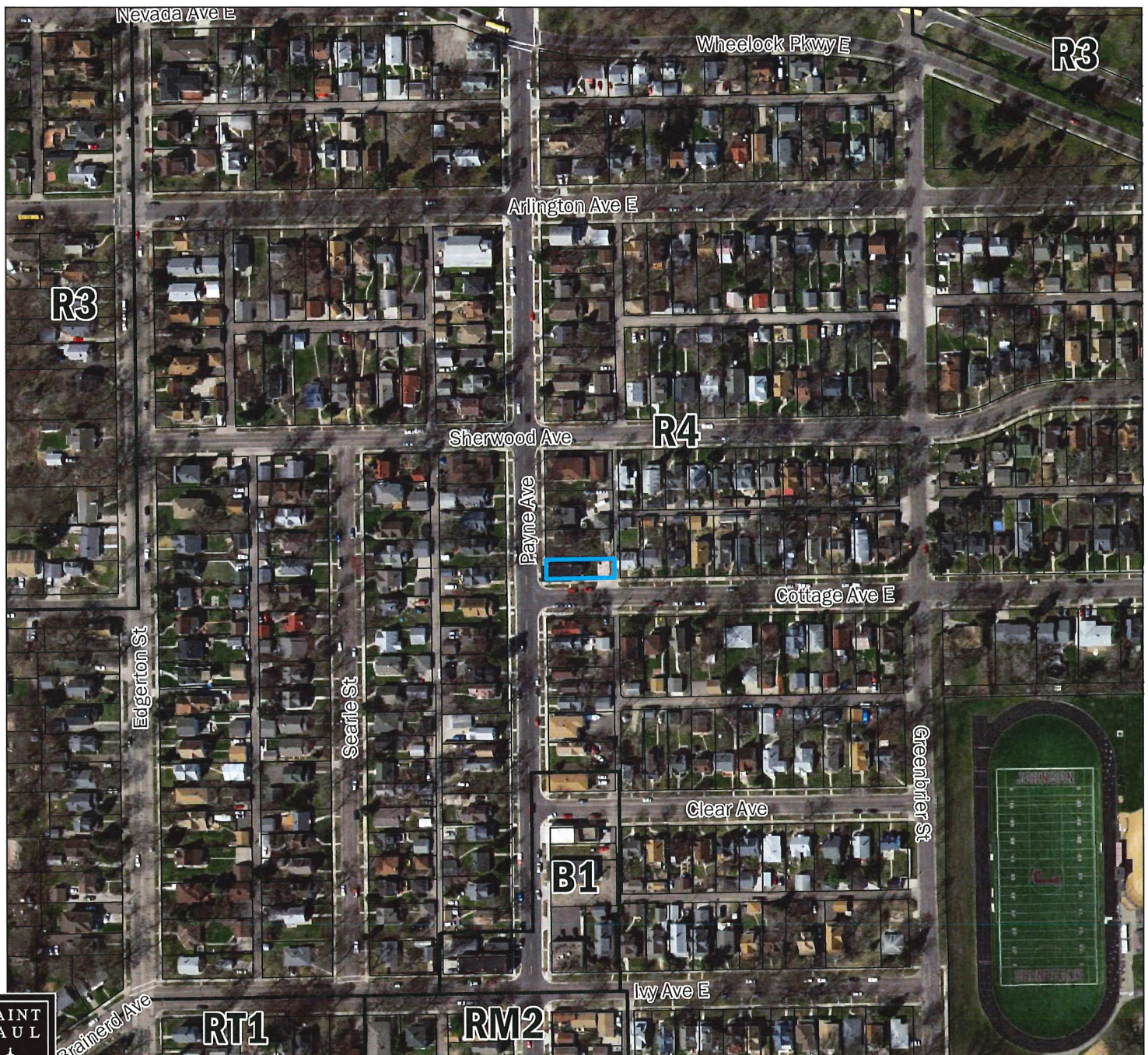
**Lizmarbet Beauty Salon
President**



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Google earth



FILE #18094924 | AERIAL MAP
Application of BCLLC/Maria Cruz

Application Type: Change of NUCP
Application Date: August 6th, 2018
Planning District: 5

Subject Parcel(s) Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #18094924 | LAND USE MAP
Application of BCLLC/Maria Cruz

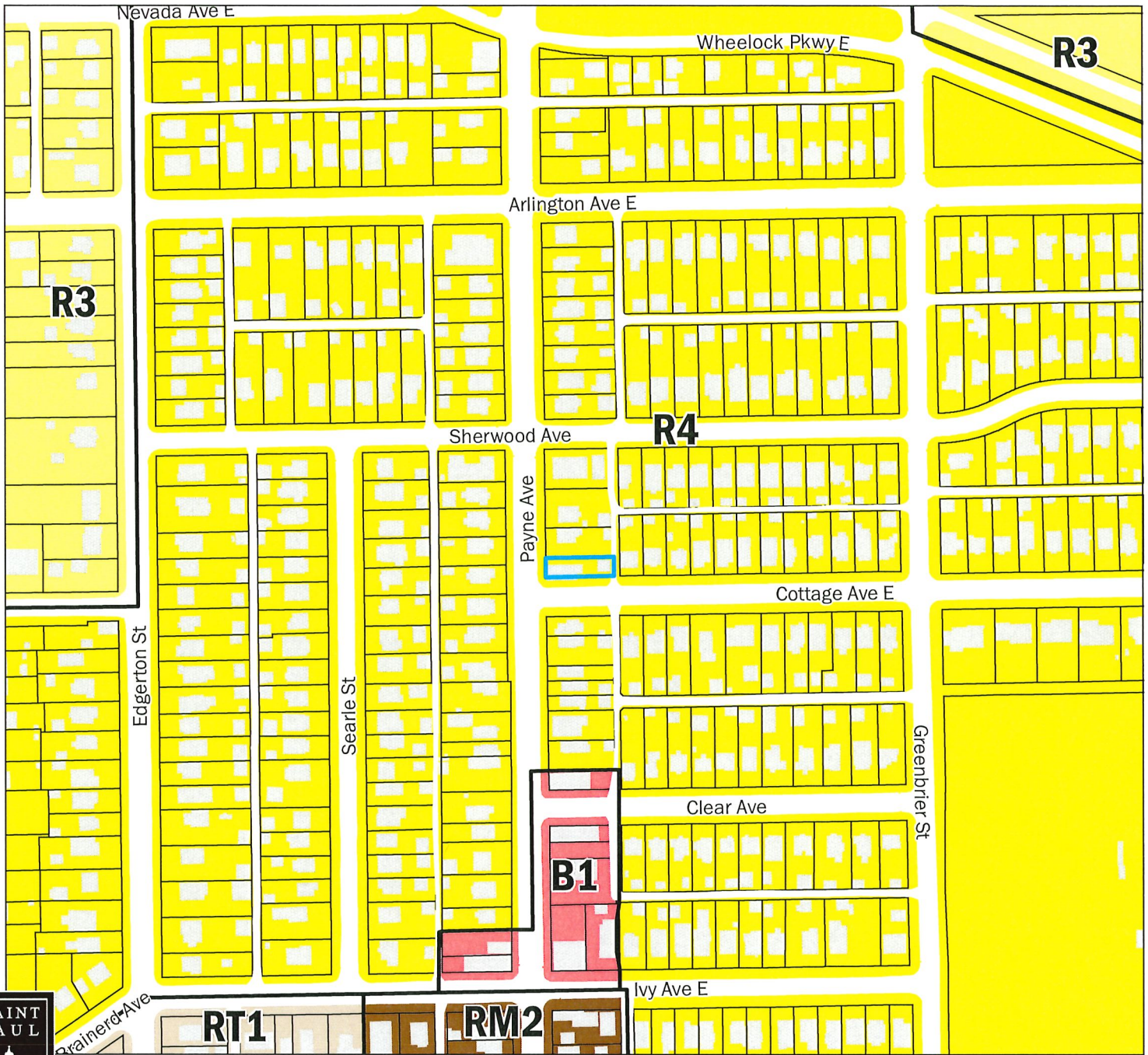
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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Famstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #18094924 | ZONING MAP
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Subject Parcel(s) Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction